

RESOLUTION NO. PC2019-009
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW AN
ADDITIONAL CHILD CARE FACILITY FOR PROPERTY AT 160 PRAIRIE STREET
IN THE B-1 HIGHWAY BUSINESS ZONE

WHEREAS, A. Peter Hilger, applicant and Tony Senanayake, Discovery, LLC, property owner, have made application for a Conditional Use Permit Amendment for property at 160 Prairie Street; and

WHEREAS, the property upon which the request is being made is legally described as:

Lots 3, 4, 5, 6, 7 & 8, Block 16, EAST SHAKOPEE, 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 June 6, 2019 and adopted the following findings:

Conditional Use Permit Findings:

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.

Finding #2: The Board finds that the conditional use permit for an infant care facility will not impede the normal and orderly development and improvement of surrounding property.

Finding#3: The Board finds that adequate utilities, access, drainage and other necessary facilities have been or will be provided for the site.

Finding #4 The Board finds that this use is consistent with the purposes of the Highway Business (B-1) Zone.

Finding #5 The Board finds that the use is not in conflict with the Comprehensive Plan.

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 amendment for an infant care facility in the B-1 Zone are hereby approved, subject to the following conditions:

1. Shall have drop-off and pick-up areas located outside of the public right-of-way, and designed to enhance vehicular and pedestrian safety; and
2. Shall have outdoor play areas located and designed to mitigate visual and noise impacts on adjoining residential uses.
3. Prior to building permit approval, outstanding development requirements shall be completed.
4. FDC location to be on south or west elevation. Coordinate location with Shakopee Fire Department.
5. Submit a Trip Generation Memo for the existing and proposed development.
6. 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.
7. 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).
8. 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.
9. Provide easements in accordance with City of Shakopee Design Criteria Section 10.1.A-D.
 - a. Drainage and utility easements to encompass the 100-year high water level of all storm water basins.

10. Prior to work within the City of Shakopee right-of-way, the applicant must obtain a right-of-way permit. Contact Public Works at 952-233-9550 or publicworks@shakopeemn.gov for permit information.
11. Enter into a Utility Facilities Easement Agreement with the City of Shakopee. The applicant must record the easement agreement with the county.
12. Submit a Construction Management Plan. A template can be provided by the engineering division.
13. Approval of the CUP request does not constitute approval of the submitted plans.
14. The site shall develop generally consistent with submitted site plans, elevations, and grading and landscape plans, contingent on compliance with the performance standards of Chapter 151.108 and the design standards of 151.040 (Highway Business Zone) of the City Code except for the requested lot sizes and setback variances.
15. Sign permits shall be required for any proposed site signage.
16. Comply with Shakopee Public Utilities (SPU) requirements regarding water and electric service construction, which could include costs related to relocation of existing electrical services, and installation of a public water main (and dedicated easements). The applicant shall be in contact with SPU personnel regarding the specific requirements and related costs.

Adopted by the Shakopee Board of Adjustment and Appeals on the 6th day of June, 2019.

BOAA Chairperson

ATTEST:

Michael Kerski
Director of Planning & Development