

## RESOLUTION NO. 22-103

### CITY OF MAPLE GROVE

#### RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT - DEVELOPMENT STAGE PLAN FOR ARBOR LAKES BUSINESS PARK PHASE 3 AND PRELIMINARY PLAT AND FINAL PLAT OF ARBOR LAKES BUSINESS PARK 4<sup>TH</sup> ADDITION

WHEREAS, Endeavor Development VII, LLC (hereinafter referred to as the “**Applicant**”) is the applicant for a Planned Unit Development (hereinafter referred to as “**PUD**”) –Development Stage Plan, preliminary plat, and final plat (hereinafter collectively referred to as the “**Application**”) for property located within the City of Maple Grove at Zachary Lane North and Fountains Drive North 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 May 9, 2022, 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. The Application is for PUD – Development Stage Plan, preliminary plat, and final plat approval for Phase 3 of the Arbor Lakes Business Park development in the Gravel Mining Area.
- B. On February 22, 2022, the City Council passed Resolution No. 22-045 granting PUD – Concept Stage Plan approval for Phase 3 to develop the Property with five (5) manufacturing/office/warehousing buildings ranging from 127,624 square feet to 201,824 square feet.
- C. The Applicant has submitted, for the City Council’s review and approval, the: (i) PUD – Development Stage Plan plans for the Property, drafted by Alliant Engineering, last dated with City comments on May 2, 2022 (hereinafter referred to as the “**Plans**”), which Plans Cover Sheet (Sheet C-0.0) is attached hereto as Exhibit B; (ii) the Plans also include the elevations, drafted by Patrick C. Harris, last dated with City comments May 3, 2022; (iii)

preliminary plat of the Property (hereinafter referred to as “**Preliminary Plat**”), which Preliminary Plat is Sheet C-2.0 of the Plans; and (iv) the final plat for Arbor Lake Business Park 4<sup>th</sup> Addition, drafted by Alliant Engineering (hereinafter referred to as the “**Final Plat**”).

- D. The Property is currently zoned FF, Freeway Frontage. The Applicant has made application to rezone the Property to PUD, Planned Unit Development (hereinafter referred to as the “**Rezoning Ordinance**”). The land to the north, east, and south of the Property is zoned FF, Freeway Frontage. The land to the 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. The Applicant, pursuant to City Code Chapter 36, Article II, Division 2, has submitted the Plans for the City’s review and approval.
- H. 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.
- I. The proposed subdivision of the Property is governed by City Code Chapter 30.
- J. 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.

- K. The Applicant, pursuant to City Code Chapter 30, has submitted the Preliminary Plat and Final Plat for the City's review and approval.
- L. 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 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 Preliminary Plat and 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. This Resolution and the approvals granted herein shall not become effective until such time that the Rezoning Ordinance is enacted by the City Council and published as required by law.
  - c. 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.

- d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Director of Community and Economic Development:
  - i. The Gravel Mining Area Master Plan provides a potential mobility hub near the Fountains Drive and Revere Lane intersection. Applicant shall work with staff to include a portion of Outlot A for the mobility hub.
  - ii. The Plans shall be modified to clean up the new roundabout to remove old linework and to have the proposed trail to stand out.
  - iii. There are discrepancies in the number of Common Hackberry, Greenspire Linden, and Norway Royal Red Maple on the Plans. The Plans shall be modified to address the discrepancies.
  - iv. There are trees labeled CB on the Plans that do not appear on the schedule. The Plans shall be modified to address this discrepancy.
  - v. An HL is shown on the Plans in Fountain Drive. The Plans shall be modified to remove or move the HL.
  - vi. The Plans shall be modified to provide consistent symbology for the different types of trees.
  - vii. The Plans shall be modified to provide material callouts.
  - viii. The Plans shall be modified to provide a complimentary number of ornamental trees.
  - ix. The Plans shall be modified to add structural soils and structural soil details for parking lot islands.
  
- e. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Chief:
  - i. The Plans shall be modified to have fire apparatus road turning radius meet the requirements of City Code and to provide aerial apparatus access roads for each building in compliance with the Minnesota State Fire Code §D105.
  - ii. The Plans shall be modified to have the number and spacing of hydrants to meet the requirements of Minnesota State Fire Code Appendix C, including, but not limited to: (1) for

Building 1, the parking space in front of the north middle fire hydrant shall be marked and signed no parking or relocate to the next island to the west, a hydrant shall be added at the north middle, eastern entrance, or at the island located just east of the entrance, and the hydrant located near the Building 2 riser room shall be shifted 15 to 20 feet to the north to be closer to Building 1 fire department connection; (2) for Building 2, shift the hydrant located at the south middle entrance (eastern island) across the entrance to the western island; and (3) for Building 3, relocate the hydrant from the eastern side of the loading yard to within 100 of the fire department connection, add a hydrant at the southeast entrance to Building 3 lot, ensure that all hydrants are at least 15 feet from all utilities as required by City Code §18-82, identify the location of the transformers, and provide for small hose connections in areas of high-piled storage.

- iii. The Plans shall be modified to provide for fire department access doors and access walkways to each access door.
- iv. The Plans shall be modified to ensure that the requirements of City Code regarding the location
- v. 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.
- vi. The Plans shall be modified to provide fire department access doors and access walkways for each access door.
  - vii. 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.
- f. 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).

- g. 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.
- h. 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.
- i. Pursuant to State Statute and City Code, the development of this Property 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 Applicant is purchasing the Property from the Tiller Corporation and have requested the use of Park Dedication credits from the Tiller Corporation credit bank to satisfy the park dedication for the Final Plat. The balance is currently at 60.13 acres. Tiller credit reduction calculates as follows: Lot 1 – 10.78 acres; Lot 2 – 9.80 acres; and Lot 3 – 8.28 acres. The total park dedication is a 28.86 acres Tiller Corporation credit bank reduction. The remaining balance in the Tiller Corporation credit bank after the reduction is 27.71 acres. The outlots of the Final Plat will require park decision at the time they are platted.
- 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 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. 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.
- l. Construction on the Property shall 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 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 (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 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. 22-103 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**



# **SHEET INDEX**

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<u>NO.</u>	<u>SHEET TITLE</u>
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C-2.0	PRELIMINARY PLAT
	FINAL PLAT
	FINAL PLAT PLAN
C-3.0	OVERALL SITE PLAN
C-3.1	WEST SITE PLAN
C-3.2	EAST SITE PLAN
C-4.0	OVERALL GRADING AND EROSION CONTROL PLAN
C-4.1	WEST GRADING AND EROSION CONTROL PLAN
C-4.2	EAST GRADING AND EROSION CONTROL PLAN
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C-5.1	FILTRATION BASIN DETAILS
C-6.0	OVERALL UTILITY PLAN
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C-7.2	CONSTRUCTION DETAILS
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A-2.2	ARCHITECTURAL ELEVATIONS BLDG 2
A-2.3	ARCHITECTURAL ELEVATIONS BLDG 3