

Narrative – Appeal to BOAA of Staff Decision

The purpose of this letter is to appeal to the Board of Adjustment and Appeals (BOAA) regarding a recent decision made by the Shakopee city staff. Scannell Properties, the owner and developer of Lots 1 and 2, Block 1, Valley View Business Park 3rd Addition, is currently constructing a speculative 136,500 SF Office/Warehouse facility, which is expected to be completed in October/November of 2018. Scannell Properties recently approached the city regarding a few practical changes to the previously approved development plans. However, city staff swiftly rejected the proposed changes. It is the opinion of Scannell Properties that this rejection was unreasonable and demonstrates a failure to facilitate for the best interest of the community.

The changes requested by Scannell Properties include the following:

- The addition of a paved drive aisle to connect the previously approved SE curb cut with the truck court
- The redesign and slight relocation of a previously approved infiltration pond in the SW corner of the site

The rationale behind the first requested change is simple: we have found that it's necessary to lease the building. This building has been on the market for several months but no space has been preleased. Multiple prospective tenants have indicated that they're uninterested in a building that forces their trucks to reverse over the right shoulder when maneuvering into a dock position. This is because truck drivers can't see much when they reverse over their right shoulder, making it a safety concern for users. The current approved plans have only one access point into the truck court and that access is on the west side. As a result, all trucks must reverse over their blind side when docking with the southern building. The addition of a secondary access point from the east via Barescheer Blvd would both resolve the concern expressed by multiple potential tenants and it would improve the safety conditions of the site.

Furthermore, we have negotiated a 10-year lease with the warehousing/distribution wing of Little Ceasars Pizza for 42,000 SF of freezer, cooler, dry storage, and office space. However, the lease is contingent upon the approval and construction of the above requested changes. The second change is necessary to redesign a portion of the site to allow for the addition of 6 trailer parking stalls, which is an operational requirement for Little Ceasars. The rationale behind the redesign of the approved pond is simple: the pond needs to be redesigned to fit Little Ceasars' trailers and, more importantly, the infiltration rates at the site are significantly higher than the rates used to calculate the ponding requirements. The submitted pond is more than capable of satisfying the site's ponding needs.

When these proposed design changes were hastily rejected by city staff, the explanations given were "truck traffic doesn't fit with our vision of Barescheer Blvd" and "we limit infiltration calculations to 0.8 inches per hour." Scannell Properties believes these concerns are insufficient enough to reject such reasonable requests, especially when the below considerations are taken into account:

