

Meeting Minutes
New Prague Planning Commission
Wednesday, April 27, 2022

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Chair Dan Meyer with the following members present: Paul Tupy, Mike Uttenhove, and Ann Gengel. Absent was Shawn Ryan.

City Staff Present: Ken Ondich – Planning / Community Development Director

2. Approval March 23, 2022 Regular Meeting Minutes

It was moved by Gengel, seconded by Uttenhove, to approve the March 23, 2022 regular meeting minutes as submitted. Motion carried (4-0).

3. Old Business

A. None.

4. New Business

**A. Request to amend an existing Conditional Use Permit (and to assign it New File #C2-2022) to allow the expansion of a religious institution with the addition of four athletic fields, pavilion, and playground area, located at 500 10th Ave. NE
Community Baptist Church - Applicant**

Planning Director Ondich presented the staff report. He stated that Community Baptist Church is located at 500 10th Ave. NE and was approved for a conditional use permit in 1988 with three conditions related to drainage, assessments and paying park dedication. He stated that their current request to amend the original conditional use permit is to add four athletic fields, a pavilion, and a playground. He stated that the parking lot would also be repaved and striped with 196 parking stalls including ADA stalls. He stated that the property is zoned RL_90 single family residential and that religious institutions are a conditional use. He stated that the added amenities are similar to those that would be found at a public park. He noted that the RLUIPA allows conditions for approval to be directly related to concerns with the proposed use only. He stated that traffic and parking was staff's biggest concern with the request and that traffic engineers from the City's engineering firm SEH had reviewed the request and noted that the traffic impacts would not be significant if the parking lot were to be reconfigured and striped and as long as the use of the church itself and

athletic field use does not overlap. He stated that on-street parking adjacent to the site is not anticipated to be an issue, but that if it becomes an issue signage could be required to direct users to the church's parking lot. He stated that non-residential uses are allowed fences up to 6' in height along property lines and that although the applicant proposed a 6' tall chain link fence, staff only supports a 5' tall black coated chain link fence similar to what is found at St. Wenceslaus around their recreational area. He also recommended at least one over-lapping opening in the fence somewhere on the south for access purposes as well as recommends a condition be required that trash along the fence that collects must be collected at least monthly. He stated that a building permit would be required for the pavilion, police will monitor on-street parking and that a SWPPP will be required showing erosion control and turf establishment. He also stated that the Scott County assessor provided comment that across the county they have not observed negative property values associated at single family homes near similar type properties whether public or private. He stated that two public comment letters were received before the meeting which were included in the staff report from Cherry and Dick Jordan as well as from Regina Mach who noted that they had concerns about if the fields would be lighted, where users would park, who would maintain and clean up the property, about noise, reduction in their property values and also privacy concerns including trespassing. He stated that staff recommends the Planning Commission approve the amendment to the conditional use permit with the findings and conditions listed in the staff report.

The public hearing was opened at 6:54PM.

Commissioner Uttenhove asked if the fence was proposed along the entire west property line between the church and the single-family homes.

Planning Director Ondich indicated that it is not proposed along the entire west lot line.

Commissioner Uttenhove stated he was asking to possibly address the trespassing concern.

Roger Studnicka, 710 Highland Drive NE, handed out two photos to the Planning Commission showing the view of his backyard looking east towards the church property. He stated that the church building currently blocks 50% of the view he has today. He stated that when he purchased his home in 1976 the church was not yet constructed and it was just an open field. He stated that the proposed pavilion would be approximately 60' to 70' from his property while the proposed playground would be only 40' from his property. He stated that he does not want to see any portable bathrooms year-round at the playground or pavilion area. He stated that he does not believe the proposal is appropriate for the neighborhood and would deprive them of the enjoyment of their property. He also stated that he does not agree with the County assessor and believes that their property values would be decreased if the proposal is approved.

Chair Meyer asked if Mr. Studnicka thought the playground and pavilion should be moved to a different part of the property.

Ethan Unger, 500 Highview Circle, stated that he felt a privacy fence may be a good idea and also stated that the church only mows the area of their property behind his house maybe one time per year.

Commissioner Tupy asked Mr. Studnicka if a privacy fence might help his situation.

Mr. Studnicka stated that he has a deck above ground level so that the privacy fence would not help in that situation.

Dick Jordan, 712 Highland Drive NE, stated that he has lived at his home for 32 years and that his wife has lived there since before the church was constructed and was involved in the initial conditional use permit review of the church in 1988. He stated that the screening that they church planted in 1988 has started to die out and that a chain link fence would not provide privacy. He stated that he does not believe that the church maintains anything and that their responsibility to maintain the property is a big question for him. He stated that he has gone to many of his granddaughter's games, and he has noted that parking is always an issue where he has gone to games, and he believes that more parking will be needed than is provided on the site. He stated that even without the additional amenities at the church that about 20 kids run around the neighborhood during church events and that with the fields he believes this could increase to 200 or more kids running around. He stated that he believes there will be issues cleaning up the property after games. He stated that he has offered to buy approximately 900 sq. ft. of property from the church in the past but that he has not been able to but has maintained the property for 32 years anyways. He stated that they have a quiet neighborhood, and they don't need the athletic fields located here and that they should instead be constructed some place else where they won't affect their neighborhood. He stated that he requests that the city deny the proposal. He stated that in 1990 beyond the church there were just plowed fields but today it's all developed. He stated that the proposal is not a good thing in his mind.

Pastor John Stephens, representing the applicant, Community Baptist Church, stated that he is the pastor of the church and was born and raised in New Prague. He stated that the church as been part of the community for 107 years. He stated that when he was a kid, his father was the pastor of the church. He stated that he understands there are limits on undue burdens that can be placed on religious institutions when it comes to zoning. He stated that churches are welcoming places. He stated that he appreciates the comments from the neighbors and welcomes conversations about their concerns but has not heard any of the concerns previously. He stated that the lilacs were trimmed by a landscaping company that they hired a couple of years ago with the hopes that they will grow back better. He stated that he was not aware of a neighbor looking to purchase property from them as indicated by Mr. Jordan. He stated that has had this proposed project on his mind for the last seven years and that he was involved personally in the soccer club in New Prague has a child. He stated that from those in the community he has spoken do that fields are needed in New Prague and that they felt that they could help the community by sharing their resource. He stated that he has a 10-year-old in soccer who never had a home game in New Prague due to the lack of fields. He stated that he had spoken in the past with

the soccer association president about the need for fields. He worked as a landscaper for nine years and he believes the project would clean up the property and make it look better. He stated that they have been asked who the fields would be for, and he indicated that they will be for sharing with the community. He stated that he does not like the look of portable bathrooms and the pavilion would have plumbing for a bathroom. He stated that the playground is in the proposed location for safety reasons to be near the majority of the field space. He stated that if the playground and pavilion were to move to the north side of the site it would require kids to walk through the parking lot which could be a safety issue.

Commissioner Tupy asked why type of use they are anticipating at the fields.

Mr. Stephens indicated that he has talked to Janelle Kirsch at Community Education and that there is a need for youth soccer fields, but that these would not be limited to soccer but rather multi-use fields. He stated that there could be tournaments at the fields, but that is not fully known at this time.

Commissioner Tupy asked Mr. Stephens if he was opposed to fencing in their entire property.

Mr. Stephens stated that they are not opposed to that if it would be helpful.

Jim Geiger, 504 Highview Circle, stated that in the northwest corner of the church property there are evergreens that are dying that should be looked at by the church. He also stated that he believes the entire church property should be fenced in.

Nancy Viskocil, 807 3rd Street NE, stated that she would hope field use at Northside Park could be coordinated with the fields at the Church to not have both being used on the same nights. She also stated that she believes the entire property should be fenced otherwise people will cut through yards from the neighborhood to get to the fields.

Mr. Studnicka stated that he thinks the playground would be safer in a different location on the property. He stated that over 50% of the view from his backyard is blocked by the existing church building and that the playground and pavilion would further block his view. He stated that the proposal is not conducive to the neighborhood.

Mr. Jordan stated that he believes there is a great need for soccer fields but that they should not be in residential areas. He stated that he appreciates the Pastor's offer for the community to use the fields but that when he has talk to the pastor and his dad in the past that they have not addressed the concerns of the neighbors regarding past issues. He stated that his wife was busy, or she would have been at the meeting tonight as she had written letters on their behalf and that she would attend a council meeting regarding the request. He stated that the church as been a good neighbor for the most part, but he doesn't want the unresolved issues to continue. He also indicated that he does not see room for teams to practice on the site before games.

Commissioner Uttenhove asked why four fields were requested and if the playground and pavilion could be moved to the norther side of the church building.

Mr. Stephens indicated that to avoid overuse of the fields, they would rotate which ones get used which requires the need for more fields.

Shirley Studnicka, 710 Highland Drive NE, stated that she asks the Planning Commission to vote against the request as it would affect their property values and doesn't care what the county assessor says. She stated that parking will be an issue and that there will be more junk collecting in the lilac bushes and more kids running in their backyard. She reiterated her request that the Planning Commission vote against the proposal.

Ann Johnson, 1004 3rd Street NE, stated that she has enjoyed the church yard for nearly 31 years they have been in their home. She asked how many nights and weekends each week the fields would be used. She asked for the dimensions of the pavilion and playground areas. She asked what the setback of the fence would be from 3rd Street NE. She asked what the liability implications were for the church with the fields. She stated that she is not necessarily against the proposal but sees concerns with it.

Mr. Stephens stated that the use of the fields depends on the need so that is not fully identified at this time. He stated that regarding the proposed fencing, he's not necessarily opposed to additional fencing, but wondered if the fencing could be a requirement only if it's documented that trespassing or people walking through residential yards becomes a problem rather than requiring it all to be fenced on day one without a documented issue occurring. He stated that the pavilion size is not completely determined but that it could have permanent bathrooms and have space to hold about 4 picnic tables. He stated that they would use it for church barbeques, family events and similar things. He stated that the church has been urged to sell the south portion of their land for years for housing to be built there and that in his opinion the construction of more homes for the area would be worse than the fields. He stated that the intent would be to paint lines on the fields.

Mr. Studnicka stated that he believes there will be a constant use of the fields and that they will have no privacy for their backyard.

Ben Bartusek, 305 Sunrise Ave. NE, stated that he has a big concern about having a pedestrian passage in the fencing along 3rd Street NE as it would be easy for people to then park on the road and access the fields, rather than park in the parking lot to use the fields.

Planning Director Ondich stated that the opening was suggested for public safety reasons.

Dennis Harty, 706 Highland Drive, stated that he believes the playground and pavilion is too close to the residential homes and that they should be moved to the

east side of the church building. He also questions what could be done for sound mitigation.

Commissioner Tupy asked if it would be possible to condition the approval on limitations on the use of the fields per week. He also asked if it would be possible to condition approval on the moving of the playground and pavilion to the northeast side of the church building.

Mr. Stephens stated that he did not see a reason to move the playground and pavilion from the proposed location.

Mr. Jordan stated that a chain link fence would provide no privacy and that right now on the site, the church uses the storage shed on the north side of the church for a dump site for various items.

Commissioner Tupy asked if a privacy fence would be helpful along the west side of the church property.

Mr. Stephens indicated that any fencing would require the removal of the existing landscaping screening.

Ms. Studnicka stated that she has concerns with kids congregating at the playground area in close proximity to her backyard and stated that she does not know of another park area in New Prague where homes are as close to a playground such as this.

The Planning Commission collectively listed off many parks that have playgrounds in close proximity to residential homes such as Raven Stream and Northside Park just to name a couple. The Planning Commission also noted that while the city does own 40 acres of land for a future athletic complex, such discussion is not relevant to the request at hand.

Planning Director Ondich stated that he had noted a few items that may need further discussion and review by the City Attorney and would recommend tabling the matter at this time.

The public hearing was closed at 7:59PM.

Planning Director Ondich stated that he would like to further research some topics discussed tonight with the City Attorney including if conditions can be added for requiring the specific location of the opening on the fencing to be by 10th Ave. instead of 3rd Street and also to run this past the Police Chief, if a condition could require the playground and pavilion to be moved to the north east side of the church building, if the frequency of use of the fields could be limited and if a condition could be included to require the entire property to be fenced if trespassing becomes an issue through adjacent residential properties. He stated he would check to see if the City Attorney could attend the next Planning Commission Meeting and stated that the property owners in the area would be re-notified of the meeting.

A motion was made by Uttenhove, seconded by Tupy, to table further discussion regarding the conditional use permit amendment to the May 25th Planning Commission meeting. Motion carried (4-0).

5. Miscellaneous

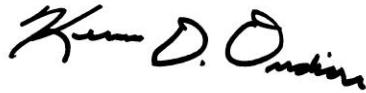
The following miscellaneous items were reviewed as information only:

- A. Monthly Business Update – Planning Director Ondich provided the Monthly Business update to the Planning Commission that had been provided to the EDA earlier in the month.

6. Adjournment

A motion was made by Uttenhove, seconded by Tupy, to adjourn the meeting at 8:05 pm. Motion carried (4-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive, flowing style.

Kenneth D. Ondich
Planning / Community Development Director