

RESOLUTION NO. PC2019-005

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A CONDITIONAL USE PERMIT FOR A VEHICLE REPAIR
OPERATION IN THE I-1, (LIGHT INDUSTRY) ZONE AT 2800 4TH AVENUE EAST**

WHEREAS, the City of Shakopee received an application from Elkanah Abobo, applicant, and Shakopee Secure Storage LLC, property owner, have applied for a Conditional Use Permit for a vehicle repair operation; and

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

See Attached Legal Description

WHEREAS, proper public hearing notices were sent, published and posted, and on May 9, 2019, 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 property is surrounded by other properties that are zoned I-1, Light Industry.

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.

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 Light Industry 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.

BE IT FURTHER RESOLVED, that the Conditional Use Permit to allow a vehicle repair operation in the Light Industry (I-1) Zone at 2800 4th Avenue East be approved subject to the following conditions:

1. Exterior storage of vehicles related to this use on the site for greater than 24 hours is not permitted.
2. Exterior storage of new or used vehicle parts, including tires, is not permitted.
3. All vehicle repair and service must take place inside the building, except minor service, such as airing up tires, replacing wiper blades, or adding washer fluid.
4. The connection to the sanitary sewer system must meet all Building Code, Fire Code, and City Code requirements for this proposed use, which may require updates to the existing floor drain to include an oil separator and/or other appurtenances.
5. The applicant shall obtain a Hazardous Waste Generator License from Scott County Environmental Health if vehicle service and repairs include the removal, installation, or use of hazardous materials, including, but not limited to oils, greases, anti-freeze, and automotive batteries.
6. The applicant shall apply for a building permit with the City of Shakopee. This submittal shall include a list of hazardous materials and quantities to be used and stores at the location; details of approved oil separators or traps on all floor drains, where provided; location of all sources of ignition in the proposed tenant space and details related to what types of vehicles are to be serviced and repaired (gas, gas / ethanol, diesel, compressed natural gas, liquified natural gas, hydrogen, propane, or electric).
7. The applicant shall comply with Minnesota State Fire Code Section 2311 regulating repair garages.
8. The applicant shall comply with Minnesota State Fire Code Chapter 24 regulating flammable finishes when spray finishing or painting operations are present. This shall include the installation of a spray booth where required. Such spray booth shall comply with recognized national standards.
9. The applicant shall comply with Minnesota State Fire Code Chapter 35 regulating welding and other hot work when completing minor welding and metal fabrication.

10. The applicant shall maintain all new and used vehicle parts storage in a neat and orderly manner. Tire storage must comply with code requirements. Interior storage shall be neat and orderly.
11. The applicant must comply with the conditions of the Fire Department Memorandum dated 4-12-19.

Adopted by the Shakopee Board of Adjustment and Appeals on the 9th day of May, 2019.

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski
Director of Planning and Development

PREPARED BY:
City of Shakopee
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