

Meeting Minutes
New Prague Planning Commission
Wednesday, June 26, 2024

1. Call Meeting to Order

The meeting was called to order at 6:31 p.m. by Vice Chair Brandon Pike with the following members present: Jason Bentson, Brandon Pike, and Ann Gengel. Absent were Dan Meyer and Shawn Ryan (arrived 6:32pm).

City Staff Present: Ken Ondich – Planning / Community Development Director, and Kyra Chapman – Planner

2. Approval of Meeting Minutes

A. May 22nd, 2024 Regular Meeting

A motion was made by Bentson seconded by Gengel to approve the May 22nd regular meeting minutes. Motion carried (3-0).

Ryan arrived at 6:32pm.

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Preliminary Plat of Stienessen Addition for 3 Lots on 4.1 Acres

Planning Director Ondich introduced the Preliminary plat for Stienessen Addition to convert one lot into three lots on 4.1 acres in Le Sueur County R1 Urban/Rural Residential Zoning District. Ben Stienessen, the applicant, currently owns one residential home and one outbuilding. The plat would create two additional lots that would be sold off for home construction. Two of the three proposed lots (Lots 1 and 2) do not meet Le Sueur County's minimum lot requirements. Le Sueur County has a minimum lot width of 150', minimum lot depth of 260', and minimum lot area of 40,000 sq ft. Lot 1 requires a variance from the County for lot width (129.48'), depth (238.40') and area (32,051 sq ft) while Lot 2 requires a variance for lot area (39,174 sq ft). On Jun 20th, the variances were approved by Le Sueur County. Although the land is being platted outside of New Prague city limits, the City has the platting authority to review the plat due to the extraterritorial subdivision authority to regulate growth areas within 2 miles of the city. Access to the existing home will remain from 15th St SW while the two new lots will be accessed from Ridge Drive SW. The proposed plat would dedicate

33' of right of way for the existing township road known as 15th St SW. Fees related to park dedication, emergency warning siren, water access charge and sidewalk payment must be paid after the property is annexed to the City in the future.

A motion was made by Ryan seconded by Bentson to open the public hearing at 6:43pm. Motion carried (4-0).

George Buechler at 487 Maplewood Cir SW asked if lot 3 was going to be added to the existing rental property or if it would become a separate lot. If it's not connected, there would be concern for access to that lot.

Ben Stienessen from 211 2nd St SE stated that lot contains the rental house and that there's not a separate lot being created north of the house.

Buechler inquired about the additional septic tank.

Stienessen mentioned that every lot has two septic tanks.

Planning Director Ondich explained that if there are failures with the first septic site, there's a backup.

Buechler inquired about the zoning of the lots.

Planning Director Ondich replied that the preliminary plat review is done by the city and that zoning is reviewed by the County. The properties are currently zoned as RL Urban/Rural Residential Zoning District.

A motion was made by Ryan seconded by Bentson to close the public hearing at 6:45pm. Motion carried (4-0).

A motion was made by Pike seconded by Bentson to recommend approval of preliminary plat of Stienessen Addition with the findings and the conditions contained in the staff report.

B. Request for Conditional Use Permit #C2-2024 – Outdoor Patio for Eating & Drinking at 103 Main St

Planner Chapman explained that R&D Management, LLC has applied for a conditional use permit to allow outdoor seating at the Outlaw Saloon (103 Main St W) located in the B1-Central Business District. The patio is intended to be built on the north side of the property with a 6' tall fence encompassing 756 sq ft (42' x 18'). The far northern section of the patio will have a smaller area that is fenced in to store chairs. There will be a 6' wide walkway to the west of the building. Staff recommend a minimum fence height of 6' tall due to the proximity of Central Plaza and the parking lot and to prevent individuals from passing alcohol over the fence. According to Zoning Ordinance 733, no additional parking will be needed if there will be 30 or more outdoor seats. The applicant intends to have 20-25 outdoor seats. No external live or recorded music may continue after 10pm at the outdoor patio.

Gengel inquired about not being able to enter from the emergency exit.

Planning Director Ondich responded that individuals must enter the building first to get to the patio. The main reason is that businesses can track whose going in and out of the patio.

Bentson asked for clarification on smoking on outdoor patios.

Planning Director Ondich stated that if the business wanted to allow outdoor smoking on the patio that could be allowed. Under the Clean Indoor Air Act, if there is a roof and 50% of the walls were enclosed, the business would not be allowed to do that. The business can decide to ban or allow smoking of tobacco or cannabis.

A motion was made by Pike, seconded by Ryan to open the public hearing at 6:56pm. Motion carried (4-0).

Charles Svoboda from 105 Main St W stated that his building shares walls with the Outlaw Saloon. His building has an office and has tenants. He had concerns regarding outdoor noise.

Rob Krautkremer the applicant from 103 Main St W mentioned that his walkway was originally going to be positioned on the east side of the building. However, to buffer some of the noise, the walkway was positioned to the west.

Ryan inquired if the 10pm requirement only applies to live music.

Planning Director Ondich stated that live external or recorded music cannot continue after 10pm.

Ryan asked if this would similarly apply if there was music playing indoors but the door is propped open.

Planning Director Ondich said that the door would have to be closed.

Krautkremer mentioned that there will rarely be live outdoor music but if it were, it would be on a Sunday afternoon from Charlie Sticha. There will be indoor speakers that will be controlled to a certain volume for background noise.

Pike inquired about the fence plan.

Krautkremer intends to build a fence around the patio, which will abut the existing fence at Central Plaza. There will be a 1' gap between the Central Plaza's fence and Outlaw Saloon's fence.

Gengel inquired on the timing of the project.

Krautkremer explained that all the materials have arrived. They intend to get working on the project as soon as possible.

Pike asked about the garbage containers.

Krautkremer mentioned that the garbage bins will be placed in the northern fenced in area. There are gates inside the patio and out to the parking lot to easily haul the refuse.

Pike inquired if there were any concerns with having a 6' tall fence near the handicap parking stalls.

Planning Director Ondich explained that the handicap parking stalls were planned, meeting ADA requirements for Central Plaza.

A motion was made by Pike, seconded by Gengel to close the public hearing at 7:06pm. Motion carried (4-0).

A motion was made by Bentson, seconded by Gengel to recommend approval of C2-2024 to allow an outdoor patio at 103 Main St W in the B1-Central Business District. Motion carried (4-0).

C. Request for Variance #V3-2024 – Density and Parking for 54 Unit Apartment Building at 102 Chalupsky Ave SE

Planning Director Ondich introduced V3-2024, requesting a RH High Density Residential Zoning District density and parking requirements variance to construct a 54-unit apartment building as proposed by Ten Nineteen Development, LLC. In April 2024, the City submitted an application for the Minnesota Housing Finance Agency's Workforce Housing Development Program, which could provide a maximum of \$499,999 towards the project. In 2020, the site was approved for rezoning from B-2 Community Commercial Zoning to RH High Density Residential Zoning and for setback variances for a 43-unit apartment building. Ten Nineteen Development is proposing a 54 unit building in the same footprint as the proposed 43-unit building. The old plan had much larger apartment units, whereas the new plan has a balanced unit mix. There will be 8 alcove units, 26 one-bedroom units, 7 one-bedroom and den units, and 8 two-bedroom units, and two-bedroom and den units. The zoning ordinance currently allows 32 units per acre for high density multifamily dwellings. The site is 1.35 acres in site, allowing 43 units. The zoning ordinance also requires 2 parking spaces per apartment unit regardless of unit type. The applicant is requesting 54 apartment units and a parking ratio of 1.7 spaces per unit. The site plan shows that a total of 42 underground and 50 surface parking stalls will be provided for a total of 92 parking spaces. Ten Nineteen Development LLC's recent 74-unit apartment in Farmington was approved at 1.42 spaces per unit as opposed to Farmington's normal 1.5 spaces per unit. Similarly, their 70-unit apartment project in Delano has a 1.7:1 parking ratio. In their Delano project, they have found that 1/3 of the surface parking lot is available at any given time. Overall, Ten Nineteen has found that demand dictates from 1.4-1.7:1 parking ratio.

A motion was made by Ryan, seconded by Gengel to open the public hearing at 7:23 pm. Motion carried (4-0).

Roger Beckius from 1304 Main St E inquired about drainage and runoff in the underground parking lot.

Jacob Budenski, a representative from Ebert, stated that there would be drains in the garage that would go to the storm sewer.

Planning Director Ondich stated that the City Engineer will do their review drainage when the building permit is pulled.

Sharon Steinhoff Smith from Holy Trinity at 1300 Main St E asked if the project would impact the construction of 1st St SE.

Planning Director Ondich explained that there is currently no right of way identified. The road will not be able to expand until Beckius' property develops. Holy Trinity has a development agreement that states once 1st St SE connects from 10th Ave SE to Chalupsky Ave SE, they will have to remove their access from Main St E.

Gengel inquired on the completion date.

Budenski replied that the project would tentatively begin in Fall 2024 and be completed 10 months after.

Ryan asked if a traffic study will be done.

Planning Director Ondich stated that in 2008 there was a traffic study done for the New Prague Commons that anticipated the development of Coborns, Walgreens, and strip mall. The roads were planned to handle the traffic. The City's traffic guidelines do not require a traffic study for any apartment building under 140 units. City Engineer does not think traffic will be an issue since there is no traffic coming in from 1st St SE, Chalupsky has a center left turn lane, and shared access with Walgreens.

Budenski mentioned that Ebert did a similar apartment project in Delano. In Delano, they have a 70-unit apartment building with 1:1 ratio underground parking and then surface level parking. Underground parking is full but surface parking is about 1/3 full. Parking stalls are about a 1.7:1 ratio to apartment units.

Bentson inquired about usual parking stalls requirement per bedroom.

Budenski explained that usually if someone rents a one-bedroom unit, they will get 1.3 parking stall whereas a 2 bedroom apartment usually gets 2 parking stalls. It's based on averages and the demand.

Ryan asked if vehicles have flat tires or if people leave a boat in the parking lot.

Planning Director Ondich mentioned that the city has an ordinance that prohibits junk vehicles, requiring that vehicles are properly licensed and operable. A boat or camper would have to be moved every two days if parked on public property such as a street.

Budenski hasn't heard of issues with junk vehicles or recreational vehicles. Management oversees and monitors this.

Planning Director Ondich explained that violation letters are sent to property owners, not the vehicle owner, therefore, it incentivizes the property owner to address the issue.

Ryan shared concerns about campers and boats parking on the surface level parking lot since it would be visible along Chalupsky, a busy roadway.

Planning Director Ondich said that he would talk with the City Attorney regarding this. Potentially a condition could be added to the variance but not sure it would be necessary considering the city has an ordinance on junk vehicles and parking on public property.

A motion was made by Ryan, seconded by Gengel to close the public hearing at 7:41pm. Motion carried (4-0).

A motion was made by Pike, seconded by Bentson to recommend approval of V3-2024 to allow a 54-unit apartment building regarding density and parking. Motion carried (4-0).

5. Miscellaneous

A. Concept Review of Zoning Ordinance Amendment – Modify Definition for Essential Services or Add Public Building Definition

Planning Director Ondich explained that staff are currently reviewing the zoning ordinance to determine if land use approval would be needed for the Police Station to move by the Fire Station as well as the post office to be moved to a new location. In the past, the city has considered government uses such as post office and government uses under the definition of "essential services". From the opinion of the City Attorney, the current definition does not allow those uses and is limited to utilities. A zoning ordinance amendment would be necessary to correctly address this. As a solution, the city may either amend the existing definition of essential services to include public buildings/uses or the city could add a new definition for public buildings and add zoning districts to which they would be allowed as either permitted or conditional. Staff, however, recommends adding a new definition for public buildings. Public Buildings could be a permitted use in the B-1, B-2, B-3, and I-1 District. The RL-70, RL-84, RL-90, RM, and RH Zoning Districts could be conditional uses.

Pike shared his support for creating a new definition for public buildings/uses. However, he would prefer that public buildings should also be conditional use in the B-1, B-2, B-3, and I-1 District.

Planning Director Ondich agreed and replied that it gives the public an opportunity to provide feedback and that he would schedule a public hearing and draft the ordinance as such.

B. Monthly Business Update

Planning Director Ondich stated that Keyland Homes entered into a purchase agreement with the Bisek Family to purchase 60 acres northeast of town. They have clear cut 7 acres of trees and completed survey work and a wetland delineation. Keyland Homes intends to develop the property in 20-acre increments. They might request a PUD for detached patio homes. The city could not stop the clearing of trees since it was outside city limits and the County doesn't have an ordinance to prevent tree removal. The Park Board has indicated that they would like to connect a trail from Ladyslipper Ave to Heritage Park through Park Land Dedication.

Ryan inquired if Stienessen was allowed to clear the trees on his plat.

Planning Director Ondich stated that it's a county line difference. Scott County has a half mile zoning for urban expansion reserve, allowing approximately 1 home per 40 built around the city that is planned. In Le Sueur County, the city did enact extraterritorial subdivision, allowing subdivision review within 2 miles of the city.

Ryan asked if there are adequate utilities near Keyland Homes purchased site.

Planning Director Ondich mentioned that there is electric, and water sewer stubbed near adjacent roadways.

Pike inquired if Alton Ave construction will be triggered.

Planning Director Ondich explained that Alton Ave is development driven. Any development abutting Alton Ave will have utility and sewer lines added.

Ryan wondered why the entire Bisek property wouldn't be annexed.

Planning Director Ondich explained that annexation does not allow predevelopment annexation with Helena Township. In other words, a concept would be needed. An agreement with MVE will need to be made or amend our agreement with the township. From an expense standpoint, it would be more cost efficient to install the utilities all at once.

C. Comprehensive Plan / Small Area Plan Update

Planning Director Ondich presented the most recent plan of the Small Area Plan for the City Center site. He explained that the new and final revision of the Small Area Plan will hopefully be introduced at the July 15th council meeting. MSA is currently determining the appropriate size of the stormwater pond to accommodate flooding. The study is conceptual, showing what could potentially fit on the site.

6. Adjournment

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 8:09 pm. Motion carried (4-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kyra J. Chapman". The signature is written in a cursive, flowing style.

Kyra J. Chapman
Planner