



PLANNING COMMISSION MEETING AGENDA

City of New Prague

Wednesday, July 24, 2024 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

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1. **CALL TO ORDER**
 2. **ELECT CHAIR AND VICE CHAIR FOR 2023/2024**
 3. **APPROVAL OF MINUTES**
 - a. June 26, 2024, Planning Meeting Minutes
 4. **OLD BUSINESS**
 - a. None
 5. **NEW BUSINESS**
 - a. Request for Variance #V4-2024 - B-1 Downtown Design Requirements
Randy Kubes - Applicant
 - b. Final Plat of Stienessen Addition for 3 Lots on 4.01 Acres
Benjamin Steinessen - Applicant
 - c. Zoning Ordinance Amendment - Relating to Public Buildings
(Public Hearing Required)
 6. **MISCELLANEOUS**
 - a. Cannabis Ordinance Update
 - b. Monthly Business Updates
 - c. Comprehensive Plan / Small Area Plan Update
 7. **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, 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



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

MEMORANDUM

TO: PLANNING COMMISSION

FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN - PLANNER

SUBJECT: REQUEST FOR VARIANCE #V4-2024 FROM THE B-1 DISTRICT
COMMERICAL DESIGN STANDARDS TO ALLOW EXTERIOR
ALTERATIONS AT KUBES FURNITURE & FLOORING, 133 MAIN ST. W., AS
PROPOSED BY RANDY KUBES.

DATE: JULY 17, 2024

Background / History

At the September 27th, 2023 Planning Commission meeting, staff introduced a concept review of a Zoning Ordinance Amendment for commercial building design/site requirements in the B-1 District. At the meeting, Randy Kubes, the owner of Kubes Furniture & Flooring stated that his downtown building is outdated, and the façade is in need of modernization. He also mentioned that the exterior bricks are worn and falling off and would like to do exterior alterations by using wood panels and covering the old brick to beautify and modernize his building. Staff noted, however, Section 726 of the Zoning Ordinance requires the preservation of masonry and historical character of the downtown district and prohibits the covering of original brick. Furthermore, any deteriorating features such as brick must be either repaired or replaced with the same or similar materials.

This zoning ordinance amendment concept review was further discussed at the November 1st, 2023 Planning Commission special meeting. The Planning Commission wanted to wait for the results of the Comprehensive Plan update which was ongoing. At the time of writing this report, the Comprehensive Plan update is not yet adopted, however the existing comprehensive plan is still in place and acts as the overall guidance plan for the city.

Some public comments for the Comprehensive Plan have showed interest in maintaining the old downtown, which spurred discussions with the Planning Commission about possibly creating Downtown Preservation Design Guidelines and or having the something like a Heritage Preservation Committee.

Mr. Kubes has submitted an application for building design variance as he does not want to wait for the Comprehensive Plan and the subsequent re-write of the zoning ordinance which could take another year to complete after the Comprehensive Plan is adopted.

Legal Description

The Land is described as follows:

Beginning at a point on the North line of West Main Street, said point being 62.00 feet East of the Southeast corner of Block Number One, Philipp’s Addition to the City of New Prague, Minnesota; thence North parallel to the East line of said Block Number One and parallel to the center line of First Avenue Northwest 173.30 feet to a point 62.00 feet East of the Northeast corner of Lot Number 5 of said Block Number One; thence East parallel to the North line of said West Main Street 35.50 feet; thence South parallel to the East line of said Block Number One and parallel to the center line of First Avenue Northwest 173.30 feet to the North line of said West Main Street; thence West on the North line of said West Main Street 35.50 feet to the place of beginning.

AND ALSO

a driveway and roadway easement described as follows:

Beginning at a point 62.00 feet East of the Northeast corner of Lot Number 5 of Block Number One of Philipp’s Addition to the City of New Prague, Minnesota; thence North parallel to the East line of said Block Number One and the center line of First Avenue Northwest 16.50 feet; thence East 35.50 feet parallel to the North line of West Main Street; thence South parallel to the east line of said Block Number One and parallel to the center line of first Avenue Northwest 16.50 feet to a point due East of place of beginning; thence West 16.50 feet parallel to the North line of West Main Street to place of beginning.

Zoning

The subject property is located in the B-1 Central Business District. Section 726 of the Zoning Ordinance outlines specific design standards for buildings within the B-1 District. The following are the exterior regulations:

726 Commercial Building Design for the B-1 District

- 1. Purpose. The purpose of establishing design standards for the B-1 Central Business District is to preserve an atmosphere consistent with the original character of the City, to protect and enhance the appeal and attraction of the City to residents, visitors, and tourists, to foster civic pride in the beauty and notable accomplishments of the past, and to preserve the value of existing buildings which are located in the City.
 - A. Finishes, construction techniques and craftsmanship that characterize the architectural character of a building shall be preserved whenever reasonably possible.
 - B. Deteriorating features shall be repaired rather than replaced whenever reasonably possible. When the severity of the deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where reasonably possible, materials.
 - C. Masonry and other original surfaces shall be preserved. Brick shall not be covered with stucco, shakes, or other veneer.

- D. Windows must not be filled in with wood, brick, or any other materials. Window sizes and shapes must be maintained if replacement or removal of original window is necessary.
- E. For new construction, at least 40 percent of the first floor façade area must consist of windows. For buildings being constructed on a corner lot, this requirement applies only to the façade facing Main Street and the first 40 feet of the side street, or the more major of the two adjacent streets. This provision shall not apply to accessory buildings located in the B1 District.
- F. The City encourages the uncovering of original windows that have since been covered.
- G. For new construction, predominant exterior building materials must consist of brick to complement historical downtown building materials.
- H. Additions or exterior alterations to existing buildings shall be compatible in materials, color, scale, and architectural features with the existing building.
- I. Awnings shall be made of cloth or canvas. No plastic awnings shall be allowed.
- J. Structures located in the B1 Central Business District are generally those structures where early commerce occurred in New Prague, and therefore have historical significance. Prior to issuing a demolition permit for any structure located in the B1 Central Business District, the City Council shall evaluate its historical significance to the community, the economic feasibility of renovating the structure versus demolition, and life safety issues associated with the structure, and determine if the demolition permit shall be issued based upon these factors.

The purpose of Section 726 of the Zoning Ordinance is to maintain and preserve the old historical buildings. Some of the oldest buildings along Main Street date back to the 1880s or earlier when the town was founded. The objective of the ordinance was to maintain the characteristics of the buildings in the era they were constructed. The ordinance protects the district by mandating the preservation of masonry or other original surfaces. Brick may not be covered by stucco, shakes, or veneer. Even new construction in the district must consist of brick to complement the historical buildings. If a building within the district is severely deteriorated, the new feature must match the design, color, or texture of the materials. Furthermore, all awnings must be constructed from cloth or canvas, not plastic.

The applicant is requesting a variance from these design requirements. The applicant would like to cover the prominent existing brick with Hardie panel siding, and Osceola prairie stone. The ordinance does not allow the original brick to be covered. Additionally, the applicant intends to install an iron cable awning. Under the zoning ordinance, awnings may be constructed with cloth or canvas. The existing awning is a non-conforming awning because it is made of plastic. However, several years ago, the subject building had a metal cable awning which can be seen in the picture below. The existing zoning ordinance would not allow the construction of a metal cable awning.



Subject Property with Metal Cable Awning (Left Brick Building)



In 2010, the Central Business District & Sign Guidelines was adopted, documenting common architectural themes of New Prague's downtown district. Although the document was not adopted into an ordinance, it acts as an architectural and aesthetic preference or snapshot of the community. On page 11, it states that brick is a unique and attractive material that plays a key part in New Prague's historical character and is imperative that brick should be preserved. Moreover, it mentions that brick should not be covered under any circumstances and if the brick has become worn, it must be repaired or replaced. This section illustrates that masonry is distinctive of the architectural era and should be preserved.

Comprehensive Plan

The land use chapter of the existing Comprehensive Plan provides the following information regarding the city's downtown:

B-1 District. The central business district has historically served as the city's primary area of commerce. The central business district is located near the center of the community and include large brick buildings with a mix of commercial uses including professional offices, service businesses such as hair salons, retail businesses such as flooring, furniture, clothing, financial institutions, cafes and restaurants, real estate offices, dry cleaning, shoe repair, bowling, a bakery, insurance offices, optometrist, tanning salon, barber shop, law offices, medical clinic, hotel and government offices including city hall/police, the Chamber of Commerce office and many specialty retail shops. The central business district has remained vibrant over the years with a limited number of vacant buildings and turnover in ownership or the type of business in those that have become vacant. Although primarily brick buildings, the architecture of the downtown buildings varies. The majority of the buildings were constructed at different times. There are three buildings on the National Register of Historic Places including the First National Bank, located at 112 West Main Street, which was designed by Frederick Klawiter and constructed in 1922, the Hotel Broz which is located at 212 West Main Street and was a "first class" brick hotel constructed in 1898 and served as the City's social center, and the Church of St. Wenceslaus a Baroque Revival/Georgian brick church built on East Main Street in 1907 with the rectory added in 1908 and St. Wenceslaus School constructed in 1914. An addition to the school was constructed in 2002. The City's downtown carries a theme with ornamental streetlights, brick pavers in the sidewalks, bump outs at corners, to assist pedestrian traffic, and a variety of awnings and murals. Patrons of the downtown business district are provided with on-street parking and a small municipal parking lot on Main Street and adjacent to City Hall.

Downtown Commercial Objectives

1. Continue downtown New Prague as an important retail center.
2. Promote the expansion of the downtown on sites identified for potential redevelopment.
3. Continue to promote downtown as the center of the community as a focal point for government, community social activities and commerce.
4. Maintain the historic character of the downtown.
5. Provide convenient parking for customers and employees.
6. Promote land uses that will reinforce business synergy.

Downtown Commercial Policies

1. Continue to encourage private sector rehabilitation and renovation of existing buildings in the downtown.
2. Encourage the use of upper levels of commercial buildings for office and residential uses.
3. Continue, through the Chamber of Commerce and business organizations, to promote unified commercial and service promotional events to attract customers to the downtown.
4. Monitor traffic and provide safe and convenient access to businesses for vehicular and pedestrian traffic.
5. Continue, through the Zoning Ordinance, to require design standards for new and remodeled buildings to ensure the building mass, scale and facades are compatible with existing buildings.
6. Continue to offer on-street parking for business patrons as well as municipal parking lots to accommodate overflow and employee parking.

While not yet adopted, the draft Comprehensive Plan contains the following information relating to buildings downtown under the “Community Development and Amenities” heading:

Goal 1: Establish the City’s role as a primary driver of all types of development throughout the community.

Strategies:

- Utilize the Future Land Use map to plan for new development of the area.
- Explore development incentives that prioritize infill development/ redevelopment and utilize existing public infrastructure.
- Maintain and preserve the unique character of downtown New Prague due to its historical and cultural significance.
- Support public-private partnerships and work proactively with private business and landowners to facilitate investment in the community.

Neighborhood Conditions and Subject Building History

North – B1-Central Business District, RM-Medium Density Residential District, and RL84-Single Family Residential District

South – B1-Central Business District, RL70 – Single Family Residential District, and I1-Light Industrial District

West – B1 - Central Business District and I1-Light Industrial District

East – B1-Central Business District

Several businesses along Main St are zoned B1-Central Business District. Most of the buildings in the district were constructed in the 1880s to the 1940s for mainly commercial/retail uses. The purpose of the B1-Central Business design standards ordinance was to preserve and maintain the old historic character of the downtown district. It was very common during this era for buildings to have brick facades.

According to the Reconnaissance Survey of Downtown (completed in 2015) New Prague, the subject building was constructed in 1946 by Emil Dvorak for his Kaiser-Frazer automobile dealership. The building has brick and cement cladding and is representative of the mid-century modern architectural style. The main entrance has large, slanted display windows on the south and west elevations. Glass block windows on the west elevation of the first floor and basement.

Directly to the east of the building, the applicant also owns 131 Main St W to conduct business for Kubes Furniture & Flooring. The building was originally built in 1885 and is representative of the Italianate architectural style. It has stucco over brick cladding, Italianate cornice, dentil molding. The façade consists of mainly brown hues. Staff recommends that the alterations made to the subject building, 133 Main St W, should have coordinating colors to compliment and match each other.



Picture of 133 Main St W (west) and 131 Main St W (east)

The subject building was constructed somewhat later than some of the downtown buildings in the district. However, there are some buildings that were constructed much later and have different facades. For instance, the building at 201 Main St W was rebuilt in 1974 and has cement block cladding and the building at 126 Main St W was constructed in 1956 and has cement block cladding. These exterior differences are a result of the lack of building façade standards in the Zoning Ordinance years ago. While the building was constructed in a time period more recently to what other buildings that might typically be considered “historic”, the building is still a brick façade building with a specific architectural style from the 1940’s and is certainly unique in that regard and should be preserved.



201 Main St W - Cement Block Cladding



126 Main St W - Cement Block Cladding

Applicant's Statement of Practical Difficulty

The applicant provided the following statement below on 7/15/2024, regarding their reason for requesting the variance:

“Per Existing Ordinance Language 726 Commercial Building Design for B-1 District, Item 1, letter C states original surfaces shall be preserved.

Since the brick is no longer available and failing in several areas it is impossible to preserve, patch or replace the existing brick, therefore, the language in the ordinance makes it impossible for us to maintain our building and properly give us an appearance that is professional, orderly and attractive to the downtown of New Prague. Therefore, we are asking for a variance.

Also included in Item 1 statements A & B, the end of each sentences says the words, “whenever reasonably possible”, this language should provide the ability to grant the variance.”

Submitted by Randy & Lisa Kubes via e-mail on 7/15/24

Historical Society Comments

Dennis Dvorak, the author of the 2015 Reconnaissance Survey of Downtown New Prague and member of Minnesota Historical Society met with staff, at staff's request, on 7/1/2024 regarding the proposed exterior alterations. Dvorak was not in favor of the covering of original brick because it would erase a pertinent architectural feature of the period. He noted that the proposed cornice looks odd and should instead be flush with the building. He also noted that perhaps a metal cap could be added to the cornice. He stated that the proposed metal cable awning would accentuate the face of the building and nicely wraps around the west corner of the building. However, there could be snow load concerns with the proposed awning. The awning could further have honeycomb inserts to bring in natural light. He recommends that the building owner talk with the Minnesota State Historical Society to design more appropriate exterior plans that still feel representative of the era.

Building Inspector Comments

Building Inspector Brian Petersen explained that if the metal cable awning projects more than 54 inches from the exterior wall, it must be able to handle 20 lb/sq ft.

General Planning Staff Comments

Staff notes that the revised plans certainly create an attractive building, certainly one that would be a nice addition to the City, but not in the B-1 Central Business district as it does not meet the intent of the City's Comprehensive Plan or current zoning ordinance as proposed.

Staff has not received any information from the applicant specific to the exact brick, or even a similar matching brick, documenting it being available or not and if it is available, what the financial consequences of that brick being repaired and replaced might be. Staff would welcome

additional documentation from the applicant and their contractor regarding the brick damage, similar looking brick and cost to tuckpoint. For comparison purposes, it would be beneficial to know the cost of the proposed exterior as well. Staff would also like to see renderings with dimensions and a scale bar to better visualize the alterations.

Staff supports a variance for the addition of an upper façade (false wall) to add height to the building as long as the cornice is flush with the building. Related to this, staff supports this upper façade being made of Hardie board as shown in the plan, versus being made of brick as a design element. Staff also supports limited design elements on the west side of the building including the lights, additional signage and picture molding to accentuate the existing windows.

Staff also supports a variance for the design element of the metal cable supported awning on the front and partial side elevation as it's similar to the previously existing historic awning on the building as shown in an older picture of the building. The metal cable awning would also expose the brick indent/frame underneath that is unique of that period.

What staff does not support is removal or covering of any brick on the front of the building. The existing front of the building does have some nice design features which is partially covered up by the plastic non-conforming awning, along with some limestone and the face brick which should be tuckpointed and brick replaced with similar where possible (possibly using brick from elsewhere on the building if available). Staff also does not support the use of Osceola Prairie stone, even as an accent feature.

Staff highly suggests the applicant contact the Minnesota Historical Society in developing revised plans that focus on preservation/restoration of the existing brick, particularly on the front of the building.

Criteria for Granting Variance – 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 evaluated 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 proposed variance is not in harmony with the general purposes and intent of the**

- Ordinance because the exterior alterations would modernize the structure instead of preserving the historical features of the building.)
- B. The variance is consistent with the comprehensive plan. (The proposed variance is not consistent with the comprehensive plan because B1-Central Business District is supposed to preserve the old historical character of the downtown.)
 - 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 will continue to use the property in a reasonable manner not permitted by the ordinance since it would not preserve the features of the old historical district.)
 - 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. (There are no unique circumstances that apply to this property.)
 - E. The variance does not alter the essential character of the neighborhood. (The variance will drastically alter the essential character of the neighborhood because it will modernize a historical building within the B1 – Central Business District.)
 - 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 not the minimum variance which would alleviate the practical difficulties because exterior alterations can still be made without covering up the brick.)
 - 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.)

The above findings reflect staff's review of the proposed design changes. As noted earlier, staff can support specific variances for certain design elements which focus on brick preservation.

Staff Recommendation

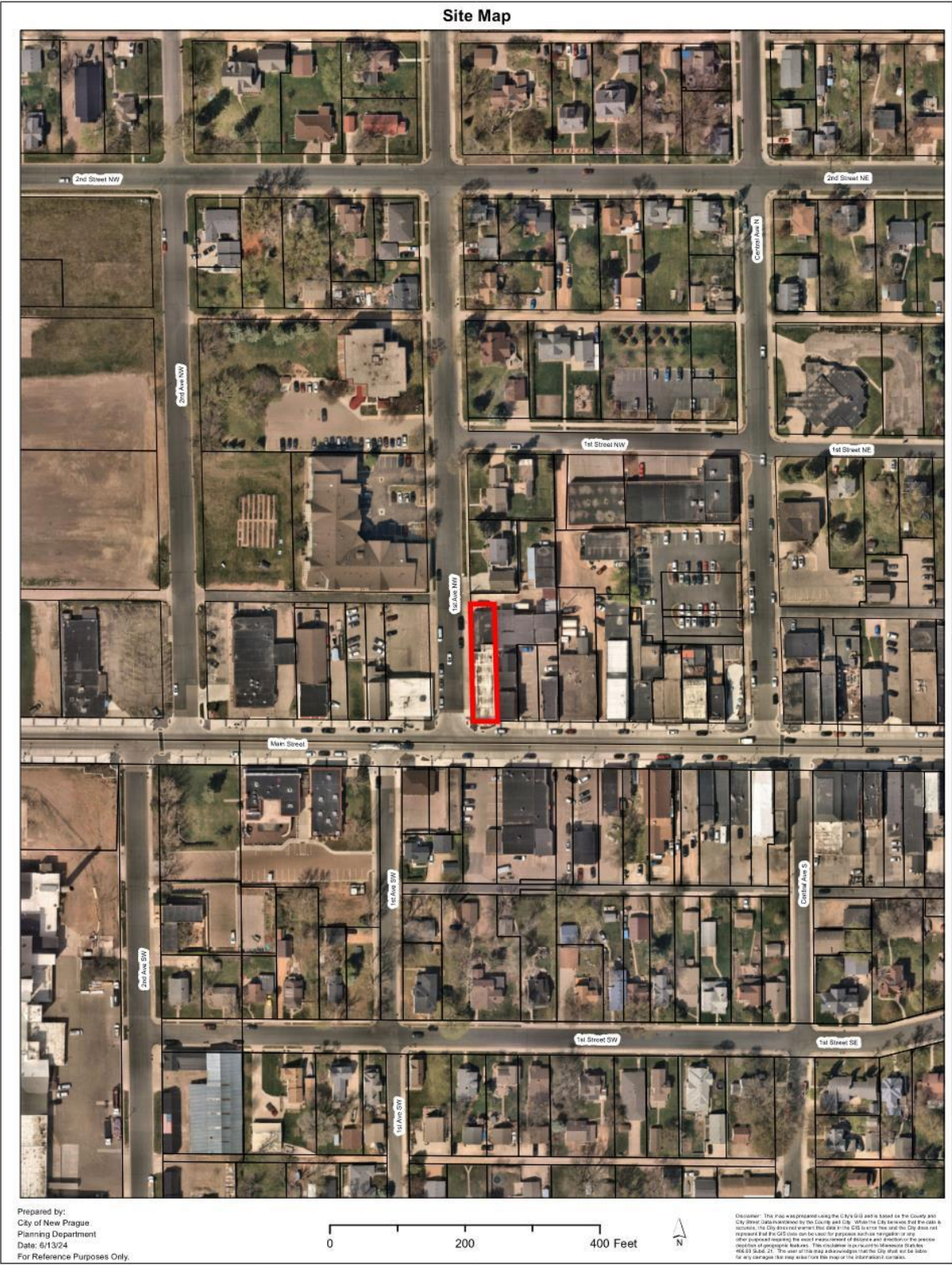
Staff recommends two actions for consideration:

1. Relating to the proposed building design: Staff recommends **denial** of the variance from the B-1 District Commercial Building Design standards at Kubes Furniture & Flooring at 133 Main St W, as proposed by Randy Kubes, with the following findings:
 - A. The proposed variance is not in harmony with the general purposes and intent of the Ordinance because the exterior alterations would modernize the structure instead of preserving the historical features of the building.
 - B. The proposed variance is not consistent with the comprehensive plan because B1-Central Business District is supposed to preserve the old historical character of the downtown.

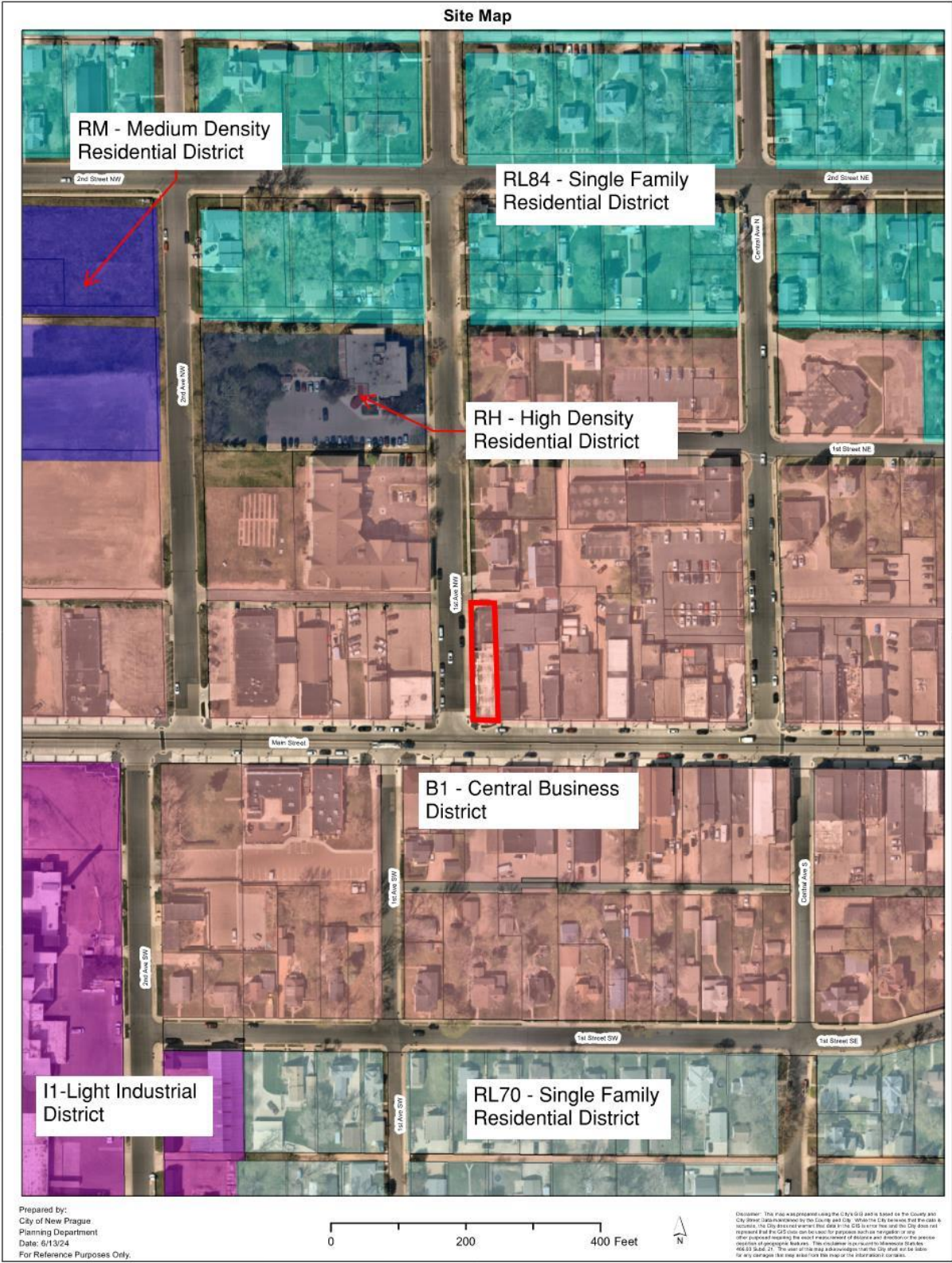
- C. The applicant will continue to use the property in a reasonable manner not permitted by the ordinance since it would not preserve the features of the old historical district.
 - D. There are no unique circumstances that apply to this property.
 - E. The variance will drastically alter the essential character of the neighborhood because it will modernize a historical building within the B1 – Central Business District.
 - F. The variance requested is not the minimum variance which would alleviate the practical difficulties because exterior alterations can still be made without covering up the brick.
 - G. No additional conditions are imposed.
2. Staff would recommend tabling/continuing the discussion for submission of revised plans that focus on preservation of existing brick, particularly on the front elevation.

Attachments

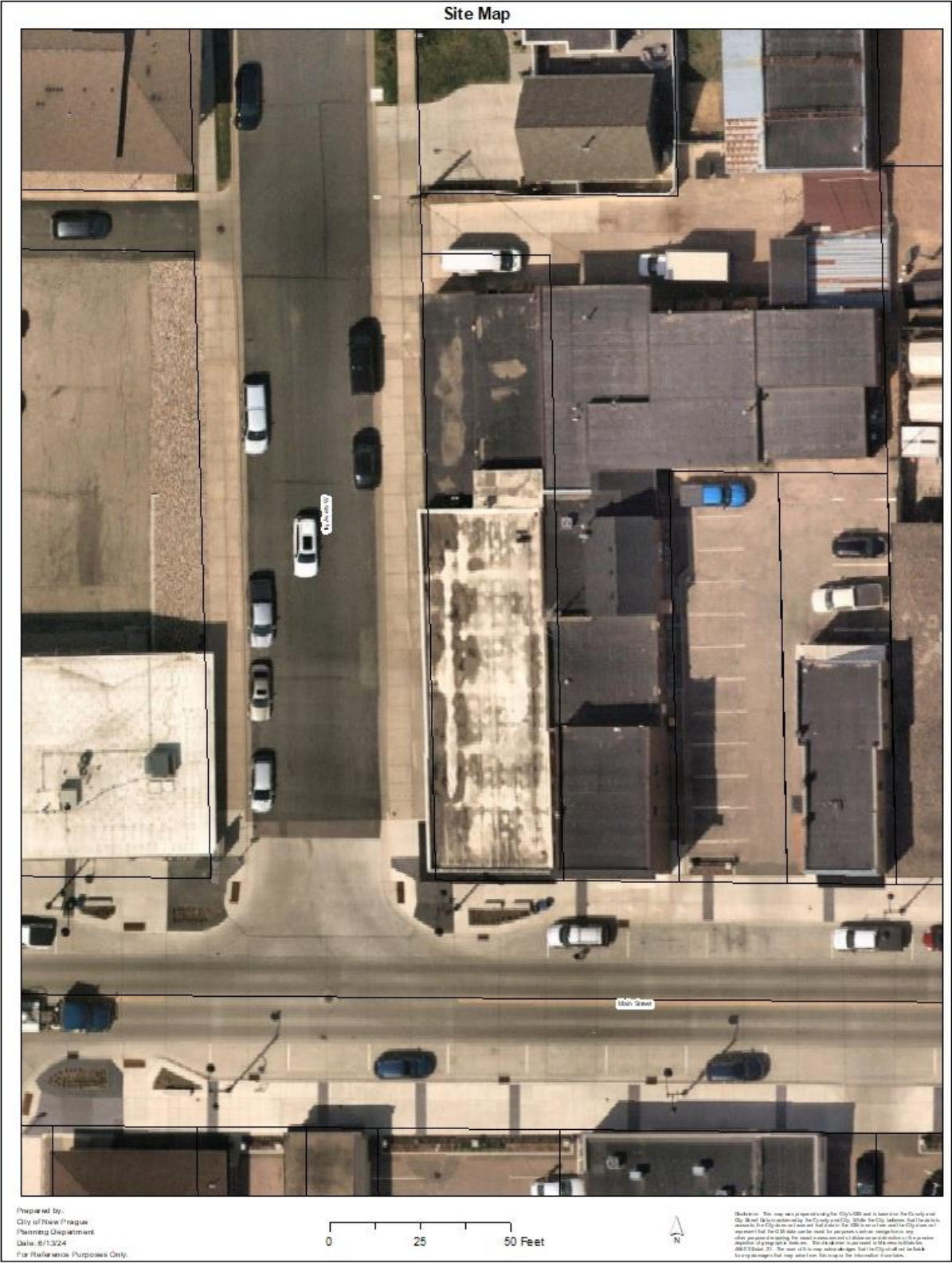
- 1. Site Map Aerial – Dated 6/13/24
- 2. Zoning Map Aerial – Dated 6/13/24
- 3. Aerial Detail – Dated 6/13/24
- 4. Presentation Slides of Proposed Exterior– Undated
- 5. Reconnaissance Survey of the Downtown – 2015
- 6. Google Street View – August 2023
- 7. Oblique Aerials – April 2022



Subject Site

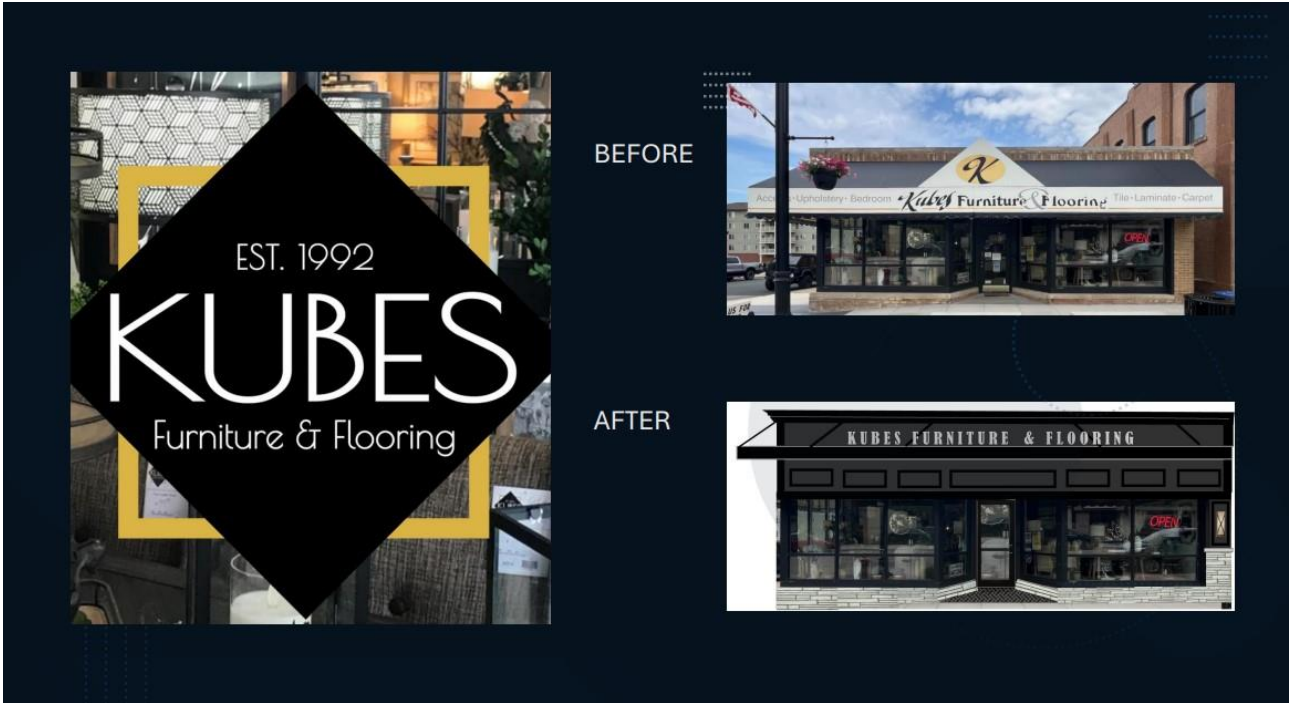


Zoning of the Subject Site and Surrounding Properties



Subject Site

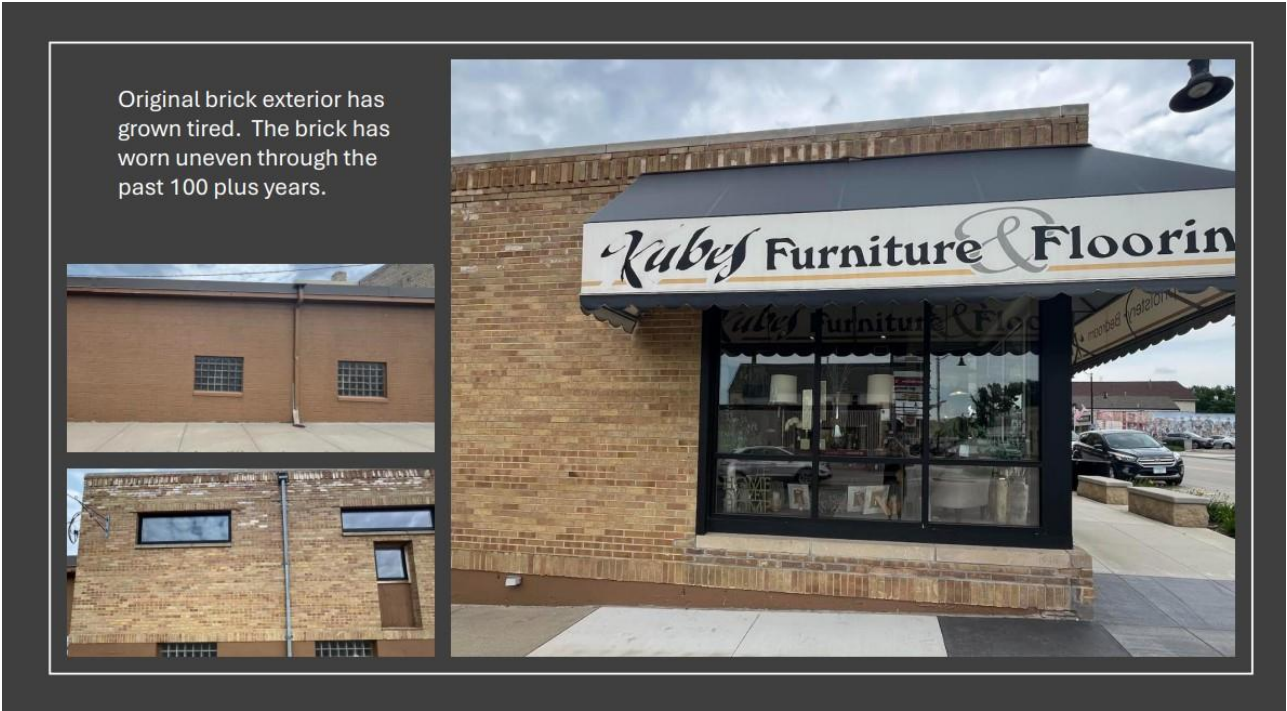
Variance #V4-2024 – B-1 District Building Design Variance
July 24, 2024 Planning Commission Meeting
Page 15 of 24



Proposed Exterior – Looking North



Proposed Exterior – Looking North



Existing Brick Exterior



Proposed Exterior – Looking East

- Iron Cable Awning Inspiration
-
- The new permanent awning will offer lite panels to illuminate the storefront. Lite logo letters will rest on the top of the awning



Iron Cable Awning

Hardie® Panel



Hardie® Artisan Siding

Find your style

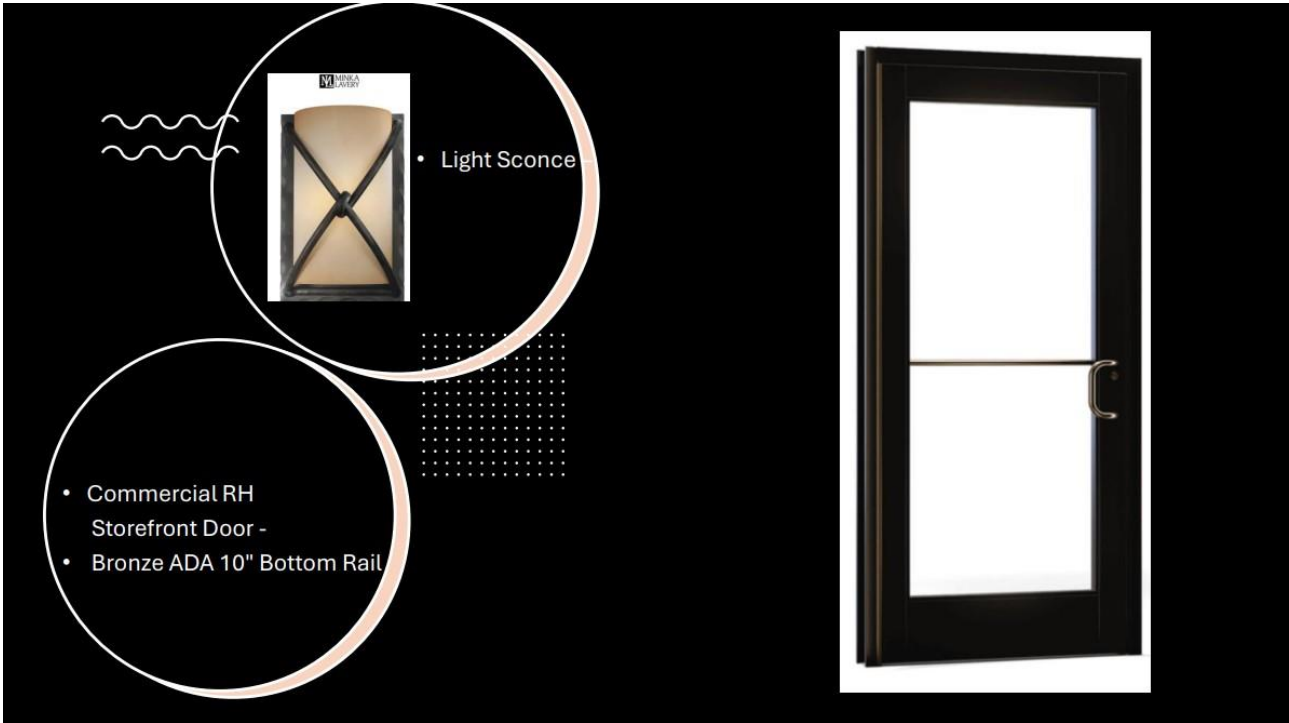
Add sophistication to your design with the attractive, streamlined styling of Hardie® Artisan Siding—primed for your choice of paint color—to create your masterpiece.

Select your siding texture



Osceola Prairie Stone MN

Façade Details



- The panels help to hid the years of variation and changes that attributed to the tired look.



- TURNING THE CORNER...





Historic use:
Slavik Furniture and Flooring
Present use:
Kubes Furniture
Owner and address:
Randy Kubes, New Prague
Date of construction:
1946
Architectural style:
Mid-Century Modern
Architectural integrity:
Excellent
General condition: Good
Pin # 24.934.1571

History:
The building was built by Emil Dvorak in 1946, as a showroom for his Kaiser-Frazer automobile dealership. The Kaiser-Frazer automobile was first introduced in 1947 and ended production by 1951. The north loading dock accessed the basement garage where a repair shop was established for the Kaiser-Frazer automobiles. Sam and Rosemary Slavik bought the building in 1949 after moving their furniture store from the Sery building on Main Street. The building site was occupied by S. Vesseli's cobbler shop in the 1880's. The lot became vacant from 1892-1899 and beginning in 1899, a wagon shop occupied the site. The site was vacant in 1919. Pavek's Pavilion, an outdoor dance pavilion, occupied the site in 1919. The Skluzacek Furniture and Mattress Company occupied the building before being sold to the Kubes Furniture Store.

Approximate dimensions:	100' X 35' Garage addition; 60' X 34'
Plan type:	Rectangle
Number of stories:	1 with walkout
Foundation:	Cement block
Cladding:	Brick and cement block
Roof type and materials:	Flat with membrane
Chimneys:	None
Openings, fenestration:	Recessed main entrance on the south elevation with service entrance on the north elevation. Fenestration of large slanted display windows on the south and west elevation framing the main entry. Glass block windows on the west elevation of the first floor and basement.
Notable exterior features:	Facade with large slanted display showroom windows.
Additions and alterations:	None
Orientation, general setting:	South
Outbuildings:	None
Landscape features:	Northwest corner of Main Street and 1st Ave. NW on sloping lot to the north
Comments:	Surveyed: DFD 8/2014 NR - Further Research

Reconnaissance Survey of Downtown New Prague: Kubes Furniture & Flooring (133 Main St W)

131 Main Street West - Scott County

196



Historic use: Emil Dvorak's Grocery Store
Present use Mosaic Alley
Owner and address: Randy Kubes - New Prague
Date of construction: 1885
Architectural style: Italianate
Architectural integrity: Poor
General condition: Fair
Pin # 24.934.1510

History:
The building originally housed the Kokes Saloon and billiard parlor on property owned by S. Vasseli in 1887. Vincent Slawick built a lumber yard on the site in 1870. Emil Dvorak operated a grocery store in the building. The headquarters for his egg processing business occupied additional buildings attached to the north of the grocery store. In the 1940's, the grocery store was called the United Grocery Store.

Approximate dimensions: Original 1885 building; 42'X27' Attached buildings; 117'X82' and 100'X39'
Plan type: Rectangle
Number of stories: 2 with apartment on the second floor
Foundation: Stone foundation in original building, stone and cement block in additions.
Cladding: Stucco over brick
Roof type and materials: Flat with membrane
Chimneys: 1 brick chimney
Openings, fenestration: Flush side Main entrance on the south elevation. Symmetrical fenestration of three segmented fan arch windows with iron sills on the second floor of south, east and west elevations. Two display windows on the south elevation.
Notable exterior features: Facade with Italianate cornice, dentil molding, brackets and piers
Additions and alterations: Attached additions to the grocery and egg processing facility north of the original 1885 building. The additions house offices, storage, loading docks, and workrooms.
Orientation, general setting: South
Outbuildings: All of the additions are connected
Landscape features: Vacant lot on the east with parking
Comments: Surveyed: DFD 8/2014 | NR - Not eligible

Reconnaissance Survey of Downtown New Prague: Kubes Furniture & Flooring (131 Main St W)



Google Street View – Looking North from Main Street



Google Street View – Looking East from 1st Ave NW



Oblique Aerial View – Looking East



Oblique Aerial View – Looking North



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REQUEST FOR FINAL PLAT REVIEW OF STIENESSEN ADDITION
CONSISTING OF 3 LOTS ON 4.1 ACRES IN THE LE SUEUR COUNTY R1,
URBAN/RURAL RESIDENTIAL ZONING DISTRICT, AS PROPOSED BY
BEN STIENESSEN, APPLICANT.
DATE: 7/16/24

Background / History

Ben Stienessen submitted an application for a final plat of Stienessen Addition. The plat would consist of three lots on 4.1 acres in the Le Sueur County R1 Urban/Rural Residential Zoning District. Mr. Stienessen is the current owner of the property which contains one residential home and one outbuilding. The plat would create two additional lots that would be sold off for home construction.

At the Planning Commission meeting on June 26th, the Preliminary Plat public hearing was held with one public comment received regarding if proposed Lot 3 was going to be separate from the existing rental home and it was noted that Lot 3 contains the existing rental home.

The City Council approved the Preliminary Plat at their meeting on July 1st with the following finding and conditions:

1. The plat complies with the purpose and intent of the New Prague Subdivision Ordinance.

And with the following conditions:

1. Approval is granted in general accordance with the Preliminary Plat submittal dated 6/2/2024 on file with the New Prague Planning Department.
2. The Preliminary Plat is issued for a permit of twelve (12) months and shall become null and void without further action from the Planning Commission or City Council unless the final plat is filed within twelve (12) months of the City Council granting Preliminary Plat approval.
3. Preliminary Approval is subject to all requirements of the City Attorney including review and approval of the Title Commitment.

4. Approval is subject to all requirements of LeSueur County Planning and Zoning and Environmental Services Departments, including approval of lot size variances for proposed Lots 1 & 2.
5. A Wetlands Conservation Act “Certificate of No Loss or Exemption” must be filed prior to the final plat approval.
6. City Park Land Dedication (including a future trail segment along 15th Street SW), Saw and Seal Fee, Sidewalk Fee and Emergency Warning Siren Fee and city utility area charges and connection fees are being delayed until the time at which the property is annexed to the City and at the rates applicable at that time.
7. No new driveway access to 15th Street SW will be permitted as it is a future major collector road.

As noted previously, while the land being platted is located outside of the City Limits, the City has the platting authority to review the plat because the City originally extended its extraterritorial subdivision authority via a resolution on November 17, 1997 (recorded as LeSueur County Document #262723) which was updated via resolution by the City on 12/21/2020 (recorded as Le Sueur County Document #433458). These resolutions and extension of the subdivision ordinance were adopted so that the City can regulate growth of areas within 2 miles of the City Limits where the City may eventually annex and develop into the future. These resolutions only provide the City with the subdivision review authority, whereas all other land use authority for zoning and permits are retained by LeSueur County.

LeSueur County approved variances related to minimum lot size for proposed Lots 1 & 2 on June 20th, 2024.

Legal Description

Beginning at a point on the South line of Section 4, Township 112, Range 23, said point being 603.42 feet West of the Southeast corner of said Section 4 and also being the Southwest corner of Maplewood Subdivision of said Section 4; thence North 01 degrees 36 minutes East on the West line of said Subdivision, 633 feet to the Northwest corner of Lot 12, of said Maplewood Subdivision; thence West 158.00 feet; thence South 01 degrees 36 minutes West 324.93 feet; thence West 253.00 feet; thence South 01 degrees 31 minutes West, 308.07 feet; thence East 411 feet to the point of beginning; All lying and being in the Southeast Quarter of the Southeast Quarter of Section 4, Township 112, Range 23, LeSueur County, Minnesota.

Zoning / Lot Size / Setbacks / Easements

The property is zoned by LeSueur County as R1 Urban/Rural Residential which has minimum lot size requirements as follows:

- 40,000 sq. ft. minimum lot area
- 150’ lot width at the setback line
- 260’ minimum lot depth

As noted earlier, LeSueur County approved variances related to minimum size for proposed Lots 1 & 2 on June 20th, 2024.

Wetland Conservation Act

The City is not the Local Government Unit (LGU) for the WCA in this area. Le Sueur County SWCD is the review authority in this area outside of City Limits.

While the National Wetlands Inventory does not show any wetlands on the site, Le Sueur County Environmental Resources Specialist Holly Buschman has noted that before they issue any construction permits, they will require a wetland delineation, but that the delineation can occur after the plat is filed.

City Attorney Comments

Scott Riggs, City Attorney, was provided a copy of the preliminary plat, final plat and title commitment but had not yet provided comments at the time of writing this report.

Staff Recommendation

Staff recommends that the Planning Commission approve the final plat of Stienessen Addition with the following findings:

1. The plat complies with the purpose and intent of the New Prague Subdivision Ordinance.

And with the following conditions:

1. Approval is granted in general accordance with the Final Plat submittal dated 7/2/2024 on file with the New Prague Planning Department.
2. The final plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
3. Final Approval is subject to all requirements of the City Attorney including review and approval of the Title Commitment.
4. City Park Land Dedication (including a future trail segment along 15th Street SW), Saw and Seal Fee, Sidewalk Fee and Emergency Warning Siren Fee and city utility area charges and connection fees are being delayed until the time at which the property is annexed to the City and at the rates applicable at that time.
5. No new driveway access to 15th Street SW will be permitted as it is a future major collector road.

ATTACHMENTS

1. Site Map Aerial – Dated 6/10/24
2. Site Map Aerial Detail – Dated 6/10/24
3. Preliminary Plat Drawing – Dated 6/2/24
4. Final Plat Drawing – Dated 7/2/24
5. Google Street View Photos – Dated June 2023





INSTRUMENT OF DEDICATION
Know all men by these presents: That Benjamin D. Stienessen, a single person, owner of the following described property:

Beginning at a point on the South line of Section 4, Township 112, Range 23, said point being 402.42 feet West of the Southeast corner of said Section 4 and also the Northwest corner of Lot 12, and thence South 01°16'50" East 158.00 feet to the Southeast corner of said Section 4 and thence South 01°16'50" East 253.00 feet, thence South 01°16'50" East 312.50 feet, thence East 411.11 feet to the point of beginning. All lying and being in the Southeast Quarter of the Southeast Quarter of Section 4, Township 112, Range 23, Le Sueur County, Minnesota.

In witness whereof Benjamin D. Stienessen, a single person, have hereunto set their hands this _____ day of _____, 20____.

NOTARY CERTIFICATES
Benjamin D. Stienessen
State of Minnesota
County of _____

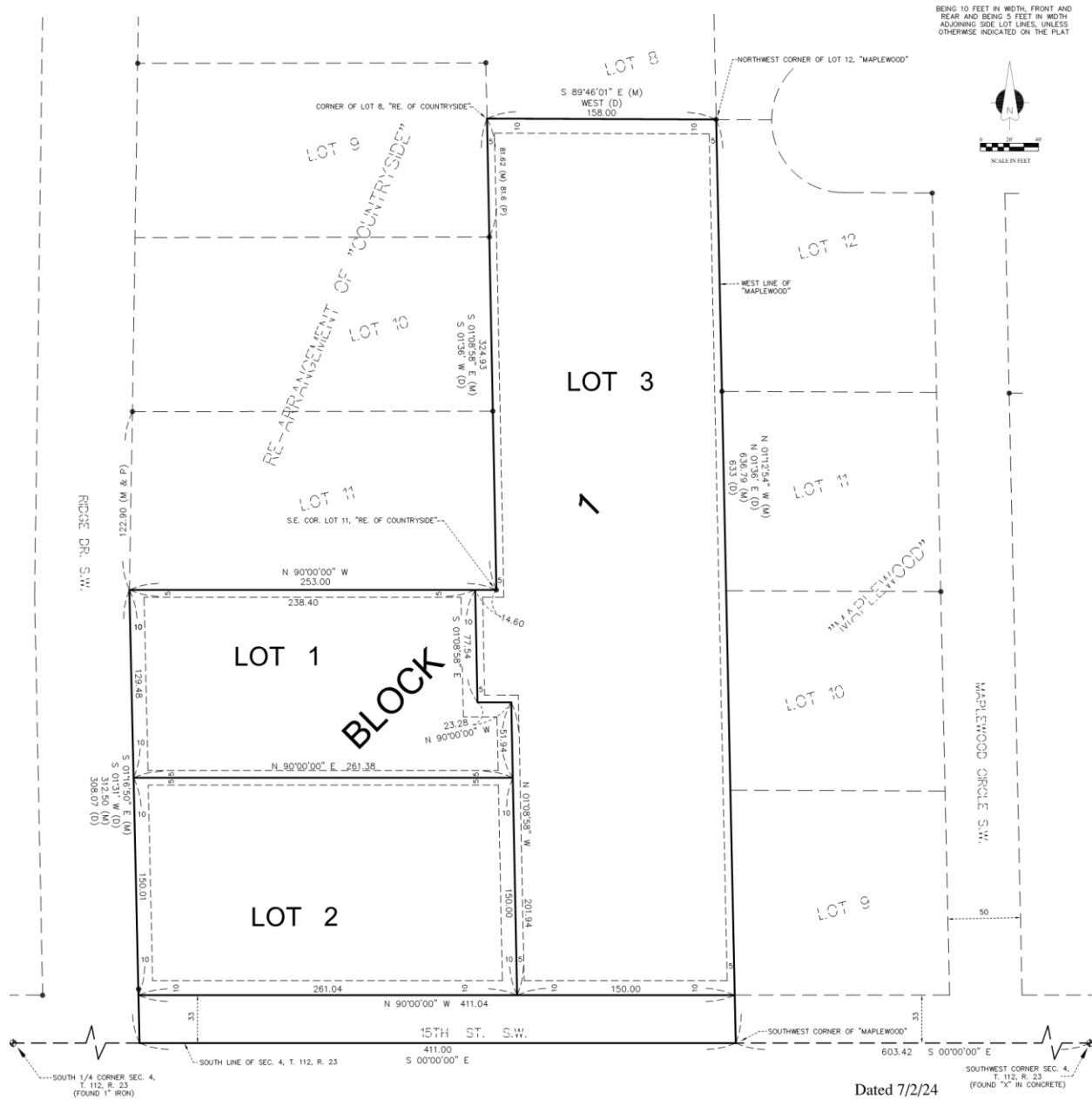
The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Benjamin D. Stienessen, a single person.
(Signature) _____
(Print) _____
Notary Public, _____ County, Minnesota
My Commission Expires _____

SURVEYOR'S CERTIFICATE
I, Wayne W. Preulis, Land Surveyor, do hereby certify that I have surveyed or directly supervised the survey of the property described on this plat, prepared this _____ day of _____, 20____, and that the same has been correctly and lawfully surveyed and that the same is correctly and lawfully shown and labeled on this plat. I am duly sworn and qualified to perform the duties of a Land Surveyor in the State of Minnesota. My Commission Number is 45503.
Wayne W. Preulis, Land Surveyor
Minnesota License Number 45503
NOTARY CERTIFICATES
State of Minnesota
County of _____

The instrument was acknowledged before me this _____ day of _____, 20____, by Wayne W. Preulis, Land Surveyor, Minnesota License No. 45503.
(Signature) _____
(Print) _____
Notary Public, _____ County, Minnesota
My Commission Expires _____

I, _____, County Administrator, do hereby certify that this plat of STIENESSEN ADDITION has been reviewed and approved on this _____ day of _____, 20____.
Date: _____
Roy Jensen, Le Sueur County Surveyor
Minnesota License Number 19799

REVIEW
It is known that on this _____ day of _____, 20____, the Le Sueur Planning Commission did duly review this plat.
Chairperson _____ Secretary _____
APPROVALS
I, _____, do hereby ratify on this _____ day of _____, 20____, the County Commissioners of Le Sueur County, did duly approve this plat.
Chairperson _____ County Administrator _____
This plat was approved by the County Engineer on this _____ day of _____, 20____.
Le Sueur County Engineer _____
COUNTY TREASURER/AUDITOR
All errors 20____, fees are paid in full and there are no delinquent taxes as of this _____ day of _____, 20____.
Dan Dugan, Le Sueur County Treasurer/Auditor
COUNTY CLERK
I, _____, do hereby certify that this instrument was filed in the office of the County Recorder for record on this day of _____, 20____, at _____ o'clock _____ M., and was duly recorded as Document Number _____.
Sharon J. Beal, Le Sueur County Recorder





Google Street View looking south from 15th Street SW looking to the NW.



Google Street View looking NE from intersection of 15th Street SW and Ridge Drive SW.



Looking East from Ridge Drive SW at area for the two new created lots.



Looking SE from Ridge Drive SW - two new lots on the left side of the photo.



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENT RELATING TO PUBLIC BUILDINGS
DATE: JULY 15, 2024

Staff recently reviewed the zoning ordinance to determine what, if any, land use approvals would be needed for the Police Station to move by the Fire Station (in an I-1 Light Industrial District) as well as for the post office to move to a yet to be determined location. It has been identified that both such uses are not currently defined in the zoning ordinance.

In past practice, the city has considered uses such as the post office and government uses (police, fire, city hall, utilities, public works) under the definition of “essential services”. In recent discussions with City Attorney Scott Riggs, he stated that the “essential services” definition does not allow all those uses and is really limited to just utilities and associated buildings and that a zoning ordinance amendment would be necessary to adequately accommodate said uses.

At the June 26th Planning Commission meeting, staff presented a concept report regarding amending the zoning ordinance to either amend the definition of “essential services” or to add a new definition for “public buildings”. The Planning Commission noted support for adding the public buildings definition to the zoning ordinance and listing public buildings as a conditional use in all zoning districts. Based on the feedback received, staff has drafted this report and scheduled a public hearing to consider the zoning ordinance amendments.

Existing Zoning Ordinance Language-

Under Section 302 for Definitions, the following is the existing definition of essential services which will remain and is specific to utilities:

70. Essential Services - The erection, construction, alteration, or maintenance by private or public utilities, or municipal departments of underground, surface, or overhead services such as telephone, gas, electrical, steam, hot water, communication, water and sewage transmission and collection systems, and the equipment, appurtenances and related structures necessary for furnishing of adequate service by such private or public utilities or municipal departments. Essential services does not include personal wireless service antennas or support structures.

Proposed Zoning Ordinance Language-

Amendments are shown as follows: ~~struck out~~ and added.

Public Building - Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business. For the purposes of this definition, a public building does not include a building located within a city park.

The above definition would certainly cover public uses such as fire stations, police station, city halls and even post offices.

With this new definition, said use needs to be added to permitted or conditional use categories for zoning districts. Staff would recommend the following for placement of the new “public building” use:

Include as a Permitted Use in the following districts:
Section 610 - B-3 Highway Commercial – Add as 2(Q)
Section 611 - I-1 Light Industrial – Add as 2(O)

Include as a Conditional Use in the following districts:
Section 603 - RL-90 Single Family Residential – Add as 4(F)
Section 604 - RL-84 Single Family Residential – Add as 4(F)
Section 605 - RL-70 Single Family Residential – Add as 4(G)
Section 606 - RM Medium Density Residential – Add as 4(F)
Section 607 - RH High Density Residential – Add as 4(H)
Section 608 - B-1 Central Business – Add as 4(J)
Section 609 - B-2 General Business – Add as 4(X)

Staff understands that the Planning Commission noted support at the June Planning Commission meeting to have “public building” be a conditional use in ALL zoning districts, however, staff suggests making it a permitted use in the B-3 and I-1 Districts as those districts are not subject to design requirements present in the B-1 and B-2 Districts and generally would have adjacent uses that would not have as many conflicts as might be found in the permitted and conditional uses in the other commercial district. In any case, staff does recommend that public buildings require a conditional use permit in all residential districts due to the conflicts that could arise in those zoning districts without additional conditions to mitigate the possible effects.

Staff welcomes additional discussion on which districts this new defined use should be permitted or conditional uses.

Recommendation

Staff recommends that the Planning Commission hold the required public hearing on July 24th, 2024 to gather public input and to forward a recommendation on the proposed amendment to the City Council for consideration at their meeting on August 5th, 2024.

Attachments

- 1. Zoning District Details

603 RL-90 Single Family Residential District

1. Purpose

This district is intended for detached single family, low density development in developed and developing areas of the City that are predominantly residential in character.

2. Permitted Uses

- A. Accessory uses
- B. Day Care Facilities, In-home
- C. Essential services
- D. Home occupations
- E. Recreation, Public
- F. Single family dwelling units

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscaping and landscaping features

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Bed and Breakfast Homes
- C. Religious Institution
- D. Nursing homes and assisted living facilities
- E. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area: 9,000 square feet
- B. Minimum Lot Width: 65 feet
- C. Minimum Front Yard Setback: 30 feet
- D. Minimum Side Yard Setback: 7 feet
- E. Minimum Rear Yard Setback: 30 feet
- F. Maximum Height: 35 feet
- G. Maximum Land Coverage by Structures: 40 percent

604 RL-84 Single Family Residential District

1. Purpose

This district is intended to allow existing and infill detached single family, low density development in previously platted areas of the community.

2. Permitted Uses

- A. Accessory uses
- B. Day care facilities, in home
- C. Essential services
- D. Home occupations
- E. Recreation, public
- F. Single family dwelling units

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscaping and landscaping features

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institutions
- C. Nursing Homes and Assisted Living Facilities
- D. Bed and breakfast homes, if lot size is 9,000 square feet or larger
- E. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area: 8,400 square feet
- B. Minimum Lot Width: 60 feet
- C. Minimum Front Yard Setback: 30 feet
- D. Minimum Side Yard Setback: 7 feet
- E. Minimum Rear Yard Setback 30 feet
- F. Maximum Height: 35 feet
- G. Maximum Land Coverage By Structures: 40 percent

605 RL-70 Single Family Residential District

1. Purpose

This district is intended to allow existing and infill detached single family residences in areas historically platted for small lots.

2. Permitted Uses

- A. Accessory uses
- B. Day care facilities, in home
- C. Essential services
- D. Home occupations
- E. Recreation, public
- F. Single family dwelling units

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscape features

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institution
- C. Health Care Facilities
- D. Nursing homes and assisted living facilities
- E. Bed and breakfast homes, if lot size is 9,000 square feet or larger
- F. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area: 7,000 square feet
- B. Minimum Lot Width: 50 feet
- C. Minimum Front Yard Setback: 25 feet
- D. Minimum Side Yard Setback: 7 feet
- E. Minimum Rear Yard Setback: 30 feet
- F. Maximum Height: 35 feet
- G. Maximum Land Coverage by Structures: 40 percent

606 RM Medium Density Residential District

1. Purpose

This district is intended for single family attached two to eight unit residences at medium densities of up to 12 units per acre in areas appropriate for buffering single family districts from business and industrial districts and major roadways.

2. Permitted Uses

- A. Single family dwelling unit
- B. Two family dwelling units and twinhomes
- C. Townhouses, up to eight attached units
- D. Apartments, up to eight attached units
- E. Essential services
- F. Home occupations
- G. Accessory uses
- H. Day care facilities, In-home
- I. Recreation, public

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscaping and landscaping features

4. Conditional Uses

- A. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- B. Religious Institutions
- C. Nursing homes and assisted living facilities
- D. Bed and breakfast homes, if lot size is 9,000 square feet or larger
- E. Any house or other principal structure moved onto a lot

5. Bulk Standards

- A. Minimum Lot Area:
 - 1. Single family: 7,000 square feet
 - 2. Two family units: 7,000 square feet per dwelling unit
 - 3. Three through eight unit buildings: 3,000 square feet per dwelling unit
- B. Minimum Lot Width: 100 feet for multi unit buildings
 50 feet for single family dwelling units
- C. Minimum Front Yard Setback: 30 feet
- D. Minimum Side Yard Setback: 10 feet for multi unit buildings
 7 feet for single family dwelling units
- E. Minimum Rear Yard Setback: 30 feet

- F. Maximum Height: 50 feet
- G. Maximum Land Coverage by Structures: 40 percent
- H. Minimum Floor Area (two or more unit buildings):
 - 1. Efficiency Unit: 400 square feet
 - 2. One bedroom apartment: 600 square feet
 - 3. Two bedroom units: 750 square feet
 - 4. Three bedroom units: 950 square feet
- I. Useable Open Space Per Dwelling Unit (two or more unit buildings):
 - 1. 400 square feet

607 **RH High Density Residential District**

1. Purpose

This district is created to allow high density multi-family dwellings of up to 32 units per acre. This district is located in areas of transition, lower density residential areas and nonresidential areas.

2. Permitted Uses

- A. Single family dwelling unit
- B. Two family dwelling units and twinhomes
- C. Townhouses
- D. Apartments
- E. Essential services
- F. Home occupations
- G. Accessory uses
- H. Day care facility, in home
- I. Recreation, public

3. Permitted Accessory Uses

- A. Accessory buildings
- B. Fences
- C. Residential recreation equipment
- D. Off-street parking serving the property
- E. Nameplate and temporary signs
- F. Gardening, where no sale of products is conducted
- G. Landscaping and landscaping features

4. Conditional Uses

- A. Manufactured/Modular home parks
- B. Educational buildings and uses including primary and secondary public and private schools and institutions for higher education
- C. Religious Institutions
- D. Nursing homes and assisted living facilities
- E. Bed and breakfast homes, if lot size is 9,000 square feet or larger
- F. Bed and breakfast inns
- G. Any house or other principal structure moved onto a lot

5. Bulk Standards
- A. Minimum Lot Area:

1,300 square feet per dwelling unit for multi unit buildings
7,000 square feet per unit for single and two family dwelling units
- B. Minimum Lot Width:

100 feet for multi unit buildings
50 feet for single family dwelling units
- C. Minimum Front Yard Setback:

30 feet
- D. Minimum Side Yard Setback:

20 feet for multi unit buildings
7 feet for single family dwelling units
- E. Minimum Rear Yard Setback:

30 feet
- F. Maximum Height:

50 feet
- G. Maximum Land Coverage By Structures:

40 percent
- H. Minimum Floor Area (2 or more unit buildings):

1. Efficiency Unit: 400 square feet

2. One bedroom apartment: 600 square feet

3. Two bedroom units: 750 square feet

4. Three bedroom units: 950 square feet
- I. Useable Open Space Per Dwelling Unit (two or more unit buildings):

1. 300 square feet

608 B-1 Central Business District

1. Purpose

The purpose of this district is to encourage the continuation of a viable downtown area by allowing retail, service, office and entertainment facilities as well as public and semi-public uses. In addition, residential uses will be allowed to locate above the commercial establishments. Any use in this district shall not be required to provide off-street parking.

2. Permitted Uses

- A. Automobile parking lots, parking garages, bus stations
- B. Clinics
- C. Day care facilities
- D. Drinking establishments
- E. Dwelling units, apartments - containing five or less units, located above the first floor of a building
- F. Entertainment and amusement facilities
- G. Essential services
- H. Hotels
- I. Motels
- J. Office uses
- K. Physical recreation or training
- L. Quasi-public organizations
- M. Recreation, public
- N. Restaurants, class I
- O. Restaurants, class II
- P. Restaurants, class III
- Q. Retail establishments and service establishments
- R. Seasonal produce stands
- S. Brewpubs

3.

Permitted Accessory Uses

A.

Uses incidental to the principal uses such as off-street parking and loading and unloading areas, interior storage of merchandise.
4.

Conditional Uses

A.

Auto repair, minor

B.

Bed and breakfast inns

C.

Fuel stations

D.

Dwelling units, apartments - containing more than five (5) units, and located above the first floor of a building

E.

Outdoor seating for food service businesses and drinking establishments

F.

Recreation, commercial

G.

Any principal structure moved onto a lot

H.

Religious institutions

I.

Small Breweries
5.

Interim Uses

Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.
6.

Bulk Standard

A.

Lot size: No requirement

B.

Front side and rear yards: Each permitted or conditional use including accessory uses in the B-1 district shall have a front, side or rear yard of not less than 10 feet when such use is abutting an alley, or any railroad right of way, which yard may be used only for access to the use or for landscaping purposes.

C.

Maximum Height: 36 Feet

609

B-2

Community Commercial District

1.

Purpose

This district is established to accommodate the type of businesses that are oriented to the traveling public and require highway access. To minimize unmanageable strip development, common access drives and frontage roads should be integrated into site plans and platting.

2.

Permitted Uses

- A.

Clinics

B.

Day care facilities

C.

Drive-thru businesses

D.

Essential services

E.

Hotels

- F. Motels
 - G. Office uses
 - H. Physical recreation or training
 - I. Recreation, public
 - J. Restaurants, Class I
 - K. Restaurants, Class II
 - L. Restaurants, Class III
 - M. Retail and service establishments
 - N. Seasonal produce stands
 - O. Temporary buildings/uses
 - P. Brewpubs
3. Permitted Accessory Uses
- A. Uses incidental to the principal uses such as off-street parking and loading and unloading areas, storage of merchandise.
4. Conditional Uses
- A. Automobile parking lots, parking garages, bus stations
 - B. Automobile repair, major
 - C. Automobile repair, minor
 - D. Bed and breakfast inns
 - E. Boat and motorcycle repair
 - F. Car washes
 - G. Fuel stations
 - H. Drinking establishments
 - I. Dwelling unit, apartments – must be located above the first floor of a building
 - J. Entertainment and amusement facilities
 - K. Exterior storage
 - L. Funeral homes
 - M. Health care facilities
 - N. Landscape nurseries and garden supply stores
 - O. Motor vehicle and recreation equipment sales
 - P. Outdoor seating for food service business and drinking establishments
 - Q. Quasi public organizations and fraternal clubs
 - R. Recreation, commercial
 - S. Religious institutions
 - T. Retail center (strip mall)
 - U. Veterinary clinic
 - V. Any principal structure moved onto a lot
 - W. Small Breweries
5. Interim Uses
- A. Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.
6. Bulk Standards

- A. Minimum Lot Area: 20,000 square feet
- B. Minimum Lot Width: 80 feet
- C. Minimum Front Yard Setback: 30 feet along collector and arterial roadways
15 feet along residential and local roadways
- D. Minimum Side Yard Setback: 10 feet
- E. Minimum Rear Yard Setback: 30 feet
- F. Minimum Alley Setback: 10 feet
- G. Maximum Height: 35 feet or 3 stories
- H. Maximum Land Coverage by Structures: 40 percent

610 **B-3 Highway Commercial District**

1. Purpose

This district is established to accommodate the type of businesses that are oriented to the traveling public and require highway access. This district is intended to allow existing businesses and redevelopment/infill of certain types of businesses, but not encourage expansion of the overall zoning boundary of the district.

2. Permitted Uses

- A. Drive-thru businesses
- B. Essential services
- C. Hotels
- D. Landscape nurseries and garden supply stores
- E. Motels
- F. Office uses
- G. Physical recreation or training
- H. Public utilities
- I. Recreation, public
- J. Restaurants, Class I
- K. Restaurants, Class II
- L. Restaurants, Class II
- M. Retail and service establishments
- N. Seasonal produce stands
- O. Temporary building / use
- P. Brewpubs

3. Permitted Accessory Uses

- A. Uses incidental to the principal uses such as off-street parking and loading and unloading areas, and storage of merchandise.

4. Conditional Uses

- A. Automobile parking lots, parking garages, bus stations
- B. Automobile repair, minor
- C. Automobile repair, major
- D. Bed and breakfast inns
- E. Boat and motorcycle repair

- F. Car washes
- G. Fuel stations
- H. Dwelling unit, apartments – must be located above the first floor of a building
- I. Entertainment and amusement facilities
- J. Exterior storage
- K. Farm implement dealers
- L. Kennel, commercial
- M. Lumberyard
- N. Manufactured home sales
- O. Manufacturing, light
- P. Mini storage / self storage
- Q. Motor vehicle and recreation equipment sales
- R. Outdoor seating for food service businesses and drinking establishments
- S. Quasi-public and fraternal organizations
- T. Recreation, commercial
- U. Religious institutions
- V. Veterinary clinic
- W. Warehouse and distribution
- X. Any principal structure moved onto a lot
- Y. Small Breweries

5. Interim Uses

- A. Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

6. Bulk Standards

- A. Minimum Lot Area: 20,000 square feet
- B. Minimum Lot Width: 80 feet
- C. Minimum Front Yard Setback: 40 feet
- D. Minimum Side Yard Setback: 10 feet
- E. Minimum Rear Yard Setback: 10 feet
- F. Minimum Alley Setback 10 feet
- G. Maximum Height: 35 feet or 3 stories
- H. Maximum Land Coverage by Structures: 40 percent

611 I-1 Light Industrial District

1. Purpose

This district is intended to provide for industrial uses for activities that, because of their nature, are not well suited for close proximity to residential and business areas of the community. Existing industry that is located close to residential areas is allowed to continue and must meet certain performance criteria when applicable. Industrial areas have good access to highway and railroad lines because of their need to receive and distribute products and goods.

2. Permitted Uses

- A. Automobile repair – major
- B. Automobile repair – minor
- C. Billboard signs
- D. Car washes
- E. Essential services
- F. Industry, light
- G. Lumberyards
- H. Manufacturing, light
- I. Public utility
- J. Recreation, public
- K. Research facilities
- L. Warehouse and distribution
- M. Small Breweries
- N. Breweries

3. Permitted Accessory Uses

- A. Accessory buildings related to the operations of the principal use
- B. Parking lots

4. Conditional Uses

- A. Exterior storage
- B. Industry, heavy
- C. Manufacturing, heavy
- D. Mini storage/self storage
- E. Physical recreation or training
- F. Recreation, commercial
- G. Recycling centers
- H. Any principal structure moved onto a lot
- I. Distilleries
- J. Micro-distilleries
- K. Indoor Firing Ranges
- L. Retail sales which are accessory to the principal use within a building provided that the area used for retail sales does not exceed 30 percent of the gross floor area of the building for single tenant buildings and does not exceed 30 percent of any tenant space for multi-tenant leased buildings. Maximum retail space shall in no case exceed 5,000 sq. ft.
- M. Fuel stations

5. Prohibited Uses

- A. Sanitary landfills
- B. Distillation processes
- C. Manufacturing of explosives
- D. Livestock feeding yards, slaughter houses, or processing plants
- E. Mining operations
- F. Any industry that creates an excessive odor, noise, air, or environmental pollution problem.

6. Interim Uses

- A. Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety, and welfare.

7. Bulk Standards

- A. Minimum Lot Area: 40,000 square feet
- B. Minimum Lot Width: 150 feet
- C. Minimum Front Yard Setback: 40 feet
- D. Minimum Side Yard Setback: 15 feet
- E. Minimum Rear Yard Setback: 25 feet (50' when abutting a residential district)
- F. Minimum Alley Setback 10 feet
- G. Maximum Height: 50 feet
- H. Maximum Land Coverage by Structures: 40 percent



Kennedy & Graven
 Fifth Street Towers
 150 South Fifth Street, Suite 700
 Minneapolis, MN 55402
 (612) 337-9300 direct

MEMORANDUM

TO: Honorable Mayor and City Council
 Josh Tetzlaff, City Administrator

FROM: Joseph L. Sathe, City Attorney

DATE: July 11, 2024

RE: Consider Updating Cannabis Business Moratorium

Summary

The purpose of this memo is to address a change in the law which may create a need to amend the City's moratorium on cannabis businesses. There is a possibility that a change to the statutory definition of "Cannabis Business" could be understood/misunderstood to mean that businesses associated with the medical cannabis program and certain businesses authorized to begin growing cannabis prior to obtaining a full license ("Early Cultivators") are not subject to the moratorium.

There is a strong argument that the moratorium will still apply as originally intended, but to avoid a claim that it does not and to also provide clear communication to businesses, the enclosed language amending the current moratorium provides an option for the city to consider that will incorporate the general authority cities possess to adopt interim ordinances/moratoria rather than solely relying on the cannabis specific authority granted in the Cannabis Act. The amendment does not change the January 1, 2025 expiration date for the moratorium.

Cannabis Business Definition Change

In 2023, HF 100 ("2023 Cannabis Act") allowed cities to enact moratoria on the operation of Cannabis Businesses, defined as a business needing one of the many licenses authorized under the 2023 Cannabis Act. In 2023, the only way to operate a business that deals with cannabis was to obtain a Cannabis Business license.

The statutory language authorizing the moratoria (Minn. Stat. 342.13 (e)) provides that a unit of local government may adopt an interim ordinance to "regulate, restrict, or prohibit the operation of a cannabis business within the jurisdiction or a portion thereof until January 1, 2025."

In 2024, HF 4757 ("2024 Cannabis Update") amended the definition of Cannabis Business and established a process for certain businesses to obtain a license preapproval intended to allow social equity applicants to begin certain business processes prior to obtaining a license (such as obtaining capital).

The enclosed table is provided as a reference showing the difference between the 2023 Cannabis Act and the 2024 Cannabis Update.

Updates to the Moratorium

With the changes to the definition of cannabis business there are now two categories of businesses associated with cannabis that can operate without a cannabis business license (medical cannabis businesses) or a license at all (license preapproval-Early Cultivator).

Therefore, the attached moratorium amendments are intended to confirm the city's intent to have the moratorium adopted in 2023 continue to apply to every type of business related to cannabis within the city as was the case when it was adopted. Adding the references to the authority cities use for interim ordinances normally is to avoid two claims:

1. A claim that the authority to impose a moratorium under Minn. Stat. 342.13 is tied to the statutory definition of cannabis business, which is defined as a licensed business and the 2024 Cannabis Update authorizes businesses without a license to operate under a license preapproval/Early Cultivator approval; and
2. A claim that the 2024 Cannabis Update removal of Medical Cannabis Businesses from the definition of Cannabis Business means that the moratorium no longer applies to those businesses.

The language in the attached draft can be amended to only cover businesses that the City wants subject to the moratorium (e.g., the language on Medical Cannabis Businesses can be removed).

Timeline

Businesses seeking to obtain a license preapproval need to apply and then be selected as part of a lottery. The first application window will begin on July 24 and end August 12. The Office of Cannabis Management (“OCM”) has not announced the date it will begin granting Early Cultivator approvals but it will likely will be after August 12. However, businesses may begin applying for the Early Cultivator prerequisite (the license preapproval) on July 24, 2024 and having the amendment in place earlier may help address any confusion and provide both staff and businesses with clear direction on the city’s intention.

Conclusion

Updating the City’s moratorium will clearly communicate to businesses that the City is considering license preapprovals, Early Cultivators, and Medical Cannabis Businesses as part of its potential regulations regarding businesses related to cannabis. The amendment also explicitly includes reference to the City’s general authority to enact a moratorium in case a court were to determine that license preapprovals, Early Cultivators, and Medical Cannabis Businesses are not subject to the current moratorium on Cannabis Businesses.

*Kennedy & Graven is working on a revision to the OCM template ordinance for cannabis businesses, and staff will work from that revision to get an ordinance in place on or before January 1, 2025.

Does the council have interest in setting setbacks from Churches/Schools to cannabis businesses???

Table Showing Differences Between 2023 and 2024 Cannabis Businesses

2023	2024			
<u>Cannabis Business</u>	<u>Cannabis Business</u>	<u>Medical Cannabis Business</u>	<u>License Preapproval</u>	<u>Early Cultivator</u>
<p>Minn. Stat. 342.01, Subd.14.</p> <p>"Cannabis business" means any of the following licensed under this chapter:</p> <p>(1) cannabis microbusiness;</p> <p>(2) cannabis mezzobusiness;</p> <p>(3) cannabis cultivator;</p> <p>(4) cannabis manufacturer;</p> <p>(5) cannabis retailer;</p> <p>(6) cannabis wholesaler;</p> <p>(7) cannabis transporter;</p> <p>(8) cannabis testing facility;</p> <p>(9) cannabis event organizer;</p> <p>(10) cannabis delivery service;</p> <p>(11) medical cannabis cultivator;</p> <p>(12) medical cannabis processor;</p> <p>(13) medical cannabis retailer;</p> <p>and</p> <p>(14) medical cannabis combination business.</p>	<p>Minn. Stat. 342.01, Subd.14.</p> <p>"Cannabis business" means any of the following licensed under this chapter:</p> <p>(1) cannabis microbusiness;</p> <p>(2) cannabis mezzobusiness;</p> <p>(3) cannabis cultivator;</p> <p>(4) cannabis manufacturer;</p> <p>(5) cannabis retailer;</p> <p>(6) cannabis wholesaler;</p> <p>(7) cannabis transporter;</p> <p>(8) cannabis testing facility;</p> <p>(9) cannabis event organizer;</p> <p>(10) cannabis delivery service; <u>and</u></p> <p>(11) medical cannabis cultivator;</p> <p>(12) medical cannabis processor;</p> <p>(13) medical cannabis retailer;</p> <p><u>and</u></p> <p>(14)<u>(11)</u> medical cannabis combination business.</p>	<p>The three businesses that were removed from the Cannabis Business definition in column 1 (the 2023 definition of Cannabis Business) are still licensed by the OCM but are not considered Cannabis Businesses since that term seem to now be reserved for businesses that are part of the recreational cannabis regulatory framework.</p> <p>Medical Cannabis Businesses, likely any other business, must adhere to the city's general zoning and regulatory authority.</p>	<p>The OCM may issue a license preapproval to certain businesses to assist that business in obtaining legal control of property, receive zoning approval from the unit of local government, and raising capital for business operations.</p> <p>The license preapproval does not allow a person to engage in any activity that would require a license including purchasing, possess, cultivating, manufacturing, distributing, dispensing, or selling products.</p> <p>License preapprovals will be granted to entities who meet the requirements as a social equity applicant and will be granted based on a lottery system.</p> <p>The first window for license preapprovals will open on July 24 and close on August 12. The OCM has not announced when the first lottery will be held, but it should be soon after August 12.</p>	<p>If an entity has received a license preapproval for a business that will be able to grow cannabis (a cannabis microbusiness, cannabis mezzobusiness, or cannabis cultivator license) that business may apply for an approval to begin "early cultivation" without a full license.</p> <p>The entity must meet the following criteria:</p> <p>(1) has provided documentation in a form and manner prescribed by the Office of Cannabis Management from the applicable local unit of government that states the social equity applicant is in compliance with local zoning ordinances and state fire and building codes; and</p> <p>(2) complies with Minnesota Rules, parts 4770.0100 to 4770.4030. These are the current rules that apply to the Medical Marijuana Program</p>

CITY OF NEW PRAGUE
ORDINANCE NO. 350

**AN AMENDMENT TO INTERIM ORDINANCE 2023-338 AUTHORIZING A STUDY
AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS
BUSINESSES WITHIN THE CITY OF NEW PRAGUE**

THE CITY COUNCIL OF THE CITY OF NEW PRAGUE ORDAINS:

ARTICLE 1. Authority and Legislative Findings.

- A. The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of edible cannabinoid products.
- B. The Act provides local units of government certain authority related to cannabis businesses, including the authority to (1) require local registration of certain cannabis businesses operating retail establishments, (2) adopt reasonable restrictions on the time, place, and manner of the operation of cannabis businesses, provided that such restrictions do not prohibit the establishment or operation of a cannabis business, (3) limit the number of certain cannabis businesses based on the population of the community, and (4) prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- C. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of cannabis businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of cannabis businesses. The city of New Prague (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of cannabis businesses in the City.
- D. The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.

- E. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- F. The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses as well as the other regulations local units of government may adopt under the Act.
- G. On July 17, 2023, after providing at least 10 days published notice, the city council held a public hearing regarding the consideration and adoption of an interim ordinance (Interim Ordinance No. 2023-338) prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.
- H. On May 24, the Governor signed HF 4757 amending the Act (“2024 Amendment”). The 2024 Amendment included two amendments to the Act. The first of those amendments creates a license preapproval for certain businesses that will authorize a business to begin certain processes without a cannabis business license under Minnesota Laws, chapter 121, section 148 (“license preapproval”), including in some instances allowing a business to begin cultivation without a license under Minnesota Laws chapter 121, section 151 (“early cultivation”). The second of those amendments removes medical cannabis business, medical cannabis processor, and medical cannabis retailer (“medical cannabis businesses”) from the definition of cannabis business in Minnesota Statutes 324.01, subdivision 14.
- I. The Legislature’s decision to change the definition of cannabis business in the 2024 Amendment does not preclude the City from having a moratorium on businesses related to cannabis that will be subject to city zoning and operational regulations and which are cannabis businesses; medical cannabis businesses; businesses with a license preapproval, including early cultivators; or other businesses that must confirm compliance with city regulations.
- J. To provide clear communication to businesses seeking to operate within the City and to create a clear record, the City Council desires to amend the interim ordinance to explicitly list and include license preapproval, early cultivation, and medical cannabis business in the businesses that are subject to the interim ordinance.
- K. The amendments to this Ordinance are intended to supplement and clarify Interim Ordinance 2023-338 to confirm that if a court of competent jurisdiction finds that license preapproval, early cultivators, or medical cannabis businesses are not subject to the authority granted to units of local government in Minnesota Statutes, section 342.13 (e) that these amendments invoke the authority granted under Minnesota Statutes, section 462.355, subdivision 4(a) “to regulate, restrict, or prohibit any use ... within

the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective” by enacting an interim ordinance.

- L. On August 5, 2024, after providing at least 10 days published notice, the City Council held a public hearing regarding the consideration and adoption of this clarification of and amendment to the interim ordinance prohibiting the operation of cannabis businesses within the City until January 1, 2025.

ARTICLE II. Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (A) “2024 Amendment” refers to 2024 Minnesota Session Laws, Chapter 121 (H.F. 4757).__
- (B) “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- (C) “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14. Cannabis business also includes medical cannabis businesses, early cultivators, and license preapprovals.
- (D) “City” means the City of New Prague.
- (E) “Early Cultivator” means a business authorized to begin cultivating/growing cannabis prior to receiving a license as provided under 2024 Minnesota Session Laws, chapter 121, section 151.
- (F) “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (G) “License Preapproval” means a business authorized to begin certain business operations related to cannabis under 2024 Minnesota Session Laws, chapter 121, section 148.
- (H) “Medical Cannabis Business” means medical cannabis business, medical cannabis processor, and medical cannabis retailers as defined in the Act and any business requiring a license or endorsement under Minnesota Statutes, Chapter 342.
- (I) “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- (J) “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

ARTICLE III. Study Authorized. The City Council hereby authorizes and directs City Administrator to have City staff conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as

well as other potential local regulations allowed under the Act, and report to the City Council on the potential regulation of Cannabis Businesses. The study must include a review of the model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the City Council's consideration of this matter. The report shall include City staff's recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations.

ARTICLE IV. Moratorium. A moratorium is hereby imposed regarding the operation of a Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. The moratorium includes Early Cultivators, License Preapprovals, and Medical Cannabis Businesses to the extent they are considered to be outside of the definition of Cannabis Business.

ARTICLE V. Violation. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a cannabis business within the City.

ARTICLE VI. Exceptions. The moratorium imposed by this Ordinance does not apply to:

- (1) the continued operation of a business as part of the Medical Cannabis Program administered by the Minnesota Department of Health and the OCM that was lawfully operating within the City prior to July 1, 2023;
- (2) the lawful sale of Edible Cannabinoid Products, in compliance with Minnesota Statutes, section 151.72; or
- (3) sales of Edible Cannabinoid Products at an exclusive liquor store in accordance with Minnesota Statutes, section 340A.412, subdivision 14. Nothing in this Article exempts a business, person, or entity that is selling Edible Cannabinoid Products from having to comply with all requirements and prohibitions of applicable laws and ordinances.

ARTICLE VII. Enforcement. Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City's general penalties prescribed in the City Code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The City Council hereby authorizes City Administrator, in consultation with the City Attorney, to initiate any legal action deemed necessary to secure compliance with this Ordinance.

ARTICLE VIII. Duration. This Ordinance shall become effective on the first day of publication after adoption and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the

time, place and manner of the operation of a Cannabis Business within the City or by resolution of the City Council terminating this Ordinance prior to the expiration date.

ARTICLE IX. Severability. Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

Adopted this 5th day of August, 2024.

Passed by the City Council this 5th day of August, 2024.

Duane J. Jirik, Mayor

ATTEST:

Joshua M. Tetzlaff, City Administrator

(SEAL)

Date of Publication: August 15th, 2024.

CITY OF NEW PRAGUE
ORDINANCE NO. 2024-350(Amending 338)

**AN AMENDMENT TO AN INTERIM ORDINANCE AUTHORIZING A STUDY AND
IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS
BUSINESSES WITHIN THE CITY OF NEW PRAGUE**

THE CITY COUNCIL OF THE CITY OF NEW PRAGUE ORDAINS:

ARTICLE 1. Authority and Legislative Findings.

- A. The Minnesota Legislature recently enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which is comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of edible cannabinoid products.
- B. The Act provides local units of government certain authority related to cannabis businesses, including the authority to (1) require local registration of certain cannabis businesses operating retail establishments, (2) adopt reasonable restrictions on the time, place, and manner of the operation of cannabis businesses, provided that such restrictions do not prohibit the establishment or operation of a cannabis business, (3) limit the number of certain cannabis businesses based on the population of the community, and (4) prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.
- C. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of cannabis businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of cannabis businesses. The city of New Prague (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of cannabis businesses in the City.
- D. The Act (Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.

- E. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- F. The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of cannabis businesses as well as the other regulations local units of government may adopt under the Act.
- G. On July 17, 2023, after providing at least 10 days published notice, the city council held a public hearing regarding the consideration and adoption of an interim ordinance (Interim Ordinance No. 2023-338) prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.
- H. On May 24, the Governor signed HF 4757 amending the Act (“2024 Amendment”). The 2024 Amendment included two amendments to the Act. The first of those amendments creates a license preapproval for certain businesses that will authorize a business to begin certain processes without a cannabis business license under Minnesota Laws, chapter 121, section 148 (“license preapproval”), including in some instances allowing a business to begin cultivation without a license under Minnesota Laws chapter 121, section 151 (“early cultivation”). The second of those amendments removes medical cannabis business, medical cannabis processor, and medical cannabis retailer (“medical cannabis businesses”) from the definition of cannabis business in Minnesota Statutes 324.01, subdivision 14.
- I. The Legislature’s decision to change the definition of cannabis business in the 2024 Amendment does not preclude the City from having a moratorium on businesses related to cannabis that will be subject to city zoning and operational regulations and which are cannabis businesses; medical cannabis businesses; businesses with a license preapproval, including early cultivators; or other businesses that must confirm compliance with city regulations.
- J. To provide clear communication to businesses seeking to operate within the City and to create a clear record, the City Council desires to amend the interim ordinance to explicitly list and include license preapproval, early cultivation, and medical cannabis business in the businesses that are subject to the interim ordinance.
- K. The amendments to this Ordinance are intended to supplement and clarify Interim Ordinance 2023-338 to confirm that if a court of competent jurisdiction finds that license preapproval, early cultivators, or medical cannabis businesses are not subject to the authority granted to units of local government in Minnesota Statutes, section 342.13 (e) that these amendments invoke the authority granted under Minnesota Statutes, section 462.355, subdivision 4(a) “to regulate, restrict, or prohibit any use ... within

the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective” by enacting an interim ordinance.

- L. On August 5, 2024, after providing at least 10 days published notice, the City Council held a public hearing regarding the consideration and adoption of this clarification of and amendment to the interim ordinance prohibiting the operation of cannabis businesses within the City until January 1, 2025.

ARTICLE II. Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (A) “2024 Amendment” refers to 2024 Minnesota Session Laws, Chapter 121 (H.F. 4757).
- (B) “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- (C) “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14. Cannabis business also includes medical cannabis businesses, early cultivators, and license preapprovals.
- (D) “City” means the City of New Prague.
- (E) “Early Cultivator” means a business authorized to begin cultivating/growing cannabis prior to receiving a license as provided under 2024 Minnesota Session Laws, chapter 121, section 151.
- (F) “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (G) “License Preapproval” means a business authorized to begin certain business operations related to cannabis under 2024 Minnesota Session Laws, chapter 121, section 148.
- (H) “Medical Cannabis Business” means medical cannabis business, medical cannabis processor, and medical cannabis retailers as defined in the Act and any business requiring a license or endorsement under Minnesota Statutes, Chapter 342.
- (I) “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- (J) “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

ARTICLE III. Study Authorized. The City Council hereby authorizes and directs City Administrator to have City staff conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as

well as other potential local regulations allowed under the Act, and report to the City Council on the potential regulation of Cannabis Businesses. The study must include a review of the model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the City Council's consideration of this matter. The report shall include City staff's recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations.

ARTICLE IV. Moratorium. A moratorium is hereby imposed regarding the operation of a Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. The moratorium includes Early Cultivators, License Preapprovals, and Medical Cannabis Businesses to the extent they are considered to be outside of the definition of Cannabis Business.

ARTICLE V. Violation. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a cannabis business within the City.

ARTICLE VI. Exceptions. The moratorium imposed by this Ordinance does not apply to:

- (1) the continued operation of a business as part of the Medical Cannabis Program administered by the Minnesota Department of Health and the OCM that was lawfully operating within the City prior to July 1, 2023;
- (2) the lawful sale of Edible Cannabinoid Products, in compliance with Minnesota Statutes, section 151.72; or
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Adopted this 5th day of August, 2024.

Passed by the City Council this 5th day of August, 2024.

Duane J. Jirik, Mayor

ATTEST:

Joshua Tetzlaff, City Administrator

(SEAL)

Date of Publication: July __th, 2024.

July 2024 EDA Business Updates:

- **2 new home permits** were issued in June (2 single family homes and 0 townhome units). 4 residential home permits have been issued so far in 2024 (4 single family, 0 townhomes, 0 apartment units).
- The proposed **54-unit apartment building** on the lot just south of Walgreens was approved for a density and parking variance at the City Council meeting on July 1, 2024.
- A conditional use permit was approved by the City Council on July 1, 2024, for **Outlaw Saloon** at 103 Main St. W. for an outdoor patio for eating and drinking.
- The building permit for the new **Scooters Coffee** at 1701 1st Street SE was issued in June. They anticipate opening before school starts this fall.
- A building permit was issued for an ADA lift to be added into the **Broz Hotel** at 212 Main St. W.

SMALL AREA PLAN

City Council

New Prague | July 15, 2024

STAKEHOLDER GROUP

Duane Jirik – Mayor

Rik Seiler – Councilmember

Brandon Pike – Planning Commissioner

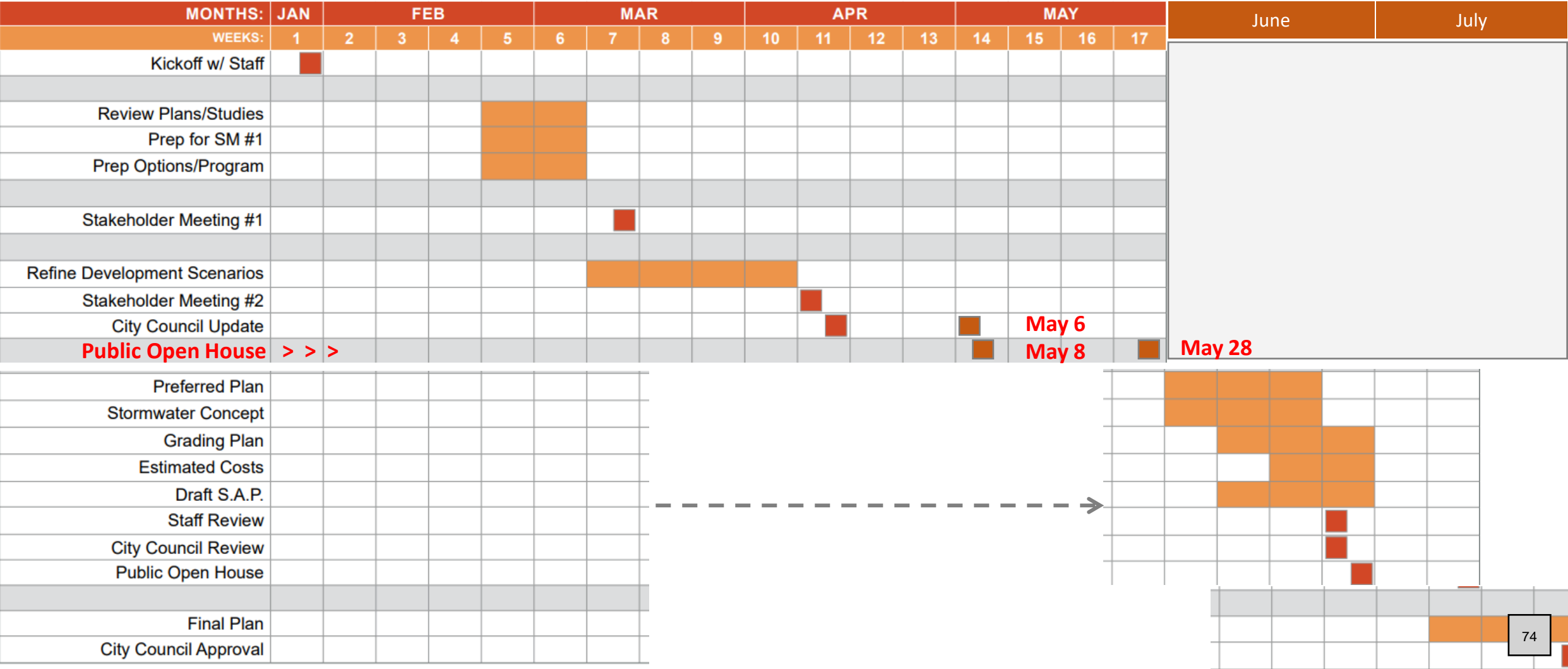
Joe Barten – Park Board Chair

Brent Quast – EDA President

Sheilina Sperry – Chamber Member

Tony Buthe – NPAS Director of Educational Services

Schedule



SCOPE & SCHEDULE

Part 1- Month 1

- Kickoff meeting with key staff January 31, 2024 at City Hall
- Discuss and confirm general development program and assumptions about the small area

Part 2- Month 2

- Prepare options and alternatives and potential development scenarios
- Hold workshop #2 to review alternatives; agree on development program and identify any options that should be carried forward

Part 3 - Month 3

- Refine the development scenarios
- Quantify the development program
- Decide on which scenarios to advance to a public open house
- Advertise and conduct public open house

Part 4 - Month 4

- Prepare final specific area master plan and review with Stakeholder Group
- Prepare site grading plan
- Prepare an estimated budget of likely costs
- Present to the stakeholder group and City Council

Potential Small Area Land Uses

Public Uses

- Stormwater management area
- Stormwater park amenities
- Outdoor performance stage
- Sidewalks and trail connections
- Playground/area for kids
- Passive park areas with seating & tables
- Parking: on-street and off-street
- Buildings (e.g., community meeting room)
- Farmers Market/Food Truck area
- Outdoor public art space
- Overflow parking

Private Uses

- Residential: multi-family
- Commercial/retail infill

Draft Development Program



A. Outdoor performance stage

- Capacity for at least 500 at 20 sf/person = 10,000 sf sitting area
- Stage = 40' x 50'
- Include dressing & small storage spaces

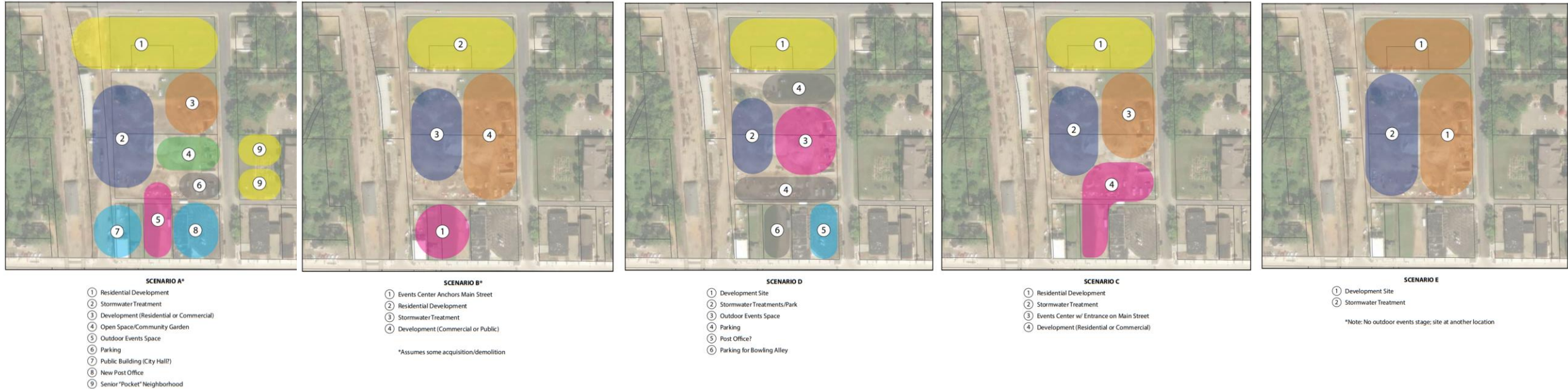
B. Stormwater Management Area

- West and south half of city lot; size to be determined

C. Land Use

- Sites & lots on Main Street for commercial/retail development
- Multi-family residential
- Acquisition of some adjacent parcels
- Park, playground improvements & sidewalk connections
- Community Room with seating for 30-60

Draft Scenarios – March 6



The Stakeholder Group reviewed 5 draft scenarios, that included a range of uses, which were discussed and reduced to 3.

Draft Scenarios – April 10

Refined Scenarios “Park & Main”



Refined Scenarios “Civic Commons”



Refined Scenarios “Intown Living”

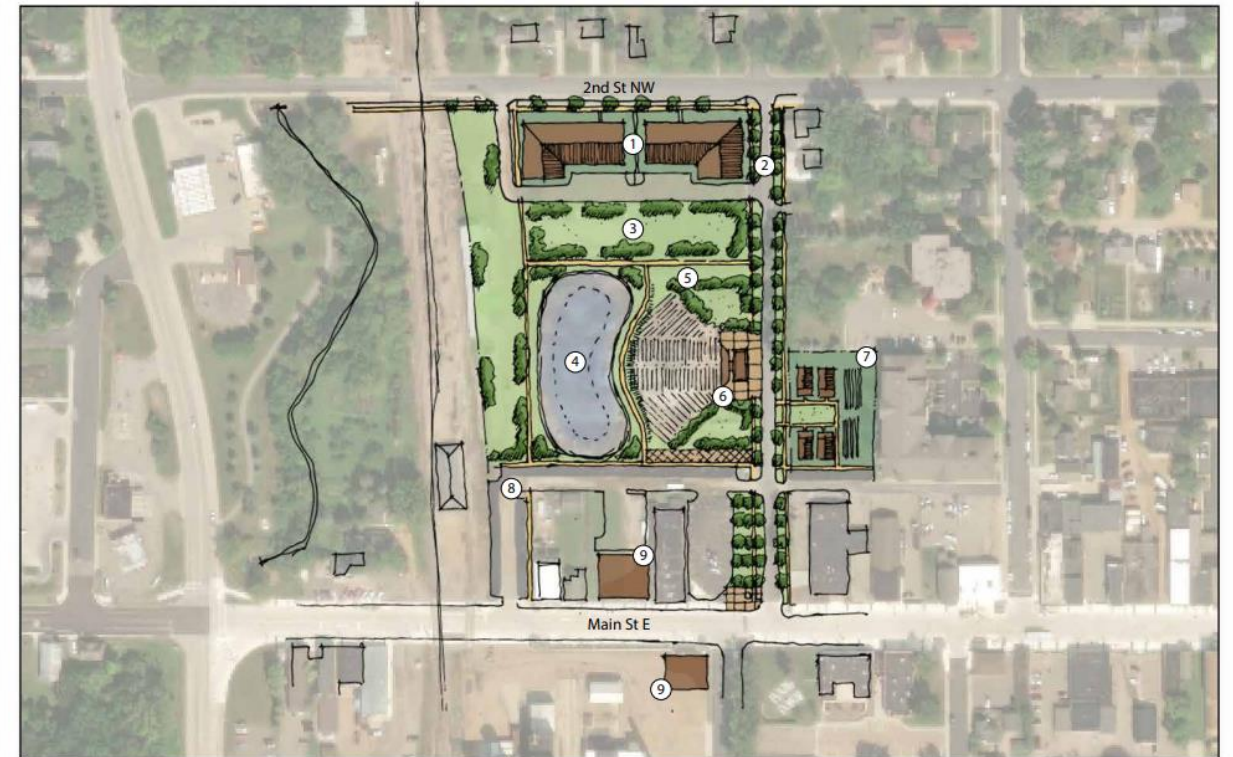


Draft Scenarios – May 6



CIVIC COMMONS

- | | |
|---|-----------------------------------|
| ① Single-Family Attached Housing (24 Units) | ⑤ Praha Outdoor Performance Stage |
| ② Stormwater Treatment/Pond | ⑥ Community Room & Gardens |
| ③ Small Art Park | ⑦ Public Parking (~73 Spaces) |
| ④ On-Street Parking (~50 Spaces) | ⑧ Infill Buildings |



IN-TOWN LIVING

- | | |
|---------------------------------------|--|
| ① Multi-Family Residential (80 Units) | ⑥ Praha Outdoor Performance Stage & Community Room |
| ② "Skinny Street" | ⑦ Senior Cottages & Community Garden |
| ③ Passive Park/Art Space | ⑧ Public Parking (~78 Spaces) |
| ④ Stormwater Treatment/Pond | ⑨ Infill Buildings |
| ⑤ Farmers Market Promenade | |

May 8 Open House Summary

Summary and Key Takeaways

Feedback for both the In Town Living and Civic Commons design were both very positive. On the survey handed out in the comment cards, the two designs split the pool of votes almost equally.

There was overwhelming support for the southwest orientation of the POPS stage in the Civic Commons Design. However, most attendees liked the open space to the south of the stage from the In Town Living design with its potential uses as a setting for food trucks, ice cream trucks, and local farmers' markets.



On the southwestern portion of the parcel, locals were enthusiastic about the senior living development and nearby gardens. Residents agreed this is a great place for the elderly to live within the community.

Many attendees stressed the importance of green space. Many preferred the larger park area of the In Town Living design, excited that local children would have a safe and shaded place to play outside together. Concepts like the 'skinny street' and the path around the pond were received well, being great ways to make walking to the park more enjoyable.

The apartment and townhome concepts received a roughly even amount of support. However, the apartment concept deeply concerned a number of attendees. Should the apartment concept be pursued, a thorough demand analysis should be done to ensure this housing would succeed, and low building heights should be prioritized in consideration for neighbors across the road on 2nd Street.

Name Ideas

Praha Park

POPS Plaza

Creamery Commons

Section 6, Item c.

Favorite Elements of the In Town Living Design

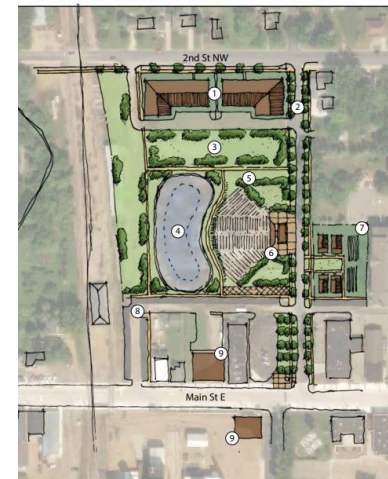
- Farmers market space
- Larger park area
- Skinny street
- Plenty of room for parking

Favorite Elements of the Civic Commons Design

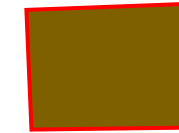
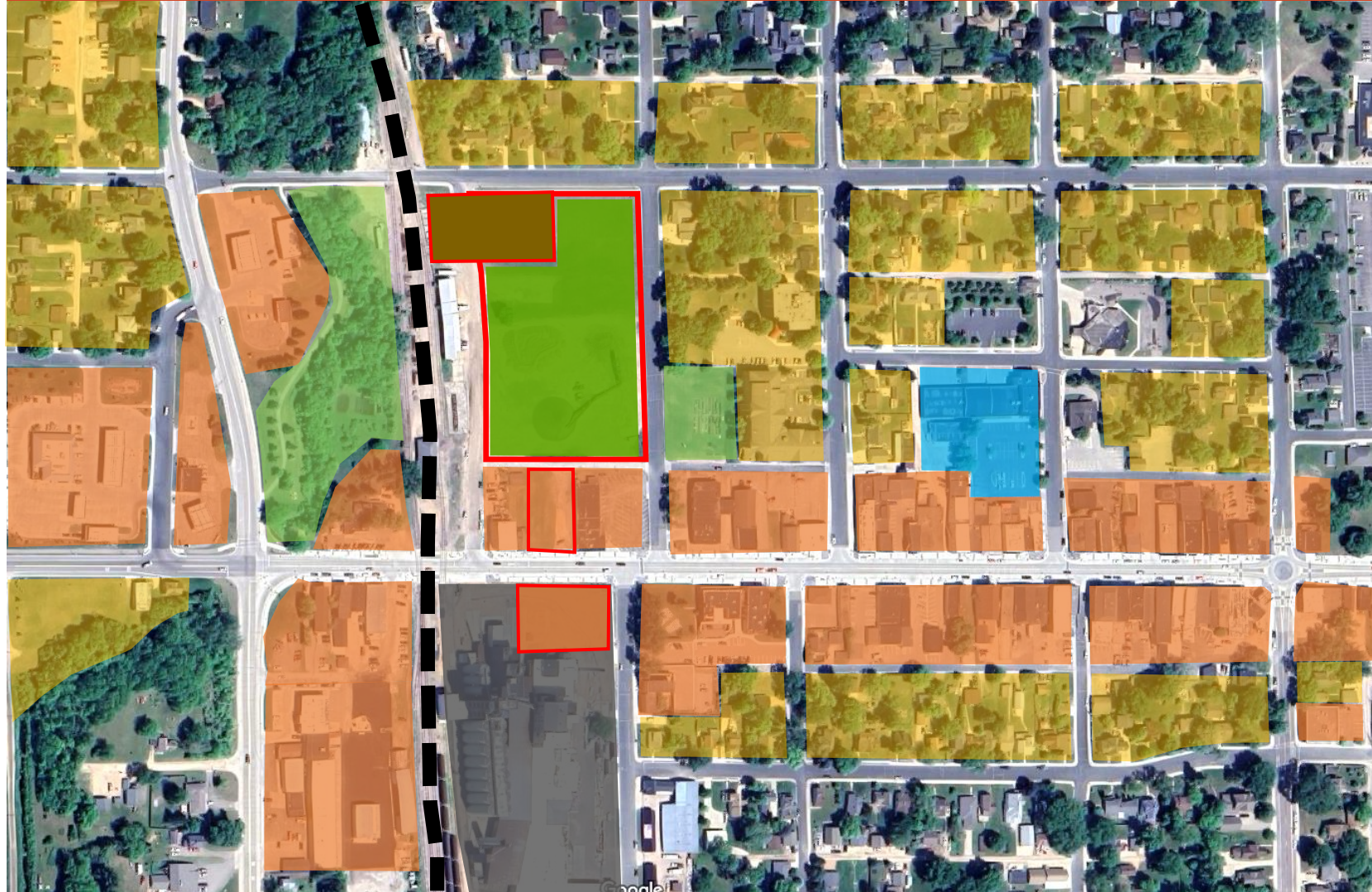
- Orientation of the stage
- 'Front porch' style community room
- Design of the pond

General thoughts

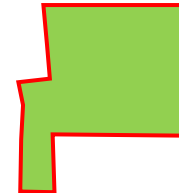
- Most people will want to park on the north end
- Pond could become an ice rink in the winter
- Ensure the POPS stage has a proper noise buffer
- Add a fountain to the pond



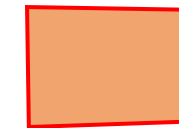
Proposed Land Use: Comp Plan Supplement



Medium density residential

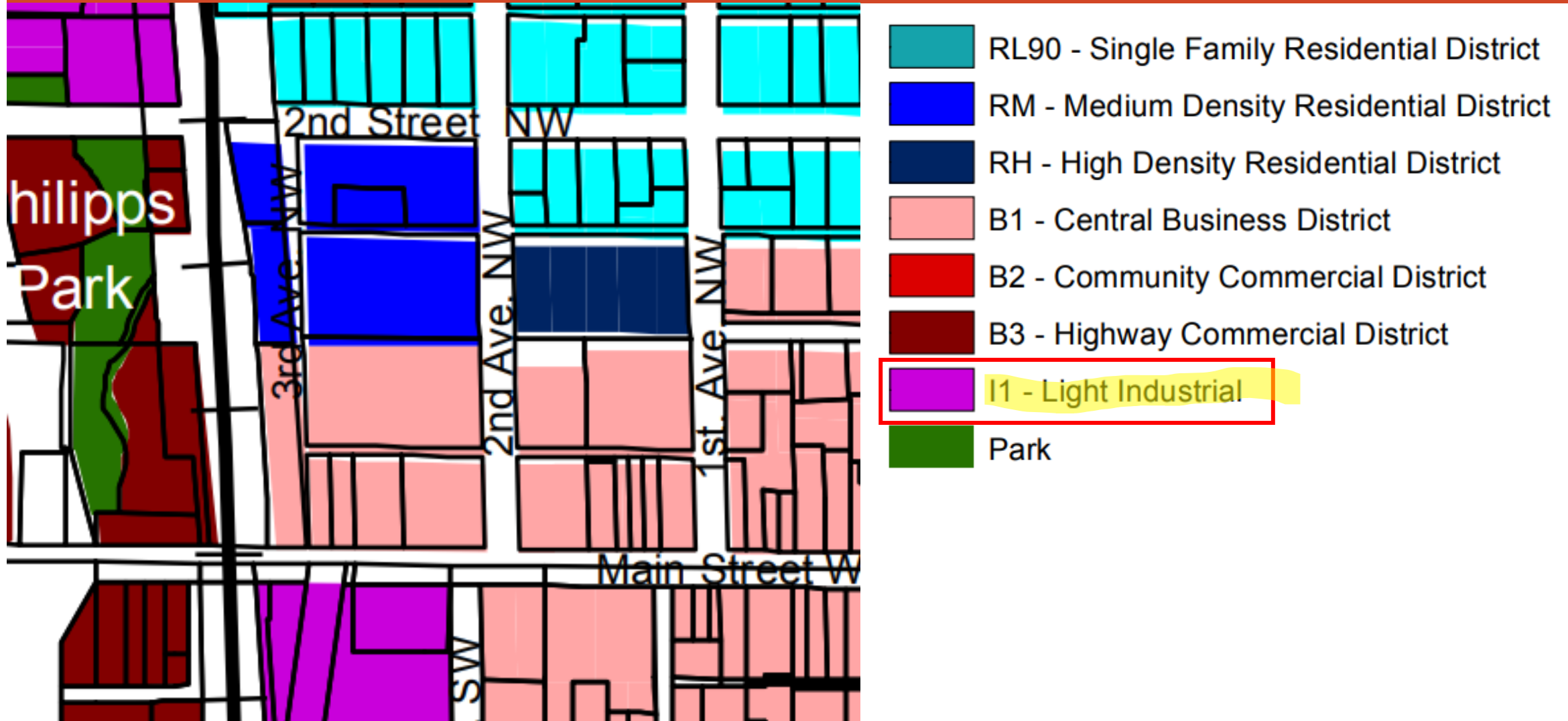


Parks & open space



Commercial/retail

Existing Conditions - Zoning



Site Features: City Block



Multi-family residential

Playground

Community room

Multi-use plaza (farmers mkt, food trucks, parking, etc.)

Outdoor performance stage

Stormwater treatment (area TBD)

"Skinny" street w/planted median & parking

Entry plaza

Overflow parking (if needed)

Commercial infill building (per market demand)

Site Quantities

City Block = ~ 4.4 acres



Residential = 1.2 ac



Stormwater area = 1.1 ac



Outdoor stage = .6 ac



Park/open space = 1.5 ac



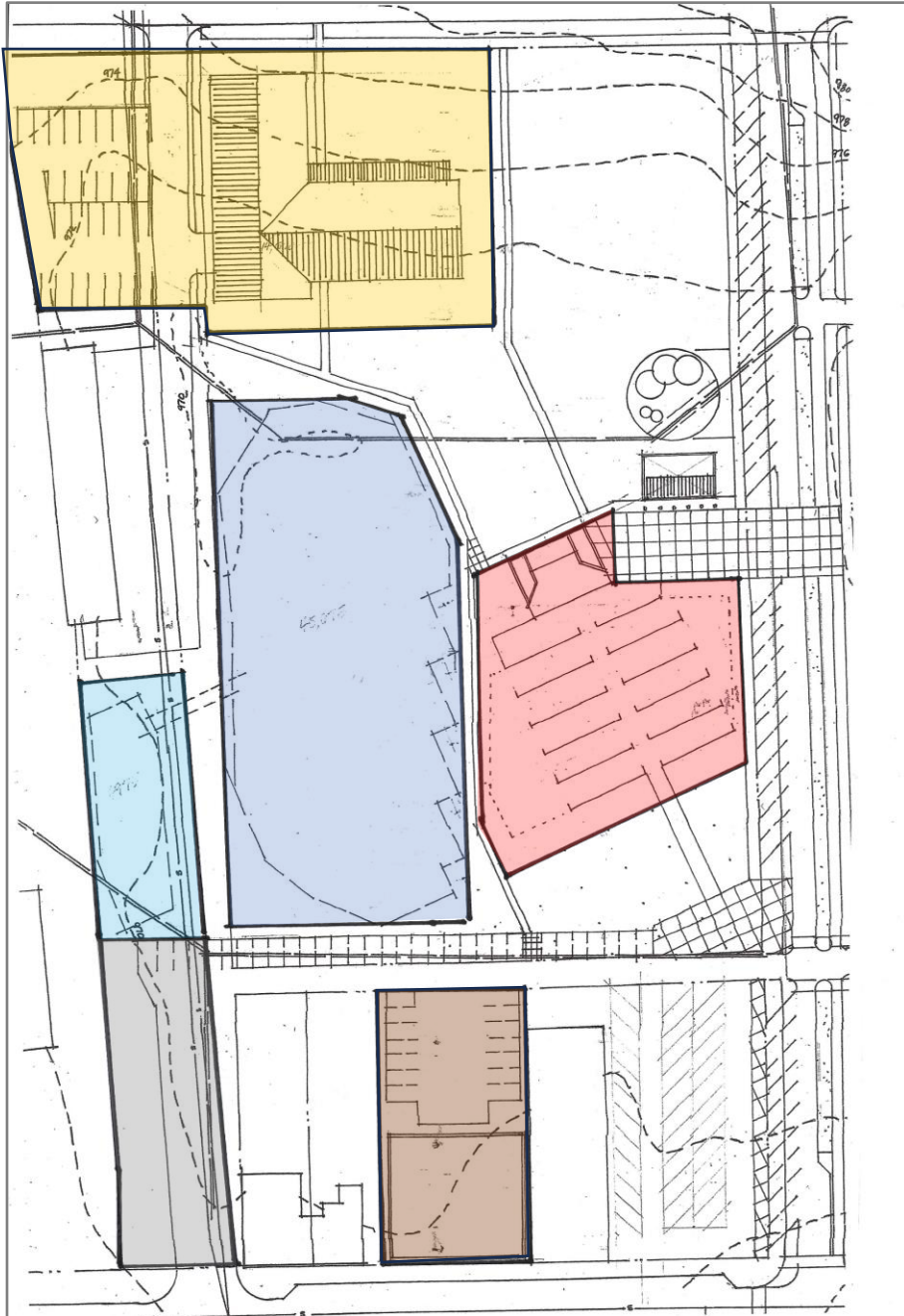
Potential stormwater overflow = 10,725 SF



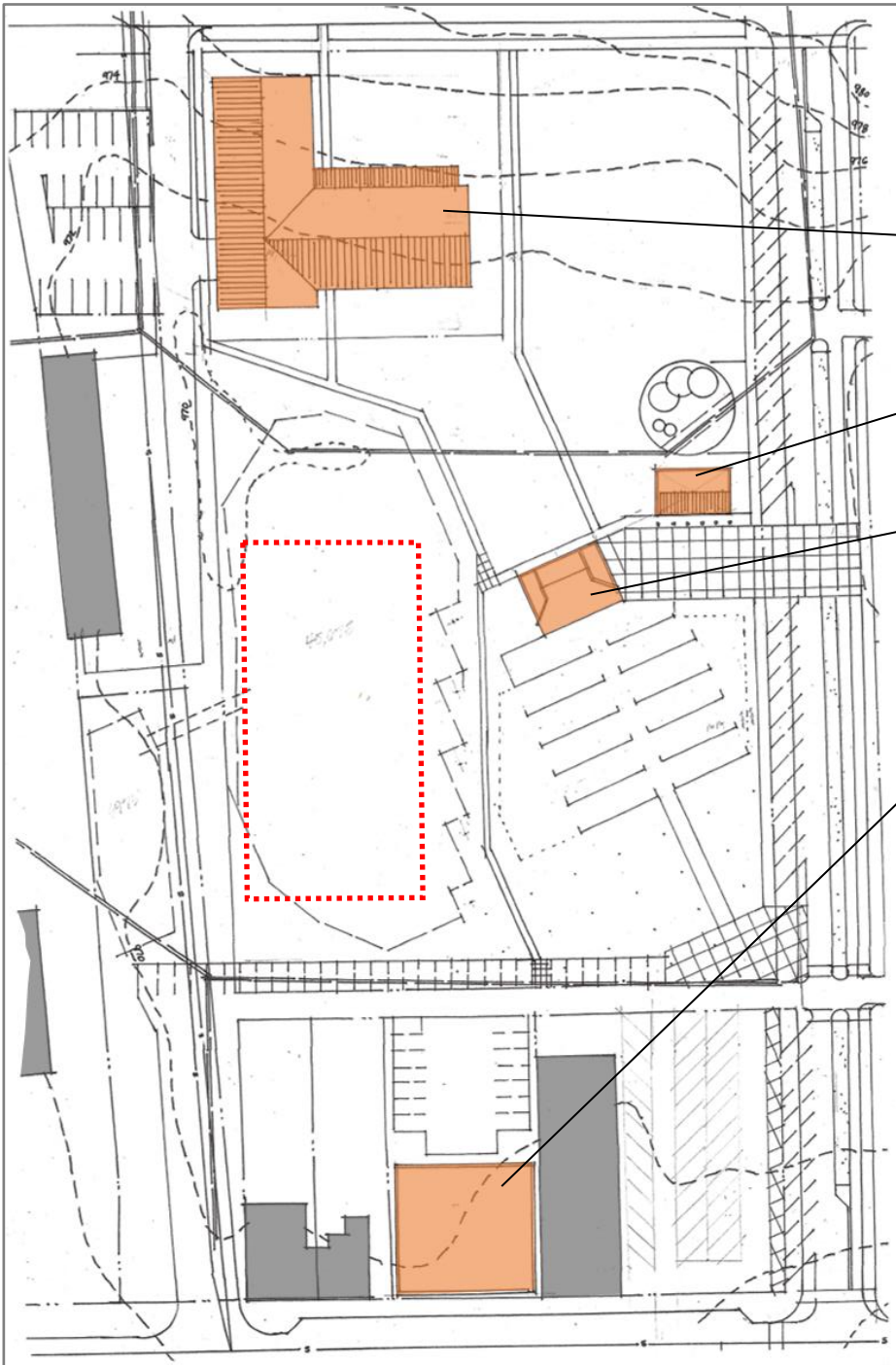
Potential overflow parking = 13,650 SF



Commercial/retail lot = 14,450 sf



Buildings



Multi-family residential

Community room (approx. 13,000 sf)

Outdoor stage

Commercial/retail infill (approx. 6400 sf)

Regulation hockey rink (85' x 200')

Blue & Green Layer



Stormwater treatment



Approx. area needed to treat on-site improvements



Optional stormwater overflow

Playground

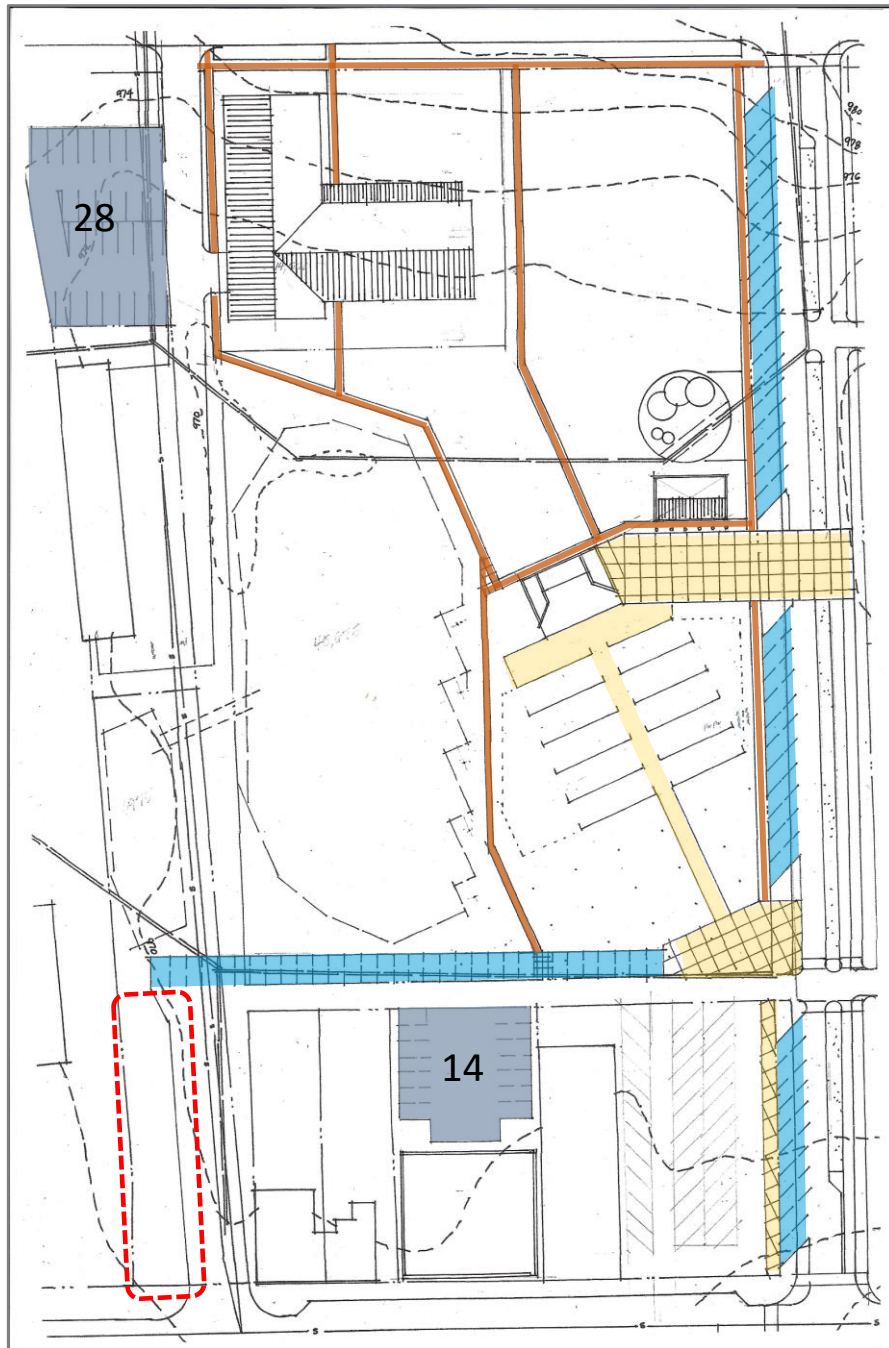
Multi-use plaza

"Skinny" street

Potential for art/sculpture walk

Entry plaza

Walks & Parking



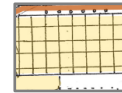
Sidewalk network



On-street diagonal parking = 60 spaces



Alley loaded = 34 spaces



Plaza parking = 8 spaces



Private off-street = 42 spaces



Overflow parking area (if needed)

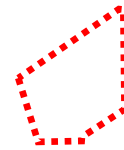
Performance Stage & Seating

Section 6, Item c.

Stage dimensions = 40' D x 50' W

Stage includes dressing and storage rooms (●)

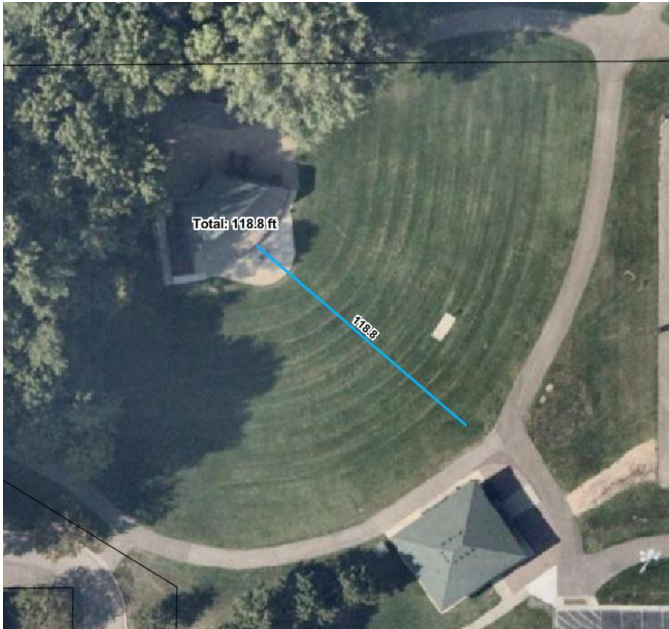
Seating area = approx. 720 seats/1000+ with overflow



Tree grove/potential expansion area

Outdoor Stage Comparisons

Section 6, Item c.



Rosemount: 116'



Eden Prairie: 109'



Buffalo: 125'

Strike Force Bowl, 309 Main St W, New Prague, MN

11.Jul.2024 15:47 UTC-5 ▶ LIVE ↺

Solar data for the selected location

Dawn:

05:04:48

Sunrise:

05:40:15

Culmination:

13:19:58

Sunset:

20:59:14

Dusk:

21:34:35

Daylight duration:

15h18m59s

Distance [km]:

152,078,560

Altitude:

52.22°

Azimuth:

245.58°

Shadow length [m]:

0.78

at an object level [m]:

1

Geodata for the selected location

Height: 301m

Set Lat/Lon

Lat: N 44°32'38.69"

44.54408°

Long: W 93°34'53.4"

-93.58150°

UTM: 15T 453807 4932470

TZ: America/Chicago DST CDT

More solar data & Photovoltaic

Print

Contact

Help

More for Moon|Planets|Satellites

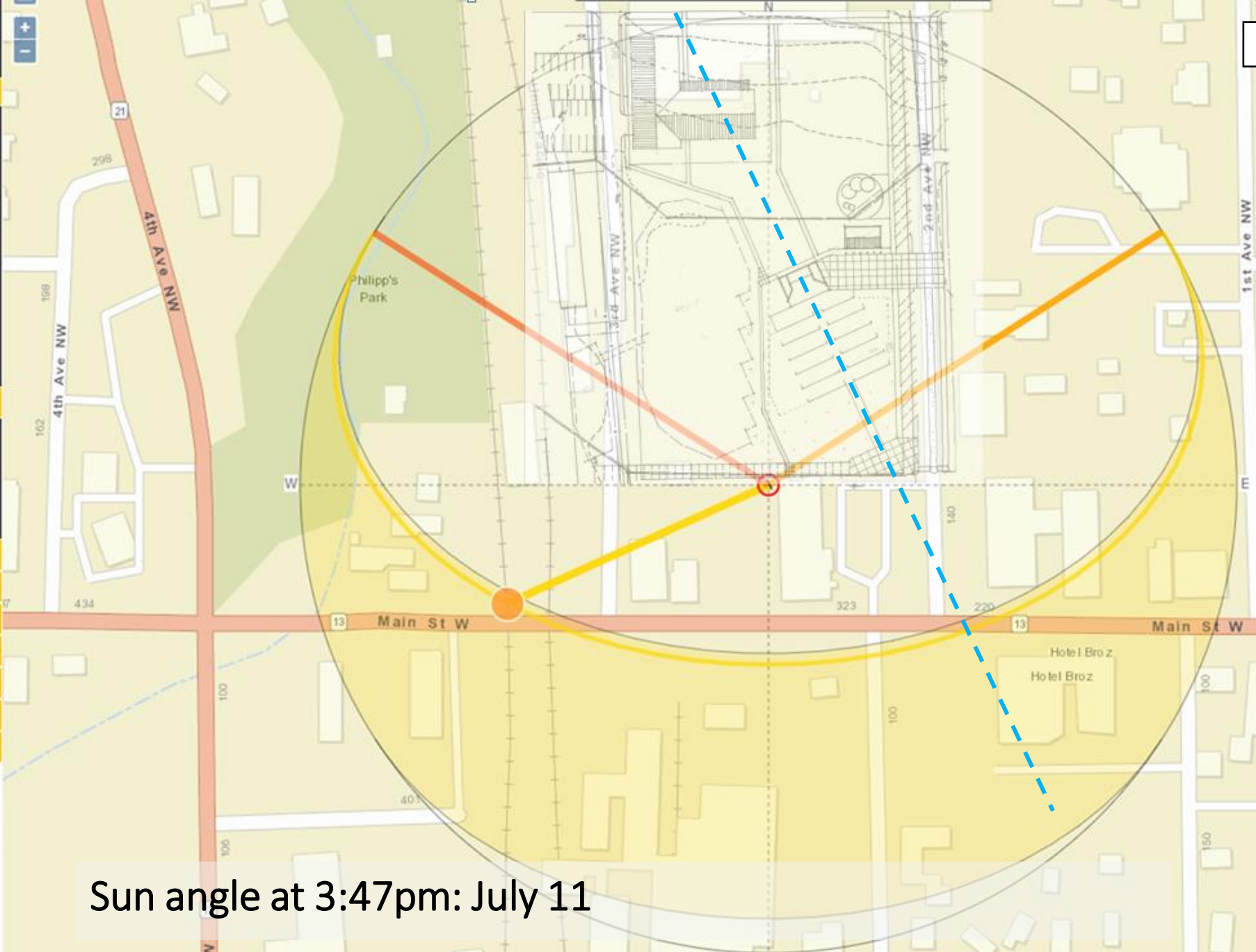
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How To Continue

Section 6, Item c.



Sun angle at 3:47pm: July 11

Strike Force Bowl, 309 Main St W, New Prague, MN
11 Jul 2024 20:59 UTC-5 **LIVE**

Solar data for the selected location

Dawn: 05:04:48
Sunrise: 05:40:15
Culmination: 13:19:58
Sunset: 20:59:14
Dusk: 21:34:35
Daylight duration: 15h18m59s
Distance [km]: 152,077,464
Altitude: -0.27°
Azimuth: 302.62°
Shadow length [m]: n/a
at an object level [m]: 1

Geodata for the selected location

Height: 301m
Lat: N 44°32'38.69" 44.54408°
Lng: W 93°34'53.4" -93.58150°
UTM: 15T 453807 4932470
TZ: America/Chicago DST CDT

More solar data & Photovoltaic

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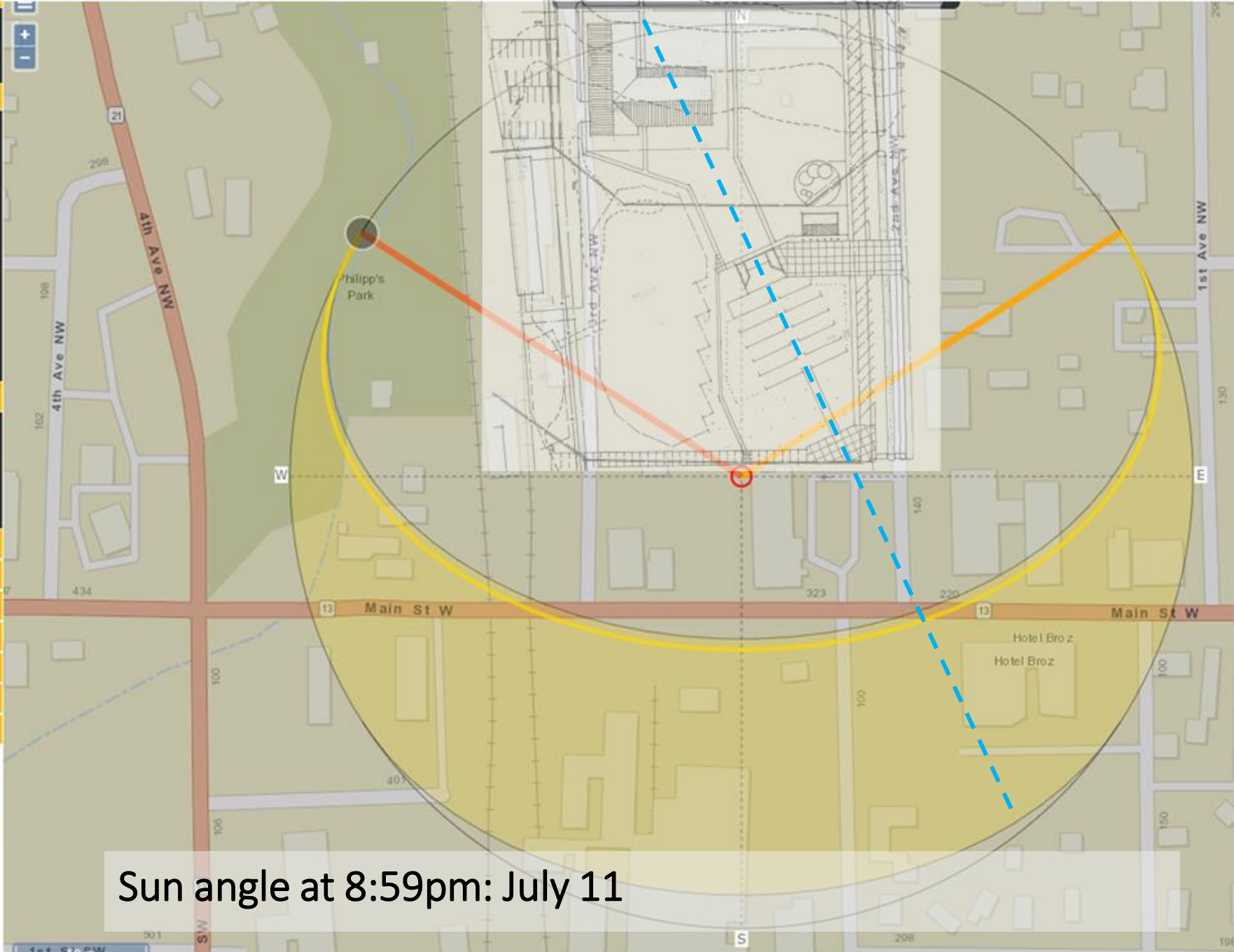
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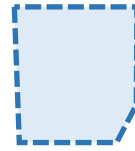
How To Continue
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Sun angle at 8:59pm: July 11

Section 6, Item c.

Potential Phase 1

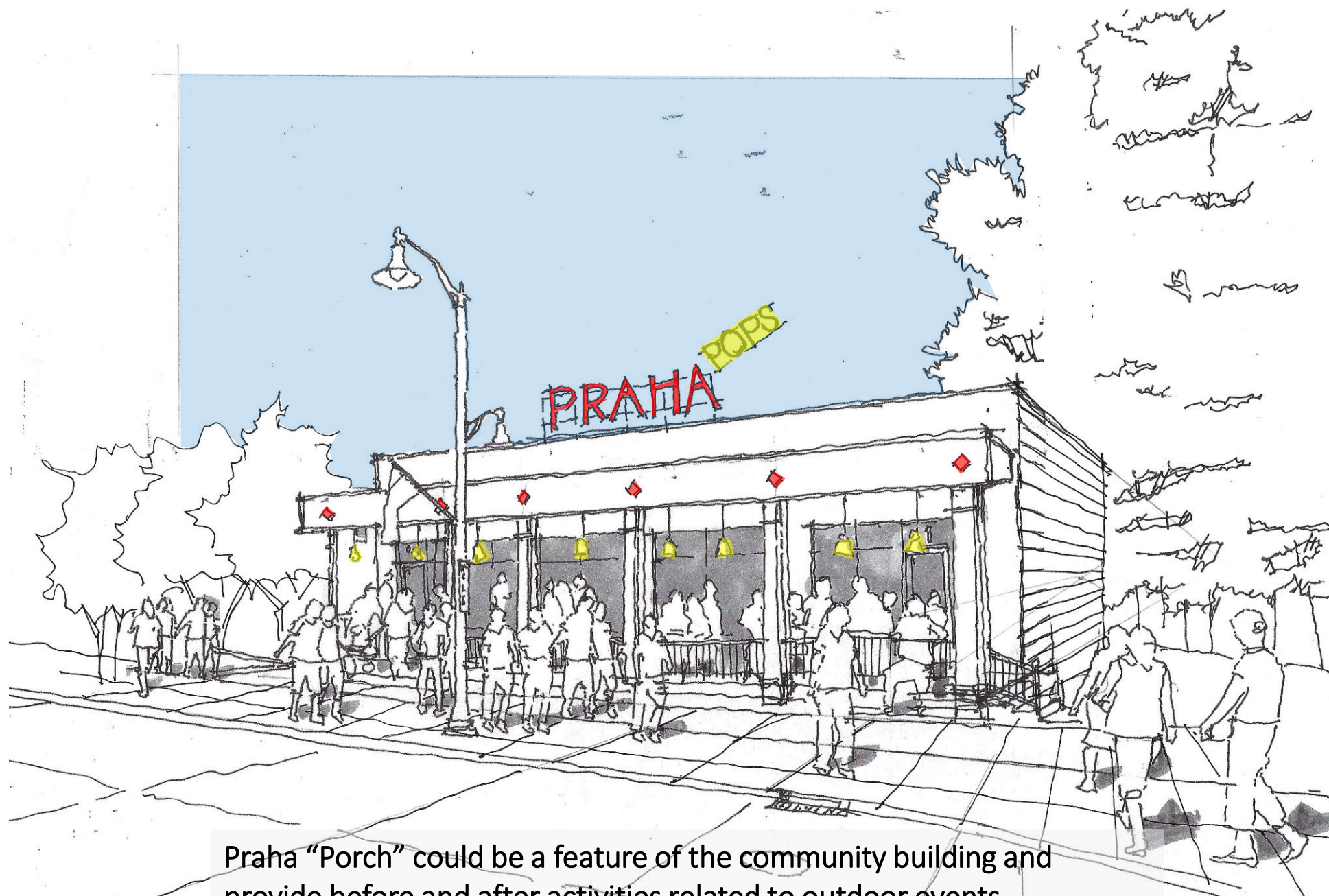


Stormwater treatment area

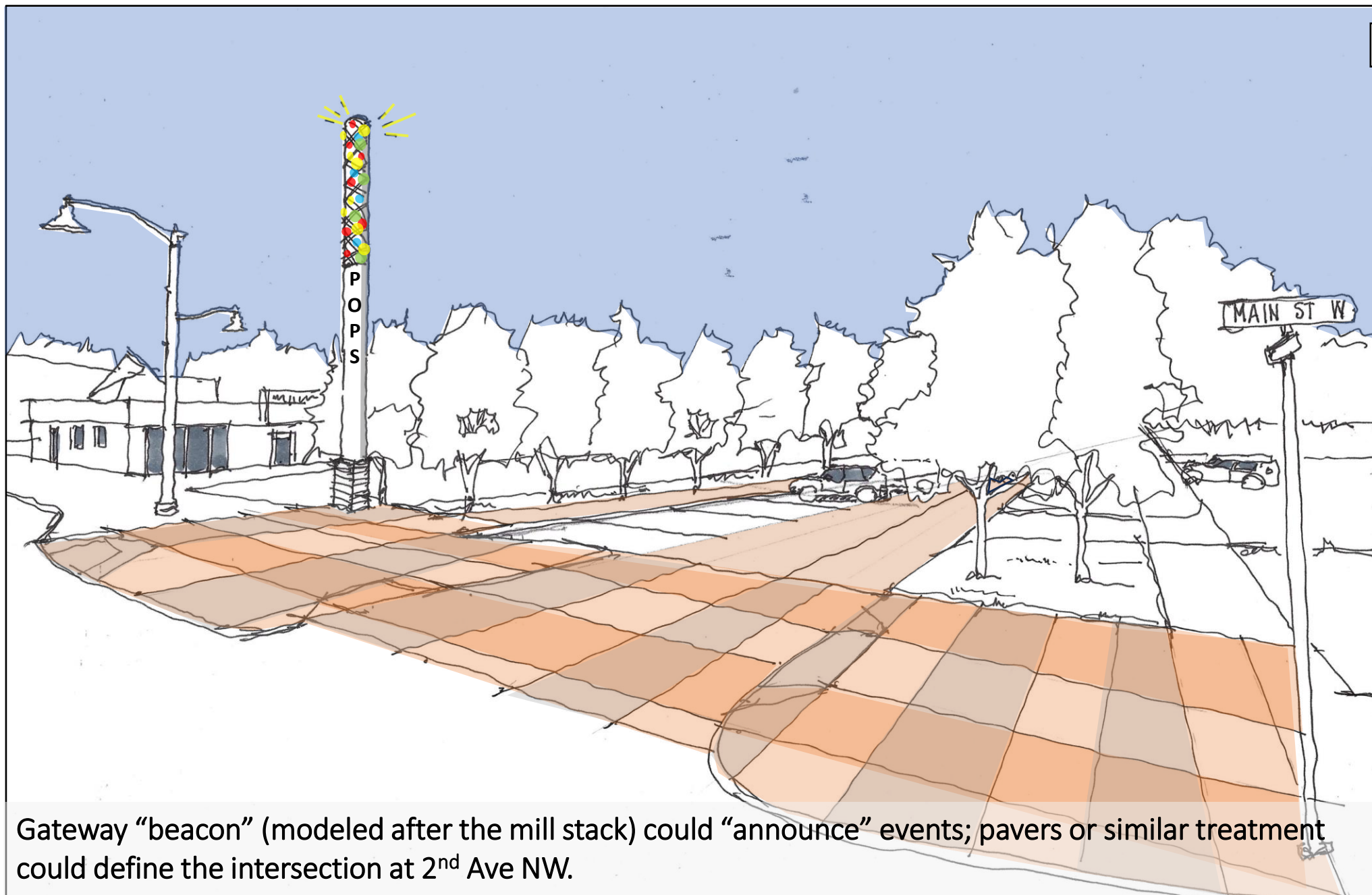


Outdoor performance stage





Praha "Porch" could be a feature of the community building and provide before and after activities related to outdoor events



Gateway “beacon” (modeled after the mill stack) could “announce” events; pavers or similar treatment could define the intersection at 2nd Ave NW.



Multi-family housing should be two to two and half stories tall and should have gables and porches facing the street.

Q & A | Discussion