



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, SEPTEMBER 16,
2024

6:00 PM

1. Call to Order/Approve Agenda
2. Approval of the Minutes
3. Public Hearings
 - A. Ordinance 2024-XX Approve a Zoning Text Amendment to Allow Cannabis Businesses in Certain Zoning Districts
4. Requests to be Heard
5. Items for Discussion
 - A. Resolution 2024-XXX Deny Variance at 15 3rd Ave SW
 - B. City of Faribault/JNJ Properties - Comprehensive Plan Amendment; Zoning Map Amendment
 - 1 Resolution 2024-XXX Deny a Comprehensive Plan Amendment to Guide Certain Properties in 500 and 400 Blocks of 20th St NW
 - 2 Resolution 2024-XXX Deny a Zoning Map Amendment in 500 and 400 Blocks of 20th Street NW
6. Routine Business
7. Board & Commissions Updates & Reports
8. Adjournment

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PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS

TUESDAY, SEPTEMBER 3, 2024

6:00 PM

Meeting Items

1. Call to Order

A regular meeting of the Planning Commission was called to order at 6:00 p.m. by Chair Chuck Ackman. Commissioners in attendance were Samantha Green, Barton Jackson, Edward Migilio, Michael Salt, Steven White, and Chair Chuck Ackman. Also in attendance were David Wanberg, Director of Community and Economic Development, Harry Davis, City Planner, and Kari Casper, Administrative Assistant II.

2. Approval of the Minutes

Samantha Green made a motion to approve the minutes as presented, seconded by Edward Miglio. The motion passed unanimously.

3. Public Hearings

A. Resolution 2024-XXX Adopt the TH 60 West Master Plan

David Wanberg gave a presentation about the aspirational document to help guide development. It doesn't regulate the land use. This land has been undeveloped for several years and this report will assist in giving the developers an idea of what could be developed in this area. The EDA identified this Highway 60 corridor, as well as the City Council, for future development. The EDA, along with Xcel Energy, paid for Bolten Menk's conceptual master plan for this area.

After the presentation, the Chair brought the matter back for discussion and then opened up the public hearing at 6:14 p.m. Richard Giles, 3049 Wells Lake Drive came forward to express his concerns over the speeds in the area. Next up was Matthew Drenth, 3115 Wells Lake Drive, who came forward to express that he would like to see a roundabout in that area and more residential around the lake. Jeff Jandro of 126 230th Street E. then came forward to express his excitement about this proposal. Nort Johnson 210 4th Ave SW, then came forward, also expressing his excitement about the proposals. The Chair then closed the public hearing at 6:21 p.m. With no further discussion, a motion by Samantha Green, seconded by Michael Salt to approve Resolution 2024-XXX Adopt the TH 60 Master Plan as presented. The motion passed unanimously.

B. Resolution 2024-XXX Deny Variance at 15 3rd Ave SW

Harry Davis presented an application for variances requested by Corey Newby, owner of the Urban Flea Market. Davis stated that the applicant is requesting these for a front setback for off-street parking, and the applicant is requesting a zero setback. The second variance request is to not have any curbing. Davis stated that the ordinance requirement is a minimum for development and that no arguments proposed by the applicant are grounds for practical difficulties. A parking setback would allow adequate room for landscaping. Curbing helps ensure that drainage pools properly on the property. Staff recommends denial of the variances based onto the findings and

conditions in the draft resolution.

Following the presentation, the Chair then brought the matter back for discussion with the commission. Commissioner Green asked if the applicant did his due diligence before he bought the property. Davis stated that typically when a person buys a property, it's really up to the owner to ask what needs to be done. Commissioner Jackson said that the parking has been discussed before on many occasions. Davis stated that, yes, it had been discussed but not sure if specific variances were discussed. Commissioner Salt recommended a professional drawing by a civil engineer which will help with the nuances to see what is really there. Chair Ackman stated that the action that was taken was a comp plan amendment and zoning amendment.

Chair Ackman opened the public hearing at 6:42. Corey Newby came forward to state that he is offering 46 off-street parking spaces. If curbs go in, it changes the drainage. He is working with Jones Hugh & Smith on a professional survey to be done. Chair Ackman closed the public hearing at 6:49 p.m.

Commissioner White then made a motion to approve the denial of the Resolution. No member seconded his motion and so the motion failed. In further discussion, Green asked if the sole question here is based on a need or a requirement for the parking spaces. Davis stated that there is a formula based on square footage. He believed it to be 50 spaces. She asked about the entire site and sq. footage. Davis stated that the applicant is focusing on the school part. Chair Ackman stated that he couldn't be on board with zero setbacks. Commissioner Salt asked if this was a historical site. Davis stated that it is not a registered historical site. Salt asked if drainage would be impacted by the curbing. Davis stated that we just don't have the level of detail to make that determination. Commissioner Green stated that if the applicant has additional data perhaps he could bring it back to the next meeting.

Commissioner Green made a motion to continue the matter, seconded by Commissioner Salt. Chair Ackman asked if the motion to continue would jam up the process. Davis stated that he would issue an extension. He also stated that just having a survey adding topography would not be enough. Chair Ackman then asked for a vote to continue to the next meeting. The motion to continue passed on a 4/2 vote with Commissioner Ackman and Migilio voting in dissent.

C. City of Faribault/JNJ Properties - Comprehensive Plan Amendment; Zoning Map Amendment

1 Resolution 2024-XXX Approve a Comprehensive Plan Amendment to Guide Certain Properties in 500 and 400 Blocks of 20th St NW

2 Ordinance 2024-XX Approve a Zoning Map Amendment in 500 and 400 Blocks of 20th Street NW

Davis presented JNJ Properties application to change the comp plan for properties from I2 to R2 for certain properties. Commissioner White asked if any of the existing buildings would be impacted by this proposed change. Davis stated that they wouldn't unless they were to make any improvements, they may need to conform to the setbacks.

The Chair opened the matter up for a public hearing at 7:10 p.m. Cody Pettipiece, 1313 Goldenray Circle, came forward on behalf of Harley's Auto Salvage as a third-generation owner. Mr. Pettipiece has been with them full-time for 18 years and the stable business has been in business for 72 years. He is concerned about the residential areas in the industrial district. The house he grew up in is the only house not being proposed. He would eventually want to expand in the future. He strongly disagrees with mixing low residential with industrial. Mr. Pettipiece did mention that the business operates with heavy equipment and has heavy traffic in its business.

Chair Ackman then closed the public hearing at 7:14 p.m. The Chair stated that they looked at the matter last week and can understand both arguments. In looking at the map, he just doesn't vote in favor of "spot zoning".

Commissioner Green then made a motion to approve the resolution, seconded by Commissioner Migilio. A quick vote was taken on a 3/3 and Chair then asked for a Roll Call Vote as such:

Roll Call Vote:

Green Yes

Jackson No

Migilio Yes

Salt Yes

White No

Chair No

Ackman

As the vote came in on 3/3, the motion failed.

The Chair would like to take action on a recommendation. Commissioner Jackson then made a motion to deny the resolution on the zoning map, seconded by Commissioner Jackson. The Chair then asked for a Roll Call Vote as follows:

Green No

Jackson Yes

Migilio Yes

Sale No

White Yes

Ackman Yes

The motion passed on a 4/2 vote.

D. Ordinance 2024-XX Vacate a Portion of Drainage and Utility Easement at 2343 14th St NE

Harry Davis presented the applicant's request to vacate a portion of the drainage and utility easement at 2343 14th St NE. The applicants are Johnson Reiland Home Building and the owners are Shattuck St. Mary's School with the intent of future residential. There are no issues with this request and it meets all requirements for a vacation. A public hearing was opened and closed at 7:33 p.m. A motion was made by Commissioner Jackson, seconded by Commissioner Salt. The motion carried on a 6/0 vote.

E. Ordinance 2024-XX Approve Zoning Map Amendments for 818 8th Ave NW and 214 14th St NE

Harry Davis presented that the city is the applicant and requested to rezone these properties at 818 8th Ave and 214 14th St NW from R2 to PI. Staff indicated that there were no major issues. PI will allow their continued use. The Chair brought it back to the board, but no one spoke. The chair opened up and closed the public hearing at 7:37. Commissioner White then questioned the boundaries. He mentioned that it does not include the sediment ponds and the brush pile. His only objection is that it doesn't include all the property. Commissioner Jackson made a motion to approve. The Chair then asked if that would include Commissioner White's request to include those adjacent properties. The Chair wanted Commissioner Jackson to clarify. He stated that he wanted to make the motion go with the original request. Commissioner Green stated that she would like more information based on the statement regarding the brush and the settling ponds. White said that this needs further discussion and to have a better plan. Commissioner Jackson then stated that the staff had already requested it for a reason. Commissioner Green stated that these two are two separate parcels. Davis confirmed. White wanted clarification on the brush and compost. Commissioner White asked if the compost site was approved by the DNR. Davis said that he could not find anything stating that. He did reach out to the DNR about the rezoning and they did not

have any issues with these two rezonings. Samantha Green made a motion to approve, seconded by Barton Jackson as written. The motion passed on a 5/1 vote with Commissioner White voting in dissent.

4. Requests to be Heard

5. Items for Discussion

A. Commissioner Delgado - Planning Commission By-laws, Section 12. Attendance

Davis stated that there are three triggers for this under the Bylaws to recommend removal from the commission. In this case, Commissioner Delgado did trigger these with his lack of unexcused absences. Edward Miglio made a motion to recommend Commissioner Eric Delgado be removed from the Commission due to his lack of attendance, seconded by Barton Jackson. The motion passed unanimously.

B. General Planning & Zoning Updates

Chair Ackman asked Davis if action needed to be taken on Rice County's request from the last meeting since the minutes reflected it would be addressed at this meeting.

Davis said that the staff is still waiting for additional information and will likely need to repost the public notice when the application is complete.

6. Routine Business

None.

7. Board & Commissions Updates & Reports

None.

8. Adjournment

Michael Salt made a motion to adjourn the meeting at 7:58 p.m., seconded by Samantha Green. The motion passed unanimously.

By: _____
Kari Casper, Recording Secretary



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planner
MEETING DATE: September 16, 2024
SUBJECT: Ordinance 2024-XX Approve a Zoning Text Amendment to Allow Cannabis Businesses in Certain Zoning Districts

Background:

The City of Faribault, with the release of new rules and a model ordinance from the Minnesota State Office of Cannabis Management, seeks to amend the zoning ordinances to allow cannabis businesses in certain zoning districts, create new definitions related to said uses, and adopt a setback for new cannabis businesses from schools. More information may be found in the attached staff report and draft ordinance.

Recommendation:

The City Planner and DRC recommend that the Planning Commission forward and recommend to City Council allow cannabis businesses in certain zoning districts, creating new cannabis-related definitions, and setting a setback from schools as proposed in the associated draft ordinance.

Attachments:

1. Ordinance 2024-XX Approve a Zoning Text Amendment to Allow Cannabis Businesses in Certain Zoning Districts
2. Staff Report

CITY OF FARIBAULT

ORDINANCE No. 2024-XX

**APPROVE A ZONING TEXT AMENDMENT TO ALLOW CANNABIS
BUSINESSES IN CERTAIN ZONING DISTRICTS**

WHEREAS, the City of Faribault (the "Applicant") requests a zoning text amendment to allow cannabis businesses in certain zoning districts and add cannabis related definitions to the Unified Development Ordinance; and

WHEREAS, the Planning Commission, on September 16, 2024, following proper notice, held a public hearing regarding the proposed zoning text amendment; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the above-referenced zoning text amendment based on the following written findings outlined in Section 2-180 of the City's Unified Development Ordinance as follows:

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

Finding: The Comprehensive Plan's numbers 3 and 4 of the Core Guiding Principles support the general direction of the proposed zoning amendment:

3. Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed.

The proposed zoning amendment will allow for cannabis businesses to be in appropriate places within the community, thereby providing better access for the public and fostering new business development.

4. Encourage innovation, creativity, flexibility, and openness to new ideas and positive change in all sectors of the community.

The proposed zoning amendment will give flexibility on finding locations for cannabis businesses in Faribault. The zoning districts proposed for different cannabis businesses are meant to be compatible and supporting other uses found within the same zoning district.

In addition to the Core Guiding Principles, there are several goals, objectives, and policies met by the zoning text amendment:

Goal: Faribault's investments in its built assets retain and attract quality businesses, industries, institutions, and housing, ensuring that Faribault is an outstanding place to live, work, and play.

Objective 1.1: Guide land to provide an appropriate mix of compatible land uses that meets the City's current and anticipated needs.

Policy 1.1.A: Guide and regulate land to respond to social and market demands, respect significant natural and cultural assets, and support the efficient use of infrastructure.

Policy 1.1.B: Seek first to strengthen existing development and guide new development in areas currently served by existing infrastructure, but where appropriate, allow logical and strategic staged growth in undeveloped areas if it is in the City's best interest.

Policy 1.1.C: Encourage the development of complete neighborhoods where all people have reasonable, safe, and convenient access to healthy food, goods, parks, social offerings, and services.

Policy 1.1.D: Identify and implement opportunities to maximize synergies and minimize conflicts between land uses.

Goal: Faribault has a diverse and resilient economy that supports employment and business opportunities for people of all backgrounds and skills.

Objective 1.1: Cultivate an economy and labor force that has the skills, resources, and support structures to thrive in a rapidly changing economy.

Policy 1.1.C: Work with a variety of partners to ensure Faribault residents have access to people, places, organizations, and businesses that are welcoming and supportive of their attempts to enrich themselves and their families.

Objective 1.2: Nurture a business environment supportive of all industry sectors while balancing economic growth with living wage jobs, equitable employment practices, and minimal impacts on the environment.

Policy 1.2.A: Support the development, growth, and retention of small businesses.

Policy 1.2.B: Encourage innovation, creativity, flexibility, and openness to new ideas and positive change in all sectors of the community.

Objective 1.3: Ensure opportunities are available for Faribault to grow and change in a manner that benefits current as well as future generations.

Policy 1.3.A: Identify areas appropriate for new development or redevelopment that are consistent with market demand, have limited environmental impact, and support the efficient use or extension of existing infrastructure.

Goal: Faribault maximizes opportunities for residents to live a healthy life in which they are safe, well nourished, and have access to a range of housing, healthcare, and employment.

Objective 1.1: Strengthen opportunities in the design, development, and maintenance of Faribault's built environment to promote healthy living for all.

Policy 1.1.B: Encourage complete neighborhoods where all people have safe and convenient access to healthy food, goods, and services in all neighborhoods.

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

Finding: The proposed zoning text amendment is not intended to benefit only one property owner. It will be effective citywide and benefit many different property owners and agencies. This amendment does not impose undue burdens or limits on property owners as it allows for new cannabis uses across appropriate zoning districts.

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

Finding: Although the proposed text amendment does not change the zoning classification of property in the city, there are existing properties where a property owner or business may want to start a cannabis use. When comparing cannabis businesses to other by-right and conditional uses in each of the outlined zoning districts, cannabis businesses are not more intense or create more activity. Because cannabis businesses are relatively new to Minnesota, peer city research is limited and not a part of this proposal.

4. **Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment.

5. **Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.**

Finding: The proposed text amendment does not change the zoning classification of property in the city. Therefore, this required finding does not apply to the proposed text amendment. Minnesota law recently changed, and the associated Office of Cannabis Management published a model ordinance, to allow cannabis businesses in cities for recreational consumption. This ordinance has a foundation based on the OCM model ordinance, with initial feedback from City Council and further refinement on recommended zoning districts for certain cannabis businesses by Planning Commission and the City Planner.

WHEREAS, the City Council held a public meeting on September 24, 2024, to consider approval of the first reading of Ordinance 2024-XX; and

WHEREAS, the City Council also held a public meeting on October 8, 2024, to consider approval of the second reading of Ordinance 2024-XX; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings and Incorporation of Recitals and Exhibits. The recitals in this ordinance are part of this ordinance and, where applicable, constitute the written findings of the City Council of the City of Faribault.

Section 2: Text Amendment – Added Cannabis Definitions. The Faribault City Council hereby adds (shown in the underlined text) to the Unified Development Ordinance under Chapter 1, “Section 1-130. Cannabis business definitions.” with associated definitions, as proposed in Exhibit A.

Section 3: Text Amendment – Added Cannabis Business Setback. The Faribault City Council hereby adds (shown in the underlined text) to the Unified Development Ordinance under Chapter 7, Section 7-30 titled development standards to add a 250-foot setback from schools for cannabis businesses, as proposed in Exhibit B.

Section 4: Text Amendment – Principal Uses for the Commercial Districts. The Faribault City Council hereby adds or amends (shown in the underlined text) the Unified Development Ordinance under Chapter 11, Article 1, Section 11-30 titled principal uses for the commercial districts, as proposed in Exhibit C.

Section 5: Text Amendment – Principal Uses for the Industrial Districts. The Faribault City Council hereby adds or amends (shown in the underlined text) the Unified Development Ordinance under Chapter 12, Article 1, Section 12-30 titled principal uses for the industrial districts, as proposed in Exhibit D.

Section 6: Text Amendment – Principal Uses for the Special Districts. The Faribault City Council hereby adds or amends (shown in the underlined text) the Unified Development Ordinance under Chapter 13, Article 5, Section 13-520 titled principal uses for the special districts, as proposed in Exhibit E.

Section 7: Effective Date. This ordinance shall be effective immediately upon its passage and publication per the provisions of the Faribault City Charter.

Public Hearing: September 16, 2024

First Reading: September 24, 2024

Second Reading: October 8, 2024

Publication: October 15, 2024

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

EXHIBIT A

**Proposed Sec. 1-130. Cannabis business definitions. under Chapter 1 of the
Unified Development Ordinance**

Sec. 1-130. Cannabis business definitions.

Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this development ordinance, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Cannabis cultivation. A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant. harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.

Cannabis retail business. A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, and lower-potency hemp edible retailers.

Cannabis retailer. Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.

Lower-potency hemp edible. As defined under Minn. Stat. 342.01 subd. 50.

Office of Cannabis Management. Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.

Place of public accommodation. A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

Preliminary license approval. OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

Public place. A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.

Residential treatment facility. As defined under Minn. Stat. 245.462 subd. 23.

Retail registration. An approved registration issued by the city of Faribault to a state-licensed cannabis retail business.

School. A public school as defined under Minn. Stat. 120A.05 or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24.

State license. An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

EXHIBIT B

**Amended Sec. 7-30. Development standards., under Chapter 7 of the
Unified Development Ordinance**

Sec. 7-30. Development standards.

(Beneath *Campground*.)

Cannabis businesses.

(1) All buildings proposed for a cannabis business must not be closer to a school than 250 feet. This buffer shall be measured horizontally from building wall to building wall.

(Above *Car wash*.)

EXHIBIT C

**Amended Sec. 11-30. Principal uses for the commercial districts. under
Chapter 11, Article 1 of the Unified Development Ordinance**

Sec. 11-30. Principal uses for the commercial districts.

- (A) *In general.* All permitted and conditional uses allowed in the commercial districts are listed in Table 11-1.
- (B) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified in Sections 2-190 through 2-250.
- (C) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Sections 2-260 through 2-340.
- (D) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the City Planner to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Section 2-50 governing determination of substantially similar uses.
- (E) *Specific development standards.* Permitted and conditional uses specified with an "x" under the Specific Development Standards column shall be subject to the standards identified in Chapter 7, Specific Development Standards.
- (F) *Generalized use categories.* Table 11-1 employs generalized use categories for some types of commercial uses. A particular use may be determined to be within a generalized use category if not listed specifically elsewhere in Table 11-1 and if not determined to be within another less restrictive generalized use category. Determination of whether a particular use is included within a generalized use category shall be made by the City Planner in the manner provided for in Section 2-50 governing determination of substantially similar uses.
 - (1) *General retail sales and services.* General retail sales and services uses include the retail sale of new products or the provision of services to the general public that produce minimal off-site impacts. General retail sales and services include the following uses:
 - (a) Automobile parts and accessories.
 - (b) Bakery/catering service.
 - (c) Barber shop/beauty salon.
 - (d) Bicycle sales and repair.
 - (e) Clothing and accessories.
 - (f) Department and discount stores.
 - (g) Drug store.
 - (h) Dry-cleaning establishment.
 - (i) Electronics sales and repair.
 - (j) Film developing/photographic supplies.
 - (k) Florist.
 - (l) Hardware store.
 - (m) Household furnishings and appliances.
 - (n) Locksmith.
 - (o) Musical instruments.
 - (p) Office and school supplies.

- (q) Picture framing.
 - (r) Shoe repair/tailor.
 - (s) Sporting goods/bait and tackle.
- (2) *Craftsman studios, limited production and processing.* Craftsman studios, limited production and processing uses include activities that are consistent and compatible with retail sales and services if such services are conducted wholly within an enclosed building if operated in a manner that prevents external effects of the activity such as (but not limited to) smoke, soot, dirt, vibration, and odor from being detectable at the property line. These uses produce minimal off-site impacts due to their limited nature and scale. Craftsman studios, limited production and processing is allowed as a principal use provided the use shall not exceed a maximum floor area of two thousand five hundred (2,500) square feet, and the main entrance shall open to a retail or office area. Such uses may include wholesale and off-premises sales, subject to other restrictions established in this ordinance. Limited production, processing and storage uses greater than two thousand five hundred (2,500) square feet in area, may be allowed subject to a conditional use permit in accordance with Sections 2-260 through 2-340 of the UDO, with requirements for noise, vibration, dust and odor controls. Craftsman studios, limited production and processing includes the following uses or similar uses:
- (a) Apparel and other finished products made from fabrics.
 - (b) Computers and accessories, including circuit boards and software.
 - (c) Electronic components and accessories.
 - (d) Film, video and audio recording.
 - (e) Food and beverage products, except no live slaughter or grain milling, cereal, vegetable oil, or vinegar.
 - (f) Jewelry, ornamental ceramics and pottery.
 - (g) Leather crafting and upholstery.
 - (h) Precision medical and optical goods.
 - (i) Signs and advertising devices.
 - (j) Visual arts and artist's studio.
 - (k) Watches and clocks.
 - (l) Wood crafting and carving.
 - (m) Wood furniture, woodworking, cabinetry, millwork, and upholstery, not including sawmills.
 - (n) Cannabis cultivation.
 - (o) Cannabis manufacturer.
 - (p) Hemp manufacturer.

Table 11-1. Principal uses in the commercial districts.

Use	District					Development Standards
	C-1	C-2	C-3	CBD	SH	
Commercial uses						
Auction establishments		C	C		-	X
Retail sales and services						
General retail sales and services	P	P	P	P	C	
Ambulance facility	-	C	-	-	C	X
Antiques and collectibles	-	P	P	P	C	

Bank or financial institution	-	P	P	P	C	
Boat and marine sales	-	P	P	-	C	
Bookstore	P	P	P	P	C	
Building material sales	-	P	P	-	C	
<u>Cannabis retail and delivery</u>	<u>-</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
Child care center	C	P	P	P	C	X
Digital Billboards	-	C	C	-	C	see 9-160(l)
Firearms dealer	-	P	P	P	C	X
Funeral home	-	P	P	P	C	X
Greenhouse, lawn and garden supplies	-	P	P	P	C	
Grocery or convenience store	C	P	P	P	C	
Laundry, self-service	-	P	P	P	C	X
Pawn shop	-	P	P	P	C	
Performing, visual, or martial arts school	-	P	P	P	C	
Pet store	-	P	P	P	C	X
Photocopying	P	P	P	P	C	
Recreational vehicle sales and service	-	P	P	-	C	
Rental of household goods and equipment	-	P	P	P	C	
Shopping center	C	P	P	P	C	
Small engine repair	-	P	P	P	-	
Tattoo parlor	-	P	P	P	C	
Veterinary clinic	-	P	P	P	C	X
Video store	P	P	P	P	C	
Offices	C	P	P	P	C	X
Automobile services						
Automobile convenience facility	C	P	P	P	C	X
Automobile rental	-	P	P	P	-	X
Automobile repair, minor	-	P	P	C	C	X
Automobile repair, major	-	C	C	C	-	X
Automobile sales	-	P	P	-	-	X
Transportation						
Truck and trailer sales and service	-	C	-	-	-	X
Car wash	-	P	P	-	C	X
Food and beverages						
Bar, nightclub, liquor establishment	-	P	P	P	C	X
Brewery	-	C	C	C	C	X
Coffee shop with limited entertainment	P	P	P	P	C	X
Liquor store	-	P	P	P	C	
Microdistillery	-	C	C	C	C	X
Restaurant, drive-through	-	C	C	C	C	X
Restaurant	C	P	P	P	C	X
Restaurant with general entertainment	C	P	P	P	C	X

Commercial recreation, entertainment and lodging						
Bed and breakfast facility	-	-	-	P	C	X
Bowling alley	-	P	P	-	C	
Hotel, motel	-	P	P	P	C	
Indoor recreational facility	-	P	P	C	-	
Outdoor recreation area	-	C	C	C	P	X
Sports and health facility	P	P	P	P	C	
Theater, indoor	-	P	P	C	C	
Limited recycling collection center	-	C	C	-	C	X
Institutional and public uses						
Educational facilities						
College or university	-	P	P	C	C	
Early childhood education center	C	P	P	P	C	X
Schools, K-12	-	C	C	C	C	X
Schools, vocational or business	-	P	P	C	C	
Parking facilities, ramps	C	C	C	C	C	X
Social, cultural, charitable, and recreational facilities						
Stadiums, arenas	-	C	C	-	-	X
Clubs and lodges	C	P	P	P	C	
Community center	C	P	P	C	-	X
Library	C	P	P	P	-	
Museum	C	P	P	P	-	
Park	P	P	P	P	P	
Religious institutions						
Place of assembly	C	C	C	C	C	
Health and medical facilities						
Clinic, medical or dental	P	P	P	P	C	
Laboratory, medical or dental	-	P	P	P	C	
Hospital	-	C	C	-	-	X
Massage parlor	-	P	P	P	C	
Production, processing, and storage						
Farm and construction equipment sales	-	P	P	-	C	X
Craftsman studios	-	P	P	P	C	X
Limited production and processing up to 2,500 sq. ft.	-	P	P	P	C	X
Limited production and processing over 2,500 sq. ft.	-	C	C	C	C	X
Contractor office and showroom	-	P	P	P	-	X
Furniture moving and storage	-	P	P	-	-	
Industrial machinery and equipment, sales, service, and rental	-	P	P	-	C	
Laundry, commercial	-	P	P	P	-	X
Packaging of finished goods	-	P	P	P	-	
Printing and publishing	-	P	P	P	-	
Self-service storage facility	-	P	P	C	C	

Wholesaling, warehousing, and distribution; Cannabis wholesale	-	P	P	C	-	X
Residential uses						
Dwellings						
Dwelling unit as part of mixed-use structure	-	-	-	P	C	X
Multiple-family dwelling	C	C	C	C	-	
Dwelling in conjunction with business	C	C	C	C	C	X
Congregate living						
Residential care facility, serving six or fewer persons	C	C	C	C	C	
Residential care facility, serving seven to sixteen persons	C	C	C	C	C	X
Residential care facility, serving seventeen or more persons	-	C	C	-	C	X
Nursing home, senior housing facility	C	C	C	C	C	X
Public service and utilities						
Communication facilities, towers	C	C	C	C	see section 6-230	
Electric or gas substation	C	P	P	P		
Essential services	P	P	P	P		
Electricity generation plant, non-nuclear	-	C	C	-		
Governmental buildings and structures	C	P	P	P		
Governmental buildings and structures (other than those used primarily as offices)	-	C	C	C	C	X
Public utility buildings and structures	C	P	P	P		

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2001-15, § 1, 8-28-01; Ord. No. 2002-13, § 1, 6-25-02; Ord. No. 2002-16, § 1, 8-13-02; Ord. No. 2004-14, § 1, 6-8-04; Ord. No. 2006-21, § 5, 9-26-06; Ord. No. 2008-15, § 1, 6-24-08; Ord. No. 2008-25, § 3, 2-24-09; Ord. No. 2010-06, § 3, 5-25-10; Ord. No. 2013-005, § 1, 8-13-13; Ord. No. 2013-009, § 9, 11-26-13; Ord. No. 2015-01, § 1, 1-27-15; Ord. No. 2015-09, § 2, 7-28-15; Ord. No. 2015-10, § 2, 9-22-15; Ord. No. 2017-2, § 3, 4-25-17; Ord. No. 2022-2, § 2, 1-25-22; Ord. No. 2023-1, § 4, 2-28-23; Ord. No. 2023-21, § 3, 9-12-23)

EXHIBIT D

**Amended Sec. 12-30. Principal uses for the industrial districts. under
Chapter 12, Article 1 of the Unified Development Ordinance**

Sec. 12-30. Principal uses for the industrial districts.

- (A) *In general.* All permitted and conditional uses allowed in the industrial districts are listed in Table 12-1.
- (B) *Permitted uses.* Uses specified with a "P" are permitted in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish a permitted use shall obtain a zoning certificate for such use as specified Sections 2-190 through 2-250.
- (C) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district or districts where designated, provided that the use complies with all other applicable provisions of this ordinance. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Sections 2-260 through 2-340.
- (D) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the City Planner to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Section 2-50 governing determination of substantially similar uses.
- (E) *Specific development standards.* Permitted and conditional uses specified with an "x" under the Specific Development Standards column shall be subject to the standards identified in Chapter 7, Specific Development Standards.
- (F) *Generalized use categories.* Table 12-1 employs generalized use categories for some types of industrial uses. A particular use may be determined to be within a generalized use category if not listed specifically elsewhere in Table 12-1 and if not determined to be within another less restrictive generalized use category. Determination of whether a particular use is included within a generalized use category shall be made by the City Planner in the manner provided for in Section 2-50 governing determination of substantially similar uses.
 - (1) *Limited Industrial Uses.* Limited industrial uses are low impact uses which produce little or no noise, odor, vibration, glare or other objectionable influences and which, given proper controls, have little or no adverse effect on surrounding properties. Limited industrial uses generally do not involve processing of raw materials or production of primary materials. Limited industrial uses include the production, processing, or storage of the following:
 - (a) Apparel, textiles, and fabrics.
 - (b) Electronic and electrical equipment, components, and accessories.
 - (c) Foods and food products, not including distilling or live slaughter.
 - (d) Household goods and appliances.
 - (e) Measuring, analyzing, and controlling instruments.
 - (f) Medical and optical goods and technology.
 - (g) Novelty items, musical instruments, sporting and athletic equipment, and other personal goods.
 - (h) Office and commercial equipment, furniture, and fixtures.
 - (i) Pharmaceuticals, health and beauty products.
 - (j) Printing and publishing operations, including distribution.
 - (k) Signs, including electric and neon signs, and other advertising devices.
 - (l) Fabricated metal products such as cans and shipping containers, cutlery, handtools and general hardware.
 - (m) Fabricated plastic and rubber products, except tires and inner tubes.

- (n) Household, industrial and commercial machinery and equipment such as engines and turbines, farm, lawn and garden equipment, heating, cooling and refrigeration equipment, and machine tools.
 - (o) Metal working such as stamping, welding, machining, extruding, engraving, plating, grinding, polishing, cleaning and heat treating.
 - (p) Paper and paperboard products, except no pulp, paper or paperboard mills.
 - (q) Woodworking, lumber and wood products, not including saw mills.
 - (r) Cannabis cultivation.
 - (s) Cannabis manufacturer.
 - (t) Hemp manufacturer.
- (2) *General Industrial Uses.* General industrial uses include high impact and outdoor uses which are likely to have a substantial adverse effect on the environment or on surrounding properties and which require special measures and careful site selection to ensure compatibility with the surrounding area. General industrial uses often include processing of raw materials or production of primary materials. General industrial uses include the production or processing of the following:
- (a) Asphalt, paving and roofing materials.
 - (b) Battery manufacture and reprocessing.
 - (c) Chemicals and chemical products, including ammonia, chlorine, household cleaners, detergent, fertilizer, and industrial and agricultural chemicals.
 - (d) Gypsum and plaster products.
 - (e) Manufactured housing.
 - (f) Paints, varnishes, lacquers, and enamels.
 - (g) Petroleum and coal products, except no mining or extraction.
 - (h) Plastics and synthetic resins and fibers.
 - (i) Primary metals, including steelworks, rolling and finishing mills, forge or foundry.
 - (j) Pulp, paper or paperboard mills.
 - (k) Sand and gravel, except no mining or extraction.
 - (l) Sawmills.
 - (m) Tanned hides and leather.
 - (n) Tires and inner tubes.
 - (o) Transportation equipment, including motor vehicle and aircraft parts and equipment.

Table 12-1. Principal uses in the industrial districts.

	District				Development Standards
Use	I-P	I-1	I-2	SH	
Industrial uses					
Generalized use categories					
Limited industrial	P	P	P	C	x
General industrial	-	-	P	-	

Specific industrial uses					
Aircraft storage and maintenance	P	P	P	C	
Ammunition and explosives, storage and manufacturing	-	-	C	-	
Boat construction, repair, and storage	P	P	P	C	
Cleaning services and laundries	P	P	P	C	x
Concrete, asphalt, and rock crushing facility	-	-	C	-	x
Contractor showroom	P	P	P	C	x
Contractor yard	P	P	P	C	
Furniture moving and storage	C	P	P	C	
Grain elevator or storage	-	-	P	-	
Grain milling and distillation	-	-	P		
Greenhouse, wholesale	P	P	P	C	
Industrial machinery and equipment sales, service, and rental	P	P	P	C	
Research, development, and testing laboratory	P	P	P	C	
Recycling facility	C	C	P	-	
Refuse disposal and incineration facility	-	-	C	-	x
Scrap/salvage yard, metal milling facility	-	-	C	-	x
Self service storage	P	P	P	C	
Stockyards, slaughter of animals	-	-	C	-	x
Wholesaling, warehousing and distribution; <u>Cannabis wholesale</u>	P	P	P	C	x
Commercial uses					
Adult entertainment uses	P	P	P	C	x
Animal kennel, veterinary services	P	P	P	C	x
Auction establishments	C	C	C	C	x
Automobile Services					
Automobile convenience facility	P	P	P	C	x
Automobile repair, major	P	P	P	C	x
Automobile repair, minor	P	P	P	C	x
Automobile sales	C	C	-	C	x
Brewery	P	P	P	C	x
Commercial recreation, entertainment and lodging					
Firearm range, indoor	P	P	P	C	x
Hotel, motel	C	C	-	-	
Indoor recreational facility	P	P	P	P	x
Outdoor recreation area	C	C	C	C	x
Digital Billboards	C	C	C	C	see 9-160(l)
Offices	P	P	P	C	
Retail sales and services					
Ambulance Facility	C	C	C	C	x
Building material sales, lumberyard	P	P	P	C	
<u>Cannabis retail and delivery</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>x</u>
Child care center (as principal use)	C	C	-	C	

Farm and construction equipment	P	P	P	C	
Restaurants, liquor establishments	C	C	C	C	x
Transportation					
Bus garage or maintenance facility	C	P	P	C	
Heliport	-	C	C	-	x
Package delivery service	P	P	P	C	
Transportation services; <u>Cannabis transportation</u>	P	P	P	C	<u>x</u>
Transportation terminal	P	P	P	C	x
Truck, trailer, boat or recreational vehicle, sales service or rental	P	P	P	C	
Waste hauler	-	C	P	-	x
Institutional and public uses					
Educational facilities					
School, vocational or business	P	P	P	C	
Parking facilities, ramps	C	C	C	C	x
Social, cultural, charitable, & recreational facilities					
Armories, convention halls	P	P	P	C	
Stadiums, arenas	C	C	C	C	x
Clubs and lodges	P	P	P	C	
Religious institutions					
Place of assembly	P	P	-	C	x
Residential uses					
Dwelling in conjunction w/business	C	C	C	C	x
Public service and utilities					
Communication facilities	P	P	P	C	x
Communication towers	C	C	C	C	see § 6-230
Electric or gas substation	P	P	P	C	x
Electricity generation plant, non-nuclear	-	-	C	-	x
Essential services	P	P	P	P	x
Governmental buildings and structures	P	P	P	C	x
Public utility buildings and structures	P	P	P	C	x
Street and equipment maintenance facility	P	P	P	C	
Waste transfer or disposal facility	-	C	C	-	x

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2004-14, § 1, 6-8-04; Ord. No. 2005-24, § 1, 9-13-05; Ord. No. 2006-21, § 6, 9-26-06; Ord. No. 2008-25, § 4, 2-24-09; Ord. No. 2013-009, § 10, 11-26-13; Ord. No. 2016-9, § 1, 6-28-16; Ord. No. 2023-1, § 5, 2-28-23)

EXHIBIT E

**Amended Sec. 13-520. Principal uses for the special districts. under
Chapter 13, Article 5 of the Unified Development Ordinance**

Sec. 13-520. Principal uses for the special districts.

- (A) *In general.* All permitted and conditional uses allowed in the district are listed in Table 13-2.
- (B) *Permitted uses.* Uses specified with a "P" are permitted in the district where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish a permitted use, excluding single family residential uses, shall obtain a zoning certificate for such use as specified in Sections 2-190 through 2-250.
- (C) *Conditional uses.* Uses specified with a "C" are allowed as a conditional use in the district where designated, provided that the use complies with all other applicable provisions of this chapter. Persons wishing to establish or expand a conditional use shall obtain a conditional use permit for such use as specified in Sections 2-260 through 2-340.
- (D) *Prohibited uses.* Any use not listed as either "P" (permitted) or "C" (conditional) in a particular district or any use not determined by the City Planner to be substantially similar to a use listed as permitted or conditional shall be prohibited in that district. Such determination shall be made in the manner provided for in Section 2-50 governing determination of substantially similar uses.
- (E) *Specific development standards.* Permitted and conditional uses specified with an "X" under the Specific Development Standards column shall be subject to the standards identified in Chapter 7, Specific Development Standards.

• **Table 13-2. Principal uses in the special districts.**

Use	O District	TUD District	P/I District	Shoreland District	Development Standards
Residential Uses					
Dwellings					
Single-family dwelling, farm-related	P	C	-	P	
Single-family dwelling, not farm-related	-	C	-*	C	X
Dormitories, multi-unit housing, nursing homes, and hospice facilities	-	-	P	C	X
Agricultural Uses					
Agricultural produce sales	P	C	-	C	X
<u>Cannabis cultivation</u>	<u>P</u>	<u>P</u>	<u>-</u>	<u>P</u>	<u>X</u>
Farms, not including commercial feedlots	P	P	-	P	
Nurseries and tree farms	P	P	-	P	
Wildlife and game refuges	P	P	-	P	
Institutional and Public Uses					
Social, Cultural, Charitable, and Recreational Facilities					
Athletic field, rinks or courts	C	C	P	C	X
Cemetery	C	C	P	C	X
Fairgrounds**	C	C	P	C	X
Golf course	C	C	P	C	X
Public and private park, playground	P	P	P	P	X
Libraries	-	-	P	C	X
Community centers, gymnasiums, field house, arenas	-	-	P	C	X
Hospitals, clinics, medical centers	-	-	P	C	X
Schools, colleges, and universities	-	-	P	C	X

Congregational uses					
Religious institutions, places of worship	C	C	P	C	
Commercial uses					
Airports, helipads, and related uses	C	C	P	C	X
Campgrounds	C	C	C	C	X
Kennels—Boarding or breeding	C	C	-	C	X
Outdoor recreational area	C	C	P	C	X
Resorts and inns	C	C	C	C	
Stables—riding or boarding	C	C	C	C	X
Veterinary services	C	C	-	C	X
Public service and utilities					
Communication facilities	C	C	C	C	
Communication towers	C	C	C	C	see Sec. 6-230
Electric or gas substation	C	C	C	C	
Essential services	P	P	P	P	
Governmental buildings and structures	C	C	P	C	X
Correctional facilities and jails	-	-	C	C	X
Public utility buildings and structures	C	C	P	C	

* Use allowed as a permitted accessory use per Section 15-530.

** County fairgrounds are generally exempt from local zoning per MN Statutes Section 38.16.

(Ord. No. 2022-3, § 2, 1-25-22)



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planner
MEETING DATE: September 15, 2024
SUBJECT: Approve a Zoning Text Amendment to Allow Cannabis Businesses in Certain Zoning Districts

Request:	City initiated a zoning text amendment to allow cannabis businesses in certain zoning districts. The amendment also includes adding definitions from the OCM model ordinance and City Council-backed setback for cannabis businesses from schools.
Recommendation:	The City Planner recommends allowing cannabis businesses in certain zoning districts, new cannabis-related definitions, and the school setback.
Recommended Motion:	Motion to forward and recommend approval of the requested amendments allowing cannabis businesses in certain zoning districts, including additional definitions and school setback, with criteria and findings as stated in the draft ordinance.

Background and Details:

Since last year, the City Council began reviewing and discussing cannabis regulations within city limits. Cannabis licensing will be done at the state level, but cities have the option to not allow cannabis businesses. The City Council determined that they want to allow for cannabis businesses within the City, including taking on responsibility for licensing, regulating, and inspecting such businesses. State-level rules on regulating cannabis state that the city can limit where zone(s) cannabis businesses may operate. As with other uses in the UDO, a jurisdiction may also determine if such use is by-right or requires a conditional use permit.

While each city and county may zoning differently, a few themes are emerging across the country. For example, cannabis manufacturing facilities are often placed in industrial zones, while cannabis retailers are typically found in commercial/retail zones. Cannabis retail facilities align with general retail establishments and are prohibited from allowing consumption or use onsite and are also required to have plans to prevent the visibility of

cannabis and hemp-derived products to individuals outside the retail location. Cannabis businesses should be zoned under existing zoning ordinances following the license type or endorsed activities held by the cannabis business.

The reason that this effort started at the Council level is because the City has an option to not allow cannabis businesses within the City, meaning no zoning rules would need to change. Additionally, the Council may ban cannabis businesses from certain areas of the City, but they were not in favor. In general, the City Council supports very little regulation within the City. The City Council and City Clerk are in favor of using the recommended model ordinance by the Office of Cannabis Management, which is primarily addresses at licensing and leaves room for cities to fill in the gaps regarding zoning and land use. The only restriction that the Council is in favor of is a 250-foot buffer from schools.

Request:

The request brought forth is to amend UDO and list what zoning districts are appropriate for cannabis businesses, definitions for the different business types, and City Council's request for a 250-foot buffer from schools.

Definitions

The list of proposed definitions to add to the UDO are (as new Sec 1-130):

- Cannabis cultivation
- Cannabis retail business
- Cannabis retailer
- Lower-potency hemp edible
- Office of Cannabis Management
- Place of public accommodation
- Preliminary license approval
- Public place
- Residential treatment facility
- Retail registration
- School
- State license

Cannabis Business Setback

Added to Sec 7-30 Development standards:

Cannabis businesses.

(1) All buildings proposed for a cannabis business must not be closer to a school than 250 feet. This buffer shall be measured horizontally from building wall to building wall.

Summary of Cannabis Business Uses by Zoning District

The list of proposed types of cannabis businesses and proposed zoning districts (and City Planner reasoning in *italics*):

- Commercial Districts:
 - C-1, Neighborhood Commercial
 - No cannabis businesses allowed
A similar use to cannabis retail (liquor store) is not permitted in C-1. Cultivation, manufacturer, wholesale, and transportation are not similar to uses already found in C-1. Cannabis businesses would not be similar to other uses found in C-1.
 - C-2, Highway Commercial
 - Permitted
 - Cannabis Retail
 - Cannabis Delivery
 - Cannabis Wholesale
Cannabis retail, delivery, and wholesale are all similar to uses permitted in C-2.
 - Permitted up to 2,500 sq ft (CUP >2,500 sq ft)
 - Cannabis Cultivation
 - Cannabis Manufacturer
 - Hemp Manufacturer
Cannabis cultivation and manufacturing are similar to uses found under the limited production and processing use, which permits uses up to 2,500 sq ft and requires a conditional use for uses above the threshold.
 - C-3, Community Commercial
 - Permitted
 - Cannabis Retail
 - Cannabis Delivery
 - Cannabis Wholesale
Cannabis retail, delivery, and wholesale are all similar to uses permitted in C-3.
 - Permitted up to 2,500 sq ft (CUP >2,500 sq ft)
 - Cannabis Cultivation
 - Cannabis Manufacturer
 - Hemp Manufacturer
Cannabis cultivation and manufacturing are similar to uses found under the limited production and processing use, which permits uses up to 2,500 sq ft and requires a conditional use for uses above the threshold.
 - CBD, Central Business District
 - Permitted
 - Cannabis Retail
 - Cannabis Delivery

Cannabis retail, delivery, and wholesale are all similar to uses permitted in CBD.

- Permitted up to 2,500 sq ft (CUP >2,500 sq ft)
 - Cannabis Cultivation
 - Cannabis Manufacturer
 - Hemp Manufacturer

Cannabis cultivation and manufacturing are similar to uses found under the limited production and processing use, which permits uses up to 2,500 sq ft and requires a conditional use for uses above the threshold.
- Conditional Use
 - Cannabis Wholesale

Non-cannabis wholesale is a conditional use in CBD, so cannabis wholesale would be a similar use and is therefore proposed as such.

- Industrial Districts:

- I-P, Industrial Park
 - Permitted
 - Cannabis Cultivation
 - Cannabis Manufacturer
 - Hemp Manufacturer
 - Cannabis Retail
 - Cannabis Delivery
 - Cannabis Wholesale
 - Cannabis Transportation

All cannabis business types are similar to uses already permitted in I-P.
- I-1, Light Industrial
 - Permitted
 - Cannabis Cultivation
 - Cannabis Manufacturer
 - Hemp Manufacturer
 - Cannabis Retail
 - Cannabis Delivery
 - Cannabis Wholesale
 - Cannabis Transportation

All cannabis business types are similar to uses already permitted in I-P.
- I-2, Heavy Industrial
 - Permitted
 - Cannabis Cultivation
 - Cannabis Manufacturer
 - Hemp Manufacturer

- Cannabis Retail
- Cannabis Delivery
- Cannabis Wholesale
- Cannabis Transportation

All cannabis business types are similar to uses already permitted in I-P.

- Special Districts

In general, special districts do not allow for commercial or industrial uses, so most of the cannabis business types have no similar uses found in the special districts.

- O, Open Space/Agricultural
 - Permitted
 - Cannabis cultivation
Nurseries and tree farms are permitted in O, which is a similar use to cannabis cultivation.
- TUD, Transitional Urban Development
 - Permitted
 - Cannabis cultivation
Nurseries and tree farms are permitted in TUD, which is a similar use to cannabis cultivation.
- P/I, Public/Institutional
 - No cannabis businesses allowed
No uses found in P/I are similar to any of the cannabis business types.
- Shoreland
 - Permitted
 - Cannabis cultivation
Nurseries and tree farms are permitted in Shoreland, which is a similar use to cannabis cultivation.

September 3, 2024 Planning Commission Work Session

At the September 3, 2024 Planning Commission Work Session, the Planning Commission reviewed initial recommendations from the City Planner regarding the general direction from City Council. The Planning Commission also had the change to review the full draft licensing ordinance by the City Clerk and a City Council Work Session memo on cannabis businesses.

Discussion:

2024 Comprehensive Plan

The proposed changes meet numbers 3 and 4 of the Core Guiding Principles:

3. Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed
4. Encourage innovation, creativity, flexibility, and openness to new

ideas and positive change in all sectors of the community.

Additionally, the amendment supports many policies in the plan related to transportation and economic assets. Some of the implementations goals met by the request are:

- Faribault's investments in its built assets retain and attract quality businesses, industries, institutions, and housing, ensuring that Faribault is an outstanding place to live, work, and play.
- Faribault has a diverse and resilient economy that supports employment and business opportunities for people of all backgrounds and skills.
- Faribault maximizes opportunities for residents to live a healthy life in which they are safe, well nourished, and have access to a range of housing, healthcare, and employment.

A full list of goals, objectives, and policies met by the proposed request is found in the draft ordinance.

Criteria for Adopting a Zoning Text Amendment

In general, the proposed amendment meets the code criteria for amending the zoning text. The request and recommended approach meet many goals and policies of the comprehensive plan. Additionally, the cannabis businesses proposed in each zoning district are similar to uses already found in each district. A full narrative of how the request meets the criteria is found in the draft ordinance.

Development Review Committee

The Development Review Committee (DRC) reviewed the request on September 3 and expressed support for the City Planner's recommended zoning districts for cannabis businesses.

Public Comment. The City Planner received no public comment prior to publishing this report. Notification for this item was published in the paper on September 5, 2024.

MN DNR. The City Planner notified MN DNR of the proposed zoning map amendment because the zoning text amendment does expand the uses allowed in the Shoreland Overlay District. The DNR did respond on September 11, 2024 with no concerns about the requested changes since the uses proposed closely resemble those already permitted.

Recommendation:

The City Planner and DRC recommend Planning Commission forward and recommend approval to City Council the zoning text amendments allowing cannabis businesses in certain zoning districts, including additional definitions and school setback, with criteria and findings as stated in the draft ordinance.



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planner
MEETING DATE: September 16, 2024
SUBJECT: Resolution 2024-XXX Deny Variance at 15 3rd Ave SW

Background:

See attached report.

Recommendation:

The DRC and City Planner recommend denial of the variances to City Council based on the findings and conditions in the attached draft resolution.

Attachments:

1. Resolution 2024-XXX Deny Variance at 15 3rd Ave SW
2. Updated Staff Report
3. Updated Applicant Submittal

CITY OF FARIBAULT

RESOLUTION #2024-XXX

DENY VARIANCE AT 15 3RD AVE SW

WHEREAS, Corey Newby (the Applicant/Owner) requests variances from parking setbacks and curbing requirements at 15 3rd Ave SW; and

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

WHEREAS, the Applicant requests maintaining the existing extent of pavement in an area proposed to be a parking lot, resulting in a setback of zero (0) feet from the property line where a thirty (10) foot setback for off-street parking is required under Appendix B UDO, Chapter 11, Article 1, Sec 11-100, Table 11-2, as depicted in Exhibit B; and

WHEREAS, the Applicant requests maintaining the existing pavement in an area proposed to be parking with no curb around the perimeter of the parking lot, resulting in no curbing around the proposed parking area where perimeter curbing is required under Appendix B UDO, Chapter 8, Article 2, Sec 8-110(A), as depicted in Exhibit B; and

WHEREAS, City Staff has completed a review of the application and made a report to the Planning Commission, as depicted in Exhibit C; and

WHEREAS, the Planning Commission, on September 3, 2024 and September 16, 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 applicant claims that the variances do not impact the site and ordinance in any way and not putting the curb in or removing some of the pavement to establish a setback would keep disturbances down.

The criteria asks for details on how the variance is in harmony with the purpose or intent of the ordinance, which the Applicant does not provide. The main points for having parking lot setbacks are: keeping cars away from public ROW (and potentially overhanging into it), keeping space between the parking lot and the road for landscape and screening, and to provide a more pleasant aesthetic appeal to passersby and neighbors. The main points for having curbing around parking lots are: keeping cars from rolling or driving over property line/ROW, keeping cars from destroying landscaping adjacent to parking areas, keeping cars and nature from expeditiously fraying pavement edges and creating debris, and helping collect and direct drainage and run off. The Applicant does not attempt to make any compromise of the code requirements in favor of preserving the character or history of the property, which is not a valid point. If the applicant were to propose a compromise, i.e. providing a partial setback or establishing curbing in areas where parking would be near to the public ROW, City Staff might see this as an attempt to have the request be in harmony with the ordinance, but that is not the case. The applicant does cite drainage as a reason to not have curbing, but has provided no data or plans showing how drainage is already dealt with on-site and how a lack of curbs don't result in drainage spilling into the public ROW.

Due to the largely residential character surrounding the subject property, staff sees all the main points above as critical for maintaining compatibility between the new use of the paved area as a parking lot and the adjacent properties. The variances requested by the applicant are not in harmony with the general purposes and intent of the City's ordinances.

2. The variance is consistent with the Comprehensive Plan.

Finding: The property is guided for commercial land use per the Comprehensive Plan and the proposed use of the land is for a retail business. The applicant claims that the variances cut out an unneeded step and strain on small business and help build up the core values of the comprehensive plan. The Applicant listed the core guiding principles in the comprehensive plan to support their requests.

The Comprehensive Plan does have principles, goals, objectives, and policies that address development, but none of them allude to giving small businesses variances when they request them. One of the core guiding principles cited by the Applicant is "remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed." However, the ordinance is a requirement that City Council put in place as a minimum level of expectation for development. While the existing areas are not curbed and are too close to the property line, the Applicant is changing the use of the property from an institutional and school use to a commercial and retail use, along with converting a school yard into a parking lot. The City regularly deals with business and property owners moving into older parts of the City where the property owner is required to update much of their property, which usually includes the parking lot, up to current code. Most of these projects are shifting from commercial to commercial uses. Some of these projects are not complete updates, as the amount and cost of the updates must be proportional to the overall improvements of the property.

City Staff does not see how the variance requests comply with the Comprehensive Plan.

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

Finding: The applicant claims that the property has been as-is for almost 70 years with no issues and that the variances help save the first catholic church in Faribault.

City Staff does not see the applicant's above reasonings as justification for the criteria of reasonable use. In a previous criteria, City Staff listed numerous reasons why a parking setback and curbing are good for development and help with compatibility. Providing curb around a parking lot or having parking setback from the public ROW are reasonable requirements contributing to compatibility with adjacent properties. The historic character of the church, while a generally important topic, does not extend to the proposed parking area and is not a valid point for this criteria. The applicant does propose to use the property as a commercial business, which is a use permitted by the ordinance, but commercial uses should be compatible with adjoining properties and be as compliant with code as possible. Use of part of the property as a parking lot without setbacks and curbing isn't reasonable and permitted by ordinance.

4. Unique circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control. The unique circumstances do not result from the actions of the applicant.

Finding: The applicant claims that fewer alterations on a historic property from 1856 are better and that the money would be better spent on repairing the buildings.

The applicant's reasonings above fail to establish a unique circumstance that applies to the property. The Applicant bought the subject property, used previously as a church and school, with the intent to use it as a commercial business. They requested and succeeded in rezoning the property from P/I, Public Institutional to C-2, Highway Commercial. Previous discussions with the Applicant include phasing over time to use all of the subject property, including structures. The historic church is not material to the request and would only be material if there was an alteration to the church itself. Additionally, the applicant cannot claim that repairs to the building override necessary improvements outside of the structure, as the public is expected to use interior and exterior parts of the property and the parking lot is part of the outward property appearance. The property owner is also required to maintain the building as a base expectation prior to opening to the public. The circumstances stated by the applicant are not grounds for a variance, with circumstances created by the applicant during the process of buying and getting zoning entitlement for the subject property.

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

Finding: The applicant claims that the variance would result in less disturbance and that they would prefer to keep the original character.

The Applicant did not provide any additional information on how parking lot curbing and setbacks would be a significant break from the essential character of the area. As stated above, the proposed parking area is not part of the historic character for the property. While property redevelopment is generally disruptive, it is not something that happens for very long and does not impact the essential character of the neighborhood on its own. City Staff maintains that the required curb and parking setback would do more to protect the essential character of the neighborhood, which is primarily residential.

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

Finding: The applicant claims that the variance would result in less disturbance and that they would prefer to keep the original character.

Previous findings established that the applicant's points do not adequately address variance criteria, which mean there is no practical difficulty experienced by the Applicant. In City Staff's report to the Planning Commission (Exhibit C), the City Planner demonstrates how the applicant could develop a parking area in roughly the same location without needing a parking setback variance. Additionally, the improvements can be done without significantly impacting other elements on the subject property, like the playground. City Staff does not see a minimum necessary variance in the applicant's proposal.

7. Economic conditions alone do not constitute practical difficulties.

Finding: The applicant claims that the variance would be better due to less change for the historic property and less disturbance for the neighborhood using the subject property's playground. Additionally, a change to the current conditions of the property may leave less growth for the business.

The argument regarding historic character is thrown out in previous criteria and does not apply. The neighborhood's use of the playground is not a valid reason for denying the variance as the property is not a public park and is immaterial to the variance at hand. The argument regarding a lack of room for growth if the parking area were to be compliant with ordinances is debunked in City Staff's report and diagram within Exhibit C. Based on the arguments presented by the applicant and previous discussions with the Applicant, City Staff is not convinced that the request is without economic conditions. In a previous criteria, the Applicant stated that they would rather put more money into the building for repair. This point is the

most applicable to the variance criteria, but sadly cannot be the only condition to the property or circumstance to be granted a variance.

WHEREAS, the City Council, at a public meeting, on September 24, 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 11, Article 1, Sec 11-100, Table 11-2 and Chapter 8, Article 2, Sec 8-110(A), 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: September 24, 2024

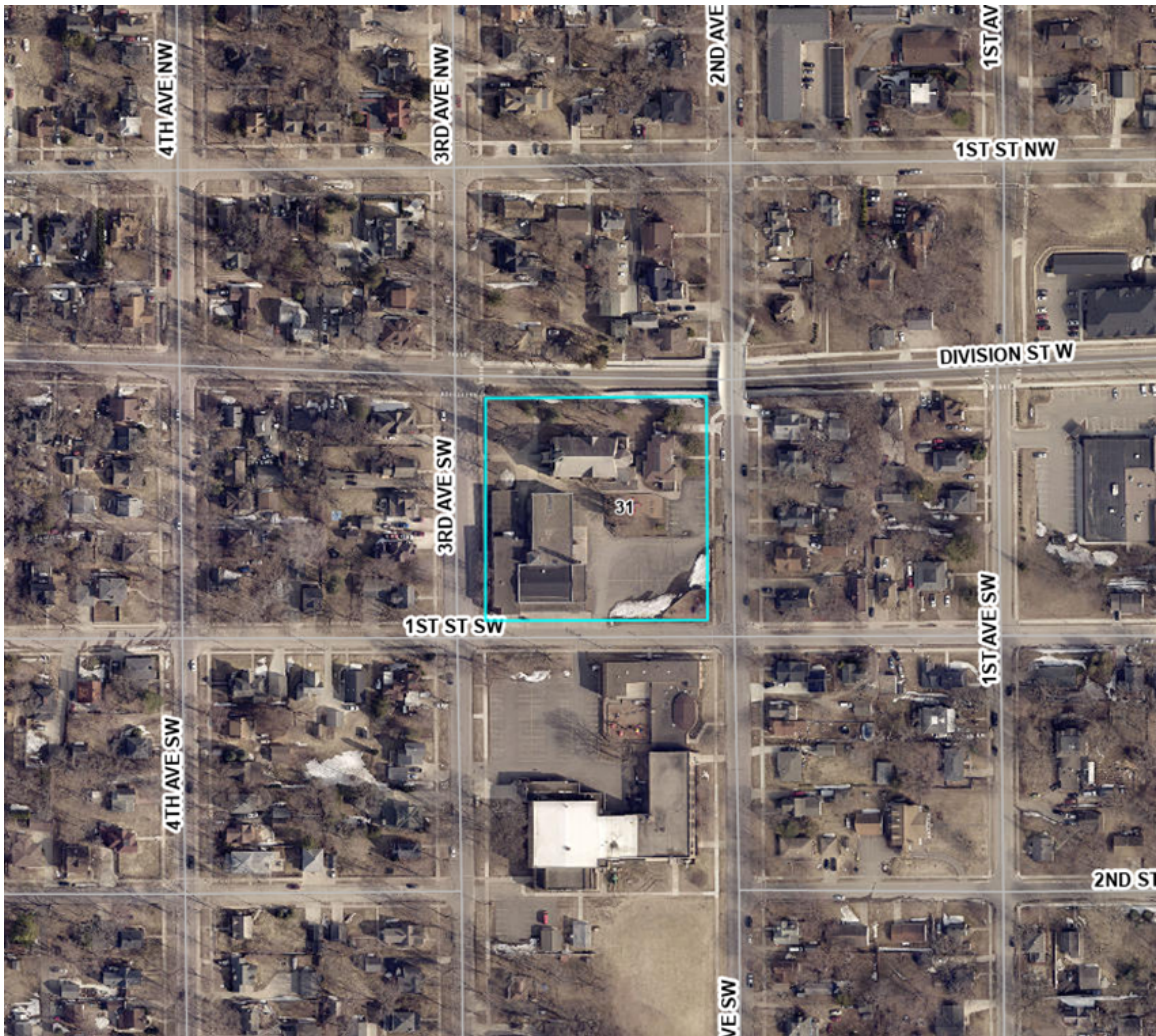
Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A Property Description



Blue Outline = Subject Property

PID 18.31.4.26.029 – 15 3rd Ave SW

Exhibit B Depiction of Variance

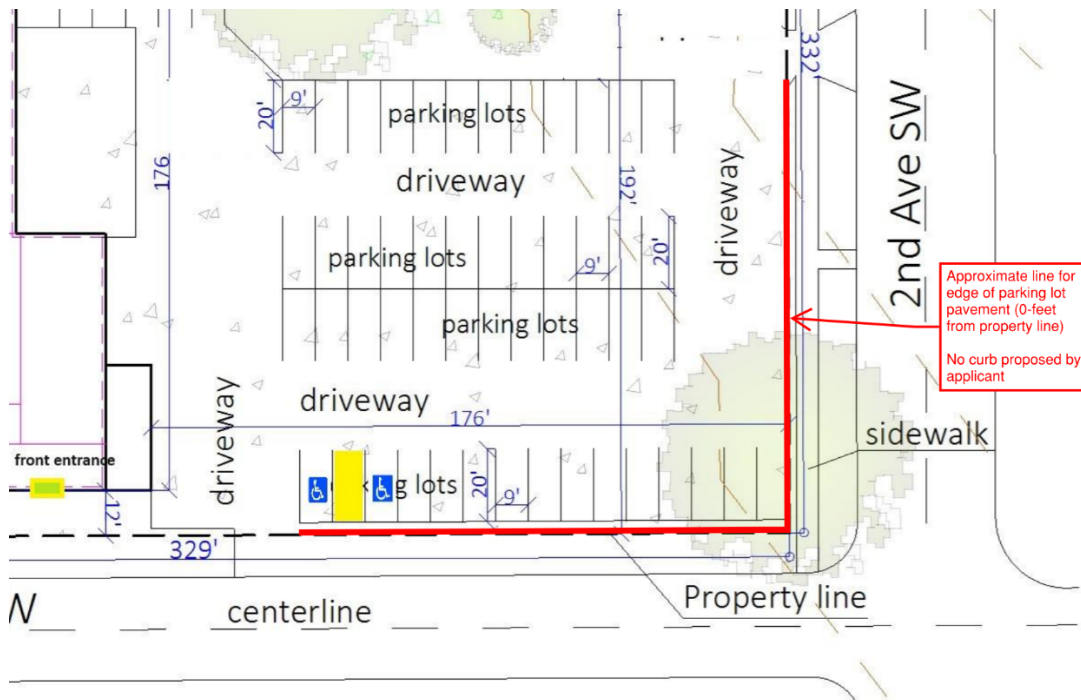
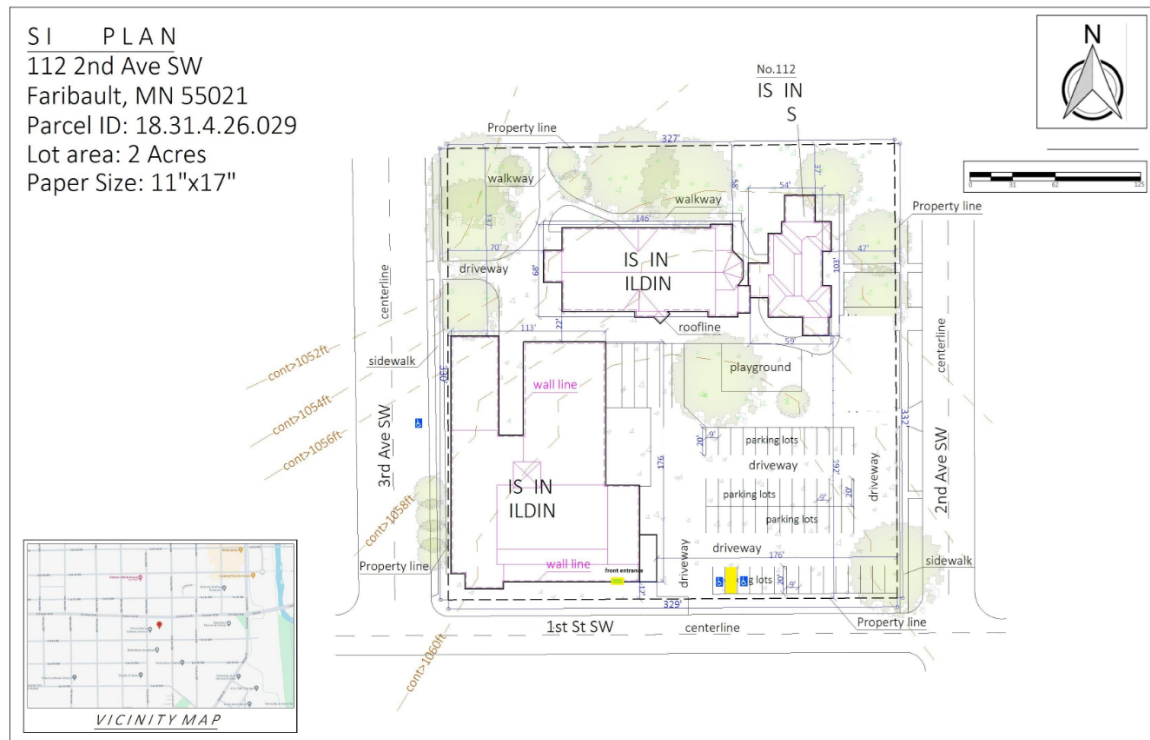


Exhibit C
Staff Report from Planning Commission

(insert document after this page)



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planner
MEETING DATE: September 16, 2024
SUBJECT: Deny Variances for Parking Setback and Curbing –
Corey Newby/15 3rd Ave SW

Request:	Applicant requests approval for parking setbacks and curbing variances.
Recommendation:	The DRC and City Planner recommend denial of the variances to City Council based on the findings and conditions in the attached draft resolution.
Recommended Motion(s):	Motion to forward and recommend denial of the variance requests, with findings and conditions suggested by city staff.

Request:

Corey Newby (the Applicant/Owner) requests approval of variances from parking setbacks in C-2 and curbing requirements for parking lots as depicted in the attached plans.

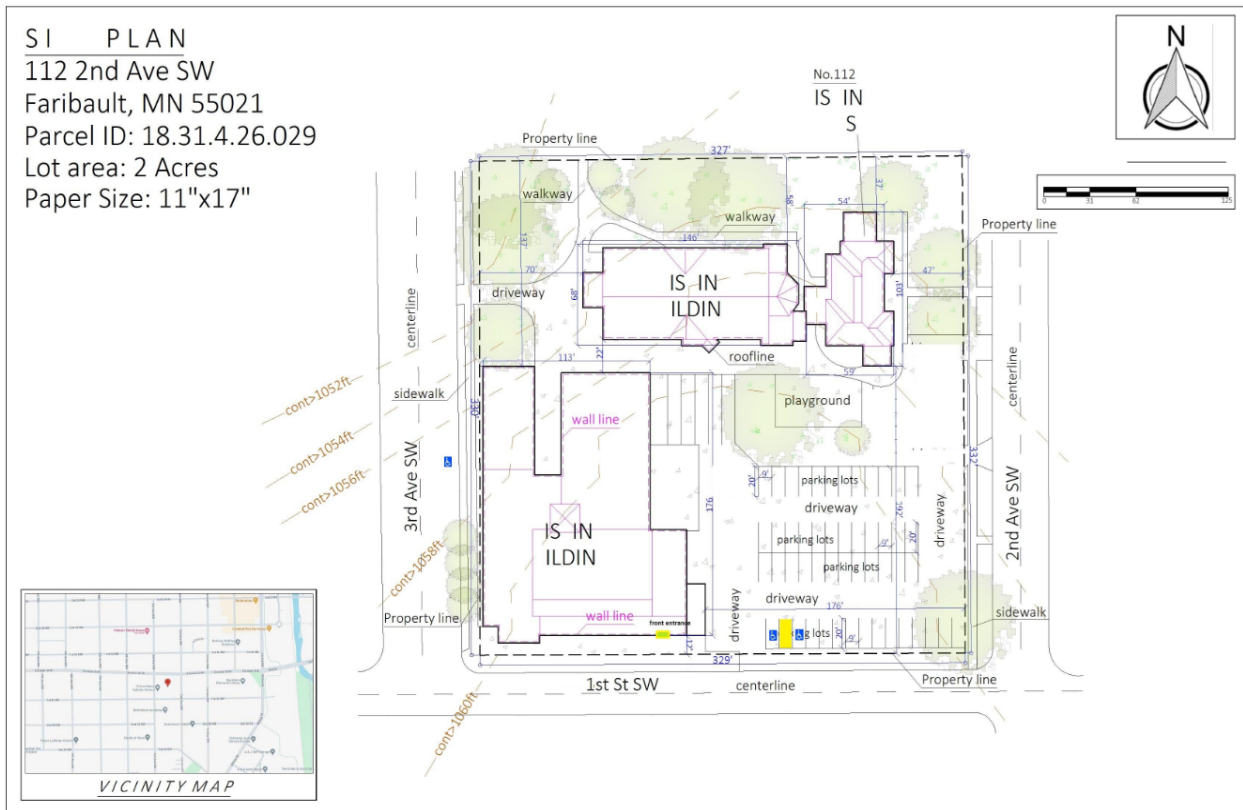


Location of former Divine Mercy Church and School Property owned by Applicant

Background and Project Description:

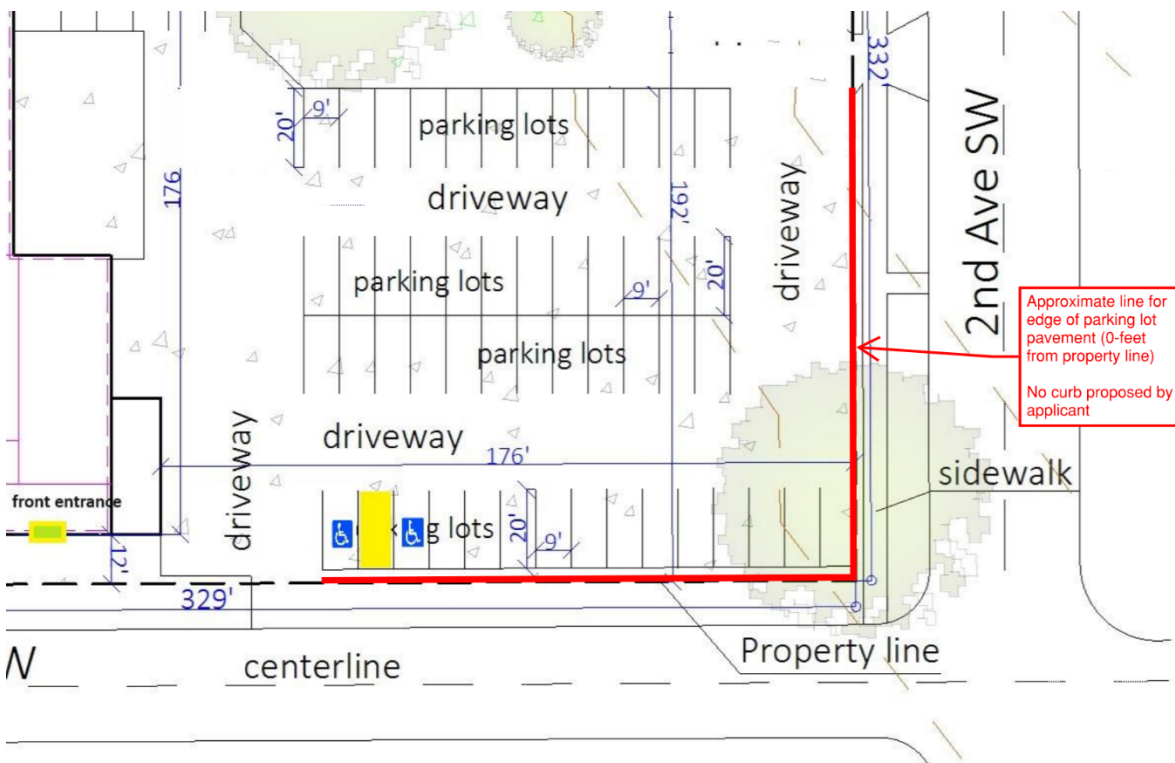
In November 2023, the applicant approached staff with interest in buying the Divine Mercy Catholic School property at 15 3rd Avenue SW. The Applicant intends to bring a mostly online auction business to Faribault and adapt the elementary school building on the subject property for online operations and a retail storefront. In April 2024, the Applicant successfully amended the comprehensive plan and zoning map to allow commercial uses under C-2, Highway Commercial zoning on the subject property.

The applicant is now coming forward with plans to occupy and use the property as intended. The requested variances are the Applicant's next step before submitting for site plan review.



Variance Details

The applicant's variance requests include providing no setback for the parking lot and installing no perimeter curbing.



Variance Diagram

Table 1 – Variance Table

Variance Issue	Requirement	Proposed	Variance
Front setback for off-street parking and loading areas (Sec 11-100, Table 11-2)	10-foot setback from property line	0-foot setback	10 feet
Curbing (Sec 8-110(A))	Drives, landscape islands, and parking/maneuvering areas shall have concrete curbing around perimeter	No curbing	No curbing

The applicant did provide a narrative behind the variance requests, citing the historic character of the property for its uniqueness and the comprehensive plan for supporting small businesses. He also touched on traffic flows, drainage, and disturbance to the neighborhood. The full narrative by the applicant may be found in attachments.

Discussion:

The variances proposed by the applicant are not consistent with the planning and zoning aspects of the City of Faribault’s Unified Development Ordinance. The following provides an overview of the key planning and zoning-related items associated with:

Variance Summary

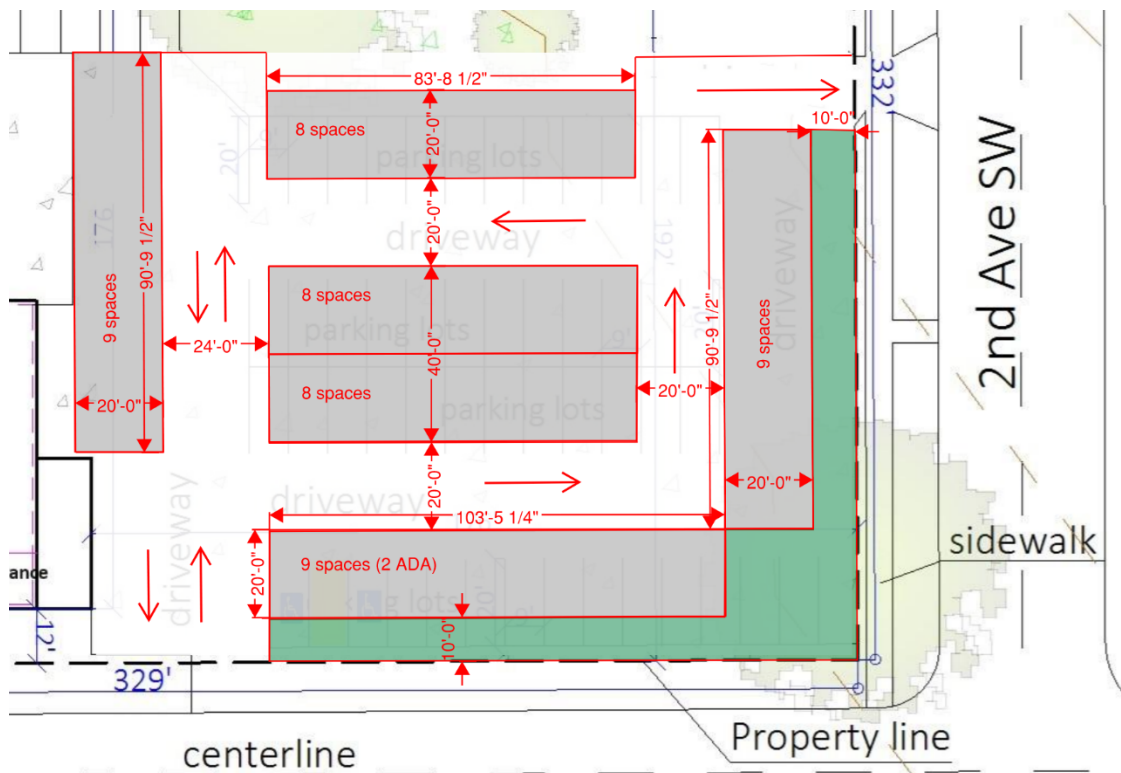
- In general, many of the Applicant’s main points for the variance criteria centered on the historic use and character of the property, how construction would be a disturbance for the neighborhood, and how the requirement is a strain on small business which is against the Comprehensive Plan.

The main points for having parking lot setbacks are: keeping cars away from public ROW (and potentially overhanging into it), keeping space between the parking lot and the road for landscape and screening, and to provide a more pleasant aesthetic appeal to passersby and neighbors. The main points for having curbing around parking lots are: keeping cars from rolling or driving over property line/ROW, keeping cars from destroying landscaping adjacent to parking areas, keeping cars and nature from expeditiously fraying pavement edges and creating debris, and helping collect and direct drainage and run off. The Applicant does not attempt to make any compromise of the code requirements in favor of preserving the character or history of the property, which is not a valid point. The historic church is not material to the request and would only be material if there was an alteration to the church itself. If the applicant were to propose a compromise, i.e. providing a partial setback or

establishing curbing in areas where parking would be near to the public ROW, City Staff might see this as an attempt to have the request be in harmony with the ordinance, but that is not the case. The applicant does cite drainage as a reason to not have curbing, but has provided no data or plans showing how drainage is already dealt with on-site and how a lack of curbs don't result in drainage spilling into the public ROW.

The Comprehensive Plan does have principles, goals, objectives, and policies that address development, but none of them allude to giving small businesses variances when they request them. One of the core guiding principles cited by the Applicant is "remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations, and services to succeed." However, the ordinance is a requirement that City Council put in place as a minimum level of expectation for development. While the existing areas are not curbed and are too close to the property line, the Applicant is changing the use of the property from an institutional and school use to a commercial and retail use, along with converting a school yard into a parking lot.

The applicant cannot claim there is no room on the property to meet the requirements of code, as City Staff demonstrates below that there is adequate room for the applicant's proposed 50 spaces and meeting the parking lot landscape setback and not impacting the playground:



In summary, the variance does not meet the standards for a practical difficulty. A more detailed breakdown by criteria may be found in the draft resolution.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed variances on August 20, 2024 recommended denial of the variances.

Public Comment. The City Planner received no public comment prior to publishing this report. Notification for this item was published in the paper on August 22, 2024 and letters sent to property owners within 350-feet on August 21, 2024.

September 3, 2024 Planning Commission. The Planning Commission did previously review and hold a public hearing for this item during the September 3, 2024 Planning Commission meeting. The applicant was present and spoke to the request during the public hearing. The Planning Commission voted to continue discussion on the variance requests to the next meeting to give the applicant time to prepare additional information and diagrams to support the request. New diagrams and information are included. City staff still recommend denial of the requests based on the same findings as before.

Recommendation:

The DRC and City Planner recommend denial of the variances to City Council based on the findings and conditions in the attached draft resolution.



APPLICATION FOR REQUESTED ACTION
Variance

Planning Case # _____
Filing Fee _____
Hearing Date _____

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

APPLICANT Corey Newby E-MAIL coreynewby@gmail.com

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

APPLICANT ADDRESS 9594 202nd St W, Lakeville, MN 55044

OWNER (if other than applicant) _____

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

OWNER'S ADDRESS _____

LEGAL DESCRIPTION Lot Block 4 of SOUTHERN ADD

ACREAGE/SIZE OF PROPERTY 2 acres

CURRENT ZONING Commercial 2

EXISTING USE OF PROPERTY None

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

IDENTIFY ALL ADJACENT LAND USES Institutional and Residential

SIGNATURE OF APPLICANT Corey Newby DATE 7/31/2024
(Must submit proof of property control)

SIGNATURE OF THE OWNER Corey Newby DATE 7/31/2024
(If other than the applicant)

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

VARIANCE
Required Submittals

☐ **Site plan**

- ☐ Drawn to scale, with scale noted
- ☐ Date and North arrow
- ☐ Boundaries and dimensions shown graphically
- ☐ Location of any streets, public trails, railroads, or waterways
- ☐ Location of existing and proposed structures, with distance from property lines noted
- ☐ Location and dimensions of existing and proposed off-street parking and loading spaces, with distance from property lines noted (when applicable)

☐ **Required supplemental information**

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

☐ **Filing fee**

☐ **SIGNATURE OF APPLICANT** Corey Newby **DATE** 7/31/2024

Planning Case # _____

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

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes (☒) No () Why or why not?

It doesn't affects the site and/or ordinance in any way.

It only keeps disturbance down

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes (☒) No () Why or why not?

It cuts out un needed step and stain on a small business

It helps build up the core values of the comprehensive plan

3. In your opinion, does the proposal put property to use in a reasonable manner?

Yes (☒) No () Why or why not?

This property has been this way for almost 70 years with no issues.

Helps save the first catholic church in Faribault, historic preservation is a must.

4. In your opinion, are there circumstances unique to the property?

Yes (☒) No () Why or why not?

This is a historic property from 1856. Less alterations the better. It is also in need of great re pair and money should be focused on that,

5. In your opinion, will the variance maintain the essential character of the neighborhood?

Yes (☒) No () Why or why not?

It is less disturbance this way

The original character has been this way since 1954, would like to keep it.

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

Yes (☒) No () Why or why not?

By altering the current parking lot will change drainage and disrupt the land that has been this way for 70 years.

7. In your opinion, do the economic conditions alone constitute the practical difficulty?

Yes () No (☒) Why or why not?

Its a 150+ year established historic property, less change the better.

By changing current conditions will leave less room for growth and disturb the current community use of playgrounds.

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

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

Applicant's Signature:

Corey Newby

Date:

7/31/2024

Paper Size: 11"x17"

Page 58 of 81

Urban Flea Market Parking Lot Variance - The Greater Good

I am requesting a Parking lot Variance, including setbacks and curbing. The uniqueness and age of this property along with the comprehensive plan warrant and make these variances necessary.

If setbacks are put into effect future use of remaining property becomes an issue for off street parking requirements. It also keeps the existing flow of traffic and drainage the same as it has been since 1958. Traffic and drainage were highlighted by the city engineer as the 2 main concerns. By using this variance we eliminate these 2 issues.

Variance also creates less disturbance to the neighborhood while maintaining the current essential character of the neighborhood. Disturbance was also a big worry for city staff during the rezoning process.

Most importantly it follows the guidelines of the comprehensive plan.

1. **Foster a strong sense of community** among all people and constituencies in Faribault.
2. **Identify, protect, enhance, and celebrate our iconic and historic sites and architecture** as well as our significant natural areas, which define our sense of place.
3. **Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses**, industries, organizations, and services to succeed.
4. **Encourage innovation**, creativity, **flexibility**, and **openness to new ideas and positive change** in all sectors of the community.
5. **Strive for excellence in all sectors of the community**

The above demonstrates its not just about economics. It's about the future use of the property. It's about following the comprehensive plan and finding the greater good for the community. It's about maintaining the first catholic church in Faribault. The city is built on historic preservation. We should continue to follow it.

The benefits of this variance greatly outweigh any if any negative impacts. Lets implement "The Vision to 2040 and The Comprehensive Plan" and I can start impacting this community!

Supporting Doc

I've included the original concepts where city planner had suggested setback variance and stall size variance for the parking lot. It also demonstrates the importance of the variances to allow for expansion when the other buildings are ready for use.

By keeping the current set back, we can eliminate the stall size variance. Adding the curbing variance allows for more room in the parking lot if an island in future is added. It also eliminates any drainage issues that the city engineer was concerned about. Drainage was a hot topic this year for Faribault.

Conditional Use Permit

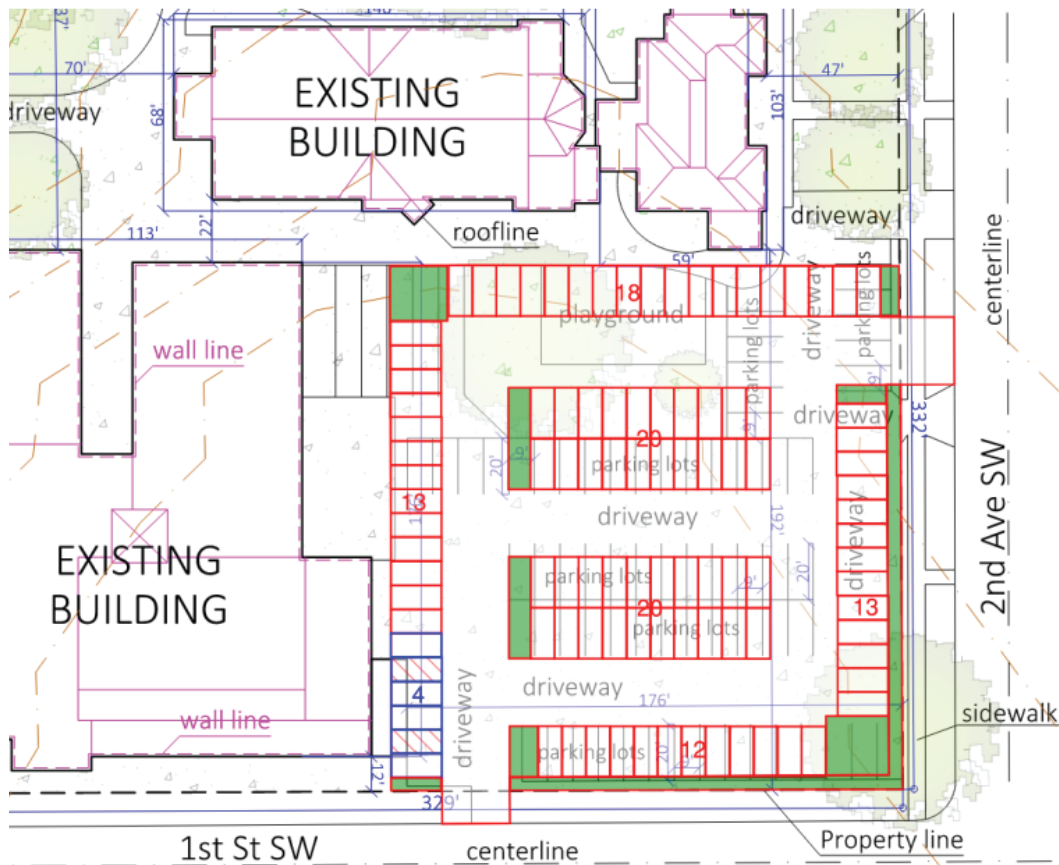
Please see the attached report from the December 4th Planning Commission workshop.

Planning Commission Workshop December 4th, 2023 Summary

At the December 4th Planning Commission Workshop, the City Planner presented the business and subject property concept. Cory Newby followed with a presentation of their own. The reaction from the Planning Commission to the proposed flea market use was mixed and included discussion on traffic, parking, the viability of the use, the current state of the buildings, and consideration of what the property should or should not be going into the future. Planning Commission requested Cory Newby work with staff on establishing more details regarding parking and use of the structures on the property.

Planning Commission Workshop December 18th, 2023

Cory Newby submitted new documents with additional details and a preliminary site plan for parking, which are attached to this report. City staff are concerned about utilizing the existing paved area on-site and converting into efficient and useable parking for the proposed (or any potential) business. The initial parking plan provided by Cory Newby did not adequately provide parking improvements expected with a change of use, so the City Planner suggests, and Cory Newby supports, a potential parking layout as shown below and in the attachments.



This preliminary parking plan would provide 100 spaces on-site, but requires minor parking variances, such as parking space length (18-feet vs 20-feet) and parking setbacks (five feet vs 10-feet). Cory Newby's calculations for parking needs based on to-be-used space on the property are 46 parking spaces. Calculations are shown below:

Total Building Space: ~33,500 sq ft

Space Not Used/Open to Public: ~10,900 sq ft

- House 5216 sq ft
- Church Basement 1143 Sq Ft
- Church & House breezeway 450 sq ft
- School Basement 1360 sq ft
- School 2nd floor 2695 sq ft Usable

Space: ~22,600 sq ft Proposed Use

Space: ~18,000 sq ft

- Retail ~12,000 sq ft (Open to Public)
- Storage/Limited Processing ~6,000 Sq Ft (Not Open to Public)

Retail: 1 Space per 300 sq ft = 40 spaces

Storage/Limited Processing: 1 Space per 1,000 sq ft = 6 spots

Total Spaces Needed: 46

Based on the preliminary calculations from Cory Newby and the preliminary parking improvement plan, adequate parking exists for the uses proposed. Although the UDO does not specifically account for storage and processing areas for a business like this, the City Planner sees the proposed 1 space per 1,000 sq ft as reasonable for discussion. With the possibility of 100 parking spaces provided on-site, the ratio of parking spaces to building area is around 1 space per 225 sq ft of useable space, as noted by Cory Newby above and attached. This is a higher ratio of parking than generally required for retail uses elsewhere in the city. Against the total existing building area, including parts Cory Newby is not proposing to use, would raise the ratio to approximately 1 space per 335 square feet.

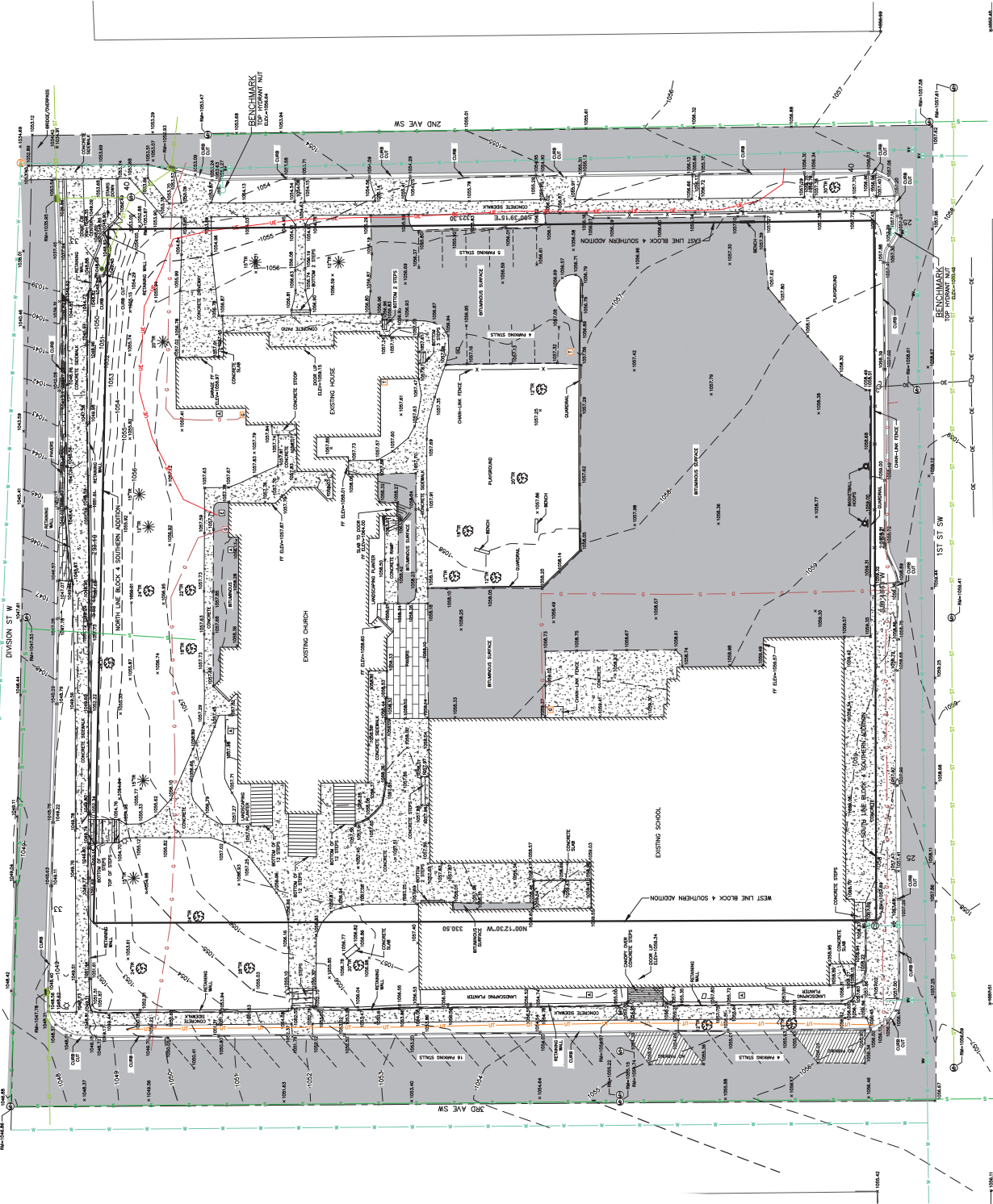
In addition to the building use and parking calculations, Cory Newby provided a rough traffic impact analysis (see attached). The City Engineer did not review the analysis before writing this report, so initial feedback is unavailable.

As this project moves forward, the City Planner recommends a conditional use permit that is specific and comprehensive in terms of conditions: what is required, which buildings/spaces are used for the proposed business, if an annual review is required, etc. These conditions are not atypical compared to conditional uses approved in other jurisdictions. If the proposed development does not adhere to the conditions, enforcement of the conditions could be challenging for city staff and the business operator.

K:\Common Share\Projects\2023\Preliminary and Other Projects\112 2nd Ave NW - Urban Flea Market\12.18.23 PC\Review 1

TOPOGRAPHIC AND BOUNDARY SURVEY

BLOCK 4 SOUTHERN ADDITION
FARIBAULT, RICE COUNTY, MINNESOTA



- LEGEND**
- Water Main
 - Water Service
 - Sewer Main
 - Sewer Service
 - Gas Main
 - Gas Service
 - Chain Link Fence
 - Flag Pole
 - Electric Meter
 - Electric Pole
 - AC Unit
 - Power Pole
 - Guy Anchor
 - Water Main Valve
 - Water Service Valve
 - Spot Elevation
 - Rise Elevation
 - Deadend Tree
 - Coniferous Tree
 - Concrete Surface
 - Blumhouse Surface

BASIS OF BEARING SYSTEM
All bearings are based upon the NAD83 Rice County Coordinate System

LEGAL DESCRIPTION OF RECORD
Block 4, Southern Addition of Faribault, according to the record plat of the same, and as shown on the plat of the same.

NOTE
The survey was conducted on the 15th day of August, 2024. The survey was conducted by the undersigned, a Licensed Professional Surveyor in the State of Minnesota, and the results are shown on this plat.

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No responsibility is accepted for the locations of utilities shown hereon. Verification of actual locations should be requested prior to the commencement of construction or the taking of any other action relying on the actual locations.

Locations of all utilities shown are approximate.

Gopher State One-Call: 1-800-251-1968

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. Hutchinson, L.S. No. 12446

Date: 8/29/24

TOPOGRAPHIC AND BOUNDARY SURVEY
BLOCK 4 SOUTHERN ADDITION
FARIBAULT, RICE COUNTY, MINNESOTA

FOR COREY NEWBY

Drawn by:	Jones Haugh Smith, Inc.	Scale:	As Shown
Surveyed by:	Jones Haugh Smith, Inc.	Check:	SAH
MDH:	615 South Washington Ave.	City:	SAT
Project No.:	2024-001	County:	Rice
Sheet No.:	1 of 1	City:	Faribault
Revised:		State:	Minnesota

BLOCK 11, SOUTHERN ADD.

URBAN FLEA MARKET
PARKING LOT
112 2ND. AVE. SW, FARIBAULT, MN
55021

PROJECT TEAM	DRAWING INDEX
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ARCHITECT: ROBERT W. READY, AIA, CSI, LEED AP APPRO DEVELOPMENT 21475 GREENDA AVENUE GREENDA, NY 11548 (O) 852-469-2171 (C) 612-419-1732 Ready@approdevelopment.com		DRAWING INDEX	
Sheet Number	Sheet Name		
A-General			
A0-1	COVER SHEET		
B-Civil			
A1-1	SITE PLAN		
STRUCTURAL ENGINEER:			

CODE SUMMARY

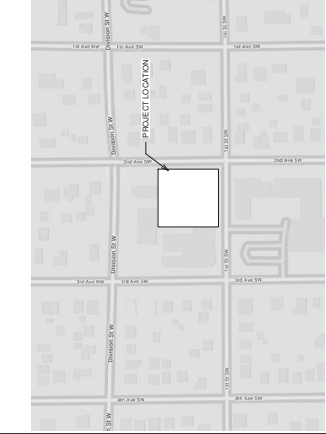
PROJECT TEAM	DRAWING INDEX
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ARCHITECT: ROBERT W. READY, AIA, CSI, LEED AP APPRO DEVELOPMENT 21475 GREENDALE AVENUE SUITE 100 GLENDALE, CA 91204 (O) 852-469-2171 (C) 612-419-1732 Ready@approdevelopment.com		DRAWING INDEX	
Sheet Number	Sheet Name		
A-General			
A0-1	COVER SHEET		
B-Civil			
A1-1	SITE PLAN		
STRUCTURAL ENGINEER:			

PROJECT DESCRIPTION

SCOPE OF WORK: RESTRIPE PARKING LOT, PUT UP NEW FENCING AND RELOCATE BASKETBALL COURTS.

IMAGE



ABBREVIATIONS

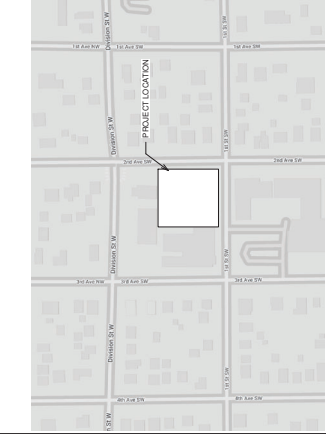
[illegible]

STANDARD DRAWING SYMBOLS

[illegible]

LOCATION MAP

(NOT TO SCALE)



NUMBER (CORRESPONDS WITH NUMBER IN SPECIFICATIONS)

KEYNOTE TARGET

KEYNOTE NUMBER

ELEVATION TARGETS

ELEVATION NUMBERS

SHEET NUMBER

ROOM & ROOM NUMBER	REVISION TARGET	REVISION NUMBER	ELEVATION
ROOM 101			
ROOM 102			
ROOM 103			
ROOM 104			
ROOM 105			
ROOM 106			
ROOM 107			
ROOM 108			
ROOM 109			
ROOM 110			
ROOM 111			
ROOM 112			
ROOM 113			
ROOM 114			
ROOM 115			
ROOM 116			
ROOM 117			
ROOM 118			
ROOM 119			
ROOM 120			
ROOM 121			
ROOM 122			
ROOM 123			
ROOM 124			
ROOM 125			
ROOM 126			
ROOM 127			
ROOM 128			
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ROOM 130			
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ROOM 182			
ROOM 183			
ROOM 184			
ROOM 185			
ROOM 186			
ROOM 187			
ROOM 188			
ROOM 189			
ROOM 190			
ROOM 191			
ROOM 192			
ROOM 193			
ROOM 194			
ROOM 195			
ROOM 196			
ROOM 197			
ROOM 198			
ROOM 199			
ROOM 200			

Diagram illustrating a room layout with a door and a door target. The room is labeled "ROOM NUMBER" and contains a "DOOR TARGET" and a "DOOR NUMBER". A red cloud-like shape is positioned near the door target.

Properties with Variances?

No Curb or partial Curbs

Arby's
DQ
Halal Market
Brighton Hospice
Pillar
Autowash
Farm Bureau Insurance
Mercury
City & Lakes
MRG
Francis Pest Control
Auto Zone
Storage on 7th
Truss
C & S Vending
Bliss Ford
Mobile
Lyndala Halal Market
Jersey Mikes (we'll see)
Southern China Cafe
J-Mo
Crown

Curb/Setback Variances

Napa
Dominos
Fams Barber Shop
Dentist House
All of the Cannon Buildings
Sammons
Abubaker Center
Environmental Tillage
Ace Hardware
Five Star Car Sales

BA

2020 - greenhouse parking lot
No Curb
No Screening
No Landscaping
Not sure about setbacks

The majority of these have no screening to partial screening. Landscaping requirements are in question on most as well.



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planner
MEETING DATE: September 16, 2024
SUBJECT: City of Faribault/JNJ Properties - Comprehensive Plan Amendment; Zoning Map Amendment

Background:

See the attached report.

Recommendation:

Approve the resolutions denying the requested comprehensive plan and zoning map amendments.

Attachments:

1. Amended Staff Report



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Harry Davis, City Planner
MEETING DATE: September 3, 2024
SUBJECT: Deny Comprehensive Plan and Zoning Map Amendments – City of Faribault/500 and 400 Blocks of 20th St NW

Request:	City of Faribault requests comprehensive plan and zoning map amendments for certain properties in the 500 and 400 blocks of 20 th St NW from I-2 to R-2.
Recommendation:	The City Planner recommends denial of the requests based on the findings and conditions in the attached draft resolution and ordinance.
Recommended Motion:	Motion to forward and recommend denial of the comprehensive plan and zoning map amendments to City Council, with findings and conditions suggested by city staff.

Request:

The City of Faribault (the Applicant), set in motion by the initial request from Yojan Rodriguez of JNJ Properties of Faribault LLC, requests comprehensive plan and zoning map amendments to change certain properties in the 500 and 400 blocks of 20th St NW (PIDs 18.19.3.77.012, 18.19.3.77.013, 18.19.3.77.014, 18.19.3.77.015, 18.19.3.77.016, and 18.19.3.77.017) from guided land use designation industrial to established residential neighborhood and zoning districts from I-2, Heavy Industrial to R-2, Low Density Residential.



Location along 20th St NW

Background:

Yohan Rodriguez of JNJ Properties of Faribault LLC made the initial request for one property of the subject properties to be reguired and rezoned to permit residential development. At the August 19, 2024 Planning Commission work session, the Planning Commission preliminarily discussed the request and encouraged them to consider expanding and including the nearby residential properties in collaboration with a City effort to fix nonconforming situations for the surrounding residential properties encumbered by the I-2 zoning. Rodriguez agreed and City Staff took over the proposal.

Project Description:

The subject properties include Lots 92 through 110 of Auditor's Plat Number I of SW ¼ Section 19 Township 110 North Range 20 West. Most of the properties included are developed with single-family homes built between the 1920s and 1940s. City Staff are unable to find when the properties were zoned industrial, but surmises based on past comprehensive plans that the area was guided and rezoned to encourage future industrial redevelopment west of 4th Ave NW.

Discussion:

Until the September 3, 2024 Planning Commission meeting, City Staff initially supported the request based on Planning Commission guidance from the August 19, 2024 Planning Commission Work Session. Following Planning Commission's votes to deny the comprehensive plan and zoning map amendment request, City Staff have updated the report and associated documents to reflect Planning Commission's preliminary findings.

The proposed comprehensive plan and zoning map amendments are inconsistent with the planning and zoning aspects of the City's Comprehensive Plan and Unified Development Ordinance. The following provides an overview of the key planning and zoning-related items associated with:

Comprehensive Plan Amendment

1. Summary. The idea behind the land use designation for most of the land in the area to industrial was to facilitate industrial redevelopment. Changing the land use designation from industrial to residential could deter future expansion and industrial redevelopment intended for this area. More details regarding meeting amendment criteria may be found in the associated resolution.

Zoning Map Amendment

1. Summary. The surrounding properties are mostly industrial uses and zoned appropriately for said uses. Placing industrial zones and uses right next to residential zones and uses is a compatibility issue, despite industrial development having larger setback buffers and requires additional screening and landscape to soften the relationship between said uses. This does place a greater burden on the adjoining properties and is a potential barrier for redevelopment on existing industrial properties or industrial expansion onto new properties. More details regarding meeting amendment criteria may be found in the associated ordinance.

Development Review Committee Recommendation. The DRC reviewed the initial request by JNJ Properties on August 6 with mixed reviews and no recommendations for Planning Commission leading up to the August 19 Planning Commission work session. In summary, the DRC could see merit in the request if it included additional residentially-used property nearby to alleviate the nonconforming status of residential properties zoned I-2. There are no current plans for future industrial expansion in the area, and the City sees a need for residential, so the proposal may be a benefit in the short

term. However, the DRC had concerns about approving the request based on the shift becoming a barrier for future development, “spot zoning” between residential and industrial, and more residential on Highway 3, a major corridor for commercial and industrial traffic.

Public Comment. The City Planner received no public comment prior to publishing this report. Notification for this item was published in the paper on August 22, 2024 and letters sent to property owners within 350-feet on August 21, 2024.

MnDOT. The City Planner notified MnDOT of the proposed zoning map amendment because the subject properties abut Highway 3. The City Planner received a response on August 27 stating:

“... D6 Planning will not have any issue or comments for this. The existing uses appear to already match the switch to residential R2, and there are no proposed redevelopments here at this time. If there ever were new developments/redevelopments here, we would revisit driveway spacing/access and water drainage. But with none of that happening at this time, this zoning change should be of no impact to MnDOT.”

Recommendation:

The City Planner recommends denial of the comprehensive plan and zoning map amendments based on the findings and conditions in the attached draft ordinance and resolution.

CITY OF FARIBAULT

RESOLUTION #2024-XXX

DENY A COMPREHENSIVE PLAN AMENDMENT TO GUIDE CERTAIN PROPERTIES IN 500 AND 400 BLOCKS OF 20TH ST NW

WHEREAS, the City of Faribault (the Applicant), set in motion by the initial request from Yojan Rodriguez of JNJ Properties of Faribault LLC (hereinafter referred to as "JNJ Properties"), requests a comprehensive plan amendment to change the guided land use for certain properties in the 500 and 400 blocks of 20th St NW (PIDs 18.19.3.77.012, 18.19.3.77.013, 18.19.3.77.014, 18.19.3.77.015, 18.19.3.77.016, and 18.19.3.77.017) from industrial to established residential neighborhood; and

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

WHEREAS, the City of Faribault, in a separate application, also requests a zoning map amendment for the subject properties from I-2, Heavy Industrial to R-2, Low Density Residential; and

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

WHEREAS, the Planning Commission, on September 3, 2024, following proper notice, held a public hearing to review the request and listen to public comments; and

WHEREAS, the Planning Commission, on September 16, 2024, made a recommendation with findings to the City Council regarding the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommends City Council deny the requested comprehensive plan amendment to guide the subject properties for established residential neighborhood use based on the following written findings:

- 1. The comprehensive plan amendment review process provided adequate opportunity for public review and comment on the requested amendment. The City sent public hearing notices to all property owners within 350 feet of the subject property.*
- 2. Approval of the requested amendment is not in the best interest of the community's general health, safety, and welfare. The idea behind the land use designation for most of the land in the area to industrial*

was to facilitate industrial redevelopment. Changing the land use designation from industrial to residential could deter future expansion and industrial redevelopment intended for this area.

3. *The existing and proposed infrastructure, including sanitary sewer, water, stormwater, and transportation, associated with the subject property are suitable for existing and future use.*

WHEREAS, the City Council held a public meeting on September 24, 2024, to consider the Applicant's comprehensive plan amendment request; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Section 2: Denial of the Requested Comprehensive Plan Amendment. The City Council hereby denies the requested comprehensive plan amendment to guide the subject property described in the above recitals and depicted in Exhibit A for established residential neighborhood use.

Section 3: Authorization to Take Additional Steps. The City Council authorizes and directs the Mayor, City Staff, and City Consultants to take any additional steps and actions necessary and convenient to accomplish the intent of this resolution.

Section 4: Effective Date. This resolution is effective immediately upon its passage and without publication.

Date Adopted: September 24, 2024

Faribault City Council

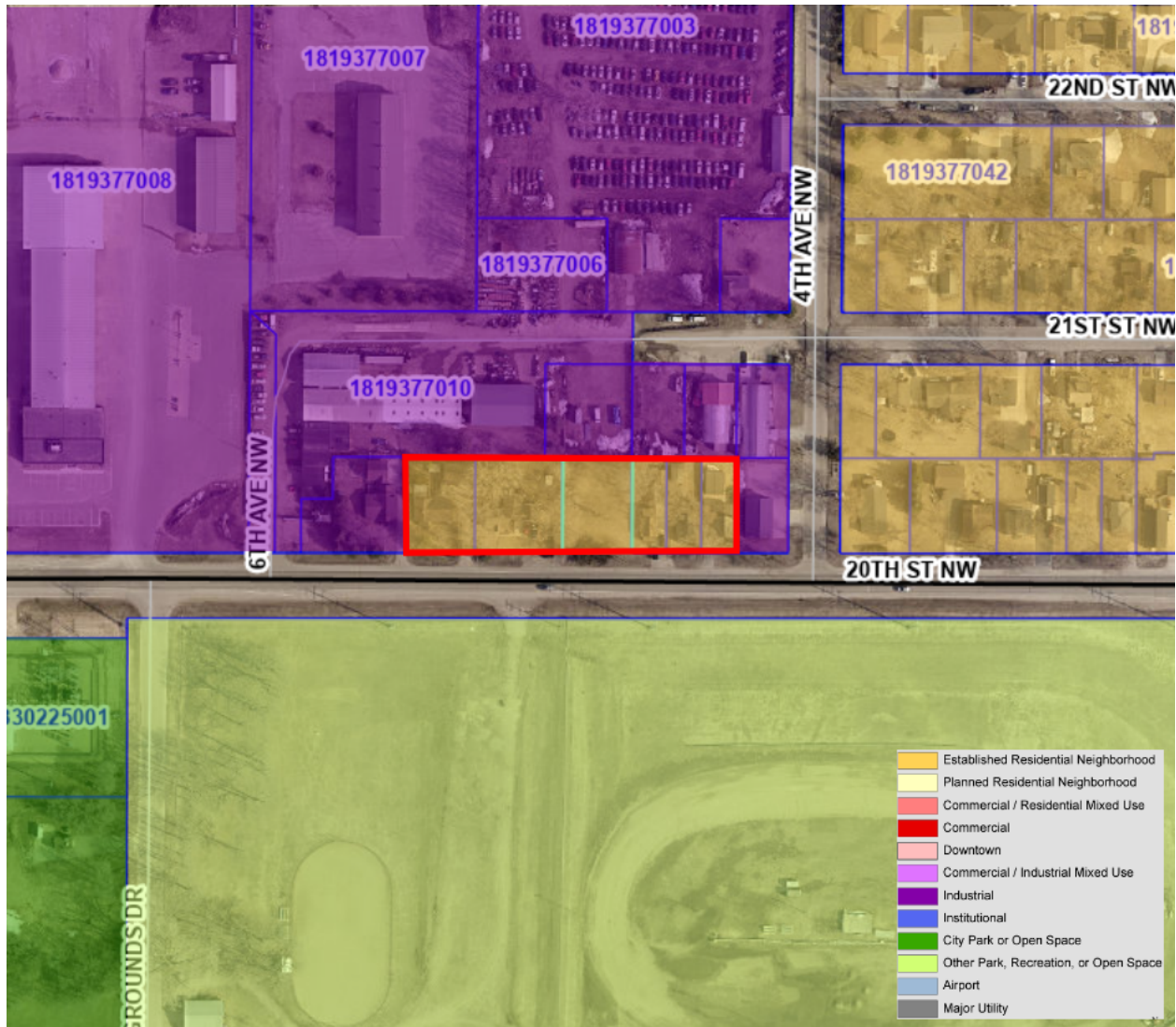
Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

EXHIBIT A

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



Area Circled in Red = Subject Properties

Properties Requested to be Reguided:

- PID # 18.19.3.77.012 – 508 20th St NW
- PID # 18.19.3.77.013 – 506 20th St NW
- PID # 18.19.3.77.014
- PID # 18.19.3.77.015 – 414 20th St NW
- PID # 18.19.3.77.016 – 412 20th St NW
- PID # 18.19.3.77.017 – 410 20th St NW

CITY OF FARIBAULT

RESOLUTION #2024-XXX

DENY A ZONING MAP AMENDMENT FOR CERTAIN PROPERTIES IN 500 AND 400 BLOCKS OF 20TH STREET NW

WHEREAS, the City of Faribault (the Applicant), set in motion by the initial request from Yojan Rodriguez of JNJ Properties of Faribault LLC (hereinafter referred to as "JNJ Properties"), requests a zoning map amendment to change the zoning districts for certain properties in the 500 and 400 blocks of 20th St NW (PIDs 18.19.3.77.012, 18.19.3.77.013, 18.19.3.77.014, 18.19.3.77.015, 18.19.3.77.016, and 18.19.3.77.017) from I-2, Heavy Industrial to R-2, Low Density Residential; and

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

WHEREAS, the Applicant, in separate applications, also requested a comprehensive plan amendment to guide the subject properties for established residential neighborhood use; and

WHEREAS, City Staff prepared a report to the Planning Commission; and

WHEREAS, the Planning Commission, on September 3, 2024, following proper notice, held a public hearing to review the request and listen to public comments; and

WHEREAS, the Planning Commission, on September 16, 2024, made a recommendation with findings to the City Council regarding the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommends City Council deny the requested zoning map amendment based on the following written findings of the Planning Commission as required by Section 2-180 of the City's Unified Development Ordinance:

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

Finding; The Land Use Plan guides the subject properties for industrial use, which is inconsistent with the proposed R-2, Low

Density Residential district. The Land Use Plan intends for this area to be industrial in the future.

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

Finding: It is in the public's best interest to ensure reasonable use of the subject properties. The Land Use Plan intends for the subject properties and nearby area to be primarily industrial, which would go against the public interest for the area to contain redeveloped and expanded industrial uses.

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

Finding: The surrounding properties are mostly industrial uses and zoned appropriately for said uses. Placing industrial zones and uses right next to residential zones and uses is a compatibility issue, despite industrial development having larger setback buffers and requires additional screening and landscape to soften the relationship between said uses. This does place a greater burden on the adjoining properties and is a potential barrier for redevelopment on existing industrial properties or industrial expansion onto new properties. The proposed zoning map amendment and the adjoining uses are not completely compatible.

4. Criteria: Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: The majority of existing parcels included in this rezoning proposal are residential and cannot expand freely or be rehabilitated without additional approvals or uninhibited by limits for nonconforming land uses. The undeveloped parcel within the subject properties is between two single family homes, which a zoning map amendment to R-2 would allow a similar and compatible residential

use. The existing I-2 zoning requires an acre to be a developable lot, which is not met by any one of the six subject properties, which would require combining them with adjacent properties.

5. Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: There is no change in the character or trend of development since the existing zoning was placed on the property. The initial idea behind zoning most of the land in the area to I-2, Heavy Industrial was to facilitate industrial redevelopment.

WHEREAS, the City Council held a public meeting on September 24, 2024, to consider the Applicant's zoning map amendment request; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Section 2: Denial of the Requested Zoning Map Amendment. The City Council hereby denies the requested zoning map amendment for the subject properties depicted in Exhibit A to R-2, Low Density Residential.

Section 3: Authorization to Take Additional Steps. The City Council authorizes and directs the Mayor, City Staff, and City Consultants to take any additional steps and actions necessary and convenient to accomplish the intent of this ordinance.

Section 4: Effective Date. This resolution is effective immediately upon its passage and without publication.

Date Adopted: September 24, 2024

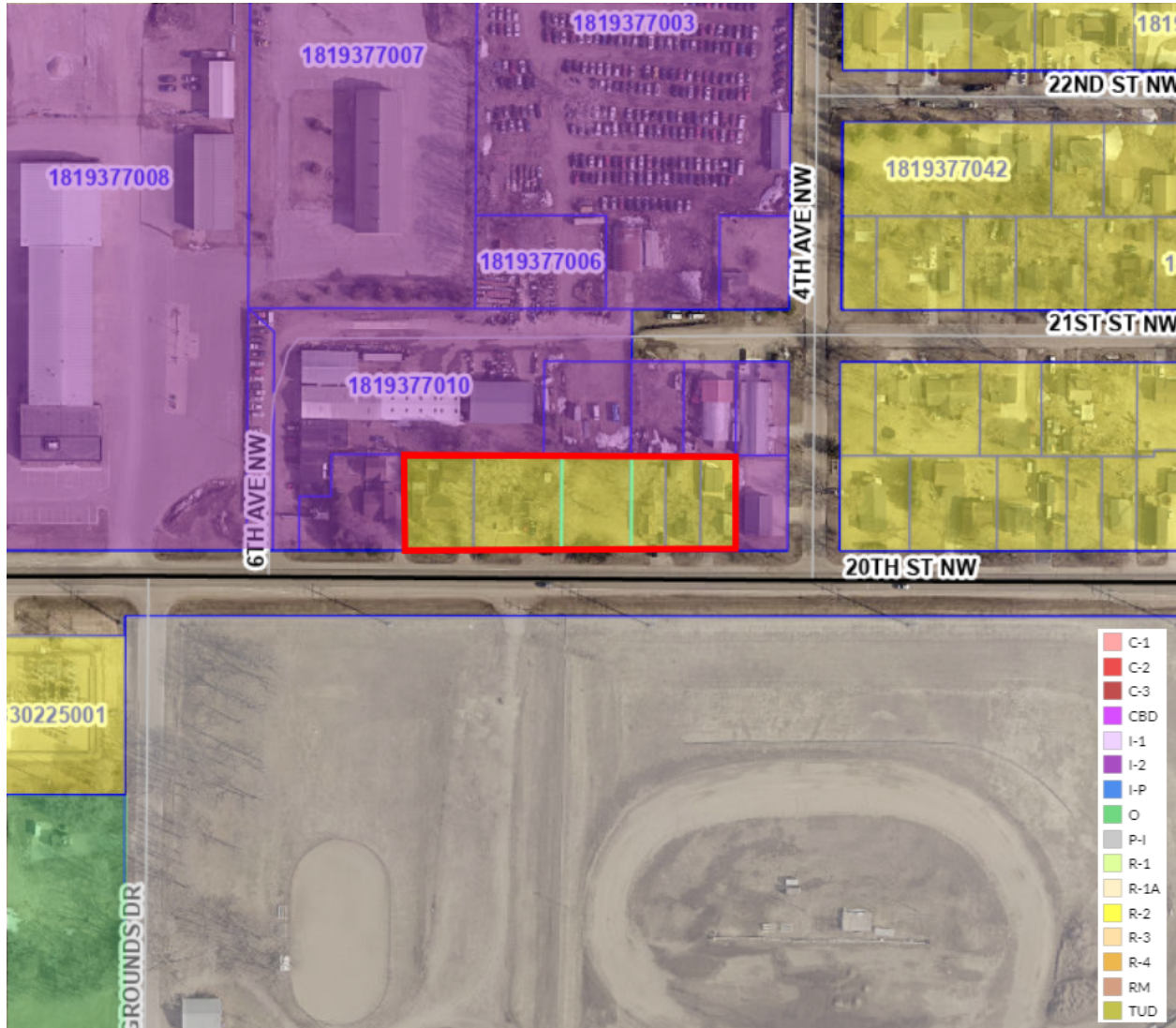
Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

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



Area Circled in Red = Subject Properties

Properties to be Rezoned:

- PID # 18.19.3.77.012 – 508 20th St NW
- PID # 18.19.3.77.013 – 506 20th St NW
- PID # 18.19.3.77.014
- PID # 18.19.3.77.015 – 414 20th St NW
- PID # 18.19.3.77.016 – 412 20th St NW
- PID # 18.19.3.77.017 – 410 20th St NW