



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Deanna Kuennen, Com & Econ Dev Director
MEETING DATE: April 13, 2021
SUBJECT: Resolution 2021-069 Deny a Request for a One Year Extension of Variance Approvals at 400 Western Avenue

Background:

On May 22, 2018, the City Council approved Resolution 2018-078, which granted variances from the setback and flood fringe buffer requirements of the City's Unified Development Ordinance (UDO) related to a proposed development at 400 Western Avenue. On May 14, 2019 the City Council approved Resolution 2019-100 granting a one-year extension. Again, on May 12, 2020, the City Council approved Resolution 2020-079 granting another one-year extension of the variance request. The owner has once again requested another one-year extension of the 2018 variances for the site.

No development plans have been submitted and the owner does not have a purchase contract for the site at this time. In an email dated March 5, 2021, the Owner requested another one-year extension of the variance approvals, which if approved would allow the Owner to continue market the property with the approved variances until May 22, 2022. Although the City Council has been willing to grant extensions to allow property owners adequate time to proceed with the development, this is the third extension request and will be four years since the original approval if the site is not developed until next year.

The Development Review Committee (DRC) considered this request at its meeting of March 23, 2021. The DRC found that repeated extensions are not appropriate for the following reasons:

- The MN DOT is in the process of designing improvements to the intersection of Highway 60 and Western Avenue. This may result in a new right turn lane from Western Avenue to west bound Highway 60 that could affect this site, ultimately requiring the proposed development plan approved in 2018 for this site to be altered.

- Unless the developers build the identical plan that was proposed by others and approved by the City in 2018, they will need to apply for new variances anyway (even if an extension was granted).
- Variances approvals do not carry over to new plans and different land uses which all must be reviewed per the appropriate ordinance sections and requirements.

For these reasons, the DRC recommends denial of the extension request.

Recommendation:

Adopt Resolution 2021-069 Denying a request for a one-year extension of variances granted at 400 Western Avenue in 2018.

Note. Should the City Council wish to approve the requested one-year extension, the matter should be tabled until the City Council meeting of April 27, 2021 in order for staff to prepare the appropriate approval resolution for adoption.

Attachments:

- Resolution 2021-069
- Supporting Documents and Plans

State of Minnesota
County of Rice

CITY OF FARIBAULT

RESOLUTION #2021-069

DENY A REQUEST FOR A ONE YEAR EXTENSION OF VARIANCE APPROVALS AT 400 WESTERN AVENUE

WHEREAS, the City Council on May 22, 2018, adopted Resolution 2018-078 Approving an Application for Setback Variances and Flood Fringe Buffers at 400 Western Avenue, legally described as follows:

**Lot 1, Block 1, Shoppes at 60 & Western, Faribault, Rice
County, Minnesota**

WHEREAS, the City Council on May 14 2019, approved Resolution 2019-100, which granted a one (1) year extension of said variances; and

WHEREAS, the City Council on May 12, 2020, approved Resolution 2020-079 that once again approved a one (1) year extension of the variances at this site; and

WHEREAS, Section 2-480 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 of the variances, such variances shall be considered void unless a petition for a time extension has been granted by the City Council; and

WHEREAS, the development contemplated in Resolution 2018-078 and as extended by Resolution 2019-100 and further extended by Resolution 2020-079 has not yet proceeded and variance approvals associated with the proposed development are set to expire on May 22, 2020; and

WHEREAS, the Owner of the subject property identified in the first recital of this Resolution submitted request to the City of Faribault, dated March 5, 2021, requesting another one-year extension of the variance approvals associated with Resolution 2018-078; and

WHEREAS, on March 23, 2021 the City's Development Review Committee (DRC) discussed this request and noted that the Minnesota Department of Transportation was studying the intersection adjoining the subject site for possible turn lane improvements that could affect the site; and

WHEREAS, the DRC noted that the variances granted for the site are for a specific development plan and any changes to the plan will require new variance applications and approvals; and

WHEREAS, based on the aforementioned concerns, the DRC recommends denial of the requested one-year extension of variances at the subject site; and

WHEREAS, in light of the concerns noted by the DRC, the City Council hereby finds that approving another one-year extension of variances first granted at the subject site on May 22, 2018 is not in the public interest.

NOW, THEREFORE BE IT RESOLVED that the requested one-year extension of variances first approved by Resolution 2018-078 at 400 Western Avenue, legally described in the first recital of this Resolution, is hereby denied.

Date Adopted: April 13, 2021

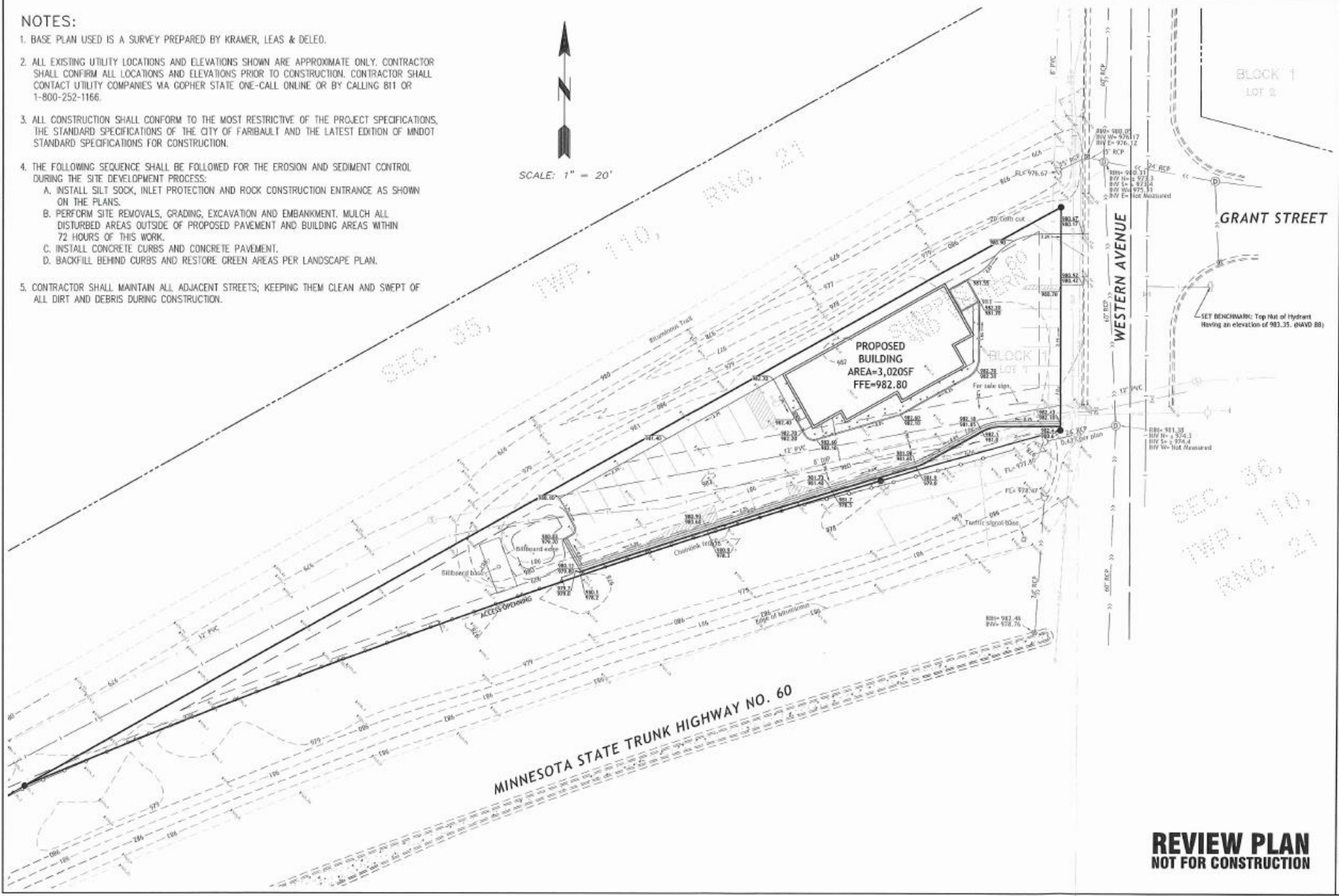
Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

- NOTES:**
1. BASE PLAN USED IS A SURVEY PREPARED BY KRAMER, LEAS & DELEO.
 2. ALL EXISTING UTILITY LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE ONLY. CONTRACTOR SHALL CONFIRM ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT UTILITY COMPANIES VIA COPPER STATE ONE-CALL ONLINE OR BY CALLING 811 OR 1-800-252-1166.
 3. ALL CONSTRUCTION SHALL CONFORM TO THE MOST RESTRICTIVE OF THE PROJECT SPECIFICATIONS, THE STANDARD SPECIFICATIONS OF THE CITY OF FARIBAULT AND THE LATEST EDITION OF MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION.
 4. THE FOLLOWING SEQUENCE SHALL BE FOLLOWED FOR THE EROSION AND SEDIMENT CONTROL DURING THE SITE DEVELOPMENT PROCESS:
 - A. INSTALL SILT SOCK, INLET PROTECTION AND ROCK CONSTRUCTION ENTRANCE AS SHOWN ON THE PLANS.
 - B. PERFORM SITE REMOVALS, GRADING, EXCAVATION AND EMBANKMENT. MULCH ALL DISTURBED AREAS OUTSIDE OF PROPOSED PAVEMENT AND BUILDING AREAS WITHIN 72 HOURS OF THIS WORK.
 - C. INSTALL CONCRETE CURBS AND CONCRETE PAVEMENT.
 - D. BACKFILL BEHIND CURBS AND RESTORE GREEN AREAS PER LANDSCAPE PLAN.
 5. CONTRACTOR SHALL MAINTAIN ALL ADJACENT STREETS; KEEPING THEM CLEAN AND SWEEPED OF ALL DIRT AND DEBRIS DURING CONSTRUCTION.



www.stark.com
Stark Rapids, Minnesota

STARK ENGINEERING

REVISIONS
3/8/21 PER REVIEW

GRADING AND EROSION CONTROL PLAN

RETAIL BUILDING @ 400 WESTERN FARIBAULT, MINNESOTA
for: CEDAR CORPORATION

**REVIEW PLAN
NOT FOR CONSTRUCTION**

SHEET
C-2



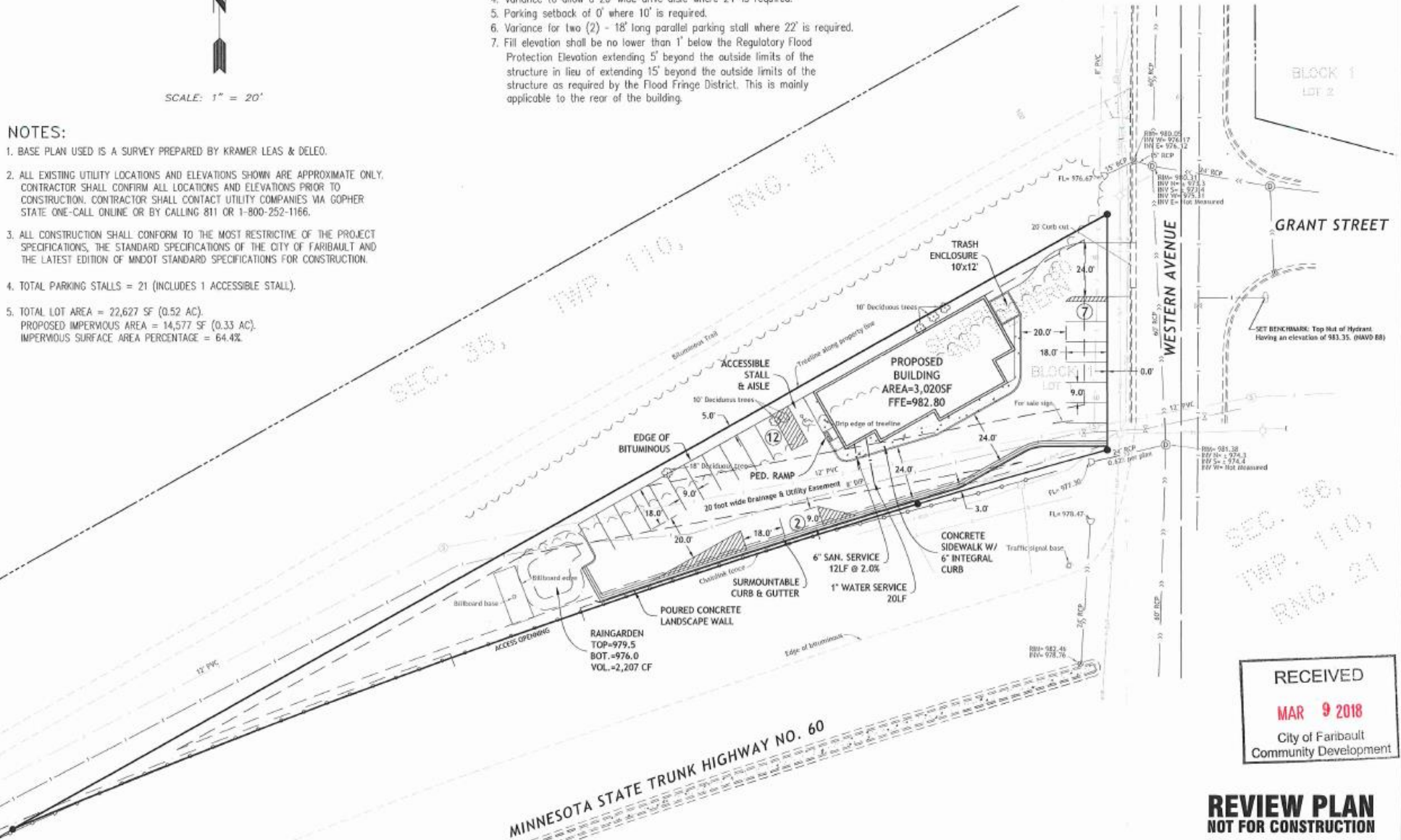
SCALE: 1" = 20'

VARIANCE REQUESTS:

1. Rear building setback of 5' instead of 10' as required.
2. Front parking setback and landscape buffer of 3' where 10' is required.
3. Side parking setback of 0' where a 5' setback is required.
4. Variance to allow a 20' wide drive aisle where 24' is required.
5. Parking setback of 0' where 10' is required.
6. Variance for two (2) - 18' long parallel parking stall where 22' is required.
7. Fill elevation shall be no lower than 1' below the Regulatory Flood Protection Elevation extending 5' beyond the outside limits of the structure in lieu of extending 15' beyond the outside limits of the structure as required by the Flood Fringe District. This is mainly applicable to the rear of the building.

NOTES:

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4. TOTAL PARKING STALLS = 21 (INCLUDES 1 ACCESSIBLE STALL).
5. TOTAL LOT AREA = 22,627 SF (0.52 AC).
 PROPOSED IMPERVIOUS AREA = 14,577 SF (0.33 AC).
 IMPERVIOUS SURFACE AREA PERCENTAGE = 64.4%.



RECEIVED
 MAR 9 2018
 City of Faribault
 Community Development

REVIEW PLAN
 NOT FOR CONSTRUCTION

www.starstark.com
 501-341-8811
 South Highway, Minneapolis

STARSTARK
 ENGINEERING

I hereby certify that I am a duly qualified Professional Engineer under the laws of the State of Minnesota.
 JERIN 20003 Date Registered ME
 Project C.E. Date

REVISIONS
 3/26/18 PER REVIEW

SITE AND UTILITY PLAN

RETAIL BUILDING @ 400 WESTERN
 FARBULT, MINNESOTA
 for: CEDAR CORPORATION

C-1

VARIANCE REQUESTS:

1. Rear building setback of 5' instead of 10' as required.
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