



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS MONDAY, SEPTEMBER 15,
2025

6:00 PM

1. Call to Order/ Approve Agenda
2. Approval of the Minutes
3. Public Hearings
 - A. Rice County/4th St NW and 2nd Ave NW - Conditional Use Permit; Variance
 - 1 Resolution 2025-XXX Approve a Conditional Use Permit for Off Site and Standalone Parking near 4th St NW and 2nd Ave NW
 - 2 Resolution 2025-XXX Approve Variance for Building Facade Materials near the Corner of 4th St NW and 2nd Ave NW
 - B. Resolution 2025-XXX Approve a Conditional Use Permit for Drive Through in C-2 Highway Commercial
4. Requests to be Heard
5. Items for Discussion
6. Routine Business
7. Board & Commissions Updates & Reports
8. Adjournment

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

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a accessibility@faribault.org.

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PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS

TUESDAY, SEPTEMBER 2, 2025

6:00 PM

Meeting Items

1. Call to Order/ Approve Agenda

A regular meeting of the Planning Commission was called to order by Chair Chuck Ackman at 6:00 p.m. Commissioners in attendance were Ed Miglio, Barton Jackson, Steven White, Tina Wilson, and Chair Chuck Ackman. Also in attendance were the City Manager, Harry Davis, City Planner I, Leslie McGilivray-Rivas, and Administrative Assistant II, Kari Casper.

2. Approval of the Minutes

Motion by Tina Wilson, seconded by Barton Jackson, to approve the meeting minutes of August 18, 2025, as presented. The motion passed unanimously.

3. Public Hearings

A. Resolution 2025-XXX Approve the Preliminary and Final Plats for V and B Vinar Subdivision

Leslie McGilivray Rivas presented this matter on behalf of the applicant. Applicants are splitting the property into two for potential development. Chair Ackman then brought it back to the board for discussion, and Commissioner Jackson had a question about a prior easement that was heard about a year ago regarding this area. He wanted to know if everything was done with that action. McGilivray Rivas then stated that everything would be done before this takes place. Chair Ackman then brought it back for a public hearing at 6:06 p.m. Since no one came forward, he closed the public hearing at 6:06 and asked if there were further questions from the board. After some discussion, a motion was made by Steven White, seconded by Barton Jackson, to recommend approval of Resolution 2025-XXX Approving the Preliminary and Final Plat for V and B Vinar Subdivision as presented. The motion passed unanimously.

B. Ordinance 2025-XX Approve a Zoning Text Amendment to Chapter 3 Nonconformities

City Planning Manager, Harry Davis presented this amendment, which would recommend changing the ordinance to

- (a) A proposed structure shall meet all applicable building setbacks, height, and lot coverage requirements and other applicable zoning and development codes, with the specific exception of the reason for which the lot is nonconforming.
- (b) Such lot shall have frontage onto a public street, and water and sewer shall be provided to the lot at the time of development.
- (c) Such lot shall have at least 50% of the required lot width and area of the underlying zoning district but shall have at a minimum 40 feet in width and 4,000 square feet in area. Corner lots that trigger this provision may reduce principal structure corner side setbacks to be consistent with side setback requirements, but in any case, shall not be reduced below 10 feet.
- (d) A nonconforming lot that does not meet the provisions above may be brought into conformity by way of an approved variance, a rezoning action, or by combining a

lot(s) to meet the standards of the underlying zoning district. A lot that was established unlawfully shall not be considered a legal lot of record under this chapter, and no building or development permit may be granted until the lot is legally established as provided herein.

Motion by Barton Jackson, seconded by Tina Wilson, to recommend approval of Ordinance 2025-XXX Approving a Zoning Text Amendment to Chapter 3 Non-conformities. The motion passed unanimously.

4. Requests to be Heard

None.

5. Items for Discussion

None.

6. Routine Business

None.

7. Board & Commissions Updates & Reports

Commissioner Wilson asked about the letter that was sent to Rice County. Harry Davis explained to the board about the recommendation for the solar farm.

8. Adjournment

Motion by Barton Jackson, seconded by Tina Wilson, to adjourn the meeting at 6:27 p.m. The motion passed unanimously.

By:_____



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: September 15, 2025
SUBJECT: Rebound Office Building CUP and Variance – 4th St NW and 2nd Ave NW

Request:	Applicant requests approval of a conditional use permit for off-site parking and a variance for metal architectural panels on a building in CBD near the SE corner of 4 th St NW and 2 nd Ave NW.
Recommendation:	The DRC and City Planning Manager recommend Planning Commission forward the requests to City Council with a recommendation of approval based on the findings in the attached draft resolutions.
Recommended Motion:	Motion to forward and recommend approval of a conditional use permit allowing off-site parking and a variance for metal panels on a building to City Council, with findings as suggested by city staff.

Request:

Matt Ganter (Applicant) from Faribault Real Estate, LLC with Sara Folsted from Rice County (Property Owner) requests approval of a conditional use permit (CUP) for a new parking lot that is not on the same property as a future office building near the corner of 4th St NW and 2nd Ave NW. The applicant also requests a variance to allow metal architectural panels on the future office building, which are expressly not allowed on properties zoned CBD. The subject properties are zoned CBD, Central Business District and (after recording the plat approved in Resolution 2025-196) contains in total approximately 48,088 square feet (1.10 acres) of land, as depicted in the attached plans.



Location at 4th St NW and 2nd Ave NW

Background and Project Description:

The subject development is currently in the middle of development entitlements that started earlier this year:

- Resolution 2025-195 was approved by Council on August 12th to change the Comprehensive Plan designation for the subject properties to Downtown.
- Ordinance 2025-10 was approved by Council on August 26th to change the zoning district for the subject properties to CBD, Central Business District.
- Resolution 2025-196 was approved by Council on August 12th to create the subject properties, of which there are two: one at the SE corner of 4th St NW and 2nd Ave NW; one at the SW corner of 4th St NW and 1st Ave NW. As of writing this report, the plat is still not recorded, but for purposes of a development momentum, the CUP and variance may still continue.

The newest requests for approval are:

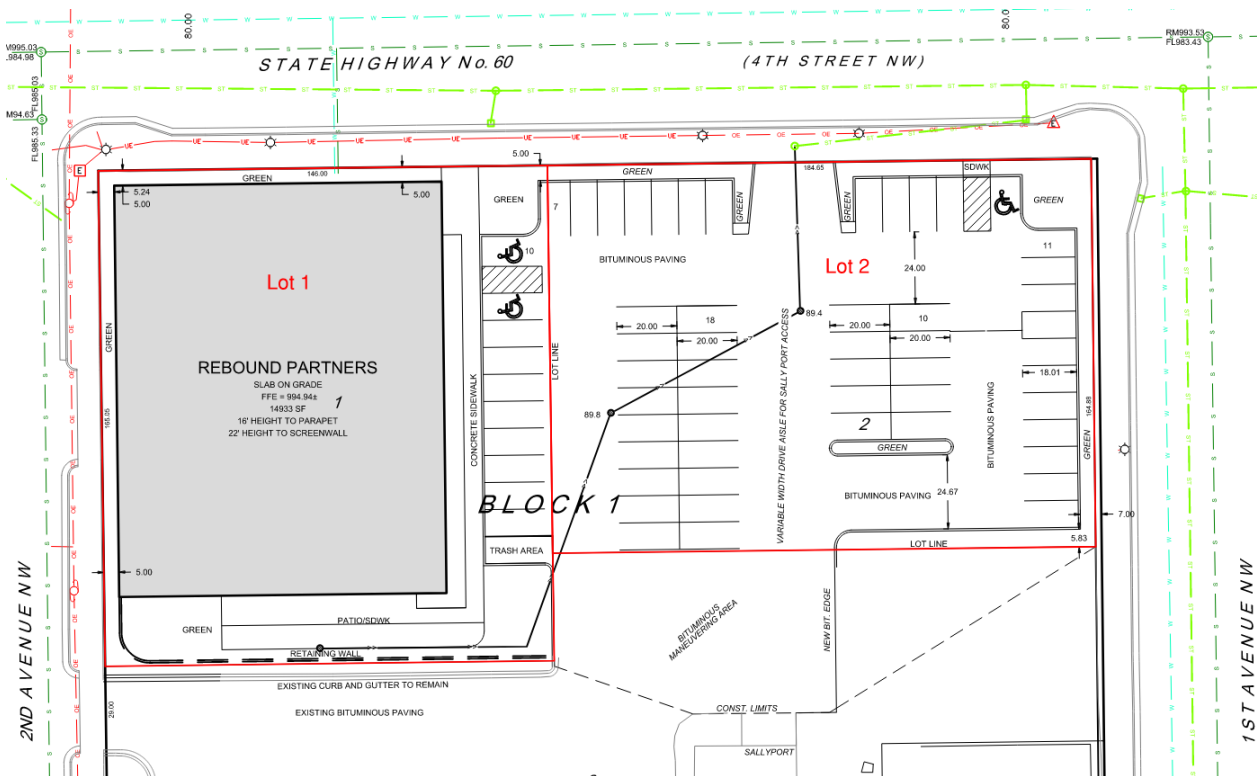
- A CUP to allow off-site parking, where the future office building will be on the 4th St NW and 2nd Ave NW corner lot and most of the parking for the use will be on the separate lot at the corner of 4th St NW and 1st Ave NW. The office building will be approximately 15,000 sq ft and require 50 spaces. The proposal shows 10 spaces (including 2 ADA spaces) on the office lot with 51 spaces on the lot

to be used for parking. In addition, parking facilities on a property all on its own require a CUP, which is wrapped into the request.

The applicant's narrative to support the requests specifies that the 10 parking spaces fully on the office property will be dedicated to the future office use and the remaining spaces will be for the future office use and public use to support Rice County to the south and west, the Faribault Police Department to the east, and parking needs overall for the area. The future office use may have up to 80 employees which will be accommodated with the new parking lot and nearby on- and off-street parking facilities. The full narrative may be found attached to the report.

- A variance to allow metal panels on the future office building when no metal is allowed on buildings within the CBD zoning district. The applicant proposes metal panels on approximately 70% of the building's façade, including the visible portion of the metal screen on the roof for mechanicals. Glass is 20% of the façade, while brick skirting provides 10% of façade coverage.

The applicant claims that the metal panels are intended to provide a modern, appealing façade for a brand new building that is adjacent to the historic parts of downtown. The building is not meant to ignore the overall look of downtown but instead provide a contrast to the masonry found on most downtown properties. The full narrative may be found in the application attached to this report.



Site Plan



Building Elevations

Table 1 – Variance Table

Variance Issue	Requirement	Proposed	Variance
Building design and construction (Sec 11-70(B)(5)(a))	Prefinished metal architectural panels ... shall [not] be utilized in the ... CBD [District].	Approximately 70% of the façade consists of metal panels	Prefinished metal panels

Discussion:

The following provides an overview of the key planning and zoning-related items associated with:

CUP Criteria and Findings Summary. The proposal meets the criteria for granting a CUP. The parking lot will be for the public, and kept in public hands, but will provide key support for a future office building and nearby city and county buildings. More details on criteria and findings may be found in the associated Resolution.

Variance Criteria and Findings Summary. The proposal meets the criteria for granting a variance. The building is well-designed and the metal is a key feature in the building's architectural style. The architectural style will be in contrast to, but draw attention and support to, the historic and new architecture of downtown. More details on criteria and findings may be found in the associated Resolution.

Development Review Committee Recommendation. On September 2nd, 2025, the city's Development Review Committee (DRC) reviewed the proposed applications and recommended approval.

Public Comment. The City Planning Manager received no public comment prior to publishing this report. Notification for this item was published in the paper on September 4, 2025, and letters were sent to property owners within 350 feet.

Recommendation:

The DRC and City Planning Manager recommend Planning Commission forward and recommend approval of the CUP and variance based on the criteria and findings in the draft resolutions, with conditions of approval.

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE A CONDITIONAL USE PERMIT FOR OFF-SITE AND STANDALONE PARKING NEAR 4TH ST NW AND 2ND AVE NW

WHEREAS, Matt Ganter (the "Applicant") of Faribault Real Estate, LLC with Sara Folsted of Rice County (the "Property Owner") requests a conditional use permit for a standalone, off-site parking lot near the corner of 4th St NW and 2nd Ave NW. The subject site is legally described in Exhibit A of this resolution; and

WHEREAS, City Staff completed a review of the application and prepared a report to the Planning Commission about said request, attached as Exhibit C; and

WHEREAS, the Planning Commission, on March 3, 2025, received the City Staff report, and following proper notice, held a public hearing to consider the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommends City Council approve the Applicant's conditional use permit request based on the findings required in Section 2-300 of the 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.**

Finding: The off-site and standalone parking lot will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare. The parking lot will primarily serve the public and also facilitate the adjacent office development. Sidewalk will connect the lot to adjacent uses, ensuring safe travel for pedestrians. Car will use an existing curb cut onto 4th St NW with a secondary access point through Rice County property on 2nd Ave NW. If MN DOT determines that the existing curb cut onto 4th St NW is not permissible due to safety concerns, the applicant can pivot to a second access point off 1st Ave NW.

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 proposed parking lot will not negatively impact adjacent properties or impede future development. The parking lot is facilitating a future office use, which is a positive step to supporting downtown development. There are other examples of independent parking facilities in downtown, so additional parking is not inconsistent with downtown development and is therefore not incompatible.

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 parking lot will be designed and constructed according to current ordinance requirements. There are no standards for parking lots to look a certain way to fit downtown character.

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

Finding: The proposed parking lot does not impose hazards or disturbing influences on adjacent properties. The parking lot will be for public use.

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

Finding: The proposed parking lot will not diminish property values. There are other examples of parking lots in downtown and their presence has not negatively impacted property values.

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, water, and all other applicable municipal services serve the subject property. The property has adequate access to the larger road network. The application will not generate a notable increase in public service demand. If the parking proposed on-site does not accommodate all users, downtown has an abundance of on- and off-street parking facilities nearby.

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: As noted above, the proposal will not generate a notable increase in demand on public facilities or services. If the parking proposed on-site does not accommodate all users, downtown has an abundance of on- and off-street parking facilities nearby. The parking lot is facilitating an adjacent office use, which is beneficial to the economic welfare of the community.

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 proposed parking lot will not cause traffic congestion. The site plan provides for proper traffic circulation without causing congestion. As mentioned above, if MN DOT determines that the existing curb cut onto 4th St NW is not permissible due to safety concerns, the applicant can pivot to a second access point off 1st Ave NW.

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 project site does not currently have any natural, scenic, or historic features of importance to the community. The Heritage Preservation District does not cover the subject property.

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 subject property is guided by the City's Comprehensive Plan for downtown uses. The application is a parking lot that will serve downtown uses, and is therefore consistent with the land use plan.

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

Finding: The application conforms to the Unified Development Ordinance requirements, including limitations found in the CBD zoning district. City Staff will complete a thorough review of the Site Plan Review process.

WHEREAS, the Planning Commission also recommends City Council approve the Applicant's conditional use permit request based on the

findings required in Section 7-30 "Parking facilities and ramps" from the Unified Development Ordinance as follows:

1. Parking ramps shall comply with the setback requirements for principal structures.

Finding: The proposal is not a parking ramp so this criterion does not apply.

2. Parking ramps shall utilize exterior facade building materials that are compatible with surrounding buildings.

Finding: The proposal is not a parking ramp so this criterion does not apply.

3. Ramps and other parking facilities shall be periodically inspected and maintained by the owner to ensure structural integrity and public safety.

Finding: This shall be a condition of approval, thereby meeting this criterion and substantiating a finding in support of the proposal.

WHEREAS, the Planning Commission also recommends City Council approve the Applicant's conditional use permit request based on the findings required in Section 8-50 of the Unified Development Ordinance as follows:

1. Reasonable and improved access shall be provided from the off-site parking facilities to the use being served.

Finding: The primary use of the parking lot is for the public, but the parking lot will facilitate the adjacent office building development. There is adequate sidewalk and infrastructure connecting the parking lot to adjacent uses and downtown.

2. **Off-site parking for multiple-family dwellings shall be located no more than one hundred (100) feet from any normally used entrance of the use being served.**

Finding: The proposal is not specifically for a multi-family dwelling so this criterion does not apply.

3. **Off-site parking for non-residential uses shall be located no more than three hundred (300) feet from the main entrance of the principal use being served.**

Finding: The primary use of the parking lot is for the public, but the parking lot will facilitate and serve the proposed office building. The parking lot is immediately adjacent to the new office use.

4. **The site used for off-site parking shall be under the same ownership as the principal use being served or the use of the parking facilities shall be protected by a recorded instrument acceptable to the city.**

Finding: The parking facilities are owned by a public entity and is intended to remain in public hands. The primary purpose of the parking lot will be for public use, but will be used extensively by the adjacent office use. In addition to a requires access, parking, and maintenance easement, the property owner will enter into an agreement with the adjacent office use.

WHEREAS, the City Council during a public meeting on September 23, 2025, considered the Applicant's conditional use permit request; and

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings of the Planning Commission as noted above, the City Council concurs with the findings of the Planning Commission and makes identical findings.

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

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit request for off-site and standalone parking facilities near the corner of 4th St NW and 2nd Ave NW, subject to the conditions presented in Sections 2 and 3 of this Resolution.

Section 2: Conditions of Approval. The conditional use permit shall be approved subject to conditions listed herein as authorized under Section 2-310 of the 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. The application is subject to Site Plan Review by the Development Review Committee.
2. The shared parking lot must be covered by an access, parking, and maintenance agreement recorded prior to building permit.
3. The parking lot shall be constructed generally as depicted by the applicant in Exhibit B of this Resolution, subject to any comments and revisions from the Site Plan Review process and MN DOT.
4. The proposed office use utilization of the parking facilities and their status as parking spaces for the public shall be protected by a recorded instrument acceptable to the City.
5. Approval of this conditional use permit does not constitute approval of any associated signs. Separate applications for sign permits are required before sign installation and applications must meet all City ordinance requirements.

Section 3: Additional Conditions of Approval. This conditional use permit includes the following 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.

Section 4. Findings and Incorporation of Recitals and Exhibits.

Where applicable, the recitals and exhibits incorporated in this resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

Section 5. 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 6. Effective Date. This resolution shall be effective upon passage.

Date Adopted: September 23, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description

Lot 1, Block 1 and Lot 2, Block 1, HENRY M RICE SQUARE, Rice County,
Minnesota

Exhibit B
Staff Report

(Insert Staff Report)

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE VARIANCE FOR BUILDING FAÇADE MATERIALS NEAR THE CORNER OF 4TH ST NW AND 2ND AVE NW

WHEREAS, Matt Ganter (the "Applicant") of Faribault Real Estate, LLC with Sara Folsted of Rice County (the "Property Owner") requests a variance from building façade materials near the corner of 4th St NW and 2nd Ave NW, for property legally described in Exhibit A; and

WHEREAS, the Applicant requests using metal panels on a new building within the CBD zoning district where no metal panels are allowed under Appendix B UDO, Chapter 13, Article 6, Sec 11-70(B)(5)(a), as depicted in Exhibit B; 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 September 15, 2024, following proper notice, held a public hearing regarding the requests, and following said public hearing, the Planning Commission recommended approval of the requested variances based on the following findings as required by Section 2-460 of the City's Unified Development Ordinance:

- 1. The variance is in harmony with the general purposes and intent of the City's ordinances.**

Finding: The variances requested by the applicant are in harmony with the general purposes and intent of the City's ordinances. The intent behind the requirement for no metal panels on buildings in the CBD is to avoid corrugated and "barn- or industrial-looking" metal panels that are out of place and incompatible with properties downtown. The applicant proposes high-quality metal panels on a building that is well-designed and exceeds the City's aspirational guidelines for architectural design, as found in Chapter 4, Article 2, Sec 4-60. Because the materials are of higher-quality than other metal panels and the overall building design is of a high quality, the intent for a well-designed and quality building is achieved.

2. The variance is consistent with the Comprehensive Plan.

Finding: The property is correctly guided for Downtown per the Comprehensive Plan and the proposed use of the land is for a single-story office building. The Comprehensive Plan supports the applicant's proposal through the following:

- *Core Guiding Principles #2: Identify, protect, enhance, and celebrate our iconic and historic sites and architecture as well as our significant natural areas, which define our sense of place.*

Faribault is known for its historic architecture, which the proposed building and materials are not, but to appreciate both old and new architecture requires good examples of both. In this situation, the architectural design of the building and primarily metal façade is an example of modern architecture that will be in contrast to, but not incompatible with, the buildings downtown.

Additionally, the Downtown land use designation states that characteristics of the Downtown area include quality architecture and design. The building design and materials support this characteristic.

3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.

Finding: The applicant is using the property in a reasonable manner. The use of metal as a façade material is not unreasonable, particularly when of a high quality, and in conjunction with good design. Metal as a major component of building facades is a current, and likely to become a future, staple of modern architectural design.

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.

Finding: The unique circumstance for this property is the subject property is a downtown property and therefore contributes to the area, but outside of the Heritage Preservation District (HPD). There are other CBD-zoned properties outside of the HPD, but this property was recently demolished by the current (but not future) property owner in advance of a redevelopment project like the one proposed. A large area of land in downtown is unique in that there aren't many opportunities for investing in a new, standalone building in other downtown locations.

5. The variance does not alter the essential character of the neighborhood.

Finding: As stated above, the building is unlike most other buildings downtown due in part to its mostly-metal facade. However, this is a benefit to the area as the primary characteristic for the downtown is good and interesting architecture. The subject proposal, even if modern and different in external materials from other parts of downtown, acts as a contrast that highlights the good features of new and

historic architecture. Because the building and façade material will contribute to the downtown, it will not alter the essential character of the neighborhood.

6. The variance requested is the minimum variance, which would alleviate the practical difficulties.

Finding: While the applicant could reduce the metal to a secondary or accent material, the building design makes use of the high-quality metal material and utilizes it within contemporary architecture's approach to urban design. The building appears to be designed well and intends to be different but supportive of the downtown. The metal panels are a key material in achieving this.

7. Economic conditions alone do not constitute practical difficulties.

Finding: The applicant has not made a case that an approved material is more costly, therefore making an economic conditions argument. The applicant is not making an economic case for why metal panels are used because the architectural style of the building depends on using metal.

WHEREAS, the City Council, at a public meeting, on September 23, 2025, 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: Approval of the Requested Variance. The City Council hereby approves the requested variance from Chapter 13, Article 6, Sec 11-70(B)(5)(a), of the City's Unified Development Ordinance. Said approval is based on the foregoing recitals, which are incorporated herein by reference, and which constitute the findings of the City Council, all of which are to protect the public's health, safety, and welfare.

Section 2. Conditions of Approval. The City Council may impose such conditions upon the premises benefited by the variance as may be 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 neighborhood and to better carry out the intent of the variance. The condition must be directly related to and must bear a rough proportionality to the impact created by the variance. The following are conditions of approval imposed on the subject property and project.

1. The applicant shall utilize the façade materials when constructing the proposed building as generally consistent with the drawings as possible, as depicted in Exhibit B. Any significant deviations from this design shall require a separate variance.
2. The applicant shall apply for Site Plan Approval prior to building permit.

Section 3. Expiration of Variance. If substantial development or construction has not taken place within one (1) year of the date of approval of a variance, such variance shall be considered void unless a petition for a time extension has been granted by the City Council. Such extension request shall be submitted in writing at least thirty (30) days prior to expiration of the variance and shall state facts showing a good faith effort to complete work permitted under the original approval.

Section 4. Compliance. The City Council authorizes the Mayor, City Administrator, City Planner, and the City Attorney to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

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Section 5. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: September 23, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Property Legal Description

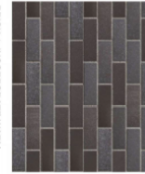
Lot 1, Block 1 and Lot 2, Block 1, HENRY M RICE SQUARE, Rice County,
Minnesota

Exhibit B

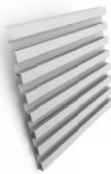
Depiction of Variance

[illegible]

EXTERIOR MATERIAL AREAS AND PERCENTAGES					
SURFACE	SECTION	AREA	PERCENT	TOTAL	PERCENTAGE
GLAZES	711.97	187.47	861.37	2381.47	100%
WETTED PANELS	5435.47	1415.41	2229.31	7952.41	100%
ROOF	249.17	1617.17	1966.17	1133.17	100%
TOTAL	2225.37	2542.17	3813.17	20620.37	



BRICK-1: INCORPORATE WARM
GRAY BRICK AT BASE



MP-1:
BOX-RIBBED METAL WALL PANELS
(BLACK)



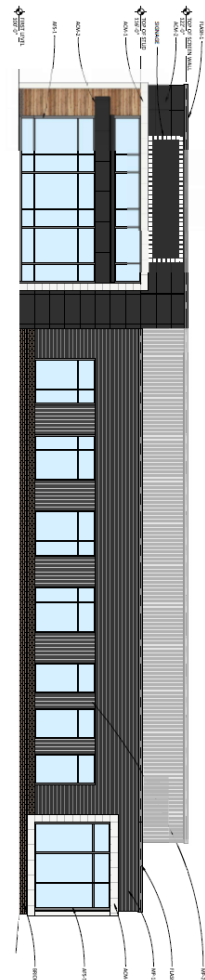
MP-2:
REVEAL METAL WALL PANELS
(BLACK OR CHARCOAL)



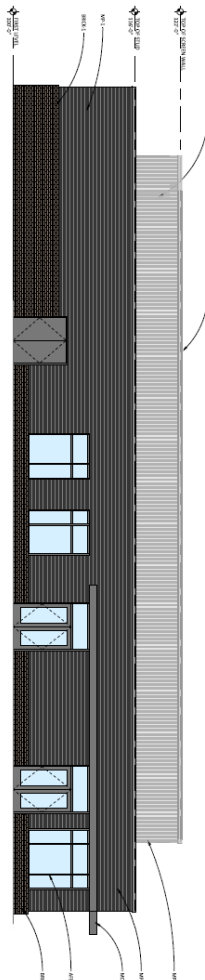
MP-3:
SHIP LAP WOOD ACCENT
(STEEL OR ALUMINUM PANEL)



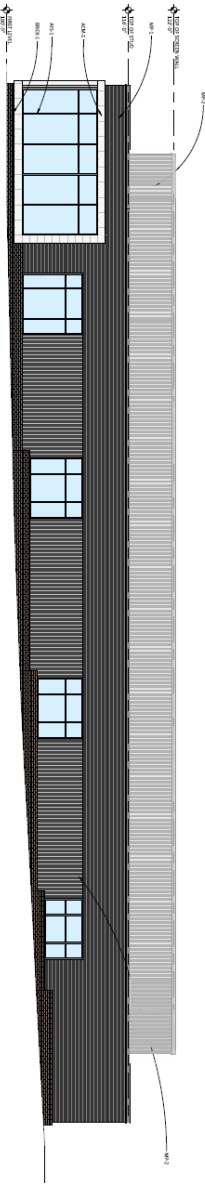
ACM-1 AND ACM-2
ACM PANELS
(BLACK OR CHARCOAL)



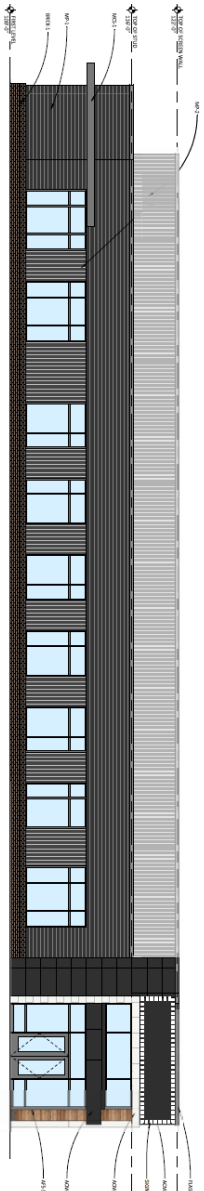
NORTH BUILDING ELEVATION
3/16" = 1'-0"



SOUTH BUILDING ELEVATION
3/16" = 1'-0"



WEST BUILDING ELEVATION
3/16" = 1'-0"



EAST BUILDING ELEVATION
3/16" = 1'-0"



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: Harry Davis, City Planning Manager
FROM: Leslie McGillivray-Rivas, Planner I
 Mark DuChene, Director of Engineering
MEETING DATE: September 15, 2025
SUBJECT: Culvers Restaurant/1675 Lyndale Ave. NW – CUP

Request:	Applicant requests CUP approval for Drive Through for a Culvers Restaurant.
Recommendation:	The DRC, City Engineer, and City Planning Manager recommend approval of the CUP to City Council based on the findings and conditions in the attached draft resolutions.
Recommended Motion:	Motion to forward and recommend approval of the CUP request for Malecha Auto Body to City Council, with findings and conditions suggested by city staff.

Request:

Tareen Development Partners (Applicant) on behalf of Big & Little LLC (Property Owner) requests a conditional use permit (CUP) at 1675 Lyndale Ave NW. The subject property is zoned C-2, Highway Commercial and contains approximately 87,165 square feet (2.0 acres) of land, as depicted in the attached plans and as illustrated below.



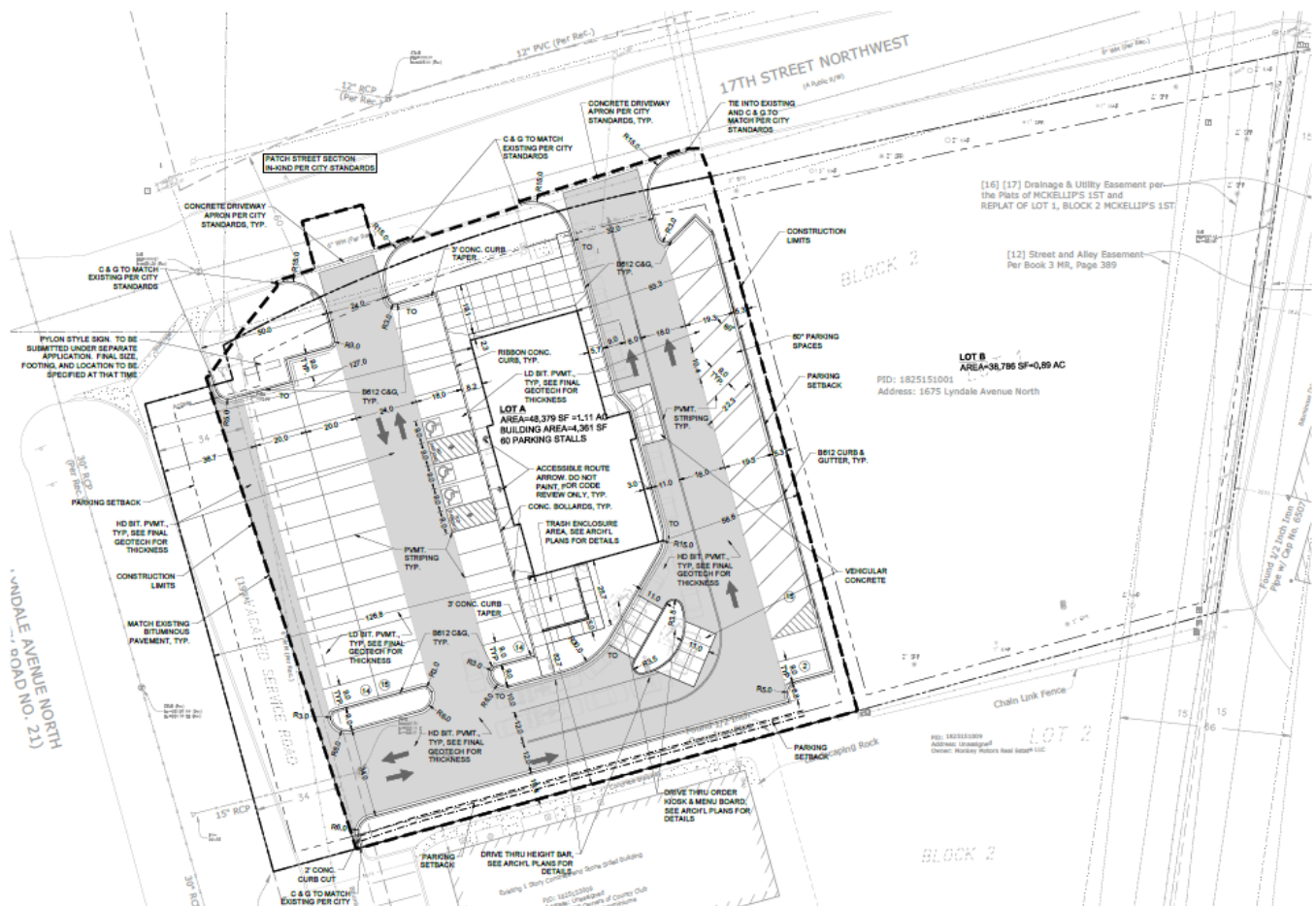
1 Illustration for Culvers at 1675 Lyndale Ave. N

Background and Project Description:

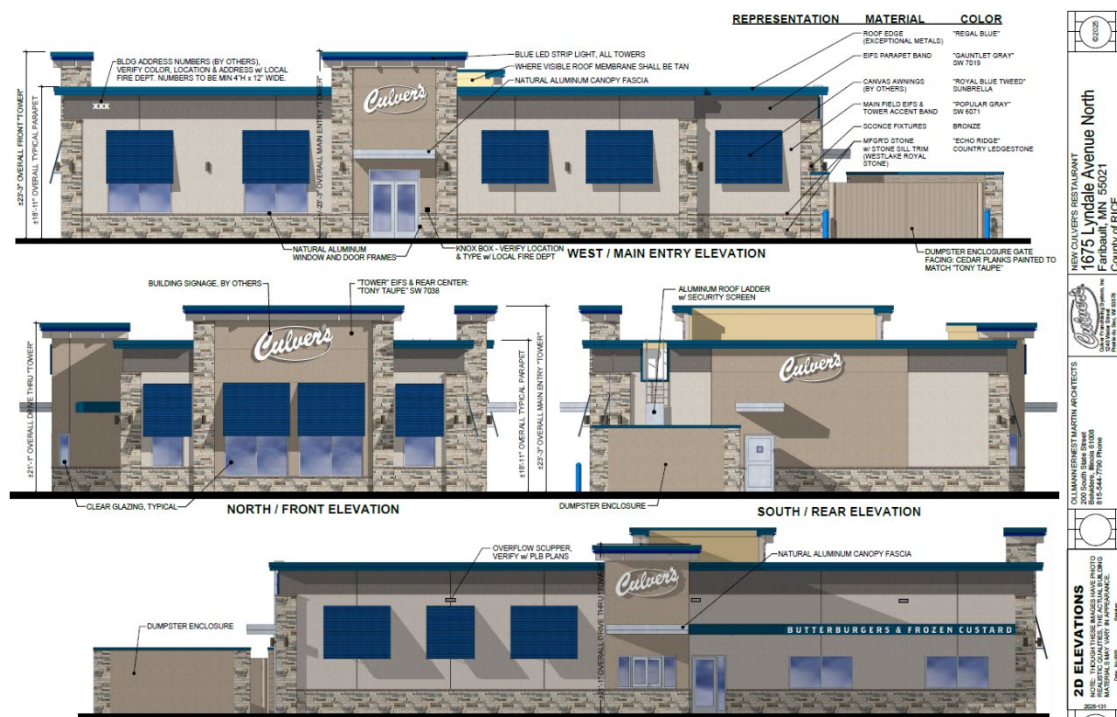
The proposed development includes demolishing the existing building at 1675 Lyndale Ave NW and construction of a new 4,000 SF Culvers Restaurant with a drive-through. The proposed restaurant business is to occur in the westerly portion of the parcel. A future lot division is anticipated to occur creating two developable lots and is a separate action from the CUP. The Culvers restaurant drive through is proposed to have two menu boards which converge into a single lane to access the pick-up window on the easterly face of the building. Curb side pickup occurs when vehicles exiting the menu board accesses the one-way drive lane to park along the future northern parcel boundary. To leave the site, both lanes exit directly onto 17th Street NW. In-house dining is supported by a parking lot located to the west of the proposed structure. Location at Lyndale Ave NW and 17th St NW



2 Location at 17th Street NW and Lyndale Ave. N



3 Culvers Site Plan

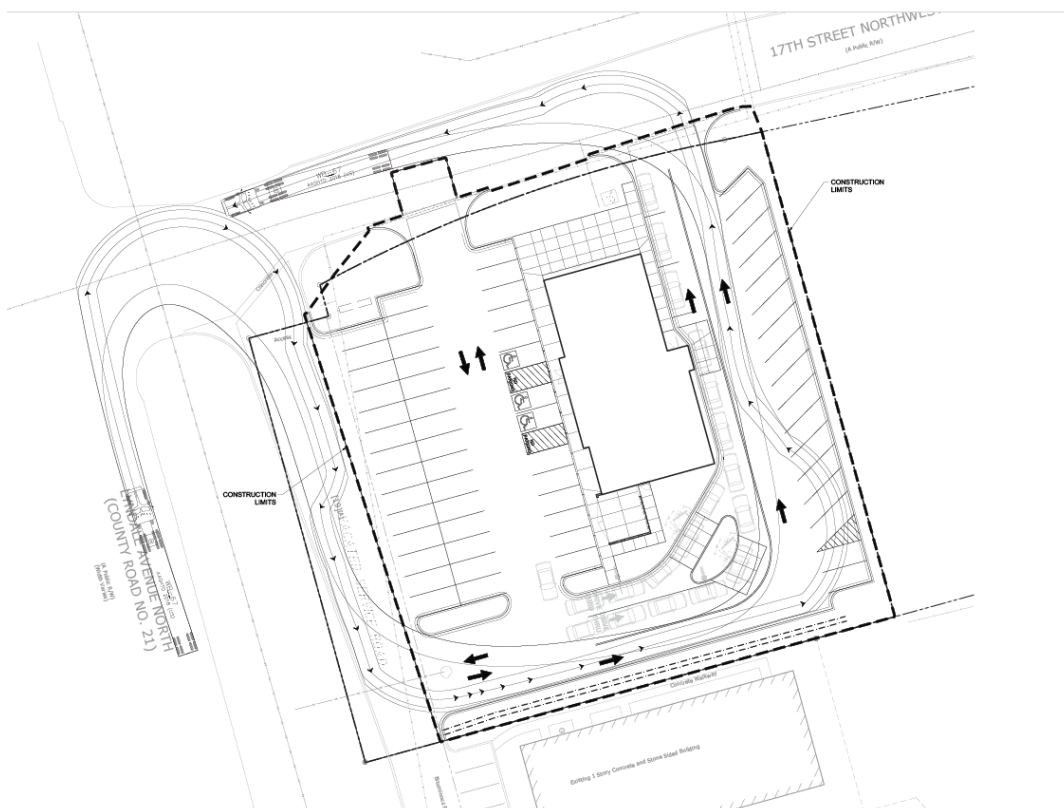


4 Culvers Elevations/Cross Sections

Road Network: Contextually, this property and connected properties to the south are in the McKellips 1st Subdivision and Replat of McKellips 1st Subdivision. Within this area, properties are served internally with a privately maintained service road on the western perimeter. The service road is accessed from 17th St. NW to the north and extends to the Bradley Road to the south. Trunk Highway 21, also known as Lyndale Avenue, is located west of the parcel and service road. This road is under the jurisdiction of the Minnesota Department of Transportation (MNDOT). The intersection northwesterly of the site contains a $\frac{3}{4}$ right turn which allows northbound traffic to exit to the service road and 17th Street NW. Westbound vehicles can access Lyndale Avenue/T.H. 21 with a right turning movement.

Internal Vehicle Turning Movements:

The applicant provided a turning radius study which illustrates how service vehicles are expected to access and exit the property. The applicant narrative states that business hours will be between 10:00AM and 11:00PM with the possibility of the drive-through extending business hours to 12:00AM if the demand warrants it. Deliveries and trash service will occur between 12:00AM and 9:00AM to ensure that parking and drive lanes are open during business hours. The site will have two ingress and three egress points which are designed to accommodate customer volume, stacking for the drive-throughs and space to accommodate service deliveries.



5 *Turning Movement Illustration*

Discussion:

The proposed CUP is consistent with the planning and zoning aspects of the City's Unified Development Ordinance. The following provides an overview of the key planning and zoning-related items associated with:

Conditional Use Permit (CUP) Summary. The proposed CUP amendment is consistent with the criteria for a drive-through for restaurant use in C-2 Highway Commercial District.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed application on September 2, 2025, and recommended approval of the CUP. Upon CUP approval, the applicant will submit for Site Plan Review and building permit prior to the onset of winter. The Applicant intends to subdivide the single parcel into two lots sometime in the future.

Public Comment. Notification for this item was published in the paper on September 4, 2025, and letters sent to property owners within 350-feet. City Staff received communication from two individuals. One is a property owner of a business located within a suite within the multi-tenant building located south of the project. The adjacent property owner's topics of concern include the following:

1. Request for screening and landscaping between the properties.
2. Concerns with increased vehicular traffic on a private road creating a safety hazard of traffic movements and potential for blocking of adjoining businesses parking from vehicle volume and cars stacking to access the drive through.
3. Consideration for the City to take ownership of the service drive.
4. Request for delay of Planning Commission Action to discuss the project and its impact on the area.

City Engineer Response to above comments:

- Concern #2. The proposed site development layout meets City access and driveway separation distances per City Code and provides adequate access and ingress/egress to a public road (17th Street NW) and no detrimental impacts to traffic operations are anticipated to either 17th Street NW or the intersection of 17th Street NW and Lyndale Avenue/TH 21. Concerns about additional traffic on the private access road are considered a private matter and not under the jurisdiction of the City.
- Concern #3. City staff would not recommend taking ownership of the service road as it does not serve public benefit and is not constructed to City Design Standards.

Staff received a second public comment from the subject property's current property owner in support of the development proposal.

Recommendation:

The DRC, City Engineer, and City Planning Manager recommend approval of the CUP to City Council based on the findings and conditions in the attached draft ordinance and resolutions.

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH IN A C-2 HIGHWAY COMMERCIAL DISTRICT AT 1675 LYNDALE AVE N

WHEREAS, Jim LaValle on behalf of Tarren Development Partners (the "Applicant"), along with Big and Little Properties LLC (the "Owner" and co-Applicants) request a Conditional Use Permit within 1675 Lyndale Avenue N. (the "Property"), graphically described in Exhibit A ; and

WHEREAS, the development team proposes to develop a restaurant with a drive through on the Property, graphically depicted in Exhibit B; and

WHEREAS, Chapter 11, Article 1, Table 11-1 of the City of Faribault's Unified Development Ordinance requires a conditional use permit for a restaurant with a drive through in the C-2 Highway Commercial District; and

WHEREAS, City Staff completed a review of the Applicant's application and prepared a report to the Planning Commission about said request, attached as Exhibit C and

WHEREAS, the Planning Commission, on September 15, 2025, following proper notice, held a public hearing to consider the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's conditional use permit amendment request based on the findings required in Section 2-300 of the 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.**

Finding: The proposed drive-through will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare. The use and overall development are compatible with the adjacent residential and commercial properties. Internal vehicular circulation is designed to provide access to customer and staff parking, the drive through with dual menu boards, pick up window or curbside delivery area. A vehicular turning movement study demonstrates there is adequate area within the parcel boundaries and by way of a the common service road for product delivery and refuse collection by large vehicles. Staff does not anticipate traffic concerns which will result in adverse impacts.

- 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 development of the restaurant with the drive-through, with placement of the drive aisles and parking, will not negatively impact other nearby properties. Properties in the immediate area are primarily commercial. A residential development is located across Trunk Highway 21 to the west of the site. The proposed new commercial structure and development of the property does not impede the investment and development of adjacent properties.

- 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 proposed single story restaurant is designed to be compatible and supportive in the context of other businesses in the general area. Review of the application has demonstrated that performance standards of the city are met and are complimentary of the character of the surrounding area.

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

Finding: The proposed commercial restaurant with a drive through largely contains internal vehicular circulation. Ownership of the property grants the property and business owner use of the adjoining private service road and is not expected to contribute to hazards or disturbing activities that negatively affect other properties. Menu boards are both digital and audio, but ordinance requirements address any objectionable sound transference to adjoining properties.

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

Finding: The proposed redevelopment of the parcel is positioned to facilitate interest in nearby underutilized commercial property and is unlikely to diminish nearby property values. The applicant is required to provide screening to the benefit of adjacent properties. A cooperative private access agreement exists and serves as a frontage road to commercial properties located between the northern boundary of 17th Street NW and Bradley Road to the south. This agreement accommodates reinvestment in this area and may positively impact on nearby property values.

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, water, and all other applicable municipal services serve the subject property. Stormwater management design has been provided by the applicant in advance of the approval for related permits. The property has adequate access to the larger road network. The business may generate an expected increase in customer traffic for both the adjacent roadway system and highway. Placement of two new driveways which meet city spacing requirements along 17th Street NW address support the primary exits from the property directly to the public right of way. While vehicles and customers have access to the service road, the cumulative availability of three access points allows the site to be adequately served.

- 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: The Project will not generate a notable increase in demand for public facilities or services. The Project's location at the intersection of two city streets, 17th St NW and Lyndale Ave N will be directly connected to the street, pedestrian facilities and underground utilities. This ability to revitalize the site optimizing existing city infrastructure will not be detrimental to the economic welfare of the community.

- 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 City Engineer has reviewed the project notes that the proposed site development layout meets City access and driveway separation distances per City code and provides adequate access and ingress/egress to a public road (17th Street NW) and no detrimental impacts to traffic operations are anticipated to either 17th Street NW or the intersection of 17th Street NW and Lyndale Avenue/TH 21.

- 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 Property does not have important natural, scenic, or historic features.

- 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 Comprehensive Plan guides the Property for commercial uses and is consistent with the overall project proposal.

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

Finding: The project conforms to the Unified Development Ordinance requirements and applicable regulations within the C-2 Highway Commercial Zoning District for a restaurant with a drive through.

WHEREAS, the Section 7-30 of the Unified Development Ordinance includes specific development standards required for drive-through restaurants which are met by this application as follows:

Restaurant, drive-through.

- 1. The use shall be located only on sites having direct access to arterial or collector streets or service roads.**

Finding: The subject site in this case is located south of 17th Street N, which is a collector street, and fronts onto Lyndale Ave, which is an arterial road. The subject property has direct access to a private service road along Lyndale Ave.

- 2. The public address system, if provided, shall not be audible from any residential parcel.**

Finding: The proposed drive-through restaurant menu boards will be both digital and audio. The nearest residential properties are located across Trunk Highway 21/Lyndale Ave. N to the west. Sound transference is not anticipated to occur and will be monitored for any nuisance to any adjoining property.

- 3. Stacking shall be provided in compliance with Section 8-270 and shall be located within applicable parking lot setbacks.**

Finding: The proposed drive-through restaurant includes stacking for four cars at the window and adequate area for stacking prior to the dual menu boards as required by Section 8-270 of the Unified Development Ordinance.

- 4. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing any litter.**

Finding: The applicant is aware of this ongoing requirement and the City will monitor the site for compliance with this standard.

WHEREAS, the City Council, during a public meeting on September 24, 2025, considered the Applicant's conditional use permit request; and

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings of the Planning Commission as noted above, the City Council concurs with the findings of the Planning Commission and makes identical findings.

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

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit amendment request at the property described in Exhibit A to establish the drive-through described in Exhibit B, subject to the conditions in Sections 2 and 3 of this Resolution.

Section 2: Conditions of Approval. The conditional use permit is approved subject to conditions listed herein as authorized under Section 2-310 of the Unified Development Ordinance, which are deemed necessary to mitigate potential 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. The Project must receive Site Plan approval from the City's Development Review Committee before obtaining building and development-related permits. Site Plan approval may include additional conditions of approval not listed in this conditional use permit.
2. The Owner must construct the Project substantially similar to the Applicant's submittal included in Exhibit B of this Resolution. Any significant change, as determined by the City's Development Review Committee, would require approval of a conditional use permit amendment.
3. The Owner must conform to Section 7-30 Development Standards for a restaurant with a drive through.

4. Approval of this conditional use permit does not constitute approval of any associated signs. Separate applications for sign permits are required before sign installation and applications must meet all City ordinance requirements.

Section 3: Additional Conditions of Approval. This conditional use permit includes the following additional conditions of approval:

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, 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.
7. If substantial development or construction of the Project has not taken place within one (1) year of the date of approval of the conditional use permit, such permit shall be void unless the City Council grants a time extension. The Owner must submit an extension request in writing at least thirty (30) days before the expiration of the conditional use permit.

Section 4. Findings and Incorporation of Recitals and Exhibits.

Where applicable, the recitals and exhibits incorporated in this Resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

Section 5. 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.

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Section 6. Effective Date. This Resolution shall be effective upon passage.

Date Adopted: September 23, 2025

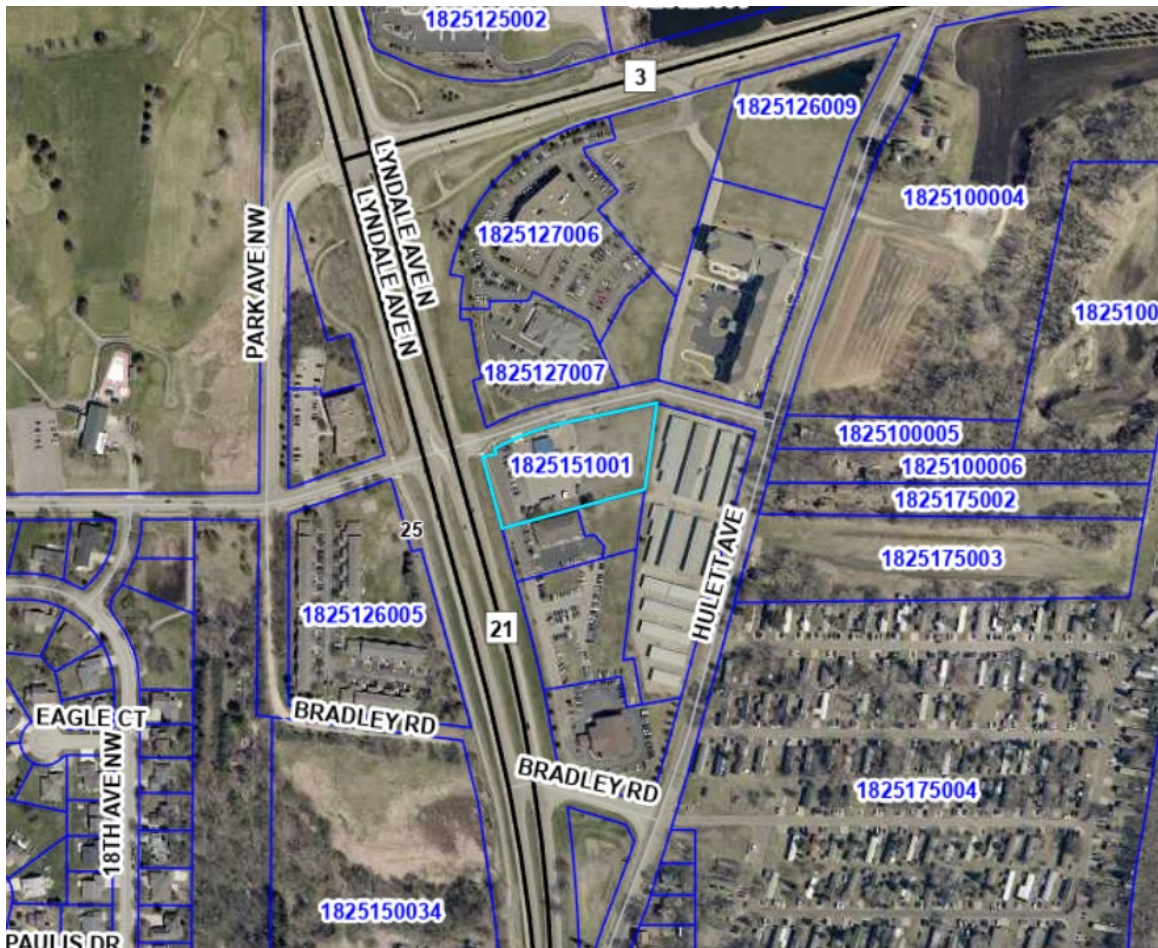
Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A Graphic Illustration of the Property



Aerial Photo Depicting Site Location

PID 1825151001
1675 Lyndale Ave N, Faribault MN 559021

Exhibit C
Staff Report from Planning Commission

(insert document after this page)

From: [Duane Geiger](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Re: 1675 Lyndale NW
Date: Wednesday, September 10, 2025 3:07:47 PM

Hi Leslie,

Thank you for the time today to discuss some of my concerns with the requested development project at 1675 Lyndale. Unfortunately I'll be out of town on Monday but would appreciate my concerns shared with staff and the planning commission.

We own 1645 Lyndale Ave. N, suite 101 which is adjacent to this site and received the notice yesterday so unfortunately we haven't had much time to analyze the project and it's impact on our business and property. A couple concerns:

1. It would seem reasonable to request some type of screening and landscaping between the properties. ie an earth berm with pine trees to limit headlights into our offices and vehicle noise.

2. Has there been a traffic impact study ? The non public frontage road between 17th and Bradley will be subjected to a massive increase in vehicle traffic both north and southbound which will become a safety hazard and make accessing our parking lots almost impossible and also a hazard at Bradley accessing hwy 21 southbound.

My request is to delay any action on this request until all parties have time to meet and discuss the project and it's impact on the area.

Respectfully,

Duane Geiger

From: Leslie McGillivray-Rivas <lmcgrivas@faribaultmn.gov>
Date: September 10, 2025 at 10:32:23 AM CDT
To: Duane Geiger

Subject: RE: 1675 Lyndale NW

Hello Mr. Geiger,

Thank you for the phone call regarding the proposal for a Culvers at 1675 Lyndale NW. Attached are the plans which were submitted for the application. Additionally, attached is the narrative submitted with the application by the applicant.

I understood from our conversation that you are concerned with the following:

1. Screening between the new business and your existing professional offices.
2. Congestion and traffic flow on the private drive shared by all commercial businesses between 17th Avenue and Bradley Drive
3. Inability of cars exiting the Culvers to make a left hand turn from 17th St NW south onto Lyndale Ave N which could translate into cars using the private road to exit onto Bradley Rd. in order to get to Lyndale. NW.
4. You expressed a desire for the city to take on the private drive as a public road due to the increase in vehicular traffic.

From: [Steve Kohl](#)
To: [Leslie McGillivray-Rivas](#)
Subject: Big & Little Properties LLC Drive-Through
Date: Thursday, September 11, 2025 11:31:49 AM

Hi Leslie,

I will not be able to attend the Faribault Planning Commission meeting on Monday, September 15, 2025 but wanted to send you an email in support of this project. I feel that this will only enhance this area of Faribault and look forward to this project moving forward and its success. Please share this email with as you need.

Thank you,

Steve Kohl