

RESOLUTION NO. 22-061**CITY OF MAPLE GROVE****RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT -
DEVELOPMENT STAGE PLAN ARBOR LAKES BUSINESS PARK PHASE 2
BUILDING B AND FINAL PLAT OF
ARBOR LAKES BUSINESS PARK 3RD ADDITION**

WHEREAS, Endeavor Development (hereinafter referred to as the “**Applicant**”) is the applicant for a Planned Unit Development (hereinafter referred to as “PUD”) – Development Stage Plan and final plat (hereinafter collectively referred to as the “**Application**”) for property legally described as “*Outlot A, Arbor Lakes Business Park 2nd Addition, according to the recorded plat thereof, Hennepin County, 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 considered the Application at its meeting on February 28, 2022, recommending approval of the Application; and

WHEREAS, the City Council consider the Application at its March 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 November 20, 2017, the City Council passed Resolution No. 17-139 granting PUD – Concept Stage Plan approval for the development of land that includes the Property into a 50-acre business park consisting of four (4) office/warehouse buildings totaling approximately 985,000 square feet. The plans approved by Resolution No. 17-139 labeled the four (4) buildings as buildings A, B, C, and D. Subsequently, the City Council granted PUD – Development Stage Plan for buildings C and D. The PUD – Concept Stage Plan approval under Resolution No. 17-139 for buildings A and B have expired.
- B. On February 16, 2021, the City Council passed Resolution No. 21-018 conditionally approving PUD – Concept Stage Plan for buildings A and B on land that includes the Property.

- C. On June 7, 2021, the City Council passed Resolution No. 21-072 conditionally approving the PUD – Development Stage Plan for building A and the final plat of Arbor Lakes Business Park 1st Addition (the Final Plat has been modified by direction of Hennepin County to be entitled Arbor Lakes Business Park 2nd Addition).
- D. The Applicant has made the Application for final plat the Property and PUD – Development Stage Plan for building B to develop the Property with a 221,549 square foot office/warehouse building.
- E. The Applicant has submitted, for the City Council’s review and approval, the: (i) PUD – Development Stage Plan plans for the Property, drafted by Kimley-Horn and Associates, Inc., last dated December 8, 2021 (hereinafter referred to as the “**Plans**”), which Plans Cover Sheet (Sheet C000) is attached hereto as Exhibit B; (ii) the Plans also include the elevations attached hereto as Exhibit C; and (iii) the final plat for Arbor Lake Business Park 3rd Addition, drafted by Egan, Field & Nowak, Inc. (hereinafter referred to as the “**Final Plat**”), which Final Plat is attached hereto as Exhibit D.
- F. The Property is currently zoned PUD, Planned Unit Development. The land to the north, west, and east of the Property is guided Regional Mixed Use and zoned PUD, Planned Unit Development. The land to the south of the Property is guided Regional Mixed Use and zoned FF, Freeway Frontage.
- G. 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.
- H. 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.
- I. The Applicant, pursuant to City Code Chapter 36, Article II, Division 2, has submitted the Plans for the City’s review and approval.
- J. The proposed development 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.

K. The proposed subdivision of the Property is governed by City Code Chapter 30.

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 Final Plat for the City's review and approval.

N. The Final 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 – Development Stage Plan and the Plans for the Property, subject to the conditions set forth in Paragraph 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 Final Plat and the Mayor and City Clerk are hereby authorized to execute the Final 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 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. 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 Shingle Creek Watershed District. The Plans shall be modified as recommended by the Shingle Creek Watershed District and directed by the City Engineer.
 - ii. Reciprocal easements shall be required for all shared driveways, storm water systems, and water systems.
 - iii. The Plans at Sheet C501 shall be modified to identify EOFs for parking areas.
 - iv. Maple Grove Grading Permit and NPDES Construction Activity Permit are required for development of the Property. This is not a requirement for release of the Final Plat.
 - v. The Plans shall be modified to provide for pedestrian connections from the existing sidewalks (on the east side of Zachary Lane and the north side of Fountain Drive) to the proposed building.
 - vi. The Plans shall be modified to provide for stop signs on all driveway approaches to public streets.
- c. The Applicant shall comply with the following requirements subject to the satisfaction of the City Director of Community and Economic Development:
 - i. Sheet C000 of the Plans shall be modified to have the title be "Arbor Lakes Business Park Phase II Building B" and correctly identify the "SITE".
 - ii. The table at Sheet L100 labeled "Landscape Requirements" lists a total of 73 overstory trees proposed. The total number of deciduous and evergreen trees identified in the Plant Schedule totals 72. This discrepancy shall be corrected.
 - iii. Pursuant to City requirements, there shall be no more than 20% of any one genus of overstory trees planted. Based upon 72 overstory trees, the maxim would be 14 per genus. Sheet

L100 of the Plans shall be modified to provide for the number of hackberry and pines to be reduced and reallocated to different or additional species.

- iv. The approvals granted herein does not include signage approval, whether freestanding or building mounted. Separate sign permit application shall be required. This is not a requirement for release of the Final Plat.
 - v. The Applicant shall consider modifying the Plans to include EV charging stations within the parking areas.
- d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Chief:
- i. The Plans appear to show a combination fire sprinkler and domestic waterline in the building. The Plans shall be modified to have the waterline meet the requirements of City Code §18-89.
 - ii. The Plans shall be modified to meet the following requirements regarding the location and general requirements for fire hydrants:
 - 1. Hydrants shall be located within a reasonable distance from driving surface; five feet minimum from curb (fire department access). If hydrant is located in a safety island and cannot be located back five (5) feet from the curb, the hydrant shall be centered in the safety island. It is the fire department's preference to locate a fire hydrant along the driveway entrance, unless only one fire hydrant is being installed and needs to be located closer to the fire department connection. NFPA 14 §3-13.1.
 - 2. A fire hydrant shall be located within 100 feet of the fire department connections. City Code §18-81.
 - 3. Fire department connections shall have locking caps. City Code §18-92.
 - 4. Hydrants and valves shall not be located closer than 40 feet from the building, unless approved by the fire department. NFPA 24 §7.2.

5. If hydrants are located in front of parking spaces or roadways, a fire lane will be designated in front measuring 10 feet in each direction. MSFC §503.3; City Code Chapter 18, Article III.
 6. At all times, fire hydrants and other fire protection equipment must not be obstructed, or the view of the equipment blocked. A minimum clearance of five (5) feet shall be provided and maintained around fire hydrants and other fire protection equipment. The full-anticipated growth of the trees and shrubs must be considered when planting. A five (5) foot clearance must be provided when the landscaping reaches maturity. Any landscaping planted shall be placed so it will meet the future clearance requirements at maturity. City Code §18-82.
 7. Hydrants, gate valves, and valve boxes and their installation shall be in accordance with NFPA 14 §3-13.1 and City specifications.
- iii. The Plans shall be modified to provide fire department access doors and access walkways for each access door.
 - iv. The Plans shall be modified to verify that fire department access doors are installed so that the lineal distance between adjacent fire department access doors does not exceed 125 feet measured center to center.
- e. 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 fifty (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 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. 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 (2) full growing seasons to guaranty the proper installation and growth of all landscaping items.
- h. Park dedication for the Final Plat has been satisfied via Resolution No. 21-072.
- 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 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.
- k. Construction on the Property shall comply with the Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.

- 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.

- m. The Final Plat must be filed and recorded with Hennepin County within two (2) 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:

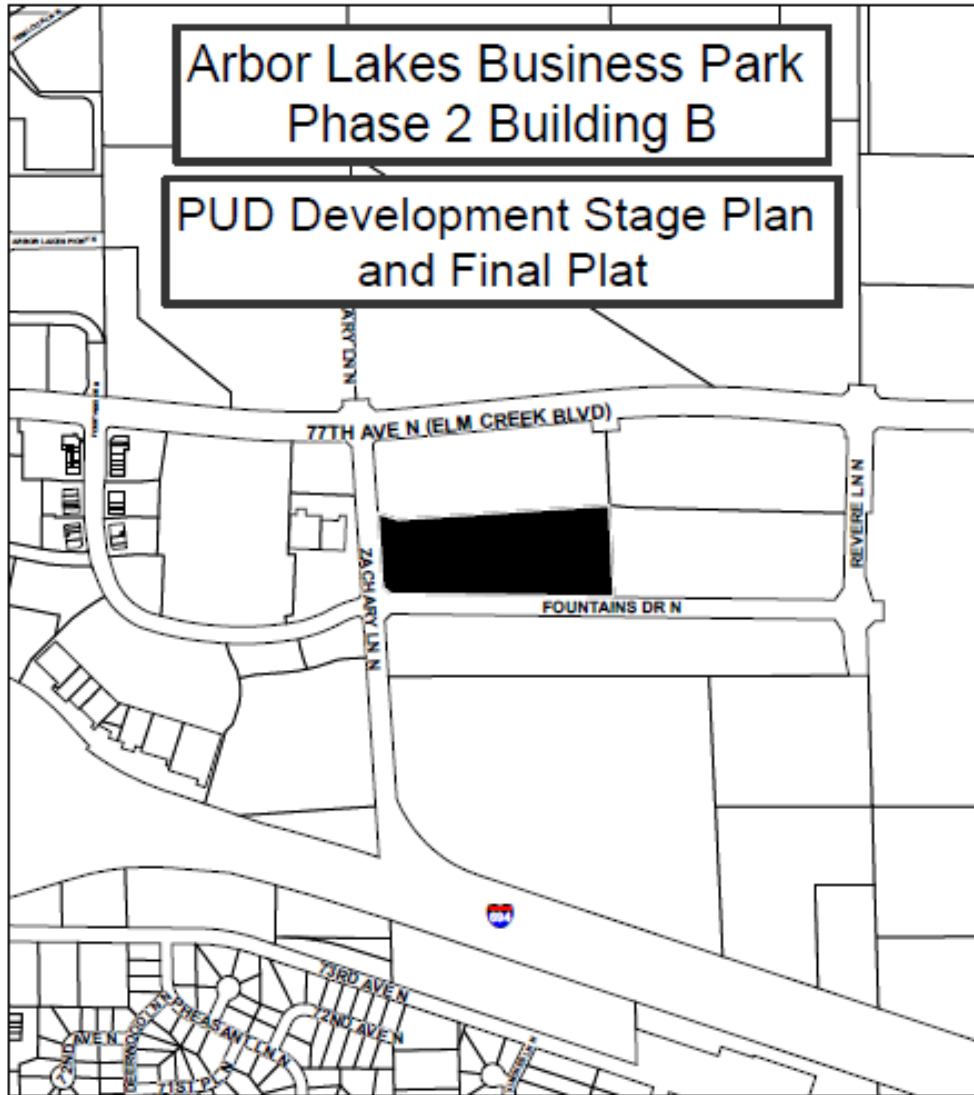
whereupon, the resolution was declared duly passed and adopted the 21st day of March, 2022.

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. 22-061 is a true and correct copy of the Resolution as adopted by the City Council on the 21st day of March, 2022.

City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP

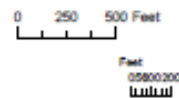


EXHIBIT B

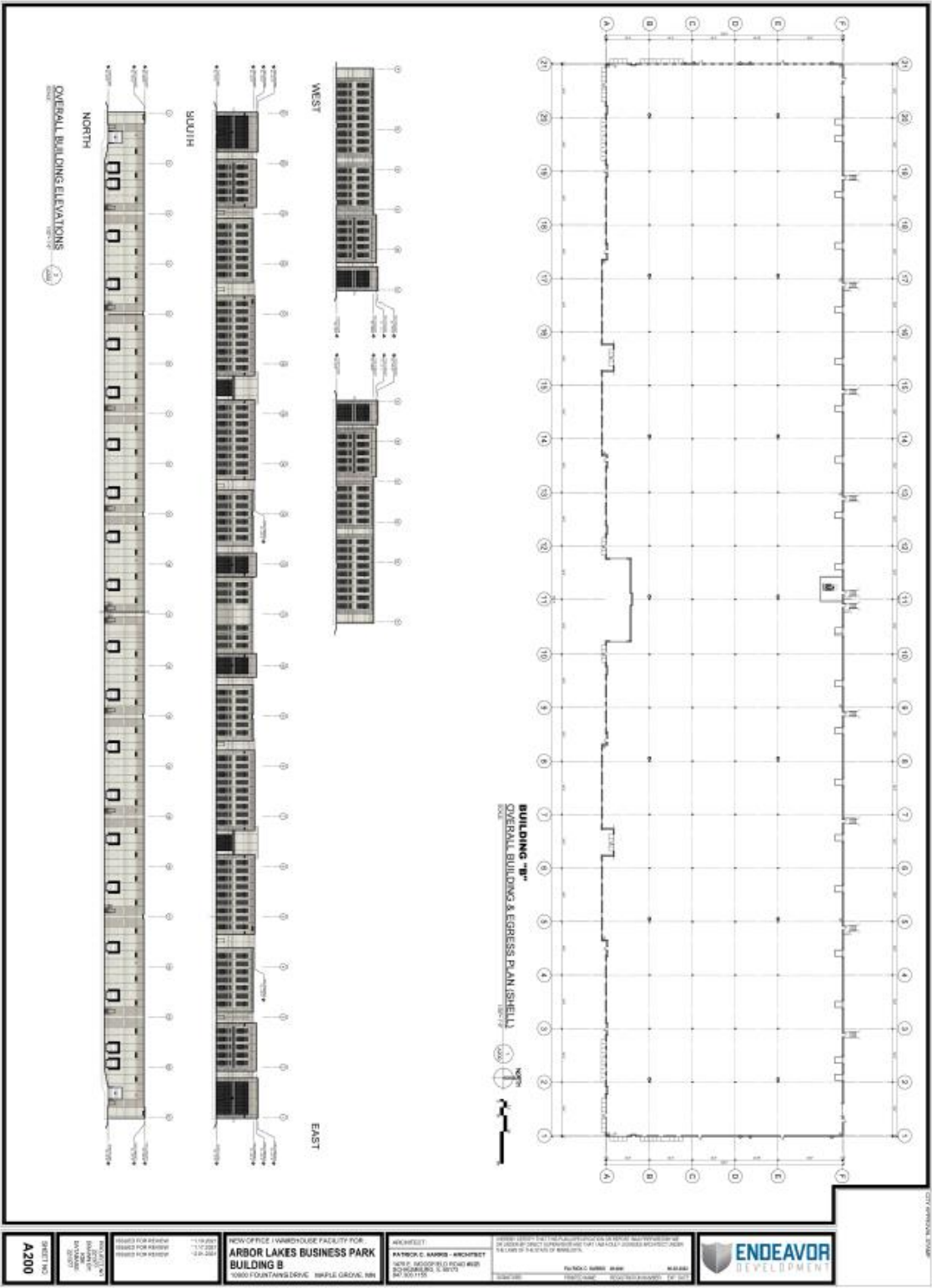
DRAWING INDEX	
Sheet Number	Sheet Title
C000	COVER SHEET
C001	GENERAL CONSTRUCTION NOTES
C200	DEMOLITION AND EROSION CONTROL PH. I PLAN
C300	PHASE II EROSION AND SEDIMENT CONTROL PLAN
C400	OVERALL SITE PLAN
C401	SITE PLAN ENLARGEMENT
C402	SITE PLAN ENLARGEMENT
C500	GRADING AND DRAINAGE PLAN
C501	GRADING PLAN ENLARGEMENT
C502	GRADING PLAN ENLARGEMENT
C600	UTILITY PLAN
C700	CONSTRUCTION DETAILS
C701	CONSTRUCTION DETAILS
C702	CONSTRUCTION DETAILS
C703	CONSTRUCTION DETAILS
C704	CONSTRUCTION DETAILS
C705	CONSTRUCTION DETAILS
C706	CONSTRUCTION DETAILS
L100	OVERALL LANDSCAPE PLAN
L101	LANDSCAPE PLAN
L102	LANDSCAPE PLAN
L103	LANDSCAPE DETAILS

EXHIBIT C



CONCEPTUAL ARCHITECTURAL RENDERING
OFFICEWAREHOUSE
MAPLE GROVE, MN





SHEET NO. **A200**
 PROJECT NO. 15-001
 DATE: 08/20/15

PREPARED FOR BY GROUP
 DESIGNED FOR REVIEW
 CHECKED FOR REVIEW

**NEW OFFICE/WAREHOUSE FACILITY FOR
 ARBOR LAKES BUSINESS PARK
 BUILDING B**
 10865 FOUR FARMS DRIVE, SHIPLEY GROVE, MN

ARCHITECT
PATRICK C. HAMM - ARCHITECT
 305 S. WASHINGTON ST. (SUITE 200)
 ST. CLOUD, MN 56301

ALL RIGHTS RESERVED. THE INFORMATION IS UNLESS OTHERWISE SPECIFIED IS THE PROPERTY OF PATRICK C. HAMM ARCHITECT. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM PATRICK C. HAMM ARCHITECT.



CITY OF SHIPLEY, MN

EXHIBIT D

ARBOR LAKES BUSINESS PARK 3RD ADDITION

C.R. DOC. NO. _____

THIS IS A PARTIAL PLAT OF LAND BELONGING TO ARBOR LAKES BUSINESS PARK, LLC, a Delaware limited liability company, the owner of the following described property:

SECTION 1, TOWNSHIP 35N, RANGE 10W, COUNTY OF BROWN, MISSOURI, containing the interest of ARBOR LAKES BUSINESS PARK, LLC, a Delaware limited liability company, in and to the following described land, to-wit: ARBOR LAKES BUSINESS PARK 3RD ADDITION, as shown on the plat of ARBOR LAKES BUSINESS PARK 3RD ADDITION, recorded in the office of the Recorder of Deeds for the County of Brown, Missouri, on this _____ day of _____, 2012.

ARBOR LAKES BUSINESS PARK, LLC, a Delaware limited liability company, the owner of the above described land, hereby certifies that the above described land is being offered for sale to the public and that the same is being offered for sale to the public in accordance with the provisions of Missouri Statute, Chapter 145, R.S.Mo., and that the same is being offered for sale to the public in accordance with the provisions of Missouri Statute, Chapter 145, R.S.Mo., and that the same is being offered for sale to the public in accordance with the provisions of Missouri Statute, Chapter 145, R.S.Mo.

Special: Arbor Lakes Business Park, LLC, a Delaware limited liability company.

Arbor Lakes Business Park, LLC

STATE OF MISSOURI

COUNTY OF BROWN

This instrument was acknowledged before me on this _____ day of _____, 2012, by _____, of _____, Missouri, the owner of the above described land, and that the same is being offered for sale to the public in accordance with the provisions of Missouri Statute, Chapter 145, R.S.Mo., and that the same is being offered for sale to the public in accordance with the provisions of Missouri Statute, Chapter 145, R.S.Mo.

(Signature)

Printed name _____

Address _____

City _____

State _____

By _____

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Arbor Lakes Business Park, LLC

STATE OF MISSOURI

COUNTY OF BROWN

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(Signature)

Printed name _____

Address _____

City _____

State _____

By _____

