

ORDINANCE O2022-022

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING PLANNED UNIT DEVELOPMENT DISTRICT #3 IN THE ZONING ORDINANCE FOR
PROPERTY LOCATED AT 2750 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 Park 9th Addition; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on August 4, 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 August 16, 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 childcare facility has been proposed on this site previously.

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. This proposed development allows for shared parking with another use in the development at off-peak times.

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 childcare center 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 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 2750 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 July 15, 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. One unit that is taller than 3'6" above the roof line is currently shown that will require screening, units shown that are less than 3'6" above the roofline may be painted to match the surrounding building materials.
5. The fencing for the play areas must be ornamental in design and comply with Fire Code requirements for exiting.
6. A shared parking agreement must be provided and recorded on the restaurant / brewery parcel across Winner's Circle Drive specifying the allowance for the use of the restaurant / brewery site for special events at the childcare center in the mornings or early afternoons.

The agreement must also specify the hours that parking of brewery / restaurant employees and customers is permitted on the childcare center site after 6:00 p.m. on weekdays and all day Saturdays / Sundays.

7. Bicycle parking must be provided on the site and meet City Code requirements.
8. Pedestrian connections from the trail along Eagle Creek Boulevard and the sidewalk along the Winner's Circle drive must be provided.
9. Two additional windows are required on the upper-level façade of both the south and north elevations that are generally located above the sport court area.
10. CMU block used for the trash enclosure must be color integral.
11. Landscaping on the site must meet diversity requirements set forth in City Code.
12. The landscape island in the western portion of the parking lot must be at least 9' wide and contain a 2.5" overstory deciduous tree.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the 16th day of August 2022.

Mayor of the City of Shakopee

Attest:

Lori Hensen, City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 2022.

PREPARED BY:
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