



PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS

MONDAY, MARCH 21, 2022

6:00 PM

1. Call to Order
2. Approval of the Minutes
3. Public Hearings
 - A. Resolution 2022-xxx Approve a Conditional Use Permit for the Development of an Enclosed Loading Dock in the Shoreland Management District at the Faribault Woolen Mill at 1500 NW 2nd Avenue
4. Adjournment

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



PLANNING COMMISSION MEETING MINUTES

MONDAY, March 7, 2022

6:00 PM

1. Call to Order/Roll Call

Members Present: Dave Albers, David Campbell Barton Jackson, Samuel Temple and Chair Ackman.

Members Absent: Faysal Ali and Steve White.

2. Approve the February 7, 2022 Regular Meeting Minutes.

A motion was made by Commissioner Campbell and seconded by Commissioner Jackson to approve the minutes of February 7, 2022 with the noted changes referencing Chair Ackman's points.

Motion passed on a 5/0 vote.

3. Public Hearings

A. Applications Submitted by Kwik Trip Inc. Related to Development of a New Convenience Store / Fuel Station and Car Wash at 1955 2nd Avenue NW

Kwik Trip Inc. is proposing to construct a new convenience store / fuel station with a car wash at 1955 2nd Avenue NW.

The Planning Commission is asked to separately consider and approve findings in support of the following applications: Application to vacate unused and un-needed public right of way easements on the subject site; Applications for Preliminary and Final Plat to re-plat two lots to create one lot and dedicate 7 feet of public right of way along the east side of 2nd Avenue at the site; and, Application for Conditional Use Permit for development within the Shoreland Overlay District as proposed.

Waldock began his presentation explaining ownership and zoning. The south lot is in the shoreland overlay district. The subdivision will combine the lots 2 and 3 and there will be a vacation of unused Hwy 218 ROW easements which are no longer needed.

The intend on putting in a 9,000sq ft. convenience store with 20 fuel pumps that are on the north side of the building and 4 diesel pumps on the south side as well as a

stormwater detention pond which will be on city property to the east. The main access will be from 20th street and have two accesses from 2nd Avenue at the south.

FWF did not dedicate the 7ft roadway easement which Kwik Trip will take care of. Parkland dedication was satisfied with previously developer. Development agreements will be needed. The impervious surface for the area would be 70% and they come under that with 59%. There is a well-developed landscape plan that far exceeds the requirements. The city is requesting the review deadline to May 25, 2022; revise the plat to dedicate the 7ft roadway easement along 2nd Ave NW; adjust the setbacks for the parking lot accordingly.

The subdivision plat is rather simple and just involved Lots 2 and 3. The plat will be called Kwik Trip 793. Parkland dedication was met with previous land owner. Kwik Trip will need to confirm the MNDOT release and development agreements will be needed. There is an underground utility easement that the city will retain that is between the buildings and the pump island.

Most traffic will access from the north. DNR asked for natural plantings. Dean George is available for answering any questions.

Chair Ackman then brought the matter up for discussion. Commissioner Albers asked questions about the right-hand lane and was concerned about the intersection and traffic. He asked if they will be adding a turn lane. Waldock responded that they will be restriping and they received the traffic study that morning. Albers wanted to know how far back the entrances will be to the south. The further south would be best.

Commissioner Jackson then spoke about the semi traffic and stated that the trucks making left-hand turns would be an issue. Jackson would like to see a better traffic plan.

Waldock stated that presently there is a 4-way stop there and ultimately it will be a round-a-bout which is the MN DOT plan. The intersection is capable of handling the estimated traffic for this site with the opportunities for restriping.

Chair Ackman asked if it was on the stip for the round-a-bout. Wanberg corrected that I have not been prepared but has been discussed.

Commissioner Campbell stated that it looks like there is plenty of room on the lot for the turn lane. Waldock responded that the site is ready for delivery vehicle for the semis and referred to Mr. George for further response. The site does have extra-size radius' for trucks.

Chair Ackman asked about the 7ft easement; was it already in the plat; Waldock stated it's in the conditions for approval. Chair Ackman then inquired about shoreland overlay district; wanted to verify that we're confident that the retention pond will be able to hand the routine runoff from the gas station. Waldock stated yes, it is sized to accommodate

the hard surface area for the entire site, not just the shoreland portion. There are precautions for pump spills as well. Chair Ackman asked about flood plain and Waldock stated it's not in the flood plain.

Chair Ackman then opened the matter up for public hearing at 7:34. Dean George, Kwik Trip, 1626 Oak Street, La Crosse, WI and further responded to previous questions. One clarification is that they have 10 fuel pumps not 20.

Commissioner Temple asked about charging stations. George stated that they would be interested in making that update.

Dennis Rothstein, 2029 2nd Avenue, asked about the buffer zone. Waldock explained why his home is in the buffer zone for mailing 350ft from subject property.

Spencer Wilker, 2005 Hwy 3 S, then came forward and asked about the entrances, traffic, a street light and a fence.

Chair Ackman closed the public hearing at 6:48 p.m. and brought it back for discussion.

Jackson asked about snow removal to Mr. George. Mr. George stated it would most likely be on the south side.

Commissioner Temple reiterated that it's pretty cut and dry on what we are voting on but wanted to make note that there may be some issues with traffic. Albers mirrored Temple's concern. Albers would like to have the city take a good look at the issue before we have an issue. Chair Ackman shared concerns on traffic, even with the current situation on 2nd and the intersection but was confident that we can work things out.

i. Application to vacate unused and un-needed public right of way easements on the subject site.

A motion was made by Commissioner Albers and seconded by Commissioner Campbell having met the conditions and findings set forth recommend approval of the Application to Vacate Unused and Un-Needed Public Right of Way Easements on the subject site as presented.

Motion passed on a 5/0 vote.

ii. Applications for Preliminary and Final Plat to re-plat two lots to create one lot and dedicate 7 feet of public right of way along the east side of 2nd Avenue at the site.

A motion was made by Commissioner Campbell and seconded by Commissioner Temple having met conditions and findings required, recommend approval of the Preliminary and Final Plat to re-plate two lots to create one lot and dedicate 7 feet of public right of way along the east side of 2nd Avenue at the site as presented.

Motion passed on a 4/1 vote with Commissioner Jackson voting in the opposition.

iii. Application for Conditional Use Permit for development within the Shoreland Overlay District as proposed.

A motion was made by Commissioner Temple and seconded by Commissioner Albers having met the findings recommends approval of the Conditional Use Permit for development within the Shoreland Overlay District as proposed.

Motion passed on a 5/0 vote.

5. Adjournment

Chair Ackman requested a motion to adjourn. Commissioner Jackson made a motion to adjourn seconded by Commissioner Temple. Meeting was adjourned at 6:57 p.m. Motion carried unanimously.

Dated March 7, 2022.

By _____
Kari Casper, Recording Secretary



Request for Planning Commission

TO: Planning Commission
THROUGH: Deanna Kuennen, Community & Economic Development Director
FROM: David Wanberg, City Planner
MEETING DATE: March 21, 2022
SUBJECT: Resolution 2022-xxx Approve a Conditional Use Permit for the Development of an Enclosed Loading Dock in the Shoreland Management District at the Faribault Woolen Mill at 1500 NW 2nd Avenue

Background:

Paul Mooty (the Applicant), on behalf of Adrian Mill Holdings, LLC (the Owner), requested a conditional use permit to develop an enclosed loading dock on the east side of the Faribault Woolen Mill building at 1500 NW Second Avenue. The subject property is in the I-2, Heavy Industrial District and the Shoreland Management District. The Shoreland Management District requires a conditional use for industrial development in the district to help ensure that development does not adversely affect the quality of adjacent surface waters. In this case, the proposed enclosed loading dock would be constructed over the top of existing impervious material. Therefore, the proposed dock will not increase impervious coverage and stormwater runoff to the adjacent river.

City Staff notified the Minnesota Department of Natural Resources (DNR) of the proposed loading dock. DNR Staff noted that the proposed development would not adversely affect the adjacent river. However, the DNR encourages the Owner to provide additional green space and stormwater management practices when and where feasible. The Owner has indicated a desire to green the property further and will work with City Staff on plans in the near future.

City Staff supports the Applicant's conditional use permit request. The proposed addition will be consistent with the appearance and character of the existing building. The existing loading dock on the east side of the Faribault

Woolen Mill requires trucks to back into the dock from 2nd Avenue NW, which is not ideal from a traffic safety point of view. The proposed loading dock would eliminate the need for trucks to back into the dock from 2nd Avenue NW. Consequently, the proposed dock will improve truck circulation and reduce the chance of traffic conflicts on 2nd Avenue NW.

Although the proposed dock would eliminate parking spaces in this area, the Applicant believes there is sufficient parking elsewhere on the site, so parking should not be a problem. Furthermore, the Applicant is coordinating with City Staff on other site improvements, including refined parking and additional green space. Given the traffic safety concerns with the existing dock, City Staff supports the City's approval of the proposed dock now, while allowing City Staff and the Applicant to work on other site improvements.

Recommendation:

Recommend that the City Council approve the attached resolution approving the Applicant's conditional use permit request.

Attachments:

1. Res. 2022-xxx Approve CUP for Woolen Mill Loading Dock

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2022-__

APPROVE A CONDITIONAL USE PERMIT FOR THE DEVELOPMENT OF AN ENCLOSED LOADING DOCK IN THE SHORELAND MANAGEMENT DISTRICT AT THE FARIBAULT WOOLEN MILL AT 1500 NW SECOND AVENUE

WHEREAS, Paul Mooty (the Applicant), on behalf of Adrian Mill Holdings, LLC (the Owner), has requested a conditional use permit to develop an enclosed loading dock on the east side of the existing Faribault Woolen Mill building at 1500 NW Second Avenue, legally described in Exhibit A of this resolution; and

WHEREAS, the subject property is zoned I-2, Heavy Industrial and is in the Shoreland Management District; and

WHEREAS, the Shoreland Management District requires a conditional use permit for industrial development in the district; and

WHEREAS, the provisions of the Shoreland Management District are intended to help preserve and enhance the quality of surface waters by regulating land use adjacent to surface waters; and

WHEREAS, City Staff notified the Minnesota Department of Natural Resources of the Applicant's conditional use permit request to develop the proposed addition; and

WHEREAS, Minnesota Department of Natural Resources staff noted that the Applicant's request does not add impervious coverage and does not adversely affect the adjacent surface waters, but also noted that the Owner should provide additional green space on the property as opportunities arise; and

WHEREAS, City Staff finds that the proposed addition would eliminate the need for trucks to back in from Second Avenue NW to the existing loading dock – consequently, the addition will result in a safer traffic situation, while not adversely impacting adjacent surface waters; and

WHEREAS, the proposed addition will eliminate some parking spaces on the east side of the Faribault Woolen Mill building, there appears to be adequate parking elsewhere on the property; and

WHEREAS, if the City determines additional parking spaces are needed in the future, the Applicant has sufficient land to provide additional parking, and the City may require that the Owner provide additional parking; and

WHEREAS, the Planning Commission, on March 21, 2022, following proper notice, held a public hearing regarding 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 following written findings:

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

Expanded Finding: The proposed enclosed loading dock will improve public safety by eliminating the need for trucks to back in from Second Avenue NW to the existing loading dock.

- 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.**

Expanded Finding: The proposed addition is consistent with the required setbacks in I-2 and Shoreland Management districts. The addition will not injure other property, nor will it impede orderly development in the area.

- 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.**

Expanded Finding: The materials of the proposed addition will match the appearance and character of the existing building.

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

Expanded Finding: The proposed addition will eliminate the existing need for trucks to back in from Second Avenue NW to access the existing dock.

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

Expanded Finding: The proposed addition will improve traffic safety in the area by eliminating the existing need for trucks to back in from Second Avenue NW to access the existing dock. The proposed addition will not diminish neighboring 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.**

Expanded Finding: Public sewer, water, and all other applicable municipal services serve the subject property.

- 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.

Expanded Finding: The proposed addition will not create new demands for facilities and services at public cost. The proposed addition will reduce traffic safety issues associated with trucks accessing the existing loading dock at the subject property.

- 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.**

Expanded Finding: The proposed addition will decrease traffic congestion in the public streets by eliminating the need for trucks to back in from Second Avenue NW to access the loading dock.

- 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.**

Expanded Finding: The proposed addition will be constructed over an existing parking lot. The proposed addition will not adversely affect any feature of importance to the community.

- 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.**

Expanded Finding: The City's Land Use Plan guides the subject property for industrial use consistent with the proposed addition. The addition will not adversely affect Faribault's natural resources.

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

Expanded Finding: The proposed addition is consistent with setback and other City Code requirements.

WHEREAS, the City Council further finds approval of the requested conditional use permit is appropriate with the following additional findings as

required by Section 13-710 (E) (2) of the City's Unified Development Ordinance:

- 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.**

Expanded Finding: City Staff provided the Minnesota Department of Natural Resources (DNR) staff with a copy of the Applicant's application for their evaluation. Because the proposed addition will cover an existing impervious surface, the DNR commented that the addition would not adversely affect the Cannon River. However, the DNR encouraged the Owner to provide additional green space as opportunities arise.

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

Expanded Finding: The proposed addition is roughly 335 feet from the Cannon River. In addition, the existing building will substantially screen the proposed addition from river

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

Expanded Finding: Municipal water and sewer services serve the subject property.

- 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.**

Expanded Finding: The subject property and the proposed addition would not generate any watercraft use.

WHEREAS, the City Council held a public meeting on XXXX, XX, 2022, to consider 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, the City Council concurs with the written findings of the Planning Commission and makes the identical findings.

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

Section 1: Approval of a Conditional Use Permit. The City Council hereby approves the Applicant's conditional use permit request to develop an enclosed loading dock on the east end of the existing Faribault Woolen Mill at 1500 NW Second Avenue.

Section 2: Conditions Attached to the Approval of the Conditional Use Permit. The conditional use permit includes the following conditions:

1. The Owner must construct the proposed addition and related site work in substantial conformance (as determined by City Staff) with the plans shown in Exhibit B of this resolution.
2. The materials of the proposed addition must match the appearance and character of the existing building.
3. The proposed addition must meet all required setbacks as outlined in the City's Unified Development Ordinance.
4. If the loss of existing parking spaces associated with the proposed addition creates a parking problem (as identified by the City), the Owner shall provide additional parking spaces elsewhere in the development as approved by the City.
5. Before beginning construction on the proposed addition, the Owner must obtain all required building permits, grading permits, and other applicable permits.
6. This conditional use permit will automatically be voided if the proposed construction has not taken place within one (1) year of the approval of the conditional use permit unless the City Council has granted a petition for a time extension. The Owner must submit a written request for extension at least thirty (30) days before the expiration of the conditional use permit and must state

facts showing a good faith effort to complete work permitted under the original approval.

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

1. Failure of the City to act on a violation of a condition, covenant, or term of this permit is not a waiver of such condition, covenant, or term, or any subsequent violation of the same or any other condition, covenant, or term.
2. The City may inspect the property at all reasonable times to ensure compliance with the conditions of this permit.
3. This permit is subject to the City's code requirements. The Owner must comply with all applicable federal, state, and local laws, rules, and ordinances and obtain other permissions and permits as may be required.
4. The violation of any terms or conditions of this permit, including but not limited to any applicable federal, state, or local laws, rules, regulations, and ordinances, may result in revocation of the permit. The City must give the Owner written notice of any violation and reasonable time, as determined by the City, to cure the violation before the permit revocation.
5. This permit and its conditions are binding on the parties and their successors and assigns. This permit runs with the property and does not affect the subsequent sale, lease, or change from current ownership. The 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.

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 is effective immediately upon its passage and without publication.

Date Adopted: XXXX XX, 2022

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

Exhibit A

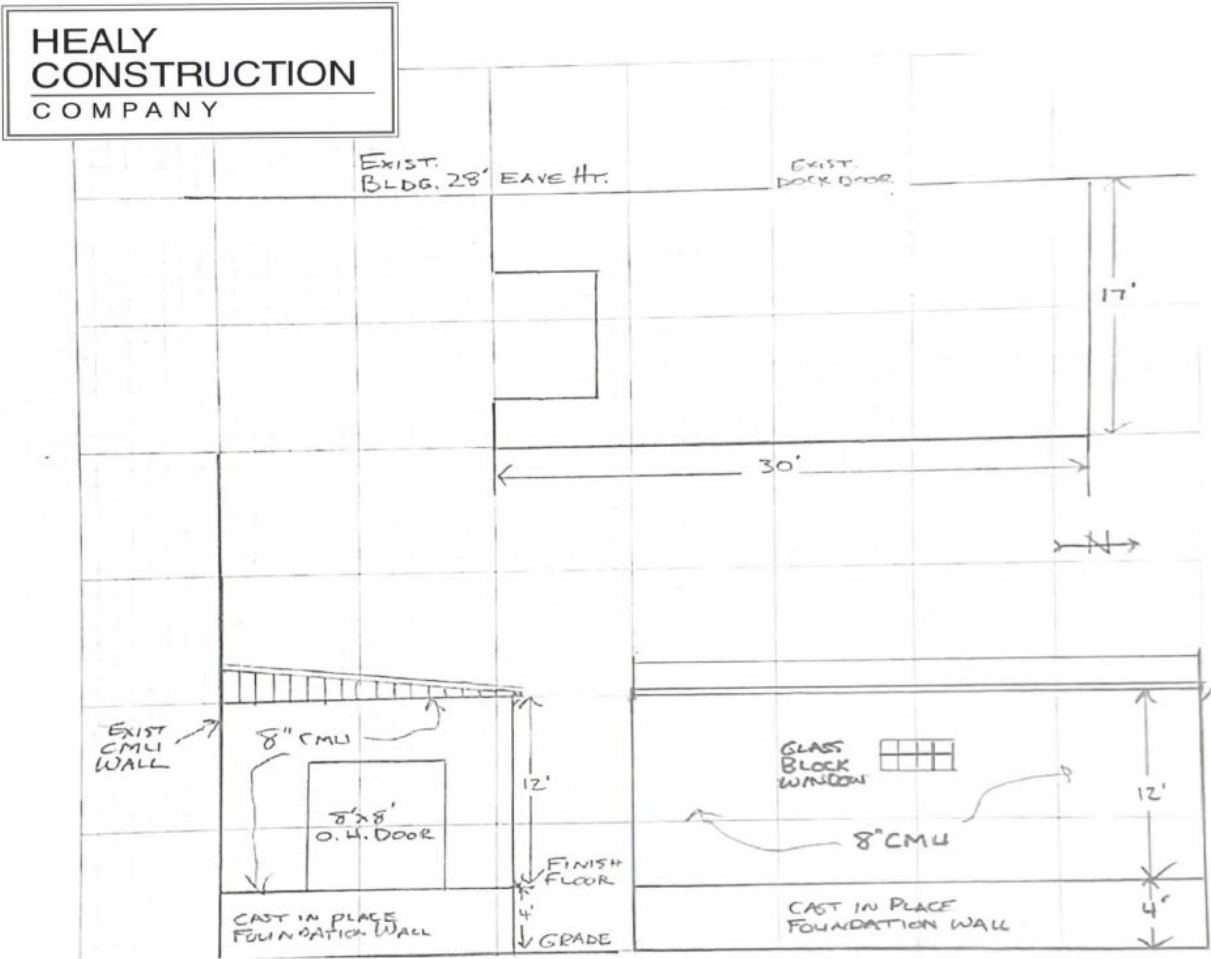
Legal Description

Those parts of Block 6, Riverside Addition, and of Block 4 North, Faribault, and of the North One-half of Section 30, Township 110 North, Range 20 West of the Fifth Principal Meridian, all being in the City of Faribault, Rice County, Minnesota, and lying Southerly and Easterly from the water's edge of the Cannon River described as follows: Beginning at the Northeast corner of Block 1, River View, Faribault, Minnesota (said point being in the Westerly line of 3rd Avenue Northwest); thence Northerly along the Northerly prolongation of said Westerly line of 3rd Avenue Northwest to its intersection with the Westerly prolongation of the Northerly line of 14th Street Northwest in said plat of North Faribault; thence Easterly along said prolongation of the Northerly line of 14th Street Northwest and the Southerly line of said Block 4, North Faribault, to a point in the Northwesterly railroad right of way line, said line being 9.00 feet Northwesterly from and parallel with the center line of said railroad as now traveled; thence Northeasterly along said railroad right of way line to its intersection with the Westerly line of 2nd Avenue Northwest and the East line of said Block 4, North Faribault; thence Northerly along said Westerly line of 2nd Avenue Northwest and the Easterly line of said Block 4, North Faribault and the East line of said Block 6, Riverside Addition and its Northerly prolongation thereof to the Southerly water's edge of said Cannon River, thence Southwesterly along said water's edge to the Northerly line of said Block 1, River View, Faribault, Minnesota; thence Easterly along said Northerly line of Block 1, River View, Faribault, Minnesota to said point of beginning.

Exhibit B
Proposed Enclosed Dock Addition



Site Plan Showing Location of the Proposed Addition



Architectural Plans of the Proposed Addition