

Meeting Minutes
New Prague Planning Commission
Wednesday, March 22, 2017

1. Call Meeting to Order

The meeting was called to order at 6:34 p.m. by Chair Nuhring with the following members present: Jenna Tuma, Matt Goldade, and Dan Meyer. Absent were Bob Gilman and Dan Meyer (Meyer arrived at 6:43PM).

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

2. Approval of February 22, 2017 – Continued to February 27, 2017 Regular Meeting Minutes

It was moved by Goldade, seconded by Tuma, to approve the February 22, 2017 – Continued to February 27, 2017 Regular Meeting Minutes as submitted. Motion carried (3-0).

3. Old Business

None.

4. New Business

**A. New Prague Kwik Trip Addition Preliminary and Final Plat
(Public Hearing)
Kwik Trip, Inc., applicant**

Planning Director Ondich presented the staff report. He stated that Kwik Trip Inc. has applied for approval of a preliminary and final plat of New Prague Kwik Trip Addition. He stated that it's a plat that includes only one lot of 2.50 acres and that the plat is necessary as the site exists as multiple lots today which cannot be administratively combined. He stated that the site is proposed to be redeveloped and have a convenience store, detached car wash and associated fuel canopies. He stated that the lot meets the minimum requirements for the B-3 Highway Commercial Zoning District. He stated that a traffic impact study was required for the development which was reviewed on behalf of the City by SEH and that more details would be covered in the CUP and variance discussion. He stated that a sidewalk is required to be constructed adjacent to 4th Ave. NW and provide a connection into the site to the building. He stated that staff recommends approval of the preliminary and final plat with the findings and conditions listed in the staff report.

The public hearing was opened at 6:46PM.

Wade Dumond, Kwik Trip Inc., stated that Kwik Trip was in general agreement with the conditions placed on the approval of the preliminary and final plat. He asked if the provision for the plat to be filed within 90 days was a hard time frame or if it could be extended if needed.

Planning Director Ondich stated that the 90 days could be extended.

Mr. Dumond also stated that he does not agree with the blanket statement that the plat must comply with MnDOT approval without having more specifics.

Planning Director Ondich stated that MnDOT's comments would be received by the April 3rd Council meeting.

Mr. Dumond also noted that the private garage easement noted on the plat would be removed prior to closing on the property.

The public hearing was closed at 6:49PM.

Commissioner Tuma asked if the homeowner on the NW corner of the block being platted was OK with the proposal.

Mr. Tessmer was in attendance and noted that he was in agreement with the proposal.

A motion was made by Goldade, seconded by Meyer to recommend approval of the preliminary and final plat of New Prague Kwik Trip 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 2/21/2017 on file with the New Prague Planning Department.
2. Approval is granted in general accordance with the Final Plat submittal dated 3/1/2017 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. Approval is subject to all requirements of MnDOT, the City Engineer and Municipal Utilities and Public works departments.

Motion carried (4-0).

**B. Conditional Use Permit Request #C1-2017 and Variance #V1-2017
(Public Hearing)
Kwik Trip, Inc., applicant**

Planning Director Ondich presented the staff report. He stated that Kwik Trip Inc. has made application for a conditional use permit and variances for the redevelopment of the former Econofoods property located at 104 4th Ave. NW. He stated that a 7,298 sq. ft. convenience store, 1,741 sq. ft. detached car wash and associated fuel canopies for gasoline and diesel are proposed. He stated that the property is owned by Don Werner and has been the site of a grocery store since 1981 but has been vacant since 2011. He stated that convenience stores are a conditional use in the B-3 Highway Commercial Zoning District and adjacent land uses include single family homes to the north and west and commercially zoned properties on the south and east. He stated that building setbacks are 40' along roads and 10' along rear and side lot lines with different setbacks for the canopies and pump islands. He stated that the car wash does not meet the minimum front yard setback. He stated that a traffic impact study was required for the development which noted that within 5 years, whether the site redevelops or not, the intersection of TH19/21 will need improvements as a roundabout or signal. He stated that parking lot areas must be setback 15' from lot lines and that the plan must be adjusted along both 4th Ave. NW and 1st Street NW to meet this requirement. He stated that the plan also does not meet the perimeter landscaping requirements with the SE corner of the site and the NW corner of the site being the areas of concern. He stated that the site plan also says 24 parking spaces are provided but staff was only able to count 23 spaces. He stated that two variances are being requested for access drives onto 4th Ave. NW and that staff recommends a sidewalk be extended along 4th Ave. NW for an internal connection to be made to the door for those walking to the site. He stated that MnDOT was solicited for comments but had not yet submitted their comments to the City for consideration. He stated that the external trash enclosure area meets the refuse requirements and that the landscaping and screening to the residential areas is sufficient and includes a fence. He stated that the lighting plan meets ordinance requirements and that the signage meets all requirements. He stated that the B-3 Highway Commercial Zoning District has no building design requirements, but the submitted building elevations would actually meet the City's B-2 Design requirements. He stated that there are performance standards in the zoning ordinance for car washes. He stated that the City Engineer has provided a review memo about the development and most notably recommended moving the southern access to 4th Ave. NW north by 20' at minimum to stack more vehicles and also to provide truck turning movements. He stated that the plans also need to be approved by Public Works, Utilities and Building prior to construction. 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 7:25PM.

Wade Dumond, Kwik Trip Inc., stated that they are in agreement with the conditions on the conditional use permit except for condition #6 relating to MnDOT's unknown comments. He stated that they have modified the plan so that the parking setbacks are now met so condition #8 would no longer apply. He stated that they also added an interior pedestrian walkway to the sidewalk along 4th Ave. NW as noted in condition #11, and that they moved the southernmost driveway access north 20' as required in condition #12. He stated that they do have a concern with the performance standard that the door on the dryer end of the car wash must be closed during the dry cycle and noted that the exit doors face the east and towards the highway and commercial area.

Commissioner Goldade asked about the development's effect on highway traffic.

Planning Director Ondich noted that the Traffic Impact Study did not note significant impact and that within 5 years the TH21/19 intersection would need to be upgraded just based on regular traffic growth.

Commissioner Goldade asked if any freestanding signage would be along 4th Ave. NW.

Mr. Dumond stated they are not proposing signage along 4th Ave. NW.

Commissioner Goldade asked about the landscaping along 5th Ave. NW and the residential area and if a fence was required.

Mr. Dumond stated that they always put a fence up in these situations unless the neighbors request that a fence not be installed.

Commissioner Goldade asked if there would be fencing around the stormwater pond.

Mr. Dumond stated that they are not proposing fencing around the pond.

Commissioner Tuma asked about the diesel pumps and if semi-trucks could navigate to them and exit the site.

Mr. Dumond stated that they are designed for semi-truck use but that the main users are panel vans and trucks with trailers and that they are basically there to separate the diesel pumps from the gasoline pumps. He stated that this is not a truck stop and the site does not have room for truck parking.

Commissioner Tuma asked about WAC/SAC for the development.

Planning Director Ondich stated that more details are needed for a final determination, including details on the car wash.

Mr. Dumond stated that they are still concerned with condition #6 pertaining to MnDOT's comments, noted that they addressed condition #8, #10, #11 and #12.

John Duchscherer, General Manager and CEO of River Country Cooperative, stated that they have been in business for 82 years in the community and that 25 years ago their current convenience store was constructed at its current location east of the proposed Kwik Trip site. He stated that he feels the turn lane variance should not be allowed and that they are opposed to it being approved. He stated that he believes the impact of the reduced spacing for the driveway access would affect his site and Kwik Trip's site.

The public hearing was closed at 7:38PM.

The Planning Commission then asked Planning Director Ondich to present the variance report so that the full picture of the request could be viewed before voting.

Planning Director Ondich stated that Kwik Trip is seeking three variances to be approved for the redevelopment of the site which include allowing a reduction in the minimum front setback from 40' to 14' along W. Main Street (TH19) for a detached carwash, to allow reduced access spacing from TH19 from 150' to 68' on 4th Ave. NW and finally to allow a reduced access spacing from 1st Street NW from 100' to 97'11" on 4th Ave. NW. He stated that Super America located directly to the east was granted 5 variances in 1993 for the building, pump island and canopy and that Casey's to the northeast was granted a variance in 2012 for a side yard setback variance. He stated that staff recommended the car wash be on the south side of the site within the front setback so that it would be far away from the residential homes and that it is generally in the location of the existing building on the site but is about 5' closer to the property line. He stated that staff has no concerns with the access variance for the north driveway on 4th Ave. NW but did have concerns about the large spacing variance from TH19. He stated that the City Engineer concluded that the south access should move to the north at least 20' to provide for more stacking which would allow the access to be 88' from TH19 and noting that the City still needs to see the truck turning movements into and out of the site. He stated that the access to TH19 for Super America is closer to TH19 than the one proposed on this site. He stated that staff recommends approval of the requested variances, with the south driveway access being moved 20' further to the north than what is noted in the report, with the findings as listed in the staff report.

Commissioner Tuma asked to clarify the variance and concern with the south access near TH19.

Planning Director Ondich pointed out on the site map that the southernmost access to the site would be less than the zoning ordinance required 150' but noted that they had moved the access 20' further north than shown in the plans the Planning Commission had in their packet. He also noted that the access to the Super America site across the street was actually closer than the original request from Kwik Trip for a spacing variance.

Mr. Duchscherer stated that he is actually more concerned with vehicles leaving the site and area.

Commissioner Meyer asked if there could be signage installed for the south entrance to note that it is not a truck entrance.

Commissioner Tuma stated that it was nice to see Kwik Trip go over and beyond the bare minimum requirements for the site and feels that the development will be a nice asset.

Commissioner Nuhring stated that as far as the homes on the west side of the development being affected, he believes the site will be an improvement versus what is there today. He also noted that he believes it will be good for the west side of town in general.

Mr. Dumond stated that their detail signage plan does provide for signage specific to vehicles entering and exiting the diesel pumps.

Commissioner Goldade asked if there would be signage directing trucks to not use the intersection at 4th Ave. NW and TH19.

Mr. Dumond stated that it's a full access intersection and they wouldn't plan to install signs to route vehicles differently as this time.

Planning Director Ondich stated that staff does still need to review the truck turning movements for the site and area and would conduct said review prior to the item coming before the City Council.

Commissioner Nuhring asked if there are issues because of the nearby creek.

Planning Director Ondich stated that the creek was on the opposite side of the highway and that there were no issues related to the creek.

Mr. Duchscherer asked how far out the traffic study looked at growth.

Planning Director Ondich stated that he believed the traffic impact study looked out to the year 2040 but that needs were identified within 5 years based on normal traffic growth not directly related to the proposed development.

A motion was made by Goldade, seconded by Meyer to recommend approval of Conditional Use Permit #C1-2017 for the following reasons:

- 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 site was historically zoned and used commercially as a grocery store and the new use is similar in nature to what had previously existed.
- B. The proposed use is sufficiently compatible with the adjacent residentially zoned and used land as the site has existed for many years as a grocery store and the new use as a convenience store is providing for the required screening along the west and north property lines so that existing homes will not be depreciated in value.
- C. The structure and site will have an enhanced appearance over the existing former grocery store with improved building exterior appearance utilizing high quality building materials and extensive landscaping and screening as required by the zoning ordinance and therefore will not have an adverse effect upon adjacent residential properties.
- D. The use is reasonably related to the overall needs of the City and to existing land use, as the property has been zoned and will continue to be zoned B-3 Highway Commercial in conformance with the City's comprehensive plan.
- E. The proposed use is specifically listed as a conditional use in the B-3 Highway 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-3 Highway Commercial Zoning District.
- G. The proposed use required the submittal of a traffic impact study which showed that based on the ITE Trip Generation Manual that the development does not cause a capacity deficiency but does note that even without development of the site that the TH21/19 intersection is expected to experience capacity deficiencies within about 5 years.
- H. Adequate utilities and access roads have been provided to the site.

With the following conditions:

1. Development of the site must be in general accordance with the site plans dated 2/23/2017 which are on file with the New Prague Planning Department subject to other conditions/changes required which are listed below and also subject to the approval of Variance #V1-2017.
2. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process which noting that electronic message centers are allowed in this zoning district, but the message cannot change more than one time per five seconds.
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 must be complied with prior to construction.
7. The plans must meet Minnesota Building Codes and Minnesota Fire Codes (specifically proper placement of hydrants on the site) prior to construction.
8. The plan must meet the requirement for parking areas to be setback 15' from property lines abutting roads. The parking area adjacent to 1st Street NW is less than 10' from the property line as well as the parking lot area adjacent to 4th Ave. NW which appears to be only 10' from the property line.
9. The plan must meet the required perimeter landscaping. The specific areas of concern are the SE corner of the site where two trees should be added at 40' spacing along the SE edge from the south entrance back to the closest skyline honeylocust near the carwash, the perimeter of the site in front of the pumps should have at least 3 trees added at 40' spacing where there are currently none, and finally two additional trees should be added adjacent to the parking spaces near the stormwater retention basin either along the perimeter of the lot itself or alternately along the outside edge of the basin at 40' spacing.
10. Twenty four (24) parking spaces must be provided for on the site. The site plan indicates that there are 25 parking spaces, however it spears there are only 23 spaces on the site therefore one additional parking space must be provided for.
11. An interior pedestrian walk-way, striped or otherwise, must be provided to the adjacent sidewalk on 4th Ave. NW, with the sidewalk being extended the full length of 4th Ave. NW.

12. The southernmost driveway on 4th Ave. NW to the site should be moved as far north as possible to reduce its influence on the 4th Ave. NW/TH19 intersection influence area and that truck turning movements from the public street system through the site must be provided to the City for review.
13. The City must be provided documentation that any contaminated soils on the site are mitigated prior to construction.

Motion carried (4-0).

A motion was made by Meyer, seconded by Tuma to recommend approval of Variance #V1-2017 to allow a reduction in the minimum front setback from 40' to 14' along W. Main Street (TH19) for a detached carwash, to allow reduced access spacing from TH19 from 150' to 88' on 4th Ave. NW and finally to allow reduced access spacing from 1st Street NW from 100' to 97' 11" on 4th Ave. NW at 104 4th Ave. NW. for the following reasons:

- A. The requested variances are in harmony with the general purposes and intent of this Ordinance because convenience stores with car washes are a conditional use in the B-3 Highway Commercial Zoning District.
- B. The requested variances are consistent with the comprehensive plan because convenience stores with car washes are a conditional use in the B-3 Highway Commercial Zoning District.
- C. Kwik Trip Inc. will continue to use the property in a reasonable manner as the variances would allow for the redevelopment of the site from a vacant former grocery store building to a convenience store with car wash which is a conditional use.
- 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 site is bound on four sides by public road right of way, is bound on the north and west sides by residentially zoned and used property and redevelopment of the site is intended to mitigate the affect the proposal will have on the adjacent residentially zoned and used properties by putting the car wash on the opposite end of the site from the residential homes.
- E. The variances do not alter the essential character of the neighborhood because the car wash will be placed in the general location adjacent to TH19 as the existing building on the site and the accesses to the site are closer to the current spacing regulations than the existing business located on the east side of 4th Ave. NW.
- F. The variances requested are the minimum variances which would alleviate the practical difficulties because it would allow the car wash to be located on the southernmost edge of the site away from residential properties and would allow the accesses to provide safe and effective ingress and egress to the site without affecting adjacent roadways.

Motion carried (4-0).

**C. Proposed New Prague Senior Living I, LLC Project: Planning Commission Review of Redevelopment Plan and Tax Increment Financing Plan
New Prague Senior Living I, LLC, applicant**

Planning Director Ondich presented the staff report. He stated that the Planning Commission is being asked to review the draft Redevelopment Plan for Redevelopment Project No. 8 and the proposed Tax Increment Financing Plan for Tax Increment Financing (Housing) District No. 8-1. He stated that the Planning Commission must review the documents to determine that the TIF Plan and Redevelopment Plan conforms to the general plan for development or redevelopment of the City as a whole and that it will also afford maximum opportunity, consistent with the sound needs of the City as a whole, for development of the Project Area by private enterprise. He stated that the 90 unit building would require a portion of the units to be affordable. He also stated that the building would have underground parking, be 125,000 sq. ft. and is located on 3.83 acres. He stated that the developer proposes to comply with the affordable housing requirement that 20% of the units must be occupied by persons or families at 50% of the area median income. He stated that the County and School District were also notified of the TIF district and that a public hearing was being held by the City Council on the TIF district on April 17th. In order to effectuate a recommendation to the City Council, the City Attorney has drafted a resolution that is to be considered by the Planning Commission. He stated that the Planning Commission would likely see the Conditional Use Permit request for the site at the April Planning Commission meeting.

A motion was made by Meyer, seconded by Tuma to approve Planning Commission Resolution No. 1-2017.

**PLANNING COMMISSION OF THE
CITY OF NEW PRAGUE, MINNESOTA**

RESOLUTION NO. 1-2017

**RESOLUTION FINDING THE REDEVELOPMENT PLAN FOR
REDEVELOPMENT PROJECT NO. 8 AND THE TAX INCREMENT
FINANCING PLAN FOR TAX INCREMENT FINANCING (HOUSING)
DISTRICT NO. 8-1 LOCATED THEREIN CONSISTENT WITH THE GENERAL
PLAN FOR DEVELOPMENT OF THE CITY OF NEW PRAGUE**

WHEREAS, the Board of Commissioners of the Housing and Redevelopment Authority of the City of New Prague (the "Authority") and the City Council of the City of New Prague, Minnesota (the "City") have authorized the preparation of a redevelopment plan (the "Redevelopment Plan") for the proposed Redevelopment Project No. 8 located in the City (the "Redevelopment Project"); and

WHEREAS, the Board of Commissioners of the Authority and the City Council of the City have also authorized the preparation of a tax increment financing plan (the "TIF Plan") for the proposed Tax Increment Financing (Housing) District No. 8-1 (the "TIF District") to be located within the proposed Redevelopment Project; and

WHEREAS, the Redevelopment Plan and the TIF Plan have been submitted to the Planning Commission of the City (the "Planning Commission") for review and comment; and

WHEREAS, the Board of the Planning Commission has reviewed the Redevelopment Plan and the TIF Plan and has compared the plans with the general plan for development of the City as a whole.

NOW, THEREFORE, BE IT RESOLVED By the Planning Commission of the City of New Prague, Minnesota as follows:

1. The Redevelopment Plan for the Redevelopment Project and the TIF Plan for the proposed TIF District are found to conform to the general plan for the development of the City as a whole.

2. City staff are authorized and directed to provide a copy of this resolution to the Board of Commissioners of the Authority and the City Council of the City as the Planning Commission's written comment regarding the Redevelopment Plan and the TIF Plan.

Approved by the Planning Commission of the City of New Prague, Minnesota this 22nd day of March, 2017.

Motion carried (4-0).

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 Goldade, seconded by Meyer, to adjourn the meeting at 8:32 p.m. Motion carried (4-0).

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 Director