

RESOLUTION NO. R2018-044
A RESOLUTION OF THE CITY OF SHAKOPEE
APPROVING A COMPREHENSIVE PLAN AMENDMENT OF PROPERTY
LOCATED AT 1655 WILLOW CIRCLE TO HIGH DENSITY RESIDENTIAL, A
PUD AMENDMENT FOR AN APARTMENT PROJECT AND A PRELIMINARY
PLAT OF WINDERMERE EAST SECOND ADDITION

WHEREAS, CommonBond, applicant, and D.R. Horton, Inc. - Minnesota, property owner, have requested a comprehensive plan amendment of property located at 1655 Willow Circle for High Density Residential Residential land use; and

WHEREAS, the legal description for the proposed comprehensive plan amendment is described as follows;

Lot 1, Block 1, Windermere East Second Addition

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

WHEREAS, the Planning Commission held a public hearing on April 5, 2018 and recommended approval of the comprehensive plan amendment.

WHEREAS, the City Council of the City of Shakopee did review the application on April 17, 2018 and the comprehensive plan amendment is supported for the following reasons and findings:

Criteria #1 That the original Zoning Ordinance is in error;

Finding #1 The original land use and zoning for Medium Density Residential was not in keeping with the original West End Study documents that attempted to create more variety of housing types.

Criteria #2 That significant changes in community goals and policies have taken place;

Finding #2 Significant changes in community goals and policies that concern this property have taken place – through a community process there is a demand for more diversity in housing types and the Windermere development provides an opportunity because of its scope and size to provide a diversity of housing types. The project will provide 60 units of affordable housing with supportive services for residents including education and training.

Criteria #3 That significant changes in City-wide or neighborhood development patterns have occurred; or

Finding #3 The need for workforce housing has become critical and the lack of availability is impacting the ability of those that work in the community to live in the community.

Criteria #4 That the comprehensive plan requires a different provision.

Finding #4 The comprehensive plan is proposed to be amended by Resolution No. R2018-042 to adjust the guiding for this property to high density residential. The proposed project is

not to the highest density allowed in a PUD of 28 units and the development is locked into the proposed density and design since it is in a PUD and as amended will be limited to 60 units.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SHAKOPEE, MINNESOTA, that it should and hereby does approve an amendment to the 2030 Comprehensive Plan to regulate property located at 1655 Willow Circle for High Density Residential land use.

FURTHER, to incorporate the changes, the City will modify its official land use map; and

FURTHER, the City Council authorizes staff to submit the comprehensive plan amendment for the required affected and impacted jurisdiction review; and

FURTHER, approval of the comprehensive plan amendment is contingent upon, and subject to, the required review and response by the Metropolitan Council.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the City Council of the City of Shakopee hereby adopts the following findings of facts relative to the Planned Unit Development (PUD) 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 proposed Comprehensive Plan Amendment.

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

Finding #2: The West End Study proposed a high density residential parcel in this area. The only deviation from design standards that the Applicant has requested is from parking ratios. Their current plan is designed to meet the new landscaping standards.

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 provide parking based on the Applicants experience at more than 4,000 similar units. The proposed parking lot and building design meets or exceeds the city's performance standards

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 proposal provides open space on site and adequate setbacks from the surrounding

roads and includes outdoor play areas, The stormwater is being dealt with on site and in a community pond. There is park land a few blocks away in Windermere.

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: The project scale and detailing reflects the character of the surrounding residential and also the adjacent commercial. Brick is used in large areas along with cementitious siding and architectural metal siding, similar to the adjacent single-family houses, townhouses and commercial.

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: The proposed changes do not negatively impact the surrounding project. This site was originally planned for townhouses. The developer, applicant and staff feel that this is a desired use since it diversifies the housing types and being affordable, provides housing for nearby employers like HyVee and the school district, The proposed building design exceeds current multifamily design standards.

FURTHER, the City Council approves the Preliminary Plat subject to the following:

The following items need to be addressed/completed prior to release of the Final Plat for recording:

1. Payment of the applicable Trunk Sanitary Sewer Charge needs to be made, as required by the most current City of Shakopee Fee Schedule.
2. The applicant will submit a detailed lot area drawing showing the total plat area, the total drainage and utility easement area encompassing high water levels of wetlands/storm water basins, the total area of right-of-way, the total area of conservation easements and outlots, the total area of bituminous street and the total area of lots.
3. The applicant must obtain, at a minimum, conditional approval of the development's storm water management plan.
4. Easements will be shown on the Final Plat as approved by the City Engineer. They include, but are not be limited to, the following:
 - a. The applicant will provide drainage and utility easements per the plat of Windermere.
 - b. The applicant must provide drainage and utility easements that encompass the 100-year HWL of the proposed rain gardens.
5. Provide electronic files (AutoCAD and Portable Document Format – PDF) of the Final Plat to be recorded with datum on the Scott County coordinate system.
6. Park Dedication fee will be per the City's published schedule. These fees will stay in the Windermere development for park improvements and additional land acquisition.

The following items need to be addressed/completed prior to approval of a grading permit, a street and utility plan and/or a building permit:

1. Payment of the applicable Trunk Storm Water Charge needs to be made, as required by the most recent City of Shakopee Fee Schedule.
2. The applicant must obtain final approval of the subdivision's storm water management plan.
3. The applicant must obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the coverage card and letter must be provided to the city.
4. The applicant must grade the entire site, as proposed on the approved plans, in one phase within one year from the date of approval of the grading permit application. Grading is defined as bringing the site to the proposed finished grade with materials deemed acceptable by the City of Shakopee engineering department, providing topsoil per City requirements and applying seed, mulch and/or sod per City requirements and providing an as-built record grading plan per Section 2.5 of the City of Shakopee Design Criteria.
5. The applicant must submit a landscaping plan in compliance with the most recent version of the City of Shakopee's Easement Fencing and Landscaping Policy.
6. Prior to work in the Willow Circle right-of-way, a City of Shakopee right-of-way permit will be required. Contact Public Works (publicworks@shakopeemn.gov) for details.
7. The owner/contractor must submit a Construction Management Plan prior to beginning construction activities.
8. The owner must enter into a Utility Facilities Easement Agreement with the city and have it recorded with Scott County.
9. 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 submitted to the engineering department.

Comments from Shakopee Public Utilities

1. Municipal water service is available subject to our standard terms and conditions. These include, but are not limited to: installing a lateral water main distribution system in accordance with utility policy, paying the associated inspections costs, granting any necessary easements, paying the Trunk Water Charge, and paying the Water Connection Charge.
2. Underground electric service is available subject to our standard terms and conditions. These include, but are not limited to: entering into an Underground Distribution Agreement, granting any necessary easements, and paying the associated fees.
3. Applicant should contact Shakopee Public Utilities directly for specific requirements relating to their project.
4. Applicant should work with Shakopee Public Utilities Water Department staff to evaluate expected water pressure at this location. A fire pump and a domestic water pump may be necessary for adequate service due to being located at the edge of a pressure zone boundary and on the lower side of that boundary.
5. Applicant must contact Shakopee Public Utilities directly to discuss requirements to extend underground electric to and across property for 3 phase service.
6. Public watermain connection in Willow Circle must be approved by the City of Shakopee Engineering Department for a cut-in on a new street.
7. All fire hydrants must be located with 7.5 feet of clearance to any curb face.

Comments from Shakopee Fire

1. Parking lots and drive aisles must accommodate movement of fire apparatus and other large emergency vehicles.

2. Fire hydrants shall be placed in accordance with local requirements and the Minnesota State Fire Code.
3. Full growth landscaping shall not obstruct fire department access.
4. Fire department access shall be provided as required by the Minnesota State Fire Code. Access roads with widths of less than 20-feet shall require special approval.
5. Residential living areas shall be provided with standpipes as required by the Shakopee Fire Department.

BE IT FURTHER RESOLVED,

Adopted in _____ session of the City Council of the City of Shakopee, Minnesota held on the 17th day of April 2017.

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk

PREPARED BY:

City of Shakopee 485 Gorman Street
Shakopee, MN 55379