

**RESOLUTION NO. R2019-\_\_**

**A RESOLUTION OF THE CITY OF SHAKOPEE APPROVING THE REZONING  
OF PROPERTY TO URBAN RESIDENTIAL (R-1B) ZONE AND THE  
PRELIMINARY AND FINAL PLAT OF LA TOUR TERRACE.**

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**WHEREAS**, Shakopee Public Utilities, applicant and LATOUR FARMS, L.P., property owner, have made application for Preliminary and Final Plat of LA TOUR TERRACE; and

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

*The South Half of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 14, Township 115, Range 23, and a parcel in the Southeast corner of the Northeast Quarter of the Southwest Quarter of Section 14, Township 115, Range 23, described as follows:*

*Commencing at the southeast corner of said Northeast Quarter of the Southwest Quarter; thence running west 35 feet; thence northeasterly to a point 35 feet north of the southeast corner of the Northeast Quarter of the Southwest Quarter, thence south 35 feet to the place of beginning.*

*Together with*

*Outlot G, Windermere South 2<sup>nd</sup> Addition, Scott County, Minnesota; and*

**WHEREAS**, all required public notices regarding the public hearing for the Preliminary Plat 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 and reviewed the Preliminary Plat on September 5, 2019; and

**WHEREAS**, the City Council reviewed the Preliminary and Final Plat on September 17, 2019.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Shakopee, Minnesota that the rezoning of the described property has been approved, as more than one of the following criteria exists:

1. The original zoning ordinance is in error.
2. Significant changes in goals in community goals and policies have taken place.
3. Significant changes in city-wide or neighborhood development patterns have occurred.
4. The comprehensive plan requires another provision.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Shakopee, Minnesota that the Preliminary & Final Plat of LA TOUR TERRACE is hereby approved subject to the following conditions:

**I) The following procedural actions must be completed prior to the recording of a Final Plat:**

- A. Approval of title by the City Attorney.
- B. Provide electronic files (AutoCAD and Portable Document Format) of the Final Plat to be recorded with datum on the Scott County coordinate system.
- C. Park dedication fees in the amount required by the City Code and adopted City fee schedule shall be paid prior to the recording of the final plat.
- D. Submit a detailed geotechnical report outlining any groundwater encountered as well as infiltration rates in appropriate locations.
- E. New lots must be created for the existing farmstead and the single-family home currently shown in Outlot B. The new lots should have perimeter drainage and utility easements as prescribed in condition # F.
- F. Easements will be shown on the Final Plat as approved by the City Engineer. They include, but are not be limited to, the following:
  - The minimum widths of drainage and utility easements are set forth in Section 10.1 (A-D) of the City of Shakopee Design Criteria.
  - Provide 10 feet of drainage and utility easement around the entire perimeter of Lot 1, Block 1.
  - Provide drainage and utility easement to encompass the 100-year high water level of the proposed stormwater basin.
  - Provide 10 feet of drainage and utility easement along the south and west property lines of Outlot B.
  - Provide 10 feet of drainage and utility easement along the south and north property lines of the new lot for the farmstead and 5 feet of drainage and utility easement along the east and west property lines.
  - Provide 10 feet of drainage and utility easement along the south and north property lines of the new lot for the existing single-family home and 5 feet of drainage and utility easement along the east and west property lines.
- G. Obtain approval of the subdivision's storm water management plan.
- H. The applicant must pay all applicable fees/charges listed below, as required by the most current City of Shakopee Fee Schedule:
  - Storm Water Management Plan Review Fees.
- I. 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 and the total area of lots.

**II. Following approval and recording of the final plat, the following conditions shall apply:**

- A. Comply with SPU's specific requirements related to municipal water service, underground electric service, and street lighting installation for this project; and shall be responsible for complying with SPU's standard terms and conditions, 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, paying the Water Capacity Charge, entering into an Underground Distribution Agreement and paying all associated fees.

- B. A trail easement for the future trail along CSAH 78 shall be provided, consistent with City Engineering requirements.
- C. All trails and sidewalks shall be constructed to meet ADA requirements/guidelines.

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

- A. 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.
- B. Pay the Trunk Storm Water Charge, as required by the most current City of Shakopee Fee Schedule. Payment is due at time of building permit issuance and can be combined with the check for the building permit fee.
- C. Obtain final approval of the subdivision's storm water management plan.
- D. The applicant must obtain a NPDES construction site permit prior to any land disturbing activity. A copy of the permit coverage card and letter must be provided to the city.
- E. Submit a Construction Management Plan. The applicant must enter into a Construction Management Agreement with the City of Shakopee. A copy of the agreement can be obtained from the Public Works Department.
- F. 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.
- G. No ponding, berming, landscaping, or signage shall be permitted within the County right-of-way.
- H. Any work within the County right-of-way shall require a County permit.
- I. Enter into a Utility Facilities Easement Agreement with the City of Shakopee. The applicant must record the easement agreement with the county.
- J. Submit a landscaping plan in compliance with the most recent version of the City of Shakopee's Easement Fencing and Landscaping Policy.

**Adopted in Regular session of the City Council of the City of Shakopee, Minnesota, held on the \_\_\_\_ day of \_\_\_\_\_, 2019.**

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**Mayor of the City of Shakopee**

**ATTEST:**

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**Lori Hensen, City Clerk**