



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 27, 2021

SUBJECT: Ordinance 2021-2 Rezone 20905 Canby Avenue from C-2, Highway Commercial to TUD, Transitional Urban Development – Second Reading

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. On April 13, 2021, the City Council approved the first reading of Ordinance 2021-2, which rezones the subject as requested by the Applicant. Since the first reading of the ordinance, the City has not received additional comments from the public, nor has the City changed the ordinance. Presuming the City Council approves the second reading of Ordinance 2021-2, the Council must take a separate vote to approve the summary publication of the ordinance.

Recommendation:

- Approve Ordinance 2021-2 Rezone 20905 Canby Avenue from C-2, Highway Commercial to TUD, Transitional Urban Development – Second Reading (4/7 vote required)
- Approve Summary Publication of Ordinance 2021-2 (5/7 vote required)

Attachments:

- Ordinance 2021-2
- Summary Publication of Ordinance 2021-2

**CITY OF FARIBAULT
ORDINANCE No. 2021-2**

**REZONE 20905 CANBY AVENUE FROM C-2, HIGHWAY COMMERCIAL TO TUD,
TRANSITIONAL URBAN DEVELOPMENT**

WHEREAS, Blake Matejcek (the Applicant) on behalf of Paul T. Matejcek (the Owner) requested rezoning the subject property commonly known as 20905 Canby Avenue and legally described in Exhibit 1 of this Ordinance from C-2, Highway Commercial to TUD, Transitional Urban Development; and

WHEREAS, City Staff reviewed the Applicant's rezoning request, prepared a report to the Planning Commission, and made a recommendation to approve the Applicant's rezoning request; and

WHEREAS, the Planning Commission, on April 5, 2021, following proper notice, held a public hearing regarding the said request; and

WHEREAS, the Planning Commission finds that it is appropriate to rezone the subject property as requested by the Applicant based on the following written findings of the Planning Commission 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 of the City's Journey to 2040 Comprehensive Plan guides the subject property for Commercial/Industrial Mixed Use. However, the City finds that until City sewer, water, and streets can reasonably and logically serve the subject property, and until the undeveloped land to the east of the subject property develops, it is appropriate to rezone the subject property to TUD, Transitional Urban Development. The TUD zoning district does not preclude the subject property from rezoning the property to a commercial or industrial zoning district once commercial or industrial development of the site is reasonable and logical.

2. Criteria: Whether the amendment is in the public interest and is not solely for the benefit of a single property owner.

Finding: It is in the public's best interest to ensure reasonable and logical use of the property. The subject property has been partially developed for single-family residential use. It is reasonable to rezone

the property to TUD, Transitional Urban Development, to allow the addition of a single-family residence with a conditional use permit. The proposed rezoning will not prevent the property from transitioning to commercial or industrial use when it is reasonable and logical to rezone the property accordingly.

- 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: The surrounding properties are currently agricultural uses. Rezoning the subject property from C-2, Highway Commercial to TUD, Transitional Urban Development will not adversely affect the surrounding properties.

- 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 existing C-2, Highway Commercial zoning TUD, Transitional Urban Development District serves as a holding zoning district until municipal utilities can serve the property, and the property can transition to another zoning district. The existing TUD District does not allow new industrial development or expansion of existing industrial development. However, because municipal utilities will serve the subject property, it is appropriate to rezone the property for industrial use as guided in the City's Comprehensive Plan.

- 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: In 2008, when the City annexed and zoned the subject property to C-2, Highway Commercial, it anticipated substantial

commercial development in the area. However, commercial development did not occur. Consequently, it is appropriate to rezone the property to TUD, Transitional Urban Development, which allows reasonable use of the property until commercial or industrial use is viable.

WHEREAS, the City Council held a public meeting on April 13, 2021, to approve the first reading of Ordinance 2021-2; and

WHEREAS, the City Council also held a public meeting on April 27, 2021, to approve the second reading of Ordinance 2021-2; and

WHEREAS, based on the City Staff's report, the results of the public hearing, and written findings and recommendation of the Planning Commission, the City Council of the City of Faribault concurs with the written findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1: Findings and Incorporation of Recitals and Exhibits. The recitals set forth in this Ordinance and the exhibits attached hereto are incorporated into and made part of this Ordinance, and, where applicable, constitute the written findings of the City Council of the City of Faribault.

Section 2: Amendment. The Official Zoning Map of the City of Faribault is hereby amended to rezone the property commonly known as 20905 Canby Avenue, and legally described in Exhibit 1 of this Ordinance, is hereby rezoned from C-2, Highway Commercial to TUD, Transitional Urban Development.

Section 3: Official Zoning Map. The Official Zoning Map of the City of Faribault shall not be re-published to show the aforesaid rezoning, but the City Planner shall appropriately mark the Official Zoning Map on file with the Department of Community and Economic Development for the purpose of indicating the rezoning.

Section 4: Effective Date. This Ordinance shall be effective immediately upon its passage and publication according to the Faribault City Charter.

First Reading: April 13, 2021

Second Reading: April 27, 2021

Published: May 4, 2021

Date Adopted: April 27, 2021

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

**EXHIBIT 1
LEGAL DESCRIPTION OF THE SUBJECT PROPERTY**

PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, RICE COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW1/4) OF SOUTHWEST QUARTER (SW1/4); THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW1/4) (FOR PURPOSES OF THIS DESCRIPTION BEARING OF SAID SOUTH LINE IS ASSUMED NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST), A DISTANCE OF 530.84 FEET; THENCE NORTH 0 DEGREES 28 MINUTES 19 SECONDS EAST, 1283.57 FEET TO A POINT IN THE CENTER LINE OF MINNESOTA TRUNK HIGHWAY 60; THENCE SOUTH 58 DEGREES 29 MINUTES 35 SECONDS WEST, ALONG SAID CENTER LINE OF HIGHWAY 60, A DISTANCE OF 219.53 FEET TO THE BEGINNING OF A TANGENTIAL CURVE; THENCE SOUTHWESTERLY ALONG SAID CURVE, CONCAVE SOUTHEASTERLY (CURVE DATA: RADIUS EQUALS 5729.58 FEET; DELTA ANGLE EQUALS 4 DEGREES 09 MINUTES 38 SECONDS; CHORD BEARING AND DISTANCE EQUAL SOUTH 56 DEGREES 24 MINUTES 47 SECONDS WEST, 415.96 FEET), AN ARC DISTANCE OF 416.05 FEET TO A POINT IN THE WEST LINE OF SAID SOUTHWEST QUARTER (SW1/4); THENCE SOUTH 0 DEGREES 28 MINUTES 19 SECONDS WEST, ALONG SAID WEST LINE 938.72 FEET TO SAID POINT OF BEGINNING; SUBJECT TO A TOWNSHIP ROAD OVER THE WESTERLY SIDE AND SUBJECT TO SAID HIGHWAY 60 OVER THE NORTHWESTERLY SIDE OF THE HEREIN DESCRIBED PARCEL; CONTAINING 13.602 ACRES, MORE OR LESS, INCLUDING SAID ROAD AND HIGHWAY RIGHTS OF WAY, AND CONTAINING 11.511 ACRES, MORE OR LESS, EXCLUDING SAID ROAD AND HIGHWAY RIGHTS OF WAY.