

**RESOLUTION NO. 22-053**

**CITY OF MAPLE GROVE**

**PLANNED UNIT DEVELOPMENT – CONCEPT STAGE PLAN, PLANNED  
UNIT DEVELOPMENT - DEVELOPMENT STAGE PLAN AND PRELIMINARY  
PLAT FOR FOX BRIAR RIDGE EAST**

WHEREAS, Donnay Homes (hereinafter referred to as the “**Applicant**”) is the applicant for a Planned Unit Development (hereinafter referred to as “**PUD**”) – Concept Stage Plan, PUD - Development Stage Plan, and preliminary plat (hereinafter collectively referred to as the “**Application**”) for property located within the City of Maple Grove at 16001 Bass Lake Road, Maple Grove, Minnesota and shown 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 February 14, 2022 meeting, recommending approval of the Application; and

WHEREAS, the City Council consider the Application at its February 22, 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. The Applicant is seeking approval of (i) preliminary plat, (ii) PUD – Concept Stage Plan, and (iii) PUD – Development State Plan to develop the Property with 16 twin home units and 1 single-family detached lot (hereinafter referred to as the “**Proposed Use**”).
- B. The Applicant has submitted, for the City Council’s review and approval: (i) plans for the Property drafted by Alliant, with a preliminary plat resubmittal of February 4, 2022 (hereinafter referred to as the “**Plans**”), which Plans Cover Sheet (Sheet No. 1) is attached hereto as Exhibit B (hereinafter referred to as the “**Plans**”), and (ii) the Plans include at Sheet No. 4 the preliminary plat of the Property (hereinafter referred as the “**Preliminary Plat**”), which Preliminary Plat is attached hereto as Exhibit C.
- C. The Property is currently zoned R-A, Single-Family Agricultural. The Applicant has made separate application to rezone the Property to R-3 PUD,

Single and Two-Family Residential Planned Unit Development (hereinafter referred to as the “**Rezoning Ordinance**”). The land to the north and east of the Property is zoned R-2, Single-Family Residential District. The land to the west of the Property is zoned R-3, Single and Two-Family Residential District. The land to the south of the Property is zoned R-4 PUD, Medium Density Residential District 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. City Code §36-64(a)(3) allows the simultaneous submission of an application for Concept Stage Plan and Development Stage Plan.

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. City Code §36-65(a) requires:

All applications, subject to this division with a residential component guided low-medium density residential, over ten acres in size and outside the gravel mining area, or guided medium density residential or high density residential, regardless of size, and outside of the gravel mining area, for development stage plan shall be assessed and reviewed simultaneously against the project points system, which is on file at city offices and is hereby made a part of this section.

- J. The Property is 4.4 acres. As such, the proposed development of the Property is not subject to the project point system under City Code §36-65(a).
- K. The proposed development is consistent with the Rezoning Ordinance 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.
- L. 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.
- M. The Applicant, pursuant to City Code Chapter 30, has submitted the Preliminary Plat for the City’s review and approval.
- N. The Preliminary Plat meets the City Code requirements 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, PUD – Development Stage Plan, and the Plans allowing the Property to be developed with the Proposed Use, subject to the conditions in Paragraph 3 below that must be met, to the satisfaction of the City, prior to release of the final plat for the Property based on the Preliminary Plat (hereinafter referred to as the “**Final Plat**”), unless otherwise expressly stated.
2. The City Council does hereby conditionally approve the Preliminary Plat subject to the conditions set forth in Paragraph 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 the 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. City Code §30-21.
- b. Approval of a subsequent application for the Final Plat is conditioned upon the City Council enacting and publishing, as required by law, the Rezoning Ordinance.
- c. The Applicant shall comply with the following requirements subject to the satisfaction of the City Director of Community and Economic Development:
  - i. The Plans shall be modified to provide a sidewalk connection to the trail along Bass Lake Road.
  - ii. The Plans shall be modified to provide for a lot line between lots 7 and 8 on all sheets.
  - iii. The Plans shall be modified to remove vacated driveway along Bass Lake Road and realign widened curb section in order to provide a continuous grass buffer between the trail and Bass Lake Road.
  - iv. The Plans shall be modified as follows regarding landscaping:
    - 1. Each lot shall have at least one front yard tree.
    - 2. No more than twenty percent (20%) of any one genus of tree is allowed. Currently, spruce trees exceed the twenty percent (20%) maximum. The Plans shall be modified to conform with the above.
    - 3. The Plans shall be modified to provide for good soil drainage to the area that contain Swiss Stone Pine trees.
    - 4. The Plans shall provide for the treating of any saved ash trees to reduce the spread of EAB.
- 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 recommendation of the Elm Creek Watershed District. The Plans shall be modified as recommended by the Elm Creek Watershed District and approved by the City Engineer.
  - ii. Maple Grove Grading Permit and NPDES Construction Activity Permit are required for development of the Property.
  - iii. Sheet No. 8 of the Plans shall be modified as follows:
    1. HWL shall be added to the existing pond.
    2. Yard drains for sump pumps/downspouts in rear yards shall be added. Each lot must have a place to take drainage such that they do not drain across adjacent lots. Yard drains may be placed on lot lines and shared. They must also be placed within easements.
    3. Add driveway percentage slopes.
  - iv. Sheet No. 12 of the Plans shall be modified to provide for a minimum pipe size of 15 inches and the last 3 inches of the pipe section shall be tied.
  - v. The Plans show trees planted within the boulevard area between the sidewalk and curb. The Plans shall be modified to remove these trees from the boulevard area and have them placed behind the sidewalks, outside of the public right-of-way.
  - vi. The proposed road width on the Plans appears to be 28 feet wide. At 28 feet, parking cannot be allowed on both sides of the streets and still provide enough width for emergency vehicles to pass. The Plans modified to provide, that if parking is allowed on the proposed 28-foot-wide road, it shall be restricted to only one side of the road.
  - vii. The Plans shall be modified to provide for sanitary sewer main to be SDR26 and not SDR35.
- e. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:
- i. The Plans shall be modified to extend the 8-inch watermain to the south fire hydrant and a continuation with a 6-inch watermain from the south fire hydrant to the north fire hydrant.

- f. The Applicant shall comply with the United States Postal Service requirements regarding the use and placement of cluster mailboxes. The Plans shall be modified accordingly.
  
- g. 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 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).
  
- h. The Property is located within the Park Service Area 32, which is served by South Elm Road Park and Basswood Elementary School and Basswood Neighborhood Park in the adjoining Park Service Area 33. Roadside trails and walkways will provide access to connecting pathways to the south and the public path along Bass Lake Road. Pedestrian access will be provided by a trail connection within the right-of-way at the end of Weston Lane N. to connect with the pathway along Bass Lake Road. The park dedication requirement for the Final Plat authorized by Minn. Stat. §462.358 is either by land dedication or a cash equivalent at the City’s current rate on a per unit basis. City Code §30-18. Here, the park dedication requirements shall be made on a cash equivalent. The cash equivalent for park dedication has been computed based upon the Single-Family Residential rate approved by City for use in the year 2022 (\$4,236.00 per single-family residential unit). Assuming the Final Plat is released by City for filing in said year, the park dedication amount to be paid for the Final Plat shall be \$72,012.00 (17 single-family residential units times \$4,236.00). If the Final Plat is not released for filing before the City Council modifies the park dedication rate, the above-referenced payment shall be adjusted based upon the then park dedication rate approved by City Council effective when the Final Plat is released for filing with the Hennepin

County. The park dedication equivalent as set forth above shall be paid prior to the Final Plat being released for filing at the Hennepin County Government Center.

- i. 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.
- j. The Applicant shall execute a Developer's Agreement, drafted by the City, (herein referred to "**Developer's Agreement**") ensuring, 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. The Developer's Agreement shall be recorded against and run with the Property. Permits for the development of the Property shall not be issued until the City is provided with recording information.
- k. 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. Permits for the development of the Property shall not be issued until the City is provided with recording information.
- l. Construction on the Property shall, at all times, comply with the Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.
- m. 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.
- n. 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.

- o. 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 §36-64(b)(5).
- p. Application for the Final Plat must be made within the timeframe set forth in City Code §30-15(f)(2).

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 7<sup>th</sup> day of March, 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. 22-053 is a true and correct copy of the Resolution as adopted by the City Council on the 7<sup>th</sup> day of March, 2022.

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





**EXHIBIT B**



# **SHEET INDEX**

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<u>NO.</u>	<u>SHEET TITLE</u>
1	COVER SHEET
2	ALTA/NSPS LAND TITLE SURVEY
3	EXISTING CONDITIONS SURVEY
4	PRELIMINARY PLAT
5	SITE PLAN
6	EROSION AND SEDIMENT CONTROL PLAN
7	EROSION AND SEDIMENT CONTROL NOTES AND DETAILS
8	GRADING AND DRAINAGE PLAN
9	BIOFILTRATION BASIN DETAILS
10	STREET PROFILES
11	SANITARY SEWER AND WATER MAIN PLAN
12	STORM SEWER PLAN
13-14	CONSTRUCTION DETAILS
15	LANDSCAPE PLAN
16	LANDSCAPE NOTES AND DETAILS

## **EXHIBIT C**

