



PLANNING COMMISSION MEETING AGENDA

City of New Prague

Wednesday, November 20, 2024 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- a.** [October 23, 2024, Planning Meeting Minutes](#)

3. OLD BUSINESS

- a.** None

4. NEW BUSINESS

- a.** Request for Amendment to Conditional Use Permit #C2-2022 - Existing Fence Gate to Remain located at 500 10th Ave NE.
Community Baptist Church - applicant
(Public Hearing Required)
- b.** Request for Variance #V9-2024 - 180 sq ft Freestanding Sign located at 100 2nd Ave SW.
New Prague Mill, LLC - applicant

5. MISCELLANEOUS

- a.** Monthly Business Updates
- b.** Unified Development Code

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, October 23rd, 2024

1. Call Meeting to Order

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

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

2. Approval of Meeting Minutes
A. September 25th, 2024 Regular Meeting

A motion was made by Pike, seconded by Bentson, to approve the September 25th regular meeting minutes. Motion carried (4-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Conditional Use Permit #C5-2024 – Health Care Facility Addition located at 30 2nd Street NE

Planning / Community Development Director Ondich explained that the Mayo Clinic Health System is requesting a conditional use permit for a 6,400 sq ft addition on the east side of their existing building for oncology and infusion services. The property is zoned RL-70 Single Family Residential Zoning District and Healthcare Facilities are a conditional use. They currently provide oncology and infusion services but only for 3 days a week whereas the addition would allow oncology and infusion services to be provided 5 days a week. There are currently 212 parking stalls in 7 different lots for the 48,000 sq ft facility. The minimum required number of parking stalls for the existing building and the addition is 162 stalls, therefore, meeting the minimum. Access and the parking lot are not proposed to change. The RL-70 Single Family Residential Zoning District does not require certain building design requirements. However, staff typically review health facilities similar to the city’s B-2 Design requirements. The proposed materials are high quality including lots of windows, glass fiber reinforced concrete, architectural louvers, etc. The addition fits well with the existing building and the lowered height of the addition transitions well to Columbus Ave N to blend into the neighborhood. Plans show significant landscaping; however, screening is not required as this

is considered a “front” along Columbus Ave N. They will be planting five new trees as well as shrubs, ornamental grasses, and perennial flowers. The City Engineer and Public Works Director had comments mainly about parking of construction vehicles, sidewalk closures during construction and stormwater requirements. The City was not delegated building permit review by the State of Minnesota, so the state will be reviewing and conducting all building code inspections for the project. The addition includes a basement, mechanical room, expansion of the cafeteria, and offices.

A motion was made by Ryan, seconded by Pike to open the public hearing (4-0). The public hearing opened at 6:45pm.

Ken Potts, Facility Project Manager from 3961 Quentin Ave St Louis Park, stated that they will be doing drilling to create two geothermal wells for the heating and cooling of the building.

Meyer asked if there is potential flooding that occurs near the addition.

Potts stated that there is little risk since they are not in a flood zone and a new catch basin will be added in the courtyard. The reason for the courtyard is to provide windows at the basement level. The landscaping will be a huge amenity for the patients and the community.

Pike stated that it’s favorable that the addition is near Queens Court as opposed to other residential homes. Geothermal drills could be loud and since it will be near the multi-family complex, those residents may be more tolerable to sound as opposed to single family homeowners.

Planning / Community Development Director mentioned that the city has quiet hours from 10pm to 7am.

Potts clarified that the drilling equipment is up to date so there won’t be a lot of smoke from diesel fuel.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 6:50 pm.

A motion was made by Ryan, seconded by Bentson, to recommend approval of C5-2024 of a building addition at Mayo Health Clinic with the following findings:

- A. The proposed addition will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because it will simply be an expansion of services already provided for at the site.
- B. The proposed addition is sufficiently separated by distance from any residentially zoned or used land as the addition is located along Columbus Ave. N. and uses immediately across the street to the east are the Peace Center and Queens Court which are owned and operated by Mayo and therefore existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

- C. The proposed addition is reasonably related to the overall needs of the City as it will provide a necessary expanded availability of oncology and infusion services already offered at the site.
- D. The proposed addition is consistent with the purposes of the Zoning Ordinance and zoning district in that the use as a health care facility is specifically guided to the RL70 district as a conditional use.
- E. The proposed addition use is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being guided to residential zoning, and health care facilities are guided to the RL-70 zoning district as a conditional use.
- F. The proposed addition will not drastically change the site as it operates today as it will only provide two additional days of oncology and infusion services beyond that is offered currently and therefore will not cause any traffic hazard or congestion with ample parking already existing.
- G. Adequate utilities and access roads have been provided to the site.

And with the following conditions:

1. Development of the site must be in general accordance with the plan set dated 8/7/2024 which is on file with the New Prague Planning Department.
2. The parking lot south of 2nd Street NE shall be signed as patient parking only and not to be used by staff.
3. All signs must conform to Section 718 of the Zoning Ordinance which requires a permit under a separate permit process.
4. All lighting must conform to Section 704 of the Zoning Ordinance.
5. 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.
6. All recommendations of the New Prague Public Works Department, Utilities Department and City Engineer must be complied with prior to construction.
7. The plans must meet Minnesota Building Codes and Minnesota Fire Codes prior to construction.
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 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 (4-0).

B. Zoning Ordinance Amendments – Cannabis Related Amendments

Planner Chapman introduced the proposed zoning ordinance amendments related to cannabis. The City currently has a moratorium in place prohibiting all cannabis businesses form

operating in city limits until January 1, 2025 or until the city adopts a new ordinance, whichever comes first. The state requires at least one cannabis retail location must be allowed per 12,500 residents. In the City Code, staff are recommending a cap of two cannabis retail businesses in city limits based on feedback from the city council. In terms of regulating cannabis businesses, cities may create buffers, limit hours of operation and amend zoning ordinances. The state allows a maximum buffer of 1,000' from a school or 500' from a daycare, residential treatment facility, or amenities in a public park that are commonly used by children. For reference purposes staff created three buffer maps, a 250-foot, 500-foot, and 1,000-foot buffer. Staff is in opposition of buffers because it would eliminate most of downtown where most business takes place, and it would be complicated to delineate. Both the Police Department and the Planning / Community Development Department believe that cannabis should be treated similarly to alcohol, therefore, staff recommend having the same hours of operation and not initiating buffers. As amendments to the Zoning Ordinance, staff is recommending that cannabis retail sales should be a permitted use in B-1, B-2, B-3 District and that cannabis businesses and hemp businesses shall not be permitted as home occupations. In the I-1 Light Industrial District, staff is recommending the following as conditional uses: cannabis cultivation, cannabis manufacturing, cannabis wholesaling, cannabis testing, cannabis retail business, cannabis event organizer, and lower-potency hemp edible manufacturer. Cannabis retail businesses in the I-1 Light Industrial District may not exceed 30% of the gross floor area of the building or 5,000 sq ft.

Planning / Community Development Director Ondich explained that the new cannabis definitions are to reference the 13 cannabis businesses that the state allows. The state may not be ready to issue cannabis retailer licenses on January 1, 2025, but it's good to have an ordinance in place in case they do. There will likely be more amendments to the Zoning Ordinance and City Code in the future. At a previous council meeting, staff recommended a two-cannabis retailer cap. The city doesn't have to set a maximum cap if the city doesn't want to.

Pike inquired if the City has been approached by retailers or is there an anticipation of a lot of license registrations on January 1, 2025.

Planning /Community Development Director Ondich replied that it would be first come first serve. The retailer would first have to apply to the Office of Cannabis Management and then the City is notified to review zoning. Then the state can review their license further. Then the state will reach out to the city again to make sure the retailer will be meeting the Building Code.

Pike inquired if an existing retailer could apply.

Planning / Community Development Director Ondich responded that they could. For instance, a tobacco business would have to be licensed as a cannabis retailer to also sell cannabis. Coborn's currently sells THC beverages, has low-potency hemp and will have their registration taken over by the state by January 1, 2025. Bars and restaurants can sell THC infused beverages as long as they have a low potency license. Low potency hemp is limited to the 5 mg per serving.

Meyer inquired if a homeowner could grow cannabis at their residence.

Ryan replied that you can but there is a maximum number of them that can be grown. Home grown cannabis cannot be sold.

Planning /Community Development Director Ondich explained that the Planning Commission can recommend or oppose buffers. The licensed daycares cause some complications because it would cause more limitations in where cannabis businesses would be allowed. It may become a more concentrated area. The City does not have any buffers on alcohol or tobacco. The City only has buffers for firing ranges from businesses with liquor licenses.

A motion was made by Pike, seconded by Ryan to open the public hearing (4-0). The public hearing opened at 7:08 pm.

A motion was made by Pike, seconded by Ryan to close the public hearing (4-0). The public hearing closed at 7:08 pm.

Pike stated that 10-20 years from now, the trend might be that cannabis are seen similarly to bars.

Planning / Community Development Director Ondich said that the state has made cannabis as legal as alcohol and tobacco. Even though it's still fairly new to the general public, it is legal.

Bentson suggested initiating a 250' cannabis buffer from schools and licensed daycares. This can be amended later if things change.

Ryan stated that if that were the case, a licensed day care could prevent a cannabis business from going in.

Planning / Community Development Director Ondich mentioned that schools don't move but licensed daycares may continually change. There is some question yet whether buffers may include churches. St. Wenceslaus is unique in that it is a church school.

Ryan mentioned that some churches host BBQ events with beer. They may want it or allow cannabis.

Pike believed that it might be better to keep buffers from public entities like schools rather than private entities such as churches and daycares. The cap for the number of cannabis retailers should be more than two cannabis retailers.

A motion was made by Bentson, seconded by Pike to have a 250' buffer for cannabis businesses in relation to schools and to recommend the other drafted zoning ordinance changes to the City Council. Motion carried (4-0).

5. Miscellaneous

A. Monthly Business Updates

Planning / Community Development Director Ondich explained that two new home permits were issued in September. The City is still waiting on a concept plan from Keyland Homes. Smoke and Fire has closed, and staff have heard of no plans to reopen the facility yet. The city council formally approved the tax abatement for the 54-unit apartment building. On October 28th, the school board will vote on their portion of the tax abatement for the apartment complex. The City Council will have another hearing on tax abatement but for a 155-unit apartment building for Yellow Tree Development. Scott County has a policy in place in which they don't participate in housing abatement. If the abatement for the 155-unit apartment is approved, it will have to be rezoned to high density residential. The Comprehensive Plan was adopted by the city council on October 21st. Four planning consultant firms have submitted proposals for New Prague's Zoning and Subdivision rewrite. We received proposals from Bolton & Menk, Landform, WSB, and MSA. Money from the ARPA funds and general fund tax dollars will be utilized to fund the project.

6. Adjournment

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 7:31 pm. Motion carried (4-0).

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: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST TO AMEND CONDITIONAL USE PERMIT #C2-2022 FOR THE EXISTING FENCE GATE TO REMAIN AT 500 10TH AVE. NE, AS PROPOSED BY COMMUNITY BAPTIST CHURCH.
DATE: NOVEMBER 7, 2024

Background

On July 19th, 2022, New Prague City Council formally approved Conditional Use Permit #C2-2022 to allow the expansion of a religious institution with the addition of four athletic fields, pavilion and playground at the Community Baptist Church located at 500 10th Ave NE. To approve the permit, 14 conditions were added. Most of these conditions were related to fencing, refuse, field use, lighting, and parking. The original conditions associated with C2-2022 were as follows:

1. All original conditions of the Conditional Use Permit approval from 1988 to remain.
2. Approval is subject to the site plan/preliminary grading plan by KJ Walk, Inc. dated 4/13/22 on file with the New Prague Planning Department as amended by additional conditions listed below.
3. Use of the athletic fields is not allowed concurrent with activities within the church building as the traffic and parking demand will exceed the site capacity.
4. If City Staff’s sole discretion deems on-street parking by athletic field users to be excessive or problematic (defined as ingress/egress of emergency vehicles on a public roadway being affected and if reports of driveways being blocked are addressed by the police department), the applicant will be required to pay the city to install parking related signage associated with athletic field use on the subject property to restrict parking during time periods determined in the sole discretion of the city to be problematic.
5. The proposed chain link fence as shown on the site plan / preliminary grading plan is limited to 5’ in height, must be black coated to limit its visual impact and must be located outside of the required sight triangle at the corner of 3rd Street NE and 10th Ave. NE.
6. At least one overlapping opening in the southern fenced area must be provided for pedestrian access.
7. Trash that collects along the fenced areas must be collected at least monthly on a year-round basis.

8. Outdoor garbage receptables must be made available for users of the athletic fields, playground and pavilion and emptied as necessary.
9. Indoor restroom facilities must be made available for users of the playground, pavilion and athletic fields when the facilities have been scheduled for public use.
10. Lights are not allowed to be installed for the athletic fields to be used outside of normal daylight hours.
11. Athletic field use is limited to 30 minutes prior to sun rise and 30 minutes following sunset.
12. Soccer nets and athletic field related equipment must be stored within a building or removed from the site between November 1st and April 30th each year when not being used.
13. 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.
14. 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.

All original conditions of the conditional use permit are in compliance except for condition #6. Condition #6 states that “at least one overlapping opening in the southern fenced area must be provided for pedestrian access”. Currently, there is a gate flush and attached to the southern fence near 3rd St NE. The fence was installed in April 2024. Although the gate is unlocked for pedestrian use, it is not an overlapping gate as required in the Conditional Use Permit. The Community Baptist Church is requesting an amendment to #C2-2022 conditional use permit for the gate to remain as it is.

Legal Description

Lots 1 & 2, Block 1, Community Baptist Church First Addition, Scott County, Minnesota.

Lot Size

The property is approximately 4.69 acres in total between the two platted lots that make up the property.

Zoning

North —RL90 Single Family Residential District

South — RL90 Single Family Residential District, Greenway Park, and B2 Community Commercial District

East —RH High Density Residential District, B2 Community Commercial District, and RM – Medium Density Residential District.

West –RL90 Single Family Residential District and Northside Park

This property is zoned RL-90 Single Family Residential and within this district, religious institutions are listed as conditional uses. Any changes to the conditions require an amendment to the conditional use permit. Fences are a permitted accessory use in the RL90 Single Family Residential District.

The property was platted in 1988, and the existing building was constructed between 1988 and 1989. The church was approved to be constructed through a conditional use permit, which was approved by City Council on 4/4/1988 with the following conditions:

- 1. Drainage must go off property to southeast to nearest catch basin on County Road 37.
- 2. Church must pay all normal assessments once County Road 37 is finished.
- 3. Park Dedication will be decided by City Attorney.

While the conditional use permit was amended in 2022 and today, it notable that the federal Religious Land Use and Institutionalized Persons Act (RLUIPA) does constrain the city’s review of the request. The city cannot place a “substantial burden” on the applicant’s request and must treat the applicant as a religious institution on the same terms as other places of assembly.

Fencing

The applicant is requesting to amend condition #6, which currently requires an overlapping fence opening on the southern fence. The existing gate on the southern fence is unlocked and flush with the fence.

In the C2-2022 staff report, it detailed some information regarding fencing. The staff report from 2022 stated that fencing for non-residential uses is allowed up to a height of 6’ along property lines but staff required a maximum fence height of 5’. A 5’ tall fence was recommended because it would have less visual impact and would still mitigate balls from getting into the street. Additionally, staff required that the fence be a black coated chain link fence and would look similar to St. Wenceslaus’ fence around their outdoor play area. As a condition, staff recommended that the fence must be outside the required sight triangle at the corner of 3rd Street NE and 10th Ave NE. The fence is currently meeting all the requirements except condition #6 that states “at least one overlapping opening in the southern fenced area must be provided for pedestrian access”. The reason staff first wrote condition #6 is so that players could quickly and easily access the field or street. The overlapping fence would make the field accessible all year long.

Staff recommends that no lock should be fastened to the southern gate to maintain accessibility. Furthermore, staff recommend that two signs should be posted on the fence (inside and outside) near the southern gate. The gate should say something along the lines of “This gate is unlocked at all times for public accessibility.”

Engineering / Public Works / Utilities Comments

N/A

Police Chief Comments

N/A

Building Official Comments

N/A

Conditional Use Permit Findings

Section 505 of the Zoning Ordinance states that when granting a conditional use permit the City Council shall make the following findings:

- 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. (The fence gate will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the site is simply allowing the fence gate to remain which does not place any burden on parks, schools, streets or other public facilities.)
- 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. (The fence gate will be sufficiently separated from the adjacent residential homes to the south as it will be separated by 3rd Street NE and it will act as a screening method.)
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. (The existing fence with the church will have an appearance similar to a city park which will not have an adverse effect upon the adjacent residential properties as parks are commonly found in residential neighborhoods)
- 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. (The fence gate is reasonably related to the overall needs of the City and to existing land use, as residential zoning districts allow fencing as a permitted use.)
- E. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use (The fence gate is consistent with the purposes of the Zoning Ordinance and the purposes of the RL90 Single Family Zoning District as the proposed use is specifically listed as a permitted accessory use.)
- F. The use is not in conflict with the Comprehensive Plan of the City. (The fence gate is not in conflict with the Comprehensive Plan of the City because religious institutions are listed as a Conditional Use while fences are a permitted accessory use.)
- G. The use will not cause traffic hazard or congestion. (The existing fence gate will not generate any additional traffic above what exists at the site today.)
- H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities have been provided to the site.)

Section 505 of the Zoning Ordinance also states that conditions may be placed upon the approval as are considered necessary to protect the public health, safety and welfare.

Staff Recommendation

Staff recommends approval of an amendment to the existing Conditional Use Permit to allow existing fence gate to remain as it currently is at 500 10th Ave. NE, as proposed by Community Baptist Church, with the following findings:

- A. The fence gate will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the site is simply allowing the fence gate to remain which does not place any burden on parks, schools, streets or other public facilities.
- B. The fence gate will be sufficiently separated from the adjacent residential homes to the south as it will be separated by 3rd Street NE and it will act as a screening method.
- C. The existing fence with the church will have an appearance similar to a city park which will not have an adverse effect upon the adjacent residential properties as parks are commonly found in residential neighborhoods.
- D. The fence gate is reasonably related to the overall needs of the City and to existing land use, as residential zoning districts allow fencing as a permitted use.
- E. The fence gate is consistent with the purposes of the Zoning Ordinance and the purposes of the RL90 Single Family Zoning District as the proposed use is specifically listed as a permitted accessory use.
- F. The fence gate is not in conflict with the Comprehensive Plan of the City because religious institutions are listed as a Conditional Use while fences are a permitted accessory use.
- G. The existing fence gate will not generate any additional traffic above what exists at the site today.
- H. Adequate utilities, access roads, drainage and necessary facilities have been provided to the site.

And with the following conditions:

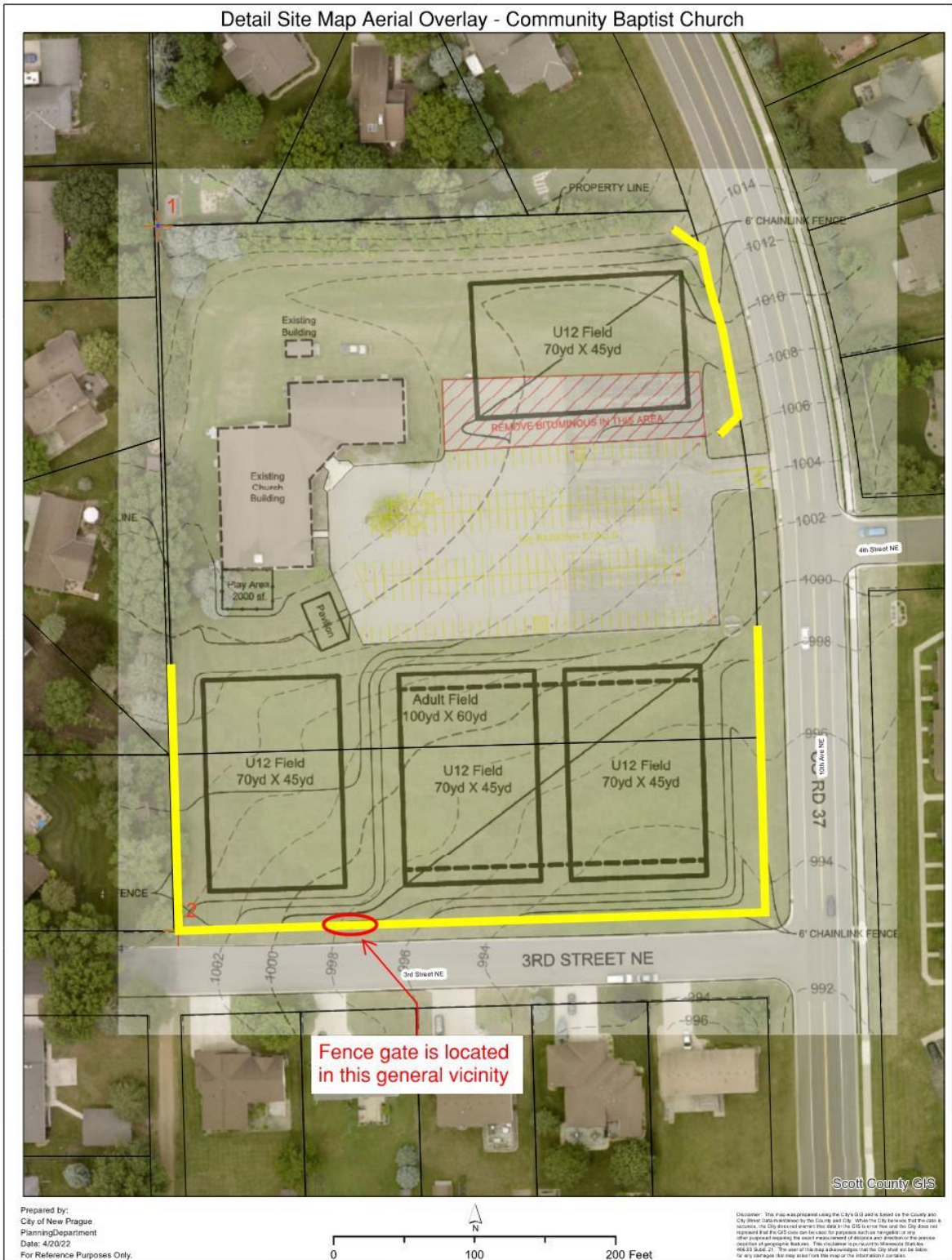
1. All original conditions of the Conditional Use Permit approval from 1988 to remain.
2. All original conditions of the Conditional Use Permit approval from 2022 to remain except for condition #6 which will be removed in its entirety.
3. At least one fence gate in the southern fenced area along 3rd St NE must be provided for pedestrian access. A sign must be posted on the inside and out the fence gate with verbiage that states “this gate is unlocked at all times for public accessibility.”

Attachments

1. Aerial Site Map – Dated 11/5/24
2. Zoning Site Map –Dated 11/5/24
3. Fencing Map Detail – Dated 4/20/222
4. Fence Gate Location – Dated 11/6/24
5. Pictures – Dated 11/6/24



Aerial Site Map



Fence Gate Location



Existing Fence Gate



Existing Fence Gate Looking North from 3rd Street NE



Existing Fence Looking North from 3rd Street NE



Existing Fence Looking Northwest from 10th Ave NE



118 Central Avenue North, New Prague, MN 56071
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MEMORANDUM

TO: PLANNING COMMISSION
FROM: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR VARIANCE #V9-2024 TO ALLOW A 180 SQUARE FOOT FREESTANDING SIGN AT 100 2ND AVE SW IN THE I1-LIGHT INDUSTRIAL DISTRICT, AS PROPOSED BY THE NEW PRAGUE MILL, LLC
DATE: NOVEMBER 7, 2024

Background / History

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 intend to re-purpose the property for multiple tenant uses. Today the building is occupied, in part, by Faith, Recovery & Music, and 2 If By Sea Tactical Firing Range. In September 2024, interim use permit I2-2024 was approved to allow exterior storage of vehicles and recreational equipment under the covered canopy until 10/7/2027.

The applicant, which is the owner of the site in total, intends to install a 30’ tall freestanding sign that has a maximum surface area of 180 sq ft. The proposed sign would be installed on the northeastern corner of the property (south of the existing flagpole) near the intersection of Main St W and 2nd Ave SW facing east and west. The freestanding sign would consist of tenant name slots, electronic variable message sign, and header sign.

New Prague Mill, LLC is requesting a sign size variance to allow the installation of a 180 sq ft freestanding sign. In the I-1Light Industrial District, freestanding or monument signs cannot exceed a surface area of 100 sq ft. The applicant is requesting the variance because the sign would accommodate the large size of the site, which is 5.83 acres large, and it would more adequately display the multiple tenants that reside in the building. Additionally, if the site was located in any of the business districts (B1, B2, or B3 District) the subject building would be allowed a sign with a maximum surface of 200 sq ft.

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.

Zoning

The subject property is located in the I1-Light Industrial Zoning District. In the recently adopted Comprehensive Plan, the subject property will be identified as Business Flex. However, staff will be working with Bolton & Menk for the next year to develop a unified development code for the Zoning Ordinance and Subdivision Ordinance. The existing Zoning Ordinance will be utilized until the new Zoning and Subdivision Ordinance are adopted.

The applicant is requesting a 30’ tall freestanding sign that is approximately 180 sq ft in size. The sign would consist of an electronic variable sign with tenant name slots. The electronic board would display important community events such as school sports games or boy scout activities.

According to section 718 (4) of the Zoning Ordinance regarding signage in the I1-Light Industrial District, it states:

- A. One (1) freestanding or monument sign per lot for single street frontage lots. In cases where lots have more than one street frontage, such lot shall be allowed up to two freestanding or monument signs which must each be placed on different frontages. The total square footage of all freestanding or monument signs on a lot shall not exceed the sum of one square foot for each front foot of lot, or 100 square feet, per surface, whichever is smaller. Freestanding or monument signs shall be set back 10 feet from any property line. Maximum height is 30 feet from average grade.
- B. No building sign shall extend in height more than six feet above the highest outside wall or parapet of any principal building. Building signs can only be placed on the principal building. Sign area is limited to 15 percent of the building face.
- C. Billboard signs are allowed only as the principal use of a lot. Billboards shall not exceed 480 square feet of sign per surface with a maximum of two sides. Setbacks shall comply with applicable district regulations for principal structures. Billboards shall maintain a spacing of not less than 500 feet between billboards.
- D. Electronic variable message signs and readerboard signs are permitted as part of the allowed signage.
- E. Signs may be illuminated but must meet the glare standards listed in this Ordinance.

In the I1-Light Industrial District, electronic variables message signs and reader board signs are permitted as long as the picture on the sign does not change more than one per five seconds. Furthermore, the ordinance allows a monument or freestanding sign in the I1 District to be setback a minimum of 10’ from any property lines and outside any easements and cannot exceed 100 sq ft and be no taller than 30’ in height.

The Zoning Ordinance states that signage is calculated only by the square footage of the text or design rather than white space. At this time, there is no clear plan for the text/design, but the electronic sign will be 6’ x 13’, the tenant name slots would be 10’ x 8’, and the sign header will be approximately 22 sq ft. In total this would be 180 sq ft sign. However, it should be noted that since no text/design plan has been submitted, the sign calculation may actually be less than 180 sq ft.

If the existing property were in the B1, B2, or B3 Districts, the sign could be a maximum of 200 sq ft. Section 718 (3)(B)(1) states that properties in the Business District that have a floor area greater than 50,000 sq ft but less than 100,000 sq ft, may have a freestanding or monument sign with a maximum surface area of 200 sq ft. The main floor of the subject building is 59,484 sq ft. In the Comprehensive Plan, the subject property is designated as ‘Business Flex’, and the site is currently utilized for mainly commercial purposes rather than industrial.

Neighborhood Conditions and Nearby Land Uses

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

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

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

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

The former mill property is unique in that there are several different zoning districts surrounding the site, which are a mix of commercial and residential properties. The Mill is currently occupied by Faith, Recovery & Music and the future 2 If By Sea Tactical indoor firing range. The site will also consist of exterior storage of vehicles and recreational equipment under the existing covered canopy. Other tenants will also be occupying the site in the future.

Statement of Practical Difficulties

An email dated on November 5th, 2024, by applicant representative Rick Kaun, provided the following practical difficulty:

There are many reasons to justify the need of the variance of the sign size.

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We wish to limit the amount of signage on the buildings themselves, to preserve the ascetic and historical nature that they have.

We would like to increase city involvement and interaction by promoting local events, such as high school sports, Dozinski, historical society events, art council, chamber of commerce etc. (We have gotten positive feedback from Den at the art council and Tracy from the Chamber)

The size is important for the sighting to the property, being over 10ft lower than downtown. It would be nice to see the sign before it surprises you.

It is an important identification for our tenants

The size of the sign is minimal compared to the size of the buildings (one of the largest on Main Street).

One of our long term goals is to be a destination landmark for New Prague with both service and retail businesses.

Public Works / Utilities / Engineer Comments

Utilities General Manager Bruce Reimers noted that the applicant should be careful when placing the sign footings because there are two large-buried power cables in that location that feed their facilities.

City Engineer Chris Knutson with SEH, Inc. stated that although he has no concerns with the size of the sign, he wants to ensure that the sign lighting or messaging will not cause a nuisance for users on Main Street/TH19. The sign supplies will need to provide information regarding brightness, overall lighting, message changes, etc. **It will need to follow Sec. 173.155 MN Statutes regarding changeable electronic variable message signs.** The sign may not fit within the character of the downtown, but it is also a larger facility than others. It would be beneficial to have a site plan showing the orientation and location of the sign.

Public Works Director Matt Rynda believed that the sign will be very big and hopes it does not become an eyesore on Main Street. Police Chief Tim Appen is concerned about the aesthetics of the sign as it might be unsightly with a large glowing sign across from POPS especially since the entire sign is almost double the square footage allowed.

Building Official Comments

Building Official Scott Sasse stated that the city will need plans of footings that are stamped and signed by an engineer.

MnDOT Comments

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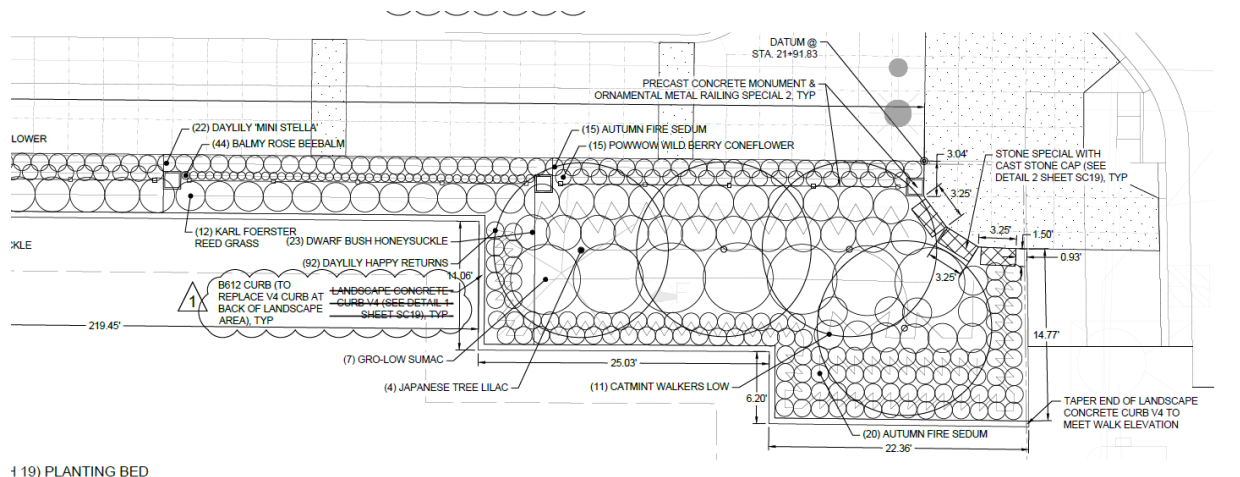
MnDOT District 7 East, Steve Schoeb, informed the City that the signage will need to be built outside of the MnDOT right-of-way. It was recommended that a certified surveyor must locate the property pins to make sure the sign is constructed on the applicant’s property. The electronic variable message sign cannot be scrolling or resemble emergency flashing lights.

Planning Staff Comments

Planning staff are in agreement that the size of the large 180 sq ft sign would accommodate the large size of the 5.83 acre site and size of the building, which would help identify the multiple tenants that would reside at the site. However, staff have concerns regarding the aesthetics of the electronic variable message sign along Main Street. Although electronic variable message signs are permitted use in the I1-Light Industrial District, it is prohibited in the B1-Central Business District, which are most adjacent properties north and east of the subject site. Additionally, the Comprehensive Plan has identified the subject site as Business Flex, which will result in new standards for the district.

In the existing Zoning Ordinance, electronic variable message signs may not change once per 5 seconds. As a way to mitigate aesthetic concerns, staff recommends adding a condition in which the electronic variable message sign cannot change more than once per 10 seconds.

Staff would like to note that there is a landscaping easement in the northeast corner of the site. The sign cannot be located within the easement area. The below picture is the landscaping easement identified in the TH 19 Reconstruction Project.



<p>I certify that this plan was prepared by me or under my direct supervision and I am a duly Licensed Professional Landscape Architect under the laws of the State of Minnesota.</p> <p>Prepared By: <i>Karl Weissenborn</i> Lic. No. 23817 Date: 11/04/2019 Name: KARL WEISSENBORN</p>	<p>SEH PHONE: (651)490-2000 3535 VADNAS CENTER DR. ST. PAUL, MN 55119</p>	<p>CITY OF NEW PRAGUE TH 19 RECONSTRUCTION S.P. 4003-24, S.P. 4004-127 S.P. 237-010-006, S.A.P. 040-660-005</p>	<p>STREETSCAPING & LANDSCAPING PLAN ENLARGED STREETSCAPE PLAN</p>	<p>FILE NO. NEWPR146653 176 SC10 294 OF SC23</p>
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Criteria for Granting Variances - Section 507

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties. Practical

difficulties is a legal standard set forth in law that cities must apply when considering applications for variances. To constitute practical difficulties, all three factors of the test must be satisfied, which are reasonableness, uniqueness and essential character. The Zoning Ordinance’s criteria addresses these standards.

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

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The variance to allow freestanding signage to exceed 100 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because freestanding and electronic variable message sign are a permitted use in the I1-Light Industrial Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The proposed variance to allow freestanding signage is in harmony with the general purposes and intent of the Comprehensive Plan because freestanding signage is a permitted use in the I1-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 proposes to use the property in a reasonable manner by adding an additional 80 sq. ft. of freestanding signage over the typical ordinance allowed limit on a very large 5.83 acre site.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to this property over which the applicant had no control, and which do not generally apply to other properties nearby because the property very large (5.83 acres), therefore the bigger sign would help accommodate the large building size and the property is currently zoned as industrial rather than commercially zoned, which would better fit their current use.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because freestanding signs are a permitted use in the I1 Light Industrial Zoning District as well as the B1 Central Business and B3 Highway Commercial Districts, which abut the property.)

- 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 adequately display the tenants that reside within the building and advertise community events so that it is legible for those who are walking or driving by.)

- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (The electronic variable message sign cannot change more than once per ten (10) seconds. The sign must be located outside the landscaping easement in the northeast corner. The placement of the sign is allowed as shown on a site plan with the specific date.)

Staff Recommendation

Staff recommends **approval** of Variance #V9-2024 to allow a variance for a 180 sq ft freestanding sign rather than the standard 100 sq ft sign at 100 2nd Ave SW, as proposed by New Prague Mill, LLC for the following reasons:

- A. The variance to allow freestanding signage to exceed 100 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because freestanding and electronic variable message sign are a permitted use in the I1-Light Industrial Zoning District.

- B. The proposed variance to allow freestanding signage is in harmony with the general purposes and intent of the Comprehensive Plan because freestanding signage is a permitted use in the I1-Light Industrial Zoning District.

- C. The applicant proposes to use the property in a reasonable manner by adding an additional 80 sq. ft. of freestanding signage over the typical ordinance allowed limit on a very large 5.83 acre site.

- D. Unique circumstances apply to this property over which the applicant had no control, and which do not generally apply to other properties nearby because the property very large (5.83 acres), therefore the bigger sign would help accommodate the large building size and the property is currently zoned as industrial rather than commercially zoned, which would better fit their current use.

- E. The variance does not alter the essential character of the neighborhood because freestanding signs are a permitted use in the I1 Light Industrial Zoning District as well as the B1 Central Business and B3 Highway Commercial Districts, which abut the property.

- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would adequately display the tenants that reside within the building and advertise community events so that it is legible for those who are walking or driving by.

And with the following conditions:

- 1. The electronic variable message sign cannot change more than once per ten (10)seconds.
- 2. The sign must be located outside the landscaping easement in the northeast corner.
- 3. The placement of the sign is allowed as shown on a site plan with the specific date.

Attachments

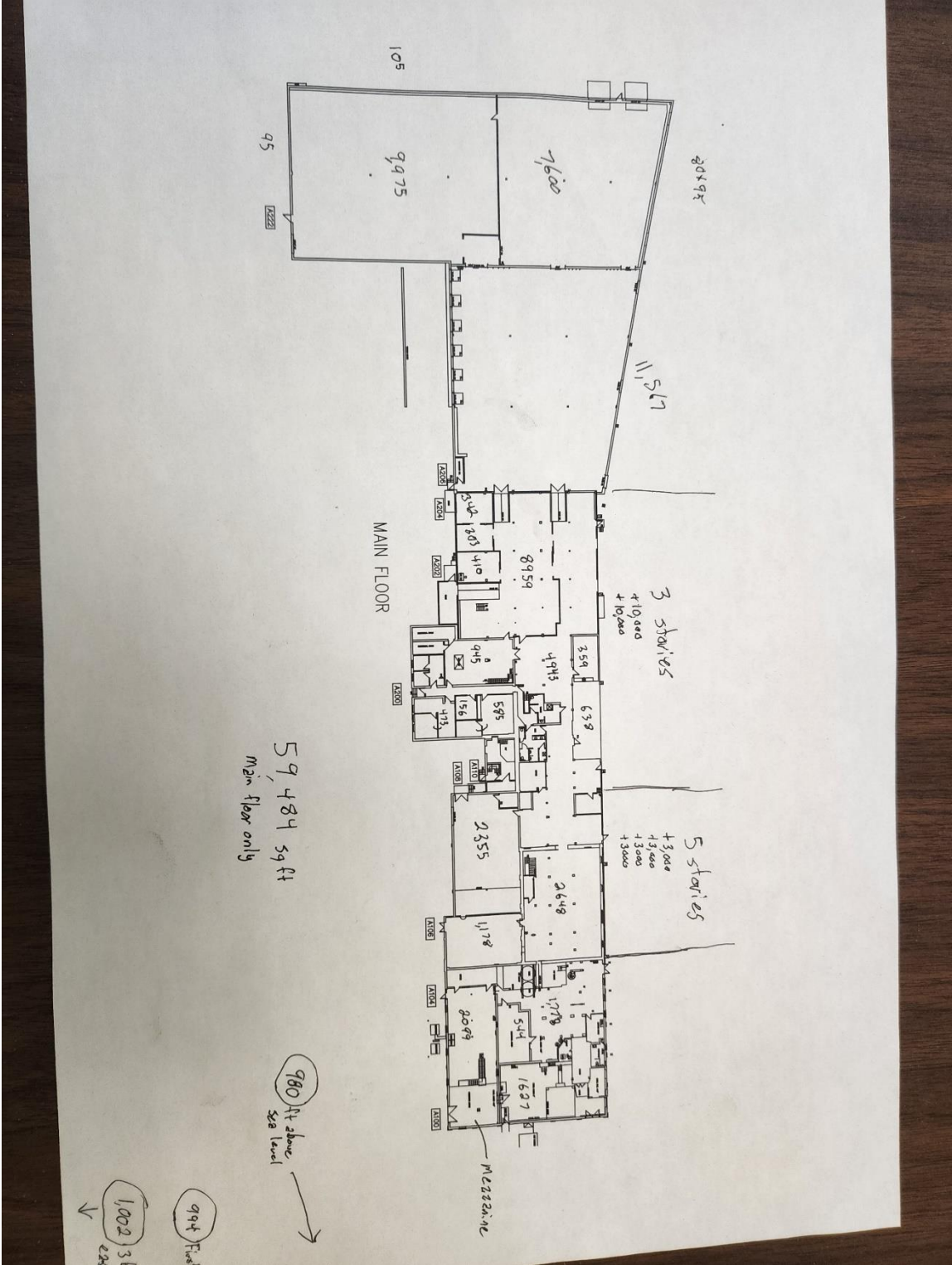
- 1. Site Map Aerial – Dated 8/14/24
- 2. Location of Sign – Dated 11/4/24
- 3. Site Map Aerial Zoning – Dated 8/14/24
- 4. Square Footage of Main Floor – Dated 11/1/24
- 5. Freestanding Sign Plan — Dated 10/30/24
- 6. Draft Design of the Sign – Dated 10/3/24
- 7. Google Street Map – Dated August 2023
- 8. Pictures – Dated 11/5/24



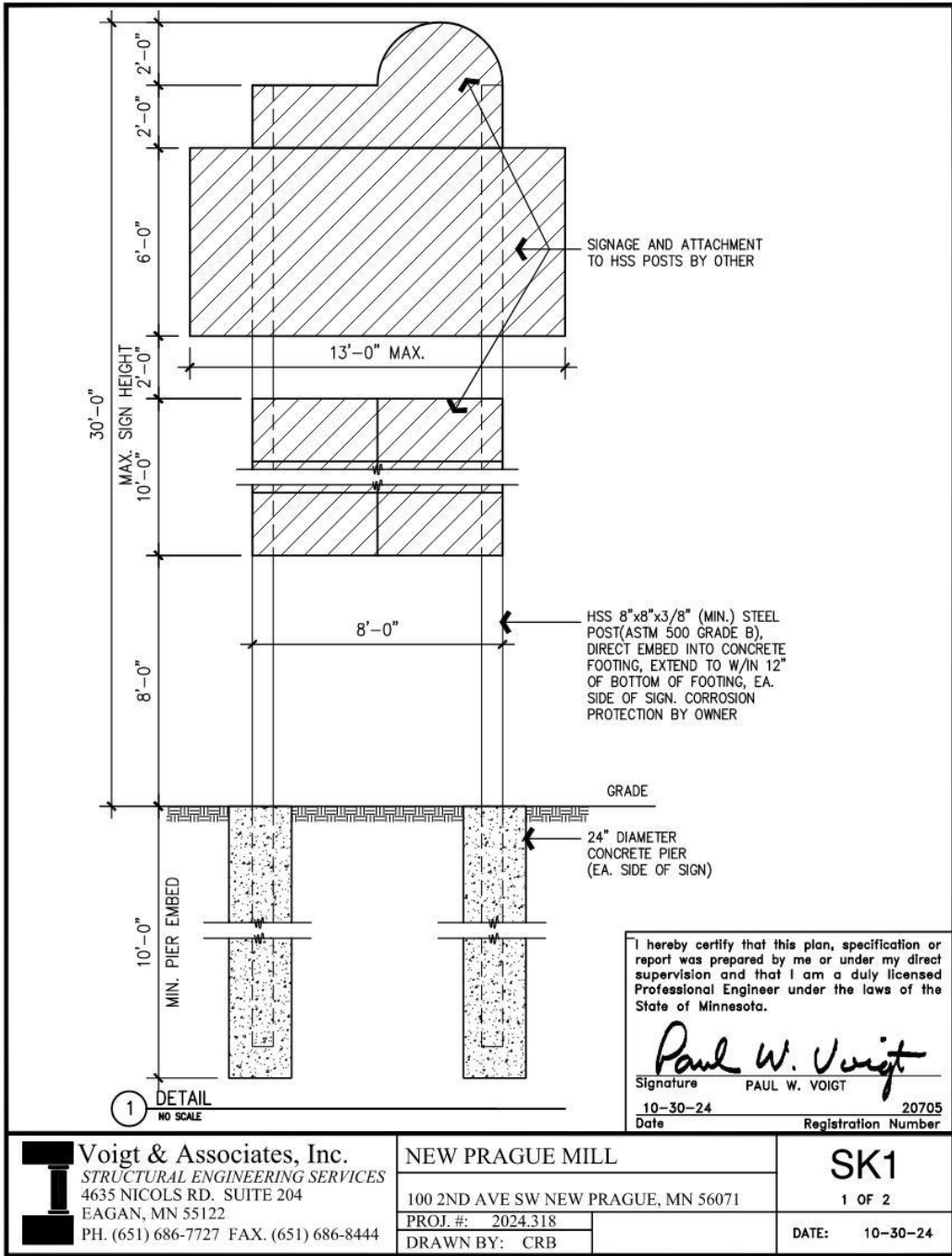
Aerial Site Map



Sign Location

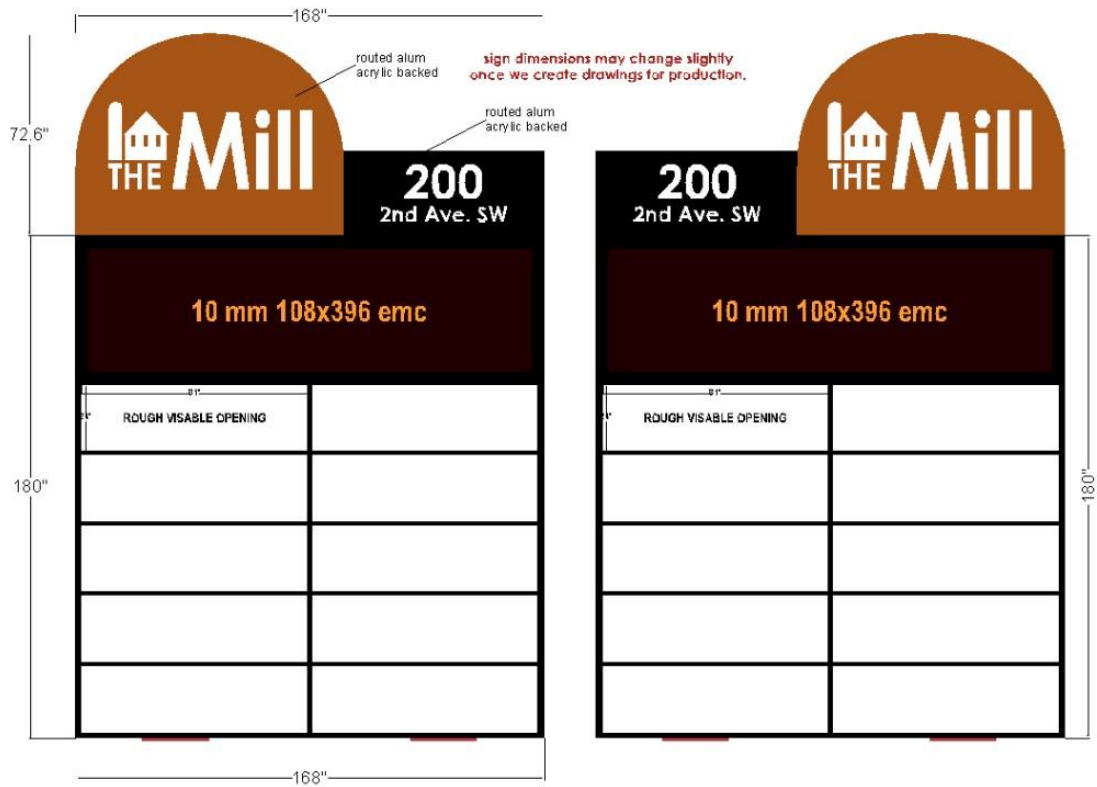


Square Footage of Main Floor of Subject Building



Freestanding Sign Plan

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Draft Design of the Sign



Google Street Maps – Looking Southeast from Main St W



Google Street Maps – Looking Northwest from 2nd Ave SW

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Looking Towards the Mill from the Intersection of Main St W and 2nd Ave SW



Looking South from Main St W



Looking West from 2nd Ave SW



Looking North from the Sidewalk Off of 2nd Ave SW

November 2024 EDA Business Updates:

- **2 new home permits** were issued in October (2 single family homes and 0 townhome units). 9 residential home permits have been issued so far in 2024 (9 single family, 0 townhomes, 0 apartment units). One more single-family home permit is in the review queue for likely issuance before the end of 2024.
- FJ Construction was issued a building permit for the new **2 If by Sea Tactical Gun Range** to be located at 222 2nd Ave. SW.
- A building permit was applied for at **102 Chalupsky Ave. SE for a 54-unit apartment building**. Work on the footings is likely to start within the next couple of weeks.
- A public hearing was held at the November 4th City Council meeting to consider tax abatement for a **166-unit apartment building** in the Raven Stream Village neighborhood. A decision was tabled at the meeting with more discussion to come likely at the November 18th City Council meeting.