

RESOLUTION NO. PC2019-001

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A CONDITIONAL USE PERMIT FOR AN OVERHEIGHT STRUCTURE,
AND A FRONT YARD SETBACK VARIANCE FOR PROPERTY ZONED OFFICE
BUSINESS (B-2) ZONE AND LOCATED AT 200 4TH AVENUE WEST**

WHEREAS, the City of Shakopee received an application from Wold Architects & Engineers, applicant, and Scott County, property owner, for a Conditional Use Permit for an overheight structure, and a front yard setback variance for a structure proposed at 200 4th Avenue West; and

WHEREAS, the property for which the application was made is legally described as follows:

See Attached Legal Description

WHEREAS, proper public hearing notices were sent, published and posted, and on January 3, 2019, a public hearing was held on the requested Conditional Use Permit and Variance 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 and Variance.

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: The Board has not received any evidence that the use will be injurious to the use and enjoyment of other property in the vicinity, nor substantially diminish and impair property values if conducted in accordance with the proposed conditions.

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 Board finds that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property.

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.

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 is consistent with the purposes of the Office Business Zone.

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.

Variance Findings:

Criterion 1

The strict enforcement of the ordinance provisions would cause practical difficulties because of circumstances unique to the individual property under consideration. Practical difficulties means the following:

1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance:

Finding 1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; however, construction of the Government Center addition is proposing setbacks similar to that found at the existing Government Center, which has not shown to be a detriment to the neighborhood.

1.B. The plight of the landowner is due to circumstances unique to the property;

Finding 1.B. The landowner is proposing a structure similar to those currently found on site, which offers the most functional use of the property and connections to the existing structures. Security is of utmost importance, as this building will serve as court rooms and prisoner transfer/holding areas, and the proposed design serves that function well.

1.C. The circumstances were not created by the landowner;

Finding 1.C. The circumstances were created by a precedent set by the design and circulation of the existing governmental structures.

1.D. The variance, if granted, will not alter the essential character of the locality; and

Finding 1.D. The variance would not alter the character of the locality. By all appearances, the proposed structure will function like a compliant structure, and is compatible with the existing structures.

1.E. The problems extend beyond economic considerations. Economic considerations do not constitute a practical difficulty if reasonable use for the property exists under the terms of the ordinance.

Finding 1.E. The request is not economic in nature; the variance request allows for construction of a structure closer to a lot line than is permitted by code.

Criterion 2

It has been demonstrated that a variance as requested will be in keeping with the spirit and intent of the Zoning Ordinance.

Finding 2 The proposed variance would in keeping with the spirit and intent of Chapter 151.

Criterion 3

The request is not for a use variance.

Finding 3 The request is not a use variance.

Criterion 4

Conditions to be imposed by the Board of Adjustment and Appeals will insure compliance to protect the adjacent properties.

Finding 4 The conditions listed below will regulate the use of the property.

Criterion 5

Variances in the flood plain overlay zone also shall meet the following criteria:

Finding 5 (Not applicable since this property is not within the flood plain overlay zone.)

BE IT FURTHER RESOLVED, that the Conditional Use Permit for an overheight structure, and a front yard setback variance for a structure proposed at 200 4th Avenue West has been approved subject to the following conditions:

1. The proposed building and parking lots shall be constructed generally consistent with design, setbacks and elevations as shown on Sheet C1.21 (finishing plan), C0.05 (proposed overall parking) and Exterior Elevations plan (dated November 15, 2018). Detailed review of landscaping, building materials and design & performance standards shall be reviewed at time of building permit submittal for compliance with City Code standards
2. The applicant must comply with the Engineering Department Conditional Use Permit and Variance Memorandums dated December 17, 2018.
3. The applicant must comply with Shakopee Public Utilities memorandums dated December 4, 2018.

Adopted by the Shakopee Board of Adjustment and Appeals on the 3rd day of January, 2019.

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski
Director of Planning and Development

PREPARED BY:
City of Shakopee
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