

RESOLUTION #CC-26-03-02-01

RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE #V1-2026 TO REDUCE FRONTAGE TREE SCREENING REQUIREMENTS AND TO PERMIT PLANTING TREES WITHIN AN EASEMENT ON LOTS 4 AND 5, BLOCK 2, NEW PRAGUE BUSINESS PARK 11TH ADDITION, AS PROPOSED BY AVENTUS INVESTMENTS, LLC

WHEREAS, Aventus Investments, LLC, applicant, regarding the following real estate in the County of Scott to wit:

Lot 4, Block 2, NEW PRAGUE BUSINESS PARK 11th ADDITION, Scott County, Minnesota.
Lot 5, Block 2, NEW PRAGUE BUSINESS PARK 11th ADDITION, Scott County, Minnesota.

is requesting a variance to allow for a reduction of tree frontage screening requirements on the south frontage of the property and to permit planting of landscaping within an easement at the plot of lands being purchased from the New Prague Economic Development Agency; and,

WHEREAS, the New Prague Economic Development Authority is in the process of combining Lots 4 and 5 for the sale to Aventus Investments, LLC, and thus the variance is contingent on this sale and combination of lots; and,

WHEREAS, the New Prague Planning Commission has finished a review of the application and made a report pertaining to said request (#V1-2026), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of February, 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:

- A. The requested variance is in harmony with the general purpose and intent of the Ordinance because landscaping is a permitted use within the I1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because landscaping is a permitted use within the I1 Light Industrial Zoning District.
- C. The applicant will use the property in a reasonable manner by replacing the required frontage landscaped trees with smaller plants, expanding planting islands, and

having a more aesthetically appealing building above and beyond what is required within the I1 Light Industrial District.

- 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 same zone or vicinity in that the property will be multi-use and require additional parking above what is required, requiring that landscaping be in the easements for the parking lot to fit, and by having a more aesthetically appealing building thus requiring less visual screening from the street frontage.
- E. The variance does not alter the essential character of the neighborhood because landscaping is a permitted use within the I1 Light Industrial Zoning District and the enhanced building appearance, despite having less perimeter trees along the front façade along 6th Street NW, will actually have an enhanced appearance over typical required buildings and landscaping plans.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because permitting landscaping within the drainage easement will allow for a larger parking lot without reducing the landscaping requirement entirely, and the applicant will still plant landscaping within the south easement that frames the building rather than hiding it.
- G. The following additional conditions are to be imposed:
 - a. The developer must grade the south right-of-way to accommodate a future trail.
 - b. A grading plan must be provided, and approved by the City Engineer.
 - c. If access to the easement is required, the City or utility company must be reimbursed for the trimming or removal of any landscaping. The property owner is responsible for replacing any removed landscaping during the next available growing season; landscaping removed between October 15th and May 15th must be replaced by July 1st.
 - d. The property owner is responsible for any damage to the storm drain tile line behind the curb caused by tree roots should any maintenance or repair be necessary in the future.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for variance #V1-2026 to allow for a reduction in frontage tree screening requirements and to permit planting trees within an easement, at Lots 4 and 5, Block 2, New Prague Business Park 11th Addition, as proposed by Aventus Investments, LLC, is hereby **approved** based on the above findings.

This Variance approval becomes effective, pending the sale of Lots 4 and 5 from the New Prague Economic Development Authority to Aventus Investments, LLC, and pending the approval of a grading plan by the City Engineer, immediately upon its passage and without publication.

Passed this 3rd day of March, 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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