

RESOLUTION NO. PC2018-006

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING OVER-HEIGHT STRUCTURES IN THE BUSINESS PARK DISTRICT
(B-P) ZONE AT 5700 12TH AVENUE EAST**

WHEREAS, the City of Shakopee received an application from Anne Maus, applicant, and AMWest Development 1 LLC property owner, for a Conditional Use Permit for over-height structures; and

WHEREAS, the property for which the application was made is legally described as follows:

Lot 2, Block 1, Valley Park 14th Addition, Scott County, MN.

WHEREAS, proper public hearing notices were sent, published and posted, and on May 3, 2018, a public hearing was held on the requested Conditional Use Permit before the Board of Adjustment and Appeals (BOAA).

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, that it adopts the following findings relative to the request for Conditional Use Permit.

Conditional Use Permit Criteria and Proposed 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 Board has not received any evidence that the use will be injurious to the use and enjoyment of other property in the vicinity, nor substantially diminish and impair property values if conducted in accordance with the proposed conditions. The proposal will reduce emissions and also diffuse smoke and odors from the coffee roasting process.

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

Finding #2: The Board finds that the establishment of the conditional use will not impede the

normal and orderly development and improvement of surrounding property. The applicant is proposing to mitigate impacts on surrounding properties. The applicant constructed stacks one year ago. To date the City has not received any complaints about the stacks or emissions.

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. No additional infrastructure is required for this request.

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 Board finds that this use is consistent with the purposes of the Business Park Zone. The use of the property as a production and office facility is in compliance with the comprehensive plan. The applicant is proposing a better means to handle odors and emissions from their facility.

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

Finding #5: The Board finds that the use is not in conflict with the Comprehensive Plan.

BE IT FURTHER RESOLVED, that the Conditional Use Permit to allow over-height structures in the Business Park (BP) Zone at 5700 12th Avenue East be approved subject to the following conditions:

1. The request is for three stacks. The stack heights must not exceed the proposed heights of 64' (one stack) and 56' 9" (two stacks).
2. Exterior stack materials must be dull in finish to reduce glare.
3. The applicant must receive the appropriate permits prior to construction.
4. The applicant must maintain the catalyst bed equipment to keep emissions within acceptable levels. The applicant must annually provide a report prepared by a 3rd party engineer / emissions specialist to the planning department on the condition of the catalyst.

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

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski
Director of Planning and Development

PREPARED BY:
City of Shakopee
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