



Shakopee Board of Adjustments and Appeals

Minutes

January 4, 2018

7:00 PM

Council Chambers

Presiding Chair Lori Brandon

Chair Brandon called the meeting to order.

1. Roll Call

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

City Staff present: Senior Planner Mark Noble

2. Approval of Agenda

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

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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. General Business

A. PUBLIC HEARING - Conditional Use Permit for Exterior Storage in the Light Industry Zone

Commissioner Kent Robbins 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 the staff report for Conditional Use Permit for Exterior Storage in the Light Industry Zone.

Steve Mangan asked about Condition #2 and how far above the fencing operable vehicles would extend. Mr. Noble explained that it would most likely be trailers for vehicles and that additional landscaping should help with coverage as well as the fence. Mr. Mangan asked if this would be exposed to 4th Avenue and Mr. Noble answered that it should not, if the conditions set forth in the CUP are met. Mr. Mangan asked about the difference

between "predominantly opaque" and regular chain link fencing and Mr. Noble explained the difference. Mr. Mangan asked about feedback from neighbors and Mr. Noble stated that he spoke with one neighbor, who was mentioned in his report.

Mr. Seifert asked if the applicant was also going to be the occupant and Mr. Noble stated that the applicant was Beacon Construction and that the occupant would be Larson Development. Mr. Seifert asked what type of business this was and Mr. Noble answered that it was a commercial construction company and that the applicant and representative from Larson Development were present this evening. Mr. Noble stated that Larson Development is looking to store vehicles and lifts, but the applicant could answer in more detail.

Ms. Brennan asked what the zoning was to the west and Mr. Noble stated that it was Light Industrial, with property to the south zoned R3, east is Light Industrial and north is also Light Industrial.

Mr. Mangan asked if there had been any accidents on the corner of 4th and Sarazin and Mr. Noble answered that he was not aware of any. He noted that there is a traffic safety committee that studies intersections that are concerning, and he had not heard about this intersection being one of them.

Mr. Loren Kjersten, President of Beacon Construction, and Mr. Mike Larson, owner of Larson Development, addressed the Board. He passed around a photo of the fence screening. He shared his concern with the condition in the CUP about the paving requirement, and he had been unaware of this before tonight. He stated that the exterior storage area is merely a storage area for construction equipment and vehicles and that paving would be an onerous cost and not something that had been put into their budget. He added that paving was not put into their civil plan, since that would require storm water storage and ponding.

Ms. Brandon asked how much movement of equipment and vehicles would be happening; if it would be daily or weekly. Mr. Kjersten answered that the tenant is in the drywall and carpentry trade and movement would be dependent on what type of vehicle it would be. Some would be entering and exiting daily, while others could sit for months.

Mr. Robbins asked Mr. Kjersten what type of construction Larson Development did and Mr. Kjersten stated that Larson Development was a commercial construction company, working on schools and hospitals. Mr. Robbins asked how many people would be on site and Mr. Larson stated it would be approximately 20 people in the office. Mr. Larson stated that they built the Shakopee City Hall and they are also building Shakopee Senior High School. Mr. Larson commented that his company delivers supplies to these kinds of job sites; they do not store these supplies on their property. Mr. Robbins shared his concerns about not having the pavement requirement, since there could be issues with dust and vehicle leakage. Mr. Kjersten answered that the equipment being stored outside would be

mostly lifts, which move very slowly, so would not be kicking up very much dust. He also stated that Mr. Larson would have mechanics on site to maintain equipment on a regular basis, so leaking would not happen. The equipment would not come back from a job site damaged or broken. Mr. Larson stated that they have been at their present location on Valley Industrial Boulevard and Canterbury Road for the past 17 years and invited the Board go visit this property to see the amount of equipment stored outside and Mr. Robbins answered that he would do so.

Ms. Brandon asked what type of surface their equipment is presently stored on at their current location and Mr. Larson answered that it was a paved parking lot.

Mr. Robbins asked how much paving would add to their budget and Mr. Kjersten answered that it would add approximately \$36,000.

Ms. Brandon asked what the total budget for this project was and Mr. Kjersten answered that the building was approximately \$4 million dollars.

Mr. Mangan asked Mr. Noble to clarify if Shakopee Public Utilities was required to pave their storage area and Mr. Noble stated that he would have to look at the site plan. Mr. Noble also stated that staff preferred equipment storage on asphalt or concrete and that Mr. Kjersten should have received this report beforehand, since it was mailed out last Friday and he apologized if he had not received the report.

Mr. Seifert asked about Condition #2 and how many lifts would be on site and Mr. Larson answered that it usually is just 1 lift that is stored on site. Mr. Seifert asked how tall it would be when stored and Mr. Larson answered 7 feet. Mr. Kjersten clarified that there also may be a cube van or semi truck-type cab stored, which could extend to 10 feet. Mr. Seifert asked about the semi trucks and if they would be stored there and Mr. Larson stated that he did not own any semi trucks. Mr. Seifert asked about Condition #8 and the paving requirement by city code and staff's rationale for the requirement on this project. Mr. Noble stated that staff was concerned with environmental impact from oils, gas, etc., dust, rutting of the lot from heavy vehicles, as well as rock eroding onto adjacent properties.

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

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DISCUSSION

Mr. Robbins stated that he appreciated the concerns by the applicant and occupant about the paving requirement, but stated that he felt better about heavy machinery sitting on a hard surface and not dirt.

Mr. Kjersten noted that this site is near the river bottom and that 6-18 inches below the

surface is solid bedrock.

Ms. Brandon commented that city staff has a valid concern with dust, rock and plowing. She believes that the paving requirement is appropriate for this CUP.

Mr. McQuillan asked Mr. Kjersten if 26-28 foot box trucks would be parked on the site and Mr. Kjersten answered that would be the most. Mr. McQuillan stated that he had mixed feelings about requiring asphalt, in particular for a small company such as this. He would be in favor of requiring it within 5 years or something to that effect. He asked Mr. Noble whether determination of an extension of this kind had ever been done before and Mr. Noble stated that this would be up to the Board.

Mr. Kjersten stated that they would welcome any kind of staging plan for paving from the city.

Mr. Mangan stated that he thinks it would be aesthetically better to have pavement or concrete right away, and to piecemeal this did not make sense to him.

Mr. Larson clarified the storage area for the vehicles and how dust and snow would not be an issue, due to the small size of the area.

Ms. Brandon asked Mr. Noble to clarify for the Board the financial consideration criteria and Mr. Noble answered that financial consideration is not typically a basis for a decision on CUPs or variances.

Ms. Sroka asked what a class 5 product would look and feel like and Mr. Kjersten stated that class 5 is crushed limestone, 1 1/2" in diameter or smaller, which is the kind of rock that is there already. She asked if there were any way to identify where a potential 2nd building might be located and Mr. Kjersten answered that the future building would be located outside of the exterior storage area zone.

Mr. Seifert asked if the plan shown on the screen tonight included what they were originally intending on using and Mr. Kjersten answered that class 5 was part of their application, which is permitted under city ordinance.

Mr. McQuillan asked Mr. Noble if this CUP were approved, that if the applicant wanted to modify their plan as to what areas they would apply asphalt, if they could do this after the vote. Mr. Noble stated that the BOAA are approving the application and if approved, the applicant would be required to put asphalt where the exterior storage area would be. If they wanted to downsize the area, they certainly could, but they could not expand or change the area of exterior storage area from what was in the application if approved. If they wanted to expand anything, they would have to come back for an amendment. They could reduce the area, but only the area highlighted in yellow and the same conditions would apply. Mr. Noble also stated that they could appeal this requirement to the City Council as well.

Commissioner Steve Mangan made a motion to approve with conditions as presented, seconded by Commissioner Anita Botamer and the motion passed.

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Anita Sroka - aye

Lori Brandon - aye

Jody Brennan - aye

Steve Mangan - nay

Mark McQuillan - aye

Kent Robbins - aye

Mark Seifert - aye

6. Other Business

Mr. Noble stated that Eric Weiss had requested that Commissioners provide any comments to him regarding his Envision Shakopee presentation at the last meeting, if they had not done so already.

7. Adjourn to Thursday, February 8, 2018 at 7:00 p.m.

Commissioner Mark McQuillan made a motion to adjourn the meeting at 7:45 pm., seconded by Commissioner Steve Mangan and the motion passed.

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