



PLANNING COMMISSION MEETING AGENDA

City of New Prague

Wednesday, May 28, 2025 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

-
1. **CALL TO ORDER**
 2. **APPROVAL OF MINUTES**
 - a. April 23, 2025 Planning Meeting Minutes
 3. **PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA**
(Speakers limited to five minutes)
 4. **OLD BUSINESS**
 - a. None
 5. **NEW BUSINESS**
 - a. Review of Zoning / City Code Amendment - Backyard Chickens
City of New Prague - applicant
(Public Hearing Required)
 - b. Request for Interim Use Permit I3-2025 - Allow an Aesthetician Business at 100 2nd Ave SW
 - c. Request for Variance V3-2025 - Allow a Fence Height Variance at 1108 Olivia St. SE
 - d. Request for Variance V4-2025 -Driveway Variance at 201 7th St. NW
 6. **MISCELLANEOUS**
 - a. Monthly Business Updates
 7. **ADJOURNMENT**

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

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

Meeting Minutes
New Prague Planning Commission
Wednesday, April 23rd, 2025

1. Call Meeting to Order

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

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

2. Approval of Meeting Minutes

A. March 26th, 2025 Regular Meeting

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

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

No public comments were given.

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Request for Conditional Use Permit #C1-2025 – CUP to Allow Exterior Storage at 605 6th St NW

Planner Chapman explained that Bevcomm applied for a conditional use permit to allow exterior storage for spools of underground ducting and conduit. Bevcomm purchased 605 6th St NW, a vacant shovel ready site in the industrial district in December 2024. Bevcomm intends to build an 8,000 sq ft office/shop/warehouse building with an 80' x 120' fence that would store spools of underground ducting and conduit. The property is zoned I1-Light Industrial District and within that district exterior storage is listed as a conditional use.

Planner Chapman mentioned that as part of the permit review, all screening requirements must be met. According to Zoning Ordinance 707, all industrial uses abutting commercial or industrial districts must have a single row of deciduous trees or evergreen trees with a diameter of 2.5" and spaced a minimum of 40' around the perimeter of the abutting commercial or industrial districts. Trees must be planted around the entire perimeter of the property. Additional trees do not need to be planted on the west side of the property because the applicant's landscaping plan shows eight trees planted on the west side of the driveway. Section 707 of the Zoning Ordinance also requires that the fence be visually appealing and

cohesive with the structure. As such, staff recommend that the fence be a chain-link fence that's 6' tall with vinyl slats with a minimum 75% opacity. These screening conditions are similar to what was required at Brick's Boatworks, which is also found in the industrial district.

A motion was made by Pike, seconded by Meyer to open the public hearing (3-0). The public hearing opened at 6:42pm.

John Sonnek, applicant representative from 123 W 7th St, Blue Earth stated that the three trees that are required on the far east side of the building would be scraping the building. It would make more sense to move the trees to the west side of the property instead.

Pike mentioned that the screening requirements are not specific to conditional use permits. The landscaping requirements are required per the recent Zoning Ordinance amendment.

Planning/Community Development Director stated that he would not be comfortable doing a variance without a variance application. A separate variance application for either increasing the spacing or the removal of the trees would be needed.

A motion was made by Pike, seconded by Bentson to close the public hearing (3-0). The public hearing closed at 6:50pm.

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

- A. The proposed use of a exterior storage for the new office/shop/warehouse building will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because a previous traffic study indicated buildout of the existing industrial park land will not create a need for transportation improvements and because the new building will be accessed via 6th Street NW which is a collector road.
- B. The proposed exterior storage area will be sufficiently screened with fencing and vegetation and is not located near any residentially zoned or used land so that it will not depreciate existing home values or be a deterrence to development of vacant land.
- C. The proposed exterior storage area is reasonably related to the overall needs of the City and to existing land use, as it is listed as a conditional use.
- D. The proposed exterior storage for the office/shop/warehouse is consistent with the purposes of the Zoning Ordinance and the purposes of the I-1 Light Industrial Zoning District as the proposed use is specifically listed as a conditional use.
- E. The proposed exterior area is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the I-1 Light Industrial Zoning District.
- F. The proposed exterior storage will not generate any significant additional traffic and the previously completed traffic impact study noted additional traffic control measures are not required until further development of the industrial park occurs to the north.
- G. The exterior storage area behind the new office/shop/warehousing building will have adequate utilities, drainage and access roads.

And with the following conditions:

1. The fence should be a 6' tall chain-link type with vinyl slats for a minimum 75% opacity. The color of the slats should be similar to the siding of the proposed warehouse. The vinyl slats must be maintained in good order at all times.
2. Dust control measures must be used on the exterior storage area to ensure adjacent properties are protected from dust during susceptible conditions.
3. The exterior storage area must be kept free of weeds and trash.
4. The applicant must provide a knox box to hold a key for access by the Police/Fire Department to the exterior storage area and also the main building if it is sprinklered or alarmed.
5. A single row of deciduous or evergreen trees that are 8' tall with a diameter of 2.5" must be planted every 40' around the perimeter of the property lines (except where parking lot landscaping is provided adjacent to the parking lot areas as shown on the site plan at 30' spacing along the west side and 40' near the front).
6. All lighting must conform to Section 704 of the Zoning Ordinance for Glare and be approved by the City prior to installation by submitting a lighting plan for final approval.
7. All recommendations of the City Engineer, New Prague Public Works Department, Utilities Department, Building Official and Fire Department must be complied with prior to final occupancy of the site.
8. 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 not necessarily limited to any fees charged by the city's professional consultants in accordance with established rates.
9. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules and regulations.

Motion carried (3-0).

6. Miscellaneous

A. Unified Development Code Discussion – Bolton & Menk

Jeff Matzke from Bolton & Menk discussed the progress on the Unified Development Code (UDC). He stated that the last time the UDC was discussed with the Planning Commission was in January. The UDC will include information on the new zoning districts, building and architectural design features, charts/graphics, and administrative processes and the subdivision ordinance as well. The building/architectural design portion of the UDC could include a list of design requirements such as roof heights, wall dimensions, contrasting colors, window coverage, etc. Owners would have an opportunity to choose a number of the requirements. This would allow business owners more flexibility while also meeting the ordinance requirements. Matzke also mentioned that certain things could be done administratively (permitted uses versus conditional) to speed up the process, especially if it's a reoccurring issue.

B. Monthly Business Update

Planning/Community Development Director Ondich introduced the monthly business update. He mentioned that only one new home permit was issued in March. Building permits for commercial alterations were issued for the former Corner Bar (100 Main St W) and Brickside 19 (825 1st St SE). 4U Massage closed on 3/10/2025 related to alleged criminal activity. Bring the Light Electric applied for a building permit to move into 104 Columbus Ave S. Bevcomm applied for a building permit to construct a new building at 605 6th St NW. Kubes Furniture and Flooring applied for a building permit to complete exterior alterations at 133 Main St W.

7. Adjournment

A motion was made by Pike, seconded by Bentson, to adjourn the meeting at 7:29 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
KYRA CHAPMAN, PLANNER
SUBJECT: PUBLIC HEARING FOR ZONING ORDINANCE / CITY CODE AMENDMENT
TO PERMIT THE KEEPING OF BACKYARD CHICKENS.
DATE: MAY 19, 2025

At the March 26th, 2025 Planning Commission meeting, a motion failed to pass to hold a public hearing to discuss a concept review for the keepings of backyard chickens. Despite this failed motion, at their meeting on April 7th, the City Council directed the Planning Commission to hold a public hearing to gather public input on the subject of keeping backyard chickens. To generate feedback from the Planning Commission and the public, staff have drafted Zoning Ordinance and City Code amendments to allow the keepings of chickens in certain residential zoning districts. The proposed amendments are based on research of area cities that allow the keeping of backyard chickens.

As additional background, the topic of backyard chickens was last discussed by the City in 2016 in which city ordinances were strengthened to not allow backyard chickens. It is noted at this time that New Prague is the only city in Scott County that does not allow the keeping of backyard chickens. Very recently, the City of Lonsdale approved an ordinance on 5/8/25 that allows the keeping of backyard chickens as well.

Existing City Code Language

The keepings of chickens are currently prohibited in City limits. Specific language on this can be found in § 90.13 of the City Code, as well as in Sections 302 and 405 of the Zoning Ordinance which are provided below:

§ 90.13 KEEPING OF NON-DOMESTICATED AND FARM ANIMALS PROHIBITED.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FARM ANIMALS. *Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl*

(ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

NON-DOMESTICATED ANIMAL. Any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

(B) No person shall keep, maintain or harbor within the city any of the following animals:

- (1) Any animal or species prohibited by state or federal law; and/or
- (2) Any non-domesticated animal or species, including but not limited to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies;
 - (b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs;
 - (d) Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbred domesticated animals;
 - (e) Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra;
 - (f) Any raccoon;
 - (g) Any ferret;
 - (h) Any other animal which is not listed explicitly above, but which can be reasonably defined as prohibited by the terms of this subchapter, including bears and badgers.

(3) Any farm animals as defined in this section.

(Ord. 164A, passed - -89; Am. Ord. 288, passed 3-7-16) Penalty, see § 10.99

302 Definitions

85. *Farm Animals* – Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

405 Existing Farm Operations

All farms currently in existence will be permitted to continue operation subject to the following conditions.

- 1. Any new private stable or other new building in which farm animals are kept shall be a minimum distance of two hundred (200) feet or more from any other occupied lot in a Residential District, and shall require a Conditional Use Permit.*
- 2. The owner of any roadside stand shall be required to apply for a Conditional Use Permit.*
- 3. All properties are prohibited from keeping, maintaining or harboring any Farm Animals as defined by this ordinance.*

Proposed City Code and Zoning Ordinance Language

Highlighted and underlined represent **additions** whereas stricken out represent ~~deletions~~.

City Code Amendments:**§ 90.13 KEEPING OF NON-DOMESTICATED AND FARM ANIMALS PROHIBITED.**

- (A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FARM ANIMALS. Those animals commonly associated with a farm or performing work in an agricultural setting. Farm animals include, but are not limited to members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees and other animals associated with a farm, ranch or stable.

NON-DOMESTICATED ANIMAL. Any wild animal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property.

- (B) No person shall keep, maintain or harbor within the city any of the following animals:

- (1) Any animal or species prohibited by state or federal law; and/or
- (2) Any non-domesticated animal or species, including but not limited to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies;
 - (b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats;
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs;
 - (d) Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbred domesticated animals;
 - (e) Any poisonous pit viper such as a rattlesnake, coral snake, water moccasin or cobra;

- (f) Any raccoon;
- (g) Any ferret;
- (h) Any other animal which is not listed explicitly above, but which can be reasonably defined as prohibited by the terms of this subchapter, including bears and badgers.

(3) Any farm animals as defined in this section, excluding chickens which are subject to additional requirements of the Zoning Ordinance.

Zoning Ordinance Amendments:

Amend Section 405 of the Zoning Ordinance as written below:

405 Existing Farm Operations

All farms currently in existence will be permitted to continue operation subject to the following conditions.

1. Any new private stable or other new building in which farm animals are kept shall be a minimum distance of two hundred (200) feet or more from any other occupied lot in a Residential District, and shall require a Conditional Use Permit.
2. The owner of any roadside stand shall be required to apply for a Conditional Use Permit.
3. All properties are prohibited from keeping, maintaining or harboring any Farm Animals as defined by this ordinance except that backyard chickens are permitted as provided for in Section 747 of this ordinance.

Add new section 747 to the Zoning Ordinance as written below:

747 Keeping of Backyard Chickens

- A. Purpose: The intent of this section is to permit, but limit, the keeping of backyard chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, or welfare of the City of New Prague.
- B. Keeping of Backyard Chickens Allowed: A person may keep up to five (5) backyard chickens as an accessory use in any residential zoning district provided that the owner of the backyard chickens resides in a detached dwelling located upon the parcel where the backyard chickens are kept.
- C. Permit Required: A permit is required for the keeping of backyard chickens.
 - a. Those desiring to keep backyard chickens shall file a written application with the Community Development Department on a form provided by the city and pay an application fee as provided for on the City's Official Fee Schedule.
 - b. If the applicant for backyard chickens is not the owner of the parcel where the chickens will be kept, the owner of the parcel must also sign the application.

- c. The application must include the breed and number of chickens intended to be kept.
- d. The site plan must be submitted showing the location of the coop and run that meets all setback requirements.
- e. The Community Development Department will issue the permit.
- f. The City, upon written notice, may revoke a permit for failure to comply with the provisions of this section or any of the permit's conditions.
- g. The City may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the City is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.

D. General Provisions

- a. The keeping of roosters, guinea hens/fowl and peafowl is prohibited.
- b. No coop or run can be constructed prior to the principal structure.
- c. Backyard chickens cannot be used for fighting or breeding purposes.
- d. Backyard chickens shall be kept in a humane manner that complies with Minnesota Statutes Chapter 343 (as amended).
- e. Slaughtering of chickens, including for culling purposes, is not permitted within city limits. Authorized removal methods include humane euthanasia by a veterinarian or relocation out of the city limits.
- f. Backyard chickens shall not be kept in a dwelling, garage or accessory structure other than those meeting the requirements of an enclosed coop.
- g. All chicken coops and runs must be screened from adjacent properties or public right of way with a solid fence or landscaping that is at least 4' tall.
- h. Backyard chickens must have access to an enclosed coop meeting the following minimum standards:
 - a. The enclosed coop may not occupy a front or side yard.
 - b. The enclosed coop must have a minimum size of four (4) square feet per backyard chicken and shall not exceed a maximum of forty (40) sq. ft. in total area.
 - c. The enclosed coop shall be setback a minimum of twenty-five (25) feet from any principal structure on the parcel, twenty-five (25) feet from any adjacent principal structure, and at least ten (10) feet from any property line and cannot encroach upon drainage and utility easements.
 - d. The enclosed coop shall not exceed six (6) feet in height.
 - e. The coop must be elevated at least 12" from the ground.
 - f. The enclosed coop shall have a roof type and pitch that is similar to the principal structure on the lot.
 - g. The enclosed coop shall employ similar building materials and colors to the principal structure on the lot.
 - h. The coop must be maintained in a good condition at all times.
- i. Backyard chickens are not allowed to run at large but must have access to a run meeting the following minimum standards:
 - a. The run shall be fully enclosed, covered and attached to the coop where the backyard chickens can roam unsupervised.
 - b. The run shall adhere to setbacks required for the coop to which it is attached.
 - c. The run must be enclosed with woven wire or similar fencing material.
 - d. The run must be maintained in a good condition at all times.

- e. The run cannot exceed six (6) feet in height.
- j. The coop and run must be cleaned frequently enough to control odor detectible on adjacent properties and must also be kept in a manner to not become a nuisance as defined by the City Code.
- k. All feed must be stored inside in a rodent proof container.
- l. Persons no longer keeping backyard chickens after receiving a permit shall notify the city and remove the coop and run.
- m. The sale of chickens or chicken byproducts is not permitted in city limits.
- n. Deceased backyard chickens shall be removed as soon as possible but no later than 48 hours after death.

Recommendation

Staff recommends that the Planning Commission hold the required public hearing and provide feedback to City staff regarding the proposed city code and zoning ordinance amendments on the keeping of backyard chickens at the May 28th Planning Commission meeting.

Attachments:

- a. City Council Summary Memo – 3/27/25



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

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: UPDATE ON POSSIBLE ZONING / CITY CODE AMENDMENTS FOR KEEPING OF BACKYARD CHICKENS
DATE: MARCH 27, 2025

Planning Commission Summary

At the Planning Commission meeting on March 26, 2025, a concept review report was discussed regarding the keeping of backyard chickens. In summary, the report contained some historical information about the last time the topic was discussed in 2016 in which the ordinances were strengthened to not allow the keeping of backyard chickens, noted that New Prague is the only City in Scott County that does not allow backyard chickens, benefits and drawbacks of keeping backyard chickens and finally asked for direction from the Planning Commission regarding the topic.

The Planning Commission did open a public hearing with one resident, Brian Paulson, providing comment that he felt the possible coop size seemed small and that keeping chickens is not financially beneficial but it is to be self sufficient and to teach kids, but that he personally can't keep chickens as it's a daily commitment to keep them even though he has property south of town where both of his neighbors keep chickens. He also added that with rules in place it would prevent issues and to consider allowing chickens in heated garages and only charging a one-time fee versus an annual fee.

A motion was made and seconded to draft an ordinance and hold a public hearing at the April Planning Commission meeting. The motion ultimately did not pass as the vote was 2-2 (Pike, Meyer voting for and Ryan and Gengel voting against).

Based on the vote, staff is not planning to continue to work on this matter further unless otherwise directed by the City Council.

Recommendation

City Council to provide direction to staff on whether to continue to work towards drafting an ordinance regarding the keeping of backyard chickens.



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: CONCEPT REVIEW OF ZONING / CITY CODE AMENDMENT ON BACKYARD CHICKENS
DATE: FEBRUARY 25, 2025

Background

Recently staff have received several inquiries about the keeping of backyard chickens. This topic is likely at least a partial result of the national rising cost of eggs. Under City Code § 90.13, non-domesticated animals and farm animals, which include chickens, are prohibited in City limits. Although the City has never allowed chickens within City limits, the topic was last revisited in 2016, when the council ultimately decided to create clear language banning backyard chickens and other farm animals. The reason for this legislative choice was due to several nuisance complaints from neighbors regarding smell, sound, and concern for the spreading of avian diseases relating to a couple of locations of illegal backyard chickens within city limits. At the time, the complaints were mainly spurred from circumstances in which neighbors did not frequently maintain and clean their chicken coops.

At the February 3rd, 2025, council meeting, the city council directed staff to compile research and revisit the topic of backyard chickens due to growing resident interest. Staff have discovered that several nearby communities allow chickens such as Belle Plaine, Jordan, Elko New Market, Savage, Prior Lake, and Shakopee. Whereas other communities such as Lonsdale prohibit chickens, (however, according to a recent news article, Lonsdale is drafting ordinance language to allow chickens despite the Planning Commission’s majority vote in opposition of backyard chickens). Attached to this memo are their codes verbatim for reference.

Of the communities researched that allow chickens, some common ordinance requirements were as follows:

- Must follow Minnesota State Statue 343 – Prevention of Cruelty to Animals
- Chickens are allowed in certain districts (agricultural and or residential)
- A maximum number of chickens allowed (Ex. 4-6 chickens).
- Roosters are prohibited
- Chickens may not be slaughtered or used for fighting. Chicken products cannot be sold but individuals may allow them for personal use
- Grain/food must be kept indoors in a rodent proof container
- Chickens cannot be kept in garages or inside the home

- Coops must be kept clean and sanitary, removing feces, urine, and food on a regular basis. Keeping of chickens shall not result in a nuisance
- Chickens are not allowed to run at large
- One coop and one run are allowed per property. Minimum size coop/size run requirements per number of chickens. (Ex. Enclosed coop must have a minimum size of 4 sq ft per animal and shall not exceed 40 sq ft total).
 - Must be a certain distance away from the principal structure and adjacent residential dwelling units (Ex. 25'-50')
 - Chicken coop only allowed in the rear yard. Height requirements of the coop (Ex. 6'-10')
 - Coop must be screened from view with a solid fence or landscaped buffer (minimum height requirements)

A memo from the League of Minnesota Cities (LMC) also provided general requirements that cities may impose if they allow chickens within city limits. (LMC also has sample ordinances.) Common requirements found in city ordinances include:

- Allowing only hens (as opposed to roosters)
- Limiting the number of hens
- Requiring coops or runs be in sanitary and humane condition
- Chickens must be in a contained and controlled manner
- Coops must be kept a certain distance from structures and property lines

Compiled Research

Positives/Benefits:

Backyard chickens allow owners to produce their own eggs rather than going to the grocery store, providing owners with more autonomy over their food production. Ultimately, owners will have access to fresh eggs and thus no concerns about unhealthy additives. Fresh eggs usually have less saturated fats and bad cholesterol than eggs found in grocery stores.

Chickens start producing eggs from 6 months old to 5-10 years of age. Egg production peaks within the first two years of their life and within a typical week, they lay about six eggs. First time backyard chicken owners will likely see high egg production early on. Families may find joy in raising chickens, much like people do with other pets and find them entertaining to watch. Furthermore, it's a great opportunity for families to educate their children on responsibility and agricultural practices.

Breeds vary in temperament, egg production, size, weather resilience, maintenance, and food consumption, giving owners more flexibility and choices on what works for them. Similarly, owners could own endangered or rare chicken breeds, preserving genetic diversity in poultry. Although chicken diet typically includes grains and insects, they also consume leftover vegetables and fruit, which is a more sustainable way to reduce household food waste rather than adding more food waste to our landfills. Speaking of waste, their feces are rich in nitrogen, phosphorus, and potassium, making it a great fertilizer for gardens.

According to an article from the League of Minnesota Cities, the City of Monticello adopted an ordinance to allow chickens due to high community interest. The City of Dayton and Monticello have few to no issues since chickens have been allowed. Monticello specifically drafted their ordinance to prevent potential complaints. To receive a chicken permit, Monticello requires detailed coop plans, information on the breed/number of chickens, signatures of approval from abutting neighbors, and inspections from an animal control officer.

Negatives/Drawbacks:

According to the University of Minnesota, the most common issues with backyard chickens are related to odor, noise, pests, and the transmission of diseases. The CDC states that diseases transferred from chickens to humans include salmonella, campylobacter, avian influenza, histoplasmosis, E.coli, and Chlamydia. Diseases such as salmonella and campylobacter are first found in a chicken's stomach and then their feces. Individuals may become ill when cleaning coops or collecting eggs. The CDC finds that most people "with salmonella handled chicks or ducklings. Of those individuals, 45 percent were children". Older adults and young children, or those with weakened immune systems are more susceptible to these diseases. Prevention of the above diseases requires appropriate wear, handling/storing/cooking eggs, thorough hand washing, weekly coop cleaning and veterinarian appointments when poultry is sick.

Odor can be pungent when feces cumulate, especially without frequent coop cleanings and warm weather. Odor, feces, and food may also attract pests such as flies, mice, foxes, and racoons if the coop is not clean and if food is not stored correctly. In terms of noise, chickens make soft tone vocalizations, but some individuals may find this a nuisance. Hens typically make more noise when they lay eggs in the morning or when they are startled.

Although many people may find backyard chickens gratifying, there is a significant time commitment for caring for backyard chickens. There is significant time spent on daily feeding, watering, and egg collection and weekly or monthly coop cleaning. Backyard chickens may not be a good idea if an individual has a limited amount of time or commitment.

An article from the New York Times found that despite the rising costs of eggs, raising your own chickens will not be cheaper than grocery store eggs and will involve a lot more upkeep. There are several upfront costs such as purchasing chickens, infrastructure (coop), feeders, waterers, and heaters as well as reoccurring expenses like bedding, food, water, cleaning materials, and medical supplies. Having fewer chickens will decrease startup costs but less chickens will result in less egg production. Not to mention, hens usually produce an egg every 24-26 hours but sometimes they may not produce an egg each day especially as they are past their prime egg laying age, it's the winter season, and there are reduced daylight hours. To break even on operating costs, an individual would require 20-30 chickens in their prime productive egg laying years.

Alliant Credit Union calculated costs for backyard chickens and estimated the following expenses: coop \$300-\$500, \$3-\$5 per chick, \$20-\$50 per an egg laying hen, \$20-\$50 for feed per month, \$25-\$100 per medical visit, and \$10 for associated monthly expenses (repairs, woodchips, bedding, etc.). Alliant Credit Union anticipates that the start-up cost will be about \$590 and \$25 per month, not including medical bills.

Summary

This research is not to be presented to decide on specific language but is presented as background information. The information presented is given to help the Planning Commission decide whether or not backyard chickens should be allowed in city limits. If there is an inclination to consider allowing backyard chickens, staff would prepare an ordinance with performance standards for consideration and a public hearing at a future Planning Commission meeting. Ultimately, the City Council would need to approve both a zoning ordinance amendment and City Code amendment to allow backyard chickens.

Staff Recommendation

Staff recommends the Planning Commission discuss the keeping of backyard chickens and provide staff direction on if an ordinance amendment should be prepared to allow them. No formal hearing is required for this

Other Cities' Ordinances on Backyard Chickens

Belle Plaine – 800.18 Chickens

Subd. 1. The intent of this section is to permit, but limit, the keeping of chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, or welfare.

Subd. 2. The keeping of up to six (6) chickens for personal use at single or two family residences zoned R-1 Low Density Single Family Residential District, R-2 Low Density Single Family Residential District, or R-3 Medium Density One and Two Family Residential is permitted subject to conditions of Subd. 3 – Subd. 6.

Subd. 3. Permit Required. A permit is required for keeping of chickens.

a. The permit application shall be on a form provided by the City and accompanied by a one-time fee specified in the annual fee schedule.

b. The application shall include:

1. A site plan illustrating:

- i. The location and size of the proposed coop and run.
- ii. Proposed setbacks from the coop and run to property lines and residential dwellings, including those on abutting lots.
- iii. Proposed coop and run materials.
- iv. Proposed run height.

2. Consent of the property owner for keeping of chickens.

3. A written statement that the applicant shall at all times keep chickens in accordance with all conditions prescribed by the City and that failure to obey such conditions shall constitute a violation of the provisions of this Section and shall be grounds for denial of a permit application or revocation of an existing permit.

4. Other information required by the City necessary to process the permit.

c. The City may inspect the premises for which a permit has been applied or granted in order to ensure compliance with this Section. If the City is not able to obtain the occupant's consent to inspect the property, a permit may not be granted or, if issued, may be immediately revoked.

d. The City may revoke any permit issued under this Section if the permit holder fails or refuses to comply with the requirements of the Section or any state or local law governing the cruelty to animals or the keeping of animals. Any person whose permit is revoked shall within ten (10) days humanely dispose of all chickens owned, kept, or harbored at the subject property. Any person whose permit is revoked shall completely remove required coop and run within thirty (30) days.

e. Persons no longer intending to keep chickens on a subject property shall notify the City in writing and remove required coop and run.

Subd. 4. Standard of Care.

a. Keepers of chickens shall adhere to good management and husbandry practices and maintain hens in such a condition so as to prevent distress, disease, and welfare issues.

b. Keepers of chickens shall provide appropriate food, liquid (unfrozen) water, shelter, light, warmth, ventilation, veterinarian care, and opportunities for essential behaviors such as scratching, pecking, dust-bathing, and roosting.

c. Chickens shall be kept in a humane manner that complies with Minnesota Statutes Chapter 343.

d. Animal health authorities shall be notified immediately of any disease issues that arise and may affect the public.

Subd. 5. General Standards for Keeping of Chickens.

a. Keeping of roosters is not permitted.

b. Raising of chickens for breeding or fighting purposes is prohibited.

c. Slaughtering of hens, including for culling purposes, is not permitted within the City limits. Authorized removal methods include humane euthanasia by a veterinarian or relocation out of the City limits.

d. Keeping of chickens in a residence, porch, or attached garage is not permitted.

e. Keeping of chickens is for personal use. The sale of chickens or any chicken byproduct, including eggs, on or from the subject property is not allowed.

f. All grain and food shall be stored indoors in a rodent proof container.

g. All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area shall be cleaned frequently to control odor.

h. Waste materials including manure, litter, and feed shall not accumulate in a way that causes an unsanitary condition or causes odors to be detectible from another property. Waste shall be disposed of in an environmentally responsible manner. Piling waste materials on the subject property is prohibited.

i. Deceased chickens shall be removed as soon as possible but no later than 24 hours after death and shall be disposed of by double bagging and placing in the garbage or taking to a veterinarian for disposal.

J. Chickens shall be properly protected from the weather and predators in a coop and have access to the outdoors in a run or exercise yard, consistent with Subd. 6.

Subd. 6. Coop and Run Standards.

- a. One coop and one run or exercise yard is allowed per parcel. The coop and run must be accessory to an existing residential dwelling on the same parcel.
- b. The coop and run shall be located in the rear yard of the parcel and setback a minimum of:
 - 1. Ten (10) feet from any property line.
 - 2. Twenty-five (25) feet from any residential dwelling on an adjacent parcel.
- c. A coop must provide at least one (1) square foot of area for each hen but shall not exceed twenty-four (24) square feet in total area.
- d. Coops shall be fully insulated and draft free.
- e. Coops shall be elevated a minimum of 12 inches and a maximum of 24 inches above grade to ensure circulation beneath the coop.
- f. Coops shall employ exterior building materials that are similar in type and quality to those employed on the principal structure and meet standards for accessory structures contained in Chapter 1104 of the City Code.
- g. Runs shall be attached to the coop and completely enclosed.
- h. A chicken run cannot exceed ten (10) square feet per chicken and the fencing cannot exceed six (6) feet in height.
- i. A chicken run shall be comprised of accepted residential fence materials identified in Chapter 1107.02 of the City Code, except that runs may be enclosed wood or woven wire materials provided the run is fully screened at all times from adjacent properties.
- J. Runs may allow chickens to contact the ground.
- k. Runs must be fully enclosed or have a protective overhead netting to keep the chickens separated from other animals.

Elko New Market – 6-4-5-1: Keeping of Backyard Chickens

A. Purpose: It is the purpose and intent of this section to permit, but strictly limit, the keeping of backyard chickens as an egg source in a clean and sanitary manner which is not a nuisance to or detrimental to the public health, safety, and welfare of the city of Elko New Market.

B. Keeping Of Backyard Chickens Allowed: A person may keep up to four (4) backyard chickens on property zoned R-1 suburban single-family residential as provided for in section [11-25A-3](#) of this code and R-2 urban (small lot) single-family residential as provided for in section [11-25B-3](#) of this code provided that:

1. The owner of the backyard chickens resides in a detached dwelling located upon the parcel at which the backyard chickens are kept.

2. The owner of the subject parcel obtains a backyard chicken permit from the city, issued in compliance with this section.

C. Permit Required: A permit is required for the keeping of backyard chickens.

1. Those desiring to keep backyard chickens shall file a written application with the city clerk on a form provided by the city and pay an application fee.

2. Application materials provided to first time applicants (by the city) shall include an educational pamphlet concerning the raising of backyard chickens in residential areas of the city. Such educational pamphlet shall be in a form approved by the city. Prior to permit issuance, applicants shall acknowledge, in writing, that they have read such pamphlet.

3. The application shall include the following:

a. The breed and number of chickens to be maintained on the premises.

b. A written statement that the applicant shall, at all times, keep the backyard chickens in accordance with all of the conditions prescribed by the city and that failure to obey such conditions shall constitute a violation of the provisions of this chapter and will be grounds for cancellation of the permit.

c. A legal description of the real property upon which it is desired to keep the chickens and evidence of title to the property.

d. Consent of the property owner for the keeping of chickens.

e. A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations shall be illustrated with the site plan.

f. The required permit fee in accordance with the city's adopted fee schedule.

g. Other information as may be required by the city clerk necessary to process the permit.

h. The city clerk and/or designee shall process the application.

4. All initial permits shall expire on December 31 of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31 of the second year following their issuance unless sooner revoked.

5. The city, upon written notice, may revoke a permit for failure to comply with provisions of this section or any of the permit's conditions.

6. The city may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the city is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.

7. The city may revoke any permit issued under this section if the permit holder fails or refuses to comply with the requirements of this section or any state or local law governing the cruelty to animals or the keeping of animals. Any person whose permit is revoked shall have the right to appeal the revocation according to the process provided under section [4-1-11](#) of this code.

8. Any person whose permit for the keeping of backyard chickens is revoked or who fails to renew a permit shall, within ten (10) days thereafter, humanely dispose of all chickens owned, kept or harbored by such person on the subject property.

D. General Standards For The Keeping Of Backyard Chickens:

1. The keeping of roosters is prohibited under this section.
2. Backyard chickens shall not be raised or kept for the purpose of fighting.
3. Backyard chickens shall not be kept in a dwelling, garage or accessory structure other than those meeting the requirements of an enclosed coop.
4. All backyard chickens shall have access to an enclosed coop meeting the following minimum standards:
 - a. The enclosed coop may not occupy a front or side yard.
 - b. A maximum of one coop per lot shall be permitted.
 - c. The enclosed coop shall have a minimum size of four (4) square feet per chicken and shall not exceed a maximum of forty (40) square feet in total area.
 - d. The enclosed coop shall be set back a minimum of twenty five feet (25') from the principal structure, at least ten feet (10') from all property lines and shall not encroach upon utility easements.
 - e. The enclosed coop shall not exceed ten feet (10') in height.
 - f. The enclosed coop shall be the same or similar in color to the principal structure on the lot.
 - g. Enclosed coops shall be compatible with the principal building on the lot. Under no circumstances shall sheet metal, corrugated metal, asbestos, iron, plain concrete block (whether painted or color integrated or not) be deemed acceptable as major exterior wall materials. "Compatible" means that the exterior appearance of the coop (accessory building) is not at variance with the principal building from an aesthetic and architectural standpoint as to cause:
 - (1) A difference to a degree to cause incongruity.

(2) A depreciation of neighborhood values or adjacent property values.

(3) A nuisance which may have characteristics related to noise, dust, odors, glare, and unsightly building exterior.

h. The enclosed coop shall be built to protect the backyard chickens from extreme heat or cold.

i. The enclosed coop shall be at all times maintained in a good condition.

j. The enclosed coop shall comply with all applicable building code requirements.

5. All backyard chickens shall have access to a run meeting the following minimum standards:

a. The run shall be attached to and provided access to the coop.

b. The run shall be set back a minimum of twenty five feet (25') from the principal structure, at least ten feet (10') from all property lines and shall not encroach upon utility easements.

c. A maximum of one run per lot shall be permitted.

d. The run shall have a maximum size of twenty (20) square feet per chicken.

e. The run shall be fully enclosed and covered with durable materials. Structural components of the run shall be consistent with coop materials.

f. Fencing materials used as run components shall be consistent with fence requirements imposed in residential zoning districts as provided in this code.

g. The run shall be maintained in a good condition at all times.

6. The following minimum sanitation standards shall be observed at all times:

a. The slaughtering of backyard chickens on the property is prohibited.

b. No chicken or chicken byproducts shall be sold upon the subject property.

c. All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area shall be cleaned frequently to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors to be detectible from another property. Failure to comply with these conditions may result in the removal of backyard chickens from the premises and/or revocation of the backyard chicken permit.

d. All grain and food stored for backyard chickens shall be kept indoors in a rodentproof container.

e. Backyard chickens shall be kept in such a manner which does not constitute a nuisance as provided for in chapter 5, article B of this title.

f. Persons no longer intending to keep backyard chickens on the subject property shall notify the city in writing and remove the enclosed coop and run.

g. The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation at the property owner's expense. (Ord. 130, 4-28-2016, eff. 6-1-2016)

Jordan – 92.31 Keeping, Transporting and Treatment of All Animals

It is unlawful for any person to keep or harbor any animal, not in transit, except:

(F) Keeping of backyard chickens.

(1) *Purpose.* It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. It is further recognized that the keeping of backyard chickens, if left unregulated, may interfere with the residential character of certain neighborhoods. Therefore, it is the purpose and intent of this section to permit, but strictly limit, the keeping of backyard chickens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

(2) *Keeping of backyard chickens allowed.* A person may keep up to 6 backyard chickens on a residential property in the city

(a) The keeper of the backyard chickens resides in a detached dwelling at the parcel at which the backyard chickens are kept;

(b) The subject parcel is a minimum of 10,000 square feet; and

(c) The owner of the subject parcel obtains a backyard chicken permit from the city, issued in compliance with division (F)(3) of this section.

(3) *Permit required.* A permit is required for the keeping of backyard chickens.

(a) Those desiring to keep backyard chickens shall file a written application with the City Administrator on a form provided by the city and pay an application fee. Fees to be charged for the permit to keep backyard chickens shall be set by City Council on the fee schedule.

(b) The application shall include:

1. The breed and number of chickens to be maintained on the premises;
2. Written statements that the applicant will at all times keep the backyard chickens in accordance with all of the conditions prescribed by the City Administrator, or modifications thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and will be grounds for cancellation of the permit;
3. Such other and further information as may be required by the City Administrator; and
4. The required flat fee of \$20.

(c) The City Administrator and/or designee shall process the application.

(d) All initial permits will expire on December 31 of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31 of the second year following their issuance unless sooner revoked.

(e) The city, upon written notice, may revoke a permit for failure to comply with provisions of this section or any of the permit's conditions.

(f) The city may inspect the premises for which a permit has been granted in order to ensure compliance with this section. If the city is not able to obtain the occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.

(4) *General standards and limitations for the keeping of backyard chickens.*

(a) The keeping of roosters as a backyard chicken is prohibited.

(b) Backyard chickens shall not be raised or kept for the purpose of fighting.

(c) Backyard chickens shall not be kept in a dwelling, garage, or accessory structure other than those meeting the requirements of an enclosed coop.

(d) All backyard chickens must have access to an enclosed coop meeting the following minimum standards:

1. The enclosed coop may not occupy a front or side yard.
2. The enclosed coop must have a minimum size of 4 square feet per animal and shall not exceed a maximum of 40 square feet in total area.
3. The enclosed coop shall be setback a minimum of 25 feet from any principal structure on the subject parcel and any property line. The enclosed coop shall not exceed 10 feet in height.
4. The enclosed coop shall have a roof type and pitch that is similar to the principal structure on the lot.
5. The enclosed coop shall be similar in color to the principal structure on the lot.
6. The enclosed coop shall employ exterior building materials that are similar in type and quality to those employed on the principal structure.
7. The enclosed coop shall be constructed of permanent residential dwelling building materials. Coop components that are not designed or intended for use as permanent residential dwelling building materials, including but not limited to, garage doors, tires, pallets, employment of interior residential structural components on the exterior (drywall, particle board, plywood), sheet metal, fiberglass panels, plastics, corrosive metal, household items (appliance, fixtures, furniture), canvas, flimsy materials, tarps, non-permanent items (cages, portable kennels), wire panels, and the like are prohibited.

8. The floor of the enclosed coop shall be comprised of impervious surface such as vinyl, tile, concrete, or treated wood.

9. The enclosed coop must be built to protect the backyard chickens from extreme heat or cold.

10. The enclosed coop shall be at all times maintained in a good condition.

11. The enclosed coop shall meet all applicable building, electrical, HVAC, plumbing, and fire code requirements.

(e) All backyard chickens shall have access to a run meeting the following minimum standards:

1. The run shall be a fully-enclosed and covered area attached to a coop where backyard chickens can roam unsupervised.

2. The run shall adhere to setbacks required for enclosed coops to which they are attached.

3. The enclosed run shall be well drained so there is no accumulation of moisture.

4. Run components shall feature fencing materials approved for use in residential districts as provided for in [Chapter 154](#) of the city code.

5. Run components not designed or intended for use as fence material, including, but not limited to, garage doors, tires, pallets, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e. more than 90% opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), makeshift or flimsy materials (plastic, paper, twine, rope, tin, webbing), farm animal fencing (barbed wire, chicken wire, high tensile, electric wire, woven wire, or other livestock fencing), canvas, tarps, non-exterior grade residential construction materials, and the like are prohibited.

6. Landscaping shall be employed on the perimeter of the run to shield view of the run from adjacent properties.

7. The run shall be at all times maintained in a good condition.

(f) The following minimum sanitation standards shall be observed at all times:

1. Slaughtering of backyard chickens on the property is prohibited.

2. Leg banding of all backyard chickens is required. The band must identify the owner, the owner's address, and the owner's telephone number.

3. No chicken or chicken byproducts shall be sold in residential districts.

4. All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in

a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the City Administrator and/or enforcement officer removing backyard chickens from the premises or revoking the backyard chicken permit.

5. All grain and food stored for backyard chickens shall be kept indoors in a rodent proof container.

6. Backyard chickens shall not be kept in such a manner as to constitute a nuisance as provided for under [Chapter 90](#) of this code.

7. Persons no longer intending to keep backyard chickens on the subject property shall notify the city in writing and remove the enclosed coop and run.

8. The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation.

Lonsdale – 90.01 Prohibited Types of Animals

A) *Prohibited animals.* No person shall keep, maintain or harbor within the city any of the following animals:

- (1) Any animal or species prohibited by state or federal law;
- (2) Any non-domesticated animal or species, including but not limited to the following:
 - (a) Any skunk, whether captured in the wild, domestically raised, de-scented or not de-scented, vaccinated against rabies or not vaccinated against rabies;
 - (b) Any large cat of the family Felidae such as lions, tigers, jaguars, leopards, cougars and ocelot, except commonly accepted domesticated house cats;
 - (c) Any member of the family Canidae, such as wolves, foxes, coyotes, dingoes and jackals, except domesticated dogs;
 - (d) Any crossbreed such as the crossbreeds between dogs and coyotes or dogs and wolves, but does not include crossbreed domesticated animals;
 - (e) Any poisonous pit viper such as rattlesnake, coral snake, water moccasin or cobra;
 - (f) Any raccoon;
 - (g) Any ferret; and
 - (h) Any other animal which is not listed explicitly above, but which can be reasonably defined by the terms of this subchapter, including bears and badgers.
- (3) Any poultry, including but not limited to, chickens, ducks, geese and turkeys; or
- (4) Any hoofed animal, including but not limited to, sheep, pigs, goats, cattle, horses, camels, llama, alpaca, deer, moose, caribou and bison.

(B) *Keeping of honeybees.* No person shall keep, maintain or allowed to be kept in any hive or other facility for the housing of honeybees without a beekeeping license. Beekeeping licenses shall be regulated by city policy and best practices.

(C) *Animals in transit.* Prohibited animals may be temporarily allowed within the city for a maximum of 72 hours while in route to another destination. If such animals in transit need to spend more than 72 hours within the city, the person responsible for the animals may seek a permit from the city for an extended stay.

(D) *Animals associated with special events.* Prohibited animals may be temporarily allowed within the city if such animals are part of a show, entertainment, or similar event permitted under this code. Such animals may be allowed within the city from one day before the event to one day after the event.

(E) *Nonconforming animals.* Any animals prohibited by divisions (A) and (B) above which have been regularly housed or kept within the city at the time this section is adopted, may be continued according to the following regulations:

(1) Any nonconforming animal that dies may be replaced with a similar animal, if replaced within 180 days. If a nonconforming animal is not replaced within 180 days, all future animals on the property must be conforming. Any nonconforming animal that is removed from the property for a period of more than 180 days may not be replaced, and all future animals on the property must be conforming; and

(2) The expansion or addition of more nonconforming animals to the property is prohibited.

Prior Lake City Code Regulations on Chickens

In the TC, R-1, R-2 and R-3 zoning districts, no farm animals shall be kept on any parcel, except that four chickens or two colonies of bees may be kept on an R-1 parcel if kept in compliance with the applicable regulations set forth in subsection (c)(4) of this section.

- (c)(4) explains that In the A and R-S zoning districts, farm animals may be kept on a parcel that is ten acres or more in size only as follows: Poultry, fowl, birds (including, but not limited to, chickens) and similar. Twenty-five birds such as, but not limited to, chickens are allowed for the first ten contiguous acres and 25 additional birds are allowed for each additional contiguous acre.
- Conditions for keeping chickens (sec. 7-23.): no roosters permitted. Raising of chickens for breeding is prohibited. Chickens must be in a confined coop, run or exercise yard. Chickens shall not be kept inside of a dwelling except for brooding. Chickens shall be properly protected from weather and predators in a coop and access to outdoors in a run or exercise yard. The coop, run and exercise yard shall meet the requirements:
 - One coop, run and exercise yard allowed per parcel with a principal residence occupied by the owner of the chickens.
 - Each coop, run and exercise yard shall be located in the rear yard of the parcel.

- Each coop, run and exercise yard shall be set back a minimum of 50 feet from any residential structure on an adjacent parcel and a minimum of ten feet from any parcel line. Each coop, run or exercise yard must be screened from view with a solid fence or landscaped buffer with a minimum height of five feet. No part of a coop, run or exercise yard shall be located within 15 feet of any lake, pond, river, creek, stream or wetland.
- A coop can be no larger than 25 square feet and cannot exceed six feet in height. A coop shall be elevated a minimum of 12 inches and maximum of 24 inches to ensure circulation beneath the coop. The coop shall contain a solid roof, and construction shall be done in a workmanlike manner utilizing durable materials that offer adequate insulation, ventilation and protection from all natural weather elements, predators, rodents and other pests.
- No run or exercise yard can exceed 40 square feet and cannot exceed six feet in height. A run or exercise yard may be enclosed with wood or woven wire materials and may allow chickens to contact the ground. Each run and exercise yard must have a protective overhead netting to keep the chickens separated from other animals.
- Coops, runs and exercise yards shall be maintained in a reasonably clean and sanitary condition, including the timely removal of feces, urine, and food scraps. Chicken owners shall not allow odors associated with the chickens to emit outside the boundary of the parcel.
- Each coop, run and exercise yard must comply with all applicable building and zoning codes and regulations.
- Chickens shall not be slaughtered on the parcel or elsewhere within the city other than a commercial establishment that employs a butcher.
- Deceased chickens shall be removed as soon as possible but no later than 48 hours after death and shall be disposed of in a manner consistent with [chapter 5](#), article IV.

Chickens shall be kept in a humane manner that complies with Minn. Stat.s ch. 343 and owners shall prevent nuisance conditions by ensuring the following conditions are met:

- a) Chicken grains and feed must be stored in rodentproof containers.
- b) No chicken may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor or filth.
- c) Chickens shall not be allowed to run at large. Any chicken running at large may be impounded by the city and, after being impounded for three days or more without being reclaimed by the owner, may be destroyed or sold. A person reclaiming an impounded chicken must pay the costs of impounding and keeping the same.

Savage – 91.04 Farm Animals

The keeping of chickens shall be allowed subject to the following standards identified in Section (A) through (D) below.

- A. No more than 4 hen chickens are allowed on any parcel of land in the City. The raising of chickens for breeding purposes is prohibited.
- B. Every person who owns, controls, keeps, maintains or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run. Chickens over the age of 4 weeks shall not be kept inside of a dwelling or garage.
- C. Chickens shall be properly protected from weather and predators in a shelter or coop and have access to the outdoors in an enclosure or fenced area. The shelter and/or enclosure shall meet the following requirements:
 - 1. Any chicken coop or chicken run must comply with all applicable building and zoning codes and regulations
 - 2. No chicken coop or run shall be constructed on any parcel of land prior to construction of the principal building
 - 3. A chicken coop or run cannot be located in the front or side yard
 - 4. A chicken coop or run must be setback at least 50 feet from any existing residential structure on an adjacent lot and at least 10 feet from the property line
 - 5. A chicken coop or run must be screened from view with a solid fence or landscaped buffer with a minimum height of 4 feet
 - 6. A chicken coop can be no larger than 10 square feet per chicken and cannot exceed 6 feet in height. A chicken run cannot exceed 20 square feet per chicken and the fencing cannot exceed 6 feet in height. A chicken run may be enclosed with wood or woven wire materials, and may allow chickens to contract the ground. A chicken run must have a protective overhead netting to keep the chickens separated from other animals.
 - 7. A chicken coop must be elevated a minimum of 12 inches and a maximum of 24 inches to ensure circulation beneath the coop
- D. Owners shall care for chickens in a humane manner and shall prevent nuisance conditions by ensuring the following conditions are met:
 - 1. Chicken grains and feed must be stored in rodent proof containers
 - 2. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor or filth
 - 3. Any chicken running at large may be impounded by the City and after being impounded for three days or more without being reclaimed by the owner, may be destroyed or sold. A person reclaiming an impounded chicken must pay the cost of impounding and keeping the same.

Shakopee – 130.04 other Animals – Hen Chickens

- 1. No more than 5 hen chickens are allowed on any parcel of land in the city.
- 2. Every person who owns, controls, keeps, maintains, or harbors hen chickens must keep them confined on the premises at all times in a chicken coop or chicken run. Hen chickens are not allowed in any part of a house or garage.

3. Any chicken coop or chicken run must comply with all applicable building and zoning codes and regulations.
4. No chicken coop or run shall be constructed on any parcel of land before construction of the principal building.
5. A chicken coop or run cannot be located in the front or side yard.
6. A chicken coop or run must be setback at least 50 feet from any residential structure on any adjacent lot and at least 10 feet from the property line.
7. A chicken coop or run must be screened from view with a solid fence or landscaped buffer with a minimum height of 4 feet.
8. A chicken coop can be no larger than 10 square feet per chicken and cannot exceed 6 feet in height. A chicken run cannot exceed 20 square feet per chicken and the fencing cannot exceed 6 feet in height. A chicken run may be enclosed with wood or woven wire materials, and may allow chickens to contact the ground. A chicken run must have a protective overhead netting to keep the chickens separated from other animals.
9. A chicken coop must be elevated a minimum of 12 inches and a maximum of 24 inches above grade to ensure circulation beneath the coop.
10. Chicken grains and feed must be stored in rodent-proof containers.
11. No chicken may be kept or raised in a manner as to cause injury or annoyance to persons on other property in the vicinity by reason of noise, odor, or filth.
12. Any chicken running at large may be impounded by the city and, after being impounded for 3 days or more without being reclaimed by the owner, may be destroyed or sold. A person reclaiming any impounded chicken must pay the cost of impounding and keeping the same.

Concept Review of Zoning/City Code Amendment on Backyard Chickens



MARCH 26, 2025

1

Background

- ▶ Staff have received several inquiries on the keepings of chickens recently
- ▶ Currently the City Code 90.13 prohibits non-domesticated animals and farm animals (chickens) within City limits.
- ▶ The City never allowed chickens in city limits but created clear language prohibiting chickens in 2016
 - ▶ This decision was made due to several nuisance complaints from neighbors regarding smell, sound, and concern of spreading avian diseases. Complaints mainly stemmed from situations in which neighbors did not clean their chicken coops.
 - ▶ On Feb 3rd, 2025, City Council directed staff to revisit the topic of backyard chickens
- ▶ Other communities allow backyard chickens: Belle Plaine, Jordan, Elko New Market, Savage, Prior Lake, and Shakopee
- ▶ Lonsdale currently prohibits chickens but is drafting an ordinance to allow them despite the Planning Commission's majority vote in opposition

2

Common Ordinance Requirements

- ▶ As background, some general ordinances typically found in cities allowing backyard chickens include:
 - ▶ Follow Minnesota State Statute 343 – Prevention of Cruelty to Animals
 - ▶ Maximum number of chickens allowed (4-6). Roosters prohibited.
 - ▶ Chickens not allowed to run at large.
 - ▶ Minimum size coop/size run per number of chicken. Coop/run setback from the principal structure and adjacent residential units/property lines. Height of the coop.
 - ▶ Chickens cannot be slaughtered or used for fighting. Chicken products cannot be sold but may be allowed for personal use.
 - ▶ Coop only allowed in the rear yard (6'-10')
 - ▶ Coops must be kept clean and sanitary, removing feces, urine, and food on a regular basis.

3

Positives/Benefits of Backyard Chickens

- ▶ Owners can produce their own eggs → more autonomy over their food production
- ▶ Fresh eggs do not have unhealthy additives and have less saturated fats and bad cholesterol found in grocery store eggs
- ▶ People could own different kinds of endangered or rare breeds, preserving genetic diversity in poultry
- ▶ Hens start producing eggs at 6 months old to 5-10 years. Peak egg production in first 1-2 years. Owners will see high egg production early on
- ▶ Backyard chickens are a great opportunity to teach children about agricultural practices
- ▶ Backyard chickens can eat leftover vegetables and fruit, which is a more sustainable way to reduce household food waste than disposing food into our landfills
- ▶ City of Monticello and Dayton, MN have not had issues with backyard chickens since they allowed chickens. To prevent neighbor complaints, Monticello requires backyard chicken permits which require detailed coop plans, breed/number of chickens and signature of approval from abutting neighbors, and inspections from an animal control officer.

4

Negatives/Drawbacks of Backyard Chickens

- ▶ Chickens can transfer diseases such as salmonella, campylobacter, avian influenza, histoplasmosis, E.coli, and Chlamydia. Diseases such as salmonella and campylobacter are found in chicken feces and stomachs, therefore, individuals can become ill from cleaning coops or collecting eggs
- ▶ Odor from feces or food can become pungent especially in warm weather and lack of frequent cleanings. Odor from feces and food may attract pests like flies, mice, foxes, and racoons
- ▶ Startup expenses of backyard chickens can be costly such as purchasing a coop, run, feeders, waterers, heaters, medical supplies, cleaning materials, bedding, etc.
 - ▶ According to Alliant Credit Union, start-ups costs can be \$590 or higher and \$25 per month, not including vet bills.
 - ▶ To break even on operating costs, an individual would require 20-30 chickens in their prime productive egg laying years
- ▶ Chickens don't always lay eggs everyday especially after their peak laying age (1-2 years old), during the winter season, and less daylight hours

5

Next Steps

- ▶ The research presented today is to be used as background information and not to create specific ordinance language.
- ▶ Planning Commission must decide whether or not to allow backyard chickens in city limits.
- ▶ A public hearing is not required for this agenda item.
- ▶ If the Planning Commission recommends an ordinance amendment, a draft ordinance will be prepared at the next Planning Commission meeting

6



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 INTERIM USE PERMIT #I3-2025 TO ALLOW A SPA/ WELLNESS CENTER IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND AVE SW, AS PROPOSED BY EMILY BOMSTA

DATE: MAY 19, 2025

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 are repurposing the property for multiple tenant uses. The building is partially occupied by Faith, Recovery & Music, Fancy Bones Pet Salon, and 2 If By Sea Tactical Firing Range. It is also being used for warehousing purposes by MVE Biological Solutions, CVF Racing, Prime Look Home Remodeling, etc. So far in 2025, alone, two planning permits were approved: I1-2025 to allow a dog grooming business, and V2-2025 to allow setback and lot width reductions and increases in maximum land coverage for an administrative lot split. Interim use permit I2-2025 to allow a rail car repair business was withdrawn.

The applicant, Emily Bomsta, is requesting an interim use permit to allow an aesthetician business to occur within the old mill. Services would include waxing, spa treatments, and massage. In the future, they may offer retail such as scalp care products.

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

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

The applicant, Emily Bomsta, provided the following statement on 4/30/2025:

“As an advanced, licensed aesthetician, I plan to offer services including waxing and head spa treatments—a unique and deeply relaxing service that functions like a facial for the scalp. These treatments address common scalp and hair concerns such as dryness, oiliness, dandruff, acne, and even hair loss. They also promote healthy hair growth, improve texture, and provide soothing stress relief.

My mother will also use part of the space to continue offering massage therapy services to her loyal clientele. In the future, I hope to expand into retail, offering high-quality scalp care products to support our clients between treatments.

We believe this location is truly the perfect fit—it’s everything we’ve been searching for. The rustic, industrial charm of The Mill complements our vision beautifully, and being located in the heart of New Prague, the community we love and call home, makes it all the more ideal.

We are excited about the possibility of joining this space and bringing our services to a broader audience. Thank you for considering our proposal—we hope to become a valued part of this amazing community and help others look and feel their best.”

Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. The applicant is proposing to utilize only 473 sq. ft. of area, which has been vacant for many years. The tenant space will be near Faith, Recovery & Music.

Zoning

This property is currently zoned I-1 Light Industrial District. However, in the Future Land Use Map of the Comprehensive Plan, the property is guided as “Downtown Flex”. Although the exact requirements for the downtown flex district have not been determined yet, retail/service establishments will likely be included. As of recent, the City is working with consultant, Bolton & Menk, to develop a Unified Development Code (UDC), which would update the Zoning Ordinance and the Subdivision Ordinance. For the time being, staff recommend allowing the Interim Use Permit (IUP) request for the spa/wellness business to occur until the UDC is complete and adopted. It’s anticipated that the UDC will be complete by the end of 2025 or the beginning of 2026.

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

For retail stores and service establishments, they require 1 parking stall for every 300 square feet of floor space and outdoor sales space. The applicant will inhabit 473 sq ft.

473 sq ft / 300 sq ft = 1.57 parking stalls

A minimum of 2 parking spaces are needed.

The past interim use permit I1-2025 for Fancy Bones Pet Salon required a minimum of 2 parking stalls and I1-2024 for Faith, Recovery, & Music required a minimum number of 10 parking stalls. C5-2023 and V4-2023 for 2 If By Sea Tactical’s firing range required a minimum of 24 parking stalls.

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. The 2 If By Sea Tactical’s firing range, Faith, Recovery, & Music and Fancy Bones Pet Salon require a total of 36 parking stalls, leaving 16 of the spaces available for other uses. **Based on this, the proposed use would only utilize 2 of the 16 available spaces not dedicated to any other use, meaning there is ample parking available. Staff does note that the paved parking plan must follow the conditions of C5-2023.**

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).

Public Works /Utilities / Police / Engineering Comments

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

Building Official Comments

Building Official Scott Sasse stated that the required ventilation rate for a beauty shop is higher than that of the previous office use. They will need to provide some proof that they currently can provide the amount of ventilation required to accommodate a beauty shop, or add additional ventilation methods to achieve it.

WAC/SAC Fees**2025**

The City uses the Metropolitan Council 2025 SAC manual for determining credits and charges when uses change in buildings.

The previous use of the tenant space was office space. Office space of 2,650 sq ft is equal to 1 WAC/SAC unit. For $473 / 2,650 = 0.19$ units

Massage station 1,200 sq ft is 1 WAC/SAC unit. $473 / 1,200 = 0.39$ units

Difference: 0.39 units - 0.19 units = **0.2 units**

There is credit from I1-2025 for the former locker room space of 1.43 units. The 1.43 units can be used towards this future tenant space if they should choose.

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

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

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 #I3-2025 to allow a spa/wellness center in the I-1 Light Industrial District, located at 100 2nd Ave SW, as proposed by Emily Bomsta, with the following findings:

- A. The proposed interim use for a spa/wellness center will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed spa/wellness center is acceptable since it will likely be rezoned to “downtown flex” within the next couple of years which may include retail and service establishments as either permitted or conditional, therefore, it would no longer need the “interim” label.
- C. The proposed spa/wellness center will not hinder permanent development of the site as it is utilizing and repurposing the space within the existing building and identified to become “downtown flex” in the 2024 Comprehensive Plan after the Unified Development Code is adopted.
- D. The proposed spa/wellness center will not adversely impact implementation of the Comprehensive Plan because it identifies the property as “downtown flex” in the 2024 Comprehensive Plan.
- E. The proposed spa/wellness center will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing space in the building and will have adequate off-street parking.
- F. The proposed spa/wellness center will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing space in an existing building.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed dog grooming business.
- H. The proposed spa/wellness center shall cease to operate at the site on 6/2/2027 if it is not rezoned to a “downtown flex” or similar zoning district where service businesses are either a permitted or conditional use in said zoning district.
- I. The proposed spa/wellness center will not impose additional costs on the public if it is necessary for the public to take the property in the future.

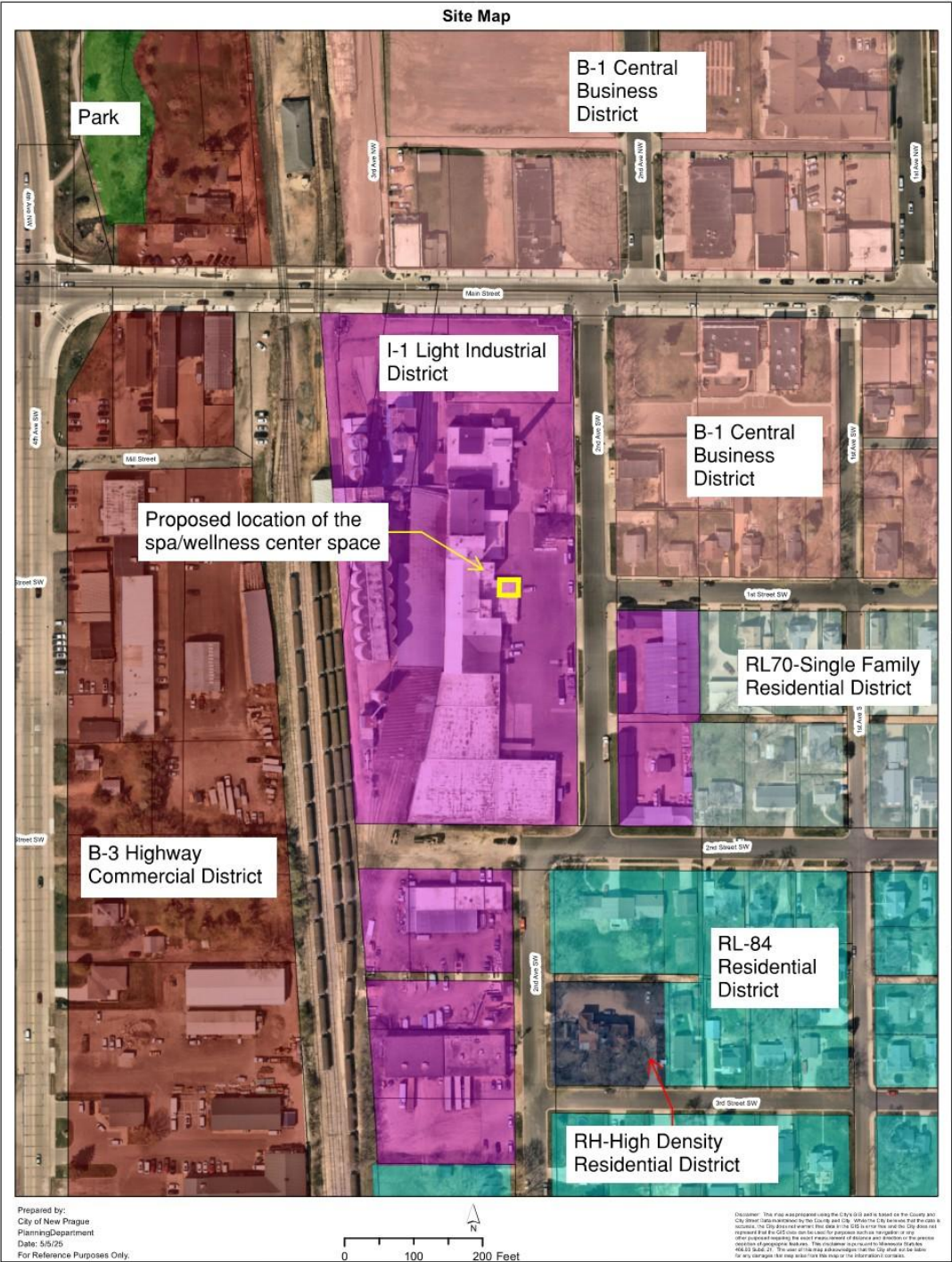
And with the following conditions:

- 1. The proposed spa/wellness business shall cease to operate at the site on 6/2/2027 if it is not rezoned to a “downtown flex” or similar zoning district where service businesses, including spa/wellness are either a permitted or conditional use in said zoning district.
- 2. Except as otherwise authorized by the Zoning Ordinance, this interim use shall conform to this Ordinance as if it were established as a conditional use.
- 3. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
- 4. Approval is in general accordance with the area indicated on the floor plan included in the staff report (undated) on file with the Planning Department.

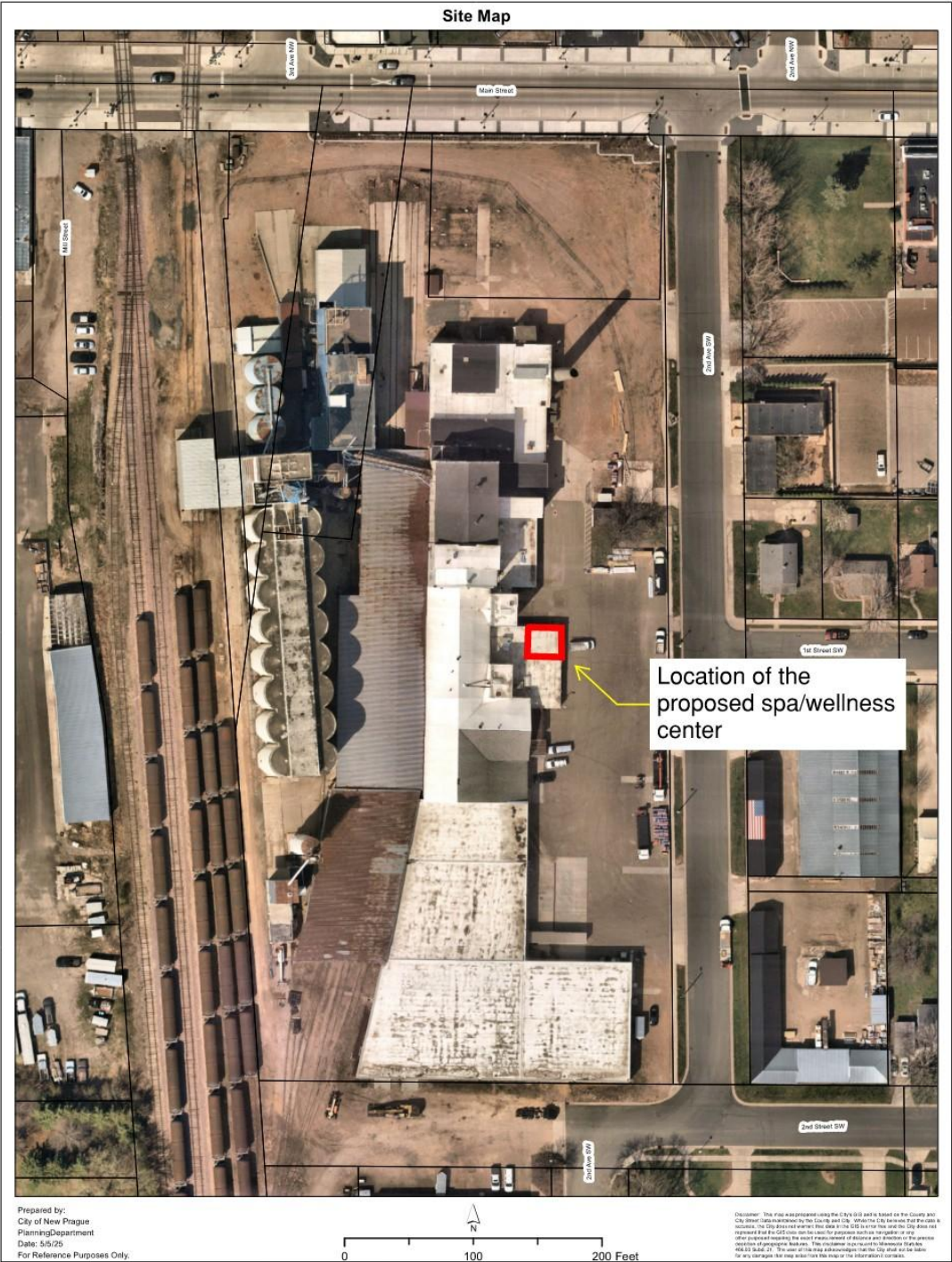
5. All requirements of the Building Official must be met prior to occupancy.
6. At least 2 off-street parking spaces, including required accessible space(s), must be available for the proposed use.
7. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
8. All lighting must conform to Section 704 of the Zoning Ordinance.
9. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance.
10. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, and acting on the application approved herein, including but necessarily limited to any fees charged by the city's professional consultants in accordance with established rates.
11. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules, and regulations.

Attachments

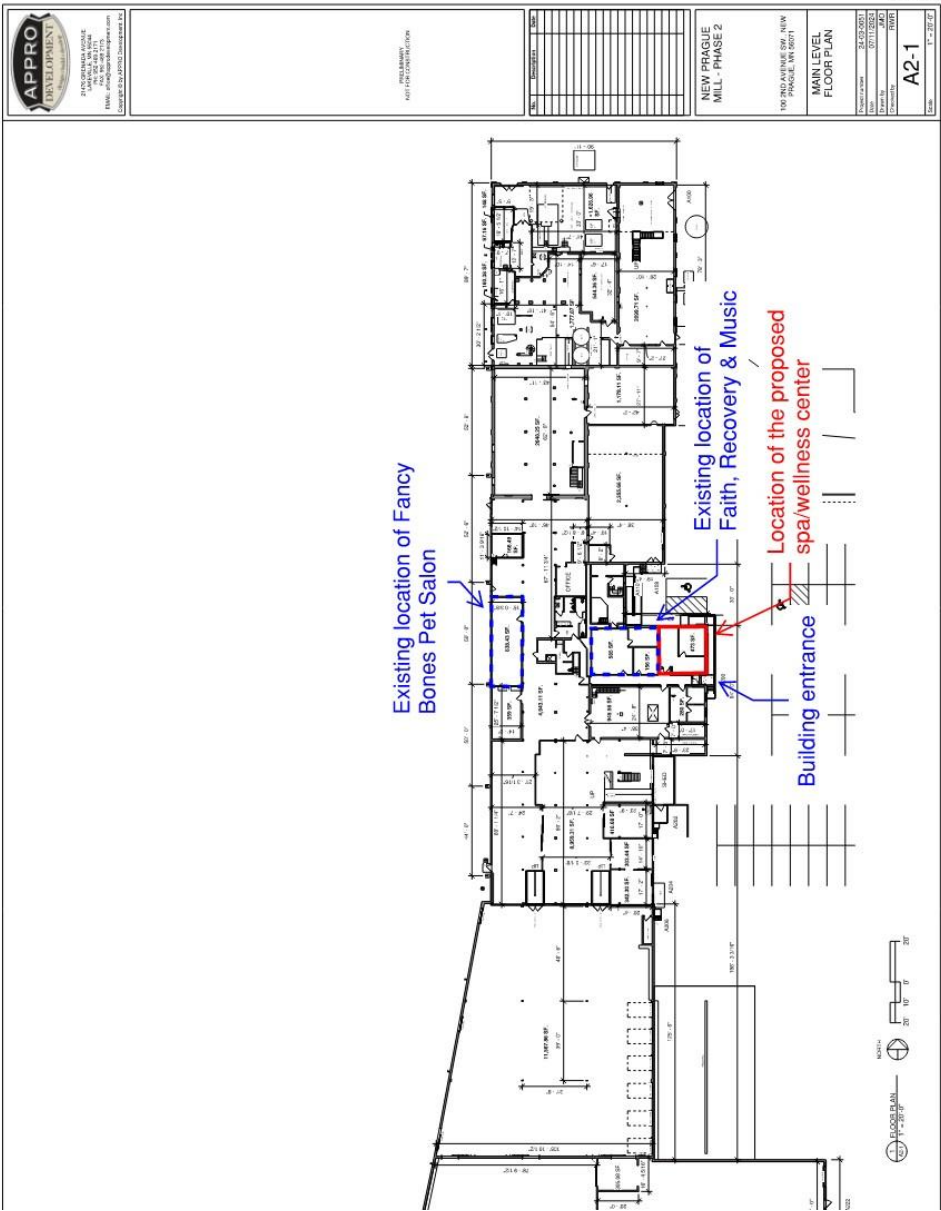
1. Zoning – 5/5/25
2. Tenant Space in the Mill – 5/5/2025 and Undated
3. Parking Lot Plan – Dated 7/11/24
4. Future Land Use Map – Undated
5. Google Street View – Dated August 2023
6. Pictures – Dated 5/8/25



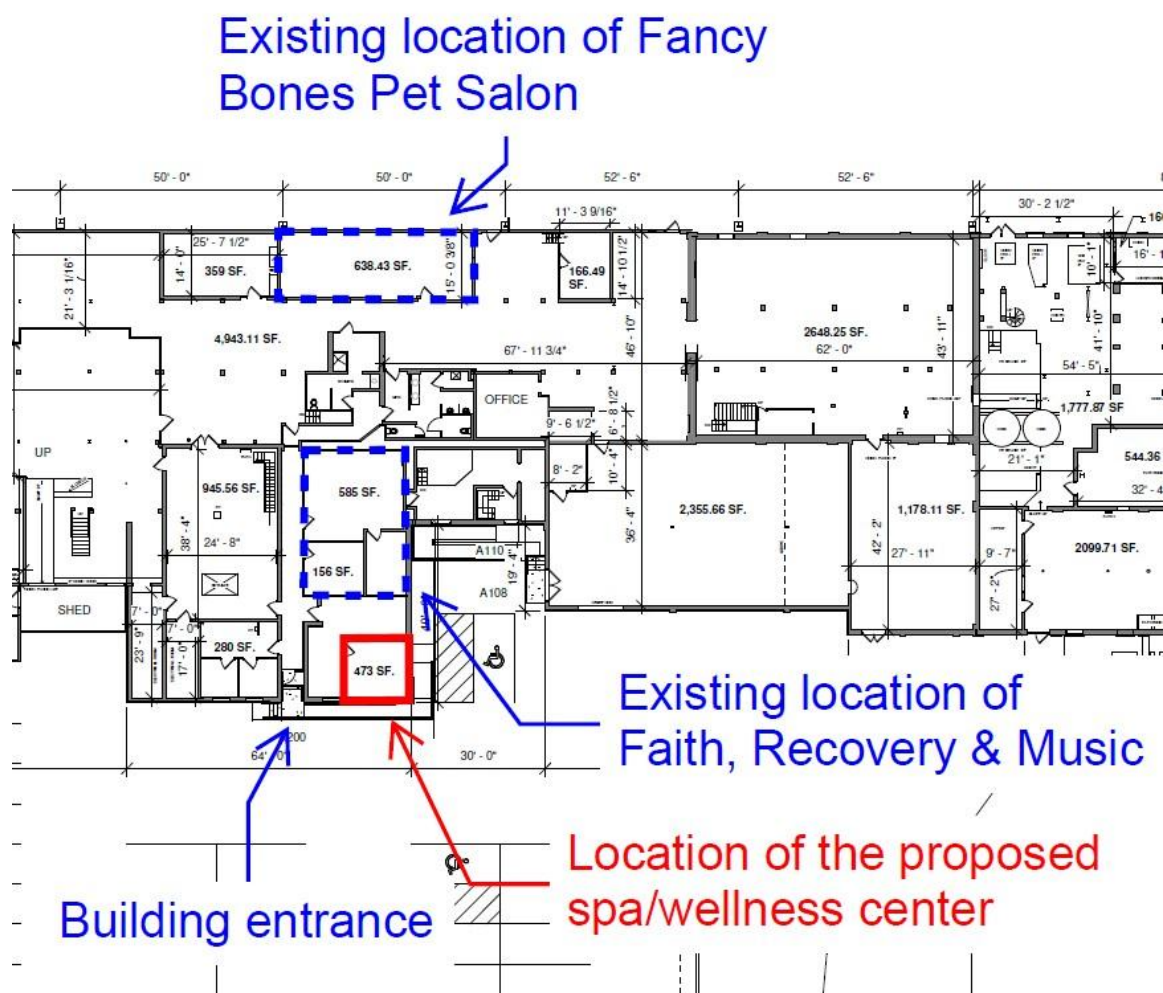
Zoning Districts of Subject and Neighboring Properties



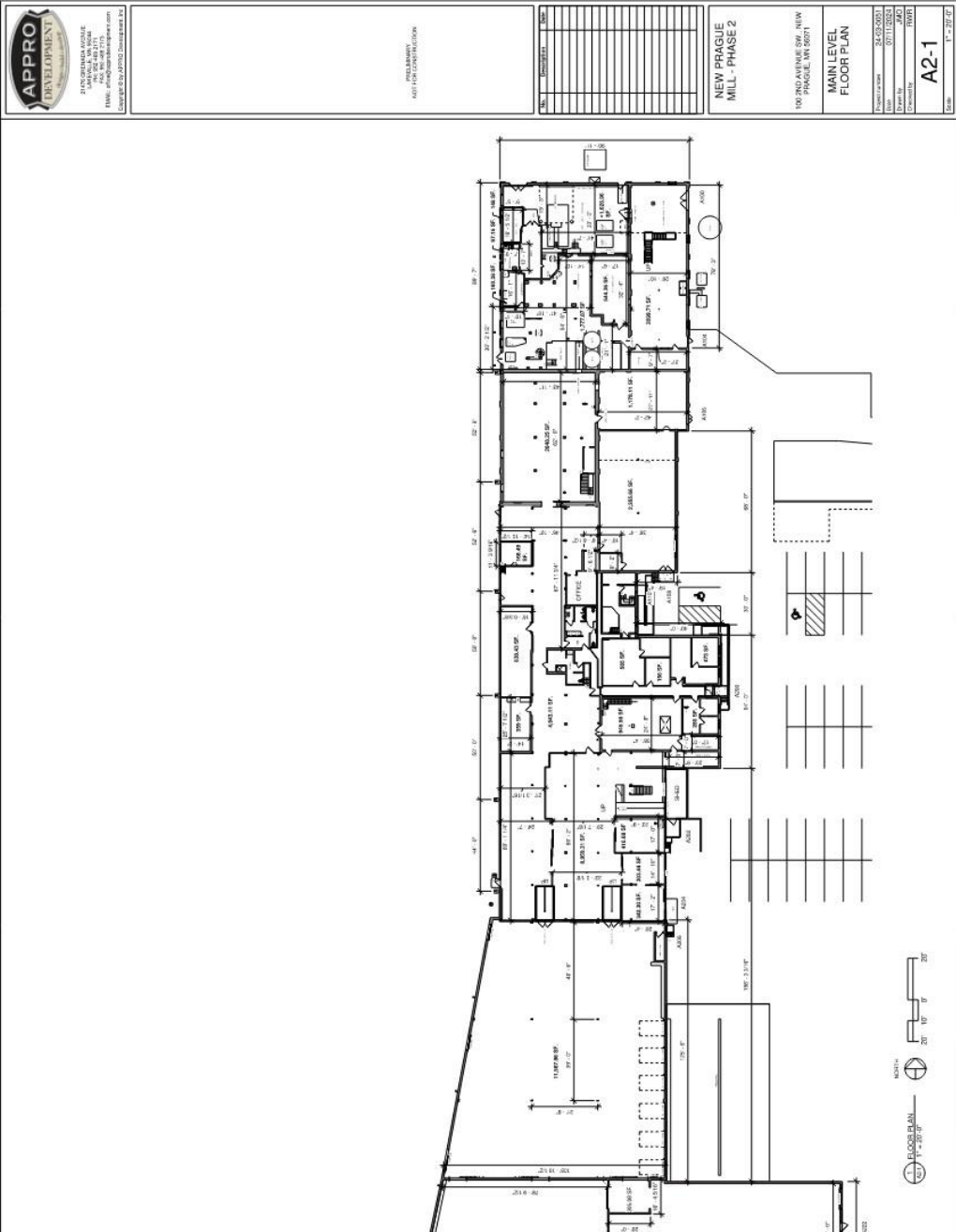
Location of the Proposed Tenant Space in the Mill (Looking North)



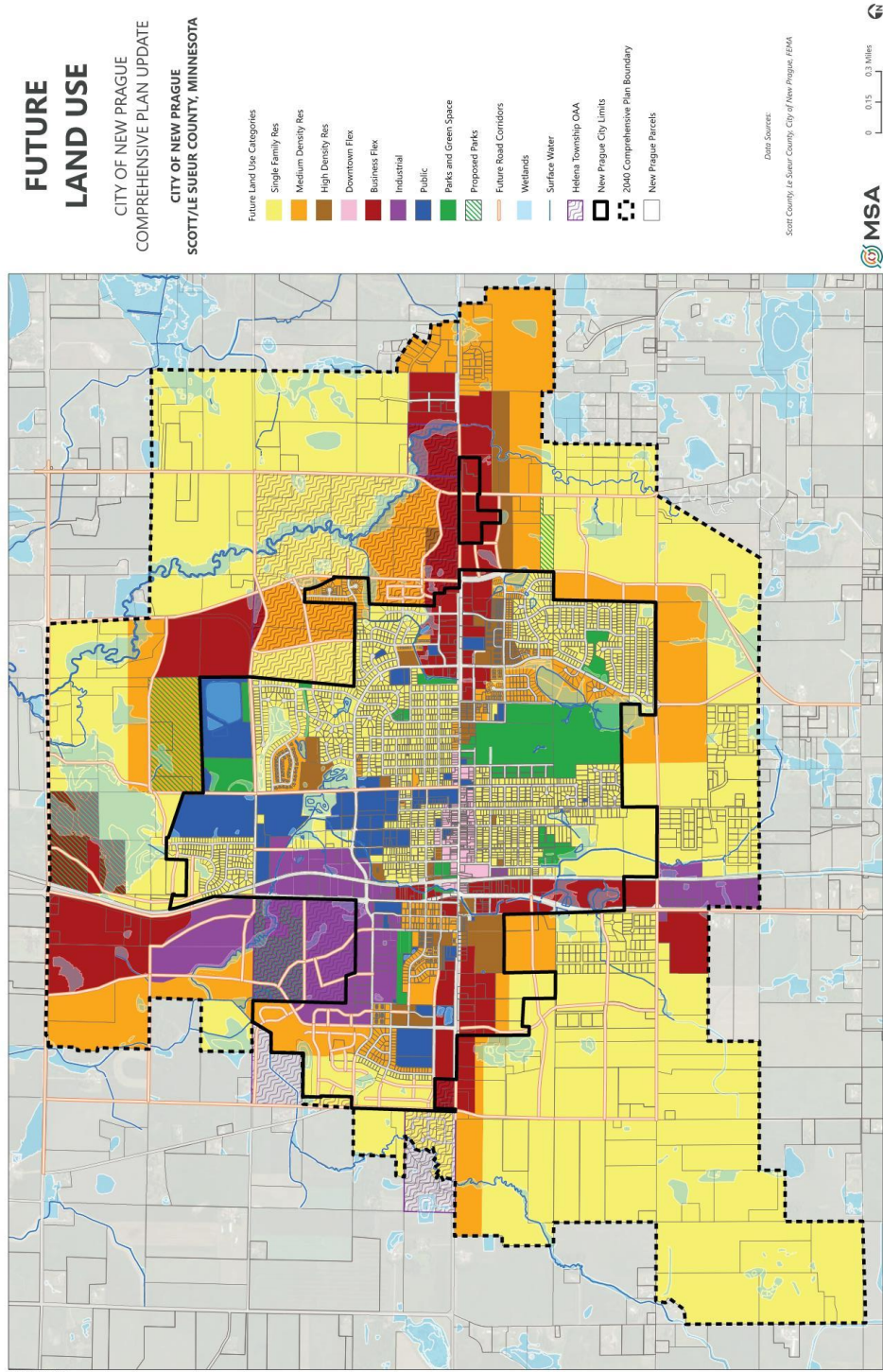
Location of the Proposed Tenant Space in the Mill (Looking North)



Zoomed In Location of the Proposed Tenant Space



Existing Parking Lot Plan and Spaces Within the Building



Future Land Use Map



Zoomed In Image of the Future Land Use Map (Pink Color – Downtown Flex)



Google Street View from August 2023 Looking at Office Entrance



Proposed Tenant Space







Exterior of the Building from 2nd Ave SW





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 #V3-2025 TO ALLOW A 6’ TALL FENCE AT
1108 OLIVIA STREET SE, AS PROPOSED BY JUSTIN NOVAK
DATE: MAY 19, 2025

Background / History

Applicant, Justin Novak, applied for a fence height variance to install a 6’ tall privacy fence in his backyard. The Zoning Ordinance states that fences may not exceed 4’ tall when located less than 30’ from the road right of way. This also applies to the backyard of a home as it’s less than 30’ from the street right way (trail and CSAH 29). The applicant would like to install a fence from the west rear corner of their home to the east rear corner of their garage.

Some neighbor’s fences were constructed prior to the existing fence ordinance or received a fence height variance. For instance, 1214 Olivia St SE (V1-2018) was approved for a 6’ tall wooden privacy fence in the backyard and 1110 Olivia St SE (V2-2018) was approved for a 6’ tall white vinyl fence in the backyard. The applicant is requesting a fence height that is 2’ over the ordinance height limit.

Legal Description

Lot 17, Block 4, Tikalsky Acres, according to the plat thereof, Le Sueur County, Minnesota.

Zoning

The subject property is located in the RL90 Single Family Residential Zoning District. The following are the residential fence regulations:

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.

Based on the Zoning Ordinance requirements, the applicant could install a 6' tall fence, starting behind the rear west corner of their house and the rear east corner (behind their garage). However, the fence could not exceed a height of 4' tall within 30' of their southern property line. The reason for this unique circumstance is that the property has two front yards due to Olivia St SE and CSAH 29. (Additionally, the ordinance requires that the fence be setback a minimum of 2' from the trail edge or sidewalk.) If the ordinance was followed, the applicant would only be able to install a 6' fence on a small portion of their property limiting their usable area in their backyard.

Neighborhood Conditions and Nearby Land Uses

North — Residential homes in the RL90 Single Family Residential District and Settlers Park

South — Outside City limits and County State Aid Highway 29

East — Residential homes in the RL90 Single Family Residential District

West — Residential homes in the RL90 Single Family Residential District

Areas to the north, west, and east are residential homes zoned RL90 Single Family Residential District. South of the property is a city trail, the edge of City limits, and CSAH 29.

All homes on Olivia Street SE with backyards facing CSAH 29 must abide by the same fence regulations. In other words, all those homes may not erect a fence taller than 4' tall unless it is 30' away from their rear property line and behind the rear corner of their homes.

There have been some fence height variances granted along Olivia St SE. At 1214 Olivia St SE, V1-2018 was approved to allow a 6' tall wooden privacy fence to encompass the backyard. At 1110 Olivia St SE, V2-2018 was approved, allowing a 6' tall white vinyl fence in the backyard. More recently, 1232 Olivia St SE was approved V8-2024 to allow a 5' tall chain link fence in their side and backyard.

Statement of Practical Difficulties

A letter dated on April 30th, 2025 by was submitted by the applicant, Justin Novak. The following letter was provided:

Justin Novak— Variance #V3-2025
May 28, 2025 Planning Commission Meeting
Page 2 of 12

I am requesting approval to install a fence taller than 4 feet in my backyard due to several practical challenges unique to my property. My backyard borders a trail and a road, which compromises my home's privacy as pedestrians and vehicles can easily see into the home's outdoor living space. A taller fence would help create a more private environment. Additionally, the proximity to nearby farm fields results in debris blowing into the yard, and a higher fence would serve as a barrier to reduce this issue. The road and trail also contribute to elevated noise levels, and a taller fence would help buffer the sound, creating a quieter and more enjoyable space. Lastly, I have a house dog that I wish to contain safely within my property, and a higher fence would provide added security and peace of mind in ensuring the dog cannot escape or be disturbed by external distractions. These factors combined make a fence taller than 4 feet a practical solution to address these ongoing challenges.

Public Works / Utilities / Engineer Comments

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

Building Official Comments

Comments from the Building Official were not solicited as the variance is related to fences 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 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 proposes to use the property in a reasonable manner by having a 6' tall fence in their backyard.)
- D. Unique circumstances apply to the property 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 through lot abutting a road on two sides (front and rear) with the roadway along the rear yard being a County Road.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because there are adjacent properties that have 6' tall fences that were grandfathered in or similarly received fence height variances such as 1214 Olivia St SE (V1-2018), 1110 Olivia St SE (V2-2018), 1232 Olivia St SE (V8-2024).
- F. 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 contain their dog, buffer noise from the street, and provide privacy from CSAH29 and the trail.)
- 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 fence must be a minimum of 2' away from the edge of the trail.)

Staff Recommendation

Staff recommends **approval** of Variance #V3-2025 to allow a variance for a 6' tall fence in the backyard of 1108 Olivia St SE, as proposed by Justin Novak for the following reasons:

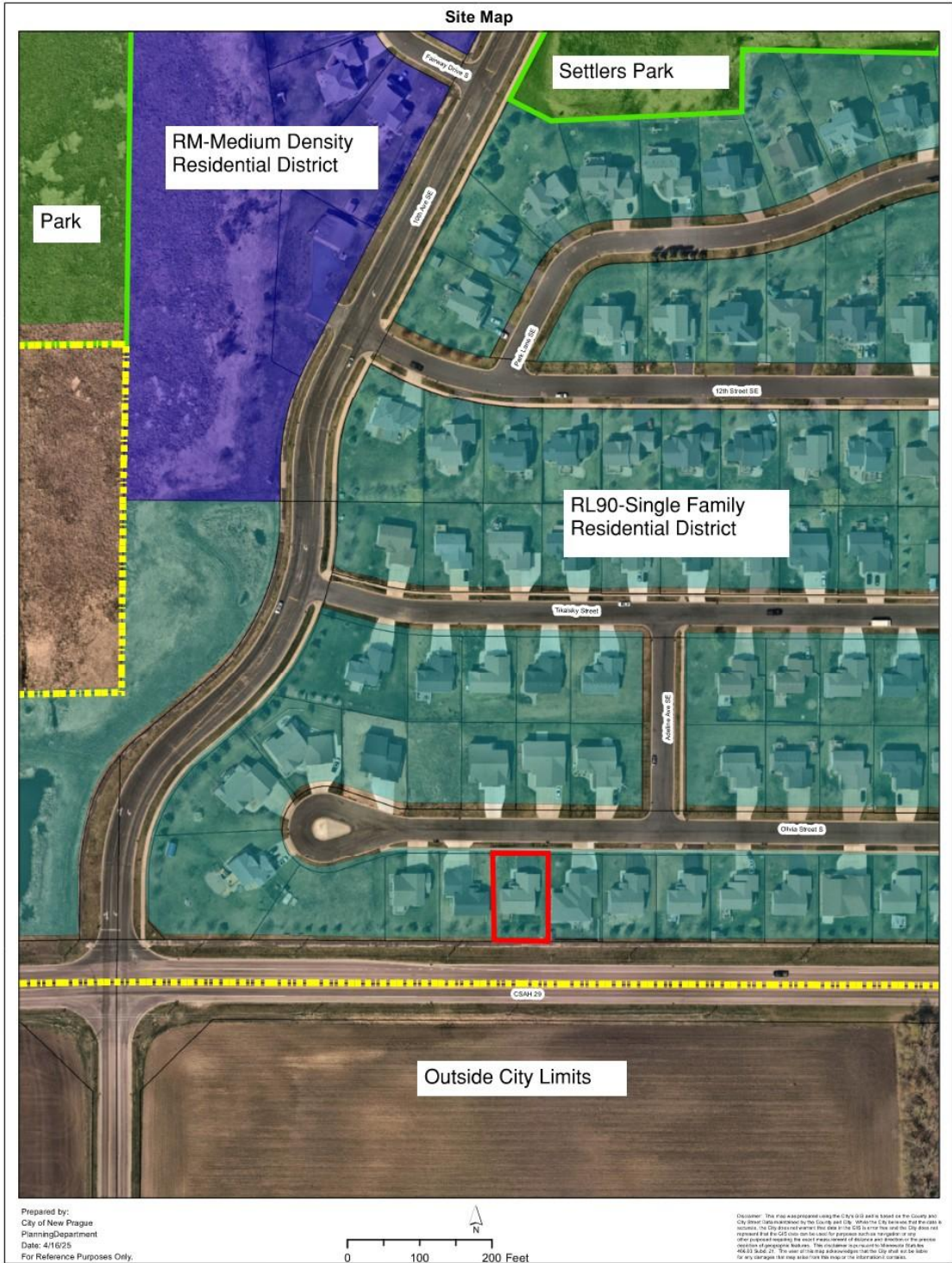
- A. The variance is in harmony with the general purposes and intent of the Ordinance because the RL-90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted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

Attachments

1. Site Map Aerial – Dated 5/5/25
2. Site Map Aerial Zoning – Dated 5/5/25
3. Proposed Privacy Fence – Dated 4/30/25
4. Applicant's Proposed Fence Location – Dated 5/5/25
5. Fence Requirements From the Zoning Ordinance
6. Pictures — 5/8/25



Aerial Site Map



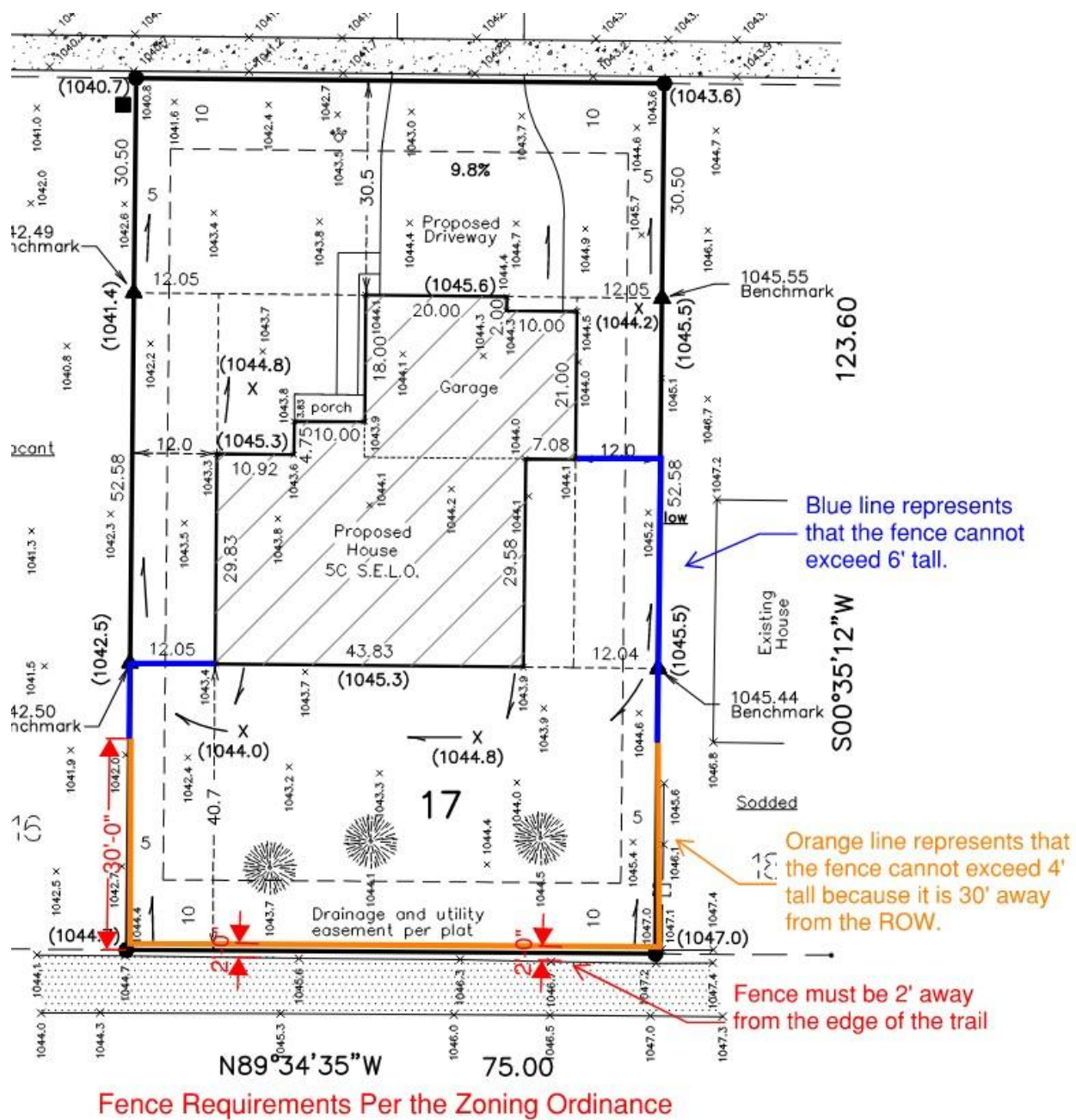
Site Map of Zoning Districts



The Applicant's Proposed 6' Tall Privacy Fence



Applicant's Proposed 6' Tall Fence Location



Fence Requirements Per the Zoning Ordinance

Fence Requirements Based on the Zoning Ordinance



Front of the Property from Olivia St SE



Back of the Property Looking from CSAH 29



Back of the Property Looking from the Trail Along CSAH 29



Back of the Property Looking from the Trail Along CSAH 29



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 #V4-2025 TO ALLOW AN EXISTING LEGAL NON-CONFORMING COMMERCIAL DRIVEWAY LOCATED LESS THAN 200’ FROM AN INTERSECTION OF TWO COLLECTOR STREETS TO BE WIDENED BY 15’ AND TO ALLOW A DIRECTIONAL SIGN TO BE LOCATED LESS THAN 10’ FROM A PROPERTY LINE ALONG 1ST AVE. NW, LOCATED AT 201 7TH STREET NW, AS PROPOSED BY MVE BIOLOGICAL SOLUTIONS US, LLC
DATE: MAY 19, 2025

Background / History

The building located at 201 7th Street NW was constructed in 1986 as “Building 19” which was originally a 15,137 sq. ft. building of what was then MVE (later known as Chart Industries) and was added onto in 2005 with a 17,050 sq. ft. addition, and most recently added onto starting in 2022 (following a fire that same year) with additions totaling 26,528 sq. ft. which were required Variance #V4-2022. Also, variance #V7-2019 approved various freestanding signs to be located around the site with a 0’ lot line setback along both 1st Ave. NW and 7th Street NW.

The business, land and facility were purchased by MVE Biological Solutions US, LLC from Chart Industries in October of 2020.

While it had been an ongoing problem for many years, when a new home was constructed at 803 1st Ave. NW, the issue of vehicles driving over the curb and into the yard has been more apparent than ever before. In 2024, MVE did remove the swing gate at the north end of the curb cut to 1st Ave. NW and placed crushed stone to allow trailers more room to back up which was shown to help the issue of driving over the curb on the east side of 1st Ave. NW, enough so to warrant applying for a variance to formally widen the curb cut approach and install signage to better inform all truck drivers how to access their loading dock area without encroaching on the property across the street to the east. This solution requires two variances which are allowing a legal non-conforming driveway to be widened less than 200’ from an intersection of two collector streets by 15’ and to allow a directional sign to be located less than 10’ from a property line along 1st Ave. NW.

Legal Description

Lot 2, Block 1, Chart Inc. Second Addition, according to the plat thereof, Scott County, Minnesota.

Zoning

The subject site is located in the I-1 Light Industrial Zoning District. This district is intended to provide for industrial uses for activities that, because of their nature, are not well suited for close proximity to residential and business areas of the community. Existing industry that is located close to residential areas is allowed to continue and must meet certain performance criteria when applicable. Industrial areas have good access to highway and railroad lines because of their need to receive and distribute products and goods.

Light manufacturing is a permitted use in the I-1 Light Industrial Zoning District.

Neighborhood Conditions and nearby land uses

North – Chart Industries has an open storage area and manufacturing facility located to the north.

South – The New Prague Utilities building is located directly to the south at 200 7th Street NW.

East – Two family homes (including one constructed at 2023 in 803 1st Ave. NW) and Philipps Creek, all of which is located in the RL-90 Single Family Residential District

West – Chart’s Industries outdoor storage, Union Pacific Railroad and Chart’s large main manufacturing building.

Statement of Practical Difficulties

The applicant submitted a nine page PowerPoint presentation dated 5/6/25 (attached in full to this report) as their statement of practical difficulties. It is best summarized by noting that truck drivers utilizing their shipping dock along 1st Ave. NW have difficulties accessing their property without driving onto the neighbor’s lawn at 803 1st Ave. NW which has become more of an issue since a new home was completed there.

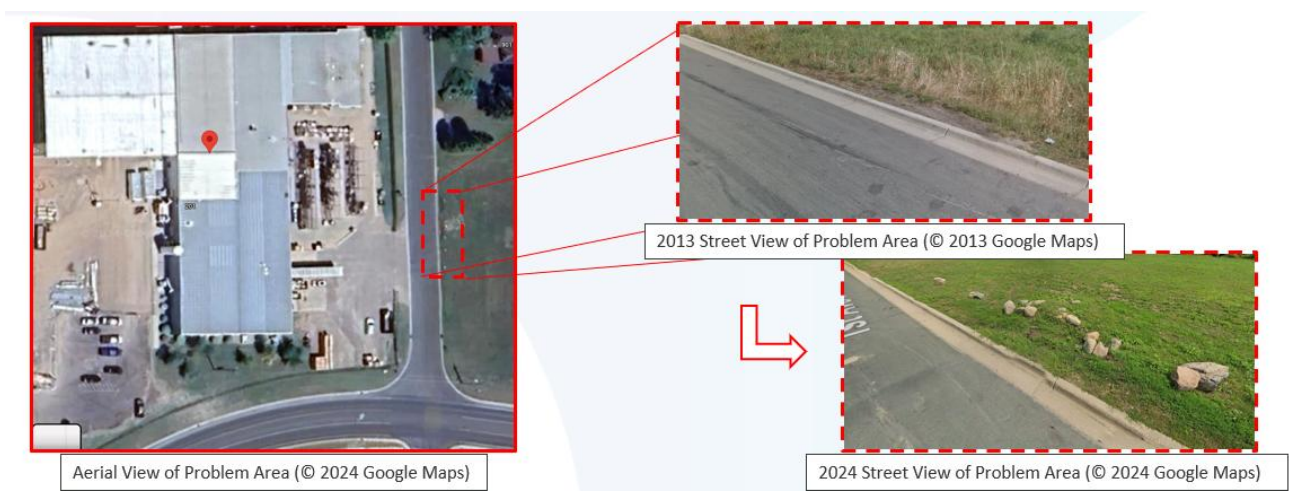
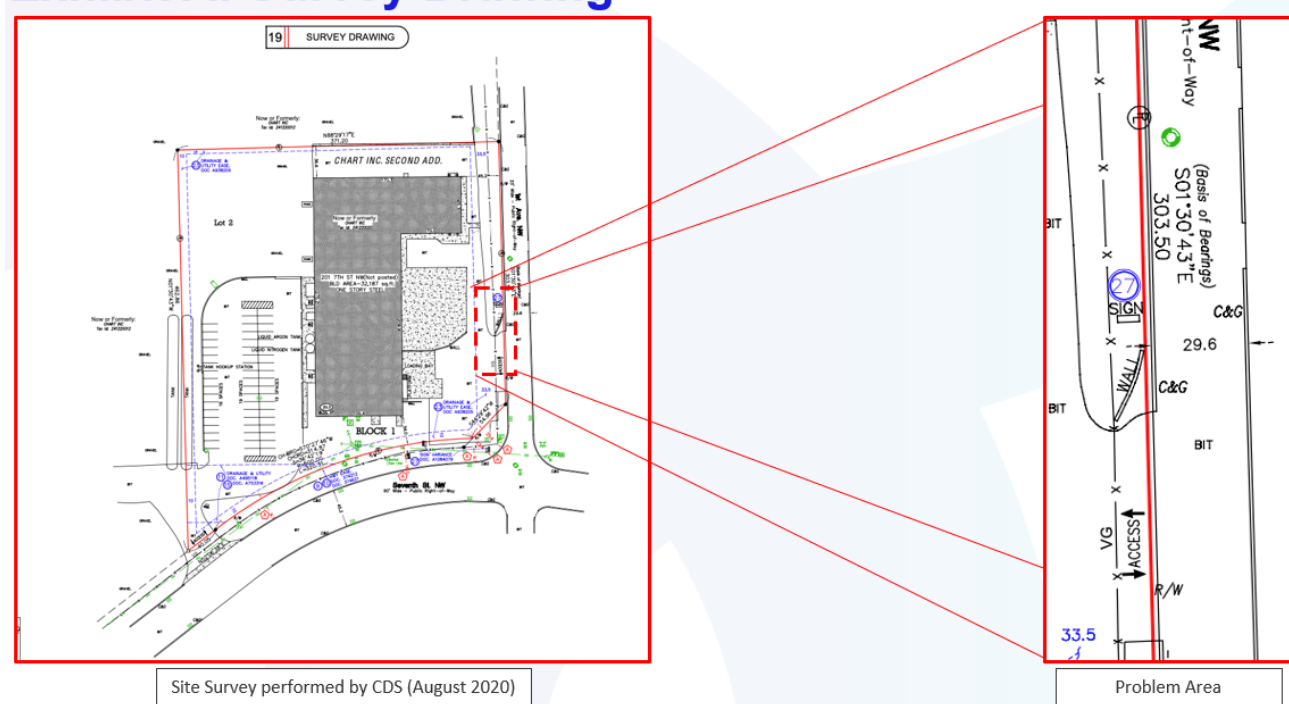
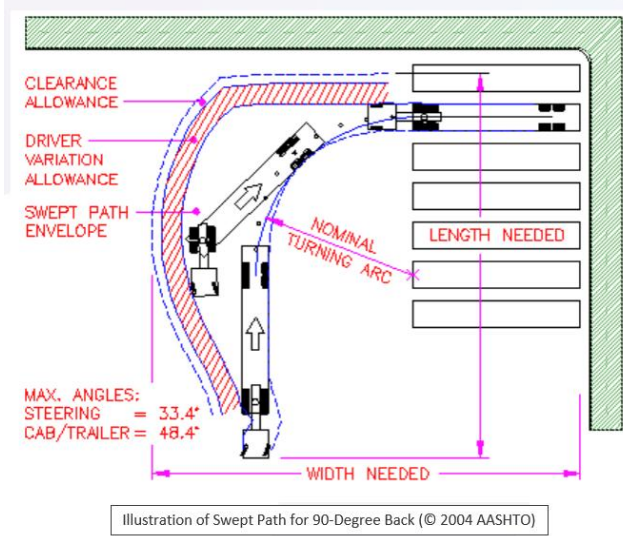


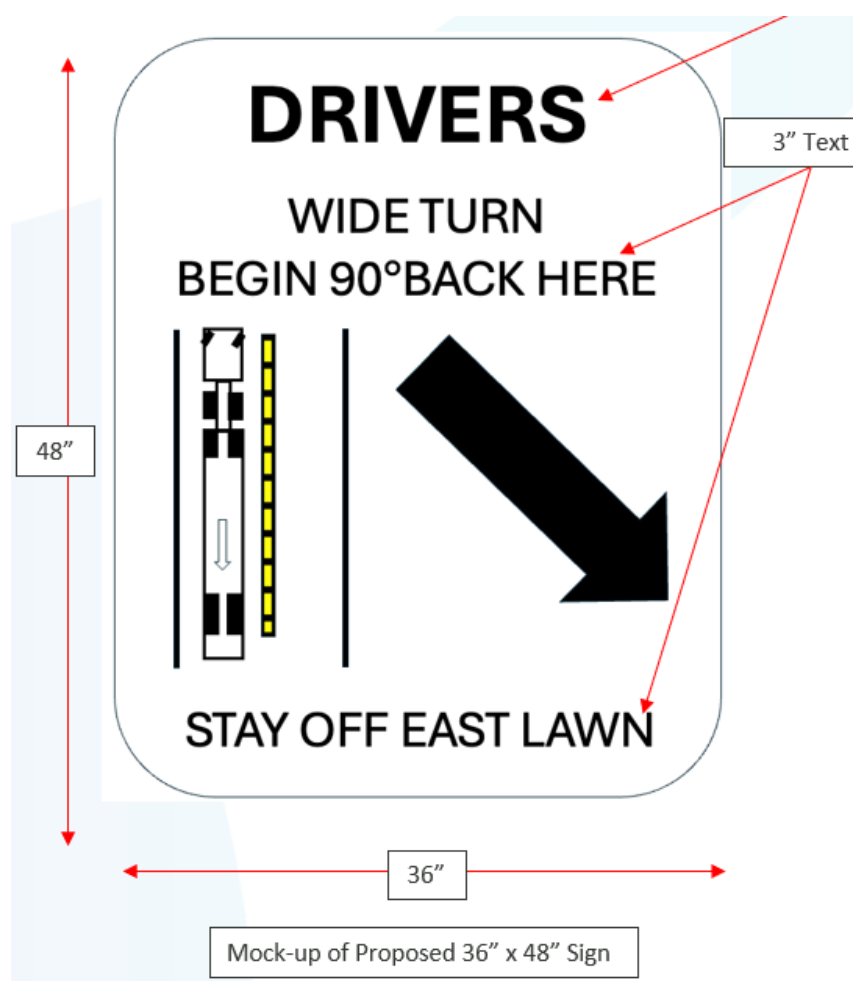
Exhibit A: Survey Drawing



The letter notes that they considered three options which included relocating their shipping entrance to the west side, creating a drive through with a new entrance from 7th Street NW and finally widening their driveway curb cut to 1st Ave. NW. They determined that widening the driveway curb cut was the best option as it is cost effective and based on temporary measures taken in 2024 has proven to be effective.

Evaluating Feasibility - Option #3





The solution would remove an existing swing gate and approximately 15’existing fence (which were actually removed in late 2024 to test that the proposed solution would work) at the existing curb cut, level an existing berm and widen the apron and finally install a 36” x 48” instructional sign at 75’ north of the curb cut to aid drivers in their efforts to back up into the loading dock area.

General Staff Comments

Public Works Director Matt Rynda noted that the issue of trucks driving over the curb has been an issue for years and believes this variance will be a good idea to try to resolve the issue.

City Engineer Chris Knutson of SEH was not solicited for comments.

Utilities General Manager Bruce Reimers was not solicited for comments as it did not involve electric or water.

Police Chief Tim Applen also noted that this has been an ongoing issue and it’s worth seeing if this will fix the problem.

Community Development Staff Notes

As noted in this report, the issue of trucks driving over the curb on the east side of 1st Ave. NW has been an issue for years and has been exasperated with the new home constructed directly across the street. MVE has been looking at solutions and after exploring different options believes the option to widen the driveway is the most cost effective option and will yield the best results.

Staff agrees that this is a good option to begin with and the widening of the driveway to the north does not increase the non-conformity of the driveway which is less than 200' to the intersection of two collector roads.

Regarding the sign, staff notes that a directional sign variance was issued as #V7-2019 back in 2019 for other directional signage to be located up to the property line along both 7th Street NW and 1st Ave. NW. Since the new proposed sign wasn't included in that variance request, it will be included with this variance request.

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 signs and driveways for light manufacturing facilities are permitted uses 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 signs and driveways for light manufacturing facilities are permitted uses 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 with the only change being to widen the existing driveway to 1st Ave. NW by 15' in a northerly direction and to

allow a directional sign to help trucks back up to the dock to be less than 10' from the right of way line.)

- D. Unique circumstances apply to 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 vicinity because the site is a corner lot, and the driveway they are proposing to widen is already less than the 200' required spacing from the intersection of 7th Street NW and 1st Ave. NW due to the location of the docking area. Additionally, the narrow width of 1st Ave. NW necessitates the wider curb cut to allow trucks to back up to the dock without encroaching on the yard of the property across the street to the east.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood as it would only allow the width of an existing legal non-conforming driveway to be increased to the north by 15' and because the proposed directional sign would be up to the same distance from the right of way line (0') as other signs on the site granted a variance via #V7-2019.)
- F. 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 most delivery trucks to back up without driving over the property across the street to the east.)
- 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. (N/A.)

Staff Recommendation

Staff recommends **approval** of Variance #V4-2025 to allow an existing legal non-conforming commercial driveway located less than 200' from an intersection of two collector streets to be widened by 15' and to allow a directional sign to be located less than 10' from a property line along 1st Ave. NW, located at 201 7th Street NW, as proposed by MVE Biological Solutions US, LLC for the following reasons:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because signs and driveways for light manufacturing facilities are permitted uses in the I-1 Light Industrial Zoning District.

- B. The requested variance is consistent with the comprehensive plan because signs and driveways for light manufacturing facilities are permitted uses in the I-1 Light Industrial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner with the only change being to widen the existing driveway to 1st Ave. NW by 15' in a northerly direction and to allow a directional sign to help trucks back up to the dock to be less than 10' from the right of way line.
- D. Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the vicinity because the site is a corner lot, and the driveway they are proposing to widen is already less than the 200' required spacing from the intersection of 7th Street NW and 1st Ave. NW due to the location of the docking area. Additionally, the narrow width of 1st Ave. NW necessitates the wider curb cut to allow trucks to back up to the dock without encroaching on the yard of the property across the street to the east.
- E. The variance does not alter the essential character of the neighborhood as it would only allow the width of an existing legal non-conforming driveway to be increased to the north by 15' and because the proposed directional sign would be up to the same distance from the right of way line (0') as other signs on the site granted a variance via #V7-2019.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow most delivery trucks to back up without driving over the property across the street to the east.

Attachments

1. Site Map Aerial – Dated 5/13/25
2. Site Map Aerial Zoning – Dated 5/13/25
3. Photos – 5/13/25
4. Google Street View – Dated August 2023
5. MVE Powerpoint Presentation - Dated 5/6/25



Aerial Site Map



Zoning District Map



Applicant submitted map of the proposed solution which requires the curb cut width variance and sign placement variance.



Looking north along 1st Ave. NW – Temporary Gravel widened the approach to see if trucks could better make the turn.



Looking NW towards curb cut proposed to be permanently widened by 15’ to the north



Looking south along 1st Ave. NW – temporary gravel shows where driveway is proposed to be permanently widened.
Tire tracks can be seen in the grass of the new home opposite the driveway.



Google Street View from August 2023 showing the curb cut prior to the gate and last panel being removed and gravel being temporarily placed. Rocks were placed by previous owner of the lot to deter vehicles from going into the lot.

May 2025 EDA Business Updates:

- **0 new home permits** were issued in April (0 single family homes, 0 townhome units and 0 apartment units). 55 residential units have been issued so far in 2025 (1 single family, 0 townhomes and 54 apartment units).
- A building permit was applied for by K.A. Witt for internal commercial alterations at the **Electromed at 502 6th Ave. NW.**
- The City Council approved the **POPS facility** to move forward at the City Center site by approving the grading work and donation agreement. Grading work began in early May and will be completed by June 20th. Construction of the POPS facility itself is expected to begin after July 1st and be completed in the spring of 2026.
- A **conditional use permit was issued on 5/5/25 for Bevcomm** to have exterior storage at their new building in the industrial park located at 605 6th Street NW.
- A **variance was applied for by MVE Biological Solutions at 201 7th Street NW** to widen a driveway approach to their loading dock area. This matter will be reviewed by the Planning Commission at their May meeting.
- An **interim use permit was applied for by Emily Bomsta to have a spa/wellness center** in the former mill at 100 2nd Ave. SW. This matter will be reviewed by the Planning Commission at their May meeting.