



Shakopee Board of Adjustments and Appeals

Minutes

March 3, 2022

7:00 PM

City Hall, 485 Gorman St.

1. Roll Call

Chair Forsythe called the meeting to order.

Commissioners present: Josh Forsythe, Jesse Lara, Daniel Olson, Bennet Olupo, Noreen Reding, Kent Robbins, Ashlee Sepulvado

City staff present: Director of Planning & Development Michael Kerski

2. Approval of Agenda

Commissioner Kent Robbins made a motion to approve the agenda, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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3. Call for Notarized Affidavits, Proof of Neighborhood Meeting and Sign in Sheet for appropriate Public Hearings

4. Recognition by Board of Adjustment and Appeals of Interested Citizens

5. Consent Business - (All items listed in this section are anticipated to be routine. After a discussion by the Chair there will be an opportunity for members of the BOAA to remove any items from the consent agenda for individual discussion. Those items removed will be considered following the Public hearing portion of the agenda. Items remaining on the Consent Agenda will not be discussed and will be approved in one motion.)

Commissioner Kent Robbins made a motion to approve the consent agenda, seconded by Commissioner Noreen Reding and the motion passed.

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5.A. Meeting Minutes of February 3, 2022.

6. General Business

A. Election of Officers for 2022

Chair Forsythe opened the floor for nominations of the Board of Adjustment & Appeals.

Commissioner Reding nominated Forsythe as Chair. Chair Forsythe called for additional nominations, there were none.

Commissioner Kent Robbins made a motion to nominate Josh Forsythe as Chair of the BOAA, seconded by Commissioner Daniel Olson and the motion passed.

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Chair Forsythe open the floor for Vice Chair nominations. Commissioner Olson is currently Vice Chair.

Commissioner Lara nominated Commissioner Olson as Vice Chair.

Commissioner Jesse Lara made a motion to nominate Daniel Olson as Vice Chair of the BOAA, seconded by Commissioner Noreen Reding and the motion passed.

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Chair Forsythe open the floor to nominations for second Vice Chair.

Commissioner Robbins nominated Commissioner Sepulvado.

Commissioner Kent Robbins made a motion to nominate Ashley Sepulvado as second Vice Chair, seconded by Commissioner Noreen Reding and the motion passed.

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- B. PUBLIC HEARING - Conditional Use Permit For a Commercial Vehicle Sales/Service Facility, Exterior Storage, and Crushing/Storage of Concrete 1 vehicle sales/service facility, exterior storage of equipment, and crushing/storage of concrete and other material.

Commissioner Kent Robbins made a motion to open the public hearing, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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Michael Kerski presented Conditional Use Permit for a Commercial Vehicle Sales/Service Facility, Exterior Storage, and Crushing/Storage of Concrete and explained the details.

Commissioner Sepulvado asked if the crushing and storage was inside and Kerski stated that it was outside. She wanted to know if we had something similar to this and Kerski explained they had an interim use permit that was limited to two years for the whole site. They are in the process of subdividing the site into three parts and selling off the site to the west and the one to the north. They are shrinking down their operation.

Commissioner Robbins stated for clarification that this was an interim use for a length of time, they've shrunk their proposal and now this is what we're left with in terms of the

history of this project. Mr. Kerski stated that this is a permitted use. The interim use was temporary.

Commissioner Robbins asked about the length of time that this was going to happen. Mr. Kerski stated it would happen right away. Depending on when they can get material will depend when the building will be built. Hopefully sooner rather than later.

Chair Forsythe asked about the parking lot. Mr. Kerski explained where storage of material and equipment and future expansion of the building and parking lot.

Commission Robbins asked the representative from Hentges to elaborate on the timeline of the project.

Mr. Christopherson explained that they had a contract with a general contractor who had the precast concrete panels and steel ordered. They hoped to have begun construction in October and to be in the building by mid 2023 while using the back of the lot to crush the concrete and storage of equipment that is described in the CUP

Commissioner Sepulvado asked if the interim permit would still be in effect after approval of this conditional use permit. Mr. Kerski said it would be canceled.

Commissioner Sepulvado is curious about the future expansion. Is there a reason why they are not planning on doing it right away? Do they have any anticipated time frame of when they would think they would expand or is it just a safe guard plan?

Mr. Christopherson said it was the latter. The building is designed to meet the demand of today but having foresight about the possibility of growth and the need for additional space in the future they've set it up so that they can add on but they don't have a timeline.

Commissioner Olson asked about the level of activity. Is there going to be an increase of the level of noise generated?

Mr. Christopherson speculated that it would be less because they had been doing it over a larger area. The area had been 30 acres with a lot of trucks and activity. This lot is smaller and the location on the lot where the crushing was moved from by the street to closer to railroad track which will help in reducing the amount of noise.

Commissioner Sepulvado asked if there is fencing currently? Mr. Christopherson and Mr. Kerski stated no. She then asked if there was a plan to put fencing in now. Mr. Christopherson said that they were putting security fencing around the front of the property. She asked about around the material by the railroad tracks. He said no they were not planning to because it is by the switching area and they have a lot of activity and staff back there.

Commissioner Robbins asked what they do with the crushed material. Mr. Christopherson stated that they use a lot of their product on their own road projects such as road base and road material around Scott and Carver County and building projects under slabs.

Commissioners Olupo asked if other contractors were allowed to dump their leftover concrete or gravel at their site. Mr. Christopherson confirmed that they do.

Chair Forsythe asked Mr. Christopherson is he was in agreement with the conditions that were laid out in the CUP. Mr. Christopherson stated that they have had a lot of communication with staff and clarification of the requirements and is in agreement with what is required. He is excited to get the project started.

Commissioner Reding asked if they envision this growing at all at some point bringing in more concrete just because I noticed that the building is proposed to get larger at some point. What will be in that building? Will that be repair? Mr. Christopherson said yes it will have 4 drive in bays to drive trucks in for maintenance and repairs. We will have a heavy duty bridge crane to lift heavy engines of big trucks. We will have a bay that will be big enough to drive a full semi and tractor trailer in and wash it. If they expand the building they will add another bay for maintenance and some more office space. If they do that it will constrict the outside activities He doesn't see the crushing or piles growing then what is currently presented. It will get smaller as the building grows.

Commissioner Kent Robbins made a motion to close the public hearing, seconded by Commissioner Bennett Olupo and the motion passed.

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Commissioner Ashlee Sepulvado made a motion to approve Resolution No. PC2022-001, a resolution approving the requested conditional use permit, subject to the conditions noted in the draft Resolution, seconded by Commissioner Jesse Lara and the motion passed.

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C. PUBLIC HEARING: Variance to Square Footage Maximums for Wall Signs at 4045 Dean Lakes Boulevard

Commissioner Kent Robbins made a motion to open the public hearing, seconded by Commissioner Noreen Reding and the motion passed.

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Mr. Kerski presented a variance to the square footage maximums for wall signs at Jersey Mikes.

Commissioner Sepulvado asked if they were going to occupy both spaces. Mr. Kerski confirmed that they would.

Commissioner Robbins asked if the sign any bigger then the signs already there on the building.

Mr. Kerski the other businesses signs are much larger. Those signs were grandfathered in when the code changed.

Commissioner Olupo asked why the code was changed. Mr. Kerski because of highway signs and pilon signs, which are not allowed anymore, the council and community asked for smaller signs.

Mr. Justin the owner of AD Foods stated that even with the variance the sign is between 6 to 17% smaller then the other signs on the building.

Chair Forsythe asked if the liquor store was moving out completely. Mr. Justin stated that they are staying in the corner just smaller. The building configuration is confusing. They had to remove two doors and install a new door under where the sign will be for the business.

Commissioner Olson asked when will they be open. Mr. Justin said they hoped May but realistically mid June.

Commissioner Sepulvado asked why the sign would not be lined up with the door. Mr. Justin said its because of how the landlord has divided the property.

Chair Forsythe asked where was the liquor store sign and Mr. Justin pointed it out to the right of the former exit door of the liquor store.

Commissioner Kent Robbins made a motion to close the public hearing, seconded by Commissioner Daniel Olson and the motion passed.

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Commissioner Noreen Reding made a motion to approve Resolution No. PC2022-02 approving the variance request for oversized wall signage at 4045 Dean Lakes Boulevard in the Highway Business (B-1) Zone, seconded by Commissioner Kent Robbins and the motion passed.

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7. Other Business

8. Adjourn to Thursday, April 7, 2022 at 7:00 p.m.

Commissioner Kent Robbins made a motion to adjourn to Thursday, April 7, 2022 at 7:00

pm, seconded by Commissioner Bennett Olupo and the motion passed.

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