



Shakopee Board of Adjustments and Appeals

Minutes

September 7, 2017

7:00 PM

Council Chambers

1. Presiding Chair Lori Brandon

Chair Brandon called the meeting to order.

2. Roll Call

Commissioners present: Anita Botamer; Lori Brandon; Jody Brennan; Mark McQuillan; Kent Robbins; Mark Seifert

City Staff present: Director of Planning & Development Michael Kerski; Senior Planner Mark Noble

3. Approval of Agenda

Chair Brandon noted that item 5B had withdrawn their application, so it would be removed from the Agenda.

Commissioner Mark McQuillan made a motion to approve the Agenda as revised, seconded by Commissioner Anita Botamer and the motion passed.

6 - 0

4. Call for Notarized Affidavits, Proof of Neighborhood Meeting and Sign in Sheet for appropriate Public Hearings

Staff has received these.

5. Recognition by Board of Adjustment and Appeals of Interested Citizens

No one responded.

6. General Business

A. Conditional Use Permit to Extend Hours of Operation of Outdoor Patio

Commissioner Kent Robbins made a motion to open the Public Hearing, seconded by Commissioner Mark McQuillan and the motion passed.

6 - 0

Senior Planner Mark Noble presented Conditional Use Permit to Extend Hours of Operation of Outdoor Patio.

Mr. Robbins asked for clarification on the location of the patio and Mr. Noble displayed the location on the screen. Mr. Robbins asked if these extended hours were just for the patio and Mr. Noble clarified that this 2AM request was just for the patio, however, the restaurant itself could possibly operate those hours as well.

Mr. McQuillan asked if the city allowed 2AM patio hours currently and Mr. Noble answered that this was a new ordinance in the city. O'Brien's Public House had to apply for a CUP for their patio hours as well.

Mr. Seifert asked about the 10PM close time for establishments that are in close proximity to residential properties and Mr. Noble clarified that at the time of the application, the properties to the east of the restaurant were residential, but there are also businesses and lots that are not formally established at this time.

Mr. McQuillan asked if the applicant was planning on fencing the outside patio and Mr. Noble stated that the applicant was present and could speak to this. Mr. Noble stated that a fence would be required if alcohol was served, and this would be addressed prior to issuing the liquor license.

Ms. Botamer asked who the potential tenant was and Mr. Noble stated that the applicant could answer that as well.

Mr. Corey Bannerman, representative for the applicant, addressed the Board. He stated that the restaurant would be a Willy McCoy's. Mr. Seifert asked what type of restaurant Willy McCoy's was and Mr. Bannerman stated that it was a family friendly restaurant. They do not do live music or DJ's at night. They do not have a large clientele for night life. There are 6 of them in the metro area and this would be their 7th.

Mr. Seifert asked if they had patios open at other locations until 2AM and Mr. Bannerman stated that all of their patios at their other locations had these same hours. Mr. Seifert asked what type of occupancy was typical late at night and Mr. Bannerman answered that it varied by location, but because they do not provide any type of entertainment other than televising sporting events, they do not typically draw a late night clientele. They do approximately 55-75% in food sales at their other locations.

Mr. Robbins asked if the restaurant was family friendly, why the need for a 2AM close time for their patio and Mr. Bannerman answered that even though they have a 2AM close time, some locations may close earlier than that, but the restaurant wants to keep a set time and they do apply for this at all of their locations.

Ms. Brennan asked if the noise generated on the patio would be normal conversation and if there were any speakers out on the patio. Mr. Bannerman answered that they do have amplified music and would be respectful of the city noise ordinances.

Mr. Brandon asked if his company was comfortable with all of the conditions of the CUP and Mr. Bannerman answered that he believed that most of the conditions were landlord-related, since Willy McCoy's would be leasing the restaurant space.

Ms. Brennan asked how patrons would enter and exit the patio and Mr. Bannerman answered that all of the patrons would enter and exit through the restaurant entrance.

Mr. Noble stated that this property is part of a PUD, which the Planning Commission and City Council have reviewed and approved. Several of the conditions pertaining to sidewalks, etc., were part of that PUD. To clarify the fence, code requires fencing in certain cases and the liquor license would address the fencing should there be a need.

Commissioner Kent Robbins made a motion to close the Public Hearing, seconded by Commissioner Mark Seifert and the motion passed.

6 - 0

Commissioner Kent Robbins made a motion to adopt Resolution NO. PC17-042 A resolution of the City of Shakopee, Minnesota, approving a Conditional Use Permit to extend hours of operation for proposed restaurants' outdoor patio areas to 2:00 A.M. for the property located east of Cty Hwy 21, North of Cty Rd. 18 and west of Crossings Blvd and move its adoption, seconded by Commissioner Mark Seifert and the motion passed.

Anita Botamer - aye

Lori Brandon - aye

Jody Brennan - aye

Mark McQuillan - aye

Kent Robbins - aye

Mark Seifert - aye

B. Conditional Use Permit Amendment for Sever's Corn Maze

7. Other Business

Mr. Kerski wanted to remind the Board that they sit in a semi-judicial role and therefore should not be having conversations with applicants on their own. If they should need additional information or further questions, he asked that the Board members contact staff. If any Board member wants to go look at a particular site, Mr. Kerski stated that they are more than welcome to look on their own. The law requires that all Board members get the same information at the same time. Mr. Kerski also stated that Board members should not be talking about any cases with friends, relatives, neighbors for additional input.

Mr. Robbins asked if they could call another member of the Board to talk about a particular item and if this was OK and Mr. Kerski stated that it was not. Any discussions need to occur in council chambers. Mr. Kerski reiterated that decisions are to be made on the facts as presented to them.

8. Adjourn to Thursday, October 5, 2017 at 7:00 p.m.

Commissioner Anita Botamer made a motion to adjourn the meeting at 7:28 P.M., seconded by Commissioner Jody Brennan and the motion passed.

6 - 0