

ORDINANCE 90, THIRD SERIES

AN ORDINANCE OF THE CITY OF KENYON REZONING A PARCEL OF LAND OWNED BY L&M CONSTRUCTION FROM R-2 (ONE AND TWO FAMILY 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, L&M Construction (the "Applicant") is the fee owner of the property located at 618 9th Street in the City of Kenyon, Goodhue County, Minnesota, with a legal description as follows:

Lots 15 & 16, Block 2, Southern Heights Addition, City of Kenyon,
Goodhue County, Minnesota

(hereinafter, the "Property", with PID #66.560.0160); and

WHEREAS, the Applicant has requested that the Property be rezoned from R-2 (One and Two Family 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 April 30, 2018 and June 5, 2018; and

WHEREAS, public comments were received and considered 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 2018-01, subject to the following provisions, conditions and recommendations of the Planning Commission:

- a. provide exterior screening;
- b. no outdoor storage,
- c. truck traffic has to access property from Red Wing/9th St. (not the alley);
- d. no construction assembly can occur outside of the building;
- e. the building shall be aesthetically designed to be in harmony with surrounding properties and include landscaping; and

- f. the applicants shall provide a site plan to the City Council.;

and

WHEREAS, the Planning Commission recommended that the City enact an ordinance pursuant to Kenyon City Code Section 560.05 that rezones the Property from R-2 (One and Two Family 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 and City Council concerning this matter.
2. The requirements as set forth in City Code Section 560.05 and Minnesota Statutes Section 462.357, subd. 3, for the requested rezoning of the Property have been satisfied.
3. The Applicant's request for rezoning of the Property from R-2 (One and Two Family Residential) to C-2 (General Commercial) is granted by the Kenyon City Council.
4. The Mayor and City Administrator of the City are hereby authorized and directed to execute all appropriate documents to facilitate the approval referenced and contemplated herein, with all such actions to be in accordance with the terms and conditions set forth in this Ordinance.
5. The Mayor, City Administrator, City staff, City attorney and City consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent of 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 12th day of June, 2018.

Michael G. Engel,
Mayor

ATTEST:

Mark R. Vahlsing,
City Administrator