

RESOLUTION #CC-26-09-21-03

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING
CONDITIONAL USE PERMIT #C3-2026 TO ALLOW FOR THE RELOCATING OF A
GARAGE FROM 901 1ST AVE NW TO 903 1ST AVE NW, AS PROPOSED BY PADDY
O'PROPERTIES.**

WHEREAS, Paddy O'Properties, applicant, regarding the following real estate in the County of Scott County to wit:

See Attachment A.

is requesting a Conditional Use Permit to allow for the relocation of a garage from 901 1st Ave NW to 903 1st Ave NW in the I1 Light Industrial and Business Park Zoning district; and,

WHEREAS, the New Prague Planning Commission has finished a review of the application during both its August 26th, 2026 and September 16th, 2026 meetings, and made a report pertaining to said request (#C3-2026), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 16th day of September, 2026, 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 the following conditions for the Conditional Use Permit:

- A. The use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve or are proposed to serve the area because the existing garage will be moved north by one parcel and will be utilized for storage as it was before, except this time for industrial/commercial purposes.
- B. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land because the garage will be moved to a site where exterior storage previously was, which is zoned industrially, screened by trees and distance from a residential property to the north, and because the land east of the garage is undevelopable due to floodplains.
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties because the garage will only be moved north

by one parcel and the site must meet all industrial screening requirements set forth within the Unified Development code.

- D. The use is reasonably related to the overall needs of the City and to the existing land use because the garage is being moved to change from a residential use to an industrial use on land that was rezoned from R1 Single Family Residential to I1 Light Industrial and Business Park.
- E. The use is consistent with the purposes of the Unified Development Code and the purposes of the zoning district in which the applicant intends to locate the proposed use because a garage used for storage is a permitted accessory use within the I1 Light Industrial and Business Park district.
- F. The use is not in conflict with the Comprehensive Plan of the City because the land is guided as Industrial.
- G. The use will not cause traffic hazard or congestion because the garage is moving one parcel north and will not see an increase of traffic, and the congestion that will be caused by moving the property will be communicated to surrounding property owners in advance and will be momentary.
- H. Adequate utilities, access roads, drainage, and necessary facilities have been or will be provided because the structure will require minimal utilities, access, and facilities beyond what it already utilizes.
- I. The structure would not be in disharmony with the established or expected pattern or development in the neighborhood so to destroy the overall appearance of the neighborhood because it will only be moved one parcel north from where it currently sits and it is currently not at disharmony with the surrounding neighborhood.
- J. The structure would not be in disharmony with the existing age, bulk, architectural style, and quality of construction surrounding it as the garage will be moved only one parcel north from where it was built, and because it is a standard garage which will be re-sided upon being moved.
- K. The structure would not substantially diminish or impair property values within the neighborhood as it is a standard garage which is being relocated one parcel north from where it currently sits, and it will be re-sided upon being moved.

WHEREAS, the New Prague City Council approves the request for a Conditional Use Permit with the following conditions:

1. The applicant must follow all requirements of the Building Official, Utilities Department, Public Works Department, and Police Department for moving of the structure.

2. This Conditional Use Permit is contingent on the minor subdivision A3-2026 to move the property line of the two affected properties. If the minor subdivision is not granted, a Variance will be required to execute this Conditional Use Permit due to the site of the garage no longer meeting the required rear setback. If the minor subdivision or Variance is not obtained within one calendar year, this Conditional Use Permit shall be revoked.
3. If the garage is to be moved and not immediately placed on its permanent foundation, the garage must be placed on its permanent foundation within 30 days of being moved, and must be barricaded off with temporary fencing during this time.
4. All properties and property owners that are north of 901/903 1st Ave NW, including Chart Industries, shall be notified by the applicant at least 10 days in advance of the period of time the structure will be relocated and access along 1st Ave NW may be limited or blocked.
5. The Police Department, Fire Department, and Emergency Medical Services shall all be notified at least 10 days in advance of the period of time the structure will be relocated and access along 1st Ave NW may be limited or blocked.
6. Three (3) days prior to the relocating of the structure, temporary no parking signs shall be put in the western and eastern right of ways of 1st Ave NW for the portion of the road that will be utilized for relocating the structure. These shall be removed following the relocation of the structure.
7. This Conditional Use Permit is only valid for moving the existing 940 square foot detached garage that is currently located at 901 1st Ave NW to 903 1st Ave NW.
8. All requirements of the Unified Development Code must be met, including Section 6.002 (G).
9. Prior to being occupied, the structure must have its siding replaced, must meet Minnesota State Building Code Requirements, and must be approved by the City's Building Official.
10. Any damage to the street or public utilities from the moving of the structure will be the responsibility of the applicant.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for Conditional Use Permit #C3-2026 to allow for the relocating of the garage located at 901 1st Ave NW to 903 1st Ave NW, as proposed by Paddy O'Properties, is hereby **approved** based on the above findings.

This Conditional Use Permit is approved, effective immediately upon its passage and without publication.

Passed this 21st day of September, 2026.

Charles L. Nickolay, Mayor

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

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2026.

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 _____, 2026.

Notary Public

THIS INSTRUMENT DRAFTED BY:
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