



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, MAY 19, 2025

6:00 PM

1. Call to Order/ Approve Agenda
2. Approval of the Minutes from May 5, 2025
3. Public Hearing
 - A. Blais/1216 1st St NE - Conditional Use Permit (CUP); Variances
 - 1 Resolution 2025-XXX Approve a CUP for an Accessory Structure at 1216 1st St NE
 - 2 Resolution 2025-XXX Approve Variance for Placing an Accessory Structure in a Front Yard at 1216 1st St NE
 - 3 Resolution 2025-XXX Approve Variances for a Larger Accessory Structure than Allowed and for More Accessory Use and Structure Area than Primary Use and Structure at 1216 1st NE
 - B. Mighty Fine Coffee/127 14th St NW - Comprehensive Plan Amendment; Zoning Map Amendment; Preliminary Plat; Final Plat; Variance(s); Conditional Use Permit
 - 1 Resolution 2025-XXX Approve a Comprehensive Plan Amendment to guide certain property at the corner of 2nd Ave NW and 14th St NW for Commercial/Residential Mixed Use
 - 2 Resolution #2025-XXX Approve Variances for Lot Area and Impervious Surface Coverage at 127 and 123 14th St NW
 - 3 Ordinance 2025-XXX Approve Rezoning Certain Properties at the Corner of 2nd Ave NW and 14th St NW to C-2, Highway Commercial
 - 4 Resolution #2025-XXX Approve the Preliminary and Final Plats for Mighty Fine Coffee Addition
 - 5 Resolution #2025-XXX Approve a Conditional Use Permit for C-2 and Shoreland Overlay District at 190 20th St NW
 - 6 Resolution #2025-XXX Approve Variances for Parking Area Setbacks and Drive-Through Stacking Spaces at 127 and 123 14th St NW
 - C. Malecha Auto Body/190 20th St NW - Vacation, Preliminary and Final Plat, CUP
 - 1 Ordinance 2025-X Vacate a Portion of Drainage and Utility Easement at 190 20th St NW
 - 2 Resolution 2025-XXX Approve the Preliminary and Final Plats for MAB Second Addition
 - 3 Resolution 2025-XXX Approve a Conditional Use Permit Amendment for Major Auto Repair in C-2 and Shoreland at 190 20th St NW
 - D. Ordinance 2025-XX Approve a Zoning Text Amendment to Allow Proof of Parking in Commercial Districts
4. Requests to be Heard
5. Items for Discussion - NONE
6. Routine Business - NONE
7. Board & Commissions Updates & Reports
 - A. City Council Meeting on May 13, 2025

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.

Si aad u codsato dukumeentigan oo ku qoran luqad kale, fadlan e-mail u soo dir oo ku soo lifaaq dukumiintiga accessibility@faribault.org.



PLANNING COMMISSION MINUTES

COUNCIL CHAMBERS

MONDAY, MAY 5, 2025

6:00 PM

Meeting Items

1. Call to Order/ Approve Agenda

The Planning Commission's regular meeting was called to order by Chair Chuck Ackman at 6:00 p.m. Commissioners Samantha Green, Barton Jackson, Ed Migilio, Michael Salt, Steve White, and Tina Wilson were in attendance. Kari Casper, Administrative Assistant II, and Harry Davis, City Planning Manager, were also in attendance.

2. Approval of the Minutes

Motion by Michael Salt, seconded by Edward Miglio, to approve the meeting minutes of April 21, 2025, as presented. Motion Passed.

3. Public Hearings

A. Mighty Fine Coffee/127 14th St NW - Comprehensive Plan

Amendment; Zoning Map Amendment; Preliminary Plat; Final Plat; Conditional Use Permit; Variance(s)

Leslie McGillivray-Revas was the presenter on this matter. She stated that an item regarding the CUP was missing from the public notice and would need to be resent. McGillivray-Revas respectfully requested that the meeting be tabled until the next meeting on May 19th. Since the meeting was noticed, Chair Ackman opened the public hearing at 6:03 p.m. and closed it as no one came forward. At this time, Commissioner Jackson announced that he has a conflict of interest regarding this matter and wishes to recuse himself from the matter. Commissioner Wilson then brought a motion, seconded by Commissioner Green, to table the matter for the next meeting as requested. The motion passed with a 6/0 vote, with Commissioner Jackson recusing himself.

B. Blais/1216 1st St NE - Conditional Use Permit (CUP); Variances

Mr. Davis presented this action, stating David Blais (Applicant and Property Owner) requested a Conditional Use Permit (CUP) and variances at 1216 1st St NE. The subject property is zoned R-1, Single Family Residential, and contains approximately 7.30 acres of land.

Staff stated that he was able to find a practical difficulty in the variance request regarding the location, which allows the structure to be closer to the street than the primary structure. Staff did

state that they could not find a practical difficulty regarding the 270% increase in the requested size of the structure. Commissioner Wilson asked for clarification on the recommendation of the staff. Mr. Davis stated that he recommends the planning commission first begin with the Conditional Use Permit, which grants the initial size bump from 864 to 1080, which is a 25% increase. The next resolution is that the staff recommends to the planning commission that they consider recommending to the City Council, the variance on the location of the structure. Staff does recognize a practical difficulty for this request in the conditions for approval. The final request is to bump up the accessory structure to increase the size by 270. Davis stated that in reviewing the data from Rice County, the primary structure is approximately 2,700sf, and the accessory structure is close to 5,000sf. This is about 177% bigger than the house.

Chair Ackman then opened the matter up for a public hearing at 6:20 p.m. Mr. Paul Betsinger came forward and asked how tall the structure would be, and he wanted to know if it was going to be close to Highway 60. Chair Ackman stated that it's going to be in front of the house. Next to come forward was Mr. Hubers on behalf of his parents, who are neighbors, and they just wanted to know if the site would disturb the existing area. Deb Smitz came forward on behalf of Christ Lutheran Church, which is a neighbor to this subject property, and stated that the church is fully in favor of this action. David Blais, the applicant, then came forward and stated that he would like to use it for personal use. Harry Davis added that the height is 16ft. Chair Ackman then closed the public hearing at 6:23.

Commissioner Wilson asked about zoning and changing it to a TUD. Chair Ackman then spoke about the TUD and explained that it would take about two months to get that done. He stated that we currently don't have a code for this. He's fine with the CUP, which makes sense. He is okay with it being in the front of the house. The third one is to interpret the zoning district in front of us, and he has a problem with that one, as the ordinance stands at this point

Chair Ackman asked Mr. Davis how he preferred they move forward. Davis' recommendation would be to table the whole matter. The set of findings needs to support the conclusions that they are coming to. He recommended allowing him time to amend a resolution and then taking the entire package forward to the City Council. Commissioner Green would vote for one and two but not three. Harry Davis stated that he would recommend that the City Council direct staff to look at other options when it comes to larger lots, whether it is a new zoning district or just an amended accessory structure code.

Commissioner Green then made a motion, seconded by Steve White, to ask the City Council to direct staff to address lots larger than 5 acres in an R1 district. The vote carried on a 7/0 vote.

Commissioner White then made the motion to table the entire issue for the next session, seconded by Commissioner Wilson.

Commissioner Green asked for a roll-call vote.

Roll-Call:

Commissioner Green - No
Commissioner Jackson - No
Commissioner Migilio - yes
Commissioner Ackman - Yes
Commissioner Salt - Yes
Commissioner White -- Yes
Commissioner Wilson -- Yes

The motion carried on a 5/2 vote with Commissioners Green and Jackson voting in the alternative.

1. Resolution 2025-XXX Approve a CUP for an Accessory Structure at 1216 1st St NE
2. Resolution 2025-XXX Approve Variance at 1216 1st St NE
3. Resolution 2025-XXX Deny Variances at 1216 1st St NE
4. Requests to be Heard
5. Items for Discussion - None
6. Routine Business - None
7. Board & Commissions Updates & Reports
 - A. Council Retreat

Mr. Davis gave a quick update on the retreat. They went through a bunch of topics. Potentially, in the long term, doing a code overhaul. They do see that there is a need for this to make things operate better. He mentioned the sign ordinance overhaul. There is probably a lot of discussion to be had over this. The council is also interested in residential lot sizes, setbacks, and lot widths, in an effort to make housing more affordable. Chair Ackman asked about a joint meeting. Davis will give the message to Wanberg to see if that can happen.
8. Adjournment

Motion by Barton Jackson, seconded by Michael Salt, to adjourn the meeting at 6:51 p.m. The motion passed on a 7/0 vote.

By: _____
Kari Casper, Recording Secretary



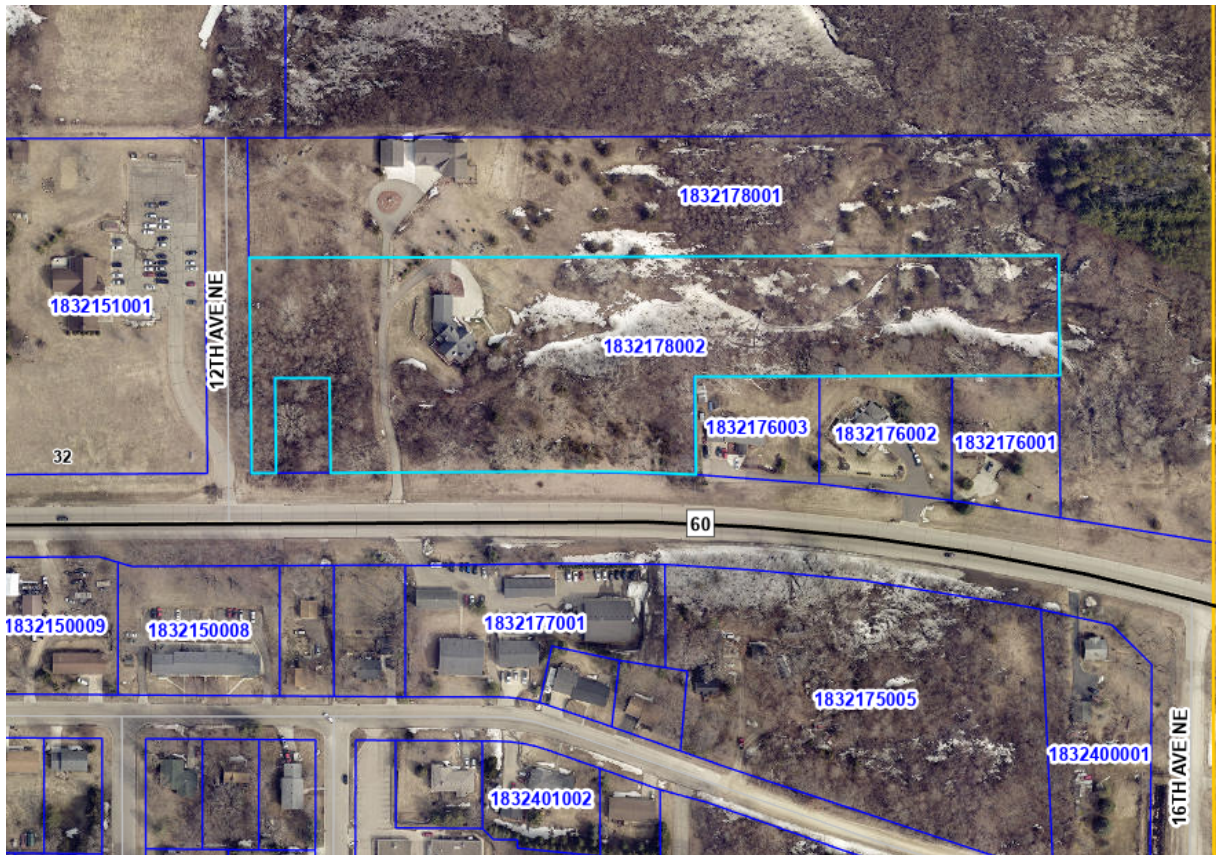
Staff Report to the Planning Commission

TO: Planning Commission
THRU: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: May 19, 2025
SUBJECT: Blais/1216 1st St NE – CUP and Variances

Request:	Applicant requests a CUP for a larger accessory structure and variances for placement in a front yard, for the structure to be 4,000 square feet, and for accessory uses to be larger than the principal use.
Recommendation:	The DRC and City Planning Manager recommend approval of the CUP and front yard setback variance but not in favor of the structure size and accessory vs principal use variances.
Recommended Motion:	Motion to forward and recommend approval of the CUP and variance from front yard setback requests but not in favor of the size and accessory vs principal use variances to City Council, with findings and conditions suggested by city staff.

Request:

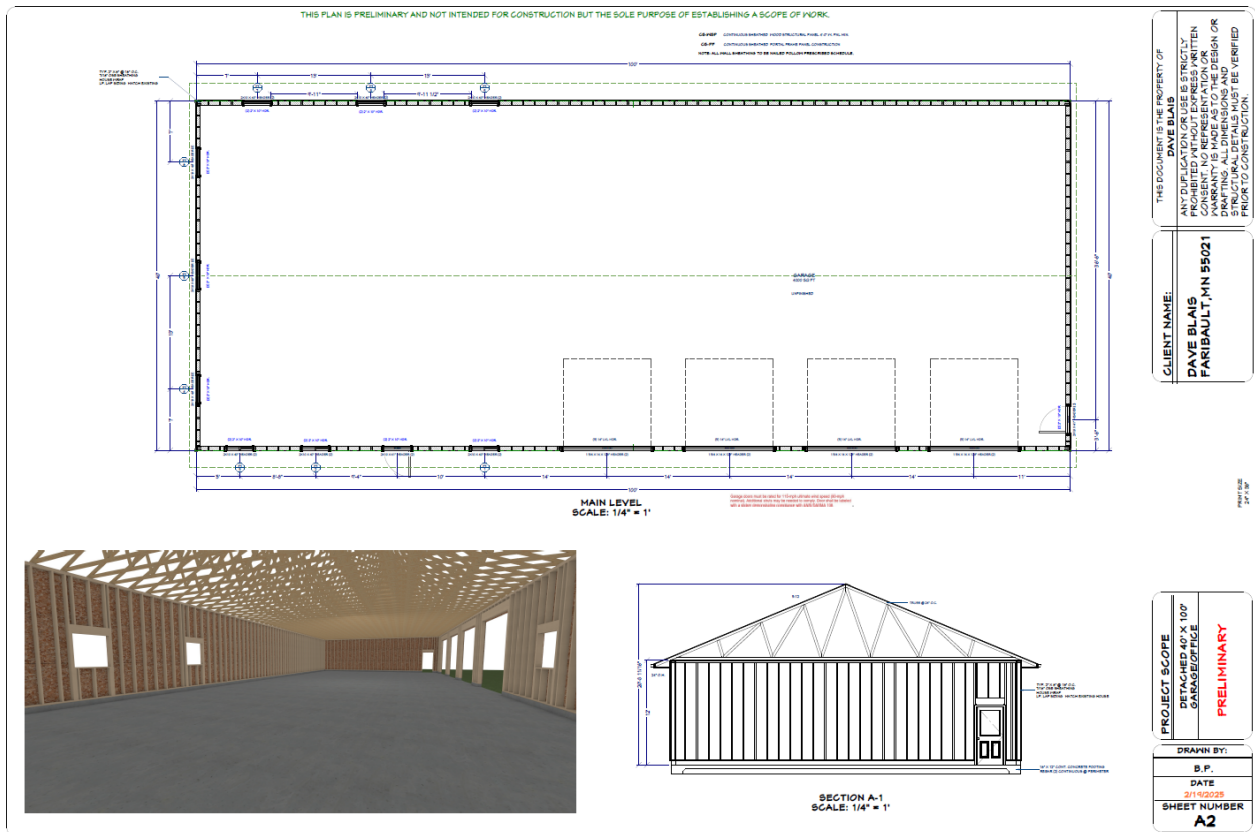
David Blais (Applicant and Property Owner) requests a Conditional Use Permit (CUP) and variances at 1216 1st St NE. The subject property is zoned R-1, Single Family Residential and contains approximately 7.30 acres of land.



Outlined in Cyan = Property at 1216 1st St NE

Background, Project Description, and Request:

The request by the applicant is to have a 100-foot by 40-foot (or 4,000 sq ft) accessory structure on the property. The accessory structure will be for personal use. The submitted CUP is to allow an increase of 25% as allowed in the ordinance for an accessory structure. The variances are to address the additional square footage beyond the 25% increase, the amount of accessory use in comparison to residential use, and the location of the structure in the front yard. Staff calculates, with assistance from Rice County records, that the existing home (without the garage, which is an accessory use) as the primary use is 2,772 sq ft. The total square feet proposed for accessory uses (attached garage and proposed structure) amount to 4,911 square feet.



Building Plans

Table 1 – Requests Table

CUP Issue	Requirement	Proposed	CUP
Accessory structure larger than allowed (Sec 6-180(C)(2))	Maximum 864 sq ft	4,000 sq ft	Allows 25% increase to maximum (864 sq ft; total of 1,080)
Variance Issue	Requirement	Proposed	Variance
Size of accessory structure exceeds maximum (Sec 6-180(C))	1,080 sq ft maximum (with CUP)	4,000 sq ft	2,920 sq ft
The accessory use or structure shall be subordinate in area, extent, and purpose to the principal use or structure served. (Sec 6-170(3))	Total square footage of accessory structures and uses must be smaller than the total square footage of home	Approximately 2,772 sq ft living space versus approximately 4,911 sq ft of accessory use	Approximately 2,140 sq ft
Location of garage (Sec 6-180(C)(1))	Detached accessory structures must be on the side or rear of a principal structure	Approximately 100 feet from front property line	Approximately 65 feet (house is 65 feet behind proposed structure)

To clarify staff's approach to Sec 6-170(3), the ordinance only states that

the 'area, extent, and purpose' of accessory uses must be subordinate to or less than the primary use. Staff sees this phrase as broad and undefined, which leads to a determination that using square footage to assess overall principal uses (including multiple stories) through Rice County's record of 'living area' is a reasonable approach and to the benefit of the property owner. While the UDO has a section limiting attached garages and accessory uses based on comparing footprints, that requirement is spelled out in said ordinance section. Staff could use the footprint of uses to define 'area', but it goes against previous direction from Council to work with applicants and make reasonable interpretations and determinations of the ordinance. Staff sees using total square footage of living space (principal use) versus total square footage of accessory use to be a reasonable interpretation of defining uses to the benefit of the property owner.

Discussion:

The proposed CUP and one of three variances are consistent with the planning and zoning aspects of the City of Faribault's Unified Development Ordinance. The other two 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:

CUP Summary

- An increase of 25% to the base accessory structure size, from 864 sq ft to 1,080 sq ft will not be detrimental to the public or nearby properties. The structure will be compatible with the primary structure and not cause any hazards or diminish property values. No additional services are needed and a 1,080 sq ft accessory structure will not create excessive demands on public infrastructure, create additional traffic, or damage any historical or natural features.

Variance Summaries

Accessory Structure in Front Yard

- The particular variance to allow the accessory structure closer to the road than the house is not unreasonable. The largest, undeveloped, and flat area of land on the property is exactly where the applicant proposes, and it happens to be in front of the home. The applicant is permitted to have a detached accessory structure, and its placement on a seven-acre, topographically challenging lot is not unreasonable. The request by the applicant is in harmony with the general purposes and intent of the City's ordinances. Much of the zoning code anticipates or guides the placement of a principal structure close to the public street. There are many reasons, from urban design and

community aesthetics to safety, for the principal building to be closer to the street in urban settings. However, this particular property is over seven acres and located on the periphery of the city, with the house built farther back than required per the underlying setbacks. In addition to the topography issues of the site, locating an accessory structure up to 100 feet from the road on the periphery of the city limits is not breaking the intent of the ordinance. The request to place the accessory structure closer to the street than the house will not change the essential character of the neighborhood. As the city transitions from urban to rural, many rural properties have accessory structures closer to the road or in line with the house. The structure's location 20 feet above the road elevation will help passers-by and neighbors not see the accessory structure.

Larger Accessory Structure than Allowed/More Accessory Use and Structure than Primary Use and Structure

- The general intent by limiting accessory structure sizes and requiring more principal use than accessory use area on the property is to ensure that the property's primary or principal use (in this case, a dwelling) remains the primary use of the property for both aesthetics and functionality. Having too many or too large accessory structures can detract from the property and the neighborhood's overall look and feel. A large accessory structure may cause a visual or spatial imbalance versus other properties. A large accessory structure can even detract from and overshadow the primary structure on the property.

The applicant has not demonstrated that the accessory structure is intended to be in harmony with the general purpose and intent of the ordinance. The applicant has applied for a CUP to allow a 25% increase for 1,080 square feet, but the overall size is approximately 270% of what is allowed with the CUP. The total amount of accessory uses (which includes the proposed structure and the attached garage) is approximately 177% of the current dwelling's square feet.

The applicant points to the size of the property as a unique circumstance to support having a larger accessory structure. However, there are many larger lots on the periphery of town, and particularly on the east side. Many of them are zoned to allow agriculture, which rightly changes the rules regarding accessory structures since farms need room to store implements and products or protect animals. This property is not a farm and doesn't have a clear need for a large structure similar in size to what you might find

on a farm or in the county. Having a large lot is not an adequate unique circumstance to be granted a variance.

Additional points supporting the recommendation for denial are in the associated resolution.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed CUP and variances on April 1, 2025. The DRC recommended in favor of the CUP and variance to allow the structure closer to the street than the primary structure but recommended against the variances for a size increase and more accessory use area than the primary use.

Building Codes

The Building Official, John Rued, notes that the proposed structure's size elevates it from a residential garage to a different building classification. Should the CUP and variances be approved by Council, an architect and engineer are required to produce documents and/or plans for the project prior to receiving a permit.

Public Comment. City Staff received no public comment prior to publishing this report. Notification for this item was published in the paper on April 24, 2025, and letters sent to property owners within 350 feet.

Recommendation:

The DRC and City Planning Manager recommend approval of the CUP and one of three variances to the City Council, based on the criteria and findings in the associated resolutions. The DRC and City Planning Manager recommend denial of the other two variances to the City Council, based on the criteria and findings in the associated resolution.

Planning Commission May 19th, 2025:

At the May 5th meeting, the Planning Commission tabled the project to the next meeting and asked staff to prepare resolutions supporting the project's requests using their preliminary findings. City Staff made edits to the resolutions in favor of the requests, as requested by Planning Commission. City staff still recommends approval of the CUP and one of the variances but denial of the other two variances for the same reasons as before.



APPLICATION FOR REQUESTED ACTION
Conditional Use Permit

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 1216 1st st ne, faribault, mn 55021

APPLICANT David W Blais E-MAIL david@blaismicroscope.com

PHONE 612 203 6535 (H) _____ (W) _____ (FAX) _____

ADDRESS 1216 1st st ne, faribault, mn 55021

DEVELOPER (if other than applicant) _____

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

ADDRESS _____

LEGAL DESCRIPTION _____

ACREAGE/SIZE OF PROPERTY 7.26 acres

CURRENT ZONING residential

EXISTING USE OF PROPERTY residential

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

IDENTIFY ALL ADJACENT LAND USES _____

SIGNATURE OF OWNER _____ DATE 03/16/2025

SIGNATURE OF APPLICANT _____ DATE 03/16/2025
(Must submit proof of property control)

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

Revised 8/26/2016

CONDITIONAL USE PERMIT
Required Submittals

◆ **Site plan**

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

◆ **Required supplemental information**

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

◆ **Filing fee**

SIGNATURE OF APPLICANT  DATE 4/2/2025

Planning case # _____



APPLICATION FOR REQUESTED ACTION
Variance

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 1216 1st st ne, faribault mn 55021

APPLICANT david blais E-MAIL david@blaismicroscope.com

PHONE 612 203 6535 (H) _____ (W) _____ (FAX) _____

APPLICANT ADDRESS 1216 1st st ne, faribault mn 55021

OWNER (if other than applicant) _____

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

OWNER'S ADDRESS _____

LEGAL DESCRIPTION residential

ACREAGE/SIZE OF PROPERTY 7.26

CURRENT ZONING residential

EXISTING USE OF PROPERTY residential

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

IDENTIFY ALL ADJACENT LAND USES Commercial and residential

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

SIGNATURE OF THE OWNER  **DATE** 4/2/2025
(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**  **DATE** 4/2/2025

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?

Proposed building is a storage garagepersonal use.

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

Yes (☒) No (☐) Why or why not?

low desnity residential, large lot in city limits.

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

Yes (☒) No (☐) Why or why not?

Residential 7.26 acre lot in city limits. Storage garage

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

Yes (☒) No (☐) Why or why not?

7.26 acre lot in city limits. We are on our own septic and well. Located on highway 60, 45mph zone. Low density

residential. The proposed building would have zero negative affects on anyone. Plenty of green space for drainage

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

Yes (☒) No (☐) Why or why not?

Rural property in city limits. Appartment complex across highway 60, large church directly next door.

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

Yes (☒) No (☐) Why or why not?

Yes, this is the smallest shed I want to build

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

Yes (☒) No (☐) Why or why not?

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

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

Applicant's Signature:

A handwritten signature in black ink, appearing to read "Dan O'Brien", written over a horizontal line.

Date:

4/2/2025

CERTIFICATE OF SURVEY

PARCEL OWNER/ADDRESS:

DAVID BLAS
1216 1ST ST NE
FARIBAULT MN 55003

PRELIMINARY

Lot 2 Block 1 of HILLTOP ESTATES, SECTION 32, TOWNSHIP 110 NORTH, RANGE 20 WEST, RICE COUNTY, MINNESOTA

REVISION # 0

TAX DESCRIPTION

Lot 2 Block 1 of HILLTOP ESTATES

Subject to any easements and restrictions of record.

The above described parcel contains 7.26 acres more or less.

PROPERTY LINE N 89°49'12" E 1231.57

10' SETBACK

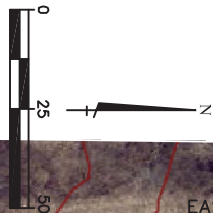
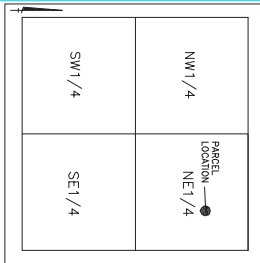
NOTE: CONTRACTOR/CLIENT TO VERIFY ALL EXISTING AND PROPOSED ELEVATIONS AND LOCATIONS PERTAINING TO ANY AND ALL CONSTRUCTION PRIOR TO CONSTRUCTION.

NOTE: BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL LOCATION OF STRUCTURE ONLY. SEE ARCHITECTURAL PLANS FOR FOUNDATION AND BUILDING DIMENSIONS AND DETAILS.

NOTE: BEARINGS ARE ASSUMED AND BASED ON THE NORTH LINE OF Lot 2 Block 1 of HILLTOP ESTATE, BEING N 89°49'12" E

NOTE: CERTIFICATE DOES NOT PURPORT TO SHOW ANY OR ALL APPLICABLE INFORMATION, EXCEPT AS SHOWN. QUESTIONS PERTAINING TO INFORMATION NOT SHOWN ON THIS CERTIFICATE SHOULD BE DIRECTED TO THE APPROPRIATE REVIEWING PARTY

VICINITY MAP
SECTION 32-110-20, RICE COUNTY, MINNESOTA



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

BENJAMIN D. VOEGELE, L.S.
MN LICENSE NO. 49771

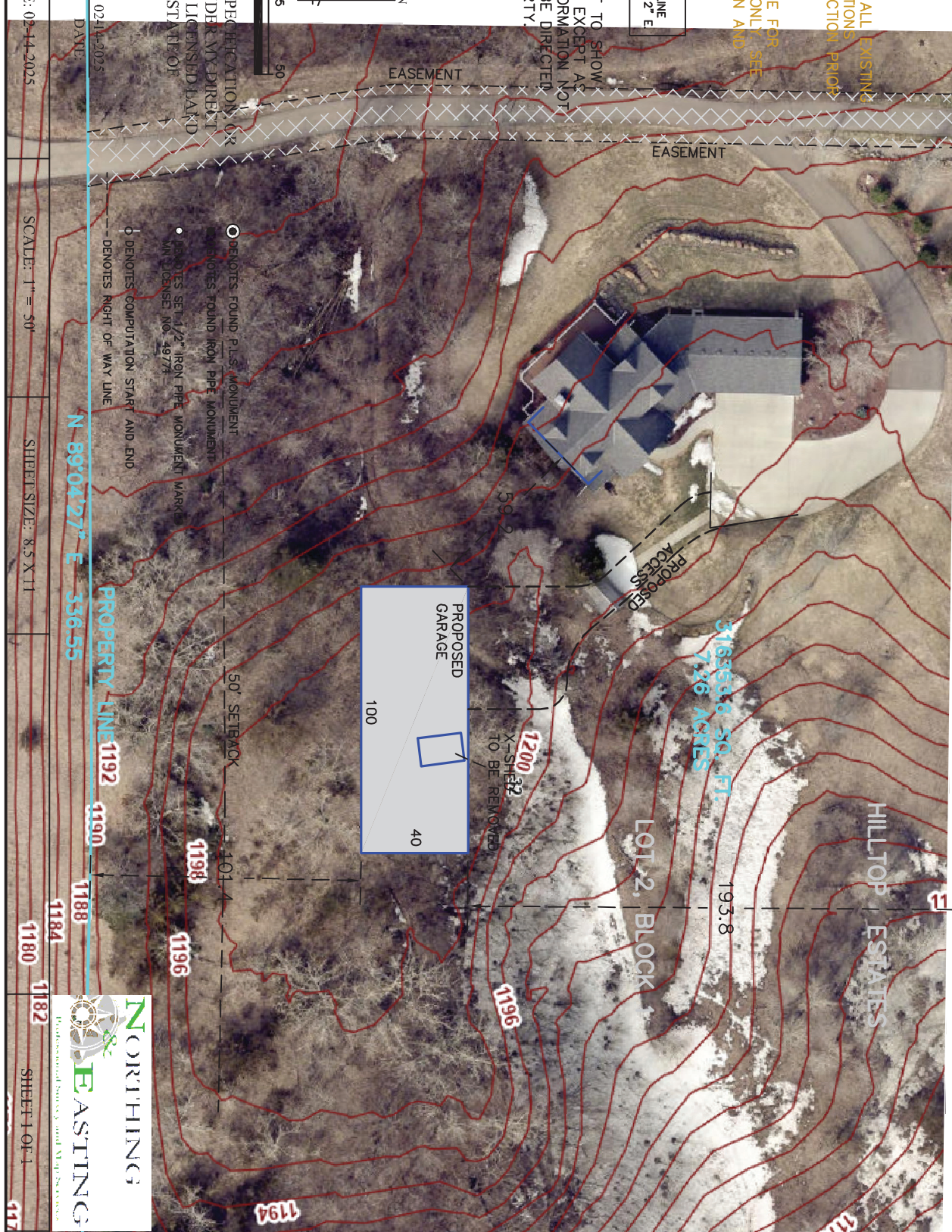
PROJECT NO. 110203225

DATE: 02-14-2025

SCALE: 1" = 50'

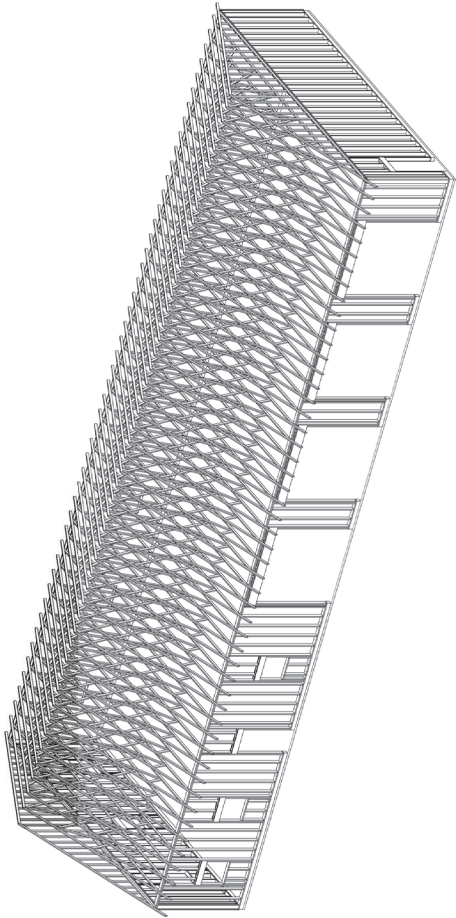
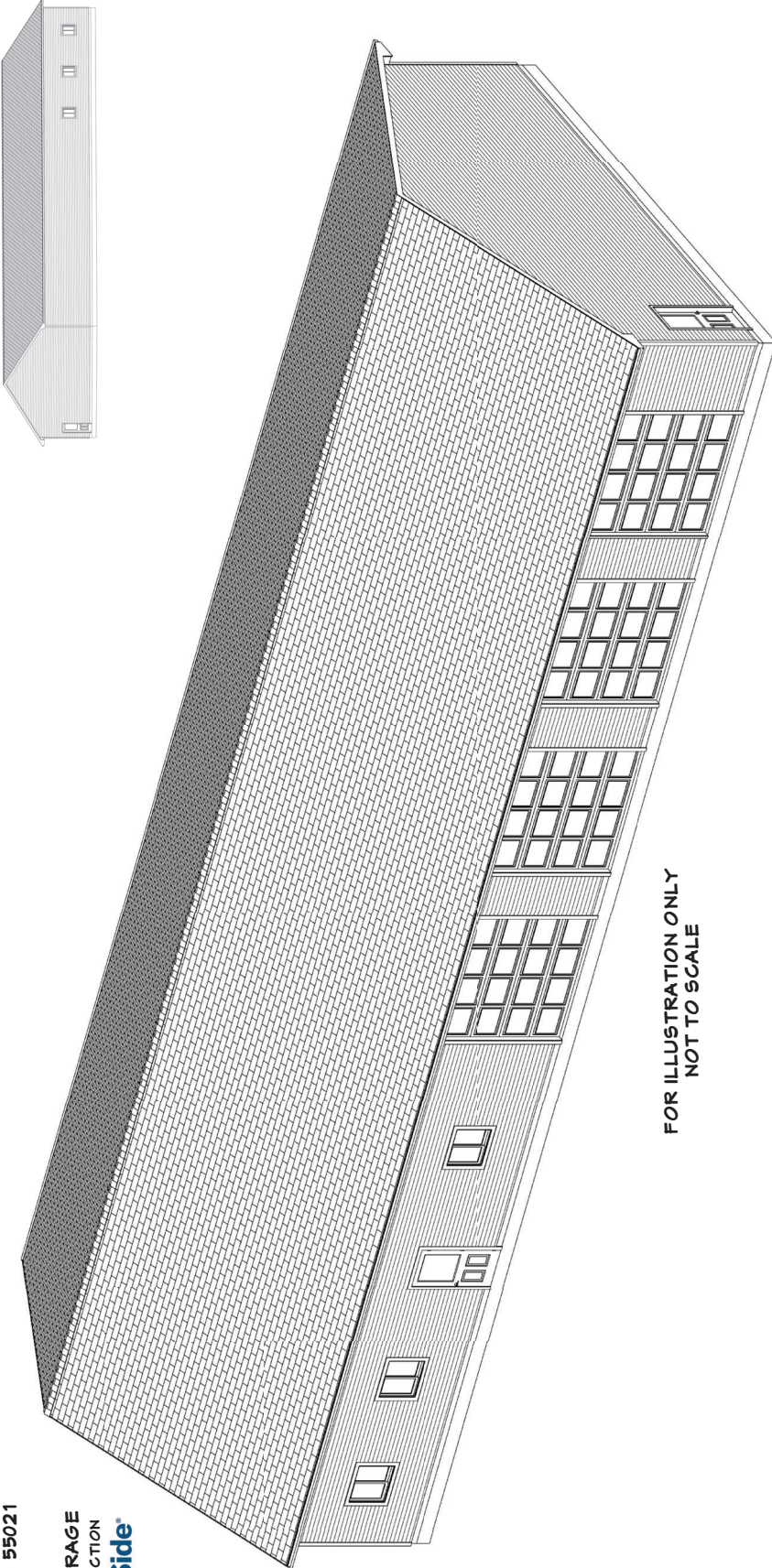
SHEET SIZE: 8.5 X 11

SHEET 1 OF 1



NORTHING
EASTING
Professional Survey and Mapping Services

THIS PLAN IS PRELIMINARY AND NOT INTENDED FOR CONSTRUCTION BUT THE SOLE PURPOSE OF ESTABLISHING A SCOPE OF WORK.



FOR ILLUSTRATION ONLY
NOT TO SCALE



PRINT SIZE
24" X 36"

CLIENT NAME:
DAVE BLAIS
FARIBAULT, MN 55021

THIS DOCUMENT IS THE PROPERTY OF
DAVE BLAIS
ANY DUPLICATION OR USE IS STRICTLY
PROHIBITED WITHOUT EXPRESS WRITTEN
CONSENT. NO REPRESENTATION OR
WARRANTY IS MADE AS TO THE DESIGN OR
DRAFTING. ALL DIMENSIONS AND
STRUCTURAL DETAILS MUST BE VERIFIED
PRIOR TO CONSTRUCTION.

PROJECT SCOPE
DETACHED 40' X 100'
GARAGE/OFFICE
PRELIMINARY

DRAWN BY:
B.P.
DATE
2/14/2025
SHEET NUMBER
A1

PAGE INDEX

PG. A1
PG. A2
PG. A3
PG. A4
PG. A5
PG. A6
PG. A7
PG. A8
PG. A9

TRADES SHALL VERIFY ALL CONDITIONS AND
DIMENSIONS AT THE JOB SITE AND NOTIFY THE
DESIGNER OF ANY DIMENSIONAL ERRORS,
OMISSIONS OR DISCREPANCIES BEFORE BEGINNING
OR FABRICATING ANY WORK.

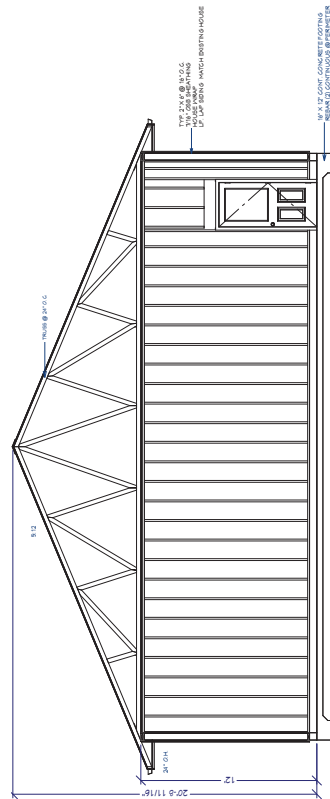
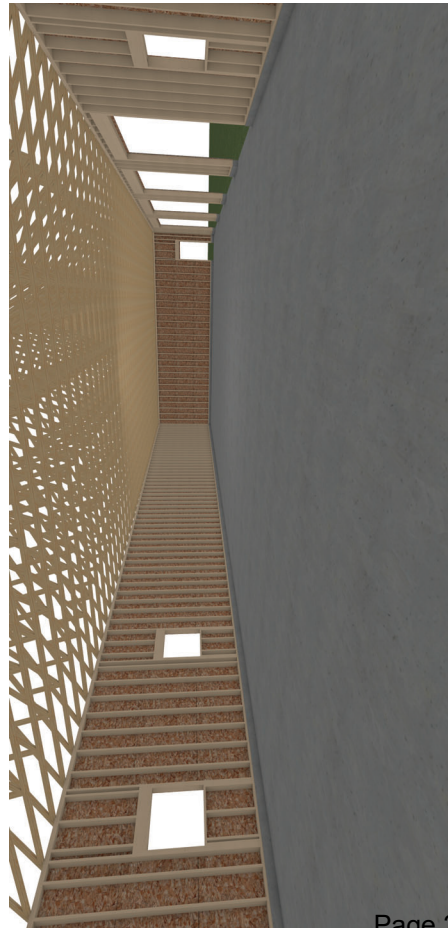
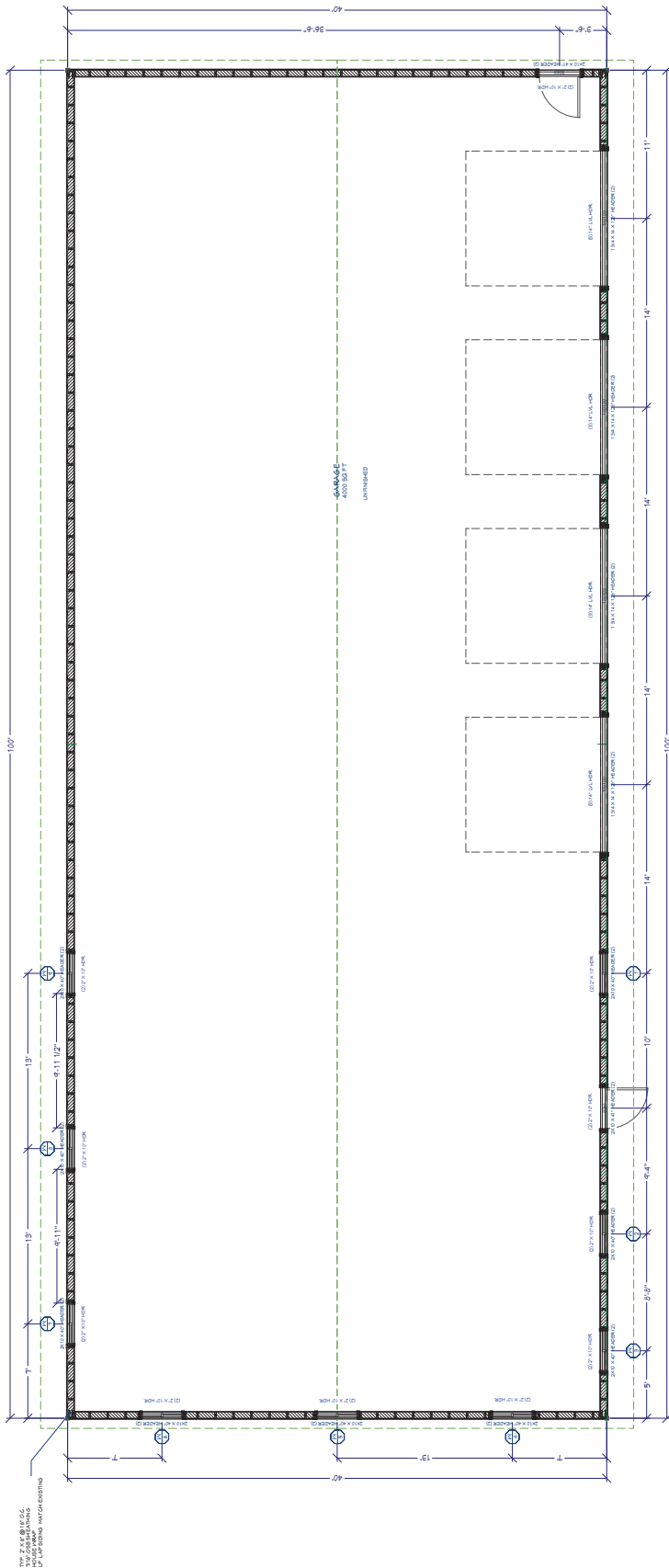
ALL TRADES SHALL MAINTAIN A CLEAN WORK SITE.

3D VIEWS ARE NOT TO SCALE AND MAY NOT REFLECT EXACTLY WHAT IS AVAILABLE
FOR THE PROJECT. RENDER VIEWS ARE REPRESENTATIONS OF WHAT THE VIEW
COULD LOOK LIKE, NOT WHAT IT WILL LOOK LIKE.
3D VIEWS ALWAYS SUPERCEDE 2D VIEWS

DO NOT SCALE DRAWINGS.

THIS PLAN IS PRELIMINARY AND NOT INTENDED FOR CONSTRUCTION BUT THE SOLE PURPOSE OF ESTABLISHING A SCOPE OF WORK.

CS-MSP CONTIGUOUS SHEATHED POST STRUCTURAL PANEL WITH PHL PHL
CS-PPF CONTIGUOUS SHEATHED PORTAL FRAME PANEL CONSTRUCTION
NOTE: ALL WALL SHEATHING TO BE NAILS FOLLOW PRESCRIBED SCHEDULE.



PROJECT SCOPE
DETACHED 40' X 100'
GARAGE/OFFICE
PRELIMINARY

DRAWN BY:
B.P.
DATE
2/14/2025
SHEET NUMBER
A2

THIS DOCUMENT IS THE PROPERTY OF
DAVE BLAIS
ANY DUPLICATION OR USE IS STRICTLY
PROHIBITED WITHOUT EXPRESS WRITTEN
CONSENT. NO REPRESENTATION OR
WARRANTY IS MADE AS TO THE DESIGN OR
DRAFTING. ALL DIMENSIONS AND
STRUCTURAL DETAILS MUST BE VERIFIED
PRIOR TO CONSTRUCTION.

CLIENT NAME:
DAVE BLAIS
FARIBAULT, MN 55021

PRINT SIZE
24" X 36"



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager

MEETING DATE: May 19, 2025
SUBJECT: Resolution 2025-XXX Approve a CUP for an Accessory Structure at 1216 1st St NE

Background:

See main agenda item.

Recommendation:

Recommend approval of the draft resolution to City Council.

Attachments:

1. Resolution 2025-XXX Approve a CUP for an Accessory Structure at 1216 1st St NE

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE A CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE AT 1216 1ST ST NE

WHEREAS, David Blais (the “Applicant” and “Property Owner”) requests a conditional use permit to allow a 25% increase above the allowed maximum size for an accessory structure at 1216 1st St NE (the “Property”), as depicted in Exhibit A; and

WHEREAS, Sec 6-180(C)(2) of the City of Faribault’s Unified Development Ordinance states the maximum size of a detached accessory structure may be increased by up to 25% upon approval of a conditional use permit, provided lot coverage requirements are met; and

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

WHEREAS, the Planning Commission, on May 5, 2025, following proper notice, held a public hearing to consider the Applicant’s request; and

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

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

Finding: The proposed accessory structures will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare. A 25% increase in an accessory structure size is not a detriment to adjacent properties.

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

Finding: The proposed accessory structure will not negatively impact other nearby properties. Most properties in the immediate area are residential. A larger accessory structure located in one of the flatter areas of the property will not impede future development.

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

Finding: The proposed accessory structure is designed to be compatible with the architectural appearance of the primary structure and adjacent residential structures. The structure is wood-framed and features asphalt shingles and LP siding.

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

Finding: The proposed accessory structure on its own does not generate hazards or disturbing activities that negatively affect other properties. The zoning ordinance prohibits the applicant from operating a business with substantial traffic or impacts on adjoining properties.

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

Finding: The proposed accessory structure at this location is unlikely to diminish nearby property values. City staff is not aware of other situations in the city where a larger detached accessory structure has diminished nearby property values.

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

Finding: The accessory structure does not increase the need for public facilities or services. The current plans do not show additional utility needs.

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

Finding: As stated before in this resolution, the accessory structure does not create additional cost on public facilities or services. This structure does not impact the economic vitality or welfare of the community.

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

Finding: The proposed accessory structure does not have an impact on traffic congestion or on-site circulation.

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

Finding: The accessory structure's location is along a major entryway into city limits, but the placement on top of a hill well above the road level will lessen the impact on people's views.

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

Finding: The City's Comprehensive Plan guides the property for Planned Residential Neighborhood. The accessory structure of a residential use is consistent with the land use plan.

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

Finding: The accessory structure as proposed does not conform to the Unified Development Ordinance requirements for location in the front yard, an increased size above what is allowed in this CUP Resolution, and size of accessory uses versus the primary use. These issues are addressed in separate variance Resolutions.

WHEREAS, the City Council, during a public meeting on May 13, 2025, considered the Applicant's conditional use permit request; and

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

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

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit request for a 25% increase in the allowed accessory structure size from 864 to 1,080 square feet at 1216 1st St NE legally described in Exhibit A of this Resolution, subject to the conditions in Sections 2 and 3 of this Resolution.

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

1. The Owner must successfully obtain variances for the aspects of this proposal that do not conform with the Unified Development Ordinance. Failure to obtain one or more of these

variances will keep the applicant from constructing the Project substantially similar to the Applicant's submittal included in Exhibit B of this Resolution. Final construction of this Project must be compliant with the UDO, exempting any successfully-obtained variance. Any significant change or additional variances beyond what is identified with this submittal, as determined by the City's Development Review Committee, would require approval of a conditional use permit amendment. Adjusting the accessory structure size down to 1,080 square feet shall not be considered a significant change.

2. The property owner is prohibited from running any businesses in the accessory structure that are non-compliant with Chapter 6, Article 7 Home Occupations. Machine shops, body shops, repair of internal combustion engines (other than small engine repair), welding, manufacturing, or any other objectionable use as determined by the city council shall not be permitted as a home occupation. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling.
3. The applicant must have a hard surface driveway compliant with UDO Chapter 8, Article 2, Sec 8-100.

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

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
2. The City may inspect the Property at all reasonable times to ensure compliance with the conditions of this permit.
3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any

violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.

5. This permit and its conditions are binding on the parties, their successors, and assigns. This permit runs with the Property and does not affect the subsequent sale, lease, or change from current ownership. The Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the Property.
6. Use of the Property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.
7. If substantial development or construction of the Project has not taken place within one (1) year of the date of approval of the conditional use permit, such permit shall be void unless the City Council grants a time extension. The Owner must submit an extension request in writing at least thirty (30) days before the expiration of the conditional use permit.

Section 4. Findings and Incorporation of Recitals and Exhibits.

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

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

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

(The remainder of this page has been left blank intentionally.)

Date Adopted: May 13, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description of the Property

Lot 1, Block 1, FARIBAULT HILLSIDE ADDITION, Rice County, Minnesota

AND

East Sixty feet (60') of Lot Four (4) and the East Sixty feet (60') of the North Thirty-Four feet (34') of Lot Five (5), in Block Seventy-Seven (77) of the Original Town of Faribault, Rice County, Minnesota

Abstract

Exhibit B
Staff Report

(Refer to the following pages.)



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: May 19, 2025
SUBJECT: Resolution 2025-XXX Approve Variance for Placing an Accessory Structure in a Front Yard at 1216 1st St NE

Background:

See main agenda item.

Recommendation:

Recommend approval of the draft resolution to City Council.

Attachments:

1. Resolution 2025-XXX Approve Variance for Placing an Accessory Structure in a Front Yard at 1216 1st St NE

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE VARIANCE FOR PLACING AN ACCESSORY STRUCTURE IN A FRONT YARD AT 1216 1ST ST NE

WHEREAS, David Blais (the “Applicant” and “Property Owner”) requests a variance to place an accessory structure in a front yard at 1216 1st St NE described and depicted in Exhibit A (hereinafter the “Subject Property”); and

WHEREAS, the Applicant requests to place an accessory structure in the front yard up to 100 feet from the front property line, approximately 65 feet in front of the primary structure, as depicted in Exhibit B; and

WHEREAS, under Appendix B (the Unified Development Ordinance [UDO]), Chapter 6, Article 4, Sec 6-180(C)(1) an accessory structure is “not permitted within the front yard”; and

WHEREAS, Appendix B UDO, Chapter 1, Sec 1-120 defines a front yard as “a space extending across the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line”; 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 May 5, 2024, following proper notice, held a public hearing regarding the requests; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the variance based on the following criteria and 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 request by the applicant is in harmony with the general purposes and intent of the City's ordinances. Much of the zoning code anticipates or guides the placement of a principal structure close to the public street. There are many reasons, from urban design and community aesthetics to safety, for the principal building to be closer to the street in urban settings. However, this particular property is over seven acres and located on the periphery of the city, with the house built farther back than required per the underlying setbacks. In addition to the topography issues of the site, locating an accessory structure up to 100 feet from the road on the periphery of the city limits is not breaking the intent of the ordinance.

2. The variance is consistent with the Comprehensive Plan.

Finding: The property is guided for Planned Residential Neighborhood, which is intended for areas on the periphery of the city that may be subdivided and redeveloped in the future. Due to topography on just the subject property alone, future development of this area will be limited, so utilizing available, flat areas of land for the property is not out of alignment 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 particular variance to allow the accessory structure closer to the road than the house is not unreasonable. The largest, undeveloped, and flat area of land on the property is exactly where the applicant proposes, and it happens to be in front of the home. The applicant is permitted to have a detached accessory structure, and its placement on a seven-acre, topographically challenging lot is not unreasonable.

- 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: As alluded to above, the property is unique for its topography and lack of suitable building sites located behind or in line with the principal structure. The existing topography is not a result of the applicant's doing.

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

Finding: The request to place the accessory structure closer to the street than the house will not change the essential character of the neighborhood. As the city transitions from urban to rural, many rural properties have accessory structures closer to the road or in line with the house. The structures location 20-feet above the road elevation will help passers-by and neighbors not see the accessory structure.

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

Finding: Due to topography, the applicant's chosen location for the accessory structure is the most suitable location for the proposed project. It is therefore the minimum variance necessary to grant.

- 7. Economic conditions alone do not constitute practical difficulties.**

Finding: As established earlier in this Resolution, the applicant has a practical difficulty apart from any economic concerns or conditions. Topography and a lack of suitable building locations makes the applicant's proposed location the best on the subject property's seven acres.

WHEREAS, the City Council, at a public meeting, on May 13, 2025, considered the request and concurred with all findings of the Planning Commission and City Planner 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: Approval of the Requested Variance. The City Council hereby approves the requested variance as stated in the second, third, and fourth recitals of this Resolution from Chapter 6, Article 4, Sec 6-180(C)(1), of the City's Unified Development Ordinance. Said approval 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: Conditions of Approval. The variance is approved subject to conditions listed herein as authorized under Section 2-470 of the Unified Development Ordinance, which are deemed necessary to mitigate potential adverse impacts associated with the variance, to protect neighboring properties, and to achieve the objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. The placement of the accessory structure may not conflict with any primary or secondary septic field locations identified for the property. If the placement does conflict with any primary or secondary septic field locations, City Council gives city staff the ability to work with the applicant and adjust the final location of the structure.

Section 3. 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 4. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

(The remainder of this page has been left blank intentionally.)

Date Adopted: May 13, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A Property Description



Blue Outline = Subject Property

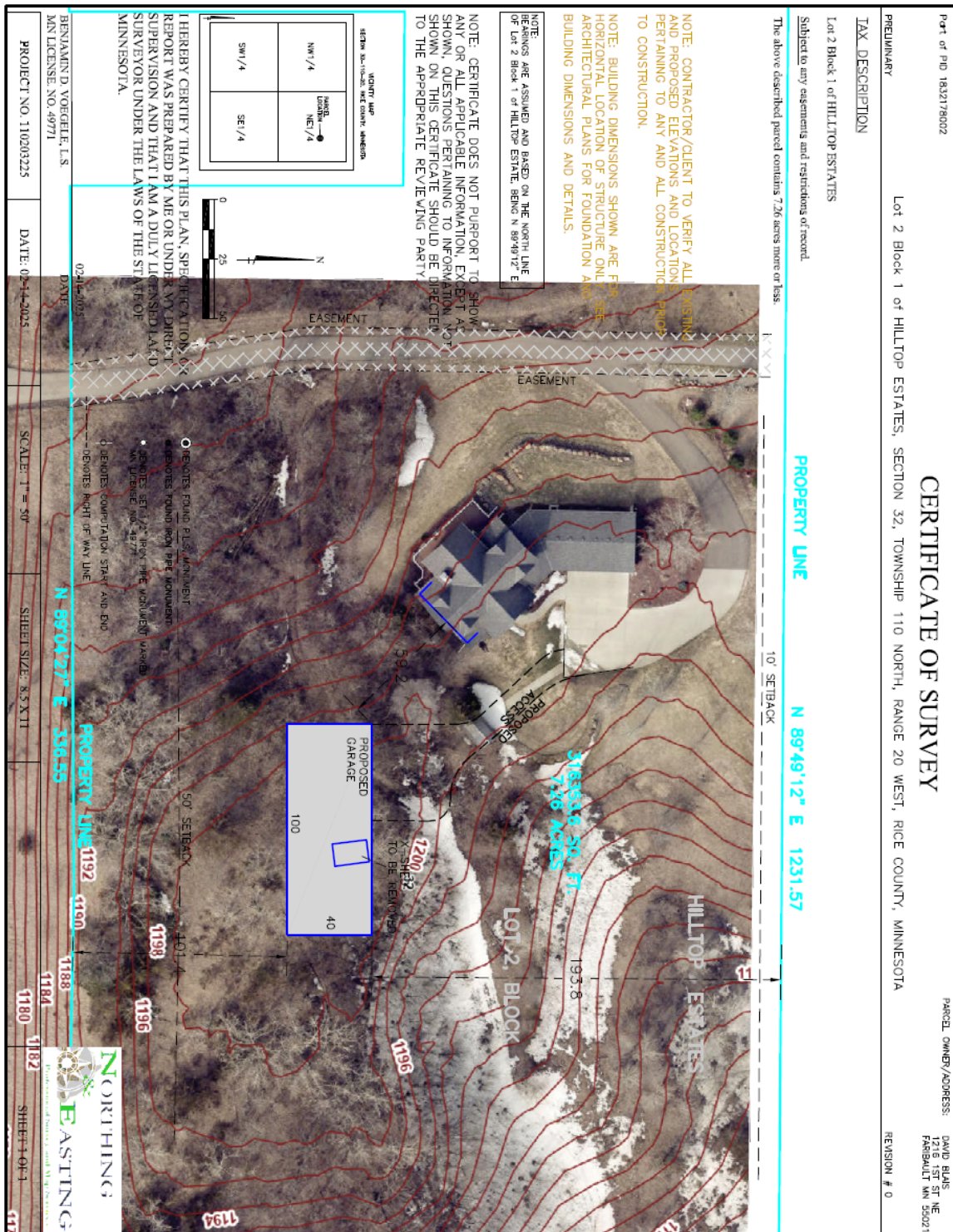
PID 18.32.1.78.002 – 1216 1st St NE

Legal Description:

Lot 2, Block 1, Hilltop Estates

Exhibit B

Depiction of Variance



Site Plan

Exhibit C
Staff Report from Planning Commission

(insert document after this page)



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager

MEETING DATE: May 19, 2025
SUBJECT: Resolution 2025-XXX Approve Variances for a Larger Accessory Structure than Allowed and for More Accessory Use and Structure Area than Primary Use and Structure at 1216 1st NE

Background:

See main agenda item.

Recommendation:

Recommend approval of the draft resolution to City Council.

Attachments:

1. Resolution 2025-XXX Approve Variances for a Larger Accessory Structure and More Accessory Use than Primary Use at 1216 1st St NE

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE VARIANCES FOR A LARGER ACCESSORY STRUCTURE THAN ALLOWED AND FOR MORE ACCESSORY USE AND STRUCTURE AREA THAN PRIMARY USE AND STRUCTURE AT 1216 1ST ST NE

WHEREAS, David Blais (the “Applicant” and “Property Owner”) requests variances from the maximum accessory structure size and the amount of accessory use versus primary use requirements at 1216 1st St NE described and depicted in Exhibit A (hereinafter the “Subject Property”); and

WHEREAS, the Applicant requests permitting a 4,000 square foot accessory structure where the maximum (with a Conditional Use Permit) is 1,080 square feet, as limited under Appendix B (the Unified Development Ordinance [UDO]), Chapter 6, Article 4, Sec 6-180(C)(2), as depicted in Exhibit B; and

WHEREAS, the Applicant requests approximately 4,911 square feet of accessory use versus approximately 2,772 square feet of principal use (living space) where the accessory uses must be smaller than the principal uses as required under Appendix B UDO, Chapter 6, Article 4, Sec 6-170(3), 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 May 5, 2025 following proper notice, held a public hearing regarding the requests; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the size and accessory use versus principal

use 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 general intent by limiting accessory structure sizes and requiring more principal use than accessory use area on the property is to ensure that the property's primary or principal use (in this case, a dwelling) remains the primary use of the property for both aesthetics and functionality. The new structure will be functionally subordinate to the house despite having a larger footprint. The applicant has no intention of splitting the accessory structure from the house, so the structure will always be considered accessory and supporting the main principal structure and use.

2. The variance is consistent with the Comprehensive Plan.

Finding: The property is guided for Planned Residential Neighborhood per the Comprehensive Plan to accommodate any future subdivision of land in the wider area. The Comprehensive Plan does have language in the implementation chapter about how the government should balance community interests and goals with individual rights. The applicant is, and will continue using, the property as a residence which complies with the land use plan.

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

Finding: The applicant justified the size of the garage as he has a lot of personal vehicles and equipment that he would rather store on his property than elsewhere. He asserts that having room for storage is a reasonable request justifying the size of the accessory structure.

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 points to the size of the property as a unique circumstance to support having a larger accessory structure. The property is larger than most other residential properties and is on the periphery of the city. This is a situation not caused by the property owner and is a unique circumstance that is unlikely to change due to the property's topography, limited road frontage, and little current interest in expanding city limits to the east.

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

Finding: The applicant states the area is rural and due to the size of the lot and structure location, most neighbors and passers-by won't see the structure. Therefore, the structure won't alter the character of the neighborhood.

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

Finding: The applicant states succinctly that the 4,000 square foot accessory structure is the smallest shed they want to build to house all of their personal vehicles and equipment.

7. Economic conditions alone do not constitute practical difficulties.

Finding: The applicant stated that the economic conditions alone are not a practical difficulty, but did not expand on their reasoning. As previously established, the applicant does have a practical difficulty with the request, so the request meets this criterion.

WHEREAS, the City Council, at a public meeting, on May 13, 2025, considered the request 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: Approval of the Requested Variances. The City Council hereby approves the requested variances as stated in the second and third recitals, and depicted in Exhibit B, of this Resolution from Chapter 6, Article 4, Sec 6-180(C)(2) and Chapter 6, Article 4, Sec 6-170(3), of the City's Unified Development Ordinance. Said approval 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: Conditions of Approval. The variance is approved subject to conditions listed herein as authorized under Section 2-470 of the Unified Development Ordinance, which are deemed necessary to mitigate potential adverse impacts associated with the variance, to protect neighboring properties, and to achieve the objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. The project must be substantially similar to what is depicted in Exhibit B and may not exceed the variance limits. If the Development Review Committee determines that the project is substantially different from what is approved in this Resolution, the applicant will need to submit for a new variance.

Section 3. 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 4. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: May 27, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A Property Description



Blue Outline = Subject Property

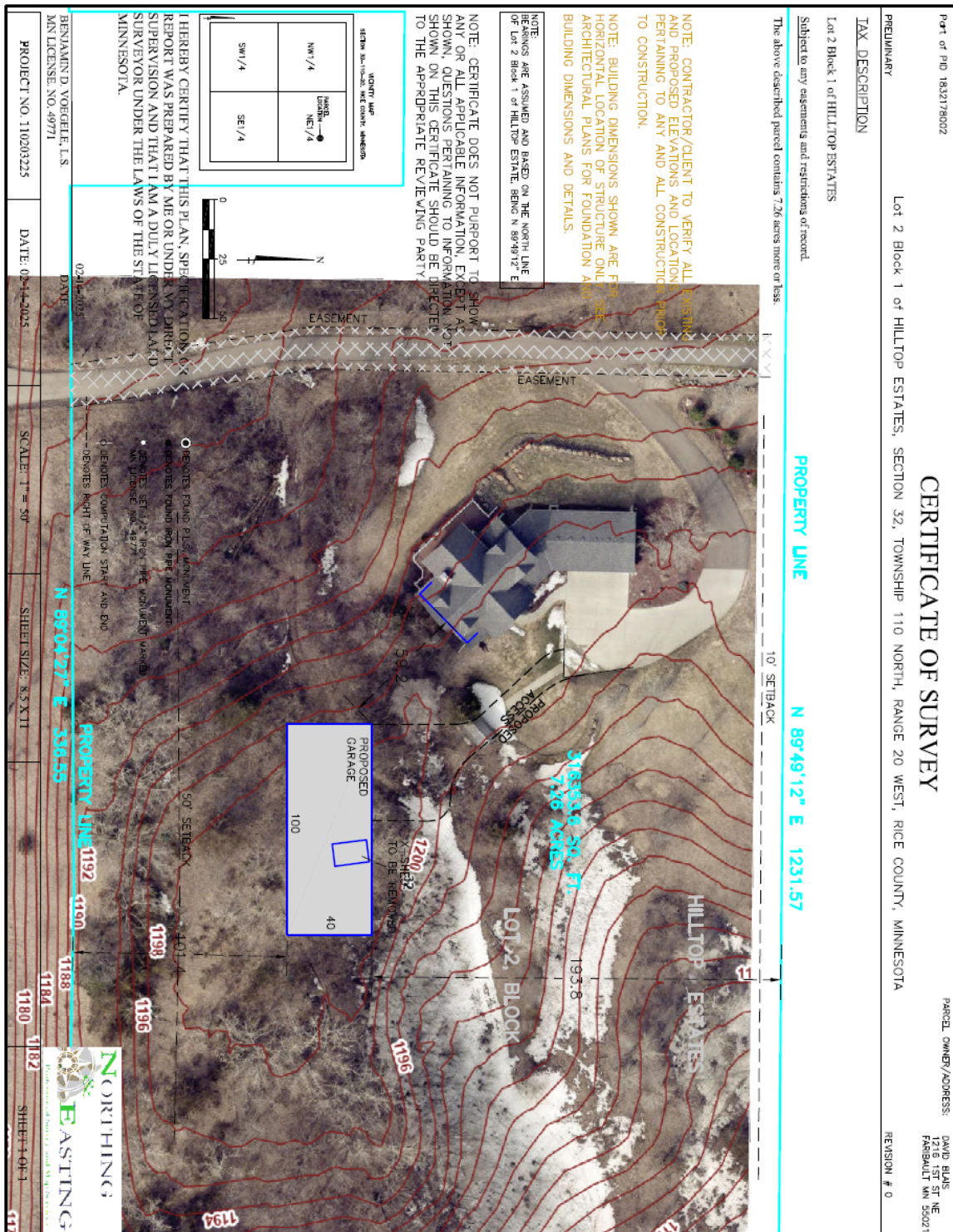
PID 18.32.1.78.002 – 1216 1st St NE

Legal Description:

Lot 2, Block 1, Hilltop Estates

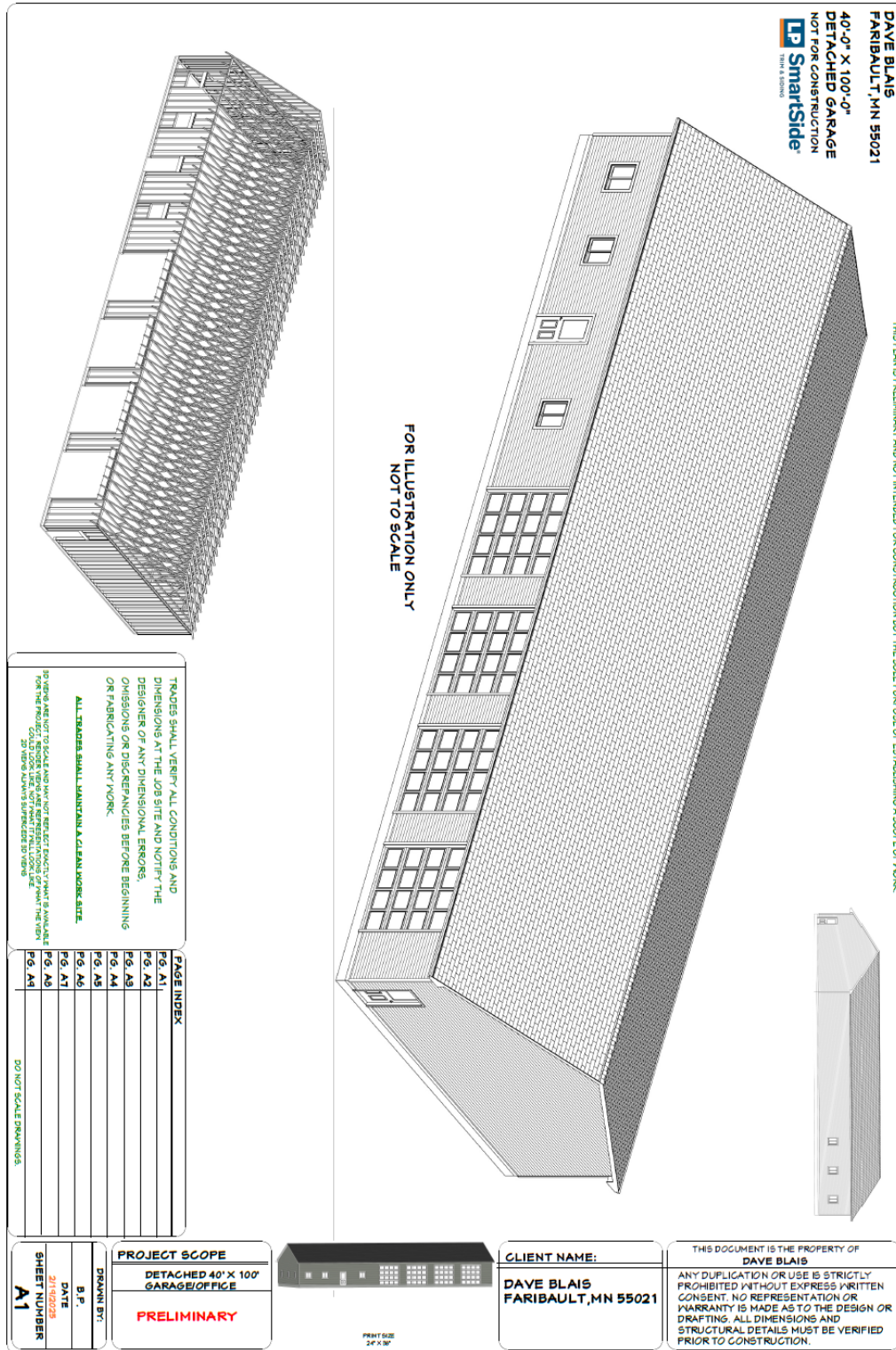
Exhibit B

Depiction of Variance



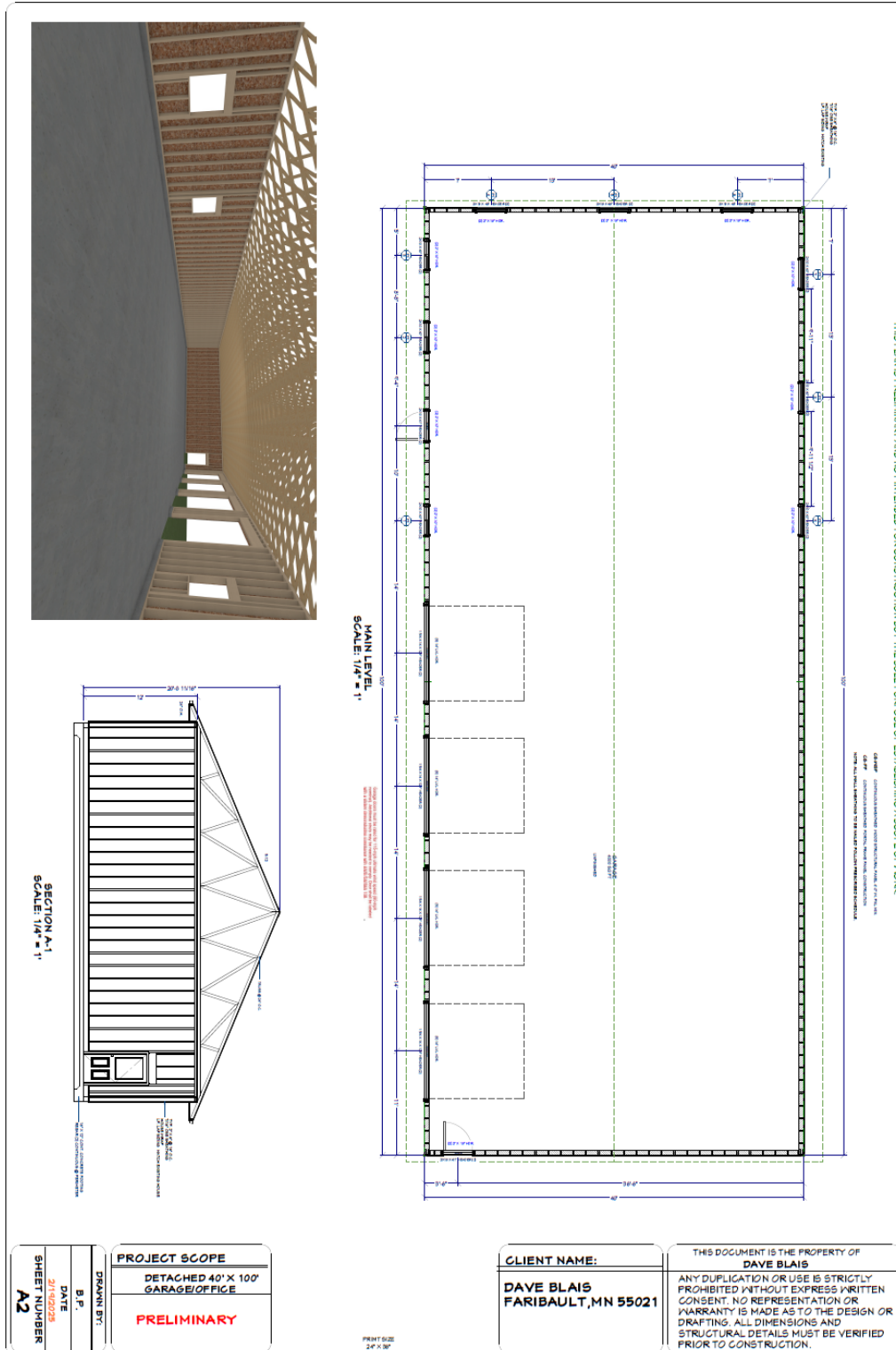
Site Plan

Exhibit B (contd.)



Building Exterior

Exhibit B (contd.)

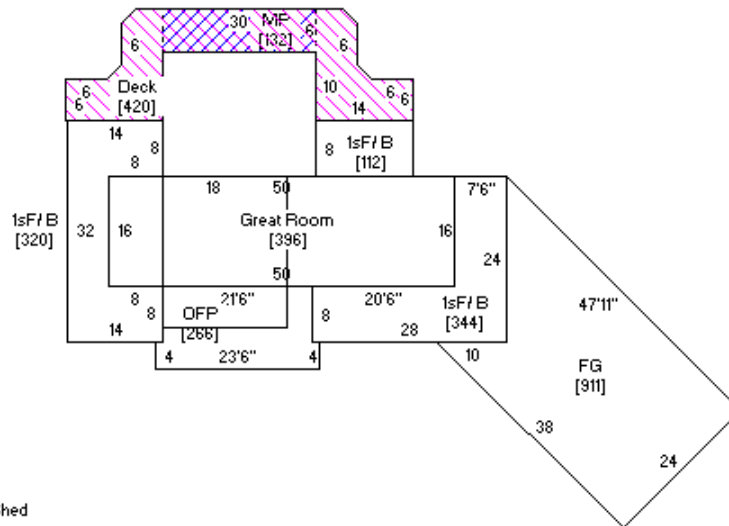


Building Interior

Exhibit B (contd.)

Residential Dwellings

Residential Dwelling	
Style	2 Story Frame
Architectural Style	N/A
Year Built	2014
Exterior Material	Composite Siding
Total Gross Living Area	2,772 SF
Attic Type	None;
Number of Rooms	9 above; 4 below
Number of Bedrooms	3 above; 1 below
Basement Area Type	Full
Basement Area	1,972
Basement Finished Area	1,860 - Living Qtrs. W/ Walk-out
Plumbing	1 Standard Bath - 3 Fixt; 1 Shower Stall Bath - 3 Fixt; 2 Toilet Room (1/2 Bath); 2 Sink; 1 Fbgls Service Sink; 1 Cust Bath - 4 Fixt;
Central Air	Yes
Heat	Yes
Fireplaces	1 Gas; 1 Masonry w/Gas Insert;
Porches	1S Frame Open (266 SF);
Decks	Vinyl/CompoDeck (420 SF); Concrete Patio (132 SF);
Additions	1 Story Frame (320 SF) (320 Bsmt SF); 1 Story Frame (112 SF) (112 Bsmt SF); 1 Story Frame (344 SF) (344 Bsmt SF); High Ceiling-Frame (396 SF) (396 Bsmt SF);
Garages	911 SF - Att Frame (Built 2014);



Sketch by www.camavision.com

Property Details via Beacon GIS – Rice County

Exhibit C
Staff Report from Planning Commission

(insert document after this page)



Staff Report to the Planning Commission

TO: Planning Commission
THRU: Harry Davis, City Planning Manager
FROM: Leslie McGillivray-Rivas, Planner I
MEETING DATE: May 19, 2025
SUBJECT: Mighty Fine Coffee/123 & 127 14th St. NW-
Comprehensive Plan Amendment, Zoning Map
Amendment, Preliminary and Final Plat, CUP, and
Variances.

Request:	Applicant requests a comprehensive plan amendment, zoning map amendment, preliminary and final plat, CUP, and variances to permit construction of a drive-through coffee shop and roastery in C-2 and within Shoreland.
Recommendation:	The DRC and City Planning Manager recommend approval of the applications.
Recommended Motion:	See the chart at the end of this report for the correct and complete sequence of approvals. Criteria and findings for each application may be found in their associated draft resolutions and ordinance documents.

Request:

Mr. Steve Underdahl on behalf of Nathaniel Cunnigham (Applicant) and Jordan Brennan and Jessica Swink (Property Owners & Applicants) requests approval of a Comprehensive Plan Amendment, Zoning Map Amendment, Preliminary Plat and Final Plat, Conditional Use Permit(s) and Variance(s) seeking approval to redevelopment two parcels. The applicants and property owners intend to establish a coffee shop with a drive-through with onsite coffee roasting at 123 & 127 14th St NW. The parcels together contain approximately .37 acres of land.

Background:

The site contains two properties; one being a former laundry/dog wash

facility and the second is vacant due to the removal of a single-family residential dwelling. The former residential parcel was rezoned from R-2 Low Density Residential to C-1 Neighborhood Commercial District in 2017. In 2024, the current property owners of both parcels and business partner contacted staff to discuss their aspiration to place a coffee shop, coffee roastery and drive-through upon the properties. Through multiple discussions and conceptual plan reviews with staff, it has been found that the proposed project is difficult to program on the site to meet all requirements of both the applicant's business needs and the city's performance standards. Further, but not specific to this application, staff has been approached by several parties interested in the properties who have not pursued their projects due to the challenges of redevelopment

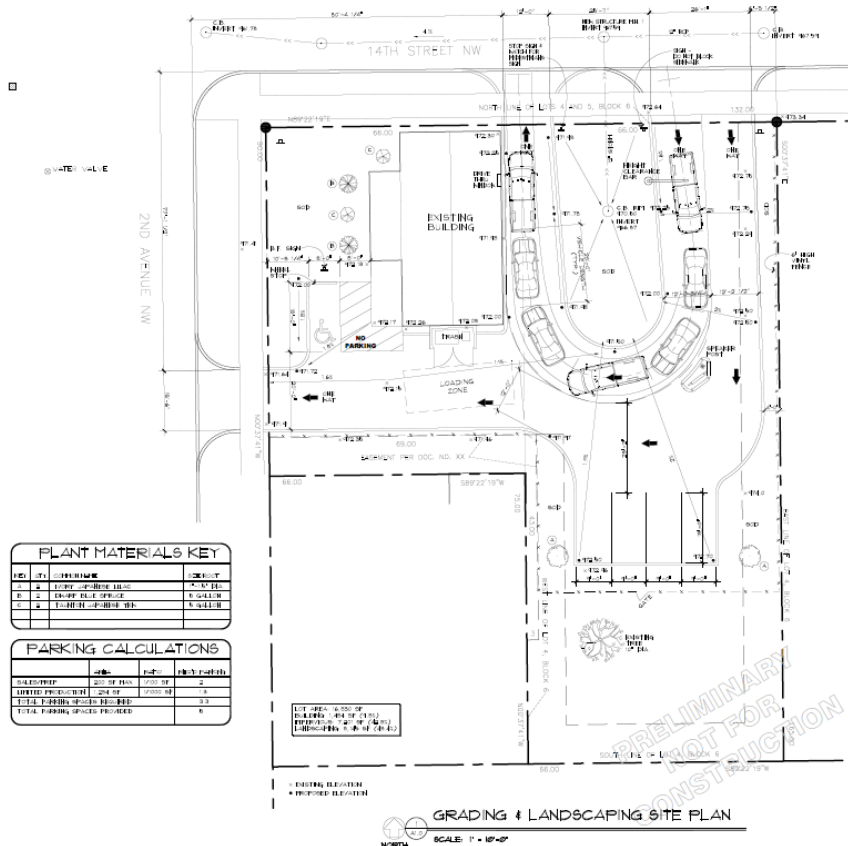
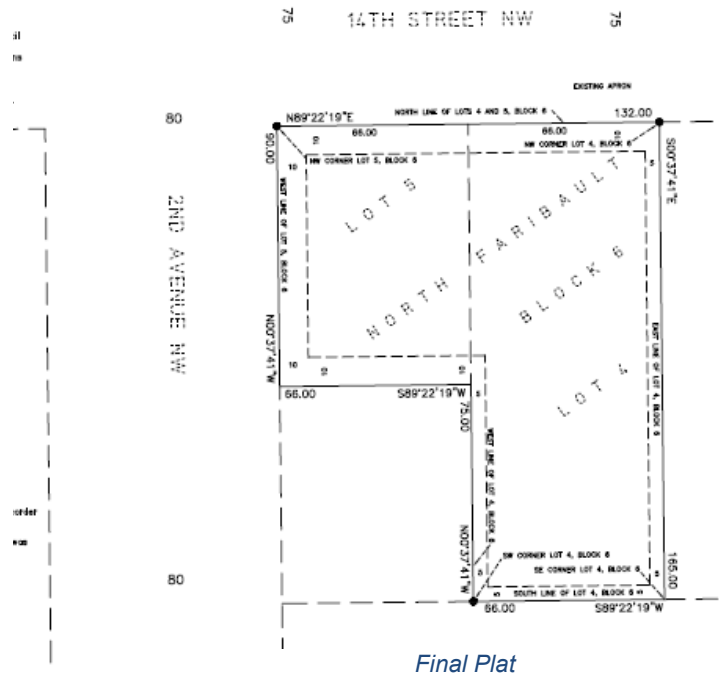


Location Map

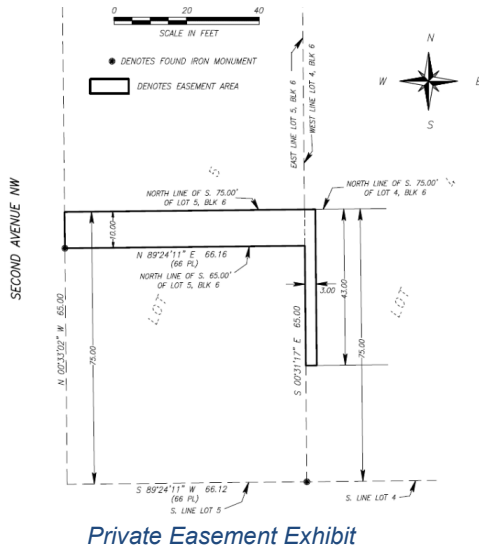
Project Description and Request:

The request by the applicant seeks multiple approvals for the purpose of redeveloping the properties for a coffee shop and roastery with a drive through. By utilizing the existing structure and assembling two properties, the applicant has provided a project site plan to demonstrate there is adequate programmable land area for vehicular circulation, the drive-through, parking spaces, a loading area, a trash enclosure, landscaping, and required stormwater management. The plan also requests relief from some standards within the zoning requirements making it necessary to

submit the accompanying variances application to fulfill the project redevelopment goals.



An additional element beyond the city's ordinances and performance standards which restricts the full use of the limited land area is a private easement agreement granted to the property owner of the adjoining residential property owner of 1329 2nd Ave NW. The recorded agreement was provided by the applicant and is attached as an exhibit.



The language within the agreement specifies the following:

Private Easement Description: An exclusive easement for the purposes of ingress and egress, parking/storage, green space and personal use, and for the placement maintenance of a garage, over, under and across the North 10.00 feet of the south 75.00 feet of Lot 5, Block 6 and the North 43.00 feet of the South 75.00 feet of the West 3.0 feet of Lot 4, Block 6, North Faribault, Rice county, Minnesota, according to the recorded plat thereof.

Discussion:

While the applicant's proposal is found to conflict with official maps and certain aspects of the City of Faribault's Unified Development Ordinance, Staff are of the opinion that the proposal and redevelopment of the properties are appropriate. Applications for consideration with staff review and recommendations are as follows:

Action Item 1. Comprehensive Plan Amendment: Both parcels under review are currently guided in the 2040 Comprehensive Plan as an Established Residential Neighborhood. Applicants have requested the land use designation change to align with the current proposal to a Commercial/Residential Mixed Use. Staff recommend approval for this proposed Comprehensive Plan Amendment based on findings found in the attached resolution.

Action Item 2. Variances for Lot Area and Impervious Surface: Several variances are required to enable the redevelopment of the applicant's proposal. Two of these variances submitted for consideration are needed and recommended by staff to be approved prior to other regulatory approvals and upon approval of the amendment to the Comprehensive Plan.

Table 1 – Requests Table

Variance Issue	Requirement	Proposed	Variance
Lot area smaller than minimum (Sec 11-100, Table 11-2)	20,000 square feet	16,830 square feet	3,170 square feet
Impervious surface exceeds maximum (Sec 13-700(5))	25% maximum impervious surface coverage (4,208 square feet)	52% (8,685 sq. ft.)	4,477 square feet

Staff recognized that as a redevelopment site, there is a limitation to available land area to assemble to meet the minimum standard. Thus, it is reasonable to support the variance request to program the site for an allowed commercial use which will serve the community.

The entirety of the project resides within the Shoreland Overlay District. In view of the site plan provided by the applicant and in staff review of historical aerial photos, the pre and post development impervious surface quantifications are found as follows:

Table 2 - Impervious Surface Table

	127 14 th St NW	123 14 th St NW	Existing or Pre existing	Proposed
Structure(s) (Residence/Business)	1,484 sq. ft.	Former Res.* 918 sq. ft.		1,484 sq. ft.
		Encroachment Res.132 sq. ft.		
Impervious Surfaces (Parking and Driving Surfaces)	1834 sq. ft	1,738 sq. ft.		7,201 sq. ft.
	414 sq. ft.			
Sum Impervious Surface	3,732 sq. ft.	2,656 sq. ft.		8,685 sq. ft.
Total Lot Area	5,940 sq. ft.	10,830 sq. ft.		16,830 sq. ft.
% of Impervious Surface	63% of Lot Area	25% of Lot Area	38%	52% (increase of 14%)

Because impervious surfaces exceed 25%, the variance is needed and supported by staff. Some of the comments from the DNR Area Hydrologist is the following in italics. The response from the applicant is in blue

Generally, the department does not recommend issuing variance that makes existing non-conforming lots more non-conforming per local/state ordinance. With that said each site is different and presents challenges and this one is no different. I have reviewed the submitted information and offer the following comments/questions/recommendations.

1. *The proposal includes adding additional impervious area to reach an approximate 67% lot coverage, a ~25% increase over existing. What was looked at for mitigation?*
 - i. Applicant Response: The site will have 52% impervious surface coverage. The south portion of the property will be undisturbed retaining the existing turf which will allow for infiltration of runoff from adjacent properties to the south & east.
2. *The application mentions that there will be a small retention pond installed to capture surface water. What percentage of water from the site will this pond capture?*
 - ii. Applicant Response: The intention of the pond is to allow for infiltration, filtration & rate control. Underlying soils are granular & should provide for infiltration, reducing the volume of storm water leaving the site. The storm water basin will discharge excess stormwater to the city's storm water collection system after infiltration with rate control & filtration BMP.
3. *How was the pond sized? Will the pond outlet into the existing city storm sewer system (dry pond) or is the pond landlocked limiting storage for future rain events-holding water limiting storage?*
 - iii. Applicant Response: Civil plans & modeling are in process and will be submitted with building permit/grading permit.

The applicant was provided with information and direction from the City Engineer to address the comments of the DNR Hydrologist and provided guidance to meet the requirements of the City engineering standards.

Action Item 3. Zoning Map Amendment:

The applicant proposed to amend the existing zoning district of C-1 Neighborhood Commercial District to the C-2 Highway Commercial District.

While the purpose of the C-1 zoning district does align with the definition of being local centers for convenience or service outlets, in close proximity to residences and be a harmonious part of the residential neighborhood. This site's location along a divide between light industrial and an established residential neighborhood and being a transit route supports the change to C-2. The C-2 Highway Commercial District provides for a wide range of vehicle-oriented commercial uses. The proposed drive through component of the coffee shop business is allowed in the C-2 district only through the conditional use process as shown in Table 11-1. Principal uses in the commercial districts.

Action Item 4. Preliminary and Final Plat (combined approval)

The existing two lots are required to be combined into one parcel by way of Chapter 15.- Subdivision Regulations which provides for the orderly, economic and safe development of land and urban services and facilities. The requirements allow flexibility in the design of subdivisions.

The minor subdivision process to combine the lots will serve to forward the goals to redevelop the property and to allow development to occur in an orderly manner. The supplementary information required with the preliminary and Final Plat will be addressed by way of additional permits required with the city for site grading and draining with the cities engineer, building permitting and as any additional measures of compliance as required which will be spelled out in a detailed development agreement, should the applications be approved by the City Council.

Review of the submitted Final Plat drawing and the site plan illustration requires a consent to plat to be granted by the owners of 1329 2nd Avenue NW. Due to existing structures on both parcels, dedication of utility easements will have exception areas. A requirement will be established in the development agreement memorializing if any of the existing structures should be removed from the property, the exception areas be dedicated to the city for the purposes of fulfilling the drainage and utility easement requirement.

Action Item 5. Variance(s):

Table 3 – Requests Table

Variance Issue	Requirement	Proposed	Variance
Parking setbacks less than minimum (Sec. 11-100)	10 feet from property line	4 feet	6 feet
Drive-thru stacking spaces less than required (Sec. 8-270)	4 spaces from the window, 4 spaces from the order board	3 spaces from the order board	1 space from order board

The applicant has provided a site plan which demonstrates a good faith effort to comply to this requirement while considering the site constraints. Additional signage was requested by staff to caution customers as they exit the drive-up window. This is to watch for pedestrians who may be walking on the adjoining sidewalk. Sign locations are shown on the proposed site plan. Staff support these requests.

Action Item 6. Conditional Use Permit(s)

A Conditional Use Permit (CUP) is required in conjunction with the proposal to allow a drive-through in C-2 and within the Shoreland Overlay District. The applicant has provided a site plan which demonstrates a drive-through with menu board with egress and exit by way of two separate curb cuts on 14th Street NW. Section 4-70 provides the following requirement: (E) Drive-through facilities. Drive-through facilities, where permitted in the applicable zoning district, are permitted when the resulting traffic patterns are safe, easily understood, and provide sufficient stacking space based on the requirements shown in Section 8-270. Drive-through windows should be placed on an elevation that does not face a public street. Loudspeakers should be so directed to avoid the creation of a nuisance for adjacent properties.

The applicant has provided the following:

- i. Drive Through Windows: The proposed placement of the service window shows it does not face the public street.
- ii. Menu Board Loudspeakers: The proposed location of the loudspeakers are not directed towards adjacent residential property. There will be a 6' fence located along the eastern property line which will serve to deflect some of the sound transference from customer interaction.
- iii. Hours of Operation: Core Business hours are 6 AM and 8 PM. To

allow for any seasonal or business needs, the business will operate no earlier than 5 AM in the morning and no later than 10 PM at night.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed CUP and variances on April 1, 2025. The DRC recommended the applicant revise the site plan and provide additional content on the submittal documents. This have been provided to the applicant. The applicant provided revised drawings on May 13, 2025. The updated drawings are provided within this staff report and attached to the accompanying resolutions as exhibits where appropriate.

Engineering- The City engineer provided a memo regarding platting and engineering requirements to assist in guiding the applicant to meet city standards. Necessary permits will be required by the applicant as part of the project approval prior to construction.

Building Inspections-Upon request, the applicant has provided an interior space plan for preliminary review. This drawing assisted in verifying quantification of proposed parking, location of ADA parking, entrances to the existing structure and location of the drive up window. The applicant will be required to secure any applicable building permits required as part of this project prior to the start of construction.

Public Comment. City Staff received no public comment prior to publishing this report. Notification for this item was published in the paper on May 8, 2025, and letters sent to property owners within 350 feet of the properties.

Requests Table Summary

(Please refer to the Staff Recommendation column for actions which are to be approved in order and those which are linked as a single resolution)

Application	Existing	Proposed	Staff Recommendation
Comprehensive Plan Amendment	Established Residential Neighborhood	Commercial/Residential Mixed Use.	Approve-Action Item 1.
Zoning Map Amendment	C-1 Neighborhood Commercial	C-2 Highway Commercial.	Approve Action Item 3.
Preliminary & Final Plat	2 Lots	Minor subdivision-creation of (1) One Lot	Approve subject to Conditions-Action Item 4.
CUP	Requirement	Proposed	
C-2 Highway Commercial District	CUP required for a a drive-though	Application submitted	Approve subject to Conditions Action Item 6.
Shoreland Overlay District.	CUP required for a a drive-thru	Application submitted	Approve subject to Conditions Action Item 6.
Variance	Requirement	Proposed	Variance
Less than the required 20,000 sf. ft. lot area in the C-2 Commercial Zoning District.	Chapter 11. Commercial Districts, Section 11- Lot dimension and setback requirements in commercial districts, Table 11-2. Minimum lot area (sf. ft.) 20,000.	Existing Platted Lands	Approve subject to Conditions-Action Item 2.
Impervious surface area greater than 25%.	Chapter 13. Article 6., Section 13-700 Stormwater Management District (5) Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.	Increase in Impervious surface above 25% for undeveloped portions of the site. Existing Imperious surfaces are estimated to be 38%. Full development will create an impervious surface total of approximately 52%.	Approve subject to Conditions Action Item 2.
<i>(table continues on next page)</i>			

Variance	Requirement	Proposed	Variance
Less than required 10' setback for off-street parking and loading areas.	Chapter 11. Commercial Districts, Section 11-100. Lot dimension and building bulk regulations. Table 11-2. Lot dimension and setback requirements in the commercial districts.	Eastern Property Boundary: +/- 4'	Approve subject to Conditions- Action Item 5.
Reduction of the minimum number of stacking spaces for drive-through restaurants.	Chapter 13. Article 8, Sec. 8-270. - Drive-in and drive-through stacking requirements, Table 8-4.	The site plan will be required to show no less than 3 cars stacking before the menu board and pick up window.	Approve subject to Conditions Action Item 5.

Recommendation:

The DRC and City Planning Manager recommend approvals for all applications and have provided resolutions supporting each.

It is recommended that the Planning Commission approve in the following sequence based on the staff findings and conditions outlined within the attached resolutions.

Planning and Zoning Commission is further recommended to take action in a sequential manner for individual application or those bundled as presented in the attached staff report as "Action Items".



RECEIVED
MAR 24 2025
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Comprehensive Plan Amendment

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 127 14th St NW

APPLICANT Mighty Fine Coffee E-MAIL jordan@mightyfinecoffee.com
nathaniel@mightyfinecoffee.com

PHONE _____ (H) _____ (W) 651-246-3588 Jordan
253-203-4550 Nate (C)

ADDRESS 3050 197th St. E. Faribault, MN. 55021

DEVELOPER (if other than applicant) _____

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

ADDRESS _____

COMPLETE LEGAL DESCRIPTION OF PROPERTY

ACREAGE/SIZE OF PROPERTY 16,830 SF

CURRENT USE OF PROPERTY Vacant commercial building

PROPOSED USE OF PROPERTY Drive-up/Walk-up coffee shop & coffee roasting

IDENTIFY ALL ADJACENT LAND USES Residential east & south, Industrial north & Community Commercial to west

PROPERTY IS ☐ ABSTRACT ☐ TORRENS

SIGNATURE OF APPLICANT [Signature] DATE 21 March 2025

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

PLEASE PROVIDE ALL INFORMATION REQUESTED ON THE BACK OF THIS FORM

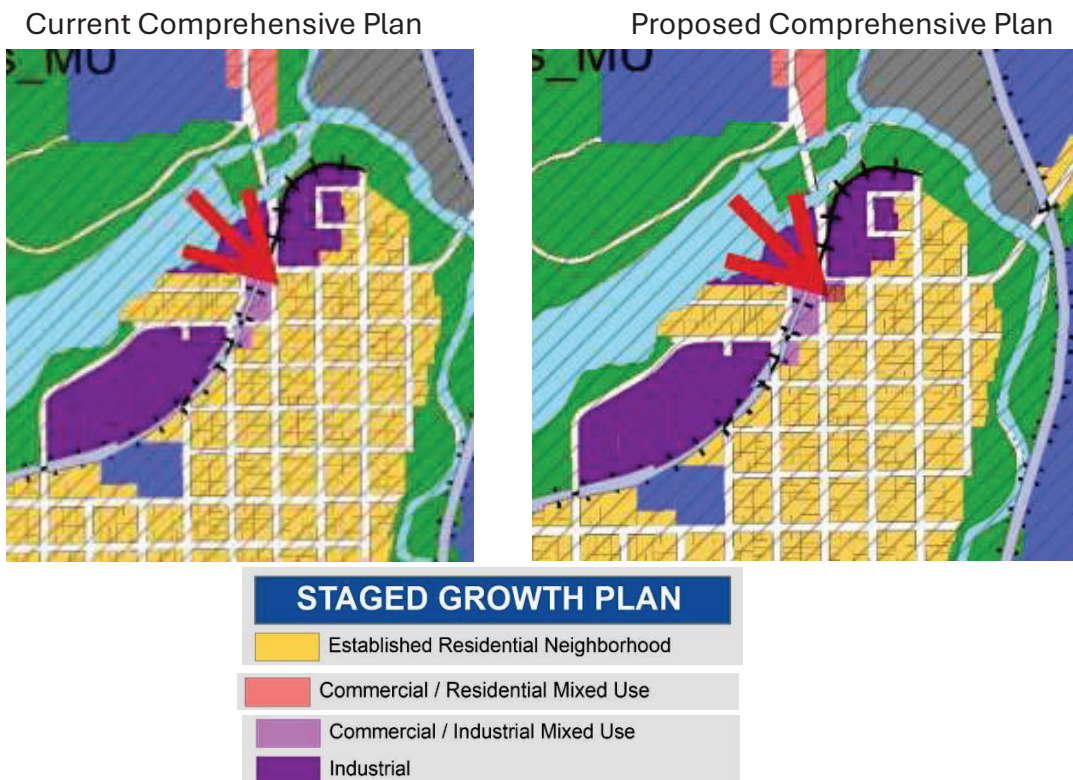
Updated: 8/22/16

Comprehensive Plan Amendment

Location: Parcel #1
PID #1830426023
123 14th Street NW

Parcel #2
PID#1830426024
127 14th Street NW

Plan Amendment requested changes: Parcel #1 and Parcel #2 are currently guided in 2040 comprehensive plan for “Established Residential. Applicants are requesting the land use designation to guided for ‘Commercial/Residential Mixed Use.



Supporting information:

- The 2040 Staged Growth Plan guides surrounding uses for Established Residential Neighborhood to the south & east, Commercial/Industrial Mixed Use to the west & Industrial to the north
- Parcel # 1 had historically been used for single family residential until structures were razed in summer of 2023
- Parcel #2 has historically been used for commercial purposes
 - Several decades as a laundromat
 - A few years as a dog wash facility
 - Vacant for the last several years

Comprehensive Plan Amendment

- The 2010 Comprehensive Plan & 2040 Staged Growth Plan show the use of these parcels to match their historical use. This is a busy intersection with significant traffic counts on 2nd Avenue NW & 14th Street NW.
- There are currently about (10) parcels with C-1 zoning including Parcel #2. Existing C-1 parcels are typically embedded in districts with residential uses surrounding them.
- Changing these (2) parcels to Commercial/Residential Mixed Use does provide a transition between the industrial uses to the north & the residential uses to south & west.
- Several different business uses have looked at this site over the past few years recognizing traffic counts & the positive impact this could have on their business. The city modified curb cuts & driveway access to parcels when 2nd Ave. NW received overlay & pedestrian improvements in 2023. The changes were made following a plan proposed by another potential purchaser of the parcels that were eventually located elsewhere in Faribault.



RECEIVED
MAR 24 2025
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Rezoning/Text Amendment

Planning Case # _____
Filing Fee _____
Hearing Date _____

TO BE FILLED OUT BY ALL APPLICANTS

TYPE OF REQUEST: X REZONING TEXT AMENDMENT
APPLICANT Mighty Fine Coffee E-MAIL jordan@mightyfinecoffee.com
hathaniel@mightyfinecoffee.com
651-246-3588 Jordan
PHONE _____ (H) 253-203-4550 Nate (W) _____ (FAX) _____
ADDRESS _____

REZONING

Legal Description PID #1830426023 & 1830426024 Size of Property 16,830 SF
Current Zoning C-1 & R-2 Proposed Zoning C-2
Existing Use of Property Vacant commercial & bare residential Proposed Use of Property Commercial for coffee roasting & drive thru coffee
Identify All Adjacent Land Uses Residential east & south, Industrial north & Community Commercial to west
Reason for Request Both parcels are being combined to one parcel. C-2 zoning allows for the requested roastery & drive-thru with CUP

REQUIRED SUBMITTALS:

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

TEXT AMENDMENTS

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

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

SIGNATURE OF APPLICANT [Signature] DATE 21 MARCH 2025
(Must submit proof of property control)

REZONING REQUEST

Location: Parcel #1
PID #1830426023
123 14th Street NW

Parcel #2
PID#1830426024
127 14th Street NW

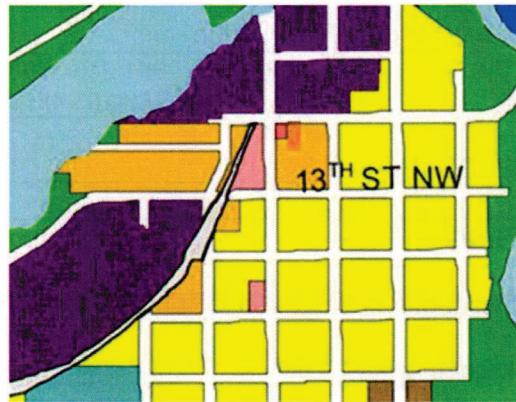
Rezoning requested changes: Parcel #1 is currently zoned Residential (R-2) & we are requesting it to be changed to Highway Commercial (C-2). Parcel #2 is currently zoned Commercial (C-1) & we are requesting it to be changed to Highway Commercial C-2.

Current Comprehensive Plan



Residential
Low Density Residential
(1 to 6 units per acre)
Medium Density Residential
(6 to 12 units per acre)

Proposed Comprehensive Plan



Business and Mixed Use
Office Commercial
Community Commercial
Highway Commercial

Supporting information:

- Surrounding uses are R-2 to the south & east, C-1 to the west & I-1 to the north
- Parcel # 1 had historically been used for single family residential until structures were razed in summer of 2023
- Parcel #2 has historically been used for commercial purposes
 - Several decades as a laundromat
 - A few years as a dog wash facility
 - Vacant for the last several years
- The 2010 Comprehensive Plan & 2020 Comprehensive Plan show the use of these parcels to match their historical use. This is a busy intersection with significant traffic counts on 2nd Avenue NW & 14th Street NW.
- There are currently about (10) parcels with C-1 zoning including Parcel #2 in the City. Existing C-1 parcels are typically embedded in districts with residential uses surrounding them.
- Changing these parcels to C-2 does provide a transition between the industrial uses to the north & the residential uses to south & west.

REZONING REQUEST

- Several different business uses have looked at this site over the past few years recognizing traffic counts & the positive impact this could have on their business. The city modified curb cuts & driveway access to parcels when 2nd Ave. NW received overlay & pedestrian improvements in 2023. The changes were made following a plan proposed by another potential purchaser of the parcels that eventually located elsewhere in Faribault.
- The Faribault City Council has expressed a desire to encourage reuse of these (2) parcels for several years. Based on past prospects and the businesses proposed for this location C-2 is the appropriate zoning required to support these types of businesses.
- Parcel # 2 is not large enough nor able to support a safe parking plan to support a viable business & is the parcel with C-1 zoning.



RECEIVED
MAR 24 2025
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Preliminary Plat

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

SITE ADDRESS 127 14th St NW

PROPERTY OWNER Mighty Fine Coffee E-MAIL jordan@mightyfinecoffee.com
nathaniel@mightyfinecoffee.com

PHONE _____ (H) _____ (W) 253-203-4550 Nate (C) 651-246-3588 Jordan

ADDRESS 3050 197th St. E. Faribault, MN. 55021

DEVELOPER (if other than owner) _____

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

ADDRESS _____

LEGAL DESCRIPTION _____

ACREAGE/SIZE OF PROPERTY 16,830 SF

CURRENT ZONING C-2 & R-3

PROPOSED ZONING IF CHANGE IS NEEDED C-2

EXISTING USE OF PROPERTY Vacant commercial building

PROPOSED USE OF PROPERTY Drive-up/Walk-up coffee shop & coffee roasting
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES Residential east & south, Industrial north & Community Commercial to west

SIGNATURE OF OWNER [Signature] DATE 21 MARCH 2025
(if other than the applicant)

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

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

- ◆ FIRE HYDRANT
- ⊗ WATER VALVE
- MANHOLE
- CATCH BASIN
- ⌀ POWERPOLE
- ☼ LIGHT POLE

-----> DAY

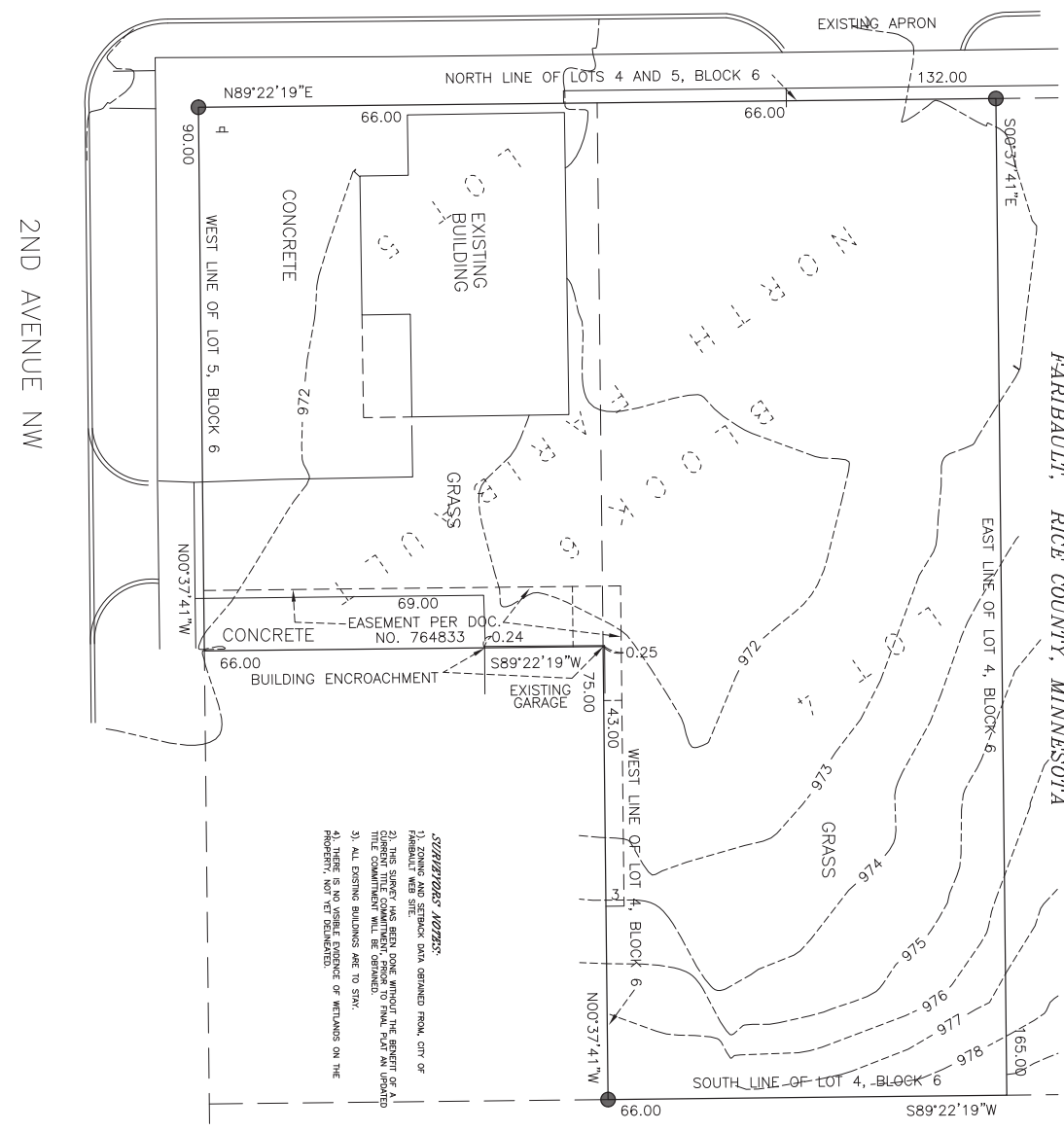
- [illegible]

This survey reflects above ground indications of utilities and information available from casual drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are correct. The surveyor does not warrant or certify that they are located as accurately as possible from information available. The surveyor has not physically located underground utilities.

Alterations to this drawing are prohibited without the express written permission of PTS Land Services, Inc.

Scale in Feet

14TH STREET NW



PRELIMINARY PLAT
MICHTY FINE COFFEE
123 & 127 14TH STREET NORTHWEST
FARIBAULT, RICE COUNTY, MINNESOTA

- 1). ZONING AND SETBACK DATA OBTAINED FROM CITY OF FAIRFALL WEB SITE.
- 2). THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, PRIOR TO FINAL PLAT AN UPDATED TITLE COMMITMENT WILL BE OBTAINED.
- 3). ALL EXISTING BUILDINGS ARE TO STAY.
- 4). THERE IS NO VISIBLE EVIDENCE OF WETLANDS ON THE PROPERTY, NOT YET DELINEATED.

EXISTING PROPERTY INFORMATION
PARCEL 1: 18.30.4.26.023
123 14TH ST NW
FARIBAULT, MN

ZONING: R-2 LOW DENSITY RESIDENTIAL
PARCEL 2: 18.30.4.26024
127 14TH ST NW
CARBONATE, MN

ZONING: C-1 NEIGHBORHOOD COMMERCIAL

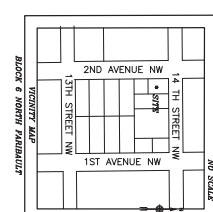
THE PROPERTY CONTAINS 16,830 SQUARE FEET OR 0.39 ACRES
MORE OR LESS.

PARCEL 1=10,890 SQUARE FEET
PARCEL 2=5,940 SQUARE FEET

I hereby certify that this survey 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.

Timothy S. Peterson
Minnesota License No. 45332
For PIS Land Services, Inc.
REVISED 5-09-25 CITY COMMENTS

PTS LAND SERVICES, INC.
COMPLETE LAND SURVEYING SERVICES



LEGAL DESCRIPTION: Lot 4, Block 6, NORTH FRANKBULT, AND ALSO, All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Frankbult, Rice County, Minnesota, according to the plat thereof, on file on record in the office of the County Recorder, Rice County, Minnesota.

THE PROPERTY IS ZONED 3-ACOMMERCIAL/INDUSTRIAL/PUBLIC UTILITY.

FLOOD ZONE: By graphic interpretation only, this property lies in Zone X (Areas outside the 0.2% annual chance floodplain) per National Flood

Insurance Rate Map, Community Panel No. 27131C0267D. Said Rate Map has an effective date of April 03, 2012. No field surveying was performed to determine this zone.

BULK REGULATIONS:

MINIMUM LOT AREA=1.0 ACRE
MINIMUM LOT WIDTH=66 FEET
BUILDING SETBACKS:

FRONT=25 FEET
SIDE=10 FEET
REAR=10 FEET
PARKING AND LOADING SETBACKS:
FRONT=10 FEET
SIDE=10 FEET

C=1:
SIDE=10 FEET
REAR=10 FEET
MINIMUM LOT AREA=10,000 SQUARE FEET

MINIMUM LOT WIDTH=100 FEET
BUILDING SETBACKS:
FRONT=25 FEET
SIDE=10 FEET

REAR=10 FEET
PARKING AND LOADING SETBACKS:
FRONT=10 FEET
SIDE=5 FEET
REAR=5 FEET

EXISTING PROPERTY INFORMATION
PARCEL 1: 18.30.4.26.023
107 14TH ST NW

143 14TH ST NW
FARIBAUT, MN
ZONING: R-2 LOW DENSITY RESIDENTIAL
PARCEL 2: 18.30 4.26 024

127 14TH ST NW
FARIBAUT, MN
ZONING: C-1 NEIGHBORHOOD COMMERCIAL

AREA SUMMARY:
THE PROPERTY CONTAINS 16,830 SQUARE FEET OR 0.39 ACRES
MORE OR LESS.

PARCEL 1=10,890 SQUARE FEET
PARCEL 2=5,940 SQUARE FEET

I hereby certify that this survey 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.

Signed the 18th day of March, 2025



Timothy S. Peterson
Minnesota License No. 45332
For PTS Land Services, Inc.
REVISED 5-09-25 CITY COMMENTS

LAND SERVICES

COMPLETE LAND SURVEYING SERVICES



RECEIVED
MAR 24 2025
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Final Plat

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

APPLICANT(property owner) Mighty Fine Coffee E-MAIL jordan@mightyfinecoffee.com
nathaniel@mightyfinecoffee.com

PHONE _____ (H) 651-246-3588 Jordan (W) _____ (FAX) 253-203-4550 Nate

ADDRESS 3050 197th St. E. Faribault, MN. 55021

DEVELOPER(if other than applicant) _____ E-MAIL _____

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

ADDRESS _____

LEGAL DESCRIPTION _____

ACREAGE/SIZE OF PROPERTY 16,830 SF

CURRENT ZONING C-2 & R-3

PROPOSED ZONING IF CHANGE IS NEEDED C-2

EXISTING USE OF PROPERTY Vacant commercial building

PROPOSED USE OF PROPERTY Drive-up/Walk-up coffee shop & coffee roasting
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES Residential east & south, Industrial north & Community Commercial to west

PROPERTY IS - ☒ ABSTRACT ☐ TORRENS

SIGNATURE OF APPLICANT (property owner) [Signature] DATE 21 MAR 2025

SIGNATURE OF DEVELOPER(if other than owner) _____ DATE _____

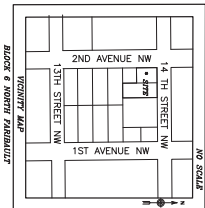
PLEASE PROVIDE ALL INFORMATION REQUESTED ON THIS FORM
AND THE ATTACHED CHECKLIST.

LEGEND

- 1.0" x 1.0" iron pin monument
- SET, marked by LICENSE NO. 45332
- RICE COUNTY MONUMENT FOUND
- IRON PIPE MONUMENT FOUND

BLOCKS OF BOUNDARIES

FOR THE PURPOSES OF THIS PLAT NORTH LINE LOT 5, BLOCK 6, NORTH FARIBAULT, RICE COUNTY, MINNESOTA, NORTH 89 DEGREES 22 MINUTES 19 SECONDS EAST



MIGHTY FINE COFFEE ADDITION

KNOW ALL PERSONS BY THESE PRESENTS, that Jordan Brennan & Jessica Smith, fee owners, of the following described property:

Lot 4, Block 6, NORTH FARIBAULT, AND ALSO, All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Faribault, Rice County, Minnesota, according to the plat thereof, on file and of record in the office of the County Recorder, Rice County, Minnesota.

Has caused the same to be surveyed and platted as MIGHTY FINE COFFEE ADDITION and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

IN WITNESS WHEREOF, said Jordan Brennan and Jessica Smith, fee owners, have hereunto set their hands this _____ day of _____, 20____.

Signed:

Jordan Brennan

Jessica Smith

STATE OF MINNESOTA

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Jordan Brennan and Jessica Smith.

Notary Public _____ County Minnesota

My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Timothy S. Peterson, Licensed Land Surveyor, certify that I have surveyed and platted the property described in this plat as MIGHTY FINE COFFEE ADDITION, that this plat is a correct representation of the boundary survey, that all mathematical data and labels are correctly designated on this plat; that the survey was conducted in accordance with the Minnesota Statutes, Section 272.12, and that the survey was completed within one year, that all water boundaries and wetlands, as defined in Minnesota Statutes Section 505.01 Subd. 3, as of the date of this certificate are shown and labeled on the plat; and all public ways are shown and labeled on this plat.

Timothy S. Peterson, Land Surveyor
Minnesota License No. 45332

State of Minnesota

County of _____

The foregoing Surveyor's certificate was acknowledged before me this _____ day of _____, 20____, by Timothy S. Peterson, Land Surveyor.

Printed Name

Signature

Notary Public, _____ County, Minnesota

My Commission Expires: _____

CITY COUNCIL, CITY OF FARIBAULT, MINNESOTA

We do hereby certify that on this _____ day of _____, 20____, the City Council of the City of Faribault, Minnesota, approved this plat, and is in compliance with the provisions of Minnesota Statutes section 505.03, Subd. 2.

Thomas J. Spooner

Mayor

Jessica Knaier

City Administrator

RICE COUNTY SURVEYOR

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

Michael Ferguson
Rice County Surveyor

RICE COUNTY PROPERTY TAX & ELECTIONS

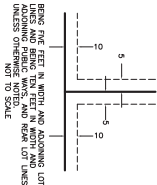
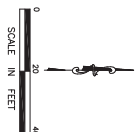
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinafter described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

Danica Anderson
Property Tax & Elections Director

RICE COUNTY RECORDER

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

Michael Ferguson
Rice County Recorder





ALTA COMMITMENT FOR TITLE INSURANCE
issued by
WESTCOR LAND TITLE INSURANCE COMPANY

NOTICE

IMPORTANT – READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I – Requirements; Schedule B, Part II – Exceptions; and the Commitment Conditions, Westcor Land Title Insurance Company, a(n) South Carolina corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I – Requirements have not been met within 180 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- a. "Discriminatory Covenant": Any covenant, condition, restriction, or limitation that is unenforceable under applicable law because it illegally discriminates against a class of individuals based on personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or other legally protected class.
- b. "Knowledge" or "Known": Actual knowledge or actual notice, but not constructive notice imparted by the Public Records.
- c. "Land": The land described in Item 5 of Schedule A and improvements located on that land that by State law constitute real property. The term "Land" does not include any property beyond that described in Schedule A, nor any right, title, interest, estate, or easement in any abutting street, road, avenue, alley, lane, right-of-way, body of water, or waterway, but does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- d. "Mortgage": A mortgage, deed of trust, trust deed, security deed, or other real property security instrument, including one evidenced by electronic means authorized by law.
- e. "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- f. "Proposed Amount of Insurance": Each dollar amount specified in Schedule A as the Proposed Amount of Insurance of each Policy to be issued pursuant to this Commitment.
- g. "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Westcor Land Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I – Requirements; and Schedule B, Part II – Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.



- h. "Public Records": The recording or filing system established under State statutes in effect at the Commitment Date under which a document must be recorded or filed to impart constructive notice of matters relating to the Title to a purchaser for value without Knowledge. The term "Public Records" does not include any other recording or filing system, including any pertaining to environmental remediation or protection, planning, permitting, zoning, licensing, building, health, public safety, or national security matters.
 - i. "State": The state or commonwealth of the United States within whose exterior boundaries the Land is located. The term "State" also includes the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and Guam.
 - j. "Title": The estate or interest in the Land identified in Item 3 of Schedule A.
2. If all of the Schedule B, Part I – Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
 3. The Company's liability and obligation is limited by and this Commitment is not valid without:
 - a. the Notice;
 - b. the Commitment to Issue Policy;
 - c. the Commitment Conditions;
 - d. Schedule A;
 - e. Schedule B, Part I – Requirements;
 - f. Schedule B, Part II – Exceptions; and
 - g. a counter-signature by the Company or its issuing agent that may be in electronic form.
 4. **COMPANY'S RIGHT TO AMEND**
The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company is not liable for any other amendment to this Commitment.
 5. **LIMITATIONS OF LIABILITY**
 - a. The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I – Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II – Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
 - b. The Company is not liable under Commitment Condition 5.a. if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
 - c. The Company is only liable under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
 - d. The Company's liability does not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Condition 5.a. or the Proposed Amount of Insurance.
 - e. The Company is not liable for the content of the Transaction Identification Data, if any.
 - f. The Company is not obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I – Requirements have been met to the satisfaction of the Company.
 - g. The Company's liability is further limited by the terms and provisions of the Policy to be issued to the Proposed Insured.
 6. **LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT; CHOICE OF LAW AND CHOICE OF FORUM**
 - a. Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.

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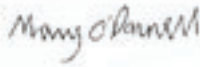
- b. Any claim must be based in contract under the State law of the State where the Land is located and is restricted to the terms and provisions of this Commitment. Any litigation or other proceeding brought by the Proposed Insured against the Company must be filed only in a State or federal court having jurisdiction.
 - c. This Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
 - d. The deletion or modification of any Schedule B, Part II – Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
 - e. Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
 - f. When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.
- 7. IF THIS COMMITMENT IS ISSUED BY AN ISSUING AGENT**
The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for closing, settlement, escrow, or any other purpose.
- 8. PRO-FORMA POLICY**
The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.
- 9. CLAIMS PROCEDURES**
This Commitment incorporates by reference all Conditions for making a claim in the Policy to be issued to the Proposed Insured. Commitment Condition 9 does not modify the limitations of liability in Commitment Conditions 5 and 6.
- 10. CLASS ACTION**
ALL CLAIMS AND DISPUTES ARISING OUT OF OR RELATING TO THIS COMMITMENT, INCLUDING ANY SERVICE OR OTHER MATTER IN CONNECTION WITH ISSUING THIS COMMITMENT, ANY BREACH OF A COMMITMENT PROVISION, OR ANY OTHER CLAIM OR DISPUTE ARISING OUT OF OR RELATING TO THE TRANSACTION GIVING RISE TO THIS COMMITMENT, MUST BE BROUGHT IN AN INDIVIDUAL CAPACITY. NO PARTY MAY SERVE AS PLAINTIFF, CLASS MEMBER, OR PARTICIPANT IN ANY CLASS OR REPRESENTATIVE PROCEEDING. ANY POLICY ISSUED PURSUANT TO THIS COMMITMENT WILL CONTAIN A CLASS ACTION CONDITION.
- 11. ARBITRATION**
The Policy contains an arbitration clause. All arbitrable matters when the Proposed Amount of Insurance is \$2,000,000 or less may be arbitrated at the election of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

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WESTCOR LAND TITLE INSURANCE COMPANY
875 Concourse Parkway South Suite 200, Maitland,
FL 32751




By: _____
President


By: _____
Secretary

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Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: On-Site Title, LLC
 Issuing Office: 14800 Galaxie Avenue, Suite 300
 Apple Valley, MN 55124
 Issuing Office's ALTA® Registry ID: 1102724
 Loan ID Number:
 Commitment Number: 23-592-A
 Issuing Office File Number: 23-592-A
 Property Address: 127 14th Street Northwest, Faribault, MN 55021 and 123 14th Street Northwest, Faribault, MN 55021
 Revision Number:

SCHEDULE A

1. Commitment Date: April 7, 2025 at 8:00 AM
2. Policy to be issued:
 - (a) 2021 ALTA Loan Policy
 - Proposed Insured:
 - Proposed Amount of Insurance: **\$TBD**
 - The estate or interest to be insured: **Property 1: fee simple**
Property 2: fee simple
3. The estate or interest in the Land at the Commitment Date is:

Property 1: fee simple
 Property 2: fee simple
4. The Title is, at the Commitment Date, vested in:

Property 1: Jordan Brennan and Jessica Swink, as joint tenants
 Property 2: Jordan Brennan and Jessica Swink, as joint tenants
5. The land is described as follows:
 The land is described as set forth in Exhibit A attached hereto and made a part hereof.

ON-SITE TITLE, LLC

14800 Galaxie Avenue, Suite 300, Apple Valley, MN
 55124
 Telephone: (952) 595-6262

Countersigned by:



On-Site Title, LLC, License #

WESTCOR LAND TITLE INSURANCE COMPANY

875 Concourse Parkway South Suite 200, Maitland,
 FL 32751



By: Mary O'Rourke
 President

By: [Signature]
 Secretary

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SCHEDULE B, PART I – Requirements

All of the following Requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. You must tell us, in writing, the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may make additional requirements or exceptions.
4. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
5. Pay all unpaid water/utility bills prior to closing.
6. INFORMATIONAL NOTE/CHAIN OF TITLE: Current fee owner acquired title by Warranty Deed dated December 18, 2023, recorded January 3, 2024 as Document No. 764834 and by Warranty Deed dated December 18, 2023, recorded January 3, 2024 as Document No. 764835.
7. Real Estate Taxes payable in 2025 are \$340.00 and are unpaid. Base tax amount \$340.00. Non-Homestead. PID 18.30.4.26.023. NOTE: Taxes due and payable in 2024 are DELINQUENT.

Real Estate Taxes payable in 2025 are \$2,108.00 and are partially paid. Base tax amount \$1,948.00. Non-Homestead. PID 18.30.4.26.024. NOTE: A partial payment of \$420.00 has been paid.
8. There are no levied or pending assessments as of April 9, 2025.
9. INFORMATIONAL COMMITMENT ONLY

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SCHEDULE B, PART II – Exceptions

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Rights or claims of parties in possession, not shown by the public records.
3. Easements or claims of easements or other boundary or location disputes, not shown by the public records.
4. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments, or any overlapping of improvements, including roadways, which a correct survey would show.
5. Any lien, or right to a lien, for services, labor or material hereto or hereafter furnished, imposed by law and not shown by the public records.
6. Note: The following exceptions will appear in any subsequent Owner's Policy issued by this company: Assessments and charges, if any, for utility's water/sewer, weed, grass, garbage, debris or diseased tree removal, municipal hookup or any other fees tendered by the local municipality.
7. Taxes or special assessments which are not shown as existing liens by the public records.
8. Easement Agreement recorded as Document No. 764833.
9. Terms and Conditions of Declaration filed as Document No. 764837. but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by law. Contains no forfeiture provision.
10. Rights or claims of tenants in possession under unrecorded leases.
11. Mortgage dated December 18, 2023 and recorded on January 3, 2024 at Document #764836 in the original principal amount of \$110,000.00 from Jordan Brennan and Jessica Swink, husband and wife to Heritage Bank Minnesota.

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EXHIBIT "A"

The Land referred to herein below is situated in the County of Rice, State of Minnesota and is described as follows:

Parcel A:

All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Faribault, Rice County, Minnesota.

Parcel B:

Lot 4, Block 6, North Faribault, Rice County, Minnesota.

Abstract Property

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Notice of Privacy Policy

of

Westcor Land Title Insurance Company

Westcor Land Title Insurance Company ("WLTIC") values its customers and is committed to protecting the privacy of personal information. In keeping with that philosophy, we have developed a Privacy Policy, set out below, that will ensure the continued protection of your nonpublic personal information and inform you about the measures WLTIC takes to safeguard that information.

Who is Covered

We provide our Privacy Policy to each customer when they purchase an WLTIC title insurance policy. Generally, this means that the Privacy Policy is provided to the customer at the closing of the real estate transaction.

Information Collected

In the normal course of business and to provide the necessary services to our customers, we may obtain nonpublic personal information directly from the customer, from customer-related transactions, or from third parties such as our title insurance agents, lenders, appraisers, surveyors or other similar entities.

Access to Information

Access to all nonpublic personal information is limited to those employees who have a need to know in order to perform their jobs. These employees include, but are not limited to, those in departments such as legal, underwriting, claims administration and accounting.

Information Sharing

Generally, WLTIC does not share nonpublic personal information that it collects with anyone other than its policy issuing agents as needed to complete the real estate settlement services and issue its title insurance policy as requested by the consumer. WLTIC may share nonpublic personal information as permitted by law with entities with whom WLTIC has a joint marketing agreement. Entities with whom WLTIC has a joint marketing agreement have agreed to protect the privacy of our customer's nonpublic personal information by utilizing similar precautions and security measures as WLTIC uses to protect this information and to use the information for lawful purposes. WLTIC, however, may share information as required by law in response to a subpoena, to a government regulatory agency or to prevent fraud.

Information Security

WLTIC, at all times, strives to maintain the confidentiality and integrity of the personal information in its possession and has instituted measures to guard against its unauthorized access. We maintain physical, electronic and procedural safeguards in compliance with federal standards to protect that information.

The WLTIC Privacy Policy can also be found on WLTIC's website at www.wltic.com.

ASSESSMENT SEARCH

ORDER NO.: 23-592-A



Requested By:

Company:

Email



House Act

ASSESSMENT:

Status:

RECHECK: DATE:

Status:

Notes:

UPDATE 18.30.4.26.023

If HOLD, reason for hold:

If HOLD, reason for hold:

Completed: # Assmt PIDs: # Recheck PIDs: Zone:

PROPERTY INFORMATION

PID No.: County State Additional Fee

Street: City: Zip:

Legal Description:

All of Lot 4 and N90ft of Lot 5, Block 6, in the Town of North Faribault, Rice County, Minnesota. Abstract Property

LEVIED ASSESSMENTS

Type of Improvement:	Original Amt:	Balance Payable:	Certified To 20	Good Til:
NONE			25	
NONE ON BOTH				

PENDING ASSESSMENTS

Type of Improvement:	Estimated Amount:	NOTES:
NONE		
NONE ON BOTH		

Completed by: Epic Property Staff

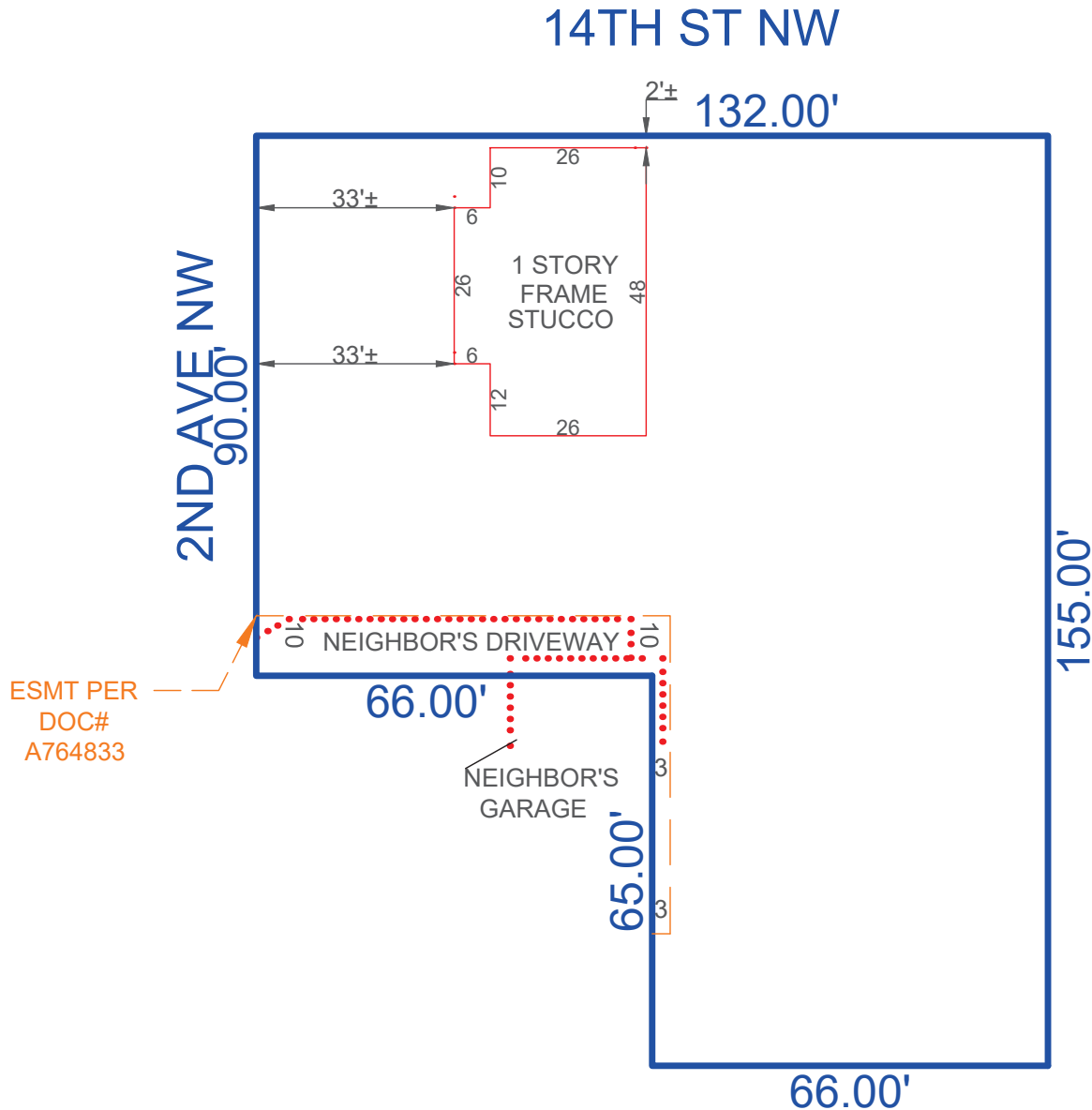


EPIC PROPERTY SERVICES

EPIC PROPERTY SERVICES, INC.

PROPERTY SKETCH

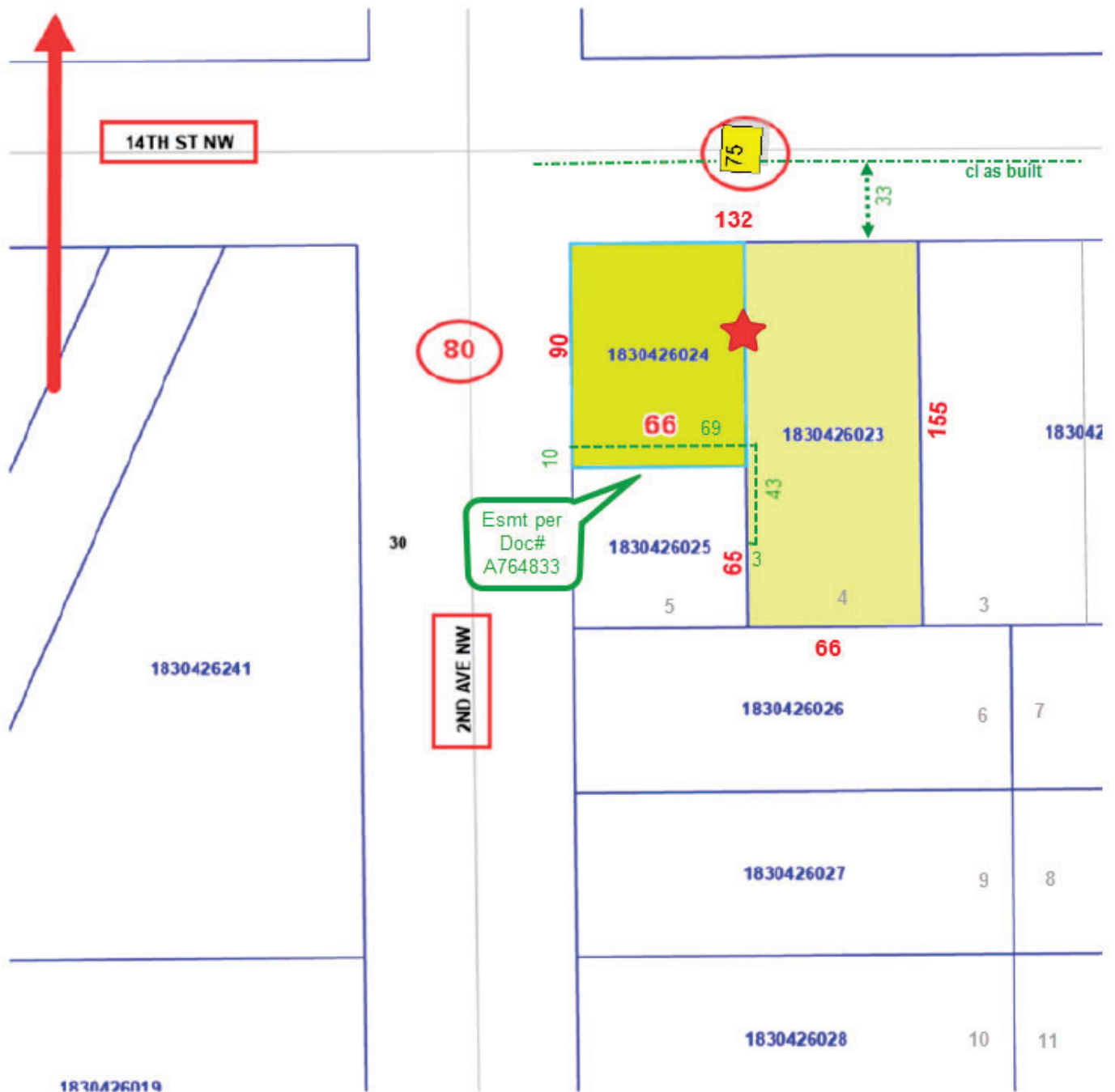
30 Scale



127 14TH ST NW FARIBAULT

THIS IS NOT A SURVEY NOR SHOULD THIS BE USED AS A SURVEY TO LOCATE FUTURE IMPROVEMENTS. This drawing is for residential mortgage informational purposes only. The information relating to the property dimensions is based upon the recorded plat or maps in the county records. The improvements location and dimensions shown are approximate and based upon a visual inspection.







EPIC PROPERTY SERVICES

Company: On-Site Title, LLC

Address: 318 Central Avenue N, Ste 105

City, State: Faribault, MN

Contact: michelletm@ostmn.com

Property Inspections

File Number : 23-592-A

Ordered By : Scott Ness

Property Address : 127 14th Street Northwest

City : Faribault

County : Rice

PID : 18.30.4.26.024

Legal Description : All of Lot 4 and N90ft of Lot 5, Block 6, in the Town of North Faribault, Rice County, Minnesota. Abstract Property

Owner's Name : _____

Buyer's Name : Jordan Brennan

Address On Building : 127

Character Of Improvements?

(☒) 1 Sty (☒) Frame () Residential

() 1 1/2 () Brick () Townhouse

Sty

() 2 Sty (☒) Stucco () Condo

() Other () Other (☒) Other

store front

Garage?

() Attached

() Not Attached (

☒ None
Car

Any Alley?

() Yes

() No

Overhead Powerlines?

(☒) Yes

() No

Estimated Age of Improvements?

() New construction ()

Less than 1 year

() 1 to 5 years

() 5 to 15 years

(☒) 15 years or older

Any Apparent Recent Improvements?

() Yes Describe: _____

(☒) No

Apparent Easements?

() Yes Describe: _____

(☒) No

Other Information: EASEMENT DOC- FOR NEIGHBORS DRIVEWAY AND GARAGE

Do Improvements On Adjoining Property Appear To Encroach?

(☒) Yes Describe: Neighbors DW on S side
EASEMENT DOC & Garage

() No

Any Party Walls?

() Yes Describe: _____

(☒) No

Do Improvements Appear To Be Within Property Lines?

(☒) Yes Describe: _____

() No

Access to Property

(☒) Street / Alley (

) Shared drive ()

Access esmt ()

Other

Water On Property

() Lakes

() Wetlands

() Rivers

() Creek

Persons In Possession?

() Occupied (no response)

(☒) Unoccupied (

) Owner

() Workmen

() Other

LVS None Apparent

Inspection Date: 4-10-25

Inspected By: Mike Majerus



Scale: 1" = 30'-0"

EASEMENT AGREEMENT

This Agreement dated December 18th, 2023, entered into by and between Michael A. Tousignant, a single person, as an individual and Michael A. Tousignant, as Chief Manager of Faribault Investments LLC, a Minnesota limited liability company, hereinafter collectively referred to as, "Tousignant", and Sherry D. Beckjorden, a single person, hereinafter referred to as "Beckjorden".

WHEREAS, Tousignant is the fee title owner of real property described in Exhibit A, hereinafter to as Parcel 1.

WHEREAS, Beckjorden is the fee title owner of real property described in Exhibit B, hereinafter referred to as Parcel 2.

WHEREAS, Beckjorden has, for more than 15 years, used portions of Parcel 1 for its personal use, driveway, parking, and the location of its garage footprint and garage maintenance.

WHEREAS, the parties desire to establish an exclusive easement agreement for Beckjorden's continued uses of ingress and egress, parking/storage, green space and personal use, and for placement and maintenance of a garage owned by Beckjorden over, under and across portions of Parcel 1, as specifically described in Exhibit C, benefiting Beckjorden.

NOW THEREFORE, based upon the mutual covenants set forth herein, the parties heretofore agree as follows:

1. Tousignant for itself, heirs, successors and assigns hereby grants and conveys unto Beckjorden, an exclusive perpetual easement right-of-way

as described in Exhibit C, over, across, and under a portion of Parcel 1 herein for the benefit of the owners of Parcel 2, its heirs, successors, and assigns. Said Easement shall be used by Beckjorden, its heirs, successors, assigns, invitees, and guests for the purposes of ingress and egress, parking/storage, green space and personal use, and for placement and maintenance of a garage. Said Easement shall include the right to install and maintain utilities.

2. The easement described on Exhibit C shall be referred to the Easement Area herein.

3. Routine maintenance for its use within the Easement Area shall be the responsibility of Beckjorden.

4. Any utilities that are installed for the benefit of a single parcel shall be installed at the sole costs of the party benefitted absent additional written agreement of the parties.

5. Any party that causes construction or otherwise disrupts the surface of ground within the easement area, shall be solely responsible for restoring the surface area to the same quality it was prior to construction or disruption.

6. Beckjorden shall have exclusive physical use of the Easement Area for purposes listed herein. In the event Beckjorden's structure is damaged, destroyed or in any way needs to be reconstructed or maintained at the sole discretion of Beckjorden, the Easement Area granted herein is specifically and unequivocally granted to Beckjorden for said purposes. Tousignant shall not place structures or improvements of any kind within the easement area, as such acts would frustrate the purpose of this agreement. Tousignant shall not object to the use of the easement area for any of Beckjorden's purposes provided herein and shall not object to any variance or other permitting requests that may be required in the future for Beckjorden's uses herein.

7. Each Party shall indemnify, defend, and hold the other harmless from and against any and all liability, loss, damage, claim or act based upon or arising out of damage to persons (including, but not limited to, death) or property caused by or sustained in connection with the negligent or willful acts of such indemnifying Party, or the indemnifying Party's use of the easement area. The foregoing indemnity shall bind and benefit the owner of

a Parcel only with respect to events and claims occurring or accruing during said owner's tenure of ownership of the subject Parcel.

8. Nothing herein shall be deemed to be a gift or a dedication of all or any portion of the Easement Area to a governmental unit or municipality or for the benefit of the general public.

9. It is the intention of the Parties that the rights and easements hereby created and granted are to be used and maintained in a manner consistent with the best interests of the owners of the Parcels. To this end, whenever a matter arises that is not covered specifically by the terms of this Agreement, the Parties covenant that they will deal fairly and attempt to resolve the matter in good faith, and in keeping with the spirit of the express agreements contained herein.

10. The rights, privileges and easements declared, created and established herein shall not merge by operation of law nor terminate, but shall remain in full force and effect, despite ownership in effected parcels being vested in the same owner.

11. Said easement herein shall be perpetual, which shall run with the land, and be appurtenant to and benefit Parcel 2 and burden Parcel 1 in perpetuity. Should Beckjorden cease its use of the Easement Area for any period of time, its rights herein shall not be affected or terminated in any way absent written agreement of all parties and said document recorded with the Rice County Recorder.

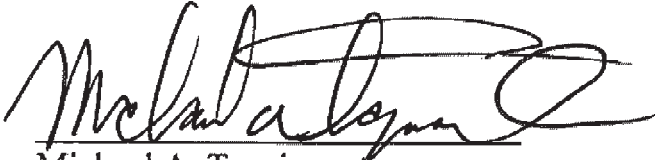
12. This agreement shall be binding on the Parties hereto, their heirs, successors and assigns.

13. Modifications to this agreement shall require the written consent of all property owners and said modification shall be recorded with the Rice County Recorder.

14. This agreement may be signed in counter-parts.

GRANTOR:

Faribault Investments LLC, a
Minnesota limited liability
company


Michael A. Tousignant
INDIVIDUALLY 


By: Michael A. Tousignant
Its: Chief Manager

STATE OF MINNESOTA)
)ss
COUNTY OF Rice)

This instrument was acknowledged before me on this 18th day of
DECEMBER, 2023, by Michael A. Tousignant, as Chief
Manager of Faribault Investments LLC, a Minnesota limited liability
company., AN UNMARRIED MAN. AND Michael A.
Tousignant, Individually, Unmarried. 




Notary Public

Sherry D. Beckjorden
Sherry D. Beckjorden

This instrument was acknowledged before me on this 4th day of December, 2023, by Sherry D. Beckjorden, a single person.

~~Notary Public~~

 **MICHELLE LYN TIEDE MORRIS**
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025

5

EXHIBIT A

LEGAL DESCRIPTION

Lot Four (4), of Block Six (6), North Faribault, Rice County, Minnesota.

and

**Lot Five (5), of Block Six (6), North Faribault, Rice County, Minnesota,
except the South Sixty-Five (65) feet thereof,**

EXHIBIT B

The South Sixty-Five (65) feet of Lot Five (5), of Block Six (6), North Faribault, Rice County, Minnesota.

EXHIBIT C

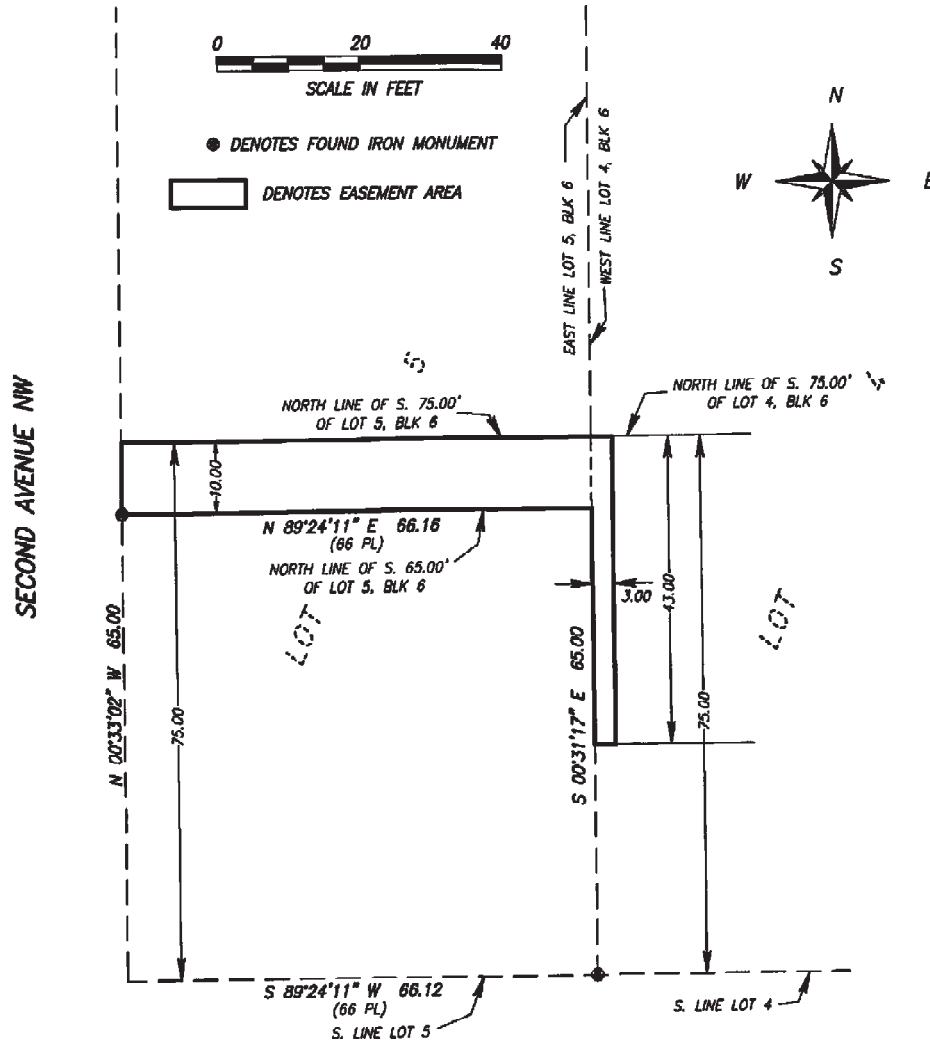
EASEMENT DESCRIPTION

An exclusive 10.00 foot-wide easement over, under and across the southerly ten feet of the following described parcel:

**Lot Five (5) of Block Six (6), North Faribault, Rice County,
Minnesota, except the South Sixty-Five (65) feet thereof;**

AND

An exclusive 3.00 foot-wide easement over, under and across that part of Lot Four (4) of Block Six (6), North Faribault, Rice County, Minnesota lying and being adjacent to the easterly edge of the 10.00 foot-wide easement described above, beginning at the northeasterly corner of said 10.00 foot-wide easement and extending southerly along the east line of said 10.00 easement and the east line of said Lot Four for a distance of 43.00 feet and there terminating.



EASEMENT DESCRIPTION:

An exclusive easement for the purposes of ingress and egress, parking/storage, green space and personal use, and for the placement and maintenance of a garage, over, under and across the North 10.00 feet of the South 75.00 feet of Lot 5, Block 6, and the North 43.00 feet of the South 75.00 feet of the West 3.00 feet of Lot 4, Block 6, North Faribault, Rice County, Minnesota, according to the recorded plat thereof.

CERTIFICATE FOR:
FARIBAULT INVESTMENTS LLC
533 CENTRAL AVENUE
FARIBAULT, MN 55021

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

DECEMBER 13, 2023
 Dated:

David G. Rapp
 David G. Rapp
 Minnesota Registration No. 22044

RAPP LAND SURVEYING, INC.

45967 HIGHWAY 56 BLVD
 KENYON, MN 55946
 612-532-1263

DRAWN BY:
 DGR

DATE:
 12-13-23

PROJECT NO.
 D23180E

SCALE:
 1"=20'

SHEET
 1 of 1 sheet

BOOK/PAGE
 57/88



RECEIVED
MAR 24 2025
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Conditional Use Permit

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 127 14th St NW

APPLICANT Mighty Fine Coffee E-MAIL jordan@mightyfinecoffee.com
nathaniel@mightyfinecoffee.com

PHONE _____ (H) 651-246-3588 Jordan (W) _____ (FAX) 253-203-4550 (Cell)

ADDRESS 3050 197th St. E. Faribault, MN. 55021

DEVELOPER (if other than applicant) _____

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

ADDRESS _____

LEGAL DESCRIPTION _____

ACREAGE/SIZE OF PROPERTY 16,830 SF

CURRENT ZONING C-1 & R-2

EXISTING USE OF PROPERTY Vacant commercial building

PROPOSED USE OF PROPERTY Drive-up/Walk-up coffee shop & coffee
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES Residential east & south, Industrial north & Community Commercial to west

SIGNATURE OF OWNER _____ DATE _____

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

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

Revised 8/26/2016

CONDITIONAL USE PERMIT
Required Submittals

◆ **Site plan**

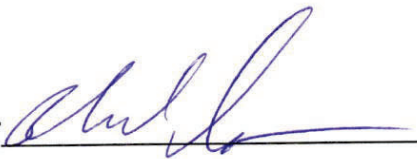
- ☐ Drawn to scale, with scale noted
- ☐ Date and North arrow
- ☐ Boundaries and dimensions shown graphically
- ☐ Location of any streets, public trails, railroads, or waterways
- ☐ Present and proposed topography of the site and adjacent areas within 50 feet by contour lines at an interval of not more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

◆ **Required supplemental information**

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

◆ **Filing fee**

SIGNATURE OF APPLICANT



DATE

21 MARCH 2025

Planning case # _____

CONDITIONAL USE PERMIT

Location: Parcel #1
PID #1830426023
123 14th Street NW

Parcel #2
PID#1830426024
127 14th Street NW

Cup for Drive-thru: Requesting CUP for drive-thru business operation in a C-2 Zoning district which is a conditional use per table 11-1 of UDO.

- Drive-thru is designed for one way traffic pattern with access only from 14th St NW
- Drive-thru has by-pass lane for traffic utilizing the parking lot with exit only onto 2nd Ave. NW
- Order board orientation is designed so that sound from speakers is directed away from adjacent residential uses
- East & south property perimeters will have 6' high vinyl fencing per 4-125(H) of UDO
- Due to topography & garage structures the residential uses to the south will have minimal impact from vehicle headlights.
- Parking lot lighting will have 'Cut-off' fixtures per 6-340 of UDO

Cup for impervious lot coverage: Requesting CUP to allow impervious lot coverage of 42.8% where 25% threshold is required due to Shoreland Overlay.

- Site has been designed to minimize impervious surface coverage including removal of some existing hard surface between west sidewalk & building
- Stormwater retention has been incorporated into the design with a pond in middle of drive-thru area
 - Since parcel #1 previously had structures on it that have been removed utilization of storm water infiltration is not feasible as existing soils have been disturbed
 - Existing developments surrounding the area & topography limit options for storm water treatment.
 - This site receives storm water from adjacent properties to the east & south
- Site has been designed to capture a significant portion of storm water from impervious surfaces and captured to pond rather than sheet draining to streets.
- 20% of site will not be disturbed during construction retaining existing turf.



RECEIVED
MAR 24 2025
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Variance

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 127 14th St NW

APPLICANT Mighty Fine Coffee E-MAIL jordan@mightyfinecoffee.com
nathaniel@mightyfinecoffee.com

PHONE _____ (H) 651-246-3588 Jordan _____ (W) _____ (FAX)
253-203-4550 Nate

APPLICANT ADDRESS 3050 197th St. E. Faribault, MN. 55021

OWNER (if other than applicant) _____

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

OWNER'S ADDRESS _____

LEGAL DESCRIPTION _____

ACREAGE/SIZE OF PROPERTY 16,830 SF

CURRENT ZONING C-2 & C-1

EXISTING USE OF PROPERTY Vacant commercial building

PROPOSED USE OF PROPERTY Drive-up/Walk-up coffee shop & coffee roasting
(Including number of units per acre and types of uses if mixed use)

IDENTIFY ALL ADJACENT LAND USES Residential east & south, Industrial north & Community Commercial to west

SIGNATURE OF APPLICANT [Signature] DATE 21 MARCH 2025
(Must submit proof of property control)

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

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

Revised 8/23/2016

VARIANCE
Required Submittals

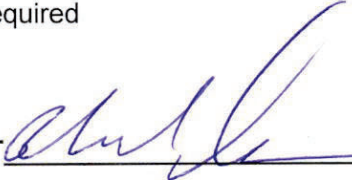
☐ **Site plan**

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

☐ **Required supplemental information**

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

☐ **Filing fee**

☐ **SIGNATURE OF APPLICANT**  **DATE** 21 MARCH 2020

Planning Case # _____

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

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?
Yes (X) No () Why or why not?
The variances allow for reasonable redevelopment of existing commercial property. The requested variances are the minimum required to make this project a viable.

2. In your opinion, is the variance consistent with the comprehensive plan?
Yes (X) No () Why or why not?
Comprehensive plan guides two parcels on the NW corner of the block as commercial. Both lots are undersized currently to meet lot size for C-1 or C-2. This is redevelopment of existing parcels and strict application of UDO would virtually eliminate any commercial reuse of this property.

3. In your opinion, does the proposal put property to use in a reasonable manner?
Yes (X) No () Why or why not?
The property has historically been used for commercial purposes for decades. Currently the property is vacant and others have had difficulty coming up with a business that is viable and able to meet the requirements of City of Faribault's UDO without variances.

4. In your opinion, are there circumstances unique to the property?
Yes (X) No () Why or why not?
The 127 14th St NW parcel has a commercial building (1,484 SF) and sits on a small site (5,940 SF). Recent improvements to 2nd St NW reduced access to the site & has no parking configuration that would meet UDO or generally accepted design standards. By combining properties & granting variances the site can be put to reasonable use

5. In your opinion, will the variance maintain the essential character of the neighborhood?
Yes () No (X) Why or why not?
This property has decades of use as a commercial use as laundromat with 24 hour operations and traffic movements at all hours of the day. The proposed use of the property will remain commercial but with limited hours of operation. Perimeter fencing, cut-off lighting & site design are intended to minimize impact to adjacent uses.

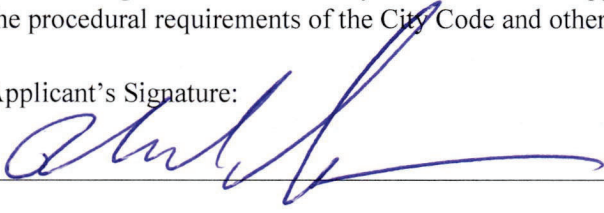
6. In your opinion, is the variance requested the minimum variance which would alleviate the practical difficulty?
Yes (X) No () Why or why not?
Every effort has been made to design the site to meet all requirements of the UDO. With an existing structure on site and irregularly shaped property, options to develop are limited. Without any variances its unlikely that this property can be utilized.

7. In your opinion, do the economic conditions alone constitute the practical difficulty?
Yes () No (X) Why or why not?
The variance requests only allow for development of the property & have no correlation to economic conditions. The property can't be developed for its intended use & in conformity to the UDO without the requested variances.

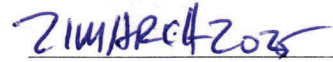
The City Council must make an affirmative finding on all of the seven criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

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

Applicant's Signature:

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a long horizontal stroke, positioned above a horizontal line.

Date:

A handwritten date in blue ink, '21 MAR 2025', positioned above a horizontal line.

VARIANCE REQUESTS

Location:	Parcel #1	Parcel #2
	PID #1830426023	PID#1830426024
	123 14 th Street NW	127 14 th Street NW

Lot size: Requesting variance to allow C-2 zoning for a 16,830 SF lot which is 3,170 SF less than required on table 11-2 of UDO. This is a 16% reduction.

- The lot is a combination of two existing lots within an existing neighborhood that was originally platted in the early 1900's.
- Original lots were created long before any zoning standards were adopted by City of Faribault.
- Current & other recent proposed uses for this lot would all need the C-2 zoning

Vehicle staking: Requesting variance to allow (7) spaces for Drive-thru restaurant where (8) are required per table 8-4.

- Every effort has been made to try & accommodate the (8) space requirement but the lot configuration when including parking precludes it.
- Bypass lane & one-way traffic control provides for more efficient movement of vehicles

Side yard setback for parking & drives: Requesting variance to reduce side yard setback to 4' where Table 11-2 requires 10' (side abutting residential).

- Driveway & stacking spaces for drive-up require approximately 70' to allow the minimum standard for vehicle turning radius of larger vehicles such as pickups & SUV's.
- UDO requires minimum of 25' between curb cuts
- Privacy fence reduces the impact to adjacent residential use to the east

DRAWING D.M.
 CHECKED N.S.
 PROJECT 25-008
 PREPARED
 I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota.
 DAVID L. MEDIN
 License No. 4076
 Date: May 08, 2025

MIGHTY FINE
 COFFEE
 FARIBAULT, MINNESOTA

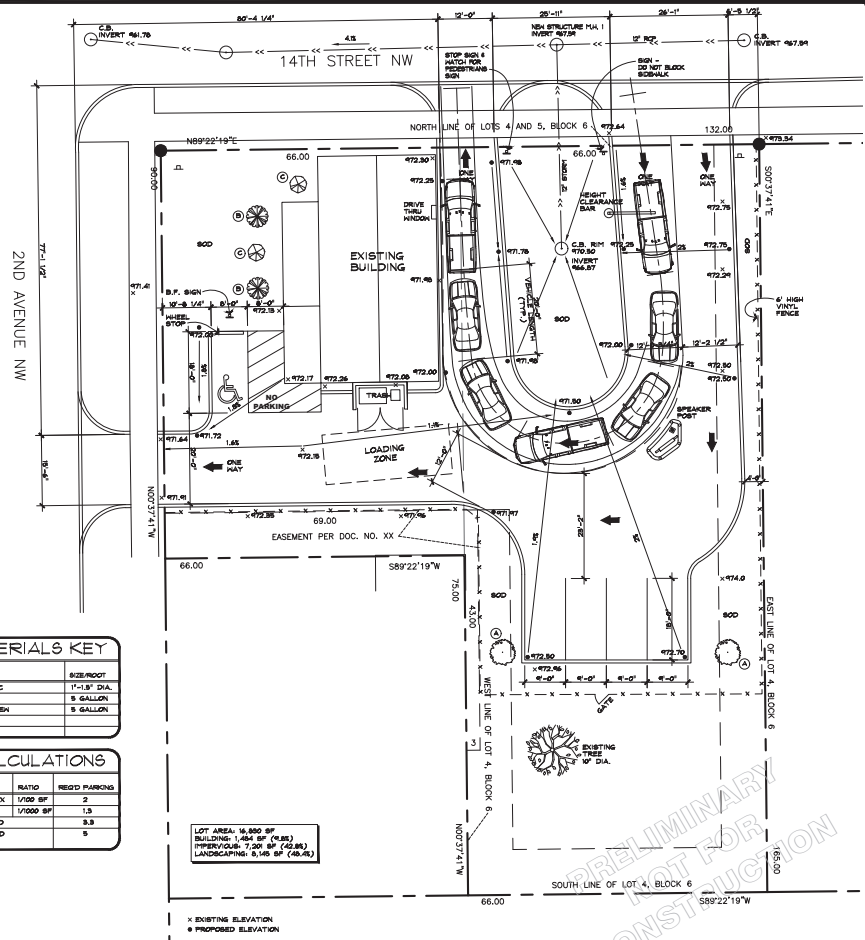
DJ MEDLIN
 architects, inc.
 209 W. First Ave.
 Faribault, MN 56003
 507/334-2252

GRADING & LANDSCAPING
 SITE PLAN
 A1.0

PLANT MATERIALS KEY			
KEY	QTY.	CORPORATION NAME	SIZE/ROOT
A	2	IVORY JAPANESE LILAC	1"-1.5" DIA.
B	2	SHARP BLUE SPRUCE	5 GALLON
C	2	TARTAN JAPANESE YEM	5 GALLON

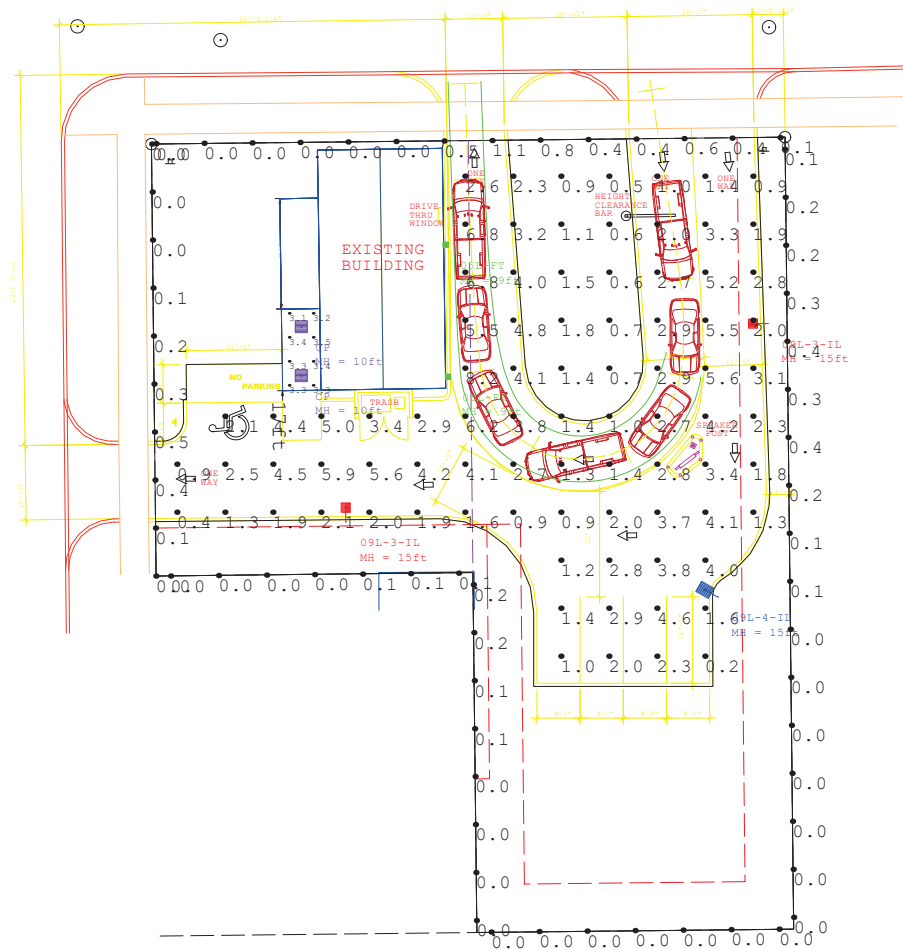
PARKING CALCULATIONS			
	AREA	RATIO	REQD PARKING
SALES/PREP	300 SF MAX	1/100 SF	2
LIMITED PRODUCTION	1,284 SF	1/1000 SF	1.3
TOTAL PARKING SPACES REQUIRED			3.3
TOTAL PARKING SPACES PROVIDED			5

LOT AREA: 16,800 SF
 BUILDING: 1,484 SF (PLS)
 IMPERVIOUS: 7,201 SF (42.8%)
 LANDSCAPING: 9,599 SF (57.2%)



GRADING & LANDSCAPING SITE PLAN
 SCALE: 1" = 10'-0"
 NORTH

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Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Description	LLF	Luminaire Lumens	Luminaire Watts	Tag
	1	09L-4-IL	Single	MRS-LED-09L-SIL-4-40-70CRI-IL	0.900	5873	63	MH = 15ft
	2	CP	Single	1 L1515-14W-830K-WQ-S	0.900	1455	14.9	MH = 10ft
	2	05L-FT	Single	XWS-LED-05L-SIL-FT-40-70CRI	0.900	5067	35	MH = 9ft
	2	09L-3-IL	Single	MRS-LED-09L-SIL-3-40-70CRI-IL	0.900	6459	63	MH = 15ft

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Canopy	Illuminance	Fc	3.3	3.5	3.1	1.1	1.1
P Line	Illuminance	Fc	0.1	1.1	0.0	N.A.	N.A.
Site	Illuminance	Fc	2.8	8.2	0.2	13.8	41.0

Scale: 1 inch= 20 Ft.

These drawings are for conceptual use only and are not intended for construction. Fixture runs and quantities should be verified prior to order. Values represented are an approximation generated from manufacturers photometric inhouse or independent lab tests with data supplied by lamp manufacturers.

Project: Mighty Fine Coffee

Photometric Layout By: Joe Frey

Luma Sales Agent: Steve Hahn

Details: Site Lighting

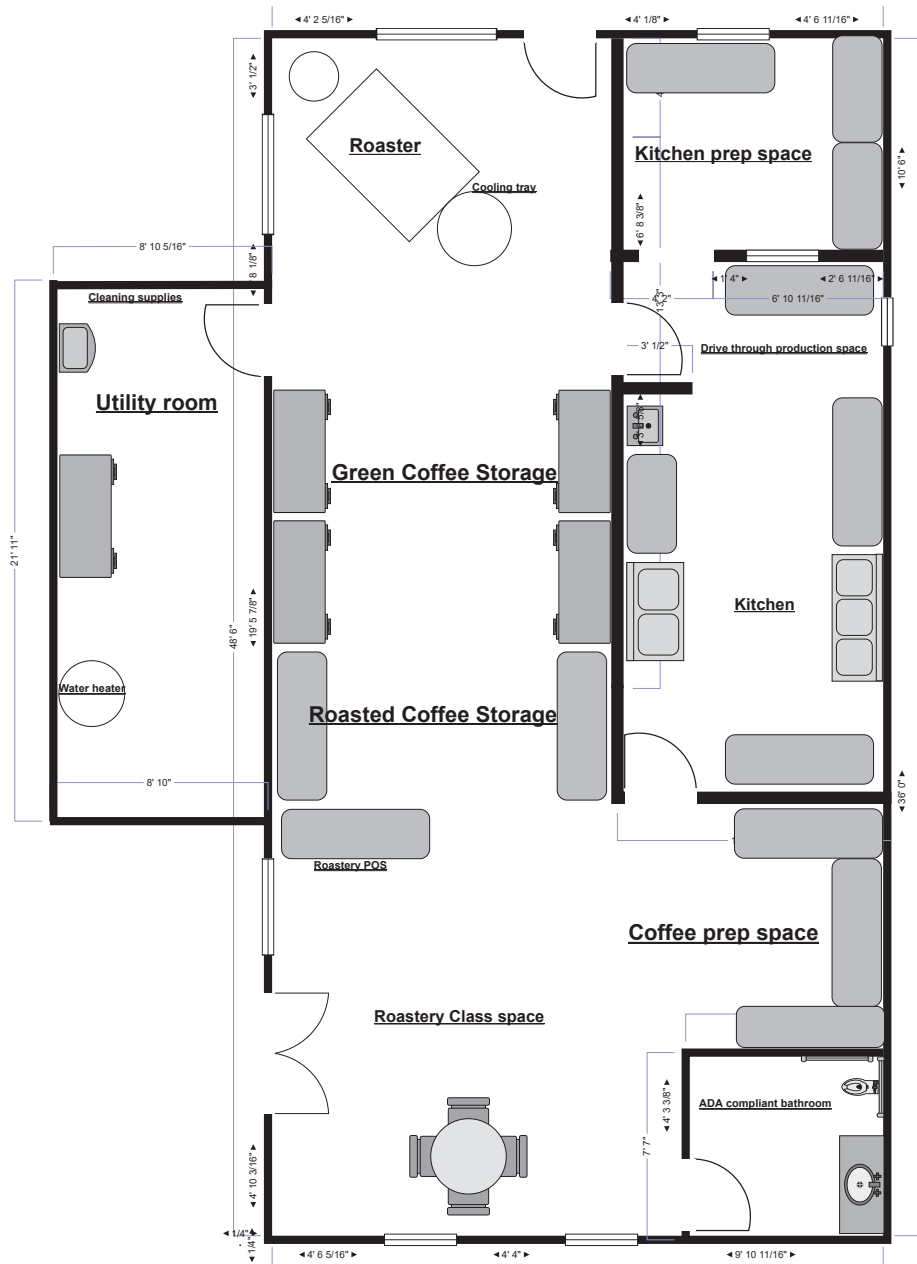
Date:3/14/2025

Sheet Size 17x22

Project # LS952-4267



Luma Sales Associates
Lighting and Controls





Engineering Department Memorandum

TO: Leslie McGillivray-Rivas, Planner

CC: David Wanberg, Comm. and Econ. Development Director

FROM: Mark DuChene, City Engineer

DATE: May 7, 2025

SUBJECT: Mighty Fine Coffee Comprehensive Plan Amendment, Rezoning, Preliminary Plat, Final Plat, Conditional Use Permit & Variance

BACKGROUND

Jordan Brennan on behalf of Mighty Fine Coffee, the developer, has submitted a comprehensive plan amendment, rezoning, preliminary plat, final plat, conditional use permit and variance applications. The site is located in the NE ¼ of Section 30 Township 110, Range 20W whose parent parcels are Lots 4 & 5, Block 6 NORTH FARIBAULT. The site is adjacent to 14th Street NW to the north, 2nd Avenue to the west, and residential property to the south and east.

The proposed subdivision is located on land that is currently guided for established residential neighborhood and zoned C-1 Neighborhood Commercial. The Developer is requesting a comprehensive plan amendment to change the planned use to commercial/residential mixed use and rezone the property to C-2 Highway Commercial. The proposed improvements include the redevelopment of an existing commercial use building to a coffee shop and related site improvements. The Engineering Department supports the comprehensive plan amendment and rezoning requests.

Conditional Use Permit

A conditional use permit is required for the proposed use and is also required since the entire site is within the City's shoreland overlay district due to its proximity to the Cannon River. All proposed improvements must meet the requirements of the City's shoreland overlay district and comments received from the MN DNR must be adequately addressed.

There are no proposed public improvements.

The proposed development will be completed by:

Owner/Developer:	Mighty Fine Coffee
Surveyor/Engineer:	PTS Land Services Inc./TBD

PLAT

Developer has submitted a preliminary and final plat for MIGHTY FINE COFEE ADDITION. The preliminary and final plat contains one (1) lot for commercial development.

The areas within the plat include:

Lot 1	0.39 acres	(16,830 sf)
Total	0.39 acres	(16,830sf)

Current title work has been reviewed and will be subject to the review of the City and City Attorney's office.

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

SITE CONDITIONS

The existing site contains approximately 1.74 acres of land that was previously redeveloped in the recent past for the construction of the existing auto body shop. The site is relatively flat and generally drains from west to east.

EASEMENTS

Existing Easements

- There is an existing easement agreement between the subject parcel and the adjacent parcel to the south for an existing encroachment from the south parcel onto the adjacent parcel. This document (recorded at Rice County) as document A764833 grants the adjacent parcel rights to occupy and utilize a portion of the subject parcel. This easement agreement is a private agreement between two parties of which the City is not a part of and appears to allow encroachments that violate existing City zoning codes. The easement agreement should be reviewed by the City Attorney for applicability and enforcement of existing zoning codes and consideration of the adjacent parcel party being part of the plat and conveying the encroachment area as part of the plat should be considered.

Proposed Easements

The proposed plat should be updated to include perimeter drainage and utility easements as required by City code and at a minimum should include a ten (10) foot easement adjacent to 2nd Avenue NW and 14th Street NW except for where the existing subject parcel building encroaches. Additionally five (5) foot easements should be included along the remaining plat boundaries where adjacent to existing residential lots. The City Attorney shall advise on the applicability of the required platted easements in regards to the private easement agreement and the need for a consent to plat from the adjacent property owner.

STREET AND SITE LAYOUT

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

2nd Avenue NW

The site is east of and adjacent to 2nd Avenue NW a minor arterial south of 20th Street NW and a principal arterial north of 20th Street NW. 2nd Avenue NW is constructed as a 44-foot wide, two-lane urban roadway and is within a 80-foot right-of-way. There is currently sidewalk on both sides of 2nd Avenue NW. There is an existing access to the subject parcel from 2nd Avenue near the southern property line. No alterations to this access location shall be made without approval from the City Engineer.

14th Street NW

The site is south of and adjacent to 14th Street NW, a local roadway. 14th Street NW is constructed as a 40-foot wide, urban roadway and is within a 75-foot right-of-way with a shared left/thru lane and a dedicated right turn lane on the westbound approach of 14th Street NW to 2nd Avenue NW. There is currently sidewalk on the south side of 14th Street NW. The site plan indicates two driveway openings on 14th Street NW to serve the proposed development being one-way driveways with an entrance and exist driveway for the drive-thru services. Final driveway locations and designs shall be subject to the review and approval of the City Engineer and must be constructed according to City standards. Consideration may be warranted in the future to sign 14th Street NW with no parking adjacent to the subject plat if traffic patterns and site line issues arise.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The development is located within the Canon River (Just Below Dam M-048) district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site currently drains primarily to the adjacent streets which eventually connect to existing storm sewer systems that ultimately discharge to the Cannon River to the north.

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

The entire subject parcel is within the shoreland overlay district and the submitted site plans indicate that impervious coverage will exceed the maximum allowed 25%. Per the shoreland overlay district requirements, impervious coverage up to 70% may be allowed with additional stormwater management requirements. Developer shall submit as part of the stormwater

management report what alternatives were considered to limit the impervious surface coverage and respond to other comments provided by the MN DNR.

The proposed site improvements shall be reviewed as part of the site plan and building permit. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans.

Any proposed stormwater basin(s) will be private, and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

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

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

UTILITIES

The existing site is currently served by City water and sewer from services extended into the site from mains located in the adjacent public streets and existing utilities have sufficient capacity to serve the proposed development.

WETLANDS

There are no known wetlands shown on the preliminary plat.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access through the existing site.

RECOMMENDATION

Engineering recommends approval of the Preliminary Plat, Final Plat, Conditional Use Permit & Easement Vacation, subject to the comments within this report and the following:

- Developer shall submit a stormwater management report and stormwater treatment design to be in conformance with the City's MS4 Permit, 2022

Surface Water Management Plan (including the Developer's Guide for Stormwater Management) and the City's Shoreland Overlay District stormwater management requirements.

- Current title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.
- Final site plan review and approval shall be subject to City Engineer review and comments to verify compliance with City requirements.

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE A COMPREHENSIVE PLAN AMENDMENT TO GUIDE CERTAIN PROPERTY AT THE CORNER OF 2ND AVE NW AND 14TH ST NW FOR COMMERCIAL/RESIDENTIAL MIXED USE

WHEREAS, Steve Underdahl on behalf of Nathaniel Cunningham of Mighty Fine Coffee (the "Applicant"), along with Jordan Brennan and Jessica Swink (the "Owner" and co-Applicants), request approval of a Comprehensive Plan Amendment to change the guided land use from "Established Residential Neighborhood" to "Commercial/Residential Mixed Use" at the southeast corner of 2nd Avenue NW and 14th Street NW (the "Property"), legally described in Exhibit A and graphically depicted in Exhibit B; and

WHEREAS, the Applicant proposes to develop a walk-up and drive-up coffee shop on the Property; and

WHEREAS, the City's Journey to 2040 Comprehensive Plan currently guides the Property for "Established Residential Neighborhood," which envisions neighborhood commercial uses in key neighborhood areas, such as the subject Property; and

WHEREAS, the Applicant's proposed coffee shop includes a drive-up window, which City Staff determined is more appropriate on property guided for "Commercial/Residential Mixed Use" rather than "Established Residential Neighborhood;" and

WHEREAS, City Staff prepared and presented a report to the Planning Commission and recommended approval of the Applicant's Comprehensive Plan Amendment request to guide the Property for "Commercial/Residential Mixed Use;" and

WHEREAS, after proper public notice, the Planning Commission held a public hearing on May 19, 2025, to consider the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's Comprehensive Plan Amendment request to guide the Property for "Commercial/Residential Mixed Use" based on the following findings:

1. *The Comprehensive Plan Amendment review and approval process provided adequate opportunity for public review and comment. The City published a public hearing notice in the local newspaper and mailed public hearing notices to all property owners within 350 feet of the Property.*
2. *Approval of the requested Comprehensive Plan Amendment is in the best interest of the community's health, safety, and welfare based on the following:*
 - A. *Second Avenue NW and 14th Street NW are minor arterial roads serving the Property. It is appropriate to guide property at the intersection of two minor arterial roads for "Commercial/Residential Mixed Use."*
 - B. *Historically, part of the Property accommodated commercial uses. Guiding the Property for "Commercial/Residential Mixed Use" provides an opportunity to enhance commercial use of the Property for the benefit of the residents and employees in the area.*
 - C. *Industrial properties are to the north and west of the Property. Guiding the Property for "Commercial/Residential Mixed Use" provides an appropriate transition between the industrial and residential uses.*
3. *The existing infrastructure supporting the Property, including sanitary sewer, stormwater, water, and roads, is suitable for the proposed "Commercial/Residential Mixed Use" designation; and*

WHEREAS, the City Council held a public meeting on May 27, 2025, 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 hereby makes identical findings.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1: Incorporation of recitals and exhibits. The applicable

recitals and exhibits in this Resolution constitute the written findings of the City Council.

Section 2: Approval of the requested Comprehensive Plan Amendment. The City Council hereby amends the Journey to 2040 Comprehensive Plan to change the guided land use from “Established Residential Neighborhood” to “Commercial/Residential Mixed Use” for the Property legally described and depicted in Exhibit A and Exhibit B of this Resolution.

Section 3: Publication of the Comprehensive Plan Amendment. The City’s Community and Economic Development Department must update the City’s official Land Use Plan and the digital form of the Land Use Plan on file in the Department to reflect the Comprehensive Plan Amendment. However, the City need not republish the Comprehensive Plan.

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

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

Date Adopted: May 27, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description of the Property

Parcel A:

All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Faribault, Rice County, Minnesota.

Parcel B:

Lot 4, Block 6, North Faribault, Rice County, Minnesota.

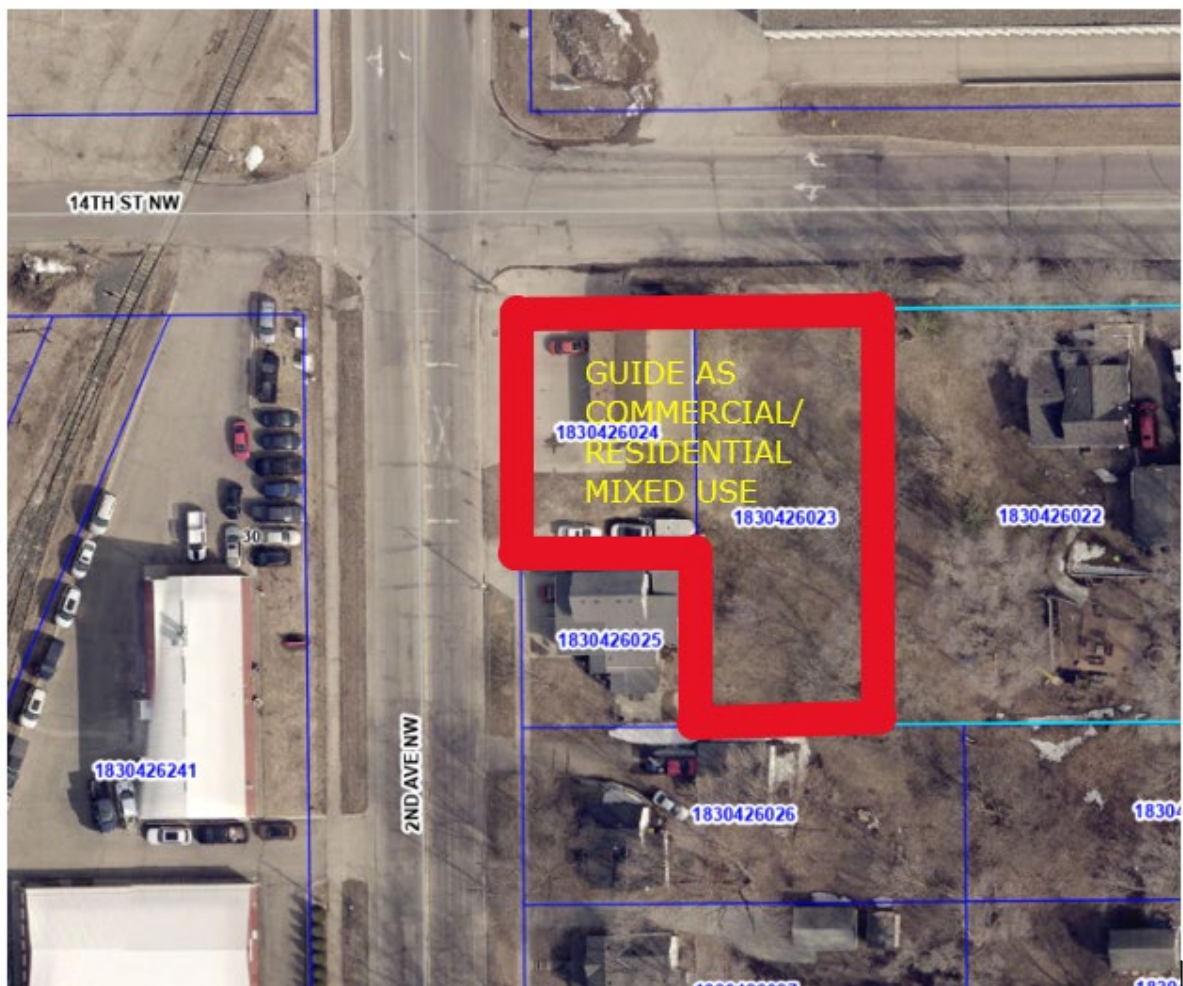
Abstract Property

Exhibit B
Depiction of the Property Showing Current Land Use Plan and
Proposed Amendment to the Land Use Plan



Current Land Use Plan for the Property: Established Residential Neighborhood

(Continued on the following page)



Amend the Comprehensive Plan's Land Use Plan to Guide the Property for Commercial/Residential Mixed Use

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE VARIANCES FOR LOT AREA AND IMPERVIOUS SURFACE COVERAGE AT 127 AND 123 14TH ST NW

WHEREAS, Steve Underdahl on behalf of Nathaniel Cunningham of Mighty Fine Coffee (the "Applicant"), along with Jordan Brennan and Jessica Swink (the "Owner" and co-Applicants) request variances within properties located at the southeast corner of 2nd Avenue NW and 14th Street NW (the "Property"), legally described in Exhibit A and graphically depicted in Exhibit B; and

WHEREAS, the proposes to develop a restaurant, primarily serving coffee which has a drive through on the Property; and

WHEREAS, under Appendix B (the Unified Development Ordinance [UDO]), Chapter 11. Commercial Districts, Article 1. Section 11-100 Lot dimension and bulk regulations. Table 11-2. Lot dimension and setback requirements in the commercial district. C-2- Highway Commercial Minimum lot area is 20,000 (sf. ft.). The proposed lot combination will create a single parcel of +/- 16,830 sq. ft.; and

WHEREAS, under Appendix B (the UDO), Chapter 13. Article 6, Section 13-700 Stormwater Management District (5) Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area proposed impervious surface coverage is 52% or 8,685 sq. ft., which is 4,477 sq. ft. greater than the minimum standard; and

WHEREAS, Appendix B UDO, Chapter 2, Article 9 Sec 2-420. Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause practical difficulties because of unique circumstances related to the

property; 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 May 19, 2024, following proper notice, held a public hearing regarding the requests; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the variance based on the following criteria and 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 request by the applicant for both a reduction in the minimum lot area being under 20,000 square feet and an allowance to exceed the maximum 25% impervious surface requirement is in harmony with the general purposes and intent of the City's ordinances. The lots are previously platted and developed parcels having either commercial or residential uses. The proposed activation of the future combined properties and site features retain the existing single-story structure and have minimized to the best extent possible additional impervious surfaces. The commercially used part of the subject properties is historically used as commercial and on its own is very deficient in terms of lot area. Adding the additional property improves the existing nonconformity.

In terms of the Shoreland requirements for a maximum of 25% impervious coverage, this requirement applies better for areas that are on a city periphery or in undeveloped or underdeveloped locations. For the specific subject properties, there either were or currently are improved with structures are also in the middle of the city surrounded on all four sides by development. To limit the subject properties to a maximum of 25% would be unreasonable compared to the use and enjoyment experienced on neighboring properties.

2. The variance is consistent with the Comprehensive Plan.

Finding: The property was previously guided for Established Residential Neighborhood and prior to this action, proposes to become Commercial/Residential Mixed Use. Once this proposal is established, the nature of the proposal for a modestly scaled neighborhood commercial would be in alignment with the Comprehensive Plan. In the Journey to 2040: Comprehensive Plan adopted on September 22, 2020, some of the Core Guiding Principles which support this application include:

"Remove or minimize barriers and create or strengthen opportunities for all individuals, businesses, industries, organizations and services to succeed." And " ...Ensure that community plans, ordinances, and services are in the best interest of the community and that they do not needlessly discourage or hinder others from succeeding in their endeavors to better their situation and the community."

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

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

Finding: The variances to allow both a greater percentage of impervious surface and allowing a lesser than 20,000 square foot combined parcel is not an unreasonable request in order to activate and program the site(s) for a commercial use due to the existing constraints and challenges of redevelopment.

Previous property owners and businesses have attempted to use this property and have failed to achieve a plan that adequately addresses code requirements. The current proposal went a long way to address lot area limitations and impervious surface requirements while manifesting the historic and current designation as commercial property. The applicant is working

*closely with the City Engineer to ensure additional impervious surface is addressed in on-site treatment systems so that the additional runoff does not impact nearby water bodies. One such measure is an on site ponding to capture surface water runoff. The applicants stated the intention of the pond is to allow for infiltration, filtration & rate control. Underlying soils are granular & should provide for infiltration, reducing the volume of storm water leaving the site. The storm water basin will discharge excess stormwater to the city's storm water collection system after infiltration with rate control and filtration through best management practices.***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 property is unique for its location adjacent to two public right of ways, having varying widths and depths within the existing platted parcels to be assembled. The land configuration and an existing slope on a portion of the properties further challenge the site planning aspect. These circumstances are not the result of the actions of the applicant and it is unreasonable for the city to force the applicant to buy the adjacent landowner to the south or southwest for their commercially-zoned land to adequately "square up" the property. The applicant must find a way to utilize this L-shaped property at the corner of two major city routes for commercial.

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

Finding: The request does not alter the essential character of the neighborhood as until recently, these properties were functioning in both a residential and commercial capacity. The reuse of the existing commercial structure is consistent with the prior commercial businesses. The portion of the site of a former residence that will incur a greater increase of

impervious surface will be screened by way of a 6-foot privacy fence between residences to the south and eastern property boundaries. The portion of the commercial lot adjacent to a residential property along 2nd Ave NW has in place a private easement agreement that allows parking to remain and precludes any additional screening.

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

Finding: Due to practical difficulties which exist as noted in earlier findings, the applicants' requests are the minimum necessary to alleviate both the combination of the lots into a serviceable land area and also the commercial business's inability to meet certain performance standards including the minimum lot size and impervious surface coverage in excess of 25%.

6. Economic conditions alone do not constitute practical difficulties.

Finding: The applicant has a practical difficulty apart from any economic concerns or conditions in redevelopment. The assemblage of the parcel and site design posed a difficult challenge to accomplish in a manner that supports all criteria. Redevelopment of two platted parcels on a corner lot for the applicant's proposal for a restaurant with a drive through have proven to have a reasonable arrangement of business elements on the subject property.

WHEREAS, the DNR generally does not recommend issuing variances which make existing non-conforming lots more non-conforming per local/state ordinances. There is acknowledgement by the DNR that this developed site presents challenges and for those reasons, the DNR strongly supports the city requiring engineering practices which offer onsite stormwater management which includes on site ponding, treatment and provides for maintenance of the system design. In this way the goal is to provide that the best possible alternative accepted by the city protects public waters; and

WHEREAS, the City Council, at a public meeting, on May 27, 2025, considered the request and concurred with all findings of the Planning Commission and City Planner 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: Approval of the Requested Variance. The City Council hereby approves the requested variance as stated in the third and fourth recitals of this Resolution from Chapter 11, Article 11, Sec 11-100 (Table 11-2), and Chapter 13, Article 6, sec. 13-700 of the City's Unified Development Ordinance. Said approval 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: Conditions of Approval. The variance is approved subject to conditions listed herein as authorized under Section 2-470 of the Unified Development Ordinance, which are deemed necessary to mitigate potential adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. The project must be substantially similar to what is depicted in Exhibit B and may not exceed the variance limits. If the Development Review Committee determines that the project is substantially different from what is approved in this Resolution, the applicant will need to submit for a new variance.

Section 3. 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 4. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

Date Adopted: May 27, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A Property Description



Yellow Outline = Subject Property

Parcel A:

All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Faribault, Rice County, Minnesota.

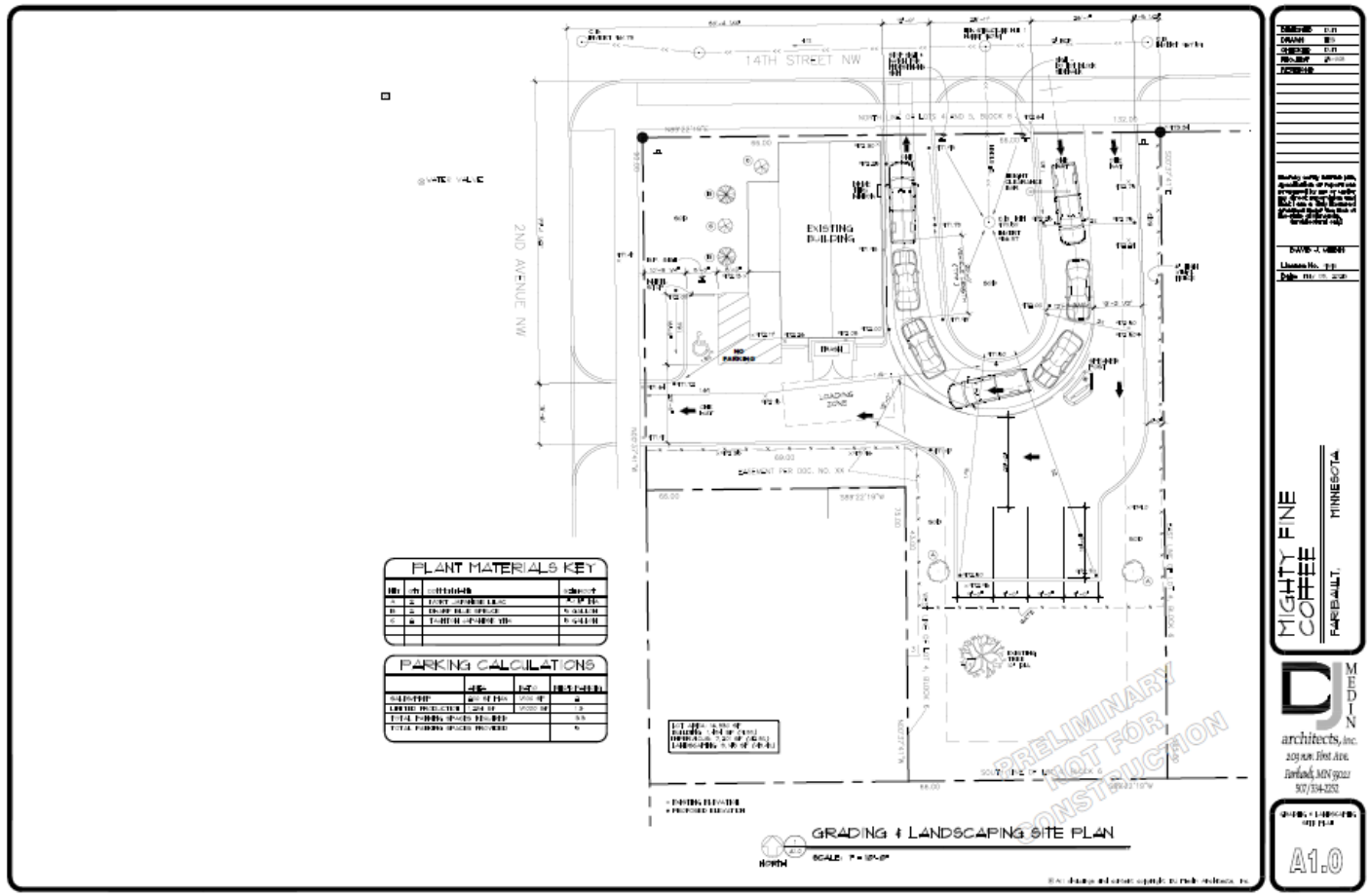
Parcel B:

Lot 4, Block 6, North Faribault, Rice County, Minnesota.

Abstract Property

Exhibit B

Depiction of Variance



Site Plan

Exhibit C
Staff Report from Planning Commission

(insert document after this page)

**CITY OF FARIBAULT
ORDINANCE No. 2025-XX**

**APPROVE REZONING CERTAIN PROPERTIES AT THE CORNER OF 2ND AVE NW
AND 14TH ST NW To C-2, HIGHWAY COMMERCIAL**

WHEREAS, Steve Underdahl on behalf of Nathaniel Cunningham of Mighty Fine Coffee (the "Applicant"), along with Jordan Brennan and Jessica Swink (the "Owner" and co-Applicants), request that the City Council rezone 127 14th St NW and 123 14th St NW from C-1, Neighborhood Commercial to C-2, Highway Commercial; 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 Council approved Resolution 2025-XXX on May 27, 2025, which amended the City's comprehensive plan to guide the subject property for commercial/residential mixed use; and

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

WHEREAS, the Planning Commission, on May 19, 2025, following proper notice, held a public hearing regarding the said request; and

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

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

Finding: Per Resolution 2025-XXX, the Land Use Plan guides the subject properties for commercial/residential mixed use, which is consistent with the proposed C-2, Highway Commercial zoning.

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

Finding: It is in the public's best interest to ensure reasonable and logical use of the property. The property is currently zoned commercial, but allowing a higher commercial zoning will allow for business investment into a commercial property that has struggled otherwise to stay occupied and contributing to city amenities and tax base. Rezoning the property to a higher commercial zone will facilitate the investment needed to make the property viable for commercial operations.

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

Finding: The existing properties are zoned commercial and along major routes through the city, but one is unimproved, and the other previously used for a laundromat and pet care. The surrounding properties include existing industrial and residential uses. The current conditions of a major route through the city, mix of uses nearby, and the opportunity to provide an amenity for the neighborhood through the various uses allowed in C-2 make the rezoning compatible with the neighborhood and context.

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

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

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

Finding: Many previous property owners have attempted to make use of these properties for other commercial uses and struggled. Elevating the commercial uses allowed on the properties will create more opportunities for current and future property owners to utilize the property and successfully carry out the intent for commercial evident in the current c-1 zoning. Therefore, rezoning the subject properties to C-2, Highway Commercial is appropriate.

WHEREAS, the City Council held a public meeting on May 27, 2025, to consider approval of the first reading of Ordinance 2025-XX; and

WHEREAS, the City Council also held a public meeting on June 10, 2025 to consider approval of the second reading of Ordinance 2025-XX; 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-2, Highway Commercial. The effective date of the rezoning shall be as outlined in Section 5 of this resolution.

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

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

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

Public Hearing: May 19, 2025

First Reading: May 27, 2025

Second Reading: June 10, 2025

Publication Date: June 17, 2025

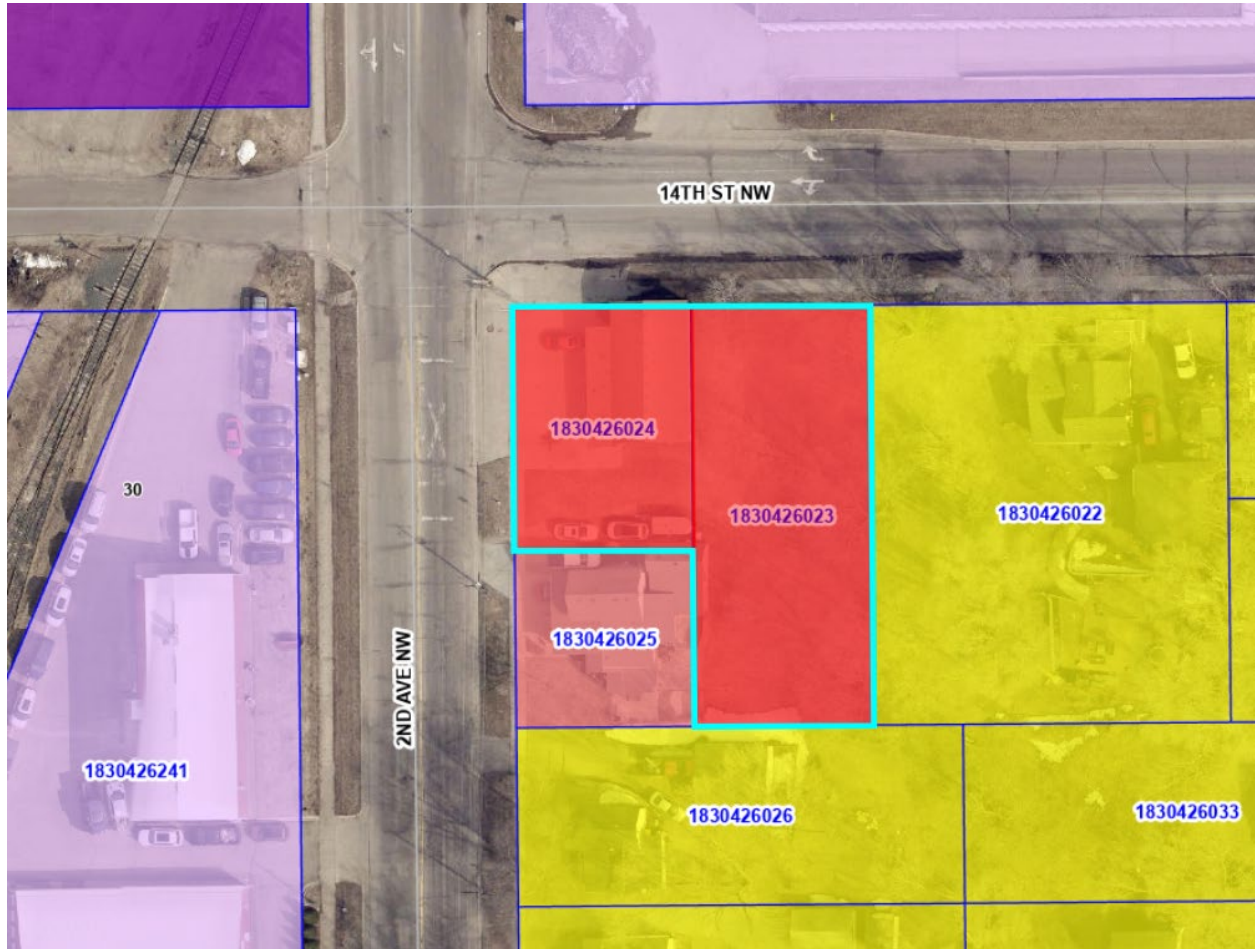
Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

EXHIBIT A:
Depiction of Subject Property to be Rezoned
to C-2, Highway Commercial



Area Outlined in Cyan = Rezoned from C-1 to C-2

Legal Description:

Lot 4, Block 6, NORTH FARIBAULT, AND ALSO, All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Faribault, Rice County, Minnesota, according to the plat thereof, on file and of record in the office of the County Recorder, Rice County, Minnesota.

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE THE PRELIMINARY AND FINAL PLATS FOR MIGHTY FINE COFFEE ADDITION

WHEREAS, Steve Underdahl on behalf of Nathaniel Cunningham of Mighty Fine Coffee (the "Applicant"), along with Jordan Brennan and Jessica Swink (the "Owner" and co-Applicants), request preliminary and final plat approval to combine two lots into one, legally described in Exhibit A (the "Property"); and

WHEREAS, City Staff reviewed the Applicant's applications and made a report to the Planning Commission, a copy of which City Staff presented to the City Council; and

WHEREAS, the Planning Commission, on May 19, 2025, following proper notice, held a public hearing regarding the applications, and following said public hearing, made written findings and recommended approval of the applications; and

WHEREAS, the City Council, on May 27, 2024, at a public meeting, considered the applications; and

WHEREAS, based upon said report, hearing, and recommendation, the City Council hereby finds that approval of the preliminary plat for Mighty Fine Coffee Addition as depicted on Exhibit B, subject to the attached conditions of approval, is appropriate with the following findings as required by Section 15-130 of the City's Unified Development Ordinance:

- 1. Criteria: The proposed preliminary plat conforms with the requirements of the Unified Development Ordinance, the applicable zoning district regulations, and any other**

applicable provisions of this Ordinance, subject only to acceptable rule exceptions.

Finding: The proposed preliminary plat is substantially consistent with UDO requirements within the C-2, Highway Commercial zoning district and subdivision platting requirements.

The proposed platted cumulative land area does not meet the requirement of the minimum lot area being 20,000 sq. ft. The applicant has applied for a variance from this standard, which is supported due to the limits of available land area for redevelopment.

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

Finding: The City's Land Use Plan is proposed to be amended in conjunction with this platting application. Once approved, the subject property is suited for commercial. The proposed commercial use is consistent with this plan.

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

Finding: The preliminary plat provides for reasonable use of land intended for commercial development, based on sound planning and engineering principles. The project utilizes existing infrastructure and street frontages to accommodate an expanded commercial use.

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

Finding: The preliminary plat lot is consistent with the provisions of the City's Unified Development Ordinance. On-site stormwater management is proposed along with a proposed connection to the infrastructure on 14th Street NW. There are two new proposed curb-cut locations on 14th Street NW to facilitate the proposed entrance to the drive through and access to site parking.

A single curb cut will serve the exit from the site onto 2nd Avenue

NW, narrowing the egress to one location along the property boundary.

5. Criteria: All submission requirements have been satisfied.

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

WHEREAS, the City Council further finds that approval of the final plat of Mighty Fine Coffee Addition as depicted on Exhibit C, subject to certain conditions of approval, is appropriate with the following findings as required by Section 15-210 of the City's Unified Development Ordinance:

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

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

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

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

3. All submission requirements have been satisfied.

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

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

Section 1. Preliminary and Final Plat Approval. The City Council approves the preliminary and final plat for Mighty Fine Coffee Addition included in Exhibit B and Exhibit C, respectively, subject to the following conditions:

1. The Applicant/Property Owner must make the following changes regarding the preliminary plat:

- a. Show the post-combination legal description.
 - b. Add information on those having property interests as part of the development team or having private agreements.
 - c. Show location of water and sewer mains.
 - d. Clarify the following:
 - i. Linework and line types for easements and setbacks.
 - ii. Proposed and existing easements and lot boundaries.
 - iii. Easement types and callouts.
 - iv. Remove all items within the legend which are not applicable.
2. The Applicant/Property Owner must make the following changes regarding the final plat:
 - a. Name and address of developer
 - b. Revision of dedication statement to comply with ordinance.
 - c. Put 'Jessica L. Kinser' for name under City Administrator signature line.
 - d. Notarized certification of surveyor.
 - e. Signatures from all owners and persons of interest, including mortgage holders.
3. The Owner and City must enter into a Development Agreement the specifies the provisions of the development related to the plat.
4. Under Sec 15-338(A), the applicant will not be required to dedicate parkland or pay fees in lieu of parkland dedication, as the impact of the expanded commercial property is less than the demolished residential home.
5. Before recording the plat with the Rice County Recorder, the Owner must pay all applicable fees, special assessments, and taxes.
6. The plat must be recorded with the Rice County Recorder within 12 months following City Council approval or it shall be automatically deemed null and void, unless the City Council extends the deadline to record the plat.
7. The Developer shall submit current title work for the Property pursuant to Minnesota Statutes Section 505.03, the Faribault City Code and the required Development Agreement for this matter and abide by all conditions resulting from such title work and the resulting attorney plat opinion, as well as city staff review of the title work.

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

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

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

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

Date Adopted: May 27, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description

Parcel A:

All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Faribault, Rice County, Minnesota.

Parcel B:

Lot 4, Block 6, North Faribault, Rice County, Minnesota.

Abstract Property

Exhibit C

Depiction of the Final Plat

MIGHTY FINE COFFEE ADDITION

LEADS

- LEAD FINDER SERVICE
- LEAD FINDER SERVICE
- LEAD FINDER SERVICE

MAJOR AIR ADJUSTMENTS

THE MAJOR AIR ADJUSTMENTS ARE AS FOLLOWS:

THE COFFEE ADDITION OR COFFEE ADDITION

The coffee addition is a _____ ft. by _____ ft. addition to the coffee house. The coffee addition is a _____ ft. by _____ ft. addition to the coffee house. The coffee addition is a _____ ft. by _____ ft. addition to the coffee house.

THE COFFEE ADDITION

THE COFFEE ADDITION

The coffee addition is a _____ ft. by _____ ft. addition to the coffee house. The coffee addition is a _____ ft. by _____ ft. addition to the coffee house. The coffee addition is a _____ ft. by _____ ft. addition to the coffee house.

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THE COFFEE ADDITION

THE COFFEE ADDITION

The coffee addition is a _____ ft. by _____ ft. addition to the coffee house. The coffee addition is a _____ ft. by _____ ft. addition to the coffee house. The coffee addition is a _____ ft. by _____ ft. addition to the coffee house.

THE COFFEE ADDITION

FOR LAND SERVICES, INC.
CONTACT AND COMPANY NUMBER

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE A CONDITIONAL USE PERMIT FOR C-2 AND AND SHORELAND OVERLAY DISTRICT AT 190 20TH ST NW

WHEREAS, Steve Underdahl on behalf of Nathaniel Cunningham of Mighty Fine Coffee (the "Applicant"), along with Jordan Brennan and Jessica Swink (the "Owner" and co-Applicants) request Conditional Use Permits within properties located at the southeast corner of 2nd Avenue NW and 14th Street NW (the "Property"), legally described in Exhibit A and graphically depicted in Exhibit B; and

WHEREAS, the development team proposes to develop a restaurant, primarily serving coffee which has a drive through on the Property; and

WHEREAS, Chapter 11. Commercial District, Article 1. – General Provisions, Table 11-1 of the City of Faribault's Unified Development Ordinance requires a conditional use permit for a restaurant with a drive through within the C-2 Highway Commercial District; and

WHEREAS, Chapter 11. Commercial District, Article 1. – General Provisions, Table 11-1 of the City of Faribault's Unified Development Ordinance requires a conditional use permit for a restaurant with a drive through within the Shoreland Overlay District; and

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

WHEREAS, the Planning Commission, on May 19, 2025, following proper notice, held a public hearing to consider the Applicant's request; and

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

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

Finding: The proposed drive-through will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare. The use and overall development are compatible with the adjacent residential and commercial properties and will not result in adverse impacts.

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

Finding: The development of the restaurant with the drive-through, with placement of the drive aisles and parking, will not negatively impact other nearby properties. Properties in the immediate area are a mix of residential, industrial and commercial. The proposed reactivation of a commercial structure and development of the property for a new business use does not impede the investment and development of adjacent properties.

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

Finding: The proposed reactivation of an existing commercial structure with a proposed new use is designed to be compatible and supportive of the performance standards of the city with consideration of the needs of the character of the surrounding area.

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

Finding: The proposed commercial expansion does not contribute to hazards or disturbing activities that negatively affect other properties. Staff received no comments as a result of the published hearing notices.

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

Finding: The proposed assemblage of two parcels to facilitate reactivation of a commercial business at this location is unlikely to diminish nearby property values. The applicant is required to provide screening to the benefit of adjacent properties. A cooperative private agreement between the property owners and property owners of the neighboring residential property at 1329 2nd Ave. NW demonstrates support for proposed business improvements. Investment in buildings in this area may positively impact on nearby property values.

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

Finding: Public sewer, water, and all other applicable municipal services serve the subject property. The property has adequate access to the larger road network. The business will not generate a notable increase in public service demand.

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

Finding: The Project will not generate a notable increase in demand for public facilities or services. The Project's location at the intersection of two city streets, 14th St. NW and 2nd Ave. NW will be directly connected to both the street, pedestrian facilities and underground utilities. This ability to revitalize the site optimizing existing city infrastructure will not be detrimental to the economic welfare of the community.

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

Finding: The project strives to not cause traffic congestion as the scale of the operation reusing an existing structure and creating a reasonable interior circulation pattern which accommodates a drive-through, on-site parking and accompanying drive aisles within the site. In this manner, the site plan provides for proper traffic circulation without causing congestion.

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

Finding: The Property does not have important natural, scenic, or historic features. The location is near Lake Faribault but the use will not be visible or detrimental to the water body.

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

Finding: The City's Comprehensive Plan guides the Property for commercial uses once the concurrent application is adopted for the amendment to the comprehensive plan. Once approved, the project is consistent with the land use plan.

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

Finding: The project conforms to the Unified Development Ordinance requirements to the greatest extent possible. Variance applications have been submitted in concurrence with these applications for circumstances requiring latitude within applicable regulations within the C-2 Highway Commercial Zoning District and Shoreland Overlay District.

WHEREAS, following the public hearing, the Planning Commission also recommended that the City Council approve the Applicant's conditional use permit amendment request based on the findings required in

Section 13-710 of the Unified Development Ordinance for a conditional use in Shoreland, as follows:

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

Finding: The DNR and City Engineer have reviewed the proposal and have provided comments and direction to the applicant to mitigate soil erosion and water pollution related to this project.

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

Finding: The proposed commercial business of a restaurant with a drive through is not viewable from public waters due to the context within a developed commercial and neighborhood.

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

Finding: The property has adequate access to water and sewer services.

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

Finding: The use does not have a water-oriented component to its operation.

WHEREAS, the City Council, during a public meeting on May 27, 2025, considered the Applicant's conditional use permit request; and

WHEREAS, the DNR requests the applicant provide mitigation for the increase of impervious surface, explore alternatives which result in a best case scenario regarding capture of water run off. Suggestions included closer review of the proposed onsite stormwater pond design to maximize storage capacity for present and future rain events, provide ability for maintenance of the pond and ensuring that monitoring of any

proposed outlet structures are also maintained to limit sediment from reaching downstream areas; and

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

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

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit amendment request at the property described in Exhibit A to establish the drive-through described in Exhibit B, subject to the conditions in Sections 2 and 3 of this Resolution.

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

1. The Project must receive Site Plan approval from the City's Development Review Committee before obtaining building and development-related permits. Site Plan approval may include additional conditions of approval not listed in this conditional use permit.
2. The Owner must construct the Project substantially similar to the Applicant's submittal included in Exhibit B of this Resolution. Any significant change, as determined by the City's Development Review Committee, would require approval of a conditional use permit amendment.
3. The Owner must conform to Section 7-30 Development Standards for a restaurant with a drive through.
4. Approval of this conditional use permit does not constitute approval of any associated signs. Separate applications for sign permits are required before sign installation and applications must meet all City ordinance requirements.

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

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
2. The City may inspect the Property at all reasonable times to ensure compliance with the conditions of this permit.
3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.
5. This permit and its conditions are binding on the parties, their successors, and assigns. This permit runs with the Property and does not affect the subsequent sale, lease, or change from current ownership. The Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the Property.
6. Use of the Property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.
7. If substantial development or construction of the Project has not taken place within one (1) year of the date of approval of the conditional use permit, such permit shall be void unless the City Council grants a time extension. The Owner must submit an extension request in writing at least thirty (30) days before the expiration of the conditional use permit.

Section 4. Findings and Incorporation of Recitals and Exhibits. Where applicable, the recitals and exhibits incorporated in this Resolution constitute the written findings of the City Council, all of which protect the public's health, safety, and welfare.

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

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

Date Adopted: May 27, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description of the Property

Parcel A:

All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Faribault, Rice County, Minnesota.

Parcel B:

Lot 4, Block 6, North Faribault, Rice County, Minnesota.

Abstract Property

Exhibit B
Depiction of Conditional Use Permit

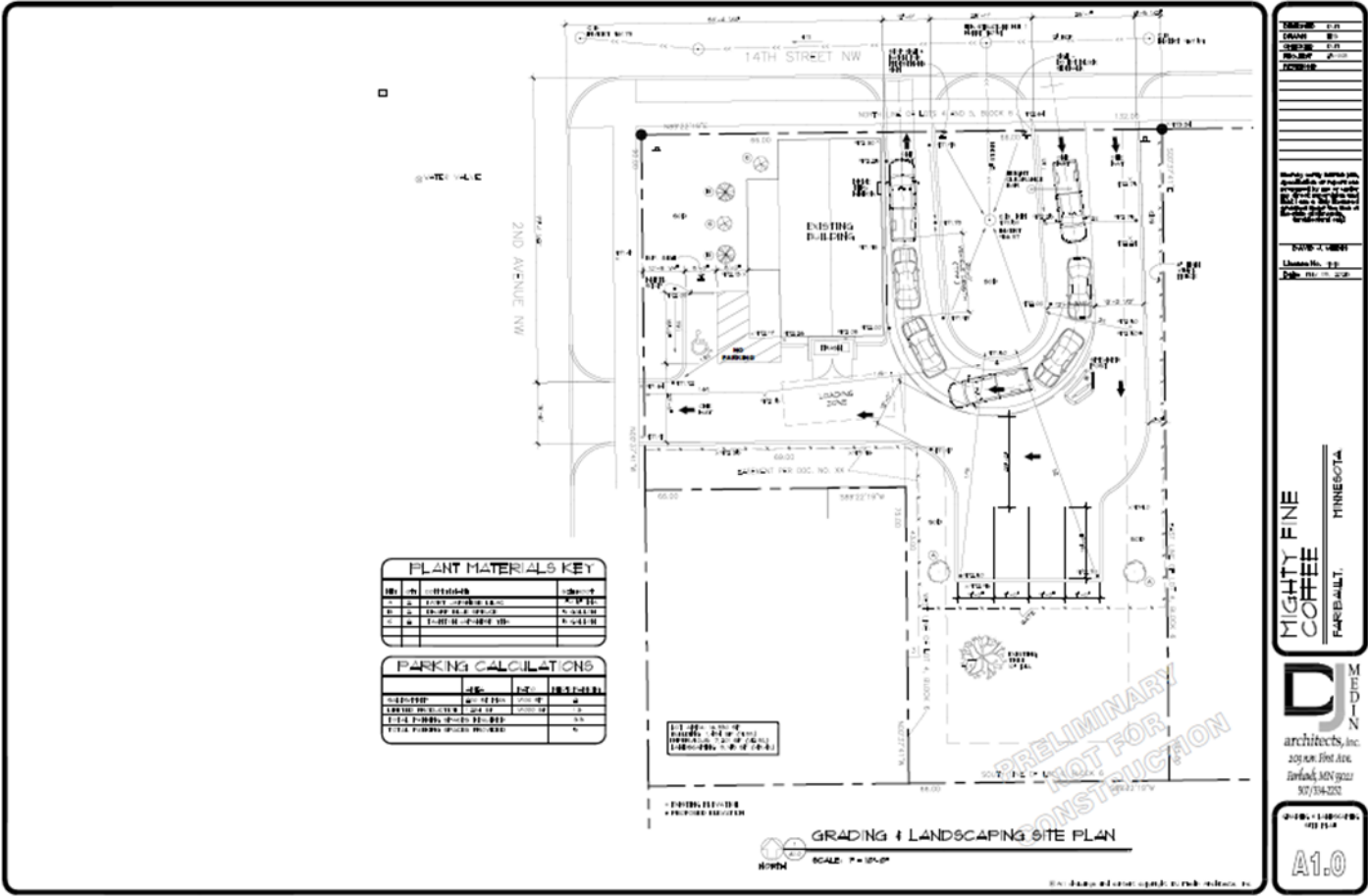


Exhibit C
Staff Report from Planning Commission

(insert document after this page)

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE VARIANCES FOR PARKING ARE SETBACKS AND DRIVE-THROUGH STACKING SPACES AT 127 AND 123 14TH ST NW

WHEREAS, Steve Underdahl on behalf of Nathaniel Cunningham of Mighty Fine Coffee (the "Applicant"), along with Jordan Brennan and Jessica Swink (the "Owner" and co-Applicants) request variances within properties located at the southeast corner of 2nd Avenue NW and 14th Street NW (the "Property"), legally described in Exhibit A and graphically depicted in Exhibit B; and

WHEREAS, the development team proposes to develop a restaurant, primarily serving coffee with a drive-through on the Property; and

WHEREAS, the development team requests a reduction of the (10) foot setback for parking and drive aisles to be no less than (4) feet from the eastern side property line and a reduction of the (1) car for stacking behind the menu board; and

WHEREAS, under Appendix B (the Unified Development Ordinance [UDO]), Chapter 11. Commercial Districts, Section 11- Lot dimension and setback requirements in commercial districts, Table 11-2. require a (10) ten-foot setback for off-street parking and loading areas; and

WHEREAS, under Appendix B (the UDO), Chapter 13. Article 8, Section 8-270.- Drive-in and drive-through stacking requirements, Table 8-4 requires Drive-through restaurants to provide (4) four spaces behind the menu board and (4) four spaces behind the first window; and

WHEREAS, Appendix B (the UDO), Chapter 2, Article 9 Sec 2-420. Variances are intended to provide a means of departure from the literal requirements of this ordinance where strict adherence would cause

practical difficulties because of unique circumstances related to the property; 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 May 19, 2024, following proper notice, held a public hearing regarding the requests; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the variance based on the following criteria and 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 request by the applicant for both a reduction in the minimum setback of 10' for off-street parking and reduction of the minimum number of stacking spaces by one space for the menu board needed for the drive-through restaurant. The request is in harmony with the general purposes and intent of the City's ordinances in the following manner.

The applicant has provided a site plan depicting proposed landscape planting, screening with a 6' fence and site grading. The interior vehicular circulation is designed with efficiency in the use of the site area to access parking, provide egress from the site and accommodate the restaurants drive through stacking. The balance of the site will be green space creating improved aesthetics on the street facing-front sides of the business, reserved green space and screening area along the entry drives, green infrastructure by way of the future stormwater detention pond location and 6' privacy fence adjacent the east and southerly most property line. While the reduction of the stacking behind the menu board does not meet city standards, the flow of traffic related to a coffee business is anticipated to have a modest window service waiting time due to the proposed limited menu.

2. The variance is consistent with the Comprehensive Plan.

Finding: The property was previously guided for Established Residential Neighborhood and prior to this action and now proposes to become Commercial/Residential Mixed Use. Once this proposal is established, the nature of the proposal for a modestly scaled neighborhood commercial would be in alignment with the Comprehensive Plan.

In Journey to 2040 the Comprehensive Plan notes that "Redevelopment...offers the chance to enhance an existing neighborhood and to develop in an area that does not require the construction of new streets, sewer and water.", and

Ensure that community plans, ordinance and service are in the best interest of the community and that they do not needlessly discourage or hinder others from succeeding in their endeavors to their situation and the community.

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

Finding: The variances to allow a reasonable reduction of the 10' setback for the parking and drive surface along with a reduction in required stacking for the drive through are reasonable due to the existing site constraints of the existing parcel configuration and challenges of redevelopment. For the applicant, trying to provide the number of required stacking spaces for the drive-through created a horseshoe layout that pushes drive aisles to access the parking areas close to property lines. The applicant has maximized the number of possible stacking spaces while adequately buffering with a fence and landscape for nearby residential properties.

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 property is unique for its location adjacent to two public right of ways, having varying widths and depths within the existing platted parcels to be assembled. The land configuration and an existing slope on a portion of the properties further challenge the site planning aspect. These circumstances are not the result of the actions of the applicant.

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

Finding: The request does not alter the essential character of the neighborhood as until recently, these properties were functioning in both a residential and commercial capacity. The reuse of the existing commercial structure is consistent with the prior commercial businesses. In addition, with the strategic placement site design elements in the most efficient manner as possible, the introduction of green space adjacent a street right of way and placement of privacy fence screening, the neighborhood character is maintained.

The portion of the commercial lot adjacent to a residential property along 2nd Ave NW has in place a private easement agreement which allows parking to remain and precludes any additional screening.

The portion of the site of a former residence which will incur a greater increase of impervious surface will be screened by way of a 6' privacy fence between residences to the south and eastern property boundaries.

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

Finding: Due to practical difficulties which exist as noted in earlier findings, the applicants' requests are the minimum necessary to alleviate both the combination of the lots into a serviceable land area and also the commercial business's

inability to meet certain performance standards including the location of needed parking, drive aisle and vehicle stacking for the drive through.

7. Economic conditions alone do not constitute practical difficulties.

Finding: The applicant has practical difficulty apart from any economic concerns or conditions in redevelopment. The site plan provided shows that elements of the site design have proven difficult to accomplish in a manner which supports all city performance standards.

The redevelopment of two platted parcels on a corner lot for the applicant's proposal for a restaurant with a drive through have demonstrated a reasonable arrangement of business elements on the subject property.

WHEREAS, the DNR generally does not recommend issuing variances which make existing non-conforming lots more non-conforming per local/state ordinances. There is acknowledgement by the DNR that this developed site presents challenges and for those reasons, the DNR strongly supports the city requiring engineering practices which offer onsite stormwater management which includes on site ponding, treatment and provides for maintenance of the system design. In this way the goal is to provide that the best possible alternative accepted by the city protects public waters; and

WHEREAS, the City Council, at a public meeting, on May 19, 2025, considered the request and concurred with all findings of the Planning Commission and City Planner 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: Approval of the Requested Variance. The City Council hereby approves the requested variance as stated in the third and fourth recitals of this Resolution from Chapter 116, Sec 11-100. And Chapter 13, Article 8, Sec 8-270, of the City's Unified Development Ordinance.

Said approval 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: Conditions of Approval. The variance is approved subject to conditions listed herein as authorized under Section 2-470 of the Unified Development Ordinance, which are deemed necessary to mitigate potential adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve objectives identified in the Unified Development Ordinance. The conditions of approval are as follows:

1. The project must be substantially similar to what is depicted in Exhibit B and may not exceed the variance limits. If the Development Review Committee determines that the project is substantially different from what is approved in this Resolution, the applicant will need to submit for a new variance.

Section 3. 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 4. Effective Date. This resolution shall become effective immediately upon its passage and without publication.

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Date Adopted: May 27, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A Property Description



Yellow Outline = Subject Property

Parcel A:

All of Lot 5 except the south 65 feet, in Block 6, in the Town of North Faribault, Rice County, Minnesota.

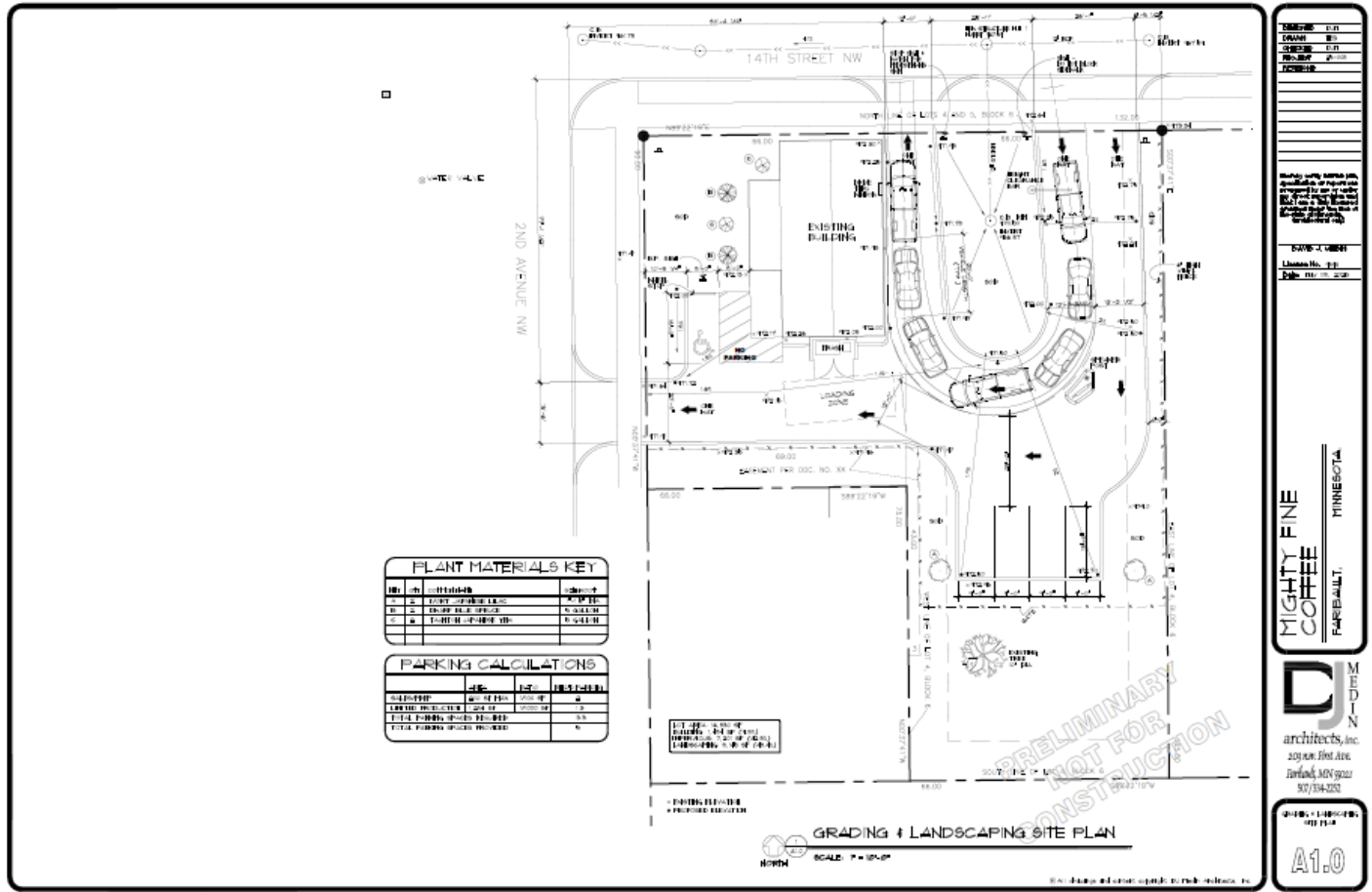
Parcel B:

Lot 4, Block 6, North Faribault, Rice County, Minnesota.

Abstract Property

Exhibit B

Depiction of Variance



Site Plan

Exhibit C
Staff Report from Planning Commission

(insert document after this page)



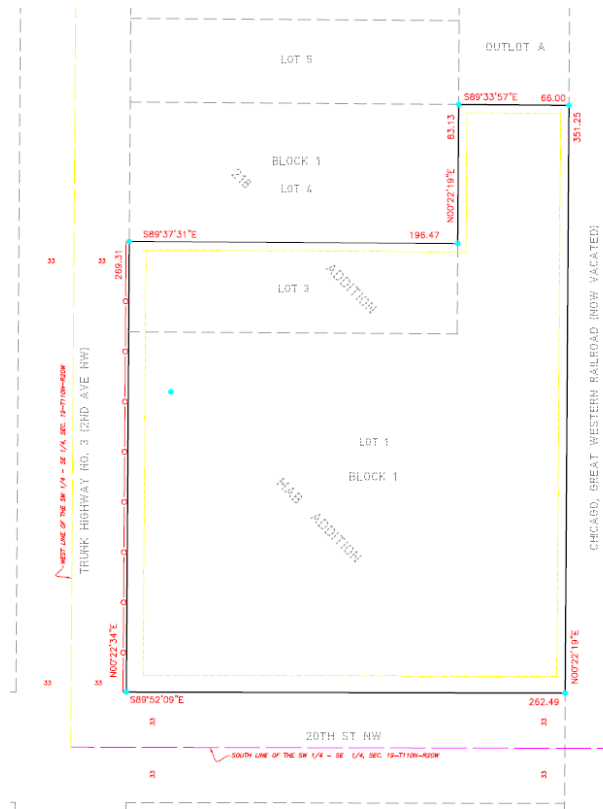
Staff Report to the Planning Commission

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: May 19, 2025
SUBJECT: Malecha Auto Body/190 20th St NW – VAC; PPL; FPL; CUP

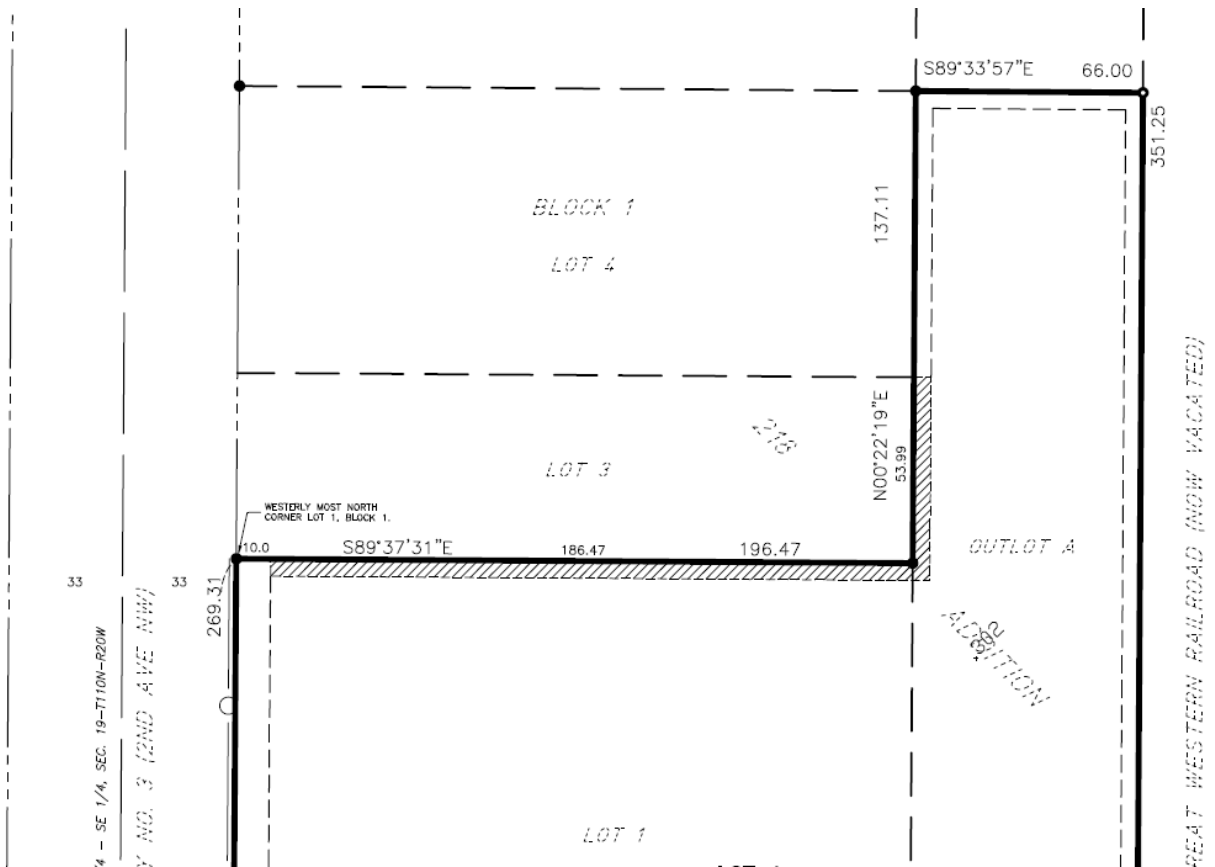
Request:	Applicant requests an easement vacation, preliminary and final plat, and CUP approval for Malecha Auto Body.
Recommendation:	The DRC, City Engineer, and City Planner recommend approval of the easement vacation, plats, and CUP to City Council based on the findings and conditions in the attached draft ordinance and resolutions.
Recommended Motion:	Motion to forward and recommend approval of the vacation, preliminary and final plats, and CUP requests for Malecha Auto Body to City Council, with findings and conditions suggested by city staff.

Request:

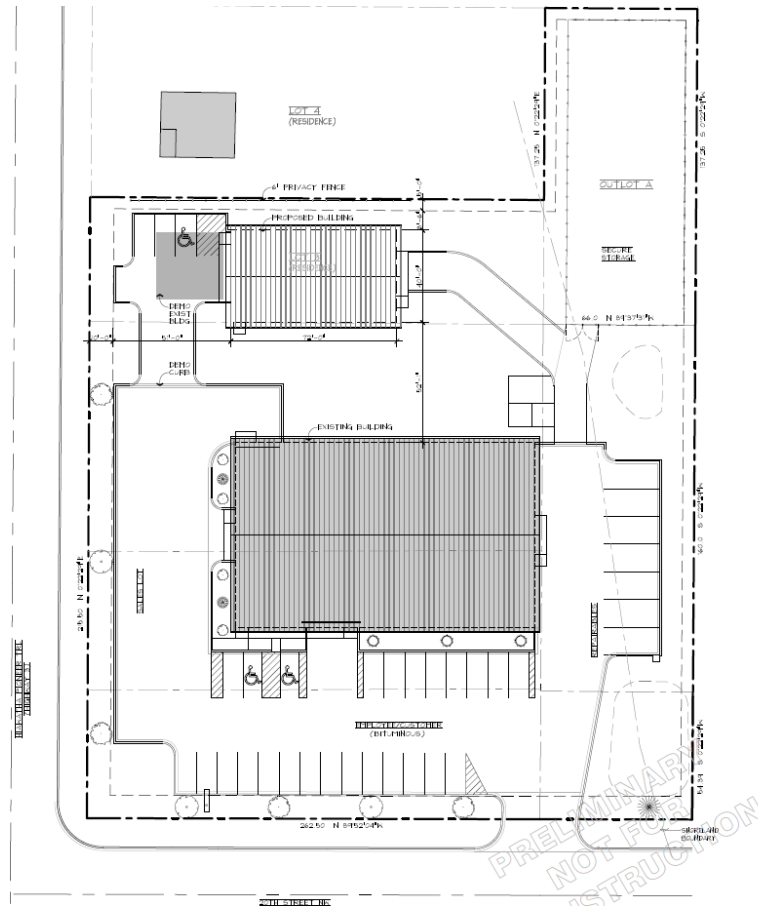
Steve Underdahl (Applicant) on behalf of Malecha Auto Body (Property Owner) requests an easement vacation, preliminary and final plat, and conditional use permit at 190 20th St NW. The subject property is zoned C-2, Highway Commercial, partially falls within the Shoreland Overlay District, and contains approximately 75,900 square feet (1.74 acres) of land, as depicted in the attached plans.



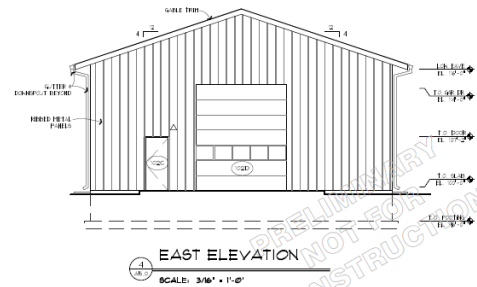
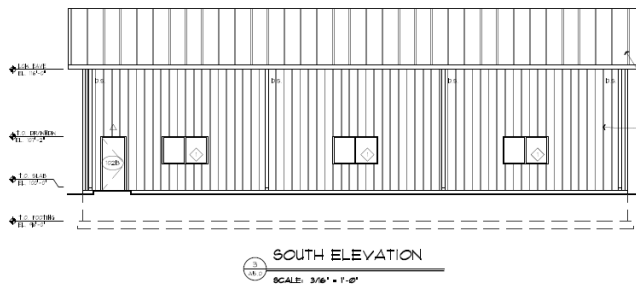
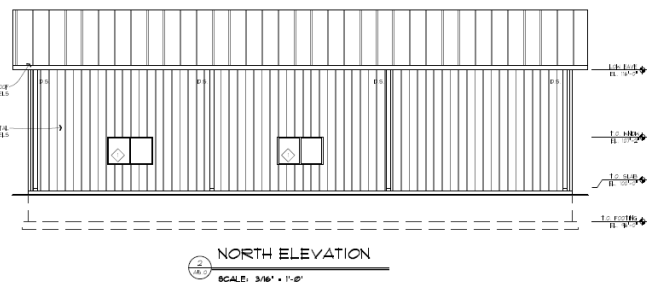
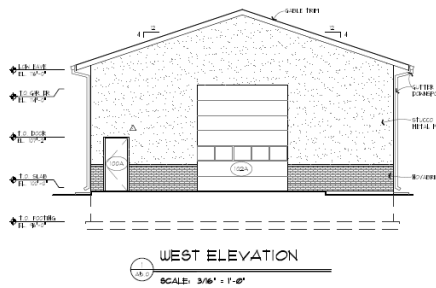
Final Plat



Easement Vacation (Hatched Area)



Site Plan



Building Elevations

Discussion:

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

Easement Vacation

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

Preliminary Plat

1. Existing and Surrounding Conditions. The subject property is bound to the north and east by residential. There is also a rail line and undeveloped areas along the river to the east. To the west across Highway 3 and to the south across 20th Street are commercial uses.
2. Relationship to the Journey to 2040 Comprehensive Plan. The Journey to 2040 Comprehensive Plan guides the subject property for commercial/residential mixed use. The proposed preliminary and final plat is consistent with the City's land use plan for this property.
3. Relationship to the Official Zoning Map. Faribault's Official Zoning Map identifies the subject property as C-2, Highway Commercial zoning district. The proposed preliminary plat is consistent with the uses and bulk regulations of the C-2 zoning district. Refer to the lot layout section of this report for additional information.
4. Natural Features and Trees. The subject property will not have a significant impact on natural features.
5. Wetlands and Shoreland. There are no known wetlands encumbrances on the site. The property is partially covered by the Shoreland Overlay District from the Cannon River. The associated CUP will address the development of the property.
6. Street and Site Layout. See the Engineering Memo attached to this report for more information.
7. Grading, Drainage and Erosion Control. See the Engineering Memo attached to this report for more information.
8. Utilities and Easements.

See the Engineering Memo attached to this report for more information.

9. Phasing and Development Schedule. Presuming City Council approves the preliminary and final plats concurrently, the Applicant and City will enter into a Development Agreement that will address the details, responsibilities, and costs associated with the proposed subdivision.
10. Parkland Dedication or Fees In-Lieu. The additional land for Malecha Auto Body would normally require \$1,000 per gross acre for a commercial project. However, since the expansion is removing a single-family dwelling, the \$1,000 is cancelled out by the removal of said dwelling. No parkland dedication or fees in-lieu are recommended.

Final Plat

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

Conditional Use Permit (CUP) Amendment

1. CUP Summary. The proposed CUP amendment is consistent with the criteria for expanding the existing major auto repair use in C-2 and in the Shoreland Overlay District.

Development Review Committee Recommendation. The City's Development Review Committee (DRC) reviewed the proposed applications on May 6, 2025, and recommended approval of the plats, easement vacation, and CUP with conditions. The Applicant has not yet revised the plats to address the DRC's conditions.

Public Comment. City Staff received no public comment prior to publishing this report. Notification for this item was published in the paper on May 8, 2025 and letters sent to property owners within 350-feet.

Recommendation:

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

Attachments:

- Engineering Department Memo



Engineering Department Memorandum

TO: Harry Davis, Planning Manager

CC: David Wanberg, Comm. and Econ. Development Director

FROM: Mark DuChene, City Engineer

DATE: May 7, 2025

SUBJECT: MAB SECOND ADDITION Preliminary Plat, Final Plat, Conditional Use Permit & Easement Vacation

BACKGROUND

William Malecha on behalf of Malecha Auto Body the developer, has submitted a preliminary plat, final plat, conditional use permit and easement vacation applications. The site is located in the NE $\frac{1}{4}$ of Section 30 Township 110, Range 20W whose parent parcels are Lot 1, Block 1 MAB ADDITION and Lot 3, Block 1, 218 ADDITION. The site is adjacent to 20th Street NW to the south, 2nd Avenue to the west, commercial property south and residential property to the east.

The proposed subdivision is located on land that is currently zoned C-2 Highway Commercial. No rezoning is proposed. The proposed improvements include the construction of an autobody repair shop.

Conditional Use Permit

A conditional use permit is required for the proposed use and is also required since a portion of the site is within the City's shoreland overlay district due to its proximity to the Cannon River. All proposed improvements must meet the requirements of the City's shoreland overlay district.

There are no proposed public improvements.

The proposed development will be completed by:

Owner/Developer:	Malecha Properties, LLC
Surveyor/Engineer:	Stonebrooke Engineering, Inc.

PLAT

Developer has submitted a preliminary and final plat for MAB SECOND ADDITION. The preliminary and final plat contains one (1) lot for commercial development.

The areas within the plat include:

Lot 1	1.74 acres (75,797 sf)
Total	1.74 acres (75,797 sf)

Current title work has been reviewed and will be subject to the review of the City and City Attorney's office.

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

SITE CONDITIONS

The existing site contains approximately 1.74 acres of land that that was previously redeveloped in the recent past for the construction of the existing auto body shop. The site is relatively flat and generally drains from west to east.

EASEMENTS

Existing Easements

- There are existing perimeter drainage and utility easements (DUE) for Lot 1 Block 1 MAB Addition. The 5-foot DUE along the northern and a portion of the eastern property line of Lot 1 Block 1 MAB addition is proposed to be vacated.

Proposed Easements

The proposed plat shows perimeter drainage and utility easements as required by City code on proposed Lot 1.

STREET AND SITE LAYOUT

No public street improvements are planned as part of the subdivision at this time and no new access to public streets are proposed.

2nd Avenue NW

The site is east of and adjacent to 2nd Avenue NW a minor arterial south of 20th Street NW and a principal arterial north of 20th Street NW. 2nd Avenue NW is constructed as a 24-foot wide, two-lane urban roadway with a southbound right turn lane and is within a 66-foot right-of-way. There is currently no sidewalk on the east side of 2nd Avenue NW, and none is planned as a multi-purpose trail was constructed on the east side of the proposed plat.

20th Street NW

The site is north of and adjacent to 20th Street NW a local roadway. 20th Street NW was reconstructed in 2021 and is constructed as a 32-foot wide, urban roadway and is within a 66-foot right-of-way with no parking on both sides of the street. There is currently no sidewalk on the south side of 20th Street NW but one is shown in the City's comprehensive sidewalk and trails plan. The site plan indicates one existing driveway entrance on 20th Street NW to serve the proposed development.

DRAINAGE, GRADING AND EROSION CONTROL

STORM SEWER

The development is located within the Canon River (M-048) district as identified in the City's 2022 Surface Water Management Plan. Stormwater runoff generated within the site currently drains primarily to the adjacent streets and to the east which eventually connect to existing storm sewer systems that ultimately discharge to the Cannon River to the east.

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

The proposed site improvements shall be reviewed as part of the site plan and building permit review to determine if the proposed improvements in addition to the improvements from 2022/2023 result in a cumulative area of new and/or reconstructed impervious surface that equals or exceeds 1.0 acres as these two related phases are considered a connected activity. A stormwater treatment system meeting the current requirements of the Minnesota Pollution Control Agency (MPCA) Construction Storm Water permit, the City's current Municipal Separate Storm Sewers permit and 2022 Surface Water Management Plan including the Developers Guide for Stormwater Management must be incorporated into the final plans. The Developer has submitted a Stormwater Management Plan and is proposing to construct a new stormwater treatment basin(s) onsite. The storm water basin is proposed to then discharge the City storm sewer system within 20th Street NW and then to the Cannon River.

The proposed stormwater basin(s) will be private, and the Developer will be required to enter into a long-term stormwater operations and maintenance agreement with the City and record said agreement at the Rice County Recorder's office.

A City grading permit and a National Pollution Discharge Elimination System Construction Stormwater General Permit for construction activity is required by the Minnesota Pollution Control Agency (MPCA) for areas exceeding one acre being disturbed by grading. A copy of the Notice of Stormwater Permit Coverage must be submitted to the City upon receipt from the

MPCA. A stormwater pollution prevention plan (SWPPP) must be submitted meeting the requirements of the City's municipal separate storm sewer system permit, and associated ordinances and the erosion and sediment control requirement as set forth in the MPCA construction stormwater general permit. A full copy of the SWPPP must be submitted to the City Engineer with the final construction plans for review and approval.

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

UTILITIES

The existing site is currently served by City water and sewer from services extended into the site from mains located in the adjacent public streets and existing utilities have sufficient capacity to serve the proposed development. Existing unused services must be disconnected at the main at the Developer's expense as approved by the City Engineer.

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

WETLANDS

There are no known wetlands shown on the preliminary plat.

CONSTRUCTION ACCESS

Construction traffic access and egress for grading, utility, and building construction shall be restricted to a single construction access through the existing site.

RECOMMENDATION

Engineering recommends approval of the Preliminary Plat, Final Plat, Conditional Use Permit & Easement Vacation, subject to the comments within this report and the following:

- Developer shall confirm cumulative impervious surface coverage and revise stormwater management report and stormwater treatment design to be in conformance with the City's MS4 Permit, 2022 Surface Water Management Plan (including the Developer's Guide for Stormwater Management) and the City's Shoreland Overlay District stormwater management requirements, if necessary, as part of the building permit and site plan review process.
- Current title work shall be subject to review by the City and City Attorney.
- Developer shall enter into a stormwater operations and maintenance agreement prior to issuance of any type of occupancy permits.

RECEIVED

APR 7 2025

City of Faribault
Community Development



CityOf Faribault

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

Planning Case # _____
Filing Fee _____
Hearing Date _____

APPLICANT Malecha Auto Body E-MAIL williammalecha@gmail.com

PHONE _____ (H) 507-838-8166 (W) _____ (FAX) _____

ADDRESS 190 20th St. NW Faribault, MN. 55021

Legal Description Lot 1, Block 1 of MAB Addition PID #1819453001 & Lot 3, Block 1 of 218 Addition PID #1819451003

Existing Use of Property Auto Body Repair & Residential Proposed Use of Property Auto Body Repair

Identify All Adjacent Land Uses Commercial to south & west, Residential to north, Residential & commercial to east

Reason for Request Vacate all but the west 10' of utility & drainage easement located between east/west property line & all of north/south property line common to both parcels.

Lot 1, Block 1 of MAB Addition PID #1819453001 & Lot 3, Block 1 of 218 Addition PID #1819451003

REQUIRED SUBMITTALS:

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

SIGNATURE OF APPLICANT (r) [Signature] DATE April 7, 2025

Malecha Auto Body Expansion

190 17th St. NW

Faribault, MN

ORDINACE TO VACATE UNEEDED PUBLIC DRAINAGE & UTILITY EASEMENT

- Request to vacate 54 LF of easement along common north/south property line of the two parcels
- Request to vacate all of common east/west property line of the two parcels
- The only public utility with infrastructure within the easement requested to be vacated is a cabinet owned by Century Link aka: Lumen. Century Link has been contacted with request to moving the cabinet west of its current location and a project number has been issued by Century Link/Lumen. Lumen project #P865251.
- New plat includes dedicated Public Drainage & Utility easements along the west & north property lines
- Malecha Auto Body is the owner of record for both parcels.



RECEIVED
APR 7 2025
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Conditional Use Permit (Ammendment)

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 190 20th St. NW & (2029 2nd Ave. NW)

APPLICANT Malecha Auto Body E-MAIL williammalecha@gmail.com

PHONE _____ (H) 507-838-8166 (W) _____ (FAX) _____

ADDRESS 190 20th St. NW Faribault, MN. 55021

DEVELOPER (if other than applicant) _____

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

ADDRESS _____

LEGAL DESCRIPTION Lot 1, Block 1 of MAB Addition PID #1819453001 & Lot 3, Block 1 of 218 Addition PID #1819451003

ACREAGE/SIZE OF PROPERTY Existing - 65,421 SF New - 10,611SF Total 76,032 SF

CURRENT ZONING C-2

EXISTING USE OF PROPERTY Auto Body Repair & Residential

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

IDENTIFY ALL ADJACENT LAND USES Commercial to south & west, Residential to north, Residential & commercial to east

SIGNATURE OF OWNER  DATE April 7, 2025

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

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

Revised 8/26/2016

Malecha Auto Body Expansion

190 17th St. NW

Faribault, MN

CUP AMENDMENT FOR RESOLUTION 2022-158 PERMITTING MAJOR AUTO REPAIR IN C-2 HIGHWAY COMMERCIAL DISTRICT

- UDO allows major auto repair including auto body repair & paint shops in C-2 District with a CUP
- The comprehensive plan guides this area for C-2 Highway Commercial
- All auto repair functions are performed within the confines of structures on site
- The amendment If approved will not change the character of the surrounding area
- New structure will be constructed with exterior finishes matching the existing building.
- The amendment If approved will not require any public cost for facilities to serve the development
- The amendment If approved will have minimal traffic impacts as the new facility is a functional & technological enhancement necessary to complete the body repairs for automobiles of today.
- A 6' tall vinyl fence will be installed along north property line to screen the commercial use from adjacent residential use.
- Site plan shows capacity for (49) parking stalls including (3) accessible stalls.
- Currently trash is contained within the confines of the fenced storage area & will remain there. In 2022 planning staff approved this as meeting the intent of the enclosed/screened trash requirement of the UDO

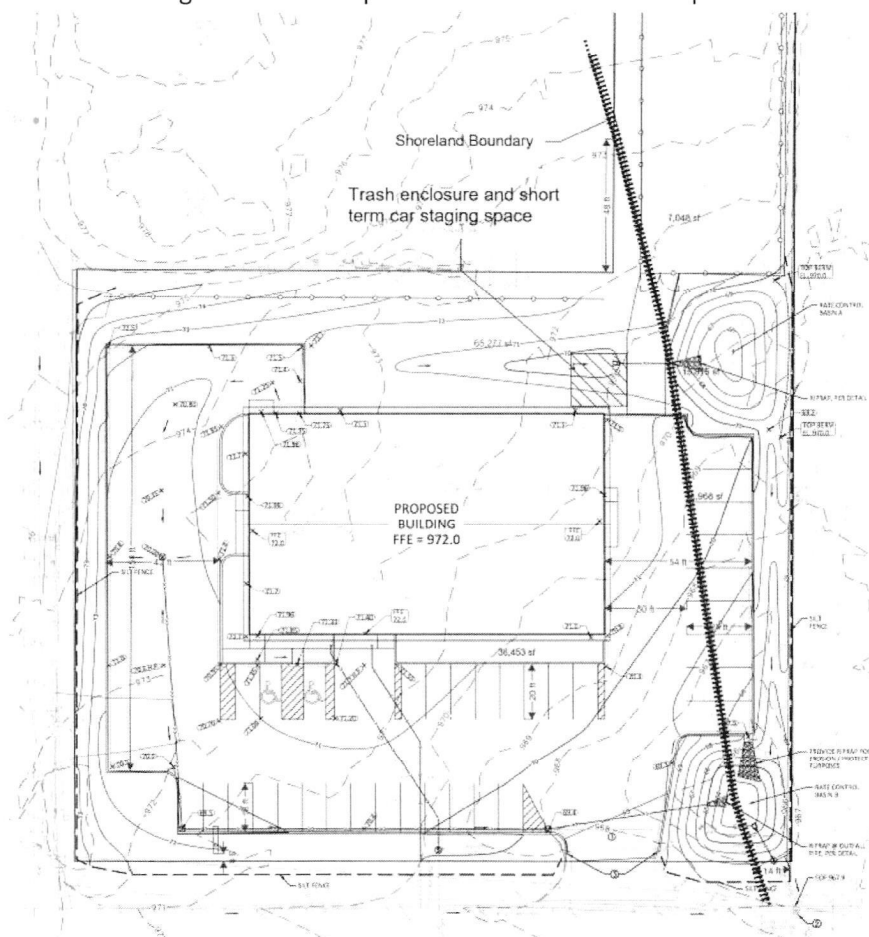
Malecha Auto Body Expansion

190 17th St. NW

Faribault, MN

CUP AMENDMENT FOR RESOLUTION 2022-159 PERMITTING DEVELOPMENT IN SHORELAND OVERLAY DISTRICT

- Site currently has previously approved stormwater management measures to reduce runoff & filter contaminants. Expanded site will utilize the same stormwater management BMP's.
- Stonebrooke Engineering will provide updated stormwater management plan & data to City Engineer for review & approval. Current & expanded stormwater management includes measures to filter, separate contamination & control rate.
- All but a few square feet of new parcel is outside of the Shoreland Overlay District. Newly platted combined parcels will have a portion of area within the District just as it has today. There are no buildings currently or proposed located within the Shoreland District boundary.
- New development will not impact existing vegetation along the bike trail. Vegetative screening between the commercial use & trail provide visual screening along with existing fence with privacy slats.
- Existing & new development meets all setback requirements of UDO



2022 Civil Site Plan

Malecha Auto Body Expansion

190 17th St. NW
Faribault, MN

RECEIVED

APR 7 2025

City of Faribault
Community Development

RE: Planning & Zoning Applications

Project Narrative

Malecha Auto Body has purchased a contiguous parcel of land to the north of their existing facility to construct another building to meet the changing technical requirements of their industry. This project will require several actions by City of Faribault before construction can begin. Construction is slated to begin as soon as the City Council approves the Zoning actions & permit is issued, hopefully in early June 2025. The parcel to be combined with exiting parcel is currently addressed as 2029 2nd Ave. NW & has (2) permanent structures which are slated to be removed & site cleared for new building. A new 40' x 72' building will be constructed with exterior finishes matching the existing building. Access to building will be through Malecha Auto Body's existing parking lot. This new facility essentially is an accessory use to their existing shop & will have limited customer contact. The new proposed building may add (1) new employee bringing the total employee count on the site to (9). The new facility includes (2) parking stalls & (1) accessible space. The current lot as striped has (34) parking stalls including (2) accessible stalls. There is additional unmarked area along west parking lot that is designated as 'Display'. The DRC review of existing project in 2022 acknowledged the "Display" area could accommodate more than enough parking stalls to meet "proof of parking" for the (40) required stalls in 2022. The 'Display' area could accommodate an additional 12 – 14 stalls if striped accordingly. Any signage will be located on the west face of the building. Stonebrooke Engineering has been retained for civil engineering related to grading & stormwater management. Stonebrook Engineering provided design services for existing project and will use that base plan to expand stormwater management to include the new developed parcel. The current site has approximately 66% impervious lot coverage & the impervious lot coverage for combined project will remain at approximately 66%.

Zoning Application Requests

- Preliminary & Final Plat – combine (2) parcels into (1) parcel
- Ordinance to vacate Unneeded Public Drainage & Utility Easement
- CUP amendment for Resolution 2022-158 permitting Major Auto Repair in C-2 Highway Commercial District
- CUP amendment for Resolution 2022-159 permitting development in Shoreland Overlay District



RECEIVED
APR 7 2025
City of Faribault
Community Development

APPLICATION FOR REQUESTED ACTION
Final Plat

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

APPLICANT(property owner) Malecha Auto Body E-MAIL williammalecha@gmail.com

PHONE _____ (H) 507-838-8166 (W) _____ (FAX) _____

ADDRESS 190 20th St. NW Faribault, MN. 55021

DEVELOPER(if other than applicant) _____ E-MAIL _____

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

ADDRESS _____

LEGAL DESCRIPTION Lot 1, Block 1 of MAB Addition PID #1819453001 & Lot 3, Block 1 of 218 Addition PID #1819451003

ACREAGE/SIZE OF PROPERTY Existing - 65,421 SF New - 10,611SF Total 76,032 SF

CURRENT ZONING C-2

PROPOSED ZONING IF CHANGE IS NEEDED N/A

EXISTING USE OF PROPERTY Auto Body Repair & Residential

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

IDENTIFY ALL ADJACENT LAND USES Commercial to south & west, Residential to north, Residential & commercial to east

PROPERTY IS - ☒ ABSTRACT ☐ TORRENS

SIGNATURE OF APPLICANT (property owner) [Signature] DATE April 7, 2025

SIGNATURE OF DEVELOPER(if other than owner) _____ DATE _____

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



APPLICATION FOR REQUESTED ACTION
Preliminary Plat

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

SITE ADDRESS 190 20th St. NW & (2029 2nd Ave. NW)

PROPERTY OWNER Malecha Auto Body E-MAIL williammalecha@gmail.com

PHONE _____ (H) 507-838-8166 (W) _____ (C) _____

ADDRESS 190 20th St. NW & (2029 2nd Ave. NW)

DEVELOPER (if other than owner) _____

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

ADDRESS _____

LEGAL DESCRIPTION Lot 1, Block 1 of MAB Addition PID #1819453001 & Lot 3, Block 1 of 218 Addition PID #1819451003

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SIGNATURE OF OWNER (r) [Signature] DATE April 7, 2025
(if other than the applicant)

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

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

**PRELIMINARY PLAT
Required Submittals**

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

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

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

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

◆ **Filing fee & Plat Escrow**

SIGNATURE OF APPLICANT _____ **DATE** _____

Planning case #

2016 FEES, CHARGES AND UTILITY RATES**2016****Subdivision fees**

Preliminary plat	\$350+\$15/parcel
Final plat (\$200 minimum)	\$300+\$10/parcel + Rice Co. fees
Lot splits/combinations	\$100 + Rice Co. fees
Plat Escrow	\$1,500-\$5,000
Extend Approved Plat	\$150

Zoning

Zoning Ordinance Amendment/Application	
Text amendments	\$350 *
Re-zoning	\$350 *
Zoning Compliance Letter	\$30
Rush Zoning Letter (if needed within 2 business days)	\$50
Site Plan Escrow	
Single family residential	\$1,000
All other uses	110% of improvements
Variance Request/Application	
Single family residential	\$300
All other land uses	\$250+\$50 on add *
Building Without Variance (after the fact)	\$500 *
Variance requests	\$350 *
Annexation	\$200+\$5/acre + \$1,500 Escrow *

*Applicant shall pay City Attorney and Consultant costs over \$2,500 and recording fees.

Conditional Use Permits

Single family residential uses	\$300 *
Other residential uses	\$350 *
Commercial/Industrial	\$500 *
Public/Semi-public facilities	\$300 *
CUP amendment residential/public/semi-public	\$250 *
CUP amendment commercial/industrial	\$300 *
CUP Extension	\$150
Building Without CUP (after the fact)	\$500

*Applicant shall pay City Attorney and Consultant costs over \$2,500 and recording fees.

Development Ordinances - available online

Unified Development Ordinance (Zoning/Subdivision)	\$40
Comprehensive Plan	\$50
Interim Use Permit	\$250
Building Without IUP (after the fact)	\$500
Extend Approved IUP	\$200

Planned Unit Development

Residential	\$600+\$10/acre *
Commercial/Industrial/Mixed Use	\$750 (0 - 5 acres) *
	\$1,500 (5 - 20 acres) *
	\$3,000 (20 + acres) *
PUD Escrow	\$3,000-\$7,000 *
PUD Amend without Plat	\$300 *
Comprehensive Plan Amendment + \$1,500 - \$5,000 Escrow	\$400 *
Environmental Assessment Worksheet (Covers cost of hearing 2 hearing notices)	100% + \$500 *
Address/Street name change (Covers cost of hearing notices & publication of Ord)	\$200 *

*Applicant shall pay City Attorney and Consultant costs over \$2,500 and recording fees.

Home Occupation Permits

Original application/Registration	\$-100/years
Registration renewal	\$25/2 years



APPLICATION FOR REQUESTED ACTION
Final Plat

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

APPLICANT(property owner) Malecha Auto Body E-MAIL williammalecha@gmail.com

PHONE _____ (H) 507-838-8166 (W) _____ (FAX) _____

ADDRESS 190 20th St. NW Faribault, MN. 55021

DEVELOPER(if other than applicant) _____ E-MAIL _____

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

ADDRESS _____

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CURRENT ZONING C-2

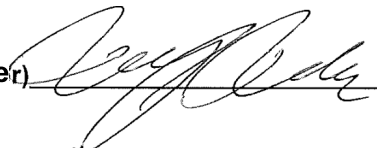
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PROPERTY IS - ☒ ABSTRACT ☐ TORRENS

SIGNATURE OF APPLICANT (property owner)  DATE April 7, 2025

SIGNATURE OF DEVELOPER(if other than owner) _____ DATE _____

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

FINAL PLAT
Required Submittals

◆ **5 copies of the final plat showing:**

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

◆ **Required supplemental information**

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

◆ **Filing fee & Plat Escrow**

SIGNATURE OF APPLICANT _____



DATE April 7, 2025

Planning case # _____



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

Planning Case # _____
Filing Fee _____
Hearing Date _____

APPLICANT Malecha Auto Body E-MAIL williammalecha@gmail.com

PHONE _____ (H) 507-838-8166 (W) _____ (FAX) _____

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Lot 1, Block 1 of MAB Addition PID #1819453001 & Lot 3, Block 1 of 218 Addition PID #1819451003

REQUIRED SUBMITTALS:

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

SIGNATURE OF APPLICANT (r) [Signature] DATE April 7, 2025



APPLICATION FOR REQUESTED ACTION
Conditional Use Permit (Ammendment)

Planning Case # _____
Filing Fee _____
Hearing Date _____

SITE ADDRESS 190 20th St. NW & (2029 2nd Ave. NW)

APPLICANT Malecha Auto Body E-MAIL williammalecha@gmail.com

PHONE _____ (H) 507-838-8166 (W) _____ (FAX) _____

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

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SIGNATURE OF OWNER  DATE April 7, 2025

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

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

Revised 8/26/2016

CONDITIONAL USE PERMIT
Required Submittals

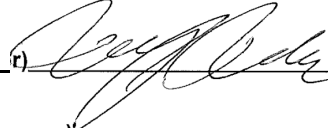
◆ **Site plan**

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

◆ **Required supplemental information**

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

◆ **Filing fee**

SIGNATURE OF APPLICANT  **DATE** April 7, 2025

Planning case # _____

Malecha Auto Body Expansion

190 17th St. NW
Faribault, MN

RE: Planning & Zoning Applications

Project Narrative

Malecha Auto Body has purchased a contiguous parcel of land to the north of their existing facility to construct another building to meet the changing technical requirements of their industry. This project will require several actions by City of Faribault before construction can begin. Construction is slated to begin as soon as the City Council approves the Zoning actions & permit is issued, hopefully in early June 2025. The parcel to be combined with exiting parcel is currently addressed as 2029 2nd Ave. NW & has (2) permanent structures which are slated to be removed & site cleared for new building. A new 40' x 72' building will be constructed with exterior finishes matching the existing building. Access to building will be through Malecha Auto Body's existing parking lot. This new facility essentially is an accessory use to their existing shop & will have limited customer contact. The new proposed building may add (1) new employee bringing the total employee count on the site to (9). The new facility includes (2) parking stalls & (1) accessible space. The current lot as striped has (34) parking stalls including (2) accessible stalls. There is additional unmarked area along west parking lot that is designated as 'Display'. The DRC review of existing project in 2022 acknowledged the "Display" area could accommodate more than enough parking stalls to meet "proof of parking" for the (40) required stalls in 2022. The 'Display' area could accommodate an additional 12 – 14 stalls if striped accordingly. Any signage will be located on the west face of the building. Stonebrooke Engineering has been retained for civil engineering related to grading & stormwater management. Stonebrook Engineering provided design services for existing project and will use that base plan to expand stormwater management to include the new developed parcel. The current site has approximately 66% impervious lot coverage & the impervious lot coverage for combined project will remain at approximately 66%.

Zoning Application Requests

- Preliminary & Final Plat – combine (2) parcels into (1) parcel
- Ordinance to vacate Unneeded Public Drainage & Utility Easement
- CUP amendment for Resolution 2022-158 permitting Major Auto Repair in C-2 Highway Commercial District
- CUP amendment for Resolution 2022-159 permitting development in Shoreland Overlay District

Malecha Auto Body Expansion

190 17th St. NW

Faribault, MN

ORDINANCE TO VACATE UNEEDED PUBLIC DRAINAGE & UTILITY EASEMENT

- Request to vacate 54 LF of easement along common north/south property line of the two parcels
- Request to vacate all of common east/west property line of the two parcels
- The only public utility with infrastructure within the easement requested to be vacated is a cabinet owned by Century Link aka: Lumen. Century Link has been contacted with request to moving the cabinet west of its current location and a project number has been issued by Century Link/Lumen. Lumen project #P865251.
- New plat includes dedicated Public Drainage & Utility easements along the west & north property lines
- Malecha Auto Body is the owner of record for both parcels.

Malecha Auto Body Expansion

190 17th St. NW

Faribault, MN

CUP AMENDMENT FOR RESOLUTION 2022-158 PERMITTING MAJOR AUTO REPAIR IN C-2 HIGHWAY COMMERCIAL DISTRICT

- UDO allows major auto repair including auto body repair & paint shops in C-2 District with a CUP
- The comprehensive plan guides this area for C-2 Highway Commercial
- All auto repair functions are performed within the confines of structures on site
- The amendment If approved will not change the character of the surrounding area
- New structure will be constructed with exterior finishes matching the existing building.
- The amendment If approved will not require any public cost for facilities to serve the development
- The amendment If approved will have minimal traffic impacts as the new facility is a functional & technological enhancement necessary to complete the body repairs for automobiles of today.
- A 6' tall vinyl fence will be installed along north property line to screen the commercial use from adjacent residential use.
- Site plan shows capacity for (49) parking stalls including (3) accessible stalls.
- Currently trash is contained within the confines of the fenced storage area & will remain there. In 2022 planning staff approved this as meeting the intent of the enclosed/screened trash requirement of the UDO

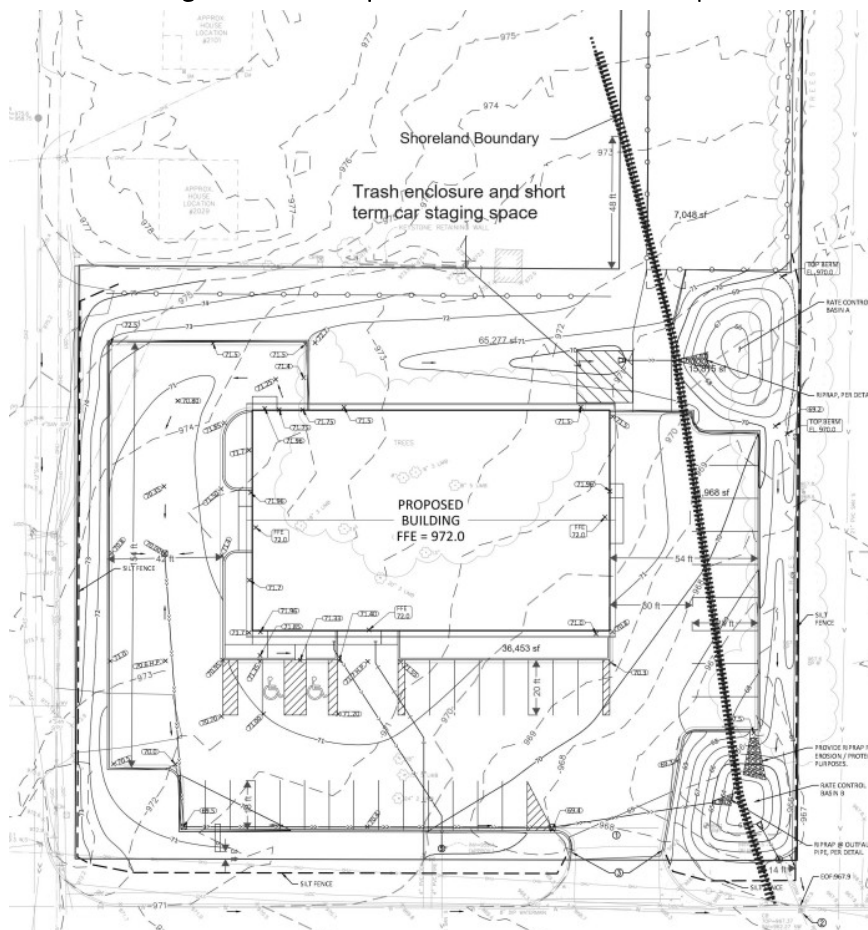
Malecha Auto Body Expansion

190 17th St. NW

Faribault, MN

CUP AMENDMENT FOR RESOLUTION 2022-159 PERMITTING DEVELOPMENT IN SHORELAND OVERLAY DISTRICT

- Site currently has previously approved stormwater management measures to reduce runoff & filter contaminants. Expanded site will utilize the same stormwater management BMP's.
- Stonebrooke Engineering will provide updated stormwater management plan & data to City Engineer for review & approval. Current & expanded stormwater management includes measures to filter, separate contamination & control rate.
- All but a few square feet of new parcel is outside of the Shoreland Overlay District. Newly platted combined parcels will have a portion of area within the District just as it has today. There are no buildings currently or proposed located within the Shoreland District boundary.
- New development will not impact existing vegetation along the bike trail. Vegetative screening between the commercial use & trail provide visual screening along with existing fence with privacy slats.
- Existing & new development meets all setback requirements of UDO

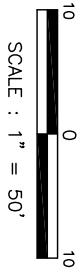
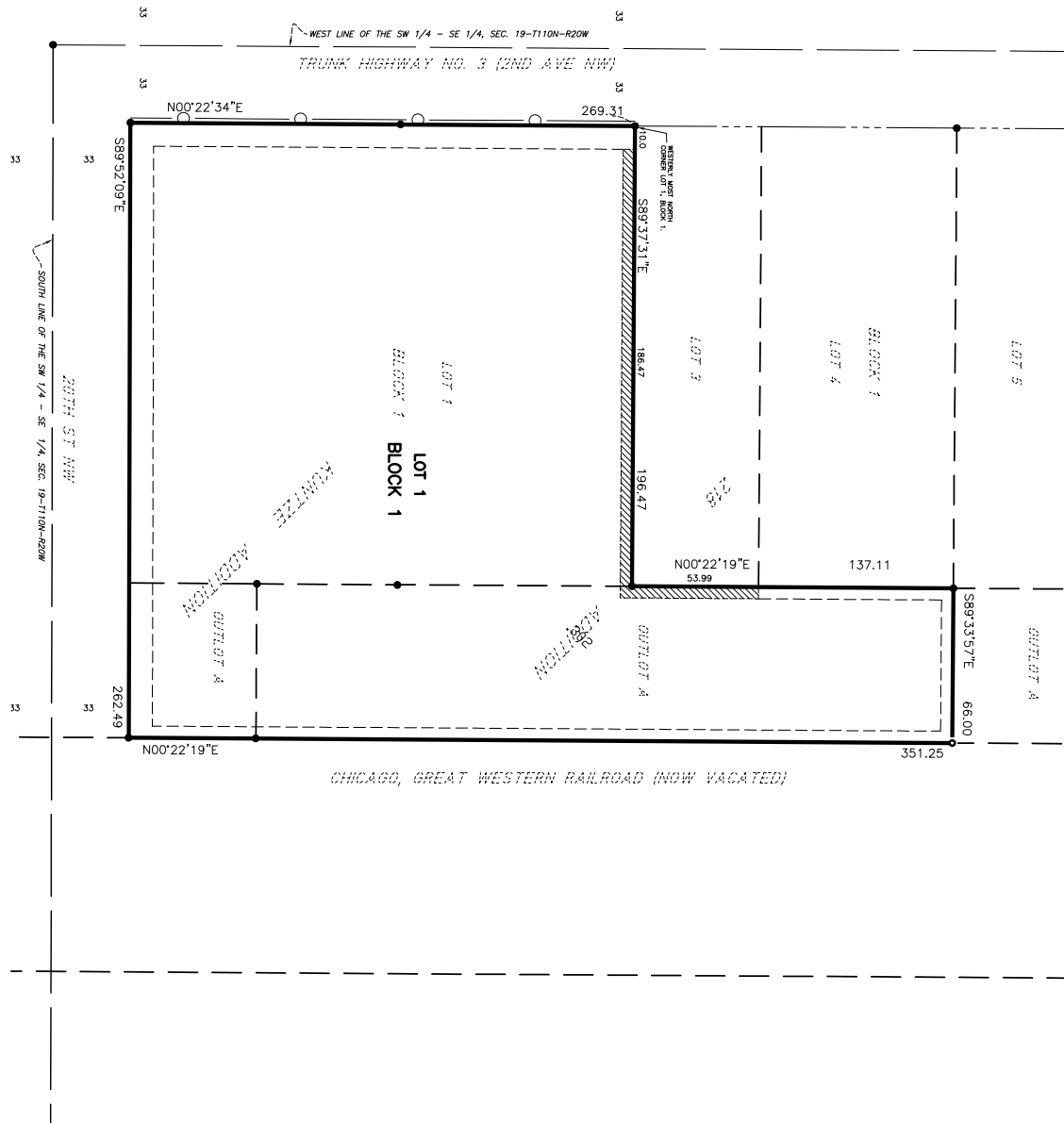


2022 Civil Site Plan

LEGAL DESCRIPTION:

All that part of Lot 1, Block 1, MAB ADDITION, Rice County, Minnesota, described as follows: Being 5 feet in width and offset southerly and Easterly from the following described line, commencing at the Westerly most North corner of said Lot 1; thence South 89 degrees 36 minutes 57 seconds East along the westerly most north line of said Lot 1, a distance of 10.00 feet to the Point of Beginning of the line to be described; thence continuing South 89 degrees 36 minutes 57 seconds East along the westerly most north line of said Lot 1, a distance of 186.47 feet to the property corner; thence North 00 degrees 22 minutes 19 seconds East along the property line a distance of 53.99 and there terminating.

CERTIFICATE OF SURVEY
EASEMENT VACATION EXHIBIT
FARIBAULT, MN



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.

NAME: Timothy S. Peterson LIC. NO.: 45332 DATE: 05-01-2025

DESIGNED
TSP
DRAWN
TSP
CHECKED
TSP

PTS LAND SERVICES, INC.
COMPLETE LAND SURVEYING SERVICES

CERTIFICATE OF SURVEY
EASEMENT EXHIBIT
FARIBAULT, MN

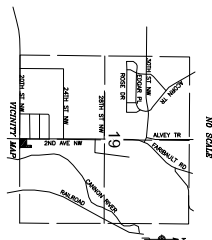
SHEET
1
OF

LEGEND

- 1/2" x 1/4" IRON PIPE MONUMENT
- SET, MARKED BY LICENSE NO. 45332
- RICE COUNTY MONUMENT FOUND
- IRON PIPE MONUMENT FOUND

BASIS OF BEHAVIOR

FOR THE PURPOSES OF THIS PLAT SOUTH LINE LOT 1, BLOCK 50, MINUTES OR SECONDS WEST



KNOW ALL PERSONS BY THESE PRESENTS, That Malachuk Properties LLC, a Minnesota corporation, owners of the following described property situated in the City of Faribault, County of Rice, State of Minnesota to wit:

Lot 1, Block 1, MAB ADDITION, AND ALSO, Lot 3 Block 1, 21st ADDITION, Rice County, Minnesota, County of Rice, State of Minnesota, on file and of record in the office of the County Recorder, Rice County, Minnesota.

Has caused the same to be surveyed and plotted as MAB SECOND ADDITION and does hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Malachuk Properties LLC, a Minnesota corporation, has caused these presents to be signed by its proper officers this _____ day of _____, 20____.

Signed: Malachuk Properties LLC

William P. Malachuk, President

STATE OF _____

COUNTY OF _____

This instrument was acknowledged before me on _____ by William P. Malachuk, President of Malachuk Properties LLC, a Minnesota corporation, on behalf of the corporation.

Notary Public _____ County Minnesota
My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Timothy S. Peterson, Licensed Land Surveyor, certify that I have surveyed and plotted the property described in this plat as MAB SECOND ADDITION, that this plat is a correct representation of the survey, and that the same has been duly recorded in the office of the County Recorder, Rice County, Minnesota, and that the same is a true and correct copy of the original as shown to me by the owner within one year, that all water boundaries and wetlands, as defined in Minnesota Statutes Section 461.01, have been shown and labeled on this plat, and that all public ways are shown and labeled on this plat.

Timothy S. Peterson, Land Surveyor
Minnesota License No. 45332

State of Minnesota

County of _____

The foregoing Surveyor's certificate was acknowledged before me this _____ day of _____, 20____ by Timothy S. Peterson, Land Surveyor.

Printed Name _____

Signature _____

Notary Public, _____ County, Minnesota
My Commission Expires: _____

MAB SECOND ADDITION

CITY COUNCIL, CITY OF FARIBAULT, MINNESOTA

We do hereby certify that on this _____ day of _____, 20____, the City Council of the City of Faribault, Minnesota, approved this plat, and is in compliance with the provisions of Minnesota Statutes section 505.03, Subd. 2.

Thomas J. Spooner

Mayor

Jessica Kinser

City Administrator

RICE COUNTY SURVEYOR

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

Michael Ferguson
Rice County Surveyor

RICE COUNTY PROPERTY TAX & ELECTIONS

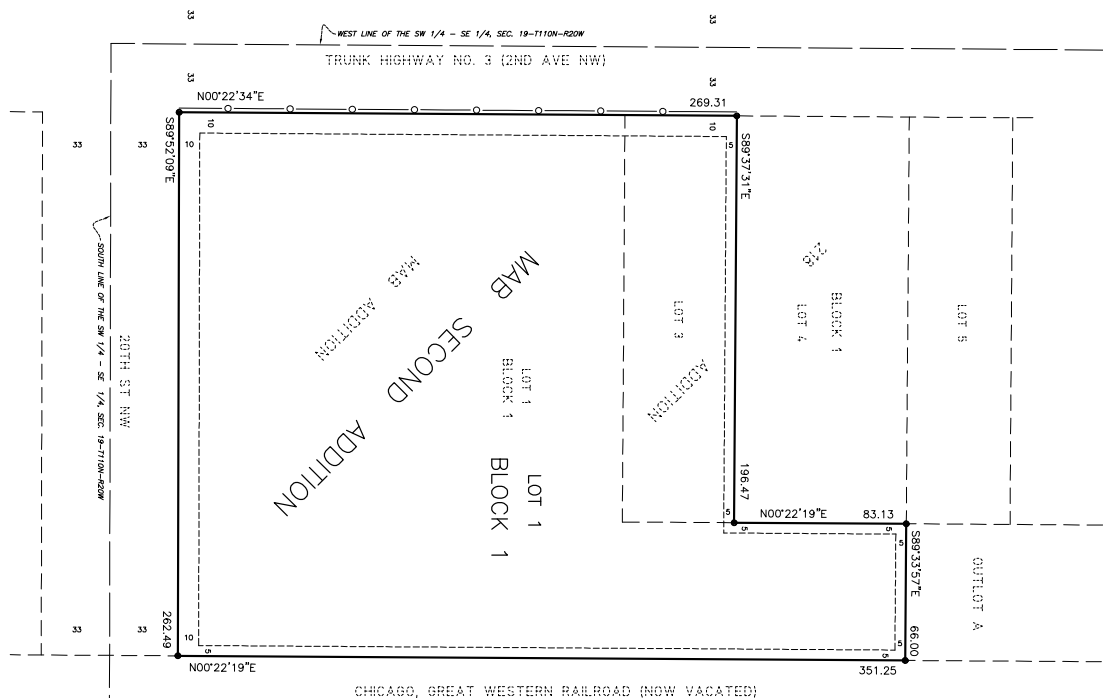
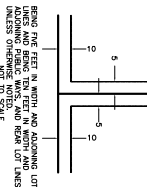
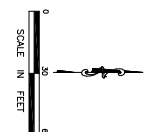
Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinafter described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

Danise Anderson
Property Tax & Elections Director

RICE COUNTY RECORDER

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

Michael Ferguson
Rice County Recorder

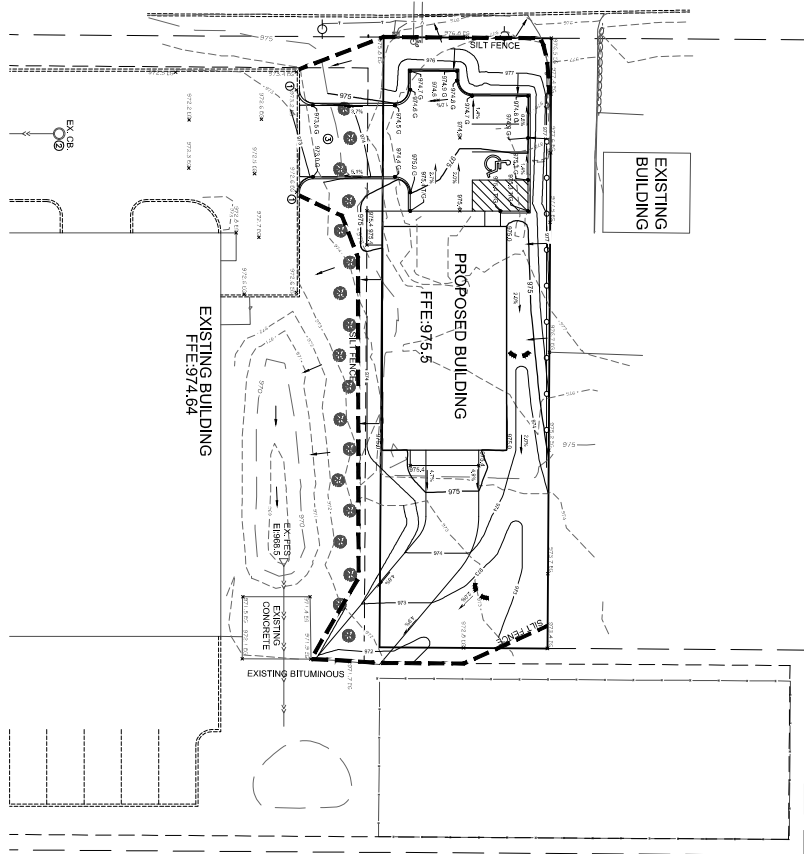


[illegible]

Stonebrooke

GRADING & EROSION CONTROL PLAN	SHEET 1
	Of
MALECHA AUTO BODY	4

EXISTING TOPOGRAPHICAL & UTILITY INFORMATION PROVIDED BY OTHERS



LEGEND

-  6" BIO-ROLL
 SILT FENCE
 DRAINAGE ARROW
 PROP. SPOT ELEV.
 PROP. SPOT ELEV.
 PROP. SPOT ELEV.
 PROP. SPOT ELEV.
 PROP. SPOT ELEV.
 PROP. SPOT ELEV.
 PROP. SPOT ELEV.
 PROP. SPOT ELEV.

KEYED NOTES

- ① MATCH INTO EXISTING CURB LINE, CREATING A SMOOTH TRANSITION
- ② PROVIDE INLET PROTECTION AT EXISTING CATCH BASIN INLET.
- ③ ROCK CONSTRUCTION ENTRANCE

GENERAL SITE REMOVALS, GRADING, & EROSION CONTROL NOTES:

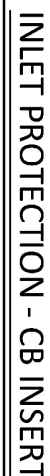
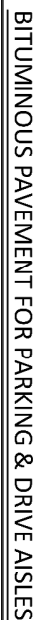
- [illegible]



- LEGEND**
- WATER SERVICE LINE
- SANITARY SEWER LINE
- STORM SEWER LINE

[illegible]



[illegible][illegible][illegible]

SITE PLAN
SCALE: 1" = 20'-0"



NORTH

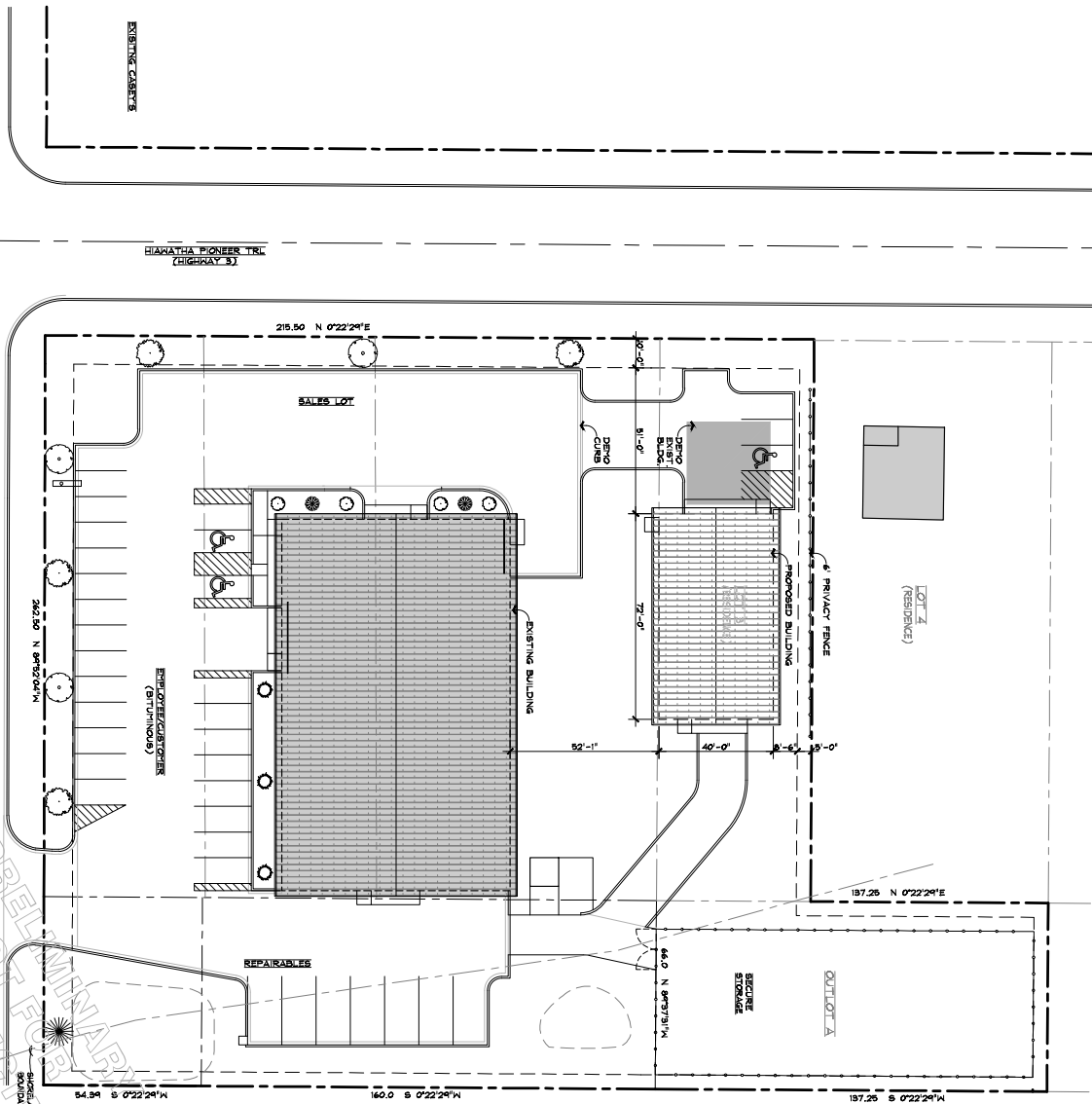
HIKATHA PIONEER TRAIL
(HIGHWAY 3)

SECOND AVE NW

EXISTING SIDEWALK

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PRELIMINARY
NOT FOR CONSTRUCTION



A1.0

SITE PLAN

307.334.232

architects, inc.
203 n.w. First Ave.
Fond du Lac, WI 55027

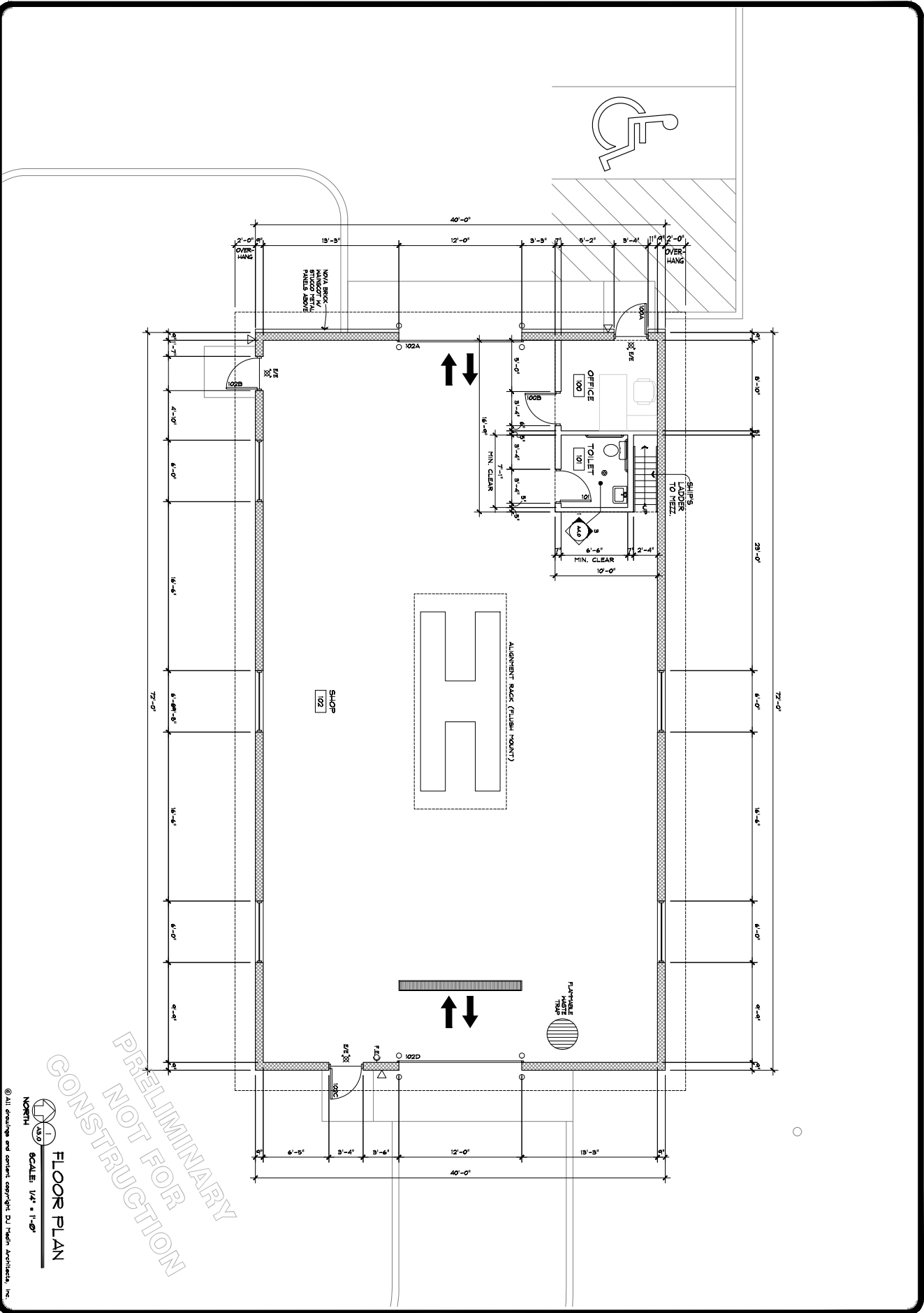


**MALECHA ALIGNMENT
2029 2ND AVE NW**
FARIBAULT, MINNESOTA.

DAVID J. INGELS
License No. 993
Date: 10-07-2025

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota.

DESIGNED	DJI
CHECKED	DJI
PROJECT	2506
REVISIONS	



FLOOR PLAN

SCALE: 1/4" = 1'-0"



NORTH

© All drawings and content copyright DJ Inghin Architects, Inc.

A3.0

FLOOR PLAN

307.334.232

architects, inc.
203 n.w. First Ave.
Faribault, MN 55021

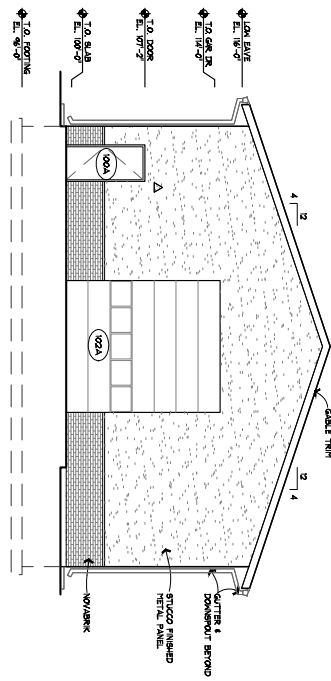


MALECHA ALIGNMENT
2029 2ND AVE NW
FARIBAULT, MINNESOTA.

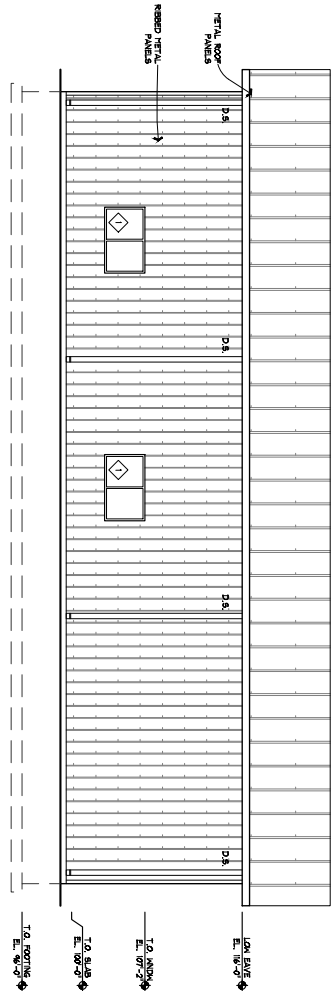
DAVID J. INGHIN
License No. 993
Date: 10-07-2025

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

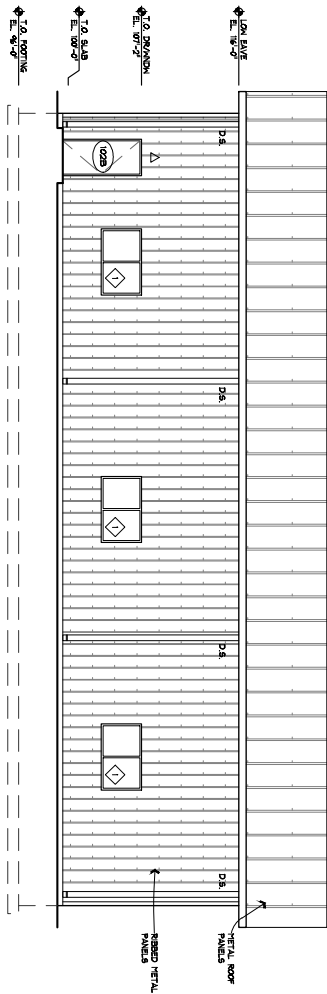
DESIGNED	DJI
DRAWN	DJI
CHECKED	DJI
PROJECT	2506
REVISIONS	



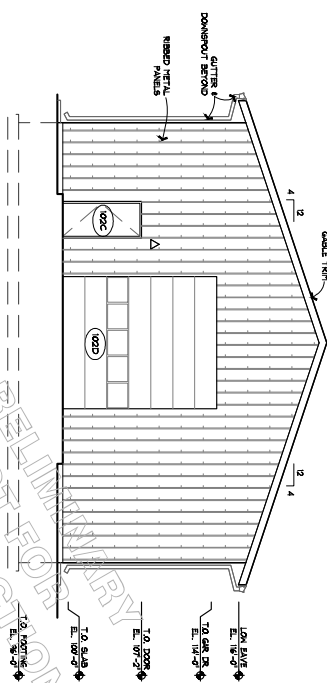
1 WEST ELEVATION
SCALE: 3/16" = 1'-0"



2 NORTH ELEVATION
SCALE: 3/16" = 1'-0"



3 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



4 EAST ELEVATION
SCALE: 3/16" = 1'-0"

PRELIMINARY
CONSTRUCTION

© All drawings and content copyright DJ Inghin Architects, Inc.

DESIGNED	D.J.I.
DRAWN	D.J.I.
CHECKED	D.J.I.
PROJECT	2506
REVISIONS	

I hereby certify that this plan, specification or report has been prepared by me or under my direct supervision and that I am a duly licensed professional engineer in the State of Minnesota. (Professional Seal)

DAVID J. INGHIN
License No. 9938
Date: Apr 07, 2025

MALECHA ALIGNMENT
2029 2ND AVE NW
FARIBAULT, MINNESOTA.

A5.0

EXTERIOR ELEVATIONS

307.334.232

architects, inc.
203 n.w. First Ave.
Fond du Lac, WI 55027

MALECHA
architects, inc.



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: May 19, 2025
SUBJECT: Ordinance 2025-X Vacate a Portion of Drainage and Utility Easement at 190 20th St NW

Background:

See main agenda item

Recommendation:

Recommend approval of the draft ordinance to Council

Attachments:

1. Ordinance 2025-X Vacate a Portion of Drainage and Utility Easement at 190 20th St NW

CITY OF FARIBAULT

ORDINANCE #2025-XXX

VACATE A PORTION OF DRAINAGE AND UTILITY EASEMENT AT 190 20TH ST NW

WHEREAS, Steve Underdahl (the "Applicant") on behalf of Malecha Auto Body (the "Property Owner") requests vacating a portion of a drainage and utility easement at 190 20th St NW, depicted and legally described in Exhibit A; and

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

WHEREAS, the Planning Commission, on May 19, 2025, following proper notice, held a public hearing regarding the Applicant's request; and

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

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

Finding: The easement is completely within the applicant's property and will not impact the private rights of other properties or property owners.

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

Finding: The easement is completely within the applicant's property and the public will not suffer any loss or inconvenience with the requested vacation.

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

Finding: City staff received no objections to the easement vacation.

WHEREAS, the City Council conducted the first reading of this ordinance on May 27, 2025, and the second reading of this ordinance on June 10, 2025; and

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

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

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

Section 2. Vacation of a Portion of Drainage and Utility Easement. Pursuant to City of Faribault Unified Development Ordinance, Chapter 2, Article 10 and Minn. Stat. § 412.851, the City of Faribault hereby vacates the public drainage and utility easements situated in the City of Faribault, County of Rice, State of Minnesota, legally described and depicted in Exhibit A.

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

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

First Reading:	May 19, 2025
Second Reading:	May 27, 2025
Publication Date:	June 10, 2025

Faribault City Council

Thomas J. Spooner, Mayor

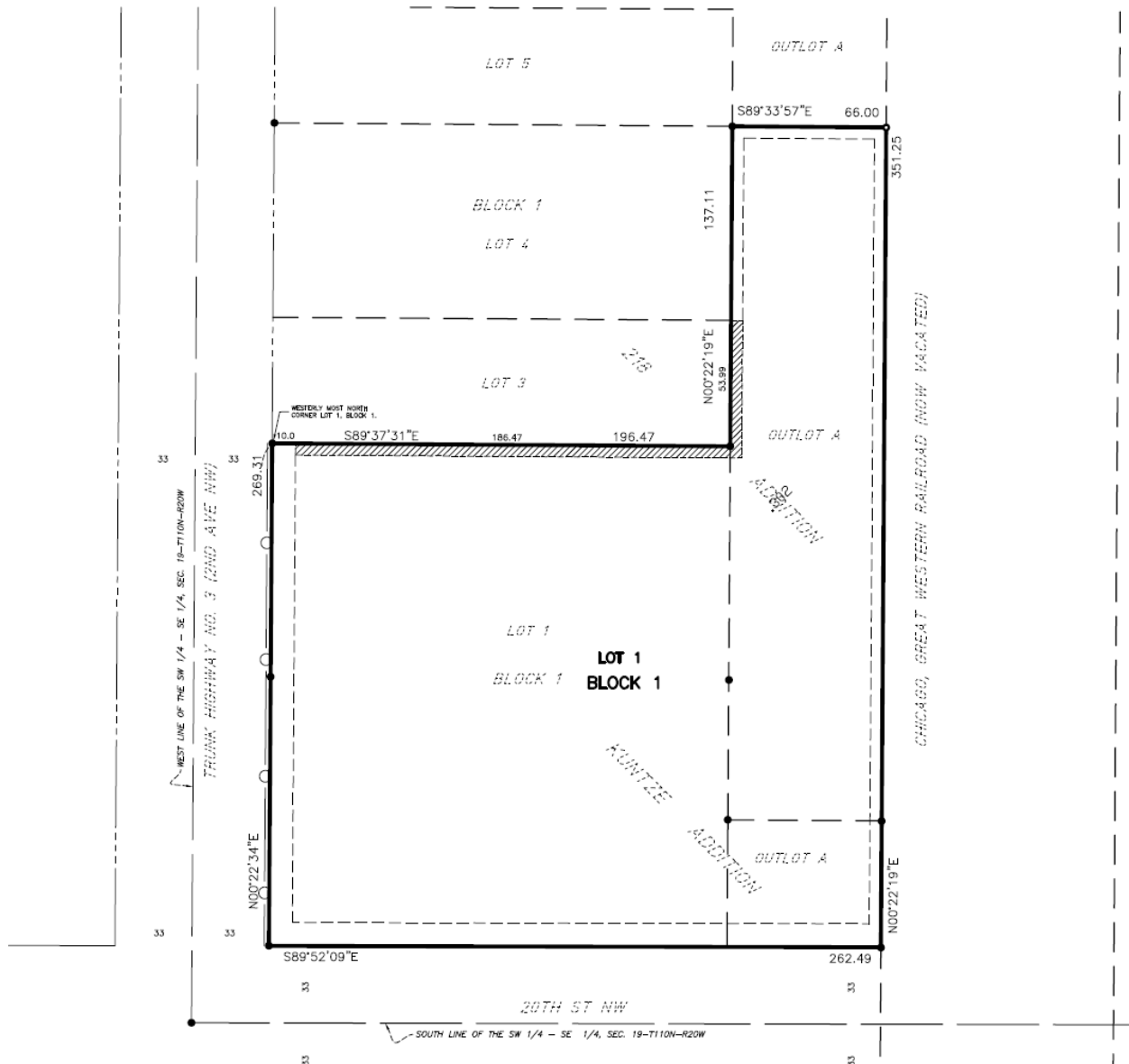
ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Easement Vacation Legal Description

All that part of Lot 1, Block 1, MAB ADDITION, Rice County, Minnesota, described as follows: Being 5 feet in width and offset Southerly and Easterly from the following described line, commencing at the Westerly most North corner of said Lot 1; thence South 89 degrees 36 minutes 57 seconds East along the westerly most north line of said Lot 1, a distance of 10.00 feet to the Point of Beginning of the line to be described; thence continuing South 89 degrees 36 minutes 57 seconds East along the westerly most north line of said Lot 1, a distance of 186.47 feet to the property corner; thence North 00 degrees 22 minutes 19 seconds East along the property line a distance of 53.99 and there terminating.

Exhibit A Easement Vacation Area



Vacated area shown above as hatched



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: May 19, 2025
SUBJECT: Resolution 2025-XXX Approve the Preliminary and Final Plats for MAB Second Addition

Background:

See main agenda item

Recommendation:

Recommend approval of the draft resolution to Council

Attachments:

1. Resolution 2025-XXX Approve the Preliminary and Final Plats for MAB Second Addition

CITY OF FARIBAULT

RESOLUTION #2025-XXX

**APPROVE THE PRELIMINARY AND FINAL PLATS FOR
MAB SECOND ADDITION**

WHEREAS, Steve Underdahl (the "Applicant") on behalf of Malecha Auto Body (the "Owner") requests preliminary and final plat approval to combine two lots into one, legally described in Exhibit A (the "Property"); and

WHEREAS, City Staff reviewed the Applicant's applications and made a report to the Planning Commission, a copy of which City Staff presented to the City Council; and

WHEREAS, the Planning Commission, on May 19, 2025, following proper notice, held a public hearing regarding the applications, and following said public hearing, made written findings and recommended approval of the applications; and

WHEREAS, the City Council, on May 27, 2024, at a public meeting, considered the applications; and

WHEREAS, based upon said report, hearing, and recommendation, the City Council hereby finds that approval of the preliminary plat for MAB Second Addition as depicted on Exhibit B, subject to the attached conditions of approval, is appropriate with the following findings as required by Section 15-130 of the City's Unified Development Ordinance:

- 1. Criteria: The proposed preliminary plat conforms with the requirements of the Unified Development Ordinance, the**

applicable zoning district regulations, and any other applicable provisions of this Ordinance, subject only to acceptable rule exceptions.

Finding: The proposed preliminary plat is consistent with UDO requirements within the C-2, Highway Commercial zoning district and subdivision platting requirements.

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

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

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

Finding: The preliminary plat provides for reasonable use of land intended for commercial development, based on sound planning and engineering principles. The project utilizes existing infrastructure and street frontages to accommodate an expanded commercial use.

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

Finding: The preliminary plat lot is consistent with the provisions of the City's Unified Development Ordinance. No new infrastructure is proposed and no change in access or traffic is expected.

5. Criteria: All submission requirements have been satisfied.

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

WHEREAS, the City Council further finds that approval of the final plat of MAB Second Addition as depicted on Exhibit C, subject to certain conditions of approval, is appropriate with the following findings as

required by Section 15-210 of the City's Unified Development Ordinance:

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

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

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

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

3. All submission requirements have been satisfied.

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

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

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

1. The Applicant/Property Owner must make the following changes regarding the preliminary plat:
 - a. Show the post-combination legal description.
 - b. Add information on those having property interests and part of the development team.
 - c. Show location of water and sewer mains.
 - d. Clarify the following:
 - i. Linework and line types for easements and setbacks.
 - ii. Proposed and existing easements and lot boundaries.
 - iii. Easement types and callouts.
 - iv. Topographic contours as proposed or existing.
2. The Applicant/Property Owner must make the following

changes regarding the final plat:

- a. Clear identification of rights-of-way.
 - b. Name and address of developer and surveyor.
 - c. Date of plat creation and amendments.
 - d. Revision of dedication statement to comply with ordinance.
 - e. Put 'Jessica L. Kinser' for name under City Administrator signature line.
 - f. Notarized certification of surveyor.
 - g. Signatures from all owners and persons of interest, including mortgage holders.
3. The Owner and City must enter into a Development Agreement the specifies the provisions of the development related to the plat.
 4. Under Sec 15-338(A), the applicant will not be required to dedicate parkland or pay fees in lieu of parkland dedication, as the impact of the expanded commercial property is less than the demolished residential home.
 5. Before recording the plat with the Rice County Recorder, the Owner must pay all applicable fees, special assessments, and taxes.
 6. The plat must be recorded with the Rice County Recorder within 12 months following City Council approval or it shall be automatically deemed null and void, unless the City Council extends the deadline to record the plat.
 7. The Developer shall submit current title work for the Property pursuant to Minnesota Statutes Section 505.03, the Faribault City Code and the required Development Agreement for this matter and abide by all conditions resulting from such title work and the resulting attorney plat opinion, as well as city staff review of the title work.

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

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

Section 4. Authorization to Execute Documents. The City Council authorizes and directs the Mayor and City Administrator to take all necessary actions and to execute all appropriate documents to

effectuate the approvals contemplated by this Resolution.

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

Date Adopted: May 27, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description

Exhibit B
Depiction of the Preliminary Plat

Exhibit C
Depiction of the Final Plat



REQUEST FOR PLANNING COMMISSION ACTION

TO: Planning Commission
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planning Manager
MEETING DATE: May 19, 2025
SUBJECT: Resolution 2025-XXX Approve a Conditional Use Permit Amendment for Major Auto Repair in C-2 and Shoreland at 190 20th St NW

Background:

See main agenda item

Recommendation:

Recommend approval of the draft resolution to Council

Attachments:

1. Resolution 2025-XXX Approve a Conditional Use Permit Amendment for Major Auto Repair in C-2 and Shoreland at 190 20th St NW

CITY OF FARIBAULT

RESOLUTION #2025-XXX

APPROVE A CONDITIONAL USE PERMIT AMENDMENT FOR MAJOR AUTO REPAIR IN C-2 AND SHORELAND OVERLAY DISTRICT AT 190 20TH ST NW

WHEREAS, Steve Underdahl (the "Applicant") on behalf of Malecha Auto Body (the "Owner") requests a conditional use permit amendment to expand their major auto repair business in C-2, Highway Commercial and the Shoreland Overlay District at 190 20th St NW legally described in Exhibit A of this Resolution (the "Property"); and

WHEREAS, the Owner received a conditional use permit on August 26, 2022 to permit major auto repair in C-2 (Resolution 2022-158) and Shoreland (Resolution 2022-159); and

WHEREAS, Table 11-1 of the City of Faribault's Unified Development Ordinance requires a conditional use permit for major auto repair in C-2 and Shoreland; and

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

WHEREAS, the Planning Commission, on May 19, 2025, following proper notice, held a public hearing to consider the Applicant's request; and

WHEREAS, following the public hearing, the Planning Commission recommended that the City Council approve the Applicant's conditional

use permit amendment request based on the findings required in Section 2-300 of the Unified Development Ordinance as follows:

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

Finding: The proposed expansion to the existing major auto repair business will not be detrimental to or endanger the public health, safety, comfort, convenience, or general welfare. The use and overall development are compatible with the adjacent residential and commercial properties and will not result in adverse impacts.

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

Finding: The expanded commercial use will not negatively impact other nearby properties. Properties in the immediate area are a mix of residential and commercial. The proposed expansion does not impede the investment and development of adjacent properties.

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

Finding: The proposed commercial expansion is designed to be compatible with the architectural appearance of the existing Malecha Auto Body building and will fit with the character of the surrounding area.

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

Finding: The proposed commercial expansion does not contribute to hazards or disturbing activities that negatively affect other properties. Staff received no recent complaints of the existing major auto repair use at this location, so any potential adverse impacts are unlikely.

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

Finding: The proposed commercial expansion at this location is unlikely to diminish nearby property values. The applicant is required to provide screening to the benefit of adjacent properties. Investment in buildings in this area may positively impact nearby property values.

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

Finding: Public sewer, water, and all other applicable municipal services serve the subject property. The property has adequate access to the larger road network. The business expansion will not generate a notable increase in public service demand. If the parking proposed on-site does not accommodate all the business activity, the previously approved CUP for this use requires that additional parking be constructed.

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

Finding: The Project will not generate a notable increase in demand on public facilities or services. The Project's location along Trunk Highway 3 will benefit the economic welfare of the community by being accessible to the community.

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

Finding: The Project will not cause traffic congestion as the business expansion does not create significant additional parking demand. The site plan provides for proper traffic circulation without causing congestion.

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

Finding: The Property does not have important natural, scenic, or historic features. The location is near the Cannon River but the expansion is outside of the 300-foot shoreland buffer.

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

Finding: The City's Comprehensive Plan guides the Property for commercial uses. The Project is consistent with the land use plan.

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

Finding: The Project conforms to the Unified Development Ordinance requirements.

WHEREAS, following the public hearing, the Planning Commission also recommended that the City Council approve the Applicant's conditional use permit amendment request based on the findings required in Section 13-710 of the Unified Development Ordinance for a conditional use in Shoreland, as follows:

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

Finding: The DNR and City Engineer have reviewed the proposal and find that the project will mitigate soil erosion and water pollution related to this project.

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

Finding: The proposed commercial expansion is beyond 300 feet from the shore and is adequately screened by a considerable amount of vegetation.

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

Finding: The property has adequate access to water and sewer services.

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

Finding: The use does not have a water-oriented component to its operation.

WHEREAS, the City Council, during a public meeting on May 27, 2025, considered the Applicant's conditional use permit request; and

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

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

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit amendment request at the property described in Exhibit A to expand the major auto repair use described in Exhibit B, subject to the conditions in Sections 2 and 3 of this Resolution.

Section 2: Conditions of Approval. The conditional use permit is approved subject to conditions listed herein as authorized under Section 2-310 of the Unified Development Ordinance, which are deemed necessary to mitigate potential adverse impacts associated with the conditional use, to protect neighboring properties, and to achieve the objectives identified in the Unified Development Ordinance. The conditions adopted in the Resolution are in addition to the ones adopted in Resolution 2022-158 and Resolution 2022-159. The conditions of approval are as follows:

1. The Project must receive Site Plan approval from the City's Development Review Committee before obtaining building and development-related permits. Site Plan approval may include additional conditions of approval not listed in this conditional use permit.

2. The Owner must construct the Project substantially similar to the Applicant's submittal included in Exhibit B of this Resolution. Any significant change, as determined by the City's Development Review Committee, would require approval of a conditional use permit amendment.
3. The Owner must conform to Section 7-30 Development Standards for an auto repair business.
4. Parking lot striping for 44 parking spaces must be installed if the City determines a shortage of on-site parking becomes apparent.
5. Conditions of Approval for Resolution 2022-158 and Resolution 2022-159 are also adopted as a part of this Resolution.
6. The conditions of approval as outlined in Resolution 2022-209 approving a variance for setbacks are also adopted as a part of this Resolution.
7. Approval of this conditional use permit does not constitute approval of any associated signs. Separate applications for sign permits are required before sign installation and applications must meet all City ordinance requirements.

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

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
2. The City may inspect the Property at all reasonable times to ensure compliance with the conditions of this permit.
3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of

the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.

5. This permit and its conditions are binding on the parties, their successors, and assigns. This permit runs with the Property and does not affect the subsequent sale, lease, or change from current ownership. The Owner's obligations under this permit shall also be the obligations of any subsequent owners or assigns of the Property.
6. Use of the Property as allowed by this permit signifies the agreement of the permit's terms and conditions without qualification, limitation, or reservation.
7. If substantial development or construction of the Project has not taken place within one (1) year of the date of approval of the conditional use permit, such permit shall be void unless the City Council grants a time extension. The Owner must submit an extension request in writing at least thirty (30) days before the expiration of the conditional use permit.

Section 4. Findings and Incorporation of Recitals and Exhibits.

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

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

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

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Date Adopted: May 27, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

Exhibit A
Legal Description of the Property

Lot 1, Block 1, MAB Addition, AND ALSO, Lot 3 Block 1, 218 ADDITION, Rice County, Minnesota. according to the plat thereof, on file and of record in the office of the County Recorder, Rice County, Minnesota.

Exhibit B
Staff Report

(Refer to the following pages.)



Staff Report to the Planning Commission

TO: Development Review Committee
THROUGH: David Wanberg, CED Director
FROM: Harry Davis, City Planner
MEETING DATE: May 19, 2025
SUBJECT: Approve a Zoning Text Amendment to Allow Proof of Parking in Commercial Districts

Request:	City initiated a zoning text amendment to allow showing proof of parking in commercial districts.
Recommendation:	The City Planning Manager and DRC recommend allowing proof of parking for up to 30% of the required parking in commercial districts.
Recommended Motion:	Motion to forward and recommend approval of the requested amendment to City Council allowing proof of parking in commercial districts, with criteria and findings as stated in the draft ordinance.

Background and Details:

City staff acknowledge recent redevelopment projects struggling between parking ratios for a minimum amount of parking spaces while the existing business(es) demonstrate much lower parking demand. In an effort to work with applicants, the DRC previously issued determinations allowing developments to show “proof of parking”, where the property and development has to demonstrate that there is enough room for parking on the property, but not construct all of the required spaces. If parking demand required additional spaces, the applicant could expand their parking facilities to accommodate it. This concept is expressly allowed in industrial districts, but the flexibility is not clearly extended to commercial districts.

Request:

The request brought forth by city staff is to amend UDO and allow the same proof of parking concept allowed in industrial districts to apply to commercial districts. To prevent a property from avoiding the cost of installing parking, the development may only use proof of parking for up to 30% of the required spaces, meaning that development in a commercial district must provide at least 70% of the required parking. This proof of parking concept does not apply to residential uses, so in a situation where there is mixed-

use, the residential parking ratios still fully apply and the proof of parking would only be allowed for the non-residential portions of the development.

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.

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. The ability for property owners to show that they have enough room to meet parking ratios, but not have to construct all the required parking, should be a huge benefit to redevelopment projects. A full narrative of how the request meets the criteria is found in the draft ordinance.

Recommendation:

The City Planning Manager and DRC recommend Planning Commission forward and recommend approval to City Council the zoning text amendments allowing proof of parking in commercial districts, with criteria and findings as stated in the draft ordinance.

CITY OF FARIBAULT

ORDINANCE No. 2025-XX

**APPROVE A ZONING TEXT AMENDMENT TO ALLOW PROOF OF PARKING
IN COMMERCIAL DISTRICTS**

WHEREAS, the City of Faribault (the "Applicant") requests a zoning text amendment to allow proof of parking in commercial districts; and

WHEREAS, the Planning Commission, on May 19, 2025, 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 Core and Additional Guiding Principles support the general direction of the proposed zoning amendment:

- 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 commercial properties undergoing redevelopment to phase in improvements as needed. This lessens the initial capital needed for investment in the property.

- Balance individual property rights with community interests and goals.

The proposed zoning amendment will allow for most business and property owners to improve their properties based on their needs and less on the city's understanding of parking minimums for their business. The limitation of no more than 30% of spaces shows as proof of parking protects the city and neighbors by ensuring there is parking available for the near-term and space available for expanded parking in the long-term.

In addition to the Core and Additional 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: Guide land to provide an appropriate mix of compatible land uses that meets the City's current and anticipated needs.

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

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

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

Policy: 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.

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 still requires the applicant to provide proof that they can accommodate parking minimums.

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 proposed text amendment does not change the zoning classification of property in the city, so this criterion does not apply.

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, so 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, so this required finding does not apply to the proposed text amendment.

WHEREAS, the City Council held a public meeting on May 27, 2025, to consider approval of the first reading of Ordinance 2025-XX; and

WHEREAS, the City Council also held a public meeting on June 10, 2025, to consider approval of the second reading of Ordinance 2025-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 – Proof of Parking in Commercial Districts. The Faribault City Council hereby amends (additions and amendments shown in the underlined text; removals shown in the ~~strikethrough~~ text) to the Unified Development Ordinance under Chapter 8, “Section 8-200. Specific off-street parking requirements.”, as proposed in Exhibit A.

Section 3: Effective Date. This ordinance shall be effective immediately upon its passage and publication per the provisions of the Faribault City Charter.

Public Hearing:	May 19, 2025
First Reading:	May 27, 2025
Second Reading:	June 10, 2025
Publication:	June 17, 2025

Faribault City Council

Thomas J. Spooner, Mayor

ATTEST:

Jessica L. Kinser, City Administrator

EXHIBIT A

**Amended Section 8-200. Specific off-street parking requirements., under
Chapter 8, Article 3 of the Unified Development Ordinance**

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Sec. 8-200. Specific off-street parking requirements.

- (A) *In general.* Accessory, off-street parking shall be provided as specified in Table 8-3 except as otherwise specified in this chapter. When a particular use specifies an "x" under the Notes column, such use is subject to specific standards as identified in Section 8-200(C) below.

Table 8-3. Specific off-street parking requirements.

Use	Minimum spaces required	Notes
Residential uses		
Dwellings		
Single-family	2 per unit	
Duplex	2 per unit	
Multi-family/Detached Accessory Dwelling Unit		
1-bedroom unit or less	1 per unit	
2-bedroom or larger unit	2 per unit	
Nursing home, senior housing	1 per every 2 units	x
Manufactured home park	2 per unit	
Congregate living		
Residential care facility	1 per employee plus 1 per 6 residents	x
Dormitories	Determined by staff based on parking study	x
Commercial uses		
Auction Establishments	20 spaces plus 1 space per 200 sf of public assembly space over the first 2,000 sf	
Farm and construction equipment sales	1 per 300 sq. ft. GFA of office or sales are plus 1 per 1,000 sq. ft GFA of service area and 1 per 3,000 sq. ft. GFA of storage area	
Retail sales and services		
Ambulance facility	1 per 300 sq. ft. of net floor area	x
General retail sales and services	1 per 300 sq. ft. GFA plus 1 per 1,000 sq. ft. of outside sales/display area	
Barber shop/beauty salon	2 per station plus 2 per 3 employee	x
Bank or financial institution	1 per 300 sq. ft. GFA plus 6 stacking spaces for each drive-thru lane	
Building material sales	1 per 300 sq. ft. GFA plus 1 per 1,000 sq. ft. of outside sales/display area	
Child care center	1 per 2 employees plus 1 drop-off space for each 5 enrollees	x
Funeral home	1 per each 5 seats plus 1 per 250 sq. ft. of non-seating area	

Greenhouse, lawn and garden supplies	1 per 300 sq. ft. GFA plus 1 per 1,000 sq. ft. of outside sales/display area	
Performing, visual, or martial arts school	30% of building capacity	
Recreational vehicle sales and service	1 per 300 sq. ft. GFA plus 1 per 1,000 sq. ft. of outside sales/display area	
Shopping center	1 per 300 sq. ft. GFA Veterinary clinic 6 per veterinarian	
Offices	1 per 300 sq. ft. GFA	
Automobile services		
Automobile convenience facility	1 per 300 sq. ft. GFA	
Automobile rental	1 per 300 sq. ft. GFA plus adequate space for rental vehicles	
Automobile repair	3 per service bay and one per employee	x
Automobile sales	1 per 300 sq. ft. GFA	
Automobile service station	1 per 300 sq. ft. GFA plus 2 per service bay	x
Car wash	2 spaces per facility plus adequate stacking	
Food and beverages		
Bar, nightclub, liquor establishment	30% of building capacity	
Coffee shop with limited entertainment	30% of building capacity	
Liquor store, off-sale	1 per 300 sq. ft. GFA Restaurant, drive-through 1 per 40 sq. ft. of dining area plus 6 stacking spaces per drive -up lane	
Restaurant	30% of building capacity	
Bakery and other take-out food store	1 per 100 sq. ft. of customer area	
Recreation, entertainment and lodging		
Auditorium or theater	1 per each 4 seats	
Bowling alley	5 per lane plus 30% of building capacity for related uses	
Golf course	5 per hole plus 30% of building capacity for related uses	
Hotel, motel	1 per rental unit plus 30% of building capacity for dining or meeting rooms	
Indoor recreational facility	1 per 150 sq. ft. of rink, court, or other recreation area	
Outdoor recreational area	Determined by staff based on parking study	x
Sports and health facility	Sum of requirements for component uses	
Swimming pool	1 per 100 sq. ft. of pool area	
Health/medical facilities		
Medical/dental office	1 per 300 sq. ft. GFA	

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Laboratory	1 per 300 sq. ft. GFA	
Hospital	Determined by staff based on parking study	x
Institutional and public uses		
Educational facilities		
Early childhood education center	1 per employee plus 1 drop-off space per 5 enrollees	x
Schools, vocational or business	Determined by staff based on parking study	x
Schools, K-12	1 per classroom plus 1 per 5 students of legal driving age based on building capacity	
College/university	Determined by staff based on parking study	x
Social, cultural, charitable, and recreational facilities		
Stadiums, arenas	30% of facility capacity	
Cemetery	10 per interment, based on maximum number per hour	
Clubs and Lodges	30% of building capacity	
Community center	Determined by staff based on parking study	x
Religious institutions		
Place of assembly	1 per 4 seats based on capacity of main assembly area	
Convent or monastery	1 per 3 beds	
Production, processing, and storage		
Limited production and processing	1 per 1,000 sq. ft. GFA plus 1 per 2,000 sq. ft. GFA in excess of 20,000 sq. ft. or 2 per 3 employees	x
Concrete, asphalt, gravel facility	2 per 3 employees	x
Contractor office and showroom	1 per 300 sq. ft. GFA of office, sales or display area plus 1 per 3,000 sq. ft. GFA of storage area	
Furniture moving and storage	1 per 300 sq. ft. GFA of office or sales area plus 1 per 3,000 sq. ft. GFA of storage area	
Industrial machinery and equipment, sales, service, and rental	1 per 300 sq. ft. GFA of office or sales area plus 1 per 1,000 sq. ft. GFA of service area and 1 per 3,000 sq. ft. GFA of storage area	
Laundry, commercial	1 per 300 sq. ft. GFA	
Packaging of finished goods	1 per 1,000 sq. ft. GFA plus 1 per 2,000 sq. ft. GFA in excess of 20,000 sq. ft. or 2 per 3 employees	x

Printing and publishing	1 per 1,000 sq. ft. GFA plus 1 per 2,000 sq. ft. GFA in excess of 20,000 sq. ft. or 2 per 3 employees	x
Self-service storage facility	1 per 300 sq. ft. GFA of office or sales area plus 1 per 3,000 sq. ft. GFA of storage area	
Wholesaling, warehousing, and distribution	1 per 300 sq. ft. GFA of office or sales area plus 1 per 3,000 sq. ft. GFA of storage area	
Other out-of-doors industrial activity	2 per 3 employees	x
Public service and utilities		
Communication facilities	Determined by staff based on parking study	x
Governmental buildings and structures	Based on type of use	x
Public utility buildings and structures	Based on type of use	x
Street and equipment maintenance facility	1 per 300 sq. ft. GFA of office or sales area plus 1 per 3,000 sq. ft. GFA of storage area	
Other public service/utility uses	Determined by staff based on parking study	x

- (B) *Special considerations for parking requirements.* Certain types of uses, due to their unique characteristics, require additional considerations to be made in determining parking requirements, as follows:
- (1) Senior housing. When senior housing may convert to general housing at some point in time, proof of additional parking shall be required.
 - (2) Residential care facilities. For facilities that serve six (6) or fewer residents, and have no employees, the single-family dwelling parking requirement of two (2) spaces shall be required. For facilities that allow residents to own/operate vehicles, an additional one (1) space per two (2) residents shall be required. Garage stalls shall not be counted towards satisfaction of required parking.
 - (3) Preschools and day care facilities. On-street drop-off spaces may be utilized to meet requirements subject to approval by the City Engineer.
 - (4) Auto repair and service facilities. Service bays shall not contribute to the satisfaction of required parking.
 - (5) Employee counts. When parking requirements are to be determined by employee counts, such calculation shall be based on the maximum number of employees on the premises at any one time.
 - (6) Governmental and public uses. Parking requirements for governmental and other similar public uses shall be based on the type of use and the requirements established for such use.
 - (7) Ambulance facilities. For the purposes of this use, net floor area shall be the total floor area of the facility minus the garage/storage area of the facility. In addition to the off-street parking requirements, all ambulance facilities shall provide one indoor and one outdoor parking space for each commercial vehicle used in the operation of the facility.
 - (8) *Business vehicles.* In addition to the requirements in Table 8-3, one (1) parking space shall be provided for each commercial vehicle or vehicle necessary for the operation of the use that is maintained on the premises.

-
- (9) *Reduction in required parking.* A development may reduce the number of required parking spaces when the use can demonstrate, in documented form, a need which is less than required. In such cases, future parking sufficient in quantity to meet the ordinance requirement shall be shown on the approved site plan. The city may require the additional land that is necessary to meet the required parking standard to be placed in reserve for parking development should the use change or parking provided be determined inadequate. If at any time the city determines parking to be inadequate, the city may require construction of any or all of the additional parking held in reserve. A reduction in required parking is available for the following zoning districts, subject to any additional stipulations:

(i) ~~In all industrial zoning districts, only, the city may allow a reduction in the number of required parking stalls when the use can demonstrate, in documented form, a need which is less than required. In such cases, future parking sufficient in quantity to meet the ordinance requirement shall be shown on the approved site plan. The city may require the additional land that is necessary to meet the required parking standard to be placed in reserve for parking development should the use change or parking provided be determined inadequate. If at any time the city determines parking to be inadequate, the city may require construction of any or all of the additional parking held in reserve.~~

(ii) In C-1, C-2, C-3, PUD, and P-I zoning districts and overlays, provided the reduction in constructed spaces may not be more than 30% of the total required parking spaces.

(iii) A parking reduction through this provision shall not apply to residential uses.

(Ord. No. 99-20, § 1, 11-23-99; Ord. No. 2002-13, § 1, 6-25-02; Ord. No. 2002-16, § 1, 8-13-02; Ord. No. 2003-10, § 1, 5-27-03; Ord. No. 2004-14, § 1, 6-8-04; Ord. No. 2008-09, § 4, 5-13-08; Ord. No. 2008-15, § 1, 6-24-08; Ord. No. 2009-12, § 3, 10-27-09)