



City Council Work Session
Tuesday, January 10, 2023 at 6:00 PM
Public Meeting Room

AGENDA

- 1. Call to Order**
- 2. Items for Discussion**
 - A. Discussion of Proposed Refinements to the Approved Midwest Indoor Storage Development at 818 4th Street NW (Former Farmer Seed and Nursery Site)
 - B. Appointment Process for Council Vacancy
- 3. Future Discussion**
- 4. Adjournment**

Please contact the City Administrator's Office if you need special accommodations while attending this meeting



Council Work Session Memorandum

TO: Mayor and City Council
THROUGH: Planning Commission
Tim Murray, City Administrator
FROM: David Wanberg, Community & Economic Development Director
MEETING DATE: January 10, 2023
SUBJECT: Discussion of Proposed Refinements to the Approved Midwest Indoor Storage Development at 818 4th Street NW (Former Farmer Seed and Nursery Site)

Discussion:

The Faribault City Council approved Ordinance No. 2022-27 on August 23, 2022, which rezoned property in the MIDWEST FIRST SUBDIVISION (the former Farmer Seed and Nursery site) to include a PUD overlay zoning district for a proposed indoor storage facility and apartment complex (see Exhibit B). KK&G Properties, LLC (the "Owner") is proposing to modify the proposed indoor storage facility to include exterior overhead doors on the south, west, and north sides of the facility (see Exhibit A).

The City's Development Review Committee (DRC) reviewed the proposed modifications and most members present expressed concern about how the overhead doors could affect site parking and circulation. The proposed PUD provides shared parking for the apartment building and the indoor storage facility. The PUD ordinance allows limited (minor) deviations from the approved PUD without having to hold another public hearing. However, major changes require an amendment to the PUD ordinance, which requires a public hearing. The Planning Commission held a work session on Tuesday, January 3, 2023 to discuss if the proposed overhead doors require a major amendment to the PUD. Four out of the five members present expressed that the proposed overhead doors would not require a major amendment to the PUD. The DRC requested that the City Council also weigh in on whether a major amendment to the PUD is required.

The owner feels the proposed overhead doors are necessary for the success of the project, and does not believe the doors will create parking and circulation problems. The owner is proposing to provide specific truck

parking areas to reduce the possibility of parking and circulation conflicts. The owner will prohibit the parking and storage of vehicles in the proposed storage units.

Requested Action:

The City Council should decide whether a major amendment to the PUD (and, therefore, a public hearing) would be required to allow the proposed overhead doors. If the Council agrees with the Planning Commission that the proposed overhead doors are acceptable without a major amendment to the PUD, then the DRC will continue to work with the owner to refine the site plan for anticipated construction this spring. If the Council feels the proposed overhead doors require a major amendment and a new public hearing, then the owner has the option to eliminate the overhead doors or submit an application for a major PUD amendment. Given the requirements for a public hearing, Council action on a major PUD amendment could not occur until late February, or more likely, early March.

Attachments:

1. EXHIBIT A: Proposed Overhead Doors for Midwest Indoor Storage (Former Farmer Seed and Nursery)
2. EXHIBIT B: Ordinance No. 2022-27 - Rezone Property in the MIDWEST FIRST SUBDIVISION Plat to include PUD Overlay Zoning District #2022-27 (1)



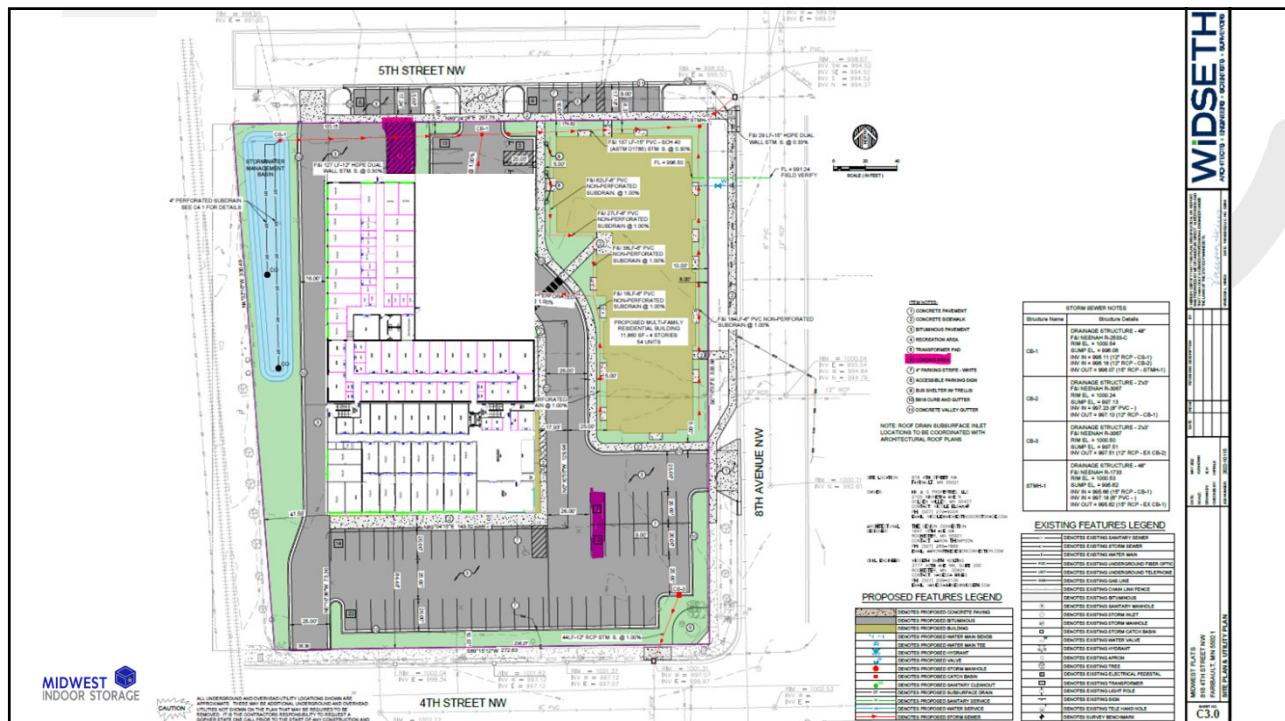
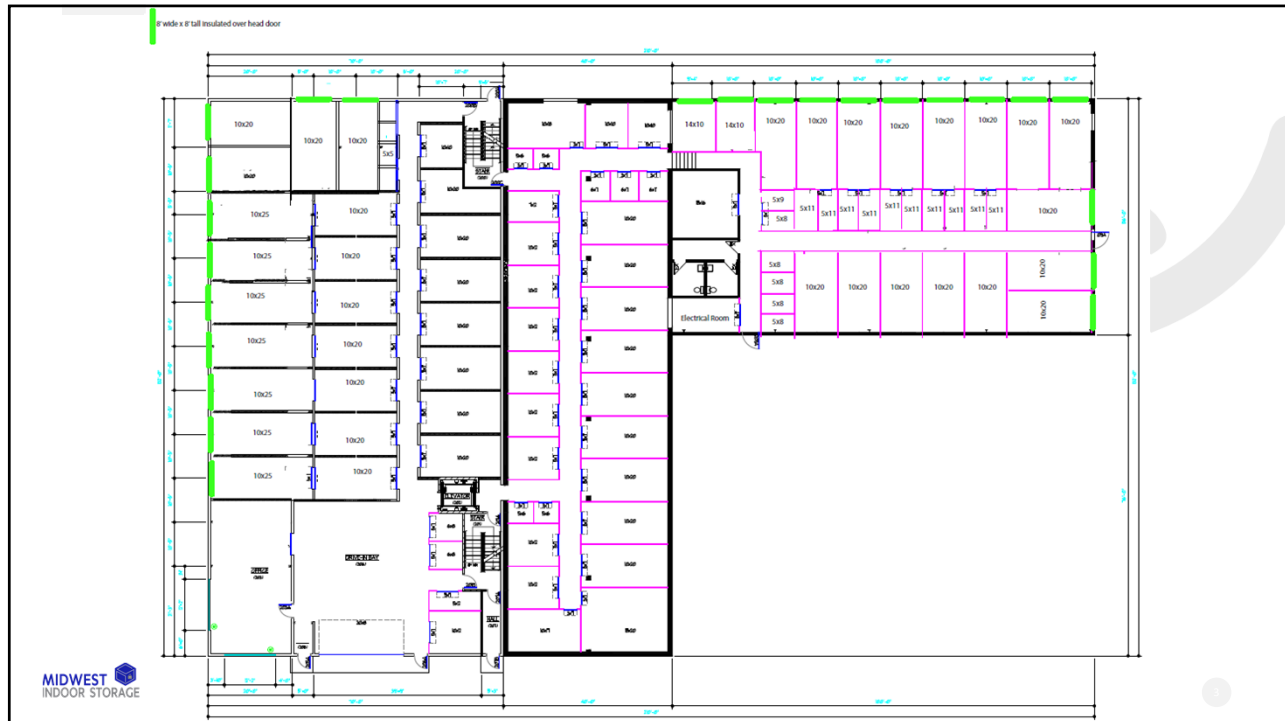
MIDWEST
INDOOR STORAGE


**PLANNING &
ZONING
WORKSHOP**

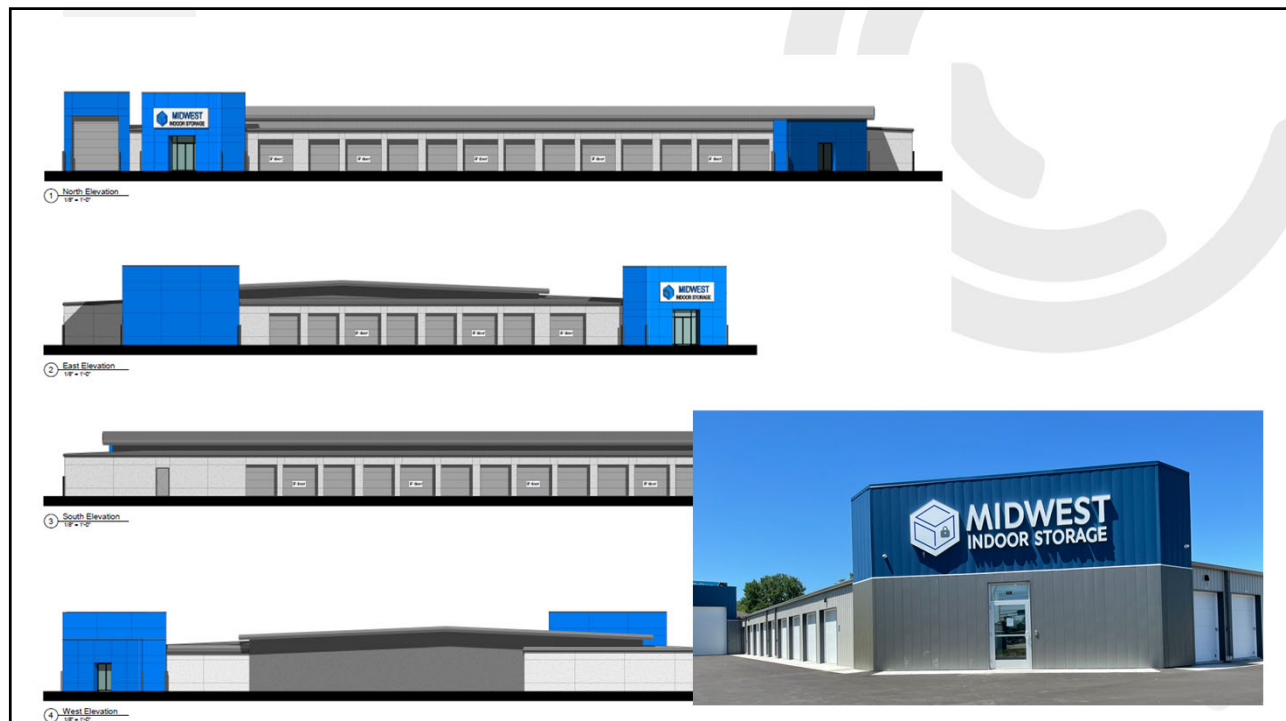
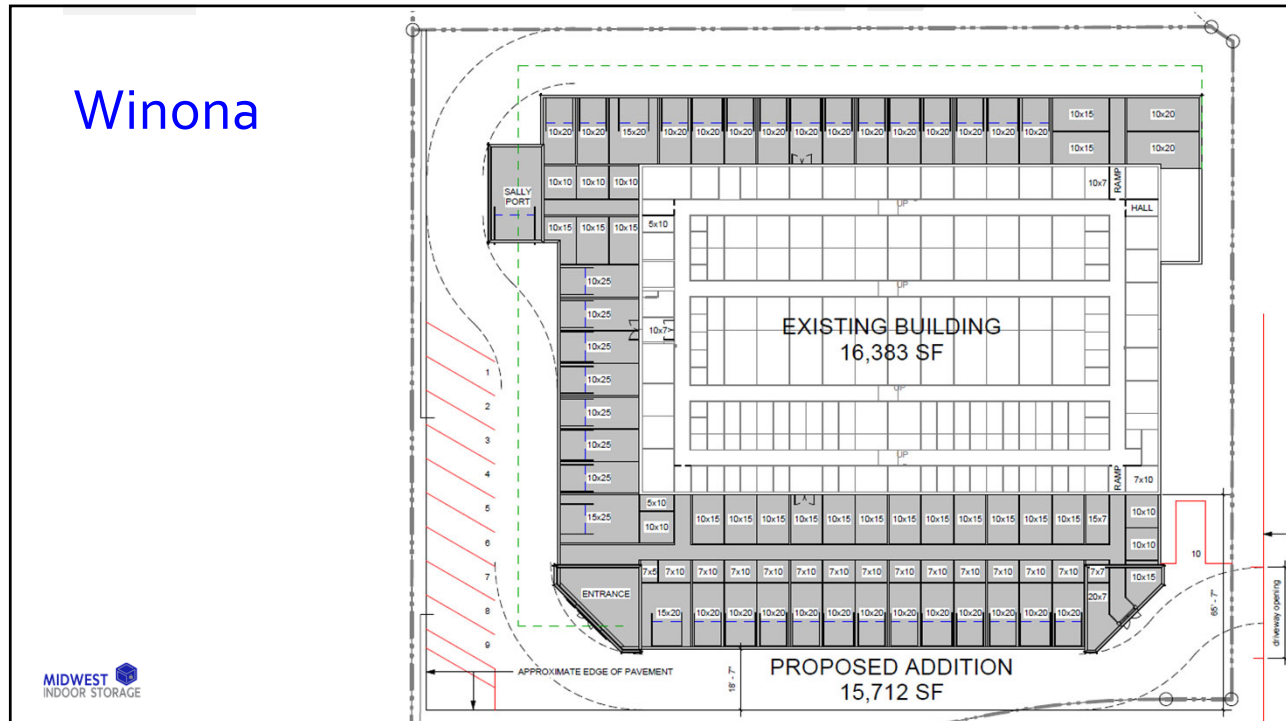
JANUARY 3, 2023

PRESENTED BY: NICOLE ELSAWAF





Winona



Summary

- We selected the PUD process as the two parcels will function together
- 3 Loading Areas are designated
 - Worked well in Mason City & Rochester North – Both heavy w/retail traffic
- Currently providing 80 parking spots – required is 74 plus we have two interior stalls.
- The site exceeds 20% required green space.
- The addition of overhead doors does not change green space or parking spots

(Above Space Reserved for Recording)

State of Minnesota
County of Rice

**CITY OF FARIBAULT
ORDINANCE No. 2022-27**

**REZONE PROPERTY IN THE MIDWEST FIRST SUBDIVISION PLAT TO INCLUDE
PUD OVERLAY ZONING DISTRICT #2022-27**

WHEREAS, KK&G Properties, LLC (the "Applicant") requested approval to rezone the property in the MIDWEST FIRST SUBDIVISION plat (the "Property" – legally described in Exhibit A) to include Planned Unit Development (PUD) Overlay Zoning District #2022-27; and

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

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

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

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

Applicant's request to rezone the Property to PUD Overlay Zoning District #2022-27, per the following findings as required by Section 2-180 of the City's Unified Development Ordinance:

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

Finding: The City's Journey to 2040 Comprehensive Plan guides the Property for commercial/residential mixed-use. The proposed PUD Overlay Zoning District #2022-27 allows for a mix of commercial and residential uses consistent with the City's Land Use Plan.

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

Finding: The proposed PUD Overlay Zoning District #2022-27 benefits the public by providing a planned and appropriate area for high-density residential that strengthens Faribault's housing stock. It also provides an indoor storage facility to help meet the storage needs of Faribault's residences and businesses.

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

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

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

Finding: The PUD allows the uses in the district to work as a planned development. It does not limit reasonable uses.

5. Criteria: Whether there has been a change in the character or trend of development in the general area of the property in

question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: There is a strong need for additional housing in Faribault. The Applicant's PUD request responds to the City's need for additional multi-family residential development. The proposed indoor storage facility will help serve the storage needs of residents and businesses.

WHEREAS, based on a review of the City Staff report and the results of the public hearing, the Planning Commission also found that the establishment of PUD Overlay Zoning District #2022-27 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 #2022-27 provides for the construction of market-rate housing that will address the strong need for additional housing in Faribault.

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

Finding: PUD Overlay Zoning District #2022-27 provides an integrated development that allows coordinated parking, circulation, signage, and amenities, which benefits the development's residents 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 #2022-27 coordinates the Property's layout to help ensure compatibility within and adjacent to the Property.

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

Planning Commission also recommended approval of the Development Plan for PUD Overlay Zoning District #2022-27 based on the following findings as required by Section 14-140 of the City's Unified Development Ordinance:

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

Expanded Finding 1: The Applicant intends to have cross-easements and other agreements to ensure that the individual lots and properties in the PUD are properly maintained and coordinated.

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

Expanded Finding 2: The proposed PUD uses roughly the same curb cuts but also allows for efficient use of interior circulation and parking between the indoor storage facility and the apartment building.

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

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

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

Expanded Finding 4: The proposed development replaces a dilapidated development and minimizes impacts on the surrounding properties through landscaping, where feasible.

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

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

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

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

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

Expanded Finding 7: The Applicant proposes to develop the Property in one phase.

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

Expanded Finding 8: The City's Land Use Plan guides the subject property for commercial/residential mixed-use, which may include the Applicant's proposed high-density residential and commercial uses; and

WHEREAS, the City Council conducted the first reading of this ordinance on August 10, 2022, and the second reading of this ordinance on August 23, 2022; 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 #2022-27. The Property is rezoned to include PUD Overlay Zoning District #2022-27, which provides as follows:

PUD Overlay Zoning District #2022-27

A. Intent. The intent of the PUD Overlay District #2022-27 is as follows:

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

B. Underlying District. The C-2, Highway Commercial Zoning District underlies the PUD Overlay Zoning District #2022-27.

C. Permitted Uses. The following shall be permitted uses in the PUD Overlay Zoning District #2022-27:

1. All uses permitted in the underlying C-2, Highway Commercial Zoning District;
2. Other uses not specifically listed in this ordinance, but for which the City's Development Review Committee has determined that the uses are consistent with the intent of the permitted uses in the PUD Overlay Zoning District #2022-27.

D. Conditional Uses. The following shall be conditional uses in the PUD Overlay Zoning District #2022-27:

1. The proposed standalone multi-family residential use allowed by Resolution 2022-172;
2. All conditional uses in the C-2, Highway Commercial Zoning District; and

3. 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 #2022-27.

- E. Accessory Uses and Standards.** Accessory uses in the PUD Overlay Zoning District #2022-27 shall be consistent with the accessory uses and standards specified in the City's Unified Development Ordinance for the underlying C-2, Highway Commercial Zoning District. The City's Development Review Committee may waive certain accessory uses and standards if the Committee finds that the proposed accessory uses are consistent with the intent of the PUD Overlay Zoning District #2022-27.
- F. Setback Requirements for Principal Buildings.** Setbacks for principal buildings shall be consistent with the setback requirements of the underlying C-2, Highway Commercial Zoning District, except as otherwise allowed by Resolution 2022-273.
- G. Principal Building Height.** The height of principal buildings in PUD Overlay Zoning District #2022-27 shall be consistent with the height requirements of principal buildings in the underlying C-2, Highway Commercial Zoning District, except as otherwise allowed by Resolution 2022-272.
- H. Density.** The density of housing in PUD Overlay Zoning District #2022-27 is allowed through the conditional use permit approved by Resolution 2022-272.
- I. Architecture.** The architectural design of structures in the PUD Overlay Zoning District #2022-27 shall be consistent with the provisions of the City's Unified Development Ordinance. The architecture must be substantially similar to the designs included in the Development Plan, as shown in Exhibit B of this ordinance.
- J. Access, Parking, and Circulation.** Access, parking, and circulation associated with PUD Overlay Zoning District #2022-27 shall be substantially consistent with the Development Plan shown in Exhibit B of this resolution, except as may be modified as follows:

1. The development must provide road and sidewalk improvements internal to the site and in the adjacent right-of-way as directed by the City Engineer.
2. The development must provide sufficient onsite parking (and/or proof of parking) consistent with the parking standards outlined in the City's Unified Development Ordinance. Some required parking may be accounted for in the 5th Street NW public right-of-way with the approval of the City Engineer and with the approval of a Limited Use Agreement.
3. A shared parking and cross-access agreement, approved by the City Attorney, shall be established between the platted lots in the development.
4. No intensification of use in the PUD Overlay Zoning District #2022-27 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 #2022-27.
7. Underground or covered parking is encouraged in the district and may be approved at the discretion of the City's Development Review Committee. However, underground or covered parking shall not be required.

8. Electric vehicle charging stations are encouraged in the district and may be approved at the discretion of the City's Development Review Committee.
9. Pedestrian walks shall be substantially consistent with Development Plan and shall be consistent with the standards of the Americans with Disabilities Act.

K. Landscaping and Screening. The Property shall have landscaping to the maximum extent feasible (as determined by the City's Development Review Committee), which may be less than what the Ordinance requires. The landscape plan shall be approved by the City's Development Review Committee.

L. Open Space. The PUD Overlay Zoning District #2022-27 must provide open space in substantial conformance with the Development Plan shown in Exhibit B. Given the Property involves redevelopment of a dilapidated site, the Property does not have to meet or exceed the open space requirement for a PUD.

M. Lighting. Exterior lighting in PUD Overlay Zoning District #2022-27 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 #2022-27 must have a Comprehensive Sign Plan, which ensures coordinated and compatible signage for all uses in the district, as follows:

1. The Comprehensive Sign Plan must be approved by the City Planner or other Authorized Agent of the City.
2. All signs must be substantially consistent with the general sign provisions for the proposed use as specified in the City's Unified Development Ordinance
3. The City Planner or other Authorized Agent of the City has 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 #2022-27 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 #2022-27 shall occur in one phase. Should significant delays in the development of PUD Overlay Zoning District #2022-27 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 #2022-27 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 #2022-27.** Development in PUD Overlay Zoning District #2022-27 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 #2022-27. 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 #2022-27, the Developer and City shall enter into a Development Agreement and any other applicable agreements

that specify the terms and conditions of future development on the Property.

Section 3. Rezoning the Property to include PUD Overlay Zoning District #2022-27.

1. The Property legally described in the first recital is rezoned to include PUD Overlay Zoning District #2022-27.
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 #2022-27. The Development Plan for PUD Overlay Zoning District #2022-27, 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 require site plan refinements and may attach appropriate conditions to any Site Plan approval related to the work shown in the approved Development Plan.

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

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

Section 7. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter and the successful recording of the MIDWEST FIRST SUBDIVISION plat and related documents with Rice County. If the plat and related documents are not

recorded within one year of the City Council's approval of this ordinance, this ordinance shall automatically be null and void

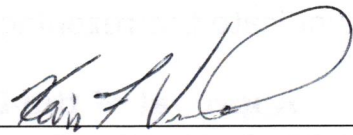
Public Hearing: August 1, 2022

First Reading: August 10, 2022

Second Reading: August 23, 2022

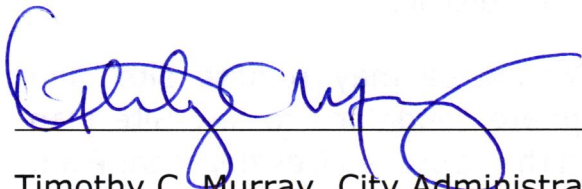
Published: August 30, 2022

Faribault City Council



Kevin F. Voracek, Mayor

ATTEST:



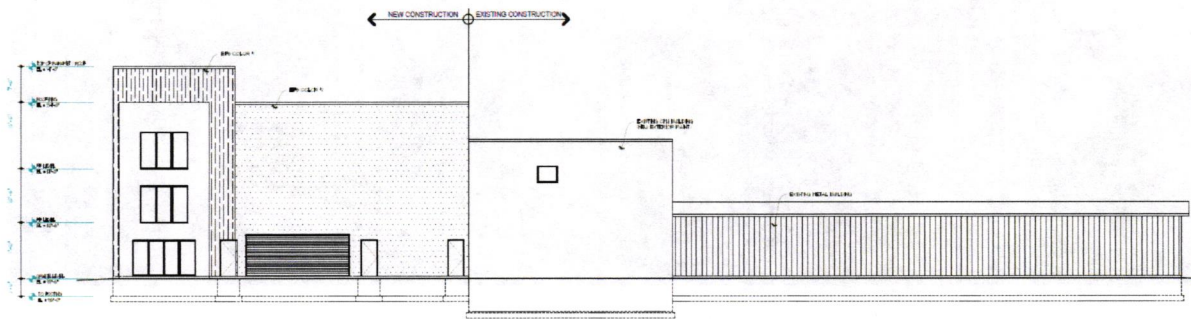
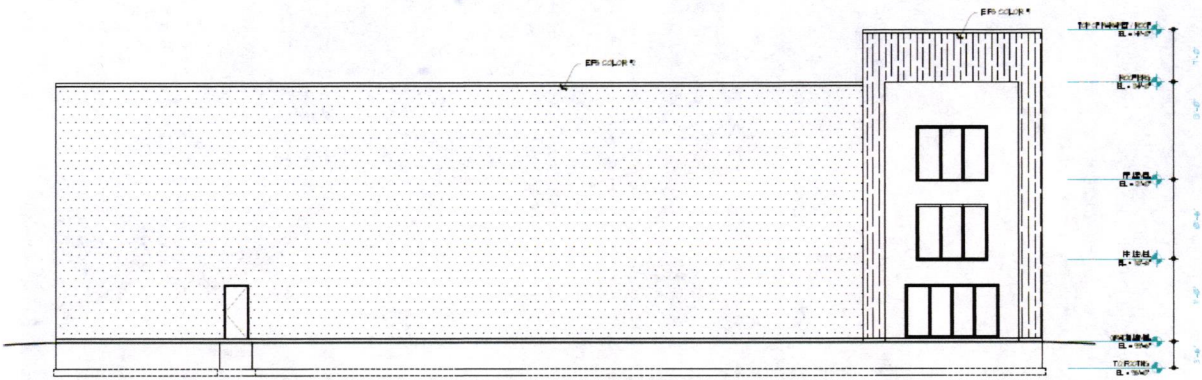
Timothy C. Murray, City Administrator

**EXHIBIT A: LEGAL DESCRIPTION OF PROPERTY IN PUD OVERLAY
ZONING DISTRICT #2022-27**

Lots 1-2, Block 1, MIDWEST FIRST SUBDIVISION









Council Work Session Memorandum

TO: Mayor and City Council
THROUGH:
FROM: Tim Murray, City Administrator
MEETING DATE: January 10, 2023
SUBJECT: Appointment Process for Council Vacancy

Discussion:

There is a resolution added to the January 10, 2023 City Council meeting agenda declaring a Council vacancy due to the resignation of Councilmember Jon Wood. In accordance with City Charter Section 2.05, the Council officially declares the vacancy, and then takes action to make an appointment to fill the remainder of the term (which in this case runs through January 5, 2025).

The Council has a fair amount of latitude regarding the process to be taken to identify candidates and then select one for appointment. The last time there was a Council vacancy (at the beginning of 2019), the Council solicited "Letters of Interest" from citizens wanting consideration for appointment. The Council then discussed the candidates at a Work Session and chose one to fill the vacancy, which is done by resolution.

In addition to the approach to be taken to develop a list of interested candidates for consideration, we will also discuss potential timelines for the process.

Attachments:

1. City Charter - Section 2.05. Vacancies; appointments.

Section 2.05. Vacancies; appointments.

A vacancy in the council shall be deemed to exist on the happening of any of the following events, before the expiration of the term of such office:

- (1) The death of the mayor or council member;
- (2) The resignation of the mayor or council member;
- (3) The removal of the mayor or council member;
- (4) The mayor's or council member's ceasing to be an inhabitant of the city;
- (5) The mayor's or council member's conviction of any infamous crime, or of any offense involving a violation of the official oath;
- (6) The mayor's or council member's refusal or neglect to take the oath of office, or to give or renew the official bond, or to deposit or file such oath or bond within the time prescribed;
- (7) The decision of a competent tribunal declaring the mayor's or council member's election or appointment void;
- (8) The death of the person elected or appointed to fill a vacancy, or for a full term, before the person qualifies, or before the time when by law the person should enter upon the duties of the office, in which case the vacancy shall be deemed to take place at the time when the term of office would have begun had the person lived.
- (9) The mayor's or council member's inability to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting for the remainder of the unexpired term, or until the person is again able to resume duties and attend council meetings, whichever is earlier. When the person is again able to resume duties and attend council meetings, the council shall by resolution remove the temporary officeholder and restore the original officeholder.

In each case, the council shall by resolution declare such vacancy to exist and shall appoint an eligible person to fill the vacant office until the next regular city election is held. In the case of a tie vote in the council for a vacancy in the position of a council member, the mayor shall make the appointment, selecting one of the finalists that was before the council for consideration for appointment. In the case of a tie vote in the council for a vacancy in the position of mayor, the vice mayor shall make the appointment, selecting one of the finalists that was before the council for consideration for appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor.

(Ord. No. 2011-15, § 1, 9-27-11; Ord. No. 2019-22, § 1, 2-11-20)