

October 9, 2019

Mr. Michael Kerski
Director of Planning and Development,
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

RE: Stagecoach at Southbridge
PUD Amendment Application

Dear Michael:

On behalf of Builder Lot Group LLC, (BLG) we request consideration of an amendment to the approved PUD for Stagecoach. We have encountered an unforeseen difference in opinion in interpretation of the code and standards resulting in confusion for our builders and homeowners. Rather than process multiple variance requests as a result, we believe it is in everyone's best interest to amend the PUD and specifically address the issue. Otherwise, 21 lots are impacted by this interpretation and likely to see variance requests.

BLG, our builders, and now multiple homeowners believe the development was laid out in a manner permitting decks in proximity to infiltration basins. We relied on review of the code and specifically the recognition that decks are an accessory, and not the dwelling as defined. We also note that these areas of concern are in relation to infiltration basins, a relatively new requirement in Shakopee and the State of Minnesota, and not wetlands or storm ponds (city code requires a 30' setback from the HWL of storm ponds and wetlands and does not mention Infiltration basins). Although these infiltration basins identify a high water line, (HWL) they are intended to be dry and must be designed to allow water to infiltrate within a period of 48 hours. We proceeded with the project believing all lots with infiltration basins in the rear yard could have decks with setbacks as defined in the Developers agreement and city code.

Much of our discussion and changes during the evolution of the final plan evolved around discussion of the building pad area for the dwelling and setbacks. In fact, one of the final changes reflected discussion just prior to approval of the application of the setback application to a side yard in addition to a rear yard setback. This negatively impacted one of our better lots, but our Site Dimension Plan was amended as a result and a final condition was added by staff to the PUD text at the last minute. This acknowledgment of setback in the added provision has now been cited by staff as applying to the decks, but this was never our understanding. The only specific mention of decks in the PUD otherwise is the 3rd provision addressing a two foot overhang. The last provision says nothing specifically addressing the decks or other accessory elements.