

RESOLUTION NO. PC17-058

**A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW
EXPANSION OF A BREWERY/TAPROOM AND TAVERN IN THE CENTRAL
BUSINESS DISTRICT (B-3) ZONE AT 126 1ST AVENUE EAST**

WHEREAS, the City of Shakopee received an application from Shakopee Brew Hall, applicant, and Shakopee One26 1st St., LLC, property owner, for a Conditional Use Permit Amendment for expansion of a brewery/taproom and tavern at 126 1st Avenue East; and

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

The West half of Lot 7, Block 23, City of Shakopee, Scott County, Minnesota, according to the plat thereof on file and of record in the Office of the Register of Deeds in and for said County and State.

WHEREAS, proper public hearing notices were sent, published and posted, and on December 7, 2017, a public hearing was held on the requested Conditional Use Permit Amendment 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 Amendment.

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 amended 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.

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 amendment 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.

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 amended use is consistent with the purposes of the Central Business District (B-3) Zone.

Criteria #5: The use is not in conflict with the Comprehensive Plan.

Finding #5: The Board finds that the amended use is not in conflict with the Comprehensive Plan.

BE IT FURTHER RESOLVED, that the Conditional Use Permit Amendment to allow expansion of a brewery/taproom and tavern in the Central Business District (B-3) Zone at 126 1st Avenue East be approved subject to the following conditions:

1. Design, number of seats, and use of the taproom, patio and performance area shall generally comply with the floor plans submitted, and comply with City Code requirements regarding occupancy, lighting, hours of operation, and noise levels.
2. The applicant must receive the appropriate permit(s) for remodeling of the interior and/or exterior of the building. The Building Permit will be subject to Met Council Environmental Services review for a Sewer Availability Charge (SAC) Determination. A Water Connection Charge based on the SAC Determination must be paid to Shakopee Public Utilities.
3. An amended Liquor License is required in order to serve or sell any alcoholic beverages in the brewery, including the expansion area.
4. Trash handling must be handled inside the building. Waste products must be disposed of in a timely manner and in such a way to reduce odors.
5. The applicant shall secure an access easement from the neighboring property owner (Turtle's Bar and Grill).
6. Production of Malt Liquor on site is not to exceed 20,000 Barrels per calendar year. An Annual Production Report must be provided to the Planning Department.

Adopted by the Shakopee Board of Adjustment and Appeals on the 7th day of December, 2017.

Chair of the Board of Adjustment & Appeals

ATTEST:

Michael Kerski
Director of Planning and Development

PREPARED BY:

**City of Shakopee
129 Holmes Street S
Shakopee, MN 55379**