



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, FEBRUARY 6, 2023

6:00 PM

1. Call to Order
2. Oath of Office for New and Returning Planning Commission Members
3. Approval of the Minutes for January 3, 2023 and the Annual Meeting of January 17, 2023
4. Public Hearings
 - A. Zoning Text Amendment to Allow K-12 Schools in Certain Commercial Districts with a Conditional Use Permit and Clarify School Uses in Industrial Districts Citywide.
 - B. Application for a Conditional Use Permit for a K-12 Charter School at Town Square, 201 Lyndale Ave. S
 - C. Applications Associated with property located at 430 Western Avenue S and 20700 Bagley Avenue
 - i Variance Applications Related to the CLE Addition Plat to allow a lot width of 65 feet where 100 feet is the minimum required and to approve Parking Lot and Driveway Setbacks of Less Than 5 feet where up to 10 feet is the minimum required at 20700 Bagley Avenue
 - ii Applications for Preliminary and Final Plat Approval of CLE Addition at 430 Western Avenue S and 20700 Bagley Avenue.
 - iii Application for Rezoning from TUD, Transitional Urban Development District to R-1, Single Family Residential District for an existing home site and to C-3, Community Commercial District for New Commercial Lot within the CLE Addition at 430 Western Avenue S.
5. Board and Commission Reports, Announcements and Updates
6. Adjournment

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



TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Oath of Office for New and Returning Planning Commission Members

Background:

Upon appointment by the Mayor and City Council, new Planning Commission members and re-appointed Planning Commission members are asked to take the oath of office.

Recommendation:

New and re-appointed commissioners will take the oath of office for the Planning Commission.

Attachments:



PLANNING COMMISSION MEETING MINUTES

COUNCIL CHAMBERS

TUESDAY, JANUARY 3, 2023

6:00 PM

1. Call to Order/Approve Agenda

Chair Ackman called the meeting to order at 6:00. Present were Commissioner Albers, Commissioner Campbell, Commissioner Temple, Commissioner White and Chair Ackman

Absent: Commissioner Jackson

2. Approval of the Minutes October 3, 2022 Meeting

Commissioner Campbell made a motion to approve the October 3, 2022 meeting minutes, Commissioner Albers seconded. Motion carried on a 5/0 vote.

3. Public Hearings

A. Request to Amend a Conditional Use Permit associated with a Proposed Residential Care Facility at 1910 Cardinal Lane.

Wanberg stated that proposed Phase 1 outpatient facility will be near the entrance to the facility in the south part of the site rather than adjacent to the wetland, as previously approved.

The Phase 2 development will be adjacent to the wetland and, like the previously approved development, will provide high-intensity residential services for men, 15 withdrawal management beds, and a urinalysis lab. The proposed development includes minor architectural refinements.

Chair Ackman opened the public hearing at 6:05 but no one was present and closed it at 6:05 p.m.

Commissioner Albers asked what precipitated the change. Wanberg responded that funding contributed to the proposed amendment.

Commissioner Campbell recused himself from voting on this matter.

A motion was made by Commissioner White to recommend that the City Council approve the requested CUP amendment based on the findings in the draft resolution. Commissioner Albers seconded the motion.

Recommend that the City Council approve the attached draft resolution amending the conditional use permit for a residential care facility at 1910 Cardinal Lane as presented. Motion carried on a 4/0 vote with Commission Campbell recusing himself.

5. Adjournment

A motion was made by Commissioner Campbell, seconded by Commissioner Temple to adjourn 6:10. Motion carried on a 5/0 vote.

By: _____
Kari Casper, Recording Secretary



PLANNING COMMISSION ANNUAL MEETING AGENDA

COUNCIL CHAMBERS

TUESDAY, JANUARY 17, 2023

6:00 PM

1. Commissioner White called the meeting to order at 6:01 p.m.
Present: Albers, Campbell, Jackson, Temple and White
Absent: Chair Ackman
2. Election of Planning Commission Officers for 2023
Temple nominated Campbell for Chair. Albers made a motion to approve, seconded by Jackson. Motion carried unanimously.
Campbell then arrived and the gavel was given to him to finish the meeting by White.
Jackson nominated Temple for Vice Chair. Albers made a motion to approve, seconded by White. Motion carried unanimously.
3. Approve Planning Commission 2023 Regular Meeting Schedule
There was one correction on the date of December 4, 2024 to be written as December 4, 2023. A motion was made by Jackson, seconded by Temple to approve the schedule as corrected. Motion carried unanimously.
4. Summary of Planning Commission 2022 Actions
A motion was made by Jackson, seconded by Albers to receive and file the report as presented. Motion carried unanimously.
5. Approve 2023 Planning Commission Goals and Work Plan
Waldock gave the presentation. White mentioned that this plan is a living document that can be changed with the needs/times. A motion was made by Temple, seconded by Jackson to receive and file the report as presented. Motion carried unanimously.
6. Adjournment
A motion to adjourn was made by Albers, seconded by Jackson at 6:22 p.m. Motion carried unanimously.

By: _____
Kari Casper, (via recording)



TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Zoning Text Amendment to Allow K-12 Schools in Certain Commercial Districts with a Conditional Use Permit and Clarify School Uses in Industrial Districts Citywide.

Background:

The City has initiated an application for a zoning text amendment to revise the Unified Development Ordinance to allow K-12 Schools in certain commercial zoning districts with approval of a Conditional Use Permit. In addition, the proposed ordinance with this application provides zoning definitions for K-12 Schools, Vocational and Business Schools and Colleges and Universities. The proposed ordinance will include development standards for K-12 schools in commercial districts and vocational schools in all districts where they are permitted and for colleges and universities in all districts where permitted. The ordinance is not site specific and is to be effective citywide.

A more detailed staff report is attached for reference along with the draft ordinance for this application.

Recommendation:

The Development Review Committee recommends approval of the application. The Planning Commission is asked to hold a public hearing on the proposed ordinance amendment and approve findings in support of the application and forward its recommendation on this request to the City Council.

Attachments:

1. 2A. Staff Memo re. Zoning Text Amendment
2. Draft Ordinance Re. Zoning Text Amendment for K-12 in C Districts with CUP



Request for Planning Commission Action

TO: Planning Commission
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Zoning Text Amendment to include K-12 Schools in Commercial Districts with a CUP and clarify which schools are permitted in industrial districts.

BACKGROUND

The City is experiencing an increasing demand for charter schools. The Planning Coordinator has noted the need for clarification zoning regulations related to schools in commercial and industrial zoning districts. The Cannon Valley Special Educational Cooperative has leased space at the Faribo West Mall for use as a multi-district special education cooperative in the former JC Penny's space.

The School District is operating the Alternative Learning Center on 1st Avenue NW in the Light Industrial District. The Cannon Valley Special Education Cooperative has also previously operated at the site of the Districts previous administrative offices in the Light Industrial District as well in prior years. Additionally, we have received an application for zoning approval for a K-12 Charter School at Town Square.

For these reasons, it is recommended that a zoning text amendment to allow K-12 schools in commercial districts with a CUP and to clarify that only Vocational Schools and Business Schools only be approved.

The text amendment includes definitions for K-12 schools, Colleges and Universities and Business and Vocational Schools. Currently these uses are not defined in the ordinances. The text amendment also includes development standards for schools in commercial districts.

Requested Action

Hold a public hearing, approve findings in support of the proposed zoning text amendment and make the appropriate recommendations for City Council approval of the proposed Zoning Text Amendment Ordinance.

**CITY OF FARIBAULT
ORDINANCE No. 2023-____**

**APPROVE A ZONING TEXT AMENDMENT TO PERMIT K-12 SCHOOLS IN
CERTAIN COMMERCIAL ZONING DISTRICTS WITH A CONDITIONAL USE
PERMIT AND CLARIFY SCHOOL USES IN INDUSTRIAL DISTRICTS**

WHEREAS, the City of Faribault Planning Commission initiated a zoning text amendment to permit K-12 Schools in certain commercial zoning districts and clarify school uses in industrial zoning districts; and

WHEREAS, the Planning Commission, on February 6, 2023, following proper notice, held a public hearing regarding the proposed zoning text amendment; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the above-referenced zoning text amendment based on the following written findings outlined in Section 2-180 of the City's Unified Development Ordinance as follows:

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

Finding: The Land Use Plan identifies areas for various uses and provides for an organized blend of compatible land uses in the City. The proposed zoning text amendment is consistent with the Land Use Plan.

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

Finding: The proposed zoning text amendment is not intended to benefit only one property owner. It will be effective citywide and benefit many different property owners and agencies.

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 text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment. The amendment provides development standards and permitting requirements for K-12 schools in certain commercial districts.

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

Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment. The amendment adds K-12 schools as a use allowed in certain commercial districts with approval of a Conditional Use Permit.

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

Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment. The amendment is needed to address a trend toward charter schools and other specialized schools for students in grades K-12.

WHEREAS, the City Council held a public meeting on February 14, 2023, to consider approval of the first reading of Ordinance 2023-____; and

WHEREAS, the City Council also held a public meeting on _____ to consider approval of the second reading of Ordinance 2023-____; and

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings and recommendation of the Planning Commission, the City Council of the City of Faribault concurs with the written findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings and Incorporation of Recitals and Exhibits. The recitals in this ordinance are part of this ordinance and, where applicable, constitute the written findings of the City Council of the City of Faribault.

Section 2: Text Amendment – Definitions. The Faribault City Council hereby adds the following definitions (shown in the underlined text) to Section 1-120 of the City’s Unified Development Ordinance:

College or university. A use that provides post-secondary higher education leading to associate, bachelor, master, or doctorate degrees.

School, K-12. A use that meets state requirements for elementary or secondary education.

School, vocational or business. A use that meets state requirements for a vocational or business school.

Section 3: Text Amendment – Development Standards. The Faribault City Council hereby adds the following development standards (shown in the underlined text) to Section 7-30 of the City’s Unified Development Ordinance:

School, (K—12) in permitted commercial districts.

- (1) Parking must comply with Chapter 8 of the City’s Unified Development Ordinance.
- (2) The school must provide an appropriate pick-up and drop-off area that minimizes traffic congestion and is safe for vehicles and pedestrians.
- (3) Outdoor play or activities must have a defined space enclosed by a fence, landscape buffer, or other measure suitable for the age group served.
- (4) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.
- (5) Exterior building materials must meet the standards specified for commercial uses.

Section 4: Text Amendment – Commercial District Use Table. The Faribault City Council hereby amends Table 11-1 of the City’s Unified Development Ordinance by adding new text (designated by the underlined text) and deleting existing text (designated by the ~~strikethrough~~ text) as follows:

Table 11-1. Principal uses in the commercial districts.

Use	District					Development Standards
	C-1	C-2	C-3	CBD	SH	
Commercial uses						
Auction establishments		C	C		-	X
Retail sales and services						
General retail sales and services	P	P	P	P	C	
Ambulance facility	-	C	-	-	C	X
Antiques and collectibles	-	P	P	P	C	
Bank or financial institution	-	P	P	P	C	
Boat and marine sales	-	P	P	-	C	
Bookstore	P	P	P	P	C	
Building material sales	-	P	P	-	C	
Child care center	C	P	P	P	C	X
Digital Billboards	-	C	C	-	C	see 9-160(I)
Firearms dealer	-	P	P	P	C	X
Funeral home	-	P	P	P	C	X
Greenhouse, lawn and garden supplies	-	P	P	P	C	
Grocery or convenience store	C	P	P	P	C	
Laundry, self-service	-	P	P	P	C	X
Pawn shop	-	P	P	P	C	
Performing, visual, or martial arts school	-	P	P	P	C	
Pet store	-	P	P	P	C	X
Photocopying	P	P	P	P	C	
Recreational vehicle sales and service	-	P	P	-	C	
Rental of household goods and equipment	-	P	P	P	C	
Shopping center	C	P	P	P	C	
Small engine repair	-	P	P	P	-	
Tattoo parlor	-	P	P	P	C	
Veterinary clinic	-	P	P	P	C	X
Video store	P	P	P	P	C	
Offices	C	P	P	P	C	X
Automobile services						
Automobile convenience facility	C	P	P	P	C	X
Automobile rental	-	P	P	P	-	X
Automobile repair, minor	-	P	P	C	C	X
Automobile repair, major	-	C	C	C	-	X
Automobile sales	-	P	P	-	-	X
Transportation						
Truck and trailer sales and service	-	C	-	-	-	X
Car wash	-	P	P	-	C	X
Food and beverages						
Bar, nightclub, liquor establishment	-	P	P	P	C	X

Brewery	-	C	C	C	C	X
Coffee shop with limited entertainment	P	P	P	P	C	X
Liquor store	-	P	P	P	C	
Microdistillery	-	C	C	C	C	X
Restaurant, drive-through	-	C	C	C	C	X
Restaurant	C	P	P	P	C	X
Restaurant with general entertainment	C	P	P	P	C	X
Commercial recreation, entertainment and lodging						
Bed and breakfast facility	-	-	-	P	C	X
Bowling alley	-	P	P	-	C	
Hotel, motel	-	P	P	P	C	
Indoor recreational facility	-	P	P	C	-	
Outdoor recreation area	-	C	C	C	P	X
Sports and health facility	P	P	P	P	C	
Theater, indoor	-	P	P	C	C	
Institutional and public uses						
Educational facilities						
College or university	-	P	P	C	C	
Early childhood education center	C	P	P	P	C	X
School, K-12	-	C	C	C	C	X
School, vocational or business	C-	P	P	C	C	
Parking Facilities						
Parking, lots or ramps	C	C	C	C	C	X
Social, cultural, charitable, and recreational facilities						
Stadiums, arenas	-	C	C	-	-	X
Clubs and lodges	C	P	P	P	C	
Community center	C	P	P	C	-	X
Library	C	P	P	P	-	
Museum	C	P	P	P	-	
Park	P	P	P	P	P	
Religious institutions						
Place of assembly	C	C	C	C	C	
Health and medical facilities						
Clinic, medical or dental	P	P	P	P	C	
Laboratory, medical or dental	-	P	P	P	C	
Hospital	-	C	C	-	-	X
Massage parlor	-	P	P	P	C	
Production, processing, and storage						
Farm and construction equipment sales	-	P	P	-	C	X
Craftsman studios	-	P	P	P	C	X
Limited production and processing up to 2,500 sq. ft.	-	P	P	P	C	X
Limited production and processing over 2,500 sq. ft.	-	C	C	C	C	X
Contractor office and showroom	-	P	P	P	-	X

Furniture moving and storage	-	P	P	-	-	
Industrial machinery and equipment, sales, service, and rental	-	P	P	-	C	
Laundry, commercial	-	P	P	P	-	X
Packaging of finished goods	-	P	P	P	-	
Printing and publishing	-	P	P	P	-	
Self-service storage facility	-	P	P	C	C	
Wholesaling, warehousing, and distribution	-	P	P	C	-	X
Public service and utilities						
Communication facilities, towers	C	C	C	C	see section 6-230	
Electric or gas substation	C	P	P	P		
Essential services	P	P	P	P		
Electricity generation plant, non-nuclear	-	C	C	-		
Governmental buildings and structures	C	P	P	P		
Governmental buildings and structures (other than those used primarily as offices)	-	C	C	C	C	X
Public utility buildings and structures	C	P	P	P		
Residential uses						
Dwellings						
Dwelling unit as part of mixed-use structure	-	-	-	P	C	X
Multiple-family dwelling	C	C	C	C	-	
Dwelling in conjunction with business	C	C	C	C	C	X
Congregate living						
Residential care facility, serving six or fewer persons	C	C	C	C	C	
Residential care facility, serving seven to sixteen persons	C	C	C	C	C	X
Residential care facility, serving seventeen or more persons	-	C	C	-	C	X
Nursing home, senior housing facility	C	C	C	C	C	X

Section 5: Text Amendment – Industrial District Use Table. The Faribault City Council hereby amends Table 12-1 of the City’s Unified Development Ordinance by deleting existing text (designated by the ~~strikethrough~~ text) as follows:

Table 12-1. Principal uses in the industrial districts.

	District				Development Standards
Use	I-P	I-1	I-2	SH	
Industrial uses					
Generalized use categories					
Limited industrial	P	P	P	C	
General industrial	-	-	P	-	
Specific industrial uses					
Aircraft storage and maintenance	P	P	P	C	
Ammunition and explosives, storage and manufacturing	-	-	C	-	
Boat construction, repair, and storage	P	P	P	C	
Cleaning services and laundries	P	P	P	C	x
Concrete, asphalt, and rock crushing facility	-	-	C	-	x
Contractor showroom	P	P	P	C	x
Contractor yard	P	P	P	C	
Furniture moving and storage	C	P	P	C	
Grain elevator or storage	-	-	P	-	
Grain milling and distillation	-	-	P		
Greenhouse, wholesale	P	P	P	C	
Industrial machinery and equipment sales, service, and rental	P	P	P	C	
Research, development, and testing laboratory	P	P	P	C	
Recycling facility	C	C	P	-	
Refuse disposal and incineration facility	-	-	C	-	x
Scrap/salvage yard, metal milling facility	-	-	C	-	x
Self service storage	P	P	P	C	
Stockyards, slaughter of animals	-	-	C	-	x
Wholesaling, warehousing and distribution	P	P	P	C	
Commercial uses					
Adult entertainment uses	P	P	P	C	x
Animal kennel, veterinary services	P	P	P	C	x
Auction establishments	C	C	C	C	x
Automobile Services					
Automobile convenience facility	P	P	P	C	x
Automobile repair, major	P	P	P	C	x
Automobile repair, minor	P	P	P	C	x
Automobile sales	C	C	-	C	x
Brewery	P	P	P	C	x
Commercial recreation, entertainment and lodging					
Firearm range, indoor	P	P	P	C	x
Hotel, motel	C	C	-	-	
Indoor recreational facility	P	P	P	P	x

Outdoor recreation area	C	C	C	C	x
Digital Billboards	C	C	C	C	see 9-160(l)
Offices	P	P	P	C	
Retail sales and services					
Ambulance Facility	C	C	C	C	x
Building material sales, lumberyard	P	P	P	C	
Child care center (as principal use)	C	C	-	C	
Farm and construction equipment	P	P	P	C	
Restaurants, liquor establishments	C	C	C	C	x
Transportation					
Bus garage or maintenance facility	C	P	P	C	
Helicopter	-	C	C	-	x
Package delivery service	P	P	P	C	
Transportation services	P	P	P	C	
Transportation terminal	P	P	P	C	x
Truck, trailer, boat or recreational vehicle, sales service or rental	P	P	P	C	
Waste hauler	-	C	P	-	x
Institutional and public uses					
Educational facilities					
School, vocational or business	P	P	P	C	x
Parking Facilities					
Parking lots, ramps	C	C	C	C	x
Public service and utilities					
Communication facilities	P	P	P	C	x
Communication towers	C	C	C	C	see § 6-230
Electric or gas substation	P	P	P	C	x
Electricity generation plant, non-nuclear	-	-	C	-	x
Essential services	P	P	P	P	x
Governmental buildings and structures	P	P	P	C	x
Public utility buildings and structures	P	P	P	C	x
Street and equipment maintenance facility	P	P	P	C	
Waste transfer or disposal facility	-	C	C	-	x
Social, cultural, charitable, & recreational facilities					
Armories, convention halls	P	P	P	C	
Stadiums, arenas	C	C	C	C	x
Clubs and lodges	P	P	P	C	
Religious institutions					
Place of assembly	P	P	-	C	x
Residential uses					
Dwelling in conjunction w/business	C	C	C	C	x

Section 6: Effective Date. This ordinance shall be effective immediately upon its passage and publication per the provisions of the Faribault City Charter.

Public Hearing: February 6, 2023

First Reading: February 14, 2023

Second Reading: _____

Publication: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator



TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Application for a Conditional Use Permit for a K-12 Charter School at Town Square, 201 Lyndale Ave. S

Background:

Jonathan Starr, representing Surad Academy Charter School, has submitted an application of Conditional Use Permit for a K-12 School in C-2, Highway Commercial District at Town Square, 201 Lyndale Avenue S. This application was made concurrently with a City application for zoning text amendment to allow K-12 Schools in the C-2, zoning district.

A detailed staff report is attached below that describes the proposal and discusses the planning and zoning issues of the request.

Recommendation:

The Development Review Committee is recommending approval of the application. The Planning Commission is asked to hold a public hearing on the application; approve findings in support of the Conditional Use Permit as listed in the draft resolution; and, forward a recommendation for approval to the City Council.

Attachments:

1. 2B. Staff Memo Re. Surad Academy CUP Application
2. Res 2023-____ Approve a CUP Surad Academy at 201 Lyndale Ave
3. Application Narrative and Plans
4. Maps



Request for Planning Commission Action

TO: Planning Commission
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Application for a Conditional Use Permit for a K-12 Charter School at Town Square, 201 Lyndale Avenue S

BACKGROUND

Jonathan Starr representing Surad Academy, a new charter school sponsored by Novation Education Opportunities and approved by the Minnesota Department of Education, has applied for a Conditional Use Permit (CUP) for a K-12 Charter School at Towns Square, 201 Lyndale Avenue S. The application is being processed concurrently with a zoning text amendment to allow K-12 schools as a conditional use in certain commercial districts.

The applicants plan to start with grades K-4 and grow one class per year to K-12. The school will have up to 250 students after full growth. They plan to lease an 8,375 SF space on the southeast area of Towns Square Center. More leased space will be added when available as needed when the school grows. A layout plan is provided with the application materials.

There will be 15 staff members to start. This number will grow as enrollment at the school increases. Normal school hours are 8:00 am to 3:00 pm with student arrival and departure before and after those hours. After school programming for a smaller number of students will continue to about 6:00 pm.

The school will have a fenced and gated outdoor activity/play area on the east side of the building. The main entrance to the school will be on the east side of the building. Parent and bus drop-off and pick-up will occur at the southeast corner of the building. Queuing for both buses and cars will occur on site using two parking entrances/exits on Towns Square Lane. Please refer the attached site plan included with this application.

DISCUSSION / ANALYSIS

Comprehensive Plan. The Town Square property is guided for commercial / residential mixed uses in the City's 2040 comprehensive plan.

Zoning District. The current zoning at the site is C-2, Highway Commercial District. The site is not located in any overlay zoning districts. A zoning text amendment has been proposed to allow K-12 Schools in this district with a CUP.

Surrounding Uses. Uses adjoining Town Square include residential uses and a commercial hair salon and spa to the east; outdoor display of sheds for sale

onsite is to the southeast; a funeral home and office uses are to the south across Town Square Lane from the subject site; and, a pizza restaurant is across Lyndale Avenue from the site.

Parking and Traffic Circulation. The applicants have provided a circulation plan for buses and parents dropping off students at the site. The plan circulates in a counter clockwise manner, with buses entering at the east entrance/exit on Town Square Lane and arriving/departing students will stage at the southeast corner of the building, then exit along a marked route, through the parking lot to the west entrance/exit on Town Square Lane. The applicants anticipate that up to 4 buses will be needed for this school at full enrollment. The site has sufficient room for onsite bus and parent's cars staging without waiting on the public right of way. There is sufficient parking available on site for this use.

Outdoor Play-yard area. The proposal includes fenced play-yard in the rear area of the building. The play-yard will have building access to the space leased by the school. This area is paved currently for parking spaces. There are no plans to remove the pavement for the play space. No playground equipment is specified in the application plans.

Duration. Although there is no specified lease duration in this application, the State of Minnesota requires charter schools to lease property for five years prior to owning their own site. The CUP, if approved, is permanent and runs with the property not with the applicants.

Development Review Committee. The Development Review Committee (DRC) considered this application at their meeting of January 24, 2023. The DRC discussed the outdoor play area placement, traffic circulation and parking demand for the use. They felt that this application could be processed concurrently with the necessary zoning text amendment needed to allow K-12 schools in commercial districts in order to assure timely consideration for the school to open in the fall of this year. The CUP resolution will not be effective until after passage and publication of ordinance for the text amendment.

The DRC recommended approval with the conditions of approval listed in the proposed resolution for this application.

Requested Action

Hold a public hearing, approve findings in support of the proposed Conditional Use Permit and make the appropriate recommendations for City Council approval of the proposed Zoning Text Amendment Ordinance.

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2023-____

APPROVE A CONDITIONAL USE PERMIT FOR A K-12 CHARTER SCHOOL IN TOWN SQUARE CENTER AT 201 LYNDALE AVE S.

WHEREAS, Jonathan Starr representing Surad Academy (the Applicant), with consent of the property owner NJA Properties LLC (the Owner), has requested a conditional use permit for a K-12 charter school in Town Square Center at 201 Lyndale Avenue S, legally described in Exhibit A of this resolution; and

WHEREAS, Surad Academy is a charter school that has authorized by Novation Education Opportunities and approved by the Minnesota Department of Education for opening in the Fall of 2023; and

WHEREAS, the subject property is zoned C-2, Highway Commercial District; and

WHEREAS, simultaneously with this application, the City is considering an amendment to the Unified Development Ordinance to allow K-12 Schools in commercial districts with an approved conditional use permit (CUP); and

WHEREAS, the Development Review Committee and the Planning Commission have recommended approval of the proposed zoning text

amendment, and the City Council approved the first reading of the ordinance amendment; and

WHEREAS, the Planning Commission, on February 6, 2023, following proper notice, held a public hearing regarding the Applicant's request; 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 K-12 charter school at the Town Square Center location is properly planned, and will be incorporated into the site in a manner consistent with other uses in the building and will not be not be detrimental to the public health, safety, comfort, convenience, or general welfare.

- 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 K-12 charter school at the subject site will be similar to other uses in the building, will not be injurious to the use and enjoyment of other property in the vicinity, and will not impede the other permitted uses on and adjacent to the site.

- 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 application will not result in exterior improvements or modifications other than the installation of a

fence surrounding the outdoor play area for the school. Said fence at the rear of the building will be compatible in appearance with the building and surrounding area.

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

Expanded Finding: The proposed K-12 charter school will not cause hazards or disturbing influences on neighboring properties.

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

Expanded Finding: The proposed K-12 charter school at the subject site will be similar in use to other uses in the building and will not diminish neighboring property values.

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: Public sewer, water, and all other applicable municipal services serve the subject property.

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 K-12 charter school at the subject site will provide a service in the community and will not be detrimental to the community's economic welfare.

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 conditional use permit includes a traffic circulation plan that will minimize traffic congestion on the site and public streets surrounding the site. Said plan has been reviewed by City Staff and the site management company and can be modified as needed to address concerns should they arise.

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 K-12 charter school will occupy a leased suite in an existing commercial building that is not of a historic character. The proposed charter school will not adversely affect any feature of 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.

Expanded Finding: The City's Land Use Plan guides the subject property for commercial / residential mixed use. The proposed K-12 charter school is consistent with this comprehensive plan designation.

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

Expanded Finding: The application meets the proposed development standards for K-12 schools in commercial districts that are being considered for adoption simultaneously with this request.

WHEREAS, the City Council held a public meeting on February 28, 2023, 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 written findings of the Planning Commission and makes identical findings.

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

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit request to establish a K-12 charter school at Town Square Center, 201 Lyndale Avenue S. subject to the conditions presented in Sections 2 and 3 of this resolution.

Section 2: Conditions Attached to the Approval of the Conditional Use Permit. The conditional use permit includes the following conditions:

1. The Applicant must install the approved fence and appropriate traffic circulation signage and surface painting in accordance with the phase-1 plans provided in Exhibit B of this resolution.
2. The City's Development Review Committee shall be authorized to provide site plan approval for subsequent phases of the school at this site as the enrollment grows and the leased space of the school on site expands up to a maximum enrollment of 150 students. Expansion of enrollment beyond 150 students at this site shall require an amendment to the conditional use permit for this use at this site with City Council approval.
3. The materials and colors of the proposed fencing must be compatible with the appearance and character of the existing building as determined by the property owner and Development Review Committee.
4. The proposed school use must meet all required development conditions as listed in Section 7-30 of the City's Unified Development Ordinance.
5. If a loss of existing parking spaces associated with the proposed use creates a parking problem (as identified by the

City), the Owner shall provide additional parking spaces elsewhere in the development as approved by the City.

6. Before beginning the necessary remodeling in the building, the Applicant, with the Owner's approval, must obtain all required building permits, and other applicable permits and licenses.
7. This conditional use permit will automatically be voided if the proposed remodeling, fence installation, and traffic circulation signage and surface painting have not been installed 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 Applicant or 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 work permitted under the original approval.

Section 3: Additional Conditions of Approval. This conditional use permit includes the following additional conditions:

1. 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.
2. The City may inspect the property at all reasonable times to ensure compliance with the conditions of this permit.
3. 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.
4. 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.

5. 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 Applicant and Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the property.
6. 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 4. 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 5. 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 6. Effective Date. This resolution shall be effective upon passage and publication of Ordinance 2023-____ approving a zoning text amendment to allow K-12 schools in certain commercial zoning districts.

Date Adopted: February 14, 2023

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A

Legal Description (page 1 of 4)

PARCEL 1:

All those parts of Lot 24, Lot 25 and Lot 31 in the State Subdivision of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows, to-wit:

Beginning at a point in the East line of Lot 31, 403.70 feet Northerly from the Southeast corner of said Lot 31; thence Northerly along said East line of Lot 31 (for purposes of the description said East line of Lot 31 assumed North 0 degrees 00 minutes 00 seconds), 160.00 feet; thence South 89 degrees 36 minutes 10 seconds West, along a line parallel to and 100.00 feet Southerly from the North line of said Lot 31 and the South line of said Lot 25, 200.00 feet; thence North 0 degrees 00 minutes 00 seconds, 100.00 feet to a point in said North line of Lot 31 and South line of Lot 25; thence South 89 degrees 36 minutes 10 seconds West, along said North line of Lot 31 and South line of Lot 25, 35.00 feet; thence North 0 degrees 00 minutes 00 seconds parallel with the East line of Lot 25, 510.52 feet; thence South 89 degrees 48 minutes 10 seconds West parallel with the North line of said Lot 25, 131.00 feet; thence North 0 degrees 02 minutes 00 seconds West, parallel with the West line of said Lot 25 and the East line of Lot 24, 150.00 feet; thence South 89 degrees 48 minutes 10 seconds West, along said North line of Lot 25, 50.00 feet to a point 244.69 feet Easterly from the Northwest corner of said Lot 25; thence South 0 degrees 02 minutes 00 seconds East, parallel with the said West line of Lot 25 and the East line of Lot 24, 150.00 feet; thence South 89 degrees 48 minutes 10 seconds West, parallel with the said North line of Lot 25, 151.61 feet to a point in the Southeasterly right of way line of Minnesota Trunk Highway 65; thence Southwesterly along said Southeasterly right of way line, on a curved course, as the same is set forth in the Final Certificate for said highway and recorded in the office of the Register of Deeds, in and for Rice County, Minnesota in Book 213 of Deeds on Pages 383 through 418, an arc distance of 475.34 feet; thence continuing along said right of way line, on tangent, South 15 degrees 49 minutes 40 seconds West, 193.15 feet; thence North 90 degrees 00 minutes 00 seconds East, 125.00 feet; thence South 0 degrees 00 minutes 00 seconds 125.00 feet; thence North 90 degrees 00 minutes 00 seconds East 635.21 feet to the point of beginning, and situate in Rice County, Minnesota.

EXCEPTING THEREFROM the following described parcels, to-wit:

PARCEL A:

Part of Lot 31, in the State Subdivision of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows:

Beginning at a point in the East line of said Lot 31 (for purposes of this description bearings are assumed and based on said East line being North 0 degrees 00 minutes 00 seconds), a distance of 403.70 feet Northerly from the Southeast corner of said Lot 31; thence North 90 degrees 00 minutes 00 seconds West, 383.54 feet; thence Northwesterly, along a curve, concave Northeasterly (curve data: radius = 347.06 feet; delta angle = 43 degrees 00 minutes 00 seconds; chord bearing and distance = North 68 degrees 30 minutes 00 seconds West, 254.39 feet), an arc distance of 260.46 feet; thence Northwesterly, along a curve, concave Southwesterly (curve data: radius 281 .07 feet; delta angle = 4 degrees 02 minutes 44 seconds; chord bearing and distance = North 49 degrees 01 minutes 22 seconds West, 19.84 feet), an arc distance of 19.85 feet; thence North 0 degrees 00 minutes 00 seconds West, 18.75 feet; thence North 90 degrees 00 minutes 00 seconds West, 26.12 feet; thence Northwesterly, along a curve, concave Southwesterly (curve data: radius = 281 .07 feet; delta angle = 9 degrees 23 minutes 45 seconds; chord bearing and distance = North, 62 degrees 18 minutes 08 seconds West, 46.04 feet), an arc distance of 46.09 feet; thence North 67 degrees 00 minutes 00 seconds West, 50.47 feet to a point in the Southeasterly right of way line of County State Aid Highway 48; thence North 15 degrees 49 minutes 40 seconds East, along said Highway 48 right of way line 66.52 feet; thence South 67 degrees 00 minutes 00 seconds East, 58.77 feet; thence Southeasterly, along a curve, concave Southwesterly (curve data: radius 347.07 feet; delta angle = 20 degrees 00 minutes 00 seconds; chord bearing and distance South 57 degrees 00 minutes 00 seconds East, 120.54 feet), an arc distance of 121 .15 feet; thence Southeasterly, along a curve, concave Northeasterly (curve data: radius 281 .06 feet; delta angle = 43 degrees 00 minutes 00 seconds; chord bearing and distance South 63 degrees 30 minutes 00 seconds East, 206.01 feet), an arc distance of 210.93 feet; thence North 90 degrees 00 minutes 00 seconds East, 383.54 feet to a point in said East line of Lot 31; thence South 0 degrees 00 minutes 00 seconds, a distance of 66.00 feet to said point of beginning.

Legal Description (page 2 of 4)

(continued)

AND

PARCEL B:

Part of Lot 31, in the State Subdivision of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows:

Beginning at the Southeast corner of said Lot 31; thence North 0 degrees 00 minutes 00 seconds along the East line of said Lot 31 (for purposes of this description bearings are assumed and based on said East line being North 0 degrees 00 minutes 00 seconds), a distance of 403.70 feet; thence North 90 degrees 00 minutes 00 seconds West, 383.54 feet to the true point of beginning of the parcel to be herein described; thence North 90 degrees 00 minutes 00 seconds West, 251.67 feet; thence North 0 degrees 00 minutes 00 seconds, a distance of 106.25 feet; thence Southeasterly along a curve, concave Southwesterly (curve data: radius = 281.07 feet; delta angle = 4 degrees 02 minutes 44 seconds; chord bearing and distance = South 49 degrees 01 minutes 22 seconds East, 19.84 feet), an arc distance of 19.85 feet; thence Southeasterly, along a curve, concave Northeasterly (curve data: radius = 347.06 feet; delta angle = 43 degrees 00 minutes 00 seconds; chord bearing and distance = South 68 degrees 30 minutes 00 seconds East, 254.39 feet), an arc distance of 260.46 feet to said point of beginning.

AND

PARCEL C:

Part of Lot 31, in the State Subdivision of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows:

Beginning at the Southeast corner of said Lot 31; thence North 0 degrees 00 minutes 00 seconds along the East line of said Lot 31 (for purposes of this description bearings are assumed and based on said East line being North 0 degrees 00 minutes 00 seconds), a distance of 403.70 feet; thence North 90 degrees 00 minutes 00 seconds West, 635.21 feet; thence North 0 degrees 00 minutes 00 seconds, a distance of 125.00 feet; thence North 90 degrees 00 minutes 00 seconds West, 26.12 feet to the true point of beginning of the parcel to be herein described; thence North 90 degrees 00 minutes 00 seconds West, 98.88 feet to a point in the Southeasterly right of way line of County State Aid Highway 48; thence North 15 degrees 49 minutes 40 seconds East, along said Highway 48 right of way line, 42.74 feet; thence South 67 degrees 00 minutes 00 seconds East, 50.47 feet; thence Southeasterly along a curve, concave Southwesterly (curve data: radius = 281.07 feet; delta angle = 9 degrees 23 minutes 45 seconds; chord bearing and distance = South 62 degrees 18 minutes 08 seconds East, 46.04 feet), an arc distance of 46.09 feet to said true point of beginning.

AND

PARCEL D:

Part of Lot 25 in the State Subdivision of Section 36, Township 110 North, Range 21 West of the 5th Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows:

Beginning at a point in the North line of said Lot 25, a distance of 244.69 feet Easterly from the Northwest corner of said Lot 25; thence Southerly parallel with the West line of said Lot 25, a distance of 150.00 feet; thence Westerly, parallel with said North line of Lot 25 to a point in the Southeasterly right-of-way line of the former Minnesota Trunk Highway 65, now County State Aid Highway 48; thence Southwesterly along said right-of-way line on a curved course, as the same is set forth in the Final Certificate for said highway and recorded in the office of the Register of Deeds, in and for Rice County, Minnesota, in Book 213 of Deeds on pages 383 through 418 to a point in a line 170.00 feet Southerly from and parallel with said North line of Lot 25; thence Easterly along said parallel line to a point in a line 255.29 feet Easterly from and parallel with said West line of Lot 25; thence Northerly, parallel with said West line, a distance of 170.00 feet to a point in said North line of Lot 25; thence Westerly along said North line, 10.60 feet to said point of beginning; subject to Division Street over the Northerly side thereof.

PARCEL 2:

Legal Description (page 3 of 4)
(continued)

All that part of Lot 25, in the State Subdivision of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows, to wit: Beginning at the Southeast corner of said Lot 25; thence Northerly along the East line of said Lot 25, (for the purposes of this description, said East line of Lot 25 assumed North 0 degrees 00 minutes 00 seconds, 198.00 feet to the Northeast corner of the South 3 acres of said Lot 25; thence South 89 degrees 36 minutes 10 seconds West, along the North line of said South 3 acres, 165.00 feet to the true point of beginning of the parcel to be herein described; thence South 89 degrees 36 minutes 10 seconds West, 70.00 feet; thence North 0 degrees 00 minutes 00 seconds parallel with and 235.00 feet Westerly from the said East line of Lot 25, 312.52 feet, to a point 150.00 feet Southerly from the North line of said Lot 25; thence North 89 degrees 48 minutes 10 seconds East along a line parallel with and 150.00 feet Southerly from the said North line of Lot 25, 70.00 feet to a point 494.69 feet Easterly from the West line of said Lot 25; thence North 0 degrees 02 minutes 00 seconds West, along a line parallel with and 494.69 feet Easterly from the said West line of Lot 25, 51.00 feet; thence North 89 degrees 48 minutes 10 seconds East along a line parallel with and 99.00 feet Southerly from the said North line of Lot 25, 165.85 feet to a point in the said East line of Lot 25; thence South 0 degrees 00 minutes 00 seconds along the said East line of Lot 25, 165.00 feet; thence South 89 degrees 36 minutes 10 seconds West, along a line parallel with and 396.00 feet Northerly from the South line of said Lot 25, 165.00 feet; thence South 0 degrees 00 minutes 00 seconds along a line parallel with and 165.00 feet Westerly from the said East line of Lot 25, 198.00 feet to the true point of beginning; subject to right of way for Prairie Avenue over the most Easterly side thereof.

EXCEPTING THEREFROM the following described Parcel:

That part of Lot 25, in the State Subdivision of Section 36, Township 110 North, Range 21 West of the 5th Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Beginning at a point in the East line of said Lot 25, a distance of 396.00 feet Northerly of the Southeast corner thereof (for purposes of this description bearings are assumed and based on said East line being North 0 degrees 00 minutes 00 seconds); thence South 89 degrees 36 minutes 10 seconds West, parallel with the South line of said Lot 25, a distance of 165.00 feet to a point in a line 165.00 feet Westerly from and parallel with said East line of Lot 25; thence North 0 degrees 00 minutes 00 seconds, along said parallel line, 114.58 feet to a point in a line 150.00 feet Southerly from and parallel with the North line of said Lot 25; thence North 0 degrees 02 minutes 00 seconds West, along a line parallel with the West line of said Lot 25, a distance of 51.00 feet; thence North 89 degrees 48 minutes 10 seconds East, along a line 99.00 feet Southerly from and parallel with said North line of Lot 25, a distance of 165.03 feet to a point in said East line of Lot 25; thence Southerly along said East line 165.00 feet to said point of beginning; subject to Prairie Avenue over the Easterly side thereof.

PARCEL 3:

That part of Lot 25 in the State Subdivision of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Commencing at the Southeast corner of said Lot 25; thence northerly along the East line of said Lot 25, a distance of 132.00 feet; thence westerly, parallel to the South line of said Lot 25, a distance of 165.00 feet to the point of beginning of the parcel to be herein described; thence continue westerly, parallel with said South line of Lot 25, a distance of 70.00 feet to a point in a line parallel with and 235.00 feet westerly from said East line of Lot 25; thence southerly along said parallel line 132.00 feet to a point in said South line of Lot 25; thence easterly along said South line, 70.00 feet; thence Northerly, parallel with said East line of Lot 25 a distance of 132.00 feet to said point of beginning.

Rice County, Minnesota
Abstract Property

PARCEL 4:

That part of Lot 15 in the State Subdivision of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Commencing at the Southeast corner of said Lot 25; thence Northerly along the East line of said Lot 25, a

Legal Description (page 4 of 4)

(continued)

distance of 132.00 feet; thence Westerly, parallel to the South line of said Lot 25, a distance of 165.00 feet to the point of beginning of the parcel to be herein described; thence continue Westerly, parallel with said South line of Lot 25, a distance of 70.00 feet to a point in a line parallel with and 235.00 feet Westerly from said East line of Lot 25; thence Southerly along said parallel line 132.00 feet to a point in said South line of Lot 25; thence Easterly along said South line 70.00 feet; thence Northerly, parallel with said East line of Lot 25 a distance of 132.00 feet to said point of beginning.

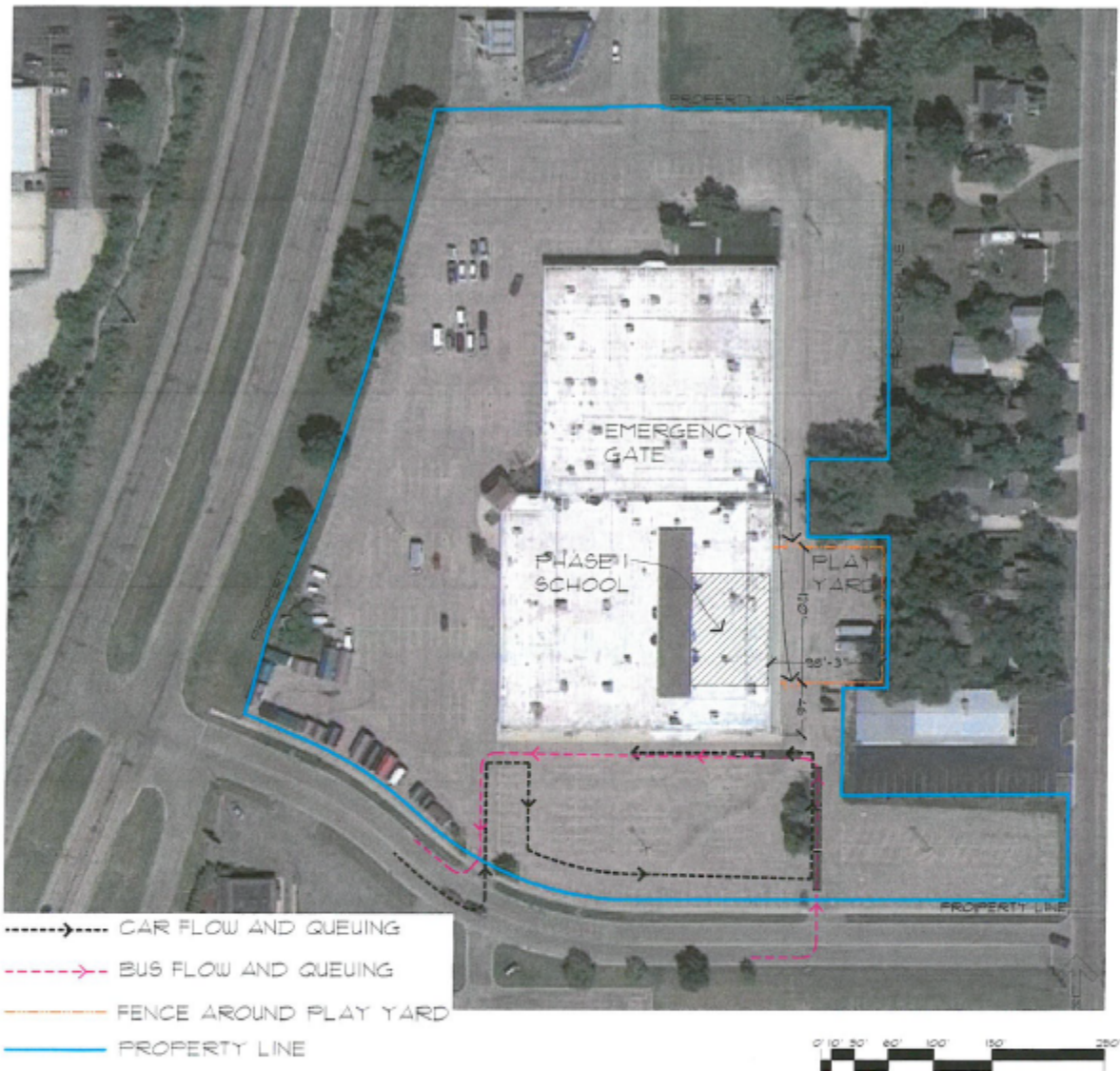
PARCEL 5:

All that part of Lot 25 in the State Subdivision of the Southeast Quarter of Section 36, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows, to-wit:

Beginning at a point 344.69 feet East of the Northwest corner of said Lot 25; thence South parallel with the West line of said Lot 150 feet; thence East 50 feet; thence North parallel with the West line of said Lot 150 feet; thence West 50 feet to the place of beginning; subject to the easement of Division Street over the North side thereof.

Rice County, Minnesota
Abstract Property

Exhibit B
Site Plan / Traffic Circulation Plan



1
A1
PROPOSED SITE PLAN
SCALE: N.T.S.


Winther-Johnson-Robinson
Architects-Designers
8175-B Lewis Road
Golden Valley, Minnesota 55427
Phone: 763-398-0452
Fax: 763-398-0455

SURAD PROPOSED SITE PLAN
201 SOUTH LYNDAL AVE, FARIBAUT, MN 55021

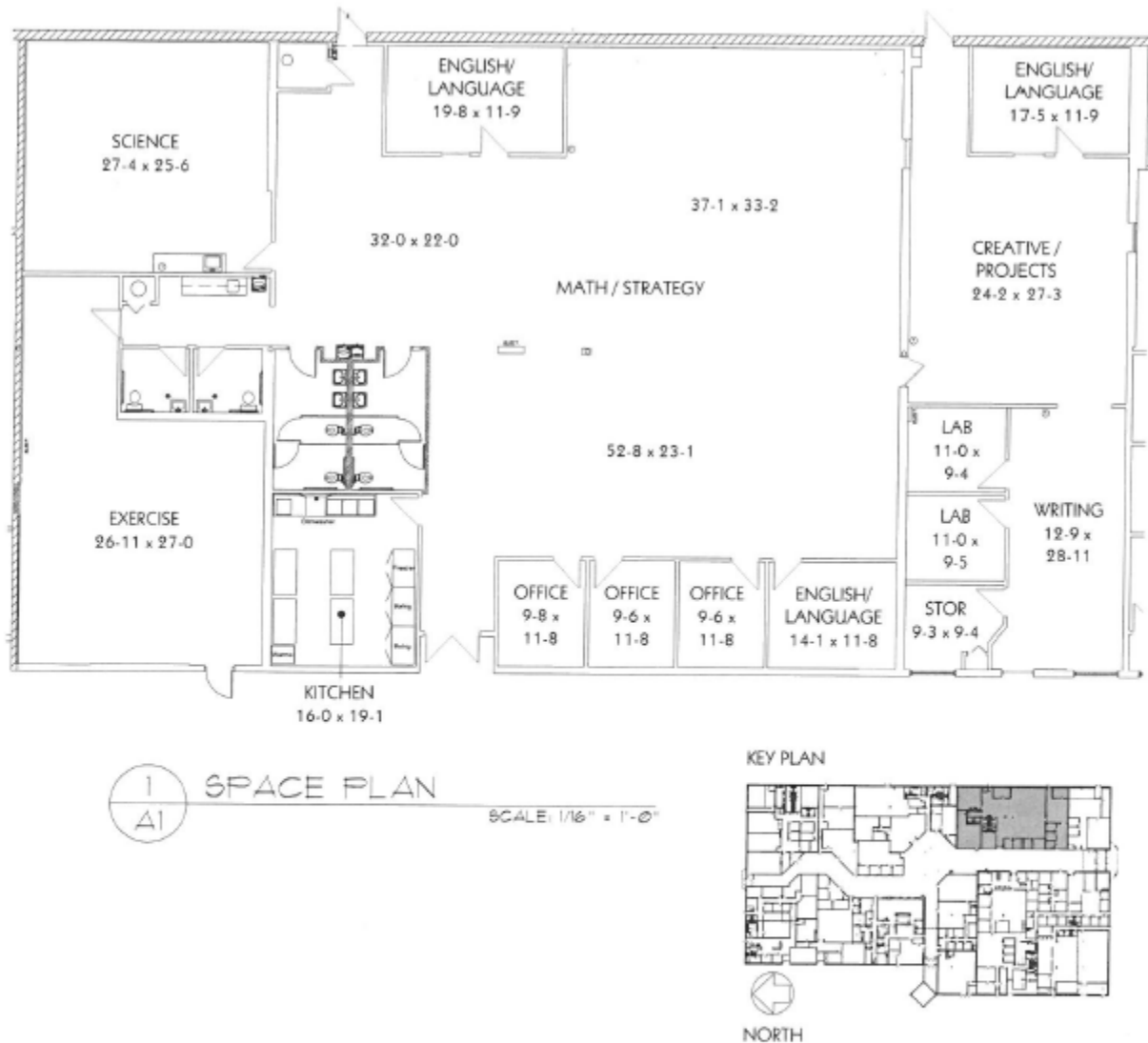
Origination Date:	12-29-22	Drawn By:	ANS	Approval:	RFR
Issues & Revisions:		Project No.:	22-562.03A		
		Scale:	As Noted		

A1

OF 1

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Concept Interior Plan




Winther-Johnson-Robinson
Architects+Designers
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Golden Valley, Minnesota 55427
Phone: 763.398.0458
Fax: 763.398.0453

SURAD SPACE PLAN
201 SOUTH LYNDALE AVE, FARIBAULT, MN 55021

Origination Date:	12-23-22	Drawn By:	KNJ	Approval:	RFR
Issues & Revisions:		Project No.:	22-562.02		
REV.	12-27-22	Scale:	As Noted		

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OF 2

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Winther • Johnson • Robinson
Architects • Designers

SURAD ACADEMY CONDITIONAL USE PERMIT SUPPLEMENTAL INFORMATION

PROJECT DESCRIPTION:

This project is to take an existing space within Faribo Town Square and turn it into a charter school for K-12 students. This is a start-up school, so the initial student population will be K-4 with approximately 120 students taking approximately 8,374 sf of the Faribo Town Square. The school plans on growing by one class per year to 250 students in the next couple of years taking additional square footage as necessary and there is additional square footage available for this expansion. Infrastructure is based on the larger student count. Initially, there will be 15 staff growing as the student count grows. The school will operate under normal school hours of approximately 8:00 to 3:00 with drop-off and pickup on either side of the school day. There may be an extended stay program which will have a smaller number of students staying until later in the afternoon until around 6:00.

The attached site plan will illustrate where the school is planned within the building. The reason for the location within the building is available space but also easy access to a new playground which will be to the east of the building. There is an area to the east which is perfect for a playground because it is out of the way of the parking lot yet paved and immediately adjacent to the school itself. The adjacency allows for immediate access from classrooms directly to the playground. There will be a fence surrounding the playground and within the fence will be one gate each north and south of the yard to allow emergency vehicles access if ever required. Those are illustrated on the site plan. The makeup of the fence is still being determined but will be approximately 6' high and most likely a see-through material since privacy is not the concern but containment for the children is the main function of the fence. If there is a privacy concern from the neighbors to the east then the fence in that area will address those concerns.

The building ownership does not want to have the south building entrance blocked by vehicles while the students are arriving or departing for the day. To respect this request, the main entrance to the school will be along the east side of the building. As a result, the parent and bus drop-off and pickup will occur at the southeast corner of the building. Queuing will occur for both bus and cars on the property coming and going off Town Square Lane which is the street south of the property. The site plan shows both the access and queuing paths.

NEIGHBORHOOD COMPATIBILITY:

The surrounding neighborhood is a combination of commercial property to the west, south and north and residential immediately to the east. Just outside of this pocket of commercial is mostly a residential area. As a charter school the school is open to all students within the ages the school is teaching. The high school is about two blocks away and has proven this neighborhood is a good area for schools. Since most of the children will be either dropped off or bussed to the school the children could be coming

CUP Supplemental Information
Page 2 of 2

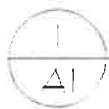
from all over the city. A school is typically seen as an asset to a community because it tends to bring the community together through educating the children. This school will be doing the same thing.

TRAFFIC IMPACT:

The roads and intersections surrounding Faribo Town Square have been designed to handle a larger volume of traffic as a result of the traffic a retail mall generally produces. This building is slowly changing away from a retail use and the daily traffic produced by the building is greatly reduced. While the traffic generated by a school is generally concentrated around the drop-off and pickup of students, the remainder of the day traffic is minimal. The concern we had was queuing of cars or buses during those times of heavier use. See the attached site plan which illustrates the traffic flow. This site is large enough to allow all queuing to occur on site so the most immediate road, Town Square Lane, does not experience a backup. Lyndale Avenue South is a major artery in Faribault and provides easy access to Town Square Lane which is the feeder street for the south end of Faribo Town Square. Many of the students will arrive by bus since the students for this school will be from all over the city and the school bus system in Faribault is designed around general pickup and transfer at a central location and then distribution to the respective schools. We anticipate as the school matures, they will use 4 buses. Parent cars have plenty of room to queue as they wait upon the buses to clear the drop-off area. The vehicles have two options to leave the site, go back to Town Square Lane or turn north when they arrive at the southwest corner of the building and leave the site by way of Division Street West which has a stop light at Lyndale Avenue South. Either way they go, the site acts as a buffer to entering general traffic.

WHY SHOULD THIS PROPOSAL BE APPROVED:

Charter schools are required by the State of Minnesota to lease property for a period of 5 years prior to owning property. As a result, charter schools are looking for buildings or in this case a portion of a building to start their school. A commercial property is a likely location for charters and this particular property is prime for this use because of the large amount of space, adequate parking, and possibilities for expanding as the school grows. As a result of the Surad Academy going into this location, it is taking an under-utilized property and putting a new and expanding use into the building. The impact of the school on the local community is positive because it is providing education to the children and potentially a gathering spot. All in all, we see this as a net positive for this location and building and ask for your approval to proceed.



PROPOSED SITE PLAN

SCALE: N.T.S.



Winther-Johnson-Robinson
Architects-Designers

8175 B Lewis Road
Golden Valley, Minnesota 55427
Phone: 763-398-0452
Fax: 763-398-0455

SURAD PROPOSED SITE PLAN

201 SOUTH LYNDAL AVE, FARIBAULT, MN 55021

Origination Date:
Issues & Revisions:

12-29-22

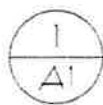
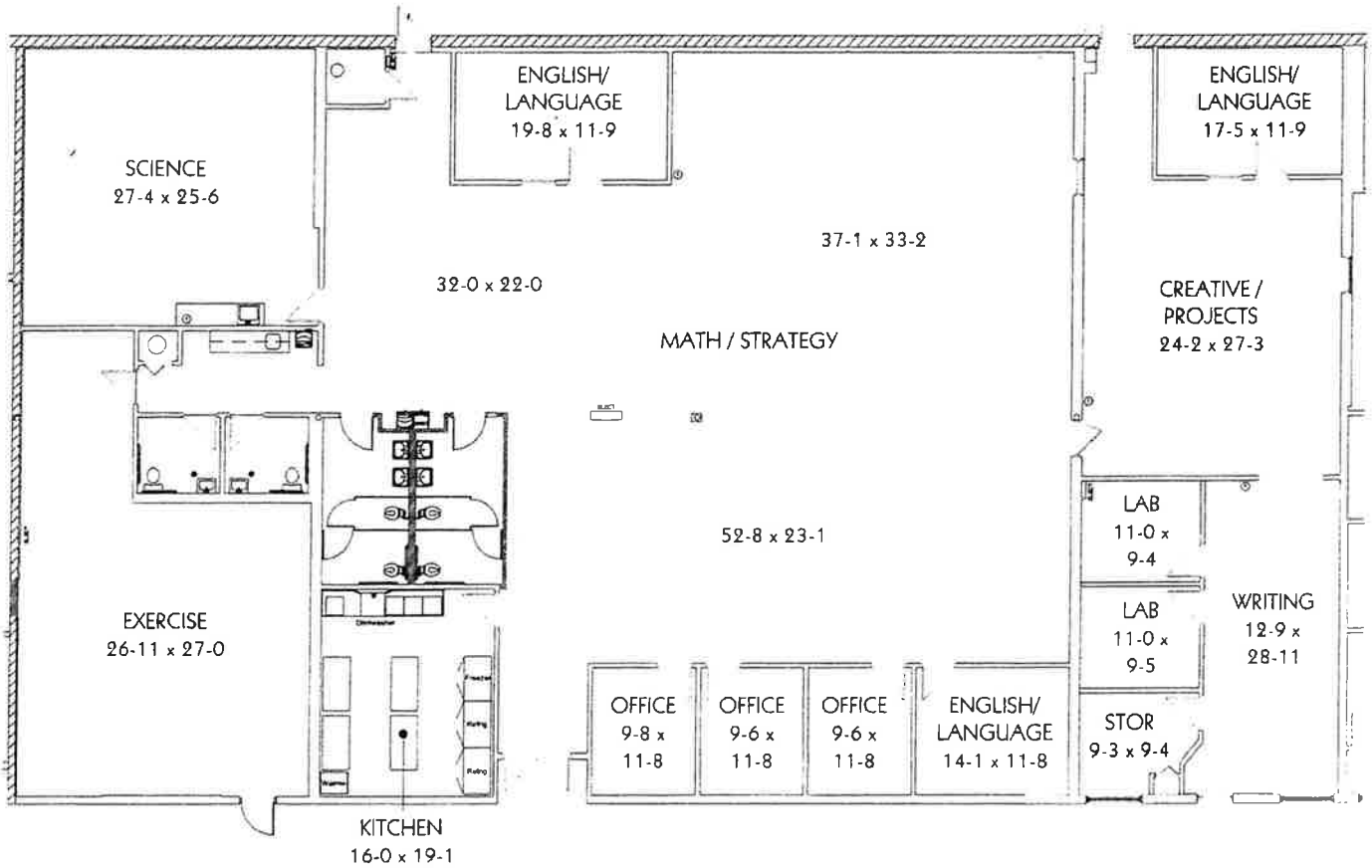
Drawn By: ANS
Project No.:
Scale:

Approval: RFR
22-562.03A
As Noted

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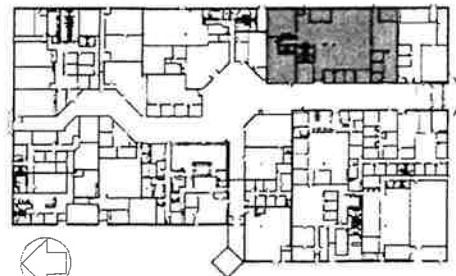
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SPACE PLAN

SCALE: 1/16" = 1'-0"

KEY PLAN



NORTH



Winther-Johnson-Robinson
Architects-Designers

8175-B Lewis Road
Golden Valley, Minnesota 55427
Phone 763-398-0452
Fax 763-398-0455

Origination Date:
Issues & Revisions:
REV

12-23-22
12-27-22

Drawn By: KNJ
Project No.:
Scale:

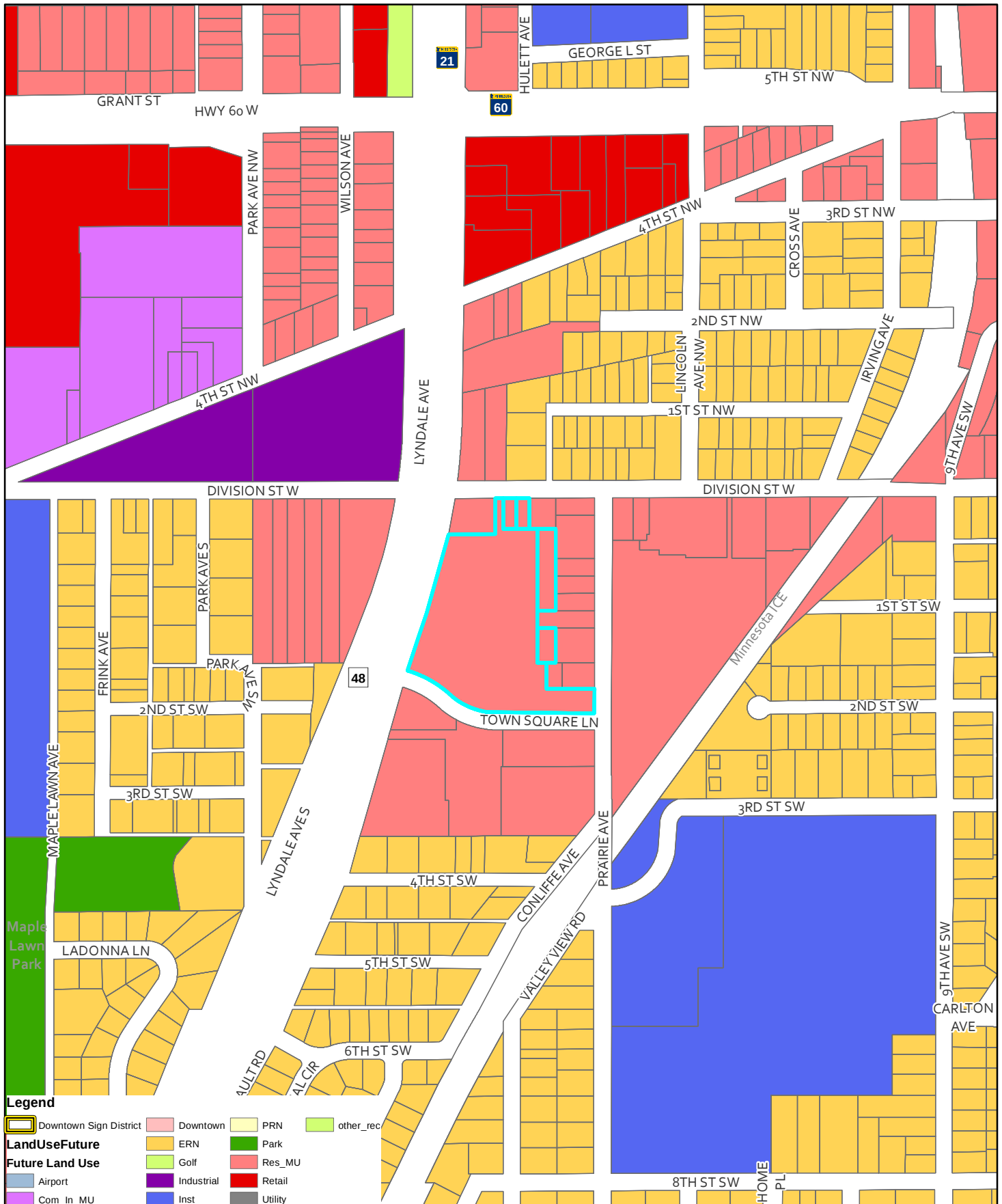
Approval: RFR
22-562.02
As Noted

A1

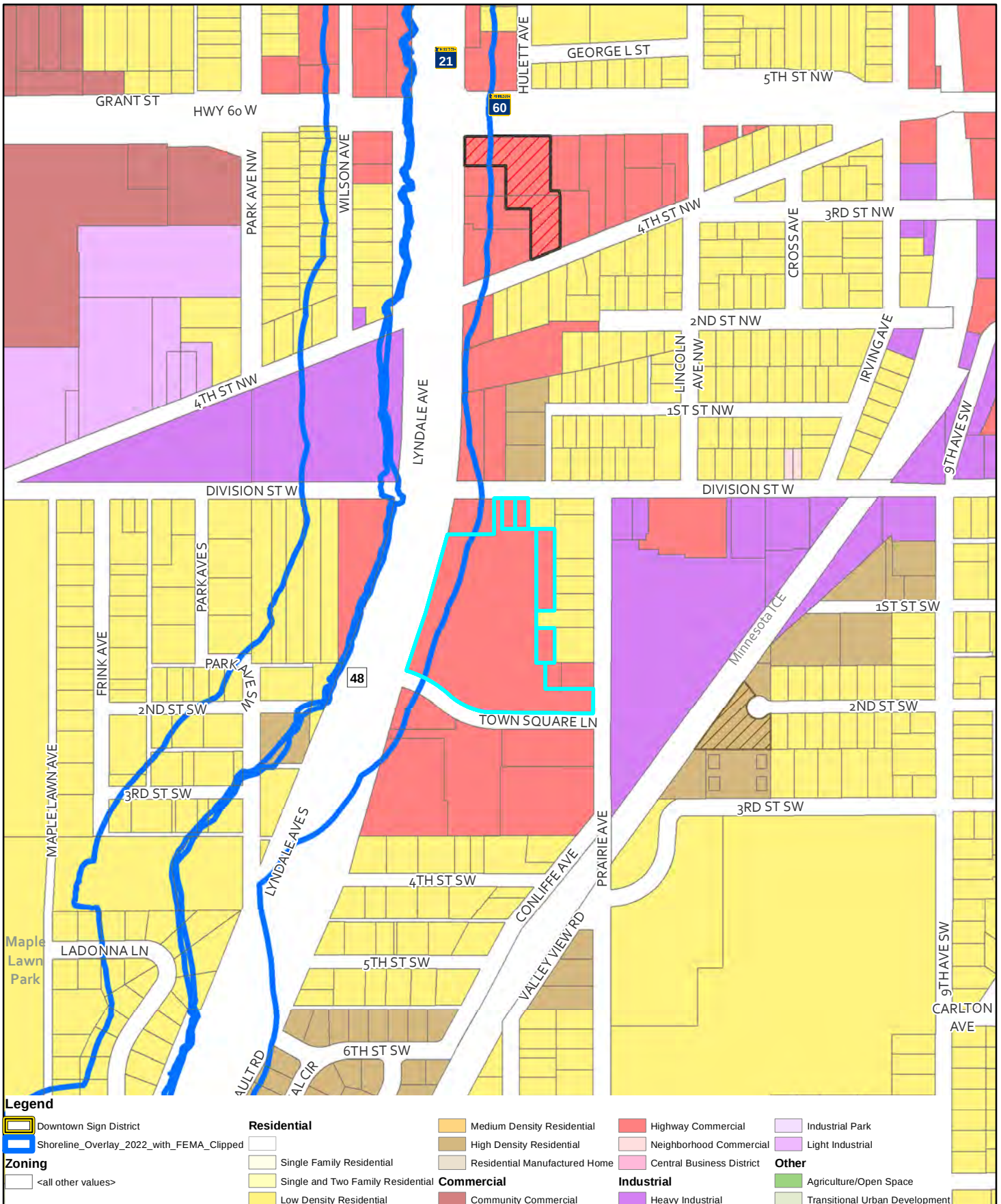
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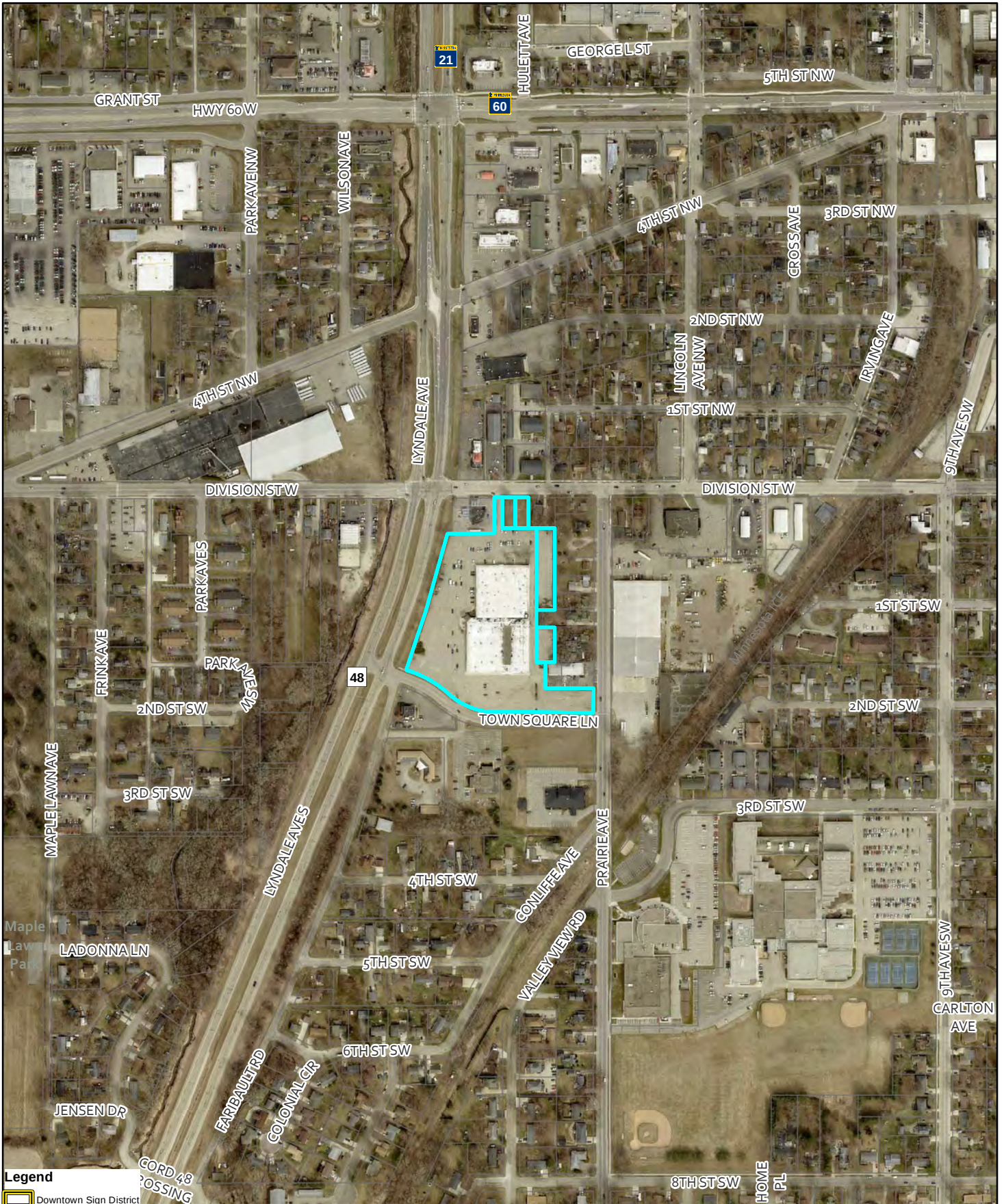
Comprehensive Plan - Town Square Site



Zoning Map - Town Square Site



Town Square Site





TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Applications Associated with property located at 430 Western Avenue S and 20700 Bagley Avenue

Background:

Barbara J. Valentyn Trust, owner of property located at 430 Western Avenue S and 20700 Bagley Avenue (Tract A and B of Registered Land Survey No. 4) have requested a number of planning and zoning approvals associated with a proposed subdivision intended to replat the property in the CLE Addition subdivision plat. Each of the associated applications to be presented for public hearings are discussed in detail in the attached staff memo for this matter.

The list of applications related to CLE Addition are as follows:

1. Variance applications for parking lot and driveway setbacks from the property lines.
2. Preliminary and Final Plat Applications for CLE Addition
3. Rezoning application to change from TUD, Transitional Urban Development District to R-1, Single Family District for the exist home site, and to C-3, Community Development for an undeveloped area at the site.

Recommendation:

The Development Review Committee recommends approval of each of the applications associated with the CLE Addition. The Planning is asked to hold a public jointly on the applications associated with CLE Addition and take separate action on each of them.

Attachments:

1. Staff Memo Re. Applications associated with CLE Addition
2. CLE Addition Comp Map
3. CLE Addition Zoning Map
4. CLE Addition site 430 Western Ave

5. CLE ADD PRELIMINARY PLAT 2-3-23
6. CLE ADD FINAL PLAT 2-3-23



Request for Planning Commission Action

TO: Planning Commission
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Applications Associated with the CLE Addition at 430 Western Avenue S and 20700 Bagley Avenue

BACKGROUND

Matt Drevlow representing the property owner Barbara J. Valentyn Trust, is seeking approval of the following planning applications at 430 Western Avenue S and 20700 Bagley Avenue:

1. Preliminary and Final Plat approval of CLE Addition replatting two developed tracts and establishing a new commercial lot.
2. Setback variances for existing parking lots and driveway; and,
3. Rezoning from TUD, Transitional Urban Development District to R-1, Single Family Residential District for the existing home at 430 Western Avenue S, and C-3 Community Commercial District for the vacant Lot 3 proposed on the north side of the subdivision plat.

The existing Cedar Lake Electric shop and offices at 20700 Bagley Ave. was annexed in 2010 and zoned C-3 at the time of annexation. The home site at 430 Western Avenue S. was annexed to the City in 2003 in accordance with an annexation agreement dated in 1999 for that site.

DISCUSSION / ANALYSIS

Comprehensive Plan. The property is guided for commercial / residential mixed uses in the City's 2040 comprehensive plan.

Zoning District. The current zoning at the site is C-3, Community Commercial District on Tract B of Registered Land Survey No. 4 and TUD, Transitional Urban Development on Tract A. The site is not located in any overlay zoning districts.

Surrounding Uses. Surrounding uses adjoining this site include a C-3 District commercial use to the north at the corner of 4th Street NW and Western Avenue S. Also adjoining to the north are single family uses along the south side of 4th Street NW west of Western Avenue. The Lofts at Evergreen Knolls apartments are to east across Western Avenue S. Tilled farmland in unincorporated Rice County, adjoins the site to the south.

Subdivision. The site was divided into two tracts in 1997 in Registered Land Survey No. 4 that was approved by Rice County at the time. The County approved survey created a commercial tract without frontage on a public street. The City annexed tract B (commercial portion of the site) in 2010 as it exists today.

The subdivision application for CLE Addition replats both tracts from Registered Land Survey No. 4 to establish 65 feet of frontage on Western/Bagley Avenue for the Cedar Lake Electric site and establish a new lot for the existing residence and a new vacant commercial lot north of the residence. All lots will now have frontage on a public street. No development is proposed at this time for new commercial lot (Lot 3 of the subdivision plat).

Variances. The existing parking lots and driveway serving the existing Cedar Lake Electric shop were built prior to annexation and do not meet current City ordinance setback requirements from the existing and proposed lots lines. Also, the applicants are proposing a 65-foot frontage width for Lot 2 in order to provide a reasonable lot of proportions for the residential lot (Lot 1) and separation from the commercial parking lot and driveway serving Cedar Lake Electric. The application includes the following variance requests:

1. Lot width of 65 feet where 100 feet is required in the C-3 District.
2. Parking lot and driveway setback variances to allow the pavement to remain as built at less than 5 feet from the south lot line of proposed Lot 2, where a minimum setback of 5 feet is required. Portions of this driveway encroach across the south lot line which should be corrected, or otherwise addressed with an easement granted by neighboring owner, or by a private agreement between the two adjoining owners.
3. Parking lot setback of less than 4 feet along the west line of the Lot 1 of the proposed subdivision plat, where a 10-foot setback is required adjoining a residential use.

Rezoning Application. The owners are requesting that proposed Lot 1 of the subdivision plat (the existing single-family residence) be rezoned to R-1, Single Family Residential District similar to nearby single-family lots north of the site. Much of Lot 2 of the subdivision plat is already zoned C-3 following boundaries of Tract B of Registered Land Survey No. 4. Lot 2 will be zoned to include the C-3 District designation on the expanded lot area proposed with this CLE Addition subdivision plat. Lot 3 of CLE Addition will also be rezoned to C-3 Community Commercial District designation to match Lot 2 and match the adjoining commercial building at the corner of Western Avenue S and 4th Street NW.

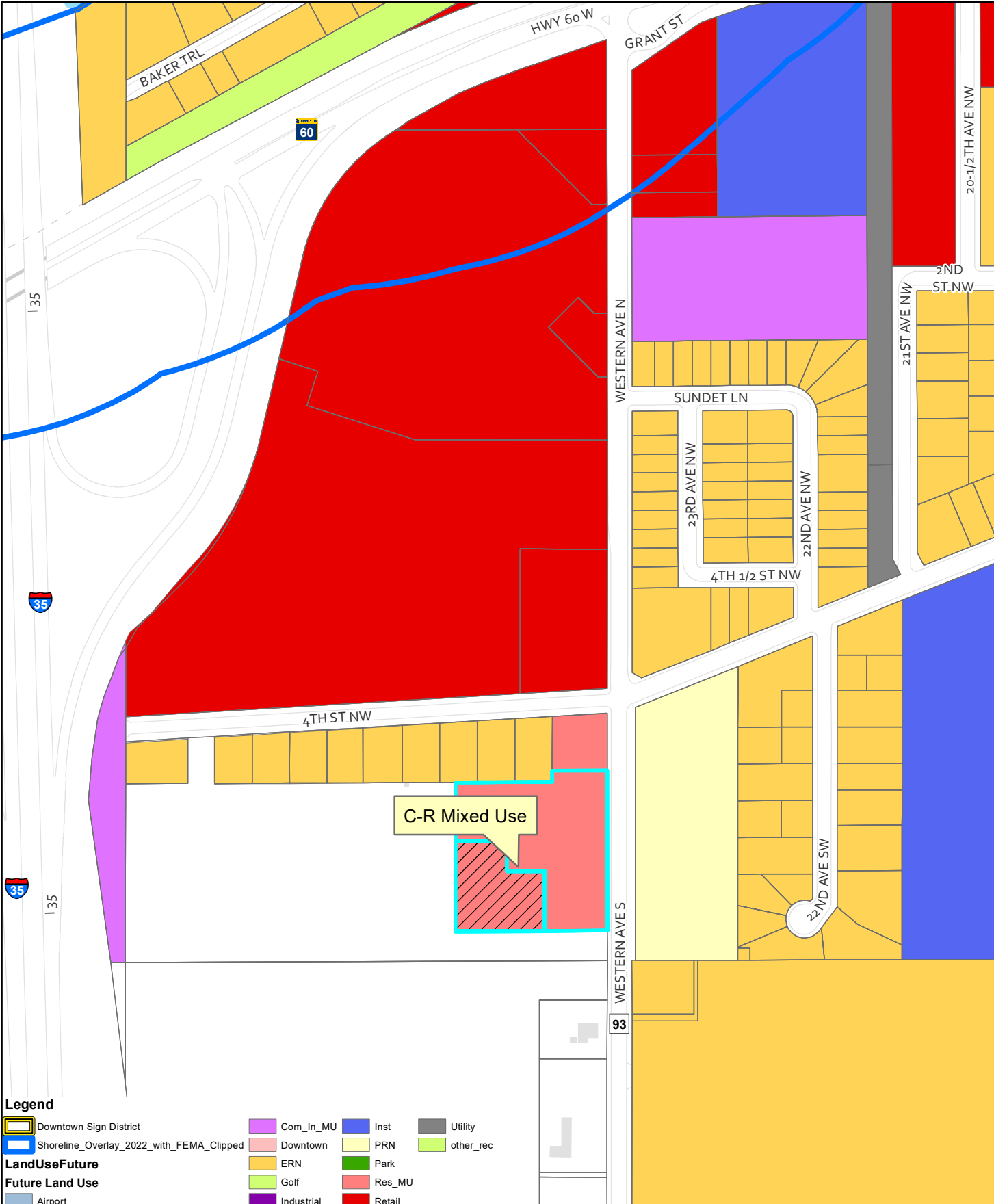
Development Review Committee. The Development Review Committee (DRC) considered this application at their meeting of January 24, 2023. The DRC discussed the applications. They noted the site was developed and subdivided prior to annexation creating a non-conforming situation with a commercial lot without public street frontage and setbacks for the driveway and parking lots built at less than 5 feet from the south line of the property. The DRC had no objections to the variances as they were a result of construction or a land division that occurred prior to annexation into the City limits.

The DRC recommended approval with the conditions of approval listed in the proposed resolutions for these applications.

Requested Action

Hold a public hearing, approve findings in support of the proposed Rezoning Ordinance and the findings as listed in the Resolutions for approval of the requested variances and the Preliminary and Final Plat. Additionally, the Planning Commission is asked to make appropriate recommendations for City Council approval of the applications associated with CLE Addition.

CLE Addition Comp Plan Map



Legend

- Downtown Sign District
- Shoreline_Overlay_2022_with_FEMA_Clippped
- LandUseFuture**
- Future Land Use**
- Airport

- | | | |
|------------|--------|-----------|
| Com_In_MU | Inst | Utility |
| Downtown | PRN | other_rec |
| ERN | Park | |
| Golf | Res_MU | |
| Industrial | Retail | |



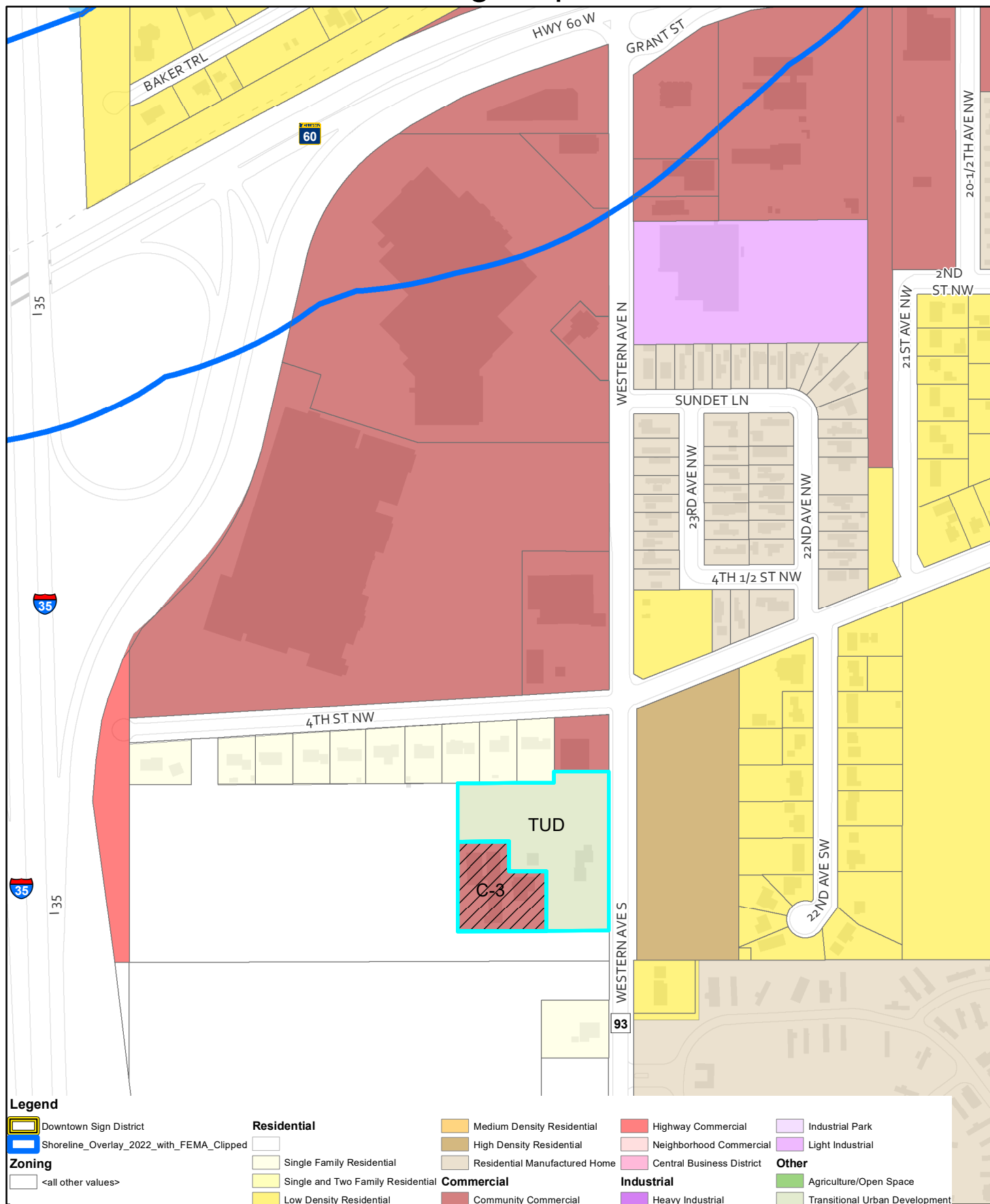
1 in = 350 ft

0 87.5 175 350 Feet



This map is updated periodically to reflect amendments and should be used for general reference purposes. The map is current as of the date of the map. Specific inquiries should be directed to the Planning Division at (507) 334-0100

CLE Addition Zoning Map





CLE Addition site 430 Western Ave. and 20700 Bagley Ave.

LEGEND

- ◇ FIRE HYDRANT
⊙ WATER VALVE
○ MANHOLE
⊠ CATCH BASIN
⊗ POWERPOLE
⊛ LIGHT POLE
--- GUY
☒ TRANSFORMER
⊠ ELECTRIC METER
⊠ TV PEDESTAL
⊠ TELEPHONE PEDESTAL
⊠ AIR CONDITIONER
⊠ HAND HOLE
○ SEMAPHORE
⊠ GAS METER
S SANITARY SEWER
ST STORM SEWER
W WATERMAIN
G UNDERGROUND GAS MAIN
T UNDERGROUND TELEPHONE
E UNDERGROUND ELECTRIC
TV UNDERGROUND CABLE T.V.
OU OVERHEAD UTILITY LINES
● IRON MONUMENT FOUND
○ IRON PIPE MONUMENT SET
..... EXISTING SPOT ELEVATION
● SOIL BORING
..... SIGN
..... DECIDUOUS TREE
..... CONIFEROUS TREE
..... DENOTES TREE AND BRUSH LIMITS
..... DENOTES PROPOSED DRAINAGE ARROW
(944.00) DENOTES PROPOSED ELEVATION
⊙CS CURB STOP
OCO CLEAN OUT
..... BUSH
⊠G BARBECUE GRILL
..... AUTO SPRINKLER
..... BASKETBALL HOOP
..... BENCH
..... WATER SPIGOT
..... TRENCH DRAIN
@MW MONITORING WELL
..... STORM DISIPATER
..... SATELITE DISH
..... TELEPHONE
..... ELECTRIC PEDESTAL
..... FLAG POLE
..... GROUND LITE
..... MAILBOX
..... ROOF DRAIN
..... TRANSMISSION TOWER
..... VENT PIPE
..... WELL

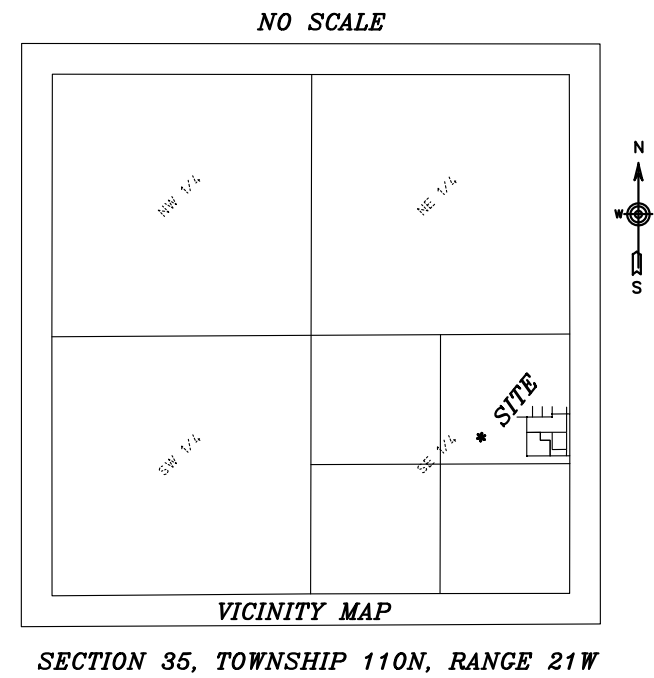
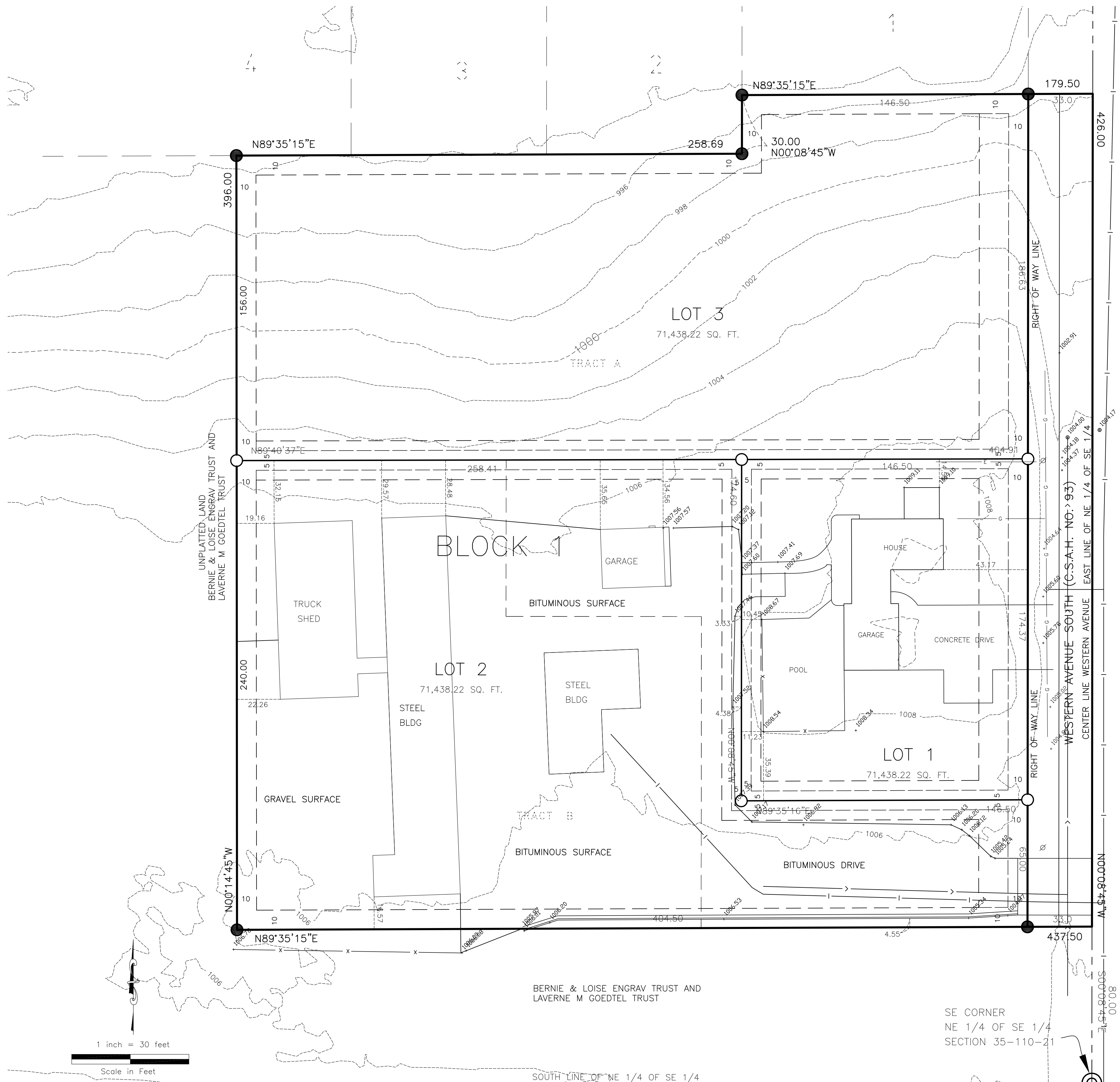
- DENOTES ELEC. LINE
..... DENOTES FENCE LINE
..... DENOTES FIBER OPTIC
..... DENOTES GAS LINE
..... DENOTES SANITARY SEWER
..... DENOTES STORM SEWER
..... DENOTES TELEPHONE LINE
..... DENOTES TV LINE
..... DENOTES OVERHEAD UTL.
..... DENOTES WATERMAIN
..... DENOTES WETLAND
..... DENOTES RAIL ROAD

Alterations to this drawing are prohibited without the express written permission of PTS Land Services, Inc.

This survey reflects above ground indications of utilities and information available from asbuilt drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warranty that the under- ground utilities shown are in the exact location indicated, although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located underground utilities.

NOTE :
This survey was performed under cover of substantial snow fall. The surveyor makes no guarantee that all visible improvements are shown.

PRELIMINARY PLAT CLE ADDITION
PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 110 NORTH, RANGE 21 WEST,
FARIBAULT, RICE COUNTY, MINNESOTA



LEGAL DESCRIPTION:
TRACT A AND TRACT B, REGISTERED LAND SURVEY NO. 4, Rice County, Minnesota.

TRACT A CERTIFICATE OF TITLE NO. 7678
TRACT B CERTIFICATE OF TITLE NO. 13602

TAX IDENTIFICATION NUMBERS:
TRACT A: 1835400016
TRACT B: 1835400017

AREA:
THE PROPERTY CONTAINS 178,770 SQUARE FEET OR 4.1 ACRES MORE OR LESS

ZONING:
TRACT A: R1-A, Residential Homestead District
TRACT B: C3-A, Community Commercial District

FLOOD ZONE:
By graphic interpretation only, this property lies in Zone X (Areas outside the 0.2% annual chance floodplain) per National Flood Insurance Rate Map, Community Panel No. 27131C0266D. Said Rate Map has an effective date of April 03, 2012. No field surveying was performed to determine this zone.

SURVEYORS' NOTES:
1). ZONING AND SETBACK DATA OBTAINED FROM, RICE COUNTY WEB SITE.
2). THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, PRIOR TO FINAL PLAT AN UPDATED TITLE COMMITMENT WILL BE OBTAINED.
3). ALL EXISTING BUILDINGS AND OUT-BUILDINGS ARE TO STAY.
4). THERE IS NO VISIBLE EVIDENCE OF WETLANDS ON THE PROPERTY.
5). TOPOGRAPHY WILL BE ADDED AT THE TIME UTILITIES ARE LOCATED.

BULK REGULATIONS:
TRACT A: R1-A
MINIMUM LOT AREA=9,000 SQ. FT.
MINIMUM LOT WIDTH=70 FEET
BUILDING SETBACKS:
FRONT=25 FEET
SIDE=10 FEET
REAR=10 FEET

TRACT B: C3-A
MINIMUM LOT AREA=40,000 SQ. FT.
MINIMUM LOT WIDTH=100 FEET
BUILDING SETBACKS:
FRONT=25 FEET
SIDE=10 FEET, 15 FEET ABUTTING RESIDENTIAL
REAR=10 FEET, 15 FEET ABUTTING RESIDENTIAL
PARKING AND LOADING SETBACKS:
FRONT=10 FEET
SIDE=5 FEET, 10 FEET ABUTTING RESIDENTIAL
REAR=5 FEET, 10 FEET ABUTTING RESIDENTIAL
EXTERIOR STORAGE SETBACKS:
SIDE=10 FEET
REAR=10 FEET
MAXIMUM BUILDING HEIGHT=42 FEET

I hereby certify that this survey 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.

Signed the 18th day of January, 2023

Timothy S. Peterson
Minnesota License No. 45332
For PTS Land Services, Inc.

PTS LAND SERVICES, INC.
COMPLETE LAND SURVEYING SERVICES

CLE ADDITION

LEGEND

- ☐ 1/2" X 18" IRON PIPE MONUMENT SET, MARKED BY LICENSE NO. 45332
- ☒ RICE COUNTY MONUMENT FOUND
- ☐ IRON PIPE MONUMENT FOUND

BASIS OF BEARINGS:

FOR THE PURPOSES OF THIS PLAT EAST LINE OF NE 1/4 OF SE 1/4, SEC. 1, TWP. 110 N. RGE 21 W, IS ASSUMED TO BEAR NORTH 00 DEGREES 03 MINUTES 10 SECONDS EAST.

VICINITY MAP

SECTION 35, TOWNSHIP 110N, RANGE 21W

KNOW ALL PERSONS BY THESE PRESENTS: That Barbara J. Valenty Trustee of the Barbara J. Valenty Trust, fee owner, of the following described property:

TRACT A, REGISTERED LAND SURVEY NO. 4, RICE COUNTY, MINNESOTA, and TRACT B,
REGISTERED LAND SURVEY NO. 4, RICE COUNTY, MINNESOTA

Have caused the same to be surveyed and platted as CLE ADDITION and do hereby dedicate to the public for public use the public ways and the drainage and utility easements as shown on this plat.

In witness whereof Barbara J. Valenty, Trustee of the Barbara J. Valenty Trust, dated February 27, 2009, have hereunto set

her hands this _____ day of _____, 20__.

Barbara J. Valentyn, Trustee of the
Barbara J. Valentyn Trust, dated _____

SURVEYORS CERTIFICATE:

I, Timothy S. Peterson, Licensed Land Surveyor, certify that I have surveyed and plotted the property described in this plat as GEIGER ADDITION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments depicted on this plat have been or, will be correctly placed in the ground as shown within one year, that the outside boundary lines are correctly designated on the plat and that there are wetlands as defined in Minnesota Statutes Section 505.01 Subd. 3; and all public ways to be designated are shown thereon.

Timothy S. Peterson, Land Surveyor
Minnesota License No. 45332

State of Minnesota

County of _____

The foregoing Surveyor's certificate was acknowledged before me this ____ day of _____.

20__ by Timothy S. Peterson, Land Surveyor,

Notary Public, _____ County, Minnesota

My Commission Expires: _____

CITY COUNCIL, CITY OF FARIBAULT, MINNESOTA:

We do hereby certify that on this _____ day of _____, 20____, the City Council of the City of Faribault, Minnesota, approved this plat, and is in compliance with the provisions of Minnesota Statutes section 505.03, subd. 2.

Kevin F. Voracek Mayor Timothy C. Murray City Administrator

COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, subd. 11, this

plat has been reviewed and approved this_____day of_____

20_____.

Michael Fangman
Rice County Surveyor

RICE COUNTY PROPERTY TAX & ELECTIONS

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20__ on the

land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12,

there are no delinquent taxes and transfer entered this ____day of _____

20____.

Denise Anderson
Property Tax & Elections Director

COUNTY RECORDER

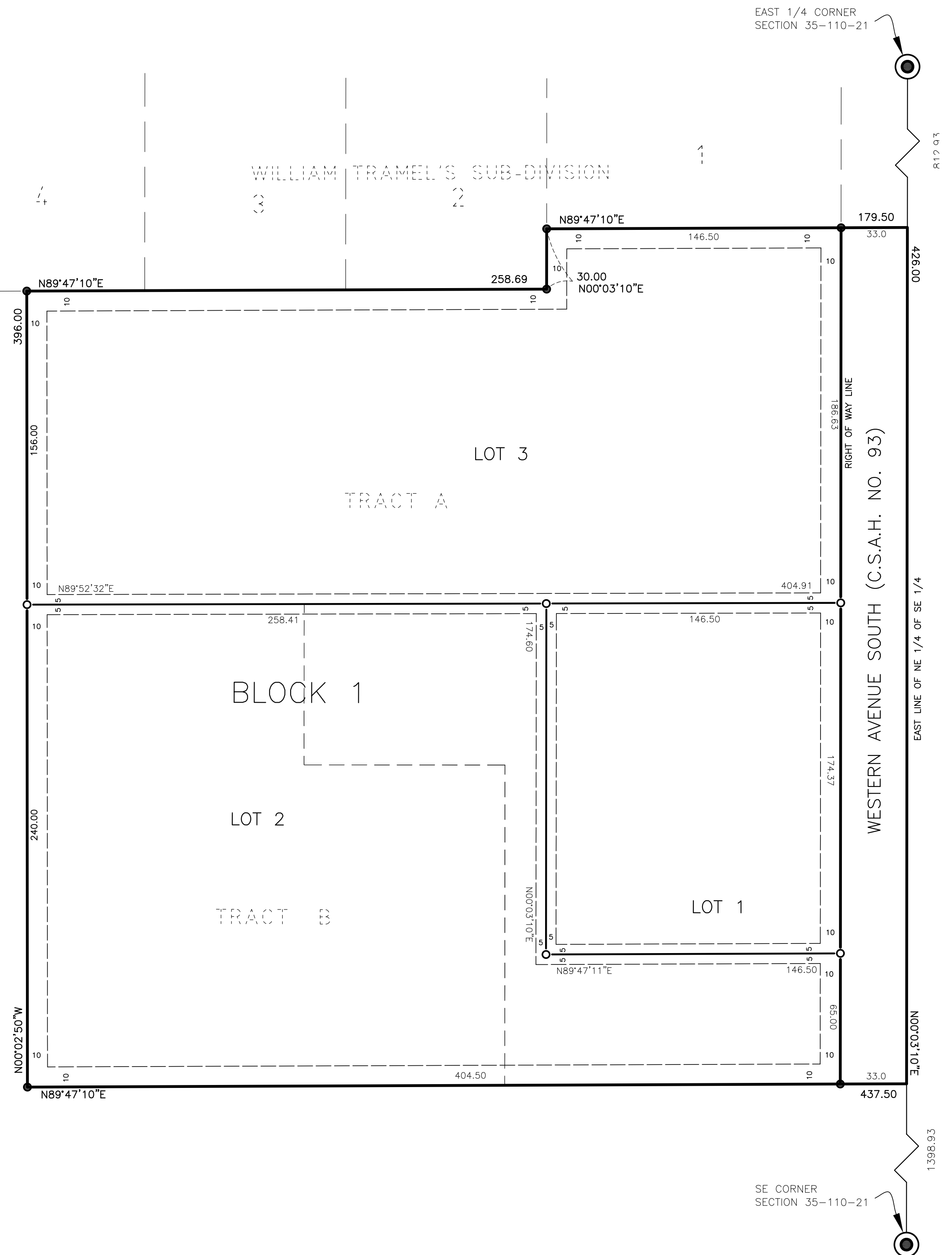
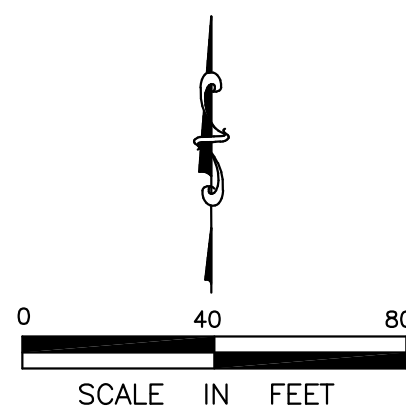
County Recorder, County of Rice, State of Minnesota

I hereby certify that this plat of CLE ADDITION was filed in the office of the County Recorder for

public record on this _____ day of _____, 20 ____ at _____

o'clock __M. and was duly filed as Document Number_____.

Michael Fangman
Rice County Recorder



PTS LAND SERVICES, INC.
COMPLETE LAND SURVEYING SERVICES



TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Variance Applications Related to the CLE Addition Plat to allow a lot width of 65 feet where 100 feet is the minimum required and to approve Parking Lot and Driveway Setbacks of Less Than 5 feet where up to 10 feet is the minimum required at 20700 Bagley Avenue

Background:

This resolution is the first of three separate actions the Planning Commission will consider among the applications associated with the proposed CLE Addition subdivision plat. A detailed staff report was attached with the preceding memo to discuss the variance applications in detail.

Recommendation:

It is recommended that the Planning Commission approve written findings for the requested variances, and forward a recommendation for approval to the City Council.

Attachments:

1. Draft Resolution to Approve Variances - CLE Addition, Existing Driveway, Parking, Lot width 20700 Bagley

[Space above saved for County Recorder's stamp]

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2023- __

APPROVING VARIANCES FOR LOT WIDTH, PARKING LOT SETBACKS AND DRIVEWAY SETBACKS AT THE CEDAR LAKE ELECTRIC SITE, 20700 BAGLEY AVENUE S

WHEREAS, Barbara and Jay Valentyn representing the Barbara J. Valentyn Trust (the "Owner") is requesting approval of an application for multiple variances associated with the CLE Addition subdivision plat related to prior development of property addressed as 20700 Bagley Avenue S (hereinafter referred to as the "subject property") legally described in Exhibit A; and

WHEREAS, the subject property was developed prior to annexation to the City with Cedar Lake Electric's contractor's business with included several buildings, paved parking area and driveways; and

WHEREAS, the proprietor of Cedar Lake Electric built a single-family dwelling with an inground swimming pool and detached garage on what is now an adjoining parcel, that is located between the electrical business shop area and the public street limiting the space available for lot frontage width; and

WHEREAS, the owner wishes to subdivide the property as part of CLE Addition that separates the former proprietor's residence from the business lot and creates a new undeveloped commercial lot; and

WHEREAS, Section 11-100, Table 11.2, of the City's Unified

Development Ordinance requires properties in the C-3, Community Commercial District to have a minimum lot width of one-hundred (100) feet and setback for off-street parking and loading areas of five (5) feet adjoining non-residential uses and ten (10) feet from residential uses; and

WHEREAS, there is only sixty-five (65) feet of space available to the south of home site in order to maintain a proportional residential side yard for separation from the commercial parking area and driveway leading to the electrical contractor business west of the home; and

WHEREAS, the existing parking areas, and driveways serving the electrical contractor's business site were built at less than five (5) feet from the south property line and less than five (5) feet from the proposed rear property line of the adjoining residential lot (formerly the proprietor's residence); and

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

WHEREAS, the Planning Commission, on the 6th day of February, 2023, following proper notice, held a public hearing regarding the requests, and following said public hearing made findings and recommended that the City Council approve the requested variances; and

WHEREAS, following said public hearing, the Planning Commission recommended conditional approval of the requested variances based on the following findings as required by Section 2-460 of the City's Unified Development Ordinance:

1. The variance is in harmony with the general purposes and intent of the City's ordinances.

Expanded Finding: The variances in this case are necessary to address development prior to annexation. The variances will allow the owners to separate their home site from their former business site and therefore will meet the general purpose of the City ordinances to promote and protect property values in City the and each neighborhood.

2. The variance is consistent with the Comprehensive Plan.

Expanded Finding: Granting the requested variances will maintain current land uses, which fits in with the planned commercial / residential mixed uses guided by the Comprehensive Plan.

3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.

Expanded Finding: The subject property and the adjoining residential property were developed prior to this application and associated subdivision of the site and will not alter the existing uses there.

4. Unique circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control. The unique circumstances do not result from the actions of the applicant.

Expanded Finding: The subject property was developed prior to annexation and the development as not therefore required to follow City lot width, and setback standards which created circumstances which are rather unique in the City and were not the result of actions by the owner.

5. The variance does not alter the essential character of the neighborhood.

Expanded Finding: The variance applications will allow the existing development to continue as is and will not result in the alteration of essential character of the neighborhood.

6. The variance requested is the minimum variance, which would alleviate the practical difficulties.

Expanded Finding: The proposed lot width intended to provide proportional lot sizes and width of the existing home site

included in CLE Addition subdivision plat. The setback variances requested address existing paved surfaces that were installed prior to annexation into the City. For these reasons they are the minimum necessary under the circumstances.

7. Economic conditions alone do not constitute practical difficulties.

Expanded Finding: The variances are not attributed to economic conditions in this case.

WHEREAS, the City Council at a public meeting, on the 14th day of February, 2023, 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: Approval of the Requested Variances. The City Council hereby approves the requested variances from Sec. 11-100, Table 11.2 of the Unified Development Ordinance as follows:

1. Lot width of sixty-five (65) feet in the C-3 District where one-hundred (100) feet is the minimum lot width required.
2. Parking lot and driveway setback of less than four (4) feet from a residential lot lined where ten (10) feet is the minimum required.
3. Driveway setback of less than four (4) feet from the south property line of the subject property where five (5) feet is the minimum required.

Said approvals are based on the foregoing recitals, which are incorporated herein by reference, and which constitute the findings of the City Council, all of which are to protect the public's health, safety, and welfare.

Section 2. Conditions Attached to the Approval of the Variance. Approval of the requested variance includes the following conditions:

1. The owner must address the existing driveway encroachment onto property south of the subject property via an agreement with that owner or easement from the effected owner which allows the encroachment to continue. Absent such agreement or easement, the owner must remove the encroaching driveway surface from the adjacent parcel.
2. The owner shall provide the City with a copy of the encroachment agreement or easement or remove the encroaching material within one year of the date of this resolution.

Section 3. Compliance. The City Council authorizes the Mayor, City Administrator, City Staff, and the City Attorney to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 4. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: February 14, 2023

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A

(Legal Description)

Lot 2, Block 1, CLE Addition, City of Faribault, Rice County, Minnesota.

Property Address: 20700 Bagley Avenue S



TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Applications for Preliminary and Final Plat Approval of CLE Addition at 430 Western Avenue S and 20700 Bagley Avenue.

Background:

This resolution is presented as the second of three separate actions the Planning Commission is asked to consider among the applications associated with the proposed CLE Addition subdivision plat. A detailed staff report was attached with a preceding memo (in agenda item 4C) to discuss the rezoning application in detail.

Recommendation:

It is recommended that the Planning Commission approve the written findings listed in the draft resolution, and provide a recommendation that the City Council approve the Preliminary and Final Plats for CLE Addition.

Attachments:

1. Draft Resolution Approving the PFP of CLE Addition

CITY OF FARIBAULT

RESOLUTION #2023- ____

APPROVING THE PRELIMINARY AND FINAL PLAT APPLICATIONS FOR CLE ADDITION AT 430 WESTERN AVENUE S AND 20700 BAGLEY AVENUE S

WHEREAS, Barbara and Jay Valentyn, on behalf of the Barbara J. Valentyn Trust (the "Owner") have requested preliminary and final plat approval plat two commercial lots and one residential lot on Parcels addressed as 430 Western Avenue S and 20700 Bagley Avenue S, and legally described on Exhibit A of this resolution; and

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

WHEREAS, the Planning Commission, on the 6th day of February, 2023, following proper notice, held a public hearing regarding the applications, and following said public hearing made findings and recommended approval of the applications; and

WHEREAS, the City Council, on the 14th day of February 14, 2023, at a public meeting considered the application; and

WHEREAS, based upon said report, hearing, and recommendation, the City Council hereby finds that approval of the preliminary plat for CLE Addition as depicted on Exhibit B, subject to the attached conditions of approval, is appropriate with the following findings as required by Section 15-130 of the City's Unified Development Ordinance:

- 1. Criteria: 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.**

Finding: The proposed preliminary plat is consistent with the area requirements of lots in the C-3 Community Commercial District and the R-1, Single Family Residential District, the proposed zoning for

this plat. The preliminary plat is subject to the approval of an associated lot width variance application allowing a sixty-five (65) foot lot width where a one-hundred (100) feet is required. The preliminary plat is consistent with all other applicable provisions of the Unified Development Ordinance.

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

Finding: The City's Land Use Plan guides the subject property for Mixed Commercial / Residential Development. The proposed commercial use is consistent with this plan.

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

Finding: The preliminary plat provides for a lots that are compatible with other properties in the vicinity.

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

Finding: The layout of the lots in the preliminary plat are done in a manner consistent with the provisions of the City's Unified Development Ordinance and will be compatible with lots on adjoining properties.

5. Criteria: All submission requirements have been satisfied.

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

WHEREAS, the City Council further finds that approval of the final plat of CLE Addition as depicted on Exhibit C, subject to certain conditions of approval, is appropriate with the following findings as required by Section 15-210 of the City's Unified Development Ordinance:

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

Finding: The Owner has applied for the final plat approval

concurrently with the preliminary plat. The Final Plat conforms to the preliminary plat as required.

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

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

3. All submission requirements have been satisfied.

Finding: The proposed final plat adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault that the preliminary and final plat for CLE Addition are hereby approved, subject to the following conditions:

1. The Owner shall adequately address all items as listed in the City Attorney's plat opinion letter or as may be otherwise directed by the City Engineer, City Attorney, or others with review and approval authority of the City.
2. The final plat shall be recorded with the Rice County Recorder's Office within twelve (12) months following City Council approval unless extended by the City or it shall be deemed null and void.
3. The final plat shall be submitted in a digital format suitable to the City Engineer when the final plat is forwarded for required City signatures.
4. The Property Owners shall enter into a Development Agreement with the City prior to recording the final plat and shall satisfy all terms and conditions set forth in the Development Agreement.
5. Before the approved final plat is filed with the Rice County Recorder's office, all applicable fees must be paid and the Developer must enter into a Development Agreement to the satisfaction of the City Attorney, and satisfy all requirements contained in the Development Agreement.
6. The Property Owners/applicants shall submit a title insurance policy

upon recording the plat and will be subject to any requirements resulting from City Staff's and the City Attorney's review of the title work and plat opinion issued for this plat.

7. The Owner shall pay a cash fee in lieu of land for Park Dedication in accordance with Sec. 15-336 of the Unified Development Ordinance in the amount of \$1,530 based on a lot area of 66,700 square feet applicable only to Lot 3 of the plat.
8. The City Administrator and City Attorney are authorized to have final revisions made to the plat and development agreement necessary to carry out City Council intent with this approval resolution.

Date Adopted: February 14, 2023

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

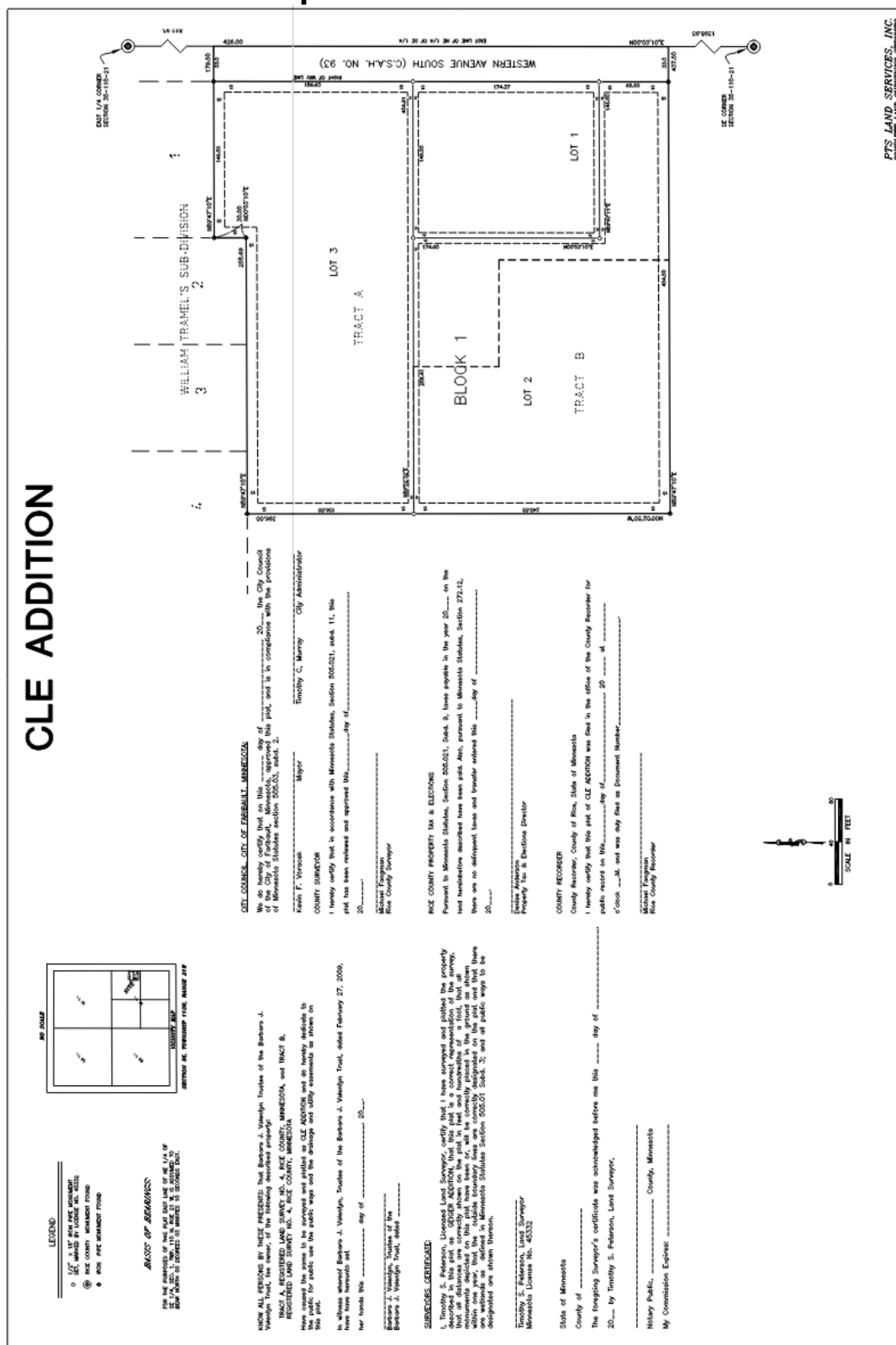
Timothy C. Murray, City Administrator

Exhibit A
Legal Description

Tract A, Registered Land Survey No. 4, Rice County, Minnesota, and
Tract B, Registered Land Survey No. 4, Rice County, Minnesota

Exhibit C

Depiction of the Final Plat





TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
MEETING DATE: February 6, 2023
SUBJECT: Application for Rezoning from TUD, Transitional Urban Development District to R-1, Single Family Residential District for an existing home site and to C-3, Community Commercial District for New Commercial Lot within the CLE Addition at 430 Western Avenue S.

Background:

This ordinance is presented as the third of three separate actions the Planning Commission is asked to consider among the applications associated with the proposed CLE Addition subdivision plat. A detailed staff report was attached with the preceding memo to discuss the rezoning application in detail.

Recommendation:

It is recommended that the Planning Commission approve the written findings listed in the attached draft ordinance and forward its recommendation for approval to the City Council for adoption of the ordinance.

Attachments:

1. Draft Ordinance to Rezone Property in the CLE Addition

(Space Reserved for Recording)

**CITY OF FARIBAULT
ORDINANCE No. 2023-X**

**REZONE PROPERTY IN THE CLE ADDITION PLAT TO R-1, SINGLE FAMILY
RESIDENTIAL DISTRICT AND C-3, COMMUNITY COMMERCIAL ZONING DISTRICT AT
430 WESTERN AVENUE**

WHEREAS, Barbara and Jay Valentyn on behalf of the Barbara J. Valentyn Trust, (the "Applicant") request approval of an application to rezone their property in the CLE Addition subdivision plat (the "Property"), legally described in Exhibit A, from TUD, Transitional Urban Development to R-1, Single Family Residential District for Lot 1, and to C-3 Community Commercial District for Lot 3 of the CLE Addition plat, located at 430 Western Avenue S; and

WHEREAS, the proposed rezoning application is submitted in association with the CLE Addition subdivision applications and variance application at the site; and

WHEREAS, the proposed rezoning application regarding Lot 1, is applicable to a fully developed property with an existing single-family dwelling on it, to be zoned R-1, Single Family Residential District; and

WHEREAS, the proposed rezoning application to C-3, Community Commercial District regarding Lot 3, is applicable to a vacant lot with no immediate plans for development; and

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

WHEREAS, the Planning Commission, on February 6, 2023, following proper notice, held a public hearing regarding the Applicant's requests; and

WHEREAS, based on a review of the City Staff report and the results of the public hearing, the Planning Commission recommended approval of the Applicant's request to rezone the Property to R-1 Single Family Residential District on Lot 1, and to C-3, Community Commercial District on Lot 3 of the CLE Addition subdivision plat, 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 rezoning application includes commercial and residential designations 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 rezoning benefits the public by providing changing the zoning designations on site to reflect existing residential use of Lot 1 better conforming to established zoning requirements, and provide an opportunity to develop a vacant lot to its highest and best use consistent with the comprehensive plan, adjoining lots improving the City property tax base, and will not be of a sole benefit to the property owner.

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 rezoning application applies to an existing residential use of Lot 1 better conforming to established zoning requirements, and to a vacant commercial lot that will be zoned to match adjoining lots that already have C-3 zoning designations.

- 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 application allows an existing single-family residential use to continue and provides for future commercial use of a vacant lot that currently adjoins lots with the same zoning as this proposal.

- 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 current TUD zoning district designation was put in place the time of annexation of the subject site. The TUD designation is general used from the time of annexation until the highest and best long-term use of the property can be determined. There is a need for additional commercial development sites in Faribault. The Applicant's request responds to the City's need for in that regard.

WHEREAS, the City Council conducted the first reading of this ordinance on February 14, 2023, and the second reading of this ordinance on February 28, 2023; 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 Subject Property. The Property is hereby rezoned from TUD Transitional Urban Development District to R-1, Single Family Residential District on Lot 1, Block 1 of CLE Addition, and to C-3, Community Commercial District on Lot 3, Block 1 of CLE Addition as requested for property located at 430 Western Avenue S.

Section 3. 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 4. 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 5. 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 CLE Addition 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

First Reading: February 14, 2023

Second Reading: February 28, 2023

Publication Date: _____, 2023

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

**EXHIBIT A:
LEGAL DESCRIPTION**

PROPERTY TO BE ZONED R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

Lots 1, Block 1, CLE Addition, City of Faribault, Rice County, Minnesota

PROPERTY TO BE ZONED C-3, COMMUNITY COMMERCIAL DISTRICT

Lot 3, Block 1, CLE Addition, City of Faribault, Rice County, Minnesota