

**ORDINANCE O2024-XXX**

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,  
APPROVING PLANNED UNIT DEVELOPMENT (PUD) DISTRICT #14 (EAGLE POINTE  
ESTATES) FOR PROPERTY LOCATED IN THE SOUTHWEST CORNER OF 17<sup>th</sup> AVENUE  
EAST AND MYSTIC LAKE DRIVE, NORTH OF THRUSH STREET**

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**WHEREAS**, Bert Notermann (applicant), on behalf of property owner Shakopee Gravel, Inc. and Michael Hawkins (property owner), has applied for a Planned Unit Development (PUD) for Eagle Pointe Estates; and

**WHEREAS**, the preliminary plat includes approximately 155 single-family residences, 110 attached townhomes, 74 detached townhomes, up to 534 apartment units, approximately 174,000 sq. ft. of commercial/retail/office/medical space, and approximately 23 acres of open space; and

**WHEREAS**, the property is legally described as:

*See attached legal description; and*

**WHEREAS**, notices were duly sent and posted, and a public hearing was held before the Planning Commission on November 7, 2024, 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 be adopted as conditioned in this Ordinance; and

**WHEREAS**, the City Council heard the matter at its meeting on November 19, 2024; and

**NOW, THEREFORE BE IT ORDAINED**, that the City Council of the City of Shakopee, Minnesota 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 current guidance for the property is split north and south. The north half is guided Mixed Use Center, which allows commercial, office and multi-family residential, institutional and parks uses. The south half of the property is guided as Suburban Residential which allows for single-family and multi-family residential uses, open space, daycares, and institutional uses. The proposed PUD will incorporate a mix of residential and commercial uses, which will be consistent with the comprehensive plan once the text related to density in the mixed use center classification is amended.

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

Finding #2: Prior to development of each use, a PUD Amendment will be required to ensure the performance and design standards are met or exceeded. The surrounding land uses include undeveloped land and multi-family/apartment uses to the north, park and open space as well as one

and two-story single-family uses to the south, attached townhomes and Shakopee Mdewakanton Sioux Community property to the east and two-story attached and detached single-family residential to the west

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

Finding #3: Prior to development of each use, a PUD Amendment will be required to ensure the performance and design standards are met or exceeded as it relates to building materials, pedestrian access, parking requirements, impervious surface, screening, landscaping, and emergency services.

***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 site is approximately 140 acres in size with approximately 23 acres (16+%) of park and open space dedicated to the public which includes a large ponding feature with a fountain, scenic pier, trails and a sledding hill. As a former sand and gravel pit, the terrain for the site will require substantial earth work and when completed, will offer the aforementioned park amenities as well as a variety of residential lot sizes and commercial/retail/office/medical uses. The project will provide substantial landscaping and will enhance the natural aesthetics of the site.

***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 master plan illustrates an overall compatibility of land uses to other site elements and the surrounding area. Prior to development of each use, a PUD Amendment will be required to ensure the performance and design standards are met or exceeded.

***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 plan would afford a greater general public benefit than would be realized under the underlying Agriculture Preservation zoning district and/or general zoning provisions due to sand and gravel operation being redeveloped into a mix of attached and detached single-family, multi-family/apartments and commercial/retail/office and medical uses, additional landscaping and on-street public parking stalls as well as approximately 23-acres of open spaces an park uses.

**BE IT FURTHER ORDAINED**, that the property in the attached legal description is hereby approved for Planned Unit Development District #14 (Eagle Pointe Estates) in the Zoning Ordinance subject to the following conditions:

1. Development of all lots shall comply with the Master Plan/Overall Site Plan dated October 30, 2024 and minimum setbacks as noted.
2. All phases of this development will require subsequent PUD Amendments as no building designs or elevations are approved.
3. The submitted Landscape Plan is not approved and must be resubmitted consistent with City Code requirements. The quantity and size of plantings along 17<sup>th</sup> Ave East on the landscape plan must match the submitted landscape plan. Permission from utility companies may be required.

4. The applicant must provide financial security for landscaping and tree replacement (existing tree buffer along west property line is subject to 1:1 replacement by caliper inches) in accordance with City Code requirements.
5. The applicant shall provide park dedication fees consistent with the current City Fee Schedule at the time of Final Plat recording.
6. The combined open space areas must be a minimum of 23.48 acres.
7. Site design and performance standards shall exceed City Code requirements, such as using LP or Hardie Plank siding with brick and glass accents as well as increased landscaping for the single-family and townhouse developments.
8. Submittal and approval of a Preliminary Plat shall occur prior to any site grading activities.
9. Submittal and approval of a Final Plat consistent with this approved PUD plan shall prior to the issuance of any building or sewer/water permits.

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the 19<sup>th</sup> day of November, 2024.

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Mayor of the City of Shakopee

Attest:

\_\_\_\_\_  
Lori Hensen, City Clerk

Published in The New Prague Times on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

## LEGAL DESCRIPTION

The North Half of the Northwest Quarter and the Southwest Quarter of the Northwest Quarter, Section 16, Township 115, Range 22, Scott County, Minnesota, EXCEPT that part platted as Park Meadows First Addition.

And

That part of the Southeast Quarter of the Northeast Quarter of Section 17, Township 115 North, Range 22 West, Scott County, Minnesota, lying northeasterly of the northeasterly right of way line of the abandoned right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad, the centerline of the said right-of-way as shown by survey recorded as Scott County Recorder Document No. 178638.

And

North 10 acres of the Southeast Quarter of the Northwest Quarter, Section 16, Township 115, Range 22, Scott County, Minnesota.

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