

## RESOLUTION NO. 22-101

### CITY OF MAPLE GROVE

#### RESOLUTION APPROVING PLANNED UNIT DEVELOPMENT – DEVELOPMENT STAGE PLAN AND COMPREHENSIVE PLAN AMENDMENT FOR EDISON AT MAPLE GROVE APARTMENTS AND PRELIMINARY PLAT AND FINAL PLAT FOR TRICARE 6<sup>TH</sup> ADDITION

WHEREAS, JPL Development, LLC (hereinafter referred to as the “**Applicant**”) is the applicant for Planned Unit Development (hereinafter referred to as “**PUD**”) — Development Stage Plan, Comprehensive Plan amendment, preliminary plat, and final plat (hereinafter collectively referred to as the “**Application**”) for that property located within the City of Maple Grove at Garland Lane North and County Road 30, 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 May 9, 2022 meeting, recommending approval of the Application; and

WHEREAS, the City Council consider the Application at its May 16, 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 March 7, 2022, the City Council passed Resolution No. 22-054 conditionally approving the PUD – Concept Stage Plan amendment to allow the Property to be developed with 248-unit apartment project in two (2) buildings.
- B. The Applicant is requesting the Application to develop a 248-unit apartment project in two buildings. Each building is proposed to be five (5) stories in height, with two (2) stories of underground parking. The proposed development has a number of outdoor amenities, including, but not limited to, a pool, playground, dog park, gazebo, and trail system.
- C. The Applicant has submitted, for the City Council’s review and approval, the: (i) plans, drafted by Westwood Professional Services, Inc., last dated with City comments on May 2, 2022 (hereinafter referred to as the “**Plans**”), which Plans Cover Sheet (Sheet Number 01) is attached hereto as Exhibit B;

(ii) the Plans include elevations, drafted by 785 Studio, dated May 2, 2022; (iii) the preliminary plat that is Sheet Number 03 of the Plans (hereinafter referred to as the “**Preliminary Plat**”); and (iv) final plat of Tricare 6<sup>th</sup> Addition, drafted by Westwood Professional Services, Inc. (hereinafter referred to as the “**Final Plat**”).

- D. The Property is zoned PUD, Planned Unit Development. The land to the north and west of the Property is zoned RA, Single-Family Agricultural. The land to the east and west of the Property is zoned PUD, 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. 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 for the development of property.
- I. The Applicant, pursuant to City Code Chapter 36, Article II, Division 2, has submitted Plans for the City’s review and approval.

- J. The proposed development is consistent with the current zoning and development of 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 Applicant is requesting to re-designate the land use designation of the Property High Density Residential to Mixed-Use Development. Comprehensive Plan amendments are governed by Minn. Stat. §473.851 *et seq.*
  
- L. The Applicant re-designation proposal is consistent with adjacent uses and land use designations. The re-designation as requested is necessary for the proposed development of the Property to proceed in compliance with the Plans.
  
- M. The proposed subdivision of the Property is governed by State Statute and City Code Chapter 30.
  
- N. Minnesota Statutes §462.358, grants the City, for the purpose of protecting and promoting the public health, safety and general welfare, the authority to adopt subdivision regulations providing for the orderly, economic, and safe development of land within the City.
  
- O. 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.
  
- P. City Code §30-14 states:
 

The short plat review process shall require submission of the same information and shall follow the same procedures as are required for preliminary and final plats, except that the preliminary plat and final plat may be reviewed together in one meeting by the planning commission and then by the city council, thereby shortening the review process. The fee for the short plat review process shall be as established by the city council as set forth in chapter 16, article XI. Wherever any conflict between requirements for preliminary plats and final plats is created by such combined considerations,

those provisions which require greater public notice and disclosure shall govern.

- Q. The Applicant, pursuant to City Code Chapter 30, has submitted the Preliminary Plat and Final Plat for the City's review and approval.
- R. 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 to develop the Property with a 248-unit apartment project consistent with the Plans, subject to the conditions set forth in Section 4 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 the Final Plat, and the Mayor and City Clerk are hereby authorized to execute the Final Plat, subject to the conditions set forth in Section 4 below that must be met, to the satisfaction of the City, prior to release of the Final Plat, unless otherwise expressly stated.
3. The City Council does hereby conditionally approve the Comprehensive Plan amendment to re-designate the Property from High Density Residential to Mixed-Use Development, subject to the review and recommendation by the Metropolitan Council pursuant to Minn. Stat. §473.851 *et seq.* The City Director of Community and Economic Development is hereby directed to immediately submit the proposed amendment to the Metropolitan Council for its recommendation. The Metropolitan Council review and recommendation is required prior to release of the Final Plat.
4. The following conditions must be met to the satisfaction of the City prior to any other approvals and 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 shall be modified to provide for more information for typical section of main access road, the easement dimensions, boulevard dimensions, and boulevard grades.
  - ii. City must be provided with executed Plans set.
  - iii. City must be provided with soil borings, in areas that include, but are not limited to filtration and ponding areas.
  - iv. The Plans shall be modified to have all storm pipe within the main access road be no smaller than 15-inch RCP.
  - v. The Tree Preservation Zoning District is present on the Property. No grading permit shall be issued until the City Community and Economic Development department has confirmed that all Tree Preservation Zoning District requirements have been satisfied.
  - vi. Any fill in of public water wetlands will require mitigation.
  - vii. The Plans shall be modified to provide stormwater management plan calculations.
  - viii. There is a downstream farm access with a culvert that regulates water outflow from the wetland east of the Property. The Plans shall be modified to provide pipe sizes, inverts, and materials to be called out and included in the stormwater report.
  - ix. 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.
  - x. Sheet Number 06 of the Plans shall be modified to: (1) call out NWL (922.0) and HWL (924.1) for wetland to the west; (2) call out approved wetland boundary; (3) call out wetland buffer – minimum width of 10 feet; (4) the proposed fill within the 924.1 HWL of the wetland east of the project shall not be allowed unless mitigation for the loss storage is provided; (5)

filtration and ponding systems will not drain until the wetland to the east has drained; (6) call out EOF direction and elevation for low points at CBs; (7) identify symbol for bold "X" shown in light grey; and (8) show required drainage and utility easements along property lines as well as overall stormwater facilities and wetlands.

- xi. Sheet Number 13 of the Plans shall be modified to: (1) bottom of infiltration basin shall be planted in clumps (no mix) of fox sedge and prairie cord grass; and (2) provide detail for filtration basins using the Minnesota Stormwater Manual and planting medium of 90% construction sand and 10-inch organic compost.
  - xii. The Plans shall be modified to have water looped and to provide an additional stub location along Garland with a valve or provide additional stub to connect to in the future.
  - xiii. The Plans shall be modified to have sanitary sewer that runs along access road to be at 0.40% slope.
- c. The Applicant shall comply with the following requirements subject to the satisfaction of the City Director of Community and Economic Development:
- i. A public road and utility easement must be established that extends to the land east of the Property.
  - ii. A public road and utility easement must be established to the land to the north of the Property along the easternmost drive that may be terminated if that land becomes part of phase 2 of this development.
- d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:
- i. The Plans shall be modified to show the Fire Department Connections. Each Fire Department Connection shall be located within 100 feet of a hydrant.
  - ii. The Plans shall be modified to show the fire sprinkler riser room for each building.
  - iii. The Plans shall be modified to have the watermain looped.

- iv. The Plans shall be modified to show if the water service for the two buildings is a combination fire sprinkler and domestic water service. The size of the water service for building 2 is not on the Plans.
  - v. A new water flow test or a documented water flow test within the last 12 months for the proposed building shall be provided to the City Fire Inspector prior to the issuance of a Certificate of Occupancy.
  - vi. The Plans shall be modified to provide for the location of fire hydrants and fire hydrant general requirements, all as required by City Code, the National Fire Prevention Association, and the Minnesota State Fire Code.
- 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 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**”), 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.

- h. The Applicant shall execute a Developer's Agreement, drafted by the City, 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.
- i. The Property is located within City Park Service Area 18. Residents of the Property are served by Hidden Meadows Park and various trail connections. The 2018 Parks System Plan identifies a future Playlot in City Park Service Area 18. Connections to local and regional trail networks are planned just to the west and a possible playlot to the east of the Property as residential development continues. A roadside walking path through the Property is necessary to link residents with existing and future park amenities. Pursuant to State Statute and City Code, the Final Plat requires a land dedication or a cash equivalent based on the rate approved by the City Council when the Final Plat is released for recording. The current park dedication multi-dwelling rate for the City is \$3,389.00 per unit. Assuming the Final Plat is released prior to the City Council adjusting the park dedication rate, the park dedication amount to be paid for the Final Plat shall be \$840,472.00 (248 multi-dwelling units x \$3,389.00). 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.
- 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 that 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, at all times, 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 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 6<sup>th</sup> day of June, 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. 22-101 is a true and correct copy of the Resolution as adopted by the City Council on the 6<sup>th</sup> day of June, 2022.

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



**EXHIBIT B**

# PRELIMINARY PLANS

FOR

## SITE, GRADING, UTILITIES, AND LANDSCAPE

FOR

### EDISON AT MAPLE GROVE APARTMENTS MAPLE GROVE, MINNESOTA

PREPARED FOR:

**JPL DEVELOPMENT**

353 MARSHALL AVENUE, SUITE 1

ST. LOUIS, MISSOURI

CONTACT: MICHAEL LANG

PHONE: (561) 818-3049

EMAIL: MRLANG386@JPLDEVELOPMENT.COM

PREPARED BY:

**Westwood**

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ST. LOUIS, MISSOURI 63103  
TEL: (314) 433-8800  
WWW.WESTWOODENGINEERS.COM

PROJECT NUMBER: 0034-031.00

CONTACT: RYAN M. BLUHM



Vicinity Map  
per sheet 1

**SHEET INDEX**

NO.	DATE	DESCRIPTION	REVISION	BY	CHK
01	01/15/10	PRELIMINARY PLANS			
02	01/15/10	SITE GRADING, UTILITIES, AND LANDSCAPE			
03	01/15/10	EDISON AT MAPLE GROVE APARTMENTS			
04	01/15/10	LANDSCAPE NOTES & DETAILS			
05	01/15/10	LANDSCAPE NOTES & DETAILS			
06	01/15/10	LANDSCAPE NOTES & DETAILS			
07	01/15/10	LANDSCAPE NOTES & DETAILS			
08	01/15/10	LANDSCAPE NOTES & DETAILS			
09	01/15/10	LANDSCAPE NOTES & DETAILS			
10	01/15/10	LANDSCAPE NOTES & DETAILS			
11	01/15/10	LANDSCAPE NOTES & DETAILS			
12	01/15/10	LANDSCAPE NOTES & DETAILS			
13	01/15/10	LANDSCAPE NOTES & DETAILS			
14	01/15/10	LANDSCAPE NOTES & DETAILS			

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07	01/15/10	LANDSCAPE NOTES & DETAILS			
08	01/15/10	LANDSCAPE NOTES & DETAILS			
09	01/15/10	LANDSCAPE NOTES & DETAILS			
10	01/15/10	LANDSCAPE NOTES & DETAILS			
11	01/15/10	LANDSCAPE NOTES & DETAILS			
12	01/15/10	LANDSCAPE NOTES & DETAILS			
13	01/15/10	LANDSCAPE NOTES & DETAILS			
14	01/15/10	LANDSCAPE NOTES & DETAILS			

PRELIMINARY PLANS  
FOR  
SITE GRADING, UTILITIES, AND  
LANDSCAPE  
FOR  
EDISON AT MAPLE GROVE APARTMENTS  
MAPLE GROVE, MINNESOTA

PROJECT NUMBER: 0034-031.00

# SHEET INDEX

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Sheet List Table	
SHEET NUMBER	SHEET TITLE
01	COVER
02	EXISTING CONDITIONS
03	PRELIMINARY PLAT
04	OVERALL SITE PLAN
05	PRELIMINARY SITE PLAN
06	PRELIMINARY GRADING & DRAINAGE PLAN
07	PRELIMINARY UTILITY PLAN
08	DETAILS
09	DETAILS
10	DETAILS
11	DETAILS
12	DETAILS
13	PRELIMINARY LANDSCAPE PLAN
14	LANDSCAPE NOTES & DETAILS