

RESOLUTION NO. PC2019-012

A RESOLUTION OF THE CITY OF SHAKOPEE APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN OVERHEIGHT UTILITY SERVICE STRUCTURE IN THE URBAN RESIDENTIAL (R-1B) ZONE, LOCATED NORTH OF CSAH 78 AND WEST OF ZUMBRO AVENUE

WHEREAS, Shakopee Public Utilities, applicant, and LATOUR FARMS, L.P., property owner, have filed an application for a Conditional Use Permit to allow an overheight utility service structure; and

WHEREAS, this parcel is presently zoned Urban Residential (R-1B) Zone; and

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

Lot 1, Block 1, LA TOUR TERRACE, Scott County, Minnesota; and

WHEREAS, proper public hearing notices were sent, published and posted, and on September 5, 2019, a public hearing was held on the requested Conditional Use Permit before the Board of Adjustment and Appeals (BOAA), at which it heard from the Director of Planning and Development and invited members of the public to comment.

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: Staff has received no evidence that the proposed use will be injurious to the use and enjoyment of other property in the immediate vicinity, nor would it substantially diminish or impair property values in the area, provided the site complies with the conditions included in the Resolution.

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 conditional use permit will not impede future development and improvement in the area; rather, it will be essential for the normal and orderly development and improvement of the surrounding property.

Criteria #3: Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;

Finding #3: Adequate utilities, access roads and drainage will be provided at the site. Development of this structure and facilities is essential for SPUC to provide adequate water service and fire protection to existing and future development in this part of the community.

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 use of the subject property is consistent with the purposes of the Urban Residential (R-1B) Zone.

Criteria #5: The use is not in conflict with the Comprehensive Plan.

Finding #5: The use is not in conflict with the Comprehensive Plan. The Comprehensive Plan designates this area for residential uses.

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That the application for Conditional Use Permit No. PC2019-012 is hereby **GRANTED**, subject to the following conditions:

1. The utility service structures shall be constructed generally consistent with the submitted plans attached to this report, provided the plans do not conflict with City Code, Building Code, and Fire Code regulations and/or conditions incorporated into this Resolution.
2. The design and development of this property shall be consistent with the Performance Standards [Section 151.105 (B), particularly regarding construction materials and landscaping requirements] and Design Standards [Section 151.051 (E), except for max. structure height]. Extensive landscaping shall be installed around the perimeter of the area to be developed at time of building construction to ensure adequate screening from future adjacent development. Proposed plantings shall be a mix of deciduous and coniferous trees planted consistent with the design criteria identified in the landscape regulations (species, size & spacing).
3. Exterior lighting and noise emanating from this site shall comply with Sections 151.114 and 130.45 of the City Code, respectively, and shall not exceed any standards set by the State Pollution Control Agency. Additional visual and/or noise attenuation measures (fencing, landscaping, etc.) may be required to ensure compliance with these code regulations.
4. Pay all applicable fees/charges listed below, as required by the most current City of Shakopee Fee Schedule.
 - a. Trunk Storm Water Charge
5. Submit a diagram showing turning movements for design vehicles throughout the site.
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. 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.

10. Obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the permit coverage letter must be provided to the city. A certified SWPPP inspector must conduct the required SWPPP inspections and provide documentation to the city.
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.

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 5th day of September, 2019.

**Chair of the Board of Adjustment
and Appeals**

ATTEST: _____
Director of Planning and Development