

RESOLUTION NO. PC2018-017

A RESOLUTION OF THE CITY OF SHAKOPEE APPROVING A CONDITIONAL USE PERMIT FOR AN OVER-HEIGHT FENCE IN THE BUSINESS PARK (BP) ZONE AT 4446-50 DEAN LAKES BOULEVARD

WHEREAS, the City of Shakopee received an application from CenturyLink/Cyxtera, applicant, and COMPASS DATACENTERS MSP 1, LLC, property owner, for a Conditional Use Permit for an over-height fence; and

WHEREAS, the property for which the application was made is legally described as Lot 2, Block 1, Dean Lakes Ninth Addition, Scott County, Minnesota; and

WHEREAS, proper public hearing notices were sent, published and posted, and on October 4, 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: Staff has received no evidence that the proposed use will be injurious to the use and enjoyment of other property in the immediate vicinity, nor would it substantially diminish or impair property values in the area, provided the site complies with the conditions included in the Resolution.

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 conditional use permit will not impede future development and improvement in the area.

Criteria #3: Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;

Finding #3: Adequate utilities, access roads and drainage are provided or will be provided at the site. Access to the utilities and access roads shall be provided, consistent with the conditions noted in the Resolution.

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 use of the subject property is consistent with the purposes of the Business Park (BP) Zone.

Criteria #5: The use is not in conflict with the Comprehensive Plan.

Finding #5: The use is not in conflict with the Comprehensive Plan. The Comprehensive Plan designates this area for industrial uses.

BE IT FURTHER RESOLVED, that the Conditional Use Permit to allow an over-height fence in the Business Park (BP) Zone at 4446-50 Dean Lakes Blvd. be approved subject to the following conditions:

1. The property owner shall take full responsibility, accountability and liability for any damage to any utility crossing under the fence or running in close proximity to the fence, including fiber, electric, sanitary sewer, storm sewer, water service; and any damage that may occur to any public lands, structures and/or amenities.
2. The location of the proposed fence encroaches into easements owned by NSP and XCEL Energy. The applicant is to obtain all necessary permits and authorization for placement of the fence in these easements.
3. Fencing shall not be installed in City public drainage & utility easements (easements noted in condition #2 are not applicable).
4. The fence (including gates) shall be constructed consistent with the Stronghold design of fence, which is designed with flat top metal panels.
5. The property owner shall retain all existing landscaping along the Coneflower Lane berm. Should any landscaping be damaged/destroyed due to the fence install, new replacement plantings shall be installed consistent with the number, size and species of those lost.
6. The area from the fence to the curb should be maintained (mowed grass, trees pruned) consistent with City Code requirements.
7. The property owner shall provide gate access and keyboxes as required by the Fire Department. The access code or bypass key shall be stored within the keybox to comply with MSFC 503.6.
8. SPUC access inside fence must be available 24/7 and must be available in cases of loss of power. (water and electric facilities will be located within the fenced area).
9. Utilities must be located using the Gopher State One Call service at least 2 days prior to fence construction.
10. Height of the fence and posts shall not exceed 8'-0".
11. If the proposed berm will result in moving greater than fifty (50) cubic yards of material, the applicant must obtain a grading permit prior to conducting the work.
12. Coordinate the proposed landscaping with the existing street lights. All existing trees must be protected and all proposed overstory trees must be located outside the existing drainage and utility easement.

13. Construction of the fence shall generally comply with the submitted site plan, except as conditioned above.
14. A Building Permit will be required prior to construction.

Adopted by the Shakopee Board of Adjustment and Appeals on the 4th day of October, 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**