ORDINANCE O2023-___

AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA, AMENDING THE ZONING MAP ADOPTED IN CITY CODE SEC. 151.003 BY REZONING PROPERTY SOUTH OF COUNTY STATE AID HIGHWAY 78 AND EAST & WEST OF ZUMBRO AVENUE FROM AGRICULTURAL PRESERVATION (AG) ZONE TO URBAN RESIDENTIAL (R-1B) ZONE AND MEDIUM DENSITY (R-2) ZONE

WHEREAS, D.R. Horton Inc. - Minnesota, applicant, and William & Jean Luers, LaTour Farms LP, David Brown, and Harriet Plekkenpol, property owners, have applied to rezone property located south of County State Aid Highway 78 and East & West of Zumbro Avenue from Agricultural Preservation (AG) Zone to Urban Residential (R-1B) and Medium Density Residential (R-2) Zones; and

WHEREAS, the properties are legally described as:

See attached Legal Descriptions; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on April 6, 2023, at which time all persons present were given an opportunity to be heard; and

WHEREAS, the Planning Commission has recommended to the City Council that the subject property be rezoned as stated; and

WHEREAS, the City Council heard the matter at its meeting on April 18, 2023; and

NOW, THEREFORE BE IT ORDAINED, that the City Council of the City of Shakopee hereby adopts the following findings of facts relative to the above-named request:

Finding #1 *The original zoning ordinance is in error.* The property was recently annexed into the City of Shakopee with AG zoning established by default. The applicant has proposed a development with zoning that is consistent with the adopted Comprehensive Plan.

Finding #2 *Significant changes in community goals and policies that concern this property have taken place.* The applicant is proposing a development consistent with the community goals and policies outlined in the adopted Comprehensive Plan.

Finding #3 *Significant changes in city-wide or neighborhood development patterns have occurred.* The developer's intent is to construct a single-family and townhome residential subdivision utilizing the same/similar zoning/guiding as adjacent subdivisions.

Finding #4 *The Comprehensive Plan requires a different provision.* The 2040 Comprehensive Plan was recently approved. No changes to the plan are required.

BE IT FURTHER ORDAINED, that the request to rezone the property as stated in this ordinance is hereby approved subject to the following conditions:

1. The zoning districts shall be consistent with the submitted legal descriptions and zoning district map.
2. The proposed development shall be platted consistent with the design and performance standards of the zoning districts approved by this Ordinance.
3. Landscaping (including open space and trail construction) shall be provided consistent with City Code requirements and as shown on the submitted landscape plan.
4. Submittal and approval of a Preliminary Plat shall occur prior to any site grading activities.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the 18th day of April, 2023.

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Mayor of the City of Shakopee

Attest:

_____

Lori Hensen, City Clerk

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DRAFT