



Shakopee Board of Adjustments and Appeals

Minutes

April 6, 2017

7:00 PM

City Hall 129 Holmes St.

1. Roll Call

Chair Brandon called the meeting to order.

Commissioners present: Lori Brandon; Jody Brennan; Kent Robbins; Mark Seifert; Mark McQuillan

Commissioners absent: Anita Botamer; Steve Mangan

Staff present: Director of Planning & Development Michael Kerski; Public Works Director Bruce Loney; Senior Planner Kyle Sobota; Senior Planner Mark Noble

2. Approval of Agenda

Commissioner Kent Robbins made a motion to approve the Agenda, seconded by Commissioner Jody Brennan and the motion Passed.

5 - 0

3. Call for Notarized Affidavits, Proof of Neighborhood Meeting and Sign in Sheet for appropriate Public Hearings

Staff has received these items.

4. Recognition by Board of Adjustment and Appeals of Interested Citizens

No one responded.

5. Consent Business - (All items listed in this section are anticipated to be routine. After a discussion by the Chair there will be an opportunity for members of the BOAA to remove any items from the consent agenda for individual discussion. Those items removed will be considered following the Public hearing portion of the agenda. Items remaining on the Consent Agenda will not be discussed and will be approved in one motion.)

None.

6. General Business

A. Approval of February 9, 2017 Minutes

Commissioner Jody Brennan made a motion to approve the minutes of February 9, 2017,

seconded by Commissioner Kent Robbins and the motion Passed.

5 - 0

B. PUBLIC HEARING: Conditional Use Permit for Expansion of Living Hope Lutheran Church and School

Commissioner Kent Robbins made a motion to open the Public Hearing, seconded by Commissioner Mark Seifert and the motion Passed.

5 - 0

Senior Planner Kyle Sobota presented Conditional Use Permit request to allow an addition and over-height structure for Living Hope Lutheran Church and School at 8600 Horizon Drive in the Rural Residential Zone.

Mr. Robbins asked for clarification on the over-height request and building material requirements and Mr. Sobota clarified these items.

Mr. Chris Gustufson, Vice President of Living Hope Church and School, addressed the Board. He commented that the only issue the church had to the conditions in the resolution was to the addition of the trail along Highway 18, as it would add a significant cost to the project that they were not anticipating. He asked if the resolution could be amended to work with the city to add this at a later date. Mr. Robbins asked what the cost of the trail would be and Ms. Ann Kuntz, architect for the project, stated that the cost was around \$25,000. This would be in addition to the sewer and water cost and the church sees this trail more as an attractive nuisance.

Mr. Sobota clarified the trail connection for the Board. Discussion about the cost of the project as well as the over-height request was discussed in detail. There was additional discussion about revision to the trail connection condition as well as the possibility of assessments to the church at a later date.

Commissioner Kent Robbins made a motion to close the Public Hearing, seconded by Commissioner Mark Seifert and the motion Passed.

5 - 0

Mr. Robbins shared his thoughts about the trail connection connection cost based on the total budget of the project. He stated he was reluctant to give his approval since the cost of the trail connection is a very small amount of the overall budget. He would be in favor of amending it to state that the trail be deferred to a later date, but not to remove the requirement entirely.

Mr. Seifert stated that he agreed with Mr. Robbins.

Mr. McQuillan stated that he also agreed with Mr. Seifert and Mr. Robbins.

Commissioner Mark Seifert made a motion to pass Resolution No. PC17-010, approving a conditional use permit for an addition and over-height structure for Living Hope Lutheran Church and School, allowing the deferral of the trail with an assessment to the church in the future when property to the west of the church site develops and move its adoption, with Mr. Robbins dissenting, seconded by Commissioner Jody Brennan and the motion Passed.

4 - 1

C. PUBLIC HEARING: Conditional Use Permit for School in Highway Business Zone

Commissioner Kent Robbins made a motion to open the Public Hearing, seconded by Commissioner Mark Seifert and the motion Passed.

5 - 0

Mr. Sobota stated that the applicant has withdrawn this application.

Commissioner Mark McQuillan made a motion to close the Public Hearing, seconded by Commissioner Kent Robbins and the motion Passed.

5 - 0

Commissioner Kent Robbins made a motion to accept the withdrawal of this application, seconded by Commissioner Mark Seifert and the motion Passed.

5 - 0

D. Determination, Expansion of Non-Conformity of lot in Maple Trail Estates 2nd Addition

Mr. Sobota presented Determination, Expansion of Non-Conformity of lot in Maple Trail Estates 2nd Addition. Mr. Sobota showed on the overhead screen the location of the 2 properties involved in the application. He also explained the differences between a Type-A Non-Conformity and a Type-B Non-Conformity.

Mr. Robbins commented that he thought he understood the report, in that the lot sizes were generally not going to get reduced too much, and also this would eliminate a driveway easement. Mr. Sobota stated that this was correct and the previous standard in the rural residential zone was 2.5 acre lots; in 1994 the zoning ordinance changed to require 10 acre lots. The 2 lots in this application are both under 10 acres and they would still be able to be developed with septic systems and acceptable setbacks for future homes. This would not create a situation where the lots would be too small.

Mr. Cal Haasken, representative of Mr. Hohenstein, 413 Chestnut Street, addressed the Board. He clarified for the Commissioners that this was a situation that was initially created when Scott County closed off access from Marschall Road to the Hohenstein homestead, which created the extension of Hohenstein Court and the driveway across Lot

A.

Commissioner Mark Seifert made a motion to approve the Determination, Expansion of Non-Conformity of lot in Maple Trail Estates 2nd Addition, seconded by Commissioner Mark McQuillan and the motion Passed.

5 - 0

7. Other Business

None.

8. Adjournment

Commissioner Kent Robbins made a motion to adjourn the meeting at 7:50 pm, seconded by Commissioner Jody Brennan and the motion passed. 5-0

Commissioner Kent Robbins made a motion to adjourn the meeting at 7:50 pm., seconded by Commissioner Jody Brennan and the motion Passed.

5 - 0