



Shakopee Board of Adjustments and Appeals

Minutes

December 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

Commissioners absent: Steve Mangan

City Staff present: Senior Planner Mark Noble

3. Approval of Agenda

Commissioner Brandon requested that the 11/9/17 minutes be removed from the Consent Business.

Commissioner Jody Brennan made a motion to approve the Agenda as amended, seconded by Commissioner Mark Seifert 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. Consent Business - (All items listed in this section are anticipated to be routine. After a discussion by the Chair there will be an opportunity for members of the BOAA to remove any items from the consent agenda for individual discussion. Those items removed will be considered following the Public hearing portion of the agenda. Items remaining on the Consent Agenda will not be discussed and will be approved in one motion.)

6.A. Approval of Minutes of November 9, 2017

Commissioner Kent Robbins made a motion to approve the Consent Business, seconded by Commissioner Mark Seifert and the motion passed.

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(Ms. Botamer and Ms. Brandon abstained).

7. General Business

- A. PUBLIC HEARING: Conditional Use Permit Amendment for a Taproom/Brewery & Tavern in the Central Business District (B-3) Zone at 126 1st Avenue East for Shakopee Brew Hall.

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

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Senior Planner Mark Noble presented the staff report for Conditional Use Permit Amendment for a Taproom/Brewery & Tavern in the Central Business District (B-3) Zone at 126 1st Avenue East for Shakopee Brew Hall.

Mr. Robbins asked if city staff had any concerns with safety issues. Mr. Noble stated that they had met with the Fire Marshall and building officials about alternatives and even though this configuration is not ideal, city staff is comfortable that the brew hall staff will be able to control the number of people on the 2nd floor. The owners are also aware of the ramifications if there are problems.

Mr. Seifert asked about Condition #6 and the production limit and if this had changed from the prior application. Mr. Noble stated that the production limit had not changed.

Mr. Damon Schuler, co-owner of the Shakopee Brew Hall, addressed the Board. He clarified some of the occupancy issues and the expectations/agreements that they had in place with their current office occupants. Shakopee Brew Hall will not open the 2nd floor until 5 pm on Wednesdays, Thursdays and Fridays.

Ms. Brandon asked how the 30 person occupancy limit would be monitored by Brew Hall staff and Mr. Schuler shared some of his thoughts on how his staff would monitor the 2nd floor to comply with this.

Mr. Robbins asked when the Shakopee Brew Hall officially opened and Mr. Schuler answered that they opened on September 14, 2017. Mr. Robbins asked if business was going well and that they needed this additional space to grow and Mr. Schuler stated that they have received requests from businesses seeking space for meetings, etc. and that the Brew Hall was doing very well.

Mr. Noble clarified the 5 pm opening time with Mr. Schuler and that this was only for Monday through Friday, not Saturday/Sunday and Mr. Schuler stated that this was correct.

Ms. Brandon asked about the maximum occupancy and how many offices there were. Mr. Schuler answered that out of the 10 offices, 9 were occupied with 8 office workers at present.

Mr. McQuillan asked about wheelchair access to the 2nd floor and Mr. Schuler stated that there was no access for wheelchairs, but had looked into adding a wheelchair lift of either side of the patio. They would need approval from neighboring businesses to add this. Mr. McQuillan cautioned him about the potential for lawsuits.

Mr. Seifert asked for clarification on office tenants and patio usage. Mr. Schuler clarified that the maximum occupancy rate on the 2nd floor was 30 people, and that this number included office workers. He also clarified that if there were office workers there after 5pm, that the Brew Hall would have to reduce the customers on the 2nd floor then to comply with the CUP.

Mr. Noble clarified for the Board that if the CUP allowed more than 30 people, building code would require a wheelchair lift.

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

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Commissioner Kent Robbins made a motion to approve Conditional Use Permit Amendment for a Taproom/Brewery & Tavern in the Central Business District (B-3) Zone at 126 1st Avenue East for Shakopee Brew Hall, seconded by Commissioner Mark Seifert and the motion passed.

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Commissioner Brandon offered an amendment to the motion to reduce the number of seats to 25, but still allow occupancy of 30 people. That amendment did not receive a 2nd.

B. PUBLIC HEARING: Variance of front and rear yard setbacks.

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

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Senior Planner Mark Noble presented the staff report for Variance of front and rear yard setbacks.

Mr. Gary Wallschlager of Summergate Companies addressed the Board. He clarified some points of Mr. Noble's report as well as the new configuration of ramblers and the market demand for them.

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

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Commissioner Anita Botamer made a motion to approve Variance of front and rear yard setbacks, seconded by Commissioner Kent Robbins and the motion passed.

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8. Other Business

Chair Brandon stated that there were 2 seats available on the Board of Adjustments and Appeals and that applications were due December 15, 2017.

9. Adjourn to Thursday, January 4, 2018 at 7:00 p.m.

Commissioner Mark McQuillan made a motion to adjourn at 10:37 pm, seconded by Commissioner Jody Brennan and the motion passed.

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