



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 #V7-2024 TO ALLOW A 17 SQUARE FOOT BUILDING SIGN RATHER THAN THE MAXIMUM 12 SQUARE FOOT SIGN AT 100 12TH STREET NW, AS PROPOSED BY NEW PRAGUE COMMUNITY CENTER ASSOCIATION, INC
DATE: AUGUST 29, 2024

Planning Commission Summary

The Planning Commission heard the above variance request at their August 28th, 2024, meeting. This summer the New Prague Community Center Ice Arena replaced their old building signage with a new sign at 17 sq ft in size. The Zoning Ordinance mandates that nonresidential uses in the RL90 Single Family Residential District may not have signage that exceeds 12 sq ft. Several adjacent properties have received similar sign variances such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013). The proposed variance would enhance legibility of the sign.

No public comment was received during the meeting.

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

Staff Recommendation

Staff recommends approval of the attached resolution “...Approving Variance (#V7-2024) ...”.

RESOLUTION #24-09-03-05

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING
VARIANCE (#V7-2024) TO ALLOW A 17 SQUARE FOOT BUILDING SIGN RATHER
THAN THE STANDARD 12 SQUARE FOOT SIGN AT 100 12TH STREET NW, AS
PROPOSED BY NEW PRAGUE COMMUNITY CENTER ASSOCIATION, INC, NEW
PRAGUE, MINNESOTA**

WHEREAS, New Prague Community Center Association, Inc , owner of the following real estate in the County of Scott to wit:

Lot 1, Block 1, Community Center Addition, according to the plat thereof, Scott County, Minnesota.

are requesting a variance to allow 17 sq ft building sign at 100 12th Street NW in the RL90 Single Family Residential District, which is located on the above-described real estate; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (#V7-2024), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 28th day of August, 2024, after due consideration of presented testimony and information, voted unanimously (4-0) to forward staff's recommendation to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

- A. The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District.
- B. The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Comprehensive Plan because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District as designated by the plan.

- C. The applicant proposes to use the property in a reasonable manner by adding only an additional 17 sq. ft. of building signage, which is slightly above the permitted 12 sq ft building signage requirement.
- 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 is a nonresidential use and the building face is significantly large, therefore the bigger sign would help accommodate the large building size.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that were issued signage variances as permitted non-residential uses in the RL-90 Single Family Residential District such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013).
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would be legible for those who are walking or driving by.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V7-2024 to allow a 17 sq ft building sign rather than the standard 12 sq ft sign in the RL90 Single Family Residential District at 100 12th Street NW, is hereby approved based on the above findings.

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

Passed this 3rd day of September, 2024.

Duane J. Jirik, Mayor

State of Minnesota)
)ss. (CORPORATE ACKNOWLEDGMENT)
County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

Notary Public

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

State of Minnesota)
)ss. (CORPORATE ACKNOWLEDGMENT)
County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Kyra J. Chapman
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: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR VARIANCE #V7-2024 TO ALLOW A 17 SQUARE FOOT BUILDING SIGN RATHER THAN THE STANDARD 12 SQUARE FOOT SIGN AT 100 12TH STREET NW, AS PROPOSED BY NEW PRAGUE COMMUNITY CENTER ASSOCIATION, INC
DATE: AUGUST 21, 2024

Background / History

The New Prague Community Center Ice Arena is located at 100 12th St NW in the RL-90 Single Family Residential Zoning District. The property comprises of 2.8 acres of land and was established in 1996. Twenty years ago, conditional use permit C9-2004 was approved at the property, allowing a 70 sq ft monument sign, larger than the allowed 12 sq ft sign in the RL90 Single Family Residential District at the time. Although it was approved, it appears that it was never installed or utilized.

This summer the Community Center replaced their building signage with new signage. The new existing 17 sq ft building signage does not currently meet the Zoning Ordinance. Within the RL-90 Single Family District, nonresidential uses shall not have signage that exceeds 12 square feet in area. The previous signage was much larger than the new sign, but it still needs to be in compliance with the Zoning Ordinance. There have been several variances that were granted for this similar reason such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013), which is in the same vicinity of the Community Center Ice Arena.

Legal Description

Lot 1, Block 1, Community Center Addition, according to the plat thereof, Scott County, Minnesota.

Zoning

New Prague Community Center Association – Variance #V7-2024
August 28, 2024 Planning Commission Meeting
Page 1 of 9

The subject property is located in the RL90 Single Family Residential Zoning District.

Zoning Ordinance Section 718 (2) (C) states one building sign for each permitted nonresidential use or use by conditional use permit. Such signs shall not exceed 12 square feet in area per surface and be so constructed as to have more than two surfaces. The applicant is requesting to allow a 17 sq ft large building sign. Although the previous building signage was much larger than the existing signage, it does not meet current sign requirements for buildings. However, the building face is quite large, amassing approximately 1,975 sq ft, which means the signage only covers 0.86% of the building face. For comparative purposes, building signage area cannot exceed 15% of the building face in commercial districts.

Neighborhood Conditions and Nearby Land Uses

North — New Prague High School and single-family residential homes in the RL90 Single Family Residential District

South — I1 Light Industrial properties (Chart Inc) and Track and Football Stadium

East —New Prague Gymnastics Club Inc and Falcon Ridge Elementary School Hill

West – Residential homes in the RL90 Single Family Residential district and baseball and soccer fields

Areas to the north, south, and east and zoned RL90 Single Family Residential. Most of the structures that reside in this RL-90 zoned area are either residential homes or affiliated with New Prague Area Schools. Since most of the surrounding land is associated with the school district, staff believes that the sign on the building will fit the essential character of the neighborhood which is largely non-residential uses in a residential district.

There have been multiple sign variances have been awarded in the neighborhood. The Gymnastics Club was awarded a sign variance (V1-2007) at 200 12th St NE for a 21 sq ft building sign. New Prague Area Schools was awarded a sign variance (V5-2012) at 1200 ½ Columbus Ave N for a 30 sq ft building sign on the concession stand. When To The Pointe! Dance Academy resided at 200 12th Street NE, they were granted approval for V3-2013 for an additional 21 sq ft building sign for a combined sign area totaling 42 sq ft.

Statement of Practical Difficulties

The applicant explained that the reason for the variance is to improve legibility so that it is clear and viewable. The sign name was changed because the facility is no longer New Prague Ice Rink as people knew it as.

Public Works / Utilities / Engineer Comments

Public Works Director Matt Rynda, Utilities General Manager Bruce Reimers, and City Engineer Chris Knutson with SEH, Inc. did not have any comments on the matter.

Building Official Comments

Comments from the Building Official were not solicited as the variance is related to signs only.

Criteria for Granting Variances - 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 variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Comprehensive Plan because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District as designated by the plan.)
- 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 proposes to use the property in a reasonable manner by adding only an additional 17 sq. ft. of building signage, which is slightly above the permitted 12 sq ft building signage requirement.)
- 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 applicant had no control, and which do not generally apply to other properties nearby because the property is a nonresidential use and the building face is significantly large, therefore the bigger sign would help accommodate the large building size.)

- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because there are adjacent properties that were issued signage variances as permitted non-residential uses in the RL-90 Single Family Residential District such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013)).
- 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 be legible for those who are walking or driving by.)
- 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. (No additional conditions are imposed.)

Staff Recommendation

Staff recommends **approval** of Variance #V7-2024 to allow a variance for a 17 sq ft building sign rather than the standard 12 sq ft sign at 100 12th Street NW, as proposed by New Prague Community Center Association, Inc for the following reasons:

- A. The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Zoning Ordinance because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District.
- B. The variance to allow building signage to exceed 12 sq. ft. is in harmony with the general purposes and intent of the Comprehensive Plan because building signage is a permitted addition to a non-residential building in the RL-90 Single Family Residential Zoning District as designated by the plan.

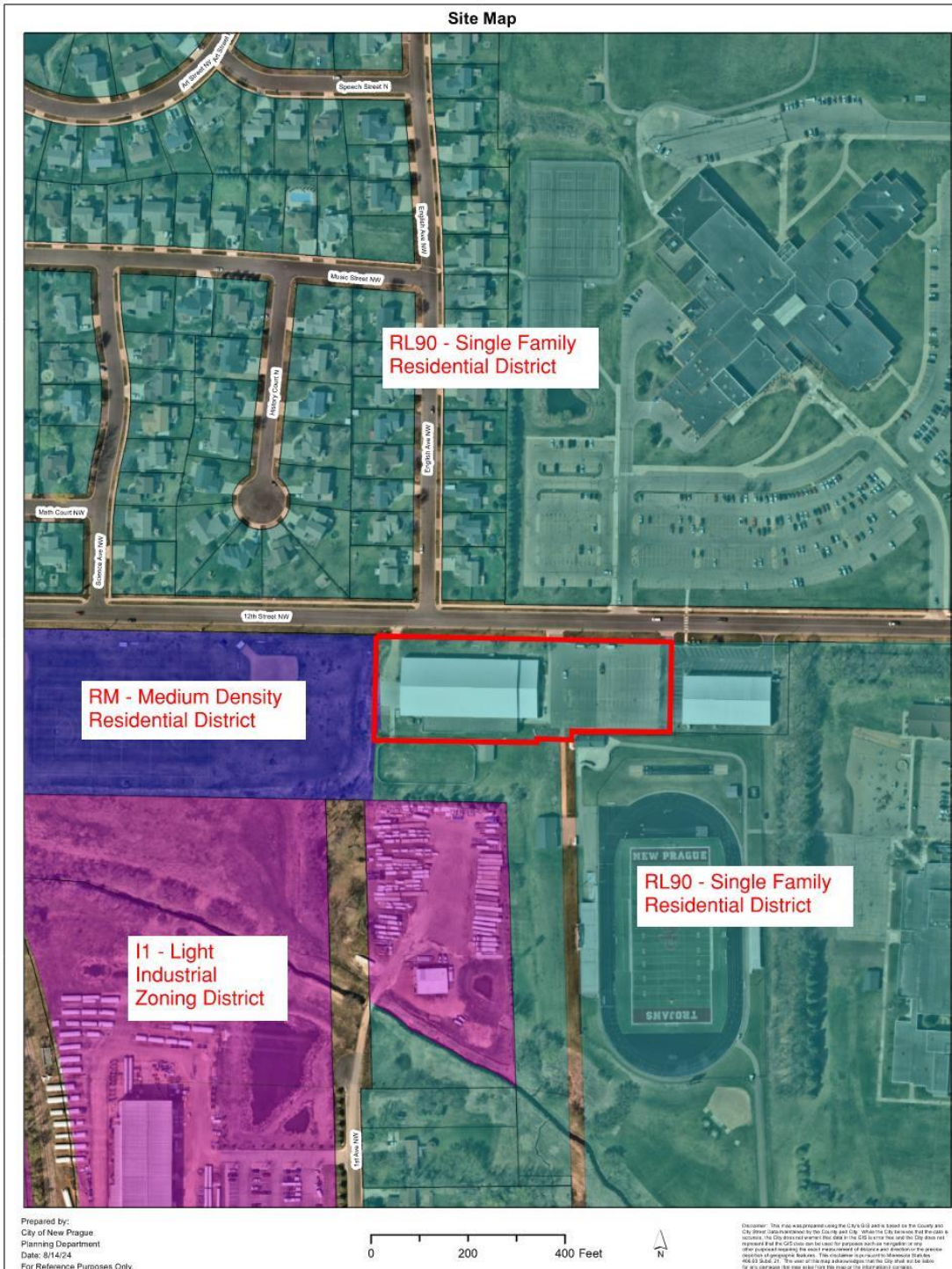
- C. The applicant proposes to use the property in a reasonable manner by adding only an additional 17 sq. ft. of building signage, which is slightly above the permitted 12 sq ft building signage requirement.
- D. Unique circumstances apply to this property over which the applicant had no control, and which do not generally apply to other properties nearby because the property is a nonresidential use and the building face is significantly large, therefore the bigger sign would help accommodate the large building size.
- E. The variance does not alter the essential character of the neighborhood because there are adjacent properties that were issued signage variances as permitted non-residential uses in the RL-90 Single Family Residential District such as the Gymnastics Club (V1-2007), New Prague Area Schools (V5-2012), and To The Pointe! Dance Academy (V3-2013).
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would be legible for those who are walking or driving by.

Attachments

1. Site Map Aerial – Dated 8/14/24
2. Site Map Aerial Zoning – Dated 8/14/24
3. Pictures — 8/20/2024
4. Google Street Map – Dated August 2023



Aerial Site Map



Site Map of Zoning Districts



Community Center Ice Arena at 100 12th St NW



Existing After the Fact Variance Sign on the Community Center Ice Arena



Football field concession stand that was awarded approval for sign variance V5-2012 at 1200 ½ Columbus Ave N



Google Street view of the previous building signage in August 2023