



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

TUESDAY, JANUARY 16, 2024

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Public Hearings
 - A. CUP for Multi-family in CBD Zoning at 18 2nd Street NE
 - B. City of Faribault Viaduct Park, Application to Vacate Drainage and Utility Easements at 2nd Street NE and Heritage Place
4. Board & Commissions Updates & Reports
 - A. General Commissioner and Staff Updates
5. Adjournment

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



PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS

TUESDAY, JANUARY 2, 2024

6:00 PM

Meeting Items

1. Call to Order

Chair David Campbell called the Planning Commission regular meeting to order at 6:00. In attendance were Commissioners Chuck Ackman, Eric Delgado, Barton Jackson, Sam Temple and Chair Campbell. Also in attendance were Harry Davis, City Planner and Kari Casper, Administrative Assistant II.

2. Approval of the Minutes

Motion by Commissioner Jackson, seconded by Commissioner Delgado to approve the meeting minutes as presented. Motion passed unanimously.

3. Public Hearings

A. Rice County HRA - Twin Oaks Subdivision

Harry Davis presented two applications for Planning Commission's recommendation. The first application requested two variance; allowing 22 lots on a cul-de-sac when the maximum is 20 lots; and allowing a cul-de-sac length of 775 feet when 650 feet is the maximum. Harry Davis explained that in this case the requests are a result of practical difficulty due to existing development constraints to the north, south, and east. Harry Davis stated that there is a significant floodplain to the east, the new Rice County facility to the south, and no future build out is anticipated to the north.

Chair Campbell then brought the matter back to the board for discussion. Commissioner Temple asked why the applicant is requesting 22 lots? Harry Davis responded by deferring to the applicants who were in the audience.

The Chair then opened up the matter for public input at 6:12. There were several people in the audience. The first to approach was Gregory Becker at 18049 Ames Trail. Gregory Becker stated that his property would be adjacent to the subdivision, and he had a fixed fence along a shared property line. Gregory Becker wanted to know how the applicant would grade the property and if the grading would impact the fence location.

Joy Watson, Director of Housing for Rice County, then came forward to explain the questions regarding the number of lots. In building the Public Safety Center, the County had an additional 6.9 acres they could use for the subdivision, and they wanted to utilize the minimum lot size and maximize the space, allowing for the 22 lots. The intention of this project will be for single-family homes for moderate-income families. For a family of four, a house in the proposed subdivision would be about \$107,000, which compared to the average home price in Rice County at \$337,000, current home prices are well beyond the average earner. Rice County obtained a grant to assist with this project and will income-restrict the families for this opportunity.

Next to come forward was Greg Britton, the project engineer at Widseth, 3777 40th Avenue NW, Rochester, MN. Craig Britton stated that as far as the grading goes, they

would be grading up to the north property line. On the preliminary plat, all the lots on the north will drain into a drainage swale, within a 15' drainage easement, into a culvert draining to the east and then into the river. No stormwater will go to the adjacent properties. The project includes building up the site around the location of the roadway to maintain property drainage into the easement. The built-out subdivision will be a mixture of ramblers, look-outs, split-entry and look-out and walk-outs. Chair Campbell then asked Craig Britton about the fence Gregory Becker asked about, which is on the south side of his property line, and postulated that there would be no change in elevation or shifting for the fence. Craig Britton concurred.

Gregory Becker came forward again asking about previous flooding events and if future flooding will be exacerbated or influenced by this new development. Craig Britton came forward again and stated that the majority of the water would drain to the south and reduce the amount of run-off to the culvert and, eventually, river.

Pat O'Connor, 17875 Ames Trail, came forward and asked how close to the law enforcement center the lots are going to be. Pat O'Connor asked if there will be a buffer zone to abate any sound or lights. They also asked about basements in those ramblers because of the proximity to the flood plain. Pat O'Connor also asked about where the adjacent trail is going, as land to the north is all private property. Harry Davis then spoke stating that the City Engineer is working on the trail and set for construction in 2024. There was no additional information available at the time and the City engineer was not available to answer. The development team for the project did not have any additional information. Chair Campbell asked that we have the public come forward before answering more questions.

Gene Mullenberg, 18019 Ames Trail, came forward. He was wondering if he could get water and sewer as they own property on the backside of the development.

Craig Britton came forward again. The buffer between the Public Safety Center and the proposed subdivision includes a large drainage swale with no planned vegetation to the south. Homes in the neighborhood are set up to be full basements, but, the goal is to provide accessibility and limit some construction to one level. Full basements would be on the west side of the property. The sewer and water is available in that area but Craig Britton suggested contacting the city as he wasn't sure what the city's policy was on extending sewer or water without annexation.

Joy Watson stated on screening for the new Public Safety Center that the county has provided a landscaping plan with the new facility and execution of the plan will be on the county.

Chair Campbell closed the public hearing at 6:30 and brought it back to the board for further discussion. Commissioner Temple asked about adding a condition in regard to the buffering. Commissioner Ackman stated that it is not part of this discussion.

Commissioner Jackson stated concern for and opposition to the requested variances referencing a rise in 100-year flood situations. Fewer homes would contribute less to runoff and drainage directly into the river, along with smaller impacts to city facilities, and ultimately stated he felt more comfortable with just 20 lots.

Commissioner Ackman then spoke, stating that in regard to the trail, the City would not be taking any private property. With regard to extending water and sewer service outside city limits, the city would look at that on a case by case basis. On the matter of the 20 or 22, Chuck is okay with the 22 and felt that all the property questions were asked.

Commissioner Temple then spoke, stating that he felt okay with the 22 as well.

Chair Campbell then stated that not having anyone concerned in the public with these

requests, he too is comfortable recommending approval.

i Draft Resolution Approving Variances for Length of a Cul-de-sac and Number of Lots on a Cul-de-sac for Twin Oaks Subdivision

Motion by Commissioner Temple, seconded by Commissioner Ackman to recommend approval of the Draft Resolution Approving Variances for Length of a Cul-de-sac and Number of Lots on a Cul-de-sac for twin Oaks Subdivision as presented. The motion passed on a 4-1-0 vote with Commissioner Jackson dissenting.

ii Draft Resolutions Approving the Preliminary and Final Plat Applications for Twin Oaks Subdivision Near Ames Trail and 1st Avenue NW

Motion by Commissioner Ackman, seconded by commissioner Temple to recommend approval of Draft Resolutions Approving the Preliminary and Final Plat Application for Twin Oaks Subdivision Near Ames Trail and 1st Avenue NW as presented. The motion passed on a 4-1-0 vote with Commissioner Jackson dissenting.

B. City of Faribault - River Ridge Fourth Addition/Viaduct Park

Harry Davis began his presentation by covering all three parts to the request by the city of Faribault: repealing of the River Ridge Planned Unit Development ordinances; partial vacation of street right of way at 2nd Street NE and Heritage Place; and approving the preliminary and final plat to create two lots for parkland. Harry Davis stated that there were no perceived issues with these requests. Chair Campbell then asked the board if they had any questions. Commissioner Jackson asked about entrances to the lots and about a three-way stop at 2nd Street NE and Heritage Place. Harry Davis did not have answers, but provided insight on a future road layout, and deferred to the city's internal development team.

Commissioner Ackman remarked that there was no one left from the public and stated that they are okay with the three requests.

Chair Campbell then opened the matter up for public hearing at 6:50 p.m. and David Wanberg came forward on behalf of the City. David Wanberg stated that this plan is consistent with the Comprehensive Plan and Journey to 2040 and showed some renderings of what the park will be like. The future park will have a refrigerated skate trail, a multi-purpose space with a warming house, concession, a splash pad and open play areas and space for concerts. David Wanberg stated that Maple Grove has a similar type of refrigerated skate trail. Commissioner Delgado asked about the refrigerated skate loop and if it is open to the public or will require a fee to use. David Wanberg stated that they can rent skates and the building for rentals with no specific charges for skating. The Chair then closed the public hearing at 6:59.

i Draft Ordinance Repealing Planned Unit Development Ordinances Associated with River Ridge Addition Plats

Motion by Commissioner Ackman, seconded by Commissioner Jackson to recommend Approval of the Draft Ordinance Repealing Planned Unit Development Ordinances Associates with River Ridge Addition. The motion passed unanimously..

ii Draft Ordinance Vacating a Portion of the Right-of-way at the Intersection of 2nd Street NE and Heritage Place

Motion by Commissioner Jackson, seconded by Commissioner Delgado to recommend Approval of the Draft Ordinance Vacating a Portion of the Right-of-way at the Intersection of 2nd St Ne and Heritage Place as presented. The motion passed unanimously.

iii Draft Resolution Approving the Preliminary and Final Plats for River Ridge Fourth Addition

Motion by Commissioner Temple, seconded by Commissioner Delgado to recommend

Approval of the Draft Resolution Approving the Preliminary and Final Plats for River Ridge Fourth Addition as presented. The motion passed unanimously.

4. Board & Commissions Updates & Reports

Chair Campbell stated that the EDA met last week and award a grant to Matt Drevlow for his buildings in the downtown.

A. General Commissioner and Staff Updates

Harry Davis gave an update on a conditional use permit for adaptive reuse by Alee Services, which was approved. There was no new news on the Urban Flea Market concept. At the next Planning Commission meeting is a conditional use permit for multi-family in Central Business District zoning.

5. Adjournment

Motion by Commissioner Temple, seconded by Commissioner Jackson to Adjourn at 7:03 p.m. The motion passed unanimously.

Respectfully submitted,

By: _____
Kari Casper



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: January 16, 2024
SUBJECT: CUP for Multi-family in CBD Zoning at 18 2nd Street NE

Background:

Janna Viscomi (Applicant) requests Conditional Use Permit (CUP) approval for multi-family within a Central Business District (CBD) zoning district at 18 2nd Street NE.

18 2nd Street NE (Subject Property) is located mid-block on the north side of 2nd Street NE between Central Avenue and 1st Avenue NE. The subject property is approximately 6,000 square feet, zoned CBD, and developed with two "buildings": the westernmost building is approximately 1,250 square feet, split into two parts of approximately 650 and 600 square feet, and only one floor; the easternmost building is two stories with approximately 660 square feet on the first and 600 square feet on the second. A one-story, approximately 475 square foot garage addition is attached to the backside of the two-story building and is accessible to both buildings. The three residential units need CUP approval within the CBD district. The applicant proposes using those spaces for studio apartments, which are a conditional use in the CBD zoning district.

In summary, the DRC and City Planner recommend approval of Janna Viscomi's application for a Conditional Use Permit at 18 2nd Street NE for multi-family in CBD zoning. The findings recommended by the City Planner are listed in the attached draft resolution.

Recommendation:

Agenda Item: 3.A

Planning Commission recommendation of approval of a Conditional Use Permit for multi-family within a Central Business District zoning district at 18 2nd Street NE.

Attachments:

1. Staff Report
2. Draft Resolution to Approve a Conditional Use Permit for Multi-family in a Central Business District at 18 2nd Street NE



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: January 16, 2024
SUBJECT: CUP for Multi-family at 18 2nd Street NE – Janna Viscomi

Request:

Janna Viscomi (Applicant) requests Conditional Use Permit (CUP) approval for multi-family within a Central Business District (CBD) zoning district at 18 2nd Street NE.

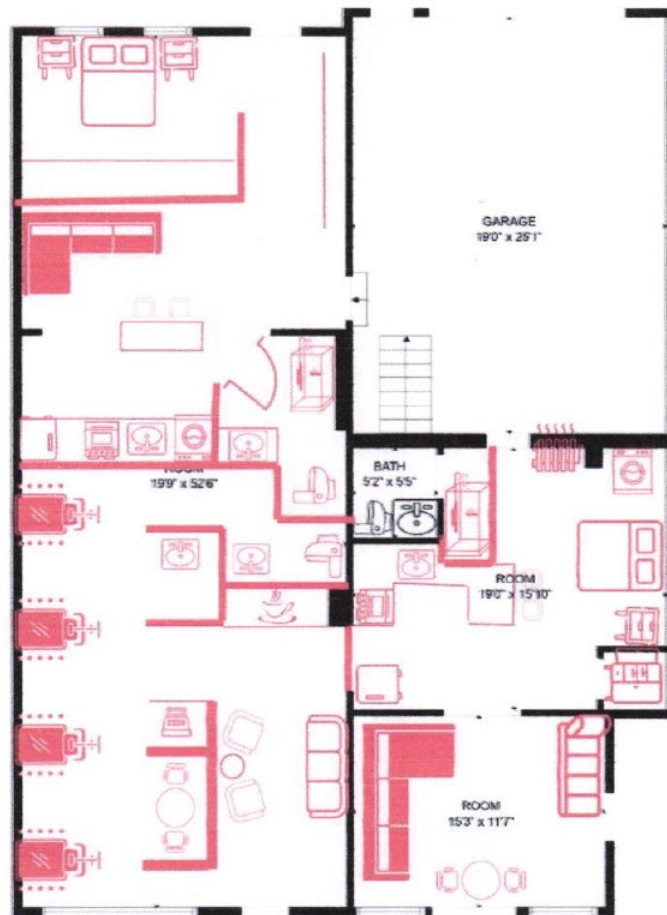
Background:

18 2nd Street NE (Subject Property) is located mid-block on the north side of 2nd Street NE between Central Avenue and 1st Avenue NE. The subject property is approximately 6,000 square feet, zoned CBD, and developed with two “buildings”: the westernmost building is approximately 1,250 square feet, split into two parts of approximately 650 and 600 square feet, and only one floor; the easternmost building is two stories with approximately 660 square feet on the first and 600 square feet on the second. A one-story, approximately 475 square foot garage addition is attached to the backside of the two-story building and is accessible to both buildings.



Location of subject property within Downtown

The three residential units need CUP approval within the CBD district. The applicant proposes using those spaces for studio apartments, which are a conditional use in the CBD zoning district.



Applicant's proposed first floor plan
(Not pictured is a 600 square foot, second-floor apartment)

In summary:

- West building
 - o Front space, 650 square feet – Proposed beauty salon (Not part of approval)
 - o Back space, 600 square feet – Proposed studio apartment (CUP required)
- East building
 - o First floor
 - o Front space, 600 square feet – Proposed studio apartment (CUP required)
 - o Garage/storage (Potential future commercial space) – Connected to both buildings (Not part of approval)
- Second floor
 - o 600 square feet, Proposed studio apartment (CUP required)

Discussion:

Comprehensive Plan. The 2040 Comprehensive Plan guides the subject site as Downtown for future land use. The proposed use fits within this plan classification.

Zoning. The property is within the CBD zoning district, which allows multi-family development with a CUP.

Parking and Traffic. Parking requirements for uses within the CBD district are waived, but the ratio normally applied is one space per studio or 1-bedroom dwelling. The subject site has enough parking area between the garage and rear driveway with a total of three spaces available on-site.

Development Standards. No additional development standards apply to this conditional use permit aside from general CUP criteria. The changes proposed are all within existing buildings, so the City Planner sees no building or site design issues to address.

Public Comment. The City Planner received no public comment prior to publishing this report.

Development Review Committee

The City's Development Review Committee (DRC) reviewed the CUP on January 2, 2024, and recommended conditional approval.

At the same meeting, the DRC determined the proposed CUP is for multi-family instead of residential as a part of a mixed-use building in CBD zoning, or other potential classifications, for the following reasons:

1. The majority of the ground floor and overall property is residential with the commercial area becoming secondary to the use of the property. A secondary use to the property could, in some cases, require additional approvals (think a Home Occupation), but commercial is allowed by-right in CBD and does not require further approvals. In this case, the primary use of the property, multi-family, requires a CUP.
2. Having the residential go through a public hearing and process, including approval from City Council, ensures that the use was reviewed and approved through the correct legal process and by the city's highest officials. The CUP is still beholden to meet typical CUP criteria for approval.

Recommendation:

The DRC and City Planner recommend approval of Janna Viscomi's application for a Conditional Use Permit at 18 2nd Street NE for multi-family in CBD zoning. The findings recommended by the City Planner are listed in the draft resolution attached to this report.

Attachments:

- Application



RECEIVED

DEC 18 2023

City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Conditional Use Permit

Planning Case # _____
Filing Fee _____
Hearing Date _____

APPLICANT Janna Viscomi E-MAIL JViscomi@gmail.com
PHONE 507-210-8129 (H) _____ (W) _____ (FAX) _____

ADDRESS 4001 140th St. East Dundas mn

DEVELOPER(if other than applicant) _____

PHONE 507-210-8129 (H) _____ (W) _____ (FAX) _____

ADDRESS _____

ADDRESS OF PROPERTY 18 2nd St N.E.

LEGAL DESCRIPTION lot 1 Block 56 of original Town

ACREAGE/SIZE OF PROPERTY 5,220 sf.

CURRENT ZONING _____

EXISTING USE OF PROPERTY Commercial - residential

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

IDENTIFY ALL ADJACENT LAND USES _____

SIGNATURE OF APPLICANT Janna Viscomi DATE 12/18/23
(Must submit proof of property control)

SIGNATURE OF PROPERTY OWNER Same DATE _____
(If other than applicant)

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

CONDITIONAL USE PERMIT
Required Submittals

◆ **Site plan**

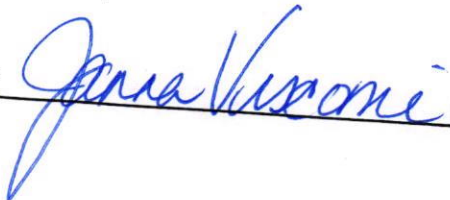
- ☐ Drawn to scale, with scale noted
- ☐ Date and North arrow
- ☐ Boundaries and dimensions shown graphically
- ☐ Location of any streets, public trails, railroads, or waterways
- ☐ Present and proposed topography of the site and adjacent areas within 50 feet by contour lines at an interval of not more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

◆ **Required supplemental information**

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

◆ **Filing fee**

SIGNATURE OF APPLICANT



DATE

12/18/23

Planning case # _____



GROSS INTERNAL AREA
Below Ground: 25 sq. ft, FLOOR 2: 1527 sq. ft
EXCLUDED AREAS: UNFINISHED BASEMENT: 479 sq. ft, GARAGE: 477 sq. ft
TOTAL: 1552 sq. ft

MEASUREMENTS MAY VARY BY 1% DUE TO MEASUREMENT ERROR. DIMENSIONS ARE APPROXIMATE AND NOT TO SCALE.

18 2nd St. N.E
Faribault MN
55021

Beacon Info

Commercial Building

		<u>Built</u>
Store retail	660 sqft.	1900
Store retail	546 sq	1950
General office	630 sq.	1950
Up Stairs Apt	600 sq.	1900
garage Space		
up Basement		
Storage		

Dec 18, 2023

18 2nd St NE Remodel Supplemental Information

We propose changing the old Finally a gift Store building into five rental spaces.

2 commercial spaces and 3 apartment rental spaces.

The first space: Is the Main Commercial entrance on the "1950 add on" West Side of the building. I am proposing it be changed back to a beauty salon. It will be approximately 650 sq. feet. I intend to put the bathroom in the same place it was before the "Finally a Gift Store 2012" remodel and I will create a layout similar to what it was before.

The second Space: Located behind the commercial space, on the 1950 Side, this space was used as an office space in 2012. I propose putting in a 600 sq foot studio apartment with entry through the rear. This unit has access to green space out its entrance door.

The third Space: This is the East side street front space in the original 1900 building. We intend to put a 600 sq. foot studio apartment in. This is the footprint of the upstairs apartment. To access this space there is one to three steps leading to the entrance doors. This street level space does not meet current ADA requirements for a commercial entrance, Making it challenging to rent as a commercial space.

The forth space: This is the garage space in the rear of the old side. It is below the roof top patio of the upstairs apartment. This space has access to a 600 sq ft basement. I propose fresh paint and updating a basement bathroom. The garage is accessible to the driveway and has an access door also. The basement space can be used as storage and the garage can be used for work or more storage by a tenant.

The fifth space: This is the current 600 sq. ft upstairs one bedroom apartment.

Due to the current downtown needs we believe this is the best use of this property for the next ten years. Things may change such as office space but housing seems to be what is in demand.

Thank you

Janna Viscomi Reese

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2024-XXX

APPROVE A CONDITIONAL USE PERMIT FOR MULTI-FAMILY IN A CENTRAL BUSINESS DISTRICT AT 18 2ND STREET NE

WHEREAS, Janna Viscomi (the "Applicant") requested a conditional use permit for multi-family units at 18 2nd Street NE. The subject site is legally described in Exhibit A of this resolution; and

WHEREAS, City Staff has completed a review of the application and prepared a report to the Planning Commission about said request attached hereto as Exhibit B; and

WHEREAS, the DRC and City Planner determined the proposed conditional use permit is for a primarily multi-family structure with a small, accessory commercial component that is not a proposed, primary use of the property; and

WHEREAS, the Planning Commission, on January 16, 2024, received the City Staff report, and following proper notice, held a public hearing to consider the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's conditional use permit request based on the findings required in Section 2-300 of the 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.**

Finding: The proposed multi-family will not be detrimental to or endanger the public. Residential units are a compatible and common use in downtown.

- 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.**

Finding: The proposed multi-family will not negatively impact other properties in the vicinity. Residential uses are typical in downtowns and the property does have enough parking on-site to serve the proposed three units.

- 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.**

Finding: The applicant proposes no exterior modifications at this time and there is no indication a residential use inside the building will significantly change the downtown character.

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

Finding: The proposed residential use does not generate hazards or disturbing influences on other properties.

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

Finding: The proposed residential use at this location is unlikely to diminish nearby property values. Staff anticipates

investment in buildings in this area may have a positive impact on nearby property values.

- 6. The site is served adequately by essential public facilities and services, including utilities, access roads, drainage, police and fire protection, and schools or will be served adequately as a result of improvements proposed as part of the conditional use.**

Finding: Public sewer, water, and all other applicable municipal services serve the subject property. The City Engineer did not note current infrastructure deficiencies in the area or identify any issues with the existing road network nearby that would be exacerbated by this proposed 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.**

Finding: The proposed three residential units are unlikely to cause excessive demand on facilities or services or cause negative impacts to the economic welfare of the community. Investment in existing buildings and the addition of more people living downtown is more likely to improve downtown's economic environment.

- 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.**

Finding: The proposed residential units make use of existing infrastructure and public alleys for circulation and parking, which is a normal and acceptable condition in downtown.

- 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.**

Finding: The proposed residential unit conversion from commercial to residential will retain the exterior shell of the building and is unlikely to significantly damage any historic value to Faribault.

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.

Finding: The proposed multi-family is compliant with the Land Use Plan by contributing to vibrancy and activity in downtown and expanding housing types available. Activity in downtown is improved due to more residents living near downtown businesses and utilizing downtown amenities. The addition of new, space-efficient, studio apartments provides a different housing type, and potential price point, that will be desirable to people.

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

Finding: The application conforms to the Unified Development Ordinance requirements, including uses allowed in CBD zoning and CUP standards in Section 2-300.

WHEREAS, the City Council during a public meeting on XXXX XX, 2024, considered the Applicant's conditional use permit request; and

WHEREAS, based on the City Staff report, the results of the public hearing, and the written findings of the Planning Commission, the City Council concurs with the findings of the Planning Commission and makes identical findings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARIBAULT, MINNESOTA, AS FOLLOWS:

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit request for multi-family at 18 2nd Street NE, subject to the conditions presented in Sections 2 and 3 of this resolution.

Section 2: Conditions of Approval. This conditional use permit includes the following conditions:

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
2. The City may inspect the property at all reasonable times to ensure compliance with the conditions of this permit.
3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.
5. This permit and its conditions are binding on the parties and their successors and assigns. This permit runs with the property and does not affect the subsequent sale, lease, or change from current ownership. The Applicant and Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the property.
6. Use of the property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.

Section 3. Findings and Incorporation of Recitals and Exhibits. Where applicable, the recitals and exhibits incorporated in this resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

Section 4. Authorization to take Additional Steps. The City Council authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 5. Effective Date. This resolution shall be effective upon passage.

Date Adopted: XXXX XX, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Legal Description

**WEST 45 FEET OF LOTS 1 AND 2 IN BLOCK 56, ORIGINAL TOWN, (NOW CITY) OF
FARIBAULT, SUBJECT TO AN EASEMENT FOR PUBLIC ALLEY ACROSS THE NORTH 16 FEET THEREOF.**

Exhibit B
Staff Report

(Insert Staff Report)



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: January 16, 2024
SUBJECT: City of Faribault Viaduct Park, Application to Vacate Drainage and Utility Easements at 2nd Street NE and Heritage Place

Background:

The City of Faribault (Applicant/Owner/Developer) requests approval vacating drainage and utility easements associated with the proposed River Ridge 4th Addition and Viaduct Park, generally near the intersection of 2nd Street NE and Heritage Place depicted in attached plans.

In early January 2024, city staff brought to Planning Commission applications requesting to repeal the River Ridge PUD, partially vacate right-of-way at 2nd Street NE and Heritage Place, and approve preliminary and final plats for River Ridge 4th Addition. The proposal described in this report and attachments requests vacating drainage and utility easements dedicated in previous River Ridge Addition plats that are no longer necessary.

The proposed easement vacation is consistent with the planning and zoning aspects of the City's Unified Development Ordinance. The proposed easement vacation will not infringe or deter use or enjoyment on other properties and is needed to facilitate development of the park. The DRC, City Engineer, and City Planner all recommend the Planning Commission recommend approval to City Council the draft ordinance to vacate the easements.

Recommendation:

The DRC, City Engineer, and City Planner recommend approval of River Ridge Fourth Addition to City Council based on the findings and conditions in the attached draft ordinance.

Attachments:

1. Staff Report
2. Draft Ordinance to Vacate a Portion of the Right-of-Way at the Intersection of 2nd Street NE and Heritage Place



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Harry Davis, City Planner
Mark DuChene, Director of Engineering/City Engineer
MEETING DATE: January 16, 2024
SUBJECT: City of Faribault Viaduct Park, Application to Vacate Drainage and Utility Easements at 2nd Street NE and Heritage Place

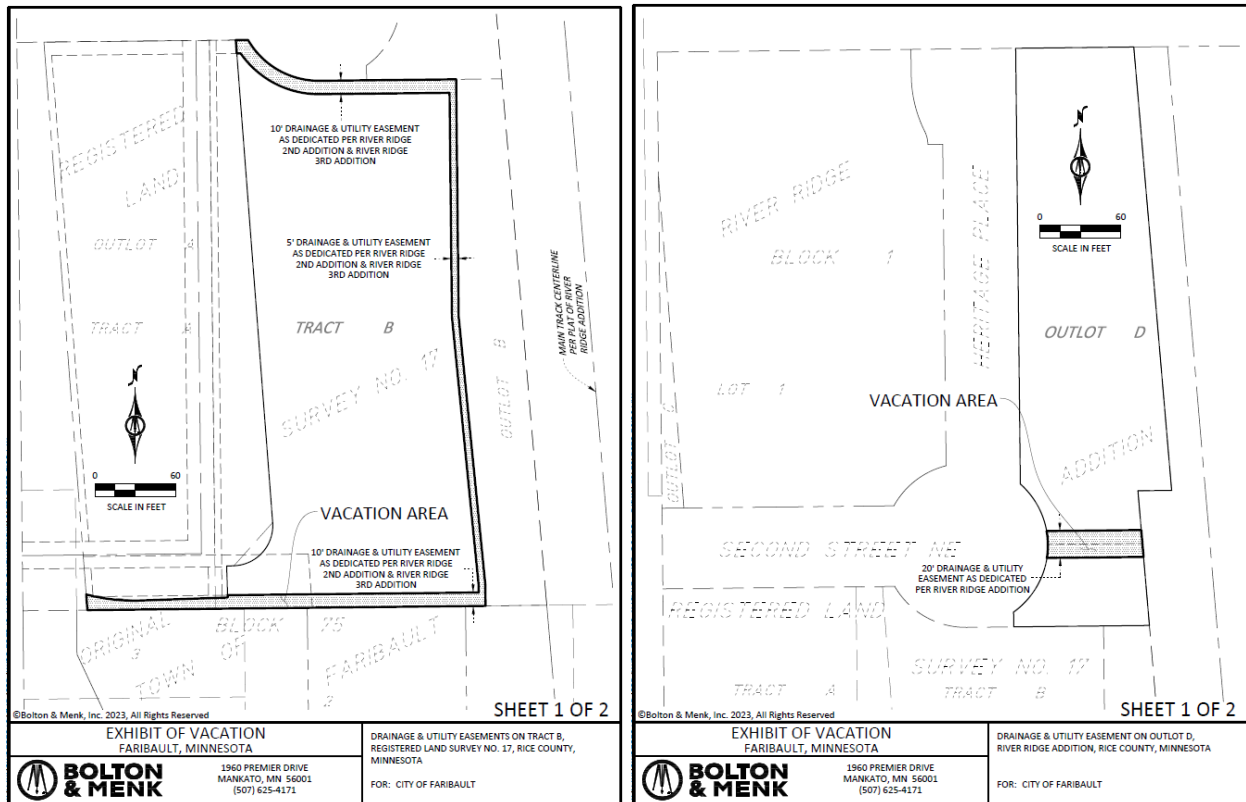
Background:

The City of Faribault (Applicant/Owner/Developer) requests approval vacating drainage and utility easements associated with the proposed River Ridge 4th Addition and Viaduct Park, generally near the intersection of 2nd Street NE and Heritage Place depicted in attached plans.



Location within Downtown Area

In early January 2024, city staff brought to Planning Commission applications requesting to repeal the River Ridge PUD, partially vacate right-of-way at 2nd Street NE and Heritage Place, and approve preliminary and final plats for River Ridge 4th Addition. The proposal described in this report and attachments requests vacating drainage and utility easements dedicated in previous River Ridge Addition plats that are no longer necessary.



Easement Areas to be Vacated

The site is located within Section 31, Township 110N, Range 20W on land dedicated as Outlot B & D, RIVER RIDGE ADDITION, Tract B, REGISTERED LAND SURVEY NO. 17, Lots 1-5, Block 75, ORIGINAL TOWN OF FARIBAULT and part of former Water Street and that part of Block 74 in the ORIGINAL TOWN OF FARIBAULT.

The proposed development will be completed by:

Owner/Developer:	City of Faribault
Surveyor:	Bolton and Menk
Engineer:	Kimley Horn

Discussion:

The proposed easement vacation is consistent with the planning and zoning aspects of the City's Unified Development Ordinance. The proposed easement vacation will not infringe or deter use or enjoyment on other properties and is

needed to facilitate development of the park.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the river Ridge 4th Addition and Viaduct Park plans on December 19, 2023, and recommended conditional approval.

Public Comment. The City Planner received no public comment prior to publishing this report.

Criteria and findings for vacating the easements are found in the attached draft ordinances.

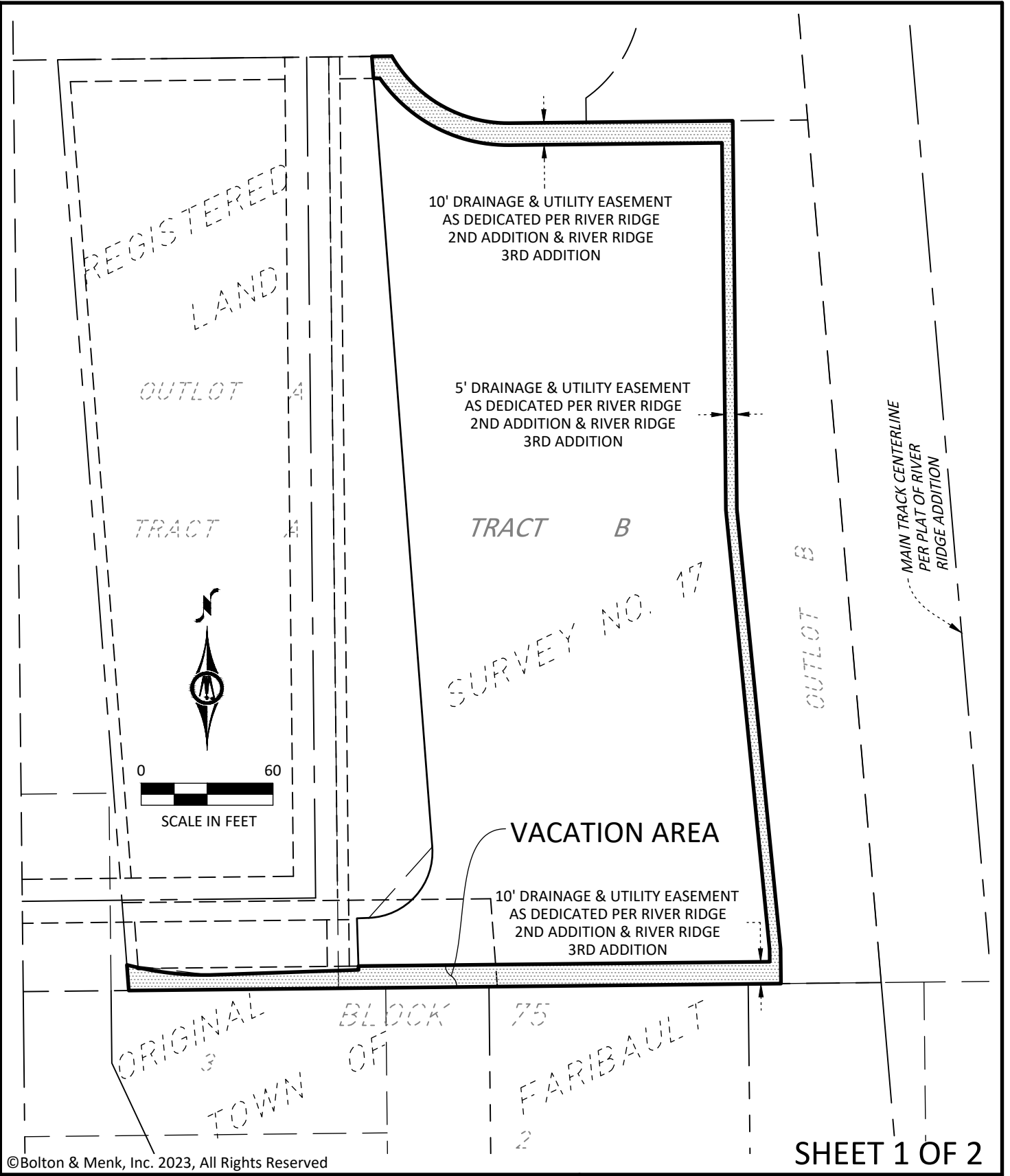
Recommendation:

The DRC, City Engineer, and City Planner recommend approval of River Ridge Fourth Addition to City Council based on the findings and conditions in the attached draft resolutions and ordinances.

Attachments:

- Easement Vacation Areas

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SHEET 1 OF 2

EXHIBIT OF VACATION
FARIBAULT, MINNESOTA



**BOLTON
& MENK**

1960 PREMIER DRIVE
MANKATO, MN 56001
(507) 625-4171

DRAINAGE & UTILITY EASEMENTS ON TRACT B,
REGISTERED LAND SURVEY NO. 17, RICE COUNTY,
MINNESOTA

FOR: CITY OF FARIBAULT

JOB NUMBER: 0M3.131546

FIELD BOOK:

DRAWN BY: JPB

14-S31-110-020

VACATION AREA

The 10.00 foot drainage and utility easement as dedicated per River Ridge 2nd Addition and River Ridge 3rd Addition lying in Tract B of Registered Land Survey No. 17.

AND

The 5.00 foot drainage and utility easement as dedicated per River Ridge 2nd Addition and River Ridge 3rd Addition lying in Tract B of Registered Land Survey No. 17.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Janele Fowlds
License Number 26748

XX/XX/2023
Date

SHEET 2 OF 2

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EXHIBIT OF VACATION FARIBAULT, MINNESOTA



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DRAINAGE & UTILITY EASEMENTS ON TRACT B,
REGISTERED LAND SURVEY NO. 17, RICE COUNTY,
MINNESOTA

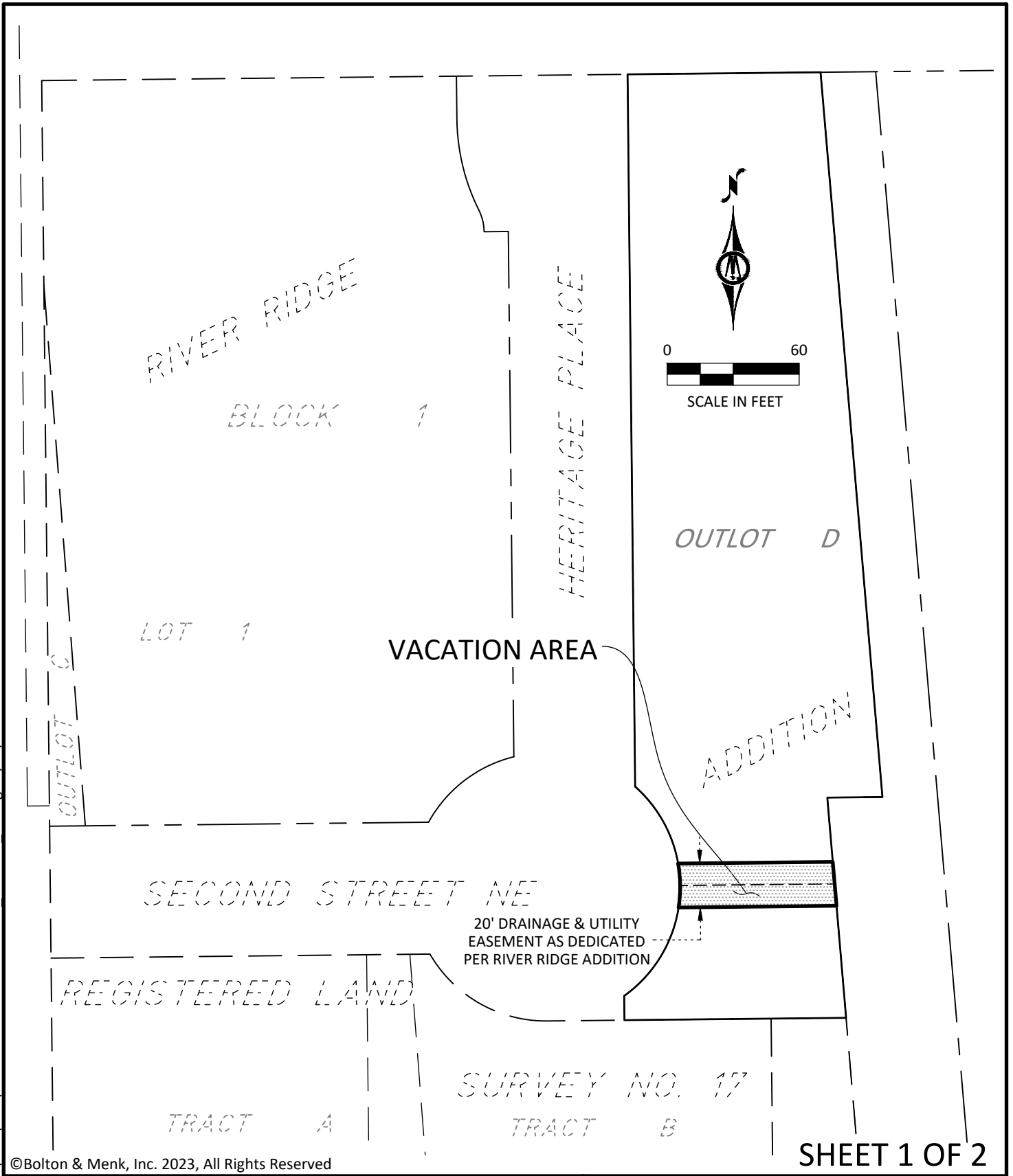
FOR: CITY OF FARIBAULT

JOB NUMBER: 0M3.131546

FIELD BOOK:

DRAWN BY: JPB

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SHEET 1 OF 2

EXHIBIT OF VACATION
FARIBAULT, MINNESOTA



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DRAINAGE & UTILITY EASEMENT ON OUTLOT D,
RIVER RIDGE ADDITION, RICE COUNTY, MINNESOTA

FOR: CITY OF FARIBAULT

JOB NUMBER: 0M3.131546

FIELD BOOK:

DRAWN BY: JPB

VACATION AREA

The 20.00 foot drainage and utility easement as dedicated per River Ridge Addition according to the recorded plat thereof, lying in Outlot D of said River Ridge Addition.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Janele Fowlds
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10/XX/2023
Date

SHEET 2 OF 2

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EXHIBIT OF VACATION FARIBAULT, MINNESOTA



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DRAINAGE & UTILITY EASEMENT ON OUTLOT D,
RIVER RIDGE ADDITION, RICE COUNTY, MINNESOTA

FOR: CITY OF FARIBAULT

JOB NUMBER: 0M3.131546

FIELD BOOK:

DRAWN BY: JPB

(Space Reserved for Recording)

**CITY OF FARIBAULT
ORDINANCE No. 2024-XX**

VACATE EASEMENTS NEAR THE INTERSECTION OF 2ND STREET NE AND HERITAGE PLACE

WHEREAS, the City of Faribault, (the "Applicant") requests vacating drainage and utility easements near the corner of 2nd Street NE and Heritage Place, depicted and legally described in Exhibits A and B; and

WHEREAS, City Staff reviewed the application and made a report to the Planning Commission; and

WHEREAS, the Planning Commission, on January 16, 2023, following proper notice, held a public hearing regarding the Applicant's request; and

WHEREAS, based on a review of the City Staff report and the results of the public hearing, the Planning Commission recommended approval of the Applicant's request per the following findings as required by Section 2-540 of the City's Unified Development Ordinance:

1. Criteria: No private rights will be injured or endangered as a result of the vacation.

Finding: The proposed easement vacations will not injure or endanger private rights as new easements are supplied in the proposed River Ridge 4th Addition final plats.

2. Criteria: The public will not suffer loss or inconvenience resulting from the granting of the requested vacation.

Finding: The proposed vacation will not impose on the public a loss or inconvenience resulting from the granting of the requested vacation.

3. Criteria: No written objection has been received, prior to the public hearing, from an adjacent property owner who did not join in the application.

Finding: The City received no written objections to the proposed vacation before the public hearing.

WHEREAS, the City Council conducted the first reading of this ordinance on January 23, 2024, and the second reading of this ordinance on _____, 2024; and

WHEREAS, based on the City Staff's report, the results of the public hearing, and the written findings and recommendation of the Planning Commission, the City Council concurred with the findings of the Planning Commission as stated in the above recitals and made identical findings.

NOW, THEREFORE, THE CITY OF FARIBAUT ORDAINS:

Section 1. Findings. The recitals and exhibits in this ordinance are incorporated into this ordinance, and, where applicable, constitute the City Council's findings.

Section 2. Vacation of Drainage and Utility Easements. Pursuant to City of Faribault Unified Development Ordinance, Chapter 2, Article 10, the City of Faribault hereby vacates the drainage and utility easements situated in the City of Faribault, County of Rice, State of Minnesota, legally described above and depicted in Exhibits A and B.

Section 3. Authorization to take Additional Steps. City Staff, City Consultants, and the City Attorney are authorized and directed to take any additional steps and actions necessary or convenient to accomplish the intent of this ordinance.

Section 4. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter.

First Reading: January 23, 2024

Second Reading: _____, 2024

Publication Date: _____, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Easement Vacation Area #1

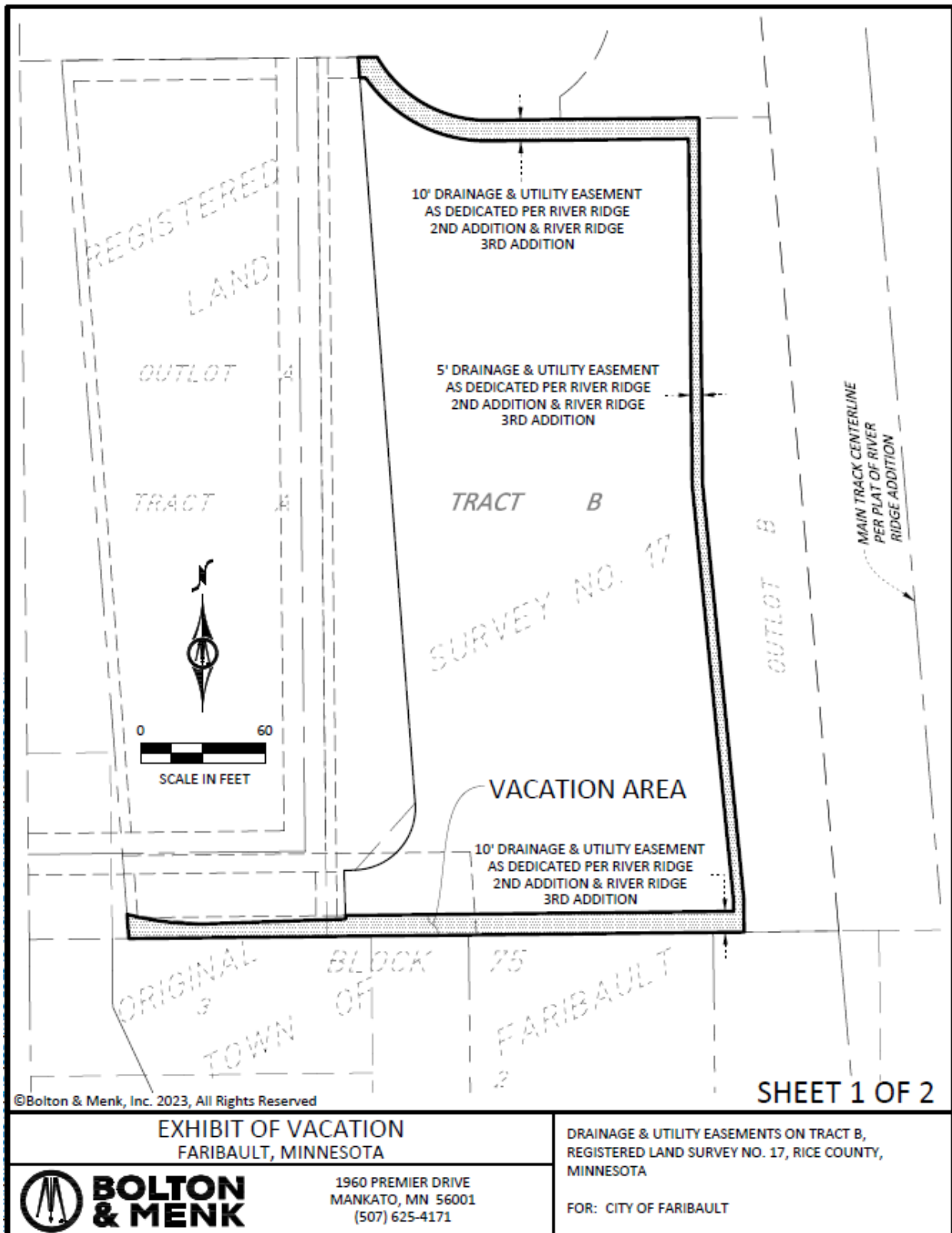


Exhibit A
Easement Vacation Area #1

VACATION AREA

The 10.00 foot drainage and utility easement as dedicated per River Ridge 2nd Addition and River Ridge 3rd Addition lying in Tract B of Registered Land Survey No. 17.

AND

The 5.00 foot drainage and utility easement as dedicated per River Ridge 2nd Addition and River Ridge 3rd Addition lying in Tract B of Registered Land Survey No. 17.

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Janele Fowlds
License Number 26748

XX/XX/2023
Date

SHEET 2 OF 2

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EXHIBIT OF VACATION
FARIBAULT, MINNESOTA



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DRAINAGE & UTILITY EASEMENTS ON TRACT B,
REGISTERED LAND SURVEY NO. 17, RICE COUNTY,
MINNESOTA

FOR: CITY OF FARIBAULT

Exhibit B
Easement Vacation Area #2

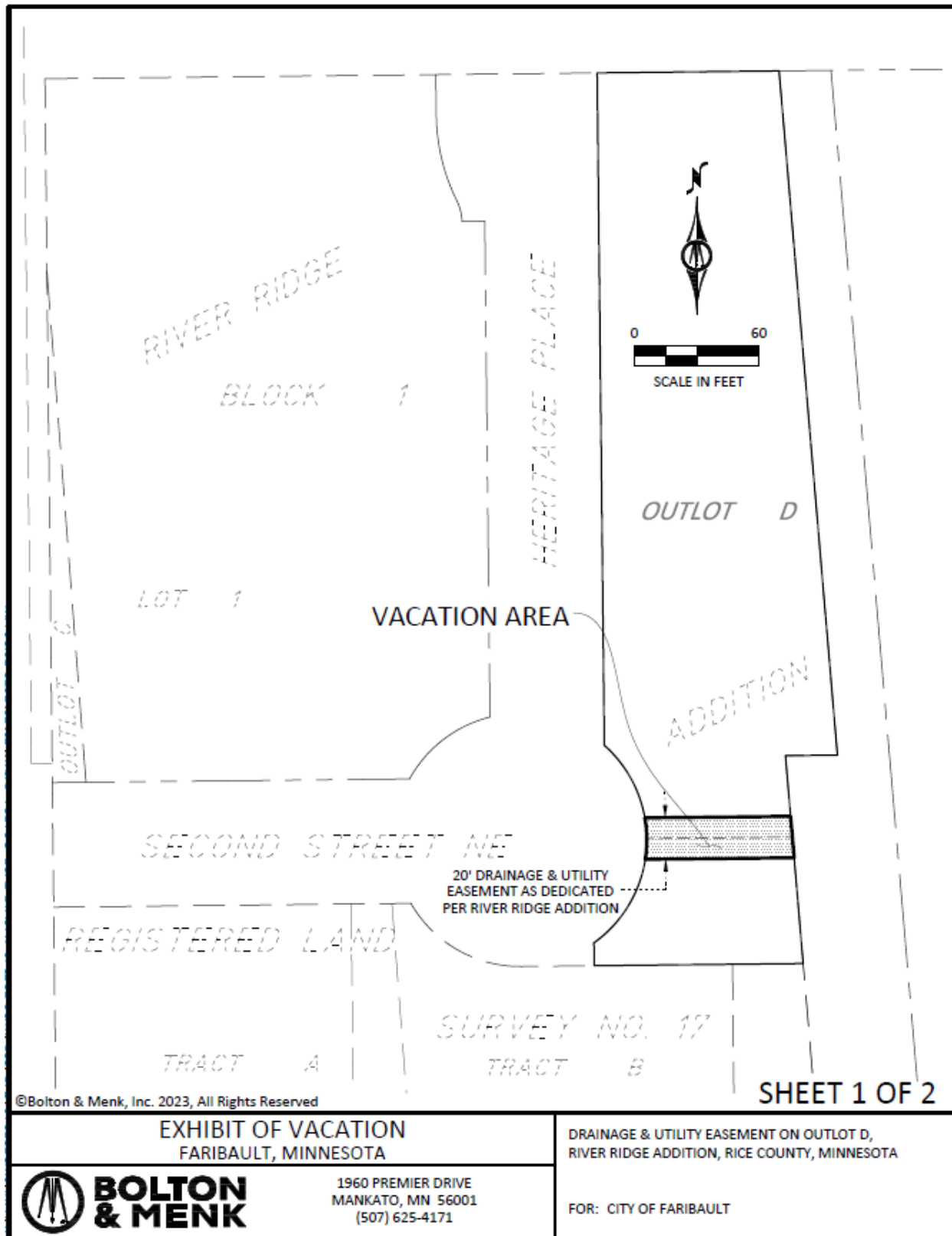


Exhibit B
Easement Vacation Area #2

VACATION AREA

The 20.00 foot drainage and utility easement as dedicated per River Ridge Addition according to the recorded plat thereof, lying in Outlot D of said River Ridge Addition.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared
by me or under my direct supervision and that I am a duly
Licensed Land Surveyor under the laws of the State of
Minnesota.

Janele Fowlds
License Number 26748

10/XX/2023
Date

SHEET 2 OF 2

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EXHIBIT OF VACATION
FARIBAULT, MINNESOTA



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**DRAINAGE & UTILITY EASEMENT ON OUTLOT D,
RIVER RIDGE ADDITION, RICE COUNTY, MINNESOTA**

FOR: CITY OF FARIBAULT



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: January 16, 2024
SUBJECT: General Commissioner and Staff Updates

Background:

This agenda item provides space for staff or commissioner updates.

Recommendation:

No action needed.

Attachments: