

RESOLUTION NO. PC2018-001
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY AT
LOT 1, BLOCK 1, WINDERMERE EAST 1ST ADDITION

WHEREAS, Westwood Professional Services, applicant, and NHA Partners – Shakopee, LLC, property owner, have made application for a Conditional Use Permit to allow a Day Care Facility for property located at 1615 Windermere Way in the Highway Business (B-1) Zone; and

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

Lot 1, Block 1, WINDERMERE EAST 1ST ADDITION, 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 March 8, 2018 and adopted the following findings:

Conditional Use Permit Findings:

Criteria #1 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, if conducted in accordance with proposed conditions.

Criteria #2 The amendment 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 Board finds that the conditional use permit for a day care facility will not impede the normal and orderly development and improvement of surrounding property.

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.

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 B-1 Highway Business 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That the conditional use permit for a day care facility in the B-1 Highway Business Zone are hereby approved, subject to the following conditions:

1. Shall have drop-off and pick-up areas located outside of the public right-of-way, and designed to enhance vehicular and pedestrian safety; and
2. Shall have outdoor play areas located and designed to mitigate visual and noise impacts on adjoining residential uses.
3. The site shall develop generally consistent with submitted site plans, elevations, and grading and landscape plans, contingent on compliance with the performance standards of Chapter 151.108 and the design standards of 151.040 (B-1 Highway Business Zone) of the City Code.
4. Sign permits shall be required for any proposed site signage.
5. Comply with Shakopee Public Utilities (SPU) requirements regarding water and electric service construction, which include but are not limited to: installing a lateral water main distribution system, paying the associated fees and inspections costs, granting any necessary easements, paying the Trunk Water Charge and Water Connection Charge, and entering into an Underground Distribution Agreement. The applicant shall be in contact with SPU personnel regarding the specific requirements and related costs.

Adopted by the Shakopee Board of Adjustment and Appeals on the 8th day of March, 2018.

BOAA Chairperson

ATTEST:

Michael Kerski
Director of Planning & Development

PREPARED BY:
City of Shakopee
129 Holmes Street South
Shakopee, MN 55379