



Shakopee Board of Adjustments and Appeals

Minutes

March 8, 2018

7:00 PM

Council Chambers

Presiding Chair Lori Brandon

Chair Brandon called the meeting to order.

1. Roll Call

Commissioners present: Ashlee Sepulvado, Noreen Reding, Steve Mangan, Mark McQuillan, Jody Brennan, Kent Robbins, Lori Brandon

City Staff present: City Administrator Bill Reynolds, Assistant City Administrator Nate Burkett, Director of Planning & Development Michael Kerski, Senior Planner Mark Noble, Senior Planner Kyle Sobota

2. Approval of Agenda

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

5.A. Approval of February 8, 2018 Minutes

Ms. Brandon noted that she would abstain from the vote due to her absence at the 2/8/18 meeting.

Commissioner Kent Robbins made a motion to approve the Consent Business, seconded by Commissioner Steve Mangan and the motion passed.

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6. General Business

A. Election of Officers

Chair Brandon opened the floor for nominations for Chairperson of the Board of Adjustments & Appeals.

Mr. Robbins nominated Mark McQuillan for the position of Chairperson of the Board of Adjustments & Appeals. Chair Brandon called for additional nominations 3 times.

Commissioner Kent Robbins made a motion to cast a white ballot for Mark McQuillan for Chairperson of the Board of Adjustments & Appeals, seconded by Commissioner Steve Mangan and the motion passed.

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Chair McQuillan opened the floor for nominations for Vice Chair of the Board of Adjustments & Appeals.

Mr. Robbins nominated Ms. Lori Brandon for Vice Chair of the Board of Adjustments & Appeals. Mr. McQuillan called for additional nominations 3 times.

Commissioner Kent Robbins made a motion to cast a white ballot for Lori Brandon for Vice Chairperson of the Board of Adjustments & Appeals, seconded by Commissioner Steve Mangan and the motion passed.

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Chair McQuillan opened the floor for nominations of 2nd Vice Chair of the Board of Adjustments & Appeals.

Ms. Brandon nominated Ms. Jody Brennan for the position of 2nd Vice Chair of the Board of Adjustments & Appeals. Mr. McQuillan called for additional nominations 3 times.

Commissioner Kent Robbins made a motion to cast a white ballot for Ms. Brennan for 2nd Vice Chairperson of the Board of Adjustments & Appeals, seconded by Commissioner Lori Brandon and the motion passed.

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B. Boards & Commissions Training

City Administrator Bill Reynolds provided Board Members with an overview of the current city and government structure with the city's mission statement. He also updated Board members of future projects for the city.

Assistant City Administrator Nate Burkett informed the Board of the city's demographic trends, employment and tax dollar spending. Mr. Burkett also highlighted projects that have

been completed in the past year, which included City Hall, the Community Center and Ice Arena. He also updated the Board of downtown improvements.

Mr. Reynolds went over open meeting law requirements, which included conflicts of interest and gifts.

Mr. Robbins thanked Mr. Reynolds for their presentation and asked if he ran into someone in public and how as a Board member he should approach this. Mr. Reynolds explained to all members in detail how to handle situations like this.

Mr. Robbins asked Mr. Reynolds if Board members could get a copy of their presentation tonight via email and Mr. Reynolds stated that this was possible.

Mr. McQuillan welcomed the 2 new Board members and asked them to introduce themselves, which they did.

C. PUBLIC HEARING: Conditional Use Permit for Day Care Facility - 1615 Windermere Way

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

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Senior Planner Mark Noble presented the staff report.

Mr. Robbins asked what ages the children would be and Mr. Noble stated that the applicant was present and could speak to this, but according to the application, the center could house up to 24 infants, 24 infant/toddlers, 42 toddlers, 80 preschool age, and up to 30 school age children.

Ms. Brennan asked about sidewalks and if there would be crosswalks over Marystown Road. Mr. Noble clarified on the overhead the sidewalks/trails locations. Mr. Noble also stated that the applicant could address this issue more clearly as well.

Mr. McQuillan asked if the final plat was approved by the City Council on 3/6/18 and Mr. Noble stated that this was correct.

Mr. Tom Bennett, owner of the building, Ms. Kami Thompson, Center Director, Mr. Allen Ruth, Head of Facilities and Development for New Horizon Academies, and Sherri Ahrens, Civil Engineer for Westwood Professional Services, addressed the Board.

Mr. Bennett stated that the facility cares for infants as young as 6 weeks through 10 years of age. He stated that it would be their 70th facility in the Twin Cities.

Mr. Robbins asked for an overview of New Horizon Academy and Mr. Ruth went over their history with the Board.

Mr. McQuillan asked the the target opening date and when Windermere Way would be complete. Mr. Bennett stated that the road had been put in, but the 2nd lift had not been added yet, but would be done in the spring. Mr. Ruth stated that the target opening date would be 5 months after permits were approved.

Mr. Robbins asked if this would be middle fall of 2018 and Mr. Bennett answered that ideally they would like it to open on 9/1/18 or before, since they try to be open before the school year begins.

Ms. Brennan asked where they would expect their clients to come from and Ms. Ahrens answered that in her experience with their Prior Lake location, the children come from all areas and not one targeted neighborhood. Ms. Brennan asked if the majority of the school aged children would be going to Jackson Elementary and Ms. Ahrens stated that this also varied. She also added that New Horizon Academy provides transport to other schools in the area. Ms. Brennan asked if Jackson Elementary children would be transported there or if they would be walking. Ms. Ahrens answered that they would be transported by New Horizon Academy in one of their buses.

Commissioner Lori Brandon made a motion to close the Public Hearing, seconded by Commissioner Kent Robbins and the motion passed.
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Commissioner Lori Brandon made a motion to approve Conditional Use Permit Resolution No. PC2018-001 Day Care Facility - 1615 Windermere Way, seconded by Commissioner Kent Robbins and the motion passed.
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D. PUBLIC HEARING - CUP for Recycling/Waste Sorting & Transfer Facility,
Exterior Storage & Multiple Principle Structures on 1 Lot

Commissioner Kent Robbins made a motion to open the Public Hearing, seconded by Commissioner Jody Brennan and the motion passed.
7 - 0

Senior Planner Mark Noble presented the staff report.

Ms. Brandon asked about Condition #14 and how the 60 day time period would be enforced. Mr. Noble stated that this was a standard condition for this type of facility.

Mr. Robbins asked where Hwy. 169 was in relation to the facility and Mr. Noble clarified the location on the overhead for him. Mr. Robbins commented that he was interested in

what type of material that would be recycled and what type of waste would be produced. Mr. Noble stated that the materials on the site is similar to what the city has required in the past, with conditions.

Ms. Brennan asked regarding Condition #4 and the paved area for exterior storage. Mr. Noble answered that city code requires either bituminous, concrete or Class 5 for exterior storage, and he also clarified the city code for her regarding this.

Ms. Brennan asked if there were any studies done about noise, or if the city had any concerns about this. Mr. Noble answered that this was listed in Condition #2.

Mr. David Phillips, architect for Lloyd Properties, and Mr. John Lloyd of Lloyd Construction Services, addressed the Board. Mr. Phillips stated that the purpose of the facility was to eliminate landfills. He stated that by 2036, the MPCA had a goal of less than 1% of all waste go into a landfill.

Mr. Robbins asked Mr. Lloyd to walk through a normal day at the facility and Mr. Lloyd did so. Mr. Robbins asked if the trucks coming in had any liquids like petroleum and Mr. Lloyd answered that they would not. Mr. Lloyd stated that the majority of the waste was from construction projects; concrete, steel, and Sheetrock, etc.

Mr. Phillips addressed the 60 day time period for exterior storage, which would be crushed pavement stored on the south side of the property. He went over in detail the layout of the site and how the material would be managed on a day to day basis. He reiterated the need for the crushed material to be able to be stored until the next roadway construction season, which would go over the 60 days.

Mr. McQuillan asked if the concrete and asphalt were crushed on site and Mr. Lloyd stated that this was correct. Mr. McQuillan asked if they had the proper equipment to mitigate the dust and Mr. Lloyd stated that they did, since this was a requirement of the MPCA conditions. Mr. McQuillan asked about the days/hours of operation and Mr. Lloyd stated that they would operate 6am to 6pm Monday through Friday.

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

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Commissioner Steve Mangan made a motion to approve CUP Resolution No. PC2018-02 for Recycling/Waste Sorting & Transfer Facility, Exterior Storage & Multiple Principle Structures on 1 Lot, seconded by Commissioner Kent Robbins and the motion passed.

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E. PUBLIC HEARING: Conditional Use Permit for a Charter School at 1212 Shakopee Town Square

Commissioner Jody Brennan made a motion to open the Public Hearing, seconded by Commissioner Lori Brandon and the motion passed.

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Senior Planner Kyle Sobota presented the staff report.

Ms. Brennan asked if this application or an application similar to this had been presented before and Mr. Sobota answered that she was correct. He said that the applicant did apply for a CUP last year but that they did not receive the grant funding they were looking for to start the school so they withdrew the request.

Mr. Robbins asked to see an aerial shot of the building and Mr. Sobota provided this. Mr. Sobota clarified that the school would be using the existing tenant space in the building, which encompassed 22,000 square feet. Mr. Sobota also went over details for the school buses and how the applicant would need to work with the city engineering department, since the existing drive aisles would be too narrow to accommodate parked buses and 2-way traffic simultaneously.

Mr. Kerski also clarified the exiting and entering of the buses on the new road that was going to be constructed adjacent to the south.

Mr. Tim McGlaughlin, representative of River Valley Crossing and Mercy Academy, addressed the Board. Mr. Sobota and Mr. Kerski went over with Mr. McGlaughlin the current drive aisle and how it would be configured with the new roadway.

Mr. Robbins asked what a charter school was and who would be attending the school. Mr. Bob Anderson, Board member of Mercy Academy, stated that this school was open to all children and that this particular school was designed to help under-served learners of immigrant families. He stated that the curriculum would be a multi-cultural approach and they would also extend their services to their families.

Ms. Brennan asked for an explanation about what happened with the application one year ago when it was withdrawn, and what had changed. Mr. Anderson answered that they had received their initial funding one year ago to start the school, however, the federal funds that were administered through the state through a grant proposal were not approved, which is not uncommon.

Mr. McQuillan asked if this project was going to be a complete build-out now, or if this was going to happen in phases. Mr. McGlaughlin answered that it would be a phased process. Phase 1 would include 14 classrooms; Phase 2 would begin as enrollment increases if there is a need for more classrooms. The plan is for the facility to grow with the student population. Mr. McQuillan asked if there would be an outdoor area that would be fenced off and Mr. McGlaughlin said that there would be 4100 square feet of initial

outdoor area and as they expand they are looking at additional areas for outdoor space.

Mr. Mangan asked if there would be public transportation since this was a public school and Mr. Anderson answered that they will have to work with a bussing provider.

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

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Commissioner Lori Brandon made a motion to approve Conditional Use Permit Resolution No. PC2018-003 for a Charter School at 1212 Shakopee Town Square, seconded by Commissioner Kent Robbins and the motion passed.

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7. Other Business

None.

8. Adjourn to Thursday, April 5, 2018 at 7:00 p.m.

Commissioner Lori Brandon made a motion to adjourn the meeting at 8:40 pm, seconded by Commissioner Kent Robbins and the motion passed.

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