

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, December 20, 2017**

**1. Call Meeting to Order**

The meeting was called to order at 6:30 p.m. by Chair Nuhring with the following members present: Bob Gilman, Dan Meyer and Matt Goldade. Absent was Amy Jirik.

City Staff Present: Ken Ondich – Planning / Community Development Director

**2. Approval November 15, 2017 Regular Meeting Minutes**

It was moved by Meyer, seconded by Goldade, to approve the November 15, 2017 regular meeting minutes as submitted. Motion carried (4-0).

**3. Old Business**

None

**4. New Business**

**Concept Review #2 of Zoning Ordinance Amendments for Assisted Living Facilities in the B-1 Central Business District and Clinics and Healthcare Facilities with In-Patient Care in the B-1 and B-2 Commercial Districts and all Residential Districts  
City of New Prague - Applicant**

Planning Director Ondich presented the staff report. He stated that at the City Council meeting on October 16, 2017 that an emergency interim ordinance was approved until October 1, 2018 to study the issues related to assisted living facilities in the B-1 Central Business District and also relating to clinics and healthcare facilities with in-patient care in the B-1 and B-2 Commercial Districts and all residential districts of the City. He stated that the driving factor behind the emergency interim ordinance was related to inquiries staff received in early October 2017 that staff felt was not fully addressed by the Zoning Ordinance. He stated that the first inquiry involved a use that would fit the definition of an assisted living facility in the B-1 Central Business District but not be what one would typically associate with an assisted living facility and possibly involve addiction treatment with residents aged 55+. He stated that staff was concerned with the possibility of an assisted living facility utilizing a space on Main Street that would normally be used for typical downtown commerce as is the purpose of the downtown district to maintain a viable downtown with retail, service, office and entertainment facilities. He stated that the second inquiry involved a use that would fit the definition of a clinic or healthcare facility possibly involving medication assisted addiction

treatment but would involve considerable in-patient care in a commercial or residential area. He stated that such uses are currently listed as conditional uses in the B-1, B-2 and all residential districts but that there are not specific performance standards for those uses. He stated that the Planning Commission was briefly introduced to the emergency interim ordinance at their October 25, 2017 meeting and then discussed again at their November 15, 2017 meeting. He noted that at the November meeting that there was general support for assisted living units in the downtown area but only above the first floor, requiring off-street parking for the units, requiring an entrance to the assisted living away from Main Street and they finally also suggested a maximum building height. He stated that it was also suggested to removed clinics and healthcare facilities from all residential districts as permitted or conditional uses with a possible protection for the hospital as it is located in a single family district. He stated that since the November meeting that an interested party asked about if the code could be written to allow assisted living on the main floor behind the first 50% of a building along Main Street being used for commercial purposes. He stated that he had revised the code language based on the discussion at the November meeting and that the only other regulations he could suggest would be some mild performance standards for clinics and healthcare facilities to meet department of health program rules. He stated that he needs the Planning Commission to discuss the proposed changes and that he would then route to the City Attorney for review and comment before scheduling a public hearing.

Commissioner Gilman stated that his son works at a methadone clinic and that they bring around interesting patients. He stated that he believes a these types of clinics need a parking lot or drop off area as many patients are given rides for treatment. He stated that he believes the Department of Health rules requires a security guard to be on site while open. He stated that he does not believe downtown is an appropriate place for such clinics.

Planning Director Ondich stated that it was difficult to draft ordinance language that would not be a violation of the ADA as drug addiction is seen as disability and such clinics could not be treated differently than other clinics so the rules would have to apply to all clinics evenly.

Chair Nuhring stated that despite the inquiry posed about assisted living on the main floor of commercial buildings if located behind the first 50% being commercially used, he stated that he did not feel that any assisted living should be allowed on the main floor. He said that the zoning district extends back another half block to 1<sup>st</sup> Street on all sides of the downtown district and that with the 2020 downtown reconstruction project that it's even more important that commercial uses on the main floor have access to their buildings from non-main street entrances for alternate accesses.

Commissioner Gilman stated that allowing a portion of main floors to be used for non-commercial uses would end up dividing up the spaces interestingly.

Commissioner Meyer stated that he agreed that assisted living should only be allowed on the second floor. He also stated that he liked that a building height limit was drafted for the downtown district at 35 feet.

Commissioner Gilman asked how tall Philipps Square was.

Planning Director Ondich stated that he did not know, but that Philipps Square was indeed located in the downtown district and that he would look at building heights in more detail for the next Planning Commission meeting. He also stated that he would send the current drafted language to the City attorney for review.

Chair Nuhring stated that regarding clinics, he wanted to know if at methadone clinics if patients were non-driving.

Commissioner Gilman stated that lots of the patients getting treatment don't drive, but some do. He stated that many times they see lots of patients early in the day before the typical work day starts and then again at lunch time. He stated that having a place for being dropped off and for those waiting to pick up the patients is important.

Commissioner Nuhring suggested that a performance standard could be added for a drop off area.

Commissioner Gilman suggested that if located in the downtown area, a high volume clinic could cause problems for other businesses in regards to parking. He stated that maybe the parking or drop off area be specific to high patient volume clinics versus low volume patient clinics where it would not be an issue.

Planning Director Ondich suggested that maybe the difference between high volume and low volume would be the number of patients per day.

The Planning Commission consensus was to have the City attorney review the draft language and to discuss again at a future meeting.

## **5. Miscellaneous**

The following miscellaneous items were reviewed as information only:

- A. 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.
- B. 2018 Meeting Schedule – Planning Director Ondich provided a copy of the 2018 meeting schedule for review.

## 6. Adjournment

A motion was made by Gilman, seconded by Goldade, to adjourn the meeting at 7:14 p.m.  
Motion carried (4-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kenneth D. Ondich". The signature is written in a cursive style with a large, stylized "K" and "O".

Kenneth D. Ondich  
Planning / Community Development Director