



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: REQUEST FOR INTERIM USE PERMIT #I2-2024 TO ALLOW FOR EXTERIOR STORAGE OF VEHICLES AND RECREATIONAL EQUIPMENT IN THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT AT 100 2ND AVE SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.
DATE: SEPTEMBER 30, 2024

Planning Commission Summary

At the Planning Commission meeting on September 25th, 2024, the request for Interim Use Permit #I2-2024 to allow exterior storage in the I-1 Light Industrial District, located at 100 2nd Ave SW (former mill property) was recommended for approval by a unanimous vote of 3-0.

During the public hearing, Bill Gibson and Rick Kaun, both part of the ownership group, noted that the interim use permit would allow them to generate some revenue to help continue to repurpose the property. During the hearing they suggested that an additional canopy area have a fence added to it for screening and they could have Mach Lumber put items in the area so that they could keep it out of public view. The Planning Commission agreed and amended the site plan to include this new area. Additionally, one of the conditions was amended to not require any vegetation for screening as it was a temporary use (3 years) and they needed to maintain access at times.

The revised site plan and final list of conditions are referenced in the attached resolution. Also attached is the revised site plan for reference purposes.

Recommendation

The Planning Commission recommends approval of the attached resolution "...Approving Interim Use Permit #I1-2024...".

RESOLUTION #24-10-07-03

**RESOLUTION OF THE NEW PRAGUE CITY COUNCIL
APPROVING INTERIM USE PERMIT #I2-2024 TO ALLOW FOR EXTERIOR
STORAGE OF VEHICLES AND RECREATIONAL EQUIPMENT IN THE I-1 LIGHT
INDUSTRIAL ZONING DISTRICT, AT THE FORMER MILL LOCATED 100 2ND AVE.
SW, AS PROPOSED BY NEW PRAGUE MILL, LLC**

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.

is requesting an interim use permit to allow for exterior storage of vehicles and recreational equipment in the I-1 Light Industrial Zoning District, at the former mill located 100 2nd Ave. SW, which is located on the above real estate; and,

WHEREAS, the New Prague Planning Commission has completed a review of the application and made a report pertaining to said request #I2-2024, a copy of said report has been presented to the City Council; and,

WHEREAS, the New Prague Planning Commission on the 25th day of September, 2024, following proper notice held a public hearing regarding the request, and following due consideration of presented testimony and information, voted unanimously (3-0) to forward the matter to the City Council with a recommendation for approval subject to the findings and conditions contained in staff report #I2-2014 and as amended at the Planning Commission Meeting; and,

WHEREAS, the New Prague City Council finds:

- A. The proposed interim use for a designated exterior storage area will utilize property in a reasonable and temporary manner considering its current I-1 Light Industrial Zoning, but which is guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed designated exterior storage area is acceptable in that it is utilizing a former railroad spur area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years and noting that the use is limited to 3 years from the date of approval.
- C. The proposed designated exterior storage area will not hinder permanent development of the site as it is utilizing an underutilized canopy covered rail spur and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan which will lead to continued redevelopment of the site.
- D. The proposed designated exterior storage area will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan and this use is only considered for up to 3 years.
- E. The proposed designated exterior storage area will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing an underutilized canopy covered rail spur which will be screened from the view of Main Street.
- F. The proposed designated exterior storage area will not create an excessive burden on existing parks, schools, streets and other public facilities as it is limited in size and period of use to no more than 3 years.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed designated exterior storage area and a condition is suggested to address maintenance issues with 2nd Street SW should they become a concern.
- H. The proposed designated exterior storage area shall cease to operate at the site on 10/7/2027.
- I. The proposed designated exterior storage area will not impose additional costs on the public if it is necessary for the public to take the property in the future.

WHEREAS, the New Prague City Council approves the request with the following conditions:

1. The proposed exterior storage under the canopy shall cease operations within 3 years from the date of approval of this Interim Use Permit which is October 7, 2027.
2. Exterior storage is allowed underneath the approximately 28,000 sq. ft. canopy area which is located over the railroad spur in the area depicted as well as underneath the 36’ x 44’ canopy depicted on the Site Map Dated 9/30/24 on file with the Planning Department. Items in the 36’ x 44’ area cannot be taller than the screening fence. Other areas of existing exterior storage on the site must be moved to these designated areas.
3. Only rail cars are allowed to be parked on the southernmost area of the spur line without a canopy as noted on the Site Map Dated 9/30/24 on file with the Planning Department.
4. The perimeter chain link fence must be moved/removed from areas where the site is actively being used and can only remain in areas not being actively rented.
5. Screening of at least 8’ tall is required on the north end of the exterior storage area between the two building walls to screen the area from the view of Main Street. Screening must consist of a fence that provides for 80% opacity year-round.

6. The Public Works Director may, at their sole discretion, invoice the property owner for extraneous maintenance to the gravel section of 2nd Street SW related to traffic generated by the use.
7. A 6' access aisle must be maintained through the exterior storage area to ensure access to all doors that abut the storage area for fire access.
8. If the exterior storage area is ever completely fenced, the applicant must provide a Knox box to hold a key for access by the Police/Fire Department.
9. Dust control measures must be used on the exterior storage area and all access roads to ensure adjacent properties are protected from dust during susceptible conditions.
10. Items stored on the site are limited to be no taller than the height of a motorized RV (approximately 14' tall), with the exception of railcars which are allowed to exceed said height.
11. All recommendations of MnDOT must be complied with prior to utilization of the site for exterior storage.
12. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
13. All lighting must conform to Section 704 of the Zoning Ordinance.
14. 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.
15. 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.
16. 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
17. 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.

NOW, THEREFORE BE IT RESOLVED, by the City Council of New Prague, MN, that Interim Use Permit #I2-2024, to allow for exterior storage of vehicles and recreational equipment in the I-1 Light Industrial Zoning District, at the former mill located 100 2nd Ave. SW, is hereby **approved**.

This Interim Use Permit is approved effective immediately upon its passage and without publication.

Passed this 7th day of October, 2024.

Duane J. Jirik, Mayor

State of Minnesota)

)ss.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

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

Notary Public

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

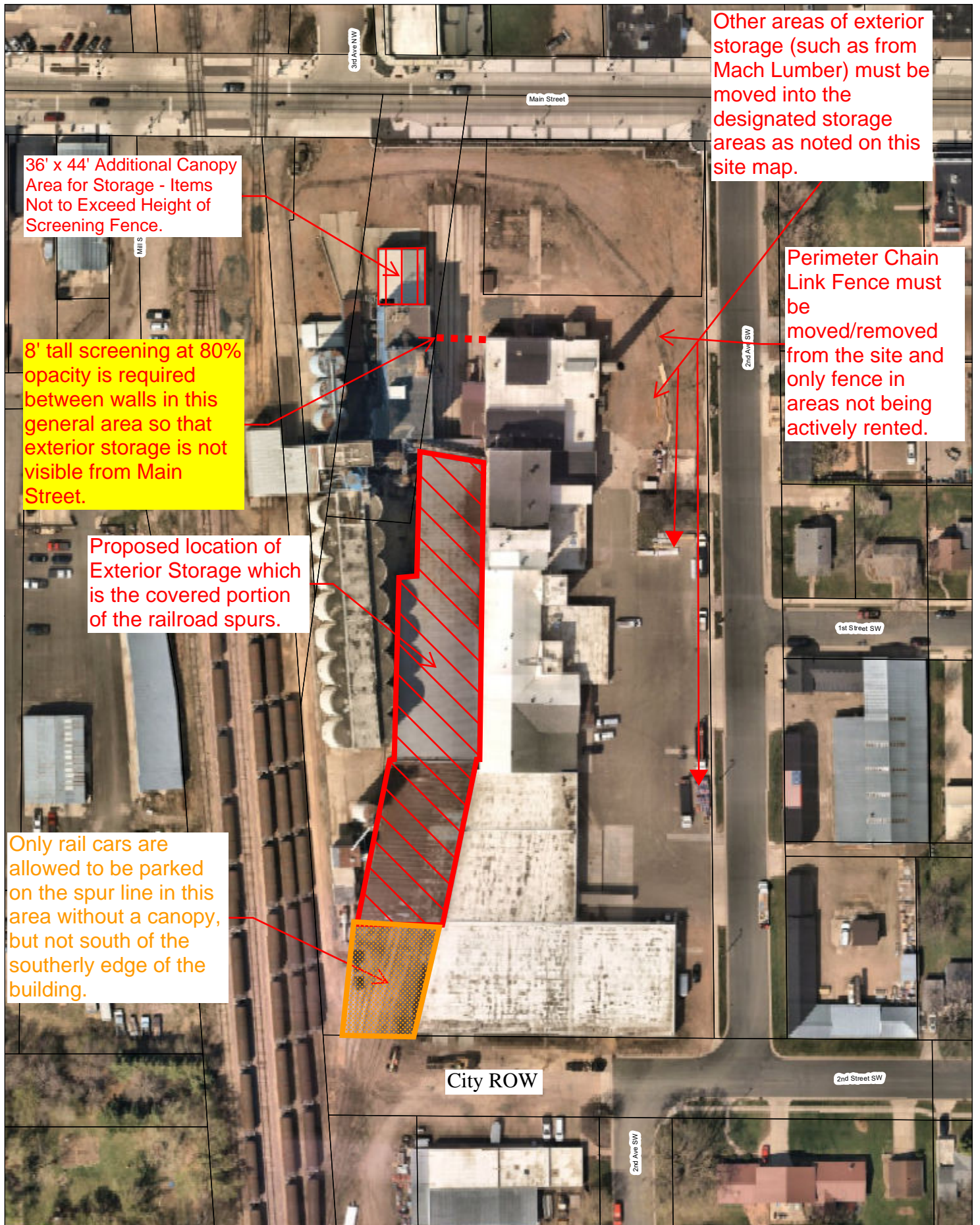
State of Minnesota)
)ss. (CORPORATE ACKNOWLEDGMENT)
County of Scott & Le Sueur)

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

Notary Public

THIS INSTRUMENT DRAFTED BY:
Kenneth D. Ondich
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401

Site Map 9/30/24



36' x 44' Additional Canopy Area for Storage - Items Not to Exceed Height of Screening Fence.

8' tall screening at 80% opacity is required between walls in this general area so that exterior storage is not visible from Main Street.

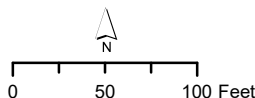
Proposed location of Exterior Storage which is the covered portion of the railroad spurs.

Only rail cars are allowed to be parked on the spur line in this area without a canopy, but not south of the southerly edge of the building.

Other areas of exterior storage (such as from Mach Lumber) must be moved into the designated storage areas as noted on this site map.

Perimeter Chain Link Fence must be moved/removed from the site and only fence in areas not being actively rented.

City ROW





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phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION

FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT #C3-2024 (ALTERNATELY IUP #I2-2024) TO ALLOW FOR EXTERIOR STORAGE OF VEHICLES AND RECREATIONAL EQUIPMENT AT THE FORMER MILL LOCATED 100 2ND AVE. SW, AS PROPOSED BY NEW PRAGUE MILL, LLC.

DATE: SEPTEMBER 18, 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 have been working to re-purpose the property for multiple tenant uses including the previously approved indoor firing range (Conditional Use Permit #C5-2023), religious institution (Interim Use Permit #I1-2024), and other warehouse type uses.

The current request is for a Conditional Use Permit to utilize the approximately 28,000 sq. ft. of the covered railroad spur area between the mill building and grain bins for exterior storage of vehicles and recreational equipment for an approximately 3-year time period while the site continues to redevelop.

As part of the most recent land use approval for the site, which was the IUP #I1-2024, the following was noted in the resolution of approval:

WHEREAS, the Planning Commission included a stipulation as part of their motion for approval that the City let ownership know that once they hit 35% occupancy of the building space that they will need to submit to the city an overall “aesthetic, site and building plan” for the property.

While this request does not utilize any “building” space and is only utilizing a covered railroad spur area, staff is not requiring an overall “aesthetic, site and building plan” for the property. Despite this, staff does have concerns relating to the appearance of the site which should be addressed as part of this request. Staff also have concerns about the request under the guise of a Conditional Use Permit and instead recommend that it be reviewed as an “Interim Use”.

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:

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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 (RL-70 and RL-84 Single Family Residential Districts) separated by public roads from the subject site

East – Mach Lumber which is zoned I-1 Light Industrial and single family homes (RL-70 and RL-84 Single Family Residential Districts) 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 a variety of zoning districts. It is also unique in that it is an industrial property located essentially in the downtown area. As noted previously in staff reports about this property, the draft Comprehensive Plan has this site guided as “Downtown Flex” which is much more in line with the existing central business district zoning found along Main Street than industrial zoning. Exterior storage is not currently allowed in the B-1 Central Business District.

Applicant’s Statement

The applicant (Bill Gibson on behalf of New Prague Mill, LLC) submitted the below e-mail on 9/9/24:

I am attaching a picture of the mill. The area we are proposing is marked by (X). It is all the area under the covered roof over the tracks. Mostly this is not visible from Main St. This area will be shared by railroad cars. For the first time this weekend, Chart put a few railroad cars on the tracks under the canopy. The total covered area is approximately 28,000 sq ft.

We will put screen strips in the chain link fence already in place.

We don't currently plan to do any more fencing, but will provide additional security cameras. We might have to change some fencing around as more building renters occupy the property.

We want a 3 year plan for this. As things progress on the property, this will go away. This is a temporary short term interim use. A lot will ultimately depend on if we are able to actively use the silos. We are looking at several alternatives on how to best use that space. Because the storage of vehicles is short term and flexible, it will allow us to pursue better long term uses for the property

We’ve spent over \$750,000 to add heat, water, sprinkler systems, insulation, demolition and space improvements with not a huge return thus far. These rent dollars are very important for us to continue to upgrade and improve the mill property while maintaining the historic value of the mill. We want this

to be a legacy for us and the city. We are trying very hard to be good stewards of this valuable property.



(X marks location of proposed storage)

Lot Size

The New Prague Mill property is approximately 253,955 sq ft (5.83 acres) in total. The outdoor storage area proposed under the covered portions of the railroad tracks is approximately 28,000 sq. ft. in size. According to Le Sueur County, the buildings (not including the grain storage) total approximately 70,755 sq. ft.

Zoning

This property is currently 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.

Exterior Storage is specifically listed as a conditional use in this zoning district. That said, the applicant has noted that the use of this property for exterior storage is only a temporary short-term use. While the property is currently zoned I-1 Light Industrial, it is guided in the draft future land use plan as “Downtown Flex” which is a district much more in line with the existing central business zoning district that exists today. As the City works on final adoption of the new future land use plan along with re-writing its zoning ordinance, this property will very likely be rezoned away from I-1 Light Industrial. In light of this, staff would rather this conditional use permit request change to an Interim Use Permit

Request so that the use only lasts for a limited period of time as the site continues to redevelop as noted by the property owner/applicant.

As noted earlier, staff does have concerns about the current appearance of the site which can be addressed in the near time as part of this exterior storage request. First and foremost is the many items stored around the site by Mach Lumber. It was previously noted during a past Conditional Use Permit for the site that Mach Lumber was not permitted to place items around the site as exists today. Staff believes that these items are a visual nuisance and should be moved to the proposed exterior storage area. Additionally, the chain link fence that has been on the site since the mill ceased operations is unsightly and while it was initially used for securing the entire site, it is enclosing areas of the site that do not necessarily need to be secured in staff's opinion.

The Zoning Ordinance does not list specific performance standards for exterior storage, however, the City's Screening performance standards would apply:

707 Screening

1. Commercial, Industrial, or Institutional Uses Abutting Residential Districts

Where any commercial, industrial or institutional uses are adjacent to property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front as determined by the Zoning Administrator. Landscape screening required under this section shall not be allowed within public drainage and utility easements. Screening is not required within any site triangle required under Section 723(6) of this Ordinance. Screening shall consist of a 20 foot wide green belt strip as provided below:

- A. A green belt planting strip shall consist of staggered rows of evergreen trees, deciduous trees, or shrubs each spaced at a maximum of 12.5' and consist of a sufficient density to provide a visual screen and reasonable buffer of at least an 80% opacity year round once trees are mature. This planting strip shall be designed to provide visual screening to a minimum height of eight feet at all times and a minimum tree diameter of 2.5" measured six inches above the ground level. The grade for determining the height shall be the grade elevation of the building or use for which the screening is providing protection. The planting plan and type of plantings shall require the approval of the Zoning Administrator.
- B. A fence may also be installed, but not in lieu of the green belt planting strip. The fence shall be visually appealing and cohesive with the exterior of the principal structure. The fence must be located within the interior of the lot such that the green belt plantings are visible from adjacent property.
- C. For any use allowed via a conditional use permit, additional requirements may be added to the above requirements in order to mitigate the impact on the adjacent residential properties and if adjacent to roads classified as major collectors and higher, such as berms, more opacity or other requirements not listed herein.

2. Industrial Uses Abutting Commercial or Industrial Districts

All industrial properties abutting commercial or industrially zoned districts must follow the provisions below:

- A. A single row of deciduous or evergreen trees is required and must be a minimum height of 8' with a minimum diameter of 2.5" measured six inches above the ground level. Tree spacing shall be 40' around the perimeter of the property abutting commercial or industrial districts. Follow § 717 of the Zoning Ordinance for landscaping requirements for parking lots.
- B. If fencing is erected on the property, the fence must be visually appealing and cohesive with the exterior of the principal structure.

3. Industrial Uses Along Arterial Roadways

- A. If a proposed industrial use abuts a roadway classified as an arterial roadway or higher, the applicant must obtain a conditional use permit to ensure that the property and use is adequately screened from the arterial roadway which may include additional landscaping/screening requirements beyond those found in Section 1 and 2 above as well as include additional requirements related to tree spacing, opacity, fencing, etc.

4. Warranty and Escrow

- A. The City shall collect a cash escrow specifically for the screening requirements before any building permit is issued. The escrow shall be at an amount equal to a minimum of 125% of the estimated screening expenses and shall be refunded to the party who deposited the escrow when all the following are completed and approved by the City:
 - 1. Required screening trees are installed and alive at the end of the 1 year warranty time period.
 - 2. Sites that are completed between October 15th and before May 15th shall have until July 1st to plant the required trees but will only be issued a temporary certificate of occupancy until that time.
 - 3. If the property owner fails to complete the landscaping and screening requirements by the deadline, the City may finish the work with the cash escrow. Any additional fees or expenses accrued in association with the City finishing the work will also be invoiced to the property owner.

As Main Street (TH13/19) is an arterial roadway, it is important to provide screening to the exterior storage area. Staff recommends screening of at least 8' tall be required on the north end of the exterior storage area between the two building walls to screen the area from the view of Main Street. Screening may consist of a fence, vegetation or combination thereof that provides for 80% opacity year-round. As

the site is a gravel lot, vegetation may not work well and because the storage is only temporary, staff suggests 80% opacity using fencing and/or vegetation as long as it's maintained year-round.

Parking

N/A.

Public Works /Utilities / Engineering Comments

Public Works Director Matt Rynda noted that his only concern would be the gravel section of 2nd Street SW holding up to added traffic as they had issues with that section of 2nd Street SW when the mill was operational.

In light of this, staff drafted the following condition to address the concern: *The Public Works Director may, at their sole discretion, invoice the property owner for extraneous maintenance to the gravel section of 2nd Street SW related to traffic generated by the use.*

Bruce Reimers, Utilities General Manager, did not have any concerns.

City Engineer, Chris Knutson, was note solicited for comments.

Building Official Comments

Building Official Scott Sasse was not solicited for comments.

Police Chief Comments

Police Chief Tim Applen was solicited for comments, but none were received at the time of writing this staff report.

Fire Chief Comments

Fire Chief Steve Rynda was solicited for comments and noted that their only concern would be to maintain some sort of 6' walking lane to get to all doors adjacent to the storage area.

In light of this, staff drafted the following condition to address the concern: *A 6' access aisle must be maintained through the exterior storage area to ensure access to all doors that abut the storage area for fire access.*

WAC/SAC Fees

N/A.

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 designated exterior storage area will utilize property in a reasonable and temporary manner considering its current I-1 Light Industrial Zoning, but which is 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 designated exterior storage area is acceptable in that it is utilizing a former railroad spur area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years and noting that the use is limited to 3 years from the date of approval.)
- C. The proposed use will not hinder permanent development of the site. (The proposed designated exterior storage area will not hinder permanent development of the site as it is utilizing an underutilized canopy covered rail spur and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan which will lead to continued redevelopment of the site.)
- D. The proposed use will not adversely impact implementation of the Comprehensive Plan for the area. (The proposed designated exterior storage area will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan and this use is only considered for up to 3 years.)
- E. The proposed use will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare. (The proposed designated exterior storage area will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing an underutilized canopy covered rail spur which will be screened from the view of Main Street.)
- 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 designated exterior storage area will not create an excessive burden on existing parks, schools, street and other public facilities as it is limited in size and period of use to no more than 3 years.)
- 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 designated exterior storage area and a condition is suggested to address maintenance issues with 2nd Street SW should they become a concern.)
- H. The date or event that will terminate the use has been identified with certainty. (The proposed designated exterior storage area shall cease to operate at the site on 10/7/2027.)
- 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 designated exterior storage

area 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 the request only as an Interim Use Permit (#I2-2024) to allow for exterior storage of vehicles and recreational equipment in the I-1 Light Industrial Zoning District, at the former mill located 100 2nd Ave. SW, as proposed by New Prague Mill, LLC with the following findings:

- A. The proposed interim use for a designated exterior storage area will utilize property in a reasonable and temporary manner considering its current I-1 Light Industrial Zoning, but which is guided as “downtown flex” in the 2024 Comprehensive Plan Update and of which exact requirements have not yet been determined.
- B. The proposed designated exterior storage area is acceptable in that it is utilizing a former railroad spur area of a former industrial use, but which will be rezoned, likely to “downtown flex” within the next couple of years and noting that the use is limited to 3 years from the date of approval.
- C. The proposed designated exterior storage area will not hinder permanent development of the site as it is utilizing an underutilized canopy covered rail spur and is anticipated to become “downtown flex” in the 2024 Comprehensive Plan which will lead to continued redevelopment of the site.
- D. The proposed designated exterior storage area will not adversely impact implementation of the Comprehensive Plan as it is anticipated to become “downtown flex” in the 2024 Comprehensive Plan and this use is only considered for up to 3 years.
- E. The proposed designated exterior storage area will not be injurious to the surrounding neighborhoods or otherwise harm the public health, safety and welfare as it is utilizing an

underutilized canopy covered rail spur which will be screened from the view of Main Street.

- F. The proposed designated exterior storage area will not create an excessive burden on existing parks, schools, streets and other public facilities as it is limited in size and period of use to no more than 3 years.
- G. Adequate utilities, access roads, drainage and necessary facilities exist for the proposed designated exterior storage area and a condition is suggested to address maintenance issues with 2nd Street SW should they become a concern.
- H. The proposed designated exterior storage area shall cease to operate at the site on 10/7/2027.
- I. The proposed designated exterior storage area 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 exterior storage under the canopy shall cease operations within 3 years from the date of approval of this Interim Use Permit which is October 7, 2027.
2. Exterior storage is only allowed underneath the canopy area which is located over the railroad spur in the area depicted on the Site Map Dated 9/16/24 on file with the Planning Department. Other areas of existing exterior storage on the site must be moved to this designated area.
3. Only rail cars are allowed to be parked on the southernmost area of the spur line without a canopy as noted on the Site Map Dated 9/16/24 on file with the Planning Department.
4. The perimeter chain link fence must be moved/removed from areas where the site is actively being used and can only remain in areas not being actively rented.
5. Screening of at least 8' tall is required on the north end of the exterior storage area between the two building walls to screen the area from the view of Main Street. Screening may consist of a fence, vegetation or combination thereof that provides for 80% opacity year-round.
6. The Public Works Director may, at their sole discretion, invoice the property owner for extraneous maintenance to the gravel section of 2nd Street SW related to traffic generated by the use.
7. A 6' access aisle must be maintained through the exterior storage area to ensure access to all doors that abut the storage area for fire access.
8. If the exterior storage area is ever completely fenced, the applicant must provide a knox box to hold a key for access by the Police/Fire Department.
9. Dust control measures must be used on the exterior storage area and all access roads to ensure adjacent properties are protected from dust during susceptible conditions.
10. Items stored on the site are limited to be no taller than the height of a motorized RV (approximately 14' tall), with the exception of railcars which are allowed to exceed said height.
11. All recommendations of MnDOT must be complied with prior to utilization of the site for exterior storage.
12. All building and site signs must conform to Section 718 of the Zoning Ordinance which require a permit under a separate permit process.
13. All lighting must conform to Section 704 of the Zoning Ordinance.
14. 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.

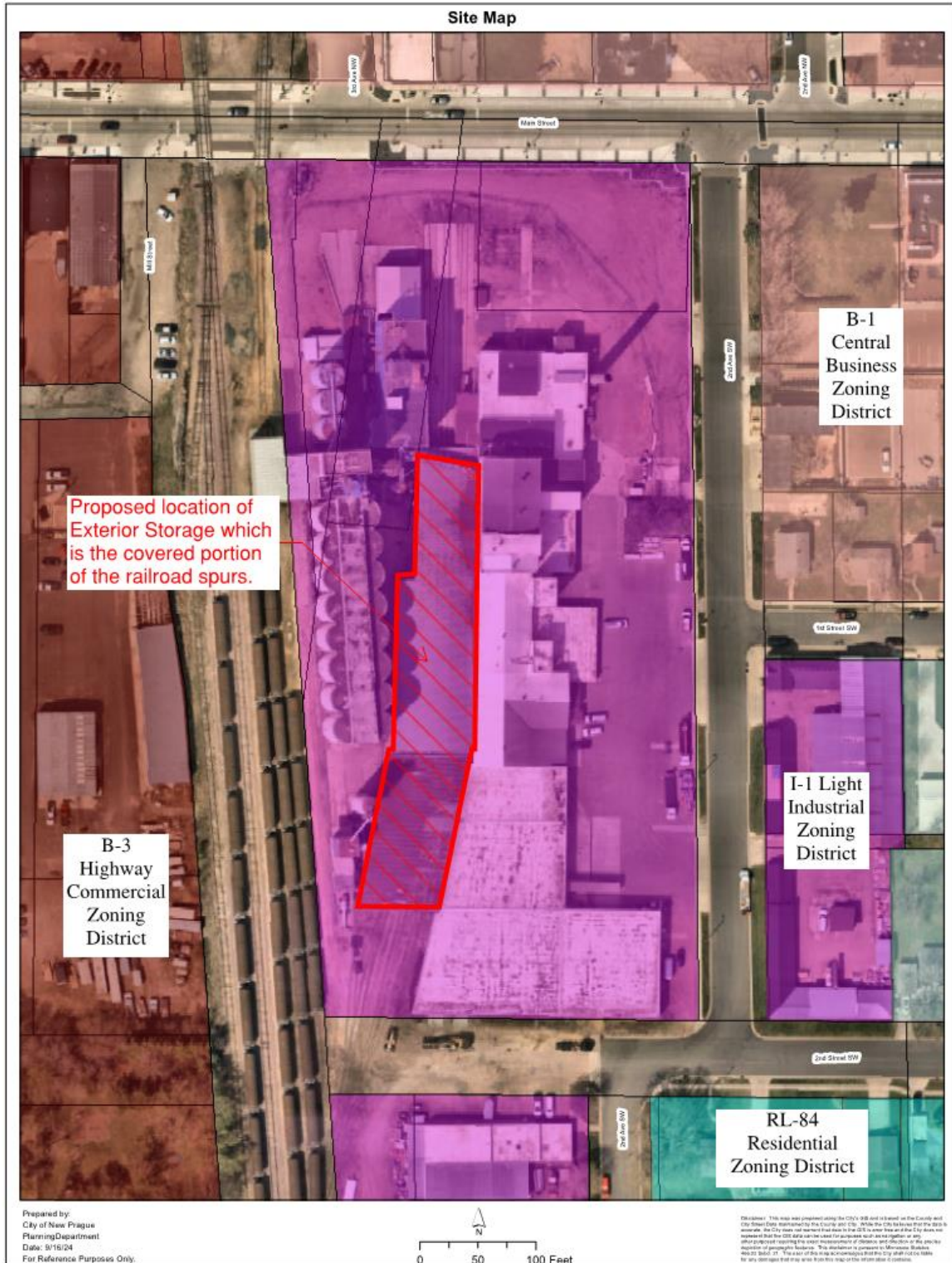
15. In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.
16. The applicant shall reimburse the city for all fees and costs it incurs for processing, reviewing, 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.
17. 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

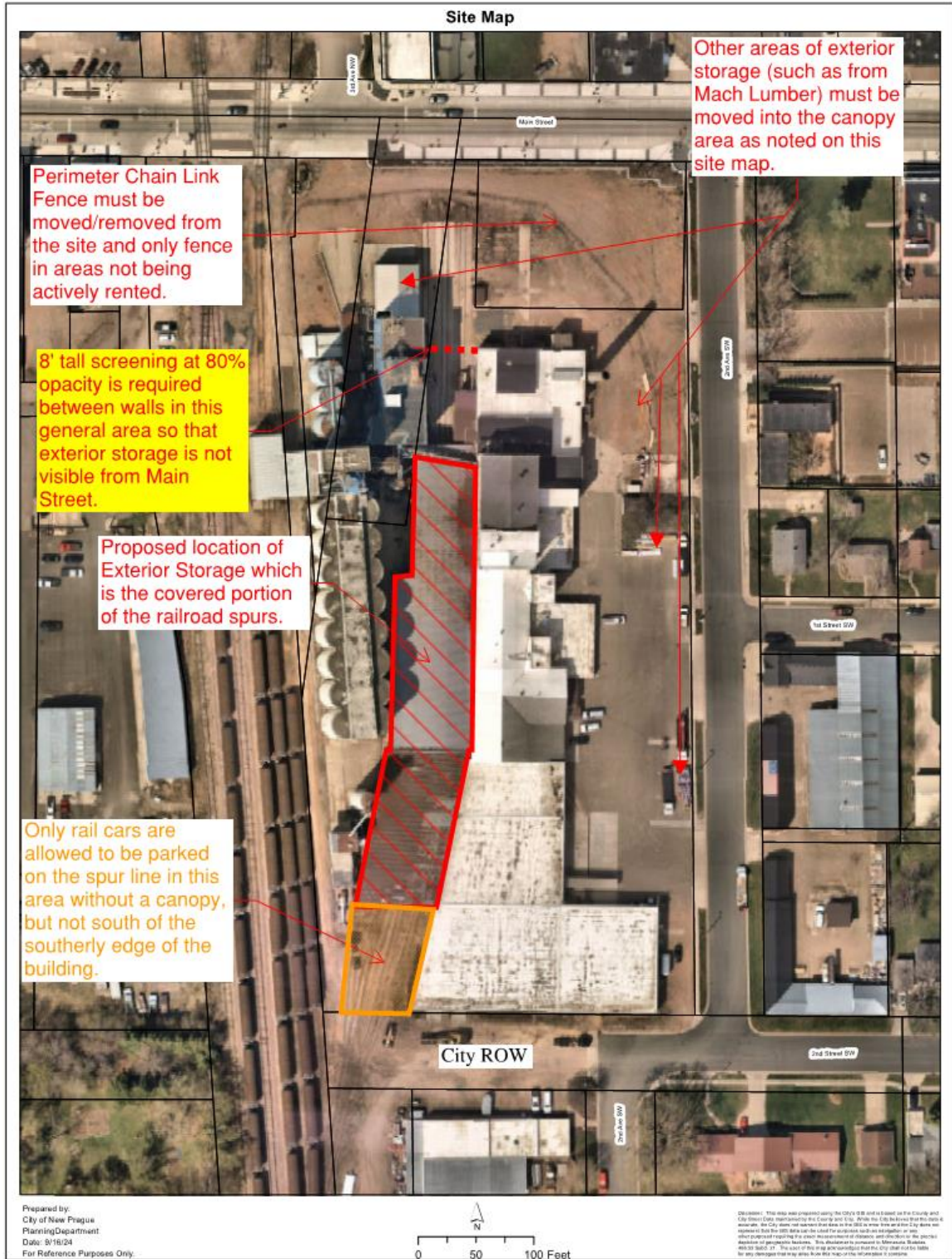
1. Site Map Aerial – Dated 9/16/24
2. Site Map Zoning – Dated 9/16//24
3. Site Map Aerial – Staff Notes – Dated 9/16/24
4. Pictures – Dated 9/16/24



Aerial View of Proposed Exterior Storage Area



Zoning Districts of Subject and Neighboring Properties



Staff Notes



View of Canopy Area from Main St. W. (middle of the photo) – Other stored items in this photo must be moved to storage area under canopy.



Zoomed in view of the Proposed Exterior Storage Area under the Canopy only. The chain link fence should be moved to enclose the storage area and screened to block the view of stored items from Main Street.



Looking at the NE corner of the site from Main Street. (Chain link fence must be moved to only secure areas not being used.)



Looking at the NW corner of the site from Main Street.



Looking at north end of site to the west from 2nd Ave. SW.



Looking at site from 2nd Ave. SW (these exterior storage items must be removed and fence revised to only enclose storage or other areas not yet being rented/occupied).



Looking east along 2nd Street SW ROW from railroad spur.



Looking north along Railroad spur towards south side of canopy storage area.



Looking North towards canopy storage area from 2nd Street SW ROW.