



Shakopee Board of Adjustments and Appeals

Minutes

August 3, 2017

7:00 PM

Council Chambers

1. Roll Call

Chair Brandon called the meeting to order.

Commissioners present: Anita Botamer; Lori Brandon; Jody Brennan; Steve Mangan; Mark McQuillan; Kent Robbins; Mark Seifert

City Staff present: Director of Planning & Development Michael Kerski; Senior Planner Mark Noble

2. Approval of Agenda

Commissioner Kent Robbins made a motion to approve the Agenda, seconded by Commissioner Steve Mangan and the motion passed.

7 - 0

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

Staff has received these items.

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

No one responded.

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.)

5.A. Minutes of May and June Meetings

Commissioner Mark McQuillan made a motion to approve the Consent Business, seconded by Commissioner Mark Seifert and the motion passed.

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6. General Business

A. Type B Nonconformity - Determination by the Board of Adjustment and Appeals

Senior Planner Mark Noble presented Type B Nonconformity - Determination by the Board of Adjustment and Appeals. Due to the recent move, he noted that images could not be shown. Mr. Noble passed around images of the property as well as the rationale for the improvements. He explained how the city determines setbacks as well.

Mr. Mangan noted that he would be abstaining from the vote, since he had a conflict of interest.

Mr. Robbins asked Mr. Noble if he knew how old this house was and Mr. Noble answered that he believed it was built in the early 1900's, but it was not listed on the historic register. Mr. Robbins asked if new siding was going to be put on the house and Mr. Noble stated that he thought so, but that the applicant was present and could go over the improvement details.

Mr. David Main, 426 - 7th Ave, addressed the Board. He answered all of the Board's questions and concerns.

Commissioner Kent Robbins made a motion to approve Type B Nonconformity - Determination by the Board of Adjustment and Appeals, seconded by Commissioner Anita Botamer and the motion passed.

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Anita Botamer - aye

Lori Brandon - aye

Jody Brennan - aye

Steve Mangan -abstain

Mark McQuillan - aye

Kent Robbins - aye

Mark Seifert - aye

B. PUBLIC HEARING: Conditional Use Permit for Over-height Structure in Valley Park 17th Addition

Commissioner Jody Brennan made a motion to open the Public Hearing, seconded by Commissioner Steve Mangan and the motion passed.

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Senior Planner Mark Noble presented Public Hearing: Conditional Use Permit for Over-height Structure in Valley Park 17th Addition.

Mr. Robbins asked what the height limit was for this zone and Mr. Noble answered that it was 35 feet. He stated that most of the structure would be at 49' 9" with 56' 8" being the maximum height. Mr. Noble noted that the hotel to the west of this property also had a CUP for 50' over-height, so it was comparable to this request.

Ms. Brandon asked about the draft resolution in the packet and after the 9 conditions listed there was a part that referenced items needing to be addressed or completed; street repaving, grading permit, etc. She asked if these 6 items would be a part of the conditions if this were approved. Mr. Noble answered that city staff has requested that that the Board include these as part of the conditions for approval. These items are specific from city engineering and they have asked for them to be included in the approval.

Ms. Michele Caron, engineer for the project, addressed the Board. She answered all of the Board's questions.

Mr. Jay Bhaktou, representative for the applicant, addressed the Board. He answered all of the Board's questions and concerns.

Mr. Jeff Andrews, 4550 12th Ave E and representative for the Holiday Inn & Suites, addressed the Board. He shared his concerns about the shadow lines from this proposed structure, as well as his previous CUP approval regarding the height of his neighboring structure and how strict the city was with them.

Mr. Robbins asked for clarification on his concerns and Mr. Andrews did so.

Ms. Brandon asked Mr. Andrews if the Holiday Inn was comparable in height to the new property and Mr. Andrews answered that it was.

Mr. Seifert asked for clarification on whether the Holiday Inn was west or east of this new structure and Mr. Noble answered that it was west, so morning sun was their concern.

Mr. Noble stated that there were easements that run along the north and south side of the property and did not run parallel, but at a slight angle. Therefore, moving anything further to the east would compromise the applicant's buildable area. The applicant has centered the structure as best possible to meet setback requirements. Moving the structure further to the east could also affect their parking lot and might affect compliance with the city code parking lot requirements.

Mr. Andrews asked for an explanation about the easements on the property and Mr. Noble did so. Ms. Caron also showed all attendees the site plans where the easements were located.

Ms. Brandon asked Ms. Caron about the parking spaces being built and if the hotel was at full capacity, approximately how many parking stalls would be needed for staff. Mr. Bhaktou answered that they would need about 10 spaces for staff, but it could go up to 12. Ms. Brandon asked about trailer parking and Mr. Bhaktou answered that they did not allow for trailer parking. Ms. Brandon asked Mr. Noble about the minimum parking ratio that the applicant would need to meet city code and Mr. Noble stated that city code requires 1 space for each room and 1 space for every 2 employees. There are 129 rooms and the

applicant is proposing 134 stalls, which meets the city code.

Commissioner Jody Brennan made a motion to close the Public Hearing, seconded by Commissioner Anita Botamer and the motion passed.

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Commissioner Anita Botamer made a motion to approve Conditional Use Permit for Over-height Structure in Valley Park 17th Addition as presented, seconded by Commissioner Steve Mangan and the motion passed.

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Ms. Brandon stated that she appreciated everyone's comments. She understood the concern of the Holiday Inn property owner adjacent in terms of the the shadow lines, however, she feels that by supporting this, the Board is giving the same treatment to the applicant that the adjacent property owner received in terms of over-height structures.

Anita Botamer - aye

Lori Brandon - aye

Jody Brennan - aye

Steve Mangan - aye

Mark McQuillan - aye

Kent Robbins - aye

Mark Seifert - aye

C. PUBLIC HEARING: Conditional Use Permit for Over-height Fence

Commissioner Steve Mangan made a motion to open the Public Hearing, seconded by Commissioner Mark McQuillan and the motion passed.

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Senior Planner Mark Noble presented Conditional Use Permit for Over-height Fence.

Ms. June Grieppe and Mr. Arden Grieppe, 3205 Butternut Circle, Prior Lake, addressed the Board.

Mr. Robbins asked if there were any consideration given to any other type of fence besides chain link and the applicants stated their rationale for this type of fence.

Mr. Seifert asked if the applicant was the owner of the business or if this was rented out and Mr. Grieppe answered that this was rented out.

Commissioner Mark Seifert made a motion to close the Public Hearing, seconded by

Commissioner Anita Botamer and the motion passed.

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Commissioner Steve Mangan made a motion to approve Conditional Use Permit for Over-height Fence, seconded by Commissioner Kent Robbins and the motion passed.

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Anita Botamer - aye

Lori Brandon - aye

Jody Brennan - aye

Steve Mangan - aye

Mark McQuillan - aye

Kent Robbins - aye

Mark Seifert - aye

D. PUBLIC HEARING: Conditional Use Permit for dog daycare and boarding, housing designed to serve the needs of the handicapped individuals and an over-height structure

Commissioner Kent Robbins made a motion to Open the Public Hearing, seconded by Commissioner Steve Mangan and the motion passed.

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Director of Planning and Development Michael Kerski presented Conditional Use Permit for dog daycare and boarding, housing designed to serve the needs of the handicapped individuals and an overheight structure. He stated that archaeological artifacts were found on the previous site, so the City Council sold the property to the SMSC on 8/2/17. He showed a sketch of the new proposed site on 30 acres of city-owned property on the West end of Shakopee.

Ms. Brandon asked if the previous plan for the handicapped had 3 buildings and Mr. Kerski answered that the previous proposal included 2 buildings. Since the applicant is getting more property now, they would like to be able to plan for additional buildings. At a recent neighborhood meeting, a Scott County representative stated that right now there are no beds in Scott County. This would be an opportunity to address this problem in our own county. The program would be the same as was previously approved by the Board.

Mr. Robbins asked Mr. Kerski for clarification on the map where this new location was and Mr. Kerski did so.

Mr. McQuillan asked what type of businesses would be going into the office park portion of the proposal and Mr. Kerski explained this.

Mr. Jason Palmby, representative of Topaz Investments, addressed the Board. He stated that the only change from his presentation to the Board a few months ago was the potential

for an additional building in addition to enhanced landscaping around the property.

Ms. Botamer stated that what she liked about the previous development proposal was the access to restaurants and the downtown Shakopee area. She asked Mr. Palmby about any plans regarding transport for residents to get into town. Mr. Palmby answered that the majority of their residents stay on site and that there was a cafeteria. They would have vans to provide transportation for the residents, but the new location is still in close proximity to the hospital, etc. The new Hy-Vee grocery store will be within walking distance. Mr. Palmby acknowledged that the new site is not as walkable as the previous site, but that there would be transport available to residents if needed.

Mr. Kerski noted that Hy-Vee is a major employer for people in recovery. Their corporate store has about 34 employees who have completed various substance abuse programs and he believes this is a unique opportunity to have an employer such as this in close proximity.

Ms. Brandon asked Mr. Palmby about the number of residents that would be housed at the facility and if it was the same as the previous site: Mr. Palmby stated that she was correct.

Ms. Caroline Engh and Ms. Starla Tyree, applicants for Doggie Doo's Daycare, addressed the Board. Ms. Brandon asked if this new location was going to be bigger than the previous proposal or if there were any changes to the design than what was previously approved. Ms. Engh answered that it would stay the same. Ms. Brandon noted that on the initial CUP that was approved, there were concerns from neighbors about the outside time for dogs as well as barking and if the new location changed any of this. Ms. Engh stated that the set hours from the previous proposal would stay the same and that they would work to control the barking as much as possible. Mr. Kerski noted that one of the changes with this new location was that the outside area would be much larger, about the size of a football field.

Ms. Diane Khwil, resident adjacent to the proposed handicapped building, addressed the Board. She shared her concerns about the facility and the close proximity to her neighborhood.

Mr Kerski point out on the map where the handicapped facility would be located and the neighborhood meetings that had been conducted. Ms. Brandon asked Mr. Kerski if Ms. Khwil lived in the area where she would have been notified of the neighborhood meetings. Mr. Merski stated that all residents within 500 feet of the entire 30 acre site were notified out of an abundance of caution as well as the large billboard sign located on the property.

Mr. Palmby addressed Ms. Khwil's concerns about the residents and the facility. He also commented about their previous experiences with the facility in Chaska.

Ms. Brandon asked Mr. Palmby if there were cameras on the site or around the facility and Mr. Palmby stated that there would be security cameras on the exterior of the building.

Mr. Jason Vanderscott, representative of 5 Star Recovery, addressed the Board. He stated that the only complaint he had received from neighboring residents in Chaska was in regard to lights and this issue had been addressed.

Ms. Brandon asked Mr. Vanderscott if he had any statistical data about the program that he could share. He stated that he did not for this specific long-term recovery program that they are planning to provide, other than that it is known to produce much better results as a whole. He shared some statistics about some previous programs 5 Star Recovery has operated and their success rates as well as their recovery philosophy.

A resident near to the proposed handicapped facility, (no name or address given on sign in sheet), addressed the Board. He shared his concerns about the facility and questioned if this location was a good fit.

Mr. Vanderscott read a letter from a former neighbor to their facility in Chaska.

Mr. Robbins noted that he would be abstaining from the vote.

Commissioner Steve Mangan made a motion to close the Public Hearing, seconded by Commissioner Mark Seifert and the motion passed.

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Commissioner Jody Brennan made a motion to approve Conditional Use Permit for dog daycare and boarding, housing designed to serve the needs of the handicapped individuals and an overheight structure, seconded by Commissioner Mark Seifert and the motion passed.

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Ms. Brandon thanked everyone for coming and speaking this evening. She thought it was important to note that she understood the residents' concerns. She grew up close to the Shakopee Women's Correctional Facility without incident. She believes drug and alcohol abuse is a big issue for the community and county and believes that this company has a very good reputation. She also feels that this facility addresses a big need and so that is why she is in support of it.

Anita Botamer - aye

Lori Brandon - aye

Jody Brennan - aye

Steve Mangan - aye

Mark McQuillan - aye

Kent Robbins -abstain

Mark Seifert - aye

7. Other Business

None

8. Adjourn to Thursday, September 7, 2017 at 7:00 p.m.

Commissioner Mark McQuillan made a motion to adjourn the meeting at 8:20 pm, seconded by Commissioner Anita Botamer and the motion passed.

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