

## RESOLUTION NO. 22-046

### CITY OF MAPLE GROVE

#### RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT – CONCEPT STAGE PLAN AMENDMENT AND PLANNED UNIT DEVELOPMENT – DEVELOPMENT STAGE PLAN FOR PROPERTY LOCATED AT 12575 ELM CREEK BOULEVARD

WHEREAS, Launch Properties, LLC (hereinafter referred to as the “**Applicant**”), has made application for a Planned Unit Development (hereinafter referred to as “**PUD**”) – Concept Stage Plan amendment and PUD - Development Stage Plan (hereinafter collectively referred to as the “**Application**”) for that property located at 12575 Elm Creek Blvd., Maple Grove, Minnesota, and depicted on attached Exhibit A (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 at its January 31, 2022 meeting, recommending approval; and

WHEREAS, the City Council consider the Application at its February 7, 2022 meeting receiving the recommendation of 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. The Property is currently part of the Arbor Lakes PUD and is the designated use is “theater”. The Application is for PUD – Concept Stage Plan to redevelop the Property designating the current theater building as retail/warehouse use and three (3) proposed additional buildings on the Property ranging from 4,500 square feet to 7,500 square feet as retail/restaurant use (hereinafter referred to as the “**Concept Stage Amendment**”). The Application is also for PUD – Development Stage Plan for the existing theater building to be converted to retail/warehouse use with a Floor & Décor, a hard surface flooring and related accessories retailer. (hereinafter referred to as the “**Project**”).
- B. The Applicant has submitted, for the City Council’s review and approval: (i) Conceptual Site Plan, drafted by Kimley Horn, dated December 6, 2021 (hereinafter referred to as the “**CSP Plans**”); (ii) the plans for the Property drafted by ADG, last dated December 10, 2021 (hereinafter referred as the “**Plan Sheets**”), which Plan Sheets consists of the following pages:

1. C400 Overall Site and Utility Plan
2. C401 Site and Utility Plan Enlargement

- |    |      |                          |
|----|------|--------------------------|
| 3. | C500 | Overall Grading Plan     |
| 4. | C501 | Grading Plan Enlargement |
| 5. | L100 | Landscape Plan           |
| 6. | L101 | Landscape Enlargements   |
| 7. | L101 | Landscape Details        |

(ii) Exterior Elevations drafted by ADG, last dated January 17, 2022 (hereinafter referred to as the “**Exterior Elevations**”); and (iii) Truck Turn Exhibit, drafted by MBKC Architects, dated January 25, 2022 (hereinafter referred to as the “**Turn Exhibit**”); hereinafter Plans Sheets, Exterior Elevations, and Turn Exhibit collectively referred to as the “**DSP Plans**”).

C. The Property is zoned PUD, Planned Unit Development. The land surrounding the Property is zoned PUD, Planned Unit Development.

D. 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.

E. 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.

F. 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.

G. Pursuant to City Code §36-64(a)(1), the PUD – Concept Stage Plan provides an opportunity for an applicant to submit a plan to the City showing the basic intent and the general nature of the entire development. Any PUD – Concept Stage Plan approval is limited to the following:

- a. Overall maximum PUD density.
- b. General location of major streets and pedestrian ways.
- c. General location and extent of public and common open space.
- d. General location of residential and nonresidential land uses with approximate type and intensities of development.
- e. Other special criteria for development.

- H. Pursuant to City Code §36-64(b)(1), the purpose of the PUD – Development Stage Plan is to provide a specific and particular plan upon which the planning commission will base its recommendation to the council and with which substantial compliance is necessary for the preparation of the final plan
- I. The Applicant has submitted the CSP Plans and the DSP Plans for the City’s review and approval.
- J. The proposed development as proposed in the Application, CSP Plans, and DSP Plans is consistent with the current zoning and the surrounding properties 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.

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 – Concept Stage Plan amendment and CSP Plans for the Concept Stage Development with retail/warehouse use designated for the existing building and retail/restaurant use designated for the three (3) proposed buildings, limited, pursuant to City Code §36-64(a)(1), to the general location of major streets and pedestrian ways, general location and extent of public and common open space, general location of land uses and approximate type and intensities of development, subject to the following:
  - a. At the time of PUD – Development Stage Plan of any of the three (3) proposed buildings, a detailed traffic study shall be required in order to determine the impacts to the adjacent roadway system and to determine if any improvements are necessary in order to accommodate the additional traffic.
  - b. The timeframe for providing an application for PUD - Development Stage Plan shall be governed by City Code §36-64(a)(5).
- 2. The City Council does hereby conditionally approve the Application for the PUD - Development Stage Plan and the DSP Plans to develop the Project on the Property, subject to the following conditions that must be met, to the satisfaction of the City, prior to the issuance of any permits for the development of the Property, 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 Applicant's Agreement, filing of letters of credit, and payment of fees. City Code §30-21.

- b. Any signage on the Property is not part of the approvals granted by this Resolution and a separate application shall be required. This is not a requirement for the issuance of permits for the development of the Property.
- c. Deliveries and pro/contractor access to the Property shall, at all times, comply with the Truck Turn Exhibit.
- d. An irrigation reduced pressure zone (hereinafter referred to as "**RPZ**") is required for any irrigation systems 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 DSP 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 an on-going requirement that will be a term and obligation within the PUD Agreement (see PUD Agreement requirement below).
- e. The Applicant shall enter into a Site Improvement Performance Agreement (hereinafter referred to as "**SIPA**"), if required by the City Director of Community and Economic Development, 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.
- f. 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.
- g. Construction on the Property shall, at all times, comply with the DSP Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.

- h. Maintenance of the Property shall, at all times, comply with the DSP Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.
- i. 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.
- j. 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 DSP Plans, this Resolution and City Code, in compliance with City Code §36-64(b)(5). In such event of failure of the Applicant to meet the above time frame, the approvals granted by this Resolution, the DSP Plans, and any development there under shall expire and terminate with no further action of 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:

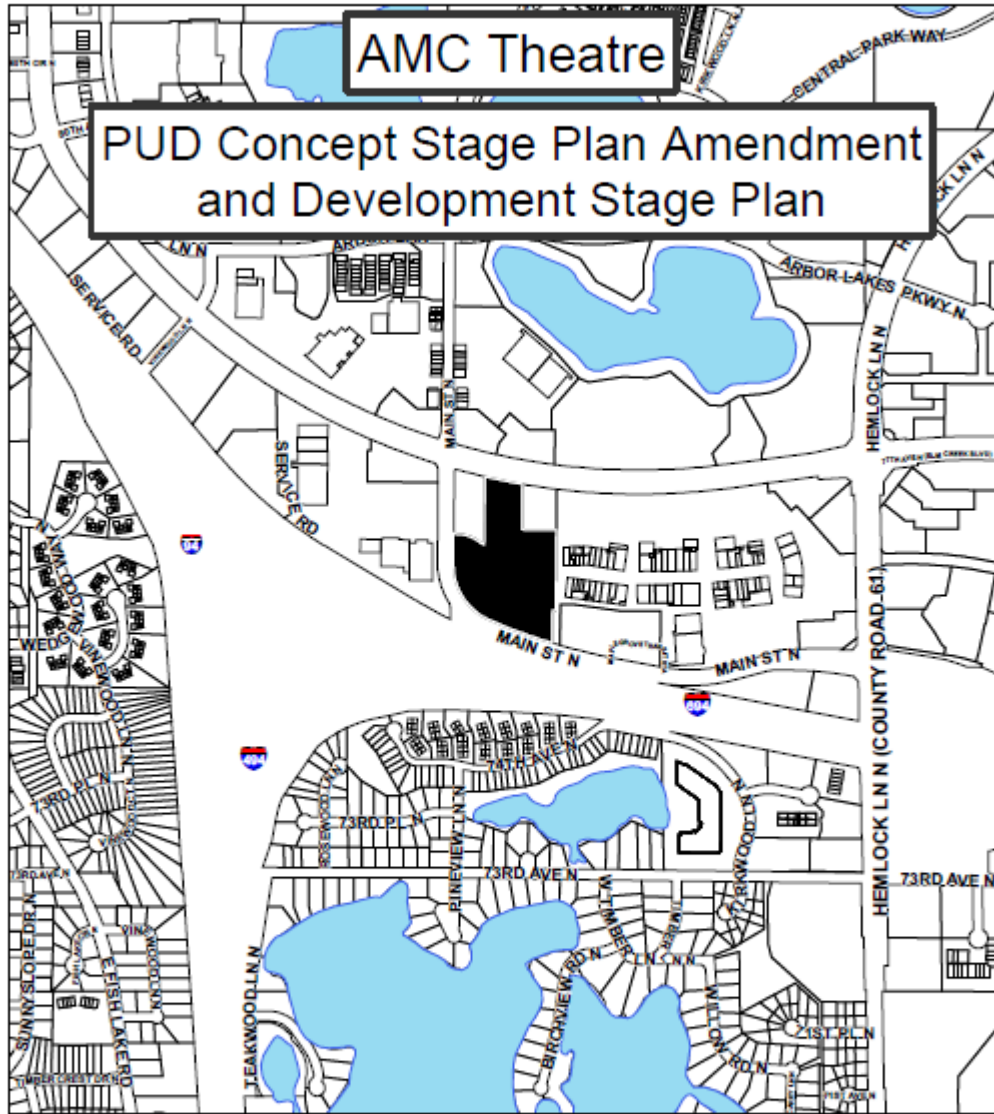
whereupon, the resolution was declared duly passed and adopted the 22<sup>nd</sup> day of February, 2022.

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. 22-046 is a true and correct copy of the Resolution as adopted by the City Council on the 22<sup>nd</sup> day of February, 2022.

\_\_\_\_\_  
City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP

