



Shakopee Board of Adjustments and Appeals

Minutes

March 7, 2019

7:00 PM

City Hall 485 Gorman St.

1. Roll Call

Vice Chair Hogen called the meeting to order.

Commissioners present: Josh Forsythe, Lori Hogen, Daniel Mock, Daniel Olson, Noreen Reding, Kent Robbins, Ashlee Sepulvado

City staff present: Senior Planner Kyle Sobota, Planner Liz Bushaw

2. Approval of Agenda

Commissioner Kent Robbins made a motion to approve the Agenda, seconded by Commissioner Josh Forsythe 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

Mr. Matt Lehman addressed the Board. He stated he would like to apologize for his misinterpretation of a memo on 2/19/19 regarding a Commissioner's reappointment to the Board and the status of their incumbency.

Mr. Robbins thanked him for his comments.

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. Approved Minutes of January 3rd, 2019

5.B. Approved Minutes of February 7th, 2019

Commissioner Kent Robbins made a motion to approve the Consent Business, seconded

by Commissioner Ashlee Sepulvado and the motion passed.

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6. General Business

A. Election of Officers for 2019

Vice Chair Hogen opened the floor for nominations for Chairperson of the Board of Adjustments & Appeals. Commissioner Robbins nominated Commissioner Reding for Chairperson of the Board of Adjustments & Appeals. Commissioner Hogen called for additional nominations 3 times.

Commissioner Kent Robbins made a motion for Commissioner Reding for Chairperson of the Board of Adjustments & Appeals, seconded by Commissioner Daniel Mock and the motion passed.

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Chair Reding opened the floor for nominations for Vice Chair of the Board of Adjustments & Appeals. Commissioner Robbins nominated Commissioner Hogen for Vice Chair of the Board of Adjustments & Appeals. Commissioner Reding called for additional nominations 3 times.

Commissioner Kent Robbins made a motion for Commissioner Hogen for Vice Chair of the Board of Adjustments & Appeals, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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Chair Reding opened the floor for nominations for 2nd Vice Chair for the Board of Adjustments & Appeals. Commissioner Hogen nominated Commissioner Mock for 2nd Vice Chair of the Board of Adjustments & Appeals. Commissioner Reding called for additional nominations 3 times.

Commissioner Lori Hogen made a motion for Commissioner Mock for 2nd Vice Chair of the Board of Adjustments & Appeals, seconded by Commissioner Kent Robbins and the motion passed.

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B. PUBLIC HEARING: Conditional Use Permit for a Nursing Home at 8205 Crossings Blvd

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

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Senior Planner Kyle Sobota presented the staff report.

Mr. Robbins asked if city staff were satisfied with the building materials and Mr. Sobota answered that the materials were acceptable. Mr. Robbins asked if one of the building materials was real brick and Mr. Sobota stated that it is manufactured stone.

Mr. Forsythe asked about the change to 21 parking spaces with the new site plan and if this was correct. Mr. Sobota answered that he was correct and explained how the 21 parking spaces still met the parking requirements.

Mr. Olson asked if there would be more than 1 handicap parking space and Mr. Sobota answered that this number was based on the total number of spaces required by the ADA act. The building owner could add more, but the requirement is 1.

Mr. Steve Soltau, Shakopee Crossings LTD Partnership, 8170 Old Carriage Ct N, #210, Shakopee and Mr. Melvin Brown Moore, Builders Lot Group, 9531 W 78th Street, #135, Eden Prairie addressed the Board.

Mr. Soltau commented that they had some questions with some of the building conditions in the CUP about meeting building code. He added that the CUP presented tonight regarded land use and if some of the conditions were appropriate.

Mr. Robbins asked how many people would be employed at the property and Mr. Moore stated that there was a requirement for memory care facilities to have 2 staff people per 10 residents. He clarified their staffing numbers for the Board. Mr. Robbins asked Mr. Moore if he had done similar properties to this before and Mr. Moore answered that this would be their 3rd property. Mr. Soltau added that they have operated around 30 of these properties in the past.

Mr. Robbins asked if they were comfortable about the demand for this type of property in Shakopee and Mr. Moore answered that they had done a market study and they felt that there would be a demand for their type of facility.

Mr. Jonathan Benz, 1838 Switchgrass Lane, addressed the Board. He asked if staffing numbers included custodial staff and Mr. Moore clarified the staffing numbers for him.

Mr. Robbins asked about cleaning of the general areas and Mr. Moore answered that staff would be responsible for this. They would have a dedicated staff person coming in overnight for janitorial purposes.

Mr. Benz shared his concern about the height of the property and if any discussions had taken place about a lower height building on that particular parcel and Mr. Moore stated that there was a restriction on the parcel for how wide the building could be, so the only option for them was to go vertical. He added that it would not be feasible with the number of units to go lower.

Ms. Sepulvado asked if a shadow study had been done and Mr. Sobota answered that one was not required, since it was not above the height requirement of the zoning district.

Mr. Robbins asked if there was a neighborhood meeting and Mr. Sobota stated that there had been. Mr. Soltau stated that there were about 5 people in attendance and that all of their concerns were addressed. He stated they were mostly about orientation of the building since they did not get a site plan with their initial mailing.

A discussion ensued about the height of the proposed building.

Mr. Robbins asked Mr. Soltau about the landscaping and Mr. Soltau clarified the landscape plans for the Board.

Mr. Olson asked about noise and the number of ambulance calls and Mr. Moore clarified this for him.

Mr. Sobota noted that there were signs posted on the site for notification of the meetings and also city staff's contact information.

Mr. Mock asked how much more community engagement would happen before groundbreaking and Mr. Sobota answered that there were no more scheduled meetings for this project.

Mr. Robbins suggested to Mr. Soltau and Mr. Moore that if the Board and City Council approved this CUP, they might consider having an additional neighborhood meeting.

Mr. Sobota clarified for Mr. Robbins that the Board of Adjustments & Appeals would be making the final decision and this would not go before the City Council.

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

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Commissioner Lori Hogen made a motion to approve Conditional Use Permit for a Nursing Home at 8205 Crossings Blvd, seconded by Commissioner Kent Robbins and the motion passed.

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7. Other Business

Commissioner Hogen welcomed the new Board members and thanked them for their service to the community.

8. Adjourn to Thursday, April 4, 2019 at 7:00 p.m.

Commissioner Kent Robbins made a motion to adjourn the meeting at 7:40 pm, seconded by Commissioner Ashlee Sepulvado and the motion passed.

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