



PLANNING COMMISSION MEETING (RESCHEDULED FROM MARCH 27, 2024) AGENDA

City of New Prague

Wednesday, April 03, 2024 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- a. February 28, 2024, Planning Meeting Minutes

3. OLD BUSINESS

- a. None

4. NEW BUSINESS

- a. Request for Interim Use Permit #I1-2024 - Religious Institution at 100 2nd Ave. SW
Faith, Recovery & Music - applicant
(Public Hearing Required)
- b. Request for Variance #V1-2024 - Fence Setback Variance
Taylor and Dustin Filan - applicants
- c. Concept Review of Possible Zoning Ordinance Amendments Relating to RH High Density Residential
Zoning District Density, Minimum Lot Area, Useable Open Space and Parking Requirements for
Apartment Units

5. MISCELLANEOUS

- a. Monthly Business Updates
- b. Comprehensive Plan / Small Area Plan Update

6. 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, February 28, 2024

1. Call Meeting to Order

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

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

2. Approval of Meeting Minutes
A. January 24th, 2024 Regular Meeting

A motion was made by Ryan seconded by Bentson to approve the January 24th regular meeting minutes. Motion carried (3-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Conditional Use Permit #C1-2024 – Relocate a Single Family Home to the vacant lot located at 303 Lyndale Ave N

Planner Chapman introduced the #C1-2024 conditional use permit to relocate a single family home onto an existing vacant lot at 303 Lyndale Ave N. The home is currently located in Lakeville at Otting House Movers and the home is approximately 1,199 sq ft large with a 451 sq ft detached two car garage. The garage was removed from the principal structure and the front porch has since been removed. Various improvements will need to be made as well as meeting Minnesota State Building Code such as new windows, siding, fascia, soffit, roof repair, plumbing, smoke and CO detectors, etc. The property is zoned as RL-70 Single Family Residential Zoning District and within the district, relocating homes is listed as a conditional use. Conditional use permits for relocated structures must meet three criteria as follows:

- 1. Whether the structure is at such a variance with the established or expected pattern of development in the neighborhood that it would destroy the overall appearance of the neighborhood.*
 - Staff believes the age and appearance of the proposed relocated 1970s home would fit in well with the neighborhood which is of an older nature with a variety of home

styles that exist. The proposed home will also utilize parking/garage access from the alley, similar to the homes on either side of it.

2. The extent of variance, if any, of the proposed structure with the existing age, bulk, architectural style and quality of construction; and

- Staff believes that the home will fit in well due to its age (constructed in 1970s) and design, which is a mix of other homes on the block. North of the property (at 315 Lyndale Ave N), a home was built in 1980 and a home to the south (301 Lyndale Ave N) was built in 1890. A large majority of the homes on the block are rambler style and built in the 1950s and 60s.

3. The structure will not substantially diminish or impair property values within the neighborhood.

- Staff believes that the structure will fit in well at 1,199 sq ft on the main level which is just under the above ground sq ft average on the block of 1,363 sq ft, be brought up to current building codes and have a new foundation, all of which will not diminish or impair property values within the neighborhood.

Ryan inquired what was previously on the lot before.

Applicant Doug Pint from 40072 Lake Volney Ln, Le Center, stated that the property originally had a shed and a garden. The property was platted in 2020 and does not have utilities.

Ryan seconded by Pike made a motion to open the public hearing at 6:44pm. Motion carried (3-0).

Pike asked why the structure is being relocated rather than being built new.

Pint explained that it was more affordable to relocate the home than to construct the home from scratch. To relocate the home, it will be in the high \$200,000s or low \$300,000s compared to \$400,000 to construct a new home. The home was also selected because it had updated electric.

Pike asked what the plan for the building was and if Pint would be occupying the home.

Pint replied that he intends to make improvements to the home and sell it. The home will likely be transported along Main Street since it is a 10-ton road but the transportation route and time will have to be coordinated with the City and Otting House Movers.

Jason asked if the basement will be constructed.

Pint replied that the basement will be built prior to the transporting of the home.

Pike inquired what the road restrictions would be.

Planning Director Ondich responded that road restrictions are related to spring thaw.

Ryan wondered if a time limitation should be added to the conditional use permit.

Planning Director Ondich stated that a timeframe isn't needed. The \$5,000 escrow is an incentive for contractors to complete the code requirements.

A motion was made by Ryan, seconded by Bentson to close the public hearing at 6:49pm. Motion carried (3-0).

A motion was made by Ryan and seconded by Bentson, to approve and forward Conditional Use Permit #C1-2024 to City Council with the following conditions:

1. This conditional use permit is only valid for moving in the specifically proposed home that is currently located at Otting House Movers at 27626 Pillsbury Ave, Lakeville MN.
2. All requirements of Section 713 of the Zoning Ordinance for relocating structures must be met.
3. In accordance with the Preliminary and Final plat of Suerai Addition, the developer is responsible for the cost and installation of water, sewer, and electric services to the lot.
4. Property owner should limit site work within the Lyndale Avenue N right of way until reconstruction project is substantially complete. The street location and elevation will change from the existing condition.
5. Property owner should provide staging and access plan on how delivery and placement will occur. The site has steeper boulevard grades on Lyndale Avenue N. Trees and overhead wire may interfere with the alley.
6. Any damage to new street will be the responsibility of the property owner. Installation before street reconstruction would be best (if possible).
7. The placement of the home must be in general compliance with the submitted site plan dated 2/7/24.
8. The proposed parking area from the alley must be paved as required by the Zoning Ordinance.
9. The following improvements must be made to the home before it can be occupied:
 - o Home must meet Minnesota State Building Code requirements
 - o New windows in bedrooms 2 & 3
 - o Closet moved to east wall in bedroom 3
 - o Staircase extended to meet code
 - o Siding, fascia, soffit, roof repair, and paint as needed
 - o New full basement to be finished later
 - o Possible deck off master bedroom
 - o New window to be placed in dining room
 - o Patio door to be placed in master bedroom
 - o New laundry location on main floor
 - o Install smoke and CO detectors
 - o Plumbing installed
 - o Garage: frame wall and install fascia, soffit, and siding

And making the following findings to approve the conditional use permit:

- A. The proposed relocated single-family home is an expected use of the lot which is zoned RL-70 Single Family Residential and will not burden existing parks, schools, streets or other public facilities.
- B. The proposed relocated single-family home is fully compatible with the adjacent residential properties and will not cause a depreciation in their value.
- C. The proposed relocated single-family home will not have an adverse effect upon adjacent residential homes in that it is of a similar era, style and size to other homes on the block.
- D. The proposed relocated single-family home is reasonable related to the overall needs of the City and to the existing land use as it is utilizing a residential lot that has been vacant since it was platted in 2020 and for many years prior to its platting and will fit in with the surrounding homes.
- E. The proposed relocated single-family home is consistent with the zoning ordinance as a single-family home is a permitted use in the RL-70 Single Family residential zoning district.
- F. The proposed relocated single-family home is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the RL-70 Single Family Residential Zoning District.
- G. The proposed relocated single-family home will not cause traffic hazard or congestion as it is a use typical of a residential lot.
- H. The proposed relocated single-family home will be located on an existing residential lot with adequate roads and existing utility stubs, which will be completed with the 2024 CIP project.

Motion carried (3-0).

B. Concept Review – Floodplain Ordinance Update

Planning Director Ondich explained that the new FEMA Flood Insurance rate Maps (FIRMs) become effective on July 17, 2024. The Le Sueur County maps updates will include all of New Prague as well as the portions of the city that’s in Scott County. The DNR recently contacted the City, explaining that they need to adopt a new floodplain ordinance to continue to participate in the flood insurance program once the new maps take effect. The DNR provided two model ordinance models for confirming the ordinance: the “simplified model floodplain ordinance” and the typical “model floodplain ordinance”. Of the two ordinances, the City’s current ordinance most closely aligns to the typical model ordinance. However, the DNR recommended that the City consider using the simplified model ordinance since New Prague has had little to no floodplain development in flood zones. As of today, there are very few structures that exist within the floodplain in New Prague. By July 17, 2024 the City must have a new ordinance adopted. Furthermore, the City must submit a draft ordinance to the DNR for review before April 17th, 2024.

Ryan asked for clarification of what constitutes a floodplain.

Planning Director Ondich stated that floodplain are areas near a watercourse that occasionally flood. There are various types of floodplains such as the 100-year floodplain and the 500-year floodplain. A 100-year floodplain means there is a 1% chance of the area

flooding in a given year. A 500-year floodplain means there is a 0.2% (1 in 500 chance) of flooding.

Planning Director added that New Prague currently allows variances for structures to be built in the floodplain but would require floodplain proofing such as using stilts. Compared to other cities, New Prague has few floodplains. He clarified that the simplified model floodplain ordinance would prevent construction from occurring in the floodplain.

Pike observed that the comprehensive plan land use map shows floodplains east of New Prague. As the City expands eastward, there will be more floodplain areas, which could make it difficult to build. The City could always switch back to the typical model ordinance.

The Planning Commissioners showed an interest in pursuing the simplified model ordinance.

5. Miscellaneous

A. Annual Community Development Reports

The annual community development reports were reviewed as information only.

B. HF 4009 Minnesota State Bill

Ryan inquired if there were any updates on the HF 4009 Minnesota State Bill.

Planning Director Ondich explained that the HF 4009 State Bill would take away the community’s local zoning control for multi-family housing. If passed, multi-family housing would not have to meet zoning requirements in communities that have populations over 10,000 people. In other words, multi-family homes could be built on a commercial lot and be 150 feet tall in some cases.

Pike asked what caused this Bill.

Planning Director Ondich responded that the discussions came from Minneapolis and were intended as a way to provide affordable housing. The proposed bill may work in large cities in Minneapolis but not all communities. The bill would limit the number of parking stalls and prevent communities from controlling the appearance of the structure. There isn’t anything in the bill about housing affordability. All the multi-family housing units could be market rate. There are several communities that can’t even reach full occupancy today.

C. Monthly Business Updates

In the month of February, there were 0 new home permits issued, however, staff did receive a new home permit last week for a single family home on Grant Ave NW. Bargain Lodge has moved into the former location of Chalk It Up. A building permit was issued for

internal alteration at the old Mill, which will be used by CVF Racing for storage. Dan Bishop received a building permit for a new office building at 1305 1st St NE. Although not directly business related, the City Council approved MSA to be the consultant for the City Center Small Area Plan for the POPS facility. The consultant will determine how to incorporate the stormwater facilities and maximize the space for future construction. The Small Area Plan is supposed to be complete by July 1st and become an addendum to the new Comprehensive Plan.

D. Comprehensive Plan Update

Planning Director Ondich mentioned that the final joint Planning Commission/Council meeting for the Comprehensive Plan Workshop will take place on Monday 11th at 5:00pm.

E. Move March Planning Commission Meeting to Wednesday April 3rd

The Planning Commissioners did not have an issue with the March 27th Planning Commission meeting being moved to April 3rd, 2024.

6. Adjournment

A motion was made by Ryan, seconded by Bentson, to adjourn the meeting at 7:18 pm. Motion carried (3-0).

Respectfully submitted,



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
SUBJECT: REQUEST FOR INTERIM USE PERMIT #I1-2024 TO ALLOW A RELIGIOUS INSTITUTION IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND AVE SW, AS PROPOSED BY FAITH, RECOVERY & MUSIC.
DATE: MARCH 21, 2024

Background

The New Prague Flouring Mill was first established in 1896 and was the main economic driver in the City, making New Prague a large manufacturer of flour for several years. However, in 2019 Miller Milling closed their business, later selling the property to current owners, New Prague Mill, LLC, who use the property largely for warehousing purposes with tenants from MVE Biological Solutions and Autowash Systems, Inc. and CVF Racing. Additionally, Conditional Use Permit #C5-2023 was approved by the City Council on 12/4/23 for a gun range in the very southern portion of the building.

The applicant is proposing to use approximately 780 sq. ft. of existing office space at the former mill building for their religious institution use which will comprise of two small offices (one approximately 12’ x 14’ in size and the other approximately 9’ x 14’ in size) and a room for gathering space for services and bible study (19’ x 23’ for possibly up to 30 people). The services are anticipated to take place Tuesday afternoons and Saturday evenings. It is likely that another day will be used for bible study. While there are two offices, there will only be one staff person on site. The owners of the building are allowing the applicant to use existing paved parking spaces located in front of the office area. The building owners are also planning to add an accessible ramp into the building.

Legal Description

Parcel 1:
Lots 1, 2, 3, and 4 in Block No. 4, in the Village (now City) of New Prague, Le Sueur County, Minnesota.

Parcel 2:
Lot 4, Block 26, Syndicate Addition to New Prague, Le Sueur County, Minnesota, together with that part of the North half of the Vacated alley lying West of the Southerly extension of the East line of said Lot 4.

Parcel 3:
Block 22 of “Beans Re-Arrangement of Block 22 and 23 Syndicate Addition to New Prague”.

Parcel 4: Block 23 of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the vacated alley and the North half of vacated “L” street as shown on said Plat.

Parcel 5:

Lots 1 and 2, Block 23-1/2, of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the South half of vacated “L” Street as shown on said Plat.

Parcel 6:

Commencing with the intersection of the County Road with the line of the right way of the M. & St. L. Ry. Co., on the East side of their track, thence running East 70 feet, thence South 356 feet to a point 75 feet East of the said right of way line, thence west 75 feet to said right of way, thence running North 356 feet to the point of beginning, being in the NW1/4 of NW1/4 of Sec. 3-112-23, Le Sueur County, Minnesota.

Parcel 7:

The tract of land lying and being in the County of Le Sueur and State of Minnesota, described as follows, to wit: Beginning at a point on the North line of Section Three (3), Township One Hundred Twelve (112) North, Range Twenty-three (23) West, said point being distant East, One Hundred Fifty (150) feet, measured along said section line from the original centerline of the Railways main track; thence Southwardly Four Hundred Nine and Five-Tenths (409.5) feet, to a point distant Easterly Sixty-Seven and Ninety-seven Hundredths (67.97) feet, measured at right angles thereto, from said centerline of main track, thence Northwardly, parallel with said centerline of main track, Three Hundred Seven and One-Tenth, (307.1) feet; thence eastwardly at right angles, Three and Six Tenths (3.6) feet; thence Northwardly about One Hundred (100) feet to a point on said Section line distant West Sixty-Nine and Seventy-Three Hundredths (69.73) feet from the point of beginning; thence East, upon and along said Section line Sixty-Nine and Seventy-three Hundredths (69.73) feet to the point of beginning.

Parcel 8:

That part of the NW1/4 NW1/4 of Section 3, Township 112 North, Range 23 West, City of New Prague, Le Sueur County, Minnesota, described as follows: Commencing at the intersection of the centerline of main track of the Union Pacific Railroad Company and the North line of Section 3; thence N. 90 degrees 00 minutes 00 seconds E. (assumed bearing) along the North line of Section 3, a distance of 150.00 feet; thence S. 07 degrees 06 minutes 51 seconds W., 409.64 feet to a point distant 67.97 feet Easterly of and measured at right angles from the centerline of said main track; thence N. 04 degrees 22 minutes 30 seconds W., parallel with the centerline of said main track, 307.10 feet; thence N. 85 degrees 37 minutes 30 seconds E., 3.60 feet; thence N. 00 degrees 28 minutes 52 seconds E., 67.01 feet to the Southerly right of way line of State Highway No. 19 (Main Street); thence N. 90 degrees 00 minutes 00 seconds W., along said right of way line, a distance of 27.32 feet to a point distant 50.00 feet Easterly of and measured at right angles to the centerline of said main track; thence S. 04 degrees 22 minutes 30 seconds E., parallel with the centerline of said main track, 464.37 feet; thence N. 07 degrees 06 minutes 51 seconds E., 90.22 feet to the point of beginning.

Neighborhood Conditions

North – Central Business District / Main Street and underutilized portions of the former mill building which are also zoned I-1 Light Industrial.

South – I-1 Light Industrial Zoned properties and to the southeast are some residential dwellings separated by public roads from the subject site.

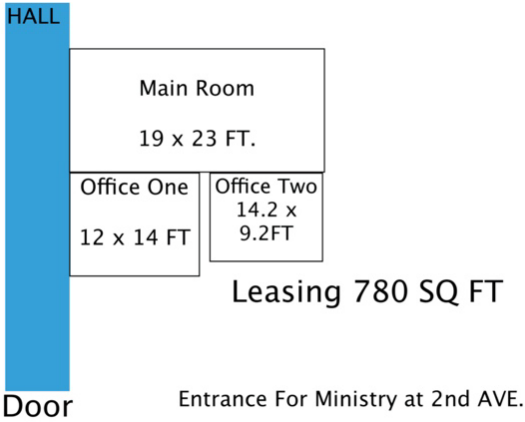
East – Mach Lumber which is zoned I-1 Light Industrial and single-family homes further east.

West – Union Pacific Railroad and beyond that is the B-3 Highway Commercial Zoning District and TH13/21.

Overall, the former mill property is very unique in that it is surrounded by many different zoning districts. It is also unique in that it is an industrial property located essentially in the downtown area which is evidenced by the many nearby bars/restaurants and other similar uses.

Applicant’s Statement

From the Application: “Using this location to serve as offices for the 501(c)3 nonprofit called Faith, Recovery & Music (www.fairecoverymusic.com) and host weekly faith based recovery services in the larger of the three rooms. Faith, Recovery & Music is a Christian faith-based ministry helping those who struggle with addictions.”



Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. Faith, Recovery & Music is proposing to utilize only 780 sq. ft. of the former mill office area, which has been vacant for many years. The office area was most recently remodeled in 2011 according to permit records.

Zoning

This property is zoned I-1 Light Industrial District. The purpose of the district is 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.

It is preliminarily noted in the Comprehensive Plan Update (not yet adopted) that this property is anticipated to be rezoned from Industrial to “Downtown Flex”. The exact requirements for the downtown flex district have not yet been determined, but likely will allow office use including religious institutions as conditional uses, similar to the current B-1 Central Business District versus the current

zoning as I-1 Light Industrial. For this reason, staff suggested to the applicant that this land use request be processed as an “Interim Use Permit” which would allow the use to move forward now in an interim use permit approval situation until the final zoning is established once the Comprehensive Plan update is completed.

Interim Uses are listed under the I-1 Light Industrial Zoning District as: “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.”

Section 302 of the Zoning Ordinance defines Interim Uses as follows:

A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.

Parking

Religious Institutions require off-street parking. Parking is required as follows:

Religious Institutions require 1 parking space for every 3 seats (sanctuary seats only).

It is anticipated that up to 30 people would fit into the main room and therefore 10 parking spaces will be required for the proposed use.

Total minimum spaces required for the proposed interim use is 10.

The previously reviewed and approved plan of 52 striped parking stalls for the existing paved parking area was part of the approval of Conditional Use Permit #C5-2023 for the indoor firing range in another portion of the building. It was noted, however, that two additional parking spaces (above the 52 on the drawing) were provided in front of the indoor firing range area and that the previously approved use only required 24 parking spaces, leaving 30 of the spaces available for other uses. **Based on this, the proposed use would only utilize 10 of the 30 available spaces not dedicated to any other use, meaning there is ample parking available. Staff does note that the paved parking spaces must be striped as noted below and as shown on the parking plan drawing.** The parking conditions must be met as provided for in the previous conditional use permit for the indoor firing range.

Public Works /Utilities / Engineering Comments

Public Works, Utilities and Engineering were not solicited for new comments regarding this interim use permit application review.

Building Official Comments

Building Official Scott Sasse has noted that previous architectural drawings of the area of the building being used are on file from the 2011 remodel.

Police Chief Comments

The Police department was not solicited for comments regarding this interim use permit application review.

WAC/SAC Fees

The existing use of the space is for office while the new use is proposed as a religious institution type of use.

The City uses the Metropolitan Council SAC manual for determining credits and charges when uses change in buildings.

Office (including meeting rooms) is 2,650 sq. ft. for 1 WAC/SAC unit. 780 sq. ft. of existing office space = 0.29 unit credits.

Church/Worship (includes office, meeting rooms, etc.) is 2,300 sq. ft. for 1 WAC/SAC unit. 780 sq. ft of space = 0.34 unit credits owed.

This means that .05 units are owed for the increase in intensity of the utility demand.

0.05 x \$1,800 for WAC = \$90

0.05 x \$7,150 for SAC = \$357.50

Total WAC/SAC owed = \$447.50 (it is noted that the former mill site as a whole holds WAC/SAC credits and it's up to the building owner if they would like to allow the applicant to utilize any credits towards this use. This is a one-time fee).

Interim Use Permit Criteria

The City Council may consider an interim use permit for a use which is not specifically listed in this Ordinance as an interim use within the affected district and may grant a permit provided such interim use, after review by the Planning Commission and the City Council, is found to otherwise meet the criteria for granting an interim use permit within the affected district. The City Council shall make the following findings in order to approve an interim use:

- A. The proposed interim use will utilize property where it is not reasonable to utilize it in a manner provided for the City's Comprehensive Plan and Zoning Ordinance. (The proposed interim use for a religious institution will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is tentatively guided as "downtown flex" in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.)
- B. The proposed interim use is presently acceptable but, given anticipated development, will not be acceptable in the future. (The proposed religious institution is acceptable in that it is utilizing an office area of a former industrial use, but which will be rezoned, likely to "downtown flex" within the next couple of years which could possibly include the use as either permitted or conditional, at which time this use will no longer need the "interim" label.)
- C. The proposed use will not hinder permanent development of the site. (The proposed religious institution will not hinder permanent development of the site as it is utilizing an existing former industrial office area of an existing building and is anticipated to become "downtown flex" in the 2024 Comprehensive Plan.)

- D. The proposed use will not adversely impact implementation of the Comprehensive Plan for the area. (The proposed religious institution will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.)
- E. The proposed use will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare. (The proposed religious institution will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing office space and will have adequate off-street parking.)
- F. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area. (The proposed religious institution will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing existing office space in an existing building.)
- G. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities exist for the proposed religious institution’s use.)
- H. The date or event that will terminate the use has been identified with certainty. (The proposed religious institution shall cease to operate at the site on 1/1/2026 if it is not rezoned to a “downtown flex” or similar zoning district where religious institutions are either a permitted or conditional use in said zoning district.)
- I. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future. (The proposed religious institution will not impose additional costs on the public if it is necessary for the public to take the property in the future.)

In permitting a new interim use, the City Council may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. Any City Council approval of an interim use shall be subject to the following conditions:

- A. Except as otherwise authorized by this section, an interim use shall conform to this Ordinance as if it were established as a conditional use.
- B. The date or event that will terminate the interim use shall be identified with certainty. The City Council may require the applicant to deposit a cash amount with the City, or provide some other form of security, to ensure compliance.
- C. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

- D. Other conditions as the City Council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and policies of the Comprehensive Land Use Plan.

Staff Recommendation

Staff recommends approval of Interim Use Permit #I1-2024 to allow for a religious institution in the I-1 Light Industrial District, located at 100 2nd Ave SW, as proposed by Faith, Recovery & Music, with the following findings:

- A. The proposed interim use for a religious institution will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is tentatively guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed religious institution is acceptable in that it is utilizing an office area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years which could possibly include the use as either permitted or conditional, at which time this use will no longer need the “interim” label.
- C. The proposed religious institution will not hinder permanent development of the site as it is utilizing an existing former industrial office area of an existing building and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.
- D. The proposed religious institution will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.
- E. The proposed religious institution will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing office space and will have adequate off-street parking.
- F. The proposed religious institution will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing existing office space in an existing building.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed religious institution’s use.
- H. The proposed religious institution will not impose additional costs on the public if it is necessary for the public to take the property in the future.

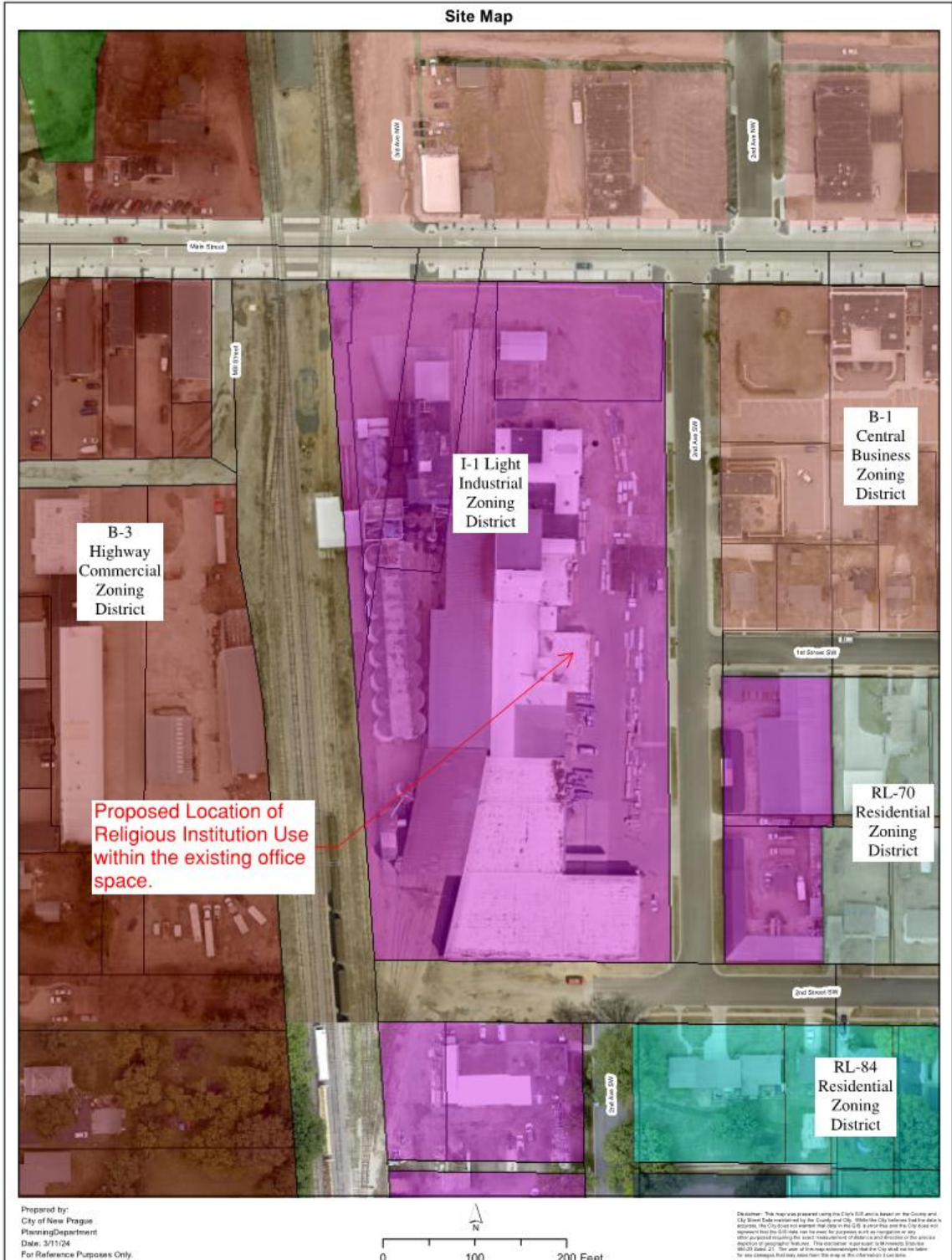
And with the following conditions:

1. The proposed religious institution shall cease to operate at the site on 1/1/2026 if it is not rezoned to a “downtown flex” or similar zoning district where religious institutions are either a permitted or conditional use in said zoning district.
2. Except as otherwise authorized by the Zoning Ordinance, this interim use shall conform to this Ordinance as if it were established as a conditional use.
3. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

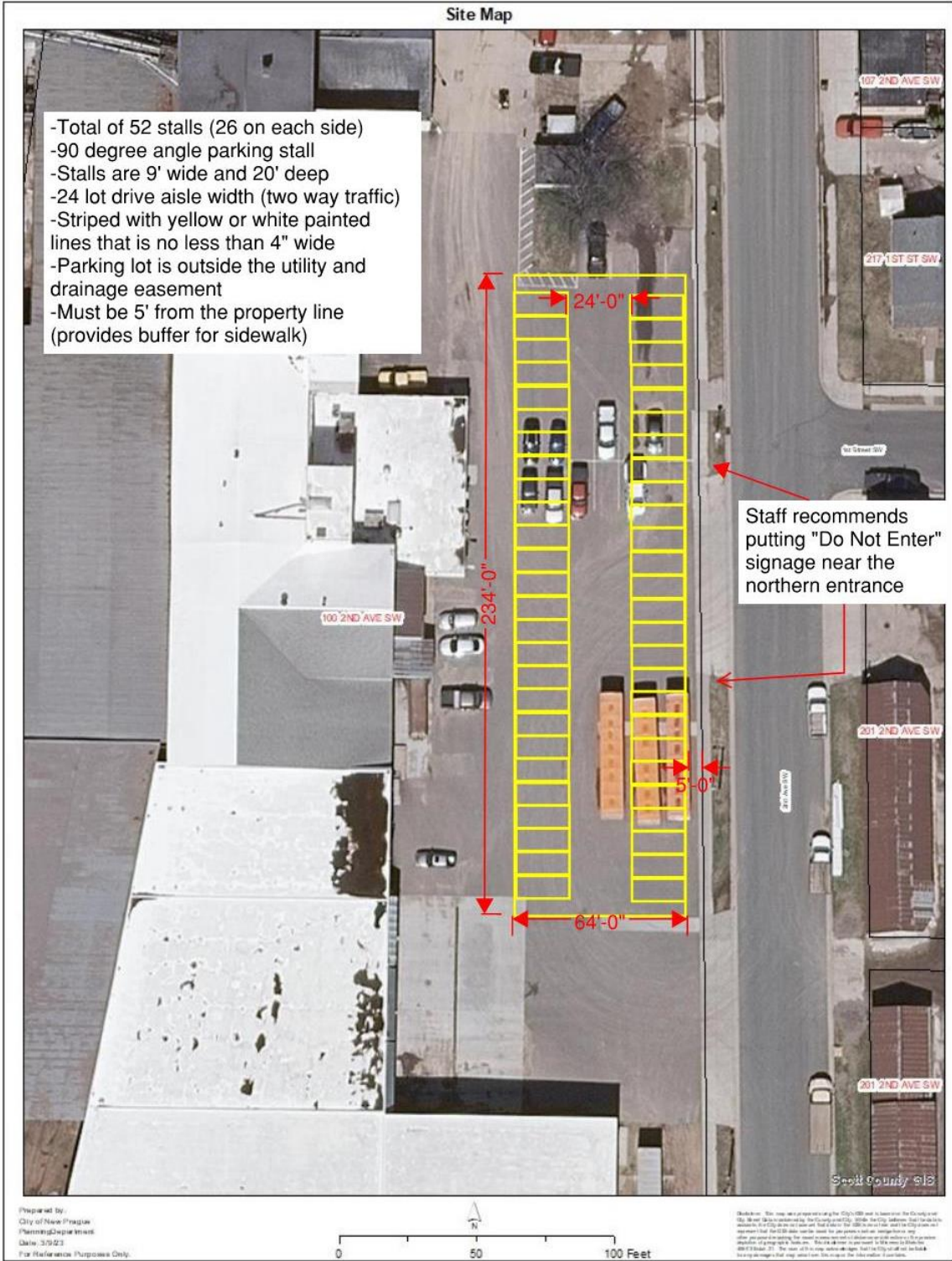
4. Approval is in general accordance with the area indicated on the floor plan included in the staff report (undated) on file with the Planning Department.
5. At least 10 off-street parking spaces, including required accessible space(s), must be available for the proposed use.
6. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
7. All lighting must conform to Section 704 of the Zoning Ordinance.
8. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance.
9. WAC/SAC Charges are due and owed at the time of issuance of a building permit.
10. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, and acting on the application approved herein, including but necessarily limited to any fees charged by the city's professional consultants in accordance with established rates.
11. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules, and regulations.

Attachments

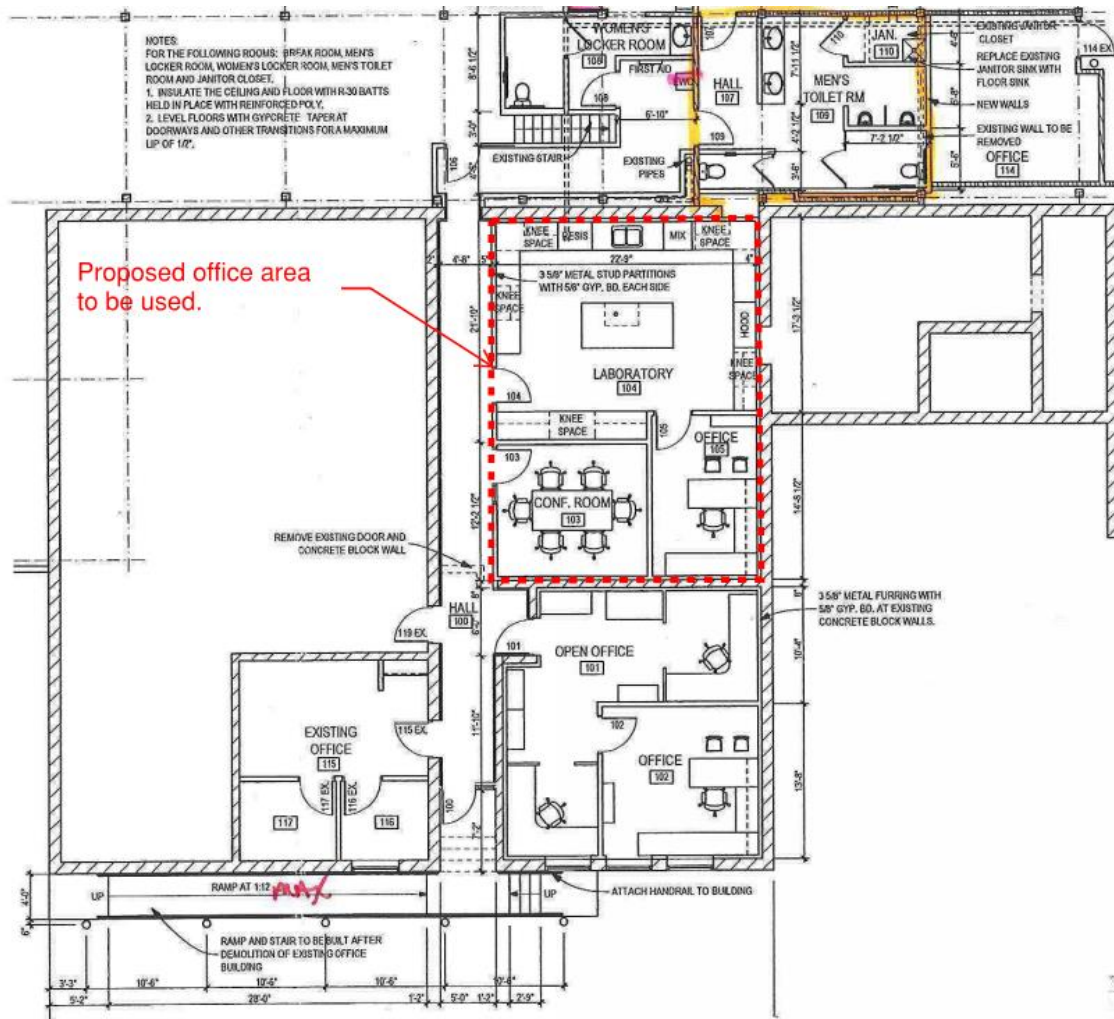
1. Site Map Aeria / Zoning – Dated 3/11/24
2. Previously Approved Parking Lot Diagram – Dated 3/9/23
3. Floor Plan - Undated
4. Pictures – Dated 11/1/23
5. Google Street View – Dated August 2023



Zoning Districts of Subject and Neighboring Properties



Previously Approved Parking Lot Layout Per CUP #C5-2023 – 10 spaces must be available for the proposed religious institution use.



2011 Floor Plan of Office Area Being Utilized (bottom of plan is facing east towards existing parking lot area).



Looking NW towards previously approved Indoor Firing Range – Main Entrance will be on the east elevation of the building along with 2 ADA Parking Spaces



Looking South along 2nd Ave. SW – parking area is this paved parking area. Entrance door to religious insitution space is seen on the front of the building.



Looking south along 2nd Ave. SW.



Looking northwest along north end of the property towards Main Street.



Google Street view from August 2023 looking at office entrance.



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 #V1-2024 FROM THE FENCE REGULATIONS IN THE RL 90 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT TO ALLOW A 6’ TALL FENCE TO BE LOCATED 15’ FROM THE SOUTH PROPERTY LINE ALONG 4TH ST NE AND ADDITIONALLY TO ALLOW A 6’ TALL FENCE TO BE LOCATED FORWARD OF THE NEAREST REAR CORNER OF THE HOME AT 509 PERSHING AVE N, AS PROPOSED BY TAYLOR AND DUSTIN FILAN.

DATE: FEBRUARY 29, 2024

Background / History

Taylor and Dustin Filan have applied for a fence variance to install a 6’ privacy fence that does not meet the residential fence requirements as written in Section 708 of the Zoning Ordinance. Specifically, they are seeking to have their 6’ tall fence 15’ from the south property line on the “corner front” side of the yard versus the ordinance requirement that requires a 6’ tall fence to be no less than 30’ from said property line as well as seeking to allow a 6’ tall fence forward of the nearest rear corner of the home. This variance would allow the applicants to more fully utilize their property. Without the variance, the homeowners would not be able to fence in approximately 6,600 sq ft of area in their front and side yards with a 6’ tall fence.

Under the current Zoning Ordinance, 6’ tall fences may only be erected behind the nearest rear corner of the principal building. For corners lots, such as this property, fences may only be erected at the 30’ building setback line on the corner front side yard. The applicants would like to build a 6’ tall fence that would surround their home to prevent their dog from jumping over the fence, and limit animal access to the future vegetable garden. Furthermore, the fence will provide more privacy, especially since pedestrian traffic will likely increase with the sidewalk construction expected along Pershing Ave N in 2025.

Legal Description

The Land is described as follows:

Commencing at a point 360 feet Northwest corner of Block 4, Park Addition to the City of New Prague, according to the map or plat thereof on file and of record in the Office of the Register of

Deeds, Scott County, Minnesota; thence East a distance of 152.5 feet; thence North a distance of 146.7 feet; thence West a distance of 152.5 feet; thence South a distance of 146.7 feet to the point of beginning.

All of the afore described parcel of land lying and being within the Southeast Quarter (SE ¼) of Section 34, Township 113, Range, Scott County, Minnesota.

Zoning & Fence Regulations

The subject property is located in the RL 90 Single Family Residential Zoning District and fences are permitted accessory uses in the district. The following are the residential fence regulations:

- 1. Fencing in all Districts.
 - A. Fences may be placed along property lines provided no damage of any kind results to abutting property. A clear zone of two feet shall be required for fences located adjacent to any sidewalk or trail edge and a clear zone of five feet shall be required for fences located adjacent to any alley or public roadway edge.

- 2. Residential Fences.
 - A. Fences may be located on any lot line to a height of four (4) feet and a fence up to six (6) feet in height may be erected behind the nearest rear corner of the principal building. The side of the fence considered to be the face (facing as applied to fence posts) shall face abutting property. For corner lots, a six (6) foot fence may only be erected at the 30' building setback line. A fence up to six (6) feet in height may also be erected behind attached garages where the location of the fence is not entirely erected behind the nearest rear corner of the principal building.

The 2025 CIP (Capital Improvement Project) will consist of the installation of a sidewalk along Pershing Ave N. Although staff are uncertain which side of the street the sidewalk will be installed, it will likely be built on the east side of Pershing Ave N due to the relatively flat elevation. According to Zoning Ordinance 708 (1) (A), fences must be built at least 2' away from the sidewalk. To anticipate the potential construction of the sidewalk, the fence must be at least 2' away from the west property line. Also listed in 708 (1) (A) of the Zoning Ordinance, the fence must be at least 5' away from the alley driving surface.

The applicants are proposing to install a 6' tall cedar plank privacy fence around their home. They would like the 6' tall fence to be 30' from the west property line, and 15' from the south property line. They're asking for a variance to allow the fence to be 15' from the south property line and 30' from the west property line. This proposed 6' tall fence would be in violation of the fence regulation that does not allow fences within 30' of a property line along a roadway to be taller than 4' or allow fences taller than 4' to be located forward of the rear corner of the house. Without the variance, the homeowners would not be able to fence in the approximately 6,600 sq ft of area in their front and side yard that they are proposing.

Neighborhood Conditions

The subject property as well as all adjacent properties are largely zoned single family residential homes.

North – RL90 - Single Family Residential District

South – RL70 – Single Family Residential District

West – RL 90- Single Family Residential District, RL 70 – Single Family Residential District, RH – High Density Residential District, RM – Medium Density Residential District

East – RL90 - Single Family Residential District, Northside Park

The subject property is unique in that it is a corner lot and is larger than most neighboring properties (0.51 acres large). Most homes in the neighborhood are built at or less than the 30’ front setback. For instance, 513 Pershing Ave N is 23’ and 506 Pershing Ave N is 26’ from their front property line. Since they are closer to their front property line, they have more space to build a 6’ tall fence behind the rear corner of their home. The subject home is 54’ from the south property line, almost twice the required front setback. The home is located in the center of the property, therefore, there is less area behind the rear corner of the house, which would allow a 6’ fence.

If 513 Pershing Ave N wanted to build a 6’ tall fence, it would be built behind the rear corner of their home, which is 57.5’ from their front (west) property line. If 505 4th St NE wanted to build a 6’ tall fence, it would have to be 30’ from their front corner (south) property line. To create a cohesive fence line through the neighborhood, staff recommend that the subject property should have a 57.5’ setback on their front (west) property line and 30’ from front corner (south) property line.

Applicant’s Statement of Practical Difficulty

The applicants provided the following statement below on 2/11/2024, regarding their reason for requesting a 6’ privacy fence:

To whom it may concern,

It is our goal upon recently moving to 509 Pershing Ave N to fence in approximately half of the lot, and we are requesting the allowance of a complete 6ft fence due to enhanced security, neighborhood privacy, and family safety.

Our reasons are as follows:

- Along the north side of the house, you can see a storm door leading to our basement. We hope to conceal this for security reasons with the added height of the 6ft fence.
- The proposal of a sidewalk on Pershing Ave N only reinforces our request for added privacy, as we are expecting our first child this summer and hope to have a secure home environment for them to thrive. As my husband as a Police Officer in Shakopee, with added pedestrian traffic inevitably comes an increase in potential crime. We aim to limit this and protect our home as much as possible.
- A 6ft fence along the back end of the home would offer added security to the garage access, as well as the rear home entrance.

- The deck stairway is located on a corner, leading to both north and east sides of the home, not allowing us to cut off either side of the lot for fencing, which requires us to partially fence in both areas in order to enclose the lot.
- We currently have a dog that is unfortunately able to jump over a 4ft fence, which has also led to the need of adding fence height. Our goal is to enjoy the backyard with our family and pets without the concern of their children or dogs have access to the busy intersection at our corner.
- We plan to include a large vegetable garden to the lot and a 6ft fence will help limit animal access to this as well.

Our intention is to allow ample space between the property line and fence for our riding lawnmower to groom the property at ease, as well as ensure snow plows and city utility vehicles plenty of room as well. The location we hope to build around, would not limit any utility access or the construction of a future sidewalk.

This is a very large lot, much larger than most in the neighborhood, and we by no means intend to enclose the entirety of it, or limit the aesthetics of the property.

Our hope is to only expand and continue the beauty of 509 Pershing Ave N along with the neighborhood and community itself. Our intention is to fence the yard with cedar plank fencing that will complement the aesthetics for the home and landscape and only honor the pride in ownership that the Smith Family had before us.

We appreciate your time and consideration.

Taylor and Dustin Filan

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 if 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:

Applicant’s Request for a 6’ Tall Fence that is Setback 15’ from South Property Line and 30’ from West Property Line:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL 90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.)
- B. The variance is consistent with the comprehensive plan. (The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL 90 Single Family Residential Zoning District.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant will not continue to use the property in a reasonable manner not permitted by the ordinance because the fence will be located in front of the rear corner of the home and the height of the fence will be 6' tall within 30' or less of the right of way.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to the property in that it is a corner lot abutting a road on two sides (front and corner side) with the roadway along the corner side being 4th St NE which is a local road. Additionally, the principal structure is setback further than most homes in the neighborhood.)
- E. The variance does not alter the essential character of the neighborhood. (The variance will alter essential character of the neighborhood because it will be the only property in the neighborhood that will have a 6' fence in front of their rear corner of their home, providing privacy along a majority of both frontages).
- 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 the 6' tall fence doesn't have to extend much further to encompass the storm door and provide privacy.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (No additional conditions are imposed.)

Staff's Recommendation for a 6' Tall Fence that is Setback 30' from South (Front Corner) Property Line and 57' 6" from West Property Line:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL 90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.)

- B. The variance is consistent with the comprehensive plan. (The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL 90 Single Family Residential Zoning District.)
- C. The applicant proposes to use the property in a reasonable manner 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 in that only the height of the fence forward of the rear edge of the house exceeds the ordinance permitted 4' height.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to the property in that it is a corner lot abutting a road on two sides (front and corner side) with the roadway along the corner side being 4th St NE which is a local road. Additionally, the existing principal structure is setback further than most homes in the neighborhood.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because the proposed 6' tall fence would be located on the corner side lot line and will not be located closer than the permitted 30' setback and portion of the fence that is forward of the nearest rear corner will be in line with where the home to the north would be allowed to have a 6' tall fence.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is the minimum variance which would alleviate the practical difficulties because the variance would provide the applicant privacy and security as well as prevent their dog from jumping the fence while not reducing the usable area of their backyard and while not changing the essential character of the neighborhood.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (No additional conditions are imposed.)

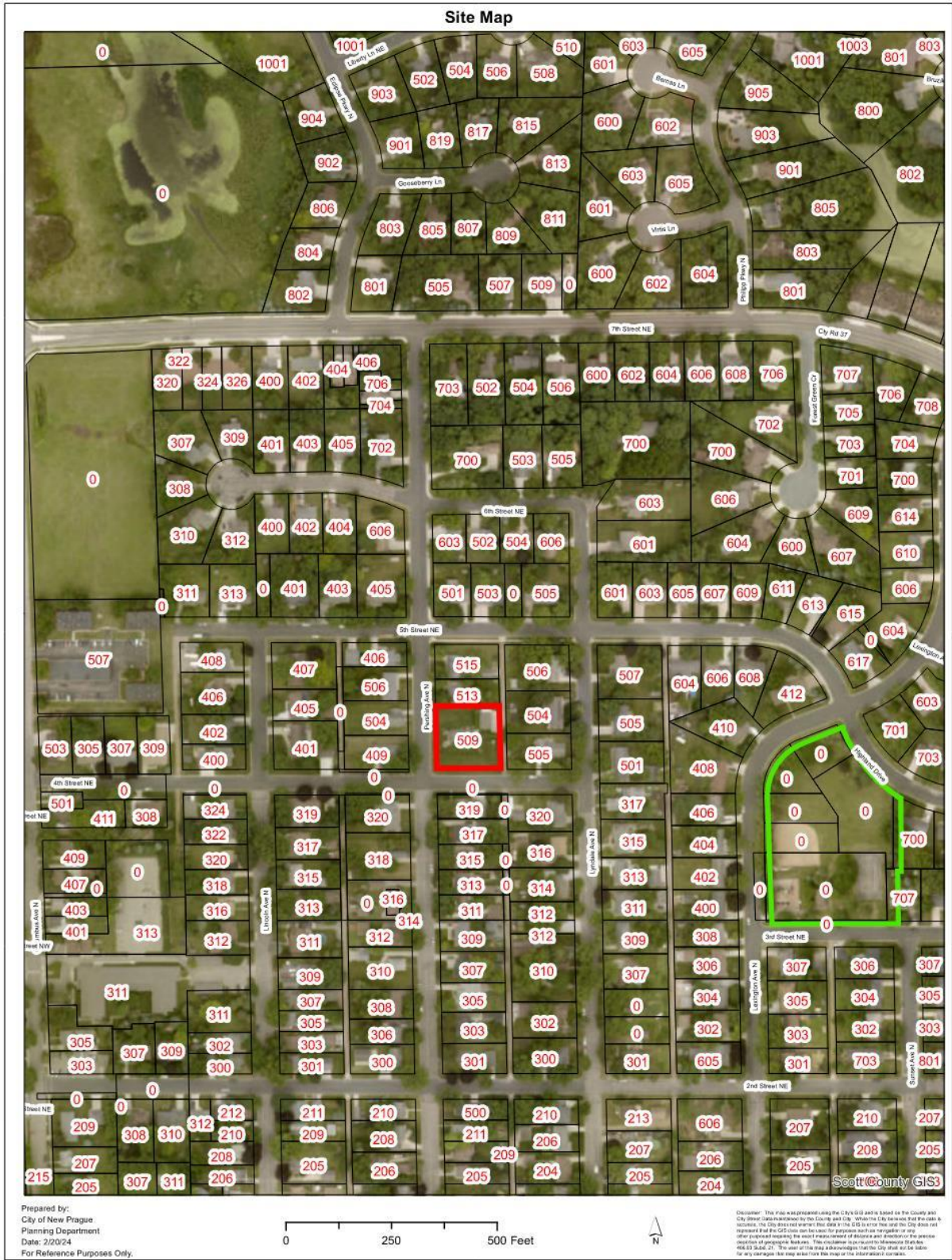
Staff Recommendation

Staff recommends **approval** of the variance from the fence regulations in the RL 90 Single Family Residential Zoning District if the 6' tall fence is installed with a 30' setback on the south property line and 57' 6" up to the corner side property line on the west property line at 509 Pershing Ave N, as proposed by Taylor and Dustin Filan, with the following findings:

- A. The proposed variance is in harmony with the general purposes and intent of the Ordinance because the RL 90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL 90 Single Family Residential Zoning District.
- C. The applicant will continue to use the property in a reasonable manner not permitted by the ordinance in that only the height of the fence forward of the rear edge of the house exceeds the ordinance permitted 4' height.
- D. Unique circumstances apply to the property in that it is a corner lot abutting a road on two sides (front and corner side) with the roadway along the corner side being 4th St NE which is a local road. Additionally, the existing principal structure is setback further than most homes in the neighborhood.
- E. The variance does not alter the essential character of the neighborhood because the proposed 6' tall fence would be located on the corner side lot line and will not be located closer than the permitted 30' setback and portion of the fence that is forward of the nearest rear corner will be in line with where the home to the north would be allowed to have a 6' tall fence.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because the variance would provide the applicant privacy and security as well as prevent their dog from jumping the fence while not reducing the usable area of their backyard and while not changing the essential character of the neighborhood.

Attachments

- 1. Site Map Aerial – Dated 2/20/24
- 2. Zoning Map Aerial – Dated 2/20/24
- 3. Aerial Detail – Dated 2/20/24
- 4. Survey Detail Map – 2/23/2024
- 5. Neighborhood Fence Comparison – 2/27/2024
- 6. Staff's Recommendation – 2/23/2024
- 7. Pictures – Dated 2/29/24
- 8. Google Street View – August 2023
- 9. Oblique Aerials - Undated



Subject Site

Variance #V1-2024 – Fence Height Variance
 April 3, 2024 Planning Commission Meeting
 Page 8 of 14



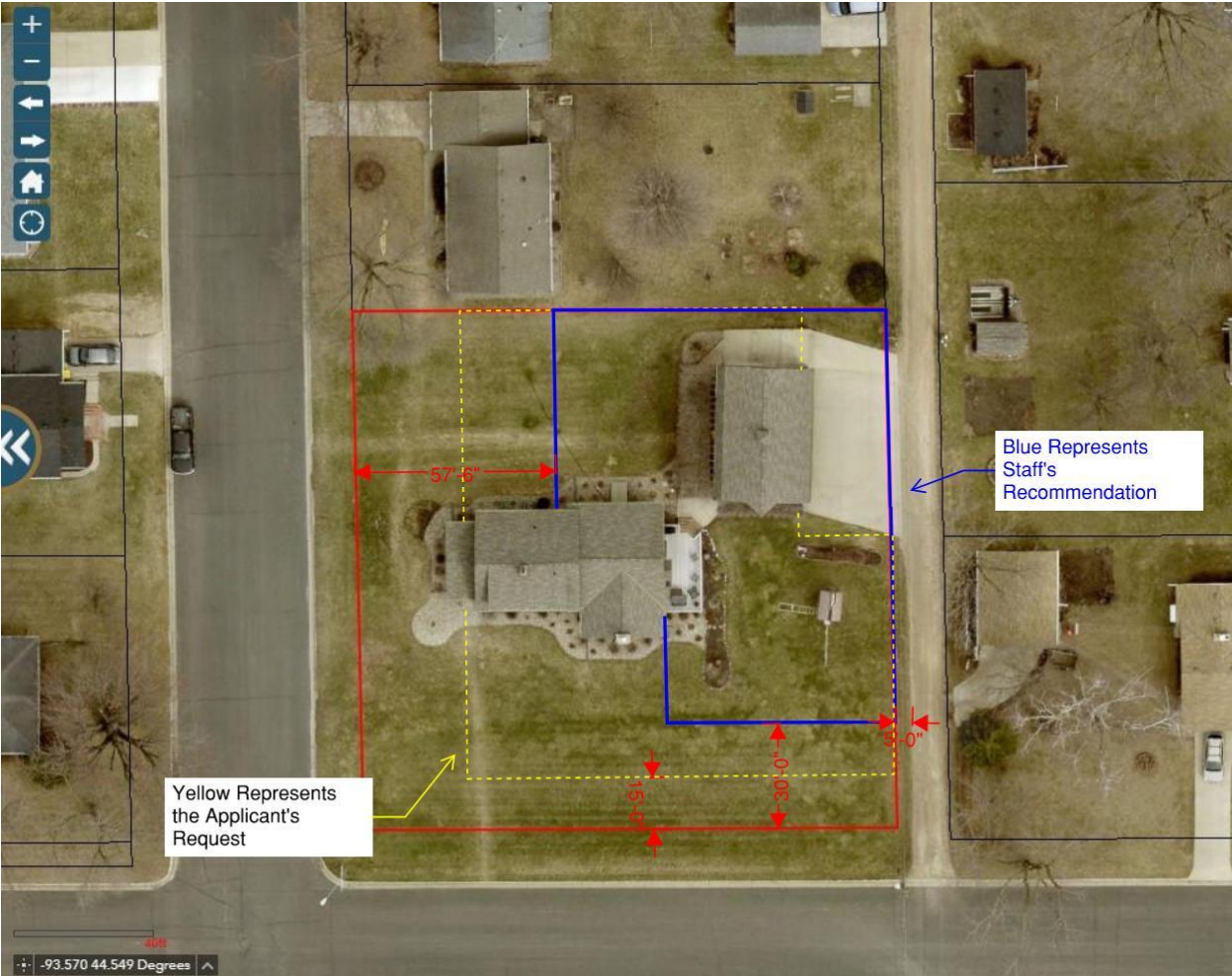
Zoning of the Subject Site and Surrounding Properties



Applicant's Request vs. Ordinance Requirements for 6' Tall Fences



Neighborhood Comparison of 6' Tall Permissible Fences



Staff's Recommendation



Looking East Along Pershing Ave N



Looking North of 4th St NE



Looking Northeast of southern property line



Oblique Air Photo Looking North



Oblique Air Photo Looking East

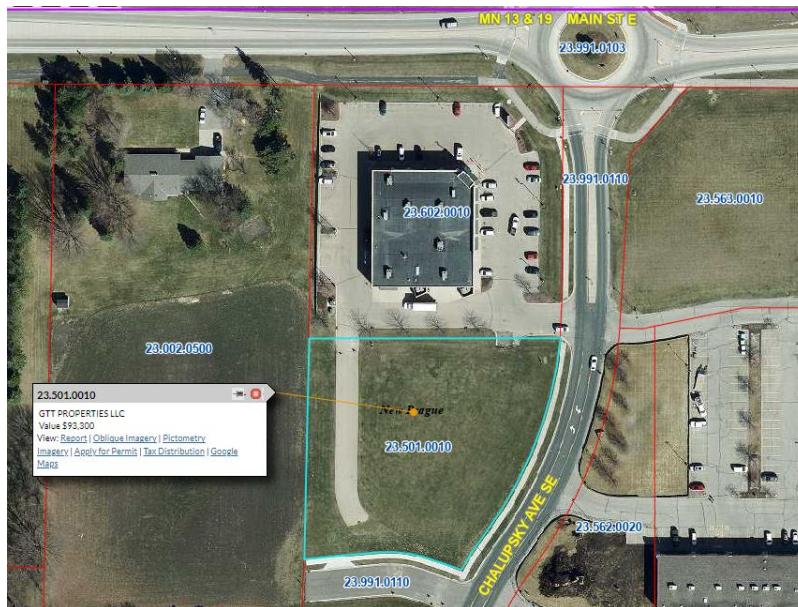


118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONCEPT REVIEW OF POSSIBLE ZONING ORDINANCE AMENDMENTS RELATING TO RH HIGH DENSITY RESIDENTIAL ZONING DISTRICT DENSITY, MINIMUM LOT AREA, USABLE OPEN SPACE AND PARKING REQUIREMENTS FOR APARTMENT UNITS
DATE: MARCH 21, 2024

For the past couple of months, city staff has been discussing a possible 54-unit apartment building to be located on PID 23.501.0010. This is the lot located immediately south of Walgreens (as pictured below). The lot is 1.36 acres (59,518 sq. ft.) and is zoned RH High Density Residential.



The current owner of the property is GTT Properties, LLC (Marv Deutsch) platted the property, installed a stub of 1st Street NE, rezoned the property, obtained setback variances and amended the zoning ordinance to allow a 43-unit apartment building on the property back in the year 2020. A new yet to be named developer is seeking to construct a 54 unit building essentially the same footprint as the previously approved 43-unit apartment building (the reason the 54 units fit is due to the units being smaller than what was previously proposed.)

The variances approved as part of Variance #V8-2020 allowed a rear yard setback to be reduced along the north (rear) lot line from 30’ to 10’ and allowed a front yard setback to be reduced along the front (south) lot line adjacent to 1st Street SE from 30’ to 27’ 7”.

The zoning ordinance amendment at this time increased the allowed density in the RH district from 22 units per acre, up to 32 units per acre, reduced the minimum lot area per unit from 2,000 sq. ft. down to 1,300 sq. ft. and finally reduced the usable open space per dwelling unit from 400 sq. ft. down to 300 sq. ft.

The proposed 54 unit building would not meet the density limit (would need to be increased to 40 units per acre from the current 32 units per acre), minimum lot area per unit (would need to be reduced to 1,100 sq. ft. per unit from the current 1,300 units per acre) or usable open space per dwelling unit requirements (would need to be reduced down to 200 sq. ft. from the current 300 sq. ft. per unit requirement). Additionally, the City’s current parking requirement of 2 parking spaces per apartment unit would not be met (would need to be closer to 1.7 parking spaces per unit).

There are two options to consider to allow the project to occur:

1. Amend the zoning ordinance as noted above, or;
2. Process the request as variances for the ordinance provisions noted.

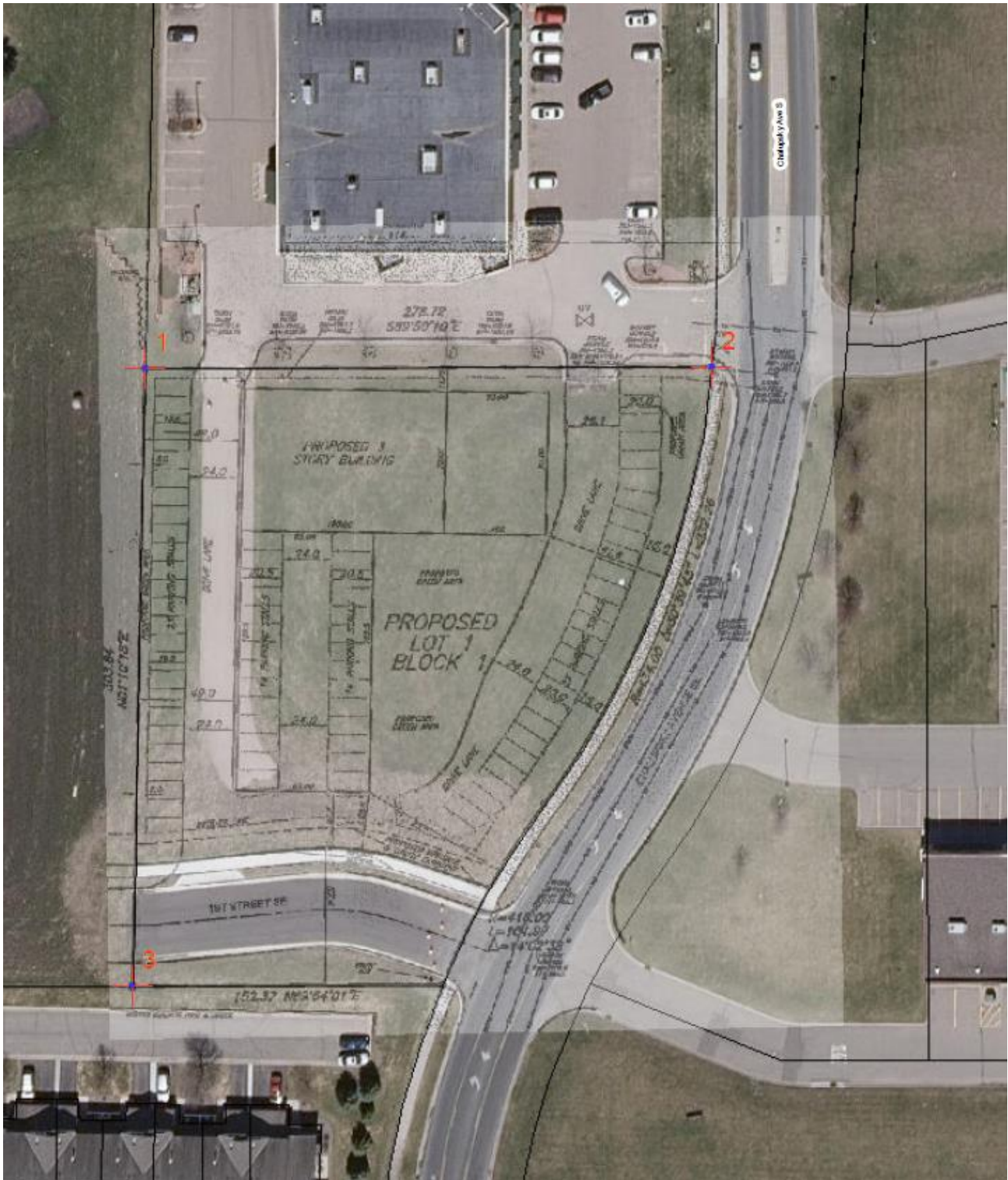
Staff notes that the in-process Comprehensive Plan update does have a draft action items relating to multifamily housing including:

- “review zoning ordinances to ensure they are not a primary barrier to development.”
- “utilize land use plans to guide development and placement of a variety of housing units”,
- “locate new housing in areas with adequate access to jobs, transportation and other daily need amenities”
- “provide targeted development incentives to attract developers for new housing or mixed-use projects”
- “encourage high-density development in areas in and near downtown and near other commercial areas to provide a diverse and balanced housing type in the city”.

Staff believes that the zoning ordinance does need to be updated to allow for more high density residential, but that this particular request could be processed with variances (as the request is not too far from what is currently allowed but would allow the development to move forward while reviewing the entire zoning ordinance in full after the adoption of the new Comprehensive Plan).

Below is the original site plan from when the 43-unit building was approved and an updated general building elevation for what the new proposed 54 apartment building could generally look like (ignore the parking layout on the photo).

Staff also notes that the City Council at their meeting on April 1st is hearing an introduction to the project whereby they will be considering working with the developer on a Minnesota Housing Finance Agency “Workforce Housing Development Program” application which could bring in state funds to help the project occur, but a local match to the funds would be necessary via a tax abatement from the City (details to be determined).



(Previously approved site plan for 43-unit apartment building – included setback variances)



(Example Building Elevation – indicative of style and materials only – building may have peaked reroof as shown or flat roof. Different and more appealing colors would be utilized.)



(Google street view of the lot in question)

Existing Zoning Ordinance Language-

(Noted in yellow are provisions that would either need to be acknowledged as variances or changed in the zoning ordinance – in (red parenthesis) is the variance necessary.)

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** (40 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 (1,100) 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 (200) square feet

717 Off-Street Parking and Loading

Residential, Apartment	2 (1.7) per unit
------------------------	------------------

Recommendation

I recommend that the Planning Commission advise the developer to apply for variances for the proposed 54-unit apartment building from the following zoning ordinance provisions: parking, density, minimum lot area per unit and useable open space and to take a more wholistic approach to amending the zoning ordinance once the new Comprehensive Plan is adopted.

March 2024 EDA Business Updates:

- **1 new home permit** was issued in February (1 single family homes and 0 townhome units). 1 residential home permit has been issued so far in 2024 (1 single family, 0 townhomes, 0 apartment units).
- **Autowash Systems Inc.** was issued a building permit for a new storage building at 407 4th Ave. SW.
- **Starlight Productions** is temporarily utilizing the former NP Power Nutrition space at 116 Main St. E. due to the fire at their previous location of 110 Main St. E.