**ORDINANCE O2023-013**

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA, APPROVING PLANNED UNIT DEVELOPMENT (PUD) DISTRICT #11 (ARBOR BLUFF) FOR PROPERTY LOCATED SOUTH OF VALLEY VIEW ROAD AND WEST OF INDEPENDENCE AVENUE (EXTENDED)**

**WHEREAS**, U.S. Home, LLC, applicant, and Terry L & Kitty S. Hauer/ TK & CO LLLP, property owners, have applied for a Planned Unit for property located south of Valley View Road and west of Independence Drive (extended south); and

**WHEREAS,** the property is legally described as:

*See attached legal description; and*

**WHEREAS,** notices were duly sent and posted, and a public hearing was held before the Planning Commission on August 3, 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 Planned Unit Development be adopted as conditioned in this Ordinance; and

**WHEREAS**, the City Council heard the matter at its meeting on August 15, 2023; and

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

***Criteria #1: Is the proposed development consistent in all respects with the comprehensive plan?***
Finding #1: The proposed development complies with the current guiding (Suburban Residential) for the site.

***Criteria #2: Is the proposed development, including deviations from design standards compatible with surrounding land uses?***
Finding #2: The only design standard deviation is with the 55 ft. wide lots, which is generally consistent with the adjacent urban subdivisions to the north.

***Criteria #3: Does the proposed development provide adequate open space, circulation, pedestrian orientation, parking, recreation, screening, and landscaping?***
Finding #3: The proposed development provides adequate open space, vehicular circulation, pedestrian orientation, parking, recreation, screening, and landscaping, as exemplified by the proposed linear park/trail system adjacent to the creek and bluff.

***Criteria #4. If the primary function of the PUD is to encourage development which will preserve and enhance worthwhile natural terrain characteristics, it should not force intense development to utilize all portions of a given site in order to arrive at the maximum density allowed.***
Finding #4: The primary function of the PUD is to encourage development which will preserve and enhance the worthwhile, natural terrain characteristics, and it should not force intense development

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to utilize all portions of a given site in order to arrive at the maximum density allowed. Staff believe that this proposed project meets the required standards.

***Criteria #5: Does the PUD provide an overall compatibility of land uses and overall appearance and compatibility of individual buildings to other site elements or to surrounding development. The architectural style of buildings shall not solely be a basis for denial or approval of a plan.***
Finding #5: There exists an overall compatibility of land uses and overall appearance and compatibility of individual buildings to other site elements and to the surrounding development.

***Criteria #6. Whether the proposed PUD plan would offer a greater general public benefit than would be realized under the underlying zoning district and/or general zoning provisions.***
Finding #6: 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 as previously mentioned (additional open space and trail network).

**BE IT FURTHER ORDAINED**, that the property located south of Valley View Road and west of Independence Drive (extended south) is hereby approved for Planned Unit Development District #11 (Arbor Bluff) in the Zoning Ordinance subject to the following conditions:

1. The proposed single-family development shall plat no more than 66 lots @ 55' wide (the balance of 196 total single family lots within the subdivision shall meet the min. R-1B standard lot width of 60 feet), with 7.5 foot side yard setbacks.
2. Landscaping (including open space and trail construction) shall be provided consistent with City Code requirements and as shown on the submitted landscape plan.
3. Site design and performance standards shall exceed City Code requirements, such as providing a variety of house styles with no structures of the same design/appearance next to each other within this development, exceeding the minimum window percentage, utilizing LP or Hardie Plank siding with stone wainscotting on the front elevations, and not garage dominant designs.
4. The applicant shall provide park dedication fees consistent with City Code requirements at time of Final Plat recording.
5. The applicant must provide financial security for tree replacement and landscaping in accordance with City Code requirements.
6. The open space area would consist of Outlots A, B & C, which exceeds the minimum 15% required area.
7. Submittal and approval of a Preliminary Plat shall occur prior to any site grading activities.
8. Submittal and approval of a Final Plat consistent with this approved PUD plan shall occur as conditioned in Preliminary Plat Resolution R2023-090.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the 15th day of August, 2023.

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Mayor of the City of Shakopee

Attest:

_____
Lori Hensen, City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 2023.

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