

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 16-03

**RESOLUTION MEMORIALIZING THE
FINDINGS OF FACT AND REASONS FOR APPROVAL
RELATING TO THE MULTIPLE VARIANCE APPLICATION OF
VENTURE PASS PARTNERS, LLC FOR THE NEWLY PLATTED LOT
LOCATED AT 1725 ROBERT ST.**

WHEREAS, Riley Family Investments LLP has a signed purchase agreement for the redevelopment of certain real property located at 1725 Robert St., legally described as follows:

S 200 FT OF N 1416.26 FT OF E 477 FT OF W 1/2 OF SW 1/4 EX W 12 FT & EX PT TO HWY SUBJ TO EASE, SECTION 20 TWN 28 RANGE 22

(the "Property");

WHEREAS, on behalf of Riley Family Investments LLP, Venture Pass Partners, LC has applied for two Variances: 1) to allow for an increase in the required front yard building setback, 2) to allow parking in the front yard setback, both for the development of a new drive-through restaurant; and

WHEREAS, the location of the current lighted intersection of Robert St. and Lothenbach Ave along with the need to circulate internal traffic around the drive-through restaurant back to the intersection creates constraints on the development of the property; and

WHEREAS, based on the listed constraints of the property, the two requested Variances are required to develop the property; and

WHEREAS, a public hearing on the application was heard by the Committee of Adjustments on May 17, 2016, at which meeting the Committee of Adjustments voted to approve the Variance requests; and

WHEREAS, contemporaneously with the votes on the motions, the Committee of Adjustments members voting to approve the requests made the following findings of fact:

FINDINGS OF FACT

1. The Variances are in harmony with the general purpose and intent of the Ordinance;

2. The terms of the Variances are consistent with the Comprehensive Plan; and
3. The property owner has established that there are practical difficulties in complying with the Zoning Ordinance because of the following:
 - a. The Property owner proposes to utilize the Property in a reasonable manner;
 - b. The plight of the property owner is due to circumstances unique to the Property, specifically that the Robert Street reconstruction project will result in a reduction of lot size; and
 - c. The Variances will not alter the essential character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul Committee of Adjustments that the Variances are approved based on the Planner's report, dated May 17, 2016, which is hereby adopted and incorporated herein;

AND BE IT FURTHER RESOLVED that the following conditions are imposed on the applicant:

1. The Variances are contingent upon approval of the corresponding Site Plan, Conditional Use Permit, and Plat applications.

Passed this 17th day of May, 2016.

Variance to increase the Front Yard Building Setback to 51 feet (Variance of 11 feet):

Ayes: Nays:

Variance to allow Parking (Drive Aisle) in the Front Yard Setback:

Ayes: Nays:

Chris Hubert
Committee of Adjustments Chair

Jennifer Dull,
Recording Secretary