



**Planning Commission Work Session
Monday, December 4, 2023 at 6:00 PM
Council Chambers**

AGENDA

- 1. Call to Order**
- 2. Items for Discussion**
 - A. Urban Flea Market
 - B. November 20th Planning Commission Work Session Report
- 3. Routine Business**
- 4. Future Discussion**
 - A. 2024 Planning Commission Officers
 - B. 2024 Planning Commission Meeting Schedule
- 5. Adjournment**

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



Planning Commission Work Session Memorandum

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: December 4, 2023
SUBJECT: Urban Flea Market

Background:

Corey Newby of Urban Flea Market in New Prague, MN requests Planning Commission feedback regarding a potential move of his business from New Prague to the former Immaculate Conception Church property at 112 2nd Avenue SW in Faribault, MN.

The property is zoned P-I for Public Institutional, approximately two acres southwest of downtown, and between Division Street and 1st Street SW. The surrounding properties are zoned R-3 to the north and east, R-2 to the west, and P-I for Bethlehem Academy to the south. The Land Use Plan guides the subject property for Institutional, including Bethlehem Academy to the south, while it guides the surrounding properties to the east, west, and north as Established Neighborhood Residential. The property currently has around 60-70 parking spaces on-site with three distinct structures: the elementary school building (SW), house of worship (NW), and rectory (NE). The house of worship (church) is on the National Register of Historic Properties.

Newby's proposed first phase of redevelopment includes the adaptive reuse of the former religious and school structures to hold online auctions, provide retail space, store auction items, and host three or four flea markets a year. The business will be open to the public Thursday through Saturday with an anticipated 50 customers a day coming to browse merchandise or pick up action items. Newby anticipates the flea markets would host roughly 300 people per hour. In Newby's proposed second phase of redevelopment, he intends to renovate the house of worship (chapel) for community events and corporate gatherings.

The City Planner sees this business as an adaptive reuse of the religious and school structures on the property, which is allowed by conditional use permit in every residential zoning district except RM. In order to facilitate the conditional use permit, the property requires a rezoning and comprehensive plan amendment from P-I and Institutional to a residential zoning district (the City Planner recommends R-3, which is consistent to

the north and east) and an appropriate, corresponding future land use designation (the City Planner's preliminary recommendation is Established Residential Neighborhood, consistent with properties to the north, east, and west). The Planning Commission can provide a perspective on whether a rezoning is allowed or warranted through the following criteria (Sec. 2-180):

- *Whether the amendment is consistent with the applicable policies of the city's Land Use Plan.*
- *Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.*
- *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.*
- *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.*
- *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.*

With regard to amending the comprehensive plan, which must be done prior to rezoning, reasoning must be established how the amendment is in the best interest of the health, safety, and welfare of the public. Further analysis is required on impacts to adjacent properties, transportation, utilities, natural features, and other significant aspects of the community. Comprehensive plan amendments are not uncommon in Minnesota (and the country), but significant deviations from the original direction and vision of the plan should be avoided, or contain well documented findings prior to adoption.

In addition to the rezoning and comprehensive plan amendment, a conditional use permit has a set of criteria for determining if a proposed use is compatible with the area and appropriate for the property. The criteria are (Sec. 2-300):

- *The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare.*
- *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 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 conditional use will not impose hazards or disturbing influences on neighboring properties.*
- *The conditional use will not substantially diminish the value of neighboring properties.*
- *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.*
- *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.*
- *Adequate measures have been or will be taken to minimize traffic congestion in the public streets and to provide for adequate on-site circulation of traffic.*
- *The 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 conditional use is consistent with the applicable policies and recommendations of the city's Land Use Plan or other adopted land use studies.*
- *The conditional use, in all other respects, conforms to the applicable regulations of the district in which it is located.*

Sec. 7-30 of the city code outlines criteria for adaptive reuse of institutional or public buildings, which the City Planner reviewed and provides preliminary findings below:

- *The city council shall find before granting a conditional use permit for an adaptive reuse that the long-term benefits of the proposed adaptive reuse outweigh any negative impacts on the neighborhood of the proposed project and on the city, as compared with the alternative of having the structures demolished, remaining vacant, or underutilized.*

The City Planner sees the possibility of this business providing long-term benefits to the city in-general as a commercial destination for visitors and city economic growth. The church in the northwest part of the site is on the National Register for Historic Properties, so a strong case exists for adaptive reuse of that building to preserve its history and architectural presence in the neighborhood. The elementary school building to the south is not considered historic and does not, in the opinion of the City Planner, provide an architectural character consistent with the neighborhood or unique to the city. Preliminary information from the applicant indicates the building may

require significant maintenance and ADA improvements prior to use and occupancy by the general public, which could be a cause for concern and reasoning for demolishing the building. In assuming the best of the situation, it would be more environmentally sustainable to reuse the building rather than demolish it, and if the applicant can handle improvements to the structure, then the City Planner defers to the applicant about feasibility. Leaving the building vacant or underutilized is potentially detrimental to the neighborhood and city since a consistent, full-time occupant will take care of the property and seek avoiding degradation. The City Planner gives the benefit of the doubt to the applicant on the positives outweighing negatives to the community's benefit, but the applicant will need to continue working on lessening negative impacts. The proposal needs to demonstrate for a formal planning process that any traffic or parking issues are alleviated through on- and off-site options without relying on on-street parking.

- *The proposed adaptive reuse must be residential, commercial, institutional, or a combination of such uses.*

The proposed use complies as a commercial business.

- *Densities greater than would be allowed in the underlying zoning district may be approved, at the discretion of the city council.*

The proposed use is not residential, so this density criteria does not apply.

- *The proposed adaptive reuse shall not cause traffic volumes to exceed the capacities for which the adjacent streets have been designed.*

The City Engineer will review the use and impact on adjacent streets as this development moves forward.

- *The proposed adaptive reuse must not generate daily semi-truck traffic on local residential streets.*

The applicant states semi-trucks will deliver products on a monthly basis and auction winners will collect products in-person, therefore meeting this criteria.

- *Improvements to reduce the impact of driveways/access points on the traffic flow of adjacent streets have been identified where needed.*

The City Planner and City Engineer will review the development as it moves forward for necessary access improvements.

- *The proposed reuse includes adequate amounts of on-site parking and loading areas to meet the requirements of Section 8-200 of this Code; where required parking cannot be provided on-site, reasonable provision for off-site parking shall be required.*

For regular operations, preliminary calculations from the applicant using Faribault parking ratios show a need for 66 spaces. Staff will need an accurate breakdown of space within the building to finalize parking space needs and a final site plan showing a parking layout compliant with city standards.

The City Planner suggests the applicant find options for accommodating parking demand during peak periods, such as the 3-4 proposed market days. Some options could include:

- Getting an agreement with Bethlehem Academy to use their parking lot for overflow.
- Getting an agreement to use a parking lot in downtown (or elsewhere) for overflow parking and having customers walk to the business or the business provide a shuttle service to and from the subject property.

Using an off-site parking lot would necessitate clear advertisement to customers and strict enforcement to avoid business-related parking on-street in the surrounding neighborhood.

- *Screening must be provided to sufficiently protect the privacy of residents in the surrounding residential areas from the impact of off-street parking, loading, and driving areas, noise or glare exceeding permissible standards, potential safety hazards, or to subdue differences in architecture and bulk between adjacent land uses.*

Staff will work with the applicant as this project moves forward to provide adequate screening along with any other improvements to the property.

- *There shall be no exterior storage of goods or equipment except for properly screened trash containers.*

This will be a condition as this project moves forward.

- *Hours of operation shall be as identified by the applicant in the conditional use permit application and agreed to by the city council.*

The applicant is proposing business operation on Thursday through Saturday during normal business hours. Final hours of operation and detailed operation of the 3-4 market days are required for a formal planning application.

- *Exterior renovation or remodeling of the structure must endeavor to maintain existing architectural features so as to not alter the character of the neighborhood.*

The applicant is currently not proposing any alterations to the outside of the buildings, so staff will continue working with the applicant to provide an accurate depiction of any exterior changes with a future, formal planning process.

- *The requirements for institutional signage within a residential district shall be used in the evaluation of signage for the site. Consideration shall be given to reusing the existing, historical signage on the site and designing any additional signage to complement the existing residential district.*

The applicant provided no depiction of business signage at this stage of development, so staff will work with them as this project moves forward to be compliant with this criterion.

The criteria listed above for zoning map amendments, comprehensive plan amendments, conditional use permits, and adaptive reuse of institutional buildings ensure every proposal brought before the city receives a fair, transparent, and sound decision. If the Planning Commission find the proposal to be inconsistent with the comprehensive plan or zoning code and would not recommend the adaptive reuse, the City Planner requests the Planning Commission provide guidance for the city on what uses would be appropriate at the subject property. The use of the property as an institutional and educational facility will end and is unlikely to continue in the future. The City Planner, in talking to Newby or any other potential owners of the property, would appreciate direction regarding:

- What uses would be appropriate on the property? Is the location, a block away from CBD-zoned properties along Central Avenue in downtown, ideal for commercial, residential, or a mix of uses?
- Is there an ideal range on density or intensity of a use on the property?
- Would the city strongly advise reuse of the church due to its status on the National Historic Register?
- Would the city prefer redevelopment of the whole, part, or none (complete adaptive reuse) of the property?
- Is there an ideal aesthetic or character for any new redevelopment to better fit the neighborhood context?

Attachments:

1. City Engineer Memo - Urban Flea Market Concept Review
2. Location Map
3. Zoning Map

4. Future Land Use Map
5. City Code Sec 2-180 Zoning Amendments Criteria
6. City Code Sec 10-30 Table 10-1, Page 2
7. Comprehensive Plan Established Residential Neighborhood Definition
8. City Code Sec 2-300 CUP Criteria
9. City Code Sec 7-30 Institutional Building Adaptive Reuse Criteria



Engineering Department Memorandum

TO: Harry Davis, City Planner

FROM: Mark DuChene, City Engineer

DATE: November 29, 2023

SUBJECT: Urban Flea Market – 112 2nd Avenue SW: Concept Plan Review

Following are my comments on the concept plans for Urban Flea Market that were received via emails on 11/27/23 from the applicant. The proposed project is an adaptive reuse of the former Immaculate Conception church and rectory as well as the current Divine Mercy Catholic School to a commercial retail sales business.

Streets, Parking and Driveway Access

The entire site encompasses a standard City block and has frontages on Division Street W, 3rd Avenue SW, 2nd Avenue SW and 1st Street SW. Due to grade and elevation changes, there is no direct access to Division Street.

Division Street is classified as a two-lane minor arterial urban roadway according to the City's functional classification. Traffic counts for division street in the area were last done in 2023 and the average daily traffic is 4,260.

The other streets are all classified as local residential streets with an urban design. There are multiple residential driveways on the west side of 3rd Ave SW and the east side of 2nd Avenue SW. 1st Street SW separates the subject site from the Bethlehem Academy middle school/high school. There is striped angle parking on the east side of 3rd Avenue SW as well as non-striped perpendicular parking on the north side of 1st Street SW that is partially in the right-of-way.

As the proposed adaptive reuse is a change in use from the current property use, driveway access locations and widths, off street parking requirements and design and off-street loading/unloading requirements should be verified to be in compliance with City Unified Development Ordinances. A complete site redevelopment plan needs to be submitted identifying possible max uses for the property so that parking requirements and traffic circulation patterns can be verified. No loading/unloading of goods or materials shall occur within the public right-of-way and access locations shall meet separation requirements. Setbacks for parking lots and loading areas shall also be verified.

Non-compliant parking, access and loading requirements must be brought into compliance or variances sought.

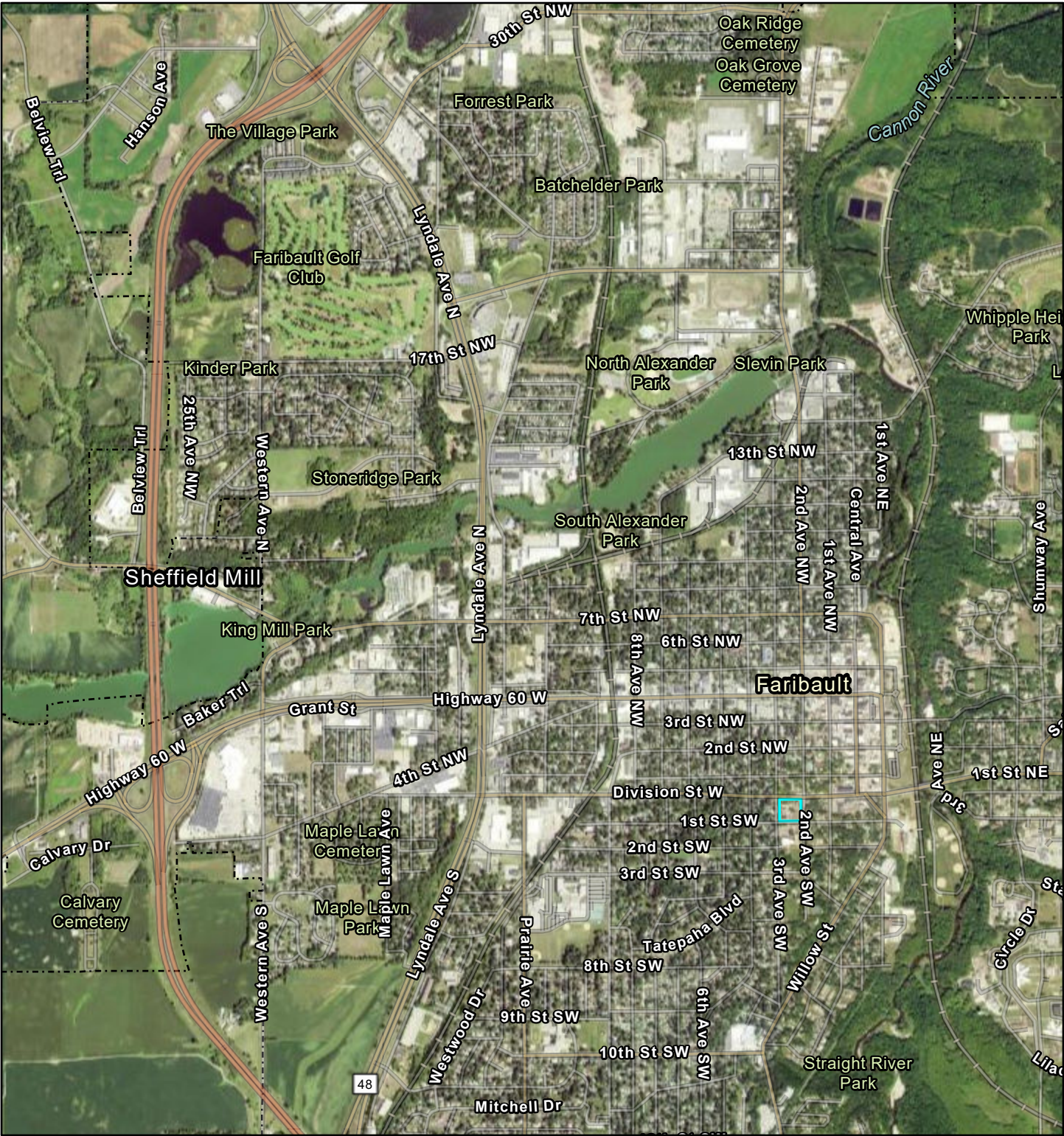
Utilities

Based on the current information provided, the proposed adaptive reuse is viewed as a less intensive use regarding public utility needs and no upsizing of utilities or services is anticipated.

Site Work

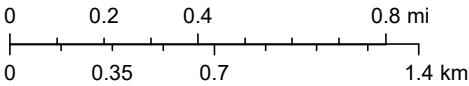
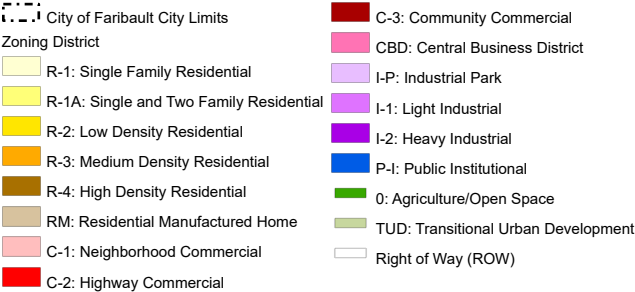
All sitework must meet the requirements of the City's Developer's Guide for Stormwater Management.

Location Map



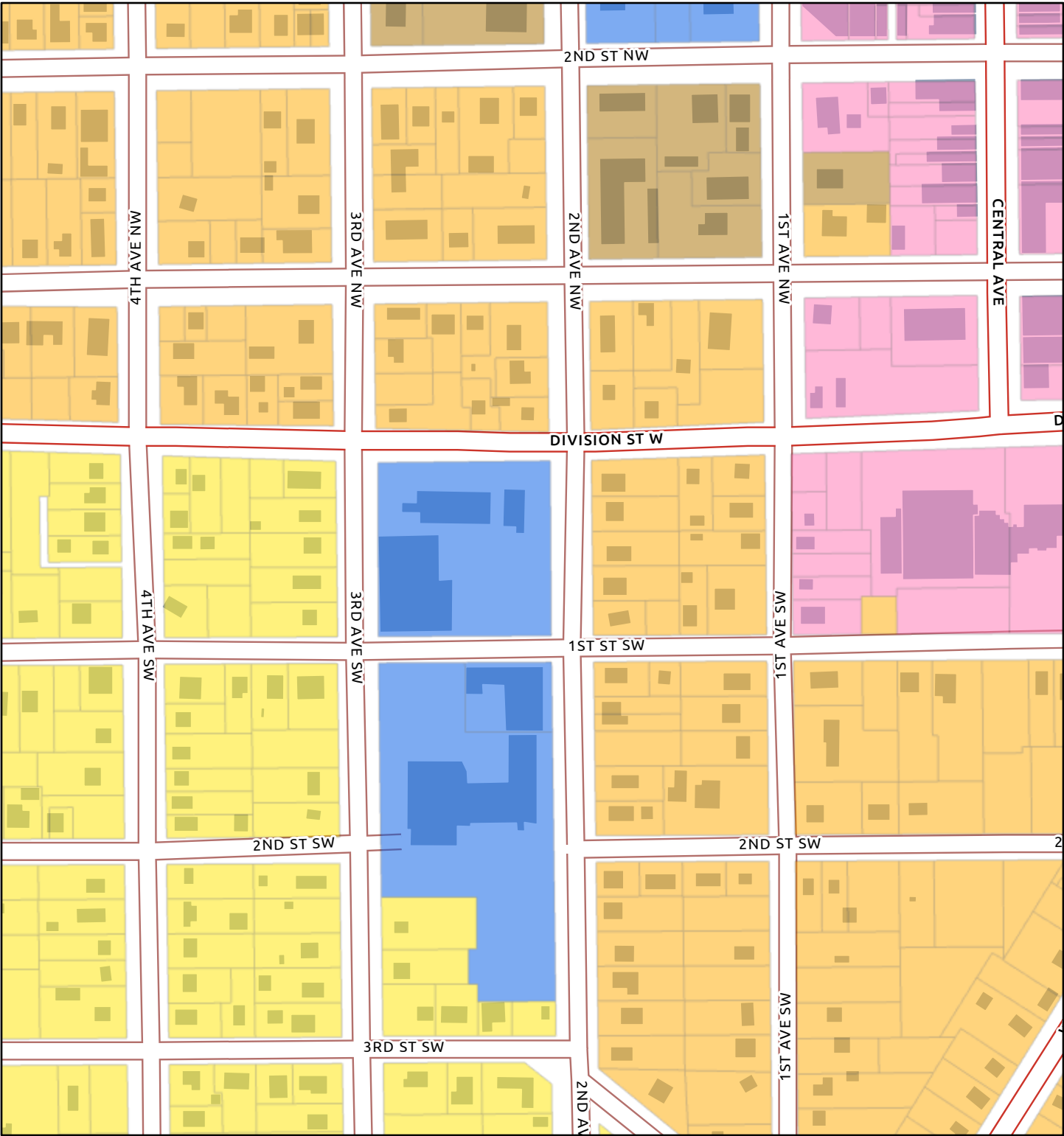
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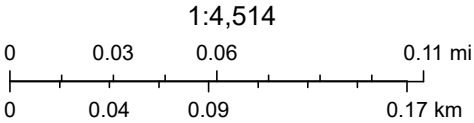
Source: Esri, USDA FSA, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Zoning Map - 112 2nd Ave SW



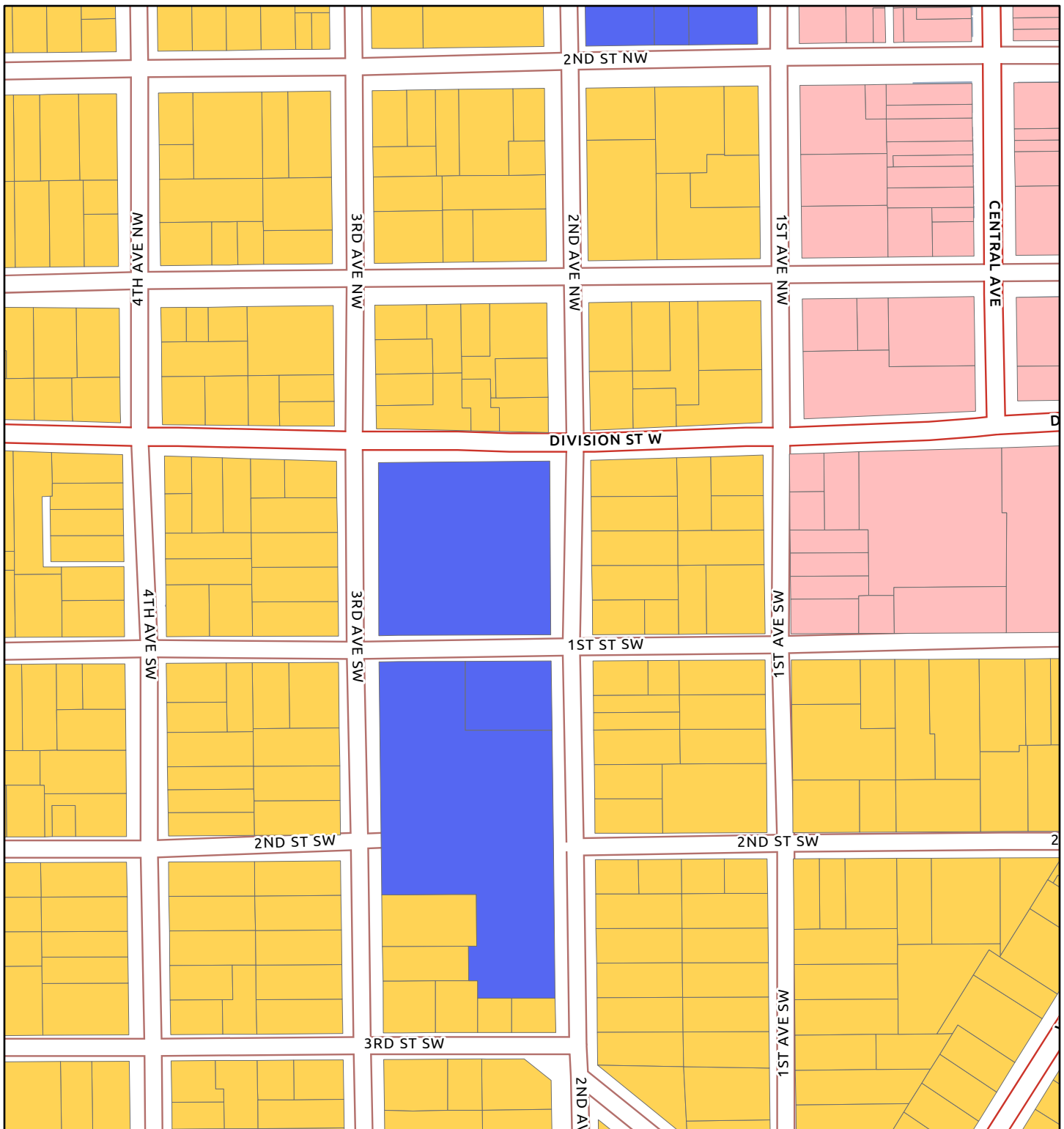
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- City of Faribault City Limits
- Zoning District
- R-2: Low Density Residential
- R-3: Medium Density Residential
- R-4: High Density Residential
- CBD: Central Business District
- P-I: Public Institutional



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

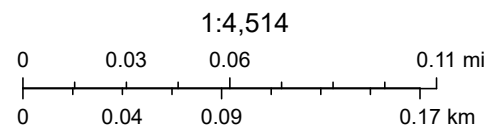
FLU Map - 112 2nd Ave SW



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Land Use Plan

- Established Residential Neighborhood
- Downtown
- Institutional
- City of Faribault City Limits



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City of Faribault GIS Coordinator

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)

Use	District							Development Standards
	R-1	R-1A	R-2	R-3	R-4	RM	SH	
Relocation of a dwelling previously occupied in another location	C	C	C	C	C	-	C	x
Relocation of a new dwelling	P	P	P	P	P	-	P	x
Congregate living								
Residential care facility, serving six or fewer persons	P	P	P	P	P	-	P	x
Residential care facility, serving seven to sixteen persons	-	C	C	C	P	-	C	x
Residential care facility, serving seventeen or more persons	-	-	-	-	C	-	C	x
Correctional residential care facility, serving up to sixteen persons	-	-	-	C	C	-	C	x
Correctional residential care facility, serving seventeen or more persons	-	-	-	-	C	-	C	x
Dormitories, student housing	-	-	-	-	P	-	-	
Nursing home, senior housing	-	-	-	-	P	-	P*	
Institutional and public uses								
Adaptive reuse of institutional or public buildings	C	C	C	C	C		C	x

- **Established Residential Neighborhood.** Existing residential neighborhoods make up much of the city. Most of these neighborhoods evolved over many years to include diverse and interspersed uses that serve the needs of the neighborhood. Therefore, it follows that the City continue to guide these areas for established residential neighborhood use.

Established residential neighborhoods may have a variety of existing housing types and densities. They may also include existing institutional and commercial uses under 2.5 acres in area and that typically serve the neighborhood. Unless identified as a redevelopment area, the City envisions that established residential neighborhoods will remain relatively unchanged. However, the City encourages ongoing maintenance and reinvestment in these neighborhoods, which may result in redevelopment that incorporates different housing types and densities, as well as neighborhood commercial uses in key areas.

An example of an area that the City guides for established residential neighborhood is the area bounded by 7th Street NW, 8th Street NW, 1st Avenue NW, and Central Avenue (see photos below). This is an older neighborhood that includes existing single-family, multi-family, and commercial uses. Depending on market demands and neighborhood needs, this area could remain as-is, or it may transition in a manner consistent with the needs and character of the neighborhood.

The following photos show examples of a commercial use and a mix of single-family and multi-family uses in established residential neighborhoods. The City finds this mixture of uses acceptable in an established residential neighborhood. The introduction of new uses in an established residential neighborhood may be acceptable if the new uses respect the character of the neighborhood. The City will use the zoning ordinance and zoning map to help ensure the compatibility of uses in established residential neighborhoods. The Land Use Plan does not guide specific areas in established residential neighborhoods for commercial or different housing densities. It merely guides the area for established residential use, regardless of the existing uses in the area.

Sec. 2-300. - Required findings for conditional use permits.

The City Council shall make each of the following findings before granting a conditional use permit:

- (1) The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare.
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (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.
- (4) The conditional use will not impose hazards or disturbing influences on neighboring properties.
- (5) The conditional use will not substantially diminish the value of neighboring properties.
- (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.
- (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.
- (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.
- (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.
- (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.
- (11) The conditional use, in all other respects, conforms to the applicable regulations of the district in which it is located.

(Ord. No. 99-20, § 1, 11-23-99)

Sec. 7-30. - Development standards.

Adaptive reuses of institutional or public buildings.

- (1) The city council shall find before granting a conditional use permit for an adaptive reuse that the long-term benefits of the proposed adaptive reuse outweigh any negative impacts on the neighborhood of the proposed project and on the city, as compared with the alternative of having the structures demolished, remaining vacant, or underutilized.
- (2) The proposed adaptive reuse must be residential, commercial, institutional, or a combination of such uses.
- (3) Densities greater than would be allowed in the underlying zoning district may be approved, at the discretion of the city council.
- (4) The proposed adaptive reuse shall not cause traffic volumes to exceed the capacities for which the adjacent streets have been designed.
- (5) The proposed adaptive reuse must not generate daily semi-truck traffic on local residential streets.
- (6) Improvements to reduce the impact of driveways/access points on the traffic flow of adjacent streets have been identified where needed.
- (7) The proposed reuse includes adequate amounts of on-site parking and loading areas to meet the requirements of Section 8-200 of this Code; where required parking cannot be provided on-site, reasonable provision for off-site parking shall be required.
- (8) Screening must be provided to sufficiently protect the privacy of residents in the surrounding residential areas from the impact of off-street parking, loading, and driving areas, noise or glare exceeding permissible standards, potential safety hazards, or to subdue differences in architecture and bulk between adjacent land uses.
- (9) There shall be no exterior storage of goods or equipment except for properly screened trash containers.
- (10) Hours of operation shall be as identified by the applicant in the conditional use permit application and agreed to by the city council.
- (11) Exterior renovation or remodeling of the structure must endeavor to maintain existing architectural features so as to not alter the character of the neighborhood.
- (12) The requirements for institutional signage within a residential district shall be used in the evaluation of signage for the site. Consideration shall be given to reusing the existing, historical signage on the site and designing any additional signage to complement the existing residential district.

Adult entertainment use.



Planning Commission Work Session Memorandum

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: December 4, 2023
SUBJECT: November 20th Planning Commission Work Session Report

Background:

At the November 20th Planning Commission Work Session, city staff met with the commissioners to develop a list of topics of interest, action items, and projects to work on in 2024. Commissioners then ranked each of the topics by attaching votes and providing a method of prioritization. City staff reviewed the votes and used a weighted average to determine projects or items to address first. The following topics are listed in order, starting from the highest level of interest and priority to the lowest level of interest and priority:

- MN DOT 10-yr Plan Discussion
- Transitional Zoning Districts for Existing Neighborhoods
- Increasing Zoning Allowances to Encourage or Provide a Path to Home Ownership
- Transition Plans for Neighborhoods Surrounding Industrial Uses
- Hwy 60 and Lyndale Zoning District and Small Area Plan
- City Engineer Report on Water Treatment Plant and Future Capacity for Expansion
- Transition Areas Between Low Density and High density Residential
- Simplification of Existing Processes (Where Possible) to Not Require a Public Hearing
- Solar Code Update for Ground-Mounted Retail Systems Size and Location
- I-35 and Hwy 60 Commercial Planning Study
- Roundabout at 20th and Hwy 3
- Addressing Graveyards Within Zoning Districts and Uses

City staff requests the Planning Commission provide any feedback on the above list and begin considering next year's Planning Commission meeting schedule for establishing check-ins or milestone meetings for working on the above topics.

Attachments:



Planning Commission Work Session Memorandum

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: December 4, 2023
SUBJECT: 2024 Planning Commission Officers

Background:

Staff requests commissioners think about nominating fellow commissioners to hold Planning Commission officer positions such as Chair and Vice-Chair. Staff plans to have officer elections in early February.

Attachments:



Planning Commission Work Session Memorandum

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Peter Waldock, Planning and Zoning Coordinator
MEETING DATE: December 4, 2023
SUBJECT: 2024 Planning Commission Meeting Schedule

Background:

The Planning Commission's preliminary meeting schedule for 2024 is attached for your review and comment. Staff asks that the Planning Commission approve the final schedule no later than the December 18, 2023, meeting date.

Attachments:

1. DRAFT 2024 MEETING SCHEDULE

FARIBAULT PLANNING COMMISSION 2024 MEETING SCHEDULE

January 2, 2024 (Tuesday)

January 16, 2024 (Tuesday)

February 5, 2024

February 20, 2024 (Tuesday)

March 4, 2024

March 18, 2024

April 1, 2024

April 15, 2024

May 6, 2024

May 20, 2024

June 3, 2024

June 17, 2024

July 1, 2024

July 15, 2024

August 5, 2024

August 19, 2024

September 3, 2024 (Tuesday)

September 16, 2024

October 7, 2024

October 21, 2024

November 4, 2024

November 18, 2024

December 2, 2024

December 16, 2024

Unless noted otherwise above, the Planning Commission meets the 1st & 3rd Mondays of the month at 6:00 pm at City Hall.