RESOLUTION NO. PC2018-002

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, ALLOWING A CONDITIONAL USE PERMIT AMENDMENT FOR A RECYCLING/WASTE SORTING & TRANSFER FACILITY, EXTERIOR STORAGE, AND MULTIPLE PRINCIPLE STRUCTURES ON ONE LOT IN THE HEAVY INDUSTRY (I-2) ZONE AT 6450 COUNTY STATE AID HIGHWAY 101 EAST

WHEREAS Phillips Architects & Contractors, Ltd., applicant and Lloyds Properties, LLC, property owner, have filed an application for a Conditional Use Permit Amendment to allow a recycling/waste sorting & transfer facility, exterior storage, and multiple principle structures on one lot under the provisions of Chapter 151, Land Use Regulation (Zoning), of the Shakopee City Code, Sections 151.046, (C) & 151.014; and

WHEREAS, this parcel is presently zoned Heavy Industry (I-2) Zone; and

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

Lot 1, Block 1, Lloyds Addition, Scott County, Minnesota; and

WHEREAS, notice was provided and on May 3, 2018, the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from the Community Development Director and invited members of the public to comment.

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

That the application for Conditional Use Permit No. PC2018-002 is hereby **GRANTED**, subject to the following conditions:

1. The buildings shall be constructed generally consistent with the submitted plans, provided the plans do not conflict with City Code, Building Code, and Fire Code regulations and/or conditions incorporated into this Resolution.
2. The Performance Standards and Design Standards of the City Code shall be complied with, particularly concerning Building Design and Materials, Landscaping Requirements, Exterior Lighting, and Odor/Noise/Smoke/Vibration requirements.
3. This request does not approve any signage for this project; any proposed signage requires approval of the appropriate sign permit(s).
4. The applicant must revise plans and pave the site access driveways, areas immediately surrounding the buildings, areas where equipment and vehicles are driven and areas that will be used for storage and/or sorting and transfer of waste. Sorting/crushing of non-contaminated earthen materials and soils can be conducted on non-paved surfaces.
5. Exterior storage (inc. concrete and asphalt material and the crushing operation) shall not exceed the height of 25 feet.
6. If the property owner proposes a fence for screening purposes, a fence permit application shall be submitted for staff review and approval.

7. Tree protection fencing shall be installed at the drip line of all existing trees. This fencing must be inspected by City staff before any grading or woodland alteration takes place.
8. A landscape plan that provides quantities and types/sizes of plantings consistent with the City Code requirements shall be submitted prior to building permit submittal (Chapter 151.112).
9. The applicant must meet the City's Tree Management Ordinance (Chapter 151.113) requirements.
10. If, as a result of grading or construction activity, if any of the existing trees are determined to be wounded sufficiently to be considered dead or dying by City staff, the developer will be required to replace the tree(s) according to the Tree Management Ordinance.
11. Tree protection fence is to remain in place for the duration of the land disturbing activities. Removal of the silt fence and tree protection fence for will be the responsibility of the developer.
12. The applicant shall obtain any applicable licenses and manage all wastes in accordance with applicable federal, state and county regulations.
13. Shall conduct all operations either within a building or at least 500 feet from any residential or business zone.
14. Shall not collect more material on-site than can be processed within a 60-day period for the transfer building
15. The area of the exterior storage shall be limited to the southern 3 acres of the site.
16. Shall be designed and placed to facilitate ingress, egress, and overall circulation, both for the development as a whole and for the individual buildings and structures within the development.
17. Shall consist of structures that are owned, maintained, and operated under unified control in accordance with a plan which contain provisions providing for the enforcement thereof.

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 3rd day of May, 2018.

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Chair of the Board of Adjustment and Appeals

ATTEST: _____

Community Development Director

CERTIFICATION OF RESOLUTION NO. PC2018-002

I, Lori Hensen, City Clerk for the City of Shakopee, do hereby certify that the attached is a true and correct copy of Resolution No. PC2018-002, presented to and adopted by the Board of Adjustment and Appeals of the City of Shakopee at a duly authorized meeting thereof held on the 8th day of March, 2018, as shown by minutes of the meeting in my possession.

Dated this _____ day of _____, 2018.

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Lori Hensen, City Clerk