RESOLUTION NO. PC17-032
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A CONDITIONAL USE PERMIT FOR A DAYCARE CENTER AT 1610 LUSITANO STREET

WHEREAS, Michael Monn, applicant, and Ladybug Real Estate NO3, property owner, have made application for a Conditional Use Permit to allow a daycare center in the Highway Business Zone (B-1); and

WHEREAS, the property upon which the request is being made is legally described as: *Lot 1, Block 1, Jackson Elementary School Second Addition, 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 July 6, 2017 and adopted the following findings:

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 daycare center will not impede the normal and orderly development and improvement of surrounding property. A daycare center is a compatible use to the adjacent elementary school and surrounding residential developments.

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 B-1, Highway Business Zone. The purpose of the Highway Business zone is to allow for the development of retail, services, office, and institutional development. The proposed development of a daycare center is a listed conditional use in the Highway Business zone.

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. The comprehensive plan guides this property for commercial uses, which includes service businesses, such as a daycare center.

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 daycare center in the B-1, Highway Business Zone are hereby approved, subject to the following conditions:

1. A final plat must be approved by the City Council prior to development. The applicant must comply with conditions of approval of a final plat.
2. The fence and retaining wall for the playground area must be shifted to be located outside of drainage and utility easements.
3. Fence to be installed with approval of staff for design along 17th Avenue.
4. The proposed sidewalk connection to Lusitano Street must connect with the existing sidewalk on Lusitano Street
5. Development of the site must generally be consistent with the submitted plans.
6. Drop-off and pick-up areas must be located outside of the public right-of-way, and designed to enhance vehicular and pedestrian safety.
7. Trash pickup must be scheduled to be outside of peak pick up and drop off times.
8. Sign permits shall be required for any additional proposed site signage.
9. The applicant must comply with City of Shakopee planting details and notes for the proposed trees and landscaping.
10. The applicant must receive the appropriate licenses and inspections by the state of Minnesota.

Adopted by the Shakopee Board of Adjustment and Appeals on the 6th day of July, 2017.

_____
BOAA Chairperson

ATTEST:

_____
Michael Kerski
Director of Planning & Development

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