

RESOLUTION NO. 20-39

A RESOLUTION APPROVING A VARIANCE TO ALLOW CONSTRUCTION OF A BUILDING ADDITION AT 8370 PIERCE STREET NE

WHEREAS, Olmedo Alvarado, owner of a commercial building at 8370 Pierce Street NE, has made application for a variance from Appendix D, Chapter 153 of the Zoning Code to allow a building addition to be constructed within the required side yard setback; and

WHEREAS, the property is legally described as follows:

That part of Lot Six (6), Auditor's Subdivision No. 152, described as follows, to wit: the North 130 feet, front and rear, of the South 690, front and rear of the East 180 feet of the West 401.5 feet of Government Lot 2, Section 1, Township 30, Range 24, according to the recorded plat thereof, Anoka County Minnesota; 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 November 23, 2020; and

WHEREAS, the request was made for construction of a building addition to be located ten feet from the side lot line; 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 finding that 1) a building addition for the existing auto service business is a reasonable use of the property; 2) aligning the new building addition with the edge of the existing building is reasonable and practical in making efficient use of the site; 3) regulation of setbacks and screening for commercial uses adjacent to residential uses is a reasonable and necessary part of the City's Zoning Code standards; 4) 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; 5) adequate provision for handling of stormwater is necessary to protect neighboring properties and the larger watershed; 6) limiting odors, gas and fumes from commercial auto service uses is a reasonable protection of health, safety and welfare; and 7) the proposed building addition as modified with conditions outlined in this resolution meets the criteria for approval of a variance in the Zoning Code; and

WHEREAS, the Spring Lake Park City Council has reviewed the application and hereby accepts the findings and recommendation 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 Olmedo Alvarado for

a variance from the strict interpretation of Appendix D, Chapter 153 of the Zoning Code for a building expansion at 8370 Pierce Street, subject to the following conditions:

1. Variance is conditioned on approval of a Conditional Use Permit for the site.
2. The building addition will be constructed to be similar and compatible in appearance to the original building.
3. Screening and setbacks shall be provided on the west and south sides of the site as stipulated in the Conditional Use Permit (Resolution 20-38).
4. Lighting on the building shall be as described by the applicant and approved in the Conditional Use Permit with downcast shielded fixtures allowing no more than 0.5 foot candle beyond the property line.
5. Grading, drainage, stormwater, utility and other engineering issues will be reviewed and approved by the City Engineer before issuance of a building permit.
6. 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 7th day of December, 2020.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator