



Shakopee Board of Adjustments and Appeals Board Of Adjustments & Appeals Regular Meeting

Thursday, October 3, 2024

7:00 PM

City Hall, 485 Gorman Street

Vision: Shakopee is a place where people want to be! A distinctive river town, with a multitude of business, cultural and recreational opportunities in a safe, welcoming, and attractive environment for residents and visitors

Mission: Our mission is to deliver high quality services essential to maintaining a safe and sustainable community. We commit to doing this cost-effectively, with integrity and transparency.

1. Roll Call
2. Approval of Agenda
3. Call for Notarized Affidavits, Proof of Neighborhood Meeting and Sign in Sheet for appropriate Public Hearings
4. Recognition by Board of Adjustment and Appeals of Interested Citizens
5. Consent Agenda

These items are considered routine and will be enacted by one motion. There will be no separate discussion of these unless a Commissioner or staff requests, in which event the item will be removed from the consent agenda for separate discussion & action.
6. General Business
 - 6.a PUBLIC HEARING - Variance to Allow Gravel Parking Lot @ Valleyfair

Approve Resolution NO. PC2024-011, a resolution denying a variance request to City Code Sections 151.140 (Parking) & 151.142 (Design Standards) to create a gravel parking lot for dorms at Valleyfair, 1 Valley Fair Drive South, where bituminous asphalt and/or concrete are the listed required materials of the City Code.

[Map_v1.pdf](#)
[Narrative for Shakopee_v1.pdf](#)
[Denial Resolution.docx](#)
[Site Aerial.pdf](#)

7. Other Business

8. Adjournment to Thursday, November 7, 2024 at 7:00 pm.

If a commissioner has any comments, concerns or questions, he or she should contact the staff project manager prior to the scheduled meeting date. Also, if a commissioner is unable to attend the meeting for any reason, Please call the Department of Planning and Development at (952)233-9300 as soon as possible. Thank you!



Shakopee Board of Adjustments and Appeals October 3, 2024

6.a

Agenda Item: PUBLIC HEARING - Variance to Allow Gravel Parking Lot @ Valleyfair
Prepared by: Mark Noble, Senior Planner
Reviewed by: Michael Kerski, Planning/Development Director

Action to be considered:

Approve Resolution NO. PC2024-011, a resolution denying a variance request to City Code Sections 151.140 (Parking) & 151.142 (Design Standards) to create a gravel parking lot for dorms at Valleyfair, 1 Valley Fair Drive South, where bituminous asphalt and/or concrete are the listed required materials of the City Code.

Motion Type:
Simple Majority

Background:

INTRODUCTION

Valleyfair LLC, applicant and property owner, have made application for a variance for property located at 1 Valley Fair Drive South.

VARIANCE CONSIDERATION

The applicant is proposing to create a gravel parking lot for dorms at Valleyfair. Their plan is to use class 5 gravel that was previously used as temporary pathways at the park during the floods. Approx. 2000-2500 cubic yards of gravel will be used, and the total parking lot area would be approximately 14,700 square yards (see attached site plan – area in blue would be the proposed lot).

Shakopee City Code requires that parking facilities be surfaced with asphalt or concrete. The paving of the lot would also allow for the spaces to be striped/sized according to the

code regulations, with proper setbacks, parking lot islands, and access points consistent with City Code requirements.

Findings:

Section 151.015, Subd. B, of the City Code contains provisions for the granting of variances only if **all** of the following circumstances are found to exist. Staff has provided draft findings for purposes of discussion by the Board. The Board may use or modify these draft findings as it sees fit, as well as propose other findings.

Criterion I

The strict enforcement of the ordinance provisions would cause undue hardship because of circumstances unique to the individual property under consideration. Undue hardship means the following:

1.A. The property owner proposes to use the property in a reasonable manner not permitted by an official control;

***Finding 1.A.** The property owner proposed to use the property in a manner not permitted by the Shakopee City Code. Parking lots are required to be paved with either asphalt or concrete, and striped, setback and accessible consistent with the City Code requirements.*

1.B. The plight of the landowner is due to circumstances unique to the property;

***Finding 1.B.** The circumstances are not unique to the property; rather, they are the product of the property owner asking to be able to dispose of gravel material left over from the Minnesota River floods of 2024. There are no circumstances unique to the property that would allow for this action contrary to City Code requirements.*

1.C. The circumstances were not created by the landowner;

***Finding 1.C.** The circumstances are created by the landowner's desire to utilize leftover gravel material for temporary parking.*

1.D. The variance, if granted, will not alter the essential character of the locality;

Finding 1.D. *The variance would alter the essential character of the locality as there would be stormwater storage requirements if this were approved, which would require additional grading in a naturally sensitive location, and would create a parking lot that would not be to the desired standards of the city established for parking lots.*

1.E. The problems extend beyond economic considerations. Economic considerations alone do not constitute practical difficulties.

Finding 1.E. *The problems do not extend beyond economic considerations. The applicant is requesting to use the product for this purpose rather than dispose of it by either selling or hauling off-site.*

Criterion 2

It has been demonstrated that a variance as requested will be in harmony with the general purposes and intent of the chapter and is consistent with the comprehensive plan.

Finding 2: *The proposed variance would not be keeping with the spirit and intent of Chapter 151 (Zoning) as it would allow the use of a lower standard of parking facility than required within the City of Shakopee.*

Criterion 3

The request is not for a use variance.

Finding 3: *The request is not a use variance.*

Criterion 4

Conditions to be imposed by the Board of Adjustment and Appeals must be directly related to and must bear a rough proportionality to the impact created by the variance.

Finding 4: *The Board is denying the proposed variance request, no additional conditions are necessary.*

Criterion 5

Variances in the flood plain overlay zone also shall meet additional criteria:

***Finding 5:** Not applicable since the property is not within the flood plain overlay zone.*

Recommendation:

Approve the requested staff recommendation.

Budget Impact:

N/A

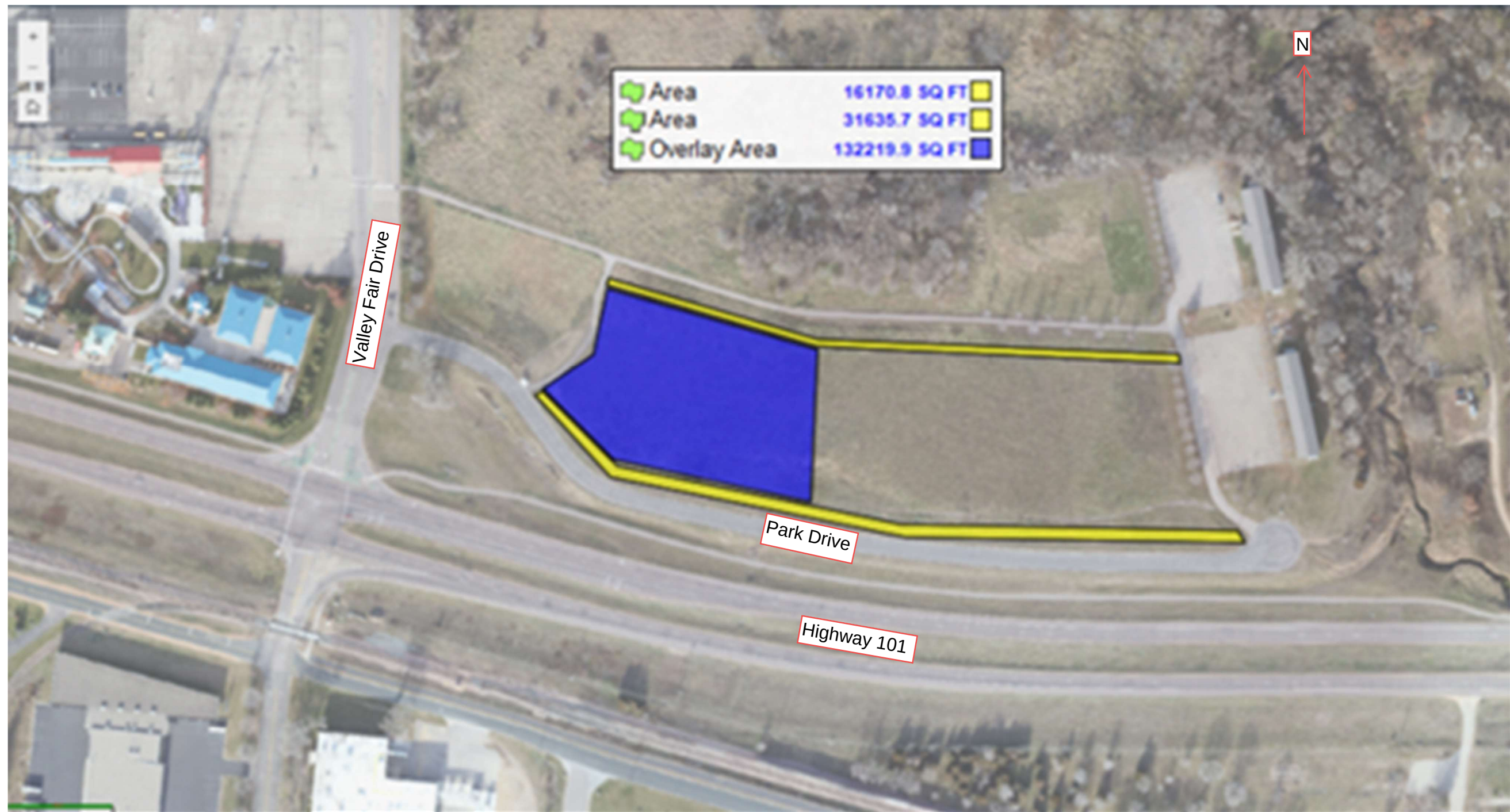
Attachments:

[Map_v1.pdf](#)

[Narrative for Shakopee_v1.pdf](#)

[Denial Resolution.docx](#)

[Site Aerial.pdf](#)



Drawing not to scale

We have Class V material stockpiled onsite that was used as a temporary walkway for our guests during the flood (approximately 2,000 - 2,500 cy). We've had conversations with the city and discussed spreading this material in the areas shown on the sketch below to make a parking lot.

RESOLUTION NO. PC2024-011

**A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, DENYING A
VARIANCE REQUEST TO CITY CODE SECTIONS 151.140 (PARKING) AND
151.142 (DESIGN STANDARDS) FOR PROPERTY LOCATED AT 1 VALLEY FAIR
DRIVE SOUTH**

WHEREAS, Valleyfair LLC, applicant and property owner, have made application for a variance to City Code Sections 151.140 (Parking) & 151.142 (Design Standards) to create a gravel parking lot for dorms at Valleyfair, 1 Valley Fair Drive South, in the Major Recreation (MR) Zone; and

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

Lots 1-3, Block 1, PRAIRIE HOUSE 2ND ADDITION, Scott County, MN; 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 the application on October 3, 2024 and adopted the following findings:

Findings for the Variance Request to City Code Sections 151.140 (Parking) & 151.142 (Design Standards):

Criterion I

The application for the variance establishes that there are practical difficulties in complying with the official control. Practical difficulties means the following:

1.A. The property owner proposes to use the property in a reasonable manner not permitted by an official control;

Finding 1.A. *The property owner proposed to use the property in a manner not permitted by the Shakopee City Code. Parking lots are required to be paved with either asphalt or concrete, and striped, setback and accessible consistent with the City Code requirements.*

1.B. The plight of the landowner is due to circumstances unique to the property;

Finding 1.B. The circumstances are not unique to the property; rather, they are the product of the property owner asking to be able to dispose of gravel material left over from the Minnesota River floods of 2024. There are no circumstances unique to the property that would allow for this action contrary to City Code requirements.

1.C. The circumstances were not created by the landowner;

Finding 1.C. The circumstances are created by the landowner's desire to utilize leftover gravel material for temporary parking.

1.D. The variance, if granted, will not alter the essential character of the locality;

Finding 1.D. The variance would alter the essential character of the locality as there would be stormwater storage requirements if this were approved, which would require additional grading in a naturally sensitive location, and would create a parking lot that would not be to the desired standards of the city established for parking lots.

1.E. The problems extend beyond economic considerations. Economic considerations alone do not constitute practical difficulties.

Finding 1.E. The problems do not extend beyond economic considerations. The applicant is requesting to use the product for this purpose rather than dispose of it by either selling or hauling off-site.

Criterion 2

It has been demonstrated that a variance as requested will be in harmony with the general purposes and intent of the chapter and is consistent with the comprehensive plan.

Finding 2: The proposed variance would not be keeping with the spirit and intent of Chapter 151 (Zoning) as it would allow the use of a lower standard of parking facility than required within the City of Shakopee.

Criterion 3

The request is not for a use variance.

Finding 3: The request is not a use variance.

Criterion 4

Conditions to be imposed by the Board of Adjustment and Appeals must be directly related to and must bear a rough proportionality to the impact created by the variance.

Finding 4: The Board is denying the proposed variance request, no additional conditions are necessary.

Criterion 5

Variances in the flood plain overlay zone also shall meet additional criteria:

Finding 5: Not applicable since the property is not within the flood plain overlay zone.

Adopted in the regular session of the Board of Adjustment and Appeals of the City of Shakopee, Minnesota, held the _____ day of October, 2024.

Chairperson,
Board of Adjustment and Appeals

ATTEST:

Michael Kerski,
Director of Planning and Development

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



CUP - Valleyfair Gravel Parking Lot

