

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, October 26, 2016**

**1. Call Meeting to Order**

The meeting was called to order at 6:30 p.m. by Chair Nuhring with the following members present: Bob Gilman and Matthew Goldade. Absent were Dan Meyer (arrived at 6:37PM) and Jenna Tuma (arrived at 6:35PM).

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

**2. Approval of August 24, 2016 Regular Meeting Minutes**

It was moved by Goldade, seconded by Gilman, to approve the August 24, 2016 regular meeting minutes as submitted. Motion carried (3-0, Tuma and Meyer had not yet arrived).

**3. Old Business**

None.

**4. New Business**

**A. Amend Conditional Use Permit Request #C2-2015 – Overflow Parking Condition Amendment for CEC Building at 410 Central Ave. N. and Concept Plan Review of Bus Garage Addition  
ISD #721, applicant**

Planning Director Ondich presented the staff report. He stated that on December 7, 2015, the School District received approval for Conditional Use Permit #C2-2015 which allowed an educational campus with addition to existing buildings at 410 Central Ave. N. He stated that since the approval construction has been underway and one final item of construction has been brought forward which is an expansion to the bus garage at 105 7<sup>th</sup> Street NE. He stated that the expansion would require the tennis courts to be relocated and that they are proposing the move the courts to the former hockey rink location on 1<sup>st</sup> Ave. NW. He stated that the former hockey rink land is encumbered from the original CUP with a condition that required the site to be retained for possible event overflow parking of a lack of parking was documented within the first year of operation of the revised CEC. He stated that the City worked with the School District and DNR to amend an existing grant agreement that required moving the tennis courts from their existing grant funded location to the new location. He stated that the school district is also seeking concept plan review of the bus garage expansion. He stated that both the CEC and bus garage locations are zoned RL-90 Single Family Residential. He stated that there would be an expected 5 to 6 home swim meets each year on Thursday nights. He stated that during the original CUP

review it was noted that there are 202 parking spaces at the reconfigured CEC site and only 128 spaces were required. He stated that 119 of the 2020 spaces are on the south side of the site and that in light of the request to remove the former hockey rink as overflow parking condition that the school must encourage event visitors to utilize the south parking lot at the CEC and to provide signage directing them to the entrance doors for the pool and gymnasium area. He stated that the bus garage project will add 99 additional overflow parking spaces and that the school district must encourage event visitors to utilize this parking instead of parking on street. He stated that 1<sup>st</sup> Ave. NW is too narrow to have on-street parking on both sides between 3<sup>rd</sup> Street NW and 5<sup>th</sup> Street NW so the School District must pay for no parking signs to be installed on the east side, otherwise snow plows and emergency vehicles would not fit through. He stated that there is FEMA Floodplain located on or adjacent to the site and is Shaded Zone X which is an area of 500 year floods. He stated that the Public Works Director also pointed out that the two north courts would be located over sanitary sewer lines and that the school must agree that if the lines need repair that they bear the cost of demo and replacement of the courts or they can pay to have the sanitary lines lined. He also stated that the City Engineer noted various comments such as a 12' elevation change on the site and the need for stormwater control. He stated that staff recommends approval of the amendment to Conditional Use Permit #C2-2015 which allowed an educational campus including early childhood education, transitions program, operations office and district office in an existing building along with some small additions at 410 Central Ave. N. in the RL-90 Single Family Residential Zoning District with the findings and conditions listed in the staff report.

Tim Dittberner, Superintendent of ISD #721, provided a powerpoint presentation providing a summary of the parking at the CEC, Middle School and both sites overall having additional 72 off-street parking spaces than what exists today as a supplement to the staff report.

The public hearing was opened at 6:59PM.

David Hauer, 106 4<sup>th</sup> Street NE, stated that he sees a lot of kids walking to the middle school each day. He stated that kids walk along the sidewalk on the north side of 4<sup>th</sup> Street NE but since there's no sidewalk on the east side of Central Ave. N. they end up walking in the road rather than crossing to the sidewalk on the east side of Central Ave. N. He said that some cars drive fast through the area and he's worried about the safety of the kids walking there. He stated that other kids in cross country and track also go through the area. He stated that he thought some signage should be installed to direct walkers to the sidewalks.

Merlin Stresnak, 500 1<sup>st</sup> Ave. NW, asked why parking would be limited on the east side of 1<sup>st</sup> Ave. NW instead of the west side. He stated that he was afraid it would push everyone to park on the west side of 1<sup>st</sup> Ave. NW and then on garbage day it would be difficult to have the garbage cans picked up.

Planning Director Ondich stated that the rationale behind no parking on the east side was to ensure residents could still park in front of their homes.

The public hearing was closed at 7:09 PM.

Commissioner Goldade stated asked if the tennis courts have to be replaced or if they were being replaced simply because of the former DNR grant agreement and amendment.

Mr. Dittberner stated that the tennis courts are needed for curriculum as well as for boys and girls tennis. He stated that they would not be lighted courts. He stated that the bus garage expansion needs to get vehicles inside and that the existing tennis courts are in bad shape.

Commissioner Goldade stated that flashing lights for the crossing of the event parking by the bus garage to the middle school should be considered.

Craig Most, Operations for ISD #721, stated that there actually are blinking lights at the cross walk but that the crosswalk itself is not lit very well.

Commissioner Tuma stated that she would like consideration for the cross walk to be better lit. She also asked if the tennis courts could be used for pickleball based on recent interest in pickleball.

Mr. Dittberner stated that they are striping for pickleball courts in the gymnasiums as part of the construction projects, but that the outdoor courts would be for tennis only.

Eric Linner, Wold Architects, stated that the addition to the bus garage would be for indoor van parking and for busses. He stated that the expanded parking area around the bus garage would be paved and lighted and that a light could be positioned to better light the crossing at County Road 37.

A motion was made by Meyer, seconded by Gilman to recommend approval of the amendment to Conditional Use Permit #C2-2015 with the following findings:

- A. The proposed amendment will not create an excessive burden on existing parks, schools, streets and other public facilities which serve the area because the added tennis courts are providing a recreational amenity to the community.
- B. The proposed amendment continues to ensure that the use is sufficiently compatible with the surrounding residentially zoned and used land as the use has existed for many years without depreciating the property values in the area.
- C. The proposed amendment continues to ensure that the structure and site will have an enhanced appearance with landscaped parking lots and an improved building exterior appearance utilizing high quality building materials.
- D. The proposed amendment continues to ensure that the use is reasonably related to the overall needs of the City and to existing land use, as it will provide for needed educational and recreation facilities as documented by the School District voter approved referendum which was the impetus for the project to be completed.

- E. The proposed amendment maintains that the use for educational facilities is specifically listed as a conditional use in the RL-90 Single Family Zoning District and is therefore consistent with the purposes of the Zoning Ordinance.
- F. The proposed amendment maintains that the proposed use is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the RL-90 Single Family Residential Zoning District.
- G. The proposed amendment will not cause traffic hazard or congestion as a portion of 1<sup>st</sup> Ave. NW will be signed as no parking and the applicant will take measures to ensure that event attendees are informed about off-street parking availability in the CEC and Middle School Campus areas.
- H. Adequate utilities and access roads have been provided to the site.

And with the following original condition deleted as listed below:

- 7. The School District owned land (PID 24-002-0670) shall be reserved and available for possible event overflow parking if it is determined within the first year of full operation of the CEC site that traffic congestion due to lack of parking is documented.

And with the following conditions added in addition to all other remaining original conditions:

- 1. Construction of the tennis courts shall not commence until:
  - a. The City and School District Shall enter into a separate agreement, which shall be recorded with Scott County, that provides for agreement by the School District that they acknowledge a portion of the new tennis court area is constructed over two sanitary sewer lines and also on a portion of City owned land, and that if a repair to the sewer lines is needed that the School District must bear the cost of the demolition and replacement of the courts or alternately pay for the lining of the sanitary sewer pipes to potentially avoid damage to the courts.
  - b. Full plan review is completed and approved by City Staff and the City Engineer.
  - c. The City enters into an agreement with the Minnesota DNR to amend Grant Contract #NR-744 to allow the tennis courts to move from their current location to the proposed location.
- 2. The School District must encourage event participants at the CEC to:
  - a. Utilize overflow parking at the middle school and bus garage sites rather than parking on public streets.
  - b. Utilize the south parking lot and the School District must install signage that directs users of the south parking lot around the west side of the CEC and to the front door of the pool/gymnasium area.
- 3. The School District must pay for the City to sign 1<sup>st</sup> Ave. NW as no parking on the east side from 3<sup>rd</sup> Street NW north to 5<sup>th</sup> Street NW.

Motion carried (5-0).

**B. Request for Conditional Use Permit #C3-2016 – Small Brewery with Taproom and Outdoor Patio for Drinking – 1306 1<sup>st</sup> Street NE  
Giesenbrau Bier Co., applicant**

Planning Director Ondich presented the staff report. He stated that Giesenbrau Bier Co. is in the process of purchasing the former New Prague Appliance building located at 1306 1<sup>st</sup> Street NE but have a lease that began on October 1, 2016. He stated that the building has three tenant spaces and that they are proposing the small brewery with taproom and outdoor patio at the former New Prague appliance space. He stated that the taproom would have 50 seats with additional patio seats. He stated that no foodservice is proposed at this time in the building but they would instead have food trucks visit. He stated that they plan to brew between 300 and 500 barrels the first full year of production with a potential of up to 3,000 barrels at full buildout. He stated that the property is zoned B-2 Community Commercial and that small breweries and outdoor patios are conditional uses. He noted that the request is not for this to be a brewpub which operates as a restaurant that brews its own beer and cannot distribute, but instead a small brewery which would allow them to distribute their beer to liquor stores and restaurants but limits them to selling only their own beer on site. He stated that the zoning ordinance limits small breweries to a limit of 5,000 barrels annually and are not allowed to store items outside, must have a minimum of 10 hours of retail consumption at a taproom each week and must also provide for a sampling point for waste water. He stated that the applicant must obtain a brewer taproom license and small brewer license from the City Council before operating. He stated that the zoning ordinance provides for outdoor patio standards that includes not allowing music after 10pm, requiring a 4' tall perimeter fence with 50% opacity and only allows access to the patio from inside the building. He stated that the proposed patio meets all the required standards and that staff is recommending that an overhead door or windows must be added to the south building elevation to allow visibility of the patio from inside the building. He stated that the applicant is proposing pea rock on the patio which must be ADA accessible and that three tables would be located on the patio with a small playground as well. He stated that a sidewalk connection is required to be added from the front door of the business to the public sidewalk and also noted that any additions of dumpsters, lighting changes and signage must meet ordinance requirements. He stated that the site has 56 parking spaces and that 17 are required for the taproom and that even with other tenants in the building there is ample parking per the zoning ordinance. He stated that the site also has a private driveway easement and access easement with Ace Hardware. He noted that food trucks may on occasion park in front of the building until a kitchen is added in the future. He stated that Building Official Chad Lunder provided a list of requirements for the outdoor patio for emergency exiting and that Public Works Director Glen Sticha stated that he will need a sampling location for waste water. He stated that City Engineer Chris Cavett had no comments or concerns in relation to the project. He stated that staff recommends approval of Conditional Use Permit #C3-2016 to allow a small brewery with taproom and also outdoor seating for a restaurant and drinking establishment, located at 1306 1<sup>st</sup> Street NE with the findings and conditions listed in the staff report.

The public hearing was opened at 7:42PM.

No public comments were received.

The public hearing was closed at 7:43PM.

Commissioner Tuma stated that she had concerns about the shared access with Ace and this property and the fact that there is parking on both sides of the access road and wondered if ACE was concerned about the potential for increased traffic.

Dennis Simon, Owner of Ace Hardware, stated that he is not concerned about the traffic and that with the dance studio and past hair salon there has been a lot of traffic but that it's never been an issue. He stated that the taproom would likely be busy during the week when they are not open at Ace.

Chair Nuhring stated that he also had concerns about the access and that while it seems like a lot of parking that with 50 seats the parking lot could fill up.

Planning Director Ondich stated that it meets the ordinance requirements and that staff has not heard of any concerns or complaints regarding the traffic flow on the site.

Commissioner Gilman stated that weekends may get busy between ACE and the taproom.

A motion was made by Gilman, seconded by Meyer to recommend approval of Conditional Use Permit #C3-2016 to allow a small brewery with taproom and also outdoor seating for a restaurant and drinking establishment, located at 1306 1<sup>st</sup> Street NE with the following findings:

- A. The proposed small brewery with a taproom and outdoor patio 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 use is located in a commercial zoning district which lists such uses as conditional uses.
- B. The proposed small brewery with a taproom and outdoor patio is not adjacent to any residential land and therefore will not have any adverse effect on any residential zoned or used land.
- C. The proposed small brewery with a taproom and outdoor patio is located in an existing commercial building and is not adjacent to any residential properties.)
- D. The proposed small brewery with a taproom and outdoor patio is reasonably related to the overall needs of the City and existing land use as the proposed uses are specifically listed as Conditional Uses in the B-2 Community Commercial Zoning District.
- E. The proposed small brewery with a taproom and outdoor patio are specifically listed as Conditional Uses in the B-2 Community Commercial Zoning District and therefore are consistent with the purposes of the zoning ordinance.)
- F. The proposed small brewery with a taproom and outdoor patio is not in conflict with the Comprehensive Plan of the City because it is located in the B-2

Community Commercial Zoning District in which small breweries with taprooms and patios are listed as a Conditional Use.

- G. The proposed small brewer with a taproom and outdoor patio will not cause traffic hazards or congestion as the proposed location has ample off street parking and the proposed uses do not trigger the need for a traffic impact study per the zoning ordinance.
- H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided as the building and site have existed as retail and service spaces for over 15 years.

And with the following conditions:

1. Approval is granted in general accordance with the site and building plan dated 10/5/16 on file with the New Prague Planning Department.
2. In addition to any federal and state licenses that may be required, the applicant must obtain city liquor licenses including a Brewer Taproom License (On-Sale) which includes the designated outdoor patio area as well as a Small Brewer license (Off-Sale) before operations can begin.
3. The applicant must comply with all provisions of Section 740 of the Zoning Ordinance titled "Small Breweries and Breweries".
4. On the south wall of the building, a 12' wide overhead door with windows or alternately two windows shall be installed to provide for visibility to the patio area from inside the building.
5. A sidewalk connection from the building entrance to the public sidewalk along Main Street must be installed.
6. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
7. All lighting must conform to Section 704 of the Zoning Ordinance.
8. 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.
9. The Municipal Utility Department must review and approve facility plans to determine that appropriate utilities are available to the premises and that wastewater generated will not be a detriment to the waste water treatment plant. The Waste Water Department may require a sampling point on the premises for processed water and regular sampling by a certified lab acceptable to the City to determine appropriate treatment. Treatment must be undertaken by the owner of the premises when required by the Waste Water Department.
10. The following building and fire requirements must be complied with:
  - a. Building Permits must be obtained as necessary for building renovations.
  - b. The patio area must have an emergency exit door.
  - c. The patio area emergency exit door must be clearly marked.
  - d. The patio area exit sign must be illuminated at all times of operation.
  - e. The emergency exit door on the patio fence must have panic hardware on it if it is to be locked (such hardware should be clearly marked).
  - f. There shall be operational exit signs leading to the door into the patio area.

Motion carried (5-0).

## 5. Miscellaneous

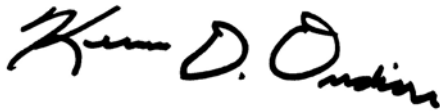
The following miscellaneous items were reviewed as information only:

- A. Monthly Business Update – Planning Director Ondich provided the Monthly Business update to the Planning Commission that had been provided to the EDA earlier in the month.

## 6. Adjournment

A motion was made by Meyer, seconded by Tuma, to adjourn the meeting at 7:53 p.m. Motion carried (5-0).

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 Director