

ORDINANCE NO. O2020-013

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
REZONING PROPERTY FROM AGRICULTURAL PRESERVATION TO PLANNED UNIT
DEVELOPMENT ZONING AND CREATING PLANNED UNIT DEVELOPMENT DISTRICT
DEVELOPMENT #9, VALLEY CREST IN THE ZONING ORDINANCE FOR THE PROPERTY
LOCATED AT 1868 MYSTIC LAKE DRIVE SOUTH**

WHEREAS, Magellan Land Development, applicant, and Roberta Schneider Revocable Trust, property owner, have applied to create the Valley Crest Planned Unit Development; and

WHEREAS, the properties are legally described as:

The Southeast Quarter of the Northwest Quarter of Section 16, Township 115, Range 22, Scott County, Minnesota, excepting therefrom the northerly 10 acres thereof

And

The Northeast Quarter of the Southwestern Quarter, Section 16, Township 115, Range 22, Scott County, Minnesota, except the south 453.6' thereof; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on April 8, 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 adopted as Planned Unit Development District #9 as stated; and

WHEREAS, the City Council heard the matter at its meeting on April 20, 2021; 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 rezoning request and Planned Unit Development request:

Rezoning Criteria:

Criteria #1 *The original zoning ordinance is in error.*

Finding #1 *The zoning ordinance is not in error. The property owner desires to utilize a Planned Unit Development as a tool develop this area. The City Code now requires PUD developments to have their own zoning designation, not an overlay. The proposed development complies with the guiding comprehensive plan for this area.*

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

Finding #2 Significant changes in community goals and policies that concern this property have taken place. This property currently zoned for Agriculture and has been guided for residential development.

Criteria #3 Significant changes in development patterns have occurred.

Finding #3 Significant changes in development patterns have occurred. Areas surrounding this property have developed as single-family housing. The applicant is proposing to develop single-family residential housing on this site.

Criteria #4 The Comprehensive Plan requires a different provision.

Finding #4 A different provision is not required. The proposed development is consistent with the approved 2040 Comprehensive Plan that guides this area for Suburban Residential development.

Planned Unit Development Criteria:

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

Finding #1: The proposed development complies with the current guiding for the site as Suburban Residential, which allows for residential development.

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

Finding #2: All three of the proposed unit types are single-family houses, which is compatible with the surrounding land uses and complies with the comprehensive plan.

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

Finding #3: The applicant is proposing adequate pedestrian and vehicular connectivity and open space for recreation activities.

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 proposed development is well below the maximum density of the Suburban Residential Classification in the comprehensive plan, which allows for up to 6 units / acre. The applicant is proposing 175 units on the site. The minimum number of units allowed on this site by the comprehensive plan and standard zoning is 169 units.

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 proposed land uses of single-family residential development already exist in this area and this site is guided for single-family residential development.

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 PUD has a greater public benefit than if the property were to develop in the Urban Residential, R1B Zone. The proposed plan has enhanced landscaping, public open space, a looped trail that connects to existing and future trails and a sidewalk on both sides of Thrush Street.

BE IT FURTHER ORDAINED, that the property at 1868 Mystic Lake Drive South is hereby approved for PUD District #9 in the Zoning Ordinance subject to the following conditions:

1. Development of the site, including public streets, trails, sidewalks and land uses must be consistent with the submitted PUD site plan and the review comments provided.
2. Facades of all houses must meet the minimum design requirements in Shakopee City Code Section 151.108, Subdivision B, for garage protrusion and window coverage (minimum 10% window coverage for front and rear elevations, 5% window coverage on sides).
3. 19 of the Villa lots are permitted to have up to 52% impervious surfaces, 4 Villa lots are permitted to have 54% impervious surfaces. The applicant must provide a plan noting the specific lots approved for additional impervious surfaces.
4. Minimum lot widths and setbacks for lots in the PUD are as follows:
 - Carriage Lots: 40' minimum width
 1. Front yard Setback: 25'
 2. Side yard Setback: 5'
 3. Street-side Setback: 10'
 4. Rear yard Setback: 25', 40' to County Road 83
 - Villa Lots: 50' minimum width
 1. Front yard Setback: 25'
 2. Side yard Setback: 5'
 3. Street-side Setback: 10'
 4. Rear yard Setback: 25'
 - Single-Family Lots: 65' minimum width
 1. Front yard Setback: 25'
 2. Side yard Setback: 7.5'
 3. Street-side Setback: 15'
 4. Rear yard Setback: 25', 40' to County Road 83
5. The setback for dwelling units (including the deck) to stormwater basins is 30' to the HWL.
6. Cantilevers are permitted to encroach up to 2' into a rear yard, front yard, street-side, or stormwater basin setback.
7. Decks less than 5' in height as defined by City Code are permitted to have a minimum of a 10' rear yard setback on lots. Decks greater than 5' in height must have a minimum of a 20' rear yard setback. The rear setback for decks on lots adjacent to County Road 83 is 40'.
8. House facades must be generally consistent with the submitted house elevations for the PUD Concept Review and PUD application.
9. Open space areas must be deeded to the City at the time of recording of the first final plat of this development.
10. Final trail alignment through the open space area must be approved by city staff.
Construction of trails and seeding of the open space areas must be completed at the time of the completion of other infrastructure during the first phase of development.
11. Sidewalks 6' in width are required on both sides of Thrush Street and on one side of all other streets.
12. The applicant must work with City staff to develop a plan for field monumentation for lots adjacent to the open space.
13. The applicant must work with city staff to develop a plan for the open space area that is at least 15% of the site area that is not encumbered by stormwater basins. The trail easement

- area between Lots 13 and 14, Block 1 is counted as open space area for purposes of the PUD, even though it will not be a separate parcel to be deeded to the city.
14. Trails adjacent to stormwater basins must be located above the HWL elevation of the basin.
 15. If a monument sign is to be provided to identify the subdivision, a separate sign easement and maintenance agreement must be prepared for maintenance of the landscaping and sign and recorded on the property where the sign is located. City Code requirements for setback, sign area and height must be met. A sign permit is required.
 16. An additional tree is required in the rear yard per lot for screening of County Road 83. The applicant must work with city staff to provide additional evergreen plantings along the Shakopee Gravel property north of the proposed stormwater basin, and along the Hawkins property.
 17. Boulevard trees must be a salt tolerant species and meet diversity and size requirements in City Code. Boulevard trees must be spaced at 40' intervals, or the minimum accepted distance for a specific species. Refer to the City Forestry Specifications Manual for required distances from intersections, light poles, etc.
 18. Financial security for landscaping is required in accordance with City Code and due at time of recording of the first final plat.
 19. Trees planted on the individual lots, provided at the time of construction of the houses must meet City Code requirements for size, species, quantity and placement at time of construction of the houses.
 20. The existing temporary cul-de-sac on Karner Drive must be removed and turf area established at the time of the extension of Karner Drive into this development.
 21. The rear lot line of Lot 7, Block 11 must be adjusted to meet the corner of Lots 14 and 15, Block 11.
 22. Park dedication fees consistent with current city fee schedule are due at the time of recording of final plats.
 23. The Homeowner's Association for Valley Crest is responsible for maintenance of the landscaped buffer along County Road 83.

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

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PREPARED BY:
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