

ORDINANCE O2022-016

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING PLANNED UNIT DEVELOPMENT DISTRICT #3 IN THE ZONING ORDINANCE FOR
PROPERTY LOCATED AT 2801 WINNER'S CIRCLE DRIVE**

WHEREAS, Bryce Hotzler, applicant, and Canterbury DBSV Development LLC, property owner, have applied to amend Planned Unit Development District #3, Canterbury Southwest PUD; and

WHEREAS, the property is legally described as:

Lot 1, Block 1, Canterbury Southwest Third Addition (proposed); and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on July 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 subject property be adopted as an amendment to Planned Unit Development District #3 as stated; and

WHEREAS, the City Council heard the matter at its meeting on July 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 for the site, Entertainment district.

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

Finding #2: The proposed amendment is consistent with the requirements of the original Canterbury Southwest PUD and is compatible with the surrounding land uses. A restaurant was anticipated on this site in the original PUD.

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

Finding #3: The applicant is proposing connections to the surrounding sidewalks and trail. The applicant is not proposing any major changes to the character of the original Canterbury Southwest PUD. This amendment is for the review of the building's elevations and other site improvements.

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 plan is for a brewery and restaurant that complies with the original Canterbury Southwest PUD. The final building design was not available at the time of the original PUD submittal.

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.

The proposed amendment to the Canterbury Southwest PUD is compatible with the PUD and the character of the surrounding buildings. The applicant has proposed building elevations that are significantly above the minimum standards provided in City Code and in compliance with the Canterbury Southwest PUD.

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.

The applicant is proposing the development of an attractive building that complements the streetscape investments made in the Canterbury Park area and goals of the 2040 Comprehensive Plan.

BE IT FURTHER ORDAINED, that the proposed amendment to PUD District #3, the Canterbury Southwest PUD for the development of property at 2801 Winner's Circle Drive is hereby approved, subject to the following conditions:

1. An approved turning movement diagram showing garbage truck and fire truck movements through the site is required.
2. The applicant must comply with the Engineering Department comment memo dated June 30, 2022.
3. The development of the site, including the site plan, building elevations, setbacks, building height, and exterior materials must be consistent with the submitted and approved plans with this application and the original Canterbury Southwest PUD.
4. Ground mounted or rooftop mechanical equipment must be screened or painted to match the surrounding building materials in accordance with City Code requirements.
5. This lot is required to be final platted. The final plat shall comply with comments and conditions received during this review. A building permit will not be issued until the plat is recorded.
6. Roof signage is permitted in the location shown on the submitted building elevations and is limited to 40 square-feet of sign area.
7. The fencing for the patio areas must be ornamental in design and comply with Fire Code requirements for exiting.
8. Up to 240 square-feet of non-commercial original artwork is permitted. The designs of the artwork must be reviewed and approved prior to the artist starting work on the site. The

- general locations of the artwork must be consistent with the submitted PUD amendment plans and outside of size meet City Code requirements for non-commercial original artwork.
9. A shared parking agreement must be provided and recorded on the daycare parcel across Winner's Circle drive that specifies that at least 33 parking spaces in the daycare parking lot are available after 6:00 pm on weekdays and all day / night on weekends for brewery / restaurant customers and employees. Signage must be posted on the daycare site that notes the times that daycare site parking spaces are available.
 10. Bicycle parking must be provided on the site and meet City Code requirements.
 11. An additional pedestrian connection from the trail along Schenian Street to the sidewalk along the south side of the building must be provided.
 12. The amount of seating in the restaurant / brewery must not exceed the amount of seating that is proposed, unless it is demonstrated to City Planning staff that the amount of vehicle parking in the area can support additional seating and Planning staff approve of the increase in the amount of seating.
 13. Additional variation in building materials and /or design must be provided on the building's west elevation, specifically the metal panel area.
 14. The portion of the roof area that is shown partially over the restaurant's patio on the submitted elevation must either extend to the edge of the restaurant entrance door, or be shortened to terminate at the building wall.
 15. The proposed patio area and restaurant property are greater than 100' from the nearest current or proposed residential structure. Use of the patio areas is permitted after 10:00 pm and must be in accordance with the noise ordinance.

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