CITY OF GRANT, MINNESOTA
RESOLUTION NO. 2008-19

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR WASTE BUSTERS

WHEREAS, Waste Busters ("Applicant") has submitted an application for a Conditional Use Permit for exterior storage uses (Storage - Not Accessory to Permitted Principal Use) at 7688 Jamaca Avenue North in the City of Grant, Minnesota; and

WHEREAS, the property is legally described as follows:

All that part of the Southeast Quarter of the Northeast Quarter of Section 28, Township 30, Range 21 which lies southeasterly of the southeasterly line of MN Dept of Natural Resources Trail (FKA Soo Line RR R/W) & which lies Northerly of the Northerly line of Washington County Highway R/W Plat #19 according to the plat there of on file & of record in office of the County Recorder of Washington County Minnesota this parcel contains 11.17A M/L & is subject to R/W of Jamaca Avenue North & is also subject to pipeline easement record in BK 200 of deeds Page 581 & on file & of record in said office of County Recorder Except 83028-2416 -subject to easement for US West Communications Grant Twp.

WHEREAS, the Planning Commission has considered the Applicant’s request at a duly noticed Public Hearing which took place on October 21, 2008, and has recommended approval to the City Council; and

WHEREAS, the City Council for the City of Grant has considered the Planning Commission’s recommendation at its November 6, 2008, City Council meeting;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANT, WASHINGTON COUNTY, MINNESOTA, that it does hereby approve the request of Waste Busters for a Conditional Use Permit, based upon the following
findings pursuant to Ordinance 1997-77, Section 505.03 which provides that a Conditional Use Permit may be granted “if the applicant has proven to a reasonable degree of certainty” that specific standards are met. The City Council’s Findings relating to the standards are as follows:

- The Storage - Not Accessory to Permitted Principal Use is designated in Section 604 of the Zoning Ordinance as a conditional use in the A-1 district;
- The use is not in conflict with the Comprehensive Plan, because while storage is not a typical agricultural and rural use, it does not reduce the potential for the property or surrounding properties to be used for agriculture or rural lot densities in the future;
- The proposed use is compatible with the existing neighborhood because of the small size and part-time nature of the operation, the 20-year length of existing use, location and screening on the property, and no complaints to the City about the operation;
- The use will not create additional requirements for facilities and services at public cost beyond Grant’s normal low density residential and agricultural uses;
- The use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to people, property, or the general welfare because of production of traffic, noise, smoke, fumes, glare, odors, or any other nuisances;
- The use will not result in the destruction, loss or damage of natural, scenic or historic features of importance;
- The use will not increase flood potential or create additional water runoff onto surrounding properties; and

FURTHER BE IT RESOLVED, that the following conditions of approval of the Conditional Use Permit shall be met:

1. All boxes containing waste or materials must be securely covered while stored on the property and while in transport.
2. Existing berms and vegetation shall be maintained to provide screening. No new berms are allowed without an amendment to this permit.
3. A maximum of 15 storage boxes are permitted.
4. A maximum of two hauling trucks are permitted.
5. Storage of boxes is only permitted in the storage area identified on the site sketch as the Storage Area.
6. No storage of hazardous materials is permitted at the site.
7. All activities occurring under the CUP shall meet the conditions of the City’s Noise Ordinance.

8. Hours of operation are Monday through Friday, 5:00 PM to 9:00 PM, Saturday 7:00 AM to 5:00 PM, and Sunday 9:00 AM to 5:00 PM. Operation includes trucks loading and unloading boxes on the property and transporting boxes to and from the property.

9. A permit from the City is required prior to any burning of stored materials.

10. The CUP shall be subject to annual review by the City for compliance with the conditions set forth in the CUP. The applicant shall comply with City Ordinances that require the applicant to pay a CUP review fee.

11. That all fees and escrow are paid.

Adopted by the Grant City Council this 2nd day of December, 2008.

________________________________________________________
Tom Carr, Mayor

State of Minnesota )
) ss.
County of Washington )

I, the undersigned, being the duly qualified and appointed Clerk of the City of Grant, Minnesota do hereby certify that I have carefully compared the foregoing resolution adopted at a meeting of the Grant City Council on June 3, 2008 with the original thereof on file in my office and the same is a full, true and complete transcript thereof.

Witness my hand as such City Clerk and the corporate seal of the City of Grant, Washington County, Minnesota this ___ day of ____________, 2008.

________________________________________________________
Kim Points
Clerk
City of Grant
PLANNING COMMISSION RESOLUTION NO. 2011-

RESOLUTION APPROVING MULTIPLE VARIANCES AND AN EXPANSION PERMIT
FOR IMPROVEMENTS AT 12600 LAKE STREET EXTENSION

BE IT RESOLVED by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

1.01 Jeff Louwagie has requested floodplain setback and wetland setback variances from the city code for a three-season porch and deck addition; and a front yard setback variance and an expansion permit for a front entry addition, front entry stoop and front window improvements at 12600 Lake Street Extension. (Project 10026.11a).

1.02 The property is legally described as follows:

To be provided by applicant

1.03 City Code Section 300.10.5 requires a minimum 30-foot setback from the front property line for entry stoops and other similar architectural features in the R-1 Single Family Residential district.

1.04 The applicant is proposing a front yard setback of 22 feet for a front stoop addition. This requires a variance of 8 feet.

1.05 City Code Section 300.24.9 requires new principal structures, attached garages, or additions to existing structures must be set back a minimum of 20 feet upland from the edge of the floodplain district.

1.06 The applicant is proposing floodplain setback of 12 feet for a 3-season porch. This requires a variance of 8 feet.
1.07 City Code Section 300.23.8 requires all structures, except those permitted within the wetland overlay districts, must be setback at least 35 feet from a wetland overlay district.

1.08 The applicant is proposing a setback of 14 feet from the delineated wetland for a 3-season porch. This requires a variance of 21 feet.

1.09 City Code Section 300.23.8 requires all structures, except those permitted within the wetland overlay districts, must be setback at least 35 feet from a wetland overlay district. However, uncovered decks may extend up to 10 feet into the required setbacks.

1.10 The applicant is proposing a setback of 14 feet from the delineated wetland for a deck. This requires a variance of 11 feet.

1.11 City Code Section 300.10.5 requires a minimum 35-foot setback from the front property line for structures in the R-1 Single Family Residential district.

1.12 The applicant is requesting an expansion permit for a front entry stoop and a gable roof addition over an existing window on the front façade of the house that would maintain the 27-foot legal non-conforming setback of the existing house.

1.13 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

1.14 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.

1.15 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.

1.16 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.

Section 2. STANDARDS

2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance.
2.02 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:

1) The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.

2) The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowners convenience, and are not solely because of economic considerations; and

3) The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. FINDINGS

3.01 There are practical difficulties in complying with the ordinance:

a. REASONABLENESS:

- Many of the homes in this area have non-conforming front yard setbacks.

- A front porch is a reasonable use of property. It provides a covering from weather elements and adds aesthetic improvements to the front building elevation.

- It is not uncommon for a property owner adjacent to a body of water to want to build an outdoor space in order to enjoy the view. This is common in the residential areas throughout the city and the proposed porch and deck would maintain the character of both the surrounding neighborhood and the city.
b. UNIQUE CIRCUMSTANCE:

- The existing house was built in 1959 and has a legal, non-conforming front yard setback which is unique to this property. Any addition to the front of the house would require a variance.

- The rear of the house almost totally consists of wetland and floodplain, which likely pushed the location of the existing house closer toward the front of the property.

- The wetland pond and associated floodplain comprise much of the rear yard, leaving little buildable area on the property. This is unique to this property.

- The existing house was built in 1959 and has non-conforming setbacks from the floodplain. Thus, any addition to the rear of the home would require wetland and floodplain setback variances. This is also unique to this property.

c. CHARACTER OF LOCALITY:

- Many of the homes in this area have non-conforming front yard setbacks.

- It is not uncommon for a property owner adjacent to a body of water to want to build an outdoor space in order to enjoy the view. This is common in the residential areas throughout the city and the proposed porch and deck maintain the character of both the surrounding neighborhood and the city.

3.02 The proposal is in harmony with the general purposes and intent of the zoning ordinance.

- A front entry, porch, and deck on a residential property are consistent with the residential character of a low density area. Furthermore, the proposed porch and deck would not impede the functions of the adjacent floodplain and wetland on the property nor increase the flooding potential of adjacent livable areas.

- The zoning ordinance recognizes the use of covered porches by providing a reduced front yard setback. However, due to the
3.03 The proposed variance is consistent with the comprehensive plan. The proposed front entry, porch and deck would not negatively impact the surrounding, existing residential neighborhood. Rather, they would be consistent with the surrounding homes and similar homes that abut bodies of water throughout the city.

3.04 The application for the expansion permit is reasonable and would meet the required standards of the ordinance, because:

a. REASONABLE EXPANSION: The proposed front entry addition and front window improvements are reasonable improvements to a single-family residential home.

b. CIRCUMSTANCE UNIQUE TO THE PROPERTY: The existing house was built in 1959 and has a legal, non-conforming front yard setback which is unique to this property. Any addition to the front of the house would require an expansion permit and/or variance. These circumstances are unique to this property and were not created by the property owner.

c. NEIGHBORHOOD CHARACTER: The proposed additions are consistent with the character of the surrounding single-family residential neighborhood.

Section 4. PLANNING COMMISSION ACTION.

4.01 The Planning Commission approves the above-described variances and expansion permit, subject to the above findings. Approval is subject to the following conditions:

a. A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.

b. Submit a conservation easement for staff review and approval over the existing and newly created wetland buffer areas and a drawing of the easement area. The buffer must be 6 to 8 feet wide as measured from the delineated wetland edge or from the approximate wetland boundary, subject to city staff review.

c. No site work can take place until the city has formally approved the wetland delineation.
d. Submit an updated survey showing the delineated wetland edge as approved by the city and all proposed additions, including property setbacks from the delineated wetland edge.

e. Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.

f. These variances and expansion permit will end on December 31, 2012, unless the city has issued a building permit for the project covered by the variances and expansion permit or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on , 2011.

John Cheleen, Chairperson

ATTEST:

______________________________
Kathy Leervig, Deputy City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on , 2011.
CITY OF BURNSVILLE

DAKOTA COUNTY, MINNESOTA

IN RE:
Application of J.L. Wageman Homes, Inc.
For a variance at 1232 Bluebill Bay Road

FINDINGS OF FACT
AND DECISION

FINDINGS OF FACT

On September 18 and October 1, 2001, the Burnsville City Council met at its regularly scheduled meetings to consider the above application of J.L. Wageman Homes, Inc. for a setback variance for Lot 10, Block 1, Lyndale Beach 2nd Addition (the "subject property").

The Applicant was present and the City Council heard testimony from all interested persons wishing to speak at the meeting and now makes the following Findings of Fact and Decision.

1. The subject property is zoned R-1, Single Family Residential.

2. The subject property is also within a Shoreland Overlay Zoning District.

3. The Applicant has applied for a 37 foot shoreland setback variance. The zoning ordinance requires a 75 foot setback from the ordinary high water mark ("OHW") and the Applicant wants to reduce the required setback to 38 feet.


5. Loren R. Wuttke acquired the subject property in 1968. Mr. Wuttke is currently the record owner of the subject property as evidence by Torrens Title Certificate No. 29205.

6. Loren R. Wuttke also acquired Lot 1, Block 1, Wuttke Lakeshore Estates ("Lot 1") in 1968. Mr. Wuttke is currently the record owner of Lot 1 as evidenced by Torrens Title Certificate No. 49063.

7. Mr. Wuttke has provided the City a quit claim deed, quit claiming Lot 1 to the "Travis R. Wuttke Education Fund." The deed is dated October 20, 1987. The deed is not notarized, was never filed with the office of the Dakota County Registrar of Titles,
and is not memorialized on the title to the property. Travis R. Wuttke is Loren Wuttke’s son. There is no evidence that the "Travis R. Wuttke Education Fund" existed in 1968 or has ever existed.

8. On May 14, 2001, Loren Wuttke and his wife, Norma Wuttke created the "Travis Reed Wuttke Trust." On May 15, 2001, Loren R. Wuttke and Norma Wuttke quit claimed Lot 1 to "Paul John Radde, as Trustee of the Travis Reed Wuttke Trust." The deed has not been memorialized on the title certificate for the property.

9. Section 10-8-10(D)(1) of the City Code provides:

Construction on Nonconforming Lots of Record:

a. Lots of record in the office of the County Recorder on the date of enactment of this Ordinance that do not meet the requirements of subsection 10-8-10(C)(1) of this Section may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this Chapter are met.

b. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the City Council shall consider sewage treatment and water supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.

c. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of subsection 10-8-10(C) of this Section, the lot must not be considered as a separate parcel of land for the purpose of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of subsection 10-8-10(C)(1) of this Section as much as possible.

10. The subject property and Lot 1 abut. Both lots are substandard in area. The subject property is 13,549 square feet. Lot 1 is 9,307 square feet. The minimum lot size under the Shoreland Zoning Ordinance is 20,000 square feet. The lots have not been in separate ownership at all times since they became substandard in size. The current zoning ordinance requirements set forth in subsection 10-8-10 of the City Code cited above were adopted in 1994. Similar ordinance provisions have been in place since 1984. The requirements are mandated by state law, Minn. Stat. 103 F. 201, et. seq., and regulations, Minn. Rules 6120.3300. Since 1984 the minimum lot size requirement has been 20,000 square feet.
11. The 1987 quit claim deed for Lot 1 from Loren R. Wuttke and Norma Wuttke to the "Travis R. Wuttke Education Fund" did not create a conveyance of the registered property. Minn. Stat. § 508.47, subd. 1 provides in part, "the act of registration shall be the operative act to convey or affect the land." The 1987 deed was never registered. The 1987 deed was never delivered to the "Travis R. Wuttke Education Fund" since it did not exist. On May 15, 2001, Loren R. Wuttke and Norma Wuttke conveyed the property to "Paul John Radde, as Trustee of the Travis Reed Wuttke Trust." The trust was created on May 14, 2001.

12. In March 1997, Loren Wuttke informed real estate agent, Connie Tupin, that he owned both lots.

13. In 2000 a setback variance was also requested for the property which is the subject of the current application. A variance from the requirement that the lot be combined with Lot 1 was also requested. No mention was made of the 1987 deed. The application was subsequently withdrawn.

14. In May 2001 Loren Wuttke called Councilmember Deb Moran and informed her that he owned both lots. He further informed her that he could deed one lot to his son.

15. If the subject property and Lot 1 were combined they would satisfy the 20,000 square foot minimum lot size requirement.

16. The 1987 deed did not separate the ownership of the two abutting lots. Even if it did separate the ownership, it would constitute a self-created hardship.

17. The purpose of the 20,000 square foot minimum lot size provision is to protect water quality by reducing impervious surface and the resulting runoff of pollutants into the lake, provide less intense use along the lakeshore to prevent overcrowding or excessive density, and to create open space.

18. The Applicant has failed to demonstrate the variance will be in keeping with the spirit and intent of the ordinance.

19. The subject property combined with the abutting lot provides a reasonable use of the property as a building site.

20. The Minnesota Department of Natural Resources has advised the City that the swale between the two lots may be filled and relocated. This would provide flexibility in the use of the property. The City would also vacate the easement between the two lots.

21. The Applicant seeks a setback variance which, if granted, would be for a lot that is not buildable without combining it with the adjoining lot.
22. The City has not been provided a site plan for the two lots consolidated as a single building site. The City is therefore unable to determine the need for or the propriety of a setback variance for the combined lots.

23. Loren R. Wuttke and Norma Wuttke conveyed Lots 2 and 3, Block 1, Wuttke Lakeshore Estates to Charles Wilson and Cheryl Wilson. Pursuant to a Decree of Divorce the two lots were divided with one lot being granted to Charles Wilson and one lot to Cheryl Wilson. A building permit and setback variance were issued for Lot 3 in 1999. The division of the property into separate ownership was the result of a court decree. When the City approved the variance for Lot 3 it was not aware that the lots had previously been in common ownership during the pertinent time period.

**DECISION**

Applicant's request for a setback variance is denied.

ADOPTED this 1st day of October, 2001

CITY OF BURNSVILLE

BY:

______________________________  Elizabeth B. Kautz, Mayor

ATTEST:

______________________________  Susan P. Olesen, City Clerk
RESOLUTION NO. 5988

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA APPROVING THE A REQUEST FOR CONDITIONAL USE PERMIT (CUP) TO ALLOW BUSINESS PARK AND RESIDENTIAL USES, AS WELL AS TRAILS IN THE SHORELAND OVERLAY ZONE

WHEREAS, Ryan Companies U.S., Inc., applicant and Valley Green Business Park, property owner, has made application for conditional use permit approval under City Code Sec. 11.54 to allow business park, residential, and trail uses in the Shoreland Overlay Zone; and

WHEREAS, the subject property is legally described as found on Exhibit A; and

WHEREAS, the Shakopee Planning Commission conducted a public hearing on the proposed CUPs on November 6 and November 20, 2003; and

WHEREAS, all required public notices regarding the public hearing were posted and sent; and

WHEREAS, the Shakopee Planning Commission has recommended approval of the proposed CUPs subject to the conditions listed below; and

WHEREAS, the City Council reviewed the requested CUPs at its special meeting of December 9, 2003; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, that it adopts the following findings of fact related to the requested CUPs;

Criteria #1 The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity;

Finding #1 The proposed business park uses would be located and accessed in such fashion that they will not be injurious to the use and enjoyment of other properties in the immediate facility. The business park uses will have a positive effect long term on the fiscal stability of the community. In addition, the future construction of business park uses will have a positive effect, in that they will serve to mitigate noise generated by vehicles on STH 169 that currently reaches properties to the south.

Finding #2 The proposed residential use will not be injurious to the use and enjoyment of properties in the area. The residential use will result in less traffic
generation from the subject site than would be the case if the site were
developed for exclusively business park and commercial uses. Moreover, the
proposed residential use will provide a life-cycle mix of housing types of
substantial individual and combined value.

Finding #3 The proposed trail is a significant piece of trail and park system for this area
proposed in the Dean Lake Park and Trail Master Plan. As such, it will add
an amenity available to the public generally, including residents of
properties in the immediate vicinity, and in turn enhance the value of such
properties.

Criteria #2 The establishment of the conditional use will not impede the normal and
orderly development and improvement of surrounding vacant property
for uses allowed in the area;

Finding #4 The subject site is bounded on the north by STH 169; on the west by CSAH
83; on the south by CSAH 16; and on the east by Dean Lake. Thus there are
no immediately adjacent vacant properties. The accesses planned for the
subject site will be consistent with MNDOT and Scott County access
guidelines, and thus consistent with orderly development of vacant
properties in the vicinity.

Criteria #3 Adequate utilities, access roads, drainage, and other necessary facilities
have been or will be provided;

Finding #5 Adequate access roads exist to serve the subject site. Local roadways,
sanitary sewer, water, and drainage, as well as any other necessary facilities
will be constructed as a part of the project.

Criteria #4 The use is consistent with the purposes of the zone in which the
applicant intends to locate the proposed use; and

Finding #6 The proposed business park, residential, and trail uses are consistent with
the purposes of the Business Park (BP) and Medium-Density Residential (R-
2) Zones, with the conditions set forth below.

Criteria #5 The use is not in conflict with the Comprehensive Plan.

Finding #7 This use is not in conflict with the Comprehensive Plan. The Comprehensive
Plan designates this site commercial, business park, and residential PUD
uses.

BE IT FURTHER RESOLVED that the requested conditional use permits are hereby
granted subject to the following conditions:

a. That the business park uses, residential uses, and trails within the shoreland
overlay zone shall be constructed and maintained in accordance with the terms of
PUD approval (City of Shakopee Resolution No. 5986) and preliminary plat approval (City of Shakopee Resolution No. 5987)

b. Because the City has an adopted Storm water Management Plan, business park uses in the shoreland overlay zone shall be allowed up to 75% impervious surface coverage.

c. The maximum allowable building height for both residential and business park buildings in the shoreland overlay zone shall not exceed 35 feet. In determining building height, the zoning ordinance provisions in place at the time of issuance of building permits shall control.

d. The shoreland buffer zone shall provide 75% opacity in summer, leaf-on conditions for business park uses within 5 years of restoration in the buffer zone.

e. Trails, as depicted on the plans identified in connection with the PUD, shall be allowed within the Shore Impact Zone.

Adopted in ________ session of the City Council of the City of Shakopee, Minnesota,

held this ___ day of ________________, 2003.

Mayor of the City of Shakopee

ATTEST:

City Clerk
RESOLUTION NO. 5891

A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA DENYING THE PRELIMINARY PLAT OF EAGLE CREEK PONDS

WHEREAS, Noecker Development L.L.C. has made application for preliminary plat approval of Eagle Creek Ponds on property located at 7301 Eagle Creek Boulevard; and

WHEREAS, the Shakopee Planning Commission conducted a public hearing on the preliminary plat on April 17, 2003; and

WHEREAS, all required public notices regarding the public hearing were posted and sent; and

WHEREAS, the Shakopee Planning Commission has recommended denial of the requested preliminary plat based on the findings below; and

WHEREAS, the City Council reviewed the preliminary plat request at its meeting of June 3, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, that it adopts the following findings of fact relative to the requested preliminary plat approval:

Finding A: The proposed street layout does not reflect good planning and development for the City in the following regards;

- The proposed plat provides only one access into and out of the site, and does not take account of future limitations that may be placed on that access with future improvement and expansion of CSAH 16. The proposed access will not serve prospective residents well, either from the perspective of their access, public safety access, or buffering of lots along CSAH 16 from the noise of future increased traffic.
- Because the preliminary plat as revised does not show the future development pattern for the northern part of the site, the City Council is unable to evaluate that portion of the site.

Finding B: The proposed plat is subject to the requirements of the Woodland Management Ordinance. The applicant has submitted a tree inventory, but it is not clear that the applicant has a plan in place that meets the requirements of that ordinance for tree replacement/woodland management.
Finding C: The proposed plat (as revised) does not facilitate the use and future development of adjoining lands. Specifically, it does not propose an immediate roadway connection to these lands, and chooses to leave the construction of the extension of Pike Lake Trail (which is critical to access for both this and adjoining properties) to the City at some future date.

Finding D: In order to serve the subject site with properly looped water and sanitary sewer service these services will have to cross properties owned by others. The applicant has not demonstrated that these can and will be obtained. If he is unable to obtain easements for those purposes, the subdivision cannot be economically served with those utilities.

As proposed by the applicant, the subdivision has only one access, that being from CSAH 16/Eagle Creek Boulevard. While it is presently allowable as a full intersection, the expansion of CSAH 16 to a 4-lane facility in the future will limit the proposed access to a right-in/right-out condition. The applicant depends on the construction of Pike Lake Trail by the City and the development of the adjacent properties to gain a second access. In the short term, at least, the proposed access does not provide good or economical access for public safety services (police and fire).

Finding E: The information submitted to date by the applicant does not demonstrate that the requirements of the City's Shoreland Ordinance are met for those lots that are within the Shoreland Overlay Zone for the Prior Lake Outlet Channel. The applicant has failed to submit all of the information for plat approval required under City Code Sec. 12.21, Submittal Requirements for Preliminary Plats.

Finding F: As submitted, the land use represented by the proposed plat of the southern portion of the subject site is consistent with the City's adopted 1999 Comprehensive Plan.
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, that Noecker L.L.C.‘s request for preliminary plat approval of Eagle Creek Ponds is hereby denied:

Adopted in _______ session of the City Council of the City of Shakopee, Minnesota,

held this ___ day of ________________, 2003.

__________________________
Mayor of the City of Shakopee

ATTEST:

__________________________
City Clerk