

Meeting Minutes
New Prague Planning Commission
Wednesday, March 22, 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, Jason Bentson, Shawn Ryan and Ann Gengel.

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

2. Approval of Meeting Minutes

A. January 25th, 2023 Regular Meeting

It was motioned by Pike, seconded by Gengel, to approve the January 25th regular meeting minutes. Motion carried (5-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

**A. Request for Variance #V1-2023– Accessory Garage Size Variance,
St. Wenceslaus Church – applicant**

Planner Chapman introduced the garage variance request for the Church of St. Wenceslaus. An existing 1,800 sq ft detached garage is located in the southwestern portion of the property just north of the parish home. The Church of St. Wenceslaus is requesting to expand the detached garage eastward toward the parking lot by 36' x 26' (936 sq ft) for an aggregate coverage of 2,736 sq ft. The zoning ordinance limits accessory buildings and detached garages to a maximum of 1,000 sq ft, however, the applicant is requesting to waive this requirement. There is a private sanitary sewer line that connects to the parish home and runs through the proposed garage expansion. Staff recommends moving the private sanitary sewer line so that it's not underneath the new development. The church is requesting the expansion of the garage because it would provide space for the parish vehicles to be stored indoors, away from the exposure of the elements. Furthermore, St. Wenceslaus intends to take on another resident priest by next summer, therefore, they are making preparations beforehand.

Pike explained his concern of turning the angled parking lots into straight ins and if it would provide enough room for people to back out. Additionally, he wondered if there are any concerns with the drainage.

Planning Director Ondich said there wasn't too much that can be done in terms of drainage since the land is relatively flat. From staff perspective, there were no concerns. Benston asked if the clay tile was being used for drainage.

Planning Director Ondich explained that it is a private sanitary sewer service line. It can remain but if any repairs need to be made it will be directionally bored or lined and would be the responsibility of the applicant to fix.

Rev. Eugene Theisen at 215 Main St E explained that the sanitary sewer line will be moved sometime this year. A bid has gone out and the decision on the bid will be made by the church council next week.

A motion was made by Ryan, seconded by Gengel, to recommend that the City Council approve the variance with the following findings:

- A. The requested variance of an addition to existing detached garage is in harmony with the general purposes and intent of this Ordinance because a detached garage is a permitted accessory use in the RL-70 Single Family Residential Zoning District.
- B. The requested variance is consistent with the comprehensive plan because detached garages are a permitted use in the RL-70 Single Family Zoning District and provides for a larger and more usable detached garage.
- C. The applicant will continue to use the property in a reasonable manner as the only change will be a detached garage addition that will be constructed out by 36' x 26' for a total garage coverage of 2,736 sq ft, instead of the 1,000 sq ft standard maximum allowed size for a detached garage.
- D. Unique circumstances apply to this property which do not generally apply to other properties in the vicinity because the property has multiple buildings and is approximately 7 acres large, significantly larger than most residential homes nearby.
- E. The variance does not alter the essential character of the neighborhood because the existing garage already exceeds the 1,000 sq ft maximum allowed size requirement. Expanding the garage by 936 sq ft would not drastically impact the neighborhood and would further allow two additional vehicles to be stored inside and out of the public view.

- F. The variance requested is the minimum variance which would alleviate the practical difficulty because it would allow provide more space for vehicles and maintenance equipment.

Motion carried (5-0).

**B. Preliminary and Final Plat of New Prague Brick's Boatworks
Properties of P&L, LLC – applicant
(Public Hearing required)**

Planning Director Ondich introduced the preliminary and final plat for New Prague Brick's Boatworks. Brick's Boatworks is purchasing three platted shovel ready sites in the industrial park in 2023 and is working on an additional annexation of 4.02 acres of unplatted land (currently located in Helena Township). Brick's Boatworks would like to combine the four lots into one large lot of 10.03 acres to conduct their business. The property and land north, south, and east are zoned I-1 Light Industrial but the land directly to the west is zoned RM Medium Density Residential. In 2015, a traffic study was conducted in which noted that turn lanes at TH21 and 6th/7th Street NW will be needed once the land north of the existing industrial park is developed. Part of 8th Ave NW will be built out in August 2023 but it won't extend north of the property as it's not necessary until more development is made north of the industrial lot.

The public hearing was opened at 6:59 pm.

No public comments were received.

The public hearing was closed at 7:00 pm.

A motion was made by Pike, seconded by Gengel, to approve and forward the preliminary and final plat to the 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 I-1 Light Industrial Zoning District in which it is located.

And with the following conditions:

1. Approval is granted in accordance with the preliminary plat drawing dated 2/24/23 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. Scott County Watershed District must be contacted by the applicant for their review because the site's stormwater flows outside city limits.

4. Development Fees are required to be collected as follows:
 - a. Emergency Warning Siren Fee - \$663.30
 - b. Water Area Access Charge - \$11,312.28
 - c. Park Land Dedication - \$8,460.00
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. A Wetlands Conservation Act "Certificate of No Loss or Exemption" must be filed prior to the final plat approval.
8. The annexation of a 4.02 acre portion of the property must be completed prior to recording the final plat.
9. Existing easements from the Plat of New Prague Business Park 11th Addition are not vacated through the platting process and must be vacated through a separate vacation process.
10. The applicant must enter into a Developer's Agreement with the City of New Prague which will include, but not be limited to the topics of the construction of 8th Ave. NW adjacent to the site, payment of development fees and annexation.

Motion carried (5-0).

**C. Request for Conditional Use Permit #C-2023 – Exterior Storage and Retail Sales
801 6th Street NW (Brick's Boatworks)
Properties of P&L, LLC – applicant
(Public Hearing Required)**

Planning Director Ondich presented the conditional use permit request. Brick's Boatworks will be located at 801 6th Street NW in the industrial park and consist of multiple buildings such as a main building of approximately 15,000 sq ft, which includes offices, a showroom, offices, and shop space, plus seven indoor storage buildings of approximately 11,880 sq ft each, and a fenced in outdoor storage area to store boats. The property is zoned I-1 Light Industrial and exterior storage and limited retail sales are listed as conditional uses. According to the zoning ordinance, the retail use is limited to 30% of the building space and exterior storage must meet glare and screening requirements with an approved conditional use permit. In terms of screening, a 20' wide green belt strip of 25' spacing of trees along the west of the property are required as well as 35' tree spacing for portions facing industrial properties and streets. Along the parking lot and east side of the building, 40' spacing of trees in a single row are required. The 25' spacing has been a standard

greenbelt screening practice for several projects over the past decade when properties are adjacent to residential properties. The 25' spacing of vegetative screening should suffice for facing the residential zoned land and the 35' spacing should suffice for the other industrial properties/streets as the trees will grow and look more cohesive with the fencing. Staff recommends that the pond only be used between the hours of 7am to 7pm to prevent noisy activity in the morning and evening.

The public hearing was opened at 7:17pm.

Jamie Cacka, with Ram General Contracting as representative for Brick's Boatworks explained the concern of having a double row of trees on the northern and eastern property line. Brick's Boatworks will have a 6' tall chain link fence with vinyl privacy slats that is surrounding the facility and a farm field will abut the northern property line. As a suggestion, she recommended that in the first phase that only one row of trees be planted on the northern and eastern sides. In the next five years or when new development takes place, they could put in the second row of trees. If the double row of trees are planted, they may not survive along the farm field and there is a significant cost associated with the purchase of roughly 150 trees.

Pike inquired if there is a requirement for the double row trees.

Planning Director Ondich explained that the double row trees is a condition that has been used for exterior storage areas in the past and that it's not a specific performance standard listed in the zoning ordinance at this time. Similar double tree requirements have been required for Chart Industries along 1st Ave NW as well as the exterior storage lot along Highway 21.

Ryan shared his concern of screening, considering there's a current issue occurring with the truck parking area along TH21, where he noted that the truck park is unappealing.

Travis Bricks, owner of Brick's Boatworks and resident at 1985 Primrose Lane, Victoria, Minnesota, mentioned that when the farm field north of the property grows produce such as corn, the cornfield will grow so tall that the trees will not be able to survive.

Ryan explained that a lot of people drive along 6th St NW and there are several residential homes west of the Brick's Boatworks location. If the property doesn't look aesthetically pleasing and residents wanted to sell their homes, it would make it difficult for residents to sell. The main concern for screening is largely due to the issue happening in the truck parking area along TH21. Many residents have complained and said it looks unappealing. Ryan doesn't want a similar problem to arise in this location.

Ryan inquired that if the ordinance changes, will Bricks Boatworks be grandfathered in with the old ordinance.

Planning Director Ondich explained that the review at this time is occurring under the current zoning ordinance, but the ordinance doesn't require a double row of trees. It's a conditional use requirement as suggested by staff which has been used in other conditional use requests for exterior storage. In other words, it's a condition in which you're tying a practical solution to what you're

trying to mitigate. He also noted that ordinances aren't typically retroactively applicable back. During the conditional use permit (CUP) review for Community Baptist Church and soccer fields, there was a parking condition that said that if parking becomes a problem, they would require the applicant to take action. This CUP could go that route but there would have to be triggering language such as a timeframe or an event.

Ryan noted that the Brick's Boatworks intends to work in phases over the next ten years. As a suggestion, he asked about if the condition could be initiated around these timeframes. There have been several stories of developments that don't actually happen. Would like a concrete way to go from here to make sure screening doesn't become a problem.

Bricks mentioned that he may buy more property north of him, therefore, the trees would be later shifted further north.

Planning Director Ondich suggested that perhaps at the five year mark, the City could recheck or revisit the landscaping of the property. Maybe the condition on the CUP could mention that if the landscaping and screening ordinance changes, that it must meet the new ordinance. However, he will need to speak with the City Attorney to make sure.

Meyer inquired about the pond on whether it would be chlorinated or if algae would grow.

Bricks clarified that the pond is used to prevent having to transport the boat a far distance to test the engine and that he would likely put a fountain in it.

Pike inquired about signage at the property.

Bricks stated that a rock monument sign with a light will be installed in the southeastern corner of the property near the handicapped parking area. The sign has already been engraved and is currently in storage.

Cacka mentioned that she would like the 40' tree spacing of the parking lot to continue along the entire street frontage along 6th Street NW.

A motion was made by Pike, seconded by Ryan, to recommend approval and forward the conditional use permit to the City Council but that the landscaping should either be revisited in 5 years or when there's new adjacent development with the following findings:

- A. The proposed use of the property for exterior storage and limited retail sales will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the site will employ 15 to 20 people and 5-10 customers are expected to visit the site each day while accessing via 6th Street NW which is a collector road.
- B. The proposed exterior storage area will be sufficiently screened via a greenbelt as required by the zoning ordinance from future residential homes on the adjacent land to the west and will also be screened from all public roadways.
- C. The proposed exterior storage area and limited retail sales are reasonably related to the overall needs of the City and to existing land use, as it will provide an exterior storage area

and limited retail sales within an appropriate industrial zoning district in which each use is listed as a conditional use.

- D. The proposed exterior storage area is consistent with the purposes of the Zoning Ordinance and the purposes of the I-1 Light Industrial Zoning District as the proposed uses are specifically listed as conditional uses.
- E. The proposed exterior storage area and limited retail sales 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 exterior storage and limited 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 exterior storage area and limited retail sales have or will provide adequate utilities, drainage and access roads.

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

1. The required screening and allowed exterior storage areas are approved in general accordance with the "Site Layout" by SEH dated 2/28/23 which is on file with the New Prague Planning Department. No exterior storage is allowed until the screening is in place and inspected by the Planning Department. All buildings must meet applicable setback requirements.
2. The required landscape screen shall consist of evergreen trees planted at 25' spacing, staggered with deciduous trees planted at 25' spacing with a 6' tall opaque fence placed behind the staggered rows of trees along the west side of the site and at 35' spacing along the north, east and south sides of site with normal parking lot landscaping of trees at 40' spacing adjacent to the parking lot. All trees must be 6' tall at minimum at the time of planting.
3. 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.
4. 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.
5. Scott County Watershed District must be contacted by the applicant for their review because the site's stormwater flows outside city limits.
6. The applicant must provide a knock box to hold a key for access by the Police/Fire Department to the exterior storage area and also to the main building if it is sprinklered or alarmed.
7. Dust control measures must be used on the exterior storage area to ensure adjacent properties are protected from dust during susceptible conditions.
8. Exterior storage to include recreational equipment and watercraft that are winterized/wrapped in white shrink wrap.
9. The exterior storage area must be kept free of weeds and trash.
10. Vinyl privacy slats on the chain link fence must be maintained in good order at all times.

11. The pond with the access ramp shall only be used between the hours of 7am and 7pm.
12. Per the previously approved Purchase and Development Agreement between the EDA and applicant:
 - (a) The shop/showroom building and two of the storage buildings (directly adjacent to 6th Street NW) must be under construction within one year of the closing.
 - (b) Two additional storage buildings on the west and east sides of the property must be completed within five years of the closing.
 - (c) the additional three storage buildings must be completed within 10 years of the date of the closing.
 - (d) All building elevations abutting a public road right of way must have 4' wainscoting of brick, stone, EIFS or LP Smartside (or equivalent) along the bottom edge.
13. 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.
14. 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 (5-0).

**D. Request for Conditional Use Permit #C3-2023 – Limited Retail Sales in the I-1 Light Industrial Zoning District
Corey Newby (Urban Flea Market) – applicant
(Public Hearing Required)**

Planner Chapman presented the conditional use permit. Urban Flea Market is a business located in the southern portion of the old flouring mill in the I-1 Light Industrial Zoning District. Since Urban Flea Market opened its doors to retail sales, staff have been trying to get the business up to building and zoning codes related to retail use, parking, and bathrooms. According to the zoning ordinance, retail use in the industrial district is limited to 5,000 sq ft or 30% of the tenant space on an approved conditional use permit. The applicant intends to limit their retail space to 5,000 sq ft. To meet the building code for the 500' maximum distance to the bathroom requirement, the applicant must either move northward in the building to be closer to the existing bathrooms or construct a new bathroom in the space they occupy. In terms of parking, the applicant must provide a minimum of 30 parking spaces (17 for retail space and 13 for warehousing) but the applicant intends to provide 52 stalls for potential multi-tenant growth. Staff recommends adding "Do Not Enter" signage near the parking lot entrance near the intersection of 1st St SW and 2nd Ave SW and having the parking lot setback 5' from the eastern property line.

Bentson mentioned his concern for possible traffic at certain times of the day around the street especially from Mach Lumber's vehicles.

Planning Director Ondich said that the property owner and Mach Lumber agreed to move their vehicles to the southwestern part of the property near the train tracks.

The public hearing was opened at 8:14 pm.

Corey Newby, the owner of Urban Flea Market, mentioned that he often works with Mach Lumber especially when auctioning off their access inventory. It will affect Mach Lumber to move to the back since it won't be a convenient location for them drive around back. Currently the parking lot has fencing and materials, which can be an eyesore. The owners have already started the process of bringing gravel in toward the back so it's not so soggy and muddy. By moving the trucks and materials out of the parking lot, the trucks will be able to easily move through and unload in the parking lot.

Newby mentioned that he's been working with APPRO Development, Inc's architect, who confirmed that the existing bathroom is actually within 500' of his retail space. However, the bathrooms are a far distance and inoperable. APPRO Development is currently drawing up the plans to construct a new bathroom close to his tenant space, so Urban Flea Market doesn't have to relocate their tenant space within the building. It will cost approximately \$30,000 just for the water and sewer connections into the street for a new bathroom. Newby further suggested that the decorative fencing as installed along Main Street should continue down to the parking lot.

Planning Director Ondich clarified that the staff report was written before the architect had determined that the bathroom was less than 500' from the retail space but very close to 500'. Staff had recommended that Newby contact an architect to confirm and verify due to the measurement uncertainty.

The public hearing was closed at 8:26 pm.

A motion was made by Pike, seconded by Ryan, to approve and forward the conditional use permit to City Council with the following findings.

- A. The proposed use for limited retail sales 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 proposed striped parking lot will accommodate parking needs and retail sales is an allowed conditional use.
- B. Mach Lumber materials storage and vehicles will be relocated to the south western part of the property near the train tracks, which will be less visible to adjacent commercial and residential businesses along 2nd Ave SW and Main St W while the retail use will not be any less compatible than the previous mill use of the property.
- C. The business will conduct retail business inside the building and a parking lot will be striped to provide ample parking and will not adversely affect adjacent residential or commercial properties.
- D. The proposed retail use is reasonably related to the overall needs of the City and existing land use as the proposed retail business is specifically listed as a Conditional Use in the I-1 Light Industrial District Central and several nearby properties are in the B-1 Central Business District or the Highway Commercial District will both allow retail sales as a permitted use.

- E. The proposed retail use is specifically listed as a Conditional Use in the I-1 Light Industrial District and therefore is consistent with the purposes of the zoning ordinance.
- F. The proposed retail space is not in conflict with the Comprehensive Plan of the City because it is located in the I-1 Light Industrial District in which retail sales are allowed as a Conditional Use.
- G. Urban Flea Market will not cause traffic hazards or congestion as it provides 52 off-street parking stalls, above the minimum 30 parking stall requirement.
- H. Adequate utilities, access roads, drainage and necessary facilities have been provided.

And with the following conditions:

1. If City Staff's (defined as the City Administrator or their designee(s)) sole discretion deems on-street parking caused by tenants at 201 2nd Ave. SW to be excessive or problematic (defined as ingress/egress of emergency vehicles on a public roadway being affected and if reports of driveways being blocked are addressed by the police department), the applicant will be required to pay the city to install parking related signage to mitigate said problems.
2. The applicant must install "Do Not Enter" signage at the parking lot entrance near the intersection of 1st St SW and 2nd Ave SW. Delivery and loading trucks may pass through this entrance outside normal business hours.
3. At least 30 off-street parking spaces, including required ADA spaces, must be striped with white or yellow paint lines no less than 4" wide providing for parking spaces at a size of 9' x 20' on a paved surface, as required by Section 717 of the New Prague Zoning Ordinance to be utilized for the exclusive use of the applicant.
4. The proposed striped parking space must be setback 5' from the eastern property line along 2nd Ave SW to provide a buffer between the sidewalk and the parked vehicles.
5. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
6. All lighting must conform to Section 704 of the Zoning Ordinance.
7. 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.
8. Following the completion of a building code analysis, the building must meet all requirement of the Minnesota State Building Code for the proposed use which includes but is not limited to restroom facilities and exiting requirements, within 6 months of issuance of this conditional use permit. Failure to complete the requirements will cause the city to issue an order to cease retail sales immediately.
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 (5-0).

5. Miscellaneous

The following miscellaneous items were reviewed as information:

A. Comprehensive Plan Update

Planning Director Ondich explained that the first Comprehensive Plan Steering Committee meeting was held late last month. The consultant, MSA, discussed various topics from public engagement options, website launch in March, and business owner/landowner workshops. The meeting ended with a SWOT (Strengths, Weaknesses, Opportunities, Threats) exercise, where steering committee members identified points of interest in the City.

Pike added that in the meeting, the Steering Committee recommended that MSA should have an elevator pitch ready during public events. The Comprehensive Plan is supposed to be a holistic or broad perspective. If residents don't realize this, they may not understand and may ask for specific businesses to come to town. In the meeting, public engagement was also discussed.

B. Monthly Business Updates

Planning Director Ondich introduced the March business updates. In March, two new home permits were processed (Summer Ave SE and 11th St NE). A commercial buildout permit was issued for 201 Chalupsky Ave SE (the Strip Mall by Coborns) and Rusty Spoke at 329 Main St W applied for a building permit for kitchen and bathroom renovations. Hair Force Barbershop also just opened at the former Dorzinski Barbershop location.

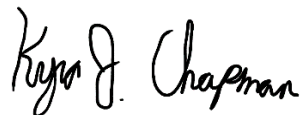
C. Expiring Term Reminder: Brandon Pike (5/31/23)

It was noted that Brandon Pike's Planning Commission term expires on 5/31/23

6. Adjournment

A motion was made by Ryan, seconded by Bentson, to adjourn the meeting at 8:38 pm. Motion carried (5-0).

Respectfully submitted,



Kyra J. Chapman
Planner