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State of Minnesota
County of Rice

**CITY OF FARIBAULT
ORDINANCE No. 2018-8**

**REZONE PROPERTY IN THE MET- CON BUSINESS PARK FROM TUD, TRANSITIONAL
URBAN DEVELOPMENT DISTRICT TO
I-1, LIGHT INDUSTRIAL DISTRICT AND I-2, HEAVY INDUSTRIAL DISTRICT**

WHEREAS, Wells Township (on June 11, 2018) and the City Council of the City of Faribault (on June 12, 2018) approved a Joint Resolution Establishing an Orderly Annexation between the City of Faribault and the Town of Wells (City of Faribault Resolution 2018-120) for property legally described in Exhibit 1 and depicted in Exhibit 2 of this resolution; 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 subject annexation of the above referenced property; and

WHEREAS, in accordance with Section 5-60 of the City's Unified Development Ordinance, the subject property was placed in the TUD, Transitional Urban Development District on the date of the annexation order; and

WHEREAS, Resolution 2018-143 guides the subject property for industrial use; and

WHEREAS, Troy Zabinski (Applicant) on behalf of McDonough Farms, LLC and McDonough Partners, LLC (Owner) submitted an application to the City of Faribault on June 28, 2018 requesting that the City of Faribault rezone the subject property as follows:

1. Rezone Parcels 1, 2, 3, 4, and 5 legally described in Exhibit 1 and graphically depicted in Exhibit 2 of this Ordinance from TUD, Transitional Urban Development District to I-1, Light Industrial District; and
2. Rezone Parcel 6 legally described in Exhibit 1 and graphically depicted in Exhibit 2 of this Ordinance from TUD, Transitional Urban Development District to I-2, Heavy Industrial District; and

WHEREAS, City Staff reviewed the Applicant's application and made a report to the Planning Commission (RZ 18-18); and

WHEREAS, the Planning Commission, on the 2nd day of July, 2018, following proper notice, held a public hearing regarding said request; and

WHEREAS, based on City Staff's report to the Planning Commission, the public hearing, and the discussion of the Planning Commission, finds that it is appropriate to rezone the subject property as requested by the Applicant and Owner 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 guides the subject property for industrial use, which is consistent with the I-1, Light Industrial District and the I-2, Heavy Industrial District.

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 helps address the City's expressed need to increase the amount of industrial land in the City available for future industrial development.

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: Industrial development occurred on the subject property before the subject property was annexed into the City of Faribault on June 22, 2018. In addition, in 2010, the City of Faribault approved the North I-35 Corridor Area Plan, which envisions industrial use of the subject property. There is a limited amount of existing residences in the area.

It is appropriate to zone the subject property west of Acorn Trail (County Road 76) to I-1, Light Industrial District, in that most of the industrial zoning directly adjacent to Interstate Highway 35 in the remainder of the City of Faribault is zoned either I-1, Light Industrial or I-P, Industrial Park.

It is appropriate to zone the subject property east of Acorn Trail (County Road 76) to I-2, Heavy Industrial District, in that most of the industrial east of Park Avenue NW (which merges into Acorn Trail) in the remainder of the City is zoned I-2, Heavy Industrial.

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 TUD, Transitional Urban Development District is intended to serve as a holding zoning district until such time 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 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: Industrial development occurred on the subject property before the subject property was annexed into the City of Faribault

on June 22, 2018. There is a demand for additional industrial development in the area. Consequently, it is logical to rezone the subject property for industrial use.

WHEREAS, the City Council held a public meeting on July 10, 2018 to approve the first reading of Ordinance 2018-8;

WHEREAS, the City Council also held a public meeting on July 24, to approve the second reading of Ordinance 2018-8; 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 as follows:

1. Rezone Parcels 1, 2, 3, 4, and 5 legally described in Exhibit 1 and graphically depicted in Exhibit 2 of this Ordinance from TUD, Transitional Urban Development District to I-1, Light Industrial District; and
2. Rezone Parcel 6 legally described in Exhibit 1 and graphically depicted in Exhibit 2 of this Ordinance from TUD, Transitional Urban Development District to I-2, Heavy Industrial District.

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 City Planning Office for the purpose of indicating the rezoning.

Section 3: Summary Publication. City Staff shall, upon an affirmative vote of no fewer than five of seven City Council Members, have the following summary printed in the official City newspaper in lieu of the complete ordinance:

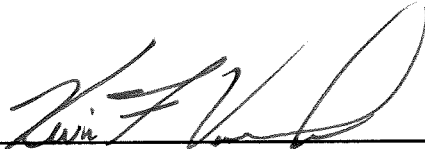
On July 24, 2018, the Faribault City Council adopted Ordinance 2018-8 that rezones property commonly known as the Met-Con Business Park from TUD, Transitional Urban Development to I-1, Light Industrial and I-2, Heavy Industrial. The subject property rezoned to I-1, Light Industrial generally includes the former Malt-O-Meal Warehouse, the Met-Con Operations, and other properties between Interstate Highway 35 and Acorn Trail (County Road 76) that is north of 160th Street West to an area roughly one-half mile south of 150th Street West (County Road 9). The subject property rezoned to I-2, Heavy Industrial generally includes the property between Acorn Trail (County Road 76) and Cannon City Township that is north of 160th Street West to an area roughly one-half mile south of 150th Street West (County Road 9). A printed copy of the Ordinance with a map of the rezoning area is available for inspection during regular business hours at Faribault City Hall.

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

Public Hearing Date: July 2, 2018
First Reading: July 10, 2018
Second Reading: July 24, 2018
Published: July 28, 2018

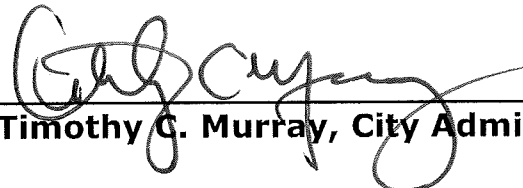
Date Adopted: July 24, 2018

Faribault City Council



Kevin F. Voracek, Mayor

ATTEST:



Timothy C. Murray, City Administrator

EXHIBIT 1

Legal description of property to be rezoned from TUD, Transitional Urban Development District to I-1, Light Industrial District:

Parcel 1:

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

Parcel 2:

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

Parcel 3:

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

Parcel 4:

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

Parcel 5:

ALL THAT PART OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$) OF SECTION 1, TOWNSHIP 110 NORTH, RANGE 21 WEST OF THE FIFTH PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS TO-WITT: BEGINNING AT A POINT 979.5 FEET WEST OF THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE $\frac{1}{4}$); THENCE RUNNING WEST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 165 FEET; THENCE RUNNING NORTH 11°5' EAST A DISTANCE OF 264 FEET; THENCE RUNNING EAST PARALLEL TO THE SOUTH LINE OF SAID SECTION, 165 FEET; THENCE RUNNING SOUTH 11°5' WEST 264 FEET TO THE POINT OF THE BEGINNING; SUBJECT TO ANY EXISTING PUBLIC ROADS THEREON, IN THE COUNTY OF RICE, STATE OF MINNESOTA.

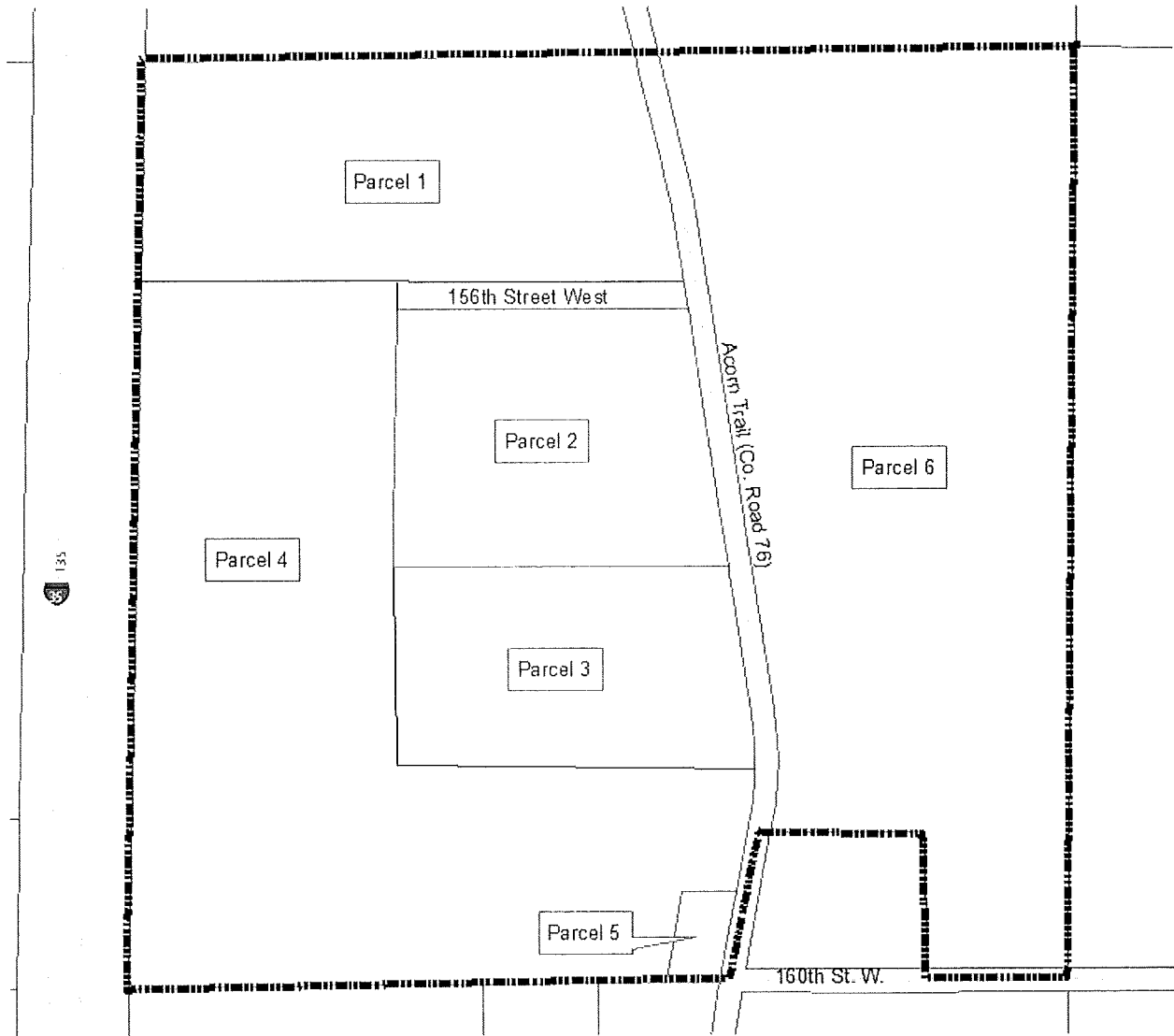
Legal description of property to be rezoned from TUD, Transitional Urban Development District to I-2, Heavy Industrial District

Parcel 6:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of Section 1 Township 110 North Range 21 West of the Fifth Principal Meridian, Rice County, Minnesota, lying East of County Road No. 76, now known as Acorn Trail; ~~EXCEPTING THEREFROM~~ that part thereof described as follows: Beginning at a point in the South line of said Southeast Quarter (SE $\frac{1}{4}$) (for purposes of this description bearings are assumed and based on said South line being South 89°33'57" West), a distance of 963.44 feet Westerly from the Southeast corner of said Southeast Quarter (SE $\frac{1}{4}$), said point being in the center line of Acorn Trail; thence North 10°36'04" East, along said center line of Acorn Trail, 430.00 feet; thence North 89°33'57" East, 474.90 feet; thence South 0°26'03" East, 422.05 feet to a point in said South line; thence South 89°33'57" West, 557.21 feet to said point of beginning. ~~SUBJECT TO~~ roads, easements and restrictions of record.

Exhibit 2

Graphic Depiction* of Property legally described in Exhibit 1



*This graphic depiction is for general reference only and should not be misconstrued as an accurate record of parcel lines.