

Meeting Minutes
New Prague Planning Commission
Wednesday, April 22, 2015

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Planning Commission Vice Chair Jay Nuhring with the following members present: John Roos, Dan Meyer, and Mark Bartusek. Absent was Chair Bob Gilman (arrived at 6:31PM).

City Staff Present: Ken Ondich – Planning Director

2. Approval of February 25, 2015 Regular Meeting Minutes

It was moved by Nuhring seconded by Bartusek, to approve the February 25, 2015 regular meeting minutes as submitted. Motion carried (4-0 (Gilman had not yet arrived)).

3. Old Business

A. None.

4. New Business

**A. Conditional Use Permit Request #C1-2015 – Trucking Establishment and Auto Repair at 500 4th Ave. SW
Joe Fries, applicant**

Planning Director Ondich stated that Jim Heckenlaible is the current owner but that applicant Joe Fries has a purchase agreement for the property. He stated that Mr. Fries plans to operate his trucking company and repair shop for heavy equipment on the site along with trailer storage on the south side of the lot and sales area in front of the building. He stated that Mr. Fries may also rent some of the office space and the secondary building out to others. He stated that the main building was an implement dealer and repair shop until May 2010 followed by an auto repair shop from late 2011 through the present. He stated that the property is zoned B-3 Highway Commercial and that all adjacent property is zoned the same except for the far NW corner which has adjacent RL-90 single family zoning. He stated that the trucking company itself is considered a permitted use as a service establishment, however the repair shop and exterior storage are two uses that are specifically listed as conditional uses. He stated that the office area will be used for his one or two employees and additional office space could be rented out to other users. He stated that they own five semi-trucks and would park those trucks in the building or on the SE portion of the lot near the building and that hours of operation would be during daylight with the trucks being out during the day and

only coming back to the site for maintenance. He stated that the repair shop would be for their own semi-truck repairs and some outside work. He stated that the hours of the repair operation would be the same as the trucking establishment. He stated that the secondary building to the north of the main building could be rented out for storage or be converted into an auto repair shop. He stated that the sales lot between the building and highway will be used for semi-trucks / trailers and potentially by outside parties to sell vehicles and equipment. He stated that outdoor storage of trailers on the south side of the site is also proposed. He stated that access from TH13/21 will not be granted an additional access and that the site also has secondary access to 5th Ave. SW which is a gravel road. He stated that 16 parking spaces are required on the site and must be striped with one of the spaces being ADA accessible. He stated that there is a federally regulated floodplain on the property which is Zone AE with a base flood elevation of 976.6' for the floodway. He stated that the buildings and paved areas are not within the floodplain and that grade changes are not proposed on the site. He stated that the B-3 District does not have any building design regulations and that the applicant does not propose to make any changes at this time. He stated that staff does recommend that the trailer storage area on the south side of the site be screened with evergreen or deciduous trees of at least 6' tall at the time of planting to screen the trailers from the view of the highway. He stated that the septic system on the site will need to be inspected to document if it can serve the proposed uses on the site. He stated that the connection of the site to city sanitary sewer is possible but it would be difficult and costly. He stated that the main building has a 3/4" copper water service to it, but the secondary building has no utilities connected to it. He stated that only single phase electric is available to the site at this time. He stated that buildings on the site must meet all aspects of the State Building Code for their respective proposed uses with building permits obtained as necessary. He stated that staff recommends approval of the conditional use permit with the findings and conditions listed in the staff report.

The public hearing was opened at 6:48PM.

Joe Fries, applicant, was in attendance but did not have any public comment to make.

The public hearing was closed at 6:49PM.

A motion was made by Bartusek, seconded by Roos, to recommend that the City Council approve Conditional Use Permit #C1-2015 to allow a trucking establishment and auto repair establishment with associated outdoor storage and sales on an existing property at 500 4th Ave. SW in the B-3 Highway Commercial Zoning District conditions for the following reasons:

- A. The proposed use of the property as a trucking establishment and auto repair establishment with associated outdoor storage and sales will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the site will generate little traffic on a daily basis and have very few employees.
- B. The property is not directly adjacent to any residentially used or zoned land, except on the northwest corner of the site which is already well forested, and therefore will not be a deterrence to development of vacant land.

- C. The proposed uses are reasonably related to the overall needs of the City and to existing land use, as it will provide a trucking establishment, auto repair establishment and associated outdoor storage and sales within an appropriate commercial zoning district.
- D. The proposed use as a trucking establishment and auto repair establishment with associated outdoor storage and sales is consistent with the purposes of the Zoning Ordinance and the purposes of the B-3 Highway Commercial Zoning District as the proposed repair related uses and outdoor storage and sales uses are specifically listed in the zoning ordinance as conditional uses and the trucking business and office is considered a service establishment which is listed as a permitted use in the B-3 district.
- E. The proposed uses are not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the B-3 Highway Commercial Zoning District.
- F. The proposed uses will generate very little traffic and therefore will not cause traffic hazard or congestion.
- G. Adequate utilities such as water (provided by the City) and sewer (private septic system) have been provided at the site and the existing curb cut to the property from Highway 13/21 is more than adequate for the proposed use.

And with the following conditions:

1. The proposed uses on the site are granted in general accordance with the Site Map titled "Use Details" dated 4/15/15 on file with the New Prague Planning Department.
2. The 16 minimum required parking stalls shall be striped with white or yellow paint lines not less than 4" wide providing for parking spaces at a size of 9' x 20' on a paved surface, as required by Section 717 of the New Prague Zoning Ordinance prior to operation of the trucking establishment and equipment repair establishment. One of the 16 required spaces must be an ADA accessible space.
3. All equipment or vehicles on the site either waiting repair or pickup after repair must be parked in the designated parking area identified on the Site Map titled "Use Details" on the SE corner of the main building or in a paved and striped parking stall.
4. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
5. All lighting must conform to Section 704 of the Zoning Ordinance.
6. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance.
7. All waste oil and other hazardous materials generated at the site shall be disposed of in accordance with applicable state and federal laws, and the applicant shall obtain any permits required by the county, state or federal government.
8. The designated trailer parking area identified on the Site Map titled "Use Details" shall be screened with evergreen and/or deciduous trees to a minimum of 6' tall at the time of installation to screen the stored trailers from the view of the highway while noting that this condition does not apply to the designated sales area. This condition must be completed prior to Oct. 31, 2015.

9. The repair of vehicles and equipment shall only take place within the garage stalls, and shall be prohibited outside of the building.
10. The applicant must provide evidence of a report from a qualified septic inspector that the system is in compliance with MPCA requirements. If the intent is to use the existing septic system, the applicant should provide evidence from the certified septic designer and installer and approved by the appropriate agency that the system will serve the intended use of the site. The applicant must provide an inspection report every three (3) years to show that the system is in compliance with state and local ISTS standards while the private system is in use.
11. The buildings on the site must meet all requirements of the Minnesota State Building Code for the proposed uses prior to occupancy.
12. No additional access to TH13/21 will be allowed from the site per MnDOT.

Motion carried (5-0).

**B. Request for Rezoning #R1-2015 – Heritage Estates Subdivision No. 11
City of New Prague, applicant**

Planning Director Ondich stated that the subject property which contains portions of seventeen lots is zoned RH High Density Residential. He stated that the property was once owned by Tom Topka who had planned to construct apartments well before the current lots were platted which is why the small rectangular area was zoned RH in a large area of RL-90 Single Family Zoning. He stated that the property was platted in 2005 for single family lots and has developed with single family homes. He stated that amendments to the Comprehensive Plan in 2012 and 2015 have allowed this rezoning to finally take place. He stated that property owners within 350' were notified of the meeting. He stated that the RH High Density Residential District allows multi-family dwellings of up to 22 units per acre in buildings with nine or more units. He stated that permitted uses include single family dwellings to apartment buildings. He stated that the proposed zoning is RL-90 Single Family Residential which allows only detached single family homes and accessory buildings which is how it has been platted and developed to date. He stated that Chapter 5 titled Land Use of the Comprehensive Plan has identified this area as being in need of a rezone from the RH to RL-90 zoning. He stated that staff recommends the rezoning with the findings listed in the staff report.

The Public Hearing was opened at 6:55PM.

No public comments were received during the public hearing.

The Public Hearing was closed at 6:56PM.

A motion was made by Roos seconded by Bartusek to rezone the described properties from RH High Density Residential to RL-90 Single Family Residential with the following findings supporting the rezoning request:

1. Rezoning from the RH High Density Residential Zoning District to the RL-90 Single Family Zoning District will match the zoning of the adjacent properties and will not

have an adverse effect on the area due to the fact that the proposed zoning would match the development of the lots as platted in 2005.

2. Rezoning from the RH High Density Residential Zoning District to the RL-90 Single Family Zoning District will prevent the potential for the development of multifamily unit buildings in a plat for which they were not intended.
3. Rezoning from the RH High Density Residential Zoning District to the RL-90 Single Family Zoning District will conform to the City's Comprehensive Plan.

Motion carried (5-0).

**C. Request for Variance #V2-2015 – Front Setback for Addition at 212 2nd Street NW
Keith Belter, applicant**

Planning Director Ondich stated that 212 2nd Street NW is located on a corner lot and was constructed in 1957 which predates any zoning ordinance being adopted by the City. He stated that being a corner lot of only 66.3' width that the 30' setback along 2nd Ave. NW and the 7' side sidewalk on the east side of the lot only leaves a 29.3' wide buildable area. He stated that the home currently does not meet the minimum setback requirements to the property line along 2nd Street NW or 2nd Ave. NW where the addition is proposed. He stated that the 13' x 16' addition with associated deck is proposed no closer to the front property line than the existing home and that the addition cannot fit on the SE corner of the home due to the existing garage and the bedrooms which are located on that portion of the home. He stated that the property is zoned RL-84 Single Family Residential. He stated that the residential neighborhood is of an era that predates the adoption of a zoning ordinance and therefore many of the homes and lots do not meet certain zoning requirements such as setbacks that exist today. He stated that of the five other homes on the block that 3 of them were constructed in the late 1800's and that none of the homes meet the required front setbacks that exist today. He stated that the addition would be no closer to the front property line than the existing house and would not be a detriment to the neighborhood conditions. He stated that the applicant's statement of difficulty is that the SE corner of the home contains bedrooms and an adjacent detached garage which makes the only location for the addition on the SW side of the home. He stated that staff recommends approval of the variance with the findings listed in the staff report.

Keith Belter, applicant, stated that he would like consideration to add wooden stairs onto the addition which would replace the existing concrete steps and door on the west side of the house and would instead lead from the addition's new door down to the driveway so that they don't have to access the house from the lower level garage. He stated that if it would be a deal breaker he would not keep them as part of the request.

Commissioner Bartusek stated that he did not see any issue with the stairs as some already exist on the house and they would just be relocated.

Commissioner Nuhring stated that it would be more convenient to access the house with the stairs being allowed up to the addition from the driveway.

A motion was made by Bartusek, seconded by Meyer to recommend that the City Council approve Variance #V2-2015 from the required 30' front setback to 12' to allow for the construction of an addition (as well as allowing wooden stairs from the addition to the driveway on the west side) to an existing home located at 212 2nd Street NW with the following findings:

- A. The requested variance to allow the construction of an addition to the home to be located no closer to the front property line along 2nd Ave. NW than the existing home at 12' is in harmony with the general purposes and intent of this Ordinance because single family homes are a permitted use in the RL-84 Single Family Residential Zoning District.
- B. The requested variance is consistent with the comprehensive plan because the subject property including the existing home with an addition are a permitted use in the RL-84 Single Family Zoning District and the variance would provide for a more modern and useable home which will add value to the subject property.
- C. The applicant will continue to use the property in a reasonable manner as the only change will be an addition to the existing home which will be constructed no closer to the front property line along 2nd Ave. NW than the existing home at 12' instead of the ordinance required 30'.
- D. Unique circumstances apply to this property which do not generally apply to other properties in the vicinity because the lot was created in the late 1800's and the home was built in 1957 which predates the existence of any zoning ordinances in the City and the narrow width of the lot is compounded by the fact that it is a corner lot which leaves only a 29.3' wide buildable area when applicable setbacks have been accounted for while noting that the existing home does not meet current setback requirements.
- E. The variance does not alter the essential character of the neighborhood because the subject property and general neighborhood were developed prior to the adoption of a zoning ordinance and therefore none of the homes meet current front setback requirements. Specifically, the subject property and the five other homes located on the block (Block 8, Philipp's Addition) are located much closer to the front property lines along roadways than the ordinance requirement.
- F. The variance requested is the minimum variance which would alleviate the practical difficulty because it would allow the addition to the home to be no closer to the front property line along 2nd Ave. NW than the existing home and meet all other applicable setback requirements.

Motion carried (5-0).

5. Miscellaneous

The following miscellaneous items were reviewed as information only:

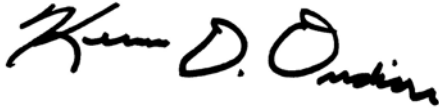
- A. Update on Industrial Park – Planning Director Ondich provided an update on the Industrial Park noting that the closing occurred on April 14th and that the annexation process would be discussed with Helena Township at their board meeting on May 7th.

B. 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 Bartusek, seconded by Roos to adjourn the meeting at 7:24PM. 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, stylized "K" and "O".

Kenneth D. Ondich
Planning Director