

RESOLUTION NO. 22-099

CITY OF MAPLE GROVE

**RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT — DEVELOPMENT
STAGE PLAN FOR PROPERTY LOCATED AT 7855 ELM CREEK BOULEVARD**

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 (hereinafter collectively referred to as the “**Application**”) for that property located at 7855 Elm Creek Blvd., Maple Grove, Minnesota, 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 considered the Application at its May 9, 2022 meeting, recommending approval; and

WHEREAS, the City Council consider the Application at its May 16, 2022 meeting receiving the recommendation of 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 to develop the Property with a 10,919 square foot multi-tenant commercial building for up to four (4) tenant spaces, including a drive-up window (hereinafter referred to as the “**Project**”).
- B. The Applicant has submitted, for the City Council’s review and approval: (i) the plans for the Property drafted by Thielen & Green, dated May 3, 2022 (hereinafter referred as the “**Plans**”), which Plans consists of the following pages:

1.	SD004	Conceptual Site Plan – Version 7
2.	SD005	Enlarged Floor Plan
3.	SD006	Roof Plan
4.	SD007	Exterior Elevations
5.	SD008	Rendering (7 sheets)
6.	SD008	Rendering
7.	C-1	Topographic Survey and Site Demolition Plan
8.	C-2	Site Plan and Sediment Erosion Control Plan
9.	C-3	Grading, Drainage, and Utility Plan
10.	L100	Landscape Plan
11.	L200	Landscape Details

- C. The Property is zoned B-PUD, Business Planned Unit Development. The land to the north and east of the Property is zoned B-PUD, Business Planned Unit Development. The land to the south and west is Interstate 94.
- 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. Pursuant to City Code §36-64(b)(1), the purpose of the PUD – Development Stage Plan is to provide a specific and particular plan upon which the planning commission will base its recommendation to the council and with which substantial compliance is necessary for the preparation of the final plan
- H. The Applicant has submitted the Plans for the City’s review and approval.
- I. The proposed development as proposed in the Application and Plans are 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.

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 does hereby conditionally approve the Application for the PUD - Development Stage Plan and the Plans to develop the Project on the Property, subject to the following conditions 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 on the Property 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 Plans provide for a drive-up window for online ordering pick-up only. Any conversion (excluding ceasing operations) related to this drive-up window, including, but not limited to, a drive-thru shall not be allowed, except by application, subject to the review and approval of the City Council.
4. The Applicant shall comply with the following requirements to the satisfaction of the City Community and Economic Development Director:
 - a. The Plans shall be modified to add two (2) additional overstory trees.
 - b. The Plans shall be modified to label and identify the existing tree genus.
 - c. Applicant shall submit reciprocal operating agreements related to shared facilities with the adjacent property, including, but not limited to, cross-parking, access, maintenance, and shared trash enclosures.
5. The Applicant shall comply with the following requirements subject to the satisfaction of the City Engineer:
 - a. The Plans shall be modified to provide for all new curb around the building and curb islands to be tip out style promoting drainage to the catch basin.
 - b. The Plans shall be modified to provide for drainage arrows to the south corner by the main entrance and include the location of the high point.
 - c. Sheet C-3 of the Plans shall be modified to: (1) provide disturbed area in acres or square feet; (2) provide total of cut and fill in cubic yards; and (3) call out EOF location and elevations for CBs in northwest, northeast, and southwest corners.
 - d. 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.

- e. The Plans shall be modified to provide for stop signs on each private driveway access approach to a public street and to have the pick-up window drive aisle on the northwest side of the building be signed one-way traffic.
 - f. The drive-up window will not allow for a que of more than four (4) vehicles. The Plans shall be modified to provide for a traffic management plan that, among other things, addresses if the que maximum is exceeded.
 - g. Plans shall be modified to provide a pavement marking plan that, among other things, directs vehicles to the direction of the pick-up window.
6. The Applicant shall comply with the following requirements to the satisfaction of the City Fire Inspector:
- a. The Plans only show a 2-inch water line. The Plans shall be modified to identify the location and size of the fire sprinkler water main. Underground piping shall be permitted to extend into the building through the slab or wall not more than 24 inches per 2016 NFPA 24 §10.1. A low temperature sensor shall be required in the sprinkler riser room.
 - b. The Plans shall be modified to provide for a second fire hydrant.
 - c. The Plans shall be modified to verify that the 2-inch water line is a combination water service.
 - d. The Plans shall be modified to provide for the location of fire hydrants and fire hydrant general requirement, all as required by City Code, the National Fire Prevention Association, and the Minnesota State Fire Code, including, but not limited to, (1) location of fire department connections to ensure that fire hydrants are within 100 feet and accessible at all times, and (2) provide for locking fire department connection caps.
7. The Applicant shall comply with the following requirements to the satisfaction of the City Building Official:
- a. The Plans shall be modified to provide for accessible curb in line with each of the four (4) entrances will be required.
8. 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 an on-going requirement that will be a term and obligation within the PUD Agreement (see PUD Agreement requirement below).

9. The Applicant shall enter into a Site Improvement Performance Agreement (hereinafter referred to as “**SIPA**”), 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 full growing seasons to guaranty the proper installation and growth of all landscaping items.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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:

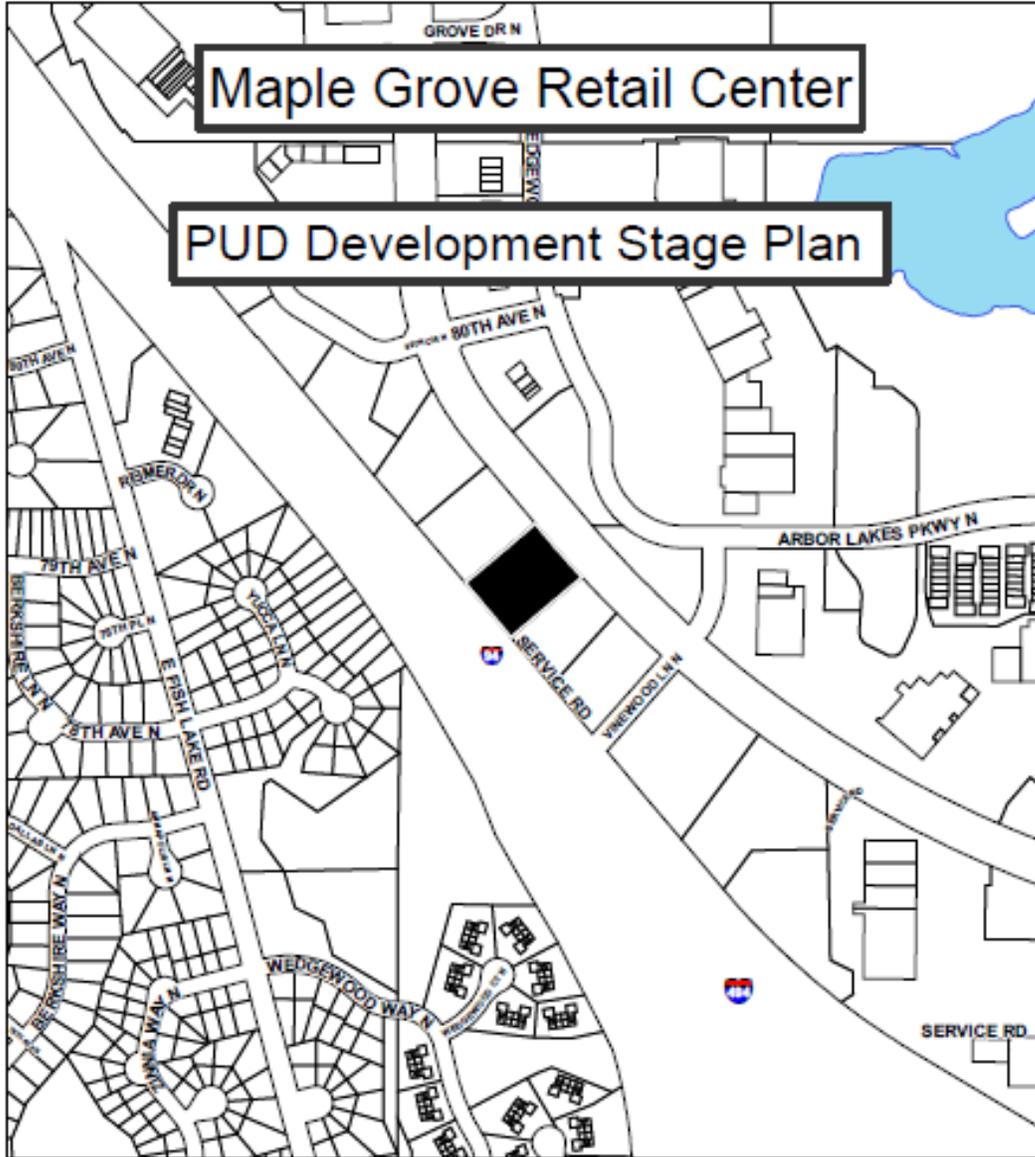
whereupon, the resolution was declared duly passed and adopted the 6th day of June, 2022.

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. 22-099 is a true and correct copy of the Resolution as adopted by the City Council on the 6th day of June, 2022.

City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP

