

Meeting Minutes
New Prague Planning Commission
Wednesday, November 15, 2017

1. Call Meeting to Order

The meeting was called to order at 6:37 p.m. by Chair Nuhring with the following members present: Amy Jirik and Dan Meyer. Absent was Bob Gilman and Matt Goldade.

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

2. Approval October 25, 2017 Regular Meeting Minutes

It was moved by Meyer, seconded by Jirik, to approve the October 25, 2017 regular meeting minutes as submitted. Motion carried (3-0).

3. Old Business

Amy Jirik stated that at the first reading of the fence ordinance at the November 6th Council meeting that the Council thanked the Planning Commission and staff for all the work that went into it.

4. New Business

**Concept Review 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 Planning Commission was briefly introduced to the emergency interim ordinance at their October 25, 2017 meeting. 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 only drafted language change he included in the staff report was some language that would continue to list assisted living as a conditional use but only above the first floor of a building in the B-1 District. He also noted that he would like the Planning Commission to discuss another option to consider that maybe some assisted living use could occur on the main floor of the building but to ensure that the street facing portions of buildings are used for the general commerce types of uses such as retail, office or entertainment.

Chair Nuhring stated that he had thought about assisted living in the B-1 district and had asked himself why not to allow it. He said that he was thinking about it more from an aesthetic standpoint and wondered if it was that as the key consideration or if it was to protect commerce in the B-1 district. He stated that if it was to protect commerce then the spaces along Main Street should be devoted to commerce on the first floor. He stated that if an aesthetic issue then maybe have rules for new construction buildings including height limits for buildings in the downtown area.

Planning Director Ondich stated that there are design requirements and guidelines for the B-1 district and that he feels they adequately address the aesthetic concerns but that there is not currently a building height limit in the B-1 district.

Commissioner Jirik stated that the first floor needs to be commerce based to keep the downtown strong and viable. She stated that if assisted living were allowed on the second floor that it would be important to have required off-street parking so that the on-street parking for all of downtown is not affected. She also suggested having designated entrances for the non-commercial uses from a non-main street facing portion of the property.

Planning Director Ondich stated that it might be a good idea to include performance standards for assisted living facilities in the B-1 district to include parking for employees on the largest shift in addition to a ratio of parking for the residents. It was also discussed that it's not possible to force anyone to park in an off-street parking lot when there are spots available in spots on the street.

Commissioner Jirik reiterated her position of not allowing any residential type uses, including assisted living, on the main floor of buildings in the B-1 District.

Chair Nuhring stated that he agrees and that the B-1 district extends to 1st Street SE so that even the rear of buildings along Main Street are not the end of the B-1 District.

Commissioner Jirik stated that she sees hotels and motels on the first floor as different as they support the shops on main street and visitors to the area.

Planning Director Ondich stated that a conditional use permit had been issued in the past for a 1st floor owner occupied apartment in the Schumacher Hotel property in the past which was never actually built as well as more recently in another building along Main Street but which is located in the B-3 District to have an on-site manager reside in a main level apartment, but that those approvals were based on the owner or manager role those residents would take and also noting they were not fronting Main Street.

The Planning Commission again stated their support for assisted living only on the second floor and developing some performance standards for assisted living in the B-1 District relative to off-street parking and entrances to the assisted living use not off Main Street. They also suggested adding a building height limit to the B-1 District which does not currently exist today.

Commissioner Jirik stated that regarding the clinics and healthcare facilities portion of the emergency interim ordinance it might be a good idea to remove clinics and healthcare facilities from the residential zoning districts altogether. She noted, however, that the hospital was located in a residential district and realizes they would become a legal non-conforming use, but that maybe some performance standard could be written to allow existing clinics and healthcare facilities in the residential districts to expand via future conditional use permit applications and that no new facilities would be allowed.

Planning Director Ondich stated that some cities also have Institutional Zoning Districts which sometimes contain hospitals. He stated that he would continue to work on the zoning ordinance amendments and bring back further revisions to the December Planning Commission 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. Downtown 2020 Project – Planning Director Ondich stated that an open house was held on Thursday October 26th for the Downtown 2020 project and informed the Planning Commission that they are certainly welcome to take the survey for the project which his located on the project website.
- C. Small Cities Redevelopment Program – Planning Director Ondich stated that applications were now being accepted for the 2017 Small Cities Redevelopment Program for commercial, residential rental and residential owner occupied projects on a first come, first serve basis.

6. Adjournment

A motion was made by Meyer, seconded by Jirik, to adjourn the meeting at 7:43 p.m. Motion carried (3-0).

Respectfully submitted,

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

Kenneth D. Ondich
Planning / Community Development Director