

RESOLUTION NO. PC17-045

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

WHEREAS, Sever & Nicola Peterson, applicants, and Canterbury Development LLC/Canterbury Exchange LLC, property owners, have filed an application for a Conditional Use Permit Amendment under the provisions of Chapter 151, Land Use Regulation (Zoning), of the City of Shakopee City Code, Section 151.044 (Major Recreation Zone), Subd. C.2. (commercial recreation - minor); 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:

Outlot C & Outlot H, Canterbury Park 6th Addition, Scott County, Minnesota.

WHEREAS, notice was provided and on September 7, 2017, the Board of Adjustment and Appeals conducted a public hearing regarding this application, at which it heard from the Director of Planning and Development 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 Section 151.011, "Criteria for Granting Conditional Use Permits.": and subject to the following conditions:

- Finding # 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. Corn Maze activities shall not encroach onto city public property/right-of-way (Shenandoah Drive and Eagle Creek Blvd.).
2. Hours of operation shall be from mid-September (September 15) to end of October (1 p.m. to 8 p.m. Fridays, 10 a.m. to 8 p.m. on Saturdays, and 10 a.m. to 6 p.m. on Sundays); and the Thursday and Friday of MEA (Minnesota Educator Academy) week from 10 a.m. to 8 p.m.
3. A liquor license for distribution of alcoholic beverages for this specific property/event shall be approved by the City Clerk.
4. Use of pumpkin cannons/howitzers is prohibited. Manually operated pumpkin slingers are allowed.
5. Any proposed signage shall comply with the City Code requirements. Sign permits will be required for any proposed sign(s).
6. A posted no smoking area shall include the maze and all areas within 50 feet of the maze.
7. Emergency exits shall be placed as approved by the Shakopee Fire Department.
8. Portable Class A type fire extinguishers shall be placed at designated locations throughout the maze, as determined by the Shakopee Fire Inspector/Marshall.
9. Parking area shall be mowed to an appropriate height to limit contact with vehicle exhaust systems, as determined by the Shakopee Fire Inspector/Marshall.
10. Fire lanes shall be provided throughout the parking area.
11. 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.
12. Portable toilets must be provided on site subject to the approval of the Building Official.
13. 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.
14. 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), except as specifically referenced above.

Adopted by the Board of Adjustment and Appeals of the City of Shakopee, Minnesota this 7th day of September, 2017.

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

ATTEST: _____
Michael Kerski
Director of Planning and Development

CERTIFICATION OF RESOLUTION NO. PC17-045

I, Lori Hensen, City Clerk for the City of Shakopee, do hereby certify that the attached is a true and correct copy of **Resolution No. PC17-045**, 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 7th day of September, 2017, as shown by minutes of the meeting in my possession.

Dated this _____ day of _____, 2017

Lori Hensen, City Clerk

SEAL

Prepared by:
THE CITY OF SHAKOPEE
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Shakopee, MN 55379