

Meeting Minutes
New Prague Planning Commission
Wednesday, May 28th, 2025

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 and Shawn Ryan. Absent was Jason Bentson.

City Staff Present: Ken Ondich – Planning / Community Development Director.

2. Approval of Meeting Minutes

A. April 23rd, 2025 Regular Meeting

A motion was made by Pike, seconded by Bentson, to approve the March 26th, 2025 regular meeting minutes. Motion carried (3-0).

3. Public Invited to Be Heard on Matters Not on the Agenda

No public comments were given.

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Review of Zoning / City Code Amendment – Backyard Chickens

Planning / Community Development Director Ondich presented the staff report. He stated that the city has never had an ordinance allowing chickens, but back in 2016 the City did clarify ordinances that prohibited the keeping of backyard chickens and other farm animals and that discussions from the time stemmed largely from one home that had chickens which were a nuisance to surrounding properties related to smell. He stated that the Planning Commission most recently discussed the topic of backyard chickens at it's March 2025 meeting in which it failed to pass a motion to hold a public hearing regarding an ordinance that would allow chickens. He stated that the City Council on April 7th directed the Planning Commission to hold a public hearing at tonight's Planning Commission meeting. He stated that New Prague is the only City in Scott County that does not allow backyard chickens and that the City of Lonsdale approved an ordinance to allow them on May 8th. He provided a summary of the amendments that would allow backyard chickens which included a city code amendment to allowing chickens subject to zoning ordinance requirements and that the zoning ordinance would have a section added with performance standards that would allow up to five chickens, no roosters or guinea fowl or pea fowl, no fighting, breeding or slaughtering allowed, coops and runs must be screened with 4' tall landscaping or fencing, not allow coops in the front or side yard, maximum size of 40 sq. ft., setback 25' from any principal structure, and limit coop

height to 6'. He also indicated that prior to the meeting, he had received eight letters of support which were printed and handed out to the Planning Commissioners and would be added into the minutes as part of the official record. The letters in support were from Clayton Crosby, Marija Johansson, Sven-Erik Johansson, Janis Borchers, Jessica Dohm, Mario Rodiles, Elijah Dohm and Jessica Cloutier.

Commissioner Ryan asked how enforcement would be handled and also noted that he believed it may lead to requests for other farm animals in the city.

Planning / Community Development Director Ondich stated that violations would be a misdemeanor and would be handled similar to a nuisance or zoning ordinance violation with a letter being sent providing for a period of time to correct the violation, an appeal process with the City Council and ultimately possibly a citation from the Police Department.

Commissioner Ryan asked what would happen if there was not compliance after that process.

Planning / Community Development Director Ondich stated that with the citation they would need to appear in court, but that the court process takes time and may not provide timely corrections. He stated that administrative citations are an alternative process which is controlled entirely at the local level, but the City does not have such a process in place at this time.

Commissioner Ryan also asked what would happen if the City were to allow backyard chickens and then later prohibit them, would they be grandfathered in?

Planning / Community Development Director Ondich stated that he would have to check with the City Attorney on what would happen in that situation, but he believed they would be grandfathered in possibly for the life of the birds.

A motion was made by Ryan, seconded by Gengel to open the public hearing (4-0). The public hearing opened at 6:53pm.

Sven-Erik Johansson, 707 Heritage Trail NE, stated that he is in favor of allowing backyard chickens and that it appears the main concern is from smell but many of the proposed regulations regarding appearance of the coop would not have any effect on smell and that he didn't think they were necessary. He also noted that the 4' tall screening is not necessary as it also would not solve the smell issue. He asked how the front, side and rear yard limitations were determined. He asked if the chicken waste could be disposed of in the garbage or if there was an alternative disposal location such as the city's compost site.

Jessica Dohm, 710 Heritage Trail NE, stated that she doesn't understand why the question of later disallowing chickens would come up when they aren't even allowed yet. She stated that she is in favor of backyard chickens and does not believe they would lead to other farm animals as there are acreage requirements for larger animal and therefore chickens should not be considered a gateway animal for other farm animals. She stated that it was noted in a past city presentation that backyard chickens are not economically viable but noted that she did not

believe the City should govern what a household's economics are. She stated that for her it would just be a hobby and not making money. She agreed that we do need regulations on keeping coops clean. She stated that she doesn't believe noise would be an issue with roosters being prohibited. She stated that all surrounding communities have found a way to allow backyard chickens and believes New Prague should be able to as well. She stated that she believes the ordinance should allow a coop near the applicant's home instead of requiring a 25' setback which would allow a coop on a patio or under a deck.

Marija Johansson, 707 Heritage Trail NE, stated that the screening requirement in the draft ordinance seems redundant and is not sure what it would accomplish. She stated that those keeping chickens would likely not purchase five at one time and believes someone may start with a couple and obtain others over time so that they have hens that produce over time. She stated that chickens are smaller and quieter than dogs. She stated that if Prior Lake allows chickens, she doesn't see why New Prague can't. She stated that if smell is a concern, she notes that she actually purchases chicken manure for her gardens at home which requires no permit and that she's never heard a complaint. She additionally asked about consideration for mobile coops and runs to move then around the yard.

Clayton Crosby, 504 Prague Court SE, stated that others that had spoken had already provided comment similar to what he provided in his letter. He specifically questioned the setback of coops and runs and the four foot screening requirement as unnecessary. He stated that requiring screening and specific building materials for the coop can disenfranchise those residents with less money. He stated that similarly the setbacks could disenfranchise those with smaller lots who might tend to be those with less money. He stated that he would support a one-time fee versus annual fees. He stated that he would argue that not having a fencing/screening requirement would make it easier for staff and neighbors to tell if chickens are being kept in compliance.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 7:17pm.

Chair Meyer stated that he has seen moveable coops and runs and asked if there could be a way to accommodate those. He also asked if the setback to an owner's principal structure could be reduced but still keep the setback to a neighboring house.

Commissioner Pike suggested removing the 25' setback to the principal structure on the owner's lot as well as removing the screening requirement from neighboring properties but keeping the screening to public right of way.

Commissioner Ryan stated that he doesn't believe farm animals should be allowed in the City and that there specifically were problems with the past with chickens. He asked if the ordinance could require adjacent property owners to sign off before someone could get chickens.

Planning / Community Development Director Ondich stated that he would have to ask the City Attorney if a provision to require neighbors to approval would be legal, but he did not believe

it to be legal. He stated that he did not have clear direction at this time and would like to have the Planning Commission provide direction to staff regarding the proposed ordinance.

Chair Meyer indicated that he was in favor of continuing to refine the ordinance.

A motion was made by Pike, seconded by Gengel, to direct staff to continue to research and refine the backyard chicken ordinance with changes being made to setbacks, screening, regulations to possibly allow movable coops/runs, material requirements and signoff by neighbors. Motion carried (3-1, Ryan).

B. Request for Interim Use Permit #I3-2025 – Allow Aesthetician Business at 100 2nd Ave. SW

Planning / Community Development Director Ondich presented the staff report. He stated that the proposed spa and wellness business would operate from the former mill office area which also houses Faith Recovery Music and Fancy Bones Pet Salon. He stated that the interim use permit is necessary until the final zoning is established for the site. He stated that the use would occupy 473 sq. ft. of the former mill office space and would require two parking spaces out of the 16 available on the site not already allotted to other uses. He stated that staff recommends approval of the interim use permit with the findings and conditions contained in the staff report.

A motion was made by Pike, seconded by Ryan to open the public hearing (4-0). The public hearing opened at 7:34pm.

Emily Bomsta, applicant who resides at 545 N. State Ave., LeCenter, stated that it has been her dream to start a business and work with her mom and that her mom hopes to begin operating within the space in a month or two.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 7:36pm.

A motion was made by Ryan, seconded by Gengel to recommend approval of Interim Use Permit #I3-2025 with the following findings:

- A. The proposed interim use for a spa/wellness center will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed spa/wellness center is acceptable since it will likely be rezoned to “downtown flex” within the next couple of years which may include retail and service establishments as either permitted or conditional, therefore, it would no longer need the “interim” label.
- C. The proposed spa/wellness center will not hinder permanent development of the site as it is utilizing and repurposing the space within the existing building and identified to become “downtown flex” in the 2024 Comprehensive Plan after the Unified Development Code is adopted.

- D. The proposed spa/wellness center will not adversely impact implementation of the Comprehensive Plan because it identifies the property as “downtown flex” in the 2024 Comprehensive Plan.
- E. The proposed spa/wellness center will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing space in the building and will have adequate off-street parking.
- F. The proposed spa/wellness center will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing space in an existing building.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed dog grooming business.
- H. The proposed spa/wellness center shall cease to operate at the site on 6/2/2027 if it is not rezoned to a “downtown flex” or similar zoning district where service businesses are either a permitted or conditional use in said zoning district.
- I. The proposed spa/wellness center will not impose additional costs on the public if it is necessary for the public to take the property in the future.

And with the following conditions:

- 1. The proposed spa/wellness business shall cease to operate at the site on 6/2/2027 if it is not rezoned to a “downtown flex” or similar zoning district where service businesses, including spa/wellness are either a permitted or conditional use in said zoning district.
- 2. Except as otherwise authorized by the Zoning Ordinance, this interim use shall conform to this Ordinance as if it were established as a conditional use.
- 3. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
- 4. Approval is in general accordance with the area indicated on the floor plan included in the staff report (undated) on file with the Planning Department.
- 5. All requirements of the Building Official must be met prior to occupancy.
- 6. At least 2 off-street parking spaces, including required accessible space(s), must be available for the proposed use.
- 7. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
- 8. All lighting must conform to Section 704 of the Zoning Ordinance.
- 9. 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.
- 10. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, and acting on the application approved herein, including but necessarily limited to any fees charged by the city’s professional consultants in accordance with established rates.
- 11. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules, and regulations.

Motion carried (4-0).

C. Request for Variance #V3-2025 – Allow a Fence Height Variance at 1108 Olivia Street SE

Planning / Community Development Director Ondich presented the staff report. He stated that the applicant is seeking a 6' tall vinyl privacy fence, similar to the neighboring home to the east which does not meet the zoning ordinance requirement that fences within 30' of a public right of way cannot exceed 4' in height. He stated that the applicant stated that they request the fence for containment of their dog, for a noise buffer and to enhance security as the trail and County Road 29 are adjacent to the backyard. He stated that three variances on the street were issued since 2018 for fence height for the same reasons. He stated that staff recommends approval of the variance with the findings listed in the staff report.

Chair Meyer asked the applicant if his proposed fence would connect to the neighboring fence to the east.

Justin Novak, applicant, stated that he would not connect it to the adjacent fence as that fence as not located directly on the lot line and instead he would leave space for maintenance purposes.

A motion was made by Ryan, seconded by Gengel to recommend approval of V3-2025 with the following findings:

- A. The variance is in harmony with the general purposes and intent of the Ordinance because the RL-90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL-90 Single Family Residential Zoning District.
- C. The applicant proposes to use the property in a reasonable manner by having a 6' tall fence in their backyard.
- D. Unique circumstances apply to the property in that it is a through lot abutting a road on two sides (front and rear) with the roadway along the rear yard being a County Road.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that have 6' tall fences that were grandfathered in or similarly received fence height variances such as 1214 Olivia St SE (V1-2018), 1110 Olivia St SE (V2-2018), 1232 Olivia St SE (V8-2024).
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would contain their dog, buffer noise from the street, and provide privacy from CSAH29 and the trail.
- G. The fence must be a minimum of 2' away from the edge of the trail.

Motion carried (4-0).

Mr. Novak asked if his request could be placed on the June 2nd City Council agenda versus June 16th as he was told by Planner Chapman that was the schedule.

Planning / Community Development Director Ondich stated that he would see if he could add it to the agenda.

D. Request for Variance #V4-2025 – Allow a Driveway Variance at 201 7th Street NW

Planning / Community Development Director Ondich presented the staff report. He stated that since MVE Biological Solutions purchased the property in 2020 that trucks backing up to the dock at the building has been a problem with trucks driving over the curb on the west side of 1st Ave. NW. He stated that while it wasn't ideal, it became a much bigger issue with the construction of a single-family home across the street that started construction in 2023. He stated that the applicant has been in contact with the City and neighboring property owner since that time and in an attempt to solve the problem instituted a temporary measure in the fall of 2024 by removing a gate and placing gravel as a temporary driveway widening measure to determine if the solution might be a long term fix. He stated that the specific variances sought are to allow the existing non-conforming driveway to be widened within 200' of the intersection of two collector streets by 15' and to allow directional signage to be located less than 10' from the property line of 1st Ave. NW. He stated that MVE looked at a variety of possible solutions and believes this solution is the most effective and attainable for all. He stated that staff recommends approval of the variance request with the findings contained in the staff report.

Chair Meyer asked if the drivers were different all the time when making deliveries and pickups.

Jason Madsen, representing the applicant MVE Biological Solutions, stated that they do not control all the drivers and some are one off pick up or deliveries and that's where the issue arises and they believe the widened curb cut and signage will help all drivers that use the loading dock area.

A motion was made by Pike, seconded by Ryan to recommend approval of V4-2025 with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because signs and driveways for light manufacturing facilities are permitted uses in the I-1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because signs and driveways for light manufacturing facilities are permitted uses in the I-1 Light Industrial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner with the only change being to widen the existing driveway to 1st Ave. NW by 15' in a northerly direction and to allow a directional sign to help trucks back up to the dock to be less than 10' from the right of way line.
- D. Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the vicinity because the site is a corner lot, and the driveway they are proposing to widen is already less than the 200' required spacing from the intersection of 7th Street NW and 1st Ave. NW due to the location of the docking area. Additionally, the narrow width of 1st Ave. NW necessitates the wider curb cut to allow trucks to back up to the dock without encroaching on the yard of the property across the street to the east.

- E. The variance does not alter the essential character of the neighborhood as it would only allow the width of an existing legal non-conforming driveway to be increased to the north by 15' and because the proposed directional sign would be up to the same distance from the right of way line (0') as other signs on the site granted a variance via #V7-2019.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow most delivery trucks to back up without driving over the property across the street to the east.

Motion carried (4-0).

6. Miscellaneous

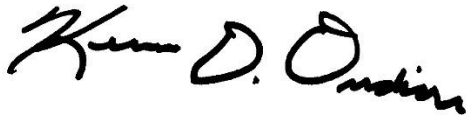
A. Monthly Business Update

Planning/Community Development Director Ondich presented the monthly business update as information.

7. Adjournment

A motion was made by Pike, seconded by Gengel, to adjourn the meeting at 7:58 pm. Motion carried (4-0).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth D. Ondich". The signature is stylized with a large "K" and a cursive "Ondich".

Kenneth D. Ondich
Planning / Community Development Director