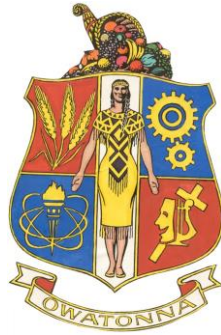


THE CITY OF



OWATONNA

Greg Kruschke
Community Development Manager

540 West Hills Circle
Owatonna, MN 55060-4794
Phone: (507) 774-7317
Fax: (507) 444-4394
Email: Greg.Kruschke@ci.owatonna.mn.us

DATE: April 15, 2021
TO: Mayor and City Council
FROM: Community Development Dept. – Greg Kruschke
SUBJECT: Setback Variance Request - Owatonna Pearl LLC

Purpose:

Council to approve Resolution 55-21 for approval of Application No. V-1446. This is a request by Owatonna Pearl LLC for a rear setback variance of 6' where a 12' setback from the north property line is required for a new structure.

Background:

See Attached.

Budget Impact:

None.

Staff Recommendation:

Staff recommends approval of Resolution 55-21.

RESOLUTION NO. 55-21
A RESOLUTION APPROVING VARIANCE V-1446

WHEREAS, Owatonna Pearl LLC, a request for a rear setback variance of 6' where a 12' setback from the north property line is required for a new structure and legally described as follows:

Lot 2, Block 1, Pearl Courtyard Addition, Steele County, Minnesota; and

WHEREAS, The Planning Commission held a public hearing on April 13, 2021 and recommended approval of V-1446; and

WHEREAS, on April 20, 2021, the City Council accepted and approved Variance V-1446, as the same was approved and recommended by the Planning Commission of the City; and

WHEREAS, the City Council concurs with all of the findings of the Planning Commission and hereby makes the identical findings as referenced in the V-1446 Staff Report.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna, Minnesota:

1. That said conditional use permit is in accordance with and conformity to the plans and regulations established by the City and the comprehensive plan for the development of the City.
2. That said conditional use permit be and the same hereby is approved with the following conditions:
 - a) There shall be no additional encroachments on the north side of the building.
 - b) All building codes shall be met.
3. That the Clerk cause a certified copy of this resolution to be filed in the office of the County Recorder of Steele County, Minnesota.

Passed and adopted this ____ day of _____, 2021 with the following vote:

Aye___; No___; Absent___.

Approved and signed this ____ day of _____, 2021.

Thomas A. Kuntz, Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk

April 9, 2021

To: Planning Commission

From: Community Development Department

RE: Application No. V-1446 by Owatonna Pearl LLC, a request for a rear setback variance of 6' where a 12' setback from the north property line is required for a new structure.

Application Review:

Applicant/Owner: Owatonna Pearl LLC

Location of Property: 130 Pearl Street E

Zoning Map: B-3, Central Business District

Zoning Ordinance: Section 157.028 (B) states that all principal structures shall be located a minimum of 12' from the rear property line within the B-3, Central Business District.

Report Attachments:

1. Location Map
2. Aerial Photo
3. Site Plan
4. Construction Plans
5. Application Letter

Proposed Development:

- ◆ Application No. V-1446 by Owatonna Pearl LLC, a request for a rear setback variance of 6' where a 12' setback from the north property line is required for a new structure.
- ◆ The applicant is proposing to construct a 43 unit apartment building.
- ◆ Due to soil conditions in the SE corner of the lot the applicant had to redesign the building.
- ◆ Due to the redesign and the layout of the building the applicant is requesting a 6' rear setback along the alley.
- ◆ This variance is only for the building width along the north property line. The width is approximately 65'.
- ◆ The applicant is trying to maximize the greenspace in front of the building to provide for the tenants.
- ◆ The downtown area only has a 12' rear setback required.
- ◆ State Statute requires that the applicant show a practical difficulty in order to be granted a variance. You also need to show that the variance requested is the minimum amount necessary to accomplish what is needed.
- ◆ A variance must stand on its own merits and may not be compared to other situations in which variances were granted.
- ◆ According to the ordinance, the Planning Commission shall make findings of fact base on the following.

- ❖ That particular physical surroundings, shape, or topographical conditions of the specified parcel of land involved.
- ❖ That the condition involved is unique to the particular parcel of land involved.
- ❖ That the alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the parcel.
- ❖ That the granting of the variation will not be detrimental to the public welfare or injurious to other land or improvements to the neighborhood.
- ❖ That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or interfere with the function of the Police and Fire Departments of the City.

Staff Review:

Staff is recommending approval of Application No. V-1446 by Owatonna Pearl LLC, a request for a rear setback variance of 6' where a 12' setback from the north property line is required for a new structure with the following provisions.

- 1) There shall be no additional encroachments on the north side of the building.
- 2) All building codes shall be met.

Planning Commission:

Application No. V-1446, which is a request by Owatonna Pearl LLC for a rear setback variance of 6' where a 12' setback from the north property line is required for a new structure, was presented by Community Development Manager Greg Kruschke. (Refer to report on file.) Public hearing opened at 5:41 pm. David Dow asked where on the lot the building is located. Kruschke said that the parking lot is on the east side of the building. Mr. Dow said that was his only concern. Public hearing closed at 5:42 pm. Meillier asked if the setback was to the middle of the alley. Kruschke said that it is to the property line. Eickhoff asked if there were any maintenance concerns. Kruschke said no, but this gives them more room than they've had along the alleys. Garages have been within 5 feet of that property line in the past. Mr. Dow asked about the soil conditions. Kruschke said it's a pocket in the parking lot area. It surprised everyone as the downtown is usually sandy. Mr. Dow asked if there would be any concerns for his parking lot. Kruschke said there would not be; this was just an unfortunate pocket of bad soils that is unsuitable to build a building on. A motion was made by Rooks and seconded by Meier to recommend City Council approval of Application No. V-1446 by Owatonna Pearl LLC, a request for a rear setback variance of 6' where a 12' setback from the north property line is required for a new structure with the following provisions:

- 1) There shall be no additional encroachments on the north side of the building.
- 2) All building codes shall be met.

All Commissioners voting Aye, the motion carried.

Application for Variance

City of Owatonna, Minnesota
Planning and Zoning Department
540 West Hills Circle
(507) 444-4340

Address of Property: East Pearl Street (Parcel 17-100-2003)

Legal Description: Lots 4-7, Block 20 Plat of the Town of Owatonna

Owner: Name: Uptown Owatonna, LLC Attn: Ari Kolas

Address: 4057 28th Street NW, Suite 200, Rochester, MN 55901

Email: ari@hamiltonmnre.com Phone: (507) 271-5553

Applicant: Name: Same as Owner

Address: _____

Email: _____ Phone: _____

Present Zoning: Central Business District

Application is hereby made for a Variance on the above described property in accordance with the conditions as set forth in Zoning Ordinance No. 827 as follows in application:

Requesting variance for setback to 6 ft along the north side of the property. Due to poor soil conditions on the site, the building was redesigned to reduce the amount of soil corrections required. The poor soil conditions present a hardship that is unique to the property. The proposed apartment building will match the character of the surrounding properties.

Applicant's Signature 

Date 3-30-21

Variance Fee – Single Family: \$200.00 / Other: \$300.00 / After the Fact: \$400.00 Receipt No. _____

Date Received by Zoning Administrator: _____

Date on Planning Commission Agenda: _____

The action requested in the foregoing petition was: Approved Disapproved Postponed to: _____

Subject to the following conditions: _____

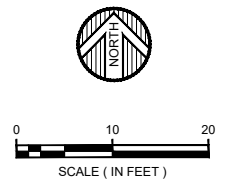
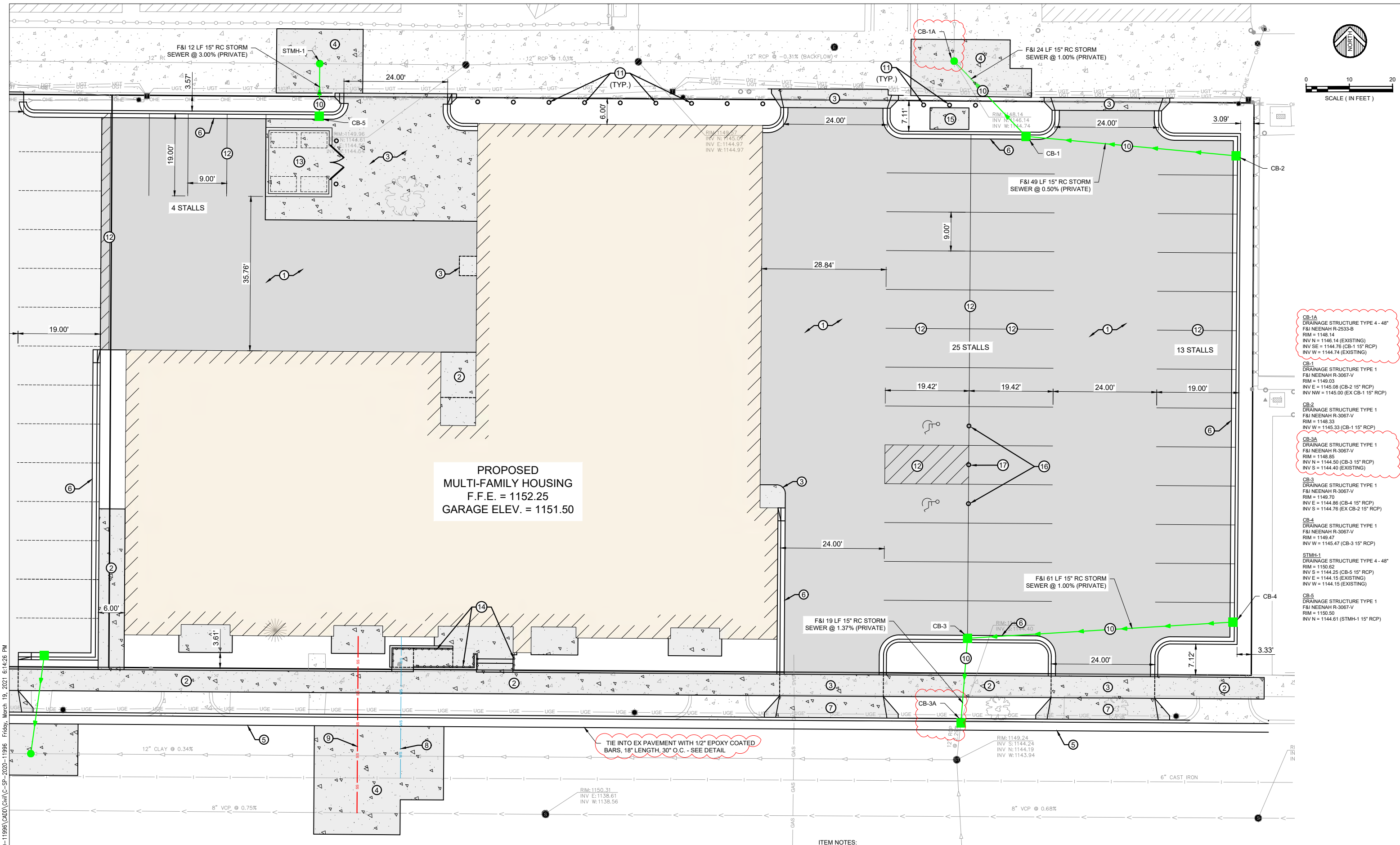
Date on City Council Agenda: _____

The action requested in the foregoing petition was: Approved Disapproved Postponed to: _____

Subject to the following conditions/amendments(s): _____

ATTEST: _____

City Representative



**PROPOSED
MULTI-FAMILY HOUSING**
F.F.E. = 1152.25
GARAGE ELEV. = 1151.50

TIE INTO EX PAVEMENT WITH 1/2" EPOXY COATED BARS, 18" LENGTH, 30" O.C. - SEE DETAIL

EXISTING FEATURES LEGEND

	DENOTES EXISTING SANITARY SEWER		DENOTES EXISTING SANITARY MANHOLE
	DENOTES EXISTING STORM SEWER		DENOTES EXISTING STORM MANHOLE
	DENOTES EXISTING WATER MAIN		DENOTES EXISTING STORM CATCH BASIN
	DENOTES EXISTING WATER SERVICE		DENOTES EXISTING WATER VALVE
	DENOTES EXISTING SANITARY SERVICE		DENOTES EXISTING HYDRANT
	DENOTES EXISTING EASEMENT		DENOTES EXISTING GAS METER
	DENOTES EXISTING PROPERTY BOUNDARY		DENOTES EXISTING ELECTRIC POLE
	DENOTES EXISTING LOT LINE		DENOTES EXISTING TELEPHONE PEDISTAL
	DENOTES EXISTING OVERHEAD ELECTRIC		DENOTES EXISTING ELECTRIC LIGHT POLE
	DENOTES EXISTING UNDERGROUND TELEPHONE		DENOTES EXISTING CONCRETE
	DENOTES EXISTING UNDERGROUND GAS		DENOTES EXISTING TREE

	EXISTING	PROPOSED
IMPERVIOUS	0.31 ACRES	0.91 ACRES
PERVIOUS	0.69 ACRES	0.09 ACRES
TOTAL LOT AREA	1.00 ACRES	
TOTAL DISTURBED AREA	1.14 ACRES	
TOTAL INCREASE IN IMPERVIOUS	0.60 ACRES	

PROPOSED FEATURES LEGEND

	DENOTES PROPOSED CONCRETE PAVING
	DENOTES PROPOSED BITUMINOUS
	DENOTES PROPOSED BUILDING
	DENOTES PROPOSED WATER SERVICE
	DENOTES PROPOSED SANITARY SERVICE
	DENOTES PROPOSED STORM SEWER
	DENOTES PROPOSED STORM MANHOLE
	DENOTES PROPOSED BOLLARD (SEE DETAIL)
	4" SOLID LINE YELLOW - PAINT
	TRASH ENCLOSURE - SEE ARCHITECTURAL
	HANDRAIL
	TRANSFORMER PAD
	ACCESSIBLE PARKING SIGN - BOLLARD TYPE (SEE DETAIL)
	NO PARKING SIGN - BOLLARD TYPE (SEE DETAIL)

ITEM NOTES:

- 1 BITUMINOUS PAVEMENT - SEE TYPICAL SECTION
- 2 CONCRETE SIDEWALK - 4" THICKNESS (SEE TYPICAL SECTION)
- 3 CONCRETE PAVEMENT - 7" THICKNESS (SEE TYPICAL SECTION)
- 4 CONCRETE PAVEMENT - 8" THICKNESS (SEE TYPICAL SECTION)
- 5 B-624 CONCRETE CURB AND GUTTER (TIE INTO EX PAVEMENT WITH 1/2" EPOXY COATED BARS, 18" LENGTH, 30" O.C.)
- 6 B-612 CONCRETE CURB AND GUTTER
- 7 CONCRETE DRIVE APPROACH - TYPE A (SEE DETAIL)
- 8 F&I 6" D.I.P. WATER SERVICE (CL52 - AWWA C151)
- 9 F&I 6" PVC SANITARY SERVICE @ MIN. 1.0% (SCH. 40 PVC - ASTM D2665)
- 10 PROPOSED RCP STORM SEWER
- 11 BOLLARD (SEE DETAIL)
- 12 4" SOLID LINE YELLOW - PAINT
- 13 TRASH ENCLOSURE - SEE ARCHITECTURAL
- 14 HANDRAIL
- 15 TRANSFORMER PAD
- 16 ACCESSIBLE PARKING SIGN - BOLLARD TYPE (SEE DETAIL)
- 17 NO PARKING SIGN - BOLLARD TYPE (SEE DETAIL)



ALL UNDERGROUND AND OVERHEAD UTILITY LOCATIONS SHOWN ARE APPROXIMATE. THERE MAY BE ADDITIONAL UNDERGROUND AND OVERHEAD UTILITIES NOT SHOWN ON THE PLAN THAT MAY BE REQUIRED TO BE REMOVED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REQUEST A GOPHER STATE ONE CALL PRIOR TO THE START OF ANY CONSTRUCTION AND COORDINATE ALL WORK WITH THE RESPECTIVE UTILITY COMPANIES.

PROPOSER: HAMILTON REAL ESTATE INC
4057 28TH ST NW #200
ROCHESTER, MN 55901
CONTACT: MAC HAMILTON
PH: (507) 281-1002
EMAIL: MAC@HAMILTONMRE.COM

ARCHITECT: CRW ARCHITECTURE
211 11TH AVE NW
ROCHESTER, MN 55901
CONTACT: JOSE RIVAS
PH: (507) 206-6201
EMAIL: JRVAS@CRWARCHITECTURE.COM

CIVIL ENGINEER: WIDSETH SMITH NOLTING
3777 40TH AVE NW, SUITE 200
ROCHESTER, MN 55901
CONTACT: CRAIG BRITTON
PH: (507) 292-8743
EMAIL: CRAIG.BRITTON@WIDSETH.COM

PROJECT NUMBER	2020-11996
DATE	02-26-2021
DRAWN BY	B.R.B.
CHECKED BY	C.N.B.
ISSUE / REVISION HISTORY	
CITY COMMENTS 3/19/2021	

SITE & UTILITY PLAN
SHEET NUMBER

C3.0



211 eleventh avenue nw
rochester, mn 55901
p. 507.206.6201
f. 507.206.4621
www.crwarchitecture.com

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

WE HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, AND CONTRACT DOCUMENTS WERE PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 03-01-2021 LIC. NO. 4428

**PEARL STREET
MULTI-FAMILY HOUSING
OWATONNA, MINNESOTA**

Adam Pleschour, J. Hamilton Real Estate, Inc. - 35526/2020-11996/CADD/Civil/SP-2020-11996 Friday, March 19, 2021 6:14:26 PM