



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, OCTOBER 6,
2025

6:00 PM

1. Call to Order/ Approve Agenda
2. Approval of the Minutes
3. Public Hearings
 - A. Resolution 2025-XXX Approve Variance for Smaller Dwelling Unit Size at 301 Central Ave
4. Requests to be Heard
5. Items for Discussion - NONE
6. Routine Business - NONE
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

MONDAY, SEPTEMBER 15, 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 Samantha Green, 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 September 2, 2025, as presented. The motion passed unanimously.

3. Public Hearings

A. Rice County/4th St NW and 2nd Ave NW - Conditional Use Permit; Variance

Harry Davis presented on behalf of the applicant, Matt Ganter, Faribault Real Estate LLC, along with Rice County, who are requesting approval of a conditional use permit for off-site parking and a variance for metal architectural panels on a building in the CBD near the SE corner of 4th St NW and 2nd Ave NW.

Following Davis' presentation, Chair Ackman asked the board if they had any questions. Davis stated that both the applicant, Matt Ganter, and the Architect, Josh Walls, were present to answer any questions. Mr. Walls came forward and offered up some new renderings. After that presentation, Chair Ackman then opened the matter up for public hearing at 6:28 p.m., and no one came forward, so he closed the public hearing at 6:28 p.m.

For the most part, the commissioners had no issues with the Conditional Use Permit. However, there were two dissenting votes on the variance request. Commissioner Green stated that she could not find any "practical difficulty" with the need for the metal panels to deviate from the standards set forth by the Commercial Business District. Commissioner Tina Wilson was concerned about the amount of metal coverage. Davis stated that the metal would be between 60 and 70% coverage and that the design is more of a contemporary design to meet the needs of the tenant. Staff's recommendation is to recommend approval based on the criteria presented. Commissioner Green made a motion to deny it, seconded by Commissioner Wilson. More discussion ensued, and Commissioner Wilson talked about how this would affect the character of the neighborhood. She went through each of the conditions for approval and found some okay. Chair Ackman asked staff how we could move this forward. The motion then went up for a vote, which came out with a 3/2 vote. A roll call was obtained: Green - Yay, Jackson - Nay, Ackman - Nay, White - Nay, Wilson - Yay. Chair Ackman stated that Commissioner Green's motion then failed.

Wilson made a recommendation to reduce the amount of metal on the two front-facing facades, and the architect stated that they could work with that.

A motion was then made by Barton Jackson, seconded by Tina Wilson, to recommend approval of the Resolution 2025-XXX Approving a Variance for Building Façade Materials near the Corner of 4th St NW and 2nd AVE NW as presented. . The motion passed on a 4/1 vote with Green being the only dissenting vote.

- 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

Leslie McGillivray-Rivas presented on behalf of the applicant, Tareen Development Partners, for a Conditional Use Permit for a drive-thru restaurant at Lyndale Avenue and Highway 21. There is a private service drive on the east side of the subject property. The property right now is Furlong Motors. A new building will be constructed on this site. There is a service access on the north side. Parking will be in the front of the building. Access will be on 17th. The drive-thru window will be on the north side. Some early concerns were the visibility and the screening between the drive-thru and the parking lanes. Potential for the conflict between the stacking length and the cars that would be parked along the office building. The understanding of the service drive in general. The service drive is maintained by the properties adjacent to it and with the increase in traffic, any potential increase in road usage and maintenance costs. The applicant is here and the communication she received was to use productive signage, a 15 mph speed limit, and a suggestion of a right turn only. They have also offered speed bumps. Mr. Geiger did not endorse that. There are also two letters that were submitted by Kate Tonjum, Mike and Mary Ritchie, and then a Jen Becker who is a property owner in the office building to the south. All of these concerns were expressed along with the nature of her business, somewhat of a private financial counseling and the traffic moving into the office setting. The applicant sent over an updated site plan. The applicant proposed a 6ft. screening fence. The applicant provided a turning movement illustration, which appears tight but doable. With everything presented, staff feel all the criteria for recommending approval were met. Commissioner White asked about where the right turn only sign was suggested. Rivas stated that it would be at the exit onto 17th street. Wilson said that she didn't think a right turn would be ideal. Wilson said the drive-thru is fine and likes that they are putting a privacy fence. Ackman asked about the frontage road at the front of this site is not a public road. Rivas said that it is a private drive. Public hearing opened at 7:09. Chad Roseneau, Monkey Motors, came forward and said he is pro-business. Mr. Roseneau was concerned about the private road and the stacking across his property, and it occurs now. Mr. Roseneau is in favor of the right turn only onto 17th to put them down to Hulett. Jim Lavalley, a representative with Culver's. He mentioned that these were suggestions and there are still discussions. Their preference would be not to have the right turn only. He indicated that he is working with the owners. The chair closed the public hearing at 7:13 p.m. Ackman asked if the 6 ft fence is not part of the approval for today. Rivas said that it was just added today. Wilson said that they keep referencing a service road, but it appears to be an access road. Rivas responded with it's a non-encumbrance. Her question would be that you cannot sell a piece of property that is landlocked. Ackman said that Dairy Queen owns the road in front of them. It's a private street. Rivas stated it's a frontage road. Ackman stated that a frontage road can be a public road. Commissioner Steven White made a motion to recommend approval of a Conditional Use Permit for Drive-Through in C2 Highway Commercial district as presented, seconded by Commissioner Tina Wilson. The motion carried on a 5/0 vote.

4. Requests to be Heard
None.

5. Items for Discussion

None.

6. Routine Business

None.

7. Board & Commissions Updates & Reports

Davis made a short report on City Council at last session.

8. Adjournment

A motion was made by Barton Jackson, seconded by Samantha Green to adjourn the meeting at 7:18 p.m. The motion passed on a 5/0 vote.

By:_____



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: October 6, 2025
SUBJECT: FDC LLC/301 Central Ave – Variance for Dwelling Unit Size

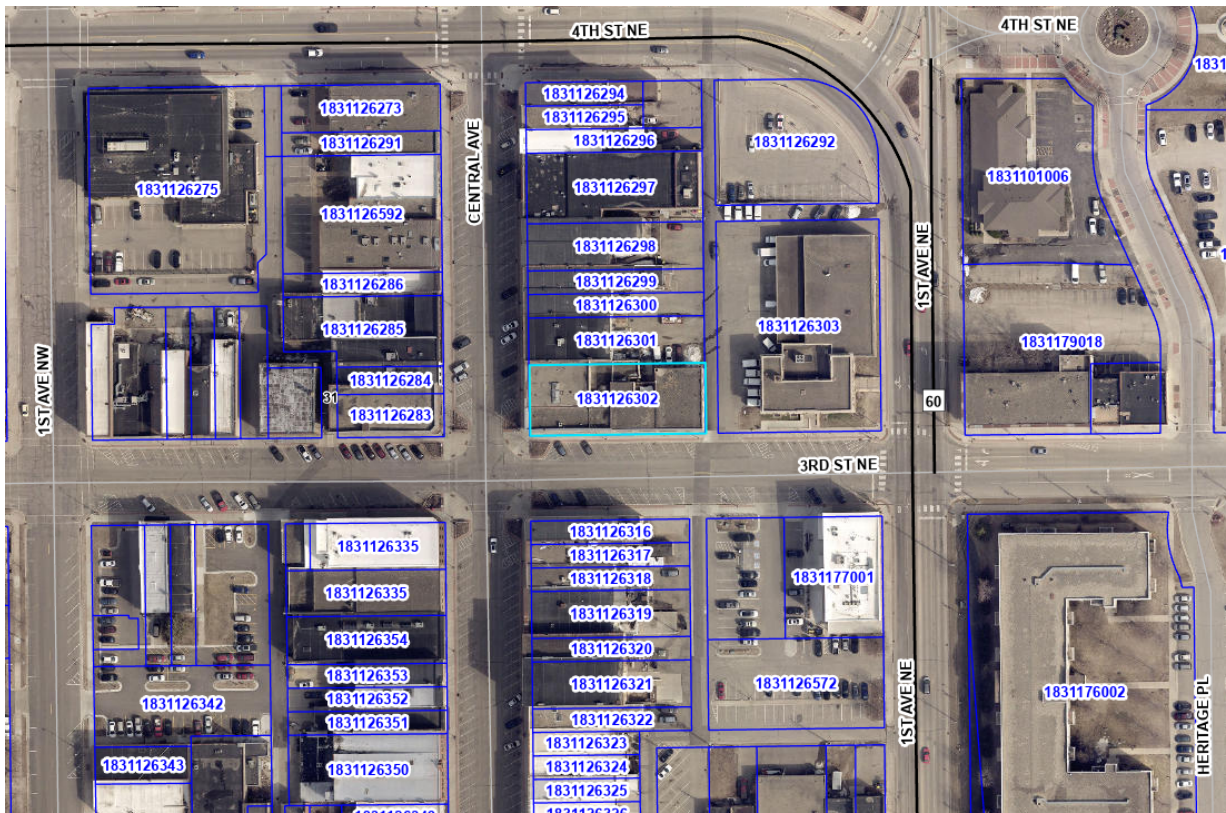
Request:	Applicant requests a variance for a minimum dwelling unit size.
Recommendation:	The City Planning Manager recommends forwarding this item to City Council with a recommendation of approval based on the findings and conditions in the attached resolution.
Recommended Motion:	Motion to forward and recommend approval of the variance request for a smaller dwelling unit size to City Council, with findings and conditions suggested by city staff.

Request:

Nort Johnson (the Applicant) on behalf of Faribault Downtown Central LLC (the Owner) requests a variance to facilitate the approved Eastman Disbursal Addition plat (Resolution 2025-157) at 301 Central Ave, at the northeast corner of Central Ave and 3rd St NE, as depicted in the attached plans.

Background and Project Description:

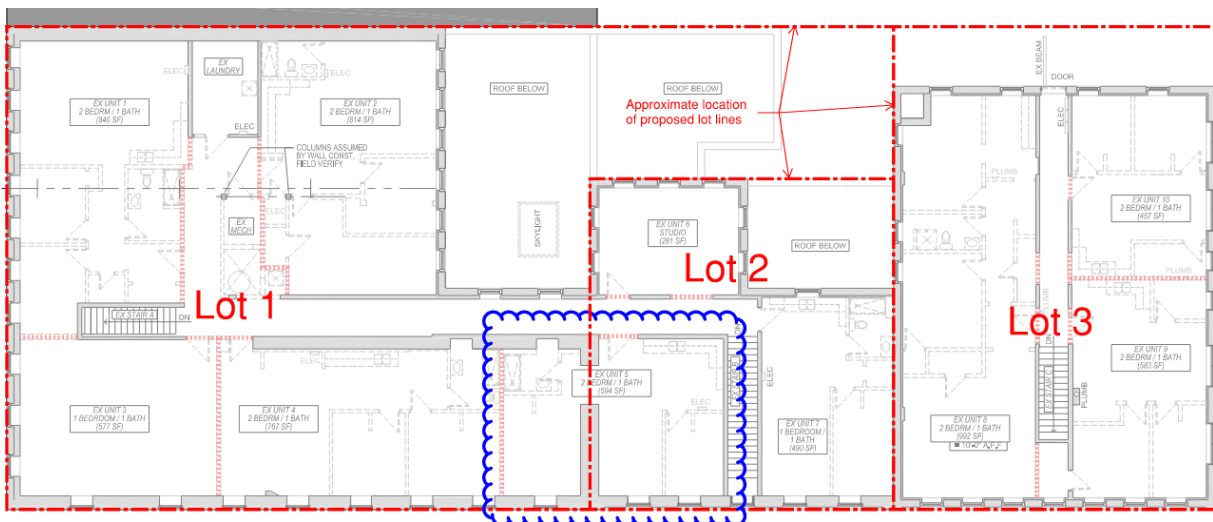
Nort Johnson and Faribault Downtown Central LLC submitted an application and fee for a variance to create a dwelling unit of approximately 368 square feet that's smaller than the minimum allowed size of 550 square feet for a studio or efficiency apartment. The request is to facilitate meeting building code requirements for subdividing the property and creating property lines through buildings.



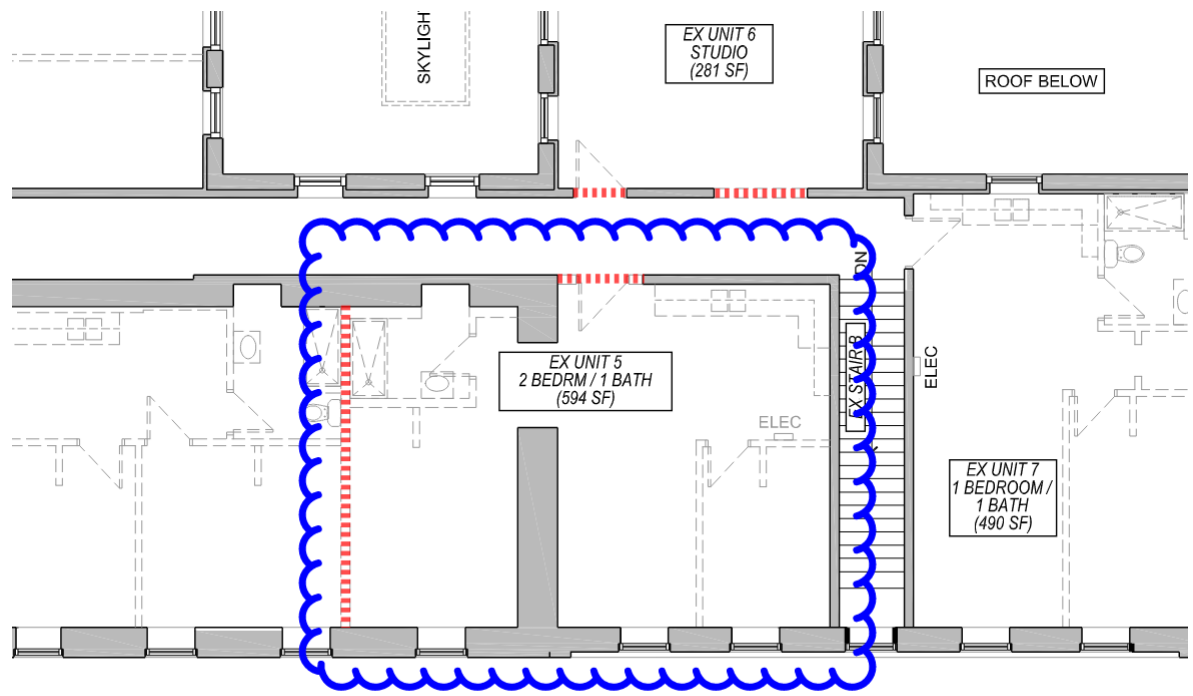
Location along Central Avenue N and 3rd St NE

Table 1 – Variance Table

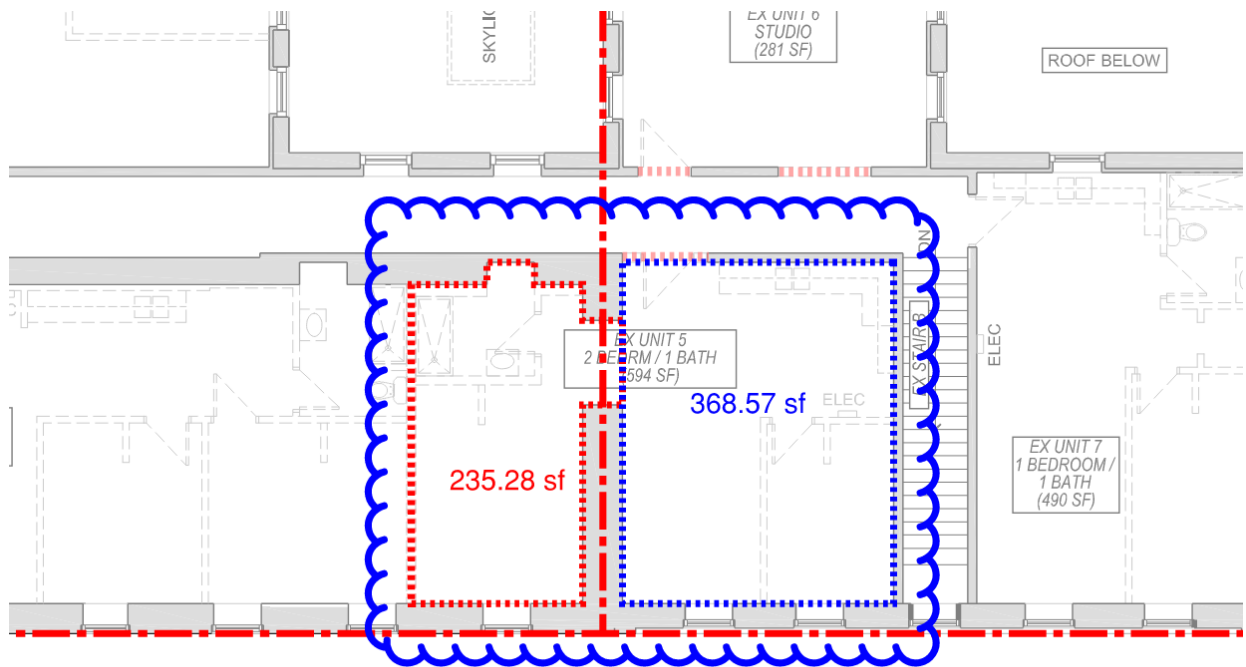
Variance Issue	Requirement	Proposed	Variance
CBD Residential uses (Sec 11-430(A)(2)(a))	[...] residential units [must] have a minimum floor area [...] efficiency or studio, 550 square feet	Approximately 368 square feet	Approximately 182 square feet



2nd Floor Plan with Lot Lines



Existing Unit Layout



Area of Proposed Change – Red Dashes Indicating Removed Area from Existing Apartment

Discussion:

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

Variance Criteria and Findings Summary. The proposal meets the criteria for granting a variance. The intent of the ordinance is met as it is written to ensure residential uses are secondary to commercial uses, which the property achieves as the amount of residential use is not increased. The building code allows residential units to be smaller than the minimum proposed. The Comprehensive Plan and Downtown Master Plan both support investment and activity downtown, which granting the variance would facilitate. More details on criteria and findings may be found in the associated Resolution.

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 25, 2025, and letters were sent to property owners within 350 feet.

Recommendation:

The City Planning Manager recommends that the Planning Commission forward and recommend approval of the variance to City Council based on the criteria and findings in the attached resolution, with conditions of approval.

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE A VARIANCE FOR A SMALLER DWELLING UNIT SIZE THAN ALLOWED AT 301 CENTRAL AVE

WHEREAS, Nort Johnson (the "Applicant") representing Faribo Downtown Central, LLC (the "Property Owner") requests a variance from the minimum dwelling unit size at 301 Central Ave, for property legally described in Exhibit A; and

WHEREAS, the Applicant requests reducing an existing nonconforming two-bedroom dwelling unit at 594 square feet to meet building code requirements for subdividing the property and creating property lines through buildings, as depicted in Exhibit B; and

WHEREAS, the Applicant requests reducing the unit into a studio or efficiency apartment size of no smaller than 368 square feet where the minimum size allowed is 550 square feet under Appendix B UDO, Chapter 11, Article 5, Sec 11-430(A)(2)(a), as depicted in Exhibit B; and

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

WHEREAS, the Planning Commission, on October 7, 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 variance requested by the applicant is in harmony with the general purposes and intent of the City's ordinances. The intent behind Sec 11-430 and the minimum dwelling unit size is to ensure that residential uses in a mixed-use building remain secondary to commercial uses. In this case the buildings and floor plan are largely existing. No increase in the number of units or expansion of the residential area is proposed, and the downstairs commercial sizes will remain the same. The overall commercial uses across the subject property will be larger than the overall residential uses on the second floor.

2. The variance is consistent with the Comprehensive Plan.

Finding: The property is correctly guided for Downtown per the Comprehensive Plan and the existing use of the land is a mix of commercial and residential. 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.

Core Guiding Principles #3: Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed.

Core Guiding Principles #4: Encourage innovation, creativity, flexibility, and openness to new ideas and positive change in all sectors of the community.

The applicant proposes to subdivide the lot to provide opportunities for businesses to own and invest in more property downtown. This will greatly protect this downtown property and result in improved places for businesses and residents. Subdividing the lot requires meeting building code through firewalls, which happen to be in areas previously altered to facilitate a larger dwelling unit. The unit size will not be a detriment to downtown and will meet building code requirements for a dwelling unit. The requested variance is consistent with the Comprehensive Plan.

Additionally, the Downtown Master Plan supports the applicant's proposal through the following:

Goal 4: Activate the Downtown by creating a unique Downtown experience that is stimulating and full of vibrancy.

To achieve an activated downtown requires investment and residents, which the variance facilitates, as stated above. The variance is consistent with the Downtown Master Plan.

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 2020 Minnesota Building Code allows efficiency dwelling units to have a minimum of 220 square feet of living area. Adding in a reasonably-sized bathroom and kitchen increases the overall unit size to approximately 320 square feet. Building code allows a studio or efficiency dwelling unit to be less than 550 square feet, but the minimum size for an efficiency apartment is approximately 320 square feet, so the proposed 368 square feet is above the minimum for building code. An additional 100 square feet per occupant over two occupants would be needed, so staff recommends placing a

condition on the variance requiring a maximum of two occupants, which is consistent with building code.

- 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 existing building on the property are constructed with the ability to place property lines in-between and on existing firewalls. The previous property owner expanded a dwelling unit by creating a hole through one of the firewalls, which negatively impacted the fireproofing for both structures and denying the applicant's ability to subdivide the property. The existing layout and hole in the firewall is not the applicant's doing. The applicant is trying to correct the issue and restore fireproofing to protect the structures on the property.

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

Finding: The essential character of the neighborhood will not be impacted. No exterior changes are proposed and the number of units in the building will not be increased. Both the potential visual and activity impacts of a smaller dwelling unit than allowed are the same pre- and post-renovation.

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

Finding: The proposed dwelling unit size is more than the minimum efficiency dwelling unit size under the building code, so the request is above the minimum necessary variance needed to alleviate the practical difficulties.

- 7. Economic conditions alone do not constitute practical difficulties.**

Finding: The applicant has not made a case that the variance is based on economic conditions alone. The building code permits a dwelling unit size this small and the overall changes are meant to rectify compromised fireproofing between buildings on the property.

WHEREAS, the City Council, at a public meeting, on October 13, 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 11, Article 5, Sec 11-430(A)(2)(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 reconstruct the reduced apartment unit generally consistent with the drawings, as depicted in Exhibit B. Any significant deviations from this design shall require a separate variance.
2. The applicant shall apply for a building permit prior to completing the work.

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.

(Remainder of page intentionally left blank)

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

Date Adopted: October 13, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

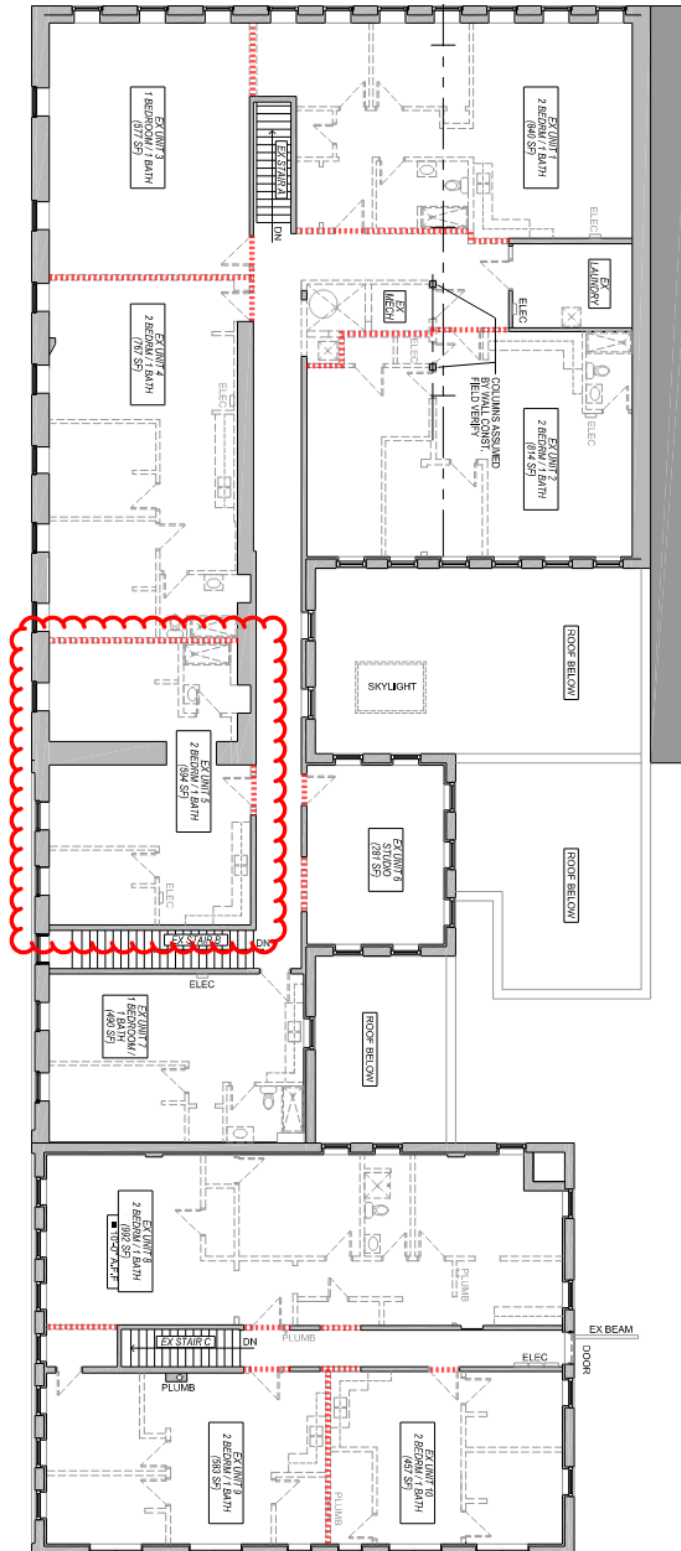
Jessica L. Kinser, City Administrator

Exhibit A
Property Legal Description

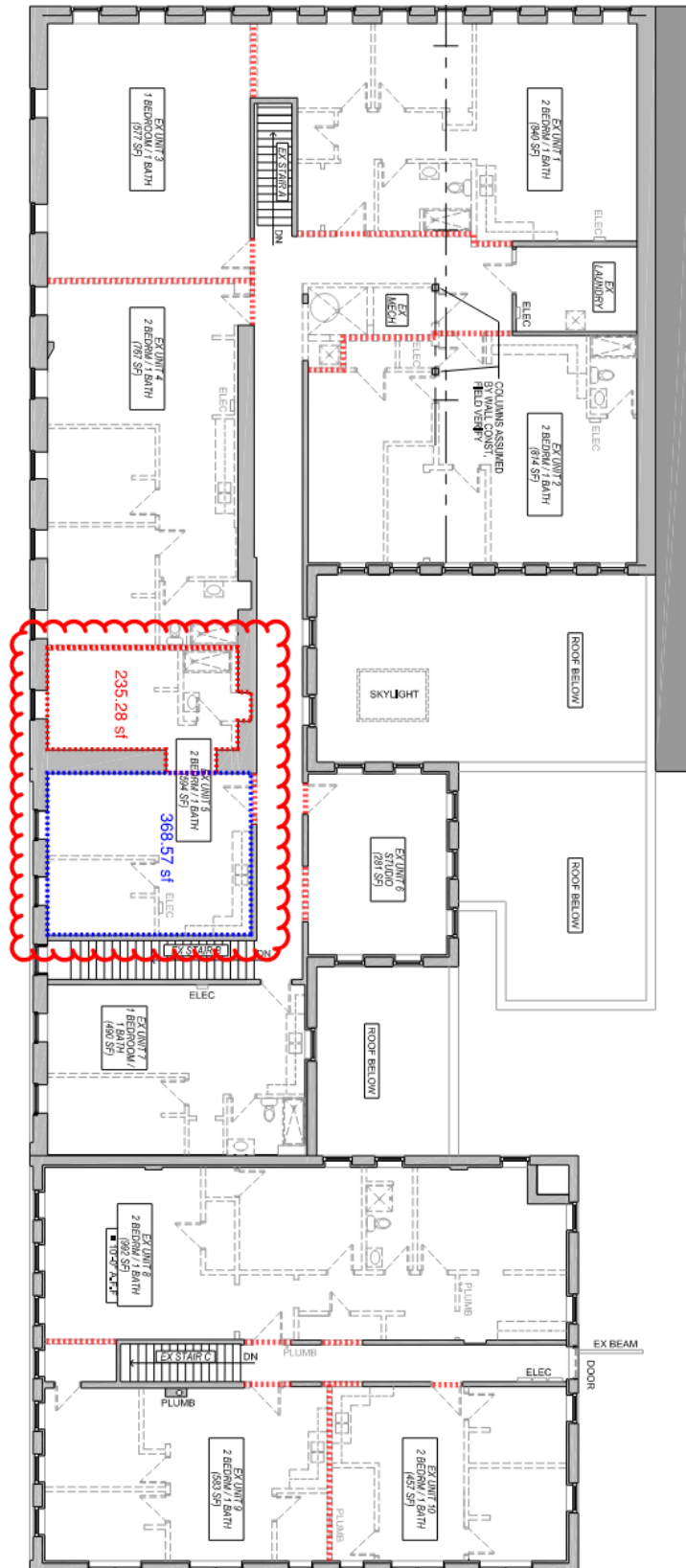
Lot 10, Block 46, ORIGINAL TOWN OF FARIBAULT, as the same is platted and recorded in the office of the County Recorder of Rice County, Minnesota.

Exhibit B

Depiction of Variance



Existing Second Floor Layout – Area Clouded in Red = Proposed Variance Location



Proposed Second Floor Layout – Area in Blue Dashes to be Proposed Apartment Size (~368 sq ft) – Area in Red Dashes Removed from Unit (~235 sq ft)

Exhibit C
PC Staff Report

(insert staff report exhibit after this page)