

Meeting Minutes
New Prague Planning Commission
Wednesday, June 28, 2017

1. Call Meeting to Order

The meeting was called to order at 6:31 p.m. by Chair Nuhring with the following members present: Matt Goldade and Amy Jirik. Absent were Bob Gilman (arrived at 6:34PM) and Dan Meyer (arrived at 6:39PM).

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

2. Elect Chair and Vice Chair for 2017 / 2018

It was moved by Goldade, seconded by Jirik to elect Nuhring as Chair for 2017 / 2018 and to elect Bob Gilman as Vice Chair for 2017 / 2018. Motion carried (4-0, Meyer had not yet arrived).

3. Approval April 26, 2017 Regular Meeting Minutes

It was moved by Gilman, seconded by Goldade, to approve the May 24, 2017 regular meeting minutes as submitted. Motion carried (4-0).

4. Old Business

None.

5. New Business

A. Amend Conditional Use Permit Request #C2-2012 – Exterior Storage Expansion Chart, Inc., applicant

Planning Director Ondich presented the staff report. He stated that the existing CUP #C2-2012 was approved on June 4, 2012 that allowed for exterior storage in association with a new building. He stated that screening was required along 1st Ave. NW and that all provisions of the original CUP are still in compliance. He stated that the applicant is now requesting to amend the original CUP to allow other existing gravel areas on the lot to be used for exterior storage. He stated that exterior storage is a conditional use in the I-1 Light Industrial Zoning District with additional performance standards for screening being required. He stated that the zoning ordinance does not require screening on the side of a business across the street from a residential zone however this was a requirement of the original CUP to buffer to the residential properties across the street. He stated that staff recommends additional screening that extends further

into the site to block the views for the adjacent residential homes. He stated that one row of trees is recommended along the north side of the north driveway and that a fence is recommended along the south side of the south access by the existing storage area. He stated that staff recommends approval of the amendment to Conditional Use Permit #C2-2012 with the findings and conditions listed in the staff report.

The public hearing was opened at 6:44PM.

Russ Sirek, 1105 1st Ave. NW, stated that the picture used in the presentation was taken from the view from his garage looking towards Chart. He stated that he appreciated the installation of a single row of trees along the north edge of the north driveway but asked how big they would be at the time of planting. He also asked if it would be enough of a screening and noted that a fence should also be considered. He stated that the screening along 1st Ave. NW with the two rows of trees and fence has been awesome, but questioned if the single row of trees would be enough. He also asked where they will access the north side of the site for storage and was concerned about items exiting the site through the staff parking lot by his home. He stated that he is not for the amendment to the conditional use permit, but if it would be approved that he would suggest some additional trees be planted along the west side of the pond by the north end of the building as well. He stated that he does not want the front of the building to look like Charts exterior storage along County Road 37.

Bruce Lyman, representative for Chart Inc., stated that he was at the Planning Commission meetings in 2012 for the original approval of the exterior storage area. He stated that not much is changing to the site but that they are rather trying to clean up the property in terms of how they use it and to make sure they have the appropriate approvals for how they want to use the site into the future. He stated that the old storage areas near County Road 37 have been there for 50 years and that screening wasn't required at that time but that now there are new rules and they understand that it is important to be good neighbors. He stated that the reality of the situation is that they want to use all their gravel lot areas for storage, but noted that the north end of the site is not as robust of a section as the south area so that it could not accommodate as heavy a load as the south side. He stated that access to the north storage area would be from the west side of the building along the railroad tracks. He stated that they would not intend to have storage items exiting through the employee parking lot as they do not want to mix the different traffic and will instead use the backside. He stated that the demands for larger tanks than initially anticipated has been occurring for the building and that they are currently finishing eight tanks of 165,000 gallons in size that are being moved to Cape Canaveral. He stated that he was reiterating that they really were not changing anything with the CUP but rather clarifying. He stated that in regards to the trees they propose to plant that at the initial 6' height at the time of planting they will be barely adequate, but would fill in as they grow larger. He stated that he is concerned about having the screen the dumpster by the south driveway access.

Planning Director Ondich stated that dumpsters are required to be located behind a 5' to 6' tall screening fence.

Chair Nuhring asked Mr. Lyman for more information on the tanks going to Cape Canaveral.

Mr. Lyman stated that the tanks going to Cape Canaveral were for private firms and that three of the tanks were for oxygen and five were for liquid natural gas.

Mr. Sirek stated that the large tanks will be parked on the north end and the 6' tall trees will not screen them and thinks that needs to be considered.

Mr. Lyman stated that as of now, three of the eight tanks are stored near County Road 37 and that since the north end of the site does not have as heavy of a base that the tanks would not be stored there, but that they could be stored on the south side of the site until they are delivered in November.

Chair Nuhring stated that he thinks the past landscaping Chart installed along 1st Ave. NW turned out well and that he believed the proposed screening would also provide a good appearance.

The public hearing was closed at 7:04PM.

Commissioner Gilman stated that he believed an additional section of trees should be planted on the west side of the pond to the north end of the building for additional screening.

A motion was made by Nuhring, seconded by Gilman to recommend approval of the amendment to Conditional Use Permit #C2-2012 to allow other existing gravel areas on the lot to be used for exterior storage at 1100 1st Ave. NW for the following reasons:

- A. The proposed use of the additional property for exterior storage will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the site is simply being used for an exterior storage area which does not place any burden on parks, schools, streets or other public facilities.
- B. The proposed additional exterior storage areas will be sufficiently separated and screened from the adjacent residential homes to the east as it will be separated by 1st Ave. NW and will also be screened by use of a combination of fencing and landscaping.
- C. The proposed exterior storage area is reasonably related to the overall needs of the City and to existing land use, as it will provide additional exterior storage areas for the applicant within an appropriate industrial zoning district in which it is listed as a conditional use.
- D. The proposed additional exterior storage areas are consistent with the purposes of the Zoning Ordinance and the purposes of the I-1 Light Industrial Zoning District as the proposed use is specifically listed as a conditional use.
- E. The proposed additional exterior storage areas are not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates

- this property as being located within the I-1 Light Industrial Zoning District.
- F. The proposed additional exterior storage areas will not generate any traffic above what exists on the site today.
 - G. The proposed additional exterior storage areas will not utilize any utilities or access roads other than what exists today.

And with the following conditions in addition to all existing conditions remaining in effect:

1. The proposed additional exterior storage areas are approved in accordance with the site plan dated 5/11/17 which is on file with the New Prague Planning Department.
2. The general locations for the additional screening areas are approved in accordance with the "Suggested Screening Locations" map dated 5/11/17 and on file with the New Prague Planning Department with an additional segment of trees to be added on the west side of the pond to the north end of the building.
3. For the screening provided for internally on the site by the north access and along the west side of the pond, one row of trees is required.
4. For the screening by the south access and the existing exterior storage area, a 6' tall fence must be installed for 100'.
5. The installed fencing shall be at least 6' tall and shall be opaque and all trees planted must be at minimum 6' tall at the time of planting.

Motion carried (5-0).

**B. Preliminary and Final Plat of Jirik Southside
Pete Jirik, applicant**

Planning Director Ondich presented the staff report. He stated that Peter Jirik has applied for approval of a preliminary and final plat of Jirik Southside. He stated that it is a plat that includes two lots on 6.03 acres and that the land is outside of the City Limits but within the extraterritorial review area within two miles of the City so the City has subdivision review authority while LeSueur County retains zoning and permitting authority. He stated that Mr. Jirik is proposing to sell portions of different parcels off as a separate lot and moderately reduce the size of the lot where his home is located. He stated that normally this is done administratively but a small portion of proposed lot two was previously platted as an outlot and therefore a new plat was required. He stated that the lot is zoned Urban/Rural Residential (R1) by LeSueur County and has a minimum required lot size of 40,000 sq. ft. and 150' of lot width. He stated that a 10' wide easement around the perimeter of each lot must be added which is not currently shown on the plat. He stated that roads are existing adjacent to the lots and no planned city sidewalks or trails are in the areas. He stated that a wetland was delineated in the NE corner of the property and the LeSueur County SWCD is the LGU for the wetland review. He stated that the DNR noted that Sand Creek is adjacent to the plat as a public ditch and they do not have permitting authority along this portion. He stated that Park Land Dedication would require a payment to be made to the City, but that staff suggests delaying payment to the future when the land is annexed to the

City. He stated that the newly created lot would be serviced by a well and septic which are permitted by LeSueur County. He stated that staff recommends approval of the Preliminary and Final Plat of Jirik Southside with the findings and conditions listed in the staff report.

The public hearing was opened at 7:17PM.

No public comments were received.

The public hearing was closed at 7:18PM.

A motion was made by Gilman, seconded by Goldade to recommend approval of the preliminary and final plat of Jirik Southside for following reasons:

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

And with the following conditions:

1. Approval is granted in general accordance with the Preliminary Plat submittal dated 6/1/2017 on file with the New Prague Planning Department.
2. Approval is granted in general accordance with the Final Plat submittal dated 5/31/2017 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.
5. A minimum 10' wide drainage and utility easement must be provided for around the perimeter of the entire lot as required by the City's subdivision ordinance and the easement must be extended to 50' in depth from the delineated wetland edge.
6. Lanesburgh Drive is spelled incorrectly on the preliminary and final plat and must be corrected.
7. The City is not the LGU for the wetland permitting and therefore approval is subject to review by the LeSueur County Soil and Water Conservation District and a Certificate of No Loss or Exemption must be filed for the project if no impacts are proposed to the wetland on the site.
8. City Park Land Dedication is being delayed at this time. The Subdivision Ordinance would require 2,200 sq. ft. of land with a current 2017 estimated market value of the land per LeSueur County at \$0.42 per square foot. This would require a land dedication payment of \$924 due at the time of signing the plat if within the City Limits. The land will not be required at this time, however, as it is not currently located within the City Limits. The land payment is delayed until the time at which the property is annexed to the City at which time Lot 2, Block 1 will be required to pay the park land dedication related to the estimated market value of the property at the time the land is annexed.

Motion carried (5-0).

**C. Preliminary and Final Plat of Turek Estates 2nd Addition
Janet Turek, applicant**

Planning Director Ondich presented the staff report. He stated that Janet Turek has applied for approval of a preliminary and final plat of Turek Estates 2nd Addition. He stated that it is a plat that includes one lot on 13.30 acres and that the land is outside of the City Limits but within the extraterritorial review area within two miles of the City so the City has subdivision review authority while LeSueur County retains zoning and permitting authority. He stated that Ms. Turek plans to demolish her existing home and construct a new home. He stated that the lot is currently an outlot and not eligible for a building permit and therefore it must be platted first. He stated that Turek Estates was filed as a plat in 2009 and was subject to a development agreement with the City, County and Township. He stated that LeSueur County had also previously approved a variance to allow a shared driveway to Ms. Turek's property and another adjacent home. He stated that the lot is zoned Agricultural which has a minimum lot size of 1.5 acres and 200' of lot width. He stated that a 10' wide easement is required to be platted around the perimeter of the entire lot which is not currently shown. He stated that there is one adjacent road adjacent to the lot and that future trail corridors are identified in the plat are in the City's Comprehensive Plan along 11th Ave. SW and 15th Street SW, but the trail is not needed until the property is annexed and streets are improved. He stated that park land dedication would require land or a payment in lieu of, however staff suggests delaying the payment to the future when the land is annexed to the City and developed further in an urban fashion as noted in the existing development agreement. He stated that the lot would be serviced by a well and septic, both of which are permitted through LeSueur County. He stated that staff recommends approval of the Preliminary and Final Plat of Turek Estates 2nd Addition with the findings and conditions listed in the staff report.

The public hearing was opened at 7:27PM.

No public comments were received.

The public hearing was closed at 7:28PM.

A motion was made by Gilman, seconded by Meyer to recommend approval of the preliminary and final plat of Turek Estates 2nd Addition for following reasons:

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

And with the following conditions:

1. Approval is granted in general accordance with the Preliminary Plat submittal dated 6/5/2017 on file with the New Prague Planning Department.
2. Approval is granted in general accordance with the Final Plat submittal dated 6/1/2017 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.
5. A minimum 10' wide drainage and utility easement must be provided for around the perimeter of the entire lot as required by the City's subdivision ordinance.
6. The City is not the LGU for the wetland permitting and therefore approval is subject to review by the LeSueur County Soil and Water Conservation District.
7. As noted with the original Turek Estates Plat, the trail segments within the development will not be needed until the property is annexed and further developed with improved streets.
8. Required park dedication shall be obtained when the lots are developed as urban lots in the future per the original Development Agreement of Turek Estates.

Motion carried (5-0).

**D. Zoning Ordinance Amendment for Residential Accessory Structures
City of New Prague, applicant**

Planning Director Ondich presented the staff report. He stated that a pole shed type of residential structure was constructed recently near Main Street that caused a lot of phone calls to City Staff and Council members. He stated that the City does not currently prohibit pole shed buildings in the City including in residential areas. He stated that accessory building height is currently limited to the height of the home on the lot. He stated that State Building Code was recently changed noting that accessory buildings 200 sq. ft. and under do not require a building permit and that the Zoning Ordinance says they are not required only for 120 sq. ft. and under. He stated that amendments for residential accessory structures were discussed at the May 24, 2017 Planning Commission meeting with a public hearing being scheduled for tonight's meeting. He stated that the changes would reduce the allowed height of a residential accessory structure to 15' instead of the height of the home on the lot, it would remove the restriction on door opening height, would require a building permit only for sheds over 200 sq. ft. and would state that pole building type of construction is allowed but only if it can meet the state building code. He stated that staff recommends that the Planning Commission hold the required public hearing and forward a recommendation to the City Council.

The public hearing was opened at 7:37PM.

Patrick Fisher, New Prague Times Reporter, asked the Planning Commission if there would be minimum requirements for the types of corrugated metal that could be used for siding.

Planning Director Ondich stated that he believed the State Building Code would provide for minimum thickness due to wind load and snow loads for roofing materials, but that he did not know for sure and would have to check the Chad Lunder, Building Official.

The public hearing was closed at 7:39PM.

Chair Nuhring asked for clarification on the height limits between structures over 200 sq. ft. versus those under 200 sq. ft.

Planning Director Ondich stated that he would add language to 1(C) to clarify the 15' height is for buildings over 200 sq. ft. and the 12' height limit is for buildings 200 sq. ft. and under.

Commissioner Jirik asked about what exterior materials would be acceptable.

Commissioner Meyer also asked about exterior materials and noted that some materials may look good today but without maintenance could be an issue.

Planning Director Ondich stated that for homes and other structures in the city other than certain commercial buildings design guidelines that there are not specific exterior siding material requirements.

A motion was made by Gilman, seconded by Meyer to table the discussion on the zoning ordinance amendments for residential accessory structures to the July 26th meeting in order to further research minimum building materials and if the State Building code provides minimums.

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 Gilman, seconded by Meyer, to adjourn the meeting at 7:54 p.m. Motion carried (5-0).

Respectfully submitted,



Kenneth D. Ondich
Planning / Community Development Director