



Shakopee Board of Adjustments and Appeals

Minutes

August 9, 2018

7:00 PM

Council Chambers

Presiding Chair Mark McQuillan

1. Roll Call

Vice Chair Lori Brandon called the meeting to order.

Commissioners present: Lori Brandon, Jody Brennan, Noreen Reding, Kent Robbins

City staff present: Director of Planning & Development Michael Kerski, Planner Joe Widing

2. Approval of Agenda

Commissioner Jody Brennan made a motion to approve the Agenda, seconded by Commissioner 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

None needed.

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 Minutes

Commissioner Jody Brennan made a motion to approve the minutes of May, June and July, seconded by Commissioner Noreen Reding and the motion passed.

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6. General Business

A. Sign Adjustment 1324 Eagle Creek Blvd

Planner Joe Widing presented the staff report for both sign adjustments, 1324 and 1364 Eagle Creek Boulevard.

Mr. Robbins asked if this adjustment would exceed current allowed standards and Mr. Widing answered that Mr. Robbins was correct. Mr. Widing added that this may be the final sign adjustment as the current sign code is being updated.

Ms. Brandon asked if this application would be consistent with what would be coming forth with the new sign ordinance itself and Mr. Widing clarified this for her.

Ms. Brennan asked about a particular sign and where it would be facing and Mr. Widing answered that the 1324 sign was angled northwest and would be facing Marschall Road. Ms. Brennan asked how far away from Marschall the sign would be and Mr. Widing estimated it would be located 500-600 feet from the corner of Marshall Road. Ms. Brennan asked if the current signs would stay on the building, including a large "Now Renting" sign and Mr. Widing stated that there had been issues with this sign in the past, but he was not sure if something had been worked out with the city. Ms. Brennan stated that she had concerns about the 1324 sign, since she believed it did not qualify for the 50 mph threshold to justify a larger sign. Ms. Brennan asked that a condition be added to the resolution to remove other signs if this were approved and Mr. Widing stated that this could be added.

Mr. Chris Judd, representative of Albrecht Sign Company, addressed the Board. Mr. Judd stated that both signs would be illuminated internally with LEDs.

Mr. Robbins asked for clarification on what would be on the signs and Mr. Judd clarified this for him. Mr. Robbins asked about the removal of existing signage on the building and Mr. Judd said he would have no issue bringing this up with his client.

Commissioner Kent Robbins made a motion to approve Sign Adjustment 1324 Eagle Creek Boulevard with a condition added to remove existing signage, seconded by Commissioner Noreen Reding and the motion passed.

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B. Sign Adjustment 1364 Eagle Creek Blvd

Commissioner Noreen Reding made a motion to approve Sign adjustment 1364 Eagle Creek Boulevard, seconded by Commissioner Kent Robbins and the motion passed.

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C. Appeal of Staff Decision - Scannell Properties, 2700 4th Avenue East

Senior Planner Kyle Sobota presented the staff report. He explained in detail the rationale for the City's decision.

Mr. Tom McCary, representative for Scannell Properties, addressed the Board. He went through a list of issues that the city wanted them to address in detail. He also shared Scannell's rationale for these changes to the original site plan. Mr. Kerski asked Mr. McCary detailed questions about truck traffic and informed him that Barendscheer Boulevard was just approved as a city street by the City Council the previous evening. Mr. Kerski expressed to the Board the issues with this change and the concerns of the city engineers.

Ms. Brandon asked Mr. McCary if the tenant profile had changed from office/warehouse space and Mr. McCary stated that the site was currently being marketed as office/warehouse but that Little Caesar's had specific requirements that were unique. Ms. Brandon asked Mr. McCary if this were approved, would the applicant take on 100% of the cost of a new traffic study as well as any cost the city may incur as a result of this change. Mr. McCary stated that he was not in a position to agree to such broad terms, but would be willing to discuss this in greater detail. Mr. McCary stated that he was not against conducting another traffic study, but he shared his concerns about how median reduction would be implemented to allow in/out access.

Ms. Brandon asked if Scannell had done any additional research regarding accommodating this new tenant and Mr. McCary answered that the company had spent a significant amount of time trying to alter the plans and went over these changes in detail. Ms. Brandon asked why the applicant feels it is appropriate for the landscaping they committed to as part of the original plan to be shifted so that the burden is put upon the adjacent property owner. Mr. McCary stated that they had run out of space and that they would not encumber the adjacent property with their overflow; he stated that if they could not get the adjacent property owner's consent for their landscaping, they could do credits in lieu to satisfy city code.

Mr. Robbins asked if the building that Scannell Properties originally built was for sale previously and Mr. McCary answered that it had never been listed for sale, only for lease. Mr. Robbins asked for clarification on the truck traffic and Mr. McCary clarified this for him. Mr. Robbins asked if these changes were for Little Caesar's and other lessees in the future and Mr. McCary stated that he was correct.

Ms. Reding asked how many truck bays would be at the building and Mr. McCary answered that there would be approximately 20 dock bays. Ms. Reding asked if they would all be full at the same time and Mr. McCary stated that he was not sure, but that they always over-engineer their developments for maximum flexibility.

Ms. Brandon asked what method of enforcement they would have in place for their suggested traffic route and Mr. McCary explained this in detail. He added that they could

also make the eastern access point a one way street.

Mr. Sobota commented that the traffic engineer advised no traffic on Barenscheer Boulevard at all, with the only access to be from 4th Avenue.

Mr. Kerski added that if this were approved tonight, that it was just for the appeal. Scannell would have to apply for a separate CUP.

Mr. McCary stated that they have been in contact with Canterbury and have had lengthy discussions with no concerns from either side.

Ms. Brandon asked staff if they could estimate what the financial impact would be incurred by the city if this were approved and Mr. Kerski stated that any kind of cost associated with changing the original approved plan would fall on the applicant. Mr. Kerski also stated that he had just spoken with the owner of Canterbury Park and was informed that they did not have an agreement on truck traffic right now. Scannell only has an access agreement for cars entering on Barenscheer. He reiterated the city's concerns with the road and increased traffic.

Mr. McCary clarified their position on Mr. Kerski's comments. He stated that they would take on the engineering costs for the median reduction and was hopeful that the current easement with Canterbury could be adjusted to accommodate trucks. He stated that if this was not possible, they would adjust accordingly.

A lengthy discussion ensued about truck traffic and Canterbury Park next door.

Mr. Robbins stated that he appreciated Mr. McCary's position, but that the traffic engineer's memo was compelling. He feels that this area would get very crowded and while he was sympathetic to their position, he would have to agree with the traffic engineer's concerns.

Ms. Brennan stated that the city had just made a big investment on 4th Avenue to accommodate truck traffic as well as a huge investment in the Canterbury area. She feels that this property and Canterbury are complementary for truck traffic and feels that it is best to keep trucks on 4th Avenue and not Barenscheer Boulevard.

Commissioner Jody Brennan made a motion to uphold the staff decision - Scannell Properties, 2700 4th Avenue East, seconded by Commissioner Kent Robbins and the motion passed.

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Ms. Brandon stated that she did not feel she received a full commitment from the applicant about taking on all of the financial costs associated with the traffic changes. She also stated

she felt this change would affect many neighbors and other potential areas. She feels it is appropriate to uphold the staff decision on this.

7. Other Business

None.

8. Adjourn to Thursday, September 6, 2017 at 7:00 p.m.

Commissioner Kent Robbins made a motion to adjourn the meeting at 8:14 pm, seconded by Commissioner Jody Brennan and the motion passed.

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