

RESOLUTION NO. PC2021-003

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A CONDITIONAL USE PERMIT TO ALLOW VEHICLE REPAIR IN
THE HEAVY INDUSTRY (I-2) ZONE AT 7300 COUNTY ROAD 101**

WHEREAS, the City of Shakopee received an application from John Mesenbrink, applicant, and Mesenbrink Construction and Engineering, Inc., property owner, for a Conditional Use Permit to allow vehicle repair at 7300 County Road 101, Shakopee, MN; and

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

The North 300.00 feet of that part of the West 217.80 feet of the East 1,494.60 feet of the Southeast Quarter of Section 2, Township 115, Range 22, Scott County, Minnesota, lying southerly of the southerly right-of-way line of State Trunk Highway 101; and

WHEREAS, proper public hearing notices were sent, published and posted, and on April 8, 2021, a public hearing was held on the requested Conditional Use Permit 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 ADOPTS THE FOLLOWING FINDINGS RELATIVE TO THE REQUEST FOR CONDITIONAL USE PERMIT.

CUP 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 proposed use will 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, if conducted in accordance with the proposed conditions.

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 use will not impede the normal and orderly development and improvement of surrounding property.

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 Heavy Industry (I-2) 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.

BE IT FURTHER RESOLVED, that the Conditional Use Permit to allow vehicle repair is approved subject to the following conditions:

1. Sales of vehicles is not permitted by this conditional use permit.
2. Operation of equipment and tools shall be in compliance with noise ordinance standards set forth in City Code.
3. Access for emergency vehicles must be maintained on the site. The access must be approved by the Shakopee Fire Inspector.
4. The applicant shall obtain a Hazardous Waste Generator License through Scott County Environmental Health.
5. Applicant shall supply the Fire Marshal with a list of all hazardous materials and quantities to be used or stored on the premises. This list shall include the locations of all materials, quantity of all materials, and location of all sources of ignition. Applicant shall also supply they details of all types of vehicles to be serviced at this location (gas, gas/ethanol, diesel, compressed natural gas, hydrogen, propane, hybrid, or electric).
6. Applicant shall comply with Minnesota State Fire Code Section 2211 regulating repair garages.
7. Applicant shall comply with Minnesota State Fire Code Chapter 15 regulating flammable finishes when spray finishing or painting operations are present. This shall include the installation of a spray booth where required. Such spray booth shall comply with recognized national standards.
8. Applicant shall comply with Minnesota State Fire Code Chapter 26 regulating welding and other hot work when completing minor welding and metal fabrication.
9. Applicant shall maintain all vehicle parts being stored in the interior of the building in a neat and orderly manner.
10. The applicant shall comply with the Minnesota State Fire Code Chapter 25 and NFPA 13 (2002 Edition) Chapter 12 for storage of tires. The applicant shall provide any required upgrades to the fire suppression system.
11. Service and repair of vehicles must be conducted entirely within a structure.
12. Sign permits are required for any new exterior signage.
13. All vehicles on the site must be parked on improved surfaces and outside of Right-of-Ways.
14. Vehicles that are unlicensed or inoperable must be stored completely out of view of the public right-of-way and must not be stored on the site for more than 7 days.
15. Storage of parts, tires, or other items shall be limited to inside a building. Storage / shipping containers are not permitted to be kept on site.

16. All drive aisles shall be kept clear and meet current code standards (24' wide drive aisle for two-way traffic).
17. All trash containers shall be stored on the interior of the building or shall meet City Code standards (be totally enclosed with materials similar to the structure and shall include a roof).

Adopted by the Shakopee Board of Adjustment and Appeals on the 8^h day of April, 2021.

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski,
Director of Planning and Development

CERTIFICATION OF RESOLUTION NO. PC2021-003

I, Lori Hensen, City Clerk for the City of Shakopee, do hereby certify that the attached is a true and correct copy of Resolution No. PC2021-003, presented to and adopted by the Board of Adjustment and Appeals of the City of Shakopee at a duly authorized meeting thereof held on the 8th day of April, 2021, as shown by minutes of the meeting in my possession.

Dated this _____ day of April, 2021.

Lori Hensen
City Clerk

SEAL