

Meeting Minutes
New Prague Planning Commission
Wednesday, November 17, 2010

1. Call Meeting to Order

The meeting was called to order at 6:32 p.m. by Planning Commission Member Kay Wilcox with the following members present: Ryan Peltier, Kay Wilcox and Jay Nuhring (Grant Gengel arrived at 6:39 PM). Absent: Gilman.

City Staff Present: Ken Ondich – Planning Director

2. Approval of October 27, 2010 Regular Meeting Minutes

It was moved by Peltier, seconded by Nuhring to approve the October 27, 2010 regular meeting minutes as submitted. Motion carried (3-0, Gengel and Gilman Absent).

3. Old Business - None

4. New Business

**A. Conditional Use Permit #C1-2010 – First Floor Apartment -
John and Kathleen Schumacher, Applicants**

Planning Director Ondich presented the staff report. He stated that the building was constructed in 1898 and contained an owner's apartment on the west side of the main floor from the beginning. He stated that John Schumacher purchased the building in 1974 and lived on the east side of the main floor of the building. He stated that in 2006, the City approved a CUP to allow the entire building to convert to residential condominium units, including the main floor. He stated that Mr. Schumacher would like to convert the south dining room to an apartment of about 800 sq. ft. including a kitchen, bathroom and living room/dining room area. He stated that the property is zoned B-1 Central Business District and all adjacent property is zoned B-1. He stated that an apartment is not listed as either a permitted or conditional use in the B-1 District, but Section 505 of the Zoning Ordinance for Conditional Use Permits allows the use to be considered. He stated that 5 of 10 area cities do allow apartments on the main floor as either permitted or conditional uses. He stated that 60 seats will be taken out of the restaurant as a result of the conversion. He stated that two off-street parking spaces shall be required for the apartment unit in the existing parking lot and signed appropriately. He stated that a security light shall also be provided near the rear entrance. He presented the findings and conditions contained in the staff report. He noted that after speaking with the City Attorney prior to the meeting, he removed all references to the request being for an "owner occupied" apartment because it could be legally challenged by a subsequent building owner. He also noted that he had considered this initially as an Interim Use Permit type of request, but the findings could not be justified.

The public hearing was opened at 6:46 PM.

No public comments were received.

The public hearing was closed at 6:47 PM.

Commissioner Gengel stated that the Planning Commission appreciates the preservation of historic buildings in the downtown area and that this request would not compromise the integrity.

Kathleen Schumacher, applicant, stated that the Garden Room in which the apartment is proposed was not a part of the original structure but was added onto the building in the 1950's.

Commissioner Nuhring stated that he supports the request since there are no exterior changes or use changes to the principal use as a restaurant and hotel.

Commissioner Wilcox stated that the Planning Commissions typical fear of first floor apartments in commercial areas does not hold true with this particular request because the apartment would not be street side precluding commercial use and would also not be visible from roadways.

It was moved by Nuhring, seconded by Peltier to recommend that the City Council approve Conditional Use Permit #C1-2010 to allow the existing structure at 212 W. Main Street to be used as an apartment unit only in the existing south dining room area on the main floor with the following findings:

1. The proposed apartment use on the main floor will not create an excessive burden on existing parks, schools, streets, and other public facilities which serve or are proposed to serve the area because it is located in a specifically zoned commercial area which does allow for related residential uses and the conversion of the dining room to apartment will reduce the seating in the restaurant by 60 patrons.
2. The proposed apartment use on the main floor of the existing structure is sufficiently compatible to the area as it is only to adjacent property that is zoned B-1 central business district, including some non-confirming single family homes to the south and is therefore compatible with the surrounding uses
3. The structure and site will not have an appearance that will have an adverse effect upon residential properties as the site is not adjacent to property zoned for residential use and the exterior of the building will not be altered in any fashion.
4. The proposed apartment unit on the main floor, while not specifically listed as a conditional use in the B-1 District would be a low volume traffic generator which suits itself well to the site and the limited off-street parking while also fitting well with the second floor hotel use in the same building.
5. The proposed apartment use on the main floor is in compliance with the comprehensive plan of the City because it would not compromise the principal hotel and restaurant uses of the building and would fit with the historic occupation of the building dating back to the 1890's which included a main floor owners apartment.

6. The proposed apartment unit will replace a dining room that seats 60 patrons; thereby the overall traffic to the site will be greatly reduced.
7. Adequate utilities, access roads of 1st Ave. SW, drainage and necessary facilities are provided to the site.

And with the following conditions:

1. The Conditional Use Permit is issued in accordance with the undated floor plan which depicts the conversion of the existing south dining room to an apartment unit including a bathroom, kitchen, living room and dining room, all on file with the New Prague Planning Department.
2. The main floor apartment unit is only permitted in the existing south dining room area as shown on the site plans.
3. An address sign for the apartment unit must be installed on or near the south external entrance door for 911 purposes.
4. There must be two off-street parking spaces provided for the apartment unit on the main floor. The two required off-street parking spaces must be signed as “resident parking only” and must be located in an off-street location.
5. Security lighting that illuminates the parking area and south entry to the apartment must be installed if it does not already exist.
6. An appropriate area for trash receptacles must be provided and the designated area must meet the requirements of Section 703 of the Zoning Ordinance governing Refuse.
7. Applicable building and plumbing permits must be obtained before construction can begin.

Motion carried 4-0.

5. Miscellaneous

The following miscellaneous items were reviewed:

A. None.

6. Adjournment

The meeting was adjourned at 6:56 PM by order of Chair Gengel.

Respectfully submitted,



Kenneth D. Ondich
Planning Director