



PLANNING COMMISSION MEETING AGENDA

City of New Prague

Wednesday, June 26, 2024 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- [a.](#) May 22, 2024, Planning Meeting Minutes

3. OLD BUSINESS

- [a.](#) None

4. NEW BUSINESS

- [a.](#) Preliminary Plat of Stienessen Addition for 3 Lots on 4.1 Acres
Ben Stienessen - Applicant
(Public Hearing Required)
- [b.](#) Request for Conditional Use Permit #C2-2024 - Outdoor Patio for Eating & Drinking at 103 Main St. W
Rob Krautkremer (Outlaw Saloon) - Applicant
(Public Hearing Required)
- [c.](#) Request for Variance #V3-2024 - Density and Parking for 54 Unit Apartment Building at 102 Chalupsky Ave. SE
Ten Nineteen Development, LLC - Applicant

5. MISCELLANEOUS

- [a.](#) Concept Review of Zoning Ordinance Amendment - Modify Definition for Essential Services or Add Public Building Definition
- [b.](#) Monthly Business Updates
- [c.](#) 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.*

Meeting Minutes
New Prague Planning Commission
Wednesday, May 22, 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: Jason Bentson, Shawn Ryan, and Brandon Pike. Absent was Ann Gengel.

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

2. Approval of Meeting Minutes

A. May 1st, 2024 Regular Meeting

A motion was made by Ryan seconded by Bentson to approve the May 1st regular meeting minutes. Motion carried (4-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Variance #V2-2024 – 21.2' Front Setback and 5' Conservation Easement Setback

Planning Director Ondich explained that applicant, Michael Weinandt, is requesting a variance for a 21.2' front setback and a 5' setback from the edge of the existing conservation easement at 703 7th Street in the RL-90 Single Family Residential District. The applicant intends to construct a single-family home with an attached 3 car garage, which does not meet the current 30' front setback and 6' conservation easement setback requirement. In 2020, a variance for the property 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. Furthermore, the 6' setback to the conservation easement was an added condition to the platting of Pond Third Addition. The other condition of Pond Third Addition Preliminary and Final plat is that a shared driveway must be built on the subject property and abutting east property. The shared driveway may impact the buildable space and layout of the home. If the 3rd stall of the garage was not added, it would be able to meet the setback requirements. Most properties in the neighborhood are meeting the 30' front setback. Staff recommend denial because the house plan could be adjusted to meet the current setback requirements, which better fits the character of the neighborhood.

Planning Director Ondich added that Weinandt received a violation letter regarding excavation on the property and into the conservation easement. The letter informed the applicant to fill in the holes, seed, and stop excavation.

A motion was made by Ryan, seconded by Pike to open the public hearing at 6:41pm. Motion carried (4-0).

Mike Weinandt, applicant from 28760 Ruth Ann Ln explained that the wrong house rendering was sent. The request is actually for a 2-car garage, not a 3-car garage. A 2-car garage would still require a variance. The width of the garage is 32 feet wide for a total house length of 64 feet.

Bentson noted that would still get the applicant to a length of 64' feet.

Weinandt explained that the 64' width is the 2-car garage. The width of the house is 32'. The reason for requesting the variance is due to the size of the house. The resale value would be considerably less. The violation letter was because of the removal of trees. Trees were checked for diseases. Some trees were marked for disease, and some were in the conservation easement, which we removed. It is now seeded, mulched, and has a silt fence. He was unaware that the Pond Third Addition Preliminary and Final Plat added a condition for a 6' setback from the conservation easement. He had assumed that footings could be built up to the conservation easement. The project has been difficult because the property only allowed one driveway access.

Pike inquired about the configuration of the shared driveway and if this will be an issue for fitting homes onto the lots in the plat.

Weinandt clarified that the next two lots were purchased and currently have a house plan that meets the setbacks.

Planning Director Ondich presented the shared driveway easement plan and stated that the shared driveway will begin in the northeast corner of the subject property and will continue east. No matter if a variance is granted or not, the house won't be impacted by the driveway.

Bentson stated that if it's a 2-car garage, it will still be 32' wide for a total of 64'.

Meyer stated that the current dimensions of the proposed house plan do not meet the setbacks.

Planning Director Ondich commented that there is a house plan that will meet the setback requirements, but this proposal may not be the one.

Pike inquired if this was a variance for the whole plat.

Planning Director Ondich stated that the variance is only for this specific lot.

Pike wasn't so concerned about the 5' setback request from the conservation easement but showed concerns for reducing the front setback.

Benston argued that if a variance is granted then other residents in the neighborhood may ask for a front setback, which would be closer to the road.

Meyer inquired about the variance for the conservation easement.

Planning Director Ondich explained that by the city ordinance, building up to the conservation easement is allowed. When staff were writing the Preliminary and Final plat for Pond Third Addition last year, there were concerns of construction up to the conservation easement, which is why the condition for the 6' setback was added. Staff would recommend maintaining the 6' setback since the home would be close to the conservation easement.

Pike asked if a deck could be built in the conservation easement.

Planning Director Ondich explained that a ground level patio could be built to the conservation easement but not a deck.

Pike inquired if the home was originally supposed to be slab on grade or have a basement.

Planning Director Ondich replied that the floor elevation of the building cannot be lower than 996'. The house may be split level walk out or split-level lookout.

Pike stated that he understands that the applicant intends to build a higher retail value home. However, the plans would make it difficult to access the rear of the home. It seems like there's too much to fit in the space.

Ryan asked if it is a spec home or if there is already a buyer.

Weinandt responded that they're trying to sell it as a plan. They want to finance through the bank.

Ryan stated that he doesn't want to ruin the project but would like some changes to be made.

A motion was made by Ryan, seconded by Bentson to deny the variance request. Motion carried (4-0).

Pike asked for clarification on the excavation.

Weinandt stated that they were digging trees, removing stumps, and checking the soil.

Gary Pikal from 801 Philipp Pkwy mentioned that the excavation wasn't just for the trees but for building the basement. The lots have been in disarray and are never mowed.

Kathy Pikal from 801 Philipp Pkwy asked if there are rules for how far homes must be from other properties.

Planning Director Ondich stated that in the packet, there is a diagram that has dotted green lines that represent the subject property's buildable area.

Roger Schmitz from 901 Philipp Pkwy asked if the soil will be able to support the home.

Planning Director Ondich mentioned that the property owner doesn't need to prove that the home will be supported by the soil. It's the buyer's due diligence. The property east of the subject property recently did a soils test, and they'll have to do some corrective work. Most of the soil was black dirt which is not suitable for construction.

Ryan asked who will require soil correction.

Planning Director Ondich stated that it would come from the Building Department.

A motion was made by Ryan, seconded by Bentson to close the public hearing at 7:04pm. Motion carried (4-0).

5. Miscellaneous

A. Monthly Business Update

Planning Director Ondich introduced the May monthly business update. He explained that no new home permits were received. Cedar and Sage was sold to a new owner and will now be called Honey Lou Boutique. Brick's Boatworks was issued a permit for adding a paint booth in their main shop. Community Development staff applied for the Minnesota Housing Finance Agency's Workforce Housing Development Program which could potentially fund the 54-unit apartment building south of Walgreens. The City recently acquired two parcels of land near railroad and the Small Area Plan site.

B. Comprehensive Plan / Small Area Plan Update

Planning Director Ondich stated that there was a public open house for the city center small area plan on May 8th from 5-7pm at the Broz (212 Main St W). The public provided helpful feedback and asked important questions. Some questions were related to lighting, stage orientation, and how often the stage will be used. Many residents liked the row homes compared to apartments. If apartments were to be added, they should not exceed the height of a single-family home. The next Steering Committee meeting for the Small Area Plan will take place next week.

Ryan asked how many performances would occur.

Planning Director Ondich stated that Music at the Broz currently plays about 8 times a year. Perhaps a conditional use permit should be established to create parameters for the performance stage. POPS recently received feedback from other communities that have performance stages. They received surveys from Eden Prairie, Hudson, New Ulm, and Rosemount.

Ryan was curious if the performance stage would be used only for musical performances or if it would also include political rallies, dances, etc.

6. Adjournment

A motion was made by Ryan, seconded by Bentson, to adjourn the meeting at 7:18 pm. Motion carried (4-0).

Respectfully submitted,

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

Kyra J. Chapman
Planner



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

MEMORANDUM

TO: PLANNING COMMISSION

FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST FOR PRELIMINARY PLAT REVIEW OF STIENESSEN ADDITION CONSISTING OF 3 LOTS ON 4.1 ACRES IN THE LE SUEUR COUNTY R1, URBAN/RURAL RESIDENTIAL ZONING DISTRICT, AS PROPOSED BY BEN STIENESSEN, APPLICANT.

DATE: 6/12/24

Background / History

Ben Stienessen submitted an application for a preliminary plat of Stienessen Addition. The plat would consist of three lots on 4.1 acres in the Le Sueur County R1 Urban/Rural Residential Zoning District. Mr. Stienessen is the current owner of the property which contains one residential home and one outbuilding. The plat would create two additional lots that would be sold off for home construction.

Two of the three lots being proposed do not meet the Le Sueur County minimum lot dimensions and the county is currently reviewing variances for Lots 1 and 2.

While the land being platted is located outside of the City Limits, the City has the platting authority to review the plat because the City originally extended its extraterritorial subdivision authority via a resolution on November 17, 1997 (recorded as LeSueur County Document #262723) which was updated via resolution by the City on 12/21/2020 (recorded as Le Sueur County Document #433458). These resolutions and extension of the subdivision ordinance were adopted so that the City can regulate growth of areas within 2 miles of the City Limits where the City may eventually annex and develop into the future. These resolutions only provide the City with the subdivision review authority, all other land use authority for zoning and permits are retained by LeSueur County.

The reason the plat is required is that more than one new lot was being created and therefore could not be accommodated through the city’s “Minor Subdivision” process.

Section 040 of the Subdivision Ordinance provides the requirements for the review of preliminary plats and Section 050 provides the requirements for the review of final plats within

the City. Preliminary and Final plats can be reviewed simultaneously as noted in Section 050. In the case of this plat, because variances are needed for lot size, only the Preliminary Plat is being reviewed at this time. Since the proposed lots do not meet Le Sueur County's minimum lot dimensions, a variance is required through the County and therefore the City can only consider the preliminary plat at this time.

Legal Description

Beginning at a point on the South line of Section 4, Township 112, Range 23, said point being 603.42 feet West of the Southeast corner of said Section 4 and also being the Southwest corner of Maplewood Subdivision of said Section 4; thence North 01 degrees 36 minutes East on the West line of said Subdivision, 633 feet to the Northwest corner of Lot 12, of said Maplewood Subdivision; thence West 158.00 feet; thence South 01 degrees 36 minutes West 324.93 feet; thence West 253.00 feet; thence South 01 degrees 31 minutes West, 308.07 feet; thence East 411 feet to the point of beginning; All lying and being in the Southeast Quarter of the Southeast Quarter of Section 4, Township 112, Range 23, LeSueur County, Minnesota.

Zoning / Lot Size / Setbacks / Easements

The property is zoned by LeSueur County as R1 Urban/Rural Residential which has minimum lot size requirements as follows:

- 40,000 sq. ft. minimum lot area
- 150' lot width at the setback line
- 260' minimum lot depth

Two of the three proposed lots (Lots 1 and 2) do not meet the minimum lot requirements. Le Sueur County is reviewing variance requests for these lots at their June 20th meeting. Lot 1 requires a variance for lot width (129.48'), depth (238.40') and area (32,051 sq. ft.) while Lot 2 requires a variance for lot area (39,174 sq. ft.) only.

Required setbacks in the Le Sueur County R1 District are 65' front, 15' side and 40' rear (15' for accessory structures). The existing home on Lot 3, including its accessory structure, will meet all setbacks.

Section 067 of the Subdivision Ordinance provides for easement requirements for drainage ways, trails and utilities. Easements as required by the City are provided at 10' along front and rear lot lines and 5' along interior lot lines.

The property is within the City's extraterritorial subdivision review area, and also within the City's growth area which has the area guided for single family residential. Typically, the City would like to see ghost platting of rural lots to account for additional subdivision, but Lots 1 and 2 are less than 1 acre each with limited ability to further divide. Lot 1 could easily be divided further, but with adjacent lots in close proximity there are a number of configurations that could work for future subdivision.

Access / Road Layout

There are not any new roads proposed adjacent to the plat. The existing roads are:

- Ridge Drive SW (Township Road)
- 15th Street SW (Township Road – but is a future “Major Collector” road per the City’s Transportation Plan).

Access to the existing home will remain from 15th Street SW while the two new lots will be accessed from Ridge Drive SW. New driveway access will not be allowed from 15th Street SW as it is identified as a future major collector.

The proposed plat would dedicate 33’ of right of way for the existing township road known as 15th Street SW. The township agrees that this dedication is required with the plat.

Trails / Sidewalks

The proposed lots are outside of city limits, but within the City’s growth area. In the City’s current Comprehensive Plan there is a proposed future trail identified along 15th Street SW. A trail is not required to be installed at this time, however, said trail may be installed in the future once the land is annexed into the City.

Flood Plain

As indicated on the FEMA FIRM panel #27079C0089D effective July 21, 1999, the property is located within the unshaded Zone X which is determined to be outside the 500-year floodplain.

Le Sueur County also has preliminary Flood Plain Maps that will become effective on July 17, 2024, and this area is also indicated as outside of the 500-year floodplain on the new maps.

Wetland Conservation Act

While the National Wetlands Inventory does not show any wetlands on the site, a Wetlands Conservation Act (WCA) “Certificate of No Loss or Exemption” must be filed prior to the final plat approval. The City is not the Local Government Unit (LGU) for the WCA in this area. LeSueur County SWCD is the review authority in this area outside of City Limits.

DNR Comments

The DNR was not solicited for comments on this plat as there are not any public waters located on the subject property.

Park Land Dedication

Chapter 066 of the Subdivision Ordinance outlines Park/Public Land Dedication requirements.

Land dedication is required at 815 sq. ft. per resident with a 2024 estimate of 2.66 residents per household used for the calculation. This would equate to 4,335.80 sq. ft. of land dedication being required. The land will not be required at this time, however, as it is not currently located within the City Limits. The land payment will be delayed until the time at which the property is annexed to the City

Water Area Access Charge

All newly annexed and platted land into the City requires a per acre payment of the Water Access Charge fee. Since this property is not within the City Limits, a water area access charge will not be collected at this time but would instead be collected at the time the property is annexed. Water will continue to be provided from private wells.

Sidewalk Fee

Since the property is located outside of the City limits, no sidewalk fee will be collected at this time but instead will be collected at the time of annexation.

Emergency Warning Siren Fee

Since the property is located outside of the City limits, no emergency warning siren fee will be collected at this time, but would instead be collected at the time of annexation.

Saw and Seal Fee

Since the property is located outside of the City limits and no streets are being constructed, no saw and seal fee will be collected at this time.

Sanitary Sewer Service

Per LeSueur County requirements, each lot must have a primary and secondary sewage treatment system location provided for and which there is room for on each lot. As of right now there is one existing drain field on the proposed lot and room for an additional site.

There are no plans for City sanitary sewer to be extended to this area at this time.

Stormwater System

N/A

Engineering Comments

The preliminary and final plat drawings were not submitted to the City Engineer for review as they are located outside of City Limits therefore do not have any concerns related to future utilities at this time as the lots are or will be serviced by existing private well and septic systems.

Public Works and Utility Comments

N/A – Not in City Limits.

City Attorney Comments

Scott Riggs, City Attorney, was provided a copy of the preliminary plat and title commitment but had not yet provided comments at the time of writing this report.

LeSueur County Highway Department Comments

N/A

State Highway Department Comments

N/A

LeSueur County Planning and Zoning Comments

Comments were solicited from LeSueur County Planning and Zoning who indicated that the required lot size variances for proposed Lots 1 and 2 would be considered by the Le Sueur County Board of Adjustments on June 20th.

Lanesburgh Township Comments

Lanesburgh Township provided comments via e-mail on 6/10/24 as written below:

The Lanesburgh Township Board met this evening and discussed the Preliminary Plat: Stienessen Addition. The town board would agree that there be a 33ft right of way easement along 15th Street SW. There were no other concerns.

Thank you for this information

Liz Krocak
Lanesburgh Township Clerk

Environmental Issues

None.

Street Names

No new streets are proposed with this plat.

Staff Recommendation

Staff recommends that the Planning Commission approve the preliminary plat of Stienessen Addition with the following findings:

1. The plat complies with the purpose and intent of the New Prague Subdivision Ordinance.

And with the following conditions:

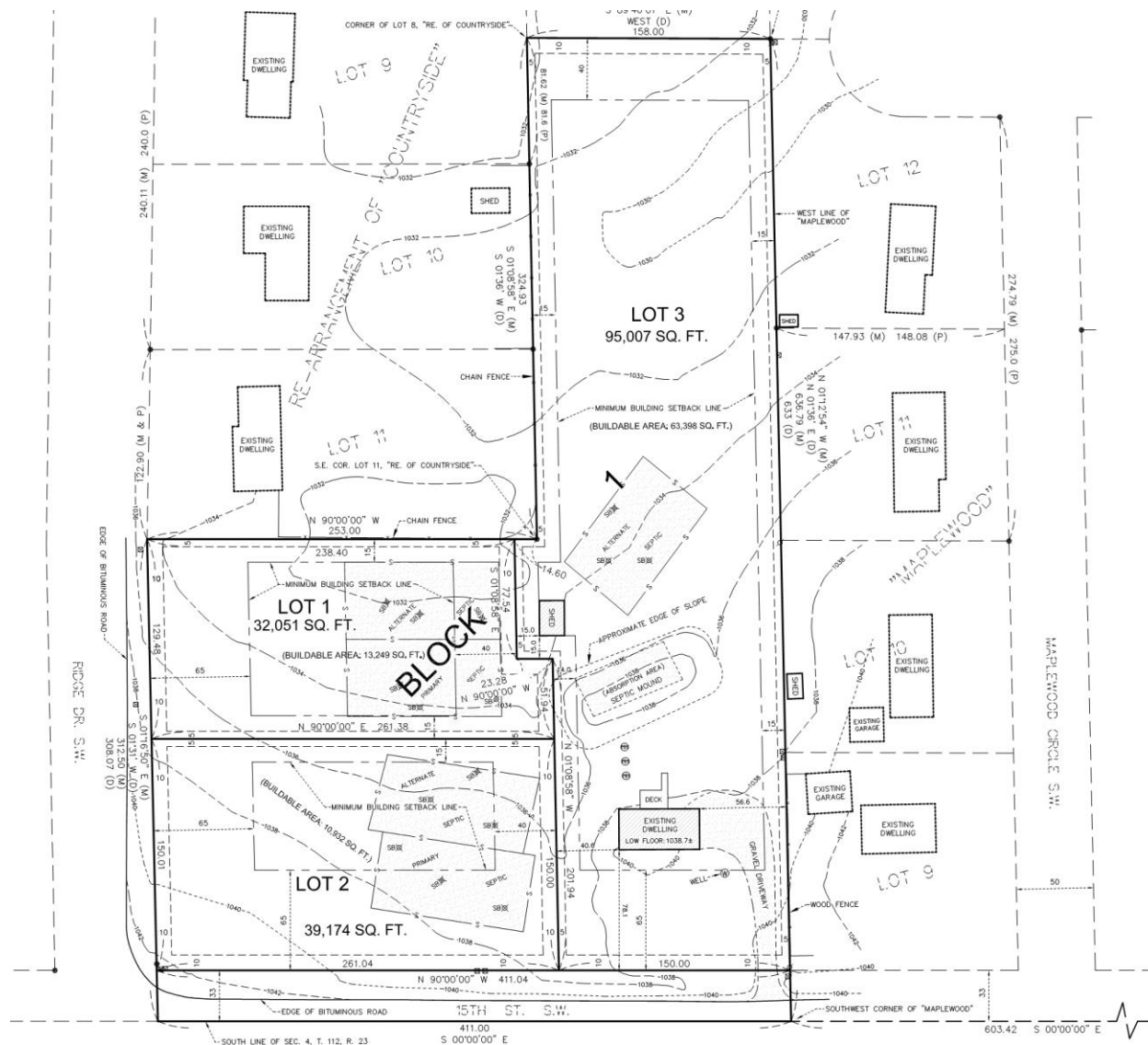
1. Approval is granted in general accordance with the Preliminary Plat submittal dated 6/2/2024 on file with the New Prague Planning Department.
2. The Preliminary Plat is issued for a permit of twelve (12) months and shall become null and void without further action from the Planning Commission or City Council unless the final plat is filed within twelve (12) months of the City Council granting Preliminary Plat approval.
3. Preliminary Approval is subject to all requirements of the City Attorney including review and approval of the Title Commitment.
4. Approval is subject to all requirements of LeSueur County Planning and Zoning and Environmental Services Departments, including approval of lot size variances for proposed Lots 1 & 2.
5. A Wetlands Conservation Act “Certificate of No Loss or Exemption” must be filed prior to the final plat approval.
6. City Park Land Dedication (including a future trail segment along 15th Street SW), Saw and Seal Fee, Sidewalk Fee and Emergency Warning Siren Fee and city utility area charges and connection fees are being delayed until the time at which the property is annexed to the City and at the rates applicable at that time.
7. No new driveway access to 15th Street SW will be permitted as it is a future major collector road.

ATTACHMENTS

1. Site Map Aerial – Dated 6/10/24
2. Site Map Aerial Detail – Dated 6/10/24
3. Preliminary Plat Drawing – Dated 6/2/24
4. Google Street View Photos – Dated June 2023









Google Street View looking south from 15th Street SW looking to the NW.



Google Street View looking NE from intersection of 15th Street SW and Ridge Drive SW.



Looking East from Ridge Drive SW at area for the two new created lots.



Looking SE from Ridge Drive SW - two new lots on the left side of the photo.



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KYRA CHAPMAN - PLANNER
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT #C2-2024 TO PROVIDE OUTDOOR SEATING AT THE OUTLAW SALOON LOCATED AT 103 MAIN ST W IN THE B1- CENTRAL BUSINESS DISTRICT, AS PROPOSED BY R&D MANAGEMENT LLC.
DATE: 6/13/24

Background / History

In spring of 2023, R&D Management LLC purchased the Pioneer Saloon at 103 Main St W and renamed it as the Outlaw Saloon. The applicant, R&D Management LLC has applied for a conditional use permit to allow permanent outdoor seating at the Outlaw Saloon at 103 Main St W. R&D Management intends to construct a patio and install a 6' tall fence, which will enclose the patio area. The fence will enclose 756 sq ft (42' x 18') on the north side of their building. The existing building will have a new 3' wide backdoor installed to access the fenced patio. There will also be a new 3' wide emergency exit door installed on the northwest corner of the building (not attached to outdoor patio area) to a 6' wide outdoor walkway leading directly to the parking lot. The far northern section of the patio will have a smaller area that is fenced to store chairs.

Legal Description

The West 1.10 feet of the South 56.00 feet of the following described parcel of record:

Commencing at a point Thirty Three (33) feet North of a point Sixteen Hundred and Forty-eight links West of the Southeast corner of the Southwest Quarter of Section Thirty-four (34), Township One Hundred Thirteen (113), Range Twenty-Three (23) West, said point being the intersecting corner of Main and Simmer Street, New Prague, Scott County, according to the plat thereof on file and of record in the Office of the Register of Deeds of said County and State; thence running North on the West line of Simmer Street One Hundred and Seventeen (117) feet; thence West Thirty (30) feet; thence South to the North line of Main Street One Hundred Seventeen (117) feet; thence East along the North line of Main Street Thirty (30) feet to the place of beginning.

AND

The West 25 Feet of the following described land: Commencing at a point 33 feet North of a point 1648 links West of the Southeast Corner of the Southwest Quarter of Section 34-113-23, thence North on the West Line of Simmer Street 117 feet; thence West 55 feet; thence South 117 feet to the North line of Main Street; thence east along the North line of Main Street 55 feet to the point of beginning. Also the right of egress & ingress over a strip of land 12 feet wide commencing at the Northwest Corner of said property and running East to Simmer Street.

Zoning

The property is zoned B1 Central Business District. The proposed outdoor seating area for restaurants and drinking establishments is listed as a conditional use in the B-1 Central Business District which is why the Conditional Use Permit is required. The B-1 District also does not require off-street parking for any use, does not have minimum lot size requirements and also does not have minimum setbacks for buildings or other accessory uses other than to an alley and railroads.

Outdoor Patio Standards

Zoning Ordinance Section 733 contains performance standards relating to outdoor seating for restaurants and drinking establishments in the City as follows:

733 Outdoor Seating for Restaurants and Drinking Establishments

1. *Restaurants, drinking establishments, and restaurants, may provide outdoor seating for their patrons with an approved Conditional Use Permit provided that the following requirements are met:*
2. *For all establishments:*
 - A. *The seating shall be located on private property and outside of any recorded easement areas and demonstrated on a site plan.*
 - B. *The seating shall consist of good quality patio or café type furniture that enhances the appearance of the business.*
 - C. *No beverages or food shall be served to persons outside of the designated outdoor seating area.*
 - D. *The seating area, if not slab on grade, shall be subject to applicable setback requirements.*
 - E. *The seating area shall have a permanent surface of concrete, asphalt, wood or other fabricated construction material.*
 - F. *The seating shall be located so as not to compromise safety. Seating shall not obstruct the entrance or any required exits or be located on landscaping or parking areas. If located on private sidewalks or walkways, it shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians. Applicable building and fire codes for ingress and egress shall be met.*
 - G. *No additional parking is required for 30 outdoor seats or less. Any additional seating over 30 seats shall provide required parking based on one space per three seats.*
 - H. *The outdoor seating area shall be subordinate to the principal use and shall not exceed 40 percent of the square footage of the principal use building space.*
 - I. *Noises on the outdoor seating area shall be subject to City Code Section 92.18(S).*

- J. *Lighting shall be permitted to the extent that it only illuminates the designed area. Lighting must otherwise meet the standards listed in Section 704 of this Ordinance for Glare.*
 - K. *The business owner or designated person shall inspect the premises on a daily basis including all adjacent streets, sidewalks, alleys, parking areas and sidewalks within 100 feet and remove all litter. Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc. must be provided in close proximity to the outdoor seating area.*
 - L. *Additional conditions may be imposed by the City and listed on the approved conditional use permit including but not limited to hours of outdoor seating area use and additional screening or buffering to residential zoned or used areas.*
 - M. *No external music, live or recorded, shall be allowed after 10:00PM. It also shall not be audible from a distance of more than 50' from the edge of the defined patio area at any time.*
3. *For establishments with liquor licenses the following regulations apply in addition to those listed above:*
- A. *The seating shall be located in a compact and contiguous location to the principal structure. No alcoholic beverages shall be served or consumed in an outdoor seating area unless the liquor license approved by the City specifies the compact and contiguous location.*
 - B. *The outdoor seating area shall be defined with the use of landscaping and permanent attractive fencing which is a minimum of four feet in height with at least 50 percent opacity that contains the tables and chairs for the use as demonstrated on a site plan. It shall also prohibit the free passage of any person or substance from the area.*
 - C. *No alcoholic beverages shall be served to persons outside of the designated outdoor seating area or those not seated at tables. Signage shall be posted that restricts consumption of alcohol outside of the designated outdoor seating area as approved by the Conditional Use Permit.*
 - D. *Bars are prohibited in outdoor seating areas (with the exception of a service bar for the exclusive use of the establishment's employees).*
 - E. *Patrons shall only access the outdoor seating area through the interior of the main building and seated by wait staff if at full service restaurants. No other ingress or egress shall be allowed other than required emergency exits.*

Although section 733 (3) (B) of the Zoning Ordinance requires outdoor seating areas to have a minimum fence height of 4' tall, staff recommends that the fence should be a minimum height of 6'. Staff are recommending a 6' tall fence to prevent individuals from easily passing alcohol over a 4' or 5' tall fence. Furthermore, the taller fence would better separate Central Plaza and the public parking lot.

In accordance with section 733 (2) (M), no external live or recorded music may continue after 10:00pm. After 10:00pm, music may only occur inside the building. Additionally, all noises occurring in the outdoor patio area shall be subject to City Code Section 92.18(S).

Neighborhood Conditions

The subject property as well as all adjacent to the east and west are largely zoned B1-Central Business District.

North – B1-Central Business District, and RL84-Single Family Residential District.

South – B1-Central Business District, and RL70-Single Family Residential District.

West – B1-Central Business District, and RH – High Density Residential District

East – B1-Central Business District

Most of the buildings in the B1-Central Business District were constructed in the 1880s to the 1940s. The buildings within the district are currently used for commercial retail use or as drinking/dining establishments with some having rental dwelling units above. There are a few businesses in town that have outdoor patio areas approved via a conditional use permit. For instance, there is 1319 Woodfire Tavern at 125 E Main St, Local 105 at 105 Main St E, and Giesenbrau Bier Co. at 1306 1st St NE.

Parking

Off-street parking is not required in the B-1 Central Business District. No additional parking is required if there are 30 outdoor seats or less. Any additional seating over 30 seats shall provide required parking based on one space per three seats. The applicant is proposing to have 20-25 outdoor seats, therefore, no off-street parking is required.

Lighting

Lighting shall be permitted to the extent that it only illuminates the designed area. Lighting must meet 704 of the Zoning Ordinance:

In all districts, any lighting used to illuminate an off street parking area, sign, or other; structure, shall be arranged so as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, shall be hooded or controlled in some manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right of way. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot candle (meter reading) as measured from the centerline of said street. Any light or combination of lights which cast light on residential property shall not exceed 0.4 candles (meter reading) as measured from said property.

Public Works Considerations

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

FEMA Flood Plain

N/A

Police Chief and Fire Chief Comments

Police Chief Tim Applen stated the although the ordinance requires a minimum fence height of 4' tall, he recommends that fence should be a minimum of 6' tall to prevent alcohol from being easily passed over the fence.

Building Official Comments

Building Official Scott Sasse stated that the out-swinging door to be installed in the Northwest corner of the existing building must meet all requirements from the 2020 MN Accessibility Code. The enclosed patio area is proposed at 756 square feet, this is without tables, chairs or decorations. The City will need a proposed seating design to keep on file with the intent of proposed tables, chairs, etc. showing how exiting paths will be maintained. Panic hardware (crash bar) will be required on the out-swinging emergency door/gate on the North side of the patio. The "Emergency Exit Only" sign at this exit shall be always illuminated internally or externally and not less than 90 minutes in the event of a primary power loss.

County Highway Department 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 proposed patio area will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area, as the additional area will only accommodate outdoor seating.)
- 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 proposed patio will include a 6' tall fence, screening the outdoor seating area from the general public view, and which is compatible with adjacent residential apartments and will not cause a depreciation in their value.)
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. (The proposed patio and site will improve the appearance of the existing concrete pad and will not adversely affect adjacent residential apartments.)
- 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 proposed patio is reasonably related to the overall needs of the City and existing land use as the proposed patio is specifically listed as a Conditional Use in the B-1 Central Business Zoning District and will be an expansion of an existing permitted business.)
- 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 proposed patio is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.)

- F. The use is not in conflict with the Comprehensive Plan of the City. (The proposed patio is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.)
- G. The use will not cause traffic hazard or congestion. (The proposed outdoor patio will not cause traffic hazards or congestion as it provides only 20-25 seats and no off-street parking is required for any uses in the B-1 district.)
- 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.)

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 Conditional Use Permit #C2-2024 to allow an outdoor patio for eating and drinking services, located at 103 Main St W in the B1-Central Business District, with the following conditions:

1. Approval is subject to the site plan dated 5/17/24 on file with the New Prague Planning Department which complies with the requirements of Section 733 of the Zoning Ordinance.
2. Before the Liquor License can be expanded to the proposed patio area, the following shall be completed:
 - a) All of the requirements and improvements associated with this Conditional Use Permit #C2-2024 must be completed and approved by City Staff.
 - b) The City Council must approve the expanded patio area as part of the applicant's liquor license.
3. The fencing around the outdoor patio area must be at least 6' tall due to the patio's proximity to a public parking lot and to Central Plaza.
4. Requirements of the Building/Code Enforcement Official must be met including:
 - a) Building Permits must be obtained as necessary.
 - b) The patio area must have an emergency exit door which must be clearly marked.
 - c) The "Emergency Exit Only" sign must be illuminated at all times of operation.
 - d) Panic hardware on the out-swinging emergency door/gate on the north side of the patio is required if it is to be locked (such hardware should be clearly marked).

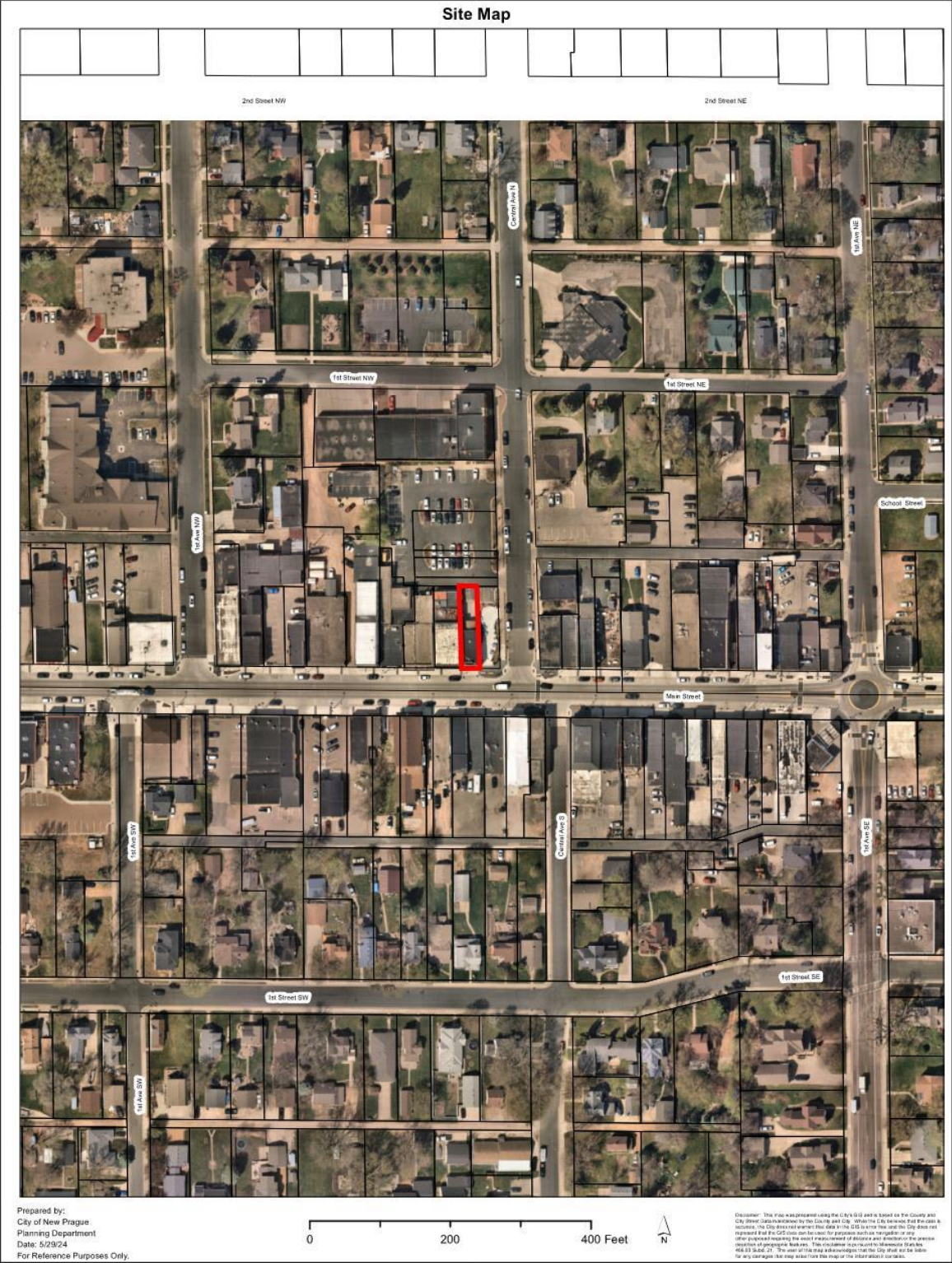
And making the following findings to approve the conditional use permit:

- A. The proposed patio area will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area, as the additional area will only accommodate outdoor seating.
- B. The proposed patio will include a 6' tall fence, screening the outdoor seating area from the general public view, and which is compatible with adjacent residential apartments and will not cause a depreciation in their value.
- C. The proposed patio and site will improve the appearance of the existing concrete pad and will not adversely affect adjacent residential apartments.

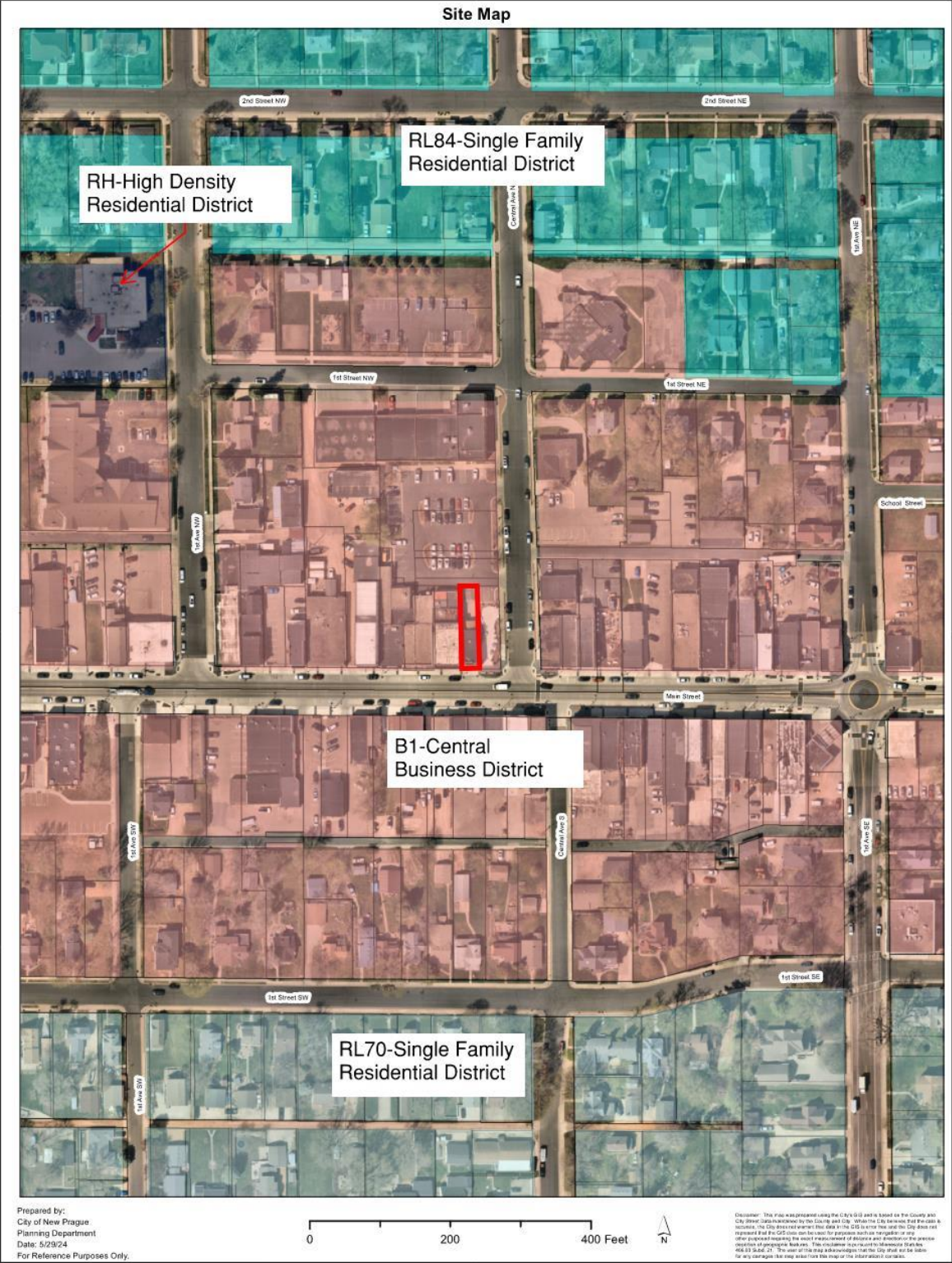
- D. The proposed patio is reasonably related to the overall needs of the City and existing land use as the proposed patio is specifically listed as a Conditional Use in the B-1 Central Business Zoning District and will be an expansion of an existing permitted business.
- E. The proposed patio is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.
- F. The proposed patio is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.
- G. The proposed outdoor patio will not cause traffic hazards or congestion as it provides only 20-25 seats and no off-street parking is required for any uses in the B-1 district.
- H. Adequate utilities, access roads, drainage and necessary facilities have been provided.

Attachments

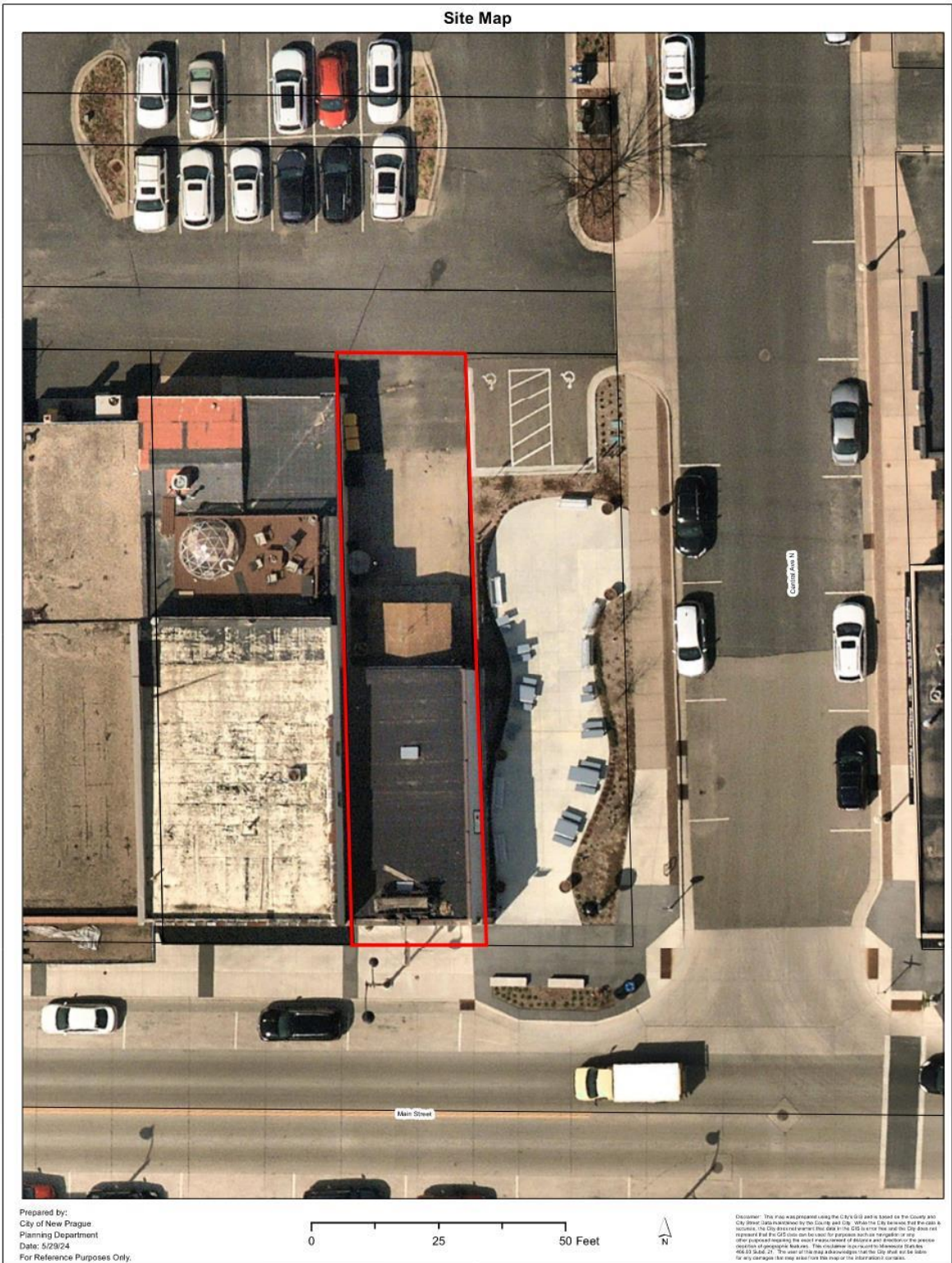
- 1. Aerial Site Map – Dated 5/29/24
- 2. Aerial Zoning Site Map – Dated 5/29/24
- 3. Aerial Site Map Detail – Dated 5/29/24
- 4. Outdoor Seating Site Plan – Dated 5/17/24
- 5. Proposed Fence – Undated
- 6. Aerial View of Outdoor Seating Site Plan – Dated 6/5/24
- 7. Oblique Air Photo – Dated 4/12/23
- 8. Pictures – 6/3/24



Aerial View of Subject Property



Aerial Zoning Site Map



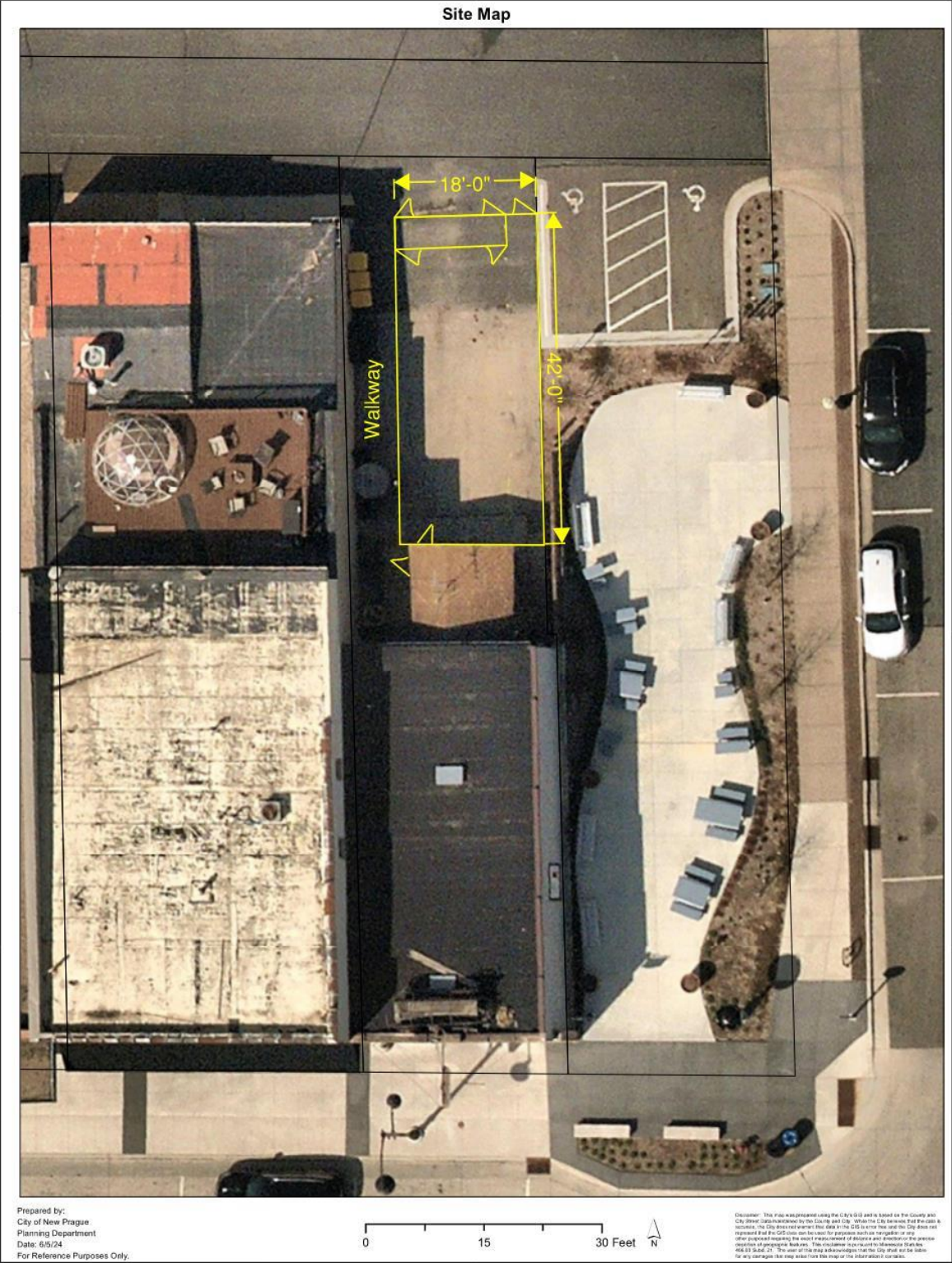
Aerial View of Subject Property

R & D Management LLC– CUP #C2-2024 – Outdoor Seating
6/26/24 Planning Commission Meeting
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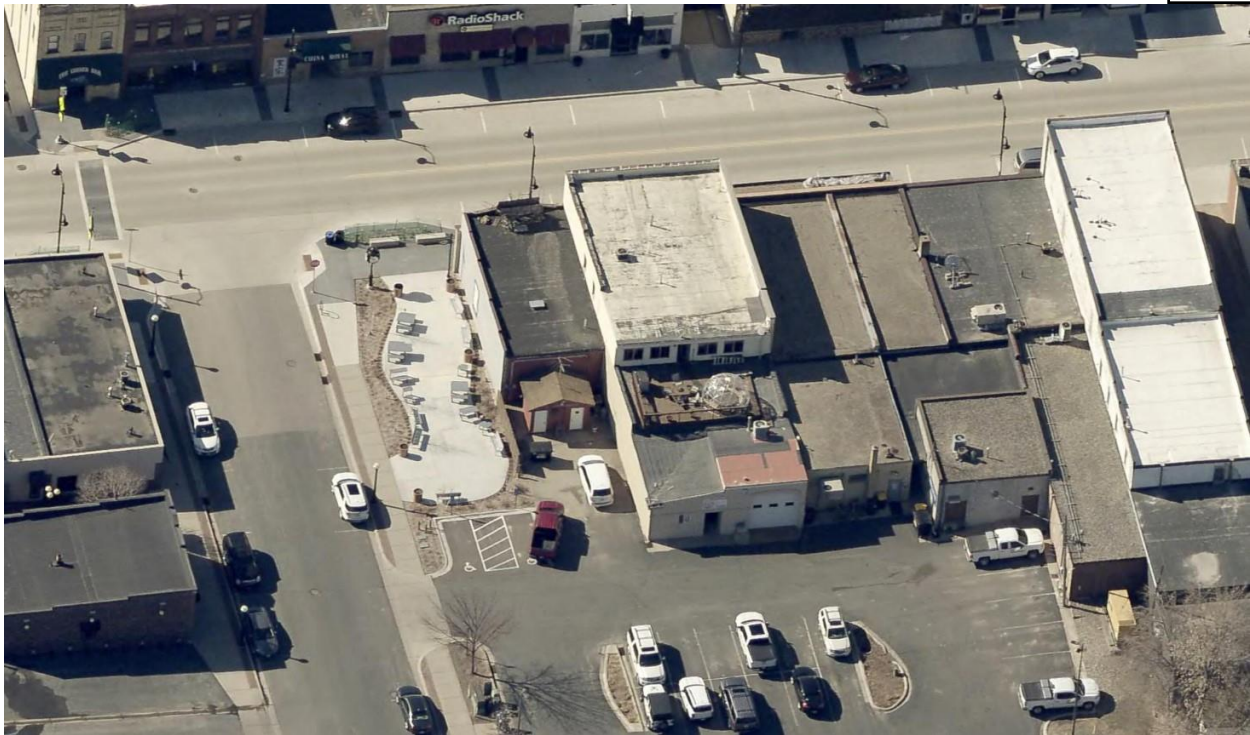
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Proposed Fence



Aerial View of Outdoor Seating Site Plan



Oblique Aerial View









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phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REQUEST FOR VARIANCE #V3-2024 TO ALLOW A VARIANCE FROM THE RH HIGH DENSITY RESIDENTIAL ZONING DISTRICT DENSITY AND PARKING REQUIREMENTS TO ALLOW FOR THE CONSTRUCTION OF A 54 UNIT MARKET RATE APARTMENT BUILDING, AS PROPOSED BY TEN NINETEEN DEVELOPMENT, LLC
DATE: JUNE 20, 2024

Background / History

The applicant, Ten Nineteen Development LLC, has applied for a variance to construct a 54 unit 3 story, market rate apartment building with underground parking. Related to this project, the City submitted an application for the Minnesota Housing Finance Agency’s Workforce Housing Development Program back in April that could provide for up to \$499,999 towards the project. MHFA will announce the funding recipients by Mid-August.

It is also notable that back in 2020, this site was previously approved for a rezoning from B-2 Community Commercial Zoning to RH High Density Residential Zoning and for setback variances (#V8-2020). The variances previously allowed a rear yard setback reduction from the north line from 30’ to 10’ a front yard setback reduction from the south lot line from 30’ to 27’7” for what was then proposed as a 43 unit building.

With the new applicant, Ten Nineteen Development, they are proposing a 54 unit building within the same footprint as the previous 43 unit building. The reason the additional units fit in the footprint of the original 43 unit building is due to the balanced unit mix to meet the market demand (ie. studio and 1 bedroom units). The prior plan had very large units, which have since been reduced in size to get to the current 54-unit plan.

The zoning ordinance allows 32 units per acre for high density multifamily dwellings. The property 1.35 acres in size and would be allowed 43 units. Additionally, the zoning ordinance currently requires 2 parking spaces per apartment unit, regardless of the unit type or overall mix of units in the building.

At the March Planning Commission meeting, staff brought forth a “concept” review of possibly amending the zoning ordinance for both the RH density and parking requirements, but the Planning Commission felt that rather than amending the zoning ordinance at this time, the apartment proposal should be reviewed and considered for variances from the density and parking requirements due to the sites unique size and shape.

The specific variances being sought for the proposed 54 unit apartment building are as follows:

- Variance to increase the RH High Density Residential Density from 32 units per acre up to 40 units per acre.
- Variance to reduce the minimum required parking from 2 spaces per unit to 1.7 spaces per unit.

Legal Description

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

Neighborhood Conditions and nearby land uses

North – Walgreens (zoned B-2 Community Commercial)

South – Townhomes (zoned RH High Density Residential)

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

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

Zoning

The subject site is zoned RH High Density Residential where apartments are a permitted use at up to 32 units per acre. The City also requires two parking spaces for each apartment unit.

Setbacks in the RH District are 30’ fronts (south and east sides), 30’ rear (north side) and 20’ side (west side). As noted earlier in this report, Variance #V8-2020 was previously approved for reduction from the rear setback and front setback to 1st Street SE. No new setback variances are proposed at this time.

The proposed 54 units are a departure from the previously approved building layout only in terms of number of units and not overall size of the building. As noted earlier, the current developer changed the proposed unit mix to fit the 54 units in the same footprint as the previously approved 43 unit building. This 54 unit building would require a density increase from 32 units per acre to 40 units per acre. The mix of units is listed below.

4/2/24 unit mix as proposed (subject to change):

8 – “Alcove” units (not called studios, but they only have a short wall dividing off the bedroom from the rest of the unit) – 600 sq. ft. average size

26 – 1 Bedroom units – 750 sq. ft. average size

7 – 1 Bedroom +Den units (basically a one bedroom unit plus a den) – 850 sq. ft. average size

8 – 2 Bedroom units – 1,100 sq. ft. average size

5 – 2 Bedroom +Den units (basically a two bedroom unit plus a den – they don't do 3 bedroom units as in the past they haven't been able to rent them) – 1,250 to 1,350 sq. ft sizes

54 total units

As noted above, the units lean heavily to alcove/studio and 1 bedroom units and 1 BR + Den with 75% falling into those types of units. The smaller units are far more likely to have less than 2 vehicles per unit than larger units.

Regarding parking it's notable that the previously approved site plan showed 50 surface parking spaces with 28 spaces below/enclosed under the building for a total of 78. The new site plan provides for 42 spaces below/enclosed under the building plus the same 50 surface parking stalls for a total of 92 parking spaces. This would provide for parking at a ratio of 1.7 spaces per unit versus the ordinance requirement of 2 spaces per unit (108 spaces).

In the research staff conducted earlier this spring, many cities have moved away from a straight multifamily parking requirement of 2 spaces per unit. For example, the City of Shakopee now requires 1.5 spaces for studio and 1 bedroom units and 2 spaces for a two bedroom unit and 2.5 spaces for a three bedroom unit. If New Prague used Shakopee's parking standards, the site would exceed the requirement by 4 spaces as proposed. While the Planning Commission voiced some concerns of going below 2 spaces per unit and concerns that users might park in the Walgreens parking lot or even the strip mall parking lot across the street, staff does not believe this will be a concern, particularly based on information obtained from the applicant.

The applicant noted that their recent project in Farmington (a 74-unit building) was approved at 1.42 spaces per unit (versus Farmington's normal 1.5 spaces per unit) and their Delano project, Granite Works has a 1.7:1 per unit parking ratio. The first phase, which opened in 2022, is now fully occupied. The building has 70 units with 70 enclosed parking stalls and the remaining parking being surface parking. There is plenty of parking and oftentimes the surface lot is only 1/3 full. Delano has a similar market to New Prague and similar market rate project to what is planned for this project. Ten Nineteen Development LLC has found that typical demand dictates anywhere from 1.4-1.7:1 parking ratio. Parking beyond that is often found to be excessive or underutilized.

Statement of Practical Difficulties

The applicant has stated that the land has a unique shape and abuts two public streets and was not originally intended to be a residential lot, however, deed restrictions that the Walgreens development placed on the property severely limited the ability of the lot to be used commercially. The developer acknowledges that the site was previously approve for setback variances due to the unique shape of the lot and that also poses a challenge for parking. However they note that they do not believe the ratio of parking the city requires is necessary based on past projects they have completed.

As noted earlier in this report, the applicant has experience in other similar communities with parking requirements below 2 per apartment unit and they have not experienced parking issues at other sites.

Staff Notes

Staff believes that the lot is unique in both lot shape and location as well as due to the deed restrictions towards commercial uses on the lot that have led the lot to be looked at for residential purposes. Staff notes that the building footprint is no larger than previously approved but rather the mix of unit types has changed with 75% of the units being alcove/studio and one bedroom or 1 bedroom + den units which place less of a demand on parking compared to two or three bedroom units. Staff believes the density is appropriate for the site by virtue of staff believing that the normally required 2 spaces per one unit is not required based on the smaller unit sizes making up the majority of the units.

Staff does not support building parking simply to meet an ordinance minimum if it is demonstrated that it is not needed. In the case of this site, there really isn't room to add additional parking due to space constraints, but again, staff does not believe any additional parking is necessary for the site at the ratio of 1.7 spaces per unit. Additionally, the location of this apartment is situated close to a number of businesses and churches that are within walking distance, making it an option for those without vehicles to live.

Finally, staff notes that Praha Village to the west is a senior living apartment complex which is 91 units on 3.83 acres. While most residents there do not drive, that site provides for 108 parking spaces with 45 of those spaces being under the building. The parking ratio for this development is 1.18 spaces per unit and also must accommodate a work staff per shift of about 17 staff. The vast majority of the parking lot at Praha Village sits empty most of the time.

Criteria for Granting Variance – Section 507

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

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

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

- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because apartments are a permitted use in the RH High Density Residential Zoning District.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant will use the property in a reasonable manner which would be an apartment building use.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the lot has an unusual shape and abuts two public roadways and requires a unique building layout to fully utilize the property and furthermore the unit mix of 75% alcove/studio and one-bedroom and one-bedroom + den apartments lends itself to a parking reduction and density increase above the typical ordinance requirements.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because apartments are a permitted use in the RH High Density Residential Zoning District which contains another multifamily unit one block to the west, and the variances for parking and density fit within the footprint of a building originally planned to have 43 units, thereby making better use of the site.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow a building footprint previously approved for 43 units to provide for 54 units to maximize the apartment units on the site and which are needed in the community for workforce housing).
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (N/A).

Staff Recommendation

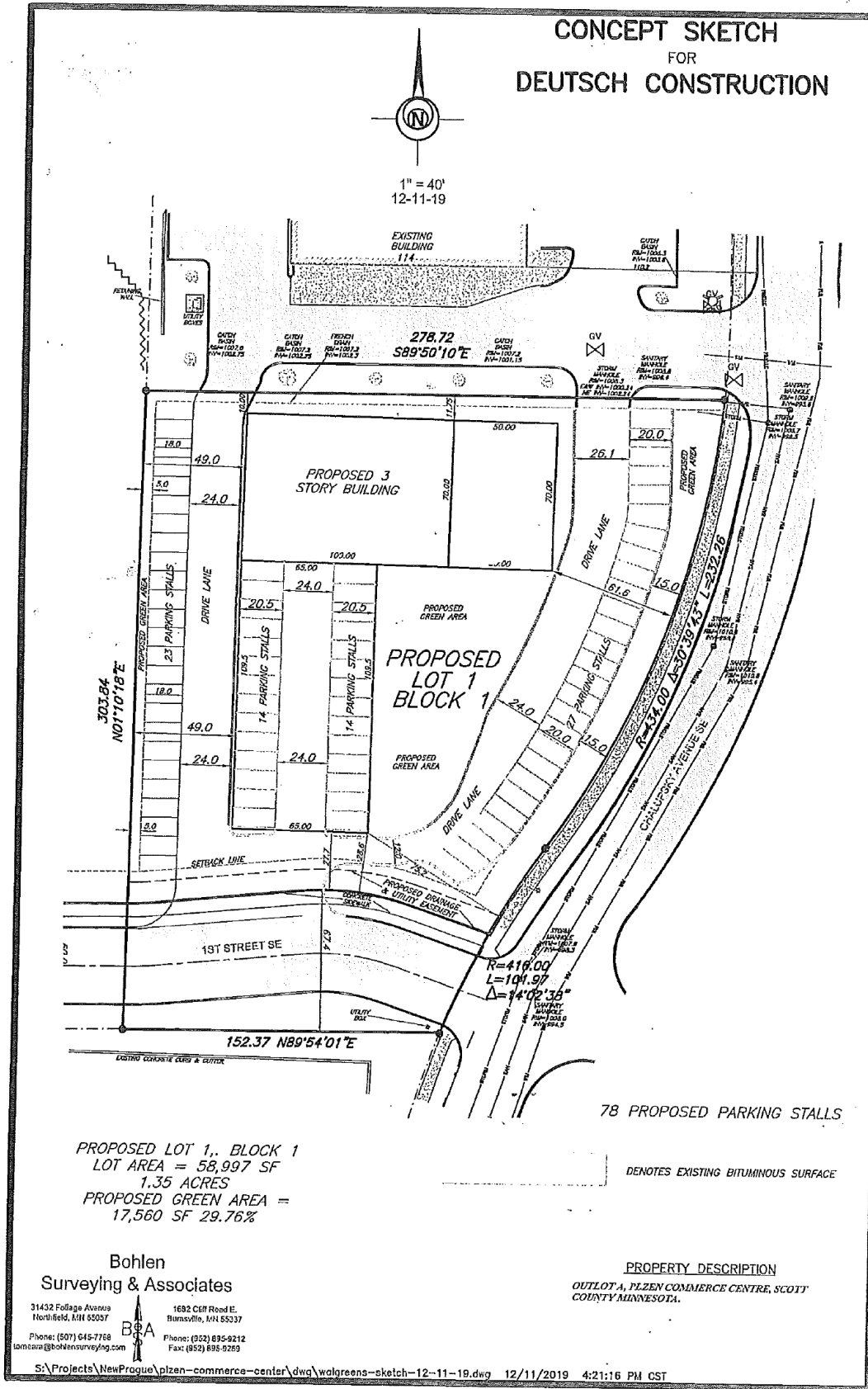
Staff recommends **approval** of Variance #V3-2024 to allow a variance from the RH High Density Residential Zoning District Density, from 32 units per acre to 40 units per acre and Parking Requirements, from 2 spaces per unit to 1.7 spaces per unit, to allow for the construction of a 54 unit market rate apartment building, as proposed by Ten Nineteen Development, LLC

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because apartment buildings are a permitted use in the RH High Density Residential Zoning District.
- B. The requested variance is consistent with the comprehensive plan because apartments are a permitted use in the RH High Density Residential Zoning District.
- C. The applicant will use the property in a reasonable manner which would be an apartment building use.
- D. Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the lot has an unusual shape and abuts two public roadways and requires a unique building layout to fully utilize the property and furthermore the unit mix of 75% alcove/studio and one-bedroom and one-bedroom + den apartments lends itself to a parking reduction and density increase above the typical ordinance requirements.
- E. The variance does not alter the essential character of the neighborhood because apartments are a permitted use in the RH High Density Residential Zoning District which contains another multifamily unit one block to the west, and the variances for parking and density fit within the footprint of a building originally planned to have 43 units, thereby making better use of the site.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow a building footprint previously approved for 43 units to provide for 54 units to maximize the apartment units on the site and which are needed in the community for workforce housing.

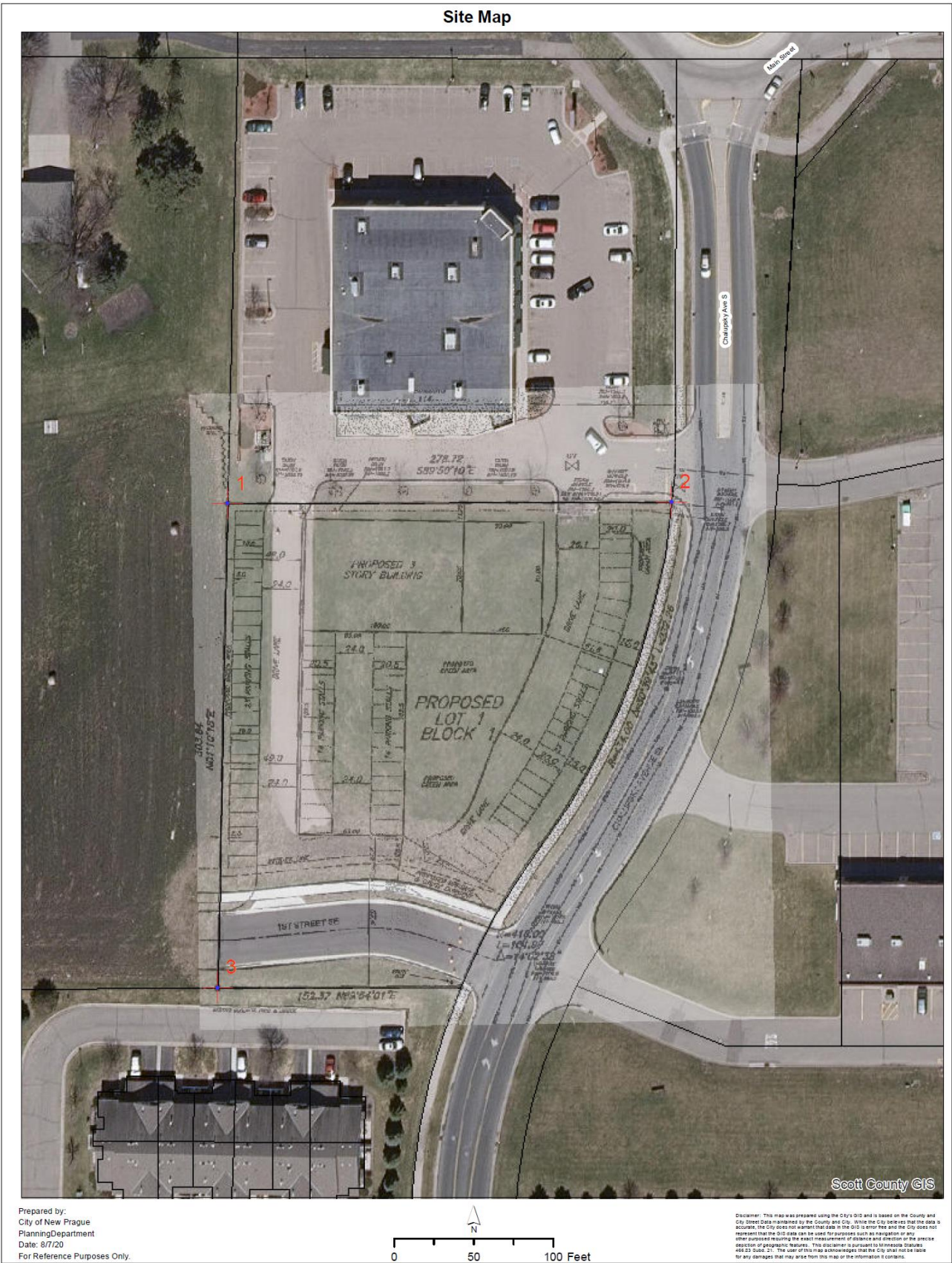
Attachments

- 1. Site Map Aerial – Dated 1/3/20
- 2. Concept Sketch – Dated 12/11/19
- 3. Aerial / Concept Sketch Overlay – Dated 8/7/20
- 4. Example Apartment Building Rendering
- 5. Google Street View Photos - Undated





Site Map



Ten Nineteen Development LLC - Variance #V3-2024
June 26, 2024 Planning Commission Meeting
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(Example Building Elevation – indicative of style and materials only – building may have peaked reroof as shown or flat roof. Different and more appealing colors would be utilized.)



Looking west from Chalupsky Ave. SE.



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



Looking west from Chalupsky Ave. SE.



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONCEPT REVIEW OF POSSIBLE ZONING ORDINANCE AMENDMENT TO MODIFY THE DEFINITION OF “ESSENTIAL SERVICES” OR ADD A “PUBLIC BUILDING” DEFINITION.
DATE: JUNE 5, 2024

As the Planning Commission is aware, there have been discussions of an addition to the Fire Station to add space for a new Police Station. There has also been discussions on the post office moving from its current location downtown to a yet to be determined location.

Staff recently reviewed the zoning ordinance to determine what, if any, land use approvals would be needed for the Police Station to move by the Fire Station (in an I-1 Light Industrial District) as well as for the post office to move to a yet to be determined location. It has been identified that both such uses are not currently defined in the zoning ordinance.

In past practice, the city has considered uses such as the post office and government uses (police, fire, city hall, utilities, public works) under the definition of “essential services”. In recent discussions with the City Attorney, his opinion is that the current definition does not allow all those uses and is really limited to just utilities and buildings and that a zoning ordinance amendment would be necessary to adequately accommodate said uses.

In light of this, staff is suggesting an amendment to the zoning ordinance to accommodate such public uses specifically in the zoning ordinance. There are two options to consider:

1. Amend the existing definition of “essential services” to include public buildings/uses.
2. Add a new definition of “public buildings” and then add zoning district to which they would be allowed as either permitted or conditional uses.

Staff recommends option #2 above as it would keep essential services as currently written as it’s a very common definition found in many zoning ordinances across the state, and it would be best to keep that as is while introducing a new definition and specific categories to allow the “public buildings”.

Existing Zoning Ordinance Language-

Under Section 302 for Definitions, the following is the existing definition of essential services:

70. Essential Services - The erection, construction, alteration, or maintenance by private or public utilities, or municipal departments of underground, surface, or overhead services such as telephone, gas, electrical, steam, hot water, communication, water and sewage transmission and collection systems, and the equipment, appurtenances and related structures necessary for furnishing of adequate service by such private or public utilities or municipal departments. Essential services does not include personal wireless service antennas or support structures.

Proposed Zoning Ordinance Language-

Staff recommends keeping the definition of Essential Services as written above, but recommends adding the following definition to Section 302 of the Zoning Ordinance:

Public Building - Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

The above definition would certainly cover government uses such as fire stations, police station, city halls and even post offices.

With a new definition, said use would need to be added to permitted or conditional use categories for zoning districts. Staff would recommend the following for placement of the new “public building” use:

B-1 Central Business, B-2 General Business, B-3 Highway Commercial and I-1 Light Industrial: Public Buildings would be a permitted use.

RL-70, RL-84, RL-90, RM and RH Zoning: Public Buildings would be a conditional use.

Staff welcomes discussion on which districts this new defined use should be permitted or conditional uses.

Recommendation

I recommend that the Planning Commission provide direction to City staff regarding which option to pursue and bring forward for a possible public hearing for a zoning ordinance amendment at the July 24th Planning Commission meeting.

June 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). There were two new home permits applied for in late May and the City also annexed one existing single family home adjacent to the east Kwik Trip in the past month.
- **Style Revival** was issued a building permit to locate in the New Prague Commons Strip mall at 215 Chalupsky Ave. SE.
- The proposed **54-unit apartment building** on the lot just south of Walgreens has applied for a variance from the City's density and parking requirements. This application will be reviewed at the June Planning Commission meeting.
- **Keyland Homes** entered into a purchase agreement with the Bisek Family to purchase 60 acres of land on the NE side of New Prague (north of Ironwood Ave. NE and Cherrywood Street NE). They are currently removing a roughly 7 acre stand of trees, completing survey work and a wetland delineation. The City also expects an annexation petition. Preliminarily they have indicated that they would develop the property in 20-acre pieces. The development is estimated to have around 180 new single-family homes when completed.
- A conditional use permit was applied for by **Outlaw Saloon** at 103 Main St. W. for an outdoor patio for eating and drinking.

Site Concept Features



Townhouse units

Rental cottages

Stormwater treatment (area TBD)

Playground

"Skinny" street w/planted median & parking

Community room

Multi-use plaza (farmers mkt, food trucks, parking, etc.)

Outdoor performance stage

Entry plaza

Commercial infill building (per market demand)

←.....→ Overflow parking supply (if needed)