



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, DECEMBER 2,
2024

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Public Hearings
 - A. Ordinance 2024-XXX Approve a Zoning Map Amendment for 739 Willow St
4. Requests to be Heard
5. Items for Discussion
6. Routine Business
7. Board & Commissions Updates & Reports
8. Adjournment

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

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

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REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH:
FROM:
MEETING DATE: December 2, 2024
SUBJECT: Ordinance 2024-XXX Approve a Zoning Map Amendment for 739 Willow St

Background:

Recommendation:

Attachments:

1. Staff Report
2. Ordinance 2024-XXX Approve a Zoning Map Amendment for 739 Willow St



Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, Community and Economic Development Director
FROM: Harry Davis, City Planner
Dylan Edwards, Consultant Planner
Jenni Faulkner, Consultant Planner
MEETING DATE: December 2, 2024
SUBJECT: Approve Zoning Map Amendment – Heyer/739 Willow St.

Request:	Applicant requests to amend the zoning map at 739 Willow St. from R-3, Medium density Residential to C-1, Neighborhood Commercial
Recommendation:	The DRC and City Planner recommend Planning Commission forward the request to City Council with a recommendation of approval based on the findings in the attached draft ordinance.
Recommended Motion:	Motion to forward and recommend approval of zoning map amendment for 739 Willow St. to City Council, with findings suggested by city staff.

Request:

Louise Heyer (the Applicant/Owner) requests a zoning map amendment for 739 Willow St. The proposed rezoning is from R-3, Medium Density Residential District to C-1, Neighborhood Commercial District.



Subject Property at 739 Willow St.

Background and Project Description:

739 Willow St. was built in 1947 for a fur store and historically always been a commercial use. Despite it's commercial origin, the subject property was zoned R-1 or R-2 in 1949 and the residential zoning designation continues today under R-3. The applicant, intending to sell the parcel, put it on the market earlier in the year. Due to the residential zoning, this commercially used property is difficult to sell despite its history of commercial use. The applicant requests to align the property's use and zoning to correct a 77-year land use error.

Discussion:

The proposed zoning map amendment is consistent 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:

Findings Summary. The comprehensive plan acknowledges and supports neighborhood-level commercial that is consistent or compatible with its context. This property, used as commercial since it was built, is well-integrated with the neighborhood. Rezoning the property to acknowledge and permit commercial is not incompatible or out of character with adjoining properties.

As a note, the applicant and all future owners of the subject property should know that a new business or owner of said property shall require a Zoning Certificate to review any new use. A new use may require improvements to the property related to life and safety, ADA, or other development standards. The business and/or property owner will need to work with staff to determine any necessary improvements. For example, service-based businesses like a salon or coffee shop have different building code and development requirements from retail businesses like a bookstore or thrift shop. Significant improvements to the building itself may necessitate ADA-compliant upgrades.

Development Review Committee Recommendation. On November 13, 2024, the city's Development Review Committee (DRC) reviewed the proposed application and recommended approval of the amendment.

Public Comment. The City Planner received no public comment prior to publishing this report. Notification for this item was published in the paper on November 21, 2024, and letters were sent to property owners within 350 feet on November 20, 2024.

Recommendation:

The DRC and City Planner recommend that Planning Commission forward and recommend approval of the zoning map amendment for 739 Willow St. based on the criteria and findings in the draft ordinance.

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

APPROVE A ZONING MAP AMENDMENT FOR 739 WILLOW STREET

WHEREAS, Louise Heyer (the Applicant/Owner) requests a zoning map amendments to change the zoning district of property at 739 Willow St. from R-3, Medium Density Residential District to C-1, Neighborhood Commercial District; and

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

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

WHEREAS, the Planning Commission, on December 2, 2024, following proper notice, held a public hearing to review the request, listen to public comments, and make a recommendation to the City Council regarding the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommends City Council approve 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 proposed zoning map amendment for the subject properties is consistent with the Comprehensive Plan as areas designated Established Residential Neighborhood do include commercial uses that are consistent with the neighborhood's character. Neighborhood-level commercial uses are vital to supporting neighbors and the city's overall well-being.

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

Finding: Having small, commercial uses in residential neighborhoods is in the public interest and not solely for the property owner's benefit. The resumed use of the existing property for commercial purposes may bring opportunities for local employment and new commercial uses that may cater to neighbors' needs. Since the property is historically commercial in use, maintaining commercial on the property poses no substantive change for the neighborhood.

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: Changing the subject property's zoning from R-3 to C-1 is compatible with the general area, nearby zoning districts, and uses. C-1 is to permit small commercial uses that fit within the character of an existing neighborhood. The uses allowed in C-1 are not out of character with nearby residential uses. Additionally, the change will reflect the historical use of the site and permit, without the restrictions of non-conforming uses, new uses and investment into the property.

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 C-1 Neighborhood Commercial District will make the current use and property more reasonable and closer to compliance with city zoning and development codes. The current R-3 zoning of the property allows only residential by-right, but the building is not set up for residential use. The existing building on the property has only ever served commercial uses.

5. Criteria: Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was

placed in its present zoning classification, where the amendment is to change the zoning classification of a particular property.

Finding: Rezoning the property to C-1 will not change the neighborhood's character since the property is already built and used for commercial. The change in zoning reflects the property's current character and permits continued use as commercial into the future.

WHEREAS, the City Council held a public meeting on December 10, 2024, to consider approval of the first reading of Ordinance 2024-XXX; and

WHEREAS, the City Council also held a public meeting on December 23, 2024 to consider approval of the second reading of Ordinance 2024-XXX; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

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

Section 2: Rezoning Approval. The City Council hereby rezones the subject property graphically depicted in Exhibit A to C-1, Neighborhood Commercial District. The effective date of the rezoning shall be as outlined in Section 5 of this resolution.

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

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

Section 5: Continued Use of the Subject Property. The City informs the applicant and all future owners of the subject property that a new business

or owner of said property shall require a Zoning Certificate to review any new use. A new use may require improvements to the property related to life and safety, ADA, or other development standards. The business and/or property owner shall work with staff on determining any necessary improvements.

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

First Reading: December 10, 2024

Second Reading: December 23, 2024

Publication Date: December 30, 2024

Faribault City Council

Kevin F. Voracek, Mayor

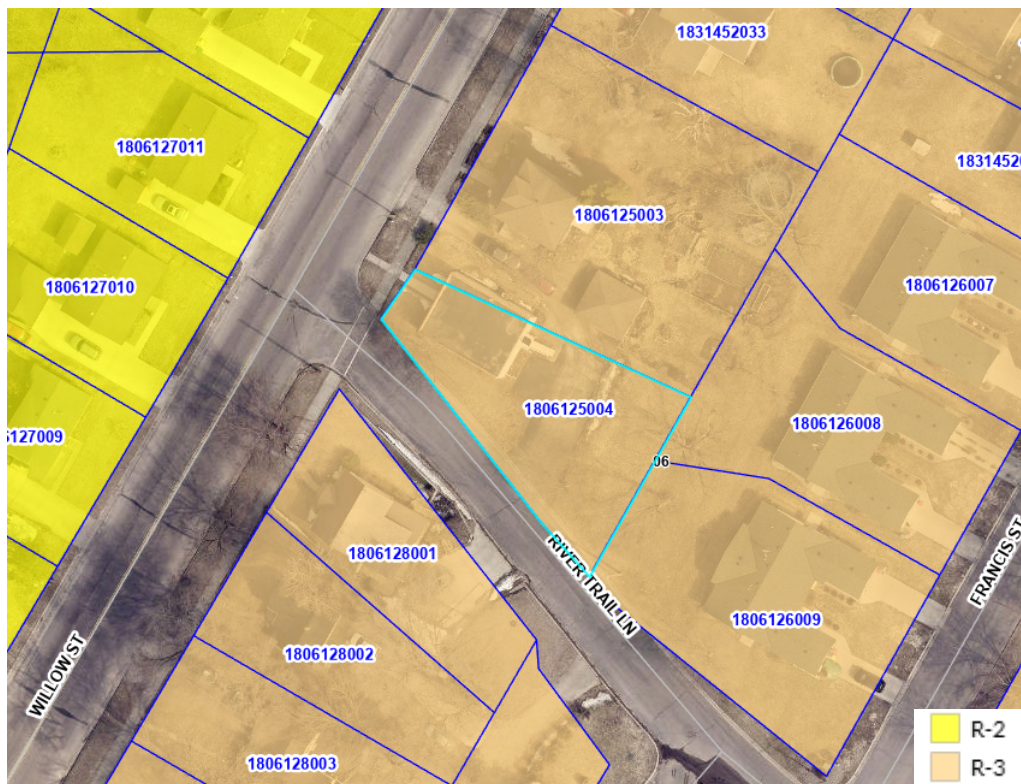
ATTEST:

Jessica L. Kinser, City Administrator

EXHIBIT A:
Legal Description and Graphic Depiction of Subject
Property to be Rezoned to C-1, Neighborhood Commercial
District

Legal Description

That part of the following described parcel: Part of the North One-half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section 6, Township 109 North, Range 20 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, described as follows: Commencing at the Southwest corner of Lot 1, in Block 9 of E. H. Loyhed's Addition to Faribault, Rice County, Minnesota; thence westerly along the South line of Lot 11, in said Block 9 of E. H. Loyhed's Addition to the East line of Willow Street South in said City of Faribault; thence South along the East line of said Willow Street South to the most northerly point of Groveland Park, in Faribault, Rice County, Minnesota, according to the plat of said Groveland Park on file in the office of the County Recorder, Rice County, Minnesota; thence southeasterly along the northerly line of said Groveland Park to the Northeast corner of said Groveland Park; thence northerly to the place of beginning; which lies southerly of the following described line: Beginning at a point in the southeasterly line of said Willow Street, said point being 60 feet southwesterly from the Southwest corner of said Lot 11, in Block 9 of E. H. Loyhed's Addition; thence southeasterly at right angles to said southeasterly line of Willow Street to the easterly line of the above-described parcel and there terminating.



Area Circled in Light Blue = Subject Property

Property to be Rezoned:

- PID # 18.061.280.01 – 739 Willow St



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