

AGENDA

City of New Prague Planning Commission

Regular Meeting

Wednesday, August 28th, 2024

6:30 P.M.

City of New Prague Council Chambers

City Hall, 118 Central Avenue North, New Prague, Minnesota

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

1. **Call to Order**
2. **Approval of Meeting Minutes**
 - A. **July 24th, 2024 Regular Meeting**
3. **OLD BUSINESS**
 - A. **None**
4. **NEW BUSINESS**
 - A. **Request for Variance #V5-2024 – Parking Setback and Stall Size
Ten Nineteen Development, LLC – applicant**
 - B. **Request for Variance #V6-2024 – Driveway Setback Variance
New Prague Mill, LLC – applicant**
 - C. **Request for Variance #V7-2024 – Sign Size Variance
New Prague Community Center Association – applicant**
 - D. **Preliminary and Final Plat of Tracker Addition – 1 lot on 8.31 acres
Joe Fries – applicant
(public hearing required)**
5. **Miscellaneous**
 - A. **Discuss Subdivision Ordinance Amendment Requiring Sidewalks on Both Sides of All New Streets**
 - B. **Monthly Business Updates**
 - C. **Comprehensive Plan / Small Area Plan Update**
6. **Adjournment**

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, July 24, 2024

1. Call Meeting to Order

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

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

2. Elect Chair and Vice Chair for 2024/2025

A motion was made by Ryan, seconded by Gengel to have Dan Meyer as the Chair and Brandon Pike as the Vice Chair. Motion carried (4-0).

3. Approval of Meeting Minutes

A. June 24th, 2024 Regular Meeting

A motion was made by Pike seconded by Gengel to approve the June 24th regular meeting minutes. Motion carried (4-0).

4. OLD BUSINESS

A. None.

5. NEW BUSINESS

A. Request for Variance #V4-2024 – B-1 Downtown Design Requirements

Planner Chapman introduced V4-2024, a variance from the B-1 District Commercial Design standards to allow exterior alterations at Kubes Furniture & Flooring at 133 Main St W as proposed by Randy Kubes. Last fall, Mr. Kubes introduced a concept plan to do exterior alterations to beautify and modernize his building. In preparation of the concept plan, staff discovered that other communities have Downton Preservation Design Guidelines or a Heritage Preservation Committee. At the time of hearing the concept plan, the Planning Commission wanted to wait for the results of the Comprehensive Plan. Although the Comprehensive Plan is now nearing completion, the re-write of the Zoning Ordinance will take an additional year. The applicant, Randy Kubes did not want to wait a subsequent year. The subject property is zoned B-1 Central Business District and according to section 726 of the Zoning Ordinance titled Commercial Building Design for the B-1 District, brick must be

preserved, replaced with similar looking brick and not covered. Furthermore, awnings may only be made of cloth or canvas. The applicant intends to cover the brick with Hardie panel, Osceola prairie stone, and adding light sconces, and a metal cable awning.

Planner Chapman stated that most buildings in the B1-Central Business District were constructed in the 1880s to the 1940s for mainly commercial/retail uses. Several buildings in the district have brick facades since this was a common architectural trend years ago. According to the Reconnaissance Survey of Downtown New Prague, the subject building was constructed in 1946 and has brick and cement cladding and is representative of the mid-century modern architectural style. Directly to the east of the building, the applicant also owns 131 Main St W, which was built in 1885 and representative of the Italianate architectural style with stucco over brick cladding. Staff recommends that if any exterior alterations are made to the subject building, it should have alternating/coordinating colors to match each other. Staff met with Dennis Dvorak, the author of the Reconnaissance Survey and member of the Minnesota Historical Society on July 1st, 2024. Dvorak was not in favor of the removal of brick because it would erase an important architectural feature. He recommended that the proposed cornice should be flush with the building and that the Osceola prairie stone should be removed from the plans. Dvorak liked the metal awning because it would better accentuate the face of the building and accentuate the brick indent of the front façade. Staff support the variance for the metal cable awning because there was a metal cable awning on the structure years ago, it would better accentuate the building face, and it would remove the existing non-conforming plastic awning. Staff are not in favor of the covering of original brick because the Comprehensive Plan requires the preservation of historic character of the district, the Zoning Ordinance does not allow the covering or removal of the brick. Although the new Comprehensive Plan has not been adopted, the “Community Development and Amenities” goal strategizes the need to “maintain and preserve the unique character of downtown New Prague due to its historical and cultural significance. Additionally, the Central Business District & Sign Guidelines, which acts as an architectural snapshot in time, specifically states that brick should not be covered under any circumstances and if the brick has become worn, it must be repaired or replaced. Overall staff recommended to either deny the request or table subject for the next meeting to allow the applicant to provide documentation of brick damage, similar or lack of matching brick, financial consequences of brick being repaired or replaced, and façade rendering with accurate dimensions.

A motion was made by Ryan, seconded by Gengel to open the public hearing (4-0). Public hearing opened at 6:48pm.

Randy Kubes, applicant and owner of 133 Main St W, explained the improvements to the façade would help create a larger presence for their business and make their building look more appealing. He first met with the Building Official in 2023 regarding the exterior alterations. The suggested plans met the Building Code but did not meet the Zoning Ordinance. According to section 726 of the Zoning Ordinance, it uses the words ‘protect’ and ‘enhance’. Those two words are conflicting statements. The Zoning Ordinance also mentions the phrase “where reasonably possible, materials” in terms of replacing old features. The brick is falling off and any new brick that is added would not be historic. Kubes Furniture & Flooring has been at its location since 1992 and brought in lots of business. The suggested façade improvements might

invite the younger generation. There are several businesses on Main Street that are not made of brick such as the Snap Fitness, City Club, and Chiropractor business. Those buildings are made of stucco or cultured stone. Kubes feels as though he is being isolated.

Meyer suggested that there could be discussions with the Minnesota Historical Society to see if there is similar brick available to the building's existing brick.

Kubes added that he was not in favor of the brown concrete streaks along Main Street. The streaks are not representative of the period, and they can be slippery. Murals used to be popular years ago, but no one does it anymore. Murals served a point in time. When the subject building was constructed in 1946 it fit the time period. Today it should look more substantial.

Ryan liked the look of the proposed building and inquired on the cost of service from the Minnesota Historical Society.

Planning Director Ondich mentioned that some assistance and guidance from the Historical Society is free. He mentioned that staff want to encourage the rehabilitation of buildings but also understand the financial hardship of rebuilding the building with brick. Anyone can argue what buildings are and aren't historic. It's difficult to know the definitive line of what is historic. The building does have a specific architectural style. He was curious on what can be done to preserve some features of the building. The applicant could reach out to the Minnesota Historical Society.

Ryan wanted to find a happy medium between the ordinance and the applicant's request. He inquired if the City was setting a precedent if the variance was approved.

Planning Director Ondich explained that each matter is reviewed on its own basis so it would not be setting a precedent. There are some buildings on Main Street that have stucco facades as preservation efforts for soft brick. Staff are willing to allow some changes to the façade that the applicant is requesting but the ordinance mentions the preservation of brick so many times. It's probably something that could be changed during the rewrite. Not every building on Main Street has brick facades.

Ryan asked how the new Comprehensive Plan will impact the ordinance.

Pike explained that the Steering Committee created a goal on identifying and revisiting what the historical downtown district should look like in terms of design standards. The Steering Committee also created a use for the district.

Planning Director Ondich mentioned that the new Comprehensive Plan's goal is a lot more open and doesn't specifically call out brick but does require the preservation of unique characteristics of the downtown.

Ryan asked when the Comprehensive Plan and Zoning Ordinance rewrite would be completed.

Planning Director Ondich replied that it will take an additional year. He is currently working on the RFP for the rewrite. Theoretically if the rewrite of the Zoning Ordinance began in November of this year, it would likely be complete by November 1st, 2025.

Pike wanted clarification on staff's support for the Hardie board cornice extension.

Planning Director Ondich explained that when staff met with Dennis Dvorak, he recommended that the cornice should be flush with the building because the existing cornice is squared off. The added height of the building would provide a new visual element and doesn't need to be brick. Staff support the awning, lights, and signage. Staff doesn't think every inch of the brick should be covered but partially covering the brick may not look great either.

Ryan thought tabling the topic would be beneficial to provide the applicant time to consult with the Minnesota Historical Society. Perhaps they could come up with a similar building design.

Kubes said they could replace the stone with brick.

Ryan said that perhaps the Minnesota Historical Society could see if there is brick available. The more information provided could help make a definitive decision.

Kubes stated that no one in the audience is against the proposal. He has little trust in the City because they wanted him to tear down another building he owns in the downtown area. Building Official and City Engineer both stated that it could not be occupied. He had to go through extreme measures to prove them wrong. He stated that the City doesn't care about preserving historic buildings.

Ryan said that there were legitimate concerns about that specific building because there was a bow. That specific instance was related to a safety concern rather than having to tear down the building because the brick looked old.

Kubes said that he worked in New Prague for a long time and wants to bring people to the community. He's had a few people look at the plan before it was submitted. The stone can be switched to brick. He would like to hear four yesses from the Planning Commission.

Ryan stated the business Kubes has brought in hasn't gone unnoticed. He would like to have a few more answers to feel confident in any decision made. It would be beneficial to see a rendering of the building with brick as opposed to stone and get feedback from the Minnesota Historical Society rather than just from contractors. The state may have a better knowledge on the overall knowledge on what is available or options. He would want a little more due diligence to make a decision. He wants to find commonality.

Kubes explained that the brick near the top of the building is deteriorating faster. If brick is purchased and tuckpointed to replace the top brick, what will happen when the stuff below it.

Ryan said that maybe the Minnesota Historical Society could provide guidance on that.

Kubes said that the Minnesota Historical Society won't be able to provide anything on that. They cannot guarantee the wellbeing of the rest of the brick. The remaining brick will continue to do what the existing brick is doing.

Planning Director Ondich suggested that the applicant could get a statement from a brick contractor.

Kubes recommended that the Planning Commission approve and say something along the lines that the brick needs to be changed and get approved by staff before putting it up.

Ryan would like to see one more step in the process such as seeing that rendering, brick options, statement from the Minnesota Historical Society or contractor. He would like a little more information. Even if the Planning Commission approves it, it will still have to go to City Council, who will have similar questions.

Kubes suggested that the Planning Commission approve the request so it can be discussed at the City Council meeting and will switch the stone with the brick. Some additional information will be collected before then.

Ryan stated if the variance was denied, the applicant could still approach the council with additional information. City Council could override the Planning Commission's decision.

Pike inquired if signage on awning is acceptable.

Planning Director stated that this is the type of signage that staff would encourage. The only variances needed for this request are for the metal cable awning and covering the brick.

Pike asked how far back the Hardie panels go on the west side of the building. He wanted to know if it ended at the back of the building or where the brick is

Planning Director Ondich clarified that it would end near the concrete blocks. The concrete blocks would be painted black.

Ryan replied that he would feel comfortable saying yes to speed up the process. However, Council will have similar concerns and questions. To speed up the process, Kubes should have some of those answers or possibly have a brick contractor come in person or Dennis Dvorak to represent the Minnesota Historical Society to shed more light on the situation.

Meyer said he is not against it. He understands similarly that wood buildings can rot. The wood would have to be replaced with new wood. At this time, we do not know if it is available or can be replaced. There is a balance that can definitely be reached. It would be beneficial to know if the Minnesota Historical Society has been exhausted to preserve that brick. Understandably there is a limited construction time in Minnesota as well. He knows that the Planning Commission doesn't have the final say and that it will be reviewed by the Council.

A motion was made by Pike, seconded by Ryan to recommend approval of V4-2024 with the following conditions:

1. Provide an alternative rendering showing brick on the plan versus the stone to go along with the rendering showing the stone (to see both options considered).
2. Provide documentation from the Minnesota State Historical Society AND a brick contractor documenting that the brick is either not available or a suitable alternative is not available along with the threat of further brick delaminating being a continual maintenance issue with the existing brick. Written statements will be necessary as additional information to support this.

Motion carried (4-0).

B. Final Plat of Stienessen Addition for 3 Lots on 4.01 Acres

Planning Director Ondich introduced the final plat for the Stienessen Addition. At the last Planning Commission meeting, the preliminary plat of Stienessen Addition was presented. It is a three-lot plat outside of City limits on 4.1 acres in Le Sueur County and zoned R1 Urban/Rural Residential Zoning District. The two western lots would be sold and the applicant would keep the existing east parcel. The City is reviewing the plat because of the extraterritorial subdivision can regulate growth of area 2 miles from city limits for future annexation and development. Le Sueur County approved a variance of lots 2 and 3, which did not meet the minimum lot dimensions. City Council approved the preliminary plat on July 1st, 2024. No changes have been made to the plat other than the removal of the requirement for the wetland. There will be no direct access from 15th St SW for the two new lots. Additional right-of-way for the township is needed. Park dedication, emergency warning siren fee, water access charge, and sidewalk payment must be paid after the property is annexed to the City.

A motion was made by Pike seconded by Gengel to recommend approval of final plat of Stienessen Addition with the findings and the conditions contained in the staff report.

C. Zoning Ordinance Amendment – Relating to Public Buildings

Planning Director Ondich reminded the Planning Commission that the concept review of the definition for public buildings was introduced at the June meeting. When the City spoke with the City Attorney, it was realized that the definition for “essential services” does not cover public buildings such as post offices, fire stations, and city halls. To cover those public use buildings, staff are recommending creating a new definition for public buildings. It then must be determined what uses would be a permitted or conditional use. The existing essential services definition refers to private and public utilities. The proposed definition for public buildings would not include buildings located in a city park. At the last Planning Commission meeting, it was stated that it should be a conditional use in all districts. However, staff recommends that public buildings should be a permitted use in the B-3 Highway Commercial, and I-1 Light Industrial because there are similar uses in those districts. There’s more noise and activity over there. The parks shop and fire station in the I-1 District. The B-3 District has

more manufacturing and vehicle traffic. There are less residential neighborhoods adjacent to those uses.

Pike inquired if public buildings all become conditional uses, does that make all existing public buildings non-compliant.

Planning Director replied that public buildings would become legal non-conforming. Conditional use permits would be required at the existing buildings if there was a substantial change to the building such as expansion of a use or an addition. Staff recommended conditional uses in all the residential districts and in the B-1 and B-2 Districts.

Pike shared his concerns of visible essential service buildings popping up around town.

A motion was made by Pike, seconded by Ryan to open the public hearing at 7:39 pm. Motion carried (4-0).

A motion was made by Pike, seconded by Ryan to close the public hearing at 7:40 pm. Motion carried (4-0).

Pike asked what would happen if public buildings were all listed as conditional use.

Planning Director Ondich mentioned that the police station and post office would be brought to the Planning Commission.

Pike was concerned about essential services. In Glencoe, there's an ugly brick tin shed in a residential area. Essential services should be a conditional use.

Planning Director Ondich stated the existing essential services definition covers not only underground infrastructure but buildings as well. Maybe the City could specifically require conditional use permits for essential service buildings.

A motion was made by Pike, seconded by Gengel to recommend approval of the public buildings definition but both essential services buildings and public buildings reviewed as conditional uses in all but the B-3 and I-1 Districts. Motion carried (4-0).

Meyer left at 7:43 pm.

6. Miscellaneous

A. Cannabis Ordinance Update

Planning Director Ondich explained that the interim use ordinance for the cannabis moratorium will be up for final adoption at the next City Council meeting. Two new definitions will be added to the ordinance; early cultivators and social equity applicant to meet state law. The moratorium will cover the City for the remainder of the year. The final template is being modified by the City Attorney and will be brought to the Council and

will likely discuss buffers from daycares, schools, and religious institutions from cannabis businesses.

B. Monthly Business Update

Planning Director Ondich introduced the business updates. He explained that two new home permits were issued in June. The proposed 54-unit apartment building variance for the density and parking was approved by council. The Outlaw Saloon's conditional use permit for an outdoor patio space was approved. The building permit for Scooters Coffee was issued in June. A building permit was issued for an ADA lift to be added into the Broz Hotel.

C. Comprehensive Plan / Small Area Plan Update

Planning Director Ondich explained that the Small Area Plan was presented to the City Council at their last meeting. At the next meeting, cost estimates and mass grading for the pond will be presented. At the previous council meeting, one neighbor thanked the city for the work and was happy to see the northeast corner of the park was greenspace.

7. Adjournment

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 7:46 pm. Motion carried (3-0).

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
SUBJECT: REQUEST FOR VARIANCE #V5-2024 TO ALLOW THE OFF-STREET PARKING LOT AREA TO BE LESS THAN 15' FROM THE REQUIRED SETBACK FROM STREET RIGHT OF WAY AND TO ALLOW A REDUCTION IN STALL DEPTH TO CONSTRUCT A PARKING LOT FOR A NEW 54-UNIT MARKET RATE APARTMENT BUILDING, AS PROPOSED BY TEN NINETEEN DEVELOPMENT, LLC
DATE: AUGUST 23, 2024

Background / History

The applicant, Ten Nineteen Development LLC, previously applied for and was approved for Variance #V3-2024 which allowed an increase of density on the site from 32 units per acre up to 40 units per acre as well as reduced the minimum parking from 2 spaces per unit to 1.7 spaces per unit. Previous to this variance, the site was approved for Variance #V8-2020 that allowed a rear yard setback reduction from the north line from 30' to 10' a front yard setback reduction from the south lot line from 30' to 27'7". Said variances would allow for a 54-unit market rate apartment building to be constructed.

As the applicant has continued to refine their site plan, they have found that the east portion of the parking lot is not fitting within the confines of the required parking lot setbacks. As with all parking lots abutting a public road right of way, there is a requirement to be setback 15' from the right of way, which typically is space used for perimeter trees to be planted (at 40' spacing) as well as typically contains a 10' wide drainage and utility easement.

As provided for in Variance #V5-2024, the parking was allowed at 1.7 spaces per unit, meaning the 54 unit apartment building required 92 parking spaces. The site plan as proposed provides for 93 parking spaces (47 surface spaces and 46 in the parking garage).

The applicant looked at various ways to avoid this additional variance application, but due to site elevations and maintaining ADA compliance, they had to move parking spaces east towards the Chalupsky Ave. SE right of way as well as reduce the striped depth of the majority of the eastern side

spaces from the 20' ordinance requirement to 18' in an effort to keep the parking lot out of the drainage and utility easement located there.

Legal Description

Lot 1, Block 1, Deutschland First Addition, according to the plat thereof, LeSueur County, Minnesota.

Neighborhood Conditions and nearby land uses

North – Walgreens (zoned B-2 Community Commercial)

South – Townhomes (zoned RH High Density Residential)

East – Chalupsky Ave. SE and a Strip Mall (zoned B-2 Community Commercial)

West – Single Family home with some agricultural land (Zoned B-2 Community Commercial)

Zoning

The subject site is zoned RH High Density Residential. As noted previously in this report, two prior variances have been approved for this site relating to building setbacks per Variance #V8-2020 and relating to density and number of parking stalls per Variance #V3-2024.

As noted previously, the building would be 54 units and the current proposed mix of units is as follows:

Alcove (Studio) – 12

1 Bedroom – 29

1 Bedroom + Den – 2

2 Bedroom - 11

Statement of Practical Difficulties

The applicant has stated that the land has a unique shape and abuts two public streets and was not originally intended to be a residential lot, however, deed restrictions that the Walgreens development placed on the property severely limited the ability of the lot to be used commercially. The developer acknowledges that the site was previously approved for two prior variances for this site relating to building setbacks per Variance #V8-2020 and relating to density and number of parking stalls per Variance #V3-2024, but that the unique shape of the lot is once again proving challenging to fit the required parking and have ADA walkways maintained and to provide one additional parking space over the minimum that they believe would be valuable to have on the site while maintaining a pleasing aesthetic look for the property overall.

Staff Notes

Staff believes that the lot is unique in both lot shape and location as well as due to the deed restrictions towards commercial uses on the lot that have led the lot to be looked at for residential purposes. Of the 47 surface parking stalls, 19 are encroaching minimally into the 15' parking lot setback along Chalupsky Ave. SE (no more than approximately 4.5' at its largest area of encroachment). Additionally, staff notes that the applicant is proposing all stalls on the east side of the lot to be 18' versus the ordinance required 20' depth (measured from curb face to end of the painted line). The argument the applicant made was that many cities allow a reduction in parking lot depth when parking

stalls do not abut a sidewalk. Staff researched this further and found that area cities do in fact allow for “bumper overhang” reductions in depth for stalls that either do not abut sidewalks or if they do abut but can maintain an accessible route on the adjacent sidewalk. The City of Lakeville allows a 2’ stall reduction (they also require 20’ depth, but allow reduction to 18’ for bumper overhang) and the City of Shakopee only requires 18’ of depth and allows a 1’ reduction to 17’ for bumper overhang. Staff will strongly consider adding similar language in the zoning ordinance re-write, but for now, staff believes a variance is the best way to accommodate this request. In the case of this variance for stall depth, the spaces would not abut any public or private walkway and therefore staff does not have any concerns about reducing stall depth as overhang can easily be accommodated.

Staff notes, that not only is the setback variance noted, but that an encroachment agreement for parking lot perimeter tree planning would be necessary to allow required trees to be planted within the drainage and utility easement.

New Prague Utilities Commission Manager, Bruce Reimers, indicated that they are OK with the encroachment, however, they require an encroachment agreement that would require the applicant to be responsible for any removal or replacement of trees/landscaping within the encroachment area should any work within the easement necessitate their removal.

Staff believes the proposed layout for reduced setback and reduced stall depth are reasonable variances to accommodate the parking stalls.

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 attempted to evaluate the established criteria for this specific request. Staff’s comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The requested variance is in harmony with the general purposes and intent of this Ordinance because apartment buildings are a permitted use in the RH High Density Residential Zoning District and off-street parking is a permitted accessory use.)

- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because apartments are a permitted use in the RH High Density 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 use the property in a reasonable manner which would be an apartment building use.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the lot has an unusual shape and abuts two public roadways and requires a unique building layout to fully utilize the property and provide parking to meet the minimum parking staff requirements while also maintaining accessible routes.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because apartments are a permitted use in the RH High Density Residential Zoning District which contains another multifamily unit one block to the west, and the variance for the parking lot setback is minimal and is far enough away from any intersection to not cause any sight line issues.)
- 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 it would allow the parking spaces on the site to not only meet the minimum number required but provide one additional space over the minimum.)
- 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. (A condition is recommended to require the applicant to enter into an encroachment agreement for the easement encroachment whereby they agree they are responsible for any removal and replacement of landscaping should work within the utility easement necessitate it.)

Staff Recommendation

Staff recommends **approval** of Variance #V5-2024 to allow the off-street parking lot area to encroach 4.5' into the required 15' setback from street right of way and to allow the east row of parking spaces to be 18' deep versus 20' deep, to construct a parking lot for a new 54-unit market rate apartment building, as proposed by Ten Nineteen Development, LLC with the following findings:

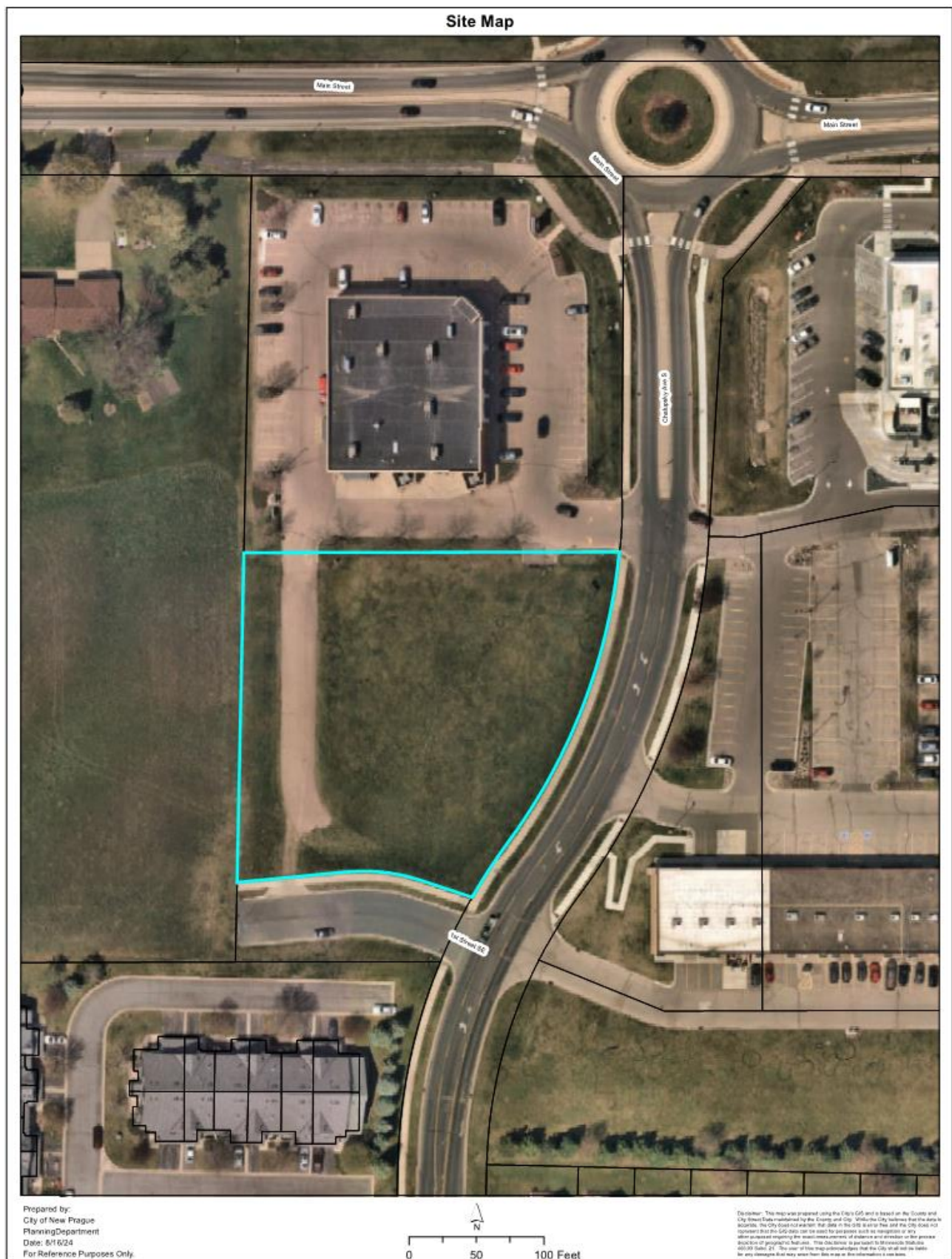
- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because apartment buildings are a permitted use in the RH High Density Residential Zoning District and off-street parking is a permitted accessory use.
- B. The requested variance is consistent with the comprehensive plan because apartments are a permitted use in the RH High Density Residential Zoning District.
- C. The applicant will use the property in a reasonable manner which would be an apartment building use.
- D. Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the lot has an unusual shape and abuts two public roadways and requires a unique building layout to fully utilize the property and provide parking to meet the minimum parking stall requirements while also maintaining accessible routes.
- E. The variance does not alter the essential character of the neighborhood because apartments are a permitted use in the RH High Density Residential Zoning District which contains another multifamily unit one block to the west, and the variance for the parking lot setback is minimal and is far enough away from any intersection to not cause any sight line issues.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the parking spaces on the site to not only meet the minimum number required but provide one additional space over the minimum.

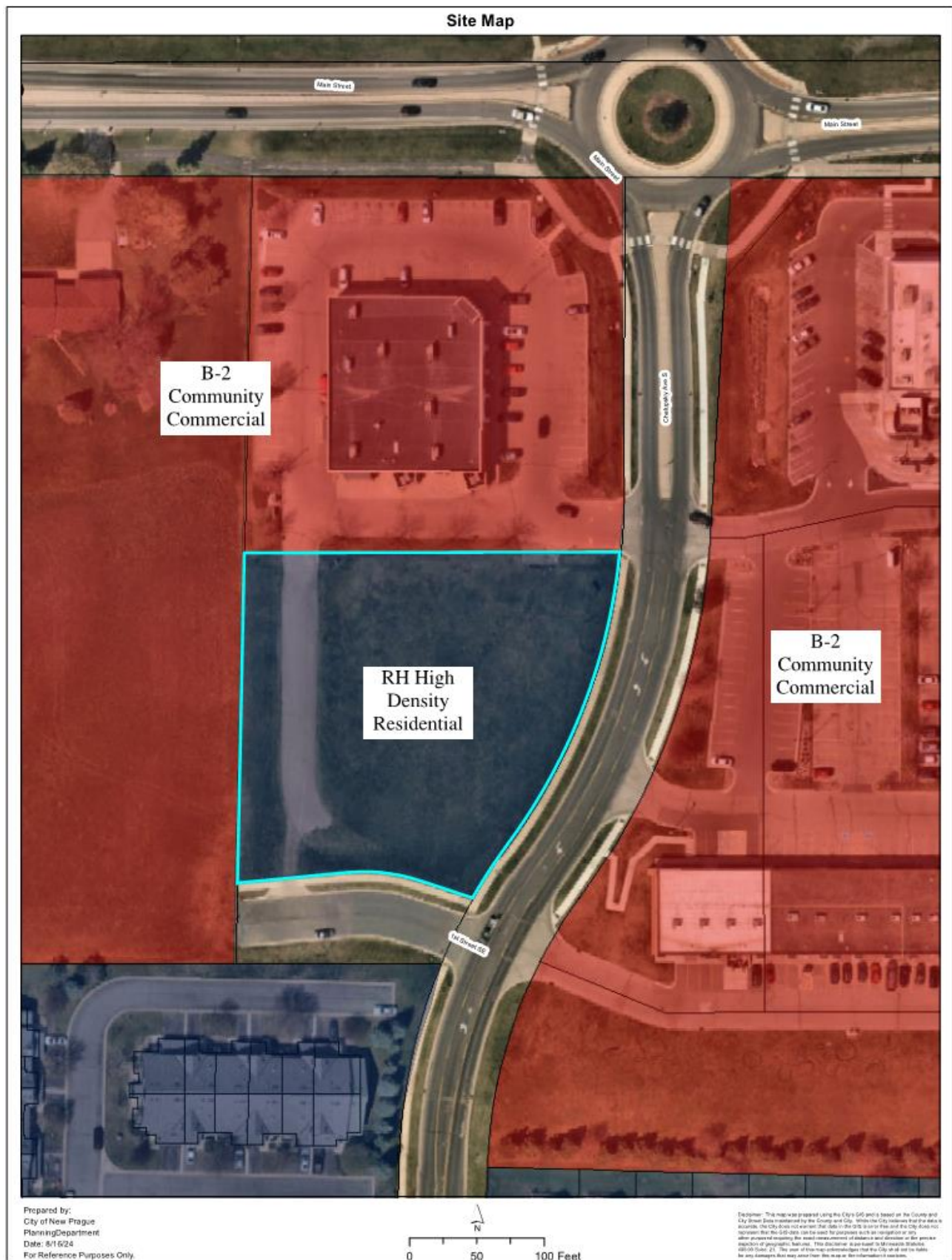
And with the following condition:

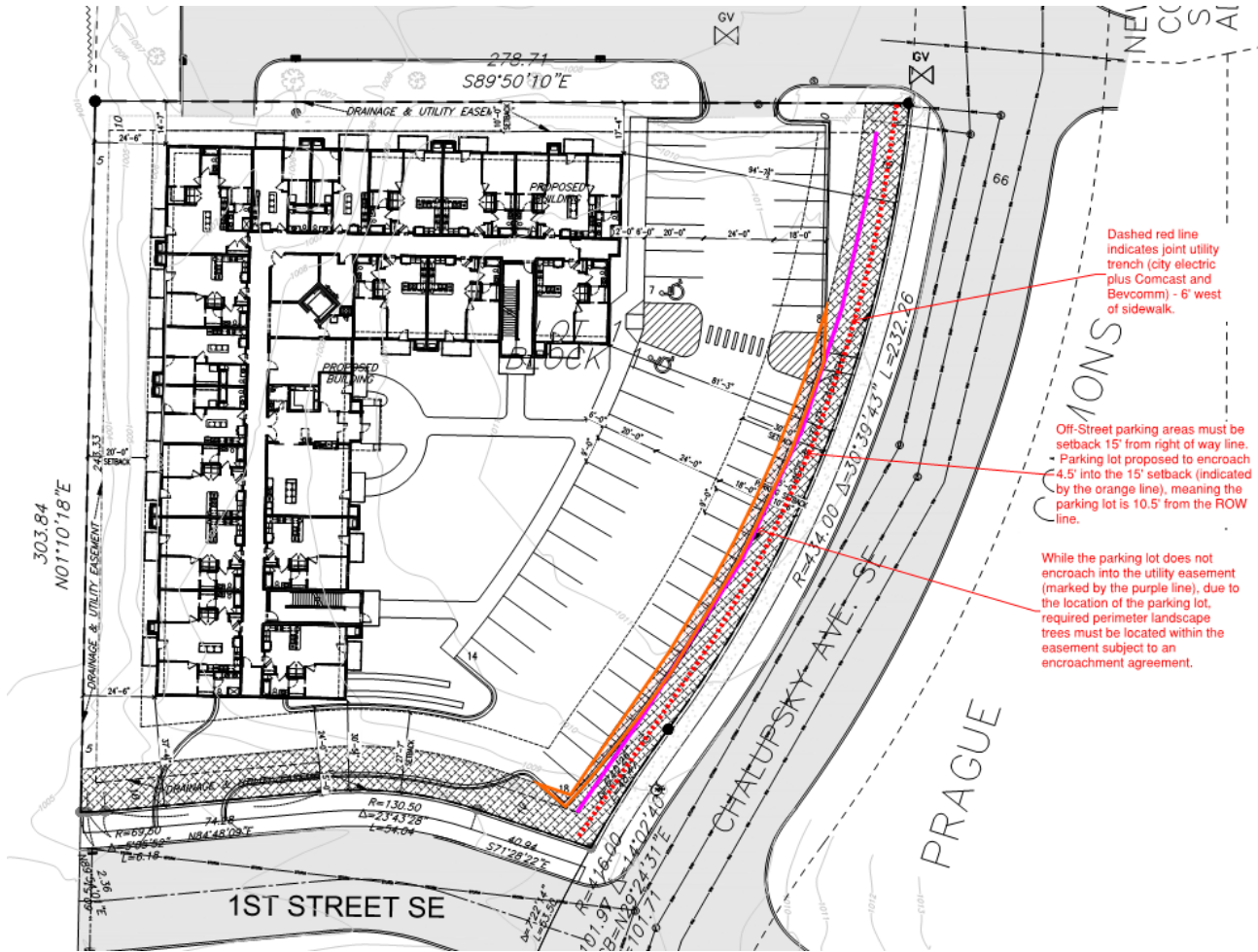
- 1. The applicant must enter into an encroachment agreement for the easement encroachment whereby they agree they are responsible for any removal and replacement of landscaping should work within the utility easement necessitate it.

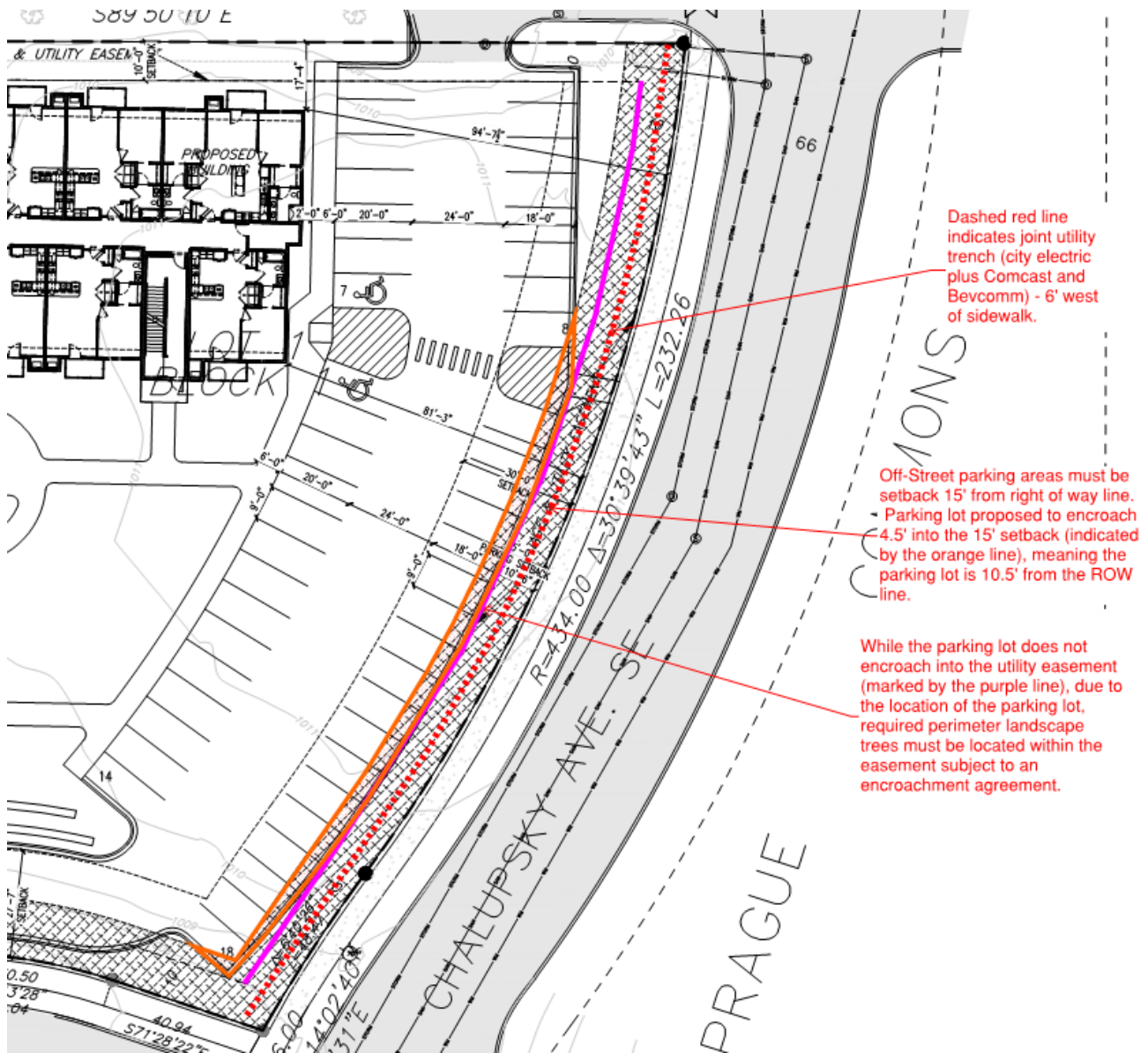
Attachments

- 1. Site Map Aerial – Dated 8/16/24
- 2. Zoning Site Map – Dated 8/16/24
- 3. Site Sketch – Undated
- 4. Photos – Dated 4/24/24
- 5. Google Street View Photos - Undated









Off-Street parking areas must be setback 15' from right of way line.

- Parking lot proposed to encroach 4.5' into the 15' setback (indicated by the orange line), meaning the parking lot is 10.5' from the ROW line.

While the parking lot does not encroach into the utility easement (marked by the purple line), due to the location of the parking lot, required perimeter landscape trees must be located within the easement subject to an encroachment agreement.



Looking west from Chalupsky Ave. SE.



Looking East from 1st Street SE and curb cut to site.



Looking west from Chalupsky Ave. SE.



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR VARIANCE PERMIT #V6-2024 TO ALLOW A SOUTHERN DRIVEWAY ACCESS THAT IS 21' FEET FROM THE NEAREST RIGHT OF WAY INTERSECTION IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 222 2ND AVE SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.
DATE: AUGUST 22, 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 farm produce 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.

On December 4th, 2023, the City approved conditional use permit #C5-2023 and #V4-2023 to allow an indoor firing range and limited retail sales within the I-1 Light Industrial District and to be less than 1000' from the nearest establishment licensed to dispense intoxicating beverage as proposed by 2 If By Sea Tactical. On April 15th, 2024, City Council approved interim use permit #I1-2024 to allow a religious institution in the I-1 Light Industrial District as proposed by Faith, Recovery & Music. 2 If By Sea Tactical will be occupying the southern section of the mill, whereas Faith, Recovery & Music will reside in the center of the building. Both tenants will share the parking lot but must meet their respective minimum parking stall requirements.

In #C5-2023, it was listed as a condition to have “Do Not Enter” signage posted at the parking lot entrance near the intersection of 1st Street SW and 2nd Ave SW. All traffic would have to enter and or exit from the southern driveway entrance, preventing potential collisions.

New Prague Mill LLC is requesting a variance from driveway access and spacing requirement to add a southern one-way driveway access near the intersection of 2nd Ave SW and 2nd St SW. The driveway access would include two parallel handicap parking stalls to meet the minimum parking stall requirements for the indoor gun range. The proposed driveway access would be 21' from the street right-of-way, whereas the Zoning Ordinance would require the driveway access to be a minimum of 100' from the street right-of-way.

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.

The former mill property is unique in that there are several different zoning districts surrounding the site. The Mill is currently occupied by Faith, Recovery & Music and the future indoor firing range. The building is also being used for warehousing purposes for MVE Biological Solutions and Autowash Systems, Inc.

Wells Fargo Bank at 217 W Main Street, northeast of the subject site, was granted approval for V7-2018 to have reduced driveway access of 150' from Trunk Highway 19 to 22' on 2nd Ave NW.

Applicant's Statement

The applicant submitted the following statement on 8/16/2024:

The driveway variance is needed for the new gun range parking requirements. In order to put the 2-handicap parking spots close to the entrance, we are paving the rocked area. Given the limited space there, they can only be placed north/south along the sidewalk. To prevent these users from having to back all the way to the main area, we would like them to be able to pull straight through. This would be a limited use exit only driveway, so it shouldn't impact the flow of traffic in that area. The main driveways stay in place for the general public.

Rick Kaun
The New Prague Mill LLC

Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. ATR LLC (2 If By Sea Tactical) will utilize 10,000 sq ft of the building in the southern section of the Mill. Faith, Recovery & Music is housed in 780 sq ft of office area within the central portion of the Mill.

Zoning/Driveway Access

Section 723 of the Zoning Ordinance, details requirements related to access spacing and driveways. The property is zoned I1- Light Industrial District and both 2nd Ave SW and 2nd St SW are local streets. Since the commercial/industrial driveway would be located near the intersection of two local streets, it must be a minimum of 100' from the edge of the street right of way. For a one-way commercial/industrial driveway, the curb cut, and drive aisle must be a minimum of 13' wide. New Prague Mill LLC is requesting a variance for the proposed driveway access to be 21' from the street right of way. The proposed curb cut, and drive aisle will be 14' wide. The proposed width for the curb cut and drive aisle would be meeting the Zoning Ordinance but the proposed driveway access distance from the right of way would not.

Parking

The I-1 Light Industrial District requires off-street parking. The indoor gun range must have a minimum of 24 parking stalls, which was calculated by the square footage and use of the space. As part of that requirement, at least two of the stalls must be handicap accessible, one of which must be van accessible. The applicant intends to put the two handicap accessible stalls near the new front entrance and along the proposed driveway access. The stalls would be parallel parking stalls, directly east of the gun range. All parking spaces must be surfaced with either concrete or plant mixed bituminous. As per Building Code, there must be an 8' gap on the passenger's side of the van accessible parking spot.

According to C5-2023 and V4-2023, the approved conditions must be met. The parking lot must be setback a minimum of 5' from the eastern property line along 2nd Ave SW. "Do Not" Enter" signage must be posted at the parking lot entrance near the intersection of 1st Street SW and 2nd Ave SW. Only delivery and loading trucks may pass through this entrance outside normal business hours. The signage would prohibit customers from entering the northern entrance, therefore, preventing potential vehicle collisions with parked cars. This would also direct customers to only use the southern parking lot entrance.

The proposed parking lot must follow Section 717 of the Zoning Ordinance, detailing the standards to parking stall dimensions, setbacks, and minimum stall requirement. The parking lot must be striped in white or yellow paint no less than 4" wide. For a 90-degree angled parking lot, the parking stalls must be 9' wide, 20' deep, and a minimum lot drive aisle width of 24' (for two-way traffic).

As a condition of C5-2023 and V4-2023, at least one tree must be planted along the perimeter of the new pavement to meet the parking lot requirements for new paved parking areas.

Public Works /Utilities / Engineering Comments

Public Works Director Matt Rynda and Utilities General Manager Bruce Reimers did not provide any comment on the subject.

City Engineer Chris Knutson provided the following comments on 8/20/2024 regarding the original plan that was dated 8/7/2024:

1. The site plan as provided does not appear to scale. The radius on the street is significantly larger than shown. The driveway entrance will be in the curb radius. The site plan should

- be revised to accurately reflect the existing and proposed conditions. A driveway should not be located within a curb radius, it does appear it will likely be close.
2. The proposed driveway should not include curb or a radius as shown. Curb cut with concrete apron only. Curb may be constructed on the property outside the right of way. See adjacent residential properties for examples.
 3. Non-paved areas shall be restored with turf. This appears to affect the SE corner primarily.
 4. Paving shall extend to the existing bituminous surface on north side of driveway.
 5. A one-way driveway only needs to accommodate a single vehicle width. It should be narrowed to 14'.
 6. Depict sign locations for accessible parking and no parking locations on site plan. No parking signs along the building may be needed.
 7. Ensure accessible parking spaces, access aisle, and access route meet sloping requirements (maximum 2.0%). The design slope on 2nd Avenue SW was 2.2% and likely matches the sidewalk. They may need some buffer between the access aisle and sidewalk to ensure maximum slopes aren't exceeded.

Police Chief Comments

Police Chief Tim Appen did not provide any comment on the subject.

Building Official Comments

Building Official Scott Sasse verified that the proposed plans from the previous draft dated 8/7/2024 met the Minnesota Accessibility requirements for parking spaces. The following code sections relate to this project:

502.4.1 Location.

Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle. Access aisles shall not overlap with the vehicular way. Parking spaces shall be permitted to have access aisles placed on either side of the car or van parking space. Van parking spaces that are angled shall have access aisles located on the passenger side of the parking space

502.4.2 Width.

Access aisles serving car and van parking spaces shall be 96 inches (2440 mm) minimum in width

502.4.3 Length.

Access aisles shall extend the full length of the parking spaces they serve

502.4.4 Marking.

Access aisles shall be marked so as to discourage parking in them and be provided with the designation "no parking." The "no parking" designation shall be provided on a sign centered at the head end of the access aisle a maximum of 96 inches (2440 mm) from the head of the access aisle, and be mounted 60 inches (1525 mm) minimum and 66 inches (1676 mm) maximum above the floor of the access aisle, measured to the bottom of the sign. Where access aisles are marked with lines, the width measurements of access aisles and adjacent parking spaces shall be made from the centerline of the markings.

Exceptions:

1. A sign indicating no parking shall not be required where the sign would obstruct a curb ramp or pedestrian route. In this case, the no parking designation shall be provided on the surface of the access aisle.
2. A sign indicating no parking shall not be required where parking spaces and access aisles are enclosed or otherwise protected from the elements. In this case, the no parking designation shall be provided on the surface of the access aisle.
3. Where access aisles or parking spaces are not adjacent to another access aisle or parking space, measurements shall be permitted to include the full width of the line defining the access aisle or parking space.

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 requested variance is in harmony with the general purposes and intent of this Ordinance because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because an indoor firing range is a conditional use in the I-1 Light Industrial 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 in that the variance is only needed for a one-way driveway access that will reduce traffic conflicts and provide more appropriate handicap parking.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions

of the applicant. (Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the same zoning district because the subject building is very close to 2nd Ave SW and with the need of two handicap parking stalls closest to the entrance, there would be no room to have the driveway be further from the intersection.)

- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because there are several building in the area that have reduced setbacks, which causes driveways to be closer to the intersection.)
- 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 it would allow vehicles to enter from both 2nd St SW and 2nd Ave SW as well as providing handicap stalls that are closer to the building entrance.)
- 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. (The driveway access must meet all the comments made by the City Engineer dated on 8/20/2024.)

Staff Recommendation

Staff recommends approval of Variance #V6-2024 to allow reduced access spacing from street right of way intersection of 2nd St SW and 2nd Ave SW from 21' as opposed to the standard 100' requirement at 222 2nd Ave SW, as proposed by New Prague Mill, LLC, with the following findings for the variance:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner in that the variance is only needed for a one-way driveway access that will reduce traffic conflicts and provide more appropriate handicap parking.
- D. Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the same zoning district because the subject building is very close to 2nd Ave SW and with the need of two handicap parking stalls closest to the entrance, there would be no room to have the driveway be further from the intersection.

- E. The variance does not alter the essential character of the neighborhood because there are several building in the area that have reduced setbacks, which causes driveways to be closer to the intersection.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow vehicles to enter from both 2nd St SW and 2nd Ave SW as well as providing handicap stalls that are closer to the building entrance.
- G. The driveway access must meet all the comments made by the City Engineer dated on 8/20/2024.

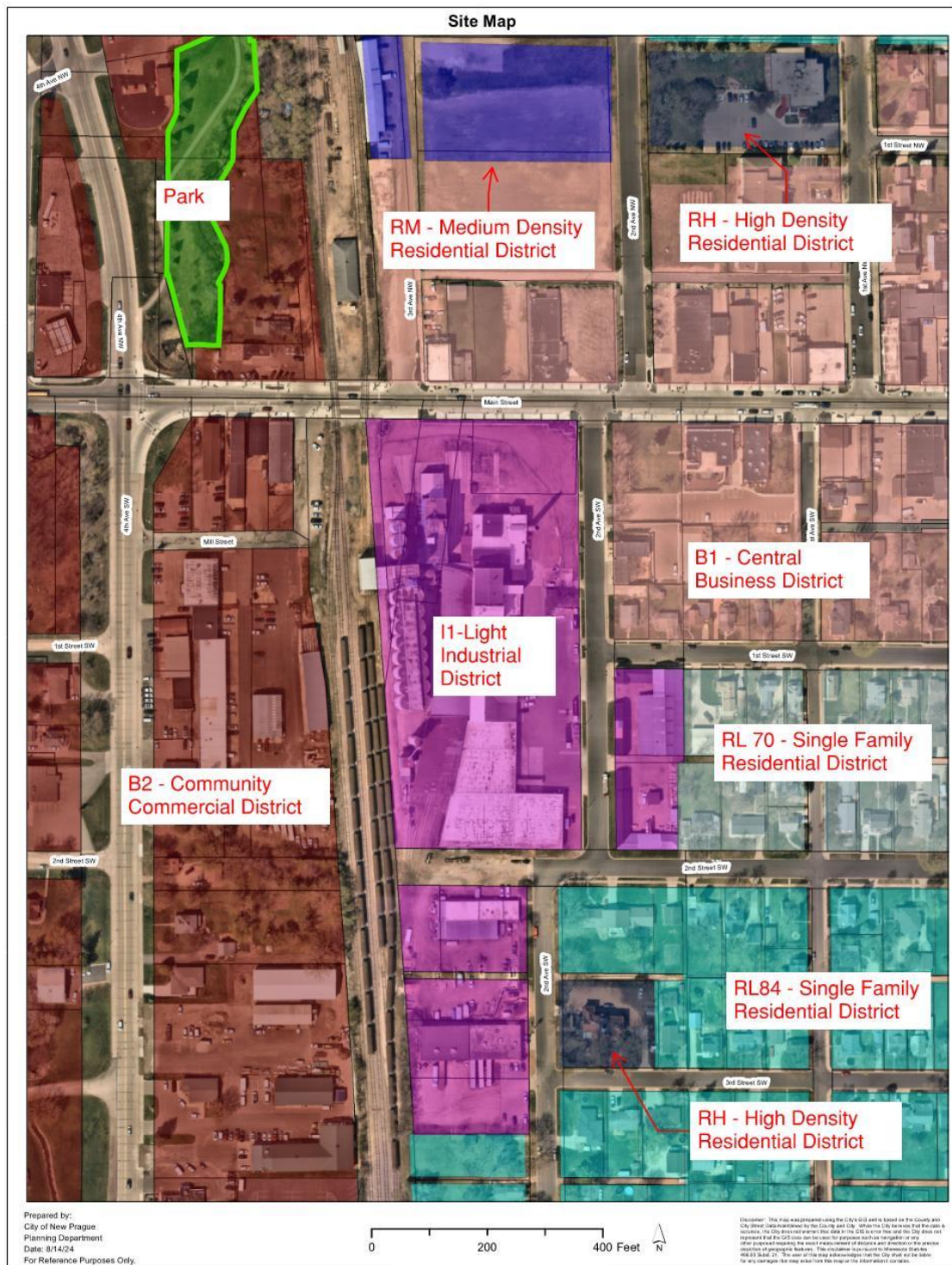
Attachments

- 1. Site Map Aerial – Dated 8/14/24
- 2. Shooting Range Location – Dated 10/26/23
- 3. Site Map Zoning – Dated 8/14/24
- 4. Driveway Access/Handicap Stall Diagram – Dated 8/7/24 (although this is the revised copy - 8/22/24)
- 5. Pictures – Dated 8/20/24

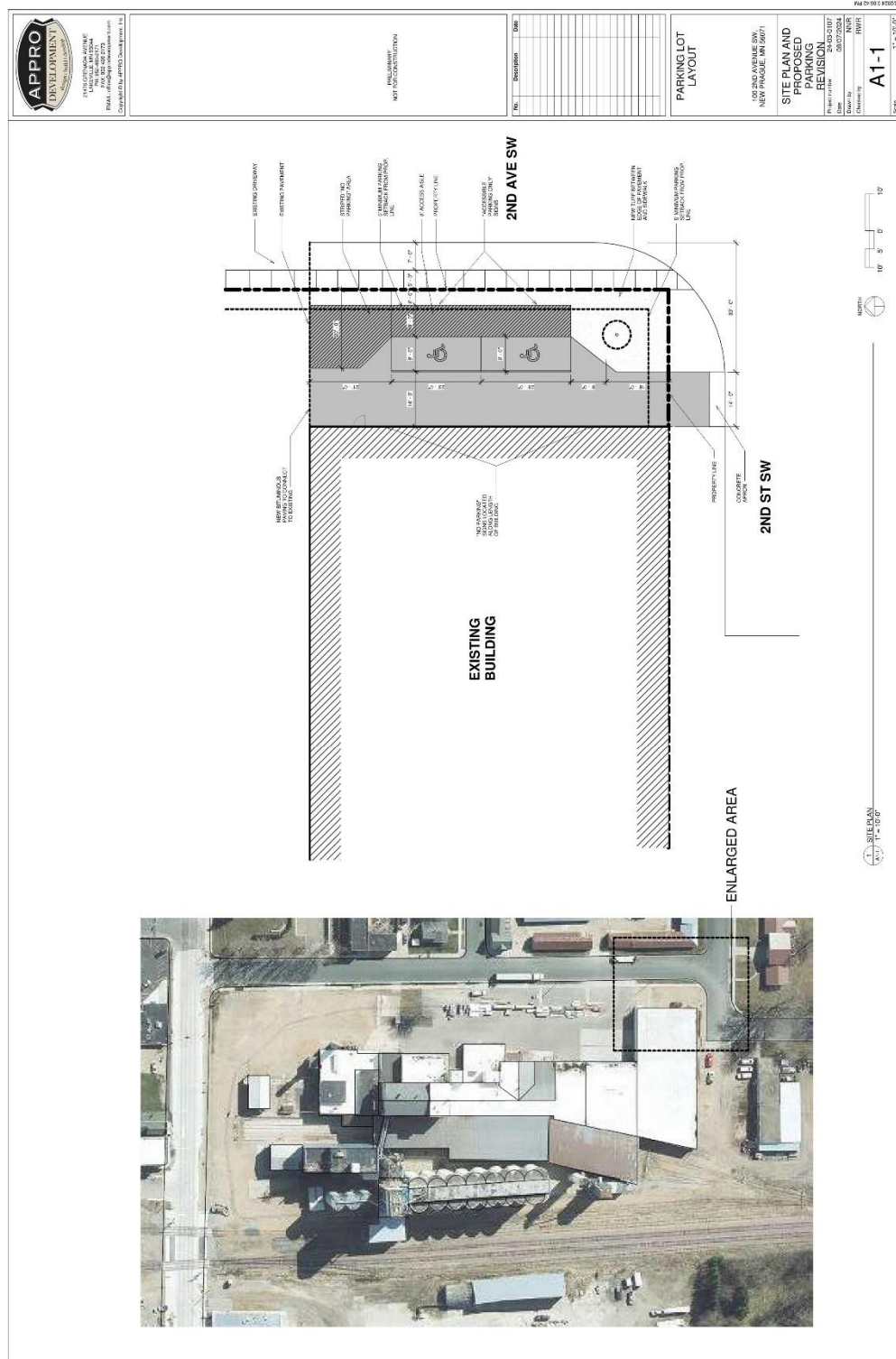


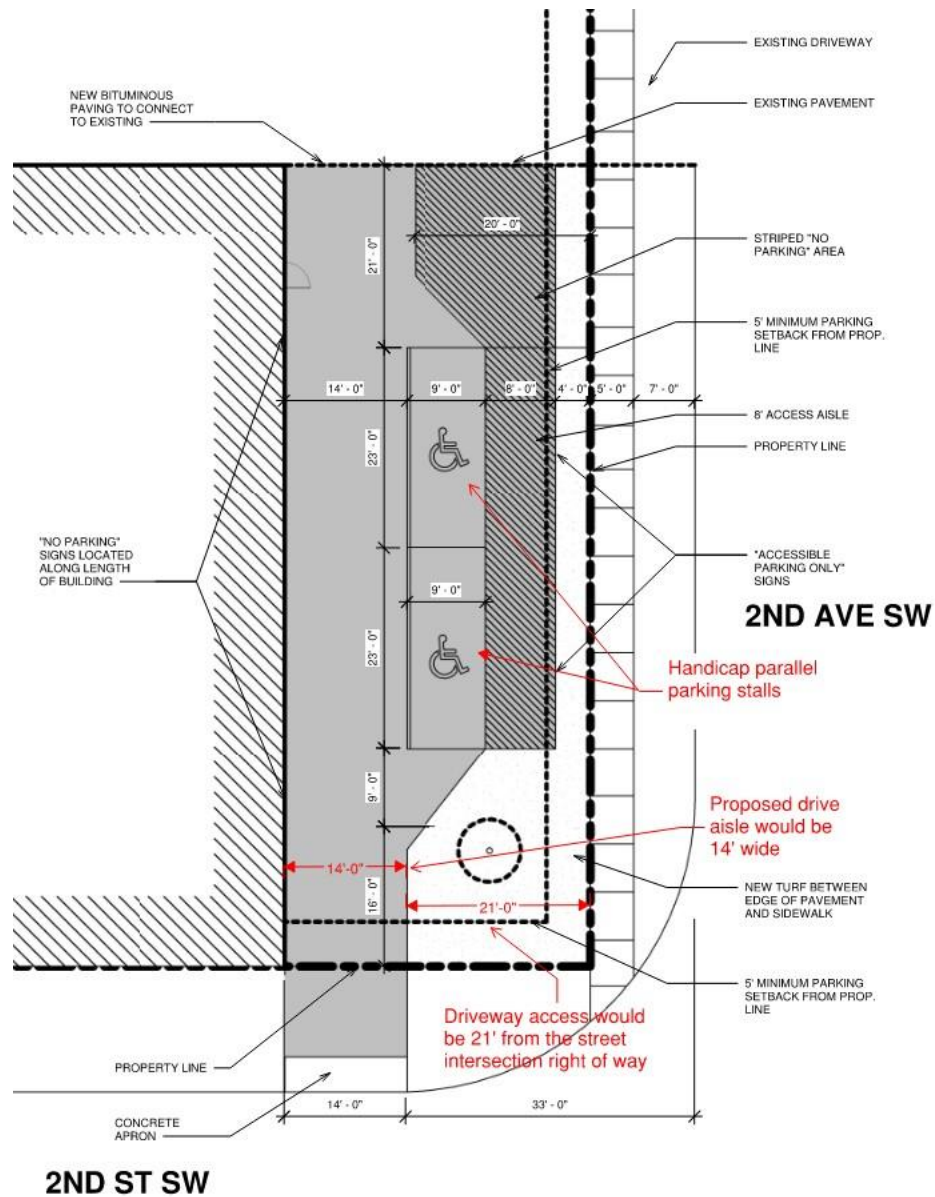


Location of the Indoor Shooting Range



Zoning Districts of Subject and Neighboring Properties





Driveway Access Plan Detail



Looking NW towards Indoor Firing Range – Main Entrance will be on the east elevation of the building along with handicap parking stalls



Looking N at the proposed driveway access



Looking south from the sidewalk towards the intersection of 2nd Ave SW and 2nd St SW



Looking NE at the intersection of 2nd Ave SW and 2nd St SW



Looking SW from the existing driveway access on 2nd Ave SW



Looking NW from the existing driveway access on 2nd Ave SW, viewing the future parking lot for the indoor firing range and religious institution



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR VARIANCE #V7-2024 TO ALLOW A 17 SQUARE FOOT BUILDING SIGN RATHER THAN THE STANDARD 12 SQUARE FOOT SIGN AT 100 12TH STREET NW, AS PROPOSED BY NEW PRAGUE COMMUNITY CENTER ASSOCIATION, INC
DATE: AUGUST 21, 2024

Background / History

The New Prague Community Center Ice Arena is located at 100 12th St NW in the RL-90 Single Family Residential Zoning District. The property comprises of 2.8 acres of land and was established in 1996. Twenty years ago, conditional use permit C9-2004 was approved at the property, allowing a 70 sq ft monument sign, larger than the allowed 12 sq ft sign in the RL90 Single Family Residential District at the time. Although it was approved, it appears that it was never installed or utilized.

This summer the Community Center replaced their building signage with new signage. The new existing 17 sq ft building signage does not currently meet the Zoning Ordinance. Within the RL-90 Single Family District, nonresidential uses shall not have signage that exceeds 12 square feet in area. The previous signage was much larger than the new sign, but it still needs to be in compliance with the Zoning Ordinance. There have been several variances that were granted for this similar reason such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013), which is in the same vicinity of the Community Center Ice Arena.

Legal Description

Lot 1, Block 1, Community Center Addition, according to the plat thereof, Scott County, Minnesota.

Zoning

New Prague Community Center Association – Variance #V7-2024
August 28, 2024 Planning Commission Meeting
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The subject property is located in the RL90 Single Family Residential Zoning District.

Zoning Ordinance Section 718 (2) (C) states one building sign for each permitted nonresidential use or use by conditional use permit. Such signs shall not exceed 12 square feet in area per surface and be so constructed as to have more than two surfaces. The applicant is requesting to allow a 17 sq ft large building sign. Although the previous building signage was much larger than the existing signage, it does not meet current sign requirements for buildings. However, the building face is quite large, amassing approximately 1,975 sq ft, which means the signage only covers 0.86% of the building face. For comparative purposes, building signage area cannot exceed 15% of the building face in commercial districts.

Neighborhood Conditions and Nearby Land Uses

North — New Prague High School and single-family residential homes in the RL90 Single Family Residential District

South — I1 Light Industrial properties (Chart Inc) and Track and Football Stadium

East — New Prague Gymnastics Club Inc and Falcon Ridge Elementary School Hill

West – Residential homes in the RL90 Single Family Residential district and baseball and soccer fields

Areas to the north, south, and east and zoned RL90 Single Family Residential. Most of the structures that reside in this RL-90 zoned area are either residential homes or affiliated with New Prague Area Schools. Since most of the surrounding land is associated with the school district, staff believes that the sign on the building will fit the essential character of the neighborhood which is largely non-residential uses in a residential district.

There have been multiple sign variances have been awarded in the neighborhood. The Gymnastics Club was awarded a sign variance (V1-2007) at 200 12th St NE for a 21 sq ft building sign. New Prague Area Schools was awarded a sign variance (V5-2012) at 1200 ½ Columbus Ave N for a 30 sq ft building sign on the concession stand. When To The Pointe! Dance Academy resided at 200 12th Street NE, they were granted approval for V3-2013 for an additional 21 sq ft building sign for a combined sign area totaling 42 sq ft.

Statement of Practical Difficulties

The applicant explained that the reason for the variance is to improve legibility so that it is clear and viewable. The sign name was changed because the facility is no longer New Prague Ice Rink as people knew it as.

Public Works / Utilities / Engineer Comments

Public Works Director Matt Rynda, Utilities General Manager Bruce Reimers, and City Engineer Chris Knutson with SEH, Inc. did not have any comments on the matter.

Building Official Comments

Comments from the Building Official were not solicited as the variance is related to signs only.

Criteria for Granting Variances - Section 507

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

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

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Comprehensive Plan because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District as designated by the plan.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant proposes to use the property in a reasonable manner by adding only an additional 17 sq. ft. of building signage, which is slightly above the permitted 12 sq ft building signage requirement.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from

the actions of the applicant. (Unique circumstances apply to this property over which the applicant had no control, and which do not generally apply to other properties nearby because the property is a nonresidential use and the building face is significantly large, therefore the bigger sign would help accommodate the large building size.)

- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because there are adjacent properties that were issued signage variances as permitted non-residential uses in the RL-90 Single Family Residential District such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013)).
- 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 it would be legible for those who are walking or driving by.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (No additional conditions are imposed.)

Staff Recommendation

Staff recommends **approval** of Variance #V7-2024 to allow a variance for a 17 sq ft building sign rather than the standard 12 sq ft sign at 100 12th Street NW, as proposed by New Prague Community Center Association, Inc for the following reasons:

- A. The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District.
- B. The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Comprehensive Plan because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District as designated by the plan.

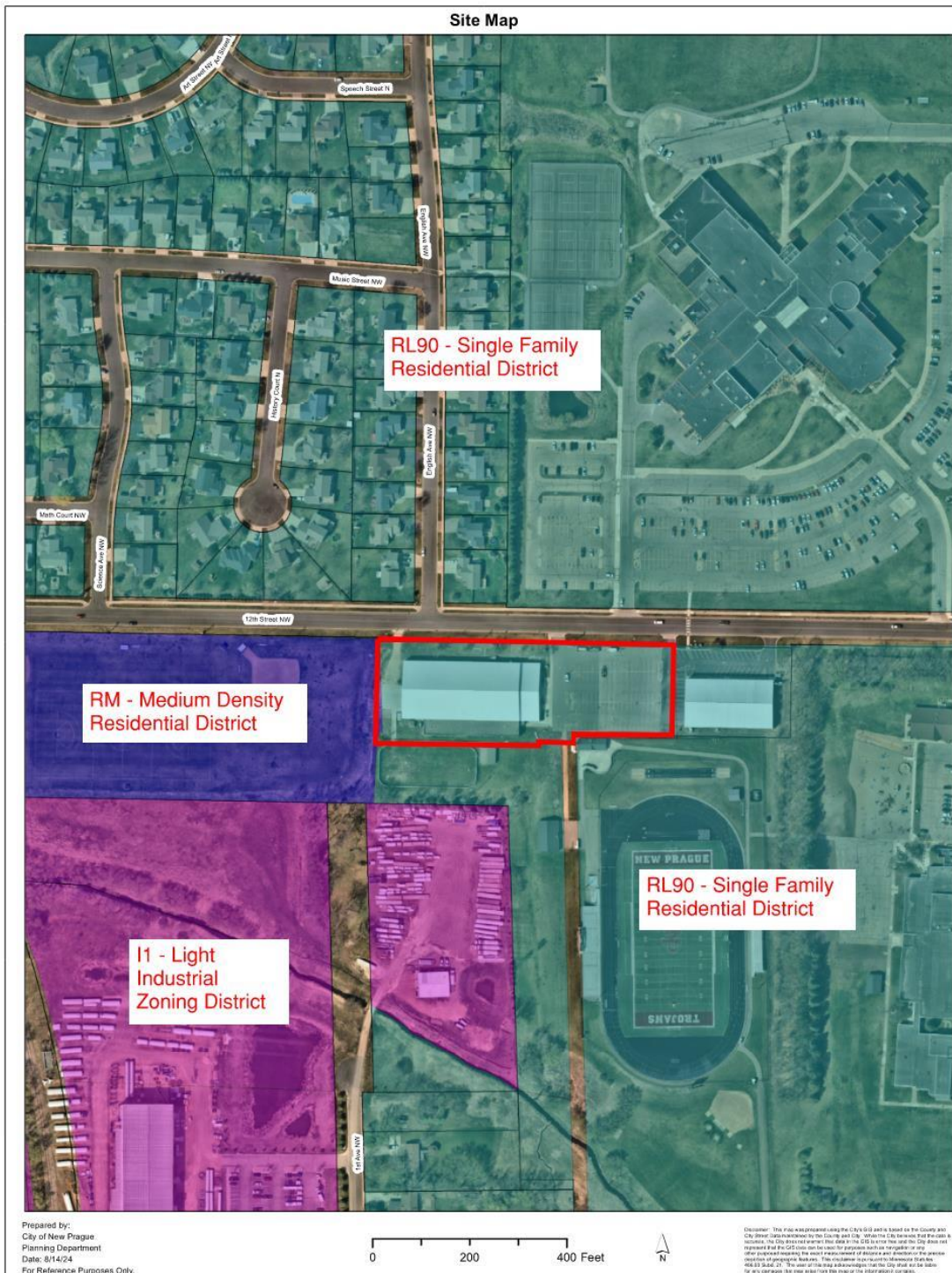
- C. The applicant proposes to use the property in a reasonable manner by adding only an additional 17 sq. ft. of building signage, which is slightly above the permitted 12 sq ft building signage requirement.
- D. Unique circumstances apply to this property over which the applicant had no control, and which do not generally apply to other properties nearby because the property is a nonresidential use and the building face is significantly large, therefore the bigger sign would help accommodate the large building size.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that were issued signage variances as permitted non-residential uses in the RL-90 Single Family Residential District such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013).
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would be legible for those who are walking or driving by.

Attachments

- 1. Site Map Aerial – Dated 8/14/24
- 2. Site Map Aerial Zoning – Dated 8/14/24
- 3. Pictures — 8/20/2024
- 4. Google Street Map – Dated August 2023



Aerial Site Map



Site Map of Zoning Districts



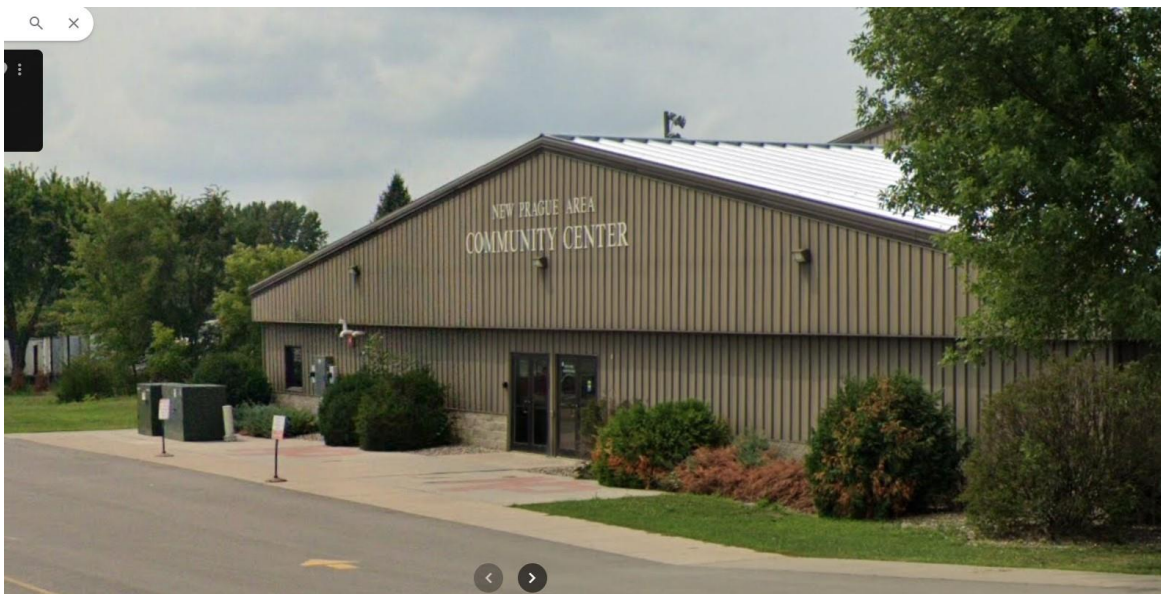
Community Center Ice Arena at 100 12th St NW



Existing After the Fact Variance Sign on the Community Center Ice Arena



Football field concession stand that was awarded approval for sign variance V5-2012 at 1200 ½ Columbus Ave N



Google Street view of the previous building signage in August 2023



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 **PRELIMINARY AND FINAL PLAT APPROVAL** OF TRACKER ADDITION, CONSISTING OF 1 LOT ON APPROXIMATELY 8.31 ACRES IN THE B-3 HIGHWAY COMMERCIAL ZONING DISTRICT, AS PROPOSED BY JOEL FRIES.

DATE: AUGUST 21, 2024

Background / History

Joel Fries is the owner of Tracker Trucking that operates at 500 4th Ave. SW. Mr. Fries purchased the property and began operating at the site in 2015 and also obtained Conditional Use Permit #C1-2015 that same year. Tracker Trucking's business also includes some light repair and warehousing on the site.

Mr. Fries initially inquired with the City in 2023 about constructing an additional storage building on the site or adding onto an existing building. Staff informed Mr. Fries at this time that Section 401, Subd. 7, states that no building permit for new development shall be issued on land described by metes and bounds. Since the property is described by metes and bounds and not platted, it is required to be platted before a building permit for a new building or addition can be issued.

Legal Description

Commencing at the West Quarter corner of Section 3, Township 112, Range 23 West; thence North along the West line of Section 3, 460.00 feet; thence deflecting right 90 degrees, 41 minutes, parallel to the South line of the Northwest Quarter of Section 3, 294.20 feet to a point on the Westerly right of way line of Trunk Highway No. 21 and 13, said point being the point of beginning; thence back along the last described line 261.20 feet to a point on the Easterly right of way line of a public road; thence deflecting right 89 degrees, 19 minutes along said Easterly right of way line, parallel to and 33 feet distant from the West line of Section 3, 1065.14 feet, thence deflecting right 91 degrees, 43.7 minutes, 290.60 feet, thence deflecting right 88 degrees, 16.3 minutes, 75.00 feet, thence deflecting left 88 degrees 16.3 minutes 99.82 feet to a point on the Westerly right of way line of said Trunk Highway No. 21 and 13, thence Southwesterly along said Westerly right of way line to the point of beginning, all in Le Sueur County, Minnesota.

Addressing

The property is currently addressed as 500 4th Ave. SW with no changes proposed.

Density / Lot Size

In the B-3 Highway Commercial Zoning District, the minimum lot size is 20,000 square feet. The proposed lot would be 361,983 sq. ft. (8.31 acres), thereby meeting the minimum lot size requirement.

The minimum lot width for the B-3 Highway Commercial Zoning District is 80' at the building setback line. Proposed Lot 1, Block 1 has a lot width (261.86') which is larger than the required 80' minimum lot width.

Easements

The proposed plat does show the required standard drainage and utility easements along public rights of ways (10' on the east and west lot property lines) and also shows the required easements along interior lot lines (5' along interior lot lines – north and south property lines).

In addition to the standard drainage and utility easements, a conservation easement is required for a minimum 25' buffer adjacent to the delineated wetland boundaries as outlined in Section 734 of the Zoning Ordinance for Land and Water Preservation. The plat shows the required conservation easement boundary. The conservation easement must be recorded prior to the final plat so that it is noted with the recorded document number on the plat.

Staff also notes that the easement areas around the wetland areas are required to be signed as wetland areas and have signage installed per Zoning Ordinance Section 734, Section 4 (E)(12) which states that the signs shall be installed at 200' intervals along the wetland easement to define its edge. The signs must be at least 12" x 12" in size at least 4' above grade. The City sells these signs at cost and can determine the placement and number of signs required for the site.



Setbacks

The required building setbacks in the B-3 Highway Commercial Zoning District are 40' front yard along any public right of way (4th Ave SW/ TH13 & 21 as well as 5th Ave. SW), 10' along side yards (the north and south property lines). The preliminary plat does not show the setback lines, but staff notes that the existing buildings on the site do not meet the 40' front setback to 5th Ave. SW, however they are existing buildings and are simply noted as legal-nonconforming structures.

Access / Road Layout

A traffic impact study is not required for the purpose of reviewing the plat as the applicant is only considering constructing a small addition or small new storage building on the site that would not trigger the need for a traffic impact study.

Access to the site is provided from 4th Ave NW (TH13/21) which is a road under the jurisdiction of MnDOT. As such, MnDOT permits are required for any changes to driveways/access points to and from the property. MnDOT has been solicited for comments regarding the plat and their comments can be found later in this report.

Trails / Sidewalks

There is an existing sidewalk on the east side of 4th Ave SW (TH 13 & 21). No other trails or sidewalks are required or proposed at this time.

Drainage / Grading

The only work proposed would be grading to support a new or building addition on the north portion of the site.

Flood Plain

The subject property contains floodplain as is shown on the preliminary plat. Specifically, the flood areas shown are special flood areas with regulatory floodway, Zone AE, as well as shaded zone X. As outlined in the City's updated floodplain ordinance from 2024, construction is not allowed in any floodplain area as identified on the preliminary plat. The FIRM panel referenced is #2779C0087E effective 7/17/2024.

Wetland Conservation Act

A wetland delineation was completed by Aquatic EcoSolutions, Inc. dated May 20, 2024. The results of the wetland delineation as shown on the final plat drawing with wetlands located as part of Philipps Creek that runs through the property. The wetland delineation was approved by the City on 6/27/2024.

DNR Comments

The Plat was forwarded to the area DNR Hydrologist for review and comment. At this time of writing this report, comments had not yet been received.

Park Land Dedication

Section 066 of the Subdivision Ordinance covers the requirements of Park/Public Land Dedication. Industrial plats require Park Dedication to be collected at 282 sq. ft. per employee. As no new buildings are proposed, the number of new employees that may be working on the site cannot be determined until a building permit for a new building is applied for. For this reason, park land dedication will be deferred until a building permit is applied for and to determine if any new employees might be added which puts additional demand on the City's park system.

For future payments in lieu of land, this is calculated by the Fair Market Value (Estimated Market Value of the land of \$0.54 sq. ft. at the time of writing this report) of the Buildable Unplatted Land x Land Requirement. As an example, if 5 new employees were added when a new building is constructed, the park land dedication would be \$761.40.

Water Area Access Charge

A per acre water area access charge of \$2,814 per acre is collected for previously unplatted land. Since there were 8.31 acres of unplatted land included with this plat, the amount owed is \$23,384.34.

Emergency Warning Siren Area Charge

A per acre charge of \$165 per acre is collected for land not previously platted. The amount owed with this plat is \$1,371.15.

Sidewalk Fee

A sidewalk fee of \$55 per lot is required to be collected when new lots are being created. No new lots are being created, only platted, thus no fee is required.

Engineering / Public Works Comments

The City Engineer, Chris Knutson of SEH, Inc., was solicited for comments. At the time of writing this report, no comments were received.

Public Works Director Rynda and Utilities General Manager Bruce Reimers both did not have any concerns or additional comments regarding the plat.

Water Service

A water service exists to the main building on the site.

Sanitary Sewer Service

The main building on the site is not connected to City Sewer at this time and instead has a private septic system drain field.

Electric Service

Depending on the construction of future buildings, additional electrical infrastructure may be needed pending discussions with the New Prague Utilities Commission staff.

County Highway Department Comments

N/A.

State Highway Department Comments

Comments were solicited from Angela Piltaver, Senior Planner with MnDOT. At the time of writing this report, comments had not yet been received.

Environmental Concerns

Staff has no environmental concerns regarding the plat other than the existing septic system if it going to continue to be used.

The applicant must provide evidence of a report from a qualified septic inspector that the system is in compliance with MPCA requirements. If the intent is to use the existing septic system, the applicant should provide evidence from the certified septic designer and installer and approved by the appropriate agency that the system will serve the intended use of the site. The applicant must provide an inspection report every three (3) years to show that the system is in compliance with state and local ISTS standards while the private system is in use.

Public Safety Comments

Comments were not solicited from Police Chief Tim Appen at this time.

Legal Review

City Attorney Scott Riggs has been provided a copy of the plat and title commitment. At the time of writing this report, comments had not yet been received from the City Attorney. All recommendations of the plat opinion must be complied with.

Subdivision Agreement

As there are no public improvements being made nor any city right of way being obtained with the plat, a subdivision agreement is not necessary.

Staff Recommendation

City staff recommends approval of the **preliminary and final plat** of Tracker Addition with the following findings:

1. The preliminary and final plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirements of the B-3 Highway Commercial Zoning District which it is located.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated 8/15/24 and final plat drawing (undated) on file with the New Prague Planning Department.
2. The applicant must comply with the recommendations of the Public Works Director, Utilities General Manager, and City Engineer.
3. The applicant must comply with the recommendations of MnDOT District 7.
4. Development Fees are required to be collected as follows:
 - a. Emergency Warning Siren Fee - \$1,371.15
 - b. Water Area Access Charge - \$23,384.34
 - c. Park Land Dedication – Determined at the time of future building permit application if employees are being added with a land value to be calculated at that time.
5. 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.
6. All requirements of the City Attorney's Plat Opinion must be complied with prior to executing signatures on the final plat.
7. The conservation easements around the wetland areas are required to have signage installed per Zoning Ordinance Section 734, Section 4 (E)(12) which states that the signs shall be installed at 200' intervals along the wetland easement to define its edge. The signs must be at least 12" x 12" in size at least 4' above grade.

ATTACHMENTS

Aerial Site Map – Dated 8/16/24

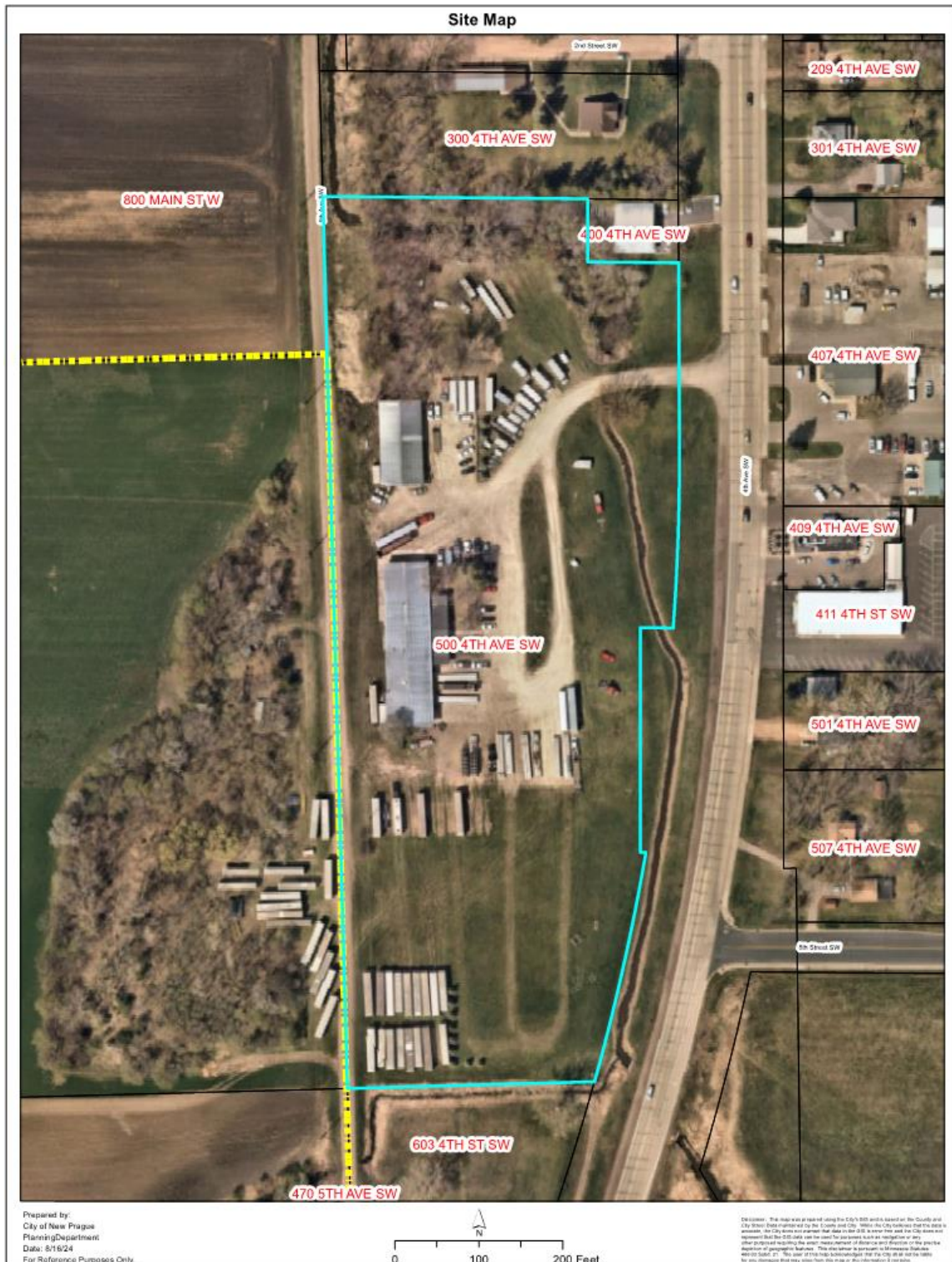
Zoning Map – Dated 8/16/24

Preliminary Plat Drawing – Dated 8/15/24

Final Plat Drawing – Undated

Photos – Dated 8/16/24

Google Street View Photos – Dated 2023

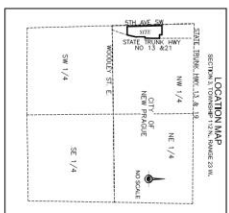


Aerial View of Subject Site

PRELIMINARY PLAT OF TRACKER ADDITION



EASEMENTS AND UTILITY EASEMENTS ARE SHOWN THIS

[illegible][illegible]

MINNESOTA STATE TRUNK HIGHWAYS 45 AND 2
(4TH AVENUE SW)



0 50 100 150
SCALE IN FEET

1
BLOCK 1

Subscribed and sworn to before me this _____ day of _____, 20____, that the foregoing Survey's Certificate was acknowledged before me this _____ day of _____, 20____, by the person or persons named in the foregoing Survey's Certificate as acknowledged before me this _____ day of _____, 20____, and that said person or persons are the owner or owners of the land and premises therein described, and that said land and premises are situated in the County of _____, State of _____, and that said certificate is lawful and valid in all respects of law.

Dated this _____ day of _____, 20____.

Minister of Lands, Forests and Survey

STATE OF MINNESOTA

Be it known that at a meeting held on this _____ day of _____, 20____, the Board of Directors of the _____
Planning Commission of the City of New Prague, Minnesota did hereby approve this part of TRACER
ADDENDUM.

_____ Chairperson

_____ Secretary



Looking NW towards south end of the site from TH13/21



Looking SW towards south end of the site from TH13/21



Looking NW towards north end of the site from TH13/21



Looking West towards main building from TH13/21





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 SUBDIVISION ORDINANCE AMENDMENT CONSIDER REQUIRING SIDEWALKS ON BOTH SIDES OF ALL NEW STREETS
DATE: AUGUST 21, 2024

With the comprehensive plan process nearing completion and with possible residential lot development forthcoming, staff wanted to look at a possible early amendment to the Subdivision Ordinance which would require sidewalks on each side of all new streets within the City. This amendment would predate the full re-write of the Zoning and Subdivision Ordinance, which is intended to start later this year and take approximately one year to complete.

As the Planning Commission has seen in the draft comprehensive plan, the following are strategies that support this:

- Encourage connectivity among new and existing developments through pedestrian/bicycle facilities and trails.
- Utilize Complete Street principles when evaluating highway and road improvement projects.
- Consider incentivizing sidewalk construction and maintenance to ensure a well-connected pedestrian network throughout the community.

The City's Subdivision Ordinance has not been amended since July of 2011 which means it was not amended since the last iteration of the comprehensive plan.

Existing Subdivision Ordinance Language-

Under Section 062 titled "Street Improvements" the following is the language written concerning sidewalks under Subd. F:

(F) *Minimum street/access standards.*

Street Class	R/W Width (feet)*	Curb Width (feet)*	Grade (Max %)	Sidewalk Width (feet)**	Trail Width ROW/Paved (feet)*
Arterial	100/150	44-68	4	6	20/10
Collector	80/120	36-40	6	5	15/8
Local	60	28-32	7	5	15/8
Cul-de-Sac 60' radius (Dead End)		45' radius	7	5	15/8
Alley	25	14-20	7	N/A	N/A

*The City Council may require larger or smaller than minimum widths upon recommendation of the Planning Commission, City Staff or the City Engineer. A street which intersects or crosses a railroad shall have a right-of-way of sufficient width to permit construction of a grade-separated crossing.

**A sidewalk is required on at least one side of all public streets, except as otherwise noted in Section 068 of this chapter.

Under Section 068, Subd. C titled “Landscaping and Walkways” the following is the language written concerning sidewalks:

(C) *Sidewalks/pedestrian ways.* Concrete sidewalks of not less than five feet in width shall be provided on at least one side of each street, except for cul-de-sacs in instances where the sidewalk would not provide a connection to an adjacent trail, park or open space area. Where a proposed subdivision abuts or includes an arterial street, sidewalks of not less than six feet in width shall be provided on both sides of the street, unless a trail is included on one side of the street as designated by the comprehensive plan. In such case, the trail must be located on one side of the street and a sidewalk on the other. All sidewalks and trails must be compliant with the Americans with Disabilities Act.

Proposed Zoning Ordinance Language-

Staff recommends the following amendments (~~struck out~~ and **added**) to Section 062 and 068 of the subdivision ordinance:

Amend 062, Subd. F as follows:

(F) *Minimum street/access standards.*

Street Class	R/W Width (feet)*	Curb Width (feet)*	Grade (Max %)	Sidewalk Width (feet)**	Trail Width ROW/Paved
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					(feet)*
Arterial	100/150	44-68	4	6	20/10
Collector	80/120	36-40	6	5	15/8
Local	60	28-32	7	5	15/8
Cul-de-Sac 60' radius (Dead End)	45' radius	7	5		15/8
Alley	25	14-20	7	N/A	N/A

*The City Council may require larger or smaller than minimum widths upon recommendation of the Planning Commission, City Staff or the City Engineer. A street which intersects or crosses a railroad shall have a right-of-way of sufficient width to permit construction of a grade-separated crossing.

A sidewalk is required on ~~at least one side~~ **both sides of all public streets, except as otherwise noted in Section 068 of this chapter.

Amend Section 068, Subd. C as follows:

(C) *Sidewalks/pedestrian ways.* Concrete sidewalks of not less than five feet in width shall be provided on ~~at least one~~ **both** sides of each street, except for cul-de-sacs in instances where the sidewalk would not provide a connection to an adjacent trail, park or open space area. Where a proposed subdivision abuts or includes an arterial street, sidewalks of not less than six feet in width shall be provided on both sides of the street, unless a trail is included on one side of the street as designated by the comprehensive plan. In such case, the trail must be located on one side of the street and a sidewalk on the other. All sidewalks and trails must be compliant with the Americans with Disabilities Act.

Recommendation

I recommend that the Planning Commission provide direction to City staff regarding possibly amending the subdivision ordinance to require sidewalks on both sides of all new streets. The next step would be to schedule a public hearing if the Planning Commission would like to move the ordinance amendment forward.

August 2024 EDA Business Updates:

- **1 new home permit** was issued in July (1 single family homes and 0 townhome units). 5 residential home permits have been issued so far in 2024 (5 single family, 0 townhomes, 0 apartment units).
- **The Rusty Spoke,** located at 329 Main Street W., opened for business on August 1, 2024.
- City staff is in the process of reviewing the building permit for the **2 If By Sea Indoor Firing Range** at 222 2nd Ave. SW. The conditional use permit was approved previously.
- An internal remodeling permit was issued for **Holy Trinity Lutheran Church** at 1300 Main Street E.
- A plat application was received for **Tracker Addition** located at 500 4th Ave. SW. This is a 1 lot commercial plat which is required before an additional new building can be constructed on the site as it is currently unplatted commercial property.
- Another variance application was received for the proposed **54-unit apartment building** on the lot south of Walgreens to allow a variance from the 15' parking setback to public right of way.
- A variance was issued by the City Council on 8/5/24 to allow **Kubes Furniture and Flooring** to cover existing brick and add a new metal cable awning on their building located at 133 Main Street W.
- Preparations continue behind the scenes for the 60-acre **Keyland Homes** development with the Wetland review being completed at this time.