

**Meeting Minutes**  
**New Prague Planning Commission**  
**Wednesday, July 24, 2024**

**1. Call Meeting to Order**

The meeting was called to order at 6:30 p.m. by Chair Dan Meyer with the following members present: Brandon Pike, Shawn Ryan, and Ann Gengel. Absent was Jason Bentson.

City Staff Present: Ken Ondich – Planning / Community Development Director, and Kyra Chapman – Planner

**2. Elect Chair and Vice Chair for 2024/2025**

A motion was made by Ryan, seconded by Gengel to have Dan Meyer as the Chair and Brandon Pike as the Vice Chair. Motion carried (4-0).

**3. Approval of Meeting Minutes**

**A. June 24<sup>th</sup>, 2024 Regular Meeting**

A motion was made by Pike seconded by Gengel to approve the June 24<sup>th</sup> regular meeting minutes. Motion carried (4-0).

**4. OLD BUSINESS**

**A. None.**

**5. NEW BUSINESS**

**A. Request for Variance #V4-2024 – B-1 Downtown Design Requirements**

Planner Chapman introduced V4-2024, a variance from the B-1 District Commercial Design standards to allow exterior alterations at Kubes Furniture & Flooring at 133 Main St W as proposed by Randy Kubes. Last fall, Mr. Kubes introduced a concept plan to do exterior alterations to beautify and modernize his building. In preparation of the concept plan, staff discovered that other communities have Downton Preservation Design Guidelines or a Heritage Preservation Committee. At the time of hearing the concept plan, the Planning Commission wanted to wait for the results of the Comprehensive Plan. Although the Comprehensive Plan is now nearing completion, the re-write of the Zoning Ordinance will take an additional year. The applicant, Randy Kubes did not want to wait a subsequent year. The subject property is zoned B-1 Central Business District and according to section 726 of the Zoning Ordinance titled Commercial Building Design for the B-1 District, brick must be

preserved, replaced with similar looking brick and not covered. Furthermore, awnings may only be made of cloth or canvas. The applicant intends to cover the brick with Hardie panel, Osceola prairie stone, and adding light sconces, and a metal cable awning.

Planner Chapman stated that most buildings in the B1-Central Business District were constructed in the 1880s to the 1940s for mainly commercial/retail uses. Several buildings in the district have brick facades since this was a common architectural trend years ago. According to the Reconnaissance Survey of Downtown New Prague, the subject building was constructed in 1946 and has brick and cement cladding and is representative of the mid-century modern architectural style. Directly to the east of the building, the applicant also owns 131 Main St W, which was built in 1885 and representative of the Italianate architectural style with stucco over brick cladding. Staff recommends that if any exterior alterations are made to the subject building, it should have alternating/coordinating colors to match each other. Staff met with Dennis Dvorak, the author of the Reconnaissance Survey and member of the Minnesota Historical Society on July 1<sup>st</sup>, 2024. Dvorak was not in favor of the removal of brick because it would erase an important architectural feature. He recommended that the proposed cornice should be flush with the building and that the Osceola prairie stone should be removed from the plans. Dvorak liked the metal awning because it would better accentuate the face of the building and accentuate the brick indent of the front façade. Staff support the variance for the metal cable awning because there was a metal cable awning on the structure years ago, it would better accentuate the building face, and it would remove the existing non-conforming plastic awning. Staff are not in favor of the covering of original brick because the Comprehensive Plan requires the preservation of historic character of the district, the Zoning Ordinance does not allow the covering or removal of the brick. Although the new Comprehensive Plan has not been adopted, the “Community Development and Amenities” goal strategizes the need to “maintain and preserve the unique character of downtown New Prague due to its historical and cultural significance. Additionally, the Central Business District & Sign Guidelines, which acts as an architectural snapshot in time, specifically states that brick should not be covered under any circumstances and if the brick has become worn, it must be repaired or replaced. Overall staff recommended to either deny the request or table subject for the next meeting to allow the applicant to provide documentation of brick damage, similar or lack of matching brick, financial consequences of brick being repaired or replaced, and façade rendering with accurate dimensions.

A motion was made by Ryan, seconded by Gengel to open the public hearing (4-0). Public hearing opened at 6:48pm.

Randy Kubes, applicant and owner of 133 Main St W, explained the improvements to the façade would help create a larger presence for their business and make their building look more appealing. He first met with the Building Official in 2023 regarding the exterior alterations. The suggested plans met the Building Code but did not meet the Zoning Ordinance. According to section 726 of the Zoning Ordinance, it uses the words ‘protect’ and ‘enhance’. Those two words are conflicting statements. The Zoning Ordinance also mentions the phrase “where reasonably possible, materials” in terms of replacing old features. The brick is falling off and any new brick that is added would not be historic. Kubes Furniture & Flooring has been at its location since 1992 and brought in lots of business. The suggested façade improvements might

invite the younger generation. There are several businesses on Main Street that are not made of brick such as the Snap Fitness, City Club, and Chiropractor business. Those buildings are made of stucco or cultured stone. Kubes feels as though he is being isolated.

Meyer suggested that there could be discussions with the Minnesota Historical Society to see if there is similar brick available to the building's existing brick.

Kubes added that he was not in favor of the brown concrete streaks along Main Street. The streaks are not representative of the period, and they can be slippery. Murals used to be popular years ago, but no one does it anymore. Murals served a point in time. When the subject building was constructed in 1946 it fit the time period. Today it should look more substantial.

Ryan liked the look of the proposed building and inquired on the cost of service from the Minnesota Historical Society.

Planning Director Ondich mentioned that some assistance and guidance from the Historical Society is free. He mentioned that staff want to encourage the rehabilitation of buildings but also understand the financial hardship of rebuilding the building with brick. Anyone can argue what buildings are and aren't historic. It's difficult to know the definitive line of what is historic. The building does have a specific architectural style. He was curious on what can be done to preserve some features of the building. The applicant could reach out to the Minnesota Historical Society.

Ryan wanted to find a happy medium between the ordinance and the applicant's request. He inquired if the City was setting a precedent if the variance was approved.

Planning Director Ondich explained that each matter is reviewed on its own basis so it would not be setting a precedent. There are some buildings on Main Street that have stucco facades as preservation efforts for soft brick. Staff are willing to allow some changes to the façade that the applicant is requesting but the ordinance mentions the preservation of brick so many times. It's probably something that could be changed during the rewrite. Not every building on Main Street has brick facades.

Ryan asked how the new Comprehensive Plan will impact the ordinance.

Pike explained that the Steering Committee created a goal on identifying and revisiting what the historical downtown district should look like in terms of design standards. The Steering Committee also created a use for the district.

Planning Director Ondich mentioned that the new Comprehensive Plan's goal is a lot more open and doesn't specifically call out brick but does require the preservation of unique characteristics of the downtown.

Ryan asked when the Comprehensive Plan and Zoning Ordinance rewrite would be completed.

Planning Director Ondich replied that it will take an additional year. He is currently working on the RFP for the rewrite. Theoretically if the rewrite of the Zoning Ordinance began in November of this year, it would likely be complete by November 1<sup>st</sup>, 2025.

Pike wanted clarification on staff's support for the Hardie board cornice extension.

Planning Director Ondich explained that when staff met with Dennis Dvorak, he recommended that the cornice should be flush with the building because the existing cornice is squared off. The added height of the building would provide a new visual element and doesn't need to be brick. Staff support the awning, lights, and signage. Staff doesn't think every inch of the brick should be covered but partially covering the brick may not look great either.

Ryan thought tabling the topic would be beneficial to provide the applicant time to consult with the Minnesota Historical Society. Perhaps they could come up with a similar building design.

Kubes said they could replace the stone with brick.

Ryan said that perhaps the Minnesota Historical Society could see if there is brick available. The more information provided could help make a definitive decision.

Kubes stated that no one in the audience is against the proposal. He has little trust in the City because they wanted him to tear down another building he owns in the downtown area. Building Official and City Engineer both stated that it could not be occupied. He had to go through extreme measures to prove them wrong. He stated that the City doesn't care about preserving historic buildings.

Ryan said that there were legitimate concerns about that specific building because there was a bow. That specific instance was related to a safety concern rather than having to tear down the building because the brick looked old.

Kubes said that he worked in New Prague for a long time and wants to bring people to the community. He's had a few people look at the plan before it was submitted. The stone can be switched to brick. He would like to hear four yesses from the Planning Commission.

Ryan stated the business Kubes has brought in hasn't gone unnoticed. He would like to have a few more answers to feel confident in any decision made. It would be beneficial to see a rendering of the building with brick as opposed to stone and get feedback from the Minnesota Historical Society rather than just from contractors. The state may have a better knowledge on the overall knowledge on what is available or options. He would want a little more due diligence to make a decision. He wants to find commonality.

Kubes explained that the brick near the top of the building is deteriorating faster. If brick is purchased and tuckpointed to replace the top brick, what will happen when the stuff below it.

Ryan said that maybe the Minnesota Historical Society could provide guidance on that.

Kubes said that the Minnesota Historical Society won't be able to provide anything on that. They cannot guarantee the wellbeing of the rest of the brick. The remaining brick will continue to do what the existing brick is doing.

Planning Director Ondich suggested that the applicant could get a statement from a brick contractor.

Kubes recommended that the Planning Commission approve and say something along the lines that the brick needs to be changed and get approved by staff before putting it up.

Ryan would like to see one more step in the process such as seeing that rendering, brick options, statement from the Minnesota Historical Society or contractor. He would like a little more information. Even if the Planning Commission approves it, it will still have to go to City Council, who will have similar questions.

Kubes suggested that the Planning Commission approve the request so it can be discussed at the City Council meeting and will switch the stone with the brick. Some additional information will be collected before then.

Ryan stated if the variance was denied, the applicant could still approach the council with additional information. City Council could override the Planning Commission's decision.

Pike inquired if signage on awning is acceptable.

Planning Director stated that this is the type of signage that staff would encourage. The only variances needed for this request are for the metal cable awning and covering the brick.

Pike asked how far back the Hardie panels go on the west side of the building. He wanted to know if it ended at the back of the building or where the brick is

Planning Director Ondich clarified that it would end near the concrete blocks. The concrete blocks would be painted black.

Ryan replied that he would feel comfortable saying yes to speed up the process. However, Council will have similar concerns and questions. To speed up the process, Kubes should have some of those answers or possibly have a brick contractor come in person or Dennis Dvorak to represent the Minnesota Historical Society to shed more light on the situation.

Meyer said he is not against it. He understands similarly that wood buildings can rot. The wood would have to be replaced with new wood. At this time, we do not know if it is available or can be replaced. There is a balance that can definitely be reached. It would be beneficial to know if the Minnesota Historical Society has been exhausted to preserve that brick. Understandably there is a limited construction time in Minnesota as well. He knows that the Planning Commission doesn't have the final say and that it will be reviewed by the Council.

A motion was made by Pike, seconded by Ryan to recommend approval of V4-2024 with the following conditions:

1. Provide an alternative rendering showing brick on the plan versus the stone to go along with the rendering showing the stone (to see both options considered).
2. Provide documentation from the Minnesota State Historical Society AND a brick contractor documenting that the brick is either not available or a suitable alternative is not available along with the threat of further brick delaminating being a continual maintenance issue with the existing brick. Written statements will be necessary as additional information to support this.

Motion carried (4-0).

### **B. Final Plat of Stienessen Addition for 3 Lots on 4.01 Acres**

Planning Director Ondich introduced the final plat for the Stienessen Addition. At the last Planning Commission meeting, the preliminary plat of Stienessen Addition was presented. It is a three-lot plat outside of City limits on 4.1 acres in Le Sueur County and zoned R1 Urban/Rural Residential Zoning District. The two western lots would be sold and the applicant would keep the existing east parcel. The City is reviewing the plat because of the extraterritorial subdivision can regulate growth of area 2 miles from city limits for future annexation and development. Le Sueur County approved a variance of lots 2 and 3, which did not meet the minimum lot dimensions. City Council approved the preliminary plat on July 1<sup>st</sup>, 2024. No changes have been made to the plat other than the removal of the requirement for the wetland. There will be no direct access from 15<sup>th</sup> St SW for the two new lots. Additional right-of-way for the township is needed. Park dedication, emergency warning siren fee, water access charge, and sidewalk payment must be paid after the property is annexed to the City.

A motion was made by Pike seconded by Gengel to recommend approval of final plat of Stienessen Addition with the findings and the conditions contained in the staff report.

### **C. Zoning Ordinance Amendment – Relating to Public Buildings**

Planning Director Ondich reminded the Planning Commission that the concept review of the definition for public buildings was introduced at the June meeting. When the City spoke with the City Attorney, it was realized that the definition for “essential services” does not cover public buildings such as post offices, fire stations, and city halls. To cover those public use buildings, staff are recommending creating a new definition for public buildings. It then must be determined what uses would be a permitted or conditional use. The existing essential services definition refers to private and public utilities. The proposed definition for public buildings would not include buildings located in a city park. At the last Planning Commission meeting, it was stated that it should be a conditional use in all districts. However, staff recommends that public buildings should be a permitted use in the B-3 Highway Commercial, and I-1 Light Industrial because there are similar uses in those districts. There’s more noise and activity over there. The parks shop and fire station in the I-1 District. The B-3 District has

more manufacturing and vehicle traffic. There are less residential neighborhoods adjacent to those uses.

Pike inquired if public buildings all become conditional uses, does that make all existing public buildings non-compliant.

Planning Director replied that public buildings would become legal non-conforming. Conditional use permits would be required at the existing buildings if there was a substantial change to the building such as expansion of a use or an addition. Staff recommended conditional uses in all the residential districts and in the B-1 and B-2 Districts.

Pike shared his concerns of visible essential service buildings popping up around town.

A motion was made by Pike, seconded by Ryan to open the public hearing at 7:39 pm. Motion carried (4-0).

A motion was made by Pike, seconded by Ryan to close the public hearing at 7:40 pm. Motion carried (4-0).

Pike asked what would happen if public buildings were all listed as conditional use.

Planning Director Ondich mentioned that the police station and post office would be brought to the Planning Commission.

Pike was concerned about essential services. In Glencoe, there's an ugly brick tin shed in a residential area. Essential services should be a conditional use.

Planning Director Ondich stated the existing essential services definition covers not only underground infrastructure but buildings as well. Maybe the City could specifically require conditional use permits for essential service buildings.

A motion was made by Pike, seconded by Gengel to recommend approval of the public buildings definition but both essential services buildings and public buildings reviewed as conditional uses in all but the B-3 and I-1 Districts. Motion carried (4-0).

Meyer left at 7:43 pm.

## **6. Miscellaneous**

### **A. Cannabis Ordinance Update**

Planning Director Ondich explained that the interim use ordinance for the cannabis moratorium will be up for final adoption at the next City Council meeting. Two new definitions will be added to the ordinance; early cultivators and social equity applicant to meet state law. The moratorium will cover the City for the remainder of the year. The final template is being modified by the City Attorney and will be brought to the Council and

will likely discuss buffers from daycares, schools, and religious institutions from cannabis businesses.

## **B. Monthly Business Update**

Planning Director Ondich introduced the business updates. He explained that two new home permits were issued in June. The proposed 54-unit apartment building variance for the density and parking was approved by council. The Outlaw Saloon's conditional use permit for an outdoor patio space was approved. The building permit for Scooters Coffee was issued in June. A building permit was issued for an ADA lift to be added into the Broz Hotel.

## **C. Comprehensive Plan / Small Area Plan Update**

Planning Director Ondich explained that the Small Area Plan was presented to the City Council at their last meeting. At the next meeting, cost estimates and mass grading for the pond will be presented. At the previous council meeting, one neighbor thanked the city for the work and was happy to see the northeast corner of the park was greenspace.

## **7. Adjournment**

A motion was made by Pike, seconded by Ryan, to adjourn the meeting at 7:46 pm. Motion carried (3-0).

Respectfully submitted,

A handwritten signature in black ink that reads "Kyra J. Chapman". The signature is written in a cursive, flowing style.

Kyra J. Chapman  
Planner