

RESOLUTION #CC-26-06-01-05

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING
CONDITIONAL USE PERMIT #C2-2026 AND VARIANCE #V2-2026 TO ALLOW FOR
A CHIROPRACTOR'S OFFICE ON THE FIRST FLOOR AND APARTMENT ON THE
SECOND FLOOR WITH REDUCED PARKING REQUIREMENTS AT
200 4TH AVE. SW, AS PROPOSED BY ANDREW FAUTSCH.**

WHEREAS, Andrew Fautsch, applicant, regarding the following real estate in the County of Le Sueur to wit:

Parcel A:

All that part of Lot No. 1 and all that part of Lot No. 4 of Block No. 2 of Suchomel's Second Addition to the City of New Prague, Minnesota, the plat of said addition being on file in the office of the County Recorder of Le Sueur County, Minnesota, described as follows:

Beginning at the Northwest corner of said Lot No. 4; thence East along the North line of said Lot No. 4 and the North line of said Lot No. 1 a distance of 94.64 feet to the Westerly Right-of-Way line of Minnesota Trunk Highway No. 21; thence Southerly along said Right-of-Way Line 108.00 feet; thence Westerly parallel with the North line of said Lot Numbered 1 and 4 a distance of 95.21 feet to the West line of said Lot No. 4; thence North on said West line of Lot No. 4 a distance of 108.00 feet to the place of beginning, and also all of the vacated North and South alley contained within the boundaries of the described tract.

Parcel B:

Lot 5, Block 2, in Suchomel's Second Addition to New Prague, Le Sueur County, Minnesota.

is requesting a Conditional Use Permit to allow for a clinic and an apartment above the first floor in the B3 Highway Commercial Zoning District, and a Variance to allow for parking spots closer to the ROW line than permitted, without curbing, without screening, without landscaping, and at a reduced amount for the clinic; and,

WHEREAS, the New Prague Planning Commission has finished a review of the application and made a report pertaining to said request (#C2-V2-2026), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 27th day of May, 2026, after due consideration of presented testimony and information, voted **unanimously (4-0)** to forward the matter to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds the following conditions for the Conditional Use Permit:

- A. The proposed use will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve the area because the proposed use will have an overall minimal impact on public infrastructure except for 1st Street SW, upon which additional conditions have been proposed to mitigate any potential burden created on the street that may occur.
- B. The proposed use will not depreciate adjacent land, homes, or vacant land because the adjacent homes are legal non-conforming within the B3 Highway Commercial Zoning District and the past history of the subject property included a business and residence which is very similar to the proposed use, and in the past this use was not an issue.
- C. The proposed use will not have an appearance that has an adverse effect on adjacent residential properties because the exterior of the building will remain largely the same with the exception of two additional parking spaces.
- D. The proposed use is reasonably related to the overall needs of the City and to the existing land use because clinics and apartments above the first floor are both conditional uses within the B3 Highway Commercial Zoning District, the proposed use would be replacing a legal non-conforming single family home, and the Unified Development Code states that a goal within said Zoning District is to promote infill of business.
- E. The proposed use is consistent with the purposes of the Unified Development Code and the zoning district because clinics and apartments above the first floor are a conditional use within the B3 Highway Commercial Zoning District, the proposed use would be replacing a legal non-conforming single family home, and the Unified Development Code states that a goal within said Zoning District is to promote infill of business.
- F. The proposed use is not in conflict with the Comprehensive Plan because the current use as a single family residential property is legal non-conforming, and clinics and apartments above the first floor are conditional uses within the B3 Highway Commercial Zoning District.
- G. The proposed use will not cause traffic hazard or congestion because the proposed use as a clinic will have approximately 20 patients per day, with only one practitioner, which MnDOT reasonably believes will not cause traffic congestion along the highway.

- H. The proposed use has or will have adequate utilities, access roads, drainage, and necessary facilities because the property will not face considerably more utility and drainage usage than it currently does, and the access road 1st Street SW has additional proposed conditions to mitigate any potential burden created on the street that may occur.

WHEREAS, the New Prague City Council approves the request for a Conditional Use Permit with the following conditions:

1. Approval is subject to the site plan dated 04/21/2026 on file with the New Prague Planning Department.
2. The property owner must follow all regulations set by MnDOT regarding access to the property and parking.
3. If the clinic is to be expanded to more than one practitioner, or to a point reasonably expected to increase the traffic at the site, this Conditional Use Permit and Variance V2-2026 must be re-evaluated and MnDOT must be consulted.
4. Commercial signage shall only be allowed on the principal building. No freestanding or memorial signs shall be permitted due to the limited property from the building to the road ROW.
5. All conditions imposed through Variance V2-2026 must be followed in conjunction with this Conditional Use Permit.
6. If the increase of traffic created by the clinic causes extraneous maintenance on 1st Street SW, the property owner shall provide City-approved dust control measures or pay for the City to provide such measures. If extra dust control methods are unsuccessful in keeping 1st Street SW in reasonable shape and reasonably usable as determined by the City, this Conditional Use Permit and Variance V2-2026 shall be reevaluated to evaluate potential further road preservation and maintenance measures, which may include up to moving or removing the property access on 1st Street SW or requiring the property owner to improve the portion of 1st Street SW that provides access to the property.

WHEREAS, the New Prague City Council finds the following conditions for the Variance:

- A. The proposed Variance is in harmony with the general purposes and intent of this Ordinance because off-street parking is a permitted use within the B3 Highway Commercial Zoning District.
- B. The proposed Variance is consistent with the Comprehensive Plan because off-street parking is a permitted use within the B3 Highway Commercial Zoning District.

- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance and the City Code because the property owner proposes to continue utilizing the existing parking spots, with the two new ones being no closer to the ROW line, and that providing the amount of parking required by Ordinance for the clinic would be excessive for the proposed use.
- D. Unique circumstances apply to this property in that the rear yard has a steep slope that does not allow for parking to be placed in the rear without major reconfigurations to the property and would be inaccessible without further major reconfigurations.
- E. The proposed Variance does not alter the essential character of the neighborhood because the property will still have the same parking as it did as a single family residential property, just utilized differently and striped, with the only added parking being non-obtrusive.
- F. The proposed Variance is the minimum Variance which would alleviate the practical difficulties because it utilizes the existing parking area at the property rather than requiring reconfiguration of the rear yard and building entrances.

WHEREAS, the New Prague City Council finds the following conditions for the Variance:

- A. The property owner must follow all regulations set by MnDOT regarding access to the property and parking.
- B. The parking spaces dedicated to commercial use and residential use shall be clearly labelled by signs.
- C. All parking spaces must be striped, as outlined in UDC 6.002 (I) (2) (i).
- D. All conditions imposed in C2-2026 must be followed in conjunction with this Variance.
- E. If Conditional Use Permit C2-2026 is to be reevaluated due to increased traffic expected on 1st Street SW, this Variance shall also be reevaluated.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, Minnesota, that the request for Conditional Use Permit #C2-2026 to allow for a clinic and apartment above the first floor, and Variance #V2-2026 to allow for parking spots closer to the ROW line than permitted, without curbing, without screening, without landscaping, and at a reduced amount for a clinic at 200 4th Ave SW, as proposed by Andrew Fautsch, is hereby **approved** based on the above findings.

This Conditional Use Permit and Variance is approved, effective immediately upon its passage and without publication.

Passed this 1st day of June, 2026.

Charles L. Nickolay, Mayor

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2026.

Notary Public

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2026.

Notary Public

THIS INSTRUMENT DRAFTED BY:
Evan C. Gariepy
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401