

Meeting Minutes
New Prague Planning Commission
Wednesday, August 26, 2015

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 Dan Meyer. Absent was Bob Gilman (Council Seat is Vacant).

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

2. Approval of July 22, 2015 Regular Meeting Minutes

It was moved by Meyer, seconded by Goldade, to approve the July 22, 2015 regular meeting minutes as submitted. Motion carried (3-0).

3. Old Business

A. None.

4. New Business

**A. Request for Variance #V3-2015 – Setback to Wetland for Deck Addition
Dean and Susan Roe, applicants**

Planning Director Ondich stated that the subject home is located at 702 Danube Circle NE and was constructed in 1999 and is located in a Common Interest Community. He stated that since the time the property was platted and constructed that a new zoning ordinance regulation took effect in 2002 that implemented a minimum 50' setback to a wetland edge. He stated that this property has a wetland edge concurrent with its rear property line and because of this the 50' setback now extends into the structure and over the entire existing deck which makes the structure and deck legal non-conforming structures. He stated that the applicants are proposing to add onto the existing 6' x 12' deck with another 6' x 12' section thereby increasing the overall deck size to 12' x 12'. He stated that the existing deck is 29.5' to the wetland edge and the deck addition would be 23' 11" to the wetland edge. He stated that decks normally only need to be setback 20' from a rear property line. He stated that the subject property is located in a Common Interest Community (CIC) and contains six twin home buildings. He stated that the southern portion on the property contains a large wetland area which was identified during the plat and the south property line for the homes was established concurrent with the wetland edge. He stated that since the wetland setback took effect that only the properties at 704, 702

and 700 Danube Circle NE are adversely affected as they are the closest to the wetland edge. He stated that the rule that took effect has negatively affected the properties. He stated that the applicants note that their deck is not large enough for a table and chairs as it exists today and that a 12' x 12' deck would allow them a deck similar to others in the development. He stated that staff recommends approval of the variance with the findings listed in the staff report.

Dick Swanson, present of the townhome association where the subject property is located, stated that the association endorses what the applicant wants to do with their deck including approval of the variance. He provided some additional background information on the plat, past flood studies and the flood area by the development.

A motion was made by Goldade, seconded by Meyer to recommend that the City Council approve Variance #V3-2015 from the required 50' wetland setback to 23' 11" to allow for the construction of an addition to an existing deck located at 702 Danube Circle NE with the following findings:

- A. The requested variance to allow the proposed deck addition to be located at 23' 11" from the delineated wetland edge is in harmony with the general purposes and intent of this Ordinance because residential structures with decks are a permitted use in the RM Medium Density Residential Zoning District.
- B. The requested variance to allow the proposed deck addition to be located at 23' 11" from the delineated wetland edge is consistent with the comprehensive plan because the subject property including the existing home with a deck addition is a permitted use in the RM Medium Density Residential Zoning District and the variance would provide for a small, but more usable deck than the 6' deep deck that exists at this time.
- C. The applicants will continue to use the property in a reasonable manner as the only change is to add a 6' x 12' addition onto an existing 6' x 12' deck while encroaching only a few additional feet into the wetland setback.
- 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 home was constructed in 1999 and the 50' wetland setback went into effect in 2002 and instantly made the subject property (and the two adjacent homes) a legal non-conforming structure due to the setback no longer being met.
- E. The variance does not alter the essential character of the neighborhood because the subject property and condominium association neighborhood was developed prior to the adoption of the 50' wetland setback and other homes in the area have decks which are as large as or larger than the proposed deck but which meet setback requirements due to their location in the neighborhood away from the wetland area.
- F. The variance requested is the minimum variance which would alleviate the practical difficulty because it would allow a small 6' deep addition to the existing

6' deep deck which is not currently practical for the placement of a small table and chairs.

Motion carried (3-0).

**B. Final Plat – New Prague Business Park 11th Addition
City of New Prague EDA, applicant**

Planning Director Ondich stated that the City Council approved the preliminary plat of New Prague Business Park 11th Addition at their August 3, 2015 meeting. He stated that approval of the preliminary plat was contingent upon 13 conditions and that all the conditions have been addressed including that the final plat is in accordance with the preliminary plat, the final plat is being filed within 12 months of approval of the preliminary plat, the City Attorney has reviewed the final plat and has approved a consent to plat document being obtained from Xcel Energy, construction plans will be finalized by the end of August for future improvements including storm sewer and roadways and finally that a wetland replacement plan process will be finalized before the City Council reviews the final plat. He stated that the wetland replacement plan for the two small wetlands which total .22 acres has been drafted and is being reviewed by the TEP panel. He stated that replacement is proposed through the purchase of .4447 acres of wetland credits from the German Settlement Bank which is in the same county and bank service area. He stated that the EDA approved a purchase agreement for the wetland credits at their August 12th meeting. He stated that approval of the wetland delineation and replacement plan will occur prior to final plat approval by the City Council. He stated that staff recommends approval of the final plat with the findings and conditions listed in the staff report.

A motion was made by Meyer, seconded by Goldade to recommend that the City Council approve the Final Plat of New Prague Business Park 11th Addition with the following findings:

1. The plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirements of the I-1 Light Industrial Zoning District in which it is located.

And with the following conditions:

1. Approval is granted in general accordance with the Final Plat drawing on file with the New Prague Planning Department, subject to any conditions identified below.
2. 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.
3. Construction plans must be reviewed and approved by the City Engineer, Public Works Director and Planning / Community Development Director prior to construction of improvements.
4. Approval of the wetland delineation and wetland replacement plan must be made by the City Council prior to execution of the Final Plat.

5. Park Land Dedication payments in lieu of land dedication will be collected at the time of building permit issuance. The land dedication is based on the equivalent of 282 sq. ft. of land multiplied by the number of employees expected to work at the establishment based on a fair market value of the land at \$56,207.48 an acre.
6. Development fees including the WAC Charge, Sidewalk Fee, and Siren Fee are required to be paid at the time of final plat approval.
7. An 8' wide bituminous trail along the north side of 6th Street NW will not be required to be installed until more than half of the lots are occupied and will be installed at the City's expense.)
8. The extensions of 6th Ave. NW and 8th Ave. NW will not be required to be completed until a later date.

Motion carried (3-0).

5. Miscellaneous

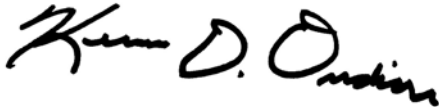
The following miscellaneous items were reviewed as information only:

- 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.

6. Adjournment

A motion was made by Meyer, seconded by Goldade to adjourn the meeting at 7:24 p.m. Motion carried (3-0).

Respectfully submitted,



Kenneth D. Ondich
Planning Director