

ORDINANCE NO. O2018-014

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING THE ZONING MAP ADOPTED IN CITY CODE SEC. 151.003 BY REZONING
PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CSAH 15/MARYSTOWN ROAD AND
17TH AVENUE TO PLANNED UNIT DEVELOPMENT**

WHEREAS, Benedictine Health Living Community of Shakopee, LLC, applicant, and D.R. Horton, Inc. - Minnesota, property owner, have applied to rezone property to Planned Unit Development; and

WHEREAS, the property is legally described as:

Outlot A, Windermere Way; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on August 9, 2018, 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 August 21, 2018; 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:

(1) Is the proposed development consistent in all respects with the comprehensive plan and with this section;

Finding #1: The proposed density is consistent with the High Density Residential guiding for the property.

(2) Is the proposed development, including deviations from design standards compatible with surrounding land uses;

Finding #2: The only proposed deviation from the design standards pertains to the building height; the shadow patterns study of the proposed project identifies minimal impacts on adjacent properties and the overall development appears to be a compatible fit for this neighborhood.

(3) Does the proposed development provide adequate open space, circulation, pedestrian orientation, parking, recreation, screening, and landscaping;

Finding #3: The developer has proposed a significant amount of open space and active areas for the seniors whom will be living at this facility. There is an overall network of trails, and they have provided a wellness patio, a resident garden area and a memory care garden area.

(4) If the primary function of the PUD is to encourage development which will preserve and enhance the 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. In evaluating each individual proposal, the recognition of this objective will be a basic consideration in granting approval or denial;

Finding #4: The narrative letter submitted by the developer, along with the landscape plans and design reference the precedent and inspiration they considered in their thoughts on the design of this project, which clearly address the natural characteristics of the Shakopee community.

(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; and/or

Finding #5: The developer has proposed a project that the master developer of the Windermere project supports and believes it adds to the mixed use community being built out in the Windermere area.

(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 project would bring a unique residential opportunity that currently is underserved in Shakopee. There would be independent living, assisted living, and memory care living available all within one complex, with a significant number of amenities for the residents to enjoy and be involved in.

BE IT FURTHER ORDAINED, that the above referenced property is hereby approved for rezoning as Planned Unit Development (PRD) District, subject to the following conditions:

- A. The applicant shall ensure that installation of a 5' wide sidewalk on the east side of Windermere Way through the development, and along the north side of Amberglen Circle adjacent to this development, occurs consistent with City Code standards.
- B. All trails and sidewalks be constructed to meet ADA requirements or guidelines.
- C. If transit service is desired, the developer shall consider a bus pull off along Windermere or Amberglen as MVT A (Minnesota Valley Transit Authority) typically will not operate in parking lots.
- D. Landscaping and site design and performance standards shall be provided consistent with City Code requirements, except for the max. building height, which is allowed consistent with submitted plans.
- E. Either HardiePlank siding or LP SmartSide siding be utilized as a substitute for the proposed vinyl siding.
- F. Revise the site elevations by taking the stone spread around the base and applying it to more influential and noticeable areas such as the town center chapel and front entry, as well as at the ends of some of the Independent Living wings.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the _____ day of _____, 2018.

Mayor of the City of Shakopee

Attest:

Lori Hensen, City Clerk

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