

RESOLUTION PC2023-013

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW VEHICLE SALES AT 8610 HANSEN AVENUE

WHEREAS, Alex Hernesto Davis Henriquez, KME Auto Sales, applicant, and Hansen Avenue LLC, property owner, have made application for a Conditional Use Permit (CUP) to allow for a vehicle sales facility on property located at 8610 Hansen Avenue; and

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

Lot 1, Block 2, Reliakor First Addition; 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 September 7, 2023, and adopted the following findings:

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 applicant currently occupies this space and is proposing to utilize up to five of their leased parking spaces for the sales of vehicles.

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 Conditions are put in place to require that the use follow City Code and not have impacts on surrounding properties.

Criteria #3 The Board 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 City sewer and water were recently added to this area. Fire Sprinklers must be installed in the building prior to the operation of this business.

Criteria #4 The use of the subject property is consistent with the purposes of the Light Industry (I-1) Zone.

Finding #4 Vehicle sales is a listed conditional use in the I-1, Light Industry zone when connected to a repair facility.

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

Finding #5 Both vehicle sales and service / repair are allowed uses by the comprehensive plan in the Mixed Use Employment Center designation.

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota that the requested CUP is hereby approved, subject to the following conditions:

1. No more than five vehicles offered for sale may be stored on the site, whether in a building, or outside. Any vehicles stored outside must be both licensed and operable and parked on a paved surface.
2. No more than 20-percent of the business receipts may be from the vehicle sales portion of the business.
3. Any alterations to the building will require a Building Permit. This approval is for the use of the site as a combined vehicle repair and sales operation. Any alterations to the structure including changes to the interior or exterior walls may require additional permits. Separate permits would be required for the fire sprinkler system, fire alarm system, any paint booth, and larger flammable or combustible liquid storage tanks exceeding 150 gallons.
4. The applicant must receive a Hazardous Waste Generator License from Scott County Environmental Services prior to operation of the business, contact Joan Anderson at Scott County Environmental Services for details.
5. Fire Sprinklers must be installed in this building prior to the applicant occupying the building. The Fire Sprinkler System must be monitored and the monitoring system must be installed prior to the applicant occupying the space and the use shall comply with all Building / Fire Codes.
6. A proper paint booth must be installed if painting of vehicles or parts takes place on the site.
7. Exterior storage of new or used parts is not permitted.
8. Any future tenants within this tenant space must comply with the Zoning Ordinance and receive a Change of Occupancy Permit from the Building Department.
9. Trash handling must either take place inside the building, or be contained in a trash enclosure that meets City Code requirements, including a roof.

10. The applicant shall not have a public address system.

Adopted in regular session of the Board of Adjustment and Appeals of the City of Shakopee, Minnesota, held on the 7th day of September, 2023.

**Chairperson,
Board of Adjustment and Appeals**

ATTEST:

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

PREPARED BY:
City of Shakopee
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