

July 7, 2020

**To:** Planning Commission

**From:** Community Development Department

**RE:** Application No. V-1437 by LWO Properties LLC, holder of a purchase agreement with the City of Owatonna, a request for a variance to allow a 12' rear setback where a 20' rear setback is required. Also a variance to allow a driveway slope of 7% where a maximum of a 5% slope is permitted for a parking lot or driveway.

**Application Review:**

**Applicant:** LWO Properties LLC, Holder of a Purchase Agreement

**Owner:** City of Owatonna

**Location of Property:** 407 Cherry Street

**Zoning Map:** B-2, Community Business District

**Zoning Ordinance:** Section 157.028 (B) lists the setback requirements for the B-2 zoning district.  
Section 157.053(D)(5) states the grade requirement.

**Report Attachments:**

1. Location Map
2. Aerial Photo
3. Site Plan
4. Building Plans

**Proposed Development:**

- ◆ Application No. V-1437 by LWO Properties LLC, holder of a purchase agreement with the City of Owatonna, a request for a variance to allow a 12' rear setback where a 20' rear setback is required. Also a variance to allow a driveway slope of 7% where a maximum of a 5% slope is permitted for a parking lot or driveway.
- ◆ Due to the reduction of access points it has caused the building to be slid to the south and west. This has created the need for two variance requests in addition to the conditional use permit for the 4 story building.
- ◆ The applicant is requesting a variance to allow a 12' rear setback in the southwest corner of the building where a 20' rear setback is required. The majority of the rear wall of the building meets the setback requirement.
- ◆ The rear of the property is bordered by the railroad tracks. No neighbors will be impacted by this closer setback.
- ◆ The applicant is also requesting a variance to allow up to a 7% slope where only a 5% slope is required. The large slope areas are around the northeast corner of the building.

- ◆ This is caused by trying to get access to the underground parking as well as getting to the rear parking area from one driveway.
- ◆ The applicant will also be constructing a retaining wall in the NE corner of the lot in order to lower the driveway as much as possible to keep the grades at under 7%.
- ◆ The City Engineer supports this request and feels that it is a better option than the two driveways.
- ◆ Due to some of the funding on the project the applicant is not permitted to exceed 7% grades on any of the drive areas. Although they are close they are not planned to exceed 7%.
- ◆ 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 a variance to allow a 12' rear setback where a 20' rear setback is required and a variance to allow a driveway slope of 7% where a maximum of a 5% slope is permitted for a parking lot or driveway. with the following condition.

- 1) The variances shall be contingent on the approval of the conditional use permit.

- NOTES:**
- ALL DIMENSIONS SHOWN ARE TO FLOW LINE, CENTERLINE OF FENCE, OR EDGE OF PAVEMENT, UNLESS OTHERWISE NOTED.
  - CONTRACTOR SHALL VERIFY ALL PLAN AND DETAIL DIMENSIONS PRIOR TO CONSTRUCTION.
  - ALL CROSSWALK STRIPING SHALL BE WHITE IN COLOR.
  - ALL INTERIOR PARKING STALL STRIPING SHALL BE 4" AND YELLOW IN COLOR.
  - ACCESSIBLE PARKING STALL STRIPING, ACCESS AISLE, AND SYMBOL SHALL BE PAINTED IN ACCORDANCE WITH LOCAL AUTHORITY REQUIREMENTS.
  - GOPHER STATE ONE CALL DAMAGE PREVENTION SYSTEM FOR BURIED UTILITIES. 1-800-252-1166.

**LEGEND**

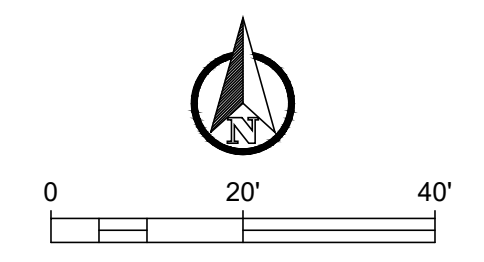
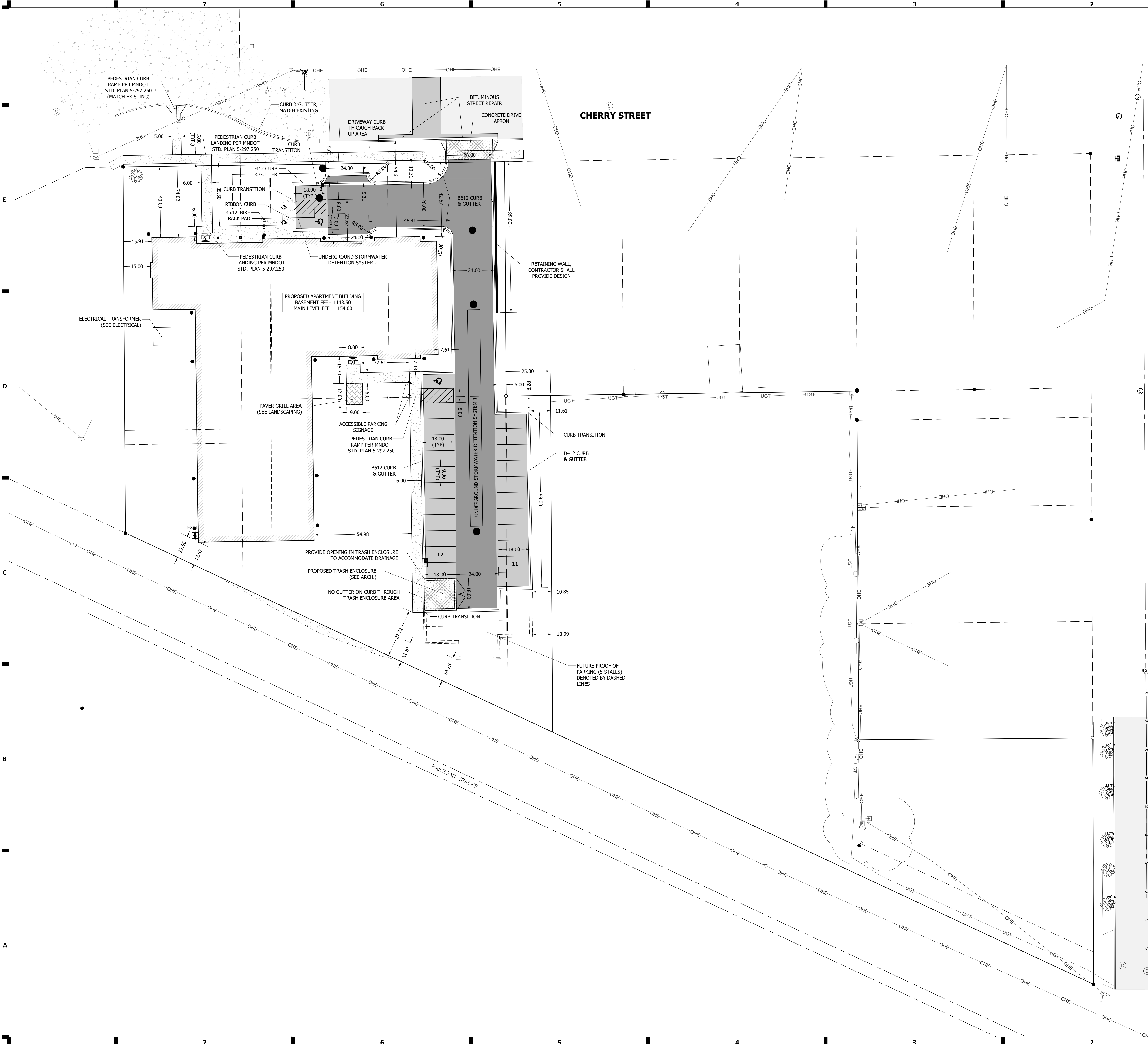
- PROPOSED LIGHT DUTY BITUMINOUS PAVEMENT
- PROPOSED HEAVY DUTY BITUMINOUS PAVEMENT
- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE PAVEMENT
- PROPOSED CURB AND GUTTER
- PROPOSED RETAINING WALL
- PROPOSED CHAINLINK FENCE
- PROPOSED WOOD/VINYL (PRIVACY) FENCE
- PROPOSED TRAFFIC CONTROL SIGNAGE
- PROPOSED PAINTED DIRECTIONAL ARROW
- PROPOSED PAINTED ACCESSIBLE PARKING SYMBOL
- PROPOSED MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED HYDRANT
- PROPOSED GATE VALVE
- PROPOSED FLARED END SECTION

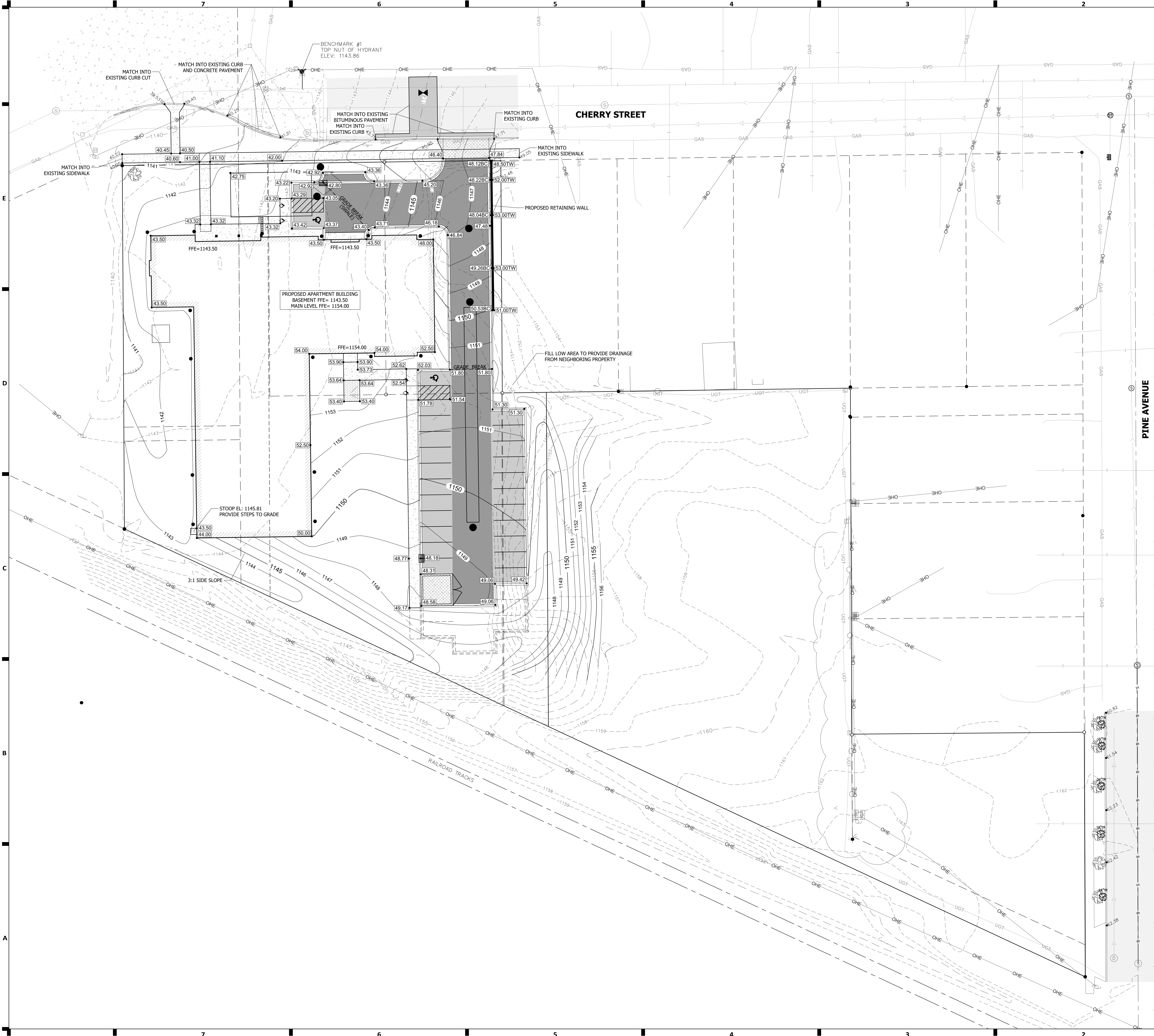
**PROPERTY INFORMATION**

TOTAL PROPERTY AREA	1.378 AC
DISTURBED AREA	1.60 ± AC
EXISTING IMPERVIOUS AREA	0.633 AC
PROPOSED IMPERVIOUS AREA	0.739 AC
PROOF OF PARKING IMPERVIOUS AREA	0.037 AC
TOTAL PROPOSED IMPERVIOUS AREA	0.776 AC
NET INCREASE	0.143 AC

**PARKING INFORMATION**

PARKING STALLS	23 STALLS
ACCESSIBLE STALLS	2 STALLS
TOTAL STALLS	25 STALLS





- NOTES:**
1. THE LOCATIONS AND ELEVATIONS OF THE EXISTING UTILITIES SHOWN HEREIN ARE APPROXIMATE. THEY HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND/OR RECORDS. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING LOCATION AND ELEVATION TO ENSURE THAT ANY EXISTING UTILITIES (SHOWN OR NOT SHOWN) ARE NOT DAMAGED DURING CONSTRUCTION.
  2. SIDEWALKS SHALL MEET ADA REQUIREMENTS, AND SHALL NOT EXCEED 2.00% CROSS SLOPE, OR 5.00% LONGITUDINAL SLOPE.
  3. CONCRETE ENTRANCES AND APPROACHES SHALL NOT EXCEED 2.00% CROSS SLOPE IN SIDEWALK AREAS.
  4. ACCESSIBLE PARKING STALLS SHALL MEET ADA REQUIREMENTS, AND SHALL NOT EXCEED 2.00% CROSS SLOPE IN ALL DIRECTIONS.
  5. REFER TO GEOTECHNICAL EVALUATION REPORT FOR EARTHWORK SPECIFICATIONS.
  6. ALL EXCESS OR WASTE MATERIAL GENERATED AS PART OF CONSTRUCTION SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS.
  7. IN ADDITION TO THESE PLANS, A STORMWATER MANAGEMENT STUDY HAS BEEN PROVIDED. THE STORMWATER MANAGEMENT STUDY INCLUDES IMPORTANT INFORMATION REGARDING STORMWATER PROTECTION FOR THE SITE, SUCH AS CONCRETE WASH-OUTS, HAZARDOUS MATERIALS HANDLING/SPILLS, EROSION CONTROL, INSTALLATION, EROSION CONTROL MAINTENANCE, ETC. THE CONTRACTOR SHALL REVIEW THE STORMWATER BOOK AND USE THE INFORMATION TO COMPLY WITH ALL STATE AND LOCAL REQUIREMENTS.
  8. GOPHER STATE ONE CALL DAMAGE PREVENTION SYSTEM FOR BURIED UTILITIES. 1-800-252-1166.

**GRADING LEGEND**

- - - - - = EXISTING MAJOR CONTOUR
- - - - - = EXISTING MINOR CONTOUR
- - - - - = EXISTING CONTOUR LABEL
- = PROPOSED MAJOR CONTOUR
- = PROPOSED MINOR CONTOUR
- = PROPOSED CONTOUR LABEL
- = EXISTING SPOT ELEVATION\*
- = PROPOSED SPOT ELEVATION\*
- = PROPOSED SPOT ELEVATION AT TOP OF SIDEWALK OR BACK OF CURB

\*SPOT ELEVATIONS ALONG CURB & GUTTER AND OTHER REVEALS ARE TO FLOWLINE, UNLESS OTHERWISE NOTED.

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**REVISION SCHEDULE**

NO.	DESCRIPTION	DATE

**LWO DEVELOPMENT, LLC**  
**EASTGATE APARTMENTS**  
 OWATONNA, MN

DATE: 06/19/2020  
 PHASE: CONSTRUCTION DOCUMENTS  
 PROJECT: 02220002  
 SHEET: C301  
 GRADING PLAN