

RESOLUTION NO. 22-___

A RESOLUTION APPROVING A VARIANCE FROM THE SIDE YARD PARKING SETBACKS AND REAR YARD BUILDING SETBACK TO ALLOW THE CONSTRUCTION OF A CAR WASH AT 8301 UNIVERSITY AVENUE NE

WHEREAS, Boing US Holdco, Inc. (“Applicant”), has made application for a variance from the side yard parking setback standard on the north and south sides of the property and the rear yard setback standard for a car wash (conveyor) and self service vacuum use at 8301 University Avenue NE; and

WHEREAS, the property is legally described as follows:

Outlot 9 Terrace Manor 4th Addition, County of Anoka, Minnesota, subject to easement of record; and

WHEREAS, mailed and published notice of a public hearing to consider the proposed variance was given; and

WHEREAS, a public hearing to consider the proposed variance was held on May 23, 2022; and

WHEREAS, the request was made for the following variances:

1. Corner side yard parking setback as shown is 15 feet; code requirement is 25 feet (south side of property);
2. Side yard parking setback as shown is about 3 feet; code requirement is 10 feet (north side of property);
3. Rear yard building setback as shown is 15 feet; code requirement is 30 feet (east side of property); and

WHEREAS, the Planning Commission has considered the application against the practical difficulties test as outlined in Section 16.60.040 of the Spring Lake Park Zoning Code; and

WHEREAS, the Planning Commission has recommended approval subject to reasonable conditions, based on the following findings of fact:

1. The construction of a car wash adjacent to University Avenue NE on a property zoned commercial is a reasonable use of the property.
2. Regulation of setbacks, screening, noise and traffic for commercial uses is a reasonable and necessary part of the City’s Zoning standards.
3. Proper design and shielding of lighting on commercial properties to prevent light spillage and glare to adjacent properties is a reasonable standard within the Zoning Code.
4. Limiting odors, gas and fumes from commercial auto uses is a reasonable protection of health, safety and welfare.

5. The proposed car wash as modified with these conditions meets the criteria for approval of a variance in the City's Zoning Code.

WHEREAS, the Spring Lake Park City Council has reviewed the application and hereby accepts the findings and recommendations of the Spring Lake Park Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the City Council hereby approves the request of Boing US Holdco, Inc, 8301 University Avenue NE, for a ten (10) foot variance from the corner side yard parking setback standard from the south property line, a seven (7) foot variance from the side yard parking setback standard from the north property line, and a fifteen (15) foot variance from the rear yard setback to allow construction of a 4,247 square foot building for a car wash; subject to the following conditions:

1. The variance is conditioned on the approval of the Conditional Use Permit for the site as described in the City Planner report dated May 23, 2022 and outlined in Resolution 22-27.
2. Landscaping and screening shall be provided as stipulated in the Conditional Use Permit.
3. Lighting on the building shall be approved in the Conditional Use Permit with downcast shielded fixtures allowing no more than 0.5 footcandle beyond the property line
4. All conditions relating to traffic, grading, drainage, site, sanitary sewer, water works and other engineering items shall be reviewed and approved by the City Engineer prior to issuance of a building permit.
5. Handling of odors, gas and fumes will be reviewed and approved by the City Engineer and Building Official before a building permit is issued.

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Whereon the Mayor declared said Resolution duly passed and adopted the 6th day of June, 2022.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator