



## PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, MARCH 20, 2023

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Public Hearings
  - A. Surad Academy, Conditional Use Permit Application for a K-12 Charter School in the C-2, Highway Commercial District at 128 8th Avenue NW
  - B. T Nelson Properties LLC Application for rezoning to C-2, Highway Commercial District at the rear of 128 8th Avenue NW PID # 18.31.2.51.088
  - C. Conditional Use Permit request for 3-Ten Event Center to install an outdoor dining enclosure in the alley at the rear entrance to 306 Central Avenue.
4. Adjournment
5. Board and Commission Reports, Announcements and Updates

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



## PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS

MONDAY, MARCH 6, 2023

6:00 PM

### Meeting Items

1. Call to Order

The regular meeting of the Planning Commission was called to order by Chair Campbell at 6:00 pm. Commissioners Ackman, Delgado, Jackson, Salt, Temple, White and Chair Campbell were in attendance. Also in attendance was Director of Community and Economic Development, David Wanberg, Planning Coordinator, Peter Waldock and Recording Secretary, Kari Casper.

2. Approve Agenda

Chair Campbell requested a motion to approve the agenda. Motion was made by Sam Temple, seconded by Barton Jackson to Approve the Agenda.

In further discussion, Ackman asked if approving the agenda was necessary since January; was it new?

Wanberg responded that it's not something that we need to do at all, but it was recommended by the City Attorney. The City Council doesn't do it and if they don't want to, it is up to them. Ackman said that if we want to change the agenda, we could just make a motion.

The motion passed on a 7/0 vote.

3. Approval of the Minutes of February 6, 2023

Motion by Sam Temple, seconded by Eric Delgado to Approve the Minutes of the February 6, 2023 Planning Commission Meeting as presented. The motion passed on a 7/0 vote.

4. Public Hearings

A. Planned Unit Development (PUD) Amendment to Lot 1, Block 7 and Outlot D of The Village subdivision plat / Planned Unit Development for a parking lot expansion at Reliance Bank, 2300 30th St NW.

After Waldock's presentation, Chair Campbell brought the matter up to the commission for further discussion. With none, Chair Campbell opened and closed the public hearing with no one in the audience. Steve White then made a motion to approve the PUD Amendment, seconded by Eric Delgado as presented. The motion passed on a 7/0 vote.

B. Application by the City of Faribault, for a zoning map amendment to include specified existing public / institutional uses in the P/I, Public Institutional Zoning District.

After Waldock's presentation, Chair Campbell opened the matter up for discussion. With no further discussion, the Chair then opened and closed the public hearing as no one was in the audience.

Steve White then made a motion, seconded by Chuck Ackman to Approve the Motion to Amend the zoning map to include specific existing public/institutional uses in the P/I Public Institutional Zoning District as presented.

Steve White stated this has been a long time coming. This came up with the hospital upgrades for Allina, District One. This is an important first step. Ackman said that it has taken a long methodical time to get to this point, but this makes sense. The big discussion was around size. Ackman also mentioned that he didn't think we need to tackle the cemetery discussion. Temple thinks this is less hairy when dealing with the cemeteries. The motion passed on a 7/0 vote.

#### 5. Boards and Commission Reports, Announcements and Project Updates

Chair Campbell mentioned that with the EDA there really wasn't much more than election of officers.

#### 6. Adjournment

Motion by Michael Salt, seconded by Barton Jackson to adjourn at 6:17 p.m. The motion carried on a 7/0 vote.

Respectfully Submitted,

Kari Casper  
Administrative Assistant II



## REQUEST FOR PLANNING COMMISSION ACTION

**TO:** Planning Commission  
**THROUGH:** Dave Wanberg, Community & Economic Development Director  
**FROM:** Peter Waldock, Planning & Zoning Coordinator  
**MEETING DATE:** March 20, 2023  
**SUBJECT:** Surad Academy, Conditional Use Permit Application for a K-12 Charter School in the C-2, Highway Commercial District at 128 8th Avenue NW

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### Background:

Surad Academy has applied for a Conditional Use Permit (CUP) for a K-12 Charter School in the C-2, Highway Commercial District at 128 8th Avenue NW. They had previously been approved for a CUP at Town Square Center. Their plans have changed and they will no longer be located there. They have selected a new location for the school at 128 8th Avenue NW. The School District had previously leased this site for use as an educational facility. Surad Academy's proposed use for this site is generally the same as described in the prior application.

A detailed staff report memo is attached below to discuss the specifics of this new location for the school.

### Recommendation:

Approve the draft resolution with written findings in support of the Conditional Use Permit request and forward a recommendation for approval of this application to the City Council.

### Attachments:

1. Draft Resolution to Approve a CUP for Surad Academy at 128 8th Ave NW
2. Staff Report CUP application 128 8th Ave. NW

State of Minnesota  
County of Rice

## **CITY OF FARIBAULT**

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### **RESOLUTION #2023-\_\_\_\_**

#### **APPROVE A CONDITIONAL USE PERMIT FOR A K-12 CHARTER SCHOOL AT 128 8<sup>TH</sup> AVENUE NW**

**WHEREAS**, Jonathan Starr, representing Surad Academy (the "Applicant"), with the consent of the T Nelson Properties LLC. (the "Owner"), has requested a conditional use permit for a K-12 charter school at 128 8<sup>th</sup> Avenue NW, legally described in Exhibit A of this resolution; and

**WHEREAS**, Surad Academy is a charter school 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 was previously used as education facility by Cannon River Education Cooperative; 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 subject location is properly planned, and will be incorporated into the site in a manner consistent with a childcare use in the building and will not be detrimental to the public health, safety, comfort, convenience, or general welfare of residents in the area.

- 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 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 result in limited exterior improvements or modifications to the existing Faribo Town Square property. The proposed improvements and modifications will be compatible with the surrounding neighborhood.

- 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 will be compatible with 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 streets, sewer, water, and all other applicable municipal services are available and in use by 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 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 to minimize traffic congestion on the site and public streets surrounding the site. City Staff and the Owner has reviewed the plan and can monitor and require modifications to the plan if needed.

**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/educational building that is not historical. 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 development standards for K-12 schools in commercial districts outlined in the City's Unified Development Ordinance.

**WHEREAS**, the City Council held a public meeting on March 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 128 8<sup>th</sup> Avenue NW 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 substantial conformance with the phase 1 plan in Exhibit B of this resolution.
2. The City's Development Review Committee (DRC) is authorized to approve minor amendments to the site for this use (as determined by the DRC).
3. The proposed school must meet all required development conditions as listed in Section 7-30 of the City's Unified Development Ordinance.
4. If a loss of existing parking spaces associated with the proposed use creates a parking problem (as identified by the City's Development Review Committee), the Owner and Applicants shall provide a plan to mitigate parking concerns.
5. Before beginning any remodeling in the building, the Applicant, with the Owner's approval, must obtain all required building permits, and other applicable permits and licenses.
6. This conditional use permit will automatically be voided if development associated with the proposed school has not been completed 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.

**Date Adopted:** March 28, 2023

**Faribault City Council**

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**Kevin F. Voracek, Mayor**

**ATTEST:**

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**Timothy C. Murray, City Administrator**

## Exhibit A Legal Description

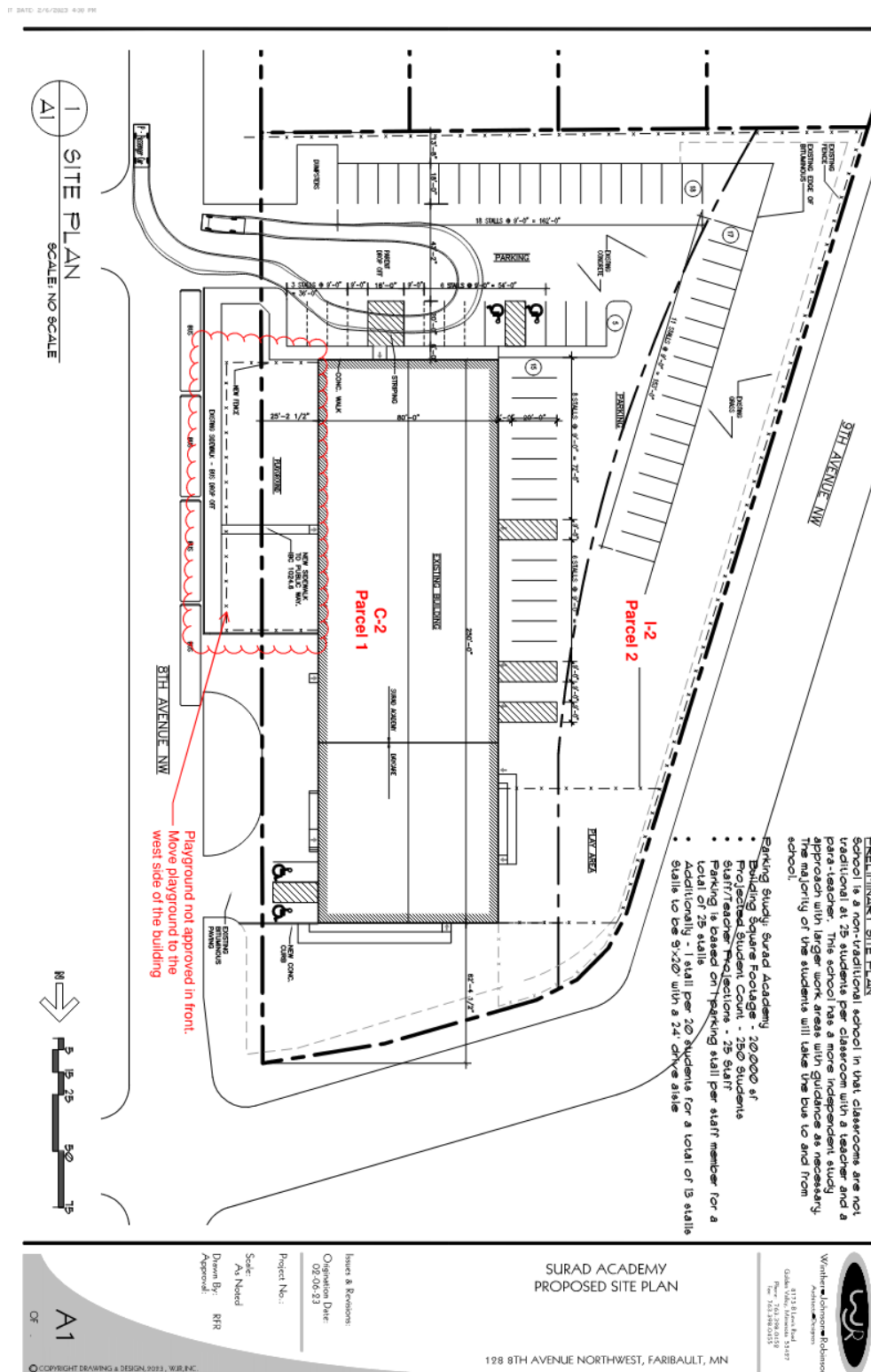
Those parts of Lots 1, 2, 3, 8, 9, 10, the vacated alley in Block 12, and that part of vacated First Street Northwest which lies adjacent to and directly South of said Block 12, which lie South and East of a line parallel with and 10.00 feet southeasterly from and at right angles to the center line of the easterly most spur track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; all being in the plat of McClelland's Second Addition, Faribault, Rice County, Minnesota; subject to County State Aid Highway 18 over the northerly side of said Lots 1 and 2 in Block 12; said parcel being more exactly described as follows:

Beginning at the Southwest corner of Northwest Quarter of Section 31, Township 110 North, Range 20 West of the Fifth Principal Meridian, Faribault, Rice County, Minnesota; thence easterly, along the South line of said Northwest Quarter of Section 31 (for purposes of this description bearing of said South line of Northwest Quarter is assumed North 89° 28' 15" East), a distance of 349.56 feet to a point in the prolongation southerly of the West line of Eighth Avenue Northwest; thence North 0° 00' 00", along the West line and the prolongation southerly of said West line of Eighth Avenue Northwest, 278.00 feet to the Southeast corner of Block 12 in said McClelland's Second Addition and the true point of beginning of the parcel to be herein described; thence North 0° 00' 00", along the East line of said Block 12 and said West line of Eighth Avenue Northwest, 326.34 feet to a point in the South line of County State Aid Highway 18; thence South 73° 57' 53" West, along the South line of said Highway, 133.77 feet to a point in a line, distant 10.00 feet southeasterly from and parallel with the center line of the most easterly spur track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; thence along said parallel line South 3° 37' 08" West, 114.70 feet to the beginning of a circular curve; thence along said curve, concave northwesterly, an arc distance of 272.56 feet (curve data; delta angle = 28° 14' 39", radius = 552.91' feet), to a point in the South line of vacated First Street Northwest; thence North 89° 28' 36" East, along said South line of vacated First Street Northwest, 217.98 feet to the West line of Eighth Avenue Northwest; thence North 0° 00' 00", a distance of 80.00 feet to the true point of beginning;

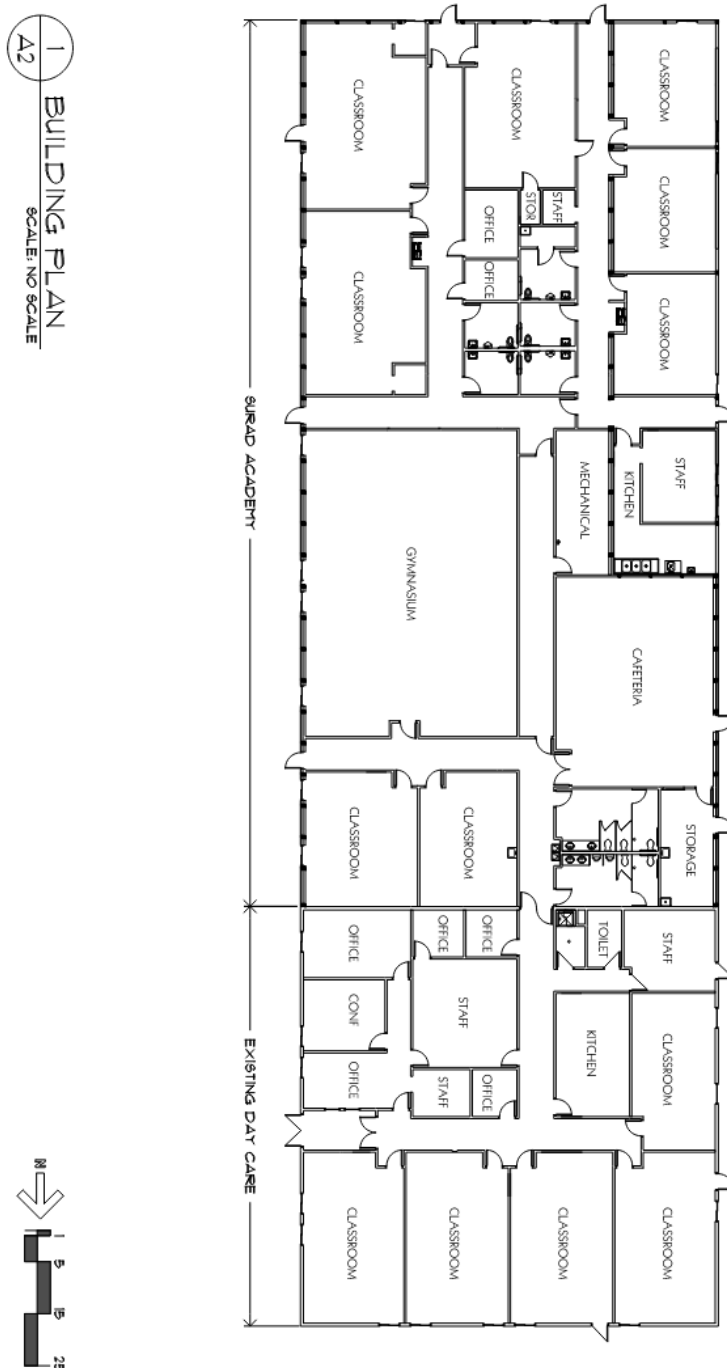
18.31.2.51.087

## Exhibit B

### Site Plan / Traffic Circulation Plan



## Concept Interior Plan



|                                                                                     |                                                                       |                                                                                              |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
|  | Writer: <b>Johnson &amp; Johnsons</b><br>Address: <b>Portland</b>     | 1117 Swan Road<br>Gresham, Ore. 97030<br>Phone: 738-6439<br>Telex: 738-6439<br>Fax: 738-6435 |
|                                                                                     | Scale: <b>As Shown</b><br>Date: <b>Jan 1981</b><br>Appr'd: <b>RJR</b> |                                                                                              |



## Request for Planning Commission Action

**TO:** Planning Commission  
**FROM:** Peter Waldock, AICP Planning & Zoning Coordinator  
**MEETING DATE:** March 20, 2023  
**SUBJECT:** Application for a Conditional Use Permit for a K-12 Charter School at 128 8<sup>th</sup> Avenue NW

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### BACKGROUND

Last month, the City approved a conditional use permit for Surad Academy at Town Square Center. Since then, their plans have changed and they will no longer be locating there. They have selected a new location for the school at 128 8<sup>th</sup> Avenue NW. The School District had previously leased this site for use as an educational facility. Surad Academy's proposed use for this site is generally the same as described in the prior application. This memo is an updated version of the prior staff report to discuss the specifics of this new location for the school.

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 128 8<sup>th</sup> Avenue NW. The application is being processed concurrently with an associated rezoning application by the property owner in order to correct a non-conformity on an adjoining parcel to the rear at the subject site. The parcel on which the building is located is zoned C-2 and the rear parcel is zoned I-2. It will be changing to C-2 to match the primary lot of this two lot site.

Surad Academy plans to start with grades K-4 and grow one class per year to K-12. The school may have up to 250 students after full growth. They plan to lease 13,275 SF space, about 2/3 of the building. There is a daycare center in the north 1/3 of building that will remain in operation separately there.

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 to west of the building. The main entrance to the school (for the students) will be on the south side of the building. Parent and bus drop-off and pick-up will occur at the south entrance to the building. Queuing for buses will occur along 8<sup>th</sup> Avenue. Queuing for parents' cars will occur on site with a new driveway access

planned from 9<sup>th</sup> Avenue to improve traffic flow to and from the site. Please refer the attached site plan included with this application.

## **DISCUSSION / ANALYSIS**

Comprehensive Plan. The subject site 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 for the front lot with the building on it. The rear lot at the site is zoning I-2, Heavy Industrial District from its origin as a railroad parcel. The site is not located in any overlay zoning districts. A rezoning application has been proposed for the rear lot of this site in order both parcels of this site to have matching zoning classifications.

Surrounding Uses. Uses adjoining the site include residential uses east and south of the site. There are commercial uses to the west and north.

Parking and Traffic Circulation. The applicants have provided a circulation plan for buses on 8<sup>th</sup> Avenue NW. Parents will drop off and pick up students on site at the south entrance. The plan includes a new driveway entrance from 9<sup>th</sup> Avenue moving west to east at the south end of the building exiting onto 8<sup>th</sup> Avenue. The applicants anticipate that up to 4 buses will be needed for this school at full enrollment. The site has sufficient room for along the curb for buses. There is sufficient room for parents cars to stage on site while waiting on the public right of way. There is sufficient parking available on site for this use.

Outdoor Play-yard area. The proposal includes a play-yard at the rear area of the building. The play-yard will have building access to the space leased by the school. Part of this area is paved currently for parking spaces which will provide overflow spaces for special events and after-hours activities. 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 March 7, 2023. The DRC discussed the outdoor play area placement, traffic circulation and parking demand for the use. They felt that this site was suited to this use. With the new driveway entrance, the circulation for parents drop off/pick up is improved. Buses along 8<sup>th</sup> Avenue did not pose a traffic concern for this location. The rezoning of the rear parcel is recommended for this site along with a minor subdivision to administratively combine the two parcels for this

site. The CUP application is not contingent on the rezoning application since the school building is already zoned in the C-2 District.

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

**Requested Action**

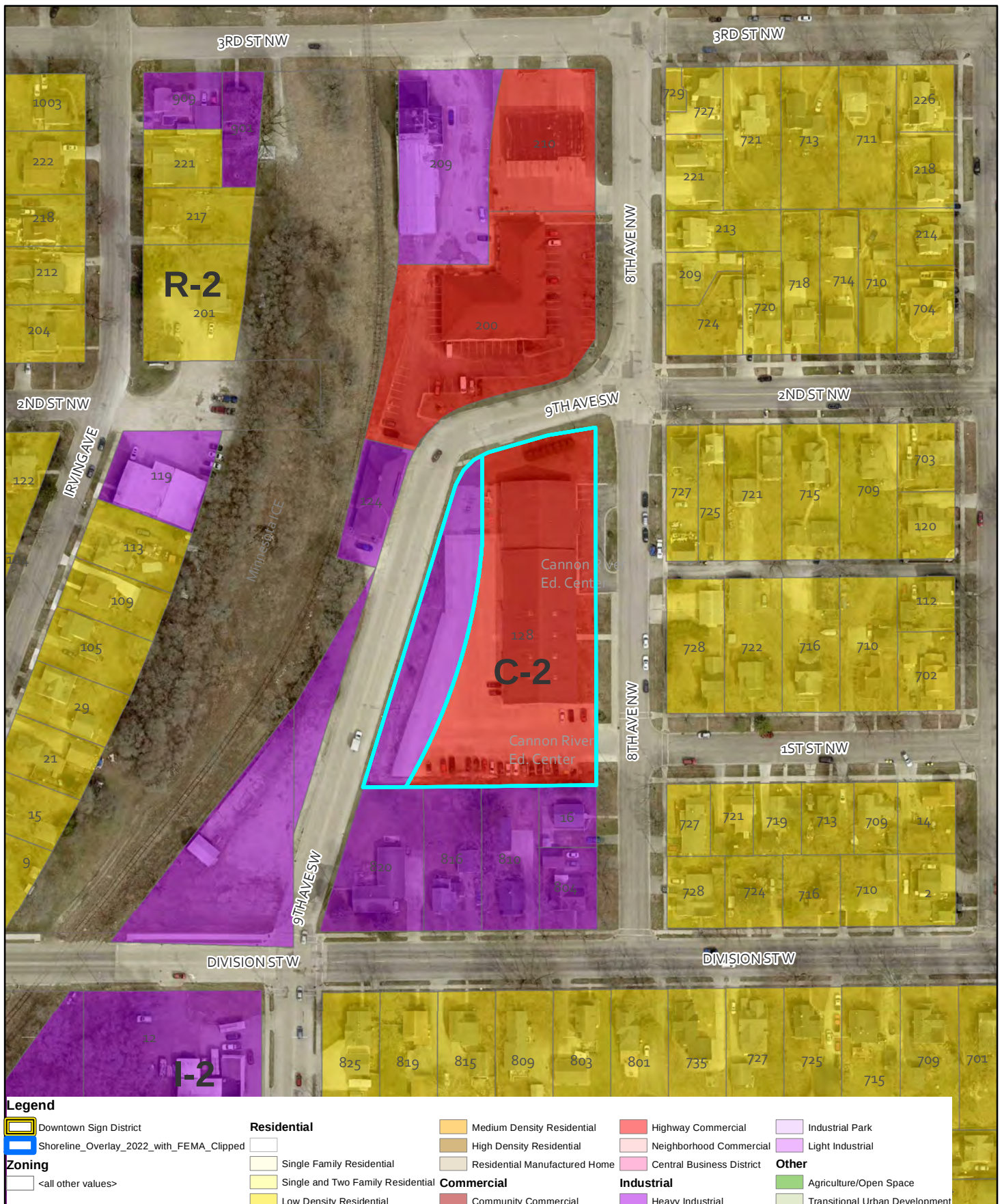
Hold a public hearing, approve findings in support of the proposed Conditional Use Permit and make the appropriate recommendations for City Council approval of the proposed Conditional Use Permit

# Surad Academy - CUP Application

## Comprehensive Plan Map



# Surad Academy - CUP Application - Zoning Map



128 8th Ave NW



1 in = 100 ft



0 25 50 100 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



This document is now complete.

CLOSE

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## APPLICATION FOR REQUESTED ACTION

### Conditional Use Permit

Planning Case # \_\_\_\_\_  
 Filing Fee \_\_\_\_\_  
 Hearing Date \_\_\_\_\_

SITE ADDRESS 128 8<sup>th</sup> AVE. NW

APPLICANT SURAO ACADEMY E-MAIL JSTARR@NOMI3DLearning.com

PHONE 646-334-8483 (H) \_\_\_\_\_ (W) \_\_\_\_\_ (FAX) \_\_\_\_\_

ADDRESS 201 LYNDALE AVE. SW, FARIBAUT, MN 55021

ARCHITECT  
 DEVELOPER (if other than applicant) WJR INC - REED ROBINSON REEDROBINSON@WJRINC.COM

PHONE 763-348-0453 (H) \_\_\_\_\_ (W) \_\_\_\_\_ (FAX) \_\_\_\_\_

ADDRESS 8175-B LEWIS ROAD, GOLDENVALE, MN 55427

LEGAL DESCRIPTION LOT 1 BLOCK 12 OF MCCLELLANDS 2<sup>ND</sup> ADDITION

ACREAGE/SIZE OF PROPERTY 1.37 ACRES

CURRENT ZONING 3A-COMMERCIAL

EXISTING USE OF PROPERTY DAYCARE / SCHOOL

PROPOSED USE OF PROPERTY DAYCARE / K-12 SCHOOL  
 (Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES HEAVY IND, LOW DENSITY RES COMMERCIAL

SIGNATURE OF OWNER Todd Nelson DATE 2-11-23

DocuSigned by  
 SIGNATURE OF APPLICANT Jonathan Starr DATE 2/11/2023  
 (Must submit proof of property control)

**PLEASE PROVIDE ALL INFORMATION REQUESTED ON THIS FORM  
 AND THE ATTACHED CHECKLIST.**

**CONDITIONAL USE PERMIT**  
**Required Submittals**

◆ **Site plan**

- ☒ Drawn to scale, with scale noted
- ☒ Date and North arrow
- ☒ Boundaries and dimensions shown graphically
- ☐ Location of any streets, public trails, railroads, or waterways
- ☐ Present and proposed topography of the site and adjacent areas within 50 feet by contour lines at an interval of not more than 5 feet, and by use of directional arrows, the proposed flow of storm water runoff from the site
- ☒ Location of existing and proposed structures (height and gross floor area noted), with distance from property lines noted
- ☒ Location and dimensions of existing and proposed off-street parking and loading spaces, curb cuts, aisles, and walkways, with distance from property lines noted
- ☒ Location, height, and material for screening walls and fences
- ☐ Type of surfacing and base course proposed for all parking area, loading areas, and walkways
- ☐ Location of all existing and proposed water lines, hydrants, sanitary sewer lines and storm drainage systems
- ☐ Existing and proposed public streets or rights-of-way, easements, or other reservations of land on the site
- ☐ Location and method of screening of outdoor trash storage areas
- ☐ Location and size of all proposed signage
- ☐ Location and height of proposed lighting facilities
- ☐ Elevation views of all proposed buildings or structures, with building materials and proposed colors noted
- ☐ Indicate the ultimate development of the site and proposed development phases when a site is to be developed in stages
- ☐ Landscaping plan

◆ **Required supplemental information**

- ☒ Describe the project in detail (Include: Size of all structures existing and proposed and any modifications to existing, type of business and associated storage/display, type of clientele, hours of operation, number of employees, number of customer seats if food service related, handling of deliveries, unique site characteristics, proposed modifications to topography and/or drainage, development schedule, etc.)
- ☒ Written summary explaining how the proposed use is compatible with the neighborhood
- ☒ Written summary explaining if and how the proposed development will impact traffic
- ☒ Written statement as to why you feel the conditional use permit should be approved
- ☐ Other information as required

◆ **Filing fee**

SIGNATURE OF APPLICANT \_\_\_\_\_

DocuSigned by:  
*Jonathan Starr*  
 EA489BE078F84E5...

DATE 2/11/2023

Planning case # \_\_\_\_\_



Winther • Johnson • Robinson  
Architects • Designers

## **SURAD ACADEMY CONDITIONAL USE PERMIT SUPPLEMENTAL INFORMATION**

### **PROJECT DESCRIPTION:**

This project is to take an existing building located at 128 8<sup>th</sup> Avenue Northwest which was last used as a school for the local school district. Currently the building is approximately 2/3 vacant with the remaining 1/3 of the building housing a daycare. We are proposing to make the vacancy 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 13,277 sf of the building. The school plans on growing by one class per year to 250 students in the next couple of years. 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 pick-up on either side of the school day. There may be an extended stay program which will have a smaller number of students and staff staying until later in the afternoon until around 6:00 PM.

The attached site plan will illustrate where the school is planned with in the building. The proposal is to have a playground in the front of the building which is immediately off the gymnasium. There will be a fence around the playground. Within the fence will be a gate to allow the students to enter the yard and through to the school entrance. 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 focus. If there are privacy concerns from the neighbors to the east then the fence will address those concerns.

The drop-off and pick-up will primarily be by the district bus system. Buses will drop-off and pick-up the students along 8<sup>th</sup> Avenue. They anticipate, at the most, 4 buses. There is enough curb and sidewalk to handle this number of buses. Parents who do drop their children will do so at the south parking lot. They will pull in, drop their children advance a little to the west, turn 180 degrees and return to 8<sup>th</sup> Avenue. The site plan illustrates both the access and queuing paths.

### **NEIGHBORHOOD COMPATIBILITY:**

The surrounding neighborhood is a combination of heavy industrial which is across the train tracks to the west, low density residential to the east and north, with commercial in the general area. Just outside of this pocket is mostly 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 bused to the school the children could be coming 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.

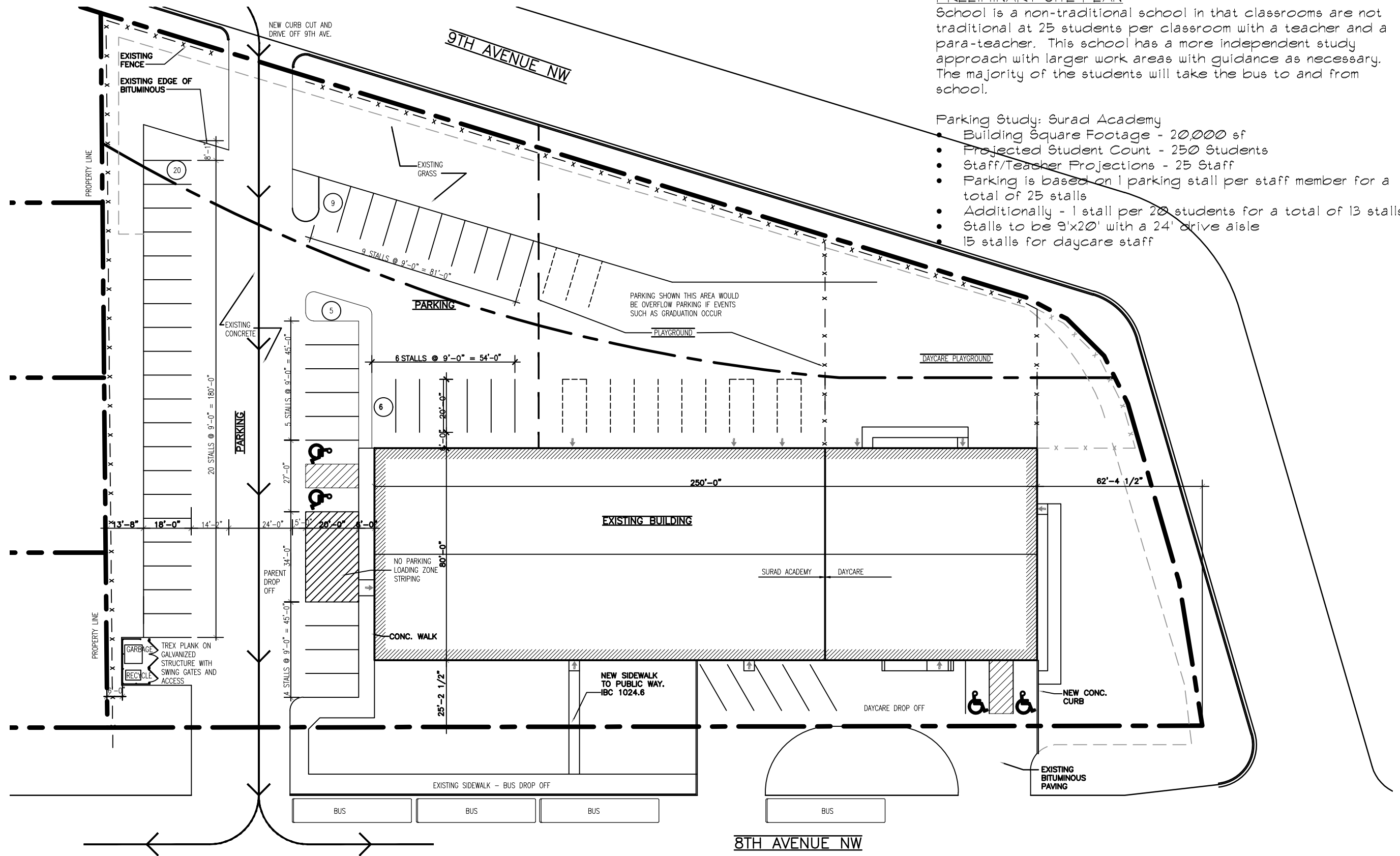
TRAFFICE IMPACT:

The impact to traffic will be similar to the impact to traffic when this building was being used for a school by the District. While the traffic generated by a school is generally concentrated around the drop-off and pick-up of students, the remainder of the day traffic is minimal. See the attached site plan which illustrates the traffic flow. 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 pick-up and transfer at a central location and then distribution to the respective schools. We anticipate as the school matures; they will use 4 buses.

WHY SHOULD THIS PROPOSAL BE APPROVED:

The use of this building over the years has been a school until the school out grew the building and the proposed use is start up school who will occupy the building for many years as they grow. 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 since this building was previously used for a school and the building is set up with classrooms, gymnasium and cafeteria. 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 gather spot. All in all, we see this as a net positive for this location and building and ask for your approval to proceed.

DRAWING FILE NAME: H:\WJR\PROJECTS\562 Surad Charter School\128 8th Ave\Site Plan 03-15-23.dwg  
PLOT DATE: 3/16/2023 2:39 PM



**SURAD ACADEMY  
PROPOSED SITE PLAN**

128 8TH AVENUE NORTHWEST, FARIBAULT, MN

REVISION 1 03-16-23  
Issues & Revisions:

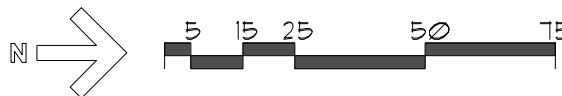
Origination Date:  
02-06-23

Project No.:

Scale:  
As Noted

Drawn By: RFR  
Approval:

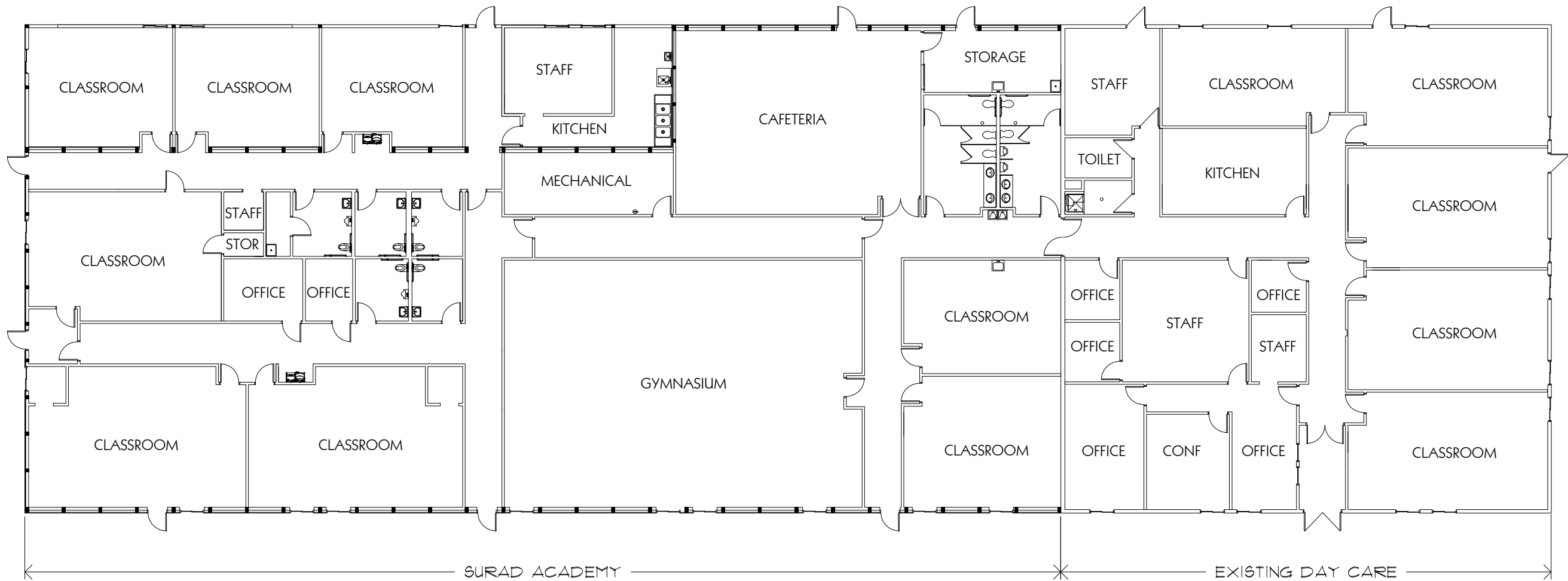
**1 SITE PLAN**  
SCALE: NO SCALE



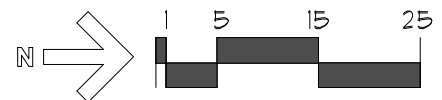
**A1**

OF

DRAWING FILE NAME: H:\WJR\PROJECTS\562 Surad Charter School\128 8th Ave\Surad02-03-23.dwg  
PLOT DATE: 2/6/2023 4:24 PM



1  
A2 BUILDING PLAN  
SCALE: NO SCALE



Issues & Revisions:  
Origination Date:  
02-06-23

Project No.:

Scale:  
As Noted

Drawn By: KNJ  
Approval: RFR

A2  
OF .



## REQUEST FOR PLANNING COMMISSION ACTION

**TO:** Planning Commission  
**THROUGH:** Dave Wanberg, Community & Economic Development Director  
**FROM:** Peter Waldock, Planning & Zoning Coordinator  
**MEETING DATE:** March 20, 2023  
**SUBJECT:** T Nelson Properties LLC Application for rezoning to C-2, Highway Commercial District at the rear of 128 8th Avenue NW PID # 18.31.2.51.088

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### Background:

Todd Nelson of T Nelson Properties LLC, property owner, has applied for rezoning the rear lot of the building site at 128 8th Avenue NW. The application is being processed in order to correct a non-conformity on the back lot (Parcel 2) of the subject site. Parcel 1 (the front lot) on which the building is located is zoned C-2 and the rear lot, which was later acquired from the Railroad, is zoned I-2.

A detailed staff report is attached below to provide further information on this matter.

### Recommendation:

Approve the Draft Ordinance with written findings in support of the proposed rezoning application and recommend that City Council approve the rezoning request in this case.

### Attachments:

1. Draft Ordinance Rezoning Rear lot - 128 8th Ave NW
2. Staff Report Memo re. Rezoning Application

**CITY OF FARIBAULT  
ORDINANCE No. 2023-\_\_\_\_**

**REZONE PID # 18.31.2.51.088 TO C-2, HIGHWAY COMMERCIAL  
DISTRICT AT 128 8<sup>TH</sup> AVENUE NW**

**WHEREAS**, the T Nelson Properties LLC. (the "Owner") has applied to rezone a parcel of property, PID # 18.31.2.51.088, located at the rear of 128 8<sup>th</sup> Avenue NW from I-2, Heavy Industrial District to C-2, Highway Commercial District for use as a parking area and playground for an existing educational use at this address with the legal description provided in Exhibit A; and

**WHEREAS**, the subject site contains a parking lot area and a playground used by a commercial daycare center and proposed for used by a K-12 Charter School comprised of two parcels each in different zoning districts; and

**WHEREAS**, rezoning the subject parcel to C-2, Commercial District is necessary as the subject parcel is used as the rear yard of the commercial use on the adjoining lot to the east which has an existing commercial / educational building; and

**WHEREAS**, this application is the first step in the process for an associated lot combination proposed to join the two parcels into one zoning lot; and

**WHEREAS**, the City's Development Review Committee reviewed the rezoning proposal and recommends approval of the request; and

**WHEREAS**, the Planning Commission, on March 20, 2023, following proper notice, held a public hearing regarding the rezoning request; and

**WHEREAS**, the Planning Commission finds that it is appropriate to rezone existing public and institutional properties as proposed, based on the following written findings of the Planning Commission as required by Section 2-180 of the City's Unified Development Ordinance:

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

Finding: The proposed zoning is consistent with the City's Land Use Plan, which guides the site and adjoining lot that the subject site will be combined with as Commercial / Residential Mixed Use.

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

Finding: The proposed rezoning is the logical expansion of the C-2 District classification currently in place on the primary lot the subject site is accessory to. Without rezoning the site as proposed the I-2 District classification is out place in this block and the subject parcel cannot be properly utilized for industrial uses since the parcel is undersized and non-conforming for industrial lots in the City.

**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 applies to a former railroad parcel that currently serves as the rear yard of an adjoining commercial lot and use that needs to continue use of the parcel for parking and playground area. The owner plans to combine the subject lot with commercial lot to the east.

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

Finding: The rezoning as proposed is needed to support the existing primary use of the site which is located on the adjoining lot. The subject parcel in this case is used for parking and play areas for the primary use. The owner plans to combine the two parcels.

**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 proposal will change the zoning classification of the back lot of an existing commercial / educational use on the adjoining lot. The application is not the result of a change of character or new development trends in the area.

**WHEREAS**, the City Council held a public meeting on March 28, 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 of the Planning Commission, the City Council of the City of Faribault concurs with the written findings of the Planning Commission and makes the identical findings.

**NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:**

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

**Section 2: Rezoning.** The City Council hereby rezones the legally described on Exhibit A, and graphically depicted in Exhibit B to C-2, Highway Commercial District.

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

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

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

Public Hearing: March 20, 2023

First Reading: March 28, 2023

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

**Faribault City Council**

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Kevin F. Voracek, Mayor

**ATTEST:**

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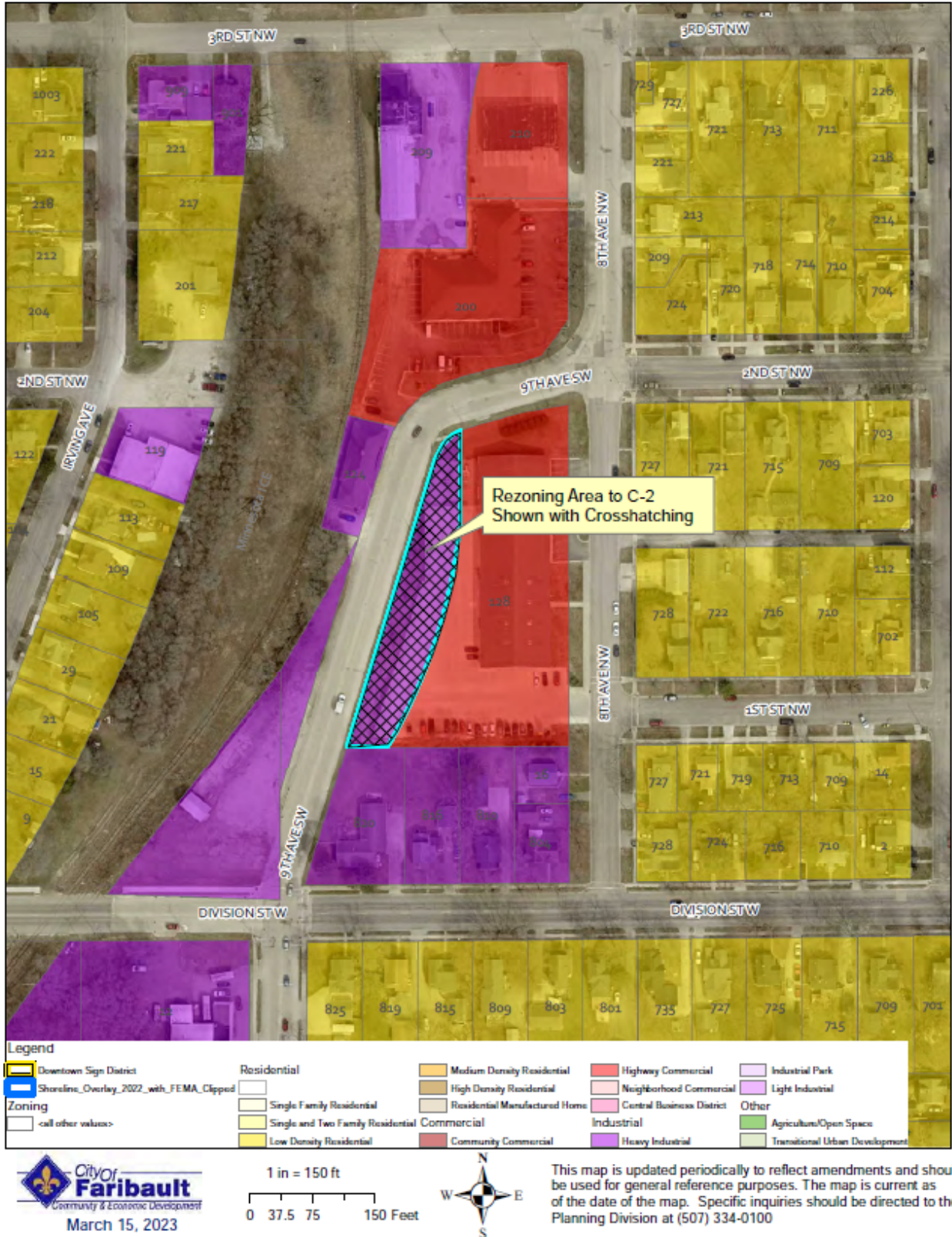
Timothy C. Murray, City Administrator

**Exhibit A**  
**Legal Description**  
**PID # 18.31.2.51.088**

Part of Block 12, the vacated alley in said Block 12 and the vacated portion of First Street Northwest, MCCLELLAND'S SECOND ADDITION, FARIBAULT, RICE COUNTY, MINNESOTA, bounded on the south by the south line of said vacated First Street Northwest, on the west by the easterly right of way line of County State Aid Highway 18 (also known as Ninth Avenue Northwest), on the north by the southerly right of way line of said County State Aid Highway 18 (also known as Second Street Northwest), and on the east by the following described line: Commencing at the southeast corner of said Block 12; thence North 0°00'00" (for purposes of this description bearings are assumed and based on the east line of said Block 12 being North 0°00'00"), along said east line 326.34 feet to a point in the south line of said County State Aid Highway 18; thence South 73°57'53" West, along said south line, 133.77 feet to a point in a curve 10.00 feet southeasterly from and parallel with the center line of the most easterly spur track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (now known as Canadian Pacific Railroad) and the point of beginning of the line to be herein described; thence South 3°37'08" West, along said parallel line, 114.70 feet to the beginning of a circular curve; thence along said curve, concave northwesterly, an arc distance of 272.35 feet (curve data: delta angle = 27°10'14", radius = 574.31 feet) to a point in the south line of vacated First Street Northwest and there terminating.

The above described parcel contains 20296 square feet (0.47 acres).

# **EXHIBIT B** **Rezoning Application - 128 8th Ave NW**





## Request for Planning Commission Action

**TO:** Planning Commission  
**FROM:** Peter Waldock, AICP Planning & Zoning Coordinator  
**MEETING DATE:** March 20, 2023  
**SUBJECT:** Application for Rezoning to C-2, Highway Commercial District for Parcel 2 (PID# 18.31.2.51.088) at the rear of 128 8<sup>th</sup> Avenue NW

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### BACKGROUND

Todd Nelson of T Nelson Properties LLC., property owner, has applied for rezoning of the rear lot (Parcel 2) of the building site at 128 8<sup>th</sup> Avenue NW. The application is being processed in order to correct a non-conformity on the back parcel at the subject site. Parcel 1, the lot on which the building is located is zoned C-2. The rear lot (Parcel 2), was later acquired from the Railroad, is zoned I-2.

The rezoning application is made at the recommendation of the Development Review Committee (DRC) to address the issue of miss-matched zoning on this two-parcel site. The change to C-2 will match the primary use/lot of this site that contains the educational building occupied by a daycare center now and proposed for use by Surad Academy for a Charter School.

### DISCUSSION / ANALYSIS

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

Zoning District. The current zoning of the primary use of the two-lot site is C-2, Highway Commercial District for the front lot with the building on it. The rear lot at the site is zoning I-2, Heavy Industrial District from its original use as a railroad parcel. The site is not located in any overlay zoning districts.

Surrounding Uses. Uses adjoining the site include residential uses east and south of the site. There are commercial uses to the west and north.

Lot Combination. The owners have also applied for a minor subdivision plat for a lot combination to treat the parcels at the site as one zoning lot. The subject parcel is currently improved with some of the parking surface area and play ground space for the educational building at the site.

Development Review Committee. The Development Review Committee (DRC) considered this application at their meeting of March 7, 2023. The DRC discussed the Conditional Use Permit application by Surad Academy for the

site. In that review it was noted that the site had two parcels with different zoning classification even though both are used as a single business site. The DRC felt this should be addressed. The two parcels should be combined into one zoning lot and parcel 2 at the rear of the site rezoned to match the building's zoning classification. Rezoning parcel 2 will be consistent with the Comprehensive Plan for Mixed Commercial and Residential Uses here. The CUP application at this site is not contingent on the rezoning application since the school building is already zoned in the C-2 District. After the DRC meeting, staff contacted the property owner and he agreed to combine the lots and apply for rezoning to C-2 as suggested by the DRC.

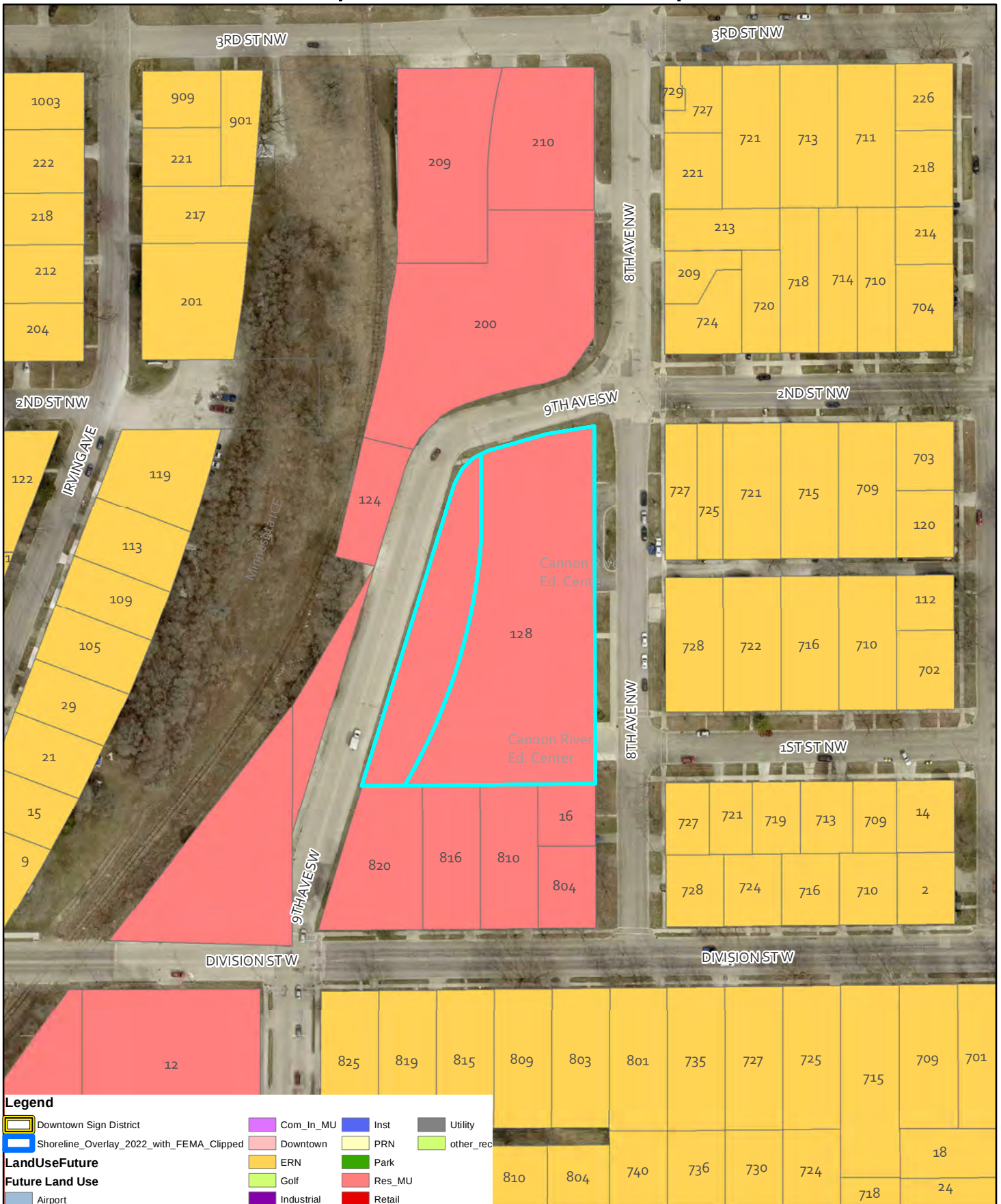
The DRC recommended approval of the rezoning as proposed.

**Requested Action**

Hold a public hearing, approve findings in support of the proposed rezoning to C-2, Highway Commercial District to match the building at this location.

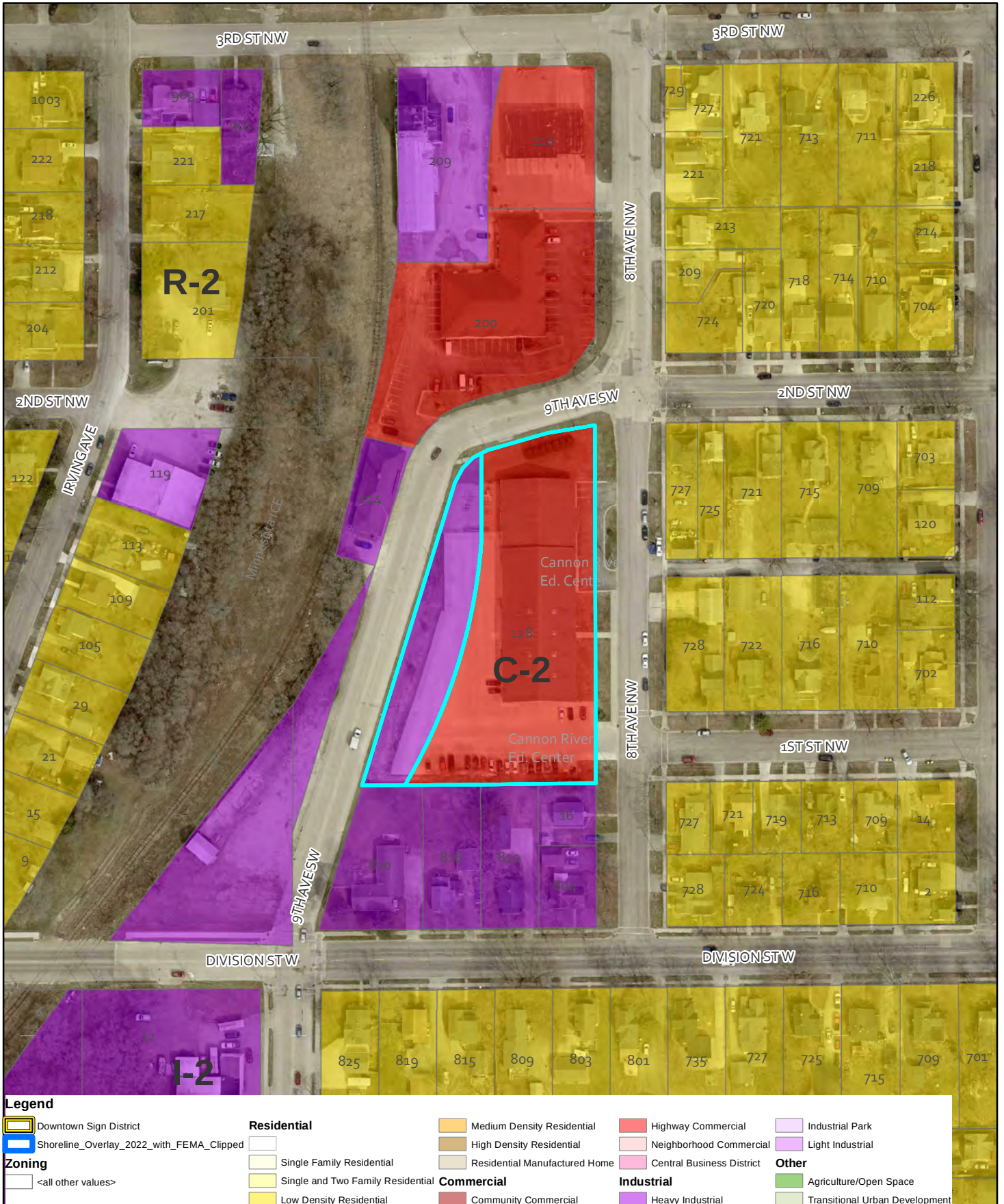
# Rezoning Application - 128 8th Ave NW

## Comprehensive Plan Map



# Rezoning Application - 128 8th Ave NW

## Zoning Map



# 128 8th Ave NW



**Legend**  
Downtown Sign District  
Shoreline Overlay 2022\_with FEMA Clipped





APPLICATION FOR REQUESTED ACTION  
Rezoning/Text Amendment

Planning Case # \_\_\_\_\_  
Filing Fee \_\_\_\_\_  
Hearing Date \_\_\_\_\_

TO BE FILLED OUT BY ALL APPLICANTS

TYPE OF REQUEST: X REZONING        TEXT AMENDMENT  
APPLICANT T. NELSON PROPERTIES, LLC E-MAIL dynamic@electric@guestoffice.net  
PHONE 501-291-0585 (H) \_\_\_\_\_ (W) \_\_\_\_\_ (FAX) \_\_\_\_\_  
ADDRESS 128 8<sup>th</sup> Ave. N.W. FARIBAULT, MN 55021

REZONING

Legal Description see attached Size of Property \_\_\_\_\_  
Current Zoning I 2 Proposed Zoning C 2  
Existing Use of Property Commercial parking Lot Proposed Use of Property Commercial parking lot  
Identify All Adjacent Land Uses Commercial-Industrial N+W. Residential N, S, E, W.  
Reason for Request to prepare for lot combination.

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 [Signature]

DATE 3-14-23

(Must submit proof of property control)



## REQUEST FOR PLANNING COMMISSION ACTION

**TO:** Planning Commission  
**THROUGH:** Dave Wanberg, Community & Economic Development Director  
**FROM:** Peter Waldock, Planning & Zoning Coordinator  
**MEETING DATE:** March 20, 2023  
**SUBJECT:** Conditional Use Permit request for 3-Ten Event Center to install an outdoor dining enclosure in the alley at the rear entrance to 306 Central Avenue.

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### Background:

Ryan Ernster owner of 3-Ten Event Center, is requesting a Conditional Use Permit (CUP) for an outdoor reception patio at the rear (alley entrance) of 306 Central Avenue. The area will serve the 3-Ten Event Center in 306, 308 and 310 Central Avenue buildings. The proposed enclosure will be located in the public service alley behind the building. The applicants will enter into a limited use agreement with the City for authorization to use the public right-of-way for this purpose. The City has executed similar agreements with other owners downtown.

A detailed staff report is attached below for further information on this request.

### Recommendation:

Approve the draft resolution for a conditional use permit with written findings for approval of the application by 3-Ten Event Center at 306-310 Central Avenue and recommend the City Council approve the application subject to a limited use agreement with the City.

### Attachments:

1. Draft Resolution to Approve Rear Dining Enclosure CUP 3-Ten Event Center - 306 Central Ave
2. Staff Report Memo re. 310 Event Center CUP for Rear Reception Enclosure (ATTACHMENTS)

State of Minnesota  
County of Rice

**CITY OF FARIBAULT**

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**RESOLUTION 2023-\_\_\_\_**

**APPROVING A CONDITIONAL USE PERMIT FOR AN OUTDOOR WEDDING  
AND RECEPTION PATIO IN THE ALLEY TO THE REAR OF  
306-310 CENTRAL AVENUE**

**WHEREAS**, Ryan Ernster, property owner and applicant (the "Applicant") of the subject property legally described in Exhibit A, has requested approval of a conditional use permit for an outdoor enclosure in the alley at the rear of 310-306 Central Avenue as an accessory use to an event center business at the premises; and

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

**WHEREAS**, the Planning Commission, on the 20<sup>th</sup> day of March, 2023 following proper notice, held a public hearing regarding the request, and following said public hearing recommended approval of the request; and

**WHEREAS**, the City Council, on March 28<sup>th</sup>, 2023, at a public meeting considered the request; and

**WHEREAS**, following said public hearing, the Planning Commission recommended approval of the requested conditional use permit based on the following findings as required by Section 2-300 of the City of Faribault, Unified Development Ordinance as follows:

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

*The proposed use is compatible with allowed uses in downtown area.*

- 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.**

*The use will not be injurious to others, or limit the use and enjoyment of other property in the downtown area.*

- 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.**

*The use will be operated in a manner consistent with existing outdoor dining and drinking enclosures found downtown. A limited use agreement with the City will be reached to further address use of alley area for this enclosure.*

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

*The use will not impose hazards or disturbance on neighboring properties.*

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

*The use will not diminish the value of neighboring property.*

- 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.**

*The site is adequately served with public facilities and services and access, and will not affect schools.*

- 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.**

*The outdoor dining / drinking enclosure will not create any additional requirements for public facilities or services.*

- 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.**

*The use will not generate traffic congestion as it will not add noticeable amounts of traffic to the area due to its small size and limited capacity.*

- 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.**

*The Planning Commission finds that no natural or historic resources will be negatively affected by this use.*

- 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.**

*The Planning Commission finds that this use is consistent with City's Land Use Plan which guides the location for Downtown Uses.*

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

*The Planning Commission finds that the use conforms to all applicable regulations of the Central Business District.*

**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 FARIBAULT, MINNESOTA AS FOLLOWS:**

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

**Section 2: Approval of the Conditional Use Permit.** A conditional use permit for an outdoor reception and wedding enclosure on the roof of property located at 310 Central Avenue, is hereby approved subject to conditions as set forth in Section 3 of this resolution. Said approval shall be based on the forgoing recitals, which are incorporated herein by reference, and constitute the findings of the City Council in accordance with Section

2-300 of the City of Faribault, Unified Development Ordinance.

**Section 3: Conditions of Approval.** The conditional use permit shall be approved subject to conditions listed herein as authorized under Section 2-310 of City's Unified Development Ordinance which are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. Amplified sound coming from the enclosure in such quantities so as to cause disturbance off premise shall be prohibited. The use of amplified music in the enclosure area shall be allowed in accordance with City Noise Ordinances.
3. A dark colored metal ornamental wrought iron style metal enclosure shall be provided consistent with the examples shown in Exhibit B.
4. Lighting shall be directed or screened to avoid glare on nearby residential uses.
5. The enclosure shall be constructed to meet standards as determined by the Public Works Director, and shall be maintained in good condition at all times.
6. The Conditional Use Permit is subject to the approval and provisions of a required Limited Use Agreement with the City for use of the service alley in this case.

**Section 4: 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.
7. The Applicant must meet the relevant development standards for outdoor eating, drinking, or smoking enclosures as an accessory use to a place of assembly with liquor sales, as specified in Sec. 7-30 of the Unified Development Ordinance.

**Section 5: Violations / Revocation.** The applicant must comply with all applicable provisions of the City Code of Ordinances during development and operation of the conditional use. Any violation of these provisions or any of the specified conditions shall be grounds for revocation of the conditional use permit in accordance with Article 7, Chapter 2-Administration and Enforcement, Faribault Unified Development Ordinance.

**Section 6. 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 7. Effective Date.** This resolution shall be effective upon passage.

**Date Adopted:** March 28, 2023

**Faribault City Council**

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**Kevin F. Voracek, Mayor**

**ATTEST:**

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**Timothy C. Murray, City Administrator**

**Exhibit A**  
Legal Description

The North 22 feet of the East 100 feet of Lot, 1, Block 45, Original Town, now City of Faribault, Rice County, Minnesota.

PID #18.31.1.26.284

Addressed as 306 Central Avenue, Faribault, MN 55021

and

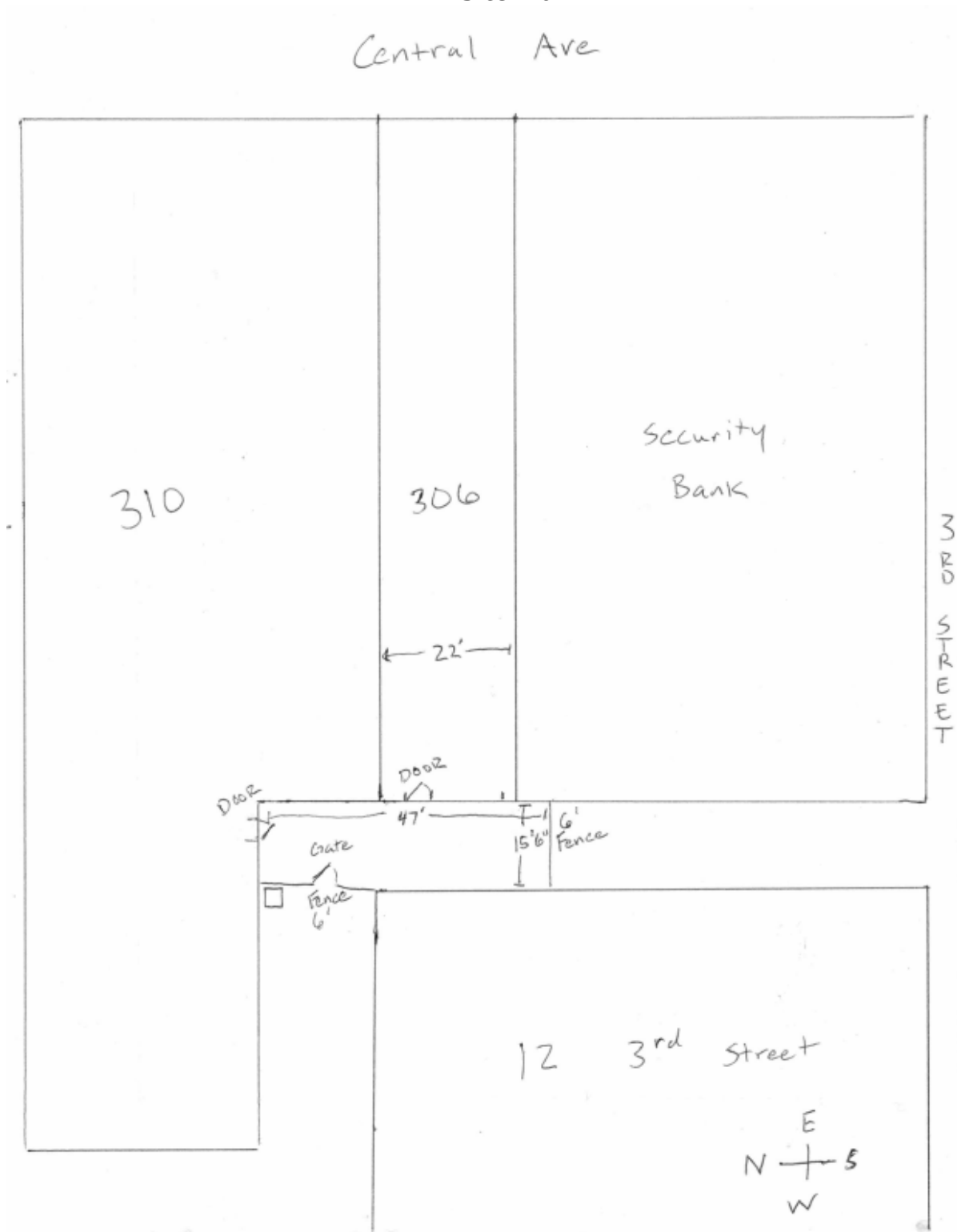
Lot 2, Block 45, Original Town, now City of Faribault, Rice County, Minnesota, excepting therefrom the alley over and across the west side thereof.

Abstract Property

PID #18.31.1.26.285

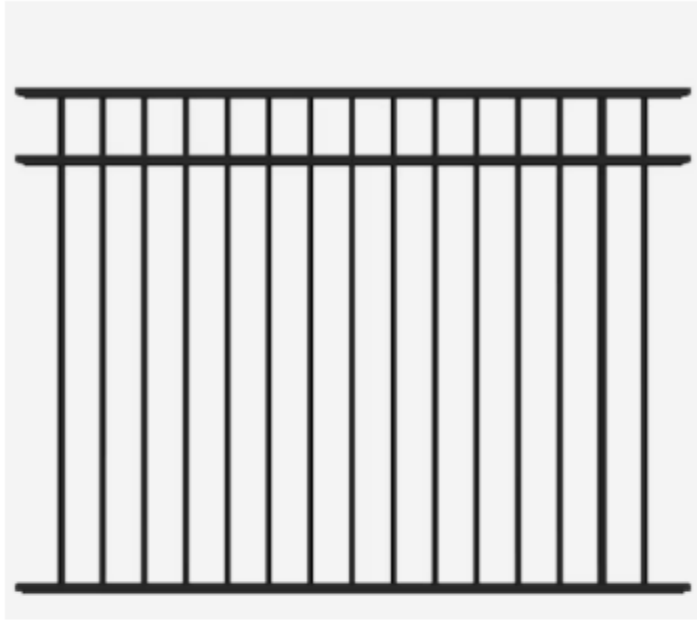
Addressed as 310 Central Avenue, Faribault, MN 55021.

**Exhibit B Page 1**  
Site Plan



## Exhibit B Page 2

3-ten Event Center Rear Enclosure  
306-310 Central Avenue



Wrought Iron Style 6' tall fence with Screening fabric proposed.





## Request for Planning Commission Action

**TO:** Planning Commission  
**FROM:** Peter Waldock, AICP Planning & Zoning Coordinator  
**MEETING DATE:** March 20, 2023  
**SUBJECT:** Application for a Conditional Use Permit for an outdoor dining / reception enclosure for 3-Ten Event Center at the rear (alley) entrance to 306-310 Central Avenue

---

### BACKGROUND

Ryan Ernster owner of 3-Ten Event Center, is requesting a Conditional Use Permit (CUP) for an outdoor reception patio at the rear (alley entrance) to 306 Central Avenue. The area will serve the 3-Ten Event Center at 306, 308 and 310 Central Avenue buildings. The proposed enclosure will be located in the City's service alley behind the building. The applicants will enter into a limited use agreement with the City for authorization to use City property for this purpose.

The enclosure will have gates at both ends and an entrance to 306 Central Avenue. There is a rear garage door from 310 Central Avenue as well, but that door is not planned for use at this time. The enclosure will be a 6-foot-tall wrought iron style metal fence designed to be freestanding (not permanently mounted into the asphalt surface) so it can be moved to the side for alley maintenance as needed. The fence will have mesh screening fabric for privacy.

The City approved a CUP for an outdoor reception enclosure on the roof of 3-Ten Event Center that has been operated since 2020 at the site without complaints or any issues reported. The roof patio will remain in use in addition to the rear alley enclosure if approved.

### DISCUSSION / ANALYSIS

Comprehensive Plan. The 3-Ten Event Center site is guided for Downtown Development uses in the City's 2040 comprehensive plan.

Zoning District. The current zoning at the site is CBD, Central Business District. The permits outdoor reception enclosures with a CUP for sites within 200 feet of a residential use. The plan will be subject to the development standards listed in Sec. 7-30 of the Unified Development Ordinance (UDO) for outdoor dining/drinking enclosures.

**Sec. 7-30.** Outdoor eating, drinking, or smoking enclosure as an accessory use to a bar, restaurant, club, or other assembly use with liquor sales.

- (1) Any structure shall be located on the subject property contiguous to the principal building and shall conform to all zoning and building codes and state statutes, and shall be subject to the same setbacks as the principal building.
- (2) Any structure shall be subject to review and approval by the Development Review Committee, and if in the Historic Preservation District, shall be approved by the Heritage Preservation Commission.
- (3) The primary access to the area shall be from the principal building; no other access or egress shall be allowed other than required emergency exits.
- (4) The area shall be defined or constructed so as to prohibit the free passage of any person from the area.
- (5) The area shall have a permanent surface of concrete, asphalt, wood, or other fabricated construction material.
- (6) The area may have a roof and/or partial walls, but must be less than fifty (50) percent enclosed as defined by state statute. All enclosures must be constructed of materials compatible with the principal structure as defined elsewhere in this ordinance.
- (7) The area shall be located no closer than two hundred (200) feet to a residential district boundary or use and shall be screened in compliance the provisions of Chapter 4, Site Plan Review. Areas which are located closer than two hundred (200) feet may be permitted by conditional use permit, in accordance with the provisions of Chapter 2, [Article 7](#) of this ordinance.
- (8) An employee shall be assigned to supervise the area during all hours of operation.
- (9) Amplified sound shall not be permitted within the outdoor enclosure when it is audible from a residential district boundary or use.
- (10) Appropriate receptacles for rubbish, garbage, cigarette paraphernalia, etc. must be provided.
- (11) The premise, all adjacent streets, sidewalks, alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purpose of removing litter.

**Surrounding Uses.** Surrounding uses are generally mixed use historic downtown commercial buildings. The uses adjoining this site include buildings with mixed commercial and residential Uses.

**Duration.** Conditional Use Permits are permanent, running with land not the business users. There is no expiration for a CUP once approved, but the

approval can be revoked if the use is in violation of the conditions of approval or City ordinances. Also, the enclosure in this case will be subject to a Limited Use Agreement with the City. This agreement may have limitations in addition to the CUP.

Development Review Committee. The Development Review Committee (DRC) considered this application at their meeting of March 7, 2023. The DRC discussed the application and noted the alley was not accessible as a traffic passage way. It was a service alley that has existing obstructions such as fire escapes and electrical transformers and gas meters. There are several dumpsters that belong to adjoining buildings as well. The Public Works Director is working with those building owners for a limited use agreement for the dumpsters to have new enclosures built for them. The DRC felt the enclosure proposed in this case would not interfere with the other alley uses. There is sufficient room for the other uses and the existing dumpsters can be screened with trash enclosures and still be accessed by the trash haulers as usual.

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

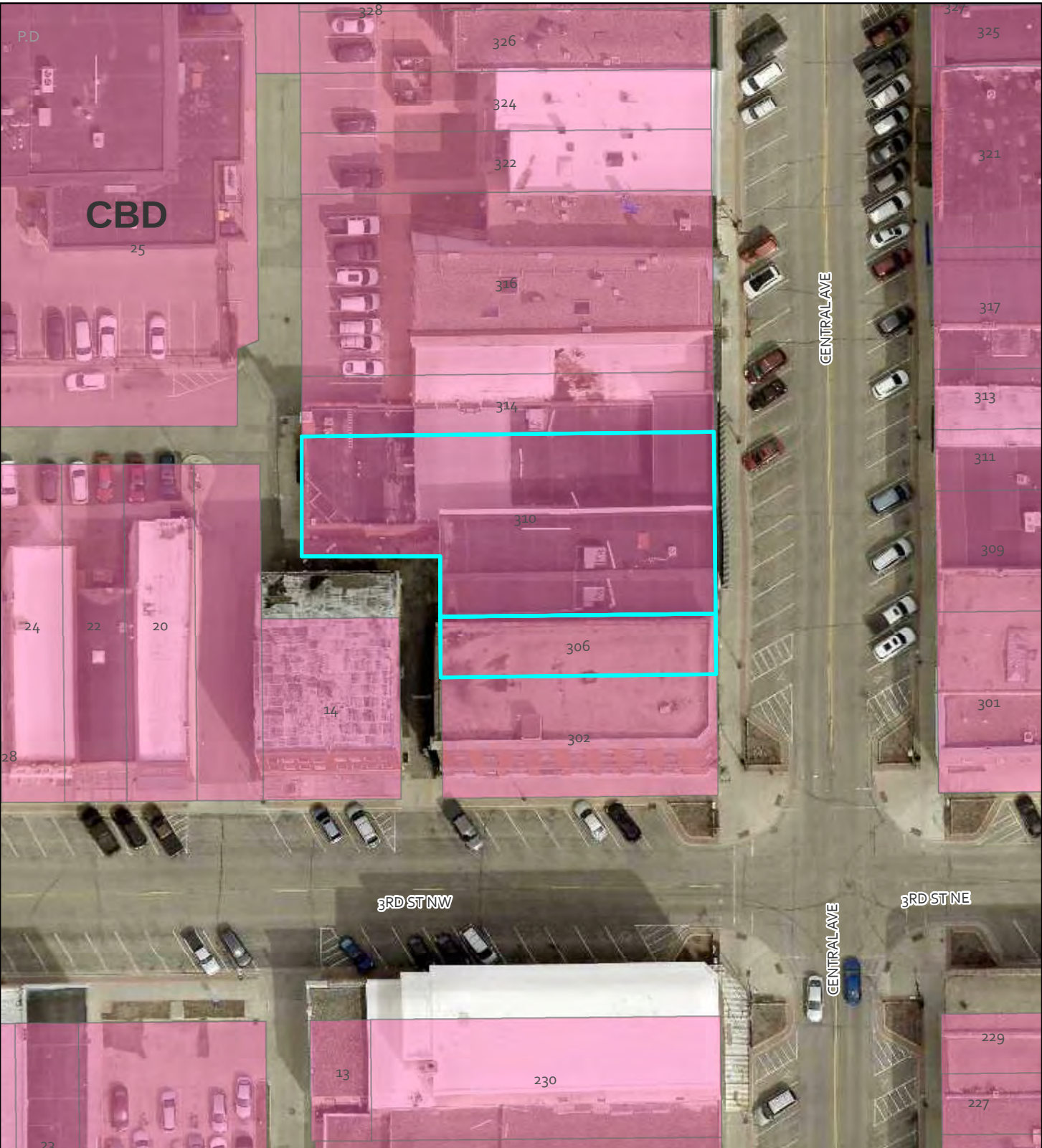
**Requested Action**

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

# 3-Ten Event Center- Comprehensive Plan Map



# 3-Ten Event Center



**Legend**

Downtown Sign District

Shoreline\_Overlay\_2022\_with\_FEMA\_Clippped

**Zoning**

<all other values>

**Residential**

Single Family Residential

Single and Two Family Residential

Low Density Residential

**Commercial**

Medium Density Residential

High Density Residential

Residential Manufactured Home

Community Commercial

**Industrial**

Highway Commercial

Neighborhood Commercial

Central Business District

Heavy Industrial

**Other**

Industrial Park

Light Industrial

Agriculture/Open Space

Transitional Urban Development

# 3-Ten Event Center



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



APPLICATION FOR REQUESTED ACTION  
Conditional Use Permit

Planning Case # \_\_\_\_\_  
Filing Fee \_\_\_\_\_  
Hearing Date \_\_\_\_\_

SITE ADDRESS 310 Central Ave

APPLICANT Ryan Ernster E-MAIL ryanernstergmail.com

PHONE 952-484-7497 (H) \_\_\_\_\_ (W) \_\_\_\_\_ (FAX) \_\_\_\_\_

ADDRESS 6422 150th St Prior Lake MN 55372

DEVELOPER(if other than applicant) \_\_\_\_\_

PHONE \_\_\_\_\_ (H) \_\_\_\_\_ (W) \_\_\_\_\_ (FAX) \_\_\_\_\_

ADDRESS \_\_\_\_\_

LEGAL DESCRIPTION Lot 2 Block 45 of original town faribault

ACREAGE/SIZE OF PROPERTY .20 acres, 8,756 sq

CURRENT ZONING 3A

EXISTING USE OF PROPERTY Event Venue

PROPOSED USE OF PROPERTY Alley Patio  
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES \_\_\_\_\_

SIGNATURE OF APPLICANT [Signature] DATE 2/3/23  
(Must submit proof of property control)

SIGNATURE OF PROPERTY OWNER [Signature] DATE 2/3/23  
(If other than applicant)

PLEASE PROVIDE ALL INFORMATION REQUESTED ON THIS FORM  
AND THE ATTACHED CHECKLIST.

Updated August 23, 2016

**CONDITIONAL USE PERMIT**  
**Required Submittals**

♦ **Site plan**

- ☐ Drawn to scale, with scale noted
- ☐ Date and North arrow
- ☐ Boundaries and dimensions shown graphically
- ☐ Location of any streets, public trails, railroads, or waterways
- ☐ Present and proposed topography of the site and adjacent areas within 50 feet by contour lines at an interval of not more than 5 feet, and by use of directional arrows, the proposed flow of storm water runoff from the site
- ☐ Location of existing and proposed structures (height and gross floor area noted), with distance from property lines noted
- ☐ Location and dimensions of existing and proposed off-street parking and loading spaces, curb cuts, aisles, and walkways, with distance from property lines noted
- ☐ Location, height, and material for screening walls and fences
- ☐ Type of surfacing and base course proposed for all parking area, loading areas, and walkways
- ☐ Location of all existing and proposed water lines, hydrants, sanitary sewer lines and storm drainage systems
- ☐ Existing and proposed public streets or rights-of-way, easements, or other reservations of land on the site
- ☐ Location and method of screening of outdoor trash storage areas
- ☐ Location and size of all proposed signage
- ☐ Location and height of proposed lighting facilities
- ☐ Elevation views of all proposed buildings or structures, with building materials and proposed colors noted
- ☐ Indicate the ultimate development of the site and proposed development phases when a site is to be developed in stages
- ☐ Landscaping plan

♦ **Required supplemental information**

- ☐ Describe the project in detail (Include: Size of all structures existing and proposed and any modifications to existing, type of business and associated storage/display, type of clientele, hours of operation, number of employees, number of customer seats if food service related, handling of deliveries, unique site characteristics, proposed modifications to topography and/or drainage, development schedule, etc.)
- ☐ Written summary explaining how the proposed use is compatible with the neighborhood
- ☐ Written summary explaining if and how the proposed development will impact traffic
- ☐ Written statement as to why you feel the conditional use permit should be approved
- ☐ Other information as required

♦ **Filing fee**

SIGNATURE OF APPLICANT



DATE

2/3/23

Planning case # \_\_\_\_\_

Central Ave

310

306

Security  
Bank

3  
RD  
S  
T  
R  
E  
E  
T

← 22' →

Door

Door

47'

15'6"

6' Fence

Gate

Fence  
6'

12 3<sup>rd</sup> Street

E  
N — + — S  
W

## THE 3 TEN EVENT VENUE ALLEY PATIO EXPANSION PROPOSAL

We at The 3 Ten Event Venue propose expanding our useable space in the form of a patio out into the alley southwest of our building at 310 Central Ave. The patio would be primarily used for but not limited to, cocktail hours, wedding ceremonies, photo opportunities, dinners, and other wedding related uses. We would build a free standing 6' tall wood semi-privacy fences on each end of the patio. The fence on the northwest corner would have a gate for exiting if needed. The alley patio would be 15' wide by 47' long. We would decorate the patio with potted trees, shrubs, plants, and flowers. We would also include a couple of repurposed whisky barrels for cocktail tables as well as a couple of custom wood benches for seating. Overhead we would affix café lights to give the space some mood lighting. We would propose hours of operation from 10am to 10pm. We staff all events with a bartender, wedding coordinator and security guard. This space would be patrolled by staff throughout all events to ensure all clients and guests are following venue and city rules and regulations.

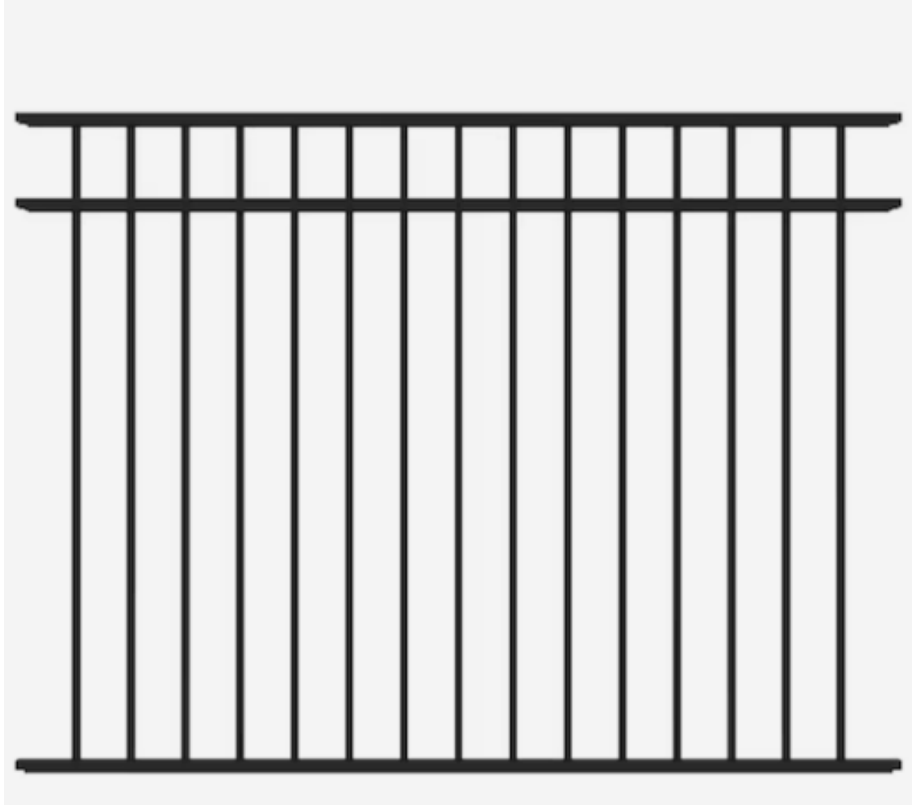
We are very hopeful that the city will approve our request to expand into the alley. We feel that this could be a great opportunity for us as a business, our clients and potentially the community. This project if approved and successful could be a template that other bars, restaurants, and businesses could follow to improve their own business viability downtown!? Over the past few years we have had great success with our rooftop patio at our sister venue The 3 Ten Rooftop Loft. We hope to be approved so we can continue our growth and investment into downtown Faribault!

Respectfully,

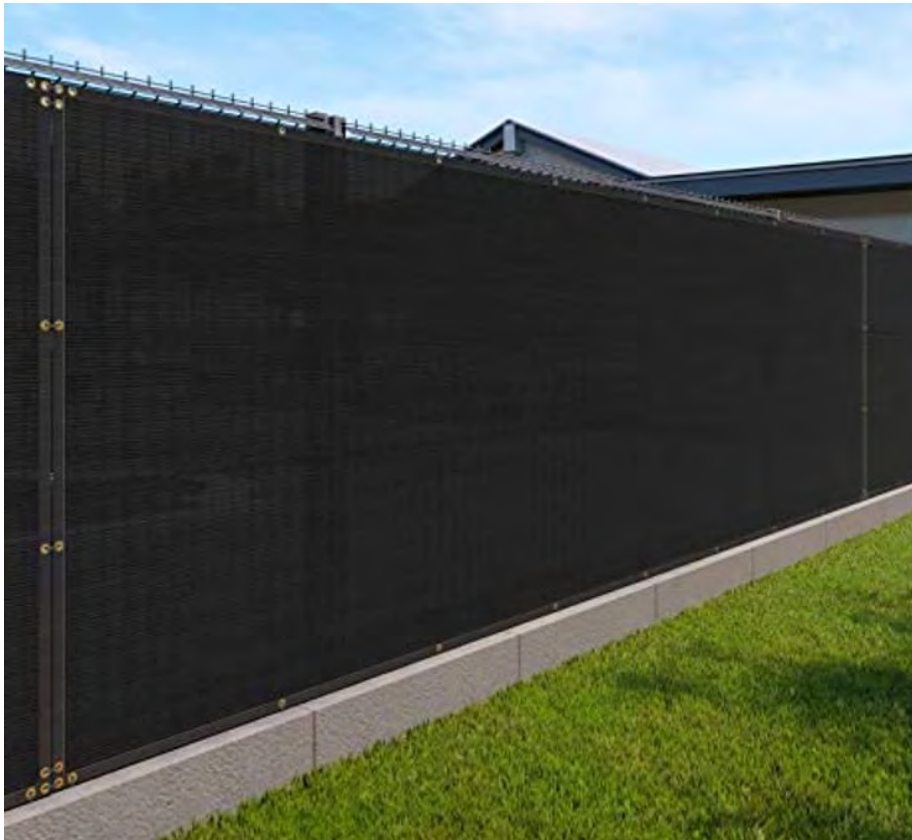
Ryan and Jenny Ernster

Owner and Operators of The 3 Ten Event Venue

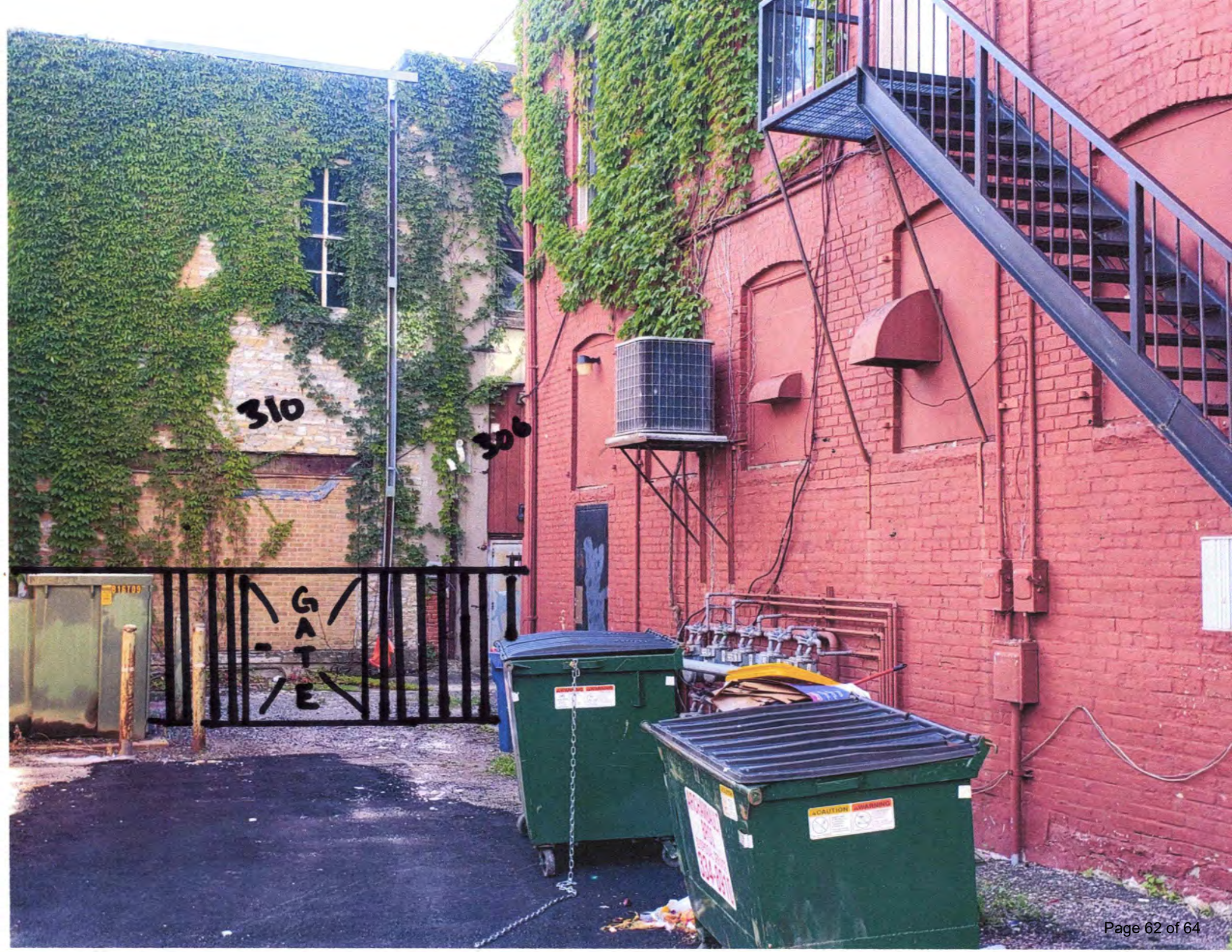
3-ten Event Center Rear Enclosure  
306-310 Central Avenue

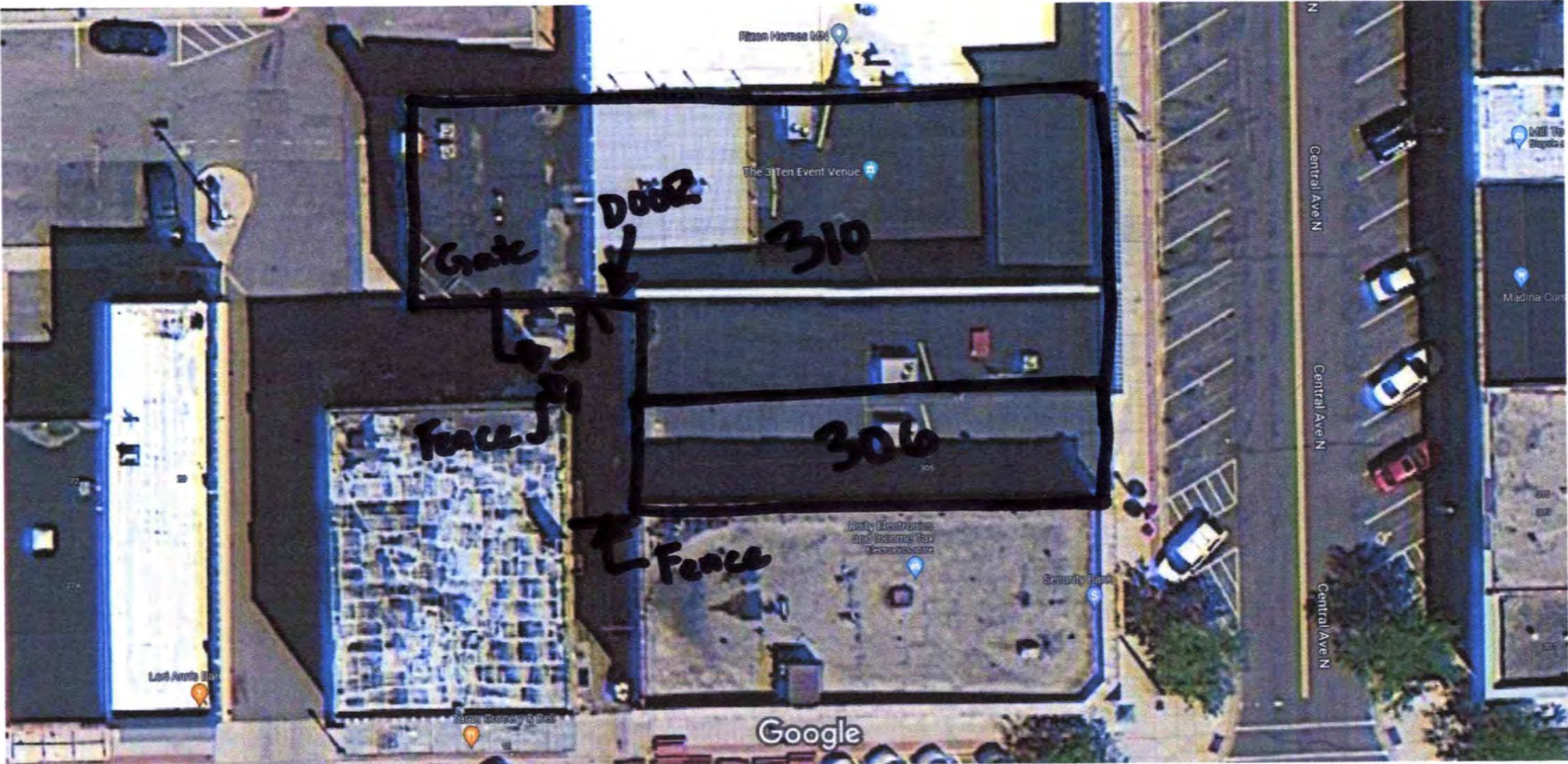


Wrought Iron Style 6' tall fence with Screening fabric proposed.









Map data ©2023 , Map data ©2023 20 ft



## REQUEST FOR PLANNING COMMISSION ACTION

**TO:** Planning Commission  
**THROUGH:**  
**FROM:**  
**MEETING DATE:** March 20, 2023  
**SUBJECT:** Board and Commission Reports, Announcements and Updates

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**Background:**

**Recommendation:**

**Attachments:**