



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, AUGUST 1, 2022

6:00 PM

1. Call to Order/Approve Agenda
2. Approval of the Minutes
3. Public Hearings
 - A. Approve Resolution 2022-01 - Finding that a Modification to the Development Program for Development District 1, Modifications to the Tax Increment Financing Plans for Tax Increment Financing District Nos. 6-1, 8, 9, 13, 14 and 15 and Tax Increment Financing Plans for Tax Increment Financing District Nos. 16, 17 and 18 Conform to the General Plans for the Development and Redevelopment of the City.
 - B. Applications related to Platting and Rezoning the Property at the Southwest Corner of 17th Street SW and Willow Street for a Proposed Multi-Family Residential Development
 - C. Applications related to the Platting and Redevelopment of Property at 818 4th Street NW (the Former Farmer Seed and Nursery Site) to Accommodate a Indoor Storage Facility and a Proposed Four-Story, 54-Unit Apartment Building
 - D. Applications related to Platting and Rezoning the Property at 139 Mercy Drive to Accomodate a Proposed Elementary School
4. Items for Discussion/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, July 18, 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.

2. Approve the May 16, 2022 Regular Meeting Minutes.

Chair Ackman requested a motion to approve the meeting minutes of June 6, 2022 which was brought by Commissioner Campbell and seconded by Commissioner Jackson as written. Motion carried on a 6/0 vote.

3. Public Hearings

A. Applications Related to Development of a New Auto Body Repair Business and Car Sales Lot at 2005 2nd Avenue NW

William Malecha is the owner of a vacant commercial lot at 2005 2nd Avenue NW. The property is comprised of a commercial lot and two outlets that will be related to combine them into one lot. The site is Zoned C-2, Highway Commercial District and the east portion is within the revised Shoreland Overlay District for the Cannon River. The owner proposes to construct a 10,400 SF building on this site for use as an auto body repair business & car sales lot. Parking will be provided for 32 cars and a vehicle sales display area is planned for the paved lot area on the west side of the building. The building will have nine (9) repair bays, a paint booth, wash bay, offices, storage, and mechanical area. Associated with this development proposal, he has submitted applications for vacation of a public drainage and utility easement, preliminary and final plat approval and Conditional Use Permit (CUP) for major auto repair in a commercial district and a CUP for Development in the Shoreland Overlay District. They are asking for an address change to 190 20th Street which will be logical for the entrance to the building. The development plan requires multiple planning applications and associated actions for approval. Each application and approval action will be taken separately. The DRC's recommendation to the Planning Commission were, based on the findings, to approve of each of the subject matter applications.

As a wrap up, Waldock introduced our intern Lucas Bertram.

Chair Ackman then took over and asked the commissioner for discussion. Commissioner Albers then asked about the Outlot A being used for? Waldock reminded them that it will no longer be an outlot and identified it as outside storage which car with parts and materials which is allowed under the ordinance. This space will not be used for cars with leaking fluids.

Commissioner Albers asked about the number of vehicles that can be stored in this area. Does the city have a limit? Waldock stated that there is not limit and it would not be practical. Commissioner Albers also asked about customer parking. Waldock stated that they are not required to stripe the sales lot and their request meets the code. There is some flexibility there.

Commissioner Temple asked about signage for the entrance? Waldock said they will have a wall sign to identify the business but no sign for the entrance. Commissioner Temple also asked about the potential for changes for traffic flow. DuChene stated that MNDOT is working on a continued traffic study regarding the intersection.

Commissioner Jackson asked about casting of the lights on the neighbor's property. Waldock stated that they have provided a schematic for lighting and taken that into consideration. Commission Jackson also asked about the trash enclosures. Waldock stated that they have identified a location and is screened.

Commissioner White talked about shifting the travel lane. DuChene stated that they will be widening the road and will have it line up a little better. MNDOT has jurisdiction over the intersection and they are still working over the details. White asked about curbing. DuChene said that they are not at the final plans but that he anticipates curbing.

Commissioner Campbell asked about the maximum number of vehicles on the site and wanted it confirmed that the city doesn't limit it. Waldock responded stating that it is self-policing.

Chair Ackman asked about the plat and two maps that there are two outlots and wanted to see the best cleaned map of the final plat. He was concerned since there was two Outlot A's identified. Waldock confirmed that there is two and are in two different subdivisions on this land. The plat will take that away. First the vacation then P and FP will be recorded then there will be no outlots anymore then the CUP.

Commissioner Jackson then asked about a roundabout at that intersection. Waldock stated that MN would have to buy more property and it would not be feasible.

Chair Ackman then opened the public hearing at 6:33. William Malecha, the owner came forward to address the parking. He explained the process the timeline involved into the auto body part and stated that he doesn't have a lot of car sales but wants to keep that option open. He doesn't want a junk yard. Steve Underdahl then came

forward with further discussion on the parking and didn't think there would be a problem with this site. Dave Temple with Temple Electric a couple of places down came forward and wondered if storm sewers were being discussed. DuChene responded stated that MNDOT still reviewing for state design standards. Mr. Temple then asked about 1st Avenue bringing up there. On Plat A the longer one, 218 was vacated and then the city wanted that as a corridor; what will that be? Chair Ackman referred to Mr. Waldock. Mr. Waldock stated that there is a trail link planned that will go north and south. Mr. Wilker came forward who is at 2005 Highway 3, Faribault. Mr. Wilker asked about screening. Waldock identified on the map for the fencing.

Chair Ackman then closed the public hearing at 6:43 p.m.

Commissioner White mad a motion, seconded by Commissioner Albers to recommend approval of the draft ordinance with findings for approval of the vacation of un-needed public drainage and utility easements platted as part of the Kuntze Addition as presented. No further discussion. The motion carried on a 6/0 vote.

A motion was made by Commissioner Albers, seconded by Commissioner White to recommend approval of the draft ordinance with findings in support of the Preliminary and Final Plat approval for MAB Addition included in the draft resolution. No further discussion. The motion carried on a 6/0 vote.

A motion was made by Commissioner White, seconded by Commissioner Campbell to recommend approval of the draft resolution with findings to approve the requested Conditional Use Permit for Major Auto Repair at 2005 2nd Avenue NW as presented. No further discussion. The motion carried on a 6/0 vote.

Chair Ackman asked for the map and wanted to confirm that everything east of the blue line is the Shoreland Overlay. Waldock confirmed.

A motion was made by Commissioner Campbell, seconded by Commissioner Jackson to recommend approval of the draft resolution with findings to approve the requested Conditional Use Permit for commercial development in the Shoreland Management District at 2005 2nd Avenue NW as presented. No further discussion. The motion carried on a 6/0 vote.

The action will then move to the next City Council meeting.

B. Vacation, Preliminary and Final Plat, Comprehensive Plan Amendment, Rezoning, and Conditional Use Permits related to the Proposed RIVERCHASE ADDITION Plat and Development

Wanberg started that there are five actions and the developer, Hamilton Real Estate Group will be requesting that action. He showed the location that is south of the viaduct and east of Willow Street. This involved the former VP Line, Lockerby and SOS Building for redevelopment. The City is vacating easements and street rights-of-way,

platting the property, guiding the property for "downtown" use, rezoning the property to CBD, Central Business District, and issuing a conditional use permit for development in the Shoreland Management Overlay District. The City will develop a City-owned parking lot in this area to serve existing and future parks in this area. The redevelopment area will also include a regional stormwater basin. The City will also be connecting with the park that will be on the north side of the viaduct. VP Online space will be demoed by the end of the month. Wanberg showed the concept plan in phases and went over the procession of city-initiated applications. The process includes vacation the unnecessary easements, preliminary and final plat, comprehensive plan amendment, rezoning and a CUP for development in the shoreland overlay district.

Hamilton Real Estate Group (the "Developer") is requesting approval standalone residential use in the CBD; allow for the four-story building as opposed to three, and allow the residential units to exceed the base number allowed in the CBD without a CUP.

Wanberg went over these with more descriptions. Riverchase Court will be the City street for the area. There will be two outlots created for the trail and they will be straightening this trail out with this plat. Fairly straightforward. The CUP involved a small part of the proposed parking lot in the shoreland overlay and the DNR has not expressed any concern about this. The final CUP is for the standalone residential, height and the floor area. Wanberg showed renderings which shows garages underneath on a few sides which is similar to the Hillside Apartments. This is very similar to that. There are still a number of details to work but those will be done through the development review committee.

Chair Ackman opened the matter up for discussion. Commissioner White was concerned about the elevations and reference the climate change for flooding at the site. DuChene stated that they have elevated the site. DuChene confirmed that there is no portion of the site in the FEMA Flood plain from 2012. Commissioner White wanted to state that he hopes this site remains a quality site. DuChene is comfortable with the elevations and has no concerns.

Commissioner Jackson asked about handicapped accessible. Wanberg responded that there are and in one of the building elevations the garage door is taller. All of this has been worked through. He added that electric vehicle chargers will be added to the site.

Commissioner Campbell asked about the crossing over the river across the tracks. DuChene said it's 34 to 40' from the path. It will be just south of the existing trail that is there today and will be a nice connection to the park. Commissioner Campbell asked if there were any issues with the Hillside apartments since this is similar. Wanberg said there have been none and has been quite well received.

Commissioner Jackson asked about the crossing and was concerned about the zig-zag through. Commissioner Temple asked about screening. Wanberg stated it would be with landscaping.

Commissioner Temple asked about height of building in comparison with the viaduct. Wanberg stated that it would not be an issue. Commissioner Temple asked about a skyscraper next to the viaduct. Commissioner Temple asked about what the stormwater basin would look like. DuChene envisioned it to be a pond. Commissioner Temple asked about the vacancy rate for Faribault. Wanberg said that the last study was less than one percent. Even with this building, we will still be under. Commissioner Temple asked about anticipated wait list.

Commissioner White asked who would own the retention pond. DuChene stated it would be the city.

Chair Ackman asked about the bike trail. Wanberg said that it will be straightened out and curved better for a more natural, easy flowing curve. DuChene is still working out the details. Chair Ackman wondered if it will loop over to Teepee Tonka Park.

Chair Ackman then opened the matter up public hearing at 7:25 p.m. Mac Hamilton the developer came forward and addressed the elevation. Commissioner Temple asked about the wait list for current property. Hamilton stated that the demand is strong. Commissioner Albers asked about start date. Hamilton is hoping to be on line by the end of July next year. Memory care will start next spring. Hamilton is not involved but builder is. Commissioner Jackson asked about a bike room in the complex. Hamilton said that they will be meeting with the architect. They have other amenities, lookout, fire table, BBQ grills 4th Floor terrace, and community room. Want this where people can call home. They also offer some landscaping touches.

Steve Iwan, 15 1st St SE came forward and asked if the city owns this property. Chair Ackman confirmed. Iwan also asked about the sub station and proximity to people. Is there a residential setback? Wanberg is not familiar with one and stated that the housing will not be right next to it. Iwan also commented about a memory care next to the railroad tracks. Wanberg showed the map and stated that we already have numerous houses and apartments along the railroad now that have the horns go off.

Chair Ackman then closed the public hearing at 7:34 p.m.

A motion was made by Commissioner Albers, seconded by Commissioner Jackson to recommend approval of the draft resolution with findings in support of vacating certain existing easements and street right-of-way as presented. Motion carried on a 6/0 vote.

A motion was made by Commissioner Temple, seconded by Commissioner White to recommend approval of the draft resolution with findings in support of approval of the preliminary and final plats. as presented. Motion carried on a 6/0 vote.

A motion was made by Commissioner Campbell, seconded by Commissioner Albers to recommend approval of the draft resolution with finding to recommend approval of an amendment to the Comprehensive Plan to guide the entire redevelopment area for "Downtown" use as presented. Motion carried on a 6/0 vote.

A motion was made by Commissioner Temple and seconded by Commissioner Jackson to recommend approval with findings to recommend approval to rezone the redevelopment area from I-2, Heavy Industrial District to CBD, Central Business District as presented. Motion carried on a 6/0 vote.

A motion was made by Commissioner Albers, seconded by Commissioner Jackson to recommend approval with findings for a conditional use permit for development in the Shoreland Management Overlay District as presented. Commissioner Temple wanted to restate that this does not go against anything in the shoreland overlay. Motion carried on a 6/0 vote.

A motion was made by Commissioner Temple, seconded by Commissioner Albers to recommend approval of a conditional use permit to allow construction of a four-story, 77-unit, market-rate apartment building in the northwest corner of the redevelopment area as presented. Motion carried on a 6/0 vote.

4. Board and Commission Reports, Announcements and Updates

Commissioner Campbell spoke first with an update from the EDA. Farmer Seed developers came back to the EDA to request the financing again since the scope of work had changed and also made note that they will be requesting TIF financing on this project.

Commissioner White asked that staff consider putting on an upcoming agenda a request to look into rezoning areas for affordable housing. Hopefully, this rezoning could make the options easier for the developer to build. Commissioner Temple wanted to add to this request by not just including single family homes but to include other types of housing such as condos, etc.

Wanger made note that the next meeting there will be a number of items on the agenda and wanted a kind of an early roll call back on the number of items to move forward. Both Chair Ackman and Commissioner Albers stated that they will not be able to attend that meeting and so that leaves us with only four which is what is needed to make a quorum. Wanberg encouraged that if anyone is unable to make the August 1st meeting to let us know at their earliest convenience. Wanberg also stressed that there will also be a number of items on the August 15 agenda and that it will also be very important to make a quorum as well.

5. Adjournment

Chair Ackman requested a motion to adjourn. Commissioner Albers made the motion seconded by Commissioner Temple. Meeting was adjourned at 7:45 p.m. Motion carried on a 6/0 vote

Dated July 18, 2022.

By _____
Kari Casper, Recording Secretary



Request for Planning Commission

TO: Planning Commission

THROUGH:

FROM: Deanna Kuennen, Community & Economic Development Director

MEETING DATE: August 1, 2022

SUBJECT: Approve Resolution 2022-01 - Finding that a Modification to the Development Program for Development District 1, Modifications to the Tax Increment Financing Plans for Tax Increment Financing District Nos. 6-1, 8, 9, 13, 14 and 15 and Tax Increment Financing Plans for Tax Increment Financing District Nos. 16, 17 and 18 Conform to the General Plans for the Development and Redevelopment of the City.

Background:

The City of Faribault is proposing to modify the Development Program for Development District No. 1, the tax increment financing (TIF) plans for the existing TIF districts, and the TIF plans for the future TIF districts. The proposed Development District No. 1 boundaries would mirror the existing city limits, to support development and redevelopment plans and visions.

Minnesota State Statutes requires that the Planning Commission review the modifications to determine that the modifications conform with the city's plans as described and articulated in the Comprehensive Plan. The City's Comprehensive Plan includes strategic goals, objectives, policies, and plans related to the built, economic, human, social/cultural, and natural assets to guide the community in attaining this vision. The modified Development Program is consistent with the development and redevelopment goals and the Land Use Plan for the city.

Recommendation:

Staff recommends that the Planning Commission adopt Resolution 2022-01, finding that a Modification to the Development Program for Development District 1, Modifications to the Tax Increment Financing Plans for Tax Increment Financing District Nos. 6-1, 8, 9, 13, 14 and 15 and Tax Increment Financing Plans for Tax Increment Financing District Nos. 16, 17 and 18 Conform to the General Plans for the Development and Redevelopment of the City.

Attachments:

1. Res 2022-01 - Planning_Commission_Resolution_Regarding Modification to Development District 1
2. Map - Expanded Development District Plan Boundaries

**STATE OF MINNESOTA
COUNTY OF RICE**

**PLANNING COMMISSION
CITY OF FARIBAULT**

RESOLUTION NO. 2022-01

**RESOLUTION OF THE CITY OF FARIBAULT PLANNING
COMMISSION FINDING THAT A MODIFICATION TO THE
DEVELOPMENT PROGRAM FOR DEVELOPMENT DISTRICT NO. 1,
MODIFICATIONS TO THE TAX INCREMENT FINANCING PLANS
FOR TAX INCREMENT FINANCING DISTRICT NOS. 6-1, 8, 9, 13,
14 AND 15 AND TAX INCREMENT FINANCING PLANS FOR TAX
INCREMENT FINANCING DISTRICT NOS. 16, 17 AND 18
CONFORM TO THE GENERAL PLANS FOR THE DEVELOPMENT
AND REDEVELOPMENT OF THE CITY**

WHEREAS, the City Council for the City of Faribault, Minnesota (the "City") has proposed to adopt a Modification to the Development Program for Development District No. 1 (the "Development Program Modification"), modification to the Tax Increment Financing Plans for Tax Increment Financing District Nos. 6-1, 8, 9, 13, 14 and 15 (the "TIF Plan Modifications"), and Tax Increment Financing Plans for Tax Increment Districts Nos. 16, 17 and 18 (the "TIF Plans") therefor (the Development Program Modification, the TIF Plan Modifications and the TIF Plans are referred to collectively herein as the "Modification and Plans") and has submitted the Modification and Plans to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, and

WHEREAS, the Commission has reviewed the Modifications and Plans to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

NOW, THEREFORE, BE IT RESOLVED by the Commission that the Modifications and Plans conform to the general plans for the development and redevelopment of the City as a whole.

Dated: August 1, 2022.

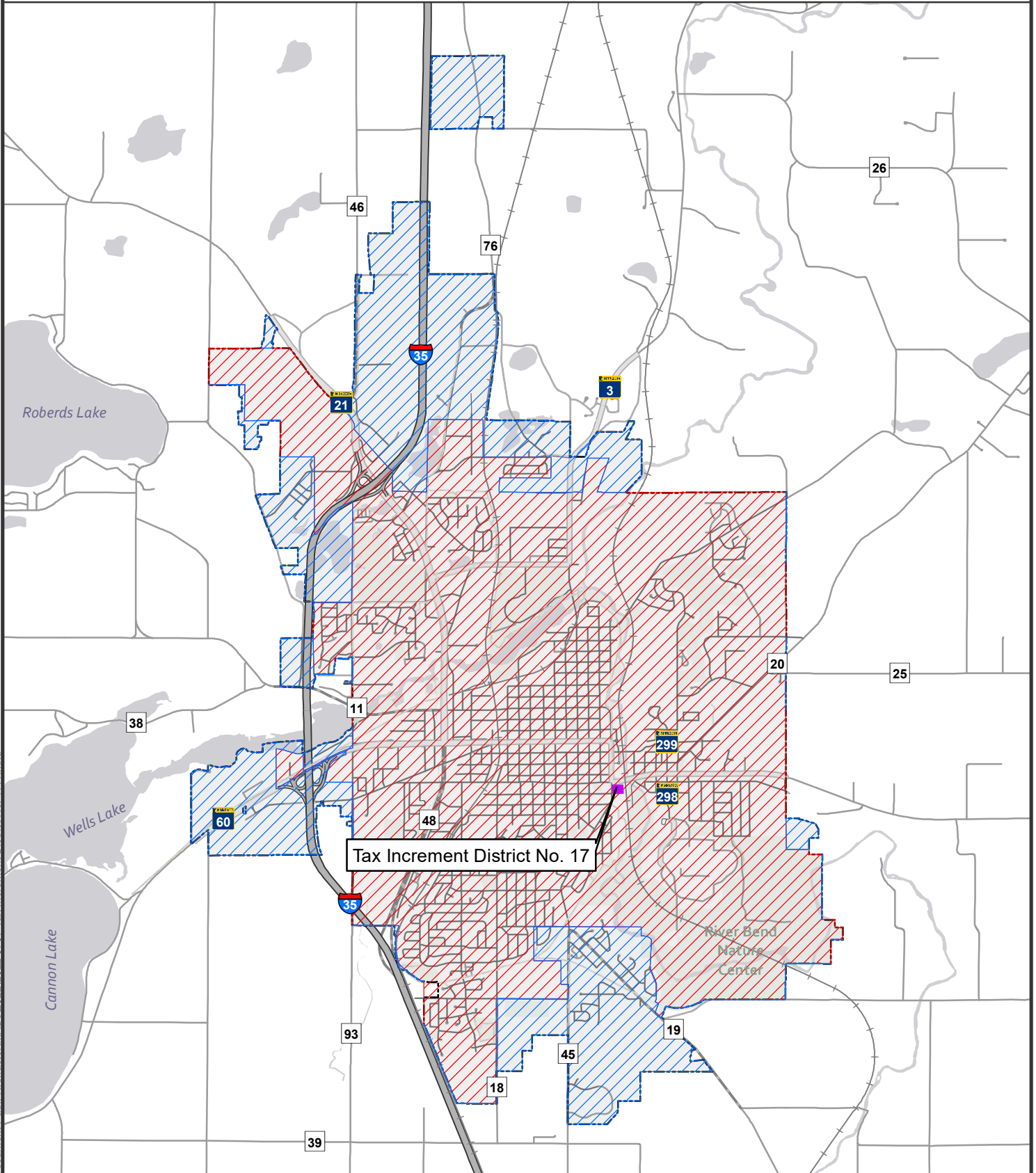
Chuck Ackman
Chair

ATTEST:

Kari Casper
Secretary

Development District No. 1 Tax Increment District No. 17

This map is neither a legally recorded map nor a survey.
This map is a compilation data affecting the area shown;
and is for reference purposes only. In using the map, you
assume responsibility for the correctness all information
extracted from this map.



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0 3,300 6,600 Feet
1 inch = 4,877 feet



Development District No. 1



Proposed Expanded Development District No. 1



Tax Increment District No. 17



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: August 1, 2022
SUBJECT: Applications related to Platting and Rezoning the Property at the Southwest Corner of 17th Street SW and Willow Street for a Proposed Multi-Family Residential Development

Background:

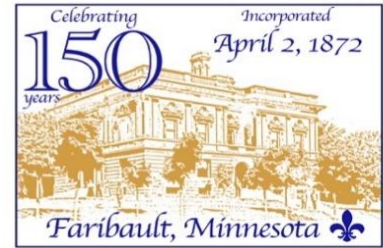
Faribault Apartments, LLC (the "Applicant") has consulted with the City over the past several months regarding a potential multi-family residential development on a roughly ten-acre, City-owned parcel at the southwest corner of 17th Street SW and Willow Street. Refer to the attached report for additional information.

Recommendation:

Recommend that the City Council approve the resolutions and ordinances associated with the Applicant's requests. The City Planner will distribute written findings and/or resolutions and ordinances at the August 1 public hearing.

Attachments:

1. Public Hearing Report
2. Resolution 2022-xxx Approve the Preliminary Plat and the Final Plat of FARIBAULT APARTMENTS
3. 2022-xx Rezone Property to R-4 and PUD Overlay related to FARIBAULT APARTMENTS
4. Written Comments regarding Proposed FARIBAULT APARTMENTS



Public Hearing Staff Report

TO: Planning Commission
FROM: David Wanberg, City Planner
MEETING DATE: August 1, 2022
SUBJECT: Applications related to Platting and Rezoning the Property at the Southwest Corner of 17th Street SW and Willow Street for a Proposed Multi-Family Residential Development

BACKGROUND AND REQUESTS

The City of Faribault owns a roughly ten-acre parcel at the southwest corner of 17th Street SW and Willow Street (the "Property"). The City's Journey to 2040 Comprehensive Plan guides the parcel for "planned residential." Over the past year, Faribault Apartments, LLC (the "Applicant") has consulted with City Staff and the City Council on a potential multi-family residential development on the Property. The Applicant requests the following:

1. Preliminary and final plat approval to subdivide the Property into three lots; and
2. Rezoning the property to R-4, High-Density Residential with a planned unit (PUD) overlay zoning district.

OVERVIEW OF THE SUBJECT PROPERTY AND SURROUNDING AREA

The Property is an undeveloped parcel at the southwest corner of 17th Street SW and Willow Street (see [Figure 1](#)). The City's Journey to 2040 Comprehensive Plan guides the Property and the area south of the Property for "planned residential", which may include a variety of residential densities. The Faribault Middle School is on the north side of 17th Street SW, an existing low-density residential development is on the east side of Willow Street, and the soccer complex is west of the subject property.

Multi-family residential developments are generally located adjacent to collector or arterial roads. 17th Street SW is a minor collector and Willow Street/Albers Drive/CSAH 45 is a major collector (refer to the attached City Engineer's report for additional information).



Figure 1: Aerial Photograph of the Subject Property and Surrounding Area

OVERVIEW OF THE PROPOSED MULTI-FAMILY DEVELOPMENT

The Applicant proposes to develop (over three phases) three, three-story, market-rate apartment buildings accommodating a total of 192 units (see Figure 2 and Figure 3). Two of the proposed building will have underground parking. The development will also include a pet area and a playground.

The City needs additional housing, including market-rate multi-family housing. The City marketed the Property for housing, and the Applicant has consulted with City Staff and the City Council to explore developing apartments on the Property. Originally, the Applicant presented a preliminary plan that included four buildings totaling 250 units. The Applicant revised the original plan to provide three buildings totaling 192 units. From a planning point of view, the

proposed multi-family development adjacent to the existing collector roads and the adjacent soccer complex is acceptable. The development limits the height of the apartment buildings to three stories, and it provides a landscape buffer to mitigate the potential impacts on the existing low-density residential development to the east.

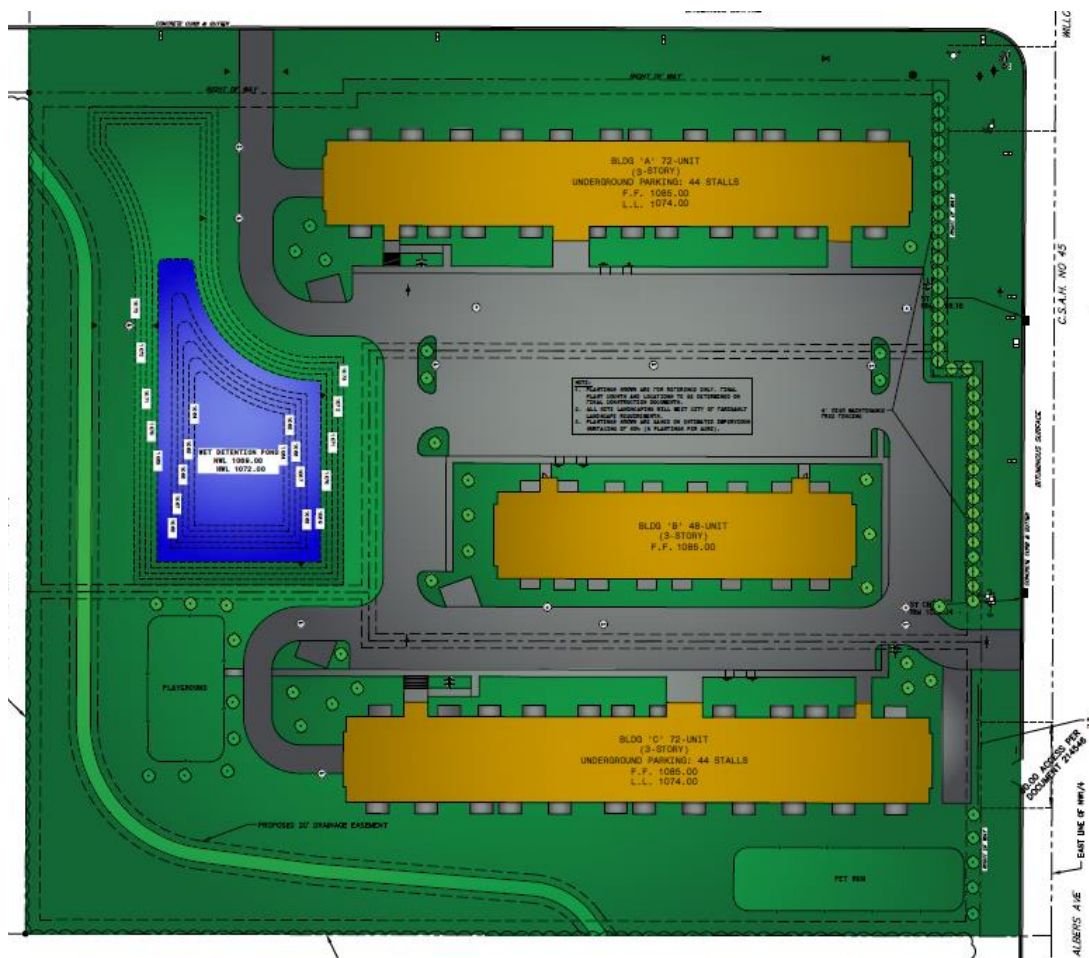


Figure 2: Proposed Site Plan



Figure 3: Proposed MIDWEST FIRST SUBDIVISION Plat

PROPOSED PRELIMINARY PLAT AND FINAL PLAT

The Applicant proposes to plat the Property as FARIBAULT APARTMENTS (see Figure 4). The plat will include three lots – one for each apartment building. The proposed plat is straightforward. The Applicant and City Staff will collaborate on the details of the plat and associated agreements. Refer to the attached report from the City Engineer for additional information.

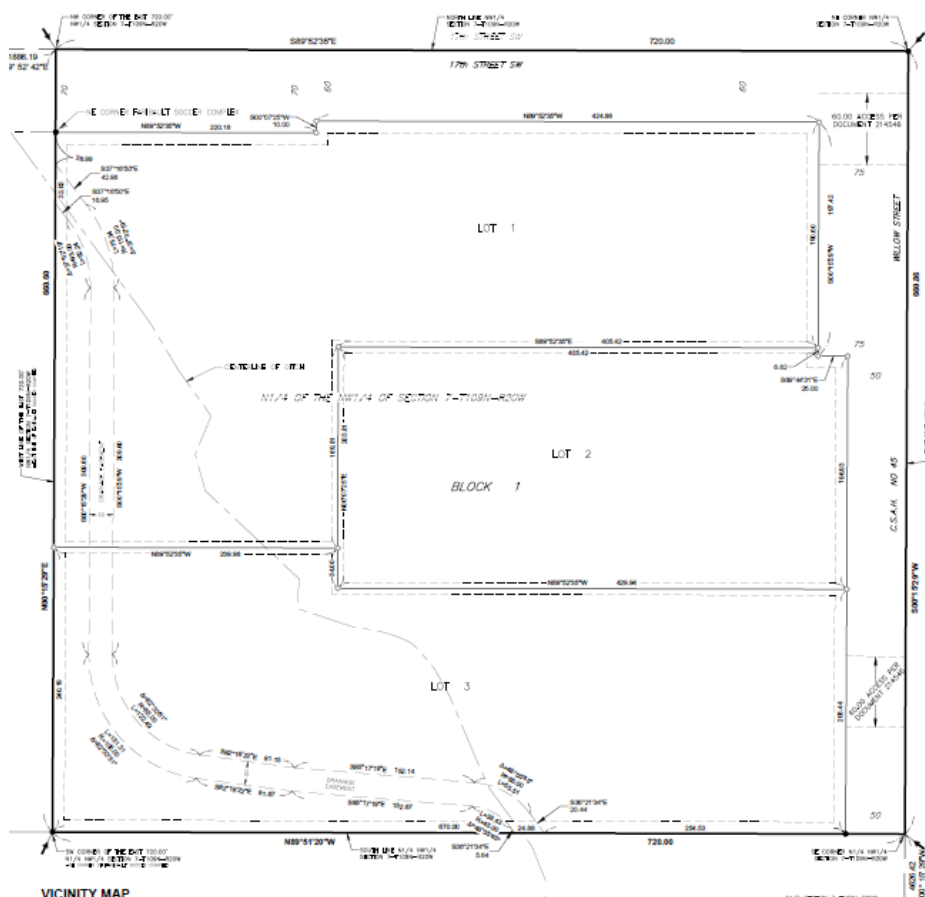


Figure 4: Proposed Final Plat

REZONE THE PROPERTY FROM TUD, TRANSITIONAL URBAN DEVELOPMENT TO R-4, HIGH-DENSITY RESIDENTIAL WITH A PLANNED UNIT DEVELOPMENT OVERLAY

The Property is currently zoned TUD, Transitional Urban Development, which is essentially a holding district until the City approves the site's development. The City's Comprehensive Plan guides the Property for "planned residential", which may include high-density residential development. Given the strong need for market-rate apartments in the community, City Staff (in consultation with the City Council) has indicated that it is appropriate to rezone the site to

R-4, High-Density Residential. Because the site includes three buildings that will share parking, stormwater facilities, and amenities, the Applicant has requested (in consultation with City Staff) a PUD overlay.

RECOMMENDATION

Over the past several months, the Applicant and City have consulted on the development of the Property. City Staff (in consultation with the City Council) supports multi-family residential development on the Property. Staff recognizes that there are development details to work out. Still, pending public input received through the public hearing process, Staff believes the Applicant and City's Development Review Committee can work together to ensure a quality development.

The City's Development Review Committee (DRC) recommends approval of the Applicant's request with the condition that the Applicant work with the DRC to address expressed concerns and that the DRC has the authority to approve refined development plans.

The City Planner will distribute written findings and/or resolutions and ordinances at the public hearing.

ATTACHMENTS

- City Engineer's Report



Engineering Department Memorandum

TO: Dave Wanberg, City Planner

CC: Deanna Kuennen, Comm. and Econ. Development Director
Travis Block, Public Works Director
Jeanne Day, Finance Director

FROM: Mark DuChene, City Engineer

DATE: July 29, 2022

SUBJECT: Faribault Apartments Preliminary Plat, Final Plat, Planned Unit Development & Rezoning

BACKGROUND

The City of Faribault (Owner), in conjunction with Chet Funk on behalf of Faribault Apartments, LLC, the Developer, has submitted a preliminary plat, final plat, planned unit development and rezoning applications for Faribault Apartments. The site is located in the NW ¼ of Section 7 Township 109, Range 20W whose parent parcels are a metes and bounds parcel. The site is adjacent to CSAH 45 (Albers Avenue) to the east, agricultural property to the south, parkland (Faribault Soccer Complex) to the west and 17th Street NW to the north.

The proposed subdivision is located on land that is currently zoned TUD Transitional Urban Development. It is proposed to rezone the proposed plat area to R-4 High Density Residential. The proposed improvements include the construction of phased construction of three (3) multi-story apartment buildings with onsite parking and stormwater management facilities.

There are no proposed public improvements.

The proposed development will be completed by:

Owner:	City of Faribault
Developer:	Faribault Apartments, LLC
Surveyor:	Jones Haugh Smith Engineers & Surveyors
Engineer:	MBN Engineering

PLANNED UNIT DEVELOPEMENT (PUD) & REZONING

The Developer has submitted an application to rezone the property from Transitional Urban Development (TUD) to High Density Residential (R-4) and also to establish a planned unit development overlay district. The proposed zoning request is in conformance with the City's Journey to 2040 Comprehensive Plan. The PUD is to establish deviations from the required

City code sections regarding interior setbacks for parking and drive aisles and shared access and common development amenities such as playgrounds, pet areas and stormwater management.

PLAT

Developer has submitted a preliminary and final plat for FARIBAULT APARTMENTS. The preliminary and final plat contains three (3) lots for high density residential development.

The areas within the plat include:

Lot 1, Block 1	3.70 acres (161,452 sf)
Lot 2, Block 1	2.01 acres (87,502 sf)
Lot 3, Block 1	3.36 acres (146,391 sf)
ROW	1.85 acres (80,380 sf)
Total	10.93 acres (475,725 sf)

Current title work has been submitted with the final plat application and will be subject to the review of the City and City Attorney's office.

At the time of final plat, the Developer agrees to provide sufficient permanent property monumentation per the development agreement and shall submit to the City written verification by a registered land surveyor licensed in the State of Minnesota.

SITE CONDITIONS

The existing site contains approximately 9.08 acres of land that that is undeveloped and was the site of a former single-family farmstead. The site has a rolling topography and drainage is generally split to flow to the existing non-jurisdictional channel that cuts across the southwest portion of the site which discharges to the public storm sewer system within 17th Street SW.

EASEMENTS

Existing Easements

The following easements are listed on the title commitment and should be shown on the proposed plats to determine if they have any impact on the proposed improvements or should be vacated.

- Book 150 of Deeds, Page 145 for highway easement in favor of State of Minnesota
- Book 27 of M.R., Page 576 for highway purposes in favor of Rice County
- Book 43 of M.R., Page 490 for highway purposes in favor of Rice County

Proposed Easements

The proposed plat shows perimeter drainage and utility easements as required by City code. A twenty (20) foot drainage easement is also shown to encompass the proposed realigned drainage way. Final easement location and sizes shall be subject to review and approval of the City Engineer.

STREET AND SITE LAYOUT

Due to the proposed rezoning of the plat area from TUD to R-4, the Developer hired a consulting firm to conduct a traffic study to evaluate the impacts of the proposed development on adjacent roadways and nearby intersections. Per the draft report of the traffic study the adjacent streets and intersections operate at an acceptable level of service in both the existing and forecasted scenarios according to industry accepted standards.

The proposed site layout meets the City code regarding parking space dimensions and access drive widths and provides acceptable site circulation. A detailed phasing plan shall be required as part of the building permitting process.

17th Street SW

The site is south of and adjacent to 17th Street SW a minor collector roadway. 17th Street SW is a 48-foot wide, urban roadway and is within a 130 to 140-foot right-of-way with a sidewalk on the north side. One (1) new driveway access to 17th Street SW is proposed near the northwest corner of the plat. The proposed driveway is approximately 525 ft from the intersection of CSAH 45/Willow Street and 400+ ft from the nearest driveway entrance to the Faribault Middle School on the north side of 17th Street SW. 17th Street SW should be marked "No Parking" from the 50 feet west of the proposed driveway location to the intersection of Willow Street on the south side of 17th Street SW to preserve site lines for the proposed driveway. The proposed driveway locations meet City standards for spacing.

CSAH 45 (Albers Avenue)

The site is west of and adjacent to CSAH 45 a major collector under the jurisdiction of Rice County. CSAH 45 is constructed as a 44-foot wide, two-lane urban roadway with turn lanes and is within a 100 to 125-foot right-of-way with a bituminous trail on the east side. One (1) new driveway access to CSAH 45 is proposed near the southeast corner of the plat. The proposed driveway is approximately 420 ft from the intersection of 17th Street SW and lines up with Allen Path on the east side of CSAH 45. The proposed driveway locations meet City standards for spacing; however, driveway access to CSAH 45 is subject to the review and approval of Rice County. Consideration as per the traffic study to adding a northbound left turn lane on CSAH 45 into the proposed development driveway across from Allen Path should be considered and discussed with Rice County.

PARKS, TRAILS & SIDEWALKS

Developer shall be responsible for paying cash in lieu of parkland dedication as agreed upon per the terms of the purchase and development agreement negotiated between the City and Developer. Developer should install a sidewalk connection from the internal sidewalks within the plat to connect to the public sidewalk/trail on the adjacent public streets as recommended by the traffic study.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The development is located within the Straight River (M-048-026) district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site is proposed to be routed through a new on-site stormwater treatment basin and then routed to the existing channel and then to the public storm sewer system in 17th Street SW. Runoff is ultimately discharged to the Straight River to the east.

Proposed storm sewer improvements must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Storm sewer systems must be designed to limit the post construction rate of runoff from the 2, 10 & 100 yr. 24-hour storm events to less than or equal to existing conditions. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

The proposed site improvements include the addition of an estimated 4.28 acres of new and/or reconstructed impervious surface. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans. The Developer has submitted a Stormwater Management Plan and is proposing to construct a new stormwater treatment basin(s) onsite. The storm water basin is proposed to then discharge the City storm sewer system within Mercy Drive.

The proposed stormwater basin(s) will be a private basin and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

A City grading permit and a National Pollution Discharge Elimination System Construction Stormwater General Permit for construction activity is required by the Minnesota Pollution Control Agency (MPCA) for areas exceeding one acre being disturbed by grading. A copy of the Notice of Stormwater Permit Coverage must be submitted to the City upon receipt from the MPCA. A stormwater pollution prevention plan (SWPPP) must be submitted meeting the requirements of the City's municipal separate storm sewer system permit and associated ordinances and the erosion and sediment control requirement as set forth in the MPCA construction stormwater general permit. A full copy of the SWPPP must be submitted to the City Engineer with the final construction plans for review and approval.

A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances.

UTILITIES

The existing site will be served by City water and sewer from services extended into the site from existing mains located in 17th Street SW and CSAH 45. Existing utilities have sufficient capacity to serve the proposed development.

All future buildings shall be charged the standard Sewer Access Charge (SAC) and Water Access Charge (WAC) in effect at the time of building permit issuance or as negotiated in the purchase and development agreement between the City and Developer. There are also sanitary sewer and water area charges applicable to the plat area in the amount of \$2,500/acre related to the extension of public utilities with CSAH 45 as part of the Divine Mercy Catholic Church subdivision and CSAH 45 utility extension project per the Divine Mercy Catholic Church Subdivision Agreement recorded as Doc. No. 593831. The area charges shall be paid to Divine Mercy as negotiated in the purchase and development agreement between the City and Developer.

WETLANDS

There are no wetlands shown on the preliminary plat. A Joint Application Form for Activities Affecting Water Resources in Minnesota and wetland delineation report was submitted to the Rice County Soil and Conservation District, the legal responsible governmental unit for the City, on May 18, 2022. On July, 26, 2022 a Notice of Decision was issued by Rice County SWCD concurring with the application that no wetlands exist within the plat area.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access.

RECOMMENDATION

Engineering recommends approval of the Preliminary Plat, Final Plat, Planned Unit Development & Rezoning, subject to the comments within this report and the following:

- Developer shall conform with the recommendations of the traffic study. Due to the limited time the City had to review the draft traffic study submitted. The City reserves the right to complete a thorough review of the traffic study including but not limited to having an independent review of said study or having traffic count estimates for traffic related to the middle school verified once school is again in session and to submit comments and requests for revisions to the traffic study engineer. Further recommended improvements may be required based on a final review of the traffic study.
- Developer shall comply with any Rice County Highway Department requirements regarding improvements to CSAH 45.
- Developer shall provide a sidewalk connection from the internal sidewalk network to the public sidewalk/trail system.
- Title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.

CITY OF FARIBAULT

RESOLUTION #2022-xxx

APPROVE THE PRELIMINARY PLAT AND THE FINAL PLAT OF FARIBAULT APARTMENTS

WHEREAS, Faribault Apartments, LLC (the "Applicant"), in consultation with the City of Faribault (the "Owner"), submitted applications for preliminary plat approval and final plat approval of FARIBAULT APARTMENTS legally described in Exhibit A and depicted in Exhibit B and Exhibit C of this resolution; and

WHEREAS, City Staff reviewed the Applicant's request for preliminary plat approval and final plat approval and made a report to the Faribault Planning Commission (see the City Engineer's memorandum in Exhibit D of this resolution); and

WHEREAS, the Planning Commission held a public hearing on August 1, 2022, to consider the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's requested preliminary plat based on the following findings as required by Section 15-130 of the City's Unified Development Ordinance:

- 1. The proposed preliminary plat conforms with the requirements of the Unified Development Ordinance, the applicable zoning district regulations, and any other applicable provisions of this Ordinance, subject only to acceptable rule exceptions.**

Expanded Finding: The proposed lots created by the preliminary plat of FARIBAULT APARTMENTS are consistent with the lot dimension requirements outlined in the City's Unified Development Ordinance for the zoning districts specified in Ordinance 2022-xx.

2. The proposed subdivision is consistent with the City's Land Use Plan and any other adopted land use studies.

Expanded Finding: The proposed preliminary plat of FARIBAULT APARTMENTS is consistent with the City's Journey to 2040 Comprehensive Plan, which guides the area in the plat for planned residential neighborhood use.

3. The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.

Expanded Finding: The preliminary plat of FARIBAULT APARTMENTS is well-conceived. The size and layout of the proposed parcels allow for logical development.

4. The spacing and design of proposed curb cuts and intersection locations are consistent with good traffic engineering design and public safety considerations.

Expanded Finding: The Applicant submitted a traffic study related to the proposed plat and development. The Applicant has agreed to make all road, sidewalk, and trail improvements as required by the City Engineer and/or County Engineer.

5. All submission requirements have been satisfied.

Expanded Finding: The preliminary plat of FARIBAULT APARTMENTS adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, the Planning Commission, following the August 1, 2022, public hearing, recommended that the Faribault City Council approve the requested final plat of FARIBAULT APARTMENTS based on the following findings as required by Section 15-210 of the City's Unified Development Ordinance:

1. The final plat substantially conforms to the approved preliminary plat.

Expanded Finding: The Applicant prepared the final plat concurrently with the preliminary plat. The final plat conforms to the preliminary plat.

2. The plat conforms to all applicable requirements of the Unified Development Ordinance, subject only to approved rule exceptions.

Expanded Finding: The final plat conforms to all applicable requirements of the City's Unified Development Ordinance.

3. All submission requirements have been satisfied.

Expanded Finding: The final plat adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, at a public meeting on _____, the City Council considered the Applicant's requests for preliminary plat and final plat approval and concurred with the recommendations and findings of the Planning Commission as stated in the above recitals and made the identical findings.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault as follows:

Section 1. Approval of the preliminary plat and the final plat. The City Council hereby approves the preliminary plat and the final plat of FARIBAULT APARTMENTS legally described in Exhibit A and depicted in Exhibit B of this resolution based on the written findings in this resolution and subject to the following conditions:

1. The City Council's approvals of the preliminary plat and final plat of FARIBAULT APARTMENTS are contingent on the City Attorney's plat opinion, review of title work, and any further requirements thereof.
2. The Applicant and the City must enter into a Developer's Platting Agreement to the satisfaction of the City Attorney and City Engineer before recording the FARIBAULT APARTMENTS plat with Rice County.
3. The Applicant must provide cash instead of parkland dedication per the provisions of the City's Unified Development Ordinance. The City may accept cash payment related to the phasing of the development. No building permit shall be issued until the

cash payment has been provided to the City for the proposed building permit.

4. The Applicant must address all plat-related comments described in the memo from Mark DuChene, City Engineer, dated _____, in Exhibit D of this resolution.
5. The Applicant must record the final plat with the Rice County Recorder's Office within twelve (12) months following City Council approval, or the City Council will automatically, without further action, deem the plat null and void unless the City Council extends the deadline to record the final plat.
6. The Applicant must provide the City Engineer with a signed mylar copy of the final plat as soon as possible after all signatures have been obtained and after the final plat has been successfully recorded at Rice County.
7. The Applicant must provide the City Engineer with the final plat in a digital format suitable to the City Engineer as soon as possible after the Applicant has successfully recorded the final plat at Rice County.

Section 2. Findings and incorporation of recitals and exhibits. The recitals and exhibits incorporated in this resolution constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 3. Authorization to take additional steps. The City Council hereby authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 4. Authorization to execute documents. The City Council hereby authorizes and directs the Mayor and the City Administrator to take all necessary actions and execute all appropriate documents to effectuate the approvals contemplated by this resolution.

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

Date Adopted: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A: Legal Description

The East 720.00 feet of the North Quarter (N 1/4) of the Northwest Quarter (NW 1/4) of Section 7, Township 109, Range 20, Rice County, Minnesota.

[illegible]

OFFICIAL PLAT

FARIBAULT APARTMENTS



Exhibit D: Memo to David Wanberg, City Planner, from Mark DuChene, City Engineer, dated July 29, 2022



Engineering Department Memorandum

TO: Dave Wanberg, City Planner

CC: Deanna Kuennen, Comm. and Econ. Development Director
Travis Block, Public Works Director
Jeanne Day, Finance Director

FROM: Mark DuChene, City Engineer

DATE: July 29, 2022

SUBJECT: Faribault Apartments Preliminary Plat, Final Plat, Planned Unit Development & Rezoning

BACKGROUND

The City of Faribault (Owner), in conjunction with Chet Funk on behalf of Faribault Apartments, LLC, the Developer, has submitted a preliminary plat, final plat, planned unit development and rezoning applications for Faribault Apartments. The site is located in the NW ¼ of Section 7 Township 109, Range 20W whose parent parcels are a metes and bounds parcel. The site is adjacent to CSAH 45 (Albers Avenue) to the east, agricultural property to the south, parkland (Faribault Soccer Complex) to the west and 17th Street NW to the north.

The proposed subdivision is located on land that is currently zoned TUD Transitional Urban Development. It is proposed to rezone the proposed plat area to R-4 High Density Residential. The proposed improvements include the construction of phased construction of three (3) multi-story apartment buildings with onsite parking and stormwater management facilities.

There are no proposed public improvements.

The proposed development will be completed by:

Owner:	City of Faribault
Developer:	Faribault Apartments, LLC
Surveyor:	Jones Haugh Smith Engineers & Surveyors
Engineer:	MBN Engineering

PLANNED UNIT DEVELOPEMENT (PUD) & REZONING

The Developer has submitted an application to rezone the property from Transitional Urban Development (TUD) to High Density Residential (R-4) and also to establish a planned unit development overlay district. The proposed zoning request is in conformance with the City's Journey to 2040 Comprehensive Plan. The PUD is to establish deviations from the required

City code sections regarding interior setbacks for parking and drive aisles and shared access and common development amenities such as playgrounds, pet areas and stormwater management.

PLAT

Developer has submitted a preliminary and final plat for FARIBAULT APARTMENTS. The preliminary and final plat contains three (3) lots for high density residential development.

The areas within the plat include:

Lot 1, Block 1	3.70 acres (161,452 sf)
Lot 2, Block 1	2.01 acres (87,502 sf)
Lot 3, Block 1	3.36 acres (146,391 sf)
ROW	1.85 acres (80,380 sf)
Total	10.93 acres (475,725 sf)

Current title work has been submitted with the final plat application and will be subject to the review of the City and City Attorney's office.

At the time of final plat, the Developer agrees to provide sufficient permanent property monumentation per the development agreement and shall submit to the City written verification by a registered land surveyor licensed in the State of Minnesota.

SITE CONDITIONS

The existing site contains approximately 9.08 acres of land that that is undeveloped and was the site of a former single-family farmstead. The site has a rolling topography and drainage is generally split to flow to the existing non-jurisdictional channel that cuts across the southwest portion of the site which discharges to the public storm sewer system within 17th Street SW.

EASEMENTS

Existing Easements

The following easements are listed on the title commitment and should be shown on the proposed plats to determine if they have any impact on the proposed improvements or should be vacated.

- Book 150 of Deeds, Page 145 for highway easement in favor of State of Minnesota
- Book 27 of M.R., Page 576 for highway purposes in favor of Rice County
- Book 43 of M.R., Page 490 for highway purposes in favor of Rice County

Proposed Easements

The proposed plat shows perimeter drainage and utility easements as required by City code. A twenty (20) foot drainage easement is also shown to encompass the proposed realigned drainage way. Final easement location and sizes shall be subject to review and approval of the City Engineer.

STREET AND SITE LAYOUT

Due to the proposed rezoning of the plat area from TUD to R-4, the Developer hired a consulting firm to conduct a traffic study to evaluate the impacts of the proposed development on adjacent roadways and nearby intersections. Per the draft report of the traffic study the adjacent streets and intersections operate at an acceptable level of service in both the existing and forecasted scenarios according to industry accepted standards.

The proposed site layout meets the City code regarding parking space dimensions and access drive widths and provides acceptable site circulation. A detailed phasing plan shall be required as part of the building permitting process.

17th Street SW

The site is south of and adjacent to 17th Street SW a minor collector roadway. 17th Street SW is a 48-foot wide, urban roadway and is within a 130 to 140-foot right-of-way with a sidewalk on the north side. One (1) new driveway access to 17th Street SW is proposed near the northwest corner of the plat. The proposed driveway is approximately 525 ft from the intersection of CSAH 45/Willow Street and 400+ ft from the nearest driveway entrance to the Faribault Middle School on the north side of 17th Street SW. 17th Street SW should be marked "No Parking" from the 50 feet west of the proposed driveway location to the intersection of Willow Street on the south side of 17th Street SW to preserve site lines for the proposed driveway. The proposed driveway locations meet City standards for spacing.

CSAH 45 (Albers Avenue)

The site is west of and adjacent to CSAH 45 a major collector under the jurisdiction of Rice County. CSAH 45 is constructed as a 44-foot wide, two-lane urban roadway with turn lanes and is within a 100 to 125-foot right-of-way with a bituminous trail on the east side. One (1) new driveway access to CSAH 45 is proposed near the southeast corner of the plat. The proposed driveway is approximately 420 ft from the intersection of 17th Street SW and lines up with Allen Path on the east side of CSAH 45. The proposed driveway locations meet City standards for spacing; however, driveway access to CSAH 45 is subject to the review and approval of Rice County. Consideration as per the traffic study to adding a northbound left turn lane on CSAH 45 into the proposed development driveway across from Allen Path should be considered and discussed with Rice County.

PARKS, TRAILS & SIDEWALKS

Developer shall be responsible for paying cash in lieu of parkland dedication as agreed upon per the terms of the purchase and development agreement negotiated between the City and Developer. Developer should install a sidewalk connection from the internal sidewalks within the plat to connect to the public sidewalk/trail on the adjacent public streets as recommended by the traffic study.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The development is located within the Straight River (M-048-026) district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site is proposed to be routed through a new on-site stormwater treatment basin and then routed to the existing channel and then to the public storm sewer system in 17th Street SW. Runoff is ultimately discharged to the Straight River to the east.

Proposed storm sewer improvements must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Storm sewer systems must be designed to limit the post construction rate of runoff from the 2, 10 & 100 yr. 24-hour storm events to less than or equal to existing conditions. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

The proposed site improvements include the addition of an estimated 4.28 acres of new and/or reconstructed impervious surface. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans. The Developer has submitted a Stormwater Management Plan and is proposing to construct a new stormwater treatment basin(s) onsite. The storm water basin is proposed to then discharge the City storm sewer system within Mercy Drive.

The proposed stormwater basin(s) will be a private basin and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

A City grading permit and a National Pollution Discharge Elimination System Construction Stormwater General Permit for construction activity is required by the Minnesota Pollution Control Agency (MPCA) for areas exceeding one acre being disturbed by grading. A copy of the Notice of Stormwater Permit Coverage must be submitted to the City upon receipt from the MPCA. A stormwater pollution prevention plan (SWPPP) must be submitted meeting the requirements of the City's municipal separate storm sewer system permit and associated ordinances and the erosion and sediment control requirement as set forth in the MPCA construction stormwater general permit. A full copy of the SWPPP must be submitted to the City Engineer with the final construction plans for review and approval.

A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances.

UTILITIES

The existing site will be served by City water and sewer from services extended into the site from existing mains located in 17th Street SW and CSAH 45. Existing utilities have sufficient capacity to serve the proposed development.

All future buildings shall be charged the standard Sewer Access Charge (SAC) and Water Access Charge (WAC) in effect at the time of building permit issuance or as negotiated in the purchase and development agreement between the City and Developer. There are also sanitary sewer and water area charges applicable to the plat area in the amount of \$2,500/acre related to the extension of public utilities with CSAH 45 as part of the Divine Mercy Catholic Church subdivision and CSAH 45 utility extension project per the Divine Mercy Catholic Church Subdivision Agreement recorded as Doc. No. 593831. The area charges shall be paid to Divine Mercy as negotiated in the purchase and development agreement between the City and Developer.

WETLANDS

There are no wetlands shown on the preliminary plat. A Joint Application Form for Activities Affecting Water Resources in Minnesota and wetland delineation report was submitted to the Rice County Soil and Conservation District, the legal responsible governmental unit for the City, on May 18, 2022. On July, 26, 2022 a Notice of Decision was issued by Rice County SWCD concurring with the application that no wetlands exist within the plat area.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access.

RECOMMENDATION

Engineering recommends approval of the Preliminary Plat, Final Plat, Planned Unit Development & Rezoning, subject to the comments within this report and the following:

- Developer shall conform with the recommendations of the traffic study. Due to the limited time the City had to review the draft traffic study submitted. The City reserves the right to complete a thorough review of the traffic study including but not limited to having an independent review of said study or having traffic count estimates for traffic related to the middle school verified once school is again in session and to submit comments and requests for revisions to the traffic study engineer. Further recommended improvements may be required based on a final review of the traffic study.
- Developer shall comply with any Rice County Highway Department requirements regarding improvements to CSAH 45.
- Developer shall provide a sidewalk connection from the internal sidewalk network to the public sidewalk/trail system.
- Title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.

(Above Space Reserved for Recording)

*State of Minnesota
County of Rice*

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

**REZONE PROPERTY IN THE FARIBAULT APPARTMENTS PLAT FROM TUD,
TRANSITIONAL URBAN DEVELOPMENT TO R-4, HIGH-DENSITY RESIDENTIAL, AND
PUD OVERLAY ZONING DISTRICT #2022-xx**

WHEREAS, Faribault Apartments, LLC (the "Applicant"), in consultation with the City of Faribault (the current fee owner of a parcel of land at the southwest corner of 17th Street SW and Albers Avenue/CSAH 45), requested approval to rezone the said parcel from TUD, Transitional Urban Development, to R-4, High-Density Residential, and Planned Unit Development (PUD) Overlay Zoning District #2022-xx; and

WHEREAS, the Applicant intends to plat the parcel described in the first recital as FARIBAULT APARTMENTS (the "Property," legally described in Exhibit A) as approved by City Council Resolution 2022-xxx; and

WHEREAS, the proposed rezoning is intended to facilitate the construction of three apartment buildings with coordinated building design, parking, circulation, signage, stormwater management, and other site features that contribute to an integrated development and benefit the community; and

WHEREAS, City Staff reviewed the application and made a report to the Planning Commission; and

WHEREAS, the Planning Commission, on August 1, 2022, following proper notice, held a public hearing regarding the Applicant's requests; and

WHEREAS, based on a review of the City Staff report and the results of the public hearing, the Planning Commission recommended approval of the Applicant's request to rezone the Property to R-4, High-Density Residential, and PUD Overlay Zoning District #2022-xx, per the following findings 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 City's Journey to 2040 Comprehensive Plan guides the subject property for planned residential neighborhood use. The proposed R-4, High-Density Residential, and PUD Overlay Zoning District #2022-xx allow residential uses consistent with the City's 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: The proposed R-4, High-Density Residential, and PUD Overlay Zoning District #2022-xx benefit the public by providing a planned and appropriate area for high-density residential that strengthens Faribault's housing stock. The City proactively marketed the Property for future housing, including high-density, multi-family residential uses to address the City's housing needs.

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 Property is in the TUD, Transitional Urban Development district, which is a holding district that allows limited uses until the Property is ready to be rezoned and developed. The City's Journey to 2040 Comprehensive Plan guides the undeveloped Property for planned residential neighborhood, which can include high-density residential uses. The existing collector roads that serve the Property can accommodate the proposed residential use. The proposed high-

density residential development would not connect directly to the adjacent low-density development to the east.

- 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 TUD, Transitional Urban Development district serves as a holding district until the Property is ready to be developed or rezoned. The City's Journey to 2040 Comprehensive Plan guides the Property for a planned residential neighborhood - it does not envision leaving the Property undeveloped. The proposed high-density residential use would be a reasonable use of the Property, given its location at the intersection of two collector roads.

- 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: There is a strong need for additional housing in Faribault. The City marketed the Property, in part, to promote additional housing development in Faribault. The Applicant's rezoning request responds to the City's need for additional multi-family residential development.

WHEREAS, based on a review of the City Staff report and the results of the public hearing, the Planning Commission also found that the establishment of PUD Overlay Zoning District #2022-xx is appropriate with the following findings outlined in Section 14-20 of the City's Unified Development Ordinance:

- 1. Objective: Accommodation of the growing demand for housing of all types.**

Finding: PUD Overlay Zoning District #2022-xx provides for the construction of market-rate apartments that will help meet the community's housing needs.

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

Finding: PUD Overlay Zoning District #2022-xx provides an integrated development that allows coordinated parking, circulation, signage, and amenities, which benefits the residents of the development and the community.

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

Finding: PUD Overlay Zoning District #2022-xx coordinates architectural styles and building forms in a manner that is compatible with the interrelated uses in the district and the surrounding neighborhood.

WHEREAS, based upon the City Planner's report to the Planning Commission, the public hearing, and the discussion of the Planning Commission, the Planning Commission also recommended approval of the Development Plan for PUD Overlay Zoning District #2022-xx based on 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 Applicant intends to maintain control of the Property, including maintenance and upkeep.

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 Applicant prepared a traffic study that concludes the proposed high-density residential development would not create congestion or traffic safety concerns. The Applicant agrees to comply with the City Engineer's and County Engineer's recommendations as needed to address any of their traffic and circulation concerns.

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

Expanded Finding 3: The Development Plan provides adequate open space that includes a pet area and playground.

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 proposed apartment buildings face north and south. The Property is separated from the adjacent low-density residential neighborhood to the east by a 100-foot right-of-way and a proposed landscape buffer, which provides adequate separation.

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

Expanded Finding 5: The architectural design related to the Development Plan is consistent with the City's Unified Development Ordinance and is compatible with the existing surrounding uses.

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 Applicant proposes constructing the north building during Phase 1 of the development. The Applicant will construct the central and south buildings consistent with the community's housing demand.

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 Land Use Plan guides the subject property for planned residential neighborhood, which may include high-density residential uses given that the Property is adjacent to collector roads; and

WHEREAS, the City Council conducted the first reading of this ordinance on _____ and the second reading of this ordinance on _____; and

WHEREAS, based on City Staff's report, the results of the public hearing, and the written findings and recommendation of the Planning Commission, the City Council concurred with the findings of the Planning Commission as stated in the above recitals and made identical findings.

NOW, THEREFORE, THE CITY OF FARIBAUT ORDAINS:

Section 1. Findings. The recitals and exhibits in this ordinance are incorporated into this ordinance, and, where applicable, constitute the City Council's findings.

Section 2. Rezoning the Property to R-4, High-Density Residential and PUD Overlay Zoning District #2022-xx. The Property is rezoned to R-4, High-Density Residential, and PUD Overlay Zoning District #2022-xx, which provides as follows:

PUD Overlay Zoning District #2022-xx

A. Intent. The intent of the PUD Overlay District #2022-xx is as follows:

1. Facilitate the development of multi-family housing that meets the community's needs for housing.
2. Integrate housing and open space in the development to strengthen the relationship between the proposed apartment buildings and develop a strong neighborhood.
3. Coordinate parking, circulation, stormwater management, signage, architecture, open space/recreation, and other related features in the district.
4. Provide for the efficient provision of public utilities and services.

5. Facilitate the development of a vacant and underutilized parcel.

B. Underlying District. The R-4, High-Density Residential Zoning District underlies the PUD Overlay Zoning District #2022-xx as approved by this ordinance.

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

1. All uses permitted in the underlying R-4, High-Density Residential Zoning District;
2. Other uses not specifically listed in this ordinance, but for which the City's Development Review Committee has determined that the uses are consistent with the intent of the permitted uses in the PUD Overlay Zoning District #2022-xx.

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

1. All conditional uses in the R-4, High-Density Residential Zoning District; and
2. Other uses not specifically listed in this ordinance, but for which the City's Development Review Committee has determined that the uses are consistent with the intent for conditional uses in the PUD Overlay Zoning District #2022-xx.

E. Accessory Uses and Standards. Accessory uses in the PUD Overlay Zoning District #2022-xx shall be consistent with the accessory uses and standards specified in the City's Unified Development Ordinance for the underlying R-4, High-Density Residential District. The City's Development Review Committee may waive certain accessory uses and standards if the Committee finds that the proposed accessory uses are consistent with the intent of the PUD Overlay Zoning District #2022-xx.

F. Setback Requirements for Principal Buildings. Setbacks for principal buildings shall be consistent with the setbacks requirements of the underlying R-4, High-Density Residential Zoning District.

- G. Principal Building Height.** The height of principal buildings in PUD Overlay Zoning District #2022-xx shall be consistent with the height requirements of principal buildings in the underlying R-4, High-Density Residential Zoning District.
- H. Density.** The density of housing in PUD Overlay Zoning District #2022-xx must be consistent with the City's Unified Development Ordinance related to the underlying R-4, High-Density Residential District and the density bonus allowed through the provisions of the PUD for the proposed playground and pet area amenities.
- I. Architecture.** The architectural design of structures in the PUD Overlay Zoning District #2022-xx shall be consistent with the provisions of the City's Unified Development Ordinance. The architecture must be substantially similar to the designs included in the Development Plan, as shown in Exhibit B of this ordinance. The architectural design of structures shall be compatible with each other and the surrounding residential neighborhood as determined by the City's Development Review Committee.
- J. Access, Parking, and Circulation.** Access, parking, and circulation associated with PUD Overlay Zoning District #2022-xx shall be substantially consistent with the Development Plan shown in Exhibit B of this Resolution, except as may be modified as follows:
1. The development must provide road, trail, and sidewalk improvements internal to the site and in the adjacent right-of-way as directed by the City Engineer and/or County Engineer.
 2. The development must provide sufficient onsite parking (and/or proof of parking) consistent with the parking standards outlined in the City's Unified Development Ordinance.
 3. A shared parking and cross-access agreement, approved by the City Attorney, shall be established between the platted lots in the development.
 4. No intensification of use in the PUD Overlay Zoning District #2022-xx 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 in the Development Plan shown in Exhibit B of this Ordinance.

5. 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 spaces returned to a usable condition.
6. Accessible parking spaces shall be provided at a ratio consistent with the Americans with Disabilities Act and the Minnesota Accessibility Code for the uses in the PUD Overlay Zoning District #2022-xx.
7. Underground or covered parking is encouraged in the district and may be approved at the discretion of the City's Development Review Committee. However, underground or covered parking shall not be required.
8. Electric vehicle charging stations are encourage in the district and may be approved at the discretion of the City's Development Review Committee.
9. Pedestrian walks shall be substantially consistent with Development Plan and shall be consistent with the standards of the Americans with Disabilities Act.

K. Landscaping and Screening. At a minimum, landscaping and screening in the PUD Overlay Zoning District #2022-xx shall be consistent with the applicable standards of the City's Unified Development Ordinance. The City's Development Review Committee may require additional landscaping as needed to provide a sufficient landscape buffer between the development and surrounding uses.

L. Open Space. The PUD Overlay Zoning District #2022-xx must provide open space in substantial conformance with the Development Plan shown in Exhibit B.

M. Lighting. Exterior lighting in PUD Overlay Zoning District #2022-xx must be consistent with the City's Unified Development Ordinance and

must require site plan approval by the City's Development Review Committee.

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

1. The Comprehensive Sign Plan must be approved by the City Planner or other Authorized Agent of the City.
2. All signs must be substantially consistent with the general sign provisions specified in Chapter 9, Article 1, and Section 9-120 Residential Districts of the City's Unified Development Ordinance.
3. The City Planner or other Authorized Agent of the City will 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-xx and is in the best interest of the community.
4. Signage identifying the building addresses must be approved by the Faribault Fire Chief.
5. No signage will be allowed in an easement without an appropriate Agreement between the Owner and the City to the satisfaction of the City Attorney.

O. Phasing. Development in the PUD Overlay Zoning District #2022-xx may be phased as per the provisions of the City's Unified Development Ordinance and as follows:

1. The Owner shall enter into a Development Agreement with the City that specifies the terms and conditions of the phasing of the development.
2. Construction related to infrastructure and the north building is intended to be developed in 2022-2023. Development related to the central and south buildings may occur as market conditions permit. Unless waived by the City's

Development Review Committee, the playground and pet area must be constructed before the second building may be occupied.

3. Complete perimeter landscaping adjacent to Willow Street and Albers Avenue/CSAH 45 must be installed before issuance of a certificate of occupancy for the north building in the development.
4. Should significant delays in the development of PUD Overlay Zoning District #2022-xx occur, the City's Development Review Committee may require that the Owner amend the PUD through appropriate means to address applicable conditions and regulations.

P. Other Required Standards. Development in PUD Overlay Zoning District #2022-xx must 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.

Q. Conformance with the Approved Development Plan for PUD Overlay Zoning District #2022-xx. Development in PUD Overlay Zoning District #2022-xx shall be in substantial conformance with the approved Development Plan shown in Exhibit B or as amended in accordance with the City's Unified Development Ordinance. However, at the discretion of the City's Development Review Committee or other Authorized Agent of the City, development can deviate from the approved Development Plan if the deviation is consistent with the intent of PUD Overlay Zoning District #2022-xx. If required by the City's Development Review Committee, deviation from the approved Development Plan shall require an amendment to this Ordinance.

R. Development Agreement. Before any significant development (as determined by the City's Development Review Committee) can occur in PUD Overlay District #2022-xx, the Developer and City shall enter into a Development Agreement and any other applicable agreements that specify the terms and conditions of future development on the Property.

Section 3. Rezoning the Property to R-4, High-Density Residential and PUD Overlay Zoning District #2022-xx.

1. The Property legally described in Exhibit A and graphically depicted in Exhibit B are hereby rezoned to R-4, High-Density Residential, and PUD Overlay Zoning District #2022-xx.
2. The Official Zoning Map of the City of Faribault shall not be required to be republished to show the rezoning. However, the City Planner shall appropriately mark the Official Zoning Map on file with the City Planner to indicate the rezoning.

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

1. Approval of the Development Plan authorizes the Owner to proceed with requesting Site Plan approval from the City's Development Review Committee for the proposed work in the district.
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.

Section 5. Authorization to Execute Agreements. The Mayor and City Administrator are authorized and directed to execute and deliver any required additional agreements, certificates, or other documents the City Attorney determines necessary to implement this ordinance.

Section 6. Authorization to take Additional Steps. City Staff, City Consultants, and the City Attorney are authorized and directed to take any additional steps and actions necessary or convenient to accomplish the intent of this ordinance.

Section 7. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter and the successful recording of the FARIBAULT APARTMENTS plat and related documents with Rice County. If the plat and related documents are not recorded within one year of the City Council's approval of this ordinance, the ordinance shall automatically be null and void

Public Hearing: August 1, 2022

First Reading: _____

Second Reading: _____

Published: _____

Faribault City Council

Kevin F. Voracek, Mayor

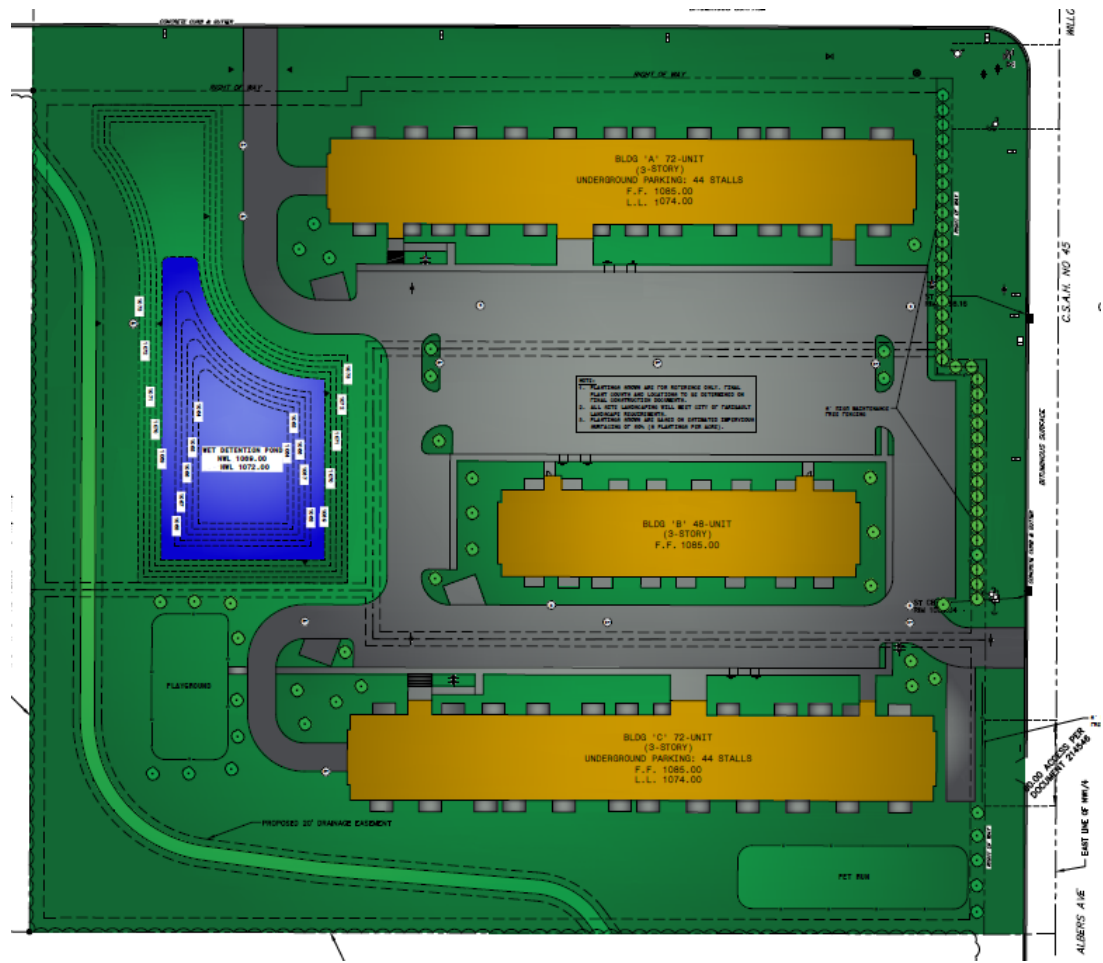
ATTEST:

Timothy C. Murray, City Administrator

**EXHIBIT A: LEGAL DESCRIPTION OF PROPERTY IN PUD OVERLAY
ZONING DISTRICT #2022-XX**

Lots 1-3, Block 1, FARIBAULT APARTMENTS

**EXHIBIT B: PERTINENT EXCERPTS OF DEVELOPMENT PLAN FOR PUD
OVERLAY ZONING DISTRICT #2022-XX**



WRITTEN PUBLIC COMMENTS RECEIVED BEFORE AUGUST 1, 2022

July 23, 2022

Hello Neighbor;

You may or may not be aware that the City Council is planning to vote soon on developing the area on Willow where it intersects Allen Path (west side of Willow where the old white farm house used to be). Their current plan is for high-density apartments. High-density apartments at that site doesn't fit in with the look and feel of our neighborhood.

The first step in the approval process is a public hearing at the Planning Commission, 6pm on Monday, August 1st at the Faribault City Hall (208 First Avenue NW).

Please plan to attend so you can be part of the discussion.

One option is to ask the City to delay any development on the site for a period of time. This property may be better suited for a mixed use as part of a future expansion of the soccer fields; with a portion made available for continuation of the community vegetable gardens which were planted in 2021; some housing; just not at the density level in the current proposal and any remaining space could be a park area.

**6:00pm on Monday, August 1st
at Faribault City Hall, 208 First Avenue NW**

If you don't want to see high-density apartments in our neighborhood, attend this August 1st meeting and make your voice heard!

Karen Lewis
1709 Sunbird Drive
Faribault

My name is Bruce Sanborn. Along with my wife Doreen, I own the property located at [1645 Willow St. in Faribault, MN.](#)

I recently received the Notice of Public Hearing related to the property located at the southwest corner of 17th Street SW and Willow Street.

I am voicing my feelings against the rezoning of this property.

The proposed R-4, High-Density Residential zoning does not fit with the current single family residential properties in the area. A multi-family residential development is contrary to the current property usage in the area.

The proposed development will likely cause dramatic changes to the quiet residential atmosphere of the area. I perceive those changes as negative to myself and my neighbors.

In summary, I am against the rezoning of the listed property and against the development of a multi-family residential development on that property.

Thank you for considering my input on the proposal.



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: August 1, 2022
SUBJECT: Applications related to the Platting and Redevelopment of Property at 818 4th Street NW (the Former Farmer Seed and Nursery Site) to Accommodate a Indoor Storage Facility and a Proposed Four-Story, 54-Unit Apartment Building

Background:

KK&G Properties (the "Applicant") has been consulting with the City over the past year to redevelop the former Farmer Seed and Nursery site at 818 4th Street NW. The Applicant has received the required approvals to demolish several buildings on the site due to safety and other concerns. The Applicant's redevelopment plans include an indoor storage facility and a four-story, 54-unit apartment building. Refer to the attached reports for additional information.

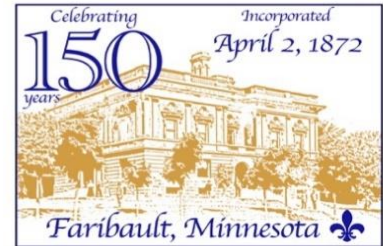
Recommendation:

Recommend that the City Council approve the resolutions and ordinances associated with the applicant's requests. The City Planner will distribute written findings and/or resolutions and ordinances at the August 1 public hearing.

Attachments:

1. Public Hearing Report
2. Resolution 2022-xxx Approve the Preliminary Plat and the Final Plat of MIDWEST FIRST SUBDIVISION

3. Resolution 2022-xxx Approve CUP for a Proposed Multi Family Residential Development on Lot 2, Block 1. MIDWEST FIRST SUBDIVISION
4. 2022-xxx Approve Setback Variances for a Proposed Apartment Building in the MIDWEST FIRST SUBDIVISION Plat
5. 2022-xx Rezone Property in the MIDWEST FIRST SUBDIVISION to include a PUD Overlay
6. Written Comments regarding the Proposed MIDWEST FIRST SUBDIVISION



Public Hearing Staff Report

TO: Planning Commission
FROM: David Wanberg, City Planner
MEETING DATE: August 1, 2022
SUBJECT: Applications related to Platting and Redevelopment of Property at 818 4th Street NW (the Former Farmer Seed and Nursery Site)

BACKGROUND AND REQUESTS

The former Farmer Seed and Nursery business at 818 4th Street NW ceased operations several years ago. KK&G Properties, LLC (the "Applicant") acquired the property (the "Property") in 2021, intending to convert the existing structures on the site into indoor storage units. However, after conducting a structural and architectural analysis of the Property, the Applicant concluded that it was not feasible to re-use the oldest structures. After gathering input from City Council, Planning Commission, and Heritage Preservation Commission work sessions, the Applicant applied for, and the City approved, a demolition permit for the Property's oldest buildings. However, all parties acknowledge that the former Farmer Seed and Nursery development served as an iconic feature of Faribault and that redevelopment of the Property should pay homage to the former use as feasible. The Applicant now requests the following:

1. Preliminary and final plat approval to subdivide the Property into two lots;
2. A conditional use permit to allow proposed buildings to exceed three stories or 42 feet in height;
3. A conditional use permit to allow a proposed standalone residential building in the C-2, Highway Commercial District;
4. A variance from the required building setbacks at the periphery of the Property; and

5. Rezoning the Property to include a planned unit development (PUD) overlay district that allows a proposed indoor storage facility on one lot and a proposed four-story multi-family residential building on the other lot, with shared parking, stormwater management, and other facilities;

OVERVIEW OF THE SUBJECT PROPERTY AND SURROUNDING AREA

The Property is at the northwest corner of 4th Street NW and 8th Avenue NW. Existing uses to the Property's north, east, and south include a mix of industrial, commercial, and residential uses; a railroad is directly east of the Property (see [Figure 1](#)).



Figure 1: Aerial Photograph of the Subject Property and Surrounding Area

The City's Journey to 2040 Comprehensive Plan guides the Property and the area north of 4th Street NW and south of 5th Street NW for "commercial/residential mixed use." The proposed indoor storage and multi-family residential uses are consistent with the Comprehensive Plan. The City's official zoning map zones the Property for C-2, Highway Commercial, which

allows the proposed indoor storage use as an outright permitted use and the proposed standalone apartment building as a conditional use. Therefore, the Applicant's proposed uses are consistent with the zoning uses outlined in the City's Unified Development Ordinance (UDO). The surrounding properties include a mix of I-1, Light Industrial; C-2, Highway Commercial; and R-3, Medium-Density Residential zoning.

PREVIOUSLY APPROVED ABATEMENT AND DEMOLITION

As noted earlier, the Applicant conducted a thorough analysis of the Property's existing structures and determined that several structures were in poor condition. The Applicant explored opportunities to correct the deficiencies but concluded that the only feasible solution was to demolish the structures. The City approved the demolition of the buildings shown in Figure 2. The demolition work is expected to be completed this summer.

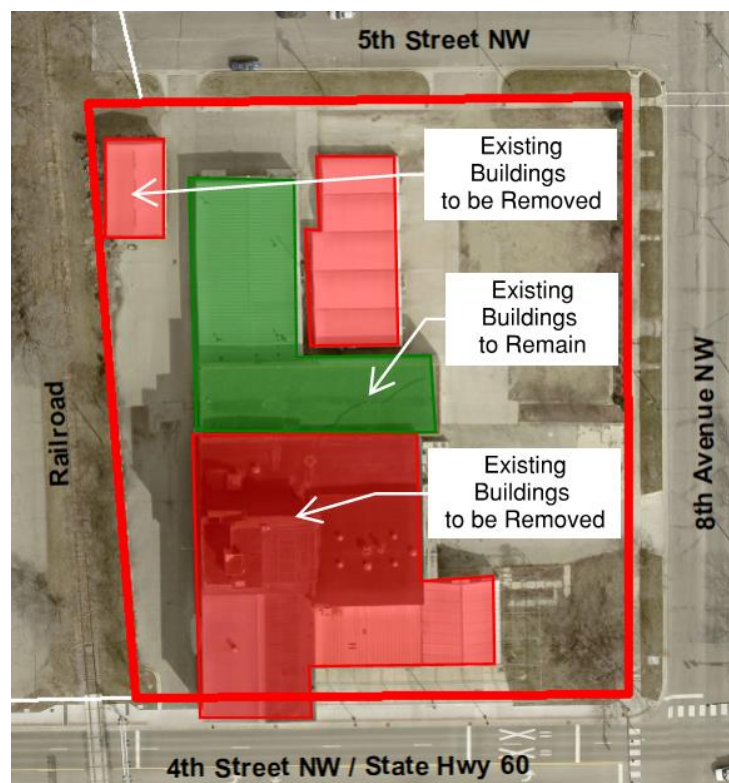


Figure 2: City-Approved Building Demolition

The Applicant's analysis also found hazardous materials and contaminants in some buildings and soils. The City requested and received matching grants to assist in demolishing the unsafe structures and abating the hazardous materials, and the Applicant will provide the required match for the grant. Again, the demolition and the abatement are already approved.

PROPOSED PRELIMINARY PLAT AND FINAL PLAT

The Applicant proposes to plat the Property as MIDWEST FIRST SUBDIVISION (see [Figure 3](#)). Lot 1, Block 1 will accommodate the proposed indoor storage facilities, and Lot 2, Block 1 will accommodate the proposed apartment building. The lots will share parking, circulation, and stormwater management facilities. The following provides an overview of the plat. Refer to the attached report from the City Engineer for additional information.

1. Lot Shape, Area, and Width. The proposed lots have unconventional shapes to accommodate the proposed buildings and parking. While lots should generally have a rectangular shape, the City's UDO does not prohibit unconventional lot shapes. The proposed lots are consistent with the lot area and width requirements for property in the C-2, Highway Commercial District. Lot 1 has only 35 feet of width at 4th Street NW, but it meets the width requirement along 5th Street NW.

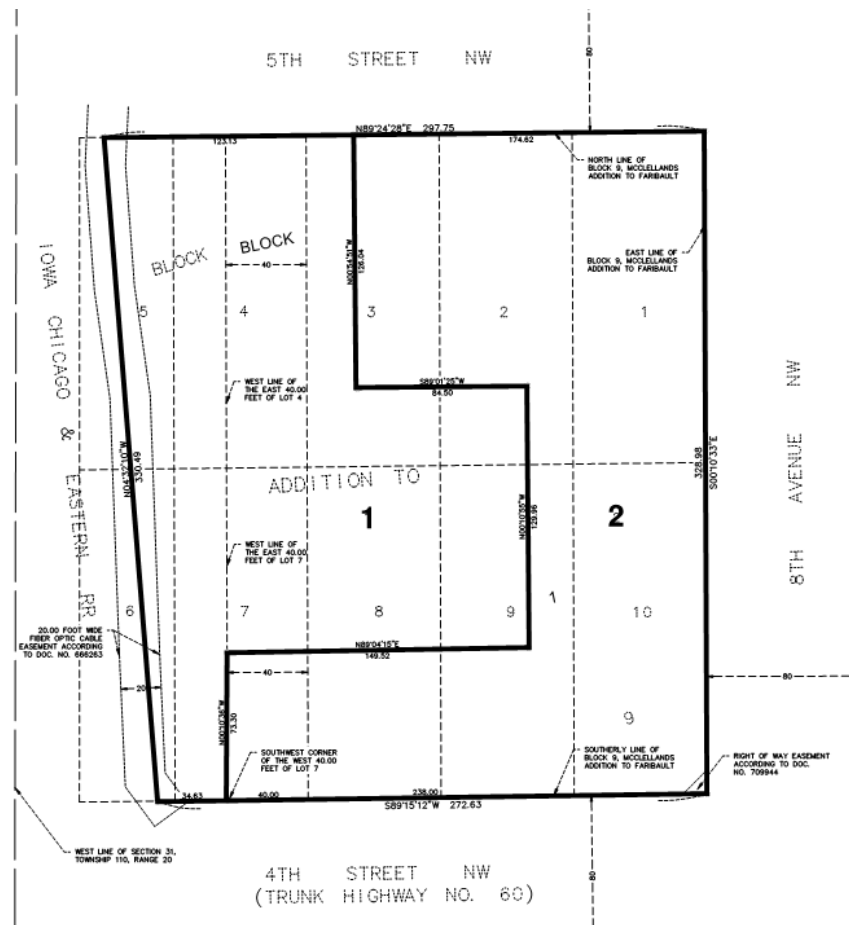


Figure 3: Proposed MIDWEST FIRST SUBDIVISION Plat

2. Drainage and Utility Easements. The Applicant's plat submittal does not include the required drainage and utility easements. However, the Applicant will work with the City Engineer to provide the required easements in the plat.
3. Access and Curb Cuts. The Minnesota Department of Transportation (MnDOT) has jurisdiction over 4th Street NW/State Highway 60 adjacent to the plat's south property line. Currently, the Property has one access at the site's southwest corner. Any modification to the existing access requires approval by MnDOT.

The proposed plat also includes access on 8th Avenue NW and 5th Street NW – the City has jurisdiction over both roads. The proposed 8th Avenue NW access aligns with the site's existing access. While acceptable, this access should ideally allow for additional vehicle stacking distance between 5th Street NW and 4th Street NW by aligning with the existing access that serves the NAPA site to the east. However, shifting the 8th Avenue NW access to the north of the proposed location is not practical given the proposed development.

Two existing accesses from 5th Street NW serve the Property. The Applicant proposes to shift the existing east access to the west, thereby centering the access on the side property line of the residences to the north, which should minimize potential vehicle headlight concerns. The existing west access is roughly 18 feet wide, which does not account for two-way traffic. The Applicant and City Engineer will consult on the required width of the west access on 5th Street NW. See the attached City Engineer's report for additional information.

4. Cash Instead of Parkland Dedication. The proposed indoor storage facility will replace the former Farmer Seed and Nursery use. Consequently, no parkland (nor cash instead of parkland) will be required for the portion of the proposed plat related to the indoor storage use. However, the proposed 54-unit apartment building requires parkland dedication (or cash instead of parkland) per the following formula outlined in the City's UDO:

- Units 1-20: 20 units x \$500\$10,000
- Units 21-50: 30 units x \$400.....\$12,000
- Units 51-54: 4 units x \$300 \$1,200
- Total park fees due before recording the plat:\$23,200

Potentially, the Council could allow the park fee to be paid at or before the issuance of a building permit, rather than before recording the plat. Additional information regarding the proposed open space is discussed later in this report.

CONDITIONAL USE PERMITS FOR A PROPOSED MULTI-FAMILY RESIDENTIAL BUILDING ON LOT 2, BLOCK 1, OF THE PROPOSED PLAT

The Applicant proposes to develop a four-story, 54-unit, market-rate apartment building on Lot 2, Block 1, of the proposed plat (see [Figure 4](#) and [Figure 5](#)). The Applicant requests a conditional use permit (CUP) to allow the following in the C-2, Highway Commercial zoning district:

1. The proposed multi-family residential building to function as a standalone residential use (without a commercial use on the ground floor); and
2. The proposed multi-family residential building to exceed three stories or 42 feet in height.

Because of the challenges associated with the redevelopment of the Property, the Applicant feels the proposed apartments are a necessary part of the proposed redevelopment and that the apartments would complement the proposed indoor storage facility. In part because of the parking need, it is unrealistic to require commercial uses on the first floor of an apartment building in this location. There are multiple examples of standalone apartments in Faribault's commercial districts.

The proposed apartment building is a four-story, 47-foot high building. The maximum height of a structure allowed in the C-2, Highway Commercial District, without a conditional use permit, is three stories or 42 feet. Consequently, the proposed apartment building requires a conditional use permit. No other proposed buildings (or existing buildings to remain) on the Property require a conditional use permit for height. The Applicant is removing the existing 80-foot high "tower" associated with the former Farmer Seed and Nursery development.

The proposed apartment building would be the tallest structure in the area, given the pending removal of the former Farmer Seed and Nursery tower. The apartment building's height would likely have the greatest impact on the seven single-family residential properties within roughly 200 feet of the building. However, the City's UDO outright allows a three-story, 42-foot high building

on the Property, and one could conclude that there is little difference between a three-story and four-story building. Each would affect the area's character, for better or worse, depending on the development's details.



Figure 4: Site Plan showing the Proposed Apartment Building in the Northeast Corner of the Property



Figure 5: Rendering of Proposed Apartment Building Facing 8th Avenue NW

Given existing site conditions and the Applicant's proposed layout, it is not feasible to provide a greater building setback from the adjacent streets and single-family residences. However, planting boulevard trees on 8th Avenue NW (and to some extent on 5th Street NW) could help reduce the scale of the proposed apartment building. Furthermore, one could conclude that the existing street rights-of-way provide adequate separation between the proposed four-story apartment building and the adjacent single-family residences.

VARIANCE FROM THE REQUIRED FRONT AND CORNER SIDE YARDS

The Applicant requests approval of a variance to allow the proposed apartment building to be roughly eight (8) feet from the front/corner side lot lines on 5th Street NW and 8th Avenue NW (see [Figure 4](#)). In contrast, the City's UDO requires a minimum 25-foot setback. The Applicant also requests that the variance allow the proposed parking to be roughly seven (7) feet from the front/corner side lot lines on 5th Street NW and 8th Avenue NW, whereas the City's UDO requires a minimum ten-foot setback.

The existing building at the southwest corner of the Property does not meet the required front yard. The Applicant's removal of this building will eliminate the existing nonconforming situation. However, the proposed apartment

building in the northeast corner of the site requires a front and corner side yard variance. The location of the existing buildings to remain on the Property make it impractical to develop the proposed apartment building without a variance from the front and corner side yard requirements. One could conclude that the proposed apartment's front and corner side yards are not out of character with other buildings in the 4th Street NW corridor. Other apartment buildings in the community, including Hillside Apartments in the central business district, are near sidewalks and property lines.

REZONING TO A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

Given that the proposed plat includes two lots that will share parking, circulation, open space, and stormwater facilities, the Applicant requests that the Property include a planned unit development (PUD) overlay zoning district. The following provides an overview of the proposed PUD:

1. Commercial/Residential Mixed Use. The City's Journey to 2040 Comprehensive Plan guides the Property for "commercial," "residential," or "commercial/residential mixed use." The proposed indoor storage and apartment facilities are consistent with the Comprehensive Plan. The underlying C-2, Highway Commercial District outright allows the indoor storage facility, and it allows the proposed standalone apartment building with the issuance of a conditional use permit. The proposed uses complement each other.
2. Site Access and Circulation. The proposed site access is similar to the existing site access. Refer to the plat review section of this report and the City Engineer's memorandum for additional information.

The Applicant states that their other indoor storage businesses rarely have trucks over 30 feet long. Figure 6 shows how a 30-foot-long truck could circulate on the Property. The apartment and indoor storage facility would share the drive aisles on the Property, which could sometimes be inconvenient for drivers. However, trucks would not regularly access the storage facility once the storage units are filled. Furthermore, the Property's proposed accesses would help alleviate blocked drive aisles. The City's Fire Chief notes that the proposed circulation is tight for some firefighting equipment but that the Fire Department could work with the proposed circulation.

Per the City's UDO, the proposed 16-foot wide drive aisle on the

Property's west side is only wide enough to accommodate one-way traffic. The proposed west drive would help with site circulation, but it will likely not be used regularly. Bollards or other solutions must be provided to protect the fire exits on the west side of the storage building.

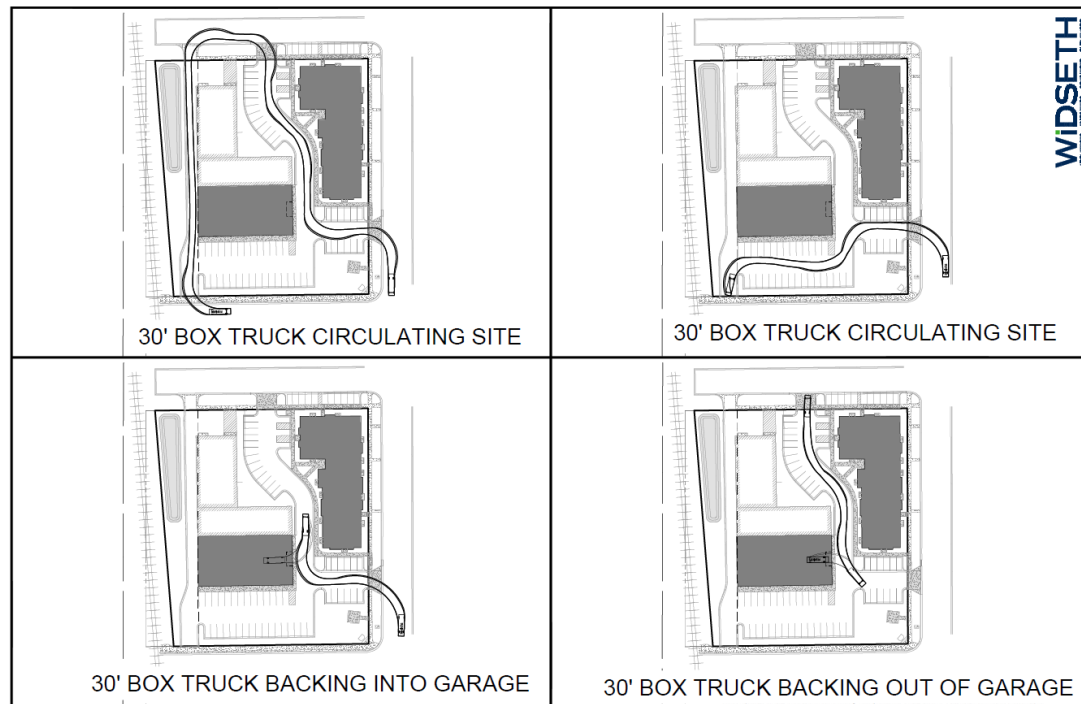


Figure 6: Circulation of 30-foot Truck

3. Parking. The Applicant is striving to balance the desire and need for onsite parking with the desire and need for open space and other development requirements and amenities. Based on the parking demands at the Applicant's other indoor storage facilities, the Applicant believes four parking spaces are sufficient for the proposed indoor storage facility. Customers will generally use the parking lot to meet with office staff and in the office and arrange for storage space. After that, the customer will generally access their storage space by bringing their vehicle into the indoor storage facility.

The proposed apartment building has 54 units (38 one-bedroom or efficiency units and 16 two-bedroom units). The City's UDO requires one parking space for each one-bedroom unit and two parking spaces for each two-bedroom unit. Consequently, the UDO requires the proposed apartment building to have 70 parking spaces. The

apartment building should also have three parking spaces for an onsite staff.

From a practical point of view, the Property should have a minimum of 77 onsite parking spaces (73 for the apartment building and four for the indoor storage facility), which the Property can accommodate, but with the trade-off of losing site amenities and open space. Given the complexities of redeveloping the Property, the Applicant feels it is imperative to have at least 54 residential units. Eliminating one floor of the proposed four-story apartment building would reduce the number of units from 54 to 40, and it would reduce the parking need from 70 to 52. But, again, the Applicant believes 54 units are needed to redevelop the Property.

In consultation with City Staff, the Applicant's proposal provides 59 onsite parking spaces and 11 parking spaces that use the 5th Street NW right-of-way (see Figure 4). While not preferred, the City's Development Review Committee feels the 5th Street NW right-of-way could accommodate 11 to 17 public parking spaces, similar to what exists at 820 5th Street NW. With the loss of open space, the Property could potentially accommodate 12 additional parking spaces.

The Applicant's proposal includes sufficient accessible parking spaces. Although not required, the Applicant should consider making some of the proposed onsite parking electric vehicle-ready. Potentially, the Applicant could arrange a shared parking agreement with the existing commercial use to the east. However, at this point, there have been no discussions.

4. Trash Storage. The Applicant's proposal does not show outdoor trash storage. Presumably, the indoor storage facility can provide some trash storage indoors. The Applicant could provide screened outdoor trash storage between the indoor storage facility and apartment building without losing parking spaces.
5. Snow Storage. Like many sites, snow storage onsite could be challenging at times. If snow storage were to result in the loss of parking spaces, the Applicant might need to remove snow from the site.
6. Landscaping and Open Space. The UDO requires a minimum of 20

percent open space. The Applicants proposal has 11 percent open space. The UDO also requires more landscaping than what the Applicant has proposed. Similar to the parking situation, the Applicant is striving to balance the need and desire for open space and landscaping with the complexities of the redevelopment of the Property. In consultation with the City, the Applicant proposes to provide an amenity at the southeast corner of the site for the community and the residents of the proposed apartment building. The details of the amenity will be explored in the coming months.

While the proposed development does not meet the UDO's open space and landscaping requirements, the Applicant and the City's DRC can work together to maximize the value of the open space in the development. It should be noted that the existing site has very little open space, but it does not have a residential use. On the other hand, the City has multiple apartments in the central business district with little or no onsite open space. Again, the City and the Applicant need to find an appropriate balance, and the Applicant believes the proposed development provides that appropriate balance.

7. Indoor Storage Facility. The proposed indoor storage facility includes a new building and the re-use of two existing buildings (see Figure 7). The Applicant is consulting with the City's Heritage Preservation Commission to explore ways to integrate the history of the site into the redevelopment of the site. One possible option is to provide murals on a wall (or walls) of the proposed storage building. The proposed building has an EIFS covering. The existing buildings included painted concrete block and existing metal siding.
8. Apartment Building. The proposed apartment building has four stories with lap siding. (see Figure 8). The siding material is consistent with the UDO. The height of the building is discussed earlier in this report. The apartment building includes an exercise room and may is intended to include some outdoor amenities.
9. PUD Amenities. As noted earlier, the Applicant has requested approval of a planned unit development (PUD) to allow the proposed uses on the Property to work as a planned development that shares parking, circulation, and stormwater management facilities. PUDs are intended to provide a win-win situation for the development and the community. For example, a reduction in certain UDO requirements can be offset by

RECOMMENDATION

The City Planner will distribute written findings and/or resolutions and ordinances at the public hearing.





Figure 8: Apartment Building

ATTACHMENTS

- City Engineer's Report



Engineering Department Memorandum

TO: Dave Wanberg, City Planner

CC: Deanna Kuennen, Comm. and Econ. Development Director
Travis Block, Public Works Director
Jeanne Day, Finance Director

FROM: Mark DuChene, City Engineer

DATE: July 29, 2022

SUBJECT: Midwest First Subdivision Preliminary Plat, Final Plat, & Planned Unit Development

BACKGROUND

Nicole El-Sawaf on behalf of KK&G Properties, LLC, the developer, has submitted a preliminary plat, final plat, variance and planned unit development applications. The site is located in the NW ¼ of Section 31 Township 110, Range 20W whose parent parcels are Lot 1-10, Block 9 McClellands Addition. The site is adjacent to Trunk Highway 60 (4th Street NW) to the south, railroad and commercial property to the west, and 5th Street NW to the north and 8th Avenue NW to the east.

The proposed subdivision is located on land that is currently zoned C-2 Highway Commercial. No change in the underlying zoning is proposed; however, a planned unit development overlay district is proposed to be established. The proposed improvements include the demolition of most of the existing structures on site. The one structure to remain is proposed to be repurposed for indoor storage and a new indoor storage building and a separate multi-story, apartment building are proposed to be constructed as well as a stormwater treatment basin.

There are no proposed public improvements.

The proposed development will be completed by:

Owner/Developer:	KK&G Properties, LLC
Surveyor/Engineer:	Widseth

Variance & Planned Unit Development (PUD)

The proposed plat includes establishing a new planned unit development overlay district to allow for shared parking, access drives and stormwater management to serve the proposed

multiple parcels. The Developer is also seeking a variance to the periphery building setback requirements adjacent to the public streets.

Given the proposed request to establish a PUD and reduce the building setbacks adjacent to the City streets, increased landscaping, building materials and site amenities (playground, patio space, etc.) above and beyond the required minimums should be considered as a condition of the PUD.

PLAT

Developer has submitted a preliminary and final plat for MIDWEST FIRST SUBDIVISION. The preliminary and final plat contains two (2) lots, Lot 1, Block 1 will contain the indoor storage facilities and Lot 2, Block 1 will contain the apartment building.

The areas within the plat include:

Lot 1, Block 1	0.99 acres	(43,124 sf)
<u>Lot 2, Block 1</u>	<u>1.17 acres</u>	<u>(50,804 sf)</u>
Total	2.16 acres	(93,928 sf)

Current title work has not been submitted with the final plat application and will be subject to the review of the City and City Attorney's office.

At the time of final plat, the Developer agrees to provide sufficient permanent property monumentation per the development agreement and shall submit to the City written verification by a registered land surveyor licensed in the State of Minnesota.

SITE CONDITIONS

The existing site contains approximately 2.16 acres of land that that is fully developed with existing buildings that formerly served as a landscape/gardening business. The site has a relatively flat topography and drainage is generally from the south to north.

EASEMENTS

Existing Easements

- Book of Mortgage Records 116, Page 378 is an existing easement for US Sprint Communications, Co. per. No changes to this easement are proposed.
- Doc. No. 666263 is an existing easement for Sprint Communications Company. No changes to this easement are proposed.
- Doc. No. 709944 is a right of way easement in favor of the City of Faribault.
- Doc. No. 711332 is a quit claim deed in favor of the City of Faribault.

Proposed Easements

The proposed plat does not show perimeter drainage and utility easements as required by City code. Perimeter drainage and utility easements as required by City code should be added to the final plat. Final sizes and locations shall be approved by the City Engineer.

STREET AND SITE LAYOUT

No public street improvements are planned as part of the subdivision as the proposed plat improvements have access from Th 60, 8th Avenue NW and 5th Street NW.

8th Avenue NW

The site is west of and adjacent to 8th Avenue NW a major collector roadway. 8th Avenue NW is a 44-foot wide, urban roadway and is within an 80-foot right-of-way with a sidewalk on both sides. A new driveway access to 8th Avenue in approximately the same location as the existing driveway is shown on the plans. Driveway and sidewalk improvements shall meet City of Faribault standards. It should be noted that per the signal justification report from December 2, 2016, completed as part of the TH 60 Reconstruction project, the report indicates that both the average and max queing lengths for vehicles southbound on 8th Avenue will likely exceed the distance between the intersection and the proposed driveway location. Impacts to the signal system operation should be monitored and if negative impacts to the intersection operations occur, the driveway onto 8th Avenue NW in the future may be limited to a exit only or right in/right out condition.

TH 60 (4th Street NW)

The site is north of and adjacent to TH 60 a minor arterial under the jurisdiction of the State of Minnesota Department of Transportation (MnDOT). TH 60 is a four lane urban roadway with a continuous two way left turn lane urban roadway and is within an 80-foot right-of-way with a sidewalk on both sides. A new driveway access to TH 60 in approximately the same location as the existing driveway is shown on the plans. Due to concerns with vehicles on TH 60 having to make a right turn from the through lanes on TH 60 it would be the City's preference that the driveway onto TH 60 be closed if possible; however, driveway and sidewalk improvements shall ultimately be subject to the review and approval of MnDOT.

5th Street NW

The site is south of and adjacent to 5th Street NW a local roadway. 8th Avenue NW is a 36-foot wide, urban roadway and is within an 80-foot right-of-way with a sidewalk the south side. Two new driveway accesses to 5th Street in approximately the same locations as the existing driveways are shown on the plans as well as perpendicular on street parking on the eastern end of 5th Street NW. Driveway and sidewalk improvements shall meet City of Faribault standards. The perpendicular parking shall be constructed and maintained at the property owners' cost and the Developer shall enter into a limited use permit agreement with the City. The concrete sidewalk adjacent to the proposed on-street perpendicular parking shall be a minimum 8-feet wide. If needed a sidewalk easement shall be granted in favor of the City to accommodate the proposed on-street parking and sidewalk.

PARKS AND TRAILS

No proposed park land or trails are proposed as part of the development and no new sidewalks are required. The Developer shall pay cash in lieu of parkland dedication as determined by the City Code.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The majority of the development is located within the Cannon River Reservoir (M-048) district as identified in the City's 2022 Surface Water Management Plan except for the very south end which drains to TH 60 and is in the Straight River (M-048-0260) drainage district. Stormwater runoff generated within the site currently drains towards the adjacent public streets and enters the public storm sewer systems and flow either to the Cannon or Straight Rivers.

Proposed storm sewer improvements must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Storm sewer systems must be designed to limit the post construction rate of runoff from the 2, 10 & 100 yr. 24-hour storm events to less than or equal to existing conditions. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

The proposed site improvements include the addition of an estimated 1.6 acres of new and/or reconstructed impervious surface. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans. The Developer has submitted a Stormwater Management Plan and is proposing to construct a new stormwater treatment basin(s) onsite. The storm water basin is proposed to then discharge the City storm sewer system within Mercy Drive.

The proposed stormwater basin(s) will be a private basin and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

A City grading permit and a National Pollution Discharge Elimination System Construction Stormwater General Permit for construction activity is required by the Minnesota Pollution Control Agency (MPCA) for areas exceeding one acre being disturbed by grading. A copy of the Notice of Stormwater Permit Coverage must be submitted to the City upon receipt from the MPCA. A stormwater pollution prevention plan (SWPPP) must be submitted meeting the requirements of the City's municipal separate storm sewer system permit and associated ordinances and the erosion and sediment control requirement as set forth in the MPCA construction stormwater general permit. A full copy of the SWPPP must be submitted to the City Engineer with the final construction plans for review and approval.

A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances.

UTILITIES

The existing site is currently served by City water and sewer from services extended into the site from mains located in Th 60 and existing utilities have sufficient capacity to serve the proposed development. New sewer and water service connections and related street restorations shall be completed per City standards. Existing unused sewer and water services to the site shall be abandoned and capped at the main per City standards unless otherwise allowed by the City. Final utility locations shall be subject to the review and approval of the City Engineer.

All future buildings shall be charged the standard Sewer Access Charge (SAC) and Water Access Charge (WAC) in effect at the time of building permit issuance.

WETLANDS

There are no known wetlands shown on the preliminary plat.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access.

RECOMMENDATION

Engineering recommends approval of the Preliminary Plat, Final Plat, Variance & Planned Unit Development, subject to the comments within this report and the following:

- Title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2022-xxx

APPROVE THE PRELIMINARY PLAT AND THE FINAL PLAT OF MIDWEST FIRST SUBDIVISION

WHEREAS, KK&G, LLC (the “Applicant”) submitted applications for preliminary plat approval and final plat approval of FARIBAULT FIRST SUBDIVISION legally described in Exhibit A and depicted in Exhibit B and Exhibit C of this resolution; and

WHEREAS, City Staff reviewed the Applicant’s request for preliminary plat approval and final plat approval and made a report to the Faribault Planning Commission (see the City Engineer’s memorandum in Exhibit D of this resolution); and

WHEREAS, the Planning Commission held a public hearing on August 1, 2022, to consider the Applicant’s request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant’s requested preliminary plat based on the following findings as required by Section 15-130 of the City’s Unified Development Ordinance:

- 1. The proposed preliminary plat conforms with the requirements of the Unified Development Ordinance, the applicable zoning district regulations, and any other applicable provisions of this Ordinance, subject only to acceptable rule exceptions.**

Expanded Finding: The proposed lots created by the preliminary plat of MIDWEST FIRST SUBDIVISION are consistent with the lot dimension requirements outlined in the City's Unified Development Ordinance.

2. The proposed subdivision is consistent with the City's Land Use Plan and any other adopted land use studies.

Expanded Finding: The proposed preliminary plat of MIDWEST FIRST SUBDIVISION is consistent with the City's Journey to 2040 Comprehensive Plan, which guides the area in the plat for commercial/residential mixed-use.

3. The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.

Expanded Finding: The preliminary plat of MIDWEST FIRST SUBDIVISION is well-conceived. The size and layout of the proposed parcels allow for logical development.

4. The spacing and design of proposed curb cuts and intersection locations are consistent with good traffic engineering design and public safety considerations.

Expanded Finding: The proposed curb cuts are roughly in the same location of the existing curb cuts.

5. All submission requirements have been satisfied.

Expanded Finding: The preliminary plat of MIDWEST FIRST SUBDIVISION adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, the Planning Commission, following the August 1, 2022, public hearing, recommended that the Faribault City Council approve the requested final plat of MIDWEST FIRST SUBDIVISION based on the following findings as required by Section 15-210 of the City's Unified Development Ordinance:

1. The final plat substantially conforms to the approved preliminary plat.

Expanded Finding: The Applicant prepared the final plat concurrently with the preliminary plat. The final plat conforms to the preliminary plat.

2. The plat conforms to all applicable requirements of the Unified Development Ordinance, subject only to approved rule exceptions.

Expanded Finding: The final plat conforms to all applicable requirements of the City's Unified Development Ordinance.

3. All submission requirements have been satisfied.

Expanded Finding: The final plat adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, at a public meeting on _____, the City Council considered the Applicant's requests for preliminary plat and final plat approval and concurred with the recommendations and findings of the Planning Commission as stated in the above recitals and made the identical findings.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault as follows:

Section 1. Approval of the preliminary plat and the final plat. The City Council hereby approves the preliminary plat and the final plat of MIDWEST FIRST SUBDIVISION legally described in Exhibit A and depicted in Exhibit B of this resolution based on the written findings in this resolution and subject to the following conditions:

1. The City Council's approvals of the preliminary plat and final plat of MIDWEST FIRST SUBDIVISION are contingent on the City Attorney's plat opinion, review of title work, and any further requirements thereof.
2. The Applicant and the City must enter into a Developer's Platting Agreement to the satisfaction of the City Attorney and City Engineer before recording the MIDWEST FIRST SUBDIVISION plat with Rice County.
3. The Applicant must provide cash instead of parkland dedication per the provisions of the City's Unified Development Ordinance. Cash instead of parkland dedication shall only be required for the proposed residential development. No building permit shall

be issued for the proposed residential development until the cash instead of parkland dedication has been provided to the City.

4. The Applicant must address all plat-related comments described in the memo from Mark DuChene, City Engineer, dated _____, in Exhibit D of this resolution.
5. The Applicant must record the final plat with the Rice County Recorder's Office within twelve (12) months following City Council approval, or the City Council will automatically, without further action, deem the plat null and void unless the City Council extends the deadline to record the final plat.
6. The Applicant must provide the City Engineer with a signed mylar copy of the final plat as soon as possible after all signatures have been obtained and after the final plat has been successfully recorded at Rice County.
7. The Applicant must provide the City Engineer with the final plat in a digital format suitable to the City Engineer as soon as possible after the Applicant has successfully recorded the final plat at Rice County.

Section 2. Findings and incorporation of recitals and exhibits. The recitals and exhibits incorporated in this resolution constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 3. Authorization to take additional steps. The City Council hereby authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 4. Authorization to execute documents. The City Council hereby authorizes and directs the Mayor and the City Administrator to take all necessary actions and execute all appropriate documents to effectuate the approvals contemplated by this resolution.

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

Date Adopted: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A: Legal Description

Lot 1, Lot 2, Lot 3, Lot 4, Lot 7, Lot 8, Lot 9 and Lot 10 and those parts of Lot 5 and Lot 6, Block 9, in McClelland's Addition to Faribault, Rice County, Minnesota, described as follows: Beginning at the Southwest corner of the East 40 feet of said Lot 7; thence South 89 degrees, 17 minutes, 01 second West, along the Southerly line of said Block 9 (for purposes of this description bearings are assumed and based on said South line being South 89 degrees, 17 minutes, 01 second West), 34.63 feet; thence North 04 degrees, 30 minutes, 21 seconds West, 330.30 feet to a point in the north line of said Block 9; thence North 89 degrees, 15 minutes, 22 seconds East, along said North line, 59.67 feet to the Northwest corner of the East 40.00 feet of said Lot 4; thence South 00 degrees, 09 minutes 30 seconds East, along the West line of the East 40.00 feet of said Lots 4 and 7, a distance of 329.63 feet to said point of beginning.

TOGETHER WITH

Part of Lots 4, 5, 6 & 7, Block 9, in McClelland's Addition to Faribault, Rice County, Minnesota, described as follows:

Beginning at the southwest corner of the East 40.00 feet of said Lot 7; thence South 89 degrees 17 minutes 01 seconds West, along the southerly line of said Block 9 (for purposes of this description bearings are assumed and based on said South line being South 89 degrees 17 minutes 01 second West), 34.63 feet; thence North 04 degrees 30 minutes 21 seconds West, 330.30 feet to a point in the North line of said Block 9; thence North 89 degrees 15 minutes 22 seconds East, along said North line, 59.67 feet to the Northwest corner of the East 40.00 feet of said Lot 4; thence South 00 degrees 09 minutes 30 seconds East, along the West line of the East 40.00 feet of said Lots 4 and 7, a distance of 329.63 feet to said point of beginning.

[illegible]

MIDWEST FIRST SUBDIVISION



**Exhibit D: Memo to David Wanberg, City Planner, from Mark DuChene,
City Engineer, dated July 29, 2022**



Engineering Department Memorandum

TO: Dave Wanberg, City Planner

CC: Deanna Kuennen, Comm. and Econ. Development Director
Travis Block, Public Works Director
Jeanne Day, Finance Director

FROM: Mark DuChene, City Engineer

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SUBJECT: Midwest First Subdivision Preliminary Plat, Final Plat, & Planned Unit Development

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The proposed development will be completed by:

Owner/Developer:	KK&G Properties, LLC
Surveyor/Engineer:	Widseth

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The proposed plat includes establishing a new planned unit development overlay district to allow for shared parking, access drives and stormwater management to serve the proposed

multiple parcels. The Developer is also seeking a variance to the periphery building setback requirements adjacent to the public streets.

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PLAT

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STREET AND SITE LAYOUT

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8th Avenue NW

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5th Street NW

The site is south of and adjacent to 5th Street NW a local roadway. 8th Avenue NW is a 36-foot wide, urban roadway and is within an 80-foot right-of-way with a sidewalk the south side. Two new driveway accesses to 5th Street in approximately the same locations as the existing driveways are shown on the plans as well as perpendicular on street parking on the eastern end of 5th Street NW. Driveway and sidewalk improvements shall meet City of Faribault standards. The perpendicular parking shall be constructed and maintained at the property owners' cost and the Developer shall enter into a limited use permit agreement with the City. The concrete sidewalk adjacent to the proposed on-street perpendicular parking shall be a minimum 8-feet wide. If needed a sidewalk easement shall be granted in favor of the City to accommodate the proposed on-street parking and sidewalk.

PARKS AND TRAILS

No proposed park land or trails are proposed as part of the development and no new sidewalks are required. The Developer shall pay cash in lieu of parkland dedication as determined by the City Code.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The majority of the development is located within the Cannon River Reservoir (M-048) district as identified in the City's 2022 Surface Water Management Plan except for the very south end which drains to TH 60 and is in the Straight River (M-048-0260) drainage district. Stormwater runoff generated within the site currently drains towards the adjacent public streets and enters the public storm sewer systems and flow either to the Cannon or Straight Rivers.

Proposed storm sewer improvements must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Storm sewer systems must be designed to limit the post construction rate of runoff from the 2, 10 & 100 yr. 24-hour storm events to less than or equal to existing conditions. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

The proposed site improvements include the addition of an estimated 1.6 acres of new and/or reconstructed impervious surface. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans. The Developer has submitted a Stormwater Management Plan and is proposing to construct a new stormwater treatment basin(s) onsite. The storm water basin is proposed to then discharge the City storm sewer system within Mercy Drive.

The proposed stormwater basin(s) will be a private basin and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

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A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances.

UTILITIES

The existing site is currently served by City water and sewer from services extended into the site from mains located in Th 60 and existing utilities have sufficient capacity to serve the proposed development. New sewer and water service connections and related street restorations shall be completed per City standards. Existing unused sewer and water services to the site shall be abandoned and capped at the main per City standards unless otherwise allowed by the City. Final utility locations shall be subject to the review and approval of the City Engineer.

All future buildings shall be charged the standard Sewer Access Charge (SAC) and Water Access Charge (WAC) in effect at the time of building permit issuance.

WETLANDS

There are no known wetlands shown on the preliminary plat.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access.

RECOMMENDATION

Engineering recommends approval of the Preliminary Plat, Final Plat, Variance & Planned Unit Development, subject to the comments within this report and the following:

- Title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2022-XXX

APPROVE CONDITIONAL USE PERMITS FOR A PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON LOT 2, BLOCK 1, MIDWEST FIRST SUBDIVISION

WHEREAS, KK&G Properties, LLC (the "Applicant") submitted applications to the City of Faribault requesting approval of conditional use permits related to the development of a proposed apartment building, as depicted in Exhibit A, on property (the "Property") legally described as follows:

Lot 2, Block 1, MIDWEST FIRST SUBDIVISION; and

WHEREAS, per Ordinance 2022-xx, the Property is in the C-2, Highway Commercial and PUD Overlay Zoning District #2022-xx; and

WHEREAS, the Applicant requests a conditional use permit (CUP) to allow the following in the C-2, Highway Commercial District:

1. The proposed apartment building to function as a standalone residential use; and
2. The proposed apartment building to exceed three stories or 42 feet in height.

WHEREAS, City Staff reviewed the Applicant's request and made a report to the Planning Commission, a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on August 1, 2022, following proper notice, held a public hearing regarding the Applicant's request, and following said public hearing recommended that the City Council approve the Applicant's request based on the following findings as required by Chapter 2, Article 7, Section 2-300 of the City's Unified Development Ordinance:

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

Expanded Finding: The proposed apartment building is consistent with the City's Journey to 2040 Comprehensive Plan, which guides the Property for commercial/residential mixed-use. The proposed development will facilitate the removal and clean-up of unsafe structures and materials on the Property. The proposed apartment building takes adequate measures to protect public safety, comfort, convenience, and general welfare.

2. **Finding: 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.**

Expanded Finding: The surrounding area is developed, so the proposed apartment building will not impede orderly development in the area. The proposed apartment will remove unsafe and unsightly conditions on the Property, which will not impede improvements in the surrounding area.

3. **Finding: 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.**

Expanded Finding: The proposed apartment building would be the tallest structure in the area, given the pending removal of the former Farmer Seed and Nursery tower. The apartment building's height would likely have the greatest impact on the seven single-family residential properties within roughly 200 feet of the

building. However, the City's UDO outright allows a three-story, 42-foot high building on the Property, and there is little difference between a three-story and four-story building. Each would affect the area's character, for better or worse, depending on the building's details. The proposed apartment buildings materials and gable roof relate to the surrounding residential uses.

4. Finding: The conditional use will not impose hazards or disturbing influences on neighboring properties.

Expanded Finding: The proposed apartment building will mitigate the hazards and disturbing influences present in the previous development on the site.

5. Finding: The conditional use will not substantially diminish the value of neighboring properties.

Expanded Finding: The proposed apartment will help clean up an existing deteriorating area, which is not expected to substantially diminish the value of neighboring properties.

6. Finding: 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.

Expanded Finding: The proposed apartment building will be adequately served by all essential public facilities and services, including utilities, roads, police, and fire protection.

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

Expanded Finding: The Property is already served by public facilities and services. The proposed apartment building should not create additional public costs.

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

Expanded Finding: The proposed apartment building will be served by a public street that will accommodate the traffic.

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

Expanded Finding: The proposed apartment building is on the portion of the Property that has no historic or feature of importance to the community. The proposed apartment building will not damage natural, scenic, or historical features of importance to the community.

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

Expanded Finding: The City's Land Use Plan guides the subject property for commercial/residential mixed-use, including the residential use contemplated by this conditional use permit.

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

Expanded Finding: The proposed apartment building conforms to all other applicable provisions of the C-2, Highway Commercial district, and as approved by other City Council actions; and

WHEREAS, per Section 11-60 of the City's Unified Development Ordinance, the City Council further finds that granting a conditional use permit to allow structures on the subject parcel to exceed three stories or 42 feet in height will not adversely affect the following:

1. **Access to light and air of surrounding properties.** The proposed apartment building is not immediately adjacent to other buildings. It is separated by street right-of-way. Consequently,

the proposed apartment building will not adversely affect access to light and air related to surrounding properties.

2. **Shadowing of any adjacent residential areas.** The proposed apartment building is not immediately adjacent to other buildings. Consequently, shadowing of adjacent residential areas will be limited, depending on the direction of the sun in relation to the buildings.
3. **The scale and character of surrounding use.** The proposed apartment building will be taller than other buildings in the area, but it will be shorter than the former Farmer Seed and Nursery tower approved to be removed. A three-story building is outright permitted in the C-2, Highway Commercial District. The proposed four-story building would not be significantly different in scale and character than the proposed four-story building.
4. **Preservation of views of landmark buildings, significant open spaces or water bodies.** The City has already approved the demolition of several former Farmer Seed and Nursery buildings on the Property. The proposed apartment building will not obstruct views of landmark buildings, open spaces, or water bodies.

WHEREAS, at a public meeting on August 1, 2022, the City Council considered the Applicant's request and concurred with the recommendation and findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault as follows:

Section 1. Approval of Conditional Use Permit. The City Council hereby approves the Applicant's request for issuance of a conditional use permit to allow the following in the C-2, Highway Commercial District, as generally illustrated in Exhibit A:

1. The proposed apartment building to function as a standalone residential use in the C-2, Highway Commercial District; and

2. The proposed apartment building to exceed three stories or 42 feet in height.

Section 2. Conditions Attached to the Approval of the Conditional Use Permit. Approval of this conditional use permit is conditioned on the following:

1. The proposed apartment building must not exceed four stories in height without an amendment to this CUP.
2. The Development Review Committee must provide final “site plan” approval related to the proposed apartment building development.

Section 3. Additional Conditions Attached to the Approval of this Conditional Use Permit. Approval of this conditional use permit is also conditioned on the following:

1. Approval and recording of the MIDWEST FIRST SUBDIVISION plat and associated purchase and development agreement.
2. No expansion of the use allowed by this permit shall occur except upon the receipt of a new or amended conditional use permit from the City.
3. A failure by the City to take action with respect to any violation of any condition, covenant or term of this permit shall not be deemed a waiver of such condition, covenant, or term, or any subsequent violation of the same, or any other condition, covenant, or term.
4. The City may inspect the property at all reasonable times for purposes of ensuring compliance with the conditions of the conditional use permit.
5. This conditional use permit is subject to the requirements of the Faribault Code of Ordinances. The Applicant is required to comply with all applicable federal, state, and local laws, rules, and ordinances, and to obtain such other permissions and permits as may be required.
6. The violation of any terms or conditions of the conditional

use permit including, but not limited to, any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in the City's revocation of this conditional use permit. The City shall give the Applicant written notice of any violation and reasonable time, as determined by the City, to cure the violation before the City's revocation of this conditional use permit may occur.

7. This conditional use permit and the conditions imposed on it are binding on the parties, their successors, and assigns, shall run with the property, and shall not in any way be affected by the subsequent sale, lease, or other change from current ownership. The obligations of the Applicant under this permit shall also be the obligations of any subsequent Owners or assigns of the property.
8. Use of the subject property for the uses allowed by this conditional use permit shall be deemed acceptance of, and agreement to, the terms of and conditions of the conditional use permit without qualification, limitation, or reservation.
9. If substantial development of construction related to this conditional use permit has not occurred within one (1) year of the date of the approval of this conditional use permit, then the City shall consider this conditional use permit void unless a petition for a time extension has been granted by the City Council. Such extension request shall be submitted in writing at least thirty (30) days before the expiration of the conditional use permit. It shall state facts showing a good faith effort to complete the work permitted under the original approval.
10. If the use permitted by this conditional use permit is discontinued for one (1) year or longer, or if the use has been changed to a permitted use or any other conditional use, then this conditional use permit shall be deemed abandoned, and the use shall be brought into conformance with the Faribault Code of Ordinances.

Section 4. Authorized Actions of the City. The City Council authorizes and directs the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or

convenient to accomplish the intent of this resolution.

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

Date Adopted: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A:
Proposed Apartment Building on Lot2, Block 1,
MIDWEST FIRST SUBDIVISION





CITY OF FARIBAULT

RESOLUTION #2022-XXX

**APPROVE SETBACK VARIANCES FOR A PROPOSED APARTMENT BUILDING IN THE
MIDWEST FIRST SUBDIVISION PLAT**

WHEREAS, KK&G Properties, LLC (the "Applicant") has requested variances from the Unified Development Ordinances to permit a proposed apartment building to be located within roughly seven (7) feet of the corner side lot lines on a parcel (the "Property") legally described as follows:

Lot 2, Block 1, MIDWEST FIRST SUBDIVISION; and

WHEREAS, the subject property is in C-2, Highway Commercial District, which requires a 25-foot setback from corner side lot lines; and

WHEREAS, City Staff reviewed the Applicant's variance application and presented a report and recommendation on the variance request to the Planning Commission; and

WHEREAS, the Planning Commission, on August 1, 2022, following proper notice, held a public hearing regarding the Applicant's variance application; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the requested variance based on the following findings as required by Section 2-460 of the City of Faribault, Unified Development Ordinance:

- 1. The variance is in harmony with the general purposes and intent of the City's ordinances.** The variance allows for reasonable redevelopment of a dilapidated property that cannot reasonably be redeveloped without relief for the strict application of the City's ordinances related to setbacks.
- 2. The variance is consistent with the Comprehensive Plan.** The Journey to 2040 Comprehensive Plan guides the Property for commercial/residential mixed-use. The variance allows the reasonable redevelopment of a dilapidated property, and it allows for additional housing stock, which the Comprehensive Plan identifies as a strong need.
- 3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.** The proposed building setback is not out of character for the area along and adjacent to the 4th Street NW corridor. It is not practical to redevelop the Property and meet the required 25-foot setback. The proposed setback provides a reasonable setback.
- 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 Property has two existing buildings that the Applicant has proposed to save. It is unreasonable to meet the required setback for the proposed apartment building and preserve the existing buildings.
- 5. The variance does not alter the essential character of the neighborhood.** Much of the existing development along and adjacent to the 4th Street NW corridor does not meet the required setbacks of the C-2 District. Consequently, the proposed apartment building setback would not be out of character with the surrounding area.
- 6. The variance requested is the minimum variance which would alleviate the practical difficulties.** The proposed setback provides a reasonable compromise that allows for the development of the proposed building and provides adequate buffer between the proposed apartment building and corner side lot lines.

7. Economic conditions alone do not constitute practical difficulties. The variance request is not based on economic conditions alone. The proposed apartment building strengthens the proposed redevelopment of the Property in a reasonable manner that benefits the community by providing additional housing stock.

WHEREAS, the City Council, on _____, at a public meeting considered the Applicant's variance request, reviewed City Staff's report to the Planning Commission, and considered the results of the public hearing; and

WHEREAS, the City Council concurred with Planning Commission's recommendation and findings as stated in the above recitals and makes the identical findings.

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

Section 1: Incorporation of Recitals and Exhibits. The recitals and exhibits in this resolution are incorporated into this resolution.

Section 2: Approval of the Variance. The Faribault City Council approves the requested variance to allow the proposed apartment building to be placed within roughly seven (7) feet of the corner side lot line, as shown in Exhibit A.

Section 3: Conditions of Approval. The variance's approval is subject to conditions listed herein as authorized under Section 2-470 of City's Unified Development Ordinance, all of which are necessary to comply with the standards established by the City's ordinances, or to reduce or minimize the effect of such variance upon other properties in the area and to better carry out the intent of the variance. The conditions of the variance approval are as follows:

1. The Applicant must receive site plan approval from the City's Development Review Committee (DRC) for the proposed apartment building. The DRC may attach any reasonable conditions, including landscaping, to help ensure the proposed building setback is in character with the surrounding area.
2. If the MIDWEST FIRST SUBDIVISION plat is not recorded with Rice County within one year of its approval, this variance shall automatically be deemed null and void.

Section 4: Effective Date. This resolution shall become effective immediately upon its passage and the successful recording of the MIDWEST FIRST SUBDIVISION PLAT.

Date Adopted: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A: S



(Above Space Reserved for Recording)

*State of Minnesota
County of Rice*

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

**REZONE PROPERTY IN THE MIDWEST FIRST SUBDIVISION PLAT TO INCLUDE
A PUD OVERLAY**

WHEREAS, KK&G Properties, LLC (the "Applicant") requested approval to rezone the property in the MIDWEST FIRST SUBDIVISION plat (the "Property" – legally described in Exhibit A) to include Planned Unit Development (PUD) Overlay Zoning District #2022-xx; and

WHEREAS, the proposed PUD is intended to facilitate the construction of an indoor storage facility and an apartment building on separate lots in the plat but with coordinated parking, circulation, stormwater management, and other site features that contribute to an integrated development and benefit the community; and

WHEREAS, City Staff reviewed the application and made a report to the Planning Commission; and

WHEREAS, the Planning Commission, on August 1, 2022, following proper notice, held a public hearing regarding the Applicant's requests; and

WHEREAS, based on a review of the City Staff report and the results of the public hearing, the Planning Commission recommended approval of the

Applicant's request to rezone the Property to PUD Overlay Zoning District #2022-xx, per the following findings 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 City's Journey to 2040 Comprehensive Plan guides the Property for commercial/residential mixed-use. The proposed PUD Overlay Zoning District #2022-xx allows for a mix of commercial and residential uses consistent with the City's 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: The proposed PUD Overlay Zoning District #2022-xx benefits the public by providing a planned and appropriate area for high-density residential that strengthens Faribault's housing stock. It also provides an indoor storage facility to help meet the storage needs of Faribault's residences and businesses.

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 proposed PUD allows for conditional and allowed uses in the C-2, Highway Commercial District to work as an integrated planned development.

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 allows the uses in the district to work as a planned development. It does not limit reasonable 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: There is a strong need for additional housing in Faribault. The Applicant's PUD request responds to the City's need for additional multi-family residential development. The proposed indoor storage facility will help serve the storage needs of residents and businesses.

WHEREAS, based on a review of the City Staff report and the results of the public hearing, the Planning Commission also found that the establishment of PUD Overlay Zoning District #2022-xx is appropriate with the following findings outlined in Section 14-20 of the City's Unified Development Ordinance:

1. Objective: Accommodation of the growing demand for housing of all types.

Finding: PUD Overlay Zoning District #2022-xx provides for the construction of market-rate housing that will address the strong need for additional housing in Faribault.

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

Finding: PUD Overlay Zoning District #2022-xx provides an integrated development that allows coordinated parking, circulation, signage, and amenities, which benefits the residents of the development and the community.

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

Finding: PUD Overlay Zoning District #2022-xx coordinates the layout of the Property to help ensure compatibility within and adjacent to the Property.

WHEREAS, based upon the City Planner's report to the Planning Commission, the public hearing, and the discussion of the Planning Commission, the

Planning Commission also recommended approval of the Development Plan for PUD Overlay Zoning District #2022-xx based on 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 Applicant intends to have cross-easements and other agreements to ensure that the individual lots and properties in the PUD are properly maintained and coordinated..

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 proposed PUD uses roughly the same curb cuts but also allows for efficient use of interior circulation and parking between the indoor storage facility and the apartment building.

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

Expanded Finding 3: The existing site provided little open space. The proposed PUD provides small pockets of open space in strategic locations that benefit the residents of the Property and the community.

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 proposed development replaces a dilapidated development and minimizes impacts on the surrounding properties through landscaping, where feasible.

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

Expanded Finding 5: The proposed apartment building includes materials and a gable roof related to the surrounding residential uses. The indoor storage facility is compatible with the surrounding commercial uses.

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 Applicant proposes to develop the Property in one phase.

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 Land Use Plan guides the subject property for commercial/residential mixed-use, which may include the Applicant's proposed high-density residential and commercial uses; and

WHEREAS, the City Council conducted the first reading of this ordinance on _____ and the second reading of this ordinance on _____; and

WHEREAS, based on City Staff's report, the results of the public hearing, and the written findings and recommendation of the Planning Commission, the City Council concurred with the findings of the Planning Commission as stated in the above recitals and made identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. Findings. The recitals and exhibits in this ordinance are incorporated into this ordinance, and, where applicable, constitute the City Council's findings.

Section 2. Rezoning the Property to R-4, High-Density Residential and PUD Overlay Zoning District #2022-xx. The Property is rezoned to include PUD Overlay Zoning District #2022-xx, which provides as follows:

PUD Overlay Zoning District #2022-xx

A. Intent. The intent of the PUD Overlay District #2022-xx is as follows:

1. Facilitate the development of multi-family housing that meets the community's needs for housing.
2. Integrate housing and an indoor storage facility in the development to strengthen their interrelationship and benefit the community.
3. Coordinate parking, circulation, stormwater management, and other related features in the district.
4. Provide for the efficient provision of public utilities and services.
5. Facilitate the redevelopment of a dilapidated property.

B. Underlying District. The C-2, Highway Commercial Zoning District underlies the PUD Overlay Zoning District #2022-xx.

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

1. All uses permitted in the underlying C-2, Highway Commercial Zoning District;
2. Other uses not specifically listed in this ordinance, but for which the City's Development Review Committee has determined that the uses are consistent with the intent of the permitted uses in the PUD Overlay Zoning District #2022-xx.

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

1. All conditional uses in the C-2, Highway Commercial Zoning District; and
2. Other uses not specifically listed in this ordinance, but for which the City's Development Review Committee has determined that the uses are consistent with the intent for conditional uses in the PUD Overlay Zoning District #2022-xx.

- E. Accessory Uses and Standards.** Accessory uses in the PUD Overlay Zoning District #2022-xx shall be consistent with the accessory uses and standards specified in the City's Unified Development Ordinance for the underlying C-2, Highway Commercial Zoning District. The City's Development Review Committee may waive certain accessory uses and standards if the Committee finds that the proposed accessory uses are consistent with the intent of the PUD Overlay Zoning District #2022-xx.
- F. Setback Requirements for Principal Buildings.** Setbacks for principal buildings shall be consistent with the setbacks requirements of the underlying C-2, Highway Commercial Zoning District, except as otherwise allowed by Resolution 2022-xxx.
- G. Principal Building Height.** The height of principal buildings in PUD Overlay Zoning District #2022-xx shall be consistent with the height requirements of principal buildings in the underlying C-2, Highway Commercial Zoning District, except as otherwise allowed by Resolution 2022-xxx.
- H. Density.** The density of housing in PUD Overlay Zoning District #2022-xx is allowed through the conditional use permit approved by Resolution 2022-xxx.
- I. Architecture.** The architectural design of structures in the PUD Overlay Zoning District #2022-xx shall be consistent with the provisions of the City's Unified Development Ordinance. The architecture must be substantially similar to the designs included in the Development Plan, as shown in Exhibit B of this ordinance.
- J. Access, Parking, and Circulation.** Access, parking, and circulation associated with PUD Overlay Zoning District #2022-xx shall be substantially consistent with the Development Plan shown in Exhibit B of this resolution, except as may be modified as follows:
1. The development must provide road and sidewalk improvements internal to the site and in the adjacent right-of-way as directed by the City Engineer.
 2. The development must provide sufficient onsite parking (and/or proof of parking) consistent with the parking standards outlined in the City's Unified Development

Ordinance. Some required parking may be accounted for in the 5th Street NW public right-of-way with the approval of the City Engineer and with the approval of a Limited Use Agreement.

3. A shared parking and cross-access agreement, approved by the City Attorney, shall be established between the platted lots in the development.
4. No intensification of use in the PUD Overlay Zoning District #2022-xx 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 in the Development Plan shown in Exhibit B of this Ordinance.
5. 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 spaces returned to a usable condition.
6. Accessible parking spaces shall be provided at a ratio consistent with the Americans with Disabilities Act and the Minnesota Accessibility Code for the uses in the PUD Overlay Zoning District #2022-xx.
7. Underground or covered parking is encouraged in the district and may be approved at the discretion of the City's Development Review Committee. However, underground or covered parking shall not be required.
8. Electric vehicle charging stations are encouraged in the district and may be approved at the discretion of the City's Development Review Committee.
9. Pedestrian walks shall be substantially consistent with Development Plan and shall be consistent with the standards of the Americans with Disabilities Act.

- K. Landscaping and Screening.** Given the Property involves redevelopment of a dilapidated site, the Property shall have landscaping to the maximum extent feasible (as determined by the City's Development Review Committee), which may be less than what the Ordinance requires. The landscape plan shall be approved by the City's Development Review Committee.
- L. Open Space.** The PUD Overlay Zoning District #2022-xx must provide open space in substantial conformance with the Development Plan shown in Exhibit B. Given the Property involves redevelopment of a dilapidated site, the Property does not have to meet or exceed the open space requirement for a PUD.
- M. Lighting.** Exterior lighting in PUD Overlay Zoning District #2022-xx must be consistent with the City's Unified Development Ordinance and must require site plan approval by the City's Development Review Committee.
- N. Signs.** PUD Overlay Zoning District #2022-xx must have a Comprehensive Sign Plan, which ensures coordinated and compatible signage for all uses in the district, as follows:
1. The Comprehensive Sign Plan must be approved by the City Planner or other Authorized Agent of the City.
 2. All signs must be substantially consistent with the general sign provisions for the proposed use as specified in the City's Unified Development Ordinance
 3. The City Planner or other Authorized Agent of the City will 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-xx and is in the best interest of the community.
 4. Signage identifying the building addresses must be approved by the Faribault Fire Chief.

5. No signage will be allowed in an easement without an appropriate Agreement between the Owner and the City to the satisfaction of the City Attorney.

- O. Phasing.** Development in the PUD Overlay Zoning District #2022-xx shall occur in one phase. Should significant delays in the development of PUD Overlay Zoning District #2022-xx occur, the City's Development Review Committee may require that the Owner amend the PUD through appropriate means to address applicable conditions and regulations.
- P. Other Required Standards.** Development in PUD Overlay Zoning District #2022-xx must 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.
- Q. Conformance with the Approved Development Plan for PUD Overlay Zoning District #2022-xx.** Development in PUD Overlay Zoning District #2022-xx shall be in substantial conformance with the approved Development Plan shown in Exhibit B or as amended in accordance with the City's Unified Development Ordinance. However, at the discretion of the City's Development Review Committee or other Authorized Agent of the City, development can deviate from the approved Development Plan if the deviation is consistent with the intent of PUD Overlay Zoning District #2022-xx. If required by the City's Development Review Committee, deviation from the approved Development Plan shall require an amendment to this Ordinance.
- R. Development Agreement.** Before any significant development (as determined by the City's Development Review Committee) can occur in PUD Overlay District #2022-xx, the Developer and City shall enter into a Development Agreement and any other applicable agreements that specify the terms and conditions of future development on the Property.

Section 3. Rezoning the Property to include PUD Overlay Zoning District #2022-xx.

1. The Property legally described in the first recital graphically depicted is rezoned to include PUD Overlay Zoning District #2022-xx.
2. The Official Zoning Map of the City of Faribault shall not be required to be republished to show the rezoning. However, the City Planner shall appropriately mark the Official Zoning Map on file with the City Planner to indicate the rezoning.

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

1. Approval of the Development Plan authorizes the Owner to proceed with requesting Site Plan approval from the City's Development Review Committee for the proposed work in the district.
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.

Section 5. Authorization to Execute Agreements. The Mayor and City Administrator are authorized and directed to execute and deliver any required additional agreements, certificates, or other documents the City Attorney determines necessary to implement this ordinance.

Section 6. Authorization to take Additional Steps. City Staff, City Consultants, and the City Attorney are authorized and directed to take any additional steps and actions necessary or convenient to accomplish the intent of this ordinance.

Section 7. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter and the successful recording of the MIDWEST FIRST SUBDIVISION plat and related documents with Rice County. If the plat and related documents are not recorded within one year of the City Council's approval of this ordinance, this ordinance shall automatically be null and void

Public Hearing: August 1, 2022

First Reading: _____

Second Reading: _____

Published: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

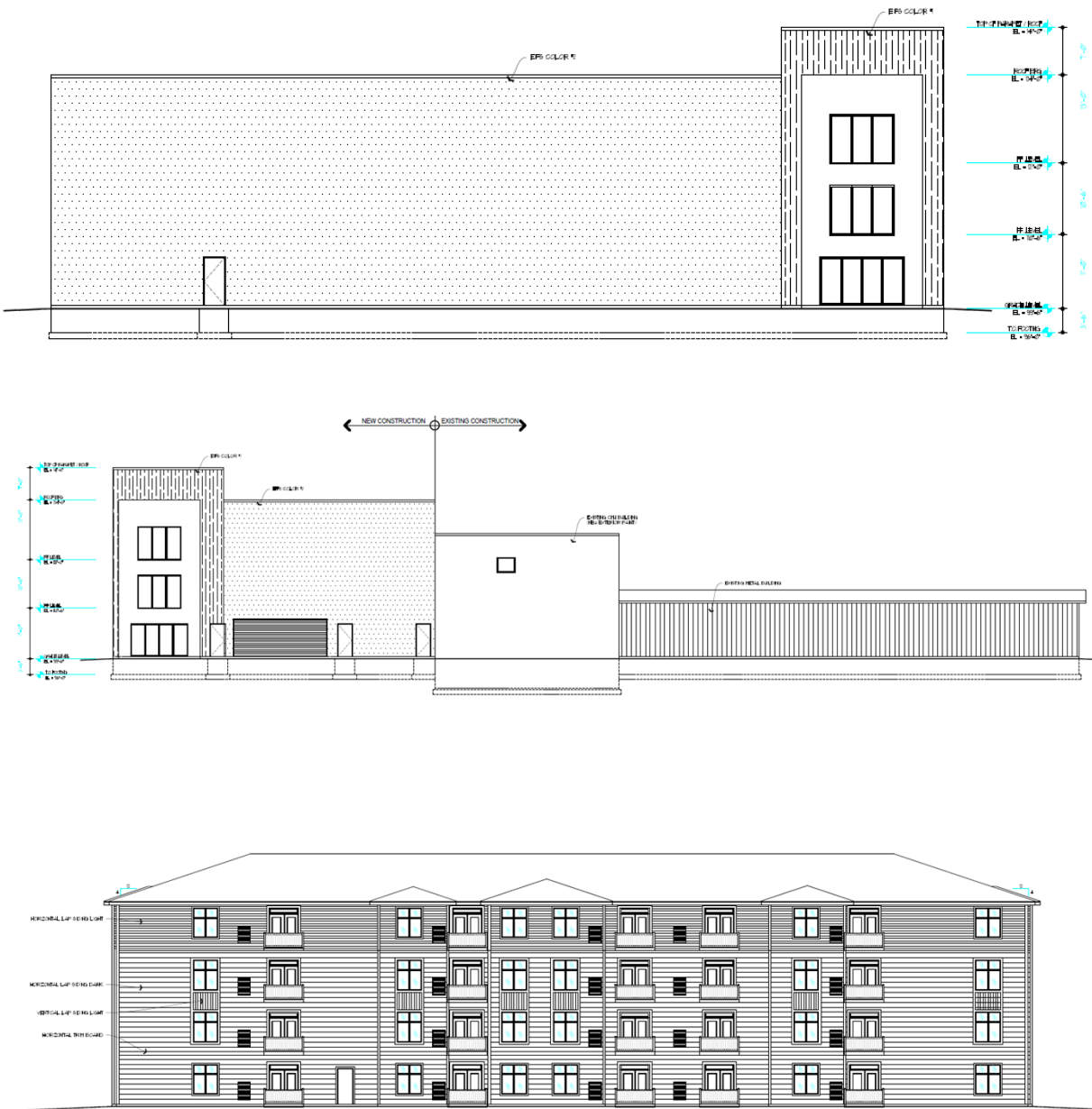
**EXHIBIT A: LEGAL DESCRIPTION OF PROPERTY IN PUD OVERLAY
ZONING DISTRICT #2022-XX**

Lots 1-2, Block 1, MIDWEST FIRST SUBDIVISION

**EXHIBIT B: PERTINENT EXCERPTS OF THE DEVELOPMENT PLAN FOR
PUD OVERLAY ZONING DISTRICT #2022-XX**







WRITTEN PUBLIC COMMENTS RECEIVED BEFORE AUGUST 1, 2022

Good Morning David,

Unfortunately I will be unable to attend the meeting August 1st.

I live on the corner of 5th St & 8th Ave NW.

I do not know of any other indoor storage facilities in Faribault. The indoor storage may be a welcome addition to our city. I do not object to the indoor storage facility.

I do not have numbers or statistics regarding adding yet another apartment building to Faribault.

An apartment building is not going to add jobs to our community. When I hear talk of needing more housing, I tend to wonder if we are just drawing in more section 8 residents to our community. I tend to wonder what percent of our population is gainfully employed and what percent is not employed and utilizing our government support. That being said, as I am across the street, I do have concerns about my safety.

If you were to survey the citizens of our community, I believe you would hear what I have been hearing..that is.... What? the last thing we need is another apartment building.

The property is zoned C-2 Highway Commercial. Do we really want to change it to residential? What is our community doing to draw businesses that could add jobs? I tend to wonder, what businesses we are not offering any incentives to locate here. Businesses that would offer gainful employment. More jobs, may = less need for section 8 housing.

I do not believe we should do any tax incentives for such a project as it is not adding jobs or in my opinion adding any value to our community. There should not be any special special allowances or conditional permits offered to this project.

I do not believe an apartment building should be on a state highway, let alone a 4 story one. If the building of an apartment building can not be stopped at this time, **please** do not allow a 4 story one.

How about town homes along 5th Street or Condos and leave the section near Highway 60 for a commercial property. So many options not entertained...

If we can't stop the planned apartment building, perhaps they should consider Condo type building where the living units/apartments are purchased. This would draw more business people to our community or retired individuals, who do not want to do lawn care etc and like to travel. Again, I still do not believe any residential building should be right along a State Highway, but if it must be this would be a better option and may draw business people to our city.

(Continued on the following page)

No matter how nice an apartment building that offers section 8 housing is, it could actually be a deterrent to drawing business people. The nice apartment building in the Evergreen Knoll area has already had drug raids and I hear police have been there several times also. I have had people say, a nice new building, they will vet the applicants before they rent to them...hmmm...again I do worry about my safety.

I am not sure of exactly what the variance for building set backs in relation to this project is, but I believe the proposed project needs to be set back as far as possible from the periphery of the property.
It is proposed along a state highway.

I believe the city has felt more like, anything is better than the unkempt old Farmer Seed building...but is everyone thinking into the future...giving up prime Commercial zoned property that could offer jobs. Versus 10 - 20 years down the road and what could be considered an old apartment building.

What is the future vision of our community? Does this project fit into our future vision? Do we want our community to grow and draw businesses and business people? What in actuality will this actually add to the future of our community? What are we actually drawing to our community? The decisions made now will affect the future of our city.

Thanks for listening.

Barb Ennis
[806 5th Street NW](#)
[Faribault, MN 55021](#)
bennis19@charter.net

Hi David,

Here are a couple of our concerns that you can put in the packet/public record:

This inquiry is regarding our business, Associated Graphic Arts, Inc. located at 820 5th Street NW, across from the Farmer Seed buildings.

How will this project (demo, construction and once completed) affect the accessibility of 5th Street for our deliveries? We have semi's carrying materials for production on and, sometimes daily basis. Because it is a dead-end street, it has already been a challenge for the drivers to turn around or back up to 8th Ave. They had been able to turn into the West entrance of Farmer Seed and back up (with their permission). UPS and SpeedDee are twice daily.

Can you tell us how much notice will be given prior to the start of demolition? Our production processes are dust sensitive.

Would it be possible to have ongoing communication so we can adjust our production schedule to your schedule?

Regards,

Lori Christensen

AGA, Inc.



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: August 1, 2022
SUBJECT: Applications related to Platting and Rezoning the Property at 139 Mercy Drive to Accomodate a Proposed Elementary School

Background:

Divine Mercy Catholic Church (the "Applicant") has been working with City Staff over the past several months regarding the development of a proposed elementary school connected to the existing church at 139 Mercy Drive. The proposed school requires replatting the property and amending the existing PUD to accommodate the school. The property will also be rezoned from R-2, Low-Density Residential to P/I, Public/Institutional. The proposed development is straightforward. Refer to the attached plans and the attached City Engineer's report for additional information. The City's Development Review Committee intends to work with the Applicant on the details of the proposed development, pending public hearing comments.

Recommendation:

Recommend that the City Council approve the Applicant's requests. The City Planner will distribute written findings and/or resolutions at the public hearing.

Attachments:

1. City Engineer's Report
2. Excerpts from the Applicant's Submittal
3. Resolution 2022-xxx Approve the Preliminary Plat and the Final Plat of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION

4. Ordinance 2022-xx Further Amend Ordinance 2007-19 as Amended by Ordinance 2022-12 Related to DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION



Engineering Department Memorandum

TO: Dave Wanberg, City Planner

CC: Deanna Kuennen, Comm. and Econ. Development Director
Travis Block, Public Works Director
Jeanne Day, Finance Director

FROM: Mark DuChene, City Engineer

DATE: July 27, 2022

SUBJECT: Divine Mercy Catholic Church Third Addition Preliminary Plat, Final Plat, & Planned Unit Development

BACKGROUND

Phillip Parrish on behalf of Divine Mercy Catholic Church, the developer, has submitted a preliminary plat, final plat, and planned unit development applications. The site is located in the SE ¼ of Section 7 Township 109, Range 20W whose parent parcels are Lot 1, Block 3 and Outlot B Divine Mercy Catholic Church. The site is adjacent to CSAH 45 (Albers Avenue) to the West, agricultural property to the south and east and residential property to the north.

The proposed subdivision is located on land that is currently zoned R-2 Low Density Residential. It is proposed to rezone the proposed plat area to Public-Institutional. The proposed improvements include the construction of an elementary school connected to the existing church and expansion of onsite parking and stormwater management facilities.

There are no proposed public improvements.

The proposed development will be completed by:

Owner/Developer:	Divine Mercy Catholic Church
Surveyor:	Bohlen Surveying & Associates
Engineer:	Kimley-Horn & Associates, Inc.

Planned Unit Development (PUD)

The proposed plat is contained within an existing planned unit development approved on August 28, 2007, per Ordinance 2007-19 and as amended on May 25, 2022 per Ordinance 2022-12. The following applicable PUD sections shall be amended as follows:

Section 3. The PUD shall be subject to the following development standards:

1. The education use (including early childhood center) and 48- unit senior housing use shall be allowed as ~~conditional~~ uses within the PUD, and shall be processed according to the provisions governing ~~Conditional Use Permits~~ Public-Institutional zoning districts in the Unified Development Ordinance in effect at the time of such applications. Provided the proposed ~~conditional~~ uses meet all PUD and/ or underlying ~~R-2 P-I~~ zoning district standards in effect at the time of application, no amendment to the PUD will be required.
2. Platting will be required as future phases of the PUD are developed. Such platting shall be processed according to Chapter 15 of the Unified Development Ordinance, or other subdivision standards in effect at the time of such plat. ~~Provided the proposed plat conforms to the provisions and intent of the original PUD and Subdivision Regulations, such platting will not require an amendment to the Planned Unit Development~~ No additional platting or phases within the original PUD will be allowed without an amendment to the PUD clearly defining a phasing and sequencing plan for the extension of public infrastructure including a second public street connection to CSAH 45.
3. Development of the site shall be according to the approved overall conceptual development plan attached as Exhibit C, which shall be modified as follows:
 - a. To show landscape buffering compliant with the base number of plantings (no discount for wider buffer area) in the area of the future play fields and school building.
 - b. Additional landscaping for impervious acreage is required at a rate of three trees per acre of impervious surface.
 - c. In addition to the standard enclosure and screening requirements for trash handling and loading areas, the developer shall be required to enhance screening by planting additional appropriate landscaping as approved by city staff.
5. In addition to the standard enclosure and screening requirements for trash handling and loading areas, the developer shall be required to enhance screening by planting additional appropriate landscaping as approved by city staff.
6. All parking areas and access drives shall be hard surfaced with concrete or bituminous, and be striped in compliance with City Code standards. With the exception of the former single-family residence on County Road 45/Albers Avenue, all parking areas and access drives, including parking lot landscape islands, shall have a six-inch insurmountable concrete curb and gutter.
9. Access to the former single-family residence from County Road 45/ Albers Avenue may continue with the following conditions:
 - A. The Applicant must obtain all required approvals and permits from the Rice County Highway Department for any Applicant- proposed changes or any County required changes to the existing access.
 - B. The occupancy of the structure and related site served by the access must not exceed fifty (50) people.
 - C. The access must only serve the former single- family residence site. The access shall not be used for vehicular circulation serving the existing church/ future school.

D. The Applicant must either immediately remove the illegal private drive between the existing church and former single- family residence or barricade or otherwise prevent the use of the illegal drive. However, the Applicant must fully remove the illegal private drive and properly restore the site by October 31, 2024.

E. The Applicant must remove the existing accessory buildings adjacent to the private drive or obtain a PUD amendment to maintain the accessory buildings.

PLAT

Developer has submitted a preliminary and final plat for DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION. The preliminary and final plat contains one (1) lot for public-institutional development.

The areas within the plat include:

<u>Lot 1, Block 1</u>	<u>27.39 acres (1,193,019 sf)</u>
Total	27.39 acres (1,193,019 sf)

Current title work has been submitted with the final plat application and will be subject to the review of the City and City Attorney's office.

At the time of final plat, the Developer agrees to provide sufficient permanent property monumentation per the development agreement and shall submit to the City written verification by a registered land surveyor licensed in the State of Minnesota.

SITE CONDITIONS

The existing site contains approximately 27.4 acres of land that that is partially developed with an existing church and associated parking lot, an existing storm water management basin and an existing single-family structure used for assembly purposes and some minor storage structures. The site has a somewhat rolling topography and drainage is generally split with the area west of the existing church building draining west towards CSAH 45 and the area east of the church draining to the existing stormwater basin in the northeast corner of the plat.

EASEMENTS

Existing Easements

- There are existing perimeter drainage and utility easements (DUE) for Lot 1 Block 3 Divine Mercy Catholic Church adjacent to the existing public streets.

Proposed Easements

The proposed plat shows perimeter drainage and utility easements as required by City code on proposed Lot 1, Block 1 Divine Mercy Catholic Church Third Addition. A drainage easement of sufficient width as determined by the City Engineer shall be shown to cover the shared sanitary sewer and water mains that will serve the proposed school building from Mercy Drive.

STREET AND SITE LAYOUT

No public street improvements are planned as part of the subdivision as the proposed plat improvements have access from Mercy Drive.

Mercy Drive

The site is south of and adjacent to Mercy Drive a local roadway. Mercy Drive is a 32-foot wide, urban roadway and is within a 60-foot right-of-way with a sidewalk on the south side. No new driveways are proposed on Mercy Drive to serve the proposed development as access to the school will be via the existing driveway entrance to the existing church on the east side of the buildings and delivery access to the proposed school will be via the existing driveway on the west side of the church. The proposed accesses and driveways provide adequate space for maneuvering and site circulation.

CSAH 45 (Albers Avenue)

The site is east of and adjacent to CSAH 45 a major collector under the jurisdiction of Rice County. CSAH 45 is constructed as a 24-foot wide, two-lane rural roadway with turn lanes and is within a varying width right-of-way (exceeds 100-feet). There is an existing gravel driveway connecting the former residential structure to the church parking lot area. This gravel driveway must be removed as part of the proposed improvements.

PARKS AND TRAILS

Per the development agreement for Divine Mercy Catholic Church the park dedication requirements have been satisfied. No proposed park land or trails are proposed as part of the development; however, the City's comprehensive trails and sidewalks plan does include the extension of a multipurpose trail adjacent to the west side of the proposed plat.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The development is located within the Straight River (M-048-026) district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site currently drains towards the west towards CSAH 45 or to the east to the existing stormwater management basin. Runoff is ultimately discharged overland to Straight River to the east.

Proposed storm sewer improvements must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Storm sewer systems must be designed to limit the post construction rate of runoff from the 2, 10 & 100 yr. 24-hour storm events to less than or equal to existing conditions. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

The proposed site improvements include the addition of an estimated 5.98 acres of new and/or reconstructed impervious surface. A stormwater treatment system meeting the current

requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans. The Developer has submitted a Stormwater Management Plan and is proposing to construct a new stormwater treatment basin(s) onsite. The storm water basin is proposed to then discharge the City storm sewer system within Mercy Drive.

The proposed stormwater basin(s) will be a private basin and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

A City grading permit and a National Pollution Discharge Elimination System Construction Stormwater General Permit for construction activity is required by the Minnesota Pollution Control Agency (MPCA) for areas exceeding one acre being disturbed by grading. A copy of the Notice of Stormwater Permit Coverage must be submitted to the City upon receipt from the MPCA. A stormwater pollution prevention plan (SWPPP) must be submitted meeting the requirements of the City's municipal separate storm sewer system permit and associated ordinances and the erosion and sediment control requirement as set forth in the MPCA construction stormwater general permit. A full copy of the SWPPP must be submitted to the City Engineer with the final construction plans for review and approval.

A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances.

UTILITIES

The existing site is currently served by City water and sewer from services extended into the site from mains located in Mercy Drive and existing utilities have sufficient capacity to serve the proposed development. Said sewer and water mains shall be considered private.

A drainage and utility easement shall be placed over the shared mains serving the church and school. Final utility locations shall be subject to the review and approval of the City Engineer.

All future buildings shall be charged the standard Sewer Access Charge (SAC) and Water Access Charge (WAC) in effect at the time of building permit issuance.

WETLANDS

There are no known wetlands shown on the preliminary plat.

CONSTRUCTION ACCESS

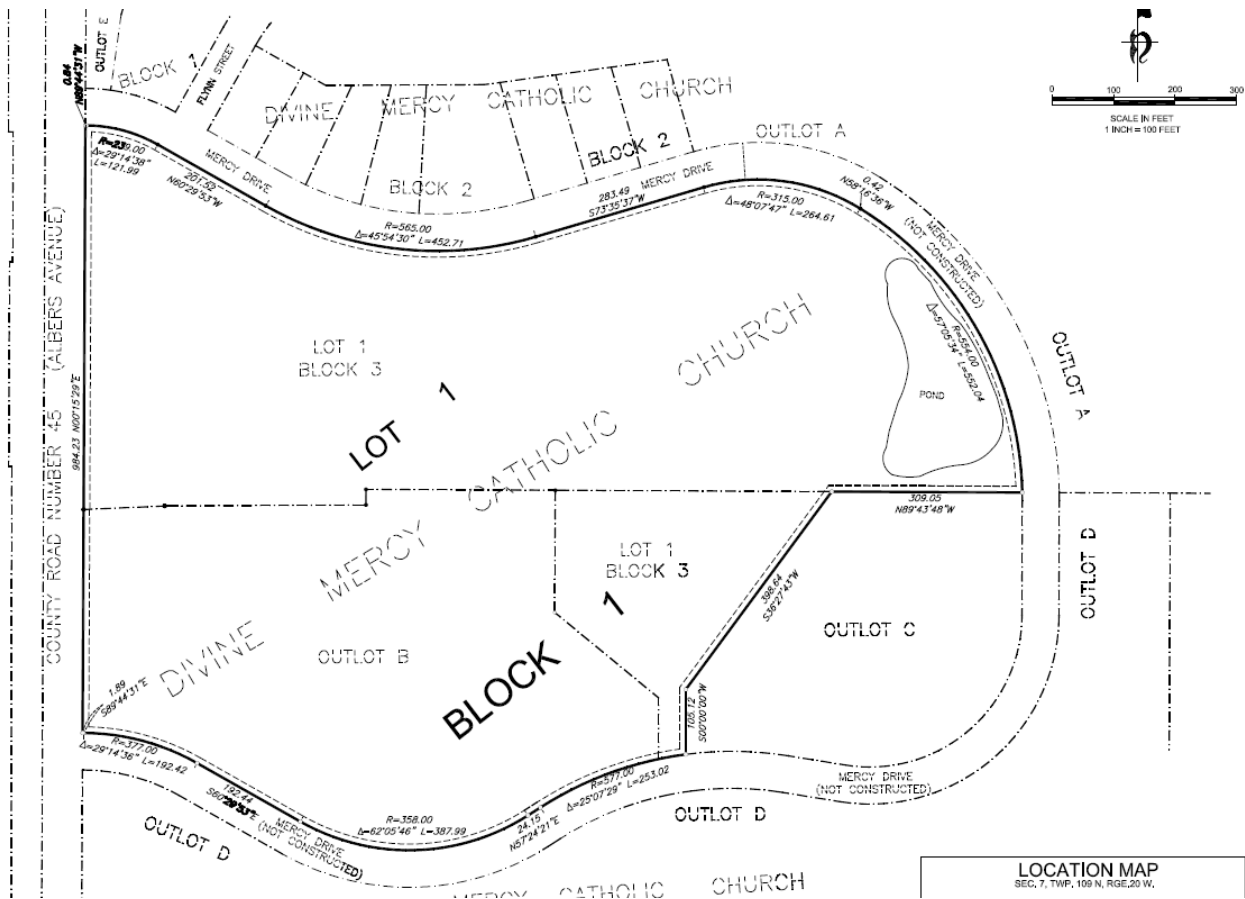
Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access.

RECOMMENDATION

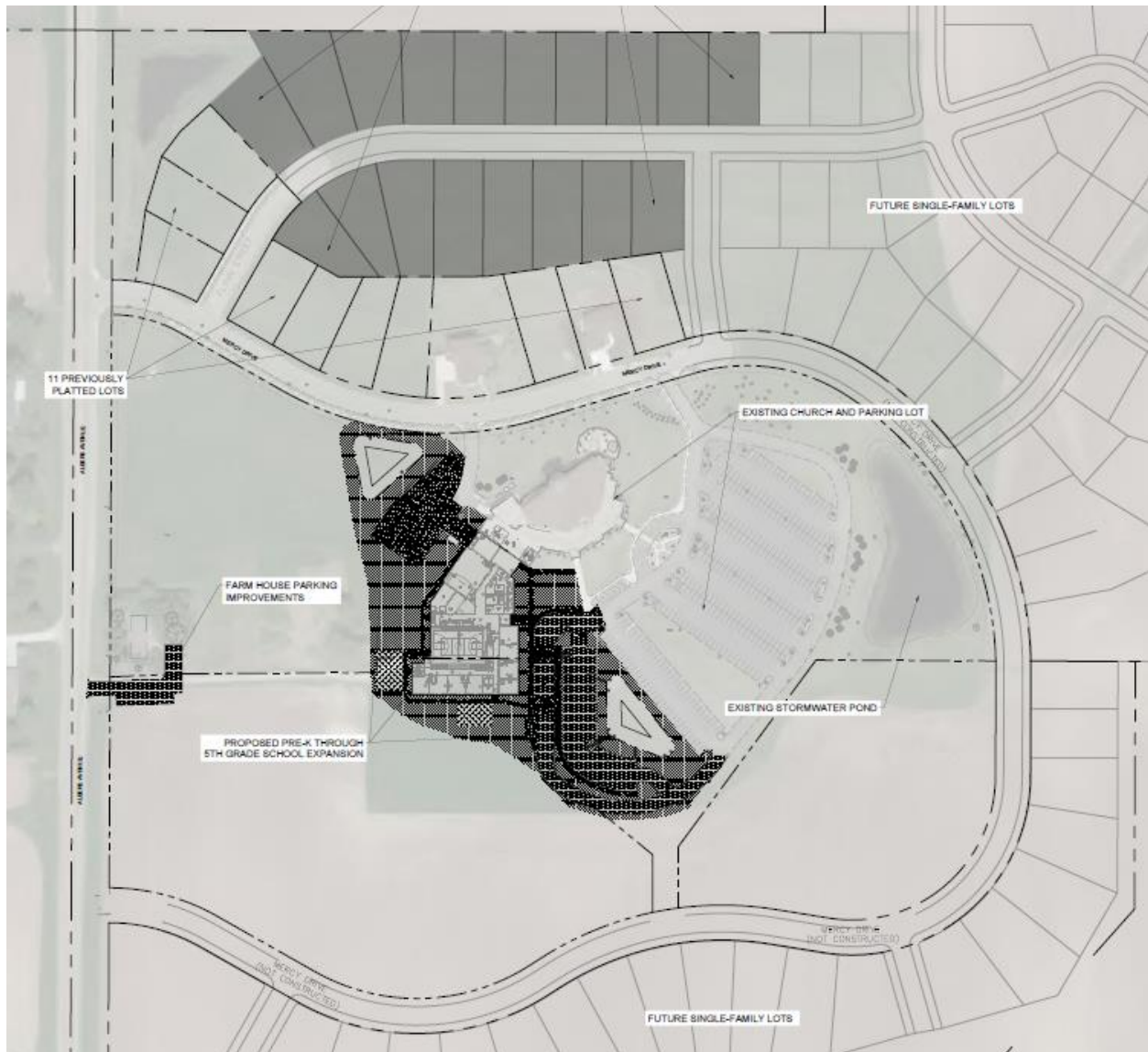
Engineering recommends approval of the Preliminary Plat, Final Plat & Planned Unit Development, subject to the comments within this report and the following:

- Plat shall be revised to be called DIVINE MERCY THIRD ADDITION.
- Title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.

EXCERPTS FROM THE APPLICANT'S SUBMITTAL



Proposed Final Plat



Proposed Site Plan



Proposed School

CITY OF FARIBAULT

RESOLUTION #2022-xxx

**APPROVE THE PRELIMINARY PLAT AND THE FINAL PLAT OF
DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION**

WHEREAS, Divine Mercy Catholic Church (the “Applicant”) submitted applications for preliminary plat approval and final plat approval of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION legally described in Exhibit A and depicted in Exhibit B and Exhibit C of this resolution; and

WHEREAS, City Staff reviewed the Applicant’s request for preliminary plat approval and final plat approval and made a report to the Faribault Planning Commission (see the City Engineer’s memorandum in Exhibit D of this resolution); and

WHEREAS, the Planning Commission held a public hearing on August 1, 2022, to consider the Applicant’s request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant’s requested preliminary plat based on the following findings as required by Section 15-130 of the City’s Unified Development Ordinance:

- 1. The proposed preliminary plat conforms with the requirements of the Unified Development Ordinance, the applicable zoning district regulations, and any other applicable provisions of this Ordinance, subject only to acceptable rule exceptions.**

Expanded Finding: The proposed lots created by the preliminary plat of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION are consistent with the lot dimension requirements outlined in the City's Unified Development Ordinance.

2. The proposed subdivision is consistent with the City's Land Use Plan and any other adopted land use studies.

Expanded Finding: The proposed preliminary plat of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION is consistent with the City's Journey to 2040 Comprehensive Plan, which guides the area in the plat for institutional use.

3. The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.

Expanded Finding: The preliminary plat of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION is well-conceived. The size and layout of the proposed parcels allow for logical development.

4. The spacing and design of proposed curb cuts and intersection locations are consistent with good traffic engineering design and public safety considerations.

Expanded Finding: The proposed curb cuts are roughly in the same location of the existing curb cuts.

5. All submission requirements have been satisfied.

Expanded Finding: The preliminary plat of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, the Planning Commission, following the August 1, 2022, public hearing, recommended that the Faribault City Council approve the requested final plat of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION based on the following findings as required by Section 15-210 of the City's Unified Development Ordinance:

1. The final plat substantially conforms to the approved preliminary plat.

Expanded Finding: The Applicant prepared the final plat concurrently with the preliminary plat. The final plat conforms to the preliminary plat.

2. The plat conforms to all applicable requirements of the Unified Development Ordinance, subject only to approved rule exceptions.

Expanded Finding: The final plat conforms to all applicable requirements of the City's Unified Development Ordinance.

3. All submission requirements have been satisfied.

Expanded Finding: The final plat adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, at a public meeting on _____, the City Council considered the Applicant's requests for preliminary plat and final plat approval and concurred with the recommendations and findings of the Planning Commission as stated in the above recitals and made the identical findings.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault as follows:

Section 1. Approval of the preliminary plat and the final plat. The City Council hereby approves the preliminary plat and the final plat of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION legally described in Exhibit A and depicted in Exhibit B and Exhibit C of this resolution based on the written findings in this resolution and subject to the following conditions:

1. The City Council's approvals of the preliminary plat and final plat of DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION are contingent on the City Attorney's plat opinion, review of title work, and any further requirements thereof.
2. The Applicant and the City must enter into a Developer's Platting Agreement to the satisfaction of the City Attorney and City Engineer before recording the DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION plat with Rice County.
3. Parkland dedication was accounted for as part of a previous plat of the Property. No additional parkland for this plat shall be required.

4. The Applicant must address all plat-related comments described in the memo from Mark DuChene, City Engineer, dated _____, in Exhibit D of this resolution.
5. The Applicant must record the final plat with the Rice County Recorder's Office within twelve (12) months following City Council approval, or the City Council will automatically, without further action, deem the plat null and void unless the City Council extends the deadline to record the final plat.
6. The Applicant must provide the City Engineer with a signed mylar copy of the final plat as soon as possible after all signatures have been obtained and after the final plat has been successfully recorded at Rice County.
7. The Applicant must provide the City Engineer with the final plat in a digital format suitable to the City Engineer as soon as possible after the Applicant has successfully recorded the final plat at Rice County.

Section 2. Findings and incorporation of recitals and exhibits. The recitals and exhibits incorporated in this resolution constitute the City Council's written findings protecting the public's health, safety, and welfare.

Section 3. Authorization to take additional steps. The City Council hereby authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 4. Authorization to execute documents. The City Council hereby authorizes and directs the Mayor and the City Administrator to take all necessary actions and execute all appropriate documents to effectuate the approvals contemplated by this resolution.

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

Date Adopted: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A: Legal Description

Lot 1, Block 3, and Outlot B, DIVINE MERCY CATHOLIC CHURCH, according to the the recorded plat thereof, Rice County, Minnesota

Exhibit B: DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION
Preliminary Plat

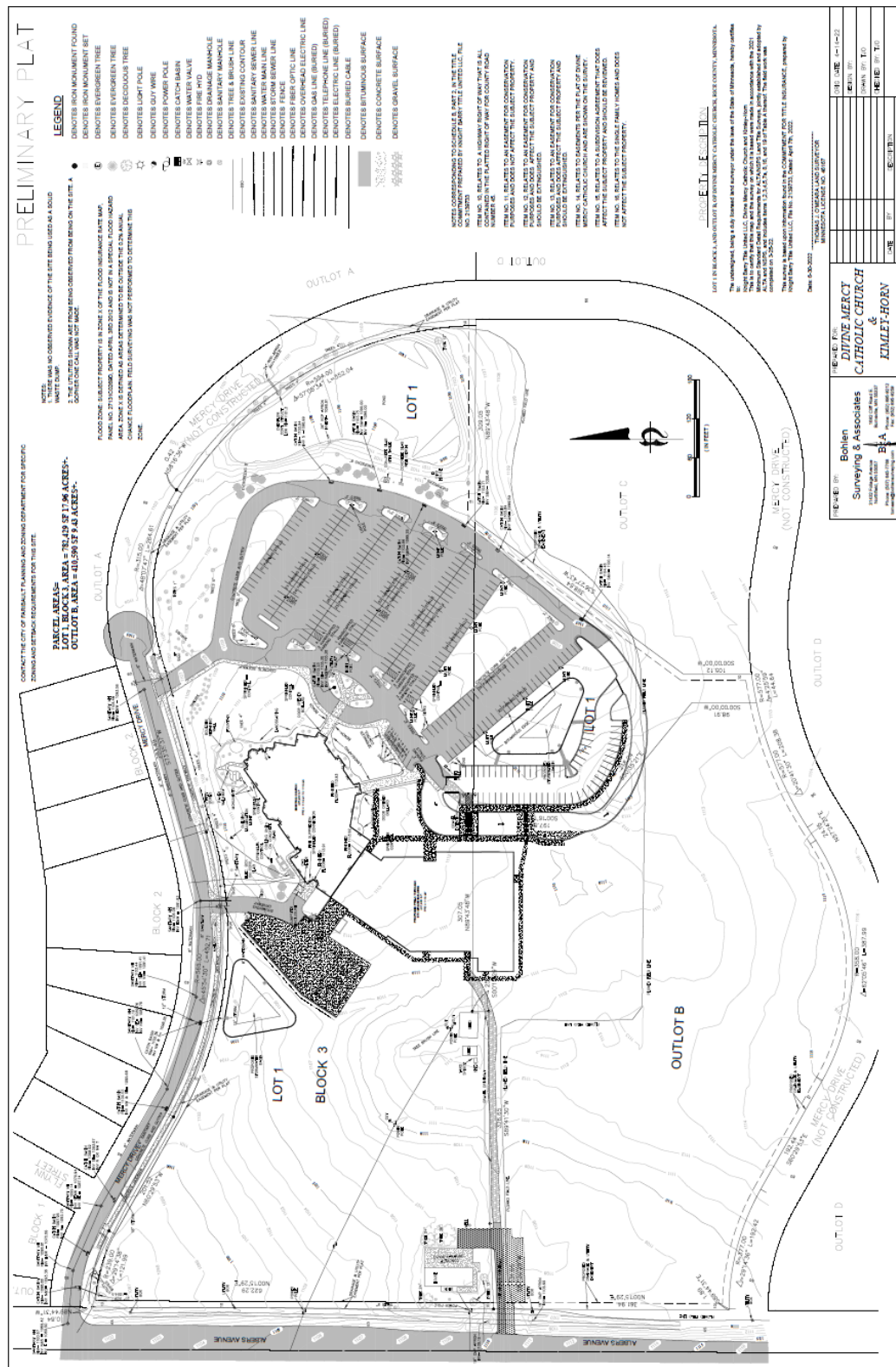
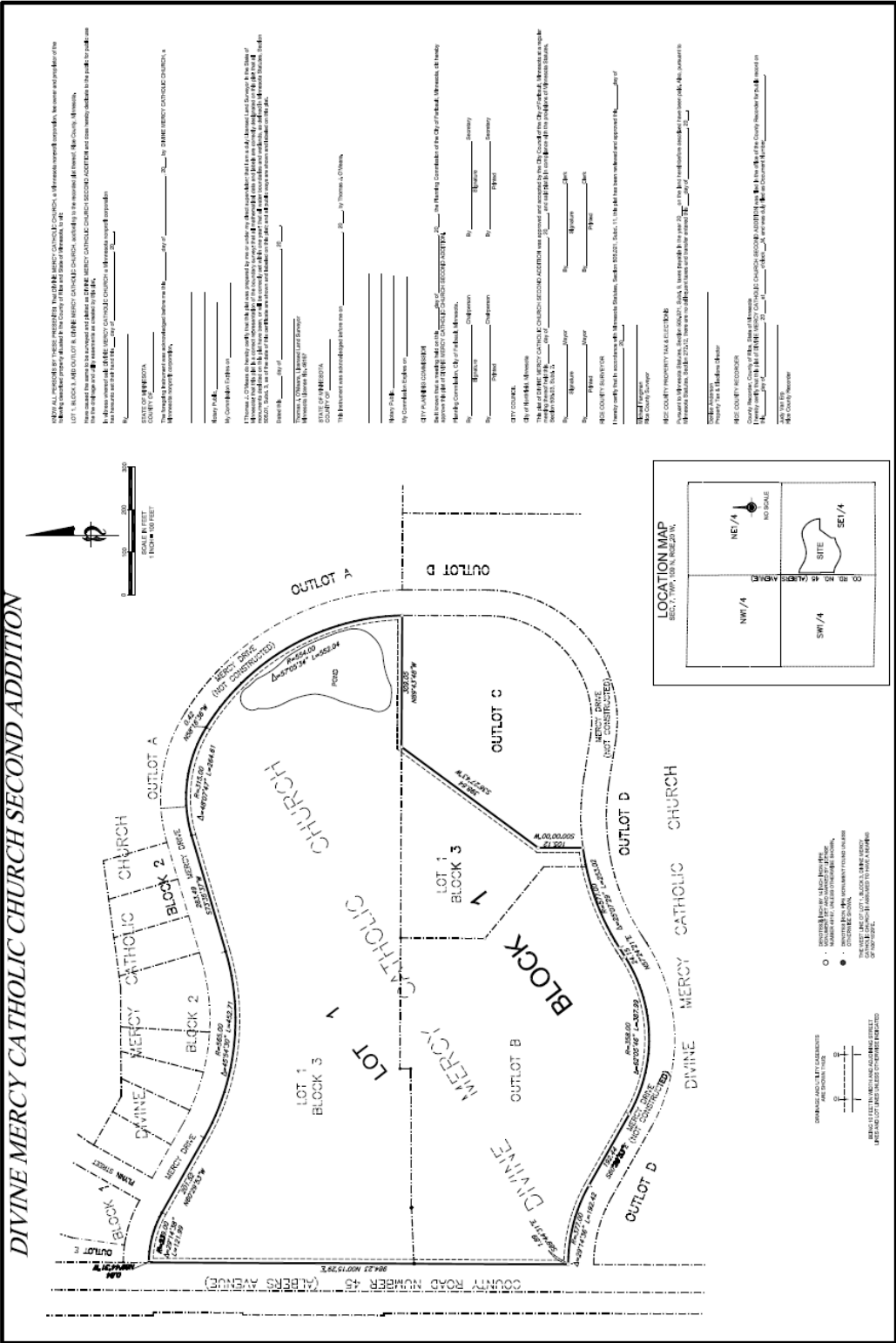


Exhibit C: DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION Final Plat



**Exhibit D: Memo to David Wanberg, City Planner, from Mark DuChene,
City Engineer, dated July 29, 2022**



Engineering Department Memorandum

TO: Dave Wanberg, City Planner

CC: Deanna Kuennen, Comm. and Econ. Development Director
Travis Block, Public Works Director
Jeanne Day, Finance Director

FROM: Mark DuChene, City Engineer

DATE: July 27, 2022

SUBJECT: Divine Mercy Catholic Church Third Addition Preliminary Plat, Final Plat, & Planned Unit Development

BACKGROUND

Phillip Parrish on behalf of Divine Mercy Catholic Church, the developer, has submitted a preliminary plat, final plat, and planned unit development applications. The site is located in the SE ¼ of Section 7 Township 109, Range 20W whose parent parcels are Lot 1, Block 3 and Outlot B Divine Mercy Catholic Church. The site is adjacent to CSAH 45 (Albers Avenue) to the West, agricultural property to the south and east and residential property to the north.

The proposed subdivision is located on land that is currently zoned R-2 Low Density Residential. It is proposed to rezone the proposed plat area to Public-Institutional. The proposed improvements include the construction of an elementary school connected to the existing church and expansion of onsite parking and stormwater management facilities.

There are no proposed public improvements.

The proposed development will be completed by:

Owner/Developer:	Divine Mercy Catholic Church
Surveyor:	Bohlen Surveying & Associates
Engineer:	Kimley-Horn & Associates, Inc.

Planned Unit Development (PUD)

The proposed plat is contained within an existing planned unit development approved on August 28, 2007, per Ordinance 2007-19 and as amended on May 25, 2022 per Ordinance 2022-12. The following applicable PUD sections shall be amended as follows:

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1. The education use (including early childhood center) and 48- unit senior housing use shall be allowed as conditional uses within the PUD, and shall be processed according to the provisions governing Conditional Use Permits Public-Institutional zoning districts in the Unified Development Ordinance in effect at the time of such applications. Provided the proposed conditional uses meet all PUD and/ or underlying R-2 P-I zoning district standards in effect at the time of application, no amendment to the PUD will be required.
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PLAT

Developer has submitted a preliminary and final plat for DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION. The preliminary and final plat contains one (1) lot for public-institutional development.

The areas within the plat include:

Lot 1, Block 1	27.39 acres (1,193,019 sf)
Total	27.39 acres (1,193,019 sf)

Current title work has been submitted with the final plat application and will be subject to the review of the City and City Attorney's office.

At the time of final plat, the Developer agrees to provide sufficient permanent property monumentation per the development agreement and shall submit to the City written verification by a registered land surveyor licensed in the State of Minnesota.

SITE CONDITIONS

The existing site contains approximately 27.4 acres of land that is partially developed with an existing church and associated parking lot, an existing storm water management basin and an existing single-family structure used for assembly purposes and some minor storage structures. The site has a somewhat rolling topography and drainage is generally split with the area west of the existing church building draining west towards CSAH 45 and the area east of the church draining to the existing stormwater basin in the northeast corner of the plat.

EASEMENTS

Existing Easements

- There are existing perimeter drainage and utility easements (DUE) for Lot 1 Block 3 Divine Mercy Catholic Church adjacent to the existing public streets.

Proposed Easements

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STREET AND SITE LAYOUT

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PARKS AND TRAILS

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DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

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requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans. The Developer has submitted a Stormwater Management Plan and is proposing to construct a new stormwater treatment basin(s) onsite. The storm water basin is proposed to then discharge the City storm sewer system within Mercy Drive.

The proposed stormwater basin(s) will be a private basin and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

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A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances.

UTILITIES

The existing site is currently served by City water and sewer from services extended into the site from mains located in Mercy Drive and existing utilities have sufficient capacity to serve the proposed development. Said sewer and water mains shall be considered private.

A drainage and utility easement shall be placed over the shared mains serving the church and school. Final utility locations shall be subject to the review and approval of the City Engineer.

All future buildings shall be charged the standard Sewer Access Charge (SAC) and Water Access Charge (WAC) in effect at the time of building permit issuance.

WETLANDS

There are no known wetlands shown on the preliminary plat.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access.

RECOMMENDATION

Divine Mercy Third Addition Preliminary Plat, Final Plat & Planned Unit Development
Review
Page 6 of 6
July 27, 2022

Engineering recommends approval of the Preliminary Plat, Final Plat & Planned Unit Development, subject to the comments within this report and the following:

- Plat shall be revised to be called DIVINE MERCY THIRD ADDITION.
- Title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.

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

**FURTHER AMEND ORDINANCE 2007-19 AS AMENDED BY ORDINANCE 2022-12
RELATED TO DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION**

WHEREAS, Divine Mercy Catholic Church (the "Applicant") is the fee owner of land parcels south of Mercy Drive and east of CR 45/Albers Avenue in Faribault (the "subject property") legally described in Exhibit A; and

WHEREAS, related to the subject property, the Faribault City Council approved Ordinance 2007-19 Rezoning of Real Property to Create a Planned Unit Development Mixed-Use for Divine Mercy Catholic Church (see Exhibit C); and

WHEREAS, the City Council amended the PUD via Ordinance 2022-12 to allow the former farmstead in the development to be converted into a gathering place; and

WHEREAS, the City created a P/I, Public/Institutional Zoning District after the subject property was zoned R-2, Low-Density Residential; and

WHEREAS, the City wishes to rezone the subject property to P/I, Public/Institutional; and

WHEREAS, City Staff completed a review of the rezoning of the subject property to P/I, Public/Institutional, and the Applicant's PUD amendment request and made a report to the Faribault Planning Commission, a copy of which has been presented to the Faribault City Council; and

WHEREAS, the Planning Commission held a public hearing on August 1, 2022, following proper notice; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the rezoning to P/I,

Public/Institutional, and the Applicant's PUD amendment request based on the following findings as required by Section 2-180 of the City's Unified Development Ordinance as follows:

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

Finding: The City's Land Use Plan guides the subject property for 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: The proposed PUD amendment allows the proposed elementary school, which benefits the community.

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 proposed PUD amendment is compatible with the zoning and existing and proposed 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: The proposed PUD amendment does not significantly change the development plan for the subject property approved by Ordinance 2007-19 and further amended by Ordinance 2022-xx.

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 PUD amendment does not significantly change the development plan for the subject property approved by Ordinance 2007-19 and further amended by Ordinance 2022-xx.

WHEREAS, the Planning Commission's recommendation to approve the rezoning to P/I, Public/Institutional and the Applicant's PUD amendment

request is based on the following findings as required by Section 14-410 of the City's Unified Development Ordinance:

- 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: The Applicant is the fee owner of all of the properties in the PUD and is legally responsible for all maintenance and upkeep.

- 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: The Rice County Highway Department determined the proposed PUD amendment would not create traffic congestion or dangers on CR 45/Albers Avenue if the occupancy is not expanded beyond that allowed by this ordinance and Ordinance 2022-12.

- 3. A sufficient amount of usable open space is provided.**

Expanded finding: The proposed PUD amendment allows sufficient open space.

- 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: The proposed PUD amendment improves circulation and cleans up the site.

- 5. The architectural design of the project is compatible with the surrounding area.**

Expanded finding: The proposed school is compatible with the existing religious institution.

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

Expanded finding: The proposed uses in the PUD will be served by public utilities as per the Development Agreement.

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

Expanded finding: The Applicant intends to develop the school in a logical and timely manner that reduces impacts on the surrounding neighborhood.

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

Expanded finding: The proposed PUD and uses are compatible with the Land Use Plan; and

WHEREAS, at a public meeting on _____, and a public meeting on _____, the City Council considered the Applicant's rezoning and PUD amendment request and concurred with the recommendations and findings of the Planning Commission as stated in the above recitals and hereby makes identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Amend Sections 1-3 of Ordinance 2007-19 as Further Amended by Ordinance 2022-12 . The City Council of the City of Faribault hereby amends, Sections 1-3 of Ordinance 2007-19, which is further amended by Ordinance 2022-12 related to the Divine Mercy Catholic Church PUD. Sections 1-3 of said Ordinances are deleted in their entirety and replaced as follows:

Section 1: Amendment. The Property legally described in Exhibit A is hereby rezoned from R-2, Low-Density Residential District to P/I, Public/Institutional and PUD Overlay District #2022-xx.

Section 2. The PUD shall be subject to the following development standards:

1. The education use and religious institution uses shall be allowed within the P/I, Public/Institutional District and the PUD.
2. Platting will be required as future phases of the PUD are developed. Such platting shall be processed according to Chapter 15 of the Unified Development Ordinance, or other Subdivision standards in effect at the time of such plat. No additional platting or phases within the PUD shall be allowed without an amendment to the PUD, clearly defining a phasing and sequencing plan for the extension of public infrastructure, including a second public street connection to CSAH 45.
3. Development of the site shall be according to the approved overall conceptual development plan attached as Exhibit B, and shall

receive site plan approval from the City's Development Review Committee.

4. Before its eventual removal, as shown in the PUD Master Plan, the former single-family residence may be used as a place of assembly with the following conditions:
 - A. The place of assembly must be in general conformance with the concept plan shown in Exhibit B of this ordinance. The Applicant must receive all required permits and approvals from the City and other applicable regulatory authorities before starting site construction.
 - B. The occupancy of the structure and site associated with the place of assembly shall not exceed 50 people.
 - C. The Applicant must confirm with the applicable regulatory authority that the septic system is compliant and sufficiently sized for the proposed use. If the septic system is determined to be non-compliant, the Applicant must bring the system into compliance as specified by the regulatory authority or connect the use to municipal sewer and water. The City will not issue a certificate of occupancy for the place of assembly until the use complies with all applicable codes and ordinances.
 - D. The Applicant must confirm with the applicable regulatory authority that the existing well is compliant and will be tested per all applicable regulations related to the proposed use.
 - E. The place of assembly must provide a minimum of twelve (12) parking spaces per the City's Unified Development Ordinance. One of the twelve (12) parking spaces must be an accessible space per the Minnesota Accessibility Code. Per the City Code of Ordinances, all parking must be on an approved hard surface such as concrete or bituminous. No parking shall be allowed in the drive lanes or on County Road 45/Albers Avenue.
5. In addition to the standard enclosure and screening requirements for trash handling and loading areas, the developer shall be required to enhance screening by planting additional appropriate landscaping as approved by city staff.

6. All parking areas and access drives shall be hard surfaced with concrete or bituminous and be striped in compliance with City Code standards. With the exception of the former single-family residence on County Road 45/Albers Avenue, all parking areas and access drives, including parking lot landscape islands, shall have a six-inch insurmountable concrete curb and gutter.
7. Detailed site development plans for phase one construction, including final landscape, lighting, parking, and trash enclosures, shall be submitted and approved by the Development Review Committee prior to recording of the PUD and plat, and shall be attached hereto as Exhibit C-1 to C-6 prior to recording.
8. The pond in the northeast corner of the PUD shall be constructed with phase one development.
9. Access to the former single-family residence from County Road 45/Albers Avenue may continue with the following conditions:
 - A. The Applicant must obtain all required approvals and permits from the Rice County Highway Department for any Applicant-proposed changes or any County-required changes to the existing access.
 - B. The occupancy of the structure and related site served by the access must not exceed fifty (50) people.
 - C. The access must only serve the former single-family residence site. The access shall not be used for vehicular circulation serving the existing church/future school.
 - D. The Applicant must either immediately remove the illegal private drive between the existing church and former single-family residence or barricade or otherwise prevent the use of the illegal drive. However, the Applicant must fully remove the illegal private drive and properly restore the site by October 31, 2024.
 - E. The Applicant must remove the existing accessory buildings adjacent to the private drive or obtain a PUD amendment to maintain the accessory buildings.
10. Any change of use or intensification in the proposed place of assembly use identified in Exhibit B of this ordinance shall require an amendment to this PUD.

Section 2. 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 3. Authorization to take additional steps. The City Council hereby authorizes the Mayor, City Administrator, City Staff, and City Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this ordinance.

Section 4. Effective date of this ordinance. This Ordinance takes effect and is in force after its passage and publication, per Section 3.05 of the City Charter.

Public Hearing: August 1, 2022

First Reading: _____

Second Reading: _____

Publication Date: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A:
Legal Description

Lot 1, Block 1, DIVINE MERCY CATHOLIC CHURCH THIRD ADDITION

Exhibit B Development Plan

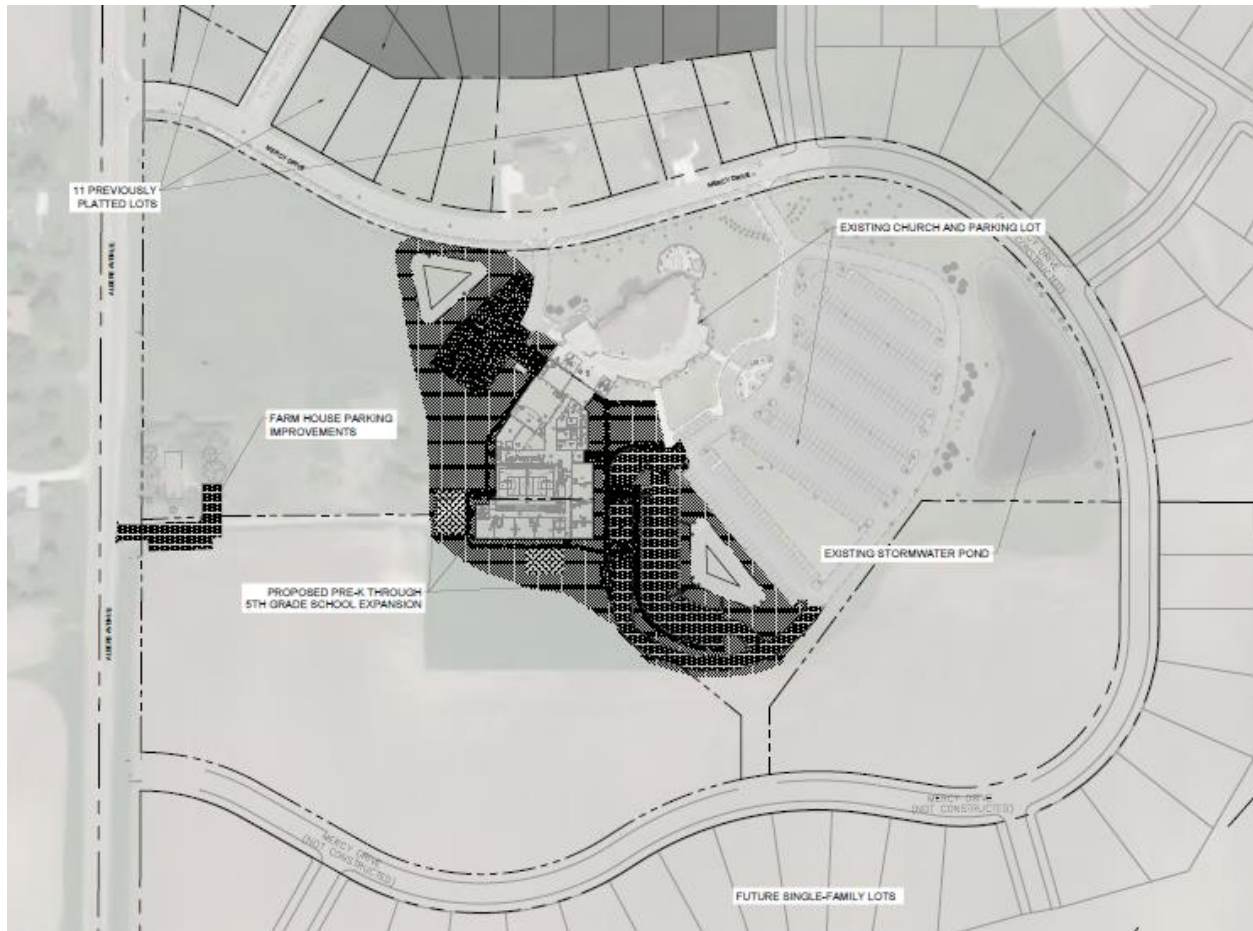


Exhibit C:
Ordinance 2007-19

Document No.

593826



OFFICE OF COUNTY RECORDER

RICE COUNTY, MINN

No. of Pages 15

I hereby certify that the within instrument was filed in this office
for record on 10-11-2007 at 10:23 ☒ AM ☐ PM

10112007



Marsha DeGroot

Rice County Recorder

**CITY OF FARIBAULT
ORDINANCE 2007-19**

**REZONING OF REAL PROPERTY TO CREATE
A PLANNED UNIT DEVELOPMENT-MIXED USE
Divine Mercy Catholic Church**

WHEREAS, Catholic Church of Divine Mercy of Faribault, Donald Reuvers, and Richard and Mary Ann Langeslag, have submitted a request to rezone certain real property within the City of Faribault, County of Rice, Minnesota; and

WHEREAS, City staff has completed a review of the application and made a report pertaining thereto (PUD-PP-40-07), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on the 7th day of August, 2007, following proper notice, held a public hearing regarding the request, and following said public hearing adopted a recommendation that the Divine Mercy Catholic Church Planned Unit Development-Mixed, which is being platted as Lot 1, Block 3 and Outlots B and C in the plat of Divine Mercy Catholic Church, be approved; and

WHEREAS, the City Council, on the 14th day of August, 2007, following proper notice, held a public hearing to consider the proposed rezoning, and all interested persons were provided an opportunity to comment; and

WHEREAS, the City Council finds that approving the Divine Mercy Catholic Church Planned Unit Development-Mixed is in the best interest of the City, with the following findings:

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.
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.
3. A sufficient amount of usable open space is provided for use by project residents and uses of the site.

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.
5. The architectural design of the project is compatible with the surrounding area.
6. The project will not place a burden on existing municipal infrastructure, including utility and drainage systems.
7. The development schedule insures a logical development of the site, protecting the interests of project residents and the general public.
8. The planned unit development is in compliance with the intent and purpose of the Land Use Plan.
9. The proposed plat conforms to the requirements of the Unified Development Ordinance and proposed zoning district regulations and proposed Planned Unit Development overlay zoning district.
10. The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles. Development of the site in the manner proposed can provide needed infrastructure improvements to service the project as a whole.
11. The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.

THE CITY OF FARIBAULT ORDAINS:

Section 1: Amendment. The Faribault Unified Development Ordinance is hereby amended to show a certain tract of land situated in the City of Faribault, County of Rice, Minnesota, now zoned R-2, Low Density Residential District to have a PUD-M, Planned Unit Development-Mixed Overlay District to accommodate the Divine Mercy Catholic Church religious, education, and senior housing campus, as described in the attached **Exhibit A-1 and A-2**, and as shown on the proposed zoning map attached as **Exhibit B**.

Section 2: Specific Code Waivers and Planned Unit Development Requirements. The following code waivers shall be allowed:

1. Waiver to allow more than one principal structure/use on a residentially zoned property, to include the Divine Mercy Catholic Church worship, education, and administration building, single family residence and associated existing out buildings, and senior housing use up to 48 units.
2. Waiver to allow a multi-family senior dwelling with up to 48 units on property zoned R-2.
3. Height waiver for portion of church building which will be 40' where 35' is allowed.

All future phases shall meet minimum code standards or the provisions of this document or will be required to be processed as a PUD amendment.

Section 3. The PUD shall be subject to the following development standards:

1. The education use (including early childhood center) and 48-unit senior housing use shall be allowed as conditional uses within the PUD, and shall be processed according to the provisions governing Conditional Use Permits in the Unified Development Ordinance in effect at the time of such applications. Provided the proposed conditional uses meet all PUD and/or underlying R-2 zoning district standards in effect at the time of application, no amendment to the PUD will be required.
2. Platting will be required as future phases of the PUD are developed. Such platting shall be processed according to Chapter 15 of the Unified Development Ordinance, or other Subdivision standards in effect at the time of such plat. Provided the proposed plat conforms to the provisions and intent of the original PUD and Subdivision Regulations, such platting will not require an amendment to the Planned Unit Development.
3. Development of the site shall be according to the approved overall conceptual development plan attached as Exhibit C, which shall be modified as follows:
 - a. To show landscape buffering compliant with the base number of plantings (no discount for wider buffer area) in the area of the future play fields and school building.
 - b. Additional landscaping for impervious acreage is required at a rate of three trees per acre of impervious surface.
 - c. In addition to the standard enclosure and screening requirements for trash handling and loading areas, the developer shall be required to enhance screening by planting additional appropriate landscaping as approved by city staff.
 - d. To meet minimum parking standards for the 1200 seat sanctuary.
4. The phase one development plan shall be revised to show the immediate interim use of the existing single family home and the layout of the driveway to show how it will serve the residential use and the construction project, including required surface improvements of either concrete or bituminous and restoration plan for the construction access.
5. In addition to the standard enclosure and screening requirements for trash handling and loading areas, the developer shall be required to enhance screening by planting additional appropriate landscaping as approved by city staff.
6. All parking areas and access drives shall be hard surfaced with concrete or bituminous, have 6" insurmountable concrete curb and gutter (including parking lot landscape islands), and be striped in compliance with City Code standards.
7. Detailed site development plans for phase one construction, including final landscape, lighting, parking, and trash enclosures, shall be submitted and approved by the Development Review Committee prior to recording of the PUD and plat, and shall be attached hereto as **Exhibit C-1 to C-6** prior to recording.
8. The pond in the northeast corner of the PUD shall be constructed with phase one development.
9. Access to the single-family use may continue as long as it is used for that purpose or as a low intensity residential rectory use by the Church. At such time as a

change in use is proposed, access is subject to review and revocation, as determined appropriate by Rice County Highway Department.

10. Any proposed use of the single family dwelling other than as a single family home or rectory, or as being removed for development of ball fields/open space, shall require an amendment to the PUD.
11. The single family dwelling/rectory shall be connected to municipal services as required by City Code upon becoming available thereto.

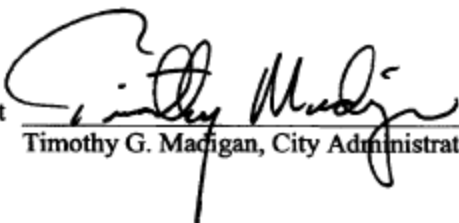
Section 3: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: August 14, 2007
Second Reading: August 28, 2007
Published: September 1, 2007

Faribault City Council

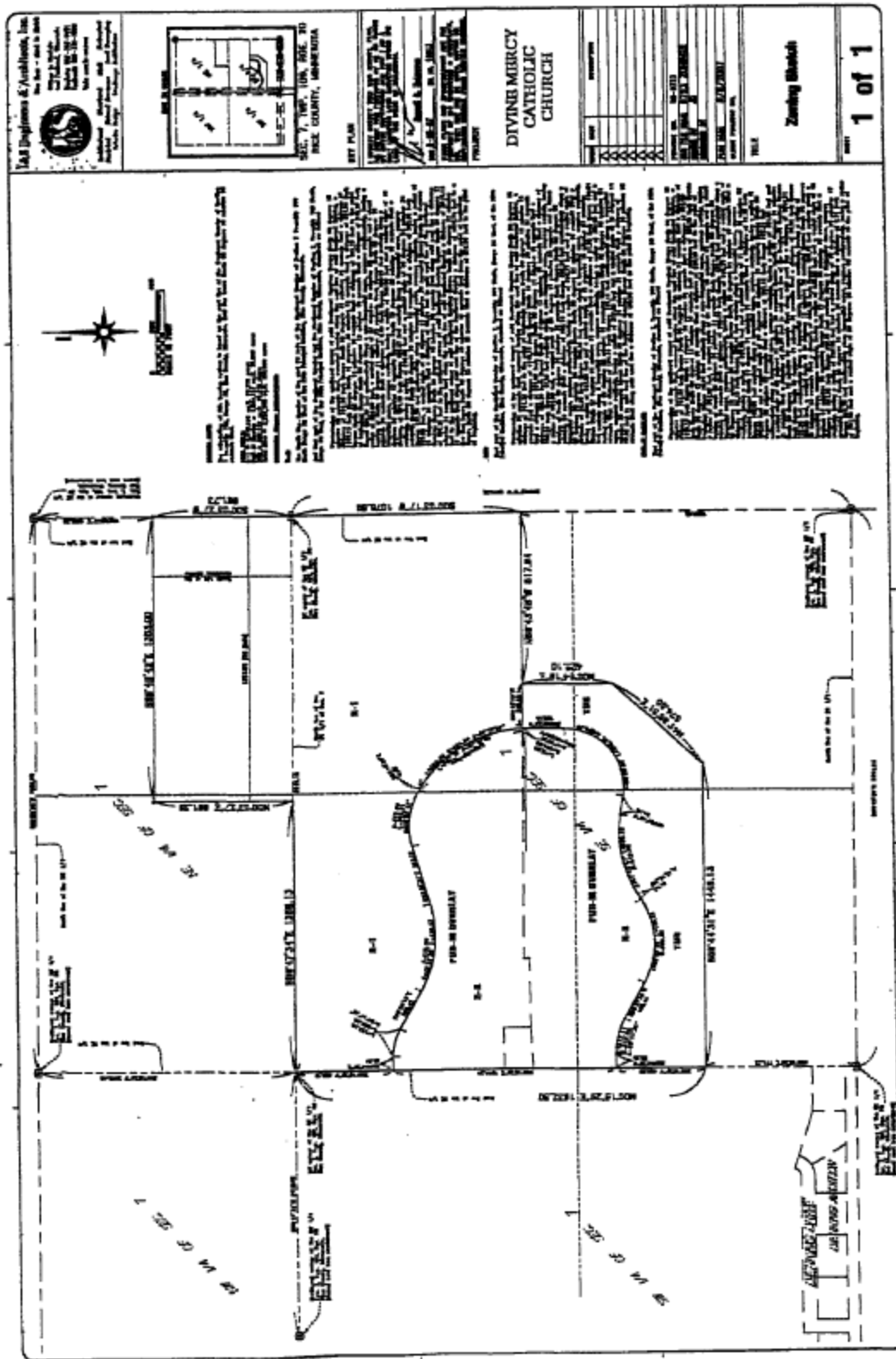


Chuck Ackman, Mayor

Attest 

Timothy G. Madigan, City Administrator

EXHIBIT-A-1
ORDINANCE 2007-19



**EXHIBIT A-2
ORDINANCE 2007-19**

Legal Description

PUD-M, PLANNED UNIT DEVELOPMENT-MIXED OVERLAY DISTRICT:

That part of the Southeast Quarter of Section 7, Township 109 North, Range 20 West, of the Fifth Principal Meridian, Rice County, Minnesota, described as follows:

Commencing at the southwest corner of said Southeast Quarter; thence North 00 degrees 15 minutes 29 seconds East, assumed bearing along the west line of said Southeast Quarter, a distance of 711.32 feet; thence South 89 degrees 44 minutes 31 seconds East a distance of 1448.13 feet; thence North 41 degrees 38 minutes 51 seconds East a distance of 574.80 feet; thence North 00 degrees 14 minutes 19 seconds East a distance of 425.10 feet; thence North 89 degrees 43 minutes 48 seconds West a distance of 210.19 feet to the point of beginning; thence 12.89 feet southerly along a non-tangential curve, concave westerly, having a radius of 584.00 feet, a central angle of 01 degrees 15 minutes 53 seconds and a chord bearing of South 00 degrees 26 minutes 34 seconds East; thence South 00 degrees 09 minutes 23 seconds West a distance of 185.73 feet; thence 478.15 feet southwesterly along a tangential curve, concave northwesterly, having a radius of 276.77 feet and a central angle of 98 degrees 58 minutes 56 seconds; thence North 80 degrees 51 minutes 42 seconds West a distance of 94.15 feet; thence 398.42 feet westerly along a tangential curve, concave southerly, having a radius of 547.00 feet and a central angle of 41 degrees 43 minutes 57 seconds; thence South 57 degrees 24 minutes 21 seconds West a distance of 24.15 feet; thence 420.51 feet westerly along a tangential curve, concave northerly, having a radius of 388.00 feet and a central angle of 62 degrees 05 minutes 46 seconds; thence North 60 degrees 29 minutes 53 seconds West a distance of 192.44 feet; thence 177.11 feet northwesterly along a tangential curve, concave southerly, having a radius of 347.00 feet and a central angle of 29 degrees 14 minutes 38 seconds; thence North 89 degrees 44 minutes 31 seconds West a distance of 66.89 feet to said west line of the Southeast Quarter; thence North 00 degrees 15 minutes 29 seconds East along said west line a distance of 1044.24 feet; thence South 89 degrees 44 minutes 31 seconds East a distance of 65.84 feet; thence 137.30 feet southeasterly along a tangential curve, concave southerly, having a radius of 269.00 feet, a central angle of 29 degrees 14 minutes 38 seconds; thence South 60 degrees 29 minutes 53 seconds East a distance of 202.49 feet; thence 428.67 feet easterly along a tangential curve, concave northerly, having a radius of 535.00 feet and a central angle of 45 degrees 54 minutes 30 seconds; thence North 73 degrees 35 minutes 37 seconds East a distance of 283.49 feet; thence 289.81 feet easterly along a tangential curve, concave southerly, having a radius of 345.00 feet and a central angle of 48 degrees 07 minutes 47 seconds; thence South 58 degrees 16 minutes 36 seconds East a distance of 0.42 feet; thence 582.70 feet southeasterly along tangential curve, concave southwesterly, having a radius of 584.00 feet and a central angle of 57 degrees 10 minutes 05 seconds to the point of beginning.

City of Faribault Official Zoning Map

August 2, 2007

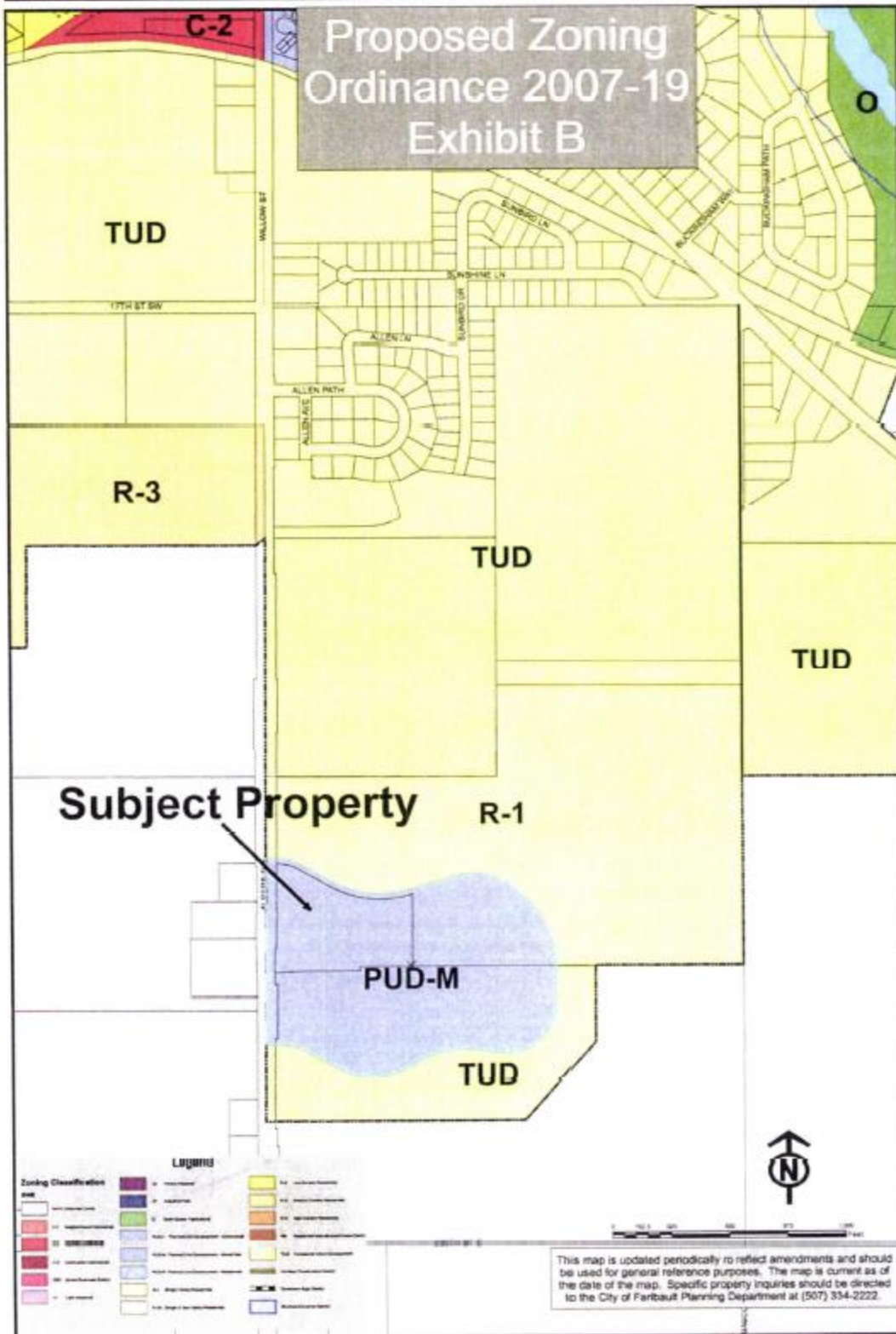
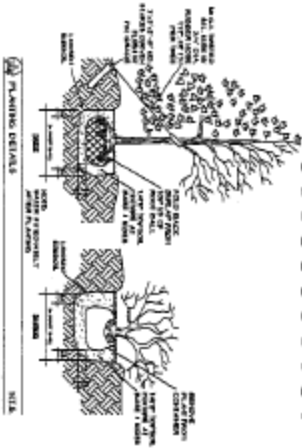


EXHIBIT C-1
ORDINANCE 2007-19

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BUILDING AREA SUMMARY:

HEALTHY AND EDUCATION CENTER		POSSIBLE ACTION ITEMS	
• Health Issues	Monitor BP	• Diabetes (Prevent)	Monitor BP
• Medication (Follow)	Monitor BP	• Heart (Follow)	Monitor BP
• Weight Issues	Monitor BP	• Stroke (Prevent)	Monitor BP

Time Period	Number of
1990-1999	10000
2000-2009	10000
2010-2019	10000
2020-2029	10000
2030-2039	10000
2040-2049	10000
2050-2059	10000
2060-2069	10000
2070-2079	10000
2080-2089	10000
2090-2099	10000
2100-2109	10000
2110-2119	10000
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2140-2149	10000
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2200-2209	10000
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46 *Journal of Maritime Law and Commerce*

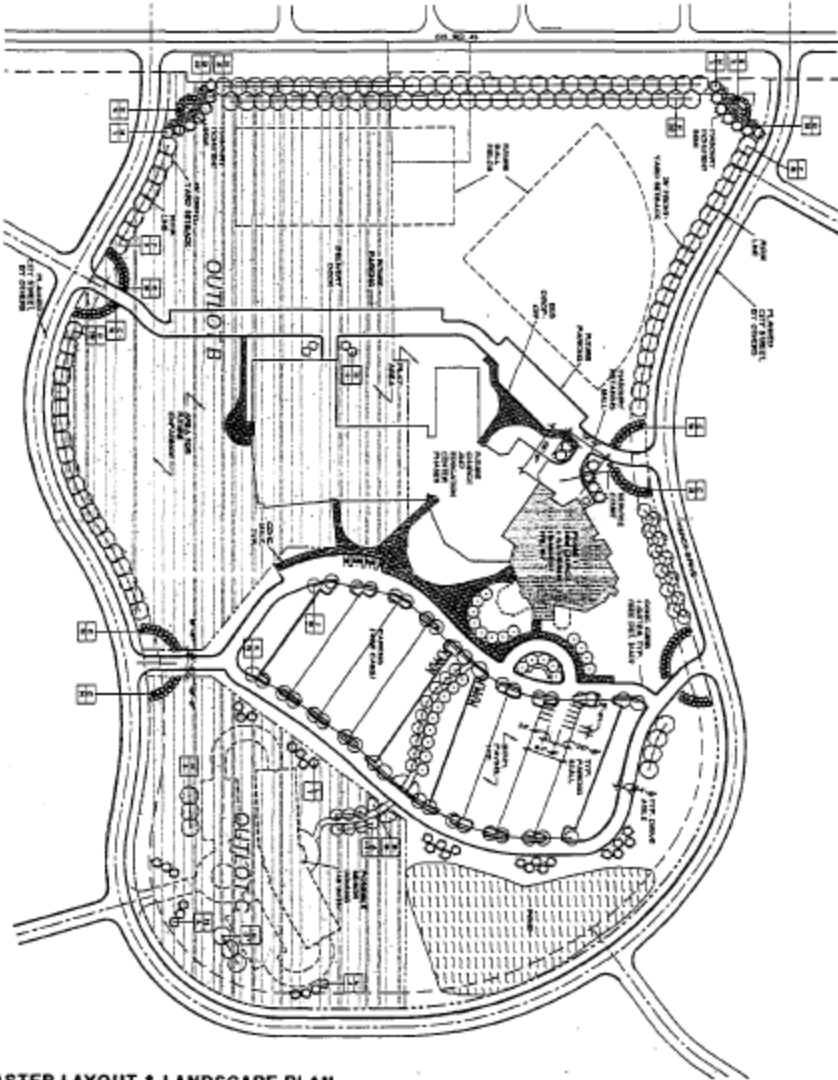
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LAMPIDICARPI NOSTR.




PROJECTS: 100% (100%)
 ALL: 100% (100%)

ADOLF HORNIG, D 71464

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PUD MASTER LAYOUT & LANDSCAPE PLAN

A1.0

New Worship & Education Center
DIVINE MERCY CATHOLIC CHURCH
Faribault, Minnesota

MCL

HOUSE COMMITTEE ON LABOR AND HUMAN RESOURCES

STRUCTURAL CO-EN

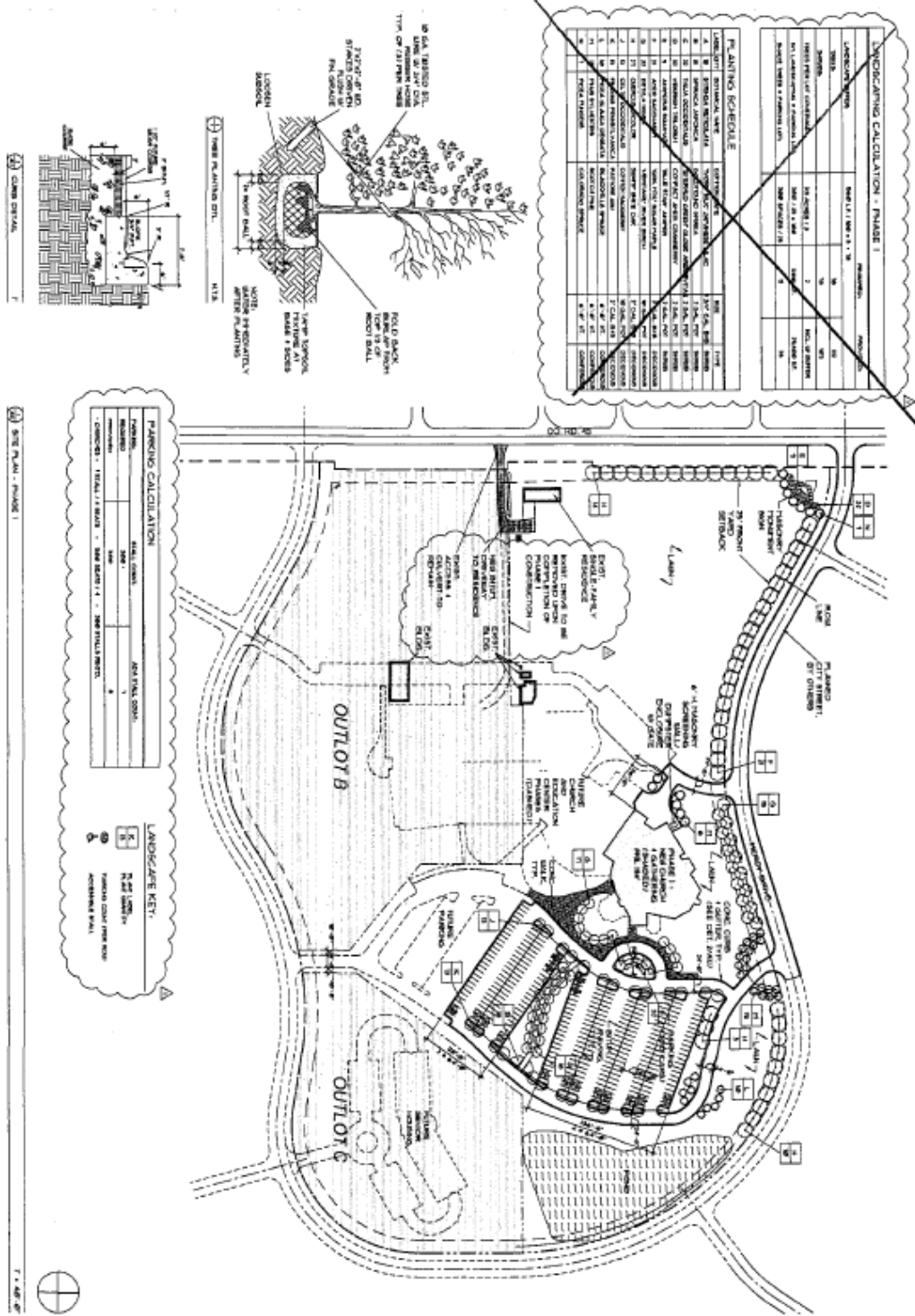
MECHANICAL CONSULTANTS

ELECTRICAL CONSULTANTS

I hereby certify that this statement complies with the conditions of the above agreement and that I am duly Registered Accountant/Chartered under the laws of the State of Tennessee.

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EXHIBIT C-2A
ORDINANCE 2007-19



2007-10 A1.1	New Worship & Education Center DIVINE MERCY CATHOLIC CHURCH Parkville, Minnesota	MCL LANDSCAPE ARCHITECTS, INC. 11111 N. 111TH ST., SUITE 100 PARKVILLE, MN 55124	CIVIL CONSULTANTS	MECHANICAL CONSULTANTS	Project No. _____ Date _____	DESIGNED BY: JEL, JWP DRAWN BY: JEL CHECKED BY: JEL APPROVED BY: JEL	REVIEWED BY: JEL DATE: 10/10/07
			STRUCTURAL CONSULTANTS	ELECTRICAL CONSULTANTS			

EXHIBIT C-2B ORDINANCE 2007-19

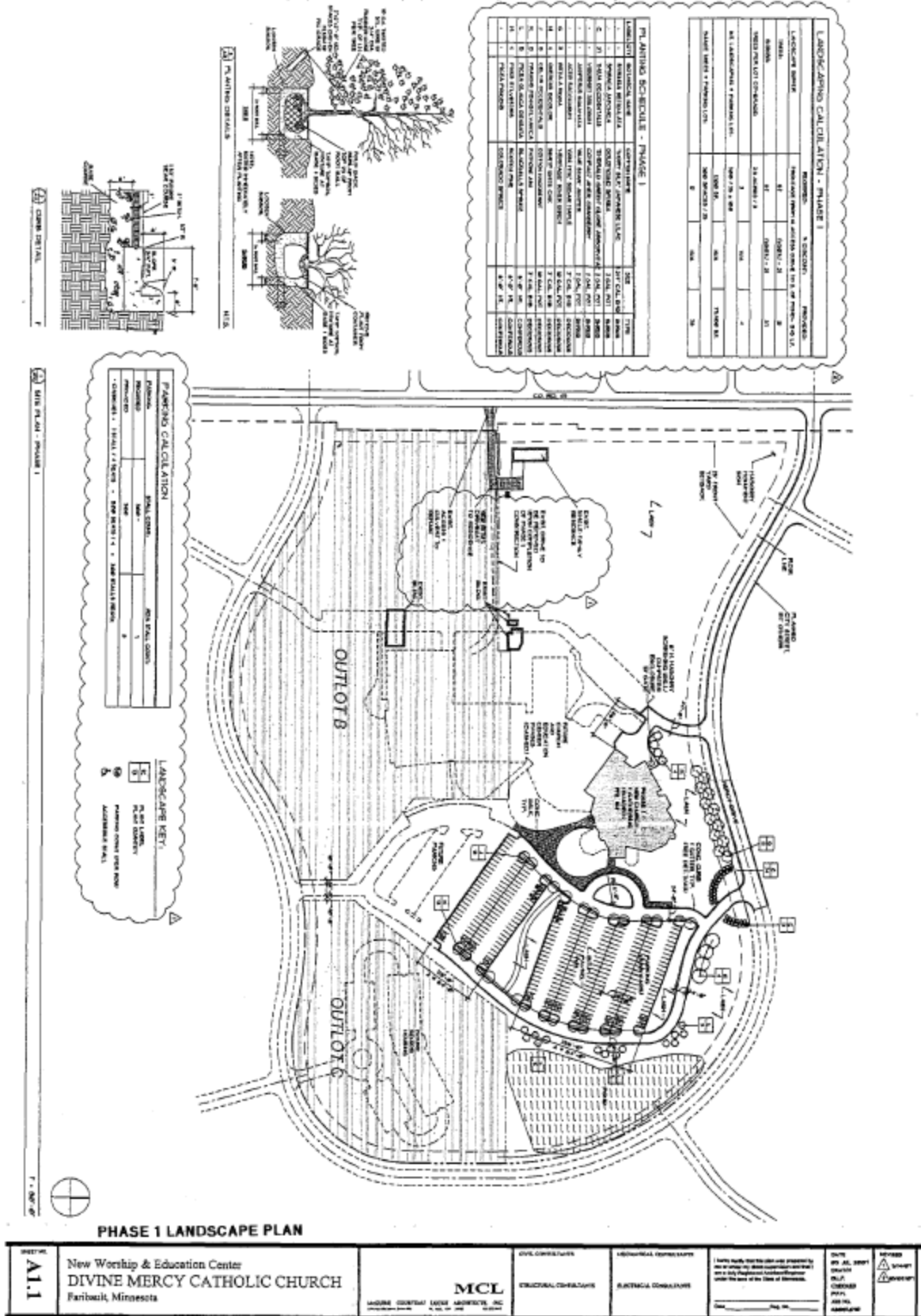
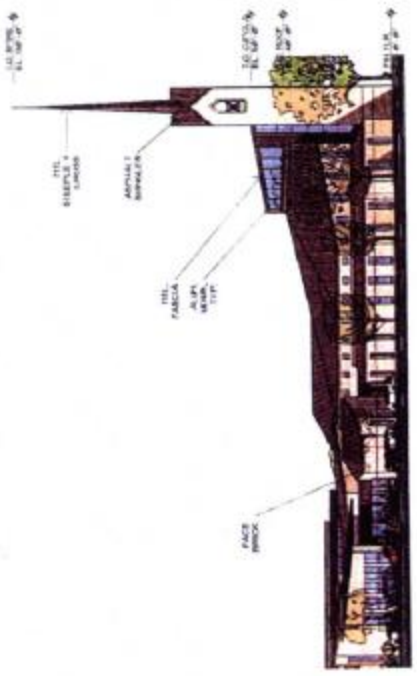
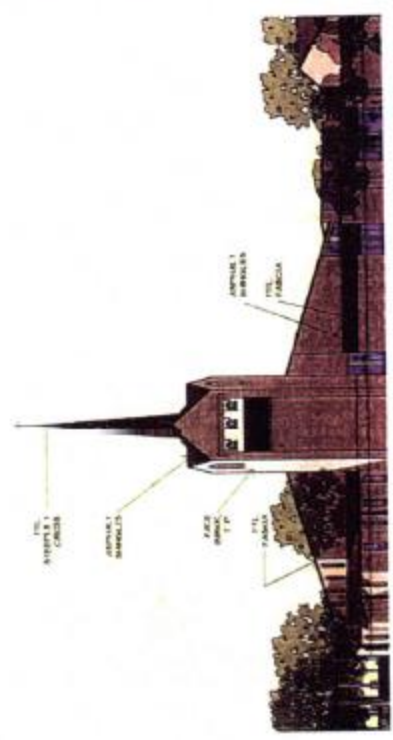


EXHIBIT C-3
ORDINANCE 2007-19

APPROVED: [Signature]	DATE: [Date]	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS	FOR THE BOARD OF DIRECTORS
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DIVINE MERCY CATHOLIC CHURCH NEW WORSHIP & EDUCATION CENTER

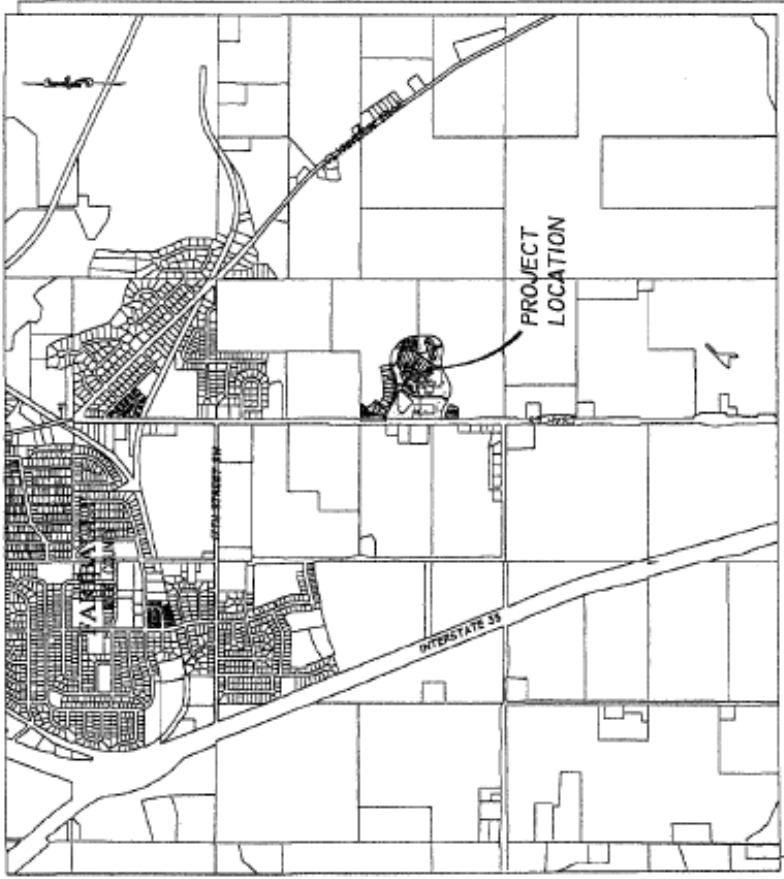
PUD SUBMITTAL

SANITARY SEWER, STORM DRAINAGE, WATERMAIN,
BASE, GRADING, SURFACING, AND DETENTION PONDS

INDEX OF SHEETS

- 1 TITLE SHEET
- 2 OVERALL GRADING PLAN
- 3 OVERALL UTILITY PLAN

EXHIBIT C-4
ORDINANCE 2007-19



THESE PLANS
WAS PREPARED BY
JANUARY 2008

THE CONTRACTOR SHALL VERIFY ALL EXISTING
UNDERGROUND UTILITY LOCATIONS AND
ELEVATIONS PRIOR TO CONSTRUCTION AND
RECORD THE RESULTS OF SUCH VERIFICATION
ON THIS PLAN.
CONTRACT STATE ONE CALL 1-800-282-1194

SPECIFICATIONS REFERENCE
USE THE EDITION OF THE MINNESOTA
DEPARTMENT OF TRANSPORTATION STANDARD
AND SPECIFICATIONS FOR HIGHWAY CONSTRUCTION
AND THE STANDARD SPECIFICATIONS FOR
CONCRETE AND STEEL BRIDGE DESIGN AND
CONSTRUCTION. THE CITY ENGINEER'S
PROPOSED MODIFICATIONS TO THE
STANDARD SPECIFICATIONS SHALL BE
EXCEPTED FROM THE STANDARD SPECIFICATIONS.

AS BUILT DATA	
REVISION	DATE
1	07-10-07
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J&S Engineers &
Architects, Inc.
10000 1st Avenue S.W.
Suite 100
Burien, WA 98148
Phone: (206) 835-1111
Fax: (206) 835-1112
Web: www.jands.com

PUD SUBMITTAL

ISSUED: 7-10-07

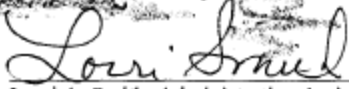
TITLE SHEET	
DATE: 07-10-07	SCALE: 1"=40'
SHEET 1 OF 3 SHEETS	

PROJECT NO.	07-10087
CITY PROJ. NO.	
COUNTY PROJ. NO.	
CDM/J PROJ. NO.	

[illegible]

CERTIFICATION

I, Lorri Smith, Administrative Assistant for City of Faribault, do hereby certify that the foregoing Ordinance is a true and exact copy of Ordinance 2007-19 as adopted by the Faribault City Council at a duly authorized meeting on August 28, 2007.



Lorri A. Smith, Administrative Assistant

Aug 30, 2007

Date

593826



Request for Planning Commission

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: August 1, 2022
SUBJECT: Items for Discussion/Updates

Background:

Recommendation:

Attachments: