



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
Deanna Kuennen, Community & Economic Development
Director
FROM: Peter Waldock, AICP, Planning Coordinator
MEETING DATE: May 14, 2019
SUBJECT: Resolution 2019-099 Approve a One Year Extension for
O'Reilly Auto Parts Driveway Variance at 424 3rd Avenue
NW

Background:

On May 22, 2018, the City Council approved Resolution 2018-106, which granted O'Reilly Auto Enterprises LLC., a variance to allow a proposed driveway for a retail store to be located 40' from the curb line of 4th Street NW where 50' is the minimum required for commercial development on a site located at 424 3rd Avenue NW (AKA 308 4th Street NW).

Due to unforeseen delays in the start of construction, the applicant has requested a time extension that would allow the variance to remain valid until May 22, 2020. The applicants plan to start construction this summer and in process of selecting a contractor for the project and completing a building permit application in the coming weeks and starting construction as soon as possible thereafter.

Recommendation:

Staff recommends the City Council approve Resolution 2019-099 to Approve a One Year Extension for O'Reilly Auto Parts Driveway Variance at 424 3rd Avenue NW

Attachments:

- Resolution 2019-099
- Resolution 2018-106
- Email from Wes Weimer of Anderson Engineering

CITY OF FARIBAULT

RESOLUTION #2019-099

APPROVE A ONE YEAR EXTENSION FOR O'REILLY AUTO PARTS DRIVEWAY VARIANCE AT 424 3RD AVENUE NW

WHEREAS O'Reilly Auto Enterprises LLC., applicant and property owner, requested a variance to allow a proposed driveway for a retail store to be located 40' from the curb line of 4th Street NW where 50' is the minimum required for commercial development on a site located at 308 4th Street NW and legally described in Exhibit A:

WHEREAS, the City Council on May 22 2018, approved Resolution 2018-106, which approved said variance; and

WHEREAS, Section 2-330 of the Faribault Unified Development Ordinance states that if substantial development or construction has not taken place within one (1) year of the date of approval the variance shall be considered void unless a petition for a time extension has been granted by the City Council; and

WHEREAS, Wes Weimer of Anderson Engineering Consultants, on behalf of the Applicant, submitted a request for extension to the City, dated May 9, 2019 requesting an extension to complete an application for a building permit and commence construction this year for a new retail store as approved; and

WHEREAS, based on said request by the applicant, the City Council hereby finds that approving an extension of the approval for one year to allow the applicant more time for substantial development or construction to take place associated with said variance is appropriate.

NOW, THEREFORE BE IT RESOLVED that a one year extension to May 22, 2020 to allow the applicant to complete substantial improvements associated with said variance approved by Resolution 2018-108 and at 424 3rd Avenue NW (AKA 308 4th Street NW) is hereby approved.

Date Adopted: May 14, 2019

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

[Space Reserved for Recording]

*State of Minnesota
County of Rice*

CITY OF FARIBAULT

RESOLUTION #2018-106

APPROVING A VARIANCE FROM COMMERCIAL DRIVEWAY SEPARATION REQUIREMENTS FOR O'REILLY AUTO PARTS AT 308 4TH STREET NW

WHEREAS, Scott Kraus, on behalf O'Reilly Auto Enterprises LLC., applicant and property owner, has requested a variance to allow a proposed driveway for a retail store to be located 40' from the curb line of 4th Street NW where 50' is the minimum required for commercial development on a site located at 308 4th Street NW and legally described in Exhibit A:

WHEREAS, City Staff has completed a review of the application and made a report pertaining to said request (VAR 12-18), a copy of which has been presented to the City Council; and

WHEREAS, the Planning Commission, on the 7th day of May, 2018, following proper notice, held a public hearing regarding the request, and following said public hearing made findings and recommended that the City Council approve the request; and

WHEREAS, the City Council, on the 22nd day of May, 2018, at a public meeting considered the request; and

WHEREAS, following said public hearing, the Planning Commission recommended approval of the requested variance based on the following findings as required by Section 2-460 of the City of Faribault, Unified Development Ordinance as follows:

- 1. The variance is in harmony with the general purposes and intent of the City's ordinances.**

The variance if granted is in line with general purposes and intent of the ordinance.

2. The variance is consistent with the Comprehensive Plan.

The proposal is consistent with the Comprehensive Plan by developing an under used vacant lot.

3. The applicant proposes to use the property in a reasonable manner not permitted by the City's ordinances.

The installation of the proposed driveway is reasonable under circumstances due to the existing conditions on the site related to the location of fiber optic line through the site that was not created by the applicant in this case.

4. Unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owner of the property has not had control.

It is the finding of the Planning Commission that the site is developed with an existing fiber optic line through the center of the site and it is not practical to move and caused the site development to shift to the south.

5. The variance does not alter the essential character of the neighborhood.

The proposed driveway location will not affect the character of the neighborhood.

6. The variance requested is the minimum variance which would alleviate the practical difficulties.

The site plan as proposed provides the minimum practical variance from the driveway separation requirement from the curb line on 4th Street in this case.

7. Economic conditions alone do not constitute practical difficulties

Economic conditions are not a factor in this application.

WHEREAS, the City Council concurs with all of the findings of the Planning Commission as stated in the above recitals and hereby makes the identical findings.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY FARIBAULT, MINNESOTA AS FOLLOWS:

Section 1: Incorporation of Recitals and Exhibits. The recitals set forth in this Resolution and the Exhibits attached hereto are incorporated into and made a part of this Resolution.

Section 2: Approval of the Variance. A variance to allow a commercial driveway to be constructed 40 feet from the curb line on 4th Street NW where 50 feet is required in Section 8-140, of the Unified Development Ordinance. A variance from the aforementioned requirement is hereby approved subject to conditions as set forth in Section 3 of this resolution. Said approval is based on the forgoing recitals, which are incorporated herein by reference, and constitute the findings of the City Council in accordance with Section 2-460 of the City of Faribault, Unified Development Ordinance.

Section 3: Conditions of Approval. The variance shall be approved subject to conditions listed herein as authorized under Section 2-470 of City's Unified Development Ordinance, all of which are necessary to comply with the standards established by the City's ordinances, or to reduce or minimize the effect of such variance upon other properties in the neighborhood and to better carry out the intent of the variance. The conditions of the variance approval are as follows:

1. The Development shall be subject to Site Plan Approval in accordance with the requirements of Chapter 4 of the Unified Development Ordinance.
2. Access to the site shall be limited to 3rd Avenue NW and 5th Street NW. No driveway access shall be authorized from 4th Street NW (Highway 60).

Section 4: This resolution shall become effective immediately upon its passage and without publication.

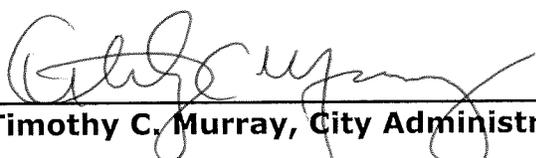
Date Adopted: May 22, 2018

Faribault City Council



Kevin F. Voracek, Mayor

ATTEST:



Timothy C. Murray, City Administrator

Exhibit A

Legal Description

PROPERTY DESCRIPTION

Lots 1, 2, 3, 9, and 10, Block 37, in the Original Town (now City) of Faribault, Rice County, Minnesota.

Subject to easements, restrictions, or reservation of record, if any.

From: [Wes Weimer, EI](#)
To: [Peter Waldock](#)
Cc: "[Ben Strehlow](#)"; pengel@andersonengineeringinc.com
Subject: O'Reilly Auto Parts - Faribault, MN - Variance Extension
Date: Thursday, May 09, 2019 4:06:10 PM

Peter,

Thank you for speaking with me regarding the O'Reilly Auto Parts on 4th st.

As mentioned, O'Reilly would like to request an extension on the Driveway Variance.

O'Reilly is in the process of obtaining a Building Permit.

Please let me know if you have any questions or need any additional information.

Thank you,

Wes Weimer, EI
Design Engineer



2045 W Woodland, Springfield MO 65807
417-866-2741 Office



Anderson Engineering, Inc. does not assume any liabilities for unauthorized alterations to the information contained herein, and grants a temporary license to the recipient of this email for the use of material contained in any attached files for development of recipient's work. Anderson Engineering, Inc. does not warrant the accuracy of any information contained in these emailed files, but Anderson Engineering, Inc. retains all rights to the use of the emailed material. The information contained in this email, including any attachments, is privileged, confidential and intended for the sole use of the individual or entity to whom it is addressed. It is the responsibility of the addressee to scan for any computer viruses or other defects. The sender does not accept liability for any loss or damage of any nature which may result from this email or any attached file. If you are not the intended recipient, you are notified that any use, distribution or copying of the message is strictly prohibited and may subject you to criminal or civil penalties. If you have received this email in error, please notify the sender immediately by reply email then delete any printed or electronic copies. This communication and any attachments are confidential, protected by Communications Privacy Act 18 USCS § 2510, solely for the use of the intended recipient, and may contain legally privileged material. If you are not the intended recipient, please return or destroy it immediately. Thank you.