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MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT #C5-2023 AND VARIANCE #V4-2023 TO ALLOW FOR AN INDOOR FIRING RANGE AND LIMITED RETAIL SALES IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND AVE SW, AS PROPOSED BY ATR LLC (AUSTIN REVILLE).
DATE: NOVEMBER 9, 2023

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 April 3rd, 2023, the City approved Conditional Use Permit #C3-2023 which allowed limited retail sales in this portion of the building as proposed by Urban Flea Market. Certain conditions from this CUP were not satisfied and the retail component was not allowed to operate beyond October 3, 2023.

Since that time, the City received an application to convert a portion of the building space previously used by Urban Flea Market for an indoor firing range with limited retail sales. The Zoning Ordinance was amended in 2021 to allow indoor firing ranges as conditional uses in industrial zoning districts and was also amended in 2022 to allow limited retail sales as conditional uses in industrial zoning districts, with performance standards relating to each of these uses.

The applicant is proposing 10,000 sq. ft. of the south portion of the former mill warehouse to be built out as an indoor firing range (with 8 total shooting lanes) with associated retail sales area of approximately 2,000 sq. ft. and other associated classroom, office and storage areas. The hours of operation are proposed to be 9am to 9pm Monday Through Saturday with occasional special event rentals and to be closed on Sundays.

While both a variance and conditional use permit have been applied for in order to open an indoor firing range at this location, the variance is the critical path item to first be considered as if there is no affirmative vote on the variance, then the conditional use permit review is not necessary.

The specific variance being sought is to allow an indoor firing range at no less than 500' to the nearest establishment licensed to dispense intoxicating or non-intoxicating beverages versus the normal limit of 1,000'.

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. Staff's biggest concern with the proposed use is noise. State statute provides limits on the noise related to firing ranges, but there is a residential home located just to the SE of the proposed location. This home is located at 212 2nd Street SW and is 115' from building to building but 160' from the closest point of the shooting lanes to the same home.

The other unique part about the property is that while it's zoned industrial, it is essentially in the downtown area which has many bars and restaurants, of which the indoor firing range must normally be located at least 1,000' away from.

Applicant's Statement

The applicant submitted a letter (undated) which is attached in full to this memo.

The letter provides details for the indoor firing range and associated retail store and training classrooms. He notes that he has been in operation since 2019 as a Federally Licensed Firearms Dealer (FFL) and has 3 employees at their current 770 sq. ft. retail shop. The applicant states that they want to expand and fulfill the need for an indoor firing range. The closest indoor firing range is located in Burnsville, a 35-minute drive from New Prague. He notes that they face hardships with this location as it is near downtown with many establishments that dispense alcohol within 1,000', which is not allowed by the

city's ordinance. He notes that they had looked at other options/locations within the city such as the industrial park, but those options are cost prohibitive. At the suggested location, the building owner is going to build the space whereas 2 If By Sea will furnish the space, making the project more economically feasible. He also believes this use will help repurpose the former mill into an amenity to draw people to the community as well as additional tax revenue to the City.

Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. ATR LLC is proposing to utilize 10,000 sq ft of the building in the southern section of the Mill which was previously utilized by Urban Flea Market.

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.

Indoor firing ranges have been a conditional use in this zoning district since 2021. Section 745 of the Zoning Ordinance contains the specific performance standards for indoor firing ranges as follows:

745 Indoor Firing Ranges

In every district where the use is permitted or conditional, the Indoor Firing Range:

1. Shall not be located on any lot directly adjacent to an existing Residential Zoning District or any public park property.
2. Shall not be located within one thousand (1,000) lineal feet, measured from building to building, of any church, school, or establishment licensed to dispense intoxicating or non-intoxicating beverages.
3. The use, occupancy, and construction of the building shall conform to the Minnesota State Building Code.
4. The building and method of operation shall conform with the applicable Minnesota Pollution Control Agency, Environmental Protection Agency, and OSHA standards for indoor ventilation, emissions into the atmosphere, indoor sound levels, lead containment, and outside noise standards.
5. The design and construction of the firing range shall completely confine all ammunition rounds within the building and in a controlled manner. The design and construction of the firing range shall be certified by a registered engineer in the State of Minnesota. The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls, and floors. The certified plans shall state what type and caliber of ammunition the range is designed to totally confine.
6. No ammunition shall be used in the range that exceeds the certified design and construction specifications of the firing range.

7. A written log of range users shall be maintained by the range operator and available for inspection by the City at any/all times. The name and address of the user shall be verified by photo identification. The log shall, but is not limited to: a. The name, address and phone number of the range user; b. The time and date the user was in the range.
8. Firearms shall not be stored on the premises when the range is closed for business, unless they are stored in a secured vault.
9. On-site supervision shall be supplied at all times by an adult with credentials as a range operator. The range operator shall be responsible for the conduct of their place of business and the conditions of safety and order in the place of business and on the premises.
10. The applicant shall provide and maintain proof of liability insurance which shall require the insurer notify the Planning Director in writing within ten (10) business days of cancellation of the policy, a change in the limit of the policy and/or a change in policy ownership. Said policy shall be available for inspection by the Planning Director and/or his/her assigns at all times.
11. On site instruction shall be given only by Certified Firearms Instructors. Current certificates for firearms instructors shall be on display in a conspicuous location in the premises and available for public inspection at all times.
12. An outside security plan for the general grounds shall be submitted to the Planning Director or designee for review and approval.
13. The transport of firearms on the premises, to the premises and from the premises shall conform to State Law.
14. Minors shall not be allowed in the range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.
15. Indoor firing ranges shall not sell or dispense intoxicating or non-intoxicating liquors, nor shall they be located in a building which contains a business that sells or dispenses nonintoxicating or intoxicating liquors.
16. Hours of operation are limited to 7am to 10pm.
17. The Planning Commission and City Council reserve the authority to review or modify the performance standards for the range.

Of the above conditions, only Condition #2 above cannot be met as there are 5 existing establishments that “dispense intoxicating or non-intoxicating beverages” (which in Minnesota is 3.2 beer or higher in alcohol content). A map is included in this report that shows the locations (as well as two other locations that have recently been licensed within 1,000’ of the proposed facility). It is notable that within 500’ of the proposed location, there are no establishments that sell alcohol. When the performance standards were initially written in 2021, it was acknowledged that the only location for an indoor shooting range would likely be somewhere in the City’s industrial park off 6th Street NW.

Retail sales are allowed in the industrial district with a conditional use permit, but retail sales may not exceed 30% of the tenant area of a multi-tenant leased building area or surpass 5,000 sq ft of retail

space; whichever comes first. The proposed business would be leasing 10,000 sq. ft. of space with approximately 2,000 sq. ft. of retail sales space which would be under the 30% limit.

Parking

The I-1 Light Industrial District requires off-street parking. Parking is required as follows:

Retail requires 1 per 300 sq. ft. – 2,000 sq. ft. space requires 7 parking spaces.

Shooting Lanes (classified as physical recreation or training) requires 1 per 350 sq. ft. – 8 shooting lanes takes up approximately 4,100 sq. ft. and requires 12 parking spaces.

Office / Classroom requires 1 per 350 sq. ft. – 1,330 sq. ft. requires 4 parking spaces.

Warehousing/Storage requires 1 per 1,000 sq. ft. - 722 sq. ft. requires 1 parking spaces.

Total minimum spaces required is 24.

The previously reviewed and approved plan of 52 stripped parking stalls for the previous Urban Flea Market is proposed to be utilized for this new use and other potential new uses at the site.

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). The entire parking lot will be 64' x 234' (14,976 sq ft).

Staff requires placing "Do Not Enter" signage at the parking lot entrance near the intersection of 1st Street SW and 2nd Ave. SW. 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. Delivery or loading trucks would still be able to pass through to the northern entrance, despite the signage, so they can easily circulate through the parking lot to the loading dock, as long as it is done outside of normal business hours.

In addition to signage, staff recommends that the parking lot should be setback 5' from the property line. According to Section 717 (2) (D) of the Zoning Ordinance, parking lots must be 5' from the property lines. The ordinance was established after the Mill and the parking lot were constructed, therefore, making the existing parking lot legal non-conforming. However, staff believes that having the striped spaces 5' from the property line would provide a nice buffer for the sidewalk along 2nd Ave SW.

In addition to the striping of spaces in the existing paved parking area, the applicant said he will add two ADA parking stalls right up by the new front entrance. These spaces must also be paved. Staff requires at least 1 tree to 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 believes that although putting a “no parking” sign on 2nd Ave SW might direct people to park in the parking lot, it may not be necessary. Rynda recommends waiting to see how parking plays out to see if signage should be posted.

Building Official Comments

Building Official Scott Sasse has noted that a full set of signed and stamped architect and engineered plans will be required before a building permit can be issued that meet all requirements of the zoning ordinance, building code, and other state and federal agencies.

Police Chief Comments

Police Chief Tim Appen provided the following comments on 11/2/23:

Here is the link to the statutes for Gun Ranges [Minnesota Statutes 2022, Chapter 87A \(mn.gov\)](https://www.mn.gov/statutes/chapter/87A)

As we have previously discussed they do mention operating times in the statute. Some of my thoughts surrounding the variance request are the noise level as the property abuts a residential area. There will be some popping heard outside the facility, the statute above also indicates the noise level allowable.

From what I can gather in my research is that cities have a 1,000' ordinance to churches, schools and liquor establishments to limit gun ranges and other businesses to industrial parts of cities. This variance request is within 1,000' of 5 or so establishments.

There are lots available in the city's industrial park that are for sale. I understand that this proposed location is more convenient and less expensive, but the option is still available for the range to be built in the industrial park, affordability notwithstanding. Does this constitute an amendment and variance? That is one question the council will have to consider.

If the city grants a variance for this business, do we create an unwritten standard that will have be honored in the future? If another business is looking for a variance, the city says no, or gets a lot of public pressure to say no or yes for that matter, does this get brought up?

I realize we spoke about the property not adjoining a residential district, it is separated by a road as City Attorney Riggs stated, but this is what I anticipate the neighbors bringing to the councils attention.

Another topic we discussed is the hours of operation, I would look at a schedule that hopefully the neighbors would be agreeable to. I don't have that answer right now but could be a topic of discussion as the variance moves through the process.

I am also concerned about the noise from the range potentially creating police calls for service. While the gun range may be in compliance with the city regulations, are the residents going to report a “nuisance”. I talked with several residents nearby the proposed gun range about the nuisance ordinance when we were dealing with the house on 2nd St (which had a gun related situation recently), so they are aware of it and what the language states.

I don't know that we would necessarily need a live feed camera, difficult to monitor and who would monitor, argument could be made for violations that we didn't have a warrant to obtain the private cctv...

Those are my initial thoughts and I'm sure more will come from this but happy to discuss further if needed.

Legal and Additional Considerations (Distance to Residential Homes and Noise)

City Staff spoke with the City Attorney on 11/1/23 and it was confirmed that the City's 1,000' distance is for the locating of an indoor firing range from existing churches, schools and establishments that serve alcohol. It does not prevent any of those uses from locating within 1,000' of an existing indoor firing range which would, however, make the gun range become "Legal non-conforming" meaning it would not be allowed to expand without a variance and amendment to the conditional use permit. Additionally, the City attorney confirmed that the proposed indoor firing range is not located "directly adjacent" to residential property as it is separated by public right of way.

The indoor firing range building outer wall is located approximately 115' to the nearest home at 212 2nd Street SW, but the home is closer to 160' away from the actual shooting lanes.

Minnesota Statutes Chapter 87A.05 contains specific noise standards as follows:

Allowable noise levels for the operation of a shooting range are the levels determined by replacing the steady state noise L10 and L50 state standards for each period of time within each noise area's classification with a single Leq(h) standard for impulsive noise that is two dBA lower than that of the L10 level for steady state noise. The noise level shall be measured outside of the range property at the location of the receiver's activity according to Minnesota Rules, parts 7030.0010 to 7030.0080, as in effect on May 28, 2005. For purposes of this section, "Leq(h)" means the energy level that is equivalent to a steady state level that contains the same amount of sound energy as the time varying sound level for a 60-minute time period.

What this means is that MPCA Noise Pollution Control Rule 7030 is referenced which says that the L10 noise level as measured at the nearest residential property cannot exceed 65dB(A) must be reduced by 2 dB(A) meaning that readings cannot exceed 63dB(A).

Regarding the close proximity to residences, while there is no city zoning performance standard that says an indoor firing range must be a certain distance from a residence, there is the reality that audible "pop" sounds from the range likely will be heard outside. Noise mitigation efforts must be made to keep the sound level as measured at nearby residential properties at 63dB(A) or less. Staff also suggests that the hours of operation can limit the potential for nuisance complaints, even if the sound level has not exceeded the threshold. While the applicant proposes operating 9am to 9pm 6 days a week (closed on Sundays), staff would suggest that the range should close at no later than 8pm on weekdays and 9pm on Fridays and Saturdays. It is possible that the indoor firing range will be quieter than the previous Mill use, but staff is unsure of the normal decibel level the mill had when it was in operation as a comparison.

Regarding allowing a variance to be no less than 500' from an establishment that dispenses alcohol, as Chief Applen noted, the intent of the ordinance as drafted was to try to locate these uses to the industrial park. That said, the former mill is zoned industrial and while it is near other commercial and industrial properties, there are also homes nearby. Staff's biggest concern with the variance is the ease of walking from an establishment that serves alcohol to the indoor firing range. While the applicant must be vigilant to assess the sobriety of users, it seems as though the ease of walking there at this location from downtown establishments could be problematic particularly in evenings. For this reason, staff also supports the firing range not being allowed to be open past 8pm Sunday through Thursday or 9pm on Fridays and Saturdays.

WAC/SAC Fees

Credit of warehousing previously at 6,950 sq. ft. per 1 REU. Existing 10,000 sq. ft. = 1.44 Credits.

Shooting range is 6 lanes per REU. 8 shooting lanes = 1.33 owed.

Retail/Office is 3,050 sq. ft. per REU – 3,330 sq. ft. = 1.09 owed.

Warehousing/Storage is 6,950 sq. ft. per REU – 722 sq. ft. = .10 owed.

Total WAC/SAC owed = 1.08

1.08 x \$1,800 for WAC = \$1,944

1.08 x \$7,150 for SAC = \$7,722

Total WAC/SAC owed = \$9,666 (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).

Variance Criteria

(To allow an indoor firing range to be no less than 500' from an establishment licensed to dispense intoxicating or non-intoxicating beverages.)

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.

- 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 an indoor firing range to be located less than 1,000 feet from an establishment licensed to dispense intoxicating or non-intoxicating beverages.)
- 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 while the property is zoned I-1 Light Industrial, it is located near downtown businesses as well as residential homes which was a common occurrence from when the property was originally developed as the mill dating back to 1896 which predates any zoning ordinances within the City.)
- E. The variance does not alter the essential character of the neighborhood. (The variance does not alter the essential character of the neighborhood because surrounding land to the north, south, west and partially to the east are industrially or commercially used and the outward appearance of the building will not drastically change from what exists today.)
- 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 the indoor firing range in an existing industrial building which has existed on the site for many years and is a re-use of the property which is more cost effective for the applicant than building a new building on raw land in the City's industrial park.)
- 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. (N/A – will be addressed as part of the conditional use permit review.)

Conditional Use Permit Criteria

The Zoning Ordinance has a section specific to criteria for granting conditional use permits. When granting a conditional use permit the Planning Commission shall make the findings listed below.

- A. 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 use for an indoor firing range and limited retail sales 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 striped parking lot will accommodate parking needs and an indoor firing range and limited retail sales are an allowed conditional use.)
- B. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. (The use is sufficiently compatible in that it is a conditional use in the I-1 Light Industrial Zoning District and appearance of the building and site will not be drastically different than exists today and should not be any less compatible than the previous mill use of the property and any noise and safety concerns will be addressed through the design of the internal buildout of the space.)
- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. (The appearance of the building and site will not be drastically different than exists today except for some parking improvements and a new front door which should not be any less compatible or have any adverse effect upon the adjacent residential properties than the previous mill use of the property.)
- D. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use. (The proposed indoor firing range and limited retail use is reasonably related to the overall needs of the City and existing land use as the proposed indoor firing range and limited retail business are specifically listed as Conditional Uses in the I-1 Light Industrial District.)
- E. The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. (The proposed indoor firing range and limited retail use is specifically listed as a Conditional Use in the I-1 Light Industrial District and therefore is consistent with the purposes of the zoning ordinance.)
- F. The use is not in conflict with the Comprehensive Plan of the City. (The proposed indoor firing range and limited retail space is not in conflict with the Comprehensive Plan of the City because it is located in the I-1 Light Industrial District in which said uses are allowed as Conditional Uses.)
- G. The use will not cause traffic hazards or congestion. (The proposed use will not cause traffic hazards or congestion as it provides 54 off-street parking stalls, above the minimum 24 parking stall requirement.)
- H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (Adequate utilities, access roads, drainage and necessary facilities have been provided.)

Staff Recommendation

Staff recommends approval of Variance #V4-2023 to allow an indoor firing range to be located no less than 500' from an establishment licensed to dispense intoxicating or non-intoxicating beverages and Conditional Use Permit #C5-2023 to allow an indoor firing range and limited retail sales in the I-1 Light Industrial District, located at 100 2nd Ave SW, as proposed by ATR, 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 an indoor firing range to be located less than 1,000 feet from an establishment licensed to dispense intoxicating or non-intoxicating beverages.
- 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 while the property is zoned I-1 Light Industrial, it is located near downtown businesses as well as residential homes which was a common occurrence from when the property was originally developed as the mill dating back to 1896 which predates any zoning ordinances within the City.
- E. The variance does not alter the essential character of the neighborhood because surrounding land to the north, south, west and partially to the east are industrially or commercially used and the outward appearance of the building will not drastically change from what exists today.
- F. The variance requested is the minimum variance which would alleviate the practical difficulties because it would allow the indoor firing range in an existing industrial building which has existed on the site for many years and is a re-use of the property which is more cost effective for the applicant than building a new building on raw land in the City's industrial park.

And making the following findings to approve the Conditional Use permit:

- A. The proposed use for an indoor firing range and limited retail sales 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 striped parking lot will accommodate parking needs and an indoor firing range and limited retail sales are an allowed conditional use.
- B. The use is sufficiently compatible in that it is a conditional use in the I-1 Light Industrial Zoning District and appearance of the building and site will not be drastically different than exists today and should not be any less compatible than the previous mill use of the property and any noise and safety concerns will be addressed through the design of the internal buildout of the space.
- C. The appearance of the building and site will not be drastically different than exists today except for some parking improvements and a new front door which should not

be any less compatible or have any adverse effect upon the adjacent residential properties than the previous mill use of the property.

- D. The proposed indoor firing range and limited retail use is reasonably related to the overall needs of the City and existing land use as the proposed indoor firing range and limited retail business are specifically listed as Conditional Uses in the I-1 Light Industrial District.
- E. The proposed indoor firing range and limited retail use is specifically listed as a Conditional Use in the I-1 Light Industrial District and therefore is consistent with the purposes of the zoning ordinance.
- F. The proposed indoor firing range and limited retail space is not in conflict with the Comprehensive Plan of the City because it is located in the I-1 Light Industrial District in which said uses are allowed as Conditional Uses.
- G. The proposed use will not cause traffic hazards or congestion as it provides 54 off-street parking stalls, above the minimum 24 parking stall requirement.
- H. Adequate utilities, access roads, drainage and necessary facilities have been provided.

And with the following conditions:

1. All previously approved conditional use permits for this property are hereby rescinded and replaced with this new conditional use permit.
2. All performance standards in Section 745 of the Zoning Ordinance for Indoor Firing Ranges must be met except where variances have been approved.
3. Approval is in accordance with the general designs/layout in the plans dated 10/23/23 by Carl J. Gramentz, on file with the Planning Department and as amended by any conditions below.
4. If City Staff's (defined as the City Administrator or their designee(s)) sole discretion deems on-street parking caused by tenants at 100 2nd Ave. SW to be excessive or problematic (defined as ingress/egress of emergency vehicles on a public roadway being affected and if reports of driveways being blocked are addressed by the police department), the applicant will be required to pay the city to install parking related signage to mitigate said problems.
5. The applicant must install "Do Not Enter" signage at the parking lot entrance near the intersection of 1st St SW and 2nd Ave SW. Delivery and loading trucks may pass through this entrance outside normal business hours.
6. At least 24 off-street parking spaces, including required ADA spaces, must be striped with white or yellow paint lines no less than 4" wide providing for parking spaces at a size of 9' x 20' on a paved surface, as required by Section 717 of the New Prague Zoning Ordinance to be utilized for the exclusive use of the applicant.
7. The proposed striped parking space must be setback 5' from the eastern property line along 2nd Ave SW to provide a buffer between the sidewalk and the parked vehicles.
8. The proposed two ADA parking stalls right up by the new front entrance must be paved and have at least 1 tree planted adjacent to them to meet landscaping requirements.
9. All signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
10. All lighting must conform to Section 704 of the Zoning Ordinance.
11. 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.

12. Per Minnesota Statutes Chapter 87A.05 and MPCA Noise Pollution Control Rule 7030, sound readings cannot exceed 63dB(A) at any time as measured at any residential property near the site.
13. To mitigate potential noise concerns for nearby residences and also because of proximity to downtown businesses that serve alcohol, hours of operation for the indoor firing range cannot extend past 8:00PM Sunday through Thursday and cannot extend past 9:00PM Friday and Saturday.
14. WAC/SAC Charges are due and owed at the time of issuance of a building permit.
15. 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.
16. 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.

Alternatives to consider

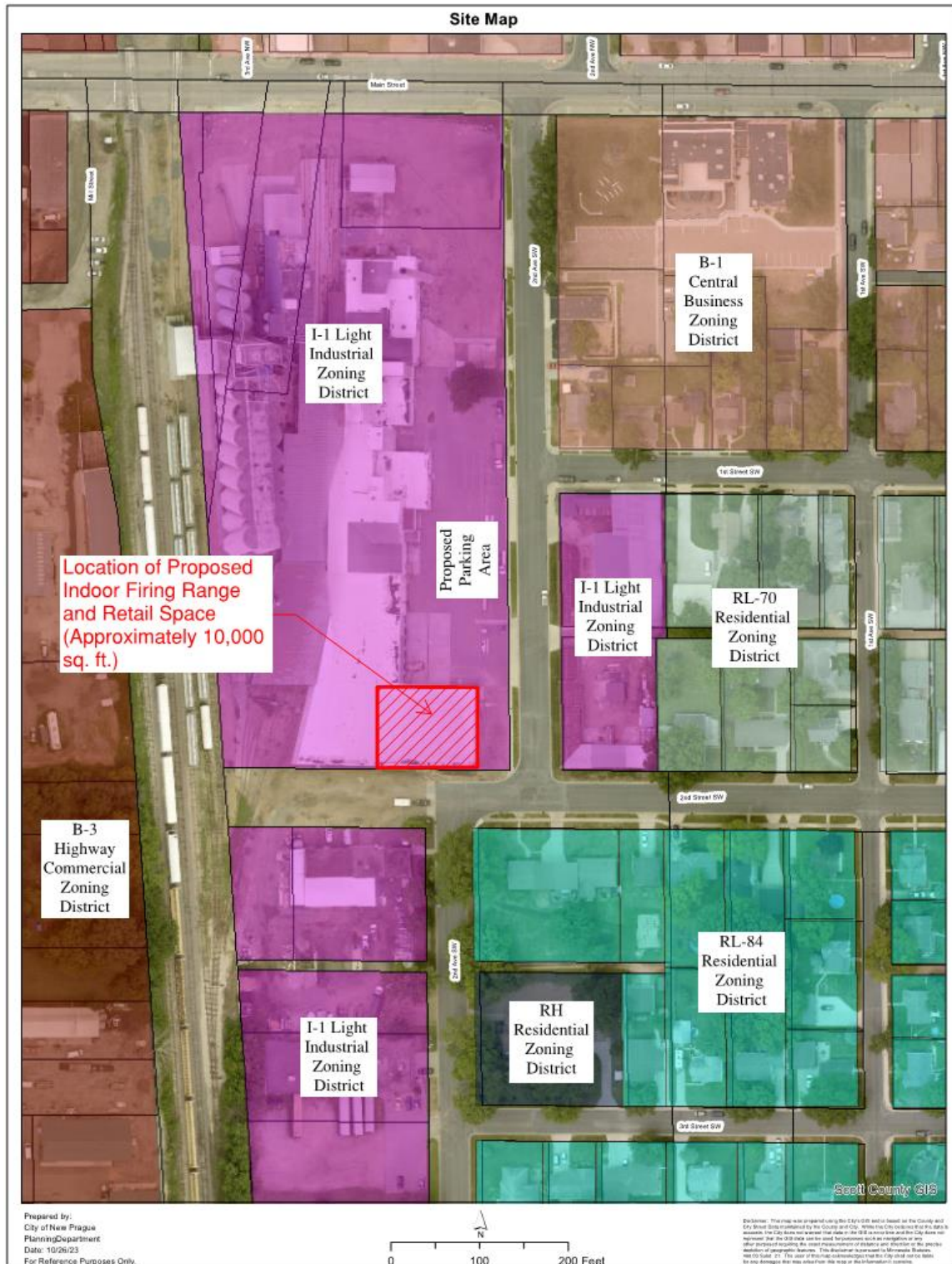
1. Deny the Variance and Conditional Use Permit based on certain findings.
2. Approve the Variance and Conditional Use Permit with modifications based on certain findings.

Attachments

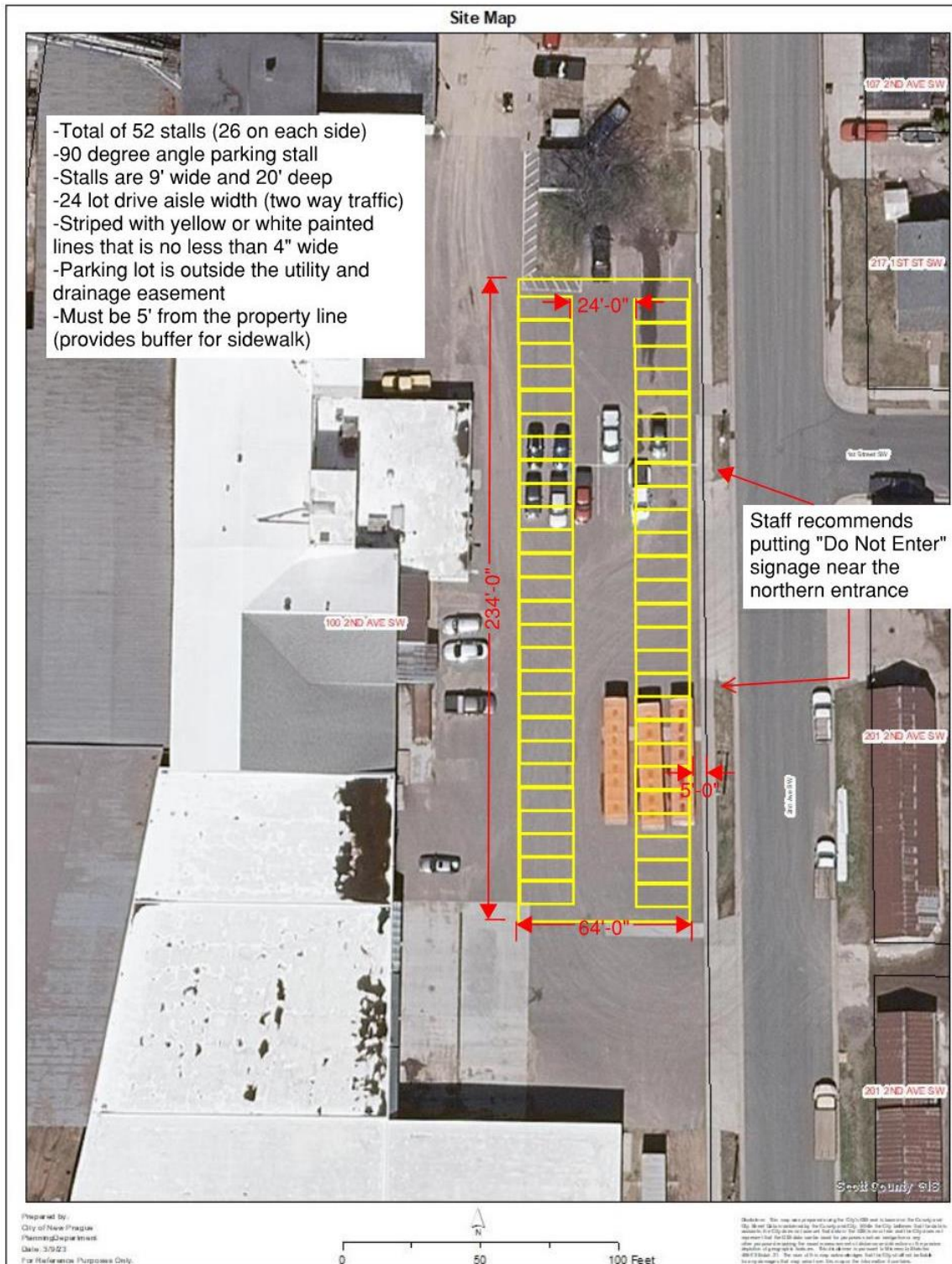
1. Site Map Aerial – Dated 10/26/23
2. Site Map Zoning – Dated 10/26//23
3. Parking Lot Diagram – Dated 3/9/23
4. Locations of existing or recent licenses for intoxicating beverages – Dated 10/30/23
5. Pictures – Dated 11/1/23
6. Applicant's Letter – Undated
7. Architect Plans dated 10/23/23



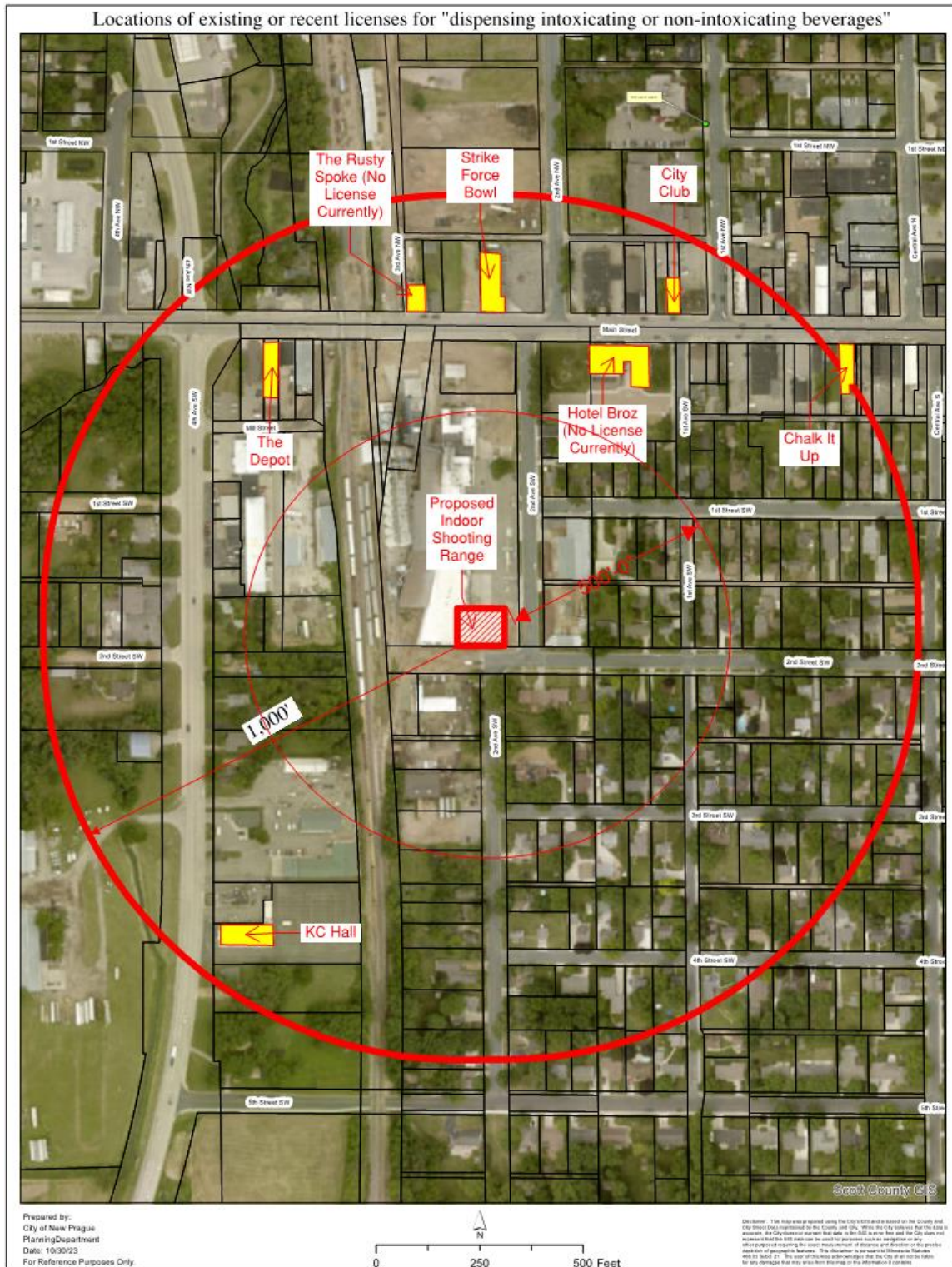
Aerial View of Proposed Indoor Firing Range Location



Zoning Districts of Subject and Neighboring Properties



Parking Lot Layout





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



Looking South along 2nd Ave. NW towards front entrance area of proposed Indoor Firing Range



Looking South along 2nd Ave. SW – parking area is this paved parking area.



Looking south along 2nd Ave. SW.



Looking west along 1st Street SW towards south end of building. This street is the dividing line between Industrial Zoned Property and Residentially Zoned Property.



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

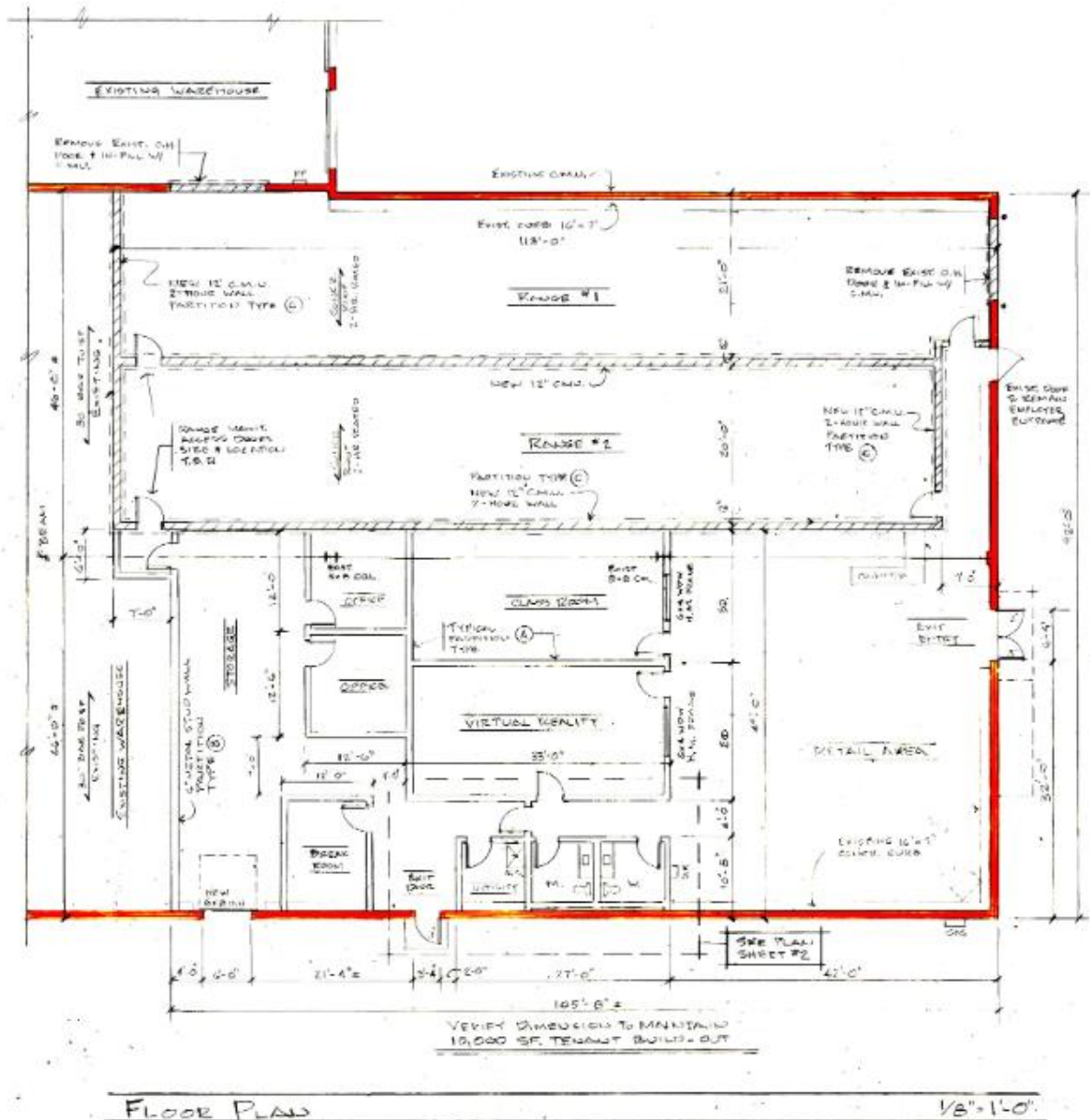
2 If By Sea Tactical
410 Main Street West
Suite #100
New Prague, MN 56071

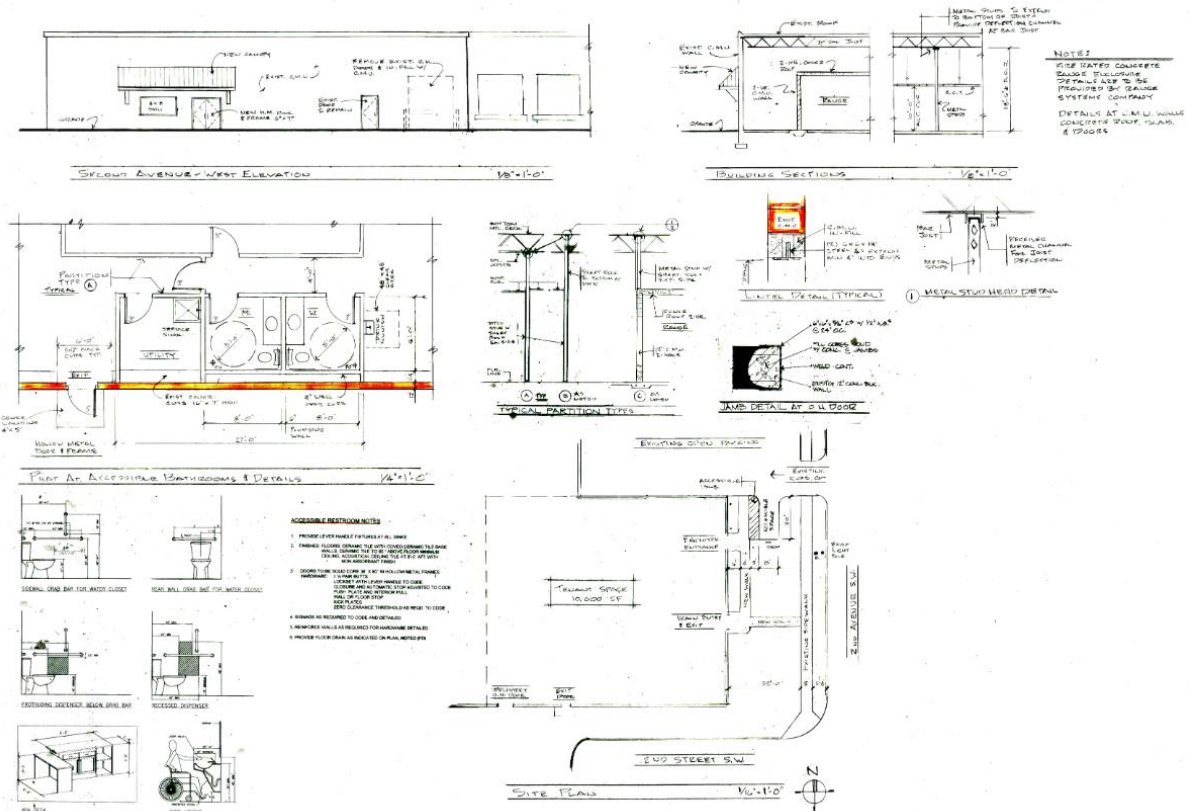
Conditional Use Permit and Range Variance for Old Mill

I am writing to you today to discuss the potential use for the Southernmost warehouse within the old Mill in downtown New Prague. We would like to convert this warehouse into an indoor firing range and retail store for 2 If By Sea Tactical, which currently supports a business on Main Street.

This proposal will be in reference to the below graphics of the shooting range we are attempting to build. In the Southernmost warehouse of the old Mill location







2 If By Sea Tactical has been servicing the community of New Prague and the surrounding areas since the fall of 2019. We have grown this from a table-top Federally Licensed Firearms Dealer (FFL) to a retail storefront location located on the West end of town. We currently employ three employees part time and feature a 770 square foot retail shop. We boast on hand about 130 firearms at any given time and feature accessories, and ammunition.

One of our exclusive offerings is that of National Firearm Act sale items. Examples of these items would be Suppressors (commonly referred to as silencers), Short-barreled Rifles (Any Rifle with a barrel length of less than 16"), and transferable machine guns. These items, commonly referred to as NFA items, feature extra paperwork requirements and a federal tax of \$200 to purchase. Among the requirements are fingerprinting, passport photos, and possibly a NFA Trust to purchase and possess them.

We are among the few FFL shops that have the ability onsite to process fingerprints, passport photos, and as a certified notary we can notarize all your trust documents. This truly makes us a one-stop NFA shop in a way that few are.

We have reached the point where we need to expand our current location and offerings, as well as fulfill the need of an indoor shooting range to the residents of New Prague and the surrounding areas. Currently, the closest indoor facility is thirty-five minutes North of here in Burnsville with the Modern Sportsman. South of here you would have to go all the way down to Rochester to encounter a facility such as this proposal.

This variance and conditional use permit we are requesting is due to a couple of hardships we face with the current zoning codes at this location. This location does, however, meet many of the code requirements for a shooting range that the city of New Prague voted in nearly four years ago when you adopted the current requirements.

The warehouse at the old Mill satisfies the zoning requirements of the L-1 (light Industrial) zoning of a shooting range per New Prague zoning Ordinance 745. It also satisfies the ordinance as it pertains to 1,000 linear feet from Schools and churches. The construction standards for this proposal will also ensure compliance with all ADA and parking requirements of New Prague Retail requirements.

The HVAC system will be HEPA and EPA certified to handle the lead materials that are associated with shooting sports. This conditional use permit and variance is to assist with the hardship of

the 1,000 linear feet from establishments dispensing intoxicating & non-intoxicating beverages. This is per 745 bullet point #2 on page 137 of City of New Prague Zoning Ordinance. We are requesting you to grant this request based on the practical difficulties we face below to get such a project off the ground.

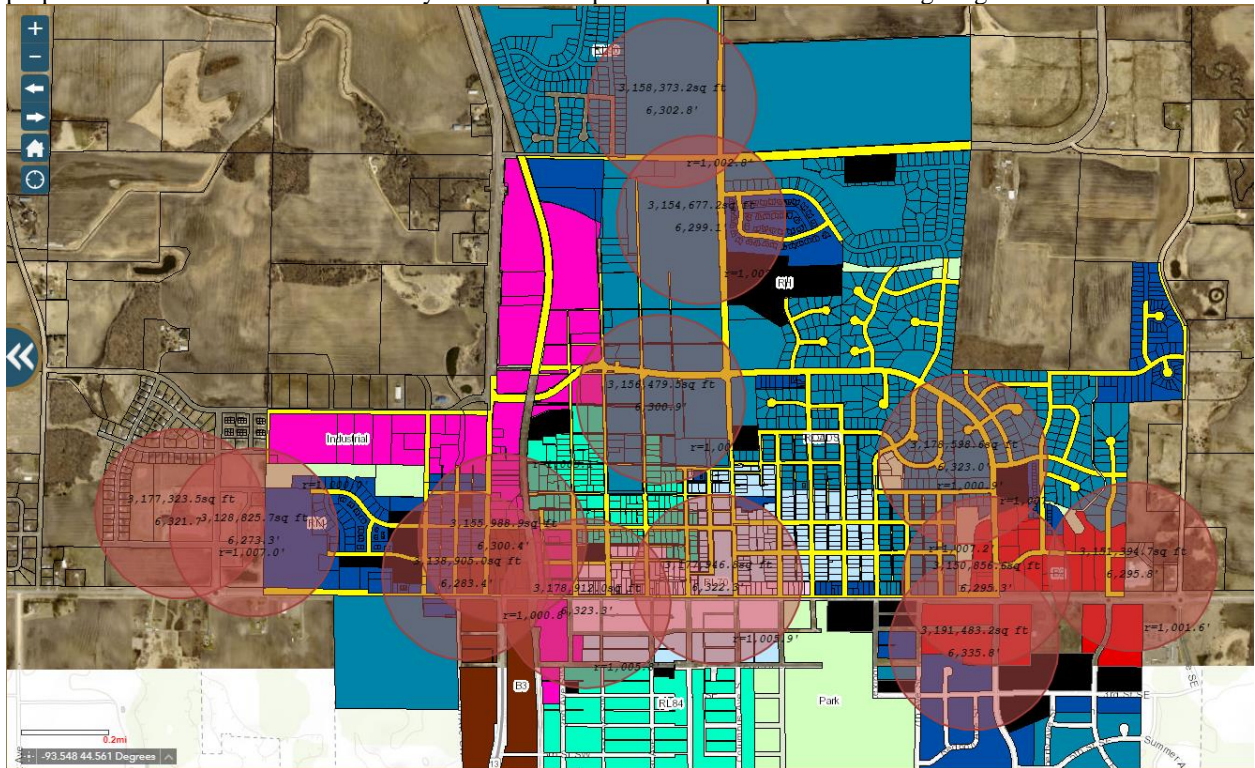
Our first difficulty has been one of the biggest we have faced over the past couple of years and that is of funding. To build a structure from the ground up as a new construction would cost about \$1.5-2 million. The requirements of such a building to satisfy all the safety requirements and acquire the land necessary to put it on, is extremely cost prohibited.

As the economy tightens, banks are more reluctant to lend out such an amount to jump start a program of the scope in which this project would be. By utilizing the warehouse portion of the Mill, we will be saving large amounts of cost in the fact that the land is already purchased, and the general structure is already completed.

We are partnering with Caspian Groups Rafik Moore and Chris Davis on this venture where they will build the space to suit this purpose and 2 If By Sea Tactical will furnish it. This brings the economic burden down to a manageable level for our company and expansion.

The second practical difficulty we face at this proposed site is the 1,000 linear feet from establishments dispensing intoxicating & non-intoxicating beverages. The reality is in New Prague, all of downtown is vibrant and ever changing. This means the establishments with liquor licenses is constantly changing and ever dynamic.

Also, as it pertains to this venture, we are completely at the mercy of other businesses in the way that they are not affected by our presence. In the below graph, you can see just how much of New Prague proper is closed off to us do to the many ordinances in place as it pertains to a shooting range.



The red circles illustrate areas which we cannot build or expand to. When it comes to L-1 Industrial there is very little available. While the industrial lots are the main area featured here available, it is not financially feasible as stated above for us to go there. Having access to Main Street and downtown is vital for the success of our business and it being completely closed off to us is a great hinderance to our business.

In closing, the old Mill is a fixture of New Prague since nearly its inception and is a staple of our community. It has grown to define not only our skyline, but what our town represents, which is hard working people. As a current business in this town, we can personally speak to the fact that the current citizens live up to this standard.

At 2 If By Sea Tactical we embrace these values and the efforts show through the growth of our business from the table-top of a townhome on Horizon Drive to a retail location on the West End of town. As a current member of both the EDA and local Chamber of Commerce Boards it is nice to witness up-front and personal the commitment to local businesses of this city council and its members towards internal growth and expansion.

This has brought many exciting things to the local community, and it has raised the status of our town to a leader in the surrounding community. We humbly ask for this Conditional Use Permit and Variance for the opportunity to tap into that exciting growth. We will be a part of the repurposing the Mill into a functioning staple of our community for Decades to come. We will draw visitors from not only our own community but the surrounding ones as well. We estimate that we will draw close to 1,000 people through our doors a year based on our exclusive offerings.

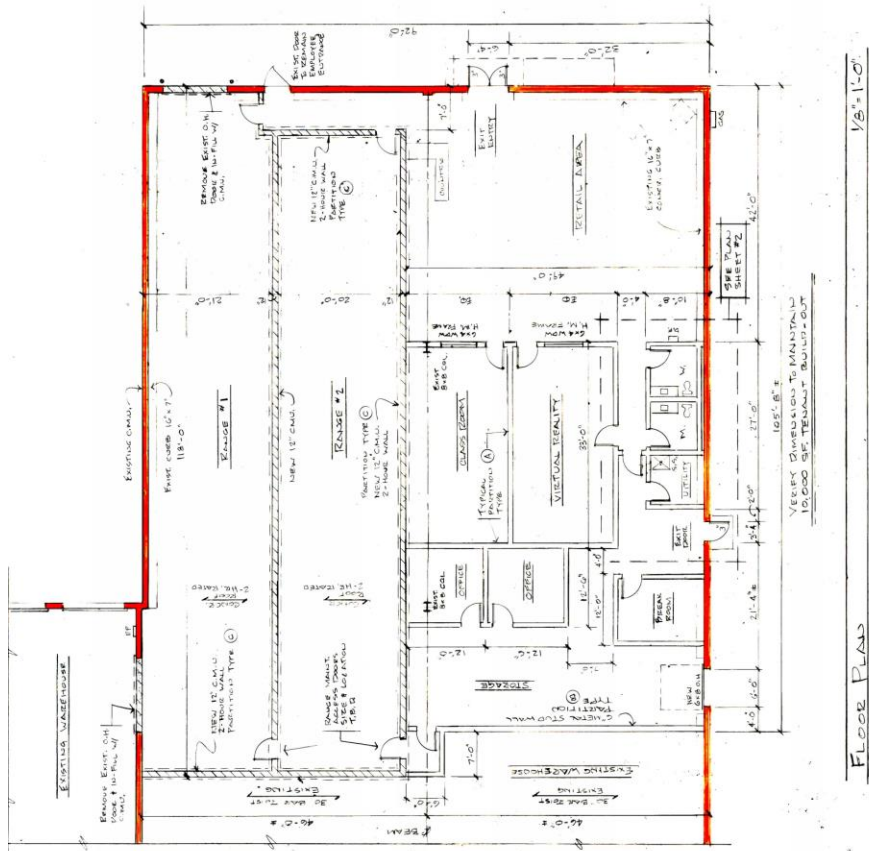
This will have ancillary benefits to our community. These benefits will include increased exposure to the surrounding areas of what New Prague is and has to offer. This will increase foot traffic in local businesses such as bars and restaurants where these travelers will want to eat and see what downtown New Prague is like.

We will bring an estimated \$12,000 dollars in tax revenue to the city for its continuing efforts to expand and grow in a healthy manor. We will increase the value of the Old Mill Property and its longevity by our presence there. Finally, we will be filling a need which we see every single day. Since we started this out of that townhome the number one question that has been asked is when we will open a range in town or close by.

This proposal is to do just that. Thank you for your time and consideration and we look forward to discussing this with you at the next City Council meeting.

Sincerely,

Austin Reville



PROJECT SCOPE:
EXISTING INCHART MANUFACTURING SHALL BE REDESIGNED FOR REUSE TO BE A LOW-RISE OFFICE BUILDING. THE PROJECT SHALL INCLUDE ALL NECESSARY ACCESSORIES & IMPROVEMENTS TO THE EXISTING BUILDING. THE PROJECT SHALL INCLUDE ALL NECESSARY ACCESSORIES & IMPROVEMENTS TO THE EXISTING BUILDING. THE PROJECT SHALL INCLUDE ALL NECESSARY ACCESSORIES & IMPROVEMENTS TO THE EXISTING BUILDING.

GENERAL NOTES:
1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING BUILDING PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO.

FINISH MATERIAL NOTE:
1. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE FLOORING INSTITUTE'S (F.I.) FINISHES GUIDE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO.

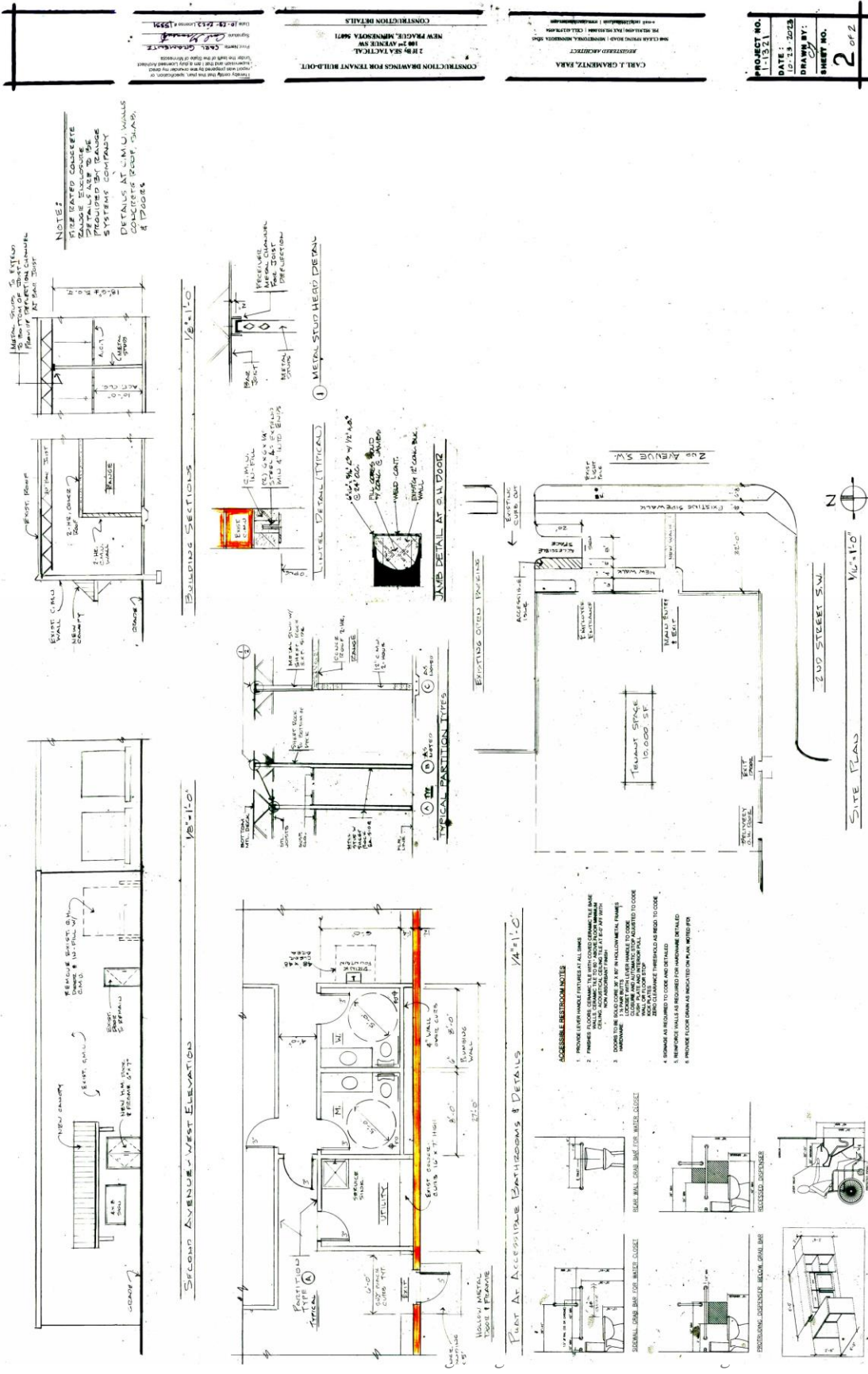


SITE VERNITY MAP
N

CODE ANALYSIS	PROJECT	DATE	REVISION
PROJECT: Building Renovation, Industrial District	DATE: 11/15/23	REVISION: 1	
OWNER: ATR LLC	DESIGNER: [Firm Name]		
ARCHITECT: [Firm Name]			
ENGINEER: [Firm Name]			
CONTRACTOR: [Firm Name]			
PERMIT CODE: 2023-001			
PERMIT TYPE: [Type]			
PERMIT STATUS: [Status]			
PERMIT EXPIRY: [Date]			
PERMIT FEE: [Amount]			
PERMIT LOCATION: [Location]			
PERMIT NOTES: [Notes]			

PLANS AND GENERAL NOTES
1. ALL DIMENSIONS SHALL BE IN FEET AND INCHES. DIMENSIONS SHALL BE GIVEN TO THE CENTERLINE OF THE BUILDING. DIMENSIONS SHALL BE GIVEN TO THE CENTERLINE OF THE BUILDING. DIMENSIONS SHALL BE GIVEN TO THE CENTERLINE OF THE BUILDING.

PROJECT NO.
1-1321
DATE
11-23-2023
DRAWN BY
[Name]
CHECKED BY
[Name]
SHEET NO.
1 of 2



PROJECT NO. 1-132
 DATE: 2023
 DRAWN BY: [Name]
 SHEET NO. 2 of 2

CARL J. GRAMENZ, P.A.
 REGISTERED ARCHITECT
 1000 10TH AVENUE SW, SUITE 100
 SEASIDE, MINNESOTA 55124
 (612) 467-1321

CONSTRUCTION DETAILS
 2. 1/8" = 1'-0" SCALE
 NEW PROJECT, MINNESOTA 55124
 1000 10TH AVENUE SW, SUITE 100
 SEASIDE, MINNESOTA 55124
 (612) 467-1321

CONSTRUCTION DETAILS
 1. 1/8" = 1'-0" SCALE
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NOTE:
 FIRE RATED CONCRETE
 WALLS SHALL BE
 PROVIDED BY THE
 SYSTEMS COMPANY
 DETAILS AT JAMB WALLS
 CONCRETE DEEP, SLAB,
 & DOORS

- ACCESSIBLE RESTROOM NOTES**
1. PROVIDE LEVER HANDLE FITURES AT ALL SINKS
 2. PROVIDE 1/2" DIA. STAINLESS STEEL TOILET PAPER HOLDER
 3. PROVIDE 1/2" DIA. STAINLESS STEEL TOILET PAPER HOLDER
 4. PROVIDE 1/2" DIA. STAINLESS STEEL TOILET PAPER HOLDER
 5. PROVIDE 1/2" DIA. STAINLESS STEEL TOILET PAPER HOLDER
 6. PROVIDE 1/2" DIA. STAINLESS STEEL TOILET PAPER HOLDER
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