

RESOLUTION NO. PC2021-001

**A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A CONDITIONAL USE PERMIT ALLOWING AN OVER-HEIGHT
ELECTRICAL DISTRIBUTION SUBSTATION AT 2022 COLBURN DRIVE IN THE
HIGHWAY BUSINESS (B-1) ZONE.**

WHEREAS, Ledios Engineering, LLC & Shakopee Public Utilities Commission, applicants, and R & J Breeggemann Partnership, property owners, have filed an application for a Conditional Use Permit to allow construction of an over-height utility structure (electrical distribution substation) under the provisions of Chapter 11, Land Use Regulation (Zoning), of the Shakopee City Code; and

WHEREAS, this parcel is presently zoned Highway Business (B-1) Zone; and

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

See Exhibit A; and

WHEREAS, proper public hearing notices were sent, published and posted, and on February 4, 2021, the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from Planning and Development Staff and invited members of the public to comment.

THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS, 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 City has not received any 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 use complies with the conditions of 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 should not impede future development and improvement in the area, provided the use complies with the conditions of the resolution.

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 addition of the substation allows for continued development within Shakopee and allows for continued economical rates for SPUC customers.

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 proposed Light Industry (I-1) 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 (Mixed Employment Center).

BE IT FURTHER RESOLVED, that the application for Conditional Use Permit No. PC2021-001 is hereby **GRANTED**, subject to the following conditions:

1. The property shall be rezoned to Light Industry (I-1) Zone or this Conditional Use Permit shall be null and void.
2. The height of the proposed Communication Towers, Transmission Dead End Structures, and Lightning Masts are limited to 75 feet in height.
3. Any proposed exterior material shall comply with all design and performance standards of City Code Section, particularly Section 151.108 (Construction Materials), Section 151.114 (Exterior Lighting) and Section 151.115 (Noise & Vibration). Building materials shall be integral color masonry units or integral color precast.
4. Size and quantity of the proposed plantings shall be consistent with City Code Section 151.111 & 151.112. Coniferous trees shall be a minimum of 6 feet in height at time of planting, and deciduous trees shall be a minimum 2 ½" dbh caliper inches at time of planting. Abroviae shall not be used for screening.
5. The applicant shall work with the Planning & Development Department staff to create a landscaping plan with adequate screening with appropriate species and spacing for trees to be planted on the site along the southern, western, and eastern portions of the property.
6. Any work within the County Road 69 right-of-way will require a County permit.
7. The maximum height of fencing permitted as part of this project is 8'. Barbed wire is not allowed on the fencing.
8. A turning movement plan shall be submitted and approved by City of Shakopee Engineering Division for vehicle accessibility throughout the site.
9. Prior to any land disturbing activity, the applicant will obtain a grading permit and/or a building permit. The permit application must be accompanied by detailed, certified construction drawings (including a site plan). Along with the permit(s), the applicant must submit a detailed impervious surface drawing.
10. Based on the proposed use, it appears there will be no need for sanitary sewer service. If sanitary sewer service is needed, coordinate with City of Shakopee Engineering Division.
11. 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).

12. 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.
13. 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.
14. Enter into a Utility Facilities Easement Agreement with the City of Shakopee Engineering Division. The applicant must record the easement agreement with Scott County.
15. Submit a Construction Management Plan. A template can be provided by City of Shakopee Engineering Division.
16. 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 4th day of February, 2021.

Chair of the Board of Adjustment and Appeals

ATTEST: _____
Michael Kerski
Director of Planning and Development

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379