

Meeting Minutes
New Prague Planning Commission
Wednesday, August 24, 2022

1. Call Meeting to Order

The meeting was called to order at 6:32 p.m. by Chair Dan Meyer with the following members present: Brandon Pike, and Ann Gengel. Absent were Shawn Ryan and Jason Bentson.

City Staff Present: Ken Ondich – Planning / Community Development Director and Kyra Chapman – Planner

2. Introduce new members: Jason Benston & Brandon Pike

Brandon Pike introduced himself to the Planning Commission

3. Elect Chair and Vice Chair for 2022/2023

It was moved by Gengel, seconded by Pike to appoint Meyer as the Chair. It was moved by Meyer and seconded by Gengel to appoint Gengel as the Vice Chair. Motion carried (3-0).

4. Approval of Meeting Minutes

A. August 3, 2022 Special Meeting

It was motioned by Gengel, seconded by Meyer, to approve the August 3rd special meeting minutes as submitted. Motion carried (2-0-1 (Pike abstained)).

5. Old Business

A. None.

6. New Business

**A. Request for Variance #V6-2022 – Front Yard Setback Variance from 30’ to 10’
for an Accessory Structure
Matthew Mushitz – applicant**

Planner Chapman presented the staff report. She explained that Matt Mushitz is requesting a setback variance from the required 30’ front yard setback along 9th St Ct SE at 1003 9th St Ct SE for a 10’ setback. The proposed setback would require the existing accessory structure to be moved outside the drainage and utility easement. The existing accessory structure is 4’ 10” from property line (13’ 1” from the curb on 9th St Ct SE) and roughly 6’ 9” from the side property line. The accessory structure meets the 6’ side yard requirement but not the 30’ front yard setback.

The subject site is unique in that the property is abutting two frontages, 9th St Ct SE and 10th Ave SE, thus requiring 30' setbacks along both roads. The cul-de-sac also causes the front property line to dip inward, making the northern section of the property especially narrow. If the applicant were to follow the setback requirements, the shed would have to be moved 43' 5" from the side property line and 30' from both frontages. As a result, the shed would be placed in the middle of the property, an unappealing location for a shed.

Planner Chapman explained that Utilities General Manager, Bruce Reimers found electric and gas lines between the shed and 9th Street Ct SE. The primary electrical line is closest to the shed and the gas line is approximately 18" street side of the electric line. From Reimers' observation, he recommended that the shed should be moved 5' 2" east toward 10th Ave SE to be completely outside the drainage and utility easement. Planner Chapman also noted that Public Works Director, Matt Rynda was concerned about the shed's current location due to snowing plowing in the cul-de-sac. In the winter, the cul-de-sac is difficult to plow, and the shed could be damaged or blocked by the snow.

Pike inquired about the nature of the complaint staff received about the shed leading to discovering that it didn't meet the minimum front setback.

Planning Director Ondich stated that the City received an anonymous complaint regarding the shed's location. The complaint was mainly a concern for the shed's proximity to 9th St Ct SE.

Meyer explained that he likes the shed in the neighborhood because it acts as a noise buffer along 10th Ave SE. He also explained that snow plowing would unlikely be an issue.

Pike inquired if the applicant would be comfortable moving the accessory structure outside the easement. In the original neighbor notice, the variance requested to keep the accessory structure in its current location.

Planner Chapman explained that the neighbor notice was sent before Utilities General Manager Reimers provided comment on the subject. After receiving recommendations from Reimers, the variance had to be revised to request a 10' setback. The applicant is okay with moving the accessory structure eastward as long as the shed can remain along the northern property line. The main reason the applicant wanted the shed to remain in the northern property was to prevent trespassing. In the past, pedestrians have mistakenly thought the property was a vacant lot and would walk across the subject site to get to a nearby trail.

A motion was made by Pike, seconded by Gengel, to recommend the approval of Variance #V6-2022 from the required 30' setback requirement to 10' for an accessory structure at 1003 9th St Ct SE for the following reasons:

- A. The requested variance to have a 10' setback to move the shed outside the easement along 9th St Ct SE is in harmony with the general purposes and intent of this Ordinance because an accessory structure as part of a single-family residential home is a permitted use in the RM – Medium Density Residential District.

- B. The requested variance is consistent with the comprehensive plan because the subject property including the home and the accessory structure are a permitted use in the RM – Medium Density Residential District.
- C. The applicant will continue to use the property in a reasonable manner, since the only request is to allow the shed to be 10’ from the property line along 9th St Ct SE than the 30’ setback requirement.
- D. Unique circumstances apply to this property which do not generally apply to other properties in the vicinity because the property is adjacent to two roads on opposite sides of the lot, impacting the shape of the lot and its setback requirements. Each side of the lot that is abutting a road, has a 30’ setback requirement. The setback is further influenced by the cul-de-sac along 9th St Ct SE, which causes the front property line to curve in and become especially narrow in the north half of the property.
- E. The variance does not alter the essential character of the neighborhood, subject to being moved outside of the easement along 9th Street Ct. SE, because the land north, east, west, and south of the property are all zoned for residential purposes.
- F. The variance requested is the minimum variance which would alleviate the practical difficulty because if the shed met the required 30’ setback, the shed would have to be moved 43’ 5”, placing the shed in the middle of the property, which is not an appealing location for the structure and limits the applicant’s use of the property. The shed would also help prevent trespassing. Many people walk through the applicant’s lawn to get to an adjacent trail because they believe the lot is vacant.
- G. The shed shall be moved entirely outside the drainage and utility easement by moving it at least 5’ 2” east from its existing location towards 10th Ave SE.

Motion carried (3-0).

**B. Review of Zoning Ordinance Amendment – City Council Members on Planning Commission
City of New Prague – applicant**

Planning Director Ondich introduced the zoning ordinance amendment. The proposed zoning ordinance amendment would allow appointing up to two city council members to the Planning Commission when citizen applicants are not available. When a citizen applicant satisfies the minimum quorum, the most recently appointed council member will renounce their seat. Although the Planning Commission has currently filled all 5 seats, the zoning ordinance amendment would help prevent lack of quorum for future Planning Commission meetings.

At 6:56 pm, a motion was made by Pike and seconded by Gengel to open the public hearing.

Motion carried (3-0).

No public comments were received.

Pike made a motion, seconded by Gengel to close the public hearing at 6:57 pm. Motion carried (3-0).

Pike made a motion, seconded by Gengel to recommend that the City Council approve the zoning ordinance amendment.

Motion carried (3-0).

7. Miscellaneous

The following miscellaneous items were reviewed as information only:

- A. Scott County Housing Needs Assessment Summary – Planner Chapman presented the results of the final report. It was noted that in 2020, the average household size in Scott County was 2.88 people, the largest within the seven-county metro area. From 2022-2040, there will be a demand for 28,678 housing units in the county. As a recommendation for Scott County, more rental housing is needed especially in Shakopee, Savage, and Prior Lake. Demands for affordable housing and independent living will also increase.

From 2022-2040, there will be demand for 1,423 housing units in New Prague. By considering New Prague vacant single-family lots, multifamily lots, and number of building permits per year, more housing will be needed. Due to the recent development of Praha Village, senior housing demand doesn't require immediate action. Developments for senior housing could be considered in 2025 or 2030.

- B. Monthly Business Updates – Planning Director Ondich presented the August 2022 EDA Business Updates. He explained that McDonalds has recently reopened at its new location on August 18th and that the previous McDonalds location remains vacant. The City has received a tenant finish permit for T-Mobile at 201 Chalupsky Ave. SE and from Edward Jones at 207 Chalupsky Ave SE.
- C. Comprehensive Plan Update – Planning Director Ondich informed the Planning Commission that the RFP for the Comprehensive Plan update would be issued next week and that over the course of the next year the Planning Commission would be involved in the update process.

8. Adjournment

A motion was made by Gengel, seconded by Pike, to adjourn the meeting at 7:28 pm. Motion carried (3-0).

Respectfully submitted,

Kyra J. Chapman

Kyra J. Chapman
Planner