

FAIRMONT CITY COUNCIL AGENDA
Special Meeting

Tuesday, November 21, 2023, 2:00 p.m.

- 1. Roll Call/Determination of Quorum**
- 2. Pledge of Allegiance**
- 3. Approval of Agenda**
- 4. Old Business**
 - 4.1 Resolution to Deny Rezone Request at 800 East Margaret Street (02)**
 - 4.2 Emergency Ordinance Establishing Study Period and Moratorium (07)**
- 5. Adjournment**



Fairmont City Council
November 21, 2023

Agenda Item: 4.1

From: Jeff O’Neill, Interim City Administrator; Peter Bode, Planner & Zoning Official
To: Mayor and City Council

Subject: Resolution to Deny Rezone Request at 800 E Margaret St

Policy/Action Requested: Approval of Resolution 2023-40.

Vote Required: Simple Majority Roll Call

Recommendation:

Overview: Following City Council’s public hearing October 23 and the motion directing staff, staff have prepared Resolution 2023-40 for denial of the rezone request at 800 E Margaret Street.

Budget Impact: *None.*

Attachments: (1) Resolution 2023-40

Council Action: _____ Date: _____

CITY OF FAIRMONT, MN
CITY COUNCIL RESOLUTION 2023-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRMONT,
MINNESOTA DENYING THE REQUEST FOR REZONING A PORTION OF
A PARCEL OF LAND AT 800 EAST MARGARET STREET IN THE CITY OF
FAIRMONT, MARTIN COUNTY, MINNESOTA FROM R-3 MULTIPLE
FAMILY RESIDENTIAL TO B-3 GENERAL BUSINESS

WHEREAS, Dale Wedel (the “Applicant”) submitted an application for the rezoning of real property located at 800 East Margaret Street (PID No. 23.038.0110), in the City of Fairmont, County of Martin, State of Minnesota (the “Property”), and;

WHEREAS, the subject Property is legally described in Finding 1 herein below, and;

WHEREAS, the Applicant requested that the Property be rezoned from R-3 Multiple Family Residential to B-3 General Business, and;

WHEREAS, pursuant to Fairmont City Code, Chapter 26, Section 26-38, the Fairmont City Planning Commission held a public hearing on October 3, 2023, after posting proper notice under the same authority, regarding the rezoning application. At said hearing, the Planning Commission recommended that the rezoning application be approved, and;

WHEREAS, pursuant to Fairmont City Code, Chapter 26, Section 26-40, the Fairmont City Council held a public hearing on October 23, 2023 after posting proper notice under the same authority, to consider the above-referenced rezoning application and the recommendation of the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL THAT the City Council, based upon its review of the rezoning application, record, evidence and testimony presented at said hearing and City Council deliberations thereon at the duly noticed City Council meetings, hereby makes and adopts the following Findings of Fact:

1. That the above recitals hereto are incorporated herein and made a part hereof by reference.
2. That the Property located at 800 Margaret Street (PID No. 23.038.0110), in the City of Fairmont, Martin County, Minnesota, is approximately 9.67 acres in area, and is legally described as follows:

See Exhibit A, which is attached hereto and incorporated herein by reference.

3. That the Property is owned by Dale Wedel and the southerly approximately one-third of the Property is currently zoned R-3 Multiple Family Residential.

4. That no error or oversight was made in the current zoning designations for the Property prior to the application for rezoning.
5. That the Fairmont Planning Commission, at its properly noticed public hearing, recommended that the rezoning application be approved.
6. That the proposed rezoning of the Property would not be consistent with the goals and objectives of the City as adopted in its 2040 Comprehensive Plan (the “Plan”) for the following reasons:
 - a. The southern approximately one-third of the Property is guided by the Comprehensive Land Use Guidance Map to be used for Mixed Use Employment Center (“MUE”) purposes. MUE guides for light and advanced manufacturing as a desired primary use. B-3 General Business, as proposed by the Applicant, does not allow for light or advanced manufacturing as MUE guides.
 - b. The southern approximately one-third of the Property is guided by the Comprehensive Land Use Guidance Map to be used for Mixed Use Employment Center (“MUE”) purposes. MUE guides for multiple family housing as a desired primary use. R-3 Multiple Family, as the southern approximately one-third of the Property is now zoned, already allows multiple family housing without the need to rezone.
7. That the proposed rezoning is not in the best interest of the physical development of the City, pursuant to Fairmont City Code, Chapter 26, Section 26-40(b) for the following reasons:
 - a. Zoning the southern approximately one-third of the Property to be B-3 General Business would represent an irregular extension of commercial zoning into an area predominantly developed as residential.
 - b. This irregular extension would conflict with the purpose of City Code to promote the orderly development of commercial, public, and residential areas.
8. That based upon the application, record, evidence, and testimony presented at the public hearing, the City Council deliberations thereon at the duly noticed City Council meetings, in addition to the Findings above, the City Council finds that the requested rezoning of the Property should be denied.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL THAT the City Council, based upon the above Findings of Fact and its review of the rezoning application, record, evidence and testimony presented at said hearing and City Council deliberations thereon at the duly noticed City Council meetings, hereby makes the following Conclusion(s):

1. That pursuant to Fairmont City Code, Chapter 26, Section 26-40 (b), the request to rezone the above-referenced and legally described Property is not in the best interest for physical development of the City of Fairmont and is hereby DENIED.

PASSED by the City Council of the City of Fairmont on this this 21st day of November 2023.

Lee C. Baarts, Mayor

ATTEST:

Patricia J. Monsen, City Clerk

EXHIBIT A

Legal Description of Property

9.67 Acre Parcel in City of Fairmont – Tract of land in South Half (1/2) of Northeast Quarter (NE 1/4) of Section Five (5), Township One Hundred Two (102) North, Range Thirty (30) West of 5th P.M., bounded & described as follows, to-wit: Beg. at point on East & West 1/16th line of Northeast Quarter (NE 1/4) of said Sec. 5, 1156.4 ft. North 89°45' East a distance of 547.95 ft. on said 1/16th line to West right of way line of Chicago, St. Paul, Minneapolis & Omaha Railroad, thence South 0°18'20" East on West right of way line a distance of 801.1 ft.; thence South 89°58' West a distance of 549.7ft.; thence North 0°10' West to point of beginning. Excepting North 33 ft. thereof conveyed to City of Fairmont for street purposes by Deed recorded in Book 288 of Deeds, Page 351. Area of parcel 9.67 acres. Subject to easement for construction, maintenance & repair of storm & sanitary sewers dated 4/28/52, recorded 5/15/52, in Book 19 of MR, Page 510 in records of Co. Recorder, Martin Co., MN.



Fairmont City Council
November 21, 2023

Agenda Item: 4.2

From: Jeff O’Neill, Interim City Administrator; Peter Bode, Planner & Zoning Official
To: Mayor and City Council

Subject: Emergency Ordinance Establishing Study Period and Moratorium

Policy/Action Requested: Approval of Ordinance No. 2023-05
Vote Required: ___ Simple Majority ___X___ Roll Call

Recommendation:

Overview: Following City Council’s public hearing October 23 and the motion directing staff, staff have prepared Emergency Ordinance 2023-05 establishing a land use study in the area south of Margaret Street and north of Winnebago Avenue and placing a moratorium on development there. This moratorium as drafted allows time for the results of the study and potential changes to the 2040 Comprehensive Plan to occur.

Staff present two options:

1. Establishing the study and moratorium applicable to a smaller area of land as Council’s October 23 motion directs.
2. Establishing a larger area of study – encompassing all undeveloped commercial parcels between Margaret Street and Winnebago Avenue.

Maps of the two options appear at the end of the attached ordinance.

Budget Impact: *None.*

Attachments: (1) Emergency Ordinance 2023-05

Council Action: _____ Date: _____

ORDINANCE NO. 2023-05

AN EMERGENCY INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES, SECTION 462.355, SUBD. 4, ESTABLISHING A STUDY PERIOD AND MORATORIUM FOR A PERIOD UP TO TWELVE MONTHS ON DEVELOPMENT WITHIN CERTAIN PROPERTY LOCATED IN THE CITY OF FAIRMONT

Preamble: That on October 23, 2023, the City Council considered and passed a motion to instruct the Planning Commission to consider amending the Comprehensive Plan and to authorize a study of the impacts and effects of existing, expanded or new commercial development within that certain property area depicted in Exhibit A in the City of Fairmont for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate.

That City Charter, Section 3.05 requires that no ordinance shall be adopted at the same meeting in which it is introduced, except for an emergency ordinance. That Council has determined that any additional proposals for development within the above identified property area within the existing zoning districts brought forward during the period prior to final adoption and publication of this interim ordinance will be detrimental to the referenced study and may therefore negatively impact the City's ability to consider and modify regulations for such uses for the preservation of the public health, safety and welfare and the City's planning process.

To forestall additional development proposals for uses identified for the property area identified herein from being brought forward prior to the City adopting the above-referenced moratorium and thereby undermining or negatively impacting the City's study, regulatory and planning processes, immediate consideration and action by the City Council is necessary pursuant to City Charter, Section 3.06, Emergency Ordinances, to preserve and protect the public peace, health, morals, safety and welfare.

THE CITY COUNCIL OF THE CITY OF FAIRMONT DOES ORDAIN:

SECTION 1. Purpose and Intent. The purpose and intent of this Ordinance is to prohibit expanded or new development within the property area depicted in Exhibit A in the City of Fairmont (City) for the purpose of researching, studying, and considering the impacts and potential impacts on the City's official zoning controls relating to present and future land uses, and development or redevelopment within the property area identified herein in order to determine the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate.

SECTION 2. Preliminary Findings. The City Council hereby makes the following preliminary findings to serve as the basis for the necessary study to be made during the moratorium period provided in this Ordinance. These preliminary findings serve as the reasons

why it is in the public interest for the City to conduct a study and so declare a moratorium by virtue of this Ordinance:

1. There are expressed concerns regarding the City's official zoning controls relating to present and future land uses, and development or redevelopment of the property area identified herein, including but are not limited to, compatibility of such development under current zoning with existing and future uses, and planned future land uses within and around the property area identified in Exhibit A.
2. The current regulations and official controls of the City may not adequately address the impacts and effects of existing, expanded or new development within the property area identified in Exhibit A.
3. The City needs to research, analyze and study the impacts of such uses in relationship to the comprehensive plan or to determine the adequacy and effectiveness of current regulations in protecting the public health, safety and welfare of the community.
4. The public interest and public health, safety and welfare requires that the City study, analyze and evaluate the impacts and effects of existing, expanded or new development within the property area identified in Exhibit A for the purpose of determining the adequacy and effectiveness of existing ordinances and regulations, or if additional or changed City ordinances or regulations, or amendments to the City's comprehensive plan, are necessary or appropriate.
5. This moratorium will ensure that any ordinance changes or comprehensive plan amendments will be carefully considered and evaluated and that all the issues, including, but not limited to, density, traffic, parking, and land uses can be fully examined, while protecting the City's planning process and the public health safety and welfare during the moratorium period.

SECTION 3. Moratorium Declaration. In accordance with the findings set forth in Section 2, and pursuant to the authority of Minn. Stat. § 462.355, subd. 4, for the duration stated herein and until the City has studied and adopted any ordinances or amendments to its comprehensive plan deemed necessary or appropriate related to the aforementioned purpose, intent and findings of this Ordinance, the City shall not accept, issue or process any applications or permits for expanded or new development within the property area as depicted in Exhibit A within the City.

SECTION 4. Study. During the period of this moratorium, City staff will conduct a study; such study to help determine the regulatory controls that may need to be adopted or revised to protect the public's health, safety and welfare related to the aforementioned purpose, intent and findings. In addition, the City staff shall study the comprehensive plan to determine whether an amendment to the comprehensive plan is necessary or appropriate.

SECTION 5. Duration. Unless otherwise provided in this section, this Ordinance shall expire, without further City Council action, twelve months from the effective date of this

Ordinance 2023-05

Ordinance following its passage by the City Council pursuant to Minn. Stat. § 462.355, subd. 4; or it may be repealed earlier if the Council determines that no further study is necessary, that no further action is necessary, and/or any revisions of the City Code or Comprehensive Plan have been adopted by the City Council and are effective.

SECTION 6. Separability. Every section, provision, or part of this Ordinance is declared separable from every other section, provision or part; and if any section, provision, or part thereof or action taken hereunder shall be held invalid, it shall not affect any other section, provision, or part.

SECTION 7. Effective Date. That this ordinance shall take effect immediately upon its adoption and publication.

Passed by the City Council of the City of Fairmont this 21st day of November 2023.

Lee C. Baarts, Mayor

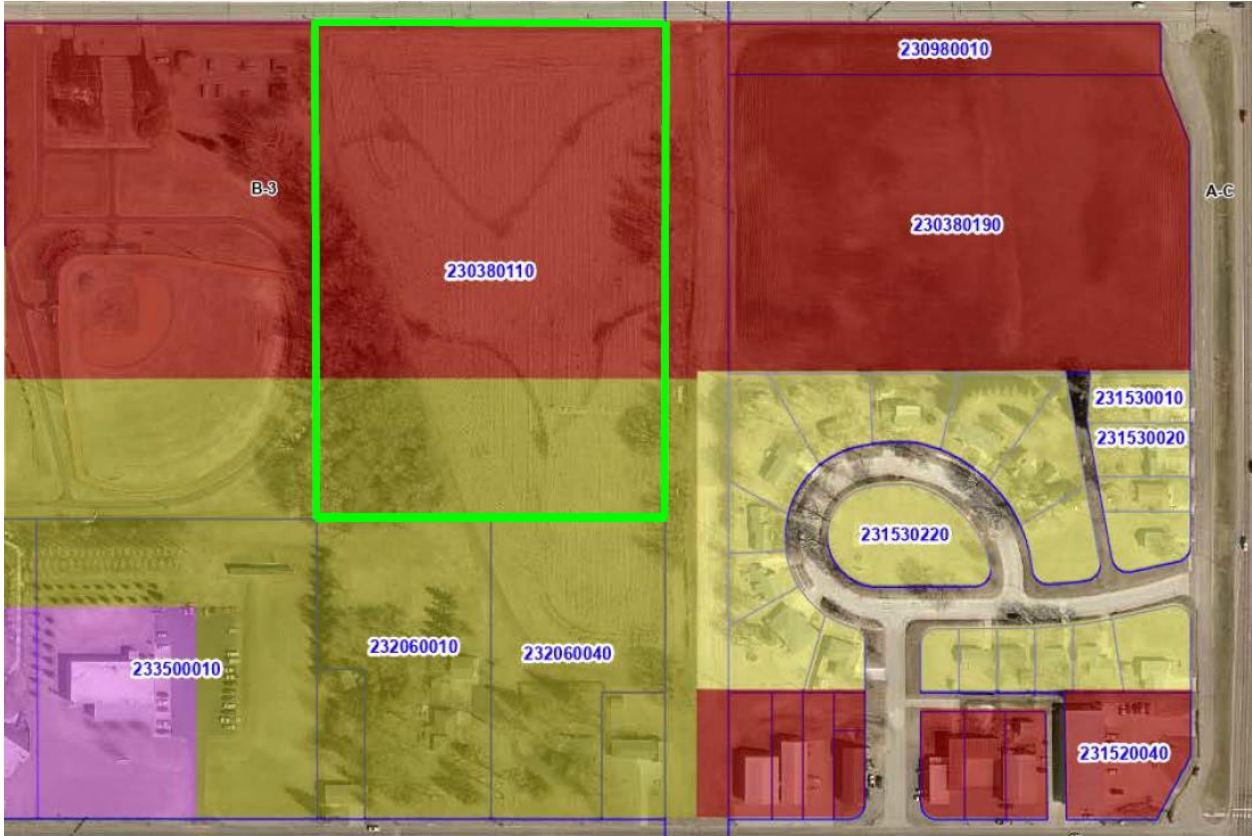
ATTEST:

Patricia J. Monsen, City Clerk

Motion by:
Seconded by:
All in Favor:
Opposed:
Abstained:
Absent:

EXHIBIT A

**DEPICTION OF PROPERTY AREA
WITHIN GREEN BORDER**



ORDINANCE NO. 2023-05

AN EMERGENCY INTERIM ORDINANCE PURSUANT TO MINNESOTA STATUTES, SECTION 462.355, SUBD. 4, ESTABLISHING A STUDY PERIOD AND MORATORIUM FOR A PERIOD UP TO TWELVE MONTHS ON DEVELOPMENT WITHIN CERTAIN PROPERTY LOCATED IN THE CITY OF FAIRMONT

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That City Charter, Section 3.05 requires that no ordinance shall be adopted at the same meeting in which it is introduced, except for an emergency ordinance. That Council has determined that any additional proposals for development within the above identified property area within the existing zoning districts brought forward during the period prior to final adoption and publication of this interim ordinance will be detrimental to the referenced study and may therefore negatively impact the City's ability to consider and modify regulations for such uses for the preservation of the public health, safety and welfare and the City's planning process.

To forestall additional development proposals for uses identified for the property area identified herein from being brought forward prior to the City adopting the above-referenced moratorium and thereby undermining or negatively impacting the City's study, regulatory and planning processes, immediate consideration and action by the City Council is necessary pursuant to City Charter, Section 3.06, Emergency Ordinances, to preserve and protect the public peace, health, morals, safety and welfare.

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1. There are expressed concerns regarding the City's official zoning controls relating to present and future land uses, and development or redevelopment of the property area identified herein, including but are not limited to, compatibility of such development under current zoning with existing and future uses, and planned future land uses within and around the property area identified in Exhibit A.
2. The current regulations and official controls of the City may not adequately address the impacts and effects of existing, expanded or new development within the property area identified in Exhibit A.
3. The City needs to research, analyze and study the impacts of such uses in relationship to the comprehensive plan or to determine the adequacy and effectiveness of current regulations in protecting the public health, safety and welfare of the community.
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Ordinance 2023-05

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Lee C. Baarts, Mayor

ATTEST:

Patricia J. Monsen, City Clerk

Motion by:
Seconded by:
All in Favor:
Opposed:
Abstained:
Absent:

EXHIBIT A

**DEPICTION OF PROPERTY AREA
WITHIN GREEN BORDER**

