

RESOLUTION NO. PC2019-002

A RESOLUTION OF THE CITY OF SHAKOPEE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A MICRO-DISTILLERY TASTING ROOM ZONE, LOCATED AT 7050 COUNTY HIGHWAY 101 EAST

WHEREAS Timothy Walsh, applicant and Timothy and Kathleen Walsh, property owners, have filed an application for a Conditional Use Permit to allow a Tasting Room; 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 1, Block 1, Cretex Industrial Park 1st Addition, Scott County, Minnesota; and

WHEREAS, proper public hearing notices were sent, published and posted, and on February 7, 2019, a public hearing was held on the requested Conditional Use Permit before the Board of Adjustment and Appeals (BOAA), 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, that it adopts the following findings relative to the request for Conditional Use Permit.

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: Staff has received no evidence that the proposed use will be injurious to the use and enjoyment of other property in the immediate vicinity, nor would it substantially diminish or impair property values in the area, provided the site complies with the conditions included in the Resolution. The surrounding properties are zoned Heavy Industry and the proposed hours of operation are when other tenants of the building are not operating their businesses.

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 conditional use permit will not impede future development and improvement in the area. The proposed tasting room area is only 660 square-feet and has 10 proposed seats, which is a small portion of the tenant space.

Criteria #3: Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;

Finding #3: Adequate utilities, access roads and drainage have been provided.

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 use of the subject property is consistent with the purpose of the Heavy Industry (I-2) Zone.

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

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

BE IT FURTHER RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That Resolution No. PC2019-002 is hereby **GRANTED**, subject to the following conditions:

1. The tasting room should be developed generally consistent with the submitted plans.
2. The applicant must receive a liquor license from the City Clerk's Office prior to operation of the tasting room.
3. The Engineering Department has requested a trip generation memo, which the applicant has provided.
4. Any exterior signage requires separate sign permits.
5. Off-street parking requirements are 1 space per 3 seats + 1 space per 50 square feet of congregation area. Based on the proposed plan, 11 parking spaces are required for the tasting room.
6. Hours of operation of the tasting room are governed by the Liquor License.

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 7th day of February, 2019.

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

ATTEST: _____
Director of Planning and Development