

Meeting Minutes
New Prague Planning Commission
Wednesday, September 25th, 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, Ann Gengel. Absent were Jason Bentson and Shawn Ryan.

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

2. Approval of Meeting Minutes

A. August 28th, 2024 Regular Meeting

A motion was made by Pike, seconded by Gengel, to approve the August 28th regular meeting minutes. Motion carried (3-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Comprehensive Plan Public Hearing – MSA

Clarie Stickler, MSA Associate Planner, introduced New Prague’s draft Comprehensive Plan. The Comprehensive Plan was based on feedback from business owners, residents, staff, and the Steering Committee to develop a high-level plan for the community over the next 20-30 years. The Steering Committee consisted of various members from different boards and commissions and met a total of six times. The Comprehensive Plan consists of five chapters and three appendixes on Community Profile, the Small Area Plan (City Center site) and the Sanitary Sewer Feasibility Study. Based on public feedback, commonly noted strengths included rural character, school district, friendly & welcoming community, and proximity to Twin Cities whereas the most-suggested comments were related to park & recreation updates, expand retail shopping opportunities, decrease taxes & fees, and increase employment opportunities. The shape of the Future Land Use map was influenced by the Sanitary Sewer Feasibility Study. Although, land use is not the same as zoning, the Comprehensive Plan did offer ways in which land use categories could fit in certain districts.

Gengel inquired about the plan for the Cedar Lake connection.

Stickler stated that that has been identified as a long-term goal. As per the request of the Steering Committee meeting, it was loosely added to the Future Land Use map so it will not be forgotten. No study has been done but the Comprehensive Plan does suggest starting a preliminary study.

Planning/Community Development Director Ondich added that staff met with Scott County Parks and Recreation, who said they would not lead a corridor study but would like to be a partner in that. Hopefully the County will have some comments regarding that for the Comprehensive Plan. The city has received a comment letter from Helena township. The city does not have immediate plans to annex land shown in the future land use map unless a property owner requests it. There is an orderly annexation agreement from 1978 with Helena Township for a defined area.

A motion was made by Pike, seconded by Gengel to open the public hearing (3-0). The public hearing opened at 6:53 pm.

Jesse Westall from 285 Lucy St, asked why the township is hearing about the Comprehensive Plan now. The 2010-2020 population in New Prague grew 10%. From 2021 to 2022, the population grew 1.2%. The growth rate does not justify the huge increase in land. Recently there have been discussions on tax abatement for a 54-unit apartment with another 155-unit apartment pending. If tax abatements are necessary, it is forcing growth in the city that does not justify the huge increase in land. Westall wanted to know why the city is considering a 15-year tax abatement and then access residents for street reconstruction improvements. He wanted to know why some lots are included in the map whereas other are excluded. He suggested following Sand Creek (like the 2015 plan had) or north of Redwing Ave. Currently there is a development outside of city limits with city utilities. Westall asked why there are households with mound systems in place that had the connection to the sewer. Before Lucy St is included in the plan, more established development and growth needs to be seen. Some explanation is needed for page 59-60 and 60/63. Pages 59-60 discusses annexation within 0-3 years and pages 60/63, it says continue to work with counties and surrounding townships to limit large rural residential development around New Prague and in the township. He doesn't understand why the city intends to do a \$36 million sewer project when they cannot build a police station. He does not want his property to be included in the Comprehensive Plan because it is the beginning of annexation. His development has mound systems with alternate sites for another system if needed according to Scott County specs.

Planning/Community Development Director Ondich stated that the action plans from 0-3 years was to start discussions and talks with the townships about the 1978 orderly annexation agreement, which does not go near Lucy St nor is there any intention to go near it. The Sanitary Sewer Study found in the appendix is for 100 years of planning. There is no intention to get sewer out to Lucy St or outlying areas any time soon. If the area leading up to Lucy St was fully built out, the city wanted to make sure there were routes, and lift stations to eventually get there. The Sanitary Sewer lines were based on the topography and elevations to mark the boundaries and followed lot lines. No other reason besides physical limits and gravity. Regarding the one comment on limiting rural residential, that was prevent impeding future roadway development or extension of utilities. Abatement discussions are not part of today's

meeting since there are council, county, and school board meetings. Regarding hearing about this now, staff do not know the communication in which the townships have with their residents. Over the past year and a half, information about the Comprehensive Plan has been on the website, KCHK radio, New Prague Times, city newsletter, and open houses.

A motion was made by Pike, seconded by Gengel, to close the public hearing at 7:02 pm (3-0).

B. Request for Interim Use Permit #I2-2024 – Exterior Storage at Former Mill Located at 100 2nd Ave SW

Planning/Community Development Director Ondich explained that New Prague Mill, LLC is requesting approval for I2-2024 (originally C3-2024) to allow exterior storage of vehicles and recreational equipment at the former mill at 100 2nd Ave SW. The tenants of the building have been approved for conditional uses and variances such as C5-2023 to allow a firing range, and I1-2024 to allow a religious institution. The applicant is currently requesting to utilize 28,000 sq ft of covered railroad spur between the mill building and grain bins for exterior storage of vehicles and recreational equipment for 3 years (10/7/2027). The New Prague Mill, LLC has spent over \$750,000 on the property for heat, water, sprinkler, insulation, demolition and internal improvements. There have been several costs incurred with limited investment returns. The proposed project would act as a temporary revenue base. Exterior storage is specifically listed as conditional use in the I1-Light Industrial District. Since the Comprehensive Plan guides this property as Downtown Flex, staff would rather have this listed as an interim use permit. Staff have concerns about the current appearance of the site. Since Main Street is an arterial road, there should be an 8' tall screening measures for fencing and/or combination of vegetation. Additionally, staff recommend the removal the existing chain link fence because it is unsightly and the fenced in areas do not need to be secured.

Meyer asked what would happen in 2027 if they would need to continue their business.

Planning / Community Development Director Ondich stated that they could reopen their interim use permit before the deadline to see if the city would be amendable to extend that time period.

Gengel inquired about the moving of Mach Lumber.

Planning / Community Development Ondich explained that it is the staff's recommendation to clean up the site and make it look more orderly. It was a condition listed in the conditional use permit for Urban Flea Market in 2023.

A motion was made by Pike, seconded by Gengel to open the public hearing at 7:23 pm. Motion passed (3-0).

Bill Gibson, one of the owners of New Prague Mill, LLC, explained that this proposed project will help fund more improvements to the mill. A lot of money has been put into the mill but there hasn't been much return. The rent for offices in the building is \$800 but a \$50,000 ADA

ramp had to be installed. The mill is trying to be a good steward of the community and sensitive of historical significance by making use of the building. Some kids have trespassed and vandalized the property.

Planning / Community Development Director Ondich mentioned that staff is recommending that fencing be limited to the area that is being utilized rather than entire property.

Pike stated that it's harder to plant vegetation in gravel or to uproot planted vegetation. Trees are often not mature when they are first planted, especially if the plans for the site may change. He recommended that condition number 5 should be changed to remove the requirement for vegetation and create a more descriptive requirement for fencing. For example, the condition could say that an 8' tall fence with slats is required.

Rick Kahn, one of the owners of New Prague Mill, LLC, suggested that swing gates could be installed on both sides so that the area can still be utilized for access. He also suggested that they could have Mach Lumber move their items stored in the open under the canopy near the "B" Mill and that they could also screen this area.

A motion was made by Pike, seconded by Gengel to close the public hearing (3-0). The public hearing closed at 7:37 pm.

A motion was made by Pike, seconded by Gengel to approved I2-2024 with amendments to remove the requirement or combination thereof for vegetation in condition 5 and that items may be no taller than the fence as well as amend the exterior storage area to include the canopy area near the "B" mill as discussed at the meeting on 9/25/24. The following findings can be seen below:

- A. The proposed interim use for a designated exterior storage area will utilize property in a reasonable and temporary manner considering its current I-1 Light Industrial Zoning, but which is guided as "downtown flex" in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed designated exterior storage area is acceptable in that it is utilizing a former railroad spur area of a former industrial use, but which will be rezoned, likely to "downtown flex" within the next couple of years and noting that the use is limited to 3 years from the date of approval.
- C. The proposed designated exterior storage area will not hinder permanent development of the site as it is utilizing an underutilized canopy covered rail spur and is anticipated to become "downtown flex" in the 2024 Comprehensive Plan which will lead to continued redevelopment of the site.
- D. The proposed designated exterior storage area will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become "downtown flex" in the 2024 Comprehensive Plan and this use is only considered for up to 3 years.
- E. The proposed designated exterior storage area will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare

as it is utilizing an underutilized canopy covered rail spur which will be screened from the view of Main Street.

- F. The proposed designated exterior storage area will not create an excessive burden on existing parks, schools, streets and other public facilities as it is limited in size and period of use to no more than 3 years.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed designated exterior storage area and a condition is suggested to address maintenance issues with 2nd Street SW should they become a concern.
- H. The proposed designated exterior storage area shall cease to operate at the site on 10/7/2027.
- I. The proposed designated exterior storage area will not impose additional costs on the public if it is necessary for the public to take the property in the future.

And with the following conditions:

- 1. The proposed exterior storage under the canopy shall cease operations within 3 years from the date of approval of this Interim Use Permit which is October 7, 2027.
- 2. Exterior storage is allowed underneath the approximately 28,000 sq. ft. canopy area which is located over the railroad spur in the area depicted as well as underneath the 36' x 44' canopy depicted on the Site Map Dated 9/30/24 on file with the Planning Department. Items in the 36' x 44' area cannot be taller than the screening fence. Other areas of existing exterior storage on the site must be moved to these designated areas.
- 3. Only rail cars are allowed to be parked on the southernmost area of the spur line without a canopy as noted on the Site Map Dated 9/30/24 on file with the Planning Department.
- 4. The perimeter chain link fence must be moved/removed from areas where the site is actively being used and can only remain in areas not being actively rented.
- 5. Screening of at least 8' tall is required on the north end of the exterior storage area between the two building walls to screen the area from the view of Main Street. Screening must consist of a fence that provides for 80% opacity year-round.
- 6. The Public Works Director may, at their sole discretion, invoice the property owner for extraneous maintenance to the gravel section of 2nd Street SW related to traffic generated by the use.
- 7. A 6' access aisle must be maintained through the exterior storage area to ensure access to all doors that abut the storage area for fire access.
- 8. If the exterior storage area is ever completely fenced, the applicant must provide a knox box to hold a key for access by the Police/Fire Department.
- 9. Dust control measures must be used on the exterior storage area and all access roads to ensure adjacent properties are protected from dust during susceptible conditions.
- 10. Items stored on the site are limited to be no taller than the height of a motorized RV (approximately 14' tall), with the exception of railcars which are allowed to exceed said height.
- 11. All recommendations of MnDOT must be complied with prior to utilization of the site for exterior storage.
- 12. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
- 13. All lighting must conform to Section 704 of the Zoning Ordinance.

14. Except as otherwise authorized by the Zoning Ordinance, this interim use shall conform to this Ordinance as if it were established as a conditional use.
15. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
16. 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
17. 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 passed (3-0).

C. Request for Conditional Use Permit #C4-2024 – Outdoor Seating at Sugar Rose Bakeshop located at 120 Main St W

Planner Chapman explained that earlier this summer Sugar Rose Bakeshop at 120 Main St W received a violation letter, requesting the removal of their chairs on the sidewalk in front of their building. Outdoor seating for eating and drinking is listed as conditional use in the B1-Central Business District. There are also tables and chairs on the side of the property but that is designated for the temporary tenants that reside on the top floor. Conditional use permits are not required for dwelling units. Sugar Rose Bakeshop intends to place four chairs and two tables in front of their property on the sidewalk of Main St W. Sugar Rose Bakeshop owns 1' 8" north of their building into the sidewalk and the sidewalk is approximately 12' 9" wide. The proposed bistro chairs have a width of 21.7" and the tables have a diameter of 20.5". The proposed patio furniture would be encroaching in the right of way of Main St W and TH 19, which MnDOT has jurisdiction. MnDOT was okay with the proposed plans as long as the applicant maintains a clear path for pedestrian accessible route (PAR) through the area (minimum of 6' width).

A motion was made by Pike, seconded by Gengel to open the public hearing at 7:48 pm (3-0).

A motion was made by Pike, seconded by Gengel to close the public hearing at 7:48 pm (3-0).

A motion was made by Pike, seconded by Gengel to recommend approval of C4-2024 to city council with the following findings:

- 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 outdoor furniture will only be located in the front of the building far away from single family residential homes 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 front appearance of the building and will not adversely affect adjacent residential apartments.
- D. The proposed outdoor dining area is reasonably related to the overall needs of the City and existing land use as the proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 Central Business Zoning District.
- E. The proposed outdoor seating area 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 outdoor seating area 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. Th proposed outdoor patio will not cause traffic hazards or congestion as it provides only 4 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.

And the following conditions:

1. Approval is subject to the site plan dated 9/4/24 on file with the New Prague Planning Department which complies with the requirements of Section 733 of the Zoning Ordinance.
2. Plans must continue to follow MnDOT's comments dated 9/9/2024.
3. Outdoor furniture must be removed during winter months when snow removal would be expected to be occurring.

Motion carried (3-0).

D. Request for Variance #V8-2024 – 5’ Tall Fence at 1232 Olivia Street SE

Planner Chapman explained that the fence at 1232 Olivia Street SE has a 5’ tall fence that is installed in their side and backyard, which is not meeting the Zoning Ordinance requirements for height. The Zoning Ordinance does not allow fences to exceed 4’ tall if they are erected in front of the rear corner of the home. The west front/side fence is located near the porch and is exceeding 4’ tall. The Zoning Ordinance also states that fences may not exceed 4’ tall when located less than 30’ from the road right of way. This also applies to the backyard of a home as it’s less than 30’ from the street right way (sidewalk and CSAH 29). Staff recommend that the 5’ tall fence should be moved so it is behind the rear west corner of the house.

Meyer suggested that the fence should remain where it currently is.

Pike inquired if the applicants have asked their neighbors.

Christine Shaw from 1232 Olivia St SE stated that they spoke with their neighbors east of them at 1234 Olivia St SE when they were first installing the fence. The neighbors did not want them to connect to the fence since they have children and the Shaws have dogs. As a result, they put the fence two feet away from the neighbor’s fence and with enough width to fit their mower between the two fences.

Mike Shaw from 1232 Olivia St SE explained that he had put \$12,000 into the fence. He had found and exposed all the property pins. When he had read the Zoning Ordinance requirements on fencing, he had misinterpreted its meaning.

A motion was made by Pike, seconded by Gengel to recommend approval of V8-2024 to City Council with the removal of condition G and the following remaining findings:

- A. The variance is in harmony with the general purposes and intent of the Ordinance because the RL-90 Single Family Residential Zoning District allows fences to be constructed as a permitted use.
- B. The proposed variance is consistent with the comprehensive plan because fences are allowed as a permitted use in the RL-90 Single Family Residential Zoning District.
- C. The applicant proposes to use the property in a reasonable manner by having a 5' tall fence in their side and backyard.
- D. Unique circumstances apply to the property in that it is a through lot abutting a road on two sides (front and rear) with the roadway along the rear yard being a County Road.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that have tall fences that were grandfathered in or similarly received fence height variances such as 1214 Olivia St SE (V1-2018) and 1110 Olivia St SE (V2-2018).
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would contain their dogs and prevent the removal of the existing fence.

Motion passed (3-0).

E. Subdivision Ordinance Amendment Requiring Sidewalks on Both Sides of All New Streets

Planning / Community Development Director Ondich introduced the proposed subdivision amendment to require sidewalks on both sides of all streets for new developments. During public open houses and survey results from the Comprehensive Plan, several people have asked for more trail and sidewalk connectivity. The subdivision ordinance currently requires one sidewalk to be built on one side of the street. The subdivision ordinance has not been amended since July 2011, meaning it has not been amended since the last Comprehensive Plan. At the last Planning Commission meeting, members asked if cul-de-sacs or short stub roads needed sidewalks. Based on research on other cities, some require sidewalks without any exception,

whereas others provide exception for less dense areas (under 3 dwelling units per net acre) or on short cul-de-sacs (less than 300').

Gengel asked what would be an example of that exception in New Prague.

Planning / Community Development Director Ondich replied that Prague Court would be a good example.

City Administrator Tetzlaff mentioned that with his planning experience in Colorado, it was common to require sidewalks on both sides of streets. There were usually more complaints about putting in sidewalks in old neighbors than new developments.

Pike noted that lots of sidewalks in New Prague dead end or have gaps. He shared his concern about new sidewalk developments connecting with old dead ending sidewalks.

Planning / Community Development Director Ondich stated that he had met with the School District about the Safe Routes to School Grant. The School District noted that there was no other possible way they could have done their walkability policy (busing standards) without sidewalks. Sidewalks also give refuge out of the street for pickups and from other traffic.

A motion was made by Pike, seconded by Gengel to open the public hearing at 8:32pm (3-0).

A motion was made by Pike, seconded by Gengel to close the public hearing at 8:32pm (3-0).

Pike stated that the city should be thoughtful for sidewalk connections to old parts of town.

A motion was made by Pike, seconded by Gengel to forward a positive recommendation to City Council on the sidewalk subdivision ordinance amendment. Motion passed (3-0).

5. Miscellaneous

A. Monthly Business Updates

Planning / Community Development Director Ondich introduced the business updates. He stated that Scooters Coffee opened on September 20th. No new home permits were issued in August. There are continued discussions on abatement on the 54-apartment complex with the city, school district, and county. Abatement wouldn't take taxes away from anyone, but it's delaying the taxes and rebating them back. There will be a public hearing on the October 7th, City Council meeting to discuss abatement for the 155 unit-apartment complex.

B. Cannabis Ordinance Amendments Update

Planning / Community Development Director Ondich explained that by January 1, 2025, cities must have a zoning ordinance amendment in place regarding cannabis related businesses. The city attorney is currently drafting up plans for a model ordinance. The state

does allow cities to do buffers for cannabis businesses. However, it cannot be too restrictive that it would prevent cannabis retail.

6. Adjournment

A motion was made by Pike, seconded by Gengel, to adjourn the meeting at 8:47 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