

Variance questions

Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?
Yes (x) No () Why or why not?
We believe the variance is in harmony with the ordinance. The property is located in the B-1 zone with the Gateway Overlay District which promotes high quality design in the commercial district.
2. In your opinion, is the variance consistent with the comprehensive plan?
Yes (x) No () Why or why not?
We believe the variance is in harmony with the comprehensive plan. The plan is to re-development this property with a mixed use building along Madison Avenue was previously considered and approved by the City Council back in 2008.
3. In your opinion, does the proposal put property to use in a reasonable manner?
Yes (x) No () Why or why not?
We believe this is a reasonable request as this type of variance was asked for back in 2008 and it was accepted by the City Council. (That project was not constructed.)
4. In your opinion, are there circumstances unique to the property?
Yes (x) No () Why or why not?
We believe that the positioning of the building will not increase the degree of non-conformance on the site. The current building that will be removed was already allowed to be in the front yard setback.
5. In your opinion, will the variance maintain the essential character of the locality?
Yes (x) No () Why or why not?
We believe the variance will enhance the characteristics of the site with it's quality design.

The Planning Commission/City Council must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

**Mankato City Council
Regular Meeting
Monday, August 11, 2008 7:00 PM
Minnesota River Room**

A Meeting of the Mankato City Council was held on August 11, 2008, at 7 p.m. with Mayor John D. Brady presiding. Council Members Charlie Hurd, Mark Frost, Mike Laven, Tamra Rovney, and Vance Stuehrenberg were present. Council Member Jack Considine was excused. Also present were City Manager Patrick Hentges, City Engineer Ken Saffert, Community Development Director Paul Vogel, Planning Coordinator Mark Konz, City Attorney Eileen Wells, and City Clerk Cheryl Lindquist. Following roll call, the Pledge of Allegiance to Our Flag was given.

Approval of Agenda

(2.1) Mayor Brady requested any changes or additions to the agenda. Mr. Hurd moved and Mr. Frost seconded a motion to approve the agenda. The motion carried unanimously.

Approval of Minutes

(3.1) Mayor Brady requested any changes or additions to the Minutes from Regular Meeting of July 28, 2008. Mr. Frost moved and Mr. Stuehrenberg seconded a motion to approve the minutes. The motion carried unanimously.

Public Open Forum

(4.1) No one spoke at the first public open forum.

Consent Calendar

Mayor Brady requested any changes to the Consent Calendar. Mr. Hurd moved and Mr. Frost seconded a motion to approve the Consent Calendar. The motion carried unanimously and the following items were approved:

(5.1) Motion approving application for temporary inclusion of non-enclosed premise for Busties, Inc., DBA Busters, 1325 Madison Avenue, Mankato, on August 30, 2008.

(5.2) Resolution Appointing Election Judges for 2008 Primary and General Election.

(5.3) Resolution Authorizing the City Manager to enter into Intergovernmental Agreement for Joint Construction of Fiber Optical Network with Blue Earth County and Scott County.

(5.4) Resolution Authorizing City Manager to Negotiate and Execute Ground Lease with Hickory Tech Corporation – 1315 Stadium Road.

(5.5) Resolution Approving Final Plat of Eastwood Industrial Centre No. 6. By Request of R.W. Carlstrom.

(5.6) Resolution Approving Final Plat of Cedar Meadows Apartments No. 2 Subdivision. By Request of Mark Kiecker.

(5.7) Rejection of bids on Project No. 08007, reconstruction of Second Street from Plum Street to Main Street.

(5.8) Motion to approve design change, realignment of centerline to maintain south curb line, on Project No. 07070, West Ninth Street reconstruction.

(6.4) Mr. Hentges introduced the Resolution Granting Variance request to reduce the required corner-side yard setback from 15 feet to 0.75 feet. (225 Madison Avenue, 824 North Broad Street, 826 North Broad Street). By request of Kent Bauer.

Planning Coordinator Mark Konz stated the applicant is proposing a two-phased development of the properties. Phase One involves demolishing the two existing residential structures, located at 824 and 826 North Broad Street, to provide parking for a proposed 40' x 60' mixed use building that will occupy a portion of 225 Madison Avenue and 826 North Broad Street. The new building will be a combination of office and residential uses. Phase Two would include the demolition of the existing building occupying 225 Madison Avenue and the construction of a new 1,400 square foot structure, which is intended to be used for commercial and/or office uses.

Mr. Konz stated that staff finds that the proposal would allow for the development of the site in accordance with the stated purpose of the GT, Gateway Overlay District, to promote high quality design in the city's commercial district; granting the variance will not be detrimental to other uses already permitted, the positioning of the building will not increase the degree of non-conformance on the site; the proposed use is in harmony with the general and specific purposes of the city code, comprehensive planning policies, and objectives of the City; the proposal includes the removal of two marginal residential structures improving the public health and safety of the neighborhood.

Mr. Konz stated that staff is recommending approval of the variance subject to the condition that the applicant shall examine the feasibility of moving or eliminating the existing power pole located nearby to the alley; applicant shall coordinate with City staff in ensuring that the alley approach is reconstructed to conforming grades, and the applicant shall abandon utilization of the parking areas within the Madison Avenue right of way and submit a landscaping plan to the Director of Community Development.

Mayor Brady opened the public hearing. There being no one wishing to speak, Mayor Brady closed the public hearing.

Mr. Stuehrenberg asked if the project would bring any structures closer to Madison Avenue. Mr. Konz stated that it the buildings would not be any closer to Madison Avenue than what is there now.

Mr. Stuehrenberg moved and Mr. Frost seconded a motion to approve the Resolution of the City Council Granting a Variance under the Mankato Zoning Ordinance. The motion carried unanimously.

(6.5) Planning Coordinator Mark Konz presented the Ordinance rezoning property from T, Transition, to B-2 General Business District, Government Lot 8, Section 36, Township 109 North, Range 26 west (51612 U.S. Highway 169 – located behind Happy Chef North). By request of Nathan Nelson.

Mr. Konz stated that the property was annexed in 2007 due to the need to connect to city service and that all properties annexed into the City are originally designated as T-Transition until a