



Shakopee Board of Adjustments and Appeals

Minutes

October 5, 2017

7:00 PM

Council Chambers

1. Presiding Chair Lori Brandon

Chair Brandon called the meeting to order.

2. Roll Call

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

Commissioners absent: Anita Botamer; Mark Seifert

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

3. Approval of Agenda

Chair Brandon requested that item 5.A. be removed from Consent Business.

Commissioner Kent Robbins made a motion to approve the Agenda with item 5.A. removed, seconded by Commissioner Steve Mangan and the motion passed.

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

Staff has received these.

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

No one responded.

6. 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.)

7. General Business

Chair Brandon noted that there was a typographical error on the 9/7/17 minutes; on page 3, she is noted as Mr. Brandon and requested this be corrected to Ms. Brandon.

A. Approval of Minutes

Commissioner Mark McQuillan made a motion to approve the minutes of 7/6/17, 8/3/17 and 9/7/17 with the change noted on page 3 of 9/7/17 minutes, seconded by Commissioner Steve Mangan and the motion passed.

B. Type B Nonconformity - Determination by the Board of Adjustment and Appeals
Senior Planner Mark Noble presented the staff report.

Mr. Robbins asked about the age of the home and Mr. Noble stated that from the historical records it was built in 1854. Mr. Robbins asked what the non-conformity issue was and Mr. Noble stated that the non-conforming issue was with the front yard setback for a new garage. New structures should be set back 30 feet or setback consistent with adjacent properties on the block.

Mr. Mangan asked if there were any photos of adjacent properties and Mr. Noble displayed an aerial image showing the adjacent home. Mr. Noble also showed the location of where the new garage would be built. He stated that the applicant was present and could also answer questions.

Victor Tukhlynovych, 506 Holmes Street S., addressed the Board.

Ms. Brandon asked about the fence on the property and if it would need to be removed. Mr. Tukhlynovych answered that only a portion of the fence would be removed and he noted on a photo the exact location. Mr. Tukhlynovych stated that the garage would be 10 ft, 6 inches setback. Mr. Noble clarified for the Board that this measurement is taken from the property line, so with the sidewalk/boulevard included, the setback could be approximately 20 feet from the curb to the front of the garage.

Commissioner Kent Robbins made a motion to find that the criteria found in Section 151.017 (D) are met and approve the proposed garage construction at 506 Holmes Street South by adopting Resolution No. PC17-050, seconded by Commissioner Mark McQuillan and the motion passed.

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Lori Brandon - aye

Jody Brennan - aye

Steve Mangan - aye

Mark McQuillan - aye

Kent Robbins - aye

C. Review of the Conditional Use Permit and Mineral Extraction and Land Rehabilitation Permit for Shakopee Gravel

Senior Planner Mark Noble presented the staff report.

Mr. Robbins asked Mr. Noble how much longer he thought this would last and Mr. Noble

estimated that it would end by the year 2021. He also commented that the applicant was present and could possibly provide a more accurate answer.

Mr. Robbins asked for clarification on the import/export of product on the property and Mr. Noble did so.

Mr. Mangan asked if Mr. Noble was correct in stating at last year's review that there were complaints about dust/dirt and if there had been any complaints this past year. Mr. Noble stated that there were a few dust complaints in the past year, but the source could be from the adjacent property as well as Shakopee Gravel.

Mr. John Shardlow, Planning Consultant for Stantec Consulting, addressed the Board. He stated that they are very close to the end of their mining and shared their end use plan. He stated that they are also working very closely with the city on the Comprehensive Plan update.

Mr. Mangan asked what kind of product is coming into the site and Mr. Shardlow answered that they require any material coming in be clean and compactable. He also shared that customers bringing in material have to use their own equipment on site.

Mr. Robbins asked for clarification on how close to the end of their mining was and if it would be closer to the year 2019 or 2020. Mr. Shardlow stated he was correct; when the original CUP was created there was an end date and in 2013 they processed an amendment to remove the time limit. At that time as well as the present time, the use is a function of the market. It would be possible now to grade the property for an end user, but for now they are focusing on making the land more valuable by sculpting it in such a way that it matches that land form. There are ongoing conversations with people interested in purchasing the property.

Commissioner Kent Robbins made a motion to recommend to the City Council that they accept the review of the permit as conditioned in approved Resolution No. 7272, and direct the applicant to work with City Engineering to address their concerns and/or requests, seconded by Commissioner Steve Mangan and the motion passed.

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Lori Brandon - aye

Jody Brennan - aye

Steve Mangan - aye

Mark McQuillan - aye

Kent Robbins - aye

8. Other Business

Chair Brandon shared that last month she attended the Metro Cities Association of Metropolitan Municipalities local comp planning forum, held in Roseville. She brought in

copies of the materials that were provided in case other Commissioners wished to view it.

9. Adjourn to Special Session, Thursday, October 19, 2017 at 7:00 p.m.

Commissioner Jody Brennan made a motion to adjourn to Special Session, Thursday, October 19, 2017 at 7:44 pm, seconded by Commissioner Kent Robbins and the motion passed.

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