

RESOLUTION NO. PC2024-004

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA REVOKING A CONDITIONAL USE PERMIT FOR A CNG FLEET FUELING FACILITY AT 7420 HENTGES WAY

WHEREAS, the City of Shakopee had received an application from Cretex Industrial Park, LLC, property owner, and CT Realty, applicant, for a Conditional Use Permit (CUP) to allow a compressed natural gas (CNG) fleet fueling facility on property located at 7420 Hentges Way; and

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

Lot 2, Block 1, Hentges Industrial Park 3rd Addition; and

WHEREAS, notice was provided and on June 9, 2022 the Board of Adjustment and Appeals conducted a public hearing regarding the application, at which it heard from the Director of Planning & Development and invited members of the public to comment; and

WHEREAS, on June 9, 2022 the Board of Adjustment and Appeals adopted resolution PC2022-008 approving the CUP application. The approval included the following conditions:

1. This use shall comply with the 17 conditions noted in City Code Section 151.007 (L) (24), Industrial Fuel Stations.
2. The visible portions of the columns/support of the canopy shall be constructed out of brick.
3. All proposed uses will take place as shown on the submitted Site Plan (dated 05/06/22), unless as specifically noted in this Resolution.
4. Additional landscaping, fencing and/or berming will be required to ensure that screening of the parking lot and of the canopy area complies with the City Code requirements. This shall include providing a mix of plantings along the north side of the parking lot (presently shown as the same species) at a minimum height of three (3) feet. Financial security shall be provided in accordance with City Code for the proposed landscaping.
5. Additional fees for woodland replacement of existing trees on site (including the high priority Oak trees) will need to be paid at time of building permit.
6. Fire department access shall be provided as required by the Minnesota State Fire Code.

7. Development of the site shall comply with the conditions noted in the City Engineering Memo (dated 06/01/22), unless as revised/approved by City Engineering staff.
8. Fencing shall comply with City Code Section 111.02 standards (including not to exceed 8' in height, nor constructed of materials that are deemed hazardous, including use of barb-wire).

WHEREAS, on May 9, 2024, the Board of Adjustment and Appeals reviewed the matter and determined that the use was not in compliance with the above conditions of approval contained in Resolution PC2022-008.

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:

Finding #1 The applicant has not complied with Conditions No. 1,3,4 & 7.

Finding #2 The applicant has no plans to develop and occupy this property as previously proposed/approved; therefore, there is no validity for this CUP at this time nor in the future.

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 compressed natural gas (CNG) fleet fueling facility on property located at 7420 Hentges Way, pursuant to City of Shakopee, Minnesota Resolution No. PC2022-008, is hereby **REVOKED**.

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 9th day of May, 2024.

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