

RESOLUTION NO. 22-044

CITY OF MAPLE GROVE

**RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT -
DEVELOPMENT STAGE PLAN, PRELIMINARY PLAT, AND FINAL PLAT
FOR MSP MG ADDITION**

WHEREAS, Terrain Holdings, LLC (hereinafter referred to as the “**Applicant**”) is the applicant for a Planned Unit Development (hereinafter referred to as “**PUD**”) – Development Stage Plan, preliminary plat, and final plat (hereinafter collectively referred to as the “**Application**”) for property located within the City of Maple Grove and legally described as “*Outlot A, Lynde and McLeod Second Addition, according to the recorded plat thereof, Hennepin County, Minnesota*” (hereinafter referred to as the “**Property**”); and

WHEREAS, the City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council; and

WHEREAS, the City Planning Commission held a public hearing and considered the Application on January 31, 2022 and recommended approval; and

WHEREAS, the City Council consider the Application at its February 7, 2022 meeting receiving the recommendation from the Planning Commission, the report from City staff and other information.

NOW, THEREFORE, the City Council of the City of Maple Grove makes the following:

FINDINGS

- A. On July 19, 2021, the City Council passed Resolution No. 21-089 conditionally approving, among other things, PUD – Concept Stage Plan to develop the Property with a 40,000 square feet of retail/office building.
- B. The Application is for PUD – Development Stage Plan, preliminary plat, and final plat to develop the Property with a 42,000 square foot medical office building.
- C. The Applicant has submitted, for the City Council’s review and approval: (i) the PUD – Development Stage Plan plans, drafted by Loucks, with a City submittal date of December 22, 2021 (herein referred to as the “**Plans**”), which Plans Index is attached hereto as Exhibit A; (ii) the Plans include the lighting plan, drafted by Pulse, dated December 29, 2021; (iii) the Plans include the elevation, drafted by Pope Architects, dated December 22, 2021; (iv) the Plans include the Stormwater Management Plan, prepared by Loucks (Loucks Project No. 14193.OH); (v) preliminary plat of the

Property, drafted by Loucks, dated December 17, 2021 (hereinafter referred to as the “**Preliminary Plat**”); and (vi) and the final plat of MSP MG Addition, drafted by Loucks (hereinafter referred to as the “**Final Plat**”), which Final Plat is on file with the City.

- D. The Property is currently zoned B PUD, Business Planned Unit Development. The land to the north, east, and west of the Property is zoned R-A, Single-Family Residential. The land to the south of the Property is zoned B-PUD, Business Planned Unit Development.
- E. Minnesota Statutes §462.357 grants to the City, for the purpose of promoting the public health, safety, morals and general welfare, the authority to regulate use of land within the City through zoning regulations.
- F. City Code §36-61 states:

A PUD is intended to allow variation from the strict literal provisions of this chapter, including, but not limited to, requirements relating to setbacks, height, floor area, floor area ratio, lot area, width, depth, and yards. If a proposed development is approved by the city as a PUD as provided in this section, then the dimensions of the PUD as approved shall be deemed to be in compliance with all of the dimensional requirements of this chapter, including setbacks, height, floor area, floor area ratio, lot area, lot width, lot depth and yards.
- G. City Code §36-61 further provides that a PUD is intended to result in a development in which the living or working environment is better than could otherwise have been achieved through strict enforcement of the dimensional requirements of other applicable sections of this chapter, or, in this case, a change from the approved PUD.
- H. The Applicant, pursuant to City Code Chapter 36, Article II, Division 2, has submitted the Plans for the City’s review and approval.
- I. The proposed development as proposed in the Application is consistent with the current zoning and the properties to the north, south, east, and west, and will not be detrimental to said properties, to existing roads and traffic, and the general health, safety and welfare of the public, provided it is subject to and meets, to the satisfaction of the City, the conditions set forth in this Resolution.
- J. The proposed subdivision of the Property is governed by City Code Chapter 30.
- K. City Code §30-7 states:

[With exceptions], no conveyance of land shall be filed or recorded if the land is described in the conveyance by metes and bounds, or by reference to an unapproved registered land survey made after April 21, 1961, or if the land is described by reference to an unapproved plat made after February 25, 1954, unless the transaction has been reviewed pursuant to Minn. Stats. § 272.162, if required.

- L. The Applicant, pursuant to City Code Chapter 30, has submitted the Preliminary Plat and Final Plat for the City's review and approval.
- M. The Preliminary Plat and Final Plat meet the City Code requirements provided they are subject to and meet, to the satisfaction of the City, the conditions set forth in this Resolution.

DECISION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maple Grove and based upon the information received and the above Findings:

1. The City Council does hereby conditionally approve the PUD - Development Stage Plan and the Plans for the Property, subject to the conditions set forth in Section 3 below that must be met, to the satisfaction of the City, prior to the release of the Final Plat, unless otherwise expressly stated.
2. The City Council does hereby conditionally approve the Preliminary Plat and Final Plat and the Mayor and City Clerk are hereby authorized to execute the Final Plat, subject to the conditions set forth in Section 3 below that must be met, to the satisfaction of the City, prior to release of the Final Plat, unless otherwise expressly stated.
3. The following conditions must be met to the satisfaction of the City prior to release of the Final Plat, unless otherwise expressly stated:
 - a. The approvals granted by this Resolution are subject to the completion of and compliance with all ministerial matters set forth in City Ordinance Code and required by the City, including, but not limited to, those of Engineering, Planning, Administrative and Legal Departments, *e.g.*, title examination, execution of Developer's Agreement, filing of letters of credit, and payment of fees, to the extent applicable. City Code §30-21.
 - b. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:

- i. The Plans shall be modified to relocate the north access from 105th Ave. N. to Niagara Lane as an emergency access only located near the northwest corner of the Property.
 - ii. The Plans shall be modified to provide for fire apparatus roads turning radius that meets the requirements of City Code Chapter 18, Article III, along the entire west side of the parking lot and at the southeast corner of the Property.
 - iii. The Plans shall be modified to provide the location of the sprinkler riser room that shall be constructed in compliance with City Code Chapter 18, Article III.
 - iv. The Plans shall be modified to provide for a second hydrant.
 - v. The Plans shall be modified to identify the location of the fire department connection that must be located within 100 feet of a fire hydrant, accessible at all times, and with locking caps.
- c. The Applicant shall comply with the following requirements subject to the satisfaction of the Director of Community and Economic Development:
 - i. Sheet L-1 of the Plans provides the proposed number of honeylocust trees exceeding the City 20% maximum per genus. Based upon the proposed 41 overstory trees, no genus shall exceed a total number of 8. The Plans shall be modified to reduce the number of honeylocust trees by increasing the other proposed tree species or adding another genus.
 - ii. Any signage shall require separate application for a sign permit.
- d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Engineer:
 - i. The Plans are subject to the review and approval of the Elm Creek Watershed District. The Plans shall be modified as recommended by the Elm Creek Watershed District and directed by the City Engineer.
 - ii. The Plans shall be modified if tie-ins to existing water and sanitary impact existing streets and patching will be required for full lane width so as not to have a seam in the tire path.
 - iii. The Final Plat shall be modified to provide drainage and utility easements over storm water basins.

- iv. The Plans shall be modified with soil borings with at least one boring in area of biofiltration basin.
 - v. Sheet C3-1 of the Plans shall be modified to call out HWL and EOF for biofiltration basin.
 - vi. Sheet C4-2 of the Plans shall be modified to provide storm sewer material.
 - vii. The Plans shall be modified to provide detail for CB-12.
 - viii. The Plans shall be modified to provide EOF for CBMH-10 to be a minimum of 1.5 feet below finished floor elevation.
 - ix. The Property is subject to the Tree Preservation Zoning District. The Plans are subject to further review and approval for impacts and requirements under this zoning district.
 - x. A soils report shall be submitted and the Plans shall be modified as required by the City Engineer after review of said report.
 - xi. Permits required for grading and MPCA NPDES Construction Activity permit required.
 - xii. The Plans shall be modified to remove the access onto 105th Ave. and add a secondary right-in/right-out access along Niagara Lane between the shared access and the 105th Ave./Niagara Lane intersection.
 - xiii. The Plans shall be modified to provide stop signs on any proposed driveway access onto adjacent public/private roadways.
 - xiv. The Plans shall be modified to provide for two 45-degree bends on water in lieu of 90-degree bends.
 - xv. The Plans shall be modified to provide that if sanitary sewer connection SAN MH2 is completed prior to development of neighboring lot then in addition to SAN MH2 a 20 LF (8-inch SAN) stub/lug shall be required in the SE direction for the neighboring lots future connection.
- e. An irrigation reduced pressure zone (hereinafter referred to as “**RPZ**”) is required for any irrigation system and must be installed by the

Applicant and/or eventual lot owner and tested in accordance with the Minnesota Department of Health Guidelines for Designing Backflow Prevention Assembly Installations (hereinafter referred to as “**Guidelines**”). The initial test results and certification shall be submitted to the City of Maple Grove Public Works Department. Subsequently, the RPZ must be tested, per the Guidelines, at least annually by a certified tester with the results reported to the City of Maple Grove Building Department and the RPZ must be rebuilt as needed in accordance with the Guidelines. Test/rebuilt reports shall be mailed or faxed to the City of Maple Grove Building Department at (763) 494-6424. The irrigation system shall be designed and the Plans shall be modified accordingly, prior to the issuance of any permits for the development of the Property, to accommodate a 1-inch water meter and a maximum flow of 50 gallons per minute. This is not a condition of release of the Final Plat, but an on-going requirement, that will be a term and obligation within the PUD Agreement (see PUD Agreement requirement below).

- f. The Applicant shall execute a Developer’s Agreement, drafted by the City, regarding, among other things, the construction of and payment for public improvements and private improvements, the payment of special assessments and the establishment of sureties required by the City.
- g. The Applicant shall enter into a PUD agreement (hereinafter referred to as “**PUD Agreement**”), drafted by the City, memorializing the Applicant’s obligations under this Resolution and City Code. The PUD Agreement shall be recorded against and run with the Property. The City will not issue any permits for the development of the Property prior to being provided recording information for the PUD Agreement.
- h. The Applicant shall enter into a Site Improvement Performance Agreement (hereinafter referred to as “**SIPA**”), if required by the City Community Development Director, drafted by the City, which SIPA shall establish site improvement items and terms of completion of said items. Under the SIPA, a surety shall be provided to the City for two full growing seasons to guaranty the proper installation and growth of all landscaping items.
- i. Pursuant to Minnesota Statutes and City Code, the Final Plat requires a land dedication or a cash equivalent based on the rate approved by the City Council at the time the Final Plat is released for recording. The Property is located within the City’s Park Service Area (hereinafter referred to as “**PSA**”) 5. Future park development including trails and a neighborhood park are planned in PSA 5 as additional development occurs. Here, the park dedication obligation shall be a cash dedication

to meet the park needs to serve the Property. The current commercial land use park dedication rate for the City is \$11,000.00 per acre. Assuming the Final Plat is released prior to the City Council adjusting the park dedication rate, the park dedication amount to be paid for Lot 1 of the Final Plat shall be \$42,900.00 (3.90 acres times \$11,000.00). If the Final Plat is not released prior to the City Council adjusting the park dedication rate, the above-referenced payment shall be adjusted based upon the formula approved by City for the year in which the Final Plat is actually released for filing. The park dedication fee, as set forth above, shall be paid prior to the Final Plat being released for filing at the Hennepin County Government Center. The park dedication for Outlot A of the Final Plat will be reviewed and determined at the time said outlot is platted as a buildable lot.

- j. The Applicant shall provide a platting title commitment as required by Minn. Stat. §505.03. The above-mentioned evidence of title shall be subject to the review and approval of the City Attorney to determine the entities must execute the Final Plat and other documents to be recorded against the Property. Further, Applicant shall provide the City with evidence, which sufficiency shall be determined by the City, that all documents required to be recorded pursuant to this Resolution and by the City Attorney are recorded and all conditions for release of the Final Plat have been met prior to the City processing or approving any building permits or other permits applicable to the development of the Property.
- k. Construction on the Property shall comply with the Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations, except as otherwise subsequently approved in writing by the City Engineer and City Planner.
- l. Maintenance of the Property shall, at all times, comply with the Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations, except as otherwise subsequently approved in writing by the City Engineer and City Planner.
- m. The Applicant shall pay upon demand all expenses, determined by the City, that the City incurs in relation to this development and Resolution, and shall provide an escrow deposit in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time including, but not limited to, hourly wage, overhead and benefits, engineering, legal and other consulting fees incurred in relation to the development.
- n. The Applicant shall make application for and receive (on the condition that the Applicant complies with the requirements of this Resolution and

City Code) a building permit and construction activities on the Property shall commence, pursuant to the Plans, this Resolution and City Code, in compliance with City Code Section 36-64(b)(5).

- o. The Final Plat must be filed and recorded with Hennepin County within two years of the date of this Resolution. If the Final Plat is not timely filed or recorded, this Resolution and all approvals herein shall be void with no further action required by the City Council.

Motion to approve the foregoing findings, conclusions, and decisions was made by _____ and seconded by _____, upon a vote being duly taken thereon, the following voted in favor thereof:

and the following were against:

and the following were absent:

whereupon, the resolution was declared duly passed and adopted the 22nd day of February, 2022.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF MAPLE GROVE)

I, the undersigned, being the duly qualified and acting Clerk of the City of Maple Grove, Hennepin County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing Resolution No. 22-044 is a true and correct copy of the Resolution as adopted by the City Council on the 22nd day of February, 2022.

City Clerk

EXHIBIT A

SHEET INDEX

C2-1	SITE PLAN
C3-1	GRADING PLAN
C3-2	SWPPP
C3-3	SWPPP NOTES
C3-1	SANITARY AND WATERMAIN
C4-2	STORM SEWER
C8-1	CIVIL DETAILS
L1-1	LANDSCAPE PLAN
L1-2	LANDSCAPE NOTES