

ORDINANCE 104, THIRD SERIES

AN ORDINANCE OF THE CITY OF KENYON REZONING OF TWO PARCELS OF LAND OWNED BY PAUL AND LISA PETERSON FROM I-1 (GENERAL INDUSTRIAL) TO C-2 (GENERAL COMMERCIAL) AND FROM R-1 (RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL)

WHEREAS, the City of Kenyon has zoning ordinances and zoning a map with their purpose being as outlined in Chapter 5 of the Kenyon City Code governing zoning, which may be amended pursuant to the authority and procedures outlined in Section 560.05 of the Kenyon City Code; and

WHEREAS, Paul and Lisa Peterson (the "Applicants") are the fee owners of the property located at 98 Gunderson Boulevard in the City of Kenyon, Goodhue County, Minnesota, with a legal description as follows:

All that part of Lots 3, 5, and 6 of Auditor's Subdivision of the Southwest Quarter of Section 4, Township 109 North, Range 18 West, Goodhue County, Minnesota, described as follows:

PARCEL 1

The East 70 feet of Lot 6 of Auditor's Subdivision of the Southwest Quarter of Section 4, in Township 109 North, of Range 18 West, according to the Plat thereof on file and of record in the office of the County Recorder for the County of Goodhue, State of Minnesota. Said 70 feet being measured at right angles to the East Line of said Lot 6.

PARCEL 2

Parts of Lots 3, 5, and 6 of Auditor's Subdivision of the Southwest Quarter of Section 4, in Township 109 North, of Range 18 West, described as follows:

Lot 6 of Auditor's Subdivision of the Southwest Quarter of Section 4, in Township 109 North, of Range 18 West, except the East 70 feet of said Lot 6. Said 70 feet being measured at right angles to the East Line of said Lot 6.

PARCEL 3

Part of the West Half of the Southwest Quarter of Section 4, in Township 109 North, of Range 18 West, described as follows:

Beginning at a point on the North Line of the Red Wing-Faribault road 66 feet westerly from the Southwest Corner of Lot 6 of Auditor's Subdivision of the Southwest Quarter of said Section 4; running thence North 200 feet, thence North 73 degrees 50 minutes West 50 feet, thence South 200 feet to the North Line of said Red Wing-Faribault road, thence easterly along the North Line of said road 50 feet to the place of beginning.

PARCEL 4

All that part of the West Half of the Southwest Quarter of Section 4, in Township 109 North, of Range 18 West, described as follows: Beginning at the Southwest Corner of Lot 6 of Auditor's Subdivision of the Southwest Quarter of said Section 4, thence North along the West Line of said Lot 6 for 300 feet, thence North 73 degrees 30 minutes West 66 feet, thence South 300 feet to the North Line of the Red Wing-Faribault road, thence southeasterly along the North Line of said road to place of beginning.

PARCEL 5

Parts of Lots 3 and 5 of Auditor's Subdivision of the Southwest Quarter of Section 4, in Township 109 North, of Range 18 West, described as follows:

Beginning on the northerly Right-of-Way Line of State Trunk Highway Number 60 distant 382 feet westerly of its intersection with the East Line of the Southwest Quarter of the Southwest Quarter of said Section 4, thence westerly along the northerly Right-of-way of said Highway 294 feet to an iron pipe, thence North 22 degrees East 56 1/2 feet to an iron fence post, thence northeasterly 266 1/2 feet to a point 193 feet due North of the place of beginning, thence South 193 feet to the place of beginning.

EXCEPT that portion taken by the State of Minnesota by Final Certificate filed as Document No. 330216, described as follows:

That part of the West Half of the Southwest Quarter of Section 4, Township 109 North, Range 18 West, and Lots 3, 5 and 6 of Auditor's Subdivision of the Southwest Quarter of Section 4,

Township 109 North, Range 18 West, shown as Parcel 19 on Minnesota Department of Transportation Right of Way Plat Numbered 25-13 as the same is on file and of record in the office of the County Recorder in and for Goodhue County, Minnesota.

* NOTE: PID 66-180-0150 is described by Parcel 1 above. PID 66-180-0130 is described by Parcels 2, 3, 4

(hereinafter, the “Property”); and

WHEREAS, the Applicants have requested that the Property be rezoned:

PID 66-180-0150 from I-1 (Industrial) to C-2 (General Commercial) and
PID 66-180-0130 from R-1 (Residential) to C-2 (General Commercial); and

WHEREAS, the procedures outlined in Section 560.05 of the City Code pertaining to amendments to the zoning ordinance have been fully satisfied, including public hearing conducted by the Planning Commission on June 4, 2024; and

WHEREAS, no public comments were received as to the Applicant's rezoning request; and

WHEREAS, the Planning Commission made the following findings:

- a. That the zoning ordinance revision changing the Property's zoning district will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted, nor substantially diminish or impair property values of neighboring property, nor otherwise be inconsistent with the objectives and policies of the City's Comprehensive Plan, upon the modification of the Plan consistent with this policy change;
- b. There is a demonstrated need for the zoning amendment recommended by the Planning Commission; and

WHEREAS, a recommendation by the Planning Commission to rezone the Property was submitted to the City Council pursuant to Planning Commission Resolution 2024-03; and

WHEREAS, the Planning Commission recommended that the City enact an ordinance pursuant to Kenyon City Code Section 560.05 that rezones from I-1 (General Industrial) to C-2 (General Commercial) and from R-1 (Residential) to C-2 (General Commercial); and amends the zoning use district map for the City; and

WHEREAS, the public hearing and notice requirements of Minnesota Statutes Section 462.357, subd. 3 has been fulfilled and satisfied by the Planning Commission and the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Kenyon, Minnesota, ordains:

1. The above set-forth preamble and recitals are incorporated into and made a part of this ordinance and constitute the findings of the Planning Commission concerning this matter.
2. The requirements as set forth in City Code Section 560.05 for the requested rezoning have been satisfied.
3. The Planning Commission recommends that the Applicant's request for rezoning from I-1 (General Industrial) to C-2 (General Commercial) and from R-1 (Residential) to C-2 (General Commercial) (hereinafter the "Rezoning") be granted by the Kenyon City Council.
4. The Rezoning is approved.
5. The City Council, staff and consultants are authorized to take all necessary further action to implement this Ordinance.

This ordinance shall take effect and be in full force from and after its passage and publication.

Passed by the City Council of the City of Kenyon, Minnesota this 11th day of June 2024.

Douglas Henke
Mayor

ATTEST:

Holli K. Gudknecht
Deputy City Clerk