

RESOLUTION NO. PC2019-008

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A CONDITIONAL USE PERMIT FOR A CONTRACTOR SERVICE IN
THE HIGHWAY BUSINESS (B-1) ZONE AT 1480 THIRD AVENUE WEST**

WHEREAS, the City of Shakopee received an application from Keith Larson, applicant and Stone Financial Group, Inc., property owner, for a Conditional Use Permit to allow a Contractor Service; 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 June 6, 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.

CUP 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 within the immediate vicinity if conducted in accordance with the proposed conditions. The applicant intends to store their vehicles inside a building and have a limited amount of outside storage of trailers that would be screened by berms and landscaping.

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. The applicant is required to connect to city sanitary sewer service.

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 Highway Business (B-1) 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 Contractor Service is approved subject to the following conditions:

1. Development of the site and storage of vehicles or equipment must not extend into any portion of the property that is zoned for residential development until the residential portion of the property is re-zoned to commercial zoning.
2. The location and size of the utility trailer parking must be consistent with the approved site plan.
3. A second future building is permitted to be constructed generally in the location shown on the submitted site plan. Prior to the construction of the building, the R-3 zoned portion of the property must be re-zoned to commercial zoning.
4. Repair and servicing of the applicant's vehicles or equipment must only take place within a building. If service of equipment takes place after 7:00 p.m., the service bay doors must remain closed.
5. The applicant must connect the existing building to city sanitary sewer that is available adjacent to Third Avenue by October 15, 2019.
6. If the existing building will not be connected to city water service, provisions must be made to meter the sanitary sewer discharge for billing purposes. The applicant shall coordinate billing with the Engineering Department.
7. Concrete washout is not permitted on this site.
8. The applicant shall comply with all Shakopee Fire Prevention Bureau regulations and MN State Fire Codes regarding repair facilities and above ground fuel tanks.
9. The amount of above ground fuel storage must not exceed 2,500 gallons in capacity.
10. The one dumpster for broken concrete is not permitted to exceed 20 yards in size.
11. All vehicles and equipment to be used on the site between the hours of 7:00 p.m. and 9:00 a.m. equipped with back-up warning devices must be stored in a location that allows for exiting the site without engaging the warning device.
12. Any floor drains located within the building that are connected to the on-site sewage system comply with Federal Class V requirements.
13. If required, the applicant must receive a Hazardous Waste Generator License from Scott County Environmental Health. The applicant must provide a copy to the City of Shakopee.
14. All trash handling outside of broken concrete must be contained inside the existing building, unless a trash enclosure that meets City Code requirements is provided.

15. Approved sign permits for any new exterior signage is required.
16. The applicant must comply with all State, Federal, and County environmental regulations.
17. The applicant shall obtain the necessary Grading Permits, Building Permits and Right-of-Way permits prior to any future site improvements.
18. Failure to comply with these conditions will result in review and or revocation of the Conditional Use Permit by the Board of Adjustment and Appeals.

Adopted by the Shakopee Board of Adjustment and Appeals on the 6th day of June, 2019.

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski,
Director of Planning and Development

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 553379

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