



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, JUNE 6, 2022

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Public Hearings
 - A. A City-Initiated Application to Remove the Heritage Preservation Overlay Zoning District from the Site of the Former Johnston Hall on the Allina Health System Campus at 633 1st Street SE
 - B. A City-Initiated Application to Rezone the Underlying Zoning District of the Allina Health System Campus to P/I, Public/Institutional
 - C. An Application to Rezone the Allina Health System Campus to the PUD Overlay Zoning District #2022-__ and Approve the Related Development Plan for the Allina Health System Campus
 - D. Rezone the Properties at 1001, 1101, and 1105 Division Street West from I-2, Heavy Industrial to C-2, Highway Commercial
 - E. Conditional Use Permit and Variance applications to construct an oversized residential accessory structure at a height of 18.5 feet, where 16' is the maximum permitted and a floor area of 1,200 square feet where 1,080 square feet is the maximum permitted, in the TUD Transitional Urban Development District at 2518 14th Street NE.
 - i Application for Variances from Requirements for Residential Accessory Structure Requirements for Building Height and Building Area to permit construction of New Garage at 2518 14th St. NE.
 - ii Application for a Conditional Use Permit for a New Garage of Greater Than 864 Square Feet in Area at 2518 14th St. NE
4. Board and Commission Reports, Announcements and Updates
5. Adjournment

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



PLANNING COMMISSION MEETING MINUTES

MONDAY, May 16, 2022

6:00 PM

Members present were Commissioner Albers, Commissioner Campbell, Commissioner Jackson, Commissioner Temple, Commissioner White and Chair Ackman

Members Absent: None

1. Call to Order\Approve Agenda

Chair Ackman called the meeting to order at 6:00 p.m. No motion was made to approve the agenda.

2. Approve the May 2, 2022 Regular Meeting Minutes.

Chair Ackman requested a motion to approve the meeting minutes of May 2, 2022 which was brought by Commissioner Campbell and seconded by Commissioner Temple as written. Motion carried on a 5/0 vote.

Commissioner Jackson arrived at 6:04 p.m.

3. Public Hearings

A. Application for a Conditional Use Permit for Development in the Shoreland Protection District for a Building Addition at Taco John's at 1431 4th Street NW)

Waldock began his presentation stating that the City received an application for a CUP for Shoreland Development and Site Plan approval for a 326 SF addition planned for the north end of the existing restaurant. The improvement will also reconfigure the interior layout for the kitchen and dining area.

Waldock explained that the shoreland overlay lines goes right in the middle of part of the building and is due to Crocker's Creek. Site was built in 19884 and prior to the Shoreland District. The plan does not increase impervious surface coverage. The parking will be reduced by two spaces and the UDO requires 15 but they have proposed 19. There will need to be some future zoning with Parcel 2 which will result in a lot combination. The DNR had no comments. Rezone first and then do lot combo. DRC recommends approval of the application with the proposed conditions 1: complete the proposed building addition according to the codes and 2) maintain the property in good

condition in addition to the six standard conditions. Waldock showed the depictions of the exterior façade. Waldock noted that Brett Itterman was here on behalf of the applicant for further questions. Chair Ackman then opened the matter up for further discussion. Commissioner Albers asked about the outdoor seating. Waldock stated that it will reduce the space but deferred to Mr. Itterman for further comment. Mr. Itterman did come forward and stated that they plan on eliminating the outdoor seating space. No further comment and so Chair Ackman opened the matter up for public hearing at 6:09 p.m. Mr. Itterman then stated that they purchased the property several years ago and are going through rebranding and updating to the new façade. Chair Ackman then closed the public hearing at 6:15p.m. and brought it back to the commission for further discussion. Having none, Commissioner White made a motion, seconded by Commissioner Campbell to recommend approval of the Draft Resolution to include the outlined findings and conditions of a Conditional Use Permit for development in the Shoreland Overlay District for an addition to Taco John's Restaurant at 1431 4th St. NW. Chair Ackman wanted to make note that absent the line would this CUP be here at all. Waldock confirmed that the line is the reason. This is only in front of the commission because of the shoreland. Motion carried on a 6/0 vote. Will be before the Council next Wednesday to take action.

B. City of Faribault Application to Amend Ordinances related to the City's Municipal Separate Storm Sewer System (MS4) Permit

The City's Municipal Separate Storm Sewer System (MS4) permit, which is a required permit administered by the MN Pollution Control Agency (MPCA) and mandated by the Federal EPA, expired in 2018 and was reissued in 2020. The City received approval of the City's renewal application in October 2021 and has 12 months from that date to update City ordinances/policies/etc. to be in permit compliance. The proposed ordinance changes required to be adopted by the City Council in order for the City to become MS4 permit compliant. As part of the proposed ordinance changes related to the City's MS4 permit, City staff is also recommending the Council adopt a Developer's Guide for Stormwater Management guidebook which is referenced numerous times in the proposed ordinance changes. This guidebook is intended to be a one-stop shop for all things stormwater/surface water related for builders and developers and is intended to synthesize city codes and state/federal/local permit requirements into one place. This guidebook replaces many of the permit level details that are currently in city ordinances. The permits are good for 5 years. Permit coverage in October , 2021 and had 12 months to become into compliance. There are 274 permits in the state and 272 fall under the state permit.

The ordinance updates are in chapter 28 and by reference. Removed a lot of really specific site plan language. The Developer's guide is the one-stop-shop to find all that you need and follow it along. Illicit discharge's change is specific to salt storage.

Recommend that the City Council approve Ordinance 2022-xxx Amend Ordinances

related to the City's Municipal Separate Storm Sewer System (MS4) Permit

5. Adjournment

Chair Ackman requested a motion to adjourn. Commissioner Jackson made the motion seconded by Commissioner Temple. Meeting was adjourned at 6:57 p.m. Motion carried on a 6/0 vote

Dated May 16, 2022.

By _____
Kari Casper, Recording Secretary



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: June 6, 2022
SUBJECT: A City-Initiated Application to Remove the Heritage Preservation Overlay Zoning District from the Site of the Former Johnston Hall on the Allina Health System Campus at 633 1st Street SE

Background:

After years of trying to find a buyer or a viable use for the former Johnston Hall at 633 1st Street SE, Allina Health System (the owner) demolished the building due to safety concerns. Because the building was a significant building constructed in 1888, the former building is on the National Register of Historic Places and in the City's Heritage Preservation Overlay Zoning District. Now that the building has been removed from the property, it is appropriate to remove it from the Heritage Preservation Overlay District. The State Historic Preservation Office will initiate delisting the property from the National Register. In the future, Allina Health System may expand the parking lot at 633 1st Street SE into the area of the former Johnston Hall.

Recommendation:

Recommend that the City Council approve Ordinance No. 2022-__ Remove the Heritage Preservation Overlay Zoning District from the former Johnston Hall Site at 633 1st Street SE based on the written findings in the ordinance.

Attachments:

1. Ordinance 2022-XX Remove the Heritage Preservation Overlay District from the Site of the Former Johnston Hall at 633 1st Street SE

**CITY OF FARIBAULT
ORDINANCE No. 2022-__**

**REMOVE THE HERITAGE PRESERVATION OVERLAY ZONING DISTRICT
FROM THE FORMER JOHNSTON HALL SITE AT 633 1ST STREET SE**

WHEREAS, the former Johnston Hall, at 633 1st Street SE, was constructed in 1888 and placed on the National Register of Historic Places; and

WHEREAS, the City of Faribault included the property in the City's heritage preservation overlay zoning district; and

WHEREAS, Johnston Hall became vacant and deteriorated to the point that it presented a life-safety concern; and

WHEREAS, the Faribault City Council, on September 14, 2021, approved Resolution #2021-195, which authorized the issuance of a demolition permit for Johnston Hall; and

WHEREAS, Allina Health System, the owner of Johnston Hall, demolished Johnston Hall in the fall of 2021; and

WHEREAS, because there is no longer a historic structure at 633 1st Street SE, it is no longer appropriate to include the property in the City's heritage preservation overlay zoning district; and

WHEREAS, after appropriate public notice, the Planning Commission held a public hearing on June 6, 2022, to consider removing the heritage preservation overlay zoning district from the property at 633 1st Street SE; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council remove the heritage preservation overlay zoning district from the property at 633 1st Street SE based on the following written findings of the Planning Commission outlined in Section 2-180 of the City's Unified Development Ordinance:

1. **Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.**

Finding: The Land Use Plan identifies the area for institutional use. Removal of the property from the heritage preservation overlay zoning district does not affect the Land Use Plan.

2. **Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.**

Finding: Because the historic building at 633 1st Street SE no longer exists, it is in the public interest to remove the heritage preservation overlay zoning district from the property.

3. **Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: Because the historic building at 633 1st Street SE no longer exists, it is in the public interest to remove the heritage preservation overlay zoning district from the property. The property will continue to be zoned for public/institutional uses.

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: Because the historic building at 633 1st Street SE no longer exists, it is in the public interest to remove the heritage preservation overlay zoning district from the property. The property will continue to be zoned for public/institutional uses.

5. **Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: Because the historic building at 633 1st Street SE was removed for life-safety reasons, it is no longer appropriate to have a heritage preservation overlay zoning district associated with the property.

WHEREAS, the City Council held a public meeting on _____, 2022, to consider approval of the first reading of Ordinance 2022-____; and

WHEREAS, the City Council also held a public meeting on _____, 2022, to consider approval of the second reading of Ordinance 2022-____; and

WHEREAS, based on the City Staff report, the results of the public hearing,

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Removal of the heritage preservation overlay zoning district. The Faribault City Council hereby removes the heritage preservation overlay district from the property at 633 1st Street SE, as depicted in Exhibit A of this ordinance.

Section 2: Zoning map need not be republished. The City of Faribault is not required to republish the city zoning map to reflect the removal of the heritage preservation overlay zoning district. However, the City Planner must appropriately indicate the amendment on the Official Zoning Map on file with the City Planner.

Section 3: Findings and incorporation of recitals and exhibits. The recitals and exhibits incorporated in this ordinance constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 4: Effective date. This ordinance shall be effective immediately upon its passage and publication per the provisions of the Faribault City Charter.

Public Hearing:	June 6, 2022
First Reading:	_____
Second Reading:	_____
Publication:	_____

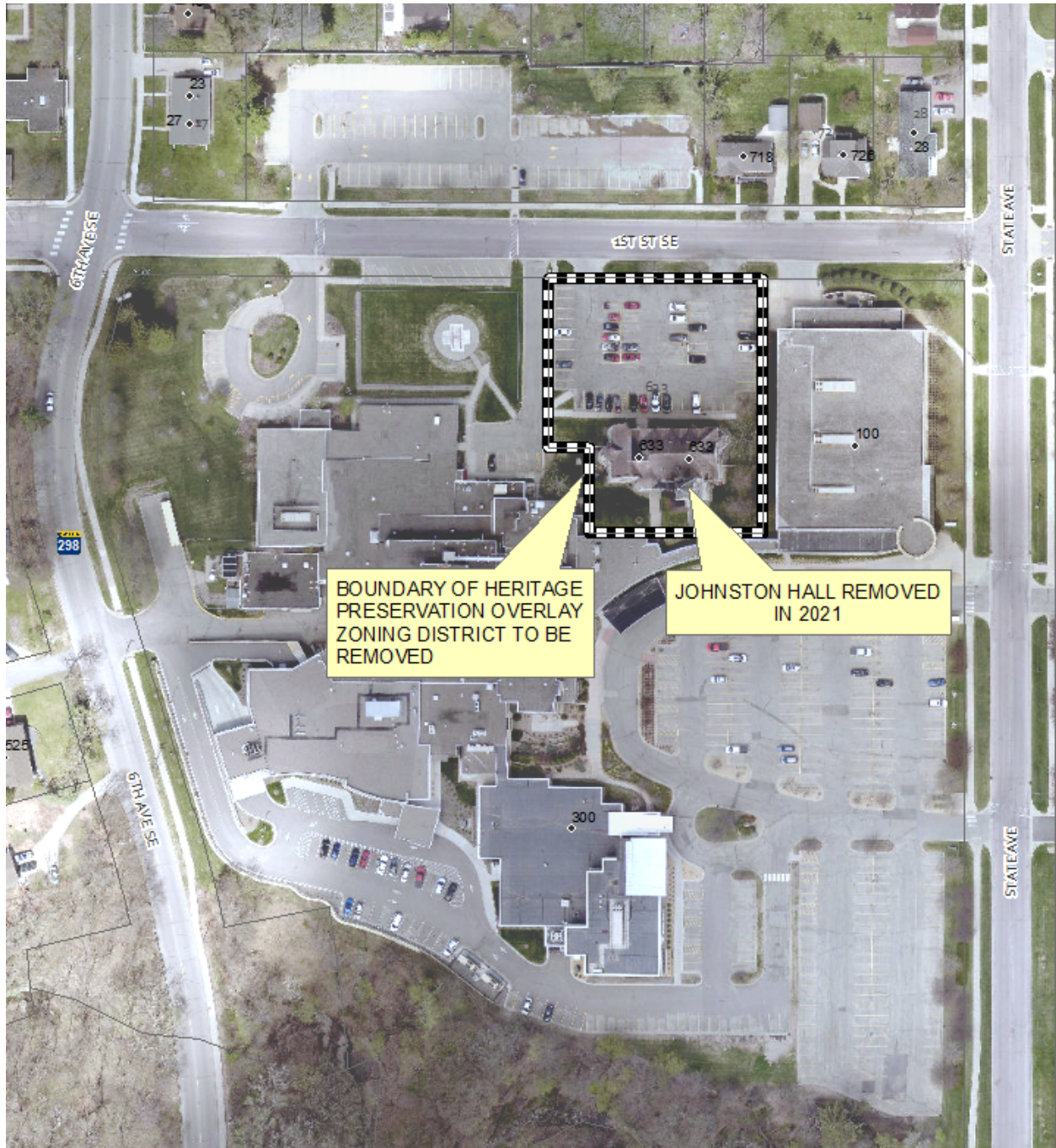
Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Removal of Heritage Preservation Overlay District at
633 1st Street SE





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: June 6, 2022
SUBJECT: A City-Initiated Application to Rezone the Underlying Zoning District of the Allina Health System Campus to P/I, Public/Institutional

Background:

The Journey to 2040 Comprehensive Plan guides the Allina Health System campus south of 1st Street SE and east of State Avenue for institutional use. The City's Official Zoning Map zones this area as R-4, High-Density Residential Zoning District. The Journey to 2040 Comprehensive Plan guides the Allina Health System campus area north of 1st Street SE and west of State Avenue for established residential neighborhood use (which can include institutional uses). However, the Official Zoning Map zones the area for R-2, Low-Density Residential Zoning District.

With the adoption of Ordinance No. 2022-3, the Faribault Council created a P/I, Public/Institutional zoning district to accommodate institutional uses, such as the Allina Health System campus. To ensure that the City's Official Zoning Map is consistent with the Journey to 2040 Comprehensive Plan, the City initiated rezoning of all property within the Allina Health System campus to P/I, Public/Institutional.

Recommendation:

Recommend that the City Council approve Ordinance 2022-___ Rezone the Allina Health System Campus to P/I, Public/Institutional based on the written findings in the ordinance.

Attachments:

1. Ordinance 2022-xx Rezone Allina Health System Campus to PI, Public Institutional

CITY OF FARIBAULT
ORDINANCE No. 2022-__

REZONE THE ALLINA HEALTH SYSTEM CAMPUS TO P/I, PUBLIC/INSTITUTIONAL

WHEREAS, the parcels on the Allina Health System campus south of 1st Street SE and east of State Avenue are currently zoned R-4, High-Density Residential; and

WHEREAS, the parcels on the Allina Health System campus north of 1st Street SE and west of State Avenue, including 14 State Avenue, are currently zoned R-2, Low-Density Residential; and

WHEREAS, the City of Faribault created the Public/Institutional zoning district to accommodate public and institutional uses, such as the Allina Health System campus; and

WHEREAS, the City initiated an application to rezone all parcels on the Allina Health System campus, including 14 State Avenue, to P/I, Public/Institutional; and

WHEREAS, the Planning Commission, on June 6, 2022, following proper notice, held a public hearing regarding rezoning the Allina Health System campus to P/I, Public/Institutional, as shown in Exhibit A; and

WHEREAS, the Planning Commission finds that it is appropriate to rezone the all parcels on the Allina Health System campus to P/I, Public/Institutional, based on the following written findings of the Planning Commission as required by Section 2-180 of the City's Unified Development Ordinance:

1. Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.

Finding: The proposed P/I, Public/Institutional zoning is consistent with the City's Land Use Plan, which guides most of the Allina Health System campus for institutional use. The Land Use Plan guides part of the campus, including 14 State Avenue, for established residential neighborhood, which allows limited institutional uses.

2. Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.

Finding: It is in the public interest to rezone the Allina Health System campus from residential zoning districts to the P/I, Public/Institutional zoning district because the existing uses are

institutional uses, which are consistent with the City's vision for the campus.

3. Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: Rezoning the Allina Health System campus, including 14 State Avenue, does not directly affect the current uses. Any significant redevelopment would require a public hearing to amend the planned unit development overlay zoning district associated with the campus.

4. Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: Rezoning the Allina Health System campus, including 14 State Avenue, does not directly affect the current uses.

5. Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: Rezoning the Allina Health System campus to P/I, Public/Institutional, is not based on a change in character or development trends in the area. The proposed rezoning relates to the existing institutional uses on the campus.

WHEREAS, the City Council held a public meeting on _____, 2022, to consider approval of the first reading of Ordinance 2022-__; and

WHEREAS, the City Council also held a public meeting on _____, 2022, to consider approval of the second reading of Ordinance 2022-__; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Rezone the Allina Health System campus to P/I, Public/Institutional. The Faribault City Council hereby rezones the Allina Health System campus, depicted in Exhibit A of this ordinance, to P/I, Public/Institutional.

Section 2: The zoning map need not be republished. The City of Faribault is not required to republish the city zoning map to reflect the rezoning. However, the City Planner must appropriately indicate the amendment on the Official Zoning Map on file with the City Planner.

Section 3: Findings and incorporation of recitals and exhibits. The recitals and exhibits incorporated in this ordinance constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 4: Effective date. This ordinance shall be effective immediately upon its passage and publication per the provisions of the Faribault City Charter.

Public Hearing: June 6, 2022

First Reading: _____

Second Reading: _____

Publication: _____

Faribault City Council

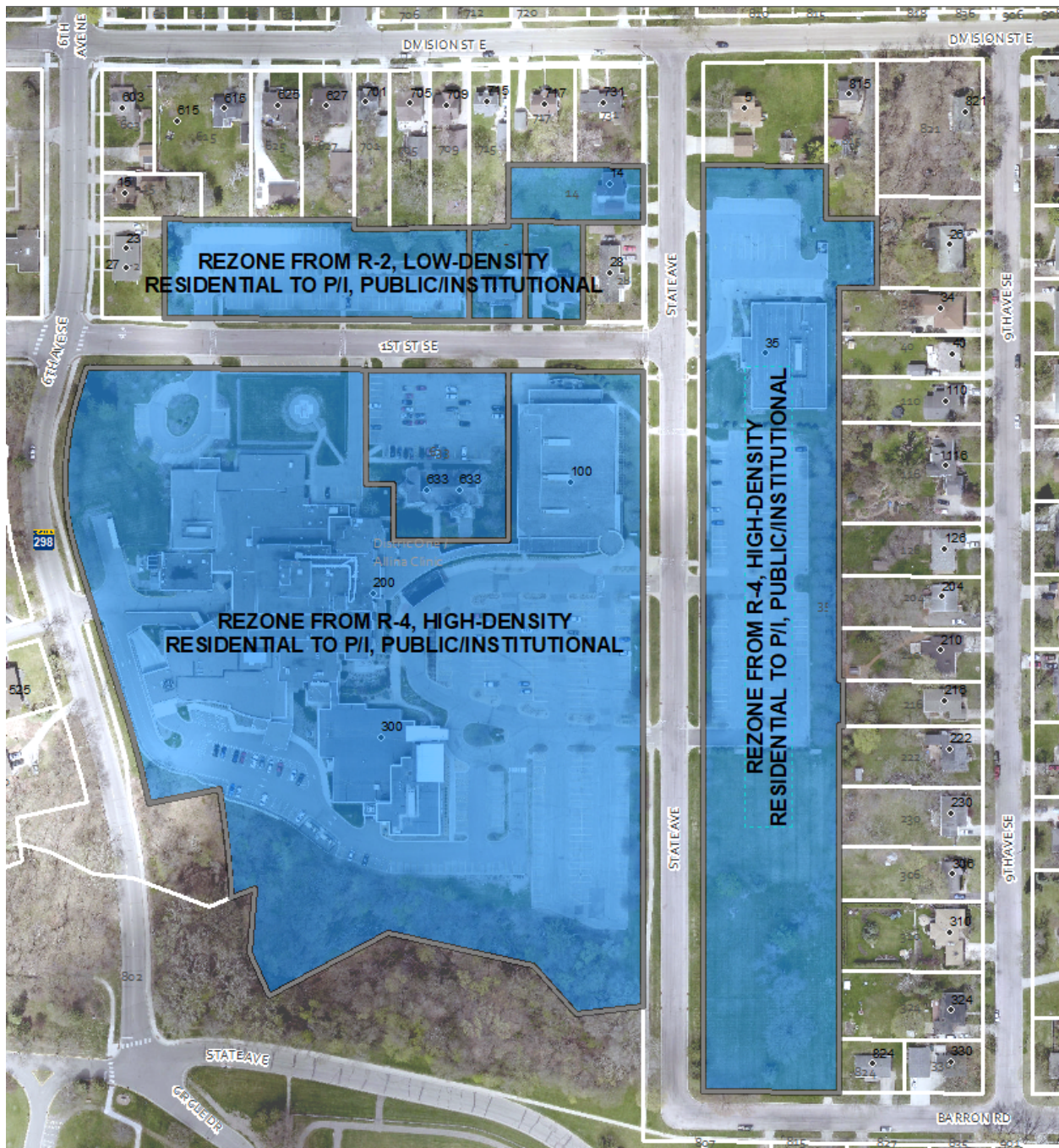
Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

Map Showing the Proposed P/I, Public/Institutional Zoning District on the Allina Health System Campus





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: June 6, 2022
SUBJECT: An Application to Rezone the Allina Health System Campus to the PUD Overlay Zoning District #2022-___ and Approve the Related Development Plan for the Allina Health System Campus

Background:

In 2015, the City amended the PUD (Planned Unit Development) Overlay Zoning District for the Allina Health System Campus to accommodate a new Emergency Department addition to the existing hospital and a new Mayo Clinic addition. Also, Allina Health System (the Owner) and the City were working to find a viable use for Johnston Hall at 633 1st Street SE. However, Johnston Hall deteriorated to a level that raised significant safety concerns. As a result, the Owner demolished Johnston Hall in 2021. At the direction of the City, the Owner requested repealing and replacing the 2015 PUD Overlay Zoning District with a new PUD Overlay Zoning District for the following reasons:

1. The 2015 PUD included multiple provisions for Johnston Hall, which are no longer applicable due to the removal of Johnston Hall;
2. The City created a Public/Institutional Zoning District in 2022 and initiated rezoning the underlying zoning district of the Allina Health System campus from R-2, Low-Density Residential and R-4, High-Density Residential to P/I, Public/Institutional; and
3. The Owner chose to include its property at 14 State Avenue in the current PUD.

The proposed PUD Overlay Zoning District #2022-___ repeals and replaces

PUD Overlay Zoning District #2015-15. The proposed Development Plan associated with the proposed PUD shows future parking improvements on the site of the former Johnston Hall, and it identifies an area for a future Johnston Hall memorial. Finally, the proposed Development Plan shows that the existing house at 14 State Avenue (owned by Allina Health System) may be redeveloped in the future or may be converted to open space. Any significant deviation from the proposed Development Plan would require an amendment to the proposed PUD.

Recommendation:

Recommend that the City Council approve Ordinance No. 2022-__ Rezone the Allina Health System Campus to PUD Overlay Zoning District 2022-__ and Approve Related Development Plan, based on the findings in the Ordinance.

Attachments:

1. 2022-xx Rezone the Allina Health System Campus to PUD Overlay Zoning District #2022-__ and Approve Related Development Plan

State of Minnesota
County of Rice

CITY OF FARIBAULT

ORDINANCE NO. 2022-__

REZONE THE ALLINA HEALTH SYSTEM CAMPUS TO PUD OVERLAY ZONING DISTRICT #2022-__ AND APPROVE RELATED DEVELOPMENT PLAN

WHEREAS, Allina Health System (the Owner) submitted an application to the City of Faribault requesting approval of an amendment to PUD (Planned Unit Development) Overlay Zoning District #2015-15 for property commonly referred to as the Allina Health System Campus and legally described and graphically depicted in *Exhibit A: Legal Description and Graphic Depiction of Subject Property*; and

WHEREAS, PUD Overlay Zoning District #2015-15 includes multiple references to Johnston Hall, which the Owner demolished after City approval in 2021 due to safety concerns; and

WHEREAS, Ordinance 2022-__ is intended to repeal and replace PUD Overlay Zoning District #2015-15 with PUD Overlay Zoning District #2022-__ to reflect the removal of Johnston Hall from the Allina Health System campus; and

WHEREAS, PUD Overlay Zoning District #2022-__ is intended to facilitate coordination of uses, parking, circulation, signage, stormwater management, and other features on the campus in a manner that benefits the uses on the campus but that also provides the public with convenient access to interrelated healthcare services; and

WHEREAS, the Planning Commission, on June 6, 2022, following proper notice, held a public hearing regarding the Owner's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council repeal and replace PUD Overlay Zoning District #2015-15 with PUD Overlay District #2020-__ for the property described in Exhibit A, based on the following written findings of the Planning Commission as outlined in Section 2-180 of the City's Unified Development Ordinance:

1. Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.

Finding: The Land Use Plan guides the subject property for public-semi public use, which includes hospitals and related uses. The primary uses in the PUD Overlay Zoning District #2022-__ are consistent with the institutional uses described in the City's Journey to 2040 Comprehensive Plan.

2. Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.

Finding: The PUD Overlay Zoning District #2022-__ benefits the public by providing a planned and established area in the community for convenient access to interrelated healthcare services.

3. Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The existing uses in the PUD Overlay Zoning District #2022-__ are compatible with the surrounding residential neighborhood. The PUD Overlay Zoning District #2022-__ primarily clarifies allowable existing and potential uses in the District.

4. Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The PUD Overlay Zoning District #2022-__ primarily clarifies existing and potential uses in the district. The rezoning does not significantly change the allowable uses in the area.

- 5. Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The PUD Overlay Zoning District #2022-__ allows the existing campus to continue improving and serving the growing and changing health needs of the community.

WHEREAS, the Planning Commission also hereby finds that establishing the PUD Overlay Zoning District #2022-__ for the property legally described in Exhibit A is appropriate with the findings described in the above recital and with the following findings related to the applicable objectives, as described in Section 14-20 of the City's Unified Development Ordinance, which the City Council must consider in the approval of a planned unit development:

- 1. Objective: Accommodation of the growing demand for housing of all types and for commercial facilities conveniently located to such housing.**

Finding: The PUD Overlay Zoning District #2022-__ allows the potential for housing in the district that is consistent with the underlying zoning district. This housing could benefit staff on the campus. It could also benefit residents by providing housing conveniently located near existing healthcare uses.

- 2. Objective: Innovation in land development techniques that may be more suitable for a given parcel than traditional approaches.**

Finding: The PUD Overlay Zoning District #2022-__ includes interrelated healthcare uses that benefit by their proximity to each other. It allows coordinated parking, circulation, signage, and other features, which benefits those accessing the uses in the district.

- 3. Objective: Preservation of historical or cultural landscape features through private or public reservation of land.**

Finding: After many years of trying to find a viable use for the former Johnston Hall, which is on the National Register of Historic Places, the Owner demolished Johnston Hall in 2021 due to significant building safety concerns. No significant historical or cultural features exist on the Allina Health System campus today. However, the PUD

Overlay Zoning District #2022-___ includes an area for a Johnston Hall memorial.

4. Objective: Coordination of architectural styles and building forms in an effort to ensure compatibility with surrounding land uses.

Finding: The PUD Overlay Zoning District #2022-___ strengthens the ability of the property owners and tenants in the district to coordinate architectural styles and building forms in a manner that is compatible with the interrelated uses in the district and surrounding residential neighborhood.

WHEREAS, the Planning Commission also hereby finds the Development Plan for PUD Overlay Zoning District #2022-___ associated with the property legally described in Exhibit A is appropriate with the following findings as required by Section 14-140 of the City's Unified Development Ordinance:

Finding 1: Adequate property control is established and provided to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.

Expanded Finding 1: The Owner controls all of the land included in the Development Plan for PUD Overlay Zoning District #2022-___. Consequently, the Owner has control over maintenance and upkeep of all of the subject property.

Finding 2: The interior circulation plan and access from and onto public right-of-way does not create congestion or dangers and is adequate for the safety of the project residents and general public.

Expanded Finding 2: The Development Plan does not create new accesses from and onto public right-of-ways. The Development Plan substantially maintains the existing interior circulation at the subject property. It does not create congestion or dangers and it is adequate for the safety of the project residents, employees, and the public.

Finding 3: A sufficient amount of usable open space is provided.

Expanded Finding 3: The Development Plan does not adversely affect any existing usable open space. Other than a proposed Johnston Hall memorial and the potential expansion of an existing parking lot on the site of the former Johnston Hall, the Development Plan does not anticipate any future development or loss of open space at this time.

Finding 4: The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy of surrounding property owners or reduce the value of adjacent properties.

Expanded Finding 4: The Development Plan does not anticipate future buildings or building additions. Any future buildings or significant additions to existing buildings would require a PUD amendment.

Finding 5: The architectural design of the project is compatible with the surrounding area.

Expanded Finding 5: The Development Plan does not anticipate future buildings or building additions. The existing architectural design of the campus is compatible with the surrounding area.

Finding 6: The project will not place a burden on existing municipal infrastructure, including utility and drainage systems.

Expanded Finding 6: The Development Plan does not significantly affect public infrastructure. Stormwater is accommodated in a manner consistent with City and other applicable regulations.

Finding 7: The development schedule ensures a logical development of the site, protecting the interests of project residents and the general public.

Expanded Finding 7: The Development Plan does not anticipate any significant new development at this time. Any significant future development would require a PUD amendment.

Finding 8: The planned unit development is in reasonable compliance with the intent and purpose of the Land Use Plan.

Expanded Finding 8: The City's Journey to 2040 Comprehensive Plan guides the subject property for institutional use, which is consistent with the Development Plan; and

WHEREAS, the City Council held a public meeting on _____, 2022, to conduct a first reading of the rezoning of the property legally described in Exhibit A to PUD Overlay Zoning District #2022-__ and approve the related Development Plan; and

WHEREAS, the City Council also held a public meeting on _____, 2022, to conduct a second reading of the rezoning of the property legally described in Exhibit A to PUD Overlay Zoning District #2022-__ and approve the related Development Plan; and

WHEREAS, it is in the best interest of the Owner and the City to repeal and replace PUD Overlay Zoning District #2015-15 with PUD Overlay Zoning District #2022-___; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings. The recitals set forth in this Ordinance and the Exhibits attached hereto are incorporated into and made a part of this Ordinance, and where applicable, constitute the findings of the City Council.

Section 2: Repeal and replace PUD Overlay Zoning District #2015-15 with PUD Overlay Zoning District #2022-___. The City Council hereby repeals and replaces PUD Overlay Zoning District #2015-15 with PUD Overlay Zoning District #2022-___, which provides as follows:

PUD Overlay Zoning District #2022-___

A. Intent. PUD Overlay Zoning District #2022-___ encompasses an existing healthcare campus in Faribault. The district benefits the public by providing a planned and established area in the community for convenient access to interrelated healthcare services. The intent of the district is as follows:

1. Facilitate the integrated use of the existing hospital and related complementary uses in the district in a manner compatible with the surrounding residential neighborhood.
2. Ensure that new uses in the district are compatible with the existing healthcare uses in the district and the surrounding residential neighborhood.
3. Coordinate parking, circulation, signage, architecture, and other related features between the uses in the district.
4. Balance the value of future expansion in the district with the need to protect significant natural features and provide quality and functional outdoor spaces.

B. Permitted Uses. The following shall be permitted uses in the PUD Overlay Zoning District #2022-___:

1. All uses permitted in the underlying P/I, Public/Institutional Zoning District;

2. Hospital;
3. Medical, dental, and mental health clinics, including ambulatory care centers;
4. Medical or dental laboratory;
5. Heliport, as an accessory use to a hospital;
6. Massage parlor;
7. Offices;
8. Short term lodging related to the health system campus staff and visitors;
9. Existing residential uses established before the adoption of this Ordinance;
10. Retail that is incidental and complementary to uses on the health system campus, including, but not limited to a gift shop, coffee shop, or similar use;
11. Parking as a principal use on a parcel; and
12. Other uses not specifically listed in this Ordinance, but for which the City Planner or other Authorized Agent of the City has determined that the uses are consistent with the intent of the permitted uses in the PUD Overlay Zoning District #2022-__.

C. Conditional Uses. The following shall be conditional uses in the PUD Overlay Zoning District #2022-__:

1. All conditional uses in the P/I, Public/Institutional Zoning District. In the event permitted uses in the PUD Overlay Zoning District #2022-__ conflict with the conditional uses of the underlying district, the permitted uses in the PUD Overlay Zoning District #2022-__ as outlined in this Ordinance shall apply.
2. Other uses not specifically listed in this Ordinance, but for which the City Planner or other Authorized Agent of the City has determined that the uses are consistent with the intent for conditional uses in the PUD Overlay Zoning District #2022-__.

D. Accessory Uses and Standards. Accessory uses associated with residential uses in the PUD Overlay Zoning District #2022-__ shall be consistent with the residential accessory uses and standards specified in the City's Unified Development Ordinance. Accessory uses associated with nonresidential uses in the PUD Overlay Zoning District #2022-__ shall be associated with the nonresidential accessory uses and standards specified in the City's Unified Development Ordinance.

E. Setback Requirements for Principal Buildings. Principal building setbacks adjacent to a public street and at the periphery of the PUD Overlay Zoning District #2022-__ shall be consistent with the principal building setback requirements of the underlying zoning district, unless allowed otherwise by this Ordinance.

F. Principal Building Height. The height of principal buildings in the PUD Overlay Zoning District #2022-__ shall be consistent with the height requirements of principal buildings in the underlying P/I, Public/Institutional district.

G. Density, Floor Area Ratio, and Open Space. The PUD Overlay Zoning District #2022-__ shall strive to provide a minimum of 20 percent open space. However, there shall be no required standard related to density, floor area ratio, or open space. Significant open space in the PUD Overlay Zoning District #2022-__, including, but not limited to wooded ravines, shall be protected to the maximum extent practical as required by other applicable ordinances. The PUD Overlay Zoning District #2022-__ shall provide and maintain quality outdoor spaces in the form of landscaped plazas, gardens, and/or other amenities for use by employees and visitors in the district.

H. Architecture. The architectural design of structures in the PUD Overlay Zoning District #2022-__ shall be compatible with each other and with the surrounding residential neighborhood.

I. Access, Parking, and Circulation. The PUD Overlay Zoning District #2022-__ shall have a Comprehensive Access, Parking, and Circulation Plan on file with the City, which ensures adequate and coordinated access, parking, and circulation between all uses in the district, as follows:

1. The plan shall identify measures that the Owner will implement to help ensure that patients and visitors have adequate, convenient, and safe parking near the entrances to the healthcare facilities. Such measures shall include signage that clearly designates specific parking areas for visitors, patients,

employees, and others. Other measures shall include developing and implementing a communication plan that will help ensure that employees park in designated employee parking areas.

2. A minimum of 642 onsite parking spaces shall be provided for the uses in the district as shown in Exhibit B: Development Plan for the PUD Overlay Zoning District #2022-__).
3. No intensification of use in the PUD Overlay Zoning District #2022-__ shall be permitted unless the existing parking in the district accommodates the additional parking demand as required by the City's Unified Development Ordinance or a City-approved parking study. The City's Development Review Committee may approve minor changes to the parking and circulation shown on the Development Plan. Specifically, the City's Development Review Committee may approve parking lot revisions and expansion at the site of the former Johnston Hall.
4. Any situation in which a required parking space is rendered unusable by snow storage, materials, equipment, or other means, shall be promptly remedied and the required parking space returned to a usable condition.
5. Handicapped-accessible parking spaces shall be provided at a ratio consistent with the standards of the Americans with Disabilities Act and the Minnesota Accessibility Code for the appropriate uses in the PUD Overlay Zoning District #2022-__, recognizing hospital and rehabilitation uses require a higher percentage of handicapped-accessible parking spaces than other uses.
6. No new access of public streets or highways shall be provided without the written consent of the appropriate street jurisdiction.
7. All deliveries to the west delivery dock of the existing hospital use shall be performed by maneuvering wholly onsite. No stopping or backing from 6th Street SE shall be permitted by delivery or service vehicles unless specifically approved by the City of Faribault and any other pertinent governing authority.

J. Landscaping and Screening. Landscaping and screening in the PUD Overlay Zoning District #2022-__ shall be consistent with the applicable standards of the City's Unified Development Ordinance.

However, in conjunction with site plan review required for future development in the district, the City may require additional landscaping and screening (above that required by the Unified Development Ordinance), particularly where the periphery of the PUD Overlay Zoning District #2022-___ abuts existing or guided residential uses or where the City finds that additional landscaping is needed to offset development in the district.

K. Signs. The PUD Overlay Zoning District #2022-___ shall have a Comprehensive Sign Plan, which ensures coordinated and compatible signage for all uses in the district, as follows:

1. The Comprehensive Sign Plan shall be approved by the City Planner or other Authorized Agent of the City.
2. All signs shall be substantially consistent with the general sign provisions specified in Chapter 9, Article 1 of the City's Unified Development Ordinance.
3. Signs associated with residential uses in the district shall be substantially consistent with the sign requirements related to residential uses as specified in Chapter 9, Article 2 of the City's Unified Development Ordinance.
4. Signs associated with healthcare or commercial uses in the district shall be substantially consistent with the sign requirements related to commercial uses as specified in Chapter 9, Article 2 of the City's Unified Development Ordinance.
5. The City Planner or other Authorized Agent of the City shall have the authority to waive specific sign requirements specified in Chapter 9 of the City's Unified Development Ordinance (especially as they relate to directional signage and parking signage), provided that the waiver furthers the intent of the PUD Overlay Zoning District #2022-___ and is in the best interest of community.

L. Other Required Standards. Development in the PUD Overlay Zoning District #2022-___ shall be consistent with all applicable standards of the City's Unified Development Ordinance, except as may be modified by this Ordinance, the conditions of approval related to the Development Plan, and any other current or subsequent City approvals.

M. Conformance with the Approved Development Plan for PUD Overlay Zoning District #2022-__. Development in the PUD Overlay Zoning District #2022-__ shall be in substantial conformance with the approved Development Plan shown in Exhibit B.

Section 3: Rezoning of Parcels to PUD Overlay Zoning District #2022-__.

1. Parcels in the Allina Health System campus legally described in *Exhibit A: Legal Description and Graphic Depiction of the Subject Property*, are hereby rezoned to PUD Overlay Zoning District #2022-__.
2. The Official Zoning Map of the City of Faribault shall not be republished to show the aforesaid rezoning, but the City Planner shall appropriately mark the Official Zoning Map on file with the City Planner for the purpose of indicating the rezoning.

Section 4: Approval of the Development Plan for PUD Overlay Zoning District #2022-__. The Development Plan for PUD Overlay Zoning District #2022-__ as shown in Exhibit B, is hereby approved as follows:

1. Approval of said Development Plan authorizes the Owner to proceed with requesting Site Plan approval from the City's Development Review Committee. The following development may occur without and amendment to the PUD Overlay Zoning District #2022-__ provided the development is approved by the City's Development Review Committee:
 - a. Revisions and expansion of the existing parking lot at the site of the former Johnston Hall parking lot at 633 1st Street SE as generally shown on the Development Plan.
 - b. The development of a Johnston Hall memorial in the general area shown on the Development Plan.
 - c. The removal of the existing single-family residential structure at 14 State Avenue and the subsequent restoration of the site.
2. The City's Development Review Committee may attach appropriate conditions to any Site Plan approval related to the work shown in the approved Development Plan. Such conditions may include appropriate provisions to ensure that all applicable provisions from previous City approvals are adequately addressed.

Section 5: Existing Violations and Missing Documents. The City may withhold development-related approvals and permits until existing

development violations on the campus or missing documents associated with past City approvals (if any) are remedied.

Section 6: Effective Date. This Ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter.

Public Hearing: June 6, 2022

First Reading: _____

Second Reading: _____

Published: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A: Legal Description and Graphic Depiction of Subject Property

Parcel 1:

Lots 1, 2, 3, 4, 5, 6, 7, 15, 16, 17, the South 10 feet of Lot 18, and Lot 23, except the East 141.22 feet, all in Block 6, all in Auditor's Plat No. 1, SW $\frac{1}{4}$ of Section 32, Township 110 North, Range 20 West of the 5th Principal Meridian, Faribault, Rice County, Minnesota.

Torrens Property
Certificate of Title No. 10644

Parcel 2:

Lots 8, 9, 10, 11, 12, 13, 14, and the West 5 feet of Lot 32, all in Block 6, all in Auditor's Plat No. 1, SW $\frac{1}{4}$ of Section 32, Township 110 North, Range 20, West of the 5th Principal Meridian, Faribault, Rice County, Minnesota.

Abstract Property

Parcel 10:

Lot 7, 8, 9, 10, and the East 82.4 feet of Lot 11, all in North Seabury Addition, Faribault, Rice County, Minnesota, and the East 82.4 feet of all of Lots 7 and 8, Block 1, Faribault's Addition to Faribault, which lies North and West of line drawn from the Southwest Corner of said Block 1, northeasterly to the Northeast Corner of said Lot 7, of Block 1.

Torrens Property
Certificate of Title No. 10643

Parcel 3:

All of Block 4, Auditor's Plat No. 1 of the SW ¼ of Section 32, Township 110 North, Range 20 West of the 5th P.M., Faribault, Rice County, Minnesota, excepting therefrom that part of said Block 4 described as follows: Beginning at a point in the North line of said Block 4, a distance of 179.00 feet westerly from the Northeast Comer of said Block 4; thence southerly, parallel with the East line of said Block 4, a distance of 225.00 feet; thence westerly, parallel with said North line of Block 4, a distance of 154.00 feet; thence northerly, parallel with said East line, 75.00 feet; thence westerly, parallel with said North line, 36.00 feet; thence northerly, parallel with said East line, 150.00 feet to a point in said North line; thence easterly along said North line, 190.00 feet to said point of beginning.

Torrens Property
Certificate of Title No. 8851

Parcel 4:

Common Elements, Condominium Number 8, Johnston Hall Condominium, Faribault, Rice County, Minnesota.

Torrens Property
Certificate of Title No. 10831

Parcel 5:

Unit 1, Condominium Number 8, Johnston Hall Condominium, Faribault, Rice County, Minnesota.

Torrens Property
Certificate of Title No. 10768

Parcel 6:

Unit 2, Condominium Number 8, Johnston Hall Condominium, Faribault, Rice County, Minnesota.

Torrens Property
Certificate of Title No. 10769

Parcel 7:

Lot 3, North Seabury Addition, Faribault, Rice County, Minnesota

Parcel 8:

Lot 5, North Seabury Addition, Faribault, according to the plat thereof on file and of record in the Register of Deeds for Rice County, Minnesota.

Torrens Property

Certificate of Title No. 10154

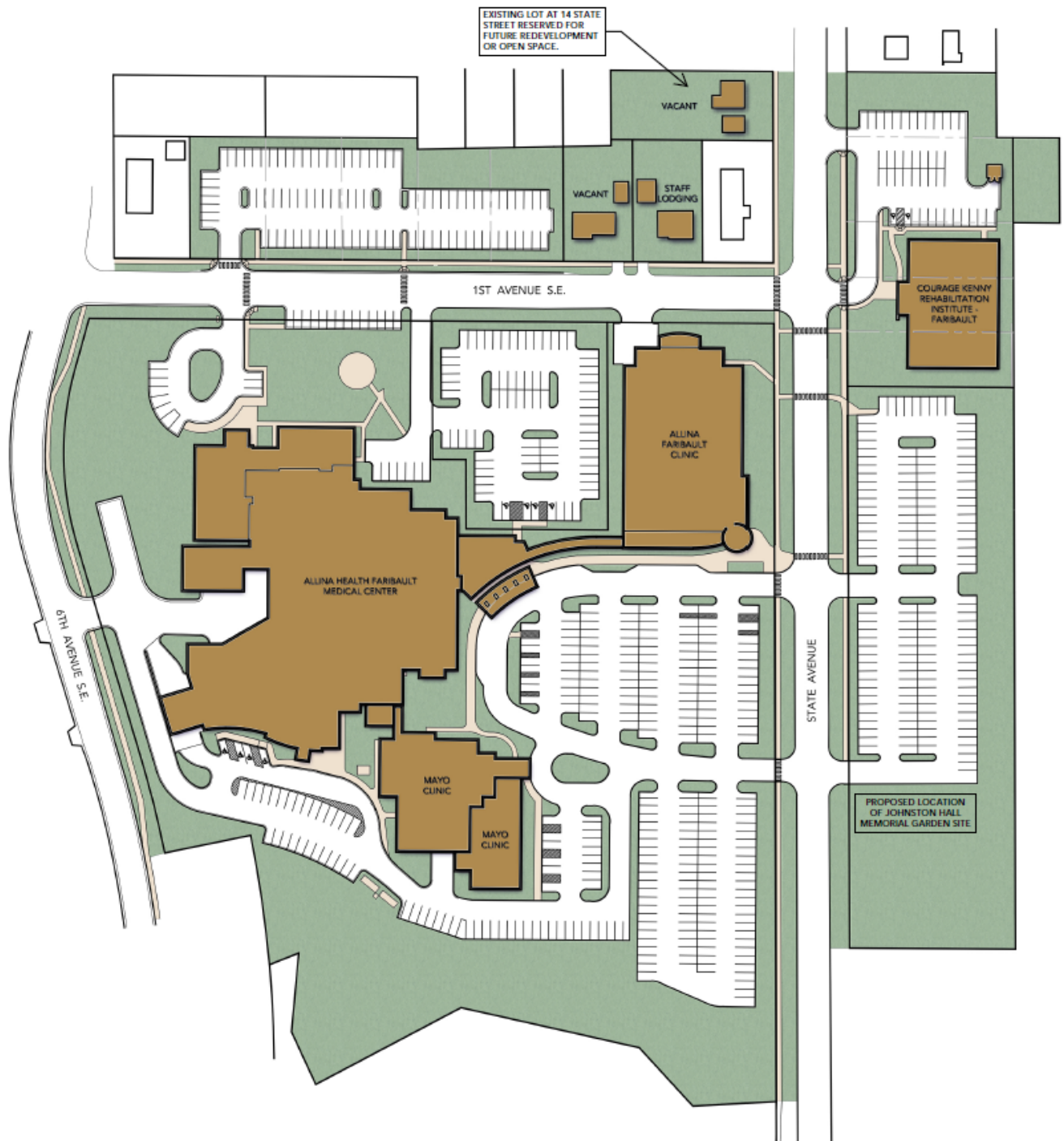
Parcel 9:

Lot 6, North Seabury Addition, Faribault, Rice County, Minnesota.

Torrens Property

Certificate of Title No. 8319

**Exhibit B: PUD Development Plan for PUD Overlay Zoning District
#2022-__**





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: June 6, 2022
SUBJECT: Rezone the Properties at 1001, 1101, and 1105 Division Street West from I-2, Heavy Industrial to C-2, Highway Commercial

Background:

The parcels at 1001, 1101, and 1105 Division Street West (the subject property) are currently zoned I-2, Heavy Industrial. However, the City's Journey to 2040 Comprehensive Plan guides these parcels for commercial/residential mix. The City's Zoning Map must be consistent with the Comprehensive Plan. Therefore, the City initiated rezoning these parcels from I-2, Heavy Industrial, to C-2, Highway Commercial, which is consistent with the existing, proposed, and potential uses of the parcels.

Recommendation:

Recommend that the City Council approve Ordinance 2022-__ Rezone the Parcels at 1001, 1101, and 1105 from I-2, Heavy Industrial, to C-2, Highway Commercial, based on the findings in the Ordinance.

Attachments:

1. Ordinance 2022-xx Rezone the Properties at 1001, 1101, and 1105 Division Street West from I-2, Heavy Industrial to C-2, Highway Commercial

**CITY OF FARIBAULT
ORDINANCE No. 2022-__**

**REZONE THE PARCELS AT 1001, 1101, AND 1105 DIVISION STREET WEST FROM
I-2, HEAVY INDUSTRIAL TO C-2, HIGHWAY COMMERCIAL**

WHEREAS, the parcels at 1001, 1101, and 1105 Division Street West (the subject property) are currently zone I-2, Heavy Industrial; and

WHEREAS, the City's Journey to 2040 Comprehensive Plan guides the subject property for commercial/residential mix; and

WHEREAS, the City's Zoning Map must be consistent with the City's Comprehensive Plan; and

WHEREAS, the City initiated an application to rezone the subject property to C-2, Highway Commercial, which is consistent with existing and potential uses of the subject property; and

WHEREAS, the Planning Commission, on June 6, 2022, following proper notice to the owners of the subject property, held a public hearing regarding rezoning the subject property to C-2, Highway Commercial, as shown in Exhibit A; and

WHEREAS, the Planning Commission finds that it is appropriate to rezone the subject property to C-2, Highway Commercial, based on the following written findings of the Planning Commission as required by Section 2-180 of the City's Unified Development Ordinance:

1. Criteria: Whether the amendment is consistent with the applicable policies of the City's Land Use Plan.

Finding: The subject property is currently zoned I-2, Heavy Industrial, which is inconsistent with the Comprehensive Plan, which guides the subject property for commercial/residential mix. The proposed C-2, Highway Commercial zoning of the property is consistent with the Comprehensive Plan.

2. Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.

Finding: It is in the public interest to rezone the subject property to be consistent with the City's Comprehensive Plan.

3. Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the

property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The existing and potential uses of the subject property relate more closely to commercial uses rather than heavy industrial uses. The proposed zoning would allow the existing uses on the subject property to continue.

4. Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The existing uses of the subject property are not heavy industrial uses. Therefore, the proposed rezoning to C-2, Highway Commercial is in the best interest of the property owners and the City.

5. Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The proposed rezoning to C-2, Highway Commercial, relates to the existing uses. The trend is for industrial uses to be located closer to Interstate Highway 35.

WHEREAS, the City Council held a public meeting on _____, 2022, to consider approval of the first reading of Ordinance 2022-___; and

WHEREAS, the City Council also held a public meeting on _____, 2022, to consider approval of the second reading of Ordinance 2022-___; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Rezone the parcels at 1001, 1101, and 1105 Division Street West to C-2, Highway Commercial. The Faribault City Council hereby rezones the parcels at 1001, 1101, and 1105 Division Street West, as depicted in Exhibit A of this ordinance, to C-2, Highway Commercial.

Section 2: The zoning map need not be republished. The City of Faribault is not required to republish the city zoning map to reflect the rezoning. However, the City Planner must appropriately indicate the amendment on the Official Zoning Map on file with the City Planner.

Section 3: Findings and incorporation of recitals and exhibits. The recitals and exhibits incorporated in this ordinance constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 4: Effective date. This ordinance shall be effective immediately upon its passage and publication per the provisions of the Faribault City Charter.

Public Hearing: June 6, 2022

First Reading: _____

Second Reading: _____

Publication: _____

Faribault City Council

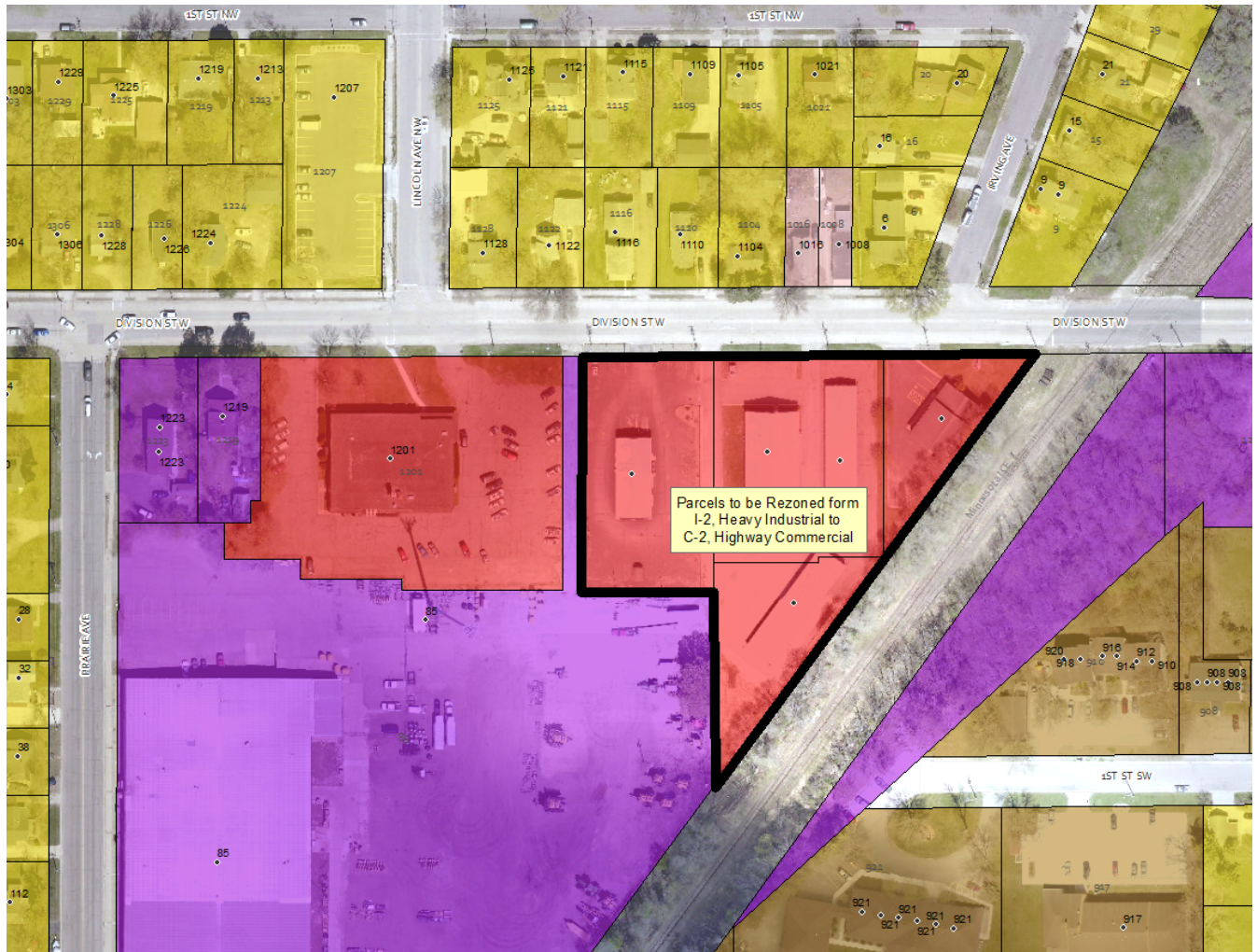
Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

Map Showing the Parcels at 1001, 1101, and 1105 Division Street West to be Rezoned to C-2, Highway Commercial





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community and Economic Development Director
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: June 6, 2022
SUBJECT: Conditional Use Permit and Variance applications to construct an oversized residential accessory structure at a height of 18.5 feet, where 16' is the maximum permitted and a floor area of 1,200 square feet where 1,080 square feet is the maximum permitted, in the TUD Transitional Urban Development District at 2518 14th Street NE.

Background:

Home owner, Benjamin Jirik is seeking to build a garage on his property that exceeds the permitted size and height for residential accessory structures in the TUD Transitional Urban Development District at 2518 14th Street NE. The applicant plans to build a 40' by 30' (1,200 SF) garage where a maximum of 1,080 SF is the maximum size allowed with a Conditional Use Permit (CUP) and 18.5' tall, where 16' is the maximum height allowed in this zoning district. The proposed garage will replace a previously existing 960 SF, 16' tall garage. The home also has an attached garage.

A detailed staff report is attached with this memo. It will discuss the details of this application and the zoning requirements and limitations applicable in this case. We are presenting both the application for variances requested in this case and a CUP for the Planning Commission's consideration.

The City Staff has found that the application for variances in this case will not meet all of the required findings and is therefore recommending against approval of the variances. A garage of up to 1080 SF and 16' in height

(measured at mid-point of the roof gable) can be approved with a CUP at this site.

Recommendation:

- A. Deny the variances for building area and height requested for a new accessory structure for the residence at 2518 14th St. NE
- B. Approve a CUP for a residential accessory structure of up to 1080 SF and not greater than 16' in height as permitted by the Unified Development Ordinance.

Attachments:

- 1. Staff Report Benjamin Jirik Variance and CUP Request
- 2. Jirik Application for Variance
- 3. 2022.06.06 Email from J. Gillis re. 2518 14th Street NE Conditional Use Permit and Variances



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning Coordinator
Lucas Bertram, Planning & Zoning Intern
MEETING DATE: June 6, 2022
SUBJECT: Applications Submitted by Benjamin Jirik Related to Construction of an Oversized Garage at 2518 14th Street NE

Background/Project Summary:

Benjamin Jirik is seeking variances and a CUP for a garage that would exceed permitted square footage and height for residential accessory structures in the TUD Transitional Urban Development District at 2518 14th Street NE. Mr. Jirik seeks to build a 1,200 SF garage that is 18.5' tall located on the site of the previous garage. There was previously a 960 SF garage located on the property, however it collapsed from wind damage during renovations in 2021. The applicant indicates that the larger garage will better meet their needs.

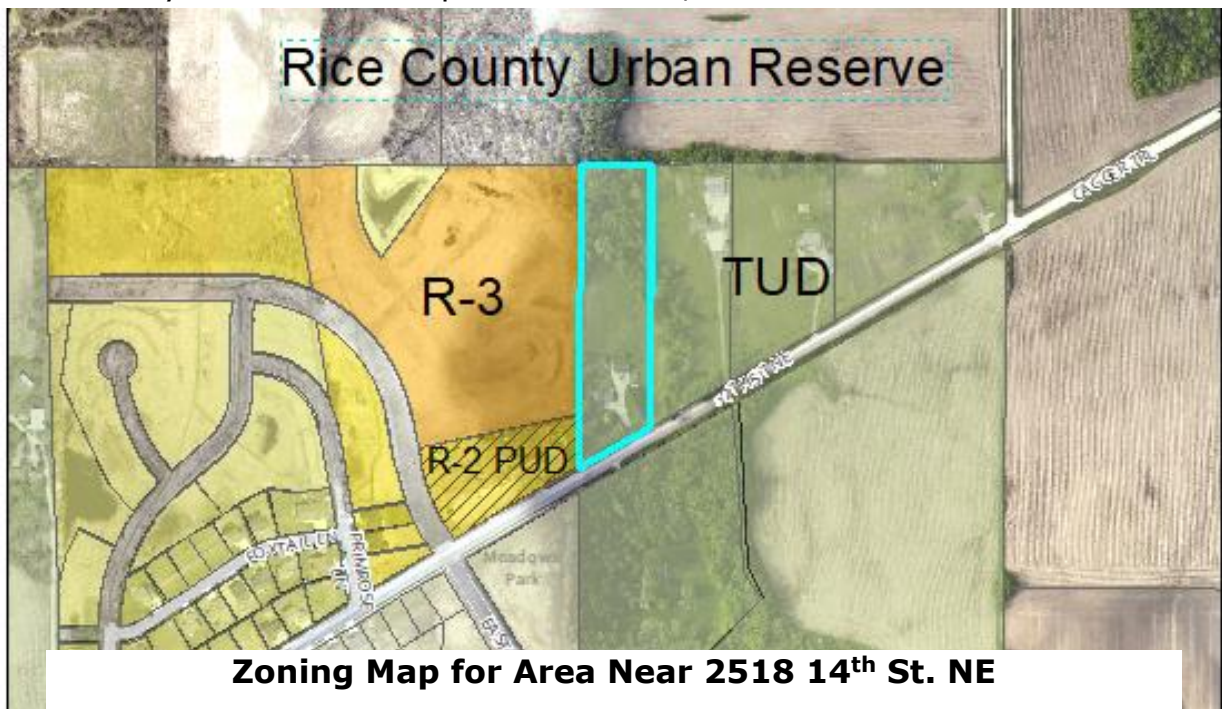


2518 14th Street NE

Surrounding land uses include an agricultural homestead to the north, residential homesteads to the east and south, and a vacant lot and senior living community to the west. The neighbors directly to the east have a 2,000 SF accessory structure on a lot also zoned TUD, and the neighbors to the south, also in the TUD District, have a barn (from the original farmstead) that is both taller and larger than the requested variances.

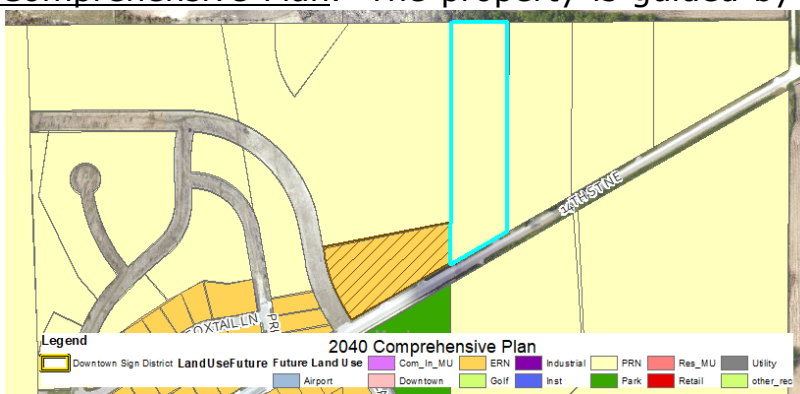
Discussion:

Zoning Districts. The subject site is zoned TUD Transitional Urban Development District. This district is for use at the time of initial annexation into the City. It has limited permitted uses, which is intended to allow



existing uses, but also to restrict uses in the district now that could hinder future development of the area that will ultimately achieve the highest and best uses as determined in the City's Comprehensive Plan for this area. This zoning district limits residential accessory structures to a height of 16', and a maximum floor area of 1,080 SF with a CUP the same as other residential zoning districts in the City.

Comprehensive Plan. The property is guided by the Comprehensive Plan for



Planned Residential Neighborhood Use. The proposed garage is larger than allowed in residential districts currently. Arguably for the that reason is incompatible with the comprehensive plan for planned residential uses.

Conditional Use Permit. Residential accessory structures can be increased by 25% above the maximum size allowed in the district with a Conditional Use Permit (CUP). In this district a garage of 864 SF is permitted by right and a CUP would permit a garage up to 1,080 SF in the TUD District. Any residential accessory structure larger than that, requires a variance in addition to the CUP.

Development Plan. The development includes construction of a 1,200 SF garage that is 18.5' tall located on the site of the previous garage.

Zoning Requirements.

The development as proposed requires variances to construct an oversized residential accessory structure at a height of 18.5' where 16' is the maximum permitted, and a floor area of 1,200 SF where 1,080 SF is the maximum permitted area. It otherwise meets UDO requirements for TUD Transitional Urban Development District zoning.



Site Plan

Sec. 2-460. Required findings for variance.

- (A) *Prerequisites for approval.* The City Council shall not vary the regulations of this ordinance, except under Subsection (B) below, unless it makes each of the following findings based upon the evidence presented to it in each specific case:
- (1) The variance is in harmony with the general purposes and intent of the City's ordinances.
 - (2) The variance is consistent with the Comprehensive Plan.
 - (3) The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.
 - (4) Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control. The unique circumstances do not result from the actions of the applicant.
 - (5) The variance does not alter the essential character of the neighborhood.

- (6) The variance requested is the minimum variance which would alleviate the practical difficulties.
- (7) Economic conditions alone do not constitute practical difficulties.
- (B) *Historical variance.* The City Council may vary the regulations of this ordinance and declare that practical difficulties exist, regardless of economic circumstances, when the following facts and conditions are shown to exist in addition to the above conditions being satisfied:
 - (1) The applicant's property is currently located within the HPD, Historical Preservation District, as identified in Section 13-360, or listed on the National Register of Historic Places.
 - (2) The historically significant structure would lose any or all of its historical value and/or architectural uniqueness if strict application of the regulations were carried out.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2011-17, § 3, 10-25-11)

Deadlines for Action. The complete applications for the CUP and variances were received by the City on April 29, 2022. The deadline for action is June 28, 2022, unless extended by the City.

Development Review Comments:

The Development Review Committee (DRC) discussed the application in this case at its meeting of May 24, 2022. The DRC had concerns with regards to there being no unique conditions related to the property in this case therefore is recommending denial of the variances. The DRC comments were as follows:

1. In 2002, the neighbor to the east obtained an amended CUP for a 40' x 50' (2,000') garage.
2. There are no unique circumstances associated with the property, therefore the proposal cannot be supported as presented.
3. There may be future changes to the UDO to allow for larger accessory structures on larger lots such as this one, but without those changes the application does not all required findings needed to approve a variance.
4. A CUP for a garage of up to 1080 SF could be approved without variances for this site.
5. Although the application is for only the two variances, a CUP will also be needed in order to approve the garage if it exceeds 864 SF.

Recommendation:

Staff recommends denial of the variances because it does not meet all of the findings required by Section 2-460 of the UDO.

Staff recommends approval of a CUP for an accessory structure related to a residential use in the TUD with a limit of 1,080 SF as permitted by the UDO.

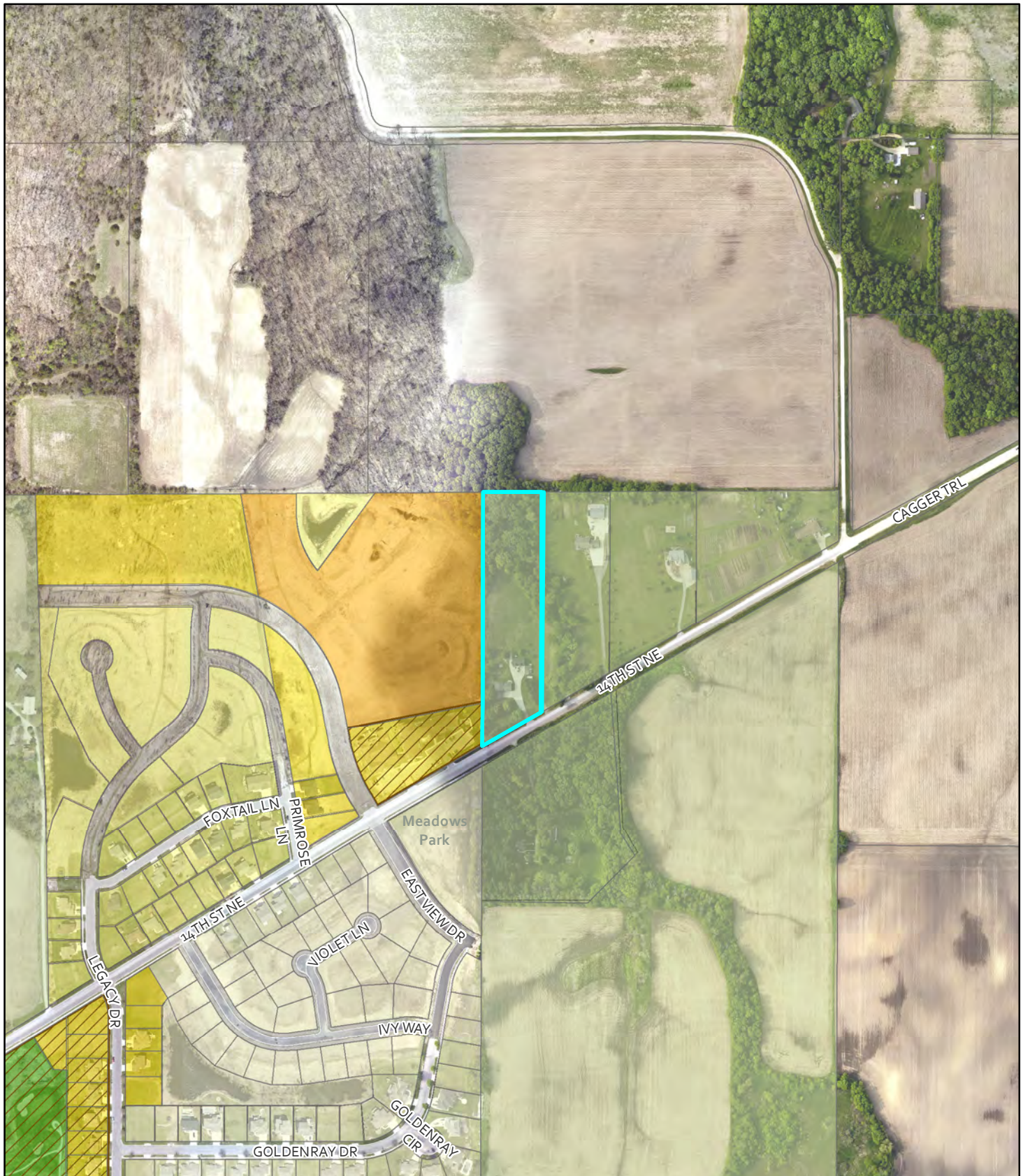
Attachments:

1. Findings for Denial
2. Resolution for Approval of CUP for a garage of up to 1080 SF in area.
3. Maps
4. Application and Plans

2518 14th St NE Site Map

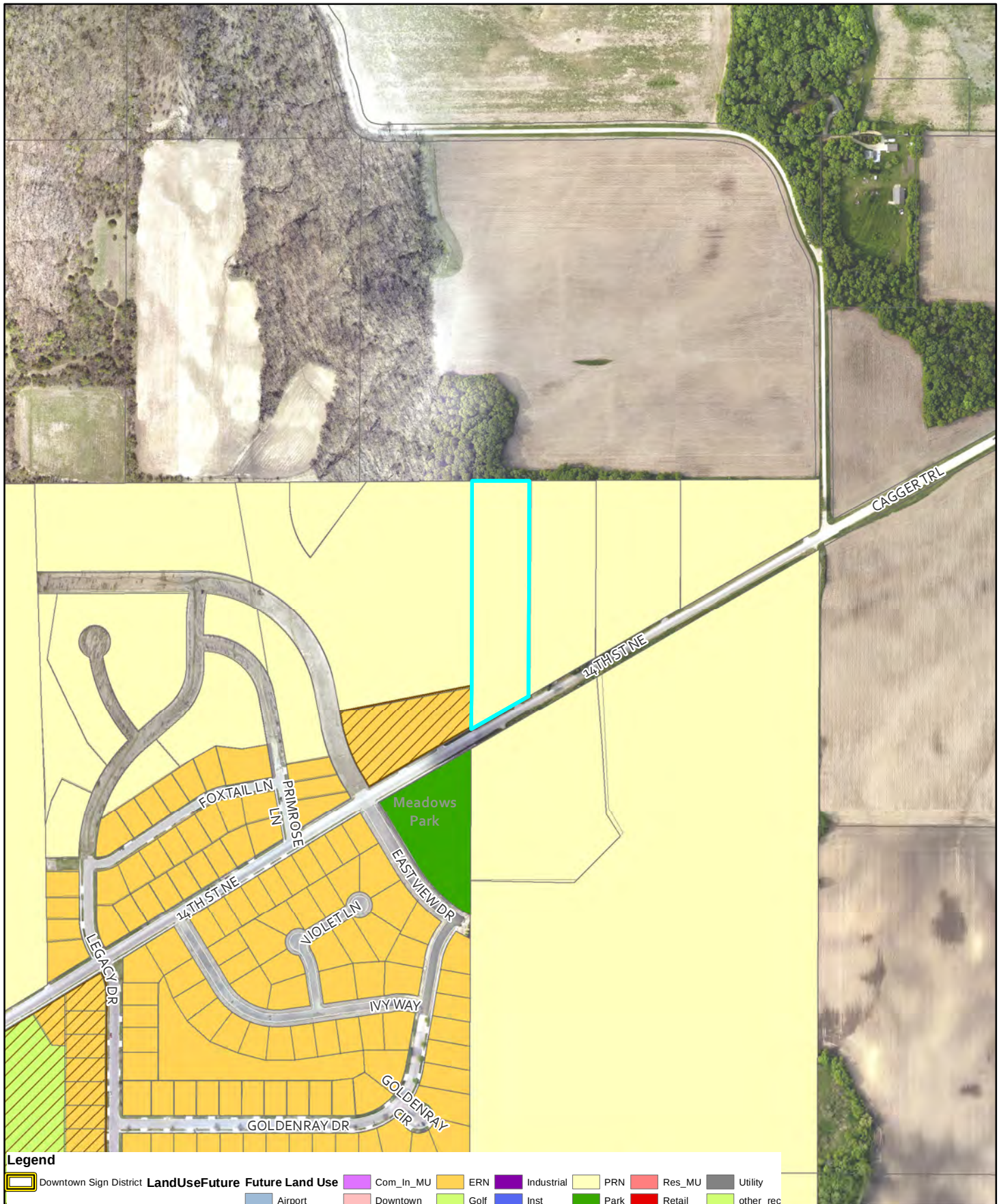


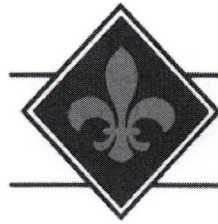
2518 14th St NE Zoning Map



Legend		Residential		Commercial		Industrial		Other	
Zoning	<all other values>	Single and Two Family Residential	High Density Residential	Neighborhood Commercial	Community Commercial	Light Industrial	Heavy Industrial	Transitional Urban Development	
		Low Density Residential	Residential Manufactured Home	Central Business District	Highway Commercial	Industrial Park	Agriculture/Open Space	Downtown Sign District	
		Single Family Residential							
		Medium Density Residential							

2518 14th St NE Comprehensive Plan Map





City of
Faribault



APPLICATION FOR REQUESTED ACTION
Variance

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 2518 14th ST NE. Faribault MN 55021

APPLICANT Benjamin Jirik E-MAIL b_jirik23@hotmail.com

PHONE 507-330-1146 (H) _____ (W) _____ (FAX) _____

APPLICANT ADDRESS 2518 14th ST NE Faribault MN 55021

OWNER (if other than applicant) NA

PHONE _____ (H) _____ (W) _____ (FAX) _____

OWNER'S ADDRESS 2518 14th ST NE Faribault MN 55021

LEGAL DESCRIPTION 20 / 110 / 020 (Sec / Twp / Rng) 18.20.4.00.004 (Parcel ID)

ACREAGE/SIZE OF PROPERTY 4.60 ac.

CURRENT ZONING TUD

EXISTING USE OF PROPERTY Residential / Agriculture

PROPOSED USE OF PROPERTY Residential / Agriculture
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES Residential / Agriculture

SIGNATURE OF APPLICANT [Signature] DATE 4/28/2022
(Must submit proof of property control)

SIGNATURE OF THE OWNER [Signature] DATE 4/28/2022
(If other than the applicant)

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

Revised 8/23/2016

VARIANCE
Required Submittals

☐ **Site plan**

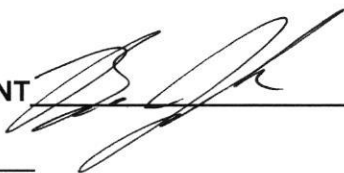
- ☐ Drawn to scale, with scale noted
- ☐ Date and North arrow
- ☐ Boundaries and dimensions shown graphically
- ☐ Location of any streets, public trails, railroads, or waterways
- ☐ Location of existing and proposed structures, with distance from property lines noted
- ☐ Location and dimensions of existing 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**

☐ **SIGNATURE OF APPLICANT**



DATE

4/28/2022

Planning Case # _____

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes (X) No () Why or why not?

The ordinance is designed for smaller lot sizes.

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes (X) No () Why or why not?

This variance should not affect any future plans.

3. In your opinion, does the proposal put property to use in a reasonable manner?

Yes (X) No () Why or why not?

With this variance the property is better utilized. A smaller building might look unusual on such a big lot.

4. In your opinion, are there circumstances unique to the property?

Yes (X) No () Why or why not?

Yes, mostly situated around lot size and property location in relation to other occupants/owners.

5. In your opinion, will the variance maintain the essential character of the neighborhood?

Yes (X) No () Why or why not?

It should have no effect as the variance requested is very small.

6. In your opinion, is the variance requested the minimum variance which would alleviate the practical difficulty?

Yes (X) No () Why or why not?

It is the minimum requested to suit my needs for storage and maintenance.

7. In your opinion, do the economic conditions alone constitute the practical difficulty?

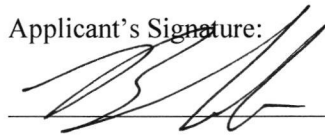
Yes (X) No () Why or why not?

The future marketability of my property is diminished if I am not able to put a building of this size up.

The City Council must make an affirmative finding on all of the seven criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant's Signature:



Date:

4/28/2022

4/28/2022

To whom it may concern,

When I purchased the property at 2518 14th St NE in 2017 I knew that there was some history situated around the 24x40' accessory structure. From what I understand, the property has had a couple of insurance claims, a fire, and an addition from its original size both upwards and outwards. This building was in ok condition but required some repair that became more noticeable since my ownership began. In the fall of 2021 we made attempts to repair the structure which unfortunately lead to its collapse. With only a blank slate left, we would like to build back upon the site with something that is better suited to our needs.

The following is a written summary stating the variation requested.

Two ordinance variations are being requested

1. Accessory structure <1080 square feet.
2. Accessory structure height <16' to the midpoint of the gable end.

The structure proposed is 1200 square foot. This exceeds the ordinance by 120sf. The old structure was 960sf.

The structure height to the midpoint of the gable end on the proposed building is 18.25'. This exceeds the ordinance limit by 2.25'. The old structure was 15' to the same point.

The following is a written summary stating exceptional conditions/peculiar difficulties which make the variance necessary. Also included is why I feel a variance should be granted.

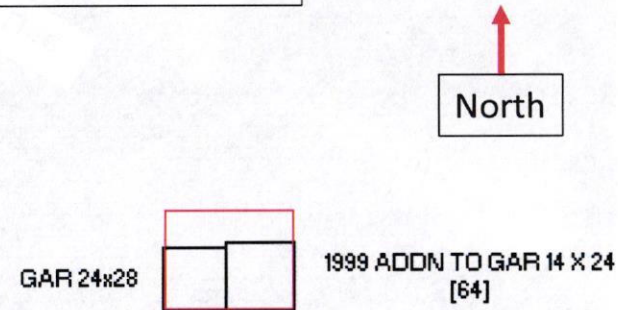
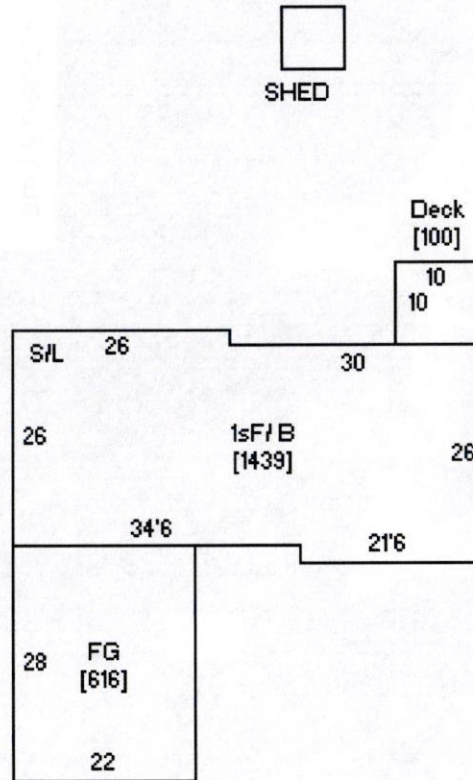
The above variances should be granted in lieu of existing ordinances that do not take into account the size and shape of the property. I believe that the variances requested should be approved until the ordinance is changed to reflect situations like mine. The property size at 2518 14th St. NE is 4.6 acres. Most lots within the city are much smaller than this. Due to the size of the property and personal hobbies/interests, the accessory structure limitations constrain me from building the best building for my property and use. In addition to this, several of my neighbors have accessory structures that are the same or larger size. Neighbors directly to the west have a 1600sf accessory structure on the same property size as mine. Neighbors to the south have a barn that is both taller and larger than both of the variances being requested. They are on a slightly larger lot, but in the same zone district. These structures are not impacting the neighborhood due to the large lot size on which they were built. For this reason, I believe that the council should approve the two requested variances.

Thank you for your time in reviewing my case.

Sincerely, Ben Jirik

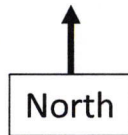
A handwritten signature in black ink, appearing to read 'Ben Jirik', with a stylized, flowing script.

2518 14th St. NE Faribault MN 55021
4/28/2022



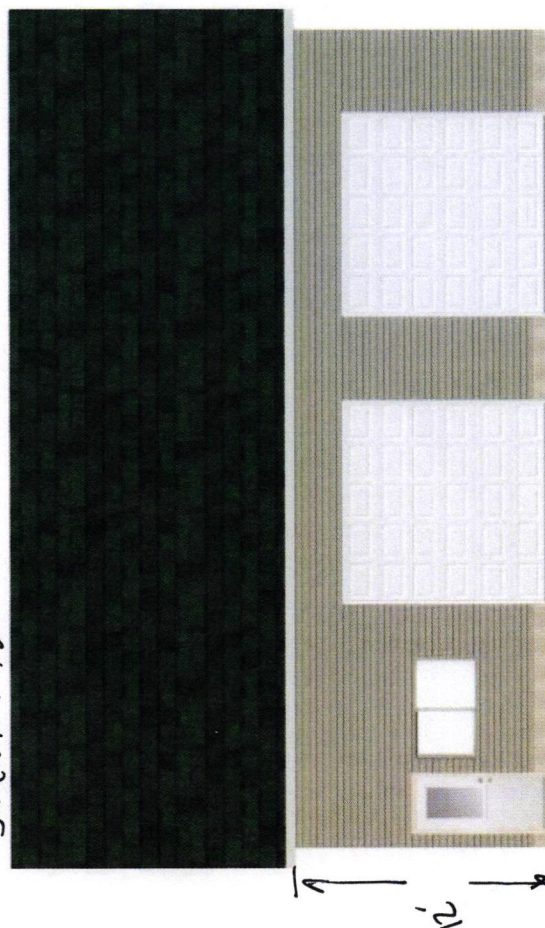
New Building to be 40' wide x 30' deep.
New building will index from South of current building footprint.

Sketch by www.camavision.com



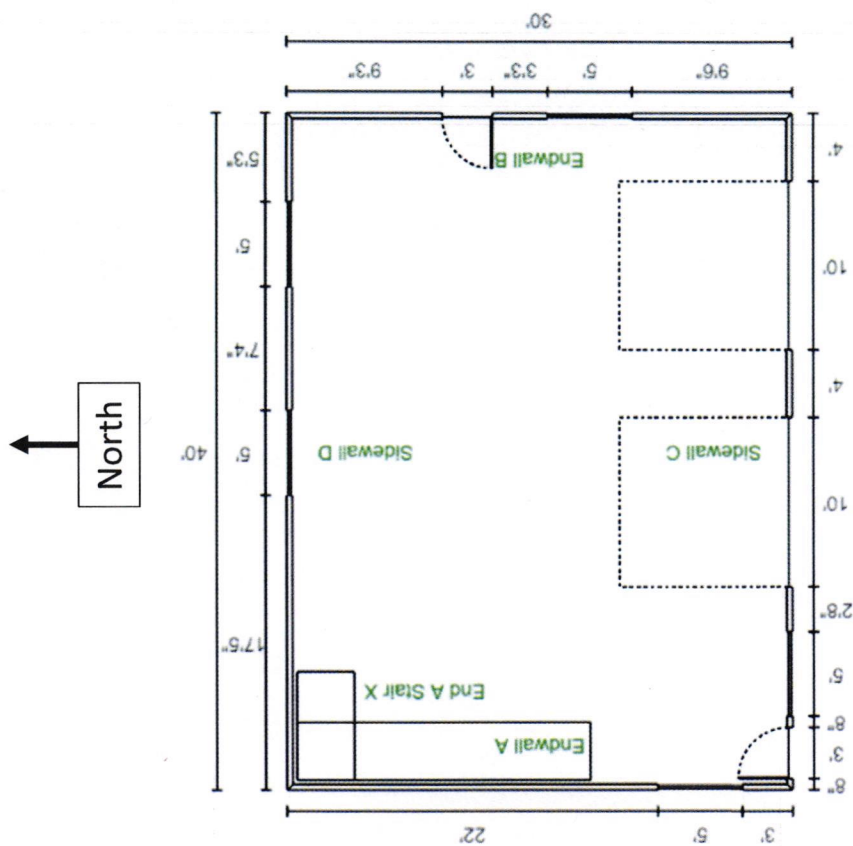
4/28/2022

Roof: 10/12 pitch
Siding: 12'



North facing view

Shingles and siding color to match house



City of Faribault
04/29/2022 11:52 AM

Receipt No. 00871977

Benjamin Jirik
Customer #: 021941

Payments Received:
Variance App for Larger
Garage 396.00

Check #:
Check: \$396.00
Cash: \$0.00
Other: \$0.00
Change: \$0.00

Total: \$396.00

Cashier: kcasper
Station: FIN-CASH-DEV
Batch: 00293-04-2022

Thank You
City of Faribault
=====

From: [Jean Gillis](#)
To: [Peter Waldock](#)
Subject: 2518 14th Street NE Conditional Use Permit and Variances
Date: Friday, June 3, 2022 2:08:13 PM
Importance: High

Peter Waldock, AICP
Planning Coordinator

Conditional Use Permit & Variances Applicant: Benjamin Jirik

Adjoining Land Owner: MRA Holdings, LLC.

Pertaining to the request to construct an oversized residential accessory structure MRA Holdings, LLC has no objections to the height of 18.5 feet.

We would, however, like to request a line of trees be planted along the border of the two properties, as our property is platted for upscale senior townhouses in the future.

Thank you for your consideration regarding this matter.

Jean Gillis
MRA Holdings, LLC. Treasurer



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community and Economic Development Director
FROM: Peter J. Waldock, AICP Planning Coordinator
MEETING DATE: June 6, 2022
SUBJECT: Application for Variances from Requirements for Residential Accessory Structure Requirements for Building Height and Building Area to permit construction of New Garage at 2518 14th St. NE.

Background:

As noted in the Staff report presented above in agenda item 3E, the Development Review Committee (DRC), has found that the requested variances in this case, do not meet all of the required findings listed in Sec. 2-460 of the Unified Development Ordinance (UDO). For that reason, the DRC cannot recommend approval of the variance applications at 2518 14th St NE for an 18.5' tall, 40' by 30' (1,200 SF) garage where 1080 SF is the maximum area allowed and 16' is the maximum height allowed in the TUD District with a Conditional Use Permit.

Recommendation:

The DRC recommends denial of the variance applications as requested at 2518 14th ST NE based on the following findings.

- 1. Required finding. The variance is in harmony with the general purposes and intent of the City's ordinances.** The variance applications are not in harmony with the zoning ordinances intent and purpose to limit the size of residential accessory structures to maintain a residential scale for accessory structures and maintain low intensity uses in residential areas. The proposed building, at 18.5' in height and 1,200 SF in area is more of a commercial or agricultural scale building.

- 2. Required finding. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control. The unique circumstances do not result from the actions of the applicant.** The application is not based on unique circumstances related to the site or its location. The variances are sought due to the owners desire for more storage on site, which is the result of the actions of the applicant. The large size of the parcel is not a unique circumstance that justifies a variance under the ordinance.

Attachments:

1. Required Findings for a Variance.

Sec. 2-460. Required findings for variance.

- (A) *Prerequisites for approval.* The City Council shall not vary the regulations of this ordinance, except under Subsection (B) below, unless it makes each of the following findings based upon the evidence presented to it in each specific case:
- (1) The variance is in harmony with the general purposes and intent of the City's ordinances.
 - (2) The variance is consistent with the Comprehensive Plan.
 - (3) The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.
 - (4) Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control. The unique circumstances do not result from the actions of the applicant.
 - (5) The variance does not alter the essential character of the neighborhood.
 - (6) The variance requested is the minimum variance which would alleviate the practical difficulties.
 - (7) Economic conditions alone do not constitute practical difficulties.
- (B) *Historical variance.* The City Council may vary the regulations of this ordinance and declare that practical difficulties exist, regardless of economic circumstances, when the following facts and conditions are shown to exist in addition to the above conditions being satisfied:
- (1) The applicant's property is currently located within the HPD, Historical Preservation District, as identified in Section 13-360, or listed on the National Register of Historic Places.
 - (2) The historically significant structure would lose any or all of its historical value and/or architectural uniqueness if strict application of the regulations were carried out.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2011-17, § 3, 10-25-11)



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community and Economic Development Director
FROM: Peter J. Waldock AICP, Planning Coordinator
MEETING DATE: June 6, 2022
SUBJECT: Application for a Conditional Use Permit for a New Garage of Greater Than 864 Square Feet in Area at 2518 14th St. NE

Background:

As noted in the staff report provided in agenda item 3E above, although the variance applications to allow an oversized garage do not meet the required findings for variances as specified in the UDO. The zoning ordinance does allow a garage of 1080 SF in area with a Conditional Use Permit and a height of 16' measured at the mid-point of the roof gable. As such, the Development Review Committee (DRC) recommends approval of a CUP at subject site, 2518 14th Street NE that meets these zoning ordinance standards.

Recommendation:

Approve the draft resolution for a CUP to construct a 1080 SF garage at a height of 16' at 2518 14th St NE, as permitted by the UDO in Sec. 6-180 without variances.

Attachments:

1. 2022-____ CUP for 1080SF Garage at 251814th St NE

CITY OF FARIBAULT

RESOLUTION #2022-__

APPROVING A CONDITIONAL USE PERMIT FOR A 1,080 SQUARE FOOT GARAGE AT 2518 14TH ST. NE

WHEREAS, Benjamin Jirik, property owner has requested approval of a conditional use permit (CUP) to construct a new detached for personal use at his residence in the TUD Transitional Urban Development District at the property commonly known as 2518 14th Street NE (hereinafter referred to as "the subject property") legally described in Exhibit A; and

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

WHEREAS, the Planning Commission, on the 6th day of June, 2022 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 14th day of June, 2022, at a public meeting considered the request; and

WHEREAS, based upon said report, hearing, and recommendation, the City Council hereby finds that approving the conditional use permit amendment should be approved based on the following findings:

- 1. The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare.**

Finding: The proposed garage will be placed on the subject parcel in accordance with all applicable zoning codes and development regulations.

- 2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

Finding: The garage proposed with this application, will be of similar architectural style to the home on the lot. The garage design is residential in nature and will fit with other uses on adjoining lots.

- 3. The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area.**

Finding: The subject garage is compatible in design, and architectural appearance with the principal structure on the site.

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

Finding: The garage is compatible with others in the neighborhood.

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

Finding: The subject garage is compatible in design, and appearance with the surrounding housing and will not diminish the value of neighboring properties.

- 6. The site is served adequately by essential public facilities and services, including utilities, access roads, drainage, police and fire protection, and schools or will be served adequately as a result of improvements proposed as part of the conditional use.**

Finding: The site has access to roads, proper drainage, and the garage will not increase demand for schools, police and fire protection services.

- 7. Development and operation of the conditional use will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.**

Finding: No new services will have to be extended or added to adequately serve the parcel.

- 8. Adequate measures have been or will be taken to minimize traffic congestion in the public streets and to provide for adequate on-site circulation of traffic.**

Finding: The subject garage will be placed on the site in accordance with zoning code standards. It will not have any effect on existing traffic and circulation.

9. The conditional use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance to the community.

Finding: The subject site is an occupied residential lot that has no features of major importance to the community.

10. The conditional use is consistent with the applicable policies and recommendations of the city's Land Use Plan or other adopted land use studies.

Finding: The City's Land Use Plan guides the subject parcel for future residential neighborhood development. The City's Unified Development Ordinance allows garages of 1,080 square feet in area with a CUP in the TUD, Transitional Urban Development District.

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

Finding: The expansion as planned meets all other requirements of the Unified Development Ordinance.

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 to allow a 1,080 square foot residential garage at the subject property according to the site plan attached as Exhibit B is hereby approved subject to conditions as set forth in Section 3 of this resolution. Said approval is based on the forgoing 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. A conditional use permit is hereby approved subject to conditions listed herein as authorized under Section 2-310 of the City of Faribault Unified Development Ordinance that are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the

objectives identified in the ordinance as follows:

1. The exterior building materials, and colors must be similar to and compatible with house.
2. No more than 30% of the garage shall be used in conjunction with a home occupation if any.
3. In addition to the garage expansion approved by this resolution, no more than one additional accessory structure (shed) shall be permitted on site and it shall be limited to no more than 120 square feet in floor area.
4. All construction of the garage approved with this conditional use permit, shall be completed within one year of the date of this resolution.

Section 4. Compliance. The applicant and property owner 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 as authorized by Section 2-320 of City of Faribault, Unified Development Ordinance.

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

Date Adopted: June 14, 2022

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Legal Description

Exhibit B
Site Plan



Request for Planning Commission

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: June 6, 2022
SUBJECT: Board and Commission Reports, Announcements and Updates

Background:

Recommendation:

Attachments: