

Shakopee Board of Adjustment and Appeals Minutes

October 6, 2022

7:00 PM

City Hall, 485 Gorman St.

1. Roll Call: Present Commissioners Olson, Reding, Robbins, Sepulvado, Lara, Chair Forsythe, and Weiler, Staff Kerski
Welcome to Commissioner Jim Weiler. Lived in Shakopee since 1996.
2. Approval agenda: Robbins moved, Olson second. Approved unanimously
3. Call – good
4. Interested citizens – none
5. Consent business – minutes to be corrected to show Commissioner Reding’s name spelled properly. Motion made by Lara, seconded by Sepulvado to approve minutes as corrected. 6-0, Forsythe abstained since he was absent at last meeting
6. General Business

- a. PUBLIC HEARING: Variance request to the 100-foot structure setback to a residential zone in the I-1, Light Industry Zone, at 8600 Hansen Avenue

Motion made by Robbins and second by Sepulvado to open the public hearing

Staff presented the plans for a new structure. Property has now been subdivided into two properties. Based on public input at the last meeting, the applicant has rotated the building and the garage doors now face to the east. The driveway remains in the same location. The setback variance is necessary to allow this. The applicant will provide additional landscaping and has worked with the Engineering Department on stormwater. Parking is now away from the neighbors.

Robbins asked where the houses were located relevant to the new plan.

Howard Larsen 8785 Boiling Springs Lane on eastern corner of the property. Property is the low land. Record on opposing. Twenty five years ago rezoned and original conditions were not met. Original developer removed the peat and backyard flows into that area. In the 1980s property to the rear flooded. Existing wetlands have been filled with peat. Ignored original conditions.

Darrin Thompson, who resides directly south of the proposed building is concerned that the building is even closer to his house than originally proposed. He appreciates the garage doors and entrance relocation to the east. All the traffic from the six bays will be coming in here at the driveway. Concerned about berm with trees and maybe a fence to separate the residential from the industrial. Employees from the existing businesses take breaks in their cars and disturbs the residents. Wants more separation.

Lara asked is the residents spoke with Mr. Hansen, the property owner. No meeting with the neighbors? There must have been some discussion since way the building was turned there must have been some discussion. Lara noted the boats and other materials being stored on the property. Mr. Thomson said he can move boats and trailers when he sells his house. Robbins said he thought the neighbors were going to get together with the

developer. Staff noted that the original building could have been built with just applying for a permit. Mr. Hansen had agreed at the last meeting to look at alternatives to minimize the impact and he has turned the building, relocated the entrance and parking.

Mr. Thompson came back and still objected to the location of the driveway. Chair Forsythe noted that the only thing on the agenda tonight was the setback variance.

Mr. Larsen came back and asked if we are going to address the original zoning issues. When will it be addressed. Forsythe suggested contacting city staff. Staff noted that the original rezoning was not very clear from the original minutes and there is no recording of the minutes and Mr. Hansen was not the owner at the time.

Robbins motion to close, Reding seconded.

Staff noted that the Engineering staff has been working on the drainage easements and ensuring that the water still drains properly from this area.

Sepulvado asked if the variance is denied what would happen and staff noted he could set the building back 100 feet with the doors facing the neighborhood. Robbins said that the residents asked that the building be rotated, and he complied. Weiler understood the variance's impact on the building and asked if it has impact on the stormwater. Staff said no.

Lara moved Resolution PC 2022-011, Reding second. Unanimous.

- b. PUBLIC HEARING: Variance request to allow painted pre-cast concrete panels in the Business Park and Heavy Industry Zone at 5500 and 5700 12th Avenue East and 1150 Gateway Drive

Motion made by Robbin and seconded by Olson to open the public hearing. Unanimously approved.

Staff presented the case. Applicant is proposing to paint the three buildings. Two of the structures face Highway 169 and are very visible. The applicant wants to paint the grey. Painting of pre-cast is not allowed per code. Staff showed several painted pre-cast buildings allowed under the old code and the conditions today. All have faded or been repainted.

Robbins asked what else the owner could do with the building. Buildings still need to be maintained.

Michael Andersen for Link Logistics Real Estate. Company purchased in 2019 when the code changed. They haven't yet had the opportunity to paint the buildings. Want to use them to promote their company and their corporate colors since they are very visible. Single cost primer and caulk the larger cracks with two coats of primer. Will look good from the highway. Can't be stained since the rocks won't accept the colors. Sherwin Williams recommended one coat of primer and two coats topcoat.

Lara asked if the company would have a measure in place to maintain the color. Applicant says it will keep the tenants. Our benefit to keep the building looking good. Why paint them? Andersen said to brand them to their color and image. Also, caulking large cracks will also look better. Sepulvado asked for alternatives. Andersen said this is why they went to Sherwin Williams. Caulk without a topcoat of paint and they were concerned how the caulk will look. Stain is the next best option which given the exposed aggregate, won't work. Sepulvado asked what the expectation is for maintenance. Can get color matched caulk? Staff noted that the applicant wants to use their colors. The developers haven't had any pushback on new buildings using integral color concrete. Paint no matter how good they are painted, will fade over time.

The Applicant complained that they are stuck with the current color. Staff mentioned that the grey is everywhere because that color is in. That is why Council went with integral color. Clarity question is that the current building is not painted. Staff noted that this building looks good (Cameron's) and was the building that the council chose as its standard for integral color concrete. Robbins stated that the building now as is has integral color concrete. Lara asked the applicant if when the code changed in 2019, were they aware of the change? Paint is not always the first thing to do from the applicant. They just got around to it now.

Ken Carry, Paramount Painting testified. They were hired by Link to paint the building. Been in business for 23 years. Resident of Shakopee since 2015. Problem with precast buildings is that the spec always calls for primer coat and two topcoats. Typically, they are not washed prior to painting and the developer typically only puts on one coat of paint. In two to five years the paint looks horrible. He spends time going around the twin cities to fix these problems. Primer coat fixes issues, and two coats make the building pop. Precast integral colors are sandwich panels and depending how they are formed and made, all concrete cracks and needs to be caulked. Staining is allowed, problem is with caulk this is a worse system and will create a messy look. Most manufacturers recommend a sealer on new panels, which is never done. This causes issues and worsens cracking. Proposing to have them look fresh with paint. If you want the city to look good the city should make sure that the panels are properly cared for at installation.

Robbins made a motion to close the public hearing and Weiler seconded the motion.

Robbins said that once you paint a building, everyone must live with it. Uncertain how to proceed. One of the points is that whatever an owner might do, a new owner might want to paint it another color. Leasing folks want to paint it for flexibility and construction/maintenance folks don't want it painted. Sepulvado noted that sometimes the building would never be repainted. Weiler said that when he hears that everyone hasn't done it correctly it raises concerns. Reding noted that if they pass this then they would be setting a precedent that everyone could ask to paint their building and we can't regulate how they get painted. Lara pointed out that we would be setting a precedent by approving this since there is no hardship beyond the applicant's desire to paint it their colors. Nothing we can do to make them paint it property and upkeep it. Forsythe said what is so

exceptional about this request. Olson said a fresh coat of paint always looks better. Forsythe is concerned about the precedent and makes the code unenforceable.

Robbins made a motion to adopt Resolution 2022-012 to deny the variance request second by Sepulvado. Voting yes, denies the variance request. Passed unanimously.

7. No other business
8. Motion made by Adjourn to November 3rd at 7PM Reding Lara seconded

Meeting ended at 8:02