

Community Development Committee

Meeting date: September 17, 2018

For the Metropolitan Council meeting of September 26, 2018

Subject: City of Shakopee Amendments: Windermere (Review File No. 20434-16), The Willows (Review File No. 20434-15), and BHS (Review File No. 20434-10) Comprehensive Plan Amendments

District(s), Member(s): District 4, Deb Barber

Policy/Legal Reference: Metropolitan Land Planning Act (Minn. Stat. § 473.175)

Staff Prepared/Presented: Angela R. Torres, AICP, Planning Analyst, Local Planning Assistance (651-602-1566)

Division/Department: Community Development/Regional Planning

Proposed Action

That the Metropolitan Council:

1. Adopt the attached Review Record and allow the City of Shakopee to place the Windermere, The Willows, and BHS Comprehensive Plan Amendments (amendments) into effect.
2. Find that the proposed amendments do change the City's forecasts. The City will address all forecast adjustments, including both community-wide and TAZ forecasts, through the City's 2040 Comprehensive Plan.
3. Advise the City to implement the advisory comments in the Review Record for Transportation, Forecasts, Housing, and Stormwater.

Background

The Metropolitan Council reviewed the City of Shakopee 2030 Comprehensive Plan Update (Update), ([Business Item No. 2009-123](#), Review File No. 20434-1) on June 24, 2009. These are the 15th, 14th, and ninth comprehensive plan amendments, respectively, since the Update was reviewed.

Council staff received three related amendments from the City of Shakopee; Windermere (Review File No. 20434-16), The Willows (Review File 20434-15), and BHS (Review File 20434-10). Council staff is reviewing these amendments together because of the geographic relationship of the amendments and the interrelated nature of the submittal materials.

These three amendments include an approximate 78-acre area located south of Highway 169 and west of Marystown Road (extending 17th Avenue). The Willows and Benedictine Health System (BHS) projects are both geographically located within the larger Windermere amendment area (see Figure 1). The Windermere amendment proposes regarding land use to increase Commercial, High Density Residential (HDR), and Single Family Residential (SFR) land uses as well as reducing Medium Density Residential (MDR) land use. The Willows amendment, an affordable housing development on 3.25 acres, proposes a land use change from MDR to HDR. The BHS amendment, a proposed senior living development on 12 acres, requests a land use change from SFR to HDR.

Rationale

The proposed amendments conform to regional system plans, are consistent with Council policies, and are compatible with the plans of other local communities and school districts.

Thrive Lens Analysis

The proposed amendments are reviewed against the land use policies in *Thrive MSP 2040* (Thrive). To achieve the outcomes identified in Thrive, the metropolitan development guide defines the Land Use Policy for the region and includes strategies for local governments and the Council to implement. These policies and strategies are interrelated and, taken together, serve to achieve the outcomes identified in *Thrive*.

Funding

None.

Known Support / Opposition

None known.

Review Record

City of Shakopee Windermere, The Willows, and BHS Comprehensive Plan Amendments

Review File No. 20434-16, 20434-15, and 20434-10, Council Business Item No. 2018-250

BACKGROUND

The City of Shakopee (City) is located in northern Scott County, bordered by the cities of Eden Prairie, Bloomington, Savage, Prior Lake, Spring Lake Township, Sand Creek Township, Louisville Township, Jackson Township, and Chanhassen.

Consistent with the policies adopted by the Council in June 2014 ([Business Item 2014-143](#)) regarding review of local comprehensive plans, this amendment is being reviewed under *Thrive MSP 2040* and its policy plans. The proposed Windermere amendment was found complete for review in a letter dated August 28, 2018. The Willows was found complete for review on August 27, 2018, and BHS was found complete for review on August 22, 2018.

Thrive MSP 2040 (Thrive) designates Shakopee with an “Suburban Edge” community designation. According to the Council’s forecasts, the City should plan on growing from 36,946 in 2010 to 53,100 population in 2040 and from 12,722 to 18,800 households. The Council also forecasts that, between 2010 and 2040, the City’s employment will increase from 18,831 to 31,900 jobs.

The Metropolitan Council reviewed the City of Shakopee 2030 Comprehensive Plan Update ([Business Item 2009-123](#), Review File No. 20434-1) on June 24, 2009. These are the 15th, 14th, and ninth comprehensive plan amendments since the Update was reviewed.

REQUEST SUMMARY

Council staff received three related amendments from the City of Shakopee; Windermere (Review File No. 20434-16), The Willows (Review File 20434-15), and BHS (Review File 20434-10). Council staff is reviewing these amendments together because of the geographic relationship of the amendments and the interrelated nature of the submittal materials.

These three amendments include an approximate 78-acre area located south of Highway 169 and west of Marystown Road (extending 17th Avenue). The Willows and Benedictine Health System (BHS) projects are both geographically located within the larger Windermere amendment area (see Figure 1). The Windermere amendment proposes regarding land use to increase Commercial, High Density Residential (HDR), and Single Family Residential (SFR) land uses as well as reducing Medium Density Residential (MDR) land use. The Willows amendment, an affordable housing development on 3.25 acres, proposes a land use change from MDR to HDR. The BHS amendment, a proposed senior living development on 12 acres, requests a land use change from SFR to HDR.

The proposed amendment site was the subject of The Bluffs at Marystown Environmental Assessment Worksheet (EAW), prepared in 2006 (Review File No. 19745-1). The Council found that the EAW conformed to regional system plans and was consistent with regional policy. As part of the materials submitted with these amendments, the City provided updates to the EAW to reflect the land use changes proposed with these amendments, including an updated Traffic Impact Study.

OVERVIEW

Conformance with Regional Systems	The amendments conform to the Regional System Plans for Parks, Transportation (including Aviation), and Wastewater, with no substantial impact on, or departure from, these plans.
Consistency with Council Policies	The amendments are consistent with <i>Thrive MSP 2040</i> , the <i>2040 Housing Policy Plan</i> , water resources management, and the Council's forecasts.
Compatibility with Plans of Adjacent Jurisdictions	The amendments will not have an impact on adjacent communities, school districts, or watershed districts, and are compatible with the plans of those districts.

PREVIOUS COUNCIL ACTIONS

- The Council acted on the City's Update on June 24, 2009 (Review File No. 20434-1).
- The Liberty Properties amendment was administratively approved by the Council on November 30, 2010 (Review File No. 20434-2). This amendment reguided 25 acres from Commercial to Industrial use.
- The Valley Park 17th Addition amendment was administratively approved by the Council on November 13, 2012 (Review File No. 20434-3). This amendment reguided 11 acres from Business Park to Commercial use.
- The Recovery Technology Solutions amendment was administratively approved by the Council on July 22, 2013 (Review File No. 20434-4). This amendment reguided 19.65 acres from Commercial to Industrial use.
- The Checkered Flag Properties amendment was administratively approved by the Council on August 11, 2014 (Review File No. 20434-5). This amendment reguided 5 acres from Commercial to Industrial use.
- The Hy-Vee amendment was administratively approved by the Council on September 14, 2016 (Review File No. 20434-6). This amendment reguided 23.89 acres from Medium Density Residential (MDR) to Commercial and High Density Residential (HDR) to support a mixed-use development with grocery store, liquor store, convenience store, and medical office building as well as a 100-unit residential development on 7.89 acres. Allowable density ranges were amended for MDR (5.01-8 units per acre (u/a) to 5.01-12 u/a) and HDR (8.01-12 to 14-28 u/a).
- July 19, 2017: The Council provided comments on the Canterbury Commons Environmental Assessment Worksheet (EAW) (Review File No. 21751-1).
- The United Properties Canterbury amendment was administratively approved by the Council on April 30, 2018 (Review File No. 20434-7). This amendment reguided 24 acres from Entertainment District to Industrial use.
- The Entertainment District amendment (Review File No. 20434-8, [Business Item No. 2018-126 SW](#)) was approved by the Council on May 23, 2018.
- Friendship Church Annexation amendment was administratively approved by the Council on August 23, 2018 (Review File No. 20434-11). This amendment assigned a Single Family Residential land use designation to recently annexed property.
- West Shakopee Gateway amendment (Review File No. 20434-12) was administratively approved by the Council on June 4, 2018. The amendment incorporated newly annexed property into the City's comprehensive plan for a contiguous commercial area.

- Powers Lot amendment (Review File No. 20434-13) was administratively approved by the Council on July 9, 2018. The amendment assigned a Commercial land use to recently annex property.
- Countryside 2nd Addition amendment (Review File No. 20434-14) was administratively approved by the Council on July 31, 2018. The amendment incorporated newly annexed property into the City's comprehensive plan, assigned a Single Family Residential land use designation, and extended the Metropolitan Urban Service Area (MUSA) boundary for a proposed 31-unit single family residential development.

ISSUES

- I. Do the amendments conform to the regional system plans?
- II. Are the amendments consistent with *Thrive MSP 2040* and other Council policies?
- III. Do the amendments change the City's forecasts?
- IV. Are the amendments compatible with the plans of adjacent local governmental units and affected jurisdictions?

ISSUES ANALYSIS AND FINDINGS

Conformance with Regional Systems

The amendments conform to the regional system plan for regional parks, transportation, and wastewater, with no substantial impact on, or departure from, these system plans. Additional review and advisory comments are included below.

Regional Parks

Reviewer: Angela R. Torres (651-602-1566)

The amendments conform to the *2040 Regional Parks Policy Plan*. The amendment sites are located approximately one mile west of the Scott County West Regional Trail. No other regional parks or regional trail facilities are located within 0.5 miles of the amendment sites. The changes in land use guiding are not anticipated to impact existing or planned Regional Parks or Trails.

Transportation

Reviewer: Russ Owen (651-602-1724), Steve Mahowald (612-349-7775)

The proposed amendments conform to the *2040 Transportation Policy Plan (TPP)* and are not anticipated to have an impact on the existing transportation network. The City had a consultant update the Traffic Impact Study (TIS) from 2006 and 2014. The updated TIS included analysis for the area around The Bluffs at Marystown, including the three amendment areas. The purpose of the study was to determine the traffic impacts on the adjacent roadway system related to the development of these sites. The main issues the TIS evaluated were the impacts to the local road system and connections to Trunk Highway 169, which is the principal arterial in the area. Scott County submitted a controlled access request for TH 169/TH 41 which was approved on August 22, 2018. This improvement was added to the assumptions of the TIS. The analysis of the study shows that under existing conditions, all of the key intersections currently operate at a Level of Service (LOS) A. Future build conditions may warrant geometric improvements or changes in traffic control, but these improvements are not expected to involve the Principal Arterial system.

Advisory Comments

One of the conclusions in the TIS stated that 130th Street may be designated as a Principal Arterial, which would restrict direct access to adjacent land uses in the future. Council staff advise that any functional classification change to a Principal Arterial must go through the Transportation Advisory

Board (TAB) / Technical Advisory Committee (TAC) process and be approved by the Metropolitan Council. Reference, Appendix D of the TPP for spacing guidelines in relation to Principal Arterials.

Council staff advise that there is no transit service within a ¼ mile of the project areas. Extending transit service to the amendment areas would likely have downsides in terms of costs. Designing a circular pedestrian system within the confines of the BHS campus would allow seniors seeking a more active lifestyle the ability to walk outside.

Since the project locations do not provide reasonable accommodations to transit and pedestrian access, the developers, along with the City, should plan for and provide sidewalks/pedestrian accommodations. These improvements should include accommodations from the project location to Minnesota Valley Transit Authority's (MVTA) service approximately 0.65 miles to the north at the intersection of Vierling & Adams. Also, sidewalks/pedestrian access should be extended approximately 1.5 miles to the east at the Marschall Road Transit Station where Routes 490, 493, 495, 497 and 499 provide service. Routes 490, 493, 495 and 497 include express service to downtown Minneapolis, service to Burnsville, and the Mall of America as well as various locations in Shakopee.

The Council is unaware if the City/developer already have an agreement with MVTA, but the City/developer should not anticipate service extension to the project location, given that extensions require additional resources that are not available at this time.

MVTA suggested the following improvements for the project areas:

- Provide sidewalks on both sides of Windermere, 17th Avenue, and Marystown Road.
- Provide crosswalks at 17th Avenue and Marystown Road, and Windermere and 17th Avenue.
- Consider a bus turnaround off of Windermere so the circulators can enter the BHS campus.
- Consider mobility up to and including, but not limited to, a shelter for a circulator stop, transportation network companies (TNC), bikeshare, Smartlink, etc.

Wastewater

Reviewer: Roger Janzig (651-602-1119)

The proposed amendments conform to the *2040 Water Resources Policy Plan*. Sanitary sewer for the three (3) projects will be connected to Shakopee's local system. The wastewater will be conveyed through Metropolitan Council Interceptor 9206-2 and treated at the Blue Lake Wastewater Treatment Plant. The Regional System has sufficient reserve capacity to accommodate the wastewater flow generated by the proposed projects.

Consistency with Council Policy

The amendment is consistent with Council policies for forecasts, land use, housing, stormwater, and water supply. Additional review comments regarding consistency with land use, housing, and stormwater policies are detailed below.

Forecasts

Reviewer: Todd Graham (651-602-1322)

The City acknowledges that this and other current or planned developments affect the community-wide forecast for Shakopee. City and Council staff have agreed that the forecast change will not be acted on with these amendments. Rather, the upcoming 2040 Comprehensive Plan will include upward revisions to households and population forecasts.

Council staff find that each of the three amendments adds housing capacity beyond what was assumed in the previously prepared Council forecast. The amendments discuss single family residential

subdivisions, a townhome development, an affordable housing apartment building, and a proposed senior housing and facilities complex development.

Advisory Comments

These developments, in combination with other known developments, will attract population and households exceeding the forecast for the immediate area, and exceeding the community-wide forecast. In addition to the community-wide forecast, Council staff advise adjustment to forecast allocations for Transportation Analysis Zones (TAZs) to reflect the change in expected development with this and other amendments. The City can update the TAZ forecast through correspondence with Council staff with submission of the 2040 Comprehensive Plan.

Land Use

Reviewer: Angela R. Torres, AICP (651-602-1566)

The proposed amendments are consistent with the land use policies in *Thrive MSP 2040 (Thrive)*, which designates the City as a Suburban Edge community. *Thrive* directs Suburban Edge communities to support forecasted housing growth at an average minimum density of 3 to 5 units per acre, and to target higher-intensity developments in areas with better access to sewer and transportation infrastructure, connections to local commercial activity centers, transit facilities, and recreational amenities.

The purpose of the proposed amendments is to allow for commercial development and single family residential development with several areas reserved for future development, Windermere (Figure 3); the development of an affordable housing project, The Willows (Figure 4); and a senior housing and facilities complex, Benedictine Health System – BHS (Figure 5).

The amendments collectively propose regarding multiple land uses within a 78-acre development area. Land use changes within Windermere (including The Willows and BHS developments) contain increases in Commercial, High Density Residential (HDR), and Single Family Residential (SFR), with overall reductions in Medium Density Residential (MDR) (see Figure 3):

Table 1: Proposed Land Use Changes by Amendment

	Acres	Before Amendment	With Amendment
Windermere	60+ (excluding other developments)	SFR MDR	SFR MDR Commercial
The Willows	3.25	MDR	HDR
BHS	12	SFR	HDR

The gross acreage changes identified by the City in their application materials are shown in Table 2.

Table 2: City of Shakopee Proposed Area Change by Land Use

	Pre-Amendment	Post-Amendment	Total Proposed Change
Commercial	13.3	16.8	3.5
High Density Residential (HDR)	0	18.8	18.8
Medium Density Residential (MDR)	28.9	5.7	-23.2
Single Family Residential (SFR)	35.9	36.8	0.9
Total Area (in acres)	78.1	78.1	

The Willows proposes a 60-unit high density affordable housing development on 3.25 units per net acre. The proposed project density is 18.46 units per net acre. The BHS development proposes a senior living facility including in its concept plan 145 independent living, 40 brownstones, 68 assisted living and 24 memory care units (277 total units). The proposed project density is 23.08 units per net acre. City staff reports for the Windermere development indicate 197 residential units, seven commercial lots for future development, and one lot for future multifamily development. Based on information available, Council staff GIS analysis results in an approximate density of 3.5 units per gross acre for the Windermere amendment area. Density calculations for the proposed amendments are consistent with the City's Community Designation, Suburban Edge, which requires a minimum of 3-5 units per acre for new development.

The City's Update, with previous amendments, has a planned minimum residential density of 3.28 units per acre. Consistent with the Council's [Metropolitan Urban Service Area \(MUSA\) Implementation Guidelines](#), communities participating in the Plat Monitoring Program (PMP) receive credit for development platted beginning in the year 2000. Since 2000, the City has averaged 3.63 units per acre in the PMP. Prior to these proposed amendments, the City's overall density is 3.39 units per acre. As shown in Table 3 below, the City has a combined overall minimum residential density of 3.43 units per acre with these amendments. The proposed changes are consistent with Council policies and has minimal impact on the City's overall planned residential density, which remains above 3 units per acre (changes are underlined in Table 3 below).

Table 3: City of Shakopee Planned Residential Density

Category	2008-2030 Change				
	Density Range		Net Acres	Min Units	Max Units
	Min	Max			
Single Family Residential	3	5	<u>2,491</u>	<u>7,472</u>	<u>12,453</u>
Medium Density Residential	5.01	12	<u>187</u>	<u>938</u>	<u>1,498</u>
High Density Residential	14	28	<u>39</u>	<u>549</u>	<u>1,098</u>
Entertainment District (10%)*	5.01	28	70	351	1,960
Mixed Use - Residential	3	5	40	120	200
Subtotals			2,827	9,430	17,958
Planned Density				3.34	6.35
Plat Monitoring Program 2000-2016			1,372	4,980	3.63
TOTALS			4,199	14,410	17,962
Overall Density				3.43	4.28

* Net acres reflects 10% of the 700 total acres in the Entertainment District, which allows up to 10% of the area to be used for residential purposes.

The proposed changes in land use to accommodate a high density affordable housing development, a high density senior living facility, and a single family residential development while planning for future development with a mix of housing densities within walking distance to nearby local commercial uses is consistent with land use policy for Suburban Edge communities. Shakopee also provides unique community access to recreational destinations, consistent with its Community Designation.

Housing

Reviewer: Hilary Lovelace (651-602-1674)

The proposed comprehensive plan amendment is complete and consistent with the Council's policies for housing. The City currently provides sufficient land to address its share of the region's 2011-2020 need for affordable housing, which is 2,105 units. The proposed amendments increase the City's inventory of land guided to support the development of low- and moderate-income housing. After these amendments, the City will be guiding over 496 acres of higher density residential land such that at least 2,607 units could be built. More land is guided as high density residential and single family while less is guided as medium density residential.

The Willows development will be affordable, but income levels have not yet been advertised at the writing of this staff report

Shakopee has not been a participant in Livable Communities Act programs in the past although the City adopted a resolution on April 3, 2018 to rejoin the program. The most recent affordable housing development in Shakopee consisted of 26 rental units and 2 owner-occupied units that were completed in 2015.

Advisory Comments

The City should be aware that its share of the region's 2021-2030 need for affordable housing is 598 units. In preparing the 2040 Comprehensive Plan, the City should note that the minimum density of land guided to address this need is 8 units per acre. The City is encouraged to contact their Sector Representative or Council housing staff with any questions regarding the Council's housing policy for the 2040 Comprehensive Plan.

Stormwater Management

Reviewer: Jim Larsen (651-602-1159)

The overall proposed stormwater management requirements in place in the City for the three project areas are consistent with *Thrive* water sustainability policy for Suburban Edge communities. *Thrive MSP 2040* water sustainability policy for Suburban Edge communities is to incorporate best management practices for stormwater management in planning processes and implement best management practices to control and treat stormwater with development and redevelopment.

- 1) Windermere (Review File No. 20434-16) amendment documents indicate that multiple surface detention and infiltration basins are proposed to be located within the site boundaries. City staff report review comments indicate the collective site is subject to stormwater runoff pretreatment, rate control, and infiltration requirements as set forth in the City's Local Water Management Plan and local Water Resource Management Chapter 54 Ordinance.
- 2) The Willows (Review File No. 20434-15) project amendment site plan documents did not provide any indication regarding how stormwater runoff was planned to be managed. City staff report documents for The Willows indicated that proposed facilities information displayed in their site plan documents were significantly undersized to deal with the required volume of runoff that the proposed added impervious surface to the site would generate and had not been designed to pre-settle particulates as required prior to necessary infiltration. Council staff requested supplemental stormwater management facilities design information. To date, the City has not received stormwater management plans from the Developer beyond the preliminary plans provided in March 2018, that would address these identified concerns. The requirements in the City's Local Water Management Plan and local Water Resource Management Chapter 54

Ordinance identified as applicable to the larger Windermere project area (which The Willows is within) should be adequate to ensure appropriate management of stormwater.

- 3) Site stormwater runoff from the BHS (Review File No. 20434-10) project is planned to be managed by a surface detention basin located on an outlet along the eastern site boundary.

Advisory Comments

The City should confirm that appropriate stormwater management measures are designed for The Willows project prior to construction commencing in the area.

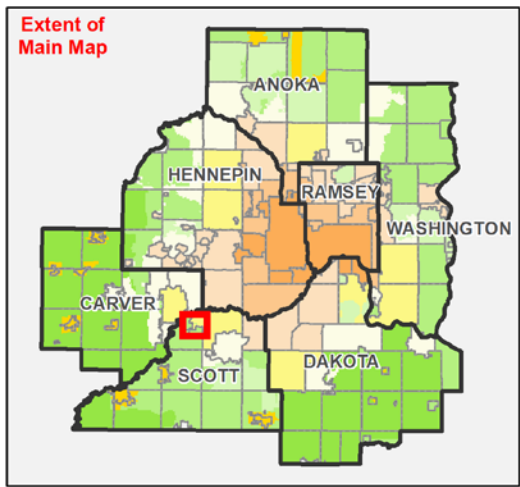
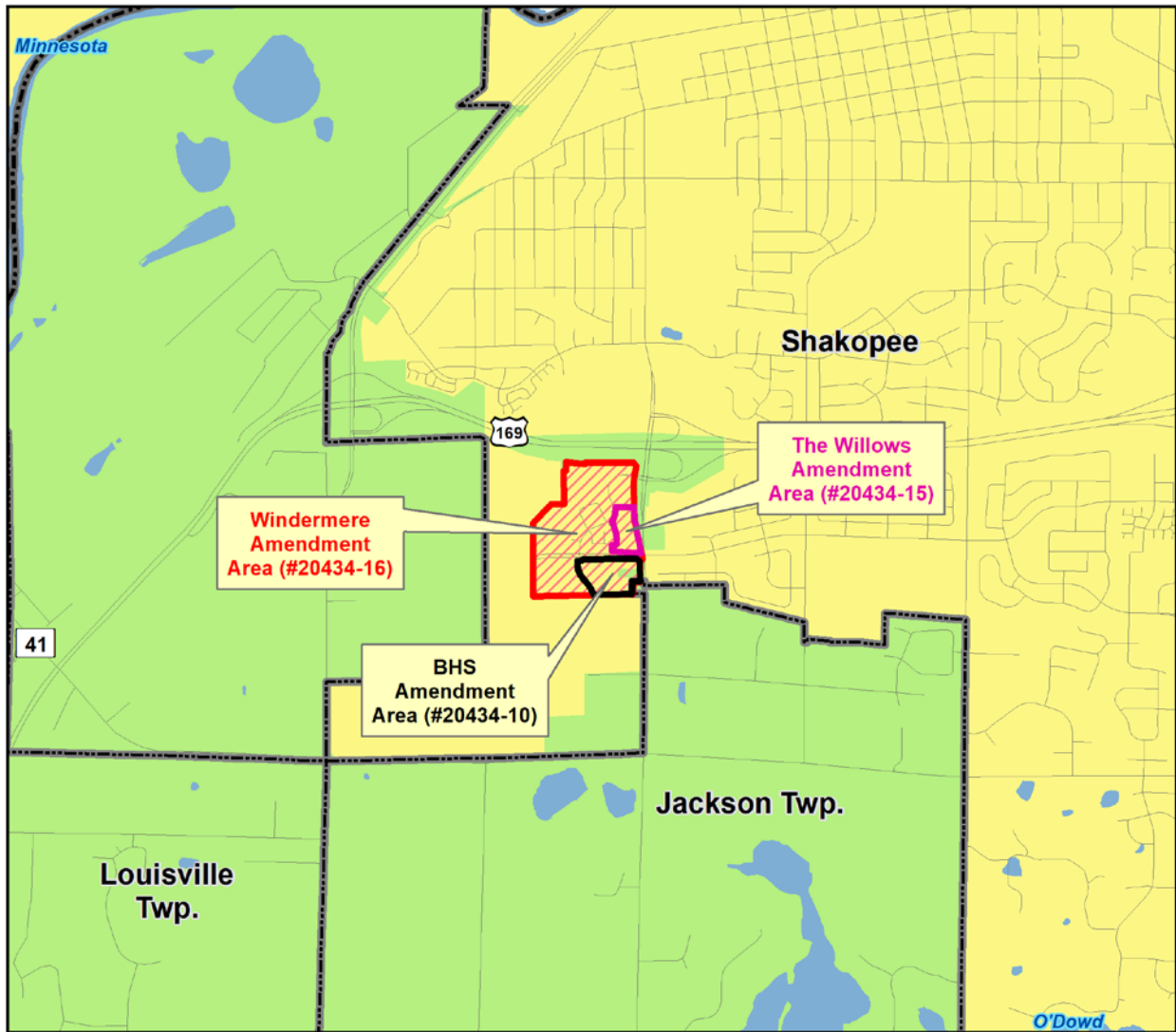
Compatibility with Plans of Adjacent Governmental Units and Plans of Affected Special Districts and School Districts

The proposed amendments are compatible with the plans of adjacent jurisdictions. No compatibility issues with plans of adjacent governmental units and plans of affected special districts and school districts were identified.

ATTACHMENTS

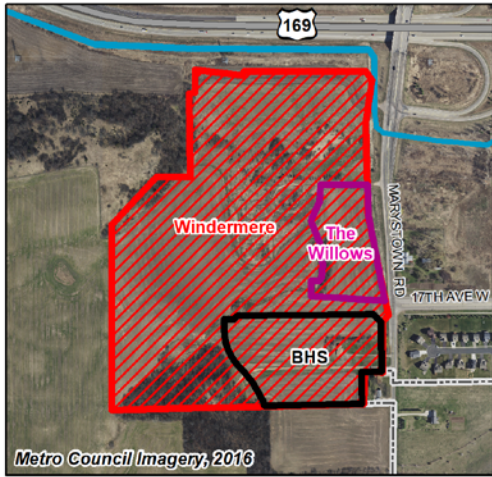
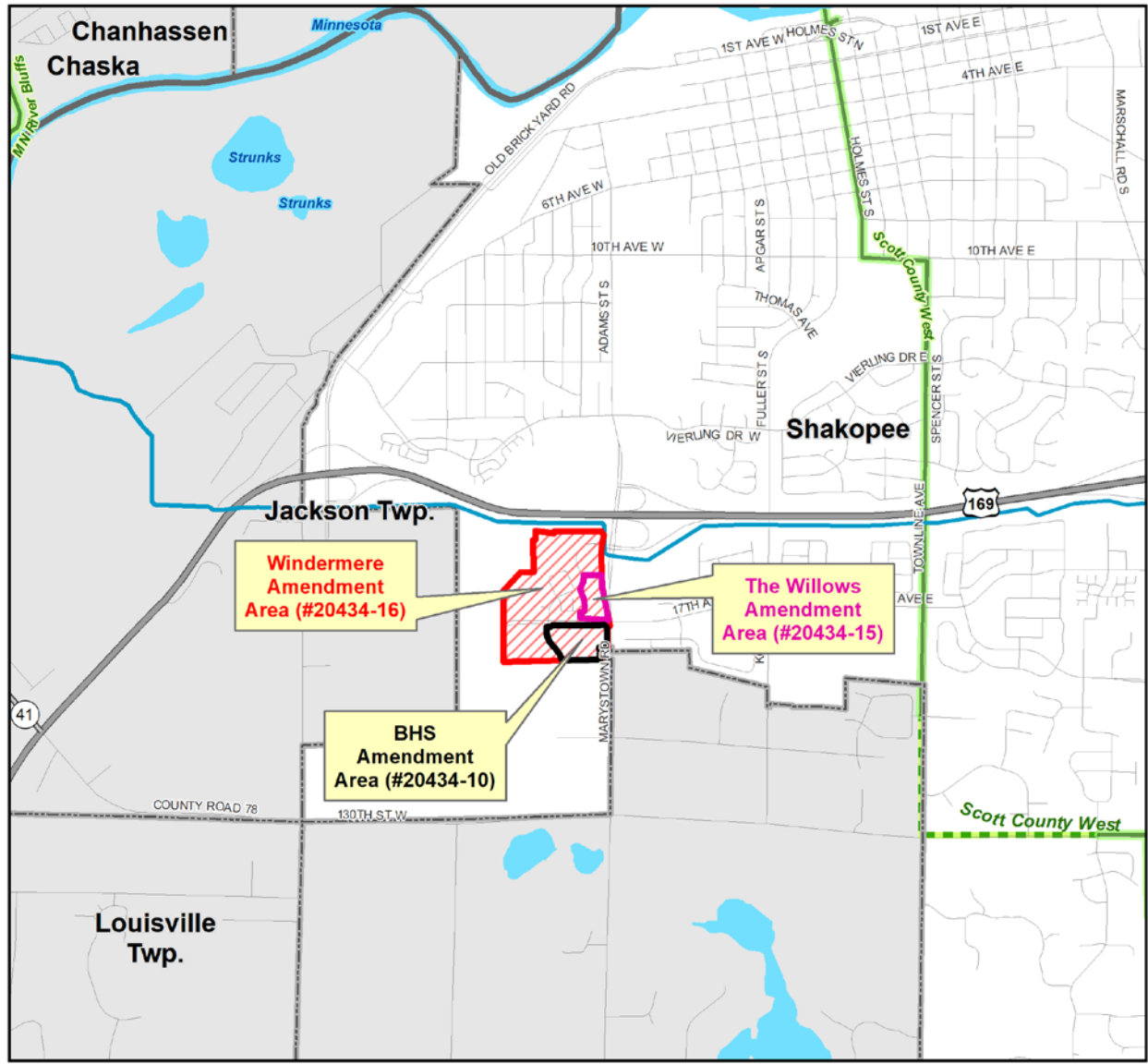
- Figure 1: Location Map Showing Community Designations
- Figure 2: Location Map showing Regional Systems
- Figure 3: Windermere Proposed Land Use and Zoning Exhibit
- Figure 4: The Willows Site Layout
- Figure 5: BHS Uses – Full Build Out

Figure 1: Location Map Showing Community Designations



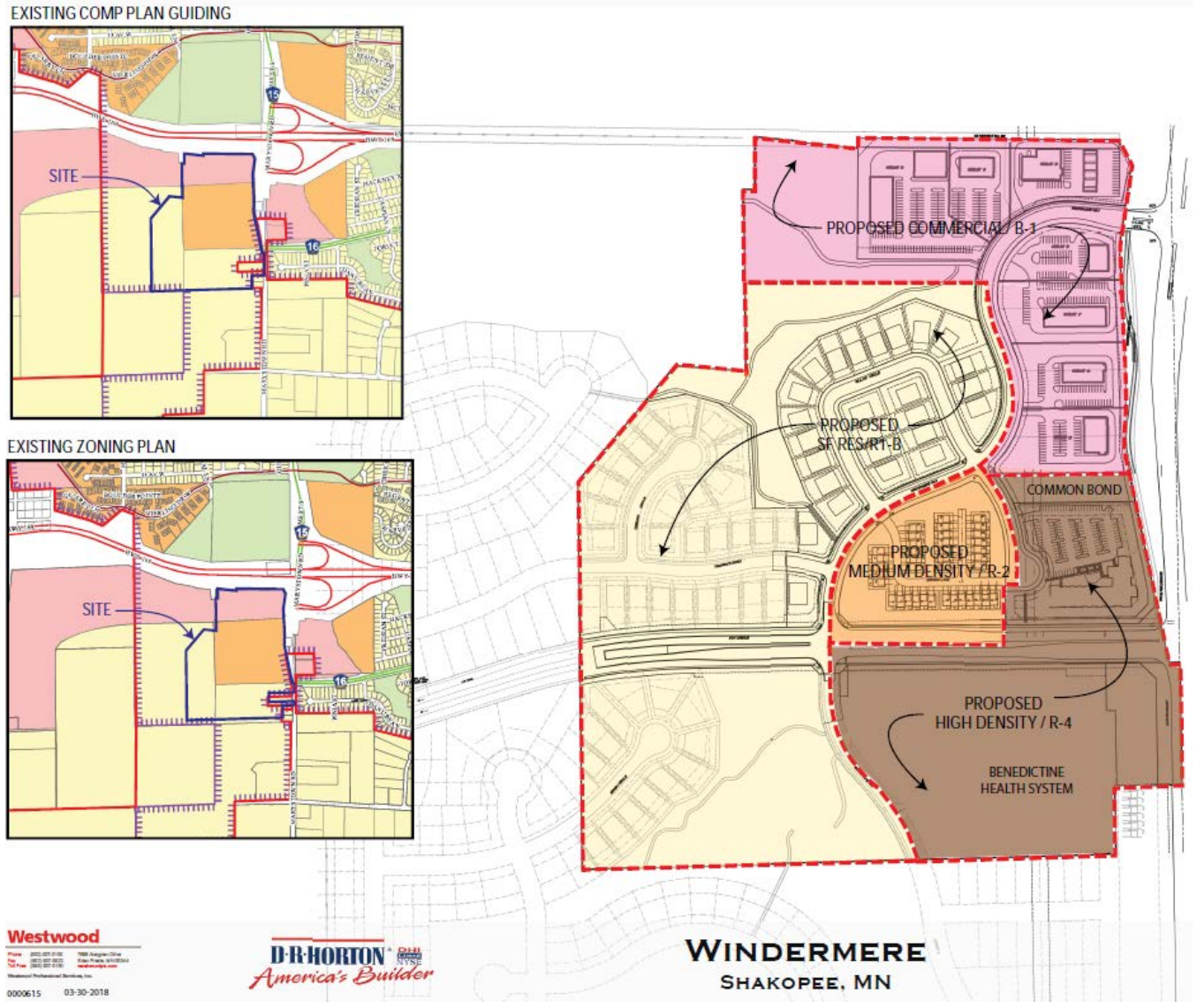
- ThriveMSP 2040 Community Designations**
- Agricultural
 - Rural Residential
 - Diversified Rural
 - Rural Center
 - Emerging Suburban Edge
 - Suburban Edge
 - Suburban
 - Urban
 - Urban Center
 - Ncompass Street Centerlines

Figure 2: Location Map Showing Regional Systems



- Regional Systems**
- Planned Fixed Guideway Stations
 - Existing Fixed Guideway Stations
 - Regional Transitways**
 - Existing, Fixed Guideway
 - Proposed, Fixed Guideway
 - Existing, Bus Rapid Transit
 - Proposed, Bus Rapid Transit
 - Wastewater Treatment**
 - Meters
 - Lift Stations
 - MCES Interceptors
 - MCES Treatment Plants
- Regional Highway System**
- Interstates
 - US Highways
 - State Highways
 - County Roads
 - Ncompass Street Centerlines
- Regional Parks**
- Existing (Open to Public)
 - In Master Plan (Not Open to Public)
 - Planned Units
 - Existing Regional Trails
 - Planned Regional Trails

Figure 3: Windermere Proposed Land Use and Zoning Exhibit



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WINDERMERE
 SHAKOPEE, MN

Figure 4: The Willows Site Layout

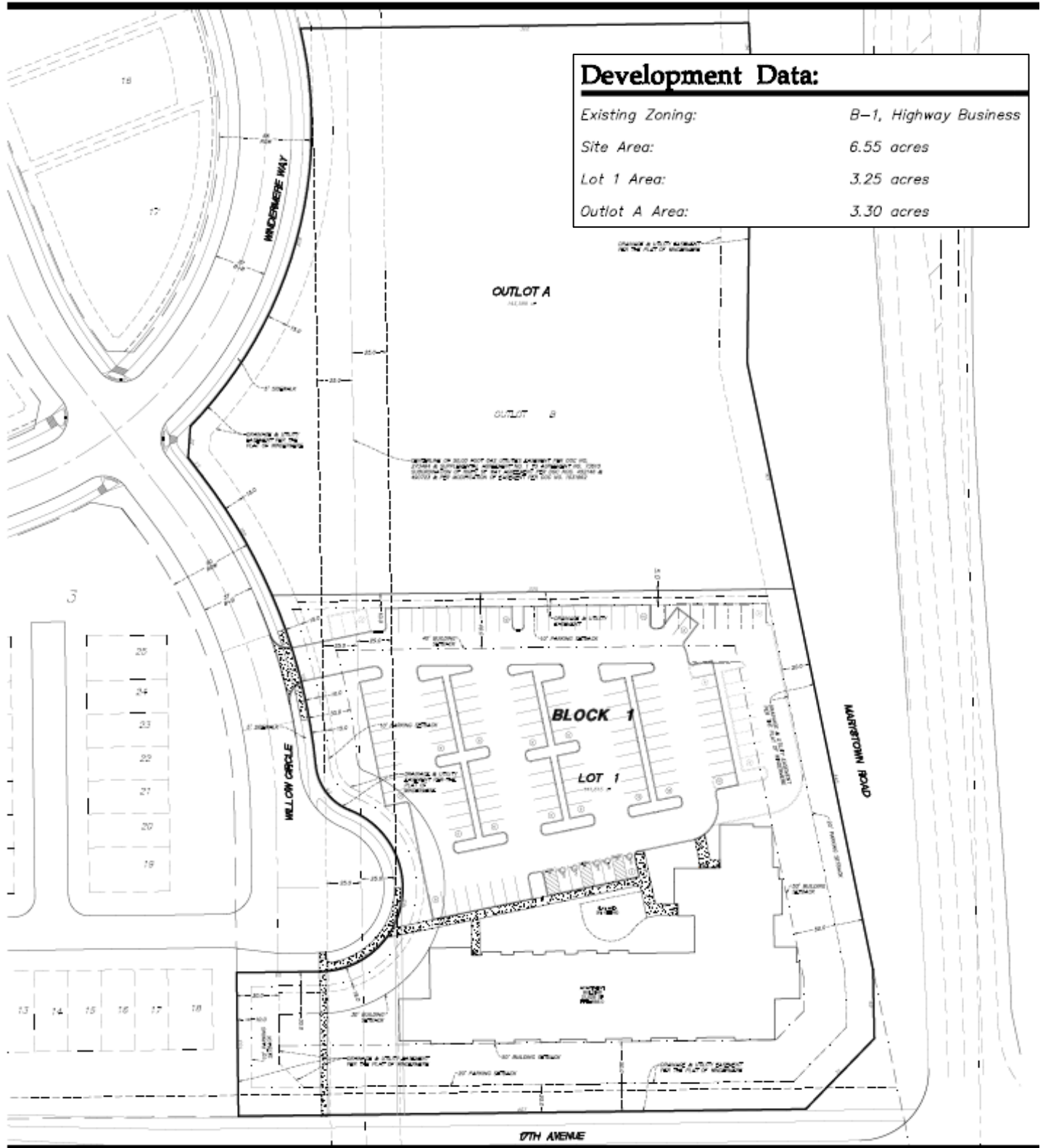


Figure 5: BHS Uses – Full Build Out

