

RESOLUTION NO. PC17-029

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING AN OVER-HEIGHT STRUCTURE, PET DAYCARE AND BOARDING
FACILITY AND HOUSING DESIGNED TO SERVE THE NEEDS OF HANDICAPPED
INDIVIDUALS IN THE HIGHWAY BUSINESS (B-1) ZONE ON LOTS 2-4, BLOCK 1 IN
THE HALO 2ND ADDITION PLAT**

WHEREAS, the City of Shakopee received an application from Jason Palmby, applicant, and City of Shakopee, property owner, for a Conditional Use Permit for an over-height structure, pet daycare and boarding and housing designed to serve the needs of handicapped individuals; and

WHEREAS, the property for which the application was made is legally described as follows:

Lots 2,3 and 4, Block 1, Halo 2nd Addition, Scott County, MN.

WHEREAS, proper public hearing notices were sent, published and posted, and on June 8, 2017, a public hearing was held on the requested Conditional Use Permits 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 Permits.

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 use will be injurious to the use and enjoyment of other property in the vicinity, nor substantially diminish and impair property values if conducted in accordance with the proposed conditions. The proposed rehabilitation center and pet day care facility will be built of high quality exterior materials and developed in a manner that the uses on the site complement each other by utilizing shared parking and access.

The operator of the pet daycare facility is currently operating the same business in the City of Shakopee in a similar setting in the same zoning district.

The proposed outdoor area for the pet daycare facility will be limited in hours of use and fenced with 8' tall opaque maintenance-free fencing. A condition requires that the operator let any dog that continuously barks or cries into the building.

There is an existing treatment center operated by the Five Stars in Chaska. Both the Mayor and City Administrator of the City of Chaska has provided letters of support for the proposed project based on their experiences with the facilities in Chaska operated by Five Stars.

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 the conditional use will not impede the normal and orderly development and improvement of surrounding property. The applicant is proposing to mitigate impacts on surrounding properties by constructing an opaque 8' fence around the outdoor area. The surrounding properties have all been developed prior to this proposed development.

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. The applicant intends to dedicate necessary easements for existing public utilities that do not have recorded easements. The applicant also intends to comply with all utility company conditions and policies. The proposed access from Marschall Road removes an existing access to an arterial roadway.

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 Highway Business Zone. The use of the property as a rehabilitation / treatment center and pet daycare and boarding are listed conditional uses within the Highway Business zone. There is another development within the city that serves handicapped individuals that is adjacent to residential uses that has operated for over 10 years without any complaints and the City of Chaska has provided positive feedback on the operation of the applicant's facility in Chaska. Doggy Doo's currently operates a pet daycare facility within the City.

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. Both pet daycare and boarding and institutional housing are types of land uses allowed in commercial areas. The comprehensive plan encourages mixed use development and limited access to arterial roadways. The proposed over-height structure at 37' in height does not conflict with the comprehensive plan, as the height is very close to the height of other permitted uses.

BE IT FURTHER RESOLVED, that the Conditional Use Permit to allow over-height structures, housing designed to serve the needs of handicapped individuals and pet daycare and boarding in the Highway Business (B-1) Zone in Halo 2nd Addition be approved subject to the following conditions:

1. If cultural resources are located and confirmed on the site, the applicant must adjust the development of the site to not impact the cultural resources.
2. The applicant must remove the existing curb cut and driveway to County Road 101. The applicant must receive a county right-of-way permit for any work within the county right-of-way.
3. The applicant must work with the SMSC to install a trail connection from First Avenue through this site to the Minnesota Valley State Trail on SMSC property. If an appropriate trail location cannot be reached for connection to the Minnesota Valley State Trail on SMSC property, the applicant must still construct a connection from both the treatment center and the pet daycare to the existing trail along First Avenue.
4. The proposed buildings must meet City Code standards for building materials and be consistent with the submitted plans and elevations. The maximum height of the treatment center buildings is 37' at the mid-point of a pitched roof.
5. The applicant must construct an 8' maintenance free fence for the outdoor pet area. The fencing material must be completely opaque. A fence permit is required and the applicant must work with the Public Works and Engineering Department to find a suitable location for fence installation within the eastern easement area.
6. The applicant must receive an approved Kennel License from the State Board of Animal Health. A copy of the license must be provided to the City of Shakopee.
7. The outdoor play area must not be used outside of the hours of 7:00-8:00 a.m., 9:00 - 11:00 a.m., 1:00-3:00 p.m., 4:00-6:00 p.m. and 8:00-9:00 p.m.
8. The number of animals in the outdoor play area must not exceed 1 animal per 100 square-feet of area.
9. Animals in the outdoor play area must not be unsupervised.
10. If an animal in the outdoor area continuously cries or barks, it must be moved to inside the building immediately.
11. Animal waste must be disposed of in a sanitary manner. Storage of all waste must be within the principal structure.
12. The number of dogs within the indoor daycare space must comply with ASPCA guidelines for dogs. The guidelines are as follows: 1 large dog to 100 square-feet, and 1 small/ medium dog per 50 square-feet.
13. The applicant must prepare an acceptable ingress – egress easement / maintenance agreement for the shared private drive and parking area. The agreement must be approved by the City Attorney.
14. The applicant must dedicate a minimum of 40 feet of drainage and utility easement adjacent to the eastern lot line of the site.
15. The applicant must dedicate a minimum of 10 feet of drainage and utility easement adjacent to the western lot line of the site.
16. The applicant must not vacate existing easements adjacent to the northern property line as shown on the Halo 2nd Addition Plat.
17. The applicant must conduct a utility locate for the entire site to determine the locations of all utilities. A survey showing the results of the utility locate shall be provided to the City of Shakopee staff for determination of future easement requirements. The applicant must provide additional easements as determined by utility location and city staff.
18. The applicant must vacate the easements internal to the properties on lots 2-4 of Halo 2nd Addition.

19. The applicant must work with the engineering department to either place the northernmost row of parking south of the drive aisle, or in another acceptable location, as the current location encroaches into an existing drainage and utility easement.
20. Prior to any land disturbing activity, the applicant will obtain a grading permit and / or building permit. Along with the permit(s), the applicant will submit a detailed impervious surface drawing.
21. Prior to the approval of a building permit or grading permit, the applicant will obtain approval of a stormwater management plan (SWMP). The sites SWMP will adequately address stormwater runoff treatment requirements, rate control requirements, and infiltration requirements as set forth in the City of Shakopee's Comprehensive Water Resources Management Plan.
22. The applicant must pay all Stormwater Management Plan review fees, as required by the most current City of Shakopee fee schedule.
23. The applicant must meet the requirements set forth by the City of Shakopee's Tree Preservation Ordinance, City Code Section 151.113. Improvements proposed on this application will be considered an initial development of the site. Only trees within the proposed construction limits on the site will be counted as preserved / removed by the City Engineer.
24. Landscaping on the site must comply with City Code, which requires plantings based on the total square-footage of buildings and amount of impervious surfaces on a site.
25. The applicant must pay trunk water charges to Shakopee Public Utilities for Lot 4, Block 1 of Halo 2nd Addition.
26. A public watermain must be installed across lots 2-4 from the 8" watermain stub in the northwest corner of the site to the 6" watermain stub in the southeast corner of the site.
27. If the amount of parking at 60 parking spaces is found to be insufficient, the applicant must install additional parking on the site.
28. A second rehabilitation / treatment center building is permitted to be built at a later date. The second building must be built of the same materials as the first building and be generally consistent with the size and location shown on the submitted plans.
29. Approval of the Conditional Use Permit does not constitute the approval of submitted plans.

Adopted by the Shakopee Board of Adjustment and Appeals on the 8th day of June, 2017.

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski
Director of Planning and Development

PREPARED BY:
City of Shakopee
129 Holmes Street S
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