

RESOLUTION NO. PC2019-003
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A CONDITIONAL USE PERMIT FOR NURSING HOME AT 8205
CROSSINGS BOULEVARD IN THE PLANNED RESIDENTIAL DISTRICT

WHEREAS, Steve Soltau, applicant, and Shakopee Crossings LTD Partnership, property owner, have made application for a Conditional Use Permit to allow a nursing home in the Planned Residential District Zone (PRD); and

WHEREAS, the property upon which the request is being made is legally described as:
Lot 1, Block 1, Southbridge Fields Addition, 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 March 7, 2019 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. An assisted living and memory care facility is a transitional use between the commercial uses to the east and the single-family residential uses to the west. The 3-story building will screen the residential uses from County Road 18 and the existing Kwik Trip building.

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 assisted living and memory care facility 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 PRD, Planned Residential District. The purpose of Planned Residential District is to provide areas for mixed use, single-family, medium-density, and high-density residential development, community commercial and low intensity service uses, like the proposed use.

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. The comprehensive plan guides this property for commercial uses, which includes the proposed use.

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 a nursing home in the PRD, Planned Residential District is hereby approved, subject to the following conditions:

1. Landscaping on the site must comply with City Code requirements. An approved landscaping plan is required prior to the issuance of a building permit.
2. Trash handling must take place inside the building, unless a trash enclosure that meets city code requirements is provided.
3. Parking for any special events that will exceed the amount of parking on site is not permitted on the private driveways or Crossings Boulevard. In the cases of special events on weekends, permission for use of parking spaces must be secured with adjacent users that have excess parking spaces on weekends, such as Kindercare or US Bank.
4. The proposed building exterior elevations and materials must match the submitted plans and have three additional windows on the east elevation and two additional windows on the west elevation as noted on plans provided to the applicant.
5. The applicant must submit certified construction plans as required in Section 11 of the City of Shakopee Design Criteria.
6. The applicant must submit a detailed geotechnical report outlining any groundwater or bedrock encountered. The geotechnical report should provide infiltration rates at all proposed infiltration areas.
7. The applicant must submit an access/circulation plan for the site that shows turning movements can be accommodated by the proposed site plan. The circulation plan must also include pedestrian circulation to the main entrance and to the existing trail along Crossings Boulevard. As proposed, a delivery driveway adjacent to the parking lot entrance is not permitted.
8. Prior to any land disturbing activity, the applicant will obtain a grading permit and/or a building permit. Along with the permit(s), the applicant must submit a detailed impervious surface drawing.

9. Prior to approval of a grading permit and/or a building permit, the applicant will obtain approval of a storm water management plan (SWMP). The SWMP will adequately address requirements set forth in the City of Shakopee's Comprehensive Water Resources Management Plan (CWRMP).
10. The applicant must 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.
11. Prior to work within the City of Shakopee right-of-way, the applicant must obtain a right-of-way permit. Contact Public Works at 952-233-9559 or publicworks@shakopeemn.gov for permit information.
12. 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.
13. Enter into a Utility Facilities Easement Agreement with the City of Shakopee. The applicant must record the easement agreement with the county.
14. Submit a Construction Management Plan. A template can be provided by the engineering division.
15. Approval of the CUP request does not constitute approval of the submitted plans.

Adopted by the Shakopee Board of Adjustment and Appeals on the 9th day of March, 2019.

BOAA Chairperson

ATTEST:

Michael Kerski
Director of Planning & Development

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379