

RESOLUTION NO. 18-015
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A CONDITIONAL USE PERMIT FOR AN OVER-HEIGHT
STRUCTURE AT 129 HOLMES STREET SOUTH

WHEREAS, Enclave Development, applicant, and the City of Shakopee, property owner, have made application for a Conditional Use Permit to allow an over-height structure in the Central Business Zone (B-3); and

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

*Lot 1, Lot 2, Lot 3 and W ½ of S 102' of Lot 4, Block 23, City of Shakopee, 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 September 6, 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. The applicant is requesting to depart beyond the height limitations by ____ feet, which is not a significant amount. The shadow study shows that the project would not cause significant impacts on neighboring properties. The proposed structure will not be setback half of it's proposed height, but the unique nature of the B-3 Zone, which allows for 0 lot line setbacks and 100% impervious coverage in addition to smaller average lot areas, means this project will not impact other properties in the area negatively and will fit within the character of the downtown area as is intended with the B-3 Zone.

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 an over-height structure will not impede the normal and orderly development and improvement of surrounding property. The addition of new residents, business and parking will enhance neighboring property values and businesses by making downtown a more attractive place to live and visit.

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. The applicant will work with Shakopee Public Utilities to make the alterations to the proposed project to incorporate the requirements from SPUC in regard to electric utility accommodation and water service, which will provide adequate water and electricity service for the project site and neighboring properties.

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, a mix of retail and residential, is explicitly permitted in the Downtown Business (B3) Zone and an over-height structure is explicitly listed as a conditional use. The project will not meet one of the condition standards, but that condition standard (B) is overly onerous to the unique conditions which all parcels in the B3 Zone share, that being unique lot standards and much smaller average lot area.

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. Although the comprehensive plan currently guides this property for institutional uses, which was the guiding based on the previous use of this property as Shakopee City Hall, the draft comprehensive plan, due to be adopted in early 2019, will guide this parcel as Mixed-Use. The existing guiding was based on a previous use, that after the previous city hall was demolished, is not compatible with the B-3 Zone, which sets standards for development more in line with the historical nature of the downtown area.

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 an over-height structure in the B-3, Central Business Zone are hereby approved, subject to the following conditions:

1. Sign permits shall be required for any proposed signage.
2. The height of the building shall not exceed 65 feet.
3. The setbacks of the building must be consistent with submitted plans.
4. Submit construction plans that satisfy the requirements of City Code 150.12.
5. Provide plans at time of building permit submittal that comply with Design and Performance standards of the City Code.
6. If there is a bar, the business owner will need to apply for liquor licenses 60 days before opening.
7. The structure shall be of an architectural style which is compatible with neighboring structures.

8. The developer shall contact SPUC directly for specific requirements related to municipal water service, above ground electric service, and any other requirements directed by SPUC 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.

The following items need to be addressed/completed prior to approval of a grading permit, a street and utility plan and/or a building permit:

1. Submit construction plans that satisfy the requirements of the City of Shakopee Design Criteria.
2. The applicant will obtain approval of a Storm Water Management Plan (SWMP). The site's SWMP will adequately address storm water runoff treatment requirements, rate control requirements and infiltration requirements as set forth in the City of Shakopee's Comprehensive Water Resources Management Plan (CWRMP).
3. Payment of all Storm Water Management Plan Review Fees need to be made, as required by the most current City of Shakopee Fee Schedule.
4. Payment of Trunk Storm Water Charge and Trunk Storm Water Storage and Treatment Charge to be made, as required by the most current City of Shakopee Fee Schedule.
5. Submit a detailed geotechnical report outlining any groundwater or bedrock encountered. The geotechnical report should provide infiltration rates at all proposed infiltration areas.
6. Submit a Traffic Impact Study that includes trip generation, parking and a Travel Demand Management Plan for the proposed development.
7. Submit an access/circulation plan for the site that shows turning movements can be accommodated by the proposed site plan. Show maneuvering in and out of parking spaces at the end of drive aisles.
8. Prior to work in the Holmes Street or 2nd Avenue right-of-way, a City of Shakopee right-of-way permit will be required. Contact Jim Henderson (952-233-9368 or jhenderson@shakopeemn.gov) for details.
9. 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.
10. 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.
11. Enter into a Utility Facilities Easement Agreement with the City of Shakopee. The applicant must record the easement agreement with the county.

12. Submit a Construction Management Plan. The Construction Management Plan should include a pedestrian and vehicular traffic control plan and a construction staging plan showing impacts on city streets, alleys and sidewalks. A template can be provided by the engineering division.
13. Prior to any land disturbing activity, the applicant will obtain a grading permit and/or a building permit.
14. Approval of the CUP request does not constitute approval of the submitted plans.

Adopted by the Shakopee Board of Adjustment and Appeals on the 6th day of September, 2018.

ATTEST:

BOAA Chairperson

Michael Kerski
Director of Planning & Development

PREPARED BY:
City of Shakopee
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