



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: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT #C4-2024 TO PROVIDE OUTDOOR SEATING AT SUGAR ROSE BAKESHOP LOCATED AT 120 MAIN ST W IN THE B1 - CENTRAL BUSINESS DISTRICT, AS PROPOSED BY JODY BREATHWAITE.
DATE: SEPTEMBER 26, 2024

Planning Commission Summary

At the Planning Commission meeting on September 25, 2024, the request for Conditional Use Permit #C4-2024 to allow an outdoor patio for eating services at Sugar Rose Bakeshop at 120 Main St W in the B1 – Central Business District, was recommended for approval by a vote of 3-0. The recommendation is to be forwarded to the City Council on October 7th.

At the public hearing, no public comment was given.

The Planning Commission’s recommendation for approval is contained in the drafted resolution for the Council’s consideration.

Recommendation

The Planning Commission recommends approval of the attached resolution “...Approving Conditional Use Permit #C4-2024...”.

RESOLUTION #24-10-07-04

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING CONDITIONAL USE PERMIT #C4-2024 TO PROVIDE OUTDOOR
SEATING AT SUGAR ROSE BAKESHOP LOCATED AT 120 MAIN ST W IN THE B1 –
CENTRAL BUSINESS DISTRICT, AS PROPOSED BY JODY BREATHWAITE**

WHEREAS, Jody Breathwaite, applicant, and owner Aga Franek of the following real estate in the County of Scott to wit:

Lot 5, Block 2, Original Town of New Prague, Le Sueur County, Minnesota.

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request #C4-2024, a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of September, 2024, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously (3-0) to forward the matter to the City Council with a recommendation for approval subject to the findings and conditions contained in staff report #C4-2024; and,

WHEREAS, the New Prague City Council finds:

- A. The proposed patio area 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 area will only accommodate outdoor seating.
- B. The proposed outdoor furniture will only be located in the front of the building far away from single family residential homes and which is compatible with adjacent residential apartments and will not cause a depreciation in their value.
- C. The proposed patio and site will improve the front appearance of the building and will not adversely affect adjacent residential apartments.
- D. The proposed outdoor dining area is reasonably related to the overall needs of the City and existing land use as the proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 Central Business Zoning District.
- E. The proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.

- F. The proposed outdoor seating area is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.
- G. Th proposed outdoor patio will not cause traffic hazards or congestion as it provides only 4 seats and no off-street parking is required for any uses in the B-1 district.
- H. Adequate utilities, access roads, drainage and necessary facilities have been provided.

WHEREAS, the New Prague City Council approves the request with the following conditions:

1. Approval is subject to the site plan dated 9/4/24 on file with the New Prague Planning Department which complies with the requirements of Section 733 of the Zoning Ordinance.
2. Plans must continue to follow MnDOT’s comments dated 9/9/2024.
3. Outdoor furniture must be removed during winter months when snow removal would be expected to be occurring.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that Conditional Use Permit #C4-2024 to allow outdoor seating at the Sugar Rose Bakeshop located at 120 Main St W in the B1 – Central Business District, is hereby **approved**.

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

Passed this 7th day of October 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 CONDITIONAL USE PERMIT #C4-2024 TO PROVIDE OUTDOOR SEATING AT THE SUGAR ROSE BAKESHOP LOCATED AT 120 MAIN ST W IN THE B1 - CENTRAL BUSINESS DISTRICT, AS PROPOSED BY JODY BREATHWAITE.
DATE: 9/16/24

Background / History

In 2023, Sugar Rose Bakeshop relocated from the strip mall at 801 1st St SE to its current location downtown at 120 Main St W in the B1-Central Business District. The main floor of the existing building is occupied by Sugar Rose Bakeshop and the top floor are short term rental dwelling units. Earlier this summer, staff were notified that the business had tables and chairs located in front of the building along the sidewalk of Main St W. According to the Zoning Ordinance, commercial businesses in the B1 District must have a conditional use permit to have outdoor seating/dining areas. The chairs and tables in front of the building have since been removed. However, there is still an outdoor seating area on the side of the property but that is only designated and utilized by the tenants. Conditional use permits are not required for dwelling units. The applicant is requesting to put two tables and four chairs in front of their building on the sidewalk of Main St W.

Legal Description

Lot 5, Block 2, Original Town of New Prague, Le Sueur County, Minnesota.

Zoning

The property is zoned B1 Central Business District. The proposed outdoor seating area for restaurants is listed as a conditional use in the B-1 Central Business District which is why the Conditional Use Permit is required. The B-1 District also does not require off-street parking for any use, does not have minimum lot size requirements and also does not have minimum setbacks for buildings or other accessory uses other than to an alley and railroads.

Outdoor Patio Standards

Zoning Ordinance Section 733 contains performance standards relating to outdoor seating for restaurants in the City as follows:

733 Outdoor Seating for Restaurants and Drinking Establishments

1. *Restaurants, drinking establishments, and restaurants, may provide outdoor seating for their patrons with an approved Conditional Use Permit provided that the following requirements are met:*
2. *For all establishments:*
 - A. *The seating shall be located on private property and outside of any recorded easement areas and demonstrated on a site plan.*
 - B. *The seating shall consist of good quality patio or café type furniture that enhances the appearance of the business.*
 - C. *No beverages or food shall be served to persons outside of the designated outdoor seating area.*
 - D. *The seating area, if not slab on grade, shall be subject to applicable setback requirements.*
 - E. *The seating area shall have a permanent surface of concrete, asphalt, wood or other fabricated construction material.*
 - F. *The seating shall be located so as not to compromise safety. Seating shall not obstruct the entrance or any required exits or be located on landscaping or parking areas. If located on private sidewalks or walkways, it shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians. Applicable building and fire codes for ingress and egress shall be met.*
 - G. *No additional parking is required for 30 outdoor seats or less. Any additional seating over 30 seats shall provide required parking based on one space per three seats.*
 - H. *The outdoor seating area shall be subordinate to the principal use and shall not exceed 40 percent of the square footage of the principal use building space.*
 - I. *Noises on the outdoor seating area shall be subject to City Code Section 92.18(S).*
 - J. *Lighting shall be permitted to the extent that it only illuminates the designed area. Lighting must otherwise meet the standards listed in Section 704 of this Ordinance for Glare.*
 - K. *The business owner or designated person shall inspect the premises on a daily basis including all adjacent streets, sidewalks, alleys, parking areas and sidewalks within 100 feet and remove all litter. Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc. must be provided in close proximity to the outdoor seating area.*
 - L. *Additional conditions may be imposed by the City and listed on the approved conditional use permit including but not limited to hours of outdoor seating area use and additional screening or buffering to residential zoned or used areas.*
 - M. *No external music, live or recorded, shall be allowed after 10:00PM. It also shall not be audible from a distance of more than 50' from the edge of the defined patio area at any time.*

The applicant intends to place two small bistro tables and four chairs in front of Sugar Rose Bakeshop. The patio furniture would be placed on the large sidewalk of Main St/TH 19. The patio chairs have a width of 21.7” and the diameter of the tables is 20.5”.

According to the as-builts for the TH19 Reconstruction project in 2020, Sugar Rose Bakeshop’s (formally known as Farmhouse Market) property line extends approximately 1’ 8” north from their building. The width of the sidewalk to the curb in front of the property is roughly 12’ 9” wide. Zoning Ordinance section 733 (2) (A) requires that outdoor seating must remain on private property. Due to the width of the existing 12’ 9” sidewalk, the proposed patio furniture satisfies the 4’ minimum passageway for pedestrians.

The side and rear of the property have existing outdoor seating areas, but these areas are designated for the tenants who reside above the first floor of Sugar Rose Bakeshop. Conditional use permits are not required for housing/dwelling units. Customers of Sugar Rose Bakeshop may only utilize the patio furniture in front of their building.

Neighborhood Conditions

The subject property as well as all adjacent to the east and west are largely zoned B1-Central Business District.

North – B1-Central Business District, and RL84-Single Family Residential District.

South – B1-Central Business District, and RL70-Single Family Residential District.

West – B1-Central Business District, and I1-Light Industrial District

East – B1-Central Business District

Several buildings in the B1-Central Business District were constructed between the 1880s to the 1940s. Most of the buildings in this district are currently used for commercial retail use or as drinking/dining establishments with some having rental dwelling units above. Within the City, there are some businesses that were approved outdoor dining areas through a conditional use permit. For example, there is Outlaw Saloon at 103 Main St W, 1319 Woodfire Tavern at 125 E Main St, Local 105 at 105 Main St E, and Giesenbrau Bier Co. at 1306 1st St NE.

Parking

Off-street parking is not required in the B-1 Central Business District. **No additional parking is required if there are 30 outdoor seats or less.** Any additional seating over 30 seats shall provide required parking based on one space per three seats. The applicant is proposing to have 4 outdoor seats; therefore, no off-street parking is required.

Public Works Considerations

Public Works Director Matt Rynda and Utilities General Manger Bruce Reimers did not have any comments on the subject.

FEMA Flood Plain

N/A

Police Chief and Fire Chief Comments

Police Chief Tim Applen and Fire Chief Steve Rynda did not have any comments.

Building Official Comments

Building Official Scott Sasse did not have any comments.

County Highway Department Comments

N/A

State Highway Department Comments

Comments were solicited on 9/9/2024 from Angela Piltaver, Principal Planner with MnDOT:

Based off the plan and aerial imagery, it appears that there should be plenty of space to maintain a clear path for the pedestrian accessible route (PAR) through this area (minimum of 6' width) with the table and chairs occupying roughly 20 inches of space adjacent to the building front that has been identified in the drawing.

Conditional Use Permit Findings

Section 505 of the Zoning Ordinance states that when granting a conditional use permit the City Council shall make the following findings:

- 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. (The proposed patio area 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 area will only accommodate outdoor seating.)
- 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. (The proposed outdoor furniture will only be located in the front of the building far away from single family residential homes and which is compatible with adjacent residential apartments and will not cause a depreciation in their value.)
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. (The proposed patio and site will improve the front appearance of the building and will not adversely affect adjacent residential apartments.)
- D. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use. (The proposed outdoor dining area is reasonably related to the overall needs of the City and existing land use as the proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 Central Business Zoning District.)
- E. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. (The proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.)
- F. The use is not in conflict with the Comprehensive Plan of the City. (The proposed outdoor seating area is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.)

- G. The use will not cause traffic hazard or congestion. (The proposed outdoor patio will not cause traffic hazards or congestion as it provides only 4 seats and no off-street parking is required for any uses in the B-1 district.)
- H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities have been provided.)

Section 505 of the Zoning Ordinance also states that conditions may be placed upon the approval as are considered necessary to protect the public health, safety and welfare.

Staff Recommendation

Staff recommends approval of Conditional Use Permit #C4-2024 to allow outdoor seating at Sugar Rose Bakeshop located at 120 Main St W in the B1-Central Business District, with the following conditions:

1. Approval is subject to the site plan dated 9/4/24 on file with the New Prague Planning Department which complies with the requirements of Section 733 of the Zoning Ordinance.
2. Plans must continue to follow MnDOT's comments dated 9/9/2024.
3. Outdoor furniture must be removed during winter months when snow removal would be expected to be occurring.

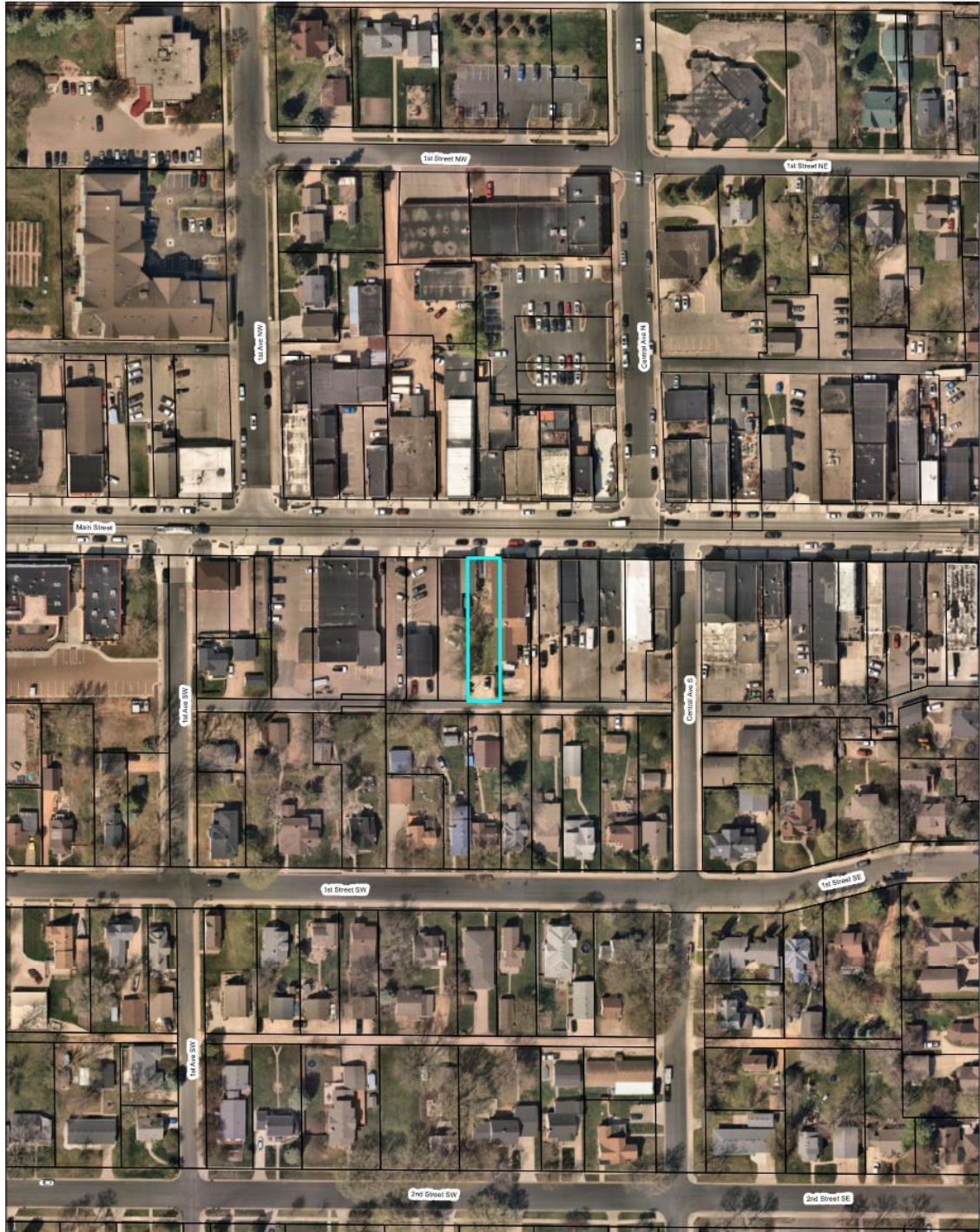
And making the following findings to approve the conditional use permit:

- A. The proposed patio area 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 area will only accommodate outdoor seating.
- B. The proposed outdoor furniture will only be located in the front of the building far away from single family residential homes and which is compatible with adjacent residential apartments and will not cause a depreciation in their value.
- C. The proposed patio and site will improve the front appearance of the building and will not adversely affect adjacent residential apartments.
- D. The proposed outdoor dining area is reasonably related to the overall needs of the City and existing land use as the proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 Central Business Zoning District.
- E. The proposed outdoor seating area is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.
- F. The proposed outdoor seating area is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.
- G. Th proposed outdoor patio will not cause traffic hazards or congestion as it provides only 4 seats and no off-street parking is required for any uses in the B-1 district.
- H. Adequate utilities, access roads, drainage and necessary facilities have been provided.

Attachments

1. Aerial Site Map – Dated 9/11/24
2. Aerial Zoning Site Map – Dated 9/11/24
3. Outdoor Seating Site Plan – Dated 9/4/24
4. TH 19 As-Built – 12/22/22
5. Proposed Patio Furniture – Dated 9/9/2024
6. Oblique Air Photo – Dated 4/12/23
7. Google Street View – Aug 2023

Site Map



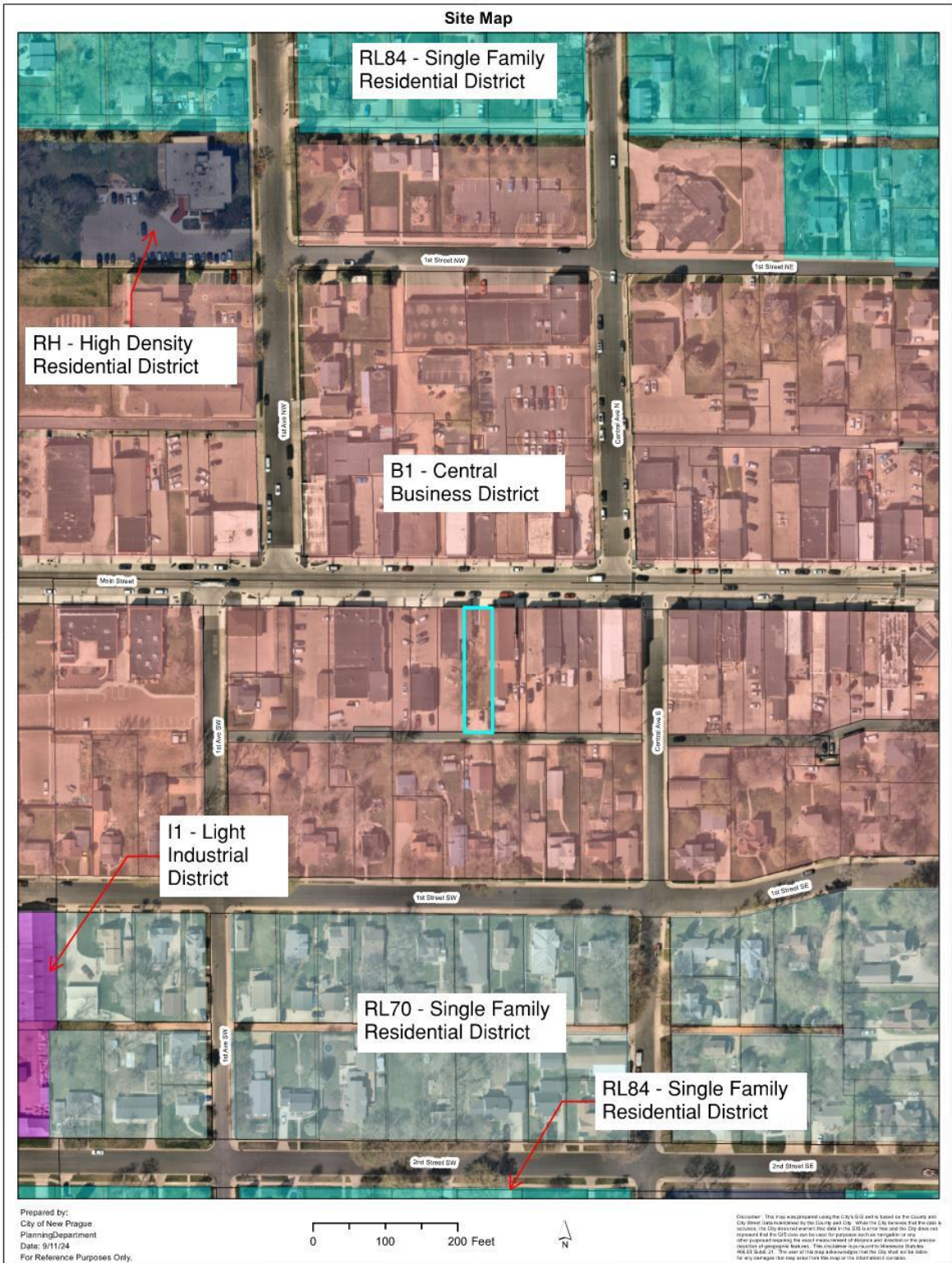
Prepared by:
City of New Prague
Planning Department
Date: 9/11/24
For Reference Purposes Only.

0 100 200 Feet



Disclaimer: This map was prepared using the City's GIS and is based on the County and City Street Centerlines by the County and City. While the City believes that the data is accurate, the City does not warrant the data in the GIS or on this map. The City does not represent a 100% correct or complete GIS system for New Prague. Any other information regarding the exact placement of markers and dimensions for the precise location of property markers. The resolution for the GIS data is 10 meters. It is the user of this map who acknowledges that the City shall not be liable for any damages that may result from the use of this map or the data provided hereon.

Aerial Site Map



Aerial Zoning Site Map

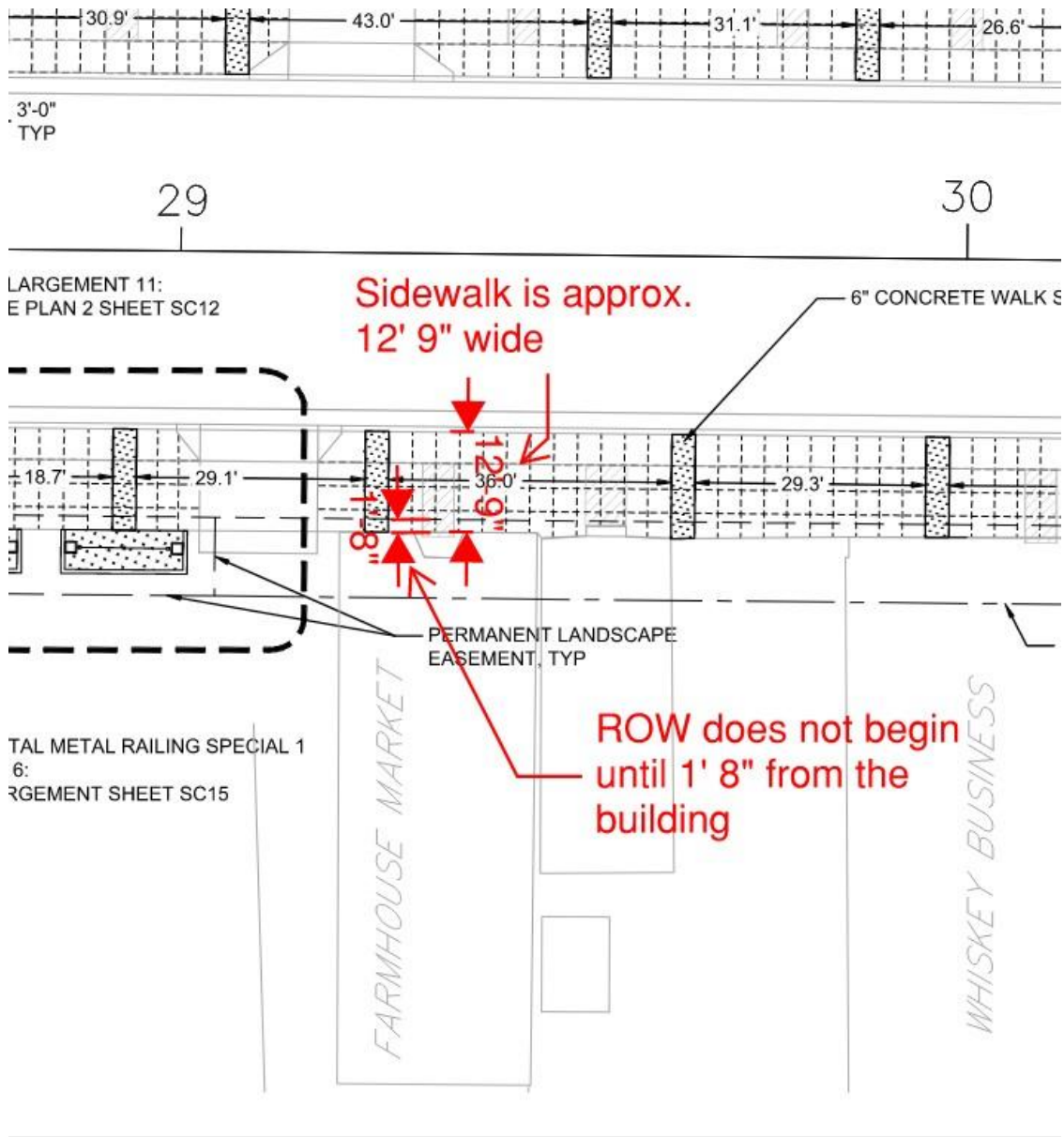


Note: There would be a table identical to the other one on the right side.
_{3 Chairs}

Outdoor Seating Site Plan



Outdoor Seating Site Plan



TH19 As-builts – Property and ROW Markup

Brand: KROFEM

4.6 ★★★★★ 275

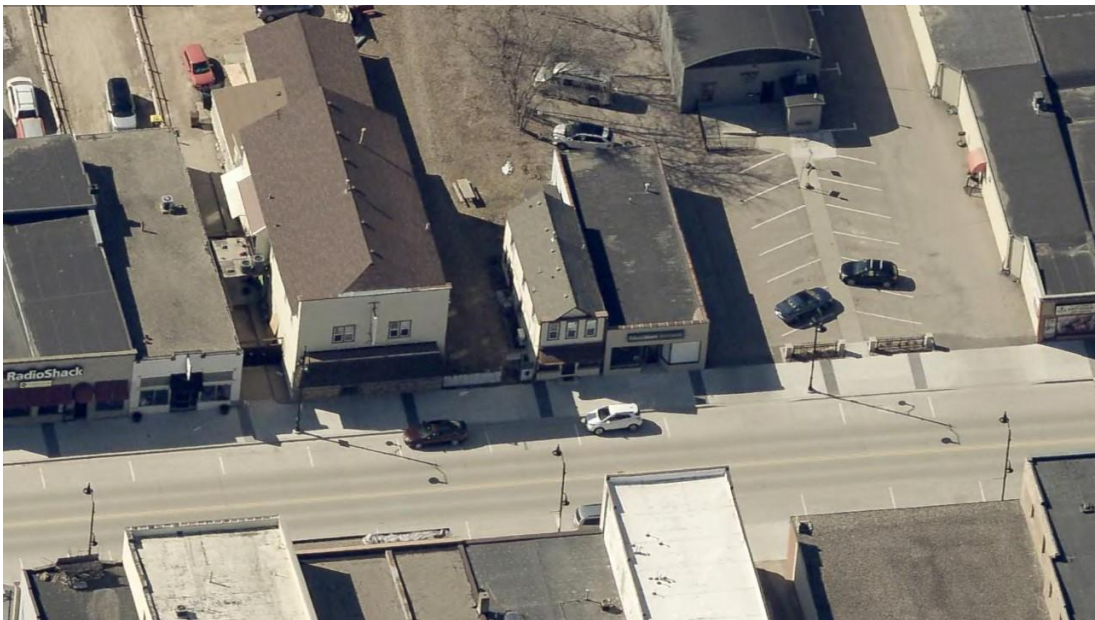
3 Pieces Wicker Patio Bistro Furniture Set, Includes 2 Chairs and Glass Top Table, Ideal for Porch, Outdoor, Backyard, Apartment, Balcony Natural Color

200+ bought in past month

Product size



Proposed Patio Furniture



Oblique Aerial Image



Google Street View – Front Area of Sugar Rose Bakeshop