



# PLANNING COMMISSION MEETING AGENDA

## City of New Prague

Wednesday, December 17, 2025 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

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1. **CALL TO ORDER**
  2. **PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA**  
*(Speakers limited to five minutes)*
  3. **APPROVAL OF REGULAR AGENDA**
  4. **APPROVAL OF PREVIOUS MEETING MINUTES**
    - a. November 19, 2025 Regular Meeting Minutes
  5. **NEW BUSINESS**
    - a. Request for Variance #V9-2025 - Variance for Side Lot Line Setbacks at 114 4th Street SW  
KA Witt Construction - Applicant
  6. **OLD BUSINESS**
    - a. Unified Development Code Public Hearing Follow Up
      - i. Sidewalks
      - ii. Tree Preservation
      - iii. B-1 Design Requirements
  7. **MISCELLANEOUS**
    - a. Monthly Business Updates
    - b. Ann Gengel's Last Meeting - Thank you for Your Service!
  8. **ADJOURNMENT**

*Anyone speaking to the Planning Commission  
shall state their name and address for the record.  
Thank you.*

THE PURPOSE OF THE ZONING ORDINANCE IS TO PROMOTE THE HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF NEW PRAGUE.

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, November 19, 2025**

**1. Call Meeting to Order**

The meeting was called to order at 6:31 p.m. by Chair Dan Meyer.

The following members were present: Chair Dan Meyer, Brandon Pike and Jason Bentson.

The following members were absent: Shawn Ryan, Ann Gengel.

The following City Staff were present: Planning and Community Development Director Ken Ondich, Planner Evan Gariepy. Others Present: Jeff Matzke, city consultant with Bolton & Menk.

**2. Public Invited to Be Heard on Matters Not on the Agenda**

A motion was made by Bentson, seconded by Pike, to open the meeting to public comments for items not on the agenda. Motion carried (3-0).

No public comments were given.

A motion was made by Pike, seconded by Bentson, to close the public comment period for items not on the agenda. Motion carried (3-0).

**3. Approval of Regular Agenda**

A motion was made by Pike, seconded by Bentson, to approve the November 19, 2025 regular meetings agenda. Motion carried (3-0).

**4. Approval of Previous Meeting Minutes**

**A. October 22nd, 2025, Regular Meeting**

A motion was made by Bentson, seconded by Pike, to approve the October 22nd, 2025 regular meeting minutes. Motion carried (3-0).

**5. OLD BUSINESS**

**A. None Discussed**

**6. NEW BUSINESS**

**A. Unified Development Code Public Hearing**

Jeff Matzke, Senior Planner with Bolton & Menk, presented a powerpoint overview of the Unified Development Code (UDC) updates. He stated that they are continuing to work on the UDC, including adding more graphics and incorporating public feedback received at this meeting.

A motion was made by Pike, seconded by Bentson, to open the Public Hearing at 7:13PM. Motion carried (3-0).

Bill Gibson, owner of the New Prague Mill (100/200 2<sup>nd</sup> Ave SE), spoke. He stated that he was against the West Downtown Overlay District, as it would mean that the silos on his property cannot be used as they do not align with any of the proposed uses in the Overlay District. Gibson stated that rezoning the mill as business rather than industrial will mean the silos sit unused and deteriorate.

Pike stated that, currently, Gibson is required to get permission (Variances, IUPs, CUPs) for business uses, which is the use in most of the mill. If there is an Overlay District, he would not need to go through any processes for business uses, but would instead have to for industrial uses, flipped from what he currently does. Gibson stated that removal of the silos to conform would cost half a million dollars. Ondich confirmed using the silos for storage would require a CUP and Council approval whether or not there is an Overlay District.

Randy Kubes, who owns multiple properties and businesses in New Prague, develops land and properties in the City, and is a realtor with Kubes Realty, spoke. He stated that he met with Ondich yesterday (11/18). Kubes inquired what the impervious surface regulations would be, and Ondich stated that the City does not know yet what the requirements will be and they will not be included in the UDC update. Kubes stated that he believes having more rules will prevent new developments, and he is against the proposed tree preservation language. He stated that the City of Prior Lake and City of Jordan's tree preservation ordinances make it difficult to develop land there. Kubes stated that homeowners plant trees even without ordinances requiring them to do so, and that newly planted trees will grow large eventually anyway. He stated that tree preservation ordinances will make land cost prohibitive to potential developers. Kubes stated that he removed 15 acres of trees in the Raven Stream Development, and had he not done so, the proposed tree preservation ordinance would have made it impossible to ever develop.

Kubes also stated that requiring sidewalks on both sides of the street is impossible. He stated that prospective property owners do not like sidewalks, it lowers property values, and is unappealing. He stated that requiring a sidewalk on one side of the road rather than both reduces values of lots less than requiring sidewalks on both sides. Meyer stated that neighborhoods with larger and busier streets do require more sidewalks for safety. Kubes stated that Keyland Development did not construct in town in the past solely due to the City's sidewalk requirements, and that the City has too many ordinances regulating development.

Pike inquired if the tree preservation ordinance could be done as a stepped approach, such as a lowered or more cost effective amount as the amount of area increases. Kubes stated that it already seems to be that way, and stated that the tree survey alone in Jordan was \$12,000. Kubes stated that increasing the number of trees required to be planted on a new lot is a better alternative, and that trees often get destroyed during construction anyway. Bentson stated that a lot of trees that would be saved through tree preservation ordinances are diseased or would die shortly after construction anyway. Kubes stated that homeowners often remove and replace trees anyway. Matzke stated that tree preservation ordinances do increase costs for developers, but the ordinance's goal is to retain an urban forest during development rather than eliminating entire wooded areas and vastly changing areas. Kubes stated that developing has very slim margins, and that increasing costs through a tree preservation ordinance will discourage development even more.

Kubes inquired about the changes to the Park Dedication Fee. Ondich stated that the main change to it will be a slight change in the formula for calculating it, and it will mainly change for apartment complexes rather than single family developments. He stated it will be based on the amount of people rather than by land area, potentially increasing park dedication fees for higher density residential areas, but that it has not been finalized yet.

Kubes stated that he is in favor of duplexes being allowed in the R-2 and R-3 (currently known as R-84 and R-70) Residential Zoning Districts. He stated that he provides rentals, and that this will allow for more lower cost rentals which are highly coveted.

Kubes stated that the building requirements for buildings in the B-1 Business Zoning District still need to be amended. There was general discussion of how it will be worked on and developed further, such as through a "menu"-style optioning for building design and potentially allowing faux brick for building exteriors. Kubes stated that painting of buildings and awning types are concerns currently unaddressed, or limited by, the UDC.

A motion was made by Bentson, seconded by Pike, to close the public hearing at 7:56pm. Motion carried (3-0).

Ondich stated that, at minimum, there would be two more readings of the UDC to the City Council prior to it being passed. Bentson stated that he would like to see the UDC again before making a recommendation to City Council. Ondich and Matzke stated that sidewalk regulations, B-1 design requirements, tree preservation language, along with other smaller things will be reviewed.

A motion was made by Bentson, seconded by Pike, for Staff and Bolton & Menk to review the UDC further and bring it to next Planning Commission meeting for further discussion and review. Motion carried (3-0).

## **7. Miscellaneous**

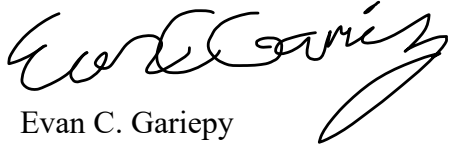
### **A. Monthly Business Updates**

Ondich presented the monthly business updates from September and October as information.

## 8. Adjournment

A motion was made by Pike, seconded by Bentson, to adjourn the meeting at 8:08pm. Motion carried (3-0).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Evan C. Gariepy', written in a cursive style.

Evan C. Gariepy  
Planner



118 Central Avenue North, New Prague, MN 56071  
phone: 952-758-4401 fax: 952-758-1149

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** EVAN GARIEPY – PLANNER  
**SUBJECT:** REQUEST FOR VARIANCE #V9-2025 TO ALLOW FOR A 5 FT BY 8 FT DECK ON THE EAST SIDE OF 114 4<sup>TH</sup> ST SW, AS PROPOSED BY KA WITT CONSTRUCTION, INC.  
**DATE:** DECEMBER 17TH, 2025

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### **Background / History**

The applicant, KA Witt Construction, Inc., is working with Juleen Kern of 114 4<sup>th</sup> St SW to construct a deck. The house is in the RL-84 Single Family Residential Zoning District. Kern would like the deck on the east side of her house, which only allows approximately 3 feet for a deck before hitting the setback limit.

The house is a part of Kabes Addition, which was platted in 1886, well before modern zoning ordinances. Kern's house is only approximately 10 feet from the east property line, with the driveway taking up the area on the lot west of the house. The house is on the 30 foot front setback line, leaving no room for a deck in the north of the house. Putting the deck on the rear south side of the home would require the removal of cellar windows and construction work on the house itself.

The applicant is applying for this variance to build a 5 ft long by 8 ft wide deck on the east side of the house, where there is already a door on the side of the house. Within the RL-84 Single Family Residential Zoning District, there is a mandatory 7-foot side property line setback for all lots. The proposed deck would exceed the mandatory 7-foot side property line setback by 2 feet, reducing it to a 5-foot side property line setback.

### **Legal Description**

The West 60 feet of the West Half of the North Half of Block 16, The Kabes Addition to New Prague, Le Sueur County, Minnesota.

**Neighborhood Conditions and Nearby Land Uses**

The property is surrounded by single family houses, zoned RL 84 Single Family Residential. Southside Park is one block south of the property.

**Zoning**

The property is zoned RL-84 Single Family Residential. It is one of three single family residential zoning districts. The Zoning District generally consists of older neighborhoods that are not close to Main Street. Because of this, it includes many properties that do not meet modern zoning standards.

Decks are permitted in the RL-84 Zoning District as an accessory use to primary structures, as stated in 604(2)(A).

The bulk standards for the RL-84 Zoning District are as follows in 604(5):

- Minimum Lot Area: 8,400 square feet
- Minimum Lot Width: 60 feet
- Minimum Front Yard Setback: 30 feet
- Minimum Side Yard Setback: 7 feet
- Minimum Rear Yard Setback: 30 feet
- Maximum Height: 35 feet
- Maximum Land Coverage By Structures: 40 percent

The rear yard setback for decks is reduced from 30 feet to 20 feet by 710 Permitted Encroachments:

[...] Decks are also exempted from the rear yard setback requirement except that a deck may not be located closer than twenty (20) feet from the rear property line.

**Statement of Practical Difficulties**

From Ben Witt with KA Witt Construction, Inc., regarding the size of the deck: [The proposed deck would be] just enough to get a chair out there. (11/07/2025)

From Ben Witt, regarding putting the deck on the rear/south side of the house instead: [A] deck off the back of the house is not ideal as the back of the house has two bedrooms on the main floor and egress windows for the lower level. The back would require major interior reconstruction to make that work. [Kern] isn't looking for much off the deck and 5' setback would suffice for what she is looking for. (11/13/2025)

**Staff Notes**

Utilities General Manager Bruce Reimers and Director of Public Works Matt Rynda were consulted. Neither had any concerns about the reduced side setback.

Planning Staff agree that the variance requested is reasonable. The lot is narrow, and the house is not centered within the lot. Within the neighborhood, there are many structures that do not meet setback requirements due to age. Almost every house on the block that 114 4<sup>th</sup> St SW is located does not meet modern day setback requirements, as seen in Attachment 13.

### **Criteria for Granting Variances - Section 507**

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties. Practical difficulties is a legal standard set forth in law that cities must apply when considering applications for variances. To constitute practical difficulties, all three factors of the test must be satisfied, which are reasonableness, uniqueness and essential character. The Zoning Ordinance's criteria addresses these standards.

The Zoning Ordinance identifies criteria for granting variances as noted below. These items must be evaluated by the Planning Commission and City Council when considering variance requests. It is important to note that variances should only be granted in situations of practical difficulties. A variance may be granted only in the event that all of the circumstances below exist. Staff has attempted to evaluate the established criteria for this specific request. Staff's comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The variance is in harmony with the general purposes and intent of the Ordinance because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.)
- B. The variance is consistent with the comprehensive plan. (The proposed variance is consistent with the comprehensive plan because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant proposes to use the property in a reasonable manner by reducing the side property line setback from 7 feet to 5 feet to construct a reasonably sized deck on the side of the home because one is not feasible on the rear of the home without major internal modifications.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to this property in that the property is narrow and the house was constructed very close to the side property line.)



- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because decks are a permitted use in the RL 84 Single Family Residential Zoning District, and many other houses in the surrounding area have structures that do not meet modern day setbacks.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is the minimum variance which would alleviate the practical difficulties because the proposed location for the deck is the only reasonable location for a deck on the house, and constructing a deck that meets the required 7 foot side setback would make the deck unusable by the property owner.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state, or local law. (No additional conditions are imposed.)

### **Staff Recommendation**

Staff recommends **approval** of Variance #V9-2025 to allow a variance for a 5 by 8 foot deck with a side setback of 5 feet rather than 7 feet at 114 4<sup>th</sup> St. SW, as proposed by KA Witt Construction, for the following reasons:

- A. The proposed variance to a reduction in the side setback requirement is in harmony with the general purposes and intent of the Zoning Ordinance because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.
- B. The proposed variance is in harmony with the comprehensive plan because the RL 84 Single Family Residential Zoning District allows decks as a permitted use.
- C. The applicant proposes to use the property in a reasonable manner by reducing the side property line setback from 7 feet to 5 feet to construct a reasonably sized deck on the side of the home because one is not feasible on the rear of the home without major internal modifications.
- D. Unique circumstances apply to this property in that the property is narrow and the house was constructed very close to the side property line.

- E. The variance does not alter the essential character of the neighborhood because decks are a permitted use in the RL 84 Single Family Residential Zoning District, and many other houses in the surrounding area have structures that do not meet modern day setbacks.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because the proposed location for the deck is the only reasonable location for a deck on the house, and constructing a deck that meets the required 7 foot side setback would make the deck unusable by the property owner.

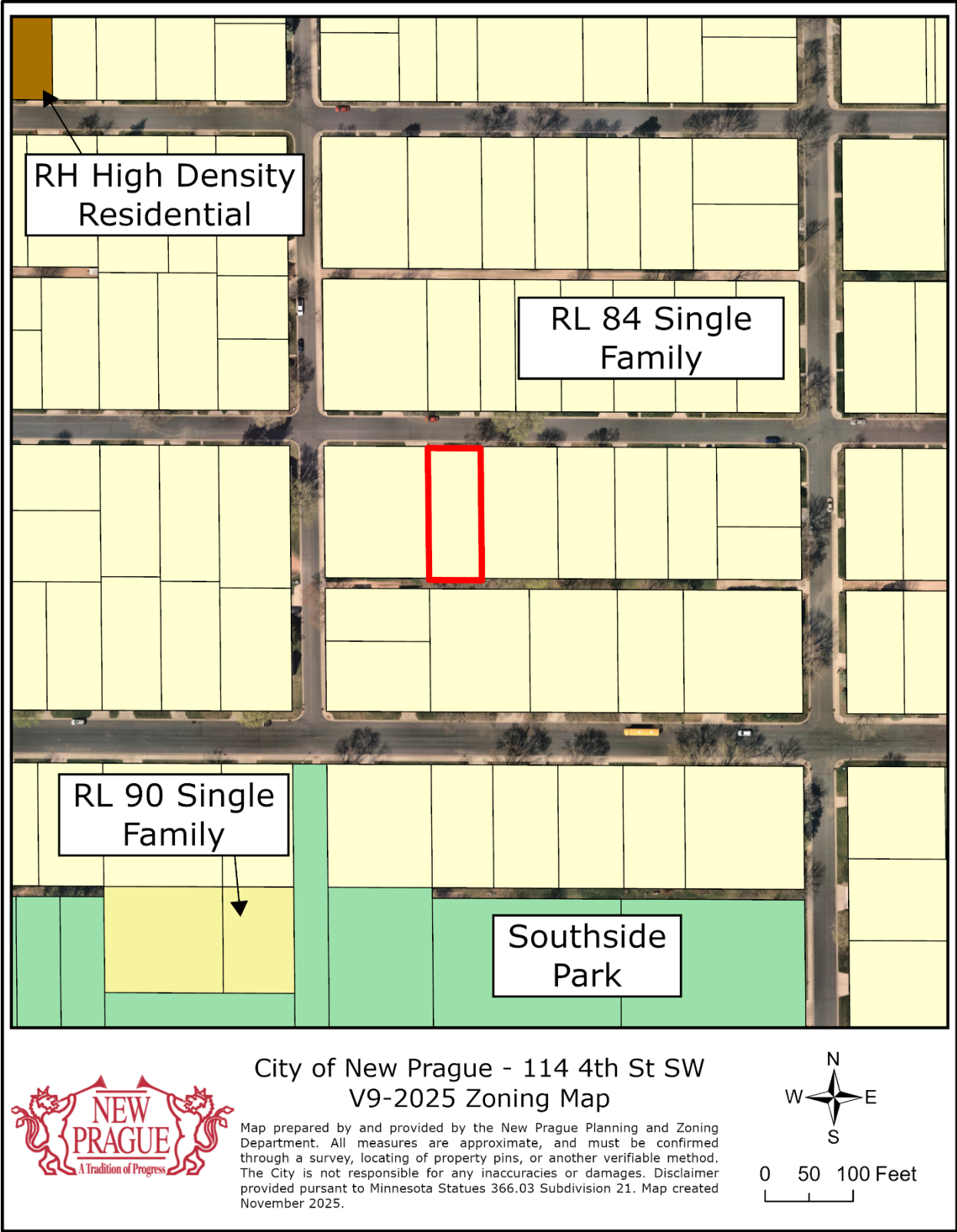
### **Attachments**

- 1. Site Map Aerial – Dated 11/19/2025
- 2. Site Map Zoning Districts – Dated 11/19/2025
- 3. Proposed Location of Deck – Dated 11/25/2025
- 4. Site Map Aerial with Proposed Deck — Dated 11/25/2025
- 5. Image of Property – Dated 11/10/2025
- 6. Image of Property – Dated 11/10/2025
- 7. Image of Property with Setbacks – Dated 11/10/2025
- 8-12. Google Street View – Dated 11/25/2025
- 13. Neighborhood with parcel lines – Dated 11/25/2025

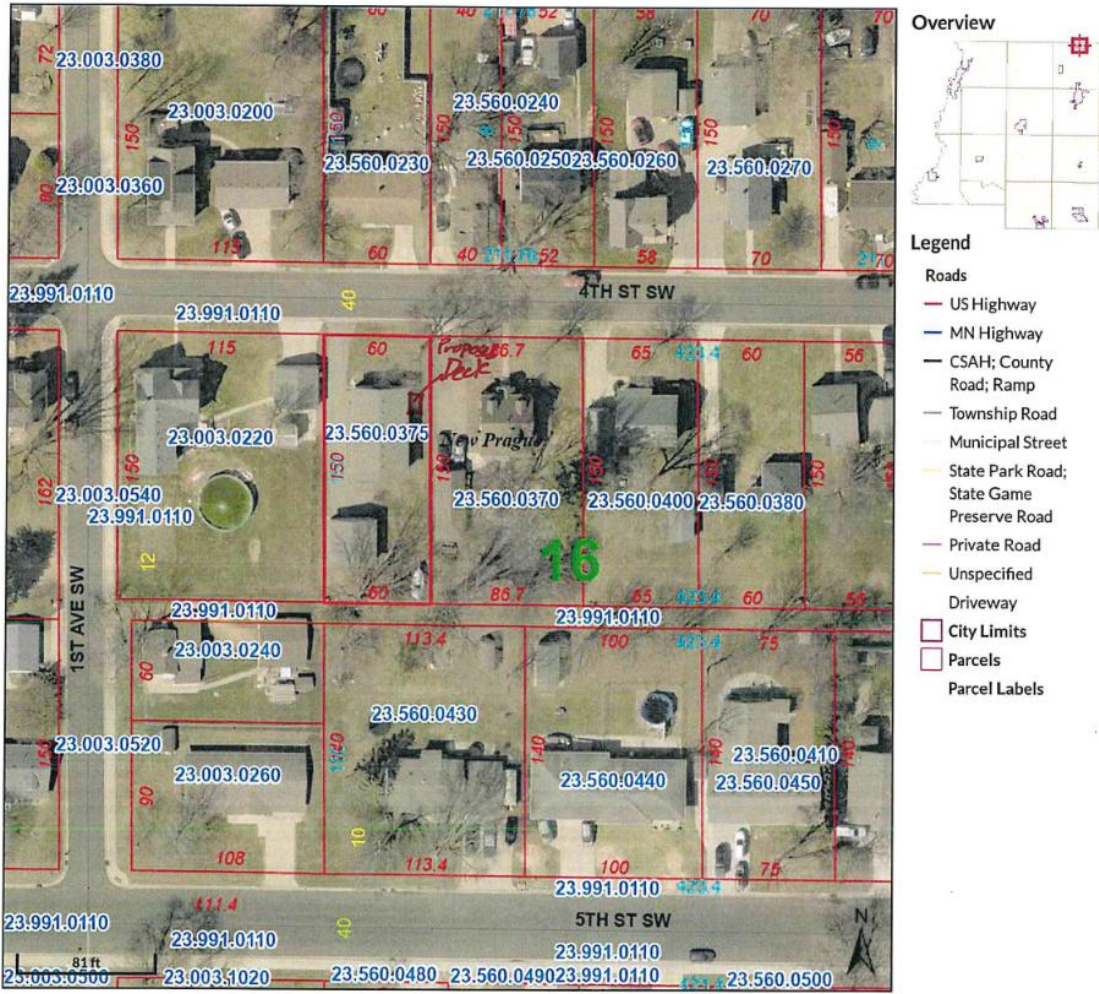


Attachment 1. Aerial map of 114 4<sup>th</sup> St SW and surrounding area. Satellite imagery from spring 2024. 11/19/2025





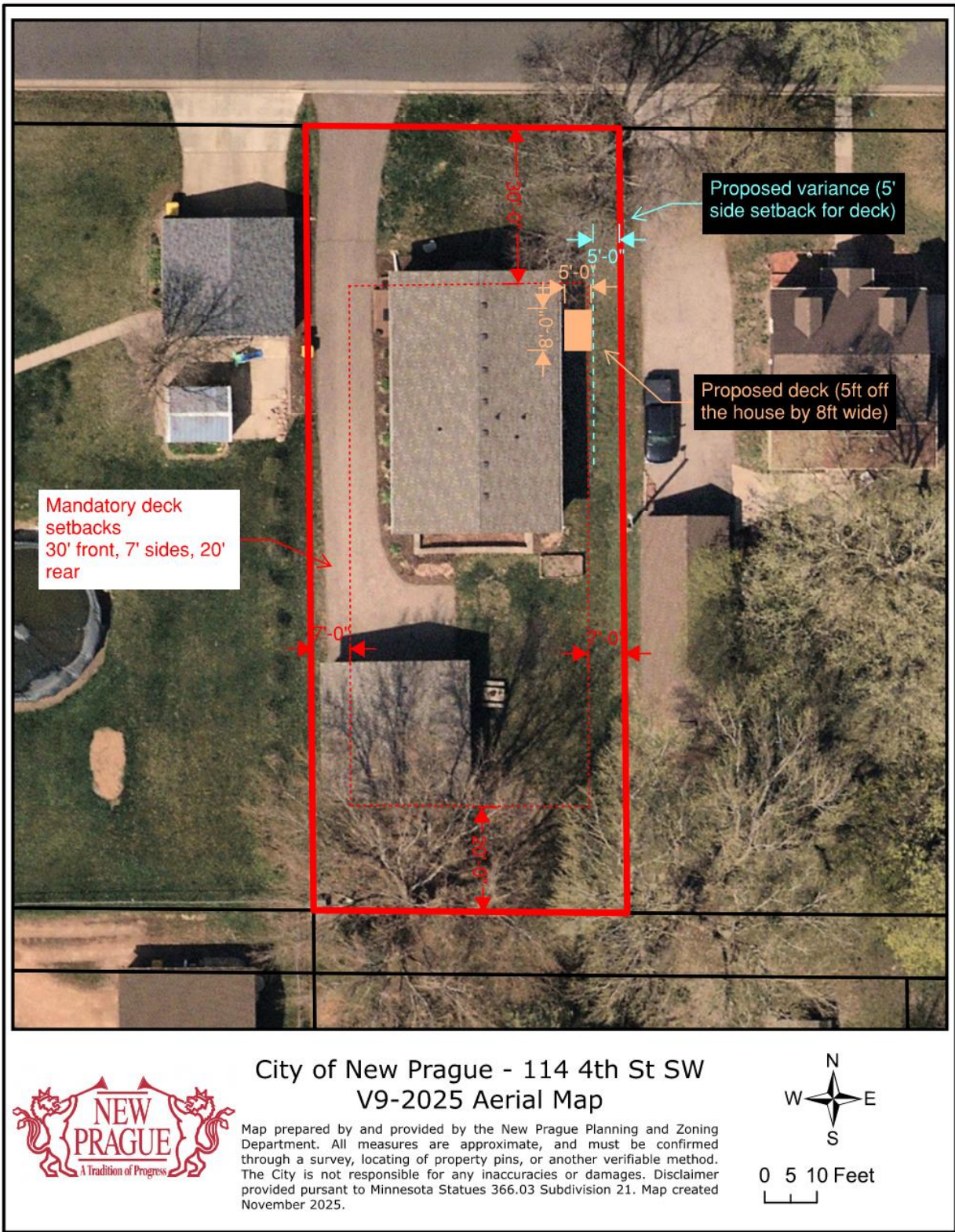
Attachment 2. Zoning districts of 114 4<sup>th</sup> St SW and surrounding area. 11/19/2025



-Aerial Photo taken in April 2025

Attachment 3. Location of proposed deck from applicant KA Witt Construction. Received 11/18/2025





Attachment 4. Site map with proposed deck. 11/25/2025



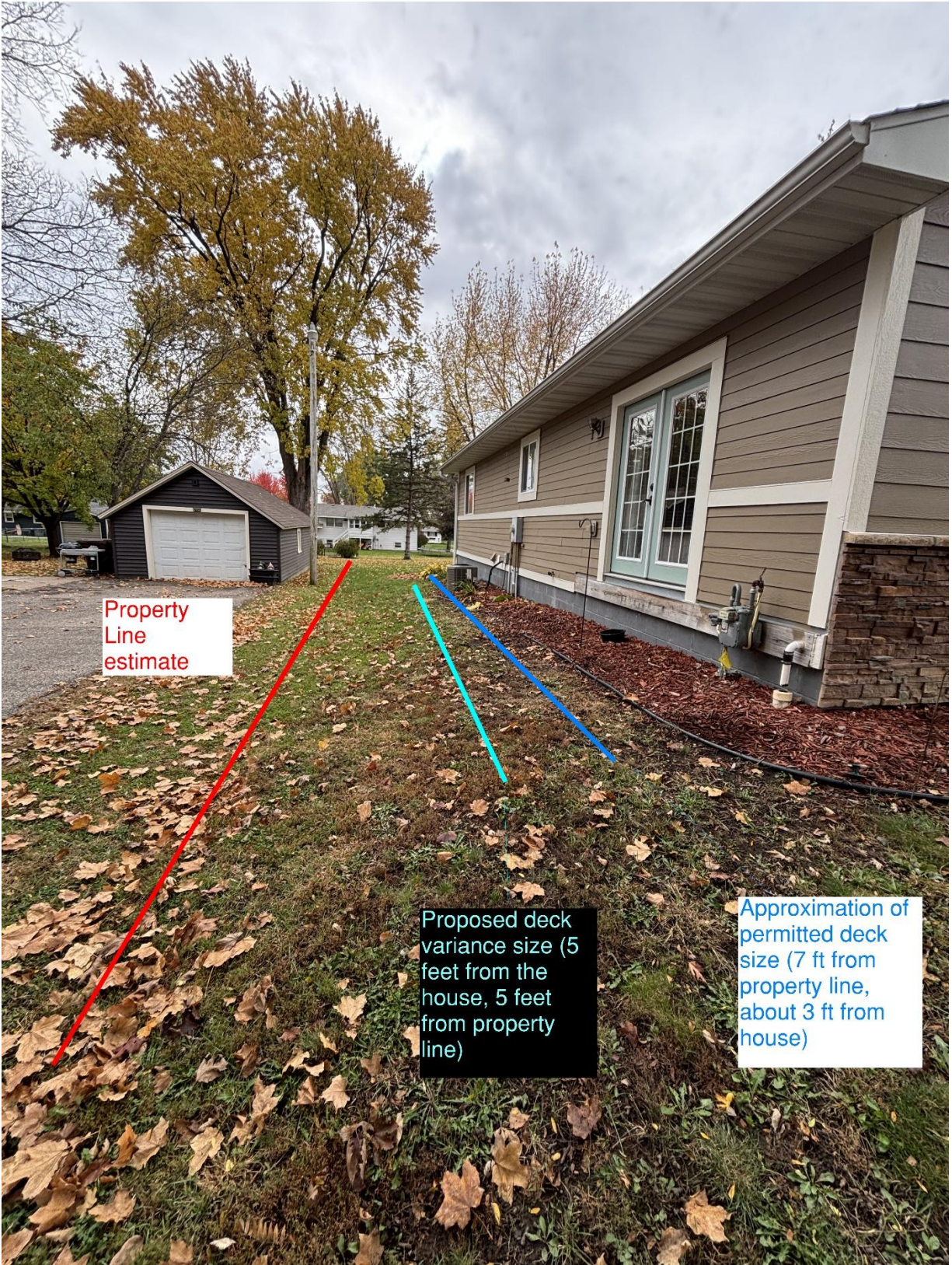






Attachments 5-6. Images of property from applicant. 11/10/2025





Attachment 7. Image of property from applicant with proposed deck lines drawn. 11/10/2025





Google street view of the front of 114 4<sup>th</sup> St SW, 10/2013





Google street view looking east down 4<sup>th</sup> St SW from 114 4<sup>th</sup> St SW, 10/2013



Google street view looking west down 4<sup>th</sup> St SW from 114 4<sup>th</sup> St SW, 10/2013





Google street view of the doors the proposed deck would be built off, 10/2013  
Attachments 8-12. Google street view of the property. Screenshots taken 11/25/2025



Attachment 13. Screenshot of Le Sueur County Beacon Map, showing the property lines of the houses and structures  
on the same block as 114 4<sup>th</sup> St SW. Screenshot taken 11/25/2025

Date: December 17, 2025  
To: New Prague City Council/Planning Commission  
From: Jeff Matzke, Senior Planner, Bolton & Menk  
Subject: Unified Development Code - Code Update Discussion

On November 19, 2025 the Planning Commission held a public hearing to consider the draft Unified Development Code (UDC). Following the public comment, the Planning Commission tabled discussion of the item before submitting a final recommendation to the City Council. They directed city staff and Bolton & Menk to provide more details on the topics of sidewalk locations in new developments, tree preservation code regulations, and B-1 (downtown) design materials.

## Code Topics for Additional Consideration

### Sidewalks

Bolton & Menk researched other community and industry standards for location of sidewalks in street corridors based on land use and street classification. Overall, the requirement of sidewalk along one side of the street on local streets and sometimes minor collector roads in residential zones were found with the exception of cul-de-sac areas and natural environmental sensitive areas (such as wetlands impacts) where no sidewalks could be required. In addition, commercial/industrial areas and all major collector and arterial roadways generally require sidewalks and/or trails on both sides of the street. Therefore, we recommend the following code option for consideration.

*A sidewalk is required based on the following criteria:*

Commercial areas, in and within 5 blocks of the B-1 Zoning District, and along collector/arterial streets: *Both sides of the street unless a trail is identified in place of a sidewalk.*

Industrial Areas: *One side of street minimum unless a trail is identified in place of a sidewalk.*

Residential Areas: *One side of street minimum, except cul-de-sacs.*

The City could also identify a future plan for bus routes that would require additional sidewalk requirements or allow the City discretion to require additional sidewalks when a pedestrian safety area is identified by a plan or policy.

### **Tree Preservation**

Following comments raised at the public hearing the Planning Commission directed a review of options to alter the tree preservation requirements which would reduce restrictions on tree removals and plan preparation. We present the following 2 options as possible changes to the tree preservation plan requirements.

#### **Option 1 – Increase Tree Removals from 35% to 50%, Simpler Plans**

This option maintains the need for a tree preservation plan to be prepared with development a permit applications but increases the allowed tree removals in private lot areas from previously proposed 35% to 50% of the total tree inches onsite. A reminder that trees removed within road right-of-way and in public easements (trail, drainage and utility) do not require replacement. In addition, the tree preservation plans could be prepared by a registered land surveyor for individual lot permits and developments less than 10 acres in size. Otherwise, the plans are required to be prepared by an arborist, forester, or landscape architect.

#### **Option 2 – Surveyor Work for All Plans, Preserve Large Trees, Increase Landscaping**

This option would not require arborist, forester, or landscape architect plan preparation but allow surveyors to identify tree locations and sizes in all tree inventory plans. It also would remove any tree replacement requirement with the following exception: 50% of tree inches of all heritage trees removed (outside of public right-of-way and easements) shall be replaced. Heritage trees have a size greater than 27" trunk sizes.

In addition, the following landscaping requirements are added:

Individual Residential Lots - A minimum 2 front yard trees and 1 rear yard tree (double this requirement on corner lots)

High Density Residential/Commercial/Industrial – The code already identified some landscaping but this would be increased to require 1 tree per 40 feet perimeter on all new developments and lot redevelopments.

Option 1 would require a significantly greater amount of replacement of trees in heavily wooded areas rather than Option 2. However, Option 2 would still require an nominal amount of tree replacements on individual development sites. The City should consider tree impacts on past development projects and the ultimate City desired policy for tree replacement.

### **B-1 Design Requirements – Possible Technology Material Allowance**

Comments were made by the public and the Planning Commission regarding allowing new technology and “historic like” materials such as brick-like facades in the B-1 (downtown) design guidelines. In response to these comments the following draft language could be added to the design requirements.

Masonry and other original surfaces shall be preserved. Brick shall not be covered with stucco, shakes, or other veneer unless otherwise approved by the Zoning Administrator. The Zoning Administrator may permit an exterior surface materials not identified in this section, provided the material is a result of new technology and/or the material is by the City’s discretion found to be equal to or better in quality, appearance, and durability and maintains the historic integrity of the structure. The applicant shall submit the manufacturer’s warranty and information of the non-listed material.

### **Planning Commission Action**

The public hearing for the UDC code updates has already been held and the Planning Commission should discuss these remaining topics above. Upon providing direction to city staff/Bolton & Menk on these topics, the Planning Commission should offer a recommendation to City Council for the draft UDC with any comments/conditions of approval.

**December 2025 EDA Business Updates:**

- **0 new home permits** were issued in November (0 single family homes, 0 townhome units and 0 apartment units). 57 residential units have been issued so far in 2025 (3 single family, 0 townhomes and 54 apartment units).
- **Bruzek Funeral Home,** located at 610 Main Street E., was sold to new owners in November. It will continue to operate under the same name with the new owners.
- **Autowash Systems, Inc.** purchased the car wash adjacent to Casey's located at 201 4<sup>th</sup> Ave. NW. It will serve as a training facility at times during the day, but will also showcase new automatic carwash technology and be available to the public for use as well.
- **Bargain Lodge,** located at 114 Main Street W., is in the process of moving to their new location at 105 Main Street W., Suite #1. This space has been vacant since Small Town Girl closed this past summer.