



## Request for Council Action

**TO:** Mayor and City Council

**THROUGH:** Planning Commission  
Tim Murray, City Administrator

**FROM:** Deanna Kuennen, Com & Econ Dev Director

**MEETING DATE:** April 13, 2021

**SUBJECT:** Ordinance 2021-3 Approve Rezoning from O Open Space/Agricultural to C-2 Highway Commercial District at 1507 Saint Paul Avenue – First Reading

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### **Background:**

Michael and Megan Graham have recently purchased the former apple orchard seasonal sales building at 1507 St. Paul Ave. They intend to convert the building for a custom car building shop with auto repair service use. The business services new and classic cars. The business here will include fabrication of custom cars along with auto maintenance and repair services. It will not include autobody and paint services.

Surrounding uses include orchards, farm fields, rural homesteads, a single-family neighborhood and a church. The current zoning district designation, O Open Space/Agricultural District does not include custom car building and auto maintenance service shops as a listed permitted use. Therefore, the owners are seeking to rezone the site to C-2 Highway Commercial District that permits their proposed use at the site.

After proper notice, the Planning Commission held a combined public hearing on April 5, 2021 regarding applications for Comprehensive Plan amendment to Commercial Residential Mixed Use and Rezoning to C-2 Highway Commercial District. There were no comments received from the public before the meeting or during the online public hearing. No objections to the request were received.

The Development Review Committee (DRC) provided a report to the Planning Commission recommending against the requested Comprehensive Plan Amendment and Rezoning Application. The DRC listed the following concerns with the rezoning application.

- The application did not meet all of the findings required by the Unified Development Ordinance (UDO).

- The application is not consistent with City's new comprehensive plan adopted in September of 2020 and appears to be significant departure from the adopted plan.
- The rezoning appears to benefit the owners and not the City as a whole.
- C-2 zoning is the minimum necessary for the proposed use, but if approved would permit a large range intensive commercial uses at the property that are out character for this location.

Once rezoned – the Principal Uses for Commercial Districts table in the UDO – Section 11-30 and Table 11-1 Principal Uses in the Commercial Districts, outlines permitted and conditional uses for the C-2 district.

[https://library.municode.com/mn/faribault/codes/code\\_of\\_ordinances?nodeId=COOR\\_APXBUNDERE\\_CH11CODI\\_ART3HICODI](https://library.municode.com/mn/faribault/codes/code_of_ordinances?nodeId=COOR_APXBUNDERE_CH11CODI_ART3HICODI)

The Planning Commission considered the DRC comments and recommendation but felt the site location along two county highways was appropriate for the proposed district. They felt the proposed use did benefit the area by providing a convenient location for auto maintenance services. They felt commercial use of the property could be mitigated through the Conditional Use Permit process that will be necessary for the proposed use at this site if the rezoning application is approved.

With a vote of 5-1 the Planning Commission recommends approval of the requested rezoning and approved the findings listed in the draft ordinance as presented to the City Council with this report.

**Recommendation:**

Approve the first reading of Ordinance 2021-3 to Approve Rezoning from O Open Space/Agricultural to C-2 Highway Commercial District at 1507 St. Paul Avenue

**Attachments:**

- Ordinance 2021-3
- Staff report to the Planning Commission (See Item 7E.)
- Supporting Documents and Maps (See Item 7E.)

## **CITY OF FARIBAULT**

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### **ORDINANCE #2021-3**

#### **ORDINANCE 2021-3 APPROVE REZONING FROM O OPEN SPACE/AGRICULTURAL TO C-2 HIGHWAY COMMERCIAL DISTRICT AT 1507 SAINT PAUL AVENUE – FIRST READING**

**WHEREAS**, Michael and Megan Graham, contract purchasers and applicants have requested the rezoning of their property at 1507 Saint Paul Avenue, legally described in Exhibit A, from O Open Space / Agricultural District to C-2 Highway Commercial District in order to operate a custom auto building and auto repair business at the subject site; and

**WHEREAS**, City Staff has prepared and presented a report to the Planning Commission regarding this rezoning proposal (CPA/REZ 21-005); and

**WHEREAS**, the Planning Commission, on the 5<sup>th</sup> day of April, 2021 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 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 has been amended to guide the subject property for Commercial – Residential Mixed Use in association with this application.*

- 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 needed commercial uses at this location.*

- 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 C-2 Highway Commercial District as proposed, is appropriate in that the site is adjacent to a County Highway and can be developed or used in manner that is compatible with adjoining agricultural uses, single family uses and place of worship 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 zoned to permit agricultural related sales of items grown/produced in the area. Rezoning the subject property to C-2 will accommodate the new commercial uses of the site.*

- 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 prior use of the property for agricultural related sales is no longer viable at this location and the proposed use will better serve the neighborhood and the community.*

**NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:**

**Section 1: Amendment.** The Official Zoning Map of the City of Faribault is hereby amended to rezone the property described in Exhibit A from O Open Space / Agricultural District to C-2 Highway Commercial 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.

Public Hearing: April 5, 2021  
First Reading: April 13, 2021  
Second Reading: \_\_\_\_\_, 2021  
Published: \_\_\_\_\_, 2021

**Faribault City Council**

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**Kevin F. Voracek, Mayor**

**ATTEST:**

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**Timothy C. Murray, City Administrator**

**EXHIBIT A**  
**Legal Description**

Part of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 29 Township 110 North Range 20 West of the Fifth Principal Meridian, in the City of Faribault, Rice County, Minnesota, lying South and East of the center line of County State Aid Highway 20, described as follows: Beginning at the Southeast corner of said Northeast Quarter (NE $\frac{1}{4}$ ) of Southeast Quarter (SE $\frac{1}{4}$ ), said point being in the center line of County State Aid Highway 25; thence North 89° 59' 01" West, assumed bearing, along the South line of said Northeast Quarter (NE $\frac{1}{4}$ ) of Southeast Quarter (SE $\frac{1}{4}$ ) and said Highway 25 center line, 674.92 feet to a point in the center line of County State Aid Highway 20; thence North 45° 33' 33" East, along said Highway 20 center line, 294.66 feet thence North 77° 22' 32" East, 476.05 feet to a point in the East line of said Northeast Quarter (NE $\frac{1}{4}$ ) of Southeast Quarter (SE $\frac{1}{4}$ ); thence South 0° 00' 00", along said East line, 310.55 feet to said point of beginning.