



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, JUNE 26, 2023

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Public Hearings
 - A. Application for a variance from the side yard setback requirements to construct a garage addition less than 10 feet from the property line at 1717 Shumway Ave.
 - B. Application for a Conditional Use Permit for an outdoor dining patio for Redemption Restaurant at 31 3rd St NE
4. Board and Commission Reports, Announcements and Up
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 MINUTES

COUNCIL CHAMBERS

MONDAY, JUNE 5, 2023

6:00 PM

Meeting Items

1. Call to Order

The regular meeting of the Planning Commission was called to order by Chair David Campbell at 6:00 pm. Commissioners Chuck Ackman, Eric Delgado, Michael Salt, Samuel Temple, Steve White and Chair David Campbell were in attendance. Also in attendance was Peter Waldock, David Wanberg and Kari Casper.

2. Approval of the Minutes

A. Meeting Minutes of April 3, 2023

Motion by Michael Salt, seconded by Sam Temple to Approve. Motion Passed.

3. Public Hearings

A. Application for a variance from wetlands setback / buffer area requirements to allow for an industrial building expansion located at 1 Sage Way.

Peter Waldock began with his presentation. Following his presentation, the Chair brought the matter back to the board for discussion at approximately 6:10 p.m. After some discussion Chuck Ackman was asking about for the runoff. Waldock the parking is on the other side. Ackman asked who has authority on this? What if SWCD doesn't approve this? Waldock said that the City is stricter on these provisions. Chair then opened up the public hearing at 6:12 and Troy Zabinski, with MDC Development and Met-Con the Contractor came forward explaining that the project has been deemed as having *de minimus* impact and if it wasn't they would have to mitigate it. White then asked about if there was any vegetation on the buffer. Zabinski said yes. Chair closed the public hearing at 6:13.

Motion by Steven White, seconded by Eric Delgado to approve the variance as presented.

In further discussion Chuck Ackman stated that he was hung up that there wasn't some sort of rule on mitigating the wetland. He stated that he was surprised that everyone was okay with making the wetland 2,000 sf smaller.

Motion Passed on a 5/1 with Ackman voting Nay.

B. The City of Faribault is proposing a Zoning Text Amendment to reduce the minimum required lot size to 4,800 square feet per unit and the minimum lot width to 30 feet per unit for attached single family dwellings in the R-3, Medium Density Residential Districts citywide.

After Waldock's presentation. Chair Campbell brought the matter up for discussion to the board. Temple asked how staff determined the measurements. Waldock stated that they felt it was logical that twin homes meet the same lot requirement as duplexes and felt that it

will help affordability. White asked about the parking. Waldock stated that the requirement is one car. Chair Campbell opened and closed the public hearing with no one in the audience at 6:22. He then brought it back for further discussion. Chuck Ackman stated that they discussed this at a previous work session and wanted to state that this is when the city steps in to make the lots more affordable and an effort to encourage ownership.

Ackman really supports this. Chair Campbell stated that we are not doing this for this particular lot but for the whole community. Eric Delgado expressed a concern that how do we ensure that the home that could be taken down won't be used for more expensive housing. Staff stated that with the text amendment before us tonight will be more likely for infill development and not for demolition of housing in good condition.

Steven White then brought a motion to approve, seconded by Sam Temple. The motion passed on a 6/0 vote.

- C. The City of Faribault is seeking to rezone 1008 and 1016 Division Street W, from C-1, Neighborhood Commercial District to R-2, Low Density Residential District to match other properties and land uses on the block.

Chuck Ackman stated that this clears up an anomaly on the zoning map. With that said Chuck Ackman made a motion to approve the rezoning as presented, seconded by Steven White. The motion carried on a 6/0 vote.

- D. The City of Faribault is proposing to reclassify the zoning district designation at the Rice County Fairgrounds from O, Agriculture / Open Space to P-I, Public Institutional District, to better fit the existing uses of the property. The Rice County Fairgrounds are located at 1900 Fairgrounds Dr.

After some discussion and with no one in the audience, the Chair opened the matter at 6:40 and closed it as well. A motion was made by Sam Temple, seconded by Michael Salt to approve the reclassifying the zoning district designation for the Rice County Fairgrounds as presented. The motion passed on a 6/0 vote. Motion Passed.

4. Board and Commission Reports, Announcements and Updates

Chair Campbell gave an update on the EDA. He said that they discussed how they could try to get the funds replenished. He stated that the Downtown Group is buttoning up the repairs to the roofs. No other updates were offered.

5. Adjournment

Motion by Sam Temple seconded by Michael Salt to adjourn at 6:43 p.m.. Motion Passed.

Respectfully submitted,

By: _____
Kari Casper, Recording Secretary



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Peter Waldock, Planning and Zoning Coordinator
MEETING DATE: June 26, 2023
SUBJECT: Application for a variance from the side yard setback requirements to construct a garage addition less than 10 feet from the property line at 1717 Shumway Ave.

Background:

Daniel and Angeliki Tinaglia, homeowners at 1717 Shumway Avenue, seek to add a third garage stall to their two-car attached garage. The home was built in 1992 and the building plan shows a side setback of 19' 8" on the south side of the home. The owners propose to build a 12-foot wide addition to the attached two-car garage leaving a 7'-8" setback where ten feet is required, resulting in a variance of 2'-4".

The Unified Development Ordinance (UDO) requires that variance applications meet seven mandatory findings. The Development Review Committee (DRC) determined the application does not meet the finding that the site is unique due to topographic constraints, lot size or shape, or other circumstances over which the owner has no control. Accordingly, a draft resolution with findings for denial is presented for consideration. A detailed staff report is attached for further information on this matter.

The Planning Commission has the following options for action in this case.

1. If the Planning Commission agrees with the findings of the DRC, it can pass a motion to approve the findings in the draft resolution for denial and recommend the City Council deny the application.
2. If the Planning Commission feels the variance is justified by the unique circumstances presented by the applicants, it can pass a motion to approve the draft findings for approval presented with the staff report and recommend City Council approve the application.

3. The Planning Commission may require revisions to reduce or minimize the effect of the variance on other properties, and better carry out the intent of the ordinance. Consideration of the application can be continued to a following meeting to provide time for the applicants to make the needed revision to their plans.

Recommendation:

Approve appropriate findings regarding this application and forward the matter to the City Council with the Planning Commission's recommendation based on the findings and discussion during the public hearing.

Attachments:

1. Draft Resolution Denying the Owner's Variance Request
2. Staff Memo
3. Application
4. Plans and drawings

CITY OF FARIBAULT

RESOLUTION #2023-____

**DENYING A VARIANCE FROM THE REQUIRED SETBACKS FOR A GARAGE ADDITION
AT 1717 SHUMWAY AVENUE**

WHEREAS, Daniel and Angeliki Tinaglia, (the “Owner”), has requested a variance from the Unified Development Ordinance to permit the construction of a twelve-foot (12’) wide garage addition seven feet (7’) from the south (side) property line of the Owner’s property at 1717 Shumway Avenue (the “Property” as legally described in Exhibit A); and

WHEREAS, the Property is in the R-2, Low-Density Residential District; and

WHEREAS, the City’s Unified Development Ordinance (UDO) Sec. 10-90 requires principal buildings in the R-2 District to maintain a setback of ten feet (10’) from the side property line; and

WHEREAS, City Staff has completed a review of the Owner’s variance application and presented a report and recommendation on the variance request to the Planning Commission; and

WHEREAS, the Planning Commission, on the 26th day of June, 2023, following proper notice, held a public hearing regarding the Owner’s variance application; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council deny the requested variance based on the determination that the application does not meet all of the findings as required by Section 2-460 of the City of Faribault, Unified Development Ordinance as follows:

- 1. The variance is in harmony with the general purposes and intent of the City's ordinances.** The variance application provides a reduced side yard which is not consistent with the purpose and intent of the ordinance.
- 2. The variance is consistent with the Comprehensive Plan.** The Comprehensive Plan guides the Property as an established residential neighborhood. The proposed garage addition is consistent with the Comprehensive Plan.
- 3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.** The Owner can use the Property in a reasonable manner without the proposed garage addition.
- 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 not unique as to its size and shape or topography. There are no unique circumstances preventing a reasonable use of the Property without the proposed garage addition and variance.
- 5. The variance does not alter the essential character of the neighborhood.** The variance will not alter the essential character in this neighborhood.
- 6. The variance requested is the minimum variance which would alleviate the practical difficulties.** The Owner could reduce the width of the proposed building addition and thereby reduce or eliminate the need for a variance.
- 7. Economic conditions alone do not constitute practical difficulties.** The variance request is not based on economic conditions.

WHEREAS, the City Council, on the 11th day of July, 2023, at a public meeting considered the Owner'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: Denial of the Variance. The Faribault City Council hereby denies the Owner's request for a 2'-4" variance from the ten-foot (10') side yard setback required by the Unified Development Ordinance. More specifically, the Council's denial of the Owner's variance request is based on the following findings:

- A. The Owner has reasonable use of the Property in that the Property has an existing two-car attached garage. Approval of the Owner's variance request is not necessary for the Owner to have reasonable use of the Property.
- B. That Property has no unique circumstance that prevents the Owner from using the Property in a manner consistent with the Unified Development Ordinance.

Section 3: Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: July 11, 2023

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A:
Legal Description

Lot 2, and the South 20 Feet of Lot 1, all in Block 3, Whipple Heights
Addition, City of Faribault, Rice County, Minnesota

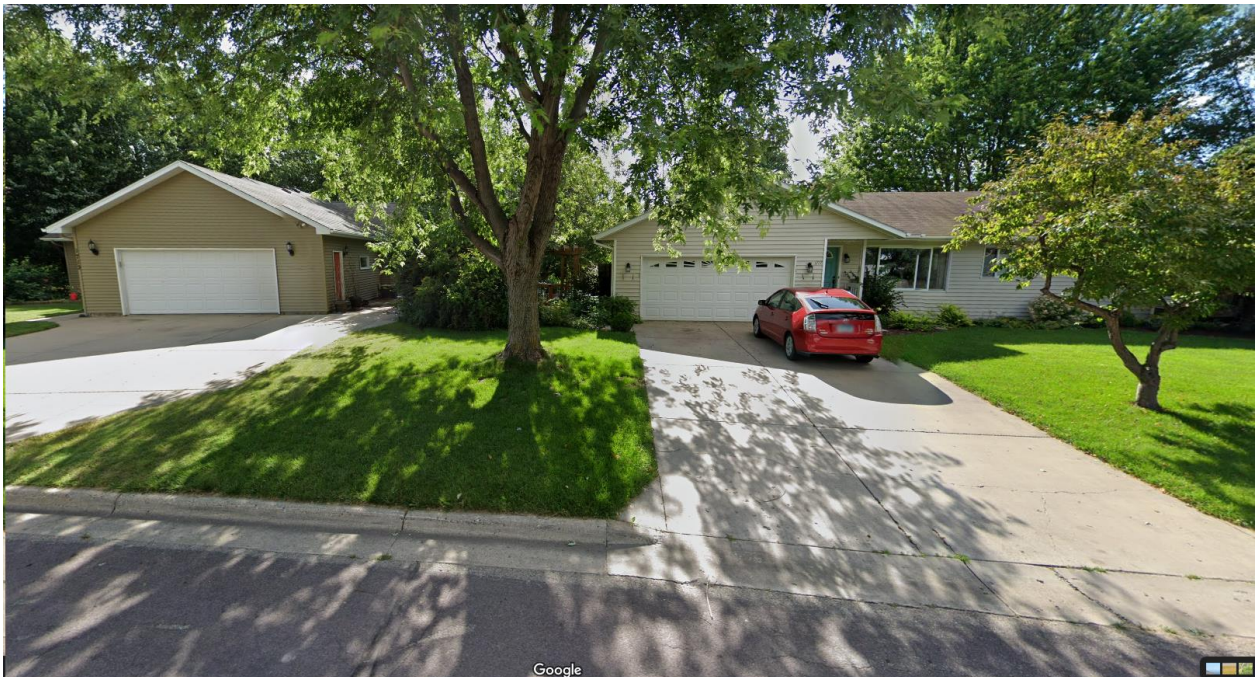


Staff Report to the Planning Commission

TO: Planning Commission
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: June 26, 2023
SUBJECT: Variance application for side yard setback to add a third garage stall to the attached garage at 1717 Shumway Avenue

BACKGROUND / PROJECT SUMMARY

Daniel Tinaglia, home owner at 1717 Shumway is seeking to add a third garage stall to his attached garage. The home was built in 1992 and the site plan for the building shows a side setback of 19' 8" on the south side of the home. The owners propose to build a 12' addition to the garage leaving a 7' 8" setback where 10' is required, resulting in a variance of 2' 4".

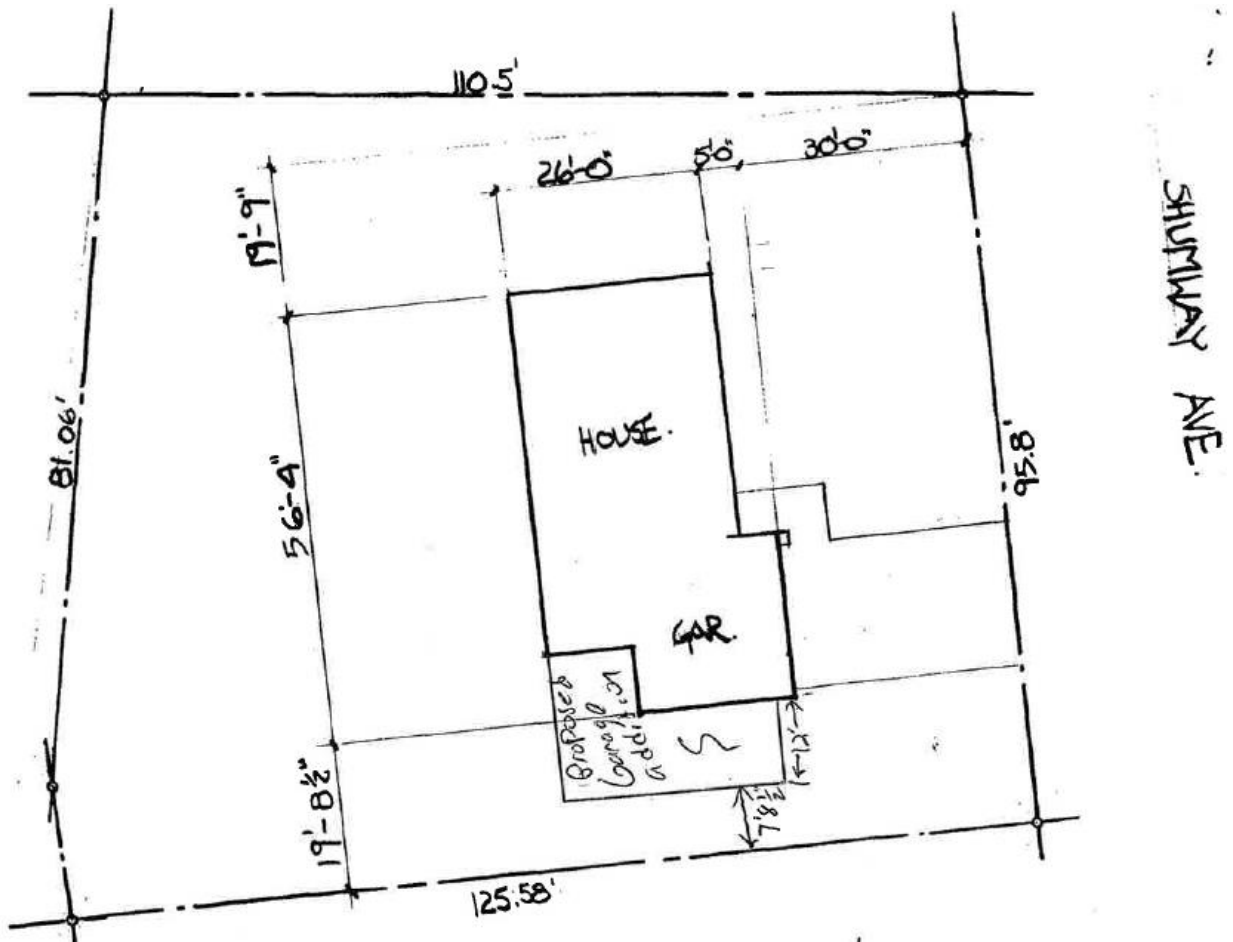


The application states that the existing garage is under sized in its dept. The owners feel the home is unique due to this limited garage depth that was required to meet Federal Home Loan Program requirements. Built at 17'9" deep and 24' wide to accommodate covenants and FmHA limitations at the time of construction, the limited size of the garage, full size vehicles can be parked inside.

necessary 3' parking separation from the south lot line.

- Garage Size Limits. According to the UDO, an attached garage must not be larger in size than the main floor area of the building. The main floor area of the home is 1052 SF and the proposed garage size is 850 SF.
- Building Design. The garage addition is intended to blend in with the homes siding materials and roofing materials and colors and required by ordinance.

The applicants indicated that they were not able to construct the addition at 9' feet to meet the setback requirements, because the project requires demolition of structural walls that



- Variance Findings. The house was centered on the 96' wide lot when built with about 19' setbacks on both sides. Had the home been placed closer to the north lot line they would have had enough room for a three-car garage. Unfortunately, the application does not appear to meet all of the required findings necessary for a variance.

In the opinion of the Development Review Committee (DRC), there is a reasonable use of the property as it exists today (without the variance). The site has no unique circumstances (as listed in paragraph 4 of Sec. 2-460 of the UDO attached below) associated with the property that set it apart from other properties in the vicinity. The property has a garage as required for single family homes. For these reasons, the DRC finds that the application does not meet the required findings. Accordingly, the DRC cannot recommend approval.

Sec. 2-460. Required findings for variance.

(A) *Prerequisites for approval.* The City Council shall not vary the regulations of this ordinance, except under Subsection (B) below, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

- (1) The variance is in harmony with the general purposes and intent of the City's ordinances.
- (2) The variance is consistent with the Comprehensive Plan.
- (3) The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.
- (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 unique circumstances do not result from the actions of the applicant.
- (5) The variance does not alter the essential character of the neighborhood.
- (6) The variance requested is the minimum variance which would alleviate the practical difficulties.
- (7) Economic conditions alone do not constitute practical difficulties.

Recommendation.

The DRC cannot recommend approval of the variance in this case since it does not appear to meet the required findings.

Options for Planning Commission Action.

The Planning Commission has the following options for action in this case.

1. If the Planning Commission agrees with the findings of the DRC, it can pass a motion to approve the findings in the draft resolution for denial and recommend the City Council deny the application.
2. If the Planning Commission feels the variance is justified by the unique circumstances presented by the applicants such as the shallow depth of the garage (17'9") mandated by the Federal mortgage program used by the owners at the time of construction, and the finding that the property can not be used to its fullest potential without the requested garage addition, it can approve the draft findings for approval presented with this report and recommend City Council approve the application.
3. The Planning Commission may require revisions to reduce or minimize the effect of the on other properties, and better carry out the intent of ordinance.

Consideration of the application can be continued to provide time for the applicants to make the needed revision to their plans.

Attachments:

- Draft Resolution for denial.
- Maps and Plans
- Application
- Draft findings (for approval)

Location Map (north is to the left)





(north is toward the top)

Draft Findings for Approval

- (1) **The variance is in harmony with the general purposes and intent of the City's ordinances.**
The garage setback variance will maintain adequate side yard separation from structures on the adjoining lot. The setback increases toward the rear of the building due to shape of the lot. The garage addition will improve usability of the home and expand off street parking options for the owner and improve property value.
- (2) **The variance is consistent with the Comprehensive Plan.**
The variance application is not in conflict with the recommendations of the Comprehensive Plan as an established residential neighborhood.
- (3) **The applicants propose to use the property in a reasonable manner not permitted by the City's ordinances.**
The proposed variance is reasonable, and is needed to enlarge a unusually shallow depth garage in order to accommodate full size vehicles within it.
- (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 unique circumstances do not result from the actions of the applicant.**
The unusually shallow depth of the garage prevents the owners from parking a full-size vehicle inside. This is a result of requirements at the time of construction outside of the control of the owners and applicants in this case.
- (5) **The variance does not alter the essential character of the neighborhood.**
A three-car garage with a side setback of about 7' will not be noticeable when compared to other homes in the vicinity and will not be out of character in this neighborhood.
- (6) **The variance requested is the minimum variance which would alleviate the practical difficulties.**
The variance application as requested is reasonable to provide full use of the property.
- (7) **Economic conditions alone do not constitute practical difficulties.**
Economic conditions do not contribute to the need for a variance in this case.



APPLICATION FOR REQUESTED ACTION
Variance

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 1717 Shumway Avenue, Faribault MN
APPLICANT Daniel J. Tinaglia E-MAIL danieltinaglia@yahoo.com
PHONE 507-332-0325 (H) 507-210-1943 (cell) (FAX) _____
APPLICANT ADDRESS 1717 Shumway Ave., Faribault MN
OWNER (if other than applicant) Same
PHONE 507-210-1943 (H) 507-210-1810 (W) (FAX) _____
OWNER'S ADDRESS 1717 Shumway Ave.
LEGAL DESCRIPTION Whipple Heights Addition Lot 2 Blk 3
ACREAGE/SIZE OF PROPERTY 81.5 x 110.5 x 95.8 x 125.5
CURRENT ZONING residential Whipple Heights
EXISTING USE OF PROPERTY residential
PROPOSED USE OF PROPERTY Private housing
(Including number of units per acre and types of uses if mixed use)
IDENTIFY ALL ADJACENT LAND USES All private houses
SIGNATURE OF APPLICANT Daniel J. Tinaglia Sr. DATE 5-28-23
(Must submit proof of property control)
SIGNATURE OF THE OWNER Daniel J. Tinaglia Sr. DATE 5-28-23
(If other than the applicant)
Daniel J. Tinaglia Sr.

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

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?
Yes, the minimum set-back ordinance is ten feet. We are asking for 2 feet 3 ½ inches into this set back. This is comparable to many homes in Whipple Heights addition.
2. In your opinion, is the variance consistent with the comprehensive plan?
Yes, Please see attached plans. The planned addition shows the intrusion into the ten foot set-back to a maximum of 2 feet 3 ½ inches. This distance is at the back of the addition. The appearance of the addition very much matches other three car garages in the neighborhood to which some also intrude into the set back of their lot lines. It should be noted that the addition will also be back from the front of the double garage by 4 feet. This in combination with keeping the tree in front (see picture addition) will look very appealing.
3. In your opinion, does the proposal put property to use in a reasonable manner?
Yes, Please see attached letter. It is reasonable to use the property to its full use by constructing a garage addition. This allows for our vehicles to be not parked on the curb even when guests visit. This provides a safer path for pedestrians for walking. This is especially noteworthy as there are no sidewalks in our neighborhood and pedestrians have to walk in the street. This addition is also not outside the limits with other single family homes that currently have three car garages.
4. In your opinion, are there circumstances unique to the property?
Yes, We are the original builders of this house and it was financed through Farm Home administration. (FmHA) This financial institution had building requirements that did not coincide with Whipple Heights Covenants.(Unique at the time) Requirements for covenants, in our addition, required a double car garage while FmHA requirements only allowed for a single car garage. A compromise in square footage was made to allow for a double wide garage but cut the depth to meet overall square footage requirements for FmHA. The current garage is 24 feet wide and 17' 8" deep. This compromise resulted in a more shallow than average garage. This proposed addition allows for full sized vehicles to be placed in the garage and not parked in the street, when the driveway is full. This is also a safety issue as there are no sidewalks in our neighborhood and pedestrians have to walk in the street. Additional cars parked on the curb limit sight lines especially where our house is located as there is a curve prior to Shumway connecting with 14th street. In our tenure at 1717 Shumway there have been two instances of pedestrians being hit by cars immediately in front of our house. Also recently a car was hit by a passing car as it was parked on the curb.

5. In your opinion, will the variance maintain the essential character of the neighborhood?
Yes, there are many sizes and home types in our neighborhood. The garage addition will be aesthetically pleasing and will maintain the character of the neighborhood and match the original construction of our structure. Roof lines match the current pitch of the roof and will be carried through the structure. (see proposed front and side elevations)
6. In your opinion, is the variance requested the minimum variance which would alleviate the practical difficulty?
Yes, as stated above, we believe the extension into the ten foot set-back by 2 feet 3 ½ inches is negligible and not noticed by a person observing from the street. Also it allows for more off street parking when family and friends visit, increasing the safety of pedestrians in our neighborhood.

Written statement as to why a variance should be granted:

Whipple Heights is a great neighborhood that is very diverse in resident population and housing type. There are town homes, a group home on a double lot, large houses with three car garages, houses with two-car garages, and small homes with single-car garages. Our home, at 1717 Shumway Ave. was built in 1992, under FmHA guidelines and we believe that due to the placement of the home on the lot, we are not able to completely utilize the property to its fullest potential. The house does not appear to be built in the center of the lot. During construction, after the foundation was in place, the group home to our north, gave us ten more feet of property. This made our house look off-set. Since the foundation was in place, there was no chance to center the building without redoing the foundation. Under FmHA guidelines the garage was limited to a certain square footage. This compromise left our current garage with a wide two car entrance but a shallow depth. Full size vehicles have never been able to fit in our garage. The current garage is 17 feet 9 inches deep.

We are asking the Faribault City Council to approve a variance to add a third stall to our garage. Please refer to the drafted plans and drawings of the proposed addition. The garage addition would provide a deeper garage and only move into the current set back 2 feet 3 ½ inches. This would make the current set-back 7 feet 8 ½ inches away from the property line. (See Proposed addition picture in packet)

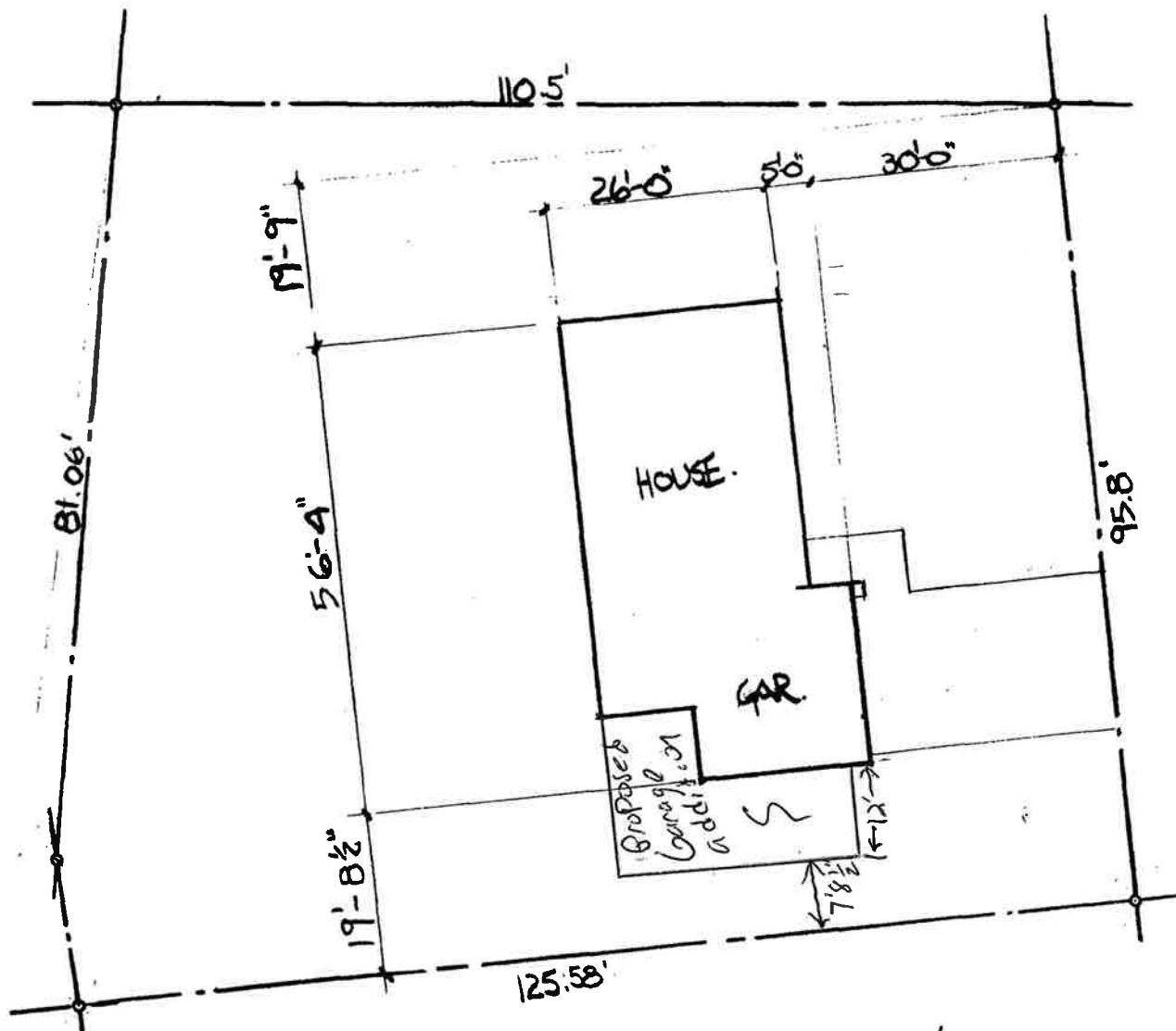
We believe the garage addition would maintain and enhance the character of the neighborhood. It would not be the only three garage in Whipple Heights. The siding and roof will be replaced on the house/garage and a new concrete driveway will be poured. All roof lines will match and siding on the entire house/garage will be replaced and match as well.

The variance, when granted, will provide us with a reasonable use of the current property. We have spoken to our neighbors on the side of the addition and they have stated that they are supportive and have no issues with the garage addition. We do not believe an extra 2 feet 3 ½ inches will be noticed from the street nor does it look different than other homes in our neighborhood. Current tree will remain with the drive access added behind the tree.

There are concerns of vandalism and property damage when our vehicles are parked outside our garage. We have experienced such damage, during our 30 years of residency, when cars are parked in the driveway. There are instances that we park one of our vehicles in the street due to family or friends visiting. There are no sidewalks in the neighborhood and pedestrians must navigate between cars parked on the street. Passing cars have limited sight lines, due to a curve at the north end of our street. This creates a dangerous environment for pedestrians when cars are parked in front of our house on the curb. Our garage addition will allow us to park our vehicles in our space and allow our drive-way to be open to friends and relatives during times of visiting. This would open up the curb allowing for safer pedestrian traffic and better sight lines for motorists passing on our street.

Thank you for your consideration. We look forward to hearing your positive decision. Please feel free to contact us with any questions or concerns.

Sincerely, Daniel and Angie Tinaglia



SUNNWAY AVE.

1717 Sunnway Ave.

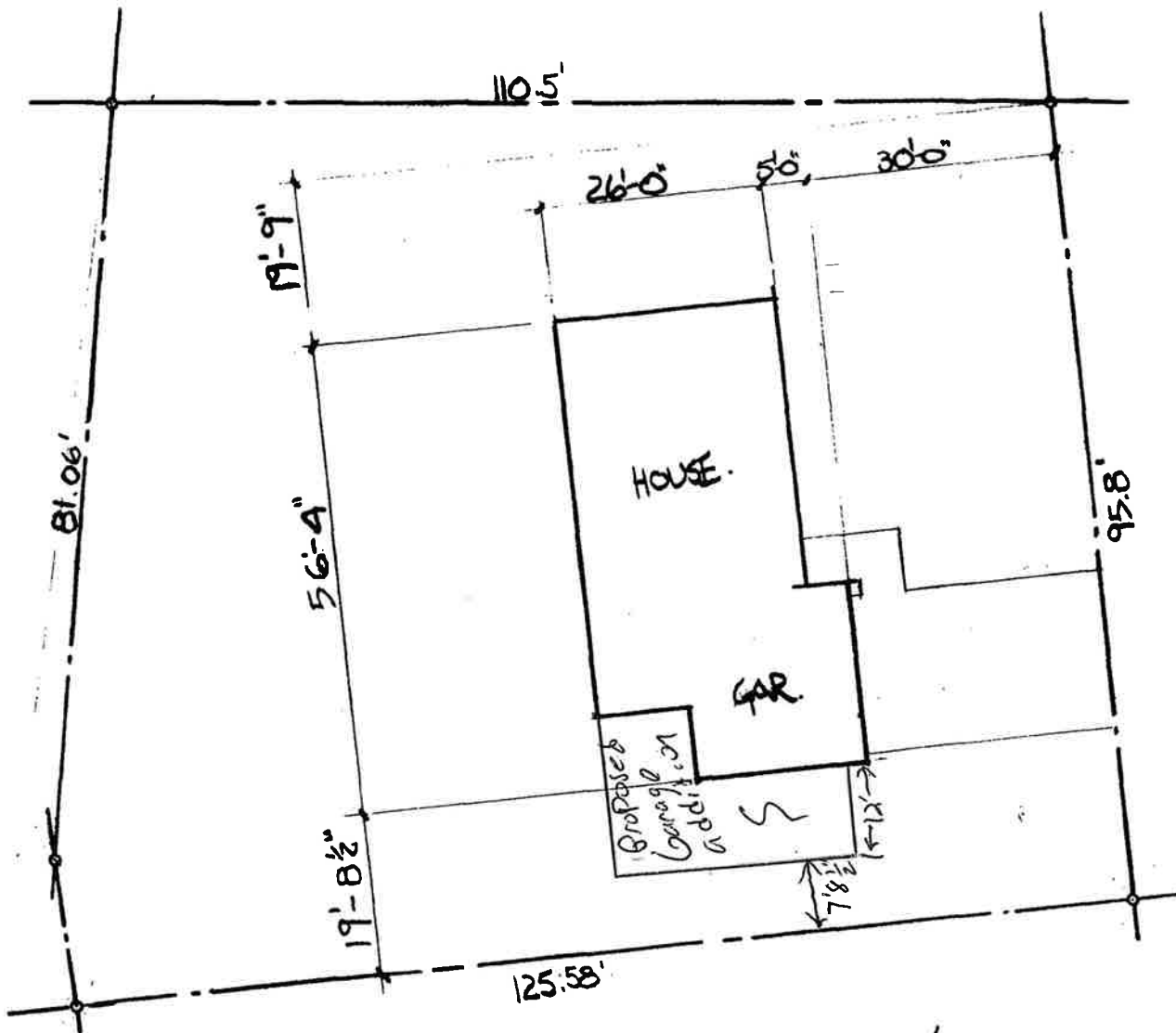
WHIPPLE HEIGHT ADD.
LOT 2 BLK. 3

TOM FRANA CONST. CO.
DAN & ANGIE TINGALIA RES.

FWP

**FABRICATED WOOD
PRODUCTS, INC.**

INTERSTATE 35 NORTH—P.O. BOX 154—OWATONNA, MN. 55060 (507) 451-1019



1717 Shunway Ave.

WHIPPLE HEIGHT ADD.
LOT 2 BLK. 3

TOM FRANA CONST. CO.
DAN & ANGIE TINGALIA RES.

FWP

**FABRICATED WOOD
PRODUCTS, INC.**

INTERSTATE 35 NORTH—P.O. BOX 154—OWATONNA, MN. 55060 (507) 451-1019

Addition of garage super imposed over current structure to scale. The roof line will match and garage will be set back from the current garage. Notice the tree still staying in the same position. A drive will be cut into the space behind the tree and in front of the new garage addition. All references were made off of the current Beacon, Rice County legal description. A planned survey is scheduled for June 19 to verify set back tolerances and exactly affirm placement of the garage addition.



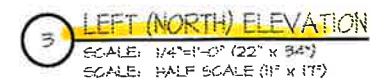
View from the street showing the front view of exactly where the addition will be added. The new garage will be set back from the current garage by 4 feet and match roof lines. All siding on the house will be replaced and match entire house. Also the tree in front will be kept.



the **Design**
CONNECTION
residential and commercial
Design • Planning • Construction
Serving Rochester
Southern Minnesota
1647 18th Avenue
Rochester, MN 55904
PHONE (507) 253-1100
aaron@thedesigndconnection.com
www.thedesigndconnection.com



Addition
outlined in
orange



COPYRIGHT
ALL DESIGNS, SECTIONS
AND PLANS ARE THE PROPERTY
OF THE DESIGN COMPANY.
THESE PLANS AND SECTIONS
WERE CREATED AND DEVELOPED
IN CONNECTION WITH THE
PROJECT AND SHALL NOT BE
REPRODUCED FOR ANY OTHER
WHATSOEVER WITHOUT THE
EXPRESS WRITTEN PERMISSION
OF THE DESIGN COMPANY.
BUILDING

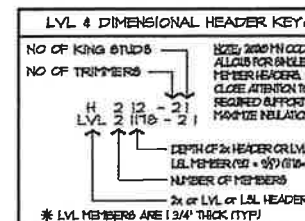
UPON IDENTIFICATION OF THESE PLANS FOR PERMIT AND WORKING FOR INTENDED CONSTRUCTION PURPOSES, PLANS INTENDED BY THE DESIGN CONNECTION AS A GUIDE FOR BUILDERS WHO ARE KNOWLEDGEABLE ABOUT NORMAL CONSTRUCTION STANDARDS AND LOCAL CODES AND PRACTICES, THE DESIGN CONNECTION WILL REVIEW ITS PLANS TO CORRECT ERRORS OR CHANGES DISCOVERED AND REPORTED PRIOR TO THE START OF WORK, BUT ASSUME NO RESPONSIBILITY FOR ANY ERRORS, OMISSIONS, ALTERATIONS OR IMPROPER CONSTRUCTION THEREAFTER. THE GENERAL CONTRACTOR AND / OR OWNER

FINA
APPROVE
CONSTRU

Rear View

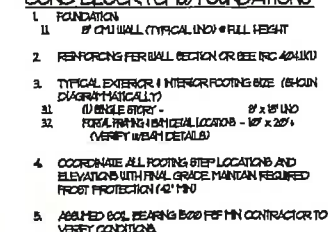


PROJECT #:
DRAWN BY:
CHECKED BY:

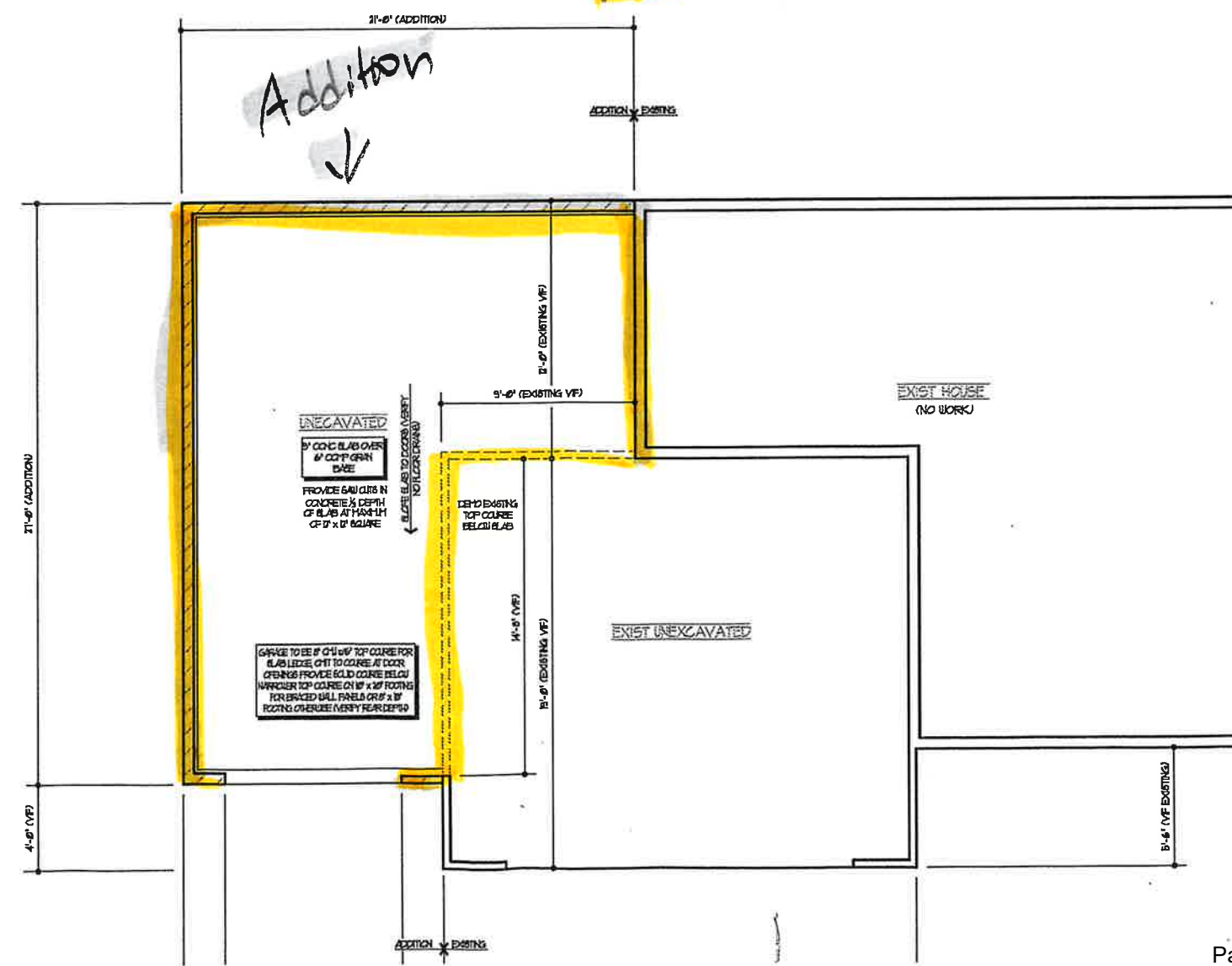


MAIN LEVEL COMMENTS:

1. PROVIDE SLOD BLOCKING AT EACH END OF GIRDER TRUSSES AS REQUIRED.
2. WINDOWS/DOORS TO VERIFY UNDOUBTED, CALL NUMBER & RUGH OPENING AND THEY MEET CODE REQUIREMENTS WHERE NEEDED.
3. PROVIDE MINIMUM IF VALUE OF 30 AND BLOCK OF 30 WINDOW WALL WITH IN-SP OF THE FINISHED FLOOR & MORE THAN 1/2 ABOVE FINISHED GRADE OR SURFACE BELOW HAVE 4" LINTEL
4. IF MANUFACTURER SPECIFICATION CALLOUTS ARE LISTED THEN ROFS HAVE BEEN REVIEWED.
5. ALL EXTERIOR WALLS TO HAVE WEATHER RESISTIVE AIR BARRIER PLACED OVER IN THE EXTERIOR FACE OF EXTERIOR WALL INCLUDING THE GABLE ENDS OF ALL TRUSSES
6. INTERIOR ROOM DIVISION ARE TO CENTER OF WALL, AND AFFORDANCE AND SUBJECT TO CHANGE. VERIFY WITH EXTERIOR DIVISION STRINGS
7. INSULATION VALUES TO BE POSTED & ELECTRONIC COPY TO BUILDING DEPT. FOR PERMANENT INSPECTION



PROVIDE BLOCKING ABOVE ERASED WALL PANELS WITH GREATER THAN 9-1/4" BETWEEN TOP FLATE AND TOP OF ROOF FRAMING



PROJECT #:
DRAWN BY:
CHECKED BY:
PRELIM DATE:

Summary

Parcel ID 18.29.2.26.025
Property Address 1717 SHUMWAY AVE
 FARIBAULT, MN 55021
Sec/Twp/Rng
Brief Tax Description Lot 2 Block 3 of WHIPPLE HEIGHTS
 WHIPPLE HEIGHTS ADD L2 & SLY 20FT L1 B3
 (Note: Not to be used on legal documents)
Area N/A
Use Code 1A-Residential Homestead
Tax Authority Group FARIBO-SD656-HSP-HRA-EDA



Owners

Primary Owner	Alternate Taxpayer	Fee Owner
Daniel J & Angeliki Tinaglia		
1717 Shumway Ave		
Faribault MN 55021		

Land

Lot Dimensions	Regular Lot: x			
Front Footage	Front	Rear	Side 1	Side 2
Main Lot	95.80	119.10	125.60	110.40
Sub Lot 2	0.00	0.00	0.00	0.00
Sub Lot 3	0.00	0.00	0.00	0.00
Sub Lot 4	0.00	0.00	0.00	0.00

Lot Area 0.29 Acres; 12,679 SF

Residential Dwellings

Residential Dwelling
Style 1 Story Frame
Architectural Style N/A
Year Built 1992
Exterior Material Vinyl
Total Gross Living Area 1,052 SF
Attic Type None;
Number of Rooms 5 above; 0 below
Number of Bedrooms 3 above; 0 below
Basement Area Type Full
Basement Area 1,052
Basement Finished Area 300 - Living Qtrs. (Multi)
Plumbing 1 Full Bath;
Central Air Yes
Heat Yes
Fireplaces
Porches 1S Frame Open (25 SF); 1S Frame Open (203 SF);
Decks Canopy/Wood Deck (71 SF);
Additions
Garages 418 SF - Att Frame (Built 1992);

Yard Extras

- #1 - (1) DRIVEWAY Concrete-Double, Standard Normal, Built 1992
- #2 - (1) Shed 140 SF, Metal, Average Pricing, Built 2000

Sales

Date	Seller	Buyer	Recording	eCRV	Sale Condition - NUTC	Type	Multi Parcel	Amount
8/12/1992	T FRANA CONSTRUCTION INC	TINAGLIA DANIEL J & ANGELIKI G	15882		NORMAL ARMS-LENGTH TRANSACTION GOOD SALE	Deed		\$73,700.00



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Coordinator
FROM: Peter Waldock, Planning Coordinator
MEETING DATE: June 26, 2023
SUBJECT: Application for a Conditional Use Permit for an outdoor dining patio for Redemption Restaurant at 31 3rd St NE

Background:

Angel Perez, General Manager of Redemption Restaurant, is requesting a Conditional Use Permit (CUP) for an outdoor dining patio near the west (main) entrance of the restaurant. The patio area will serve the restaurant and bar customers, and will be next to the City's parking lot west of the site.

The dining patio area will be similar in arrangement to a patio approved by the City at another downtown location, that is separated from the building by a sidewalk. Access will be controlled by staff and enclosed by decorative chains or theater rope and railings similar to those now used at the restaurant. An existing planter will serve as a barrier from cars in the adjoining parking lot. A detailed staff report, site plans and photos are attached for reference.

Recommendation:

Approve findings for approval of the Conditional Use Permit Application and recommend that City Council approve this request.

Attachments:

1. Draft Resolution
2. Staff Report Memo

CITY OF FARIBAULT

RESOLUTION #2023-____

APPROVE A CONDITIONAL USE PERMIT FOR AN OUTDOOR DINING PATIO FOR REDEMPTION RESTAURANT 31 3RD STREET NE

WHEREAS, Angel Perez, General Manager (the "Applicant") on behalf of 31 Rebound LLC (the "Owner") of Redemption Restaurant at 31 3rd Street NE, legally described in Exhibit A, has requested approval of a conditional use permit for an outdoor dining patio along the west side of building; and

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

WHEREAS, the Planning Commission, on the 26th day of June, 2023 following proper notice, held a public hearing regarding the request, and following said public hearing recommended approval of the request; and

WHEREAS, the City Council, on July 11th, 2023, at a public meeting considered the request; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the requested conditional use permit based on the following findings as required by Section 2-300 of the City of Faribault, Unified Development Ordinance as follows:

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

The proposed use is compatible with allowed uses in downtown area.

- 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.**

The use will not be injurious to others, or limit the use and enjoyment of other property in the downtown area.

- 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.**

The use will be operated in a manner consistent with existing outdoor dining and drinking enclosures found downtown.

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

The use will not impose hazards or disturbance on neighboring properties.

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

The use will not diminish the value of neighboring property.

- 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.**

The site is adequately served with public facilities and services and access, and will not affect schools.

- 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.**

The outdoor dining / drinking enclosure will not create any additional requirements for public facilities or services.

- 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.**

The use will not generate traffic congestion as it will not add noticeable amounts of traffic to the area due to its small size and limited capacity.

- 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.**

The Planning Commission finds that no natural or historic resources will be negatively affected by this use.

- 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.**

The Planning Commission finds that this use is consistent with City's Land Use Plan which guides the location for Downtown Uses.

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

The Planning Commission finds that the use conforms to all applicable regulations of the Central Business District.

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings of the Planning Commission, the City Council concurs with the written findings of the Planning Commission and makes 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 for an outdoor dining patio along the west side of the building at 31 3rd Street NE, 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. The conditional use permit shall be

approved subject to conditions listed herein as authorized under Section 2-310 of City's Unified Development Ordinance which are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. Amplified sound coming from the patio area in such quantities so as to cause disturbance off premise shall be prohibited. The use of amplified music at the patio area shall be allowed in accordance with City Noise Ordinances.
2. The patio area will not be used by guests after 11:00 pm.
3. A dark colored metal ornamental wrought iron style metal enclosure similar to existing railings on the exterior of the building shall be provided at the locations as shown on Exhibit B
4. Lighting shall be dimmed, directed or screened to avoid glare on nearby residential uses.
5. The enclosure shall be maintained in good condition at all times, restaurant staff shall clean up any trash as necessary on a regular basis.

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 Applicant and 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.
7. The Applicant must meet the relevant development standards for outdoor eating, drinking, or smoking enclosures as an accessory use to a place of assembly with liquor sales, as specified in Sec. 7-30 of the Unified Development Ordinance.

Section 5: Violations / Revocation. The applicant must comply with all applicable provisions of the City Code of Ordinances during development and operation of the conditional use. Any violation of these provisions or any of the specified conditions shall be grounds for revocation of the conditional use permit in accordance with Article 7, Chapter 2-Administration and Enforcement, Faribault Unified Development Ordinance.

Section 6. Authorization to take Additional Steps. The City Council authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 7. Effective Date. This resolution shall be effective upon passage.

Date Adopted: July 11, 2023

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Legal Description

Tract A, B, C, D, E, & F, Registered Land Survey No. 10, City of Faribault, Rice County, Minnesota

Torrens Certificate No. 11819.0 as to Tract A, D, E, & F

Torrens Certificate No. 11820.0 as to Tract B & C

The Real Property or its address is commonly known as 31 3rd Street NE, Faribault, MN 55021. The Real Property tax identification number is 18.31.1.77.001-006.

Exhibit B (Page 1)

Site Plan

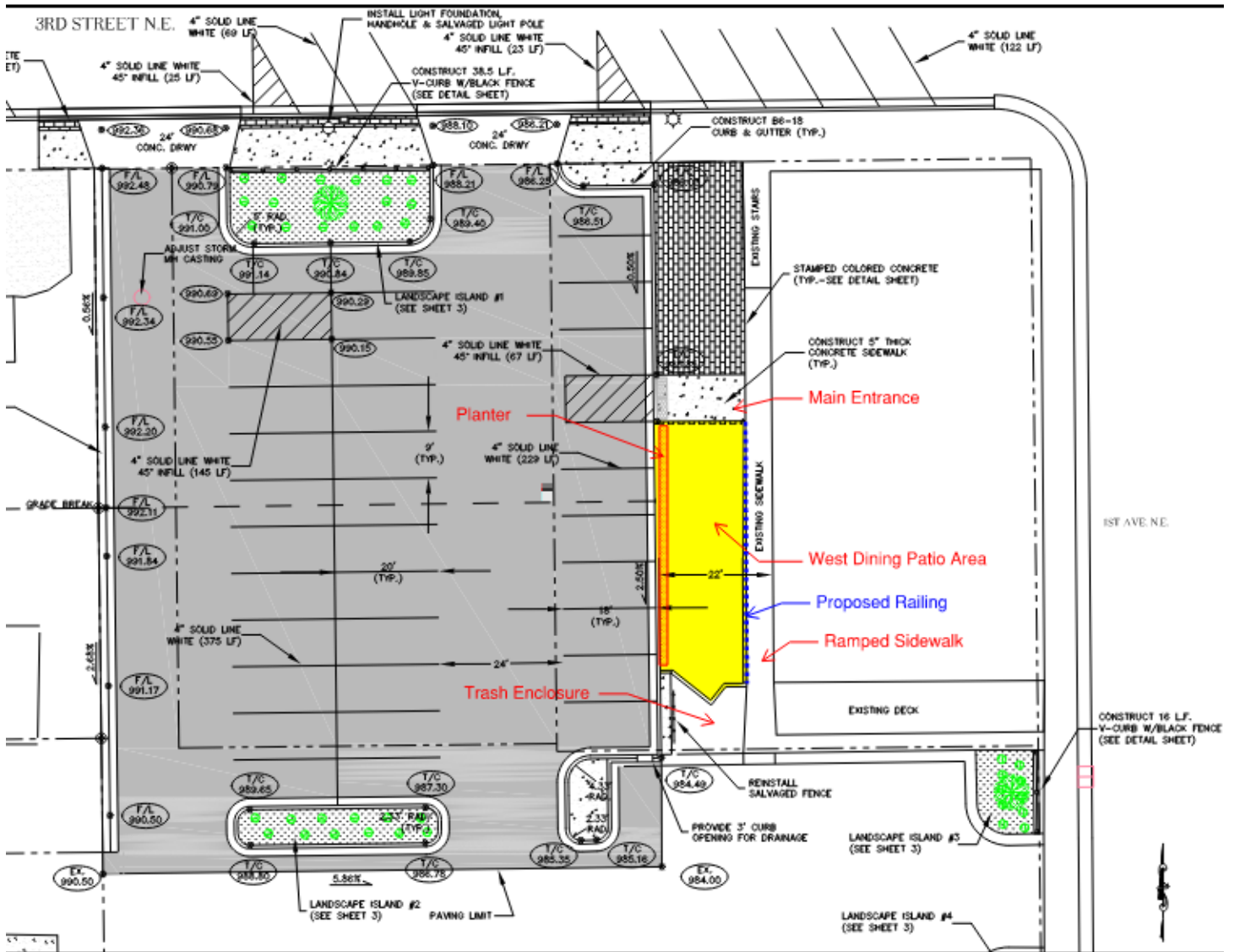


Exhibit B (Page 2)



Railing style - similar or complimentary to rear patio

Exhibit (Page 3)



June 23, 2023 Looking south



Staff Report to the Planning Commission

TO: Planning Commission
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: June 26, 2023
SUBJECT: Application for a Conditional Use Permit for an outdoor dining patio for Redemption Restaurant near the west entrance at 31 3rd St NE

BACKGROUND

Angel Perez, General Manager of Redemption Restaurant is requesting a Conditional Use Permit (CUP) for an outdoor dining patio near the west (main) entrance of the restaurant. The patio area will serve the restaurant and bar customers. The enclosure will be located next to the City's parking lot west of the site.

The dining patio area will similar in arrangement to the patio approved for 10,000 Drops in that it is separated from the building by a sidewalk. Access will be controlled by staff and enclosed by decorative chains or theater rope and railings similar to those now used at the restaurant. An existing planter will serve as a barrier from cars in the adjoining parking lot.

The restaurant has an open sided/roofed deck for dining customers at the rear of the building that has been used without issues since the restaurant opened.

DISCUSSION / ANALYSIS

Comprehensive Plan. The site is guided for Downtown Development uses in the City's 2040 comprehensive plan.

Zoning District. The current zoning at the site is CBD, Central Business District. The permits outdoor reception enclosures with a CUP for sites within 200 feet of a residential use. The plan will be subject to the development standards listed in Sec. 7-30 of the Unified Development Ordinance (UDO) for outdoor dining/drinking enclosures.

Sec. 7-30. *Outdoor eating, drinking, or smoking enclosure as an accessory use to a bar, restaurant, club, or other assembly use with liquor sales.*

- (1) *Any structure shall be located on the subject property contiguous to the principal building and shall conform to all zoning and building codes and state statutes, and shall be subject to the same setbacks*

as the principal building.

- (2) Any structure shall be subject to review and approval by the Development Review Committee, and if in the Historic Preservation District, shall be approved by the Heritage Preservation Commission.*
- (3) The primary access to the area shall be from the principal building; no other access or egress shall be allowed other than required emergency exits.*
- (4) The area shall be defined or constructed so as to prohibit the free passage of any person from the area.*
- (5) The area shall have a permanent surface of concrete, asphalt, wood, or other fabricated construction material.*
- (6) The area may have a roof and/or partial walls, but must be less than fifty (50) percent enclosed as defined by state statute. All enclosures must be constructed of materials compatible with the principal structure as defined elsewhere in this ordinance.*
- (7) The area shall be located no closer than two hundred (200) feet to a residential district boundary or use and shall be screened in compliance the provisions of Chapter 4, Site Plan Review. Areas which are located closer than two hundred (200) feet may be permitted by conditional use permit, in accordance with the provisions of Chapter 2, [Article 7](#) of this ordinance.*
- (8) An employee shall be assigned to supervise the area during all hours of operation.*
- (9) Amplified sound shall not be permitted within the outdoor enclosure when it is audible from a residential district boundary or use.*
- (10) Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc. must be provided.*
- (11) The premise, all adjacent streets, sidewalks, alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing litter.*

Surrounding Uses. Surrounding uses are generally mixed use historic downtown commercial buildings. The uses adjoining this site include buildings with mixed commercial and residential Uses. There is an apartment building across 1st Avenue from the restaurant site.

Duration. Conditional Use Permits are permanent, running with land not the business users. There is no expiration for a CUP once approved, but the approval can be revoked if the use is in violation of the conditions of approval or City ordinances.

Development Review Committee. The Development Review Committee (DRC)

considered this application at their meeting of June 6, 2023. The DRC discussed the application and noted the patio was constructed according to plans developed by the City for the shared parking lot west of the site. The DRC felt the enclosure proposed works well at this location and is well guarded from cars by the existing planter. The site of the patio adjoins a ramped side walk used for deliveries. Since the grade drops off along the patio area a railing may be needed to reduce trips and fall hazards along that line. The DRC noted there had been no issues with the rear use of the rear deck and had no objections to this request.

The DRC recommended approval with the conditions of approval listed in the proposed resolution for this application.

Requested Action

Hold a public hearing, approve findings in support of the proposed Conditional Use Permit and make the appropriate recommendations for City Council approval.





June 23, 2023 Looking South



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: June 26, 2023
SUBJECT: Board and Commission Reports, Announcements and Up

Background:

Recommendation:

Attachments: