

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, July 22, 2009**

**1. Call Meeting to Order**

The meeting was called to order at 6:30 p.m. by Planning Commission Chair Grant Gengel with the following members present: Kay Wilcox and Pat Remfert. Absent: Ryan Peltier and Bob Gilman.

City Staff Present: Ken Ondich – Planning Director and Renee Christianson – City Planner.

**2. Approval of June 24, 2009 Regular Meeting Minutes**

It was moved by Wilcox, seconded by Remfert to approve the June 24, 2009 regular meeting minutes as submitted. Motion carried (3-0).

**3. Old Business - None**

**4. New Business**

**A. Consider Revocation of Conditional Use Permit #C3-2008 – Miller’s Tap Outdoor Patio  
City of New Prague - applicant**

Planner Ondich presented background information regarding Conditional Use Permit #C3-2008, noting that the City Council had issued the permit for an outdoor patio in June of 2008, and that the permit is now being considered for either amendment or revocation due to violations of the permit. There have been numerous documented violations of the permit, specifically as they relate to passage into and out of the patio area. He noted that the Zoning Ordinance has performance standards for outdoor patio areas, and one of the criteria states that “Patrons shall only access the outdoor seating area through the interior of the main building.... No other ingress or egress shall be allowed other than required emergency exits.” In addition to this criteria being in the Zoning Ordinance, the Conditional Use Permit was also approved with a condition (#7) stating that the patio area must have emergency egress on both ends of the patio area (north and south). The nature of the violations is that patrons are entering and exiting the bar through the patio area, specifically from the patio door that faces Main Street. City staff has requested the review of the Conditional Use Permit, and is suggesting that the requirement of having an emergency exit on the north end of the patio be removed. Planner Ondich noted that staff feels removing this north exit door will alleviate most of the violations.

The public hearing was opened at 6:37 p.m.

Dave Larson, owner of Miller’s Tap, stated that he will eliminate the gate on the north end of his patio which should eliminate the problem. He also stated that he does not understand why people are not allowed to access his facility through the patio area. Planner Ondich noted that the Zoning Ordinance does not allow entrance/passage through the patio area, and that the

regulation was originally created so that the establishment would not have minors coming into and out of the patio area, not being monitored by employees of the bar, to cut down on underage consumption, and to keep people from walking out of the patio area with a drink. Mr. Larson stated that he fully supports staff's recommendation to remove the north door into the patio area.

Charles Svoboda, 105 ½ Main Street West, stated that he is not opposed to the patio. He stated that he is against people drinking on the street. He said the bar owner doesn't feel it's his responsibility to monitor people going in and out of the door. He stated that he is mostly concerned with the noise. He says that any time the establishment has a band playing; they open the doors to the establishment at 8:00 p.m. He can hear the music very clearly until at least 10:00 p.m. when they close the doors.

Commissioner Gengel noted that the Planning Commission is only reviewing the concerns regarding entry into the patio at this time, but that he understands his frustrations.

Commissioner Wilcox asked if staff had any comments about the noise complaint. Planning Director Ondich noted that the noise ordinance specifies a time of 10:00 p.m. as the time when noise must be reduced. Commissioner Wilcox asked Mr. Larson to comment on the noise issue. He stated that it gets very hot and muggy in the building; it is a very old building with poor ventilation. He stated that he can't afford to upgrade the ventilation system.

Adare Svoboda, 105 ½ Main Street West, stated that it sounds like there is some type of games being played on the patio. She stated that with the location of the patio being located between the two buildings, there is somewhat of a tunnel affect and the noise carries. The noise from the patio is heard until 1:00 in the morning.

Mike Ruzicka, owner of City Club Bar, questioned why there is a regulation regarding the gates on the patio area. He stated that he doesn't understand what the difference is between having people walk in the front door of the bar, or the gate of the patio. The bar owner is still responsible for the people on their property, whether they are in the bar or on the patio. Whether a minor sneaks in the front door of the bar, or through the gate of the patio, the bar owner is still responsible. Mr. Ruzicka noted that at the New Prague Golf Course people can walk right off of the course into the bar area, so that is in violation of the current ordinance. Police Chief Vosejpkka stated that the golf course's liquor license allows drinking on the course and property.

Pat Glasby, owner of Fishtale Grille, stated that he feels changes are needed to the patio ordinance. He stated that he is not having any problems at his establishment, but feels that changes need to be made.

Chairman Gengel suggested that Mr. Ruzicka get a group of people together to propose changes to the patio ordinance if he would like to pursue this.

Commissioner Remfert stated that he feels that Miller's Tap should be responsible and close the doors to the establishment at 10:00 p.m. They should not have to be reminded by the police department or the neighbors.

Dave Larson stated that he feels he is under a microscope.

The public hearing was closed at 7:18 p.m.

After discussion, it was moved by Remfert, seconded by Wilcox to recommend approval of an amendment to Conditional Use Permit #C3-2008 which allowed the construction of a patio for eating and drinking services, located at 114 West Main Street with the following findings:

- A. There have been repeated violations to Section 733 (C) (2 & 5) of the New Prague Zoning Ordinance which establishes standards for Outdoor Seating for Food Service Businesses and Drinking Establishments.
- B. As documented by the New Prague Police Department, the emergency exit door leading from the outdoor patio area to Main Street and the adjacent sidewalk has repeatedly been propped open and used as an entrance to the patio area and drinking establishment, which is in direct violation of Zoning Ordinance Section 733 (C) (2 & 5).

And amending the following condition from the original Conditional Use Permit:

7. The patio must have one emergency egress only on the south side of the patio area.

And adding the following new condition:

1. The existing emergency exit, located on the north end of the outdoor patio area and leading from the outdoor patio area to Main Street and adjacent sidewalk must be permanently removed to ensure that there is no passage into and out of the patio area.

And noting the following:

1. All other findings and conditions in the original conditional use permit are to remain effective.

Motion carried (3-0).

## **B. Discussion on Subdivision Ordinance Re-Write City of New Prague - applicant**

Planner Ondich reviewed staff's progress of the rewriting of the Subdivision Ordinance. He noted that the City's Subdivision Ordinance was adopted in 1986 and is outdated. He presented new/draft definitions. He stated that he was looking for any comments that the Planning Commission may have regarding the definitions. There was general discussion regarding a few of the definitions.

## **5. Miscellaneous**

The following miscellaneous items were reviewed:

- A. Star Tribune Article – “Communities confront ‘ghostbox’ buildings when big-box retailers leave”.
- B. Minnesota Cities Magazine Article – “When Not to Engage with Citizens”.

## **6. Adjournment**

The meeting was adjourned at 7:42 p.m. by order of Chair Gengel.

Respectfully submitted,

Renee L. Christianson  
City Planner