

ORDINANCE NO. O2022-012

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING AN AMENDMENT OF PLANNED UNIT DEVELOPMENT (PUD) DISTRICT #2
(POWERS PUD) FOR PROPERTY LOCATED IN THE SOUTHEAST CORNER OF MARYSTOWN
ROAD AND LUSITANO STREET**

WHEREAS, Trident Shakopee West LLC, property owners, have applied for a Planned Unit Development Amendment for property located at the southeast corner of Marystown Road and Lusitano Street; and

WHEREAS, the property is legally described as:

Lot 1, Block 2, Powers 2nd Addition; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on April 7, 2022, 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 April 19, 2022; 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 multi-family residential structure serves as compatible uses with the surrounding neighborhood, which includes an elementary school and day care to the east, a V.A. Clinic to the north, and a matching multi-family residential structure to the south.

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

Finding #3: The proposed development has provided elements of design as identified in this criteria that 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 into adjacent properties/street networks, and open space/amenities for the V.A. Clinic visitors and apartments tenants use, including a dog park.

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 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 north of 17th Avenue (CSAH 16), east of Marystown Road (CSAH 15) and west of Jackson Elementary School are hereby approved for an amendment of Planned Unit Development District #2 in the Zoning Ordinance subject to the following conditions:

1. The proposed apartment structure must be generally consistent in style, size, and appearance to the plans and the City Code Design Standards. Reduced setbacks along Lusitano Street and along the south line of the site for the pool area and parking lot are allowed and will be reviewed for consistency with submitted plans at time of building permit review.
2. Landscaping (including open space and trail construction) shall be provided consistent with City Code requirements. Additional landscaped parking lot islands are required to ensure compliance.
3. Site design and performance standards shall be consistent with City Code requirements. Inclusion of bike racks shall be reviewed at time of building permit. Retaining wall fencing and Mechanical (HVAC) equipment/covers shall also be review for compliance at time of building permit.
4. The applicant shall comply with Engineering Memorandum dated March 25, 2022.
5. An invoice for engineering charges has been uploaded to the Attachments folder (along with Utility Facilities Easement Agreement and Construction Management Plan templates). Additional charges/securities will be required for the public improvement portion of the project and invoice will be prepared at that time.
6. The applicant shall address the redlines/comments from Shakopee Public Utilities and City Engineering on their submitted civil plans prior to building permit submittal.
7. SPU will require a signed Utility Facilities Easement Agreement, Fees for review/inspection and water connection charge paid, and submittal of a signed Dept. of Health permit.
8. The applicant shall provide park dedication fees consistent with City Code requirements.
9. The applicant must provide financial security for tree replacement and landscaping in accordance with City Code requirements.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the _____ day of _____, 2022.

Mayor of the City of Shakopee

Attest:

Lori Hensen, City Clerk

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