



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, NOVEMBER 15, 2021

7:00 PM

1. Call to Order
2. Approval of the Minutes
 - A. Approve October 18, 2021, Planning Commission Meeting Minutes
3. Public Hearings
 - A. Requests associated with an Existing Parcel at 1440 Willow Street:
 - (1) Amend the City's Comprehensive Plan to Change the Guided Land Use of the Subject Property from Established Residential Neighborhood to Commercial / Industrial Mixed-Use
 - (2) Rezone the Subject Property from R-1, Single-Family Residential to C-2, Highway Commercial
 - B. Request for Preliminary and Final Plat Approval of Faribault Buckham Center Addition in the Area of Division Street between Willow Street and 1st Avenue SW and on 1st Street SE between Willow Street and 1st Avenue SW
 - C. Request to Amend the City's Unified Development Ordinance, Chapter 15, Article 7, related to Park Dedication
 - D. Request to Amend the City's Unified Development Ordinance, Chapter 13, Article 2 related to Floodplain Management
4. Adjournment

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



**FARIBAULT PLANNING COMMISSION
MEETING MINUTES**

Monday, October 18, 2021

7:00 PM

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

Present: Commissioner Albers, Commissioner Ali, Commissioner Campbell, Commissioner Jackson, Commissioner Temple, and Chair Ackman.

Not Present: Commissioner White.

2. APPROVAL OF MINUTES

A motion by Albers seconded by Jackson to approve the September 20, 2021 Meeting Minutes. The Motion passed unanimously.

3. PUBLIC HEARINGS

- A. Application for a Conditional Use Permit to Construct a Storage and Maintenance Building to Replace an Outdated Building at Calvary Cemetery 3415 Calvary Drive, in the TUD Transitional Urban Development District.

After some discussion, Chair Ackman opened the matter up for public hearing; no one came forward and closed public hearing and brought it back for further discussion, there was none. Chair Ackman then asked for a motion.

A motion was brought by Temple and seconded by Ali to recommend approval of the Resolution for a Conditional Use Permit to Construct a Storage and Maintenance Building at 3415 Calvary Drive subject to the findings and conditions.

Motion carried unanimously.

- B. Applications for Proposed Residential Development at 903 Spring Road

1. Variance from Side Yard Building and Parking Lot Setbacks
2. Conditional Use Permit to Move a Previously Occupied Multi-Family Dwelling to a Lot in the R-4 High Density Residential District

3. Planned Unit Development to Allow Two, Four-Unit Residential Buildings on a Single Lot in the R-4, High Density Residential District

The applicant is requesting variances from side parking lot setback requirements are requested to allow a 5' setback from the east where 10' is the minimum required for this district. The developer is also seeking a variance from side building setback requirements to allow both buildings at a 10' setback from the west lot line where a minimum of 15' is required in the R-4 district. DRC's recommendation was for denial. They felt it was a self-created situation and the two buildings were not created for this site. Better for custom built or taller with more units. The footprint is set because the building is already built and there is not real feasible option. No unique circumstances, nothing unusual that would cause a hardship; relatively level, vacant lot. Some of the buildings surrounding meet the setbacks but none of the parking lots meet the setbacks. Kwik Trip goes over the line. A PUD must provide a design for open space but doesn't created enhanced open space and doesn't meet the findings for staff. After Mr. Waldock's presentation, Chair Ackman opened the matter up for discussion. Commissioner Albers agreed with staff that it's a self-made hardship and would not be in favor. After more discussion, Chair Ackman opened the matter up for Public Hearing. The Applicant, Chris Bakken came forward and addressed some of the questions. Closed public hearing and went on to further discussion with request to focus on the variance. Temple doesn't want to deny development and felt that the CUP, variance, etc. does not override the need for housing. Chair Ackman cannot get past the variance and didn't feel there was anything there for him to vote in favor.

Commissioner Campbell made a motion seconded by Commissioner Albers for denial of the request for the Variance, CUP and PUD at 903 Spring Road. Based on the discussion, Chair Ackman seemed to have a sense that this might be a split decision and requested a Roll Call vote:

Recording Secretary Casper began:

Commissioner Albers: Yay

Commissioner Ali: Nay

Commissioner Campbell: Yay

Commissioner Jackson: Nay

Commissioner Temple: Nay

Chair Ackman: Yay

Motion fails on a 3/3 vote. Since the motion is tied, the DRC's recommendation for denial will be passed on to the City Council for consideration.

Not action will be taken on the CUP or PUD at this time.

4. ADJOURN

Commissioner Temple made a motion to adjourn seconded by Commissioner Ali at 8:17 p.m.

Respectfully Submitted,

Kari Casper, Administrative Assistant II



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, Planning Coordinator
MEETING DATE: November 15, 2021
SUBJECT: Requests associated with an Existing Parcel at 1440 Willow Street:

Background:

Peter Nass, property owner at 1440 Willow St. has submitted applications for a Comprehensive Plan Amendment from Existing Residential Neighborhood (ERN) to Commercial-Industrial-Mixed Use. Additionally, he has requested rezoning the property from R-1, Single Family Residential District to C-2, Highway Commercial District. The property has an existing two-unit commercial building with a paved parking lot and an accessory building. The applications are necessary to approve the change of use of the property to a new commercial use at the site.

The building was originally built (prior to annexation) for use as a snowmobile dealership and repair shop. The current owners operated a custom glass business from the property and rented out space in the building to a locksmith business. The property currently has space rented by Mad-Chassis car customizing business. It is also still used by Mr. Nass for his glass and mirror business on a reduced basis.

The following staff report memos include the recommended findings regarding these applications. They are provided to address both the application details separately. Staff will present them together for discussion during the public hearing.

Recommendation:

The Development Review Committee is recommending denial of the applications in this case.

Attachments:

1. 3A Staff Report - 1440 Willow Street Comp Plan Amdment and Rezoning



FARIBAULT PLANNING COMMISSION

NOVEMBER 15, 2021 - PUBLIC HEARING

Case Numbers and Requests:	21-40 Applications related to 1440 Willow Street as follows: (1) Comprehensive Plan Amendment to Change the Guided Land Use of the Subject Property from Established Residential Neighborhood to Commercial / Industrial Mixed-Use (2) Rezone the Subject Property from R-1, Single-Family Residential to C-2, Highway Commercial
Applicant and Owner:	Peter Nass, Owner
Requested Action:	Deny the Requested Applications related to this property
Deadline for Council Action:	December 18, 2021 unless extended by the City
From:	Peter J. Waldock, AICP, Planning Coordinator

BACKGROUND

Peter Nass, property owner at 1440 Willow St. has submitted applications for a Comprehensive Plan Amendment from Existing Residential Neighborhood (ERN) to Commercial-Industrial-Mixed Use. Additionally, he has requested rezoning the property from R-1, Single Family Residential District to C-2, Highway Commercial District. The property has an existing two-unit commercial building with a paved parking lot and an accessory building.

The building was originally built (prior to annexation) for use as a snowmobile dealership and repair shop. The current owners operated their glass business from the property and rented space in the building to a locksmith business. The property currently has space rented by Mad-Chassis car customizing business. It is also still used by Mr. Nass for his glass and mirror business on a part time basis.

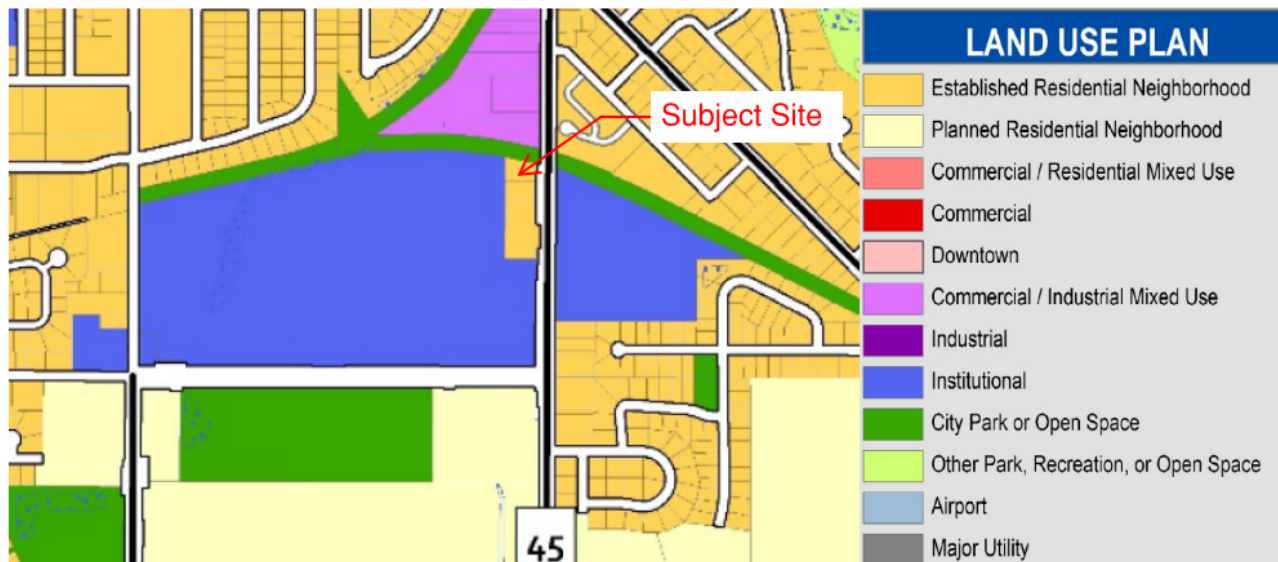
DISCUSSION

Zoning Certificate. According to Sec. 2-200 of the UDO a zoning certificate is required when there is a change or expansion of use for commercial properties. The purpose of this code section is to review the new use for consistency with the regulations of this ordinance. The owners did not apply for a zoning

certificate in this case until after being notified by the City of a sign permit violation for Mad-Chassis new sign.

Lawful Nonconforming Use / Change of Use. Generally, the commercial use of the building is a lawful nonconformity. As such, the commercial uses may continue on site, but must not intensify when the commercial uses on site change. The DRC has determine the Mad Chassis use is an intensification compared to the locksmith use and the glass business use because it involves major auto repair services.

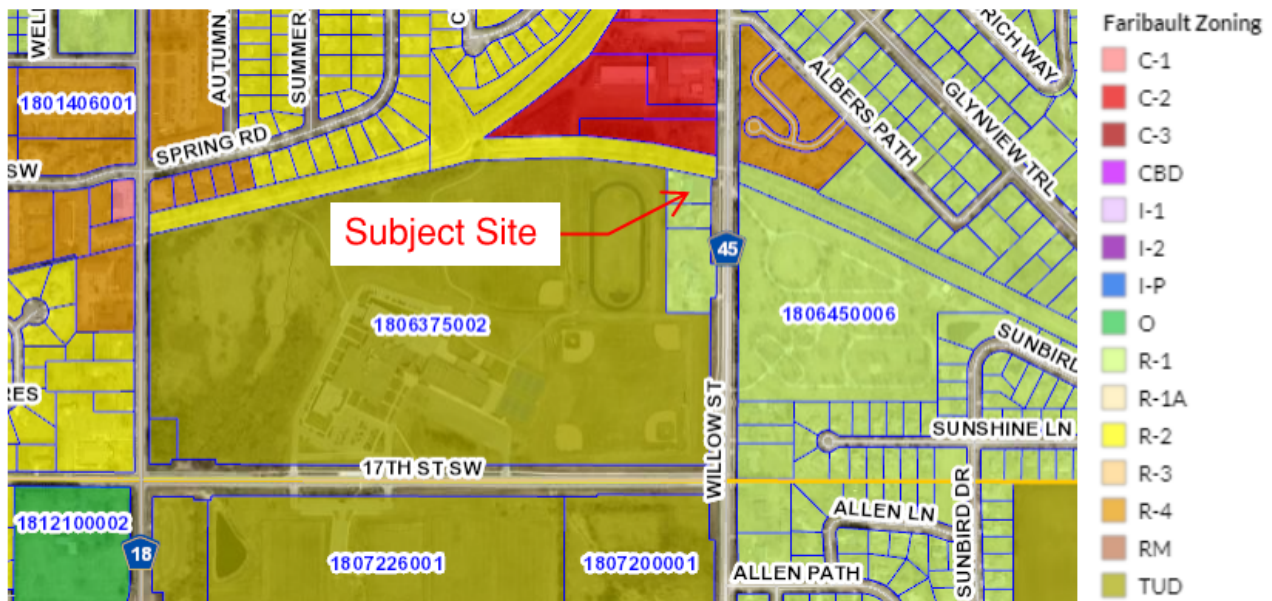
Comprehensive Plan. This is guided as an Existing Residential Neighborhood (ERN). During the plan update process, the steering committee discussed the subject site in this case and chose not to guide the site for commercial use knowing that the property had an existing commercial building on site that was in use at the time. The new plan was adopted accordingly.



Zoning District. The property is currently zoned R-1 Single Family Residential District, which is consistent with the comprehensive plan. The owner is seeking a change to C-2 Commercial District to match the commercial district north of the adjoining trail and better fit the current uses of the property.

- Parking. The UDO requires parking numbers based on type of use. Office and retail use require 1 space per 300 SF of gross floor area. Auto repair uses require 1 space per employee and 3 spaces per service bay. The parking lot is paved but not striped. There appears to be enough space to meet parking requirements here.
- Buildings. The commercial building is a metal building with cement floor and heating system.
- CUP. A Conditional Use Permit will be needed because Mad Chassis business is found to be a major auto repair use. The business operators have indicated that they feel their business is not a major auto repair

business since they don't do autobody, frame straightening or drivetrain rebuilding, but the business does involve re-conditioning of passenger automobiles and engine and transmission replacement.



UDO definitions follow:

Automobile repair, major. An establishment engaged in performing major repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease or minor accessories may be sold. Major repair may include engine rebuilding, rebuilding or re-conditioning of passenger automobiles, body, frame or fender straightening and repair, painting, rust-proofing, engine overhaul or replacement, and transmission overhaul. Such work excludes commercial wrecking, dismantling, junkyard, tire recapping and truck-tractor repair. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

Automobile repair, minor. An establishment engaged in performing minor repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease or minor accessories may be sold. Minor repair may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair or servicing of automobiles. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

This Mad-Chassis business use is similar to the Heavy Metal Customs applications recently considered by the City. The City processed that application as a major auto repair business requiring a CUP for zoning approval at that site.

DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee (DRC) considered this application at its meeting of November 2, 2021. The DRC does not recommend approval of the applications related to 1440 Willow Street based on the following findings, comments and observations.

1. The Comp Plan Steering Committee discussed this site specifically and determined it should be guided for residential use which requires a transition from the commercial use it was built for to residential.
2. The Planning Commission and City Council adopted the plan accordingly.
3. Without the comp plan amendment, the rezoning application should be denied as it must be consistent with the plan.
4. The commercial zoning boundary is more logically at the trail crossing along Willow Street.
5. Commercial zoning should not extend south the trail as this will introduce a commercial district adjoining much less intensive uses for the school and the adjoining single family uses.
6. The Mad-Chassis business is found to be a major auto repair use in that it involves re-conditioning cars and replacing engines and transmissions.
7. A CUP for major auto repair in the C-2 District will be needed if the comp plan amendment and rezoning applications are approved.
8. The City has processed a CUP for a similar use recently in another part of the City.
9. If the rezoning application was to be approved, it is recommended that the residential driveway be redirected to access Willow Street directly and not cross over the parking lot of the commercial building site any longer.

Applicable Code Sections:

Chapter 2, Faribault Unified Development Ordinance (UDO), general requirements and procedures for zoning amendments (rezoning) and Zoning Certificate approvals.

Sec. 2-170. Action by the City Council on zoning amendments.

The City Council shall make the final decision regarding all zoning amendments. Amendment of this ordinance or the zoning district boundaries shall require a majority vote four-sevenths (4/7) of the City Council, except when an adoption or amendment changes all or part of the existing classification of a zoning district from residential to either commercial or industrial, in which case a two-thirds (2/3) vote five-sevenths (5/7) of all members of the City Council shall be required.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2002-18, § 1, 8-27-02)

REQUIRED FINDINGS

Sec. 2-180. Required findings on zoning amendments.

The City Council shall make each of the following findings before granting approval of a request to amend this ordinance or to change the zoning designation of an individual property:

- (1) Whether the amendment is consistent with the applicable policies of the city's Land Use Plan.
- (2) Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.
- (3) 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.
- (4) 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.
- (5) 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.

(Ord. No. 99-20, § 1, 11-23-99)

RECOMMENDATION

The DRC recommends denial of the applications related to 1440 Will Street based on the following findings:

Comprehensive Plan Amendment Findings:

- The City has determined the subject site should transition to low density residential uses as it adjoins a school, trail and other low-density residential uses.
- No new commercial uses should be developed south of the Trail crossing on Willow Street as this would be inconsistent with established low-density residential uses in this area.

Rezoning Application Findings:

- Rezoning the site from R-1 Single Family Residential to C-2, Commercial District is not consistent with the comprehensive land use plan.
- The rezoning request is for the benefit of the property owner and not in the public's long-term interest for this area.
- There are reasonable uses of the property without rezoning approval, in that the light commercial uses in the building are grandfathered.
- The use of the building for major auto repair is an intensification of the use of the property which was not grandfathered at the site.

ATTACHMENTS

- Plans, Maps and Exhibits



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, Planning Coordinator
MEETING DATE: November 15, 2021
SUBJECT: (1) Amend the City's Comprehensive Plan to Change the Guided Land Use of the Subject Property from Established Residential Neighborhood to Commercial / Industrial Mixed-Use

Background:

This report and recommended findings will address the first or two applications, related to 1440 Willow Street. First is the application for a comprehensive plan amendment.

The building was originally built (prior to annexation) for use as a snowmobile dealership and repair shop. The current owners operate a custom glass business from the property and rented out space in the building to a locksmith business. The property currently has space rented by Mad-Chassis car customizing business. It is also still used by Mr. Nass for his glass and mirror business on a reduced basis.

The City's Journey to 2040 Comprehensive Plan was approved in September of 2020. During the review process to develop the new plan, the steering committee discussed this site specifically in light of its history as a commercial use in an area of the City that now seems to be residential in nature and adjoins the middle school. They chose to recommend guiding the site as existing residential uses rather than for commercial use. Ultimately, the Planning Commission and City Council agreed with the steering committee's recommendations for the new land use plan and adopted it accordingly.

For these reasons, the Development Review Committee (DRC) recommends that the comprehensive plan not be changed for this site, thus the application should be denied. The related staff report to the planning commission provides a detailed summary of the DRC concerns with this application and lists the findings for denial in this case.

Recommendation:

The Development Review Committee recommends denial of the

application for an amendment to the Comprehensive Plan Amendment based on the findings as follows:

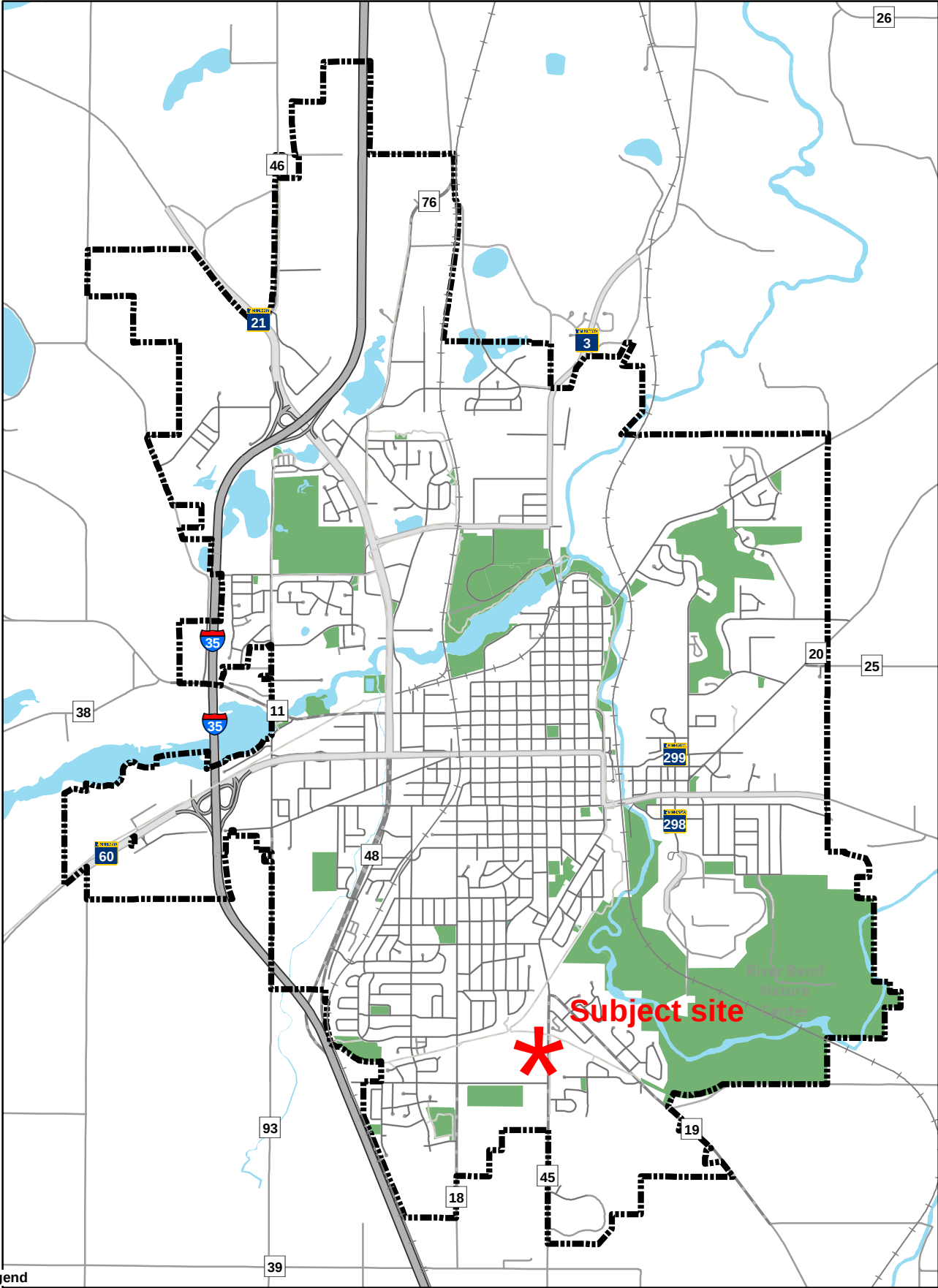
1) The City has determined the subject site should transition to low density residential uses as it adjoins a school, trail and other low density residential uses.

2) No new commercial uses should be developed south of the Trail crossing on Willow Street as this would be inconsistent with established low density residential uses in this area.

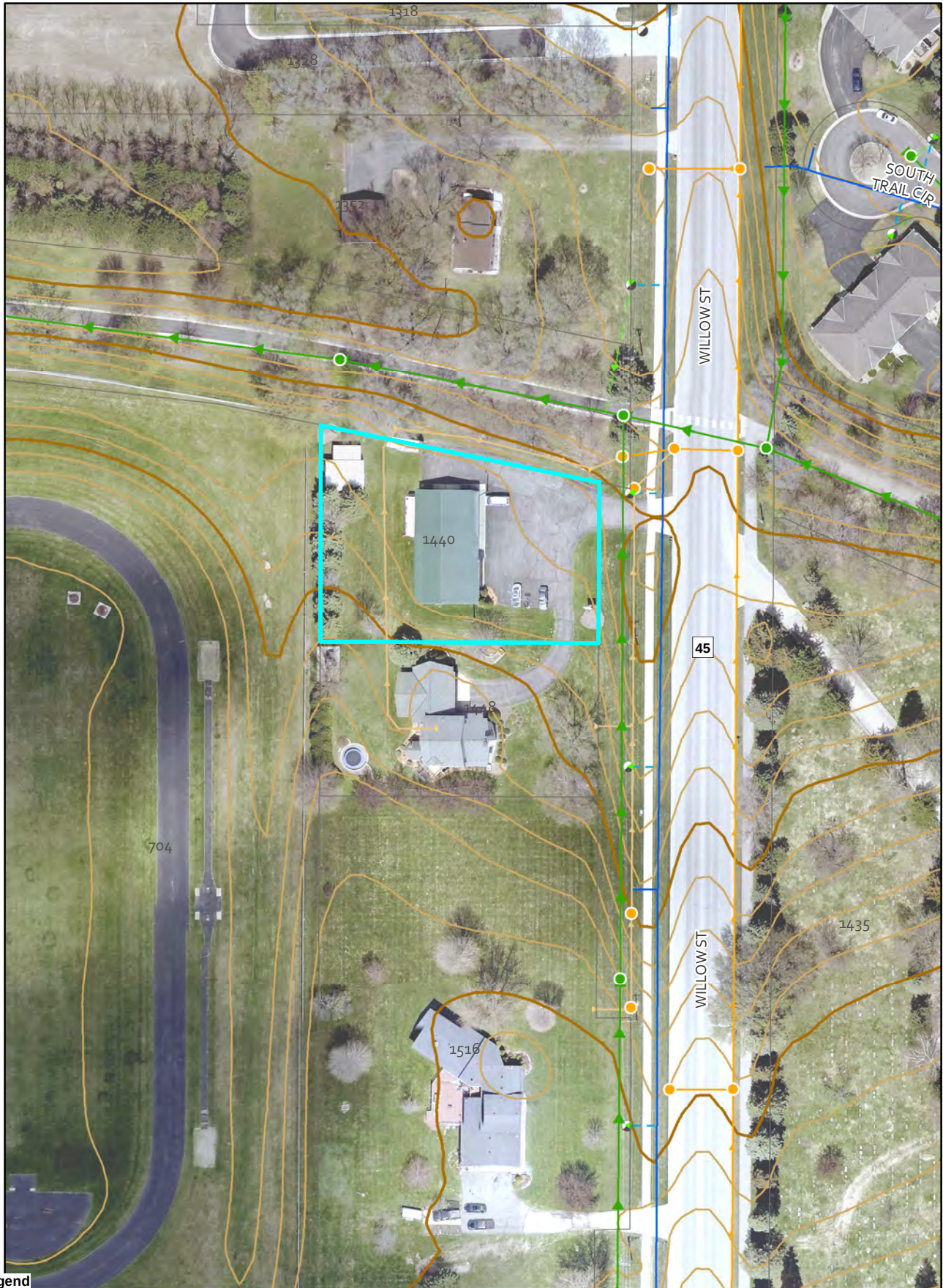
Attachments:

1. 3A(1) Maps
2. 3A(1) Comp Plan Application - 1440 Willow Street

1440 Willow St



1440 Willow Street

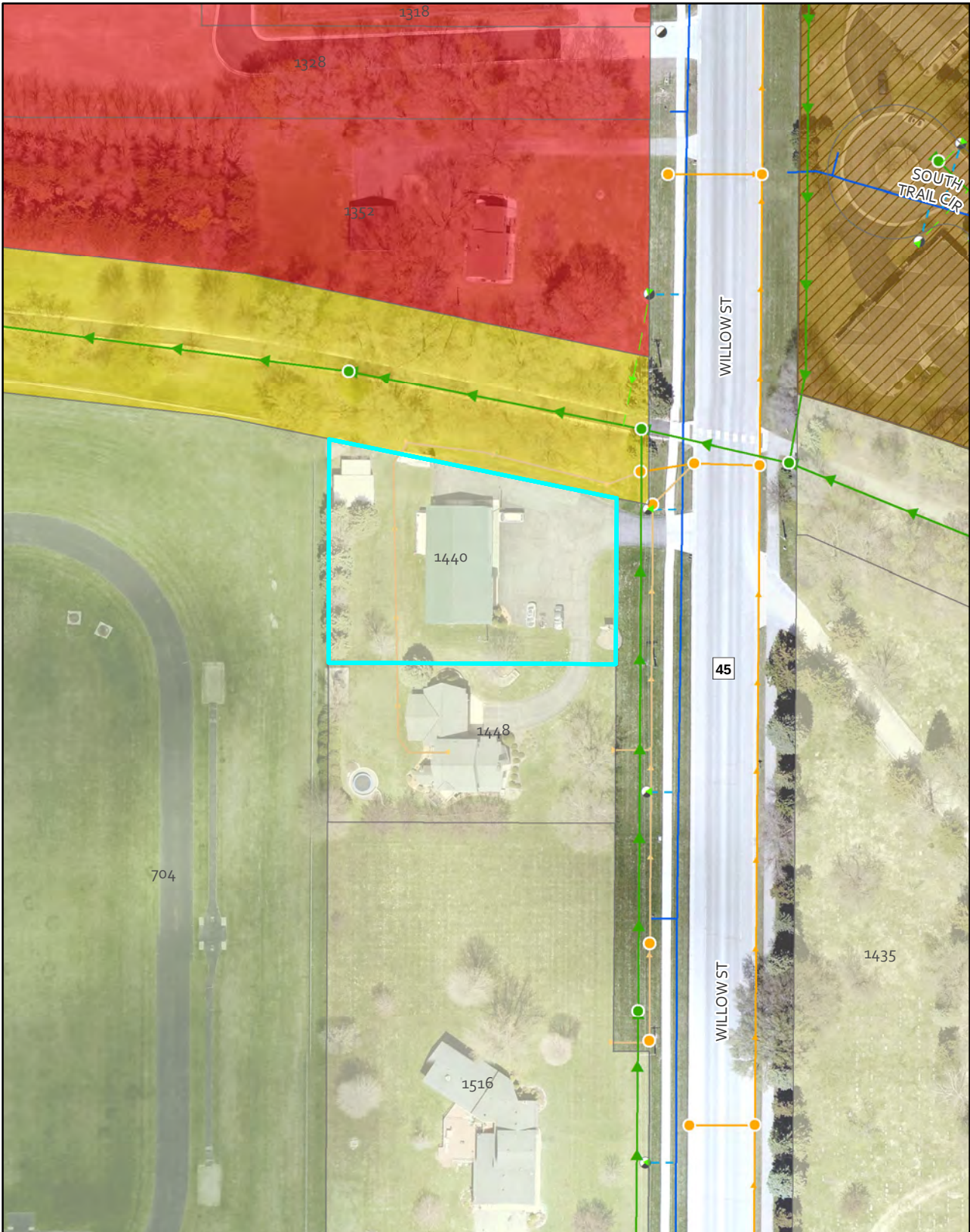


Legend

Comprehensive Plan Map - 1440 Willow Street



Zoning Map - 1440 Willow Street



Legend

Zoning	Single Family Residential	High Density Residential	Highway Commercial	Industrial	Other
<all other values>	Single and Two Family Residential	Residential Manufactured Home	Neighborhood Commercial	Heavy Industrial	Agriculture/Open Space
Residential	Low Density Residential	Commercial	Central Business District	Industrial Park	Transitional Urban Development
	Medium Density Residential	Community Commercial		Light Industrial	





APPLICATION FOR REQUESTED ACTION
Comprehensive Plan Amendment

Planning Case # _____
Filing Fee _____

APPLICANT Pete Nass E-MAIL nasspete-0@gmail-com

PHONE 334-7528 (H) 838-5827 (W) _____ (FAX) _____

ADDRESS 1448 Willow St Faribault

DEVELOPER (if other than applicant) same

PHONE _____ (H) _____ (W) _____ (FAX) _____

ADDRESS _____

ADDRESS OF PROPERTY 1440 Willow St Faribault

COMPLETE LEGAL DESCRIPTION OF PROPERTY

ACREAGE/SIZE OF PROPERTY 0.3

CURRENT USE OF PROPERTY 1/2 Storage - 1/2 Rental

PROPOSED USE OF PROPERTY 1/2 Storage - 1/2 Rental

IDENTIFY ALL ADJACENT LAND USES on back

PROPERTY IS ☒ ABSTRACT ☐ TORRENS

SIGNATURE OF APPLICANT Pete Nass DATE 10/6/21
(Must submit proof of property control)

PLEASE PROVIDE ALL INFORMATION REQUESTED ON THE BACK OF THIS FORM

COMPREHENSIVE PLAN AMENDMENT

To request a change to the City's Comprehensive Plan, the City's long term plan to guide the growth, redevelopment, and improvement of the City.

THE FOLLOWING INFORMATION IS REQUIRED FOR A COMPREHENSIVE PLAN AMENDMENT TO CHANGE A LAND USE PLAN DESIGNATION:

1. Location map showing existing conditions of the property and adjacent land uses
2. Complete legal description of the property
3. Written narrative explaining the proposed Comprehensive Plan Amendment and the requested change to the Comprehensive Plan, along with information supporting why the change is needed, including:
 - A. Any new information that has become available since the Comprehensive Plan was adopted that supports revision of the plan.
 - B. If the amendment affects a particular site, whether or not the change is needed to allow reasonable development of the site.
 - C. The relationship of the proposed amendment to the supply and demand for particular land uses within the City.
 - D. The possible impacts to infrastructure, such as sewer, water, storm water drainage and water quality, transportation, and parks and open space.
4. If the proposed change is related to an increase in density designated by the Comprehensive Plan Land Use Plan, provide the number of units and total acreage proposed for the density of development.
5. Please reference the section of the Comprehensive Plan in your narrative. The complete Comprehensive Plan is available on the City's website under:

<http://www.faribault.org/departments/communitydev/planningzoning>

Please refer to the Land Use Plan section starting on 4-1, page 1 of Chapter 4. Specific land use plan categories are described on 4-4 – 4-9.

FOR QUESTIONS ON COMPREHENSIVE PLAN AMENDMENTS AND OTHER SECTIONS OF THE PLAN, PLEASE CONTACT PLANNING DEPT. STAFF AT (507) 333-0350.

SIGNATURE OF APPLICANT

Pete Now

DATE

10/6/21

Planning Case #

Land uses

North - walking path

South - single family dwelling

East - cemetery

West - Fbo Middle School Field

1440 Willow Street
Comprehensive Plan Application

Purpose:

This application is intended to provide for continuous of existing commercial uses at this property.

The building was originally built in 1974 as a snowmobile dealership and repair shop. It has been used as commercial use continuously ever since. The current owners have operated a commercial glass business on this site since purchasing the property in 1987 and now wish to lease a portion of the building for other commercial use. To that end, we are seeking to revise the land use plan and zoning map for continued commercial use of property moving forward. (Chapter 3 of 2040 Comprehensive Plan)

The existing building is approximately 4,000 sq ft with the bituminous parking lot being approximately 8500 sq ft. No new development of the property is requested. The land and buildings will be maintained as immaculate as they currently are maintained. Truly a nice gateway into Faribault on Willow Street.

Submitted October 6, 2021

To: Planning Commission Members and City Council Members

1. The property 1440 Willow Street has been used commercially since it was developed in 1974.
2. The area directly to the north is zoned C-2, so including my property is a natural inclusion into C-2. It would not be a stand alone or island property.
3. The current building is not impeding any further development of residential building. It is landlocked.
4. Since I have been the owner of the building and successfully running a business out of it, I have never heard of any complaints toward it being a commercial site. I have owned the building for 34 years now.

Submitted October 6, 2021



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, Planning Coordinator
MEETING DATE: November 15, 2021
SUBJECT: (2) Rezone the Subject Property from R-1, Single-Family Residential to C-2, Highway Commercial

Background:

This report and recommended findings will address the second of two applications, related to 1440 Willow Street. The second of the associated applications is for rezoning the site from R-1 Single Family Residential District to C-2 Highway Commercial District.

The building on site was originally built (prior to annexation) for use as a snowmobile dealership and repair shop. The current owners operate a custom glass business from the property and rented out space in the building to a locksmith business. The property currently has space rented by Mad-Chassis car customizing business. It is also still used by Mr. Nass for his glass and mirror business on a reduced basis.

Commercial use of the site is considered a lawful non-conformity by the City. As such, the original commercial uses are allowed to continue indefinitely but the uses cannot be changed to more intensive commercial uses with the current residential zoning designation in place.

The automobile customizing business was started without first receiving the required zoning certificate. It is not a use approved by the City on this site in the existing residential district. It is seen as an intensification of the commercial use of the property and a zoning certificate cannot be issued for the use until the property is rezoned to a C-2 commercial district as requested. The rezoning application is not consistent with the new comprehensive plan for this area. If the comprehensive plan is amended and the rezoning approved for the site, a Conditional Use Permit for major auto repair in the C-2 District will be needed as well for the auto customization business use.

The Development Review Committee (DRC) is not recommending approval of the comprehensive plan application associated with this site. Therefore, the rezoning application should be denied as well. The related staff report to the planning commission provides a detailed summary of

the DRC concerns with this application and lists the findings for denial in this case.

Recommendation:

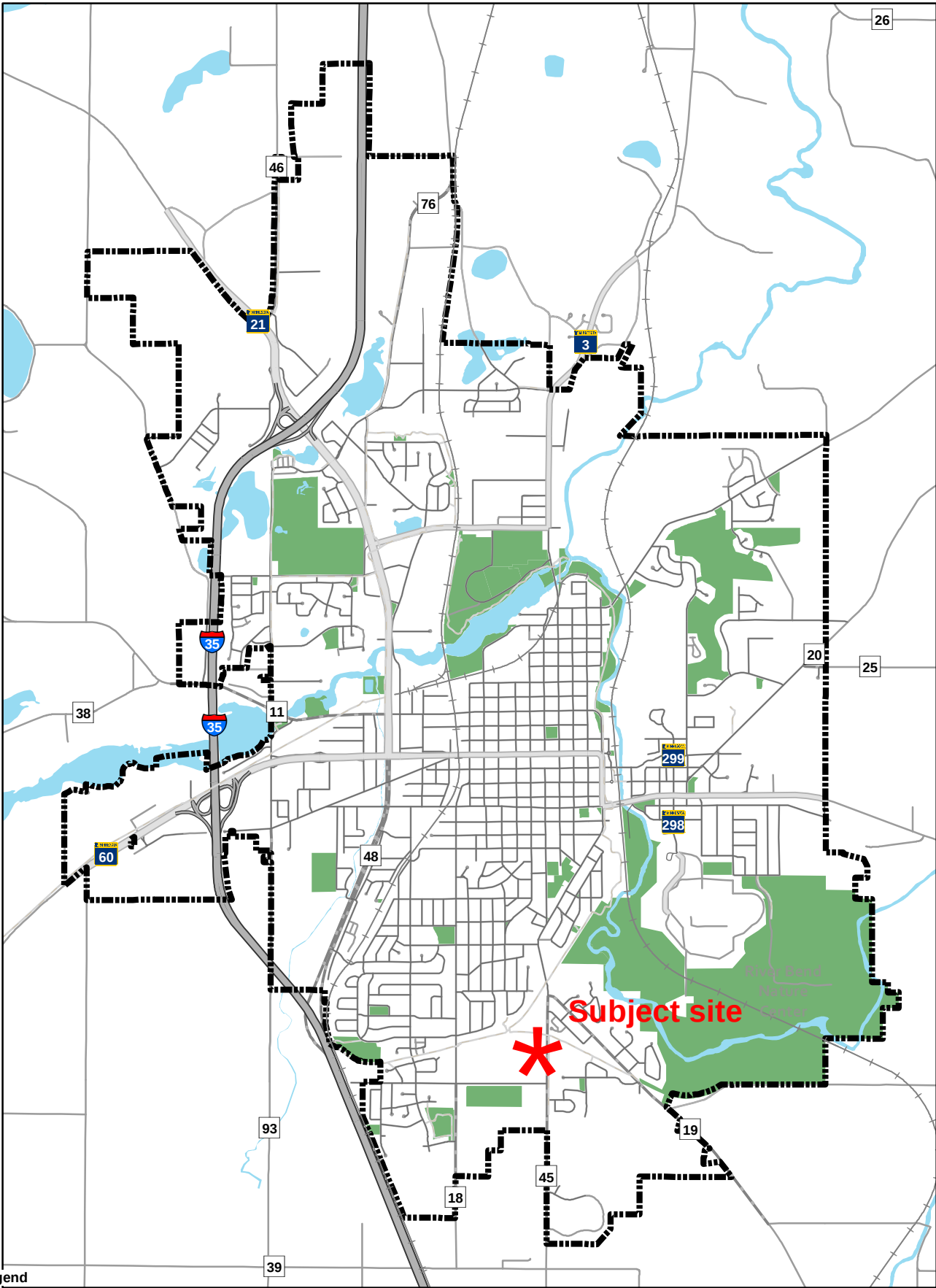
The Development Review Committee (DRC) recommends denial of the rezoning application requested for 1440 Willow St based on the following findings:

1. Rezoning the site from R-1 Single Family Residential to C-2, Commercial District is not consistent with the comprehensive land use plan.
2. The rezoning request is for the benefit of the property owner and not in the public's long-term interest for this area.
3. There are reasonable uses of the property without rezoning approval, in that the light commercial uses in the building are grandfathered.
4. The use of the building for major auto repair is an intensification of the use of the property which was not grandfathered at the site.

Attachments:

1. 3A(2) Maps
2. 3A(2) Rezoning Application - 1440 Willow Street

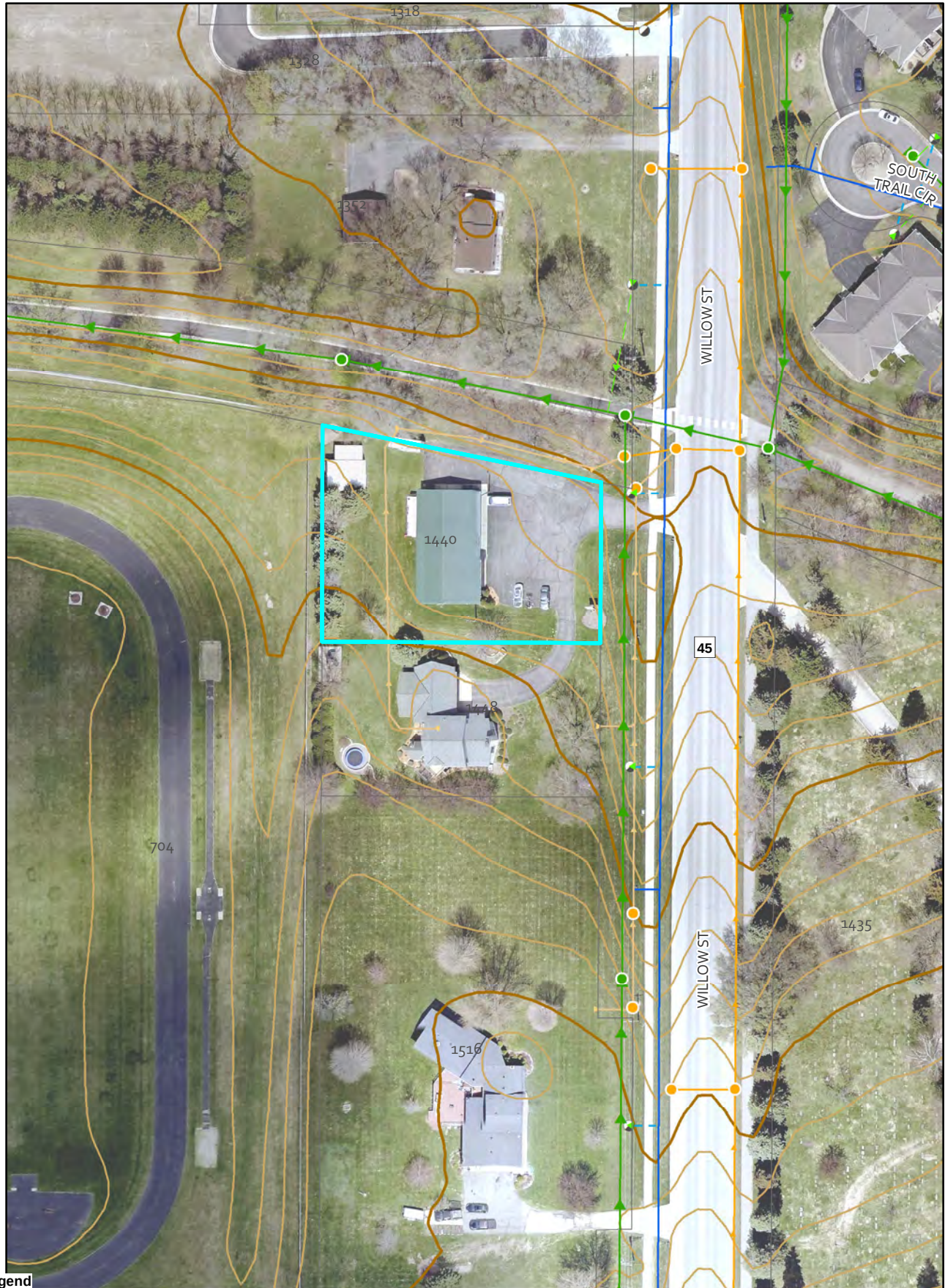
1440 Willow St



Legend



1440 Willow Street



Legend

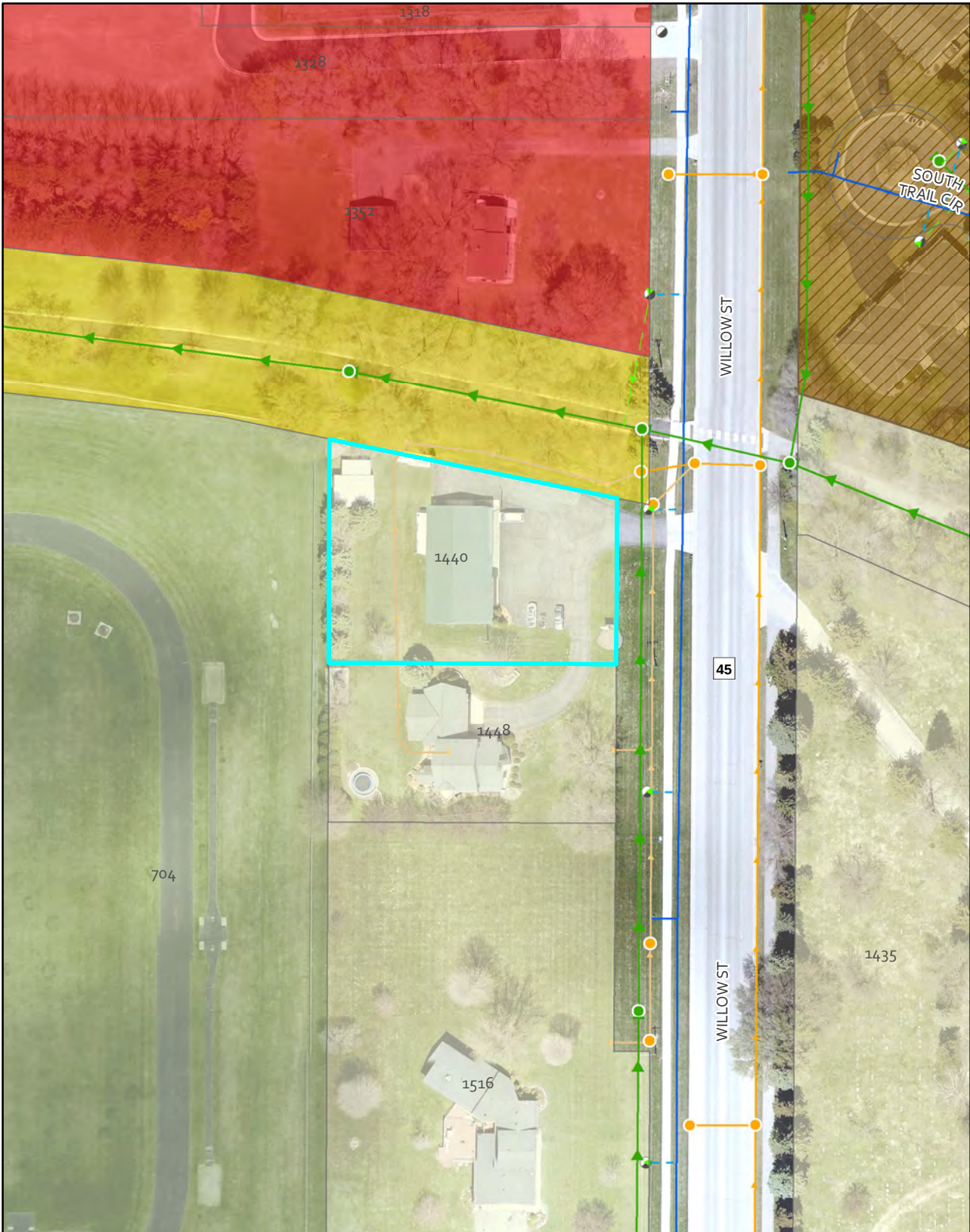
Comprehensive Plan Map - 1440 Willow Street



Legend

LandUseFuture	Com_In_MU	Golf	PRN	Retail
Future Land Use	Downtown	Industrial	Park	Utility
	Airport	ERN	Inst	Res_MU
				other_rec

Zoning Map - 1440 Willow Street



Legend

Zoning	<all other values>	Single Family Residential	High Density Residential	Highway Commercial	Industrial	Other
Residential		Single and Two Family Residential	Residential Manufactured Home	Neighborhood Commercial	Heavy Industrial	Agriculture/Open Space
		Low Density Residential	Commercial	Central Business District	Industrial Park	Transitional Urban Development
		Medium Density Residential	Community Commercial		Light Industrial	



APPLICATION FOR REQUESTED ACTION
Rezoning/Text Amendment

Planning Case # _____
Filing Fee _____
Hearing Date _____

TO BE FILLED OUT BY ALL APPLICANTS

TYPE OF REQUEST: _____ REZONING _____ TEXT AMENDMENT

APPLICANT Pete Nass E-MAIL nasspete@gmail.com

PHONE 334-7528 (H) 838-5827 (W) _____ (FAX) _____

ADDRESS 1448 Willow St Faribault

REZONING

Legal Description _____ Size of Property 0.3

Current Zoning R-1 Proposed Zoning C-2

Existing Use of Property storage/rental Proposed Use of Property storage/rental

Identify All Adjacent Land Uses on back

Reason for Request _____

REQUIRED SUBMITTALS:

- ☐ Boundary survey of the property
- ☐ Concept development plan

TEXT AMENDMENTS

A detailed written summary fully explaining the proposed amendment to the ordinance which should include the following:

- ☐ Specific section of City Code to be amended
- ☐ List of the specific changes being proposed
- ☐ Specific reasons for the requested amendment
- ☐ Any necessary graphics
- ☐ Statement of why the amendment should be granted
- ☐ Benefits to be derived by the proposed change in text
- ☐ Impacts of the proposed amendment on those affected by it
- ☐ Relationship of the proposed amendment to community plans

SIGNATURE OF APPLICANT Pete Nass DATE 10/6/21
(Must submit proof of property control)

North - walking path

South - Single family dwelling

East - Cemetery

West - Fbo Middle School Field

To: Planning Commission Members and City Council Members

1. The property 1440 Willow Street has been used commercially since it was developed in 1974.
2. The area directly to the north is zoned C-2, so including my property is a natural inclusion into C-2. It would not be a stand alone or island property.
3. The current building is not impeding any further development of residential building. It is landlocked.
4. Since I have been the owner of the building and successfully running a business out of it, I have never heard of any complaints toward it being a commercial site. I have owned the building for 34 years now.

Submitted October 6, 2021

1440 Willow Street
Comprehensive Plan Application

Purpose:

This application is intended to provide for continuous of existing commercial uses at this property.

The building was originally built in 1974 as a snowmobile dealership and repair shop. It has been used as commercial use continuously ever since. The current owners have operated a commercial glass business on this site since purchasing the property in 1987 and now wish to lease a portion of the building for other commercial use. To that end, we are seeking to revise the land use plan and zoning map for continued commercial use of property moving forward. (Chapter 3 of 2040 Comprehensive Plan)

The existing building is approximately 4,000 sq ft with the bituminous parking lot being approximately 8500 sq ft. No new development of the property is requested. The land and buildings will be maintained as immaculate as they currently are maintained. Truly a nice gateway into Faribault on Willow Street.

Submitted October 6, 2021



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, Planning Coordinator
MEETING DATE: November 15, 2021
SUBJECT: Request for Preliminary and Final Plat Approval of Faribault Buckham Center Addition in the Area of Division Street between Willow Street and 1st Avenue SW and on 1st Street SE between Willow Street and 1st Avenue SW

Background:

The City first approved a preliminary plat for the Faribault Buckham Center Addition in September of 2017 when the Senior Center was expanded. The City sought to combine a number of parcels on the block south of Division Street and north of 1st Street between 1st Avenue and Willow Street. The City also updated the Comprehensive Plan and rezoned the block to CBD as part of this project. Due to title issues the final plat was not processed and the preliminary plat approval was allowed to expire while the City completed a title registration process (which can take over a year to complete) to address and properly correct the title gaps and overlaps found on the block. An associated subdivision, the Hillside Addition, was approved in 2019, platting the City property north of Division Street in this block. The title registration process has been completed and the City wishes to proceed with preliminary and final plat approval at this time.

The proposed plat combines 12 existing lots into one lot for the Community Center/Senior Center/ Library building and replats three single family residential lots with existing homes on the block along 1st Street. Two of the single family lots along 1st Avenue are privately owned rental homes. The third home is owned by the Faribault HRA and used as a rental home as well. The plat does not include Peace Park or Park Place right of way. Park Place was removed and is now part of the parking lot for the library. Peace Park was also excluded from the plat completely to avoid title concerns.

The preliminary and final plats meet City subdivision ordinance requirements and comply with City zoning standards for lots within the CBD Central Business District. The plat will effectively correct issues with

the existing buildings built across lot lines on the property now. The subdivision process will be address title concerns and clarify property records on the block for all owners. No additional development is associated with this subdivision proposal.

Recommendation:

The Planning Commission is asked to approve the Preliminary and Final Plat of the Faribault Buckham Center Addition.

Attachments:

1. 3B Staff Report - PFP Faribault Buckham Center Addition
2. Draft Resolution Approving Prelim. & Final Plat Faribault Buckham Center Addition
3. Preliminary Plat 8-28-21
4. Final Plat Set 8-28-21



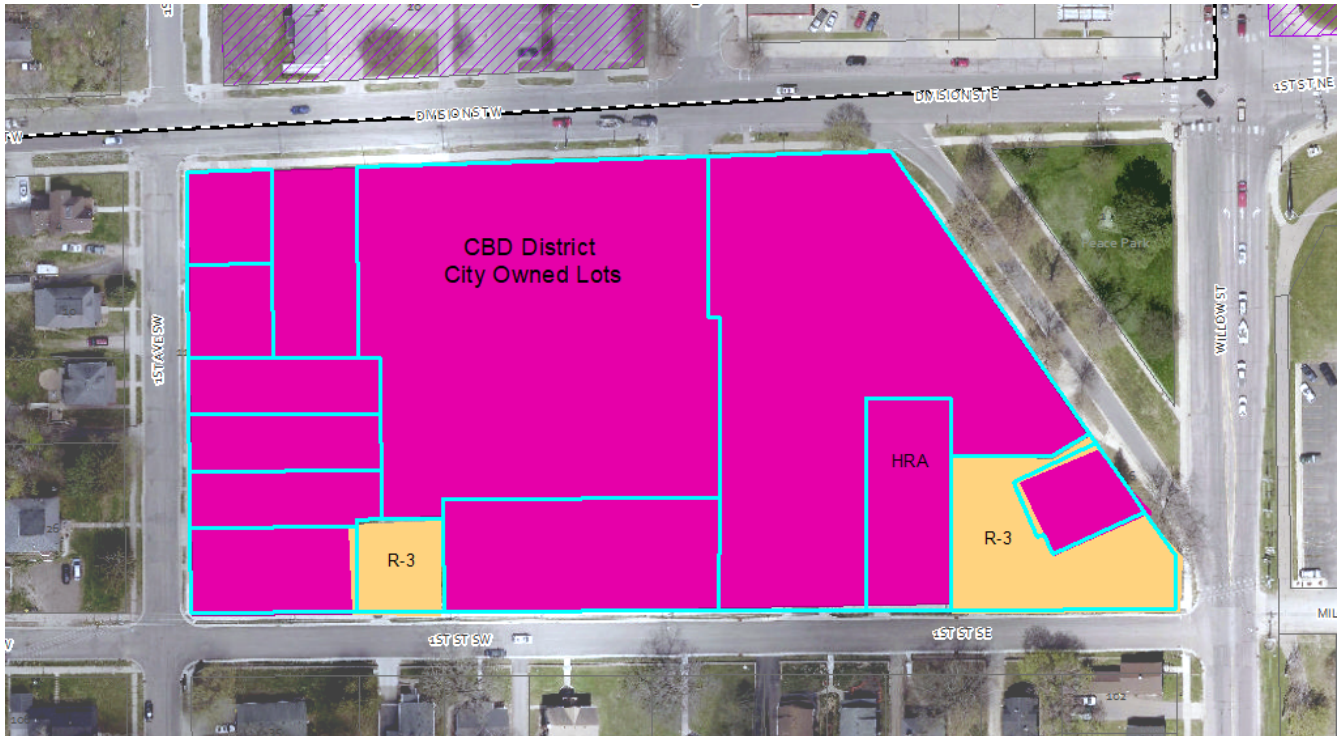
FARIBAULT PLANNING COMMISSION
NOVEMBER 15, 2021 - PUBLIC HEARING

Case Numbers and Requests:	21-4 Preliminary Plat of the Faribault Buckham Center Addition combining a number of lots to accommodate the expansion of the Senior Center
Applicant and Owner:	City of Faribault
Requested Action:	Approve the Applications for Preliminary and Final Plat of Faribault Buckham Center Addition
Deadline for Council Action:	Not Applicable
From:	Peter J. Waldock, AICP, Planning Coordinator

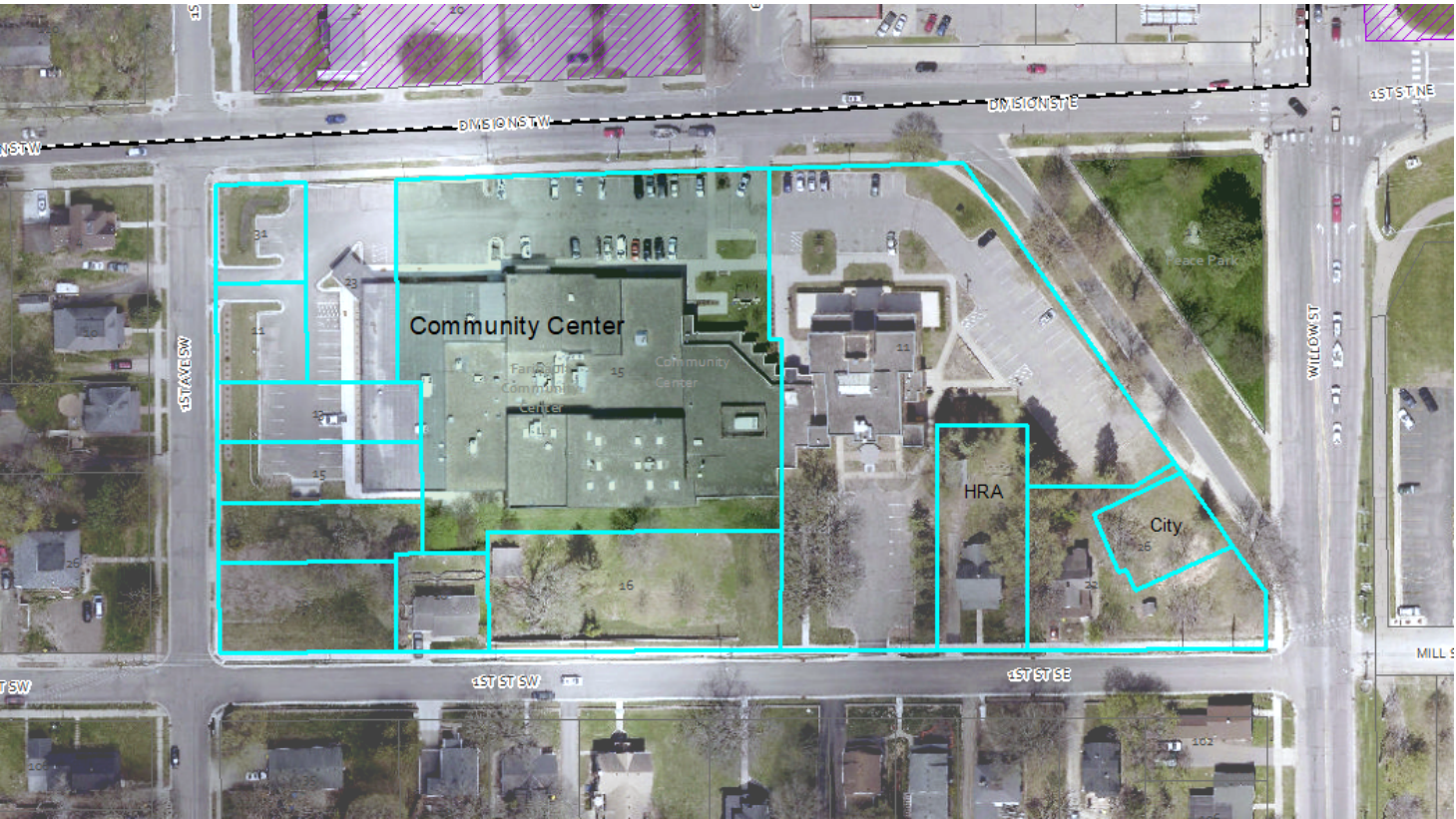
BACKGROUND

The City first approved a preliminary plat for the Faribault Buckham Center Addition in September of 2017 when the Senior Center was expanded. The City sought to combine a number of parcels on the block south of Division Street and north of 1st Street between 1st Avenue and Willow Street. The City also updated the Comprehensive Plan and rezoned the block to CBD as part of this project. Due to title issues the final plat was not processed and the preliminary plat approval was allowed to expire while the City completed a title registration process (which can take over a year to complete) to address and properly correct the title gaps and overlaps found on the block. An associated subdivision, the Hillside Addition, was approved in 2019, platting the City property north of Division Street in this block. The title registration process has been completed and the City wishes to proceed with preliminary and final plat approval at this time.

The proposed plat combines 12 existing lots into one lot for the Community Center/Senior Center/Library building and replats three single family residential lots with existing homes on the block along 1st Street. Two of the single family lots along 1st Avenue are privately owned rental homes. The third home is owned by the Faribault HRA and used as a rental home as well. The plat does not include Peace Park or Park Place right of way. Park Place was removed and is now part of the parking lot for the library. Peace Park was also excluded from the plat completely to avoid title concerns.



Surrounding uses include Hillside Apartments and Community Coop Auto/Truck Tires and Repair to the north, Peace Park to the east and low-density residential dwellings to the west and south of the site.

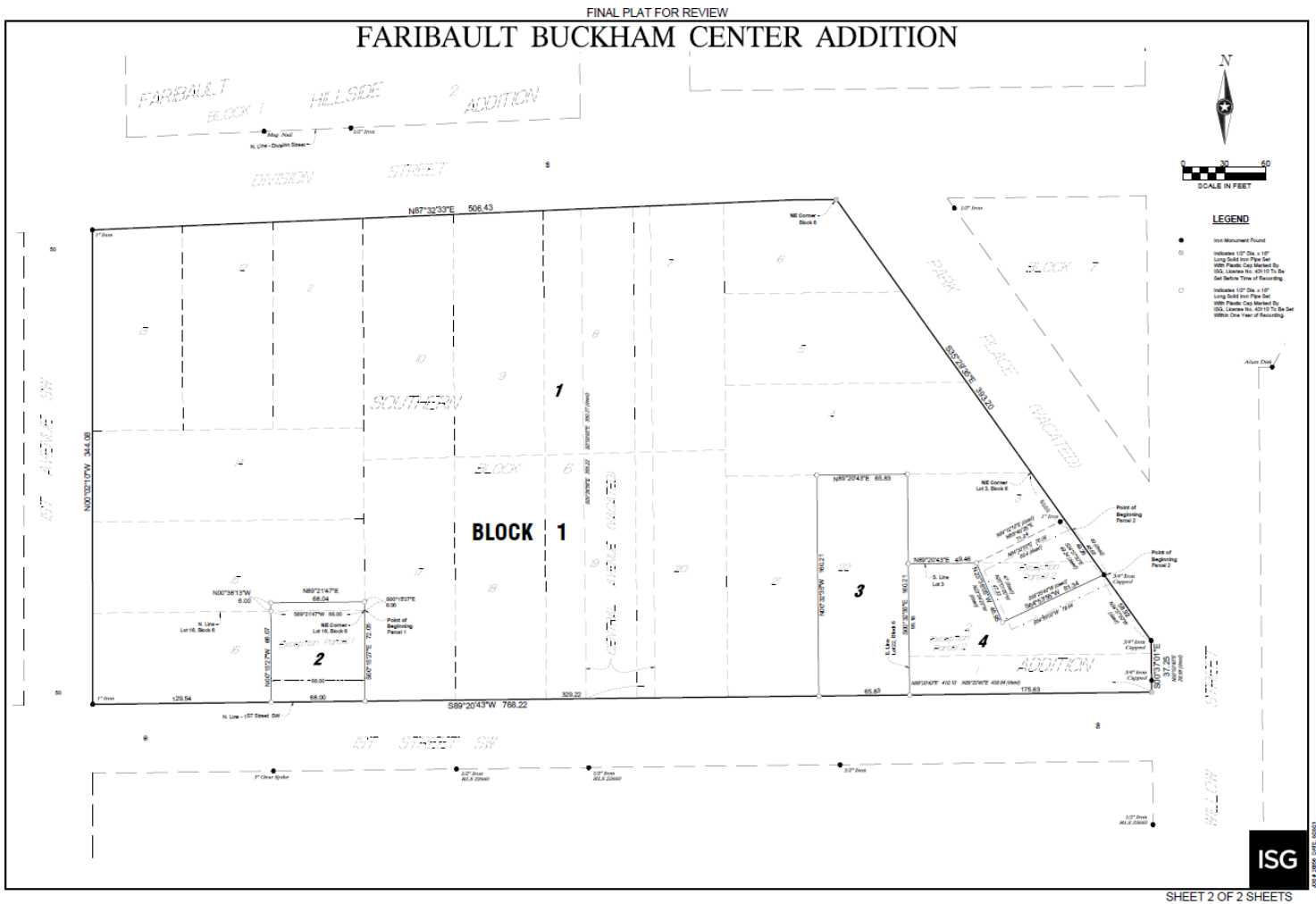


The proposed preliminary plat includes all City owned properties the block and it includes the two privately owned residential lots on 1st Street S. The City is completed a title registration process for the the property that has corrected several gaps and overlaps in the descriptions (titles). The plat excludes Park Place right of way and Peace Park. No variances are required with this application.



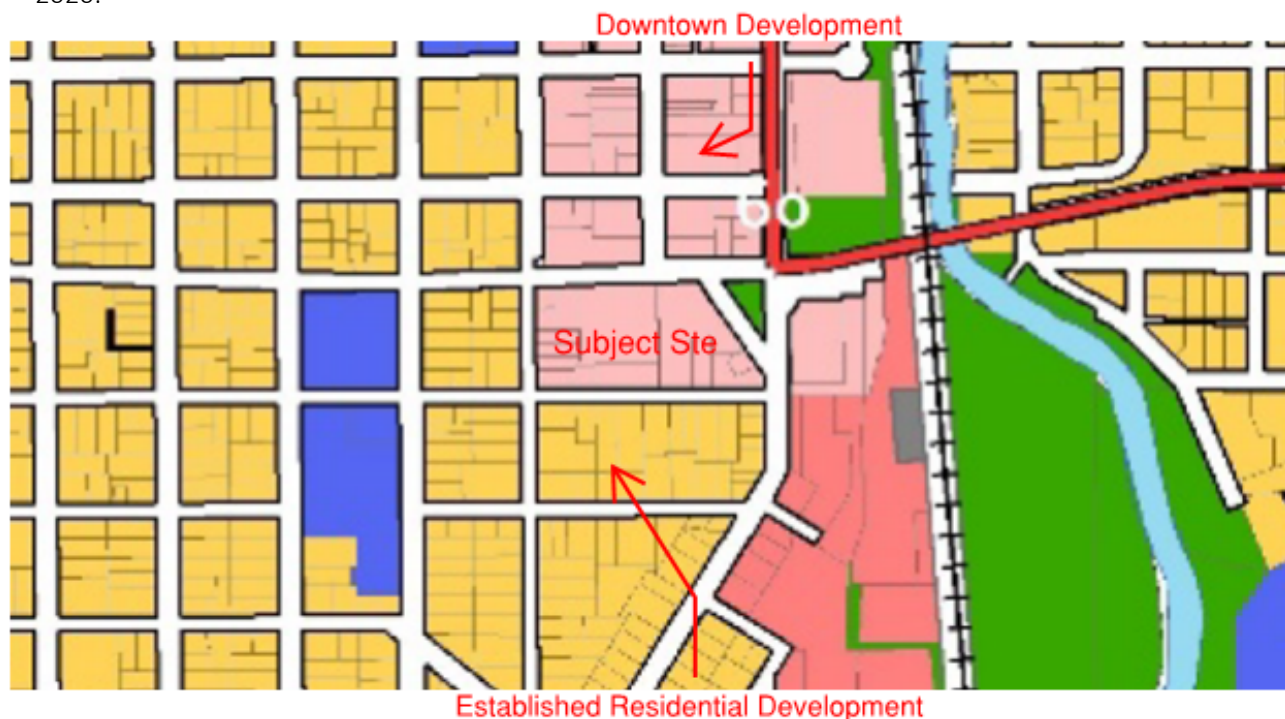
Final Plat

The Final Plat creates one lot for the City Community Center Building including the Library, Community Center and Senior Center (now known as Buckham West). The plat includes three single family lots, one owned by the HRA the other two owned by private owners. No issues or concerns have been noted with this application.



Comprehensive Plan

The site is guided as Downtown Development as part of the Journey to 2040 Plan approved in September of 2020.



Applicable Code Sections:

Chapter 2, Faribault Unified Development Ordinance (UDO), general requirements and procedures for zoning amendments (rezoning) and development approvals.

Chapter 15, Faribault Unified Development Ordinance (UDO), subdivision regulations

REQUIRED FINDINGS

Sec. 15-130. Required findings for preliminary plat.

The Planning Commission and City Council shall make each of the following findings before granting preliminary plat approval:

- (1) The proposed preliminary plat conforms with the requirements of this chapter, the applicable zoning district regulations, and any other applicable provisions of this ordinance, subject only to acceptable rule exceptions.
- (2) The proposed subdivision is consistent with the city's Land Use Plan and any other adopted land use studies.
- (3) The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.
- (4) The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.
- (5) All submission requirements have been satisfied.

Sec. 15-210. Required findings for final plat.

The Planning Commission and City Council shall make each of the following findings before granting final plat approval:

- (1) The final plat substantially conforms to the approved preliminary plat;
- (2) The plat conforms to all applicable requirements of this ordinance, subject only to approved rule exceptions; and
- (3) All submission requirements have been satisfied.

RECOMMENDATION

Staff recommends approval of the Preliminary and Final Plat of Faribault Buckham Center Addition as proposed.

ATTACHMENTS

1. Resolution for Preliminary and Final Plat Approval
2. Plans, Maps and Exhibits

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION 2021-____

APPROVE PRELIMINARY AND FINAL PLAT OF FARIBAULT BUCKHAM CENTER ADDITION

WHEREAS, The City of Faribault (the "Applicant") is seeking approval of applications for preliminary plat and final plat approval of Faribault Buckham Center Addition the legal description for the subject property is found on Exhibit A; and

WHEREAS, City Staff has completed a review of said application and made a report (21-04) to the Planning Commission, a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on the 159th day of November, 2021 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 ____ day of _____, 2021 at a public meeting considered the application; and

WHEREAS, based upon said report and public hearing, the Planning Commission recommends approval of the preliminary plat for the Faribault Buckham Center Addition attached hereto as Exhibit B, with the following findings as required by Section 15-130 of the City's Unified Development

Ordinance:

1. The proposed preliminary plat conforms with the requirements of this chapter, the applicable zoning district regulations, and any other applicable provisions of this ordinance, subject only to acceptable rule exceptions.
2. The proposed subdivision is consistent with the city's Land Use Plan and any other adopted land use studies.
3. The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.
4. The spacing and design of curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.
5. All submission requirements have been satisfied.

;and

WHEREAS, based upon said report and public hearing, the Planning Commission recommends approval of the final plat for the Faribault Buckham Center Addition attached hereto as Exhibit B, with the following findings as required by Section 15-210 of the City's Unified Development Ordinance:

1. The final plat substantially conforms to the approved preliminary plat;
2. The plat conforms to all applicable requirements of this ordinance, subject only to the approved rule exceptions.
3. All submission requirements have been satisfied.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault that the preliminary plat for the Faribault Buckham Center Addition is hereby approved, subject to the following provisions:

1. Parkland dedication requirements for this plat have been satisfied.
2. The Applicant shall adequately address all items as may be directed by the City Attorney, City Engineer or others with review and approval authority of the City including any plat, or engineer opinions.
3. No Development Agreement is necessary in this case as the City is the primary property owner and the applicant for this Subdivision.
4. The final plat shall be recorded with the Rice County Recorder's Office within twelve (12) Months following City Council approval or it shall be

deemed null and void.

5. 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.
6. The Applicant shall submit current title work for 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.

Date Adopted:

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A

Legal Description

Parcel A

All of Block 6, Southern Addition to Faribault, Rice County, Minnesota, except the following two parcels:

Parcel 1: The East 68 feet of Lot 16, Block 6, Southern Addition to Faribault, Rice County, Minnesota.

AND

All that part of Lot 15, Block 6, Southern Addition to Faribault, Rice County, Minnesota, described as follows: Commencing at the Northeast Corner (NE Cor) of Lot 16 Block 6, Southern Addition to Faribault, Rice County, Minnesota; thence West along the North Line of said Lot 16, a distance of 68 feet; thence North, at right angles to said North Line of Lot 16, a distance of 6 feet; thence East at right angles along a line parallel to the North Line of Lot 16, a distance of 68 feet; thence South, at right angles, a distance of 6 feet, more or less, to the point of beginning.

Parcel 2: All of Lot 1, and all of Lot 2 of Block 6 of Southern Addition to Faribault, Rice County, Minnesota; except that portion of said Lot 2 included within the following boundary lines, to-wit: Commencing at a point 50 feet southeasterly from the northeasterly corner of Lot 3 of said Block 6; thence southeasterly along the easterly line of said Block 6, 49 feet; thence South 64°59' West 79 feet; thence North 25°1' West 47 feet; thence North 64°32' East 69 4/10 feet to the place of beginning, the said exception being parts of said Lots 2 and 3 of said Block 6; excepting therefrom all those parts of Lots 2 and 3 in Block 6 of Southern Addition to the City of Faribault, Rice County, Minnesota, described as follows, to-wit: Beginning at the intersection of the north line of said Block 6 of Southern Addition with the west line of Central Avenue (for purposes of this description bearing of said west line of Central Avenue is assumed South 0°00'00"), 350.27 feet to a point in the south line of said Block 6; thence North 89°22'40" East, along said south line of Block 6 a distance of 409.94 feet to the intersection of said east line of Block 6 with the west line of Willow Street; thence North 0°02'40" East, along said east line of Block 6 and said west line of Willow Street, 28.58 feet to its intersection with the southwesterly line of Park Place and the northeasterly line of said Block 6; thence North 34°57'50" East, along said southwesterly line of Park Place 58.92 feet to the true point of beginning of the parcel to be herein described; thence South 65°25'40" West, 81.34 feet; thence North 23°04'20" West, 46.95 feet; thence North 64°12'10" East 71.24 feet to a point in said southwesterly line of Park Place; thence South 34°57'50" East, along said southwesterly line of Park Place, 49.24 feet to the true point of beginning.

Parcel B

All of Lot 1, and all of Lot 2 of Block 6 of Southern Addition to Faribault, Rice County, Minnesota; except that portion of said Lot 2 included within the following boundary lines, to-wit: Commencing at a point 50 feet southeasterly from the northeasterly corner of Lot 3 of said Block 6; thence southeasterly along the easterly line of said Block 6, 49 feet; thence South 64°59' West 79 feet; thence North 25°1' West 47 feet; thence North 64°32' East 69 4/10 feet to the place of beginning, the said exception being parts of said Lots 2 and 3 of said Block 6; excepting therefrom all those parts of Lots 2 and 3 in Block 6 of Southern Addition to the City of Faribault, Rice County, Minnesota, described as follows, to-wit: Beginning at the intersection of the north line of said Block 6 of Southern Addition with the west line of Central Avenue; thence southerly along said west line of Central Avenue (for purposes of this description bearing of said west line of Central Avenue is assumed South 0°00'00"), 350.27 feet to a point in the south line of said Block 6; thence North 89°22'40" East, along said south line of Block 6 a distance of 409.94 feet to the intersection of said east line of Block 6 with the west line of Willow Street; thence North 0°02'40" East, along said east line of Block 6 and said west line of Willow Street, 28.58 feet to its intersection with the southwesterly line of Park Place and the northeasterly line of said Block 6; thence North 34°57'50" East, along said southwesterly line of Park Place 58.92 feet to the true point of beginning of the parcel to be herein described; thence South 65°25'40" West, 81.34 feet; thence North 23°04'20" West, 46.95 feet; thence North 64°12'10" East 71.24 feet to a point in said southwesterly line of Park Place; thence South 34°57'50" East, along said southwesterly line of Park Place, 49.24 feet to the true point of beginning.

Parcel C

The East 68 feet of Lot 16 in Block 6 in Southern Addition to Faribault, Rice County, Minnesota.

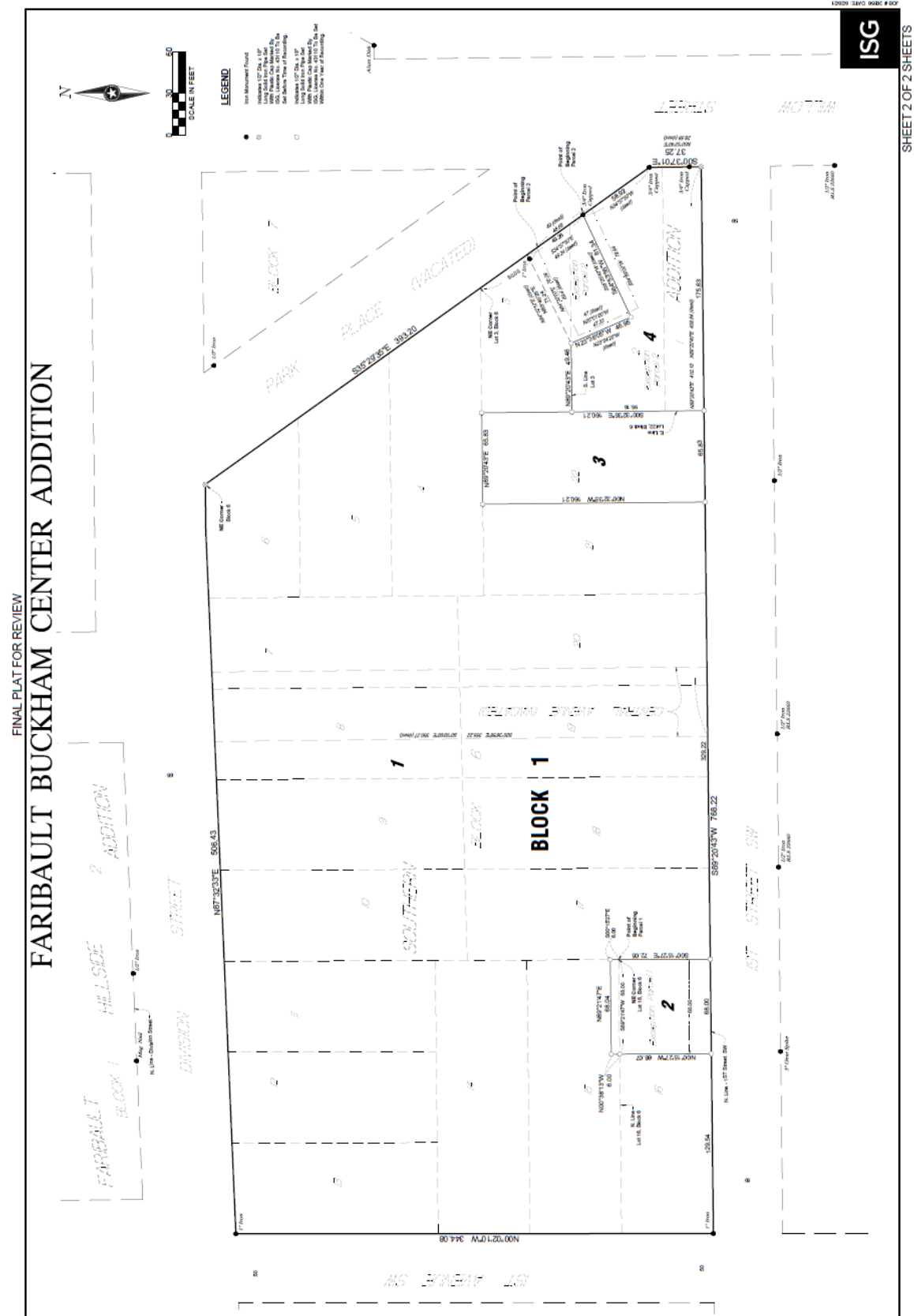
AND

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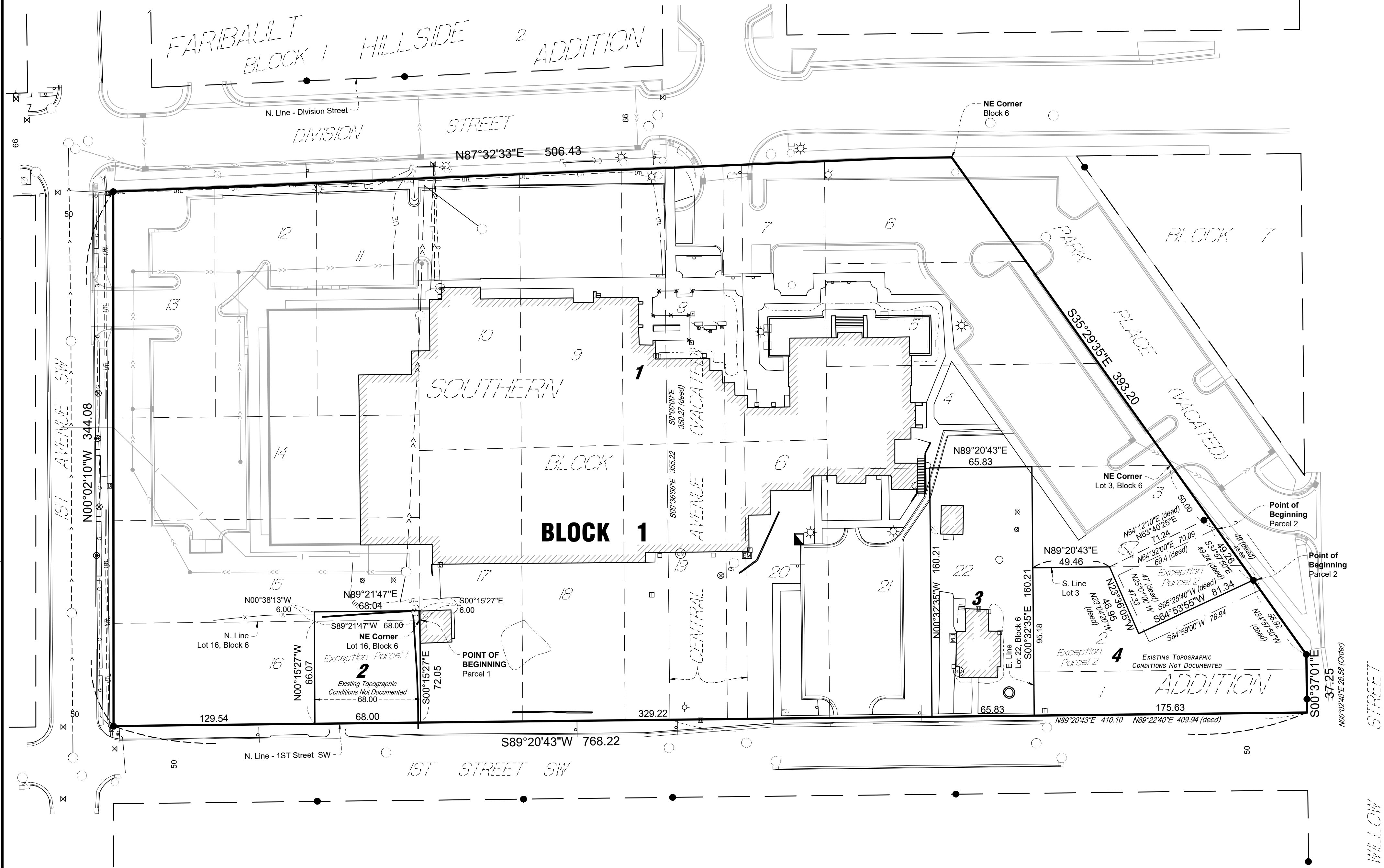
Preliminary Plat: Faribault Buckham Center Addition



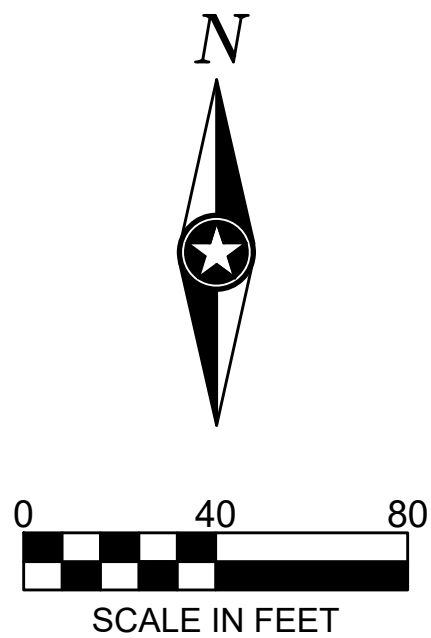
Exhibit C (page 2 of 2)



FARIBAULT BUCKHAM CENTER ADDITION



LEGEND	
	Existing Building
	Iron Monument Found
	Transformer
	Utility Pedestal
	Utility Pole/Guy Wire
	Hydrant
	Light Pole
	Manhole
	Sanitary Sewer Line
	Storm Sewer Line
	Underground Gas Line
	Underground Electric Line
	Underground Utility Line
	Overhead Utility Line
	Fence
	Treeline
	Deciduous Tree
	Coniferous Tree
	Bush
	Sign
	Flagpole
	Curb Stop
	Post
	Gas Meter
	Electric Meter
	Proposed Site Improvements Shown as Shaded



EXISTING LEGAL DESCRIPTION:

(Per Court File No. 66-CV-19-467)

All of Block 6, Southern Addition to Faribault, Rice County, Minnesota, except the following two parcels:

Parcel 1: The East 68 feet of Lot 16, Block 6, Southern Addition to Faribault, Rice County, Minnesota.

AND

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Parcel 2: All of Lot 1, and all of Lot 2 of Block 6 of Southern Addition to Faribault, Rice County, Minnesota; except that portion of said Lot 2 included within the following boundary lines, to-wit: Commencing at a point 50 feet southeasterly from the northeasterly corner of Lot 3 of said Block 6; thence southeasterly along the easterly line of said Block 6, 49 feet; thence South 64°59' West 79 feet; thence North 25°1' West 47 feet; thence North 64°32' East 69 4/10 feet to the place of beginning, the said exception being parts of said Lots 2 and 3 of said Block 6; excepting therefrom all those parts of Lots 2 and 3 in Block 6 of Southern Addition to the City of Faribault, Rice County, Minnesota, described as follows, to-wit: Beginning at the intersection of the north line of said Block 6 of Southern Addition with the west line of Central Avenue (for purposes of this description bearing of said west line of Central Avenue is assumed South 0°00'00"), 350.27 feet to a point in the south line of said Block 6; thence North 89°22'40" East, along said south line of Block 6 a distance of 409.94 feet to the intersection of said east line of Block 6 with the west line of Willow Street; thence North 0°02'40" East, along said east line of Block 6 and said west line of Willow Street, 28.58 feet to its intersection with the southwesterly line of Park Place and the northeasterly line of said Block 6; thence North 34°57'50" East, along said southwesterly line of park Place 58.92 feet to the true point of beginning of the parcel to be herein described; thence South 65°25'40" West, 81.34 feet; thence North 23°04'20" West, 46.95 feet; thence North 64°12'10" East 71.24 feet to a point in said southwesterly line of Park Place; thence South 34°57'50" East, along said southwesterly line of Park Place, 49.24 feet to the true point of beginning.

EXISTING LEGAL DESCRIPTION:

(Per Doc. Nos. 408091 & 408093)

The East 68 feet of Lot 16, Block 6, Southern Addition to Faribault, Rice County, Minnesota.

AND

All that part of Lot 15, Block 6, Southern Addition to Faribault, Rice County, Minnesota, described as follows: Commencing at the Northeast Corner (NE Cor) of Lot 16 Block 6, Southern Addition to Faribault, Rice County, Minnesota; thence West along the North Line of said Lot 16, a distance of 68 feet; thence North, at right angles to said North Line of Lot 16, a distance of 6 feet; thence East at right angles along a line parallel to the North Line of Lot 16, a distance of 68 feet; thence South, at right angles, a distance of 6 feet, more or less, to the point of beginning.

EXISTING LEGAL DESCRIPTION:

(Per Doc. No. A650760)

All of Lot 1, and all of Lot 2 of Block 6 of Southern Addition to Faribault, Rice County, Minnesota; except that portion of said Lot 2 included within the following boundary lines, to-wit: Commencing at a point 50 feet southeasterly from the northeasterly corner of Lot 3 of said Block 6; thence southeasterly along the easterly line of said Block 6, 49 feet; thence South 64°59' West 79 feet; thence North 25°1' West 47 feet; thence North 64°32' East 69 4/10 feet to the place of beginning, the said exception being parts of said Lots 2 and 3 of said Block 6; excepting therefrom all those parts of Lots 2 and 3 in Block 6 of Southern Addition to the City of Faribault, Rice County, Minnesota, described as follows, to-wit: Beginning at the intersection of the north line of said Block 6 of Southern Addition with the west line of Central Avenue (for purposes of this description bearing of said west line of Central Avenue is assumed South 0°00'00"), 350.27 feet to a point in the south line of said Block 6; thence North 89°22'40" East, along said south line of Block 6 a distance of 409.94 feet to the intersection of said east line of Block 6 with the west line of Willow Street; thence North 0°02'40" East, along said east line of Block 6 and said west line of Willow Street, 28.58 feet to its intersection with the southwesterly line of Park Place and the northeasterly line of said Block 6; thence North 34°57'50" East, along said southwesterly line of park Place 58.92 feet to the true point of beginning of the parcel to be herein described; thence South 65°25'40" West, 81.34 feet; thence North 23°04'20" West, 46.95 feet; thence North 64°12'10" East 71.24 feet to a point in said southwesterly line of Park Place; thence South 34°57'50" East, along said southwesterly line of Park Place, 49.24 feet to the true point of beginning.

OWNERS / DEVELOPERS:

City of Faribault
208 1st Avenue NW
Faribault, MN 55021
(507)-334-2222

SURVEYOR:

ISG
115 E. Hickory Street Suite 300
Mankato, MN 56001
(507)-387-6651

AREA TABLE:

Lot 1, Block 3 = 206,913 sq. ft. - 4.750 acres
Lot 2, Block 3 = 4,900 sq. ft. - 0.112 acres
Lot 3, Block 3 = 10,546 sq. ft. - 0.242 acres
Lot 4, Block 3 = 13,223 sq. ft. - 0.304 acres
Total = 235,582 sq. ft. - 5.408 acres

FLOOD ZONE:

The surveyed premises shown on this survey map is in Flood Zone X (areas determined to be outside the 0.2% annual chance floodplain), according to Flood Insurance Rate Map Community Panel No. 27131C0267D, published by the Federal Emergency Management Agency, effective date April 3, 2012.

BASIS OF BEARING

Orientation of this bearing system is based upon the north line of 1st Street SW. Said line bears South 89 degrees 20 minutes 43 seconds West.



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

DANIEL L. STUEBER

DATE 8/28/21 LIC. NO. 43110

THIS DOCUMENT IS THE PROPERTY OF I & S GROUP, INC. AND MAY NOT BE USED, COPIED OR DUPLICATED WITHOUT PRIOR WRITTEN CONSENT.

PROJECT

CITY OF FARIBAULT FARIBAULT SENIOR CENTER

Block 6, Southern Addition; City of Faribault, Rice County, Minnesota.

REVISION SCHEDULE

DATE	DESCRIPTION	BY

PROJECT NO.	17-20356
CAD FILE NAME	20356 PPLAT
DRAWN BY	KH
DESIGNED BY	-
REVIEWED BY	-
ORIGINAL ISSUE DATE	8/28/21
CLIENT PROJECT NO.	-

TITLE

PRELIMINARY PLAT

SHEET

1

OF 1

FARIBAULT BUCKHAM CENTER ADDITION

INSTRUMENT OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That B & CJ KAD, LLC, a Minnesota limited liability company, owner of the following described property:

All of Lot 1, and all of Lot 2 of Block 6 of Southern Addition to Faribault, Rice County, Minnesota; except that portion of said Lot 2 included within the following boundary lines, to-wit: Commencing at a point 50 feet southeasterly from the northeasterly corner of Lot 3 of said Block 6; thence southeasterly along the easterly line of said Block 6, 49 feet; thence South 64°59' West 79 feet; thence North 25°1' West 47 feet; thence North 64°32' East 69 4/10 feet to the place of beginning, the said exception being parts of said Lots 2 and 3 of said Block 6, excepting therefrom all those parts of Lots 2 and 3 in Block 6 of Southern Addition to the City of Faribault, Rice County, Minnesota, described as follows, to-wit: Beginning at the intersection of the north line of said Block 6 of Southern Addition with the west line of Central Avenue; thence southerly along said west line of Central Avenue (for purposes of this description bearing of said west line of Central Avenue is assumed South 0°00'00"), 350.27 feet to a point in the south line of said Block 6; thence North 89°22'40" East, along said south line of Block 6 a distance of 409.94 feet to the intersection of said east line of Block 6 with the west line of Willow Street; thence North 0°02'40" East, along said east line of Block 6 and said west line of Willow Street, 28.58 feet to its intersection with the southwesterly line of Park Place and the northeasterly line of said Block 6; thence North 34°57'50" East, along said southwesterly line of Park Place 58.92 feet to the true point of beginning of the parcel to be herein described; thence South 65°25'40" West, 81.34 feet; thence North 23°04'20" West, 46.95 feet; thence North 64°12'10" East 71.24 feet to a point in said southwesterly line of Park Place; thence South 34°57'50" East, along said southwesterly line of Park Place, 49.24 feet to the true point of beginning.

Has caused the same to be surveyed and platted as **FARIBAULT BUCKHAM CENTER ADDITION** and does hereby dedicate to the public, for public use, the drainage and utility easements as created by this plat.

In witness whereof said B & CJ KAD, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

Signed: B & CJ KAD, LLC

Chief Manager

State of _____

County of _____

This instrument was acknowledged before me on _____, 20____ by _____, Chief Manager, of B & CJ KAD, LLC, a Minnesota limited liability company.

(sign)

(print)

Notary Public _____

My Commission Expires _____

AND

KNOW ALL PERSONS BY THESE PRESENTS: That Candace Knudson, a single person, fee owner of the following described property:

The East 68 feet of Lot 16 in Block 6 in Southern Addition to Faribault, Rice County, Minnesota.

AND

All that part of Lot 15, Block 6 in Southern Addition to Faribault, Rice County, Minnesota, described as follows: Commencing at the Northeast Corner (NE Cor) of Lot 16, Block 6, Southern Addition to Faribault, Rice County, Minnesota; thence West along the North Line of said Lot 16, a distance of 68 feet; thence North at right angles to said North Line of Lot 16, a distance of 6 feet, thence at right angles along a line parallel to the North Line of said Lot 16, a distance of 68 feet, thence South at right angles, a distance of 6 feet, more or less, to the point of beginning.

Has caused the same to be surveyed and platted as **FARIBAULT BUCKHAM CENTER ADDITION** and does hereby dedicate to the public, for public use, the drainage and utility easements as created by this plat.

In witness whereof said Candace Knudson, a single person, has hereunto set his/her hand this _____ day of _____, 20____.

Candace Knudson

State of _____

County of _____

This instrument was acknowledged before me on _____, 20____ by Candace Knudson.

(sign)

(print)

Notary Public _____

My Commission Expires _____

AND

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Faribault, a Minnesota municipal corporation, owner of the following described property:

All of Block 6, Southern Addition to Faribault, Rice County, Minnesota, except the following two parcels:

Parcel 1: The East 68 feet of Lot 16, Block 6, Southern Addition to Faribault, Rice County, Minnesota.

AND

All that part of Lot 15, Block 6, Southern Addition to Faribault, Rice County, Minnesota, described as follows: Commencing at the Northeast Corner (NE Cor) of Lot 16 Block 6, Southern Addition to Faribault, Rice County, Minnesota; thence West along the North Line of said Lot 16, a distance of 68 feet; thence North, at right angles to said North Line of Lot 16, a distance of 6 feet, thence East at right angles along a line parallel to the North Line of Lot 16, a distance of 68 feet, thence South, at right angles, a distance of 6 feet, more or less, to the point of beginning.

Parcel 2: All of Lot 1, and all of Lot 2 of Block 6 of Southern Addition to Faribault, Rice County, Minnesota; except that portion of said Lot 2 included within the following boundary lines, to-wit: Commencing at a point 50 feet southeasterly from the northeasterly corner of Lot 3 of said Block 6; thence southeasterly along the easterly line of said Block 6, 49 feet; thence South 64°59' West 79 feet; thence North 25°1' West 47 feet; thence North 64°32' East 69 4/10 feet to the place of beginning, the said exception being parts of said Lots 2 and 3 of said Block 6; excepting therefrom all those parts of Lots 2 and 3 in Block 6 of Southern Addition to the City of Faribault, Rice County, Minnesota, described as follows, to-wit: Beginning at the intersection of the north line of said Block 6 of Southern Addition with the west line of Central Avenue (for purposes of this description bearing of said west line of Central Avenue is assumed South 0°00'00"), 350.27 feet to a point in the south line of said Block 6; thence North 89°22'40" East, along said south line of Block 6 a distance of 409.94 feet to the intersection of said east line of Block 6 with the west line of Willow Street; thence North 0°02'40" East, along said east line of Block 6 and said west line of Willow Street, 28.58 feet to its intersection with the southwesterly line of Park Place and the northeasterly line of said Block 6; thence North 34°57'50" East, along said southwesterly line of park Place 58.92 feet to the true point of beginning of the parcel to be herein described; thence South 65°25'40" West, 81.34 feet; thence North 23°04'20" West, 46.95 feet; thence North 64°12'10" East 71.24 feet to a point in said southwesterly line of Park Place; thence South 34°57'50" East, along said southwesterly line of Park Place, 49.24 feet to the true point of beginning.

Has caused the same to be surveyed and platted as **FARIBAULT BUCKHAM CENTER ADDITION** and does hereby dedicate to the public, for public use, the drainage and utility easements as created by this plat.

In witness whereof said City of Faribault, a Minnesota municipal corporation, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

xx

State of _____

County of _____

This instrument was acknowledged before me on _____, 20____ by _____, _____, of City of Faribault, a Minnesota municipal corporation,

on behalf of the corporation.

(sign)

(print)

Notary Public _____

My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Daniel L. Stueber, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or, will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Daniel L. Stueber, Licensed Land Surveyor
Minnesota License No. 43110

State of Minnesota

County of Blue Earth

This instrument was acknowledged before me on _____, 20____ by Daniel L. Stueber, Licensed Land Surveyor.

Kent A. Hays
Notary Public, Minnesota
My Commission Expires Jan. 31, 2020

CITY COUNCIL, CITY OF FARIBAULT, MINNESOTA

This plat of **FARIBAULT BUCKHAM CENTER ADDITION**, was approved and accepted by the City Council of the City of Faribault, Minnesota at a regular meeting thereof held this _____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

Mayor

City Administrator

RICE COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

Michael Fangman, Rice County Surveyor

PROPERTY TAX & ELECTIONS DEPARTMENT

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____.

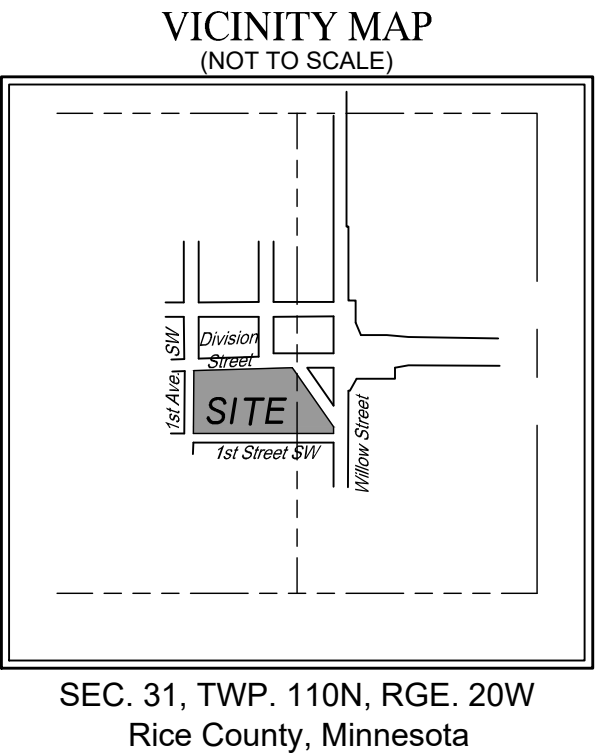
Annette Peters
Property Tax & Elections Director

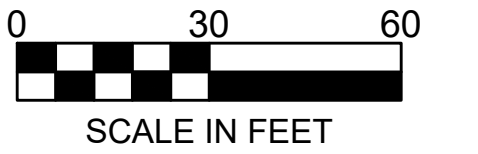
By _____, Deputy

COUNTY RECORDER, COUNTY OF RICE, STATE OF MINNESOTA

I hereby certify that this instrument was filed in this office this _____ day of _____, 20____, at _____ o'clock ____M. and was duly recorded as Document No. _____.

Judy Van Erp, Rice County Recorder





- Iron Monument Found
- ⊗ Indicates 1/2" Dia. x 18"
Long Solid Iron Pipe Set
With Plastic Cap Marked By
ISG, License No. 43110 To Be
Set Before Time of Recording.
- Indicates 1/2" Dia. x 18"
Long Solid Iron Pipe Set
With Plastic Cap Marked By
ISG, License No. 43110 To Be Set
Within One Year of Recording.





Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: November 15, 2021
SUBJECT: Request to Amend the City's Unified Development Ordinance, Chapter 15, Article 7, related to Park Dedication

Background:

The City Council directed that the City's park development surcharge (related to the City's building permit fees) be eliminated. The Council also directed that the park dedication requirements outlined in the City's subdivision regulations be adjusted to accommodate the loss of the park development surcharge, so that there would be no net loss to the City's park fund.

Over the past several months, the City Council and City Staff have discussed proposed amendments to the park dedication fees outlined in Article 7 of Chapter 15 of the City's Unified Development Ordinance.

Refer to the attached draft ordinance amendment. While the park dedication obtained through the subdivision process will increase slightly, with the loss of the park development surcharge, the overall park dedication obligations will be similar to what exists today.

Recommendation:

Recommend approval of Ordinance 2021-x Amend Article 7 of Chapter 15 of the City's Unified Development Ordinance related to Park Dedication

Attachments:

1. Proposed Ordinance Amendment related Park Dedication
2. Existing Ordinance related to Park Dedication

**CITY OF FARIBAULT
ORDINANCE No. 2021-x**

**AMEND ARTICLE 7 OF CHAPTER 15 OF THE CITY'S UNIFIED
DEVELOPMENT ORDINANCE RELATED TO PARK DEDICATION**

THE CITY OF FARIBAULT ORDAINS:

Section 1. The City Council of the City of Faribault has hereby determined that the language in Article 7 of Chapter 15 of the City's Unified Development Ordinance be rescinded in its entirety and replaced with the following language:

ARTICLE 7. PARK DEDICATION

Sec. 15-330. Park Dedication Authority and Findings.

- (A) *Authority.* Per Minnesota Statutes, Section 462.358, Subd. 2b, a city may require a subdivider to dedicate a reasonable portion of the buildable land of any proposed subdivision to the city for parks, recreational facilities, playgrounds, trails, or open space. Alternatively, the city may require the subdivider to provide a cash fee for some or all of the new parcels or lots created in the subdivision based on the average fair market value of the land for which park fees have not been paid.
- (B) *Findings.* The city council finds the following:
- (1) The city's parks, recreational facilities, playgrounds, and open space strengthen the quality of life for residents and those working in the city.
 - (2) The city's parks and recreational facilities enhance the city's ability to attract residential, commercial, industrial, and institutional development.
 - (3) The subdivision of land and subsequent development increases demand for parks, recreational facilities, playgrounds, and open space. Therefore, it is appropriate that the subdivision of land contribute to the city's parks and recreational facilities in rough proportion to their increased demand from the anticipated development.

Sect. 15-332. City Acceptance of Land Dedication or a Cash Fee.

The city council is solely responsible for determining whether the subdivision of land must result in land dedication, a cash fee, or a combination of land dedication and a cash fee.

- (A) *Land dedication.* The city council may accept land dedication if the city council finds the land is suitable for its intended use and conveniently located for those it will serve as identified in the city's adopted parks, trails, and open space plan. In evaluating whether to accept land dedication, the city council may consider factors such as size, shape, topography, geology, hydrology, tree cover, access, and location of the land to be dedicated.
- (B) *Cash fee.* If the city council determines that land dedication is not appropriate, the city council will require a cash fee based on the average fair market value of the land as outlined in this ordinance.
- (C) *Delay of land dedication or a cash fee related to proposed outlots.* At the city council's discretion, park dedication associated with outlots in a proposed subdivision may be delayed until the outlots are platted into lots. This ordinance does not intend to allow outlots to be platted so that the subdivider can permanently eliminate park dedication associated with the outlots.

Sec. 15-334. Required Land Dedication.

- (A) *Criteria for land dedication.* The city council may accept land dedication if the city council finds the land is suitable for its intended use and conveniently located for those it will serve as identified in the city's adopted parks, trails, and open space plan. In evaluating whether to accept land dedication, the city council may consider factors such as size, shape, topography, geology, hydrology, tree cover, access, and location of the land to be dedicated.
- (B) *Percentage of land dedication required.* When the city council determines that it is appropriate to require land dedication, the subdivider must dedicate a percentage of the gross area of the subdivision as follows:

- (1) Residential development: Seven (7) percent of the gross area of the subdivision, less the area of wetlands to be preserved and the area below the ordinary high water level of waterbodies.
 - (2) Commercial, industrial, public/institutional, or other development: Four (4) percent of the gross area of the subdivision, less the area of wetlands to be preserved and the area below the ordinary high water level of waterbodies.
 - (3) Mixed-development: When a subdivision of land includes a mix of residential and other types of development, the amount of land to be dedicated to satisfy park dedication requirements must be proportional to the types of development proposed.
- (C) *Terms of land dedication.* Dedication of land for public use must be without restrictions or reservations. The subdivider must grade the dedicated land as per the city-approved subdivision and deed the dedicated land to the city in a condition suitable to the city. The subdivider must deed the parcels or lots to the city before the city will issue building permits in the subdivision.
- (D) *Timing of land dedication.* The timing of land dedication must be as follows:
- (1) The subdivider must deed the land to be dedicated to the city before the city's issuance of building permits within the subdivision.
 - (2) At the city council's discretion, park dedication associated with outlots in a proposed subdivision may be delayed until the outlots are platted into lots. The percentage of land to be dedicated must be based on the city's dedication requirements when the subdivider plats the outlots into lots.

Sec. 15-336. Required Cash Fee.

- (A) *Criteria for cash fee.* When the city council determines that there is no need for land dedication in the proposed subdivision, the city council may require payment of an equivalent amount in cash as outlined in this section.
- (B) *Amount of cash fee required.* The required cash fee shall be as follows:

(1) The cash fee for a proposed residential subdivision is as follows:

- Single-family dwelling: \$1,000
- Multi-family dwellings: \$500 per unit up to the first 20 units, then \$400 per unit for additional units between 21 and 50 units, then \$300 per unit for additional units over 50 units

(2) Commercial, industrial, public/institutional, and other development: \$1,000 per acre of the gross area of the subdivision, less the area of wetlands to be preserved and less the area below the ordinary high water level of waterbodies.

(B) *Timing of the cash fee payment.* The timing of the cash fee payments must be as follows:

(1) The subdivider shall pay the city the required cash fee before the city's release of the subdivision for recording with Rice County.

(2) At the city council's discretion, the required cash fee associated with outlots in a proposed subdivision may be delayed until the outlots are platted into lots. The required cash fee must be based on the city's dedication requirements when the subdivider plats the outlots into lots.

(3) At the city council's discretion, the city and the subdivider may enter into an agreement to delay the required cash fee payment per the terms of the agreement.

(C) *Use of cash fee.* The city will use the cash fee payment to acquire and improve land for public parks, playgrounds, trails, open space, or as otherwise provided by state statutes.

Sec. 15-338. Other Park Dedication Requirements.

(A) *Subdivision of land that does not increase the demand for the city's parks.* A subdivision, which may or may not have previously satisfied park dedication requirements, is exempt from park dedication requirements if the following conditions are met:

(1) The proposed subdivision does not increase the number of parcels or lots; and

(2) The proposed uses in the subdivision do not intensify the demand for the city's parks as outlined in this ordinance.

(B) *Subdivision of land that increases the demand for the city's parks.* A subdivision, which may or may not have previously satisfied park dedication requirements, must satisfy current park dedication requirements for that portion of the proposed subdivision that increases demand on the city's parks as outlined in this ordinance.

Section 2. This ordinance shall take effect upon the date of its publication.

First Reading: _____

Second Reading: _____

Publication Date: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

ARTICLE 7. PARK LAND DEDICATION

Sec. 15-330. Park land dedication requirements.

- (A) *In general.* As a prerequisite to plat approval, subdividers shall dedicate land for parks, playgrounds, public open spaces, or trails and/or shall make a cash contribution to the city's park fund as provided within this section. In the case of a replat of previously subdivided property where a park dedication or contribution has been made or where the previously subdivided lots are less than seventy (70) percent of current lot area standards, no park dedication or contribution shall be required. No park dedication or contribution shall be required in the case of a minor subdivision where land is being added to an existing parcel for the creation of a larger lot.
- (B) *Required park land.* In all new subdivisions, a percentage of the gross area of all property to be subdivided shall be dedicated for parks, as follows:
- Residential subdivision (minimum)7 percent
- Commercial subdivision (minimum)4 percent
- Industrial subdivision (minimum)4 percent
- Other subdivisions (minimum)7 percent
- (C) *Land suitability.* Land to be dedicated shall be reasonably suitable for its intended use and shall be at a location convenient to the people to be served. In evaluating the adequacy of proposed park and recreation areas, the City Council shall consider factors including size, shape, topography, geology, hydrology, tree cover, access, and location. Wetlands, ponding areas, and drainageways accepted by the city shall not contribute towards park land requirements, except at the discretion of the City Council.
- (D) *Terms of dedication.* Dedication of land for public use shall be without restrictions or reservations and shall be designated as an outlot on the plat. The subdivider shall be responsible to grade the land to the contours shown on the approved preliminary plat and to leave such dedicated land in a condition suitable to the city.
- (E) *Fee in lieu of land dedication.* When it is determined that park land dedication is not desirable due to location, size, or other suitability factors as defined in Section 15-330(C) above, the city shall require, in lieu of land donation, a cash donation equal to a percentage of the fair market value of the property. Such percentage is based on the requirements identified in Subsection 15-330(B). For the purposes of this section, fair market value shall be determined at the time of final plat approval in accordance with the following:
- (1) The city and the developer may agree as to the fair market value, or
 - (2) The fair market value may be based upon a current appraisal submitted to the city by the subdivider at the subdivider's expense. The appraisal shall be made by a qualified real estate appraiser who is an approved member of the SREA or MAI, or equivalent real estate appraisal societies.
 - (3) If the city disputes such appraisal the city may, at its own expense, obtain a second appraisal of the property by a qualified real estate appraiser, mutually agreed upon by the developer and the city, which appraisal shall be conclusive evidence of the fair market value of the land.

-
- (F) *Combined land and cash donations.* The city may elect to receive a combination of cash and land as part of parkland dedication requirements. In such cases, the percentage of land dedicated shall reduce the required fee percentage by an equal amount.
- (G) *Planned unit developments.* Planned developments with mixed land uses shall make cash and/or land contributions in accordance with this section based upon the percentage of land devoted to the various uses.
- (H) *Payment requirements.* Park cash contributions are to be calculated at the time of final plat approval. The City Council may approve a delay in the payment of cash requirements provided that an agreement is executed guaranteeing such payment in accordance with the following:
- (1) Any developer may elect to pay in full park fees based on the amount required at the time of the final plat approval.
 - (2) Plats with park fees of up to two thousand five hundred (\$2,500.00) must be paid in full when the City Council approves the final plat.
 - (3) Twelve month scheduled payment plan. Plats with park fees of two thousand five hundred one dollars (\$2,501.00) to seven thousand five hundred dollars (\$7,500.00) must pay at least one-third ($\frac{1}{3}$) of the fee when the final plat is approved by the City Council, one-half ($\frac{1}{2}$) of the balance no later than six (6) months from the date of final plat approval, and the final balance not later than twelve (12) months from the date of final plat approval. No interest will be charged on the payments during the twelve (12) months.
 - (4) Twenty-four month scheduled payment plan. Plats with park fees of over seven thousand five hundred one dollars (\$7,501.00) must pay at least one-third ($\frac{1}{3}$) of the fee when the final plat is approved by the City Council, and one-half ($\frac{1}{2}$) of the balance no later than twelve (12) months from the date of final plat approval. No interest will be charged on the money due and paid during the first twelve (12) months. The final payment must be paid not later than twenty-four (24) months from the date of final plat approval by the City Council, and interest at a rate set forth in the development agreement shall be charged on the park fees due and paid after twelve (12) months.
- (I) *Identified sites.* When a proposed park, playground, recreational area, school site or other public ground has been indicated in the city's official map or Land Use Plan and is located in whole or in part within a proposed plat, it shall be designated as such on the plat and shall be dedicated to the appropriate governmental unit. If the subdivider elects not to dedicate an area in excess of the land required hereunder for such proposed public site, the city may consider acquiring the site through purchase or other available means prior to approval of the plat.
- (J) *Private open space/parks.* Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas may be used for credit, at the discretion of the City Council, against the requirement of dedication for park and recreation purposes, provided the City Council finds it is in the public interest to do so.

(Ord. No. 99-20, § 1, 11-23-99)



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: November 15, 2021
SUBJECT: Request to Amend the City's Unified Development Ordinance, Chapter 13, Article 2 related to Floodplain Management

Background:

The Federal Emergency Management Agency (FEMA) recently updated a flood insurance rate map (FIRM) related to the Zumbro River, east of Faribault. While the update does not directly affect property in Faribault, FEMA requires that the City amend its ordinance to reflect the update. The attached ordinance amends Section 13-90 of the City's Unified Development Ordinance as requested by FEMA.

Recommendation:

Recommend approval of the draft ordinance amendment related to floodplain management districts.

Attachments:

1. Draft Amendment of Section 13-90 of the City's Unified Development Ordinance

**CITY OF FARIBAULT
ORDINANCE No. 2021-x**

**AMEND SECTION 13-90 OF THE CITY'S UNIFIED DEVELOPMENT
ORDINANCE RELATED TO FLOODPLAIN MANAGEMENT DISTRICTS**

THE CITY OF FARIBAULT ORDAINS:

Section 1. The City Council of the City of Faribault has hereby determined that the language in Section 13-90 of the City's Unified Development Ordinance be rescinded in its entirety and replaced with the following language:

Sec. 13-90. Establishment of Official Zoning Map.

The Official Zoning Map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The attached material includes the following:

- Flood Insurance Study for Rice County, Minnesota, and Incorporated Areas, dated 4/6/2022
- Flood Insurance Rate Map panels 27131C0259D, 27131C0260D, 27131C0266D, 27131C0267D, 27131C0268D, 27131C0269D, and 27131C0275D, dated April 3, 2012
- Flood Insurance Rate Map panel 27131C0300E, dated April 6, 2022
- The Letter of Map Revision (LOMR) for the City of Faribault identified as Case Number 12-05-1808P, with an issuance date of February 17, 2012

Section 2. This ordinance shall take effect upon the date of its publication.

First Reading: _____

Second Reading: _____

Publication Date: _____

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator