



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, JULY 1, 2024

6:00 PM

1. Call to Order/Approve Agenda
2. Approval of the Minutes of June 17, 2023
3. Public Hearings
 - A. Kleeberger - Riverview Ridge Subdivision, Variances, Conditional Use Permit
 - 1 Resolution 2024-XXX Approve the Preliminary and Final Plats for Riverview Ridge Addition
 - 2 Resolution 2024-XXX Deny Variance for Construction and Grading near Top of Bluff at 1150 Quartz Circle
 - 3 Resolution 2024-XXX Approve a CUP for a Single Family Home in Shoreland at 1150 Quartz Circle
 - B. Cashin - Stoneridge Fourth Addition, Easement Vacation
 - 1 Ordinance 2024-X Vacate an Portion of Drainage and Utility Easement at 1950 13th St NW
 - 2 Resolution 2024-XXX Approve the Preliminary and Final Plats for Stoneridge Fourth Addition
4. Requests to be Heard
5. Items for Discussion
 - A. General Planning & Zoning Updates
6. Routine Business
7. Board & Commissions 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.

Para pedir este documento en otro idioma, envíe un correo electrónico y adjunte el documento a accessibility@faribault.org.

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PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS

MONDAY, JUNE 17, 2024

6:00 PM

Meeting Items

1. Call to Order/Approve Agenda

A regular meeting of the Planning Commission was called to order by Chair Chuck Ackman at 6:00 p.m. The commissioners in attendance were Samantha Green, Barton Jackson, Edward Miglio, Steve White, and Chair Ackman. Harry Davis, City Planner, and Kari Casper, Secretary, were also in attendance.

2. Approval of the Minutes June 3, 2024

Motion by Samantha Green, seconded by Edward Miglio to approve the meeting minutes of June 3, 2024 as presented. The motion passed unanimously.

3. Public Hearings

A. Ordinance 2024-XX Approve a Zoning Text Amendment to Allow Laundry Services in C-1 Zoning

Harry Davis began the presentation on the potential for the Planning Commission to recommend approval of a zoning text amendment to allow laundry services in a C-1 zoning district. Davis stated that after some research on peer cities, he did not find that laundromats were more intense or impactful on adjacent properties and would fit well in a C-1 district.

Chair Ackman then opened the matter up for discussion. Commissioner Green asked if there were restrictions on hours in a C-1. Davis stated that he would check the code to see if any of the other uses had restrictions on hours and came up with none.

Commissioner White then asked if the neighborhood would be able to view a site plan.

Davis stated they would not. White then asked about lighting. David stated that the lighting is covered by the code and the hours are not restricted. Chair Ackman asked why laundromats were excluded in the writing of this ordinance. Davis stated that he did not know why and when asking other personnel who may know, had no further insight into the matter. Chair Ackman stated that he didn't recall seeing a laundromat coming before the planning commission during his time. With no further discussion, Chair Ackman then opened up the public hearing at 6:14 p.m. The applicant, J.C. Ahlers then came forward to the dias to answer any questions. He stated that he was not interested in staying open anytime past 11:00 p.m. Chair Ackman then closed the public hearing at 6:16 p.m. and brought the matter back for further discussion. Commissioner White then brought a motion to recommend approval with a conditional use for the laundromat and added dry cleaners as well. Chair Ackman asked for a 2nd on the motion and no one came forward, so the motion was quashed. Commissioner Green then made a motion to recommend approval as presented, later amending her motion to add that they will be addressed the C-1 ordinance at another, upcoming Planning Commission meeting.

Commissioner Green's motion was then seconded by Commissioner Jackson. Chair Ackman then asked for a vote, and it came in with a 4 to 1 vote with Commissioner White dissenting. Commissioner White then requested a Roll Call Vote which was as

such:

Samantha Green: Yay
Barton Jackson: Yay
Edward Miglio: Yay
Steve White: Nay, and
Chair Ackman: Yay

Roll Call was a 4/1 vote with White dissenting again.

4. Requests to be Heard
None.

5. Items for Discussion

Commissioner White wanted to discuss Bandair's Restaurant downtown. He feels it does not meet the Historic Preservation guidelines and has made a complaint to the city about its appearance. Chair Ackman stated that it was not on the agenda and shouldn't be discussed here and now.

Davis stated that it might be helpful since there are new members on the boards to go over the Commission's work plan that was discussed earlier in the year. He will send that out again for people to review before the next meeting. Davis also went over the changes in the bylaws to the attendance policy. It is important to note that if you contact him after 4:30 on the day of the meeting it will be marked as an unexcused absence. Casper will be keeping track.

6. Routine Business
None.

7. Board & Commissions Updates & Reports

Chair Ackman asked if anyone was on a board and no one was at this time. He stated that for years the Planning Commission had someone on the Economic Development AUthority's board but not anymore.

8. Adjournment

Motion by Barton Jackson, seconded by Samantha Green to adjourn the meeting at 6:53 p.m. The motion passed unanimously

By: _____
Kari Casper, Recording Secretary



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planner
Mark DuChene, Director of Engineering/City Engineer
MEETING DATE: July 1, 2024
SUBJECT: Riverview Ridge Addition Plats, Shoreland Variances,
and CUP
1150 Quartz Circle

Request:	Applicant requests approval of a preliminary and final plat, Shoreland variances, and a conditional use permit.
Recommendation:	The DRC, City Engineer, and City Planner recommend approval of Riverview Ridge Addition plats and the CUP to City Council based on the findings and conditions in the attached draft resolutions. The DRC and City Planner recommend denial of the Shoreland variances to City Council.
Recommended Motion(s):	Motion to forward and recommend approval of the preliminary and final plat requests for Riverview Ridge Addition to City Council, with findings and conditions suggested by city staff. Motion to forward and recommend approval of the conditional use permit for a non-farm, single-family home, with findings and conditions suggested by city staff. Motion to forward and recommend denial of the Shoreland variance requests, with findings and conditions suggested by city staff.

Request:

Donald and Cheryl Kleeberger (the Applicant) request approval of preliminary and final plats for Riverview Ridge Addition, variances from top of bluff setbacks and grading within the bluff impact zone, and a conditional use permit to allow a single family home unassociated with a farm, as depicted in the attached plans.



Location at the end of Quartz Circle

Background and Project Description:

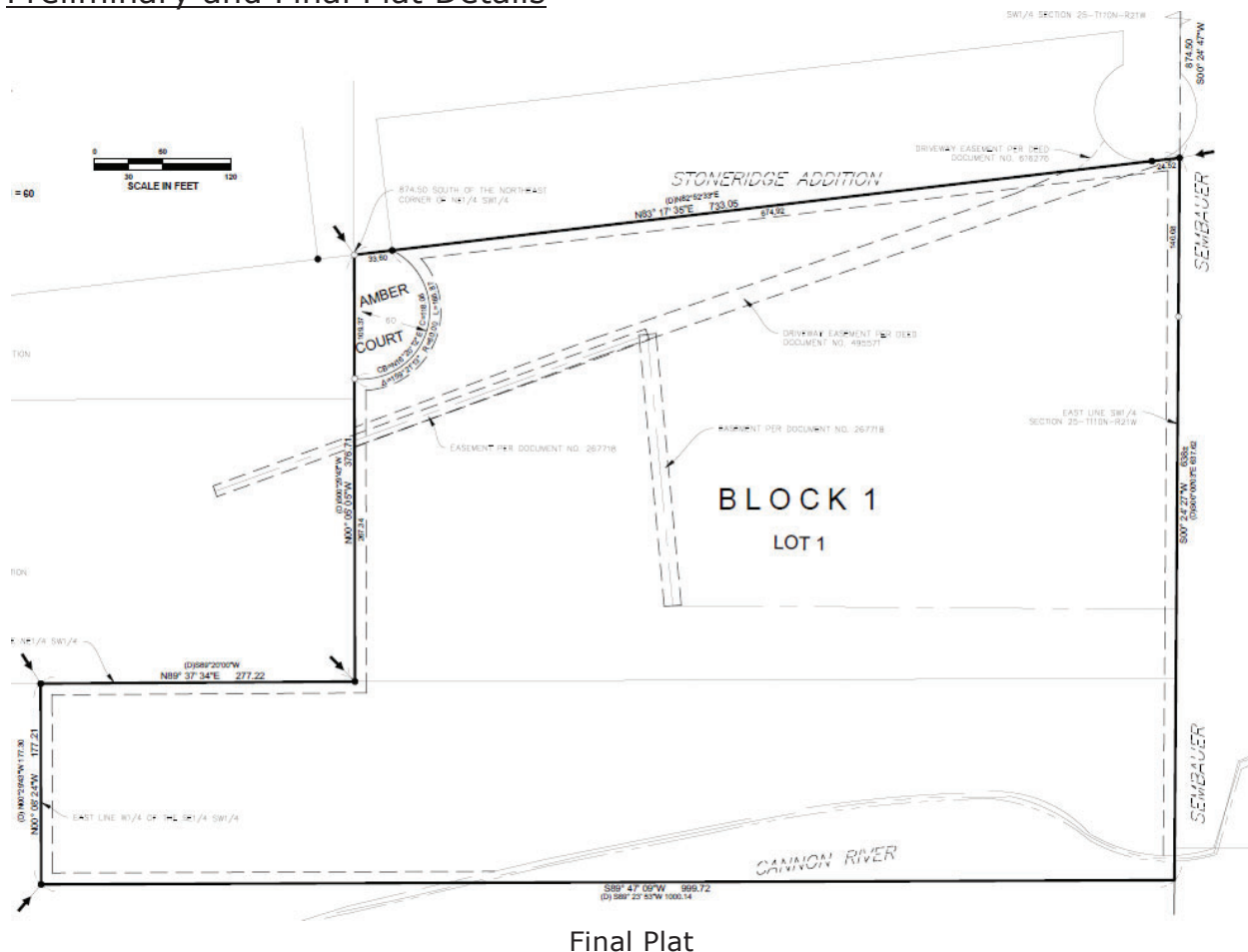
The property is an unplatted, approximately 10-acre site split from an original 15 acre parcel by prior owners. The subdivision was not approved by the city, as required by State Statute and Faribault City Code. Both State Statute and city code prohibit issuing building permits on unplatted residential parcels under 20 acres. This prohibition was unknown to the applicants who applied for a building permit, which started this development review process and is the impetus behind the preliminary and final plat submittals. The resulting subdivision is for one buildable, residential lot.

Since the applicant's original submittals in April of 2024, city staff and the owners collaborated on the best process for developing the site. The applicants purchased the property with the river views and topography in

mind, making their preferred home site south of an existing private driveway. The previous owners have an easement that protects driveway access and current location through the middle of the property, making it difficult to shift it elsewhere.

Placing the home south of the driveway does present challenges: the home is within the Shoreland Overlay District, which is a 300 foot buffer along the Cannon River. The shoreland overlay protects the river's character and quality, including bluffs and other natural features. The shoreland overlay does not allow structures within thirty (30) feet of the top of bluff and grading is prohibited within 20 feet of the top of bluff. These restrictions are to protect the homeowner as much as to protect the bluff and natural features. The DNR has many examples of structures built too close to a bluff that are now in need of serious repair or is simply not there anymore due to bluff and bank erosion.

Preliminary and Final Plat Details



The site is located in the SW ¼ of Section 25 Township 110, Range 21W.

The proposed plat contains:

Total Plat Area: 10.44 Acres (454,766 sf)

Lot 1, Block 1: 10.30 Acres (448,668 sf)
Right-of-Way: 0.14 Acres (6,098 sf)

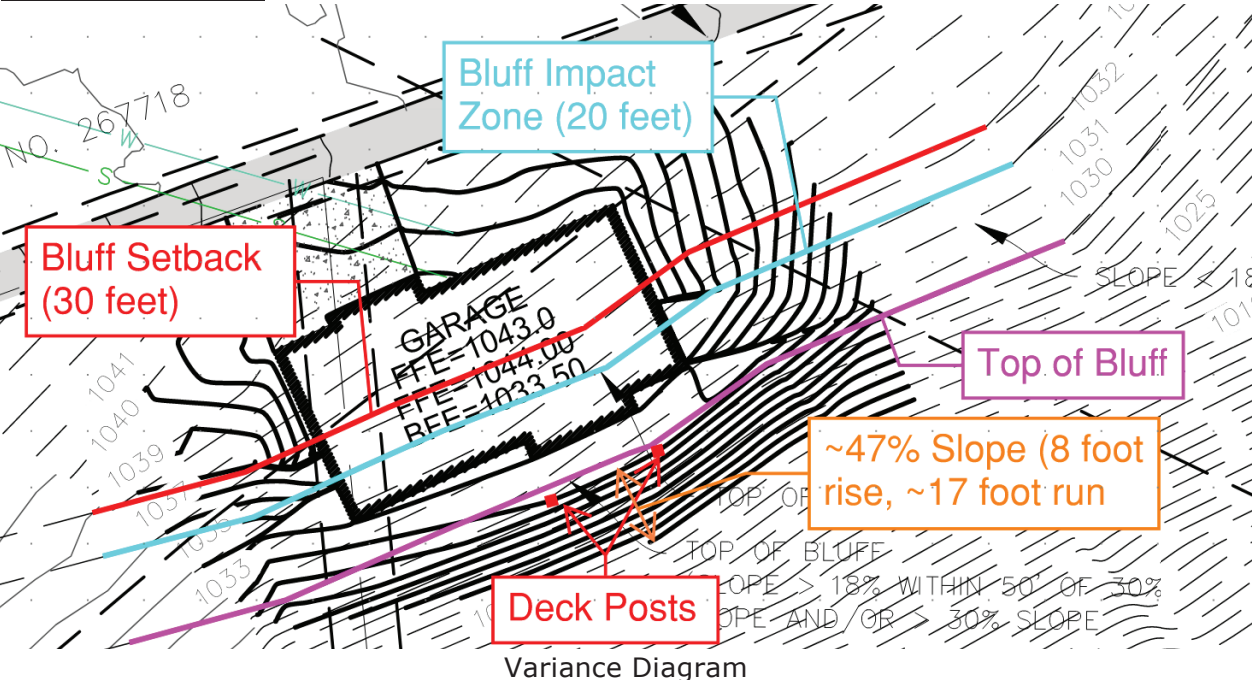
The proposed development will be completed by:

Owner/Developer: Don and Cheryl Kleeberger
Surveyor/Engineer: Jones, Haugh & Smith

The preliminary and final plat for Riverview Ridge Addition is for one lot with unimproved frontage on a half cul-de-sac for Amber Court dedicated per the plat. The half cul-de-sac anticipates future development from the property to the west and allows the applicant to develop the existing property.

At the time of the 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. Developer shall submit a digital copy of the final plat in an AutoCAD format to the City Engineer.

Variance Details



The applicant's variance requests include placing the home and attached deck past the top of bluff and not adhering to the setback, grading well past the top of bluff and well into the impact zone, and proposing finished grades at around forty-seven (47) percent when fifteen (15) percent is the allowed maximum slope.

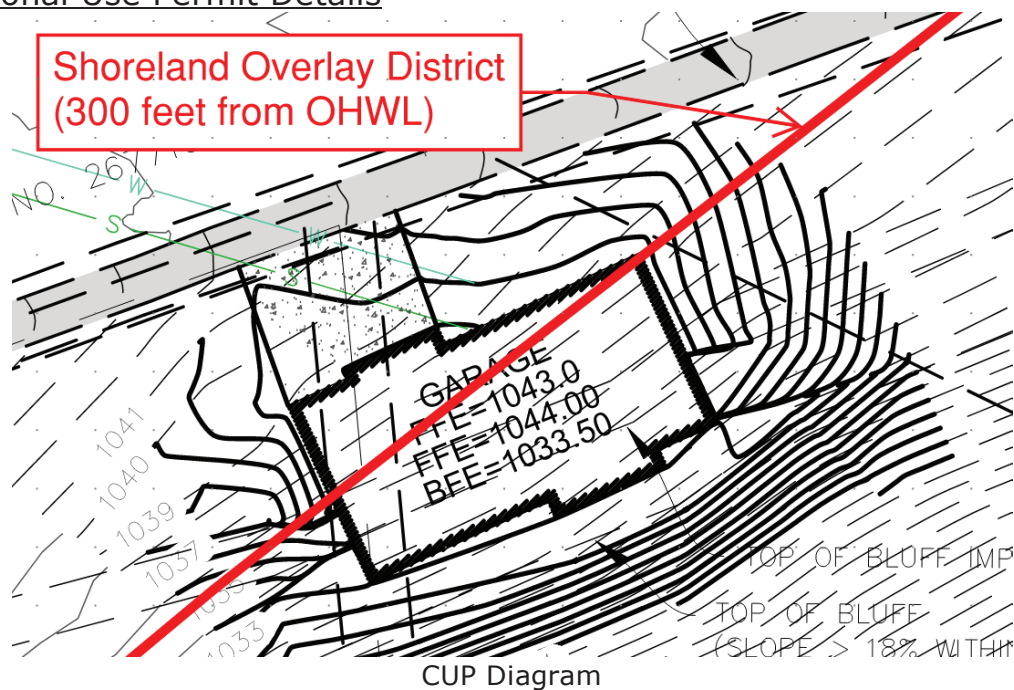
Table 1 – Variance Table

Variance Issue	Requirement	Proposed	Variance
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Bluff setback from top of bluff (Sec 13-660(E))	30-foot setback from top of bluff	0-foot setback (~3 feet past the top of bluff)	0 feet (~3 feet past the top of bluff)
Grading and filling land in bluff impact zone (Sec 16-680(C)(9))	20-foot setback from top of bluff	0-foot setback (~20 feet past top of bluff)	0 feet (~20 feet past top of bluff)
Proposed finished slopes greater than 15% (Sec 13-680(C)(8))	Finished slopes at or less than 15% grade	~47% slope	~32% grade (~3 times the maximum slope)

The applicant did provide a narrative behind the variance requests. In summary, the applicant names the driveway and associated easements as the practical difficulty in developing the property. It bisects a lot of the developable area and the ambiguity if the easement makes it hard to shift its location without full cooperation from the adjoining neighbors. In the areas north and northwest of the proposed home are older, mature trees and undergrowth that the applicant would prefer to keep for their value to the property. Placement near the adjoining townhomes to the north is also undesirable and the applicant would prefer not to start a potential conflict with the neighbors. The Kleebergers want the lot for its privacy, and surmise that the townhomes feel similarly, so they want to avoid close proximity and negative impacts. The full narrative by the applicant may be found in attachments.

Conditional Use Permit Details



The requirement for a single-family home needing a conditional use permit in shoreland is based on Sec. 13-520, Table 13-2. This is inconsistent with the DNR's model shoreland ordinance and in conflict with another section of

Faribault City Code, which neither states this use requiring a CUP, but the city must apply to the stricter requirement. The distinction is a single-family home is permitted when associated with a farm, which does not apply to this proposal.

Discussion:

The proposed preliminary/final plats and conditional use permit are consistent with the planning and zoning aspects of the City of Faribault's Unified Development Ordinance, with conditions of approval. However, the variances proposed by the applicant are not consistent with city code. The following provides an overview of the key planning and zoning-related items associated with:

Preliminary Plat

1. Existing and Surrounding Conditions. The subject property at 1150 Quartz Lane, is vacant, it totals approximately 10 acres. The site is wooded and is on a river bluff sloping down to the Cannon River. To the north is Stoneridge Addition, with twin home lots along the north property line. To the east are older residential uses on large parcels. To the west is a 4-acre unplatted parcel with a single-family home, and to the south is Cannon River, and south of that are industrial uses including an auto salvage yard.
2. Relationship to the Journey to 2040 Comprehensive Plan. The Journey to 2040 Comprehensive Plan guides the subject property for residential. 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 identifies the subject property as R-2, Low Density Residential zoning district. The proposed preliminary plat is consistent with the uses.
4. Existing Trees. The subject property is forested and has trees over most of the 10 acre site. Tree removal is limited to construction area, but the applicant can remove limited numbers of trees on the bluff and within shoreland to establish views of the river.
5. Wetlands and Shoreland. There are no known wetlands affecting the development area. The site is within the shoreland district and is on a river bluff with steep slopes.
6. Street and Site Layout.

Amber Court

The site is southeast of and partially adjacent to Amber Court. Amber Court is an unimproved local roadway as identified in the City's 2015 functional classification system map and was platted as part of the Stoneridge Addition. Amber Court is to be constructed as a 32-foot wide, undivided urban roadway within a 66-foot right-of-way. The Riverview Ridge Plat proposes a half-street extension of Amber Court to provide the necessary frontage on a public street for Lot 1, Block 1 of the proposed plat.residential lot. No public street improvements are planned as part of the subdivision, the right-of-way will remain unimproved until adjoining property is developed further and no access to Amber Court is proposed at this time. No future subdivisions or buildable lots shall be considered for either the subject parcel or the adjacent parcel to the west until such time as Amber Court is fully constructed. Quartz Circle

7. The site is southwest of and partially adjacent to Quartz Circle. Quartz Circle is an local roadway as identified in the City's 2015 functional classification system map and was platted and constructed as part of the Stoneridge Addition. Quartz Circle is constructed as a 35-foot radius cul-de-sac, urban roadway within a 45-foot right-of-way. The existing driveway service the proposed plat and the parcel adjacent to the west access from Quartz Circle. No public improvements are proposed for Quartz Circle. Grading, Drainage and Erosion Control.

There are no proposed storm sewer improvements proposed as part of the preliminary and final plat submittal plans. Future storm sewer facilities 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 at the time Amber Court is constructed. Final storm sewer locations and construction are subject to City of Faribault standards in place at the time of construction and must be approved by the City Engineer with final construction plans.

The development is located within the Cannon River (M-048) drainage district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site currently drains primarily to the south directly to the Cannon River. Future runoff to Amber Court will be directed to a stormwater

management basin constructed as part of the Stoneridge Addition. This basin outlets to the east via a storm sewer pipe and discharges to the Lyndale Avenue (TH 21) right-of-way before reaching the Cannon River. The existing storm water treatment basin was sized to accommodate both the rate control and water quality requirements of Amber Court.

The proposed plat is approximately 10 acres, however the proposed improvements do not propose to construct 1 acre or more of impervious surfaces. Any additional future development beyond what is proposed as part of the Riverview Ridge plat that increases the impervious surface by 1 acre or more (including the improvements as part of the Riverview Ridge plat) shall satisfy the requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit and the City's current Municipal Separate Storm Sewers System permit for post construction stormwater management.

8. Utilities

Sanitary Sewer

The development is proposed to be served by public sanitary sewer facilities. Eight-inch sanitary sewer mains shall be extended within Amber Court. The sewers flow to existing facilities within 13th Street NW. The existing City-owned downstream facilities have sufficient capacity to serve the development. The Developer is responsible for all costs associated with sanitary sewer extensions.

Final utility locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans.

Watermain

The development is proposed to be served by public watermain facilities. Six-inch watermains shall be extended within Amber Court. The Developer is responsible for all costs associated with watermain extensions.

Final utility locations and construction are subject to City of Faribault standards and must be approved by the City Engineer with final construction plans. Final hydrant location and spacing shall be approved by the Fire Chief.

Lighting & Electric Utilities

At such time as Amber Court is improved, the Developer shall be responsible for at least half the the cost of installing street lighting as required by City Council Resolution NO. 2003-198. Developer shall submit a proposed street light layout plan to the City for review and approval. Developer shall pay the electric company for the purchase of all components of the street lighting system as approved by the City and all costs incurred by the utility company for the installation of the street light system not covered in the electric utility company rate for this service. The City and electric company shall enter into a contractual agreement for the operation and maintenance of the street lighting system.

Per Section 15-380 of Appendix B (Unified Development Regulations) of the City Code of Ordinances, all utilities that serve newly developing areas are to be placed underground. The Developer shall be responsible for arranging and coordinating with the respective utility company utility servicing for the newly created lots with the subdivision.

9. Easements.

There is an existing driveway easement through the plat in favor of the adjacent property to the west per Doc. 495571. There is also an existing easement for buried electric per Doc. 267718. Developer shall be responsible for all easement responsibilities per recorded documents.

The Final plat shall include drainage and utility easements being a minimum of 10-ft in width when adjoining plat boundary, street lines rear lot lines and being a minimum of 5-ft in width when adjoining side lot lines unless there are public utilities with the easement area in which case the minimum total easement width shall be 20-ft or as determined by the City Engineer based on utility type and depth contained within the easement.

10. 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 future development of one more lot on site and extending public improvements on Amber Lane when necessary.

11. Parkland Dedication or Fees In-Lieu. This unplatted parcel did not previously pay parkland dedication fees or dedicate parkland. The

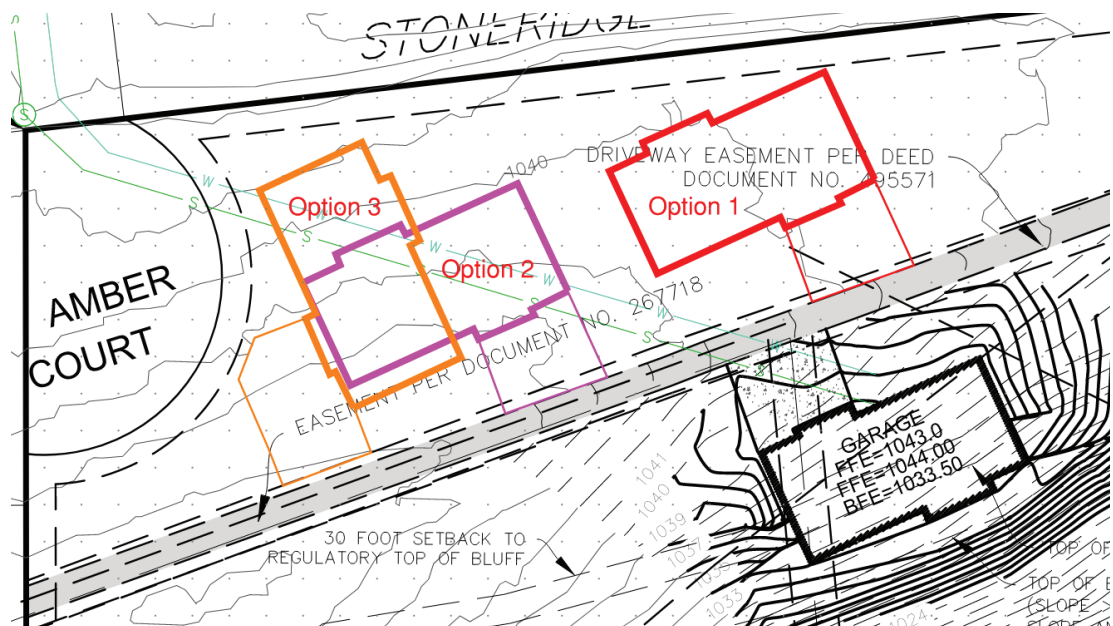
final cost for parkland dedication will be in the development agreement.

Final Plat

1. **Final Plat Requirements.** The proposed final plat is consistent with the preliminary plat. The title commitment and surveyor for the project found a set of old utility easements on the property. Prior to building permit, the applicant and their development team will need to vacate the easements if the house and easement locations overlap.

Variance

1. **Variance Summary.** The proposed variances are not in harmony with the purpose and intent of the ordinance. Structures and grading are strictly not allowed near the bluff impact zone and the proposal extends well into the impact zone and past the top of bluff. The resulting finished grades are three times the maximum allowed. The variances are not consistent with the comprehensive plan, as the plan specifically calls for protecting bluffs and natural areas in Faribault. Building well into a bluff will cause issues for the applicant and future homeowners and this is a case where the community interests and goals far outweigh the applicant's desire for a home with a view. There are other building sites available for the applicant:



Because of the other building sites available to the applicant outside of setbacks and bluff impact zones, the preferred option by the applicant is not a reasonable request and not a unique circumstance. The changes to the bluff would change the character of the area, as no other development nearby impacts the bluff in a similar way. The

preferred option by the applicant is an economic argument based on property values, but this cannot be the only method for arguing a practical difficulty. In summary, the variance does not meet the standards for a practical difficulty.

Conditional Use Permit

- 1. Conditional Use Permit Summary.** The proposed conditional use permit does meet most of the Unified Development Ordinance requirements and is compatible with the neighborhood, with the exception of not meeting shoreland requirements. City staff recommend a condition requiring the home to meet shoreland requirements, which protect the bluff and associated shoreland area along the Cannon River.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed applications many times beginning in April 2024 and most recently June 18, 2024. The DRC recommended approval of the plats and CUP with conditions, but recommended denial of the variances. The applicant did revise the plats to address most of the DRC's conditions for the preliminary and final plats.

DNR Comments. On June 17, the DNR Area Hydrologist, Todd Piepho, email city staff stating that the DNR does not support the request variances. The email received is as follows:

The [Minnesota] Department [of Natural Resources] would support your recommendations of keeping the dwelling out of the shoreland and also away from the top of bluff, meeting setbacks. It appears there are alternatives that can accomplish this task and limit the potential for future problems. As with all other recommendations, if alternatives exist onsite that allow for building without variances being issued that is the route that should be taken. We have seen many instances where bluff variances were issued and severe erosion took place that damaged the integrity of the structure and in some cases required the structure be removed or re-built.

The DNR sent examples of other structures built on bluffs across Minnesota that experienced significant damage or complete destruction due to bluff erosion. Those examples are included in the attachments.

Public Comment. The City Planner received no public comment prior to publishing this report. Notification for this item was published in the paper on June 20, 2024 and letters sent to property owners within 350-feet on June 19, 2024.

Recommendation:

The DRC, City Engineer, and City Planner recommend approval of Riverview Ridge Addition plats and the CUP to City Council based on the findings and conditions in the attached draft resolutions. The DRC and City Planner recommend denial of the requested shoreland variances to City Council.

Attachments:

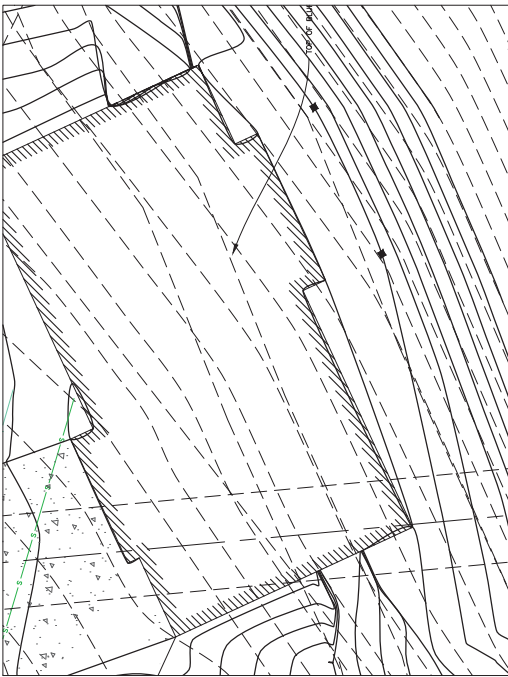
- Preliminary Plat
- Preliminary Plat Grading Plan
- Final Plat
- Applicant Variance Request Narrative
- DNR Comments and Photos

PRELIMINARY PLAT - GRADING PLAN

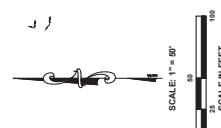
RIVERVIEW RIDGE ADDITION

PART OF THE E1/2 OF THE SW1/4 SECTION 25-T110N-R21W

CITY OF FARIBAULT, RICE COUNTY, MINNESOTA



DETAIL 1



- LEGEND**
- Water Main
 - Sanitary Sewer
 - Water Main Valve
 - Manhole
 - Proposed Elevation Contour Line
 - Measured on the ground Elevation Contour Line
 - Design Elevation Contour Line

PRELIMINARY PLAT

PART OF THE E1/2 OF THE SW1/4 SECTION 25-T110N-R21W
CITY OF FARIBAULT, RICE COUNTY, MINNESOTA
FOR: DON KLEBERGER

Drawn By	JAS	Job No.	122
Checked By	JAS	Station	2713102060
Designed By	JAS	Scale	1" = 80'
Reviewed By	JAS	Sheet	1 of 1
Project No.	60424	Drawn Date	09/25/2020
Project Name	RIVERVIEW RIDGE ADDITION	Drawn By	JAS
Project Location	2713102060	Drawn Date	09/25/2020
Project Owner	DON KLEBERGER	Drawn By	JAS
Project Address	2713102060	Drawn Date	09/25/2020
Project City	FARIBAULT	Drawn By	JAS
Project County	RICE	Drawn Date	09/25/2020
Project State	MINNESOTA	Drawn By	JAS
Project Country	USA	Drawn Date	09/25/2020

JONES HAUGH SMITH
Engineers & Surveyors

515 South Washington Ave
Faribault, MN 56003
507-281-4478
507-281-4479
507-281-4480
507-281-4488

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We are writing to request a variance to the steep slope requirement on our property located at 1150 quartz circle in order to build our single family forever home. We purchased this property in the summer of 2020 and have been thoughtfully planning the building process for nearly 2 years. This has not been an easy process since we were essentially placed us in the shoes of a developer for this unplatted property. With the help of city staff we believe that the proper steps have been taken to make a new subdivision (Riverview Ridge) with the potential for future homes on our property and the property adjoining ours to the west (The Vanderveens) by planning to install properly sized sewer/water piping and dedicating a public right of way on our property for a future cul-de-sac from Amber lane.

We believe that our biggest hardship is the location of the existing driveway that serves the Vanderveens and will also serve our home. By rerouting the existing driveway further north to meet the requirement it would create negative consequences for the following reasons.

First- The environmental impact would be significant, there are many large mature trees that would need to be removed plus countless smaller trees, shrubs, wild blackberries and undergrowth that would be destroyed.

Next- Our home would be pushed further north and much closer to the homes on the south side of Crystal Lane. Instead of seeing the woods that has been there since before those homes were built, they would now see our home and we would also see theirs. Rerouting would take away the privacy and feeling of seclusion that the trees provide. We were drawn to this property and purchased it because of its beautiful views and the feeling of privacy we are seeking for our future and forever home.

Last- The driveway is already existing, functional and the Vanderveens have been using it unchanged for over 20 years. If we need to reroute to meet this requirement we will be disrupting our neighbors and making an unnecessary inconvenience.

In summary we propose on keeping the existing driveway as is for the sake of nature, our neighbors, and us. We believe that we fulfill the hardship requirements for a variance and kindly ask the council to review and grant such variance. Thank you for time and consideration.

The Kleebergers
Don, Cheryl, Kensington & Britynn

Harry Davis

From: Piepho, Todd (DNR) <todd.piepho@state.mn.us>
Sent: Tuesday, June 18, 2024 11:56 AM
To: Harry Davis; Peter Waldock
Subject: RE: Riverview Ridge Subdivision, Shoreland CUP and Variance Applications
Attachments: DSCN1262.JPG; DSCN1263.JPG; IMG_5006.JPG; IMG_5013.JPG; Sexton Medford.pdf

Good Morning Harry,

I have attached a few photos of some recent sites where homes were built to close to the top of bluff for reference. One of these is extreme-the Le Sueur River flooded and undercut the bank and bluff and it failed taking many linear feet of bluff into the river and impacting the dwelling significantly. The other couple are not so bad, but were also built very close to the top of bluff and over the years the bank eroded and the structures started to slump slightly causing bank protection to be done to prevent any additional damage to the homes. When structures are too close to the top of bank, or bluff and failure takes place fixes are not cheap, many of these projects that have taken place cost as much or more than the homes that they are protecting and in some cases the home is removed.

Avoidance or alternatives are always a better choice, especially when it exists onsite. These are some of the extreme ones, but bank/bluff failures can take place anywhere even if the structure is a distance off the bank. We have had several bluff failures in this area on local lakes that are not this extreme, however required a lot of additional stabilization measures be installed and in some cases structures be lifted/stabilized.

Hopefully these help.

Todd Piepho

Area Hydrologist | Ecological and Water Resources

Minnesota Department of Natural Resources

50507 Sakatah Lake State Park
Waterville, Mn 56096
Cell Phone:1-507-421-1991
Email:Todd.Piepho@state.mn.us



From: Harry Davis <hdavis@ci.faribault.mn.us>
Sent: Tuesday, June 18, 2024 11:07 AM
To: Piepho, Todd (DNR) <todd.piepho@state.mn.us>; Peter Waldock <pwaldock@ci.faribault.mn.us>
Subject: RE: Riverview Ridge Subdivision, Shoreland CUP and Variance Applications

Hi Todd,

Would you be willing to share details on other projects where this occurred? We're expecting an uphill battle with Council and would appreciate examples to show that we aren't just speculating.

Harry



HARRY DAVIS, AICP

City Planner

OFFICE | 507-333-0388

EMAIL | hdavis@ci.faribault.mn.us

WEB | www.faribault.org

ADDRESS | 208 NW 1st Avenue, Faribault, MN 55021

From: Piepho, Todd (DNR) <todd.piepho@state.mn.us>

Sent: Monday, June 17, 2024 7:37 AM

To: Peter Waldock <pwaldock@ci.faribault.mn.us>

Cc: Harry Davis <hdavis@ci.faribault.mn.us>

Subject: RE: Riverview Ridge Subdivision, Shoreland CUP and Variance Applications

Good Morning Peter,

The Department would support your recommendations of keeping the dwelling out of the shoreland and also away from the top of bluff, meeting setbacks. It appears there are alternatives that can accomplish this task and limit the potential for future problems. As with all other recommendations, if alternatives exist onsite that allow for building without variances being issued that is the route that should be taken. We have seen many instances where bluff variances were issued and severe erosion took place that damaged the integrity of the structure and in some cases required the structure be removed or re-built.

Thanks for the information.

Todd Piepho

Area Hydrologist | Ecological and Water Resources

Minnesota Department of Natural Resources

50507 Sakatah Lake State Park

Waterville, Mn 56096

Cell Phone:1-507-421-1991

Email:Todd.Piepho@state.mn.us



From: Peter Waldock <pwaldock@ci.faribault.mn.us>

Sent: Friday, June 14, 2024 10:44 AM

To: Piepho, Todd (DNR) <todd.piepho@state.mn.us>

Cc: Harry Davis <hdavis@ci.faribault.mn.us>

Subject: Riverview Ridge Subdivision, Shoreland CUP and Variance Applications

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Todd,

It doesn't look like I sent the new application for Riverview Ridge to you last week when we received it. The applicants are now seek variances from the bluff setback requirements and a CUP for the development of a non-farm related single family dwelling. Our ordinance requires a CUP although the state model shoreland ordinance does not.

We are recommending against the variances in this case. The property owner has plenty of space to build the home outside of the shoreland area and buildable areas that don't require variances on this 10-acre site.

Please review and comment on these applications.

Thanks, Peter



PETER WALDOCK, AICP

Planning & Zoning Coordinator

OFFICE | 507-333-0374

EMAIL | pwaldock@ci.faribault.mn.us

WEB | www.faribault.org

ADDRESS | 208 NW 1st Avenue, Faribault, MN 55021











REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH:
FROM: Harry Davis, City Planner
MEETING DATE: July 1, 2024
SUBJECT: Resolution 2024-XXX Approve the Preliminary and Final Plats for Riverview Ridge Addition

Background:

See the main agenda item.

Recommendation:

The DRC, City Engineer, and City Planner recommend approval of Riverview Ridge Addition plats to City Council based on the findings and conditions in the attached draft resolution.

Attachments:

1. Resolution 2024-XXX Approve the Preliminary and Final Plats for Riverview Ridge Addition

CITY OF FARIBAULT

RESOLUTION #2024-XXX

APPROVE THE PRELIMINARY AND FINAL PLATS FOR RIVERVIEW RIDGE ADDITION

WHEREAS, Donald and Cheryl Kleeberger (the "Applicant" and the "Owner") requests preliminary and final plat approval for a residential property at 1150 Quartz Circle, 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 July 1, 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 July 9, 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 Stoneridge Fourth Addition 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 R-2, Low Density Residential 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 residential. The proposed residential 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 use of land intended for residential development based on sound planning and engineering principles.

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 does adequately address submission requirements as outlined in the City's Unified Development Ordinance.

WHEREAS, the City Council further finds that approval of the final plat of Stoneridge Fourth Addition 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. **Criteria: All submission requirements have been satisfied.**

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

WHEREAS, the City Council further finds that city staff's determination that the subdivision is not premature is appropriate with the following findings as required by Section 15-240 of the City's Unified Development Ordinance:

1. **Criteria: *Lack of adequate drainage.* A condition of inadequate drainage shall be deemed to exist if surface or subsurface water retention and runoff is such that it constitutes a danger to the structural security of the proposed structures, the proposed subdivision will cause damage from erosion and siltation on downhill or downstream land, or the proposed site grading and development will cause harmful and irreparable damage from erosion and siltation on downstream land.**

Finding: Shoreland requirements for development within shoreland areas and along bluffs apply to the property and negates concerns over erosion. Adequate erosion and sediment control practices shall be implemented to the greatest extent possible to protect the shoreland and bluff.

2. **Criteria: *Lack of adequate roads or highways to serve the subdivision.* A proposed subdivision shall be deemed to lack adequate roads or highways to serve the subdivision when roads which serve the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface**

condition that an increase in traffic volume generated by the proposed subdivision would create a hazard to public safety and general welfare, or seriously aggravate an already hazardous condition.

Finding: The applicant proposes dedicating half a cul-de-sac ROW to provide the required lot frontage and half of a future street extension of Amber Court, should the adjoining property to the west develop in the future. No future subdivision of land adjacent to Amber Court shall be permitted unless the full right-of-way for Amber Court is dedicated and the street is improved to public improvement standards.

- 3. Criteria: *Lack of municipal sanitary sewer and water availability.* A proposed subdivision shall be deemed premature if the extension of municipal sanitary sewer or water facilities is not feasible or is not proposed as part of subdivision improvements or if existing facilities are inadequate to support the subdivision if developed to its maximum permissible density.**

Finding: There is existing public utilities including sanitary sewer and water available adjacent to the proposed plat. Developer is responsible for extending public utilities as needed to serve the proposed plat. All public utility extensions shall be per City standards and subject to the review and approval of the City Engineer.

- 4. Criteria: *Inconsistency with Land Use Plan.* The proposed subdivision is inconsistent with the purposes, objectives and recommendations of the duly adopted Land Use Plan of the city, as may be amended.**

Finding: The City's Land Use Plan guides the subject property for residential. The proposed residential use is consistent with this plan.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault as follows:

Section 1. Preliminary and final plat approval. The City Council approves the preliminary and final plat of Riverview Ridge Addition included in Exhibit B and Exhibit C, respectively, subject to the following conditions:

1. The Owner will make the following final changes to the preliminary plat:
 - a. Show current zoning of the property on the plat.
 - b. Update dates of creation and revision for plat.
 - c. Submittal of covenants (if any).
 - d. Mirror proposed and existing easements from final plat on preliminary plat and provide callouts for easement types and dimensions.
 - e. Removed proposed development from preliminary plat. The development team has the option of, and staff encourages, submitting a separate grading plan document to supplement the preliminary plat showing proposed contours, house, utilities, driveway, and other development-level elements
2. The Owner will make the following changes to the final plat:
 - a. Update dates of creation and revision for plat.
 - b. Revision of dedication statement to be consistent with Unified Development Ordinance language, or consistency with previously approved language in final plats as guided by the City Attorney.
3. The Owner shall vacate easements shown on the plat that conflict with development placement prior to a building permit.
4. The Owner and City must enter into a Development Agreement that specifies the provisions of the development related to the plat. The Development Agreement includes the following provisions, which the City may refine, modify, or supplement, to meet the intent of this resolution.
 - A. The Owner must provide a payment of \$1,000.00 to the City in lieu of parkland dedication before or at the time the plat is delivered to the City for signatures.
 - B. The Owner must address all plat related comments from City Staff or the City's Consultants.
5. Before recording the plat with the Rice County Recorder, the Owner must pay all applicable fees and taxes.
6. The plat must be recorded with the Rice County Recorder within 12 months following City Council approval or it shall be automatically deemed null and void, unless the City Council extends the deadline to record the plat.

Section 2. Findings. The recitals in this Resolution are integral to this Resolutions and, where applicable, constitute the findings of the City Council.

Section 3. Authorization to take additional steps. The City Council

authorizes and directs City Staff and City Consultants to take all additional steps and actions necessary or convenient to accomplish the intent of this Resolution.

Section 4. Authorization to execute documents. The City Council authorizes and directs the Mayor and City Administrator to take all necessary actions and to execute all appropriate documents to effectuate the approvals contemplated by this Resolution.

Section 5. Effective date. This Resolution is effective immediately upon its passage and without publication.

Date Adopted: July 9, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A Legal Description

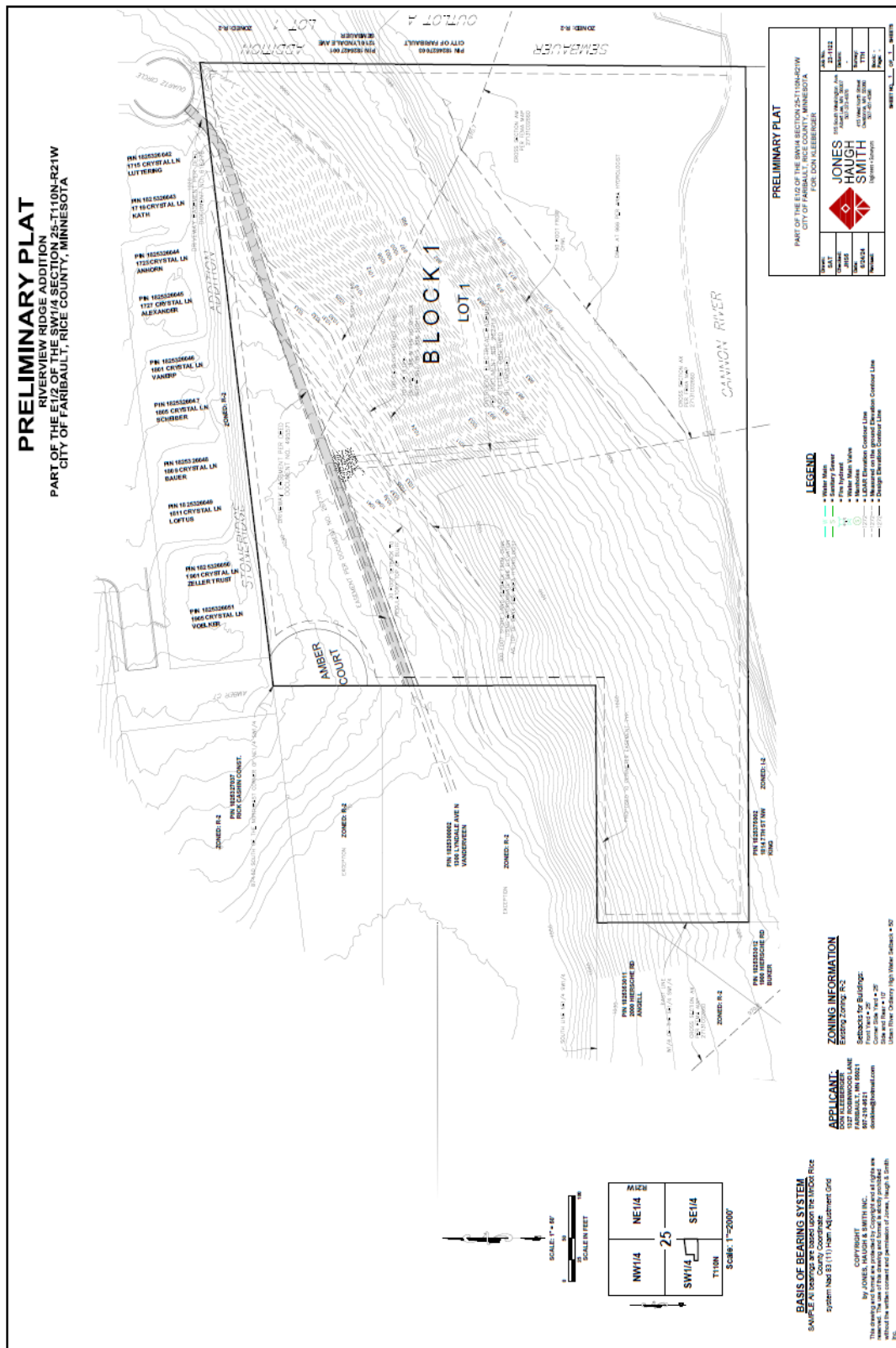
Beginning at a point on the East line of the Southwest Quarter (SW1/4) of Section 25, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, 53 Rods South of the center of said Section 25; thence South 37.4 Rods to the center of Cannon River; thence West 60 Rods; thence North 10.4 Rods; thence West 20 Rods; thence North 18 Rods; thence in a straight line Northeasterly to the point of beginning; said property more exactly described as follows: All that part of the East One-Half (E1/2) of the Southwest Quarter (SW1/4) of Section 25, 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 in the East line of the Southwest Quarter (SW1/4) of said Section 25, a distance of 874.50 feet Southerly from the Northeast Corner of said Southwest Quarter (SW1/4) (for purposes of this description bearing of said East line is assumed South 0°00'03" East); thence South 0°00'03" East, along said East line of Southwest Quarter (SW1/4), a distance of 637.62 feet to the center of the Cannon River; thence South 89°23'53" West 1000.14 feet to a point in the East line of the West One-Fourth (W1/4) of the Southeast Quarter (SE1/4) of said Southwest Quarter (SW1/4); thence North 0°29'43" West, along said East line, 177.30 feet to a point in the South line of the Northeast Quarter (NE1/4) of said Southwest Quarter (SW1/4); thence South 89°20'00" West, along said South line, a distance of 332.34 feet to the Southwest Corner of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 0°29'43" West, along the West line of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4), 307.66 feet to a point that is 62 Rods Southerly from the Northwest Corner of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 82°52'33" East, 1346.99 feet to said point of beginning; together with those two certain Easements as set forth in Book 44 of M.R., on Pages 278-280, in the Office of the County Recorder, Rice County, Minnesota.

Excepting therefrom that part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 25, 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 Southwest Corner of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4); thence North 00°29'43" West (assumed bearing) along the West line of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) 250.00 feet; thence North 89°20'00" East 609.84 feet; thence South 00°29'43" East 250.00 feet to a point in the South line of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4); thence South 89°20'00" West along said South line of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) 609.84 feet to the point of beginning. And also excepting therefrom that part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 25, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Commencing at the Southwest Corner of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4); thence North 00°29'43" West (assumed bearing) along the West line of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) 250.00 feet to the point of beginning; thence continuing North 00°29'43" West along said West line 57.66 feet to a point distant 1023.00 (62 Rods) South from the Northwest Corner of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4); thence North 82°52'33" East along a line which passes through a point on the East line of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) distant 874.50 feet (53 Rods) South from the Northeast Corner of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), a distance of 613.94 feet; thence South 00°29'43" East 126.71 feet; thence South 89°20'00" West 609.84 feet to the point of beginning. Subject to roads, easements and restrictions of record.

Exhibit B

Depiction of the Preliminary Plat







REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH:
FROM: Harry Davis, City Planner
MEETING DATE: July 1, 2024
SUBJECT: Resolution 2024-XXX Deny Variance for Construction and Grading near Top of Bluff at 1150 Quartz Circle

Background:

See the main agenda item.

Recommendation:

The DRC and City Planner recommend denial of the Shoreland variances to City Council.

Attachments:

1. Resolution 2024-XXX Deny Variance for Construction and Grading near Top of Bluff at 1150 Quartz Circle

CITY OF FARIBAULT

RESOLUTION #2024-XXX

DENY VARIANCE FOR CONSTRUCTION AND GRADING NEAR TOP OF BLUFF AT 1150 QUARTZ CIRCLE

WHEREAS, Don and Cheryl Kleeberger (the "Applicant") requests variances from setback and grading requirements found in the Shoreland Overlay District, for property legally described in Exhibit A; and

WHEREAS, the Applicant requests placing a new single-family home with a deck past the top of the bluff line, resulting in a setback of zero (0) feet from the top of the bluff where a thirty (30) foot setback for structures is required under Appendix B UDO, Chapter 13, Article 6, Sec 13-660(E), as depicted in Exhibit B; and

WHEREAS, the Applicant requests placing a new single-family home with a deck where grading and filling extend past the top of the bluff line, resulting in a setback of zero (0) feet where the bluff impact zone requires twenty (20) feet under Appendix B UDO, Chapter 13, Article 6, Sec 13-680(C)(9), as depicted in Exhibit C; and

WHEREAS, the Applicant requests placing a new single-family home with a deck where grading and filling is required on steep slopes, resulting in a finished slope of forty-seven (47) percent where a finished slope of fifteen (15) percent is the maximum allowed under Appendix B UDO, Chapter 13, Article 6, Sec 13-680(C)(8), as depicted in Exhibit C; and

WHEREAS, City Staff notified the DNR of the variance on June 14 and the DNR Area Hydrologist, Todd Piepho, responded on June 17 that the DNR does not support the proposed variance. The following is an excerpt

from their email:

The [Minnesota] Department [of Natural Resources] would support your recommendations of keeping the dwelling out of the shoreland and also away from the top of bluff, meeting setbacks. It appears there are alternatives that can accomplish this task and limit the potential for future problems. As with all other recommendations, if alternatives exist onsite that allow for building without variances being issued that is the route that should be taken. We have seen many instances where bluff variances were issued and severe erosion took place that damaged the integrity of the structure and in some cases required the structure be removed or re-built; 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 July 1, 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 variances requested by the applicant are not in harmony with the general purposes and intent of the City's ordinances. The applicant's proposed house is well within the setback (approximately twenty-three [23] feet into the required thirty [30] foot setback) required for all structures along a bluff within the Shoreland Overlay District and the associated deck and grading extend into and approximately three (3) feet (deck) and nearly twenty (20) feet (grading) past the top of the bluff line. The setbacks and restrictions on grading within and around the bluff are Shoreland Overlay District requirements to protect natural habitat, water quality,

and preserve property values. Specifically, placing buildings too close to bluffs can impact the environmental character of areas within shoreland, but more importantly buildings too close to or constructed on bluffs have a significantly higher chance of erosion and structural failure resulting in buildings sagging or sliding down the bluff. Not only is part of the structure well past the top of bluff, but grading associated with placing the structure there is also well past the bluff and with a finished slope at 47%, or three times the allowed slope within code.

2. The variance is consistent with the Comprehensive Plan.

Finding: The property is correctly guided for residential land use per the Comprehensive Plan and the proposed use of the land is for a single-family home. However, the Comprehensive Plan has several guiding principles that encourage development protecting natural features:

- *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.*

Faribault is known for its beautiful natural areas, including its rivers, bluffs, parks, and nearby lakes. The Comprehensive Plan and Shoreland Overlay District code seek to protect and celebrate the special aspects of the community that define our unique sense of place. Construction and alteration of the bluff is not conducive to protecting and enhancing Faribault's natural areas and will negatively impact Faribault's sense of place.

- *Ensure that the planning we do, or fail to do, does not place undue burdens on future generations.*

The Comprehensive Plan asks the city, in all decisions, to weigh the short-term costs and benefits that affect the current generation with the long-term costs and benefits that will affect future generations. In this case, construction on the bluff and not meeting setbacks

carries significant risk to both the proposed home of the applicant and any future occupants of said home. The DNR provided staff with examples of other homes constructed on bluffs and along rivers where erosion significantly damaged the structure.

- *Balance individual property rights with community interests and goals.*

The Comprehensive Plan asks city officials and residents to find a proper balance that allows property owners to use their property in a productive manner that meets their needs and desires while also ensuring that the use of the property is consistent with community interests and goals. In this case, the Shoreland Overlay District is a state-wide, DNR requirement that protects waterways and adjacent natural features from degradation and impairment. Construction on a bluff carries significant risk for the property owner and does not follow the letter or intent of the ordinance.

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

Finding: The applicant did not provide other options for placing a building on-site. Without the applicant showing exploration into other building site options, city staff cannot determine if the applicant proposes reasonably using the property. Additionally, the City Planner used the applicant's plats to identify other locations on the property that appear as feasible building sites, which lead city staff to believe that there are other options that don't require a variance. An applicant's preferred option for development is not enough basis for granting 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 City Planner fully acknowledges the amount of topography change, bluffs, trees, and other complicated aspects of the property which do limit feasible building locations. The applicant claims that there are significant trees on the property that they wish to retain and enjoy that inhabit other potential building sites. However, Faribault does not make it a requirement to preserve trees on the subject property unless they are on steep slopes. There is land unencumbered by these elements outside of the bluff setback to the north and along the proposed half cul-de-sac. The property owner in this case does have control over the circumstances and the request is based on a preference for the proposed location rather than necessity. The circumstances stated by the applicant are created by the applicant themselves, which is not grounds for a variance.

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

Finding: While a single-family home is certainly not out of character with the area, construction and grading extending as far into the bluff as the proposed would be out of character compared to nearby properties. The subject property did have a barn constructed into the side of the bluff, but the barn is gone and previous noncompliance of a property is not solid basis on its own to grant a variance.

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

Finding: Previous findings established that there are other feasible building sites located on the subject property, so the request to place a structure and significantly grade land into the top of bluff is not a minimum necessary variance needed to alleviate the practical difficulties caused by the applicant.

7. Economic conditions alone do not constitute practical difficulties.

Finding: The applicant makes a case that the proposed building site is their preferred location to take advantage of the property's scenic views and higher topography along the river. The placement of the house closer to the bluff potentially increases the property value, but at the detriment of the bluff and the property's main natural feature. The value of placing the building close to the bluffs cannot be used on its own to claim a practical difficulty.

WHEREAS, the City Council, at a public meeting, on July 9, 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 variances from Chapter 13, Article 6, Sections 13-660(E), 13-680(C)(8), and 13-680(C)(9), of the City's Unified Development Ordinance. 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: July 9, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A

Property Legal Description

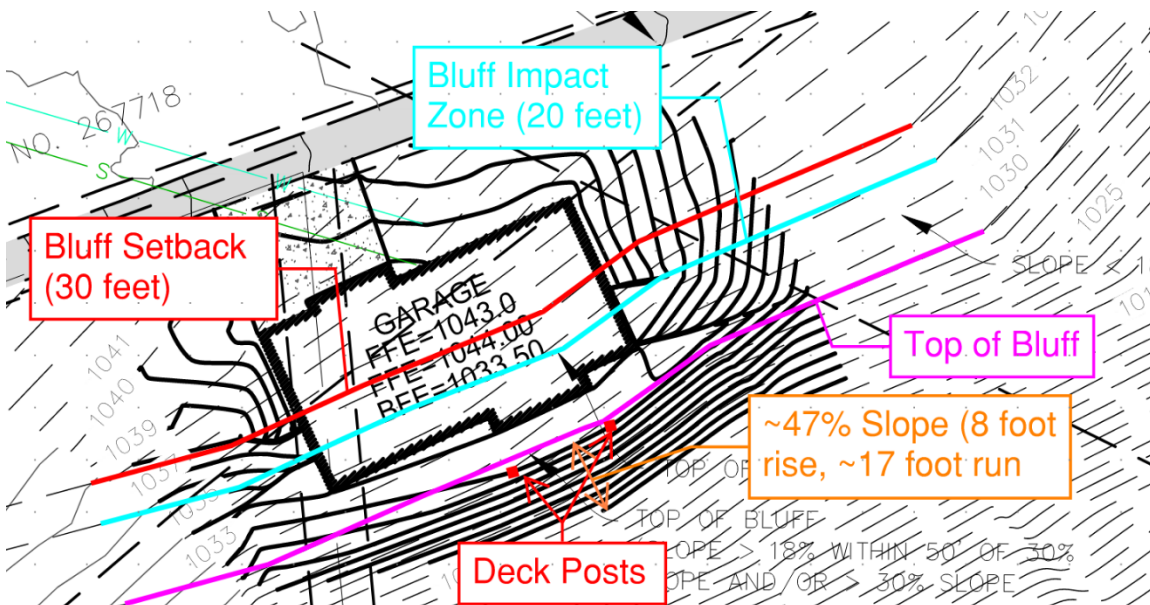
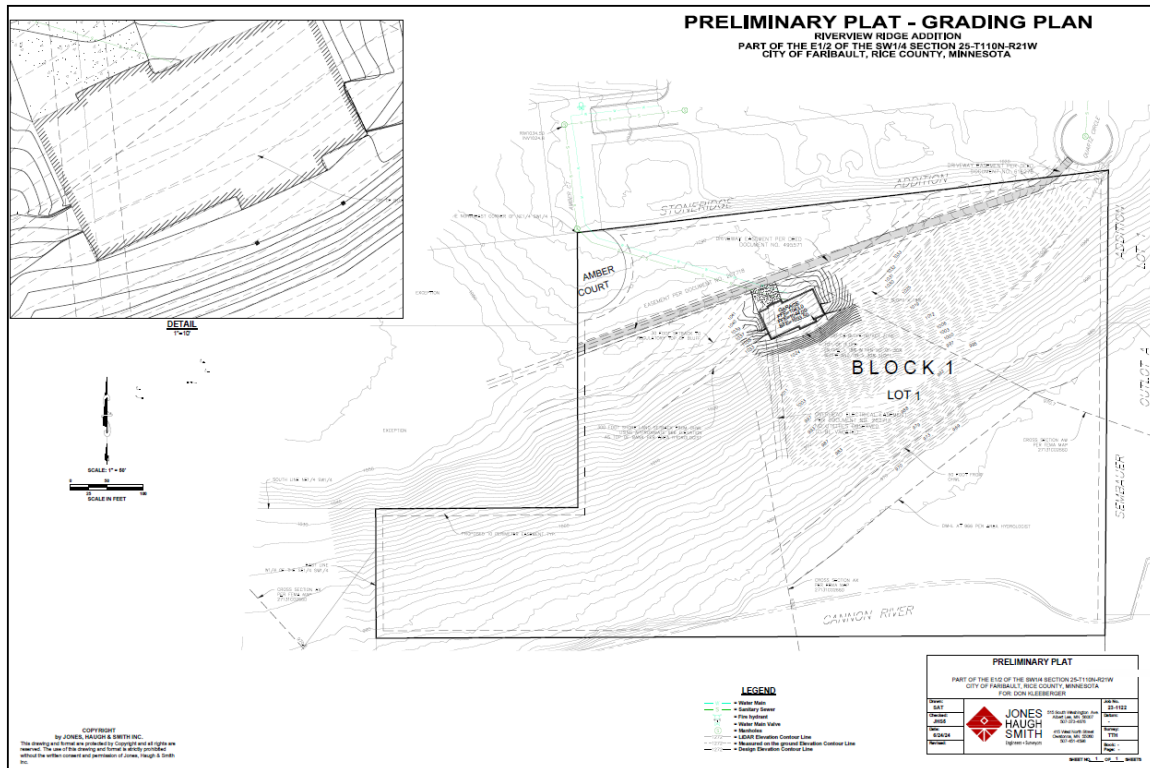
Beginning at a point on the East line of the Southwest Quarter (SW1/4) of Section 25, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, 53 Rods South of the center of said Section 25; thence South 37.4 Rods to the center of Cannon River; thence West 60 Rods; thence North 10.4 Rods; thence West 20 Rods; thence North 18 Rods; thence in a straight line Northeasterly to the point of beginning; said property more exactly described as follows: All that part of the East One-Half (E1/2) of the Southwest Quarter (SW1/4) of Section 25, 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 in the East line of the Southwest Quarter (SW1/4) of said Section 25, a distance of 874.50 feet Southerly from the Northeast Corner of said Southwest Quarter (SW1/4) (for purposes of this description bearing of said East line is assumed South 0°00'03" East); thence South 0°00'03" East, along said East line of Southwest Quarter (SW1/4), a distance of 637.62 feet to the center of the Cannon River; thence South 89°23'53" West 1000.14 feet to a point in the East line of the West One-Fourth (W1/4) of the Southeast Quarter (SE1/4) of said Southwest Quarter (SW1/4); thence North 0°29'43" West, along said East line, 177.30 feet to a point in the South line of the Northeast Quarter (NE1/4) of said Southwest Quarter (SW1/4); thence South 89°20'00" West, along said South line, a distance of 332.34 feet to the Southwest Corner of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 0°29'43" West, along the West line of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4), 307.66 feet to a point that is 62 Rods Southerly from the Northwest Corner of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 82°52'33" East, 1346.99 feet to said point of beginning; together with those two certain Easements as set forth in Book 44 of M.R., on Pages 278-280, in the Office of the County Recorder, Rice County, Minnesota.

Excepting therefrom that part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 25, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows:

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Exhibit B

Depiction of Variance





REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH:
FROM: Harry Davis, City Planner
MEETING DATE: July 1, 2024
SUBJECT: Resolution 2024-XXX Approve a CUP for a Single Family Home in Shoreland at 1150 Quartz Circle

Background:

See the main agenda item.

Recommendation:

The DRC, City Engineer, and City Planner recommend approval of the CUP to City Council based on the findings and conditions in the attached draft resolution.

Attachments:

1. Resolution 2024-XXX Approve a CUP for a Single Family Home in Shoreland at 1150 Quartz Circle

CITY OF FARIBAULT

RESOLUTION #2024-XXX

APPROVE A CONDITIONAL USE PERMIT FOR A SINGLE-FAMILY HOME IN SHORELAND AT 1150 QUARTZ CIRCLE

WHEREAS, Don and Cheryl Kleeberger (the “Applicant” and “Owner”) requests a conditional use permit for a single-family home within the Shoreland Overlay District, on a property legally described in Exhibit A; and

WHEREAS, Appendix B UDO, Chapter 13, Article 5, Sec. 13-520, Table 13-2 states that single-family dwellings not associated with a farm are a conditional use in the Shoreland Overlay District; and

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

WHEREAS, the Planning Commission, on July 1, 2024, received the City Staff report, and following proper notice, held a public hearing to consider the Applicant’s request; and

WHEREAS, following the public hearing, the Planning Commission recommends City Council approve the Applicant’s conditional use permit request based on the findings required in Section 2-300 of the Unified Development Ordinance as follows:

- 1. The conditional use will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare.**

Finding: The proposed single-family home will not be detrimental to or endanger the public. One single-family

home is very compatible with the surrounding residential uses on the northern side of the river.

2. **The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**

Finding: The proposed single-family home will not negatively impact other properties in the vicinity. One single-family home is very compatible with the surrounding residential uses on the northern side of the river. The associated Riverview Ridge Addition plat will allow for further expansion or redevelopment on the subject and adjoining properties, should the demand for additional homes rise.

3. **The conditional use will be designed, constructed, operated, and maintained in a manner that is compatible in appearance with the existing or intended character of the surrounding area.**

Finding: The proposed structure will be single-family and compatible with the surrounding residential uses in character and appearance.

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

Finding: The proposed single-family use does not generate hazards or disturbing activities that will negatively affect other properties.

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

Finding: The proposed single-family home is unlikely to diminish nearby property values. City Staff anticipates investment in buildings in this area may positively impact nearby property values.

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

Finding: Public sewer, water, street access, and all other applicable municipal services will serve the subject property at the time of construction in association with the Riverview Ridge Addition plat. The application will not generate a notable increase in public service demand.

- 7. Development and operation of the conditional use will not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.**

Finding: The proposed single-family home will not create excessive demand for public facilities or services compared to existing uses in the surrounding area. This use similar to other uses in the area, and the addition of one home does not unbalance the needs for facilities and services.

- 8. Adequate measures have been or will be taken to minimize traffic congestion in the public streets and to provide for adequate on-site circulation of traffic.**

Finding: The proposed single-family home will not create traffic congestion, and the property will have adequate access to public streets.

- 9. The conditional use will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance to the community.**

Finding: The use itself is not detrimental to natural, scenic, or historic features of the community or neighborhood. However, placement of the home on the bluff and within the bluff setback, resulting in significant grading and construction that may erode the bluff, goes against requirements in the

Shoreland Overlay District to protect and preserve bluffs along waterways. Additionally, the Comprehensive Plan challenges city officials and residents to preserve bluffs, which are a significant natural feature for Faribault and contribute greatly to the city's sense of place. The City Planner recommends conditions in this resolution to place the structure outside the bluff and associated setbacks.

10. The conditional use is consistent with the applicable policies and recommendations of the City's Land Use Plan or other adopted land use studies.

Finding: The proposed property for the single-family home is guided by the City's Comprehensive Plan for residential uses. With the addition of the aforementioned condition from the finding above, placement of the home outside of the bluff and associated setbacks will bring the request into full compliance with the Comprehensive Plan.

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

Finding: The application conforms to the Unified Development Ordinance requirements, and specific placement of the use on the subject property is handled through conditions placed on this conditional use permit and in an associated variance request.

WHEREAS, the Planning Commission also recommends City Council approve the Applicant's conditional use permit request based on the findings required in Section 13-710(E) of the Unified Development Ordinance for all conditional uses in shoreland areas as follows:

- 1. A thorough evaluation of the water body and the topographic, vegetation and soils conditions on the site must be made to ensure the prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Finding: The proposed location of the home does endanger the bluff and a condition of approval requires placement outside of the top of bluff setback. City staff will inspect the site before and after construction to ensure no issues with the bluff.

2. The visibility of structures and other facilities as viewed from public waters is limited.

Finding: the proposed location of the home might be visible from public waters at the base of the bluff, but a condition of approval for placing the home outside of the bluff setback will limit the structure's visibility from the river.

3. The site is adequate for water supply and is served by municipal sewer services.

Finding: The property will be platted and the new home served by municipal water and sewer.

4. The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

Finding: The proposed use does not include access to Cannon River. Any future stairs and landing to connect the home to the river will require a CUP amendment and further review.

WHEREAS, the City Council, during a public meeting on July 9, 2024, considered the Applicant's conditional use permit request; and

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

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

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit request for a

single-family home not associated with a farm at 1150 Quartz Circle, subject to the conditions presented in the Sections below.

Section 2: Conditions of Approval. The conditional use permit shall be approved subject to conditions listed herein as authorized under Section 2-310 of the Unified Development Ordinance, which are deemed necessary to mitigate adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. Failure to approve and record the associated Riverview Ridge Addition plat will void approval of this conditional use permit.
2. The proposed development is subject to further review in a building permit, grading permit, and any other applicable development processes or permitting steps prior to construction.
3. The applicant shall follow the Shoreland Overlay District requirements, including but not limited to:
 - a. Sec 13-660 for placing any structures outside of the required bluff setbacks.
 - b. Sec 13-680(C)(8) and (9) for finished slope maximums and not placing fill or excavated material in the bluff impact zone.

Section 3: Additional Conditions of Approval. This conditional use permit includes the following conditions:

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
2. The City may inspect the property at all reasonable times to ensure compliance with the conditions of this permit.
3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and

local laws, rules, and ordinances and obtain other permissions and permits as may be required.

4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.
5. This permit and its conditions are binding on the parties and their successors and assigns. This permit runs with the property and does not affect the subsequent sale, lease, or change from current ownership. The Applicant and Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the property.
6. Use of the property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.
7. If substantial development of construction related to this conditional use permit does not occur within one (1) year of the date of approval, then the City shall consider this conditional use permit void unless City Council grants a petition for a time extension. A request for time extension must be in writing to the City Planner at least thirty (30) days prior to the expiration of the conditional use permit and shall state facts showing a good faith effort to complete the work permitted under original approval.
8. If the use permitted by this conditional use permit is discontinued for a period of one (1) year or longer, or if the use changes to a permitted use or to any other conditional use, then this conditional use permit is deemed abandoned and the use shall be brought into conformance with the Faribault Code of Ordinance.

Section 4. Findings and Incorporation of Recitals and Exhibits.

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

Section 5. Authorization to take Additional Steps. The City Council authorizes the Mayor, City Administrator, City Staff, and the City's Consultants to take any additional steps and actions necessary or convenient to accomplish the intent of this resolution.

Section 6. Effective Date. This resolution shall be effective upon passage.

Date Adopted: July 9, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A

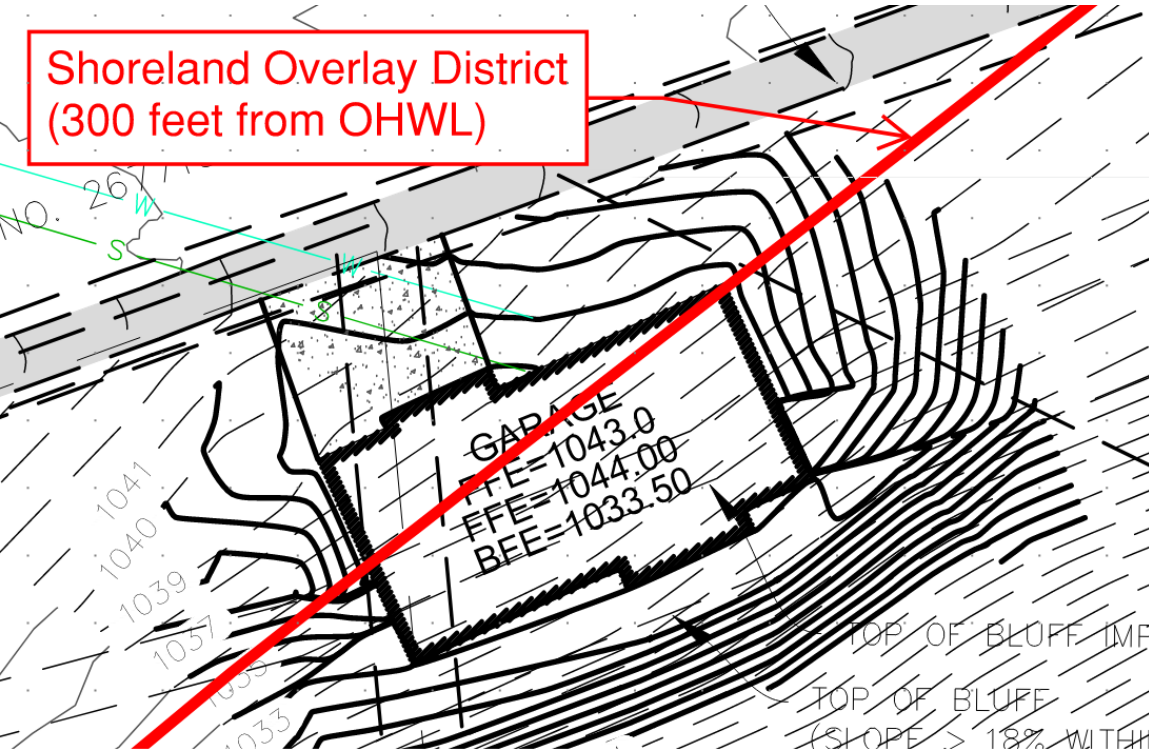
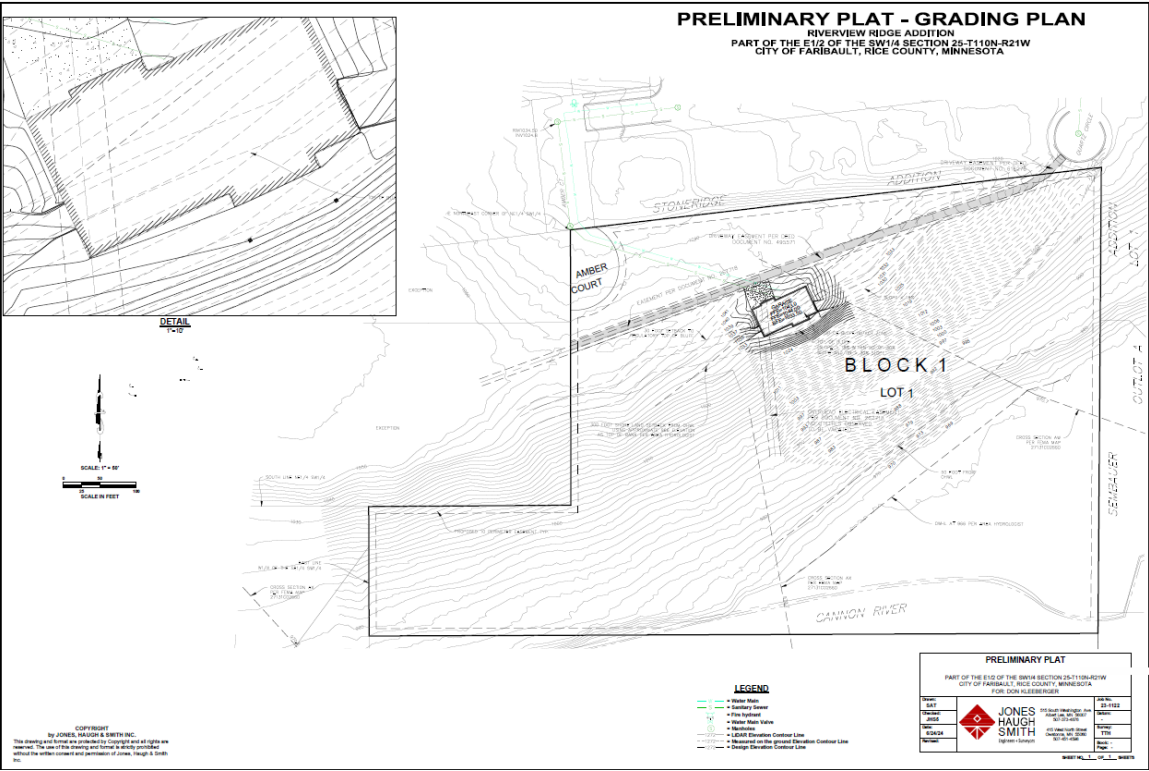
Legal Description

Beginning at a point on the East line of the Southwest Quarter (SW1/4) of Section 25, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, 53 Rods South of the center of said Section 25; thence South 37.4 Rods to the center of Cannon River; thence West 60 Rods; thence North 10.4 Rods; thence West 20 Rods; thence North 18 Rods; thence in a straight line Northeasterly to the point of beginning; said property more exactly described as follows: All that part of the East One-Half (E1/2) of the Southwest Quarter (SW1/4) of Section 25, 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 in the East line of the Southwest Quarter (SW1/4) of said Section 25, a distance of 874.50 feet Southerly from the Northeast Corner of said Southwest Quarter (SW1/4) (for purposes of this description bearing of said East line is assumed South 0°00'03" East); thence South 0°00'03" East, along said East line of Southwest Quarter (SW1/4), a distance of 637.62 feet to the center of the Cannon River; thence South 89°23'53" West 1000.14 feet to a point in the East line of the West One-Fourth (W1/4) of the Southeast Quarter (SE1/4) of said Southwest Quarter (SW1/4); thence North 0°29'43" West, along said East line, 177.30 feet to a point in the South line of the Northeast Quarter (NE1/4) of said Southwest Quarter (SW1/4); thence South 89°20'00" West, along said South line, a distance of 332.34 feet to the Southwest Corner of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 0°29'43" West, along the West line of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4), 307.66 feet to a point that is 62 Rods Southerly from the Northwest Corner of said Northeast Quarter (NE1/4) of Southwest Quarter (SW1/4); thence North 82°52'33" East, 1346.99 feet to said point of beginning; together with those two certain Easements as set forth in Book 44 of M.R., on Pages 278-280, in the Office of the County Recorder, Rice County, Minnesota.

Excepting therefrom that part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 25, 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 Southwest Corner of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4); thence North 00°29'43" West (assumed bearing) along the West line of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) 250.00 feet; thence North 89°20'00" East 609.84 feet; thence South 00°29'43" East 250.00 feet to a point in the South line of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4); thence South 89°20'00" West along said South line of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) 609.84 feet to the point of beginning. And also excepting therefrom that part of the Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) of Section 25, Township 110 North, Range 21 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Commencing at the Southwest Corner of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4); thence North 00°29'43" West (assumed bearing) along the West line of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) 250.00 feet to the point of beginning; thence continuing North 00°29'43" West along said West line 57.66 feet to a point distant 1023.00 (62 Rods) South from the Northwest Corner of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4); thence North 82°52'33" East along a line which passes through a point on the East line of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4) distant 874.50 feet (53 Rods) South from the Northeast Corner of said Northeast Quarter (NE1/4) of the Southwest Quarter (SW1/4), a distance of 613.94 feet; thence South 00°29'43" East 126.71 feet; thence South 89°20'00" West 609.84 feet to the point of beginning. Subject to roads, easements and restrictions of record.

Exhibit B
Proposed Site Plan





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: July 1, 2024
SUBJECT: Stoneridge Fourth Addition
Stoneridge Second Addition Replat
1940, 1950, 1960, and 1970 13th St NW

Request:	Applicant requests an easement vacation along with preliminary and final plat approval for Stoneridge Fourth Addition.
Recommendation:	The DRC, City Engineer, and City Planner recommend approval of Stoneridge Fourth Addition to City Council based on the findings and conditions in the attached draft ordinance and resolution.
Recommended Motion:	Motion to forward and recommend approval of the vacation, preliminary, and final plat requests for Stoneridge Fourth Addition to City Council, with findings and conditions suggested by city staff.

Request:

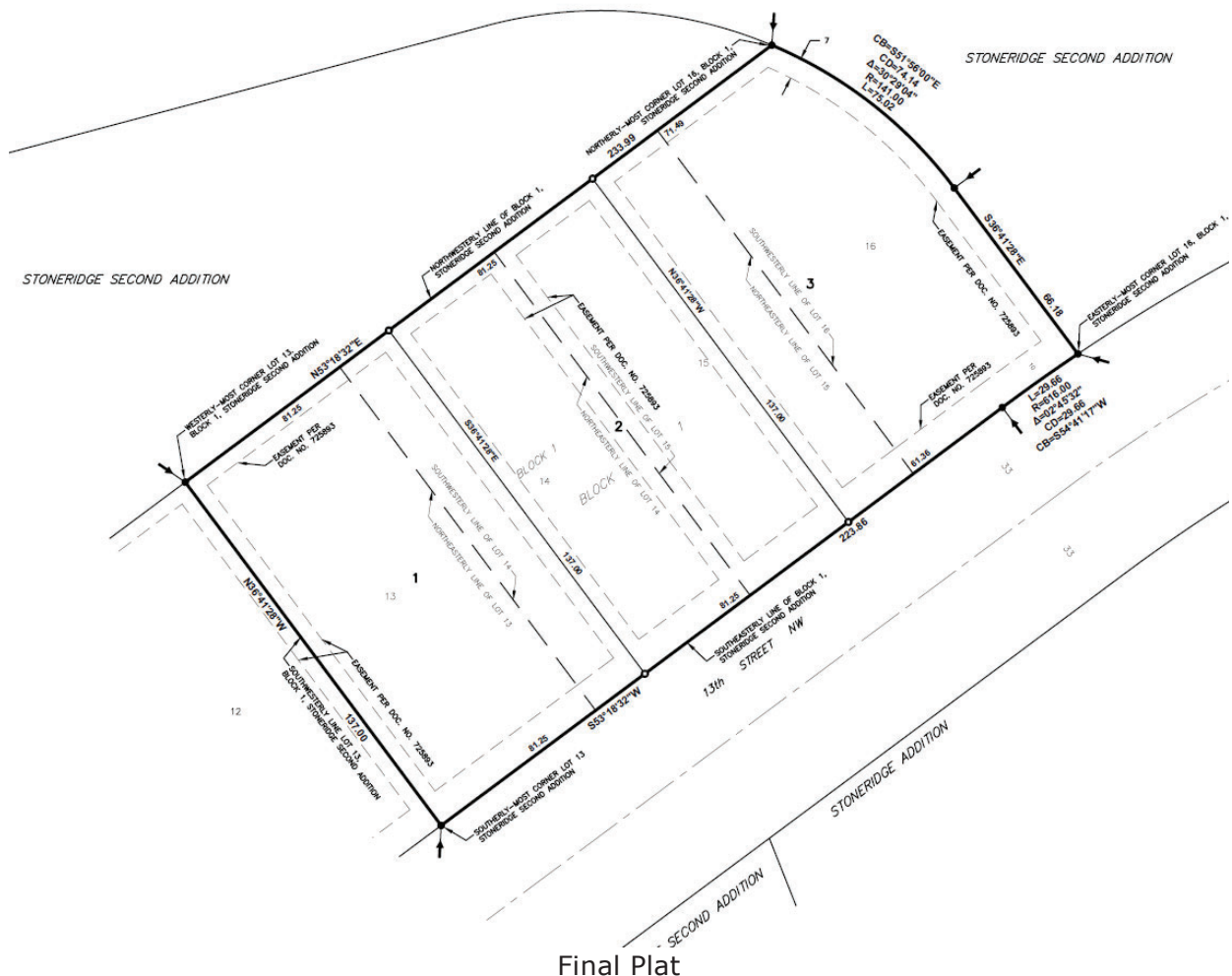
Rick Cashin (the Applicant) requests vacating utility and drainage easements and concurrent approval of preliminary and final plats for Stoneridge Fourth Addition at 1940, 1950, 1960, and 1970 13th St NW, as depicted in the attached plans.



Location along 13th St NW

Background and Project Description:

While the original Stoneridge plat received approval in the early 2000's, the Applicant platted Stoneridge Second Addition in 2020 including a combination of townhome (split duplex) lots and single-family lots. With market forces changing and four townhome lots remaining, the Applicant requests combining all four townhome lots and replace them with three single-family lots. The proposal to vacate an easement will remove an easement platted in the 2020 plat.



The site is located in the SW $\frac{1}{4}$ of Section 25 Township 110, Range 21W and contains Lots 13, 14, 15 & 16, Block 1, STONERIDGE SECOND ADDITION.

The proposed development will be completed by:

Owner/Developer: Rick Cashin
 Surveyor/Engineer: Jones, Haugh & Smith

The preliminary and final plat for Stoneridge Fourth Addition includes three residential lots with frontage on 13th St NW.

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. Developer shall submit a digital copy of the final plat in an AutoCAD format to the City Engineer.

Discussion:

The proposed easement 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 1940, 1950, 1960, and 1970 13th St NW, totaling approximately 0.8 acres. To the north and east is a stormwater pond, west are townhomes, south are single-family homes, all zoned R-2.
2. Relationship to the Journey to 2040 Comprehensive Plan. The Journey to 2040 Comprehensive Plan guides the subject property for residential. 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 identifies the subject property as R-2, Low Density Residential zoning district. The proposed preliminary plat is consistent with the uses and bulk regulations of the R-2 zoning district. Refer to the lot layout section of this report for additional information.
4. Existing Trees. The subject property has no trees that may be removed with future phases of construction.
5. Wetlands and Shoreland. There are no known wetlands or shoreland encumbrances on the site.
6. Street and Site Layout. The proposed lots are adjacent to 13th Street NW, a local road, which was constructed as part of the Stoneridge Second Addition improvements and constructed as a 36-foot wide, undivided urban roadway with parking on both sides and 5-ft concrete sidewalk on the north side of the road. 13th Street NW is within a 66-ft right-of-way. No changes or improvements are proposed to 13th Street NW.
7. Grading, Drainage and Erosion Control. The grading plan for the proposed conversion of twin-home lots to single-family lots is consistent with the master grading plan for Stoneridge Second Addition. The permanent storm water management basin designed and constructed as part of the Stoneridge Second Addition

improvements has sufficient design capacity to accommodate the proposed plat. The as-built grading plan for the stormwater basin submitted as part of the Stoneridge Second Addition improvements showed a portion of the top of the berm not at design elevation. Prior to any building permits being issued for Stoneridge Fourth Addition, the stormwater basin must be repaired to design elevations and an updated as-built survey submitted to verify.

8. Utilities and Easements.

The existing site is currently served by City water and sewer from mains located in the adjacent public streets. There are four (4) water/sewer service pairs stubbed to the proposed platted lots where only three will be needed. Developer must identify the unneeded service pair. The unneeded water service must be disconnected and capped at the main per City Utility Department standards. The unused sewer service must be either disconnected and capped at the main or may be televised and if no signs of inflow/infiltration or other defects are shown, the service may remain capped in place. The property owner continues to own and remains responsible for any service lines left in place. The cost to disconnect or televise the services is 100% the responsibility of the Developer.

Any private utilities that are required to be relocated to accommodate the proposed plat are 100% the responsibility of the Developer to coordinate with the respective private utility companies to relocate or accommodate the plat.

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.

10. Parkland Dedication or Fees In-Lieu. Planning & Zoning will need to confirm parkland dedication or fees in-lieu from previous Stoneridge plats.

Final Plat

1. Final Plat Requirements. The proposed final plat is consistent with the preliminary plat. However, the applicant must provide a title commitment, as the current submittal is incomplete.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed applications on June 18, 2024, and recommended approval of the plats and easement vacation with conditions. The Applicant did not yet 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 June 20, 2024 and letters sent to property owners within 350-feet on June 19, 2024.

Recommendation:

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

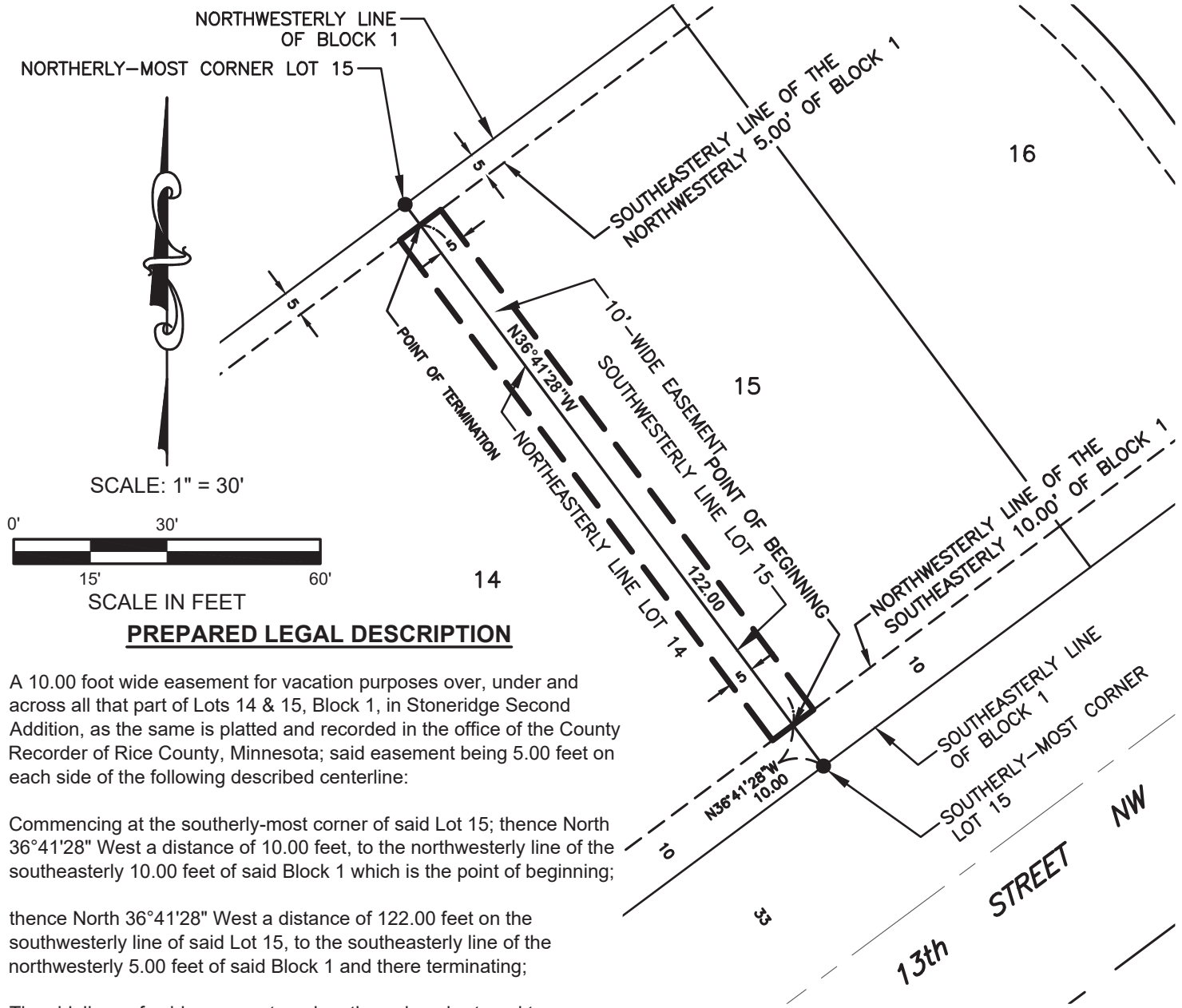
Attachments:

- Easement Vacation Area
- Preliminary Plat
- Final Plat

DRAWING OF EASEMENT VACATION

IN LOTS 14 & 15, BLOCK 1, STONERIDGE SECOND ADDITION

RICE COUNTY, MINNESOTA



PREPARED LEGAL DESCRIPTION

A 10.00 foot wide easement for vacation purposes over, under and across all that part of Lots 14 & 15, Block 1, in Stoneridge Second Addition, as the same is platted and recorded in the office of the County Recorder of Rice County, Minnesota; said easement being 5.00 feet on each side of the following described centerline:

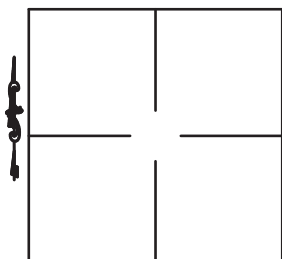
Commencing at the southerly-most corner of said Lot 15; thence North $36^{\circ}41'28''$ West a distance of 10.00 feet, to the northwesterly line of the southeasterly 10.00 feet of said Block 1 which is the point of beginning;

thence North $36^{\circ}41'28''$ West a distance of 122.00 feet on the southwesterly line of said Lot 15, to the southeasterly line of the northwesterly 5.00 feet of said Block 1 and there terminating;

The sidelines of said easement are lengthened or shortened to terminate on the southeasterly line of the northwesterly 5.00 feet and on the northwesterly line of the southeasterly 10.00 feet of said Block 1.

FOR: RICK CASHIN CONSTRUCTION INC.

LOCATION MAP



Scale: 1" = 4000'

Date: 5/15/2024
Revised date: -
Drawn by: ADM
Survey: -
Coord-System: MNDOT CO. NAD83 1996
Page 1 of 1
Job No: 24-161EASE.DWG
-

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This document is the property of Jones, Haugh & Smith Inc. and may not be used, copied or duplicated without prior written consent.

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

Scott A. Tuchtenhagen
L.S. No. 52646

Date



**JONES
HAUGH
SMITH**

Engineers + Surveyors

515 South Washington Ave.
Albert Lea, MN 56007
507-373-4876

415 West North Street
Owatonna, MN 55060
507-451-4598

PRELIMINARY PLAT

STONERIDGE FOURTH ADDITION

A REPLAT OF LOTS 13, 14, 15, 16, BLOCK 1, STONERIDGE SECOND ADDITION

LEGEND

- = 5/8" X 16" Iron stake monument
- = Iron stake monument-Found
- W — = Water Main
- S — = Sanitary Sewer
- ST — = Storm Sewer
- G — = Gas Main
- UT — = Underground Telephone
- OT — = Overhead Telephone
- FO — = Fiber-Optics
- UE — = Underground Electric
- OE — = Overhead Electric
- X — = Chain Link Fence
- = Control Access
- = Gate Post
- = Bollards
- = Electric Meter
- = Gas Meter
- = Fiber-Optics Box
- = Telephone Pedestal
- = Light Tower
- X — = Silt Fence
- F&I = Furnish & Install
- 1272 --- = Existing Elevation Contour Line
- 1273 --- = Proposed Elevation Contour Line
- = Sign
- = Sign-Handicap
- = Light Pole
- = Power Pole
- = Guy Anchor
- = Fire hydrant
- = Water Main Valve
- = Fire Sprinkler
- = Cleanout
- = Culvert
- = Gas Main Valve
- = Catch Basin
- = Manholes
- 1271.23 = Spot Elevation
- RM1270.89 = Rim Elevation
- FL1262.34 = Line Elevation
- = Concrete Surface
- = Bituminous Surface
- = Gravel Surface
- = Proposed Pavement Elevation

- VERIFY TOP OF BERM FOR POND MEETS MIN. ELEV. OF 1036.35 IN ALL LOCATIONS.
- EXISTING STORM WATER POND
- APPROXIMATE EXISTING ELEVATION CONTOUR/SPOT ELEV.
- BUILDING SETBACK TYP.
- EXISTING SEWER/WATER SERVICES TYP. DISCONNECT UNUSED WATER SERVICE AT MAIN CAP/PLUG UNUSED SEWER SERVICE
- RELOCATE FIRE HYDRANT TO LOT LINE B/T LOTS 1 AND 2.

BASIS OF BEARING SYSTEM

All bearings are based upon the Minnesota State Plane Coordinate System Nad 83 (96) Ham Adjustment Grid

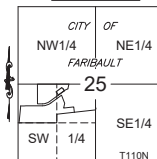
LEGEND

- = 5/8" X 16" Iron stake monument
- = (capped) S&T 120469 Placed
- = Iron monument - Found
- = Addition Plat Corner
- = Utility Easement

SCALE: 1" = 20'

SCALE IN FEET

VICINITY MAP



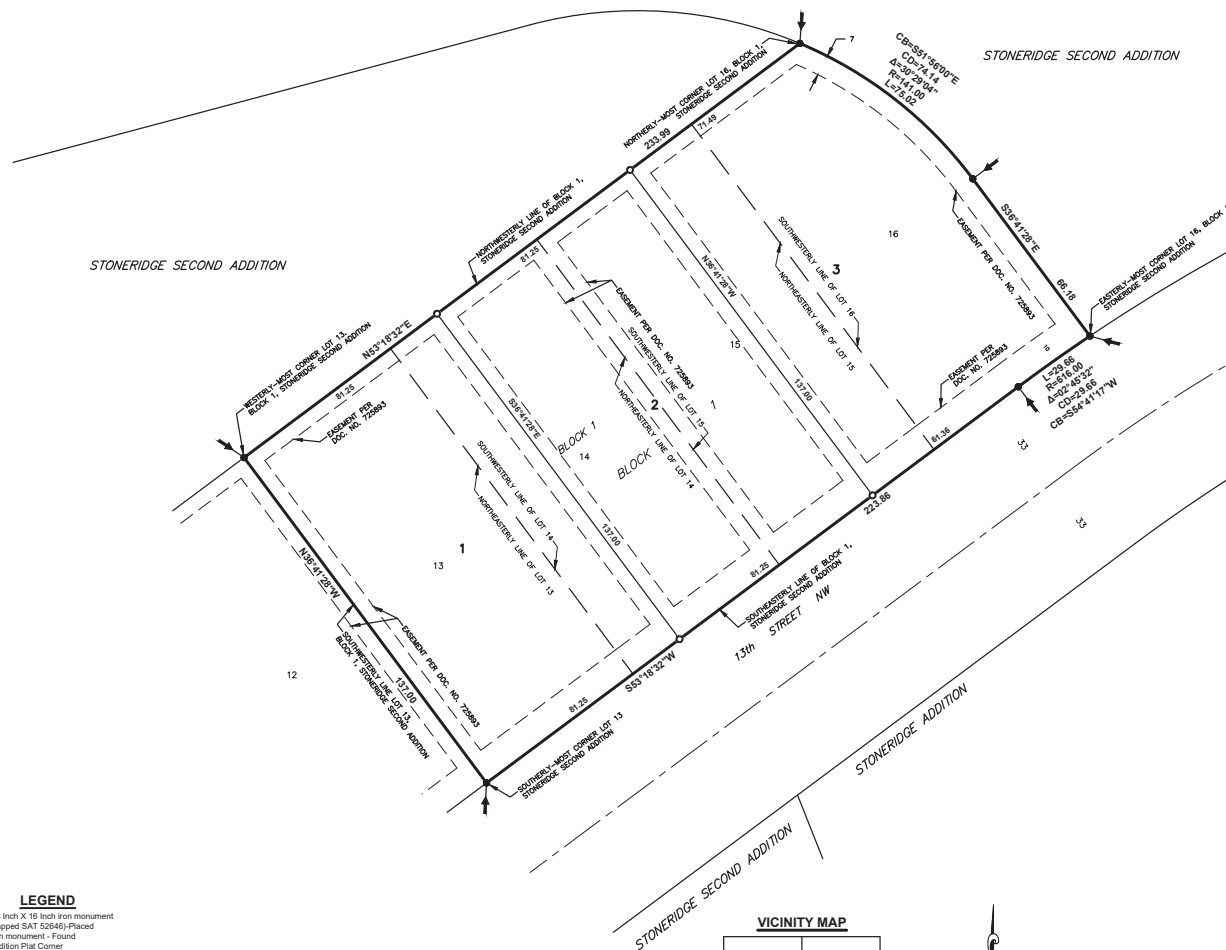
Scale: 1"=2000'

JONES, HAUGH & SMITH INC.
MAY 2024

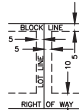
DRAWN BY ANDY MCGOWAN
24-161 Preliminary Plat.dwg

SHEET NO. 1 OF 1 SHEETS

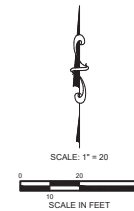
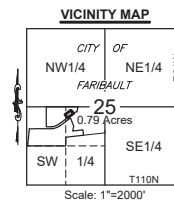
OFFICIAL PLAT
STONERIDGE FOURTH ADDITION



LEGEND
○ = 5/8 Inch X 16 Inch iron monument
(capped SAT 52646) Placed
● = Iron monument - Found
▲ = Addition Plat Corner
Drainage and utility easements are
shown thus unless otherwise noted:



BASIS OF BEARING SYSTEM
All bearings are based upon the southeasterly line of Block 1,
STONERIDGE SECOND ADDITION bearing South 53°18'32" West.



CERTIFICATE OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That Rick Cashin Construction, Inc., a Minnesota corporation; owners of the following described property:

Lots 13, 14, 15 & 16, Block 1, STONERIDGE SECOND ADDITION, as the same is platted and recorded in the office of the County Recorder of Rice County, Minnesota.

Has caused the same to be surveyed and platted as STONERIDGE FOURTH ADDITION, and hereby dedicate to the public for public use the drainage and utility easement as created herewith.

In witness whereof said Rick Cashin Construction, Inc., a Minnesota corporation, has caused these presents to be signed by its proper officer this ____ day of _____, 20 ____.

Signed: Rick Cashin Construction, Inc.

Rick Cashin, President

STATE OF MINNESOTA

COUNTY OF RICE

This instrument was acknowledged before me on this ____ day of _____, 20 ____ by Rick Cashin, President of Rick Cashin Construction, Inc., a Minnesota corporation, on behalf of the corporation.

_____, Notary Public
My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Scott A. Tuchtenhagen do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wetlands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated ____ day of _____, 20 ____.

Licensed Land Surveyor
Minnesota License No. 52646

STATE OF MINNESOTA

This instrument was acknowledged before me on ____ day of _____, 20 ____ by Scott A. Tuchtenhagen.

_____, Notary Public
My Commission Expires _____

CITY COUNCIL CITY OF FARIBAULT, MINNESOTA

This plat of STONERIDGE FOURTH ADDITION, was approved and accepted by the City Council of the City of Faribault, Minnesota at a regular meeting thereof held this ____ day of _____, 20 ____ and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

Mayor _____

City Administrator _____

RICE COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, subd. 11, this plat has been reviewed and approved this ____ day of _____, 20 ____.

Michael Fangman
Rice County Surveyor

RICE COUNTY PROPERTY TAX & ELECTIONS

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20 ____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this ____ day of _____, 20 ____.

Denise Anderson
Property Tax & Elections Director

COUNTY RECORDER

County Recorder, County of Rice, State of Minnesota
I hereby certify that this plat of STONERIDGE FOURTH ADDITION was filed in the office of the County Recorder for public record on this ____ day of _____, 20 ____ at ____ o'clock ____ M. and was duly filed as Document

Number: _____

Michael Fangman
Rice County Recorder

JONES, HAUGH & SMITH
PROFESSIONAL ENGINEERS & LAND SURVEYORS

SHEET NO. 1 OF 1 SHEETS



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH:
FROM: Harry Davis, City Planner
MEETING DATE: July 1, 2024
SUBJECT: Ordinance 2024-X Vacate a Portion of Drainage and Utility Easement at 1950 13th St NW

Background:

See the main agenda item.

Recommendation:

The DRC, City Engineer, and City Planner recommend approval of vacating the easement to City Council based on the findings and conditions in the attached draft ordinance.

Attachments:

1. Ordinance 2024-X Vacate an Portion of Drainage and Utility Easement at 1950 13th St NW

(Space Reserved for Recording)

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

VACATE A PORTION OF DRAINAGE AND UTILITY EASEMENT AT 1950 13TH ST NW

WHEREAS, Rick Cashin, (the "Applicant") requests vacating a portion of a drainage and utility easement at 1950 13th St NW, 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 July 1, 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 the 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: City staff received no objections to the easement vacation.

WHEREAS, the City Council conducted the first reading of this ordinance on July 9, 2024, and the second reading of this ordinance on July 23, 2024; and

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

NOW, THEREFORE, THE CITY OF FARIBAUT ORDAINS:

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

Section 2. Vacation of 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: July 9, 2024
Second Reading: July 23, 2024
Publication Date: July 30, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Easement Vacation Legal Description

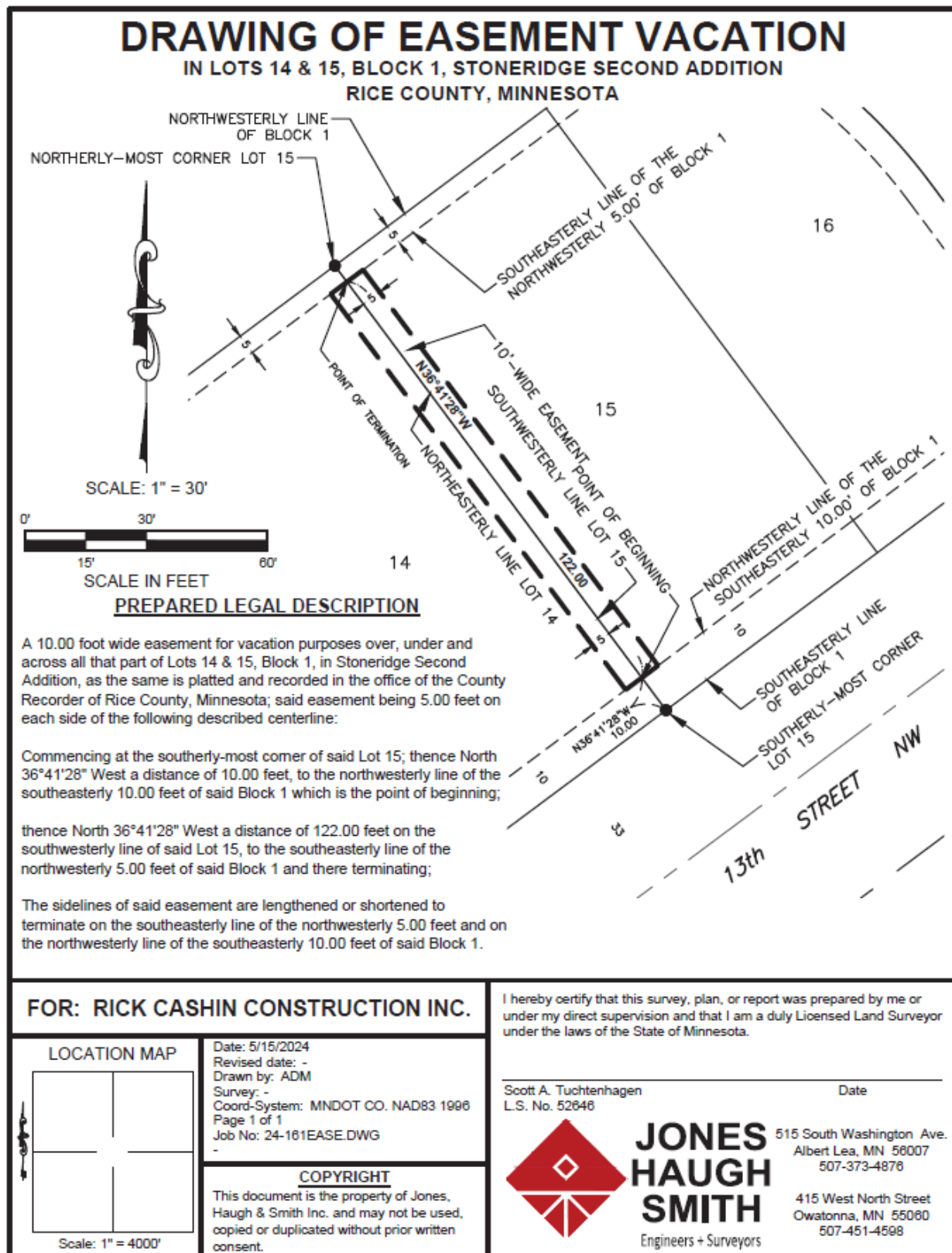
A 10.00 foot wide easement for vacation purposes over, under and across all that part of Lots 14 & 15, Block 1, in Stoneridge Second Addition, as the same is platted and recorded in the office of the County Recorder of Rice County, Minnesota; said easement being 5.00 feet on each side of the following described centerline:

Commencing at the southerly-most corner of said Lot 15; thence North 36°41'28" West a distance of 10.00 feet, to the northwesterly line of the southeasterly 10.00 feet of said Block 1 which is the point of beginning;

thence North 36°41'28" West a distance of 122.00 feet on the southwesterly line of said Lot 15, to the southeasterly line of the northwesterly 5.00 feet of said Block 1 and there terminating;

The sidelines of said easement are lengthened or shortened to terminate on the southeasterly line of the northwesterly 5.00 feet and on the northwesterly line of the southeasterly 10.00 feet of said Block 1.

Exhibit A
Easement Vacation Area





REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH:
FROM: Harry Davis, City Planner
MEETING DATE: July 1, 2024
SUBJECT: Resolution 2024-XXX Approve the Preliminary and Final Plats for Stoneridge Fourth Addition

Background:

See the main agenda item.

Recommendation:

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

Attachments:

1. Resolution 2024-XXX Approve the Preliminary and Final Plats for Stoneridge Fourth Addition

CITY OF FARIBAULT

RESOLUTION #2024-XXX

APPROVE THE PRELIMINARY AND FINAL PLATS FOR STONERIDGE FOURTH ADDITION

WHEREAS, Rick Cashin (the "Applicant") on behalf of Rick Cashin Construction Inc. (the "Owner") requests preliminary and final plat approval to replat Lots 13, 14, 15, and 16, Block 1, Stoneridge Second Addition, previously intended for twinhome residential development, into three lots intended for single-family residential development,, legally described in Exhibit A (the "Property"); and

WHEREAS, City Staff review the Applicant's 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 July 1, 2024, following proper notice, held a public hearing regarding the applications, and following said public hearing, made written findings and recommended approval of the applications; and

WHEREAS, the City Council, on July 9, 2024, at a public meeting, considered the applications; and

WHEREAS, based upon said report, hearing, and recommendation, the City Council hereby finds that approval of the preliminary plat for Stoneridge Fourth Addition 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 R-2, Low Density Residential 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 residential. The proposed residential 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 use of land intended for residential development, based on sound planning and engineering principles.

- 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 Stoneridge Fourth Addition 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, with the exception of a title commitment, which the applicant will satisfy prior to signing the plat.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Faribault as follows:

Section 1. Preliminary and final plat approval. The City Council approves the preliminary and final plat for Stoneridge Fourth Addition included in Exhibit B and Exhibit C, respectively, , subject to the following conditions:

1. The Owner must make the following changes to the preliminary plat:
 - a. Put the Owner's information on the plat.
 - b. Show the property's current zoning and the required setbacks, or include a setback table on the plat.
 - c. Show adjacent property information.
 - d. Submit covenants (if any) to the City Planner.
 - e. Provide a drainage and utility easement between Lots 1 and 2.
 - f. Clarify the following:
 - i. Linework and line types for easements and setbacks.
 - ii. Proposed and existing easements and lot boundaries.
 - iii. Easement types and callouts.
 - iv. Topographic contours as proposed or existing.

2. The Owner must make the following changes to the final plat:
 - a. Clarification of and space made available to identify the easement to be vacated on the final plat.
 - b. Include the date of plat creation.
 - c. Revision of dedication statement to be consistent with Unified Development Ordinance language.
 - d. A notarized certification by the surveyor on the plat.
 - e. Certification of all taxes paid in full.
 - f. Submittal of a title commitment, as a precursor to a title policy.
 - g. The applicant shall finish grading associated with the stormwater pond servicing Stoneridge Fourth Addition prior to approval of a building permit.
3. The Owner and City must enter into a Development Agreement the specifies the provisions of the development related to the plat.
4. Before recording the plat with the Rice County Recorder, the Owner must pay all applicable fees and taxes.
5. The plat must be recorded with the Rice County Recorder within 12 months following City Council approval or it shall be automatically deemed null and void, unless the City Council extends the deadline to record the plat.

Section 2. Findings. The recitals in this Resolution are integral to this Resolution and, where applicable, constitute the findings of the City Council.

Section 3. Authorization to take additional steps. The City Council authorizes and directs City Staff and City Consultants to take all additional steps and actions necessary or convenient to accomplish the intent of this Resolution.

Section 4. Authorization to execute documents. The City Council authorizes and directs the Mayor and City Administrator to take all necessary actions and to execute all appropriate documents to effectuate the approvals contemplated by this Resolution.

Section 5. Effective date. This Resolution is effective immediately upon its passage and without publication.

Date Adopted: July 9, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description

Lots 13, 14, 15 & 16, Block 1, STONERIDGE SECOND ADDITION, as the same is platted and recorded in the office of the County Recorder of Rice County, Minnesota.



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REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH:
FROM: Harry Davis, City Planner
MEETING DATE: July 1, 2024
SUBJECT: General Planning & Zoning Updates

Background:

Project and division updates, including future discussion items.

Recommendation:

No vote needed.

Attachments: