

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, May 27, 2015**

**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: Dan Meyer and Mark Bartusek. Absent were Jay Nuhring and John Roos.

City Staff Present: Ken Ondich – Planning Director

**2. Approval of April 22, 2015 Regular Meeting Minutes**

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

**3. Old Business**

**A. None.**

**4. New Business**

**A. Interim Use Permit Request #I1-2015 – Vehicle / Equipment Sales Lot at 442 / 450 W. Main Street  
Rick Pexa, applicant**

Planning Director Ondich stated that Rick Pexa recently purchased the properties located at 442 and 450 W. Main Street from Frandsen Bank and Trust. He stated that the properties were the site of an old feed mill with various outbuildings as well as an old single family home until they were demolished in 2010. He stated that the property has remained vacant since the demolition due to development costs that could include improvement of 5<sup>th</sup> Ave. SW for access and new curbing along TH19. He stated that Mr. Pexa is proposing to use the site for a vehicle and equipment sales lot for cars, trucks, boats, snowmobiles, campers, etc. on the existing unpaved ground. He stated that the request as an Interim Use Permit would be the first request in the City but that it is fitting considering no improvements are proposed to the site at this time and would allow full development for a higher and better use in the future. He stated that Interim Use Permits have a defined end date or end event. He stated that the property is zoned B-3 Highway Commercial and that motor vehicle and recreation equipment sales is specifically listed as a conditional use. He stated that interim uses are considered if they are to be of the same general character as the permitted and conditional uses listed and found not to be detrimental to existing uses and the general public health, safety and welfare. He stated

that staff believes that the proposed sales lot fits well as an interim use with no physical improvements being made to the site to allow for full development in the future. He stated that future development of the site will require platting of the property and likely the improvements of the currently gravel 5<sup>th</sup> Ave. SW on the west side for access. He stated that adjacent property to the west is zoned RM Medium Density Residential and property to the north, south and east is zoned B-3 Highway Commercial. He stated that the specific proposal would designate two rows of parking which are setback 15' from both the property lines along TH19 and 5<sup>th</sup> Ave. SW on the existing grass surface. He stated that a sign would be installed on the NW corner of the site which would be lit by solar lighting and have some landscaping around the sign. He stated that the site is currently accessed through one large curb cut to TH19 on the north side as well as from 5<sup>th</sup> Ave. SW on the west side and that no changes are proposed to the accesses. He stated that MnDOT noted that when future improvements to the site are pursued that MnDOT will require a permit and will also consider requiring modifications to the curb cuts on TH19. He stated that staff is recommending a condition that vehicles and equipment only be brought to and from the site via 5<sup>th</sup> Ave. SW to avoid potential traffic conflicts on TH19. He stated that Philipps Creek serves as the southern property line for the property which is a DNR protected waterway. He stated that FEMA has identified an area near the creek as a federally protected floodplain. He stated that the City requires the first 40' from the creek to be a buffer, which is a no mow area, for the reduction of sedimentation getting into the creek and an additional 10' setback from the buffer to any future proposed buildings. He stated that the DNR has not provided any specific comments on this request at this time. He stated that a sign is proposed to be located in the northwest corner of the site and will be lit only by solar powered lights. He stated that a separate sign permit is required for the sign. He stated that no site lighting is proposed at this time. He stated that Section 707 of the Zoning Ordinance normally requires screening when adjacent to a residentially zoned area however in this case the use is temporary and will sit at a much lower elevation than the townhomes to the west so staff believes that screening is not necessary at this time. He stated that the City Engineer has no concerns with the proposal as no site improvements or changes are being made and public works was only concerned about mud and debris that might leave the site and potential for leaking gas and oil which was noted to be handled by a buffer to the creek and a condition will be added to the permit requiring the property owner to clean up any mud and debris that might be carried out onto the adjacent streets from the site. He stated that access also must be maintained to the electric switch on the NW corner of the property. He stated that staff recommends approval of the interim use permit with the findings and conditions listed in the staff report.

The public hearing was opened at 6:53PM.

Elizabeth Sticha, 105 5<sup>th</sup> Ave. SW, stated that she lives on 5<sup>th</sup> Ave. SW and that there is plenty of traffic already on 5<sup>th</sup> Ave. SW today. She stated that dust is a concern with the existing traffic. She stated that the driveway to the subject site is almost directly across from her driveway. She stated that more traffic will be added due to the proposal and wondered what the City was going to do about it.

Rick Pexa, applicant, stated that he would intend to use the same existing approach into the site from 5<sup>th</sup> Ave. SW which is just north of Ms. Sticha's driveway.

Planning Director Ondich stated that the City is more than happy to come out and look at the road for dust control regardless of the proposed use and that 5<sup>th</sup> Ave. SW is one of the few gravel roads left in the City. He also stated that he could ask the Police Department to monitor 5<sup>th</sup> Ave. SW for speeding vehicles.

Joni Glynn, 500 W. Main Street, stated that she is the first condo unit closest to the site and that she has lived there for 18 years. She stated that she is concerned about the vehicles being parked on the grass and how the site would be mowed without moving vehicles. She also agreed with Ms. Sticha that there is a lot of traffic on 5<sup>th</sup> Ave. SW and that once and a while police will sit on the corner. She stated that she doesn't know who drives on 5<sup>th</sup> Ave. SW but it's an everyday occurrence and sometimes during the middle of the night around bar closing and in the morning. She stated that four wheelers also drive on 5<sup>th</sup> Ave. SW and that the road is in poor shape with washouts.

Mr. Pexa stated that he has a lawn mowing service which will come onto the site to mow and would weed ship up to and under the vehicles and if it necessitated, he would have for vehicles to be moved for the purposes of mowing. He stated that there will be maybe 10 to 15 cars a month parked on the site and that people wishing to look at the vehicles would most likely just park in the parking lane on Main Street adjacent to the site rather than pull into 5<sup>th</sup> Ave. SW to park and look at the vehicles.

Commissioner Bartusek asked if the City has a grader or if the City pays Lanesburgh Township to grade 5<sup>th</sup> Ave. SW as needed. He also asked that the concerns be passed along to the Police Chief.

Mr. Pexa stated that he would additionally be planning trees along the boulevard of 5<sup>th</sup> Ave. SW and that he wants to be a good neighbor and make the site look nice. He stated that it seemed the neighbors were most concerned about speeding vehicles and dust on 5<sup>th</sup> Ave. SW which were issues that the City could look into.

Ms. Glynn stated that she is concerned about her view from her townhome.

The public hearing was closed at 7:07PM.

A motion was made by Bartusek, seconded by Meyer, to recommend that the City Council approve Interim Use Permit #I1-2015 to allow a vehicle / equipment sales lot to locate at 442 / 450 W. Main Street in the B-3 Highway Commercial Zoning District for the following reasons:

- A. The proposed interim use as a vehicle / equipment sales lot will utilize property where it has not been economically feasible at this time to fully develop it as provided by the City's Comprehensive Plan and Zoning Ordinance.
- B. The proposed interim use as a vehicle / equipment sales lot will be acceptable until the time at which the property is platted and further site improvements are made including a building and parking lot.

- C. The proposed interim use as a vehicle / equipment sales lot will not hinder permanent development of the site as it will not include any permanent improvements to the site.
- D. The proposed interim use as a vehicle / equipment sales lot will not adversely impact implementation of the Comprehensive Plan as the use will not include any permanent improvements to the site and will allow easy redevelopment in accordance with the Comprehensive Plan.
- E. The proposed interim use as a vehicle / equipment sales lot will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as the use is listed as a conditional use in the B-3 Highway Commercial district and will not cause much of any demand on traffic and no demand on utilities in the area.
- F. The proposed interim use as a vehicle / equipment sales lot will not create an excessive burden on existing parks, schools and street or other public facilities as the site would involve vehicles and equipment only occasionally being brought to the site to be parked and only occasional stops by customers to the site.
- G. The proposed interim use as a vehicle / equipment sales lot does not require any utilities, site drainage will not be altered from existing conditions and the currently gravel 5<sup>th</sup> Ave. SW can serve as an adequate access road into and out of the site.
- H. The proposed interim use as a vehicle / equipment sales lot will terminate upon the platting and development of the property in accordance with the City Subdivision Ordinance and Zoning Ordinance.
- I. The proposed interim use as a vehicle / equipment sales lot will not impose additional costs on the public if it is necessary for the public to take the property in the future as no permanent improvements are being made to the site.

And with the following conditions:

- 1. The Interim Use Permit for the vehicle / equipment sales lot shall terminate upon the platting and development of the property under the regulations of the City Subdivision Ordinance and Zoning Ordinance.
- 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. Vehicles and equipment are only allowed to park in the areas generally designated on the Detail Map dated 5/21/15 on file with the New Prague Planning Department which requires the vehicles to be no closer than 15' to any property line along a public right of way.
- 5. The site shall only be accessed via 5<sup>th</sup> Ave. SW on the west side of the site for vehicles and equipment arriving at and leaving the site.
- 6. Access to the electric switch on the NW corner of the site must remain accessible at all times.
- 7. The first 40' from the edge of the creek should be left as a no-mow area to provide a buffer as required by the City's Zoning Ordinance.

8. Should any mud or debris be deposited onto adjacent roads from vehicles and equipment exiting the site, the property owner shall be responsible for the clean-up of said mud or debris.
9. Any requirements by the DNR or MnDOT shall be complied with.

Motion carried (3-0).

## 5. Miscellaneous

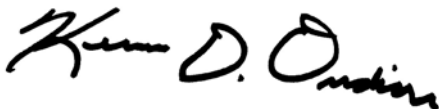
The following miscellaneous items were reviewed as information only:

- A. Update on Industrial Park – Planning Director Ondich provided an update on the Industrial Park by providing a schedule of events from the recent annexation through the platting process.
- B. 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.
- C. Thank You to John Roos for Serving on the Planning Commission – Planning Director Ondich and the Planning Director thanked John Roos for serving on the Planning Commission and noted that had he been in attendance it would have been his last meeting. He stated that Matthew Goldade was appointed as the new Planning Commissioner.

## 6. Adjournment

A motion was made by Meyer, seconded by Bartusek to adjourn the meeting at 7:17PM. Motion carried (3-0).

Respectfully submitted,



Kenneth D. Ondich  
Planning Director