

Meeting Minutes
New Prague Planning Commission
Wednesday, February 27, 2019

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Chair Bob Gilman with the following members present: Paul Tupy and Matt Goldade. Absent were Shawn Ryan and Dan Meyer.

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

2. Approval January 23, 2019 Regular Meeting Minutes

It was moved by Goldade, seconded by Tupy, to approve the January 23, 2019 regular meeting minutes as submitted. Motion carried (3-0).

3. Old Business

A. None.

4. New Business

**A. Request for Conditional Use Permit #C1-2019 – Expansion of Motor Vehicle Sales and Service Facility
JJM Properties II, LLC, applicant (public hearing required)**

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**B. Request for Variance #V1-2019 – Perimeter Landscaping and Interior Landscaping
JJM Properties II, LLC, applicant**

Planning Director Ondich presented the staff report. He stated that in January 2019, the applicant had applied for a plat for Belzer addition that would consolidate various properties into one lot which was approved by the City Council in February 2019. He stated that a conditional use permit is required for the expansion of the existing motor vehicle sales and service facility and that a variance is required for perimeter and interior parking lot landscaping proposed on the site. He stated that the property will soon be annexed into the City and be zoned B-2 Community Commercial at that time. He stated that a 6, 260 sq. ft. building addition for shop floor space and expansion of the paved parking was being requested with the conditional use permit. He stated that the proposed building additions meet all setback requirements. He stated that access to

the site will remain direct to and from TH19/Main Street E, but that MnDOT noted if accidents became an issue that they may look to install a median. He stated that 684 parking spaces are provided for on the site on paved surface which meets the minimums. He stated that 58 of the spaces are for employees and customers and the remainder are for vehicle sales display. He stated that the employee and customer spaces must be signed explicitly for their intended use. He stated that vehicle delivery trucks should be modeled through the site to avoid them from unloading on TH19's shoulder in the future, snow storage areas should be shown and finally that perimeter and interior landscaping variances had been applied for and would be addressed under the variance review. He stated that the trash will be enclosed as required by the ordinance on the southwest corner of the building addition, the lighting plan meets all requirements and that all new signage must conform to the ordinance requirements. He stated that the B-2 District has design requirements for the building that requires high quality materials, varying colors, varying roof lines and a connection of a sidewalk from the right of way to the front door. He stated that the building design meets the ordinance requirements but that a sidewalk must be incorporated to the northern right of way line. He stated that the City Engineer, Public Works Director, Utilities General Manager and Building Official would all need to review and approve the plans. He also noted that MnDOT was ok with the expansion of the site with the existing access but noted that if crashes became a problem a median might be installed on TH19. 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 6:52PM.

Tom Topka, adjacent property owner, stated that he was the owner of the vacant land to the west of the site. He asked why a new row of evergreen trees was not being extended along the west property line all the way to the highway.

Planning Director Ondich stated that the zoning ordinance only required newly paved parking areas to have perimeter trees planted adjacent to them and that the trees were proposed to end where the new pavement ended.

Mike Belzer, representative for the applicant, stated that they are concerned about the comments from MnDOT about a future median being a possibility on TH19, thereby making their access a right in, right out, situation. He stated that their Chevy location to the west had undergone access changes due to turn lanes for the county road intersections and that the restrictions by MnDOT seem to be incrementally increasing over time which is concerning to them. He said he just wanted to address their concerns regarding future access comments that MnDOT had included in the report.

The public hearing was closed at 6:57PM.

Commissioner Goldade asked about lighting on the site and if there are any mitigating items that should be considered. He noted that he did not want to be short sighted on the long term development of that portion of the City.

Planning Director Ondich stated that the lighting plan submitted showed that the City's Glare ordinance was met with the plan which limited light at surrounding residential properties and any public road that lies adjacent to the site.

Chair Gilman asked if traffic could be slowed to 35mph in front of the site and asked if turn lanes could be considered to create a safer situation on the highway.

Planning Director Ondich stated that speed limits would be set following a speed study by MnDOT where the speed limit could be set at the 85th percentile for speeds in the study. He also noted that turn lanes would have to be agreed to by MnDOT, but that they noted they are currently ok with the access to remain as is.

Commissioner Goldade asked if there are any concerns with sounds from the site.

Planning Director Ondich stated that he wouldn't suggest any mitigating factors beyond enforcement of the City's noise ordinance.

Mike Belzer stated that they do all their work inside the building.

Planning Director Ondich noted that adjacent property is zoned commercial and that residential zoned land would be located south of a future 3rd Street SE that is located south of the site.

Before taking action on the CUP request, the Planning Commission asked to hear the variance report as it involved the same project.

Planning Director Ondich presented variance staff report. He stated that motor vehicle sales and service establishments are a unique use as it relates to the City's parking lot ordinance that would typically seek to side parking areas from the public, but by design, motor vehicle sales lots intend to draw attention to the public eye. He stated that rather than hide the parking areas, the applicant wishes to keep the sight lines open as possible rather than having trees spaced at no more than 40' spacing along the highway. He stated that the applicant is seeking a variance for the perimeter landscaping along TH19 as well as for interior parking lot landscaping that would normally require 3% of the new parking area be landscaped with islands that would make it difficult to move vehicles and to plow snow in the winter. He stated that staff recommends approval of the variance with the findings and condition listed in the staff report.

Chair Gilman asked if to address Mr. Topka's concerns and to keep the sight lines open to the site, if the trees on the east property line could end at the line which would be at the front of the building and move the trees from the east side that are no longer needed to the west side of the site so that they reach the front edge of the building.

Mr. Topka asked what was located on the west side of the new building addition.

Planning Director Ondich stated that it would not be overhead doors as those face the south. He stated that the additional trees on the west property line would help screen that portion of the building as well.

The Planning Commissioners felt this was a good compromise to further screen the west side of the site while keeping sight lines open to the highway.

The Planning Commission decided to take action on the conditional use permit request, followed by the variance request.

A motion was made by Goldade, seconded by Tupy, to recommend approval of Conditional Use Permit #C1-2019 to allow an existing motor vehicle sales and service facility to add on 6,260 sq. ft. of shop floor area and to expand the paved parking area with the following conditions:

1. Development of the site must be in general accordance with the site plan dated 2/6/19 which is on file with the New Prague Planning Department.
2. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
3. All lighting must conform to Section 704 of the Zoning Ordinance.
4. 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.
5. All recommendations of the New Prague Public Works Department, Utilities Department and City Engineer must be complied with prior to construction.
6. All recommendations of MnDOT District 7 must be complied with prior to construction.
7. The building plans must meet Minnesota Building Codes and Minnesota Fire Codes prior to construction.
8. The employee and customer parking spaces must be signed as such on site and must be striped with white or yellow painted lines of not less than 4" wide.
9. Areas for snow storage must be indicated on the site plan.
10. The parking lot must be modeled for vehicle delivery trucks to circulate into and through the site in order to avoid future situations of vehicles being unloaded on TH19/Main Street E.
11. The landscaping plan dated 2/26/19 is not approved unless the variance that has been applied for (V1-2019) is also approved specifically allowing a variance from the front perimeter parking lot landscaping along the new portion of parking lot, from the interior landscaping requirements for the new parking area and finally the variance from the perimeter landscaping on a portion of the south parking area.
12. This conditional use permit is not valid until the property is annexed into New Prague City Limits and the plat of Belzer Addition has been filed with LeSueur County.
13. An internal pedestrian walkway must be provided for to the north ROW line of the site as required by Zoning Ordinance Section 725.

and with the following findings:

- A. The proposed use of the property will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the existing use and site are only being moderately expanded beyond what exists today.
- B. The proposed use is sufficiently separated by distance from the closest residential home which is located in a future commercial zoning district and is further screened by a row of trees.
- C. The structure and site will have an enhanced appearance with all parking lot areas being paved and an improved building exterior appearance utilizing high quality building materials.
- D. The use is reasonably related to the overall needs of the City and to existing land use, as it will continue to operate as a motor vehicle sales and service facility which is a conditional use in the B-2 Community Commercial zoning District.
- E. The proposed use as a motor vehicle sales and service facility is specifically listed as a conditional use in the B-2 Community Commercial Zoning District and is therefore consistent with the purposes of the Zoning Ordinance.
- F. The proposed use is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the B-2 Community Commercial Zoning District.
- G. The proposed use will operate the same as the existing facility on the site with one access to and from TH19/Main Street E. which has been determined to be allowed to remain by MnDOT, although a future connection to a future 3rd Street SE extension will be available in the future.
- H. Adequate access roads have been provided to the site and plans for the extension of city water and sanitary sewer are in progress.

Motion carried (3-0).

A motion was made by Tupy, seconded by Goldade to recommend approval of Variance #V1-2019 to allow a variance from the perimeter and interior parking lot landscaping requirements at 1185 W. 280th St. for the following reasons:

- A. The requested variances are in harmony with the general purposes and intent of this Ordinance because motor vehicle sales is a conditional use in the B-2 Community Commercial Zoning District.
- B. The requested variances are consistent with the comprehensive plan because the proposed expanded motor vehicle sales use is a conditional use in the B-2 Community Commercial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner as the paved parking areas would allow for a more aesthetically pleasing site than the existing gravel parking areas, would allow the vehicles for sale to maintain maximum visibility and allow the maintenance of the lot in a timely manner after snow events.

- D. Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the City's parking lot ordinance was written specifically for parking lots used for employee or customer parking rather than for the sale and display of vehicles as is proposed.
- E. The variance does not alter the essential character of the neighborhood because the subject area is located in a commercial corridor along a state highway and has existed as a motor vehicle sales facility for many years along with another motor vehicle sales facility which is located directly to the east as well.
- F. The variance requested is the minimum variance which would alleviate the practical difficulty because it would allow vehicles on the site to maintain maximum visibility to the highway and additionally would allow the lot to be maintained quickly after snow events.

And with the following conditions:

- 1. The perimeter and interior parking lot landscaping requirements are being allowed in exchange for four areas being landscaped with low lying plants as noted on the staff suggested landscaping map dated 2/21/19 and as depicted generally on the landscaping plan dated 2/26/19.
- 2. The landscaping plan dated 2/26/19 must be amended to show trees on the east and west property lines to be spaced no more than 30' apart and to stop at a line which would intersect with the face of the front of the building to bolster side parking lot screening and to increase sight lines to the front of the site.

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.
- B. 2019 Lot Inventory: Commercial, Industrial, Residential – Planning Director Ondich provided a summary of the lot inventory that had been provided to the Council and EDA earlier in the month.
- C. Annual Commercial Building Audit 2019 – Planning Director Ondich provided a summary of the commercial building audit that had been provided to the Council and EDA earlier in the month.
- D. Summary of 2018 Growth Statistics – Planning Director Ondich provided a summary of the growth statistics that had been provided to the Council and EDA earlier in the month.

6. Adjournment

A motion was made by Goldade, seconded by Tupy, to adjourn the meeting at 7:27 p.m. Motion carried (3-0).

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