

RESOLUTION PC2023-007
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A
CONDITIONAL USE PERMIT FOR A FUEL STATION AND CAR WASH AT 1605
WINDERMERE WAY

WHEREAS, Paul Holsberger, applicant and D.R. Horton, Inc. – Minnesota, property owner, have made application for a Conditional Use Permit within the Windermere East First Addition Plat; and

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

Outlot A, Windermere East First Addition, Scott County, Minnesota; and

WHEREAS, the Board of Adjustment and Appeals of the City of Shakopee did review the application on June 8, 2023; and

WHEREAS, all required public notices regarding the public hearing for the Conditional Use Permit 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 June 8, 2023 and adopted the following findings of facts relative to the Conditional Use Permit request:

Criteria #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.

Finding #1: The draft conditions of approval regarding the development and use of the site will mitigate the impacts to surrounding properties.

Criteria #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.

Finding #2: The surrounding area along Marystown Road is zoned and guided for commercial development. There are several other existing Holiday Stationstores in Shakopee that have not impacted the development of the surrounding properties.

Criteria #3: The City Council finds that adequate utilities, access, drainage and other necessary facilities have been or will be provided for the site, as conditioned in the resolution.

Finding #3: The infrastructure and utilities in this area were to designed to serve commercial developments, including a fuel station / convenience store.

Criteria #4: The use of the subject property is consistent with the purposes of the Highway Business (B-1) Zone.

Finding #4: Fuel Stations and Car Washes are a listed conditional use in the Highway Business, Zone.

Criteria #5: The use is not in conflict with the Comprehensive Plan (Mixed Use Commercial Center).

Finding #5: Fuel Stations / Convenience stores and Car Washes are an allowed use in the the Mixed Use Commercial Center land use designation.

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

That this Conditional Use Permit for a Fuel Station / Car Wash is hereby approved to allow the development in the following manner:

1. A Final plat must be recorded prior to issuance of a Building Permit.
2. The applicant must comply with the Engineering Department Memorandum dated May 31, 2023.
3. Landscaping within the project shall comply with the standards listed in the City Code and restrictions from easement holders. In the event plantings are not permitted in certain portions of easements or the Windermere Way boulevard, the required plantings must be placed off-site, or the applicant must make a cash contribution, consistent with City Code requirements.
4. Financial security is required for all landscaping (both on and off-site) consistent with City Code requirements.
5. The trash enclosure design must utilize a roof to comply with City Code.
6. Only one freestanding sign is permitted on this site. The freestanding sign must be monument style, be no taller than 20' in height, and contain no greater than 100 square-feet of signage.
7. A second sign is permitted on the fuel pump canopy that is generally consistent with the design shown on the submitted plans.
8. The window coverage on the front (east) façade of the building must meet the City Code minimum of 25% of the façade area.
9. LED light banding is not permitted on the building, freestanding sign, or canopy.
10. The car wash must not operate between the hours of 9:00 p.m. and 7:00 a.m. and the applicant must provide the noise generation specifications for the dryer to confirm compliance with City Code.
11. Spillover lighting must comply with the maximum City Code requirement of 1.0 foot-candles at the property line.
12. Canopy light fixtures must be flush mounted to the bottom of the canopy.

13. The dominant color of the fuel pump canopy must be an earthtone color that matches one of the main colors of the building.
14. The columns of the canopy must be encapsulated in stone / masonry that matches the color and style of the stone proposed on the building façade.
15. The applicant must work with City Staff to have a sidewalk entrance to this site align with a sidewalk of the future apartment building to be located across Windermere Way from this site.
16. Approval of the Conditional Use Permit does not constitute approval of the submitted plans.

Adopted in the regular session of the Board of Adjustment and Appeals of the City of Shakopee, Minnesota, held on the 8th day of June, 2023.

**Chair of the Board of
Adjustment and Appeals**

ATTEST:

**Michael Kerski,
Director of Planning and Development**

PREPARED BY:
City of Shakopee
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