

Meeting Minutes
New Prague Planning Commission
Wednesday, May 22, 2024

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Chair Dan Meyer with the following members present: Jason Bentson, Shawn Ryan, and Brandon Pike. Absent was Ann Gengel.

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

2. Approval of Meeting Minutes

A. May 1st, 2024 Regular Meeting

A motion was made by Ryan seconded by Bentson to approve the May 1st regular meeting minutes. Motion carried (4-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Variance #V2-2024 – 21.2' Front Setback and 5' Conservation Easement Setback

Planning Director Ondich explained that applicant, Michael Weinandt, is requesting a variance for a 21.2' front setback and a 5' setback from the edge of the existing conservation easement at 703 7th Street in the RL-90 Single Family Residential District. The applicant intends to construct a single-family home with an attached 3 car garage, which does not meet the current 30' front setback and 6' conservation easement setback requirement. In 2020, a variance for the property was granted to allow construction to the conservation easement line, but this variance is no longer needed as the ordinance was amended to allow building construction to the conservation easement line. Furthermore, the 6' setback to the conservation easement was an added condition to the platting of Pond Third Addition. The other condition of Pond Third Addition Preliminary and Final plat is that a shared driveway must be built on the subject property and abutting east property. The shared driveway may impact the buildable space and layout of the home. If the 3rd stall of the garage was not added, it would be able to meet the setback requirements. Most properties in the neighborhood are meeting the 30' front setback. Staff recommend denial because the house plan could be adjusted to meet the current setback requirements, which better fits the character of the neighborhood.

Planning Director Ondich added that Weinandt received a violation letter regarding excavation on the property and into the conservation easement. The letter informed the applicant to fill in the holes, seed, and stop excavation.

A motion was made by Ryan, seconded by Pike to open the public hearing at 6:41pm. Motion carried (4-0).

Mike Weinandt, applicant from 28760 Ruth Ann Ln explained that the wrong house rendering was sent. The request is actually for a 2-car garage, not a 3-car garage. A 2-car garage would still require a variance. The width of the garage is 32 feet wide for a total house length of 64 feet.

Bentson noted that would still get the applicant to a length of 64' feet.

Weinandt explained that the 64' width is the 2-car garage. The width of the house is 32'. The reason for requesting the variance is due to the size of the house. The resale value would be considerably less. The violation letter was because of the removal of trees. Trees were checked for diseases. Some trees were marked for disease, and some were in the conservation easement, which we removed. It is now seeded, mulched, and has a silt fence. He was unaware that the Pond Third Addition Preliminary and Final Plat added a condition for a 6' setback from the conservation easement. He had assumed that footings could be built up to the conservation easement. The project has been difficult because the property only allowed one driveway access.

Pike inquired about the configuration of the shared driveway and if this will be an issue for fitting homes onto the lots in the plat.

Weinandt clarified that the next two lots were purchased and currently have a house plan that meets the setbacks.

Planning Director Ondich presented the shared driveway easement plan and stated that the shared driveway will begin in the northeast corner of the subject property and will continue east. No matter if a variance is granted or not, the house won't be impacted by the driveway.

Bentson stated that if it's a 2-car garage, it will still be 32' wide for a total of 64'.

Meyer stated that the current dimensions of the proposed house plan do not meet the setbacks.

Planning Director Ondich commented that there is a house plan that will meet the setback requirements, but this proposal may not be the one.

Pike inquired if this was a variance for the whole plat.

Planning Director Ondich stated that the variance is only for this specific lot.

Pike wasn't so concerned about the 5' setback request from the conservation easement but showed concerns for reducing the front setback.

Benston argued that if a variance is granted then other residents in the neighborhood may ask for a front setback, which would be closer to the road.

Meyer inquired about the variance for the conservation easement.

Planning Director Ondich explained that by the city ordinance, building up to the conservation easement is allowed. When staff were writing the Preliminary and Final plat for Pond Third Addition last year, there were concerns of construction up to the conservation easement, which is why the condition for the 6' setback was added. Staff would recommend maintaining the 6' setback since the home would be close to the conservation easement.

Pike asked if a deck could be built in the conservation easement.

Planning Director Ondich explained that a ground level patio could be built to the conservation easement but not a deck.

Pike inquired if the home was originally supposed to be slab on grade or have a basement.

Planning Director Ondich replied that the floor elevation of the building cannot be lower than 996'. The house may be split level walk out or split-level lookout.

Pike stated that he understands that the applicant intends to build a higher retail value home. However, the plans would make it difficult to access the rear of the home. It seems like there's too much to fit in the space.

Ryan asked if it is a spec home or if there is already a buyer.

Weinandt responded that they're trying to sell it as a plan. They want to finance through the bank.

Ryan stated that he doesn't want to ruin the project but would like some changes to be made.

A motion was made by Ryan, seconded by Bentson to deny the variance request. Motion carried (4-0).

Pike asked for clarification on the excavation.

Weinandt stated that they were digging trees, removing stumps, and checking the soil.

Gary Pikal from 801 Philipp Pkwy mentioned that the excavation wasn't just for the trees but for building the basement. The lots have been in disarray and are never mowed.

Kathy Pikal from 801 Philipp Pkwy asked if there are rules for how far homes must be from other properties.

Planning Director Ondich stated that in the packet, there is a diagram that has dotted green lines that represent the subject property's buildable area.

Roger Schmitz from 901 Philipp Pkwy asked if the soil will be able to support the home.

Planning Director Ondich mentioned that the property owner doesn't need to prove that the home will be supported by the soil. It's the buyer's due diligence. The property east of the subject property recently did a soils test, and they'll have to do some corrective work. Most of the soil was black dirt which is not suitable for construction.

Ryan asked who will require soil correction.

Planning Director Ondich stated that it would come from the Building Department.

A motion was made by Ryan, seconded by Bentson to close the public hearing at 7:04pm. Motion carried (4-0).

5. Miscellaneous

A. Monthly Business Update

Planning Director Ondich introduced the May monthly business update. He explained that no new home permits were received. Cedar and Sage was sold to a new owner and will now be called Honey Lou Boutique. Brick's Boatworks was issued a permit for adding a paint booth in their main shop. Community Development staff applied for the Minnesota Housing Finance Agency's Workforce Housing Development Program which could potentially fund the 54-unit apartment building south of Walgreens. The City recently acquired two parcels of land near railroad and the Small Area Plan site.

B. Comprehensive Plan / Small Area Plan Update

Planning Director Ondich stated that there was a public open house for the city center small area plan on May 8th from 5-7pm at the Broz (212 Main St W). The public provided helpful feedback and asked important questions. Some questions were related to lighting, stage orientation, and how often the stage will be used. Many residents liked the row homes compared to apartments. If apartments were to be added, they should not exceed the height of a single-family home. The next Steering Committee meeting for the Small Area Plan will take place next week.

Ryan asked how many performances would occur.

Planning Director Ondich stated that Music at the Broz currently plays about 8 times a year. Perhaps a conditional use permit should be established to create parameters for the performance stage. POPS recently received feedback from other communities that have performance stages. They received surveys from Eden Prairie, Hudson, New Ulm, and Rosemount.

Ryan was curious if the performance stage would be used only for musical performances or if it would also include political rallies, dances, etc.

6. Adjournment

A motion was made by Ryan, seconded by Bentson, to adjourn the meeting at 7:18 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