

ORDINANCE NO. O2021-005

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING THE ZONING MAP ADOPTED IN CITY CODE SEC. 151.003 BY REZONING
PROPERTIES LOCATED AT 7556 EAGLE CREEK BLVD AND 2163 PIKE LAKE ROAD FROM
AGRICULTURAL PRESERVATION (AG) AND RURAL RESIDENTIAL (RR) TO URBAN
RESIDENTIAL (R1B) ZONE**

WHEREAS, KRB Development VIII LLC, applicant and Steven and Kathleen Muhlenhardt Trust and Bradley Gonyea, property owners, have applied to rezone properties located at 7556 Eagle Creek Blvd and 2163 Pike Lake Road from Agricultural Preservation (AG) and Rural Residential (RR) Zone to Urban Residential (R1B) Zone; and

WHEREAS, the properties are legally described as:

See Attached Legal Descriptions; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on February 4, 2021, 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 February 16, 2020; 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 The original zoning ordinance is in error.

Finding #1 The original zoning ordinance is not in error. The subject properties are not currently served by City sewer and water services. The applicant intends to extend services to the site as part a development. The 2040 Comprehensive Plan guides this property for Suburban Residential land use with densities of 3-6 Units / Acre.

Criteria #2 Significant changes in community goals and policies have taken place.

Finding #2 Sewer and water services are available to be extended to this property, requiring a rezoning prior to development.

Criteria #3 Significant changes in development patterns have occurred.

Finding #3 The applicant is looking to develop the property consistent with the comprehensive plan. Sewer and water services would be extended to this site as part of the development.

Criteria #4 The Comprehensive Plan requires a different provision.

Finding #4 The proposed zoning of Urban Residential is consistent with the comprehensive plan's guide for this area, so a separate provision is not required.

BE IT FURTHER ORDAINED, that the request to rezone the properties as stated in this ordinance is hereby approved.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the _____ day of _____, 2021.

Mayor of the City of Shakopee

Attest:

Lori Hensen, City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 20____.

PROPERTY DESCRIPTION

PARCEL 1:

Lot 1, Block 1, MEADOWBROOK RUN, Scott County, Minnesota.

Lot 8, Block 1, MEADOWBROOK RUN, Scott County, Minnesota.

PARCEL 2:

That part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Road No. 16 and west of the East 887.4 feet described as follows:

Beginning at a point in the west line of said East 887.4 feet distant 1124.33 feet north of the south line of said Southeast Quarter; thence deflecting to the left 78 degrees 34 minutes 30 seconds distant 249.78 feet; thence deflecting to the right 78 degrees 34 minutes 30 seconds distant 533.75 feet, more or less, to the centerline of County Road No. 16; thence easterly, along said centerline, 249.78 feet to its intersection with the west line of said East 887.4 feet; thence south, along said west line, 533.75 feet, more or less, to the point of beginning.

PARCEL 3:

All that part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Road No. 16 and west of the East 887.4 feet, EXCEPT THEREFROM that part lying south of a line drawn from a point in the west line of said East Half distant 724.0 feet north of the south line of said Southeast Quarter to a point in the west line of said East 887.4 feet distant 870.0 feet north from the south line of said Southeast Quarter.

EXCEPTING THEREFROM that part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Road No. 16 and west of the East 887.4 feet described as follows:

Beginning at a point in the west line of said East 887.4 feet distant 1124.33 feet north of the south line of said Southeast Quarter; thence deflecting to the left 78 degrees 34 minutes 30 seconds distant 249.78 feet; thence deflecting to the right 78 degrees 34 minutes 30 seconds distant 533.75 feet, more or less, to the centerline of County Road No. 16; thence easterly, along said centerline, 249.78 feet to its intersection with the west line of said East 887.4 feet; thence south, along said west line, 533.75 feet, more or less, to the point of beginning.

AND

That part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota described as beginning at the intersection of the centerline of County Road No. 16 and the west line of the East 887.4 feet of said Southeast Quarter; thence southeasterly, along the centerline of said County Road No. 16, a distance of 204.0 feet; thence southerly, parallel with the east line of said Southeast Quarter, a distance of 233.0 feet; thence southwesterly to a point in the west line of the East 887.4 feet of said Southeast Quarter distant 333.0 feet southerly, as measured along the west line of the East 887.4 feet of said Southeast Quarter, from the centerline of said County Road No. 16; thence northerly, along the west line of the East 887.4 feet of said Southeast Quarter, a distance of 333.0 feet to the point of beginning.

PARCELS 4 AND 5:

That part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Highway No. 16 EXCEPT the East one rod thereof;

EXCEPT THEREFROM the following described tracts (A through C below):

A. All that part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota lying southerly of the centerline of County Road No. 16 and west of the East 887.4 feet, which lies north of a line drawn from a point in the west line of said East Half distant 724.0 feet north of the south line of said Southeast Quarter to a point in the west line of said East 887.4 feet distant 870.0 feet north from the south line of said Southeast Quarter.

B. That part of the East Half of the Southeast Quarter of Section 14, Township 115, Range 22, Scott County, Minnesota described as beginning at the intersection of the centerline of County Road No. 16 and the west line of the East 887.4 feet of said Southeast Quarter; thence southeasterly, along the centerline of said County Road No. 16, a distance of 204.0 feet; thence southerly, parallel with the east line of said Southeast Quarter, a distance of 233.0 feet; thence southwesterly to a point in the west line of the East 887.4 feet of said Southeast Quarter distant 333.0 feet southerly, as measured along the west line of the East 887.4 feet of said Southeast Quarter, from the centerline of said County Road No. 16; thence northerly, along the west line of the East 887.4 feet of said Southeast Quarter, a distance of 333.0 feet to the point of beginning.

C. HORIZON HEIGHTS SECOND ADDITION, according to the recorded plat thereof, Scott County, Minnesota.