



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, APRIL 3, 2023

6:00 PM

1. Call to Order
2. Approval of the Minutes of the March 20, 2023 Meeting
3. Public Hearings
 - A. Application for a Conditional Use Permit for a K-12 Charter School at 128 8th Avenue NW (Continued from March 20, 2023)
4. Board and Commission Reports, Announcements and Updates
5. Adjournment

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



PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS

MONDAY, MARCH 20, 2023

6:00 PM

Meeting Items

1. Call to Order

2. Approval of the Minutes

A motion was made by Michael Salt, seconded by Barton Jackson to Approve the meeting minutes of March 6, 2023. The motion passed on a 5/0 vote.

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

Mr. Waldock gave his presentation and the Chair opened the matter up for discussion. Commissioner White started out by stating that there may be some issues with the entrance for parent pick-up on the side indicated and made the suggestion that they do a car count. Commissioner Delgado also thought that a traffic study may be helpful. The Chair then opened the public hearing and Dennis DeMars a 715 2nd Ave NW spoke and indicated that he would would prefer to have no parking on the east side of 8th Ave that may block his access to the alley between 1st and 2nd. He appreciated that there will be an entrance on the 9th Ave side. Next up was Tony Langerud of 124 9th Ave NW. He runs an insurance company at that address and has seen some balls floating over his way from the playground. He was also concerned about the traffic with 9th Ave being a main thoroughfare for emergency vehicles and would like to see the fencing higher and better. Langerud also asked about the K-4 migration to 12th grade. Mr. Waldock responded by adding that they will be starting with K-4 and then add a year each year and will stick with the plan. The applicant has no plans of adding new fencing. Chair closed the public hearing at 6:33 and brought it back to the commission for further discussion. White then stated that he would prefer a traffic study be done and the matter be tabled to gather information on the traffic study. Michael Salt made a motion to table the matter to get the results of a traffic study and then review. This motion was seconded by Barton Jackson to table. The motion passed on a 5/0 vote.

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

Waldock presented the matter. Chair opened the public hearing at 6:41 and no one spoke. He then closed the public hearing at 6:41 and brought it back for discussion. White stated that this makes sense and made a motion, seconded by Barton Jackson approve the rezoning. The motion passed on a 5/0 vote.

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.

Waldock began his presentation stating that the owner will working with the City on the Limited Use Permit. Noted that there will be five conditions for approval in the proposed resolution. Chair brought the matter up for discussion following Waldock's presentation. There was some discussion on the gate. Chair then opened the matter up for public hearing at 7:01 p.m. The applicant was present, Ryan Ernster. Mr. Ernster stated that it will be used as a multi-use space; they have a liquor license and there will be no amplified music. He stated that the dumpster plan to be 40' to 50' from the gate and they will be using a mesh for screening. Brett and KariAnn Pollard of 22 3rd Street came forward and stated that they live downtown and are very pleased with 3 Ten as neighbors. They gave an all thumbs up on the trash being addressed. Chair then closed the public hearing at 7:12 p.m and a motion was made by Barton Jackson, seconded by Michael Salt to Approve the CUP with conditions listed the proposed resolution. The motion passed on a 5/0 vote.

4. Board and Commission Reports, Announcements and Updates

Nothing really to add. The City Council passed all for the second readings on the previous projects.

5. Adjournment

Motion by Barton Jackson, seconded by Michael Salt to adjourn at 7:15 p.m.. The motion passed on a 5/0 vote.

Respectfully submitted,

By: _____
Kari Casper, Recording Secretary



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Peter Waldock, Planning Coordinator
MEETING DATE: April 3, 2023
SUBJECT: Application for a Conditional Use Permit for a K-12 Charter School at 128 8th Avenue NW (Continued from March 20, 2023)

Background:

The Planning Commission opened a public hearing on March 20, 2023, to consider a conditional use permit application from Surad Academy (the "Applicant") on behalf of T Nelson Properties (the "Owner") for a proposed charter school at 128 8th Avenue NW. The Commission chose to continue the public hearing to a future date to allow the Applicant to address potential parking and circulation issues related to the proposed use. In particular, the Planning Commission expressed concerns about vehicular and pedestrian traffic on 9th Avenue NW, and the Commission expressed concerns about parking and congestion on 8th Avenue NW. In response, the Applicant prepared revised plans that eliminate or modify the previously proposed driveway access to 9th Avenue NW (see the attached Staff Report).

There are several ways to handle parking and circulation related to the proposed charter school. Mark DuChene, City Engineer, will attend the Commission's April 3 meeting and discuss the advantages and tradeoffs of the various options. Staff will then ask the Planning Commission to make recommendations related to the Applicant's conditional use permit request and the preferred parking and circulation approach.

Recommendation:

Recommend a preferred parking and circulation plan, approve findings supporting the CUP application, and recommend City Council approval.

Attachments:

Agenda Item: 3.A

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

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2023-____

APPROVE A CONDITIONAL USE PERMIT FOR A K-12 CHARTER SCHOOL AT 128 8TH 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 8th 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 8th 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

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A Legal Description

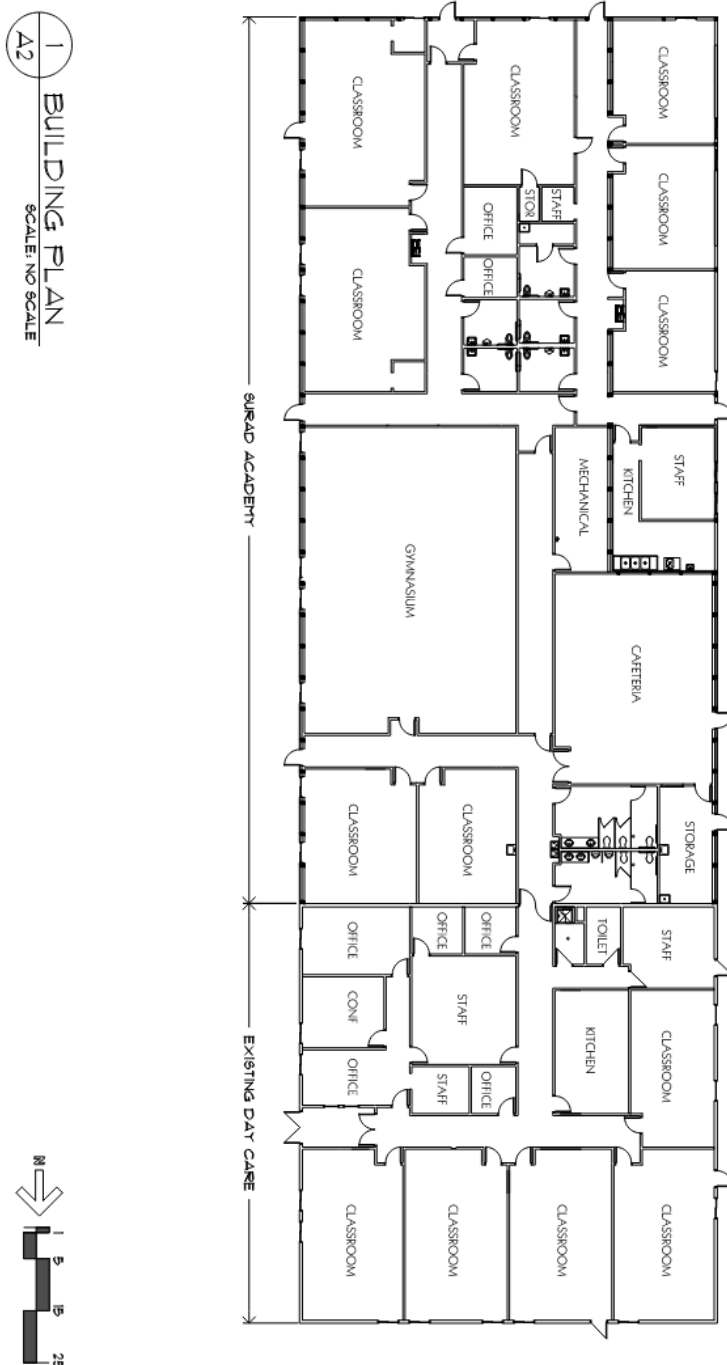
Those parts of Lots 1, 2, 3, 8, 9, 10, the vacated alley in Block 12, and that part of vacated First Street Northwest which lies adjacent to and directly South of said Block 12, which lie South and East of a line parallel with and 10.00 feet southeasterly from and at right angles to the center line of 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
(Insert approved Plan)

Concept Interior Plan



1 BUILDING PLAN
A2 SCALE: NO SCALE



WILKINSON
Architects & Engineers
8112 S. Lewis Road, Suite 207
Fargo, ND 58103
Tel: 701.298.0455

**SURAD ACADEMY
EXISTING BUILDING PLAN**

128 8TH AVENUE NORTHWEST, FARIBAULT, MN

Issues & Revisions
03-05-23

Project No.:
Scale:
Drawn By: KNU
Approved: RTR

A2
OF

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Request for Planning Commission Action

TO: Planning Commission
FROM: Peter Waldock, AICP Planning & Zoning Coordinator
THROUGH: David Wanberg, Community and Economic Development
MEETING DATE: Director
April 3, 2023
SUBJECT: Application for a Conditional Use Permit for a K-12 Charter School at 128 8th Avenue NW (Continued from 3/20/2023)

SUMMARY/UPDATE

At its meeting on March 20, 2023, this application was tabled by the Planning Commission, which asked for a traffic study for a proposed charter school at this site. In response to the Planning Commission's concerns, the Applicant submitted an alternative parking and circulation plan that eliminates the previously proposed driveway access at 9th Avenue NW.

In the alternative plan, parent drop-off and pick-up will still occur at the south entrance to the building. Queuing for buses still occurs along 8th Avenue. Queuing for parents' cars is planned in the south parking area with a circular turn around on site. The queuing area will require elimination of 13 potential parking spaces leaving 38 parking spaces available for the school during regular hours. 25 additional (63 total) on-site parking spaces can be made available for special events and after-school activities. Parent staging could extend east of the site along 1st Avenue.

BACKGROUND

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 for the Town Square site plan.

Surad Academy is a new charter school (in Faribault) sponsored by Novation Education Opportunities and approved by the Minnesota Department of Education. Surad Academy has applied for a Conditional Use Permit (CUP) for a K-12 Charter School at 128 8th Avenue NW.

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 when it grows to full enrollment. They plan to lease 13,275 SF of space, or about 2/3 of the building. An existing daycare center in the north 1/3 of the building will remain in operation.

There will be 15 staff members to start. This number will grow as enrollment at the school increases. They estimate 25 staff members will be on-site when the school reaches full enrollment. 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 fewer students will continue until about 6:00 pm. The school will have a partially fenced activity/play area west of the building. The main entrance to the school (for the students) will be on the south side of the building.

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 Applicant has provided three parking and circulation alternatives. The City Engineer will review the alternatives with the Planning Commission. The Applicant anticipates up to 4 buses will be needed for this school at full enrollment. The site has sufficient room along the curb for buses.

Parking requirements for K-12 Schools are 1 space per classroom, plus 1 space per 5 students of legal driving age based on building capacity. The plan as proposed meets this standard. The applicants are providing enough parking for each of the anticipated 25-staff members on site with an additional 13 parking spaces available for guests or students during school hours.

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 currently paved 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 8th 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

Review the revised plan. Recommend a preferred parking and circulation plan, approve findings supporting the CUP application, and recommend City Council approval.

Attachments:

- Parking and Circulation Alternative 1
- Parking and Circulation Alternative 2
- Parking and Circulation Alternative 3

PARKING AND CIRCULATION ALTERNATIVE 1



Winther-Johnson-Robinson
Architects & Planners

8173-B Lewis Road
Golden Valley, Minnesota 55427
Phone: 763-398-0458
Fax: 763-398-0453

128 8TH AVENUE NORTHWEST, FARIBAUT, MN

SURAD ACADEMY
PROPOSED SITE PLAN

REVISION 1 03-16-23
Issues & Revisions:

Origination Date: 02-06-23

Project No.:

Scale: 4 3 2 1

Drawn By: _____
Approval: _____

J. WILKINSON

ESSEL PRIMARY SITE PLAN

Parking Study: Surad Academy

● **Building Square Footage - 20,000 sf**

- Projected Student Count - 250 Students

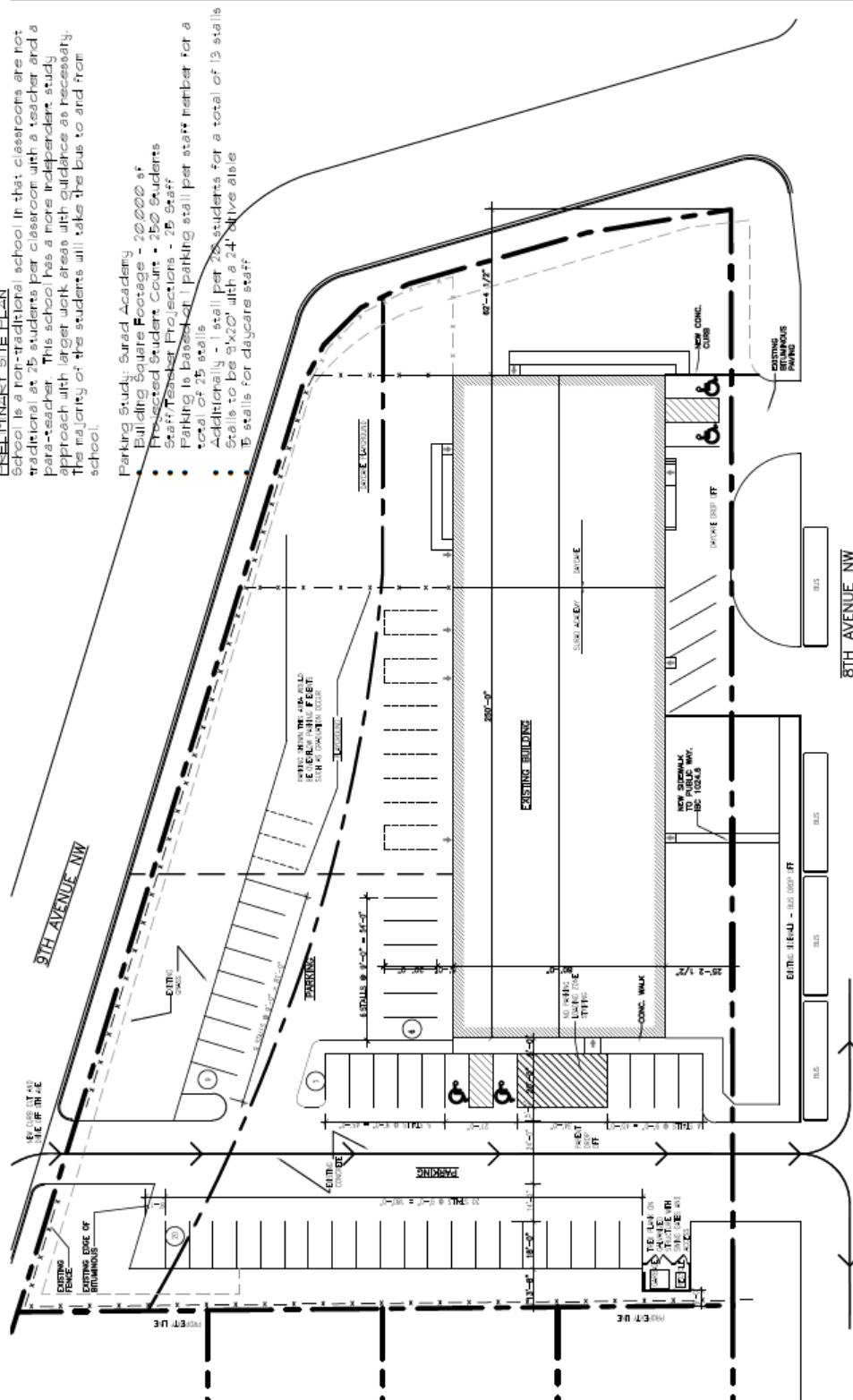
- ~~Staff/Teacher Projections - 25 Staff~~

- ~~Parking is based on 1 parking stall per staff member for a~~

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- Additionally - 1 stall per 20 students for
- Stalls to be 9'x20' with a 24" drive aisle

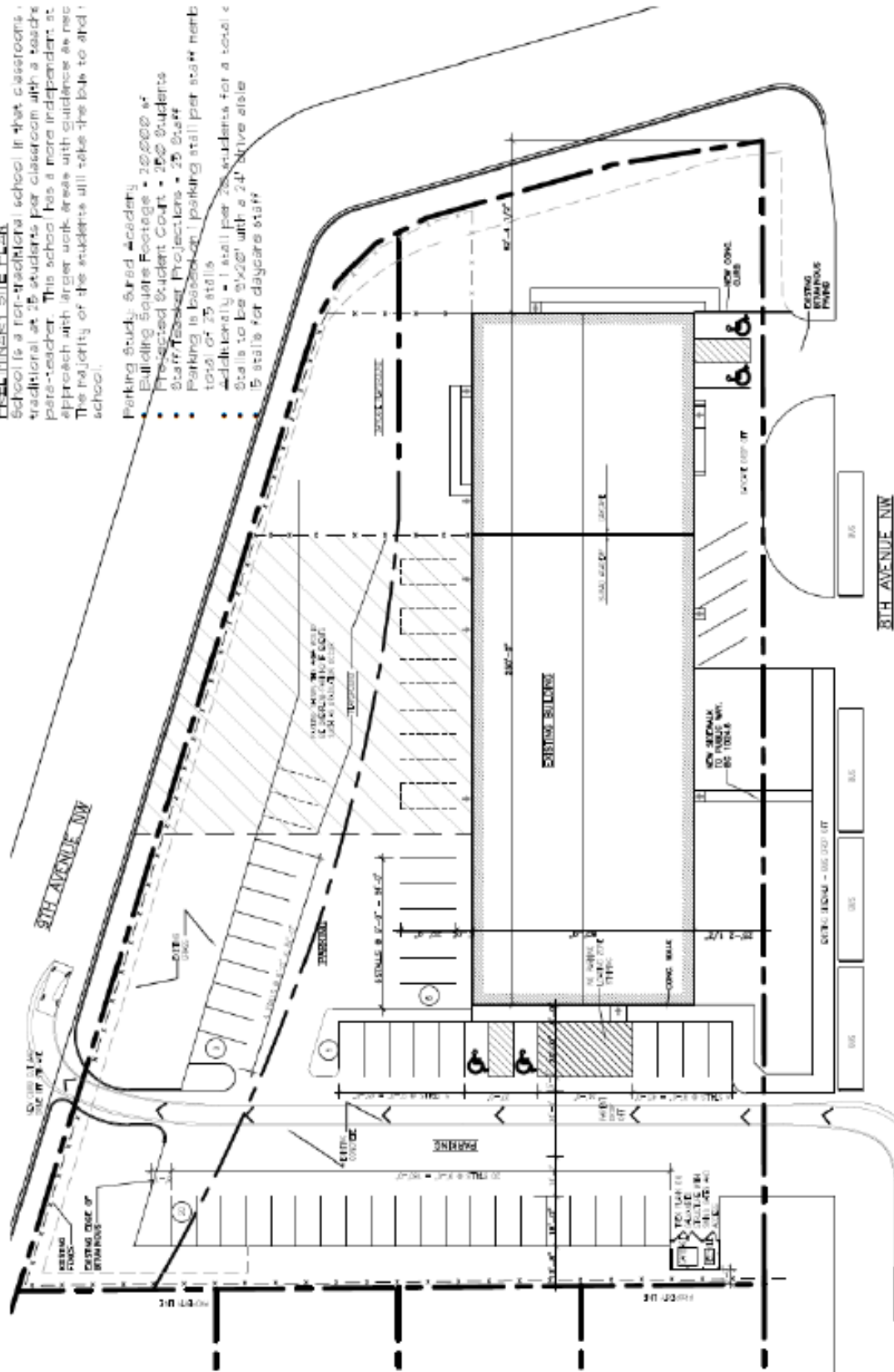
● Skills for daycare staff



PARKING AND CIRCULATION ALTERNATIVE 2

PRELIMINARY SITE PLAN
 School is a non-traditional school in that classrooms are traditional at 25 students per classroom with a teacher/para-teacher. This school has a more independent, at approach with larger work areas with guidance as new. The majority of the students will take the bus to and from school.

- Parking Study: Surety Academy
- Building Square Footage: 20,000 sq'
- Projected Student Count: 250 Students
- Staff/Teacher Projections: 25 Staff
- Parking is based on 1 parking stall per 250 sq' net
- total of 25 stalls
- Additionally: 1 stall per 25 students for a total of 10 stalls to be 5'x20' with a 24' drive aisle
- 15 stalls for daycare staff



1 SITE PLAN
 SCALE: NO SCALE



PARKING AND CIRCULATION ALTERNATIVE 3



Winter Johnson Robinson
Architects

8115-51 Levee Road
Golden Valley, Minnesota 55427
Phone: 763-254-1000
Fax: 763-254-0055

128 8TH AVENUE NORTHWEST, FARIBAULT, MN

SURAD ACADEMY
PROPOSED SITE PLAN

REVISION 1 03-16-23

Issued & Revisions:

Original Date:
03-06-23

Project No.:

Scale:

As Noted

Drawn By:

BFR

Approval:

DRAWING & DESIGN 2023, WJRW, INC.

PRELIMINARY SITE PLAN
School is a non-traditional school in that classrooms are not traditional at 25 students per classroom with a teacher and a para-teacher. This school has a more independent study approach with larger work areas with guidance as necessary. The majority 90% of the students will take the bus to and from school.

- Parking Study: Surad Academy
- Building Square Footage - 20,000 sf
- Projected Student Count - 250 Students
- Staff/Teacher Projections - 25 Staff
- Parking is based on parking stall per staff member for a total of 25 stalls
- Additionally - 1 stall per 20 students for a total of 13 stalls
- Stalls to be 9'x20' with a 24' drive aisle
- 8 stalls for daycare staff

