

RESOLUTION NO. R2020-108
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING THE FINAL PLAT OF SUITE LIVING SHAKOPEE AND A PLANNED
UNIT DEVELOPMENT AMENDMENT FOR A SENIOR CARE COMMUNITY FOR
PROPERTY LOCATED NORTH OF 17TH AVENUE (CSAH 16), EAST OF
WINDERMERE WAY AND SOUTH OF HWY. 169 WITHIN THE WINDERMERE
DEVELOPMENT

WHEREAS, Hampton Companies, applicant and D.R. Horton, Inc. – Minnesota, property owner, have made application for a Final Plat and a Planned Unit Development Amendment within the Windermere development; and

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

Outlot A, The Willows At Windermere, Scott County, Minnesota; and

WHEREAS, the Planning Commission of the City of Shakopee did review the application on September 3, 2020; and

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

WHEREAS, the City Council of the City of Shakopee did review the application on September 15, 2020 and adopted the following findings of facts relative to the Planned Unit Development (PUD) Amendment 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 Comprehensive Plan, which guides this property as Mixed Use Commercial Center (commercial, office and multi-family residential are examples of allowed uses).

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

Finding #2: The proposed development is compatible with surrounding land uses (day care and an apartment building), and they have not requested deviations from the design standards of the underlying zone (setbacks, landscaping, parking and

building materials proposed are all compliant with current City Code requirements).

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 be providing the required open space, parking and landscaping, and the design of the structure will be complementary to the adjacent two structures (New Horizon Academy and The Willows of Windermere). They have not requested deviations from the development standards of the underlying zone.

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 proposed development is not planning to significantly change the existing grade of the property, and there are no existing significant landscaping features on site. The project will be providing the required open space and are not proposing encroachments into any required setbacks.

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 proposed development will generally be similar in architectural style to the surrounding properties and will be compatible with the surrounding land uses.

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 project is planning a number of programs for their residents and facility that will benefit the community, as noted in their narrative.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That the Planned Unit Development Amendment for Suite Living of Shakopee is hereby approved to allow the development in the following manner:

1. Comply with conditions identified in the August 18, 2020 memo from City Engineering.
2. Comply with conditions identified in the August 27, 2020 memo from Shakopee Public Utilities.
3. Address comments redlined on the submitted plan set from City Engineering and the City Fire Marshall.

4. Landscaping within the project shall comply with the standards listed in the City Code. Relocation of several plantings from within easements shall occur, unless otherwise allowed. Security in an amount consistent with the City Code requirements shall be provided at time of building permit review.
5. The design of proposed structures shall generally comply with submitted site and elevation plans, provided open space, design and performance standards of the City Code are met.
6. Any work within the County right-of-way shall require the appropriate County permit.
7. Noise levels will increase as traffic levels increase in the area. Noise attenuation for this structure from County Road 15 (Marystown Road) is the responsibility of the developer.

BE IT FURTHER RESOLVED by the City Council of the City of Shakopee, Minnesota that the Final Plat of SUITE LIVING SHAKOPEE is hereby approved subject to the following conditions:

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

- A. Approval of title by the City Attorney.
- B. Park dedication fees in the amount required by the City Code and adopted City fee schedule shall be provided (tentatively determined to be \$71,200). These park fees shall be utilized for park improvements within the Windermere development.
- C. The applicant shall comply with conditions identified in the August 25, 2020 memo from City Engineering.
- D. The applicant shall comply with conditions identified in the August 27, 2020 memo from Shakopee Public Utilities.
- E. Address comments redlined on the submitted plan set from City Engineering and the City Fire Marshall.

Adopted in _____ session of the City Council of the City of Shakopee, Minnesota,
held on the ____ day of _____, 2020.

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk

PREPARED BY:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379