



PLANNING COMMISSION MEETING AGENDA

City of New Prague

Wednesday, May 22, 2024 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

-
1. **CALL TO ORDER**
 2. **APPROVAL OF MINUTES**
 - a. [May 1, 2024, Planning Meeting Minutes](#)
 3. **OLD BUSINESS**
 - a. None
 4. **NEW BUSINESS**
 - a. Request for Variance #V2-2024 - 21.2' Front Setback and 5' Conservation Easement Setback
Michael Weinandt - Applicant
 5. **MISCELLANEOUS**
 - a. Monthly Business Updates
 - b. Comprehensive Plan / Small Area Plan Update
 6. **ADJOURNMENT**

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

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

Meeting Minutes
New Prague Planning Commission
Wednesday, May 1, 2024

1. Call Meeting to Order

The meeting was called to order at 6:33 p.m. by Chair Dan Meyer with the following members present were Ann Gengel, and Jason Bentson. Absent were Shawn Ryan, and Brandon Pike.

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

2. Approval of Meeting Minutes

A. April 3rd, 2024 Regular Meeting

A motion was made by Gengel seconded by Bentson to approve the April 3rd regular meeting minutes. Motion carried (3-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Review of Zoning Ordinance Amendment – Floodplain Ordinance

Planning Director Ondich explained that the city was recently notified by FEMA that the Le Sueur County FEMA Flood Insurance Rate Maps (FIRMs) will become effective on July 17th, 2024. This map update will cover all of New Prague. To continue participation in the National Flood Insurance Program (NFIP), the City must be in compliance and update the floodplain ordinance with FEMA floodplain regulations by July 17th, 2024. There are two main floodplains in New Prague. One is near Southside Park and the other at the School District's Living Lab. On February 28th, there was a consensus with the Planning Commission to forward with a public hearing with the simplified floodplain ordinance. New Prague has little to no developments in the floodplain and no one has asked for a variance to build in the floodplain in the past 20 years. Adopting the simplified model would make the community consistent.

Meyer stated that the old tattoo shop seems close to the floodplain.

Planning Director Ondich clarified that the structure is outside the floodplain but there is a lot of erosion on the creek bank and potential future erosion. It may be the only building in danger in the future to preserve the shoreline. Although the maps don't show it, the floodplains extend

further past the city boundary lines on the Scott County side. The FEMA floodplain maps only show floodplains within city boundaries, but the city would like a map that shows the surrounding floodplains since the city will continue to grow and annex land.

A motion was made by Gengel, seconded by Meyer to open the public hearing at 6:45pm. Motion carried (3-0).

No public comment received.

A motion was made by Bentson, seconded by Gengel, to close the public hearing at 6:46pm. Motion carried (3-0).

A motion was made by Bentson, seconded by Meyer to forward a recommendation to approve the simplified floodplain ordinance to the City Council. Motion carried (3-0).

5. Miscellaneous

A. Monthly Business Update

Planning Director Ondich stated that in March, one single family home permit was issued. Bargain Lodge has since moved into their new location. The City Council formally approved the interim use permit for Faith, Recovery & Music to utilize some office space in the former mill. A variance application will likely be submitted in the near future to allow the construction of the 54-unit apartment south of Walgreens. Staff recently submitted an application for the Minnesota Housing Finance Agency's Workforce Housing Development Program that would potentially fund up to \$499,999 for the apartment complex.

B. Comprehensive Plan / Small Area Plan Update

Planning Director Ondich explained that the open house for the city center small area plan will occur on May 8th from 5-7pm at the Broz (212 Main St W). The open house will allow the public to provide input on the two proposed site plans. The City Center site must have a housing component on the north portion of the lot, a stormwater pond, and POPS. So far, the two plans additionally incorporate trails and public parking. In a previous meeting, the mayor recommended the idea of having a community center, which has caught traction in some of the site plans.

Benston asked if there was any news on the Rusty Spoke.

Planning Director Ondich stated that they have applied for a liquor license. They hope to open around Memorial Day but it's contingent on the liquor license approval.

C. Expiring Terms

Planning Director Ondich noted that Ann Gengel's term will expire on May 31st, 2024. He stated that Gengel should have or will receive a phone call soon to set up an interview.

6. Adjournment

A motion was made by Gengel, seconded by Bentson, to adjourn the meeting at 6:58 pm. Motion carried (3-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kyra J. Chapman". The signature is written in a cursive, flowing style.

Kyra J. Chapman
Planner



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN - PLANNER
SUBJECT: REQUEST FOR VARIANCE #V2-2024 FOR 21.2’ FRONT SETBACK AND A 5’ SETBACK TO THE EDGE OF THE EXISTING CONSERVATION EASEMENT LOCATED AT 703 7TH ST NE, AS PROPOSED BY MICHAEL WEINANDT.
DATE: MAY 15, 2024

Background / History

In 2023, Pond Third Addition was platted, dividing the single parcel into four lots. In the approved final plat, a shared private access driveway was required. This means that the subject property must share a driveway with the lot(s) directly to the east. The applicant, Michael Weinandt, is requesting a reduction from the front setback and setback from the conservation easement for the western most lot located at 703 7th Street in the RL-90 Single Family Residential Zoning District. Currently there is a required 30’ front setback and a 6’ setback from the edge of the conservation easement (as required by the conditions for approval for Pond Third Addition). To make room for a residential home with an attached garage, the applicant is requesting a 21.2’ front setback and a 5’ setback from the edge of the conservation easement.

Back in 2020, a variance was granted to allow construction to the conservation easement line, but this variance is no longer needed as the ordinance was amended to allow building construction to the conservation easement line and furthermore one of the conditions of the approval of Pond Third Addition required additional setback to the easement of 6’.

When the property was platted in 2018, a conservation easement was put into place as Document #A1059675. This conservation easement was required by the City’s zoning ordinance based on the assessment of the wetland’s condition. Signs were installed on the site by the applicant in 2019, and verified by the City, to delineate the edge of the easement. The conservation easement provides for a buffer of a minimum of 30’ from the delineated edge of the wetland and requires that the easement area be left in a natural state.

The wetland edge was delineated with the plat of the property and established the wetland edge as noted on the plat. With the applicable regular setbacks for a single family home plus conservation

easement plus an additional setback of 6’ from said easement line, the lot is left with a a building pad of just under 53’ deep in areas of the lot which limits the style of home that could be constructed on the lot (most homes in the neighborhood are split level type homes, although the house to the west is not a split level style home). It is noted that staff does not believe this to be a substandard lot depth. It is noted, however, that during the platting of the property in 2023 that this lot would have a smaller than building pad depth than some other lots due to the additional conservation easement 6’ setback.

Legal Description

Lot 1, Block 1, Pond Third Addition according to the plat thereof, Scott County, Minnesota.

Zoning

The subject property is located in the RL-90 Single Family Residential Zoning District.

Neighborhood Conditions Statement of Practical Difficulties

The subject property is located in the RL90 single family residential zoning district. Most properties in the neighborhood are similarly zoned. Most properties in the neighborhood are meeting the 30’ front setback requirement.

Many other properties in this neighborhood also abut the wetland but have lot dimensions which did not limit the type of home that could be constructed on the lot or in the case of the property at 900 Lexington Ave. N., are considered a legal non-conforming home as they are located less than 30’ from the delineated wetland edge. All other lots in the neighborhood were all platted prior to the City’s requirement that conservation easements must be put in place around wetlands and also before the 50’ setback to buildings from wetlands existed (or alternately the newer standard to build up to a conservation easement edge (or in the case of this lot 6’ from the conservation easement edge per the plat condition). While other lots in the neighborhood (other than those in the same plat) have deeper building pads than the depth of just under 53’ on this lot, staff does not believe this to be a substandard lot depth to build a home comparable to others in the neighborhood.

Statement of Practical Difficulties

The applicant is requesting a front setback reduction to 21.2’ to allow the construction of an attached garage and a setback reduction of 5’ to the edge of the conservation easement to build a residential home. As required in Pond Third Addition Preliminary and Final plat, a shared driveway must be built on the subject property and the abutting east property. The shared driveway will impact the area of buildable space and the layout of the home. Furthermore, the applicant believes that the lot is an irregular shape with most of the lot unable to be built on due to the wetland. The applicant would like to construct a high-end home to fit the character of the neighborhood.

Wetland Setback Ordinance

In 2002, the Minnesota Pollution Control Agency required that the City of New Prague adopt a wetland buffer requirement. On April 1, 2002 the City of New Prague amended its Comprehensive Stormwater Management Plan to include the buffer strips as required by the PCA. The rules required a 40’ strip of native vegetation (buffer) adjacent to a wetland and required that buildings be set back an additional 10’ beyond the buffer area for a total of 50’ from the delineated wetland edge. This setback has continued to exist since it was adopted in 2002 however it is now contained in Zoning Ordinance Section 734 (4)(D)(2) and 734(4)(E)(5) and provides a buffer based on the assessment of

the wetland, rather than a blanket number. The existing conservation easement covers this requirement.

Past Wetland Variances

Since the 50’ wetland setback to buildings went into effect in 2002 there have been six variances granted for properties which existed prior to the wetland setback going into effect and having issues pertaining to the wetland setback precluding the use of their backyards or precluding any additions to their homes. The most recent wetland setback variance was V2-2020 on the previous plat (Pond 2nd Addition-same land) for a home to be built up to the wetland buffer/conservation easement line. Although the variance was approved, it did not go into effect since the Zoning Ordinance was updated after the meeting, requiring a minimum of 25% of the site in natural conservation areas to be protected with conservation easements.

There were several other variances such as V1-2016 for a wetland setback variance to allow a new home to be constructed at 24’ feet (reduced to 14’ for a deck off the home) from the wetland edge, V4-2018 which allowed an above ground pool to be located 14’ from a wetland edge, and finally V5-2019 that allowed a new home to be constructed at 40’ from the edge of a wetland, but outside of the conservation easement area.

Public Works Comments

Public Works Director (Matt Rynda) and Utilities General Manager (Bruce Reimers) were not solicited for comments on this variance request as it does not involve any public works or utility related matters.

City Engineer Comments

City Engineer Chris Knutson was not solicited for comments on this variance request.

Building Official Comments

Building Official Scott Sasse was not solicited for comments on this variance request as no new home permit has actually been applied for at this time.

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.

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 variances to allow for new home construction to be within 5’ of the edge of the existing conservation easement and within 21.2’ from the front lot line is

in harmony with the general purposes and intent of this Ordinance because residential structures are a permitted use in the RL-90 Single Family Residential Zoning District.)

- B. The variance is consistent with the comprehensive plan. (The requested variance to allow for new home construction to within 5' of the edge of the existing conservation easement and within 21.2' from the front lot line is consistent with the comprehensive plan because the subject property can have a single family home as a permitted use in the RL-90 Single Family Residential Zoning District and the variance would provide for a buildable area to construct a single family home on the lot that is consistent with the type and size of home that exists in the neighborhood.)
- 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 intends to construct a single family home on the lot which would not be a reasonable use because although it would match the existing neighborhood area in terms of home size, it would not match the existing neighborhood in terms of the front setback being 30' for most other homes in the area.)
- 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 in that a shared driveway is required and it abuts a wetland.)
- E. The variance does not alter the essential character of the neighborhood. (The variance would alter the essential character of the neighborhood because there are currently very few if any homes that are less than 30' from the front setback.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is not the minimum variance which would alleviate the practical difficulty because the building site plans could be adjusted or reduced to meet the setback requirements which would better fit the look of the neighborhood.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (No additional conditions are imposed.)

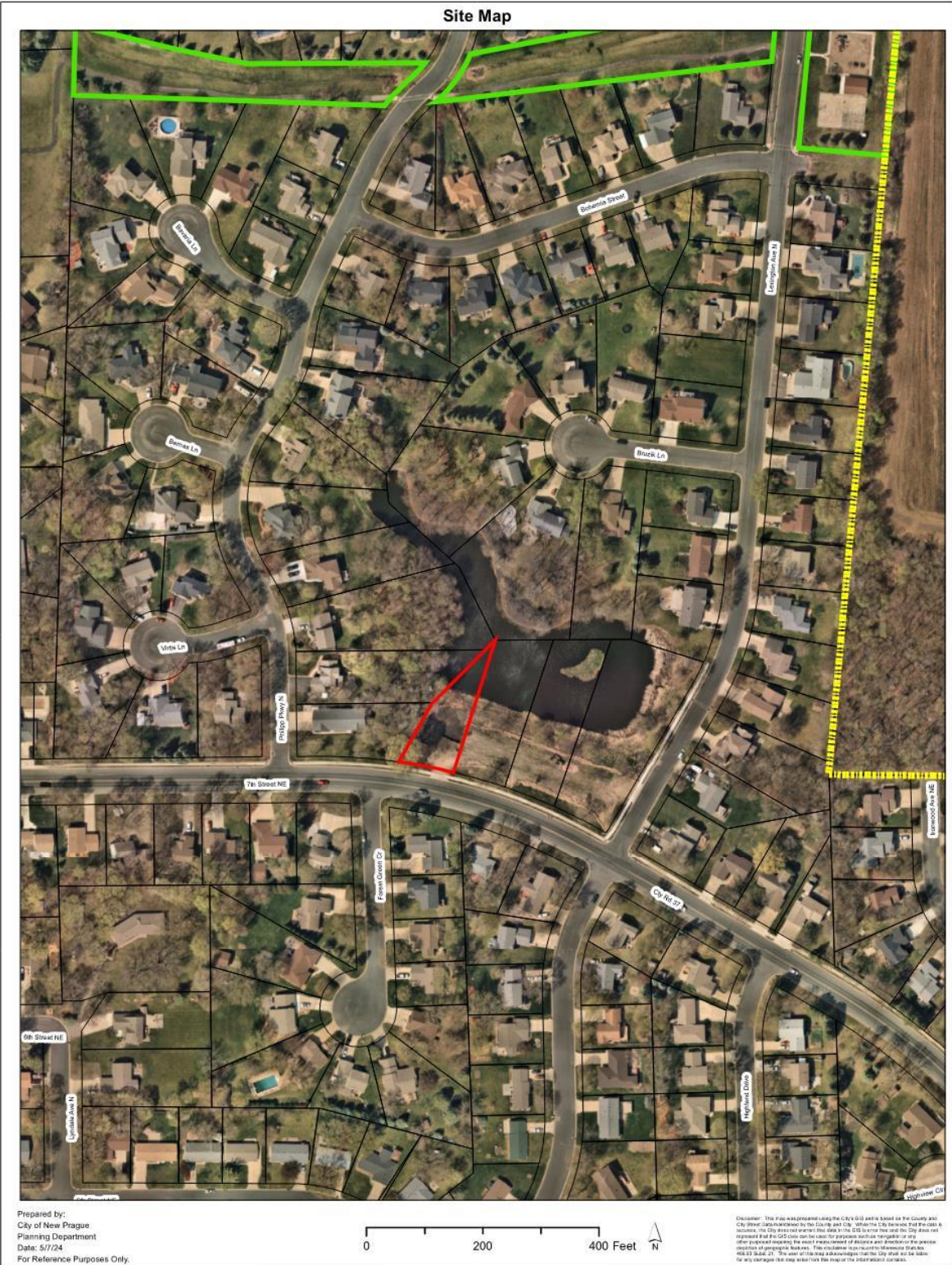
Staff Recommendation

Staff recommends **denial** of Variance #V2-2024 from the required 30' front setback to 21.2' and from the required 6' conservation easement to 5' of the existing conservation easement to allow for a new home construction located on Lot 1, Block 1, Pond 3rd Addition, for the following reasons:

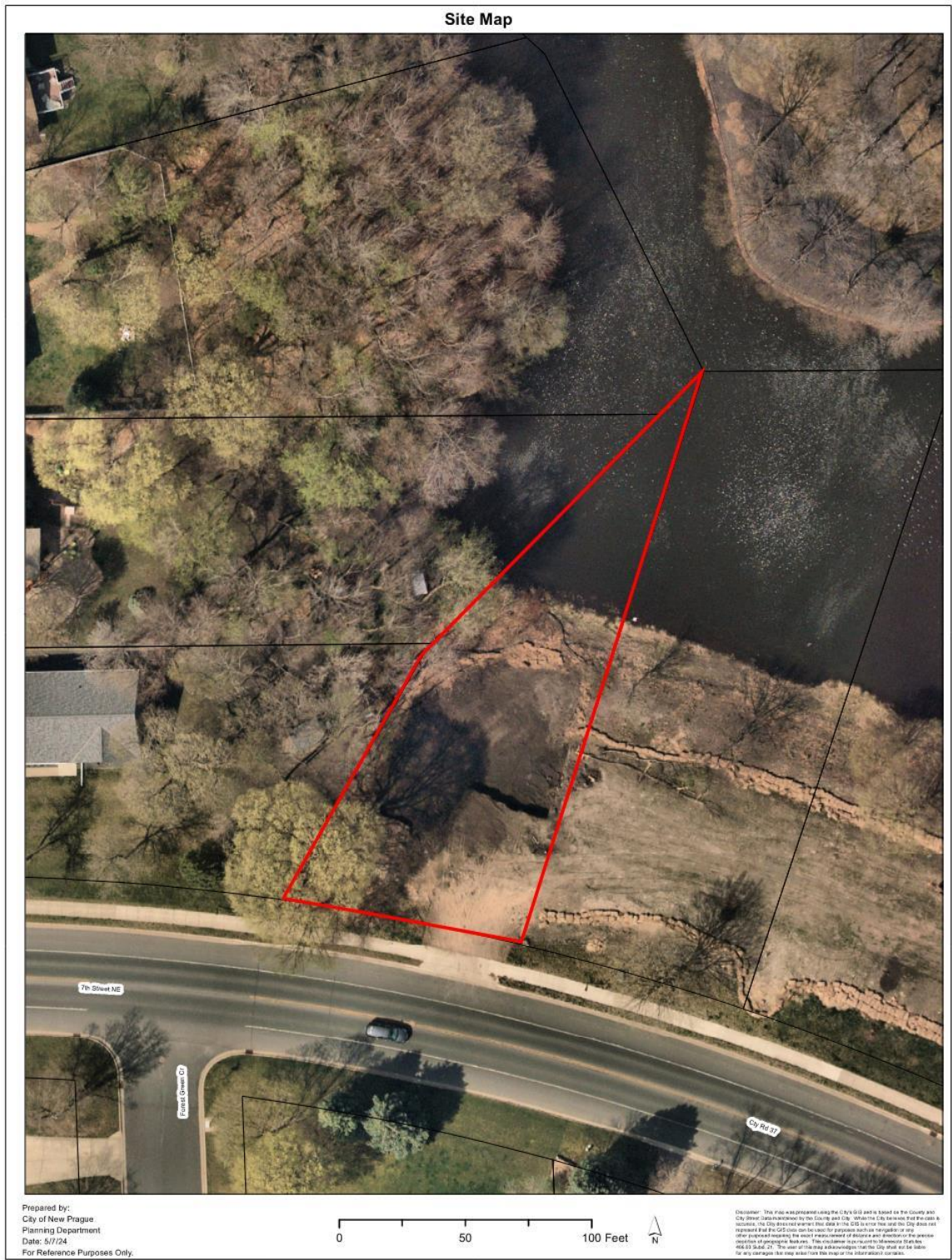
1. The proposed single family home on the lot which would not be a reasonable use because although it would match the existing neighborhood area in terms of home size, it would not match the existing neighborhood in terms of the front setback being 30' for most other homes in the area.
2. The variance would alter the essential character of the neighborhood because there are currently very few if any homes that are less than 30' from the front setback.
3. The variance requested is not the minimum variance which would alleviate the practical difficulty because the building site plans could be adjusted or reduced to meet the setback requirements which would better fit the look of the neighborhood.

Attachments

- 1) Site Map Aerial – Dated 5/7/24
- 2) Enlarged View of Subject Site – Dated 5/7/24
- 3) Zoning Map – Dated 5/7/24
- 4) Survey – Undated
- 5) Survey Planning Comments – 5/15/24
- 6) Home Rendering – 4/28/24
- 7) Oblique Air Photo – Undated
- 8) Pictures – Dated 5/7/24



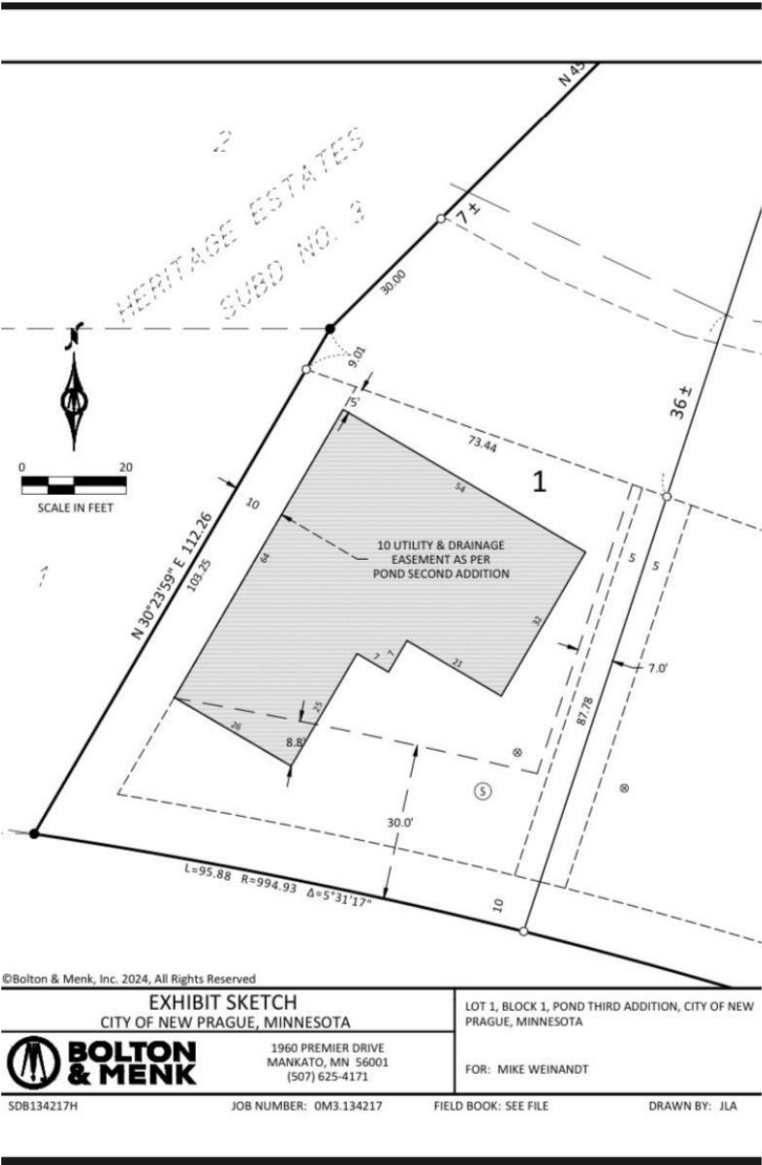
Aerial Site Map



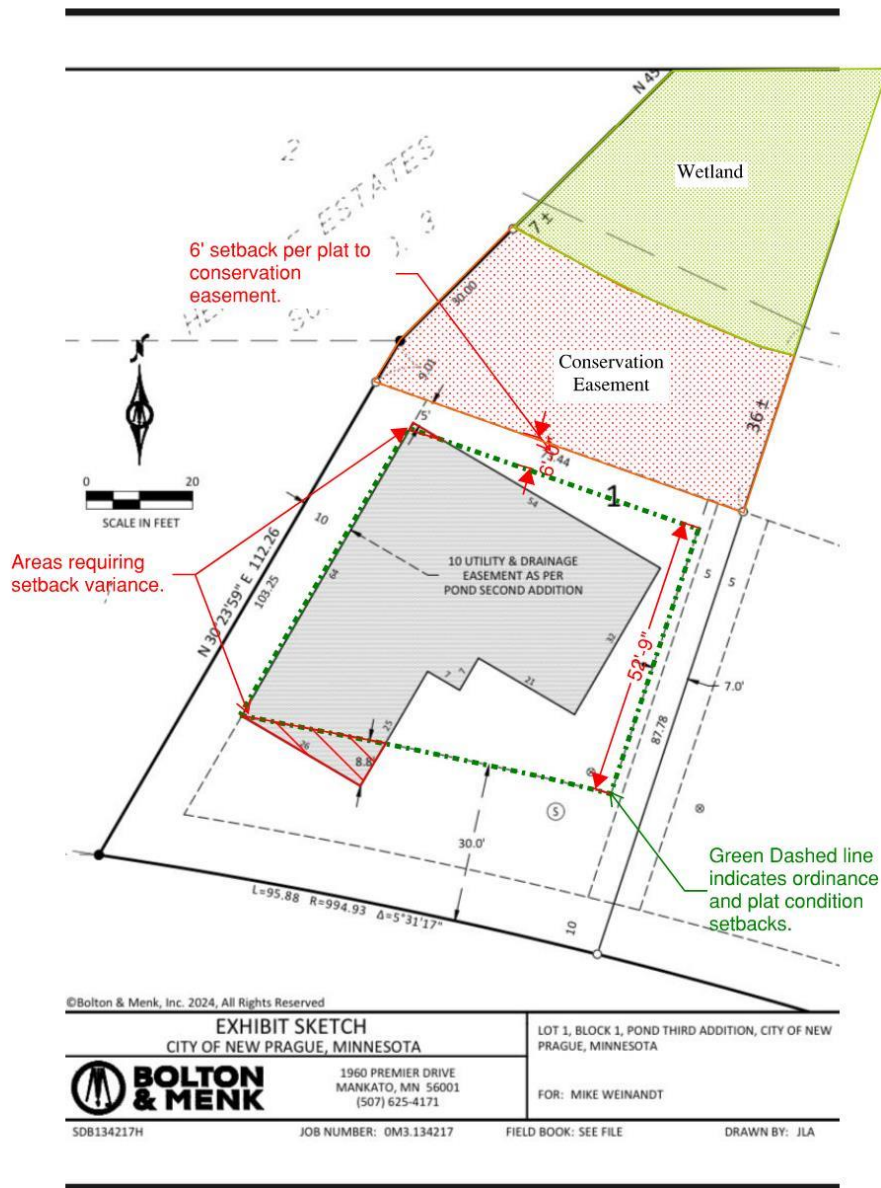
Enlarged View of the Subject Property



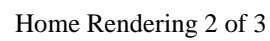
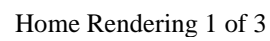
Zoning in the Neighborhood

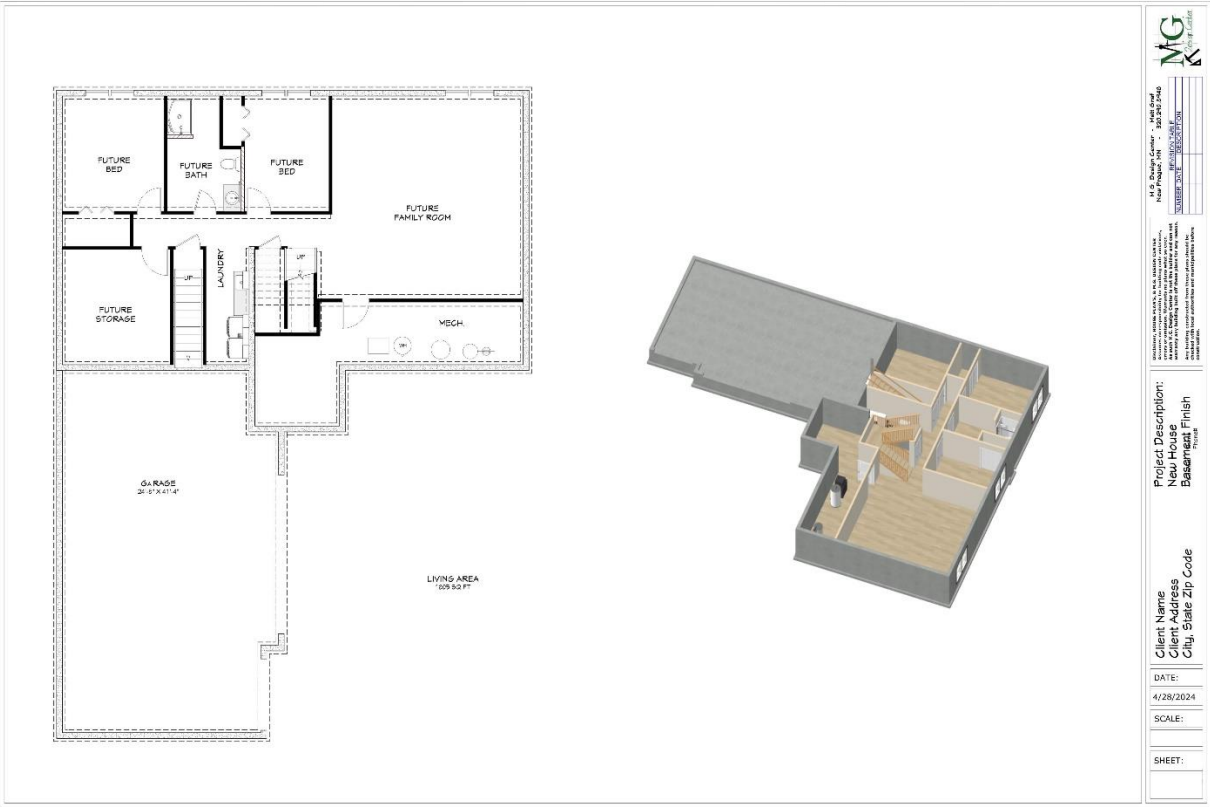


Survey of 703 7th Street NE



Planning Comments on Survey





Home Rendering 3 of 3



Oblique Air Photo – Looking North at the Property



Looking North towards lot from 7th Street NE



Looking Northeast from the sidewalk on 7th Street NE



Looking Northwest from the sidewalk on 7th Street NE

May 2024 EDA Business Updates:

- **0 new home permits** were issued in April (0 single family homes and 0 townhome units). 2 residential home permits have been issued so far in 2024 (2 single family, 0 townhomes, 0 apartment units).
- **Cedar and Sage**, located at 123 Main Street W, was sold to a new owner and will now be called **Honey Lou Boutique**.
- The Holiday Station at 102 10th Ave. NE has been rebranded as **"Circle K"**.
- A demolition permit was issued for a small portion of the former Mill property at 100 2nd Ave. SW near the railroad tracks.
- The City Council issued an interim use permit to **Faith, Recovery & Music** (a religious institution) to utilize approximately 780 sq. ft. of office space at the former mill at 100 2nd Ave. SW.
- **Brick's Boatworks** was issued a permit for adding a paint booth in their main shop at 801 6th Street NW.

SMALL AREA PLAN

City Council

New Prague | May 6, 2024

STAKEHOLDER GROUP

Duane Jirik – Mayor

Rik Seiler – Councilmember

Brandon Pike – Planning Commissioner

Joe Barten – Park Board Chair

Brent Quast – EDA President

Sheilina Sperry – Chamber Member

Tony Buthe – NPAS Director of Educational Services

SCOPE & SCHEDULE

Part 1- Month 1

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

Part 2- Month 2

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

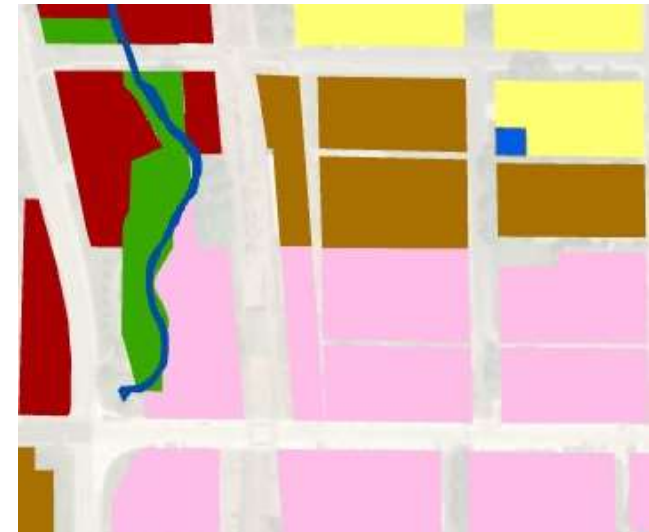
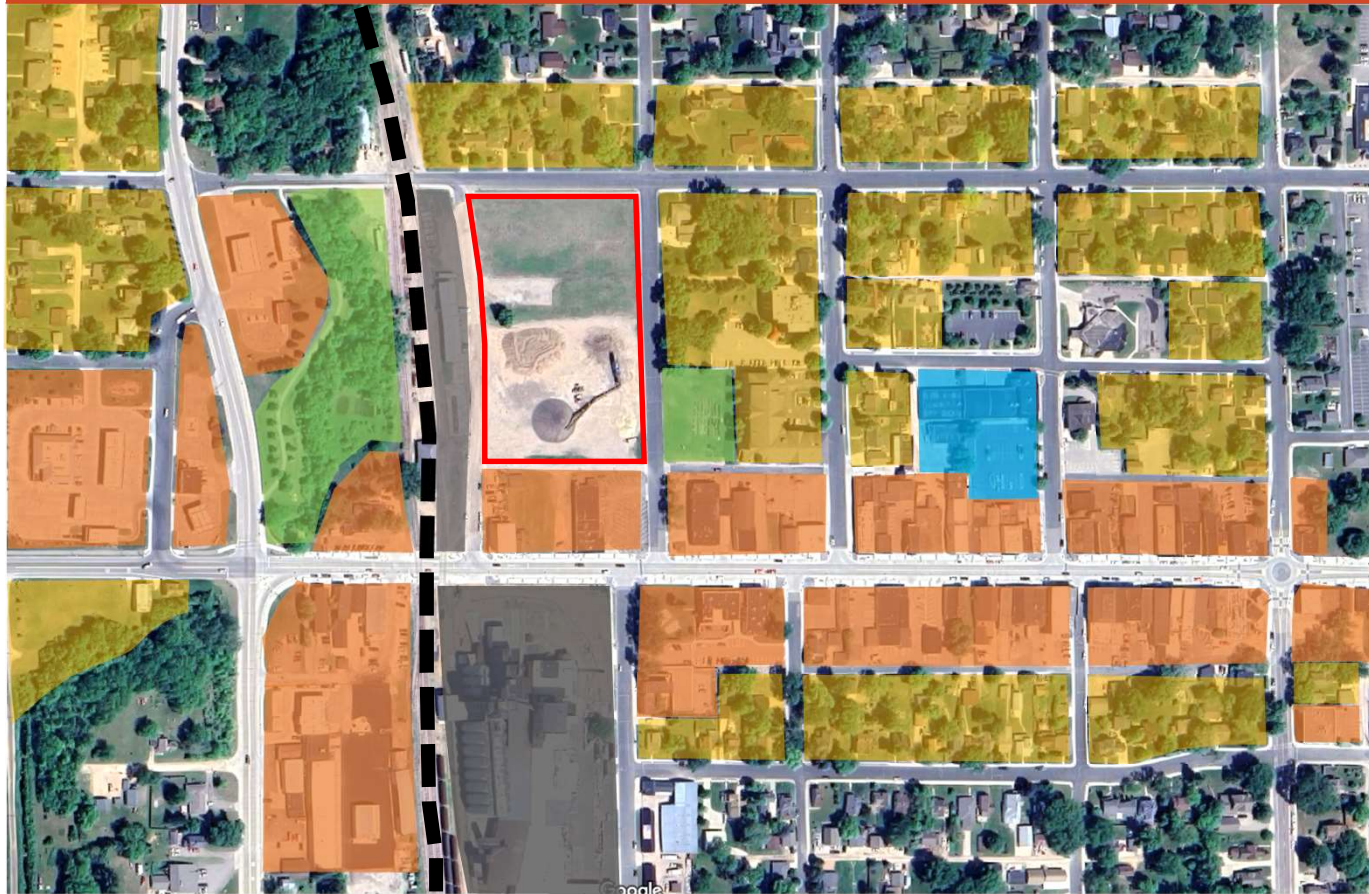
Part 3 - Month 3

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

Part 4 - Month 4

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

Existing Conditions – Generalized Land Use



Proposed Land Use from
Comprehensive Plan

Existing Conditions - Zoning



- RL90 - Single Family Residential District
- RM - Medium Density Residential District
- RH - High Density Residential District
- B1 - Central Business District
- B2 - Community Commercial District
- B3 - Highway Commercial District
- I1 - Light Industrial
- Park

Potential Small Area Land Uses

Public Uses

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

Private Uses

- Residential: attached single family
- Residential: multi-family
- Residential: Senior cottages
- Commercial/retail infill

Draft Development Program



A. Outdoor performance stage

- Capacity for 500 at 20 sf/person = 10,000 sf sitting area
- Stage = 12' x 24' (larger?)
- Restrooms & small storage space
- Parking – (amount to be determined)
- Trail and sidewalk connections

B. Community Room

- seating for 30-60

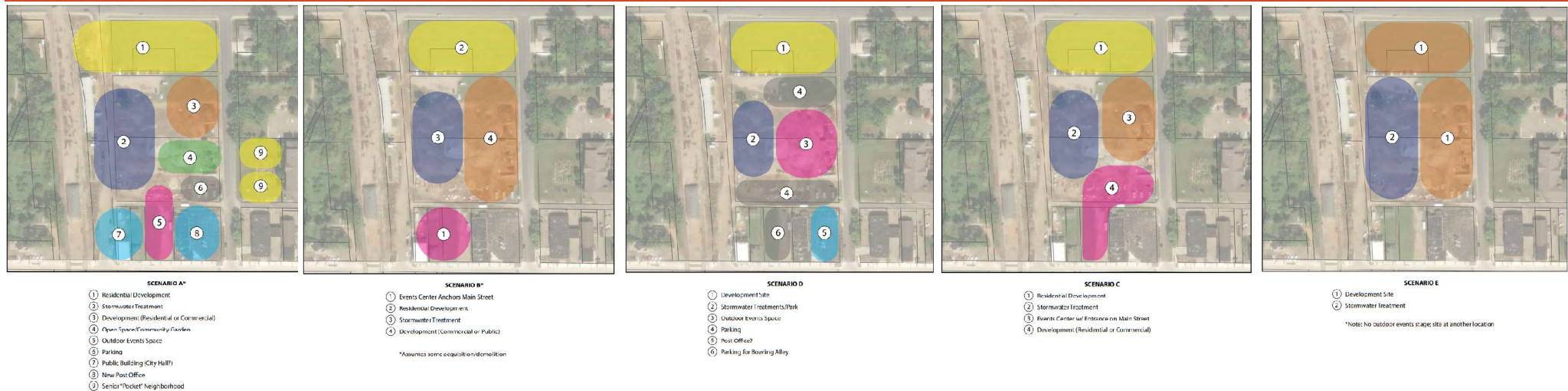
C. Land Use

- Sites and lots on Main Street for commercial/retail infill development
- Consider acquisition of some adjacent parcels

D. Stormwater Management Area

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

Draft Scenarios – March 6



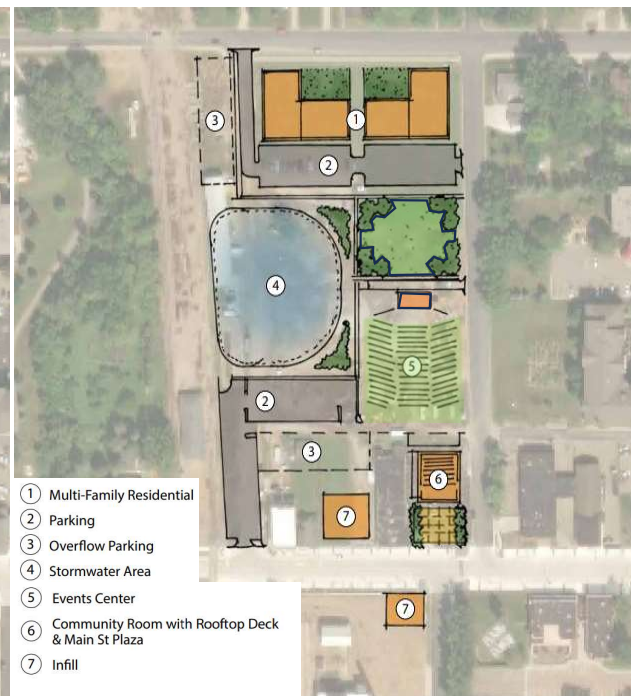
The Stakeholder Group reviewed 5 draft scenarios, that included a range of uses, which were discussed and reduced to 3.

Draft Scenarios – April 10

Refined Scenarios “Park & Main”



Refined Scenarios “Civic Commons”



Refined Scenarios “Intown Living”



Draft Scenarios – May 6



CIVIC COMMONS

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



IN-TOWN LIVING

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

In-Town Living



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



Combined community room and outdoor stage could include a "front porch" with performance stage behind

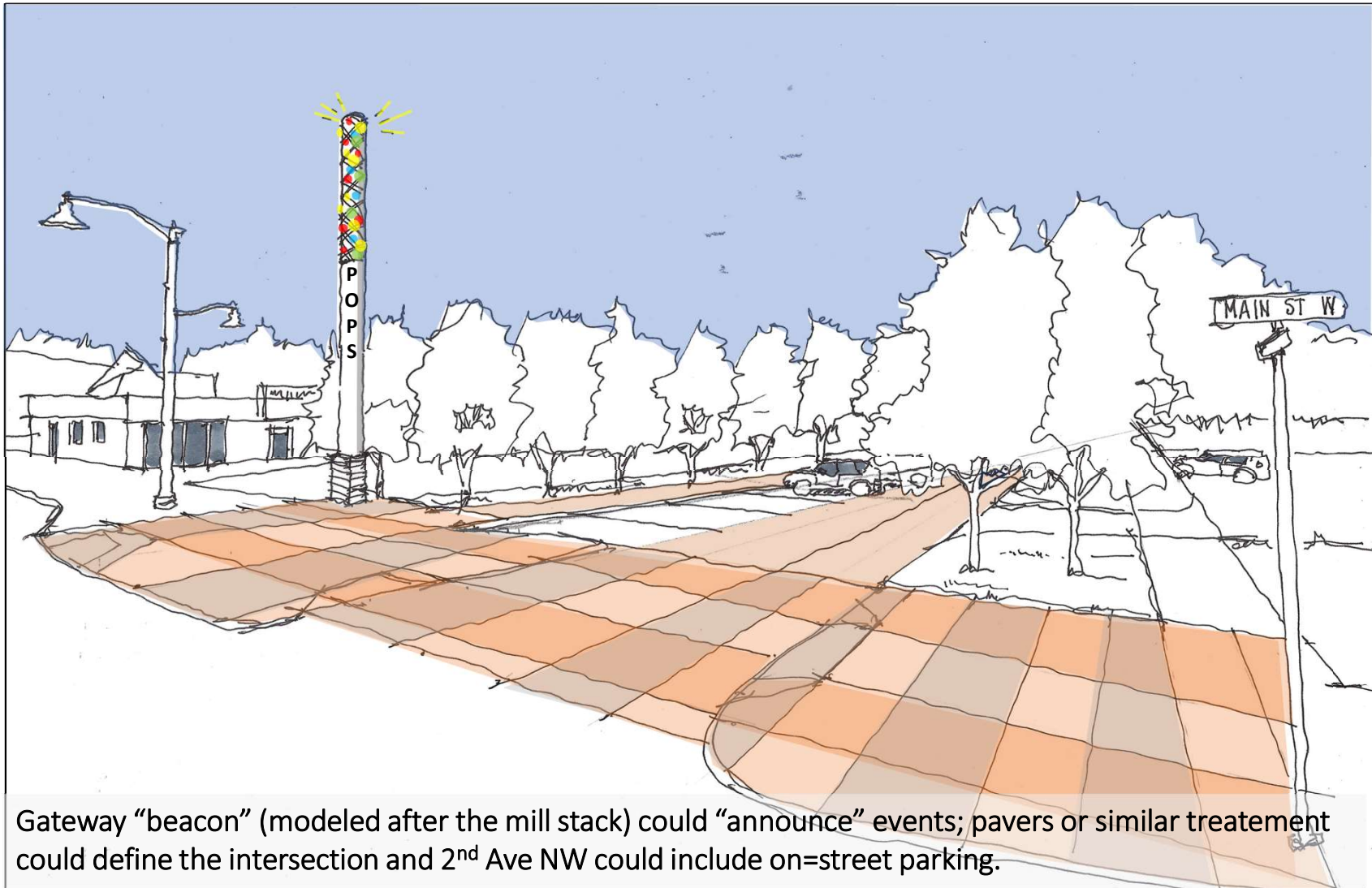


Senior cottages would provide affordable housing on the current site of the community garden; community garden would remain.

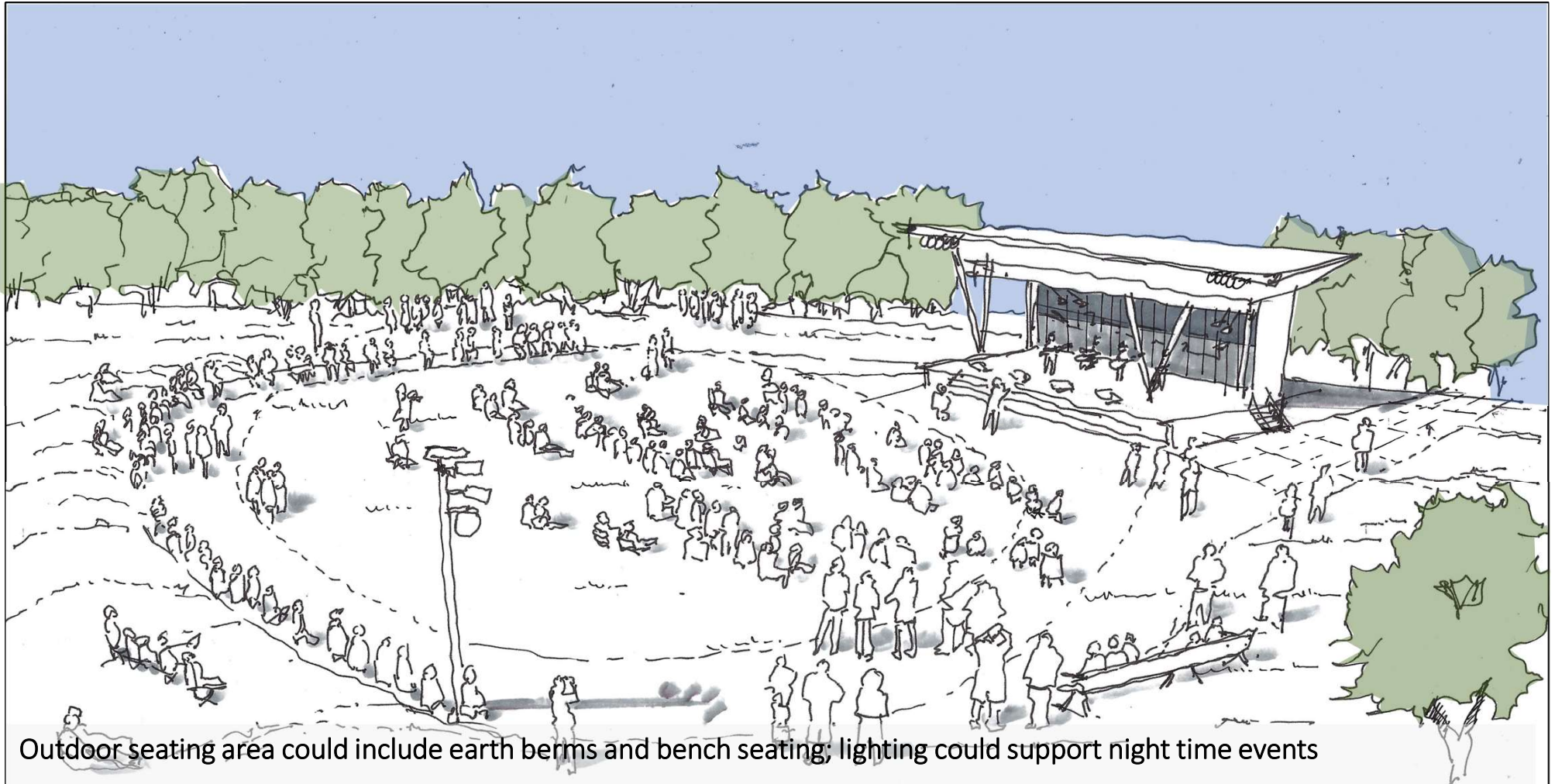
Civic Commons



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



Gateway “beacon” (modeled after the mill stack) could “announce” events; pavers or similar treatment could define the intersection and 2nd Ave NW could include on=street parking.



Updated Schedule

