

ORDINANCE NO. O2019-018

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING A PLANNED UNIT DEVELOPMENT (PUD) FOR PROPERTIES LOCATED IN THE
NORTHEAST CORNER OF MARYSTOWN ROAD AND 17TH AVENUE**

WHEREAS, Shakopee ISD 720 and Greg & Irene Powers, property owners, and Trident Development, LLC, applicant, have applied for a Planned Unit Development for property located at the northeast corner of Marystown Road and 17th Avenue; and

WHEREAS, the properties are legally described as:

See attached legal descriptions (Exhibit A); and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on December 5, 2019, 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 Amendment be adopted as proposed; and

WHEREAS, the City Council heard the matter at its meeting on December 17, 2019; 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:

Criteria #1: Is the proposed development consistent in all respects with the comprehensive plan?

Finding #1: The proposed development complies with the current guiding (Mixed Use Commercial Center) for the site.

Criteria #2: Is the proposed development, including deviations from design standards compatible with surrounding land uses?

Finding #2: The proposed development as a clinic, medical building and multi-family residential serves as compatible uses with the surrounding neighborhood, which includes an elementary school and day care to the east and a mixed commercial/residential use to the west.

Criteria #3: Does the proposed development provide adequate open space, circulation, pedestrian orientation, parking, recreation, screening, and landscaping?

Finding #3: Once the traffic study has been completed and final design on Marystown Road accesses have been determined, the other elements of design as identified in this criteria will follow and comply with City Code requirements. Parking as presently identified complies with the City Code, trails will be incorporated throughout this development and tie into adjacent properties, and open space/recreation opportunities will be available for proposed tenants of the structures.

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 plans submitted by the developer identify extensive landscaping, a trail network that provides connections within this development and ties in to adjacent properties/street networks, and open space/amenities for the medical office and apt. tenants use.

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: The developer has proposed a project that the supports and adds to the mixed use community being built out in the Windermere and Countryside neighborhoods.

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 project would bring a unique opportunity that currently is underserved in Shakopee and the surrounding communities.

BE IT FURTHER ORDAINED, that the properties located within the Jackson Elementary School and Countryside subdivisions, located north of 17th Avenue (CSAH 16), east of Marystown Road (CSAH 15) and west of Jackson Elementary School are hereby approved for a Planned Unit Development District in the Zoning Ordinance subject to the following conditions:

1. The V.A. Clinic structure proposed must be generally consistent in style, size, and appearance to the plans and the City Code Design Standards.
2. Landscaping and site design and performance standards (including open space and trail construction) shall be provided consistent with City Code requirements.
3. Approval of a Final Plat consistent with submitted plans shall occur prior to issuance of any building permit.
4. The applicant must comply with Engineering Memorandum dated November 26, 2019.
5. The applicant must comply with Shakopee Public Utilities Memorandum dated November 20, 2019.
6. The applicant must provide an approved cash escrow amount for the construction of a future trail along Marystown Road.
7. The applicant must provide financial security for the proposed plantings in accordance with City Code.
8. Landscaping is required consistent with City Code requirements. Financial security must be provided in accordance with City Code.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the ____ day of _____, 2019.

Mayor of the City of Shakopee

Attest:

Lori Hensen, City Clerk

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