

RESOLUTION NO. PC2018-008

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A CONDITIONAL USE PERMIT FOR A SELF STORAGE FACILITY,
EXTERIOR STORAGE, LANDSCAPE SERVICE AND CONTRACTORS, AND A 5'
SIDEYARD SETBACK VARIANCE IN THE I-1, (LIGHT INDUSTRY) ZONE AT 2800
4TH AVENUE EAST**

WHEREAS, the City of Shakopee received an application from Renee Christianson, applicant, and Shakopee 2914 LLC, property owner, have applied for a Conditional Use Permit for a self-storage facility, landscape service and contractor, exterior storage, and a 5' side yard setback variance; and

WHEREAS, the property for which the application was made is legally described as follows:

See Attached Legal Description

WHEREAS, proper public hearing notices were sent, published and posted, and on June 7, 2018, a public hearing was held on the requested Conditional Use Permit before the Board of Adjustment and Appeals (BOAA).

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

Conditional Use Permit Criteria and Proposed 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, nor substantially diminish and impair property values if conducted in accordance with the proposed conditions. The property is surrounded by other properties that are zoned I-1, Light Industry. The applicant is proposing to meet City Code requirements on building materials, landscaping, and screening.

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 Board finds that the establishment of the conditional use 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. No additional infrastructure is required for this request.

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 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.

Variance Findings:

Criterion 1

The strict enforcement of the ordinance provisions would cause practical difficulties because of circumstances unique to the individual property under consideration. Practical difficulties means the following:

1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance:

Finding 1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, with the construction of single story townhomes rather than two story townhomes, with setbacks that still propose adequate separation from the adjacent developments and adequate driveways.

1.B. The plight of the landowner is due to circumstances unique to the property;

Finding 1.B. The property is unique in that it is a narrower width than other traditional Light Industrial lots. The narrow width of the lot limits choices for site circulation and building placement.

1.C. The circumstances were not created by the landowner;

Finding 1.C. The narrow width of the lot was not created by the landowner.

1.D. The variance, if granted, will not alter the essential character of the locality; and

Finding 1.D. The variance would not alter the character of the locality. By all appearances, the proposed structure will function like a compliant structure. The proposed structure is over 400' away from the adjacent building to the west.

1.E. The problems extend beyond economic considerations. Economic considerations do not constitute a practical difficulty if reasonable use for the property exists under the terms of the ordinance.

Finding 1.E. The request is not economic in nature, the variance requests allow for construction of a structure closer to a lot line than is permitted by code. The purpose of a side yard setback is for aesthetic and landscape reasons. The proposed structure is adjacent to a stormwater retention basin and the nearest adjacent building is over 400' away. An accessory structure could also be constructed 5' from a side lot line.

Criterion 2

It has been demonstrated that a variance as requested will be in keeping with the spirit and intent of the Zoning Ordinance.

Finding 2 The proposed variances would be in keeping with the spirit and intent of Chapter 151.

Criterion 3

The request is not for a use variance.

Finding 3 The request is not a use variance.

Criterion 4

Conditions to be imposed by the Board of Adjustment and Appeals will insure compliance to protect the adjacent properties.

Finding 4 The conditions listed below will regulate the use of the property by providing for ways of mitigating the impact of reduced setbacks.

Criterion 5

Variances in the flood plain overlay zone also shall meet the following criteria:

Finding 5 (Not applicable since this property is not within the flood plain overlay zone.)

BE IT FURTHER RESOLVED, that the Conditional Use Permit to allow a self-storage facility, landscape service and contractors, exterior storage, and a 5' side yard setback variance in the Light Industry (I-1) Zone at 2800 4th Avenue East be approved subject to the following conditions:

1. Buildings constructed on the site must comply with City Code standards on building materials. The applicant is proposing to construct the two western buildings at a later date.
2. The applicant must extend the sidewalk adjacent to 4th Avenue to the east lot line of the site and provide a sidewalk easement, if required.
3. Tree replacement, landscaping, and screening must comply with City Code requirements. If required landscaping cannot be met on site, the applicant must plant trees on other properties they own within the City of Shakopee, or provide a cash contribution consistent with City Code for the planting of trees elsewhere in the city.
4. The exterior storage area must not exceed 25' x 105' and be at least 10' from the south lot line and comply with City Code on screening and landscaping. Plantings adjacent to the exterior storage area must be evergreen species.

5. Only licensed and operable vehicles may be stored in the exterior storage area.
6. If businesses such as landscaping businesses or other contractors operate on this site, the spaces they occupy are subject to all the requirements of the Building Code, City Code, and Fire Code.
7. The applicant must comply with the Engineering Department memorandum dated 5-29-18.
8. On site lighting must comply with City Code, which limits spillover lighting to 1.0 foot-candle at a property line.
9. The applicant must comply with Shakopee Public Utilities memorandum dated 5-7-18.

Adopted by the Shakopee Board of Adjustment and Appeals on the 7th day of June, 2018.

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski
Director of Planning and Development

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