

**CITY OF FARIBAULT
ORDINANCE 2011-08**

Amending the Fletcher Pond PUD to Grant a Two Year Extension

WHEREAS, Sharon Allen, on behalf of Jim Allen, owner of property, has initiated a request to amend the planned unit development overlay zoning district for the Fletcher Pond Development, legally described as follows:

Attached as Exhibit A

; and

WHEREAS, City staff has completed a review of the application and made a report pertaining to said request (PUD-15-11), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on the 21st day of June, 2011, following proper notice, held a public hearing regarding the proposed PUD Amendment, and following said public hearing adopted a recommendation that the amendment be approved with a four year extension until July 31, 2015; and

WHEREAS, the City Council, on the 28th day of June, 2011, following proper notice, held a public hearing to consider the proposed amendment and all interested persons were provided with an opportunity to comment; and

WHEREAS, the City Council finds that the said rezoning is in the best interest of the City, with the following findings:

- (1) Adequate property control is established and provided to protect the individual owner's rights and property values and to define legal responsibilities for maintenance and upkeep.
- (2) The interior circulation plan and access from and onto public right-of-way does not create congestion or dangers and is adequate for the safety of the project residents and general public.

- (3) A sufficient amount of usable open space is provided.
- (4) The arrangement of buildings, structures, and accessory uses does not unreasonably disturb the privacy of surrounding property owners or reduce the value of adjacent properties.
- (5) The project will not place a burden on existing municipal infrastructure, including utility and drainage systems.
- (6) The development schedule insures a logical development of the site, protecting the interests of project residents and the general public.
- (7) The planned unit development is in reasonable compliance with the intent and purpose of the Land Use Plan.

THE CITY OF FARIBAULT ORDAINS:

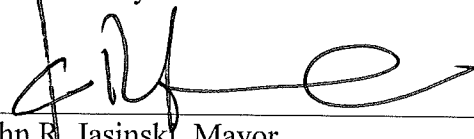
Section 1: Amendment. The Fletcher Pond Planned Unit Development is hereby amended with the following provisions:

- 1) All conditions of Ordinance 2008-11 shall be adhered to at all times.
- 2) The PUD and Preliminary Plat shall both expire July 31, 2015.

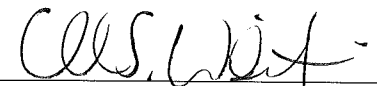
Section 2: Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

First Reading: June 28, 2011
Second Reading: July 12, 2011
Publication Date: July 15, 2011

Faribault City Council



John R. Jasinski, Mayor

Attest: 

Charles S. Whiting, City Administrator

EXHIBIT A

LEGAL DESCRIPTION

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and that part of the $\frac{3}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying East of Interstate Highway No. 35, all in Section 26, Township 110, Range 21, Rice County, Minnesota; Except the West rod of the North 41 rods of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$.

Also except that part of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ described as follows: Commencing at the northeast corner of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence S00°06'57"W, along the east line of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, a distance of 667.75 feet to the point of beginning of the land to be described; thence S89°31'59"W, parallel with the north line of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, a distance of 383.54 feet; thence S00°06'57"W, parallel with said east line, a distance of 268.00 feet; thence N89°31'59"E, parallel with said north line, a distance of 124.10 feet; thence S00°06'57"W, parallel with said east line, a distance of 395.53 feet, more or less, to the south line of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence N89°39'46"E, along said south line, a distance of 258.43 feet to the southeast corner of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence N00°06'57"E, along said east line, a distance of 664.12 feet, more or less, to the point of beginning.

Containing 36.95 acres, more or less.

Subject to easement and restrictions of record.