



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

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PLANNING COMMISSION SUMMARY - REQUEST FOR VARIANCE #V6-2025 TO ALLOW A DRIVE-THRU WITH MICROPHONE/SPEAKERS TO BE LOCATED IN THE FRONT YARD ALONG MAIN STREET E. / TH13/19, LOCATED AT 100 ALTON AVE. SE, AS PROPOSED BY THE LAMACCHIA GROUP.
DATE: JUNE 26, 2025

Planning Commission Summary

The Planning Commission heard the above variance request at their June 25th meeting. The applicant, LaMacchia Group, on behalf of Heartland Credit Union, is requesting a variance to allow a drive-thru with microphone/speakers to be located in the front yard along Main Street E. / TH13/19, located at 100 Alton Ave. SE. Additional landscaping and an additional window was added to the front elevation to improve the aesthetics above typical ordinance requirements for drive-thru lanes.

There were no comments received from the public regarding the request. Comments were, however, received from Mike Ehrlich with the LaMacchia Group and Kathleen Harrington with Heartland Credit Union regarding how the drive-thru uses video and a speaker system and that groundbreaking is anticipated August 1st with completion anticipated in April of 2026.

The Planning Commission recommended approval of the variance request on a unanimous vote (4-0) based on the six findings listed in the staff report (and the attached resolution which approves the variance).

Staff Recommendation

Staff recommends approval of the attached resolution "...Approving Variance (#V6-2025)...".

RESOLUTION #25-07-07-02

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE
#V6-2025 TO ALLOW A DRIVE-THRU WITH MICROPHONE/SPEAKERS TO BE
LOCATED IN THE FRONT YARD ALONG MAIN STREET E. / TH13/19, LOCATED
AT 100 ALTON AVE. SE, AS PROPOSED BY THE LAMACCHIA GROUP, NEW
PRAGUE, MINNESOTA**

WHEREAS, LaMacchia, applicant, and Heartland Credit Union, owner, of the following real estate in the County of LeSueur to wit:

Lot 2, Block 1, New Prague Commons Third Addition, according to the plat thereof, LeSueur County, Minnesota.

is requesting a variance to allow a drive-thru with microphone/speakers to be located in the front yard along Main Street E. / TH13/19, located at 100 Alton Ave. SE, on the above-described property; and

WHEREAS, the New Prague Planning Commission has finished a review of the application and made a report pertaining to said request (#V6-2025), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of June, 2025, after due consideration of presented testimony and information, voted unanimously (4-0) to forward the matter to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.)
- B. The requested variance is consistent with the comprehensive plan because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.

- C. The applicant will use the property in a reasonable manner which would simply allow a microphone/speaker as part of a drive-thru to be located within the front yard of the building which is not normally allowed by the zoning ordinance.
- 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 abuts two public roads on the north and east sides and additionally abuts a private driveway on the south side which limits locations for a microphone/speaker in compliance with the zoning ordinance to be located outside of a front yard.
- E. The variance does not alter the essential character of the neighborhood because drive-thru businesses are a permitted use in the B-2 Community Commercial Zoning District, two drive-thru's with microphones/speakers were allowed a few blocks to the west with similar multi road frontage locations and the applicant has proposed additional landscaping between the front lot line and the drive-thru to mitigate sounds and appearance while also noting that the microphone/speaker is located a great distance from the property line.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the microphone/speaker as part of the drive-thru to be located in a location on the stie which would allow the separation of the drive-thru traffic from the parking lot and additionally provide additional landscaping between the front property line and microphone/speaker than is normally required by the zoning ordinance.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V6-2025 to allow a drive-thru with microphone/speakers to be located in the front yard along Main Street E. / TH13/19, located at 100 Alton Ave. SE, as proposed by the LaMacchia Group on behalf of Heartland Credit Union, is hereby approved based on the above findings.

This Variance approval becomes effective immediately upon its passage and without publication.

Passed this 7th day of July, 2025.

Charles L. Nickolay, Mayor

State of Minnesota)
)ss.
County of Scott & Le Sueur)

(CORPORATE ACKNOWLEDGMENT)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2025.

Notary Public

State of Minnesota)
)
County of Scott & Le Sueur)

)ss.

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2025.

THIS INSTRUMENT DRAFTED BY:
Kenneth D. Ondich
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401



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 VARIANCE #V6-2025 TO ALLOW A DRIVE-THRU WITH MICROPHONE/SPEAKERS TO BE LOCATED IN THE FRONT YARD ALONG MAIN STREET E./TH13/19, LOCATED AT 100 ALTON AVE. SE, AS PROPOSED BY THE LAMACCHIA GROUP.
DATE: JUNE 16, 2025

Background / History

The applicant, LaMacchia Group, has submitted a building permit and variance request to construct a financial institution building with a drive-thru (2 lanes) at 100 Alton Ave. SE which is a permitted use in the B-2 Community Commercial Zoning District. The building is proposed at 3,250 sq. ft. and includes a 48-occupant community room that would be available for public use even after their regular operating hours.

A variance request was made due to the fact that the drive-thru is designed to have its microphone/speakers located in the front of the building along Main Street (TH13/19) while Section 720 of the Zoning Ordinance states that microphones/speakers shall be located in a rear yard or other unobtrusive location if the rear yard is adjacent to a public street.

The property was originally platted as New Prague Commons First Addition in 2007, then as New Prague Commons Second Addition in 2013, and finally as New Prague Commons Third Addition in 2022 which created the specific lot with the proposed development.

Legal Description

Lot 2, Block 1, New Prague Commons Third Addition, according to the plat thereof, LeSueur County, Minnesota.

Neighborhood Conditions and nearby land uses

North – Kwik Trip, a residential single-family home and K.A. Witt Construction (zoned B-2 Community Commercial for those properties within city limits and guided the same for those not within city limits)

South – Coborn’s Grocery Store (Zoned B-2 Community Commercial) and further south townhomes (zoned RM Medium Density Residential)

East – Alton Ave. SE, Scooters Coffee, vacant land and Belzer Car Dealerships (zoned B-2 Community Commercial)

West – Walgreens, Chalupsky Ave. SE, McDonald’s, O’Reilly Auto Parts (Zoned B-2 Community Commercial) Additionally, the former McDonalds and East Town Plaza Strip Mall were approved for drive-thru order boards in front yards previously. More details are provided later in this report.

Zoning

The property is zoned B2 – Community Commercial Zoning District. The following is an excerpt of the Zoning Ordinance section for the B2 – Community Commercial Zoning District.

2. Permitted Uses

- A. Clinics
- B. Day care facilities
- C. Drive-thru businesses**
- D. Essential services
- E. Hotels
- F. Motels
- G. Office Uses**
- H. Physical Recreation or Training
- I. Recreation, public
- J. Restaurants, Class I
- K. Restaurants, Class II
- L. Restaurants, Class III
- M. Retail and Service Establishments**
- N. Seasonal Produce Stands
- O. Temporary Buildings/Uses
- P. Brewpubs

3. Permitted Accessory Uses

- A. Uses incidental to the principal uses such as off-street parking and loading and unloading area, storage or merchandise**

Per zoning ordinance definitions, the front yards of the site are to the north and east (along Main St. E. / TH13/19 and also along Alton Ave. SE), the rear yard is along the south property line because the rear yard is always opposite the narrowest frontage along a roadway, and the side yard is along the west property line (adjacent to the vacant lot).

The plans show a drive-thru on the north side of the proposed building which is located in the front yard along Main Street E. / TH13/19. According to Zoning Ordinance Section 720 for Drive-Thru Businesses, *all order boards or microphones, and speakers shall be located in the rear of the*

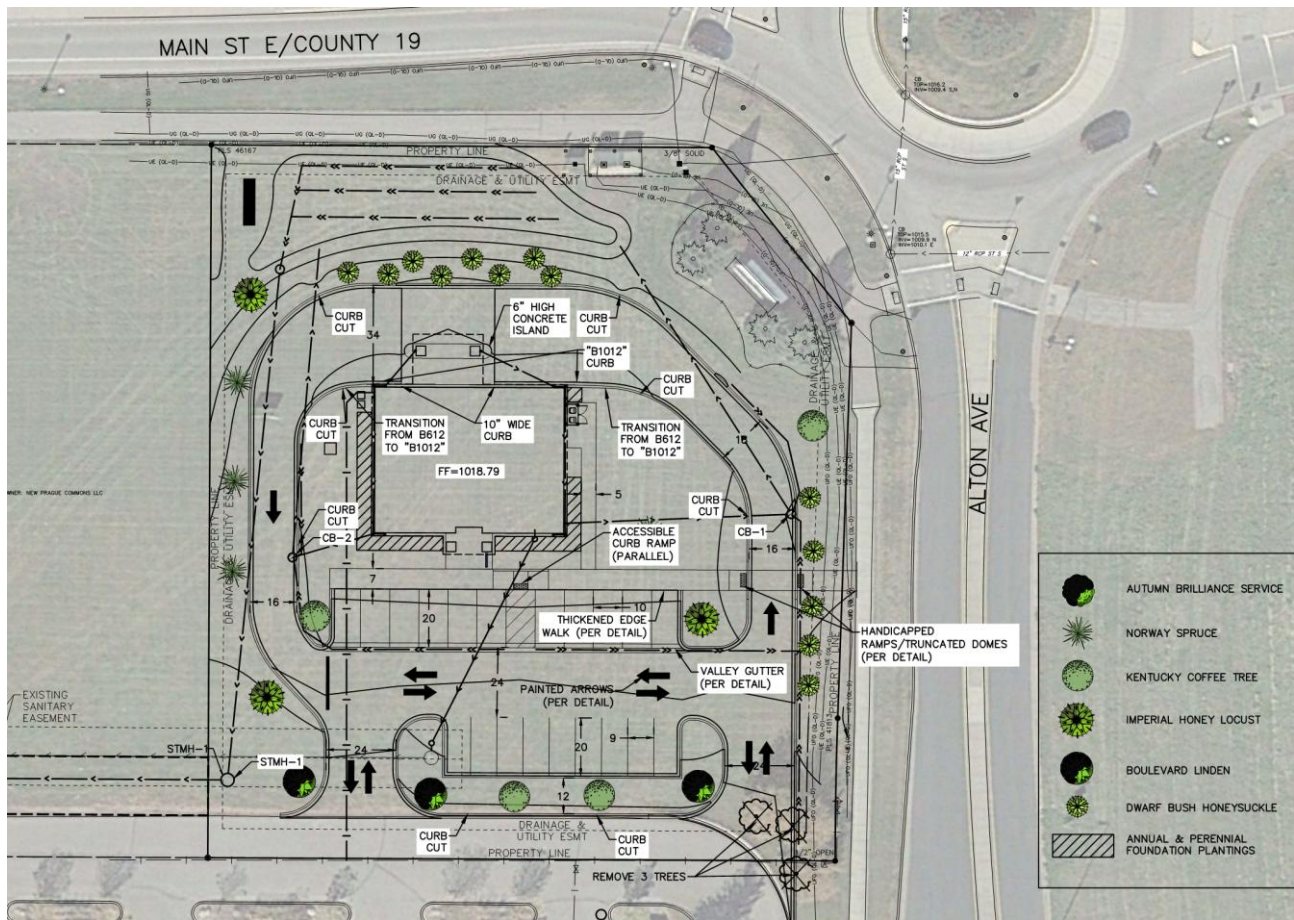
building or other unobstructive location if the rear yard is adjacent to a public street or alley and shall not be directed towards residential areas.

The plans show that there's also an ATM and night drop on the north elevation of the building. Because the drive-thru has a microphone/bank teller intercom under the canopy, it must meet Section 720 of the Zoning Ordinance or obtain a variance. As this lot fronts two public roads, the only acceptable locations per the ordinance would be the west and south sides of the site.

Statement of Practical Difficulties

The applicant provided the following statements regarding the practical difficulties for the site that they believe requires the drive-thru on the north side of the building:

- 1. The ATM/Night Deposit along the building will not have a microphone/speaker. The outboard lane will have a video/microphone/speaker. For reference, the noise source is 68' away from the north property line and 96' feet away from the curb.*
- 2. All of the project's stormwater runs along the west side of the property. Because we have to locate our pond on the north property line and run that overflow back to the south. We would need to push the building so far east (based on avoiding the underground storm piping) that the building would be directly behind the very large Coborn's sign and landscaping that the building wouldn't be visible.*
- 3. Based on the Floor Plan, the Drive-Thru must be located adjacent to the teller line. Teller lines are best located on the north side of the building. This enables us to provide natural lighting in occupied spaces (offices) located south and west.*
- 4. Best practices for Drive-Thru design dictate that we try to keep Drive-Thru traffic away from the front door. This helps pedestrian safety. In addition to the safety aspect, we wanted the front door adjacent to the south property for additional parking for Community Room events.*
- 5. We are prepared to provide additional landscaping along the curb area to give visual and audio separation between the drive through and TH13/19.*



Staff Notes

As noted earlier, staff recognizes that just a few blocks to the west, the former McDonalds drive-thru order board was allowed to be located in the front yard along Main Street / TH13/19 via a variance that was included in Conditional Use Permit #C5-2003 with the rationale that the order board was best placed at this location to allow more queue space for vehicles and because the order board was not facing residential homes. Additionally, a drive-through with order window was allowed at the East Town Plaza Strip Mall in the front yard along 7th Ave. SE with an amendment to Conditional Use Permit #C8-2004 which was approved in 2005 with the rationale that a berm and landscaping would prevent issues with the adjacent homes west of the drive-thru. Both sites also contain multiple road frontages which created unique difficulties in locating order boards/microphones out of a front yard.

Staff believes that the double road frontages (and while the south isn't technically a front as it's just a private driveway it does function similar to a road frontage) also poses a practical difficulty for this site in finding an unobtrusive location for the microphone / speaker as part of the drive-thru. Staff agrees with the applicants statements of practical difficulties specifically noting that:

- The microphone/speaker at the drive through is located in a front yard, however it is 68' from the north property line and 96' from the curb and while a residential home is located across

the highway to the north, it is a considerable distance away and the highway would pose a far greater noise impact than a single microphone/speaker.

- The stormwater located at the northwest side of the site does dictate placement of the building and staff recognizes the desire for the building to maintain visibility as a highway fronted property and not be hidden behind the developments monument signage and landscaping.
- The separation of the drive through traffic from the parking lot area is good not only for the queueing of vehicles but also for safety of vehicles backing out of parking spaces not having to worry about additional vehicles using the drive-thru.
- To off-set the appearance and sound from the drive-thru order board and microphone/speaker, the applicant has proposed additional landscaping in front of the drive-through area to mitigate the appearance and noise. Additionally, a spandrel glass window was added to the north elevation to add aesthetic value to an elevation that when originally proposed only had one window where it now looks much closer to other elevations on the building.

Engineering / Public Works, Public Safety Considerations

At the time of writing this staff report, comments had not yet been received.

Building Official Comments

Building Official Scott Sasse will provide a separate review memo as part of the building permit review process.

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 drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial 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 simply allow a microphone/speaker as part of a drive-thru to be located within the front yard of the building which is not normally allowed by the zoning ordinance.)
- 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 abuts two public roads on the north and east sides and additionally abuts a private driveway on the south side which limits locations for a microphone/speaker in compliance with the zoning ordinance to be located outside of a front yard.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because drive-thru businesses are a permitted use in the B-2 Community Commercial Zoning District, two drive-thru's with microphones/speakers were allowed a few blocks to the west with similar multi road frontage locations and the applicant has proposed additional landscaping between the front lot line and the drive-thru to mitigate sounds and appearance while also noting that the microphone/speaker is located a great distance from the property line.)
- 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 the microphone/speaker as part of the drive-thru to be located in a location on the stie which would allow the separation of the drive-thru traffic from the parking lot and additionally provide additional landscaping between the front property line and microphone/speaker than is normally required by the zoning ordinance.)
- 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).

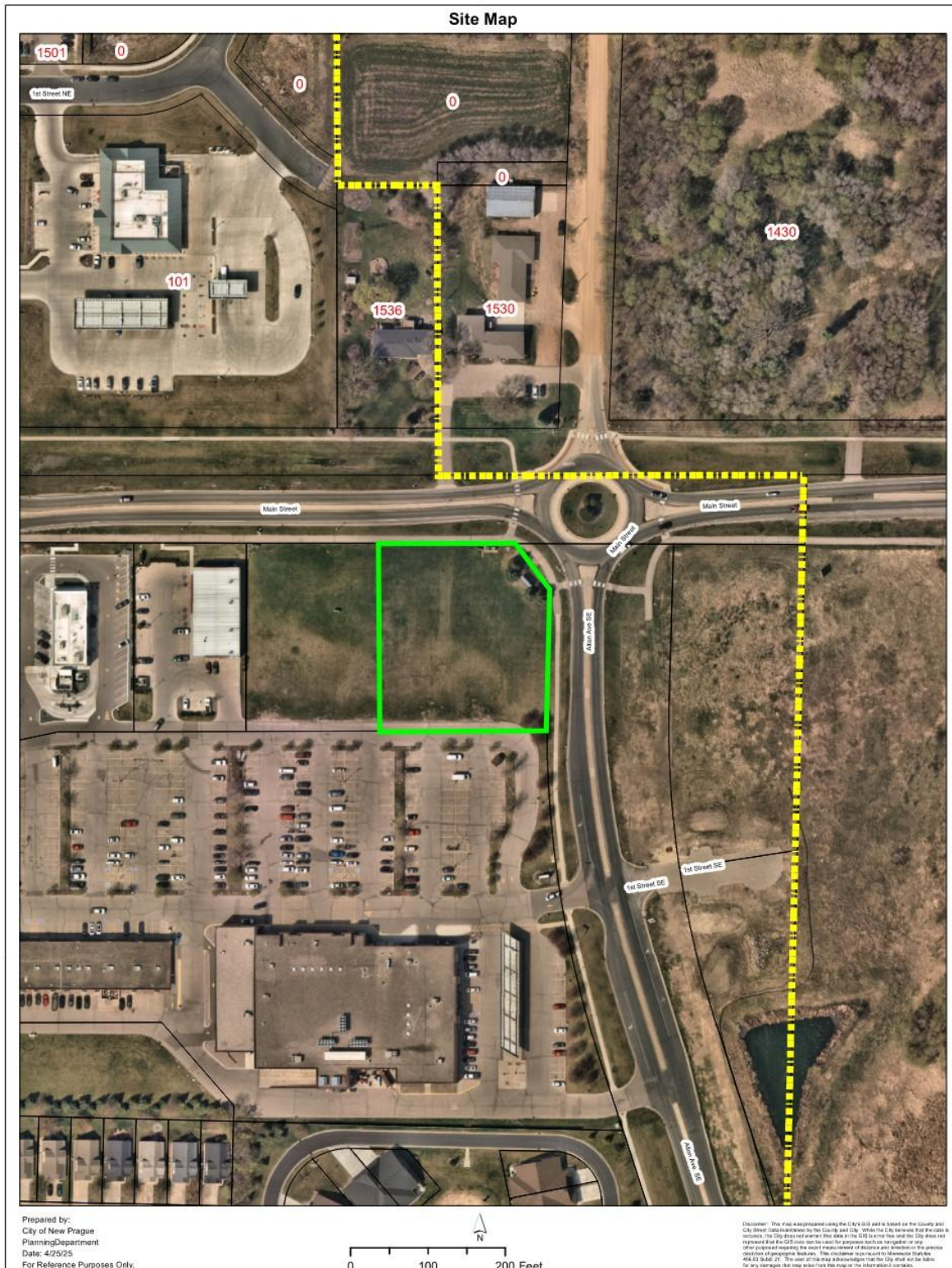
Staff Recommendation

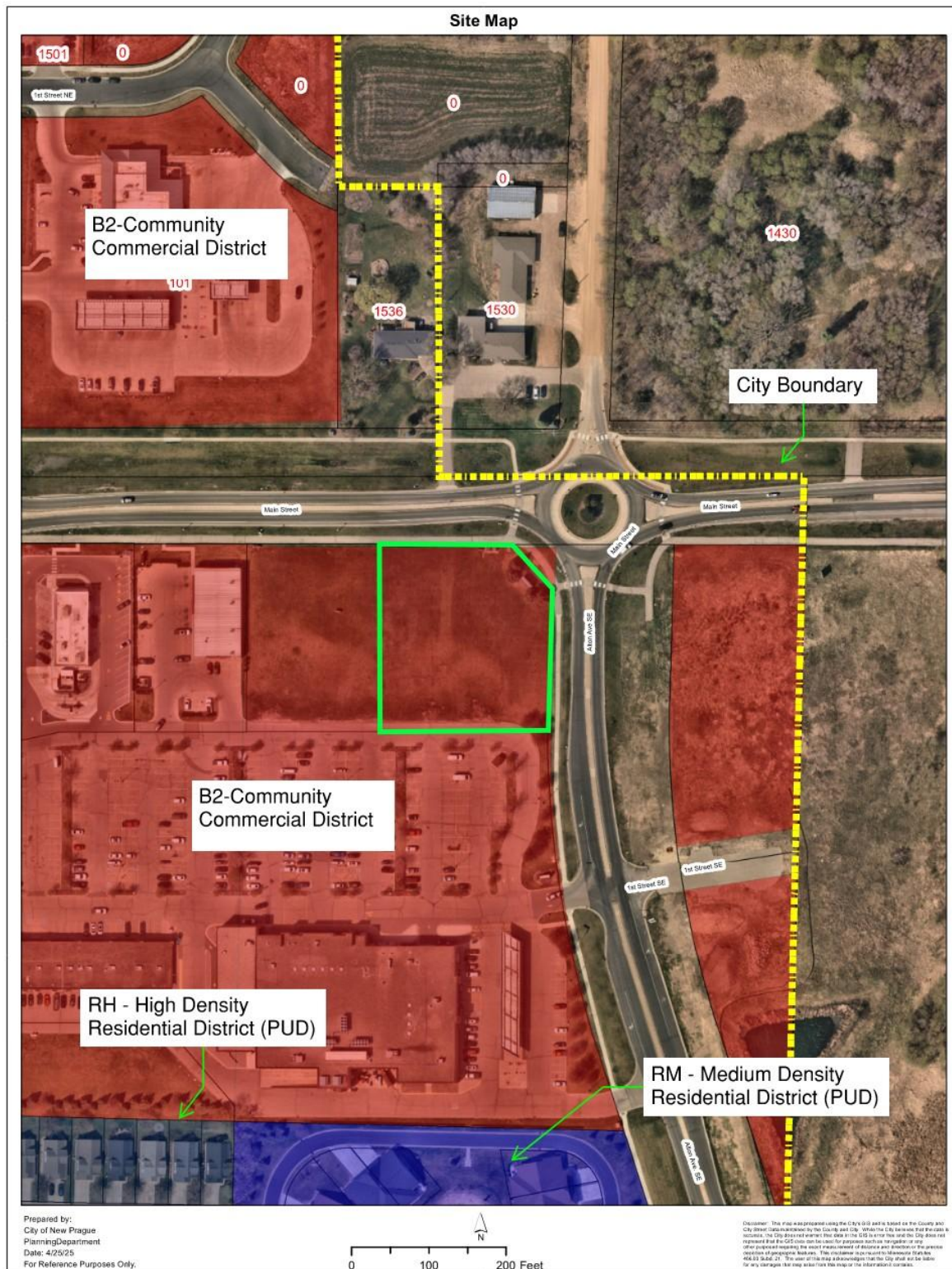
Staff recommends **approval** of Variance #V6-2025 to allow a drive-thru with microphone/speakers to be located in the front yard along Main Street E./TH13/19, located at 100 Alton Ave. SE, as proposed by the Lamacchia Group, with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.)
- B. The requested variance is consistent with the comprehensive plan because drive-thru businesses / financial institutions are a permitted use in the B-2 Community Commercial Zoning District.
- C. The applicant will use the property in a reasonable manner which would simply allow a microphone/speaker as part of a drive-thru to be located within the front yard of the building which is not normally allowed by the zoning ordinance.
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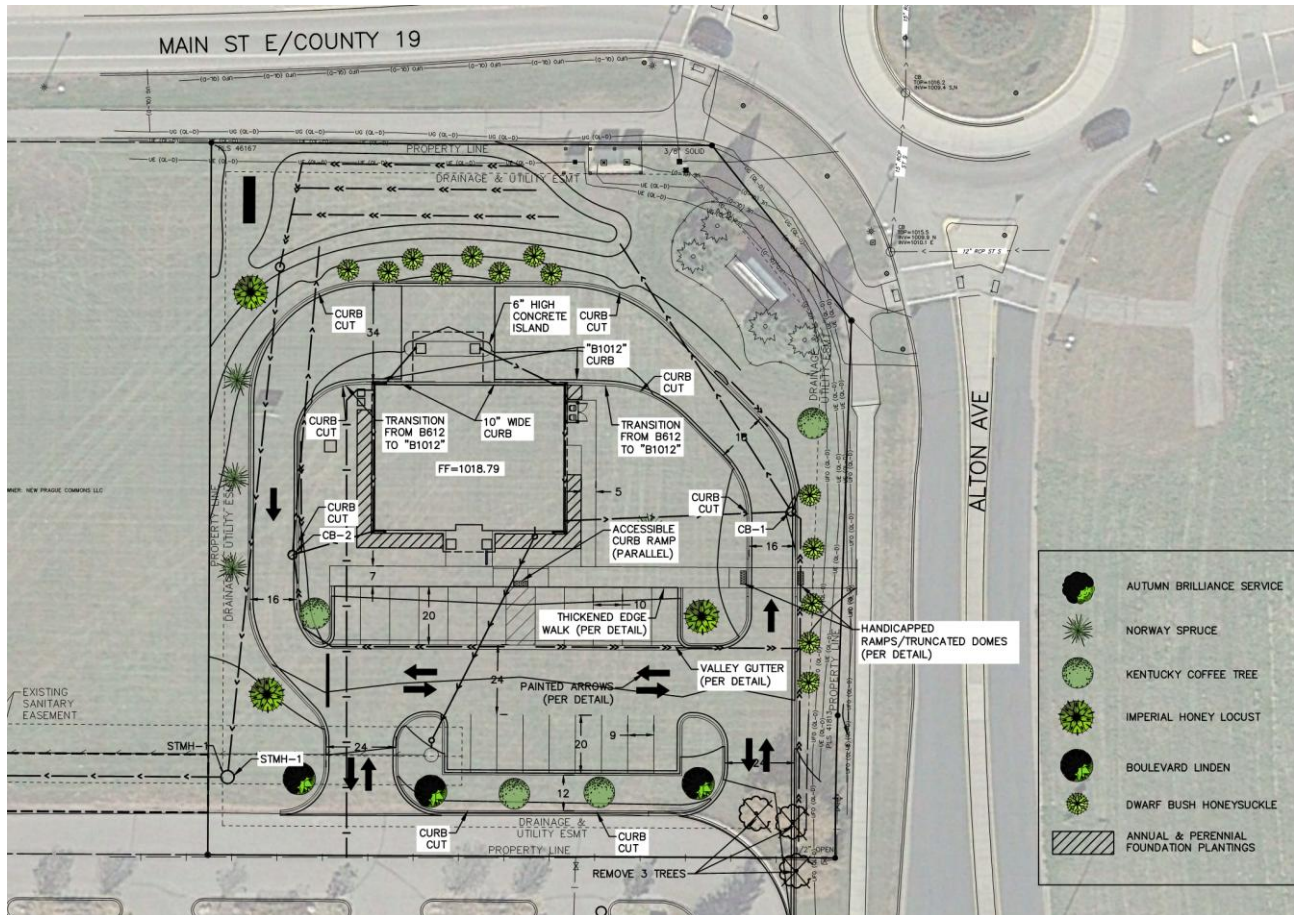
Attachments

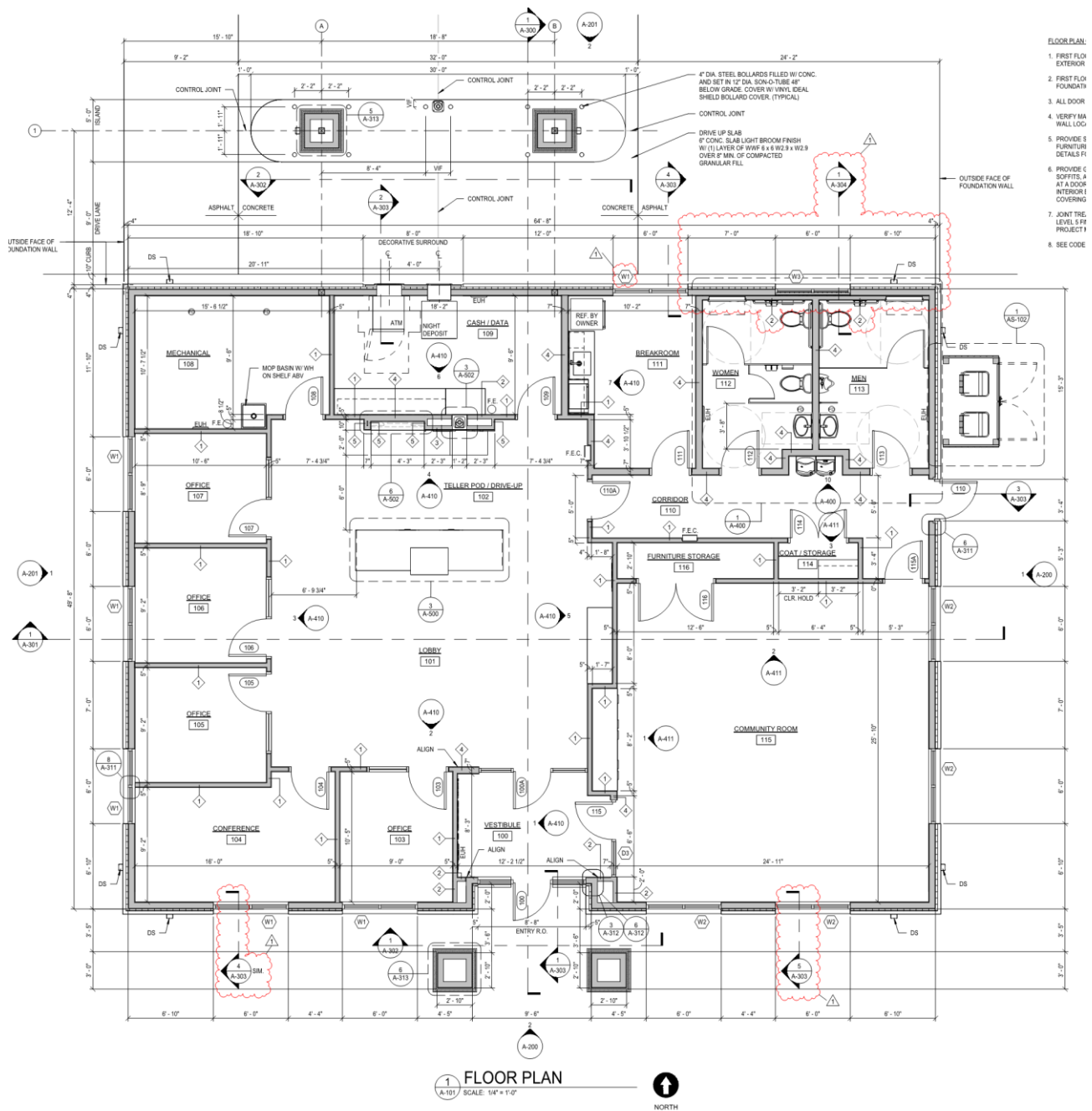
- 1. Site Map Aerial – Dated 4/25/25
- 2. Zoning Map Aerial – Dated 4/25/25
- 3. Site Overview – Dated 5/20/25
- 4. Floor Plan – Dated 5/20/25
- 5. Building Elevations – Dated 5/20/25
- 6. Pictures – Dated 6/11/25

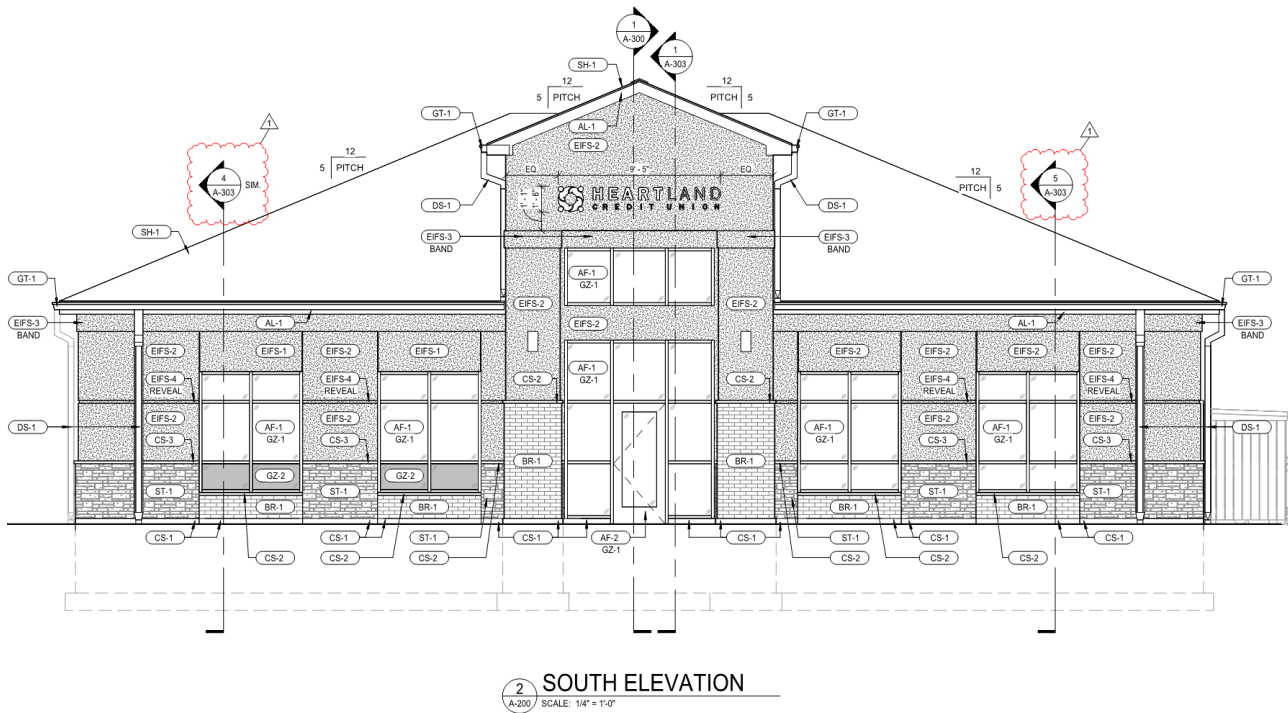
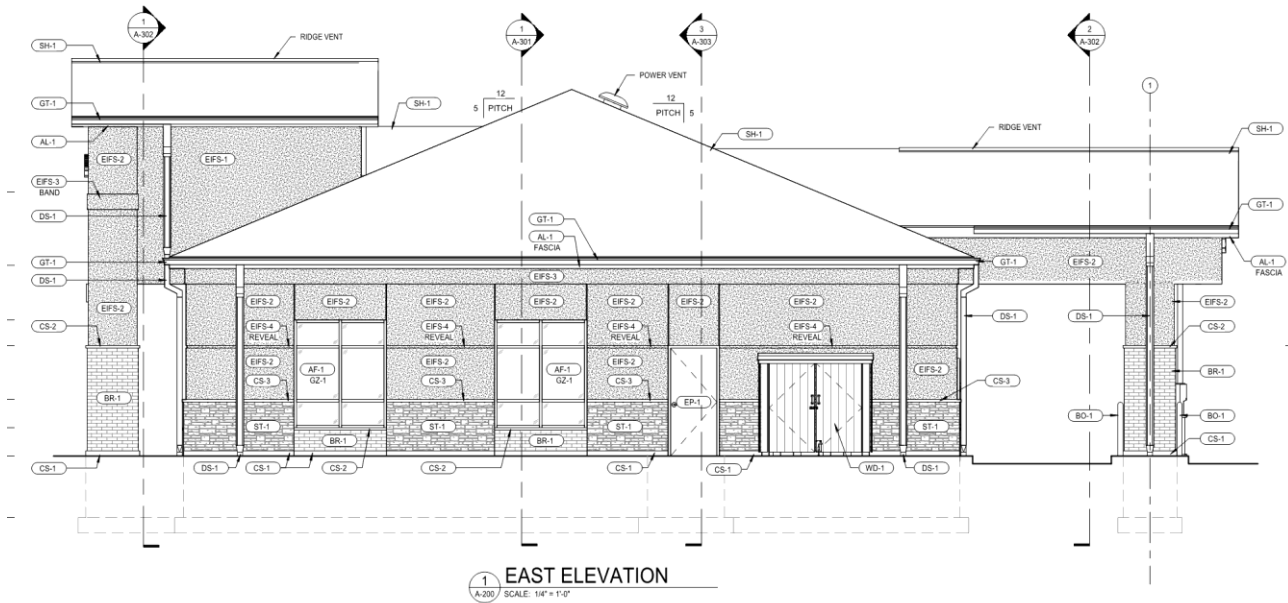


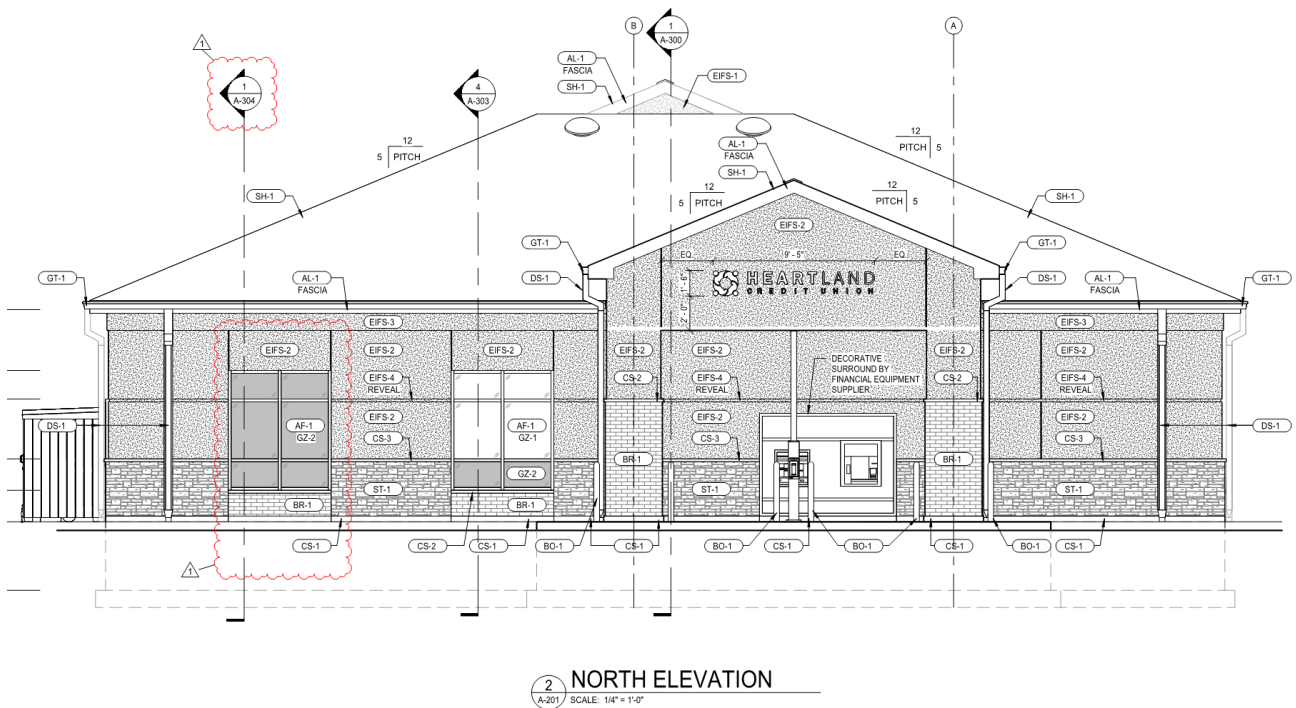
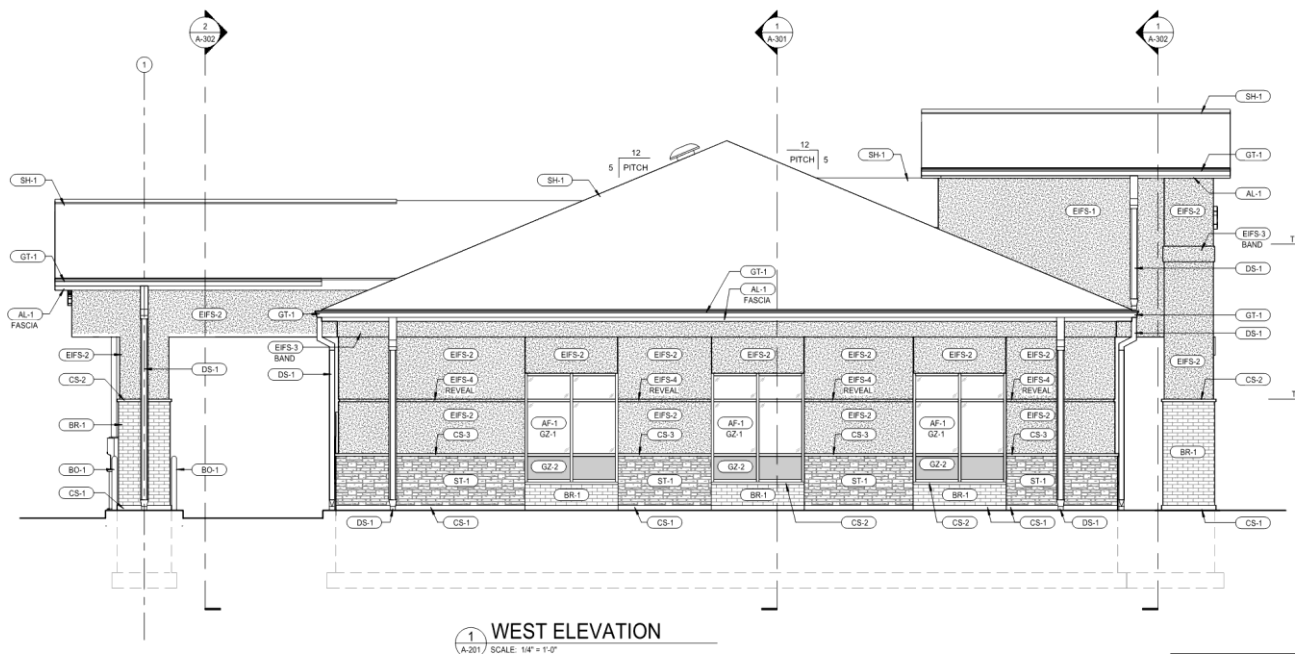


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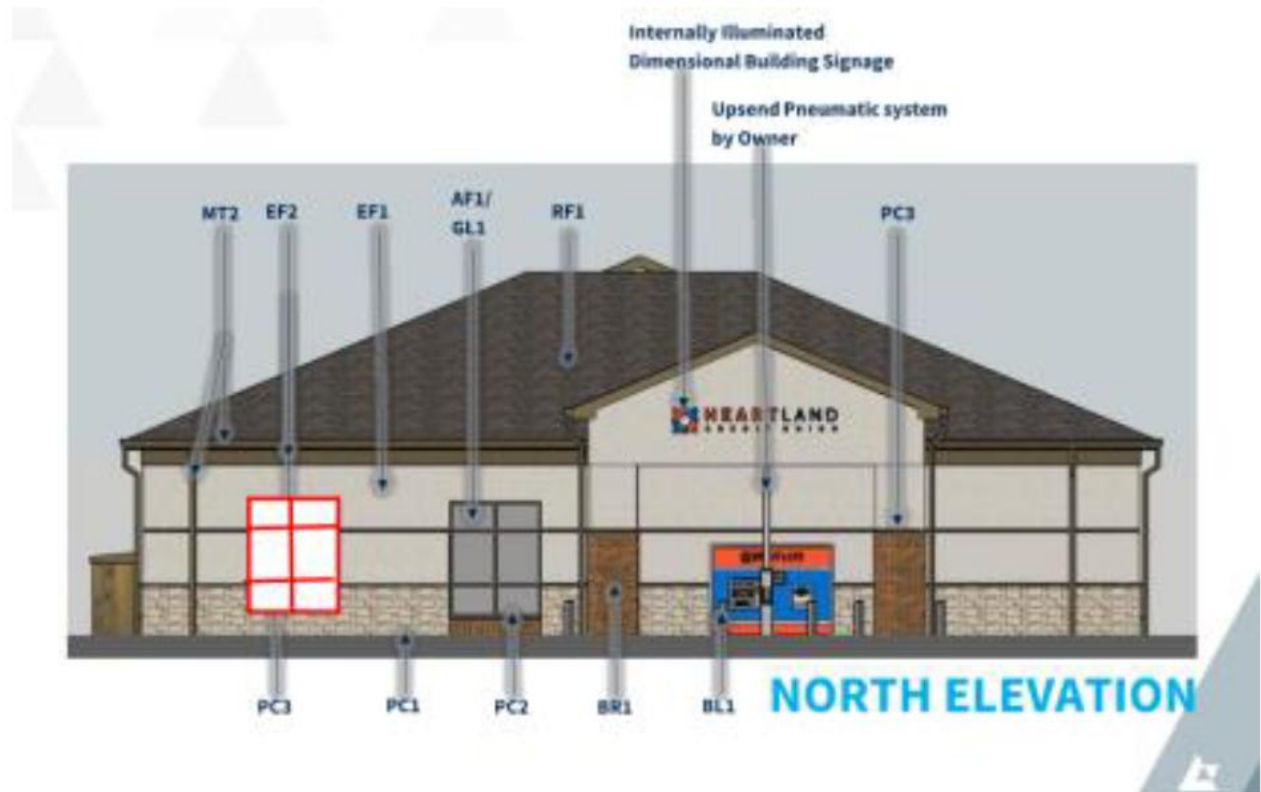








(This north elevation is what would face Main Street / TH13/19 – the eastern window is “spandrel glass” which means it is just for aesthetic purposes and does not actual function as a see-through window)





Looking NE at subject site from internal private driveway.



Looking NW at site from internal private driveway.



Looking East along the south side of site from adjacent vacant lot.



Looking west along the north end of site from the trail adjacent to Main Street / TH13/19



Looking SE at the site from the trail along the north side of the property.



Looking NW towards Kwik Trip and Main St. E./TH13/19