

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, September 19, 2012**

**1. Call Meeting to Order**

The meeting was called to order at 6:31 p.m. by Planning Commission Chair Bob Gilman with the following members present: Jay Nuhring, Dan Meyer and Dave Bruzek. Absent was John Roos.

City Staff Present: Ken Ondich – Planning Director

**2. Approval of August 22, 2012 Regular Meeting Minutes**

It was moved by Meyer seconded by Nuhring to approve the August 22, 2012 regular meeting minutes as submitted. Motion carried (4-0).

**3. Old Business**

None.

**4. New Business**

**A. Conditional Use Permit #C3-2012 – Apartment on 2<sup>nd</sup> Level in B-3 District**

Planning Director Ondich presented the staff report. He stated that the applicant, Eric Will, recently purchased the building at 436 W. Main Street. He stated that the property had lost its legal non-conforming status as a residential home in May of 2008 and has been vacant since that time. He stated that a Conditional Use Permit for a main floor office for two employees was approved in February of 2009 with no other changes made to the building or site. He stated that since the Conditional Use Permit was approved for the office that the zoning ordinance for the B-3 Highway Commercial Zoning District had changed and now offices were a permitted use and 2<sup>nd</sup> level apartments are listed specifically as a conditional use. He stated that the biggest issue with the property is the parking situation and that the current parking area is unpaved and can only fit two cars. He stated that the applicant proposes to use the main floor for an office and the 2<sup>nd</sup> floor for a rental apartment. He stated that Section 737 of the Zoning Ordinance provides for three performance standards for the second level apartment requiring a minimum of two parking spaces, a security light for the parking area and an area for trash receptacles if they are to be placed outside of the building. He stated that MnDOT was provided a notice regarding the proposed as is required when there is a change in use on a property. He stated that MnDOT recently provided written comments in an e-mail which he had handed out for the Planning Commission to review. He noted that the comments were in regards to the new access permit that the applicant would have to obtain as well as the

issuance of the CUP. He stated that MnDOT would not fully comment on what sort of access permit would be granted without seeing plans and that MnDOT recommended denial of the CUP because of their concerns about parking and access to the site. He stated that four parking stalls will be required on the site and must be paved and striped. He stated that the City Engineer must review the plans for the parking area expansion prior to construction. He stated that the property is adjacent to Philipps Creek which contains Zone AE Floodway but the floodway elevation is within the bank of the creek and should not be a concern for the development of the property including the expansion of the parking area. He stated that no exterior changes or additions to the building are proposed. He stated that interior modifications will include converting the 2<sup>nd</sup> floor to an apartment with a full kitchen, remodeled bathroom and securing the stairway access to the 2<sup>nd</sup> level from the office area. He stated that no changes are proposed for the main floor office at this time or the basement. He stated that the building must also meet all applicable requirements of the state building code. 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 7:00 PM.

Tom Hanzel, representing his father who owns the commercial property next door at 438 W. Main Street, stated that he and his father are concerned about the parking on the site accommodating both an apartment and an office use on the main floor. He also asked about if a bathroom would be required on the main floor for the office.

Planning Director Ondich stated that he had suggested a condition of approval require the building to meet all Minnesota State Building Code requirements but that at this time he did not know if a bathroom would be required on the main floor or not but it would be reviewed by the Building Official.

The public hearing was closed at 7:02 PM.

Commissioner Meyer stated that the parking on the site is his main concern and not so much the related traffic concerns.

Commissioner Bruzek stated that the ability to get into and out of the site is the problem with the site.

Commissioner Gilman stated that he does not like cars back out of the site into the state highway.

Commissioner Bruzek agreed with Commissioner Gilman that he also did not like cars backing up out onto the highway.

The Planning Commission all agreed that cars should not leave the site by backing out onto the highway.

Commissioner Nuhring stated that he would like to see a plan for the parking to accommodate the cars and the ability to leave the site facing forward before acting on the request.

Mr. Hanzel stated that he has no problem with the main floor business but the 2<sup>nd</sup> level as an apartment is his concern as there is too much activity on the small site.

Commissioner Bruzek stated that he would suggest the item be tabled until they are provided with more information on the parking matters.

A motion was made by Meyer, seconded by Nuhring, to table the request for Conditional Use Permit #C3-2012 to allow an apartment above the first floor of a building at 436 W. Main Street in the B-3 Highway Commercial Zoning District until a parking plan is submitted that also shows cars leave the site facing forward. Motion carried (4-0).

## **5. Miscellaneous**

The following miscellaneous items were reviewed as information only:

- A. Monthly Business Update – Planning Director Ondich updated the Planning Commission with a report that was presented to the EDA earlier in the month.

## **6. Adjournment**

A motion was made by Bruzek, seconded by Nuhring to adjourn the meeting at 7:32PM. 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 initial "K" and "O".

Kenneth D. Ondich  
Planning Director