



PLANNING COMMISSION MEETING MINUTES

MONDAY, April 18, 2022

6:00 PM

1. Vice Chair Campbell called the meeting to order at 6:00 p.m.

Chair Ackman showed up at 6:02 p.m.

Members Present: Dave Albers, David Campbell, Barton Jackson, Sam Temple, Steve White and Chair Ackman

Members Absent: None.

2. Approve the March 21, 2022 Regular Meeting Minutes.

A motion was made by Commissioner Albers and seconded by Commissioner Jackson to approve the minutes of March 21, 2022 as presented.

Motion passed on a 6/0 vote.

3. Public Hearings

- A. Variances from setback requirements for parking surfaces/driveways and trash enclosure screening in front of the building for Bauer Restoration at 933 Hulett Ave.

Bruce Bauer on behalf of Miller Bauer Properties LLC (property owner) is seeking variances from setback requirements for parking area / driveway pavement and for a trash enclosure screen in front of the building at 933 Hulett Ave. The site is located in the Shoreland Protection District and I-2 Heavy Industrial zoning district.

The pavement was installed in part to protect underground utilities along this property line. The site plan was originally approved with a front yard trash enclosure, but the approved location was not workable in that it interfered with access to the rear of the building. Upon receipt of the required as-built drawing for the development on this site, City Staff noted some improvements that did not follow the site plan approved with the CUP in Resolution 2015-098 and variance applications were suggested as the best solution to address this situation. It was noted that a stormwater agreement is needed. DNR had no objections to the request. The site does have a stormwater retention pond on it. Waldock outline the proposed conditions of approval. Waldock noted that the owner was present.

Vice Chair Campbell brought the matter back to the board for discussion. Commissioner White added that he would like to see a gate added to the trash enclosure and asked if the owner, Bruce Bauer, could come forward to discuss this suggestion. City staff did not talk to the owner about this and deferred to Mr. Bauer. Temple asked what the stormwater agreement look like in this case. Waldock then deferred to Mark Duchene, City Engineer. Mr. Duchene explained the form agreement and how it works. The city is required to have these under the State of MN.

Vice Chair Campbell then explained the process to the room and then opened the matter up for public hearing at 6:12 p.m. No one came forward and then matter was then closed at 6:12 p.m. and brought back for further discussion. Chair Ackman then went over the conditions for approval in highlighting what Commissioner White stated about the enclosure.

Bruce Bauer, 933 Hulett Avenue, Faribault, came forward and stated that he could look into that.

A motion was made by Commissioner Albers stating that he would like to see some type of an open and close fence for the enclosure. This is a hardship variance and and seconded by Commissioner White to recommend approval in support of the applications presented in this case subject to the recommended conditions of approval and based the findings listed in the draft resolution granting the proposed variances for Bauer Restoration at 933 Hulett Avenue.

Motion passed on a 6/0 vote.

Commissioner White spoke to Mr. Bauer stating that the building really added to the building. Waldock stated that he will add the extra condition.

Vice Chair Campbell then turned the gavel over to Chair Ackman. Chair Ackman went over that there will be five separate motions and it's a big complicated project. He stated that what makes the most sense and then turned the matter over to Mr. Wanberg.

B. Overview of Public Hearings related a Proposed Rice County Public Safety Center

Wanberg explained that Mark DuChene is the City Engineer and is here. Also, Matthew Verdick with Rice County was present. Rice County acquired the former Faribault Foods spray fields east of State Highway 3 and 30th Street NW with the intention of developing a new Rice County Public Safety Center. Over the next several months, the Planning Commission will make recommendations on the Applicant's requests related to the proposed development. At this time, the Planning Commission should take action on the following requests relating to the zoning provisions for the Wild and Scenic River Overlay District; Comprehensive Plan amendment related to future land use east of

State Highway 3 and 30th Street NW; the rezoning of the property east of State Highway 3 and 30th Street NW; the vacation of the former State Highway 218 easement east of State Highway 3 and 30th Street NW and a preliminary and final plat of CANNON RIVER VIEW east of State Highway 3 and 30th Street NW which staff recommend that we continue this action into the future.

Wanberg showed the layout but that will not be discussed at this meeting. A future round-about will be there on Hwy 3 and 30th St NW. The extension of Eastview Drive is what the road will be and will stop short of the river but the intent this would be the primary east west connection on this side of town. Rice County is proposing to put the RC Safety Center and will be reserving some land to the north for residential housing. Along the River will be open space. This will involve the Law Enforcement Center and then the Rice County Jail. Some concept sketches were shown to put in perspective. None can happen without the provision set on the Wild and Scenic. In 1980 the State designated in the MN Wild and Scenic River Program; part of that was in the city of Faribault. Rice County adopted the Wild and Scenic River Provisions but the City did not. When the spray fields were adopted into the city the city did not adopt the wild and scenic provisions. Now with the proposed developments, these Wild and Scenic River need to be met. Everything east of the former railroad; where it used to be everything east of it is 100% in the flood plan and a fair amount in the flood way so it's really limited on use other than open space. The permitted uses are limited. Wanberg identified draft ordinance permitted uses which are conservation and open space, resource management, essential services, certain types of signs and agriculture excluding feedlots. If someone wanted to use that for hay, they can do that excluding the feedlots which is how it's been used for quite some time. Permitted uses could public roads, bridges which would require the CUP and would go through the DNR for approval. The county is considering ground mounted solar; those panels would be constructed in that Wild and Scenic and would require a CUP. Other conditional uses were river access and landing, canoe and kayak rental i.e. temporary dock, public structures, tower, transmission lines, etc. There were also prohibited uses for this area such as governmental campgrounds, residential, forestry, onsite sewage disposal and mining. We do not anticipate annexing land in this area in the future. Staff recommend the City Council approve the draft ordinance.

Chair Ackman went over how to proceed which will be present each and then act on each. Five separate public hearings. Chair Ackman then brought this matter up to the board for discussion. Albers asked if we had another waiting period for the DNR. Wanberg stated that if the PC recommend approval the CC has 1st and 2nd reading then the city documents that the ordinance was been passed, published and then we send it to the DNR and then they certify it. Should be a smooth process once the CC approves it. Jackson stated that with the flood in 2010; what is the graduation from that floodplain. Wanberg stated that any developments in that areas will have to meet that floodplain ordinance but the area east of the former railroad will be in the water but the area west should not be flooding. Temple asked if creating this ordinance, it's not in line with the county but more in line with the State. Wanberg stated that it is for being in line with the State requirements. Temple asked if this would add special privileges.

Wanberg said no, that we are actually be a little stricter but that would require conditional uses in that area. Jackson then asked if we know it could flood; why would we put solar in it? Wanberg stated that if they wanted to put that in, they would need to meet with the floodplain management.

Temple asked what has been voted on with the Safety Center before this. He asked for an explanation on what will be discussed tonight. In response, Wanberg emphasis that we do not have on the public hearing the actual Public Safety Center at this point.

Chair Ackman explained that we are going to go out to the public to discuss the Wild and Scenic and there will be five. Chair Ackman then opened up the public hearing at 6:42 to discuss the Wild and Scenic Overlay.

Greg Becker came forward. Mr. Becker is at 1804 Ames Trail. He stated that his property was flooded and was level with the railroad bed. Can it be guaranteed that it won't breach the river bed?

Orland Anderka then came forward from 18220 Alvey Way to discuss the buffer zone and the line beyond. The buffer zone was explained to him. He then asked about further annexation which none is anticipated at this time. He then mentioned that a bridge would require a 25ft fill. Chair Ackman did state that this is not what is to be discussed. Chair Ackman then closed the public hearing at 6:47 p.m.

Chair Ackman then brought the matter back up to the board for further discussion and Commissioner White then brought a motion seconded by Temple to recommend that the City Council approve Ordinance 2022-x Approve Zoning Provisions for the Wild and Scenic River Overlay District.

The next issue discussed with for the Proposed Comprehensive Plan Amendment related to Future Land Use and recommends approval of Resolution 2022-x Approve a Comprehensive Plan Amendment related to Future Land Use East of State Highway 3 and 30th Street NW.

The amendment would relate to the west side of the railroad tracks and be a Commercial/Residential Mixed use. Then the Wild and Scenic area is in the open space. The proposal would be a public institutional, planned neighborhood residential and open space. They are offering a space just north of the site for the planned residential.

Chair Ackman then brought he matter back for discussion. Commissioner Jackson asked if we could change the verbiage for the former railroad area and was concerned about the flooding issues. Wanberg is showing what is guiding the entire property. Jackson said the resolution reflects east of the railroad and Jackson would like to have that left out. Wanberg said that it is guided open space and if solar panels were presented, they would have to come back through this process. Jackson stated he is not comfortable with that.

Chair Ackman then opened the matter up for public hearing on the Comprehensive Plan Amendment at 6:56.

Amber Lusk of 2915 2nd Avenue NW which is the property directly adjacent to the Lot 1 Block 3. Her concern is regarding this plan is that her property would be one two side outlined by industry and she would prefer not to have that as a concerned homeowner. She would like to reconsider.

Chair Ackman closed the public hearing at 6:57 p.m. and brought up the matter for further discussion. Wanberg responded that it's guided and zoned for other development. Current zoning on that is residential and light industrial. 2040 Plan reflects residential/commercial. What we are working on tonight would say commercial or industrial.

Temple stated that the residential portion of this; with the comp plan we are talking about the vision with the city. Wondering if we could hear more of the intention for that zone. Wanberg suggested that DuChene would have more information regarding the memorandum of understanding. DuChene future plan north of the institution has recognized the housing shortage. They are struggling to find workforce housing. That has been set aside for something that fits the neighborhood. Being proposed now and later slated to be an outlot.

White brought a motion seconded by Albers to recommend that the City Council approve Resolution 2022-xxx Approve a Comprehensive Plan Amendment related to Future Land Use East of State Highway 3 and 30th Street NW

Commissioner Jackson was concerned about the solar fields leaking and going into the river. White stated that the with the motion that was passed before would make it bring it back to another hearing. Wanberg confirmed that it the motion was strictly for the comp plan not the zoning. It was confirmed.

A vote was taken on a 5/1 which Jackson voting nay.

The next subject to be discussed on an Ordinance 2022-xxx Rezone Property East of State Highway 3 and 30th Street NW

Wanberg stated that the zoning has to match the comp plan so what's being proposed is very similar to what we just looked at. The zoning would be R3, Industrial I-1 light Industrial and open space.

Campbell wanted a clarification; south of Eastview drive on the map. He asked about some parcel being returned to the city on that land. DuChene talked about the land swap. There will be two developable parcels south of that Eastview drive all the way to the river for redevelopment. Jackson asked about high-density housing there? Wanberg stated that it's not been discussed as a high-density site. If they County would

like that there, they would have to come back to the Council for high-density. Chair Ackman then went over the various zones that will be voted on. Chair Ackman opened up the public hearing at 7:14 p.m. Mr. Becker came forward again. His fence would be on the border for the planned residential; he asked about the outlet or proposed road since it's hard to get on Highway 3 at that time. He asked about putting razor wire on his fence so people don't go onto his property.

Pat O'C 17875 Ames Trail, said he didn't get a letter and found out about it in the paper. He'd appreciate it. Far NE corner on the last on the west side of the railroad track. He lives on the other side of the trestle. The point being, if anybody would like that tiny spot set up as residential area. He would recommend that the entire area be commercial or light industrial. He mentioned kids jumping off the trestle. He states it happens 4 to 5 times a summer.

No one else came forward so Chair Ackman closed the public hearing at 7:17 p.m.

Commissioner Temple asked if Mr. Verdick would come forward to discuss the residential since he was present.

Mr. Verdick stated that they don't have anything planned yet.

Jackson asked if Ames would connect to 1st Avenue. DuChene stated that the county engineer, has had discussion about closing off Ames and connecting to 1st Ave and exiting to the roundabout.

A motion was made by White, seconded by Campbell to recommend that the City Council approve Ordinance 2022-x Rezone Property East of State Highway 3 and 30th Street NW as present. Vote was unanimous.

4. Ordinance 2022-x Approve the Vacation of the Former Highway 218 Easement East of State Highway 3 and 30th Street NW

Chair Ackman had some discussion about the 218-vacation easement. Commissioners had no questions for staff. Went back up for discussion. Chair opened up the public hearing, there was no one. Brought back for further discussion and there was none. A motion was made by Albers, seconded by Jackson to recommend that the City Council approve Ordinance 2022-x Approve the Vacation of the Former Highway 218 easement. Motion passed on a 6/0 vote.

When Chair Ackman retires, he would like something about how many times he's voted on Hwy 218 on his plaque.

5. Resolution 2022-xxx Approve the Preliminary and Final Plat of CANNON RIVER VIEW

Chair Ackman started out by reminding the board that the request is to continue this and

not vote on it at this time. He also explained the process.

Wanberg stated that there was some additional title work that needs to take place. The attorneys are working on this. There are some additional planning steps for the areas involved which for each action it would need to be brought back before the commission again.

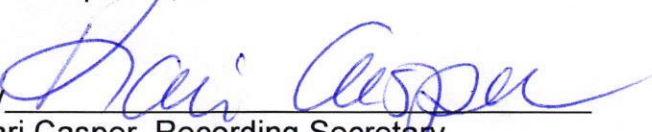
Chair Ackman opened the public hearing at 7:27 and Amber Lusk came forward with concerns about the upcoming transitions and changes. Her property neighbors with this and indicated health and safety concerns for her family, increased traffic, noise, and home value (she spoke with a realtor) decreasing by about \$50,000. Public hearing closed at 7:29 p.m. Chair Ackman told her that the Preliminary and Final Plat and the Conditional Use and encouraged her to attend the City Council meeting. He brought it back. DuChene addressed Ms. Luck's questions regarding light pollution – have to meet ordinances and don't cast on personal property. Headlights should not be different. Noise pollution – the City did a federal noise study and it indicated and the project noise does not meet any need for noise walls but they are anticipating putting in some evergreen plantings and landscaping to provide a buffer. He would not respond to property values which can fluctuate.

A motion was made by White seconded by Albers to continue the public hearing related to the request for preliminary and final plat approval of CANNON RIVER VIEW. Motion to continue passed on a 6/0 vote.

5. Adjournment

Chair Ackman requested a motion to adjourn. Commissioner Temple made a motion to adjourn seconded by Commissioner Jackson. Meeting was adjourned at 7:36 p.m. Motion carried unanimously.

Dated April 18, 2022.

By 
Kari Casper, Recording Secretary