

Meeting Minutes
New Prague Planning Commission
Wednesday, October 23rd, 2024

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, Jason Bentson and Shawn Ryan. Absent was Ann Gengel.

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

2. Approval of Meeting Minutes

A. September 25th, 2024 Regular Meeting

A motion was made by Pike, seconded by Bentson, to approve the September 25th regular meeting minutes. Motion carried (4-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Request for Conditional Use Permit #C5-2024 – Health Care Facility Addition located at 30 2nd Street NE

Planning / Community Development Director Ondich explained that the Mayo Clinic Health System is requesting a conditional use permit for a 6,400 sq ft addition on the east side of their existing building for oncology and infusion services. The property is zoned RL-70 Single Family Residential Zoning District and Healthcare Facilities are a conditional use. They currently provide oncology and infusion services but only for 3 days a week whereas the addition would allow oncology and infusion services to be provided 5 days a week. There are currently 212 parking stalls in 7 different lots for the 48,000 sq ft facility. The minimum required number of parking stalls for the existing building and the addition is 162 stalls, therefore, meeting the minimum. Access and the parking lot are not proposed to change. The RL-70 Single Family Residential Zoning District does not require certain building design requirements. However, staff typically review health facilities similar to the city's B-2 Design requirements. The proposed materials are high quality including lots of windows, glass fiber reinforced concrete, architectural louvers, etc. The addition fits well with the existing building and the lowered height of the addition transitions well to Columbus Ave N to blend into the neighborhood. Plans show significant landscaping; however, screening is not required as this

is considered a “front” along Columbus Ave N. They will be planting five new trees as well as shrubs, ornamental grasses, and perennial flowers. The City Engineer and Public Works Director had comments mainly about parking of construction vehicles, sidewalk closures during construction and stormwater requirements. The City was not delegated building permit review by the State of Minnesota, so the state will be reviewing and conducting all building code inspections for the project. The addition includes a basement, mechanical room, expansion of the cafeteria, and offices.

A motion was made by Ryan, seconded by Pike to open the public hearing (4-0). The public hearing opened at 6:45pm.

Ken Potts, Facility Project Manager from 3961 Quentin Ave St Louis Park, stated that they will be doing drilling to create two geothermal wells for the heating and cooling of the building.

Meyer asked if there is potential flooding that occurs near the addition.

Potts stated that there is little risk since they are not in a flood zone and a new catch basin will be added in the courtyard. The reason for the courtyard is to provide windows at the basement level. The landscaping will be a huge amenity for the patients and the community.

Pike stated that it’s favorable that the addition is near Queens Court as opposed to other residential homes. Geothermal drills could be loud and since it will be near the multi-family complex, those residents may be more tolerable to sound as opposed to single family homeowners.

Planning / Community Development Director mentioned that the city has quiet hours from 10pm to 7am.

Potts clarified that the drilling equipment is up to date so there won’t be a lot of smoke from diesel fuel.

A motion was made by Ryan, seconded by Pike to close the public hearing (4-0). The public hearing closed at 6:50 pm.

A motion was made by Ryan, seconded by Bentson, to recommend approval of C5-2024 of a building addition at Mayo Health Clinic with the following findings:

- A. The proposed addition will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because it will simply be an expansion of services already provided for at the site.
- B. The proposed addition is sufficiently separated by distance from any residentially zoned or used land as the addition is located along Columbus Ave. N. and uses immediately across the street to the east are the Peace Center and Queens Court which are owned and operated by Mayo and therefore existing homes will not be depreciated in value and there will be no deterrence to development of vacant land.

- C. The proposed addition is reasonably related to the overall needs of the City as it will provide a necessary expanded availability of oncology and infusion services already offered at the site.
- D. The proposed addition is consistent with the purposes of the Zoning Ordinance and zoning district in that the use as a health care facility is specifically guided to the RL70 district as a conditional use.
- E. The proposed addition use is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being guided to residential zoning, and health care facilities are guided to the RL-70 zoning district as a conditional use.
- F. The proposed addition will not drastically change the site as it operates today as it will only provide two additional days of oncology and infusion services beyond that is offered currently and therefore will not cause any traffic hazard or congestion with ample parking already existing.
- G. Adequate utilities and access roads have been provided to the site.

And with the following conditions:

1. Development of the site must be in general accordance with the plan set dated 8/7/2024 which is on file with the New Prague Planning Department.
2. The parking lot south of 2nd Street NE shall be signed as patient parking only and not to be used by staff.
3. All signs must conform to Section 718 of the Zoning Ordinance which requires a permit under a separate permit process.
4. All lighting must conform to Section 704 of the Zoning Ordinance.
5. 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.
6. All recommendations of the New Prague Public Works Department, Utilities Department and City Engineer must be complied with prior to construction.
7. The plans must meet Minnesota Building Codes and Minnesota Fire Codes prior to construction.
8. 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.
9. 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).

B. Zoning Ordinance Amendments – Cannabis Related Amendments

Planner Chapman introduced the proposed zoning ordinance amendments related to cannabis. The City currently has a moratorium in place prohibiting all cannabis businesses form

operating in city limits until January 1, 2025 or until the city adopts a new ordinance, whichever comes first. The state requires at least one cannabis retail location must be allowed per 12,500 residents. In the City Code, staff are recommending a cap of two cannabis retail businesses in city limits based on feedback from the city council. In terms of regulating cannabis businesses, cities may create buffers, limit hours of operation and amend zoning ordinances. The state allows a maximum buffer of 1,000' from a school or 500' from a daycare, residential treatment facility, or amenities in a public park that are commonly used by children. For reference purposes staff created three buffer maps, a 250-foot, 500-foot, and 1,000-foot buffer. Staff is in opposition of buffers because it would eliminate most of downtown where most business takes place, and it would be complicated to delineate. Both the Police Department and the Planning / Community Development Department believe that cannabis should be treated similarly to alcohol, therefore, staff recommend having the same hours of operation and not initiating buffers. As amendments to the Zoning Ordinance, staff is recommending that cannabis retail sales should be a permitted use in B-1, B-2, B-3 District and that cannabis businesses and hemp businesses shall not be permitted as home occupations. In the I-1 Light Industrial District, staff is recommending the following as conditional uses: cannabis cultivation, cannabis manufacturing, cannabis wholesaling, cannabis testing, cannabis retail business, cannabis event organizer, and lower-potency hemp edible manufacturer. Cannabis retail businesses in the I-1 Light Industrial District may not exceed 30% of the gross floor area of the building or 5,000 sq ft.

Planning / Community Development Director Ondich explained that the new cannabis definitions are to reference the 13 cannabis businesses that the state allows. The state may not be ready to issue cannabis retailer licenses on January 1, 2025, but it's good to have an ordinance in place in case they do. There will likely be more amendments to the Zoning Ordinance and City Code in the future. At a previous council meeting, staff recommended a two-cannabis retailer cap. The city doesn't have to set a maximum cap if the city doesn't want to.

Pike inquired if the City has been approached by retailers or is there an anticipation of a lot of license registrations on January 1, 2025.

Planning /Community Development Director Ondich replied that it would be first come first serve. The retailer would first have to apply to the Office of Cannabis Management and then the City is notified to review zoning. Then the state can review their license further. Then the state will reach out to the city again to make sure the retailer will be meeting the Building Code.

Pike inquired if an existing retailer could apply.

Planning / Community Development Director Ondich responded that they could. For instance, a tobacco business would have to be licensed as a cannabis retailer to also sell cannabis. Coborn's currently sells THC beverages, has low-potency hemp and will have their registration taken over by the state by January 1, 2025. Bars and restaurants can sell THC infused beverages as long as they have a low potency license. Low potency hemp is limited to the 5 mg per serving.

Meyer inquired if a homeowner could grow cannabis at their residence.

Ryan replied that you can but there is a maximum number of them that can be grown. Home grown cannabis cannot be sold.

Planning /Community Development Director Ondich explained that the Planning Commission can recommend or oppose buffers. The licensed daycares cause some complications because it would cause more limitations in where cannabis businesses would be allowed. It may become a more concentrated area. The City does not have any buffers on alcohol or tobacco. The City only has buffers for firing ranges from businesses with liquor licenses.

A motion was made by Pike, seconded by Ryan to open the public hearing (4-0). The public hearing opened at 7:08 pm.

A motion was made by Pike, seconded by Ryan to close the public hearing (4-0). The public hearing closed at 7:08 pm.

Pike stated that 10-20 years from now, the trend might be that cannabis are seen similarly to bars.

Planning / Community Development Director Ondich said that the state has made cannabis as legal as alcohol and tobacco. Even though it's still fairly new to the general public, it is legal.

Bentson suggested initiating a 250' cannabis buffer from schools and licensed daycares. This can be amended later if things change.

Ryan stated that if that were the case, a licensed day care could prevent a cannabis business from going in.

Planning / Community Development Director Ondich mentioned that schools don't move but licensed daycares may continually change. There is some question yet whether buffers may include churches. St. Wenceslaus is unique in that it is a church school.

Ryan mentioned that some churches host BBQ events with beer. They may want it or allow cannabis.

Pike believed that it might be better to keep buffers from public entities like schools rather than private entities such as churches and daycares. The cap for the number of cannabis retailers should be more than two cannabis retailers.

A motion was made by Bentson, seconded by Pike to have a 250' buffer for cannabis businesses in relation to schools and to recommend the other drafted zoning ordinance changes to the City Council. Motion carried (4-0).

5. Miscellaneous

A. Monthly Business Updates

Planning / Community Development Director Ondich explained that two new home permits were issued in September. The City is still waiting on a concept plan from Keyland Homes. Smoke and Fire has closed, and staff have heard of no plans to reopen the facility yet. The city council formally approved the tax abatement for the 54-unit apartment building. On October 28th, the school board will vote on their portion of the tax abatement for the apartment complex. The City Council will have another hearing on tax abatement but for a 155-unit apartment building for Yellow Tree Development. Scott County has a policy in place in which they don't participate in housing abatement. If the abatement for the 155-unit apartment is approved, it will have to be rezoned to high density residential. The Comprehensive Plan was adopted by the city council on October 21st. Four planning consultant firms have submitted proposals for New Prague's Zoning and Subdivision rewrite. We received proposals from Bolton & Menk, Landform, WSB, and MSA. Money from the ARPA funds and general fund tax dollars will be utilized to fund the project.

6. Adjournment

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 7:31 pm. Motion carried (4-0).

Respectfully submitted,



Kyra J. Chapman
Planner