

RESOLUTION PC2024-001

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW VEHICLE SERVICE AND REPAIR AND EXTERIOR STORAGE AT 133 PRAIRIE STREET

WHEREAS, Leonel Perez, applicant, and Leo's Auto Repair, LLC, property owner, have made application for a Conditional Use Permit (CUP) to allow for a vehicle repair facility with exterior storage on property located at 133 Prairie Street; and

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

Lot 1, Block 25, East Shakopee; 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 February 8, 2024, and adopted the following 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 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.

Criteria #2 The establishment of the conditional use permit will not impede the normal and orderly development and improvement of surrounding vacant property for uses allowed in the area;

Finding #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.

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, as conditioned in the resolution.

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 use of the subject property is consistent with the purposes of the Highway Business (B-1) Zone.

Criteria #5 The use is not in conflict with the Comprehensive Plan.

Finding #5 The uses are not in conflict with the Comprehensive Plan (Mixed Use Corridor).

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. Unlicensed or inoperative vehicles shall not be stored for more than 7 days, except in appropriately designed and screened storage areas.
2. All repair, assembly, disassembly, or maintenance of vehicles shall be conducted within a building, except for minor maintenance such as tire inflation, adding oil, and wiper replacement. No auto parts/accessory equipment shall be stored outside.
3. No public address system shall be audible from any residential property.
4. Parking shall occur on the paved area only within the property. No parking of vehicles shall occur on the crushed stone area.
5. Landscaping and fencing plans showing improvements consistent with City Code requirements shall be required upon the time of building permit submittal. This shall include additional coniferous trees provided around the perimeter (within the lot, not to be located within the public right-of-way) of the parking/storage areas.
6. Trash shall be stored within an accessory structure, consistent with City Code requirements (which includes being enclosed with a roof).
7. Sales of vehicles is not permitted by this conditional use permit.
8. Operation of equipment and tools shall be in compliance with the noise and exterior lighting ordinance standards set forth in the City Code, including in the situations when vehicles are dropped off late in the evenings due to emergency situations.
9. No business activities shall occur within the public right-of-way. This includes dropping off of vehicles for service, street parking/storage of vehicles for service, and business vehicles.
10. No business activity shall occur on the lot at the northwest corner of 2nd Avenue and Prairie Street (Lot 5, Block 15, East Shakopee).
11. Sign permits are required for any business exterior signage.
12. Please refer to the Engineering Memo dated December 29, 2023 for specific conditions.
13. Please refer to the Fire Marshall Memo submitted January 8, 2024 for specific conditions of approval.
14. SPU requires that if the business needs water sprinkling or upgraded water service, the applicant shall a) provide engineered utility plans which meet SPU criteria, b) provide their standard details and c) include a signature block.
15. Contact the Met Council to inquire whether a SAC determination is needed.

Adopted in regular session of the Board of Adjustment and Appeals of the City of Shakopee, Minnesota, held on the 8th day of February, 2024.

**Chairperson,
Board of Adjustment and Appeals**

ATTEST:

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

PREPARED BY:
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