

Meeting Minutes
New Prague Planning Commission
Wednesday, January 22nd, 2025

1. Call Meeting to Order

The meeting was called to order at 6:41 p.m. by Chair Dan Meyer with the following members present: Brandon Pike, and Ann Gengel. Absent were Jason Bentson and Shawn Ryan.

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

2. Approval of Meeting Minutes

A. November 20th, 2024 Regular Meeting

B. December 18th, 2024 Regular Meeting

A motion was made by Pike, seconded by Gengel, to approve the November 20th and December 18th, 2024 regular meeting minutes. Motion carried (3-0).

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

No public comments were given.

4. OLD BUSINESS

A. None

5. NEW BUSINESS

A. Comprehensive Plan Amendment – Water System Modeling & Study

Planning / Community Development Director Ondich stated that the new Comprehensive Plan was adopted on October 21st, 2024. At that time, the Water System Modeling and Study was not complete. The Study was adopted by New Prague Utility Commission on November 25th, 2024. Staff recommend that the Water System Modeling and Study be added as an appendix to the Sanitary Sewer Feasibility Study.

General Utilities Manager Bruce Reimers introduced the Water System Modeling and Study. He explained that the report provides information on its water distribution system and recommendations for future improvements with community growth for the next 20 years. Currently, New Prague has three filter plants and is served by six wells. The purpose of the report was to determine the water demands of the city. The study criteria analyzed the wells, pumping, filtering, storage, and distribution. Today New Prague has a daily maximum demand

of 1.7 million gallons per day whereas 2044 is projected to have a daily maximum demand of 2.8 million gallons per day. New Prague is currently doing well with water capacity so immediate changes are not needed. The study identified a few priorities for New Prague such as dedicating CIP funds, addition of a new well near filter plant 3, and more elevated storage (water tower). Staff are hesitant to provide more water towers and would rather provide underground storage. Water system additions are all dependent on how the City grows.

A motion was made by Pike, seconded by Gengel to open the public hearing (3-0). The public hearing opened at 6:54pm.

A motion was made by Pike, seconded by Gengel to close the public hearing (3-0). The public hearing closed at 6:54pm.

A motion was made by Pike, seconded by Gengel to recommend approval for an Amendment to the Comprehensive Plan to include the Water System Modeling and Study.

Motion carried (3-0).

B. Request for an Amendment to Conditional Use Permit #C8-2004 & Variance #V1-2025 – Allow an Outdoor Dining Area and Pergola in the North Front Yard at 825 1st St SE – JPV Properties LLC

Planner Chapman introduced the request for the amendment to the conditional use permit C8-2004 and variance V1-2025 to allow an outdoor dining area and pergola to the north front yard at 825 1st St SE as proposed by JPV Properties LLC. The property was originally owned by Smoke & Fire and JPV Properties LLC intends to run a similar Class III restaurant. North of their building, they intend to build a 20' x 40' 7" fenced in patio with a fire pit, two garage doors, and a 12' x 40' 7" pergola. The property has received conditional use permits in the past. Any changes to the original conditional use permit #C8-2004 require an amendment. A conditional use amendment is needed so JPV Properties LLC can create a new outdoor patio. The variance is needed to allow a pergola in the front yard. Pergolas are considered accessory buildings. On commercial properties, accessory buildings may only be placed in the rear of the building. The subject property is unique in that it does not have a rear yard. It has two front yards (north and south) and two side yards (east and west). The Zoning Ordinance states that no additional parking is needed if there are 30 seats or less. For every 3 seats above 30 seats, one additional parking stall is required. The applicant's plans show there will be 30 outdoor seats on the patio, therefore, no additional parking stalls are needed.

Pike inquired about condition number 7 that states that the existing south and east patios may not be used.

Planner Chapman clarified that if the existing patios were used, it would exceed 30 outdoor seats, therefore, additional parking would be required. The property does not have space to add more parking.

A motion was made by Pike, seconded by Gengel to open the public hearing (3-0). The public hearing opened at 7:13 pm.

A motion was made by Gengel, seconded by Pike to close the public hearing (3-0). The public hearing closed at 7:13 pm.

Pike inquired about the materials of the fence.

Jerry Vlaminck, property owner of 825 1st St SE, stated that it would likely be made of brick or stone.

Gengel asked when they intended to open.

JPV Properties LLC stated they'd like to open by March.

Pike inquired about what kind of restaurant they will run.

JPV Properties LLC said the business will be called Brickside 19. They currently own a business in Delano called Brickside Grille & Tap. The plan is to have americana fare.

A motion was made by Pike, seconded by Gengel to recommend approval for conditional use amendment for C8-2004 and variance V1-2025. The findings are:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because accessory structures is a permitted accessory use in the B-2 Community Commercial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because a pergola is a permitted accessory use in the B-2 Community Commercial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner in that the variance is needed to allow the accessory structure to be in the front yard of the property, of which the property has two front yards.
- 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 property has two front and two side yards while some other properties in the B-2 District have rear yards.
- E. The variance does not alter the essential character of the neighborhood because surrounding land in the B-1 and B-2 District allow outdoor dining and the outward appearance of the site will not look drastically different from other businesses that have outdoor dining spaces.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the pergola to be located in the front yard of 825 1st St SE, which does not have any rear yards as opposed to other properties that are not abutting two frontages.

And making the following findings to approve the Conditional Use permit:

- A. The proposed addition for outdoor seating for eating and drinking services will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area, as the additional areas will accommodate more areas for outdoor seating.
- B. The restaurant is adjacent to business uses on its south and east sides, which are zoned in the same B2 Community Commercial Zoning District. The proposed patio will not cause concern to existing residential properties to the south, west, and north as they are separated by roads. Therefore, the patios will blend with the current structure and will be sufficiently compatible with residential homes in the area.
- C. The proposed building addition and site will have a similar appearance and will blend with existing restaurants, buildings, and sites, the appearance of which have not had an adverse impact on adjacent residential property in the past.
- D. The restaurant use has already been established on the site for over 20 years and no new uses, as defined by the zoning ordinance, will be established as a result of the new outdoor patio for outdoor seating with eating and drinking services.
- E. The use is consistent with the zoning ordinance because restaurants are specifically listed as a permitted use within the B2 Community Commercial Zoning District, and the proposed new patio for eating and drinking is a conditional use and conforms to Outdoor Seating Performance Standards identified in the Outdoor Seating for Food Service Businesses and Drinking Establishments set forth in the zoning ordinance.
- F. The use is not in conflict with the comprehensive plan because restaurants are specifically listed as permitted use within the B2 district while patios for eating and drinking are a conditional use, as well as the land use which the property is guided to in the Comprehensive Plan.

The proposed building addition will provide 30 additional seats in the outdoor dining area but under Outdoor Seating Performance Standards it states that no additional parking is required for thirty (30) outdoor seats or less. Any additional seating over thirty (30) seats shall provide required parking based on one (1) space per three (3) seats. In this case, no unreasonable traffic hazards or congestion will be created due to the additional seating.

- G. Adequate utilities, access roads, drainage and necessary facilities have been provided.

And with the following conditions:

- 1. All original conditions of the Conditional Use Permit C8-2004 from 2004, 2006, and 2008 will remain.
- 2. Approval is subject to the site plan dated 1/3/2025 on file with the New Prague Planning Department which complies with the requirements of Section 733 of the Zoning Ordinance.
- 3. Before the Liquor License can be expanded to the proposed patio area, the following shall be completed:

- a) All of the requirements and improvements associated with #C8-2004/V1-2025 must be completed and approved by City Staff.
 - b) The City Council must approve the expanded patio area as part of the applicant's liquor license.
4. The fencing around the outdoor patio must be a minimum of 4' tall and have an opacity of at least 50%.
 5. Requirements listed by the Building Official must be met as well as any other applicable Building Codes.
 6. A grading plan around the proposed new outdoor patio must be reviewed and approved by the City Engineer.
 7. The south and east patios may not be utilized for eating/drinking purposes.
 8. All recommendations of the New Prague Public Works Department, Utilities Department and MnDOT must be complied with prior to construction and occupation of the patio area.
 9. 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.
 10. 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 (3-0).

C. Request for Interim Use Permit I1-2025 – Allow a Dog Grooming Business at 100 2nd Ave SW – Fancy Bones Pet Salon & Boutique

Planner Chapman introduced the request for interim use permit I1-2025 to allow a dog grooming business, Fancy Bones Pet Salon & Boutique to reside at 100 2nd Ave SW in the I1-Light Industrial District. Applicant, Fancy Bones Pet Salon & Boutique would occupy 638.43 sq ft of a former locker room area for the mill staff. The tenant space would be west of where Faith, Recovery & Music inhabits. They would have two groomers and one grooming tub. Although the property is currently zoned I1-Light Industrial District, it is guided as "Downtown Flex" in the Future Land Use Map of the Comprehensive Plan. The City's consultant, Bolton & Menk, is currently in the process of developing the Unified Development Code (UDC), which would update the Zoning Ordinance and Subdivision Ordinance. For the time being, staff recommend allowing the Interim Use Permit (IUP) request for the dog grooming business to occur until the UDC is complete and adopted. It's anticipated that the UDC will be complete by the end of 2025 or the beginning of 2026. A minimum of two parking stalls are required for the dog grooming business.

A motion was made by Pike, seconded by Gengel to open the public hearing (3-0). The public hearing opened at 7:30 pm.

A motion was made by Pike, seconded by Gengel to close the public hearing (3-0). The public hearing closed at 7:31 pm.

A motion was made by Pike, seconded by Gengel to recommend approval of interim use permit #I1-2025 with the following findings:

- A. The proposed interim use for a dog grooming business will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed dog grooming business is acceptable since it will likely be rezoned to “downtown flex” within the next couple of years which may include retail and service establishments as either permitted or conditional, therefore, it would no longer need the “interim” label.
- C. The proposed dog grooming business will not hinder permanent development of the site as it is utilizing and repurposing the space within the existing building and identified to become “downtown flex” in the 2024 Comprehensive Plan after the Unified Development Code is adopted.
- D. The proposed dog grooming will not adversely impact implementation of the Comprehensive Plan because it identifies the property as “downtown flex” in the 2024 Comprehensive Plan.
- E. The proposed dog grooming business will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing space in the building and will have adequate off-street parking.
- F. The proposed dog grooming business will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing space in an existing building.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed dog grooming business.
- H. The proposed dog grooming business shall cease to operate at the site on 1/1/2027 if it is not rezoned to a “downtown flex” or similar zoning district where service businesses, including dog groomers, are either a permitted or conditional use in said zoning district.
- I. The proposed dog grooming business 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. The proposed dog grooming business shall cease to operate at the site on 1/1/2027 if it is not rezoned to a “downtown flex” or similar zoning district where service businesses, including dog groomers, are either a permitted or conditional use in said zoning district.
- 2. 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.
- 3. 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.

4. Approval is in general accordance with the area indicated on the floor plan included in the staff report (undated) on file with the Planning Department.
5. At least 2 off-street parking spaces, including required accessible space(s), must be available for the proposed use.
6. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
7. All lighting must conform to Section 704 of the Zoning Ordinance.
8. 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.
9. 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.
10. 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 (3-0).

6. Miscellaneous

A. General Mill Redevelopment Discussion – New Prague Mill, LLC & Cypress Rail

Planning / Community Development Director Ondich introduced the redevelopment of the mill property. The New Prague Mill, LLC is proposing to have Cypress Rail do rail car repair in the area previously approved through the IUP #I2-2024. The mill is currently occupied for retail, service and warehousing purposes. Most of the southern portion and part of the middle of the mill are occupied. There are no definitive plans for the northern portion of the building, but it could include the post office or more retail opportunities. As they fill up the mill, it's the idea that it will generate income for further redevelopment.

Bill Gibson, co-owner of New Prague Mill, LLC, stated that they could start a lease with Cypress Rail. Cypress Rail is a company that does rail car repairs. The property currently has rails, which could be utilized. They did a sound test and determined that the loudest sound they would make would be 70 decibels, which is as loud as an air conditioner. They've put a sound curtain up to alleviate sound. As a concept idea, the silos could be apartments, wedding venue, or bar. The remodel cost will likely be very high. In the meantime, Cypress Rail would be the best use for the rails.

Randy Meyer, from 2202 McLean Ave, Trophy Club, Texas, a co-founder for Cypress Rail Solutions explained that they had purchased Northern Plaine Rail Services. With that purchase they inherited property in Randolph on the Progressive Railroad Short Line. Shortly after the purchase, Northern Plaine Rail Services canceled the lease. They built a good service base there. The New Prague Mill, LLC is a unique property that is UP served and most of their customers are in Mankato for soybean crush plants. Cypress Rail would do mobile repairs at the location. They have a three-mile service area, therefore, would reach into Iowa, specifically their ethanol plants. Primary repair issues include vibrating

car, hatching covers not closing, gates at the bottom, and wheel sets. Repairs take less than 14 days. They'd likely have 10 to 12 employees with a salary of \$27-\$32 hourly.

Pike inquired about the quantity and frequency of the cars.

Randy Meyer said that they switch UP every week, usually on Thursdays. The same industry that brings Chart's cars would bring Cypress Rail's cars. The car volume for the UP will likely not be significant enough to add another switch. The locomotive would drop and leave the rail cars and Cypress would handle the switching.

Planning / Community Development Director Ondich asked how Cypress Rail will move the cars.

Randy Meyer clarified they'd have to rent a track mobile, which is a rail car mover. He also mentioned that they would have about 10 cars a week or 40 cars a month. Chart has about 20 cars sitting out on the property. They could hold 12 cars in the Mill on three tracks.

Planning / Community Development Director Ondich explained that the Comprehensive Plan Future Land Use Map has the property identified as "Business Flex", similar to most of the downtown. The standards for the district have not been made. It wasn't intended to be an industrial use.

Gibson suggested that a portion of the building could be industrial and the other commercial. Otherwise, the tracks and the silos have to be removed. They don't want the mill to remain empty.

Randy Meyer stated they would want a 3-5 year initial lease with a 3 year add on. They'd like a significant lease but it's up for negotiation.

Gibson said that the rail use would preserve the railroad. If the Mill railroad has to be removed, that only leaves Chart, who would utilize it. If something happens to Chart, then New Prague loses its rail system. The City should think about this holistically rather than strictly following the guidelines.

Rick Kaun explained that they did a sound test by replicating the sounds the rail cars would make from the sidewalk. The loudest sound would be dropping a car on the rail, which would happen once a day at 74 decibels.

Planning / Community Development Director Ondich said if it were a frequent or a consistent sound, it would be annoying. It would likely conflict with the POPS facility during concerts, however, that may not be during work hours.

Randy Meyer said the typical work hours would be 7:00 am to 4:30 pm from Monday through Thursday.

Gibson referenced sound comparisons to understand the sound that would emanate from the building. The trailer drop would be the loudest sound at 74 decibels, welder running would be 57 decibels, and hammer on metal was 71 decibels. A semi running down the street was 73 decibels, traffic normally on the street was 53-65 decibels, no traffic was 45 decibels, train horn was 96-110 decibels, siren was 100-135 decibels, air conditioner was 72 decibels, a vacuum would be 70 decibels, and a busy restaurant is 85 decibels.

Pike said there should be separation aesthetically and visually from a hospitality and retail perspective. He inquired about when there will be that paradigm shift.

Planning / Community Development Director Ondich tried to elaborate on what Pike was trying to explain. It sounds like the industrial use should not exceed 10 to 15 years, therefore, a conditional use would not be appropriate. Instead, there may be an end date or maybe something permanent separating the two in the long term. If New Prague Mill, LLC would like to go forward with this idea, they would either need a conditional use permit, which is a permanent long-term plan or an interim use permit, a short-term plan. If this were fully enclosed, there would not be much discussion on this since the property currently allows industrial use. However, it would be considered outdoor repair.

Gibson asked about the Planning Commissioners' initial thoughts.

Meyer sees a need for that use and there is currently a structure in place that is probably the best they'll find in the five-state area. He'd like to support that business.

Gengel said she felt conflicted with the original vision on the property.

Pike also felt conflicted. He'd like to see a timeframe for the business.

B. Unified Development Code Discussion – Bolton & Menk

Jeff Matzke from Bolton & Menk explained that he will be the Project Manager for New Prague's Unified Development Code. The Unified Development Code refers to the rewrite of the Zoning Ordinance and Subdivision Ordinance. They intend to make Zoning and Subdivision Codes more visual, and user-friendly. Not only will it be more understandable for staff but also for residents and businesses. Engagement for the UDC update may include pop-ups, focus groups, open houses, online survey, Story Maps, and social media. The UDC started in November/December of 2024 and anticipated end date of December 2025. The Steering Committee will consist of the Planning Commission.

Matzke introduced a variety of discussion topics. The first discussion topic is the architectural design standards for commercial/industrial/central business (downtown). In some communities they have flexible design standards in which there are 8-12 standards and business owners must choose 5-6 standards to comply. These standards could include varying color, changing the building wall, or varying the height, etc. It makes the business owners feel like they have some control over their design.

Planning Commissioners liked the approach that was introduced. There have been complaints from business owners about the strictness of the design standards. This approach can definitely be done in the commercial and industrial districts. Balances control and flexibility. There are no design standards for the industrial district. There isn't anything unappealing about what is currently allowed in commercial districts but screening along districts would be beneficial. Downtown standards should be less stringent.

Matzke introduced residential clustering developments as a topic of discussion. An example of residential clustering would be a 20-acre site but cluster the homes in an area, providing more condensed utilities and infrastructure while preserving land such as trees and wetlands.

Pike inquired about the incentive of doing clustering instead of utilizing the entire land area.

Planning /Community Development Director Ondich said it would reduce the lineal feet of roadway and utility piping for water and sewer.

Matzke wanted the Planning Commission to discuss PUDs and specifically what unique benefits or amenities they get out of it.

Planning / Community Development Director Ondich said that they haven't gotten much out of PUDs and haven't done any in a while.

Matzke said that was likely because there isn't strong language. Developers want to know at the beginning of the project what things may be desired. For instance, you could promote Lifecycle Housing, or City's donation of land to provide public amenities such as booster stations, trails, etc.

The Planning Commission noticed that lots of amenities in parks are separate such as wooded areas or prairies.

Matzke inquired if there are environmental issues that have arisen from the subdivision process. For example, is there anything supplemental but not specifically noted in the code?

Planning / Community Development Director Ondich didn't have anything in particular that staff thought should have been included when doing a residential home review. Anything that was concerning, have been added to the code.

The Planning Commission did note that one issue would be tree preservation. There was land near Cherrywood Dr NE, where a developer chopped down all the trees for a new subdivision.

Matzke said that there could be encouragement for tree replacement. For instance, you could mention to the developer that the existing trees could count toward the minimum tree

requirements. In Prior Lake, they had a Heritage Tree, an older and mature tree. That one tree could potentially count as three trees based on the inches of the trunk.

Matzke discussed code flexibility for nonconforming lots. The City has been granting several variances for nonconforming lots due to not complying minimum lot width, and lot area, lot depth. He asked if the Planning Commission wanted to explore flexibility towards the nonconforming lots.

The Planning Commission noted that there have been issues or variances related to concrete step replacement or front decks. There are pros and cons to this. The City has more of a say and control when property owners come and request variances. It prevents people from doing things they're not supposed to be doing. There have been issues with fences especially when abutting more than one frontage or major thoroughfares. There have been multiple variances for signs related to size or electronic signs.

Matzke asked the Planning Commission if there was interest in Accessory Dwelling Units (ADUs) and Short-Term Rentals (less than 14 days).

Planning / Community Development Director Ondich stated that since the City started doing rental inspections, there have been some short-term rentals. ADUs have been brought up at City Council. At the time, the City Council was against ADUs, but the attitude now may be different. There were some preexisting ADUs in older homes that were grandfathered in. Most ADUs were above garages.

The Planning Commission said it would be worth exploring ADUs.

Matzke introduced the application process. Perhaps there are too many conditional uses that should be streamlined to permitted. Sometimes property owners may see variances or conditional uses as a burden or a hurdle.

The Planning Commission noted that in other communities the Planning Commission is the final say for variances in particular and does not get forwarded to the City Council. New Prague requires all planning permits to be approved as a final vote by the City Council. It might make sense to have the City Council's opinion on conditional uses but maybe not for variances. The Planning Commission also has one City Council member on the board. The City Council member hears the request twice. A lot of applicants may have a time crunch, but the Planning Commission only meets once a month. Sometimes there's not a quorum, therefore, it gets pushed back a month, putting more stress on the applicant if their project is time sensitive.

Matzke asked if the Planning Commission had any engagement opportunities.

The Planning Commission stated that there should be a clear understanding of what the Unified Development Code is and what it means to the landowners as well as properties outside of City limits. As a suggestion, maybe there could be identification of changes, so the city knows who to talk to. There could be notification in the newspaper.

Matzke said that they would condense information to highlight drastic proposed changes such as the architecture design standard choices. At a pop-up event, staff could hand out surveys or provide pictures/boards. The pop ups should feel interactive and fun. Social media can also be utilized.

C. Monthly Business Update

The monthly business update was reviewed as information only.

7. Adjournment

A motion was made by Pike, seconded by Gengel, to adjourn the meeting at 9:38 pm. Motion carried (3-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kyra J. Chapman". The signature is written in a cursive, flowing style.

Kyra J. Chapman
Planner