



Request for Council Action

TO: Mayor and City Council
THROUGH: Planning Commission
Tim Murray, City Administrator
FROM: Deanna Kuennen, Community and Economic
Development Director
MEETING DATE: April 13, 2021
SUBJECT: Ordinance 2021-2 Rezone 20905 Canby Avenue
from C-2, Highway Commercial to TUD,
Transitional Urban Development – First Reading

Resolution 2021-066, Approve Conditional Use
Permit to Allow Construction of a Single-Family
Residence at 20905 Canby Avenue

Background:

Blake Matejcek (the Applicant), on behalf of Paul T. Matejcek (the Owner), has requested rezoning the 13.6-acre parcel at 20905 Canby Avenue (the subject property) from C-2, Highway Commercial to TUD, Transitional Urban Development. The Applicant has also requested approval of a conditional use permit to construct a single-family residence on the subject property.

The Planning Commission held a public hearing on April 5, 2021, to consider the Applicant's requests. No one from the public spoke at the public hearing or submitted comments to City Staff regarding the requests. With a 6-0 vote, the Planning Commission recommends the City Council approve Ordinance 2021-2, which rezones the subject property to TUD, Transitional Urban Development. Also, with a 6-0 vote, the Planning Commission recommends that the City Council approve Resolution 2021-066, which allows the construction of a single-family residence on the subject property.

Refer to the attached Planning Commission report for detailed information regarding the Applicant's requests.

Recommendation:

Approve Ordinance 2021-2 Rezone 20905 Canby Avenue from C-2, Highway Commercial to TUD, Transitional Urban Development – First Reading (4/7 vote required)

Approve Resolution 2021-066 Approve a Conditional Use Permit to Allow Construction of a Single-Family Residence at 20905 Canby Avenue

Attachments:

- Ordinance 2021-2
- Resolution 2021-066
- Report to the Planning Commission

FARIBAULT PLANNING COMMISSION

April 5, 2021 - PUBLIC HEARING

Request:	Rezoning and Conditional Use Permit
Location:	20905 Canby Avenue
Applicant:	Blake Matejcek
Owner:	Paul Matejcek
Recommendation:	Recommend Approval of Ordinance 2021-2 and Resolution 2021-066
Deadline for Action:	May 16, 2021
From:	David Wanberg, City Planner

OVERVIEW OF THE REQUEST

Blake Matejcek (the Applicant), on behalf of Paul T. Matejcek (the Owner), requests rezoning the 13.6-acre parcel at 20905 Canby Avenue (the subject property) from C-2, Highway Commercial to TUD, Transitional Urban Development. The Applicant also requests a conditional use permit to construct a single-family residence on the subject property. Refer to Figure 1 for the subject property's location and refer to Figure 2 for an aerial view of the site and surrounding area.

The City annexed the subject property from the Town of Wells in 2008 and zoned the property C-2, Highway Commercial. At that time, the City anticipated significant commercial development would occur in the area. However, the commercial development did not materialize,

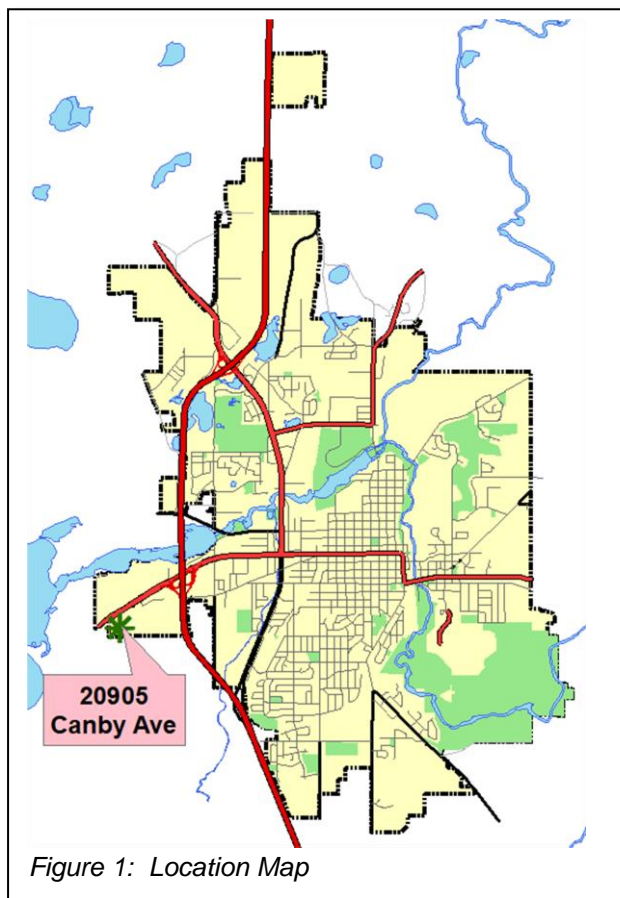


Figure 1: Location Map

and it may be years before there is a market to develop the subject property for commercial or industrial use. Until such time, the Applicant requests that the City zone the property TUD, Transitional Urban Development, which would allow construction of a single-family residence on the subject property with the issuance of a conditional use permit.

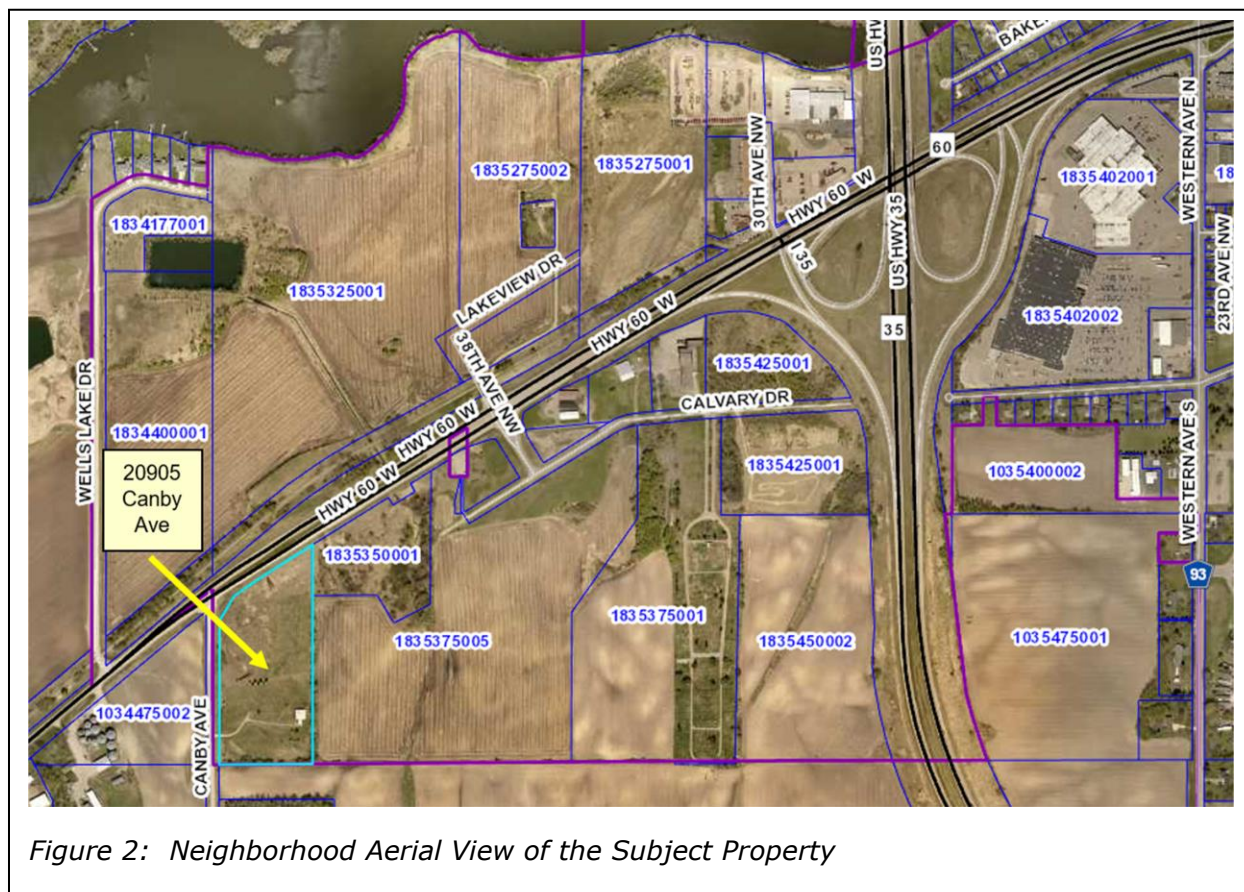


Figure 2: Neighborhood Aerial View of the Subject Property

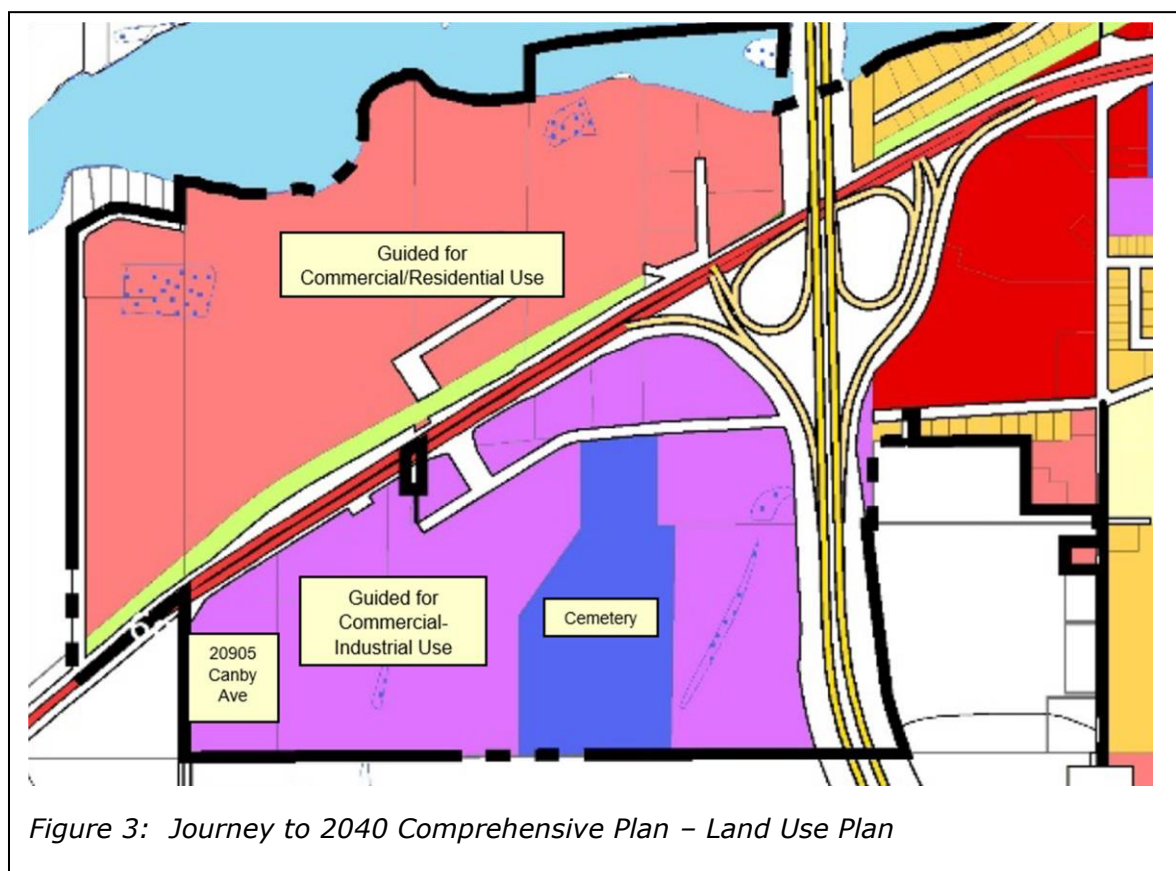
OVERVIEW OF THE COMPREHENSIVE PLAN AND ZONING

The following provides an overview of how the proposed rezoning of the property from C-2, Highway Commercial to TUD, Transitional Urban Development, relates to the City's Comprehensive Plan and the City's Unified Development Ordinance.

- 1. Background of the Annexation and C-2, Highway Commercial Zoning.** In the early 2000's, the City prepared several studies that explored potential future land uses along State Highway 60, west of Interstate Highway 35. Some studies envisioned a residential use of the subject property at 20905 Canby Avenue. However, around

2007, a developer proposed a major retail development on the north side of State Highway 60. In anticipation of the proposed development, the City annexed the area and zoned most of the area (including the subject property) C-2, Highway Commercial. As noted earlier, the retail development did not materialize.

2. **Journey to 2040 Comprehensive Plan.** In 2020, the City adopted the Journey to 2040 Comprehensive Plan, which guides the area south of State Highway 60 (including the subject property) for commercial/industrial mix (see Figure 3). However, it may be many years before City sewer, water, and road improvements can logically serve the subject property. It is premature to expect commercial or industrial development on the subject property until development occurs to the east.



3. **TUD, Transitional Urban Development Zoning District.** Typically, when the City annexes land, it zones the annexed land to TUD, Transitional Urban Development, until it is clear the area is ready for urban development. Regarding the annexed land west of

Interstate Highway 35, the City believed that commercial development would begin shortly after the annexation. Given that the anticipated commercial development did not occur, the Applicant's request to rezone the subject property to TUD, Transitional Urban Development appears reasonable.

- 4. The Relationship of the TUD Zoning District and the Journey to 2040 Comprehensive Plan.** The proposed TUD zoning does not conflict with the guided commercial/industrial mix land use. The TUD zoning district is essentially a holding district. When it is logical to develop a commercial or industrial use on the subject property, the Applicant may request to rezone the property to allow commercial or industrial use. Rezoning the subject property to TUD does not require changing the Journey to 2040 Comprehensive Plan's Land Use Plan.
- 5. Consistency with the TUD Lot Requirements.** The subject property is consistent with the TUD lot requirements. Parcels in the TUD zoning district must have at least 100 feet in width, 100 feet in depth, and one acre in area. The subject property has a width of roughly 500 feet, a depth of roughly 1,000 feet, and an area of 13.6 acres.
- 6. The Existing Accessory Building.** A 2,300 square foot pole building was constructed on the subject property in 1999 (before the City annexed the property). The City's Unified Development Ordinance limits accessory buildings in residential districts to 864 square feet. However, the Ordinance does not limit the size of non-residential accessory buildings. The existing pole building is located roughly 40 feet or more from all property lines, which is consistent with the setback requirements for structures in the TUD zoning district. The existing pole building will be a conforming use and structure in the TUD zoning district.
- 7. The Existing Well and Septic System.** The Applicant reports that the site has a compliant well and septic system. According to the Applicant, the septic system can accommodate the planned single-family residence.
- 8. The TUD Zoning District and the Existing Billboard.** A billboard was installed on the subject property in 2011. The City's Unified Development Ordinance allows billboards in the C-2, Highway

Commercial District, but not in the TUD, Transitional Urban Development District. If the City rezones the subject property from C-2 to TUD, the existing billboard will become nonconforming. However, the billboard can continue as per the nonconforming provisions of the City's Unified Development Ordinance and state statutes.

OVERVIEW OF THE REQUIRED CONDITIONAL USE PERMIT TO CONSTRUCT A SINGLE-FAMILY RESIDENCE ON THE SUBJECT PROPERTY

The following provides an overview of the Applicant's request to construct a single-family residence on the subject property.

- 1. Background.** The Owner reports that he purchased the subject property in 1999 with the intent of building a single-family residence on the site. The existing pole building was built in 1999, and the existing paved driveway was constructed to allow for the future construction of a single-family residence (see Figure 4).



Figure 4: Aerial View of the Proposed Location of the Single-Family Residence

2. **The Requirement for a Conditional Use Permit.** Regardless of whether the property remains in the C-2, Highway Commercial District or the City rezones the property to TUD, Transitional Urban Development, the City's Unified Development Ordinance requires a conditional use permit to construct a single-family residence on the subject property. A conditional use permit would not be necessary if the subject property were located in a residential zoning district, such as the R-1, Single-Family Residential zoning district. However, rezoning the subject property to R-1 would conflict with the Comprehensive Plan, which guides the property for commercial/industrial use.
3. **Suitability of the Subject Property for a Single-Family Residence.** A single-family residence on the subject property would not adversely affect neighboring property owners. Although it is premature to extend City sewer and water to the subject property, the Applicant reports that the site has a compliant septic system designed to accommodate the proposed single-family residence.
4. **Effect of a Single-Family Residence on the Transition of the Property to a Future Commercial or Industrial Use.** The subject property has an existing pole building, septic system, and paved driveway. The addition of a single-family residence would likely make it more costly to transition the site to a future commercial or industrial use (as envisioned by the Journey to 2040 Comprehensive Plan). However, it would not prevent the property from transitioning to commercial or industrial use. Realistically, the subject property may not transition to commercial or industrial use until the property to the east does so, which may take many years.

RECOMMENDED ACTION

The City's Development Review Committee does not object to the Applicant's rezoning and conditional use permit requests. The City Planner believes that the Planning Commission should recommend that the City Council approve Ordinance 2021-2 and Resolution 2021-066 based on the written findings and conditions in the ordinance and resolution.

ATTACHMENTS

- Ordinance 2021-2
- Resolution 2021-066
- Applicant's Application