



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

TUESDAY, SEPTEMBER 6, 2022

6:00 PM

1. Call to Order/Approve Agenda
2. Approval of the Minutes August 15, 2022 Meeting
3. Public Hearings
 - A. Request to Rezone Property South of 20th Street NW and West of Hulett Avenue from R-4, High-Density Residential, to C-2, Highway Commercial
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 15, 2022

6:00 PM

1. Chair Ackman called the meeting to order at 6:00 p.m.

Present: Dave Albers, David Campbell, Barton Jackson, Samuel Temple, Steve White and Chair Ackman

Absent: None

2. Approval of Minutes

Commissioner Campbell made a motion to approve the August 1, 2022 Minutes, seconded by Commissioner Jackson as presented. Motion carried on a 6/0 vote.

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

1. Application for Approval of the Preliminary Plat and Final Plat of Faribault Apartments.

Wanberg began presentation by stating that city staff sat down with the applicants and the traffic study which was reviewed. Wanberg then turned the matter over to Mark DuChene, City Engineer who is working directly with the County on this project. They do feel that a wider right turn lane may be recommended and that when school is on, working on a Corridor Study for the area as well. Commissioner Jackson asked about a school speed zone on 17th Street. DuChene said that the study recommends continuing the sidewalk. The public hearing was closed on this matter at the last meeting and no public came forward with new information. Commissioner White made a motion for approval, seconded by Commissioner Jackson. Chair Ackman then opened the matter up for further discussion. Commissioner Campbell stated that it is not fair to hold up project when it meets all the criteria but feels very strongly that the speed limit be reduced and an enhanced crossing study be performed. Commissioner Temple was having difficulties with a non-specific answer in the traffic study. Commissioner Albers was hoping to hear they there is going to be a pedestrian crossing and reduced speed and stated that having dedicated left and right turn lanes would be huge for him. Chair Ackman didn't feel that the process worked this time. Commissioner White said that nothing will change for a year and there will be another corridor study and he cannot see not to approve. Commissioner Temple stated that the study was not done at key moments and concerns about type of

housing. Wanberg stated that we do have to have a written finding as to denial. Wanberg proposed referring to the resolutions in the packet to reflect a specific finding for denial. Wanberg said that the plat has nothing to do with the use; however, if they are recommending denial for the preliminary and final plat they will need to refer to the findings would one of the five conditions to recommend denial. Commissioner Temple stated that their main concern was traffic safety which would apply to the finding No. 4. Commissioner Temple brought a motion recommendation of denial because the preliminary and final plat is inconsistent with Nos. 2 and No. 4, seconded by Commissioner Campbell. Motion carried on a 4/2 vote 4 in favor of denial and 2 to recommend approval.

2. Application to Rezone Property in the Faribault Apartment Plat to R-4 High-Density Residential and PUD Overlay Zoning District #2022-xx.

A motion was made by Commissioner Temple to recommend denial of the Rezoning to PUD based on the findings that the request is inconsistent with findings that the scheduling time and general public interest and safety and inconsistent with proposed finding No. 7, seconded by Commissioner Albers. Motion carried on a 5/1 vote.

B. 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

A motion was made by Commissioner White and seconded by Commissioner Campbell to recommend approval, based on the findings and conditions presented, 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. Motion carried on a 6/0 vote.

C. Application for a Conditional Use Permit to move in a previously occupied house to replace the house at 310 Lind St NW.

Waldock gave his presentation of his staff report. Public hearing was opened at 6:35 and Janie Timmers, 613 Short Street on the back of the property came forward and stated that there are some very dangerous trees on the back of that and is a mess. That is a very large tree; wondering if they could sell. Chair Ackman closed the public hearing at 6:38 p.m. Mr. Ferris, the property owner came forward and said that he would not have a problem removing the tree.

A motion was made by Commissioner Albers, seconded by Commissioner Temple recommending approval, based on the findings and conditions presented, for a Conditional Use Permit to move in a previously occupied house to replace the house at 310 Lind St NW with the added condition to remove the dead trees. Motion carried on a 6/0 vote.

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

Waldock gave his presentation pursuant to his staff report. The application meets all the provisions of the zoning ordinance. Commissioner Albers inquired about the overhang. Waldock deferred to the applicant. Chair Ackman opened up the public hearing at 6:42 and affirmed the overhang on the garage to be about 18". Ackman then closed the public hearing at 6:43 and requested a motion. A motion was made by Commissioner White, seconded by Commissioner Jackson to recommend approval, based on the findings and conditions presented, 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. Motion carried on a 6/0 vote.

4. Boards and Commission Reports, Announcements and Project Updates

Commissioner Campbell stated that there was not update from the EDA. Wanberg reported that the Council approval all requests for Divine Mercy and the Former Farmer Seed.

5. Adjournment

A motion was made by Commissioner Albers, seconded by Commissioner Campbell to adjourn at 7:13 p.m. Motion carried on a 6/0 vote.

Minutes recorded viewing video.

By: Kari Casper



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: September 6, 2022
SUBJECT: Request to Rezone Property South of 20th Street NW and West of Hulett Avenue from R-4, High-Density Residential, to C-2, Highway Commercial

Background:

Mike Richie (the "Applicant"), on behalf of KGN Enterprises, LLC (the "Owner"), requested approval to rezone land parcels south of 20th Street NW and west of Hulett Avenue (Rice County PID: 1825126009 and Rice County PID: 1825126010 – the "Property") from R-4, High-Density Residential to C-2, Highway Commercial. One of the Property's parcels has an existing high-density residential use, and the other parcel is undeveloped. Rezoning the parcels to C-2, Highway Commercial, would allow flexibility to shift the common lot line between the two parcels and allow the existing residential use to exist on a smaller lot while giving the undeveloped parcel additional flexibility for future commercial or residential development.

The City's Development Review Committee (DRC) recommends approval of the Applicant's rezoning request. Refer to the attached planning report for additional information.

Recommendation:

Recommend that the City Council approve Ordinance 2022-xx Rezone Property South of 20th Street NW and West of Hulett Avenue from R-4, High-Density Residential, to C-2, Highway Commercial, based on the findings in the ordinance.

Attachments:

1. Ordinance 2022-xx Rezone Property South of 20th Street NW and West of Hulett Avenue from R-4, High-Density Residential to C-2, Highway Commercial
2. 2022.09.06 Public Hearing Report

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

**REZONE PROPERTY SOUTH OF 20TH STREET NW AND WEST OF HULETT AVENUE
FROM R-4, HIGH-DENSITY RESIDENTIAL TO C-2, HIGHWAY COMMERCIAL**

WHEREAS, Mike Richie (the "Applicant"), on behalf of KGN Enterprises, LLC (the "Owner"), requested approval to rezone land parcels south of 20th Street NW and west of Hulett Avenue (Rice County PID: 1825126009 and Rice County PID: 1825126010 – the "Property") from R-4, High-Density Residential to C-2, Highway Commercial; and

WHEREAS, the Property is an area commonly known as the "Crossroads Development" at the southeast intersection of 20th Street NW and Lyndale Avenue North; and

WHEREAS, the Crossroads Development includes shared private roads, parking, and stormwater management; and

WHEREAS, Parcel 1825126010 (at 1520 17th Street NW) has an existing high-density residential use, which would be a "grandfathered" use in the proposed C-2, Highway Commercial district; and

WHEREAS, any expansion of the existing residential use in the proposed C-2, Highway Commercial district would require a conditional use permit; and

WHEREAS, the City's Development Review Committee made a recommendation to approve the Applicant's rezoning request; and

WHEREAS, the Planning Commission, on September 6, 2022, following proper notice, held a public hearing regarding the said request; and

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

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

Finding: The proposed zoning is consistent with the City's Land Use Plan, which guides the Property for "Commercial / Residential Mixed Use."

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

Finding: It is in the public's best interest to have all parcels in the Crossroads Development area zoned C-2, Highway Commercial. The existing high-density residential use at 1520 17th Street NW can remain as a residential use in a commercial zoning district. However, rezoning the existing residential parcel would allow the existing residential use to exist on a smaller lot, providing flexibility to add property to the undeveloped parcel to the north. The undeveloped parcel would have the option to develop as a commercial property or a residential property with the issuance of a conditional use permit. It is in the community's best interest to facilitate the development of the remaining undeveloped property in this area.

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

Finding: The existing uses in the Crossroads Development area are primarily commercial uses. Therefore, rezoning the existing R-4 parcels to C-2 will be compatible with the existing uses and zoning in the area.

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

Finding: Rezoning the Property from R-4 to C-2 allows additional flexibility to develop compatible uses in the area. The C-2 zoning district allows commercial uses outright and residential uses through the conditional use permit process.

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

Finding: The existing R-4 zoning limits the Property's density and development possibilities. The proposed C-2 zoning responds to market demands and allows flexibility for future commercial and residential uses.

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

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

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings and Incorporation of Recitals and Exhibits. Where applicable, the recitals and exhibits incorporated in this ordinance constitute the written findings of the City Council.

Section 2: Rezoning. The City Council hereby rezones the Property graphically depicted in Exhibit A from R-4, High-Density Residential, to C-2, Highway Commercial.

Section 3: Official Zoning Map. The City does not need to republish the City's official zoning map to show the rezoning. However, the City Planner shall show the rezoning on the official zoning map on file with the City.

Section 4: Authorization to take Additional Steps. The City Council authorizes and directs the Mayor, City Staff, and City Consultants to take any additional steps and actions necessary and convenient to accomplish the intent of this ordinance.

Section 5: Effective Date. This ordinance is effective immediately upon its passage and publication per the City Charter.

Public Hearing: September 6, 2022

First Reading: _____

Second Reading: _____

Published: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

Map Showing the Proposed Rezoning



Public Hearing Staff Report

TO: Planning Commission
FROM: David Wanberg, City Planner
PUBLIC HEARING : September 6, 2022
SUBJECT: Request to Rezone Property South of 20th Street NW and West of Hulett Avenue from R-4, High-Density Residential, to C-2, Highway Commercial

BACKGROUND AND REQUESTS

Mike Richie (the "Applicant"), on behalf of KGN Enterprises, LLC (the "Owner"), requested approval to rezone land parcels south of 20th Street NW and west of Hulett Avenue (the "Property") from R-4, High-Density Residential to C-2, Highway Commercial, (see Figure 1: Location Map). One of the Property's parcels (Rice County PID: 1825126009) has an existing high-density residential use (Mill City Senior Living). The other parcel (Rice County PID: 1825126010) is undeveloped (see Figure 2: Parcels to be Rezoned).

Rezoning the parcels to C-2, Highway Commercial, would allow flexibility to shift the common lot line between the two parcels and allow the existing residential use to exist on a smaller lot than that allowed in the R-4, High-Density Residential district. The proposed rezoning also provides the undeveloped parcel additional flexibility for future commercial or residential development. Residential uses are allowed in a commercial district with a conditional use permit. The conditional use permit regulates the density of residential uses in commercial districts.

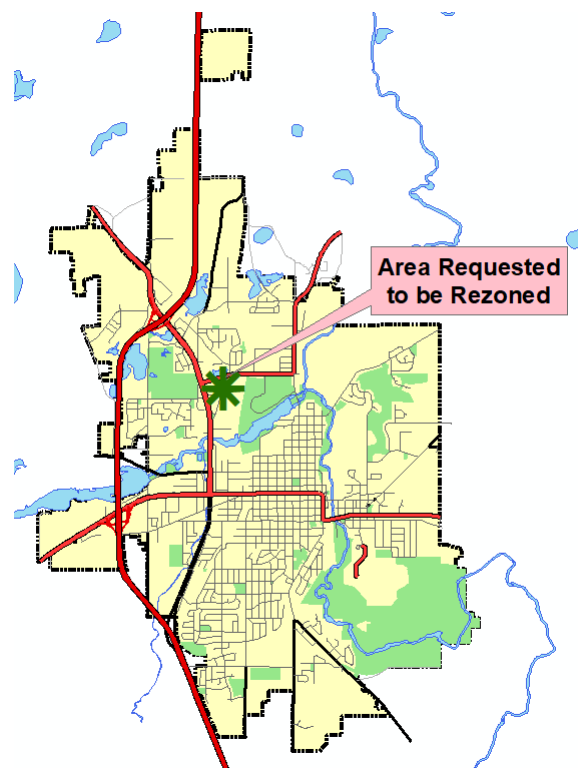


Figure 1: Location Map

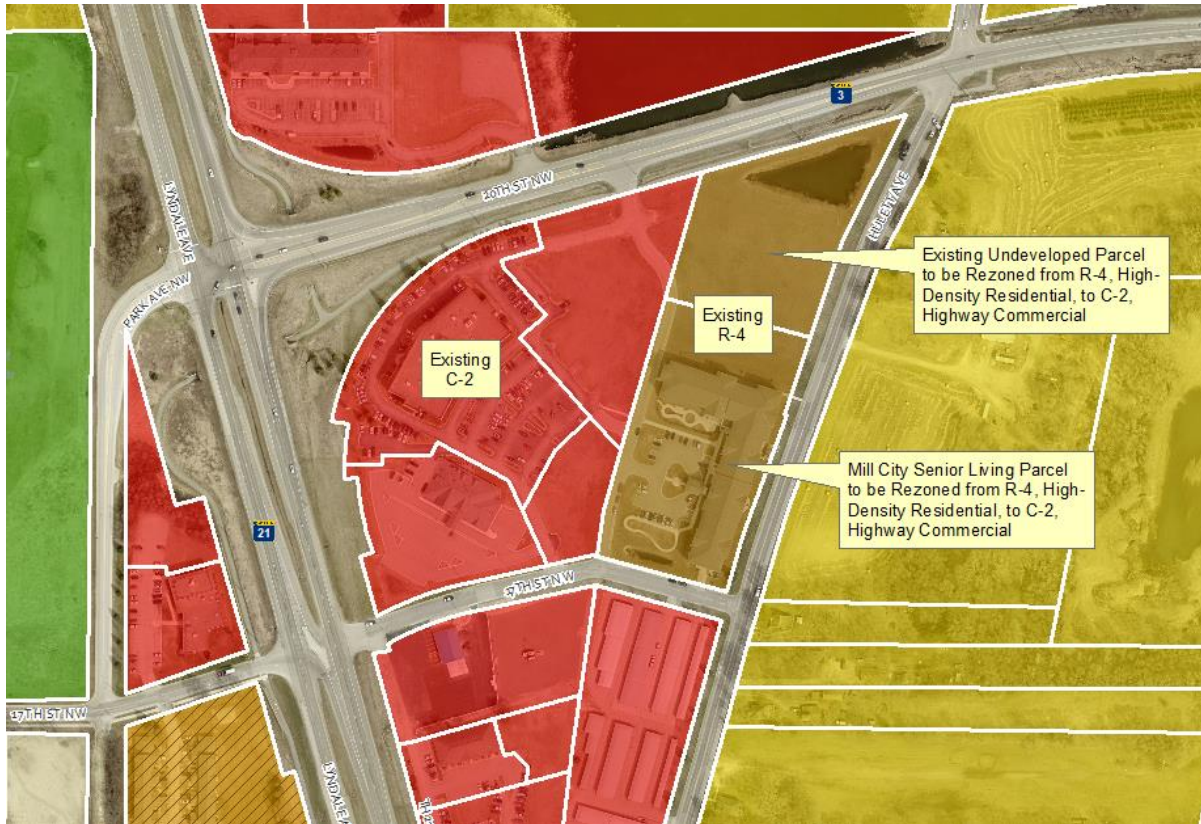


Figure 2: *Parcels to be Rezoned*

At this point, the request before the Planning Commission is simply to rezone the parcels shown in Figure 2 to C-2, Highway Commercial. The existing Mill City Senior Living use would be considered a “grandfathered” use in the C-2, Highway Commercial district. Any expansion of the residential use (or a shift in lot lines) would require a conditional use permit.

The Mill City Senior Living parcel previously housed a nursing home in the R-4, High-Density Residential district. The nursing home was not associated with the Crossroads Development. However, all parcels in the area now share private roads, parking, and stormwater management. Consequently, it is appropriate to rezone the R-4 parcels to match the C-2 parcels in the remainder of the development area.

RECOMMENDATION

The City’s Development Review Committee (DRC) recommends approval of the Applicant’s rezoning request based on the findings in the draft ordinance rezoning the Property to C-2, Highway Commercial.