



Planning Commission –AGENDA
May 12, 2025 – 5:30 P.M.
Foley City Hall

1. Approve the agenda.

2. Approve the Planning Commission Minutes.
 - April 14, 2025

3. City Council Update

4. Dave Wiltgen – Parking Variance for Addition
 - Comments provided by legal.
 - No other concerns of staff.

5. Ken & Char Monroe- Preliminary & Final Plat
 - Subdividing to sell property and create one additional building site.
 - Utilities easements have been included.
 - Any additional staff comments will be presented at meeting.

6. Other Items
 - Parking Regulations
 - Downtown Design Standards – Recap of council workshop discussion.

7. Next Meeting Date
 - TBD

8. Adjourn

Current Planning Members:

Bill Bronder, Candice Kantor, Jeff Gondeck, Rosalie Musachio, Deb Mathiowetz, Jonathan Brenny

Planning Commission Minutes
April 14, 2025 -5:30 p.m.
Foley City Hall

Members Present: Jeff Gondeck, Bill Bronder, Candice Kantor, Deb Mathiowetz, Jonathan Brenny, and Rosalie Musachio

Members Absent: None

Kantor called the special meeting to order at 5:30 p.m.

Motion by Mathiowetz, seconded by Gondeck, to approve the agenda. Motion carried.

Motion by Musachio seconded by Gondeck to approve minutes with spelling correction on “Kantor.” Motion carried.

Benton County -520 Dewey Street – CUP/Site Plan Review for Drive-Thru and New Gov’t Center

Plans were overviewed by the county’s architect. There was discussion on handicap parking, pedestrian traffic, drainage, stacking distance for cars and uses for the drive-thru. There was also discussion on total employees and available parking. Current lots provide for 117 spaces – with an additional 10 that could be added to existing hard surfacing area. There are a total of 160 government center employees in the proposed building. Some current employees telework or hybrid work.

The planning commission went through the conditional use findings. For item one, motion by Gondeck seconded by Mathiowetz to call for a roll call vote. Motion carried.

Will the use create excessive burden on existing parks, schools, streets, etc..?

No – Brenny, Mathiowetz, Gondeck, Bronder, Kantor

Yes – Musachio

Motion carried by vote of 5-1.

Will the establishment of the CUP impede on normal and orderly development and improvement of surrounding vacant property....?

The consensus of the commission was no.

For item number three – Motion by Gondeck seconded by Mathiowetz to conduct roll call vote. Motion carried.

Will the use have an adverse effect on adjacent properties because of its appearance, traffic, noise, odors, fumes, dust, etc..?

No – Brenny, Mathiowetz, Gondeck Kantor, Bronder

Yes – Musachio

Motion carried by vote of 5-1.

Is the use reasonably related to the overall needs of the City and to existing land uses?

The consensus of the commission was yes.

Is the proposed use in compliance with the Land Use Plan etc.....?

The consensus of the commission was yes.

Motion by Gondeck seconded by Mathiowetz to conduct a roll call for item six. Motion carried.

Will the proposed use cause a traffic hazard or congestion?

No – Brenny, Mathiowetz, Gondeck, Kantor, Bronder

Yes – Musachio

Motion carried by vote of 5-1.

Motion by Gondeck seconded by Mathiowetz to conduct a roll call for item seven. Motion carried.

Have adequate measures been taken to provide sufficient off-street parking and loading space...?

Yes – Brenny, Mathiowetz, Gondeck, Kantor, Bronder

No – Musachio

Motion carried by vote of 5-1.

Will the proposed use be detrimental to the public health, safety, comfort and general welfare of the City?

The consensus of the commission was no.

Property Located in floodplain?

The consensus of commission is no.

Motion by Mathiowetz seconded by Gondeck, to recommend approval of conditional use for drive-thru. Brenny, Mathiowetz, Gondeck, Kantor, Bronder – aye. Musachio – nay. Motion carried.

Motion by Mathiowetz seconded by Gondeck to recommend approval of site plan with engineering/staff conditions satisfied as a condition. Brenny, Mathiowetz, Gondeck, Kantor, Bronder – aye. Musachio – nay. Motion carried.

Other Items

The commission asked if public works would consider opening up the south lot of downtown for 48-hour parking. Brunn will check with public works and bring to the council meeting after discussing.

There was additional discussing on parking regulations (related to zoning). The commission decided to table the discussion until next meeting but did like some of the items in the St. Cloud ordinance.

There was discussion on design standards. The commission would like some additional information from the mayor on what he would like to see related to this. Brunn provided St. Joseph ordinance but planning would like more direction on this item from the council – staff will add to workshop session.

Motion by Bronder seconded by Gondeck to adjourn.

Motion carried, unanimous.

Submitted by: Sarah Brunn

City of Foley Variance Application

Street Location of Property: 240 1st Ave W Foley MN 56329

Legal Description of Property: _____

Current Zoning of Property: B-2 Proposed Zoning: No Change

Type of Request: _____
 *** (Attach narrative describing details of project scope) ***

Property Owner: Dave & Carol Wittgen 320-292-5383
Name Phone
12820 Junquill Rd NE PO Box 507
Address
Foley, MN 56329 DWittgen507@gmail.com
Fax Email

Applicant: Same as Owner
Name Phone

Address Fax

Email

Type of Request & Fee Amount:

<input type="checkbox"/> Rezoning/Amendment	\$250.00
<input type="checkbox"/> Conditional Use Permit	\$250.00
<input checked="" type="checkbox"/> Variance	\$250.00
<input type="checkbox"/> Planned Unit Development	\$250.00

<input type="checkbox"/> Preliminary Plat	\$500.00
<input type="checkbox"/> Final Plat	\$
<input type="checkbox"/> Annexation	\$400.00 +
<input type="checkbox"/> Site Plan Review/Other	
Total Fees Paid	
	\$

Has a request been made previously on this property? Yes No Explain: 2008/2025

This application must be completed in full, be typewritten or clearly printed, and must be accompanied by all information, supporting documents and plans as required by applicable City Ordinance provisions. A determination of completeness of the application shall be made within ten business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant.

This is to certify that I am making application for the described action by the City and that I am responsible for all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application. I have attached a copy of proof of ownership (either copy of Owner's Duplicate Certificate of Title, Abstract of Title or purchase agreement), or I am the authorized person to make this application and the fee owner has also signed this application.

- Supporting Documents Attached
- Appropriate Fees Paid
- Review by City Staff
- Completed Application Accepted

Application Filed: _____
 Date Fees Paid: _____
 Staff Initials: [Signature]
 Date Application Accepted: _____

[Signature]
 Signature of Applicant _____ Date

[Signature]
 Signature of Fee Owner _____ Date

City of Foley Variance Supplementary Application

Please use this form to explain how your variance request meets the requirements for a variance.

(1) Describe how will the variance demonstrates harmony with the general purposes and intent of the zoning ordinance. *Requesting 1 parking space per 4 seats + 1 per 2 employees will reflect the real usage of the restaurant. This calculation reflects what the City of St Cloud use for Restaurant Parking Ordinance.*

(2) Describe how the variance is consistent with the Comprehensive Plan. *Will require enough parking spaces for maximum capacity*

(3) Demonstrate the "practical difficulties" in complying with the zoning ordinance. *

1. How is the proposed use a reasonable manner not permitted by the zoning ordinance? *Current zoning would require 37.5 parking spaces and the need to 13 spaces. Proposed use meets seating capacity and active employee parking needs.*

2. Demonstrate the plight of the landowner is due to circumstances unique to the property not created by the landowner. *Without the variance we cannot expand the building for more seating and will not hire more employees.*

3. Demonstrate, if granted, how the variance will not alter the essential character of the neighborhood. *Traffic controls will not change to park, enter or exit the property.*

*Economic considerations alone do not constitute practical difficulties.

TABLE 16-3: REQUIRED OFF-STREET PARKING

St Cloud

USE	REQUIRED NUMBER OF OFF-STREET PARKING SPACES
Furniture Stores	Retail Floor Space Less Than 100,000 sf: 1 space per 1,000 sf of gross floor area Retail Floor Space More Than 100,000 sf: 1 space per 1,200 sf of gross floor area
Hospital	1 space per 4 beds + 1 space per 3 employees on largest shift
Hotel/Motel	1 space per lodging unit
Laundromat	1 space per 300 sf of gross floor area
Medical/Dental Office	6 spaces for each doctor/dentist
Mortuary	1 space per 4 seats in the largest area of assembly + 1 space per 300 sf of gross floor area of office
Office	1 space per 300 sf of gross floor area
Personal Services Establishment: Heavy Commercial Use	1 space per 600 sf of gross floor area
Personal Services Establishment: Light Commercial Use - 20,000 sf of gross floor area or less	1 space per 300 sf of gross floor area
Restaurant (Excluding Drive-In Establishment)	1 space per 4 seats + 1 per 2 employees

*Current Parking
23 Spaces (4.1.25)*

*Total Proposed Seats 78 = 19.5 Spaces
5 Employees = 2.5 Spaces
23.0 Total Spaces*



Exit Door

Back Counter

Kitchen Entry

Counter

TABLE-1
SEATS-4

Table-2
SEATS 4

TABLE-3
SEATS 4

Table-4
SEATS 4

Current Seating Capacity 40

Eliminate B-4
NEW BUILDING
ENTRYWAY

B-1	6 SEATS
B-2	6 SEATS
B-3	6 SEATS
B-4	6 SEATS

Restroom
KITCHEN SERVICE

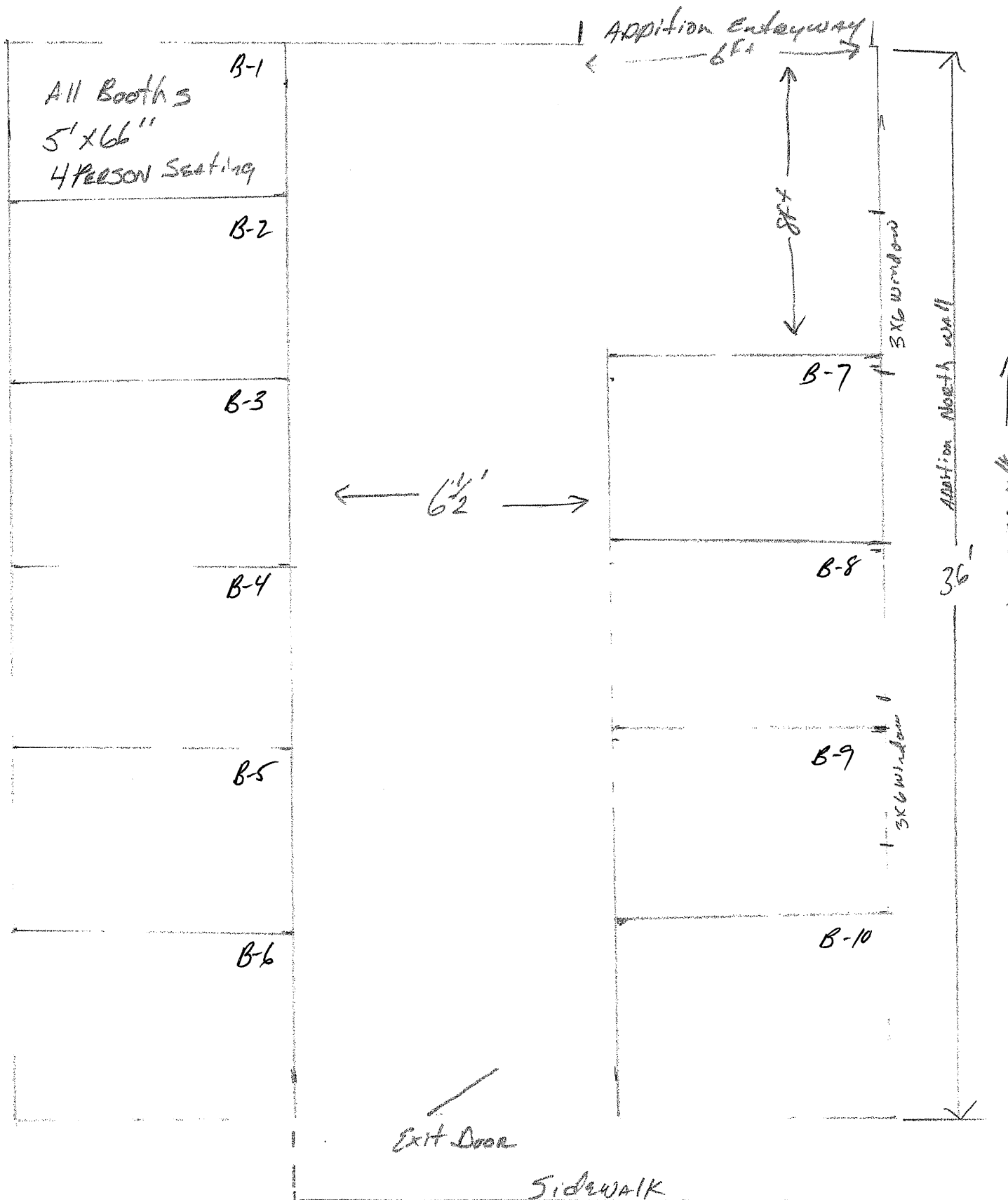
Rest Room

Storage Room

EXIT DOOR

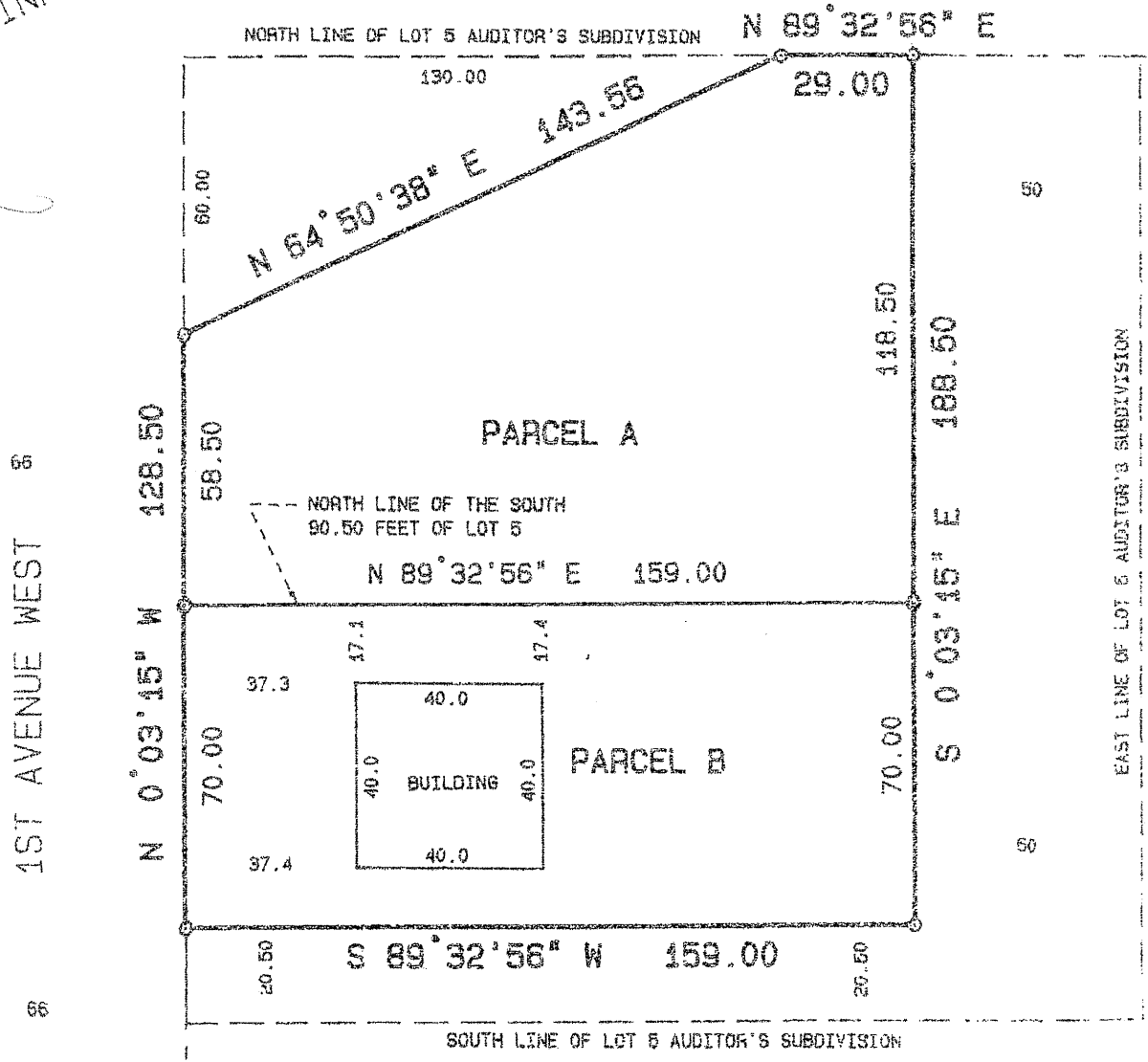
18' x 36' ADDITION (FFR)

38 ADDITION A / SEATS (REMOVE 6 SEATS ORIGINAL BUILDING)



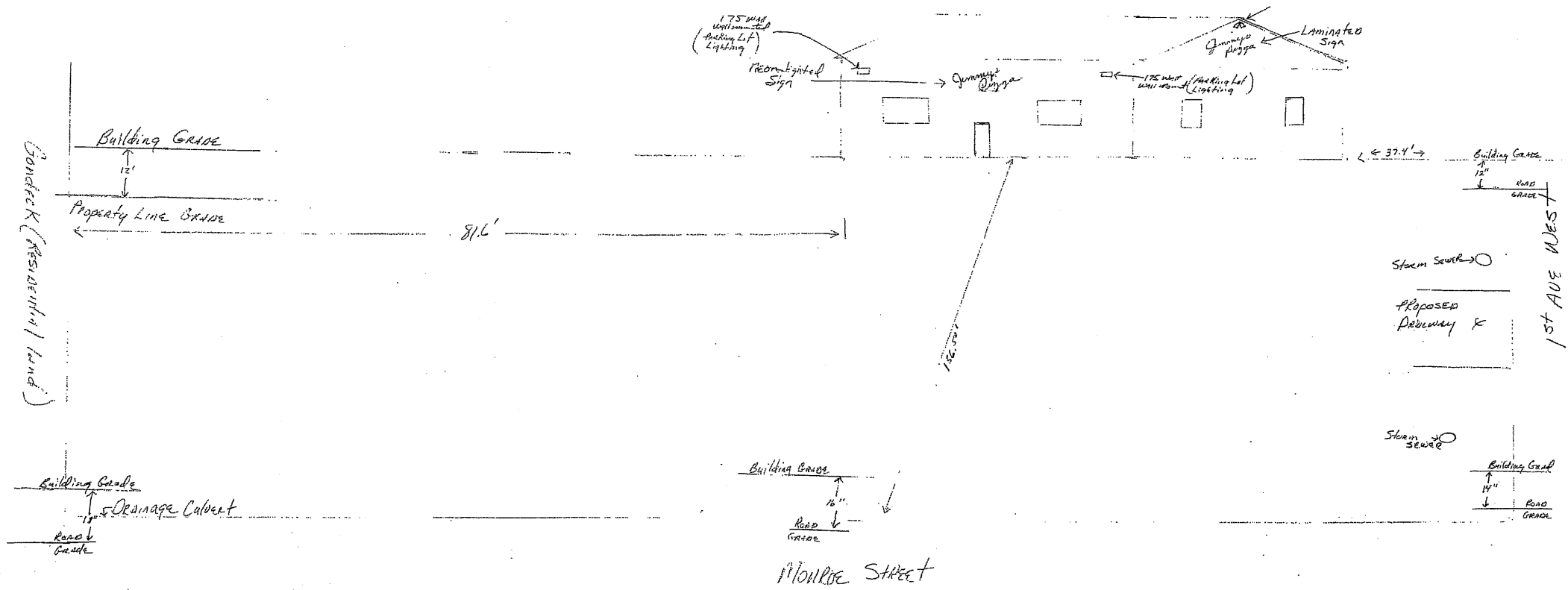
Certificate of Survey for

MINNESOTA STATE HIGHWAY NO. 23

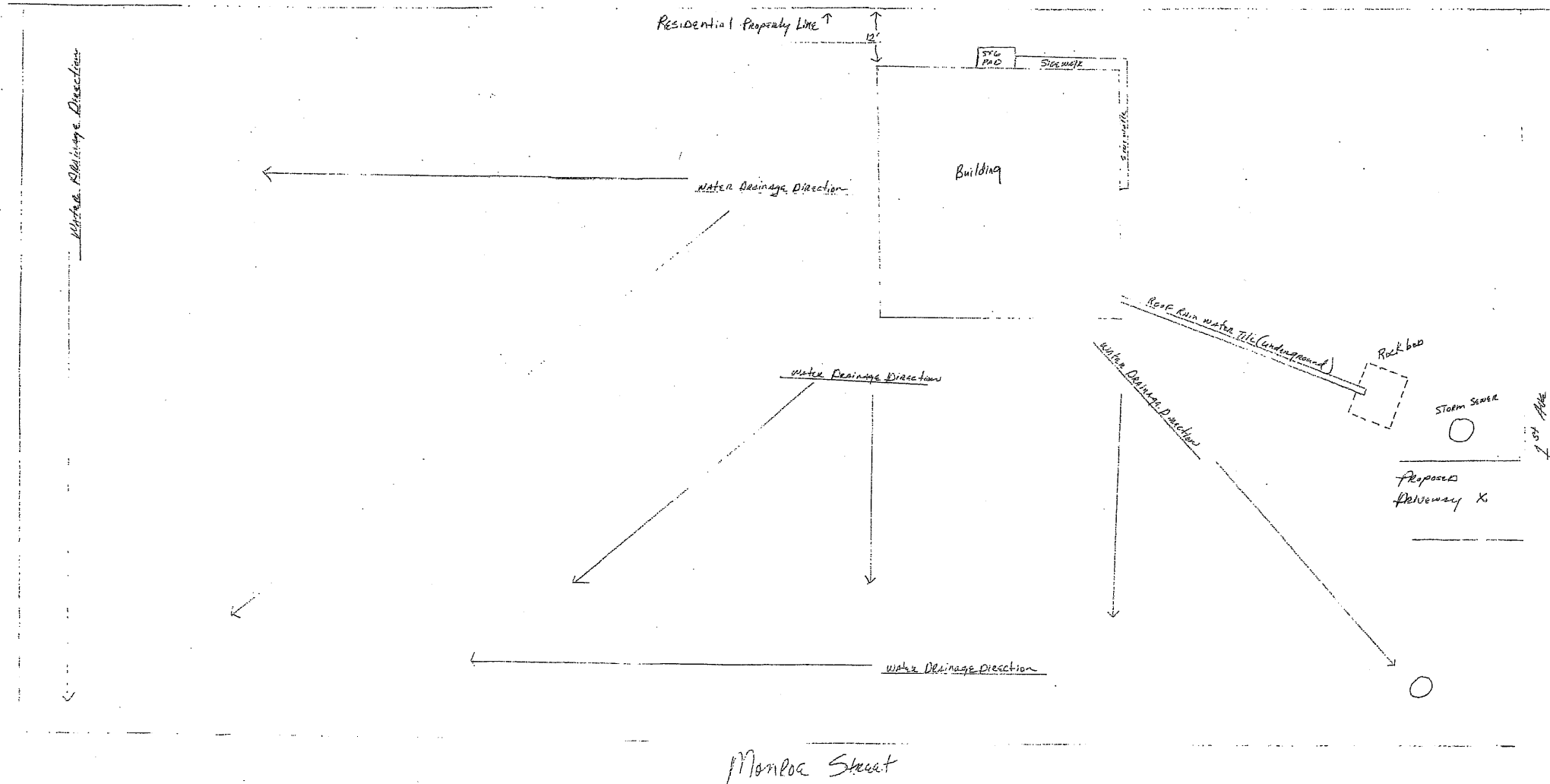


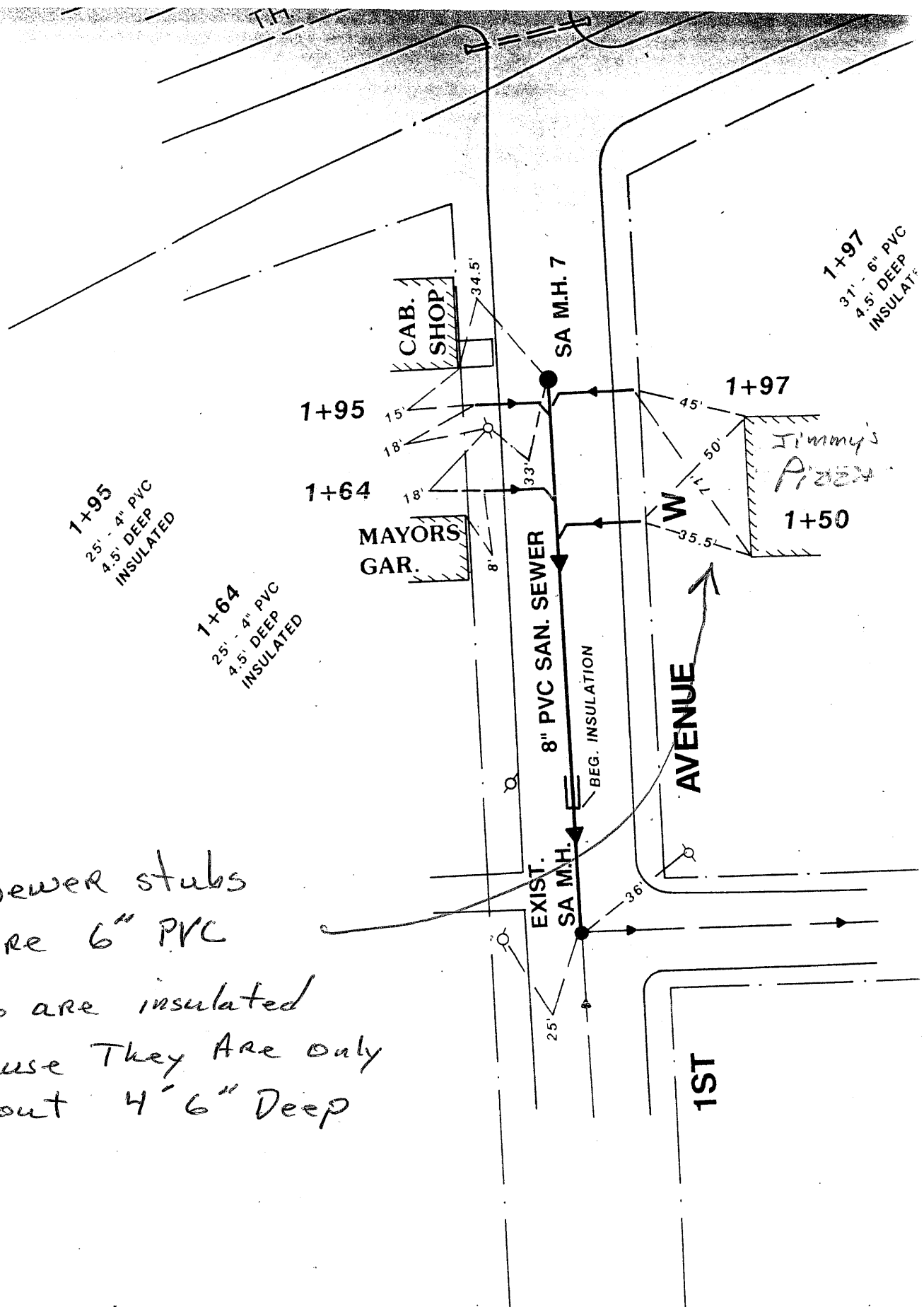
WILLIAMSON KOTSMITH, INC.
 engineers land surveyors
 centennial p.l.c.
 2008 8th street north
 saint cloud, minnesota 56303

Drawing #2



Drawing #3 ↓

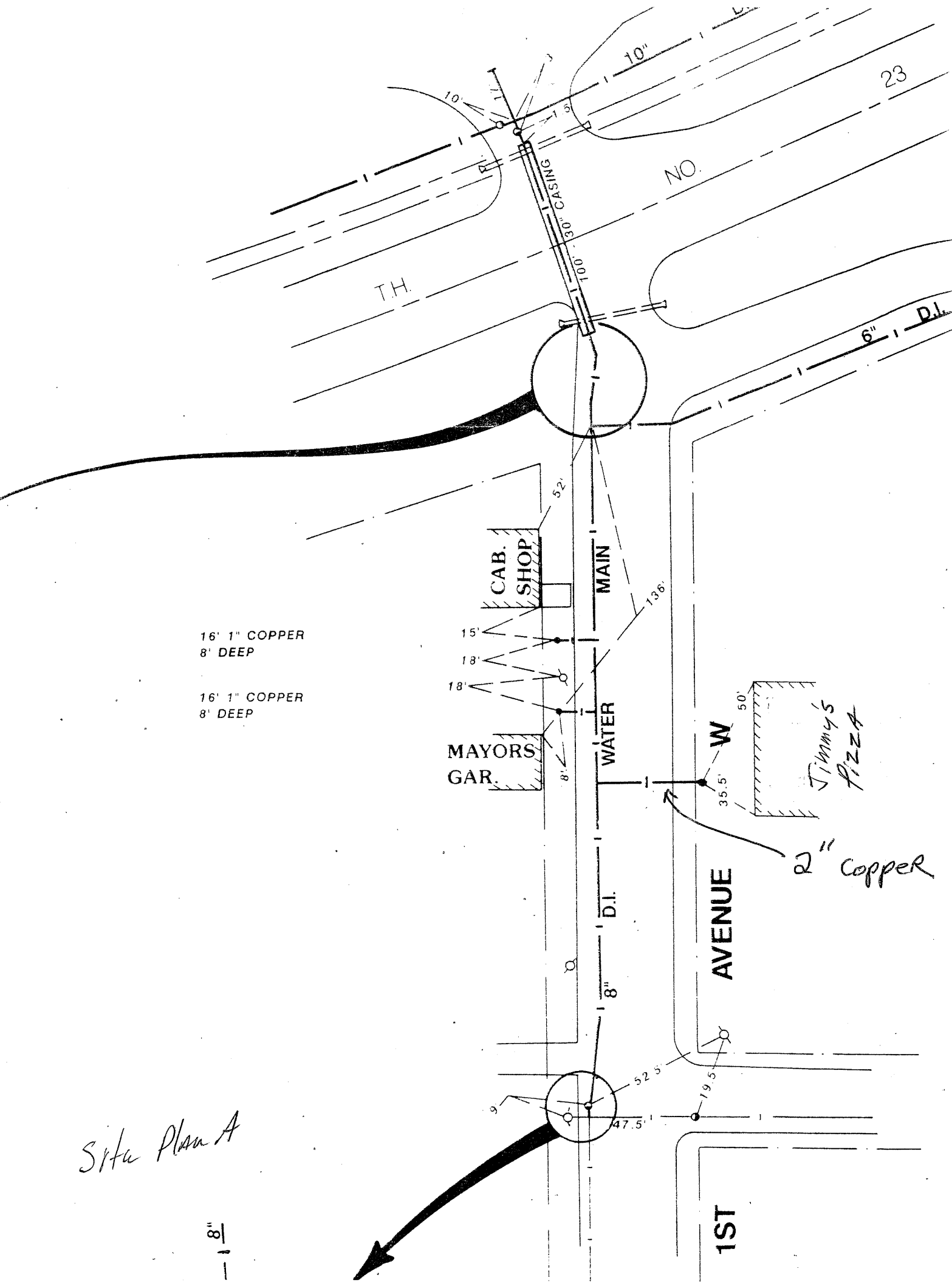




Sewer stubs
Are 6" PVC

Also are insulated
Because They Are Only
About 4' 6" Deep

Site Plan A-1



16' 1" COPPER
8' DEEP

16' 1" COPPER
8' DEEP

CAB. SHOP

MAYORS GAR.

JIMMY'S PIZZA

AVENUE

1ST

Site Plan A

1/8"



Date: 04/11/2025 - 12:22 PM

Design Name: Post Frame Design

Design ID: 301557551839

Estimated price: \$13,137.01*

*Today's estimated price, future pricing may go up or down. Tax, labor, and delivery not included.

MENARDS

Design & Buy™ POST FRAME

How to recall and purchase a saved design at home



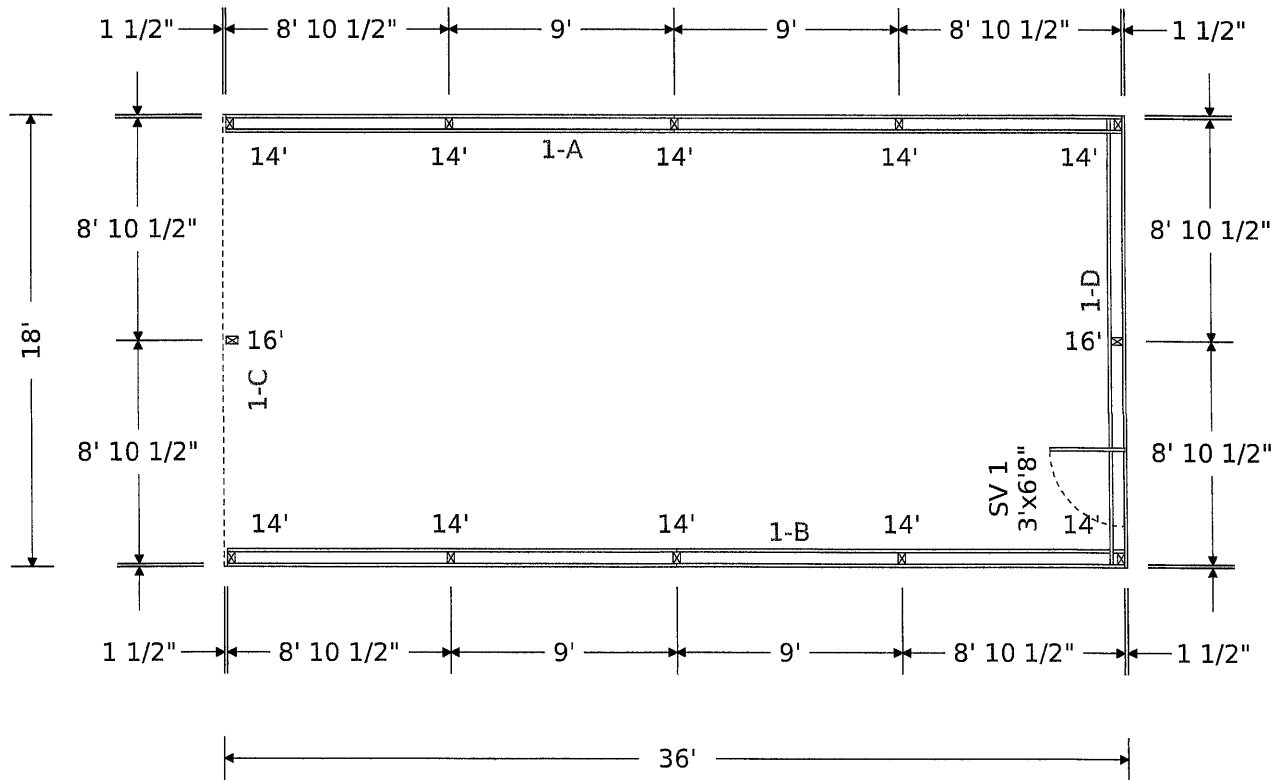
OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Buildings Designer
3. Recall your design by entering Design ID: 301557551839
4. Follow the on-screen purchasing instructions

How to purchase at the store

1. Enter Design ID: 301557551839 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions.

FLOOR PLAN

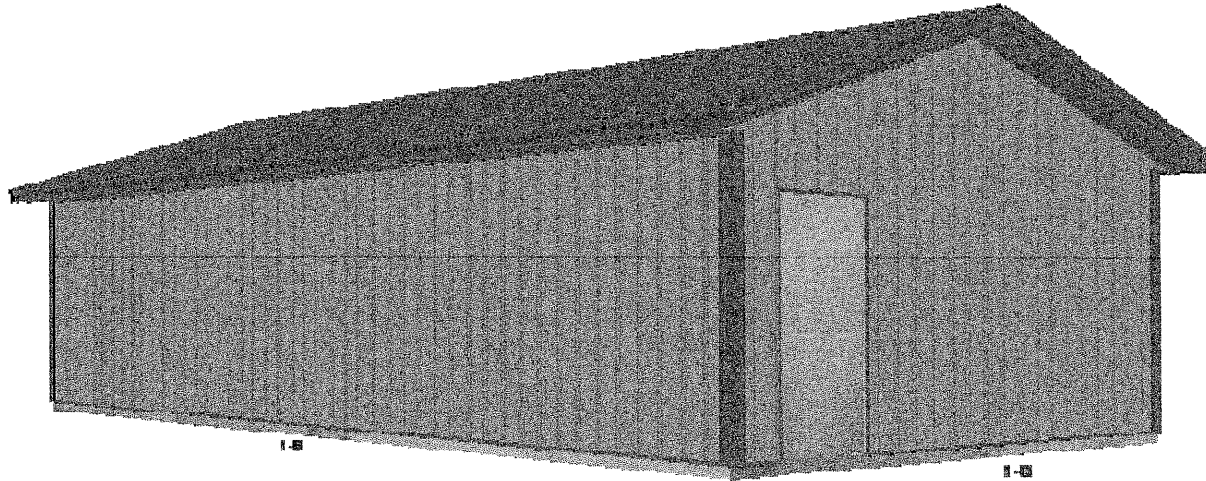
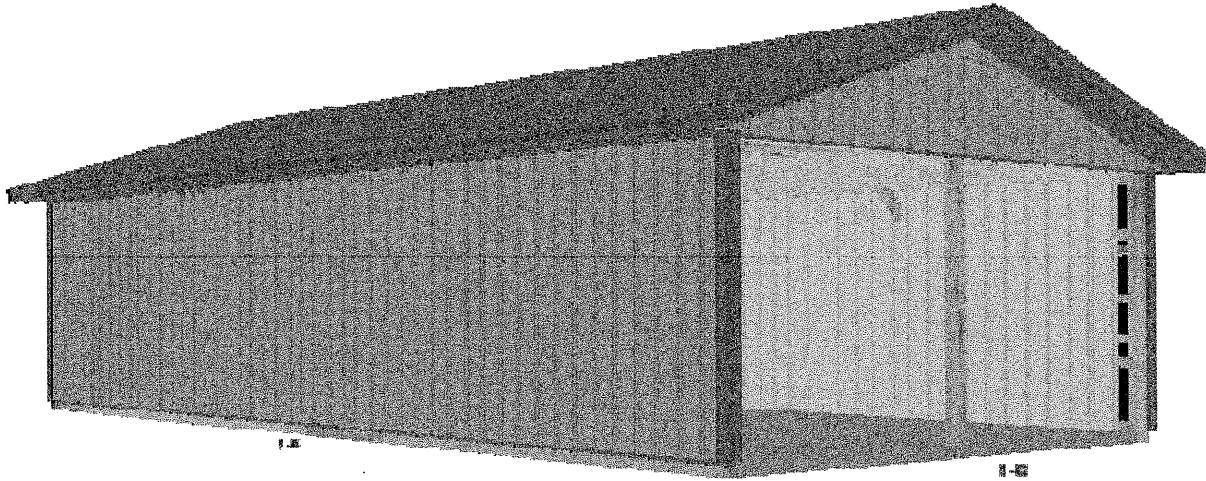


Design #: 301557551839
Store: ST CLOUD



Post Frame Building Estimate
Date: Apr 11, 2025, 12:22:12 PM

Elevation Views



Design #: 301557551839
Store: ST CLOUD



Post Frame Building Estimate
Date: Apr 11, 2025, 12:22:12 PM

Congratulations, you have taken the first step towards making your new post frame building a reality!

- You have selected Menards to provide you with superior products produced by Midwest Manufacturing that will meet your needs. For a more detailed look at these premium products visit us on the web at www.midwestmanufacturing.com.

*Delivery charge is not included in price. Items ordered to complete your building from vendors other than Midwest Manufacturing are not available for pickup from the plant.

Design #: 301557551839
Store: ST CLOUD



Post Frame Building Estimate
Date: Apr 11, 2025, 12:22:12 PM

Building Information

1. Building Use:	Code Exempt
2. Width:	18 ft
3. Length:	36 ft
4. Inside Clear Height:	8 ft
5. Floor Finish:	Concrete
6. Floor Thickness:	4 in
7. Post Foundation:	Post Embedded
8. Post Embedment Depth:	4 ft
9. Footing Pad Size:	20 in x 6 in (Pre-cast)

Roof Information

1. Pitch:	4/12
2. Truss Spacing:	9 ft
3. Roof Type:	Premium Pro-Rib
4. Roof Color:	Copper
5. Ridge Options:	Universal Ridge Cap
6. Roof Fastener Location:	In the Flat
7. Endwall Overhangs:	1 ft
8. Sidewall Overhangs:	1 ft
9. Fascia Size:	6 in Fascia
10. Soffit Color:	Copper
11. Skylight Size:	None
12. Ridge Vent Quantity:	None
13. Ceiling Liner Type:	Dura Panel
14. Purlin Placement:	On Edge
15. Ceiling Liner Color:	White
16. Ceiling Insulation Type:	16.375" Fiberglass Blow In (R-49)

Wall Information

1. Post Spacing:	9 ft
2. Post Type:	Posts
3. Girt Type:	Double
4. Exterior Wall Panel:	Pro-Rib
5. Exterior Wall Color:	Tan
6. Trim Color:	Copper
7. Gable Accent:	No
8. Sidewall A Eave Light:	None
9. Sidewall B Eave Light:	None
10. Wall Fastener Location:	In the Flat
11. Bottom Trim:	Yes
12. Gradeboard Type:	2x8 Treated Gradeboard

Accessories

1. Outside Closure Strip:	Premium Vented
2. Inside Closure Strip:	Standard
3. Gable Vent Type:	None
4. Cupola Size:	None
5. Gutters:	No
6. End Cap:	No
7. Mini Print:	Email Only

Interior Finish

1. Wall Insulation Type:	4' Wide Roll
2. Wall Liner Type:	Dura Panel
3. Wall Liner Color:	White
4. Roof Condensation Control:	None

Design #: 301557551839
Store: ST CLOUD



Post Frame Building Estimate
Date: Apr 11, 2025, 12:22:12 PM

Doors & Windows

Name	Size	Wall
Service Door	36"x80"	1-D

Open Walls

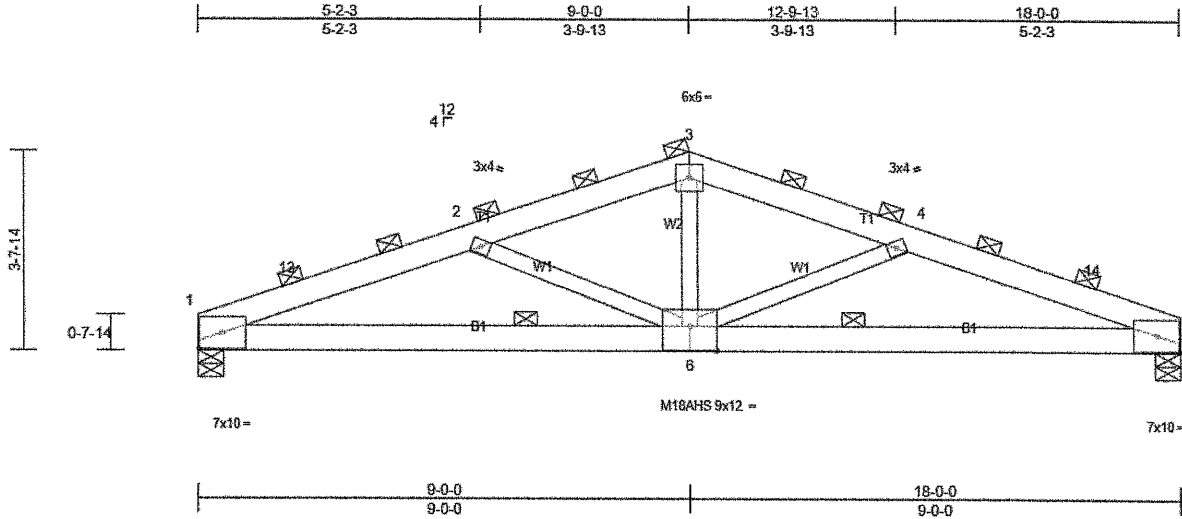
Wall	Every Other Post Removed
1-C	Yes

Floor type (concrete, dirt, gravel) is NOT included in estimated price. The floor type is used in the calculation of materials needed. Labor, foundation, steel beams, paint, electrical, heating, plumbing, and delivery are also NOT included in estimated price. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest and Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS. THE PLANS AND/OR DESIGNS PROVIDED ARE NOT ENGINEERED. LOCAL CODE OR ZONING REGULATIONS MAY REQUIRE SUCH STRUCTURES TO BE PROFESSIONALLY ENGINEERED AND CERTIFIED PRIOR TO CONSTRUCTION.

For other design systems search "Design & Buy" on Menards.com

Job QTREC0784455	Truss P1	Truss Type COMMON	Qty 1	Ply 1	Job Reference (optional)
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Scale = 1:33.1

Plate Offsets (X, Y): [1:0-4-14,0-3-8], [5:0-4-14,0-3-8], [6:0-6-0,0-5-6]

Loading	(psf)	Spacing	9-0-0	CSI	DEFL	in	(loc)	I/defl	L/d	PLATES	GRIP
TCLL (roof)	20.0	Plate Grip DOL	1.15	TC	0.44	Vert(LL)	-0.14	6-12	>999	240	MT20 244/190
Snow (Ps/Pg)	23.8/50.0	Lumber DOL	1.15	BC	0.93	Vert(CT)	-0.20	6-12	>999	190	M18AHS 142/136
TCDL	4.0	Rep Stress Incr	NO	WB	0.98	Horz(CT)	0.06	5	n/a	n/a	
BCLL	0.0	Code	IBC2018/TPI2014	Matrix-MS							
BCDL	5.0										Weight: 100 lb FT = 15%

LUMBER		BRACING	
TOP CHORD	2x6 SP 2400F 2.0E	TOP CHORD	2-0-0 oc purlins (3-6-11 max.)
BOT CHORD	2x6 SP 2400F 2.0E	BOT CHORD	9-0-0 oc bracing.
WEBS	2x4 SPF Stud		

REACTIONS (lb/size) 1=2659/0-5-8, (min. 0-2-10), 5=2659/0-5-8, (min. 0-2-10)
 Max Horiz 1=-118 (LC 13)
 Max Uplift 1=-647 (LC 8), 5=-647 (LC 9)
 Max Grav 1=3164 (LC 16), 5=3164 (LC 17)

FORCES (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
 TOP CHORD 1-13=-6702/1337, 2-13=-6478/1359, 2-3=-4461/1005, 3-4=-4461/1005, 4-14=-6478/1360, 5-14=-6702/1339
 BOT CHORD 1-6=-1253/6146, 5-6=-1173/6146
 WEBS 3-6=-310/1495, 4-6=-2375/551, 2-6=-2375/548

NOTES

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-16; Vult=105mph (3-second gust) Vasd=83mph; TCCL=2.4psf, BCCL=0.8psf, h=25ft; Cat. I; Exp C; Enclosed; MWFRS (envelope); cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60
- TCLL: ASCE 7-16; Pr=20.0 psf (roof LL: Lum DOL=1.15 Plate DOL=1.15); Pg=50.0 psf; Ps=23.8 psf (Lum DOL=1.15 Plate DOL=1.15); Is=0.8; Rough Cat C; Fully Exp.; Ce=0.9; Cs=0.86; Ct=1.10; Unobstructed slippery surface
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- Dead loads shown include weight of truss. Top chord dead load of 5.0 psf (or less) is not adequate for a shingle roof. Architect to verify adequacy of top chord dead load.
- All plates are MT20 plates unless otherwise indicated.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 647 lb uplift at joint 1 and 647 lb uplift at joint 5.
- This truss is designed in accordance with the 2018 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.

LOAD CASE(S) Standard

Job qtrhc0082085	Truss P1E	Truss Type COMMON	Qty 2	Ply 1	Job Reference (optional)
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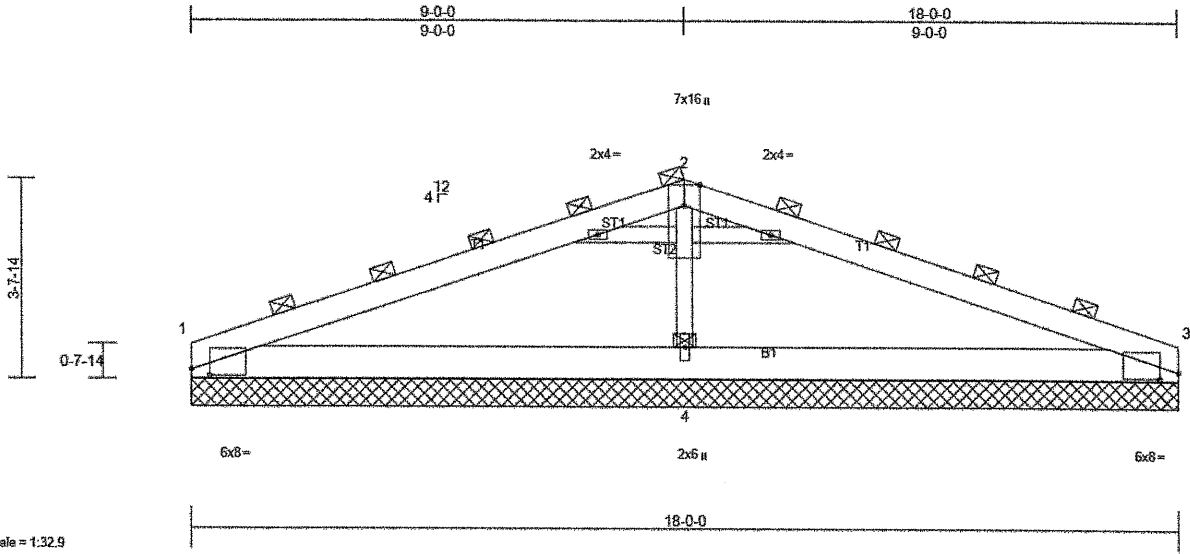


Plate Offsets (X, Y): [1:0-4-0,0-1-7], [3:0-4-0,0-1-7]

Loading	(psf)	Spacing	5-0-0	CSI	DEFL	in	(loc)	I/defl	L/d	PLATES	GRIP
TCLL (roof)	20.0	Plate Grip DOL	1.15	TC	0.75	Vert(LL)	n/a	-	n/a	MT20	244/190
Snow (Ps/Pg)	28.6/60.0	Lumber DOL	1.15	BC	0.97	Vert(TL)	n/a	-	n/a		
TCDL	4.0	Rep Stress Incr	NO	WB	0.26	Horiz(TL)	0.01	1	n/a		
BCLL	0.0	Code	IBC2018/TPI2014	Matrix-MS							
BCDL	5.0										

Weight: 108 lb FT = 15%

LUMBER
 TOP CHORD 2x6 SP 2400F 2.0E
 BOT CHORD 2x6 SP 2400F 2.0E
 OTHERS 2x4 SPF Stud

BRACING
 TOP CHORD 2-0-0 oc purlins (6-0-0 max.)
 BOT CHORD 10-0-0 oc bracing.

REACTIONS All bearings 18-0-0.
 (lb) - Max Horiz 1=-110 (LC 13), 8=-110 (LC 13)
 Max Uplift All uplift 100 (lb) or less at joint(s) except 1=326 (LC 8),
 3=336 (LC 9), 4=476 (LC 8), 8=326 (LC 8)
 Max Grav All reactions 250 (lb) or less at joint(s) except 1=1215 (LC 18),
 3=1215 (LC 18), 4=1688 (LC 19), 8=1215 (LC 18)

FORCES (lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
 TOP CHORD 1-2=-902/299, 2-3=-902/270
 BOT CHORD 1-4=-158/537, 3-4=-145/537
 WEBS 2-4=-955/315

- NOTES**
- Unbalanced roof live loads have been considered for this design.
 - Wind: ASCE 7-16; Vult=105mph (3-second gust) Vasd=83mph; TCCL=2.4psf; BCDL=0.6psf; h=25ft; Cat. I; Exp C; Enclosed; MWFRS (envelope) exterior zone; cantilever left and right exposed; end vertical left and right exposed; Lumber DOL=1.60 plate grip DOL=1.60
 - Truss designed for wind loads in the plane of the truss only. For studs exposed to wind (normal to the face), see Standard Industry Gable End Details as applicable, or consult qualified building designer as per ANSI/TPI 1.
 - TCLL: ASCE 7-16; Pr=20.0 psf (roof LL); Lum DOL=1.15 Plate DOL=1.15; Pg=60.0 psf; Ps=28.6 psf (Lum DOL=1.15 Plate DOL=1.15); Is=0.8; Rough Cat C; Fully Exp.; Ce=0.9; Cs=0.86; Ct=1.10; Unobstructed slippery surface
 - Roof design snow load has been reduced to account for slope.
 - Unbalanced snow loads have been considered for this design.
 - Dead loads shown include weight of truss. Top chord dead load of 5.0 psf (or less) is not adequate for a shingle roof. Architect to verify adequacy of top chord dead load.
 - Gable requires continuous bottom chord bearing.
 - Vertical gable studs spaced at 9-0-0 oc and horizontal gable studs spaced at 2-0-0 oc.
 - This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
 - Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 325 lb uplift at joint 1, 335 lb uplift at joint 3, 474 lb uplift at joint 4 and 325 lb uplift at joint 1.
 - This truss is designed in accordance with the 2018 International Building Code section 2306.1 and referenced standard ANSI/TPI 1.

LOAD CASE(S) Standard

Sarah Brunn

From: Ashley Bukowski <ABukowski@rinkenoonan.com>
Sent: Wednesday, May 7, 2025 8:57 AM
To: Sarah Brunn
Cc: Mary Jo Rowan
Subject: RE: Dave Wiltgen - Parking Variance and Site Plan for Addition 04-25-25
Attachments: Notes on Variance Request 1.docx

Hi Sarah,

Attached are my notes on the variance request. The proposed variance of 23 parking spaces seems reasonable and consistent with Foley's land uses and comprehensive plan. Although this will likely not be a contentious request, I did add notes, especially around the "practical difficulties" test to help guide the conversation with the Planning Commission. I do think it is important to focus on the practical difficulties to ensure a proper record can be made. When I analyzed this request, I do think it would be difficult for the applicant to add more parking spaces given the setback requirements. This particular property is surrounded by residential uses. Section 16, Subd. 5(3) would request a setback of at least 30 feet. With this setback requirement, there is limited area where additional expansion could occur. This would also add impervious surface, which would also have to be considered. Given the practical difficulties associated with the lot's size and setback requirements, the request to vary from 27 parking spaces to 23 seems reasonable.

I can draft a more formal memo if you would like. Otherwise, please feel free to call me with any questions or to discuss further.

Thank you!

Ashley M. Bukowski
Attorney

RINKE NOONAN
1015 West Saint Germain Street
Suite 300, US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302
(320) 257-3862 Direct

From: Sarah Brunn <sbrunn@ci.foley.mn.us>
Sent: Tuesday, May 6, 2025 4:12 PM
To: Ashley Bukowski <ABukowski@rinkenoonan.com>
Subject: FW: Dave Wiltgen - Parking Variance and Site Plan for Addition 04-25-25

Sarah A. Brunn
City Administrator
sbrunn@ci.foley.mn.us

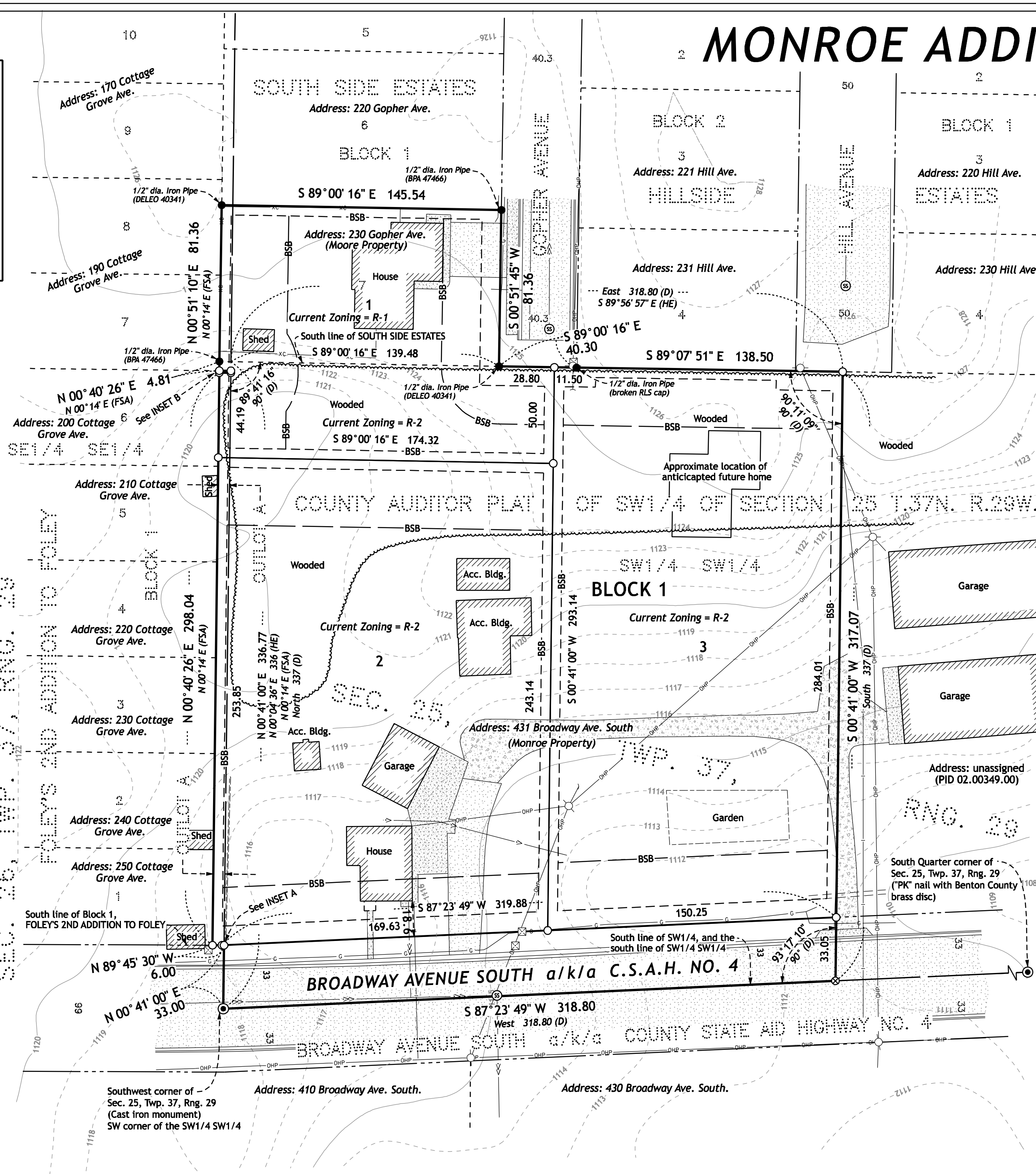
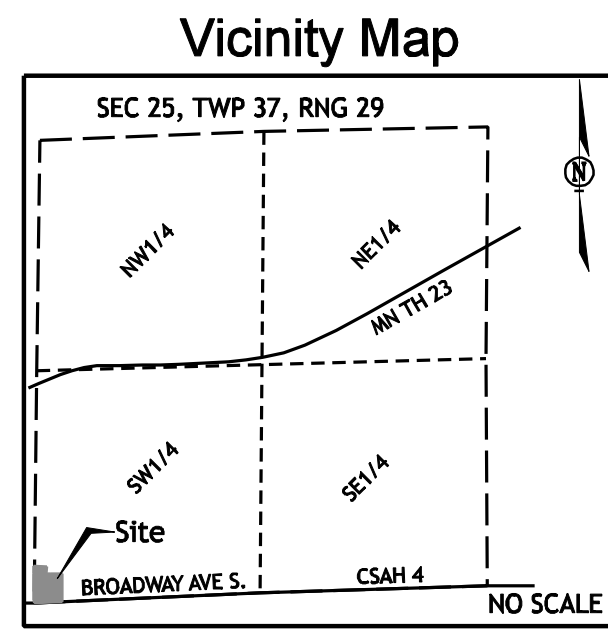
Wiltgen Site Plan and Variance
 Parking

<p>Requirement: 1 space for each sixty (60) square feet of gross floor area</p> <p>-</p>	<p>27 seats would be required under the ordinance.</p>	
<p>Request: 1 parking space per 4 seats & 1 per 2 employees</p>	<p>23 total spaces proposed.</p>	
<p>Ordinance</p>	<p>Reference</p>	<p>Explanation</p>
<p>Variations shall only be permitted: A. When they are in harmony with the general purposes and intent of the zoning ordinance;</p>	<p>Section 24, Subd. 3. 1(A.)</p>	<p>The purpose and intent of the ordinance is to provide adequate parking for patrons and businesses. Given the variance request, it seems there will still be adequate parking spaces if the variance is granted.</p>
<p>Variations shall only be permitted: B. When the variations are consistent with the comprehensive plan.</p>	<p>Section 24, Subd. 3. 1(B.)</p>	<p>Is consistent with the comprehensive plan in promoting the expansion of businesses. (Comp-Plan-1993.pdf (foley.mn.us))</p>
<p>Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.</p>	<p>Section 24, Subd. 3. 2.</p>	
<p>“Practical Difficulties,” as used in connection with the granting of a variance that means that: A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;</p>	<p>Section 24, Subd. 3. 3. (A.)</p>	<p>The proposed variance in parking spaces is only 4 less than what would be required by the ordinance. This is a reasonable use given the lot’s size.</p>
<p>“Practical Difficulties,” as used in connection with the granting of a variance that means that: The plight of the landowner is due to circumstances unique to the property not created by the landowner</p>	<p>Section 24, Subd. 3. 3. (B.)</p>	<p>Applicant’s property is surrounded by residential uses. The City’s zoning ordinance (Section 16, Subd. 5(3)) requires a 30 foot setback from adjoining residentially zoned property. Given the dimensions of the lot, it would be difficult to be the setback requirements if additional parking is added.</p>

Wiltgen Site Plan and Variance
Parking

<p>“Practical Difficulties,” as used in connection with the granting of a variance that means that: The variance, if granted, will not alter the essential character of the neighborhood.</p>	<p>Section 24, Subd. 3. 3. (C.)</p>	<p>Allowing 24 parking spaces instead of 27 will not change the essential character of the neighborhood. Given the maximum capacity of the restaurant, there should not be issued related to parking.</p>
---	-------------------------------------	---

MONROE ADDITION



MAPPING LEGEND

- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- CULVERT APRON
- WELL
- HYDRANT
- WATER VALVE
- UTILITY HANDHOLE
- LIGHT POLE
- UTILITY POLE
- UTILITY POLE ANCHOR
- UTILITY PEDESTAL
- UTILITY METER
- TANK (AS SPECIFIED)
- SEWER CLEANOUT
- LIFT STATION
- TREE (DECIDUOUS)
- TREE (EVERGREEN)
- SOIL BORING
- SURFACE DRAINAGE ARROW
- BURIED ELECTRIC LINE
- BURIED TELEPHONE LINE
- BURIED FIBER OPTIC LINE
- BURIED GAS LINE
- OVERHEAD POWER LINE
- WATER LINE
- STORM SEWER PIPE
- SANITARY SEWER PIPE
- CONC. CURB & GUTTER
- PROPERTY LINE
- CONTROLLED ACCESS
- CHAINLINK FENCE
- WOOD FENCE
- BARB WIRE FENCE
- WOVEN WIRE FENCE
- TREELINE
- WETLAND
- EXISTING CONTOURS
- BUILDING SETBACK
- SOILS TYPE BOUNDARY
- CONCRETE
- BITUMINOUS
- GRAVEL

LEGAL DESCRIPTION

That part of the Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4) of Section Twenty-five (25), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota described as follows, to-wit: Commencing at the Southwest corner of said Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4), thence due North 337 feet to a point; thence at right angles due East and parallel to the Southerly section line 318.80 feet; thence South at right angles 337 feet to a point on the Southerly line of said quarter section; thence West at right angles 318.80 feet to the point of beginning.

TOGETHER WITH that part of Outlet "A" aka Block A lying adjacent to Lots 1, 2, 3, 4, 5 and 6 all in Block One (1) of FOLEY'S 2ND ADDITION TO FOLEY, except the northerly 1 foot of that part adjacent to Lot 6 and except that part platted as South Side Estates, Benton County, Minnesota.

PROJECT INFORMATION

Existing Property Site Addresses:
431 Broadway Avenue South, Foley, MN 56329
230 Gopher Avenue, Foley, MN 56329

Current Zoning = R1, Single Family Residential and R2, Mutli-Family Residential

Part of current County Tax Parcel IDs = 13.00011.00 & 13.01152.00

Broadway Avenue South is classified as a Major Collector Road, and Gopher Avenue is classified as a Local Road.

BUILDING SETBACKS

R-1, Single Family	R-2, Multi-Family
Principal Structures: Front yard = 30 feet Side yard = 5 feet Rear yard = 35 feet	Principal Structures: Front yard = 30 feet Side yard = 5 feet Rear yard = 35 feet

(Setbacks shown for single family structures)

There was no evidence of wetland observed within the area to be platted.

Access to property will be provided via existing driveways as shown hereon.

Existing ground cover is primarily trees and yard.

CONTACT INFORMATION

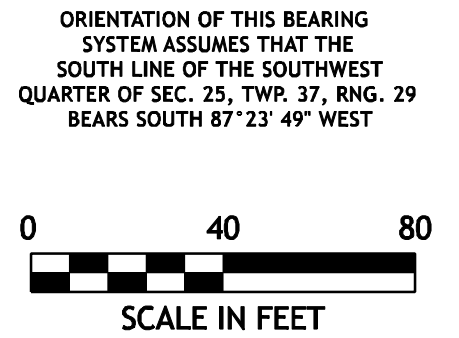
Owners:
Ken & Charlotte Monroe
431 Broadway Ave. S.
Foley, MN 56329

Land Surveyor:
Sam DeLeo
Kramer Leas DeLeo, P.C.
13 North 11th Ave.
St. Cloud, MN 56303
Phone: 320-259-1266

I HEREBY CERTIFY THAT THIS PLAN, SURVEY, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Signature: *Samuel J. DeLeo* 5/06/2025
Samuel J. DeLeo, MN License No. 40341 Date

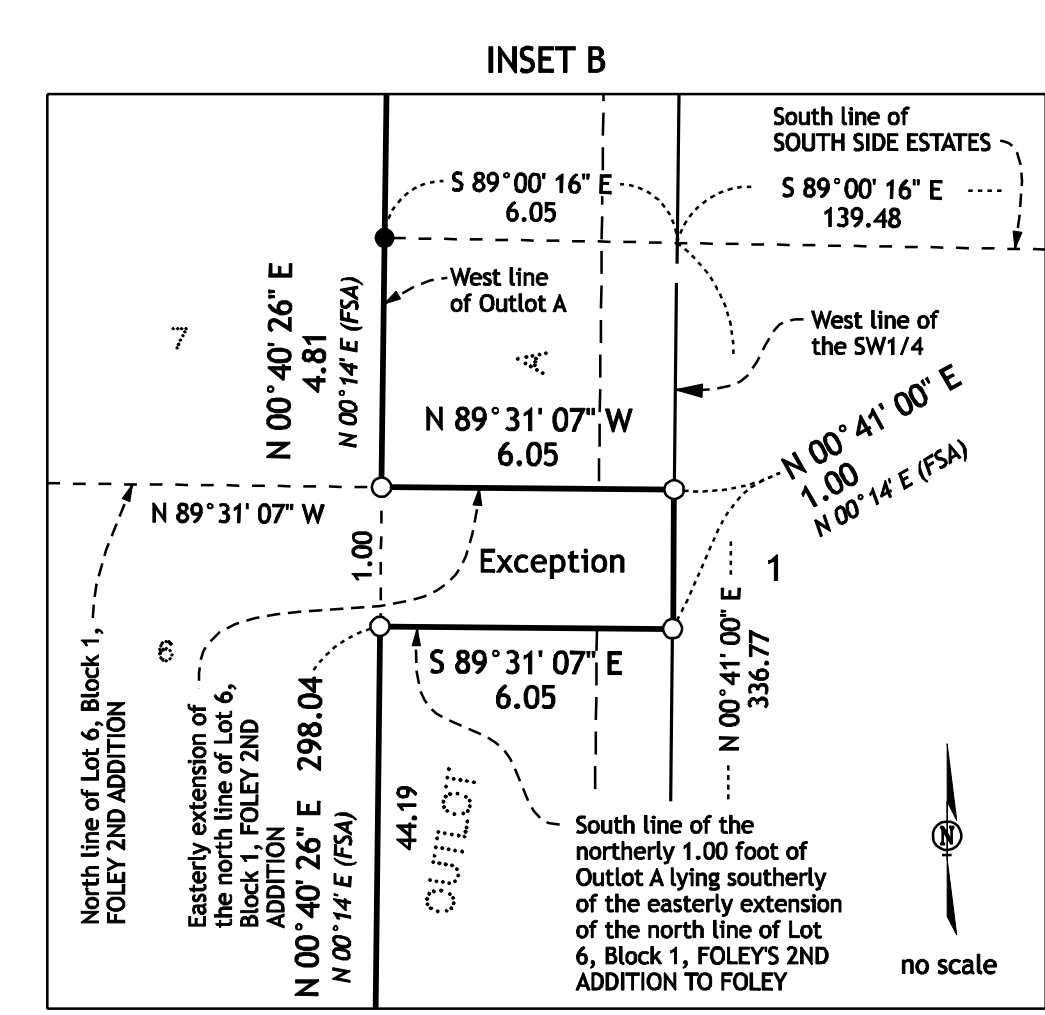
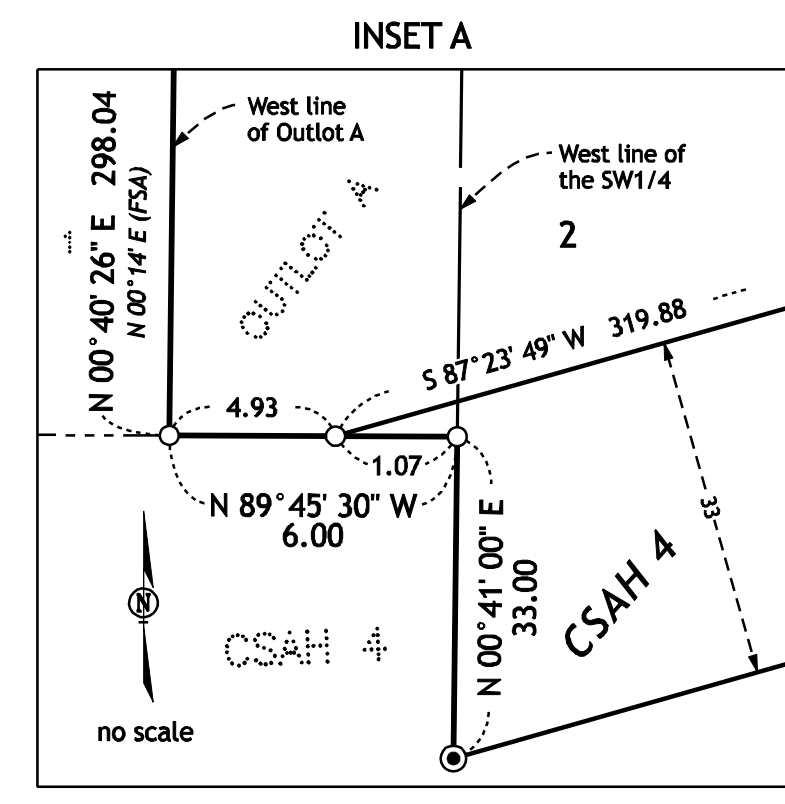
Preliminary Plat of
MONROE ADDITION
For property at: 431 Broadway Ave S. & 230 Gopher Ave
City of Foley, County of Benton, State of Minnesota
Located in Section 25, Township 37 North, Range 29 West



PLAT AREAS (+/-)

ENTIRE PLAT = 2.70 Ac.

BLOCK 1 -
LOT 1 = 0.47 Ac.
LOT 2 = 1.00 Ac.
LOT 3 = 0.99 Ac.
ROAD R/W = 0.24 Ac.



- PROPERTY BOUNDARY MONUMENT LEGEND**
- SET 1/2" DIA. BY 14" LONG IRON PIPE WITH CAP STAMPED "DELEO 40341"
 - FOUND IRON MONUMENT
 - ⊙ SET MAGNETIC "PK" NAIL
 - ⊙ GOVERNMENT SECTION CORNER MONUMENT
 - (D) DIMENSION PER DEED OF RECORD
 - (FSA) DIMENSION PER PLAT OF FOLEY'S 2ND ADDITION TO FOLEY
 - (HE) DIMENSION PER PLAT OF HILLSIDE ESTATES

NO.	REVISIONS SINCE INITIAL DATE OF	DATE

KLD
KRAMER LEAS DELEO
SURVEYING • ENGINEERING • PLANNING
BRAINERD ST. CLOUD

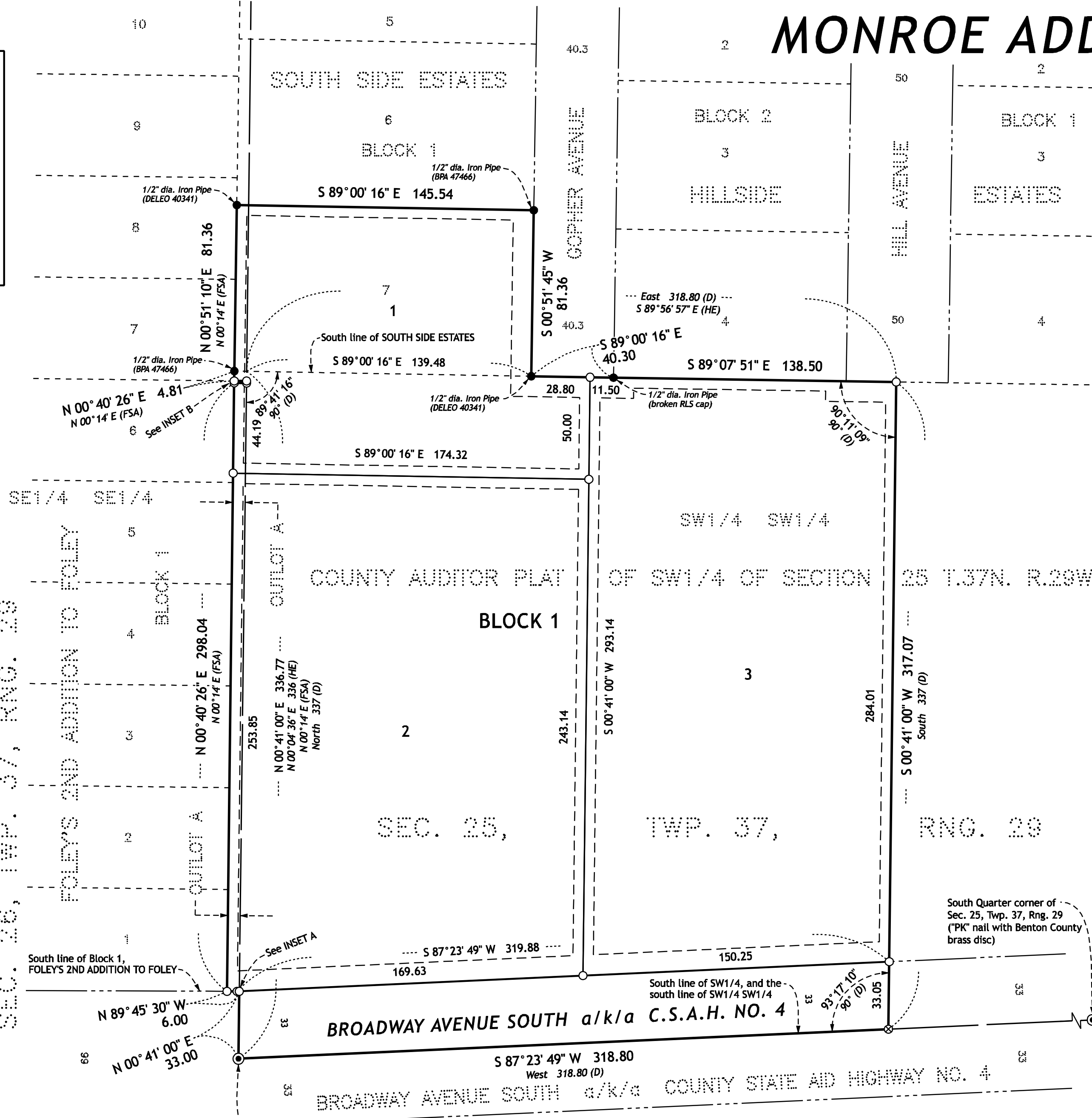
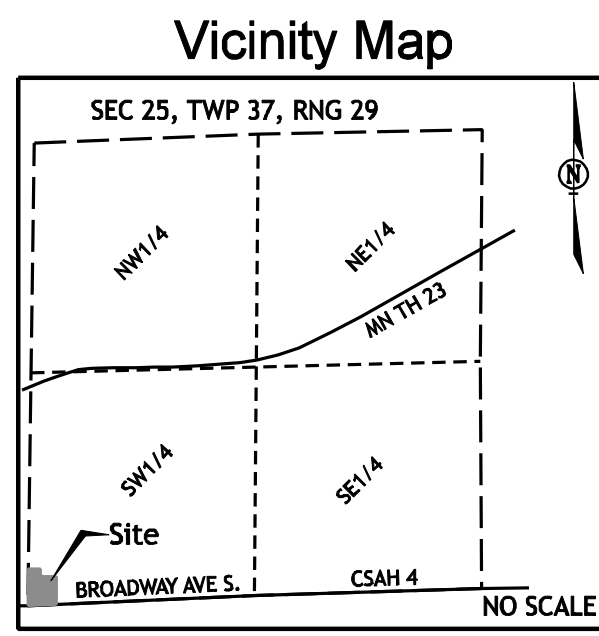
1120 Industrial Park Road
Brainerd, MN 56401
218-828-6333

13 North 11th Avenue
St. Cloud, MN 56303
320-259-1266

PROJECT NO. MONRK2401

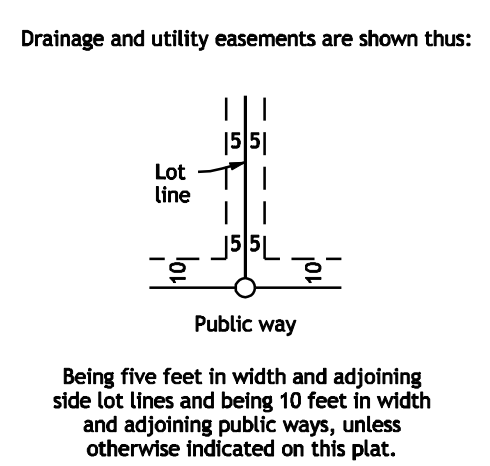
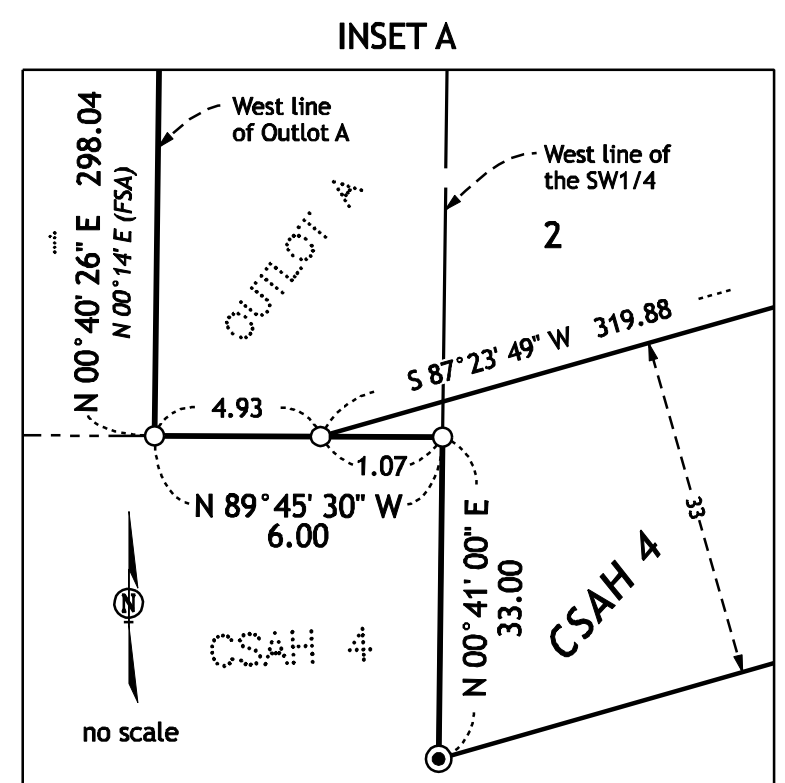
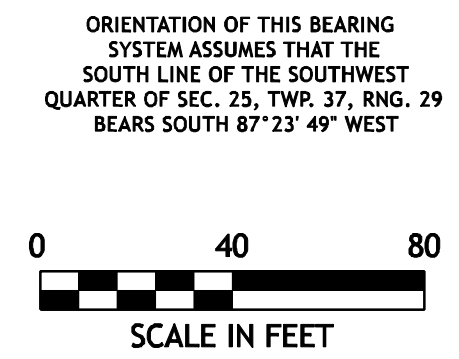
MONROE ADDITION

CITY OF FOLEY
COUNTY OF BENTON
SEC. 25, TWP. 37, RNG. 29



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ENTIRE PLAT = 2.70 Ac.

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 - (D) DIMENSION PER DEED OF RECORD
 - (FSA) DIMENSION PER PLAT OF FOLEY'S 2ND ADDITION TO FOLEY
 - (HE) DIMENSION PER PLAT OF HILLSIDE ESTATES

KNOW ALL PERSONS BY THESE PRESENTS:
That Kenneth L. Monroe and Charlotte A. Monroe, a married couple, owners of the following described property situated in the City of Foley, County of Benton, State of Minnesota to wit:

That part of the Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4) of Section Twenty-five (25), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota described as follows, to-wit: Commencing at the Southwest corner of said Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4), thence due North 337 feet to a point; thence at right angles due East and parallel to the Southerly section line 318.80 feet; thence South at right angles 337 feet to a point on the Southerly line of said quarter section; thence West at right angles 318.80 feet to the point of beginning.

TOGETHER WITH that part of Outlet "A" aka Block A lying adjacent to Lots 1, 2, 3, 4, 5 and 6 all in Block One (1) of FOLEY'S 2ND ADDITION TO FOLEY, except the northerly 1 foot of that part adjacent to Lot 6 and Except that part platted as South Side Estates, Benton County, Minnesota.

That David J. Moore and Jenae Moore, a married couple, owners of the following described property situated in the City of Foley, County of Benton, State of Minnesota to wit:

Lot 7, Block 1, SOUTH SIDE ESTATES, Benton County, Minnesota.

Have caused the same to be surveyed and platted as MONROE ADDITION and do hereby donate and dedicate to the County of Benton for public use forever County State Aid Highway No. 4, (Broadway Avenue South) as shown on this plat and dedicate to the County of Benton the right to limit access to said County State Aid Highway No. 4 as shown on this plat. Also dedicating to the public for public use forever the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Kenneth L. Monroe and Charlotte A. Monroe, a married couple, have hereunto set their hands this _____ day of _____, 20____.

Kenneth L. Monroe _____ Charlotte A. Monroe _____
STATE OF MINNESOTA _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by Kenneth L. Monroe and Charlotte A. Monroe, a married couple.

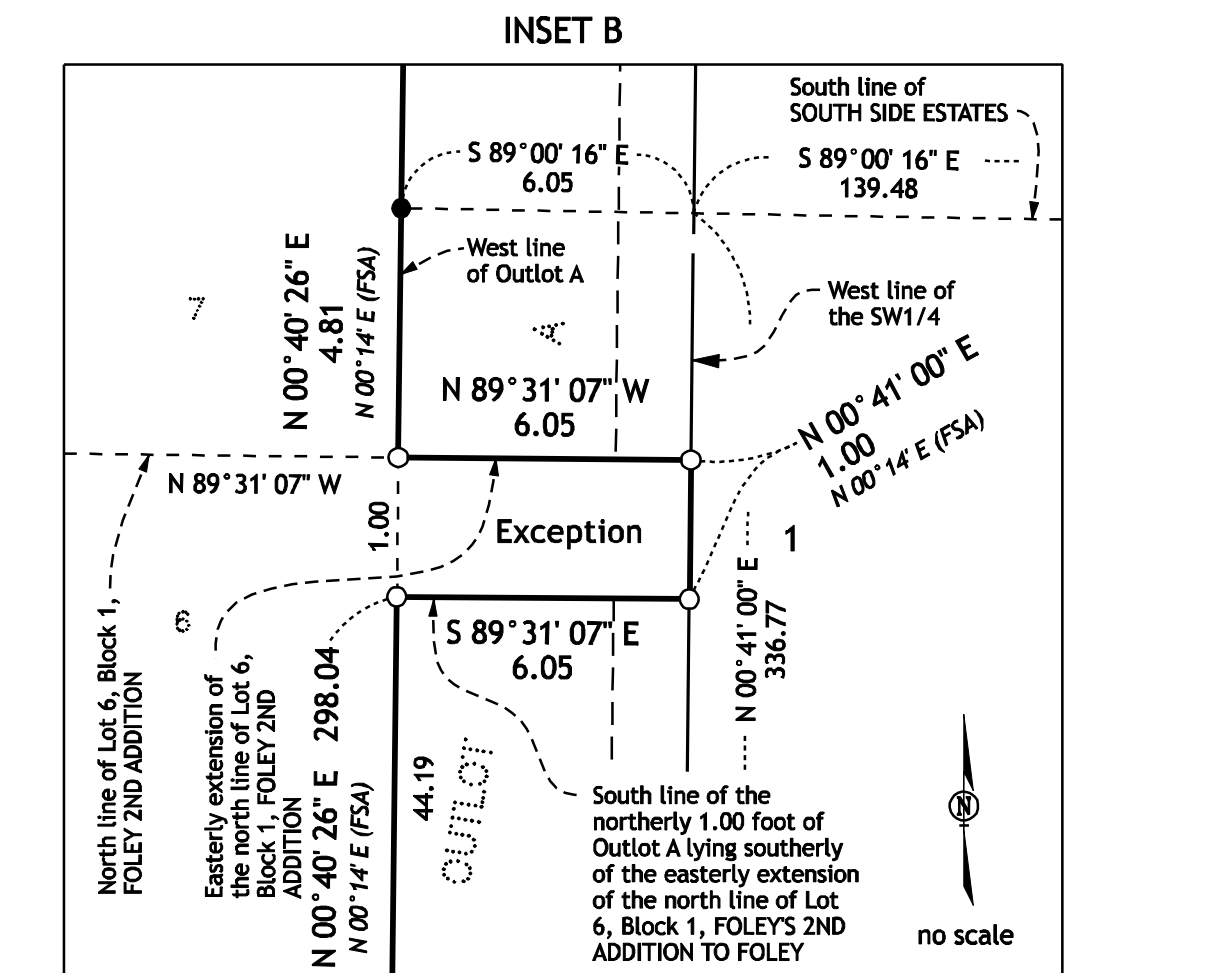
(Notary Signature) _____ (Notary Printed Name) _____
Notary Public _____ County, Minnesota
My commission expires _____

In witness whereof said David J. Moore and Jenae Moore, a married couple, have hereunto set their hands this _____ day of _____, 20____.

David J. Moore _____ Jenae Moore _____
STATE OF MINNESOTA _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by David J. Moore and Jenae Moore, a married couple.

(Notary Signature) _____ (Notary Printed Name) _____
Notary Public _____ County, Minnesota
My commission expires _____



SURVEYOR'S CERTIFICATION

I Samuel J. DeLeo do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Samuel J. DeLeo, Licensed Land Surveyor
Minnesota License Number 40341

STATE OF MINNESOTA
COUNTY OF STEARNS

The foregoing Surveyor's Certification was acknowledged before me this _____ day of _____, 20____ by Samuel J. DeLeo, Licensed Land Surveyor, Minnesota License Number 40341.

Sidney Theis
Notary Public Stearns County, Minnesota
My commission expires January 31, 2027

CITY PLANNING COMMISSION
Approved by the Planning Commission of the City of Foley, Minnesota, at a meeting held this _____ day of _____, 20____.

Chairperson _____

FOLEY CITY COUNCIL
Approved and accepted by the City Council of the City of Foley, Benton County, Minnesota, at a meeting held this _____ day of _____, 20____.

Mayor _____ Clerk _____

BENTON COUNTY
County Surveyor
I hereby certify that in accordance with Minnesota Statutes, Section 505.021 Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

Signed: _____, County Surveyor, Benton County, Minnesota

County Engineer
This plat was recommended for approval this _____ day of _____, 20____.

Signed: _____, County Engineer, Benton County, Minnesota

County Auditor/Treasurer
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

Signed: _____
County Auditor / Treasurer, Benton County, Minnesota

County Recorder
I hereby certify that this plat of PLATNAME, was filed in the office of the County Recorder for public record on this _____ day of _____, 20____, at _____ o'clock _____ M. and was duly filed as Document Number _____

Signed: _____
County Recorder, Benton County, Minnesota



5/06/2025
DRAFT

Legal Descriptions for MONROE ADDITION

Monroe Property

That part of the Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4) of Section Twenty-five (25), Township Thirty-seven (37) North, Range Twenty-nine (29) West, Fourth Principal Meridian, Benton County, Minnesota described as follows, to-wit: Commencing at the Southwest corner of said Southwest Quarter of the Southwest Quarter (SW1/4 of SW1/4), thence due North 337 feet to a point; thence at right angles due East and parallel to the Southerly section line 318.80 feet; thence South at right angles 337 feet to a point on the Southerly line of said quarter section; thence West at right angles 318.80 feet to the point of beginning;

TOGETHER WITH that part of Outlot "A" aka Block A lying adjacent to Lots 1, 2, 3, 4, 5 and 6 all in Block One (1) of FOLEY'S 2ND ADDITION TO FOLEY, except the northerly 1 foot of that part adjacent to Lot 6 and Except that part platted as South Side Estates, Benton County, Minnesota.

Moore Property

Lot 7, Block 1, SOUTH SIDE ESTATES, Benton County, Minnesota.

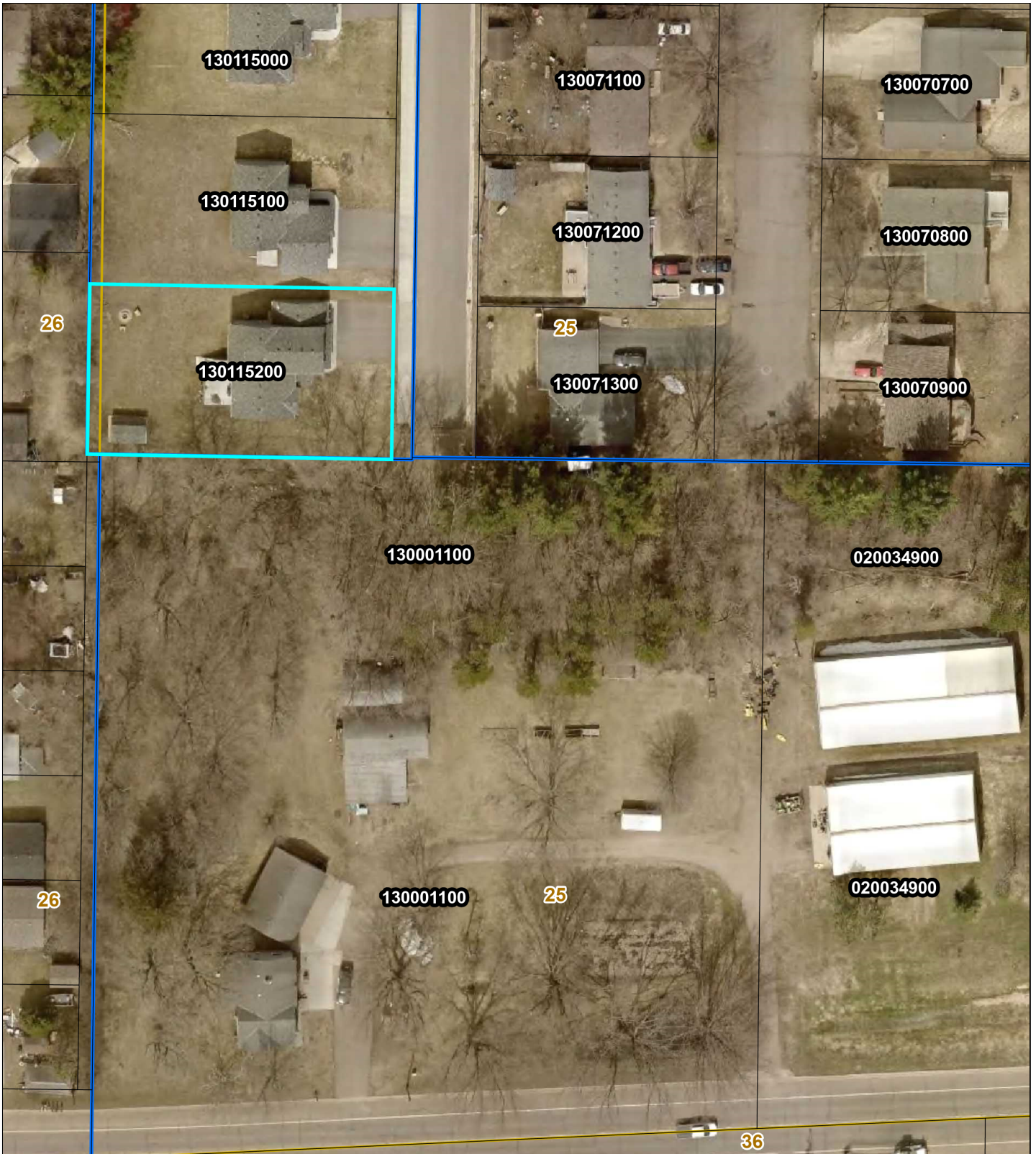


Parcel ID 130001100
 Sec/Twp/Rng 25-037-029
 Property Address 431 BROADWAY AVE S
 FOLEY

Alternate ID n/a
 Class 201 - RESIDENTIAL
 Acreage 2.47

Owner Address KENNETH L MONROE &
 CHARLOTTE MONROE
 431 BROADWAY AVE S
 FOLEY, MN 56329

District FOLEY
 Brief Tax Description Sect-25 Twp-037 Range-029 2.47 AC W 318.7 FT OF S 337 FT OF SW 1/4 SW1/4
 (Note: Not to be used on legal documents)



Parcel ID	130115200	Alternate ID	n/a	Owner Address	DAVID J MOORE & JENAE MOORE 230 GOPHER AVE FOLEY, MN 56329
Sec/Twp/Rng	25-037-029	Class	201 - RESIDENTIAL		
Property Address	230 GOPHER AVE FOLEY	Acreage	0.27		
District	FOLEY				
Brief Tax Description	Sect-25 Twp-037 Range-029 SOUTH SIDE ESTATES Lot-007 Block-001 .27 AC <i>(Note: Not to be used on legal documents)</i>				