



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH – PLANNING/COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PLANNING COMMISSION SUMMARY - REQUEST FOR VARIANCE #V6-2024 TO ALLOW A SOUTHERN DRIVEWAY ACCESS THAT IS 21' FEET FROM THE NEAREST RIGHT OF WAY INTERSECTION IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 222 2ND AVE SW, AS PROPOSED BY NEW PRAGUE MILL, LLC
DATE: AUGUST 29, 2024

Planning Commission Summary

The Planning Commission heard the above variance request at their August 28th, 2024, meeting. New Prague Mill, LLC, the applicant, is requesting a variance to have a driveway access that is 21' from the nearest right of way intersection to construct a southern private one-way driveway access and two parallel handicap stalls. According to the Zoning Ordinance, a commercial/industrial driveway must be setback a minimum of 100' from the edge of the street right of way of two local streets (2nd Ave SW and 2nd St SW). The variance would help reduce traffic conflicts and satisfy the shooting range's minimum handicap stall requirement.

While a public hearing is not required for variances, the Planning Commission did open a public hearing for comment. One comment was received from Joe Nadeau at 212 2nd Street SW where he stated he wasn't opposed to the variance or the gun range in general, but rather suggested the City look into adding stop signs to the intersection of 2nd Street SW and 2nd Ave. SW. Staff noted they would look into if adding stop signs would be warranted.

The Planning Commission recommended approval of the variance request on a unanimous vote (4-0) based on the six findings and one condition listed in the attached resolution.

Staff Recommendation

Staff recommends approval of the attached resolution "...Approving Variance (#V6-2024) ...".

RESOLUTION #24-09-03-04

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL APPROVING
VARIANCE (#V6-2024) TO ALLOW A SOUTHERN DRIVEWAY ACCESS THAT IS 21'
FROM THE NEAREST RIGHT OF WAY INTERSECTION IN THE I-1 LIGHT
INDUSTRIAL ZONING DISTRICT AT 222 2ND AVE SW, AS PROPOSED BY NEW
PRAGUE MILL, LLC, NEW PRAGUE, MINNESOTA**

WHEREAS, New Prague Mill, LLC, owner of the following real estate in the County of Le Sueur to wit:

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.

are requesting a variance to allow a southern driveway access in the I1-Light Industrial District that is 21' from the nearest street right of way intersection at 222 2nd Ave SW, which is located on the above-described real estate; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request (#V6-2024), a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 28th day of August, 2024, after due consideration of presented testimony and information, voted unanimously (4-0) to forward staff's recommendation to the City Council with a recommendation for approval; and,

WHEREAS, the New Prague City Council finds:

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2024.

*_____
Notary Public*

THIS INSTRUMENT DRAFTED BY:

Kyra J. Chapman
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KYRA CHAPMAN – PLANNER
SUBJECT: REQUEST FOR VARIANCE PERMIT #V6-2024 TO ALLOW A SOUTHERN DRIVEWAY ACCESS THAT IS 21' FEET FROM THE NEAREST RIGHT OF WAY INTERSECTION IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 222 2ND AVE SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.
DATE: AUGUST 22, 2024

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 farm produce 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.

On December 4th, 2023, the City approved conditional use permit #C5-2023 and #V4-2023 to allow an indoor firing range and limited retail sales within the I-1 Light Industrial District and to be less than 1000' from the nearest establishment licensed to dispense intoxicating beverage as proposed by 2 If By Sea Tactical. On April 15th, 2024, City Council approved interim use permit #I1-2024 to allow a religious institution in the I-1 Light Industrial District as proposed by Faith, Recovery & Music. 2 If By Sea Tactical will be occupying the southern section of the mill, whereas Faith, Recovery & Music will reside in the center of the building. Both tenants will share the parking lot but must meet their respective minimum parking stall requirements.

In #C5-2023, it was listed as a condition to have “Do Not Enter” signage posted at the parking lot entrance near the intersection of 1st Street SW and 2nd Ave SW. All traffic would have to enter and or exit from the southern driveway entrance, preventing potential collisions.

New Prague Mill LLC is requesting a variance from driveway access and spacing requirement to add a southern one-way driveway access near the intersection of 2nd Ave SW and 2nd St SW. The driveway access would include two parallel handicap parking stalls to meet the minimum parking stall requirements for the indoor gun range. The proposed driveway access would be 21' from the street right-of-way, whereas the Zoning Ordinance would require the driveway access to be a minimum of 100' from the street right-of-way.

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.

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Parcel 7:

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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.

The former mill property is unique in that there are several different zoning districts surrounding the site. The Mill is currently occupied by Faith, Recovery & Music and the future indoor firing range. The building is also being used for warehousing purposes for MVE Biological Solutions and Autowash Systems, Inc.

Wells Fargo Bank at 217 W Main Street, northeast of the subject site, was granted approval for V7-2018 to have reduced driveway access of 150' from Trunk Highway 19 to 22' on 2nd Ave NW.

Applicant's Statement

The applicant submitted the following statement on 8/16/2024:

The driveway variance is needed for the new gun range parking requirements. In order to put the 2-handicap parking spots close to the entrance, we are paving the rocked area. Given the limited space there, they can only be placed north/south along the sidewalk. To prevent these users from having to back all the way to the main area, we would like them to be able to pull straight through. This would be a limited use exit only driveway, so it shouldn't impact the flow of traffic in that area. The main driveways stay in place for the general public.

Rick Kaun
The New Prague Mill LLC

Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. ATR LLC (2 If By Sea Tactical) will utilize 10,000 sq ft of the building in the southern section of the Mill. Faith, Recovery & Music is housed in 780 sq ft of office area within the central portion of the Mill.

Zoning/Driveway Access

Section 723 of the Zoning Ordinance, details requirements related to access spacing and driveways. The property is zoned I1- Light Industrial District and both 2nd Ave SW and 2nd St SW are local streets. Since the commercial/industrial driveway would be located near the intersection of two local streets, it must be a minimum of 100' from the edge of the street right of way. For a one-way commercial/industrial driveway, the curb cut, and drive aisle must be a minimum of 13' wide. New Prague Mill LLC is requesting a variance for the proposed driveway access to be 21' from the street right of way. The proposed curb cut, and drive aisle will be 14' wide. The proposed width for the curb cut and drive aisle would be meeting the Zoning Ordinance but the proposed driveway access distance from the right of way would not.

Parking

The I-1 Light Industrial District requires off-street parking. The indoor gun range must have a minimum of 24 parking stalls, which was calculated by the square footage and use of the space. As part of that requirement, at least two of the stalls must be handicap accessible, one of which must be van accessible. The applicant intends to put the two handicap accessible stalls near the new front entrance and along the proposed driveway access. The stalls would be parallel parking stalls, directly east of the gun range. All parking spaces must be surfaced with either concrete or plant mixed bituminous. As per Building Code, there must be an 8' gap on the passenger's side of the van accessible parking spot.

According to C5-2023 and V4-2023, the approved conditions must be met. The parking lot must be setback a minimum of 5' from the eastern property line along 2nd Ave SW. "Do Not" Enter" signage must be posted at the parking lot entrance near the intersection of 1st Street SW and 2nd Ave SW. Only delivery and loading trucks may pass through this entrance outside normal business hours. The signage would prohibit customers from entering the northern entrance, therefore, preventing potential vehicle collisions with parked cars. This would also direct customers to only use the southern parking lot entrance.

The proposed parking lot must follow Section 717 of the Zoning Ordinance, detailing the standards to parking stall dimensions, setbacks, and minimum stall requirement. The parking lot must be striped in white or yellow paint no less than 4" wide. For a 90-degree angled parking lot, the parking stalls must be 9' wide, 20' deep, and a minimum lot drive aisle width of 24' (for two-way traffic).

As a condition of C5-2023 and V4-2023, at least one tree must be planted along the perimeter of the new pavement to meet the parking lot requirements for new paved parking areas.

Public Works /Utilities / Engineering Comments

Public Works Director Matt Rynda and Utilities General Manager Bruce Reimers did not provide any comment on the subject.

City Engineer Chris Knutson provided the following comments on 8/20/2024 regarding the original plan that was dated 8/7/2024:

1. The site plan as provided does not appear to scale. The radius on the street is significantly larger than shown. The driveway entrance will be in the curb radius. The site plan should

- be revised to accurately reflect the existing and proposed conditions. A driveway should not be located within a curb radius, it does appear it will likely be close.
2. The proposed driveway should not include curb or a radius as shown. Curb cut with concrete apron only. Curb may be constructed on the property outside the right of way. See adjacent residential properties for examples.
 3. Non-paved areas shall be restored with turf. This appears to affect the SE corner primarily.
 4. Paving shall extend to the existing bituminous surface on north side of driveway.
 5. A one-way driveway only needs to accommodate a single vehicle width. It should be narrowed to 14'.
 6. Depict sign locations for accessible parking and no parking locations on site plan. No parking signs along the building may be needed.
 7. Ensure accessible parking spaces, access aisle, and access route meet sloping requirements (maximum 2.0%). The design slope on 2nd Avenue SW was 2.2% and likely matches the sidewalk. They may need some buffer between the access aisle and sidewalk to ensure maximum slopes aren't exceeded.

Police Chief Comments

Police Chief Tim Appen did not provide any comment on the subject.

Building Official Comments

Building Official Scott Sasse verified that the proposed plans from the previous draft dated 8/7/2024 met the Minnesota Accessibility requirements for parking spaces. The following code sections relate to this project:

502.4.1 Location.

Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle. Access aisles shall not overlap with the vehicular way. Parking spaces shall be permitted to have access aisles placed on either side of the car or van parking space. Van parking spaces that are angled shall have access aisles located on the passenger side of the parking space

502.4.2 Width.

Access aisles serving car and van parking spaces shall be 96 inches (2440 mm) minimum in width

502.4.3 Length.

Access aisles shall extend the full length of the parking spaces they serve

502.4.4 Marking.

Access aisles shall be marked so as to discourage parking in them and be provided with the designation "no parking." The "no parking" designation shall be provided on a sign centered at the head end of the access aisle a maximum of 96 inches (2440 mm) from the head of the access aisle, and be mounted 60 inches (1525 mm) minimum and 66 inches (1676 mm) maximum above the floor of the access aisle, measured to the bottom of the sign. Where access aisles are marked with lines, the width measurements of access aisles and adjacent parking spaces shall be made from the centerline of the markings.

Exceptions:

1. A sign indicating no parking shall not be required where the sign would obstruct a curb ramp or pedestrian route. In this case, the no parking designation shall be provided on the surface of the access aisle.
2. A sign indicating no parking shall not be required where parking spaces and access aisles are enclosed or otherwise protected from the elements. In this case, the no parking designation shall be provided on the surface of the access aisle.
3. Where access aisles or parking spaces are not adjacent to another access aisle or parking space, measurements shall be permitted to include the full width of the line defining the access aisle or parking space.

Criteria for Granting Variance – Section 507

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties. Practical difficulties is a legal standard set forth in law that cities must apply when considering applications for variances. To constitute practical difficulties, all three factors of the test must be satisfied, which are reasonableness, uniqueness and essential character. The Zoning Ordinance's criteria addresses these standards.

The Zoning Ordinance identifies criteria for granting variances as noted below. These items must be evaluated by the Planning Commission and City Council when considering variance requests. It is important to note that variances should only be granted in situations of practical difficulties. A variance may be granted only in the event that all of the circumstances below exist. Staff has evaluated the established criteria for this specific request. Staff's comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. (The requested variance is in harmony with the general purposes and intent of this Ordinance because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.)
- B. The variance is consistent with the comprehensive plan. (The requested variance is consistent with the comprehensive plan because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant will continue to use the property in a reasonable manner in that the variance is only needed for a one-way driveway access that will reduce traffic conflicts and provide more appropriate handicap parking.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions

of the applicant. (Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the same zoning district because the subject building is very close to 2nd Ave SW and with the need of two handicap parking stalls closest to the entrance, there would be no room to have the driveway be further from the intersection.)

- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because there are several building in the area that have reduced setbacks, which causes driveways to be closer to the intersection.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow vehicles to enter from both 2nd St SW and 2nd Ave SW as well as providing handicap stalls that are closer to the building entrance.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (The driveway access must meet all the comments made by the City Engineer dated on 8/20/2024.)

Staff Recommendation

Staff recommends approval of Variance #V6-2024 to allow reduced access spacing from street right of way intersection of 2nd St SW and 2nd Ave SW from 21' as opposed to the standard 100' requirement at 222 2nd Ave SW, as proposed by New Prague Mill, LLC, with the following findings for the variance:

- A. The requested variance is in harmony with the general purposes and intent of this Ordinance because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.
- B. The requested variance is consistent with the comprehensive plan because an indoor firing range is a conditional use in the I-1 Light Industrial Zoning District.
- C. The applicant will continue to use the property in a reasonable manner in that the variance is only needed for a one-way driveway access that will reduce traffic conflicts and provide more appropriate handicap parking.
- D. Unique circumstances apply to this property over which the applicant had no control and which do not generally apply to other properties in the same zoning district because the subject building is very close to 2nd Ave SW and with the need of two handicap parking stalls closest to the entrance, there would be no room to have the driveway be further from the intersection.

- E. The variance does not alter the essential character of the neighborhood because there are several building in the area that have reduced setbacks, which causes driveways to be closer to the intersection.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow vehicles to enter from both 2nd St SW and 2nd Ave SW as well as providing handicap stalls that are closer to the building entrance.
- G. The driveway access must meet all the comments made by the City Engineer dated on 8/20/2024.

Attachments

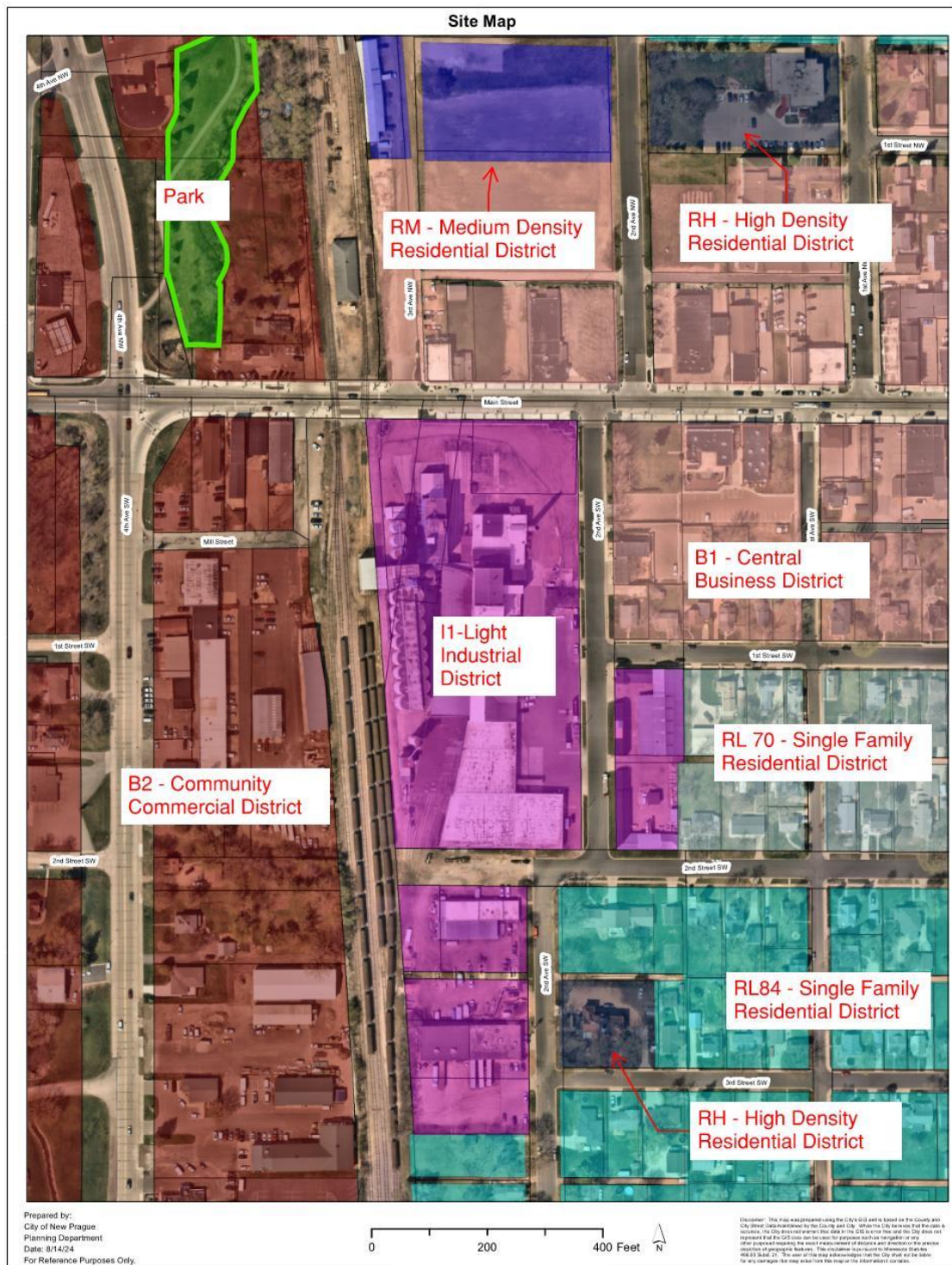
- 1. Site Map Aerial – Dated 8/14/24
- 2. Shooting Range Location – Dated 10/26/23
- 3. Site Map Zoning – Dated 8/14/24
- 4. Driveway Access/Handicap Stall Diagram – Dated 8/7/24 (although this is the revised copy - 8/22/24)
- 5. Pictures – Dated 8/20/24



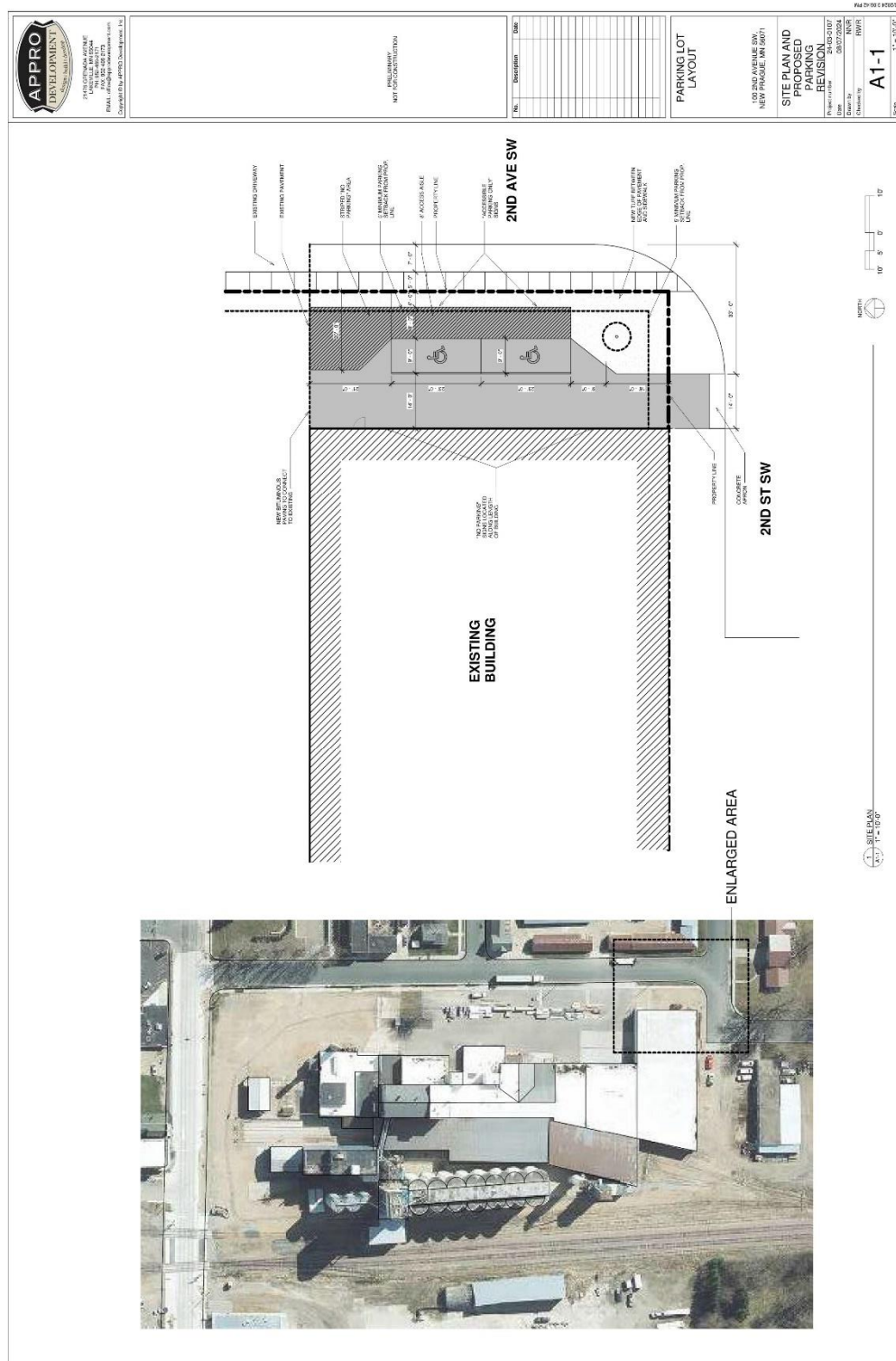
Aerial View of the Site

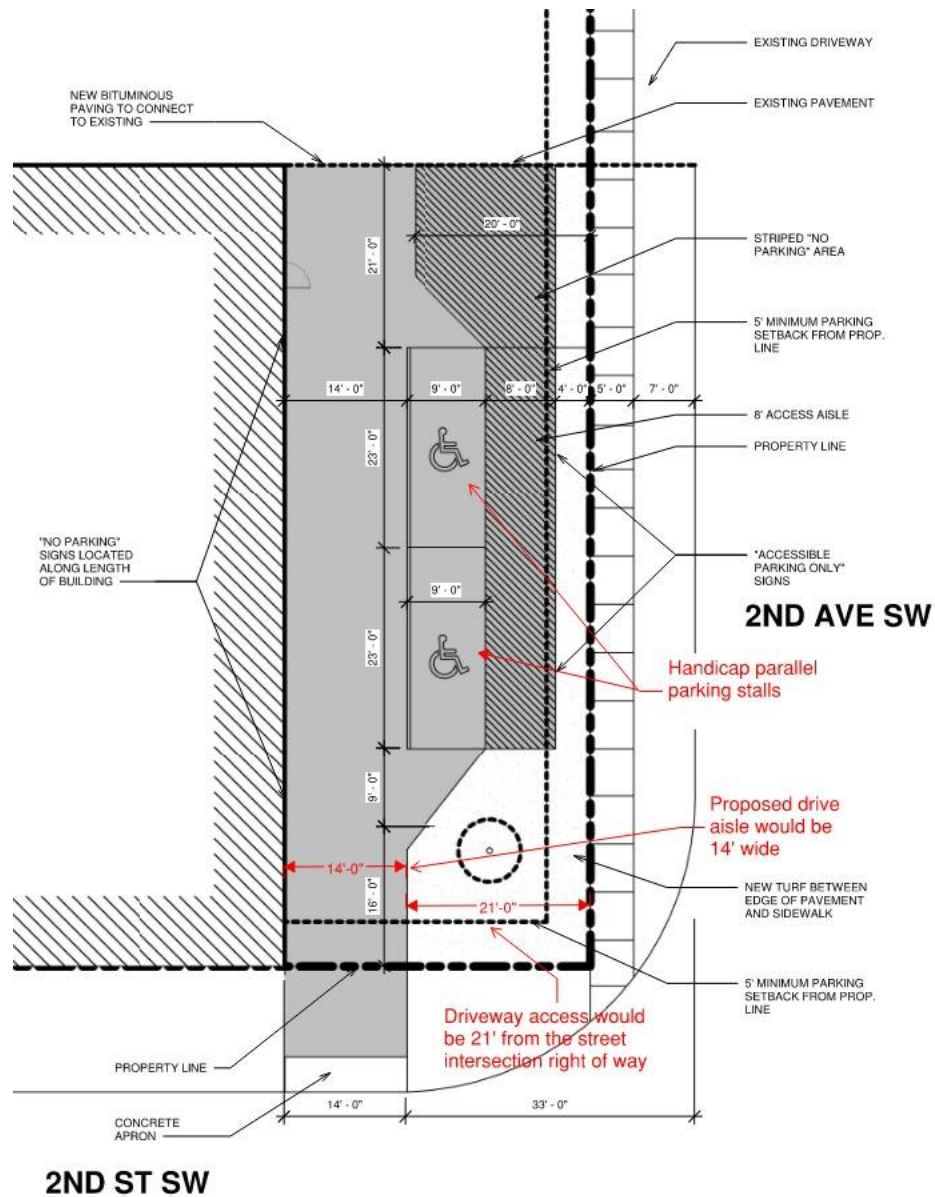


Location of the Indoor Shooting Range



Zoning Districts of Subject and Neighboring Properties





Driveway Access Plan Detail



Looking NW towards Indoor Firing Range – Main Entrance will be on the east elevation of the building along with handicap parking stalls



Looking N at the proposed driveway access



Looking south from the sidewalk towards the intersection of 2nd Ave SW and 2nd St SW



Looking NE at the intersection of 2nd Ave SW and 2nd St SW



Looking SW from the existing driveway access on 2nd Ave SW



Looking NW from the existing driveway access on 2nd Ave SW, viewing the future parking lot for the indoor firing range and religious institution