

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, September 27, 2023**

**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 Brandon Pike, Ann Gengel, Shawn Ryan, and Jason Bentson.

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

**2. Approval of Meeting Minutes**

**A. August 23rd, 2023 Regular Meeting**

A motion was made by Pike and seconded by Gengel to approve the August 23<sup>rd</sup> regular meeting minutes. Motion carried (5-0).

**3. OLD BUSINESS**

**A. None.**

**4. NEW BUSINESS**

**A. Preliminary and Final Plat of Pond Third Addition**

Planning Director Ondich introduced the proposed preliminary and final plat of Pond Third Addition, which would separate the parcel into four lots. Three of the four lots would be accessible with a shared driveway coming off 7<sup>th</sup> St NE while the eastern most lot would have its own driveway on Lexington Ave N. The homes are proposed to be setback a minimum of 6' from the edge of the conservation easement to prevent the homes from impacting the conservation easement area. The homes must be built at a minimum of 2' above the seasonal high-water level of the adjacent pond/wetland. The high-water level of the adjacent pond/wetland is 994.0' which means the low building elevations would need to be at least 996.0'. The homes intend to have a floor elevation of 1002.5'.

Meyer asked why the driveway was not connected to each home.

Planning Director Ondich stated that if each home had its own separate driveway, a variance would be required. The shared driveway currently meets the access spacing and driveway requirements. The applicant did not ask for a variance.

Meyer was concerned that the neighbors may have conflicts with snow removal by sharing a driveway.

Planning Director Ondich explained that the three homeowners that would have access to the shared driveway would need to share expenses of plowing, and maintenance.

Bentson inquired what the buildings would look like.

Planning Director Ondich replied that no building plans have been submitted at this time.

Benston mentioned that it would make sense for all the proposed homes to be townhomes since they would share a driveway.

Ryan asked what types of homes would be built at the location. He also asked if the homes have to look similar to other homes nearby.

Planning Director Ondich stated that the land is zoned RL90, therefore, only single-family homes may be built. There is nothing in the Zoning Ordinance that dictates what the homes have to look like, but they would have to meet size and setback requirements in the Zoning Ordinance and other standards in the Building Code.

Ryan asked the applicant what the homes will look like.

Michael Weinandt, the applicant, responded that he intends to sell the parcels to a developer. The developer will be able to make those building design decisions. He has already approached K. A. Witt and Miller Homes. The homes won't be first time home buyer developments.

Planning Director Ondich clarified that City doesn't get to control what the homes will look like. The purpose of the planning commission meeting is to review the imaginary lines on the property.

Meyer asked if anything could be built in the wetland such as a dock.

Planning Director Ondich that docks can be built in the wetland.

Ryan asked what happens to the property if the developer doesn't buy it.

Planning Director Ondich stated that the property still would have to be maintained for mowing and weeds. Taxes would still be collected on the property each year. There are some platted lots in town that have been vacant for 20 years or more.

Ryan asked if there was any way in which a basement could be built due to the elevation of the water table.

Planning Director Ondich noted that the homes must be built at least 2' above the seasonal high-water level of the wetland. The high-water level of the wetland is 994.0', therefore, the building

must have an elevation at the lowest of 996.0' There wouldn't be space for a full basement, but the developer could make the homes into split level homes.

A motion was made by Pike seconded by Benston to open the public hearing at 7:08 pm. Motion carried (5-0).

Paul Dolezal at 803 Lexington Ave N mentioned that in the previous preliminary and final plat, there were discussions on access for fire department.

Planning Director Ondich explained that in case of fire emergencies, the firetruck could park on the shoulder of 7<sup>th</sup> St NE. The driveway wouldn't have to be utilized.

Dolezal stated that there are a lot of unknowns for the subject property. As a resident, the uncertainty of the property is concerning. He mentioned that the homes that will go on the four proposed lots look very close together.

Planning Director Ondich said that the proposed homes have similar spacing to existing homes that are on 7<sup>th</sup> St NE.

Dolezal inquired what the contingency plan is if this fails and why the property is being replatted.

Weinandt explained that he originally wanted to build an assisted living home but it didn't meet the size requirements but fits the residential home requirements.

Tom Johnston at 802 Bruzek Ln stated that in Scott County, there is a 35% maximum impervious surface requirement, which would include patios, and roofs. He also referenced a 2008 report from New Prague that discussed this requirement. Impervious surfaces can cause runoff and affect the pond.

Planning Director Ondich noted that New Prague has its own jurisdiction. The City did not adopt this impervious surface requirement but merely referenced and considered the requirement. The closest requirement the city has is the 40% maximum land coverage requirement for buildings only.

Johnston argued that a new homeowner won't be able to build a shed, patio, or deck in their backyard because it's too close to the conservation easement. The homeowners will be more likely to request a variance to build in their front yard.

Shelly Tuma at 801 Lexington Ave N stated the proposed homes that will be put in will reduce the property values of nearby properties. Parking on 7<sup>th</sup> St NE will be further strained with the addition of the homes. She stated that she could see 2 homes on the land but not 4. She was concerned that the homes would be turned into rentals. She mentioned that the applicant will do whatever he wants to do with the property.

Dolezal asked if the land has been rezoned.

Planning Director Ondich said that its always been zoned RL90 single family residential zoning district or at least it has since 2000.

Johnston commented that additional traffic in the area will be cumbersome. Many people speed along 7<sup>th</sup> St NE and this could be concerning intersection especially when the road is icy or slick. The east corner of the proposed lot may need additional traffic control or calming techniques such as a roundabout. There have semis and larger trucks passing through Lexington since the road closure of TH21 in Jordan.

Richard Tuma at 801 Lexington Ave N stated that the new homes would bring property values down.

A motion was made by Ryan seconded by Pike to close the public hearing at 7:37 pm. Motion carried (5-0).

Ryan asked what the impervious surface requirement was.

Planning Director Ondich stated that the report was done in 2008 but it references or considered Scott County's ordinance, but it was not implemented in New Prague. New Prague could put that information in if it were an MS4 city. The city qualifies as an MS4 but had not yet officially been designated as one at this time.

A motion was made by Ryan seconded by Bentson to table the meeting until next month when more information on Scott County's impervious surface requirement could be made available for considerations as well as information on traffic and property values. Motion carried (4-1, Pike).

### **B. Concept Review of Zoning Ordinance Amendment – Commercial Building Design/Site Requirements for the B-1 District**

Planner Chapman introduced the concept report regarding New Prague possibly amending the ordinance's language on the B-1 District's design standards. She explained that a business along Main Street would like do façade changes that are not currently allowed under section 726 commercial building design for the B-1 District of the Zoning Ordinance. The purpose of the ordinance is to maintain the historical atmosphere of the old downtown, especially the original buildings from the 1800s and 1900s. The business owner has argued that unlike other businesses in the central business district, their building was built in the 1950s. Furthermore, there are many cities that have more lenient requirements regarding what the building can look like. Planner Chapman also referenced the Central Business District Design & Sign Guidelines handbook. The handbook is not as an ordinance. It's a handbook from 2010 that highlights architectural themes in the downtown district.

Planning Director Ondich added that ordinance requires that businesses in the B-1 District must maintain their original brick but there are some businesses in the central business district that never had brick exteriors like Farmhouse Market.

Benston said that the ordinance preserves the characteristic to the year and prevents people from creating anything they want it to look like.

Pike mentioned that there have been thoughts discussed with the Comprehensive Plan Steering Committee on establishing a downtown preservation district rather than strictly a B-1 central business district.

Randy Kubes from 1221 E 4<sup>th</sup> Ave, who also owns a number of downtown businesses, explained that his building, Kubes Furniture & Flooring was constructed in 1954. Since its establishment, the brick has worn out and is falling off the exterior. He would like to change the exterior of the building by putting up wood panels and painting the building. The buildings wouldn't look too different than Snap Fitness. Kubes feels that the ordinance goes against New Prague's motto of "A Tradition of Progress". The ordinance is holding back businesses from enhancing their buildings.

The Planning Commission asked staff to continue to research the topic for further discussion.

## **5. Miscellaneous**

### **A. 2023 Greensteps Goals Update – Consideration of Sustainable Purchasing and Green Business Development Policies**

Planning Director Ondich presented the Greenstep update. Planning Commission was designated as the Green Steps Coordination Team. The Coordination team's responsibility is to review the progress of the City from the previous year and set new goals for the next year. In 2023, Planning Commission wanted staff to work on two best practices; Practice 15:1 and Practice 25. Practice 15.1 deals with sustainable purchasing on behalf of the City and Practice 25 deals with green business development. To meet Practice 15.1, staff have drafted a Sustainability Policy and Sustainable Procurement Policy. The Policy on Sustainability states that the City will attempt to be sustainable in terms of having a vibrant economy, a healthy environment, and being socially equitable. The Sustainable Procurement Policy states that City staff will try to purchase products and services that protect human health and the environment and are also fiscally responsible.

Pike asked if one example of the Sustainable Procurement Policy is the replacement of new street lights.

Planning Director Ondich replied that LED lights are not only more sustainable but more cost effective than incandescent light bulbs.

Pike suggested adding to the Sustainable Procurement Policy a provision that states that staff will try to also buy local as a method of sustainability.

Ryan asked what benefit the City gets by implementing these policies.

Planning Director Ondich stated that the city receives recognition as a Greenstep City and is more likely to receive grant funding for certain programs.

Ryan was concerned that having more polices or requirements would hinder or restrict the city.

Pike commented that the city could stay at Step 2.

Planning Director Ondich remarked that the policies will attempt or try to do these things but it does not mean that the city will be strictly mandated to do such things.

A motion was made by Benston, seconded by Pike to forward the recommendation to approve the two best practices to city council with one addition to the “Sustainable Procurement Policy” by adding a statement in the policy about buying local for sustainability reasons. Motion carried (3-2, Ryan & Gengel).

#### **B. Complete Streets Policy Discussion**

The topic was tabled for next month’s meeting.

#### **C. Comprehensive Plan Update**

Planning Director Ondich explained that the last Steering Committee occurred on September 21<sup>st</sup>. At the meeting, committee members provided their feedback on the future land use map and the New Prague Goals. There were goals and strategies for topics related to community facilities and services, transportation, parks & recreation, agriculture & natural resources, housing, economy, intergovernmental cooperation, and resilience.

#### **D. Monthly Business Updates**

The update was reviewed as information only.

### **6. Adjournment**

A motion was made by Pike, seconded by Gengel, to adjourn the meeting at 8:33 pm. Motion carried (5-0).

Respectfully submitted,



Kyra J. Chapman  
Planner