



## Request for Council Action

**TO:** Mayor and City Council

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

**FROM:** David Wanberg, AICP City Planner

**MEETING DATE:** August 13, 2019

**SUBJECT:** Ordinance 2019-14 Approve Zoning Amendment to Provide Three Additional Billboard Credits in Specified Areas in Faribault – First Reading

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### Background:

The City of Faribault maintains an official billboard inventory map that limits the number and location of billboards in Faribault. No new billboards can be installed without a zoning amendment to allow additional billboards. Alternatively, if a property owner removes an existing nonconforming billboard, a new conforming billboard can be installed in a different approved location in the city.

In 2018, the City annexed property in Wells Township. The annexed area includes the headquarters for Met Con Companies and the former Malt-O-Meal building, which Daikin Applied is currently converting to a manufacturing plant. Because this annexed area has industrial property that fronts Interstate Highway 35, the City Planner is recommending approval of a zoning amendment that would provide three (3) billboard credits in the annexed area. Based on the billboard spacing requirements as specified in the City’s Unified Development Ordinance, the recently annexed area can support a maximum of three billboard credits. These three billboard credits do not require the property owners to install billboards; it simply gives the property owners the option to do so.

### Development Review Committee Action:

On July 23, 2019, the City’s Development Review Committee reviewed the proposed zoning amendment and did not object to providing three (3) billboard credits in the recently annexed area.

### Planning Commission Public Hearing and Action:

The Planning Commission held a public hearing on August 5, 2019 to consider the proposed zoning amendment. Flavia Berg, who owns property and resides to the southwest of the recently annexed area, spoke at the public hearing

about her concerns related to lighting associated with future billboards and the existing facilities in the recently annexed area (see attached letter).

John Maxson of Daikin Applied also spoke at the public hearing and stated that he would look into ways to reduce the visual impact of the existing outdoor lighting at the Daikin Applied site. David Wanberg, City Planner, noted that he reviewed the proposed outdoor lighting plan for the Daikin facility and found it to be consistent with the City's Unified Development Ordinance related to the level of lighting. However, he also stated it would be beneficial for John Maxson to see if Daikin can minimize the potential negative impacts of existing and new outdoor lighting on the Daikin site.

With a 4-0 vote, the Planning Commission made written findings and recommended that the Council approve Ordinance 2019-14, which allows provides (3) billboard credits in the recently annexed area of Faribault.

**Recommendation:**

Approve the First Reading of Ordinance 2019-14 (4/7).

**Attachment:**

- Ordinance 2019-14

State of Minnesota  
County of Rice

## **CITY OF FARIBAULT**

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### **ORDINANCE No. 2019-14**

#### **APPROVE ZONING AMENDMENT TO PROVIDE THREE ADDITIONAL BILLBOARD CREDITS IN SPECIFIED AREAS IN FARIBAULT**

**WHEREAS**, the Faribault City Planner maintains a current billboard inventory map that limits the number and location of billboards in the City of Faribault as per Section 9-180 of the City's Unified Development Ordinance; and

**WHEREAS**, the City Council may increase the number of billboards allowed in the city through the zoning amendment process as per Section 9-180 of the City's Unified Development Ordinance; and

**WHEREAS**, in 2018, the City of Faribault entered into an orderly annexation agreement with Wells Township for property depicted in Exhibit 1 of this Ordinance, which is legally described in the subject orderly annexation agreement; and

**WHEREAS**, on June 22, 2018 the Chief Administrative Law Judge of the State of Minnesota Office of Administrative Hearings issued an order approving the above referenced annexation of property to the City of Faribault; and

**WHEREAS**, the above referenced property does not have existing billboards, but has sufficient frontage on Interstate Highway 35 to have up to three billboards if the Faribault City Council were to approve a zoning amendment to provide three billboard credits in the subject area; and

**WHEREAS**, most industrial property in the City of Faribault that has frontage on Interstate Highway 35 has existing billboards; and

**WHEREAS**, it is appropriate for the subject annexed property to also have the opportunity to have billboards consistent with Section 9-180 of the City's

Unified Development Ordinance and consistent with other industrial property in the city with frontage on Interstate Highway 35; and

**WHEREAS**, a zoning amendment to allow billboard credits on the subject annexed property would only give the Owners of said properties the option to install billboards consistent with the City's Unified Development Ordinance – such zoning text amendment would not obligate the Owners to install billboards; and

**WHEREAS**, on July 23, 2019, the City's Development Review Committee reviewed the request for a zoning amendment to allow additional billboards in specified areas in Faribault and did not object to the proposed zoning amendment; and

**WHEREAS**, the Planning Commission, on the 5th day of August 2019, following proper notice, held a public hearing regarding this zoning amendment to provide three additional billboard credits in the City on the annexed property depicted in Exhibit 1 of this Ordinance and more specifically on the property legally described as follows:

**Lot 1, Block 2, Met Con Business Park First Addition, Rice County Minnesota;**

**Outlot A, Met Con Business Park First Addition, Rice County Minnesota;** and

**WHEREAS**, Flavia Berg, who owns property and resides at 16271 Bagley Avenue to the southwest of the subject property, submitted a letter at the subject public hearing and spoke to her concerns about the negative impact that billboard lighting and the negative impacts of existing and proposed site lighting in the recently annexed area; and

**WHEREAS**, following said public hearing, the Planning Commission made appropriate written findings and recommended approval of the proposed zoning amendment; and

**WHEREAS**, the City Council hereby finds the proposed zoning amendment 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 City's Land Use Plan guides the subject property for industrial use. Other industrial property that fronts Interstate*

*Highway 35, similar to the subject properties, have billboard credits. It is a goal of the Land Use Plan to support economic development. Billboards can provide income to the property owner and can help support the industries on the property.*

- 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 zoning amendment allows the subject property that the City annexed in 2018, to have the same opportunities for billboards as other properties in the city with frontage on Interstate Highway 35 that currently have billboards. The proposed zoning amendment is not solely for the benefit of a single property owner.*

- 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 subject properties are zoned for industrial use. Billboards that are consistent with all applicable ordinances are compatible with industrial 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 underlying industrial zoning classification of the subject property would remain unchanged. The proposed zoning amendment is to allow billboards on the subject property consistent with similar property in the city.*

- 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 City of Faribault annexed the subject property in 2018. Since then, significant industrial development has occurred and will likely continue to occur in the recently annexed area. Consequently,*

*it is appropriate to consider allowing billboards on the subject property, similar to other industrial areas in the city.*

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

**Section 1: Findings and Incorporation of Recitals.** The findings and recitals set forth in this Ordinance 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: Zoning Amendment to allow Three Additional Billboard Credits in Specified Areas in Faribault.**

- A. The following property as legally described below shall have one (1) billboard credit in the general area depicted in Exhibit 1:

**Lot 1, Block 2, Met Con Business Park First Addition, Rice County Minnesota**

- B. The following property as legally described below shall have two (2) billboard credits in the general area depicted in Exhibit 1:

**Outlot A, Met Con Business Park First Addition, Rice County Minnesota**

**Section 3: Billboard Database.** The official billboard database shall classify the billboard credits described in Section 2 above as "available" billboard credits. The City Planner shall update the official billboard inventory map and database at the time the "available" billboard credit is used to install a digital or standard billboard.

**Section 4: Effective Date.** This ordinance shall be effective immediately upon its passage and publication, in accordance with Chapter 3 of the Faribault City Charter.

Public Hearing:	August 5, 2019
First Reading:	August 13, 2019
Second Reading:	_____
Publication:	_____

**Faribault City Council**

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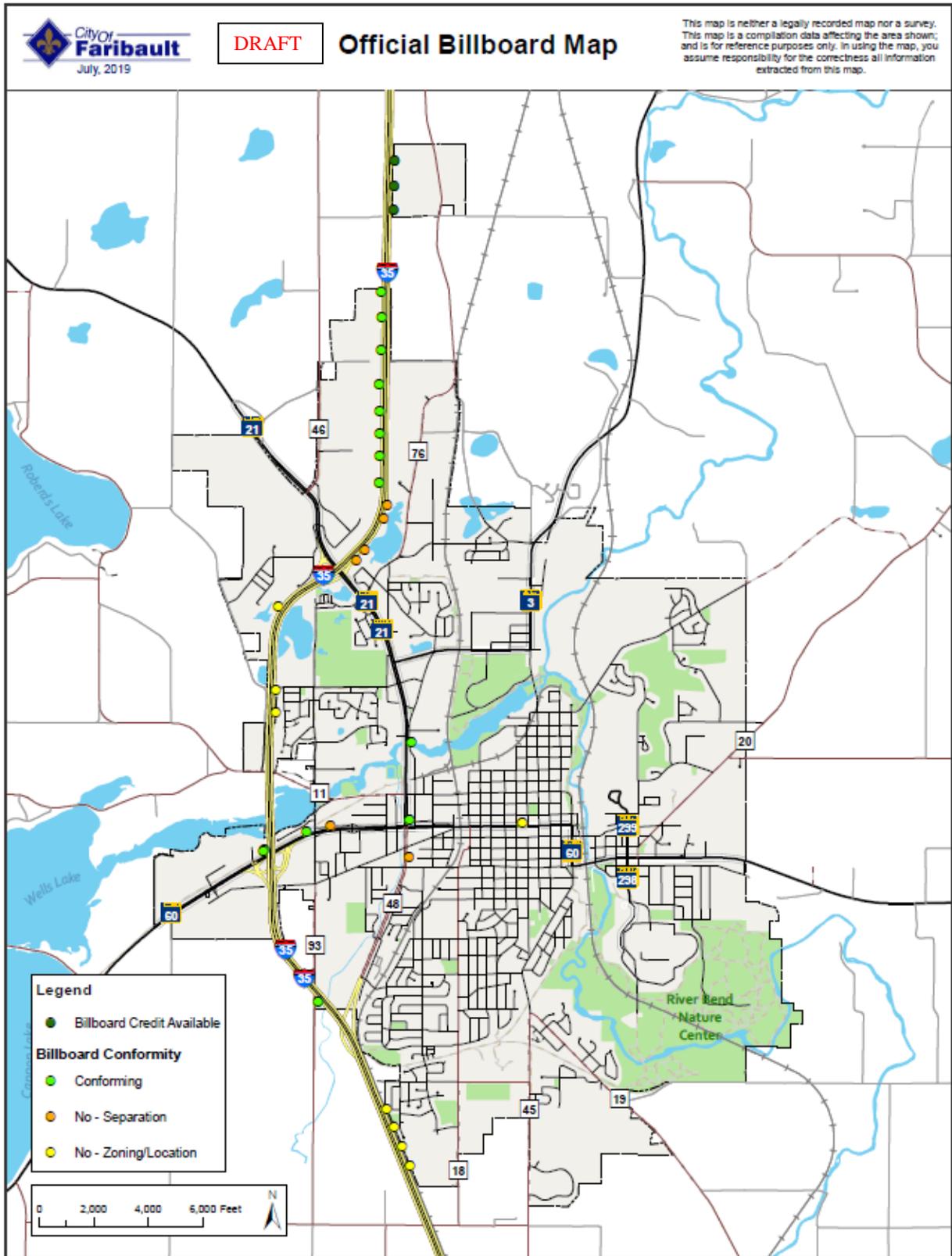
**Kevin F. Voracek, Mayor**

**ATTEST:**

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**Timothy C. Murray, City Administrator**

### Exhibit 1



My concern in allowing an additional three billboards along the I-35 corridor is light pollution and the impact it has on area residences and wildlife. As you know, light pollution is an unwanted consequence of outdoor lighting and includes, but is not limited to sky glow and light trespass.

Outdoor lighting is the largest contributor to light pollution caused by sky glow which is the brightening of the sky caused by both natural and man-made factors.

Light trespass is light being cast where it is not wanted or needed, such as light from a streetlight or a floodlight illuminating a bedroom at night making it difficult to sleep.

In addition, nighttime darkness can be vital to the very survival of many nocturnal animals. When the night never becomes fully dark, these animals are not able to hide in order to find their food sources. There are some animals who are only awake in full darkness. When the night never becomes completely dark, their sleep cycle is disrupted and thus their whole system becomes out sync causing them other health issues. The land around this site continues to be agricultural in nature, which means there is wildlife throughout.

I understand the City of Faribault recently acquired this land as part of their jurisdiction through annexation and the city was not the permitting body when the buildings were originally built. The city had no control over the type of lighting on these buildings. I would respectfully request that one of the conditions prior to any billboards being placed on these parcels would be that the outdoor lighting on any existing structures be replaced with downward facing, full cutoff features and be warm lighting with 3000K or less. Furthermore, any new structures on these parcels would have the same conditions.

Everything should be done by the governing agent to mitigate the effects of light pollution for the people who reside in the area and the wildlife who call it home.



Flavia Berg

16271 Bagley Avenue

Faribault, MN 55021