1. Call To Order/Roll Call
   1.A. 1. Agenda
       Documents:
           1. 06-15-2020 AGENDA.PDF

2. Approve Minutes
   2.A. 2A. PC Meeting Minutes From 6/1/2020
       Documents:
           2A. 06-01-2020 MEETING MINTUES.PDF

3. Public Hearings
   3.A. 3A. Variance For Woolen Mills Sign Mural
       Documents:
           3A.VAR 17-2020 STAFF REPORT - WOOLEN MILL CO. SIGN VARIANCE.PDF
   3.B. 3B. 310 Event Center CUP For Outdoor Patio
       Documents:
           3B PC REPORT FOR CUP ROOF PATIO FOR 3-TEN EVENT CENTER.PDF

4. Routine Business

5. Work Session
   5.A. 5. Work Session Agenda
       Documents:
           5. 06-15-20 WS AGENDA.PDF

6. Adjourn
Minn. Stat. § 13D.021 – Meeting by Telephone or Other Electronic Means; Conditions - Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency.

Anyone interested in the public hearings may participate in the hearings by calling the following telephone number or joining the following videoconference at the scheduled date and time of the public hearings:

1. Telephone number to call at the time of the public hearing:
   1-312-626-6799, meeting ID: 852 6687 6015
2. Videoconference to join at the time of the public hearing:
   https://us02web.zoom.us/j/85266876015

Monday, June 15, 2020  7:00 PM

1. CALL TO ORDER / ROLL CALL

2. APPROVAL OF MINUTES
   A. Minutes of June 1, 2020

3. PUBLIC HEARINGS
   A. VAR 17-2020. Faribault Woolen Mill Company, application for a variance from sign ordinances in order to recreate a historic style business sign painted on the north building wall of the factory at 1500 2nd Avenue NW.
   
   B. CUP 16-2020. 3-Ten Event Center, application for a Conditional Use Permit to construct a roof patio for outdoor receptions and wedding services located at 310 Central Avenue

4. ROUTINE BUSINESS
   A. None

5. ADJOURN

Please contact the City Planning Division (507.334.0100) if you need special accommodations related to a disability to participate this meeting. The Public Hearings are broadcast live on FCTV.
FARIBAULT PLANNING COMMISSION
MEETING MINUTES

This meeting was conducted pursuant to Minn. Stat. § 13D.021 – Meeting by Telephone or Other Electronic Means; Conditions - Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency.

Monday, June 1, 2020 7:00 PM

1. Chair Albers called the meeting to order at 7:00 p.m. and a Roll Call was taken. In attendance were Commissioners: Ackman, Ali, Campbell, Faugstad, Temple, White and Chair Albers. Others present were Dave Wanberg, City Planner and Kari Casper, Recording Secretary.

   Others Present: Matt Yetzer, Brian and Jessica Vanthomme, 224 22nd Ave, SW, Faribault, MN 55021 and Dan and Linda Shrot, 214 22nd Avenue, Faribault, MN 55021.


A motion was made by Campbell and seconded by Temple to approve the meeting minutes of 05/04/2020.

ROLL CALL VOTE:

Aye: Ackman, Campbell, Temple, White, and Chair Albers
Nay: None.

3. PUBLIC HEARINGS

A. Preliminary Plat and Final Plat Approval associated with a Proposed Multi-Family Residential Development at 405 Western Avenue South (Rice County Parcel IDs: 18.36.3.28.001 and 18.36.3.27.019).

Wanberg began his presentation stating the proposed recommendation and went into the background of the parcels. Survey was presented. Wanberg

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The Public Hearings are broadcast live on FCTV.
then did show the site plan to understand what is happening with the two parcels. Previously platted and previously developed so no parkland dedication. Showed renderings of proposed building. All proposals fit the existing ordinances, no need for any variances. Discussed easements, back slope on Western and ROW easement; by replatting, they are dedicating those easements. Applicant will also dedicate two 10’ easements along 4th. Staff recommends approval.

Albers then went out for discussion. Ackman presented that he recalled this matter coming before the Commission about 15 to 20 years ago where it was one lot and divided into two. Wanberg stated that he is correct regarding the platting process. There was a condominium plat. White wanted first explanation of the ROW along Western Ave. Wanberg stated that the two easements were identified and could be left as it or dedicated. Temple asked if this matter would come before the Commission at any point in the future. Wanberg stated that this is the only input the Commission would have. Reminded that site plan approval be done by the DRC and gave examples of other projects that the Commission didn’t see. Temple asked about the notes from the neighborhood meeting. Wanberg deferred to Yetzer on behalf of the applicant to respond. White commented that that this plan is an excellent site plan in his opinion. Ali asked if there was city subsidy/funding; also, is there public input or is this it? Albers stated that public comment is after this. Wanberg stated that they are receiving financing and deferred to the applicant. Campbell asked how many neighborhood meetings were held.

Albers then opened the matter up to the public and Matt Yetzer spoke on behalf of the applicants. Yetzer stated that there was one neighborhood meeting. He responded that the landscaping was an issue that came up and they mitigated by incorporating some new plantings on the site. The neighbors appreciated one entrance/exit which will be on 4th Street trying to avoid the loss of some of the existing trees on the property. The reduced parking. There was some parking above the requirement and they reduced that on the east side which brought down to requirement. As far as the TIF requests will be in front of Council next week. They applied for financing through MHFA. Brought support to Faribault. Rents will be at a reduced level. Which does create a gap in financing and they have a request in to the city to help pay for acquisition costs and hard construction costs. Meeting all high density residential standards. Ali asked about numbers of bedrooms in the units. Yetzer said there are 76 units which has 25% one bedroom, 50% two bedroom and 25% three bedroom units. Ali asked if that was based on funding and research. Yetzer said a little bit of both. Ali thanked Yetzer for his investment in our community. Dan Schrot and wife Linda 214 22nd Ave and they have lived there for 48 years. They are familiar

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The Public Hearings are broadcast live on FCTV.
with the neighborhood. Privacy concern, don’t want to see that get taken away. Watershed, that there on the east side of the property line. That property line on 23rd Ave, he has a 3’ slope from property line to his house. He gets kind of a puddle there. He was wondering if they would plow the snow and create a problem. Another concern is the sewer line on 23rd Avenue. Another one, one time the water line froze up on 23rd Avenue. Walking to the Mall, there are no sidewalks, that should be looked into. The property line on the east side, he thinks they should have a privacy fence on that line. They’ve been there for many years and when the bus gets out, they cross lawns. Another concern is the new disease, close proximity, health hazard. Another question he had Faribault will be a sanctuary city.

Albers opened up for Yetzer to respond. Privacy item, they located the project as far west as he could. The snow, there are a couple of different spots to incorporate where snow could be stored. Discussion with affiliated company to figure that out. Fence, his understanding is that there are some easements for city access and a fence would potential obstruct that access and giving the location of their project that would be taken care of. Wanberg then elaborated that his is action to be taken on the PP and FP and not site plan. In terms of privacy, Yetzer did address that with everything to the west and should include the existing vegetation. There is a sanitary sewer line on the property line and two manholes. This sewer line has had some problems and so a jetter truck would need to be able to have access to those areas to clean out that sewer line. The City has these easements and the City has the possibility of putting in a water main in. Watershed, most of this is all draining in the storm water catch basins into the water pond. Sidewalk will be all along entrance and from exits from the building and down to the existing sidewalk system. Would be nice to get a pedestrian crosswalk here; not hard to do. Privacy fence, site plan issue; the challenge would be to access. Schrot talked about the fence back there, he was thinking of putting a privacy fence there and put a swinging gate there to come in and do that. Been there for 48 years and they could come up with something. Brian and Jessica Vanthomme 224 22nd Avenue SW. Would they have access to their back yard. Wanberg responded that they city known of no access and maybe something could be worked out with the private property owners.

Public hearing is closed and brought back to the commissioners. Ackman again stated that this matter is for the PP and FP but most of what has been discussed doesn’t relate. All we are voting on is removing that white line. The council will touch on that when they get to it. This is the easiest plat process.
A motion was made by Ackman to recommend approval of Resolution 2020-89 regarding the Preliminary Plat and Final Plat of Lofts at Evergreen Knoll be sure to add the additional language provided by the City Attorney on the written findings and conditions of approval included in the Resolution seconded by White.

**ROLL CALL VOTE:**

Aye: Ackman, Ali, Campbell, Temple, White and Chair Albers.

Nay: None.

4. **ROUTINE BUSINESS**

Chair Albers stated there was no routine business.

5. **ADJOURN**

Chair Albers then requested a motion to adjourn. Commissioner Campbell then made the motion to adjourn at 7:47 p.m. which was then seconded by Commissioner Ackman.

**ROLL CALL VOTE:**

Aye: Ackman, Ali, Campbell, Temple, White and Chair Albers.

Nay: None.

Respectfully Submitted,

________________________________________
Kari Casper, Administrative Assistant I

**MINUTES APPROVED:**

________________________________________
Dave Albers, Chair
Case Numbers and Requests: VAR 17-2020 Variance from sign ordinances in order to recreate a historic style business sign painted on the north building wall of the factory at 1500 2nd Avenue NW.

Applicant: Paul Mooty, Vice Chairman/Partner

Applications: Faribault Woolen Mill Company

Location: 1500 2nd Avenue NW

Deadline for Council Action: June 29, 2020 Unless Extended by the City

Staff Recommendation: Approve the requested variance application

From: Peter J. Waldock, AICP, Planning Coordinator

Background / Summary:

Paul Mooty, Vice Chairman of the Faribault Woolen Mill Company has requested a variance to allow a wall sign painted on the north wall of the Faribault Woolen Mill Factory at 1500 NW 2nd Avenue. They are proposing to have a 14’ by 28’ (392 SF) sign painted on the north center wall area of the building that had been the location of prior wall signage painted the building. You can still remnants (ghost signs) of some of the prior signage there.

The property is on National Register of Historic Places. The Faribault Historic Preservation Commission has reviewed this request and has issued a certificate of appropriateness.

Discussion:

The size of the proposed sign (392 SF) is within limits allowed by the ordinance (10% of the wall area). The wall area in this case is estimated at over 6500 SF so the code would permit 650 SF of wall signage on this wall.

Generally the UDO prohibits signs painted directly on the wall, but the sign regulations do provide for sign variances to further historic preservation or re-establishment of historic signage that is consistent with the historic character of a building, based on architectural style or a documented historic use. Planning staff feels this application meets the standard for re-establishment of historic signage at this site.
Although the proposed sign is their current logo, it is intended as the recreation of a much larger wall sign that had been painted on north wall in this location in 1970s. Remnants of prior painted wall signs can still be seen on this wall.

Photo of the north wall signage from 1975

Proposed Sign
The following provides an analysis of the key aspects of the proposal:

A. Consistency with the Comprehensive Plan. The Comprehensive Plan emphasises the value of the community’s rich history. This application further the Heritage Preservation goals of the Community.

B. Consistency with the Unified Development Ordinance. Generally the Unified Development Ordinance prohibits business painted directly on the building wall. The ordinance however, does provide for Historical Sign Variances based on documented historic use.

C. Required findings for sign variances per Unified Development Ordinance Sec. 9-230

(1) That the strict application of this ordinance would result in practical difficulties inconsistent with the general purpose and intent of this ordinance. Economic conditions alone do not constitute practical difficulties.

(2) That the alleged difficulty is caused by the ordinance and has not been created by any persons presently having an interest in the parcel of land.

(3) That the variance is requested to overcome unique circumstances that apply to the property which do not apply to other properties in the same zone or vicinity that prevent the property owner from displaying a sign as intended by this ordinance.

(4) That the variance does not alter the essential character of the neighborhood.

(5) That the variance is in harmony with the general purposes and intent of the City's ordinances.

The Development Review Committee (DRC) reviewed this application on June 2, 2020. The DRC Comments are as follows:

• The site is on National Register of Historic Places
• The applicants provided pictures from 1975 of previous signage painted on the north wall of the facility that documents historic use to satisfy historic sign variance criteria.
• The Heritage Preservation Commission has reviewed the application and has approved a certificate of appropriateness for the proposed sign request.
• Although the sign depicts the current logo of the company and does not duplicate the prior sign from 1975, it meets the intent of the historical signage variance provisions of the ordinance.

• The application meets the findings required by Sec. 9-230 of the UDO.

Applicable Code Sections:
Chapter 2, Article 9, Faribault Unified Development Ordinance (UDO), Administration, regarding variances.

Chapter 9, Article 5, Faribault Unified Development Ordinance (UDO), Signs, regarding variances

REQUIRED FINDINGS
Section 9-230 of the UDO includes five (5) required findings as a prerequisite for approval of sign variances.

The required findings are as follows:

Sec. 9-230. Required findings for sign variance.

(A) Prerequisites for approval. The Planning Commission and City Council shall not vary the regulations of this ordinance unless it makes each of the following findings based upon the evidence presented to it in each specific case. The Planning Commission and City Council may impose such conditions upon the premises benefited by a variance as may be necessary to comply with the standards established by this ordinance or to reduce or minimize the effect of the variance upon other properties in the neighborhood and to better carry out the intent of the variance. The conditions must be directly related to and must bear a rough proportionality to the impact created by the variance:

(1) That the strict application of this ordinance would result in practical difficulties inconsistent with the general purpose and intent of this ordinance. Economic conditions alone do not constitute practical difficulties.

(2) That the alleged difficulty is caused by the ordinance and has not been created by any persons presently having an interest in the parcel of land.

(3) That the variance is requested to overcome unique circumstances that apply to the property which do not apply to other properties in the same zone or vicinity that prevent the property owner from displaying a sign as intended by this ordinance.

(4) That the variance does not alter the essential character of the neighborhood.

(5) That the variance is in harmony with the general purposes and intent of the City's ordinances.

(B) Historical variation. The City Council may vary the regulations of this ordinance to further historic preservation or re-establishment of historic signage when the following above conditions are shown to exist and the variance will allow signage that is consistent with the historic character of a property or building, based on architectural style or a documented historic use.

Recommendation:

Staff recommends approval of the requested variance from sign requirements to permit the Faribault Woolen Mill Company to recreate a historic style wall sign painted on the north wall of the factory located at 1500 2nd Avenue NW.
Attachments:

- Resolution for approval
- Site Maps
- Application forms and Plans
WHEREAS, Paul Mooty, Vice Chairman/Partner of Faribault Woolen Mill Company, (Applicant) is requesting a variance from requirements of the Unified Development Ordinance, Section 9-90 prohibiting signs painted directly on the building wall at 1500 2nd Avenue NW and legally described in Exhibit A attached hereto, and

WHEREAS, City Staff has completed a review of the application and made a report pertaining to said request (VAR 17-2020), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on the 15th day of June, 2020, following proper notice, held a public hearing regarding the request, and following said public hearing made findings and recommended that the City Council approve the request; and

WHEREAS, the City Council, on the 23rd day of November, 2020, at a public meeting considered the request; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the requested variance based on the following findings as required by Section 9-230 of the City of Faribault, Unified Development Ordinance as follows:

1. That the strict application of this ordinance would result in practical difficulties inconsistent with the general purpose and intent of this ordinance. Economic conditions alone do not constitute practical difficulties.

   The Planning Commission finds although there are no practical difficulties in meeting the sign ordinance, the applicants are seeking to recreate a historical sign style on their building, which is on the National Register of Historic Places and the ordinance permits variations for historic signs.

2. That the alleged difficulty is caused by the ordinance and has not been created by any persons presently having an interest in the parcel of land.
The Planning Commission finds that the variance is not the result of conditions created by the owners and that variances are permitted for documented historic uses.

3. That the variance is requested to overcome unique circumstances that apply to the property which do not apply to other properties in the same zone or vicinity that prevent the property owner from displaying a sign as intended by this ordinance.

The subject site in this case is on the National Register of Historic Places which is unique and does not generally apply to other properties in the vicinity.

4. That the variance does not alter the essential character of the neighborhood.

The Planning Commission finds that the variance contributes in a positive way to the historic character of the site and neighborhood.

5. That the variance is in harmony with the general purposes and intent of the City's ordinances

The Planning Commission finds that the variance is in harmony with historic character of the site and general intent of the ordinance.

6. Historical Variation.

The Planning Commission finds that the application in this case furthers historic preservation efforts at the site, and will allow signage that is consistent with the historic character of the property and is based on documented historic use of the site.

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

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

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

Section 2: Approval of the Variance. Variances from the requirements of the Unified Development Ordinance, Section 9-90 prohibiting business signs
painted directly on the building wall, is hereby approved as shown in Exhibit B, subject to conditions as set forth in Section 3 of this resolution. Said approval shall is based on the forgoing recitals, which are incorporated herein by reference, and constitute the findings of the City Council in accordance with Section 9-230 of the City of Faribault, Unified Development Ordinance.

Section 3: Conditions of Approval. The variance shall be approved subject to conditions listed herein as authorized under Section 9-240 of City’s Unified Development Ordinance, all of which are deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of the ordinance. The conditions of the variance approval are as follows:

1. The sign must be painted/installed in a manner consistent with the plan attached as Exhibit B with this resolution.

2. The owners shall not be required remove the sign in the event the Faribault Woolen Mill Company ceases use of the building, the sign shall be allowed to fade naturally overtime as other historic wall signs painted on the building have done before at this site.

3. While in business at the site, the applicants shall maintain the sign and underlying brick wall structure in good condition, free of paint chips and wall problems.

4. The Development Review Committee is authorized to approve site plan revisions that meet the intent of this resolution.

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

Date Adopted: June 23, 2020

Faribault City Council

_______________________________
Kevin F. Voracek, Mayor

ATTEST:

_______________________________
Timothy C. Murray, City Administrator
Exhibit A (page 1 of 2)

LEGAL DESCRIPTION

Parcel 1:
Those parts of Block 6, Riverside Addition, and of Block 4, North Faribault, and of the North One-half of Section 30, Township 110 North, Range 20 West of the Fifth Principal Meridian, all being in the City of Faribault, Rice County, Minnesota, and lying Southerly and Easterly from the water's edge of the Cannon River described as follows: Beginning at the Northeast corner of Block 1, River View, Faribault, Minnesota (said point being in the Westerly line of 3rd Avenue Northwest); thence Northerly along the Northerly prolongation of said Westerly line of 3rd Avenue Northwest to its intersection with the Westerly prolongation of the Northerly line of 14th Street Northwest in said plat of North Faribault; thence Easterly along said prolongation of the Northerly line of 14th Street Northwest and the Southerly line of said Block 4, North Faribault, to a point in the Northwesterly railroad right of way line, said line being 9.00 feet Northwesterly from and parallel with the center line of said railroad as now traveled; thence Northeasterly along said railroad right of way line to its intersection with the Westerly line of 2nd Avenue Northwest and the East line of said Block 4, North Faribault; thence Northerly along said Westerly line of 2nd Avenue Northwest and the Easterly line of said Block 4, North Faribault and the East line of said Block 6, Riverside Addition and its Northerly prolongation thereof to the Southerly water's edge of said Cannon River; thence Southwesterly along said water's edge to the Northerly line of said Block 1, River View, Faribault, Minnesota; thence Easterly along said Northerly line of Block 1, River View, Faribault, Minnesota to said point of beginning;

Parcel 2:
And also those parts of Lots 2, 3, 4, 5, 6, 7, 9, 10, 11 and 12, Block 5, North Faribault, described as follows: Beginning at a point in the North line of said Block 5, a distance of 82.21 feet Westerly from the Northeast corner of said Block 5 (for purposes of this description bearings are assumed and based on said North line being South 89 degrees 14 minutes 26 seconds West), said point being in the Northwesterly railroad right of way line, said line being 9.00 feet Northwesterly from and parallel with the center line of said railroad as now traveled; thence South 25 degrees 20 minutes 06 seconds West along said railroad right of way line, 466.55 feet to a point in the South line of said Block 5, and the North line of 13th Street Northwest; thence South 89 degrees 14 minutes 26 seconds West along said South line of Block 5 and said North line of 13th Street Northwest, 23.85 feet; thence North 25 degrees 32 minutes 25 seconds East, 194.68 feet; thence North 0 degrees 33 minutes 31 seconds East, 244.53 feet to a point in said North line of Block 5; thence North 89 degrees 14 minutes 26 seconds East, along said North line, 137.18 feet to said point of beginning;

Parcel 3.
Exhibit A (page 2 of 2)

And also Lots 1, 2, 4, 5, 6 and 7, Block 1, River View, Faribault, Minnesota;

Parcel 4:
Part of the West One-half of the Northwest Quarter of the Northeast Quarter of Section 30, Township 110 North, Range 20 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Beginning at the Southwest corner of said West One-half of Northwest Quarter of Northeast Quarter; thence South 89 degrees 50 minutes 45 seconds East, assumed bearing, along the South line of said West One-half of Northwest Quarter of Northeast Quarter, 149.47 feet to a point in the center line of 2nd Avenue N.W. in said City of Faribault; thence North 12 degrees 06 minutes 34 seconds West, along said Avenue center line, 176.68 feet to the true point of beginning of the parcel to be herein described; thence continue North 12 degrees 06 minutes 34 seconds West, along said Avenue center line, 366.87 feet; thence Northwesterly, along said center line of 2nd Avenue, on a curve, concave Easterly (curve data: radius = 1432.69 feet; delta angle = 9 degrees 53 minutes 50 seconds, chord bearing and distance = North 7 degrees 09 minutes 39 seconds West, 247.17 feet), an arc distance of 247.48 feet to a point in the West line of said West One-half of Northwest Quarter of Northeast Quarter; thence North 0 degrees 20 minutes 17 seconds East, along said West line, 544.42 feet to the Northwest corner of said West One-half of Northwest Quarter of Northeast Quarter; thence South 89 degrees 44 minutes 13 seconds East, along the North line of said West One-half of Northwest Quarter of Northeast Quarter, 292.01 feet; thence South 0 degrees 45 minutes 00 seconds West, 1064.07 feet; thence South 64 degrees 25 minutes 40 seconds West, 192.37 feet to said true point of beginning; subject to 2nd Avenue over the Westerly side and subject to 20th Street over the Northerly side of said herein described parcel; containing 6.759 acres, more or less, including said Avenue and Street rights of way; also subject to an easement to the City of Faribault for ingress and egress over and across a strip of land 30.00 feet in width, being 15.00 feet on both sides of the following described line: Commencing at the true point of beginning of the above described parcel; thence North 12 degrees 06 minutes 34 seconds West, along said 2nd Avenue center line, 154.82 feet; thence North 77 degrees 53 minutes 26 seconds East, 50.00 feet to a point in the Easterly right of way line of said 2nd Avenue and the true point of beginning of the easement line to be herein described; thence North 57 degrees 58 minutes 46 seconds East, 188.06 feet to the East line of the above described parcel and there terminating, the side lines of said 30 foot strip to be lengthened or shortened to terminate in said Easterly right of way line of 2nd Avenue and in said East line of the above described parcel.

Rice County, Minnesota
Abstract and Torrens Property
Abstract Property (Parcels 1, 2 and 3)
Torrens Property (Parcel 4)
Torrens Certificate No. 6219 (Parcel 4)
Exhibit B (page 1 of 2)

Depiction of the proposed sign
Exhibit B (page 2 of 2)

Proposed Sign Location
This map is updated periodically to reflect amendments and should be used for general reference purposes. The map is current as of the date of the map. Specific inquiries should be directed to the Planning Division at (507) 334-0100.
This map is updated periodically to reflect amendments and should be used for general reference purposes. The map is current as of the date of the map. Specific inquiries should be directed to the Planning Division at (507) 334-0100.
APPLICATION FOR REQUESTED ACTION
Variance

Planning Case #
Filing Fee
Hearing Date

Faribault Western Mill Company
APPLICANT: PAUL R. MOOTY  E-MAIL: PRMooty@faribaultmill.com
PHONE: 507.412.5515  FAX: 651.485.4812 (W)

APPLICANT ADDRESS: 1500 NW 2nd Ave. Faribault, MN 55021

OWNER (if other than applicant)
PHONE: (H)  (W)  (FAX)

OWNER’S ADDRESS

ADDRESS OF PROPERTY: 1500 NW 2nd Ave. Faribault, MN 55021

LEGAL DESCRIPTION: Parcel 18. 18.20.2.75.001

ACREAGE/SIZE OF PROPERTY: 6.2 acres

CURRENT ZONING: Manufacturing (Light)

EXISTING USE OF PROPERTY: Manufacturing

PROPOSED USE OF PROPERTY: Manufacturing
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES: Residential (Commercial) Park

SIGNATURE OF APPLICANT: [Signature]  DATE: 4/15/20
(Must submit proof of property control)

SIGNATURE OF THE OWNER:  DATE: 
(if other than the applicant)

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

Revised 11/30/2015
VARIANCE
Required Submittals

♦ Site plan
  - Drawn to scale, with scale noted
  - Date and North arrow
  - Boundaries and dimensions shown graphically
  - Location of any streets, public trails, railroads, or waterways
  - Location of existing and proposed structures, with distance from property lines noted
  - Location and dimensions of existing and proposed off-street parking and loading spaces, with distance from property lines noted (when applicable)

♦ Required supplemental information
  - Written summary stating the specific variation requested, giving distances as needed
  - Written summary stating exceptional conditions/peculiar difficulties which make the variance necessary
  - Written statement as to why you feel a variance should be granted
  - Other information as required

♦ Filing fee
Faribault Woolen Mill Company

Variance Request for Painted Sign

Written Summary/Statement

Faribault Woolen Mill Company requests a variance for a painted sign on the North wall of the Mill and a variance to permit the size of the sign, as reflected in the included drawings.

Faribault Woolen Mill is a historic building and business in the City of Faribault dating to 1865 and at the current location since 1892. The building has been listed on the National Register of Historic Places. The Mill is one of the last operating vertically integrated woolen mills in the United States. The Mill draws a significant number of people, annually, to visit the Mill retail store and to tour the facility. Historically, the Mill had a large sign painted on the building in the same location as the proposed painted sign and we would like to continue that tradition with a painted sign of our brand image. A photograph of the sign that was once painted on the building is attached.

We believe that the painted sign will be consistent with the history and heritage of the Mill and be a wonderful enhancement to the property and further identify it as the historic Mill that it is. A painted sign is consistent with this heritage and the size will also be consistent with this heritage. We believe the Faribault community is very proud of the Mill and its place in Faribault history and that by placing this larger painted logo of the company will also bring a sense of community pride.

We respectfully request a variance for a painted sign and of a size requested in the drawings.
HAND PAINTED SIGN - DIRECT TO BRICK APPLICATION

Primer:
Loxon Masonry Primer

Top Coat:
Sherwin Williams A-100 Premium Exterior Latex

Historic Sign Location:

Proposed sign location:
FARIBAULT WOOLEN MILL, CO.
1500 NW 2nd Ave. Faribault, MN 55021

Proposed Sign Location

DATE: 4/15/2020
Case Number & Request: CUP 16-2020. Conditional Use Permit for an outdoor dining and reception patio on the roof for 3-Ten Event Center at 310 Central Avenue
Applicant/Owner: Ryan Ernster, Owner 3-Ten Event Center
Staff Recommendation: Recommend Approval of the requested CUP
Deadline for Council Action: July 5, 2020 Unless Extended by the City
From: Peter Waldock, AICP, Planning Coordinator

SUMMARY AND OVERVIEW OF THE REQUEST

Ryan Ernster owner of 3-Ten Event Center is requesting a Conditional Use Permit for an outdoor dining and drinking patio on the roof of the 310 Central Avenue building in the CBD Central Business District. The proposed deck is about 1760 SF in area roughly 38’ by 42’. The deck is centered on the building setback from Central Avenue by about 39’ and setback from the rear (west) wall about 17’. Access to the deck is from the 308 building. There is a stairway in the north east corner of the 310 building that can access the 308 building second floor ballroom and from there to the deck. Access can also be made from a stairway in the 306 building into the 308-building ballroom too. The 310 building is a one-story building with a two-story façade. There is a bride’s loft at the front (east) and a groom’s loft at the rear (west) end. The deck will be situated in the bowl between these lofts.
DISCUSSION

The UDO development standards in Sec. 7-30 provide for requirements for outdoor dining and drinking patios. For the properties within 200' of a residential use, a CUP is required. Most often these patios are at grade and the regulations are more geared toward street level patios. In this case the roof location offers limited access which is required in the development standards. On the other hand, the roof location may create fire exit challenges as two separate emergency escape routes may be needed to meet building code. The structure has been designed by a licensed architect/engineer to accommodate the underlying structure of the roof.

The location between the lofts on the 310 (Kresge) building will add privacy and sound attenuation. The owners are planning to close the deck by 10 pm as well. The railing system will be wrought iron style, but will not really be visible from the ground either east or west.

No Planning and Zoning issues are found with this application. It appears to be consistent with other dining patios approved by the City in recent years. The plans appear to be consistent with development standards required for outdoor eating, drinking, or smoking enclosures as listed in Sec. 7-30 of the UDO. HPC approvals have been requested.

![Computer generated image depicting the deck surface and railings looking southeast.](image)

The decking will be a maintenance free beige colored decking. The railing will be aluminum black railing. The deck will essentially be sitting on the roof. None of the deck joists, posts, beams or deck boards will ever be visible from the ground. They do not have plans for tables and chairs on the deck. They plan to use it mostly for cocktail hour after dinner and before the dance. When they have chairs they would normally set up for a wedding ceremony then returned back inside for storage. There will be no permanent furniture out on the deck.
DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee (DRC) discussed the proposal on June 2, 2020. The DRC had no objections to this request and recommends approval subject to conditions. The DRC had the following comments and observations:

1. The deck will be largely screened from view at street level or from the alley in the rear. It will not be visible from Central Avenue.
2. The Heritage Preservation Commission has approved a Certificate of Appropriateness for the deck.
3. 10 pm closing time for the deck will be helpful in reducing evening noise concerns.
4. The deck will need to meet building code requirements for emergency exists / egress routes.

REQUIRED DEVELOPMENT STANDARDS

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 premises, 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.

CONDITIONAL USE PERMIT

The Unified Development Ordinance (UDO), requires a conditional use permit (CUP), for outdoor commercial patios which are located closer than two hundred (200) to a residential use, in accordance with the provisions of Chapter 2, Article 7 of this ordinance. Specific development standards for this are listed in the UDO (see Sec. 7-30 above).

Applicable Code Sections:

Chapter 2, Article 7, Faribault Unified Development Ordinance (UDO), requirements and procedures for conditional use permits.

Chapter 7, Faribault Unified Development Ordinance (UDO), Section 7-30, development standards for outdoor dining and drinking enclosures.

REQUIRED FINDINGS

Section 2-300 of the UDO includes eleven required findings as a prerequisite for approval of conditional use permits. The proposed resolution prepared by staff and provided with this report includes the required findings for this application as recommended by staff. Staff does not have additional findings to include in this case.

RECOMMENDED CONDITIONS FOR APPROVAL

Section 2-310 of the UDO authorizes the City Council to establish reasonable conditions of approval to mitigate adverse impacts associated with the conditional use, to protect neighboring properties and achieve objectives of the ordinance. Staff is suggesting that the conditions listed in the proposed resolution be approved by the Planning Commission and City Council. The proposed conditions of approval for the outdoor enclosure are as follows:
1. Amplified sound coming from the enclosure in such quantities so as to cause disturbance off premise shall be prohibited. The use of amplified music in the enclosure area shall be allowed in accordance with City Noise Ordinances.

2. Customer access to and from the roof patio shall generally be made from the building to the south (308 Central Avenue), and shall be constructed to meet State Building Codes for emergency egress.

3. A dark colored metal ornamental railing enclosure shall be provided in accordance with approved plans.

4. Lighting shall be directed or screened to avoid glare on nearby residential uses.

5. The roof patio shall be constructed to meet all structural standards as determined by a licensed architect or structural engineer, and shall be maintained in good condition at all times.

**RECOMMENDATION**

Staff recommends approval of conditional use permit, subject to the findings and conditions listed in proposed resolution for an outdoor dining enclosure within 200’ of a residential use for 3-Ten Event Center at 310 Central Avenue.

**ATTACHMENTS**

- Location Maps
- Application and plans
State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION 2020-XXX

APPROVING A CONDITIONAL USE PERMIT FOR AN OUTDOOR WEDDING AND RECEPTION PATIO ON THE ROOF OF 310 CENTRAL AVENUE

WHEREAS, Ryan Ernster, property owner and applicant (the “Applicant”) of the subject property legally described in Exhibit A, has requested approval of a conditional use permit for an outdoor enclosure on the roof of 310 Central Avenue as an accessory use to an event center business at the premises; and

WHEREAS, City staff has completed a review of the application and made a report pertaining to said request (CUP 16-2020), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on the 15th day of June, 2020 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 the 23rd day of June, 2020, 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 streets, alley, 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 seating 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.

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, the City Council concurs with all of the findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

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

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

Section 2: Approval of the Conditional Use Permit. A conditional use permit for an outdoor reception and wedding enclosure on the roof of property located at 310 Central Avenue, is hereby approved subject to conditions as set forth in Section 3 of this resolution. Said approval shall be based on the foregoing 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 enclosure in such quantities so as to cause disturbance off premise shall be prohibited. The use of amplified music in the enclosure area shall be allowed in accordance with City Noise Ordinances.

2. Customer access to and from the roof patio shall generally be made from the building to the south (308 Central Avenue), and shall be constructed to meet State Building Codes for emergency egress.

3. A dark colored metal ornamental railing enclosure shall be provided in accordance with approved plans.

4. Lighting shall be directed or screened to avoid glare on nearby residential uses.

5. The roof patio shall be constructed to meet all structural standards as determined by a licensed architect or structural engineer, and shall be maintained in good condition at all times.

Section 4: 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 5: Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: June 23, 2020

Faribault City Council

___________________________
Kevin F. Voracek, Mayor

Attest.

___________________________
Timothy C. Murray, City Administrator
Exhibit A
Legal Description

Lot 2, Block 45, Original Town, now City of Faribault, Rice County, Minnesota, excepting therefrom the alley over and across the west side thereof.

Abstract Property

The Real Property or its address is commonly known as 310 Central Avenue, Faribault, MN 55021. The Real Property tax identification number is 18.31.1.26.285
Exhibit B
Site Plan

3-Ten Event Center at 310 Central Ave.

Proposed Roof Deck
APPLICATION FOR REQUESTED ACTION
Conditional Use Permit

Planning Case #
Filing Fee 
Hearing Date 

SITE ADDRESS 310 Central Ave N.

APPLICANT Ryan Erster - Event + Convention Center LLC
E-MAIL ryanerster@gmail.com

PHONE 952-484-7497 (H) 952-748-0347 (W) 800-397-4841 (FAX)

ADDRESS 6422 150th St SE Prior Lake, MN 55372

DEVELOPER (if other than applicant)

PHONE __________________________ (H) __________________________ (W) __________________________ (FAX)

ADDRESS __________________________

LEGAL DESCRIPTION Lot 2 Block 45 of Original town Faribault

ACREAGE/SIZE OF PROPERTY .20 acres

CURRENT ZONING 3A

EXISTING USE OF PROPERTY Event Venue

PROPOSED USE OF PROPERTY Event Venue with roof top deck
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES Residential, Commercial

SIGNATURE OF APPLICANT __________________________ DATE 5/5/20
(Must submit proof of property control)

SIGNATURE OF PROPERTY OWNER __________________________ DATE 5/5/20
(If other than applicant)

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

Updated August 23, 2016
CONSEQUENTIAL USE PERMIT
Required Submittals

♦ Site plan

☐ Drawn to scale, with scale noted
☐ Date and North arrow
☐ Boundaries and dimensions shown graphically
☐ Location of any streets, public trails, railroads, or waterways
☐ Present and proposed topography of the site and adjacent areas within 50 feet by contour lines at an interval of not more than 5 feet, and by use of directional arrows, the proposed flow of storm water runoff from the site
☐ Location of existing and proposed structures (height and gross floor area noted), with distance from property lines noted
☐ Location and dimensions of existing and proposed off-street parking and loading spaces, curb cuts, aisles, and walkways, with distance from property lines noted
☐ Location, height, and material for screening walls and fences
☐ Type of surfacing and base course proposed for all parking area, loading areas, and walkways
☐ Location of all existing and proposed water lines, hydrants, sanitary sewer lines and storm drainage systems
☐ Existing and proposed public streets or rights-of-way, easements, or other reservations of land on the site
☐ Location and method of screening of outdoor trash storage areas
☐ Location and size of all proposed signage
☐ Location and height of proposed lighting facilities
☐ Elevation views of all proposed buildings or structures, with building materials and proposed colors noted
☐ Indicate the ultimate development of the site and proposed development phases when a site is to be developed in stages
☐ Landscaping plan

♦ Required supplemental information

☐ Describe the project in detail (Include: Size of all structures existing and proposed and any modifications to existing, type of business and associated storage/display, type of clientele, hours of operation, number of employees, number of customer seats if food service related, handling of deliveries, unique site characteristics, proposed modifications to topography and/or drainage, development schedule, etc.)
☐ Written summary explaining how the proposed use is compatible with the neighborhood
☐ Written summary explaining if and how the proposed development will impact traffic
☐ Written statement as to why you feel the conditional use permit should be approved
☐ Other information as required

♦ Filing fee:

SIGNATURE OF APPLICANT ______________________ DATE 5/5/20

Planning case # __________
Roof Patio Site: View to West from Bride's Loft Window
**Title Sheet & Code Review**

**3 Ten Event's Remodel**

**310/306 Central Ave Fairbault, Minnesota**

**Building:**
- **Existing Building Size:** 3000 sf
- **Occupancy Classification:** Retail
- **Fire Protection:** 2-hour Fire Rating Between building 310 & 306
- **Area Service:** Valley

**General Notes:**
1. Provide all work and materials as required by the drawings and in full accordance with all city, state, and national codes and ordinances.
2. All mechanical, electrical, sprinkler and plumbing drawings to be submitted by respective subcontractors.
3. Contractor to coordinate with local inspector/fire-marshall as to types, quantity, location of smoke detectors, fire alarms, and fire extinguishers. Exit signage, and emergency battery backup lighting.
4. Relocate sprinkler heads as required. All work conducted on the sprinkler system shall be conducted by a licensed sprinkler contractor.
5. Inform designer of any discrepancies prior to construction.
6. Inform designer of any equipment or material substitutions prior to installation or fabrication.

**Compiler:**
Christopher L. Peterson

**Date:**
- **DECEMBER 04, 2019**
- **FINAL SET FOR CONSTRUCTION**
STRUCTURAL NOTES

REVISION:
MARCH 02, 2020
PRELIM DATE:

DRAWN BY:
FAIRBAULT MINNESOTA
310/306 CENTRAL AVE

1. All floor joist ends shall be laterally supported by solid blocking except where end joists are nailed to a header, girder, band or rim joist, or to an adjoining stud. Blocking shall be not less than 2 inches in thickness and the full depth of the joist.

2. General contractor and fabricator shall allocate 2 weeks of schedule time (as specified by AISC and ASCE standards).

3. Material strengths

4. All members, unless specified otherwise, shall be welded according to the American Institute of Steel Construction (AISC) specifications. Welding shall conform to AWS Structural Welding Code AWS D1.1 - "Structural Welding Code".

5. Material strengths

6. Bolted connections shall have a minimum of two bolts.

7. Cuts, holes (openings), etc. required in structural steel members for the work of other trades shall not be allowed without written approval from the engineer. Verify size and location with mechanical contractor.

8. Union bolt heads on shop drawings to be trimmed, painted with primer and 1-inch of non-shrink grout

9. Bearing plates for steel columns shall be bolted with F1544 Gr. 36 anchor bolts and dry packed with 1-inch of non-shrink, non-shrinkable grout.

10. studs, plates and other dimensional lumber shall be Spruce-Pine-Fir No.2 or better with the minimum dimension as required for material thickness per AISC or AWS.

11. If beam end reactions are not indicated, connections must be selected to support 1/2 the total load.

12. Stud anchors

13. Expansion anchors

14. Cold rolled E60xx electrodes

15. High strength bolting: Continuous inspections are required for slip-critical connections. Periodic inspections to the engineer of record.

16. All welding shall be performed by AWS certified welders.

17. Welding of galvanized steel is not permitted.

18. All welding shall conform to AWS Structural Welding Code AWS D1.1

19. Welding shall be done in accordance with the shop drawings and the specifications.

20. Stud anchors

21. Expansion anchors

22. Cold rolled E60xx electrodes

23. High strength bolting: Continuous inspections are required for slip-critical connections. Periodic inspections to the engineer of record.

24. All welding shall conform to AWS Structural Welding Code AWS D1.1

25. Welding shall be done in accordance with the shop drawings and the specifications.
Minn. Stat. § 13D.021 – Meeting by Telephone or Other Electronic Means; Conditions - Minn. Stat. § 13D.021 provides that a meeting of a public body may be conducted via telephone or other electronic means if meeting in a public location is not practical or prudent because of a health pandemic or declared emergency.

### Monday, June 15, 2020 7:00 PM

(Immediately following Planning Commission Meeting)

1. **CALL TO ORDER / ROLL CALL**

2. **DISCUSSION**

3. **ROUTINE BUSINESS**

   A. Next City Council Meeting – June 23, 2020
   B. Summary of EDA Meeting
   C. Next PC Meeting Agenda – Monday, July 6, 2020

4. **ADJOURN**