RESOLUTION R2022-____
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT FOR A 230-UNIT MARKET-RATE APARTMENT BUILDING IN THE WINDERMERE PLANNED UNIT DEVELOPMENT

WHEREAS, Roers Companies, applicant and D.R. Horton, Inc. – Minnesota, property owner, have made application for a Planned Unit Development Amendment within the Windermere Plat; and

WHEREAS, the property upon which the request is being made is legally described as:

Outlot B, Windermere, Scott County, Minnesota; and

WHEREAS, the Planning Commission of the City of Shakopee did review the application on November 3 and December 8, 2022; and

WHEREAS, all required public notices regarding the public hearing for the Planned Unit Development were duly sent and posted and all persons appearing at the hearing have been given an opportunity to be heard thereon; and

WHEREAS, the City Council of the City of Shakopee did review the application on December 20, 2022 and adopted the following findings of facts relative to the Planned Unit Development (PUD) Amendment request:

Criteria #1: Whether the proposed development is consistent in all respect with the comprehensive plan and with this section.

Finding No.1: The use of the property will be in compliance with the Comprehensive Plan, which guides this property as Mixed Use Commercial Center. Multiple-Family dwellings / apartments are an allowed use this land use designation and also a permitted use in the underlying zoning district (B-1, Highway Business).

Criteria #2: Whether the proposed development, including deviations from design standards of the underlying zones, is compatible with surrounding land uses.

Finding #2: The proposed development is compatible with surrounding land uses (multi-family residential development, a childcare center, memory care center). The applicant has not requested deviations from the required lot line setbacks of the underlying zone, density, or maximum impervious surface.

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Criteria #3: Whether the proposed development, including deviations from development standards of the underlying zone, provides adequate open space, circulation, parking, recreation, screening, and landscaping.

Finding #3: The proposed project will be providing the required greenspace, landscaping, and the design of the structure will be complementary to the adjacent structures. The applicant has not requested deviations from the required open space, landscaping, screening, or circulation regulations.

Criteria #4: Whether the primary function of the PUD is to encourage development which will preserve and enhance the worthwhile, natural terrain characteristics and not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial.

Finding #4: The proposed development is well below the maximum density allowed on this site. The natural terrain on this site was altered by the initial development of Windermere and had previously been noted as a possible site for a gas station and three other commercial buildings. The applicant is not proposing to reach the maximum density and the proposed use generates significantly fewer vehicle trips than the original site plan contemplated or current zoning allows.

Criteria #5: Whether there exists an overall compatibility of land uses and overall appearance and compatibility of individual buildings to other site elements or to surrounding development. However, the architectural style of buildings shall not solely be a basis for denial or approval of a plan.

Finding #5: This area has several different architectural styles for the surrounding land uses, such as a clinic, multi-family housing, a large senior housing development, single-family housing and a childcare center. The applicant is proposing to use high-quality building materials and a unique design that will complement the existing residential and commercial development of the area.

Criteria #6: Whether the proposed PUD plan would afford a greater general public benefit than would be realized under the underlying zoning district and/or general zoning provisions.

Finding # 6: Any development for of this site requires a Planned Unit Development Amendment, as this site is part of the Windermere PUD. The proposed development provides housing on a site that is near several parks, trails, and open space areas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That this Planned Unit Development Amendment of the Windermere Planned Unit Development is hereby approved to allow the development in the following manner:

1. The final plat for this site must be recorded prior to issuance of a grading permit or building permit.

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2. The design of the building and development of the site must be consistent with the proposed plans and conditions of approval.
3. The applicant must pay all applicable fees/charges listed below, as required by the most current City of Shakopee Fee Schedule. Invoices will be provided for the following fees/charges during future reviews.
    - Trunk Sanitary Sewer Charge
    - Trunk Storm Water Charge
    - Storm Water Management Plan Review Fees
4. Easements on the site must be provided and approved by the City Engineer.
5. The applicant must obtain final approval of the site's storm water management plan prior to issuance of a grading permit or building permit.
6. Submit a turning movement diagram showing Shakopee fire truck movements through the site.
7. Prior to any land disturbing activity, a grading and/or building permit must be obtained.
8. Final plat submittal must include detailed construction plans.
9. Private infrastructure must not encroach on the perimeter drainage and utility easements.
10. The applicant must obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the permit must be provided to the city.
11. The owner must enter into a Utility Facilities Easement Agreement with the city. The document must be recorded with Scott County.
12. The contractor must submit a Construction Management Plan to the city prior to any construction activities. 12. Record plans need to be provided per the City of Shakopee Design Criteria, Section 2.5 and Section 11.2 (A-L). The record plans need to be certified and submitted to the engineering department. Provide a letter from the engineer of record certifying all improvements were constructed per approved plans and under the direct supervision of the engineer of record. The developer/engineer of record must provide a full-time onsite inspector during all utility installation.
13. The proposed indoor and outdoor amenities must match the submitted plans.
14. The proposed retaining wall on the southwest corner of the site is not permitted to cross the existing storm sewer line.
15. Xcel Energy must approve the relocation and vacation of easement for the natural gas pipeline on this site. A new easement for the pipeline must not encroach into road right-of-ways.
16. The Park Dedication Fee consistent with the City's most recent adopted fee schedule is due at the time of the approval of the Building Permit.
17. The exterior elevations of the building must be consistent with the plans and elevations dated November 28, 2022.
18. The concrete block on the east elevation of the parking garage must have two colors, consistent with the north elevation design.
19. The applicant must provide a sample of the proposed corrugated metal panel for final review and approval.
20. Landscaping within the project shall comply with the standards listed in the City Code and restrictions from easement holders. In the event plantings are not permitted in certain portions of easements, the required plantings must be placed off-site, or the applicant must make a cash contribution, consistent with City Code requirements.

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21. Financial security is required for all landscaping (both on and off-site) consistent with City Code requirements.
22. The applicant may utilize compact car parking spaces to increase the number of off-street parking spaces on this site.
23. Trash handling on the site must be indoors.
24. The applicant must comply with all requirements from Shakopee Public Utilities on water and electric service. Water services must be metered within 1' of the building foundation. This building will require two electrical transformers.
25. The applicant must work with city staff to relocate the electrical transformer along Windermere Way to a less prominent location on the site.
26. Noise levels will increase as traffic levels increase in the area. Noise attenuation for this structure is the responsibility of the developer.
27. Approval of the PUD Amendment does not constitute approval of the submitted plans.

Adopted in the regular session of the City Council of the City of Shakopee, Minnesota, held on the 20th day of December, 2022.

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Mayor of the City of Shakopee

ATTEST:

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Lori Hensen, City Clerk

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

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