

RESOLUTION PC2023-009

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, DENYING A CONDITIONAL USE FOR AN ASSISTED LIVING FACILITY AT 2205 WILDWOOD DRIVE

WHEREAS, Jim and Nancy Schreiner, applicant, and Serendipity Summit, property owners, and American Heritage Assisted Living, have made application for a Conditional Use Permit (CUP) to allow for operation of an Assisted Living Facility in the R1B zone;

WHEREAS, the property upon which the request is being made is legally described as:

WHISPERING OAKS Lot 035 Block 001, Scott County, Minnesota, and

WHEREAS, all required public notices regarding the public hearing for the application were duly sent and posted and all persons appearing at the hearing have been given an opportunity to be heard thereon; and

WHEREAS, the Board of Adjustment and Appeals of the City of Shakopee did review this application on July 6, 2023, and adopted the following findings:

Finding #1 The City has received evidence from the surrounding neighbors that the current use may be impeding the enjoyment of other property in the immediate vicinity, and that it might diminish or impair property values in the area. Commercial or business use of a property is currently prohibited by the subdivision's recorded covenants and restrictions. The neighbors have complained about deliveries, number of staff, number of vehicles at the property.

Finding #2 The use is not allowed by the subdivision's recorded covenants and restrictions.

Finding #3 There are currently necessary utilities in the area, however, the SAC and WAC for the facility were not calculated as a commercial use when the original building permit was issued. The current site would require additional parking to meet the needs of the facility and there are limits to the amount of paving allowed in the front yard.

Finding #4 The use of the subject property is not consistent with the purposes of the R1B zone without a Conditional Use Permit that based on the applicant's information, staff does not support.

Finding #5 The use is in conflict with the Suburban Residential land use per the notations above and based on neighborhood feedback and the original covenants and restrictions.

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota that the requested CUP is hereby denied.

Adopted in regular session of the Board of Adjustment and Appeals of the City of Shakopee, Minnesota, held on the 6th day of July, 2023.

**Chairperson,
Board of Adjustment and Appeals**

ATTEST:

**Michael Kerski,
Director of Planning and Development**

PREPARED BY:
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