

Agenda Date: April 26, 2018

Action:

Vote:

Yes:

No:

CITY OF MENAHGA, MINNESOTA

Resolution No. 2018-007

A Resolution of the Menahga City Council Issuing a Variance from the Language in the Shoreland District to Menahga School District for Property Located at 216 Aspen Avenue Menahga, Minnesota

WHEREAS, the City of Menahga received a complete variance request application from the School District; and

WHEREAS, the application requests a variance from the language in Menahga Municipal Code (MMC) 151.22.B.4; and

WHEREAS, the property is zoned Industrial (I) and is within the Shoreland District (SD); and

WHEREAS, Menahga Municipal Code 151.22 states the land use in the Shoreland District is the same as the applicable zoning district whose boundaries fall within the Shoreland District; and

WHEREAS, Menahga Municipal Code 151.21 (I, Industrial) B. states, "Permitted uses. Those uses as permitted in the C-1 district shall be a permitted use"; and

WHEREAS, Menahga Municipal Code 151.21 (I, Industrial) B. 17 lists public utility structures and municipal and government buildings, such as a school building as permitted uses; and

WHEREAS, Menahga Municipal Code 151.19 (C-1, Commercial) B. also lists public utility structures and municipal and government buildings, such as a school building as permitted uses; and

WHEREAS, the City of Menahga Planning Commission held a public hearing on February 12, 2018, with input taken during the meeting; and

WHEREAS, the City Council met on February 20, 2018, and approved the variance request based on the information in the original request and information received during the meeting; and

WHEREAS, a petition was submitted to the Minnesota Environmental Quality Board by Rick Gibbs, "requesting that an Environmental Assessment Worksheet (EAW) be prepared for the project described in the petition"; and

WHEREAS, on April 26, 2018, based on the evidence provided by the School, the City Council met and determined the evidence failed to demonstrate the project had the potential for significant environmental impact; and

WHEREAS, MMC 15.151.53 provides the City Council with the authority to issue variances based on certain criteria; and

WHEREAS, the City Council adopts the following findings of fact:

1. No evidence of any significant environmental impact occurring as a result of the project was presented.
2. The variance is consistent with relevant provisions of the Comprehensive Plan. The language of the Comprehensive Plan specifically addresses the advisability of maintaining the viability of the School. The planned environmental protections outlined by the School District reflect consideration of such protections as contemplated by the Comprehensive Plan.
3. The applicant established that there were practical difficulties in complying with the MMC.
 - a. The owner's proposed use of the property, for expansion of the School, is reasonable even though that might not be permitted by strict application of the MMC restrictions on impervious surface.
 - b. The land owner's difficulties were due to circumstances unique to the property not created by the property owner. School expansion to meet the educational needs and financial requirement of the District can best occur by attachment to the current structure. These are factors unique to this particular property.
 - c. The granting of this variance will not alter the essential character of the locality. The School campus is an ongoing and substantial part of this location and has been for years. The School expansion will not significantly change the character of this portion of the community.
4. Although granting the variance will increase the impervious surface percentage from 55% to 73%, the School District has undertaken design and engineering steps to mitigate the impact of this increase. While construction occurs on a single parcel containing approximately 6.2 acres, it should be noted that the School campus consists of approximately 40 acres of property, a portion of which is being used to mitigate the impact of the increase in impervious surface of this parcel.

NOW, THEREFORE BE IT RESOLVED by the City Council that the requested variance is issued to Menahga School District to allow the following:

1. Construction of 48,479 square feet of new impervious surface resulting from school building construction;
2. Construction of 3,234 square feet of increased parking lot and sidewalks; and
3. Installation and ongoing maintenance of an infiltration basin.
4. Installation of acceptably engineered insulation of water and wastewater pipes adjacent and under the infiltration basin.

Passed and approved by the City Council of the City of Menahga, Minnesota, _____ day of _____, 2018.

Patrick Foss, Mayor

Janette M. Bower, Administrator