



Shakopee Board of Adjustments and Appeals

Minutes

October 4, 2018

7:00 PM

Council Chambers

Presiding Chair Mark McQuillan

Chair McQuillan called the meeting to order.

1. Roll Call

Commissioners present: Jody Brennan, Mark McQuillan, Daniel Mock, Noreen Reding, Kent Robbins, Ashlee Sepulvado

Commissioners absent: Lori Brandon

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 Kent Robbins 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

Staff has received these.

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. Approve Minutes of September 6, 2018

Commissioner Jody Brennan made a motion to approve the September 6, 2018 minutes,

seconded by Commissioner Noreen Reding and the motion passed.

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6. General Business

A. PUBLIC HEARING: Conditional Use Permit for Exterior Storage

Commissioner Kent Robbins made a Motion to open the Public Hearing, seconded by Commissioner Noreen Reding and the motion passed.

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Mr. Kerski stated that staff had not received adequate materials from the applicant and would like this item to be continued to the November 8, 2018 meeting.

Commissioner Kent Robbins made a motion to continue to the November 8, 2018 meeting, seconded by Commissioner Jody Brennan and the motion passed.

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B. PUBLIC HEARING: Conditional Use Permit for an Overheight Public Utility Service Structure

Commissioner Jody Brennan made a motion to open the Public Hearing, seconded by Commissioner Noreen Reding and the motion passed.

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Director of Planning & Development Michael Kerski presented the staff report.

Mr. Robbins asked what the building was going to be used for and what this approval would do. Mr. Kerski answered that this building would balance the low pressure and high pressure water system.

Mr. Joseph Adams, Planning & Engineering Director for Shakopee Public Utilities Commission, addressed the Board. He explained in detail the expanded use for this building.

Mr. Robbins commented to Mr. Adams that he wanted to congratulate the architect on the design of the building. He asked Mr. Adams if this was the only phase to the project and Mr. Adams answered that it was being planned for 200 units; once capacity reached above that, they would have elevated storage elsewhere. He believed this would occur after the next phase of Windermere South is completed, since that would exceed 200 units. He stated he appreciated Mr. Robbins comments about the architecture.

Mr. McQuillan asked where the access to the pump station would be and Mr. Adams answered that it would be a shared driveway with the Benedictine Health Systems loading dock and a rear driveway with the entrance off a local street. Another access would be a shared driveway on one of BHS' interior roads.

Mr. Kerski stated that this would not be a huge generator of traffic.

Mr. Robbins asked if the 8 foot over-height of the building would be intrusive in the neighborhood and Mr. Kerski answered that this building would be dwarfed by the BHS facility, since it would be 4-5 stories in height. He added that the neighboring homes were far enough away that shadows would not be an issue.

Commissioner Jody Brennan made a motion to close the Public Hearing, seconded by Commissioner Kent Robbins and the motion passed.

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Commissioner Kent Robbins made a motion to approve Resolution No. PC2018-016, a resolution approving a Conditional Use Permit to allow an overheight utility service structure (28'-1 1/2", where 20 feet is the max. allowed without CUP approval), with conditions as presented, and move its adoption, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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C. PUBLIC HEARING: Conditional Use Permit for Over-height Fence

Commissioner Jody Brennan made a motion to open the Public Hearing, seconded by Commissioner Kent Robbins and the motion passed.

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Mr. Kerski presented the staff report.

Mr. Robbins asked why the applicant did not pull the permits in a timely fashion and Mr. Kerski stated that he did not know. Mr. Robbins asked him if city staff had spoken to the applicant about changing the design and Mr. Kerski explained this to him.

Mr. McQuillan asked if the fire safety access had been resolved and Mr. Kerski answered that it had been resolved previously and was approved currently. He added that there would be a lock box to enter the property.

Mr. Robbins asked what the facility did and Mr. Kerski explained this to him.

Mr. Clark Lohr, representative for the applicant, addressed the Board. He went over the details of the new fence and clarified that there would be 4 gates at 3 different locations.

Mr. Robbins asked how long it would take for the fence to be constructed and Mr. Lohr answered that they were accepting bids currently with a requested completion by April of 2019.

Commissioner Jody Brennan made a motion to close the Public Hearing, seconded by Commissioner Noreen Reding and the motion passed.

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Commissioner Noreen Reding made a motion to approve Resolution PC2018-017 as presented, a resolution approving a Conditional Use Permit for an over-height fence at 4446-50 Dean Lakes Blvd, seconded by Commissioner Kent Robbins and the motion passed.

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D. PUBLIC HEARING: Variance of Materials Standards and an Overheight Accessory Structure in the Rural Residential Zone

Commissioner Jody Brennan made a motion to open the Public Hearing, seconded by Commissioner Kent Robbins and the motion passed.

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Commissioner Kent Robbins made a motion to continue the Public Hearing to November 8, 2018, seconded by Commissioner Jody Brennan and the motion passed.

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Commissioner Jody Brennan made a motion to re-open the Public Hearing, seconded by Commissioner Kent Robbins and the motion passed.

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Mr. John Steinmetz, 1980 County Road 14, addressed the Board. He stated that he was present because he wanted to know what the Board was approving this evening.

Mr. Kerski stated that there was no report because the applicant had not submitted application materials in time. Mr. Kerski stated that he was aware that the building inspector had gone out to the property; the structure is being built with materials that are not permitted and based on preliminary measurements, the structure is also over height. A stop work order has been issued and the only way it can continue is to come before this Board for approval.

Mr. Steinmetz stated that this was not his concern. He said that he was concerned with the set backs and if they would be applied equally to all property owners, since he had not

been allowed in the past to build a structure due to the setbacks.

Ms. Maria Poehling, 1926 County Road 14, addressed the Board. She asked if this was a building that was already constructed and if this variance request was after the fact. Mr. Kerski stated that this was the exact issue. He explained that a variance could be granted due to a hardship someone had not created themselves. He also explained what variances were and how they were typically applied.

Mr. Tony Poehling, 1926 County Road 14, addressed the Board. He shared his concern with the height of the building. He also asked about the Rural Residential zoning code, as he was concerned about the footprint of the structure. He stated that he would like the Board to enforce the zoning code within reason. Mr. Kerski answered that they would have more information about the structure when they receive the application.

Mr. Mock asked about building protocol with application deadlines in regard to continuing Public Hearings and Mr. Kerski explained the city's rationale for this.

Ms. Poehling asked if they could get exact measurements of the structure before next month's meeting and Mr. McQuillan let her know that she could find it in the online agenda before the next meeting.

Commissioner Kent Robbins made a motion to continue to the November 8, 2018 meeting, seconded by Commissioner Noreen Reding and the motion passed.

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7. Other Business

None.

8. Adjourn to Thursday, November 8, 2018 at 7:00 p.m.

Commissioner Kent Robbins made a motion to adjourn the meeting at 7:42 pm, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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