

ORDINANCE 106, THIRD SERIES

AN ORDINANCE OF THE CITY OF KENYON REZONING A PARCEL OF LAND OWNED BY JEFFREY AND ANN TRAXLER FROM I-1 (GENERAL INDUSTRIAL) 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, Jeffrey and Ann Traxler (the "Applicant") are the fee owners of the property located at 502 Husest St. in the City of Kenyon, Goodhue County, Minnesota, with a legal description as follows:

That part of the Northwest Quarter of the Northwest Quarter of Section 9, Township 1 09 North, Range 18 West, Goodhue County, Minnesota, described as follows: Commencing at the northwest corner of said Northwest Quarter of the Northwest Quarter: thence North 89 degrees 38 minutes 06 seconds East (assumed bearing), along the north line of said Northwest Quarter of the Northwest Quarter, a distance of 1059.00 feet; thence South 00 degrees 34 minutes 08 seconds West 522.38 feet to an intersection with a line 10.00 feet southeasterly of, measured at a right angle to and parallel with the southerly line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad and the point of beginning of the land to be described: thence continuing South 00 degrees 34 minutes 08 seconds West 125.69 feet; thence South 89 degrees 25 minutes 52 seconds East 274.33 feet to the east line of said Northwest Quarter of the Northwest Quarter; thence North 00 degrees 14 minutes 47 seconds East, along said east line, a distance of 338.27 feet to an intersection with the northerly line of said former Chicago, Milwaukee, St. Paul and Pacific Railroad; thence southwesterly along said northerly line to the west line of the East 364.40 feet of said Northwest Quarter of the Northwest Quarter: thence South 00 degrees 14 minutes 47 seconds West, along said west line of the East 364.40 feet, a distance of 117.35 feet to said line 10.00 feet southeasterly of, measured at a right angle to and parallel with the southerly line of the former Chicago, Milwaukee, St. Paul and Pacific Railroad; thence North 69 degrees 51 minutes 52 seconds East, along said parallel line, a distance of 96.85 feet to the point of beginning. Containing 2.08 acres, more or less.

SUBJECT TO a 20.00 foot easement for public access and utility purposes over, under and across part of the Northwest Quarter of the Northwest Quarter of Section 9, Township 1 09 North, Range 18 West, Goodhue County, Minnesota, the centerline of which is described as follows: Commencing at the northwest corner of said Northwest Quarter of the Northwest Quarter; thence North 89 degrees 38 minutes 06 seconds East (assumed bearing), along the north line of said Northwest Quarter of the Northwest Quarter, a distance of 1059.00 feet; thence South 00 degrees 34 minutes 08 seconds West 508.18 feet: thence South 70 degrees 41 minutes 02 seconds West 96.47 feet to the west line of the East 364.40 feet of said Northwest Quarter of the Northwest Quarter and the point of beginning of the centerline to be described; thence North 70 degrees 41 minutes 02 seconds East 325.48 feet: thence North 74 degrees 32 minutes 12 seconds East 59.95 feet to the east line of said Northwest Quarter of the Northwest Quarter, said centerline there terminating. The sidelines of said easement shall be lengthened or shortened to terminate on said west line of the East 364.40 feet and on said east line of the Northwest Quarter of the Northwest Quarter.

ALSO SUBJECT TO a public road easement and all other easements and restrictions of record, if any.

(hereinafter, the "Property", with PID #66.680.0460); and

WHEREAS, the Applicant has requested that the Property be rezoned from I-1 (General Industrial) 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 October 1, 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 2021-01; and

WHEREAS, the Planning Commission recommended that the City enact an ordinance pursuant to Kenyon City Code Section 560.05 that rezones the rezoned from I-1 (General Industrial) 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) be granted by the Kenyon City Council.
4. The Planning Commission recommends that the Kenyon City Council adopt a rezoning ordinance, which accomplishes the recommendation set forth above by the Kenyon Planning Commission.

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 8th day of October, 2024.

Douglas Henke,
Mayor

ATTEST:

Holli Gudknecht,
Deputy City Clerk