

Meeting Minutes
New Prague Planning Commission
Wednesday, March 26, 2014

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Planning Commission Chair Bob Gilman with the following members present: Jay Nuhring, Dan Meyer and Mark Bartusek. Absent was John Roos.

City Staff Present: Ken Ondich – Planning Director

2. Approval of February 26, 2014 Regular Meeting Minutes

It was moved by Meyer, seconded by Bartusek, to approve the February 26, 2014 regular meeting minutes and as submitted. Motion carried (4-0).

3. Old Business

A. None.

4. New Business

A. Conditional use Permit Request #C1-2014 – Auto Body Repair Shop – City’s Edge Collision and Glass, Inc., applicant

Planning Director Ondich presented the staff report. He stated that City’s Edge Collision and Glass, Inc. is proposing to construct an auto body repair shop at 806 1st Street SE which is a vacant lot. He stated that the property is zoned B-2 Community Commercial which was established in the year 2000 in conformance with the Comprehensive Plan along with the residential zoning of the property to the south. He stated that the residential homes to the west were rezoned from B-2 Community Commercial to RM Medium Density Residential in 2003 per the owner’s request. He stated that the proposed site was home to the Dr. E.E. Novak Barn until it’s demolition in 2010. He stated that City’s Edge is in their 13th year of business and that they plan to have 4-5 office staff and 6-7 in the production area at full potential. He stated that they plan to operate from 7AM to 6PM Monday through Friday and would plan to work on an average of 30 cars per week. He stated that the building is proposed at 11,100 sq. ft. with 1,000 of the sq. ft. being office area. He stated that the proposed use is specifically listed as a conditional use in the B-2 Community Commercial Zoning District. He stated that two curb cuts to the site are proposed with the west curb cut needing a shared access and easement agreement to be used. He stated that the proposed use requires 13 parking spaces but they have provided 20 total. He stated that the front parking area would be used primarily for customers and the rear parking area would be fully screened and be used for employees and damaged cars that are waiting for repair. He stated that the site requires screening to the adjacent residential properties per the zoning ordinance at a

minimum height of 6' tall. He stated that the site plan shows the appropriate screening which includes a 6' tall wood fence along with various trees and shrubs while maintaining a minimum of 25' of access to the pond for maintenance purposes. He stated that the building must meet the design requirements of the zoning ordinance and that as proposed with the tinted exposed aggregate block and rock faced block being used along with varying colors and roof line variations it meets the requirements. He stated that signage and lighting would also need to meet ordinance requirements such as glare to the adjacent residential properties. He stated that all requirements of the building official, public works, and city engineer must be complied with. He stated that all hazardous materials generated at the site must be disposed of in accordance with state and federal laws including venting of the paint booth to remove odors and emissions. He stated that staff recommends approval of the proposed request with the findings and conditions listed in the staff report.

The public hearing was opened at 6:54PM.

An e-mail from Jeanette Becker dated 3/19/14 to Planning Director Ondich was included in the staff report and was read into the record which stated: Once again a public hearing when many people are away, that this concerns. I am opposed to this type of business located at Lot 3, Block 3, Prague Estates and when did Prague Estates become a business zone? The house on the corner was there long before you decided to zone the street commercial. If you go ahead with this proposal there would have to be a berm with trees planted in the back and west of the building. Paint odors and excess noise are a big concern and having wrecked cars standing around also. You also need to make certain that there won't be paints and cleaning liquids entering the ditch. Litter has been a problem for the ditch all along, although it has been better the last year or so. I hope this will count as written comments as I didn't receive this letter soon enough to send snail mail. Sincerely, Jeanette Becker.

Margaret Kartak, 301 Fiddler Court SE, stated that she is a resident to the south of the proposed use. She stated that she has a concern about the parking area on the south side of the building, even though it would be fenced in, which is indicated to be employee parking but now is hearing that it may also be used to park damaged vehicles.

Randy Sobotta, applicant and owner of City's Edge Collision and Glass, stated that the proposed building would have a 20' wide area in the middle of the shop for bringing in vehicles after hours. He stated that scheduling is an important aspect of the business to avoid excess storage of vehicles. He stated that he has been in the business for 35 years and the last 25 of those years as a manager. He stated that there will be times when vehicles will be brought to the site after hours and they would be brought to the rear parking area.

Margaret Kartak stated that she is concerned about damaged vehicles that are brought to the site which might be leaking fluids and is concerned about them draining into the pond.

Randy Sobotta stated that if a vehicle is heavily damaged that the fluids have likely already leaked out of the vehicle by the time they arrive at their shop.

Commissioner Bartusek stated that there is more fluids leaking in the Coborn's parking lot from functioning vehicles than from the proposed auto body shop.

Planning Director Ondich stated that the City Engineer had reviewed a preliminary site plan and would be fully reviewing the construction plans for stormwater requirements. He stated

that stormwater ponds are actually designed to treat stormwater runoff from streets and parking lots.

Commissioner Bartusek added that the ponds occasionally need to be dredged and the material removed disposed of appropriately.

Margaret Kartak asked about the hazardous waste created at the site and how that would be handled.

Randy Sobotta stated that hazardous waste is heavily regulated and that certainly items have to be stored on site and removed only by approved companies and records must be kept of all materials. He stated that they also have to have a hazardous waste generators license from the state.

Margaret Kartak stated that she would suggest that the dumpster be moved to a location more visible to the operators of the business so they can see more readily when materials start to blow out of the dumpster area and asked if it could be moved.

Planning Director Ondich stated that the City's zoning ordinance only requires the dumpster to be screened and located outside of easements so that it could be placed elsewhere on the site should the applicants choose to do so.

Margaret Kartak asked how the trees and fence would be maintained or just installed and not monitored.

Randy Sobotta stated that as owners they will take care of the trees just as they would at their home.

Marv Deutsch, owner of the adjacent East Town Plaza Strip Mall, stated that he believes City's Edge runs a good business. He stated that he is glad to see on the plan that it will be screened to the residential area and that will also bring people to the area. He stated that he is not opposed to the proposed business. He stated that he would be concerned about future owners of the property if it's ever sold and how they might maintain the property. He stated that he understands why the neighbors would be concerned but noted that the waste generation is heavily regulated. He asked if there would be night or weekend drop off of vehicles.

Randy Sobotta stated that it would not be often that night or weekend drop offs would occur. He stated that as discussed with City staff that there will be no damaged vehicles sitting out front of the building for more than 24 hours at a time. He stated that they currently work in cramped quarters at their current location with a total of only 5 stalls and no center aisle as they would have in the new building which would hold 2 vehicles across throughout.

Marv Deutsch asked if parts cut off of vehicles would be stored outside.

Randy Sobotta stated that they don't have a final plat yet on where they will store such parts but noted that they do not want complaints and that they will address the matter.

Joe Geiger, 207 7th Street SE, stated that he lives to the west of the proposed business and that City's Edge has been in business 15 years and that they run a quality business. He stated

that he likes that they are installing a 6' tall fence. He stated that he would also be concerned if Mr. Sobotta sells the business that the next owner will take care of it as nicely. He stated that he had questions about the lights on the site.

Wayne Jeske, architect for City's Edge, stated that there are only lights on the building proposed at this time and there would be no light poles, just wall packs. He stated that the City has specific lighting standards to follow.

Joe Geiger stated that he wants to make sure the fence is maintained and that his sister lives directly to the west.

Julie Litzau, 804 1st Street SE, asked about screening on the west side of the building and out to the street.

Planning Director Ondich stated that screening is not required on the front yard of a commercial site which is why there was not screening between the building and street and further because of the shared driveway access that may or may not be included in the final plat. He stated that should the shared access not be included in the final plat they will need to install trees at a 30' spacing along that side of the parking lot. He stated that the building is setback at about 10' from the side lot line which limits the screening that can be provided but that the City is allowing trees to be planted in the easement area anyways.

Kris Huhner, 308 10th Ave. SE, stated that she has concerns about the trash, particularly with the situation that occurred at ALCO last year. She also asked about what sort of noises they might expect to hear from the shop.

Randy Sobotta stated that the current operation of an auto body repair shop is misrepresented today from what it used to be. He stated that today it involves mostly replacement of parts rather than repair. He stated that he and his wife decided to install air conditioning in the building to keep the noise levels down in the area because the doors won't be open. He stated it would have been nice to keep the doors open but wants to spend the money to get along with the neighbors.

Kris Huhner stated that the ALCO lights are bright and stated that she believed the site would have to somehow be light for security purposes and to prevent vandalism. She stated that she doesn't know much about zoning but that it seemed odd to place an auto body repair shop in this area.

Randy Kubes, representative for the lot owners LeRoy and Jean Geiger, stated that his clients developed the initial portion of the Prague Estates Development and that this was one of the last properties that they own. He stated that they have had other interested parties in the past such as Dollar General who had a signed purchase agreement on the site. He stated that there was a past retail study done of New Prague which noted that automotive related businesses were needed. He stated that the proposed business is owned by local entrepreneurs and that they want to build a good product on a good lot in a good building. He stated that the auto body repair business is not what it once was and that it's mostly plastic parts and not so much metal repair. He stated that he believed the applicants would be putting in an attractive building. He stated that lighting on the site is important and that they can do the appropriate lighting. He stated that they are an entrepreneurial couple which the City should be supportive of. He stated that the 30 cars they will be working on each week will be less than

200 cars a day that a retail building could have brought onto the site and therefore the proposed use is less intrusive.

The public hearing was closed at 6:27PM.

Commissioner Bartusek stated that the City Council is well aware of the issues that occurred at ALCO last year and that it was taken care of after going through the appropriate process because it involved an out of state business owner. He stated that he will be driving by the site multiple times a day and will certainly see if trash is ever an issue. He stated that he does not have an issue with the proposed business at all.

A motion was made by Bartusek, seconded by Meyer, to recommend that the City Council approve Conditional Use Permit #C1-2014 to allow an automobile repair (major) business to locate at 806 1st Street SE in the B-2 community commercial zoning district, conditions for the following reasons:

- A. The proposed use of the property as an automobile repair (major) business will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the site will generate little traffic on a daily basis and have under 15 employees.
- B. The property is located directly adjacent to residential property on the south and west sides, however the proposed building will be separated by a minimum of 70' to the nearest residential structure to the west and 130' to the nearest residential structure to the south and will be screened in accordance with the Zoning Ordinance for commercial businesses adjacent to residential properties.
- C. The site will be appropriately screened from the adjacent residential properties to avoid adverse effects and will also be constructed of high quality materials as required by the Zoning Ordinance.
- D. The use is reasonably related to the overall needs of the City and to existing land use, as it will provide an automobile repair business for area residents within an appropriate commercial zoning district.
- E. The proposed automobile repair (major) business is consistent with the purposes of the Zoning Ordinance and the purposes of the B-2 Community Commercial Zoning District as the proposed use is specially listed and guided to the B-2 district as a conditional use.
- F. The proposed automobile repair (major) 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 automobile repair (major) business will generate very little traffic and therefore will not cause traffic hazard or congestion.
- H. Adequate utilities and access roads have been provided to the site.

And with the following conditions:

1. Development of the site must be in general accordance with the site plan and landscaping plan dated 3/19/14 which is on file with the New Prague Planning Department.

2. Development of the building must be in general accordance with the building elevations dated 3/19/14 which is on file with the New Prague Planning Department.
3. The 13 minimum 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 paved surface, as required by Section 717 of the New Prague Zoning Ordinance prior to operation of the automobile repair business.
4. Should the west side shared curb cut stay in the plan, the City requires execution of a shared access and easement agreement between the applicant and the residential property owner to be recorded with LeSueur County and a copy of the recorded agreement provided to the City prior to occupancy.
5. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
6. All lighting must conform to Section 704 of the Zoning Ordinance.
7. 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 and shall be emptied by licensed waste disposers at least once per week.
8. All waste oil and other hazardous materials generated at the site shall be disposed of in accordance with applicable state and federal laws, and the applicant shall obtain any permits required by the county, state or federal government.
9. There shall be no exterior storage allowed on the site other than vehicles waiting for repair or pickup which are parked in paved and striped parking stalls. Damaged vehicles shall not be parked in spaces located between the building and street for more than 24 hours.
10. All vehicles awaiting repair shall be stored inside the building or within an area which is fully screened, beyond the first 24 hours of arriving at the site.
11. The building must meet all requirements of the Minnesota State Building Code and Minnesota State Fire Code for the proposed automobile repair business.
12. Venting of the paint booth area must meet requirements of the Minnesota State Mechanical Code.
13. All recommendations of the New Prague Public Works Department and City Engineer must be complied with prior to construction.
14. All repair work shall be done within an enclosed building. Doors to repair service bays shall be closed when providing repair services to vehicles, except for conveyance into and out of service bays.
15. The outdoor storage of salvage vehicles, motor vehicle parts, and debris is prohibited.
16. There must be no public address system on the property.
17. The grounds and all structures shall be maintained in a clean and safe manner at all times.

Motion carried (4-0).

5. Miscellaneous

The following miscellaneous items were reviewed as information only:

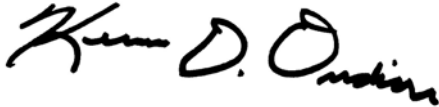
- A. Monthly Business Update – Planning Director Ondich provided the Monthly Business update to the Planning Commission that had been provided to the EDA earlier in the month.

- B. Historic Downtown New Prague Reconnaissance Survey Project – Grant from the Minnesota Historical Society – Planning Director Ondich stated that the City had been awarded a \$10,000 grant from the Minnesota Historical Society for a Historic Downtown New Prague Reconnaissance Survey which would document the buildings in the downtown area.

6. Adjournment

A motion was made by Bartusek, seconded by Meyer to adjourn the meeting at 7:46 PM. 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".

Kenneth D. Ondich
Planning Director