



PLANNING COMMISSION AGENDA

BUCKHAM WEST
19 DIVISION ST W.

MONDAY, MARCH 18, 2024

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Public Hearings
 - A. Applications by Corey Newby for a Comprehensive Plan Amendment to Re-guide Property for Commercial Use and Rezone to C-2, Highway Commercial District at 15 3rd Avenue SW
 - B. Applications Related to an Expansion of the C&S Vending Company Building at 1919 2nd Street NW as Follows:
 - i, Applications for Comprehensive Plan Amendment to Re-guide Property to Commercial/Industrial Mixed Use and Rezone to I-1, Light Industrial District
 - ii. Applications to Vacate a Portion of a Public Drainage and Utility Easement and Approve the Preliminary and Final Plats of RSA Properties LLC Subdivision No. 2
 - iii. Application for a Variance - RSA/C&S Vending/Sun Companies Property Management
 - C. Application by the City of Faribault to Rezone Properties Along the North Side of 14th Street NW from 3rd Avenue NW, West to Lake Faribault, from I-2, Heavy Industrial District to R-2, Low-Density Residential District.
4. Requests to be Heard
5. Items for Discussion
6. Routine Business
7. Board & Commissions Updates & Reports
 - A. Boards & Commission Updates & Reports
8. 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

CITY HALL PUBLIC
MEETING ROOM

MONDAY, MARCH 4, 2024

6:00 PM

Meeting Items

1. Call to Order

A regular meeting of the Planning Commission was brought to order by Chair Samuel Temple in the Public Meeting Room of City Hall on March 4, 2024, at 6:00 p.m. Commissioners in attendance were Chuck Ackman, Barton Jackson, Samantha Green, Michael Salt, Steve White, and Chair Samuel Temple. Also in attendance were Kari Casper, Harry Davis, and Peter Waldock.

2. Approval of the Minutes of February 20, 2024

Chair Temple asked for a motion to approve the meeting minutes of the February 20, 2024, meeting. A motion was made by Michael Salt, seconded by Samantha Green. The motion passed unanimously.

3. Public Hearings

A. CUP for Drive-Through Restaurant at 190 Western Avenue NW - Sonnek

Peter Waldock presented the matter before the Planning Commission having highlighted the conditions for approval and both the staff and DRC's recommendation which they've asked that there be a raised sidewalk; recommended a railroad; restripe the lot and locate seating off the accessibility ramp behind the building. A bathroom was discussed and the door swing for that as well as the required sign permits. Once Mr. Waldock completed his presentation, Chair Temple asked if there were any further discussions from the board. Chuck Ackman asked if there were any requirements for greenery other than pots that had been planted previously. Harry Davis responded by stating that they have provided a landscape site plan and more than just pots are required in that. There will be a trash enclosure and some outdoor seating as well. Michael Salt asked about lighting. Harry Davis and Peter Waldock both were not sure what the business hours would be and could not answer that other than what already exists. Chair Temple then opened the public hearing at 6:15 and, with no one present, closed it at 6:15 p.m.

A motion was made by Steven White, seconded by Samantha Green, to recommend approval of the CUP application for 190 Western Avenue having found that all the required findings have been met as presented. The motion passed unanimously.

4. Requests to be Heard

None.

5. Items for Discussion

6. Routine Business

A. Planning Commission By-Laws Update

Peter Waldock gave this presentation outlining the major points to be re-addressed regarding the red-lined bylaws. When it came to the discussion about recusal, Steve White stated that he thought that the language stating "leave the room" should be stricken. After much discussion, the board would like to have the City Attorney present for clarification of these issues. Commissioner White made it clear that he would like to know what the City Council does in this regard. Harry Davis stated that sometime in the future there might be a refresher course on ethics and it would maybe be with all the boards. Chair Temple opened the matter up to the public at 6:45 p.m. With no one present, he closed the hearing at 6:45 p.m. After much discussion, a motion was made by Chuck Ackman, seconded by Barton Jackson to approve the language as presented, and requested that the board have a meeting with the City Attorney. The motion passed on a 4/2 vote with Michael Salt and Steve White voting nay.

B. Board & Commissions Updates & Reports

Harry Davis stated that there would be three matters up for public hearing at the next meeting. Chair Temple gave an update that there was an interesting article in the Faribault Daily News on one of the buildings downtown.

7. Adjournment

Chair Temple asked for a motion to adjourn, which was made by Samantha Green, and seconded by Barton Jackson at 7:01 p.m. Michael Salt left at this time. The motion carried unanimously!

By: _____
Kari Casper, Recording Secretary



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: March 18, 2024
SUBJECT: Applications by Corey Newby for a Comprehensive Plan Amendment to Re-guide Property for Commercial Use and Rezone to C-2, Highway Commercial District at 15 3rd Avenue SW

Background:

Corey Newby of Urban Flea Market (Applicant/Owner) requests amending the Comprehensive Plan Land Use Map and Zoning Map for 15 3rd Ave SW. The applicant proposes changing the future land use designation for the property from Institutional to Commercial and the zoning district from P-I, Public Institutional to C-2, Highway Commercial.

In November 2023, the applicant approached staff with interest in buying the Divine Mercy Catholic School property at 15 3rd Avenue SW. Mr. Newby intends to bring a mostly online auction business to Faribault and adapt the elementary school building on the subject property for online operations and a retail storefront. Since November 2023, the applicant's concept for using the property appeared before two Planning Commission work sessions (December 4 and 18, 2024) and one City Council work session (January 23, 2024).

The DRC and City Planner do not recommend in favor of the request as presented by the applicant and recommend altering both proposals. Staff suggests the comprehensive plan land use map designation should be Commercial/Residential Mix and the zoning district C-1, Neighborhood Commercial. The attached memo, draft resolution, and draft ordinance provide additional information.

Recommendation:

Agenda Item: 3.A

The DRC and City Planner recommend amending the applicant's proposals for the subject property regarding the comprehensive plan land use map designation of Commercial/Residential Mix and zoning map amendment for C-1, Neighborhood Commercial, based on the findings and conditions in the attached draft resolution and ordinance.

If the Planning Commission finds in favor of the requested C-2 zoning and Commercial land use map designation, the City Planner recommends Commissioners provide staff with findings in favor of the request for each required criteria and continue discussion on this item to the next Planning Commission meeting on April 1, 2024.

The Planning Commission should vote separately on each agenda item.

Attachments:

1. PC Staff Report
2. Draft Resolution 2024-XXX Approve a Comprehensive Plan Amendment for a Change of Land Use Map Designation at 15 3rd Ave SW
3. Draft Ordinance 2024-X Approve a Zoning Map Amendment for 15 3rd Ave SW

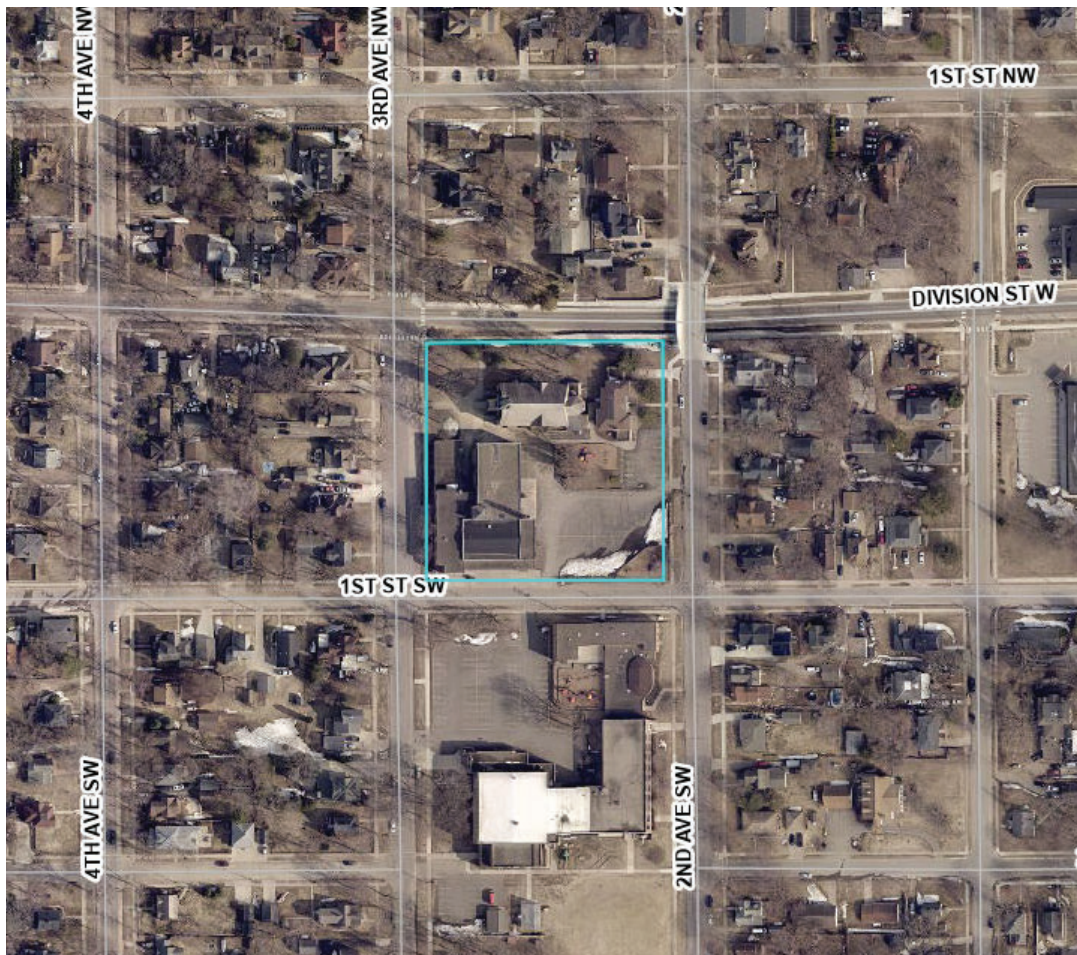


Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: March 18, 2024
SUBJECT: Applications to Amend the Comprehensive Plan Land Use Map and Rezone 15 3rd Ave SW – Corey Newby/Urban Flea Market

Request:

Corey Newby of Urban Flea Market (Applicant/Owner) requests amending the Comprehensive Plan Land Use Map and Zoning Map for 15 3rd Ave SW. The applicant proposes changing the future land use designation for the property from Institutional to Commercial and the zoning district from P-I, Public Institutional to C-2, Highway Commercial.



Location along 4th St NW

Background:

In November 2023, the applicant approached staff with interest in buying the Divine Mercy Catholic School property at 15 3rd Avenue SW. Mr. Newby intends to bring a mostly online auction business to Faribault and adapt the elementary school building on the subject property for online operations and a retail storefront. Since November 2023, the applicant's concept for using the property appeared before two Planning Commission work sessions (December 4 and 18, 2024) and one City Council work session (January 23, 2024).

Project Description:

The applicant submitted requests to change the comprehensive plan land use designation from Institutional to Commercial and zoning from P-I to C-2 on the subject property.

Comprehensive Plan Amendment

The applicant requests changing the land use designation of the property to facilitate an intended retail/commercial use. The applicant cites a few points to support the request, including:

- Location along Division Street (minor arterial) with connections to SH 60 and CSAH 48
- Proximity to Downtown
- Use will no longer be institutional due to current tenant and former owner leaving the property
- Commercial activity will facilitate the needed investment to utilize the property and manage upkeep of the NR building on-site (Immaculate Conception Church)
- The intended use of the property as commercial will support the city through fees and taxes while attracting customers from the surrounding region
- The shift and intended use of the property fit within the comprehensive plan core values

Zoning Map Amendment

The applicant requests changing the zoning district of the property to facilitate an intended retail/commercial use. The applicant cites a few points to support the request, including:

- A survivorship deed restriction placed by the former owners limits many uses that would otherwise be permitted by C-2
- The intended use of the property is unlikely to generate an adverse impact on city services, infrastructure, and traffic
- The applicant intends to use the current structures on the property, with some modifications to the parking lot, thereby minimizing a redevelopment impact on adjacent properties

- Commercial activity will facilitate the needed investment to utilize the property and manage upkeep of the NR building on-site (Immaculate Conception Church)
- The intended use of the property as commercial will support the city through fees and taxes while attracting customers from the surrounding region
- Other locations in Faribault appear to have commercially-zoned property within existing neighborhoods

SITE PLAN

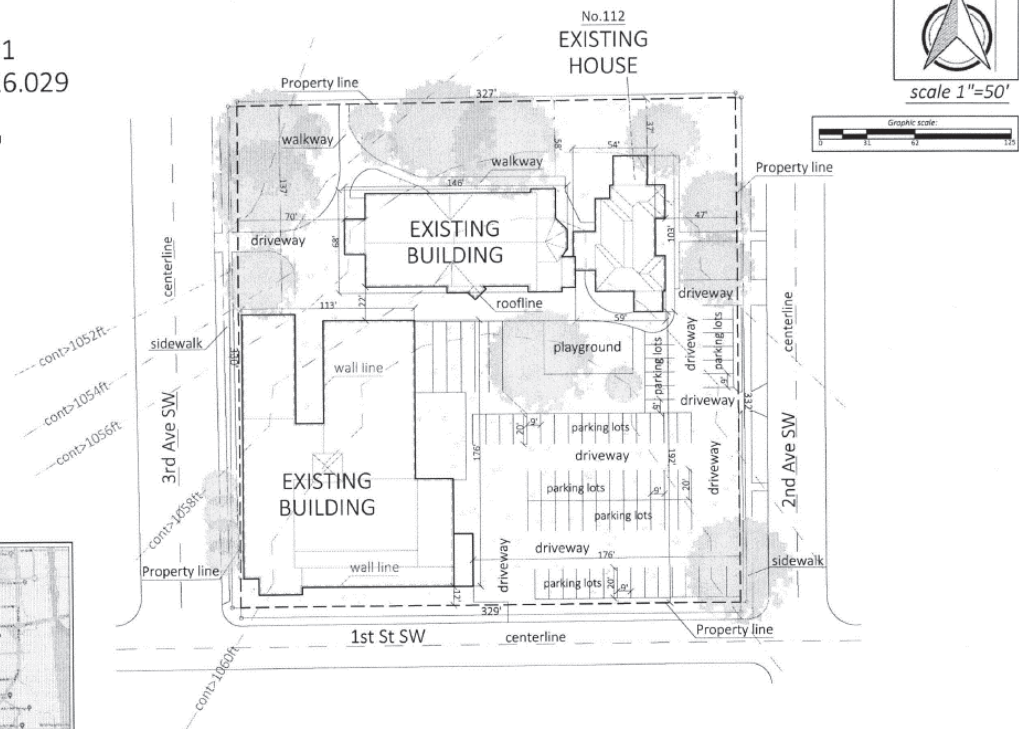
112 2nd Ave SW

Faribault, MN 55021

Parcel ID: 18.31.4.26.029

Lot area: 2 Acres

Paper Size: 11"x17"



See attachments for detailed information from the applicant.

Discussion:

The following provides an overview of the key planning and zoning-related items associated with:

Comprehensive Plan Amendment Summary

- *Applicant Proposal Summary.*
The request for commercial is not incompatible with the comprehensive plan and staff does not anticipate adverse impact on nearby properties, infrastructure, and services as long as the commercial is limited in scope.

- *Staff Proposal Summary.*
Staff recommends amending the request to Commercial/Residential Mix, reflecting the predominantly residential context, facilitating commercial use of the property, and offering the applicant or a future owner of the property flexibility for developing residential uses on the property.

Zoning Map Amendment Summary

- *Applicant Proposal Summary.*
Staff does not recommend the requested C-2 zoning. The uses allowed in C-2, regardless of a survivorship deed placed on the property, allow several uses *by-right* such as, but not limited to:
 - Boat/Marine/Recreational Vehicle Sales
 - Building Material Sales/Contractor Office/Construction Equipment Sales
 - Farm Equipment Sales/Greenhouse, Lawn, and Garden Supplies
 - Firearms Dealer
 - Grocery Store/Shopping Center
 - Small Engine Repair and Auto Repair/Sales
 - Veterinary Clinic
 - Gas Station/Car Wash
 - Bar/Liquor Store
 - Hotel/Motel
 - Industrial machinery and equipment, sales, service, and rental
 - Self-Service Storage Facility
 - Wholesaling, Warehousing, and Distribution

Some, if not all, of the uses allowed by-right in C-2 are incompatible with the surrounding context of the subject property. Additionally, any survivorship deed placed on the subject property is a private agreement and not a public or zoning restriction on the property, which does not provide sufficient guarantees for the city or neighbors, as the city does not enforce a private agreement or covenant. While there are examples in Faribault of commercial found adjacent to a residential neighborhood, nearly all applicable or similar examples to the applicant's request have commercial properties:

- Along a major corridor like Lyndale Avenue/Highway 60/I-35, or between the corridor and residential uses acting as a buffer.
- Along railways, acting as a buffer between the railway and residential uses.

C-2 zoning and development can be a buffer protecting adjacent residential uses from a transportation corridor, but the C-2 also restricts commercial development from reaching too far into a

neighborhood. While both Lyndale Avenue and Division Street are Minor Arterials, they are vastly different today in terms of built functionality and uses found along either corridor. C-2 zoning on the subject property is inappropriate without additional commercial context and character in the neighborhood.

- *Staff Proposal Summary.*

Instead of C-2, staff recommends C-1 as the limited scope of uses in C-1, Neighborhood Commercial ensure compatibility with adjacent properties while the core part of the applicant's business, general retail, is allowed by-right. The intent and purpose of C-1 are as follows:

"The purpose of the neighborhood commercial district is to provide for the establishment of **local centers for convenience, office, retail, or service outlets**. These centers are **located in close proximity to residences and are to be arranged and designed to be a functional and harmonious part of a residential neighborhood**. It is the intent of this ordinance that the location and nature of these commercial activities be reasonably serviced with public sidewalks or other pedestrian access. The district is not intended to draw customers from the entire community, but to be **limited in size and number of uses to assure continued compatibility with surrounding residential uses.**"

The complete list of by-right uses allowed in C-1 are:

- General Retail and Services
- Bookstore
- Photocopying
- Video Store
- Coffee Shop (with limited entertainment)
- Sports and Health Facility
- Park
- Essential Public Services

Some conditional uses allowed in C-1 are, but not limited to:

- Child Care Center
- Grocery/Convenience Store
- Offices
- Restaurant
- Montessori/Pre-K/Kindergarten
- Community Center
- Dwellings and Congregate Living

The uses and intent of the C-1 zoning district are purpose-built for the subject property's context. There are examples in Faribault of C-1 commercial found within and on the edge of neighborhoods along major routes such as Highway 60/1st St NE and 5th Ave NE, 11th St NW and 2nd Ave NW, and 10th St SW and Willow St.

Overall, staff finds commercial on the subject property can make sense, and the uses allowed in C-1 are not a drastic deviation away from general character and development of the neighborhood. Even if the entire site were demolished and the property rebuilt from scratch, the resulting hypothetical redevelopment would be small and compatible with the neighborhood.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed applications on March 5, 2024, and recommended denial of both proposals based on concerns around the number of incompatible uses allowed in C-2. The DRC recommendation was shared with the applicant for full transparency leading up to Planning Commission review and allowing them time to submit additional information for consideration.

Public Comment. The City Planner received no public comment prior to publishing this report. Notification for this item was published in the paper on March 7, 2024 and letters sent to property owners within 350-feet on March 7, 2024.

Recommendation:

The DRC and City Planner recommend amending the applicant's proposals for the subject property regarding the comprehensive plan land use map designation of Commercial/Residential Mix and zoning map amendment for C-1, Neighborhood Commercial, based on the findings and conditions in the attached draft ordinance and resolution.

If the Planning Commission finds in favor of the requested C-2 zoning and Commercial land use map designation, the City Planner recommends Commissioners provide staff with findings in favor of the request for each required criteria and continue discussion on this item to the next Planning Commission meeting on April 1, 2024.

Attachments:

- Applicant Submittals



APPLICATION FOR REQUESTED ACTION
Comprehensive Plan Amendment

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 15 3rd Ave SW, Faribault, MN 55021

APPLICANT Corey Newby E-MAIL coreynewby@gmail.com

PHONE 952-460-0055 (H) _____ (W) _____ (C) _____

ADDRESS 9594 202nd St W, Lakeville, MN 55044

DEVELOPER (if other than applicant) _____

PHONE _____ (H) _____ (W) _____ (C) _____

ADDRESS _____

COMPLETE LEGAL DESCRIPTION OF PROPERTY

Lot Block 4 of SOUTHERN ADD Lot Block 4 of SOUTHERN ADD

ACREAGE/SIZE OF PROPERTY 2 acres

CURRENT USE OF PROPERTY Institutional

PROPOSED USE OF PROPERTY C2

IDENTIFY ALL ADJACENT LAND USES Residential/Institutional

PROPERTY IS ☒ ABSTRACT ☐ TORRENS

SIGNATURE OF APPLICANT  DATE 3/4/2024

SIGNATURE OF OWNER _____ DATE _____
(if other than the applicant)

PLEASE PROVIDE ALL INFORMATION REQUESTED ON THE BACK OF THIS FORM

COMPREHENSIVE PLAN AMENDMENT

To request a change to the City's Comprehensive Plan, the City's long term plan to guide the growth, redevelopment, and improvement of the City.

THE FOLLOWING INFORMATION IS REQUIRED FOR A COMPREHENSIVE PLAN AMENDMENT TO CHANGE A LAND USE PLAN DESIGNATION:

1. Location map showing existing conditions of the property and adjacent land uses
2. Complete legal description of the property
3. Written narrative explaining the proposed Comprehensive Plan Amendment and the requested change to the Comprehensive Plan, along with information supporting why the change is needed, including:
 - A. Any new information that has become available since the Comprehensive Plan was adopted that supports revision of the plan.
 - B. If the amendment affects a particular site, whether or not the change is needed to allow reasonable development of the site.
 - C. The relationship of the proposed amendment to the supply and demand for particular land uses within the City.
 - D. The possible impacts to infrastructure, such as sewer, water, storm water drainage and water quality, transportation, and parks and open space.
4. If the proposed change is related to an increase in density designated by the Comprehensive Plan Land Use Plan, provide the number of units and total acreage proposed for the density of development.
5. Please reference the section of the Comprehensive Plan in your narrative. The complete Comprehensive Plan is available on the City's website under:

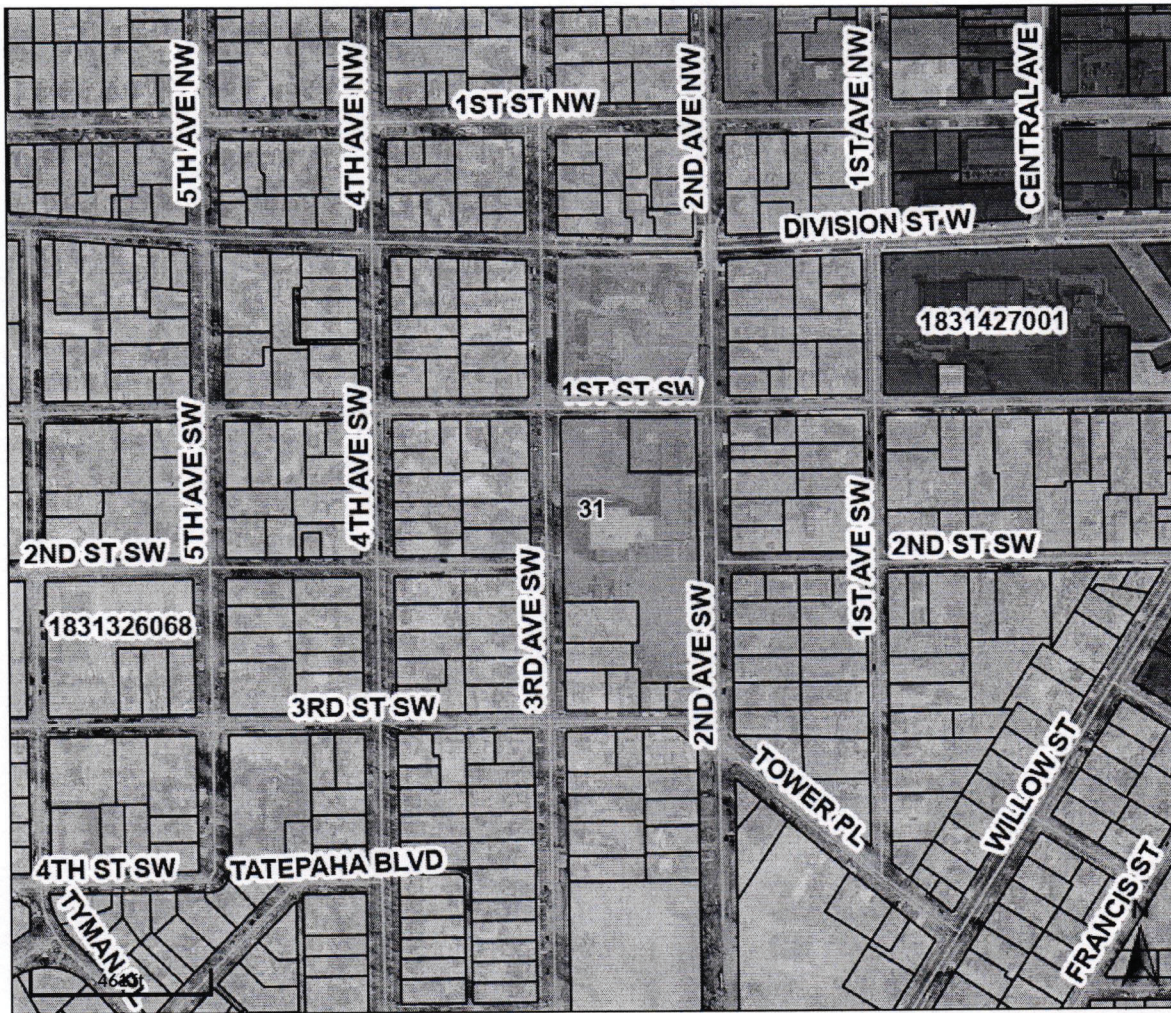
<http://www.faribault.org/departments/communitydev/planningzoning>

Please refer to the Land Use Plan section starting on 4-1, page 1 of Chapter 4. Specific land use plan categories are described on 4-4 – 4-9.

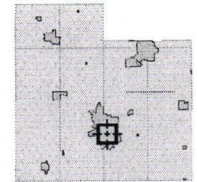
FOR QUESTIONS ON COMPREHENSIVE PLAN AMENDMENTS AND OTHER SECTIONS OF THE PLAN, PLEASE CONTACT PLANNING DEPT. STAFF AT (507) 333-0350.

SIGNATURE OF APPLICANT  DATE 3/4/2024

Planning Case # _____



Overview



Legend

-  Townships
-  Sections
-  Parcels
-  Roads
- Road Numbers
- Faribault Zoning
 -  C-1
 -  C-2
 -  C-3
 -  CBD
 -  I-1
 -  I-2
 -  I-P
 -  O
 -  P-I
 -  R-1
 -  R-1A
 -  R-2
 -  R-3
 -  R-4
 -  RM
 -  TUD

Parcel ID	1831426029	Alternate ID	n/a	Owner Address	IMMACULATE CONCEPTION CHURCH
Sec/Twp/Rng	n/a	Class	5E-Exempt Properties		15 3RD AVE SW
Property Address	112 2ND AVE SW	Acreage	2.0		FARIBAULT MN 55021
	FARIBAULT				
District	FARIBO-SD656-HSP-HRA-EDA				
Brief Tax Description	Lot Block 4 of SOUTHERN ADD				
	(Note: Not to be used on legal documents)				

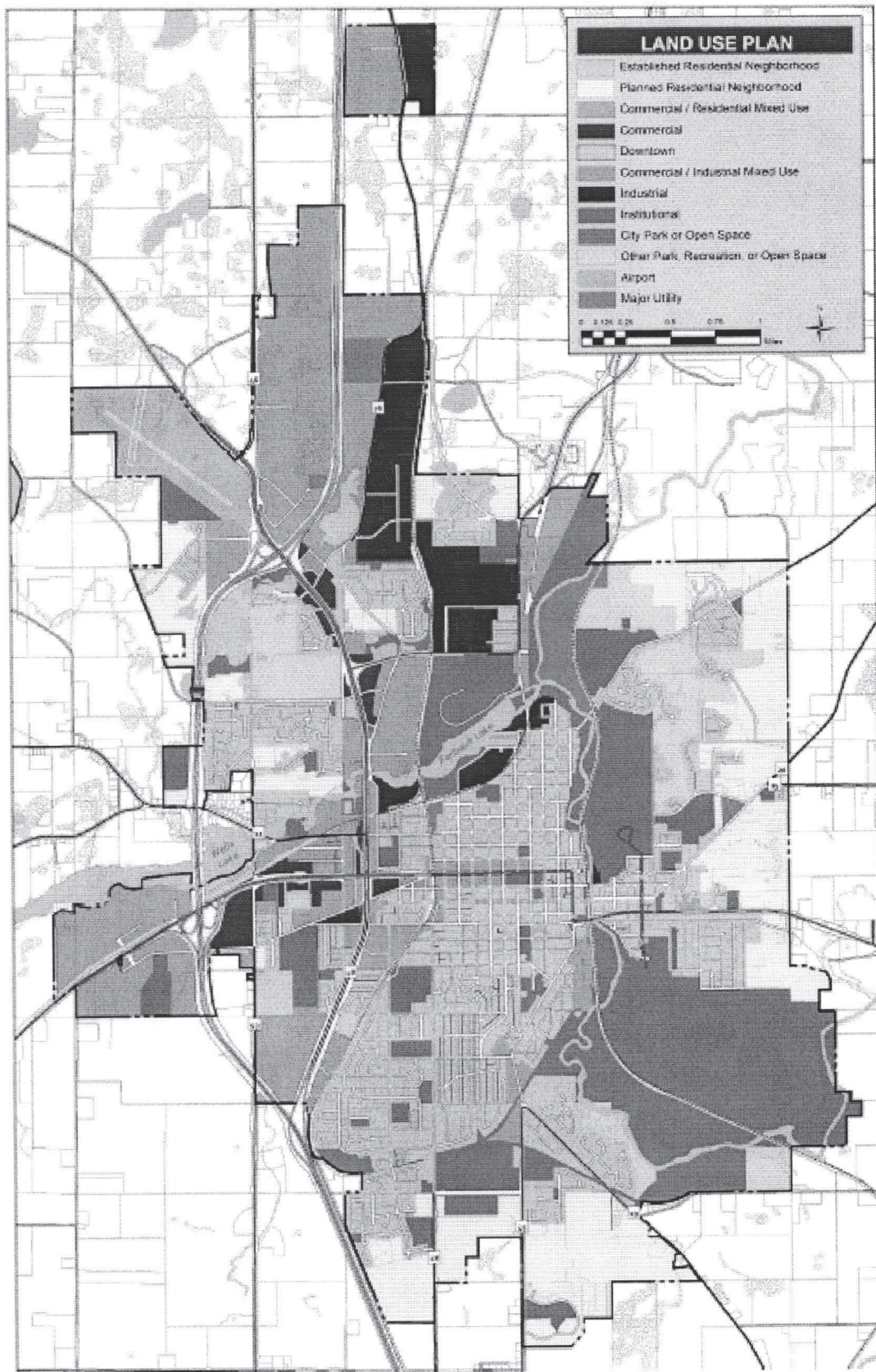
The parcels are the base parcels in Rice County.

Disclaimer: The information in this web site represents current data from a working file which is updated continuously. Information is believed reliable, but its accuracy cannot be guaranteed.

Date created: 2/14/2024

Last Data Uploaded: 2/14/2024 8:11:48 AM

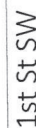
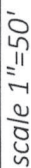
Developed by  **Schneider**
GEOSPATIAL



Map 3-2: Land Use Plan

Paper Size: 11"x17"

No.112



The zoning no longer meets the needs of the community. Stated in the Comp Plan, there is a need for commercial and residential. Along with new survivorship deeds put in place, property can no longer be used as an institutional.

Comp Plan addresses the need to reuse Faribaults institutional buildings as they are an asset. By Rezoning it will allow 3 amazing buildings to be preserved and fill a need for the community.

No major development or neighborhood disturbance is needed for this repurpose.

Occupancy, Utilities, Traffic will also go down and relieve some strain on the current neighborhood. While property tax will be going up and sales tax collected on top of permit fees, providing income for the city.

**ADDENDUM TO
COMMERICAL PURCHASE AGREEMENT**

Addendum to Purchase Agreement between parties, dated November 3, 2023, pertaining to the purchase and sale of property at 112 2nd Avenue SW, Faribault, MN 55021 (the "Property").

1. The Buyer represents and warrants that Buyer shall not use or allow others to use the school building located on the Property for the purposes of operation of a public or private school.

The representation and warranty set forth above shall survive delivery of the deed, and such restrictions may, at the option of the Seller, be incorporated into the deed of transfer to Buyer. In the event of a failure of Buyer to comply with the restriction contained herein, Seller may pursue any and all remedies available at law or in equity including, but not limited to, an action for immediate injunctive relief. The Buyer agrees that Seller's remedies at law are inadequate and that injunctive relief is therefore the appropriate remedy for the Seller.

2. All other terms of the Commercial Purchase Agreement, as previously amended, remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum as of the 26th day of January, 2024.

SELLER:

BUYER:

**The Catholic Church of Divine Mercy
of Faribault**

By: _____
Fr. Cory Rohlfing
Its Vice President

Authentisign
Corey Newby 01/26/24
Corey Newby

By: _____

Its Secretary

**ADDENDUM TO
COMMERICAL PURCHASE AGREEMENT**

Addendum to Purchase Agreement between parties, dated November 3, 2023, pertaining to the purchase and sale of property at 112 2nd Avenue SW, Faribault, MN 55021.

1. The Earnest Money set forth in Line 8 shall be increased to \$50,000.00.
2. Line 97 of the Purchase Agreement is amended by identifying Land Title, Inc. as the Title Company.
3. The representations and warranties of Seller contained in Lines 169 through 176 of the Purchase Agreement is modified to provide that Seller's power and authority to enter into the and execute the closing documents and are authorized by all necessary action on the part of Seller and that such documents are valid and binding obligations of Seller, enforceable in accordance with their terms, is contingent upon Seller obtaining unanimous consent and authorization of its corporate members and directors.
4. Representations and Warranties of Buyer contained in the Purchase Agreement is amended to add the following:

Purchaser will not use nor allow others to use the Property as a facility or place of business which:

- a. The names "The Catholic Church of Divine Mercy of Faribault", "The Church of Divine Mercy", "Divine Mercy Church", "Parish of Divine Mercy" or any similar derivative name or names is used or allowed to be used in any development, building or business operation on the Property.
- b. A congregation, society or other assemblage of persons meets for worship or other religious observances or activities, any of which is promoted as Roman Catholic or Catholic, but not possessing the ecclesiastical approval of the Roman Catholic Church. The former church may not be used for the celebration or solemnization of weddings or any other activity that may cause confusion among the Catholic faithful, such as any activity reserved to sacred spaces by the provisions of the canon law of the Roman Catholic Church.
- c. Any such use or purpose is materially and significantly contrary to or which is publicly inconsistent with, in opposition to, or which ridicules the teachings or philosophy of the Roman Catholic Church.
- d. Any educational instruction occurring in or through the property offend against the teachings and practices of the Catholic faith.
- e. Human abortion, sterilization, euthanasia or other acts which are contrary to the Ethical and Religious Directives for Catholic Health Care Services promulgated by the

USCCB are performed, or promoted through public advocacy of for which counseling is given which promotes and/or encourages individuals to obtain such services.

f. Pornographic or soft pornographic books, pictures, discs, or other media or materials, including any electronic forms of media, are directed to an adult rather than a general audience or clientele are displayed, sold, rented or otherwise made available for viewing.

g. A tavern, bar, night club, dance hall or dance club is operated, or in which is operated a restaurant in which alcoholic beverages are sold and served.

h. Live performances directed to an adult audience rather than the general public are operated or conducted.

The representations and warranties set forth above shall survive delivery of the deed, and such restrictions may, at the option of the Seller, be incorporated into the deed of transfer to Buyer and be included in Line 45(e) of the Purchase Agreement. In the event of a failure of Buyer to comply with the restrictions contained herein, Seller may pursue any and all remedies available at law or in equity including, but not limited to, an action for immediate injunctive relief. The Buyer agrees that Seller's remedies at law are inadequate and that injunctive relief is therefore the appropriate remedy for the Seller.

5. The Acceptance Deadline in Line 317 is amended to read November 17, 2023.

6. The Purchase Agreement and the obligations of Seller are contingent upon Seller obtaining unanimous consent of its corporate members and directors prior to the date of Closing. If Seller does not obtain such consent, the Purchase Agreement is cancelled, Buyer and Seller shall enter into a written cancellation, confirming said cancellation and directing the Earnest Money to be refunded to Buyer.

7. EXCEPT AS EXPRESSLY PROVIDED IN THE PURCHASE AGREEMENT, BUYER IS PURCHASING THE PROPERTY IN ITS "AS IS" CONDITION AND STATE OF REPAIR WITH ALL FAULTS. SELLER IS PROVIDING NO REPRESENTATION OR WARRANTY AS TO THE FITNESS OR SUITABILITY OF THE PROPERTY FOR A PARTICULAR OR INTENDED PURPOSE OR USE, EXPRESSED OR IMPLIED. BUYER IS PURCHASING THE PROPERTY BASED SOLELY UPON BUYER'S INVESTIGATION, INQUIRY AND JUDGMENT.

8. The ADDENDUM TO COMMERCIAL PURCHASE AGREEMENT: DUE DILLIGENCE is amended by Lines 35 through 43 and Line 89 and adding the following: "Within 30-days of the Final Acceptance Date, Buyer may, at Buyer's expense, obtain: (a) a Phase I environmental site assessment; and (b) a certificate of survey of the Property.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum as of the ____ day of November, 2023.

SELLER:

BUYER:

**The Catholic Church of Divine Mercy
of Faribault**

By: _____
Fr. Cory Rohlfing
Its Vice President

Corey Newby

By: _____

Its Secretary

All properties are unique and different. Each case and application is unique and different as well. This property is more so than most. As we first started looking into this property we thought R3 Adaptive Reuse was the limited route to go. As we dive in and explore a little closer, this property lines up with a commercial zoning. Would it be easier and safer to call it C1, sure. Would it be more beneficial for the city of Faribault to have it C2, absolutely. How? It keeps the property from being underutilized and allows the current owner to grow and expand. Which keeps historic buildings and property in use, while generating a commercial need that is pointed out in vision to 2040. On top of that it brings in outside zip codes to this great city. Outside zip codes means more sales tax and more importantly increased sales for other local businesses. Lets not forget property tax increases as the entire block was exempt.

How is this application different? This property will always have restrictions on it through Survivorship deed. Which takes away some of the permitted uses through C2. It is positioned to be an amazing property to the community. With a 80% walkability score already, we can crank that up all the way to the CBD. Which again is a huge asset for the community and city.

Being located right off Division we have C2 districts against residential to the East and West. Just South and North of us we also have C2 surrounded by Residential and some institutional.

Division runs right into hwy 48 & 60 which fits the purpose and use of C2. Even better, we are so close to downtown which initiates more traffic. Has this route been done before? Yes. Do we fill a need? Yes. Is the community supportive? Yes. Have we put in the work? 3 work sessions and several meetings with staff, I think so.

My size and site plan dont change as previously submitted. We just want to make sure we are zoned to benefit the community and ourselves to the fullest. I invested almost a million dollars into this, bank on me succeeding and not worried about the next owner. At the end of the day the community's best interest and safety are top priority. We bring down utilities and current traffic while providing an amazing service all cities would love to have. Much needed improvements to an entire city block will soon be underway. A jump for the local economy will follow soon after. We are ready for this. The city of Faribault is ready for this. Lets make our 60 day deadline and keep this future staple of the town moving forward.

GodSpeed,
Corey Newby



APPLICATION FOR REQUESTED ACTION
Rezoning/Text Amendment

Planning Case # _____
Filing Fee _____
Hearing Date _____

TO BE FILLED OUT BY ALL APPLICANTS

TYPE OF REQUEST: _____ X _____ REZONING _____ TEXT AMENDMENT
APPLICANT Corey Newby E-MAIL coreynewby@gmail.com
PHONE 952-460-0055 (H) _____ (W) _____ (FAX) _____
ADDRESS 15 3rd Ave. SW, Faribault, MN 55021

REZONING

Legal Description Lot Block 4 of SOUTHERN ADD Size of Property 2 acres
Current Zoning Institutional Proposed Zoning R3
Existing Use of Property School/church Proposed Use of Property Retail/commercial *cn*
Identify All Adjacent Land Uses R3
Reason for Request Property can no longer be used for institutional.

REQUIRED SUBMITTALS:

- ☐ Boundary survey of the property
☐ Concept development plan

TEXT AMENDMENTS

A detailed written summary fully explaining the proposed amendment to the ordinance which should include the following:

- ☐ Specific section of City Code to be amended
☐ List of the specific changes being proposed
☐ Specific reasons for the requested amendment
☐ Any necessary graphics
☐ Statement of why the amendment should be granted
☐ Benefits to be derived by the proposed change in text
☐ Impacts of the proposed amendment on those affected by it
☐ Relationship of the proposed amendment to community plans

SIGNATURE OF APPLICANT *Corey Newby* DATE 2/9/2024
(Must submit proof of property control)

Urban Flea Market Current Hours,
Thursday and Friday 9-5
Urban Flea Market Current Employees 2

Urban Flea Market Future Hours
Thursday and Friday 10-7, Saturday 10-3
Urban Flea Market Future Employees 4-5

I've attached a file marked Phase 1 to give a visual of year 1-3 use.

School

The Gym would be the main showroom leading into the 6 classrooms right behind the gym to be converted into retail space. This section is all 1 level with bathrooms and exit and would be turn key. (retail entrance would be facing institutional non residential.)

As for Admin Offices/Rooms facing 3rd ave SW. Those are not ada compliant and would be looked into for offices or meeting rooms. (phase 1)

Second Level would be storage or not used at all.

Same goes for the basement, wouldn't be used or just storage. Code and permits would be looked into for possible renting out the commercial kitchen.

Phase 2 would involve getting an elevator to make all levels in school usable.

Church

The church has a long list of what it can't be per archdiocese.

I see it being utilized for Community and Corporate events.

Anniversary, Birthday, Graduation type parties.

Phase 2 could also include indoor playground for kids (bounce houses, etc)

Parsonage

Would be fixed up during phase 1. It needs a lot of work. Phase 2 I'd like to see it as some form of B&B or VRBO. It could also be an upsell to hosting events at the church.

Parking & Traffic

I've attached prints for addition to the existing parking lot.

With new lot it gives us 67 off street parking with room to expand

It also leaves 2600 sq ft for the loading zone. Which will be blocked by school and playgrounds to keep out of sight of residential areas.

Property also offers 20 spots on 3rd ave and on street parking on 2 othersides.

I also have it marked 1 way traffic in the parking lot to keep traffic heading towards downtown.

Division St is already set up to handle traffic and Urban Flea Market will mesh well with the redevelopment by Prairie St.

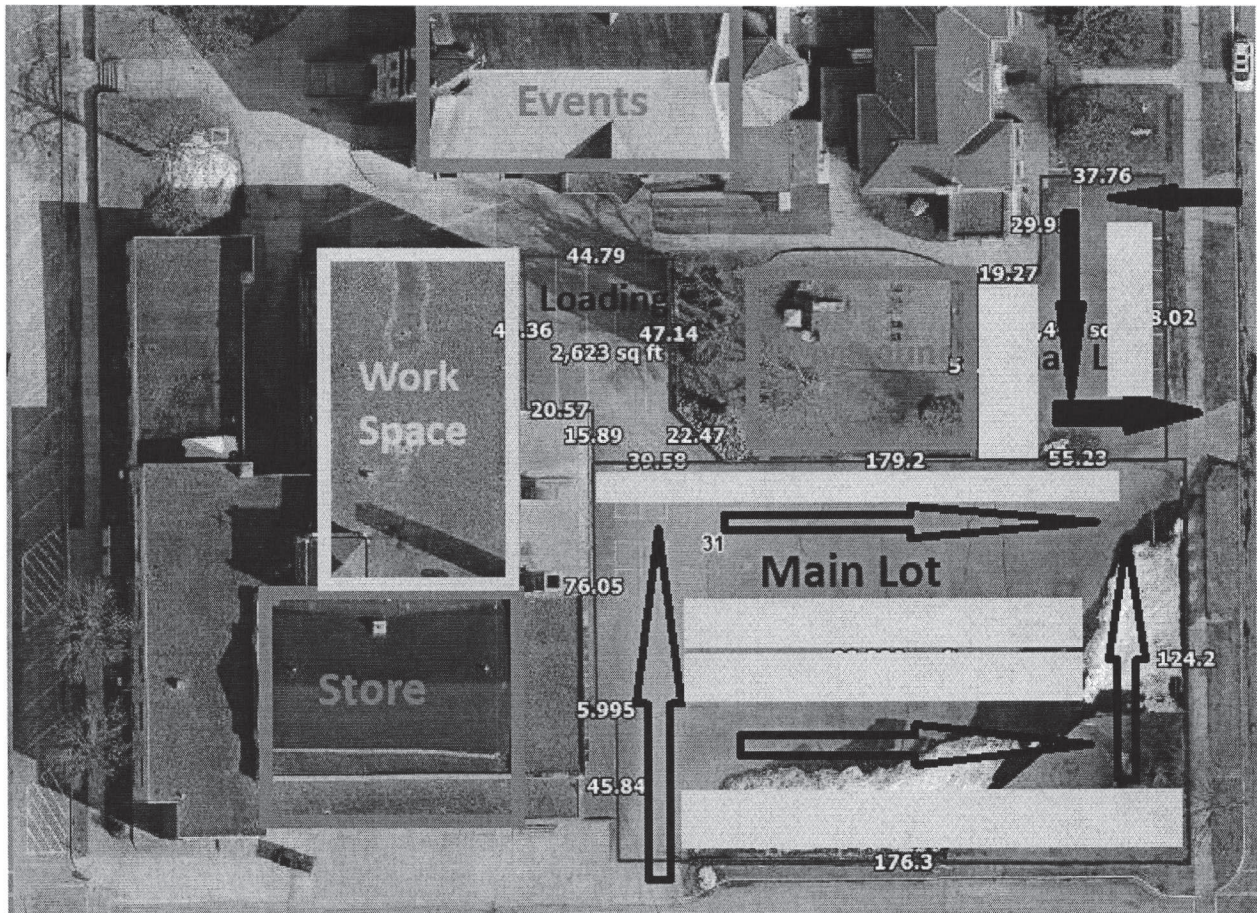
2nd Ave has the new overpass to keep traffic flowing. 1.2 miles North Faribault Mill and Faribault Foods are located on/off 2nd ave as well as Ace Hardware just .5 miles away. If it can handle traffic from those businesses it should have no issues with Urban Flea Market.

Current use of property has more daily traffic then I would generate as well as the neighbor Bethlehem Academy who has twices as much. Donahues just south of Urban Flea Market produces a good amount of traffic as well.

As for an institution being used for commercial use, we have First English Lutheran Church hosting Habitat for Humanity and Nook & Cranny operating retail out of 725 2nd ave NW just .5 miles away. I have noticed a lot of other institutional(churches) rezoned to residential already. I feel it would be good to see some of these smaller ones being utilised with a flex or multi use setting.

I look forward to working with you guys and setting a new standard for other cities. Whether its Adaptive Use Text Amendment to Rezone to CBD/C3 or a new CUP I'm confident together we will make it happen.

Parking/Loading



Land Use

10,000 sq ft of Retail - 1 per 300 = 34 Spots

5,000 sq ft storage/ workspace - 1 per 1000 = 5 spots

(pdf also attached with dimensions of spots and aisles)

Current planned parking holds 69 spots - 9' x 20' with 22' One way aisles

Exit only facing 2nd ave sw, Entrance only facing 1st Street SW.

This will help keep traffic away from residential areas, while directing traffic towards the downtown district.

Leaves 2600 sq ft for loading and unloading off the street.

Leaving 30 extra spots for future growth.

Long term growth plan.

Relocate playground and loading zone adding an additional 40 spots.

Rice County, MN

Summary

Parcel ID 18.31.4.26.029
 Property Address 112 2ND AVE SW
 FARIBAULT, MN 55021

Sec/Twp/Rng
 Brief Tax Description Lot Block 4 of SOUTHERN ADD
 (Note: Not to be used on legal documents)

Area 2.00 Acres
 Use Code 5E-Exempt Properties; 5E-Exempt Properties; 5E-Exempt Properties
 Tax Authority Group FARIBO-SD656-HSP-HRA-EDA



Owners

Primary Owner
Immaculate Conception Church
 15 3rd Ave SW
 Faribault MN 55021

Alternate Taxpayer

Fee Owner

Land

Lot Area 2.00 Acres ;87,120 SF

Residential Dwellings

Residential Dwelling
 Style 2 Story Brick
 Architectural Style N/A
 Year Built 1920
 Exterior Material Brick
 Total Gross Living Area 5,216 SF
 Attic Type None;
 Number of Rooms 6 above; 0 below
 Number of Bedrooms 3 above; 0 below
 Basement Area Type Full
 Basement Area 2,464
 Basement Finished Area
 Plumbing 2 Standard Bath - 3 Fixt;
 Central Air Yes
 Heat Yes
 Fireplaces
 Porches 1S Frame Open (627 SF); 1S Brick Enclosed (246 SF);
 Decks
 Additions 1 Story Brick (288 SF);
 Garages 434 SF - Att Brick (Built 1920);

Commercial Buildings

Type	Base Area	Year Built
Church	5925	1880
Church	1143	1880
School - Class Room	1360	1958
School - Class Room	2695	1958
Church	450	1880
School - Class Room	16673	1958

Yard Extras

#1 - (1) Paving - Asphalt 27,800 SF, Asphalt Parking Lots, Average Pricing, Built 1958

Permits

Permit #	Date	Description	Amount
10.0490	08/26/2010	Roof	9,800
08.0813	12/18/2008	Commercial Remo	37,121
03.786	08/27/2003	Roof	6,000
98.4840	09/02/1998	Roof	24,000
3764	09/24/1996	Yard Item	23,400

Valuation

	Payable 2024 Values	Payable 2023 Values	Payable 2022 Values	Payable 2021 Values
EMV Improvement	\$4,724,100	\$4,500,500	\$4,063,500	\$3,882,700
EMV Land	\$200,000	\$176,000	\$235,800	\$235,800
EMV Machine	\$0	\$0	\$0	\$0
EMV (Estimated Market Value) Total	\$4,924,100	\$4,676,500	\$4,299,300	\$4,118,500
Green Acres Value	\$0	\$0	\$0	\$0
Homestead Exclusion	\$0	\$0	\$0	\$0

Taxation

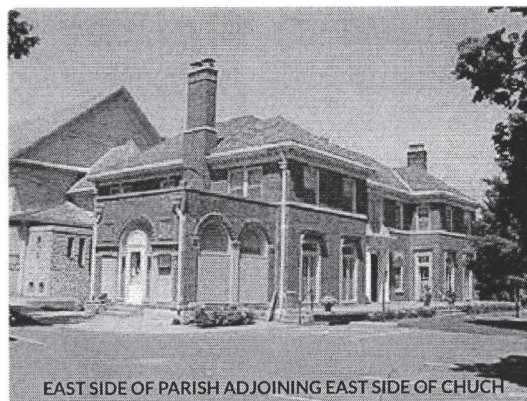
	2023 Payable	2022 Payable	2021 Payable	2020 Payable	2019 Payable
Estimated Market Value	\$4,676,500	\$4,299,300	\$4,118,500		
Taxable Market Value	\$0	\$0	\$0		
Net Tax Amount	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
+ Special Assessments	\$160.00	\$160.00	\$160.00	\$160.00	\$160.00
= Total Taxes Due	\$160.00	\$160.00	\$160.00	\$160.00	\$160.00
+ Penalty	\$0.00	\$0.00	\$1.60	\$0.00	\$0.00
+ Interest	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
+ Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
- Amount Paid	\$163.23	\$160.00	\$161.60	\$160.00	\$160.00
= Outstanding Balance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

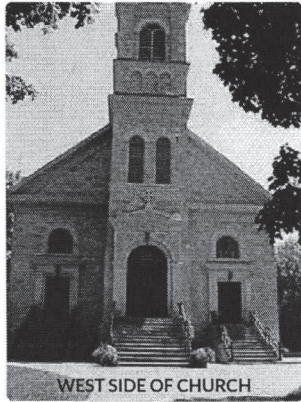
Taxes Paid

Please note that it may take up to three days from the date of payment for tax payments to be posted.

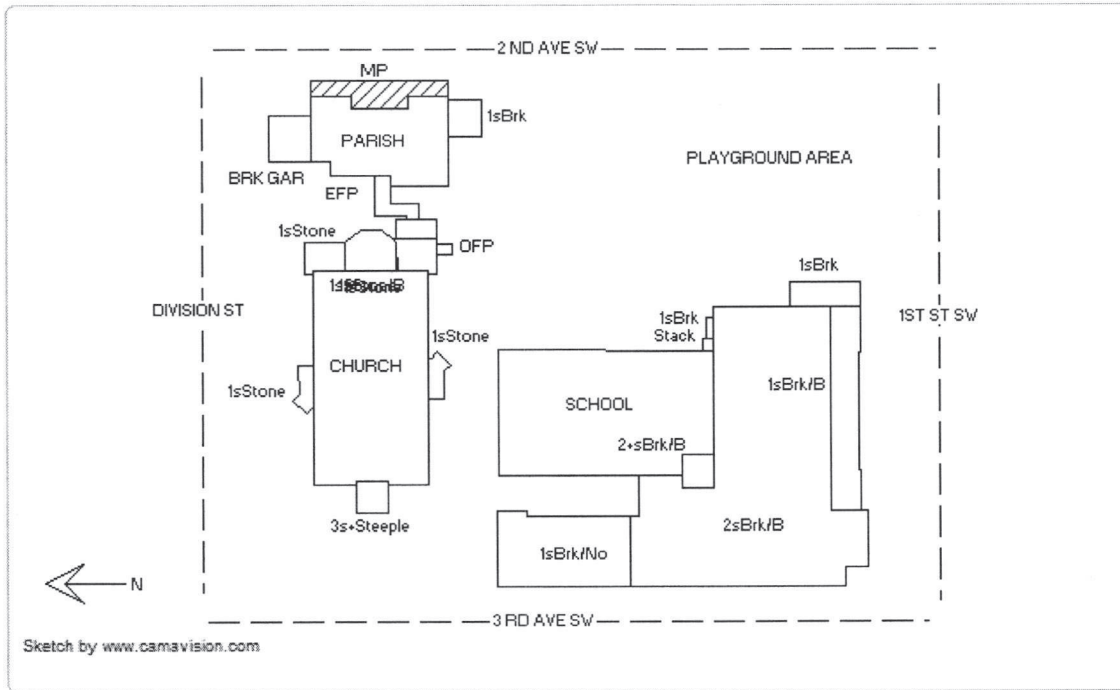
Tax Year	Receipt	Payment Date	Tax Amount	Special Assessment	Penalty	Interest	Fees	Total Payment
2023	U23.18652	10/23/2023	\$0.00	(\$80.00)	(\$1.60)	\$0.00	\$0.00	(\$81.60)
2023	U23.11502	6/12/2023	\$0.00	(\$1.60)	(\$0.03)	\$0.00	\$0.00	(\$1.63)
2023	U23.11121	5/25/2023	\$0.00	(\$78.40)	(\$1.60)	\$0.00	\$0.00	(\$80.00)
2022	U22.15737	10/5/2022	\$0.00	(\$80.00)	\$0.00	\$0.00	\$0.00	(\$80.00)
2022	U22.9488	5/16/2022	\$0.00	(\$80.00)	\$0.00	\$0.00	\$0.00	(\$80.00)
2021	U21.21559	10/25/2021	\$0.00	(\$80.00)	(\$1.60)	\$0.00	\$0.00	(\$81.60)
2021	U21.8466	5/12/2021	\$0.00	(\$80.00)	\$0.00	\$0.00	\$0.00	(\$80.00)
2020	U20.17597	10/13/2020	\$0.00	(\$80.00)	\$0.00	\$0.00	\$0.00	(\$80.00)
2020	U20.9478	5/14/2020	\$0.00	(\$80.00)	\$0.00	\$0.00	\$0.00	(\$80.00)
2019	U19.20360	10/15/2019	\$0.00	(\$80.00)	\$0.00	\$0.00	\$0.00	(\$80.00)
2019	U19.6097	5/8/2019	\$0.00	(\$80.00)	\$0.00	\$0.00	\$0.00	(\$80.00)
2018	U18.10573	5/15/2018	\$0.00	(\$160.00)	\$0.00	\$0.00	\$0.00	(\$160.00)
2017	U17.8999	5/15/2017	\$0.00	(\$160.00)	\$0.00	\$0.00	\$0.00	(\$160.00)
2016	U16.11613	5/31/2016	\$0.00	(\$160.00)	(\$1.60)	\$0.00	\$0.00	(\$161.60)

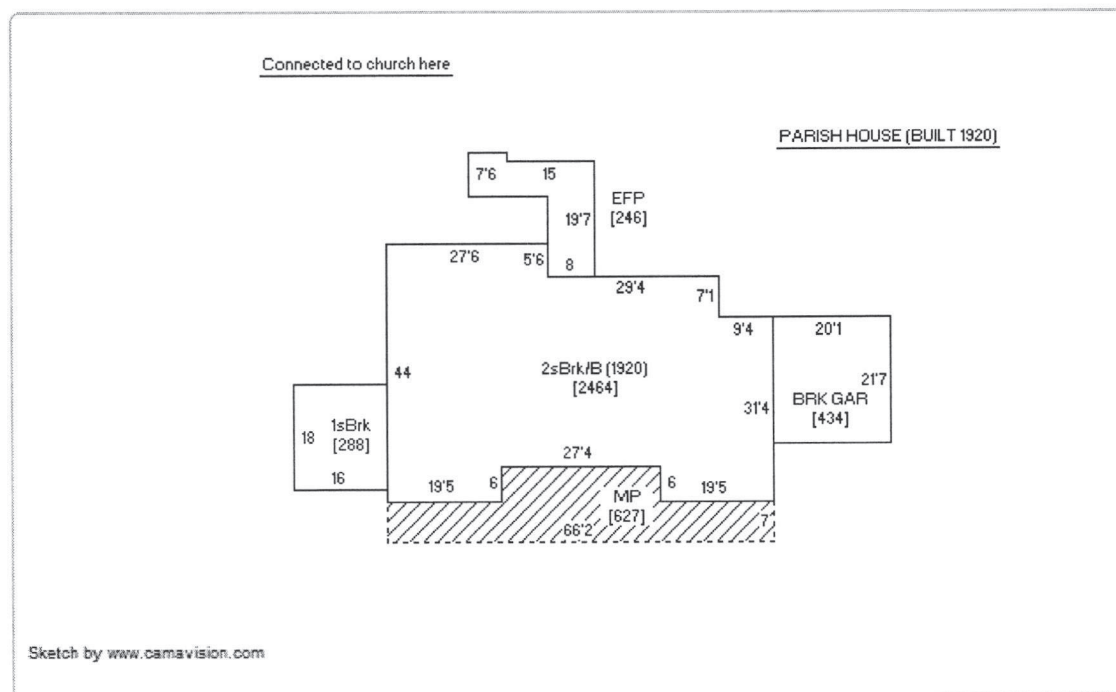
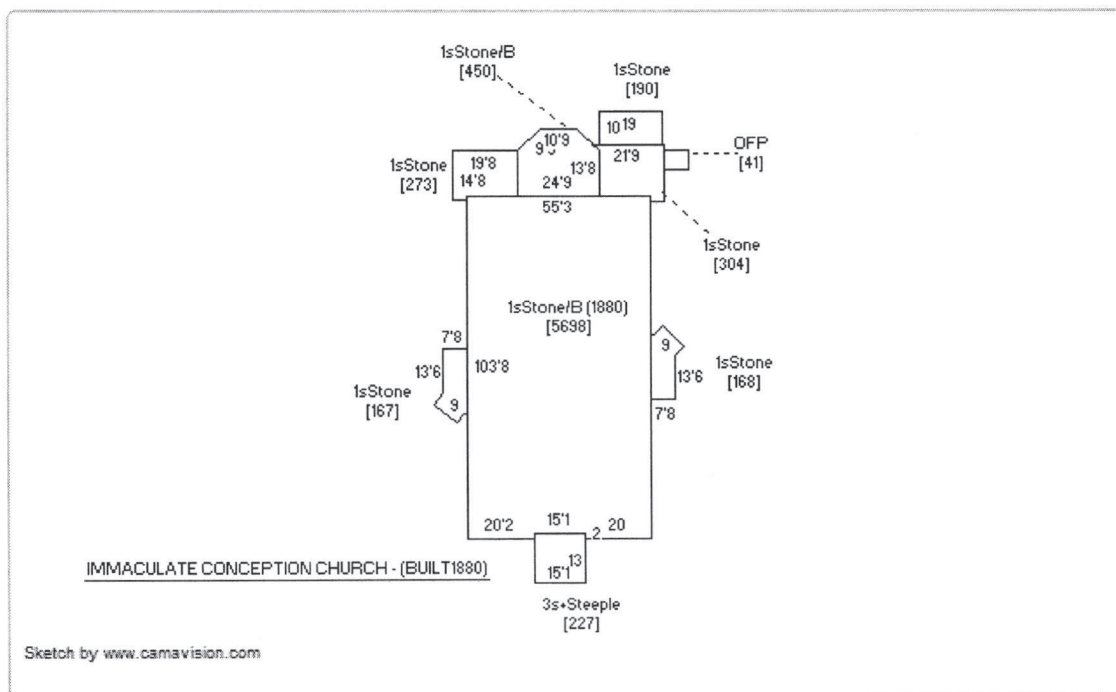
Photos

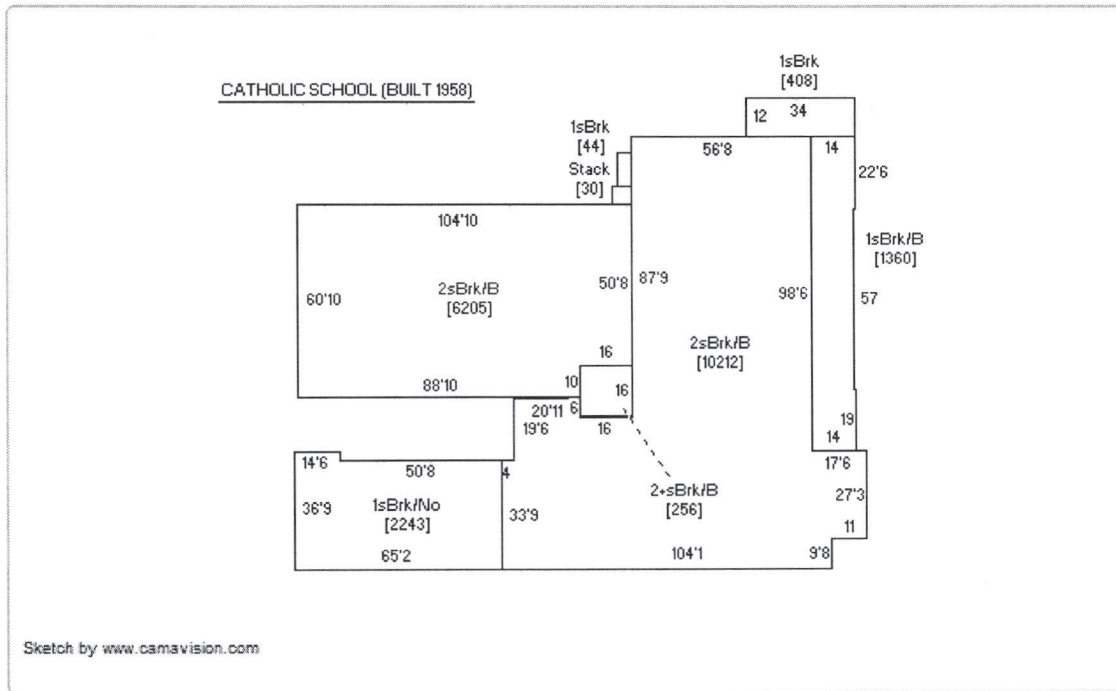




Sketches







TriMin LandShark



[Click here to search for Parcel in TriMin LandShark](#)

Original Tax Statements

[Click here to show a list of available documents](#)

Plats

[Click here to show a list of available documents](#)

No data available for the following modules: Condominiums, Mobile Home on Leased Land, Cell Towers, Cooperative, Divided Interest, Leased Land, Apartments, Billboards, Agricultural Land, Agricultural Buildings, Sales, Tax Payment, Unpaid Taxes.

Information is believed reliable, but its accuracy cannot be guaranteed.

[User Privacy Policy](#) | [GDPR Privacy Notice](#)

Last Data Upload: 2/14/2024, 7:11:48 AM

[Contact Us](#)

Developed by



All properties are unique and different. Each case and application is unique and different as well. This property is more so than most. As we first started looking into this property we thought R3 Adaptive Reuse was the limited route to go. As we dive in and explore a little closer, this property lines up with a commercial zoning. Would it be easier and safer to call it C1, sure. Would it be more beneficial for the city of Faribault to have it C2, absolutely. How? It keeps the property from being underutilized and allows the current owner to grow and expand. Which keeps historic buildings and property in use, while generating a commercial need that is pointed out in vision to 2040. On top of that it brings in outside zip codes to this great city. Outside zip codes means more sales tax and more importantly increased sales for other local businesses. Lets not forget property tax increases as the entire block was exempt.

How is this application different? This property will always have restrictions on it through Survivorship deed. Which takes away some of the permitted uses through C2. It is positioned to be an amazing property to the community. With a 80% walkability score already, we can crank that up all the way to the CBD. Which again is a huge asset for the community and city.

Being located right off Division we have C2 districts against residential to the East and West. Just South and North of us we also have C2 surrounded by Residential and some institutional.

Division runs right into hwy 48 & 60 which fits the purpose and use of C2. Even better, we are so close to downtown which initiates more traffic. Has this route been done before? Yes. Do we fill a need? Yes. Is the community supportive? Yes. Have we put in the work? 3 work sessions and several meetings with staff, I think so.

My size and site plan dont change as previously submitted. We just want to make sure we are zoned to benefit the community and ourselves to the fullest. I invested almost a million dollars into this, bank on me succeeding and not worried about the next owner. At the end of the day the community's best interest and safety are top priority. We bring down utilities and current traffic while providing an amazing service all cities would love to have. Much needed improvements to an entire city block will soon be underway. A jump for the local economy will follow soon after. We are ready for this. The city of Faribault is ready for this. Lets make our 60 day deadline and keep this future staple of the town moving forward.

Thank you for your time,
Corey Newby

From: corey newby <coreynewby@gmail.com>
Sent: Monday, March 4, 2024 8:21 AM
To: Harry Davis <hdavis@ci.faribault.mn.us>
Subject: New Options

Morning Harry, I'll give you a call later this morning/afternoon as well, but wanted to get this over right away.

We talked about the differences and options of zone C1 & C2. Going through the Code of Ordinance I fit both. I see why C1 is a good option from a city's standpoint. More restricted and would make for potential CUP's for your guys legal standpoint it a safer bet. For me I could make it work, but it wont fully allow me to serve the community or grow the way I'd like too.

I would like to do what we talked about but go in as C2 over C1. I need to do what's best for my business which in return will be what's best for Faribault.

My location off Division running into hwy 60 and hwy 48 fits in with the purpose of C2. My uses align more with C2 over C1. This property has legal restrictions already put on it to protect the City from what goes in space. It has been done new and old in the city, Ive attached some zoning map images for reference.

I'll give you a call later today. I want to go in as C2 tho.

Legal side of it points

- It has been done past & present
- Community wants it
- City Council has publicly said they want it

I dont think its anymore work which zone we do and I have faith in you we can still hit the 60 day shot clock.

Let's get this wrapped up and off your plate.

From: corey newby <coreynewby@gmail.com>

Sent: Sunday, March 10, 2024 12:50 PM

To: Harry Davis <hdavis@ci.faribault.mn.us>; David Wanberg <dwanberg@ci.faribault.mn.us>; Peter Waldock <pwaldock@ci.faribault.mn.us>; Kari Casper <kcasper@ci.faribault.mn.us>

Subject: Urban Flea Market

Afternoon guys,

I wanted to get the whole team together on this one. I know city staff aren't in support of C2. I know it's just a recommendation and the council could still approve C2. It's really important for me to have your guys' support. I'm going to be putting a lot of sweat equity into this property. Even more important, we need to put sweat equity into each other. This is a relationship that is going to last for years to come and needs to be built on trust, respect, honor and harmony.

It might require some hard work to get this done. That's what makes it great, if it was easy everyone would do it. My father was diagnosed with dementia in his late 50's; it eventually took his life at 68. Last few years were the worst, explaining to my 5 year old why grandpa was scared of him, that was some hard shit. Business is easy in the scope of things. You do hard things and it makes life a little easier. I feel so passionate about this property and know great things will come from the hard work put in.

I want us to be able to get to the same place. Urban Flea Markets success on the property is in the best interest of the community. At the end of the day that's what it comes down to: what is the best for the community?

It has been said everyone agrees my business is a great fit for the location. It's the, what if, that is the issue. What happens if I sell or Urban Flea Market doesn't succeed. We can't go off of what if. It's not fair to me, we have to look at the opportunity at hand. The present is the future, with thought it's the beginning of creativity which creates the future. If I'm allowed to grow and not as many restrictions the future is good, not what if. Bank on my success not what if. Lets put in the work, build a relationship and do some good for this great city.

I've attached my narrative and some supporting documents. I do appreciate all the time and energy I have been getting. I want to get this locked down so I can get to work.

Thank you,
Corey Newby

Touching base on Comp Plan

Journey to 2040: Comprehensive Plan

- Foreword
- 1 Introduction
- 2 Community Profile
- 3 Built Assets - **Do I have a Built Asset?**
- 4 Economic Assets - **Will I create an economic asset?**
- 5 Human Assets - **Will I help with access to goods and needs of the community?**
- 6 Social Assets
- 7 Natural Assets - **Will I harm it in any way?**
- 8 Strategic Development Areas - **Is my property an area that needs some strategic fixing?**
- 9 Implementation - **?**

At the end of the day the community's best interest is what matters. Will I negatively impact anything? Will I fill a need? What negatives are there and do they out way the positives?

Legal aspect of rezoning to C2

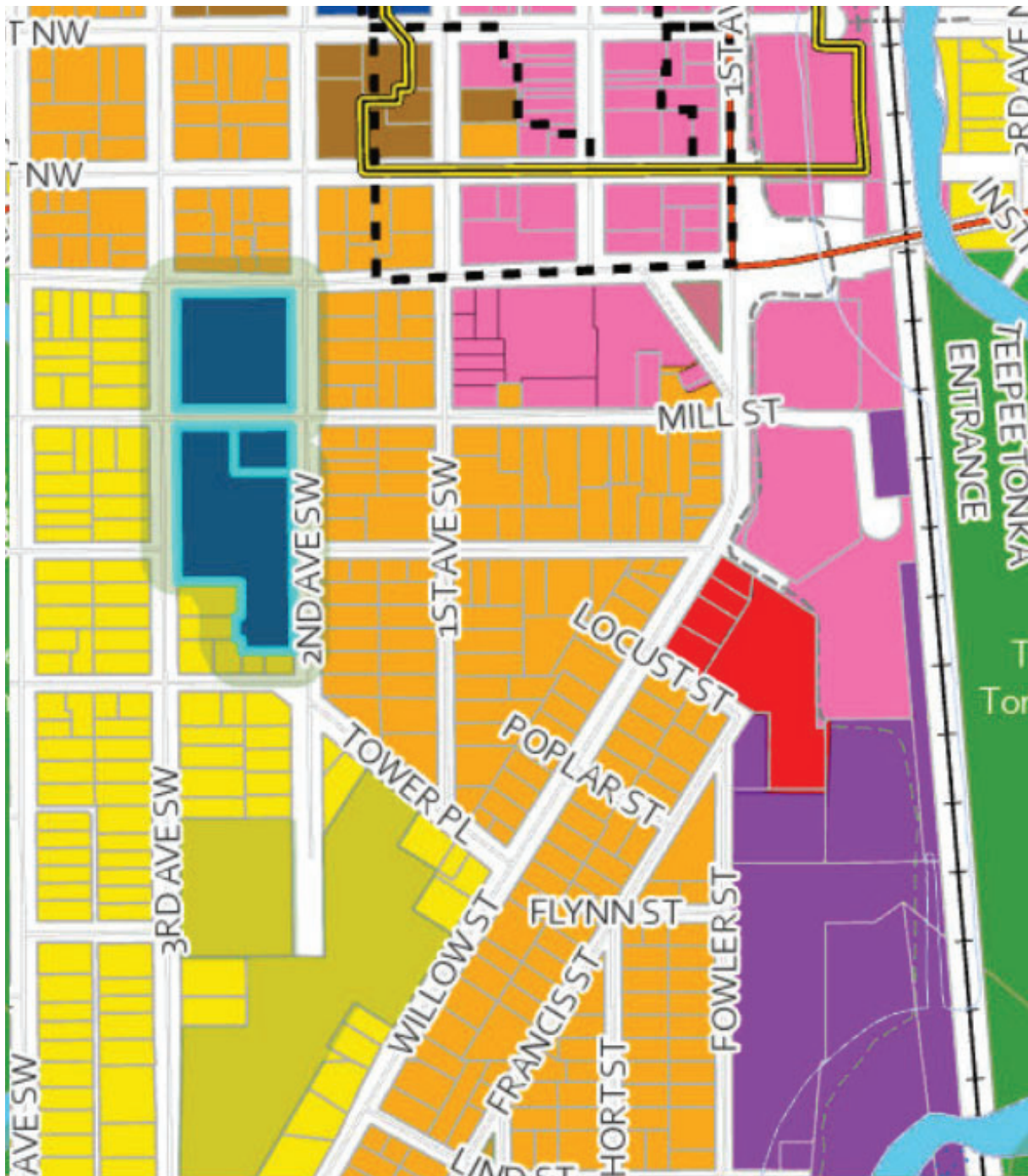
- This zoning has been done past and present
- Business location fits the purpose
- Business model fits the use
- Little to no impact to neighbor hood
- Community has responded greatly
- City Council seems excited for it
- We meet vision to 2040 plan

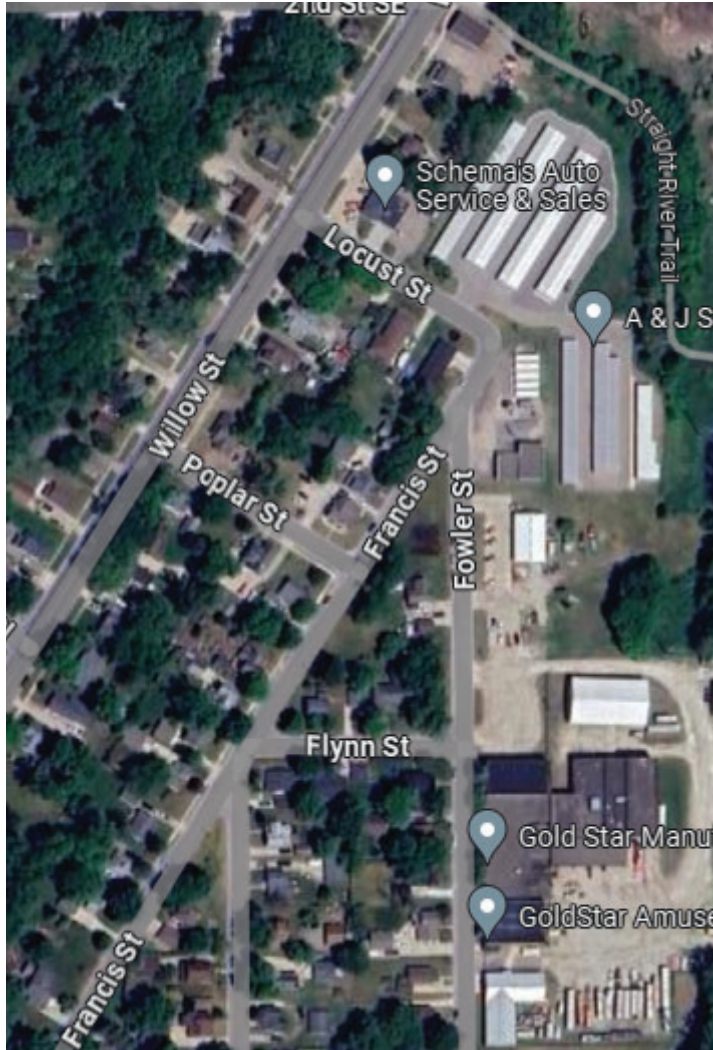
Last but extra important. Core Values - We align

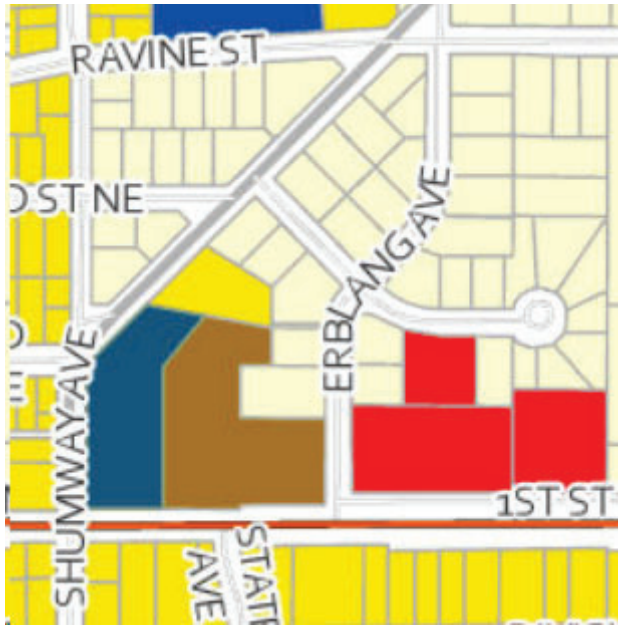
Core Guiding Principles

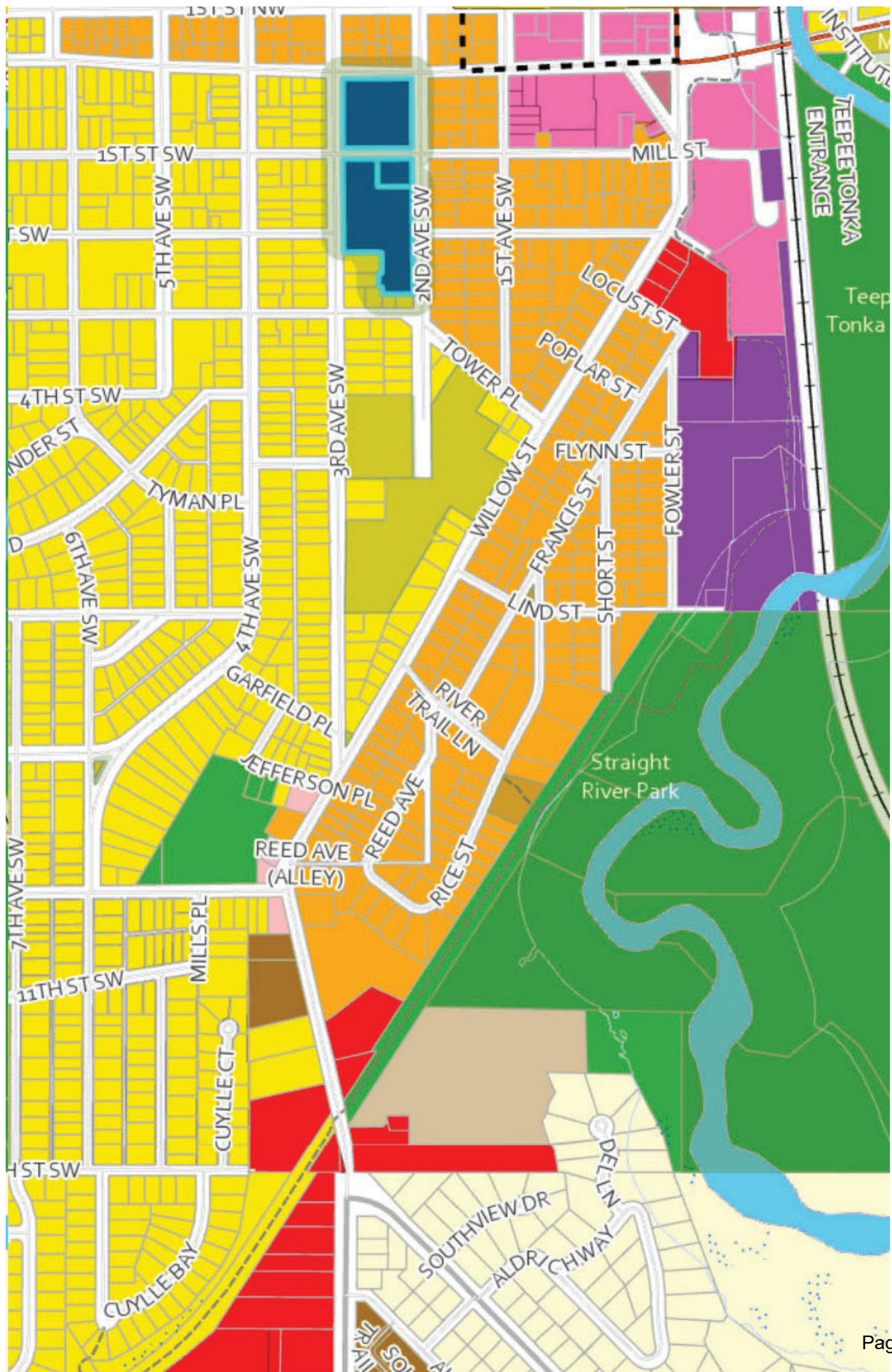
1. Foster a strong sense of community among all people and constituencies in Faribault. Ensure that each individual and constituency feels welcomed, respected, and included in the community. Support opportunities for all people to share their talents and gifts in ways that strengthen the community. Continue to promote opportunities to celebrate and publicize our strong sense of community.
2. Identify, protect, enhance, and celebrate our iconic and historic sites and architecture as well as our significant natural areas, which define our sense of place. People know Faribault for its historic downtown, institutions, residences, and industries. They also know Faribault for its beautiful natural areas, including its rivers, bluffs, parks, and nearby lakes. Protect and celebrate the special aspects of the community that define our unique sense of place.
3. Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed. Ensure that community plans, ordinances, and services are in the best interest of the community and that they do not needlessly discourage or hinder others from succeeding in their endeavors to better their situation and the community. Work with others to ensure that the community continues to offer quality education and additional opportunities for growth, enrichment, and success.
4. Encourage innovation, creativity, flexibility, and openness to new ideas and positive change in all sectors of the community. Recognize that we cannot solve today's challenges using yesterday's solutions. Be open to new ways of thinking and new opportunities to strengthen our economy, protect our environment, and enhance our quality of life.
5. Strive for excellence in all sectors of the community. Inspire a strong sense of community pride that encourages the public and private sectors to strive for excellence in all they do. Do not settle for being good enough. Focus on excellence.

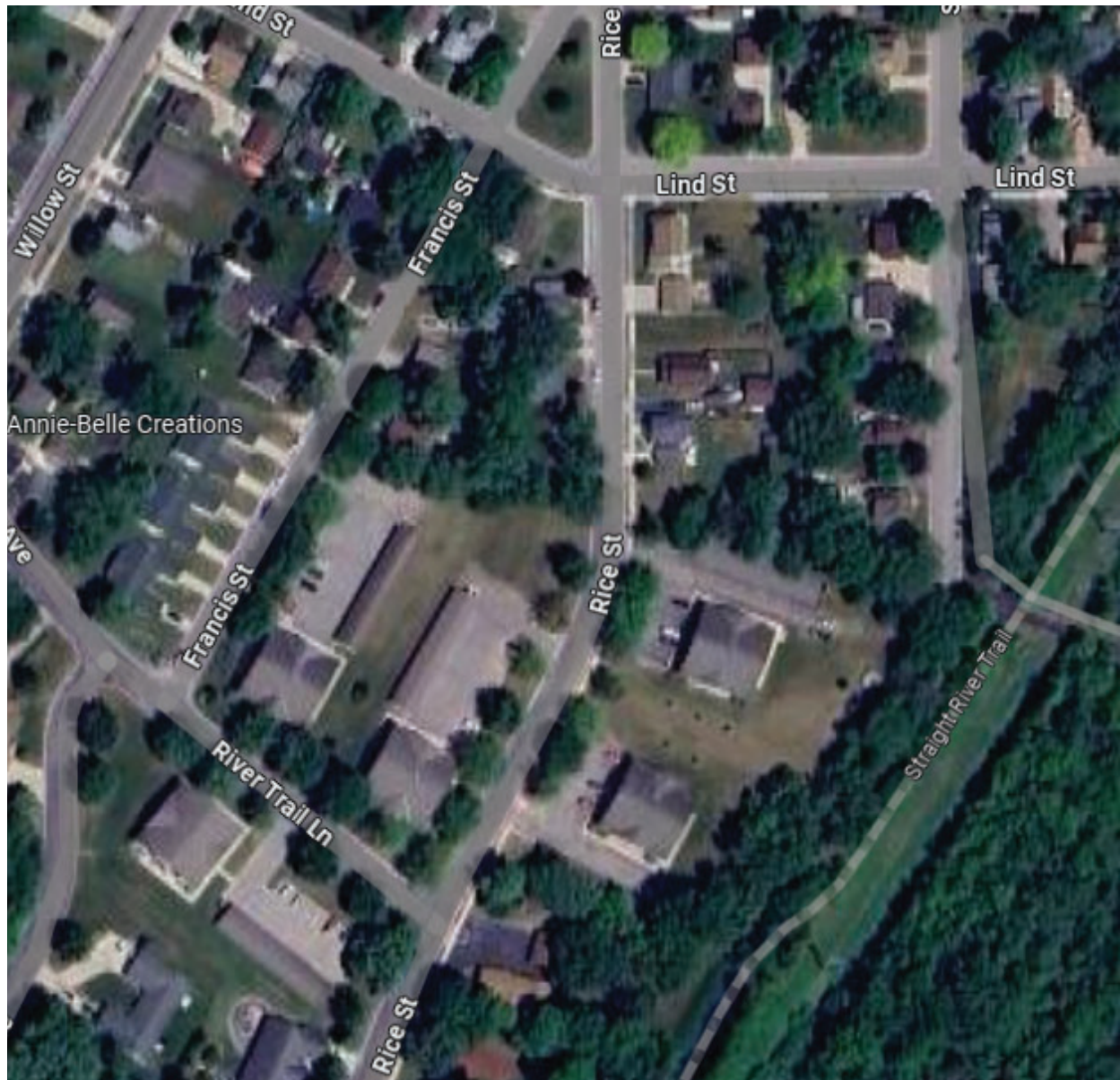
Below are properties of the City's zoning map that are in similar areas. Some right by my property.(on the same street) I've also included new developments to show what has been done in the past and present. I've also added google street view to show homes and if/any disruption visually from C2 properties.

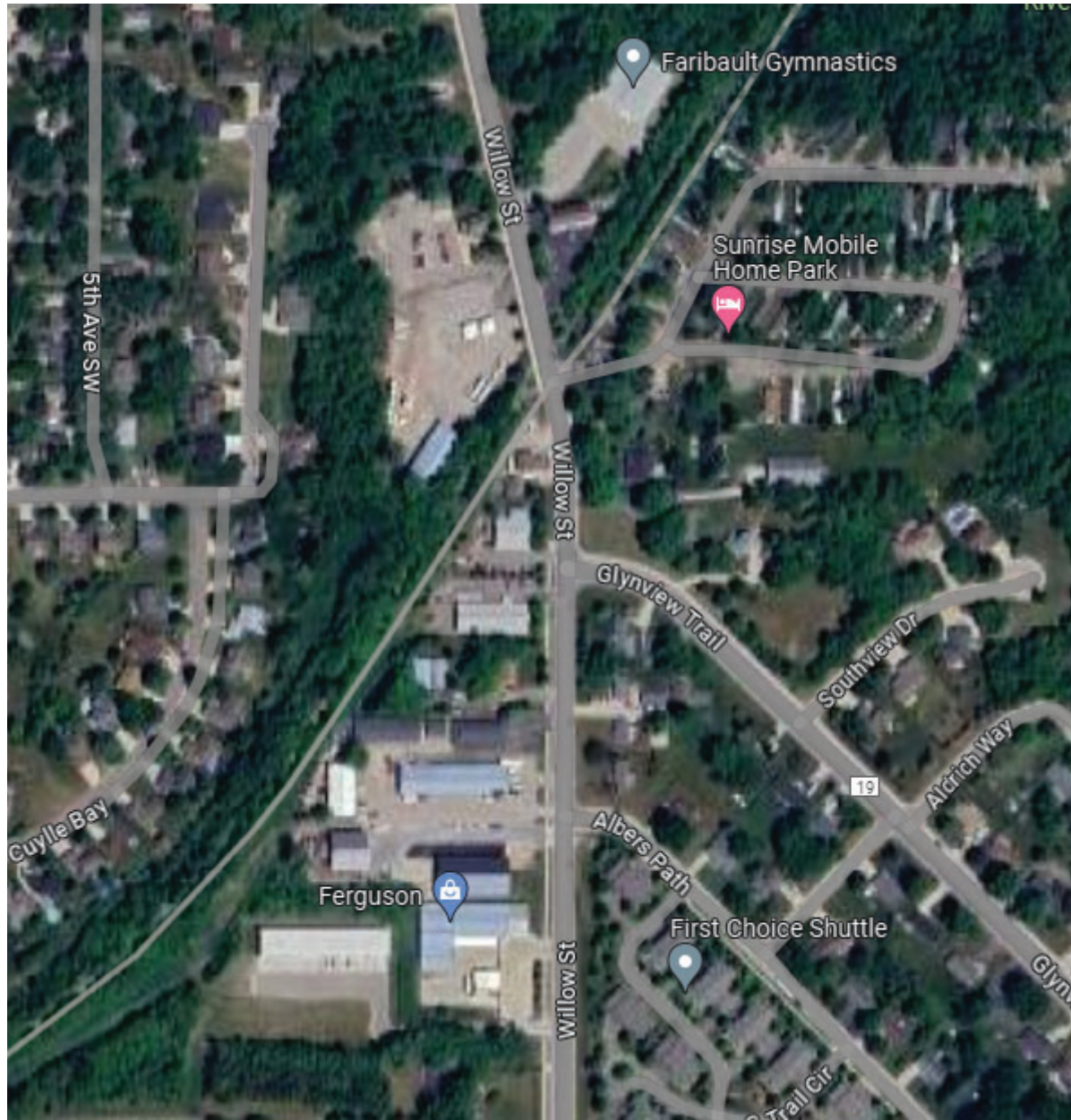


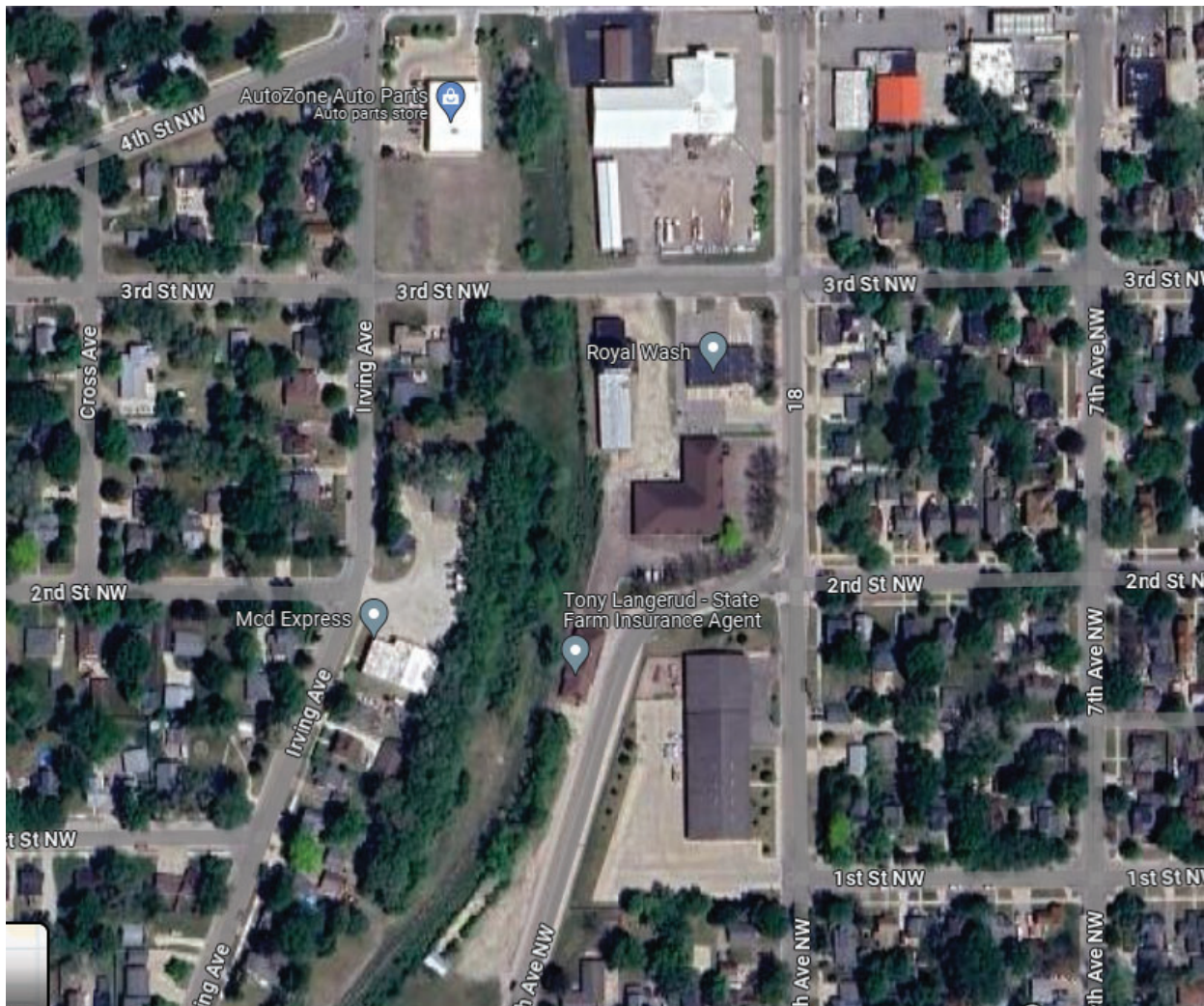
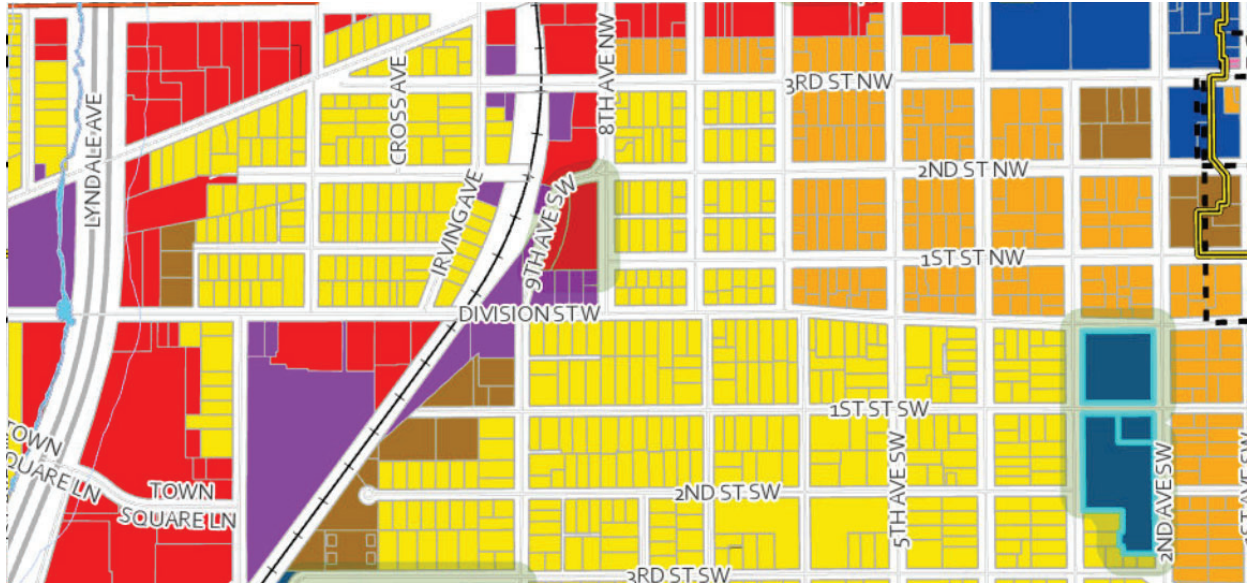


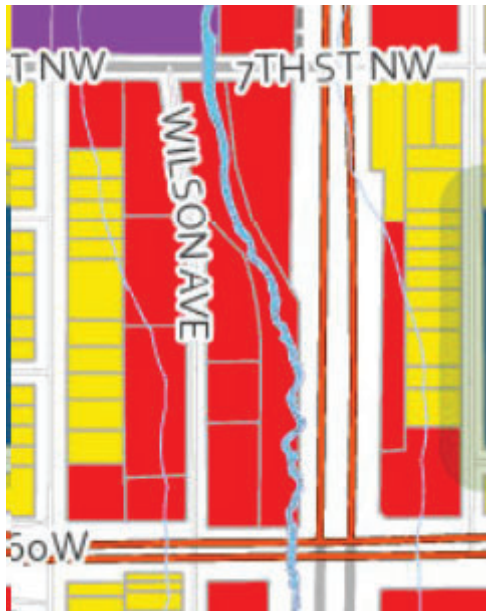


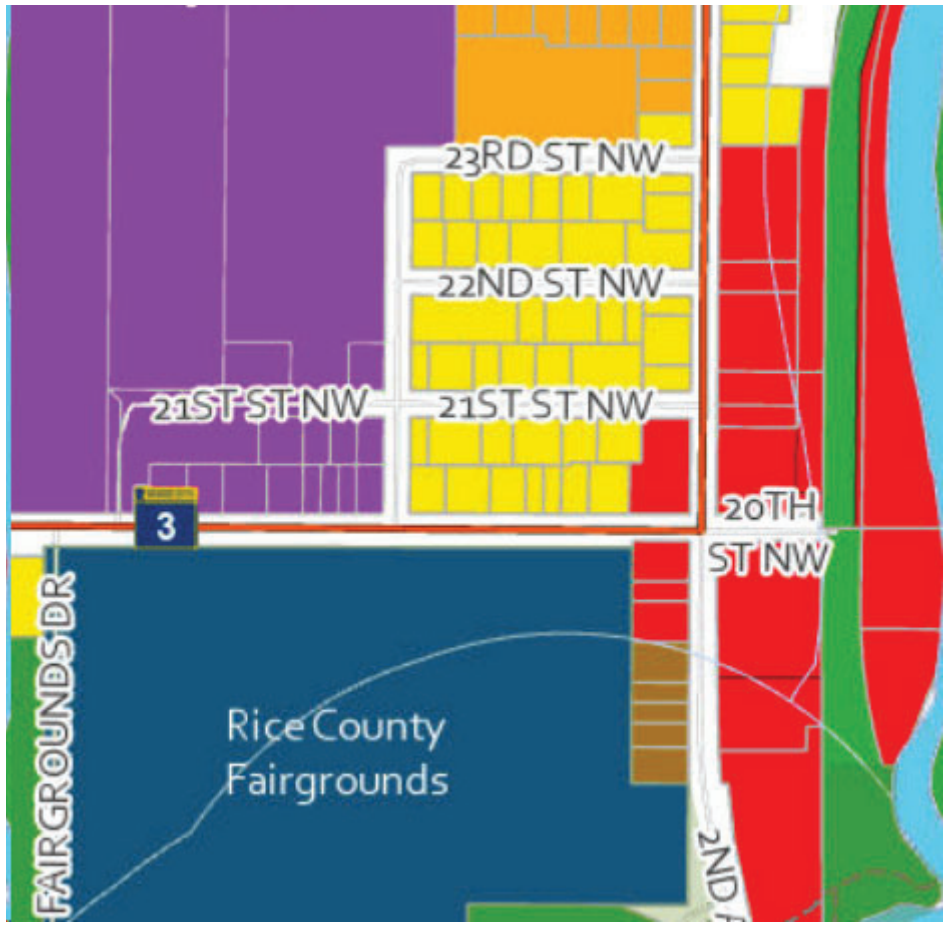




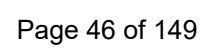
















APPLICATION FOR REQUESTED ACTION
Rezoning/Text Amendment

Planning Case # _____
Filing Fee _____
Hearing Date _____

TO BE FILLED OUT BY ALL APPLICANTS

TYPE OF REQUEST: _____ X _____ REZONING _____ TEXT AMENDMENT

APPLICANT Corey Newby E-MAIL coreynewby@gmail.com

PHONE 952-460-0055 (H) _____ (W) _____ (FAX) _____

ADDRESS 15 3rd Ave SW, Faribault, MN 55021

REZONING

Legal Description Lot Block 4 of SOUTHERN ADD Size of Property 2 acres

Current Zoning Institutional Proposed Zoning C2

Existing Use of Property School/church Proposed Use of Property Commercial

Identify All Adjacent Land Uses R3/Institutional

Reason for Request Property can no longer be used for institutional.

REQUIRED SUBMITTALS:

- ☐ Boundary survey of the property
- ☐ Concept development plan

=====

TEXT AMENDMENTS

A detailed written summary fully explaining the proposed amendment to the ordinance which should include the following:

- ☐ Specific section of City Code to be amended
- ☐ List of the specific changes being proposed
- ☐ Specific reasons for the requested amendment
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- ☐ Impacts of the proposed amendment on those affected by it
- ☐ Relationship of the proposed amendment to community plans

SIGNATURE OF APPLICANT  **DATE** 3/4/2024
(Must submit proof of property control)

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.

Fits Sec. 11-230. - Purpose.

It is located adjacent to a major arterial roadway that provides highway access and exposure. (hwy60 & 48 and division)

Has little or no adverse impact on uses in the area.

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

Provides a needed service for the area

Preserves a piece of Faribault history

Community has approved

Other small business will improve as a result

(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.

Physical assets can withstand the use. The traffic and utilities will go down. Will be no negative impact on the current area. In between Hwy 48 and Hwy 60 right off division makes it a perfect C2 area.

(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.

The current zoning no longer fits. Survivorship deed states no school/church/clinic shall take place on 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)

Growth of the city has made a need for more retail and easier access for goods, as stated in Comp Plan. Needs to be lots of work done to keep property from disarray.

Here is a list of all permitted uses in C2 that's not allowed in C1. Green Highlights are ones I could see doing down the road. Red are ones not allowed per survivorship deeds. Purple are most likely government uses. Yellow could go against survivorship deeds depending on what.

Permitted C2 Not C1

Ambulance facility
Antiques and collectibles
Bank or financial institution
Boat and marine sales
Building material sales
Child care center
Firearms dealer
Funeral home
Greenhouse, lawn and garden supplies
Grocery or convenience store
Laundry, self-service
Pawn shop
Performing, visual, or martial arts school
Pet store
Recreational vehicle sales and service
Rental of household goods and equipment
Shopping center
Small engine repair
Tattoo parlor
Veterinary clinic
Offices
Automobile convenience facility
Automobile rental
Automobile repair, minor
Automobile sales
Car wash
Bar, nightclub, liquor establishment
Liquor store
Restaurant
Bowling alley
Hotel, motel
Indoor recreational facility
Theater, indoor
College or university
Early childhood education center
Schools, vocational or business
Clubs and lodges
Community center
Library
Museum

Laboratory, medical or dental

Massage parlor

Farm and construction equipment sales

Craftsman studios

Limited production and processing up to 2,500 sq. ft

Contractor office and showroom

Furniture moving and storage

Industrial machinery and equipment, sales, service, and rental

Laundry, commercial

Packaging of finished goods

Printing and publishing

Self-service storage facility

Wholesaling, warehousing, and distribution

Electric or gas substation

Governmental buildings and structures

Public utility buildings and structures

The majority of the unhighlighted ones would not be able to open as they would not meet the guidelines in **Sec. 11-250. - General district regulations. & Sec. 11-260. - Enclosed building requirement.**

Sec. 11-280. - Maximum height.

Sec. 11-290. - Maximum ground coverage.

Sec. 11-300. - Truck and commercial vehicle parking for non-residential uses.

Would make it very hard for larger new businesses to move in as well. This property was made for me and fits C2.

Would the other listed properties really be out of place or make a major impact?

Sec. 11-230. - Purpose. I fit the purpose

- I'm located near major highway
 - .24 miles from Hwy 60
 - .85 miles from Hwy48
 - On Division
 - 320 Ft from CBD
 - I would consider 2nd st a main one coming in and out.
- I fill a need not just for neighboring community but entire city
 - Be able to provide a wide range of service
 - Retail
 - Office
 - Community Events

- Employment

- I create little to no impact on the surrounding area.

The purpose of the highway commercial district is to provide for a wide range of vehicle-oriented commercial uses, with emphasis on wholesale and bulk sales, convenience shopping and food, automobile services, motels, and other activities related to highway traffic. The highway commercial district may also accommodate limited production and processing uses that complement uses in the area or that have little or no adverse impact on uses in the area. Such district shall be located adjacent to a major arterial roadway that provides highway access and exposure.

CITY OF FARIBAULT

RESOLUTION #2024-XXX

APPROVE A COMPREHENSIVE PLAN AMENDMENT FOR A CHANGE OF LAND USE MAP DESIGNATION AT 15 3RD AVE SW

WHEREAS, Corey Newby (the “Applicant” and “Owner”) requests a comprehensive plan amendment to change the guided land use of 15 3rd Ave SW, from Institutional to Commercial, depicted and legally described as BLOCK 4 OF SOUTHERN ADDITION; and

WHEREAS, the Applicant, in a separate application, requests a rezoning map amendment facilitating the Applicant’s concept plan to use the subject property for a retail storefront and online auction business; and

WHEREAS, the current occupant and former owner, Divine Mercy, plans to vacate and cease all institutional uses of the subject property; and

WHEREAS, the property is surrounded on almost all sides by single-family uses within the Existing Residential Neighborhood land use designation, with the exception of Bethlehem Academy designated Institutional to the south; and

WHEREAS, the subject property is suitable for both commercial and residential uses compatible with the neighborhood; and

WHEREAS, the applicant requests changing the comprehensive plan land use map designation of the subject property from Institutional to Commercial, facilitating the associated rezoning request and the intended use of the property; and

WHEREAS, City Staff made a report to the Planning Commission and recommended amending the Applicant’s requested comprehensive plan amendment to guide the subject property for Commercial/Residential Mix instead, reflecting the predominantly residential context, facilitating commercial use of the property, and offering the applicant or a future owner of the property flexibility for developing residential uses on the property; and

WHEREAS, the Planning Commission, on March 18, 2022, following proper notice, held a public hearing to review the request, listen to public comments, and make a recommendation to the City Council regarding the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the amended comprehensive plan amendment request to guide the subject property for Commercial/Residential Mix based on the following written findings:

1. **Criteria: The comprehensive plan amendment review process provided adequate opportunity for public review and comment of the requested amendment.**

Finding: The comprehensive plan amendment review process provided adequate opportunity for public review and comment of the requested amendment. City staff posted a notice in the newspaper and mailed notices to all property owners within 350 feet of the subject property. In addition to the required public notices, the Applicant sent separate letters to adjacent property owners; and

2. **Criteria: Approval of the requested amendment is in the best interest of the community's general health, safety, and welfare.**

Finding: Approval of the requested amendment is in the best interest of the community's general health, safety, and welfare. The amendment will allow for continued use and investment of the property following a long, to-be-discontinued history of institutional use; and

3. **Criteria: The amendment has a minimal or non-existent adverse impact on adjacent properties, transportation, utilities, natural features, and other significant aspects of the community.**

Finding: The existing and proposed infrastructure, including sanitary sewer, water, stormwater, and transportation, associated with the subject property are suitable for a mix of commercial or residential uses. Staff anticipates minimal impact to natural features or historic significance and character of the National Register building located on-site; and

WHEREAS, the City Council held a public meeting on XXXX XX, 2024, to consider the Applicant's comprehensive plan amendment request; and

WHEREAS, based on the City Staff report, the results of the public hearing,

and the written findings of the Planning Commission, the City Council concurs with the written findings of the Planning Commission and makes 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. Where applicable, the recitals and exhibits incorporated in this resolution constitute the written findings of the City Council.

Section 2: Amendment. The City Council hereby amends the comprehensive plan to guide the subject property described in the above recitals and depicted in Exhibit A for Commercial/Residential Mix.

Section 3: Change to the Official Land Use Plan. The official land use plan, which is part of the City of Faribault comprehensive plan, shall not be republished to show the approved comprehensive plan amendment. Still, the City Planner shall appropriately mark the official land use plan on file with the City Planning and Zoning Division to indicate the amendment.

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

Section 5: Effective Date. This resolution is effective immediately upon its passage and without publication.

Date Adopted: XXXX XX, 2024

Faribault City Council

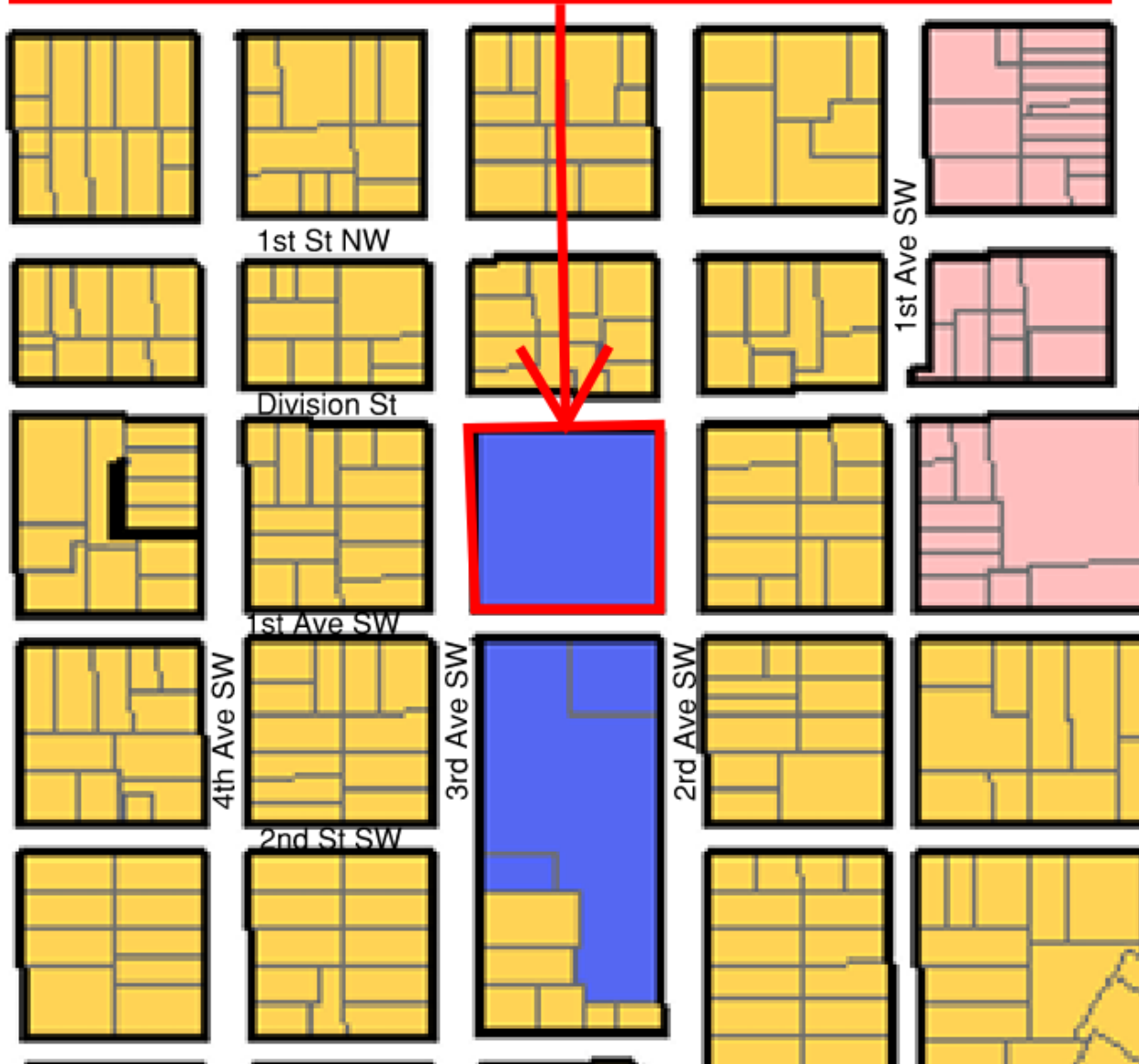
Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A
Comprehensive Plan Land Use Map Designation Diagram

Proposed Commercial/Residential Mix



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

APPROVE A ZONING MAP AMENDMENT FOR 15 3RD AVE SW

WHEREAS, Corey Newby (the “Applicant” and “Owner”) requests a zoning map amendment changing the zoning district of property at 15 3rd Ave SW, from P-I, Public Institutional to C-2, Highway Commercial, depicted and legally described as BLOCK 4 OF SOUTHERN ADDITION; and

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

WHEREAS, the Planning Commission, on March 18, 2024, 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 recommends denial of the Applicant’s request to rezone the property from P-I, Public Institutional to C-2, Highway Commercial, per the following findings as required for any zoning amendment 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: A comprehensive plan amendment is associated with this rezoning request. The applicant’s requested land use map amendment in the comprehensive plan is from Institutional to Commercial, which the associated zoning map amendment application requesting C-2 will be consistent with this designation. If the associated land use map amendment is adopted as Commercial/Residential Mix instead of Commercial, C-2 will also be consistent with this designation.

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

Finding: The continued use of the subject property is in the public interest and not solely for the benefit of the property owner. The subject property has a National Register building and a larger institutional building that make sense for adaptive reuse instead of demolition. Having an active owner and tenant for the property will likely result in further investment in the existing buildings, preserving their established character within the neighborhood. The City is supportive of finding a compatible use for the property and sees a less-intense retail business as a reasonable suitor for taking over. However, the amount of uses in C-2 that are incompatible within the existing context tip the scales towards this zoning map amendment being contrary to the public interest. The flexibility of uses allowed in C-2 are a clear benefit for the property owner without adequate protections for neighbors and therefore against the public benefit and interest.

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: All the adjacent blocks, aside from the adjacent southern block for Bethlehem Academy, are low-to-medium density residential. Some, if not all, of the uses allowed by-right in C-2 are incompatible with the surrounding context of the subject property. Additionally, any survivorship deed placed on the subject property is a private agreement and not a public or zoning restriction on the property, which does not provide sufficient guarantees for the city or neighbors, as the city does not enforce a private agreement or covenant. While there are examples in Faribault of commercial found adjacent to a residential neighborhood, nearly all applicable or similar examples to the applicant's request have commercial properties abutting a major transportation or commercial corridor. C-2 zoning and development can be a buffer protecting adjacent residential uses from a transportation corridor, but the C-2 also restricts commercial development from reaching too far into a neighborhood. While both Lyndale Avenue and Division Street are Minor Arterials, they are vastly different today in terms of built functionality and uses found along either corridor. C-2 zoning on the subject property is inappropriate without additional commercial context and character in the neighborhood.

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 current P-I zoning of the subject property is intended for institutional uses, which is highly unlikely to continue happening on this property going into the future. The list of conditional uses allowed in P-I does not allow a great deal of flexibility for uses aside from institutional or institutionally-adjacent uses.

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 current use of the property as institutional is changing, regardless of a change in zoning, and the zoning of the property should allow for some use of the property. Commercial on the subject property can make sense, but not to the degree allowed by C-2. The largely low-to-medium density residential adjacent to the subject property, including those across Division St, are not shifting away to commercial uses and no new or proposed developments within the neighborhood fit within development character allowed by C-2 zoning restrictions. There is currently not a trend or significant development pressure along the Division Street corridor to shift away from residential uses to commercial uses found along major routes through Faribault, like Lyndale Avenue or Highway 60. Additionally, Division Street is currently not constructed to handle traffic associated with a commercial corridor, like the aforementioned corridors above, which impact people's perception of uses and character along this part of Division Street.

WHEREAS, based on a review of the City Staff report and the results of the public hearing, the Planning Commission recommends approval of altering the Applicant's request to rezone the property from P-I, Public Institutional to C-1, Neighborhood Commercial, per the following findings as required for any zoning amendment 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: A comprehensive plan amendment is associated with this rezoning request. The applicant's requested land use map amendment in the comprehensive plan is from Institutional to Commercial, which the requested C-1 will be consistent with this designation. If the associated land use map amendment is adopted as Commercial/Residential Mix instead of Commercial, C-1 will also be consistent with this designation.

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

Finding: The continued use of the subject property is in the public interest and not solely for the benefit of the property owner. The subject property has a National Register building and a larger institutional building that make sense for adaptive reuse instead of demolition. Having an active owner and tenant for the property will likely result in further investment in the existing buildings, preserving their established character within the neighborhood. The City is supportive of finding a compatible use for the property and sees a less-intense retail business as a reasonable suitor for taking over. The limited scope of uses in C-1, Neighborhood Commercial ensure compatibility with adjacent properties while the core part of the applicant's business, general retail, is allowed by-right.

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: All the adjacent blocks, aside from the adjacent southern block for Bethlehem Academy, are low-to-medium density residential. The uses and intent of the C-1 zoning district are purpose-built for the subject property's context. There are examples in Faribault of C-1 commercial found within and on the edge of neighborhoods along major routes such as Highway 60/1st St NE and 5th Ave NE, 11th St NW and 2nd Ave NW, and 10th St SW and Willow St.

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 current P-I zoning of the subject property is intended for institutional uses, which is highly unlikely to continue happening on

this property going into the future. The list of conditional uses allowed in P-I does not allow a great deal of flexibility for uses aside from institutional or institutionally-adjacent uses.

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 current use of the property as institutional is changing, regardless of a change in zoning, and the zoning of the property should allow for some use of the property. Commercial on the subject property can make sense, and the uses allowed in C-1 are not a drastic deviation away from general character and development of the neighborhood. Even if the entire site were demolished and the property rebuilt from scratch, the resulting hypothetical redevelopment would be small and compatible with the neighborhood.

WHEREAS, the City Council conducted the first reading of this ordinance on XXXX XX, 2024, and the second reading of this ordinance on XXXX XX, 2024; and

WHEREAS, based on 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; and

WHEREAS, pursuant to Minn. Stat. § 462.357, the City Council may by ordinance amend the zoning ordinance and zoning district boundaries, as depicted on an adopted zoning map; and

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. Findings and Incorporation of Recitals and Exhibits. The recitals and exhibits in this ordinance and attached exhibits are incorporated into this ordinance, and, where applicable, constitute Faribault City Council's findings.

Section 2. Amendment. The Official Zoning Map of the City of Faribault is hereby amended to rezone the subject property legally described above and graphically depicted in Exhibit A, to C-1, Neighborhood Commercial. The

effective date of the rezoning shall be as outlined in Section 5 of this resolution.

Section 3. Official Zoning Map. The Official Zoning Map of the City of Faribault shall not be re-published to show the aforesaid rezoning, but the City Planner shall appropriately mark the Official Zoning Map on file with the Department of Community and Economic Development for the purpose of indicating the rezoning.

Section 4. 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 5. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter.

First Reading: XXXX XX, 2024

Second Reading: XXXX XX, 2024

Publication Date: XXXX XX, 2024

Faribault City Council

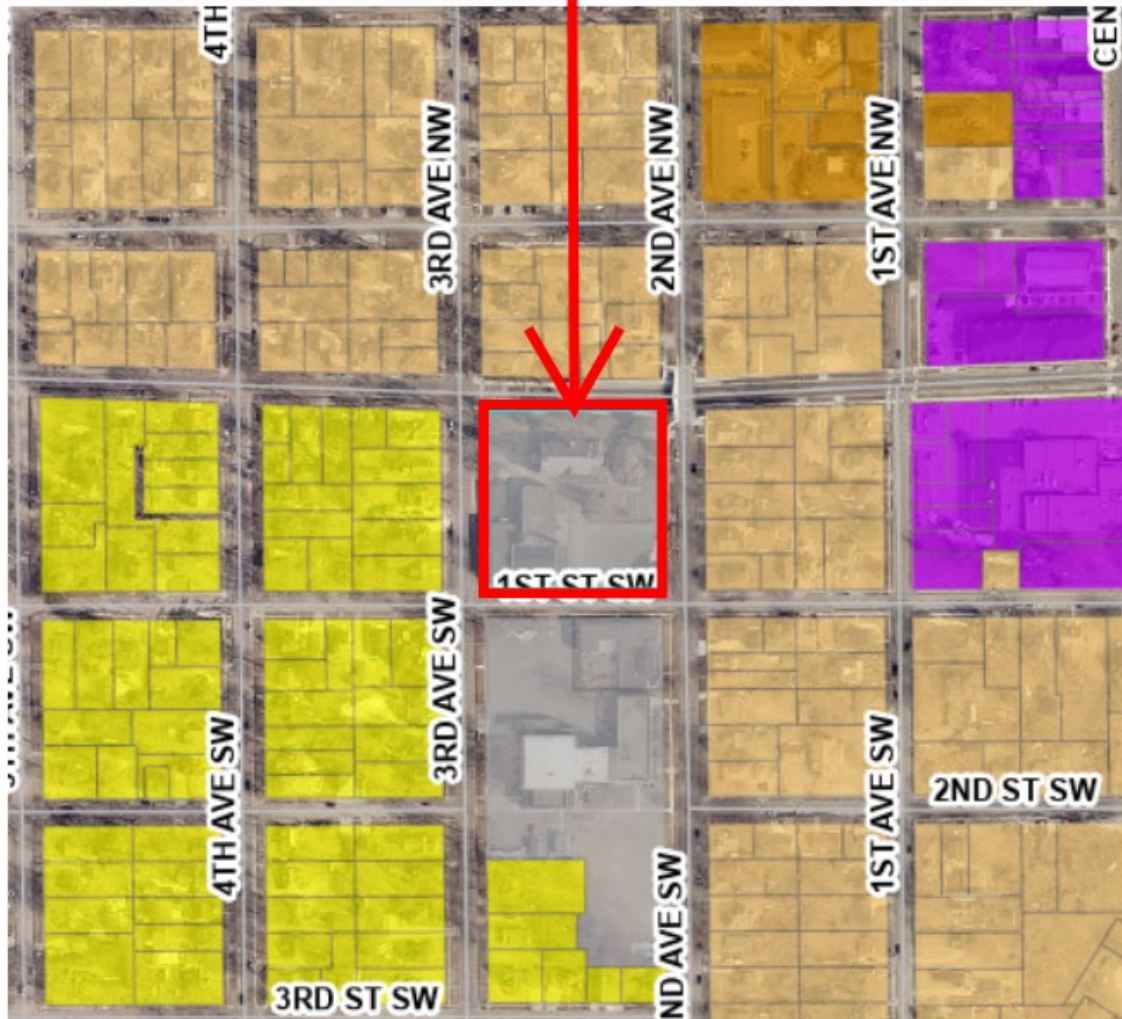
Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A
Zoning Map Amendment Diagram

Proposed C-1, Neighborhood Commercial





REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, Community & Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: March 18, 2024
SUBJECT: Applications Related to an Expansion of the C&S Vending Company Building at 1919 2nd Street NW as Follows:

Background:

Sun Companies Properties Management, Rick Amundson, and RSA Properties LLC (the complete Applicant/Owner/Developer team) requests a comprehensive plan amendment, zoning map amendment, easement vacation, preliminary and final plat, and a variance at 1919 2nd St NW, northeast of the intersection between 4th St NW and 20th Ave NW.

The comprehensive plan amendment proposes shifting the land use map designation for the subject property from Commercial/Residential Mix to Commercial/Industrial Mix. The zoning map amendment proposed shifting the subject property from R-4, High Density residential to I-1, Light industrial. The easement vacation is to remove part of a drainage and utility easement impeding a proposed building expansion. The preliminary and final plat propose adjusting all the property owned by the development team into one lot. The variance request is for a 35-foot variance to a 50-foot building setback.

The DRC and City Planner recommend in favor of all the applications, except the variance. Please see the attached reports, draft resolutions, and draft ordinances for further information and discussion.

Recommendation:

The DRC and City Planner recommend Planning Commission forward the following to City Council:

1. Approval of the comprehensive plan amendment.

2. Approval of the zoning map amendment.
3. Approval of the easement vacation.
4. Approval of the preliminary and final plat.
5. Denial of the requested setback variance.

These recommendations are based on the findings and conditions in the attached draft ordinances and resolutions.

If the Planning Commission finds in favor of the requested variance, the City Planner recommends Commissioners provide staff with findings in favor of the request for each required criteria and continue discussion on only the variance request to the next Planning Commission meeting on April 1, 2024.

Attachments:



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: Harry Davis, City Planner
FROM: Peter Waldock, Planning and Zoning Coordinator
MEETING DATE: March 18, 2024
SUBJECT: i. Applications for Comprehensive Plan Amendment to Re-guide Property to Commercial/Industrial Mixed Use and Rezone to I-1, Light Industrial District

Background:

This memo pertains to Sun Companies Properties Management LLC requests for a comprehensive plan amendment and zoning map amendment, at 1919 2nd St NW, northeast of the intersection between 4th St NW and 20th Ave NW.

The comprehensive plan amendment proposes shifting the land use map designation for the subject property from Commercial/Residential Mix to Commercial/Industrial Mix. The zoning map amendment proposed shifting the subject property from R-4, High Density residential to I-1, Light industrial. Additional reports will address the remaining application by Sun Companies Properties Management LLC related to the proposed industrial expansion of the C&S Vending building.

The DRC and City Planner recommend in favor of all the applications, except the variance. Please see the attached reports, draft resolutions, and draft ordinances for further information and discussion.

Recommendation:

- 1) Approve findings in support of the proposed comprehensive plan amendment as provided in the draft resolution and recommend that City Council approve of this request.
- 2) Approve findings in support of the proposed rezoning application as provided in the draft ordinance and recommend that City Council approve the ordinance as proposed.

Attachments:

Agenda Item: 3.B

1. Draft Resolution to Approve Comprehensive Plan Amendment - 1900 Block of 4th St NW
2. Draft Ordinance to Rezone the North Side of the 1900 Block of 4th Street NW to I-1 1st Reading

CITY OF FARIBAULT

RESOLUTION #2024-_____

APPROVE A COMPREHENSIVE PLAN AMENDMENT TO GUIDE CERTAIN PROPERTIES ALONG THE NORTH SIDE OF THE 1900 BLOCK OF 4TH STREET NW FOR COMMERCIAL / INDUSTRIAL MIXED-USE

WHEREAS, Rick Amundson (the Applicant), on behalf of Sun Companies Property Management LLC and Scott and Therese Amundson (together the "Owners"), has requested a comprehensive plan amendment to change the guided land use in the 1900 block east of 20th Avenue NW, between 2nd Street NW and 4th Street NW including the following PID #'s 1836253001; 1836253003; 1836275023; 1836275024; 1836275025, and; 1836275027; from residential/commercial mixed-use to commercial/industrial mixed-use; and

WHEREAS, the south portion of 1919 2nd Street NW is defined in a separate preliminary and final plat request from the Applicant; and

WHEREAS, the properties described in the above recitals and graphically depicted in Exhibit A are hereinafter referred to as the subject property; and

WHEREAS, the Applicant, in separate applications, also requested rezoning preliminary and final plat approvals that, collectively with the Applicant's comprehensive plan amendment request, would facilitate the Applicant's plan for the expansion of the C & S Vending building at 1919 2nd Street NW; and

WHEREAS, the requested commercial/industrial mixed-use designation in this application revises a portion of a previous comprehensive plan amendment approved by Resolution 2022-044, on February 22, 2022, at the subject site, but does not include PID # 18362750291920 (1920 4th St NW) and PID # 1836253002; and

WHEREAS, City Staff has made a report to the Planning Commission and recommended approval of the Applicant's requested comprehensive plan amendment to guide the subject property for commercial/residential mixed-use; and

WHEREAS, the Planning Commission, on March 18, 2024, following proper notice, held a public hearing to review the request, listen to public comments, and make a recommendation to the City Council regarding the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the requested comprehensive plan amendment to guide the subject property for commercial/industrial mixed-use use based on the following written findings:

1. The comprehensive plan amendment review process provided adequate opportunity for public review and comment of the requested amendment. The City sent public hearing notices to all property owners within 350 feet of the subject property; and
2. Approval of the requested amendment is in the best interest of the community's general health, safety, and welfare. The amendment is associated with the expansion of an established industry adjoining the subject site which will preserve jobs in the City; and
3. The existing and proposed infrastructure, including sanitary sewer, water, stormwater, and transportation, associated with the subject property are suitable for commercial/residential mixed-use; and

WHEREAS, the City Council held a public meeting on March 26, 2024, to consider the Applicant's comprehensive plan amendment request; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Section 2: Approval of the Requested Comprehensive Plan Amendment. The City Council hereby amends the comprehensive plan to guide the subject property described in the above recitals and depicted in Exhibit A for commercial/industrial mixed-use.

Section 3: Change to the Official Land Use Plan. The official land use plan, which is part of the City of Faribault comprehensive plan, shall not be republished to show the approved comprehensive plan amendment. Still, the City Planner shall appropriately mark the official land use plan on file with the City Planning and Zoning Division to indicate the amendment.

Section 4: Authorization to Take Additional Steps. The City Council authorizes and directs the Mayor, City Staff, and City Consultants to take any additional steps and actions necessary and convenient to accomplish the intent of this resolution. Such additional steps may include an adjustment to the commercial/industrial mixed-use boundary on the 1919 2nd Street NW property based on the related final plat of RSA Properties Subdivision No. 2 associated with this application.

Section 5: Effective Date. This resolution is effective immediately upon its passage and without publication.

Date Adopted: March 26, 2024

Faribault City Council

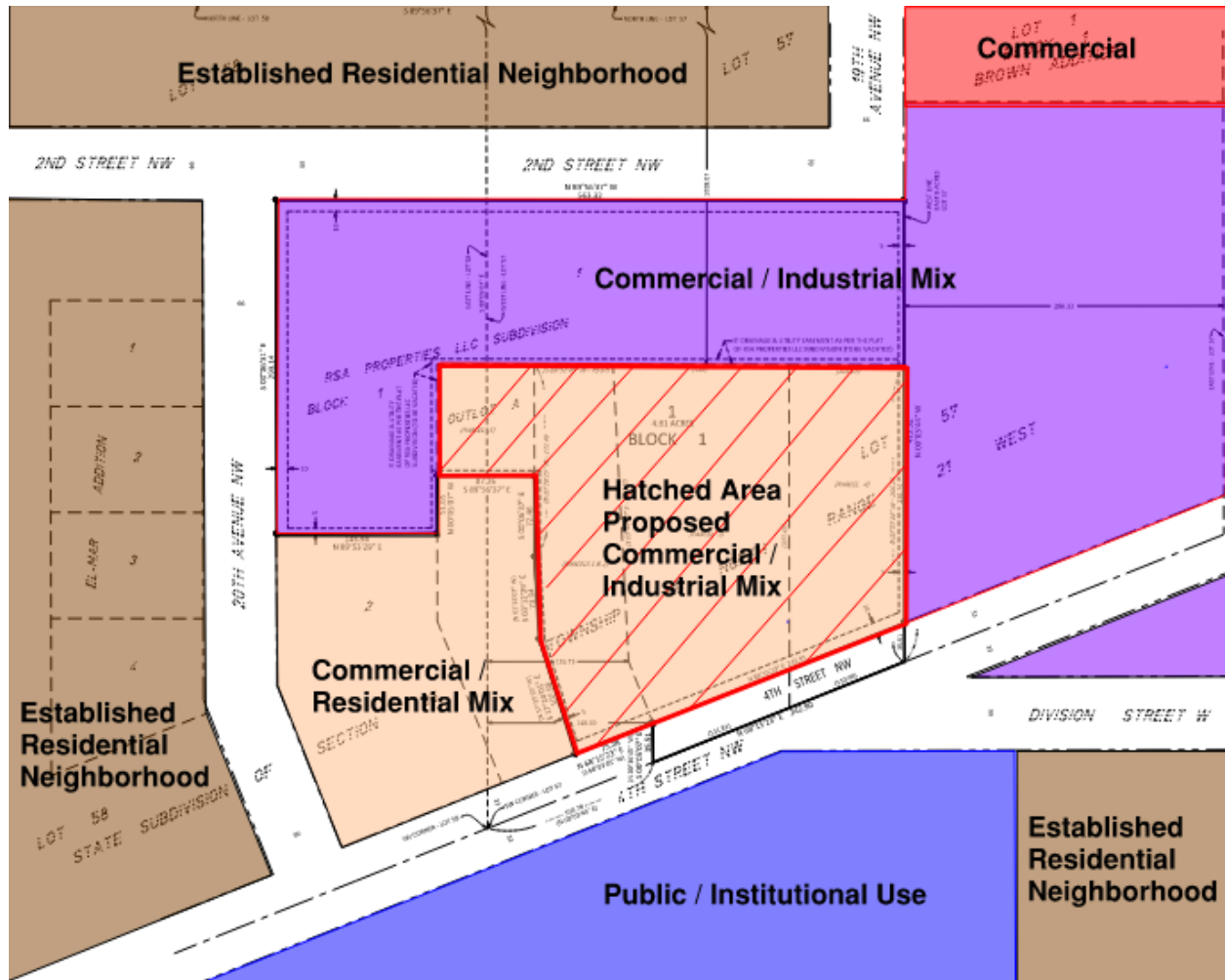
Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

Graphic Depiction of Subject Property to be Guided for Commercial/Industrial Mixed-Use



CITY OF FARIBAULT
ORDINANCE No. 2024-__

**REZONE CERTAIN PROPERTIES ON THE NORTH SIDE OF THE 1900 BLOCK
OF 4TH STREET NW TO R-4, HIGH-DENSITY RESIDENTIAL**

WHEREAS, Rick Amundson (the Applicant), on behalf of Sun Companies Property Management LLC and Scott and Therese Amundson (collectively the “Owners”), has requested that the City Council rezone the south portion of 1919 2nd Street NW and a portion of the north side of the 1900 Block of 4th Street NW from R-4, High-Density Residential to I-1, Light Industrial; and

WHEREAS, the south portion of 1919 2nd Street NW is defined in a separate preliminary and final plat request from the Applicant; and

WHEREAS, the Applicant, on behalf of Scott and Therese Amundson (the Owners of 1914, 1916, and 1918 4th Street NW), has also requested that the City Council rezone 1914, 1916, and 1918 4th Street NW from to R-4, High-Density Residential I-1, Light Industrial District; and

WHEREAS, the properties described in the above recitals and graphically depicted in Exhibit A are hereinafter referred to as the subject property; and

WHEREAS, the Applicant, in separate applications, also requested a comprehensive plan amendment to guide the subject property for commercial/industrial mixed-use and preliminary and final plat approval that, collectively with the Applicant’s rezoning request, would facilitate the Applicant’s proposed expansion of the C & S Vending Company Building at 1919 2nd Street NW; and

WHEREAS, the City Council approved Resolution 2024-_____ on March 26, 2024, which amended the City’s comprehensive plan to guide the subject property for commercial/industrial mixed-use; and

WHEREAS, City Staff reviewed the Applicant’s rezoning request, prepared a report to the Planning Commission, and made a recommendation to approve the Applicant’s rezoning request; and

WHEREAS, the Planning Commission, on March 18, 2024, following proper notice, held a public hearing regarding the said request; and

WHEREAS, the Planning Commission finds that it is appropriate to rezone the subject property as requested by the Applicant based on the following written findings of the Planning Commission as required by Section 2-180 of the City's Unified Development Ordinance:

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

Finding: Per Resolution 2024-____, the Land Use Plan guides the subject properties for commercial/industrial mixed-use, which is consistent with the proposed I-1, Light Industrial District zoning. In addition, the proposed zoning is consistent with existing light industrial zoning and existing land uses adjoining the rezoning area.

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

Finding: It is in the public's best interest to ensure reasonable and logical use of the property. The adjoining industrial property is on an undersized parcel which prevents expansion and the proposed rezoning application can facilitate an associated subdivision plat that combines several properties making room for business expansion on this block. It is reasonable to rezone the subject property to I-1, Light Industrial District to match the adjoining industrial property on the block and allow for the needed business expansion in the public interest of job preservation and expansion of the City's tax base.

3. Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The surrounding properties include existing industrial, commercial, and residential uses. The proposed I-1 Light Industrial District zoning would allow for the necessary expansion of an adjoining business on this block.

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 existing undeveloped parcels included in this rezoning proposal are not the highest and best use of the land. Furthermore, the City has received a request for industrial development on the subject property.

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: There have been several high-density residential developments in the City since the subject property was zoned R-4, High-Density Residential District, and the Applicant and Owners have not been able to acquire all of the property deemed necessary for the development of high-density apartments on site as they had hoped. Since that time, the City has received a request for industrial development on the subject property. The proposal will help preserve jobs and build the City's property tax base. Therefore, rezoning the subject property to I-1, Light Industrial District is appropriate.

WHEREAS, the City Council held a public meeting on March 26, 2024, to consider approval of the first reading of Ordinance 2024-___; and

WHEREAS, the City Council also held a public meeting on _____, to consider approval of the second reading of Ordinance 2024-___; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

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

Section 2: Rezoning Approval. The City Council hereby rezones the subject property graphically depicted in Exhibit A to I-1, Light Industrial District. The

effective date of the rezoning shall be as outlined in Section 5 of this resolution.

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

Section 4: Authorization to Take Additional Steps. The City Council authorizes and directs the Mayor, City Staff, and City Consultants to take any additional steps and actions necessary and convenient to accomplish the intent of this ordinance. Such additional steps may include an adjustment to the I-1, Light Industrial zoning district boundary on the 1919 2nd Street NW property based on the future final plat of the property.

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

First Reading: March 26, 2024

Second Reading: _____, 2024

Publication Date: _____, 2024

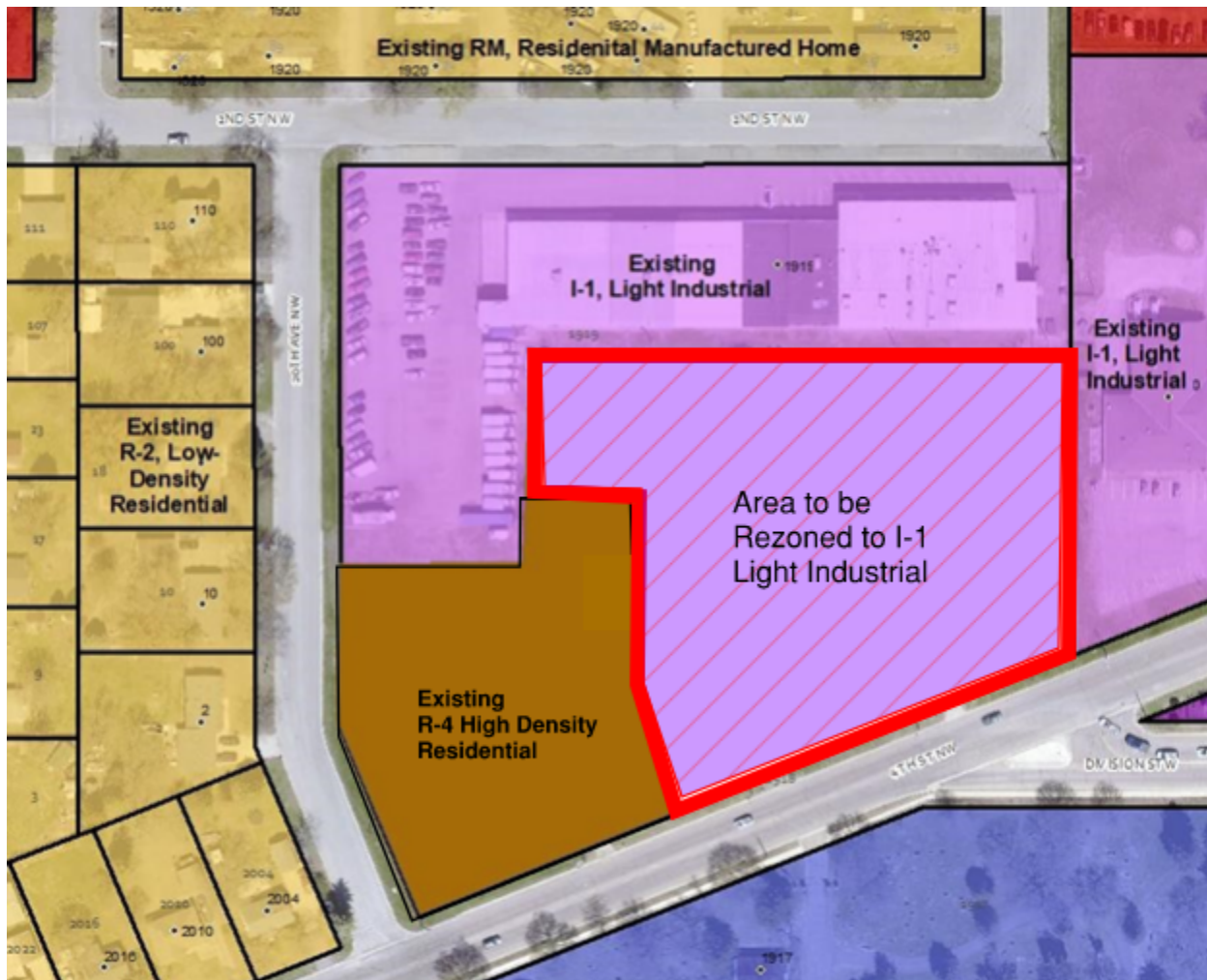
Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A:
Graphic Depiction of Subject Property to be Rezoned
To I-1 Light Industrial



Properties to be Rezoned:

1914 4th St NW - PID # 1836275023

1916 4th St NW - PID # 1836275024

1918 4th St NW – PID # 1836275025 and PID # 1836275027

Outlot A, Block 1 of RSA Properties LLC Subdivision – PID # 1836253003

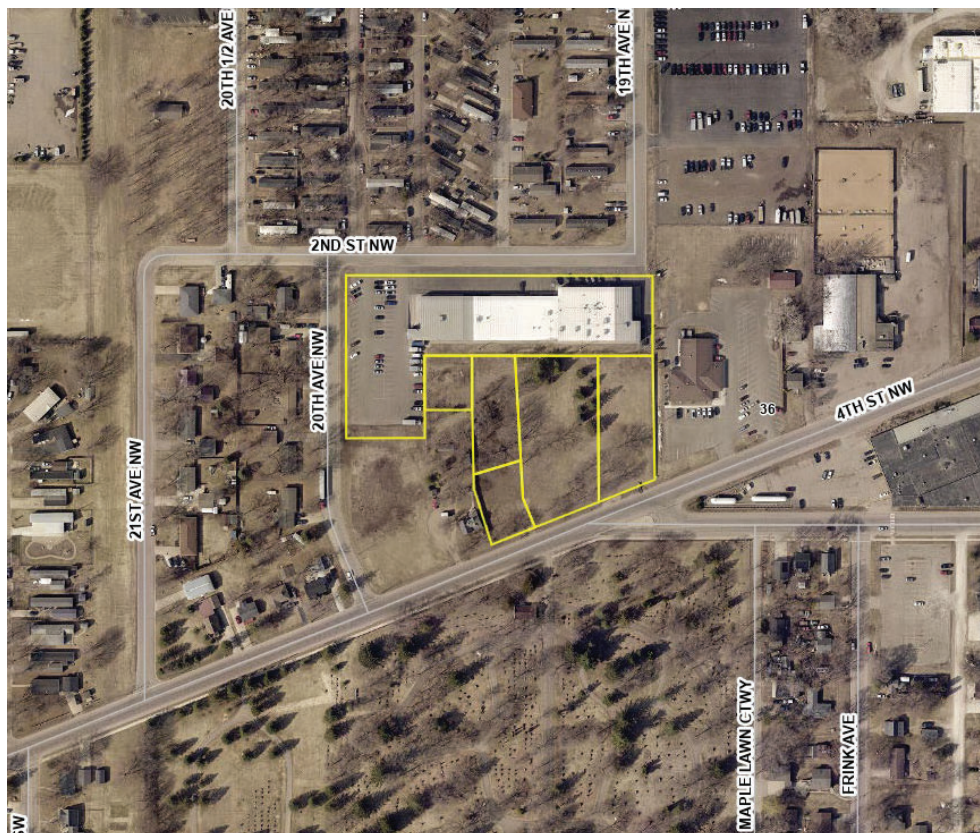


Staff Report to the Planning Commission

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: March 18, 2024
SUBJECT: Applications to Vacate a Portion of Easement and Approve the Preliminary and Final Plats of RSA Properties LLC Subdivision No 2 - RSA/C&S Vending/Sun Companies Property Management

Request:

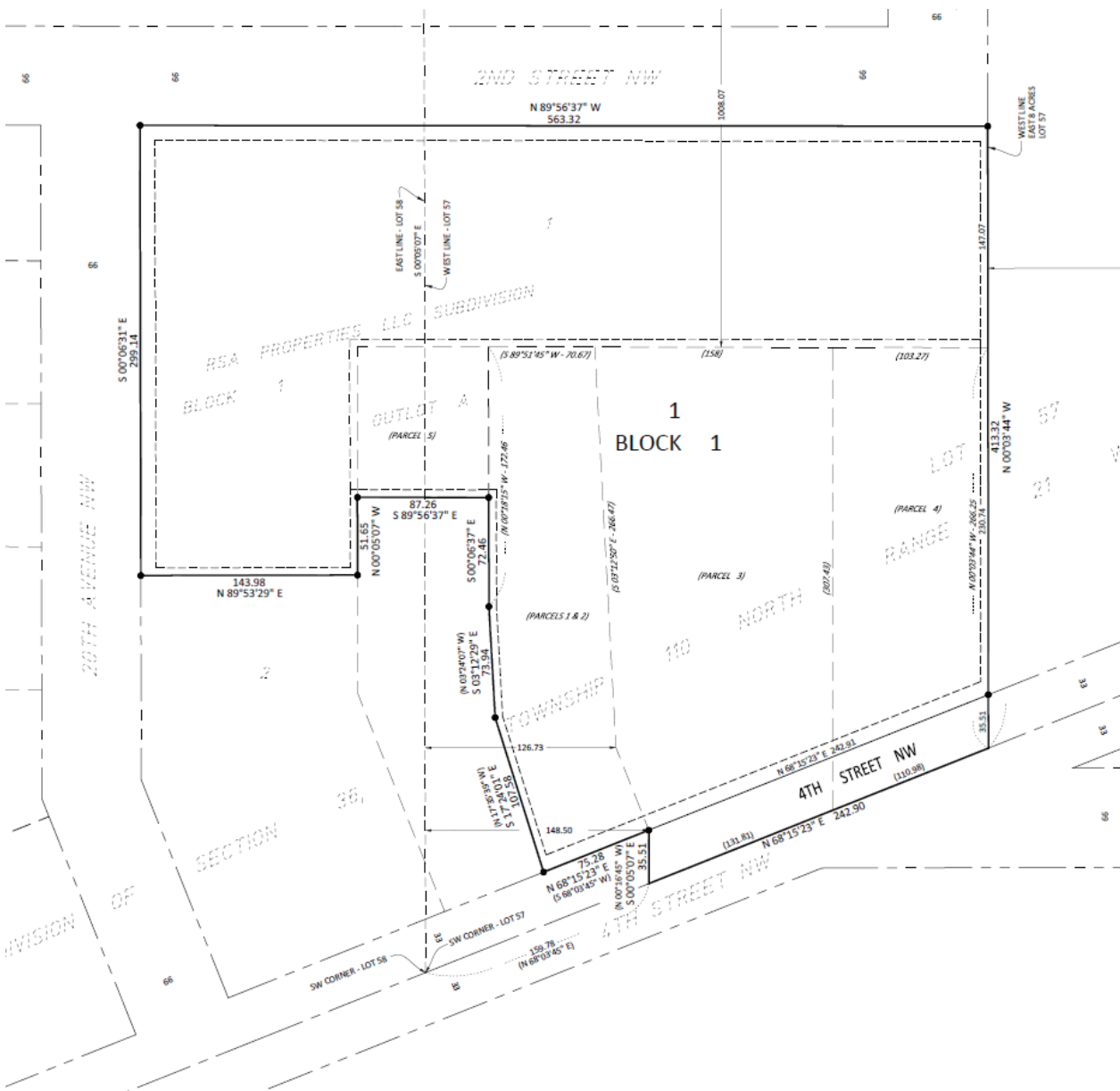
Sun Companies Properties Management, Rick Amundson, and RSA Properties LLC (the complete Applicant/Owner/Developer team) requests vacating utility and drainage easements and concurrent approval of preliminary and final plats for RSA Properties LLC Subdivision No 2 at 1919 2nd St NW, northeast of the intersection between 4th St NW and 20th Ave NW, as depicted in attached plans.



Location along 4th St NW

Background:

In 2022, Rick Amundson, on behalf of Sun Companies Property Management, rezoned properties (PIDs included in the present proposal: 1836275023, 1836275024, 1836275027, 1836275025, 1836253003; PIDs not included in the present proposal: 1836275029 and 1836253002) from I-1, Light Industrial to R-4, High Density Residential along 4th St NW (Ordinance 2022-4; comprehensive plan amendment Resolution 2022-044) and re-platted PIDs 1836253001, 1836253003, and 1836253002 under RSA Properties LLC Subdivision (Resolution 2022-112). These actions were in anticipation of workforce housing along 4th St NW, but market forces make housing not currently viable for the property. The requests from the Applicant team will revert most of the plat and zoning changes done in 2022 back to pre-2022 conditions. The proposal to vacate an easement will remove an easement platted in the 2022 plat.



Final Plat

The site is located in the NW ¼ of Section 36 Township 110, Range 21W and is contains LOT 1, BLOCK 1 and OUTLOT A of RSA PROPERTIES LLC SUBDIVISION and three metes and bounds parcels.

The proposed development will be completed by:

Owner/Developer: Sun Companies Property Management
Surveyor/Engineer: Bolton and Menk

Project Description:

The preliminary and final plat for RSA Properties LLC Subdivision No 2 combines six (6) lots and one outlot into one buildable lot with frontage on 4th St NW, 20th Ave NW, and 2nd St NW.

The areas within the plat include:

Lot 1, Block 1	4.81 acres	(~209,547 sf)
ROW	0.18 acres	(~8,012 sf)
Total	4.99 acres	(~217,559 sf)

At the time of final plat, the Developer agrees to provide sufficient permanent property monumentation per the development agreement and shall submit to the City written verification by a registered land surveyor licensed in the State of Minnesota.

Discussion:

The proposed right-of-way vacation and preliminary/final plats are consistent with the planning and zoning aspects of the City's Unified Development Ordinance. The following provides an overview of the key planning and zoning-related items associated with:

Easement Vacation

1. Easement Vacation Summary. The proposed easement vacation will not infringe or deter use or enjoyment on other properties and is needed to facilitate development of the park.

Preliminary Plat

1. Existing and Surrounding Conditions. The subject property is 1919 2nd St NW, approximately 5 acres northeast of the intersection between 4th St NW and 20th Ave NW. To the north is a manufactured home subdivision zoned RM, south is Maple Lawn Cemetery zoned R-2, west are single-family homes zoned R-2, and east are mostly commercial properties zoned I-1.

2. Relationship to the Journey to 2040 Comprehensive Plan. The Journey to 2040 Comprehensive Plan, pending a successful comprehensive plan amendment associated with this request, guides the subject property for commercial/industrial mix. The proposed preliminary and final plat is consistent with the City's land use plan for this property.
3. Relationship to the Official Zoning Map. Faribault's Official Zoning Map, pending a successful zoning map amendment associated with this request, identifies the subject property as I-1, Light Industrial zoning district. The proposed preliminary plat is consistent with the uses and bulk regulations of the CBD zoning district. Refer to the lot layout section of this report for additional information.
4. Existing Trees. The subject property has a number of trees that may be removed with future phases of construction associated with the existing C&S Vending building.
5. Wetlands and Shoreland. There are no known wetlands or shoreland encumbrances on the site.
6. Street and Site Layout. The proposed site layout meets the City code regarding lot dimensions and street frontage. Although Section 15-270(H) prohibits properties with double-frontage on two parallel streets, there are exceptions based on "other conditions render[ing] subdividing otherwise unreasonable". In this particular case, the applicant would have to create either an outlot for a future stormwater pond (which city policy discourages as the city frequently assumes ownership and maintenance through tax forfeiture) or create a full lot compliant with zoning. A compliant property would need to be at least an acre, removing around a fourth of the proposed combined lot from reasonable and logical expansion of C&S Vending where industrial properties typically need ample room for growth.

No public street improvements are planned as part of the subdivision.

2nd Street NW

The site is south of and adjacent to 2nd Street NW a local roadway. 2nd Street NW is constructed as a 37-foot wide, urban roadway and is within a 66-foot right-of-way. The entire boulevard is paved to allow almost unlimited access to the adjacent building. The parking lot driveway access nearest the

northwest corner of the site shall be closed and accesses combined for the employee parking lot area. Turf boulevard and landscaping shall be restored within the public right of way.

20th Avenue NW

The site is east of and adjacent to 20th Avenue NW a local roadway. 20th Avenue NW is constructed as a 37-foot wide, urban roadway and is within a 66-foot right-of-way. Any future driveway connections to 20th Avenue must meet City design standards in effect at the time of construction. No proposed improvements to 20th Avenue are shown at this time.

4th Street NW (Old 4th Street NW)

The site is north of and adjacent to 4th Street NW a major collector roadway. 4th Street NW is constructed as a 44-foot wide, urban roadway and is within a 66-foot right-of-way. Any future driveway connections to 4th Street must meet City design standards in effect at the time of construction. Given the major collector functional classification driveway access should be limited. No proposed improvements to 4th Street NW are shown at this time. The preliminary plat does show dedicating the necessary 33-foot half right-of-way for 4th Street NW.

- 7.** Grading, Drainage and Erosion Control. The development is located within the Cannon River Reservoir (M-048) district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site is proposed to be routed to a new stormwater basin and then ultimately discharged to the Cannon River.

Proposed storm sewer improvements must be designed to accommodate the runoff from a 10-year storm, 24-hour SCS Type II precipitation event as defined by the National Oceanic and Atmospheric Administration Atlas 14 precipitation frequency estimate for the Faribault Station. Drainage calculations for the proposed storm sewer system shall be submitted to the City Engineer for review and approval with the final construction plans. Storm sewer systems have been designed to limit the post construction rate of runoff from the 2, 10 & 100 yr. 24-hour storm events to less than or equal to existing conditions. Final storm sewer locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

If the proposed site improvements or current and future site improvements propose to disturb 1.0 acres or more of new and/or reconstructed impervious surface, a stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management have been incorporated into the final design of the Riverchase Regional Stormwater Basin.

A City grading permit and a National Pollution Discharge Elimination System Construction Stormwater General Permit for construction activity is required by the Minnesota Pollution Control Agency (MPCA) for areas exceeding one acre being disturbed by grading. A copy of the Notice of Stormwater Permit Coverage must be submitted to the City upon receipt from the MPCA. A stormwater pollution prevention plan (SWPPP) must be submitted meeting the requirements of the City's municipal separate storm sewer system permit and associated ordinances and the erosion and sediment control requirement as set forth in the MPCA construction stormwater general permit. A full copy of the SWPPP must be submitted to the City Engineer with the final construction plans for review and approval.

A final post construction as-built grading plan must be submitted meeting the requirements of Article VII, Section 28-230 of the City of Faribault Code of Ordinances.

8. Utilities and Easements. The existing site is currently served by City water and sewer from mains located in the adjacent public streets. No utility improvements are proposed at this time. All future utility connections will be subject to the review of the City and must conform to the City requirements in effect at the time of connection.

All future buildings shall be charged the standard Sewer Access Charge (SAC) and Water Access Charge (WAC) in effect at the time of building permit issuance.

9. Phasing and Development Schedule. Presuming City Council approves the preliminary and final plats concurrently, the Applicant and City will enter into a Development Agreement that will address the details, responsibilities, and costs associated with the proposed subdivision. The Applicant intends to construct a building addition to the C&S Vending building in 2024 or 2025.

Final Plat

1. Final Plat Requirements. The proposed final plat is consistent with the preliminary plat.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed applications on March 5, 2024, and recommended approval of the plats and easement vacation with conditions. The Applicant did revise the plats to address the DRC's conditions.

Public Comment. The City Planner received no public comment prior to publishing this report. Notification for this item was published in the paper on March 7, 2024 and letters sent to property owners within 350-feet on March 7, 2024.

Recommendation:

The DRC, City Engineer, and City Planner recommend approval of RSA Properties LLC Subdivision No 2 to City Council based on the findings and conditions in the attached draft ordinance and resolution.

Attachments:

- Easement Vacation Area
- Preliminary Plat
- Final Plat



APPLICATION FOR REQUESTED ACTION
Vacations-Street/Easement/Other Public Reservations

Planning Case # _____
Filing Fee _____
Hearing Date _____

Sun Companies Properties
APPLICANT Management E-MAIL ramundson@csvgending.com

PHONE 507-334-8414 (H) (W) (FAX)

ADDRESS 1919 2nd Street NW, Faribault, MN 55021

Legal Description Part of Lot 57 in the State Subdivision of Section 36...(see attached Exhibit A)

Existing Use of Property I-1 Proposed Use of Property I-1

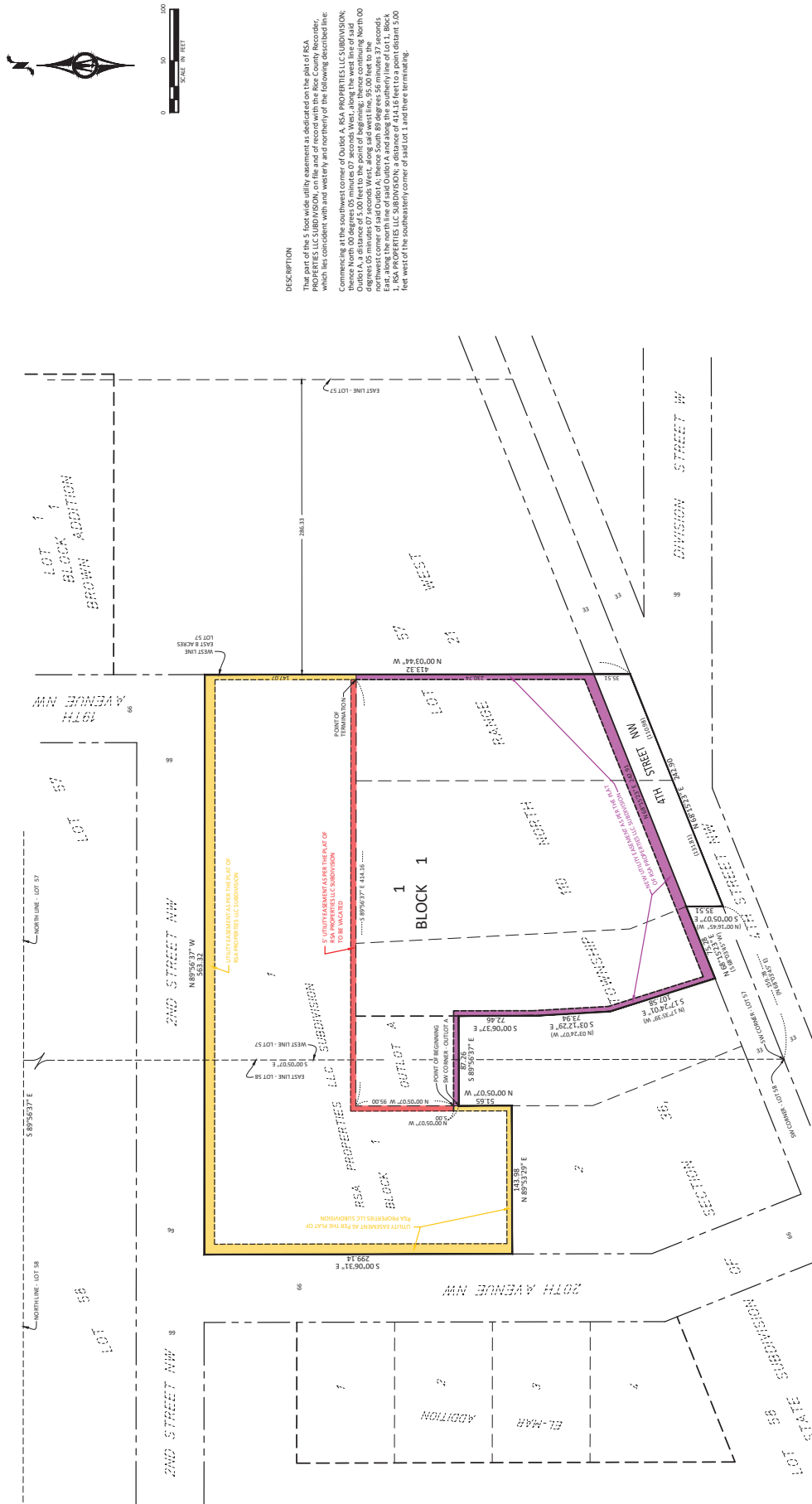
Identify All Adjacent Land Uses I-1, R-1, & R-4

Reason for Request We would like to vacate the existing utility easement that runs along the southerly line of Lot 1, Block 1, RSA Properties LLC Subdivision. This easement will be relocated with the recording of the new plat of RSA Properties LLC Subdivision No. 2. (See attached drawing)

REQUIRED SUBMITTALS:

- ☐ Legal description
- ☐ Survey of area to be vacated
- ☐ List of all property owners adjacent to area to be vacated
- ☐ Affidavits of all owners indicating their consent

SIGNATURE OF APPLICANT [Signature] DATE 2/19/24



DESCRIPTION

That part of the 5.5 foot wide utility area, as depicted on the plan of the LSA PROPERTIES LLC SUBDIVISION, and of record with the Rice County Recorder, which lies coincident with and westerly of the following described line:

Connecting the southwest corner of Oulter A, LSA PROPERTIES LLC SUBDIVISION, to the northeast corner of Oulter B, LSA PROPERTIES LLC SUBDIVISION, a distance of 5.00 feet to the point of beginning; thence continuing North 00 degrees 05 minutes 07 seconds West, along said west line, 95.00 feet to the northwest corner of said Oulter A; thence South 89 degrees 56 minutes 37 seconds West, along said west line, 100.00 feet to the northeast corner of said Oulter A, LSA PROPERTIES LLC SUBDIVISION; and a line 16.15 feet to a point of beginning, 15.00 feet west of the southeasterly corner of said lot 4, and there terminating.



APPLICATION FOR REQUESTED ACTION
Preliminary Plat

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

SITE ADDRESS 1919 2nd Street NW, Faribault, MN 55021

APPLICANT Sun Companies Properties Management E-MAIL ramundson@csvgending.com

PHONE 507-334-8414 (H) _____ (W) _____ (C) _____

ADDRESS 5575 Cannon Lake Trail, Faribault, MN 55021

DEVELOPER (if other than owner) _____

PHONE _____ (H) _____ (W) _____ (C) _____

DEVELOPER'S ADDRESS _____

LEGAL DESCRIPTION Part of Lot 57 in the State Subdivision of Section 36, Township 110 North Range 21 West.... (See attached Exhibit A)

ACREAGE/SIZE OF PROPERTY 4.99 Acres

CURRENT ZONING R-4

PROPOSED ZONING IF CHANGE IS NEEDED Re-Zone to I-1

EXISTING USE OF PROPERTY Industrial Use

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

SIGNATURE OF OWNER _____ DATE _____
(if other than the applicant)

SIGNATURE OF APPLICANT [Signature] DATE 2/19/24
(Must submit proof of property control)

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

Updated: August 13, 2020

**PRELIMINARY PLAT
Required Submittals**

♦ **Digital (PDF) copies of the preliminary plat showing:**

- ☐ Legal Description
- ☐ Name of subdivision (if applicable)
- ☐ Location of boundary lines (registered land survey)
- ☐ Vicinity sketch
- ☐ Names and addresses of all persons having property interest, developer, designer, and surveyor with registration number
- ☐ Scale of plat (not less than 1" to 100')
- ☐ Date and North arrow
- ☐ Boundary line and total acreage
- ☐ Existing zoning for land within and abutting the subdivision and any proposed zoning changes
- ☐ Location, width, and names of: all existing/platted streets, railroad and utility rights-of-way, parks/public open spaces, permanent structures, easements, section and corporate lines (within the tract and to a distance of 100 feet beyond the tract)
- ☐ Location and size of: existing sewers, water mains, culverts (within the tract and to a distance of 100 feet beyond the tract). Include grades, invert elevations, and locations of catch basins, manholes and hydrants.
- ☐ Boundary lines of adjoining un-subdivided or subdivided land (within 100 feet) identified by name and ownership
- ☐ Topographic data (contours at vertical intervals of not more than 2 feet, watercourses, floodplain areas, wetlands, rock outcrops, power transmission poles and lines) of the site within 100 feet
- ☐ Layout of proposed streets (right-of-way widths, centerline gradients, typical cross-sections, and proposed street names)
- ☐ Locations and widths of proposed alleys and pedestrian ways
- ☐ Locations and size of proposed sewer lines and water mains

♦ **Required supplemental information** (As requested by city staff)

- ☐ Proposed protective covenants or restrictions
- ☐ Grading plan (gradients of streets and lots, proposed grading and drainage of the site, and anticipated garage floor or basement elevations of all structures)
- ☐ Preliminary storm water plan (location of culverts, bridges, underground pipe, improved channels, and natural waterways)
- ☐ Soil survey
- ☐ Tree coverage survey (type, weakness, maturity, potential hazard, infestation, vigor, density, and spacing)
- ☐ Proposed use of lots (type of buildings with number of proposed dwelling units or type of business or industry—revealing the effect of the development on traffic, fire hazards, and congestion of population)
- ☐ Proposed zoning plan (if zoning changes are contemplated)
- ☐ Provision for surface water disposal, ponding, drainage, and flood control
- ☐ Sketch plan of remainder of property if subdivider owns property adjacent
- ☐ Plan to possibly re-subdivide large or excessively deep lots
- ☐ Soil erosion and sediment control plan (during construction and after development)
- ☐ Developer financial statement may be required when the city has agreed to install improvements
- ☐ Other information as required

♦ **Filing fee & Plat Escrow**

SIGNATURE OF APPLICANT  DATE 2/19/24

Planning case #

EXHIBIT "A"
Legal Description

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)
Commitment No.: 2023-00755-MN

Parcel's 1 & 2:

PART OF LOT 57 IN THE STATE SUBDIVISION OF SECTION 36 TOWNSHIP 110 NORTH RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 57; THENCE NORTH 68°03'45" EAST, ASSUMED BEARING, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 57, SAID LINE ALSO BEING THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET; THENCE NORTH 0°16'45" WEST, PARALLEL WITH SAID WEST LINE OF LOT 57, A DISTANCE OF 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET, WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 68°03'45" WEST, ALONG SAID NORTHWESTERLY LINE OF FOURTH STREET, 75.28 FEET; THENCE NORTH 17°35'39" WEST, 107.58 FEET; THENCE NORTH 3°24'07" WEST, 73.94 FEET; THENCE NORTH 0°18'15" WEST, 172.46 FEET TO A POINT IN A LINE 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE NORTH 89°51'45" EAST, ALONG A LINE PARALLEL WITH AND 1008.07 FEET SOUTHERLY FROM SAID NORTH LINE OF LOT 57, A DISTANCE OF 70.67 FEET TO THE WEST BOUNDARY LINE OF LANDS HERETOFORE CONVEYED TO MAPLE LAWN CEMETERY ASSOCIATION BY DEED DATED NOVEMBER 30, 1954, AND RECORDED IN BOOK 186 OF DEEDS PAGE 549 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF RICE COUNTY, MINNESOTA (DESCRIBED AS:)

ALL THAT PART OF LOT 57 OF THE STATE SUB-DIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID LOT 57, WHICH IS ALSO THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID LOT 57, 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET TO A POINT 126.73 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY 266.47 FEET TO A POINT 113 FEET EAST OF THE SAID WEST LINE OF LOT 57, AND 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EASTERLY, PARALLEL WITH, AND DISTANT 1008.07 FEET SOUTH OF THE SAID NORTH LINE OF LOT 57, 158 FEET TO A POINT 389.6 FEET WEST OF THE EAST LINE OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 271 FEET EASTERLY OF THE SAID WEST LINE OF LOT 57, 307.43 FEET TO THE SAID SOUTHEASTERLY LINE OF LOT 57; THENCE SOUTHWESTERLY, 131.81 FEET TO THE POINT OF BEGINNING; SUBJECT, HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO, AND DISTANT 33 FEET NORTHWESTERLY OF, THE SAID SOUTHEASTERLY LINE OF SAID LOT 57, CONTAINING IN ALL ABOUT 1.122 ACRES AND CONTAINING ABOUT 1.022 ACRES EXCLUSIVE OF SAID STREET EASEMENT; TOGETHER WITH, A DRIVEWAY EASEMENT OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57; BEGINNING AT A POINT ON THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE

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Exhibit A - ALTA® Commitment for Title Insurance (8/1/16)
Form: C.GU.1006.

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Exhibit "A"



EXHIBIT "A"

(Continued)

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)

Commitment No.: 2023-00755-MN

NORTHWESTERLY AT RIGHT ANGLES TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHEASTERLY, 62.29 FEET, TO A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET WHICH IS 19.98 FEET SOUTHWEST OF THE POINT OF BEGINNING; THENCE, ALONG SAID STREET LINE, NORTHEASTERLY, 19.98 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 3°12'50" EAST, ALONG SAID WEST BOUNDARY LINE, A DISTANCE OF 266.47 FEET TO A POINT 126.73 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE SOUTHEASTERLY, 59 FEET TO SAID TRUE POINT OF BEGINNING; SUBJECT TO DRIVEWAY EASEMENT IN COMMON WITH MAPLE LAWN CEMETERY ASSOCIATION OVER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57: BEGINNING AT A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY, AT RIGHT ANGLES TO SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHERLY 62.29 FEET TO A POINT IN SAID NORTHWESTERLY LINE OF FOURTH STREET, 19.98 FEET SOUTHWEST OF SAID POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE OF FOURTH STREET, 19.98 FEET TO SAID POINT OF BEGINNING.

SUBJECT TO ROADS, EASEMENTS AND RESTRICTIONS OF RECORD.

Abstract property

Parcel 3:

ALL THAT PART OF LOT 57 OF THE STATE SUBDIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID LOT 57, WHICH IS ALSO THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID LOT 57, 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57; POB THENCE NORTHWESTERLY, AT RIGHT ANGELS TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET TO A POINT 126.73 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY 266.47 FEET TO A POINT 113 FEET EAST OF THE SAID WEST LINE OF LOT 57, AND 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EASTERLY, PARALLEL WITH, AND DISTANT 1008.07 FEET SOUTH OF THE SAID NORTH LINE OF LOT 57, 158 FEET TO A POINT 389.6 FEET WEST OF THE EAST LINE OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 271 FEET EASTERLY OF THE SAID WEST LINE OF LOT 57, 307.43 FEET TO THE SAID SOUTHEASTERLY LINE OF LOT 57; THENCE SOUTHWESTERLY, 131.81 FEET TO THE POINT OF BEGINNING; SUBJECT HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO AND DISTANT 33 FEET NORTHWESTERLY OF, THE SAID SOUTHEASTERLY LINE OF SAID LOT 57; TOGETHER WITH A DRIVEWAY EASEMENT OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57; BEGINNING AT A POINT ON THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY, AT RIGHT ANGELS TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHEASTERLY, 62.29 FEET, TO A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET WHICH IS 19.98 FEET SOUTHWEST OF THE POINT OF BEGINNING; THENCE, ALONG SAID STREET LINE, NORTHEASTERLY, 19.98 FEET TO THE POINT OF BEGINNING.

Abstract property

Parcel 4:

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EXHIBIT "A"

(Continued)

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)

Commitment No.: 2023-00755-MN

ALL THAT PART OF LOT 57 OF THE STATE SUB-DIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WEST LINE OF THE EAST 8 ACRES OF SAID LOT 57, 1008.07 FEET SOUTH AND 286.33 FEET WEST OF THE NORTHEAST (NE) CORNER (COR) OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 286.33 FEET WESTERLY OF THE EAST LINE OF SAID LOT 57, 266.21 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 57, LOCATED AT THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT; THENCE SOUTHWESTERLY, ALONG SAID SOUTHEASTERLY LINE OF LOT 57, 110.98 FEET TO A POINT 271 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE SAID WEST LINE OF LOT 57, 307.43 FEET TO A POINT 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EAST, PARALLEL WITH THE SAID NORTH LINE OF LOT 57, 103.27 FEET TO THE POINT OF BEGINNING; SUBJECT, HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO, AND DISTANT 33 FEET NORTHWESTERLY OF THE SAID SOUTHEASTERLY LINE OF LOT 57.

Abstract property

Parcel 5:

Lot 1, RSA Properties LLC Subdivision, Rice County, Minnesota.

Abstract property

Parcel 6:

Outlot A, RSA Properties LLC Subdivision, Rice County, Minnesota.

Abstract property

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.



APPLICATION FOR REQUESTED ACTION
Final Plat

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

PROPOSED NAME OF SUBDIVISION (OR PID) RSA Properties LLC Subdivision No. 2

APPLICANT Sun Companies Properties Management E-MAIL ramundson@csvgending.com

PHONE 507-334-8414 (H) _____ (W) _____ (C) _____

ADDRESS 5575 Cannon Lake Trail, Faribault, MN 55021

DEVELOPER (if other than applicant) _____

PHONE _____ (H) _____ (W) _____ (FAX) _____

ADDRESS _____

LEGAL DESCRIPTION Part of Lot 57 in the State Subdivision of Section 36, Township 110 North Range 21 West.... (See attached Exhibit A)

ACREAGE/SIZE OF PROPERTY 4.99 Acres

CURRENT ZONING R-4

PROPOSED ZONING IF CHANGE IS NEEDED Re-Zone to I-1

EXISTING USE OF PROPERTY Industrial Use

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

PROPERTY IS - ☒ ABSTRACT ☐ TORRENS

SIGNATURE OF APPLICANT _____ DATE _____
(Must submit proof of property control)

SIGNATURE OF OWNER [Signature] DATE 2/19/24
(if other than the applicant)

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

Updated August 13, 2020

FINAL PLAT
Required Submittals

◆ **Digital (PDF) copies of the final plat showing:**

- ☐ Name of subdivision
- ☐ Location by section, township, range, county, and state, and including descriptive boundaries of the subdivision
- ☐ Exact location of existing and proposed monuments shall be shown and described on the final plat
- ☐ Location of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions in feet and decimals of feet
- ☐ Lots numbered clearly. Blocks are to be numbered, with numbers shown clearly in the center of the block
- ☐ Exact locations, widths, and names of all streets to be dedicated
- ☐ Location and width of all easements to be dedicated
- ☐ Name and address of developer and surveyor
- ☐ Scale of plat (shown graphically on a bar scale)
- ☐ Date and North arrow
- ☐ Statement dedicating all easements as follows: Easements for installation and maintenance of utilities and drainage facilities are reserved over, under, and along the strips marked "utility easement".
- ☐ Statement dedicating all streets, alleys, and other public areas not previously dedicated as follows: Streets, alleys, and other public areas shown on this plat and not heretofore dedicated to public use are hereby so dedicated.
- ☐ Notarized certification by a registered surveyor
- ☐ Certification indicating that all taxes and special assessments due on the property have been paid in full.
- ☐ Execution of all owners of any interest in the land and any holders of a mortgage thereon of the certificates required, including dedication of streets, utility easements, and other public area.
- ☐ Space for certificates of approval and review to be filled in by the signatures of the Mayor and City Administrator

◆ **Required supplemental information**

- ☐ Other information as required
- ☐ Title Work, prepared within the last six months

◆ **Filing fee & Plat Escrow**

SIGNATURE OF APPLICANT _____

DATE _____

Planning case # _____

EXHIBIT "A"
Legal Description

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)
Commitment No.: 2023-00755-MN

Parcel's 1 & 2:

PART OF LOT 57 IN THE STATE SUBDIVISION OF SECTION 36 TOWNSHIP 110 NORTH RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 57; THENCE NORTH 68°03'45" EAST, ASSUMED BEARING, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 57, SAID LINE ALSO BEING THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET; THENCE NORTH 0°16'45" WEST, PARALLEL WITH SAID WEST LINE OF LOT 57, A DISTANCE OF 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET, WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 68°03'45" WEST, ALONG SAID NORTHWESTERLY LINE OF FOURTH STREET, 75.28 FEET; THENCE NORTH 17°35'39" WEST, 107.58 FEET; THENCE NORTH 3°24'07" WEST, 73.94 FEET; THENCE NORTH 0°18'15" WEST, 172.46 FEET TO A POINT IN A LINE 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE NORTH 89°51'45" EAST, ALONG A LINE PARALLEL WITH AND 1008.07 FEET SOUTHERLY FROM SAID NORTH LINE OF LOT 57, A DISTANCE OF 70.67 FEET TO THE WEST BOUNDARY LINE OF LANDS HERETOFORE CONVEYED TO MAPLE LAWN CEMETERY ASSOCIATION BY DEED DATED NOVEMBER 30, 1954, AND RECORDED IN BOOK 186 OF DEEDS PAGE 549 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF RICE COUNTY, MINNESOTA (DESCRIBED AS:)

ALL THAT PART OF LOT 57 OF THE STATE SUB-DIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID LOT 57, WHICH IS ALSO THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID LOT 57, 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET TO A POINT 126.73 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY 266.47 FEET TO A POINT 113 FEET EAST OF THE SAID WEST LINE OF LOT 57, AND 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EASTERLY, PARALLEL WITH, AND DISTANT 1008.07 FEET SOUTH OF THE SAID NORTH LINE OF LOT 57, 158 FEET TO A POINT 389.6 FEET WEST OF THE EAST LINE OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 271 FEET EASTERLY OF THE SAID WEST LINE OF LOT 57, 307.43 FEET TO THE SAID SOUTHEASTERLY LINE OF LOT 57; THENCE SOUTHWESTERLY, 131.81 FEET TO THE POINT OF BEGINNING; SUBJECT, HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO, AND DISTANT 33 FEET NORTHWESTERLY OF, THE SAID SOUTHEASTERLY LINE OF SAID LOT 57, CONTAINING IN ALL ABOUT 1.122 ACRES AND CONTAINING ABOUT 1.022 ACRES EXCLUSIVE OF SAID STREET EASEMENT; TOGETHER WITH, A DRIVEWAY EASEMENT OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57; BEGINNING AT A POINT ON THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE

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Exhibit A - ALTA® Commitment for Title Insurance (8/1/16)
Form: C.GU.1006.

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Exhibit "A"



EXHIBIT "A"

(Continued)

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)

Commitment No.: 2023-00755-MN

NORTHWESTERLY AT RIGHT ANGLES TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHEASTERLY, 62.29 FEET, TO A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET WHICH IS 19.98 FEET SOUTHWEST OF THE POINT OF BEGINNING; THENCE, ALONG SAID STREET LINE, NORTHEASTERLY, 19.98 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 3°12'50" EAST, ALONG SAID WEST BOUNDARY LINE, A DISTANCE OF 266.47 FEET TO A POINT 126.73 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE SOUTHEASTERLY, 59 FEET TO SAID TRUE POINT OF BEGINNING; SUBJECT TO DRIVEWAY EASEMENT IN COMMON WITH MAPLE LAWN CEMETERY ASSOCIATION OVER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57: BEGINNING AT A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY, AT RIGHT ANGLES TO SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHERLY 62.29 FEET TO A POINT IN SAID NORTHWESTERLY LINE OF FOURTH STREET, 19.98 FEET SOUTHWEST OF SAID POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE OF FOURTH STREET, 19.98 FEET TO SAID POINT OF BEGINNING.

SUBJECT TO ROADS, EASEMENTS AND RESTRICTIONS OF RECORD.

Abstract property

Parcel 3:

ALL THAT PART OF LOT 57 OF THE STATE SUBDIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID LOT 57, WHICH IS ALSO THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID LOT 57, 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57; POB THENCE NORTHWESTERLY, AT RIGHT ANGELS TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET TO A POINT 126.73 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY 266.47 FEET TO A POINT 113 FEET EAST OF THE SAID WEST LINE OF LOT 57, AND 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EASTERLY, PARALLEL WITH, AND DISTANT 1008.07 FEET SOUTH OF THE SAID NORTH LINE OF LOT 57, 158 FEET TO A POINT 389.6 FEET WEST OF THE EAST LINE OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 271 FEET EASTERLY OF THE SAID WEST LINE OF LOT 57, 307.43 FEET TO THE SAID SOUTHEASTERLY LINE OF LOT 57; THENCE SOUTHWESTERLY, 131.81 FEET TO THE POINT OF BEGINNING; SUBJECT HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO AND DISTANT 33 FEET NORTHWESTERLY OF, THE SAID SOUTHEASTERLY LINE OF SAID LOT 57; TOGETHER WITH A DRIVEWAY EASEMENT OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57; BEGINNING AT A POINT ON THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY, AT RIGHT ANGELS TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHEASTERLY, 62.29 FEET, TO A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET WHICH IS 19.98 FEET SOUTHWEST OF THE POINT OF BEGINNING; THENCE, ALONG SAID STREET LINE, NORTHEASTERLY, 19.98 FEET TO THE POINT OF BEGINNING.

Abstract property

Parcel 4:

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EXHIBIT "A"

(Continued)

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)
Commitment No.: 2023-00755-MN

ALL THAT PART OF LOT 57 OF THE STATE SUB-DIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WEST LINE OF THE EAST 8 ACRES OF SAID LOT 57, 1008.07 FEET SOUTH AND 286.33 FEET WEST OF THE NORTHEAST (NE) CORNER (COR) OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 286.33 FEET WESTERLY OF THE EAST LINE OF SAID LOT 57, 266.21 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 57, LOCATED AT THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT; THENCE SOUTHWESTERLY, ALONG SAID SOUTHEASTERLY LINE OF LOT 57, 110.98 FEET TO A POINT 271 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE SAID WEST LINE OF LOT 57, 307.43 FEET TO A POINT 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EAST, PARALLEL WITH THE SAID NORTH LINE OF LOT 57, 103.27 FEET TO THE POINT OF BEGINNING; SUBJECT, HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO, AND DISTANT 33 FEET NORTHWESTERLY OF THE SAID SOUTHEASTERLY LINE OF LOT 57.

Abstract property

Parcel 5:

Lot 1, RSA Properties LLC Subdivision, Rice County, Minnesota.

Abstract property

Parcel 6:

Outlot A, RSA Properties LLC Subdivision, Rice County, Minnesota.

Abstract property

This page is only a part of a 2016 ALTA Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions.

OFFICIAL PLAT COPY

RSA PROPERTIES LLC SUBDIVISION NO. 2



Horizontal Datum: HARN 1996 Rice County

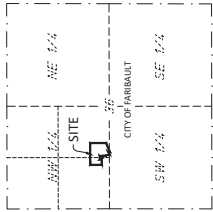
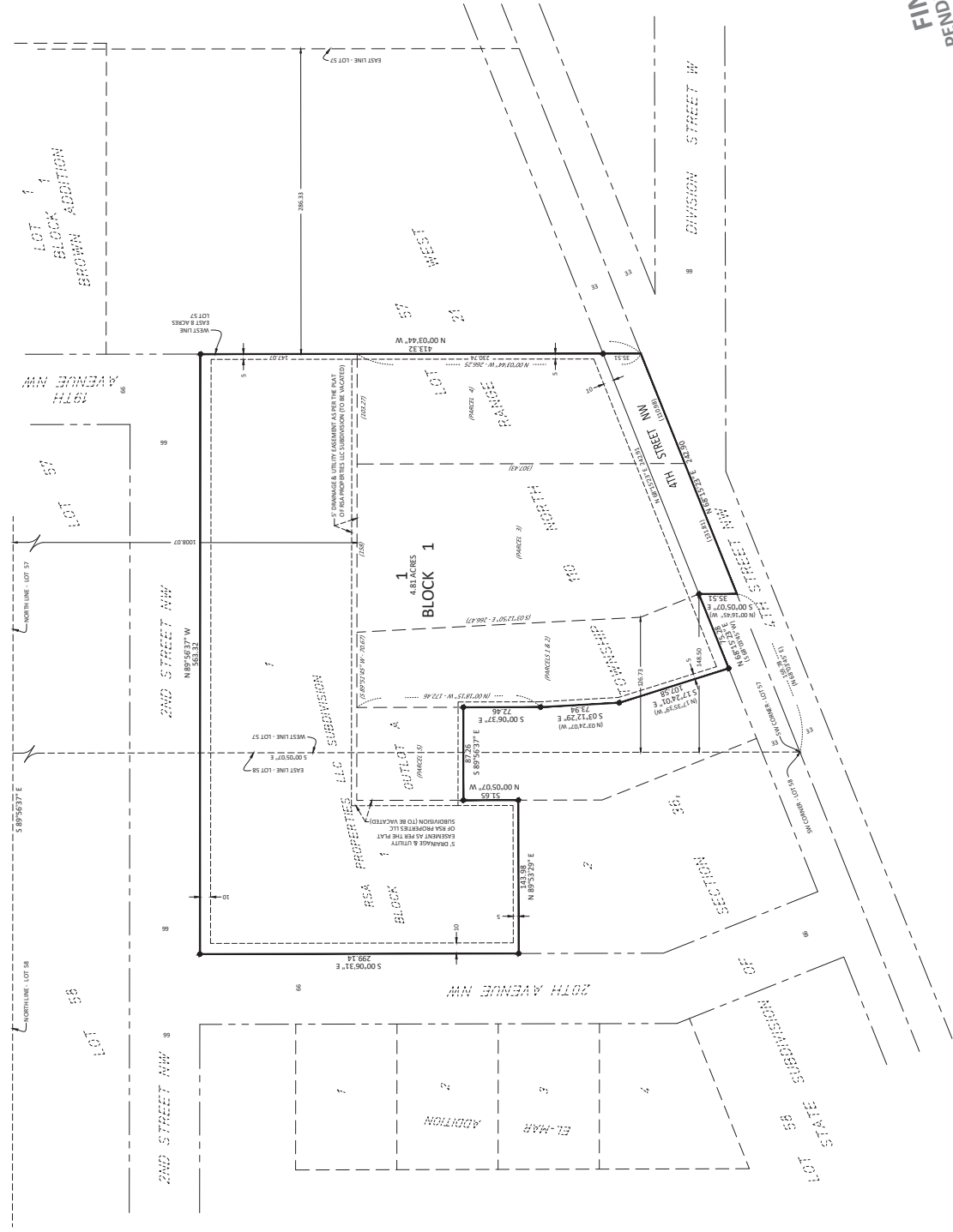
Coordinate System

LEGEND

- 1/4" IRON PIPES MONUMENT SET
- MONUMENT FOUND



1/4" IRON PIPES MONUMENT SET
EASEMENT
RIGHT-OF-WAY LINE
DRAINAGE EASEMENT
EASEMENT AS PER THE PLAT
SUBDIVISION INTO BE VACATED
OR A MONUMENT SET
MONUMENT FOUND



FINAL PLAT
PENDING FINAL REVIEW
(03-08-2024)
SHEET 2 OF 2

THIS PLAT PREPARED BY
BOLTON & MENK, INC.
DRAWN BY: JMM

JOB NUMBER: 03131144 FIELD BOOK

PLAT NUMBER: 03131144 CASE NO. 2024-06-01-01

(Space Reserved for Recording)

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

VACATE A PORTION OF DRAINAGE AND UTILITY EASEMENT AT 1919 2ND ST NW

WHEREAS, the City of Faribault, (the “Applicant”) requests vacating a portion of the public right-of-way at the corner of 2nd Street NE and Heritage Place, depicted and legally described in Exhibit A; and

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

WHEREAS, the Planning Commission, on March 18, 2024, 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 easement is completely within the applicant’s property and will not impact private rights of other properties or property owners.

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

Finding: The easement is completely within the applicant’s property and the public will not suffer any loss or inconvenience with 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: No objections to the easement vacation were received.

WHEREAS, the City Council conducted the first reading of this ordinance on XXXX XX, 2024, and the second reading of this ordinance on XXXX XX, 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 FARIBAULT 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 a Portion of Right-of-Way. Pursuant to City of Faribault Unified Development Ordinance, Chapter 2, Article 10 and Minn. Stat. § 412.851, the City of Faribault hereby vacates the public drainage and utility easements situated in the City of Faribault, County of Rice, State of Minnesota, legally described and depicted in Exhibit A.

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: XXXX XX, 2024
Second Reading: XXXX XX, 2024
Publication Date: XXXX XX, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Right-of-Way Vacation Legal Description

DESCRIPTION

That part of the 5 foot wide utility easement as dedicated on the plat of RSA PROPERTIES LLC SUBDIVISION, on file and of record with the Rice County Recorder, which lies coincident with and westerly and northerly of the following described line:

Commencing at the southwest corner of Outlot A, RSA PROPERTIES LLC SUBDIVISION; thence North 00 degrees 05 minutes 07 seconds West, along the west line of said Outlot A, a distance of 5.00 feet to the point of beginning; thence continuing North 00 degrees 05 minutes 07 seconds West, along said west line, 95.00 feet to the northwest corner of said Outlot A; thence South 89 degrees 56 minutes 37 seconds East, along the north line of said Outlot A and along the southerly line of Lot 1, Block 1, RSA PROPERTIES LLC SUBDIVISION; a distance of 414.16 feet to a point distant 5.00 feet west of the southeasterly corner of said Lot 1 and there terminating.

Exhibit A Right-of-Way Vacation Area

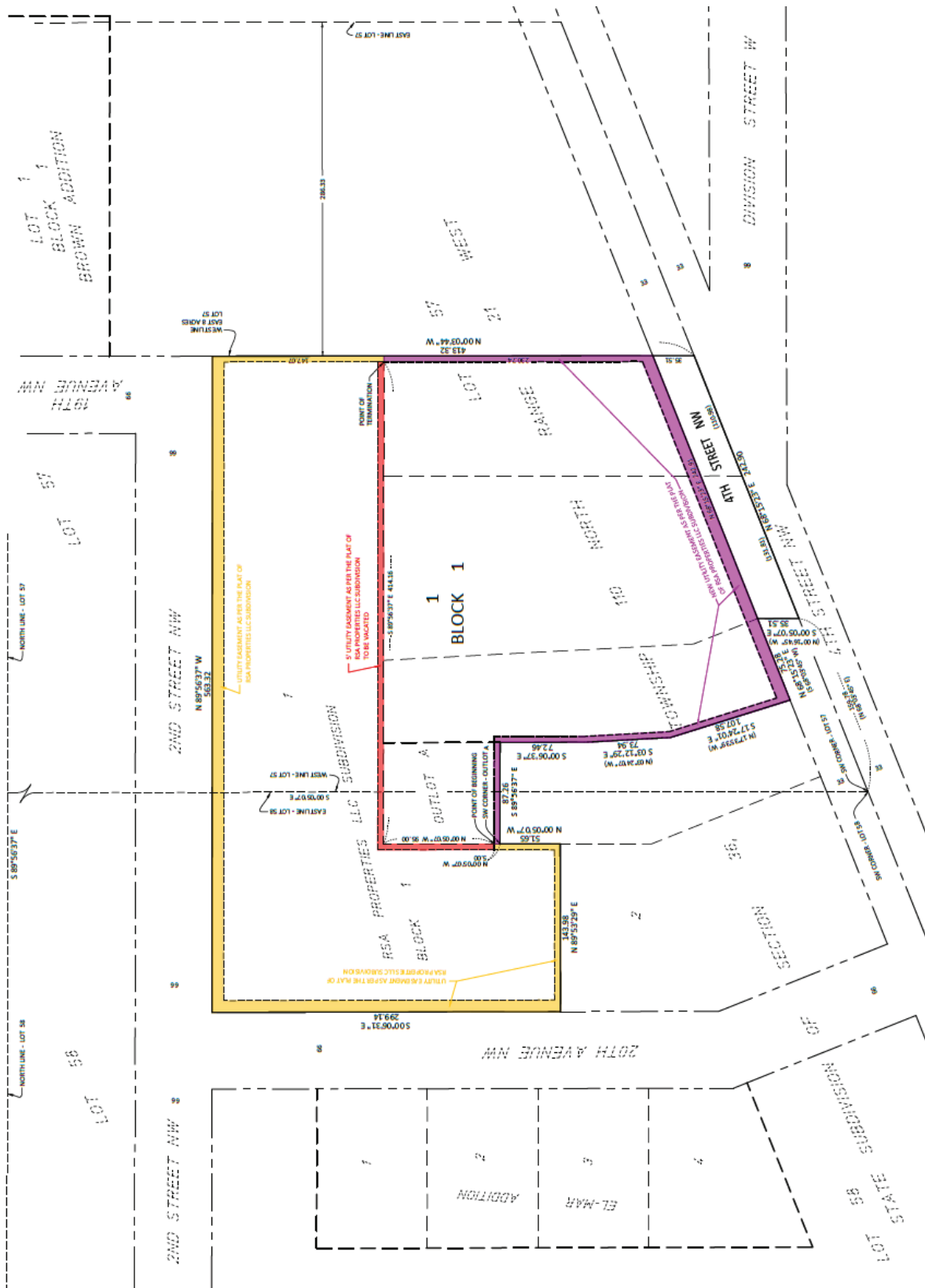
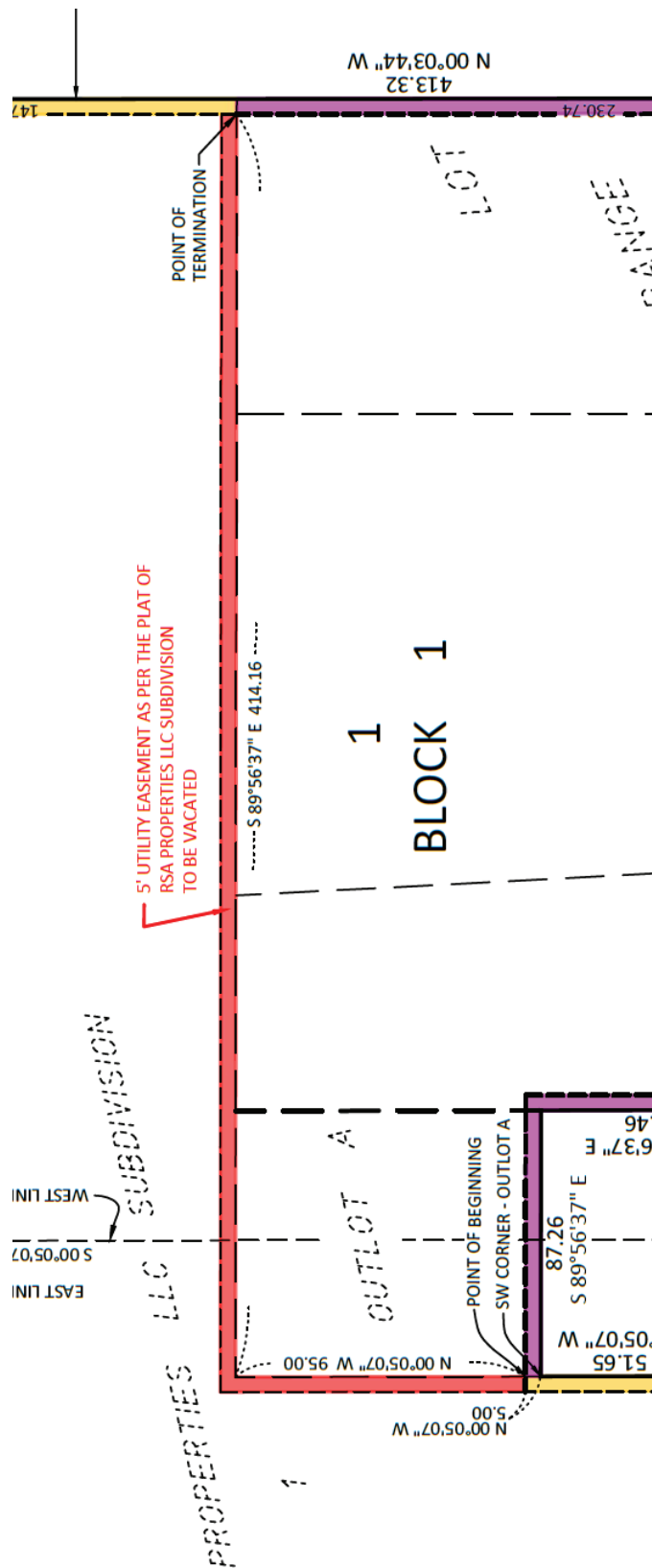
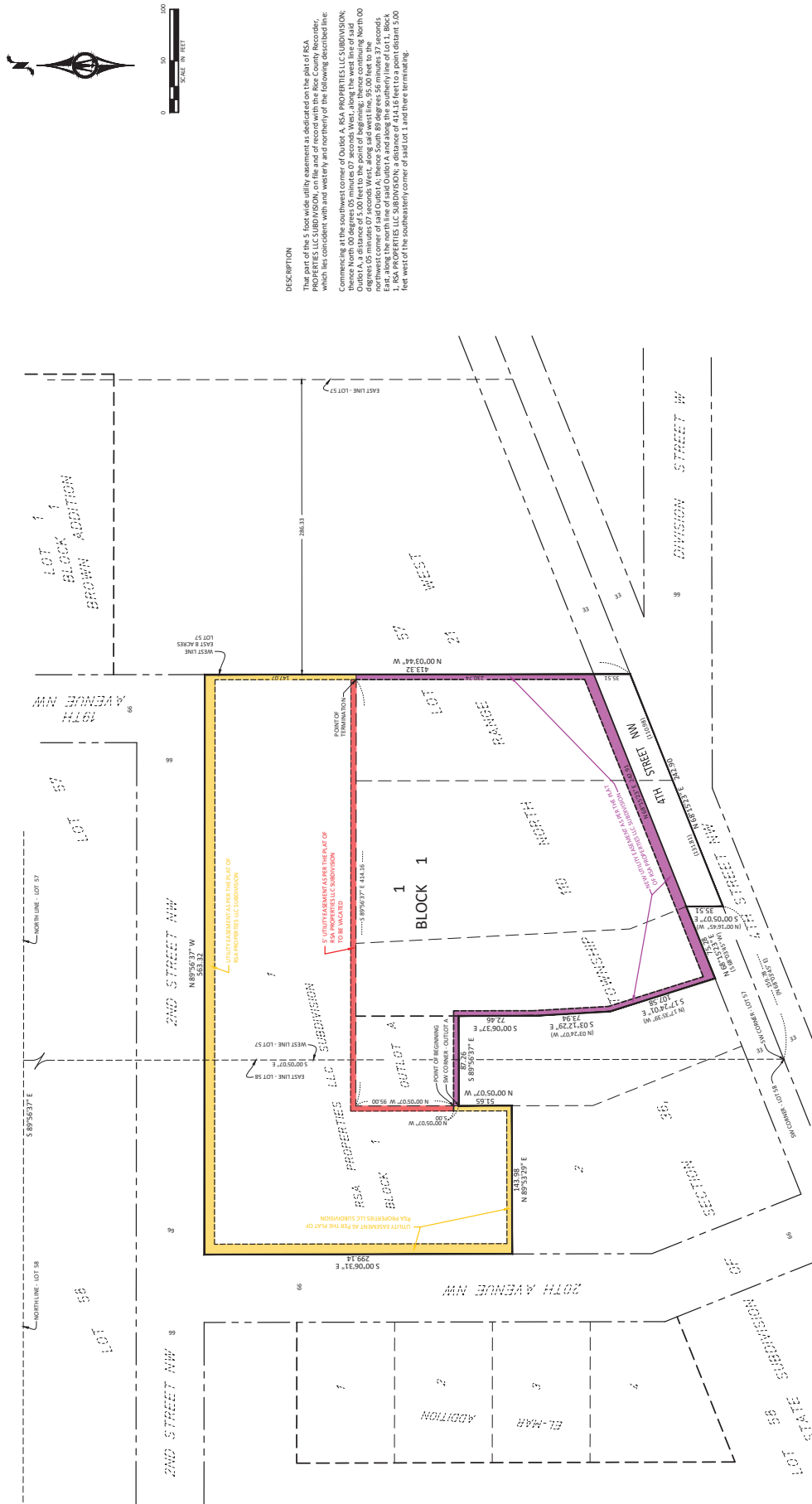


Exhibit A Right-of-Way Vacation Area





DESCRIPTION

[illegible]

CITY OF FARIBAULT

RESOLUTION #2024-XXX

**APPROVE THE PRELIMINARY AND FINAL PLATS FOR RSA PROPERTIES
SUBDIVISION No 2 AT 1919 2ND ST NW**

WHEREAS, Rick Amundson (the "Applicant"), on behalf of Sun Companies Property Management (the "Owner") requests preliminary and final plat approval plat for one combined lot at 1919 2nd St NW, legally described in Exhibit A; and

WHEREAS, City Staff completed a review of said applications and made a report to the Planning Commission, a copy of which City Staff presented to the City Council; and

WHEREAS, the Planning Commission, on March 18, 2024, following proper notice, held a public hearing regarding the applications, and following said public hearing, made findings and recommended approval of the applications; and

WHEREAS, the City Council, on XXXX XX, 2024, at a public meeting considered the application; and

WHEREAS, based upon said report, hearing, and recommendation, the City Council hereby finds that approval of the preliminary plat for RSA Properties Subdivision No 2 as depicted on Exhibit B, subject to the attached conditions of approval, is appropriate with the following findings as required by Section 15-130 of the City's Unified Development Ordinance:

- 1. Criteria: The proposed preliminary plat conforms with the requirements of the Unified Development Ordinance, the applicable zoning district regulations, and any other applicable provisions of this Ordinance, subject only to acceptable rule exceptions.**

Finding: The proposed preliminary plat is consistent with UDO requirements within the I-1, Light Industrial zoning district and subdivision platting requirements.

2. Criteria: The proposed subdivision is consistent with the City's Land Use Plan and any other adopted land use studies.

Finding: The City's Land Use Plan guides the subject property for a commercial/industrial mix. The proposed industrial use is consistent with this plan.

3. Criteria: The plat contains a sound, well-conceived parcel and land subdivision layout that is consistent with good land planning and site engineering design principles.

Finding: The preliminary plat provides for reasonable expansion of the existing industrial use, based on sound planning and engineering principles. While a double-frontage lot would normally not be allowed, creating an additional property along 4th St NW would need to be at least an acre, removing around a fourth of the proposed combined lot from reasonable and logical expansion of C&S Vending where industrial properties typically need ample room for growth. This finding satisfies the exception allowed in Section 15-270(H) under "other conditions render[ing] subdividing otherwise unreasonable".

4. Criteria: The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.

Finding: The preliminary plat lot is consistent with the provisions of the City's Unified Development Ordinance.

5. Criteria: All submission requirements have been satisfied.

Finding: The proposed preliminary plat adequately addresses the submission requirements as outlined in the City's Unified Development Ordinance; and

WHEREAS, the City Council further finds that approval of the final plat of RSA Properties Subdivision No 2 as depicted on Exhibit C, subject to certain conditions of approval, is appropriate with the following findings as required by Section 15-210 of the City's Unified Development

Ordinance:

1. Criteria: The final plat substantially conforms to the approved preliminary plat.

Finding: The Owner concurrently applied for the final plat approval with the preliminary plat. The final plat conforms to the preliminary plat as required.

2. Criteria: The plat conforms to all applicable requirements of the Unified Development Ordinance, subject only to approved rule exceptions.

Finding: The final plat conforms to all applicable requirements or exceptions of the City's Unified Development Ordinance.

3. All submission requirements have been satisfied.

Finding: The proposed final plat adequately addresses the submission requirements outlined in the City's Unified Development Ordinance.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault that the preliminary and final plat for RSA Properties Subdivision No 2 are hereby approved, subject to the following conditions:

1. Approval of the preliminary and final plats is contingent on the associated zoning map amendment (Ordinance 2024-X). Failure to receive approval on the associated zoning map amendment will void approval of the plats.

Date Adopted: XXXX XX, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Legal Description

Exhibit B
Depiction of the Preliminary Plat

Exhibit C
Depiction of the Final Plat

RSA PROPERTIES LLC SUBDIVISION NO. 2



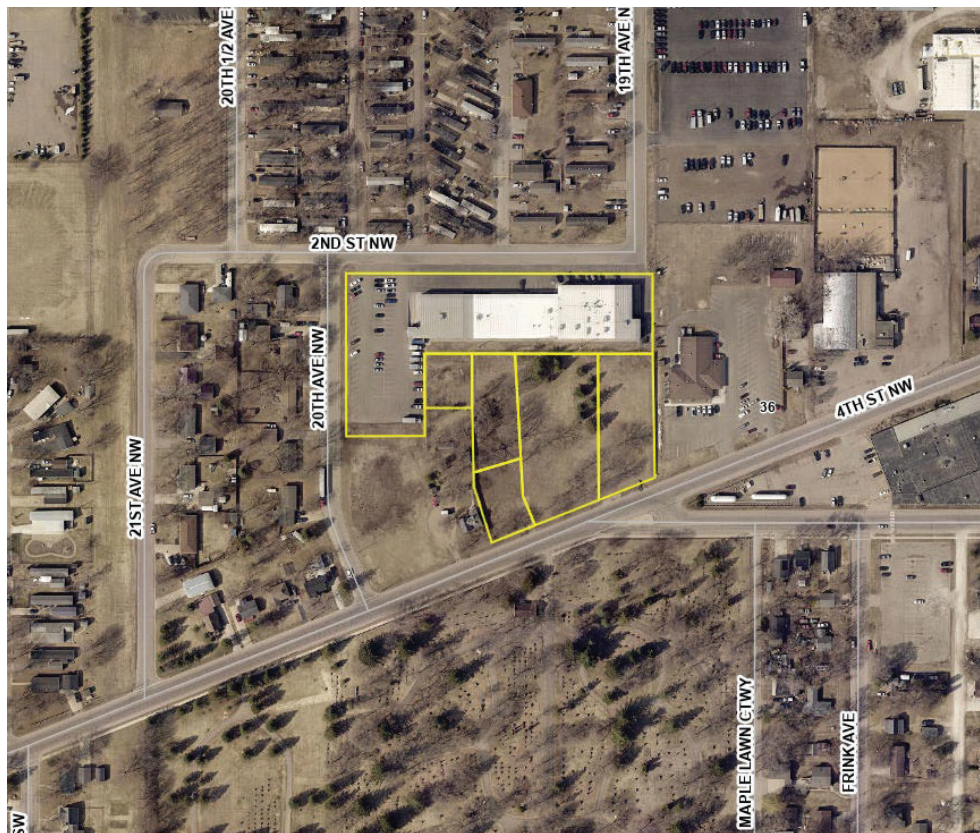


Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: March 18, 2024
SUBJECT: Application for a Variance - RSA/C&S Vending/Sun Companies Property Management

Request:

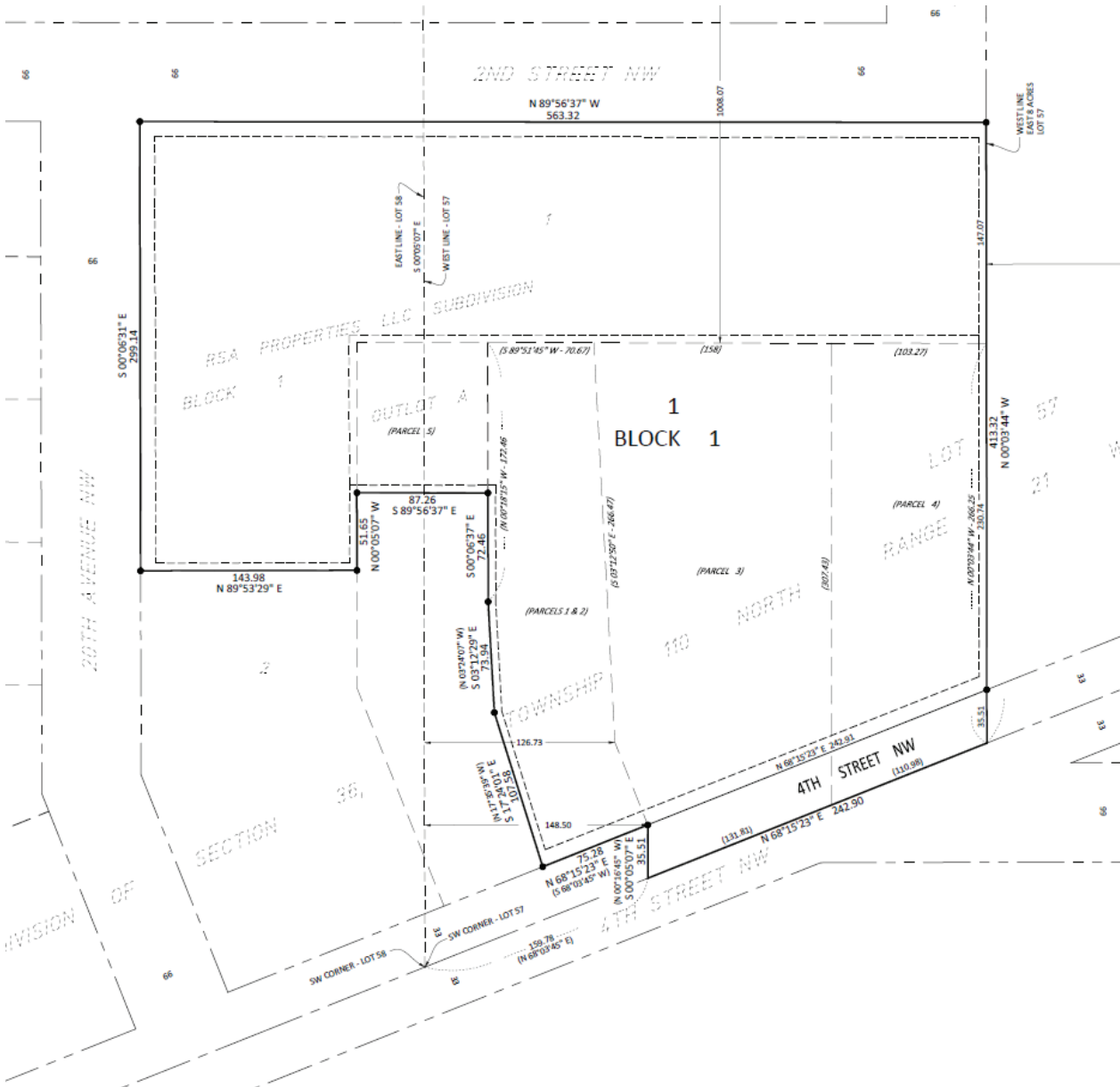
Sun Companies Properties Management, Rick Amundson, and RSA Properties LLC (the complete Applicant/Owner/Developer team) requests a variance allowing a proposed building expansion at 15-feet from a property line where 50-feet is required at 1919 2nd St NW, northeast of the intersection between 4th St NW and 20th Ave NW, as depicted in attached plans.



Location along 4th St NW

Background:

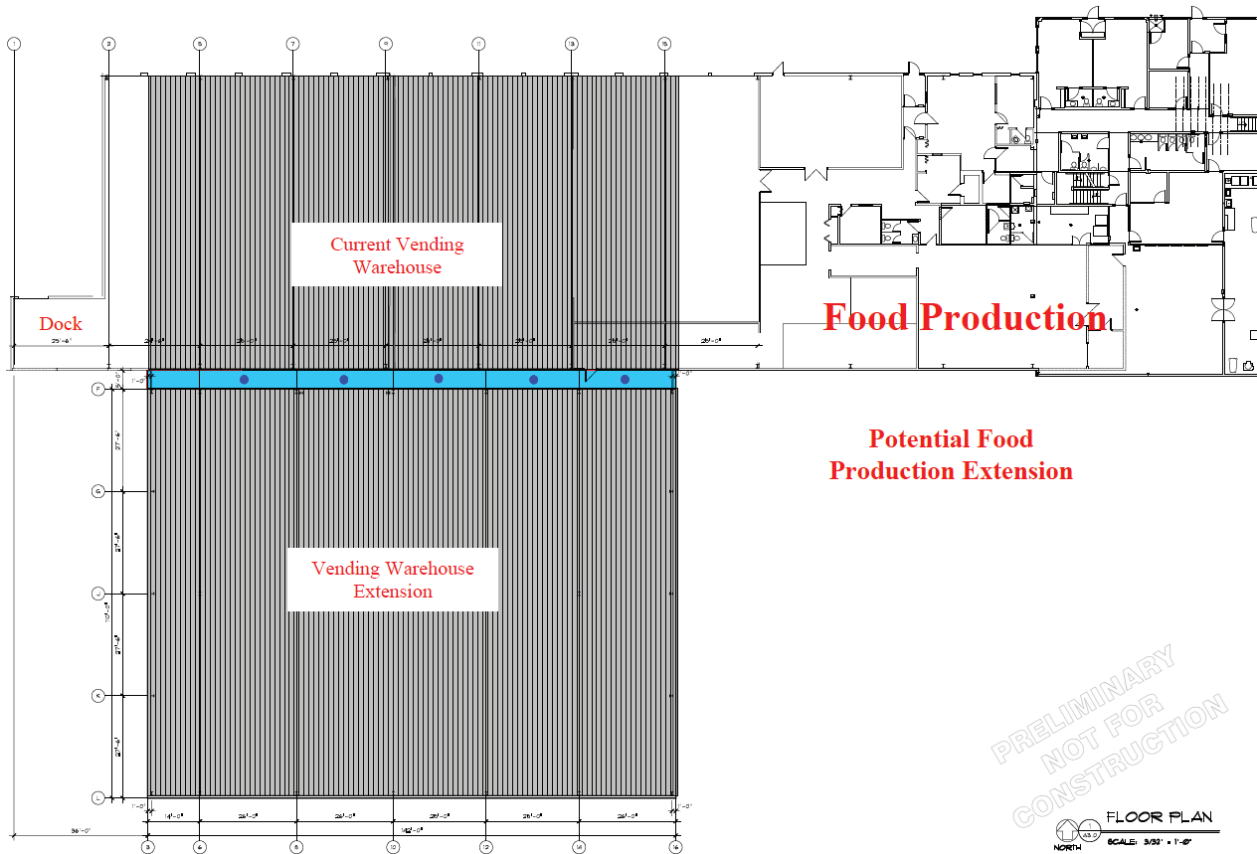
The Applicant team submitted various applications, including rezoning from R-4 to I-1, a comprehensive plan amendment for a corresponding land use designation, preliminary and final plats, and an easement vacation. The final application for this development prior to a site plan approval process is a variance for, and the impetus for all the current and future applications, and expansion of the C&S Vending building at 1919 2nd St NW.



Final Plat

Project Description:

The applicant submitted a variance for a new building expansion at 1919 2nd St NW placing the building up to 15-feet from the property line where a 50-foot setback is required along property lines abutting residential zoning or uses (see diagram on next page of this report or in attachments). The applicant requests the building expansion with the goal of improving efficiencies for warehousing between two parts of the existing building: one part dedicated to loading and storing product for vending machines and the other dedicated to food production. The applicant states that building expansion will greatly improve warehousing efficiencies and its location next to a planned future expansion of the food production side intend to bring great benefits for business operations.

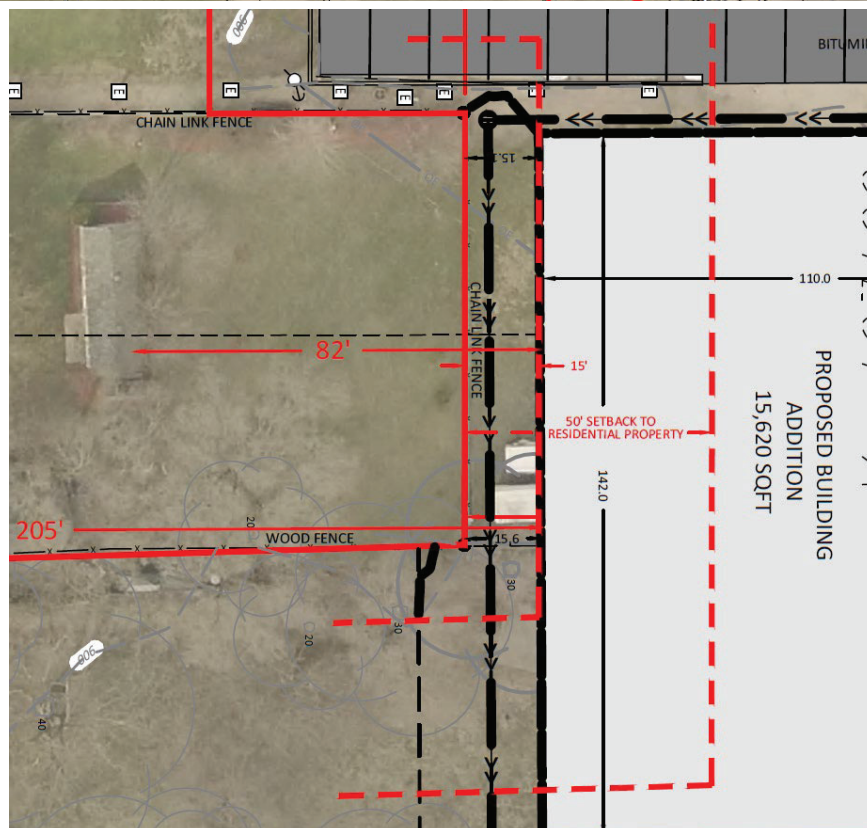
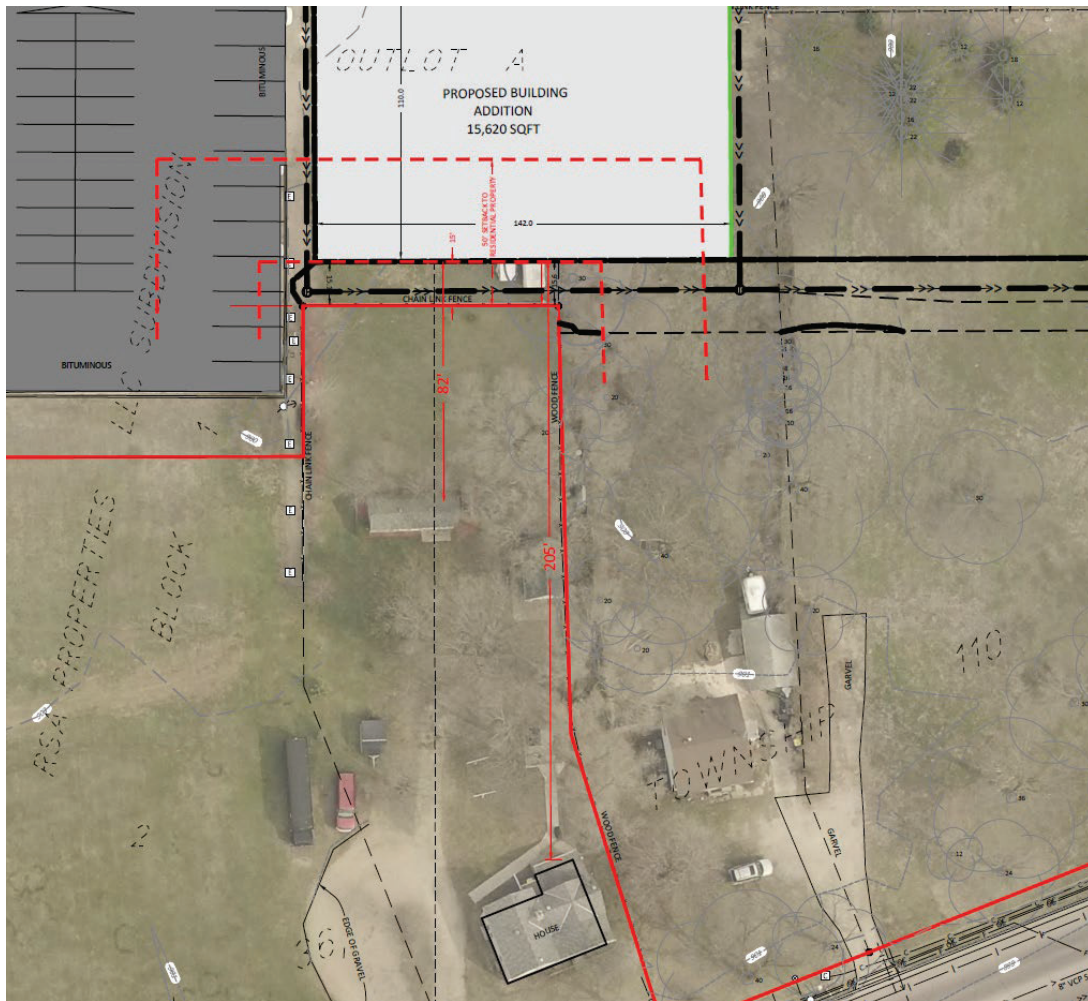


Floor Plan (see attachments for full diagram)

The applicant and development team made strides over the past few years buying the rest of the block to eliminate the need for a variance, but the remaining residence is the last hold-out. The applicant states the expansion will be over 200 feet from the residence, which creates a substantial buffer.

Table 1 – Variance Table

Variance Issue	Requirement	Proposed	Variance
Side Building Setback (From Residential District or Use)	50-foot setback	15-foot setback	35 feet



Site Plan Excerpts with Setbacks and Dimensions (see attachments for full diagram)

Discussion:

The proposed variance for Twin Oaks Subdivision do not meet the criteria for granting approval and the following provides a summary of major points:

1. Criteria for Approval.

a. Harmony and General Purposes/Intent of UDO

While the applicant may make a claim that the separation between the expansion and residential structure is well beyond a 50-foot setback, the plain language as written and required in code is clear and protects adjacent residential enjoyment and use of the property. Having separation between buildings in industrial zones with residential properties provides greater compatibility and enjoyment for the resident and residential property while providing enough room around buildings in industrial zones for fire code access, landscaping, property circulation and access, and many other potential needs.

b. Consistency with Comprehensive Plan

The applicant stated to staff that they did attempt to buy a portion of the residential lot to remove the need for a variance, but could not come to an agreement with the property owner. The Comprehensive Plan specifically requires minimization of potential conflicts between land uses and in the absence of a path forward working together, development should be compliant with code, which seeks to minimize the potential conflicts.

c. Reasonable Use of Property

No documentation or information submitted by the applicant states that placing the expansion elsewhere on the property, where it would be permitted, would be impossible. The applicant's narrative is limited to impacting future expansions and warehouse efficiency, which are economic considerations that may not be considered on their own to be granted a variance.

d. Unique Circumstances

Efforts to buy out the rest of the block, and the remaining residential property being the last hold out, does not present a unique circumstance as the applicant is aware of the property's use and zoning and could plan around the situation. The applicant can control the circumstances of the variance by building elsewhere on the property.

e. Essential Character of Neighborhood

Most, if not all, other residences in the neighborhood currently have a road or compliant setback between buildings in

industrially-zoned properties and residentially-zoned or used properties. This would be a deviation away from the character of the neighborhood by being so close to an adjacent residential property and therefore altering the essential character of the neighborhood where industrial development may tightly abut and impact adjacent residential property.

f. Minimum Variance Necessary

Due to a lack of information regarding restrictions on placing the expansion elsewhere or the necessity for the building's size, staff finds it difficult to justify a 35-foot variance as the minimum necessary variance needed alleviating a practical difficulty.

g. Economic Conditions

The applicant stated in their submittal letter that the economic conditions constitute a practical difficulty for the project, stating the efficiencies in having a bigger warehouse or potential impact on future development if the expansion were placed elsewhere. While completely relocating the business is impractical, the applicant did not sufficiently state why the addition cannot be located elsewhere within the property.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed variances on March 5, 2024, and recommended denial based on preliminary findings from staff. Preliminary findings were shared with the applicant for full transparency leading up to Planning Commission review and allowing them time to submit additional information for consideration.

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

Recommendation:

The DRC and City Planner recommend Planning Commission forward recommending denial of the requested setback variance to City Council based on the findings and conditions in the attached draft resolution.

If the Planning Commission finds in favor of the requested variance, the City Planner recommends Commissioners provide staff with findings in favor of the request for each required criteria and continue discussion on this item to the next Planning Commission meeting on April 1, 2024.

Attachments:

- Applicant Submittal



APPLICATION FOR REQUESTED ACTION
Variance

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 1919 2nd Street NW, Faribault, MN 55021

APPLICANT Sun Companies Properties Management E-MAIL ramundson@csvending.com

PHONE 507-334-8414 (H) _____ (W) _____ (FAX) _____

APPLICANT ADDRESS 5575 Cannon Lake Trail, Faribault, MN 55021

OWNER (if other than applicant) _____

PHONE _____ (H) _____ (W) _____ (FAX) _____

OWNER'S ADDRESS _____

LEGAL DESCRIPTION Part of Lot 57 in the State Subdivision of Section 36...(see attached Exhibit A)

ACREAGE/SIZE OF PROPERTY 4.99 Acres

CURRENT ZONING I-1

EXISTING USE OF PROPERTY I-1

PROPOSED USE OF PROPERTY I-1
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES I-1, R-1, & R-4

SIGNATURE OF APPLICANT [Signature] DATE 2/19/21
(Must submit proof of property control)

SIGNATURE OF THE OWNER _____ DATE _____
(If other than the applicant)

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

Revised 8/23/2016

VARIANCE
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
- ☐ Location of existing and proposed structures, with distance from property lines noted
- ☐ Location and dimensions of existing and proposed off-street parking and loading spaces, with distance from property lines noted (when applicable)

☐ **Required supplemental information**

- ☐ Written summary stating the specific variation requested, giving distances as needed
- ☐ Written summary stating exceptional conditions/peculiar difficulties which make the variance necessary
- ☐ Written statement as to why you feel a variance should be granted
- ☐ Other information as required

☐ **Filing fee**

☐ **SIGNATURE OF APPLICANT**  **DATE** 2/19/24

Planning Case # _____

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?
Yes (X) No () Why or why not?

We feel this variance is in harmony with city code. There is only one remain home on the block and it will be located 205' from the new building addition.

2. In your opinion, is the variance consistent with the comprehensive plan?
Yes (X) No () Why or why not?

We feel the variance will be consistent with the comprehensive plan. This project is located in an already Industrial Land Use area.

3. In your opinion, does the proposal put property to use in a reasonable manner?
Yes (X) No () Why or why not?

We feel the variance uses the property in a reasonable manner. C & S Vending Company is looking to expand their existing use of the property. C & S Vending Company has been located in Faribault for the last 61 years. The business is growing and they need more warehouse area to support the business.

4. In your opinion, are there circumstances unique to the property?
Yes (X) No () Why or why not?

We do feel this circumstance is unique to this property. The business has been operating in Faribault for 61 years and out of this location for 30 years. There was multiple homes on this block, but they have all been purchased from the ownership group for future development. One residential home remain and will be located about 205 feet from the new addition.

5. In your opinion, will the variance maintain the essential character of the neighborhood?
Yes (X) No () Why or why not?

We do feel this variance will maintain the essential characteristics of the neighborhood. The expansion of the existing building will be the same as it has been for the past 30 years. The proposed expansion will be setback the normal standard setback of 15 feet.

6. In your opinion, is the variance requested the minimum variance which would alleviate the practical difficulty?

Yes (X) No () Why or why not?

We do feel this variance for reducing the 50 foot setback from a residential property to the normal setback of 15 feet is the minimum variance for the project. The closest home is located 205 feet from the proposed building expansion.

7. In your opinion, do the economic conditions alone constitute the practical difficulty?
Yes (X) No () Why or why not?

We do feel that economic conditions do constitute the practical difficulty for this project. If they were to move the business to another location the cost to relocate would be way more then just expanding the current building. The request is to have a variance from the 50 foot setback from a residential property down to the normal zoning code setback of 15 foot setback.

The City Council must make an affirmative finding on all of the seven criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs, and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant's Signature:

A handwritten signature in black ink, appearing to be "Michael D. [unclear]", written over a horizontal line.

Date:

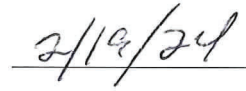
A handwritten date "2/19/24" in black ink, written over a horizontal line.

EXHIBIT "A"
Legal Description

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)
Commitment No.: 2023-00755-MN

Parcel's 1 & 2:

PART OF LOT 57 IN THE STATE SUBDIVISION OF SECTION 36 TOWNSHIP 110 NORTH RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 57; THENCE NORTH 68°03'45" EAST, ASSUMED BEARING, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 57, SAID LINE ALSO BEING THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET; THENCE NORTH 0°16'45" WEST, PARALLEL WITH SAID WEST LINE OF LOT 57, A DISTANCE OF 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET, WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57, SAID POINT BEING THE TRUE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 68°03'45" WEST, ALONG SAID NORTHWESTERLY LINE OF FOURTH STREET, 75.28 FEET; THENCE NORTH 17°35'39" WEST, 107.58 FEET; THENCE NORTH 3°24'07" WEST, 73.94 FEET; THENCE NORTH 0°18'15" WEST, 172.46 FEET TO A POINT IN A LINE 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE NORTH 89°51'45" EAST, ALONG A LINE PARALLEL WITH AND 1008.07 FEET SOUTHERLY FROM SAID NORTH LINE OF LOT 57, A DISTANCE OF 70.67 FEET TO THE WEST BOUNDARY LINE OF LANDS HERETOFORE CONVEYED TO MAPLE LAWN CEMETERY ASSOCIATION BY DEED DATED NOVEMBER 30, 1954, AND RECORDED IN BOOK 186 OF DEEDS PAGE 549 AND RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF RICE COUNTY, MINNESOTA (DESCRIBED AS:)

ALL THAT PART OF LOT 57 OF THE STATE SUB-DIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID LOT 57, WHICH IS ALSO THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID LOT 57, 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET TO A POINT 126.73 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY 266.47 FEET TO A POINT 113 FEET EAST OF THE SAID WEST LINE OF LOT 57, AND 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EASTERLY, PARALLEL WITH, AND DISTANT 1008.07 FEET SOUTH OF THE SAID NORTH LINE OF LOT 57, 158 FEET TO A POINT 389.6 FEET WEST OF THE EAST LINE OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 271 FEET EASTERLY OF THE SAID WEST LINE OF LOT 57, 307.43 FEET TO THE SAID SOUTHEASTERLY LINE OF LOT 57; THENCE SOUTHWESTERLY, 131.81 FEET TO THE POINT OF BEGINNING; SUBJECT, HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO, AND DISTANT 33 FEET NORTHWESTERLY OF, THE SAID SOUTHEASTERLY LINE OF SAID LOT 57, CONTAINING IN ALL ABOUT 1.122 ACRES AND CONTAINING ABOUT 1.022 ACRES EXCLUSIVE OF SAID STREET EASEMENT; TOGETHER WITH, A DRIVEWAY EASEMENT OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57; BEGINNING AT A POINT ON THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE

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Exhibit A – ALTA® Commitment for Title Insurance (8/1/16)
Form: C.GU.1006.

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Exhibit "A"



EXHIBIT "A"

(Continued)

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)

Commitment No.: 2023-00755-MN

NORTHWESTERLY AT RIGHT ANGLES TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHEASTERLY, 62.29 FEET, TO A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET WHICH IS 19.98 FEET SOUTHWEST OF THE POINT OF BEGINNING; THENCE, ALONG SAID STREET LINE, NORTHEASTERLY, 19.98 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 3°12'50" EAST, ALONG SAID WEST BOUNDARY LINE, A DISTANCE OF 266.47 FEET TO A POINT 126.73 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE SOUTHEASTERLY, 59 FEET TO SAID TRUE POINT OF BEGINNING; SUBJECT TO DRIVEWAY EASEMENT IN COMMON WITH MAPLE LAWN CEMETERY ASSOCIATION OVER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57: BEGINNING AT A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY, AT RIGHT ANGLES TO SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHERLY 62.29 FEET TO A POINT IN SAID NORTHWESTERLY LINE OF FOURTH STREET, 19.98 FEET SOUTHWEST OF SAID POINT OF BEGINNING; THENCE ALONG SAID NORTHWESTERLY LINE OF FOURTH STREET, 19.98 FEET TO SAID POINT OF BEGINNING.

SUBJECT TO ROADS, EASEMENTS AND RESTRICTIONS OF RECORD.

Abstract property

Parcel 3:

ALL THAT PART OF LOT 57 OF THE STATE SUBDIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID LOT 57, WHICH IS ALSO THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT, 159.78 FEET NORTHEASTERLY OF THE SOUTHWEST CORNER OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID LOT 57, 35.51 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID FOURTH STREET WHICH IS 148.5 FEET EAST OF THE WEST LINE OF SAID LOT 57; POB THENCE NORTHWESTERLY, AT RIGHT ANGELS TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET TO A POINT 126.73 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY 266.47 FEET TO A POINT 113 FEET EAST OF THE SAID WEST LINE OF LOT 57, AND 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EASTERLY, PARALLEL WITH, AND DISTANT 1008.07 FEET SOUTH OF THE SAID NORTH LINE OF LOT 57, 158 FEET TO A POINT 389.6 FEET WEST OF THE EAST LINE OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 271 FEET EASTERLY OF THE SAID WEST LINE OF LOT 57, 307.43 FEET TO THE SAID SOUTHEASTERLY LINE OF LOT 57; THENCE SOUTHWESTERLY, 131.81 FEET TO THE POINT OF BEGINNING; SUBJECT HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO AND DISTANT 33 FEET NORTHWESTERLY OF, THE SAID SOUTHEASTERLY LINE OF SAID LOT 57; TOGETHER WITH A DRIVEWAY EASEMENT OVER, UNDER AND ACROSS THE FOLLOWING DESCRIBED TRIANGULAR PARCEL OF SAID LOT 57; BEGINNING AT A POINT ON THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 148.5 FEET EAST OF THE SAID WEST LINE OF LOT 57; THENCE NORTHWESTERLY, AT RIGHT ANGELS TO THE SAID NORTHWESTERLY LINE OF FOURTH STREET, 59 FEET; THENCE SOUTHEASTERLY, 62.29 FEET, TO A POINT ON SAID NORTHWESTERLY LINE OF FOURTH STREET WHICH IS 19.98 FEET SOUTHWEST OF THE POINT OF BEGINNING; THENCE, ALONG SAID STREET LINE, NORTHEASTERLY, 19.98 FEET TO THE POINT OF BEGINNING.

Abstract property

Parcel 4:

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EXHIBIT "A"

(Continued)

Issuing Office File No.: 2023-00755-MN Revision No.: REV 1 (2.8.2024 YA)

Commitment No.: 2023-00755-MN

ALL THAT PART OF LOT 57 OF THE STATE SUB-DIVISION OF SECTION 36, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF FARIBAULT, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE WEST LINE OF THE EAST 8 ACRES OF SAID LOT 57, 1008.07 FEET SOUTH AND 286.33 FEET WEST OF THE NORTHEAST (NE) CORNER (COR) OF SAID LOT 57; THENCE SOUTH, PARALLEL WITH, AND DISTANT 286.33 FEET WESTERLY OF THE EAST LINE OF SAID LOT 57, 266.21 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 57, LOCATED AT THE CENTER LINE OF FOURTH STREET IN SAID CITY OF FARIBAULT; THENCE SOUTHWESTERLY, ALONG SAID SOUTHEASTERLY LINE OF LOT 57, 110.98 FEET TO A POINT 271 FEET EAST OF THE WEST LINE OF SAID LOT 57; THENCE NORTH, PARALLEL WITH THE SAID WEST LINE OF LOT 57, 307.43 FEET TO A POINT 1008.07 FEET SOUTH OF THE NORTH LINE OF SAID LOT 57; THENCE EAST, PARALLEL WITH THE SAID NORTH LINE OF LOT 57, 103.27 FEET TO THE POINT OF BEGINNING; SUBJECT, HOWEVER, TO A STREET EASEMENT OVER THAT PORTION THEREOF LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL TO, AND DISTANT 33 FEET NORTHWESTERLY OF THE SAID SOUTHEASTERLY LINE OF LOT 57.

Abstract property

Parcel 5:

Lot 1, RSA Properties LLC Subdivision, Rice County, Minnesota.

Abstract property

Parcel 6:

Outlot A, RSA Properties LLC Subdivision, Rice County, Minnesota.

Abstract property

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Sun Companies Properties Management LLC
a.k.a. C & S Vending Company
Rick Amundson
1919 2nd Street NW
Faribault, MN 55021

Variance Request

Sun Companies Properties Management LLC (a.k.a. C & S Vending Company, Inc.) would like to request a variance to the required 50 foot side yard setback from a residential property. This request would be to reduce the 50 foot side yard setback from a residential property down to the normal required 15 foot side yard setback. The purpose of the variance request is to construct an expansion to the existing building. The expansion of the building will be for additional warehouse space that C & S Vending Company requires to support their business.

C & S Vending Company has been located in Faribault for the past 61 years and been located on this site for the past 30 years. The business has expanded a few times over the years. As the business continues to grow, we need more warehouse space to support the business. Over the years the ownership group has been purchasing the surrounding homes for future development. There is one residential owner remaining on the block and over the past few years we have been trying to purchase this home. The owner of the home is not interested in selling at this time, so we are requesting a variance to the 50 foot setback from a residential property down to the normal required setback of 15 feet.

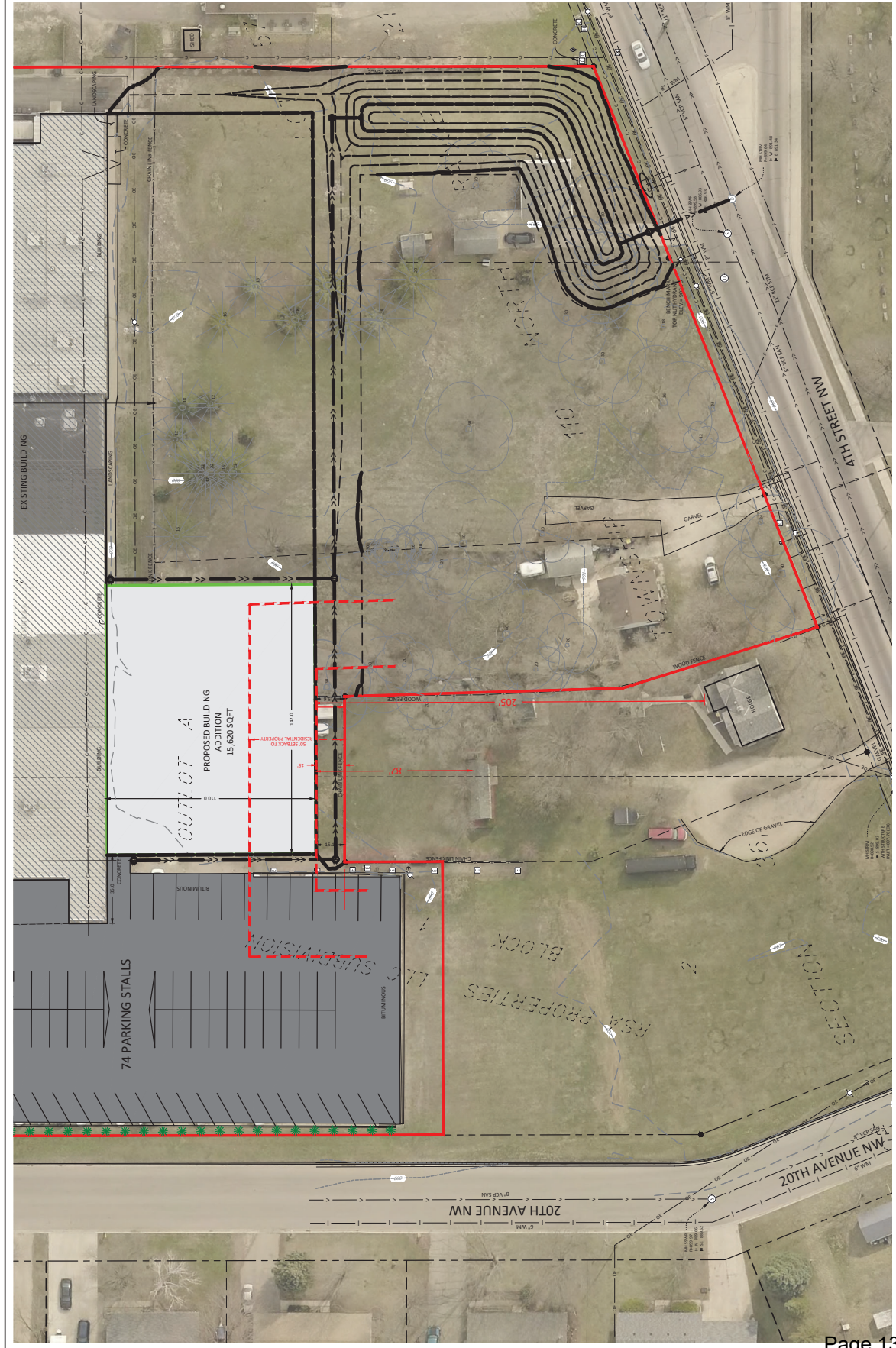
Thank you for considering the proposed variance request.

Sincerely,

Rick Amundson

Vice President

C&S Vending Company, Inc.



From: Rick Amundson <ramundson@csvending.com>

Sent: Friday, March 8, 2024 4:03 PM

To: Harry Davis <hdavis@ci.faribault.mn.us>; Nate Myhra <Nathan.Myhra@bolton-menk.com>

Cc: Kari Casper <kcasper@ci.faribault.mn.us>; David Wanberg <dwanberg@ci.faribault.mn.us>; Mark DuChene <mduchene@ci.faribault.mn.us>; Peter Waldock <pwaldock@ci.faribault.mn.us>

Subject: RE: C & S Vending Company - Submittal Items (email 3 of 4)

Good afternoon,

I wanted to share some information to help support getting recommendation for the variance.

I've shared an attachment that shows the breakdown of our existing building and our current warehouse expansion. Right now there are two separate companies that do completely separate things operating out of the building located at 1919 2nd St NW. We have a Vending Operation and a Food Production Operation.

Here are the two reasons the addition will only work for our operation in the proposed area.

1. We are trying to make our existing warehouse bigger, not create a second warehouse. A separate warehouse would defeat the purpose of trying to create the efficiencies with our 1 single bigger warehouse. Furthermore, moving the warehouse addition would move it farther away from the dock that will be servicing the warehouse.
2. There are 2 different companies that occupy this building. If we move the warehouse at all, not only would we be eliminating the efficiencies we need. We would also be eliminating the potential growth of our food production.
 1. Vending
 2. Food Production

Rick Amundson

Vice President

C&S Vending Company, Inc.

Office: (507) 334-8414

Mobile: (507) 491-0187

Visit our website: www.csvending.com

ramundson@csvending.com





FLOOR PLAN

SCALE: 3/32" = 1'-0"

NORTH

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FLOOR PLAN

A3.0



MEDIAN
architects, inc.

architects, inc.
203 N.W. First Ave.
Fairbault, MN 55021
507/334-2252

C&S VENDING
ADDITION
FARIBAULT, MINNESOTA

MINNESOTA.

DAVID J. MEDIN
License No. 9898
Date Oct 23, 2023

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed architect under the laws of the state of Minnesota.
(architectural only)

DESIGNED	DJM
DRAWN	CDV
CHECKED	DJM
PROJECT	23092
REVISIONS	

CITY OF FARIBAULT

RESOLUTION #2024-XXX

DENY VARIANCE FOR BUILDING SETBACK AT 1919 2ND ST NW

WHEREAS, Rick Amundson (the "Applicant"), on behalf of Sun Companies Property Management (the "Owner") requests a setback variance at 1919 2nd St NW, legally described in Exhibit A; and

WHEREAS, the Applicant requests placing a building expansion for C&S Vending up to 15 feet from a property line adjoining a property used and zoned for residential, as depicted in Exhibit B; and

WHEREAS, Chapter 12, Article 1, Section 12-110, Table 12-2, of the City's Unified Development Ordinance states a property zoned I-1 must have a side property line setback of 50 feet when abutting a residential district or use; and

WHEREAS, the Applicant is requesting to be up to 15 feet from the side property line where 50 feet is required, the variance requested is a 35-foot difference between the Applicant's request and code requirement; and

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

WHEREAS, the Planning Commission, on March 18, 2024, following proper notice, held a public hearing regarding the requests, and following said public hearing made findings and recommended that the City Council deny the requested variances; and

WHEREAS, following said public hearing, the Planning Commission recommended denial of the requested variances based on the following

findings as required by Section 2-460 of the City's Unified Development Ordinance:

1. The variance is in harmony with the general purposes and intent of the City's ordinances.

Finding: The variance requested by the applicant states harmony with the purpose and intent of City ordinances based on separation between the proposed structure and the existing home on the adjacent residential property. The requirement for a 50-foot setback on properties zoned I-1 is not based on building-to-building separation but on adjacency to a property used or zoned for residential. The adjacent property fits both criteria warranting a 50-foot setback on the subject property. While the applicant may make a claim that the separation between the expansion and residential structure is well beyond a 50-foot setback, the plain language as written and required in code is clear and protects adjacent residential enjoyment and use of the property. Having separation between buildings in industrial zones with residential properties provides greater compatibility and enjoyment for the resident and residential property while providing enough room around buildings in industrial zones for fire code access, landscaping, property circulation and access, and many other potential needs. For the reasons above, the request is not in harmony with the general purposes and intent of code.

2. The variance is consistent with the Comprehensive Plan.

Finding: Assuming the associated rezoning and comprehensive plan map amendment are approved prior to city action on this variance, the applicant fairly identified the subject property as industrial for future land use, which the expansion continues the use of the property as industrial. The Comprehensive Plan, in the definition of industrial as a future land use designation, states that industrial in residential areas does currently exist and may continue to exist as long as the industry, neighborhood, and city work together to minimize potential conflicts between the land uses. The applicant stated to staff

that they did attempt to buy a portion of the residential lot to remove the need for a variance, but could not come to an agreement with the property owner. The City does recognize that the applicant attempted to work with the resident, and may be successful in the future in that regard, but the current situation requires compliance with the zoning code. The Comprehensive Plan specifically requires minimization of potential conflicts between land uses and in the absence of a path forward working together, development should be compliant with code, which seeks to minimize the potential conflicts.

3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.

Finding: Expansion of an existing use and business is generally a reasonable request; however, the applicant is placing said expansion closer than allowed to a residential property without showing the necessity of the size of the expansion or enough support regarding the placement. The applicant did state that the size of the warehouse and placement on the property are to help facilitate efficiency in current operations. The applicant did not provide more information regarding why not having a warehouse as big as the proposed is a practical difficulty for using the property. Placement of the warehouse further to the east would impact planned expansion of the food production part of the building while placement further west would reduce warehouse efficiencies sought after with the expansion. However, none of the documentation or information submitted states that placing the expansion elsewhere on the property, where it would be permitted, would be impossible. The applicant's narrative is limited to impacting future expansions and warehouse efficiency, which are economic considerations that may not be considered on their own to be granted a variance.

4. Unique circumstances apply to the property, which do not apply generally to other properties in the same zone

or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control. The unique circumstances do not result from the actions of the applicant.

Finding: The applicant states that the unique circumstance for the property is the business's tenure on the subject property, along with efforts to buy out the rest of the block. However, efforts to buy out the rest of the block, and the remaining residential property being the last hold out, does not present a unique circumstance as the applicant is aware of the property's use and zoning and could plan around the situation. The applicant can control the circumstances of the variance by building elsewhere on the property and the request to place an expansion within 50 feet of the residential property is not a unique circumstance and is a result of the applicant's actions.

5. The variance does not alter the essential character of the neighborhood.

Finding: The applicant states that the building expansion will not change the neighborhood's characteristics as the use on the property is consistently industrial for the past 30 years. The use of the expansion will not change the character of the neighborhood, but the variance itself does, which is to place a building within 15 feet of a property line where 50 feet is required. Most, if not all, other residences in the neighborhood currently have a road or compliant setback between buildings in industrially-zoned properties and residentially-zoned or used properties. This would be a deviation away from the character of the neighborhood by being so close to an adjacent residential property and therefore altering the essential character of the neighborhood where industrial development may tightly abut and impact adjacent residential property.

6. The variance requested is the minimum variance, which would alleviate the practical difficulties.

Finding: The request by the applicant is for a 15-foot setback where 50-feet is required, or a 35-foot variance. Due to a lack of information regarding restrictions on placing the expansion elsewhere or the necessity for the building's size, there is insufficient information to justify a 35-foot variance as the minimum necessary variance needed alleviating a practical difficulty. As presented, the request isn't the minimum variance necessary possible for the proposed building expansion.

7. Economic conditions alone do not constitute practical difficulties.

Finding: The criteria for approval of a variance must be that the economic conditions alone do not constitute a practical difficulty, but the proposal as submitted by the applicant does not clearly make that distinction. The applicant stated in their submittal letter that the economic conditions constitute a practical difficulty for the project, stating the efficiencies in having a bigger warehouse or potential impact on future development if the expansion were placed elsewhere. While completely relocating the business is impractical, the applicant did not sufficiently state why the addition cannot be located elsewhere within the property.

WHEREAS, the City Council, at a public meeting, on XXXX XX, 2024, considered the request, the report to the Planning Commission, and the results of the public hearing, and concurred with all 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 FARIBAULT, MINNESOTA AS FOLLOWS:

Section 1: Denial of the Requested Variances. The City Council hereby denies the requested variance from Chapter 12, Article 1, Section 12-110, Table 12-2, of the City's Unified Development Ordinance allowing a building expansion up to 15 feet from the side property line when a side property line setback of 50 feet is required. Said denial is based on the foregoing recitals, which are incorporated herein by reference, and which constitute the findings of the City

Council, all of which are to protect the public's health, safety, and welfare.

Section 2. Compliance. The City Council authorizes the Mayor, City Administrator, City Planner, and the City Attorney to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 3. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: XXXX XX, 2024

Faribault City Council

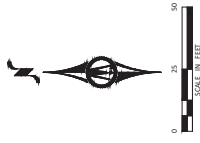
Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A
Property Legal Description

Exhibit B
Depiction of Variance





REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: Harry Davis, City Planner
FROM: Peter Waldock, Planning and Zoning Coordinator
MEETING DATE: March 18, 2024
SUBJECT: Application by the City of Faribault to Rezone Properties Along the North Side of 14th Street NW from 3rd Avenue NW, West to Lake Faribault, from I-2, Heavy Industrial District to R-2, Low-Density Residential District.

Background:

The City is proposing to rezone the north side of 14th Street NW from 3rd Avenue NW to Faribault Lake from I-2, Heavy Industrial District to R-2, Low-Density Residential District. The rezoning is proposed following the Comprehensive Land Use Plan for the area. An owner of one of the lots in the proposed rezoning is seeking to build an addition onto their home and cannot expand the home under the industrial zoning. The existing land uses in the rezoning area are single-family homes or vacant residential-size lots. Surrounding uses near this site include similar single-family homes on both sides of 14th Street NW. The south side of the street is zoned R-2 currently. The Faribault Woolen Mills property is northeast of the subject site and they own several of the residential lots in the proposed rezoning area. They do not have any objections to this rezoning proposal.

The DRC reviewed this application at its meeting of March 5, 2024, and recommends approval.

Recommendation:

Approve findings in support of the proposed rezoning request and recommend City Council approve the proposed rezoning to R-2, Low Density Residential as guided by the Comprehensive Land Use Plan for the area.

Attachments:

1. Draft Ordinance to Rezone the North Side of 14th Street NW

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

**REZONE CERTAIN PROPERTIES ON THE NORTH SIDE OF 14TH
STREET NW BETWEEN 3RD AVENUE NW AND LAKE FARIBAULT
TO R-2, LOW-DENSITY RESIDENTIAL**

WHEREAS, the City of Faribault proposes to rezone the properties generally located along the north side of 14th Street NW between 3rd Avenue NW and Lake Faribault from I-2, Heavy Industrial to R-2, Low-Density Residential; and

WHEREAS, the properties described in the above recitals and graphically depicted in Exhibit A are hereinafter referred to as the subject area; and

WHEREAS, the City Comprehensive Plan adopted on September 22, 2020, guides the subject area as an Established Residential Neighborhood; and

WHEREAS, the proposed rezoning is intended to zone the subject area in accordance with the adopted comprehensive land use plan for this neighborhood; and

WHEREAS, City Staff prepared a report to the Planning Commission, and made a recommendation to approve the City's rezoning request; and

WHEREAS, the Planning Commission, on March 18, 2024, following proper notice, held a public hearing regarding the said request; and

WHEREAS, the Planning Commission finds that it is appropriate to rezone the subject property as requested by the Applicant based on the following written findings of the Planning Commission as required by Section 2-180 of the City's Unified Development Ordinance:

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

Finding: The Land Use Plan guides the subject properties for Established Residential use, which is consistent with the proposed R-2, Low-Density Residential District zoning. In addition, the proposed zoning is consistent with existing R-2 zoning and existing

land uses adjoining the rezoning area along the south side of 14th Street NW in this block.

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

Finding: It is in the public's best interest to ensure reasonable and logical use of the property. It is reasonable to rezone the subject area to R-2, Low Density Residential District to match the along the south side of the block and match the existing single-family residential uses in the subject area.

3. Criteria: Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The existing uses of the property to be rezoned are single-family residential dwellings compatible with the proposed R-2, Low-Density Residential zoning on this block.

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 existing I-2, Heavy Industrial zoning in the subject area is not practical due to the small residential-sized lots found in the rezoning area. The current industrial zoning hinders the restoration or expansion of existing single-family homes in the rezoning area.

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 adoption of the Comprehensive Land Use Plan for the subject area guides it for established residential uses that is consistent with the proposed low-density residential zoning.

WHEREAS, the City Council held a public meeting on March 26, 2024, to consider approval of the first reading of Ordinance 2024-___; and

WHEREAS, the City Council also held a public meeting on _____, 2024 to consider approval of the second reading of Ordinance 2024-___; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

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

Section 2: Rezoning Approval. The City Council hereby rezones the subject property graphically depicted in Exhibit A to R-2 Low-Density Residential District. The effective date of the rezoning shall be as specified in Section 5 of this resolution.

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

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

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

First Reading: March 26, 2024

Second Reading: _____, 2024

Publication Date: _____, 2024

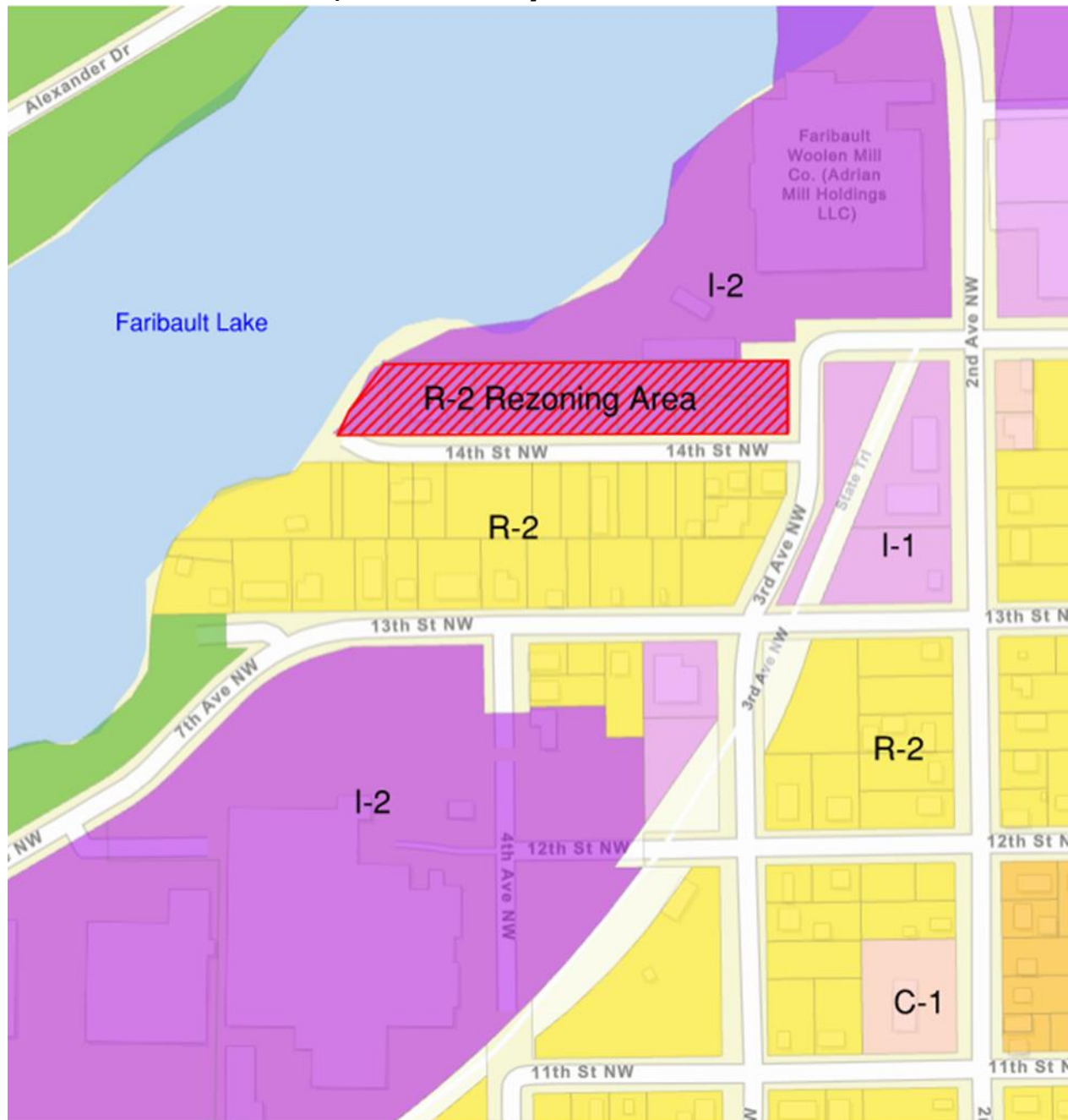
Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A:
Graphic Depiction of Subject Property to be Rezoned
To R-2, Low-Density Residential District



Properties to be Rezoned:

- 1410 3rd Ave NW – PID #s 1830276001; 1830276002; and, 1830276003
- 1422 3rd Ave NW – PID #s 1830276005; 1830276006; and, 1830276007
- 328 14th St NW – PID # 1830276004
- 344 14th St NW – PID # 1830276008
- 412 14th St NW – PID # 1830276009
- 418 14th St NW – PID # 1830276010