

Meeting Minutes
New Prague Planning Commission
Wednesday, April 26, 2023

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, 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. March 22nd, 2023 Regular Meeting

It was motioned by Pike, seconded by Gengel, to approve the March 22nd regular meeting minutes. Motion carried (3-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Preliminary and Final Plat of Dohm Subdivision #2

**Brian Dohm – applicant
(Public Hearing Required)**

Planner Chapman introduced the preliminary and final plat of Dohm Subdivision No. 2. The applicant, Brian Dohm, currently owns five consecutive parcels of land that are partially platted and unplatted in the B-3 Highway Commercial Zoning District along 4th Ave SW (Trunk Highway 21 & 13). He intends to convert the five parcels into a single lot that would amass 2.88 acres large so he would be able to construct a new building at the site. The northernmost home and the southernmost commercial buildings aren't meeting setbacks but both buildings are legal-nonconforming structures. The southmost home (307 4th Ave SW) will be demolished. Through the preliminary and final plat, the existing easements from the Dohm Subdivision plat are not vacated and will go through a separate review process at the City Council meeting at their May 15th meeting.

Pike inquired why the vacation easements are discussed at City Council than Planning Commission.

Planning Director Ondich stated that New Prague is a home rule charter city. The charter requires that vacation easements and their public hearings go through City Council.

Gengel inquired which building was going to be demolished.

Chapman explained that the second most north home (307 4th Ave SW) will be demolished.

Gengel inquired what new building will be constructed on the property.

Brian Dohm, the applicant, responded that the new development will be a new warehousing building.

The public hearing was opened at 6:41 pm.

No public comments were received.

The public hearing was closed at 6:42 pm.

A motion was made by Pike, seconded by Gengel, to recommend approval and forward the preliminary and final plat of Dohm Subdivision No. 2 to City Council 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 3/30/23 and final plat drawing (3/28/23) 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. Any repairs or maintenance of all water/sewer stubs are the responsibility of the owner even if they are not being used.
5. Development Fees are required to be collected as follows:
 - a. Emergency Warning Siren Fee - \$237.60
 - b. Water Area Access Charge - \$4,052.16

- c. Park Land Dedication – Determined at the time of future building permit application with a land value of \$2.95 sq. ft. to be used for the calculation.
6. 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.
7. All requirements of the City Attorney’s Plat Opinion must be complied with prior to executing signatures on the final plat.
8. A Wetlands Conservation Act “Certificate of No Loss or Exemption” must be filed prior to the final plat approval.
9. Existing easements from the Plat of Dohm Subdivision are not vacated through the platting process and must be vacated through a separate vacation process.

Motion carried (3-0).

**B. Request for Conditional Use Permit #C4-2023 and Variance #V2-2023 – Retail Sales In Standalone Building at 501 6th Street NW
Howard Braith – applicant
(Public Hearing required)**

Planning Director Ondich introduced conditional permit C4-2023 and variance V2-2023 to allow retail sales in a standalone building in the I-1 Light Industrial District. Howard Braith wants to construct a standalone parts shop that is 3,200 sq ft. on the northern section of the lot. The shop would be used for public retail auto parts sales and also used for parts for their repair shop. The zoning ordinance states that retail sales that are accessory to the principal use of the building may not exceed 30% of the gross floor area of the building and can’t exceed 5,000 sq ft. According to the zoning ordinance, if the building were standalone, retail sales in the building would be limited to 960 sq ft, which is not sufficient retail space. Alternatively, if the retail sales building were added to the existing Braith Auto shop, only 2,976 sq ft of retail sales space would be allowed. Conditional use permits are required for retail sales in I-1 Light Industrial District and a variance is needed to exceed the 30% gross floor area requirement. One new access to the site will be added off of 6th Ave NW, which will be built in 2023.

Pike inquired what triggered the construction of 6th Ave NW.

Planning Director Ondich stated that in normal circumstances, the developer would be required to build out the roads to the edge of the property line at the time of the initial development. When the city first platted the lots, they weren’t selling quickly and the City decided to wait to build the roads until it was known that more development was occurring. All the shovel ready sites in the industrial park being sold, therefore there was a push to construct the roads at this time.

Pike asked if Scott Equipment will be doing curb cuts for their new building.

Planning Director Ondich explained that that is unknown at the moment. Scott Equipment is working on a civil plan with their engineer. The new structure that Scott Equipment intends to construct will be a building for office staff to support their manufacturing site.

The public hearing was opened at 6:59 pm.

Howard Braith, 6208 Le Sueur Ave, stated that there is no timeframe for the construction of the parts shop. The northern section of the property unutilized land which is just being mowed. Based on business success and interest in a parts shop coming in, Braith Auto has considered creating a standalone parts shop.

Meyer asked what the hours of the parts shop will be and when they will open.

Howard Braith reported that he is unsure what the hours will at the moment but it will be determined at a later date pending the retailing entity being determined.

Pike inquired about the statute of limitations on approval of the variance and conditional use permit.

Planning Director Ondich explained that the resolutions will be on file with the county. If the applicant stayed with the layout of the plans, they could execute the plans years later. Modifications may be required if relevant ordinances are amended.

The public hearing was closed at 7:05 pm.

General discussion occurred regarding issuing a variance from an ordinance that was recently passed.

Planning Director Ondich explained that the topic was briefly discussed at a City Council meeting and the general direction to staff was to look at processing as a variance rather than amend a new code at this time.

A motion was made by Pike, seconded by Gengel, to approve and forward Conditional Use Permit #C4-2023 and Variance #V2-2023 to City Council with the following conditions:

1. The site is approved general accordance with the “Grading Plan” dated 3/17/23 and the “Overall Site Layout” dated April 2023 by Bolton & Menk which are on file with the New Prague Planning Department. All buildings must meet applicable setback requirements.
2. The parking lot must have landscaping of trees at 40’ spacing adjacent 6th Ave. NW. All trees must be 6’ tall at minimum at the time of planting.
3. A minimum of 11 parking spaces are required for a 3,200 sq. ft. retail building.
4. All lighting must conform to Section 704 of the Zoning Ordinance for Glare and be approved by the City prior to installation by submitting a lighting plan for final approval.

5. All recommendations of the City Engineer, New Prague Public Works Department, Utilities Department, Building Official and Fire Department must be complied with prior to final occupancy of the site.
6. General building appearance must be comparable with the existing building on the site and include a 4' brick wainscot along the elevation that faces 6th Ave. NW.
7. 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 not necessarily limited to any fees charged by the city's professional consultants in accordance with established rates.
8. 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.

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

- A. The proposed use of a new standalone building for retail sales will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because a previous traffic study indicated buildout of the existing industrial park land will not create a need for transportation improvements and because the new building will be accessed via 6th Street NW and 6th Ave. NW which are both collector roads.
- B. The proposed new standalone building for retail sales is not located near any residentially zoned or used land so that it will not depreciate existing home values or be a deterrence to development of vacant land.
- C. The proposed new standalone building for retail sales is reasonably related to the overall needs of the City and to existing land use, as it will provide retail sales within an appropriate industrial zoning district in which it is listed as a conditional use.
- D. The proposed new standalone building for retail sales is consistent with the purposes of the Zoning Ordinance and the purposes of the I-1 Light Industrial Zoning District as the proposed use is specifically listed as a conditional use.
- E. The proposed new standalone building for retail is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the I-1 Light Industrial Zoning District.
- F. The proposed new standalone building for retail sales will not generate any significant additional traffic and the previously completed traffic impact study noted additional traffic control measures are not required until further development of the industrial park occurs to the north.
- G. The proposed new standalone building for retail sales will have adequate utilities, drainage and access roads.

And making the following findings to approve the variance to exceed the 30% retail limitation in a building:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because retail sales is a conditional use in the I-1 Light Industrial Zoning District.

- B. The requested variance is consistent with the comprehensive plan because retail sales 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 to exceed the limit of 30% of a building being allowed to be used for retail sales and if the use was attached with the other existing building on the property, the 30% limit would allow 2,976 sq. ft. of retail sales, while this proposed building is 3,200 sq. ft.
- 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 vicinity because the site is a corner lot and the existing building is not readily conducive to an addition for the retail building as an addition to the existing building.
- E. The variance does not alter the essential character of the neighborhood because surrounding land to the north, south and west are industrially used and it is noted that a conditional use permit for 2,414 sq. ft. of retail sales in the industrial park was recently issued on the west end of the industrial park.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the retail sales in a standalone building which will utilize remaining land on the property and be more cost effective than trying to include it as part of the existing building.

Motion carried (3-0).

5. Miscellaneous

The following miscellaneous items were reviewed as information:

A. Comprehensive Plan Update

Planning Director Ondich stated that the Joint Planning Commission and Council Workshop will be occurring on Monday May 8th. The meeting will likely last an hour and a half, in which Planning Commission and City Council will get to do the Strengths, Weaknesses, Opportunities, and Threats (SWOT) exercise. The exercise will help MSA collect more information on the community and guide the Comprehensive Plan. For the time being staff and residents can learn more about the Comprehensive Plan and provide feedback on newpragueplan.com.

B. Monthly Business Updates

Planning Director Ondich introduced the April business updates. In March, there were two residential home permits issued and Lucas Properties – New Prague (Scott Equipment) closed on the shovel ready industrial park lot. Brick’s Boatworks and CVF Racing are in the process of the final purchase and development agreements for the remaining six lots in the industrial park.

6. Adjournment

A motion was made by Pike, seconded by Gengel, to adjourn the meeting at 7:09 pm. Motion carried (3-0).

Respectfully submitted,

Kyra J. Chapman

Kyra J. Chapman
Planner