

Meeting Minutes
New Prague Planning Commission
Wednesday, February 23, 2022

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Vice Chair Mike Uttenhove with the following members present: Paul Tupy, Shawn Ryan, and Ann Gengel. Absent was Chair Dan Meyer.

City Staff Present: Ken Ondich – Planning / Community Development Director and Joshua Tetzlaff – City Administrator

2. Approval January 26, 2022 Regular Meeting Minutes

It was moved by Tupy, seconded by Gengel, to approve the January 26, 2022 regular meeting minutes as submitted. Motion carried (4-0).

3. Old Business

**A. Request for Conditional Use Permit #C1-2022 – Allow an Outdoor Seating Area for a Restaurant / Drinking Establishment at 125 E. Main Street
Owen Schultz (1319 Woodfire Tavern) - Applicant**

Planning Director Ondich presented the staff report. He stated that 1319 Woodfire Tavern opened in 2021 while undergoing renovations including the addition of a full kitchen. He stated that the plans also included a permanent outdoor patio with overhead garage doors being installed as access between the building interior and patio. He stated that the patio was mostly completed in the fall of 2021 and operated under a council resolution that allowed outdoor patio flexibility during the Covid-19 pandemic, but the resolution expires on 10/31/22 and the applicants are seeking final approval of the patio in a permanent fashion. He stated that the patio is located on the west side of the building and is 10' x 65' in size and has 48 planned seats with emergency only exists on the north and south ends. He stated that outdoor patios are a conditional use in the B-1 District and that off-street parking is not required, although there is a parking lot in the rear of the site that can accommodate 16 spaces which must be striped. He stated that the proposed outdoor patio meets all the performance standards except that planters must be added by the fence along Main Street to prevent the free passage of persons or substances from the patio and meet the 50% opacity requirement. He stated that staff recommends approval of the conditional use permit with the findings and conditions listed in the staff report.

The public hearing was opened at 6:44 p.m.

Dave Malz, 109 1st Ave. NE, stated that he lives north of the property and has had issues in the past with music that has occurred at the location. He stated that the music has been so loud in the past that he has been unable to carry on a conversation in his home. He stated that he is glad there is a 10pm time limit for music on the patio, but also asked if there was a decibel limit.

Planning Director Ondich stated that in the City's nuisance code there are limits for decibel levels for general noise concerns which are beyond the specific limitations of sounds on the patio, including the 10pm limit.

Adam Schultz, representing 1319 Woodfire Tavern, stated that they would only plan to have acoustic music and have no plans for full bands.

Mr. Malz stated that he has not had any issues with the current owners of the property and that he has no issue with dining on the patio area, but wanted to ensure that he would not have issues with loud music as he had experienced with previous owners of the property, including when he had to call the police department for one event in particular where the police told him being located in a commercial area there was nothing they could do about the noise.

Planning Director Ondich indicated that regardless of the zoning district there are still nuisance levels of sound decibels that apply.

Mona Schultz, representing 1319 Woodfire Tavern, stated that she also believed there was a rule that sounds from the patio could not be audible beyond 50' from the patio area.

The public hearing was closed at 6:50 p.m.

A motion was made by Tupy, seconded by Gengel, to recommend that the City Council approve the conditional use permit with the following conditions:

1. Approval is subject to the site plan dated 1/31/22 on file with the New Prague Planning Department which complies with the requirements of Section 733 of the Zoning Ordinance.
2. Planters must be placed adjacent to the fence along Main Street to provide for at least 50% opacity to the patio and to also prevent the free passage of persons or substances from the patio area to the sidewalk.
3. The easement agreement for the western 1' of the outdoor patio area with the property owners to the west must be recorded and proof provided to the City that it has been recorded prior to final occupancy of the patio being issued.
4. The off-street parking area must be striped with white or yellow paint not less than 4" wide and providing for parking spaces sized according to Section 717 of the Zoning Ordinance.
5. Requirements of the Building/Code Enforcement Official must be met including:
 - a. Building Permits must be obtained as necessary.

- b. The patio area must have an emergency exit door.
 - c. The rear emergency exit door must be clearly marked as such.
 - d. The exit signs must be illuminated at all times of operation.
 - e. The emergency exit doors on the fences must have panic hardware.
 - f. There shall be an operational exit sign leading into the patio area.
6. Before the Liquor License can be expanded to the proposed patio area, the following shall be completed:
- a. All of the requirements and improvements associated with this Conditional Use Permit #C1-2022 must be completed and approved by City Staff.
 - b. The City Council must approve the expanded patio area as part of the applicant's liquor license.

And with the following findings:

- A. The proposed patio area 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 additional area will only accommodate outdoor seating.
- B. The proposed patio will be sufficiently compatible and separated by distance from adjacent residentially zoned or used land as it is separated by over 120' to the nearest single-family home to the north and all adjacent property is located in the B-1 Central Business District, including the homes located to the north.
- C. The proposed patio and site will have a vastly improved appearance over the previously existing "alley like" appearance and will not adversely affect adjacent residential properties.
- D. The proposed patio is reasonably related to the overall needs of the city and existing land use as the proposed patio is specifically listed as a Conditional Use in the B-1 Central Business Zoning District and will be an expansion of an existing permitted business.
- E. The proposed patio is specifically listed as a Conditional Use in the B-1 District and therefore is consistent with the purposes of the zoning ordinance.
- F. The proposed patio is not in conflict with the Comprehensive Plan of the City because it is located in the B-1 District in which patios are listed as a Conditional Use.
- G. The proposed patio will not cause traffic hazards or congestion as it provides only 48 seats and no off-street parking is required for any uses in the B-1 district, but noting the site does have approximately 16 off-street parking spaces.
- H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided as the recent reconstruction of Main Street south of the proposed patio area allowed stormwater improvements to be implemented in the patio area.

Motion carried (4-0).

Commissioner Ryan asked the applicants when they would have the kitchen open.

Mr. Schultz indicated that depending on equipment being installed they were hoping for an opening sometime around the end of the first week of March.

4. New Business

None.

5. Miscellaneous


The following miscellaneous items were reviewed as information only:

- A. GreenStep City Status – City Administrator Tetzlaff presented background information regarding the GreenStep Cities Program which is a voluntary program which could be a way for the city to identify best practices for becoming more sustainable and also save money for the city. Mr. Tetzlaff suggested that the Planning Commission serve as the coordination team for the program if they should apply. The Planning Commission had discussion about the program such as if it would require any additional meetings. Commissioner Ryan expressed specific concerns about mandates potentially coming from the program and asked if someone from the program could attend a future meeting for further discussion.
- B. 2022 Lot Inventory: Commercial, Industrial, Residential- Planning Director presented the annual lot inventory as information.
- C. Annual Commercial Building Audit 2022 – Planning Director Ondich presented the annual commercial building audit as information.
- D. Summary of 2021 Growth Statistics – Planning Director Ondich presented the annual summary of growth statistics as information.
- E. Monthly Business Update – Planning Director Ondich provided the Monthly Business update to the Planning Commission that had been provided to the EDA earlier in the month.

6. Adjournment

A motion was made by Ryan, seconded by Tupy, to adjourn the meeting at 7:20 pm. Motion carried (4-0).

Respectfully submitted,



Kenneth D. Ondich
Planning / Community Development Director