



Request for Council Action

TO: Mayor and City Council

THROUGH: Tim Murray, City Administrator
Deanna Kuennen, CED Director

FROM: Peter Waldock, AICP Planning Coordinator

MEETING DATE: March 26, 2019

SUBJECT: Ordinance 2019-3 Rezoning 1.42 Acres in Outlot B of Bliss Addition from TUD, Transitional Urban Development District to R-1, Single Family Residential Development, North of 515 St. Paul Avenue

Background:

Jeff and Rick Bliss, on behalf of the Avis Bliss Trust have submitted an application to rezone 1.42 acres from TUD Transitional Urban Development to R-1, Single Family Residential District. The proposed rezoning area is being split from Outlot B and added to the adjoining lot on St. Paul Avenue as part of the Bliss Second Addition. The property was originally platted in 2015.

The Bliss Second Addition creates a new 4.02 acre single family lot along St. Paul Avenue for a single family home site. A buyer is seeking to construct one home on the new lot. The rezoning is needed so that the new lot is not located in two different zoning districts. The rezoning will revise the district boundaries to follow the new property lines in the Bliss Second Addition plat.

At its meeting of March 18, 2019, after proper notice, the Planning Commission opened the public hearing and received the report the City Staff which recommended approval of the rezoning application. No one from the public was in attendance regarding this matter. No objections to the request were received by staff prior to the meeting and none were presented at the Public Hearing.

The Planning Commission discussed the rezoning proposal. The commissioners agreed that the Zoning Boundaries should be revised as requested to follow the new lot lines established in the Bliss Second Addition. By a vote of 7-0 the Planning Commission approved the requested rezoning with findings in support of the application subject to approval of the final plat.

Recommendation:

Adopt First Reading of Ordinance 2019- Rezoning 1.42 Acres from TUD, Transitional Urban Development District to R-1, Single Family Residential District at a site northeast of 515 St. Paul Avenue

Attachments:

- Ordinance 2019-3
- Report from the Planning Commission
- Maps and Exhibits

State of Minnesota
County of Rice

CITY OF FARIBAULT

ORDINANCE 2019-3

**REZONING 1.42 ACRES IN OUTLOT B OF BLISS ADDITION FROM
TUD, TRANSITIONAL URBAN DEVELOPMENT DISTRICT TO R-1,
SINGLE FAMILY RESIDENTIAL DEVELOPMENT,
NORTH OF 515 ST. PAUL AVENUE**

WHEREAS, Jeffery Bliss and Richard Bliss representing the Avis Bliss Trust property owners and applicants, area seeking to rezone a 1.42 acre portion of Outlot B, of Bliss Addition, from TUD, Transitional Urban Development District to R-1, Single Family Residential District to combine the subject site with the adjoining lot fronting on St. Paul Avenue in to develop the resulting parcel as a single family lot. The site is located east of St. Paul Avenue north of 515 St. Paul Avenue, with the rezoning area legally described in Exhibit A and generally illustrated in Exhibit B; and

WHEREAS, City Staff has prepared and presented a report to the Planning Commission regarding this rezoning proposal (RZ 6a-19); and

WHEREAS, the rezoning request is associated with the Bliss Second Addition and is necessary in order for the zoning district boundaries follow the newly established lot lines in this plat; and

WHEREAS, the Planning Commission, on the 18th day of March, 2019, following proper notice, held a public hearing regarding said request; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the rezoning request finding that the rezoning request is consistent with all of the required findings for rezoning property as required by Section 2-180 of the City's Unified Development Ordinance; and

WHEREAS, the City Council hereby finds rezoning the property legally described in Exhibit A is appropriate with the following findings as required by Section 2-180 of the City's Unified Development Ordinance:

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

Finding: The Land Use Plan guides the subject property for low density residential uses as proposed with an associated subdivision.

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 rezoning is in the public interest in that it will provide for single family use as guided by the Comprehensive Plan and as found on adjoining lots in this area.

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: Rezoning the subject property to R-1 as proposed is compatible with the adjacent residential and open space uses.

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 subject property currently is undeveloped at present. Rezoning the subject property to R-1 will change the zoning boundaries to follow new property boundaries of the Bliss Second Addition.

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 rezoning will change the zoning boundaries to follow new property boundaries of the Bliss Second Addition.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Amendment. The Official Zoning Map of the City of Faribault is hereby amended as follows:

1.42 Acres of Outlot B, Bliss Addition north and east of 515 St. Paul Avenue, legally described in Exhibit A, is hereby rezoned from TUD, Transitional Urban Development District to R-1, Single Family Residential District.

Section 2: Official Zoning Map. The Official Zoning Map of the City of Faribault shall not be republished to show the aforesaid rezoning and clarification, but the City Planner shall appropriately update the Official Zoning Map on file with the City Planning Office for the purpose of indicating the rezoning.

Section 3: Effective Date. This ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter.

First Reading: March 26, 2019
Second Reading: _____, 2019
Published: _____, 2019

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A

Legal Description

That Part of Outlot B of the Bliss Addition as follows:

Commencing at the northeast corner of Outlot A 77 Feet east on a bearing South 89 Degrees 34 Minutes 06 Seconds, then south on a bearing North 00 Degrees 25 Minutes 54 Seconds East a distance of 287.75 Feet, then west on a bearing North 89 Degrees 38 Minutes 57 Seconds East a distance of 360.50 Feet, then northeast on a bearing of North 45 Degrees 00 Minutes 34 Seconds East a distance of 404 Feet to the point of beginning. Containing 1.42 Acres.

Illustrated as follows:

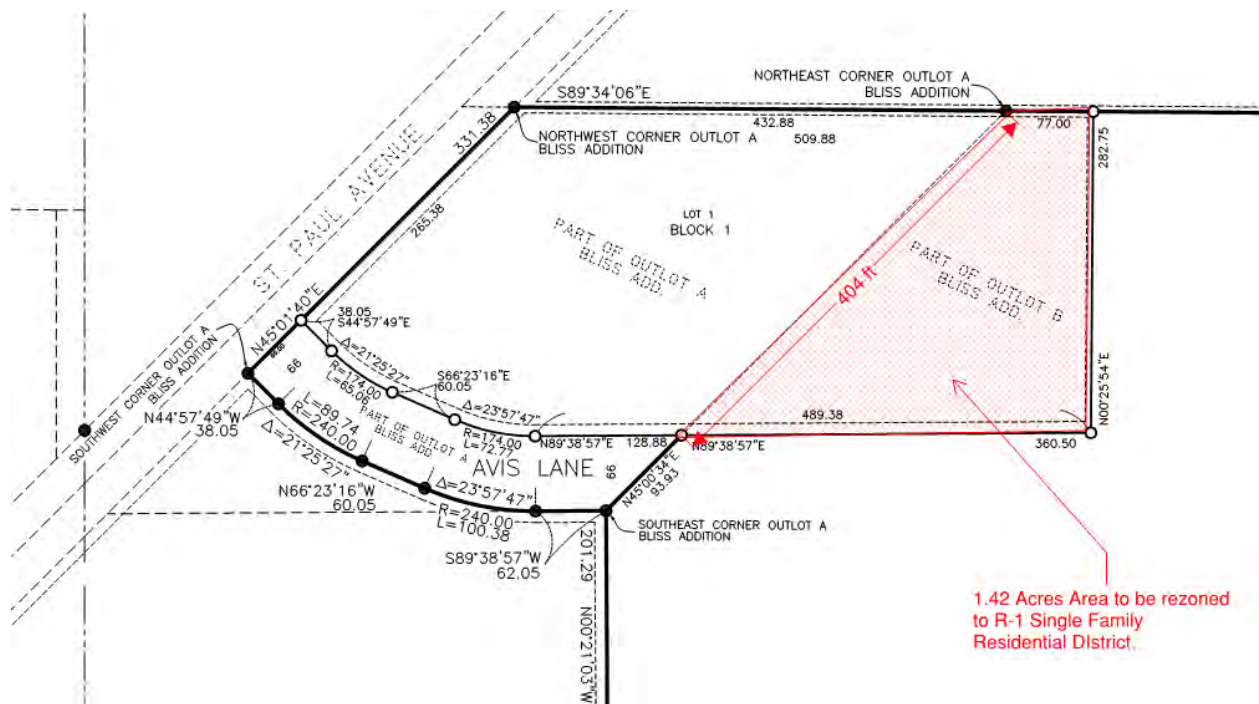
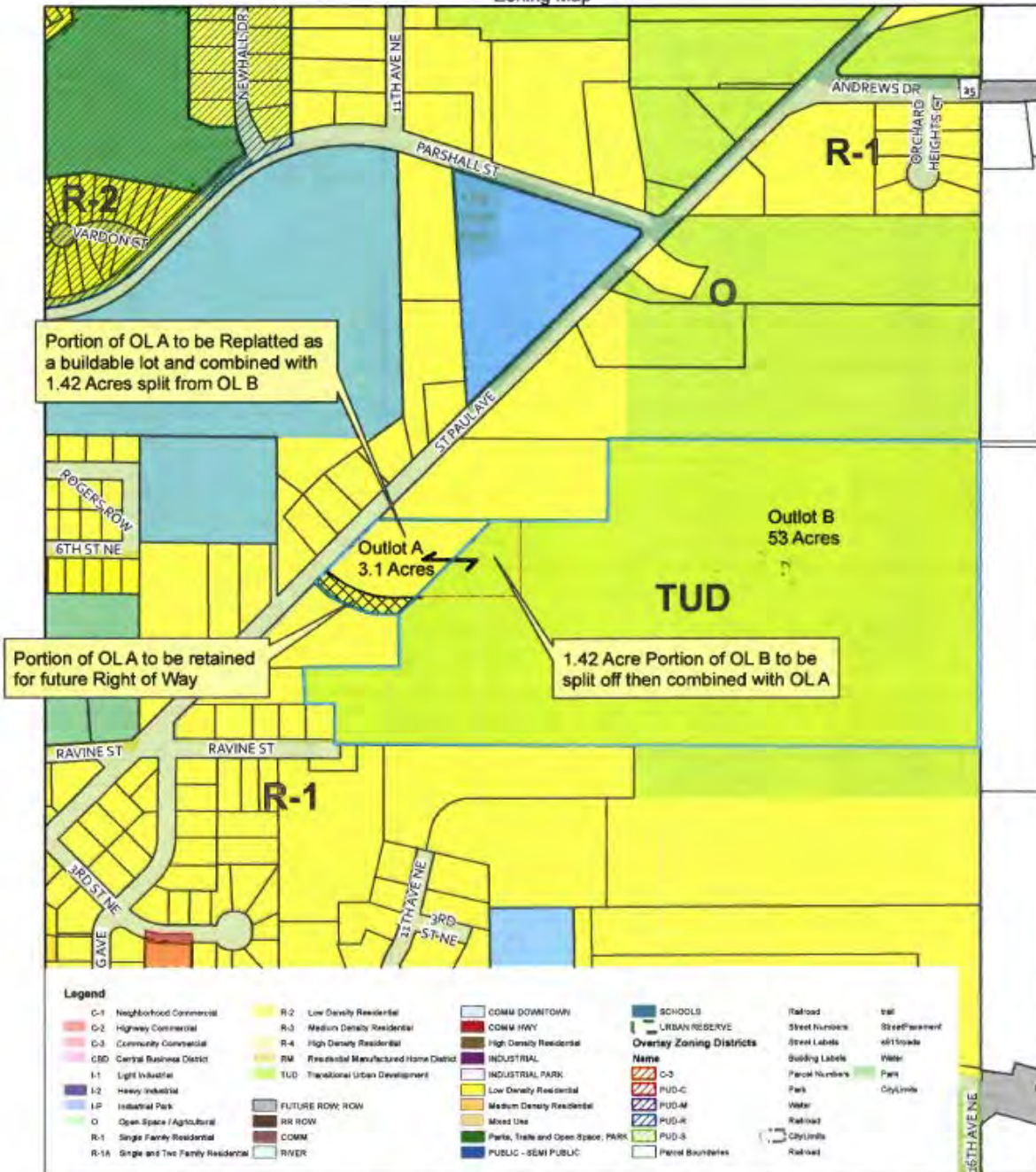


EXHIBIT B

General Illustration of Rezoned Area

Bliss Property

Zoning Map



City of Faribault
Planning & Zoning Division
January 31, 2019

1 inch = 500 feet
0 250 500 Feet



This map is updated periodically to reflect amendments and should be used for general reference purposes. The map is current as of the date of the map. Specific inquiries should be directed to the Planning Division at (507) 334-0100

FARIBAUT PLANNING COMMISSION
MARCH 18, 2019 PUBLIC HEARING

Case Numbers and Requests:	<p>P/FP 6-19, Bliss Second Addition creating one residential lot of 4.02 acres in R-1, Single Family Residential District for a site located in the 700-800 Block on the east side of St. Paul Avenue north of 515 St. Paul Avenue.</p> <p>RZ 6a-19, Rezoning 1.42 Acres of a vacant site from TUD to R-1, Single Family Residential District as part of the Bliss Second Addition subdivision, for the purpose of constructing a single family home on the site.</p>
Applicant and Owners:	Rick and Jeff Bliss, Property Owners
Site Address:	700-800 Block of St. Paul Avenue, Outlot A of Bliss Addition
Recommendation:	Approve the Preliminary and Final Plat of the Bliss Addition and approve the rezoning a 1.42 acres from TUD, Transitional Urban Development to R-1, Single Family Residential District
Deadline for Council Action:	April 11 th , 2019 unless extended by the City
From:	Peter J. Waldock, AICP, Planning Coordinator

SUMMARY OF REQUEST

Tim Peterson, of PTS Land Services, Inc. has submitted an application for preliminary and final plat approval on behalf of the property owners, Jeff and Rick Bliss (Avis Bliss Trust). The Preliminary and Final Plat applications have been combined into a single application in this case. The site was platted as the Bliss Addition in 2015. The final plat of Bliss [first] Addition created two developed lots for the owner’s home and family farmstead and two outlots for future development. Access to the site is from its frontage along the east side of St. Paul Avenue.

The Bliss Second Addition replats Outlot A of the Bliss Addition and adds 1.42 acres to be split from Outlot B of the Bliss Addition to create a 4.02 acre single family lot. A buyer is seeking to construct one new home on the lot. The 1.42 acre area being split from Outlot B is currently zoned TUD, Transitional Urban Development and so the applicants are seeking to rezone this portion of the site to match the R-1, Single Family Residential District currently in place on Outlot A along St. Paul Avenue.

The subdivision plat provides the right of way for a future city street (along the south side of Lot 1) to access the 50 acre Outlot to the east, also owned by the Avis Bliss Trust.

BACKGROUND

EXISTING CONDITIONS / ZONING AND LAND USE

The subject property was last platted in 2015 as the Bliss Addition created two improved lots and two Outlots for future development. The west portion of the site along St. Paul Ave is zoned R-1, Single Family Residential District and Outlot B, 53 acres at the east side of the property is zoned TUD, Transitional Urban Development. The property is in an established single family semi-rural neighborhood with large lots and orchards along St. Paul Avenue. The terrain has hills and valleys and most of the acreage is pasture area and forest. The Comprehensive Plan calls for low density residential development for the site (see attached maps).

The site is presently undeveloped. There are 56.14 acres including this subdivision area. The resulting subdivision will establish 0.54 acres for future Street Right of Way, 4.02 Acres for Lot 1 a future single family lot and 53 acres for Outlot A of the Bliss Second Addition for future development with vacant pasture or agricultural uses in the time being. There are no development plans for this lot.

DISCUSSION OF THE PROPOSAL

The site has access to city utilities along St. Paul Avenue. St. Paul Avenue is now a City Street in this area with limited access for driveways/curb cuts. City Engineer's approval will be needed for any future driveway access to St. Paul. The owners have no plans to develop the lots themselves, they are planning to sell Outlot A to a couple that plan to build a single family home for they plan to occupy. A ghost plat provided with this preliminary plat shows that the large could be divided into several lots with frontage on a future street along its south lot line. Staff is recommending that the future street shown as an Outlot on the Preliminary Plat be dedicated at this time, but need not be improved until the 51 acre Outlot is developed. A development agreement will be needed to address access to St. Paul Avenue for new lot and future development.

PRELIMINARY AND FINAL PLAT

The following provides an analysis of the key aspects of the proposed plat. Refer to the analysis of the rezoning proposal, which can be found later in this report, for additional information:

- A. Consistency with the Comprehensive Plan. The Comprehensive Plan guides the site for low density residential development. The applicants are proposing to subdivide the property in a manner consistent with the Comprehensive Plan.
- B. Consistency with the Unified Development Ordinance. The proposed subdivision will be zoned R-1, Single Family Residential District. The proposed lot dimensions on the preliminary

and final plats are consistent with the requirements for lots in the R-1, Single Family Residential District as follows:

LOT REQUIREMENTS		
	Minimum Required	Proposed
Lot Area	10,000 Square Feet for lots with access to City Utilities 1 Acre for sites not served by City Utilities	4.02 Acres for the new lot shown in the preliminary plat
Lot Width	75 feet per buildable lot	Varies, but none less than the 75' minimum

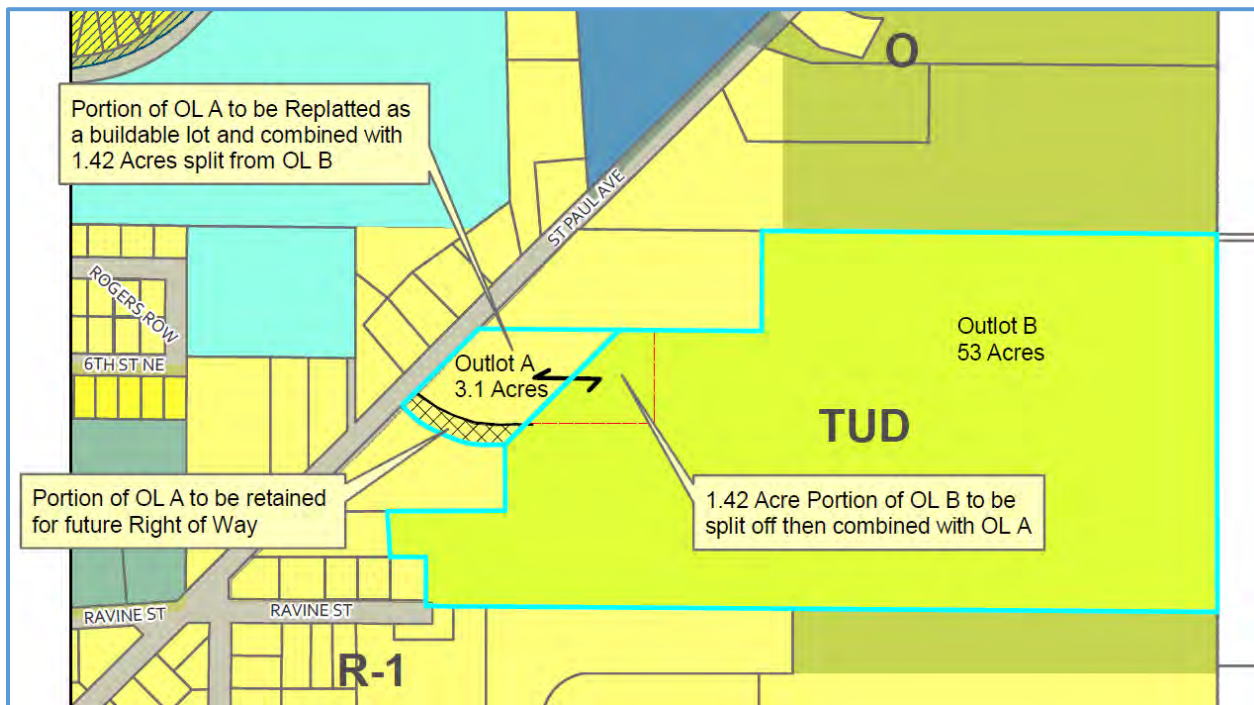
- C. Dedicated street right-of-way. The subject property fronts along the east side of St. Paul Avenue. The proposed single family lot will each have frontage on St. Paul Avenue and will be allowed one driveway access (to St. Paul Avenue). The Preliminary Plat shows that several single family lots can be created from lot 1, if the future owners wish to further divide the property. A 54 acre outlot south lot 1, is provided to be used as future street right of way extending east to Outlot B. The future street should be dedicated at this time, but not improved until Outlot B is developed. Buyers of Outlot B will be responsible for necessary street improvements for future development.
- D. Drainage and utility easements. The Applicant’s proposed plat provides drainage and utility easements that meet the City’s minimum requirements. The development of one new single family home on the 4 acre lot will not require stormwater management systems. Storm sewers and stormwater management systems will be provided with development of the 51 acre Outlot.
- E. Utilities. The subject property is served by City sewer and water, which is available in St. Paul Avenue right of way. The property is adequately served by fire hydrants for development along St. Paul Avenue.
- F. Cash in lieu of parkland dedication. The City has the option of obtaining parkland or cash in lieu of parkland for all new subdivisions in the City that did not previously dedicate parkland (or cash in lieu of parkland) to the City. Staff is recommending cash in lieu of parkland dedication at this site. Traditionally the City has not required parkland dedication fees for outlots. The parkland dedication fees are collected when the outlots are replatted for development.

Section 15-330 (B) of the Unified Development Ordinance requires cash in lieu of parkland dedication be based on seven percent (7%) of the fair market value of the land. The details of this will need to be addressed in the Developer’s Agreement.

G. Development agreement. Before an approved final plat is filed with the Rice County Recorder's office, the subdivider of the land is required to enter into a development agreement with the City. The agreement will address responsibilities for construction of public improvements, timing related to such improvements, and the form of financial guarantee, parkland dedication fee payment, driveway access to St. Paul Avenue and other standard development agreement provisions.

REZONING

Outlot B of the site is was zoned TUD, Transitional Urban Development District in 2015 when the site was last subdivided. Outlot A (now being replatted with this application) is zoned R-1, Single Family Residential District. This application is seeking to rezone 1.42 acres from TUD to R-1 in order to follow new property lines that will be created for Lot 1 of the Bliss Second Addition rather than bisect the lot with two zoning districts.



Applicable Code Sections:

Chapter 2, Article 1, Faribault Unified Development Ordinance, General Provisions, Section 2-20 Concurrent Review

Chapter 2, Article 5, Faribault Unified Development Ordinance (UDO), requirements and procedures for zoning amendments.

Chapter 15, Article 1, Faribault Unified Development Ordinance, Subdivision Regulations-General Provisions

Chapter 15, Article 3, Faribault Unified Development Ordinance (UDO), Preliminary Plats

Chapter 15, Article 4, Faribault Unified Development Ordinance, Final Plats

DEVELOPMENT REVIEW COMMITTEE

The Development Review Committee (DRC) discussed the site plan and variance proposal on March 5th 2019. The DRC recommends approval of the preliminary and final plat for the Bliss Second Addition and the proposed rezoning with the following comments and observations.

1. The owner is willing to dedicate the 66' Right of Way at this time.
2. There are no plans to develop the 51 acre Outlot on east side of the property. Access to that property will be provided by a new street dedicated with this plat, but not improved until development occurs on the Outlot.
3. There is a 32% grade where the lot buyers have proposed their driveway on the north portion of the lot. This will not be practical, but a driveway to St. Paul Avenue from the south end of the lot is feasible.
4. The buyers prefer to access St. Paul Avenue Directly with their Driveway rather at the future right of way area. Adequate separation between the future street and new driveway will be needed. The City Engineer suggests aligning with 700 St. Paul Ave. (across the street from Lot 1).
5. A Development Agreement will be provided to address driveway access for one future home. All others will need to access the future public street south of when it's developed.
6. No further development of the site or further subdivision of the property without improving the new street unless otherwise agreed by the City at the time.

REQUIRED FINDINGS

Section 15-130 of the Unified Development Ordinance lists the findings for approval of a preliminary plat and Section 15-210 lists the findings for approval of a final plat. The findings will be outlined in the Draft Resolution to Approve Preliminary and Final Plat, for the Bliss Addition.

Section 2-180 of the UDO includes five required findings as a prerequisite for approval of zoning amendments. The draft ordinance prepared by staff and provided with this report includes detailed findings specific to this application recommended by staff to address all of the required findings of this section of the UDO.

RECOMMENDATION

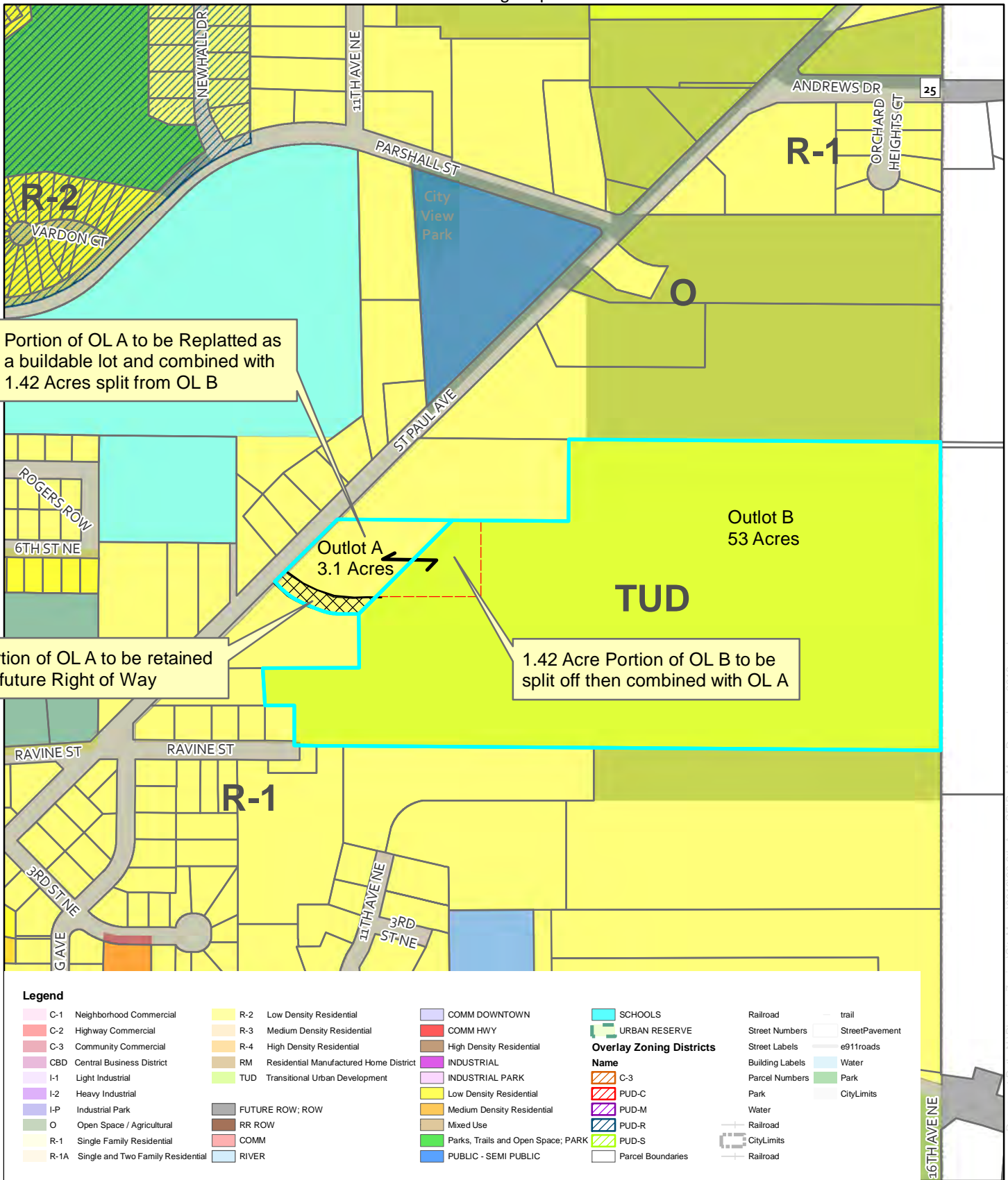
1. Staff recommends approval of the preliminary and final plat for Bliss Second Addition subject to provisions of a development agreement with the City as may be required, and subject to the findings and conditions as listed in the Draft Resolution for subdivision approval.
2. Staff recommends approval of rezoning the east 1.42 acres to R-1 Single Family Residential District to adjust the zoning boundaries in this area to match the new lot line configuration.

ATTACHMENTS

1. Draft Resolution for Subdivision Approval (to be handed out at the meeting)
2. Draft Ordinance for Rezoning (to be handed out at the meeting)
3. Aerials, Location and Zoning Maps
4. Primary and Final Plat of Subdivision.

Bliss Property

Zoning Map



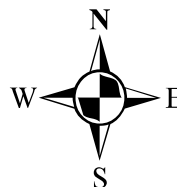
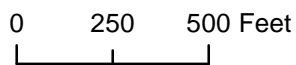
Legend

C-1 Neighborhood Commercial	R-2 Low Density Residential	COMM DOWNTOWN	SCHOOLS	Railroad	trail
C-2 Highway Commercial	R-3 Medium Density Residential	COMM HWY	URBAN RESERVE	Street Numbers	Street Pavement
C-3 Community Commercial	R-4 High Density Residential	High Density Residential	Overlay Zoning Districts	Street Labels	e911 roads
CBD Central Business District	RM Residential Manufactured Home District	INDUSTRIAL	Name	Building Labels	Water
I-1 Light Industrial	TUD Transitional Urban Development	INDUSTRIAL PARK	C-3	Parcel Numbers	Park
I-2 Heavy Industrial	FUTURE ROW; ROW	Low Density Residential	PUD-C	Park	City Limits
I-P Industrial Park	RR ROW	Medium Density Residential	PUD-M	Water	
O Open Space / Agricultural	COMM	Mixed Use	PUD-R	Railroad	
R-1 Single Family Residential	RIVER	Parks, Trails and Open Space; PARK	PUD-S	City Limits	
R-1A Single and Two Family Residential		PUBLIC - SEMI PUBLIC	Parcel Boundaries	Railroad	



Planning & Zoning Division
January 31, 2019

1 inch = 500 feet

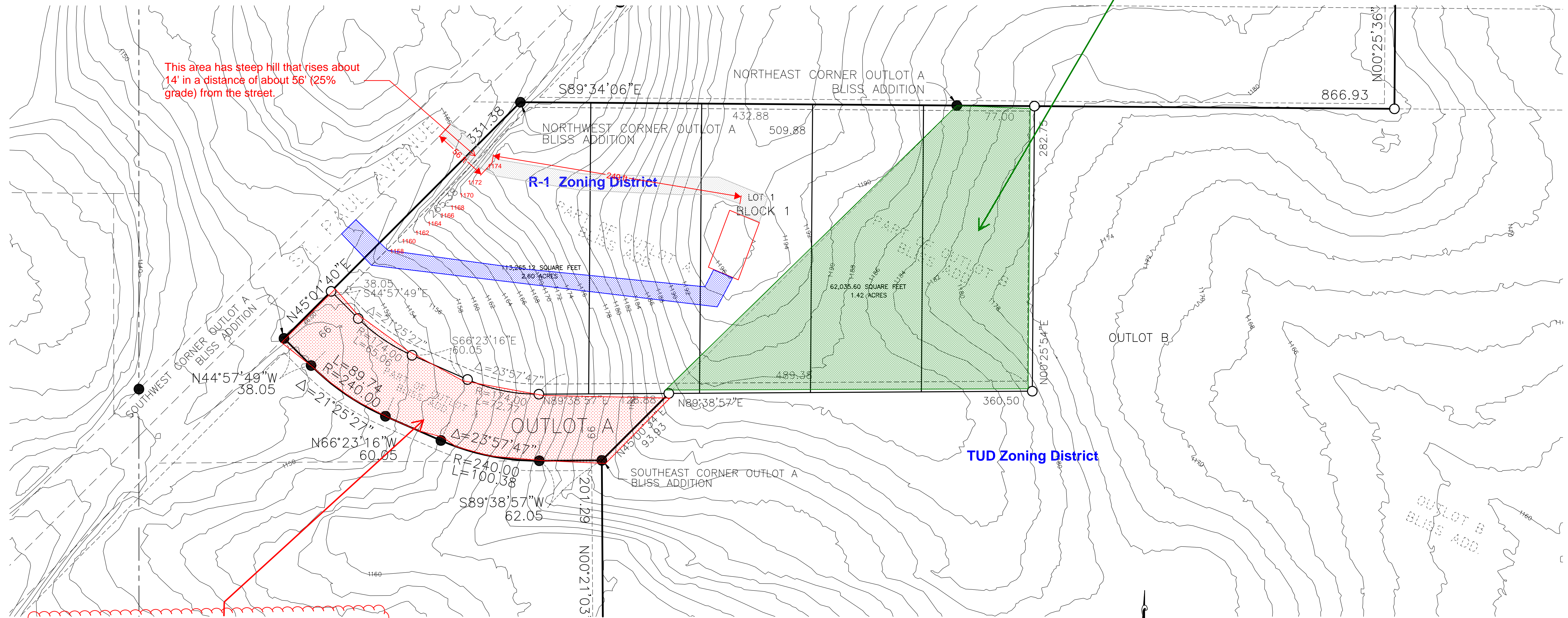


This map is updated periodically to reflect amendments and should be used for general reference purposes. The map is current as of the date of the map. Specific inquiries should be directed to the Planning Division at (507) 334-0100

BLISS SECOND ADDITION PRELIMINARY PLAT-GHOST PLAT

Rezone this area to R-1, Single Family Residential District

This area has steep hill that rises about 14' in a distance of about 56' (25% grade) from the street.



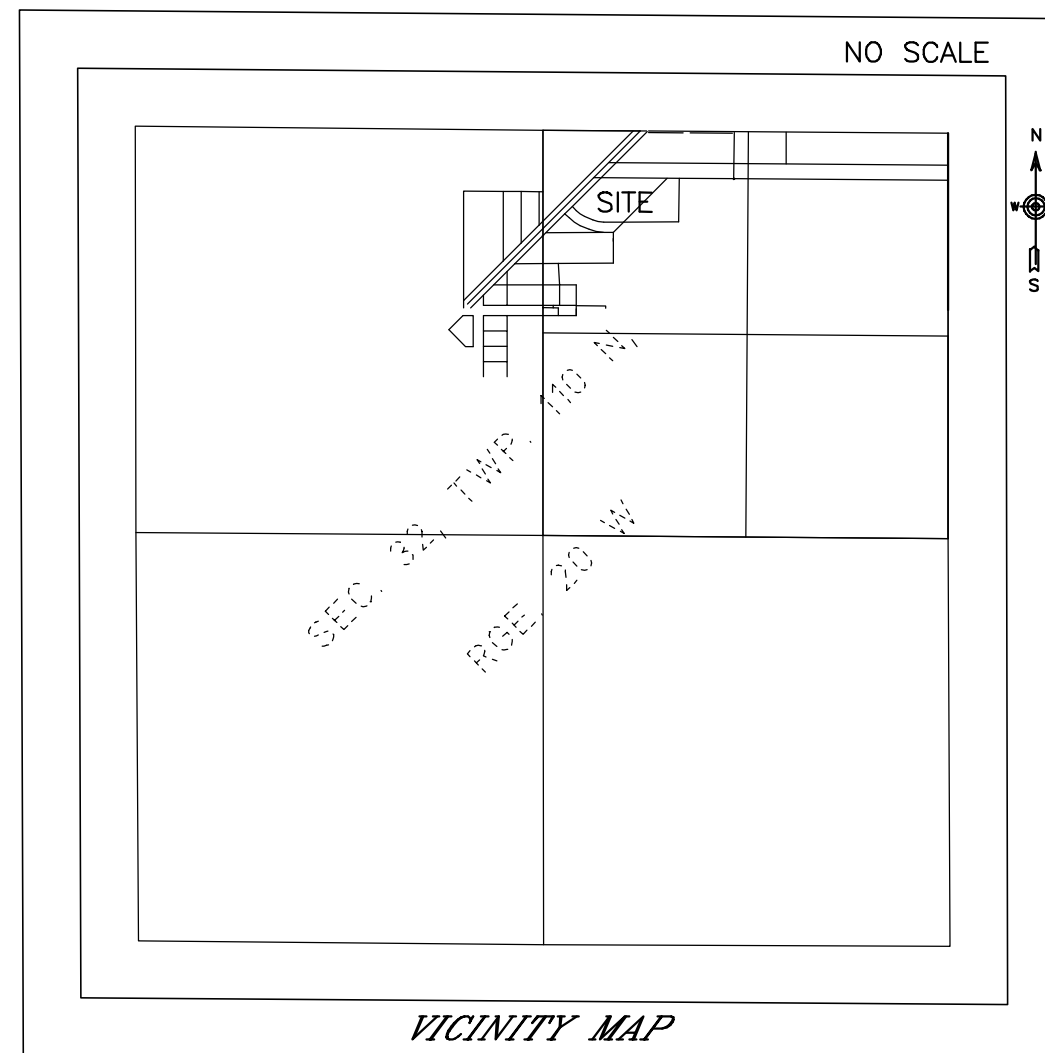
Street Should be Dedicated at this time. the street will remain undeveloped until the outlot to the east is subdivided and developed in the future.

LEGEND

- 1/2" X 18" IRON PIPE MONUMENT SET, MARKED BY LICENSE NO. 45332
- ⊙ RICE COUNTY MONUMENT FOUND
- IRON PIPE MONUMENT FOUND

BASIS OF BEARINGS:

FOR THE PURPOSES OF THIS PLAT THE NORTH LINE OF OUTLOT A, BLISS ADDITION, SEC. 32, TWP. 110 N. RGE 20 W. IS ASSUMED TO BEAR NORTH 89 DEGREES 34 MINUTES 06 SECONDS WEST.



NO SCALE



VICINITY MAP

TAX IDENTIFICATION NUMBERS:

OUTLOT A: 1832101003
NO ADDRESS ASSIGNED
FARIBAULT, MN

OUTLOT B: 1832101004
NO ADDRESS ASSIGNED
FARIBAULT, MN

AREA:

LOT 1, BLOCK 1: 175,300.72 SQUARE FEET OR 4.02 ACRES MORE OR LESS.
VACANT LAND

ZONING:

OUTLOT A: AGRICULTURAL NON HOMESTEAD
OUTLOT B: AGRICULTURAL NON HOMESTEAD

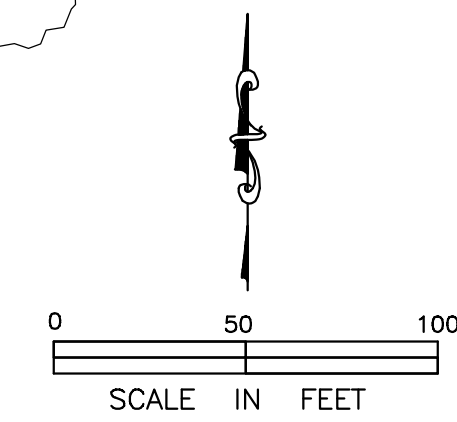
BULK RESTRICTIONS:

R-2 DISTRICT:

MAX HEIGHT: 2.5 STORIES OR 35 FEET
MINIMUM LOT AREA/UNIT: 6,000 SQUARE FEET/UNIT
MINIMUM LOT WIDTH: 100 FEET
MINIMUM OPEN SPACE: 60%

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. 27131C0300D. Said Rate Map has an effective date of April 03, 2012. No field surveying was performed to determine this zone.



LEGAL DESCRIPTION OF PROPERTY:

OUTLOT A AND B, BLISS ADDITION, ACCORDING TO THE RECORDED PLAT, ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, RICE COUNTY, MINNESOTA.

ABSTRACT PROPERTY

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 12th day of February, 2019.

Timothy S. Peterson

Timothy S. Peterson
Minnesota License No. 45332
For PTS Land Services, Inc.
Revised 2-15-19 Add Contours