

RESOLUTION NO. PC2022-005

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA REVOKING A CONDITIONAL USE PERMIT FOR A VEHICLE SERVICE, AND REPAIR BUSINESS ON PROPERTY LOCATED AT 7300 COUNTY ROAD 101 IN THE HEAVY INDUSTRY (I-2) ZONE

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 service and repair under the provisions of Chapter 151, Land Use Regulation (Zoning), of the Shakopee City Code, Section 151.007 (K) to allow for a vehicle service and repair business on property located at 7300 County Road 101 in the Heavy Industry (I-2) Zone; and

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

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, notice was provided and on April 8, 2021 the Board of Adjustment and Appeals conducted a public hearing regarding the application, at which it heard from the Planning & Development Director and invited members of the public to comment; and

WHEREAS, on April 8, 2021 the Board of Adjustment and Appeals adopted resolution PC2021-003 approving the CUP application. The approval included the following conditions:

3. Access for emergency vehicles must be maintained on the site. The access must be approved by the Shakopee Fire Inspector.
9. Applicant shall maintain all vehicle parts being stored in the interior of the building in a neat and orderly manner.
11. Service and repair of vehicles must be conducted entirely within a structure.
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.

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).

WHEREAS, on April 7, 2022, the Board of Adjustment and Appeals reviewed the matter and determined that the use was not in compliance with the above 7 conditions of approval contained in Resolution PC2021-003.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

The Board of Adjustment and Appeals adopts the following findings of fact:

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| <i>Finding #1</i> | The applicant has not complied with Condition No. 3 “Access for emergency vehicles must be maintained on the site. The access must be approved by the Shakopee Fire Inspector.” The fire access is blocked by numerous vehicles, as are drive lanes that were not approved as parking areas, as shown on their site plan. |
| <i>Finding #2</i> | The applicant has not complied with Condition No. 9 “Shall maintain all vehicle parts being stored in the interior of the building in a neat and orderly manner.” There are numerous vehicular parts scattered throughout the site. |
| <i>Finding #3</i> | The applicant has not complied with Condition No. 11 “Service and repair of vehicles must be conducted entirely within a structure.” Staff observed numerous vehicles that appear to be serviced outside the structure. |
| <i>Finding #4</i> | The applicant has not complied with Condition No. 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.” There were numerous vehicles that had expired license tabs, and a significant number of vehicles that are presently inoperable located on site. |
| <i>Finding #5</i> | The applicant has not complied with Condition No. 15 “Storage of parts, tires, or other items shall be limited to inside a building.” Staff noted numerous vehicular parts stored outside the building. |
| <i>Finding #6</i> | The applicant has not complied with Condition No. 16 “All drive aisles shall be kept clear and meet current code standards (24' wide drive aisle for two-way traffic).” Vehicles were parked in locations not approved by the site plan that block access and are actually located off premises. |
| <i>Finding #7</i> | The applicant has not complied with Condition No. 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).” Staff noted multiple trash bins not stored in approved trash enclosures.

Finding #8 The applicant has not complied with City Code Section 151.111 (Screening), which requires screening from the public right of way via berming, landscaping and/or opaque fencing along the front property line to a min. height of 6’-6” (not to exceed 8’). There is a chain link fence along the north property line, but it does not provide screening. There is an area with a fabric on the fence, but it does not provide approved opaque screening.

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That the Conditional Use Permit for a vehicle sales operation at 7300 County Road 101 in the Heavy Industry (I-2) Zone issued to John Mesenbrink, pursuant to City of Shakopee, Minnesota Resolution No. PC2021-003, is hereby **REVOKED**.

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 7th day of April, 2022.

Chair of the Board of Adjustment and Appeals

ATTEST: _____
Director of Planning and Development

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

