



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, SEPTEMBER 19, 2022

6:00 PM

1. Call to Order/Approve Agenda/Introduction of New Staff
2. Approval of the Minutes
3. Public Hearings
 - A. Application for a Variance from the Required Setbacks from Property Lines for the Outdoor Storage Area Proposed for Malecha Auto Body Shop at 2005 2nd Avenue NW, also known as 190 20th Street NW
 - B. Application for a Conditional Use Permit for a Residential Garage of 1080 Square Feet in Area located at 2700 Western Avenue
4. Boards and Commissions Reports, Announcements and Project Updates
5. Adjournment

Please contact the Departments of Community & Economic Development at 507-334-0100 if you need special accommodations to participate in this meeting.



PLANNING COMMISSION MEETING MINUTES

COUNCIL CHAMBERS

TUESDAY, SEPTEMBER 6, 2022

6:00 PM

1. Call to Order/Approve Agenda

Chair Ackman called the meeting to order at 5:59. Present were Commissioner Albers, Commissioner Campbell, Commissioner Jackson, Commissioner Temple, Commissioner White and Chair Ackman.

2. Approval of the Minutes August 15, 2022 Meeting

Commissioner Campbell made a motion to approve the August 15, 2022 meeting minutes, seconded by Commissioner Temple. Motion carried on a 6/0 vote.

3. Public Hearings

A. Request to Rezone Property South of 20th Street NW and West of Hulett Avenue from R-4, High-Density Residential, to C-2, Highway Commercial

Mike Richie (the "Applicant"), on behalf of KGN Enterprises, LLC (the "Owner"), requested approval to rezone land parcels south of 20th Street NW and west of Hulett Avenue (Rice County PID: 1825126009 and Rice County PID: 1825126010 – the "Property") from R-4, High-Density Residential to C-2, Highway Commercial. One of the Property's parcels has an existing high-density residential use, and the other parcel is undeveloped. Rezoning the parcels to C-2, Highway Commercial, would allow flexibility to shift the common lot line between the two parcels and allow the existing residential use to exist on a smaller lot while giving the undeveloped parcel additional flexibility for future commercial or residential development.

Chair Ackman opened up discussion. No one responded

Chair Ackman opened up the public hearing at 6:03 p.m. The Applicant, Dr. Ritchie came forward stating that there are no pending plans but by combining the lots they would like to be able to put in like uses. No one else came forward.

Chair Ackman then closed the public hearing at 6:05 p.m.

Chair Ackman then asked for any further discussion. Chair Ackman then asked about the combining the two lots into the C-2 would that make the Senior Living then Non-Conforming. Wanberg stated that yes but it was there before the change. We will need to rezone to match the Comp Plan and, at that time, a CUP would be needed to be conforming.

A motion was made by Commissioner Jackson, seconded by Commissioner Temple to

recommend that the City Council approve Ordinance 2022-xx Rezone Property South of 20th Street NW and West of Hulett Avenue from R-4, High-Density Residential, to C-2, Highway Commercial, based on the findings in the ordinance as presented. Motion carried on a 6/0 vote.

4. Boards and Commissions Reports, Announcements and Project Updates

Wanberg began the update with the report that the City Council approved the applications for the 17th & Willow St Apartments project, the house move, Divine Mercy's applications and the garage. We will have two items on the agenda for the next meeting.

Commissioner Temple asked if there was a reason that one council member voted Nay on the 17th Street Apts. Wanberg tried to recall and there was a discussion about the traffic safety, the need for housing. Chair Ackman was wondering why they even show up.

Commissioner Campbell then gave an update on the EDA stating the former Farmer Seed received TIF money to move forward.

5. Adjournment

A motion was made by Commissioner Campbell, seconded by Commissioner to adjourn at Temple. Motion carried on a 6/0 vote.

By: _____



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community and Economic Development Director
FROM: Peter J. Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: September 19, 2022
SUBJECT: Application for a Variance from the Required Setbacks from Property Lines for the Outdoor Storage Area Proposed for Malecha Auto Body Shop at 2005 2nd Avenue NW, also known as 190 20th Street NW

Background:

The property owner and applicant, William Malecha, is seeking approval of setback variances for the outside storage area in the northeast corner of his site at 2005 2nd Avenue NW (also known as 190 20th Street NW). Last month the Planning Commission and City Council approved conditional use permits for major auto repair and shoreland district development, preliminary and final plat approval for MAB Addition and approved the vacation of and easement that crossed the development area on site. Since the time of the prior approvals, they have determined that the eastern treeline adjoining their site encroaches further into the property than they thought. They are now seeking setback variances for the storage area in order to shift the fencing and storage lot surface to the west to better avoid clearing the natural tree line on the east side of the site. The City is planning a trail on adjoining property to the east and the variance will allow the applicants to better preserve this natural growth of trees and better screen their storage area from the trail.

The Development Review Committee (DRC) discussed this application at its meeting of September 6, 2022. The DRC felt the application had merit in that it further buffers the site from the river and the trail east of the site and they recommended approval. A detailed staff report is provided regarding the request that provides further discussion and summary of this application.

Recommendation:

The DRC recommends approval of all of the variance application in this case subject to conditions of approval.

Attachments:

1. Resolution to Approve a Setback Variance - MAB Storage Area
2. 2022.09.19 VAR Memo Malecha Auto Body - 2005 2nd St NW
3. Malecha Auto Body Comp Plan Map v2
4. Malecha Auto Body Zoning Map v2
5. 2005 2nd Ave NW Shoreland Boundary
6. Site Plan for Fence variance
7. Fence Variance Plan

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2022-____

APPROVING A VARIANCE FROM THE REQUIRED SETBACKS FROM PROPERTY LINES FOR THE OUTDOOR STORAGE AREA PROPOSED FOR MALECHA AUTO BODY SHOP AT 2005 2ND AVENUE NW ALSO KNOWN AS 190 20TH STREET NW

WHEREAS, William Malecha Chief Manager of Malecha Properties LLC has requested a variance from the Unified Development Ordinances to permit the placement of the gravel surface area of the outside storage lot of their Auto Body Shop business, at setback of five (5) feet where ten (10) feet is required from a residential use. The site is addressed as 2005 2nd Avenue NW (also known as 190 20th Street NW) and is legally described on Exhibit A; and

WHEREAS, the subject property is in C-2 Highway Commercial District and Shoreland Protection Overlay District; and

WHEREAS, on August 26, 2022, the City adopted Resolution 2022-158 approving a Conditional Use Permit for a major auto repair use in the C-2 Highway Commercial District for Malecha Auto Body; and

WHEREAS, on August 26, 2022, the City adopted Resolution 2022-159 approving a Conditional Use Permit for development of the site in the Shoreland Overlay District for Malecha Auto Body; and

WHEREAS, the City's Unified Development Ordinance (UDO) Sec. 11-100 requires properties in the C-2 District to maintain a setback of ten (10) feet from residential uses; and

WHEREAS, City Staff has completed a review of the Applicant's variance application and presented a report and recommendation on the variance

request to the Planning Commission; and

WHEREAS, the Planning Commission, on the 19th day of September, 2022, following proper notice, held a public hearing regarding the Applicant's variance application; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the requested variance based on the following findings as required by Section 2-460 of the City of Faribault, Unified Development Ordinance:

- 1. The variance is in harmony with the general purposes and intent of the City's ordinances.** The Subject property is being built in a manner that minimizes the impact on the shoreland area following the overall intent of the ordinances.
- 2. The variance is consistent with the Comprehensive Plan.** The Journey to 2040 Comprehensive Plan guides the subject property for residential/commercial mixed use. This variance is consistent with the plan goal of promoting business and protecting the natural environment.
- 3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.** The placement of the gravel surface of the storage area five (5) feet from the west lot line allows greater preservation of a naturally existing tree line and is sensitive to the site's location in the shoreland area. For these reasons, the requested variance is reasonable.
- 4. 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 has not had control.** The subject property is benefited by a natural tree line and proximity to the Cannon River making the site unique.
- 5. The variance does not alter the essential character of the neighborhood.** The storage area will be screened so as not to stand out in this residential / commercial use area and does not alter the neighborhood's character.

- 6. The variance requested is the minimum variance which would alleviate the practical difficulties.** The owner's effort to keep the site improvement as far from the river as possible created a practical difficulty in siting the storage lot area.
- 7. Economic conditions alone do not constitute practical difficulties.** The variance request is not based on economic conditions.

WHEREAS, the City Council, on the 27th day of September 2022, at a public meeting considered the Applicant's variance request, reviewed City Staff's report to the Planning Commission, and considered the results of the public hearing; and

WHEREAS, the City Council concurs with Planning Commission's recommendation and findings as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY FARIBAULT, MINNESOTA AS FOLLOWS:

Section 1: Incorporation of Recitals and Exhibits. The recitals set forth in this resolution and the exhibits attached hereto are incorporated into and made a part of this resolution.

Section 2: Approval of the Variance. The Faribault City Council hereby approves the requested variance for the storage lot surface setback as shown on the plan drawing attached as Exhibit B.

Section 3: Conditions of Approval. The variance's approval is subject to conditions listed herein as authorized under Section 2-470 of City's Unified Development Ordinance, all of which are necessary to comply with the standards established by the City's ordinances, or to reduce or minimize the effect of such variance upon other properties in the area and to better carry out the intent of the variance. The conditions of the variance approval are as follows:

1. The Owner's shall adhere to all requirements of City Ordinances and the conditional use permits as specified in Resolution 2022-158 and in Resolution 2022-159.
2. Outside storage of materials must be screened from view of the street and otherwise meet the development standards specified in

City ordinances.

3. No additional pavement area shall be installed at the site without first received site plan approval from the City.
4. Preserve the natural trees and vegetation existing within the Shoreland District area of the site to the greatest extent possible. This will include the area along the east side of the outside storage lot and south along the entire east lot line.
5. Design the stormwater management system in a manner as approved by the City Engineer, to limit or filter automotive fluids from the parking lot and outdoor storage areas on site.

Section 4: Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: September 27, 2021

Faribault City Council

Kevin F. Voracek, Mayor

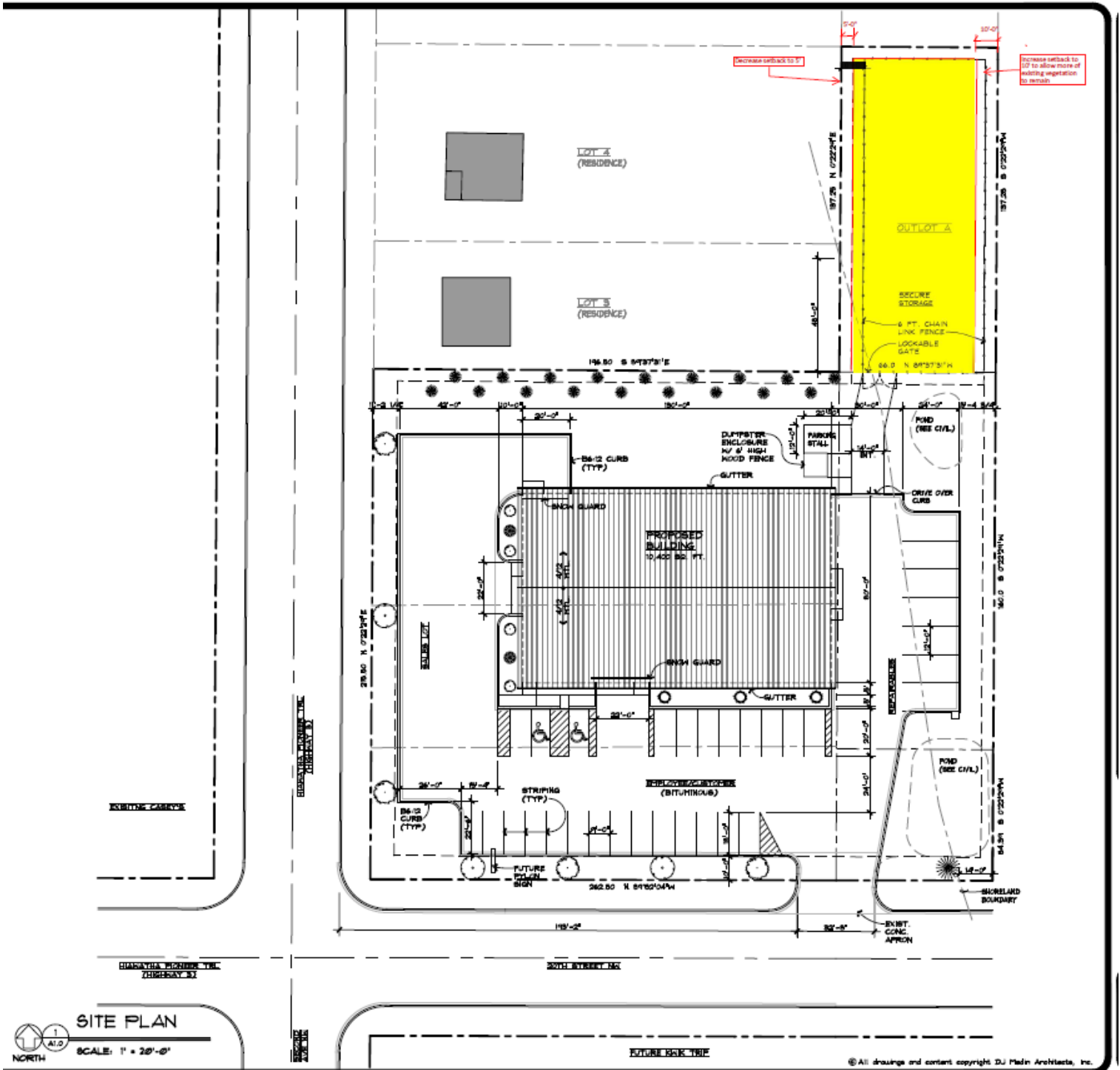
ATTEST:

Timothy C. Murray, City Administrator

Exhibit A:
Legal Description

Lot 1, Block 1, MAB Addition, City of Faribault, Rice County, Minnesota

Exhibit B:





Public Hearing Staff Report

TO: Planning Commission
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: September 19, 2022
SUBJECT: Application for a Variance from the Required Setbacks from Property Lines for the Outdoor Storage Area Proposed for Malecha Auto Body Shop at 2005 2nd Avenue NW also known as 190 20th Street NW

BACKGROUND

The property owner and applicant, William Malecha, is seeking approval of setback variances for the outside storage area in the northeast corner of his site at 2005 2nd Avenue NW (also known as 190 20th Street NW). Last month the Planning Commission and City Council approved conditional use permits for major auto repair and shoreland district development, preliminary and final plat approval for MAB Addition and approved the vacation of and easement that crossed the development area on site. Since the time of the prior approvals, they have determined that the eastern treeline adjoining their site encroaches further into the property than they had thought.

They are now seeking setback variances for the storage area in order to shift the fencing and storage lot surface to the west to better avoid clearing the natural tree line on the east side of the site. The City is planning a trail on adjoining property to the east and the variance will allow the applicants to better preserve this natural growth of trees and better screen their storage area from the trail.

The property fronts on Minnesota Highway 3 on the west, and 20th Street NW on the south that is now a fully improved City Street. A commercial driveway access from 20th Street was installed as the only access for the site.

Surrounding uses include the new Kwik Trip store approved on the lot to the south. There is a residence, and light industrial uses to the east. Those areas are also zoned in the C-2 District. To west across Hwy 3 is Casey's convenience store and gas station, and a small commercial retail use in the building at the southwest corner of Hwy 3 and 2nd Avenue NW.



PROJECT SUMMARY

The property owner / applicant proposes to construct a 10,400 SF building on this site for use as an auto body repair business & car sales lot. The building will have nine (9) repair bays, paint booth, wash bay, offices, storage, and mechanical area. Associated with this development proposal, he has submitted applications for vacation of a public drainage and utility easement, preliminary and final plat approval and Conditional Use Permit (CUP) for major auto repair in a commercial district and a CUP for Development in the Shoreland Overlay District.

Site improvements will provide for car sales lot, secured storage for vehicles in queue for repair (located in the northeast corner of the lot), and thirty-five (35) parking spaces for employees and customers. Two (2) parking spaces are reserved as accessible parking spaces. All drives and parking areas will have bituminous paving with perimeter concrete curb.

The secured storage lot will have a gravel surface with 6' tall chain link fencing including privacy slats. Building exterior finishes will be a mix of masonry veneer (Novabrik) and stucco-look metal on the south and west facades. The north and east facades will have ribbed metal panels that have a low (less pronounced) ribbed surface.

Proposed signage will be building mounted on the west façade. The plan also shows a location for a freestanding sign, but none is proposed at this time. Exterior lighting will be building mounted with cut-offs shading/redirecting light away from the adjacent residential use. Access is planned on 20th Street NW only.

The approved subdivision, replats the south portion of Outlot A of 218 Addition, and Outlot A of Kuntze Addition and Lot 1, Block 1 of Kuntze Addition in order to combine them into one lot. The site (once all of the parcels are combined) has a total area of 65,421 SF.

The City approved the vacation of a perimeter drainage and utility easement that was platted on east line of Lot 1, of the Kuntze Addition.

Discussion / Review:

- Comprehensive Plan. The comprehensive plan guides the site for

Residential/Commercial Mixed Use. The proposed use is consistent with the plan for this area and compatible with adjoining commercial uses to the west and south.

The proposal is consistent with Comprehensive Plan.

- Zoning District. The site is zoned C-2 Highway Commercial District. The uses proposed in case are permitted with a CUP approval for major auto repair within this district. Additionally, parts of the lot fall in the revised Shoreland Overlay District map area, which requires a CUP for development.
- Shoreland Overlay District. In recent discussions with Mn DNR it was determined that the mapped shoreland district boundary in this area was incorrect and needed to be revised. The revised map includes the east portion of the subject in the Shoreland District.

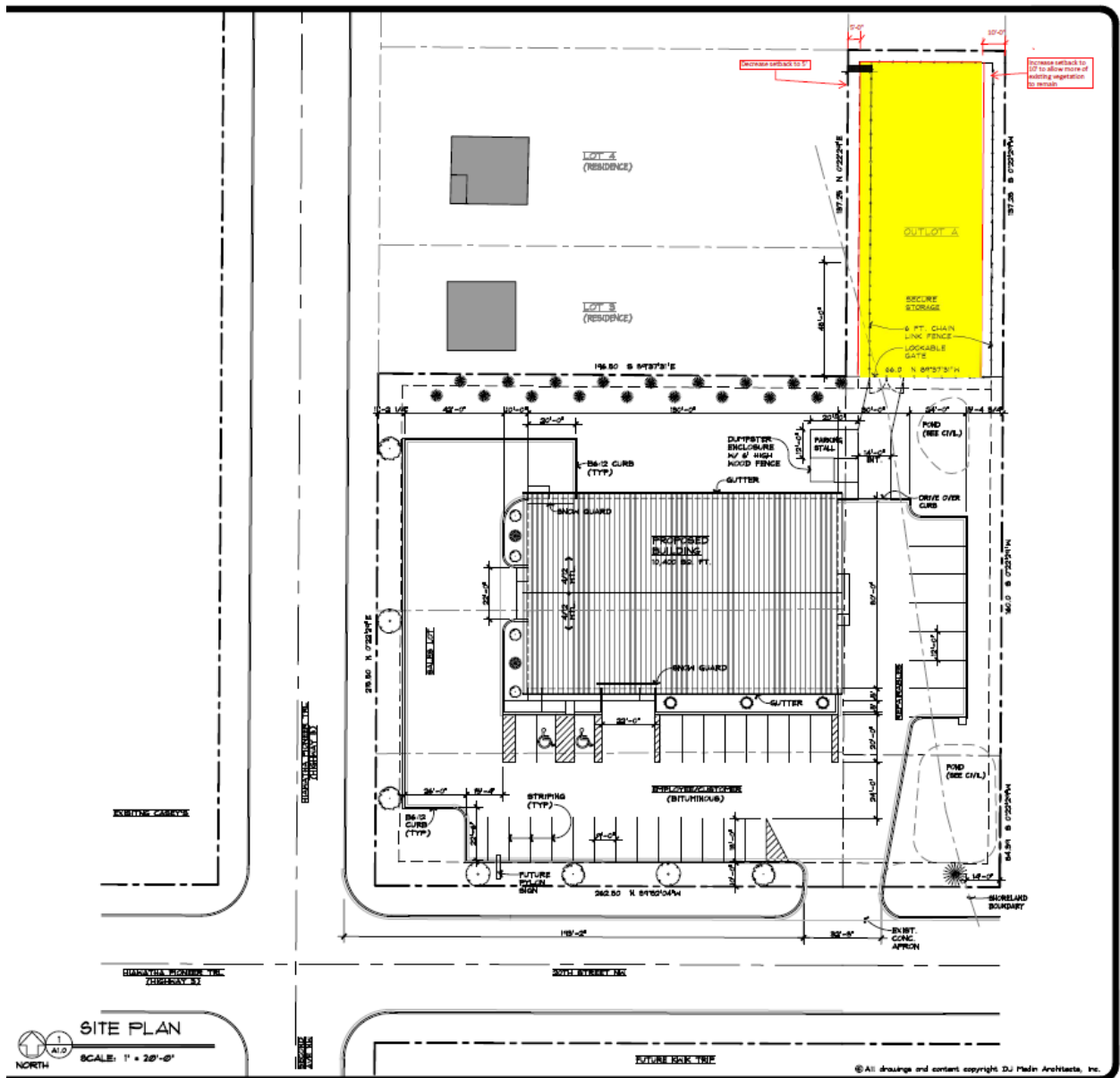
The MnDNR has reviewed this application and recommends installation of a water quality protection features at the intake of the stormwater ponds, or at the intake of the storm sewer line. They have found that uses like this will likely have automotive fluids/oils on the parking area that can wash into the storm system during a large rain event, in this case very close to the river and be directly discharged. Along with removing oils this device can remove trash as well, which I would assume will accumulate given the state of the vehicles when they enter this type of shop.

- Impervious Surface Calculations. The site (counting all three of the current lots) has a total area of 65,421 square feet (~1.5 acres). Approximately 43,217 square feet of that is covered in impervious surfaces, or 66%. Within the Shoreland Overlay District, which covers 23,027 square feet of the lot, 13,619 square feet is covered in impervious surfaces or 59%. For site area within the Shoreland Overlay District, a maximum of seventy (70) percent impervious surface coverage is permitted for commercial sites if compliant with the Surface Water Management Plan, or with approval from the City Engineer.

The proposed development is within the allowed limits for impervious surface coverage in the Shoreland District.

- Variance Proposal. The owners have determined that the eastern treeline adjoining their site encroaches further into the property than they thought. They are now seeking setback variances for the storage area in order to shift the fencing and storage lot surface to the west to better avoid clearing the natural tree line on the east side of the site. The City is planning a trail on adjoining property to the east and the variance will allow the applicants to better preserve this natural growth of trees and better screen their storage area from the trail.

The UDO requires a setback of five feet from the east property line and a ten foot setback from residential uses on the west line. The owners are proposing to shift the surface five feet west to avoid the tree line. This will result in a five foot setback on the west line where ten feet is needed and a ten foot setback on the east where five feet is needed. The hard surface area does not increase with plan.



- **Setbacks.** The building and parking lot meet or exceed minimum setback requirements as noted on the plans. Parking lot exceeds setback minimums in front along 2nd Ave. NW and in the rear (east lot line).

Table 11-2. Lot dimension and setback requirements in the commercial districts.

District	C-1	C-2	C-3	CBD
Minimum lot area (sq. ft.)	10,000	20,000	40,000	none
Minimum lot width	100 feet	100 feet	100 feet	none
Building setback requirements				
Front	25 feet	25 feet	25 feet	none
Side	10 feet	10 feet	10 feet	none
Side (abutting residential district)	15 feet	15 feet	15 feet	10 feet
Corner side	25 feet	25 feet	25 feet	none
Rear	10 feet	10 feet	10 feet	10 feet
Rear (abutting residential district)	15 feet	15 feet	15 feet	10 feet
Setback for off-street parking and loading areas				
Front	10 feet	10 feet	10 feet	5 feet
Side	5 feet	5 feet	5 feet	5 feet
Side (abutting residential district)	10 feet	10 feet	10 feet	10 feet
Corner side	10 feet	10 feet	10 feet	10 feet
Rear	5 feet	5 feet	5 feet	5 feet

Rear (abutting residential district)	10 feet	10 feet	10 feet	10 feet
Setback for exterior storage areas				
Side	-	5 feet	5 feet	-
Side (abutting residential district)	-	10 feet	10 feet	-
Corner side	-	25 feet	25 feet	-
Rear	-	5 feet	5 feet	-
Rear (abutting residential district)	-	10 feet	10 feet	-

- **Landscaping.** The site plan indicates an impervious surface coverage of 66% in this case. The UDO requires ten (10) plantings/ acre for commercial sites with 60-79% impervious surface coverage. The site is about 1.5 acres in area. Fifteen (15) plantings are the base number. However because the site adjoins a trail and a residence, the UDO requires a 150% increase from the base number and therefore 38 plantings will be required in this case. The plan provides for 29 plantings, as shown in the tree and shrub schedule below. The landscaping plan includes the use of existing trees along the east line to buffer site.

TREE & SHRUB SCHEDULE			
KEY	COMMON NAME	QUANTITY	SIZE
A	YELLOW RIBBON ARBORVITAE	9	10 GALLON
B	SPRING SNOW FRUITLESS FLOWERING CRAB	4	1" DIA.
C	IVORY JAPANESE TREE LILAC	4	1"-1.5" DIA.
D	BABY BLUE EYES SPRUCE	1	4'-5' HEIGHT
E	LITTLE QUICKFIRE HYDRANGEA	4	3 GALLON
F	TAUNTON JAPANESE YEW	2	5 GALLON
G	DWARF BLUE SPRUCE	3	5 GALLON

- **Screening.** The UDO requires screening for commercial sites adjoining residential uses and public parks or trails. Screening can be provided by a 6 foot tall fence or landscape plantings of 90% opacity (reached within two years after planting).

Sec. 4-130. Landscaping requirements

- (I) *Screening.* When screening is required, as stated in other sections of this chapter, the following standards shall apply:
- (1) The screening shall be a minimum of six (6) feet in height.
 - (2) The screening shall have a minimum of ninety (90) percent opacity.
 - (3) If landscaping is used for the screening, the plantings shall be evergreen and a minimum of six (6) [feet] in height when planted. A ninety (90) percent opacity level shall be obtained within two (2) years.
 - (4) Screening shall be required when the area is visible from one (1) of the following areas:
 - a. A residential zoning district or use.
 - b. A public park, trail, or open space.
 - c. Interstate 35, a State Highway, or County Highway.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2008-09, § 1, 5-13-08; Ord. No. 2010-09, § 1, 6-8-10)

In this case the plan shows a screening fence along the north side of the property and surrounding the outdoor storage area (adjoining the future public trail to the east).

After submitting the plans the applicant met with home owner to the north. The neighbor prefers a landscaped screen rather than a fence and the applicant is willing to make this plan change to the plan. This revision will meet UDO requirements with increased plant numbers of evergreens along the north property lines. Similar screening along the east parking area should also be provided to screen the future trail on that side as well.

- Site Address. The site currently has an address on 2nd Avenue NW. Since there will be no driveway access from 2nd Avenue, the site should have an address from 20th Street NW instead. The address for the site should be changed to 190 20th Street NW.

Comments:

The Development Review Committee (DRC) discussed the application in this case at its meeting on August 23, 2022. The DRC agreed that the application had merit in preserving existing trees on the east side of the site. They noted that the owner had met with the neighbor to the east and he had no objection to the variance proposal. Also this proposal will further limit disturbance of the natural tree line on site which a goal within the shoreland district area.

1. There will need for screening to minimize impact on adjacent residential areas, and the planned trail east of the site.
2. Removal of existing trees and vegetation in the shoreland area should be limited as much as possible to provide a natural screen from view of persons fishing, canoing or kayaking, etc. on the river.

Recommendations:

Planning staff recommends approval of all of the variance application in this case subject to conditions of approval.

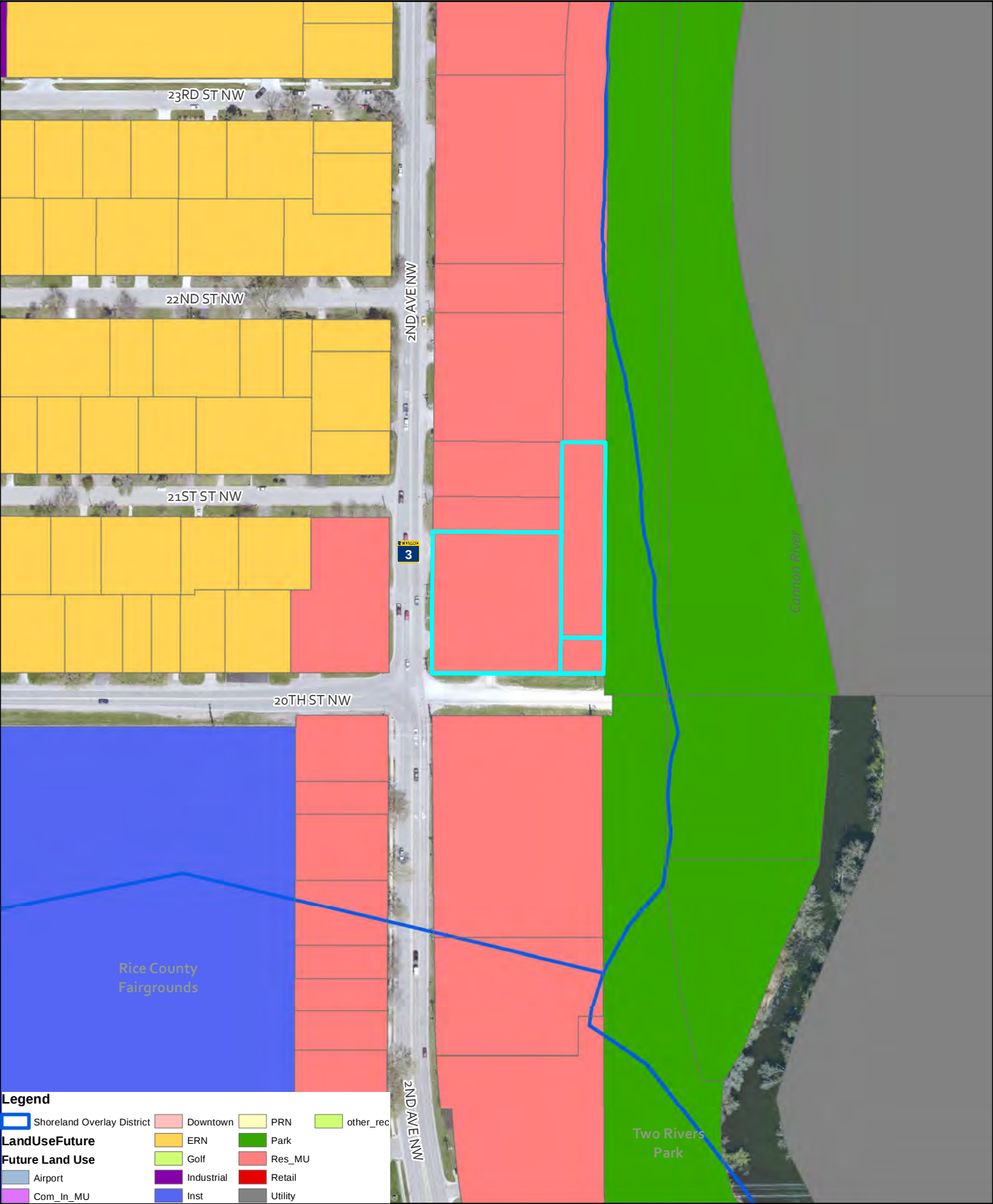
Suggested Conditions of approval for the variance appliation are as follows:

1. Preserve the natural trees and vegetation existing within the Shoreland District area of the site to the greatest extent possible. This will include the area along the east side of the outside storage lot and south along the entire east lot line.
2. Design the stormwater management system in a manner as approved by the City Engineer, to limit or filter automotive fluids from the parking lot and outdoor storage areas on site.

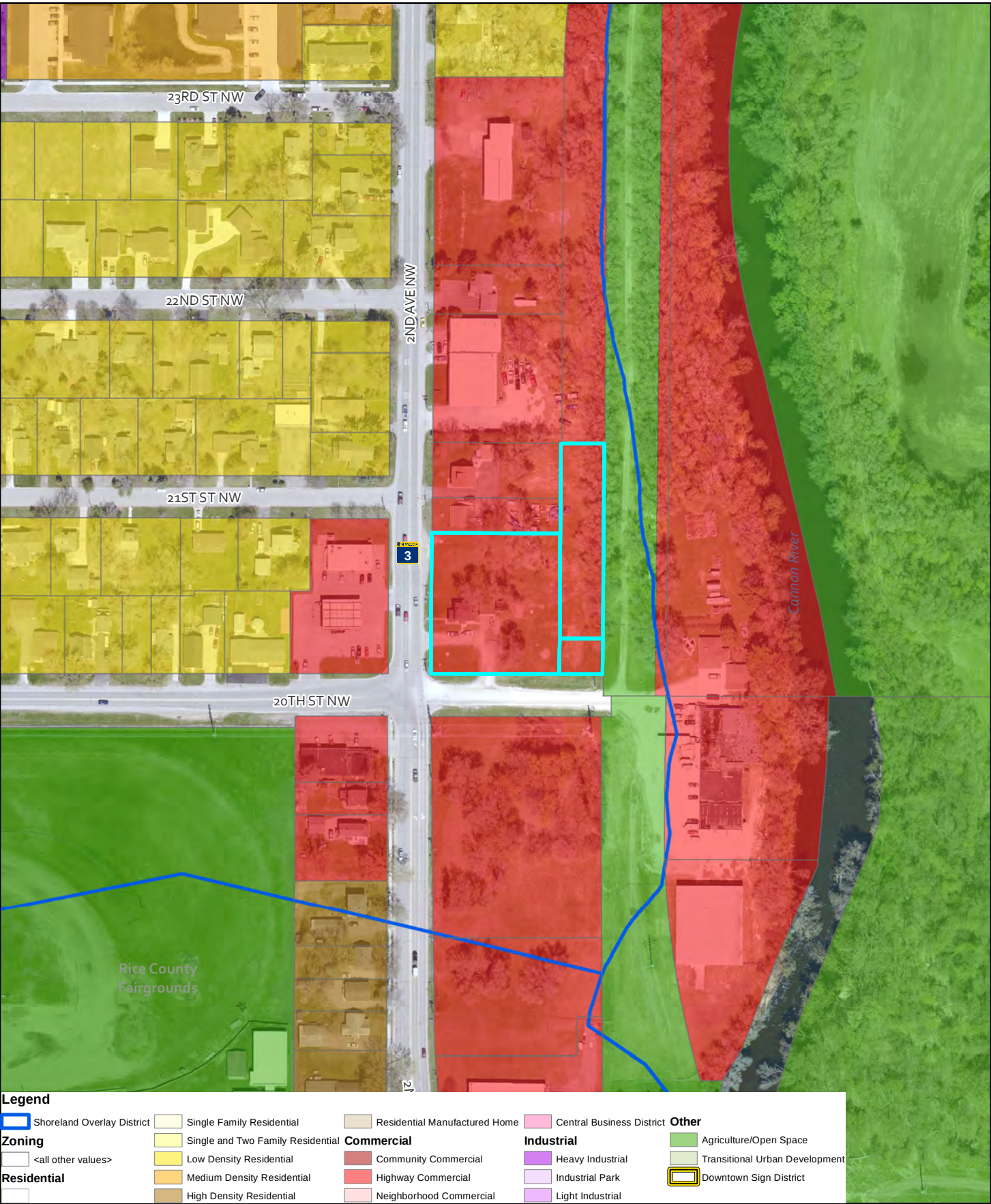
Attachments:

- Draft Resolution
- Maps and Plans
- Applications

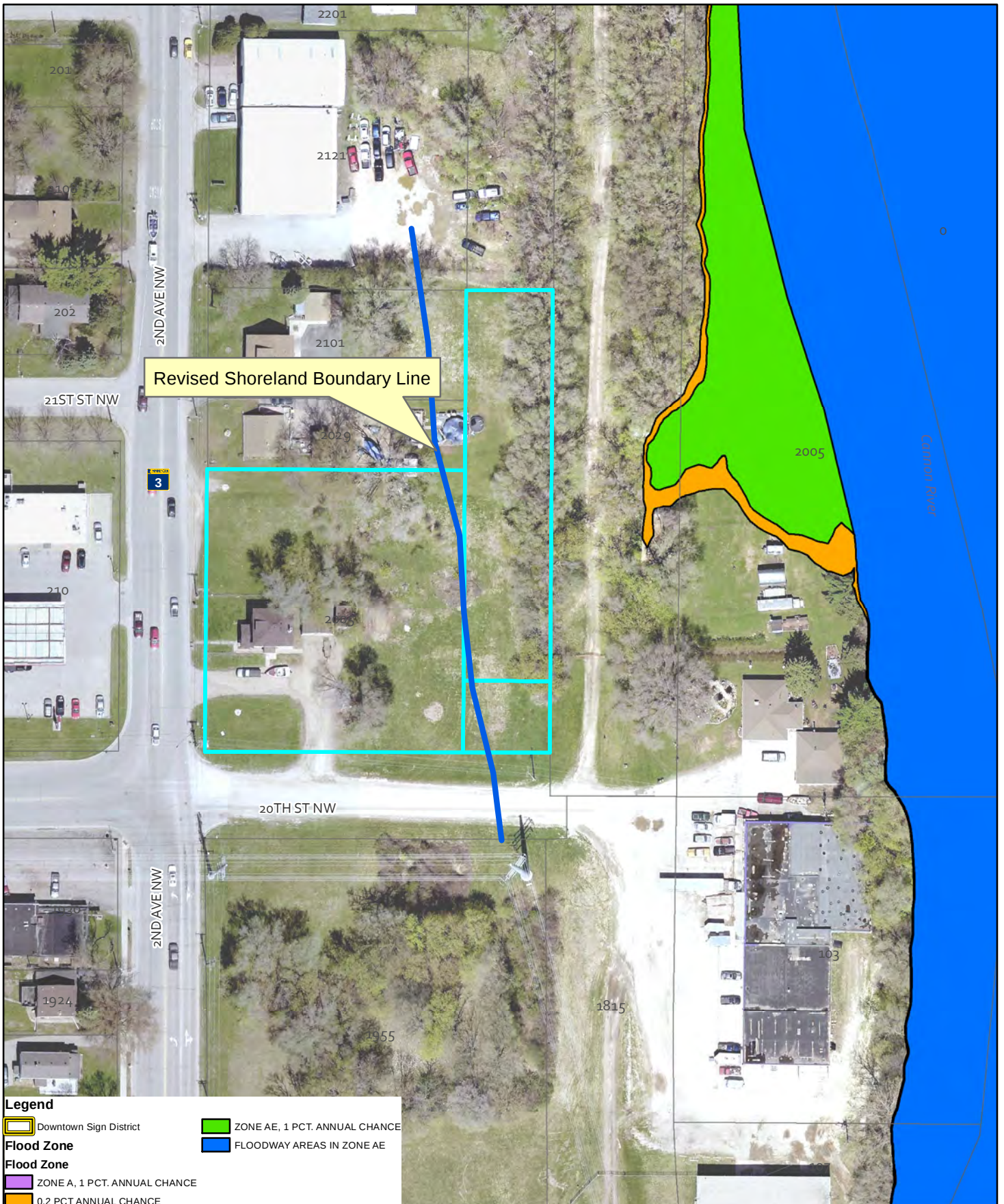
Malecha Auto Body Site - 2005 2nd Avenue NW

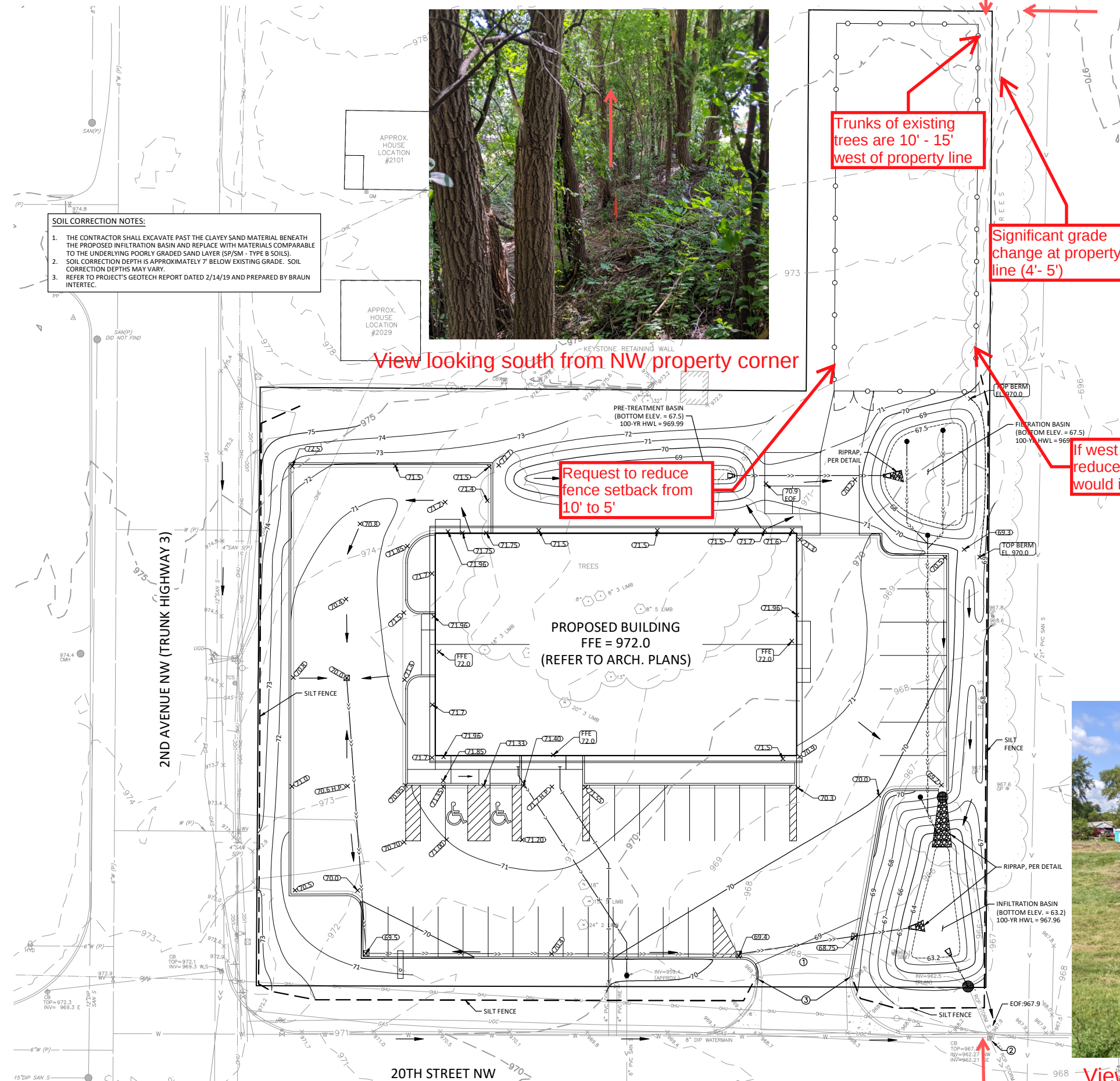


Malecha Auto Body Site - 2005 2nd Avenue NW



2005 2nd Avenue NW





View looking south from NW property corner



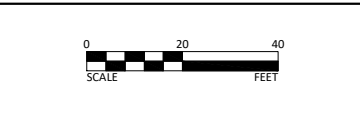
View looking west from NE property corner

If west setback is reduced this setback would increase to 10'



View looking north from NE property corner

REV. NO.	DATE	BY	CHK	DESCRIPTION
1	6/8/22	TRH	BLS	REVISED PER CITY DRC REVIEW
2	8/3/22	TRH	BLS	REVISED PER CITY COMMENTS



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

NOT FOR CONSTRUCTION

NAME: Robert L. Swanson LUC NO.: 24094 DATE: 5/31/22

DESIGNED: BLS
DRAWN: TRH
CHECKED: BLS



GRADING & EROSION CONTROL PLAN
MALECHA AUTO BODY

SHEET
C-1



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community and Economic Development Director
FROM: Peter J. Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: September 19, 2022
SUBJECT: Application for a Conditional Use Permit for a Residential Garage of 1080 Square Feet in Area located at 2700 Western Avenue

Background:

Kenneth Lake home owner/applicant is seeking to construct a 1080 SF detached garage on his 9-acre homestead site in the R-3 Medium Density Residential District at 2700 Western Avenue. The property is within the Shoreland Overlay District. Mr. Lake needs storage for some collector cars he owns. His property includes a 1240 SF ranch style home with a full walkout basement. The home has a large (720 SF) attached garage which is to be attached to the home by a new breezeway under construction at this time. The plan includes extending the asphalt driveway to serve the new garage north of the home on site.

A detailed staff report is attached to discuss the application specifics for ordinance compliance. The Minnesota Department of Natural Resources has reviewed this request and recommends the garage meet the current setback requirement from the lake of 150'. The City Development Review Committee reviewed the application at its meeting of September 6, 2022 and recommended approval subject to conditions (see the staff report).

Recommendation:

DRC recommends approval of a Conditional Use Permit for the 1080 SF residential garage with paved driveway extension, subject to the condition that the garage plan be revised to meet the 150' minimum setback from the water line of the lake.

Attachments:

1. Resolution Approving a Conditional Use Permit for 1080 SF Garage at 2700 Western Ave
2. Staff Report Memo 2700 Western Ave CUP
3. Comp Plan Map
4. 2700 Western Ave Zoning
5. 2700 Western Ave Aerial
6. Beacon Aerial Map with notes
7. Application for CUP - 2700 Western -- Garage
8. Site Plan with notes
9. Building Plan

[Reserved for County Recorder's stamp]

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION 2022-_____

APPROVING A CONDITIONAL USE PERMIT FOR A 1080 SQUARE FOOT RESIDENTIAL GARAGE AT 2700 WESTERN AVENUE

WHEREAS, Kenneth and Anna Lake (Owners) are requesting approval of a Conditional Use Permit (CUP) to allow a proposed of a 36 foot by 30-foot residential garage of 1080 square feet, at their residence located at 2700 Western Avenue (hereinafter referred to as "the subject property") legally described in Exhibit A; and

WHEREAS, the underlying zoning the subject property is in the R-3, Medium Density Residential District; and

WHEREAS, the maximum allowed permitted residential accessory structure size is 864 square feet; and

WHEREAS, a residential accessory structure is permitted to be 25% larger than 864 square feet (1,080 square feet) with a Conditional Use Permit; and

WHEREAS, City Staff has completed a review of the application and made a report to the Planning Commission pertaining to said request, a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on the 19th day of September, 2022, following proper notice, held a public hearing regarding the request, and following said public hearing made findings and recommended that the City Council approve the request; and

WHEREAS, following said public hearing, the Planning Commission recommended conditional approval of the requested Conditional Use Permit based on the following findings as required by Section 2-300 of the City's Unified Development Ordinance:

- 1. The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare.**

Finding: The proposed garage addition will be placed on the subject parcel in accordance with all applicable zoning codes and development regulations.

- 2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

Finding: The garage proposed with this application, will be of similar architectural style to the home on the lot. The garage design is residential in nature and will fit with other uses on adjoining lots.

- 3. The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area.**

Finding: The subject garage is compatible in design, and architectural appearance with the principal structure on the site.

- 4. The conditional use will not impose hazards or disturbing influences on neighboring properties.**

Finding: The garage is compatible with others in the neighborhood.

- 5. The conditional use will not substantially diminish the value of neighboring properties.**

Finding: The subject garage is compatible in design, and appearance with the surrounding housing and will not diminish the value of neighboring properties.

- 6. The site is served adequately by essential public facilities and services, including utilities, access roads, drainage, police and fire protection, and schools or will be served adequately as a result of improvements proposed as part of the conditional use.**

Finding: Public sewer and water are not required for this garage, but the site has access to roads, proper drainage, and will not increase demand for schools, police and fire protection services.

- 7. Development and operation of the conditional use will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.**

Finding: No new services will have to be extended or added to adequately serve the parcel.

- 8. Adequate measures have been or will be taken to minimize traffic congestion in the public streets and to provide for adequate on-site circulation of traffic.**

Finding: The subject garage will be placed on the site in accordance with zoning code standards. It will not have any effect on existing traffic and circulation.

- 9. The conditional use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance to the community.**

Finding: The subject site is an occupied residential lot that has no features of major importance to the community.

- 10. The conditional use is consistent with the applicable policies and recommendations of the city's Land Use Plan or other adopted land use studies.**

Finding: The City's Land Use Plan guides the subject parcel as an established residential use. The City's Unified Development Ordinance allows garages of 1,080 square feet in area with CUP in the R-3, Medium Density Residential District.

- 11. The conditional use, in all other respects, conforms to the applicable regulations of the district in which it is located.**

Finding: The subject garage is previously existing. The expansion as planned meets all requirements of the Unified Development Ordinance.

WHEREAS, the City Council at a public meeting, on the 27th day of September, 2022, considered the request, the report to the Planning Commission, and the results of the public hearing, and concurred with all

findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY FARIBAULT, MINNESOTA AS FOLLOWS:

Section 1. Incorporation of Recitals and Exhibits. The recitals set forth in this Resolution and the Exhibits attached hereto are incorporated into and made a part of this Resolution.

Section 2. Approval of the Conditional Use Permit. A conditional use permit to allow a 1,080 square foot residential garage in an R-3, Medium Density Residential District at 2700 Western Avenue in substantial accordance with the site plan attached as Exhibit B, is hereby approved subject to conditions as set forth in Section 3 of this resolution. Said approval is based on the forgoing recitals, which are incorporated herein by reference, and constitute the findings of the City Council in accordance with Section 2-300 of the City of Faribault, Unified Development Ordinance.

Section 3. Conditions of Approval Specific to the Proposed Development. A conditional use permit is hereby approved subject to conditions listed herein as authorized under Section 2-310 of the City of Faribault Unified Development Ordinance that are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in the ordinance as follows:

1. The garage must be built no less 150' from the ordinary high water line of lake as noted on the approved site plan.
2. The exterior building materials, and colors must be similar to and compatible with house.
3. No more than 30% of the garage shall be used in conjunction with a home occupation or as otherwise allowed by the City Unified Development Ordinance as may be amended.
4. A paved driveway must be extended to the garage doors on the new detached garage.
5. In addition to the garage expansion approved by this resolution, no more than one additional accessory structure (shed) shall be permitted on site and it shall be limited to no more than 120 square feet in floor area.
6. All construction of the garage approved with this conditional use permit, shall be completed within one year of the date of this resolution.

Section 4. Additional Conditions of Approval. This conditional use permit includes the following additional conditions:

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
2. The City may inspect the property at all reasonable times to ensure compliance with the conditions of this permit.
3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.
5. This permit and its conditions are binding on the parties and their successors and assigns. This permit runs with the property and does not affect the subsequent sale, lease, or change from current ownership. The Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the property.
6. Use of the property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.

Section 5. Compliance. The City Council authorizes the Mayor, City Administrator, City Staff, and the City Attorney to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 6. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: September 27 , 2022

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A

Legal Description

THE NORTHEAST QUARTER ($NE\frac{1}{4}$) OF THE SOUTHEAST QUARTER ($SE\frac{1}{4}$) OF THE
SOUTHEAST QUARTER ($SE\frac{1}{4}$) OF SECTION 23, TOWNSHIP 110 NORTH, RANGE
21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, EXCEPTING THE SOUTH 1 ACRE
THEREOF, SUBJECT TO HIGHWAY OVER AND ACROSS THE EAST SIDE THEREOF.
In the City of Faribault, Rice County, Minnesota.

Exhibit B (Page 1 of 2)
Site Plan

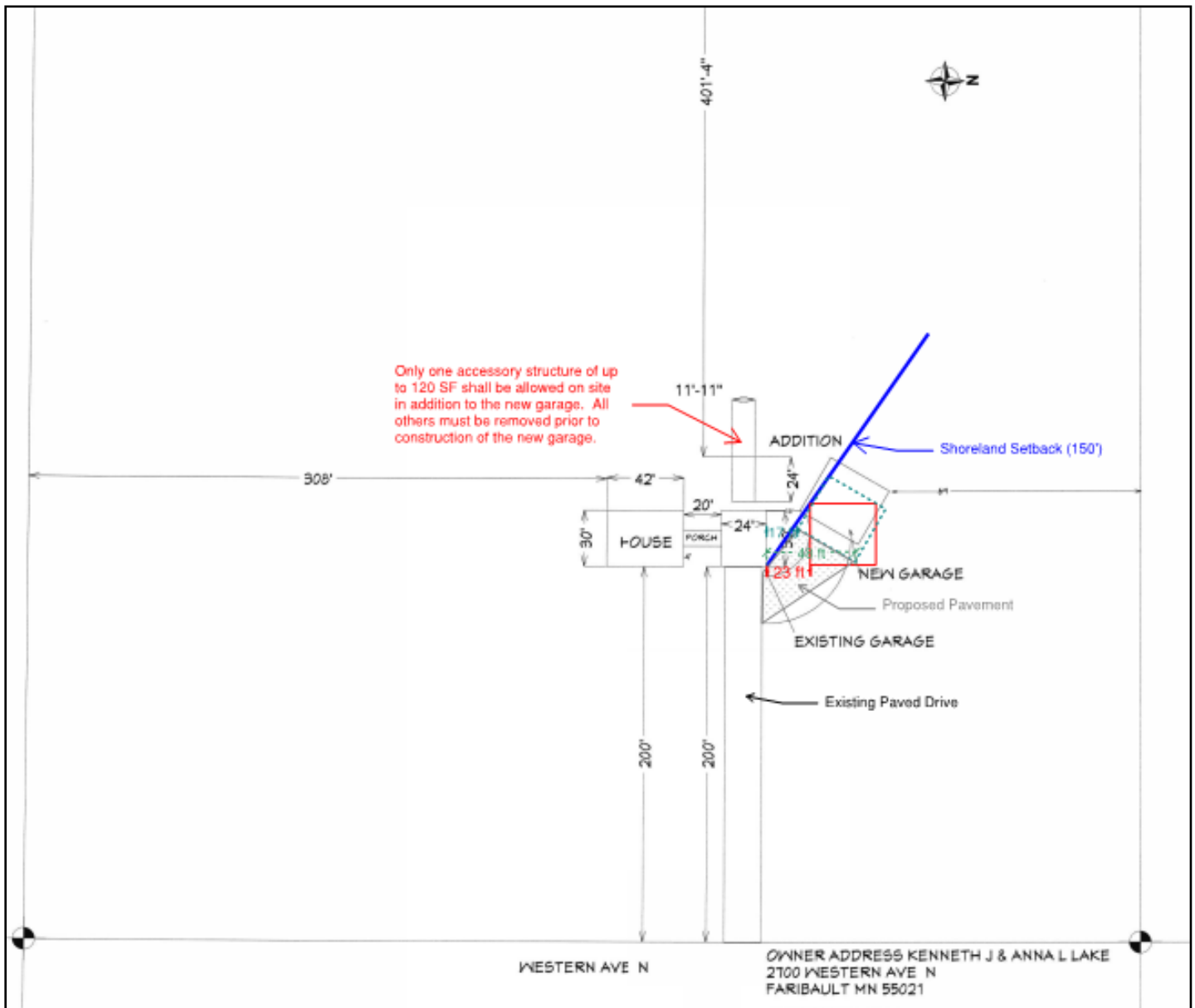
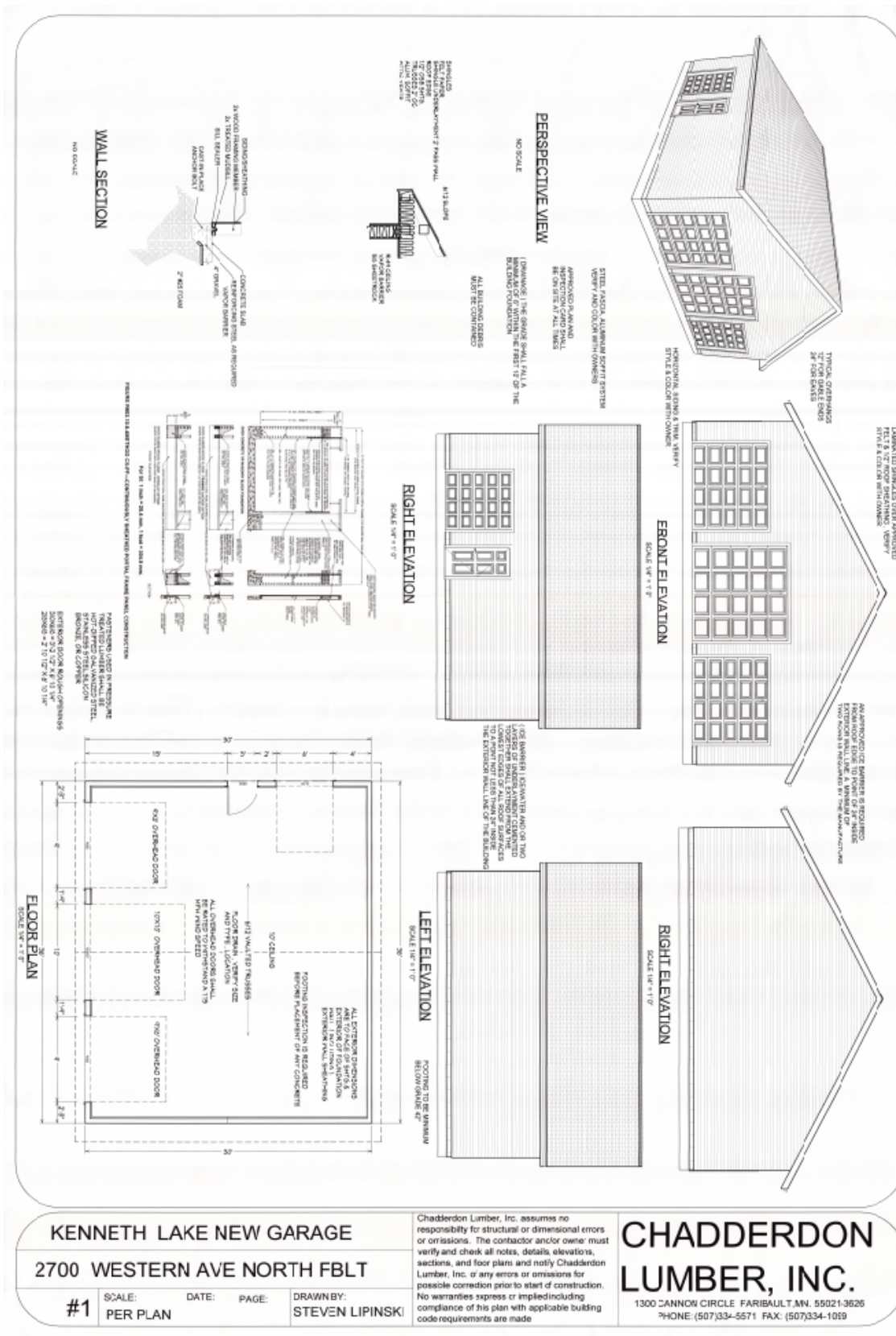


Exhibit B (Page 2 of 2)

Façade Plans





Public Hearing Staff Report

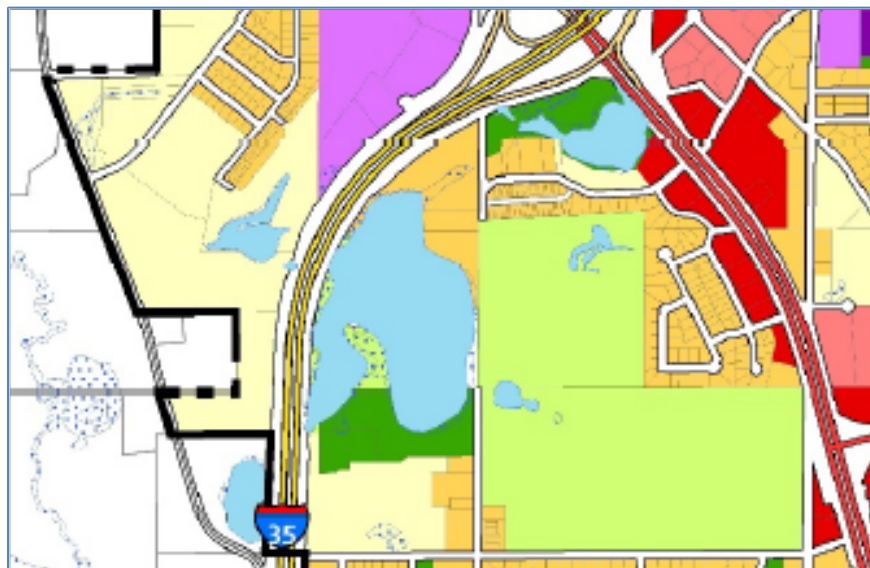
TO: Development Review Committee
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: September 19, 2022
SUBJECT: CUP Application for a 1080 SF Residential Garage at 2700 Western Avenue

BACKGROUND / PROJECT SUMMARY

Kenneth Lake home owner/applicant is seeking to construct a 1080 SF detached garage on his 9-acre homestead site in the R-3 Medium Density Residential District at 2700 Western Avenue. The property is within the Shoreland Overlay District. Mr. Lake needs storage for some collector cars he owns. His property includes a 1240 SF ranch style home with a full walkout basement. The home has a large (720 SF) attached garage which is to be attached to the home by a new breezeway under construction this year. The plan includes extending the asphalt driveway to serve the new garage north of the home on site.

Discussion / Review:

- Comprehensive Plan. The comprehensive plan guides the property of Established Residential Neighborhood Use. The proposed use fits with that use.



- Zoning District. The property is zoned R-3 Medium Density Residential. A single-family house is allowed. The maximum size for a detached garage is 864 SF which may be increased by 25% up to 1080 SF with approval of a CUP.

The zoning ordinance states that *"the accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served"*. In this case the home has a finished floor area of about 1800 SF not counting the new 240 SF breezeway. Total area of the home first floor and all of the walkout basement area is about 2400 SF. The attached garage and detached garage as proposed together will equal about 1800 SF of accessory area. Based on these measurements, it appears the proposal meets the subordination requirement compared to the home on the site.

- Shoreland Overlay District. Single Family Residential uses are permitted in the Shoreland District without need for a CUP. This district limits impervious surface coverage to 25% of the site area. The site has surface area of about 137,210 SF outside of the wetland area. The impervious surface prior to this application is estimated at about 6400 SF. The application will add about 2500 SF of impervious surface area. In this case the impervious surface coverage is estimated to be about 6.5% after development of the new garage and the driveway extension leading to it.

The Shoreland Overlay District requires a 150' setback from the ordinary high-water mark. Although that is not listed on the site plan, using the County aerial mapping information it appears the new garage will need to be adjusted to the north by few feet as shown on the attached exhibit with setback notes by staff.



- Setbacks. Shoreland setbacks are discussed in the preceding paragraph. The development is centered in this very large lot. The zoning setbacks

for the development greatly exceed the 5' side and rear minimum requirements. The new garage will be separated from the home by 18' where 10' minimum is required and it is located to the side of the home and is not closer to the street than the home is.

- Building Design. The new building is planned to have matching roofing and siding with the house.

Development Review Committee:

At its meeting of September 6, 2022, the Development Review Committee discussed this request. The Committee recommended approval with the condition the garage meet the required 150' setback from the ordinary high-water line of the lake. The DRC made the following comments and observations.

1. The site has enough space to allow construction of the garage at the required 150' setback from the lake.
2. The DNR had no objections to the request, noting that although the home is much closer to the lake than 150' as required today, the owners have room to place the new garage so as to meet the current setback.
3. The garage must have matching siding and roofing materials to the home.
4. The DRC felt the home with breezeway and walkout basement was large enough to meet the UDO requirement that the size of the new garage not exceed the size of the principal structure.

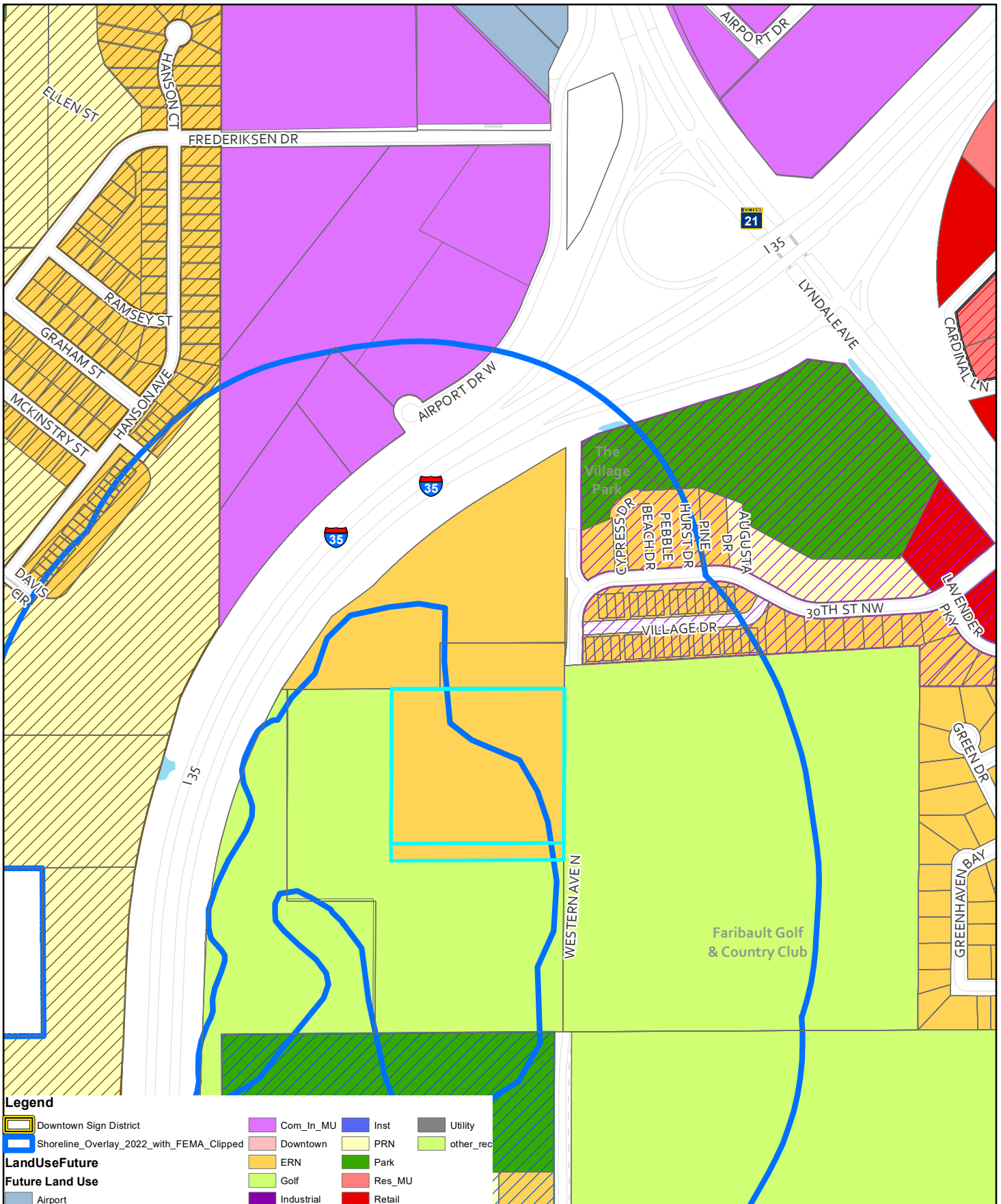
Recommendations.

DRC recommends approval of a Conditional Use Permit for the 1080 SF residential garage with paved driveway extension, subject to the condition that the garage plan be revised to meet the 150' minimum setback from the water line of the lake.

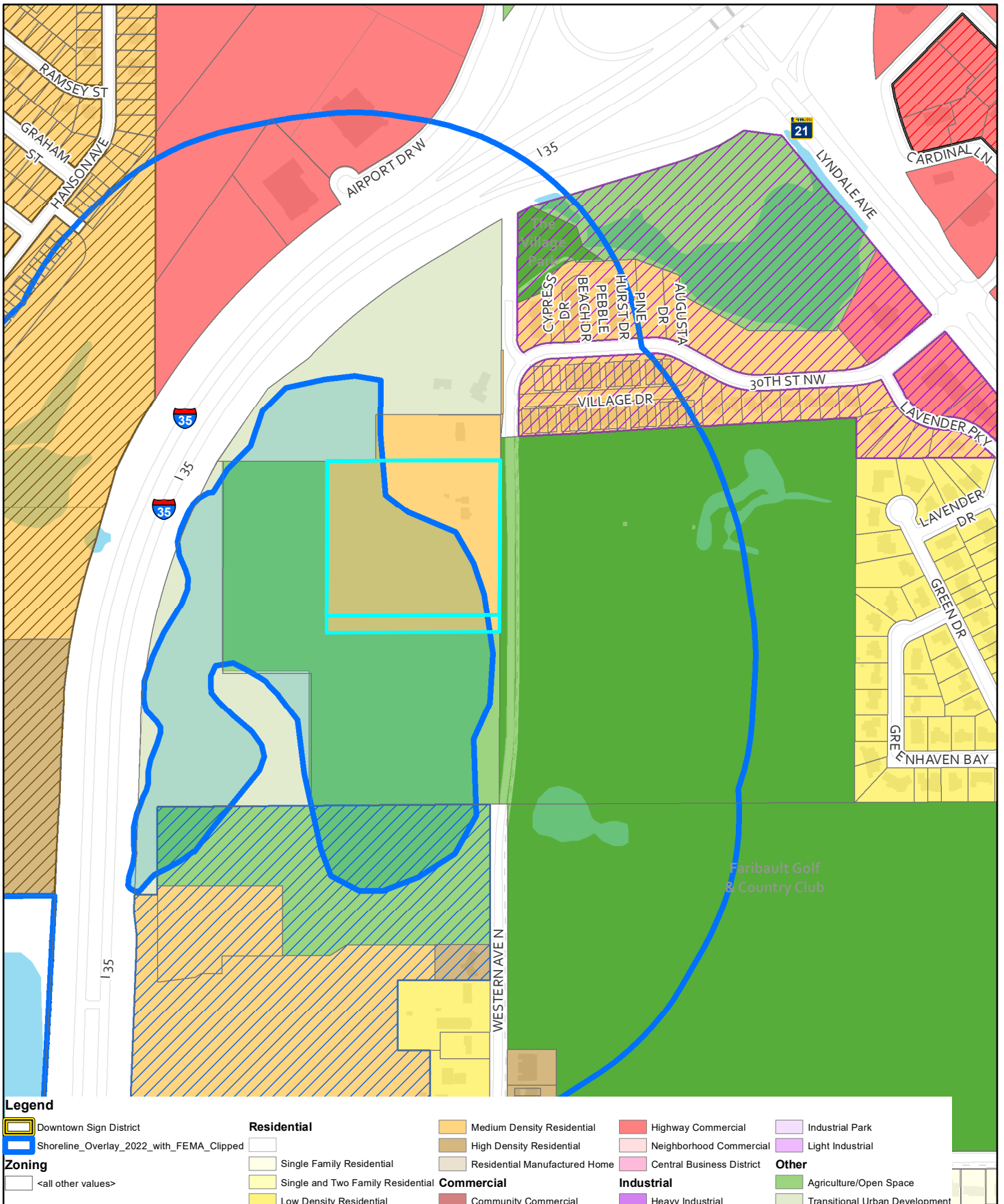
Attachments:

- Maps and Plans
- Applications

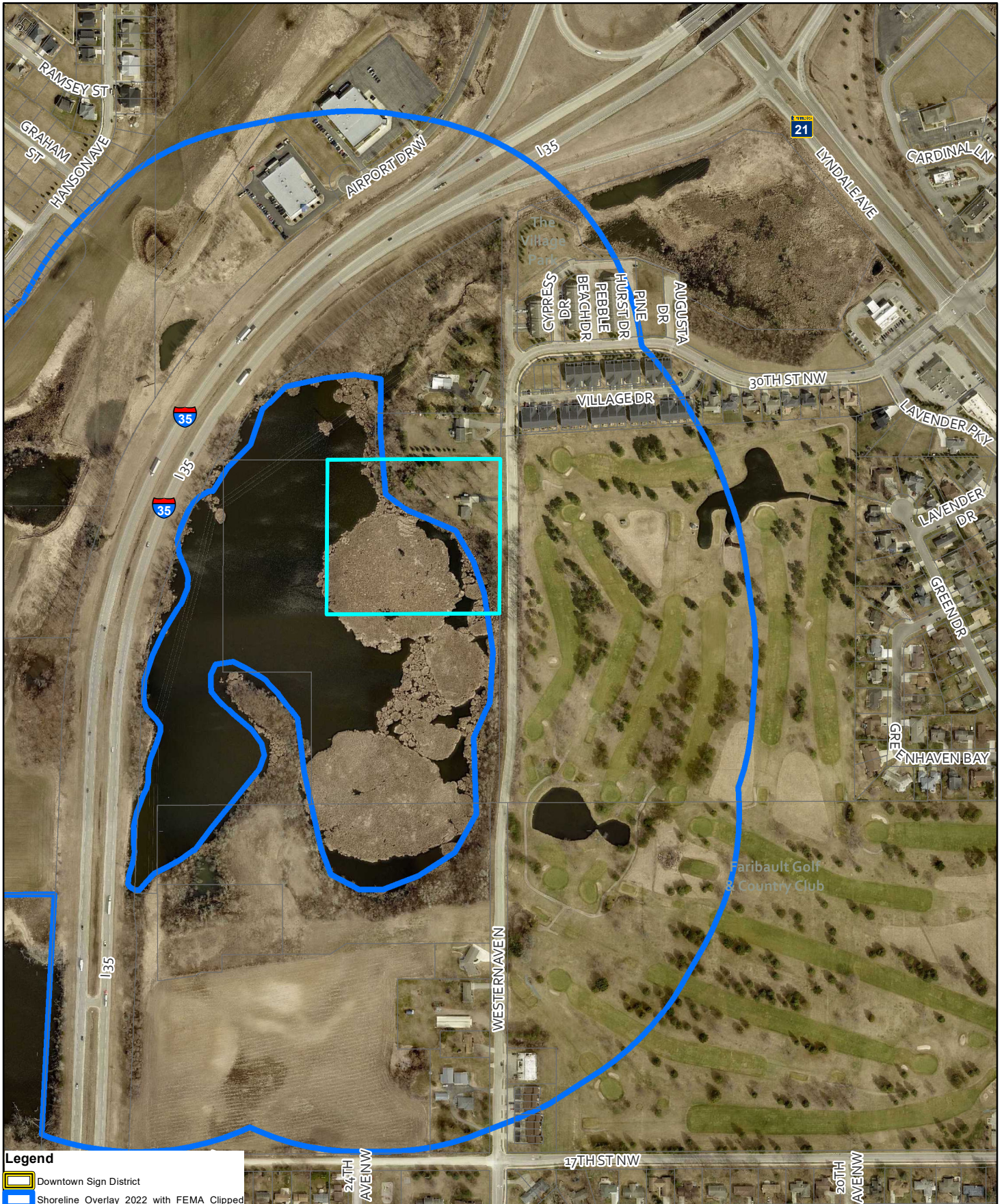
2700 Western Avenue - Comprehensive Plan Map

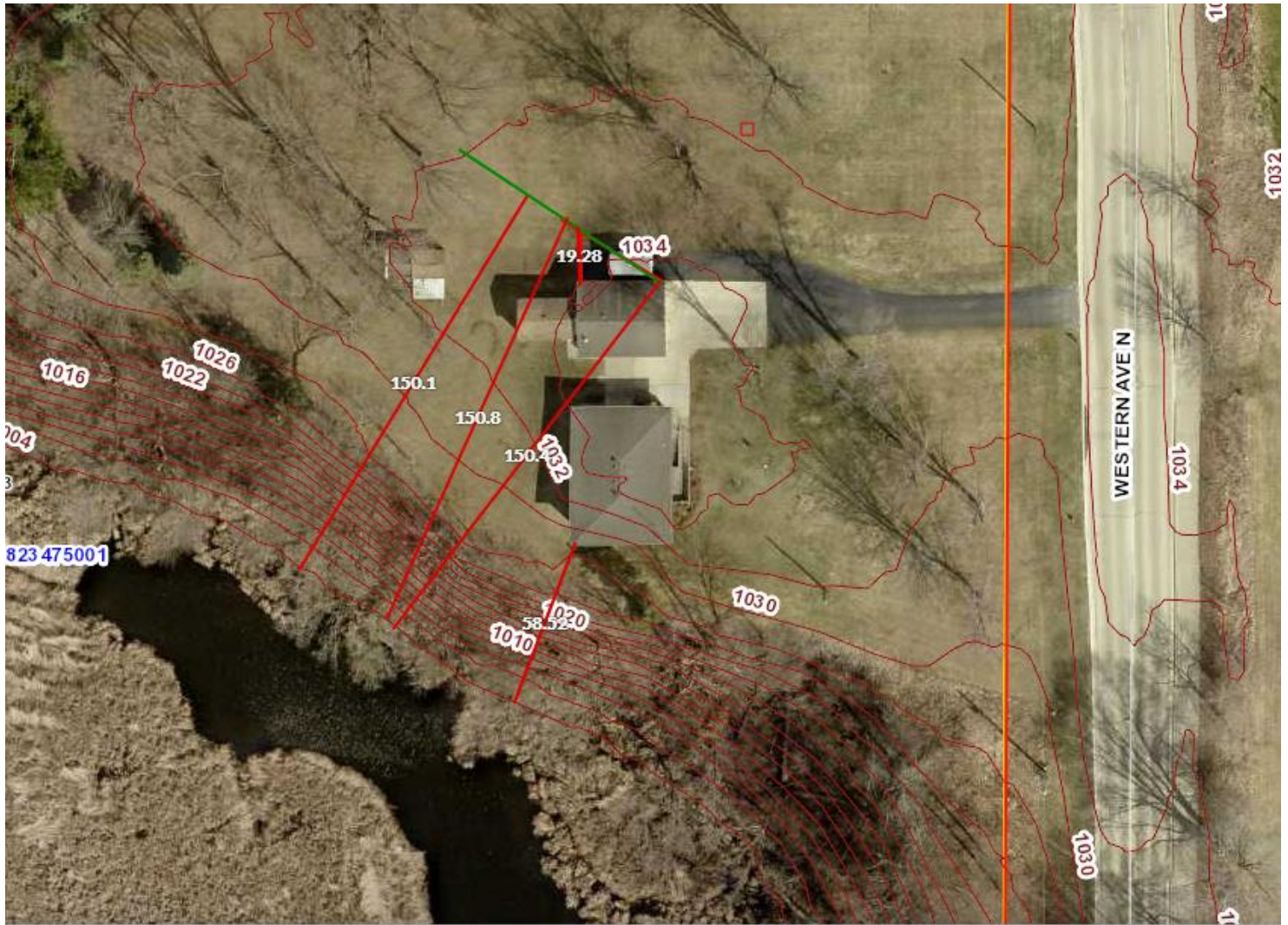


2700 Western Avenue



2700 Western Avenue





Alternate IDn/a
Class 1A-Residential Homestead
Acreage 9

Owner AddressKENNETH J & ANNA L LAKE
2700 WESTERN AVE N
FARIBAULT MN 55021



APPLICATION FOR REQUESTED ACTION
Conditional Use Permit

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 2700 Western Ave NW Faribault MN

APPLICANT Kenneth + Anna Lake E-MAIL _____

Ken cell (507) [REDACTED] (H) Anna cell (507) [REDACTED] (W) _____ (FAX) _____

ADDRESS 2700 Western Ave NW Faribault MN

DEVELOPER (if other than applicant) Anderka Construction Faribault MN

PHONE 334-8946 (H) _____ (W) _____ (FAX) _____

ADDRESS 18200 Avey Trail Faribault MN

LEGAL DESCRIPTION NE 1/4 OF THE SE 1/4 OF THE SE 1/4 OF SEC 23 TWP 110 N RGE 21 WEST OF THE 5TH

ACREAGE/SIZE OF PROPERTY 9 ACERS P.M. EXCEPTING THE SOUTH 1 ACRES THEREOF SUBJECT TO THE HIGHWAY OVER AND ACROSS THE EAST SIDE THEREOF

CURRENT ZONING R-3 Medium Density Residential

EXISTING USE OF PROPERTY Homestead Residential

PROPOSED USE OF PROPERTY Personal Home + New 3 car Garage
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES Golf Course-Freeway Slough
Homesteads

SIGNATURE OF APPLICANT Kenneth G. Lake DATE 8-29-22
(Must submit proof of property control)

SIGNATURE OF PROPERTY OWNER SAME DATE _____
(If other than applicant)

PLEASE PROVIDE ALL INFORMATION REQUESTED ON THIS FORM
AND THE ATTACHED CHECKLIST.

Updated August 23, 2016

RECEIVED

AUG 29 2022

City of Faribault
Community Development

The proposed project is to build (1)
36x30 - 1080 Sq. Ft. Garage
(Refer to plan drawing for detailed
plan drawing)

We are currently attaching house to
existing garage with a breezeway making
it one unit.

3 SMALL existing Sheds will be
removed within one year of this
construction.

The proposed Structure will be set
back existing building blending in
with other building
matching siding/roofing etc.

Have letters from 2800 - 2900 Western
Ave residents with no objections to our
Plans

The only Street is Western Ave. running
North and South the Front of the
Property - So there will be no impact
on traffic. will be using existing driveway

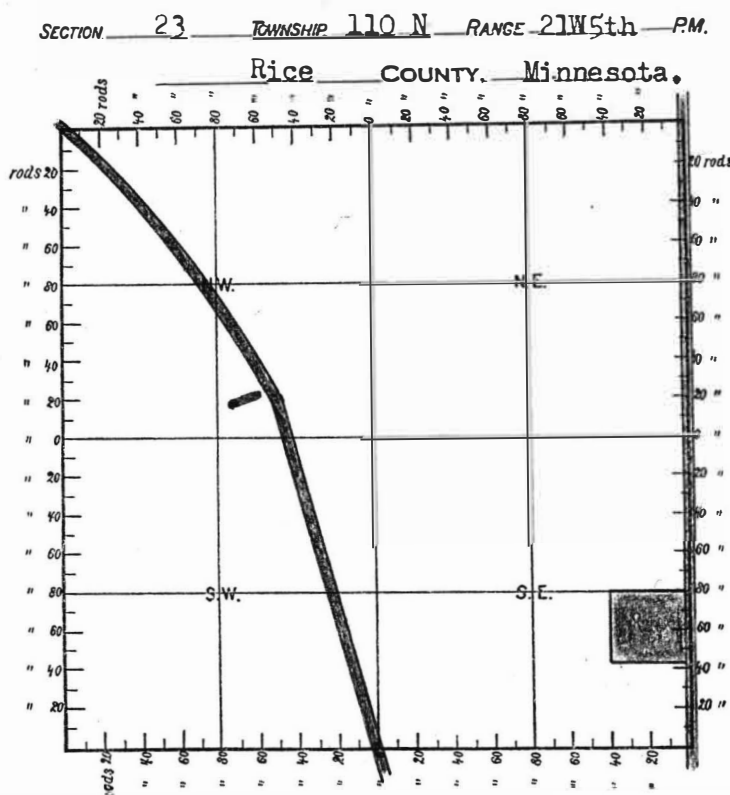
The Structure to be built is for storage
of property maintenance equipment (mowers
snowblower) and storage of contents of 3
Small Sheds that have to be removed and
Storage of 3 collector vehicles

7789

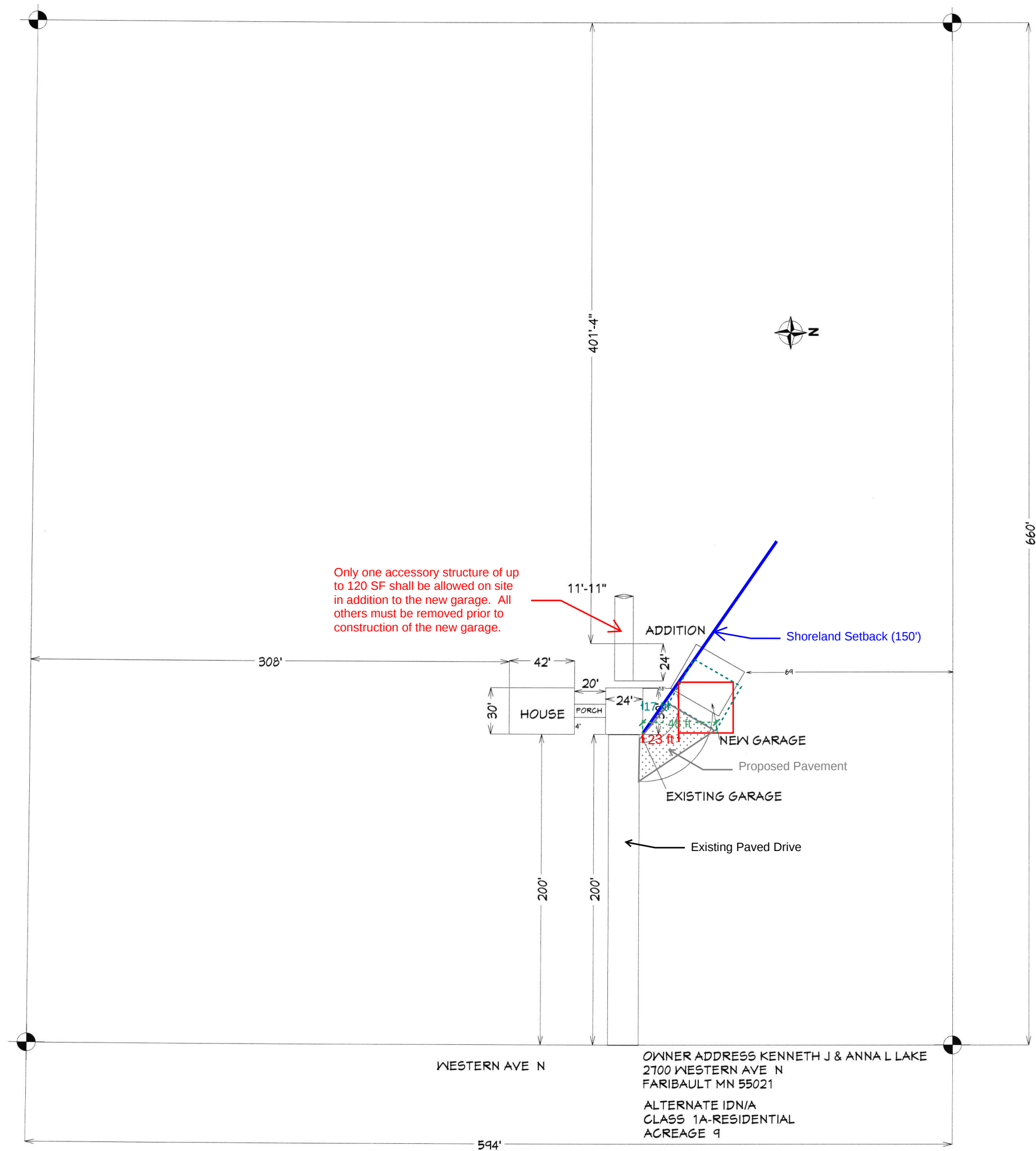
Abstract of Title

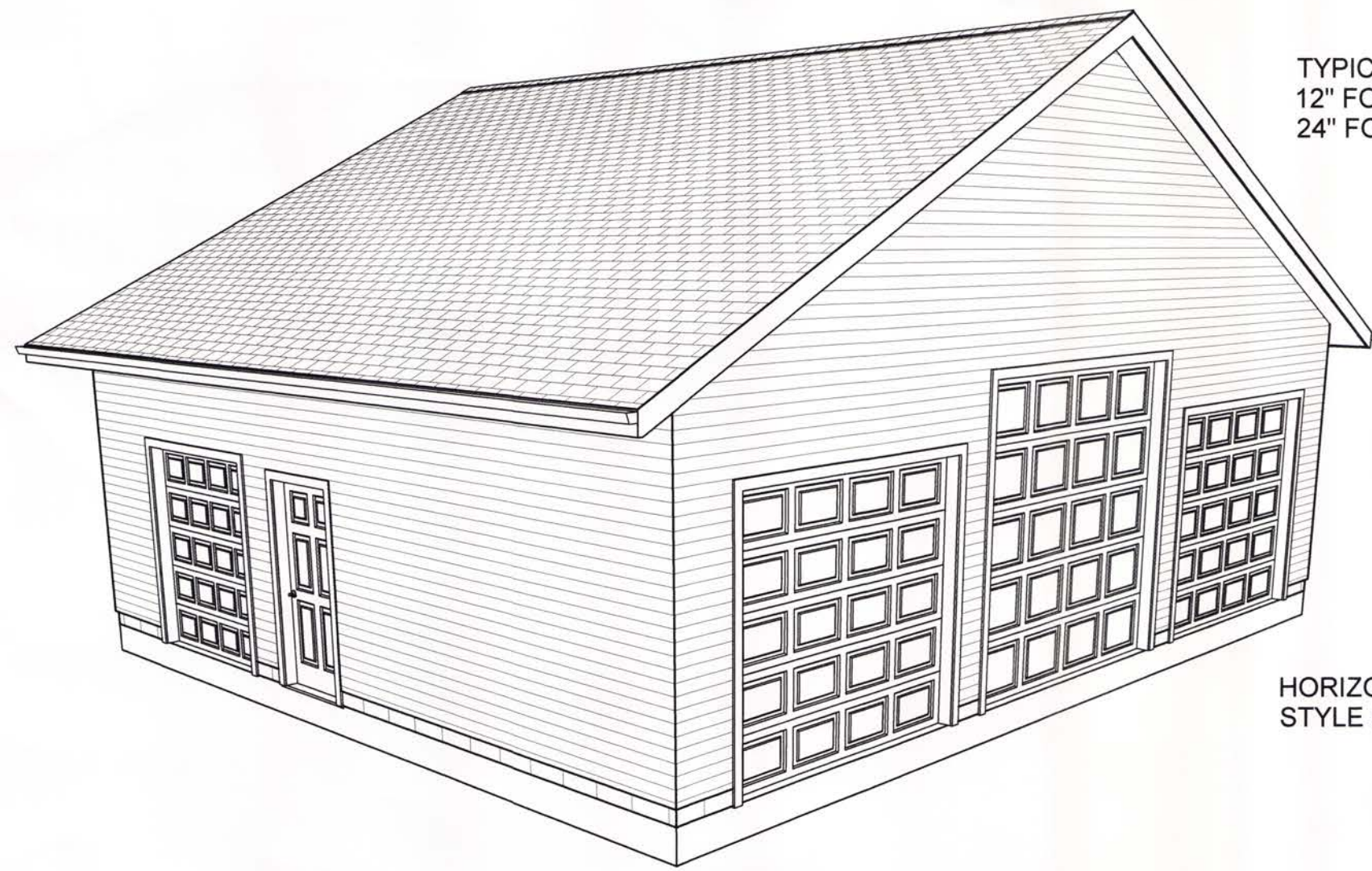
To the following described Real Estate situated in
the County of Rice, State of Minnesota

THE NORTHEAST QUARTER ($NE\frac{1}{4}$) OF THE SOUTHEAST QUARTER ($SE\frac{1}{4}$) OF THE
SOUTHEAST QUARTER ($SE\frac{1}{4}$) OF SECTION 23, TOWNSHIP 110 NORTH, RANGE
21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, EXCEPTING THE SOUTH 1 ACRE
THEREOF, SUBJECT TO HIGHWAY OVER AND ACROSS THE EAST SIDE THEREOF.



ALFRED H. HEINE
REGISTER OF DEEDS
AND OFFICIAL ABSTRACTER
OF RICE COUNTY
FARIBAULT, MINN.



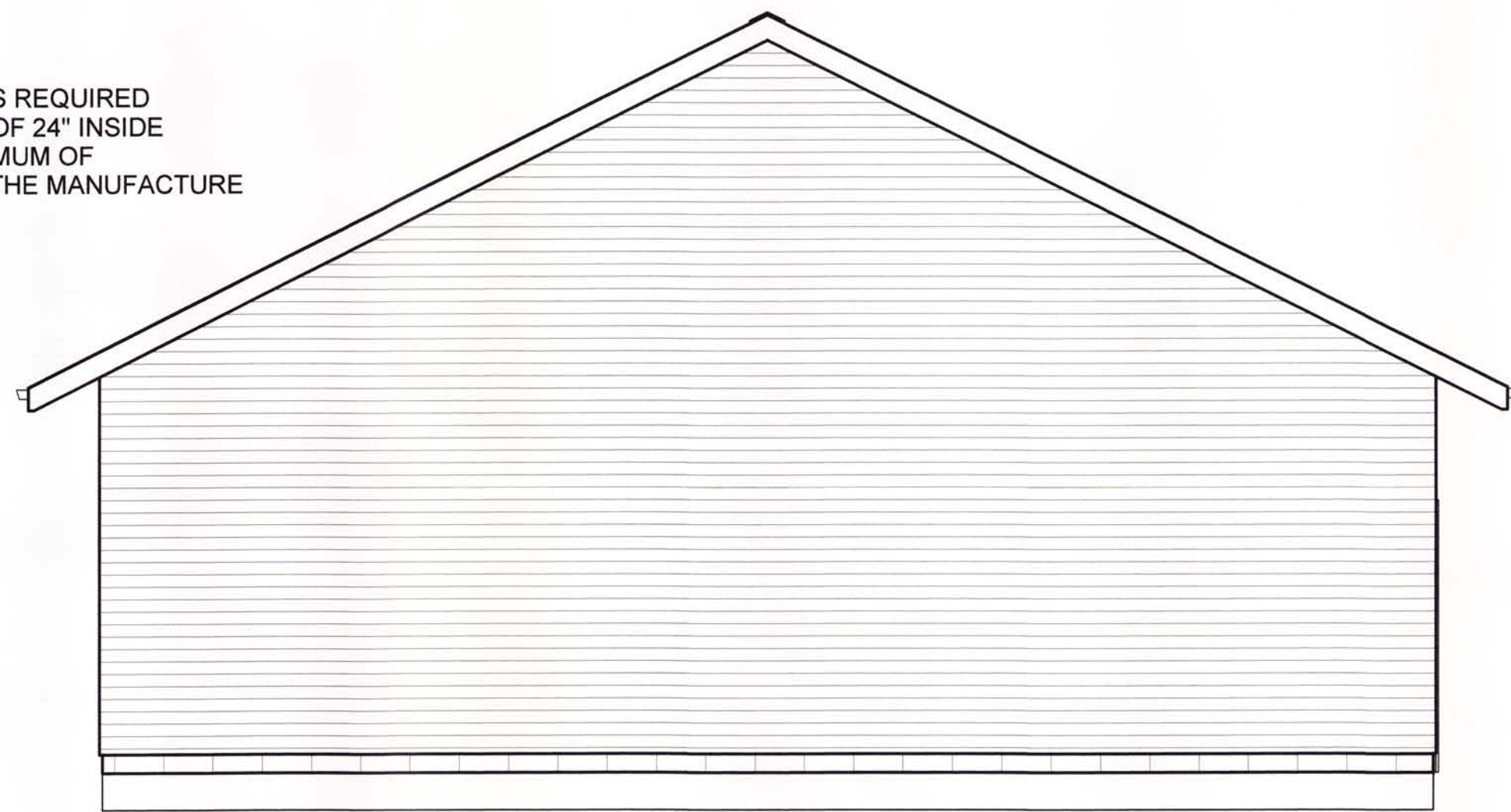


TYPICAL OVERHANGS
12" FOR GABLE ENDS
24" FOR EAVES

HORIZONTAL SIDING & TRIM, VERIFY
STYLE & COLOR WITH OWNER

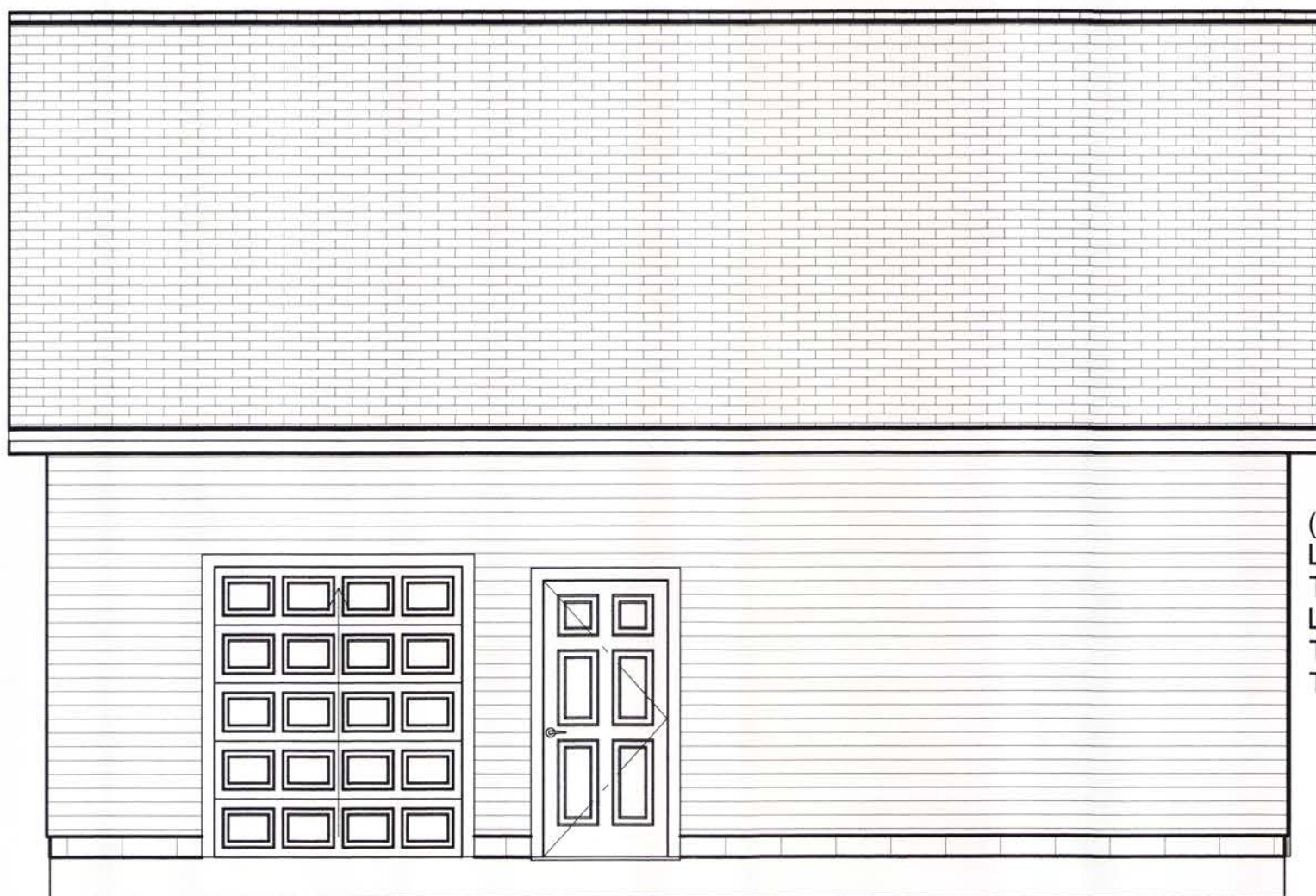
LAMINATED SHINGLES OVER APPROVED
FELT & 1/2" ROOF SHEATHING, VERIFY
STYLE & COLOR WITH OWNER

AN APPROVED ICE BARRIER IS REQUIRED
FROM ROOF EDGE TO POINT OF 24" INSIDE
EXTERIOR WALL LINE. A MINIMUM OF
TWO ROWS IS REQUIRED BY THE MANUFACTURE



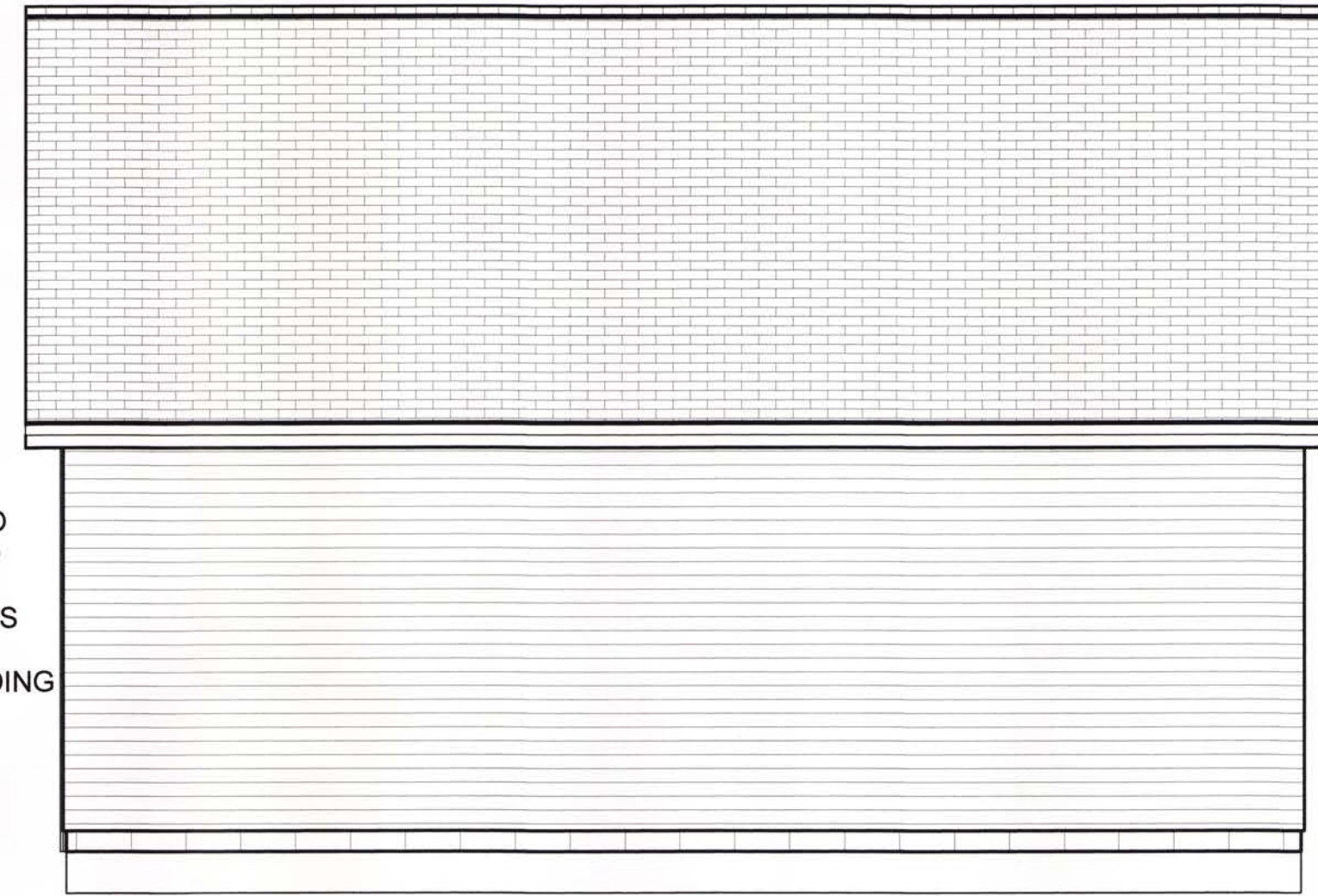
RIGHT ELEVATION

SCALE 1/4" = 1' 0"



FRONT ELEVATION

SCALE 1/4" = 1' 0"



LEFT ELEVATION

SCALE 1/4" = 1' 0"

FOOTING TO BE MINIMUM
BELOW GRADE 42"

PERSPECTIVE VIEW

NO SCALE

STEEL FASCIA, ALUMINUM SOFFIT SYSTEM
VERIFY AND COLOR WITH OWNERS

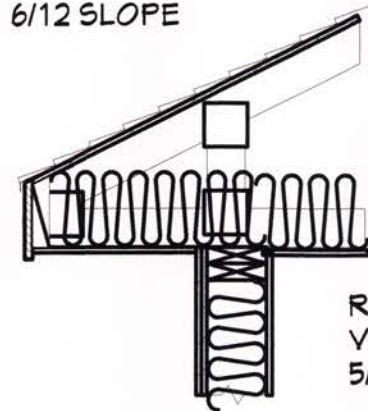
APPROVED PLAN AND
INSPECTION CARD SHALL
BE ON SITE AT ALL TIMES

(DRAINAGE) THE GRADE SHALL FALL A
MINIMUM OF 6" WITHIN THE FIRST 10' OF THE
BUILDING FOUNDATION

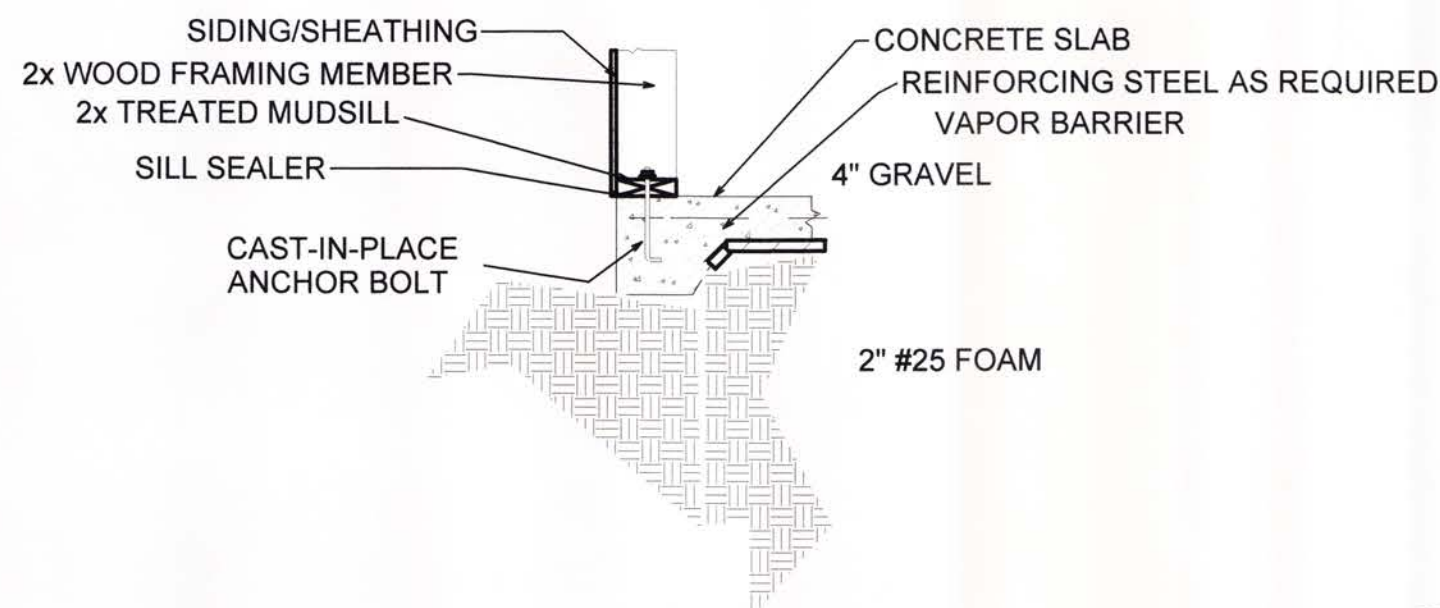
ALL BUILDING DEBRIS
MUST BE CONTAINED

SHINGLES
FELT PAPER
SHINGLE UNDERLAYMENT 2" PASS WALL
ROOF EDGE
1/2" OSB SHTG.
TRUSSES 2" OC
ALUM. SOFFIT
ATTIC VENTS

6/12 SLOPE



R-49 CEILING
VAPOR BARRIER
5/8 SHEETROCK

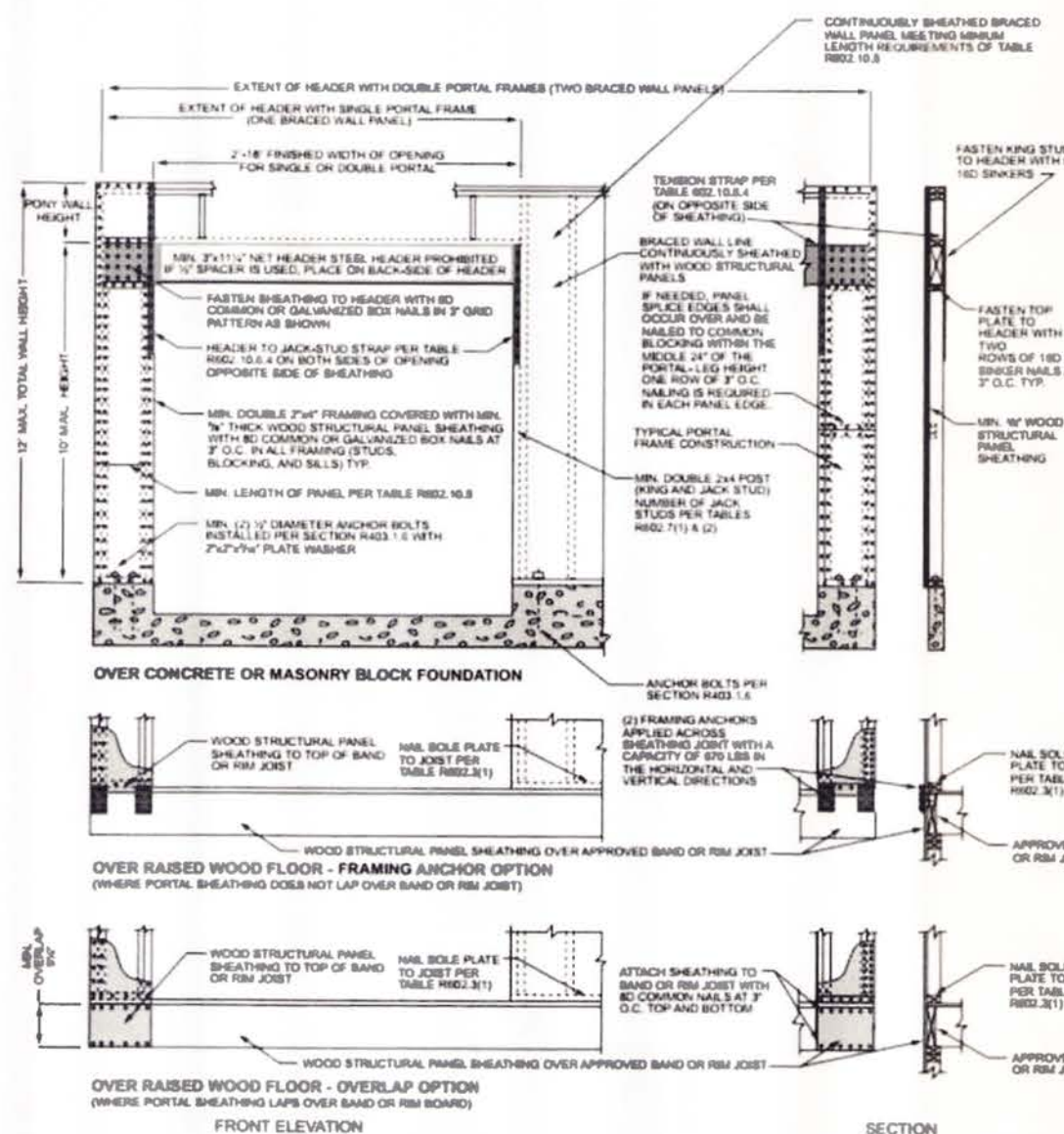


WALL SECTION

NO SCALE

RIGHT ELEVATION

SCALE 1/4" = 1' 0"

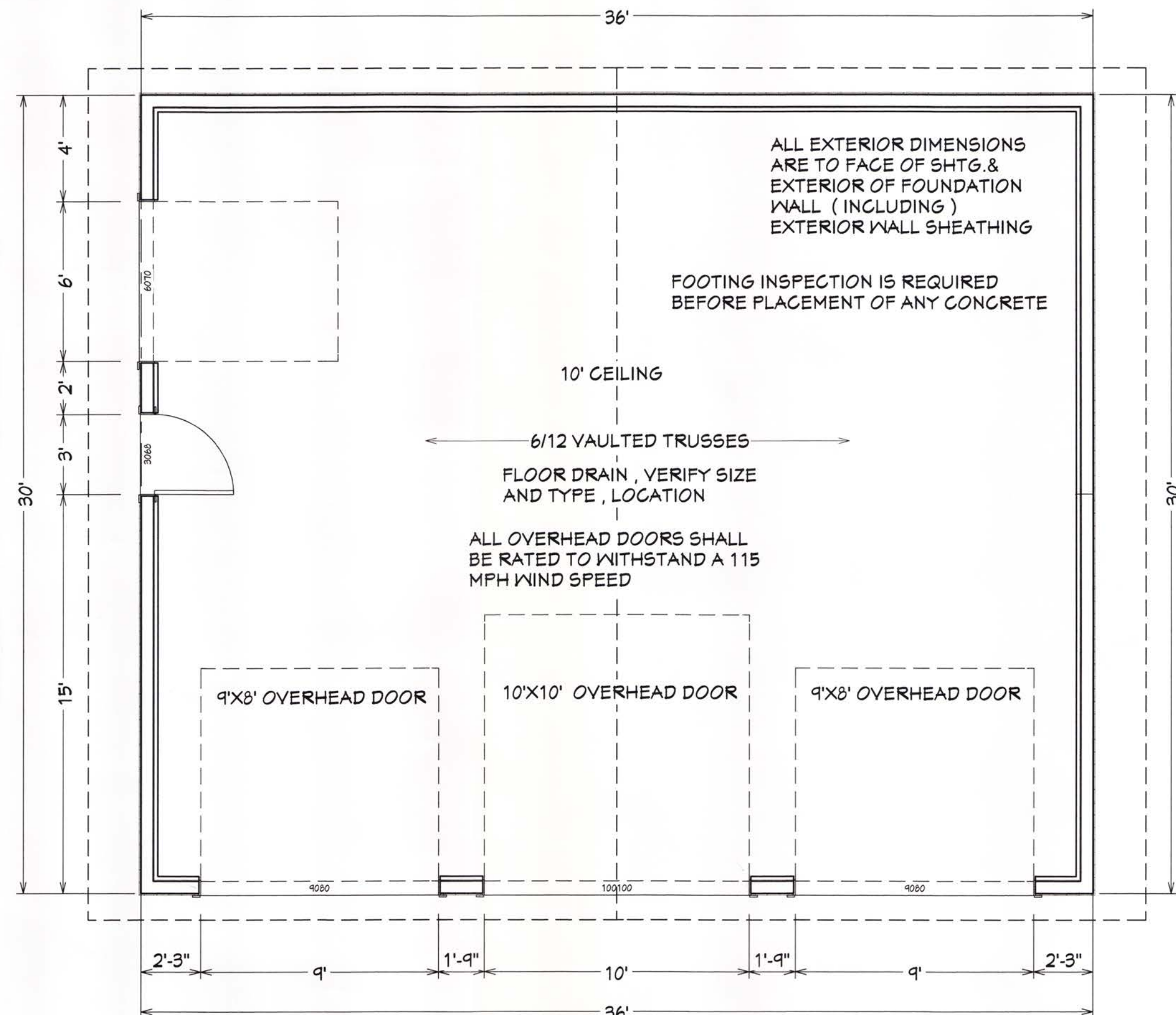


For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

FIGURE R602.10.6.4METHOD CS-PF—CONTINUOUSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION

FASTENERS USED IN PRESSURE
TREATED LUMBER SHALL BE
HOT-DIPPED GALVANIZED STEEL,
STAINLESS STEEL, SILICON
BRONZE, OR COPPER

EXTERIOR DOOR ROUGH OPENINGS
3/0X6/0 = 3'-2 1/2" X 6' 10 1/4"
2/0X6/0 = 2' 10 1/2" X 6' 10 1/4"



FLOOR PLAN

SCALE 1/4" = 1' 0"

KENNETH LAKE NEW GARAGE

2700 WESTERN AVE NORTH FBLT

SCALE: **#1** PER PLAN
DATE:
PAGE:
DRAWN BY: STEVEN LIPINSKI

Chadderdon Lumber, Inc. assumes no responsibility for structural or dimensional errors or omissions. The contractor and/or owner must verify and check all notes, details, elevations, sections, and floor plans and notify Chadderdon Lumber, Inc. of any errors or omissions for possible correction prior to start of construction. No warranties express or implied including compliance of this plan with applicable building code requirements are made

CHADDERDON
LUMBER, INC.

1300 CANNON CIRCLE FARIBAULT, MN. 55021-3626
PHONE: (507)334-5571 FAX: (507)334-1099



Request for Planning Commission

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: September 19, 2022
SUBJECT: Boards and Commissions Reports, Announcements
and Project Updates

Background:

Recommendation:

Attachments: