



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, DECEMBER 6, 2021

7:00 PM

1. Call to Order
2. Approval of the Minutes of November 15, 2021
3. Public Hearings
 - A. Requests Associated with 1440 Willow Street:
 1. Amend the City's Comprehensive Plan to Change the Guided Land Use of the Subject Property from Established Residential Neighborhood to Commercial / Industrial Mixed-Use (Continued from November 15, 2021)
 2. Rezone the Subject Property from R-1, Single-Family Residential to C-2, Highway Commercial (Continued from November 15, 2021)
 3. Conditional Use Permit for Major Auto Repair Use in the C-2 Highway Commercial District
 - B. Application to Amend PUD Ordinance related to Northgate Business Park
4. Adjournment

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

**City of
Faribault**

**PLANNING COMMISSION
MEETING MINUTES**

MONDAY, NOVEMBER 15, 2021

7:00 PM

1. Chair Ackman called the meeting to order at 7:00 p.m.

Members Present. Albers, Ali, Campbell, Jackson, Temple, White and Chair Ackman.

Members Absent. None

2. Approval of the Minutes of October 18, 2021 Planning Commission

Some minor corrections were noted, one being the start time from 6:00 to 7:00 p.m. and the second was to change “not” to “no” action taken at this time on the last item.

A motion was made by Albers and seconded by Jackson to approve the minutes with the corrections as noted.

Motion passed unanimously.

3. Public Hearings

- A. Requests associated with an Existing Parcel at 1440 Willow Street

- (1) Application to amend the City’s Comprehensive Land Use Plan to guide the subject property from Established Residential Neighborhood to Commercial / Industrial Mixed-Use was presented for public hearing.

Planning Coordinator Waldock presented the staff report regarding this matter and the associated application for rezoning at the site. The staff Development Review Committee (DRC) recommended denial, finding that the intended use of the property for commercial uses and major auto repair are not consistent with the direction of the comprehensive plan steering committee that had specifically discussed this site during the process to update the plan. The DRC stated that a shared driveway with owners’ home was no longer necessary for this site. They felt that it was not appropriate to continue the driveway layout since it required residential property occupants to cross a commercial parking lot for access to their garage. Since these are separate parcels if the rezoning application is approved, driveway access to the home should instead come directly from the public street. The matter was opened up for questions by the Commission members. After some discussion by the commissioners, the Chair opened the matter up for public comments.

Chair Ackman opened the public hearing. No one from the public was in attendance to address this application. The applicant and property owner, Peter Nass, explained the history of the site, when he purchased the property and subsequent uses there. He stated that the County had required one driveway to serve both the commercial lot and the residential lot due to the rural road design with a highway drainage ditch at the time. The Chair Ackman brought the discussion back to the commission for further consideration and directions.

The Commission felt that the applicant met the required findings for the amendment.

A motion was made by White seconded by Albers for approval of the application to amend the City’s Comprehensive Plan to Change the Guided Land Use of the Subject Property from Established Residential Neighborhood to Commercial/Industrial Mixed Use and request that

staff prepare written findings for approval and bring this matter back at the next meeting for consideration by the Planning Commission.

A roll call vote was taken with Commissioners Jackson, White, Albers and Temple voting in favor of the amendment. Chair Ackman, Commissioner Campbell and Commissioner Ali voting against the amendment. The motion passed on a 4/3 vote.

(2) Application to Rezone the subject property from R-1, Single-Family Residential to C-2, Highway Commercial

A motion was made by Temple seconded by Albers to approve Applicant's request to rezone the subject property from R-1, Single-Family, Residential to C-2, Highway Commercial and direct staff prepare findings support of the rezoning and bring the matter for at the next meeting for consideration by the Planning Commission.

A voice vote was taken with Commissioners Albers, Jackson, Temple, White and Chair Ackman voting yes. Commissioner Campbell voted no. Commissioner Ali did not vote on the motion. Motion carried with five votes for, one vote against and one member passing.

B. Request for Preliminary and Final Plat Approval of Faribault Buckham Center Addition in the Area of Division Street between Willow Street and 1st Avenue SW and on 1st Street SE between Willow Street and 1st Avenue SW

The Staff report was presented by Planning Coordinator Waldock. The City first approved preliminary plat for this property in 2017. The approval was allowed to expire in to provide time to address title issues. A title registration process was completed. Peace Park and Park Place Right of Way are excluded from the plat. The subdivision will correct gaps and overlaps in the title work on the site. There are two private lots included in the plat. This plat combines 12 lots into one lot and includes three residential lots.

A motion was made by Commissioner White, seconded by Commissioner Campbell to approve the Preliminary and Final Plat of Faribault Buckham Center Addition. Motion carried unanimously.

C. Request to Amend the City's Unified Development Ordinance, Chapter 15, Article 7, related to Park Dedication

City Planner Wanberg presented the staff report. The City Attorney recommended that the City eliminate the park development surcharge related to building permits. The Council agreed with the City Attorney's recommendation and directed City Staff to eliminate the park development surcharge and amend the park dedication requirements outlined in the City's subdivision to account for the loss of the surcharge. The proposed ordinance amendment related to park dedication maintains the land dedication requirements, but modifies the cash requirements. The commissioners noted that the proposed amendment if approved could result in the loss of park funds. The commissioners felt that the fee in lieu of land be tied to inflation in ordinance rather than a set fee adjusted annually by the City Council.

Motion was made by Commissioner White, seconded by Commissioner Campbell to deny the requested ordinance amendment to the City's Unified Development Ordinance, Chapter 15, Article 7, related to Park Dedication. The motion for denial carried on a 6/0 vote with Commissioner Jackson refraining from voting.

D. Request to Amend the City's Unified Development Ordinance, Chapter 13, Article 2 related to Floodplain Management

FEMA updated their flood insurance rate map and do not follow with the City. The FIRM extends into Faribault. The City must update the ordinance to reflect the date of the new FIRM. The Planning Commission did not object to the proposed change.

Commissioner Albers made a motion, seconded by Commissioner Campbell, to recommended approval of the proposed amendment to the City's Unified Development Ordinance, Chapter 13, Article 2, related to Floodplain Management. The motion carried on a 6/0 vote with Commissioner White leaving before the vote was taken.

4. Adjournment.

Chair Ackman requested a motion to adjourn. A motion to adjourn was made by _____ and seconded by _____. Motion carried unanimously. Meeting adjourned at 8:42 P.m.



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community and Economic Development Director
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: December 6, 2021
SUBJECT: Requests Associated with 1440 Willow Street:

Background:

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

Jason Niles, Co-Owner of Mad-Chassis (car customizing shop), has submitted an application for a Conditional Use Permit for a major auto repair business in the C-2 Highway Commercial District in order to operate his business at the subject site. The building was originally built (prior to annexation) for use as a snowmobile dealership and repair shop. The current owners operated a custom glass business from the property and rented out space in the building to a locksmith business. The property currently has space rented by Mad-Chassis car customizing business. It is also still used by Mr. Nass for his glass and mirror business on a reduced basis.

The Planning Commission at its meeting of November 15, 2021 determined that the requested comprehensive plan amendment and rezoning were appropriate. The commissioners continued the public hearing and consideration of these applications to the next meeting in order for staff to prepare findings for approval regarding these applications.

Recommendation:

The following applications are presented for consideration as follows:

- 1) The Comprehensive Plan Amendment to re-guide the site from Low Density Residential Uses to Commercial / Industrial Mixed Uses.

- 2) The rezoning request to change from R-1 Single Family Residential District to C-2 Highway Commercial District
- 3) The Conditional Use Permit related to 1440 Willow Street and Mad-Chassis as a major auto repair use is presented for approval as directed by the Planning Commission

Attachments:



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Director of Community and Economic Development
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: December 6, 2021
SUBJECT: Amend the City's Comprehensive Plan to Change the Guided Land Use of the Subject Property from Established Residential Neighborhood to Commercial / Industrial Mixed-Use (Continued from November 15, 2021)

Background:

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

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

At its meeting of November 15, 2021, the Planning Commission, after proper notice, opened a public hearing on this request. No one from the public spoke against this application. The City did not receive any comments from surrounding owners prior to the meeting. The Planning Commission discussed the merits of the request and by a 4-3 vote decided to approve the application. They asked to bring this matter back at the next meeting to consider a draft resolution with findings for approval of the requested amendment to the Comprehensive Plan for this site.

Recommendation:

The Planning Commission is asked to consider the proposed findings for approval of a comprehensive plan amendment to re-guide the property at 1440 Willow Street to Commercial / Industrial Mix use.

Attachments:

1. Draft Resolution Approve Comprehensive Plan Amendment - 1440 Willow Street

CITY OF FARIBAULT

RESOLUTION #2021-____

APPROVE A COMPREHENSIVE PLAN AMENDMENT TO GUIDE PROPERTY LOCATED AT 1440 WILLOW STREET TO INDUSTRIAL MIXED USE

WHEREAS, the applicant Peter Nass, owner of property located at 1440 Willow Street and legally described in Exhibit A, is requesting an amendment of the Journey 2040 Comprehensive Plan to guide the site for Industrial Mixed Use to rezone the property to a C-2 Highway Commercial District in order to provide for continued commercial uses in an existing multi-tenant commercial building at the site; and

WHEREAS, on September 22, 2020, the City Council of the City of Faribault adopted the Journey 2040 Comprehensive Plan for City of Faribault; and

WHEREAS, the Journey 2040 Comprehensive Plan guides the future land use of the property at 1440 Willow Street for Planned Residential Use; and

WHEREAS, City Staff has made a report to the Planning Commission (Planning Case Number: 21-40), in which it was recommended that the requested Comprehensive Plan Amendment to guide the subject site for Commercial – Residential Use be denied; and

WHEREAS, the Planning Commission, on the 15th day of November, 2021 following proper notice, held a public hearing and received the staff report regarding said request; and

WHEREAS, following said public hearing, the Planning Commission recommended that the City Council approve the Comprehensive Plan amendment to guide the subject property for commercial use based on the following written findings:

1. The Comprehensive Plan amendment review process provided adequate opportunity for public review and comment on the requested amendment; and
2. Approval of the requested amendment is in the best interest of the general health, safety, and welfare of the community in that future uses of the subject site will be compatible with nearby uses in this location; and
3. The existing and proposed infrastructure, including sanitary sewer, water, storm water, and transportation, associated with the subject property are suitable for commercial uses at this site; and

WHEREAS, the City Council held a public meeting on December 14, 2021 to consider the Comprehensive Plan amendment request and the Planning Commission's recommendation related to said amendment; and

WHEREAS, the City Council concurs with all of the findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF 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. Amendment. The Comprehensive Plan of the City of Faribault is amended to guide the subject property legally described in Exhibit A as Industrial Mixed use.

Section 3: Change to the Official Land Use Plan. The Official Land Use Plan, which is a part of the City of Faribault Comprehensive Plan, shall not be republished to show the aforesaid amendment, but the City Planner shall appropriately mark the Official Land Use Plan on file with the City Planning and Zoning Division for the purpose of indicating the land use plan designation change.

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

Date Adopted: December 14, 2021

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

Property Address: 1440 Willow Street
PID# 18.06.3.75.001

Legal Description

Part of the Southwest Quarter of Section 6, Township 109 North, Range 20 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Beginning at a point in the East line of said Southwest Quarter, 1225.31 feet northerly from the Southeast corner of said Southwest Quarter; thence westerly at right angles to said East line, 283.37 feet; thence northerly parallel with said East line to a point in the southerly right of way of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southeasterly along said railroad right of way line to a point in said East line; thence southerly along said East line to said point of beginning; subject to Willow Street over the easterly side of said herein described parcel; subject to an easement for driveway purposes over and across a strip of land 20.00 feet in width, being 10.00 feet on both sides of the following described center line: Beginning at a point in said East line of Southwest Quarter 1314.31 feet northerly from the Southeast corner of said Southwest Quarter; thence westerly at right angles to said East line 93.00 feet; thence southerly, parallel with said East line 89.00 feet and there terminating.



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: December 6, 2021
SUBJECT: Rezone the Subject Property from R-1, Single-Family Residential to C-2, Highway Commercial (Continued from November 15, 2021)

Background:

This is the second of three related planning applications regarding 1440 Willow Street. This action item addresses the requested application for rezoning from R-1, Single Family Residential District, to C-2, Highway Commercial District.

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

At its meeting of November 15, 2021, the Planning Commission, after proper notice, opened a public hearing on this request. No one from the public spoke against this application. The City did not receive any comments from surrounding owners prior to the meeting. The Planning Commission discussed the merits of the request and voted 5-2 to approve the application. The Planning Commission asked staff to bring this matter back at the next meeting to consider a draft ordinance with findings for approval of the requested rezoning for this site.

One of the key items for consideration in this ordinance is the finding that, due to significantly different uses approved at the site by this rezoning request, the ordinance includes a finding that the applicant / property owners must separate the shared driveways used for the subject site and for access to the owner's home on the lot to the south. Currently, cars must cross through the commercial parking lot of the subject site to get to the home on the adjoining lot. Since these are separate lots, they can be sold separately to other parties who may not reside at the adjoining home and therefore, it will be problematic to have

to cross a parking lot owned by others to get to their residence.

Recommendation:

The Planning Commission is asked to consider the proposed ordinance with findings in support of the requested rezoning from R-1, Single Family Residential District to C-2 Highway Commercial District.

Attachments:

1. Draft Ordinance to Rezone to C-2 Highway Commercial District- 1440 Willow Street

CITY OF FARIBAULT

ORDINANCE #2021-__

REZONING FROM R-1, SINGLE FAMILY RESIDENTIAL TO C-2 HIGHWAY COMMERCIAL DISTRICT AT 1440 WILLOW STREET

WHEREAS, Peter and Kathryn Nass, owners and applicants have requested the rezoning of their property at 1440 Willow Street, legally described in Exhibit A, from R-1, Single Family Residential District to C-2 Highway Commercial District in order to continue commercial use of an existing multitenant commercial building at the subject site; and

WHEREAS, City Staff has prepared and presented a report to the Planning Commission regarding this rezoning proposal (#21-040); and

WHEREAS, the Planning Commission, on the 15th day of November, 2021 following proper notice, held a public hearing regarding said request; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the rezoning request finding that the rezoning request is consistent with all of the required findings for rezoning property as required by Section 2-180 of the City's Unified Development Ordinance; and

WHEREAS, the City Council hereby finds rezoning the property described in Exhibit A is appropriate with the following findings as required by Section 2-180 of the City's Unified Development Ordinance:

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

Finding: The Land Use Plan has been amended to guide the subject property for Commercial / Industrial Mixed Use in association with this application.

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 in the public interest in that it will accommodate existing commercial uses at this location.

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: Rezoning the subject property to C-2 Highway Commercial District as proposed, is appropriate in that the site is adjacent to a County Highway and can be used in manner that is compatible with adjoining uses. However, the subject site shares its driveway with the residential use to the south. The driveway layout is in a manner that requires the residential property users to cross the commercial parking lot of the subject site to access the residential lot. The driveway access should be separated with a driveway directly accessing the public street for each of the two properties.

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 subject property currently is zoned for Single Family Residential uses. Rezoning the subject property to C-2 will accommodate continuation of existing uses in an existing commercial building on site and allow new commercial uses of the site in the future.

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 prior use of the property for commercial uses and the future commercial use will better serve the neighborhood and the community.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Amendment. Subject to the condition of approval noted in this section, the Official Zoning Map of the City of Faribault shall be amended to rezone the property described in Exhibit A from R-1, Single Family Residential District to C-2 Highway Commercial District.

Condition of approval. The property owners shall provide separate driveways directly to the public street for the adjoin residential lot so as to avoid residential lot users from having to cross the commercial parking lot to access the dwelling to the south of the subject lot.

Section 2: Official Zoning Map. The Official Zoning Map of the City of Faribault shall not be republished to show the aforesaid rezoning, but the City Planner shall appropriately update the Official Zoning Map on file with the City Planning Office for the purpose of indicating the rezoning.

Section 3: Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter.

Public Hearing: November 15, 2021

First Reading: December 14, 2021

Second Reading: December 28, 2021

Published: _____, 2021

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

Address: 1440 Willow Street

PID# PID# 18.06.3.75.001

Legal Description

Part of the Southwest Quarter of Section 6, Township 109 North, Range 20 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Beginning at a point in the East line of said Southwest Quarter, 1225.31 feet northerly from the Southeast corner of said Southwest Quarter; thence westerly at right angles to said East line, 283.37 feet; thence northerly parallel with said East line to a point in the southerly right of way of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southeasterly along said railroad right of way line to a point in said East line; thence southerly along said East line to said point of beginning; subject to Willow Street over the easterly side of said herein described parcel; subject to an easement for driveway purposes over and across a strip of land 20.00 feet in width, being 10.00 feet on both sides of the following described center line: Beginning at a point in said East line of Southwest Quarter 1314.31 feet northerly from the Southeast corner of said Southwest Quarter; thence westerly at right angles to said East line 93.00 feet; thence southerly, parallel with said East line 89.00 feet and there terminating.



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: Peter Waldock, AICP Planning Coordinator
MEETING DATE: December 6, 2021
SUBJECT: Conditional Use Permit for Major Auto Repair Use in the C-2 Highway Commercial District

Background:

This item is the third of three related applications regarding 1440 Willow Street. The application in this case is a request by Jason Niles, co-owner of Mad-Chassis, the custom car shop that occupies space in the commercial building at the subject site.

Jason Niles, Co-Owner of Mad-Chassis (car customizing shop), has submitted an application for a Conditional Use Permit for a major auto repair business in the C-2 Highway Commercial District in order to operate his business at the subject site. The building, owned by Peter and Katheryn Nass, was originally built (prior to annexation) for use as a snowmobile dealership and repair shop. The owners operated a custom glass business from the property and rented out space in the building to a locksmith business. The property currently has space rented by Mad-Chassis car customizing business. It is also still used by Mr. and Mrs. Nass for their glass and mirror business on a reduced basis. The property owners have requested an amendment to the comprehensive plan and a rezoning to C-2 Highway Commercial District to authorize continued commercial use of this property.

Recommendation:

In light of the Planning Commission actions on the applications for Comprehensive Plan amendment and the Rezoning to C-2 Highway Commercial District for the subject site, Staff is recommending approval of the requested Conditional Use Permit for major auto repair uses in this case.

Attachments:

1. Draft Resolution Approving a CUP for Mad Chassis 1440 Willow St.
2. Staff Report - 1440 Willow Street CUP - Mad Chassis Custom Cars

CITY OF FARIBAULT

RESOLUTION #2021-____

APPROVE A CONDITIONAL USE PERMIT FOR MAJOR AUTO REPAIR IN THE C-2 HIGHWAY COMMERCIAL DISTRICT AT 1440 WILLOW STREET

WHEREAS, Jason Niles, Co-Owner of Mad-Chassis custom car shop has requested a conditional use permit for a major auto repair use in the C-2 Highway Commercial District at 1440 Willow St., legally described in Exhibit A attached hereto; and

WHEREAS, City Staff has completed a review of the application and made a report to the Planning Commission pertaining to said request (#21-40), a copy of which has been presented to the Planning Commission and City Council; and

WHEREAS, the Planning Commission, on the 6th day of December, 2021, following proper notice, held a public hearing regarding the request, and following said public hearing made findings and recommended that the City Council approve 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 at 1440 Willow St., is a new use of existing building that has been used for mechanical repair for snowmobiles and auto glass and is not therefore a departure from historic uses the site. This business will meet all requirements for health and safety standards applicable.

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 proposed business will use an underutilized property and offer a service to residents of the 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 development is compatible with surrounding and nearby uses. No construction is proposed in this case, and all business activity is indoors.

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

The proposed use will be conducted indoors with no planned-out door storage or other outdoor business activity planned.

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

The continued use of this commercial building will help avoid abandonment and maintenance neglect.

- 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 has adequate capacity for public utilities, street capacity and access. There is sufficient police and fire protection levels in place for this use and it will not generate a need for increased City services, or additional 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.**

There are sufficient public facilities in place for this use and it will not generate a need for further City services. The proposed use will benefit the economic welfare of the community.

- 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.**

There is adequate onsite traffic circulation provided in this design.

- 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 use of this site is inside an existing commercial building. It will not result in damage or destruction of natural or historic features.

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 project will meet updated land use policies and plans.

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

The project conforms to applicable regulations of the district and applicable requirements for approval within the ordinance.

WHEREAS, the City Council, on the 28th day of December, 2021, at a public meeting considered the request; and

WHEREAS, the City Council concurs with all of the determinations and findings of the Planning Commission as stated in the above recitals and hereby makes the identical determinations and 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 a Conditional Use Permits. As authorized in Section 2-290 of the City of Faribault Unified Development Ordinance and in accordance with the required findings listed in Section 2-300 of the City of Faribault, Unified Development Ordinance, as stated in the recitals above, a conditional use permit for establishment of a major auto repair business including custom auto building, auto restoration and repair services, but not including autobody repair and painting at the subject property located at 1440 Willow Street.

Section 3: Conditions of Approval. As authorized in Section 2-310 of the City of Faribault, Unified Development Ordinance, the following conditions of approval are deemed necessary by the City Council to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in City ordinances are as follows:

1. Provide plans for the parking lot layout including required accessible parking spaces.
2. Any outside storage of parts, equipment or materials related to auto repair uses shall be located to the side or rear of the building and be completely screened from view of the street or adjoining trail and shall meet the requirements specified in the Unified Development Ordinance.

3. This conditional use permit shall not be effective until the effective date of the ordinance to rezone the subject site to C-2 Highway Commercial District.
4. This application shall meet the Development Standards listed in Sec. 7-30 of the Unified Development Ordinance for major auto repair businesses as follows:

Automobile repair, major.

- (1) All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces in compliance with Chapter 8, Off-Street Parking and Loading.
- (2) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited, unless in compliance with the standards for vehicle storage. (see Vehicle storage).
- (3) All repairs shall be performed within a completely enclosed building.
- (4) Fuel pumps, if provided, shall be installed on pump islands.
- (5) Venting of odors, gas, and fumes shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors.
- (6) Additional conditions may be established to control noise during the operation of the facility, including controls of hours of operation.

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

Date Adopted: December 28, 2021

Faribault City Council

Kevin R. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A

Address: 1440 Willow Street

PID#18.06.3.75.001

Legal Description

Part of the Southwest Quarter of Section 6, Township 109 North, Range 20 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Beginning at a point in the East line of said Southwest Quarter, 1225.31 feet northerly from the Southeast corner of said Southwest Quarter; thence westerly at right angles to said East line, 283.37 feet; thence northerly parallel with said East line to a point in the southerly right of way of the abandoned Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southeasterly along said railroad right of way line to a point in said East line; thence southerly along said East line to said point of beginning; subject to Willow Street over the easterly side of said herein described parcel; subject to an easement for driveway purposes over and across a strip of land 20.00 feet in width, being 10.00 feet on both sides of the following described center line: Beginning at a point in said East line of Southwest Quarter 1314.31 feet northerly from the Southeast corner of said Southwest Quarter; thence westerly at right angles to said East line 93.00 feet; thence southerly, parallel with said East line 89.00 feet and there terminating.



FARIBAULT PLANNING COMMISSION

DECEMBER 6, 2021 - PUBLIC HEARING

Case Numbers and Requests:	21-40 Applications related to 1440 Willow Street as follows: (1) Comprehensive Plan Amendment to Change the Guided Land Use of the Subject Property from Established Residential Neighborhood to Commercial / Industrial Mixed-Use (2) Rezone the Subject Property from R-1, Single-Family Residential to C-2, Highway Commercial (3) Conditional Use Permit Application for a Major Auto Repair use in the C-2 Highway Commercial District.
Applicant and Owner:	Peter Nass, Owner
Requested Action:	Deny the Requested Applications related to this property
Deadline for Council Action:	Has been extended by the City, to February 18, 2021
From:	Peter J. Waldock, AICP, Planning Coordinator

BACKGROUND

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

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

Jason Niles, Co-Owner of Mad-Chassis (car customizing shop), has applied for a Conditional Use Permit for a major auto repair business in the C-2 Highway Commercial District in order to operate his business at the subject site.

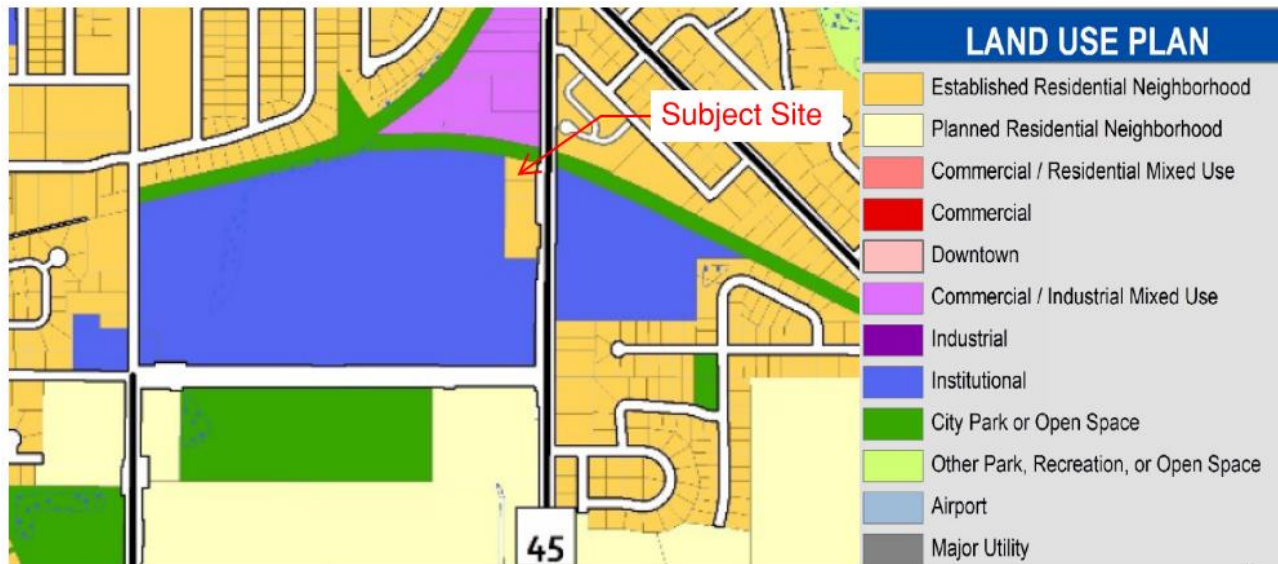
At its meeting of November 15, 2021, the Planning Commission discussed the merits of the request and voted to approve the applications for the Comprehensive Plan Amendment to Commercial / Industrial Mixed Uses and the application for rezoning to C-2 Highway Commercial District. The Planning Commission asked staff to bring this matter back at the next meeting to consider a draft ordinance with findings for approval of the requested rezoning for this site.

DISCUSSION

Zoning Certificate. According to Sec. 2-200 of the UDO a zoning certificate is required when there is a change or expansion of use for commercial properties. The purpose of this code section is to review the new use for consistency with the regulations of this ordinance. The owners did not apply for a zoning certificate in this case until after being notified by the City of a sign permit violation for Mad-Chassis new sign.

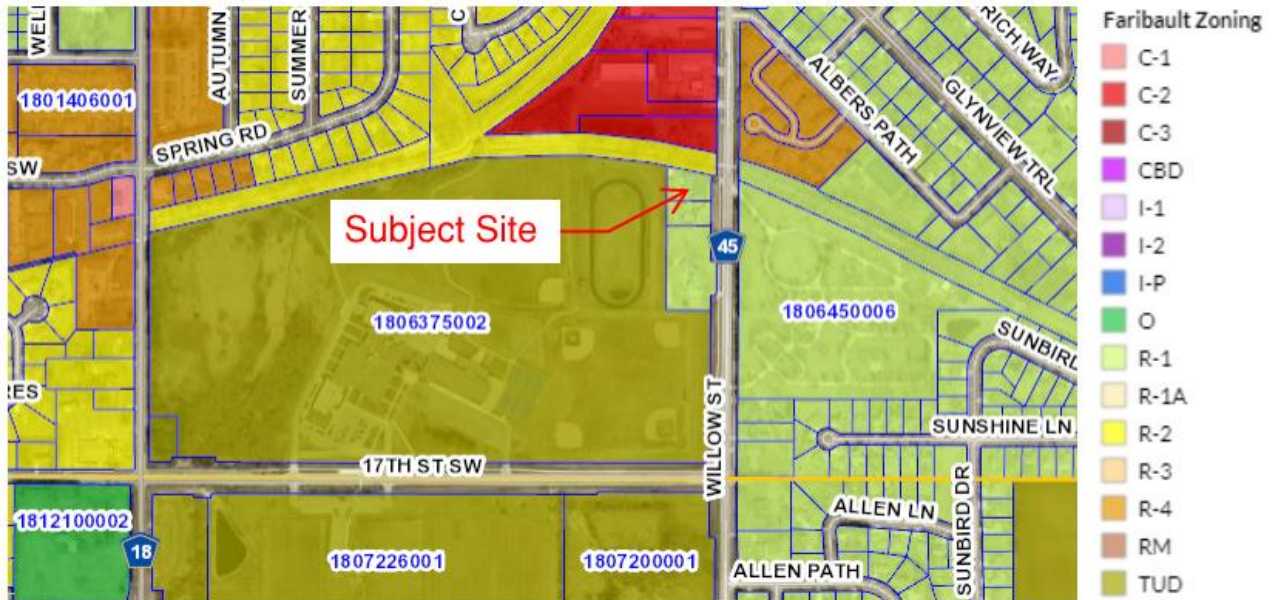
Lawful Nonconforming Use / Change of Use. Generally, the commercial use of the building is a lawful nonconformity. As such, the commercial uses may continue on site, but must not intensify when the commercial uses on site change. The DRC has determined that the Mad Chassis use is an intensification compared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

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



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

- Parking. The UDO requires parking numbers based on type of use. Office and retail use require 1 space per 300 SF of gross floor area. Auto repair uses require 1 space per employee and 3 spaces per service bay. The parking lot is paved but not striped. There appears to be enough space to meet parking requirements here.
- Buildings. The commercial building is a metal building with cement floor and heating system.
- CUP. A Conditional Use Permit will be needed because Mad Chassis business is found to be a major auto repair use. The business operators have indicated that they feel their business is not a major auto repair business since they don't do autobody, frame straightening or drivetrain rebuilding, but the business does involve re-conditioning of passenger automobiles and engine and transmission replacement.



UDO definitions follow:

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

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

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

- Site Plan Requirements. The subject property was constructed for commercial uses. It has a paved parking lot and driveway. No exterior

storage is needed for the businesses at this site. The property has a storage shed available in the rear of the lot. The CUP if approved will require the parking lot to be striped to meet current ordinance requirements for parking layout and stall dimensions and State of Minnesota accessibility standards. The parking lot does not have curbs and has no specific landscaping plan. Staff feels the site is grandfathered without them in that it has had continuous commercial use since it was built.

DEVELOPMENT REVIEW COMMITTEE

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

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

Applicable Code Sections:

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

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

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

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

REQUIRED FINDINGS

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

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

- (1) Whether the amendment is consistent with the applicable policies of the city's Land Use Plan.
- (2) Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.
- (3) Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.
- (4) Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.
- (5) Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

(Ord. No. 99-20, § 1, 11-23-99)

RECOMMENDATION

In light of the Planning Commission actions on the applications for Comprehensive Plan amendment and the Rezoning to C-2 Highway Commercial District for the subject site, Staff is recommending approval of the requested Conditional Use Permit for major auto repair uses in this case, with the conditions of approval as follows:

1. Provide plans for the parking lot layout including required accessible parking spaces.
2. Any outside storage of parts, equipment or materials related to auto repair uses shall be located to the side or rear of the building and be completely screened from view of the street or adjoining trail and shall meet the requirements specified in the Unified Development Ordinance.
3. This conditional use permit shall not be effective until the effective date of the ordinance to rezone the subject site to C-2 Highway Commercial District.
4. This application shall meet the Development Standards listed in Sec. 7-30 of the Unified Development Ordinance for major auto repair businesses as follows:

Automobile repair, major.

- (1) All vehicles awaiting repair or pickup shall be stored on the site within enclosed buildings or defined parking spaces in compliance with Chapter 8, Off-Street Parking and Loading.
- (2) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited, unless in compliance with the standards for vehicle storage. (see Vehicle storage).
- (3) All repairs shall be performed within a completely enclosed building.
- (4) Fuel pumps, if provided, shall be installed on pump islands.
- (5) Venting of odors, gas, and fumes shall be directed away from residential uses. All storage tanks shall be equipped with vapor-tight fittings to preclude the escape of gas vapors.
- (6) Additional conditions may be established to control noise during the operation of the facility, including controls of hours of operation.

ATTACHMENTS

- Plans, Maps and Exhibits



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: December 6, 2021
SUBJECT: Application to Amend PUD Ordinance related to Northgate Business Park

Background:

Bhavesh Amin, on behalf of Radhe Krishna, Inc. (the Applicant), has a purchase agreement with GPT Development Co., LLC for Lots 3, 4, and 8, Block 1, NORTHGATE SECOND ADDITION, and a purchase agreement with Gray Family Investments Limited Partnership for Lot 7, Block 1, NORTHGATE SECOND ADDITION. The Applicant, in consultation with GPT Development Co., LLC and Gray Family Investments Limited Partnership, requests that the City Council remove Lots 3, 4, 7, and 8, Block 1, NORTHGATE SECOND ADDITION (the subject property), from the planned unit development (PUD) associated with NORTHGATE SECOND ADDITION.

The current Northgate Business Park PUD (initially approved by Ordinance 2000-06 and amended by Ordinance 2002-23) identifies Lots 1-6 and Lot 8 for office/retail use and Lot 7 for restaurant use. The Applicant requests City Council approval of Ordinance 2021-x, which would remove the subject property from the PUD and allow the subject property to develop per the permitted and conditional uses in the underlying C-2 Highway Commercial zoning district. At this time, the Applicant does not have detailed development plans for the subject property.

The City's Development Review Committee (DRC) reviewed and recommended approval of the Applicant's request on November 23, 2021. The DRC noted that the subject property has remained undeveloped for the past 20 years. Therefore, it is reasonable to allow other permitted or conditional uses in the C-2, Highway Commercial zoning district on the subject property. Refer to the attached planning review memorandum for additional information. The City Planner received three phone inquiries from nearby property owners regarding the proposed PUD amendment. A letter from an adjacent property owner is attached.

Recommendation:

Recommend approval of Ordinance 2021-x, Amend Northgate Business Park PUD

Attachments:

1. Ordinance 2021-x Amend Northgate Business Park PUD
2. Applicant's PUD Amendment Request
3. Ordinance 2000-06
4. Ordinance 2002-23
5. Resolution 2001-148
6. Letter from Neighboring Property Owner

CITY OF FARIBAULT

ORDINANCE #2021-__ AMEND NORTHGATE BUSINESS PARK PUD

WHEREAS, Bhavesh Amin, on behalf of Radhe Krishna, Inc. (the Applicant), in consultation with GPT Development Co., LLC and Gray Family Investments, Limited Partnership (the Property Owners), has requested an amendment to the Northgate Business Park planned unit development (PUD) to remove from the PUD Lots, 3, 4, 7, and 8, Block 1, NORTHGATE SECOND ADDITION (the subject property) legally described in Exhibit A and graphically depicted in Exhibit B; and

WHEREAS, Ordinance 2000-06 created the Northgate Business Park PUD and Ordinance 2002-23 amended the PUD; and

WHEREAS, the Northgate Business Park PUD has provisions that may limit some types of development on the subject property; and

WHEREAS, the subject property has been undeveloped since the creation of the PUD in 2000; and

WHEREAS, Provision 17 of Ordinance 2000-06 states, "In the event that development of the entire site is not complete within five (5) years of the project start date, the City Council may, at its discretion, set a public hearing to review the status and performance of the planned unit development."

WHEREAS, the Applicant wishes to develop the subject property in a manner consistent with the underlying C-2, Highway Commercial zoning district, but that may be inconsistent with some provisions of the PUD, particularly provisions that limit the uses on the subject property to office/retail or restaurant. The Applicant is, therefore, requesting that the subject property be removed from the PUD; and

WHEREAS, this ordinance does not directly affect any private easements, restrictions, and covenants, which the City does not control, but that may further govern the use of the subject property; and

WHEREAS, the Property Owners are responsible for all desired changes to any private easements, restrictions, and covenants that may affect future development on the subject property; and

WHEREAS, the Planning Commission, on November 15, 2021, following proper notice, held a public hearing regarding the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended approval of the requested PUD amendment based on the following written findings of the Planning Commission outlined in Section 2-180 of the City's Unified Development Ordinance as follows:

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

Finding: The City's Land Use Plan guides the subject property for a mix of commercial/residential uses. The proposed amendment to remove the subject property from the Northgate Business Park PUD overlay zoning district does not conflict with the Land Use Plan. The base zoning associated with the subject property is C-2, Highway Commercial, which is consistent with the City's Land Use Plan.

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

Finding: The subject property has remained undeveloped since the creation of the PUD in 2000. It is in the public interest for this property to develop. The removal of the subject property from the PUD provides additional development opportunities.

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: This ordinance removes the subject property from the Northgate Business Park PUD, but it maintains the underlying C-2, Highway Commercial zoning district. The existing zoning surrounding the subject property is also C-2, Highway Commercial.

Consequently, this ordinance is compatible with existing property uses and zoning within the general area.

- 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 Northgate Business Park PUD indicates that the lots in NORTHGATE SECOND ADDITION will develop with office/retail uses and a restaurant use. Since the creation of the PUD in 2000, the subject property has remained undeveloped. It is unreasonable to continue to limit the potential uses of the subject property to the uses outlined in the PUD. This ordinance allows the subject lots to develop with any allowed uses in the underlying C-2, Highway Commercial district in the same way adjacent C-2 property has or can develop.

- 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 subject property has remained undeveloped since the creation of the Northgate Business Park in 2000. There has been less demand for office and retail buildings, particularly in recent years. This trend is expected to continue. Removing the subject property from the PUD does not prevent office and retail uses on the subject property. Rather, it expands the list of uses that can develop on the property. Therefore, it provides flexibility to adjust to development trends.

WHEREAS, the City Council held a public meeting on _____, to approve the first reading of Ordinance 2021-____; and

WHEREAS, the City Council also held a public meeting on _____, to approve the second reading of Ordinance 2021-____; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Intent. The intent of this ordinance is to remove Lots 3, 4, 7, and 8, Block 1, NORTHGATE SECOND ADDITION (the subject property) from the Northgate Business Park planned unit development (PUD), which Ordinance 2000-06 created and which Ordinance 2002-23 amended. Removal of the subject property from the PUD is intended to allow the subject property to develop in a manner consistent with the underlying C-2, Highway Commerical zoning district without having to comply with the unique PUD provisions outlined in Ordinance 2000-06, Ordinance 2002-23, and Resolution 2001-148. This ordinance is not intended to directly affect any private easements, restrictions, and covenants, which the City does not control, but that may further govern the use of the subject property. The Property Owners are responsible for any amendment of private easements, covenants, and restrictions affecting the subject property.

Section 2: PUD Amendment. The Faribault City Council hereby amends the Northgate Business Park commercial planned unit development (PUD) as follows:

1. Lots 3, 4, 7, and 8, Block 1, NORTHGATE SECOND ADDITION are hereby removed from the Northgate Business Park PUD, which Ordinance 2000-06 created and which Ordinance 2002-23 amended.
2. Lots 1, 2, 5, and 6, Block 1, NORTHGATE SECOND ADDITION, shall remain in the Northgate Business Park PUD and continue to be governed by Ordinance 2000-06 and Ordinance 2002-23.

Section 3: Official Zoning Map. The Official Zoning Map of the City of Faribault shall not be republished to show the PUD amendment. However, the City Planner shall appropriately update the Official Zoning Map on file with the City Planning Office to indicate the removal of Lots 3, 4, 7, and 8, Block 1, NORTHGATE SECOND ADDITION from the Northgate Business Park PUD overlay zoning district.

Section 4: Findings and Incorporation of Recitals and Exhibits. The recitals set forth in this ordinance and the exhibits attached hereto are incorporated into and made part of this ordinance, and, where applicable, constitute the written findings of the City Council of the City of Faribault.

Section 5: Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter.

Public Hearing:
First Reading:

Second Reading:
Published:

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

**EXHIBIT A:
LEGAL DESCRIPTIONS**

The legal description of the property to be removed from the Northgate Business Park planned unit development (PUD) overlay zoning district is as follows:

Lots 3, 4, 7, and 8, Block 1, NORTHGATE SECOND ADDITION

The legal description of the property to be removed from the Northgate Business Park planned unit development (PUD) overlay zoning district is as follows:

Lots 1, 2, 5, and 6, Block 1, NORTHGATE SECOND ADDITION

**EXHIBIT B
GRAPHIC DEPICTIONS**



Lots 3, 4, 7, and 8, Block 1, NORTHGATE SECOND ADDITION to be removed from the Northgate Business Park PUD



Lots 1, 2, 5, and 6, Block 1, NORTHGATE SECOND ADDITION to remain in the Northgate Business Park PUD



APPLICATION FOR REQUESTED ACTION
Planned Unit Development (PUD)

Planning Case # _____
Filing Fee _____
PUD Escrow _____
Hearing Date _____

SITE ADDRESS 1925 Cardinal Lane, 1933 Cardinal
Lane, 3010 Cardinal Ave. and 3020 Cardinal Ave.,
Faribault, Minnesota

PROPERTY OWNER GPT Development Co., LLC and
Gray Family Investments Ltd.

PHONE

(H) (W) (C)

ADDRESS

DEVELOPER (if not owner) RADHE KRISHNA INC ,
BHAVESH AMIN

PHONE 513-307-2036 – Bhavesh Amin

(H) (W) (FAX)

ADDRESS

PHONE (H)
(W) (C)

LEGAL DESCRIPTION – Lots 3, 4, 7 and 8, Block 1,
Northgate 2nd Addition

ACREAGE/SIZE OF PROPERTY Lot 3 – 0.50 Acres; Lot 4
– 0.50 Acres; Lot 7 – 1.0 Acre; and Lot 8 – 0.70 Acres

CURRENT ZONING – PUD -
C

EXISTING USE OF PROPERTY – OFFICE
BUILDINGS

PROPOSED USE OF PROPERTY- TAKING OUT PUD
SO WE CAN BUILD HOTEL OR OTHER COMMERCIAL
BUILDINGS

(Including number of units per acre and types of uses
if mixed use)

IDENTIFY ALL ADJACENT LAND USES – OFFICE
BUSINESS

PROPERTY IS -

ABSTRACT

TORRENS

SIGNATURE OF
APPLICANT

 DATE 11-10-21

SIGNATURE OF OWNER

 DATE 11-10-21

(if other than the applicant)

Updated: 8/22/16

**PLEASE PROVIDE ALL INFORMATION
REQUESTED ON THIS FORM AND THE
ATTACHED CHECKLIST.
PLANNED UNIT DEVELOPMENT
Required Submittals**

• **Concept plan - PDF** (Required prior to submittal of the
PUD application)

- ☐ Property boundary
- ☐ North arrow
- ☐ Scale
- ☐ Proposed density of development

- Location of major streets and pedestrian ways
- Location and extent of public and common open spaces
- Location of residential and non-residential land uses with approximate type and intensities of development
- Proposed development schedule

Development plan

• Written narrative

- Statement providing evidence of sufficient property control
- Development schedule showing the time and sequence of proposed development
- Summary of the total number of units of each type of use, number of dwelling units, the acreage devoted to all land uses, and the overall net density of the development
- Character and size of all proposed structures, including the use, height, and gross floor area
- Description of architectural design standards to be implemented
- Description of the anticipated market the development is intended to serve
- Justifications for approval of the PUD and how identified objectives are being satisfied
- Statement describing the form of ownership and maintenance of all common open space, recreational facilities, and other commonly held area intended for the exclusive benefit of the residents
- Proposed protective covenants, easements, or restrictions to be imposed upon the use of land, buildings, and structures
- Statement identifying, and providing justification for, any variances, modifications, or waivers from the development standards specified

• Site plan

- Proposed name of development
- Location of boundary lines (in relation to known

section)

- Vicinity sketch (at a legible scale)
- Names and addresses of all persons having property interest, the developer, designer, and surveyor □
Graphic scale of plat, not less than 1" to 100' □ Date and North arrow
- Boundary line and total acreage of proposed plan
- Existing zoning classifications for land within 100 feet of the development
- Location, widths, and names of all existing or previously platted streets or other public ways
- Location and size of existing sewers, water mains, culverts, or other underground facilities
- Boundary lines of adjoining un-subdivided or subdivided land, within 100 feet
- Topographic data of the site
- Location and type of land uses to be developed
- Layout of proposed streets
- Locations and widths of proposed alleys and pedestrian ways
- Locations and size of proposed sewer lines and water mains
- Location, dimension, and purpose of all easements
- Layout, numbers, lot areas, and preliminary dimensions of lots and blocks
- Minimum front and side street building setback lines
- Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public or private use
- Location of parking areas, including the number of stalls required and the number provided, loading facilities, and proposed vehicular driveways and aisles
- Location, general exterior dimensions, and approximate gross floor areas of all proposed buildings
- Location, type, and size of proposed landscape and screening plantings, signs, or other site enhancements

- **Building plans and elevations**

- Drawings indicating use and illustrating typical floor

plans, elevations, and exterior building materials

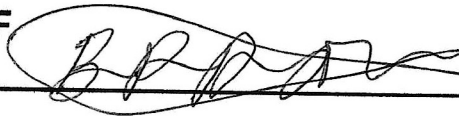
- **Required supplemental information**

- Written summary explaining how the proposed use is compatible with the neighborhood
- Written summary explaining if and how the proposed development will impact traffic
- Other information as required

• **Final plat approval** (Submittal subsequent to PUD approval)

• **Filing fee & PUD Escrow**

**SIGNATURE OF
APPLICANT** _____



DATE _____

11-10-21.

Planning Case # _____

**CITY OF FARIBAULT
ORDINANCE 2000-06**

**PLANNED UNIT DEVELOPMENT
(Northgate Business Park)**

WHEREAS, Land'Sake, holder of a purchase agreement of the following described property, to wit:

Lot 1, Block 2, Northgate Addition, City of Faribault, Rice County, Minnesota
has requested approval of a commercial planned unit development; and

WHEREAS, City staff has completed a review of the application and made a report pertaining to said request (PC 13-00), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on the 3rd day of May, 2000, following proper notice, held a public hearing regarding the request, and following said public hearing adopted a recommendation that the request for a planned unit development, be approved; and

WHEREAS, the City Council, on the 9th day of May, 2000, following proper notice, held a public hearing to consider the proposed amendment and all interested persons were provided with an opportunity to comment; and

WHEREAS, the City Council finds that the said planned unit development would be appropriate with the following findings:

1. Adequate property control is established and provided to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
2. The interior circulation plan and access from and onto public right-of-way does not create congestion or dangers and is adequate for the safety of the general public. Curb cuts onto the public street have been kept to a minimum through the development of on-site circulation.

3. A sufficient amount of usable open space is provided, with minimum open space ratios satisfied on each lot. The proposed plan provides for a common courtyard for use by employees and customers and is easily accessed through an area-wide sidewalk system.
4. The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy of surrounding property owners or reduce the value of adjacent properties.
5. The architectural and landscape design standards identified for the project will ensure compatibility with the surrounding area and provide for a unified treatment of the entire site. Given the property's proximity to the interstate highway and position at the northernmost entrance to the city, provision of such design standards is viewed to be advantageous.
6. The project will not place a burden on existing municipal infrastructure, including utility and drainage systems.
7. The phasing schedule ensures logical development of the site and will not compromise or limit future development should this particular project be discontinued.
8. The planned unit development is in reasonable compliance with the intent and purpose of the Land Use Plan. Commercial uses are encouraged in this location.
9. Approval of the request will result in the establishment of a PUD, Planned Unit Development District, designation on the official zoning map.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES:

Section 1. A planned unit development is hereby granted with the following provisions:

1. The final plat for the subdivision shall be approved and filed with Rice County prior to issuance of any building permits for the property. Any necessary restrictions, covenants, or easements governing the planned unit development must be filed and recorded concurrent with the plat.
2. Temporary and permanent erosion and sediment control plans must be prepared and implemented in accordance with Minnesota Pollution Control Agency requirements.
3. Review and approval by the City Engineer of grading, drainage and utility plans for the site prior to issuance of a building permit. All new utilities must be placed underground.
4. Fire hydrants must be installed, as needed, at locations approved by the Director of Fire and Code Services.

5. Parking lot development shall consist of hard-surfacing, 6-inch non-surmountable concrete perimeter curbing, and striping of all stalls. Provision will need to be made for handicapped stalls in compliance with State Building Code requirements. Temporary curb stops, or other similar method of access control, must be utilized where parking lot development terminates at phase lines. All necessary parking, driveway, and pedestrian easements shall be filed concurrent with the final plat. The driveway nearest Cardinal Avenue and 30th Street NW shall be moved to the common property line between Lots 1 and 3.
6. Sidewalks, as depicted on the site plan, are required elements of the project and shall be installed on a lot by lot basis. The exact location of proposed sidewalks shall be finalized during final site plan review.
7. Landscaping for the development must be provided in substantial conformance to the landscape plan submitted and approved as part of the planned unit development. Plantings shall be completed on a lot by lot basis, with installation completed prior to issuance of a final certificate of occupancy for the structure. An additional twelve (12) shrubs are needed along 30th Street NW to satisfy buffer requirements, as the property adjoins a designated collector street. Berming shall be utilized as an additional buffer mechanism at the corner of Cardinal Avenue and 30th Street NW.
8. A lighting plan for the project shall be submitted for staff review and approval prior to development of the site. All exterior lighting must comply with the performance standards specified in Section 6-340 of the Unified Development Ordinance.
9. The applicant shall submit, for staff review and approval, architectural design standards including building elevation and signage styles, materials, and colors. Such standards must be incorporated into covenant documents that are filed with the final plat.
10. Site development of Lot 7 must comply with pertinent landscaping and architectural design standards established by city code, in addition to any standards required by the developer.
11. All signage shall comply with the standards developed by the applicant and approved by city staff. No more than four (4) pylon signs shall be allowed for the entire development. Sign permits shall be obtained prior to installation of signage at the site.
12. No exterior storage of equipment, garbage, or debris shall be permitted anywhere on the site. On-site trash enclosures, if provided, shall be limited to three (3) in number throughout the entire development, excluding the restaurant site, with locations identified during final site plan approval.
13. A final plat must be submitted within one (1) year of the effective date of the ordinance approving the planned unit development.

14. In the event that development of the entire site is not complete within five (5) years of the project start date, the City Council may, at its discretion, set a public hearing to review the status and performance of the planned unit development.
15. Any change in the proposed mix of uses, provision of drive-through facilities, or configuration of the property, aside from minor modifications approved by city staff as authorized in Section 14-190 (Unified Development Ordinance), shall be cause for submittal of a revised development plan.
16. Any violation of the conditions established with approval of the planned unit development shall be handled in accordance with the enforcement provisions specified in Article 12, Chapter 2, Faribault Unified Development Ordinance.

THE CITY OF FARIBAULT ORDAINS:

Section 1: Amendment. The Unified Development Ordinance is hereby amended to show a certain tracts of land situated in the City of Faribault, County of Rice, Minnesota, now zoned C-2, Highway Commercial District, to a PUD-C, Planned Unit Development-Commercial District, as described below and as shown on the attached proposed zoning map.

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

Section 2: Official Zoning Map. The City Administrator is hereby directed to amend the Official Zoning Map to reflect this ordinance amendment.

Section 3: Preliminary Development Plan. The preliminary development plan is hereby approved. Approval of the preliminary development plan constitutes acceptance of both a preliminary plat and site plan.

Section 4: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: May 9, 2000

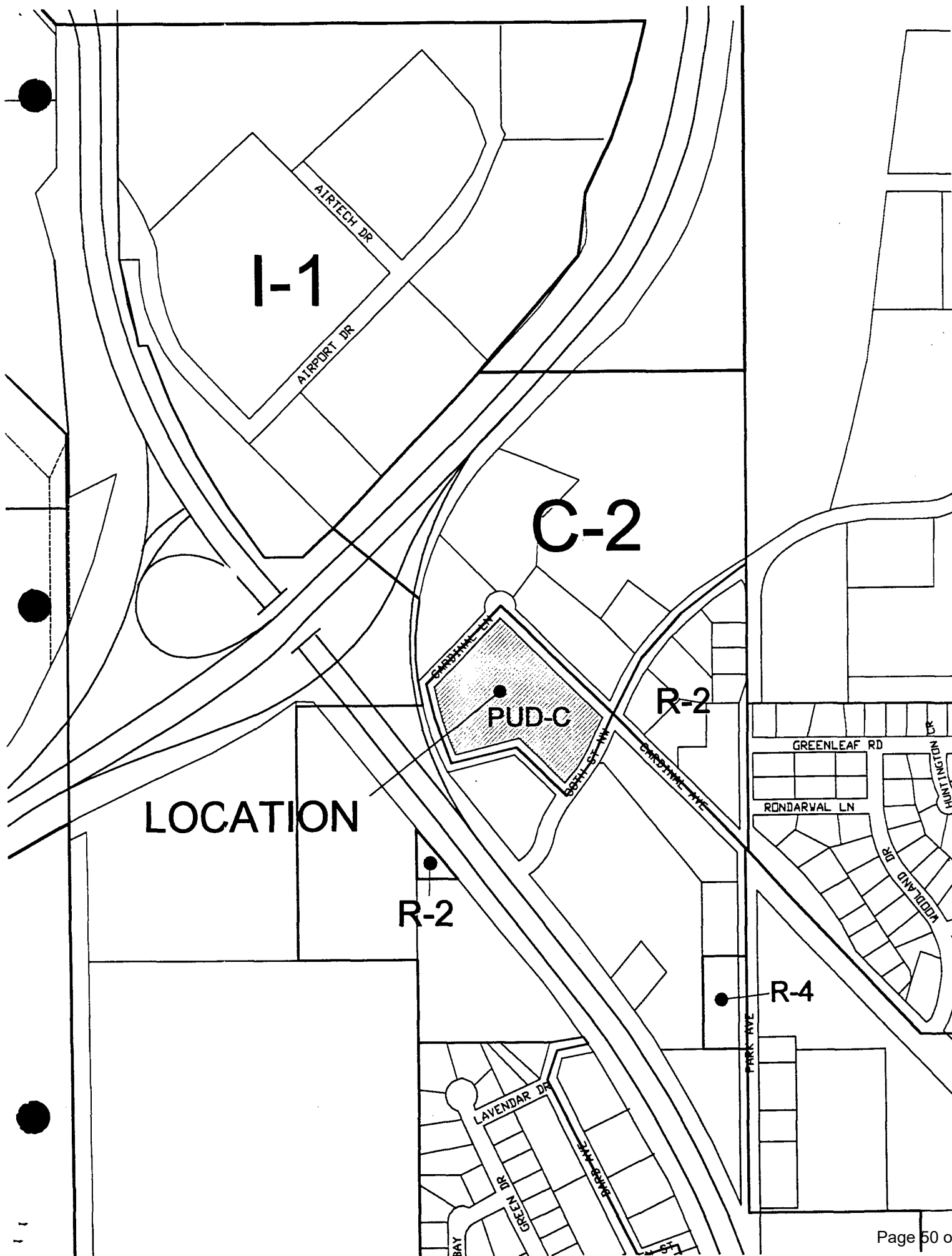
Second Reading: May 23, 2000

Faribault City Council

Mayor

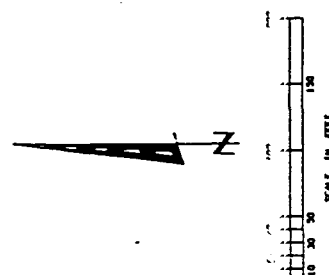
Attest

City Administrator



PRELIMINARY PLAT:

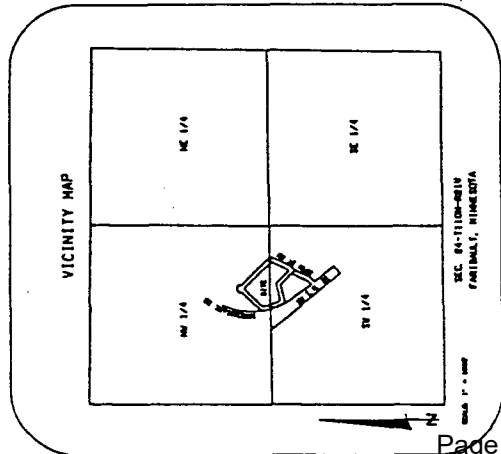
P/O SEC/ 24-TYION-R21W



LINE	BEARING	DISTANCE
1	S 31° 07' 36" E	49.36

GREAT GLOBAL ASSURANCE CO.
7406 STEVEN DRIVE EAST 0100
SCOTTSDALE, ARIZONA 85262

NOTE. BEARINGS ARE BASED ON THE ASSUMPTION THAT THE NORTH LINE OF THE NE 1/4 OF THE SW 1/4 OF SECTION 24 BEARS S 69° 24' 00" W.



APRIL 4, 2000

DAVID G. RAPP
NEW LICENSE NO. Z8044

DATED

REVISED APRIL 04, 2000

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City of
Faribault
10-20-02

504295

Document No.
504295



OFFICE OF COUNTY RECORDER

RICE COUNTY, MINN

No. of Pages 4

I hereby certify that the within instrument was filed in this office
for record on 10-24-2002 at 11:15 ☒ AM ☐ PM

10242002

Pam Melchert, County Recorder



W. Smith
Deputy

R

**CITY OF FARIBAULT
ORDINANCE 2002-23**

**PLANNED UNIT DEVELOPMENT AMENDMENT
(Northgate 2nd Addition)**

WHEREAS, GPT Development, owner of the following described property, to wit:

Lots 1-8, Block One, Northgate 2nd Addition, Faribault, Rice County,
Minnesota.

has requested approval of an amendment to the Northgate Commercial Planned Unit
Development to allow the rearrangements of lot lines administratively; and

WHEREAS, City staff has completed a review of the application and made a report
pertaining to said request (PC 44-02), a copy of which has been presented to the City Council;
and

WHEREAS, the Planning Commission, on the 18th day of September, 2002, following
proper notice, held a public hearing regarding the request, and following said public hearing
adopted a recommendation that the request for an amendment to the planned unit development
be approved; and

WHEREAS, the City Council, on the 24th day of September, 2002, following proper
notice, held a public hearing to consider the proposed amendment and all interested persons
were provided with an opportunity to comment; and

WHEREAS, the City Council finds that said amendment to the planned unit
development would be appropriate based on the following findings:

1. Adequate property control is established and provided to protect the individual owner's
rights and property values and to define legal responsibilities for maintenance and
upkeep.
2. The interior circulation plan and access from and onto public right-of-way does not create
congestion or dangers and is adequate for the safety of the general public. Curb cuts onto

the public street have been kept to a minimum through the development of on-site circulation.

3. A sufficient amount of usable open space is provided, with minimum open space ratios satisfied on each lot. The proposed plan provides for a common courtyard for use by employees and customers and is easily accessed through an area-wide sidewalk system.
4. The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy of surrounding property owners or reduce the value of adjacent properties.
5. The architectural and landscape design standards identified for the project will ensure compatibility with the surrounding area and provide for a unified treatment of the entire site. Given the property's proximity to the interstate highway and position at the northernmost entrance to the city, provision of such design standards is viewed to be advantageous.
6. The project will not place a burden on existing municipal infrastructure, including utility and drainage systems.
7. The phasing schedule ensures logical development of the site and will not compromise or limit future development should this particular project be discontinued.
8. The planned unit development is in reasonable compliance with the intent and purpose of the Land Use Plan. Commercial uses are encouraged in this location.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. The Northgate Commercial Planned Unit Development (Northgate 2nd Addition) is hereby amended to allow for the rearrangement of lot lines through the administrative process established in Chapter 15, Article 2, Faribault Unified Development Ordinance; subject to the following provisions:

1. All provisions of Ordinance 2000-06, approving the preliminary and final plat of Northgate 2nd Addition shall remain in effect.
2. The parking to floor area ration established with the site plan approved in conjunction with the original PUD per Ordinance 2000-06, shall be met regardless of the configuration of the lots within the development.
3. Shared access and parking must be provided to all parcels in the manner intended in the original PUD per Resolution 2001-148.
4. Rearrangement of lot lines may be subject to vacation by the City of drainage and utility easements prior to issuance of a building permit for construction on affected resulting parcels of land.

5. Upon development of the final parcel in the project, the property shall be replatted to simplify legal descriptions of all resulting parcels.

Section 2: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: September 24, 2002

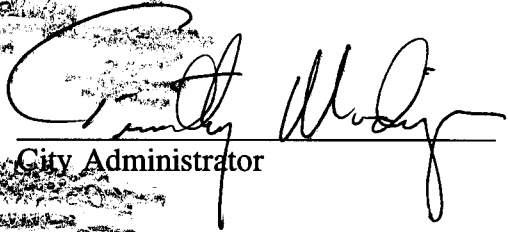
Second Reading: October 8, 2002

Faribault City Council



Mayor

Attest


City Administrator

**SUMMARY PUBLICATION
CITY OF FARIBAULT ORDINANCE 2002-23
AMENDING THE NORTHGATE COMMERCIAL
PLANNED UNIT DEVELOPMENT**

The City of Faribault is vacating is amending the Northgate Commercial Planned Unit Development to allow the rearrangement of lot lines through an administrative minor subdivision process.

The complete text of Ordinance 2002-23 is on file at City Hall and the Buckham Memorial Library, and may be obtained from the Zoning Administrator at no cost.

First Reading: September 24, 2002

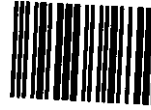
Second Reading: October 8, 2002

504295

2A
City
of Holt

483920

Document No.
483920

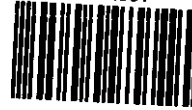


OFFICE OF COUNTY RECORDER
RICE COUNTY, MINN

No. of Pages 4

I hereby certify that the within instrument was filed in this office
for record on 09-28-2001 at 08:31 ☒ AM ☐ PM

09282001



Pam Melchert, County Recorder

P. Melchert
Deputy

R

**CITY OF FARIBAULT
RESOLUTION 2001-148**

**PRELIMINARY AND FINAL PLAT APPROVAL
Northgate 2nd Addition**

WHEREAS, a preliminary plat and final plat of Orchard Heights have been submitted to the City for review; and

WHEREAS, the Northgate 2nd Addition Planned Unit Development-Commercial, including preliminary plat, was approved by the City and became effective on or about June 25, 2000 (Ordinance 2000-06); and

WHEREAS, according to Ordinance 2000-06, a final plat was to be submitted within one year of the effective date of such ordinance; and

WHEREAS, a final plat for Northgate 2nd Addition was not submitted for approval within one year of the effective date of Ordinance 2000-06, and therefore the preliminary plat became null and void; and

WHEREAS, GPT Development has submitted a request for reinstatement of the preliminary plat, as well as for final plat approval of Northgate 2nd Addition; and

WHEREAS, City staff has completed a review of the preliminary and final plats and made a report pertaining to said plats (PC 51-01), a copy of which has been presented to the Planning Commission and City Council; and

WHEREAS, the Planning Commission, on the 19th day of September, 2001, following proper notice, held a public hearing regarding the request, and following said public hearing, adopted a recommendation that the preliminary and final plats be approved; and

WHEREAS, the City Council, on the 25th day of September, 2001, following proper notice, held a public hearing to consider the proposed preliminary and final plat and all interested persons were provided with an opportunity to comment.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES:

Section 1. The preliminary and final plats of Northgate 2nd Addition are hereby approved with the following provisions:

1. The final plat for the subdivision shall be filed with Rice County prior to issuance of any building permits for the property. Any necessary restrictions, covenants, or easements governing the planned unit development must be filed and recorded concurrent with the plat.
2. Temporary and permanent erosion and sediment control plans must be prepared and implemented in accordance with Minnesota Pollution Control Agency requirements.
3. Review and approval by the City Engineer of final grading, drainage and utility plans for the site prior to issuance of a building permit. All new utilities must be placed underground.
4. Fire hydrants must be installed, as needed, at locations approved by the Director of Fire and Code Services.
5. Parking lot development shall consist of hard-surfacing, 6-inch non-surmountable concrete perimeter curbing, and striping of all stalls. Provision will need to be made for handicapped stalls in compliance with State Building Code requirements. Temporary curb stops, or other similar method of access control, must be utilized where parking lot development terminates at phase lines, subject to approval of the City Engineer. All shared amenities including but not limited to parking, driveway and access drives, and pedestrian walkways, shall be addressed in protective covenants to be filed concurrent with the final plat. The driveway nearest Cardinal Avenue and 30th Street NW shall be moved to the common property line between Lots 1 and 3.
6. Sidewalks, as depicted on the site plan, are required elements of the project and shall be installed on a lot by lot basis. The exact location of proposed sidewalks shall be finalized during final site plan review.
7. Landscaping for the development must be provided in substantial conformance to the landscape plan submitted and approved as part of the planned unit development. Plantings shall be completed on a lot by lot basis, with installation completed prior to issuance of a final certificate of occupancy for the structure. An additional twelve (12) shrubs shall be provided along 30th Street NW to satisfy buffer requirements, as the property adjoins a designated collector street. Berming shall be utilized as an additional buffer mechanism at the corner of Cardinal Avenue and 30th Street NW.
8. A lighting plan, including photometric data, for the project shall be submitted for staff review and approval prior to development of the site. All exterior lighting must comply with the performance standards specified in Section 6-340 of the Unified Development Ordinance.

9. The applicant shall submit, for staff review and approval, architectural design standards including building elevation, materials, and colors as well as signage styles. Such standards must be submitted prior to issuance of any building permits for the project and shall be incorporated into covenant documents that are filed with the final plat.
10. Site development of Lot 7 must comply with pertinent landscaping and architectural design standards established by city code, in addition to any standards required by the developer.
11. All signage shall comply with the standards developed by the applicant and approved by city staff. No more than four (4) pylon signs shall be allowed for the entire development. Sign permits shall be obtained prior to installation of signage at the site.
12. No exterior storage of equipment, garbage, or debris shall be permitted anywhere on the site. On-site trash enclosures, if provided, shall be limited to three (3) in number throughout the entire development, excluding the restaurant site, with locations identified during final site plan approval.
13. In the event that development of the entire site is not complete within five (5) years of the project start date, the City Council may, at its discretion, set a public hearing to review the status and performance of the planned unit development.
14. Any change in the proposed mix of uses, the provision of drive-through facilities, or configuration of the property, aside from minor modifications approved by city staff as authorized in Section 14-190 (Unified Development Ordinance), shall be cause for submittal of a revised development plan.
15. Any violation of the conditions established with approval of the planned unit development shall be handled in accordance with the enforcement provisions specified in Article 12, Chapter 2, Faribault Unified Development Ordinance.
16. The location of the sanitary sewer easement for Lot 7 shall be finalized on the plat prior to release of the plat for filing.

This resolution shall become effective immediately upon its passage and without publication.

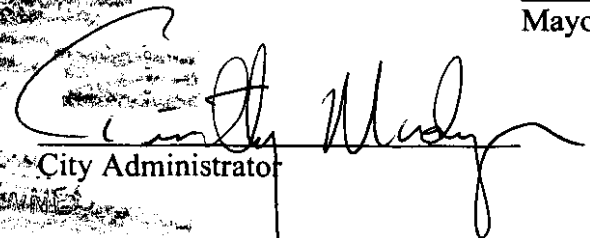
Adopted this 25th day of September, 2001.

Faribault City Council



Mayor

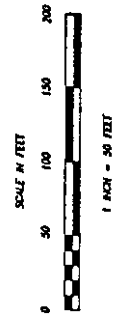
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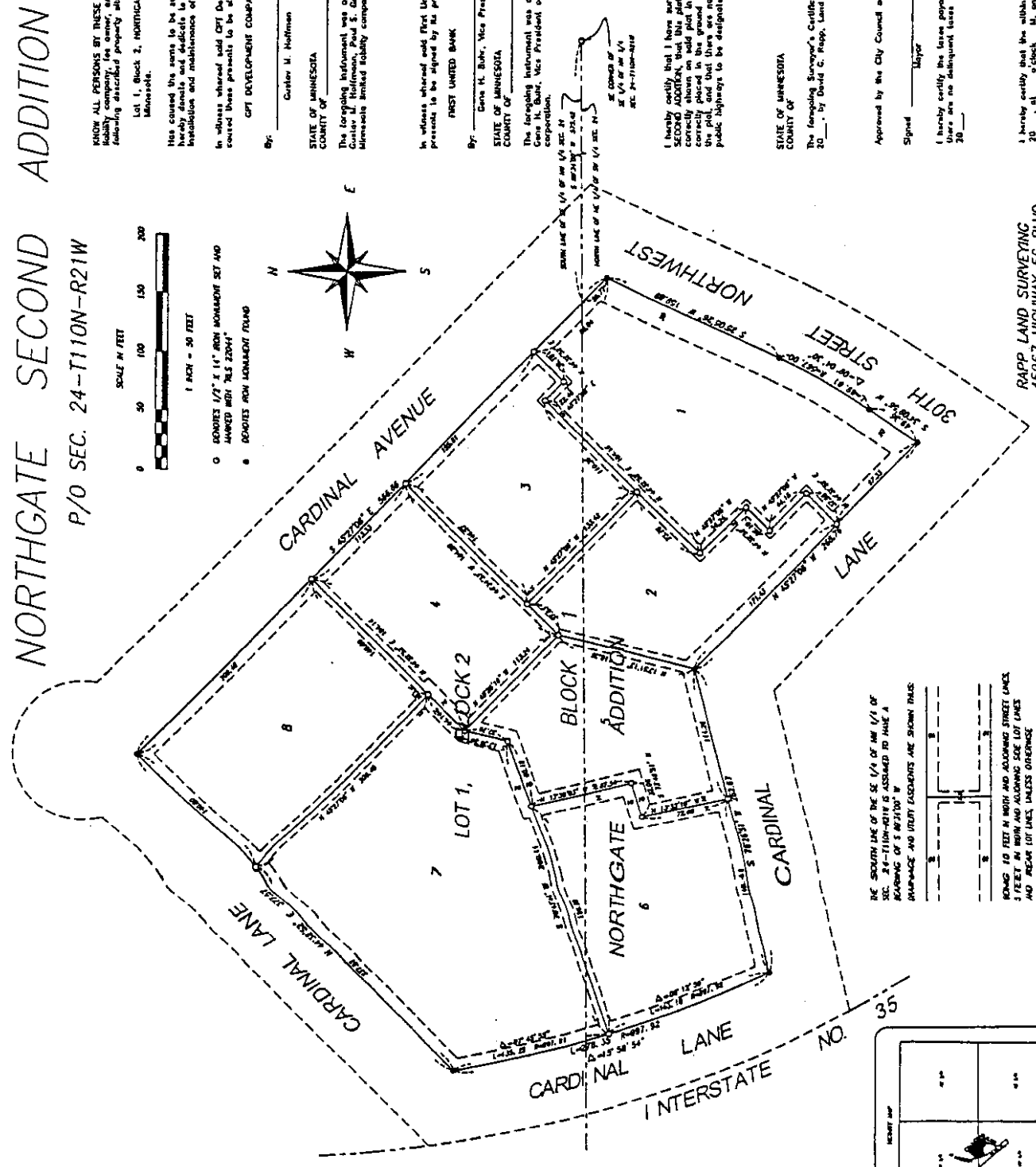
City Administrator

NORTHGATE SECOND ADDITION

P/O SEC. 24-T110N-R21W



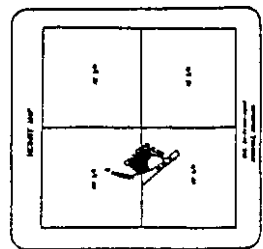
- BOUNDIES 1/2" x 14" IRON MONARCH SET AND MARKED WITH "SLS 22044"
- BOUNDIES IRON MONARCH PILING



THE SOUTHERN LINE OF THE SE 1/4 OF NW 1/4 OF SEC. 24-T110N-R21W IS ASSUMED TO HAVE A BEARING OF S 89° 51' 00" W.

BEARINGS AND DISTANCE CALCULATIONS ARE SHOWN IN THE

BEARING 10 FEET IN NORTH AND ADJOINING STREET LINES 3 FEET IN NORTH AND ADJOINING SIDE LOT LINES AND BEARING LOT LINES, UNLESS OTHERWISE NOTICED, AS SHOWN ON THE PLAT



483920

MAKING ALL PERSONS BY THESE PRESENTS: That GPT Development Company, LLC, a Minnesota limited liability company, and First United Bank, a United States corporation, mortgagees of the following described property located in the County of Rice and State of Minnesota to wit:

Lot 1, Block 2, NORTHGATE ADDITION, according to the recorded plat thereof, Rice County, Minnesota.

Has caused the same to be surveyed and plotted as NORTHGATE SECOND ADDITION and does hereby certify that the same has been surveyed and plotted in accordance with the laws of the State of Minnesota and the rules and regulations of the State Surveyor.

In witness whereof said GPT Development Company, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officers this ___ day of ___, 20__.

GPT DEVELOPMENT COMPANY, LLC
By: _____, By: _____
Gustav M. Hoffmann Paul S. Gray Thomas H. Degen
STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of ___, 20__ by _____, Gustav M. Hoffmann, Paul S. Gray, and Thomas H. Degen of GPT Development Company, LLC, a Minnesota limited liability company, on behalf of the company.

In witness whereof said First United Bank, a United States corporation, has caused these presents to be signed by its proper officer this ___ day of ___, 20__.

FIRST UNITED BANK
By: _____, By: _____
Gene H. Bahr, Vice President
STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of ___, 20__ by _____, Gene H. Bahr, Vice President of First United Bank, a United States corporation, on behalf of the corporation.

In witness whereof said _____, Notary Public, _____ County, Minnesota, has caused these presents to be signed by its proper officer this ___ day of ___, 20__.

Notary Public, _____ County, Minnesota
My Commission expires _____

I hereby certify that I have surveyed and plotted the property described on this plat as NORTHGATE SECOND ADDITION, that this plat was surveyed and plotted in accordance with the laws of the State of Minnesota and the rules and regulations of the State Surveyor, and that all monuments have been correctly placed in the ground as shown, that all outside boundary lines are correctly designated on the plat, and that there are no wet lands, as defined in Minnesota Statutes 505.02, Subd. 1, or public highways to be designated on said plat, other than as shown.

David C. Rapp, Land Surveyor
Minnesota License Number 22044
STATE OF MINNESOTA
COUNTY OF _____

The foregoing Surveyor's Certificate was acknowledged before me this ___ day of ___, 20__ by _____, David C. Rapp, Land Surveyor.

Notary Public, _____ County, Minnesota
My Commission expires _____

Approved by the City Council of Faribault, Minnesota, this ___ day of ___, 20__.

Signed _____ Mayor
Signed _____ City Administrator

I hereby certify this lease payable in the year 20__ on the land herein described have been paid, there are no delinquent taxes and transfer has been entered this ___ day of ___, 20__.

I hereby certify that the within instrument was filed in this office for record this ___ day of ___, 20__ at ___ o'clock ___ M. and was duly recorded as document number _____ file number _____.

Rice County Recorder

RAPP LAND SURVEYING
45967 HIGHWAY 56 BLVD
KENYON, MN 55946

JTS Hospitality, INC d/b/a Days Inn Faribault
1920 Cardinal Lane
Faribault, MN 55021

David Wanberg, City Planner
208 NW 1st Avenue
Faribault, MN 55021

11/30/2021

City of Faribault Planning Committee

This in regards to the public hearing scheduled on December 06, 2021. I will not be able to attend the hearing but would like to send my input.

I am the owner operator of the Days Inn of Faribault since November of 2008. This business has seen its ups and downs throughout the years. Before removing the properties/land from the PUD associated with Northgate Business Park I would request the city planning committee to ask Radhe Krishna Inc what the plan is for development.

If it's another hotel/motel developing or other type of a lodging facility I as a Faribault hotel owner would vote no to the removal of the subject properties from the existing PUD.

Faribault and surrounding has enough lodging hotel rooms for travelers and locals on a busy weekend and way too many rooms for the slow seasons of September through May or any given weekday. The existing hotels will need years to recover from the ongoing covid recession.

Thank You

Trupti Bhakta
Days Inn Faribault