



**FARIBAULT PLANNING COMMISSION  
MEETING MINUTES**

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, November 2, 2020**

**7:00 PM**

1. Chair Albers called the meeting to order at 7:00 p.m. and a Roll Call was taken.

**Roll Call:** Commissioner Ackman, Commissioner Campbell, Commissioner Temple, Commissioner White and Chair Albers.

Absent: Commissioner Ali.

**2. APPROVAL OF MINUTES OF October 19, 2020.**

A motion was made by Commissioner Temple and seconded by Commissioner Campbell to approve the meeting minutes of 10/19/2020.

**ROLL CALL VOTE:**

**Aye:** Commissioner Ackman, Commissioner Campbell, Commissioner Temple, Commissioner White and Chair Albers.

Motion passed on a 5/0 vote.

**Nay:** None.

**3. PUBLIC HEARINGS**

- A. Application from Chris Bakken and Jeff Jandro for a Conditional Use Permit to Move a Previously Used House to 1010 8<sup>th</sup> Street NW

Peter Waldock presented the matter for discussion stated that an application for recommendation was presented by Chris Bakken and Jeff Jandro, requesting

approval of a Conditional Use Permit to move a previously occupied home that had been located at 1010 8th Street NW.

No issues are foreseen by staff with this request. The home is a single-story ranch style home that fits the age of some the homes on the block. This area has previously had house moves approved. They plan to add a one car attached garage to the house as shown on site plan. The house will blend in with adjoining homes in the block. Chair Albers opened the matter up for discussion and Commissioner White asked about the basement and Waldock said that it would have a full basement. Ackman asked if the encroachment issue was a condition of approval for this house move. Waldock stated that they are merely bringing it to their attention since it is a private matter between two parties. Chair Albers then opened the matter up for public hearing. The applicant, Mr. Bakken spoke stating that he did speak with the surveyor about drawing up an easement for the neighboring property to correct that along with shifting the house to the east three feet and correcting the elevation on the basement floor so that we are in the means of the flood plain. The public hearing was then closed.

Commissioner Ackman then brought a motion to recommend approval CUP Permit 23-2020 for this home movement by dropping condition No. 4 which has the language on the encroachment and combining conditions 2 and 3 because there seems to be a redundancy of language, then seconded by Commissioner White.

### **ROLL CALL VOTE:**

**Aye:** Commissioner Ackman, Commissioner Campbell, Commissioner Temple, Commissioner White and Chair Albers.

**Nay:** None.

Motion passed on a 5/0 vote.

B. Application from Mario Rodriguez for a Conditional Use Permit to Move a Previously Used House to 2702 Park Avenue NW

Waldock presented stating that this double-wide manufactured home will be moved in this previously occupied lot that contained a single-wide manufactured home. Chair Albers opened the matter up for discussion. Commissioner Campbell asked if there were any restrictions to moving in a manufactured home in that area. Waldock responded by stating he was not aware of any. With no further questions, Chair Albers then opened the matter up for public hearing. Someone on the line then asked if this was going to be a private use or a rental. The speaker was Steve Whitehill, 1801

30<sup>th</sup> Street, NW. Waldock responded in that it is planned for owner occupied and not licensed as a rental. It will most likely be an immediate family member or daughter. Mr. Whitehill seemed to recall that when they purchased their property it was their understanding that there was not going to be another one on that property. Waldock said that he was not aware of anything like that. Someone blurted out – no renters. Tom Burdick, 2708 Park Avenue, then spoke stating that he is the house to the north. He wanted to know how the house would fit on the property; long...with the end facing the street. Waldock stated that the new garage will be close to him with the 10' setback. The 24x36 garage, 10' deck and the house set sideways so that the gable line is towards the street. Mr. Burdick then stated that he didn't think it would be a very attractive house, especially from that angle; doesn't have a lot of curb-appeal. He then asked if the siding was going to be replaced. Waldock stated that the siding appears to be in good shape and the garage will have new siding. Burdick asked if the well house was going to be removed. Waldock said that the City is asking it to be removed. Burdick stated he believed the well was capped. Burdick asked about the pitch on the garage and asked about the direction of the flow of water. Waldock stated it was a 50/50 pitch. Burdick talked about the ponding issue in the back that floods out and his shed ends up getting flooded. He wanted to make sure that the new place didn't add to the problem. Waldock stated that he would have the City Engineer look at the grading plan. Burdick said that they have looked at it before and the water doesn't flow to the stormwater they had raised the road and none of the water drains. Albers asked where the water goes. Burdick stated that since the Church added on they asked them not plow all their snow in that area because it gets pretty flooded. Albers reiterated that the engineer will look at that so as to no exacerbate the issue. Burdick asked if there was a way to put a drain in there that could go out to the storm drain? Waldock stated that it's not a bad idea but not sure if the elevation allows it since the street is higher. The front yard will work just fine and they can make the downspouts can be directed to the front. The driveway will drain to the street too. Whitehill said that they would have to bring up everybody's back yard to correct the problem. Whitehill said there is no way to get downspouts to 3<sup>rd</sup> Avenue and if you build up that lot you are going to flood out Tom's shed worse. He thinks that more people need to come to this lot and make a better assessment. Burdick then stated that he agreed with Steve, yea, raising the back yard... Waldock stated that it's really not proposed to do and raising the back yards in terms of displacing; will have to work with the engineers. Burdick again reiterated the drain or swale that goes from the back yards out might be a solution. He didn't believe there

were any catch basins to bring the water; it just has nowhere to go. Burdick said that there is a catch basin right on his property line. There is another one on the other corner of his property to the North. If they could do a swale down the property line; I'll work with them there. Bank up his shed and maybe it could be a solution. Waldock stated that he'd be happy to have them get in touch with him. Whitehill then spoke again when you do that you have to be really careful because all our properties; I've never had water but McShane's have and so you need to be really careful when you are planning this guys. You don't want to have more problems just to put a trailer in there. Albers stated that city staff will work with engineers and if they can put a swale in to help the situation that has already been there and any possibility that this new situation might add to. Burdick spoke again on behalf of the neighborhood, no one is really excited about this particular house, they were hoping about something better to add to the aesthetics, curb-appeal, it's not just a real attractive look to the house; I'm sure there is nothing we can really do about it; it is a buildable lot we were just hoping for a stick-built it would fit in a little better. This is just not our ideal choice. Waldock stated that the ordinance states that it just needs to be compatible. Sue Hein, 2622 Park Avenue, then spoke stating that she and her husband agree with Tom and Steve, they were hoping for something a little nicer; this doesn't appear to be it . Gary Zalzwedel agrees with Sue and Tom. Mr. Salzwedel, 1815 30<sup>th</sup> Street, then added that he also gets a big lake in his back yard and he also has a shed that the water does get awful close. It floods terrible. That house is definitely not appealing and you won't make it appealing – no way. Burdick spoke again asking if they could do something with the front, maybe a bay window. It's like a two bedroom house and a three stall garage seems to be a lot of garage for a 2 bedroom house; we've had bad experiences before, even if it's a rental to family. Salzwedel added north of the lot; that well house, that's maybe a foot off my lot; that's definitely got to be fixed up or moved out of there. Albers stated that it will probably come up when it goes back to the Commissioners. Chair then asked if anyone was in chambers; no one was. He then closed the public hearing and back to further discussion. White stated that he would like to table it for two weeks to address the water issue. As far as the look of the house, that could come back to see if there could be some done with the architecture to the outside of it; he questioned the siding and if it were going to match the house.

Ackman stated that we've been doing a fair amount of these lately and it's a handy tool and they tend to be older neighborhoods. Up by McQuays there is virtually an entire neighborhood. This neighborhood is different; newer;

this house is a manufactured house. A few years ago, the council tried to ensure that the main door had to face the front of the house. He then asked if this is a vacant lot and they just wanted to bring in and construct a manufactured home on the site and put it on the foundation that would be perfectly allowable, right. Waldock, right. Ackman stated that he finds it hard to vote against it and not sure we need to figure out the whole drainage issue. At the end, of the day is an application to move the home on an existing lot. He leans towards no to see if it actually fits the neighborhood but open to be convinced one way or another. Campbell then spoke stating a manufactured home is vastly different from a modular home and has a vehicle title to it; these other homes are not these types of structures. These houses are newer and it's reasonable that covenants or restrictions that are recorded could say that these types of homes cannot be put on this development. He feels that doing this could be in violation of any covenants or restrictions. Waldock stated that the previous home on the lot was a single wide. This one is a double wide, not a modular. Temple then asked what the required finding states that it fits in with the neighborhood. Waldock pulled up the zoning ordinance on development standards. Just compatible with the neighborhood. This was previously occupied and therefore required a CUP. Temple asked if they are intending on being landlords. Waldock stated this one is not intended to be a rental, one of the kids or parents is going to live there. Temple was concerned that the conversation may be getting away from...the logistics, there needs to be a more compelling case for disapproval. With renters, he stated that there implies a vast generalization on the overall care to the home. Renting lacks personal responsibility and just because the style of the house. He looked at the houses in the neighborhood for aesthetics and it appears to be plastic siding and it's not congruent with the houses in the neighborhood and he understand the concerns. If rented, its use would be inconsistent with the neighborhood. Albers stated that once we look outside the perimeters of the CUP, they we are doing the job of the City Council. Our job is to see if we hit the perimeters of the CUP. There are other issues here and he believes that if that were to pass, these issues would be for City Council not the Planning Commission.

White moved to table this for two weeks because we don't have a defined plan for drainage and architecture of the house; make sure that it's not going to be detrimental to the adjacent properties and if the siding is going to blend in with the neighborhood. Seconded by Ackman adding that buying the two weeks to review the grading and siding plan but wanted to offer a suggestion and a comment. The suggestion is to maybe figure out the well

house in the back. The comment is that the CUP is about moving the house in; we don't look at whether it's a rental or owner-occupied. Let's buy two weeks.

Upon further discussion and Commioner Temple asked if it is not being detrimental to other units or owners in the area; is there a more specific definition. Waldock responded by stating it's specifically left to Planning Commission and City Council. Temple then stated that the conversation should be more objective to the land use and secondary to the aesthetic piece of this and understands that the neighbors are more on the end of this but the value of the neighborhood. Regardless of what is chosen, a move is good for a community because it increases property value or presents an element that isn't already present in the community but that it doesn't present active harms to the others in the neighborhood. Temple supports tabling this. Albers stated that a "group chat" came up that stated ...you cannot approve CUP Resolution 97-043 dated March 25, 1997. Waldock said one of the members of the public. Whithill spoke up and stated that he pulled the abstract. A woman began reading (who has not identified herself) stating that the City of Faribault Resolution of the Preliminary Plat approval, The McShane Addition and underneath section 1, number 5...the manufactured home on lot 5 must be removed within two years upon the final plat approval. Whitehill stated and that wasn't done. How can you move a manufactured home on a plot that you agreed you would remove a trailer from? Commissioner White called a question. Chair Albers asked for a vote.

### **ROLL CALL VOTE:**

**Aye:** Commissioner Ackman, Commissioner Campbell, Commissioner Temple, Commissioner White and Chair Albers.

**Nay:** None.

Motion passed on a 5/0 vote.

Chair Albers then stated that we can clear up questions we have and look into this resolution from 1997 and his only other comments. In regard to the siding – matching the neighbors siding. There could be a new house built in there and put vinyl siding on it. As far as he's concerned the vinyl siding is not a problem. White stated that it just needs to fit in.

C. Request from DRS Property, LLC to Rescind Resolution 2019-090 and Allow an Existing Fence at 2345 8th Avenue NW to Remain As-Is

Wanberg presented stating that the bituminous needed to be removed and the fence replaced. The resolution requested that the existing fence can remain as is and the variance would no longer be applicable and still have the conditions that they fix the boulevard to replace the bituminous with sod.

Chair Albers opened the matter up for discussion. Ackman wanted to know why after three years are we okay now. Wanberg stated the fence ordinance did change and since the height wasn't allowed at that time and they would have had to move it, the City was expecting a new fence. That didn't happen and now the height is allowable. Chair Albers then opened it up for public hearing and the applicant Skip Schwartz stated that he bought the property from the City and said that he just lined it all up and didn't know that he needed to put up a new fence. He said that he didn't need a variance. He has cut the blacktop in the front the little bitty piece in the ROW but that was there the whole time the City owned it and thought it was strange that he would have to move it and even funnier that six years later we are having this discussion now. He is in line with and matched all the others' fence. Schwartz realizes that somebody brought it up but it doesn't make sense to even do this or even be here. Wanberg responded by stating that the fence variance, what went forward, Coordinator Waldock did have an example of what the new fence would look like and we have a video of the Council meeting and the applicant was at the meeting and it was clearly stated. There was no discussion that the variance was not needed and it's not on the tape. The PC and Council hearings are available for viewing. It was a clear requirement and the site plan from the DRC the removal of the bituminous from the ROW the City has been doing that all along. The City is not actively looking for this but if there's a permit or redevelopment of a site it's a condition. Why is the new fence – why would our viewpoint change; we are trying to get as much done as we can. The fence variance has been about three years. The applicant states that he is working on the removal. Staff and DRC felt like the fence, it really, we did want to see a new fence in there at the time but it's not out of place of what is there that are not in brand new condition so let's go ahead and rescind but the site plan stuff still needs to be addressed. Schwartz said he'd have no problem to take the blacktop out of there and put in grass but thought it was weird that six years later coming back to this...thought it was a little strange. Chair Albers closed the public hearing and brought it back to the Commissioners for discussion.

Commissioner Ackman stated that when there is a CUP and someone agrees to it you do it. He doesn't see the logic with everything that is going on and if the existing fence is fine and the city staff wants to get it off the books, its

fine. It's just a bur under his saddle the amount of man hours that go into these CUPs and agreements and we have to go back into it and I share their pain. He stated that in the world we live in, if the fence is there its fine and the need for the variance has gone away he's fine with that. White agrees with Chuck. White stated that he was at the meeting and he did agree to it. He needs to get the rest of his stuff done. The reason we are coming back to this is because the job is not complete.

A motion was made by Commissioner White concluding that all the required findings and conditions have been met, Rescind Resolution 2019-090 and Allow an Existing Fence at 2345 8th Avenue NW to Remain As-Is as written and then seconded by Commissioner Campbell.

Wanberg then asked to put the missing resolution up on the screen and went over the conditions for the required findings. The applicant has agreed to comply with the 2014 site plan approval.

**ROLL CALL VOTE:**

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

**Nay:** None.

Motion passed on a 5/0 vote.

**4. ROUTINE BUSINESS**

None.

**5. ADJOURN**

Vice Chair Albers then requested a motion to adjourn. Commissioner Campbell then made the motion, seconded by Commissioner Temple to adjourn at 8:26 p.m. which

**Roll Call Vote:**

**Aye:** Commissioner Ackman, Commissioner Campbell, Commissioner Temple, Commissioner White and Chair Albers.

**Nay:** None.

Motion passed on a 5/0 vote.

Respectfully Submitted,

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Kari Casper, Administrative Assistant I

**MINUTES APPROVED:**

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Dave Albers, Chair