

RESOLUTION NO. PC17-010

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A CONDITIONAL USE PERMIT FOR A CHURCH AND SCHOOL AND
OVER-HEIGHT STRUCTURE IN THE RURAL RESIDENTIAL (RR) ZONE
AT 8600 HORIZON DRIVE**

WHEREAS, the City of Shakopee received an application from Ann Kuntz, applicant, and Bloomington Lutheran Church, property owner, for a Conditional Use Permit for the addition to an existing church and school building and an over-height structure; and

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

Lot 1, Block 2, Horizon Heights 4th Addition, Scott County, Minnesota

WHEREAS, proper public hearing notices were sent, published and posted, and on April 6, 2017, 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: 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. The proposed addition meets building materials standards and is compatible with the existing building.

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. The applicant must work with engineering consultants to mitigate impacts to 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 Rural Residential (RR) Zone. The site is approximately 10 acres and a church and school currently operate on the site.

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.

BE IT FURTHER RESOLVED, that the Conditional Use Permit to allow a church and school and over-height structure in the Rural Residential (RR) Zone at 8600 Horizon Drive is approved subject to the following conditions:

1. The proposed addition must generally match the submitted drawings.
2. The proposed steeple is not permitted to exceed 52' in height.
3. Landscaping must be planted in accordance with the planting standards and quantities required by City Code for commercial buildings and parking areas. Over-story deciduous trees shall be planted south of the proposed worship area to break up the large expanse of the pre-cast panels on the south side of the worship area.
4. The applicant must construct an 8' bituminous trail from Horizon Drive to Muhlenhardt Road, with a trail connection to the site near the main entrance of the building. If the trail is to be located wholly or partially on private property, a trail easement will be required. If the trail is located in County Highway Right-of-Way, a Right-of-Way permit is required.
5. Applicant must identify all wetlands on the site.
6. Applicant must identify drain fields on the site.
7. A portion of the proposed building addition is located in a Conservation Easement.
8. The applicant must vacate or amend the conservation easement prior to construction.
9. Quantity and class of rip rap should be identified on the plans.
10. Rip Rap should be fieldstone.
11. Storm pipe conveying County or City runoff should be RCP.
12. Applicant should pave Muhlenhardt Road from the proposed access to CSAH 18, or waive the right to appeal an assessment when Muhlenhardt is improved.
13. Pavement section on Muhlenhardt should meet the City's standard street section.
14. The applicant is proposing the construct a parking lot in an existing drainage and utility easement.

15. Applicant shall provide additional storm water modeling information as requested by WSB.
16. Easements should be provided over the pond and all storm sewer conveying County or City runoff.
17. The applicant shall provide a detailed impervious surface drawing. The drawing will denote the total lot area and all impervious surfaces, including gravel.
18. An approved storm water management plan in compliance with the City of Shakopee's Comprehensive Water Resource Management Plan is required.
19. The applicant must comply with the memorandum on stormwater requirements from WSB and Associates dated March 15, 2017.
20. The proposed driveway to Muhlenhardt Road must be at least 24' in width.
21. The applicant must locate a new alternate ISTS site prior to any grading or tree removal on the site. The site must be approved by Scott County Environmental Health.
22. The applicant must work with Scott County Environmental Health to determine if the addition will result in additional water usage and upgrade the existing ISTS system if necessary.
23. If the property receives city sewer service prior to construction of the addition, condition numbers 21 and 22 are no longer requirements.
24. If sewer service does not become available to this site in the immediate future, the applicant and property owner must work with Scott County Environmental Health to reach an acceptable plan for sewage treatment for the addition.
25. The applicant must work with the Fire Marshal to reach an acceptable plan for fire protection to all parts of the building prior to the issuance of a building permit.
26. A conditional use permit amendment is required for the future addition noted southwest of this addition.

Adopted by the Shakopee Board of Adjustment and Appeals on the 6th day of April, 2016.

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski,
Director of Planning and Development

PREPARED BY:
City of Shakopee
129 Holmes Street South Shakopee, MN 55379

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