

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: SAMANTHA MEYER, ZONING ASSISTANT

RE: VARIANCES AND CONDITIONAL USE PERMIT – O’GORMAN PLAT

The Preliminary Plat recommended for approval by the Planning Commission requires that a variance and conditional use permits be approved as well.

A variance is required for minimum block lengths in a proposed plat, a conditional use permit is required for lot frontage on private streets in a newly platted development and a conditional use permit is required for the use of private streets in a newly platted development.

Attached is Exhibit A, the Findings of Fact by the Planning Commission regarding the variance and conditional use permits. Exhibit B is the proposed lot configuration.

The Planning Commission unanimously recommended approval of the variance and conditional use permits at their May 14, 2018 meeting.

Requested Action: Council is asked to approve the accompanying resolution for the variance and conditional use permits for the preliminary plat.

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2359

**APPROVE VARIANCE AND CONDITIONAL USE PERMITS
FOR O’GORMAN ADDITION**

WHEREAS, Robert (Babe) O’Gorman [applicant] has made an application for conditional use permits and a variance on property in the City of Cannon Falls, currently described as:

Block 43 Lots 1, 2, 3, 4, 5, 6 and 7 of the St. Clair’s Terre Haute Addition and Block 6 Lots 2, 3, 4, 5 and 6 of the Goodhue Addition PIDs 52.360.0150, 52.480.0821, 52.480.0830, 52.480.0841 and 52.480.0851; and

WHEREAS, the applicant has made an application for a variance to allow the platting of a new subdivision in the City of Cannon Falls with three (3) blocks that will not meet minimum block length requirements for new subdivisions in the Residential Business (R-B) District; and

WHEREAS, the applicant has made an application for a conditional use permit to allow private streets in a newly platted development; and

WHEREAS, the applicant has made an application for a conditional use permit to allow newly platted lots to have frontage on private streets and to have access from private streets; and

WHEREAS, the private street shall have two access points for emergency vehicles from 5th Street North and Dakota Street; and

WHEREAS, the Home Owner’s Association agreement shall be provided to the City which states what parties are responsible for private street maintenance; and

WHEREAS, utility easements shall be designated for all utilities running underneath said private streets; and

WHEREAS the Planning Commission of the City of Cannon Falls conducted a public hearing on May 14, 2018 to accept public testimony regarding the applications; and

WHEREAS, the Planning Commission finds that the granting of the variance and conditional use permits is reasonable due to existing geographic and accessibility constraints.

NOW THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF CANNON FALLS that the application for the variance and conditional use permits be approved subject to compliance with applicable requirements of the City's Zoning and Subdivision codes.

ADOPTED by the City Council this 5th day of June, 2018.

BY: _____
Lyman M. Robinson, Mayor

ATTEST: _____
Lanell Endres
Interim City Administrator

Findings of Fact
O’Gorman Preliminary Plat
Conditional Use Permits and Variance

1. Section 151.107(A) of the Cannon Falls Subdivision Ordinance states that minimum block length shall be 400 feet. The preliminary plat shows Block 1 at approximately 180 feet, Block 2 at approximately 141 feet and Block 3 approximately 271 feet long. As designed, single family or two family homes would be able to fit on the proposed lots while complying with setback requirements for the Residential Business District.
2. A variance for block length is recommended due to geographic constraints posed by the site. The current configuration of 5th Street North, railroad tracks and existing structures all have an effect on how the plat can be most logically designed.
3. Sections 151.108 (E) and 151.108 (G) state that all lots shall have frontage on a public street. A conditional use permit is required to permit the proposed lots to have frontage on proposed private streets as seen in the attached plat document.
4. A conditional use permit for lot frontage is recommended due to accessibility constraints of western lots and restrictions in the Cannon Falls Zoning Code which states that direct access onto arterial streets (which 5th Street North is categorized as) should be avoided when possible.
5. Section 151.108 (H) states that private streets should not be approved in newly platted developments. The applicant is asking that private streets be permitted in the re-plat of the property.
6. The private streets will be owned and maintained by the proposed Home Owner’s Association. Easements will be granted by the property owner(s) for utilities running under these private streets. The existing alleys were vacated by Council action at the May 15, 2018 meeting.

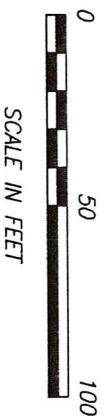
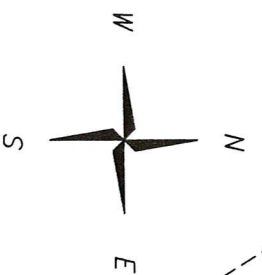
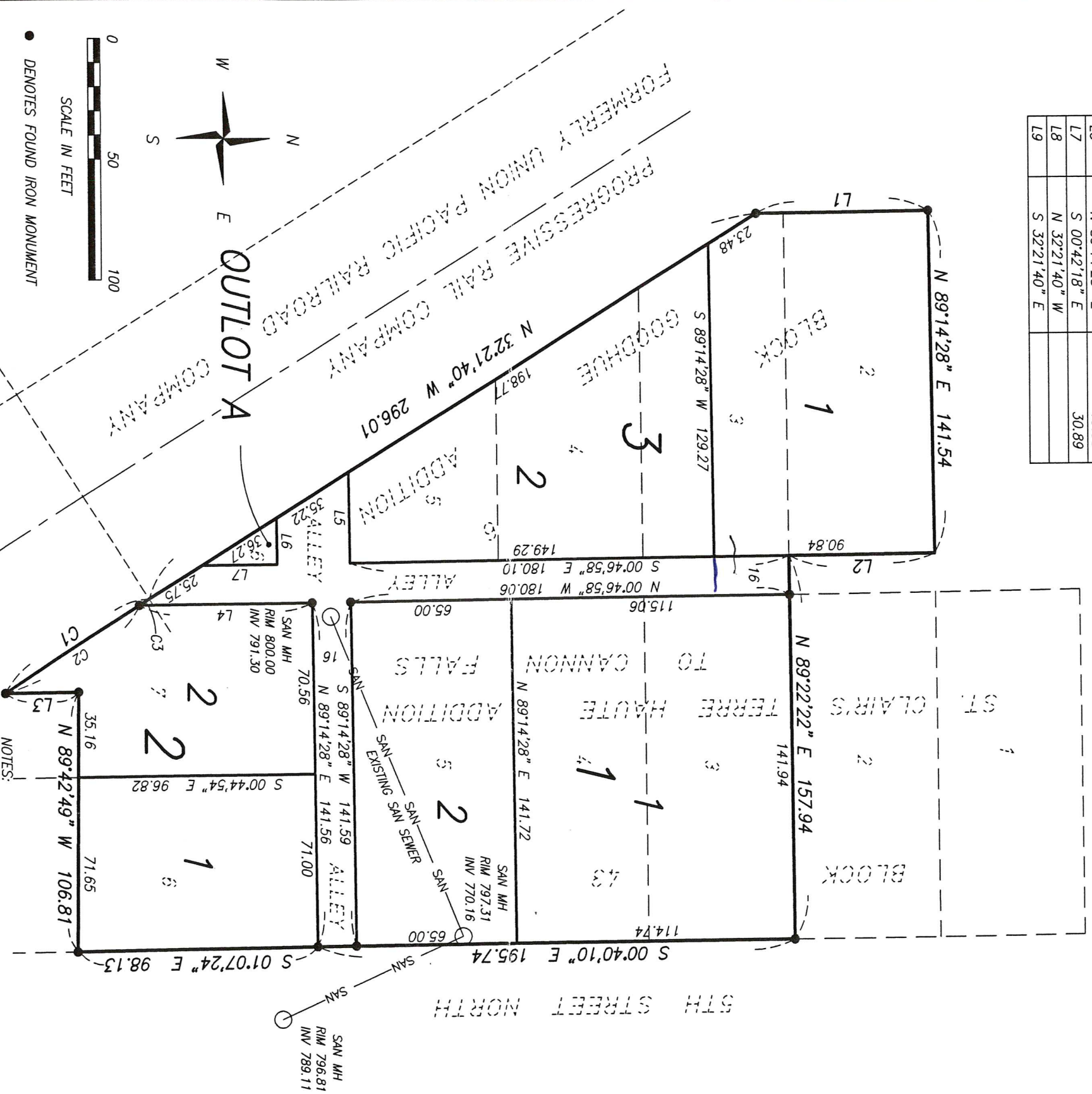
PRELIMINARY PLAT: **O'GORMAN ADDITION**

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	70.21	02°09'45"	1860.08	70.20	N 33°26'33" W
C2	65.37	02°00'49"	1860.08	65.37	N 33°31'01" W
C3	4.83	00°08'56"	1860.08	4.83	N 32°26'08" W

LINE	BEARING	DISTANCE
L1	N 00°45'46" W	70.84
L2	S 00°46'58" E	60.04
L3	S 00°44'43" E	29.72
L4	N 00°46'58" W	70.96
L5	S 89°14'28" W	37.48
L6	N 89°14'28" E	19.03
L7	S 00°42'18" E	30.89
L8	N 32°21'40" W	
L9	S 32°21'40" E	

6" DIP WATER LINE

DAKOTA STREET



● DENOTES FOUND IRON MONUMENT

OWNER/DEVELOPER:
 BABE O'GORMAN
 26980 MICHAEL AVENUE
 CANNON FALLS, MN 55009

SURVEYOR:
 RAPP LAND SURVEYING, INC.
 45967 HIGHWAY 56 BLVD
 KENYON, MN 55946

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

SEPTEMBER 29, 2017

Dated:



David G. Rapp
 David G. Rapp
 Minnesota Registration No. 22044

- NOTES:
- 1) EXISTING ALLEYS WILL BE UTILIZED FOR ACCESS
 - 2) EXISTING SANITARY SEWER WILL BE RELOCATED
 - 3) WATER WILL BE PROVIDED BY WATER MAIN IN DAKOTA STREET

RAPP LAND SURVEYING, INC.
 45967 HIGHWAY 56 BLVD
 KENYON, MN 55946
 (507) 789-5366

DRAWN BY: DGR	DATE: 09-29-17	PROJECT NO. D17123
SCALE: 1" = 50'	SHEET 1 of 1 sheet	BOOK/PAGE 39/55