

RESOLUTION NO. PC17-015
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A CONDITIONAL USE PERMIT FOR A DAY CARE FACILITY, AND
VARIANCES FOR FRONT AND SIDE YARD SETBACKS FOR A DRIVEWAY AND
TRASH ENCLOSURE

WHEREAS, 814 Development, applicant, and Shakopee Crossings Limited Partnership, property owner, have made application for a Conditional Use Permit to allow a Day Care Facility, and Variances of the front and side yard setbacks for a driveway and trash enclosure for property located at Crossings Boulevard in the Planned Residential District (Section 151.037); and

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

Lot 1, Block 1, RAINBOW CHILD CARE CENTER, 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 May 4, 2017 and adopted the following findings:

Variance Findings:

Criterion 1

The strict enforcement of the ordinance provisions would cause practical difficulties because of circumstances unique to the individual property under consideration. Practical difficulties mean the following:

1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance:

Finding 1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, with the driveway and trash enclosure located so as to provide additional parking spaces and efficient traffic circulation.

1.B. The plight of the landowner is due to circumstances unique to the property;

Finding 1.B. The property is unique in that it is considered a through lot, although access to the CSAH 18 right-of-way is not allowed. The applicant and the adjacent property owner are working together to create the most efficient design for their trash enclosures – by placing them close together, it minimizes the visual impact.

1.C. The circumstances were not created by the landowner;

Finding 1.C. The circumstances generally lie with the PRD City Code requirements, which restrict or limit the location of this enclosure due to the through lot regulations.

1.D. The variance, if granted, will not alter the essential character of the locality; and

Finding 1.D. The variances would not alter the character of the locality. By all appearances, the proposed trash structure will mirror a similar structure on the adjacent lot in the future.

1.E. The problems extend beyond economic considerations. Economic considerations do not constitute a practical difficulty if reasonable use for the property exists under the terms of the ordinance.

Finding 1.E. The request is not economic in nature; the variance request allows for construction of a structure with setbacks generally similar to other proposed adjacent structures.

Criterion 2

It has been demonstrated that a variance as requested will be in keeping with the spirit and intent of the Zoning Ordinance.

Finding 2 The proposed variances would in keeping with the spirit and intent of Chapter 151.

Criterion 3

The request is not for a use variance.

Finding 3 The request is not a use variance.

Criterion 4

Conditions to be imposed by the Board of Adjustment and Appeals will insure compliance to protect the adjacent properties.

Finding 4 The conditions proposed will result in a similar/compatible situation with the most adjacent property.

Criterion 5

Variances in the flood plain overlay zone also shall meet the following criteria:

Finding 5 (Not applicable since this property is not within the flood plain overlay zone.)

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.

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 a day 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 Planned Residential District (PRD).

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.

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 day care facility, and variances for a 0-foot setback for a driveway and a trash enclosure with a 20-foot front yard setback and a 0-foot side yard setback in the PRD 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. 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 151.037 (Planned Residential District) of the City Code except for the requested setback variances.
4. Sign permits shall be required for any proposed site signage.
5. Comply with Shakopee Public Utilities (SPU) requirements regarding water and electric service construction, which include but are not limited to: installing a lateral water main distribution system, paying the associated fees and inspections costs, granting any necessary easements, paying the Trunk Water Charge and Water Connection Charge, and entering into an Underground Distribution Agreement. The applicant shall be in contact with SPU personnel regarding the specific requirements and related costs.
6. Prior to install, confirm with SPUC the planting of trees within their watermain easement.

Adopted by the Shakopee Board of Adjustment and Appeals on the 4th day of May, 2017.

ATTEST:

BOAA Chairperson

Michael Kerski
Director of Planning & Development

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