

CITY OF APPLE VALLEY  
RESOLUTION NO. 2016 - \_\_\_\_

A RESOLUTION APPROVING VARIANCE TO REDUCE REQUIRED NUMBER PARKING  
SPACES  
AND ATTACHING CONDITIONS THERETO

WHEREAS, pursuant to Minnesota Statutes 462.357 the City of Apple Valley has adopted, as Title XV of the City Code of Ordinances, zoning regulations to control land uses throughout the City; and

WHEREAS, pursuant to the City's said regulations, a "Variance" is an exception granted by the City Council from the literal provisions of the zoning regulations where unique conditions exist which do not apply to the area in general; and

WHEREAS, approval of a Variance has been requested by Java Capital Partners 7668 150<sup>th</sup> Street LLC, to reduce the required number of required parking spaces from 43 to 32.

WHEREAS, the Apple Valley Planning Commission reviewed the variance request at a public meeting held on June 15, 2016, and made the following determination:

1. The property owner proposes to redevelop the under-utilized and declining site to provide a new building that is in keeping with the City of Apple Valley's Downtown Design Guidelines and the City's vision as presented in the 2030 Comprehensive Plan.
2. A parking study was conducted to determine parking demand for a 5,400 sq. ft. building containing a Class III restaurant with 50 indoor seats and 22 outdoor seats and 3,100 sq. ft. non-food retail or office uses. The study confirmed that the site will need 29 to 33 parking spaces for the approved uses.
3. The revised Site Plan dated June 20, 2016 shows 32 parking spaces will be constructed on the site.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Apple Valley, Dakota County, Minnesota, that the variance to reduce the required number of parking spaces from 43 to 32 is hereby approved, subject to all applicable City Codes and standards, and the following conditions:

1. If the Building Permit is not paid for and issued within one (1) year of the date of approval, the variance approval shall lapse.
2. The Building Permit shall be applicable to property identified as Lot 1, Block 1, APPLE VALLEY SQUARE 2<sup>ND</sup> ADDITION (7668 – 150<sup>TH</sup> Street W. ).
3. The variance is approved due to the findings as presented by the Planning Commission at their June 15, 2016, meeting.

4. Construction shall occur in conformance with the site plan dated June 20, 2016.
5. Construction shall occur in conformance with the approved floor plan dated February 2, 2016.
6. The ongoing use and occupancy of the premises is predicated on the ongoing maintenance of the structure and all required site improvements as listed in the preceding. No alteration, removal, or change to the preceding building plans or required site improvements shall occur without the express authorization of the City. Site improvements which have deteriorated due to age or wear shall be repaired or replaced in a timely fashion.

BE IT FURTHER RESOLVED that such issuance is subject to a finding of compliance of the construction plans with the Minnesota State Building Code, as determined by the Apple Valley Building Official, and with the Minnesota State Uniform Fire Code, as determined by the Apple Valley Fire Marshal.

ADOPTED this 28th day of July, 2016.

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Mary Hamann-Roland, Mayor

ATTEST:

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Pamela J. Gackstetter, City Clerk

#### CERTIFICATE

I, Pamela Gackstetter, City Clerk, hereby certify that the above resolution is a true and correct copy of a resolution adopted by the City Council of the City of Apple Valley, Dakota County, Minnesota, on the 28th day of July, 2016 and released on \_\_\_\_\_, 20\_\_\_\_.

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Pamela J. Gackstetter, City Clerk