

Meeting Minutes
New Prague Planning Commission
Wednesday, November 20th, 2024

1. Call Meeting to Order

The meeting was called to order at 6:32 p.m. by Chair Dan Meyer with the following members present: Brandon Pike, and Jason Bentson. Absent were Ann Gengel and Shawn Ryan.

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

2. Approval of Meeting Minutes

A. October 23rd, 2024 Regular Meeting

A motion was made by Pike, seconded by Bentson, to approve the October 23rd regular meeting minutes. Motion carried (3-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Amend Conditional Use Permit #C2-2022 for the Existing Fence Gate to Remain – Community Baptist Church located at 500 10th Ave NE

Planner Chapman explained that Community Baptist Church is requesting an amendment to Conditional Use Permit #C2-2022 to allow the existing southern fence gate to remain. Two years ago, 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. When #C2-2022 was first approved, 14 conditions were added, related to fencing, refuse, field use, lighting, and parking. Currently, condition #6 is not being met. Condition #6 states that “at least one overlapping opening in the southern fenced area must be provided for pedestrian access.” The existing southern gate fence along 3rd St NE is unlocked and flush with the gate and is not overlapping. The reason staff first wrote condition #6 is so that people could quickly and easily access the field or street. 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 that say something along the lines of “this gate is unlocked at all times for public accessibility.”

A motion was made by Pike, seconded by Bentson to open the public hearing (3-0). The public hearing opened at 6:39pm.

Dave Pautz, project leader from 14285 310th Lane, inquired on the purpose of having signage on the fence.

Planning / Community Development Director Ondich stated that the purpose of maintaining the unlocked southern gate would allow people to enter or exit the fields during emergency situations. The signage would help people easily identify the gate in those circumstances.

Pautz explained that the fields are private property but public only when they open them to such use. The signage would create a more inviting situation.

Planner Chapman explained that the signage could say something about being accessible during authorized times.

John Stephens, Pastor at Community Baptist Church and residing at 209 8th Ave NW mentioned that they are more private than public. The fields are currently utilized by soccer leagues and invited guests. The Community Baptist Church is not against people occasionally using it but want to find a balance between the leagues and the public.

Planning / Community Development Director Ondich stated that a condition could be added to require that the southern gate remain unlocked.

Bentson suggested there could be signage on the fence that says emergency exit.

Pike inquired on the fields usage in the winter.

Stephens replied that there is no established rental use currently.

Pike responded that if the fields were utilized in the winter, snow should be cleared around the fence gate so that it is easy to open.

A motion was made by Pike, seconded by Bentson to recommend approval of #C2-2022 with the removal of proposed Condition #3 and adding a condition that states that the southern fence gate along 3rd St NE must remain unlocked at all times. The following findings are:

- 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. The southern fence gate along 3rd St NE must be unlocked at all times for pedestrian access.

Motion carried (3-0).

B. Request for Variance V9-2024 for a 180 sq ft Freestanding Sign – New Prague Mill, LLC located at 100 2nd Ave SW

Planner Chapman explained that the New Prague Mill LLC is requesting to have a 180 sq ft freestanding sign, which is 80 sq ft above the maximum sign square footage in the I1-Light Industrial District. The old mill at 100 2nd Ave SW is currently occupied by Faith, Recovery & Music, and 2 If By Sea Tactical Firing Range among other users. In September, interim use permit I2-2024 was approved to allow exterior storage of vehicles and recreational equipment under the canopy until 10/7/2027. It's anticipated that more tenants will reside in the building as time goes on. As such, the applicant intends to install a 30' tall freestanding sign that has a maximum surface area of 180 sq ft. The sign would be located on the northeastern corner of the property near the intersection of Main St W and 2nd Ave SW facing east and west. The sign would consist of an electronic sign (6' x 13'), tenant name slots (10' x 8'), and sign header (22 sq ft). In the I1-Light Industrial District, electronic signs are permitted, and freestanding signs cannot exceed 100 sq ft, and they may not be taller than 30' and must be 10' away from property lines. Staff recommends approval of the variance because if the property was located in the B1, B2, B3 District, they would be allowed a 200 sq ft sign if their building floor area is between 50,000 sq ft to 100,000 sq ft. (The subject property has a floor area of 59,484 sq ft.) The new Comprehensive plan has identified this property as Business Flex since the site is currently utilized for commercial purposes and the sign would accommodate the large size of the site (5.83 acres). However, other staff members have concerns regarding the aesthetics of the sign especially since it will be across from POPS. Due to these concerns, planning staff recommend a condition that requires that the electronic sign cannot change more than once per every 10 seconds.

Meyer inquired if the High School sign would be similar in size to the proposed sign. Planner Chapman responded that the proposed sign at the mill would be larger than the school sign. The brick around the high school sign does not calculate toward the sign square footage. Only text and design of the sign counts toward the square footage of the sign.

Pike noted that the subject site is very close to the B1-Central Business District, where there are strict design standards. Furthermore, the B1 District does not allow electronic signs.

Planning / Community Development Director Ondich stated that although it is close to the B1 District, the property is zoned I1-Light Industrial and standards within that district must be followed.

Pike was not concerned so much about the size of the sign but rather the light of the sign. There isn't that much light like that on Main Street.

Planning / Community Development Director Ondich observed that the mill is the only industrially zoned property in Main Street, making it very unique. Until the Unified Development Code is adopted, the City is in an interim period.

Rick Kaun, a co-owner of the property, mentioned that the sign would be facing east and west along Main Street so individuals at POPS will not be looking directly at it. The purpose of the sign orientation is so that it is visible for those driving through town. The old mill is a low point on Main Street, therefore, he would like to maximize the height for street visibility. He would rather not have a huge sign on the building.

Bill Gibson, a co-owner of the property, said they will likely get more tenants in their building with the sign. Furthermore, they want to attract people to their property. They don't want their building to remain empty.

A motion was made by Bentson, seconded by Pike to recommend approval of V9-2024 to the City Council with the following findings:

- 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.

Motion carried (3-0).

5. Miscellaneous

A. Unified Development Code

Planning / Community Development Director Ondich explained that the City hired Bolton & Menk to write the Unified Development Code. The kickoff meeting with staff will begin in the first or second week of December. The Planning Commission will be actively involved in the process and will likely result in bimonthly meetings based on certain topics related to the rewrite. The Unified Development Code is a complete rewrite of the Zoning Ordinance and Subdivision Ordinance based off the Comprehensive Plan. It will take about a year to complete.

B. Monthly Business Updates

Planning / Community Development Director Ondich mentioned that two new home permits were issued in the month of October. So far in 2024, there have been 9 single family home permits issued. Keyland Homes is currently working on concept plans for their residential development. FJ Construction was issued a building permit for the new 2 If by Sea Tactical Gun Range. A foundation permit was applied for to construct the 54-unit Ebert apartment building on November 20th. At the November 18th Council meeting, the tax abatement for the 166 unit apartment building near Raven Stream Village neighborhood was not formally approved nor denied. If it were approved, they would need to do platting and rezoning. Many businesses are in support of the apartments because it would provide

housing for their employees. Several employees in town can't find housing, therefore, many end up leaving New Prague.

6. Adjournment

A motion was made by Pike, seconded by Benston, to adjourn the meeting at 7:35 pm. Motion carried (3-0).

Respectfully submitted,

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

Kyra J. Chapman
Planner