

Meeting Minutes
New Prague Planning Commission
Wednesday, February 26, 2014

1. Call Meeting to Order

The meeting was called to order at 6:31 p.m. by Planning Commission Chair Bob Gilman with the following members present: Jay Nuhring, John Roos and Mark Bartusek. Absent was Dan Meyer (arrived at 6:33PM).

City Staff Present: Ken Ondich – Planning Director

2. Approval of January 22, 2014 Regular Meeting Minutes

It was moved by Roos, seconded by Bartusek, to approve the January 22, 2014 regular meeting minutes and as submitted. Motion carried (4-0, Meyer had not yet arrived).

3. Old Business

A. None.

4. New Business

A. Zoning Ordinance Amendments – Brewpubs, Micro-Breweries, Breweries and Taprooms (Public Hearing)

Planning Director Ondich presented the staff report. He stated that the topic of possible zoning ordinance amendments regarding brewpubs, micro-breweries, breweries and taprooms was introduced to the City Council and Planning Commission in December 2013 following the cities of Jordan and Shakopee amending their own ordinances for the same possible land uses. He stated that the City has not received any formal requests at this time, but has had an inquiry which may lead to a project which is not currently addressed in the zoning ordinance. He stated that the Planning Commission reviewed draft amendments and called for a public hearing for tonight's meeting and that since the last meeting staff has worked with the City Attorney to revise the language as needed. He stated that in 2011 Governor Dayton signed the Omnibus Liquor Bill (Surly Bill) allowing breweries to sell pints of beer in taprooms and that prior to this law only brewpubs could sell pints of beer because they operate like restaurants. He stated that Minnesota Statutes do not currently allow the on or off-sale of distilled spirits at distilleries. He stated that staff worked with the Minnesota Division of Alcohol and Gambling, League of Minnesota Cities and the City Attorney to develop the amendments. He stated that additional amendments to Chapter 110 of the City Code for Alcoholic Beverages will be reviewed by the City Council. He stated that the proposed amendments attempt to place the proposed land uses in appropriate districts. He stated that definitions will be added for off-sale, on-sale, barrel, brewery, small brewery, distillery,

micro-distillery, brewpub, malt liquor and taproom. He stated that brewpubs are proposed to be a permitted use in all business districts and that small breweries would be a conditional use in all business districts with a taproom being a required component of the small brewery. He stated that small breweries, breweries, distilleries and micro-distilleries would be a permitted use in the light industrial zoning district. He stated that new a new performance standard section would be added for brewpubs noting that they are restaurants that are accessory to a small brewery and have an annual production limit of 3,500 barrels. He stated that a new performance standard section would be added for small breweries which sets a production limit at 5,000 barrels annually and requiring a taproom to be open for at least 10 hours per week. He stated that a new performance standard section would be added for distilleries and micro-distilleries and that they would not be allowed adjacent to low density residential property. He stated that staff recommends holding the public hearing and forwarding a recommendation concerning the proposed amendments to the City Council.

The public hearing was opened at 6:43PM.

No public comments were received.

The public hearing was closed at 6:44PM.

Commissioner Gilman asked why we specifically note in the proposed amendments that restaurants are not allowed as part of taprooms in an Industrial Zoning District.

Planning Director Ondich stated that even though restaurants are not permitted already in the Industrial Zoning District that it was just to make it more apparent that this was not a possibility. He noted that it could be amended, as with any language in the zoning ordinance, in the future.

A motion was made by Meyer, seconded by Nuhring to recommend that the City Council adopt the proposed zoning ordinance amendments as proposed. Motion carried (5-0).

B. Zoning Ordinance Amendments – Brewpubs, Micro-Breweries, Breweries and Taprooms (Public Hearing)

Planning Director Ondich presented the staff report. He stated that since the fall of 2013 City staff has been working on the sale of the vacant downtown lot located at 107 E. Main Street and that the majority of the lot would be sold to Prairie Pond Vineyard and Winery with a small sliver being sold to Chuck Tupy and the southern portion being retained by the City for highway purposes. He stated that the closing of the lot has not occurred yet because Scott County is requiring a registered land survey for the property because it is Torren's property and not abstract property. He stated that because it is Torren's property the County may require a registered land survey to firmly establish the outer boundary prior to splitting for sale. He stated that the review of registered land surveys is rare although the last one was reviewed in 2013 with the one prior to that being in 2003. He stated that registered land surveys must be reviewed in the small manner as plats and that City staff has no concerns about the registered land survey and will finally allow the closing of the lot to occur. He stated that staff recommends approval with the findings and conditions listed in the staff report.

The public hearing was opened at 6:52PM.

No public comments were received.

The public hearing was closed at 6:53 PM.

A motion was made by Bartusek, seconded by Roos, to recommend that the City Council approve the Registered Land Survey for the following reasons:

1. The City Council has previously approved all necessary documents to transfer title of the property in question which lies within the area included in the Registered Land Survey area.
2. The Registered Land Survey was required by the Scott County Surveyor to establish the outer boundaries of the Torren's property prior to splitting of the property for sale to adjacent property owners despite the City having already surveyed said parcels to develop legal descriptions necessary for the transaction.

And with the following condition:

1. Approval is granted in accordance with the Registered Land Survey dated 2/5/14 on file with the New Prague Planning Department.

Motion carried (5-0).

5. Miscellaneous

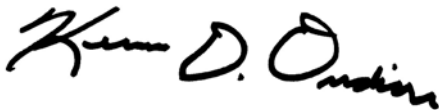
The following miscellaneous items were reviewed as information only:

- 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.
- B. Annual Commercial Building Audit – 2014 – Planning Director Ondich provided the annual commercial building audit to the Planning Commission.

6. Adjournment

A motion was made by Bartusek, seconded by Roos to adjourn the meeting at 6:58 PM. Motion carried (5-0).

Respectfully submitted,



Kenneth D. Ondich
Planning Director