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MEMORANDUM

TO: PLANNING COMMISSION

FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN - PLANNER

SUBJECT: REQUEST FOR VARIANCE #V4-2024 FROM THE B-1 DISTRICT
COMMERICAL DESIGN STANDARDS TO ALLOW EXTERIOR
ALTERATIONS AT KUBES FURNITURE & FLOORING, 133 MAIN ST. W., AS
PROPOSED BY RANDY KUBES.

DATE: JULY 17, 2024

Background / History

At the September 27th, 2023 Planning Commission meeting, staff introduced a concept review of a Zoning Ordinance Amendment for commercial building design/site requirements in the B-1 District. At the meeting, Randy Kubes, the owner of Kubes Furniture & Flooring stated that his downtown building is outdated, and the façade is in need of modernization. He also mentioned that the exterior bricks are worn and falling off and would like to do exterior alterations by using wood panels and covering the old brick to beautify and modernize his building. Staff noted, however, Section 726 of the Zoning Ordinance requires the preservation of masonry and historical character of the downtown district and prohibits the covering of original brick. Furthermore, any deteriorating features such as brick must be either repaired or replaced with the same or similar materials.

This zoning ordinance amendment concept review was further discussed at the November 1st, 2023 Planning Commission special meeting. The Planning Commission wanted to wait for the results of the Comprehensive Plan update which was ongoing. At the time of writing this report, the Comprehensive Plan update is not yet adopted, however the existing comprehensive plan is still in place and acts as the overall guidance plan for the city.

Some public comments for the Comprehensive Plan have showed interest in maintaining the old downtown, which spurred discussions with the Planning Commission about possibly creating Downtown Preservation Design Guidelines and or having the something like a Heritage Preservation Committee.

Mr. Kubes has submitted an application for building design variance as he does not want to wait for the Comprehensive Plan and the subsequent re-write of the zoning ordinance which could take another year to complete after the Comprehensive Plan is adopted.

Legal Description

The Land is described as follows:

Beginning at a point on the North line of West Main Street, said point being 62.00 feet East of the Southeast corner of Block Number One, Philipp's Addition to the City of New Prague, Minnesota; thence North parallel to the East line of said Block Number One and parallel to the center line of First Avenue Northwest 173.30 feet to a point 62.00 feet East of the Northeast corner of Lot Number 5 of said Block Number One; thence East parallel to the North line of said West Main Street 35.50 feet; thence South parallel to the East line of said Block Number One and parallel to the center line of First Avenue Northwest 173.30 feet to the North line of said West Main Street; thence West on the North line of said West Main Street 35.50 feet to the place of beginning.

AND ALSO

a driveway and roadway easement described as follows:

Beginning at a point 62.00 feet East of the Northeast corner of Lot Number 5 of Block Number One of Philipp's Addition to the City of New Prague, Minnesota; thence North parallel to the East line of said Block Number One and the center line of First Avenue Northwest 16.50 feet; thence East 35.50 feet parallel to the North line of West Main Street; thence South parallel to the east line of said Block Number One and parallel to the center line of first Avenue Northwest 16.50 feet to a point due East of place of beginning; thence West 16.50 feet parallel to the North line of West Main Street to place of beginning.

Zoning

The subject property is located in the B-1 Central Business District. Section 726 of the Zoning Ordinance outlines specific design standards for buildings within the B-1 District. The following are the exterior regulations:

726 Commercial Building Design for the B-1 District

1. Purpose. The purpose of establishing design standards for the B-1 Central Business District is to preserve an atmosphere consistent with the original character of the City, to protect and enhance the appeal and attraction of the City to residents, visitors, and tourists, to foster civic pride in the beauty and notable accomplishments of the past, and to preserve the value of existing buildings which are located in the City.
 - A. Finishes, construction techniques and craftsmanship that characterize the architectural character of a building shall be preserved whenever reasonably possible.
 - B. Deteriorating features shall be repaired rather than replaced whenever reasonably possible. When the severity of the deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where reasonably possible, materials.
 - C. Masonry and other original surfaces shall be preserved. Brick shall not be covered with stucco, shakes, or other veneer.

- D. Windows must not be filled in with wood, brick, or any other materials. Window sizes and shapes must be maintained if replacement or removal of original window is necessary.
- E. For new construction, at least 40 percent of the first floor façade area must consist of windows. For buildings being constructed on a corner lot, this requirement applies only to the façade facing Main Street and the first 40 feet of the side street, or the more major of the two adjacent streets. This provision shall not apply to accessory buildings located in the B1 District.
- F. The City encourages the uncovering of original windows that have since been covered.
- G. For new construction, predominant exterior building materials must consist of brick to complement historical downtown building materials.
- H. Additions or exterior alterations to existing buildings shall be compatible in materials, color, scale, and architectural features with the existing building.
- I. Awnings shall be made of cloth or canvas. No plastic awnings shall be allowed.
- J. Structures located in the B1 Central Business District are generally those structures where early commerce occurred in New Prague, and therefore have historical significance. Prior to issuing a demolition permit for any structure located in the B1 Central Business District, the City Council shall evaluate its historical significance to the community, the economic feasibility of renovating the structure versus demolition, and life safety issues associated with the structure, and determine if the demolition permit shall be issued based upon these factors.

The purpose of Section 726 of the Zoning Ordinance is to maintain and preserve the old historical buildings. Some of the oldest buildings along Main Street date back to the 1880s or earlier when the town was founded. The objective of the ordinance was to maintain the characteristics of the buildings in the era they were constructed. The ordinance protects the district by mandating the preservation of masonry or other original surfaces. Brick may not be covered by stucco, shakes, or veneer. Even new construction in the district must consist of brick to complement the historical buildings. If a building within the district is severely deteriorated, the new feature must match the design, color, or texture of the materials. Furthermore, all awnings must be constructed from cloth or canvas, not plastic.

The applicant is requesting a variance from these design requirements. The applicant would like to cover the prominent existing brick with Hardie panel siding, and Osceola prairie stone. The ordinance does not allow the original brick to be covered. Additionally, the applicant intends to install an iron cable awning. Under the zoning ordinance, awnings may be constructed with cloth or canvas. The existing awning is a non-conforming awning because it is made of plastic. However, several years ago, the subject building had a metal cable awning which can be seen in the picture below. The existing zoning ordinance would not allow the construction of a metal cable awning.



Subject Property with Metal Cable Awning (Left Brick Building)



In 2010, the Central Business District & Sign Guidelines was adopted, documenting common architectural themes of New Prague's downtown district. Although the document was not adopted into an ordinance, it acts as an architectural and aesthetic preference or snapshot of the community. On page 11, it states that brick is a unique and attractive material that plays a key part in New Prague's historical character and is imperative that brick should be preserved. Moreover, it mentions that brick should not be covered under any circumstances and if the brick has become worn, it must be repaired or replaced. This section illustrates that masonry is distinctive of the architectural era and should be preserved.

Comprehensive Plan

The land use chapter of the existing Comprehensive Plan provides the following information regarding the city's downtown:

B-1 District. The central business district has historically served as the city's primary area of commerce. The central business district is located near the center of the community and include large brick buildings with a mix of commercial uses including professional offices, service businesses such as hair salons, retail businesses such as flooring, furniture, clothing, financial institutions, cafes and restaurants, real estate offices, dry cleaning, shoe repair, bowling, a bakery, insurance offices, optometrist, tanning salon, barber shop, law offices, medical clinic, hotel and government offices including city hall/police, the Chamber of Commerce office and many specialty retail shops. The central business district has remained vibrant over the years with a limited number of vacant buildings and turnover in ownership or the type of business in those that have become vacant. Although primarily brick buildings, the architecture of the downtown buildings varies. The majority of the buildings were constructed at different times. There are three buildings on the National Register of Historic Places including the First National Bank, located at 112 West Main Street, which was designed by Frederick Klawiter and constructed in 1922, the Hotel Broz which is located at 212 West Main Street and was a "first class" brick hotel constructed in 1898 and served as the City's social center, and the Church of St. Wenceslaus a Baroque Revival/Georgian brick church built on East Main Street in 1907 with the rectory added in 1908 and St. Wenceslaus School constructed in 1914. An addition to the school was constructed in 2002. The City's downtown carries a theme with ornamental streetlights, brick pavers in the sidewalks, bump outs at corners, to assist pedestrian traffic, and a variety of awnings and murals. Patrons of the downtown business district are provided with on-street parking and a small municipal parking lot on Main Street and adjacent to City Hall.

Downtown Commercial Objectives

1. Continue downtown New Prague as an important retail center.
2. Promote the expansion of the downtown on sites identified for potential redevelopment.
3. Continue to promote downtown as the center of the community as a focal point for government, community social activities and commerce.
4. Maintain the historic character of the downtown.
5. Provide convenient parking for customers and employees.
6. Promote land uses that will reinforce business synergy.

Downtown Commercial Policies

1. Continue to encourage private sector rehabilitation and renovation of existing buildings in the downtown.
2. Encourage the use of upper levels of commercial buildings for office and residential uses.
3. Continue, through the Chamber of Commerce and business organizations, to promote unified commercial and service promotional events to attract customers to the downtown.
4. Monitor traffic and provide safe and convenient access to businesses for vehicular and pedestrian traffic.
5. Continue, through the Zoning Ordinance, to require design standards for new and remodeled buildings to ensure the building mass, scale and facades are compatible with existing buildings.
6. Continue to offer on-street parking for business patrons as well as municipal parking lots to accommodate overflow and employee parking.

While not yet adopted, the draft Comprehensive Plan contains the following information relating to buildings downtown under the “Community Development and Amenities” heading:

Goal 1: Establish the City’s role as a primary driver of all types of development throughout the community.

Strategies:

- Utilize the Future Land Use map to plan for new development of the area.
- Explore development incentives that prioritize infill development/ redevelopment and utilize existing public infrastructure.
- Maintain and preserve the unique character of downtown New Prague due to its historical and cultural significance.
- Support public-private partnerships and work proactively with private business and landowners to facilitate investment in the community.

Neighborhood Conditions and Subject Building History

North – B1-Central Business District, RM-Medium Density Residential District, and RL84-Single Family Residential District

South – B1-Central Business District, RL70 – Single Family Residential District, and I1-Light Industrial District

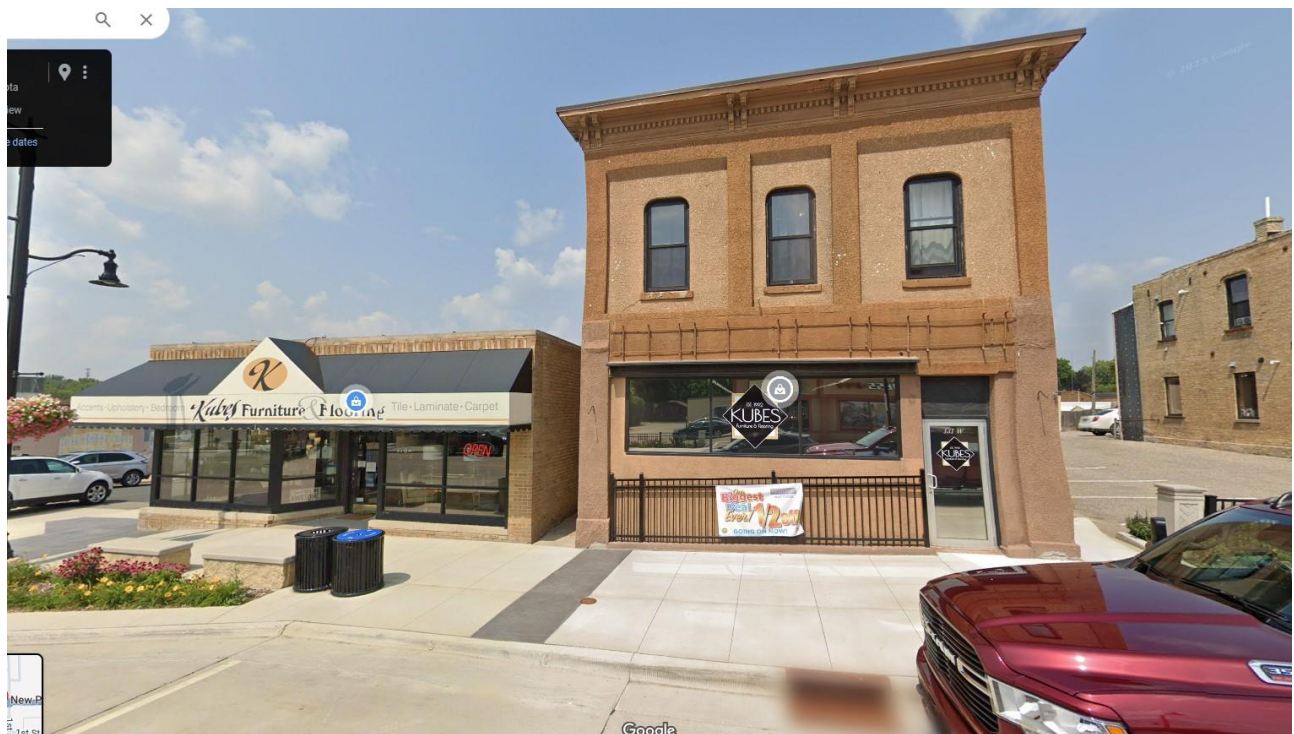
West – B1 - Central Business District and I1-Light Industrial District

East – B1-Central Business District

Several businesses along Main St are zoned B1-Central Business District. Most of the buildings in the district were constructed in the 1880s to the 1940s for mainly commercial/retail uses. The purpose of the B1-Central Business design standards ordinance was to preserve and maintain the old historic character of the downtown district. It was very common during this era for buildings to have brick facades.

According to the Reconnaissance Survey of Downtown (completed in 2015) New Prague, the subject building was constructed in 1946 by Emil Dvorak for his Kaiser-Frazer automobile dealership. The building has brick and cement cladding and is representative of the mid-century modern architectural style. The main entrance has large, slanted display windows on the south and west elevations. Glass block windows on the west elevation of the first floor and basement.

Directly to the east of the building, the applicant also owns 131 Main St W to conduct business for Kubes Furniture & Flooring. The building was originally built in 1885 and is representative of the Italianate architectural style. It has stucco over brick cladding, Italianate cornice, dentil molding. The façade consists of mainly brown hues. Staff recommends that the alterations made to the subject building, 133 Main St W, should have coordinating colors to compliment and match each other.



Picture of 133 Main St W (west) and 131 Main St W (east)

The subject building was constructed somewhat later than some of the downtown buildings in the district. However, there are some buildings that were constructed much later and have different facades. For instance, the building at 201 Main St W was rebuilt in 1974 and has cement block cladding and the building at 126 Main St W was constructed in 1956 and has cement block cladding. These exterior differences are a result of the lack of building façade standards in the Zoning Ordinance years ago. While the building was constructed in a time period more recently to what other buildings that might typically be considered “historic”, the building is still a brick façade building with a specific architectural style from the 1940’s and is certainly unique in that regard and should be preserved.



201 Main St W - Cement Block Cladding



126 Main St W - Cement Block Cladding

Applicant's Statement of Practical Difficulty

The applicant provided the following statement below on 7/15/2024, regarding their reason for requesting the variance:

"Per Existing Ordinance Language 726 Commercial Building Design for B-1 District, Item 1, letter C states original surfaces shall be preserved.

Since the brick is no longer available and failing in several areas it is impossible to preserve, patch or replace the existing brick, therefore, the language in the ordinance makes it impossible for us to maintain our building and properly give us an appearance that is professional, orderly and attractive to the downtown of New Prague. Therefore, we are asking for a variance.

Also included in Item 1 statements A & B, the end of each sentence says the words, "whenever reasonably possible", this language should provide the ability to grant the variance."

Submitted by Randy & Lisa Kubes via e-mail on 7/15/24

Historical Society Comments

Dennis Dvorak, the author of the 2015 Reconnaissance Survey of Downtown New Prague and member of Minnesota Historical Society met with staff, at staff's request, on 7/1/2024 regarding the proposed exterior alterations. Dvorak was not in favor of the covering of original brick because it would erase a pertinent architectural feature of the period. He noted that the proposed cornice looks odd and should instead be flush with the building. He also noted that perhaps a metal cap could be added to the cornice. He stated that the proposed metal cable awning would accentuate the face of the building and nicely wraps around the west corner of the building. However, there could be snow load concerns with the proposed awning. The awning could further have honeycomb inserts to bring in natural light. He recommends that the building owner talk with the Minnesota State Historical Society to design more appropriate exterior plans that still feel representative of the era.

Building Inspector Comments

Building Inspector Brian Petersen explained that if the metal cable awning projects more than 54 inches from the exterior wall, it must be able to handle 20 lb/sq ft.

General Planning Staff Comments

Staff notes that the revised plans certainly create an attractive building, certainly one that would be a nice addition to the City, but not in the B-1 Central Business district as it does not meet the intent of the City's Comprehensive Plan or current zoning ordinance as proposed.

Staff has not received any information from the applicant specific to the exact brick, or even a similar matching brick, documenting it being available or not and if it is available, what the financial consequences of that brick being repaired and replaced might be. Staff would welcome

additional documentation from the applicant and their contractor regarding the brick damage, similar looking brick and cost to tuckpoint. For comparison purposes, it would be beneficial to know the cost of the proposed exterior as well. Staff would also like to see renderings with dimensions and a scale bar to better visualize the alterations.

Staff supports a variance for the addition of an upper façade (false wall) to add height to the building as long as the cornice is flush with the building. Related to this, staff supports this upper façade being made of Hardie board as shown in the plan, versus being made of brick as a design element. Staff also supports limited design elements on the west side of the building including the lights, additional signage and picture molding to accentuate the existing windows.

Staff also supports a variance for the design element of the metal cable supported awning on the front and partial side elevation as it's similar to the previously existing historic awning on the building as shown in an older picture of the building. The metal cable awning would also expose the brick indent/frame underneath that is unique of that period.

What staff does not support is removal or covering of any brick on the front of the building. The existing front of the building does have some nice design features which is partially covered up by the plastic non-conforming awning, along with some limestone and the face brick which should be tuckpointed and brick replaced with similar where possible (possibly using brick from elsewhere on the building if available). Staff also does not support the use of Osceola Prairie stone, even as an accent feature.

Staff highly suggests the applicant contact the Minnesota Historical Society in developing revised plans that focus on preservation/restoration of the existing brick, particularly on the front of the building.

Criteria for Granting Variance – Section 507

The Zoning Ordinance defines a variance as follows: A modification or variation of the provisions of this Ordinance where it is determined that by reason of **unique circumstances relating to a specific lot, that strict application of the Ordinance would cause practical difficulties.** Practical difficulties is a legal standard set forth in law that cities must apply when considering applications for variances. **To constitute practical difficulties, all three factors of the test must be satisfied, which are reasonableness, uniqueness and essential character.** The Zoning Ordinance's criteria addresses these standards.

The Zoning Ordinance identifies criteria for granting variances as noted below. These items must be evaluated by the Planning Commission and City Council when considering variance requests. It is important to note that variances should only be granted in situations of practical difficulties. **A variance may be granted only in the event that all of the circumstances below exist.** Staff has evaluated the established criteria for this specific request. Staff's comments are highlighted in yellow below:

- A. The variance is in harmony with the general purposes and intent of this Ordinance. **(The proposed variance is not in harmony with the general purposes and intent of the**

Ordinance because the exterior alterations would modernize the structure instead of preserving the historical features of the building.)

- B. The variance is consistent with the comprehensive plan. (The proposed variance is not consistent with the comprehensive plan because B1-Central Business District is supposed to preserve the old historical character of the downtown.)
- C. The applicant proposes to use the property in a reasonable manner not permitted by this Ordinance, the City Code or the City Subdivision Ordinance. (The applicant will continue to use the property in a reasonable manner not permitted by the ordinance since it would not preserve the features of the old historical district.)
- D. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property since enactment of this Ordinance has had no control. The unique circumstances do not result from the actions of the applicant. (There are no unique circumstances that apply to this property.)
- E. The variance does not alter the essential character of the neighborhood. (The variance will drastically alter the essential character of the neighborhood because it will modernize a historical building within the B1 – Central Business District.)
- F. That the variance requested is the minimum variance which would alleviate the practical difficulties. Economic conditions alone do not constitute practical difficulties. (The variance requested is not the minimum variance which would alleviate the practical difficulties because exterior alterations can still be made without covering up the brick.)
- G. The Board of Adjustment may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation for the particular area or permit standards lower than those required by federal, state or local law. (No additional conditions are imposed.)

The above findings reflect staff's review of the proposed design changes. As noted earlier, staff can support specific variances for certain design elements which focus on brick preservation.

Staff Recommendation

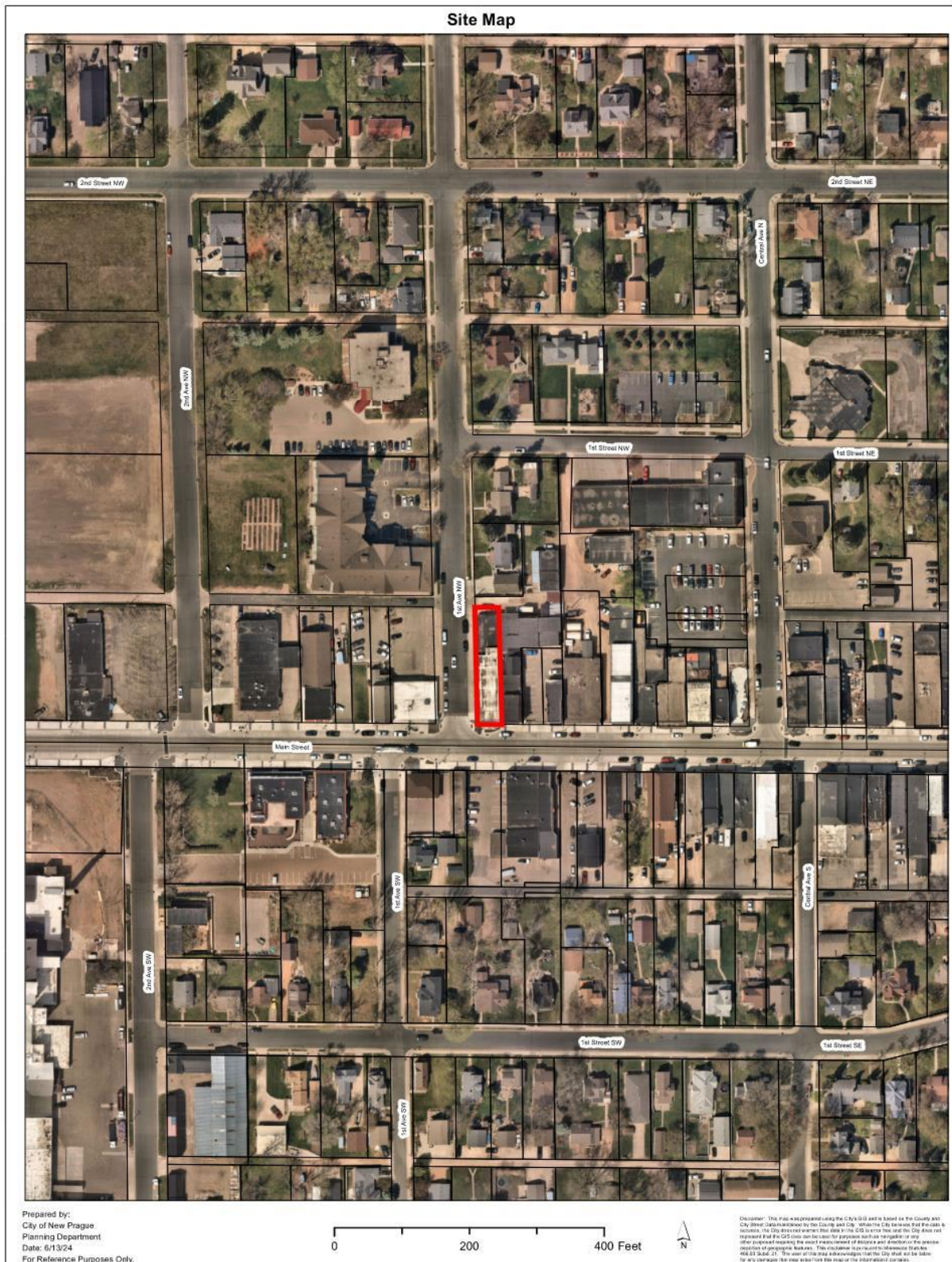
Staff recommends two actions for consideration:

1. Relating to the proposed building design: Staff recommends **denial** of the variance from the B-1 District Commercial Building Design standards at Kubes Furniture & Flooring at 133 Main St W, as proposed by Randy Kubes, with the following findings:
 - A. The proposed variance is not in harmony with the general purposes and intent of the Ordinance because the exterior alterations would modernize the structure instead of preserving the historical features of the building.
 - B. The proposed variance is not consistent with the comprehensive plan because B1-Central Business District is supposed to preserve the old historical character of the downtown.

- C. The applicant will continue to use the property in a reasonable manner not permitted by the ordinance since it would not preserve the features of the old historical district.
 - D. There are no unique circumstances that apply to this property.
 - E. The variance will drastically alter the essential character of the neighborhood because it will modernize a historical building within the B1 – Central Business District.
 - F. The variance requested is not the minimum variance which would alleviate the practical difficulties because exterior alterations can still be made without covering up the brick.
 - G. No additional conditions are imposed.
2. Staff would recommend tabling/continuing the discussion for submission of revised plans that focus on preservation of existing brick, particularly on the front elevation.

Attachments

- 1. Site Map Aerial – Dated 6/13/24
- 2. Zoning Map Aerial – Dated 6/13/24
- 3. Aerial Detail – Dated 6/13/24
- 4. Presentation Slides of Proposed Exterior– Undated
- 5. Reconnaissance Survey of the Downtown – 2015
- 6. Google Street View – August 2023
- 7. Oblique Aerials – April 2022



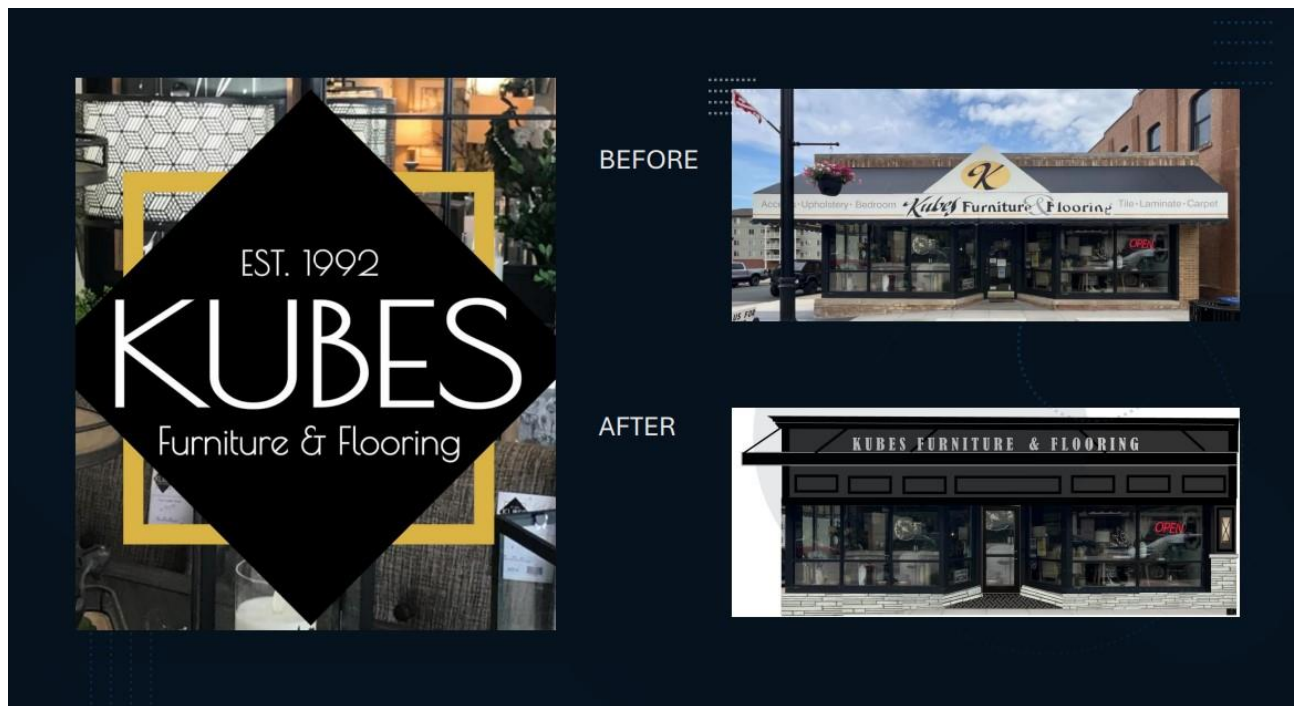
Subject Site



Zoning of the Subject Site and Surrounding Properties

[illegible]

Variance #V4-2024 – B-1 District Building Design Variance
July 24, 2024 Planning Commission Meeting
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Proposed Exterior – Looking North



Proposed Exterior – Looking North

Original brick exterior has grown tired. The brick has worn uneven through the past 100 plus years.

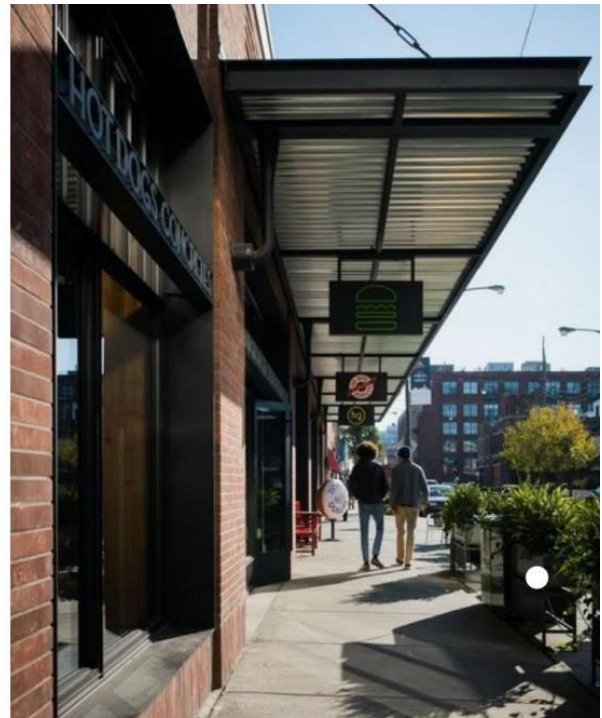


Existing Brick Exterior



Proposed Exterior – Looking East

- Iron Cable Awning Inspiration
- The new permanent awning will offer lite panels to illuminate the storefront. Lite logo letters will rest on the top of the awning



Iron Cable Awning

Hardie® Panel



Hardie® Artisan Siding

Find your style

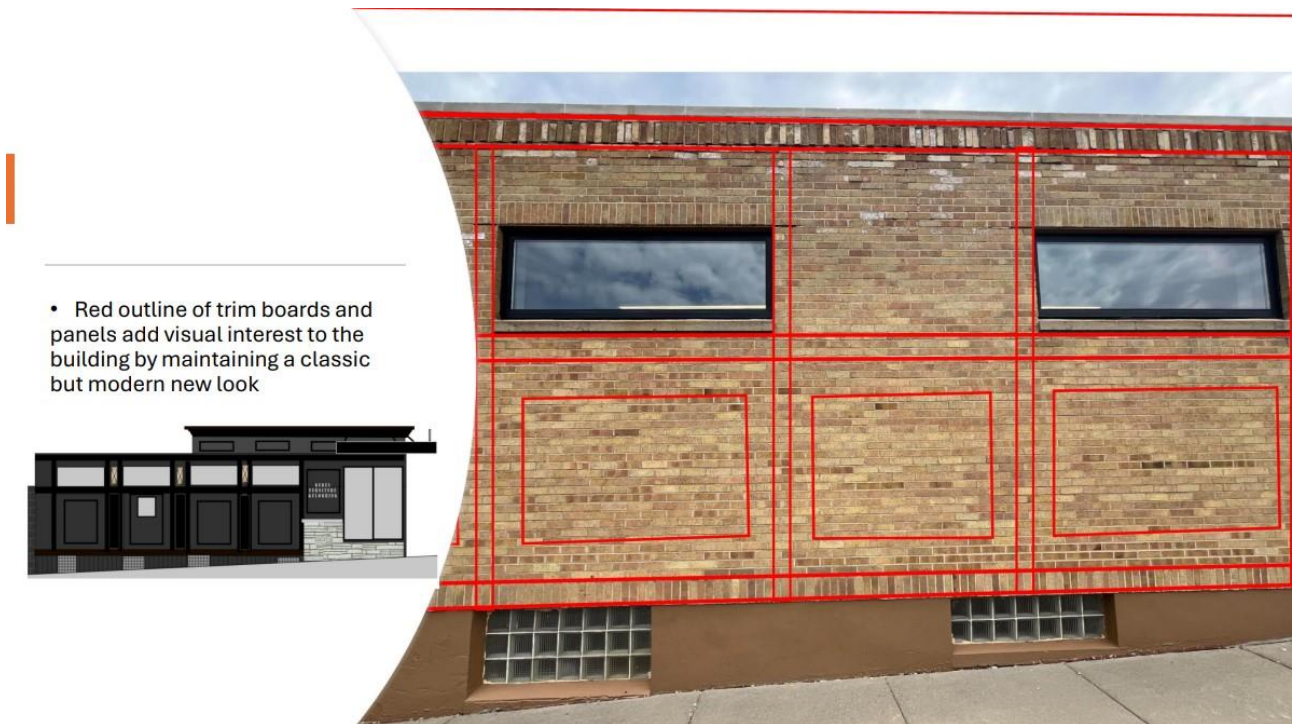
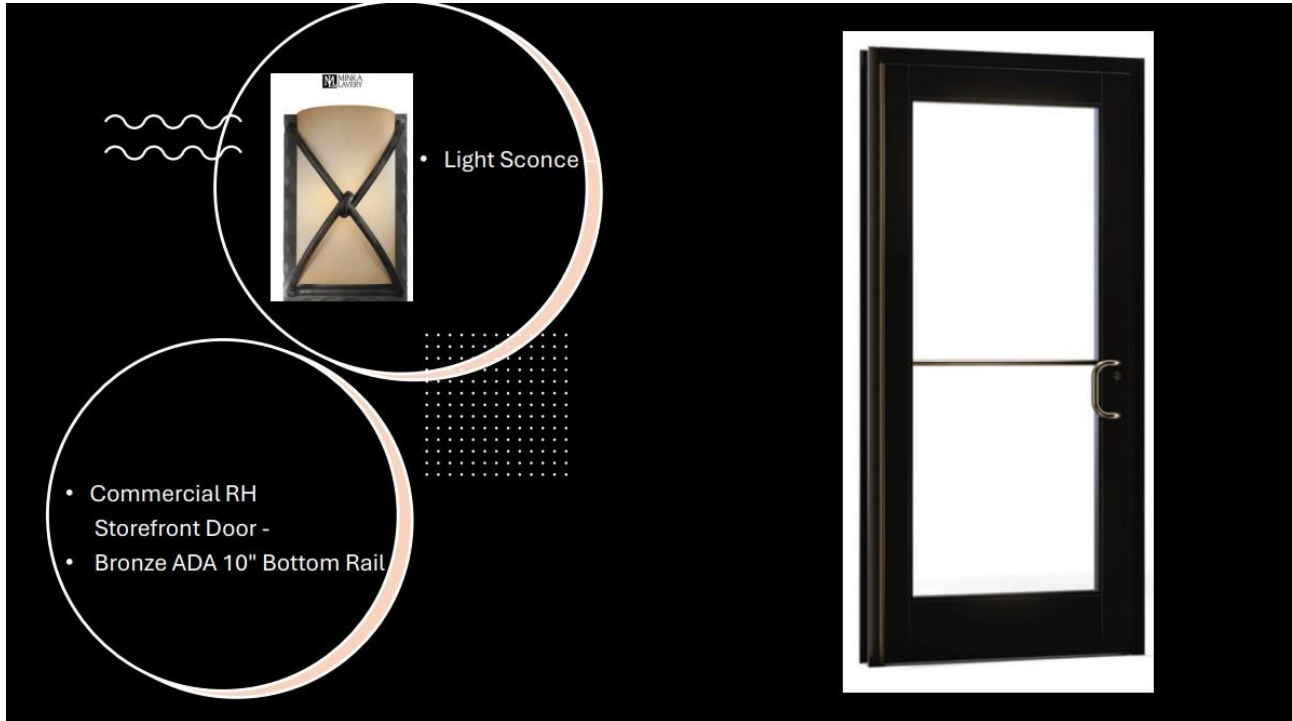
Add sophistication to your design with the attractive, streamlined styling of Hardie® Artisan Siding—primed for your choice of paint color—to create your masterpiece.

Select your siding texture



Osceola Prairie Stone MN

Façade Details



- The panels help to hid the years of variation and changes that attributed to the tired look.



- TURNING THE CORNER...



**Historic use:**

Slavik Furniture and Flooring

Present use:

Kubes Furniture

Owner and address:

Randy Kubes, New Prague

Date of construction:

1946

Architectural style:

Mid-Century Modern

Architectural integrity:

Excellent

General condition: Good

Pin # 24.934.1571

History:

The building was built by Emil Dvorak in 1946, as a showroom for his Kaiser-Frazer automobile dealership. The Kaiser-Frazer automobile was first introduced in 1947 and ended production by 1951. The north loading dock accessed the basement garage where a repair shop was established for the Kaiser-Frazer automobiles. Sam and Rosemary Slavik bought the building in 1949 after moving their furniture store from the Sery building on Main Street. The building site was occupied by S. Vesseli's cobbler shop in the 1880's. The lot became vacant from 1892-1899 and beginning in 1899, a wagon shop occupied the site. The site was vacant in 1919. Pavek's Pavilion, an outdoor dance pavilion, occupied the site in 1919. The Skluzacek Furniture and Mattress Company occupied the building before being sold to the Kubes Furniture Store.

Approximate dimensions:	100' X 35' Garage addition; 60' X 34'
Plan type:	Rectangle
Number of stories:	1 with walkout
Foundation:	Cement block
Cladding:	Brick and cement block
Roof type and materials:	Flat with membrane
Chimneys:	None
Openings, fenestration:	Recessed main entrance on the south elevation with service entrance on the north elevation. Fenestration of large slanted display windows on the south and west elevation framing the main entry. Glass block windows on the west elevation of the first floor and basement.
Notable exterior features:	Facade with large slanted display showroom windows.
Additions and alterations:	None
Orientation, general setting:	South
Outbuildings:	None
Landscape features:	Northwest corner of Main Street and 1st Ave. NW on sloping lot to the north
Comments:	Surveyed: DFD 8/2014 NR - Further Research

Reconnaissance Survey of Downtown New Prague: Kubes Furniture & Flooring (133 Main St W)



Historic use: Emil Dvorak's Grocery Store
Present use Mosaic Alley
Owner and address: Randy Kubes - New Prague
Date of construction: 1885
Architectural style: Italianate
Architectural integrity: Poor
General condition: Fair
Pin # 24.934.1510

History:

The building originally housed the Kokes Saloon and billiard parlor on property owned by S. Vasseli in 1887. Vincent Slawick built a lumber yard on the site in 1870. Emil Dvorak operated a grocery store in the building. The headquarters for his egg processing business occupied additional buildings attached to the north of the grocery store. In the 1940's, the grocery store was called the United Grocery Store.

Approximate dimensions: Original 1885 building; 42'X27' Attached buildings; 117'X82' and 100'X39'
Plan type: Rectangle
Number of stories: 2 with apartment on the second floor
Foundation: Stone foundation in original building, stone and cement block in additions.
Cladding: Stucco over brick
Roof type and materials: Flat with membrane
Chimneys: 1 brick chimney
Openings, fenestration: Flush side Main entrance on the south elevation. Symmetrical fenestration of three segmented fan arch windows with iron sills on the second floor of south, east and west elevations. Two display windows on the south elevation.
Notable exterior features: Facade with Italianate cornice, dentil molding, brackets and piers
Additions and alterations: Attached additions to the grocery and egg processing facility north of the original 1885 building. The additions house offices, storage, loading docks, and workrooms.
Orientation, general setting: South
Outbuildings: All of the additions are connected
Landscape features: Vacant lot on the east with parking
Comments: Surveyed: DFD 8/2014 | NR - Not eligible

Reconnaissance Survey of Downtown New Prague: Kubes Furniture & Flooring (131 Main St W)



Google Street View – Looking North from Main Street



Google Street View – Looking East from 1st Ave NW



Oblique Aerial View – Looking East



Oblique Aerial View – Looking North