RESOLUTION PC2023-012

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A CONDITIONAL USE PERMIT ALLOWING AN OVER-HEIGHT UTILITY STRUCTURE AT 8850 HANSEN AVENUE IN THE LIGHT INDUSTRY (I-1) ZONE.

WHEREAS, Ledios Engineering, LLC & Shakopee Public Utilities Commission, applicants, and Maras Street LLC, property owner, have filed an application for a Conditional Use Permit to allow construction of an over-height utility structure under the provisions of Chapter 151, Land Use Regulation (Zoning), of the Shakopee City Code; and

WHEREAS, this parcel is presently zoned Light Industry (I-1) Zone; and

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

See Exhibit A; and

WHEREAS, proper public hearing notices were sent, published and posted, and on September 7, 2023, the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from Community Development Staff and invited members of the public to comment.

THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS, that it adopts the following findings relative to the request for Conditional Use Permit.

Conditional Use Permit Criteria and Proposed Findings:

Criteria #l: The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;

Finding #1: The Board has not received any evidence that the use will be injurious to the use and

enjoyment of other property in the vicinity, nor substantially diminish and impair property values if conducted in accordance with the proposed conditions.

Criteria #2: The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses allowed in the area;

Finding #2: The conditional use permit should not impede future development and improvement in the area, provided the use complies with the conditions of the resolution.

Criteria #3: Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;

Finding#3: The Board finds that adequate utilities, access, drainage and other necessary facilities have been or will be provided for the site. The addition to the substation allows for continued development within Shakopee and allows for continued economical rates for SPUC customers.

Criteria #4: The use is consistent with the purposes of the zone in which the applicant intends to locate the proposed use; and

Finding #4: The Board finds that this use is consistent with the purposes of the Light Industry (I-1) Zone.

Criteria #5: The use is not in conflict with the Comprehensive Plan.

Finding #5: The Board finds that the use is not in conflict with the Comprehensive Plan.

BE IT FURTHER RESOLVED, that the application for Conditional Use Permit Resolution PC2023-012 is hereby **GRANTED**, subject to the following conditions:

1. The height of the proposed structures are limited to 90 feet in height, with all structures to be consistent with project narrative and submitted drawings/photos for this facility.
2. Any proposed exterior material shall comply with all design and performance standards of City Code Section 151.108, which lists permitted building design and materials.
3. Size and quantity of the proposed plantings shall be consistent with City Code Section 151. Coniferous trees shall be a minimum of 6 feet in height at time of planting, and deciduous trees shall be a minimum 2 ½" dbh caliper inches at time of planting.
4. The applicant shall work with the Planning Department staff to create a landscaping plan with adequate screening with appropriate species and spacing for trees to be planted on the property.
5. The maximum height of fencing permitted as part of this project is 8'. Barbed wire is not allowed on the fencing.
6. Submit a diagram showing turning movements for design vehicles throughout the site.
7. Prior to any land disturbing activity, the applicant will obtain a grading permit and/or a building permit. The permit application must be accompanied by detailed, certified

construction drawings (including a site plan). Along with the permit(s), the applicant must submit a detailed impervious surface drawing.

8. Based on the proposed use, it appears there will be no need for sanitary sewer service. If sanitary sewer service is needed, coordinate with City of Shakopee Engineering Division.
9. Prior to approval of a grading permit and/or a building permit, the applicant will obtain approval of a storm water management plan (SWMP). The SWMP will adequately address requirements set forth in the City of Shakopee's Comprehensive Water Resources Management Plan (CWRMP).
10. Grade the entire site, as proposed on the approved plans, in one phase within one year from the date of approval of the grading permit application. Grading is defined as brining the site to the proposed finished grade with materials deemed acceptable by the City of Shakopee engineering division, providing topsoil per city requirements and applying seed, mulch and/or sod per city requirements and providing an as-built record grading plan per Section 2.5 of the City of Shakopee Design Criteria.
11. Obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the permit coverage letter must be provided to the city. A certified SWPPP inspector must conduct the required SWPPP inspections and provide documentation to the city.
12. Enter into a Utility Facilities Easement Agreement with the City of Shakopee. The applicant must record the easement agreement with the county.
13. Submit a Construction Management Plan. A template can be provided by the engineering division.
14. Approval of the CUP request does not constitute approval of the submitted plans.
15. There is a pending assessment for SA27210 Utility Extension (Maras St, 13th Ave, & Hansen Ave) project. That pending amount is $80,160.04.

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 7th day of September, 2023.

_____
Chair of the Board of Adjustment and Appeals

ATTEST: _____
Michael Kerski
Director of Planning and Development

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379