

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, August 28th, 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, Shawn Ryan, and Ann Gengel. Absent was Jason Bentson.

City Staff Present: Ken Ondich – Planning / Community Development Director

**2. Approval of Meeting Minutes**

**A. July 24th, 2024 Regular Meeting**

A motion was made by Pike, seconded by Ryan, to approve the July 24<sup>th</sup> regular meeting minutes. Motion carried (4-0).

**3. OLD BUSINESS**

**A. None.**

**4. NEW BUSINESS**

**A. Request for Variance #V5-2024 – Parking Setback and Stall Size**

Planning/Community Development Director Ondich introduced V5-2024. He stated that the applicant was previously approved for Variance #V3-2024 for density and parking per unit variances and that prior to that in 2020 the site was approved for north and south property line setbacks. He stated that the current variance for a 4.5' encroachment and reduction of stall depth from 20' to 18' were needed to fit parking on the site to achieve ADA routes with the grades and shape of the lot. He stated that staff recommended approval of the variance with the findings and conditions listed in the staff report.

Chair Meyer stated that he would be concerned about vehicles sticking out into the drive aisle.

A motion was made by Ryan, seconded by Pike, to open the public hearing (4-0). Public hearing opened at 6:41pm.

A motion was made by Ryan, seconded by Pike, to close the public hearing at 6:42 pm. Motion carried (4-0).

Commissioner Ryan asked if extra landscaping could be required to soften the look of the parking lot from the road. He stated that he believed that additional landscaping would be warranted as this lot would have cars parked all the time versus adjacent commercial lots which are empty during non-business hours.

Planning / Community Development Director Ondich stated that conditions can be added to variance approvals as long as the conditions have an essential nexus to mitigating the effects of the variance being granted. He stated that for comparison purposes, the normal tree spacing for the perimeter of parking lots by a road is a 40' minimum, but that the spacing is reduced to 30' for parking lots not adjacent to a roadway. He said that business parking lots normally want to maintain more visibility which the ordinance provides, but in this case, maintaining visibility is not as important so he suggested the consideration of a condition to require perimeter trees be planted at a minimum of 30' spacing.

Marv Deutsch, landowner and partner with the applicant, stated that earlier in the afternoon prior to the meeting, they had revised the site plan and only needed a 1' variance for the parking lot within the 15' required setback, but that they would still need parking stalls reduced to 18'.

General consensus of the Planning Commission was positive, but that the landscaping spacing should be a minimum of 30' along roadways. They also asked about landscaping on the west side of the building.

Jake Budenski, Ebert Construction, stated that they would at minimum have landscaping with shrubs along the west side.

The Planning Commission asked for clarification regarding other cities allowing reduced parking depth if the area for bumper overhang is provided.

Planning / Community Development Director Ondich stated that under the City of Shakopee's and Lakeville's provisions, they allow for reduced stall depth if either the spaces abut an open grassy area or if a sidewalk is adjacent, that a minimum accessible route can be maintained. In this case, the east parking stalls are adjacent to an open grassy area and not a sidewalk.

A motion was made by Ryan, seconded by Pike to recommend approval of V5-2024 with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because apartment buildings are a permitted use in the RH High Density Residential Zoning District and off-street parking is a permitted accessory use.
- B. The requested variance is consistent with the comprehensive plan because apartments are a permitted use in the RH High Density Residential Zoning District.
- C. The applicant will use the property in a reasonable manner which would be an apartment building use.

- D. Unique circumstances apply to this property over which the property owners had no control and which do not generally apply to other properties in the vicinity because the lot has an unusual shape and abuts two public roadways and requires a unique building layout to fully utilize the property and provide parking to meet the minimum parking stall requirements while also maintaining accessible routes.
- E. The variance does not alter the essential character of the neighborhood because apartments are a permitted use in the RH High Density Residential Zoning District which contains another multifamily unit one block to the west, and the variance for the parking lot setback is minimal and is far enough away from any intersection to not cause any sight line issues.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the parking spaces on the site to not only meet the minimum number required but provide one additional space over the minimum.

And with the following conditions:

- 1. Perimeter parking lot landscaping trees are required at a spacing of no more than 30' versus the typical ordinance requirement spacing of no more than 40'.
- 2. The City Council approves the applicant must enter into an encroachment agreement for the easement encroachment whereby they agree they are responsible for any removal and replacement of landscaping should work within the utility easement necessitate it.

Motion carried (4-0).

### **B. Request for Variance #V6-2024 – Driveway Setback Variance**

Planning/Community Development Director Ondich introduced V6-2024. He stated that the property was previously approved for Conditional Use Permit #C5-2024 and Variance #V4-2024 that approved for the indoor firing range and that Interim Use Permit #I1-2024 was approved for a religious institution in the same building and that the existing uses share a parking area. He stated that the property owner is seeking a variance to install a one-way driveway to provide ADA parking stalls near the front entrance of the indoor firing range, but that the driveway would be only 21' from the intersection versus the ordinance required 100'. He stated that staff recommends approval of the variance with the findings and one condition listed in the staff report.

Commissioner Pike asked if staff were concerned about the drive aisle running past the front door.

Planning / Community Development Director Ondich stated that it would be very low volume and that the drive aisle is 14' wide whereas vehicles are not that wide, meaning there should be plenty of room.

Rick Kaun, applicant representative, stated that the entrance/exit door will be on the north portion of the building by the drive aisle and will have a canopy over it. He stated that they wanted the ADA stalls by the front door for convenience for the users of the gun shop/range. He stated that the gun range should be breaking ground soon, but they would like to do this improvement regardless.

Chair Meyer asked about the gas lines on the southeast corner of the building.

Mr. Kaun indicated that they would be adding a bollard there, but that the meter actually encroaches on public right of way.

Commissioner Pike asked what the long term plan for the site/building is.

Mr. Kaun indicated that they want to have two or three anchor tenants, one of which is the gun range. They also believe the north end would be great for a restaurant or distillery and the post office has an interest residing in the building as well.

A motion was made by Pike, seconded by Gengel, to open the public hearing (4-0). Public hearing opened at 7:15pm.

Joe Nadeau, 212 2<sup>nd</sup> Street SW, stated that he doesn't have an issue with the gun range or the variance, but noted that he believes Mach Lumber causes congestion on 2<sup>nd</sup> Ave. SW and that traffic at the intersection of 2<sup>nd</sup> Ave. SW and 2<sup>nd</sup> Street SW might need a stop sign.

Planning / Community Development Ondich stated that staff would evaluate the request for a stop sign.

A motion was made by Pike, seconded by Ryan, to close the public hearing at 7:16 pm. Motion carried (4-0).

A motion was made by Pike, seconded by Meyer to recommend approval of V6-2024 with the following findings:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner in that the variance is only needed for a one-way driveway access that will reduce traffic conflicts and provide more appropriate handicap parking.
- 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 building is very close to 2<sup>nd</sup> Ave SW and with the need of two handicap parking

stalls closest to the entrance, there would be no room to have the driveway be further from the intersection.

- E. The variance does not alter the essential character of the neighborhood because there are several building in the area that have reduced setbacks, which causes driveways to be closer to the intersection.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow vehicles to enter from both 2<sup>nd</sup> St SW and 2<sup>nd</sup> Ave SW as well as providing handicap stalls that are closer to the building entrance.

And with the following condition:

- 1. The driveway access must meet all the comments made by the City Engineer dated on 8/20/2024.

Motion carried (4-0).

### **C. Request for Variance #V7-2024 – Sign Size Variance**

Planning/Community Development Director Ondich introduced V7-2024. He stated that the site was originally approved for a sign variance for a monument sign at 70 sq. ft.. However the monument sign was never utilized but the building has always had a sign on it's face over the 12 sq. ft. maximum in the RL-90 Single Family Zoning District. He stated that the Community Center Ice Arena recently removed their existing building sign and replaced it with a new 17 sq. ft. sign which exceeds the ordinance requirement for size. It was noted that the sign would only take up less than 1% of the building face versus if the building was located in a commercial district, the building sign would be permitted for up to 15% of the building face. He stated that staff recommends approval of the variance to allow the building sign with the findings listed in the staff report.

A motion was made by Ryan, seconded by Gengel, to recommend approval of V7-2024 with the following findings:

- 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.

Motion carried (4-0).

#### **D. Preliminary and Final Plat of Tracker Addition – 1 Lot on 8.31 Acres**

Planning/Community Development Director Ondich introduced the preliminary and final plat for Tracker Addition. He stated that the property is unplatted and per the zoning ordinance is not eligible for a building permit until it is platted. He stated that the plat consists of 1 lot on 8.31 acres and that Tracker Trucking has operated from the site since 2015 and operates under a conditional use permit approved that same year. He stated that the existing buildings on the site do not meet setbacks to 5<sup>th</sup> Ave. SW but are considered legal non-conforming and that a conservation easement will be required for 25' around each wetland edge as shown on the plat and the edge will be marked by signs at 200' spacing. He stated that development fees include the water area access charge and emergency warning siren area charge. He stated that MnDOT had not yet provided final comments. He stated that staff recommends approval of the preliminary and final plat with the findings and conditions listed in the staff report.

A motion was made by Pike, seconded by Ryan, to open the public hearing (4-0). Public hearing opened at 7:33pm.

No comments were received.

A motion was made by Ryan, seconded by Gengel, to close the public hearing at 7:34 pm. Motion carried (4-0).

A motion was made by Ryan, seconded by Gengel, to recommend approval of the preliminary and final plat of Tracker Addition with the following findings:

1. The preliminary and final plat complies with the purpose and intent of the New Prague Comprehensive Plan and Subdivision Ordinance.
2. The plat conforms to the requirements of the B-3 Highway Commercial Zoning District which it is located.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated 8/15/24 and final plat drawing (undated) on file with the New Prague Planning Department.
2. The applicant must comply with the recommendations of the Public Works Director, Utilities General Manager, and City Engineer.
3. The applicant must comply with the recommendations of MnDOT District 7.
4. Development Fees are required to be collected as follows:
  - a. Emergency Warning Siren Fee - \$1,371.15
  - b. Water Area Access Charge - \$23,384.34
  - c. Park Land Dedication – Determined at the time of future building permit application if employees are being added with a land value to be calculated at that time.
5. The final plat must be recorded within 90 days of the date of the City Council granting approval per Chapter 051 (E) of the Subdivision Ordinance.
6. All requirements of the City Attorney’s Plat Opinion must be complied with prior to executing signatures on the final plat.
7. The City of New Prague accepts the proposed conservation easements and the conservation easements around the wetland areas are required to have signage installed per Zoning Ordinance Section 734, Section 4 (E)(12) which states that the signs shall be installed at 200’ intervals along the wetland easement to define its edge. The signs must be at least 12” x 12” in size at least 4’ above grade.

Motion carried (4-0).

## **5. Miscellaneous**

### **A. Discuss Subdivision Ordinance Amendment Requiring Sidewalks on Both Sides of all New Streets**

Planning Community Development Director Ondich presented a concept report discussing the possibility of requiring a sidewalk on both sides of all new streets in new developments, not for street reconstruction projects.

Discussion of the Planning Commissioners included whether cul-de-sacs and short stub streets need sidewalks on both sides or even sidewalks at all. Generally, the Planning Commission liked the idea of sidewalks and the requirement of sidewalks on at least one

side of each street that is currently in the subdivision ordinance but did not believe the ordinance should blindly require sidewalks on each side of a street no matter what. Concerns were raised about sidewalks installed in new developments ending at older developments. It was noted that the draft mobility map in the new Comprehensive Plan provided specific trails and sidewalks for existing parts of town, but the Planning Commission thought requiring sidewalks no matter what on both sides might be overkill. Ultimately, the Planning Commission recommended staff look into language that states the city may require sidewalks on both sides of new developments, but not blindly require them without further review.

## **B. Monthly Business Update**

Planning Director Ondich introduced the business updates. He explained that one new permit was issued in July, a building permit was applied for the 2 If By Sea Indoor Firing Range and that the Rusty Spoke opened on August 1st.

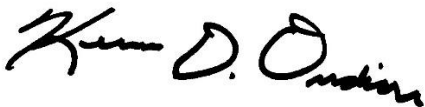
## **C. Comprehensive Plan / Small Area Plan Update**

Planning Director Ondich explained that staff was reviewing the final draft of the Comprehensive Plan this week and that the next steps would be a final steering committee meeting, followed by a public hearing for the plat at the September 25<sup>th</sup> Planning Commission meeting and final approval by the City Council sometime in October. He also stated that the Small Area Plan will be completed once MSA provides the overall grading plan and that the City Council had approved the City Engineer, SEH, to prepare plans and specs for grading work for the POS area, specifically within the small area plan study area.

## **6. Adjournment**

A motion was made by Ryan, seconded by Gengel, to adjourn the meeting at 7:56 pm. Motion carried (4-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive style with a large initial "K" and "O".

Kenneth D. Ondich  
Planning / Community Development Director