

Meeting Minutes
New Prague Planning Commission
Wednesday, March 23, 2016

1. Call Meeting to Order

The meeting was called to order at 6:31 p.m. by Planning Commission Chair Jay Nuhring with the following members present: Matthew Goldade and Jenna Tuma. Absent was Bob Gilman and Dan Meyer (arrived at 6:35 PM).

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

2. Approval of January 27, 2016 Regular Meeting Minutes

It was moved by Goldade, seconded by Tuma, to approve the January 27, 2016 regular meeting minutes as submitted. Motion carried (3-0, Meyer had not yet arrived).

3. Old Business

A. None.

4. New Business

A. Public Hearing for Comprehensive Plan Amendment and Rezoning Certain Properties to RM Medium Residential Located in the Plat of Eastland Witt Properties, applicant

Planning Director Ondich stated that Witt Properties has made an application to amend the City's Comprehensive Plan and rezone some property they own to RM Medium Density Residential. He stated that the subject property is in the Eastland Development which was platted in 2007 but infrastructure was not installed due to the slumping economy at the time. He stated that Witt is proposing to re-guide and rezoning their land in Eastland which is located south of Coborns but north of 5th Street SE. He stated that the land immediately south of Coborns south to 3rd Street SE is currently zoned B-2 Community Commercial and that there has not been interest in this land for commercial purposes. He stated that the land south of 3rd Street SE but north of 5th Street SE is zoned RM Medium Density Residential on the north end and RL-90 Single Family Residential on the south end. He stated that the properties are all to be rezoned to RM Medium Density Residential with Witt Properties proposing to construct 2 to 3 unit "high end" townhome units in the areas proposed for rezoning. He stated that they would be similar to the units they have constructed on Freedom Ave., Independence Street and Flag Blvd but that the exact townhome layout would be required through a Planned Unit Development Process. He stated that various portions of the Comprehensive Plan support the rezoning of the

land to accommodate life-cycle housing needs of the community. He stated that staff recommends approval of the Comprehensive Plan amendment and associated rezoning to re-guide and re-zone the properties with the findings listed in the staff report.

The public hearing was opened at 6:42PM.

Scott Nelson, 605 Chalupsky Ave. SE, asked how the wetlands would be affected and who would maintain the wetland areas. He stated that he would like to keep the RM zoning no further south than its current location for the rezoning. He stated that it is a nice break of multifamily to the twin homes in the existing developed area from Coborns to the single family homes and that it is a nice flow to keep the rezoning the same as well. He stated that their neighborhood is overrun with pre-teen children. He stated that Chalupsky Ave. SE has high traffic speeds and referred to it as a race track.

Planning Director Ondich stated that the wetland areas are required to be left in a natural state and must also have buffers around them for filtering purposes. He also stated that the City had conducted speed studies using the City's radar recorder and had not found a speeding problem on Chalupsky Ave. SE but would certainly review the traffic flows in the area.

Billy Bartusek, 1508 5th Street SE, stated that the wetland near his home backs up to within 15' of his house and that his sump pump runs most of the time 8 months of the year. He asked what would be done with the storm water from the development and the water from the wetland. He stated that he doesn't want townhomes to the south of the existing RM zoning. He stated that they have all put a lot of money into their houses and that a lot of kids live in the area and people blow through the stop signs at 5th and Chalupsky.

Nate Sticha, 505 Prague Court SE, asked if Alton Ave. could be extended further south past 3rd Street to handle traffic to not have to use Chalupsky such as connecting 5th to Alton Ave. SE.

Planning Director Ondich stated that the property is not proposed to be replatted and that Alton Ave. SE was designed as a joint designed venture between the City and LeSueur County. He stated that as a future County Road, Alton Ave. SE has limited intersections which will be at 3rd Street SE, 9th Street SE and County Road 29 as outlined in the Memorandum of Understanding. He stated that a connection to Alton Ave. SE to 5th is not possible. He stated that it would not be detrimental to the traffic of the area which are generally neighborhood trips.

Ann Anderson, 503 Prague Court SE, stated that they've been in their home since 2003 and were drawn to the neighborhood as it was in the City but still had visibility of an adjacent pasture with cows for the first few summers they lived in their house. She stated that they knew eventually the land to the east would develop but were solaced by the fact that they would be single family homes. She stated that her husband Todd attended a meeting a few years ago where it was discussed that the

land north of Jillian Street would be medium density residential. She stated that she would like to keep the zoning this way and feels that the lots adjacent to their homes should be single family residential. She stated that the area directly south of Coborns should meet the demand for townhomes for the area. She stated that she has specific concerns about the townhomes adjacent to their property such as the negative affect they will have on their property values and also the number of homes would increase the amount of traffic and noise. She stated that several of their neighbors were not able to attend the meeting tonight and were also opposed to the rezoning.

Angela Sticha, 505 Prague Court SE, stated that their backyard would face one of the proposed townhomes and that they purchased their home three years ago and when they purchased it they were told it would be single family homes. She said their neighborhood has lots of kids with 15-20 kids playing on the empty lot every day and that having an elderly community adjacent to them would cause an issue with kids running everywhere and doesn't want her kids affected or to have to change the way they play because of who is in their backyard considering when they purchased their home they were told it would be single family homes. She said that it would affect their property values which was frustrating because they put time and money into their home. She stated that they have a tight little neighborhood and it would be appreciated to have more single family homes in the area. She stated that instead of one family in their backyard she would now have two families.

Planning Director read into the record a letter received dated 3/23/16 from Lori Hodapp at 502 Prague Court SE. He stated that the letter stated she was unable to attend the meeting, that she lives in the adjacent cul-de-sac and that the area proposed for rezoning was not intended for anything other than single family homes, that the buildout and purchase of homes in the area was done with consideration of traffic, concerned that the values would be affected as well as the single family ambiance. He stated that the letter stated she had done business with Witt's in the past and may do so again but that the concern she had was related to the appropriateness of the rezoning and that the area should remain as single family homes.

Jason Witt, representative of Witt Properties as the applicant, stated that a few things have happened with the market since Eastland was originally platted. He stated that they are out of townhome lots in the city and combined with an abundance of second tier commercial lots with little demand that they are looking for a better use for the commercial land directly south of Coborns. He stated that the quality of the homes would be as they constructed in Heritage Village and that single family homes in that area were not negatively affected in terms of their values. He stated that Heritage Village is now completely built out and the selling values of the units were from \$250,000 to the \$300,000 price range. He stated that their typical demographic is empty nesters but that they do not limit who can purchase their units. He stated that there would not be many two level units but most would be slab on grade two to three unit buildings. He stated that stormwater was already designed when the land was platted and that the same concerns were brought up during the platting process.

Todd Anderson, 503 Prague Court, asked what the sale price of the units would be.

Chris Witt, representative of Witt Properties as the applicant, stated that 430 Flag Boulevard is a 1,400 sq. ft. slab on grade unit that sold for \$260,000.

Chair Nuhring asked about the land south of Coborns and what could be constructed there if not rezoned.

Planning Director Ondich stated that it could be retail or offices which would have a much high traffic demand than 11 residential units.

Chair Nuhring asked about making the connection from 3rd Street to Alton Ave. SE.

Planning Director Ondich stated that this would be reviewed during the planned unit development and it could be that the connection may be warranted only when the single family homes south of 5th Street are developed, but that it would be reviewed by a traffic engineer.

Mr. Anderson stated that nobody is opposed to the medium density residential land north of Jillian Street SE. He stated that back in 2007 there was been residents that moved in knowing that the land would be single family. He stated that they simply do not want townhomes in their backyards. He stated that there is not another area of New Prague where townhomes abut single family homes in their backyards.

The public hearing was closed at 7:29 PM.

Commissioner Meyer stated that nobody is denying the rezoning of the commercial area directly south of Coborns and asked if the two areas for rezoning could be considered separately.

Planning Director Ondich stated that the request was for rezoning the area in total and that they could ask Witt if they would consider recommendations to rezone each area separately.

Mr. Jason Witt stated that it is not unprecedented to have townhomes in the backyards of single family homes in New Prague.

Commissioner Tuma asked about screening to the townhomes.

Planning Director Ondich stated that screening could be a requirement put in place during review of the planned unit development.

Mr. Jason Witt stated that they would do trees similar to what they have at Heritage Village.

Mr. Anderson stated that he is concerned about the trees that exist on the lot line between his lot and the subject area. He stated that he thinks the townhomes would be pushed back and cause a need for the removal of the tree line.

Mr. Jason Witt stated that he believes there is room to maintain the trees.

Commissioner Tuma asked if the areas would be association maintained.

Mr. Chris Witt stated that they would be professionally maintained.

Commissioner Goldade asked if rentals would be allowed.

Mr. Jason Witt stated that there are no rentals in Heritage Village. He stated that if the land was developed for single family homes they do not have covenants for the lots and that \$170,000 split level homes could be constructed on the lots if the zoning remained. He stated that there are a lot worse things that could end up in the resident's backyards then what they are proposing.

Mr. Anderson stated that there are covenants in the Prague Estates neighborhood and that single family home developments can be association maintained too.

Mr. Jason Witt stated that they have no covenants and that they would not and are not proposing single family homes to be association maintained like the townhomes would be.

Commissioner Tuma stated that the townhomes would be close to her house. She stated that the Heritage Village neighborhood has a nice feeling to it.

Mr. Chris Witt stated that the association for the townhomes would be uniformly maintained by an association and under the association's control. He stated that single family dwellings would not be in their control and that as of today some split entry homes could be built on the lots and not that they would be of poor quality but not of the same value as other homes in the neighborhood.

Chair Nuhring stated that the stormwater was a concern brought up earlier in the meeting.

Mr. Anderson stated that traffic was also brought up as a concern.

Mr. Jason Witt stated that the City and the City Engineer would need to review the stormwater and traffic plans again.

Commissioner Tuma asked what the timing of the project might be if it passes.

Planning Director Ondich stated that the next step would be review of a planned unit development proposal.

Mr. Jason Witt stated that they would like to be in the ground sometime this summer. He stated that they would propose lots of landscaping for the townhomes that back-up to the single family homes.

Mr. Chris Witt stated that a good comparison would be the trees between Heritage Village and Mala Strana.

Commissioner Goldade stated that he lives in the neighborhood by the high school on Music Street. He stated that he believes the townhomes proposed are quality units and that he could understand the concerns of the neighbors if the proposal was for two level attached units but that these units will fit in just fine as proposed.

A motion was made by Goldade, seconded by Tuma to recommend that the City Council approve the Comprehensive Plan Amendment and associated rezoning with the following findings supporting the comprehensive plan amendment:

1. Amending the future land use plan with the described changes will provide for additional life cycle housing in the form of “high end” townhomes which currently has a documented demand.
2. Removing 3.61 acres of commercial land from an undesirable location will not have an adverse effect on the overall commercial land use needs in the City.

and with the following findings supporting the rezoning request:

1. Rezoning the described properties will provide for additional life cycle housing in the form of “high end” townhomes which currently has a documented demand.
2. Rezoning 3.61 acres of commercial land in an undesirable location to RM Medium Density Residential Zoning will not have an adverse effect on the overall commercial land use needs in the City.
3. Rezoning the land described to RM Medium Density Residential Zoning will conform to the City’s Comprehensive Plan.

Motion carried (3-1 (Meyer)).

Commissioner Meyer stated that he believed the area south of 3rd Street SE should not change in terms of its existing zoning.

Mr. Anderson asked for clarification of the rezoning vote and stated he’s not arguing rezoning by Coborns and asked for the Planning Commission to listen to the homeowners in attendance.

Angela Sticha asked the Planning Commission to consider the owners of the townhomes are older and that she has young kids and once had an older neighbor who did not enjoy her kids. She stated if she had the choice to purchase a home with a young family behind them or a couple of retired people she would choose the house with children. She said that it isn’t just about the townhouses being beautiful and that they are not separate being in their backyard.

Mr. Anderson stated that the proposed three-plex is right in his backyard and that the value of the middle unit would probably only be \$150,000. He said that he is going from two homes to maybe five homes in his backyard. He then pointed at each Planning Commissioner and said if he knew where they lived and noted if they would or would not ever have a townhome in their backyard. He again stated that the Planning Commissioner should listen to the homeowners in attendance.

B. Public Hearing To Consider An Amendment To Conditional Use Permit #C9-2002 To Allow An Expansion To The Existing Car Wash Warehousing And Assembly Operation With The Addition Of A New Building, Located At 407 4th Ave. SW

Brian Dohm, applicant

Planning Director Ondich stated that Autowash Systems, Inc. is located at 407 4th Ave. SW and that they sell wholesale parts for car wash facilities. He stated that they have outgrown their existing facilities and are proposing to construct a 42' x 96' storage building. He stated that the original CUP was approved in November of 2002 and that it was most recently amended in 2006 to allow an addition to the main building. He stated that they have eight full time employees and other employees that work on job sites during the day. He stated that the current amendment to the CUP is needed as the 2006 amendment referenced a site plan dated 5/1/06. He stated that the property is zoned B-3 Highway Commercial and that light manufacturing and warehousing are specifically listed as conditional uses with adjacent land uses being all zoned B-3 Highway Commercial except some land on the east side of the railroad tracks being zoned I-1 Light Industrial and also some single family residential. He stated that the proposed building will meet all setback requirements. He stated that access to the site is from 4th Ave. SW via existing curb cuts and that there is a 20' wide private access agreement with the property to the north that allows access to the rear of the subject property and that the Dairy Queen has an agreement to use 7 parking spaces on the south side of the site. He stated that the existing site was required to have 9 parking spaces and that 4 additional spaces are required with the new building for a total of 13 spaces being required on site today. He stated that it appears there is paved area that can accommodate the 13 spaces but that they must be striped and one space must be ADA accessible. He stated that MnDOT is requesting that parking be limited near the highway to maintain visibility when entering and exiting the site. He stated that dating back to the original CUP there has been no outside storage allowed on the west side of the building and that a semi-trailer on the site must be removed once the new building is constructed. He stated that a garage enclosure is shared with Dairy Queen and it must have its door closed when not in use. He stated that no signage or lighting is proposed at this time and that the B-3 district does not have any building design requirements but that the building would match the existing building on the site today. He stated that new water and sewer services for the new building must be located outside of easement areas and that the City Engineer will need to review the site plan before construction can start. He stated that a full architectural code analysis must be provided for the existing and new buildings on the site and that the new building plans must be approved by a structural engineer. He stated that staff recommends approval of the amendment to the conditional use permit with the conditions and findings contained in the staff report.

The public hearing was opened at 8:17PM.

Joe Lambrecht, 2791 W. View Drive, stated that his brother Michael died in 2014 and was the owner of the property to the north of the applicant's property. He stated that he and his sister take care of the estate. He stated that he is not opposed to the staff

recommendation. He stated that around 2013 the property line to the north of the new proposed building had a slight slope for about 20' to the edge of the property and that now it's a 4' drop off at the property line which is a safety hazard. He stated that he believes a retaining wall or fence should be installed and that erosion caused by run-off water without it could be a problem. He stated that he would like to see a survey required for the property. He stated that he thinks the excavating actually cut into the property at 309 4th Ave. SW.

Brian Dohm, applicant, stated that he did cut down the property but that the cut was done entirely on his own property. He stated that the elevation will change along the property line with the new building and that no eroding has taken place in the years since he cut the elevation down. He stated that the new building will bring it back up to grade.

Mr. Lambrecht disagreed with Mr. Dohm and stated that the property markers show he went into his brother's property. He stated that his brother was very upset but was too sick at the time to fight the encroachment onto the property.

Kathy Smith, 509 Pershing Ave. N., asked what Mr. Dohm's plan was the remedy the situation.

Mr. Dohm reiterated that he did not excavate over the property line. He stated that he would have a retaining wall and that they also have the option to put up a fence along the property line. He stated that the retaining wall would not be very high so that a fence would probably not be necessary.

Ms. Smith asked how tall the retaining wall would be.

Mr. Dohm stated that it would depend on how the final grading works out.

Mr. Lambrecht stated that he would like a condition for something in the conditional use permit for the safety factor of the drop off and concerns for when maintaining the property at 309 4th Ave. SW to not fall off the edge of the drop off.

Ms. Smith stated that when her brother built his building he had to put a fence up.

Chair Nuhring asked if there are guidelines for reviewing the grading and cut.

Planning Director Ondich stated that the City had not yet received a final site plan to review but that one would be reviewed before construction on the building could begin.

Jeremy Dohm, 710 Heritage Trail NE, stated that he works with Brian Dohm and that the area where the building is proposed has to be level and they have their own run-off and erosion concerns and will need to comply with requirements.

Mr. Dohm stated that he admits there is a 5' drop off but reiterated that the grade is far from done along the north property line and they can't have erosion coming from

a bank into their new building so they will have to address it. He stated that he did the cut to prepare property just for open use and not in preparation for this new building initially.

Ms. Smith asked if the property would need to be surveyed.

Mr. Dohm stated that the property was just surveyed and described the location of the survey markers.

Mr. Lambrecht stated that their property runs right up to the edge of the cut.

Mr. Dohm stated that the cut is 5' away from the property line.

Ms. Smith asked about water run-off.

Mr. Dohm explained the current overland drainage on the lot.

Planning Director Ondich stated that the City Engineer would review the drainage on the site and that there could be limited options.

Mr. Dohm stated that there is a steep drop off to the railroad.

The public hearing was closed at 8:34PM.

A motion was made by Meyer, seconded by Goldade, to recommend that the City Council approve the amendment to Conditional Use Permit #C9-2002 to allow an expansion to the existing car wash warehousing and assembly operation with the addition of a new building located at 407 4th Ave. SW for the following reasons:

- A. The existing use and proposed new building will not create an excessive burden on existing parks, schools, street and other public facilities that serve the area because the expansion will not add any employees to the site.
- B. The proposed new building will be separated by distance of approximately 165' from the residentially used structure to the north which is also located in the B-3 Highway Commercial Zoning District and therefore will not be a deterrence to the development of the land.
- C. The structure and site will not have an adverse effect upon the adjacent residentially used property located to the north as the new building will match the existing structure on the site.
- D. The existing use and proposed new building are consistent with the purposes of the zoning ordinance, comprehensive plan, and the purposes of the B-3 Highway Commercial Zoning District in which it is located as the use for light manufacturing and warehousing is listed as a conditional use in the district.
- E. The proposed new building 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.
- F. The proposed uses will generate very little traffic, no additional employees will be added at this time, and therefore will not cause traffic hazard or congestion.

G. Adequate utilities 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 Conditional Use Permit is issued for a period of one year, and shall become null and void without further action from the Planning Commission or the City Council unless work commences within one (1) year of the date of granting the Conditional Use Permit.
2. The Conditional Use Permit is issued in accordance with the site plan dated 3/3/16 which is on file with the New Prague Planning Department.
3. The applicant, Brian Dohm, must comply with all recommendations of the City Engineer, Public Works Director, Building Official and MnDOT District 7.
4. There shall be no outside storage or garbage on the 4th Ave. SW side of any building on the site.
5. A 20' private easement access agreement in favor of the use by Lot 1, Block 1 Dohm Subdivision, across the south 20' of Lot 2, Block 1, Dohm Subdivision must be filed with the county and a copy given to the city after it is recorded providing access to the rear portion of the property before a final certificate of occupancy will be issued.
6. The existing garbage enclosure shared with the property owner to the south must have a gate or door installed on the front with a latching mechanism to keep it closed/locked when not in use.
7. The semi-truck trailer located on the north side of the building being used as storage must be removed from the site and shall not be allowed for storage space once the new building is occupied.
8. The thirteen 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 concrete or bituminous paved surface with a perimeter curb.
9. A parking layout plan must be submitted for any newly proposed parking areas, if any, and requires a tree planted every 30' along the perimeter of the parking lots adjacent to a side property line for any parking area that may be added to the site.
10. No vehicle parking is allowed within the first 15' of the property adjacent to TH13/21 so that sight distances for vehicles entering and exiting are maintained.
11. New water and sanitary sewer services for the new building will need to be located on private property and not within any public drainage and utility easement.
12. A full architectural code analysis must be provided for the new building by an architect because it is a commercial building and the existing structures on the site must also be included in said code analysis. The building must also be approved by a structural engineer and the new building must meet all requirements of the State Building Code with a building permit being obtained prior to starting construction.

Motion carried (4-0).

5. Miscellaneous

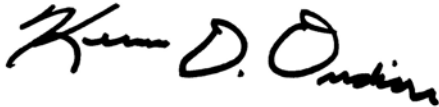
The following miscellaneous items were reviewed as information only:

- 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 Meyer, seconded by Goldade to adjourn the meeting at 8:38 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, stylized "K" and "O".

Kenneth D. Ondich
Planning Director