

RESOLUTION NO. 22-090

CITY OF MAPLE GROVE

**RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT -
DEVELOPMENT STAGE PLAN FOR PROPERTY LOCATED AT
13600 GROVE DRIVE NORTH, MAPLE GROVE, MINNESOTA**

WHEREAS, Cloutier Properties (hereinafter referred to as the “**Applicant**”) has made application for a Planned Unit Development (hereinafter referred to as “**PUD**”) – Development Stage Plan for property located at 13600 Grove Drive North, 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 considered the application at its April 25, 2022 meeting and recommended approval; and

WHEREAS, the City Council considered the application at its May 2, 2022, received the recommendation from the Planning Commission, report from City staff, and other information.

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

FINDINGS

- A. Applicant has made application for PUD - Development Stage Plan for exterior changes and alterations to the building and parking areas to accommodate a drive-thru for an existing multi-tenant commercial building on the Property. The building was constructed in 1988. Pursuant to City Code, the proposal requires PUD – Development Stage Plan.
- B. The Applicant has submitted, for the City Council’s review and approval, the following plan sheets (hereinafter referred to as the “**Plans**”):
 - a. Sheet SD02 – Existing Conditions, dated March 22, 2022
 - b. Sheet A050.2 – Architectural Site Plan, dated March 22, 2022
 - c. Sheet A051.2 – Exterior Demo Elevations, dated March 22, 2022
 - d. Sheet A052.2 – Exterior Demo Elevations, March 22, 2022
 - e. Sheet C1.1 – Existing Condition, dated March 28, 2022
 - f. Sheet C1.2 – Demolition Plan, dated March 28, 2022
 - g. Sheet C2.1 – Site Plan, last dated April 20, 2022
 - h. Sheet C3.1 – Grading and Erosion Control Plan, dated March 28, 2022

- i. Sheet C8.1 – Civil Details, dated April 20, 2022
 - j. Sheet L1.1 – Landscape Plan, last dated April 20, 2022
 - k. Sheet L1.2 – Landscape Details, dated March 28, 2022
 - l. Sheets A100.2 and A101.2 – Exterior Elevations – New, dated March 22, 2022
 - m. Sheets SD05 (5 sheets) – Rendering Option 3, undated
 - n. ALTA/ACSM Land Survey, drafted by Anderson Engineering of Minnesota, LLC, dated May 25, 2007
 - o. Turning Movements Exhibit, dated April 20, 2022.
- C. The Property is zoned B, Business. The surrounding land is zoned B, Business.
- D. Minn. Stat. §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. The Plans provide for the redevelopment of an existing multi-tenant commercial building with the drive-thru. The proposed development is in harmony with the objectives of the City’s comprehensive plan. Strict application of the zoning regulations would not allow for the use proposed in the application. The Plans comply with City Code and are not detrimental to and comport with the surrounding properties on the condition that the Plans are subject to and meet the conditions of 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 that the City Council does hereby conditionally approve the application for PUD - Development Stage Plan and the Plans to redevelop the existing multi-tenant commercial building with a drive-thru, subject to the conditions set forth below 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.

1. 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.
2. Any signage changes on the Property, whether freestanding or building mounted, 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.
3. The following conditions shall be satisfied, subject to the review and approval of the City Director of Community and Economic Development and the City Engineer:
 - a. The Plans shall be modified to provide for the drive-thru lane around the building to be signed one-way traffic in the counter-clockwise direction. Directional signage related to the one-way traffic and do not enter should be included in both sides of the building to avoid congestion.
 - b. Sheet L1.1 of the Plans shall be modified to identify existing tree species. Further, the Plans shall be modified to ensure that the maximum overstory trees genus on the Property (both existing and proposed) does not meet the City's 20% maximum per genus.
 - c. The Applicant shall provide documentation confirming that the area on the east side of the Property marked with a headstone is not a burial site.
 - d. The Plans shall be modified to demonstrate that delivery/garbage/recycling trucks, and emergency vehicles can maneuver through the site with the proposed locations of new raised islands.
4. The following conditions shall be satisfied, subject to the review and approval of the City Fire Inspector:

- a. Currently there is signage attached to the North side of the building that reads “No Parking Fire Lane”. The Plans shall be modified to remove the No Parking Fire Lane signage and replacing it with signs to read “No Parking”.
5. 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).
6. The Applicant shall enter into a Site Improvement Performance Agreement (hereinafter referred to as “**SIPA**”), 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.
7. 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.
8. 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.
9. 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.
10. 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). In such event of failure of the Applicant to meet the above time frame, the approvals granted by this Resolution, the 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:

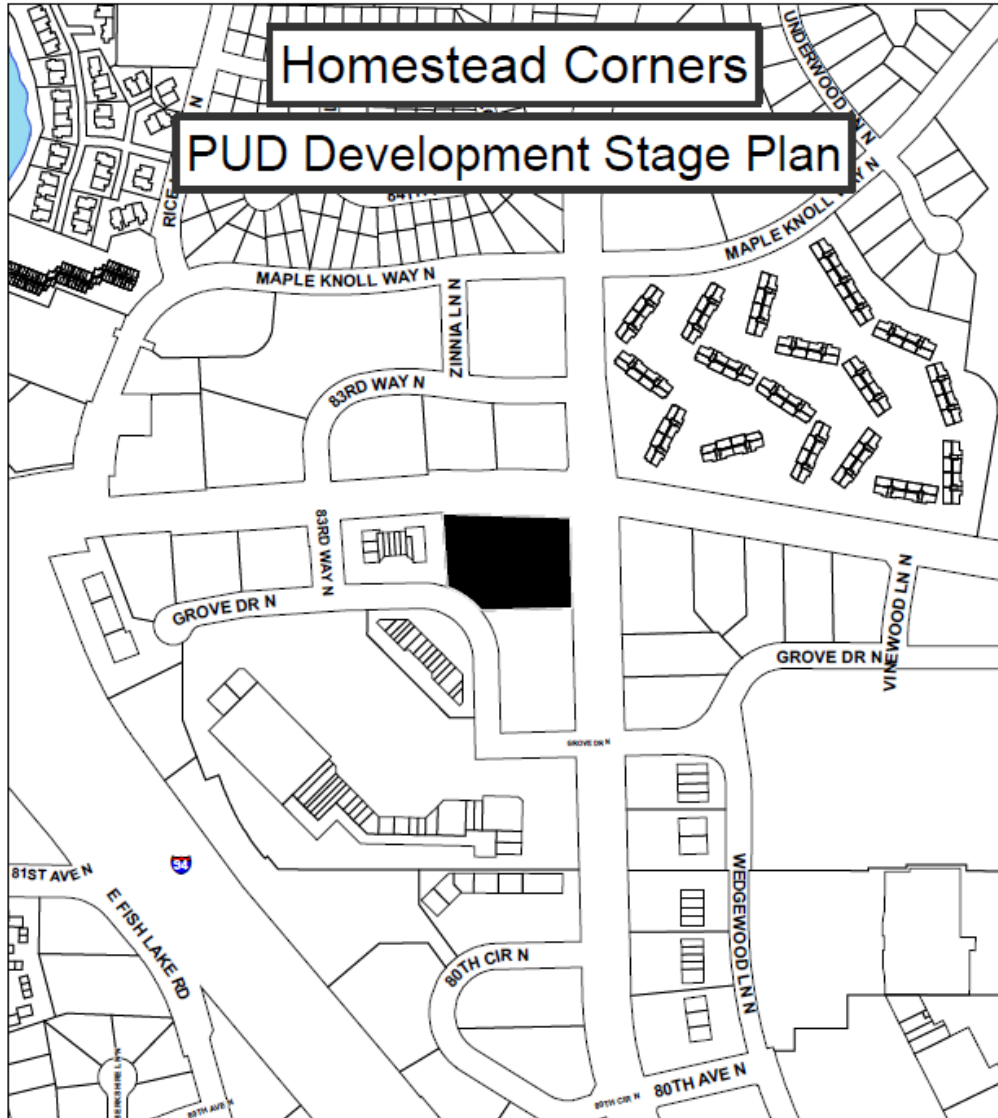
whereupon, the resolution was declared duly passed and adopted the 16th day of May, 2022.

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. 22-090 is a true and correct copy of the Resolution as adopted by the City Council on the 16th day of May, 2022.

City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP

