

RESOLUTION NO. PC2019-011

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, ALLOWING A CONDITIONAL USE PERMIT FOR EXTERIOR STORAGE IN THE HEAVY INDUSTRY (I-2) ZONE AT 6430 COUNTY STATE AID HIGHWAY 101 EAST

WHEREAS, Shaw Construction, Inc., applicant, and Emulsion Estates, LLC, property owner, have filed an application for a Conditional Use Permit to allow exterior storage under the provisions of Chapter 151, Land Use Regulation (Zoning), of the Shakopee City Code, Sections 151.046, (C) (11) & 151.014 (B) (7); 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 2, Block 1, Lloyds Addition, Scott County, Minnesota; and

WHEREAS, notice was provided and on August 8, 2019, the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from the Director of Planning and Development 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. PC2019-011 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, and Odor/Noise/Smoke/Vibration requirements.
3. 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.
4. 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.
5. 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.
6. Storage area shall be screened from all public right-of-way with an opaque fence, wall, or berm not to exceed 8 feet in height, constructed of new materials, and maintained in good condition; a fence permit application shall be submitted for staff review and approval.
7. Storage area shall have a maximum area equal to the footprint of the principal building (20,000 sq. ft.);
8. Storage area shall be surfaced entirely with asphalt, concrete, or material approved by the City.
9. 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 Fees
10. Submit approval letter from the Minnesota Pollution Control Agency for the proposed exterior wash process.
11. Submit a trip generation letter for the proposed development.
12. Submit an access/circulation plan for the site that shows turning movements can be accommodated by the proposed site plan.
13. Provide a recorded cross access easement with the adjacent property to the west.
14. Provide recorded cross utility easements with adjacent properties to the east and west. This shall include provisions for maintenance of the shared stormwater ponds.
15. Prior to any land disturbing activity, the applicant will obtain a grading permit and/or a building permit. Along with the permit(s), the applicant must submit a detailed impervious surface drawing.
16. Prior to approval of a grading permit and/or a building permit, the applicant will 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).
17. 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.
18. Prior to work within the City of Shakopee right-of-way, the applicant must obtain a right-of-way permit. Contact Public Works at 952-233-9559 or publicworks@shakopeemn.gov for permit information.
19. 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.
20. Enter into a Utility Facilities Easement Agreement with the City of Shakopee. The applicant must record the easement agreement with the county.
21. Submit a Construction Management Plan. A template can be provided by the engineering division.
22. Municipal water service is available subject to SPUC's standard terms and conditions. These include but are not limited to: installing a lateral water main distribution system in accordance with utility policy, paying the associated inspections costs, granting any necessary easements, paying the Trunk Water Charge, and paying the Water Capacity Charge.

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 8th day of August, 2019.

**Chair of the Board of Adjustment
and Appeals**

ATTEST: _____
Director of Planning and Development

CERTIFICATION OF RESOLUTION NO. PC2019-011

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. PC2019-011, 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 August, 2019, as shown by minutes of the meeting in my possession.

Dated this _____ day of _____, 2019.

Lori Hensen, City Clerk