

RESOLUTION NO. PC2018-009
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A CONDITIONAL USE PERMIT FOR A HOTEL IN
THE MAJOR RECREATION (MR) ZONE

WHEREAS, Grant Tjernagel, Pro Commercial, applicant, and Haren and Bharti Shroff, property owners, have made application for a Conditional Use Permit to allow a hotel in the Major Recreation (MR) Zone; and

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

Part of Lot 1, Block 3, Canterbury Park 5th Addition, lying easterly of the west 225 feet and westerly of the East 366 feet, 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 July 5, 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 hotel will not impede the normal and orderly development and improvement of surrounding property, if conducted in accordance with proposed conditions.

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. There exists an ingress and egress easement along the north side of the property that provides access to the two adjacent businesses.

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 MR Major Recreation 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 hotel in the Major Recreation (MR) Zone is hereby approved, subject to the following conditions:

1. Shall be screened from any adjacent residential zone.
2. The structure shall be of an architectural style which is compatible with neighboring structures.
3. Shall not increase traffic congestion on streets.
4. Shall have direct access to a collector or arterial street as identified in the comprehensive plan.
5. A landscape plan shall be provided at time of building permit submittal that provides landscaping and screening consistent with the City Code requirements.
6. Provide plans at time of building permit submittal that comply with Design and Performance standards of the City Code.
7. Sign permits shall be required for any proposed signage. No signage shall be located within any public right-of-way or dedicated drainage & utility easements.
8. The applicant shall provide a 5-foot drainage & utility easement along the east property line.
9. If there is a bar, the business owner will need to apply for liquor licenses 60 days before opening.
10. The amount of impervious surfaces on the site must not exceed 80%.
11. The proposed trash enclosure must be constructed of the same or similar materials as the building and have a roof.
12. The developer shall contact SPU directly for specific requirements related to municipal water service, underground electric service, and street lighting installation for this project. The developer will be responsible for complying with their standard terms and conditions, installing a lateral water main distribution system in accordance with utility policy, paying the associated inspections costs, granting any necessary easements, paying the Trunk Water Charge, paying the Water Connection Charge, entering into an Underground Distribution Agreement and paying all associated fees.
13. Submit construction plans that satisfy the requirements of City Code 150.12.
14. Pay all applicable fees/charges listed below, as required by the most current City of Shakopee Fee Schedule. The charges are due at the time of building permit issuance.
 1. VIP Connection Charge
 2. Trunk Storm Water Charge

15. Submit a detailed geotechnical report outlining any groundwater or bedrock encountered. The geotechnical report should provide infiltration rates at all proposed infiltration areas.
16. Submit a wetland determination for the property. In lieu of a full wetland delineation, submit the following for review. If wetland signatures are present, a full delineation will be required.
 1. National Wetland Inventory data
 2. Scott County Soil Survey data
 3. DNR Public Waters data
17. Easements must be provided as approved by the City Engineer. They include, but are not limited to the following:
 1. Drainage and utility easement encompassing any 100-year high water level contours.
18. Additionally, the city is requesting the applicant grant additional drainage and utility easements as shown on the Conditional Use-Site Layout drawing.
19. Submit a Traffic Impact Study (TIS) for the proposed development.
20. Submit an access/circulation plan for the site that shows turning movements that can be accommodated with this development. The proposal in its current configuration is not adequate as turning movements require encroachment into opposing lanes of traffic and into proposed hotel parking spaces, and significant changes to the 12th Avenue curb cut. Coordination/cooperation with neighboring properties may be required in preparation of the required access/circulation plan.
21. Prior to any land disturbing activity, the applicant will obtain a grading permit and/or a building permit. Along with the permit(s), the applicant must submit a detailed impervious surface drawing.
22. 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).
23. 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.
24. Prior to work within the City of Shakopee right-of-way, the applicant must obtain a right-of-way permit. Contact Public Works at 952-233-9559 or publicworks@shakopeemn.gov for permit information.
25. Obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the permit coverage card and letter must be provided to the city. A certified SWPPP inspector must conduct the required SWPPP inspections and provide documentation to the city.
26. Enter into a Utility Facilities Easement Agreement with the City of Shakopee. The applicant must record the easement agreement with the county.
27. Submit a Construction Management Plan. A template can be provided by the engineering division.
28. Approval of the CUP request does not constitute approval of the submitted plans.

Adopted by the Shakopee Board of Adjustment and Appeals on the 5th day of July, 2018.

ATTEST:

Michael Kerski
Director of Planning & Development

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