



PLANNING COMMISSION MEETING AGENDA

City of New Prague

Wednesday, August 26, 2026 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

1. **CALL TO ORDER**

2. **INTRODUCTION OF NEW MEMBER - MICHAEL ORVIK**

3. **PUBLIC FORUM**

(Public Forum is intended to afford the public an opportunity to address comments, questions and concerns with the Planning Commission. Speakers limited to five minutes)

4. **APPROVAL OF REGULAR AGENDA**

5. **APPROVAL OF PREVIOUS MEETING MINUTES**

[a.](#) July 22, 2026 Meeting Minutes

6. **NEW BUSINESS**

[a.](#) Public Hearing for Request for Conditional Use Permit #C3-2026 - Relocate Garage from 901 1st Ave. NW to 903 1st Ave. NW
Paddy O'Properties - applicant

7. **OLD BUSINESS**

[a.](#) Public Hearing for UDC 2nd Miscellaneous Amendments

8. **MISCELLANEOUS**

- [a.](#) Harvest Fields Update
- [b.](#) Monthly Business Updates

9. **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.



PLANNING COMMISSION MINUTES

City of New Prague

Wednesday, July 22nd, 2026

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

The meeting was called to order at 6:30pm by Chair Dan Meyer.

The following members were present: Chair Dan Meyer, Vice Chair Brandon Pike, and Rik Seiler.

The following members were absent: Shawn Ryan and Jennifer Schultz.

The following City Staff were present: Community Development Director Ken Ondich and Planner Evan Gariepy.

2. PUBLIC FORUM

A motion was made by Pike, seconded by Seiler, to open the public forum at 6:31pm.

Motion carried (3-0)

No comments were given.

A motion was made by Pike, seconded by Seiler, to close the public forum at 6:32pm.

Motion carried (3-0)

3. APPROVAL OF REGULAR AGENDA

a. July 22nd, 2026 Regular Meeting

A motion was made by Seiler, seconded by Pike, to approve the July 22nd, 2026 regular meeting agenda.

Motion carried (3-0)

4. APPROVAL OF PREVIOUS MEETING MINUTES

a. June 24th, 2026 Regular Meeting

Gariepy noted that Jason Bentson was incorrectly recorded as being present at the meeting within the minutes.

A motion was made by Pike, seconded by Seiler, to approve the June 24th, 2026 regular meeting minutes with the amendment of removing Jason Bentson from the list of members present.

Motion carried (3-0)

5. NEW BUSINESS

a. Request for Concept Plan Review – Harvest Fields, 63-acre Residential Development – JPB Land, LLC, Applicant

Ondich presented the concept plan review for the proposed Harvest Fields development.

Paul Tabone and Lucinda Spanier, representing JPB Land, LLC, were in attendance. Spanier stated that they have gone through multiple design iterations, and that they are proposing a lifecycle housing community. She noted that not all houses will be built at the minimum setback measurements.

Spanier stated that every home built will have three distinct elevations and that they do not allow identical house designs to be built adjacent to one another to reduce monotony.

Seiler and Pike asked if two houses with the same floor plan can be adjacent, and Spanier stated they can be, but they must have different colors and elevations. She noted that the 42' wide lot's house design offerings are still in progress, but that they only make up 15% of the proposed lots.

Spanier stated that they ideally would begin construction in Spring 2027, with phasing taking potentially five years depending on the market conditions.

Seiler asked how long annexation may take, and Ondich stated it would be the next step. Pike asked if the prospective buyer chooses the lot and floor plans, or if the developer builds the houses and then sells them as-is. Spanier stated that they prefer to build a few houses on each lot size, and then they offer model specs to prospective buyers. Pike asked if all of the infrastructure will be built in one phase, and Ondich stated it will not. Spanier stated approximately 45 lots will be available per phase.

Pike noted that there may be increased traffic throughout the development before further phasing is complete and all roads are built out. Spanier stated that each phase will go through the Planning Commission and City Council prior to development. Seiler asked if the roads will be built to the City's requirements, and Ondich stated it would be.

Pike stated that he likes that JPB Land is both the developer and builder. He also stated that he appreciates the lifecycle community aspect of it, and that he hopes it can be economically feasible. Meyer asked what the rough square footage of a house on the 42' wide lot will be. Spanier stated they would be between 1,800 and 2,400 square feet, slab on grade without a basement, and two stories.

Meyer opened up the floor to public comments and questions, with a limit of 5 minutes per speaking time.

John Wermerskirchen, Helena Township Chair, stated that Helena Township is in favor of the annexation of the land. He stated that it would be a timely process.

Ed Nytes, Helena Township Supervisor, stated that he is concerned that W 270th St will be gravel going east towards FaithPoint Lutheran Church, and is wondering if it could be paved within the future.

Jake Parker, 806 Wencel Ave, asked if there would be the option to purchase a lot without JPB Land building on it. Tabone stated that it could be a possibility, and that they are still internally considering it companywide with a policy. He noted that other communities have asked the same question.

Greg Pint, 1007 Lexington Ave N, asked if the development will be completed without the connection being finalized to the north and east to W 270th St and Alton Ave. Ondich noted that the traffic impact study and the phasing of the development will also impact this, but they are currently uncertain of this.

Veronica Harrison, 907 Lexington Ave N, stated that when the trees were cleared on the unannexed land, work began before 7am, which violates the City's quiet hours ordinance. She stated that the environmental impact of the tree removal was very high, and she is concerned that the proposed development will impact the tree line that is remaining. She stated she is also concerned about the concentration of the proposed housing development.

Spanier stated that JPB Land prefers to preserve as many trees as possible within a new development, and that they are easiest to maintain along the border of a development and that a good faith effort will

be made to maintain them. Seiler asked if the development would be affected by the new tree preservation ordinance, and Ondich stated that it would once it is annexed into the city. Pike asked if the PUD could allow for the City to impose additional tree requirements, and Ondich stated that it can.

Meyer closed the floor for public comment and question.

Spanier stated that JPB Land was not involved in the tree removal at this site.

Polly Cleary stated that her lot backs up to the vacant parcel, and that there has been an issue with thistle since the trees were cut. She asked if the Township can do anything about this, and Heather Taylor DuCharme, the Helena Township Clerk, provided information regarding the next Township Meeting.

b. Concept Review of UDC 2nd Miscellaneous Amendments

Gariepy presented the proposed UDC miscellaneous amendments.

Meyer asked if small wind turbines are currently allowed, and Ondich stated they are not.

Pike noted that 5.003 (B)(1)(e) should be amended to say ‘vehicles’ rather than ‘motor vehicles’ for further clarity. Gariepy stated that will be amended.

Pike stated that fully removing the building design standards from accessory buildings may be too much. Meyer noted that accessory buildings are generally less visible, and Seiler noted that they can be more screened from the public view. Pike noted that this can include other highly visible buildings like car washes. Gariepy stated that alternatives to the proposed language will be brought forward next month for consideration, including new proposed reductions in building design standards for accessory buildings.

A motion was made by Pike, seconded by Seiler, to schedule a public hearing for the August 26th, 2026, Planning Commission meeting to discuss the proposed miscellaneous amendments to the Unified Development Code.
Motion carried (3-0)

6. OLD BUSINESS

a. None

7. MISCELLANEOUS

a. Monthly Business Updates

Ondich presented the monthly business update as information.

8. ADJOURNMENT

A motion was made by Seiler, seconded by Meyer, to adjourn the meeting at 8:03pm.
Motion carried (3-0)

Respectfully submitted,



Evan C. Gariepy
Planner



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: EVAN C. GARIEPY – PLANNER
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT #C3-2026 TO ALLOW FOR THE RELOCATING OF A GARAGE FROM 901 1ST AVE NW TO 903 1ST AVE NW, AS PROPOSED BY PADDY O’PROPERTIES
DATE: AUGUST 19TH, 2026

Background / History

The applicant, Paddy O’Properties, is applying for a Conditional Use Permit to allow for the relocating of an existing 940 square feet detached garage from 901 1st Ave NW to 903 1st Ave NW. The existing detached garage currently located at 901 1st Ave NW is adjacent to a residential house, which the applicant plans to demolish in a controlled burn with the Fire Department.

Both of these properties were rezoned earlier this year, from R1 Single Family Residential to I1 Light Industrial and Business Park. The applicant also applied for a minor administrative subdivision on August 5th, 2026. This minor subdivision is still being processed administratively. If, for any reason, it is not approved, the applicant would be required to obtain a Variance in addition to this CUP due to the setbacks on 903 1st Ave NW. Attachment A shows both the current property lines and the proposed property lines following this subdivision.

The Unified Development Code Section 6.002 (G) states that no person shall move a building within or from without the City without obtaining a Conditional Use Permit.

Legal Description

Notably, these legal descriptions are not updated to include the proposed minor subdivision of these parcels, nor the vacation of the right of way that runs through Parcel A or the right of way north of Parcel B. If the legal descriptions are not obtained prior to City Council passing a

potential resolution approving the Conditional Use Permit, if it is approved, the resolution shall not be filed and in effect until the final legals are provided.

Parcel A, 901 1st Ave NW, PID 24.016.0092 – The lot which the garage is currently on.

Lot Nineteen (19) and the north half of Lot Twelve (12) of New Prague Outlots, situated in the Northwest Quarter (NW1/4) of Section Thirty-four (34), Township One Hundred Thirteen (113) North, Range Twenty-three (23) West, Scott County, Minnesota, according to the plat thereof on file and of record in the office of the Register of Deeds in and for said Scott County, Minnesota, EXCEPTING therefrom the following described parcel: That part of the North Half of Lot 12, NEW PRAGUE OUTLOTS, City of New Prague, Scott County, Minnesota, described as follows: Commencing at the Northwest Corner of said Lot 12; thence South 01 degrees 30 minutes 43 seconds East (bearings based on Scott County Coordinate System NAD83, 1996 Adjustment) on the west line of said Lot 12, a distance of 11.95 feet to the point of beginning; thence continuing South 01 degrees 30 minutes 43 seconds East on said west line of said Lot 12, a distance of 153.05 feet to the Southwest Corner of the North Half of said Lot 12; thence North 89 degrees 26 minutes 13 seconds East on the South line of said North Half of Lot 12, a distance of 145.05 feet; thence North 20 degrees 11 minutes 52 seconds West, a distance of 47.73 feet; thence North 29 degrees 49 minutes 43 seconds East, a distance of 70.50 feet; thence North 19 degrees 02 minutes 31 seconds East, a distance of 49.98 feet; thence South 89 degrees 28 minutes 12 seconds West, a distance of 184.02 feet to the point of beginning; And also EXCEPTING: Beginning at the northwest corner of Lot Nineteen (19) of New Prague Outlots Scott County, Minnesota, in Section 34, Township 113 North, Range 23 West, thence running South One hundred two (102) feet; thence running West One hundred feet (100) to the point of beginning AND All of that part of Lot Nineteen (10) of New Prague Outlots, situated in the Northwest Quarter (NW1/4) of Section Thirty-four (34), Township One hundred thirteen (113) North, Range Twenty-three (23) West, Scott County, Minnesota, according to the map or plat thereof on file and of record in the office of the Register of deeds in and for said Scott County, Minnesota, described as follows, to-wit: Beginning at a point on the west line of said Lot Nineteen (19) which point is one hundred two (102) feet south of the northwest corner of said Lot Nineteen (19), and running thence east a distance of one hundred (100) feet, running thence south a distance of one hundred (100) feet, running thence west a distance of one hundred (100) feet to the west line of said Lot Nineteen (19), and running thence north along the west line of said Lot Nineteen (19) a distance of one hundred (100) feet to the point of beginning.

Parcel B, 903 1st Ave NW 24.016.0130 – The lot that the garage is proposed to be moved to.

Beginning at the Northwest corner of Lot Nineteen (19) of New Prague Outlots Scott County, Minnesota, in Section 34, Township 113 North, Range 23 West, thence running South One hundred two (102) feet; thence running East One hundred (100) feet; thence running North One hundred two (102) feet; thence running West One hundred feet (100) to the point of beginning, Scott County, Minnesota.

And

All that part of the Lot Nineteen (19) of New Prague Outlots, situated in the Northwest Quarter (NW ¼) of Section Thirty-four (34), Township One hundred thirteen (113) North, Range Twenty-three (23) West, Scott County, Minnesota, according to the map or plat

thereof on file and of record in the Office of the Register of Deeds in and for said Scott County, Minnesota, described as follows, to-wit:
Beginning at a point on the west line of said Lot Nineteen (19) which point is one hundred two (102) feet south of the northwest corner of said Lot Nineteen (19), and running thence east a distance of one hundred (100) feet, running thence south a distance of one hundred (100) feet, running thence west a distance of one hundred (100) feet to the west line of said Lot Nineteen (19), and running thence north along the west line of said Lot Nineteen (19), a distance of one hundred (100) feet to the point of beginning, Scott County, Minnesota.

Zoning and UDC Requirements

Both the property from which the garage is being moved from and the property it is being moved to are zoned I1 Light Industrial and Business Park.

The shed that is currently located at 903 1st Ave NW is being utilized for storage for the applicant’s real estate business. After being moved, the applicant stated the garage would be used as an accessory building to the shed as additional storage for his business, which is a permitted accessory use.

The residential property which is currently located at 901 1st Ave NW is not a permitted use, and the applicant stated he plans to demolish it.

The proposed site of the detached garage must meet all dimensional standards set by the UDC.

- UDC Section 6.001 Dimensional Standards Chart
 - I-1 Light Industrial and Business Park
 - Minimum Front Yard Setback: 40 ft
 - Minimum Side Yard Setback: 15 ft
 - Minimum Rear Yard Setback: 25 ft
 - Maximum Height: 50 ft
 - Maximum Land Coverage by Structures: 40%

Additional dimensional standards for an accessory building are outlined in UDC Section 6.002 (E) (2) and (3). It states that accessory buildings may be located any place to the rear of the principal building. The proposed location is further east than the existing shed, meeting this requirement.

Contingent on the proposed minor subdivision, the proposed site would meet all of the required setbacks for this property. If, for whatever reason, the minor subdivision is not approved, the applicant would be required to obtain a Variance from the minimum rear yard setback requirement.

The Unified Development Code also lists specific standards that must be considered when evaluating a CUP for relocating a structure.

UDC Section 6.002 Character and Building Standards

(G) Relocating Structures

(1) Permit Required

No person shall move any principal building from within or without the City limits to a new location within the City without first obtaining a Conditional Use Permit in accordance with the provisions of Section 3.002 (E) of the United Development Code. An application for such Conditional Use Permit shall indicate the origin and destination of such building, and the route over which it is to be moved. The application shall also indicate the location of the lot on which the house is to be located, the dimensions of the lot, and the proposed location of the structure on the lot along with setback distances. No permit to move a building shall be issued unless and until the following conditions are fully complied with and approved by the City Council.

- (a) The building to be moved must comply in all respects with the State Building Code, other pertinent State rules and regulations, and the City Code.
- (b) The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.
- (c) The building must be placed on the lot so as to meet all the front, side, and rear yard requirements as set forth in this Ordinance.
- (d) Payment of a deposit as set on the City fee schedule, to be refunded upon final occupancy, grading, and landscaping.
- (e) Factors that must be considered by the Planning Commission and City Council when reviewing the Conditional Use Permit application:
 1. Whether the structure is in disharmony with the established or expected pattern of development in the neighborhood that it would destroy the overall appearance of the neighborhood.
 2. The extent of disharmony, if any, of the proposed structure with the existing age, bulk, architectural style, and quality of construction surrounding it.
 3. The structure will not substantially diminish or impair property values within the neighborhood.

(2) Electrical Corrections Requirements.

- (a) In every case in which the removal or displacement of any overhead electrical or other wires is required, it shall be the duty of the person, association, or corporation owning, operating, or controlling said wires to remove or displace the same, so far as the same way may be necessary to effect the removal thereof, shall be authorized by such permit.
- (b) The person moving the structure must notify the person, association, or corporation owning, operating, or controlling said wires to remove or displace the same facilities the removal of said wires sufficiently to allow the passage of said building along the street over which said wires are suspended.

- (c) Any expenses incurred or to be incurred in the moving, removing, or displacing of such wire shall be paid for by the person moving the structure.

Additional requirements, as highlighted above, must also be addressed in consideration of this Conditional Use Permit. Overall, Planning Staff believes that the proposed relocation of the garage meets the requirements of the Unified Development Code that are specifically laid out for relocating structures, as elaborated upon below.

Section 6.002 Character and Building Standards (G)(1)(e)

1. Whether the structure is in disharmony with the established or expected pattern of development in the neighborhood that it would destroy the overall appearance of the neighborhood.

Staff believes that the garage would not be in disharmony with the established or expected pattern of development in the neighborhood so as to destroy the overall appearance of the neighborhood as it will only be moved one parcel north from where it currently sits and it is currently not at disharmony with the surrounding neighborhood.

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

Staff believes that the garage will not be in disharmony with the existing age, bulk, architectural style, and quality of the construction surrounding it as the garage will be moved only one parcel north from where it was built, and because it is a standard garage which will be re-sited upon being moved.

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

Staff believes that the structure will not diminish or impair property values within the neighborhood as it is a standard garage which is being relocated one parcel north from where it currently sits, and it will be resided upon being moved.

Neighborhood Conditions and Nearby Land Uses

The property the garage is being moved from (901 1st Ave NW) is directly south of the property the garage is being moved to (903 1st Ave NW).

North: Residential properties zoned R1 Single Family Residential.

West: Chart Industries.

South: The new site of the garage will be north of an empty parcel that the applicant states will be used industrially, and then a singular residential property zoned R1 Single Family Residential.

East: Undevelopable floodplains.

Staff Comments

City Engineer Chris Knutson with SEH stated he does not have any concerns with the proposed relocation.

Community Development Director Ken Ondich noted that structures that are moved but not immediately put on a foundation can be a safety issue. He stated that a condition should be imposed, requiring that the garage must be barricaded off if it is moved but not yet put on its permanent foundation.

Building Official Scott Sasse stated that the garage will be subject to foundation permits and inspections. If it is heated, the insulation will be required to follow current building and energy code requirements. The electrical system will need to be inspected by the State, and any code deficiencies updated. New gas utility lines would be subject to permitting and air testing.

Electric Operations Supervisor Ken Zweber noted that the electricity for the garage currently comes from the house, and that the owner will be responsible for disconnecting this. The applicant stated that he may obtain a new electric service hookup for the garage rather than connecting it to the existing building, but this is not currently required by the City.

Public Works Director Matt Rynda noted that properties further north on 1st Ave NW and emergency services must be notified prior to the building being relocated due to the potential of the road being blocked, as it is a dead end road.

Chief of Police Tim Applen noted that there are no alternative points of access for the properties further north on 1st Ave NW, and that the move could potentially fully block off this access, posing a danger if there is an emergency. He also noted that cars occasionally park on the west side of 1st Ave NW.

Following staff comments, the following conditions have been proposed:

- If the garage is to be moved and not immediately placed on its permanent foundation, the garage must be placed on its permanent foundation within 30 days of being moved, and must be barricaded off with temporary fencing during this time.
- All properties and property owners that are north of 901/903 1st Ave NW, including Chart Industries, shall be notified at least 10 days in advance of the period of time the structure will be relocated and access along 1st Ave NW may be limited or blocked.
- The police department, fire department, and emergency medical services shall all be notified at least 10 days in advance of the period of time the structure will be relocated and access along 1st Ave NW may be limited or blocked.
- 3 days prior to the relocating of the structure, temporary no parking signs shall be put in the western and eastern right of ways of 1st Ave NW for the portion of the road that will be utilized for relocating the structure. These shall be removed following the relocating of the structure.

Utilities Notes

There are no overhead powerlines along the portion of 1st Ave NW where this structure relocation would take place.

There is a streetlight and transformer along the east right of way of the road, just at the southwest corner of 903 1st Ave NW. The applicant must be particularly careful of this when relocating the structure to avoid any unwarranted damage.

The garage is currently connected to electric. Upon being relocated, the applicant stated he plans to have electric and gas hooked up, with water roughed in on the new slab but potentially not connected immediately. As noted by Building Official Scott Sasse, all applicable permits must be obtained by the applicant.

Additional comments are noted above under staff comments.

WAC/SAC Fees

No water and sewer access charges will be due until water/sewer connection is made to the structure.

Screening Requirements

Because the property north of 903 1st Ave NW is residential, all regulations regarding screening for industrial uses abutting residential districts must be followed as they are outlined in Section 6.002 (B)(1) of the Unified Development Code. Upon any redevelopment of 901 1st Ave NW to an industrial use, screening must be provided on the south side of the property to screen it from the residential property located at 803 1st Ave NW.

FEMA Floodplain Information

This property contains FEMA Floodplains with a regulatory floodway and 100 year floodplain (Zone AE – teal color, red hatched where the floodway is, as seen on Attachment B) as mapped at approximately 960.1 feet, as seen on FEMA Map 27079C0087E effective 07/17/2024.

It is noted that there is some “Zone X” floodplain (orange color) on these parcels, which does not have an established base flood elevation. The Regulatory Flood Protection Elevation (RFPE) requires that the low elevation of the structure must not be lower than 1.5’ above the 100 year floodplain official, which requires that the structure may not be any lower than 961.6’.

Applicant’s Statement

Pat Sullivan with Paddy O’Properties, regarding why he wants to move the garage rather than keep it in place or build a new one on the 903 property, stated the following on August 11th:

The garage is a nice size and well built. I don’t want the possibility of it being destroyed when the house is burned down or demolished. The garage by itself limits what I can do with 901 so my initial thought was to sell it. However, looking at the entire property including 903, the garage would fit well on the north side of the fenced in area. I constantly have interim storage needs in the real estate business, which is what it is presently being used for. I have siding for the outside and have contractors already lined up to do the move, concrete work, rough-in plumbing, and finishing so the garage is presentable.

Criteria for Granting Conditional Use Permits

Section 3.002 (E) of the Unified Development Code states that the purpose of a Conditional Use Permit is to provide the City with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health, and safety. In making the determination of whether or not the conditional use is to be allowed, the City may consider the nature of the adjoining land or buildings, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the City shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health, and safety.

The applicant is requesting a Conditional Use Permit to allow for the relocating of a garage from 901 1st Ave NW to 903 1st Ave NW.

In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the Comprehensive Plan and upon the health, safety, and general welfare of occupants of surrounding lands. Among other things, the City Council shall evaluate the criteria noted below. Staff has attempted to evaluate the established criteria for this specific request. Staff’s comments are highlighted below in yellow.

- A. 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.
 - i. 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 because the existing garage will be moved north by one parcel and will be utilized for storage as it was before, except this time for industrial/commercial purposes.
- B. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

- i. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land because the garage will be moved to a site where exterior storage previously was, which is zoned industrially, screened by trees and distance from a residential property to the north, and because the land east of the garage is undevelopable due to floodplains.
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties.
 - i. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties because the garage will only be moved north by one parcel and the site must meet all industrial screening requirements set forth within the Unified Development Code.
- D. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use.
 - i. The use is reasonably related to the overall needs of the City and to the existing land use because the garage is being moved to change from a residential use to an industrial use on land that was rezoned from R1 Single Family Residential to I1 Light Industrial and Business Park.
- E. The use is consistent with the purposes of the Unified Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.
 - i. The use is consistent with the purposes of the Unified Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use because a garage used for storage is a permitted accessory use within the I1 Light Industrial and Business Park district.
- F. The use is not in conflict with the Comprehensive Plan of the City.
 - i. The use is not in conflict with the Comprehensive Plan of the City because the land is guided as Industrial.
- G. The use will not cause traffic hazard or congestion.
 - i. The use will not cause traffic hazard or congestion because the garage is moving one parcel north and will not see an increase of traffic, and the congestion that will be caused by moving the property will be communicated to surrounding property owners in advance and will be momentary.
- H. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided.
 - i. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided because the structure will require minimal utilities, access, and facilities beyond what it already utilizes.

Additional factors must also be considered by the Planning Commission and City Council regarding relocating structures, as outlined in the Unified Development Code Section 6.002 (G)(1)(e).

1. Whether the structure is in disharmony with the established or expected pattern or development in the neighborhood that it would destroy the overall appearance of the neighborhood.
 - i. The structure would not be in disharmony with the established or expected pattern or development in the neighborhood so to destroy the overall appearance of the neighborhood because it will only be moved one parcel north from where it currently sits and it is currently not at disharmony with the surrounding neighborhood.
 2. The extent of disharmony, if any, of the proposed structure with the existing age, bulk, architectural style, and quality of construction surrounding it.
 - i. The structure would not be in disharmony with the existing age, bulk, architectural style, and quality of construction surrounding it as the garage will be moved only one parcel north from where it was built, and because it is a standard garage which will be re-sided upon being moved.
 3. The structure will not substantially diminish or impair property values within the neighborhood.
 - i. The structure would not substantially diminish or impair property values within the neighborhood as it is a standard garage which is being relocated one parcel north from where it currently sits, and it will be re-sided upon being moved.
- I. Section 3.002 (E) (2) of the Unified Development Code states that conditions may be placed upon the approval as are considered necessary to protect the public health, safety, and welfare.
- a. The applicant must follow all requirements of the Building Official, Utilities Department, Public Works Department, and Police Department for moving of the structure.
 - b. This Conditional Use Permit is contingent on the minor subdivision A3-2026 to move the property line of the two affected properties. If the minor subdivision is not granted, a Variance will be required to execute this Conditional Use Permit due to the site of the garage no longer meeting the required rear setback. If the minor subdivision or Variance is not obtained within one calendar year, this Conditional Use Permit shall be revoked.
 - c. If the garage is to be moved and not immediately placed on its permanent foundation, the garage must be placed on its permanent foundation within 30 days of being moved, and must be barricaded off with temporary fencing during this time.
 - d. All properties and property owners that are north of 901/903 1st Ave NW, including Chart Industries, shall be notified by the applicant at least 10 days in advance of the period of time the structure will be relocated and access along 1st Ave NW may be limited or blocked.

- e. The Police Department, Fire Department, and Emergency Medical Services shall all be notified at least 10 days in advance of the period of time the structure will be relocated and access along 1st Ave NW may be limited or blocked.
- f. Three (3) days prior to the relocating of the structure, temporary no parking signs shall be put in the western and eastern right of ways of 1st Ave NW for the portion of the road that will be utilized for relocating the structure. These shall be removed following the relocating of the structure.
- g. This Conditional Use Permit is only valid for moving the existing 940 square feet detached garage that is currently located at 901 1st Ave NW to 903 1st Ave NW.
- h. All requirements of the Unified Development Code must be met, including Section 6.002 (G).
- i. Prior to being occupied, the structure must have its siding replaced, must meet Minnesota State Building Code Requirements, and must be approved by the City's Building Official.
- j. Any damage to the street or public utilities from the moving of the structure will be the responsibility of the applicant.

Staff Recommendation

Staff recommends **approval** of Conditional Use Permit #C3-2026 to allow for the relocation of a garage from 901 1st Ave NW to 903 1st Ave NW, as proposed by Paddy O'Properties, for the following reasons:

- A. 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 because the existing garage will be moved north by one parcel and will be utilized for storage as it was before, except this time for industrial/commercial purposes.
- B. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land because the garage will be moved to a site where exterior storage previously was, which is zoned industrially, screened by trees and distance from a residential property to the north, and because the land east of the garage is undevelopable due to floodplains.
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties because the garage will only be moved by one parcel and the site must meet all industrial screening requirements set forth within the Unified Development Code.
- D. The use is reasonably related to the overall needs of the City and to the existing land use because the garage is being moved to change from a residential use to an industrial use on land that was rezoned from R1 Single Family Residential to I1 Light Industrial and Business Parks.

- E. The use is consistent with the purposes of the Unified Development code and the purposes of the zoning district in which the applicant intends to locate the proposed use because a garage used for storage is a permitted accessory use within the I1 Light Industrial Business Park district.
- F. The use is not in conflict with the Comprehensive Plan of the City because the land is guided as Industrial.
- G. The use will not cause traffic hazard or congestion because the garage is moving one parcel north and will not see an increase of traffic, and the congestion that will be caused by moving the property will be communicated to surrounding property owners in advance and will momentary.
- H. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided because the structure will require minimal utilities, access, and facilities beyond what it already utilizes.
- I. The structure would not be in disharmony with the established or expected pattern or development in the neighborhood so to destroy the overall appearance of the neighborhood because it will only be moved one parcel north from where it currently sits and it is currently not at disharmony with the surrounding neighborhood.
- J. The structure would not be in disharmony with the existing age, bulk, architectural style, and quality of construction surrounding it as the garage will be moved only one parcel north from where it was built, and because it is a standard garage which will be re-sided upon being moved.
- K. The structure would not substantially diminish or impair property values within the neighborhood as it is a standard garage which is being relocated one parcel north from where it currently sits, and it will be re-sided upon being moved.

And with the following proposed conditions to protect the public health, safety, and welfare:

- a. The applicant must follow all requirements of the Building Official, Utilities Department, Public Works Department, and Police Department for moving of the structure.
- b. This Conditional Use Permit is contingent on the minor subdivision A3-2026 to move the property line of the two affected properties. If the minor subdivision is not granted, a Variance will be required to execute this Conditional Use Permit due to the site of the garage no longer meeting the required rear setback. If the minor subdivision or Variance is not obtained within one calendar year, this Conditional Use Permit shall be revoked.
- c. If the garage is to be moved and not immediately placed on its permanent foundation, the garage must be placed on its permanent foundation within 30 days of being moved, and must be barricaded off with temporary fencing during this time.

- d. All properties and property owners that are north of 901 1st Ave NW, including Chart Industries, shall be notified by the applicant at least 10 days in advance of the period of time the structure will be relocated and access along 1st Ave NW may be limited or blocked.
- e. The Police Department, Fire Department, and Emergency Medical Services shall all be notified at least 10 days in advance of the period of time the structure will be relocated and access along 1st Ave NW may be limited or blocked.
- f. Three (3) days prior to the relocating of the structure, temporary no parking signs shall be put in the western and eastern right of ways of 1st Ave NW for the portion of the road that will be utilized for relocating the structure. These shall be removed following the relocating of the structure.
- g. This Conditional Use Permit is only valid for moving the existing 940 square feet detached garage that is currently located at 901 1st Ave NW to 903 1st Ave Nw.
- h. All requirements of the Unified Development Code must be met, including Section 6.002 (G).
- i. Prior to being occupied, the structure must have its siding replaced, must meet Minnesota State Building Code Requirements, and must be approved by the City's Building Official.
- j. Any damage to the street or public utilities from the moving of the structure will be the responsibility of the applicant.

Attachments

- A. Site Map Aerial – Dated 08/14/2026
- B. Site Map Flood Plains – Dated 08/14/2026
- C. Site Map Zoning Districts – Dated 08/14/2026
- D. Pictures of the Site – Dated 08/14/2026



CUP 3-2026
901 and 903 1st Ave NW



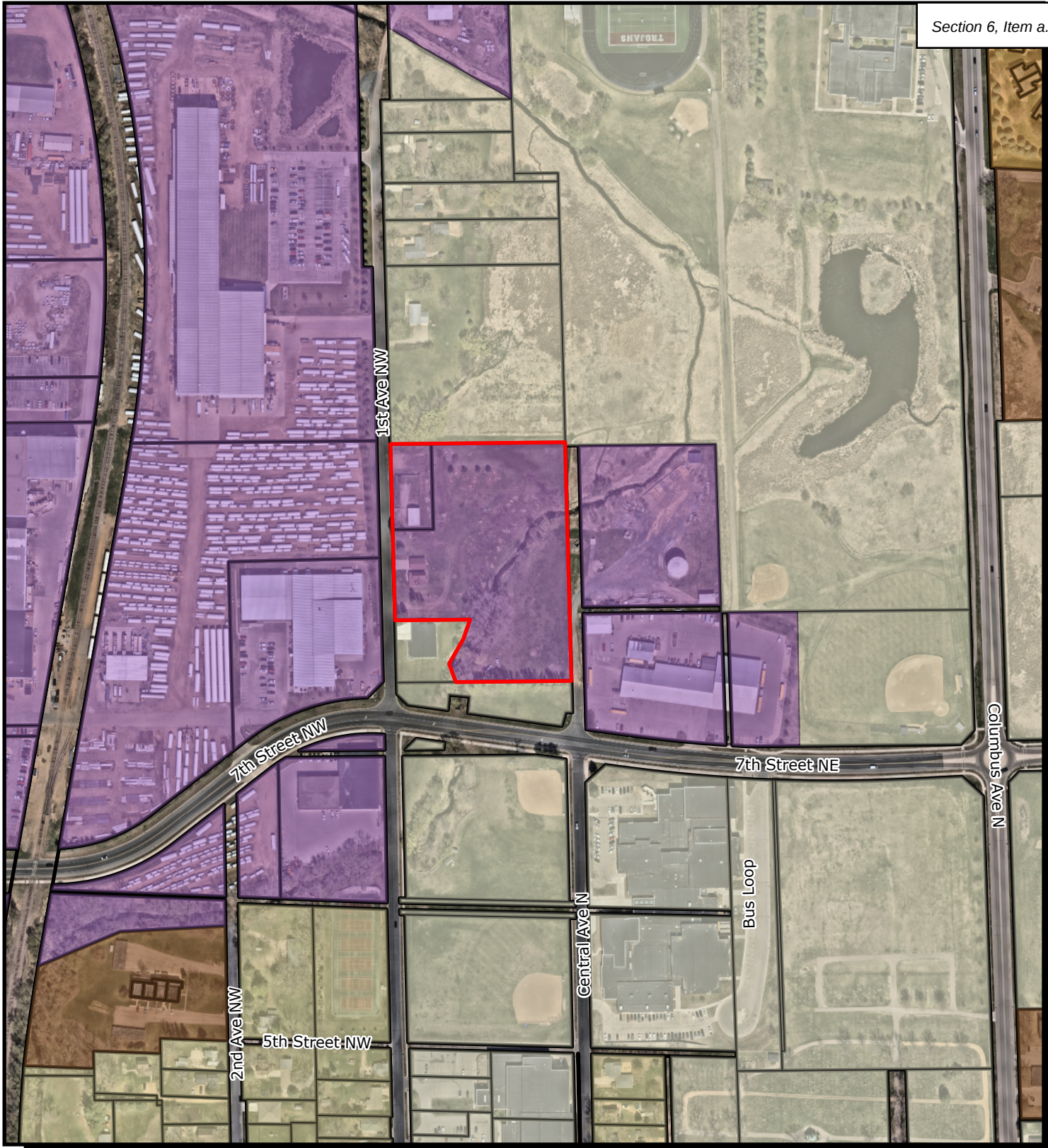
August 14, 2026.
New Prague Planning Department.
The City is not responsible for any inaccuracies or damages arising from the use of this map. Disclaimer provided pursuant to Minnesota Statute 466.01.



CUP 3-2026
901 and 903 1st Ave NW



0 60 120 ft.



CUP 3-2026
901 and 903 1st Ave NW



0 235 470 ft.



Garage where it currently is on 901 1st Ave NW.



Garage where it currently is on 901 1st Ave NW.



Garage currently located at 903 1st Ave NW



View of both 903 and 901 1st Ave NW. Garage will go approximately where blue trailer currently is.



Looking north along 1st Ave NW



Looking south along 1st Ave NW



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, COMMUNITY DEVELOPMENT DIRECTOR
EVAN C. GARIEPY, PLANNER
SUBJECT: PUBLIC HEARING FOR 2ND MISCELLANEOUS UNIFIED DEVELOPMENT
CODE AMENDMENTS
DATE: AUGUST 14TH, 2026

At the July 22nd Planning Commission meeting, Staff presented multiple miscellaneous proposed changes to the Unified Development Code. The first amendments to the UDC were passed by City Council on July 6th, which were more minor.

Upon review of the proposed amendments, the Planning Commission requested alternative proposed language for the design requirements of accessory commercial and industrial buildings to reduce the requirements rather than fully eliminate them. All other proposed amendments are the same as were brought forth in July, with the exception of 5.003 (B)(1)(e) being amended from “off-street parking of motor vehicles” to “off-street parking of vehicles.”

The Planning Commission motioned for a public hearing to be scheduled for the August 26th, 2026 Planning Commission meeting. Notice regarding the hearing has been posted at City Hall and has been published in the New Prague Times. Staff has not received any public comment regarding the proposed changes at the time of writing this memo.

Proposed Amendment: Building Design Standards

The building design standards outlined in 6.002 Character and Building Standards Building Design Requirements were added in March, with the enactment of the UDC. These were added to encourage higher design standards for commercial, industrial, and apartment buildings. Since beginning to utilize the UDC, Staff realized that these stricter regulations also apply to accessory buildings, which includes commercial and industrial sheds and garages.

6.002 Character and Building Standards

(Q) Building Design Requirements

(8) The provisions outlined in Section 6.002 (1) of this Ordinance shall not be applicable to accessory buildings or structures that are accessory to a building upon which these provisions apply.

The above proposed amendment was brought forward in July, and the Planning Commission requested potential alternative language to amend the Ordinance that lessen the design requirements on accessory buildings without entirely eliminating it.

Existing Language in the UDC.

6.002 Character and Building standards

- (1) These design requirements shall be applicable to Commercial (excluding B-1 Zoning District), Industrial, and Multi-Family Residential Buildings containing 5 or more units. Variation from these design standards shall require City Council approval.
- (2) Predominant exterior building materials must be of high quality, including brick, wood, stucco, natural or artificial stone, or concrete. When concrete or tilt-up concrete panels are used, detail using color, textures, and material treatments must be integrated to provide a higher degree of aesthetic treatment. Aluminum or vinyl siding, unfinished metal, plywood, or reflective glass are prohibited. Fiber cement or vinyl siding may be used for multi-family residential buildings as long as no more than 50% of an individual wall is comprised of this material.
- (3) A minimum of two (2) of the following design requirements shall be incorporated:
 - (a) At least two (2) contrasting building colors or accent textures.
 - (b) At minimum 25% window coverage on each building wall facing a street.
 - (c) A front entry that is accented with a minimum 150 square feet around the door entrance. Primary building entrances shall be clearly defined and emphasized through architectural treatments such as canopies, recesses, or enhanced materials.
 - (d) Varying roof lines.
 - (e) Varying wall depths.
- (4) Internal pedestrian walkways must be provided from perimeter sidewalks to building entrances.
- (5) All mechanical equipment, whether rooftop or ground-mounted, shall be fully screened from public view using parapet walls, architectural enclosures, or landscape screening.
- (6) Trash enclosures shall be constructed of materials consistent with the principal structure and include opaque gates.
- (7) Multi-family buildings with 5 or more units located in the B-1 Central Business District must comply with the provisions of Section 6.002 (Q) of ~~the Zoning Ordinance~~ this Ordinance.

Proposed Alternative Language #1.

The following proposed language requires that only 1 rather than 2 of the design requirement “menu” options are required for accessory buildings.

6.002 Character and Building Standards

- (3) A minimum of two (2) of the following design requirements shall be incorporated for principal structures, and a minimum of one (1) of the following design requirements shall be incorporated for accessory buildings which are accessory to a building upon which these provisions apply:
 - (a) At least two (2) contrasting building colors or accent textures.
 - (b) At minimum 25% window coverage on each building wall facing a street.
 - (c) A front entry that is accented with a minimum 150 square feet around the door entrance. Primary building entrances shall be clearly defined and emphasized through architectural treatments such as canopies, recesses, or enhanced materials.

- (d) Varying roof lines.
- (e) Varying wall depths.

Proposed Alternative Language #2

The following proposed alternative language gives the Zoning Administrator the authority to exempt accessory buildings from the building design requirements. This would allow discretion for small sheds, garages entirely behind industrial structures, and other similar buildings without requiring Planning Commission review. However, this may provide more discretion than the Planning Commission would like.

6.002 Character and Building Standards

(8) The Zoning Administrator may waive the building design requirements for an accessory building which is accessory to a building upon which these provisions apply if, in the opinion of the Zoning Administrator, the accessory building is sufficiently screened from public view, industrial in nature, or if it is otherwise deemed unnecessary.

Proposed Alternative Language #3

The following proposed alternative language combines the previous two. Under the discretion of the Zoning Administrator, accessory buildings may be exempt from being required to meet at least 2 of the design requirement “menu” options, and instead are only required to meet 1 of them.

6.002 Character and Building Standards

(3) A minimum of two (2) of the following design requirements shall be incorporated:

- (a) At least two (2) contrasting building colors or accent textures.
- (b) At minimum 25% window coverage on each building wall facing a street.
- (c) A front entry that is accented with a minimum 150 square feet around the door entrance. Primary building entrances shall be clearly defined and emphasized through architectural treatments such as canopies, recesses, or enhanced materials.
- (d) Varying roof lines.
- (e) Varying wall depths.

(8) If, in the opinion of the Zoning Administrator, an accessory building which is accessory to a building upon which these provisions apply is sufficiently screened from public view, industrial in nature, or if it is otherwise deemed unnecessary, the Zoning Administrator may require that only one (1) of the design requirements required by Section (3) of this Ordinance must be followed rather than two (2).

Proposed Amendments: Shipping and Storage Containers

Staff believes that the use of shipping and storage containers as buildings, even as temporary buildings or as permanent dwelling units, shall be prohibited due to concerns of them being unable to meet building design standards or the building code. The proposed language has been modeled after the City of Elko New Market's.

2.001 Rules and Definitions

Shipping Container: A large, steel or similar material box designed and built to transport goods by sea or land. They may also be referred to as ISO or Intermodal Containers.

Portable Storage Container: A large, secured, weather-resistant box that can be moved from place to place and used for temporary storage purposes.

5.003 Performance Standards

(B) Exterior Storage

(1) Exceptions

(h) Portable storage containers or shipping containers

- 1. The use of portable storage containers or shipping containers or other similar structures or containers are permitted for temporary storage on a driveway or parking lot, but in no event shall such containers be present for more than 60 days within any one-year period.
- 2. Portable storage containers or shipping containers or other similar structures or containers may not be used as a dwelling, a primary structure, nor an accessory building or structure.

6.003 Character and Building Standards

(E) Accessory Buildings and Structures

(3) In All Districts

(e) Portable storage containers or shipping containers or other similar structures or containers may not be used as an accessory building or structure.

Proposed Amendments: Solar

Currently, the State only requires building permits for solar photovoltaic systems, which are thought of as the “typical” power-producing power systems. The City requires building permits for all solar energy systems, including those meant to just generate heat or to heat up water to confirm that all mounting, plumbing, and wiring is correct.

3.002 Administration

(K) Administrative Permits

(1) An administrative permit shall be required for the following activities:

~~(e) Solar energy system that does not require a building permit.~~

The UDC’s 5.001 Use Chart lists roof mounted solar structures as a permitted use in all zoning districts. Through omission, this means that ground mounted solar structures are not permitted. Clarifying this within 5.002 Prohibited Uses in all Zoning Districts just makes this more explicit.

5.002 Prohibited Uses in all Zoning Districts.

(H) Solar structures that are not roof mounted, including ground mounted solar structures.

Proposed Amendment: Vehicles

The following amendments are regarding clarifying vehicle Ordinances. The City’s current restrictions regarding passenger vehicles includes prohibiting vehicles from parking on the grass in a front or side yard, and only permitting it in rear yards with accessory structure setbacks, as well as restrictions regarding inoperative and junk vehicles. Due to how the law defines passenger vehicles, these regulations do not impact commercial vehicles, even if it is in a residential district. The proposed amendments will make these regulations apply to commercial vehicles as well as passenger vehicles. Clarification regarding the definition of carport is also proposed.

2.001 Rules and Definitions

Carport – A permanent roofed structure permanently open on at least ~~two sides~~ **one side**, designed for or occupied by ~~private passenger~~ vehicles. ~~Carports shall be prohibited.~~

5.002 Prohibited Uses in All Zoning Districts

(I) Carports.

2.001 Rules and Definitions

Garage, Private – An accessory building or accessory portion of the principal building which is intended for and used to store the ~~private passenger~~ vehicles of the family or family’s resident upon the premises. A garage shall not include a carport.

5.003 Performance Standards

(B) Exterior Storage

(1) Exceptions

(e) Off-street parking of ~~passenger~~ motor vehicles.

1. Parking of ~~passenger~~ vehicles must be on an improved bituminous surface if located in the front or side yard. Parking of ~~passenger~~ vehicles is permitted on an unimproved surface in the rear yard if the vehicle meets accessory structure setbacks of the district.

(2) Refuse

(b) ~~Passenger~~ Vehicles in an inoperative state shall not be parked in residential districts for a period exceeding 7 days. “Inoperative” shall mean incapable of movement under the vehicle’s own power and in need of repairs. All ~~passenger~~ vehicles shall be currently licensed.

Proposed Amendment: Unattached Decks and Garage Clarification

As currently written, the UDC prevents decks at all from being within 20 feet of the rear property line. Staff believes that decks that are not attached to a building or structure with frost footings – such as decks surrounding above-ground pools, or small decks surrounding pavilions – should not have as strict of requirements. The proposed amendments clarify the differences between unattached and attached decks. Decks that are attached to the rear of a house must still be 20 feet from the rear setback line. Additional clarification regarding accessory building requirements for garages is also proposed.

6.002 Character and Building Standards

(D) Permitted Encroachments

(2) Attached decks are also exempted from the rear yard setback requirements except that an attached deck may not be located closer than 20 feet from the rear property line including on through lots.

(E) Accessory Buildings and Structures

(1) In Residential Districts

- (b) Accessory buildings and structures are permitted in any rear or side yard. Accessory buildings and structures shall not be erected within six (6) feet of any lot line or ten (10) feet from any alley and. Garages must provide a minimum of 20 feet of direct access to the entrance within the property lines.
- (e) Unattached decks are considered an accessory structure for the purposes of this Section. Attached decks are not considered an accessory structure for the purposes of this Section.

Proposed Amendment: Zoning Ordinance References

As New Prague replaced its Zoning Ordinance and Subdivision Ordinance with the UDC, all mentions of them were to be replaced with references to the UDC. Some of these were missed, thus the following corrections are proposed.

2.001 Rules and Definitions

Practical Difficulty – Practical difficulties as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the ~~Zoning Ordinance~~ Unified Development Code; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include but are not limited to inadequate access to direct sunlight for solar energy systems.

5.003 Performance Standards

(V) Traffic Impact Study Guidelines and Process

(3) Need for Traffic Impact Study

- (b) Certain types of development, because of their size, nature, or location, are less likely to result in traffic impacts and therefore do not require the investment of time or effort in conducting a comprehensive traffic analysis. When a development is staged or phased over time, the City requires that a Traffic Impact Study be completed based on the impacts of the final phase or build out. At a minimum, all development projects will need to prepare some documentation such as driveway/access locations, showing consistency with the New Prague Comprehensive Plan, and compliance with the access spacing guidelines which are part of the New Prague Zoning Ordinance as outlined in this Ordinance.

Table 1 – Level of Analysis Required

Minimal Analysis

Required Information:

Consistency with Comp Plan and ~~Zoning Ordinance~~ Unified Development Code

6.002 Character and Building Standards

(Q) Building design Requirements

(7) Multi-family buildings with 5 or more units located in the B-1 Central Business District must comply with the provisions of Section 6.002 (Q) of ~~the Zoning Ordinance~~ this Ordinance.

Proposed Amendment: Cannabis Reference to City Code

The City Code 121.23 (K) requires that cannabis businesses cannot be closer than 250 feet to a school. The UDC cites this, but the reference is incorrect and refers to 121.14, which does not exist. The proposed amendment fixes this citation to reference the correct City Code section.

5.003 Performance Standards

(S) Cannabis Businesses

(1) Cannabis businesses may not be located within 250 feet of a school as established in City Code Section ~~121.14 (H)~~ 121.23 (K).

Recommendation

Staff recommends that the Planning Commission holds the required public hearing to gather public input, and to forward a recommendation on the proposed amendment to the City Council for consideration at their September 8th, 2026 meeting.

August 2026 EDA Business Updates:

- **1 new home permit** was issued in July (The year-to-date totals are: 3 single family homes, 0 townhome units and 0 apartment units). One additional new home permit is available for pick up at this time.
- **Chart Industries**, located at 407 7th Street NW, was acquired by Baker Hughes in July. Staff has not heard directly from the new owners at this time.
- Following the approval of a Conditional Use Permit for **Bold North Hemp, LLC** to locate a cannabis cultivation facility at the former mill located at 100 2nd Ave. SW, they have formally applied for a building permit to convert the space to the cannabis cultivation facility.
- **Tupy Insurance**, located at 410 Main Street W., applied for a building permit for internal alterations to add two offices.