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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** REQUEST FOR INTERIM USE PERMIT #I1-2024 TO ALLOW A RELIGIOUS INSTITUTION IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2<sup>ND</sup> AVE SW, AS PROPOSED BY FAITH, RECOVERY & MUSIC.  
**DATE:** MARCH 21, 2024

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### **Background**

The New Prague Flouring Mill was first established in 1896 and was the main economic driver in the City, making New Prague a large manufacturer of flour for several years. However, in 2019 Miller Milling closed their business, later selling the property to current owners, New Prague Mill, LLC, who use the property largely for warehousing purposes with tenants from MVE Biological Solutions and Autowash Systems, Inc. and CVF Racing. Additionally, Conditional Use Permit #C5-2023 was approved by the City Council on 12/4/23 for a gun range in the very southern portion of the building.

The applicant is proposing to use approximately 780 sq. ft. of existing office space at the former mill building for their religious institution use which will comprise of two small offices (one approximately 12' x 14' in size and the other approximately 9' x 14' in size) and a room for gathering space for services and bible study (19' x 23' for possibly up to 30 people). The services are anticipated to take place Tuesday afternoons and Saturday evenings. It is likely that another day will be used for bible study. While there are two offices, there will only be one staff person on site. The owners of the building are allowing the applicant to use existing paved parking spaces located in front of the office area. The building owners are also planning to add an accessible ramp into the building.

### **Legal Description**

Parcel 1:

Lots 1, 2, 3, and 4 in Block No. 4, in the Village (now City) of New Prague, Le Sueur County, Minnesota.

Parcel 2:

Lot 4, Block 26, Syndicate Addition to New Prague, Le Sueur County, Minnesota, together with that part of the North half of the Vacated alley lying West of the Southerly extension of the East line of said Lot 4.

Parcel 3:

Block 22 of “Beans Re-Arrangement of Block 22 and 23 Syndicate Addition to New Prague”.

Parcel 4: Block 23 of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the vacated alley and the North half of vacated “L” street as shown on said Plat.

Parcel 5:

Lots 1 and 2, Block 23-1/2, of “Beans Re-Arrangement of Blocks 22 and 23 Syndicate Addition to New Prague”, together with the South half of vacated “L” Street as shown on said Plat.

Parcel 6:

Commencing with the intersection of the County Road with the line of the right way of the M. & St. L. Ry. Co., on the East side of their track, thence running East 70 feet, thence South 356 feet to a point 75 feet East of the said right of way line, thence west 75 feet to said right of way, thence running North 356 feet to the point of beginning, being in the NW1/4 of NW1/4 of Sec. 3-112-23, Le Sueur County, Minnesota.

Parcel 7:

The tract of land lying and being in the County of Le Sueur and State of Minnesota, described as follows, to wit: Beginning at a point on the North line of Section Three (3), Township One Hundred Twelve (112) North, Range Twenty-three (23) West, said point being distant East, One Hundred Fifty (150) feet, measured along said section line from the original centerline of the Railways main track; thence Southwardly Four Hundred Nine and Five-Tenths (409.5) feet, to a point distant Easterly Sixty-Seven and Ninety-seven Hundredths (67.97) feet, measured at right angles thereto, from said centerline of main track, thence Northwardly, parallel with said centerline of main track, Three Hundred Seven and One-Tenth, (307.1) feet; thence eastwardly at right angles, Three and Six Tenths (3.6) feet; thence Northwardly about One Hundred (100) feet to a point on said Section line distant West Sixty-Nine and Seventy-Three Hundredths (69.73) feet from the point of beginning; thence East, upon and along said Section line Sixty-Nine and Seventy-three Hundredths (69.73) feet to the point of beginning.

Parcel 8:

That part of the NW1/4 NW1/4 of Section 3, Township 112 North, Range 23 West, City of New Prague, Le Sueur County, Minnesota, described as follows: Commencing at the intersection of the centerline of main track of the Union Pacific Railroad Company and the North line of Section 3; thence N. 90 degrees 00 minutes 00 seconds E. (assumed bearing) along the North line of Section 3, a distance of 150.00 feet; thence S. 07 degrees 06 minutes 51 seconds W., 409.64 feet to a point distant 67.97 feet Easterly of and measured at right angles from the centerline of said main track; thence N. 04 degrees 22 minutes 30 seconds W., parallel with the centerline of said main track, 307.10 feet; thence N. 85 degrees 37 minutes 30 seconds E., 3.60 feet; thence N. 00 degrees 28 minutes 52 seconds E., 67.01 feet to the Southerly right of way line of State Highway No. 19 (Main Street); thence N. 90 degrees 00 minutes 00 seconds W., along said right of way line, a distance of 27.32 feet to a point distant 50.00 feet Easterly of and measured at right angles to the centerline of said main track; thence S. 04 degrees 22 minutes 30 seconds E., parallel with the centerline of said main track, 464.37 feet; thence N. 07 degrees 06 minutes 51 seconds E., 90.22 feet to the point of beginning.

### **Neighborhood Conditions**

North – Central Business District / Main Street and underutilized portions of the former mill building which are also zoned I-1 Light Industrial.

South – I-1 Light Industrial Zoned properties and to the southeast are some residential dwellings separated by public roads from the subject site.

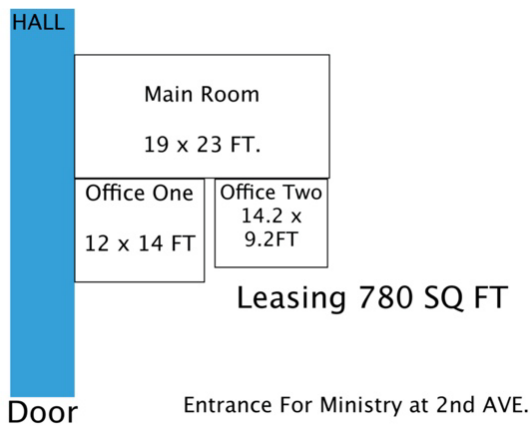
East – Mach Lumber which is zoned I-1 Light Industrial and single-family homes further east.

West – Union Pacific Railroad and beyond that is the B-3 Highway Commercial Zoning District and TH13/21.

Overall, the former mill property is very unique in that it is surrounded by many different zoning districts. It is also unique in that it is an industrial property located essentially in the downtown area which is evidenced by the many nearby bars/restaurants and other similar uses.

**Applicant’s Statement**

From the Application: “Using this location to serve as offices for the 501(c)3 nonprofit called Faith, Recovery & Music ([www.fairecoverymusic.com](http://www.fairecoverymusic.com)) and host weekly faith based recovery services in the larger of the three rooms. Faith, Recovery & Music is a Christian faith-based ministry helping those who struggle with addictions.”



**Lot Size**

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. Faith, Recovery & Music is proposing to utilize only 780 sq. ft. of the former mill office area, which has been vacant for many years. The office area was most recently remodeled in 2011 according to permit records.

**Zoning**

This property is zoned I-1 Light Industrial District. The purpose of the district is to provide for industrial uses for activities that, because of their nature, are not well suited for close proximity to residential and business areas of the community. Existing industry that is located close to residential areas is allowed to continue and must meet certain performance criteria when applicable. Industrial areas have good access to highway and railroad lines because of their need to receive and distribute products and goods.

It is preliminarily noted in the Comprehensive Plan Update (not yet adopted) that this property is anticipated to be rezoned from Industrial to “Downtown Flex”. The exact requirements for the downtown flex district have not yet been determined, but likely will allow office use including religious institutions as conditional uses, similar to the current B-1 Central Business District versus the current

zoning as I-1 Light Industrial. For this reason, staff suggested to the applicant that this land use request be processed as an “Interim Use Permit” which would allow the use to move forward now in an interim use permit approval situation until the final zoning is established once the Comprehensive Plan update is completed.

Interim Uses are listed under the I-1 Light Industrial Zoning District as: “Other temporary uses subject to Section 506 of the Zoning Ordinance determined by the City Council to be of the same general character as the permitted uses and conditional uses above and found not to be detrimental to existing uses and the general public health, safety and welfare.”

Section 302 of the Zoning Ordinance defines Interim Uses as follows:

*A temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it.*

### **Parking**

Religious Institutions require off-street parking. Parking is required as follows:

Religious Institutions require 1 parking space for every 3 seats (sanctuary seats only).

It is anticipated that up to 30 people would fit into the main room and therefore 10 parking spaces will be required for the proposed use.

**Total minimum spaces required for the proposed interim use is 10.**

The previously reviewed and approved plan of 52 striped parking stalls for the existing paved parking area was part of the approval of Conditional Use Permit #C5-2023 for the indoor firing range in another portion of the building. It was noted, however, that two additional parking spaces (above the 52 on the drawing) were provided in front of the indoor firing range area and that the previously approved use only required 24 parking spaces, leaving 30 of the spaces available for other uses. **Based on this, the proposed use would only utilize 10 of the 30 available spaces not dedicated to any other use, meaning there is ample parking available. Staff does note that the paved parking spaces must be striped as noted below and as shown on the parking plan drawing.** The parking conditions must be met as provided for in the previous conditional use permit for the indoor firing range.

### **Public Works /Utilities / Engineering Comments**

Public Works, Utilities and Engineering were not solicited for new comments regarding this interim use permit application review.

### **Building Official Comments**

Building Official Scott Sasse has noted that previous architectural drawings of the area of the building being used are on file from the 2011 remodel.

### **Police Chief Comments**

The Police department was not solicited for comments regarding this interim use permit application review.

### WAC/SAC Fees

The existing use of the space is for office while the new use is proposed as a religious institution type of use.

The City uses the Metropolitan Council SAC manual for determining credits and charges when uses change in buildings.

Office (including meeting rooms) is 2,650 sq. ft. for 1 WAC/SAC unit. 780 sq. ft. of existing office space = 0.29 unit credits.

Church/Worship (includes office, meeting rooms, etc.) is 2,300 sq. ft. for 1 WAC/SAC unit. 780 sq. ft. of space = 0.34 unit credits owed.

This means that .05 units are owed for the increase in intensity of the utility demand.

0.05 x \$1,800 for WAC = \$90

0.05 x \$7,150 for SAC = \$357.50

**Total WAC/SAC owed = \$447.50** (it is noted that the former mill site as a whole holds WAC/SAC credits and it's up to the building owner if they would like to allow the applicant to utilize any credits towards this use. This is a one-time fee).

### Interim Use Permit Criteria

The City Council may consider an interim use permit for a use which is not specifically listed in this Ordinance as an interim use within the affected district and may grant a permit provided such interim use, after review by the Planning Commission and the City Council, is found to otherwise meet the criteria for granting an interim use permit within the affected district. The City Council shall make the following findings in order to approve an interim use:

- A. The proposed interim use will utilize property where it is not reasonable to utilize it in a manner provided for the City's Comprehensive Plan and Zoning Ordinance. (The proposed interim use for a religious institution will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is tentatively guided as "downtown flex" in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.)
- B. The proposed interim use is presently acceptable but, given anticipated development, will not be acceptable in the future. (The proposed religious institution is acceptable in that it is utilizing an office area of a former industrial use, but which will be rezoned, likely to "downtown flex" within the next couple of years which could possibly include the use as either permitted or conditional, at which time this use will no longer need the "interim" label.)
- C. The proposed use will not hinder permanent development of the site. (The proposed religious institution will not hinder permanent development of the site as it is utilizing an existing former industrial office area of an existing building and is anticipated to become "downtown flex" in the 2024 Comprehensive Plan.)

- D. The proposed use will not adversely impact implementation of the Comprehensive Plan for the area. (The proposed religious institution will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.)
- E. The proposed use will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare. (The proposed religious institution will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing office space and will have adequate off-street parking.)
- F. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area. (The proposed religious institution will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing existing office space in an existing building.)
- G. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities exist for the proposed religious institution’s use.)
- H. The date or event that will terminate the use has been identified with certainty. (The proposed religious institution shall cease to operate at the site on 1/1/2026 if it is not rezoned to a “downtown flex” or similar zoning district where religious institutions are either a permitted or conditional use in said zoning district.)
- I. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future. (The proposed religious institution will not impose additional costs on the public if it is necessary for the public to take the property in the future.)

In permitting a new interim use, the City Council may impose, in addition to the standards and requirements expressly specified by this Ordinance, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. Any City Council approval of an interim use shall be subject to the following conditions:

- A. Except as otherwise authorized by this section, an interim use shall conform to this Ordinance as if it were established as a conditional use.
- B. The date or event that will terminate the interim use shall be identified with certainty. The City Council may require the applicant to deposit a cash amount with the City, or provide some other form of security, to ensure compliance.
- C. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

- D. Other conditions as the City Council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards of this Ordinance and policies of the Comprehensive Land Use Plan.

**Staff Recommendation**

Staff recommends approval of Interim Use Permit #I1-2024 to allow for a religious institution in the I-1 Light Industrial District, located at 100 2<sup>nd</sup> Ave SW, as proposed by Faith, Recovery & Music, with the following findings:

- A. The proposed interim use for a religious institution will utilize property in a reasonable manner not currently allowed by its existing zoning within the I-1 Light Industrial Zoning District, but which is tentatively guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed religious institution is acceptable in that it is utilizing an office area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years which could possibly include the use as either permitted or conditional, at which time this use will no longer need the “interim” label.
- C. The proposed religious institution will not hinder permanent development of the site as it is utilizing an existing former industrial office area of an existing building and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.
- D. The proposed religious institution will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan.
- E. The proposed religious institution will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing existing office space and will have adequate off-street parking.
- F. The proposed religious institution will not create an excessive burden on existing parks, schools, street and other public facilities as it is utilizing existing office space in an existing building.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed religious institution’s use.
- H. The proposed religious institution will not impose additional costs on the public if it is necessary for the public to take the property in the future.

And with the following conditions:

- 1. The proposed religious institution shall cease to operate at the site on 1/1/2026 if it is not rezoned to a “downtown flex” or similar zoning district where religious institutions are either a permitted or conditional use in said zoning district.
- 2. Except as otherwise authorized by the Zoning Ordinance, this interim use shall conform to this Ordinance as if it were established as a conditional use.
- 3. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.

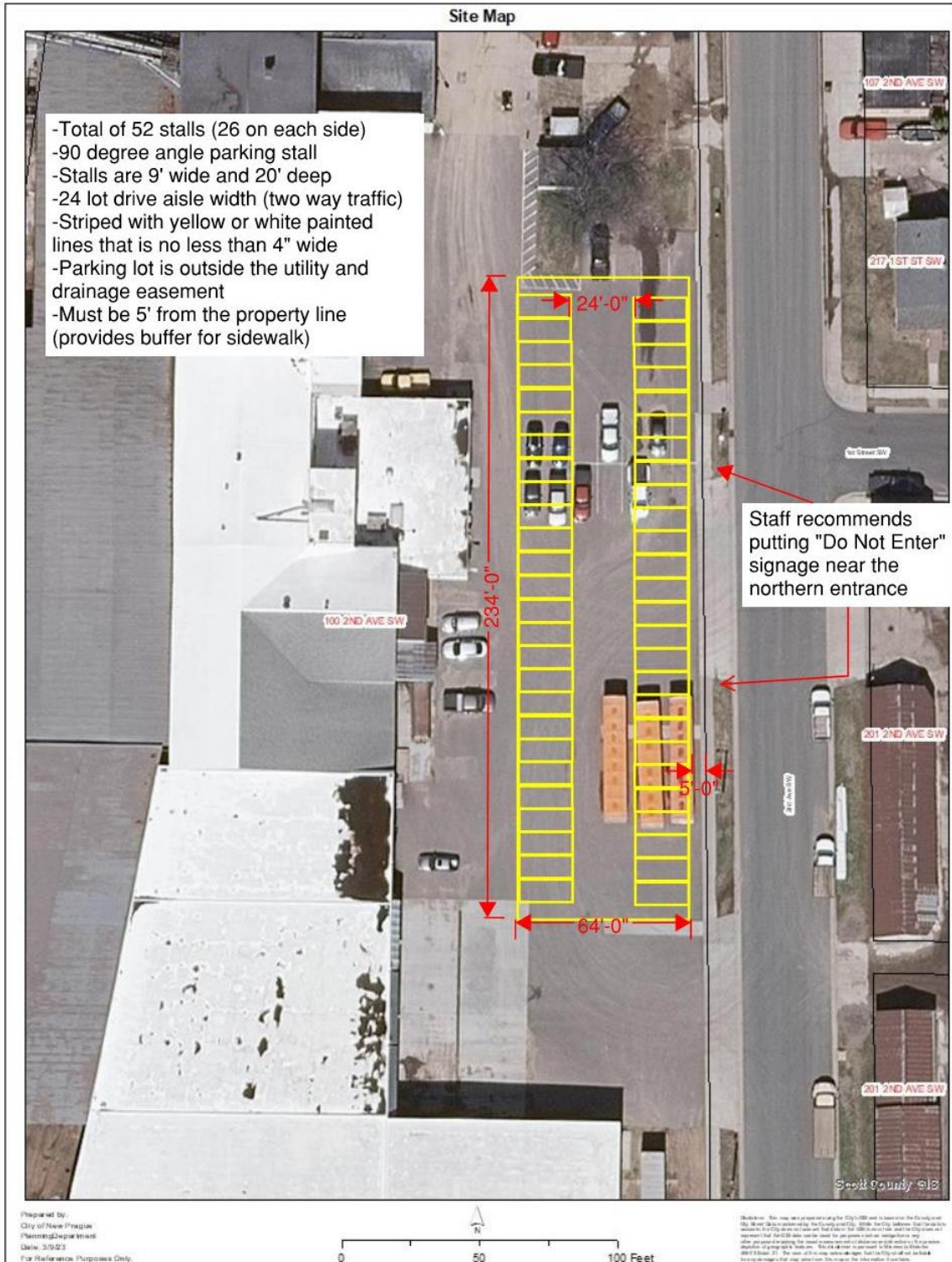
4. Approval is in general accordance with the area indicated on the floor plan included in the staff report (undated) on file with the Planning Department.
5. At least 10 off-street parking spaces, including required accessible space(s), must be available for the proposed use.
6. All building and site 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. WAC/SAC Charges are due and owed at the time of issuance of a building permit.
10. 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.
11. 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.

**Attachments**

1. Site Map Aeria / Zoning – Dated 3/11/24
2. Previously Approved Parking Lot Diagram – Dated 3/9/23
3. Floor Plan - Undated
4. Pictures – Dated 11/1/23
5. Google Street View – Dated August 2023

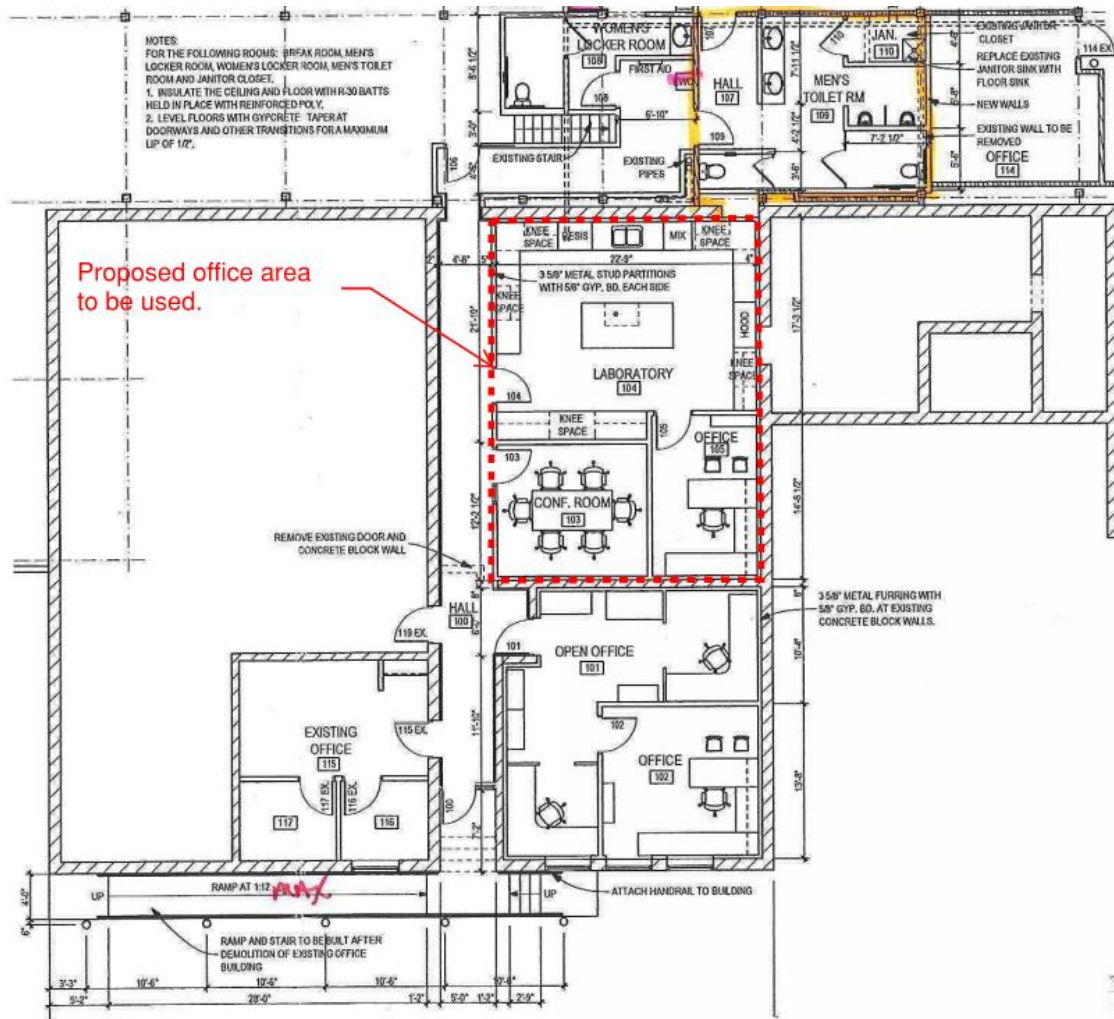






Previously Approved Parking Lot Layout Per CUP #C5-2023 – 10 spaces must be available for the proposed religious institution use.





**2011 Floor Plan of Office Area Being Utilized (bottom of plan is facing east towards existing parking lot area).**



Looking NW towards previously approved Indoor Firing Range – Main Entrance will be on the east elevation of the building along with 2 ADA Parking Spaces



Looking South along 2<sup>nd</sup> Ave. SW – parking area is this paved parking area. Entrance door to religious institution space is seen on the front of the building.





Looking south along 2<sup>nd</sup> Ave. SW.



Looking northwest along north end of the property towards Main Street.



Google Street view from August 2023 looking at office entrance.