RESOLUTION R2023-069
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT FOR A FUEL STATION AND CAR WASH FACILITY IN THE WINDERMERE PLANNED UNIT DEVELOPMENT

WHEREAS, Paul Holsberger, applicant and D.R. Horton, Inc. – Minnesota, property owner, have made application for a Planned Unit Development Amendment within the Windermere East First Addition Plat; and

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

Outlot A, Windermere East First Addition, Scott County, Minnesota; and

WHEREAS, the Planning Commission of the City of Shakopee did review the application on June 8, 2023; 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 June 20, 2023 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. Fuel stations and car wash facilities are an allowed use this land use designation and listed conditional 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.

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, parking, 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 and commercial development, including a fuel station was shown in this area in the plans for the Windermere PUD.

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 building materials and a design that will complement the existing residential and commercial development of the area. Conditions of approval are included to minimize impact on the surrounding residential properties.

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 commercial development complies with the comprehensive plan and is an allowed conditional use by the underlying zoning district.

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. A Final plat must be recorded prior to issuance of a Building Permit.
2. The applicant must comply with the Engineering Department Memorandum dated May 31, 2023.
3. 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 or the Windermere Way boulevard, the required plantings must be placed off-site, or the applicant must make a cash contribution, consistent with City Code requirements.

4. Financial security is required for all landscaping (both on and off-site) consistent with City Code requirements.
5. The trash enclosure design must utilize a roof to comply with City Code.
6. Only one freestanding sign is permitted on this site. The freestanding sign must be monument style, be no taller than 20' in height, and contain no greater than 100 square-feet of signage.
7. A second sign is permitted on the fuel pump canopy that is generally consistent with the design shown on the submitted plans.
8. The window coverage on the front (east) façade of the building must meet the City Code minimum of 25% of the façade area.
9. LED light banding is not permitted on the building, freestanding sign, or canopy.
10. The car wash must not operate between the hours of 9:00 p.m. and 7:00 a.m. and the applicant must provide the noise generation specifications for the dryer to confirm compliance with City Code.
11. Spillover lighting must comply with the maximum City Code requirement of 1.0 foot-candles at the property line.
12. Canopy light fixtures must be flush mounted to the bottom of the canopy.
13. The dominant color of the fuel pump canopy must be an earthtone color that matches one of the main colors of the building.
14. The columns of the canopy must encapsulated in stone / masonry that matches the color and style of the stone proposed on the building façade.
15. The applicant must work with City Staff to have a sidewalk entrance to this site align with a sidewalk of the future apartment building to be located across Windermere Way from this site.
16. 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 June, 2023.

_____

Mayor of the City of Shakopee

ATTEST:

_____

Lori Hensen, City Clerk

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