

RESOLUTION NO. PC2020-001

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A CONDITIONAL USE PERMIT FOR A PLACE OF WORSHIP IN THE
CENTRAL BUSINESS (B-3) DISTRICT AT 123 2ND AVENUE WEST**

WHEREAS, the City of Shakopee received an application from Iglesia del Dios Vivo, applicant, and Marcos Gomez, property owner, for a Conditional Use Permit to allow a Place of Worship at 123 2nd Avenue West; and

WHEREAS, the property for which the application was made is legally described as follows:
Lots 1, 2, 3 & the south 102 feet of Lot 4, Block 22, City of Shakopee, Scott County, Minnesota

WHEREAS, proper public hearing notices were sent, published and posted, and on May 7, 2020, a public hearing was held on the requested Conditional Use Permit before the Board of Adjustment and Appeals (BOAA).

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: The Board has not received any evidence that the proposed use will be injurious to the use and enjoyment of other property in the immediate vicinity, if conducted in accordance with proposed conditions. The proposed use would not substantially diminish or impair property values in the area as it will be utilizing an existing commercial building, there will be no expansion of the structure, and there is sufficient parking on site, on adjacent roadways and in nearby City of Shakopee public parking lots.

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 Board finds that the establishment of a place of worship at this location will not impede future development and improvement in the area. The use will occupy space in an existing structure in the City.

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 roads/driveways and drainage exist and/or will be provided for this property, if conducted in accordance with proposed conditions. Improvements to the structure shall be made to ensure compliance with the Fire Code requirements.

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 the use of the subject property is consistent with the purposes of the Central Business (B-3) Zone. Use of the building as a place of worship will fit cohesively with adjacent businesses.

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, which guides this property as Downtown Business District.

BE IT FURTHER RESOLVED, that the Conditional Use Permit to allow a Place of Worship in the Central Business (B-3) Zone at 123 2nd Avenue West is approved subject to the following conditions:

1. Submittal of a complete set of Architectural drawings shall be required at part of the building permit submittal process. All submittals must be properly signed as required by State Statutes.
2. A MCES SAC determination must be submitted and all documentation shall be received prior to building permit approval.
3. Rest rooms should be provided consistent with Uniform Building Code requirements.
4. A fire sprinkler system and fire sprinkler monitoring alarm shall be installed consistent with the Shakopee Fire Marshall's requirements.
5. The applicant must work with the Fire Marshall to reach an acceptable plan for fire protection to all parts of the building prior to the issuance of a building permit. The sanctuary will require a minimum of two (2) exits within the space. The Fellowship Hall may also require two (2) exits, depending on the occupant load.
6. Should the applicant need additional service for fire protection or building usage, additional water service is available subject to SPUC's standard terms and conditions.

Adopted by the Shakopee Board of Adjustment and Appeals on the 7th day of May, 2020.

Chair of the Board of Adjustment &
Appeals

ATTEST:

Michael Kerski,
Director of Planning and Development