

Doc. No. A 858157

OFFICE OF THE COUNTY RECORDER
SCOTT COUNTY, MINNESOTA



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Janice From, Acting County Recorder 01

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CERTIFICATION OF RESOLUTION NO. PC10-013

I, Jeanette Shaner, Deputy City Clerk for the City of Shakopee, do hereby certify that the attached is a true and correct copy of Resolution No. PC10-013 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 July, 2010, as shown by the minutes of the meeting in my possession.

Dated this 20th day of July, 2010.




Jeanette Shaner, Deputy City Clerk

RESOLUTION NO. PC10-013

A RESOLUTION OF THE CITY OF SHAKOPEE APPROVING A CONDITIONAL USE PERMIT AMENDMENT TO ALLOW THE EXPANSION OF A MINOR COMMERCIAL RECREATION USE (CORN MAZE) LOCATED IN THE MAJOR RECREATION (MR) ZONE

WHEREAS, Sever Peterson, applicant, and Gene Hauer, owner, have filed an application for a Conditional Use Permit Amendment under the provisions of Chapter 11, Land Use Regulation (Zoning), of the City of Shakopee City Code, Section 11.42 (Major Recreation Zone), Subd. 3.A. (minor commercial recreation); and

WHEREAS, the subject parcel of land is presently zoned Major Recreation (MR) Zone; and

WHEREAS, the legal description for the subject parcel of land for which the request is being made is:

The East 756 feet of the North 977.36 feet (as measured at right angles to the North line) of the West one-half of the Northeast one-quarter (W1/2 of NE1/4) of Section 8, Township 115, Range 22, Scott County, Minnesota.

WHEREAS, notice was provided and on July 8, 2010, the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from the Community Development Director or his designee and invited members of the public to comment; and

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 is hereby APPROVED, based on the following findings with respect to City Code Sec. 11.85, Subd. 1, "Criteria for Granting Conditional Use Permits.": and subject to the following conditions:

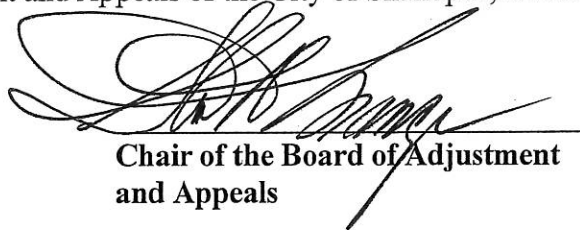
- Finding #1 The Board finds that the use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity, provided the conditions identified in the resolution are met.*
- Finding #2 The Board finds that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses allowed in the area, provided the conditions identified in the resolution are met.*
- Finding #3 The Board finds that adequate utilities, access roads, drainage, and other necessary facilities exist to serve the proposed use, provided the conditions identified in the resolution are met.*
- Finding #4 The Board finds that the use is consistent with the purposes of the Major Recreation (MR) zone, provided the conditions identified in the resolution are met.*
- Finding #5 The Board finds that the proposed use is consistent with the purposes of the Comprehensive Plan, which guides the subject property for entertainment related uses.*

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

That the application for Conditional Use Permit is hereby APPROVED, subject to the following conditions:

1. Any proposed signage shall comply with the City Code requirements. Sign permits will be required for any proposed sign(s).
2. A posted no smoking area shall include the maze and all areas within 50 feet of the maze.
3. Emergency exits shall be placed as approved by the Shakopee Fire Department.
4. Portable Class A type fire extinguishers shall be placed at designated locations throughout the maze, as determined by the Shakopee Fire Inspector/Marshall.
5. Parking area shall be mowed to an appropriate height to limit contact with vehicle exhaust systems, as determined by the Shakopee Fire Inspector/Marshall.
6. Fire lanes shall be provided throughout the parking area.
7. An Emergency Action Plan must be submitted and approved by the Shakopee Fire Inspector/Marshall and Building Official. This plan shall list the employees responsible for each function during emergency operations along with any other emergency function.
8. Portable toilets must be provided on site subject to the approval of the Building Official.
9. Sewer and water service, fire protection and fire access will be reviewed for compliance at the time of any Building/Fire permit application from the Building and/or Fire Department.
10. The use must be in substantial conformance with the submitted site plan (dated May 18, 2010), the dates, times and activities as detailed in the applicant narrative (dated May 12, 2010), and the submitted Fire Plan (Exhibit C).

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 8th day of July, 2010.


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

ATTEST: 
Community Development Director

City of Shakopee
129 South Holmes Street
Shakopee, Minnesota 55379

Sever's Corn Maze
Sever Peterson
15900 Flying Cloud Drive
Eden Prairie, Minnesota 55347

May 12, 2010

To Whom it May Concern:

In order to meet the requirements to amend our current CUP with the city of Shakopee, we'd like to provide further information along with our amendment application regarding our operation.

Sever's Corn Maze is a family owned and operated fall festival that has been in Shakopee for the last eleven years. Our operation includes a corn maze and other fall festival activities including a straw bale maze, pig races, a corn pit, magic shows, wildlife shows, a petting zoo, pony and camel rides, food and refreshments, hay rides, and a pumpkin slinger. Our event is theme related, and in the past our themes have ranged from pertaining to elections to Sever's safari to the Sphinx to a pirate adventure amongst many others. The event is geared towards families of all ages.

Sever's Corn Maze is open weekends from mid-September until the first weekend in November on average. We are also open during MEA which is normally the third Thursday and Friday in October. MEA is a school break for grades K-12. This year's dates of operation are September 18, 2010 through October 31, 2010, with MEA being October 21st and 22nd. Our hours of operation are 10:00AM until 6:00PM.

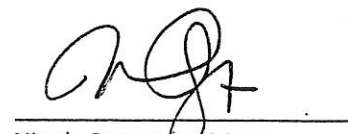
The event hires vendors that are insured and licensed, including licensing at the state and federal levels. We also are insured by Western National and Westfield Insurance companies in addition to a liability policy of \$4,000,000. However, we have never filed a claim.

The Peterson family has enjoyed being a part of the Shakopee community for over 100 years, and we are looking forward to continuing that relationship for many years.

Thank you for your time.

Regards,


Sever Peterson, Owner


Nicola Peterson, Manager

SEVER'S CORN MAZE FIRE PLAN

Our fire plan comprises of four different aspects. Fortunately, in our 13 years of operation, we have never had an incident. While we are an outside event, we do not allow smoking anywhere on the premises. This includes the corn maze, courtyard and its activities, and 50 feet out from the entrance.

The absolute most important aspect of our maze fire plan is that we plant a long season variety of corn, and we plant it 6 to 8 weeks later than normal planting dates. This ensures that the corn plants do not mature and dry like normal corn fields. For example, our corn planted at normal planting time averages 17% moisture at mid-November harvest and our maze corn averages 38% moisture in mid-November with even more moisture in the corn plants in October during our days of operation.

Secondly, we have pressurized water fire extinguishers and keep them at the locations seen on the attached site plan. All of our staff are trained on how to use them properly. These fire extinguishers are always kept at specific and accessible locations.

Thirdly, we have a 500 gallon water truck with a pump parked just outside the courtyard. This can also be seen on the site plan. We also have fire retardants on our tents, and are granted tent permits each fall before our season begins by the Shakopee Fire Marshall.

Lastly, all of our staff carry cell phones and radios with which to communicate. At all times, we have at least 4 staff members in the corn maze that coordinate amongst themselves but also with other staff members on site. All staff are trained to direct maze visitors where and how to exit the maze depending on the location of a fire and the wind direction.

For any questions or concerns, please contact Nicola Peterson (manager) or Sever Peterson (owner) at 952-937-1315.