



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, AUGUST 15, 2022

6:00 PM

1. Call to Order/Approve Agenda
2. Approval of the Minutes of August 1, 2022 Planning Commission Meeting
3. Public Hearings
 - A. 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
 - B. Application for a Conditional Use Permit to construct a stormwater detention basin as part of the new Rice County Public Safety Center, in the Wild and Scenic River Overlay District, Shoreland and Floodplain Management Districts, generally located west of the Cannon River, east of Highway 3 at 30th Street NW as extended.
 - C. Application for a Conditional Use Permit to move in a previously occupied house to replace the house at 310 Lind St NW.
 - D. Application for a Conditional Use Permit to construct an addition onto a residential garage resulting an accessory structure of about 1015 square feet in area at 610 4th Avenue SW
 - E. ~~Application for a Conditional Use Permit for an Auction Establishment / Salvaged Auto Resale Facility in the I-2 Heavy Industrial District at 29-acre and 24-acre sites described as Outlot A and Outlot B of Schulz Addition in the 4100 and 4200 block of Park Avenue.~~
APPLICATION WITHDRAWN BY APPLIANT
4. Boards and Commissions Reports, Announcements and Project 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

COUNCIL CHAMBERS

MONDAY, AUGUST 1, 2022

6:00 PM

1. Call to Order/Approve Agenda

Present: Dave Albers, Samuel Temple, Steve White and Vice Chair Campbell

Absent: Barton Jackson and Chair Chuck Ackman

A motion was made by Commissioner Temple, seconded by Commissioner Albers to approve the agenda as submitted. Motion carried on a 4/0 vote.

2. Approval of Minutes

Commissioner Temple made a motion to approve the July 18, 2022 Minutes, seconded by Commissioner White as presented. Motion carried on a 4/0 vote.

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.

Kuennen spoke regarding the proposed resolution finding that the modifications being made for the development district follows the plans for the City. The boundaries will mirror the corporate boundaries as they are today. This will allow us to individual TIF districts within this development district. This conforms to all the plans within the city.

Vice Chair asked for questions for staff. Commissioner Albers asked if it was consistent with the Comp Plan right now. Kuennen stated yes. Commissioner Temple wanted to confirm for the minutes that this isn't voting on anything in particular, just the boundaries. Kuennen confirmed.

A motion was made by Commissioner Albers, seconded by Commissioner Temple for a recommendation for approval of 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 as written. Motion carried on a 4/0 vote.

Vice Chair Campbell explained the process with the public hearing at this time.

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

Wanberg started off his presentation stating this action will be for platting and rezoning for the property. The fee owners are the City of Faribault and Faribault Apartments LLC will be the developers for the property. The city several years ago took a look at what would be the best use for the property. They considered extending the soccer fields but there wasn't an interest in that. In the comp plan process, the city identified it as a planned unit development. It is on two collector roads. They marketed it as high density and Faribault Apartments came forward with a proposal. Predevelopment agreements have been signed between the parties to started the surveying and soil samples testing. The initial proposal was for 250 units with four buildings but had been narrowed down to three buildings and down to 192 or 186 units. They met in a work session with the City Council and the City Council was supportive of this. There will be three buildings built in phases, 2023 – 72 units, 2024 48 units and then in 2025 the remaining 72 units. There will be underground parking as well as off-street/surface parking. This will be high-density residential which the city has a strong need for. The units will be market-rate including studio, 1, 2 and 3-bedroom units. This development will help the community and the industries. The proposed site plan meets all the necessary setbacks and a traffic study has been performed. Rezoning from TUD to R4-High-Density Residential. The site is easily accessible to city utilities. Received the traffic study on Friday. Plat, traffic and stormwater management.

After Mr. Wanberg's presentation, Vice Chair Campbell brought the matter back to the commission for discussion.

Commissioner White asked if this would come back in the future. Wanberg said that it would not. White also asked about the traffic flow. DuChene stated that the flow would go out of 17th on the north side of rendering and CO 45 570' west south of the intersection on 45 and the there is also a curb cut 500' south of the intersection. Commissioner Albers asked about the phasing. DuChene referred to the developer on the phasing plan. Commissioner Temple stated he had several questions. One – he asked about the trails. DuChene responded that there is a trail on the east side of 45 all the way down to Alexander Park . Temple asked if the trail goes to the church. DuChene shows that there isn't right now but, in the future out to CO 29. The trail will be built in segments as development grows south. Ablers asked about the time frames for 1st building 2nd building, like year one, year three, year five for the developer.

Vice Chair Campbell then opened up the public hearing at 6:23. Chet Funk, owner of Faribault Apartment LLC, came forward and introduced Sam Herzog. After a brief overview of the project from Mr. Funk and Mr. Herzog, Vice Chair Campbell invited the public to speak.

A number of citizens came forward and I have presented their concerns in a concise manner as follows:

- Linda Mueller, 1814 Allen Avenue – traffic and congestion.
- Sheryl Morris – 59 Allen Path – traffic.
- Leroy Deshotel, 1725 Sunbird Drive – snow and parking.
- Bob Irving 1809 Sunbird Drive – Do we really need this? What is market rate?
- Michelle Heise, 99 Sunshine Lane – traffic/speed/safety/parking
- Dustin Rech, 102 Allen Lane – works with developers and it's not gonna be what ya think.
- Scott Kotek, 51 Allen Path – doesn't fit area/traffic flow.

- Leroy Dechette, 1725 Sunbird Drive – traffic/night driving.
- Kathy Wobnget, 1814 Sunbird Drive – traffic during soccer/noise/wildlife/construction .
- Justin Shepherd, 109 Allen Lane – wildlife.
- Steve Bauer 22708 Albers Ave – traffic, wildlife, parks, trees and call load on services.
- Becky Sammon, 210 Minnesota Place. Upkeep and management.
- Wayne Mueller, 1814 Allen Ave. Bus driver – traffic “if you pass this – you don’t care about kids”.
- Doreen Sanborn, 1645 Willow Street. Wrote a statement in packet. Zoning doesn’t fit area. Would like to see that area better used as parking for the activities in the area. Pickleball courts
- Eric Keith, 67 Allen Path – Concerned that the value of their homes will drop. Stated bad idea/bad choice.
- Doreen Sanborn again, 1645 Willow Street. Asked if it will be subsidized housing.
- Reynaldo Cordova, 1721 Sunbird Drive, traffic safety. Stated that his child almost got hit there.
- Sheryl Morris – 59 Allen Path – came up again and stated that they’ve never had any crime and she’s concerned about the crime. She loves the nature and wildlife and doesn’t want a big old apartment building in the way of the wildlife.
- Ollie Larson, 1727 Willow. He is adjacent. Reiterated traffic issues. They have to wait a long time to get out with a car when there is bus traffic. The cars don’t stop for pedestrians. He was told that two city council members told him they bought this property for a park about two years ago.
- Amy Amundson, 525 5th St NE on the east side but her parents lived in the neighborhood in 1980. The house is right on the corner. A lot of deaf people live in this area. Very proud of being a deaf neighborhood. Her dad was called “the mayor of deafville”. Nervous about the safety. Asked to consider not adding more traffic to that area.

Vice Chair Campbell then closed the public portion of the hearing at 6:58 and brought it back to the Commissioners for response.

First concern was traffic. Albers asked if we could have staff and then developers respond to the questions. Vice Chair Campbell asked staff to respond to the traffic concerns. DuChene started off that a traffic study was conducted in the early part of July and they just received the report. Road is under the jurisdiction of the County. The City does have some additional questions. DuChene is working with the highway engineer and one of the questions was that maybe this is the time to reduce the speed in the area and to further identify intersection control for the area. Industry standards both today and with this complex would operate under an acceptable industry level of service. Need traffic counts during school hours. From the draft traffic report this intersection can handle this traffic. There is a left turn lane on Willow for Northbound and they are also looking at a right turn lane. Talked about removing all the on-street parking several years ago. The school and soccer complex wanted to keep the on-street parking. Maybe this would need to be looked at again. As for pedestrian safety, they are requiring the developer to connect an internal sidewalk system. A motion activated signal system, higher intensity notification signals. The condition will be that the developers agrees to meet all the recommendations of the city and county in this regard.

Temple asked if, to table this matter to review the traffic study more, how long it could take to thoroughly review. DuChene said it could be two weeks or two months depending on the schedule.

White asked about an all-way stop? DuChene stated that this is one of the conditions that they are looking at to see if this intersection would warrant an all-way stop. White then asked about the turn lanes. DuChene stated that the southbound would have to widen the pavement a little bit as well as eastbound on 17th street.

Campbell asked about snowbird parking. DuChene stated that there are parking restrictions for on-street parking to 72-hour parking. Referred Campbell to the developer on snow storage/parking. Campbell asked about additional noise. DuChene had nothing to respond to on that.

Campbell then asked about the City's plan on parks. DuChene stated that they do have a community park on the other side of 9th Avenue which is being put together in phases. The developer will also have an on-site playground facility. The Community Garden was moved to the Aquatic Center. There is a new park being put in on the north side of the viaduct. Temple asked if people were told that this would be a park, is that a policy or political expectation. Wanberg did do a park system plan that the City Council adopted in the last couple of years and that site was not marked for a park in that location.

White asked about the land from this area to Divine Mercy – this was plotted out for 300 to 400 single-family homes. Wanberg stated that the site just to the south of that shows it as planned residential but don't give a specific number in terms of units. White stated that with the schools assuming housing would be developed. Wanberg stated that they do not see it as industrial uses but a mixture of housing.

Temple asked as point of order if they've gotten through the list of concerns.

Albers asked if Wanberg could explain market rate. Kuennen explained market rate and affordable. This usually aligns with funding sources. This project is intended to be market rate. There are no income restrictions on the product. They are not required to hold a certain number of units for incomes under a certain level. There is no requirement for an affordability component.

Campbell asked the developers to come forward. Sam Herzog came forward and responded about the snow. Their development will not require any on-street parking for snow removal and explained the process. Herzog also stated that they are willing to work on the safety issues such as lowering the speed limit, adding an all-way stop and would be strongly supportive. They are not national developers and will not leave the property in a state of disrepair. He offered to share other developments they've work on to anyone in the audience. Albers asked about the phasing. Herzog would like to get in the ground as soon as possible. If it gets tabled, might push getting in the ground until the spring. Would rather pass with conditions rather than table. Albers asked about underground parking; are they for everyone in the apartment. Herzog stated that the ratio is a .8 parking stalls per unit. 1.75 stalls per unit. They anticipate about 1.5 which give a buffer for visitor traffic. Albers stated that there was also a question about building maintenance. Herzog stated that they really want it to be done well. They are in 12 communities. They will have on-site manager and probably have two maintenance people on site and one living in the units. There will be a 24-hour maintenance line.

Temple asked if they were familiar with ownerships or associations. Herzog said no and usually used with condos. Temple asked about if this is tabled to look at traffic – do you walk? Herzog wants it to be a win for the community. It will definitely affect the project but not hinder it. His intention is to see it through. Would prefer to see a condition to review traffic. Temple wanted to hear more about the City Council discussion. Kuennen stated that the Council was very supportive of developing this area and encouraged marketing. Kwik Trip was approached and was not interested. The City did enter into a preliminary development agreement with this developer. The City Council has had to balance this with the vacancy rate. A healthy community would be a 5%. The last housing study was showing Faribault at a .5% rate. With all the new units coming in, we are still at .875%. Our industries need housing. The school has approved the TIF plan associated with this project. Financing did look at an affordable mix; however, the City Council did not recommend an affordable component.

Temple asked about fitting in. Wanberg asked if he was referring to the variety of housing. Temple

said what makes a healthy neighborhood. As City Planner, Wanberg does appreciate a mix of housing. Temple asked if there was any correlation with higher density housing and crime. Wanberg stated that he was not aware of any. The audience was audible in their opposition to this statement.

Temple asked about a local option for a convenience store; are there any developments outside this project for that. Wanberg stated that with a planned residential there is an option for this but nothing at this time.

Wanberg wanted to state that just because there is multi-family housing does not automatically increase crime. Temple asked for point of order. Campbell reminded the audience that they've had their chance to speak and this is not the time now.

Albers stated that there is a need for housing and this would fill the niche. The fact that it's market rate to him makes all the difference in the world. Albers then went on to say that there will be more amenities and have more plus things, rents will be higher, parking on-site is adequate. Albers agrees that there will be issues with the soccer complex when there are games on 17th Street. County Road 45 is where he has issues with the additional traffic that is already there with the church and with the additional housing that is going on out there. Even if this apartment was not on the agenda, he would continue to have concerns about the traffic. States that the way the intersection was built, it was never intended for the kind of traffic that we have. With the way this has been presented, he would not be supportive.

Temple asked about a rental reporting process for non-compliance. Wanberg stated that we do have rental license inspection program. Kuennen then stated that the tenants are encouraged to work it out with their landlord and to look at their leases. The City does have a rental license coordinator that would assist with this.

Temple asked about bus routes. Wanberg stated that we are not aware of any but there is dial-a-ride.

Temple then stated that they cannot have an informed discussion without more information on safety and further analysis of the traffic study. Temple made a motion to table for findings and conditions based on the traffic study from staff for two weeks. White seconded the motion and appreciates that this may stall the developer but would like to have them have a conversation about the speed limit, etc. White does appreciate the overall project and the parking and is in favor of the project. There is a major highway separating them from the homes. The part that he's concerned with is the pedestrian traffic between. There will be major changes. Temple wants to clarify the motion to not put two weeks on it in case it takes three weeks, then we don't have to renew. Campbell then spoke stating that he agrees. He stated that there are things that need to be changed and there will be development. It is going to take a collective effort between the City and County. Campbell asked for further discussion.

Temple offered to the audience to advocate to their city council members. Albers concurred about appreciating the audience and stating that he came there in favor of the project after reading through the packet twice.

Motion to table carried on a 4/0 vote.

Vice Chair Campbell then asked for a five-minute recess at 7:37 p.m. Wanberg reminded that if there are further discussions to please do them outside since there are two other items on the agenda.

Vice Chair Campbell reconvened at 7:42 p.m.

Street NW (the Former Farmer Seed and Nursery Site) to Accommodate an Indoor Storage Facility and a Proposed Four-Story, 54-Unit Apartment Building

Wanberg began his presentation stating that the applicant already had the approvals for demolition on this site. The applications include subdividing this property into two lots. Most of the parking would be on the lot with the apartment building. They are looking at a conditional use permit to allow a standalone residential use without integrated commercial as well as the height -- we allow up to three stories up to 42'. There are a number of obstacles with clean up and buildings are in poor condition to try to get a development to work and feels strongly that the apartment will get this to work. They are requesting a four-story. A conditional use is with conditions. They are also requesting a Planned Unit Development to tie the two uses together. Wanberg showed a rendering from 8th street and another rendering with both of the buildings from State Highway 60. Applicant has been before Planning Commission and to City Council with work sessions and has been working with the Heritage Preservation Commission. In C-2 there is a 25' setback and will need a variance for this since it doesn't meet those setbacks. There will be four separate actions on this project.

With that, Vice Chair Campbell opened the matter up for discussion. Albers asked if the storage was for the apartment tenants or open to the public. Wanberg deferred to the applicants. Wanberg believes it is for any residential or business and is indoor, climate-controlled for the community at large.

White asked about the parking off of 5th Street. Wanberg pulled up a rendering and stated that parking is tight. Since 5th Street is dead-ended, offered a limited use agreement for this area. Wanberg stated that the applicant has other options; perhaps, shared parking on an adjacent site. White talked about the entrance on the west side; may be easily segregated from the apartments. Wanberg stated that the storage is to the west. White wanted to flip the entrance road off 4th Street. Wanberg stated that most all this parking is for the apartments. There is an entrance that drives into this. The storage would have a limited number of staff. White followed up by suggesting the blue entrance to the west side to separate the two. Wanberg stated that he could ask the applicant.

Albers asked if it was the intent of the city to allow parking on 8th Avenue. Wanberg deferred to the City Engineer. There is parking on 8th Avenue now. There are curb cuts in now. DuChene reviewed 8th Avenue and Trunk Highway 60 and the reports for the intersection. The study said the stacking distance was less. Parking on the North end of 8th Avenue is adequate but subject to review later and the City has every right to restrict parking at any time. Albers reiterated that it's going to get awful tight on 8th.

Vice Chair Campbell then opened the matter up for public hearing at 7:59. Nicole El-Sawaf spoke briefly about the history of the project.

Laureen Taylor, 812 5th St NW then approached the Dias. She lives directly behind the project. She doesn't agree with allowing the conditional use to allow the apartments on there. She is concerned about crime. She is concerned about how low-income housing lowers the housing values. She is concerned about the parking spaces. Concerned about a lot of trash. She doesn't like the vertical parking on the street. She doesn't feel that housing/an apartment building is best on this site. Feels a commercial use would be better. Concerned about mold and dust on the site. No garages; where are they going to park when it snows. Are the apartments going to be subsidized? She said it's too tall, and suggested to drop it down to three stories to alleviate the parking problems.

El-Sawaf responded that the apartments will be market- rate, not subsidized. As for the mold and asbestos dust – the asbestos has already been removed from the site by a professional company. As for the dust, a professional company will be demolishing the site and will water to eliminate/reduce dust. There was a seven-story there now and they are going down to four stories. Crime happens with abandoned buildings but will no longer be abandoned.

Lori Christianson, 24753 Falk Avenue then came forward. They own the business on the end of 5th Street. She is concerned about the façade. Looks like it belongs in a Metro area for the storage building.

Vice Chair closed the public hearing at 8:09 and brought it back to the board for further discussion. Temple asked if there were further plans to consult with the HPC. El-Sawaf stated that they will be meeting with the HPC on the 17th of the month. They are consulting with Jeff Jarvis to do a mural. Gazebo and park benches will be considered using the reclaimed wood. There are plans on what that will look like. Temple said that they have been working in good faith with the HPC. Temple asked if there was a project manager. El-Sawaf said that they have a general contractor. They do have a list of neighboring properties and intend to send out notices on the demo schedule. Albers said that there was a comment on off-street parking and was assuming it could possibly be with NAPA. El-Sawaf stated that they have not spoken with them yet. They were trying to accommodate on site themselves. Albers suggested that it may be an opportunity for NAPA to rent out some spaces that wouldn't affect their business at all. El-Sawaf said she would look into it.

White then brought a motion to approve the preliminary and final plat with the findings and conditions recommended by staff, seconded by Albers. Campbell asked for further discussion. Temple asked where we'd be if we tabled this for further information on the parking and what action to discuss. Wanberg said with the PUD. Motion carried on a 4/0 vote.

Commissioner White brought the next motion to recommend approval of the CUP with the recommendation to for off-street parking in addition to what's there. Albers seconded the motion with the recommended change. Wanberg stated that the CUP's resolution is for the standalone residential and the other element is for the height. Campbell asked if that was sufficient. Wanberg stated if the motion was intended to include that then yes. Motion carried on a 4/0 vote.

Temple then brought a motion to recommend approval of the variance as written, seconded by Albers. Motion carried on a 4/0 vote.

Albers brought a motion to approve the PUD, seconded by Temple. Motion carried on a 4/0 vote.

Albers wanted to comment that he appreciates the developer's effort to maintain this property.

D. Applications related to Platting and Rezoning the Property at 139 Mercy Drive to Accommodate a Proposed Elementary School

Wanberg began his presentation with the replatting and rezoning for this area for the school. This will combine the two lots into one. The homestead to be used as a gathering place will be removed with the gravel road to be removed as well as the sheds. There is a holding tank but will be hooked up to city sewer and water. Two actions here recommend approval of P/FP and then to recommend approval to rezoning to Public Institutional and amending the PUD with the condition that there be no more substantial development without the continuation of Mercy Drive.

Campbell brought it back to the commission for discussion. White asked about the speed limit. DuChene spoke with county engineer and may recommend a corridor study to look at the whole corridor, turn movements, speed study, etc. MNDOT would have to have a speed study process. Church has been there 12 years now, sanctuary has approx. 1200 capacity. All will be looked at globally with this study. Campbell asked about reducing the speed limit because of schools in area. The county was talking about a Safe Routes to School program. A lot of good conversations are happening now but takes some time. There are right and left turns lanes which are the appropriate measures.

Campbell opened the matter up for public hearing at 8:29 p.m. Phillip Parish came forward as the Executive Administrator of the Catholic Church. Not a lot to add. Demo of the buildings are happening.

Steve Bauer, 22708 Albers Avenue came forward. Mr. Bauer stated that the gravel road is still there, the buildings are still there and a lot of trash. The in and out will be congested and should have to finish that road.

No one else came forward and Campbell closed the public hearing at 8:31 p.m. and back the commission for further discussion. Temple asked what the City Council decided before that was different. The applicant came forward and stated that there was a request for curbing but the City Council decided that curbing wasn't warranted and chose to take that out of the recommendation. Albers made the comment that they road could not be improved for a second access if so, why? Parish stated that there were some requirements that were not done in 2012. Wanberg stated that it was built off of that. The County stated that they were concerned about the road serving 1200 people.

White brought a motion to recommend the Preliminary and Final Plat, seconded by Temple. Motion carried on a 4/0 vote.

Temple brought a motion to recommend the rezoning and the amendment seconded by Albers. Motion carried on a 4/0 vote.

4. Items for Discussion/Updates

Wanberg gave some updates from Council. Next planning commission there will be four items to discuss.

5. Adjournment

A motion was brought by Albers to adjourn at 8:38 p.m., seconded by Temple. Motion carried on a 4/0 vote.

Signed: _____



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: August 15, 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:

The Planning Commission held a public hearing on August 1, 2022, to consider requests from Faribault Apartments, LLC (the "Applicant") to plat and rezone the property at the southwest corner of 17th Street SW and CSAH 45/Albers Drive/Willow Street for a proposed multi-family development. After opening and closing the public hearing related to the requests, the Planning Commission continued its meeting to allow the Applicant and City and County Staff time to further review the proposed development's impact on traffic in the area. Residents in the area expressed that the proposed development would exasperate existing traffic and safety concerns.

Upon further review, the Applicant, the Applicant's Traffic Consultant, City Staff, and County Staff reaffirmed that the additional traffic generated by the proposed development would be consistent with accepted traffic engineering standards. However, the parties agreed that improved pedestrian crossings at 17th Street and Willow Street should be installed in conjunction with the proposed multi-family development. The City Engineer and the County Engineer also agreed to conduct a traffic study in the future based on long-term development scenarios in the region. Pending the study results, the 17th Street SW and Willow Street intersection may require improvements. Consequently, the northeast corner of the proposed

FARIBAULT APARTMENTS plat dedicates a small area for potential intersection improvements in the future. For additional information, refer to the attached City Engineers report and the Traffic Study report.

Recommendation:

Recommend that the City Council approve the resolution and ordinance in Item 3.A.1. and 3.A.2 below.

Attachments:

1. City Planner's Report
2. City Engineer's Report
3. Traffic Study



Public Hearing Staff Report

TO: Planning Commission
FROM: David Wanberg, City Planner
MEETING DATE: August 10, 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.

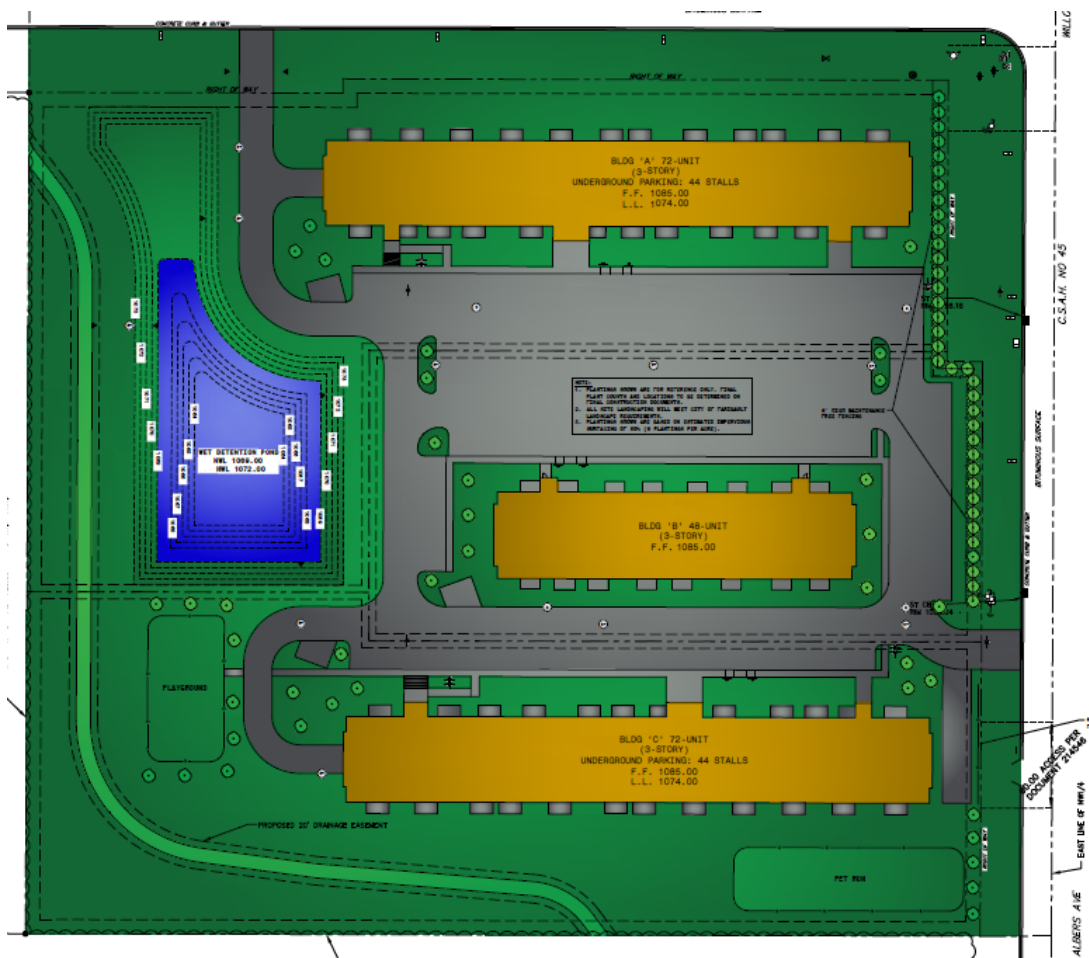


Figure 2: Proposed Site Plan



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, and it dedicates a small amount of right-of-way in the northeast corner of the plat for potential future intersection improvements. 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.

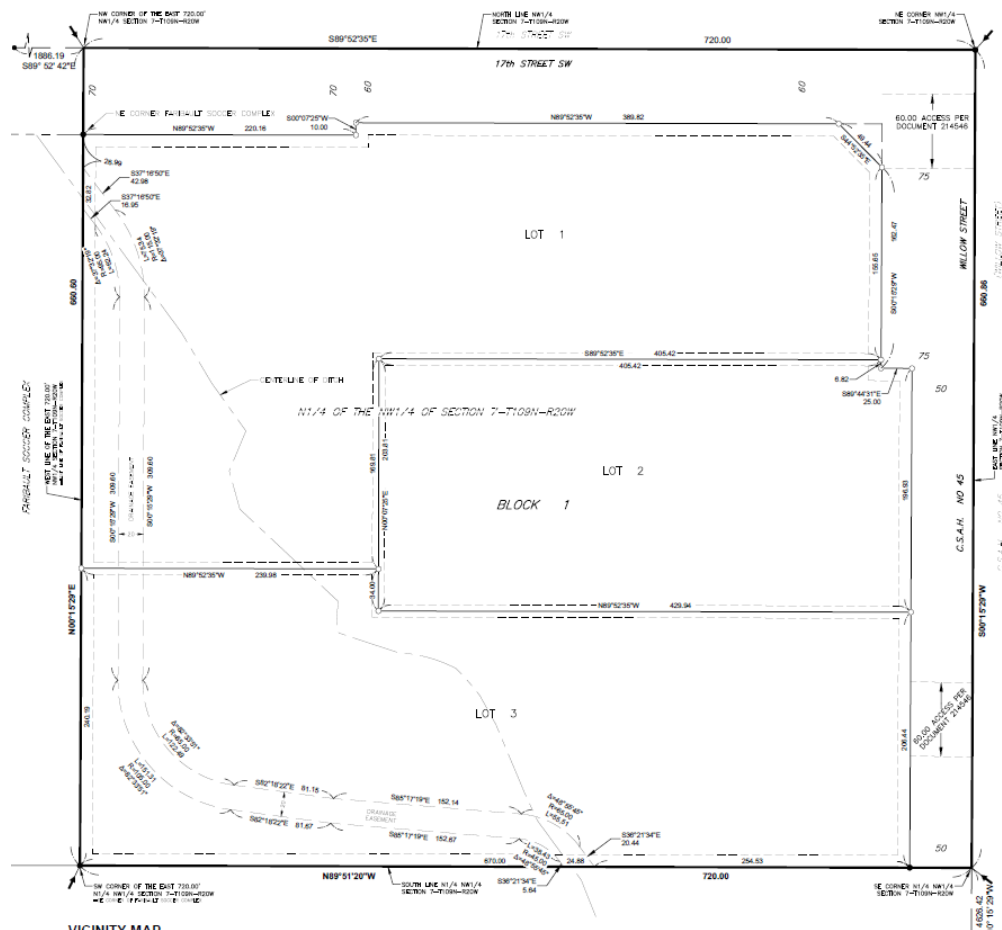


Figure 4: Proposed Final Plat

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. Based on a review of the attached traffic study, City Staff believes that the additional traffic generated by the proposed development would be consistent with accepted traffic engineering standards.

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. 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 all additional DRC comments as the project plans are refined.

ATTACHMENTS

- City Engineer's Report
- Traffic Study



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 **REVISED August 12, 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 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 City and Rice County have reviewed the traffic study with the Developer and have revised the plat to dedicate additional right-of-way in the northeast corner of the development to allow for the future construction of intersection improvements to the intersection of 17th Street NW and CSAH 45 when traffic conditions warrant such improvements. The City and Rice County have begun discussions on a corridor study for CSAH 45 to understand current and future traffic needs.

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. Per the traffic study a 6-foot concrete sidewalk should be constructed on the south side of 17th Street SW to connect the development internal sidewalks to the public sidewalk and trail systems and Developer shall participate in the costs of enhanced pedestrian crosswalk system on 17th Street SW.

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. The driveway on CSAH 45 should be shifted south to line up with Allen Path. A northbound left turn lane on CSAH 45 into the proposed development driveway across from Allen Path should be installed. Consideration as per the Rice County Highway Engineer to adding a southbound right turn lane on CSAH 45 into the proposed development driveway across from Allen Path should be considered. Per the traffic study a 6-foot concrete sidewalk should be constructed on the west side of CSAH 45 to connect the development

internal sidewalks to the public sidewalk and trail systems and Developer shall participate in the costs of enhanced pedestrian crosswalk system on CSAH 45.

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 and discussed in the previous section.

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 17th Street NW.

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.
- Developer shall comply with any Rice County Highway Department requirements regarding improvements and access to CSAH 45.

- Developer shall provide a sidewalk connection from the internal sidewalk network to the public sidewalk/trail system and participate in the costs of enhanced pedestrian crossings at the intersection of CSAH 45 & 17th Street SW.
- 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.



Memorandum

SRF No. 15927

To: Chet Funk
Aleph Management

From: Tom Sachi, PE, Project Manager
Ashley Sherry, EIT, Engineer I

Date: August 11, 2022

Subject: Faribault Apartment Traffic Study; Faribault, Minnesota

Introduction

As requested, SRF has completed a traffic study for the proposed apartment development in the City of Faribault, MN. The proposed development is located in the southwest quadrant of the 17th Street SW and Willow Street intersection (see Figure 1: Project Location). The main objectives of the study are to evaluate the existing operations within the study area, identify any transportation impacts associated with the proposed development, and recommend improvements to address any issues, if necessary. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Existing Conditions

Existing conditions were reviewed to establish a baseline to identify any future impacts associated with the proposed development. The evaluation of existing conditions includes a review of traffic volumes, roadway characteristics, and an intersection capacity analysis, which are summarized in the following sections.

Data Collection

Weekday a.m. and p.m. peak period vehicular turning movement and pedestrian/bicyclist counts were collected by SRF during the week of July 11, 2022. Note that the Faribault Middle School was not in session during the time of data collection. The following study intersections were collected:

- Willow Street and 17th Street SW
- Willow Street and Allen Path
- Base Line Road and 17th Street SW

Note, speed data was not collected in the study area, however, speeds along Willow Street have been perceived as exceeding the speed limit as vehicles come into town from the south. This may impact pedestrians comfort in crossing Willow Street.

www.srfconsulting.com

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An Equal Opportunity Employer



Project Location

Faribault Apartment Traffic Study
Faribault, MN

02215927
July 2022

Figure 1

Faribault Middle School Trip Generation

To account for traffic associated with the Faribault Middle School, trip generation estimates were developed for the a.m. and p.m. peak hours and a daily basis. These estimates, shown in Table 1, were developed using the *ITE Trip Generation Manual, 11th Edition*. Note that the trip generation was developed based off the enrollment of the Faribault Middle School provided by the school district website.

Table 1. Faribault Middle School Trip Generation Estimate

Land Use Type (ITE Code)	Size	A.M. Peak Hour		P.M. Peak Hour		Daily Trips
		In	Out	In	Out	
Middle School / Junior High School (522)	800 Students	289	247	58	62	1,680

Results of the trip generation estimate indicate that the Faribault Middle School is expected to generate approximately 536 a.m. peak hour, 120 p.m. peak hour, and 1,680 daily trips. The school trips were distributed throughout the area based on current travel patterns and added to the existing collected data from July 2022 to establish a “typical” existing condition with school in session.

Roadway Characteristics

A field assessment was completed to identify various roadway characteristics within the transportation system study area, such as functional classification, general configuration, and posted speed limit. A summary of these roadway characteristics is shown in Table 2. Note that these are general characteristics and that there are some deviations within the area or segments of the roadways. For example, the functional classification of Base Line Road transitions from minor collector to a major collector north of 17th Street SW.

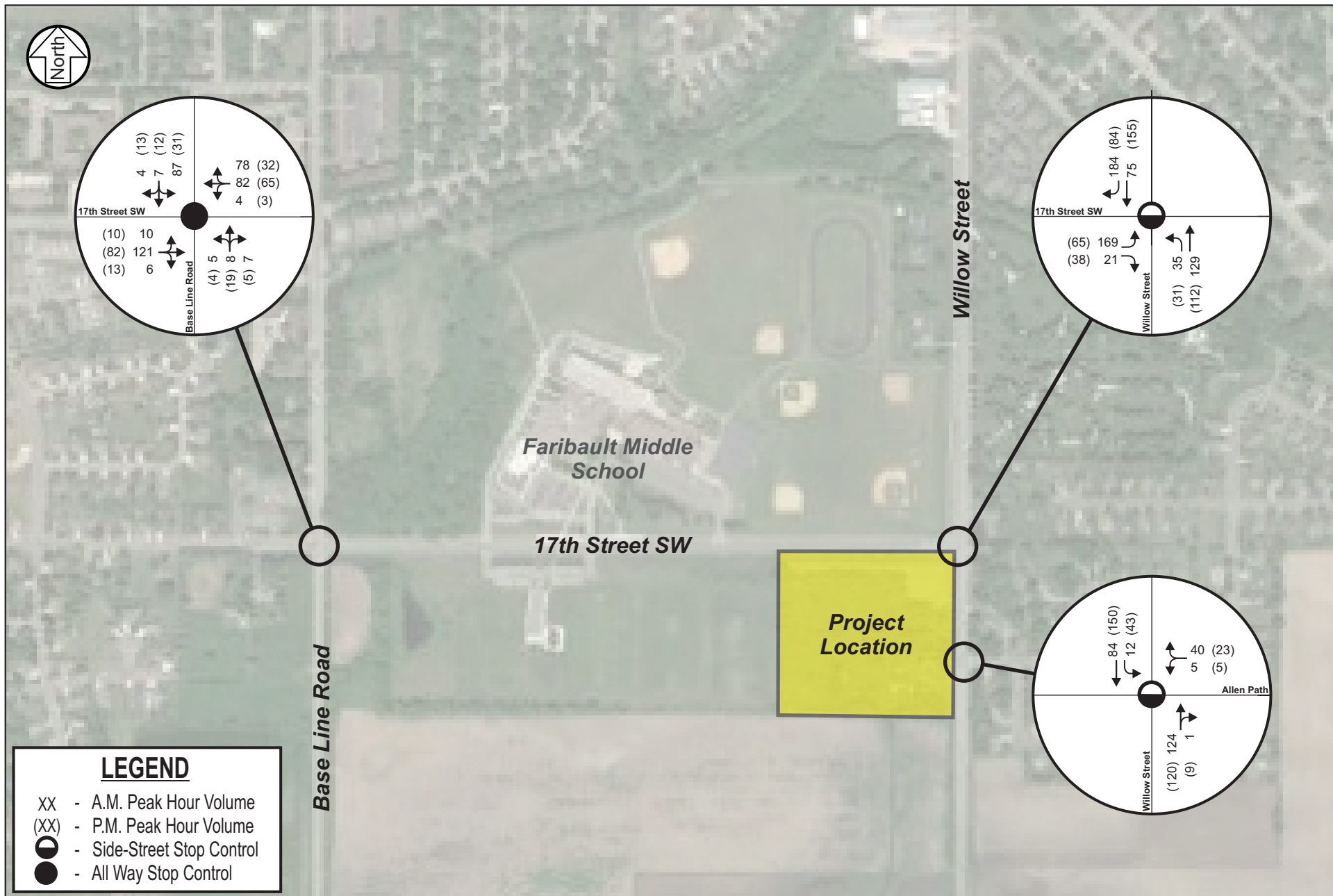
Table 2. Existing Roadway Characteristics

Roadway	Functional Classification ⁽¹⁾	General Configuration	Posted Speed Limit (mph)
17th Street SW	Minor Collector	2-lane undivided	30
Willow Street	Major Collector	2-lane undivided	40
Base Line Road	Minor/Major Collector	2-lane undivided	30

(1) Functional Classification based on the MnDOT's Roadway Classification GIS.

(2) The functional classification of Base Line Road transitions from urban minor collector to urban major collector north of 17th Street SW.

From a traffic control perspective, 17th Street SW and Base Line Road is an all-way stop controlled intersection and the remaining study intersections are unsignalized with a side-street stop control. Existing geometrics, traffic controls, and traffic volumes in the study area are shown in Figure 2.



Intersection Capacity Analysis

An intersection capacity analysis was completed using Synchro/SimTraffic software to establish a baseline condition to which future traffic operations could be compared. Capacity analysis results identify a Level of Service (LOS) which indicates how well an intersection is operating. Intersections are graded from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 3. LOS A indicates the best traffic operation, while LOS F indicates an intersection where demand exceeds capacity. Overall intersection LOS A through LOS D is generally considered acceptable based on MnDOT guidelines.

Table 3. Level of Service Criteria for Signalized and Unsignalized Intersections

LOS Designation	Signalized Intersection Average Delay/Vehicle (seconds)	Unsignalized Intersection Average Delay/Vehicle (seconds)
A	≤ 10	≤ 10
B	> 10 - 20	> 10 - 15
C	> 20 - 35	> 15 - 25
D	> 35 - 55	> 25 - 35
E	> 55 - 80	> 35 - 50
F	> 80	> 50

For side-street stop/yield-controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop/yield control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.

Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high-levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

Results of the existing capacity analysis, shown in Table 4, indicate that all study intersections currently operate at an acceptable overall LOS A during the weekday a.m. and p.m. peak hours, with the existing geometric layout and traffic controls. No significant side-street stop delays or queuing issues were identified. Note, there may be peak five (5) to 10 minute periods before and after school when operations degrade and have higher delays at the Willow Street/17th Street intersection, however, over the course of the entire peak hour, no issues are expected.

Table 4. Existing Intersection Capacity Analysis

Intersection	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay	LOS	Delay
17th Street SW / Base Line Road ⁽¹⁾	A	9 sec.	A	8 sec.
17th Street SW / Willow Street ⁽²⁾	A/B	14 sec.	A/B	11 sec.
Willow Street / Allen Path ⁽²⁾	A/A	10 sec.	A/A	10 sec.

(1) Indicates an unsignalized intersection with an all-way stop control where the overall LOS and delay is shown.

(2) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst side-street approach LOS. The delay shown represents the worst side-street approach delay.

Proposed Development

The proposed apartment development is located in the southwest quadrant of the 17th Street SW and Willow Street intersection. The proposed development consists of a total of 186 multifamily residential units. A preliminary site plan for the proposed development is illustrated in Figure 3, which was used as the basis for the traffic analysis. The development is anticipated to be constructed by year 2023.

As part of the development, two (2) full accesses are proposed to be constructed. An access along 17th Street SW is expected to be spaced approximately 550 feet west of Willow Street. In addition, the development is expected to create an access on the west approach of the Willow Street and Allen Path intersection.

Traffic Forecasts

To identify potential impacts associated with the proposed development, traffic forecasts for year 2024 (i.e., one-year after opening) conditions were developed. The year 2024 traffic forecasts take into account general area background growth and traffic generated by the proposed development. The following sections outline the proposed development trip generation, as well as the overall traffic forecast development process and assumptions.

Background Traffic Growth

To account for general background growth in the area, an annual growth rate of one (1) percent was applied to the existing peak hour traffic volumes to develop year 2024 background forecasts. This growth rate was developed using a combination of historical average daily traffic (ADT) volumes published by MnDOT, published traffic forecasts, and engineering judgment.

Proposed Development Trip Generation

To account for traffic impacts associated with the proposed development, trip generation estimates for the proposed land uses were developed for the a.m. and p.m. peak hours and a daily basis. These estimates, shown in Table 5, were developed using the *ITE Trip Generation Manual, 11th Edition*. Note that no multi-use or pass-by reductions were applied due to the residential nature of the development.

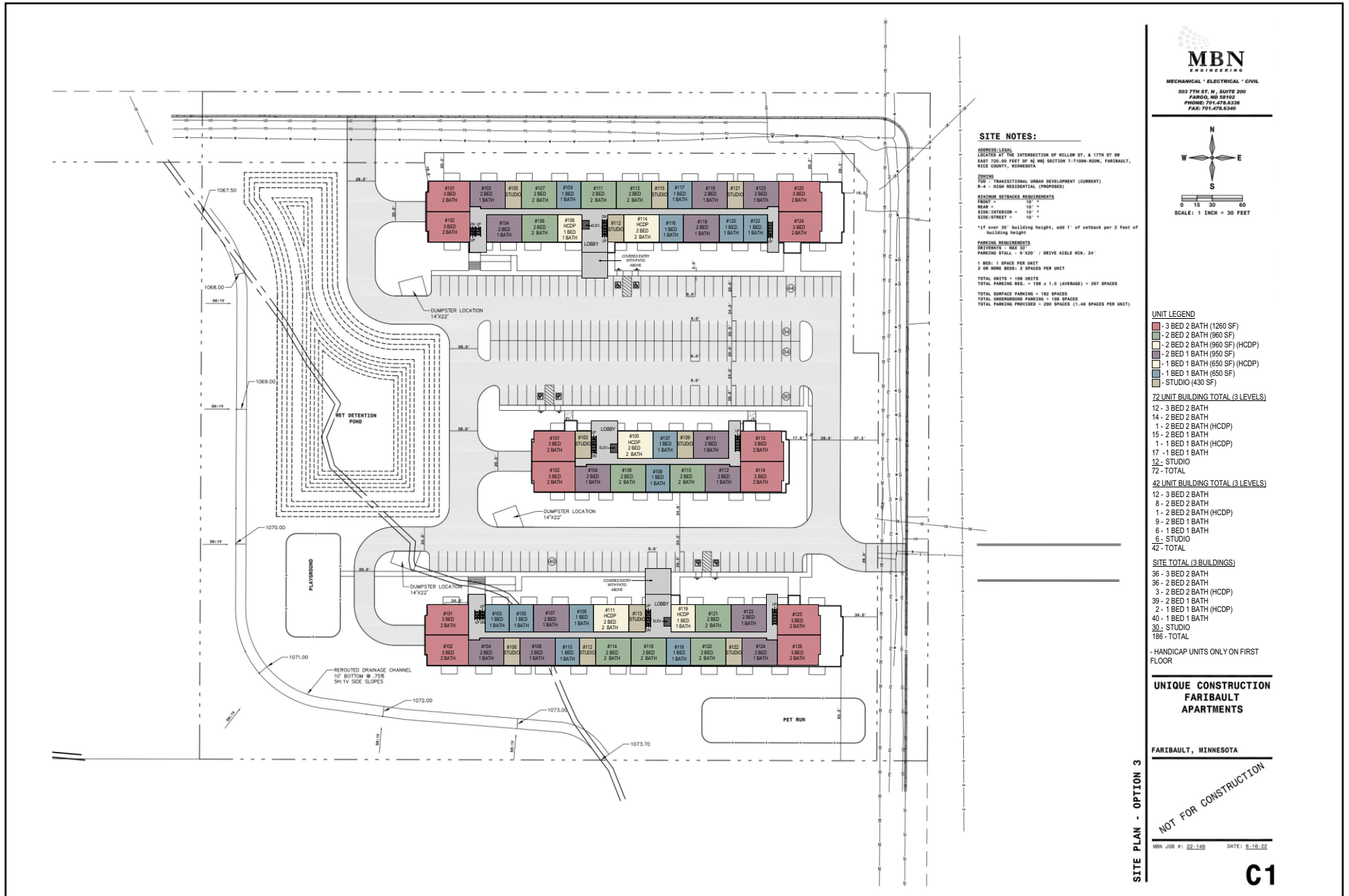


Table 5. Proposed Development Trip Generation Estimate

Land Use Type (ITE Code)	Size	A.M. Peak Hour		P.M. Peak Hour		Daily Trips
		In	Out	In	Out	
Mid-Rise Multi-family (221)	186 DU	16	53	44	29	844

Results of the trip generation estimate indicate that the proposed development is expected to generate approximately 69 a.m. peak hour, 73 p.m. peak hour, and 844 daily trips. The trips generated were distributed throughout the area based on the directional distribution shown in Figure 4, which was developed based on existing travel patterns and engineering judgement. The resultant year 2024 traffic forecasts, which include general area background growth and trips generated by the proposed development, are shown in Figure 5.

Year 2024 Build Conditions

To determine how the study intersections and site access will operate under year 2024 conditions, an intersection capacity analysis was completed using Synchro/SimTraffic software. Results of the analysis, summarized in Table 6, indicate that all study intersections are expected to continue to operate at an acceptable overall LOS A during the weekday a.m. and p.m. peak hours. Side-street delays at the study intersections are expected to increase by approximately one (1) to two (2) seconds per vehicle as area development occurs (i.e., from background growth and the proposed development), however, no queuing or delay issues are expected.

Table 6. 2024 Build Intersection Capacity Analysis

Intersection	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay	LOS	Delay
17 th Street SW / Base Line Road ⁽²⁾	A	9 sec.	A	8 sec.
17 th Street SW / Site Access ⁽¹⁾	A/B	12 sec.	A/A	10 sec.
17 th Street SW / Willow Street ⁽¹⁾	A/C	15 sec.	A/B	11 sec.
Willow Street / Allen Path ⁽¹⁾	A/B	11 sec.	A/B	12 sec.

(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst side-street approach LOS. The delay shown represents the worst side-street approach delay.

(2) Indicates an unsignalized intersection with an all-way stop control.

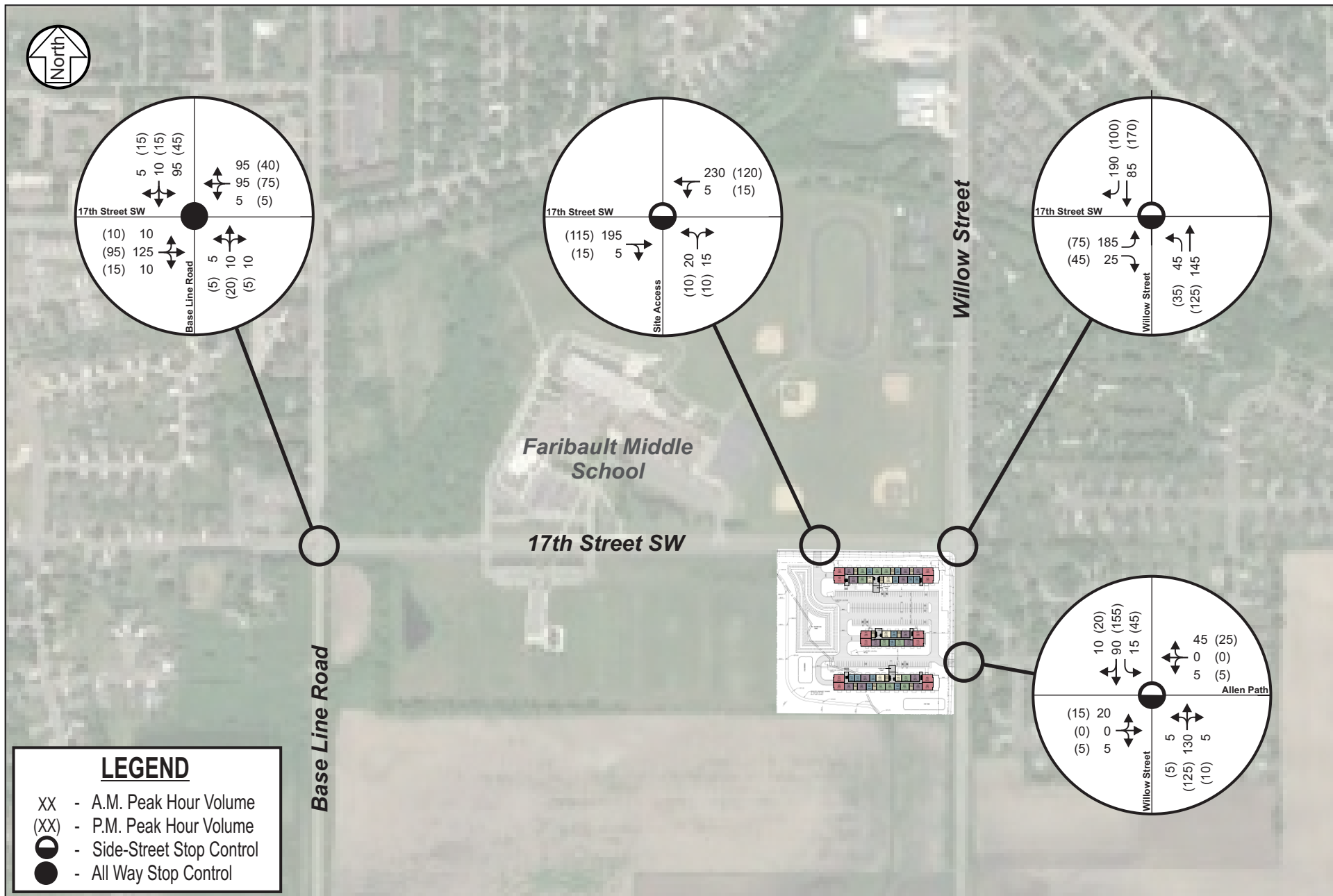
Based on the year 2024 build conditions operations analysis, no geometric or traffic control changes are needed to accommodate the proposed development from an intersection capacity perspective. While not needed from an operations perspective, a northbound left-turn lane along Willow Street could be considered at the access location at Allen Path, which would match the southbound left-turn lane currently at the intersection. Turn-lanes along 17th Street SW are not needed from a capacity perspective, however, they would provide safety benefits, if desired. Note, a detailed safety analysis was not completed as part of this study.



Directional Distribution
Faribault Apartment Traffic Study
Faribault, MN

02215927
July 2022

Figure 4



Site Plan Review

A review of the proposed site plan was completed to identify any issues and recommend potential improvements for consideration with regard to intersection access, circulation, sight distance, traffic controls, and multimodal facilities. In general, the following should be considered when designing internal traffic control and access roadways:

- Incorporate traffic controls, signing, and striping based on guidelines established in the *Manual on Uniform Traffic Control Devices* (MUTCD).
- Special consideration should be made to limit any sight distance impacts from future structures, landscaping, and signing.

A sidewalk on the south side of 17th Street SW is recommended between the mid-block pedestrian crossing at the soccer complex/Faribault Middle School and Willow Street. Additionally, a sidewalk should be provided on the west side of Willow Street between the southern end of the site and 17th Street SW. Appropriate connections to the apartment building should be considered to provide a safe connection to the sidewalk. These sidewalk connections help residents access both the school/park system, along with the greater sidewalk network within the City. Note, outside of the scope of this impact study, the City and/or County may consider further study of the intersection of Willow Street/17th Street intersection for enhanced pedestrian crossing treatments and a review of the Willow Street corridor could be considered for ways to reduce travel speeds.

Summary and Conclusions

The following study conclusions and recommendations are offered for consideration:

- 1) Results of the existing intersection capacity analysis indicate that the study intersections currently operate at an acceptable overall LOS A during the a.m. and p.m. peak hours with the existing geometric layout and traffic controls. No significant side-street delays or queuing issues were identified.
- 2) The proposed development consists of 186 multifamily residential units. Two (2) full accesses are proposed to the development. An access along 17th Street SW is expected to be spaced approximately 550 feet west of Willow Street. In addition, the development is proposed to have an access at the west approach of the Willow Street and Allen Path intersection.
- 3) The proposed development is expected to generate approximately 69 a.m. peak hour, 73 p.m. peak hour, and 844 daily trips.
- 4) Results of the year 2024 build capacity analysis indicate that all study intersections are expected to continue to operate at an overall LOS A during the a.m. and p.m. peak hours. No significant side street delays or queuing issues were identified.
- 5) No roadway changes or mitigation are anticipated to be needed to accommodate the proposed development from an intersection capacity perspective.

- a. A northbound left-lane could be considered at the access with Allen Path, opposite the existing southbound left-turn lane for consistency.
- 6) A sidewalk on the south side of 17th Street SW is recommended between the mid-block pedestrian crossing at the soccer complex/Faribault Middle School and Willow Street.
 - a. Additionally, a sidewalk should be provided on the west side of Willow Street between the southern end of the site and 17th Street SW.
- 7) Appropriate connections to the apartment building should be considered to provide a safe connection to the sidewalk.



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: August 15, 2022
SUBJECT: 1. Application for Approval of the Preliminary Plat and Final Plat of FARIBAULT APARTMENTS

Background:

Since the August 1, 2022, public hearing, the Applicant, at the direction of City Staff, changed the preliminary plat and the final plat to dedicate a small corner of the northeast corner of the property for public right-of-way. The City's Development Review Committee recommends approval of the plats per the findings and conditions in the attached resolution.

Recommendation:

Recommend that the City Council approve Resolution 2022-xxx Approve the Preliminary Plat and the Final Pla of FARIBAULT APARTMENTS based on the findings and conditions in the resolution.

Attachments:

1. Resolution 2022-xxx Approve the Preliminary Plat and the Final Plat of FARIBAULT APARTMENTS

State of Minnesota
County of Rice

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 continued its meeting to allow further review of the proposed development's impact on traffic in the area; and

WHEREAS, the Planning Commission continued its meeting on August 10, 2022, and after further review of the traffic situation, 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 FLA 1

[illegible]

**JONES, HAUGH & SMITH
PROFESSIONAL ENGINEERS & LAND SURVEYORS**

**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 **REVISED August 12, 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

Faribault Apartments Preliminary Plat, Final Plat, Planned Unit Development & Rezoning Review

Page 2 of 6

July 29, 2022 REVISED August 12, 2022

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 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 City and Rice County have reviewed the traffic study with the Developer and have revised the plat to dedicate additional right-of-way in the northeast corner of the development to allow for the future construction of intersection improvements to the intersection of 17th Street NW and CSAH 45 when traffic conditions warrant such improvements. The City and Rice County have begun discussions on a corridor study for CSAH 45 to understand current and future traffic needs.

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. Per the traffic study a 6-foot concrete sidewalk should be constructed on the south side of 17th Street SW to connect the development internal sidewalks to the public sidewalk and trail systems and Developer shall participate in the costs of enhanced pedestrian crosswalk system on 17th Street SW.

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. The driveway on CSAH 45 should be shifted south to line up with Allen Path. A northbound left turn lane on CSAH 45 into the proposed development driveway across from Allen Path should be installed. Consideration as per the Rice County Highway Engineer to adding a southbound right turn lane on CSAH 45 into the proposed development driveway across from Allen Path should be considered. Per the traffic study a 6-foot concrete sidewalk should be constructed on the west side of CSAH 45 to connect the development

internal sidewalks to the public sidewalk and trail systems and Developer shall participate in the costs of enhanced pedestrian crosswalk system on CSAH 45.

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 and discussed in the previous section.

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 17th Street NW.

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.
- Developer shall comply with any Rice County Highway Department requirements regarding improvements and access to CSAH 45.

- Developer shall provide a sidewalk connection from the internal sidewalk network to the public sidewalk/trail system and participate in the costs of enhanced pedestrian crossings at the intersection of CSAH 45 & 17th Street SW.
- 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.



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: August 15, 2022
SUBJECT: 2. Application to Rezone Property in the FARIBAULT APARTMENTS Plat to R-4, High-Density Residential, and PUD Overlay Zoning District #2022-xx

Background:

Since the August 1, 2022, public hearing, the Applicant has made no changes to the rezoning request. The City's Development Review Committee recommends approval of rezoning the property to R-4, High-Density Residential and PUD Overlay Zoning District #2022-xx.

Recommendation:

Recommend that the City Council approve Ordinance 2022-xx Rezone Property in the FARIBAULT APARTMENTS Plat to R-4, High-Density Residential, and PUD Overlay Zoning District #2022-xx based on the findings and conditions in the ordinance.

Attachments:

1. 2022-xx Rezone Property in the FARIBAULT APARTMENTS Plat to R-4, High-Density Residential, and PUD Overlay Zoning District #2022-xx

(Above Space Reserved for Recording)

*State of Minnesota
County of Rice*

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

**REZONE PROPERTY IN THE FARIBAULT APARTMENTS 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, following the public hearing, the Planning Commission continued its meeting to allow further review of the proposed development's impact on traffic in the area; and

WHEREAS, the Planning Commission continued its meeting on August 15, 2022, and after further review of the traffic situation, recommended that the City Council approve the Applicant's rezoning request 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 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 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

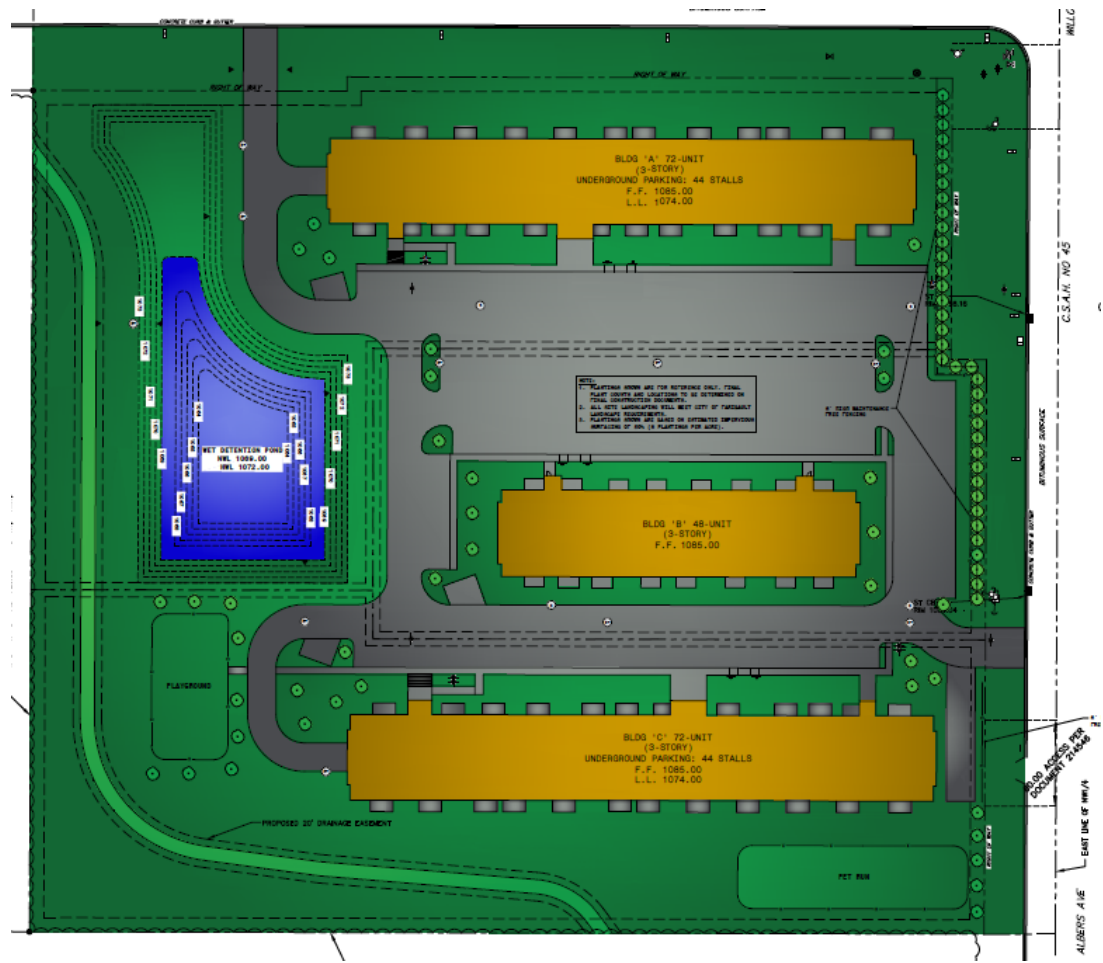
ATTEST:

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**





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: August 15, 2022
SUBJECT: Application for a Conditional Use Permit to Construct a Stormwater Basin in the Wild and Scenic River Overlay, Floodplain Management, and Shoreland Management Districts West of Cannon River and East of the State Highway 3 and 30th Street NW Intersection

Background:

The proposed Rice County Public Safety Center (and other existing and future development) east of the State Highway 3 and 30th Street NW intersection requires a regional stormwater management system. The proposed system includes the development of a stormwater basin in the Wild and Scenic River Overlay, Floodplain Management, and Shoreland Management Districts east of the proposed public safety center. The proposed stormwater basin requires a conditional use permit (CUP) to protect the districts' resources. Refer to the attached reports for additional information.

Recommendation:

Recommend that the City Council approve Resolution 2022-xxx Approve a Conditional Use Permit for a Stormwater Basin in the Wild and Scenic River Overlay, Floodplain Management, and Shoreland Management Districts West of Cannon River and East of the State Highway 3 and 30th Street NW Intersection.

Attachments:

1. Resolution 2022-xxx Approve a Conditional Use Permit for a Regional Stormwater Basin in the CANNON RIVER VIEW Plat

2. Staff Reports

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2022-XXX

APPROVE A CONDITIONAL USE PERMIT FOR A REGIONAL STORMWATER BASIN IN THE WILD AND SCENIC RIVER OVERLAY, FLOODPLAIN, AND SHORELAND MANAGEMENT DISTRICTS EAST OF THE STATE HIGHWAY 3 AND 30TH STREET NW INTERSECTION

WHEREAS, Rice County (the "Applicant" and the "Owner") requested a conditional use permit to develop a stormwater basin on property (the "Property") legally described in Exhibit A; and

WHEREAS, the Applicant proposes to locate the stormwater basin on a portion of the Property in the Wild and Scenic River Overlay, Floodplain, and Shoreland Management Districts (the "Districts") as generally shown in Exhibit B; and

WHEREAS, the City's Unified Development Ordinance (the "UDO") requires a conditional use permit (a "CUP") for the development of the proposed stormwater basin in the Districts; and

WHEREAS, the Planning Commission held a public hearing regarding the Applicant's request on August 10, 2022, following proper notice of the public hearing; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's conditional use permit request based on the following written findings:

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

Expanded Finding: The proposed stormwater basin will improve the quality stormwater runoff into the Cannon River, which, in turn, will benefit public health.

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

Expanded Finding: The proposed stormwater basin is in an area that will remain largely undeveloped. Consequently, it will not impede further development.

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

Expanded Finding: The proposed stormwater basin is roughly 500 feet from the Cannon River and will not adversely affect views of or from the Cannon River.

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

Expanded Finding: The proposed stormwater basin will not create traffic, noise, visual, or other adverse impacts on neighboring properties.

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

Expanded Finding: The proposed stormwater basin will not substantially diminish the value of neighboring properties.

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

Expanded Finding: The proposed stormwater basin does not require public facilities such as roads. It will not place additional burden on schools and other City services.

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

Expanded Finding: The proposed stormwater basin is required to properly treat stormwater runoff and protect public health. It will not be detrimental to the economic welfare of the community.

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

Expanded Finding: The proposed stormwater basin will not promote traffic congestion.

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

Expanded Finding: The proposed stormwater basin will be on the former Faribault Foods spray fields, so there will be no loss of natural, scenic, or historical features of major importance to the community. The proposed basin will be roughly 500 feet from the Cannon River, which is an adequate distance to protect the views to and from the river. The basin will not remove significant vegetation.

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

Expanded Finding: The proposed stormwater basin is not in conflict with the City's Land Use Plan.

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

Expanded Finding: The proposed addition is consistent with all applicable City Code requirements.

WHEREAS, the Planning Commission also recommended approval of the requested conditional use permit based on findings that the proposed stormwater basin will improve the quality of stormwater runoff entering the Cannon River and that the basin meets all pertinent standards and requirements related to development in the Wild and Scenic River Overlay, Floodplain, and Shoreland Management Districts; and

WHEREAS, the City Council held a public meeting on _____, to consider the Applicant's conditional use permit request; and

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

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

Section 1: Approval of the requested conditional use permit. The City Council hereby approves the Applicant's conditional use permit request to develop a stormwater basin in that portion of the Property that is in the Wild and Scenic River Overlay, Floodplain, and Shoreland Management Districts, as generally shown in Exhibit B.

Section 2: Conditions attached to the approval of the conditional use permit. The conditional use permit includes the following conditions:

1. Per the City Engineer's direction, the Owner must provide a drainage and utility easement around the stormwater basin and allow the City access to the basin for maintenance purposes.
2. The Owner must comply with all of the requirements outlined in the City Engineer's memorandum to David Wanberg, City Planner, dated August 12, 2022, and attached as Exhibit C.
3. The Owner must construct the proposed addition and related site work in substantial conformance (as determined by City Staff) with the plan shown in Exhibit B of this resolution. Any significant expansion or revision the plan will require an amendment to this conditional use permit.
4. The Applicant must receive all required permits and approvals from the City and all other applicable regulatory authorities before starting construction on the proposed stormwater basin.

5. This conditional use permit will automatically be voided if the proposed construction has not taken place within one (1) year of the approval of the conditional use permit unless the City Council has granted a petition for a time extension. The Owner must submit a written request for extension at least thirty (30) days before the expiration of the conditional use permit and must state facts showing a good faith effort to complete the work permitted under the original approval.
6. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
7. The City may inspect the property at all reasonable times to ensure compliance with the conditions of this permit.
8. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
9. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.
10. This permit and its conditions are binding on the parties and their successors and assigns. This permit runs with the property and does not affect the subsequent sale, lease, or change from current ownership. The Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the property.
11. Use of the property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.

Section 3. Findings and incorporation of recitals and exhibits. Where applicable, the recitals and exhibits incorporated in this resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

Section 4. Authorization to take additional steps. The City Council 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 5. Effective Date. This resolution is 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 1, CANNON RIVER VIEW, City of
Faribault, County of Rice, State of Minnesota

Exhibit B

Plan Showing the Proposed Stormwater Basin

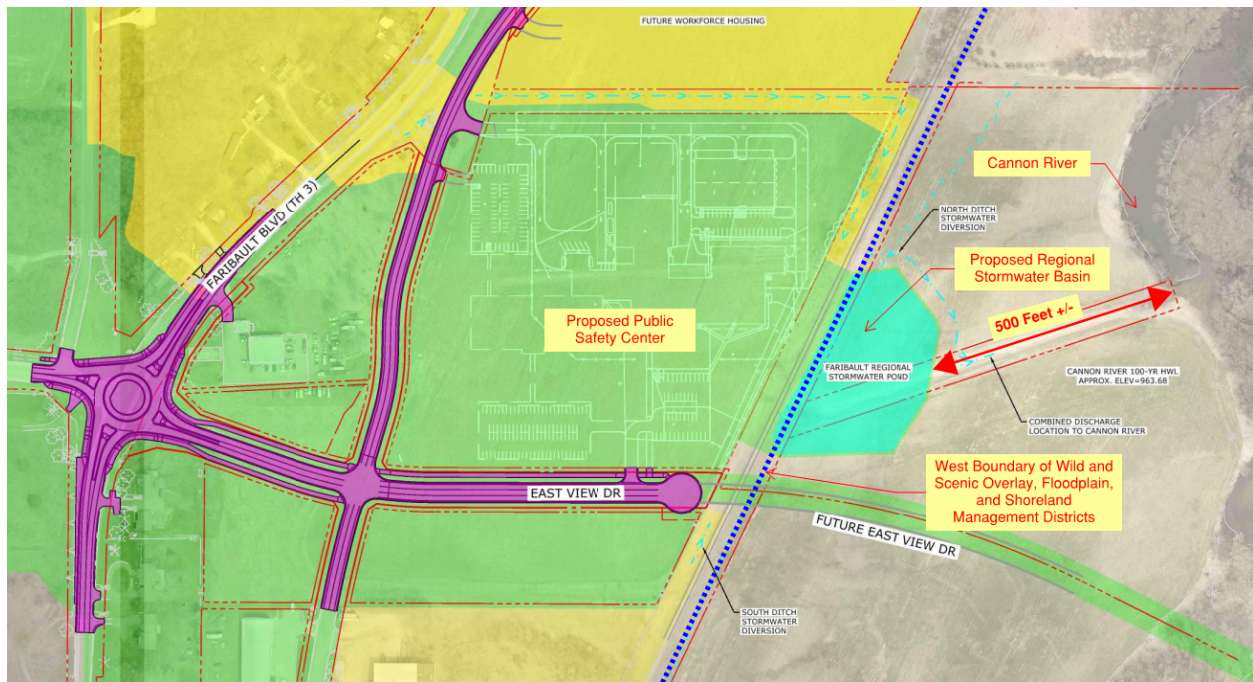


Exhibit C
City Engineer's Memorandum



Engineering Department Memorandum

TO: David Wanberg, City Planner
FROM: Mark DuChene, City Engineer
DATE: August 12, 2022
SUBJECT: Cannon River View Regional Stormwater Basin Conditional Use Permit

BACKGROUND

Rice County has submitted a conditional use permit for the construction of a regional stormwater treatment basin within an area covered by a wild and scenic river designation. Stormwater treatment is allowed in said designation by a conditional use permit.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The regional basin is located within the Cannon River (M-048) drainage district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site currently drains primarily to existing drainage channels and to the east which ultimately discharge to the Cannon 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 new and/or reconstructed impervious surfaces that exceed 1 acre. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit and the City's current Municipal Separate Storm Sewers permit will be incorporated into the final plans. The County and City have agreed to cooperate on the construction of a regional stormwater basin to serve the area. The stormwater treatment basin shall be placed within a public drainage and utility easement on Lot 1 Block 1 Cannon River View. The City shall be responsible for long term operations and maintenance of the basin. The Developer and City shall split the costs of the design and construction of the stormwater treatment basin.

based on contributing drainage areas or flows or another equitable distribution as agreed upon by both parties.

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 for each parcel as it develops.

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 for each parcel as it is developed.

RECOMMENDATION

Engineering recommends approval of the Conditional Use Permit subject to the comments within this report.

Public Hearing Staff Report

TO: Planning Commission

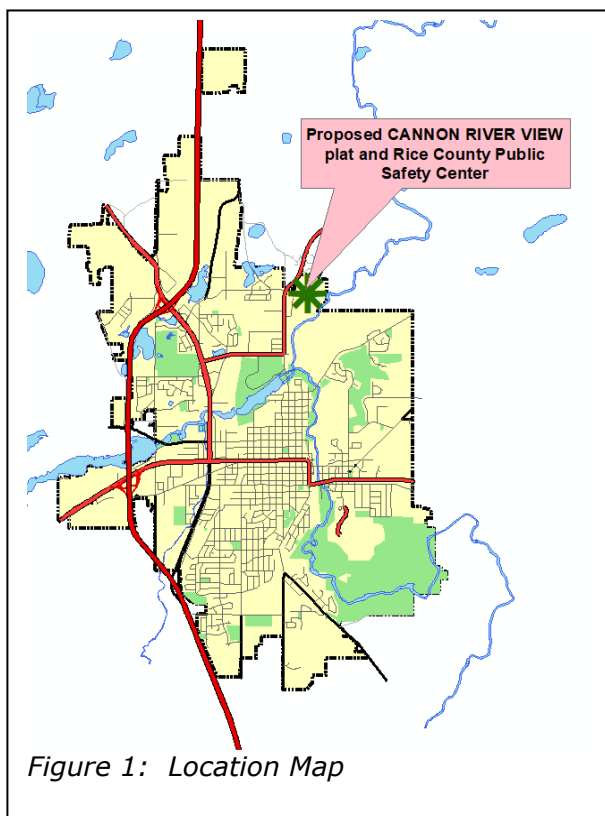
FROM: David Wanberg, City Planner

MEETING DATE: August 1, 2022

SUBJECT: Application for a Conditional Use Permit to Construct a Stormwater Basin in the Wild and Scenic River Overlay, Floodplain, and Shoreland Management Districts East of the State Highway 3 and 30th Street NW Intersection

BACKGROUND AND REQUEST

Earlier this year, the City approved the Cannon River View plat and applications related to the proposed Rice County Public Safety Center near the State Highway 3 and 30th Street NW intersection (see [Figure 1](#) for a location map). Rice County (the Applicant) now requests approval of a conditional use permit (CUP) to develop a regional stormwater basin in the Wild and Scenic River Overlay, Floodplain, and Shoreland Management Districts to serve the plat and surrounding development. The City's Unified Development Ordinance (UDO) requires a CUP to ensure the stormwater basin does not adversely affect the protection of the resources in and adjacent to the Cannon River.



OVERVIEW OF THE PROPOSED REGIONAL STORMWATER BASIN

Rice County explored alternative locations for the proposed regional stormwater basin. However, the proposed location, east of the proposed public safety center development, is the most logical area for the basin (see [Figure 2](#)).

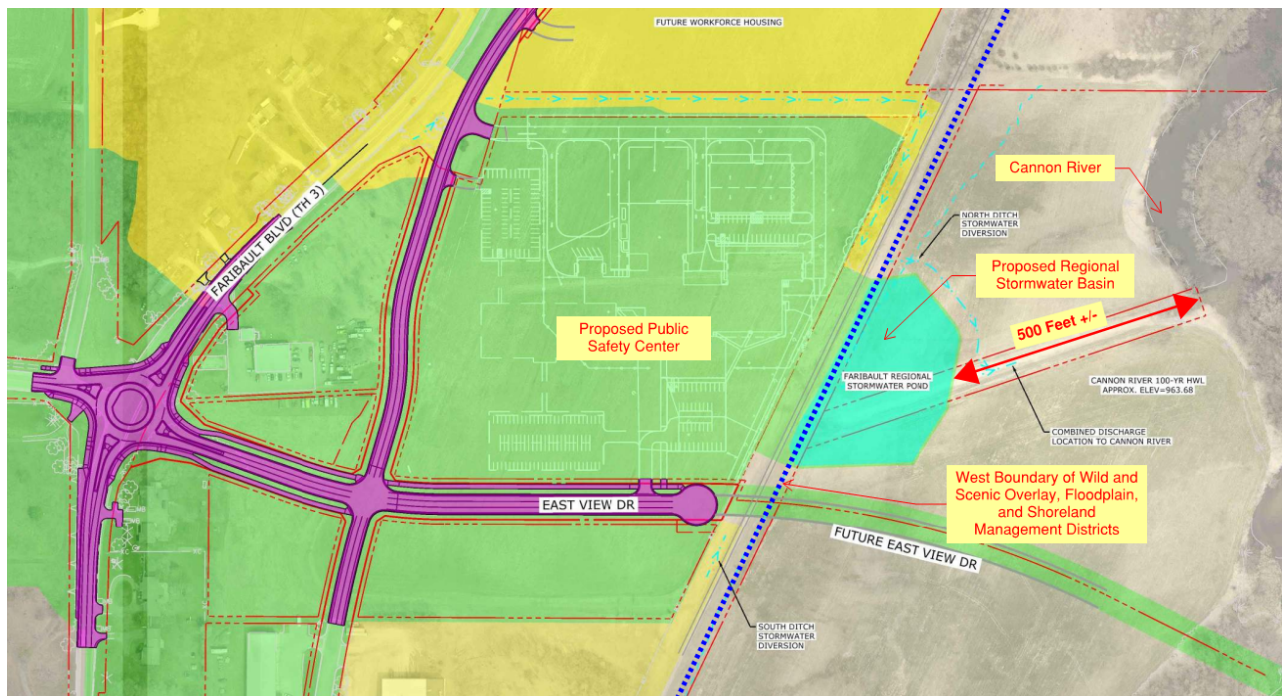


Figure 2: Stormwater Basin

The proposed basin is in the Wild and Scenic River Overlay, Floodplain, and Shoreland Management Districts. The former railroad defines the west boundary of the districts, and the basin would be 500 feet or so from the Cannon River. The basin would not adversely affect significant natural, historic, or scenic resources. In fact, the basin would collect and treat runoff from a significant area that is currently not treated.

Minnesota Department of Natural Resources staff reviewed the proposed basin and did not express concerns related to the Wild and Scenic River Overlay, Floodplain, and Shoreland Management Districts. The basin will have an earthen barrier to protect it from flooding. Refer to the attached report from the City Engineer for additional information.

RECOMMENDATION

Recommend that the City Council approve Resolution 2022-xxx Approve a Conditional Use Permit for a Regional Stormwater Basin in the Wild and Scenic River Overlay, Floodplain, and Shoreland Management Districts East of the State Highway 3 and 30th Street NW Intersection.

ATTACHMENTS

- City Engineer's Report



Engineering Department Memorandum

TO: David Wanberg, City Planner

FROM: Mark DuChene, City Engineer

DATE: August 12, 2022

SUBJECT: Cannon River View Regional Stormwater Basin Conditional Use Permit

BACKGROUND

Rice County has submitted a conditional use permit for the construction of a regional stormwater treatment basin within an area covered by a wild and scenic river designation. Stormwater treatment is allowed in said designation by a conditional use permit.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The regional basin is located within the Cannon River (M-048) drainage district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site currently drains primarily to existing drainage channels and to the east which ultimately discharge to the Cannon 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 new and/or reconstructed impervious surfaces that exceed 1 acre. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit and the City's current Municipal Separate Storm Sewers permit will be incorporated into the final plans. The County and City have agreed to cooperate on the construction of a regional stormwater basin to serve the area. The stormwater treatment basin shall be placed within a public drainage and utility easement on Lot 1 Block 1 Cannon River View. The City shall be responsible for long term operations and maintenance of the basin. The Developer and City shall split the costs of

the design and construction of the stormwater treatment basin based on contributing drainage areas or flows or another equitable distribution as agreed upon by both parties.

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 for each parcel as it develops.

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 for each parcel as it is developed.

RECOMMENDATION

Engineering recommends approval of the Conditional Use Permit subject to the comments within this report.



Request for Planning Commission

TO: Planning Commission
THROUGH:
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: August 15, 2022
SUBJECT: Application for a Conditional Use Permit to move in a previously occupied house to replace the house at 310 Lind St NW.

Background:

Chris Bakken applicant and Wayd Ferris property owner, are seeking to demolish an existing house on 310 Lind St. and move an existing home to the site. The existing house was constructed in 1915 and is reportedly in poor condition. The previously occupied house is proposed to be moved in to replace the existing home. The house to be moved to the property is a newer, 914 square foot, ranch-style house. The applicant plans on updating the roof and siding on the house and the existing garage to match, as well as updating the interior of the home, and adding a new basement.

A detailed staff report has been prepared to discuss this application. The Development Review Committee is recommending approval of the request. A draft resolution with findings in support of approval is included for Planning Commission consideration.

Recommendation:

Staff recommends that the Planning Commission approve the proposed findings found in draft resolution, and that the Planning Commission recommend City Council approval of the application by Chris Bakken on behalf of Wayd Ferris, property owner for a Conditional Use Permit to move a previously occupied house to 310 Lind Street.

Attachments:

1. Draft Resolution Approving a CUP for a House Move at 310 Lind St

2. 2022.08.15 Staff Report 310 Lind St. House Move CUP
3. 310 Lind Zoning Map
4. 310 Lind Aerial Map
5. 310 LIND Site Plan REV 7-27-22 with notes
6. Rendering
7. House Photos

CITY OF FARIBAULT

RESOLUTION #2022-____

APPROVING A CONDITIONAL USE PERMIT FOR A HOUSE MOVE AT 310 LIND STREET

WHEREAS, Chris Bakken, applicant on behalf of Wayd and Erin Ferris, property owners has requested approval of a conditional use permit (CUP) to move an existing 939 square foot house for the property owner's use at 310 Lind St. in the R-3 Medium Density Residential District. The property is legally described as follows:

Lot 8, Block 4, E H Loyhed's Addition, City of Faribault,
County of Rice, State of Minnesota

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

WHEREAS, the Planning Commission, on the 15th day of August, 2022 following proper notice, held a public hearing regarding the request, and following said public hearing recommended approval of the request; and

WHEREAS, the City Council, on the 23rd day of August, 2022, at a public meeting considered the request; and

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

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

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

- 2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not**

impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Finding: There is already an existing house on the property, however due to its poor condition, it may become an issue in the future. Moving a newer house would prevent address that concern.

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

Finding: The new house is comparable in size to many of the other homes in the neighborhood, and aesthetically fits in.

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

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

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

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

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

Finding: The subject house will be replacing an additional house. There will be no new demand for public facilities and services.

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

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

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

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

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

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

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

Finding: The City's Land Use Plan guides the subject parcel for medium-density residential. The City's Unified Development Ordinance allows house moves with a CUP in the R-3, Single Family Residential District.

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

Finding: There is a house on the subject property that is to be demolished prior to the subject house being moved there. The house move as planned meets the requirements of the Unified Development Ordinance.

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

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

Section 2. Approval of the Conditional Use Permit. A conditional use permit to allow a 1080 square foot residential garage at 310 Lind Street according to the site plan attached as Exhibit A is hereby approved subject to conditions as set forth in Section 3 of this resolution. Said approval is based on the forgoing recitals, which are incorporated herein by reference, and constitute the findings of the City Council in accordance with Section 2-300 of the City of Faribault, Unified Development Ordinance.

Section 3. Conditions of Approval. A conditional use permit is hereby approved subject to conditions listed herein as authorized under Section 2-310 of the City of Faribault Unified Development Ordinance that are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in the ordinance as follows:

1. The garage and house must be re-sided and re-roofed to match each other.
2. Any area of the site that is disturbed by demolition or construction must be restored with top soil and grass or paved if part of the driveway.
3. If one or both trees in the front yard are torn down, they must be replanted in accordance with Sec. 4-120 of the Unified Development Ordinance.
4. The new basement must have at least one egress.

Section 4. Compliance. The applicant and property owner must comply with all applicable provisions of the City Code of Ordinances during development and operation of the conditional use. Any violation of these provisions or any of the specified conditions shall be grounds for revocation of the conditional use permit as authorized by Section 2-320 of City of Faribault, Unified Development Ordinance.

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

Date Adopted: August 23, 2022

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Site Plan



Report to the Planning Commission

TO: Planning Commission
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: August 15, 2022
SUBJECT: CUP Application for moving an existing house to 310 Lind St.

BACKGROUND / PROJECT SUMMARY

Chris Bakken seeks to demolish an existing house on 310 Lind St. and move an existing home to the site. The existing house was constructed in 1915 and is reportedly in poor condition. The house being moved to the property is a newer, 914 square foot, ranch-style house. The applicant plans on updating the roof and siding on the existing garage to match the new house, as well as updating the interior of the home, and adding a new basement.

Discussion / Review:

- Comprehensive Plan. The comprehensive plan guides the property of Established Residential Neighborhood Use. The proposed use fits with that use.
- Zoning District. The property is zoned R-3 Medium Density Residential. A single-family house is allowed by right, but moving an existing house requires a Conditional Use Permit to assure the home is compatible architecturally and in scale to neighboring homes.
- Parking Requirements. The UDO requires a minimum of a 1-stall garage and 2 parking spaces for a single-family home. The property already meets these requirements. The garage is about 564 SF in area which is smaller than the house being moved to the site as required by the UDO.
- Setbacks. The building setback requirements are 10' from the side and rear and 25' from the front. It appears that the proposed location of the house is just over 25 feet from the front property line and 10 feet six inches from the side property line. The rendering shows a vestibule on the front (south wall) of the house. The vestibule is allowed to encroach into the required yard setback by up to 4'. The plan has been revised to meet this section of the UDO.
- Building Design. The new building has gray vinyl siding and what appears to be a shingle roof. The garage will be updated to match accordingly. The

applicants plan to relocate a door from the driveway side of the building to the rear of the house to avoid encroachment into the driveway area. The house will have a full basement. Code requires an egress window which is planned for the rear wall of the basement.

Comments:

The Development Review Committee (DRC) discussed the application in this case at its meeting on August 2, 2022. The DRC recommended conditional approval of the CUP with the following comments:

1. Plans need to be provided for the basement, and it'll need an egress.
2. It appears that a door on the home will need to be relocated from so as not to encroach into the driveway.
3. The new home is wider than the current home and will reduce the driveway width to about 15' due to the retaining wall on the east side of drive.

Recommendations.

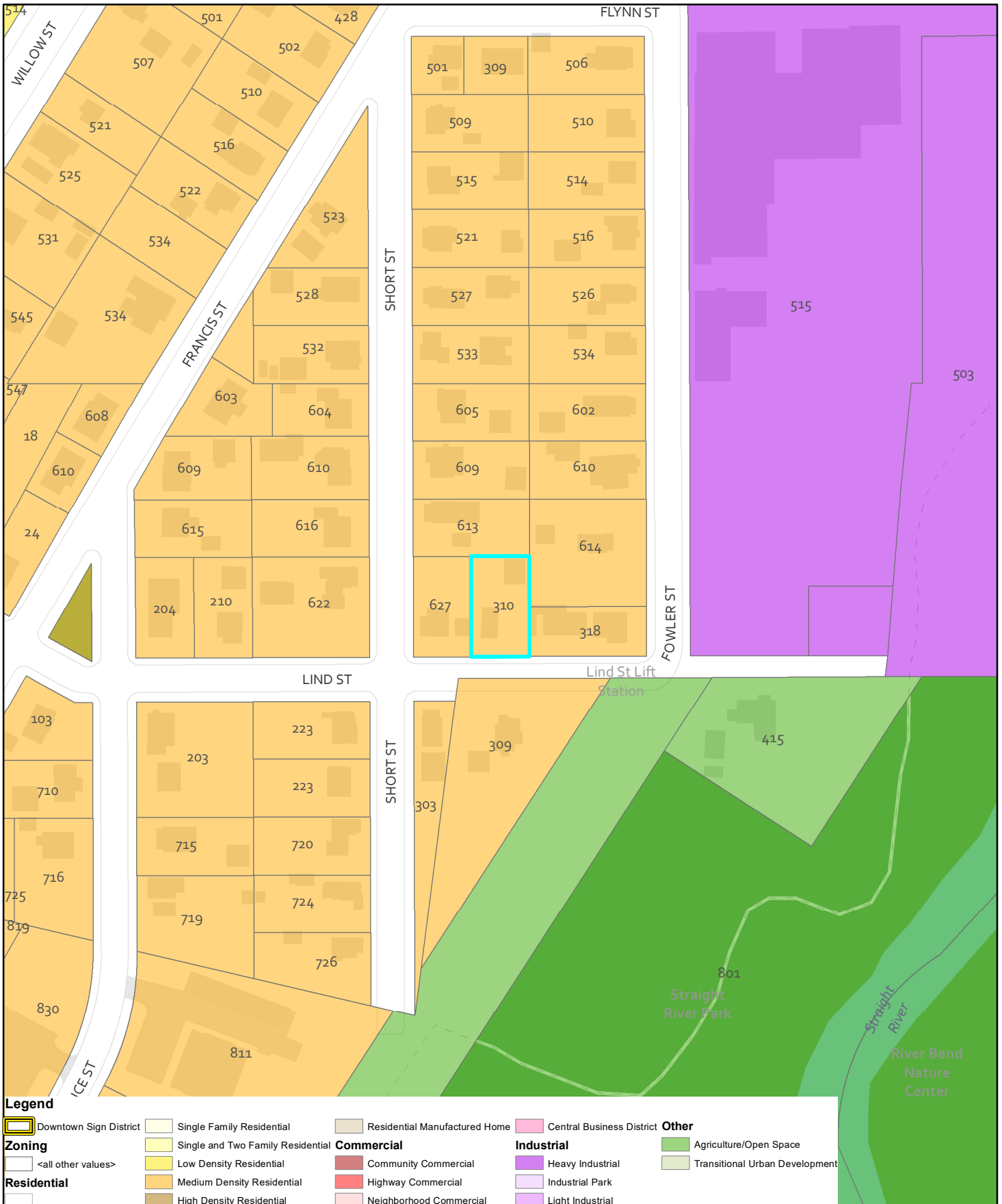
Staff recommends approval of a Conditional Use Permit for moving an existing house onto the lot, with the following condition:

1. The vestibule on the south wall of the house, may encroach no more than 4' into the require front yard setback per Sec. 6-120 of the UDO.
2. Garage and home must be re-sided and re-roofed with matching siding and roofing materials.
3. Any area of the site disturbed by demolition or construction must be restored with top soil and grass or paved if part of the driveway.

Attachments:

- Maps and Plans
- Applications

310 Lind Street



310 Lind Street



- LEGEND**
- CAST IRON MONUMENT FOUND
 - ⊙ IRON MONUMENT FOUND
 - ⊕ IRON PIPE MONUMENT SET
 - WOOD HUB SET
 - 281.26 EXISTING SPOT ELEVATION
 - DENOTES DRAINAGE ARROW
 - (281.26) DENOTES PROPOSED ELEVATION
 - 777.00 DENOTES AS-BUILT ELEVATION
 - ~ DENOTES PROPOSED CONTOUR
 - ⊗ FIRE HYDRANT
 - ▨ CATCH BASIN
 - SANITARY MANHOLE
 - SUMP CLEANOUT
 - ... SATELITE DISH

LEGAL DESCRIPTION:
Lot 8, Block 4, E H LOYHED
ADDITION, according to plat
thereof, on file and of record in
the Office of the Rice County
Recorder.

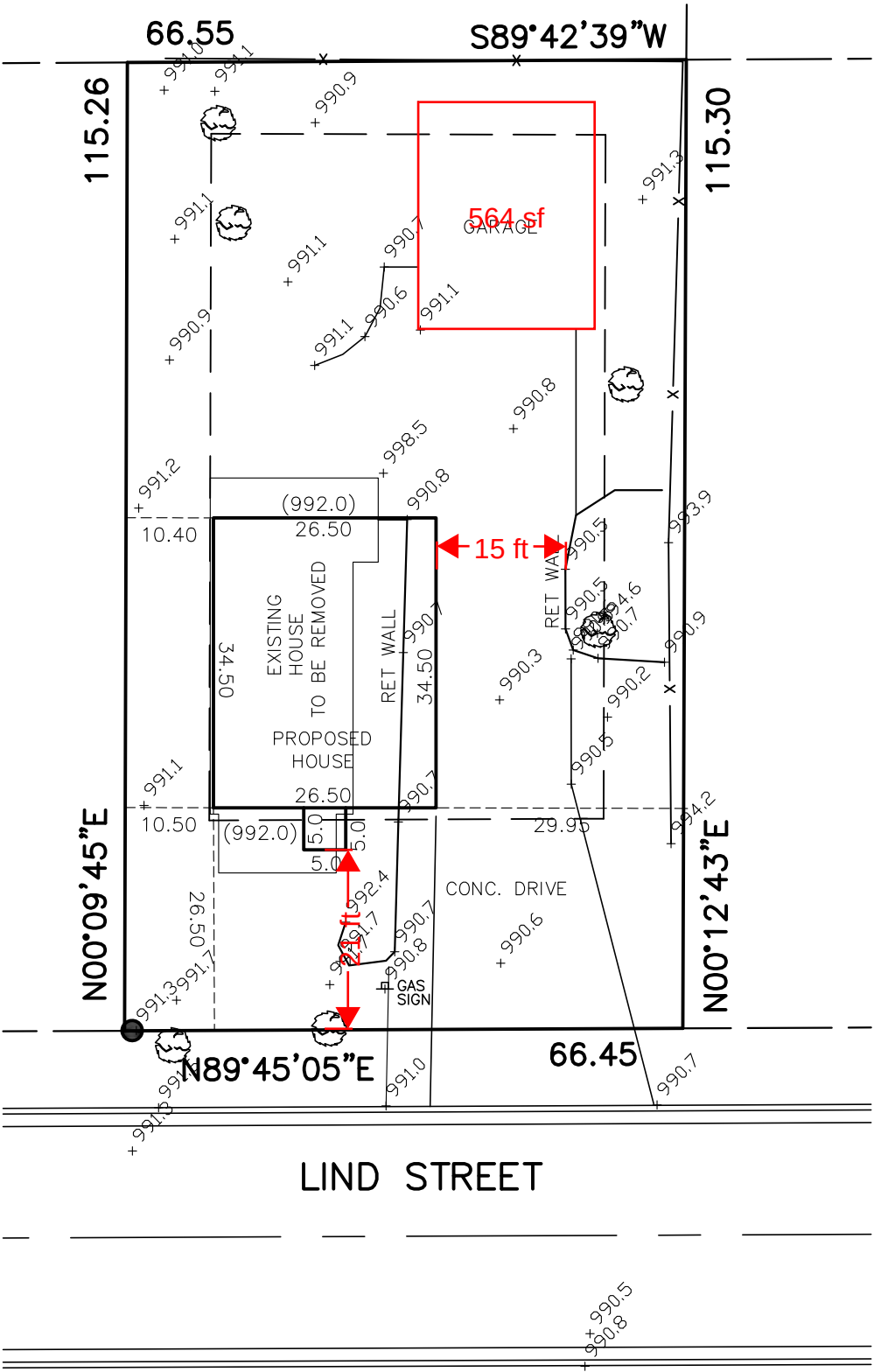
Surveyor :
PTS Land Services, Inc.
PO Box 839
Faribault, MN 55021
Phone: 507-291-1137
Fax: 507-334-9472
www.ptsland.com

PROPOSED ELEVATIONS:
TOP OF BLOCK=992.5
GARAGE FLOOR=EXISTING TO REMAIN
LOWEST FLOOR=984.83
*BASED ON AN 8' BASEMENT WALL

SET BACK REQUIREMENTS:
25' FRONT BUILDING TO ROW
10' REAR BUILDING TO PROP LINE
10' SIDE BUILDING TO PROP LINE

- NOTES:**
- EXISTING HOME TO BE REMOVED.
 - SEE BUILDING PLANS FOR
ARCHITECTURAL DIMENSIONS.
CONTRACTOR SHALL VERIFY
DIMENSION & EXTENT OF BLDG PAD
SOILS CORRECTION, IF ANY.
 - DRIVEWAY WIDTH IS APPROXIMATE.

CERTIFICATE OF SURVEY FOR: CHRIS BAKKEN
SITE PLAN
310 LIND STREET, FARIBAULT, MN 55021



PLOT DATE: 06-19-2022

REV. NO.	DATE	BY	CHK	DESCRIPTION
1	7-27-22	TSP	TSP	ADD VESTIBULE



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

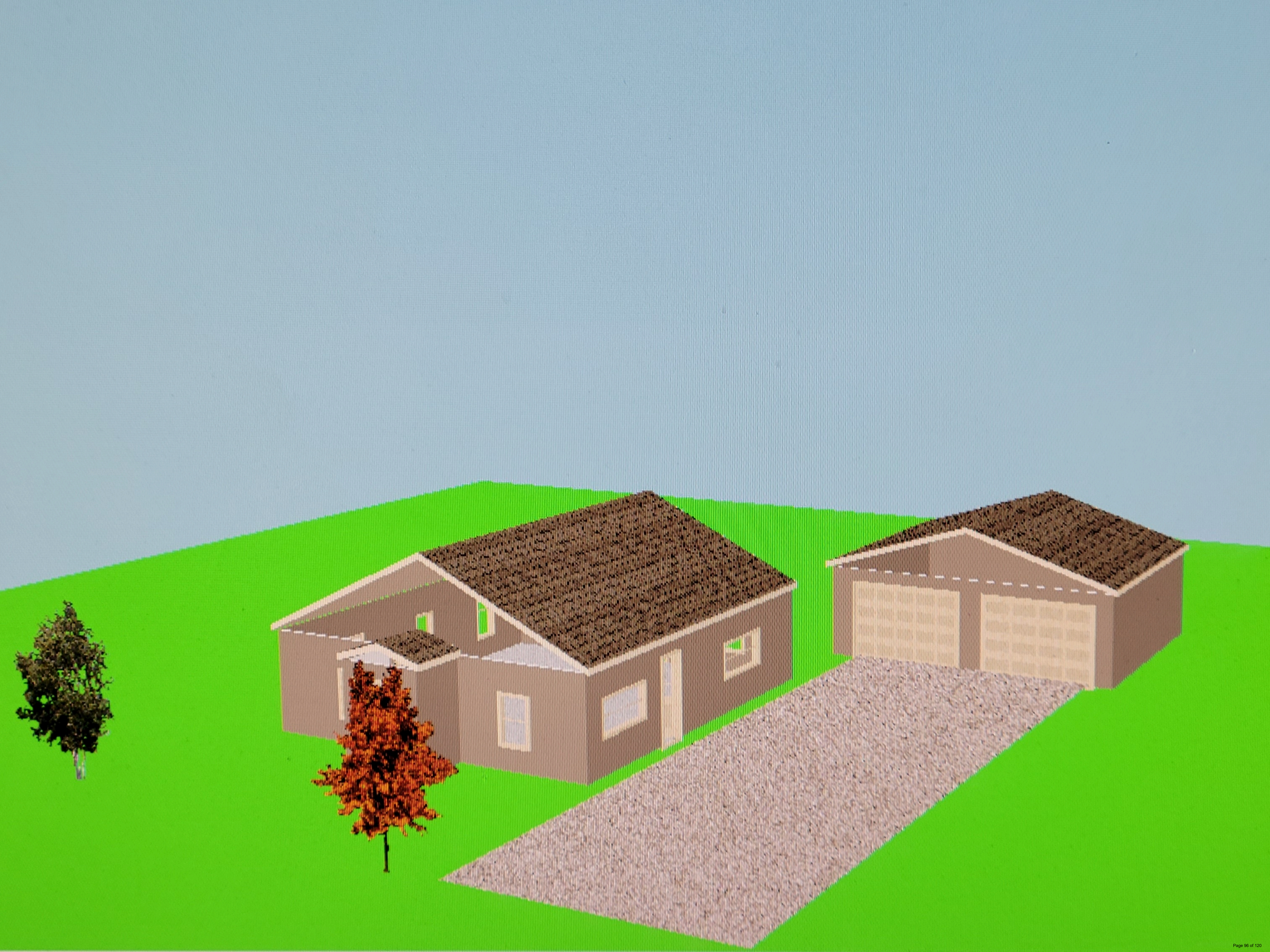
Timothy S. Peterson

NAME Timothy S. Peterson LICENSE NO. 45332 DATE 06-19-2022

DESIGNED
TSP
DRAWN
TSP
CHECKED
TSP

PTS LAND SERVICES, INC.
COMPLETE LAND SURVEYING SERVICES

SITE PLAN FOR: LOT 8, BLOCK 4	SHEET
E H LOYHED ADDITION,	1
310 LIND STREET, FARIBAULT, MN	OF
	1





North Side



South Street side



East side



West side



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: August 15, 2022
SUBJECT: Application for a Conditional Use Permit to construct an addition onto a residential garage resulting an accessory structure of about 1015 square feet in area at 610 4th Avenue SW

Background:

Jonathan Finnesgard seeks to add a 22 by 22 square foot addition to his detached garage at 610 4th Avenue SW. He also seeks to add a second driveway from the garage to the alley behind the house. With the addition, the garage will be 1,012 square feet, which will require a CUP. The garage currently has access from the street in front. Access to the garage addition will be from the alley. The addition is designed to access from the north and will not access directly to and from the alley.

The Development Review Committee reviewed this application on August 2, 2022 and is recommending approval. A detailed staff report is provided for the application. Staff has prepared a draft resolution for approval that includes appropriate findings in support of this request.

Recommendation:

Staff recommends that the Planning Commission approve the findings for approval in the draft resolution prepared for this request and further recommends that the Planning forward a recommendation that the City Council approve the conditional use permit for a 1015 square foot garage at 610 4th Avenue SW subject to conditions as proposed.

Attachments:

1. Draft Resolution Approving a Conditional Use Permit for 1015 SF Garage
2. 2022.08.15 Report re. 610 4th Ave SW Oversize Garage CUP
3. 610 4th Ave Location Map
4. 610 4th Ave Comp Plan Map
5. 610 4th Ave Zoning Map
6. 610 4th Ave Aerial Map
7. Plans & site plan

[Space above saved for County Recorder's stamp]

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION 2022-____

APPROVE A CUP TO ALLOW CONSTRUCTION OF A NEW GARAGE TO EXCEED 864 SQUARE FEET AT 610 4TH AVENUE SW

WHEREAS, Jonathan Finnesgard (Owner) is requesting approval of a Conditional Use Permit (CUP) to allow a proposed 528 square foot (22' x 24') addition to an existing 480 square foot (22' x 22') garage at 610 4th Ave. NW (hereinafter referred to as "the subject property") legally described in Exhibit A; and

WHEREAS, the underlying zoning the subject property is in the R-2, Low Density Residential District; and

WHEREAS, the maximum allowed permitted residential accessory structure size is 864 square feet; and

WHEREAS, a residential accessory structure is permitted to be 25% larger than 864 square feet (1,060 square feet) with a Conditional Use Permit; and

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

WHEREAS, the Planning Commission, on the 15^h day of August, 2022, following proper notice, held a public hearing regarding the request, and

following said public hearing made findings and recommended that the City Council approve the request; and

WHEREAS, following said public hearing, the Planning Commission recommended conditional approval of the requested Conditional Use Permit based on the following findings as required by Section 2-300 of the City's Unified Development Ordinance:

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

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

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

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

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

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

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

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

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

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

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

Finding: Public sewer and water are not required for this garage, but the site has access to roads, proper drainage, and will not increase demand for schools, police and fire protection services.

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

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

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

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

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

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

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

Finding: The City's Land Use Plan guides the subject parcel for low-density residential. The City's Unified Development Ordinance allows garages of 1,080 square feet in area with CUP in the R-2, Low Density Residential District.

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

Finding: The subject garage is previously existing. The expansion as planned meets all requirements of the Unified Development Ordinance.

WHEREAS, the City Council at a public meeting, on the 23rd day of August, 2022, considered the request, the report to the Planning Commission, and the results of the public hearing, and concurred with all findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

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

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

Section 2. Approval of the Conditional Use Permit. A conditional use permit to allow a 1,012 square foot residential garage in an R-2, Low Density Residential District at 610 4th Ave. SW in substantial accordance with the site plan attached as Exhibit B, is hereby approved subject to conditions as set forth in Section 3 of this resolution. Said approval is based on the forgoing recitals, which are incorporated herein by reference, and constitute the findings of the City Council in accordance with Section 2-300 of the City of Faribault, Unified Development Ordinance.

Section 3. Conditions of Approval. A conditional use permit is hereby approved subject to conditions listed herein as authorized under Section 2-310 of the City of Faribault Unified Development Ordinance that are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in the ordinance as follows:

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

Section 4. Compliance. The applicant and property owner must comply with all applicable provisions of the City Code of Ordinances during development and operation of the conditional use. Any violation of these provisions or any of the specified conditions shall be grounds for revocation of the conditional use permit as authorized by Section 2-320 of City of Faribault, Unified Development Ordinance.

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

Date Adopted: August 23, 2022

Faribault City Council

Kevin R. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A

[Insert Legal Description]

Exhibit B
(Site Plan)



Report to the Planning Commission

TO: Planning Commission
FROM: Peter Waldock, AICP Planning Coordinator
THROUGH: Deanna Kuennen, Community and Economic Development Director
MEETING DATE: August 15, 2022
SUBJECT: CUP Application for a 1012 SF garage at 610 4th Avenue SW

BACKGROUND / PROJECT SUMMARY

Jonathan Finnesgard seeks to add a 22 by 22 square foot addition to his detached garage at 610 4th Avenue SW. He also seeks to add a second driveway from the garage to the alley behind the house. With the addition, the garage will be 1,012 square feet, which will require a CUP. The garage currently has access from the street in front. Access to the garage addition will be from the alley. The addition is designed to access from north and will not access directly to and from the alley.

Discussion / Review:

- Comprehensive Plan. The comprehensive plan guides the property of Established Residential Neighborhood Use. The proposed use fits with that use.
- Zoning District. The property is zoned R-2 Low Density Residential. The proposed garage is 1,012 square feet, which is allowed in an R-2 Low Density Residential district with a Conditional Use Permit.
- Setbacks. The building setback requirements are 10 feet from other structures and 5 feet from the side and rear property lines. Garage entrance must be setback 20 feet from the alley or the garage must be turned so that access is parallel to the alley and not directly onto the alley. The proposal is compliant according to the site plan. The owner has not submitted a certificate of survey. They will need to confirm that the garage addition is five feet from the property line and not measured from the edge of the alley surface.
- Building Design. The UDO requires the garage and home to be architecturally compatible. The garage will be re-sided and reroofed so that the addition will match the existing garage and have a seamless expansion.
- Accessory Structure Requirements. Accessory structures must be subordinate to the principal building. The garage after the building addition must not be larger than the foot print of the home. In this case the house has a foot print of about 1200 SF and the garage will be 1012 SF. The garage will need to be architecturally compatible

with the house. The color of the roof and the siding should be the same.

Comments.

The Development Review Committee (DRC) reviewed the application and attachments at its meeting on August 2, 2022. The DRC had no major concerns and the following comment:

1. Confirm that the garage extension will meet setback requirements.
2. Garage addition must have matching siding and roofing materials to the existing garage. The Garage and House must have matching or complimentary siding and roofing materials.

Recommendations.

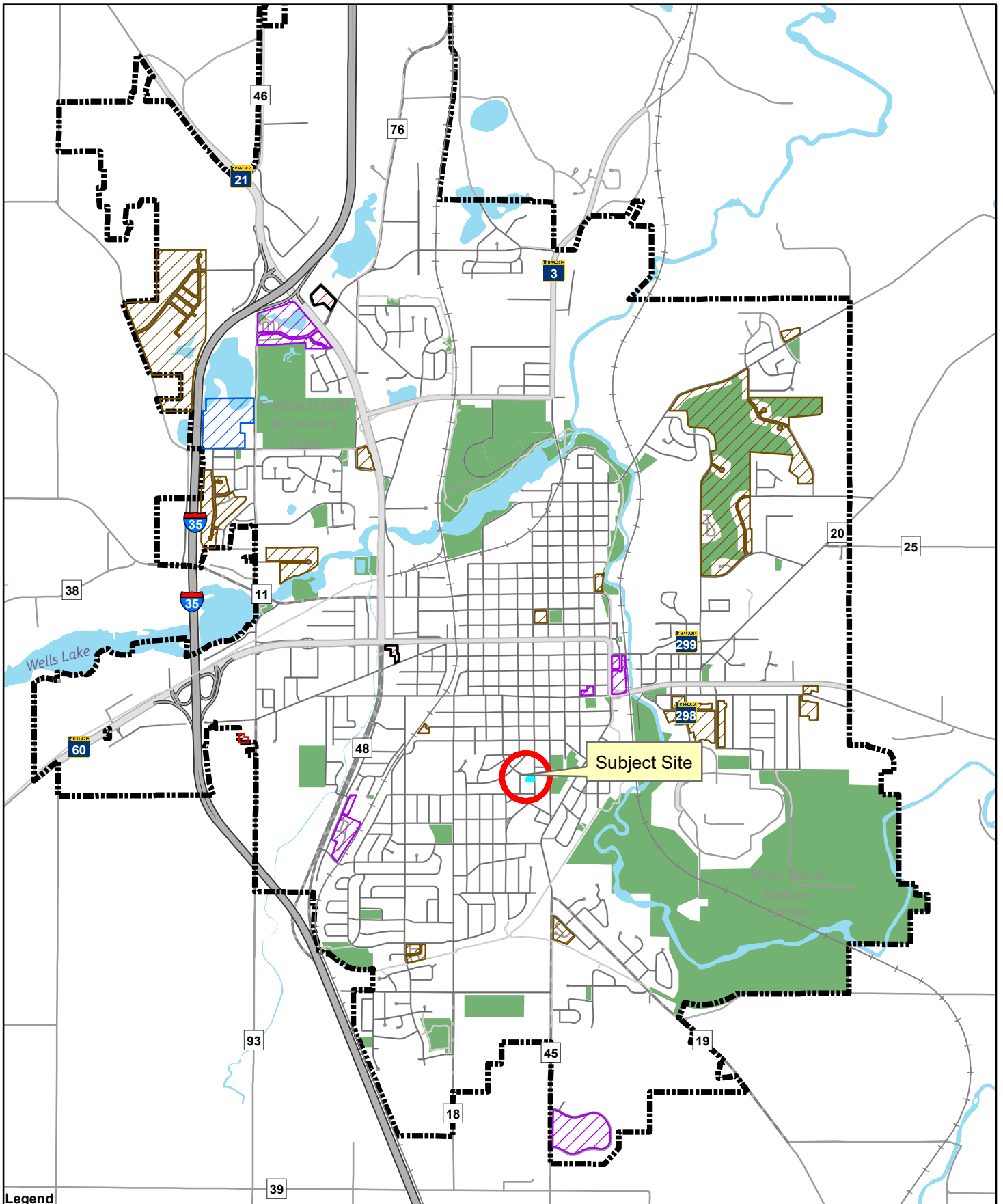
Staff recommends approval of a Conditional Use Permit for an application with the following conditions:

1. The garage addition matches the siding and roofing materials of the existing garage.
2. The second driveway must be paved in accordance with the UDO.
3. The applicants must confirm the setbacks are met by providing a Certificate of survey or locating and marking the survey corner pins along the west property line.

Attachments:

- Maps and Plans
- Applications

610 4th Ave SW CUP Application



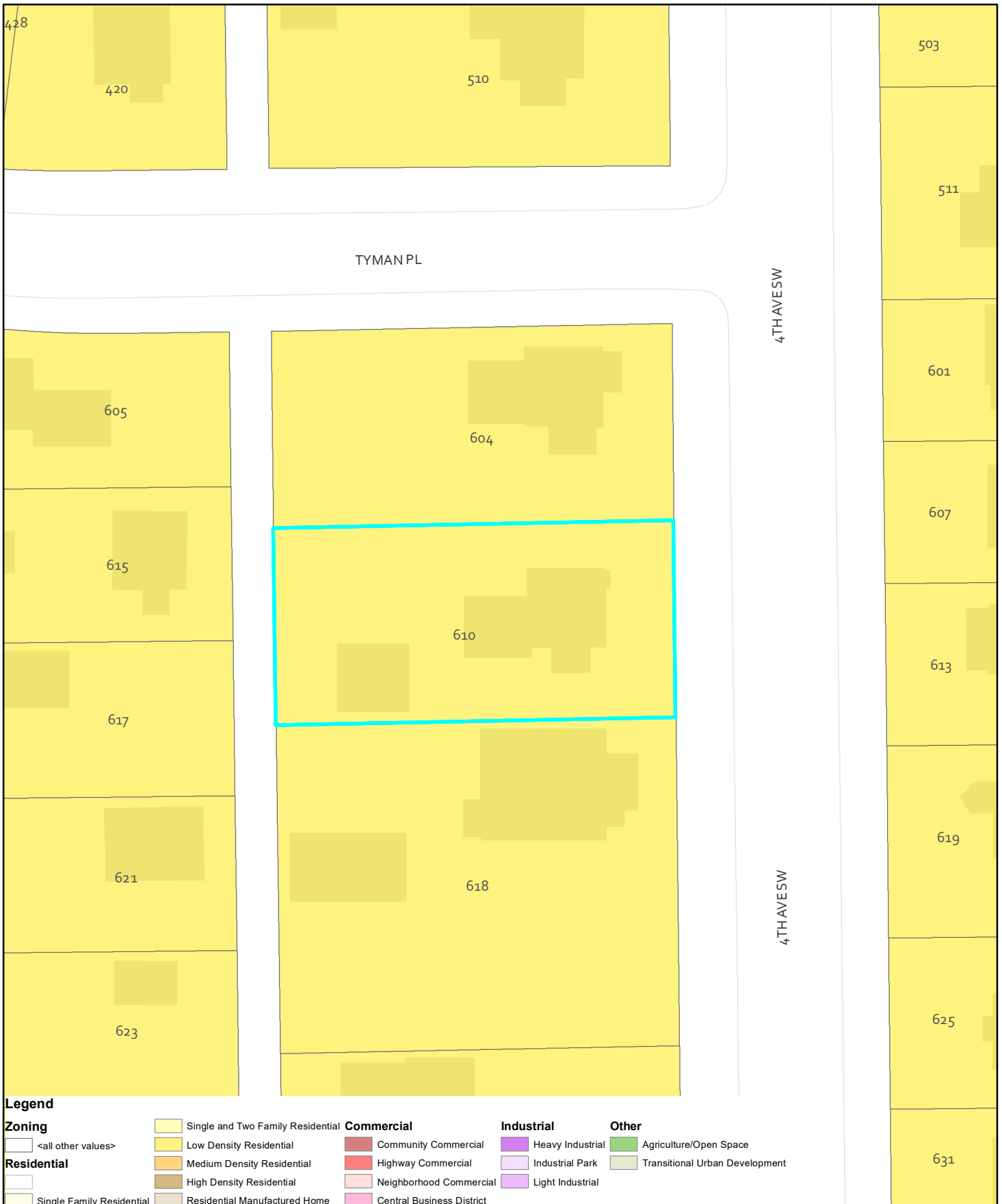
Legend



610 4th Ave SW Comp Plan Map



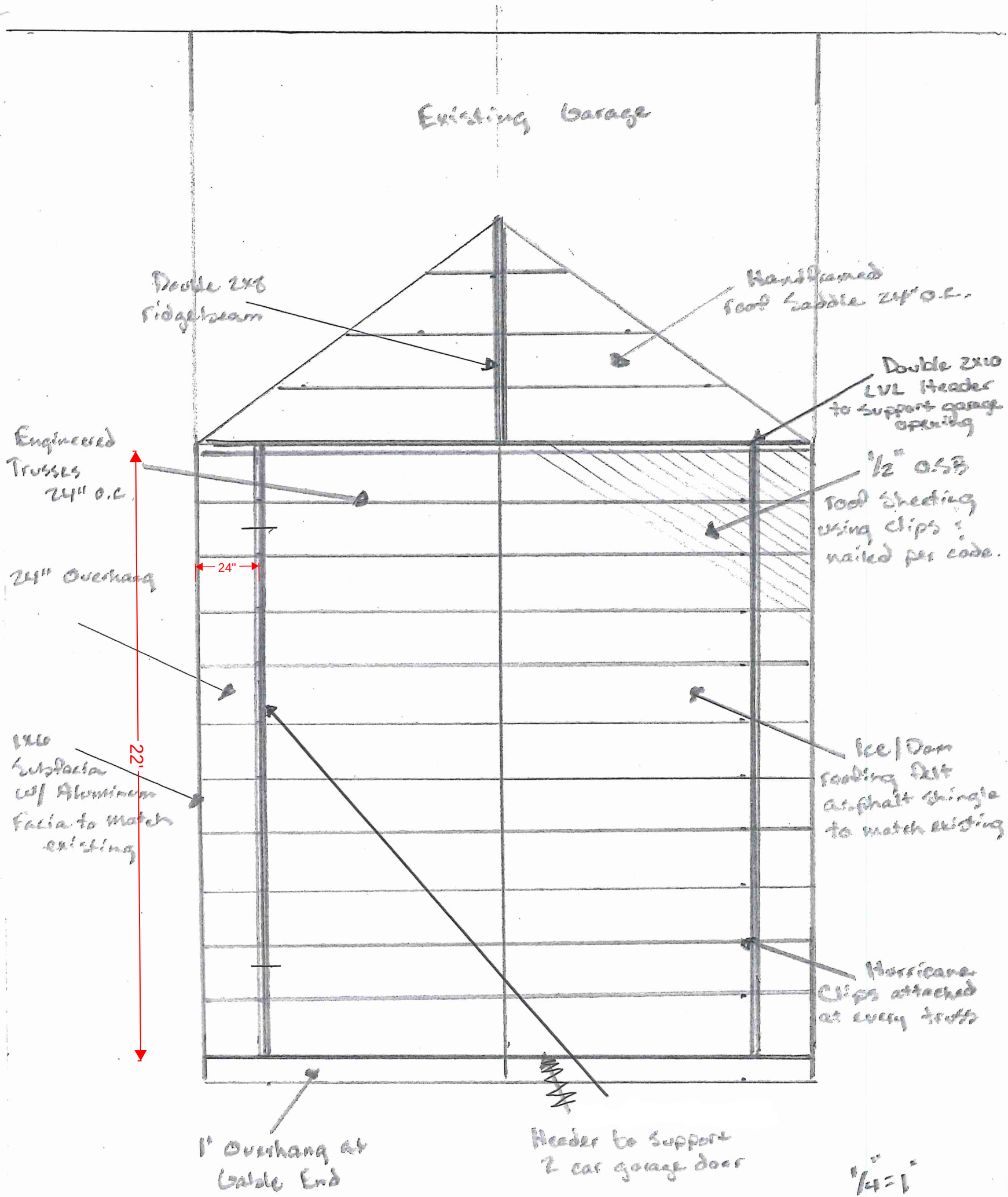
610 4th Ave SW CUP Application



610 4th Ave SW CUP Application



Garage Addition
610 4th Ave. S.W.
Roof Detail



Att. JASH

* Jon Finnesgard
610 4th Ave. S.W.

* Dave Repp Surveyor

Garage Addition
660 4th Ave. S.W.
- SITE PLAN -

S.W. 4th Ave.

This Plan Can Not
be Approved
without a CUP

Planning & Zoning
Review By

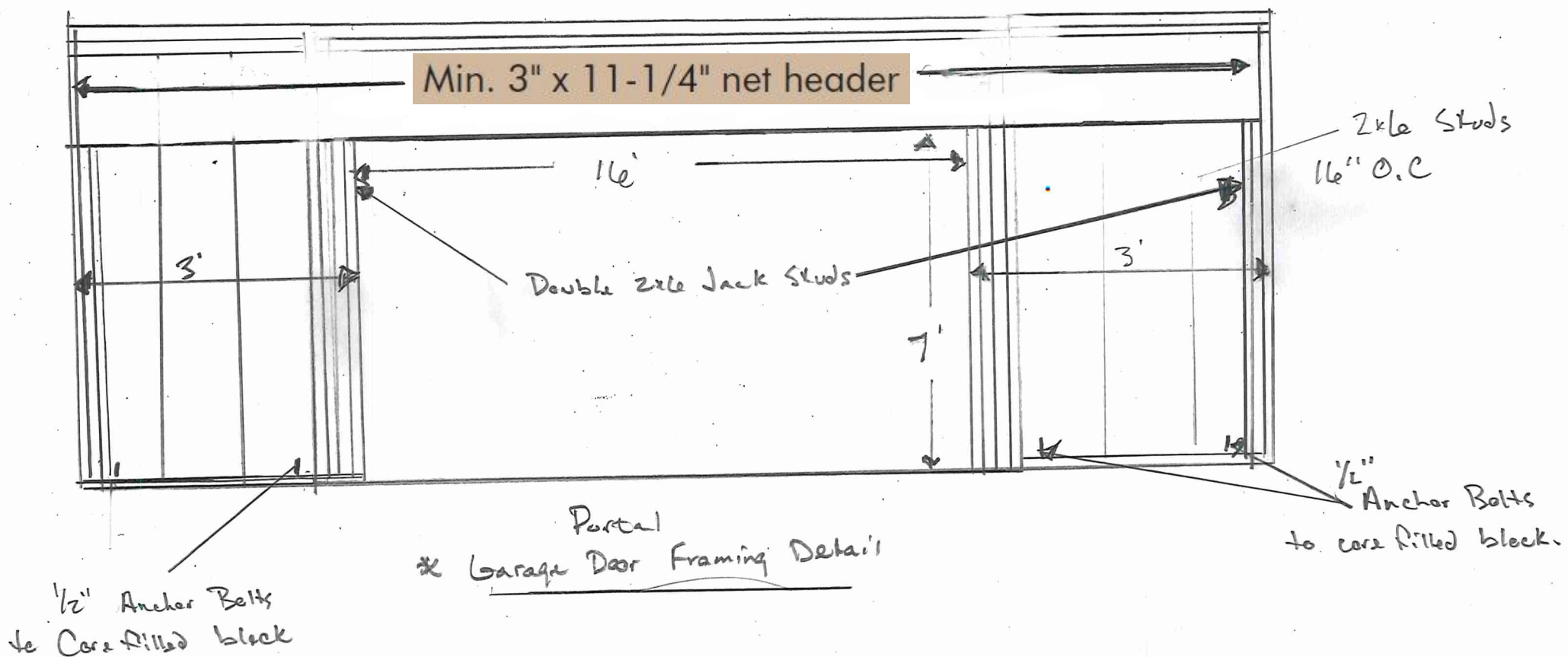
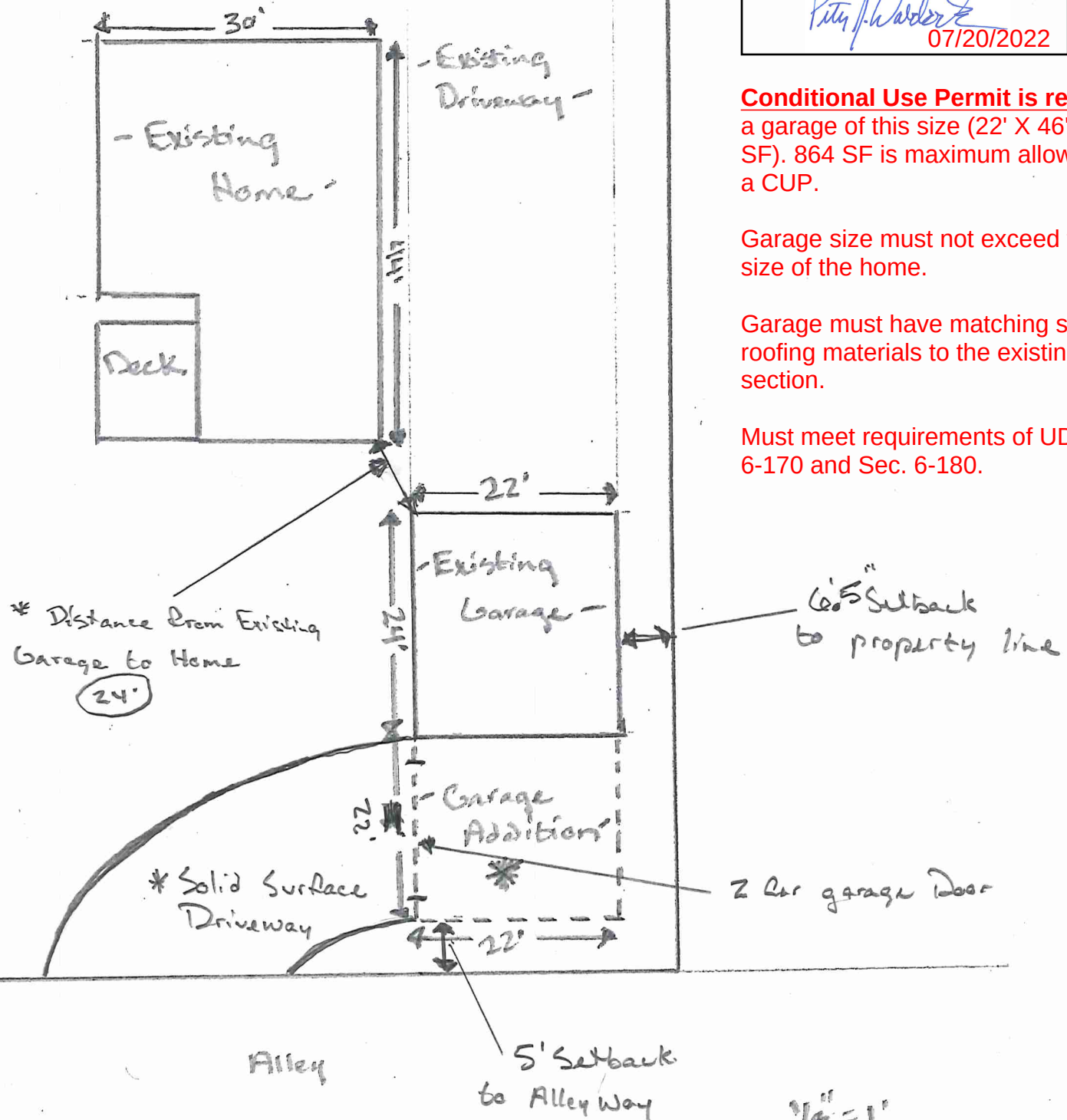
Patty J. Warden
07/20/2022

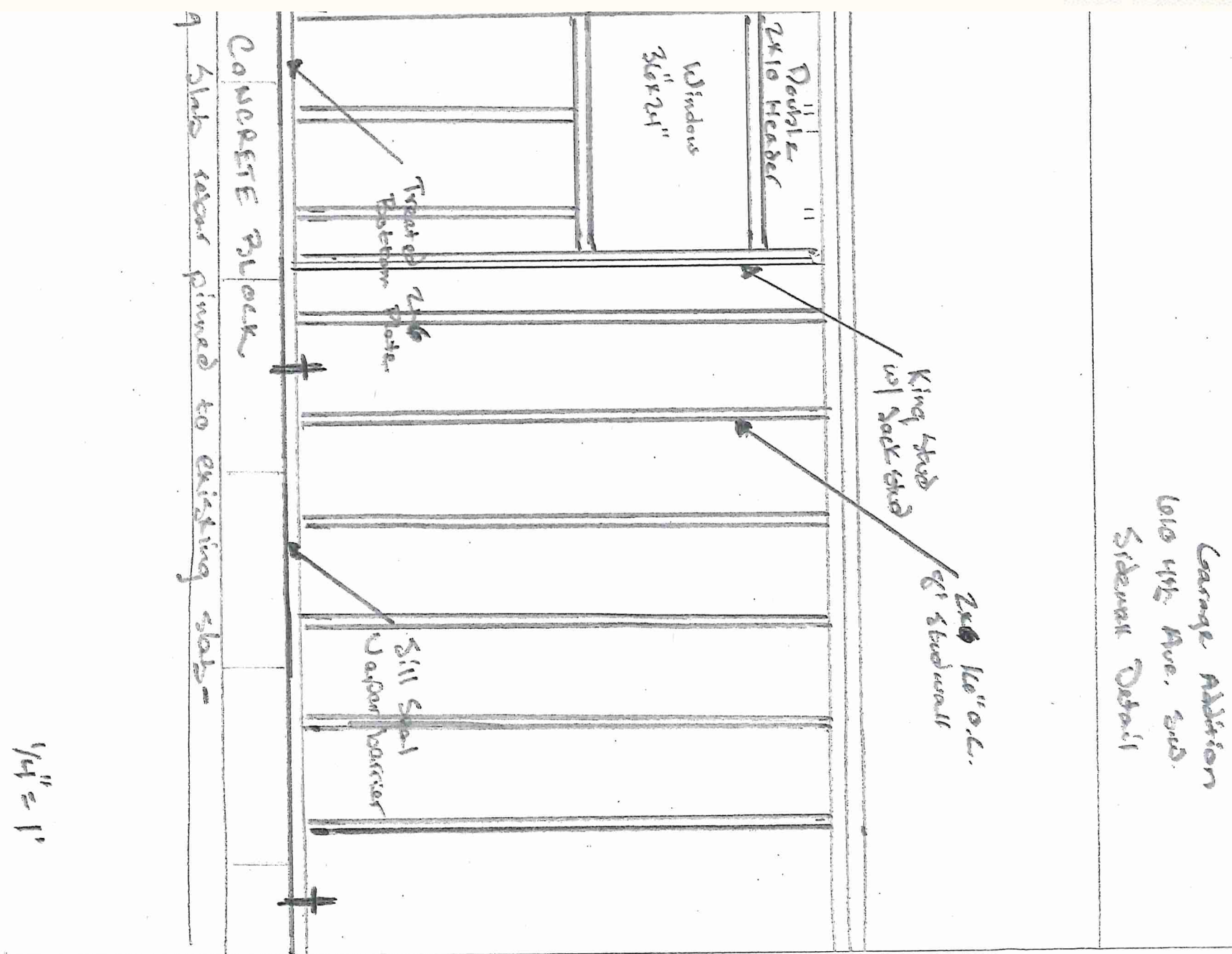
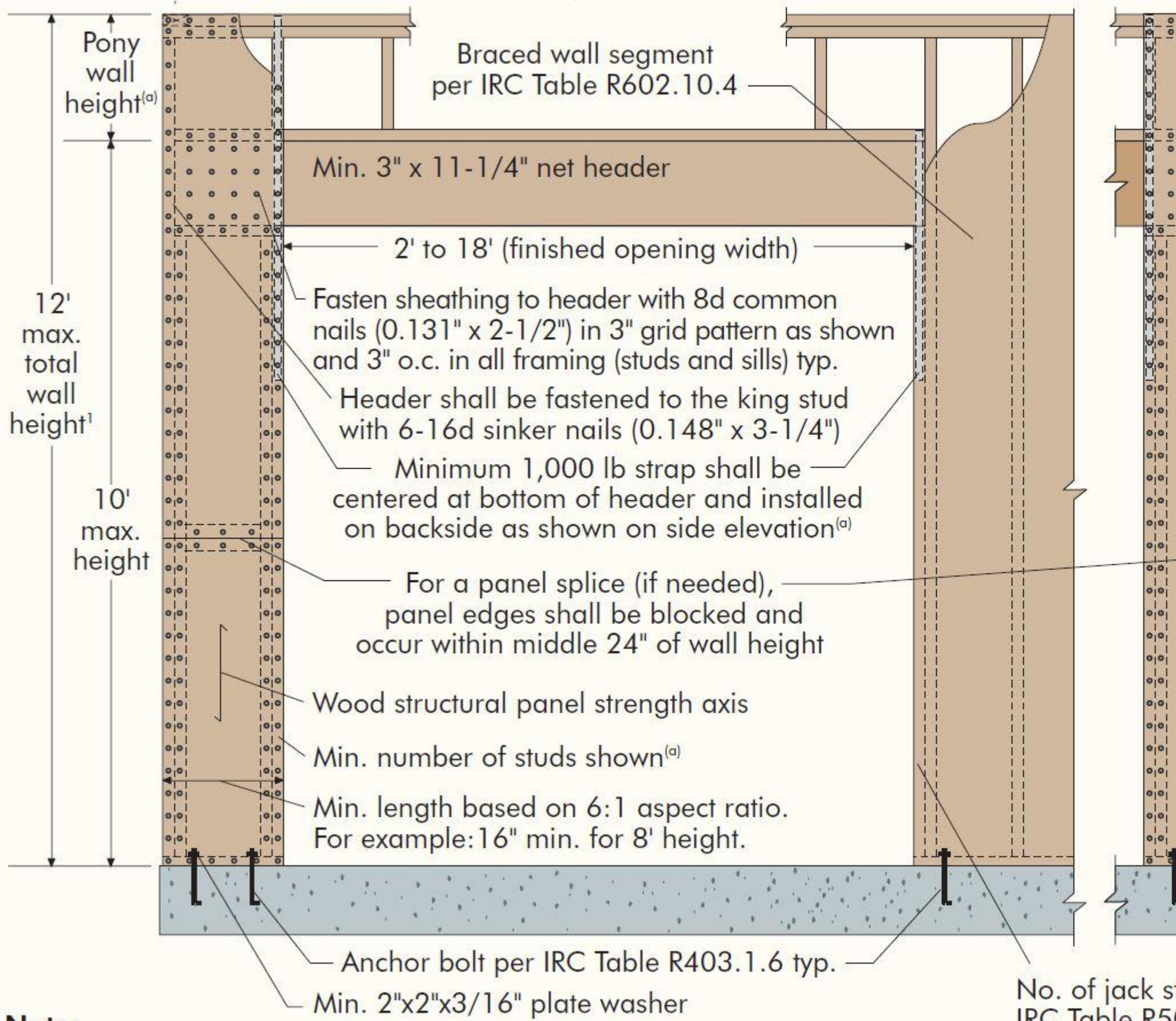
Conditional Use Permit is required for
a garage of this size (22' X 46' = 1012
SF). 864 SF is maximum allowed without
a CUP.

Garage size must not exceed footprint
size of the home.

Garage must have matching siding and
roofing materials to the existing garage
section.

Must meet requirements of UDO Sec.
6-170 and Sec. 6-180.







Request for Planning Commission

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: August 15, 2022
SUBJECT: Application for a Conditional Use Permit for an Auction Establishment / Salvaged Auto Resale Facility in the I-2 Heavy Industrial District at 29-acre and 24-acre sites described as Outlot A and Outlot B of Schulz Addition in the 4100 and 4200 block of Park Avenue. **WITHDRAWN BY APPLICANT**

Background:

Recommendation:

Attachments:



Request for Planning Commission

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: August 15, 2022
SUBJECT: Boards and Commissions Reports, Announcements
and Project Updates

Background:

Recommendation:

Attachments: