

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, March 26th, 2025**

**1. Call Meeting to Order**

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

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

**2. Approval of Meeting Minutes**

**A. February 26th, 2025 Regular Meeting**

A motion was made by Ryan, seconded by Gengel, to approve the February 23rd, 2025 regular meeting minutes. Motion carried (4-0).

**3. Public Invited to Be Heard on Matters Not on the Agenda**

No public comments were given.

**4. OLD BUSINESS**

**A. Request for Interim Use Permit I2-2025 – Allow a Rail Car Repair Business at 100 2<sup>nd</sup> Ave SW**

Planner Chapman introduced the interim use permit #I2-2025 request to allow Cypress Rail Solutions, a rail car repair business, at the former mill property (100 2<sup>nd</sup> Ave SW). At the February 26<sup>th</sup> Planning Commission meeting, the request was tabled to draft conditions for potential approval. Since the request was last introduced, conditions related to the business operating for 5 years with potential for extension, prohibiting painting, limiting hours of operation, and vegetative/screening plans were added. Staff also reached out to Polk County, and Rye/Falconer Township to see if there were any complaints or concerns regarding Cypress Rail Solutions at their Grand Forks, ND and Erskine, MN locations. Falconer/Rye Township said that they run a clean facility with no debris, objectionable fumes, or dust. It should also be noted that both these locations are in townships in rural industrial/rural residential locations. The proposed New Prague location would be located within cities limits in the heart of the city near several businesses and residential properties with more possibilities of disruption. In the 2045 Comprehensive Plan, the property is guided as “Downtown Flex” which would allow similar commercial uses in the downtown and would likely prohibit industrial uses. Rezoning will occur once the Unified Development Code is adopted sometime in late 2025 or early 2026. Staff does not support the proposed request due to noise concerns and the use does not fit the Future Land Use Map. Since the business closed in 2019, many residents may have become accustomed to the lack of noise. The work may be noisy for the tenants inside the building,

Main St businesses, and residential homes. Noises at the mill could exceed MN Rules Chapter 7030 on Noise Classification 2 for MPCA Noise Pollution Control. Furthermore, City Code 92.15 states that a public nuisance is considered something that unreasonably annoys or endangers safety, health, and morals. In other words, the code could still apply for noises not exceeding the MPCA thresholds.

Pike said it would be good to beautify as much as they can on the north side of the property. He questioned about the feasibility of the applicant building out the parking lot and the possibility of a site plan being submitted for staff to review. He would like to see a parking lot layout from the applicant rather than a loose rendering or plan. The conditions proposed by staff have helped mitigate some of his original concerns. The fence does provide a dividing barrier from east to west. With the landscaping it may attract tenants.

Gengel inquired if there were any other retail businesses within the building.

Planning/Community Development Director Ondich said there is Faith, Recovery, & Music, Fancy Bones Pet Salon, 2 If By Sea Tactical Shooting Range, and warehousing.

Bill Gibson, the co-owner of New Prague Mill, LLC, stated that they anticipate having another retail business in the northern section of their building. Post office was looking and wanted to occupy 6,000 sq ft but not sure what they want to do at the moment.

Pike had less concerns about noise since there is a condition on the type of fence required for the site.

Planning/Community Development Director Ondich stated that the condition was based off MnDOT sound buffer requirements. There are plain wooden fences or ones with concrete posts. The fence would not be a temporary fence. The minimum noise reduction that those walls provide is at least 5 decibels for regular noise.

Gengel asked if the fence would bring the decibels to an acceptable level.

Planning/Community Development Director Ondich said theoretically it would bring the decibel levels down. Staff won't know for sure until the landscaping and fencing is up. If the city receives a complaint, staff could record a decibel measurement.

Pike said the landscaping plan should address the outbuildings. He would like the outbuildings removed. The site plan shows that it is very open and clean.

Gibson stated that the shed will be removed as well as the coal operator room and restore the brick in front of the building.

Pike said that he did not want the building and fencing to go up 4 years later.

Gibson stated they do not have the parking lot designed yet but intend to do it in the future because they'd like retail businesses on the north side of the building. The sign will likely be

installed in a month to a month in a half. As a condition to the interim use permit, there is a condition for a 20' tall fence that would be used to buffer noise for five years, which is very costly for a short period of time. A lot of money that would be made through the business would go towards the fence. He asked to reduce fence cost or provide a 10 year interim use.

Ryan said that if their business follows the conditions, there will be no issue in extending the operation of the business for an additional 5 years.

Gibson proposed a 16' tall fence.

Pike was concerned that if the fence were lower, it may not buffer the noise as well.

Ryan recommended that the landscaping or screening requirements must be completed within 18 months to a year.

Pike agreed and said it would be beneficial for it to be coupled with a more detailed landscaping plan with parking lot and plans for the northwestern part of the building.

Gibson inquired if instead of putting down tar, he could put seed or sod down.

Pike said that there could be a landscaping plan in which phase one of the projects could include hydroseeding and the second phase could be the parking lot plan when the tenants are in. Pike recommended that the parking lot could be put in when it is necessary for the tenants.

Gibson suggested having a rail car out front as a feature in the future. On a different note, he mentioned that they do have bathrooms within the existing building but stated that there would be a temporary trailer that has an office inside. He inquired if they could put a bathroom behind the screen.

Planning/Community Development Director Ondich stated that there are building code concerns with plumbing.

A motion was made by Pike, seconded by Meyer to open the public hearing (4-0). The public hearing opened at 7:25pm.

Brian Paulson from 206 4<sup>th</sup> St SW said that a few years ago there was a diesel car running for about a week straight, causing noise issues. There is a gun range currently at the mill and their hours will be longer than the rail car repair business. He supports the gun range. He recommended that the amphitheater not operate during the hours of the rail repair business. Maybe the parking could be shared with the amphitheater . He would prefer trees over the fence.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 7:26pm.

A motion was made by Ryan, seconded by Pike to recommend approval of I2-2025 to allow a rail car repair business at 100 2<sup>nd</sup> Ave SW with notes to the City Council on the meeting such as phasing greenspace/landscaping until parking is needed, removing outbuildings, and using bathrooms in the building and temporary trailers behind the sound wall. The following were the findings:

- A. The proposed interim use for rail car repair will utilize property in a reasonable and temporary manner for five years, considering the property is currently zoned I-1 Light Industrial Zoning, but is guided as “downtown flex” according to the 2045 Comprehensive Plan and of which exact requirements have not yet been determined.
- B. The proposed rail car repair is presently acceptable with the approved conditions, but given its designated land use category of “Downtown Flex” will not be acceptable in the future.
- C. The proposed designated rail car repair area will not hinder permanent development of the site because it is only approved as an interim use for a five year time period.
- D. The proposed designated rail car repair area will not adversely impact implementation of the Comprehensive Plan as the site is guided as “downtown flex” and because the interim use approval period is only for a five-year time period.
- E. The proposed rail car repair will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and particularly noise nuisances because of the mitigating sound wall.
- F. The rail car repair business may have resulted in noises that would have conflicted with the planned Praha Outdoor Performance Stage, directly north of the Mill and Main Street and potentially other parks, schools, street and other public facilities if not for the required 20’ tall sound wall.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed rail car repair business.
- H. The proposed rail car repair business shall cease to operate at the site no later than 4/7/2030, unless extended by City Council action.
- I. The proposed designated rail car repair 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. This Interim Use Permit does not affect any other existing Interim Use Permits or Conditional Use Permits on the property.
- 2. The proposed rail car repair use shall cease operations within 5 years from the date of approval of this Interim Use Permit which is April 7th, 2030 unless otherwise amended by City Council action.
- 3. Approval is granted in general accordance with the two site plans dated 3/4/2025 (Exhibit A and B) on file with the New Prague Community Development Department which notes the extent of the operation and the location of required fencing/screening/vegetation. The fence/sound wall and adjacent landscaping as well must be completed before any rail car repair can occur on the site.

4. Phase 1 of the aesthetic improvements to the NE corner of the site must be completed within 18 months of approval of the interim use permit which will move the site towards general accordance with the “New Prague Mill Perspective” drawing dated 2/14/25 (Exhibit C) on file with the Community Development Department. Phase 1 includes at minimum: installing topsoil and establishing grass seed over the existing gravel lot, installing perimeter landscaping trees around the perimeter of the north and east side of the site, and finally removing outbuildings and a gas room that are immediately adjacent to the north wall and fixing the paint on the north end of the historic A-Mill portion of the building to improve the aesthetics of the site from Main Street. Phase 2 includes paving necessary parking spaces as needed for uses on the site with no set deadline for paving as it is dictated by the need as users move into the site.
5. The required “fence” that extends north of the building and around the private rail lines near Main Street must be at least 20’ tall and meet or exceed MnDOT Standard Plan 5-297.661 for “Wood Planking Noise Wall with Concrete Posts” which provides for 100% opacity.
6. Vegetation placed around the fence/noise wall as outlined in Condition #3 must meet the requirements of Zoning Ordinance Section 707, Subd. 2 for screening of industrial uses abutting commercial properties. This requires a single row of trees at a minimum 8’ height at 40’ spacing at minimum.
7. One rail car, in good repair and for advertising and educational purposes, is allowed to be displayed outside of the screened area.
8. Any noise from the proposed rail car repair use cannot exceed the requirements of MPCA Noise Pollution Control Rule 7030 or City Code Section 92.15 regarding public nuisances.
9. To mitigate noise concerns for nearby properties, hours of operation (except for office hours) are only permitted Monday Through Friday, 7am to 4:30pm with no exceptions.
10. The painting of rail cars is prohibited on the site.
11. Employees of the rail car repair site must utilize existing bathrooms within the former mill building on the property. A temporary work office trailer if fully screened behind the fence/noise wall is permitted if it complies with building codes.
12. At least one parking space per rail car repair employee must be provided on a paved off-street parking space, including required ADA spaces, and must be striped with white or yellow paint lines no less than 4” wide providing for parking spaces at a size of 9’ x 20’, as required by Section 717 of the New Prague Zoning Ordinance. Any parking space must be setback 5’ from any property line to provide a buffer between the sidewalk and the parked vehicles and allow for required perimeter landscape trees.
13. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
14. All lighting must conform to Section 704 of the Zoning Ordinance.

15. All dumpsters, garbage containers or refuse bins provided on the site outside of a building shall be screened from view in accordance with Section 703 of the Zoning Ordinance. Additionally, any dumpster that holds residual agricultural products from rail cards must be leak proof and have a cover to prevent odors and must be picked up at least weekly by a refuse company but may be required to be picked up more often if odors persist from the site.
16. A 6' access aisle must be maintained through the exterior work area to ensure access to all doors that abut the area for fire access.
17. 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.
18. 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.
19. 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.
20. 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.
21. The property shall be subject to all requirements of the New Prague City Code and shall otherwise comply with all other applicable federal, state, and local laws, rules, and regulations.

Motion carried (4-0).

## **5. NEW BUSINESS**

### **A. Request for Variance #V2-2025 – Variance for Lot Line Setbacks, Lot Width, and Maximum Land Coverage at 100 2<sup>nd</sup> Ave SW**

Planner Chapman explained that New Prague Mill, LLC is requesting a variance from setback, lot width, and maximum land coverage to facilitate a lot split. New Prague Mill, LLC intends to separate their property into two lots from north (4.72 acres) and south (1.11 acres). When platted properties are being divided, staff administratively conduct a minor subdivision. However, if the two new parcels do not meet the bulk requirements of the district, a variance would be required. The proposed two properties currently do not meet the I1-Light Industrial District's bulk standards. The applicant is requesting that Parcel A have a 0' setback from the west and north property lines and allow a 63.7% maximum land coverage. The applicant is also requesting that Parcel B have a 76' minimum lot width and 0' setbacks on the east and south property lines. As a condition to the variance, a dedicated access agreement and shared parking agreement are needed.

Planning/Community Development Director Ondich clarified that although the “Downtown Flex” standards have not been determined, they would be similar to the B1-Central Business District. The B1-Central Business District does not have setback, minimum lot width, or maximum land coverage requirements. In other words, if the applicant waited for the property to be rezoned, this variance would not have been needed. They would have been able to do a minor subdivision.

A motion was made by Ryan, seconded by Pike to recommend approval of V2-2025 with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because industrial and commercial uses are allowed in the I-1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because minor subdivisions are consistent with land use goals in the comprehensive plan.
- C. The applicant will continue to use the property in a reasonable manner in that the variances are only needed to facilitate a minor subdivision.
- D. Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the same zoning district because the subject property is very large and unconventionally shaped and surrounded by a variety of different zoning districts and is also only necessary as the property is currently zoned I-1 Light Industrial which has more strict bulk requirements than the guided zoning of the property as downtown flex which will more closely resemble the existing B-1 Central Business District zoning which does not have setbacks, minimum lot size/width, or maximum building coverage requirements.
- E. The variance does not alter the essential character of the neighborhood because there are no physical changes being proposed but rather a minor subdivision.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow a portion of the property to be sold or the lot split would make it easier to finance and insure.
- G. A dedicated access easement agreement and shared parking agreement must be made, clearly defining the usages and access as well access to the shared domestic water service and fire protection system.

And with the following conditions:

- 1. A dedicated access easement agreement and shared parking agreement must be made, clearly defining the usages and access as well as access to the shared domestic water service and fire protection system and filed with Le Sueur County.

Motion carried (4-0).

## **B. Concept Review of Zoning / City Code Amendment Re: Backyard Chickens**

Planning/Community Development Director Ondich explained that City Council directed staff to discuss an ordinance amendment for backyard chickens due to public interest. Public interest may be partially a result of the national rising cost of eggs. The City Code currently does not allow chickens to be within city limits. The last time backyard chickens were discussed was in 2016 when there were several nuisance complaints from neighbors regarding illegal chickens

in city limits due to smell, sound, and concern of avian diseases. Several communities allow chickens in City limits. All cities in Scott County currently allow chickens except New Prague. There are positives and negatives to backyard chickens. Benefits may include families having more autonomy over their food production, an educational opportunity for families and children to learn agricultural practices, preservation of poultry diversity, chickens can sustainably reduce household food waste, and their feces make good fertilizer. Some negatives may include potential to spread avian diseases, odor/noise could be a nuisance and attract pests, chickens require significant time and commitment, and upfront expenses for chickens may be costly. If the Planning Commission were interested in allowing chickens, staff could draft an ordinance amendment.

Ryan was in opposition to allowing chickens. Several years ago, there was an issue with a resident who did not properly maintain their chickens, which upset the neighborhood. If chickens are allowed, residents may ask to allow other farm animals.

A motion was made by Pike, seconded by Gengel to open the public hearing (4-0). The public hearing opened at 7:53pm.

Brian Paulson from 206 4<sup>th</sup> St SW stated that if backyard chickens are not properly maintained, it could attract animals. Backyard chickens are a daily responsibility, and they may not be financially beneficial. If the City were to allow backyard chickens, the permit should be a one-time fee rather than multiple.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 7:55pm.

Meyer said he was for allowing backyard chickens last time because it gives people an option.

A motion was made by Pike, seconded by Meyer to draft an ordinance amendment for allowing backyard chickens and hold a public hearing.

Motion failed (2-2).

## **6. Miscellaneous**

### **A. Monthly Business Update**

Planning/Community Development Director Ondich introduced the monthly business update. He mentioned that Neisen Investments purchased the former Corner Bar property at 100 Main St W and currently doing renovations. The Broz Hotel is owned by 3 Ten Event Venue in Faribault. Wells Frago recently applied for sign change outs.

## **7. Adjournment**

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 8:00 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 style with a large initial 'K' and 'C'.

Kyra J. Chapman  
Planner