

Special Meeting Minutes
New Prague Planning Commission
Wednesday, June 24, 2020

*Conducted Via GoToMeeting due to the COVID-19 Pandemic which prevented attendance at the regular meeting location.

1. Call Meeting to Order

The meeting was called to order at 6:32 p.m. by Shawn Ryan with the following members present on the virtual meeting conference call: Mike Uttenhove and Paul Tupy. Absent were Chair Bob Gilman (arrived at 6:35 p.m.) and Vice Chair Dan Meyer (arrived at 6:33 p.m.).

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

2. Appoint Chair and Vice Chair for 2020/2021

It was moved by Gilman, seconded by Ryan to elect Bob Gilman as Chair for 2020 / 2021. Motion carried (5-0).

It was moved by Tupy, seconded by Uttenhove to elect Dan Meyer as Vice Chair for 2020 / 2021. Motion carried (5-0).

3. Approval May 27, 2020 Regular Meeting Minutes

It was moved by Meyer, seconded by Ryan, to approve the May 27, 2020 regular meeting minutes as submitted. Motion carried (5-0).

4. Old Business

A. None.

5. New Business

**A. Request for Preliminary and Final Plat of Suerai Addition – 3 Lot Plat
Douglas R. Pint, applicant**

Planning Director Ondich presented the staff report. He stated that Douglas R. Pint has applied for approval of a preliminary and final plat of Suerai which is a 3 lot plat on 0.70 acres of land that was previously platted as four lots in Park Addition. He stated that the existing home on the corner is being renovated and will be located on the corner lot with two additional lots for new home construction to the north. He stated that an administrative subdivision was not possible as more than two lots were being created out of one parcel. He stated that the property is zoned RL-90 Single Family Residential with all the lots meeting the minimum 50' width and 7,000 sq. ft. minimum requirements. He stated that easements are not currently shown on the plat

but will be required to be added along all lot lines per the subdivision ordinance. He stated that Lyndale Ave. N. is a local roadway and 2nd Street NE is a local roadway and that the lots can also utilize the alley for access. He stated that a future sidewalk is planned along 2nd Street NE but will likely go on the south side of the right of way when adjacent streets are reconstructed in 2023 or 2024. He stated that development fees are not applicable to this plat as the property was previously plated and no new lots are being created over the initial platting of the land in Park Addition. He stated that the two northern lots will need water and sewer stubs installed at the expense of the developer. He stated that underground electric is also required to be installed for the two north lots. He stated that staff recommends approval of the plat with the findings and conditions listed in the staff report.

The public hearing was opened at 6:49 PM.

Paul Kraft, 302 Lyndale Ave. N., asked where access to the lots would be provided and what the lot setbacks would be.

Commissioner Ryan asked if a condition of approval could require driveways to be installed to Lyndale Ave. N.

Planning Director Ondich stated that the lots could have access via Lyndale Ave. N. and from the alley and that it's possible that the City could condition approval of the plat to require driveways be installed to Lyndale Ave. N., but that he was not sure what finding would have to be developed to require the driveways to be there as the alley provides viable access as well.

Chair Gilman stated that he sees grade issues with driveways out to Lyndale Ave. N. and that he is not comfortable with a condition that would require driveways on the three lots, particularly the lot on the corner with the existing home.

Commissioner Meyer stated that he is also concerned with the driveways to Lyndale Ave. N.

Wendy Mathiowetz, 310 Lyndale Ave. N., stated that 213 Lyndale Ave. N. has a gravel driveway to Lyndale Ave. N. and access to the alley. She stated that she believed the neighborhood has mostly driveways to the street and the alley so that these lots should be the same.

Chair Gilman stated that driveways to Lyndale on all lots could require 3' to 4' tall retaining walls.

Commissioner Tupy stated that he believes most people will want a driveway to Lyndale Ave. N., but did not see the need for the city to enforce a requirement to have a driveway for each lot to Lyndale Ave. N.

Mr. Kraft stated that he also believed the plat was too dense for the neighborhood and that only one new home should be allowed on one new lot and not to allow two new lots.

Ms. Mathiowetz stated that she also agreed that one additional home would be enough for the property and that any more than that would be too many.

Doug Pint, applicant, stated that there are four existing 50' wide lots and that his alternative plan would be to just build on the lots as platted in Park Addition.

Planning Director Ondich stated that it may be possible for Mr. Pint to build on the four platted lots, but that they were seemingly combined into one parcel and PID.

Mr. Pint stated that he prefers to do the wider lots with the replat than the four existing 50' wide lots.

Planning Director Ondich stated that he would check with the City Attorney on whether the existing platted lots were still buildable or not.

Mr. Pint stated that he could move the existing home to not be crossing the lot line of the existing plat and then build a home on the other three lots, thereby being more homes than what he is proposing.

Mr. Kraft asked Mr. Pint if that was a threat to build more homes on more lots.

Mr. Pint stated that it was not a threat, but the reality of the situation.

Commissioner Meyer stated that he would rather see 3 lots instead of 4.

Commissioner Ryan agreed that 3 lots was better than 4.

Planning Director Ondich stated that he would not be able to recommend less than the 3 lots as the three lots more than meet the minimum lot width and lot area requirements for the RL-70 Single Family Residential Zoning District.

The public hearing was closed at 7:16PM.

Commissioner Ryan stated that the residents would still have an opportunity to speak before the City Council at the July 6th Council meeting.

A motion was made by Ryan, seconded by Tupy, to recommend approval the Preliminary and Final Plat of Suerai in the RL-70 Single Family Residential Zoning District, with the following findings:

- A. The plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.

And the following conditions:

1. Approval is granted in general accordance with the Preliminary Plat submittal dated 5/6/20 on file with the New Prague Planning Department.

2. Approval is granted in general accordance with the Final Plat submittal dated 5/29/20 on file with the New Prague Planning Department.
3. The Final Plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
4. Approval is subject to all requirements of the City Attorney as noted in their Title Opinion letter dated 6/4/20.
5. A Wetlands Conservation Act “Certificate of No Loss or Exemption” must be filed prior to the final plat approval.
6. Drainage and utility easements must be established on the lots as described: Twenty foot wide utility easements must be centered on rear and front lot lines. Ten foot wide utility easements must be centered on side lot lines, unless the side lot line abuts a public right-of-way where the easement must be 20 feet wide.
7. The developer is responsible for the cost and installation of water, sewer and electric services to the two new lots being created.
8. The well on the property must be sealed per Minnesota Department of Health requirements.
9. The existing house on the land being platted will be re-addressed as 301 Lyndale Ave. N., with the other two lots being addressed as 303 and 305 Lyndale Ave. N.

Motion carried (5-0).

**B. Request for Variance #V4-2020 – Fence Height Variance on Corner Lot at 300 Kennedy Ave. NW
Mark and Melissa Ellman, applicants**

Planning Director Ondich presented the staff report. He stated that property owners Mark & Melissa Ellman have applied for a variance to allow a 6’ tall privacy fence which does not meet the ordinance requirements as it would exceed 4’ tall within 30’ of a road right of way. He stated that they would like the fence installed along their corner side lot line to be able to fence in all of their backyard area for their dog and for privacy reasons and that without the variance they would be unable to fence nearly one third of their backyard. He stated that the fence is proposed to be a 6’ tall vinyl fence. He stated that the subject property is zoned RL-90 Single Family Residential and that the unplatted land to the west also is and that an old expired preliminary plat showed a possible layout of the lot to the west facing to the west and that no sidewalk is planned along Colorado Street NW. He stated that the proposed fence would leave 14’ from the curb to the fence if constructed on the lot line. He stated that two other homes in Raven Stream Village have been issued fence variances in the past couple of years for fences along 6th Street NW and both were for dog and privacy concerns, similar to this request. He stated that staff recommends approval of the variance with the findings listed on the staff report.

Commissioner Meyer asked if water would flow to the southwest side of the house by the downspout and be blocked by the fence and if so, he would recommend allowing the fence to go to the front corner of the house.

Chair Gilman stated that water would run under the fence and not be an issue.

Mark Ellman, applicant, stated that the yard flattens out at the back of the home and that the gutter would be outletting inside of the fenced in area.

A motion was made by Ryan, seconded by Meyer, to recommend that the City Council approve the variance with the following findings:

- A. The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL-90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL-90 Single Family Residential Zoning District.
- C. The applicant will continue to use the property in a reasonable manner not permitted by the ordinance in that only the height of the fence within 30' of the right of way exceeds the ordinance permitted 4' height.
- D. Unique circumstances apply to the property in that it is a corner lot abutting a road on two sides (front and corner side) with the roadway along the corner side being Colorado Street NW which is a local road and which does not have a trail or sidewalk in place or planned between the corner side lot line and curb of Colorado Street NW.
- E. The variance does not alter the essential character of the neighborhood because the proposed 6' tall fence would be located on the corner side lot line and not disrupt a row of other homes facing Colorado Street NW as the possible future lot to the west will likely face west and not to Colorado Street NW, and also a 14' boulevard area is going to remain in place.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because the variance would allow the applicant the privacy and security for their dog they are seeking while not reducing the usable area of their backyard and while not changing the essential character of the neighborhood.

Motion carried (5-0).

6. 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.

7. Adjournment

A motion was made by Uttenhove, seconded by Ryan, to adjourn the meeting at 7:37PM.
Motion carried (5-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive style with a large initial 'K' and 'O'.

Kenneth D. Ondich
Planning / Community Development Director