

RESOLUTION NO. 2018-018
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A CONDITIONAL USE PERMIT FOR EXTERIOR STORAGE AT
1420 3rd AVENUE WEST

WHEREAS, Ferguson Enterprises, Inc., applicant, has made application for a Conditional Use Permit to allow Exterior Storage for property located at 1420 3rd Avenue West in the Highway Business (B-1) Zone; and

WHEREAS, Henk Swanepoel and Paul A. Sullwold Trust, property owner, has assented to the application, and intends to lease the subject property to the applicant; and

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

All that part of Outlot C and Outlot B, Husman Addition to the City of Shakopee, Scott County, Minnesota, lying North of a line drawn parallel with and 320 feet North of and measured at right angles to the North line of the Northeast Quarter of Section 11, Township 115, Range 23 and, South of a line drawn parallel with and 520 feet North of and measured at right angles to the North line of said Northeast Quarter of Section 11, Township 115, Range 23, Scott County, Minnesota; 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 open the public hearing for this application on October 4, 2018; and

WHEREAS, the Board of Adjustment and Appeals of the City of Shakopee did review this application on November 8, 2018 and adopted the following findings:

Conditional Use Permit 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 proposed exterior storage 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 conditions of the resolution are met.

Criteria #2 The amendment 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 conditional use permit, as proposed, will not impede future development and improvement in the area, provided the conditions of the resolution are met.

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.

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 B-1 Highway Business Zone.

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.

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

That the conditional use permit for exterior storage in the B-1 Highway Business Zone are hereby APPROVED, subject to the following conditions:

1. Shall be sufficiently screened from any adjacent residential zone;
2. Shall not have a public-address system which is audible from any residential property;
3. Shall be kept in a neat and orderly manner;
4. Shall not have any uses in any required front, side, or rear yard setback, or in any required parking area;
5. Shall not block any sidewalk;
6. Shall not have one species of tree make up more than one-fourth of required landscaping trees proposed on site;
7. Sign permits shall be required for any proposed signage.
8. A fence permit shall be required for proposed additional fencing.
9. The amount of impervious surface on the site shall not exceed 75% of the lot area.
10. Approval of the CUP request does not constitute approval of the submitted plans.

The following items need to be addressed/completed prior to approval of a grading permit, a demolition permit and/or a building permit:

1. Submit construction plans that satisfy the requirements of City Code 150.12.
2. Pay all applicable fees/charges listed below, as required by the most current City of Shakopee Fee Schedule. The charges are due at the time of building permit issuance.

- a. Trunk Storm Water Charge
 - b. Storm Water Management Plan Review Fee
3. Prior to any land disturbing activity, the applicant will obtain a grading permit. Along with the permit, the applicant must submit a detailed impervious surface drawing.
4. Obtain approval of a storm water management plan (SWMP). The SWMP will adequately address requirements set forth in the City of Shakopee's Comprehensive Water Resources Management Plan (CWRMP).
5. Grade the entire site, as proposed on the approved plans, in one phase within one year from the date of approval of the grading permit application. Grading is defined as brining the site to the proposed finished grade with materials deemed acceptable by the City of Shakopee engineering division, providing topsoil per city requirements and applying seed, mulch and/or sod per city requirements and providing an as-built record grading plan per Section 2.5 of the City of Shakopee Design Criteria.
6. Obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the permit coverage card and letter must be provided to the city. A certified SWPPP inspector must conduct the required SWPPP inspections and provide documentation to the city.
7. Provide a drainage and utility easement to encompass the 100-year high water level for the proposed filtration basin.
8. Enter into a Utility Facilities Easement Agreement with the City of Shakopee. The applicant must record the easement agreement with the county.
9. Submit a Construction Management Plan. The Construction Management Plan should include a construction staging plan showing impacts on city streets, alleys and sidewalks. A template can be provided by the engineering division.

Adopted by the Shakopee Board of Adjustment and Appeals on the 8th day of November, 2018.

BOAA Chairperson

ATTEST:

Michael Kerski
Director of Planning & Development

PREPARED BY:
City of Shakopee
129 Holmes Street South
Shakopee, MN 55379