

**Special Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, July 22, 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 Chair Bob Gilman with the following members present on the virtual meeting conference call: Vice Chair Dan Meyer and Shawn Ryan. Absent were Mike Uttenhove and Paul Tupy.

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

**2. Approval June 24, 2020 Regular Meeting Minutes**

It was moved by Ryan, seconded by Meyer, to approve the June 24, 2020 regular meeting minutes as submitted. Motion carried (3-0).

**3. Old Business**

**A. None.**

**4. New Business**

**A. Request for Comprehensive Plan Amendment & Rezoning Properties to RL-90 Single Family Residential in the Plat of Tikalsky Estates  
Patricia A. Tikalsky Revocable Trust, applicant**

Planning Director Ondich presented the staff report. He stated that the application to rezone the property in the proposed plat of Tikalsky Estates and also to re-guide land they own located west of the proposed plat to residential instead of industrial. He stated that the rezoning request within the proposed plat matches the Comprehensive Plan to be RL-90 Single Family Residential. He stated that the request to re-guide land west of the railroad would change the designation in the Comprehensive Plan from industrial to residential and that staff suggested expanding the amendment request for land the applicant owns further north within city limits as well so the entire area will be guided for residential use. He stated that the land is not well suited for industrial or commercial use due to topography and natural features in the area. He stated that land within the proposed plat of Tikalsky Estates that is to be annexed is guided RL Single Family and the portion already within city limits is zoned RL-90. He stated that the proposed zoning would match the Comprehensive Plan within the proposed plat of Tikalsky Estates. He stated that the last west of the railroad is shown as B-3 Highway Commercial and Industrial in the Comprehensive Plan and that the applicant and staff is requesting this be

re-guided to all RL Single Family Residential due to the topography and natural features located there as well as the adjacent residential homes and because the Comprehensive Plan says that residential areas are more suited to protect natural features. He stated that staff recommends approval of the Comprehensive Plan amendment and rezoning as follows:

- Re-guide all land owned by the applicant west of the Union Pacific Railroad, East of Highway 21 and North of County Road 29 as RL Single Family Residential.
- Rezone all the land located within the plat of Tikalsky Estates as RL-90 Single Family Residential.

The public hearing was opened at 6:47 PM.

No public comments were received.

The public hearing was closed at 6:48 PM.

Mark Verhoeven, Lanesburgh Township Supervisor and resident at 1542 1<sup>st</sup> Ave. SE, asked why the land should not stay industrial and noted that the railroad would provide direct access for an industrial use to a rail line.

Planning Director Ondich stated that the topography of the site made the land less usable for industrial use and that the railroad is significantly down grade from the site where a building would have to be placed. He stated that it would be possible to develop industrially, but with the woods and the elevation change it likely would be better suited for residential development.

Mr. Verhoeven stated that access to the highway likely would not be allowed.

Planning Director Ondich stated that MnDOT District 7 would have to weigh in on access, but that most likely access to the land on the corner of TH13/21 and County Road 29 would have to come from County Road 29.

A motion was made by Ryan, seconded by Gilman, to re-guide all land owned by the applicant west of the Union Pacific Railroad, East of Highway 21 and North of County Road 29 as RL Single Family Residential and to rezone all the land located within the plat of Tikalsky Estates as RL-90 Single Family Residential, with the following finding supporting the comprehensive plan amendment:

1. Amending the future land use plan so that all of the applicant's land west of the Union Pacific Railroad, east of Highway 21 and North of County Road 29 will provide for the best utilization of the land due to limitations of the topography and natural features located there and will also protect the features when the land is developed.

and with the following finding supporting the rezoning request:

1. Rezoning the land within the plat of Tikalsky Estates to RL-90 Single Family Residential will conform to the City's Comprehensive Plan.

Motion carried (3-0).

**B. Request for Preliminary Plat of Tikalsky Estates – 2 Lot Plat  
Patricia A. Tikalsky Revocable Trust, applicant**

Planning Director Ondich presented the staff report. He stated that the applicant has applied for approval of a preliminary plat of Tikalsky Estates which is a two lot and two outlot plat on 72.58 acres of land. He stated that of the two lots being platted, one will have an existing home and the second lot will be covered by an easement in favor of the other lot for use of the septic system located there. He stated that the lot with the septic system will not be buildable until city utilities are extended to both lots. He stated that 42 additional lots are shown as a concept sketch on the preliminary plat drawing, but that those lots are not being platted at this time. He stated that the property is zoned RL-90 Single Family Residential and that easements were not shown on the two proposed lots on the preliminary plat but that they must be added. He stated that the two lots being platted will access 1<sup>st</sup> Ave. SE, which is also known as County Road 60, directly. He stated that both County Road 29 and County Road 60 are considered major collector roads by the City's Comprehensive Plan. He stated that city staff and the County Engineer noted concerns about the spacing of connections on the concept drawing of the additional 42 lots and that the minimum spacing to the intersection of 1<sup>st</sup> Ave. SE and County Road 29 is 660' to the closest new intersection. He also noted that a jog in Central Ave. S. would also need to be addressed before the plat is submitted for the additional lots. He stated that a large area of the property is in the floodplain or were identified as wetland. He stated that the Park Board reviewed the plat at their meeting on July 14<sup>th</sup> and recommended a payment in lieu of land dedication for the two lots and that they also provided comment on a trail through the development in the future and possible wetland restoration and sidewalk connectivity ideas. He stated that a development agreement will be required to address development fees and the necessary easement for the existing home to use the septic system located on lot two until public utilities are extended to the properties. He also noted that the electric territory of the land that needs to be annexed is Xcel Energy and that the New Prague Utilities Commission will work to obtain the territory. He stated that staff recommends approval of the preliminary plat with the findings and conditions listed in the staff report.

The public hearing was opened at 7:14 PM.

No public comments were received.

The public hearing was closed at 7:15PM.

Commissioner Ryan asked if there was a need for an additional water tower due once the additional lots would be platted.

Planning Director Ondich stated that a new water tower would be needed for land developing south of County Road 29 near Tikalsky Acres, but that he had not been informed by the Bruce Reimers that this development would trigger such a requirement, but that a detailed review of water needs for the concept platted lots had not yet been completed.

A motion was made by Ryan, seconded by Gilman to recommend approval the Preliminary Plat of Tikalsky Estates in the RL-90 Single Family Residential Zoning District, with the following findings:

1. The plat complies with the purpose and intent of the New Prague Subdivision Ordinance.
2. The preliminary plat conforms to the RL-90 Single Family Residential District in which the Land Use Plan designates as their proposed zoning.

And the following conditions:

1. Approval is granted in general accordance with the Preliminary Plat submittal dated 7/1/2020 on file with the New Prague Planning Department.
2. The Preliminary Plat is issued for a period of twelve (12) months, unless extended by the City Council.
3. The developer must enter into a Development Agreement with the City of New Prague, and the agreement must be approved by the City Council at the time of final plat approval for items relating to the utilization of the existing well and septic for the existing home located on Lot 1, the restricted use of Lot 2 until city services are provided to Lots 1 & 2, WAC/SAC due and owed on the existing home at the time of connection to city utilities and finally regarding park land dedication and other development fees.
4. A payment in lieu of land dedication must be made in the amount of \$1,085.58.
5. Approval is subject to all requirements of the City Attorney including review and approval of the Title Commitment.
6. Approval is subject to all requirements of the LeSueur County Highway Engineer and approval of the preliminary plat cannot occur until 8/6/20 or until final comments are received from the County Engineer, whichever comes first.
7. Approval is subject to all requirements of the DNR.
8. Approval is subject to all recommendations of the City Engineer, Public Works Director and Utilities General Manager.
9. Annexation of the property must be approved by the Office of Strategic and Long Range Planning, Office of Municipal Boundary Adjustments, prior to final plat approval, and in the event that the State does not approve the annexation the preliminary plat shall become void.
10. A minimum 10' wide drainage and utility easement must be provided for along the front and rear lot lines of both lots and then a 5' wide drainage and utility easement must be provided for on the side of each lot, which are not currently shown on the preliminary plat.
11. There is a Draft Work map for LeSueur County flood areas that is being reviewed at this time but has not yet been adopted. The draft map should be utilized as best available information.

And Noting the Following:

1. The applicant will continue to farm Outlot B at the time of this plat review.
2. A trail corridor has been identified in the City's Comprehensive Plan between Southside Park and County Road 29 near the drainage way.
3. Adjustments to the concept sketch of lots on Outlot A must be made regarding transportation related matters as more advanced designs are developed.
4. A MnRAM (wetland quality assessment) will need to be performed prior to the platting of any lots that are near wetlands to determine the required buffer around each wetland.
5. The land is currently within the Xcel Energy territory as it relates to electric service. The New Prague Utilities Commission is seeking to obtain the territory.

Motion carried (3-0).

**C. Request for Variance #V5-2020 – Fence Height Variance on Corner Lot at 214 8<sup>th</sup> Ave. NW  
Bob & Kelly Connelly, applicants**

Planning Director Ondich presented the staff report. He stated that property owners Bob & Kelly Connelly 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 as well as a 6' tall fence forward of the rear corner of their home on the south side. 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, for privacy reasons and for a future in-ground pool 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 wooden fence. He stated that the subject property is zoned RM Medium Density Residential and that the unplatted land to the west also is unplatted and that no sidewalk is planned along 2<sup>nd</sup> Street NW on the south side. He stated that the proposed fence would leave 16' from the curb to the fence if constructed on the lot line. He stated that a similar request was just granted by the City in the last month. He stated that staff recommends approval of the variance with the findings listed on the staff report.

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 RM Medium Density 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 RM Medium Density 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 and the height of the fence forward of the rear edge of the house 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 the likely configuration of homes to the west would be to access off another north/south road and not from 2<sup>nd</sup> Street NW, and also a 16' 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 (3-0).

## 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 Ryan, seconded by Meyer, to adjourn the meeting at 7:33PM. Motion carried (3-0).

Respectfully submitted,



Kenneth D. Ondich  
Planning / Community Development Director