

RESOLUTION NO. 22-114

CITY OF MAPLE GROVE

RESOLUTION APPROVING PLANNED UNIT DEVELOPMENT – DEVELOPMENT STAGE PLAN FOR TRICARE SENIOR HOUSING AND PRELIMINARY PLAT AND FINAL PLAT FOR TRICARE 7TH ADDITION

WHEREAS, MWF Properties (hereinafter referred to as the “**Applicant**”) is the applicant for Planned Unit Development (hereinafter referred to as “**PUD**”) — Development Stage Plan, 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 96th Avenue North, 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 June 13, 2022 meeting, recommending approval of the Application; and

WHEREAS, the City Council consider the Application at its June 20, 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 January 3, 2022, the City Council passed Resolution No. 22-008 conditionally approving the PUD – Concept Stage Plan amendment to allow a four-story, 152-unit affordable 55+ apartment building on the Property.
- B. The Applicant is requesting the Application to develop the Property with a four-story, 160-unit affordable 55+ apartment building. The proposal is considered consistent with the PUD – Concept Stage Plan because the per unit deviation is within 10%. The Applicant is proposing that rents be affordable to people with incomes at 60% of the area medium income.
- C. The Applicant has submitted, for the City Council’s review and approval, the: (i) plans, drafted by CivilSite Group, dated May 9, 2022, with last City resubmittal date of June 1, 2022 (hereinafter referred to as the “**Plans**”), which Plans Cover Sheet (Sheet Number C0.0) is attached hereto as Exhibit B; (ii) the Plans include Tree Preservation Plan and Existing Tree Inventory (Sheets T1-1 and T1-2), drafted by Loucks, dated December 7, 2021; (iii) the

Plans include the building floor plans (Sheets A300, A310, A320, A330, and A340), drafted by Miller Hanson Architects, dated June 2, 2022; (iv) the elevations (Sheets A500, A501, A502, and A503), drafted by Miller Hanson Architects, dated May 9, 2022; (v) the Plans include the Electrical Site Plan, drafted by Berd Electric LLC, undated; (vi) preliminary plat of Tricare 7th Addition, drafted by Loucks, dated May 9, 2022 (hereinafter referred to as the “**Preliminary Plat**”); and (vii) final plat of Tricare 7th Addition, drafted by Loucks (hereinafter referred to as the “**Final Plat**”).

- D. The Property is zoned PUD, Planned Unit Development. The land to the west of the Property is zoned RA, Single-Family Agricultural. The land to the north, east, and south 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(b)(1), the purpose of the PUD – Development Stage Plan is to provide a specific and particular plan for the development of property.
- H. The Applicant, pursuant to City Code Chapter 36, Article II, Division 2, has submitted Plans for the City’s review and approval.
- I. 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.
- J. The proposed subdivision of the Property is governed by State Statute and City Code Chapter 30.

K. 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.

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 Preliminary Plat and Final Plat for the City's review and approval.

N. 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 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 show that sanitary tile will encroach on the Bio-Life parking lot/entrance. The Applicant shall work address this issue by modifying the shared entrance and to add tip out curb at the high point of the garage entrance to push water to outside curb.
 - ii. Sheets C2.1 and C2.2 of the Plans shall be modified to call out Tree Preservation Area and Shoreland Area.
 - iii. Sheets C3.1 and C3.2 of the Plans shall be modified to add FFE and parking garage elevations, add EOF elevation and locations for CBMH 1 and 2, add pond/filtration system RIM and IE's, and add OCS detail for pond/filtration.
 - iv. Sheets C1.2 and C1.3 of the Plans shall be modified to have filtration system plantings be clumps/pods of fox sedge and prairie cord grass.
 - v. Sheet SW1.3 of the Plans shall be modified to provide for Sediment Control item 11 to read "Street sweep of site and Garland Lane is required a minimum of 1x per week or more frequently as directed by the City of Maple Grove".
 - vi. 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.
 - vii. The Plans shall be modified to replace 90 degree bends with 45 degree bends.
- c. The Applicant shall comply with the following requirements subject to the satisfaction of the City Director of Community and Economic Development:
 - i. The Plans shall be modified to provide for a tree protection fence near existing trees before a grading permit will be issued.

- ii. The Plans shall be modified to identify the dog park provided for in the Applicant's narrative.
 - iii. The Applicant shall submit shared access easements with adjoining properties.
 - iv. The Plans are subject to the review and recommendation of the City Arbor Committee and shall be modified as recommended by the City Arbor Committee and required by the City Director of Community and Economic Development.
- d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:
- i. The Plans show 3 dead-end hydrants served by the 8-inch water main located along 96th Avenue. The Plans shall be modified for an additional fire hydrant at the end of the north fire apparatus access road and watermain serving multiple fire hydrants shall be looped to minimize the number of dead-end fire hydrants.
 - ii. The Plans show an 8-inch combination fire sprinkler/domestic watermain to the building. The Plans shall be modified to provide for a fire sprinkler system and, with the 8-inch combination service, a domestic water line to be limited to 2-inches in size, including any lawn sprinkler system demand, unless an electric solenoid valve is installed. However, it is not recommended that an electric solenoid valve is installed. Regardless, the Plans shall indicate the size of domestic service line needed for the building and it is strongly encouraged to upsize the water service main into the building.
 - iii. The Plans shall be modified to provide for the location of the fire sprinkler riser room and direct exterior access.
 - iv. 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.
 - v. 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 along Garland Lane will connect residents to the future park to the north and County Road 30 to the south. 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 \$542,240.00 (160 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 (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:

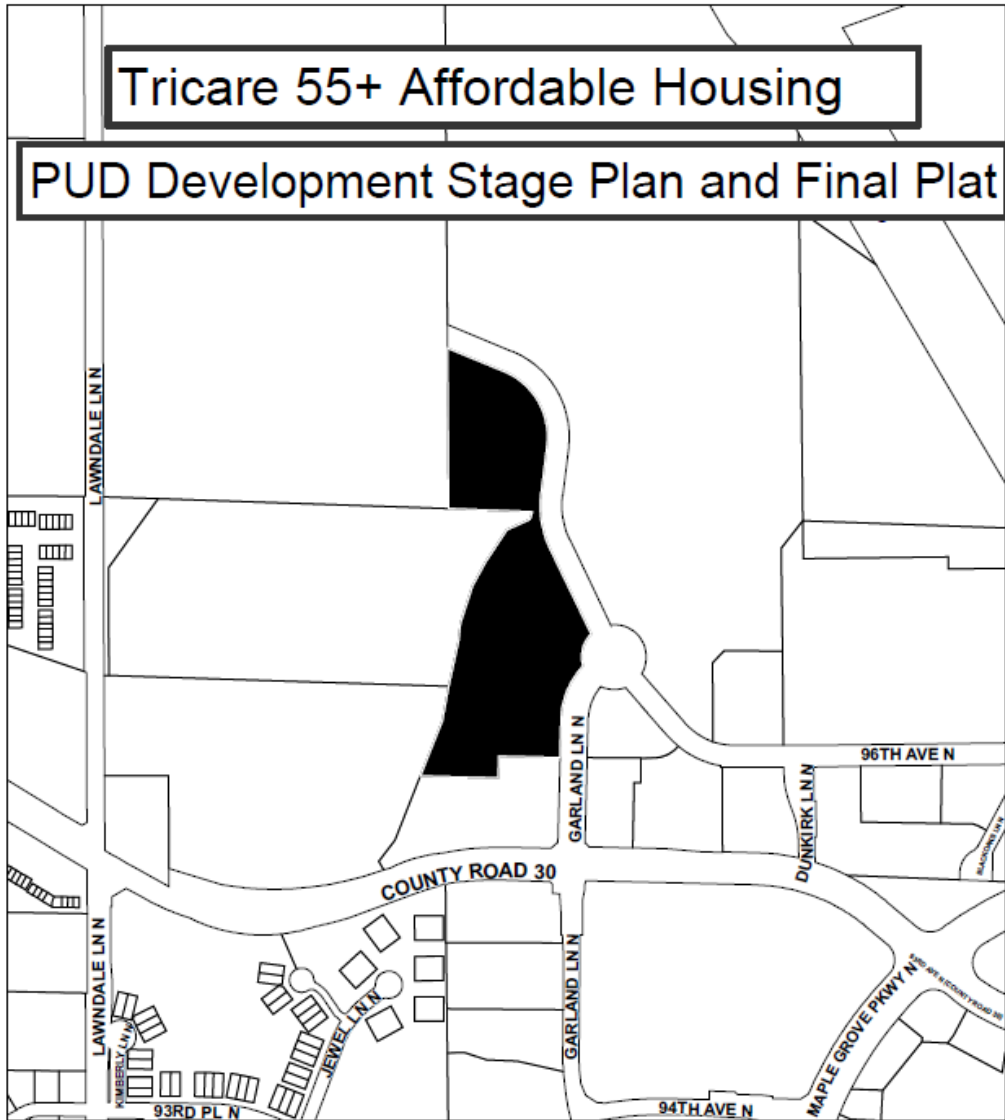
whereupon, the resolution was declared duly passed and adopted the 20^h day of June, 2022.

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. 22-114 is a true and correct copy of the Resolution as adopted by the City Council on the 20th day of June, 2022.

City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP

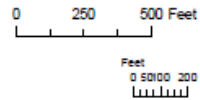


EXHIBIT B

MAPLE GROVE APARTMENTS

MAPLE GROVE, MINNESOTA

ISSUED FOR: CITY SUBMITTAL



ARCHITECT:
 MUELLER ARCHITECTS, INC.
 10000 UNIVERSITY AVENUE, SUITE 200
 MINNEAPOLIS, MN 55425
 PHONE: 612.338.8888
 WWW.MUELLERARCHITECTS.COM

DEVELOPER / PROPERTY OWNER:
 MWF PROPERTIES
 10000 UNIVERSITY AVENUE, SUITE 200
 MINNEAPOLIS, MN 55425
 PHONE: 612.338.8888
 WWW.MWFPROPERTIES.COM

LANDSCAPE ARCHITECT:
 DRAKE GROUP
 10000 UNIVERSITY AVENUE, SUITE 200
 MINNEAPOLIS, MN 55425
 PHONE: 612.338.8888
 WWW.DRAKEGROUP.COM



More details below.
 Call us at 612.338.8888

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1.0	CONCRETE				
1.1	CONCRETE				
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PROJECT:
MAPLE GROVE APTS.
 MAPLE GROVE, MN
MWF PROPERTIES

PRELIMINARY:
 NOT FOR
 CONSTRUCTION

DATE: 08/14/2018
 TIME: 10:00 AM
 PROJECT: MAPLE GROVE APTS.
 DRAWING: 001 - GENERAL NOTES

C0.0

SHEET INDEX

SHEET NUMBER	SHEET TITLE
C0.0	TITLE SHEET
V1.0	SITE SURVEY - LOUCKS
V1.1	SITE SURVEY - LOUCKS
V1.2	SITE SURVEY - STORM EXHIBIT
T1-1	TREE PRESERVATION PLAN - LOUCKS
T1-2	EXISTING TREE INVENTORY - LOUCKS
C1.0	REMOVALS PLAN - OVERALL
C1.1	REMOVALS PLAN - NORTH
C1.2	REMOVALS PLAN - SOUTH
C2.0	SITE PLAN - OVERALL
C2.1	SITE PLAN - NORTH
C2.2	SITE PLAN - SOUTH
C3.0	GRADING PLAN - OVERALL
C3.1	GRADING PLAN - NORTH
C3.2	GRADING PLAN - SOUTH
C4.0	UTILITY PLAN - OVERALL
C4.1	UTILITY PLAN - NORTH
C4.2	UTILITY PLAN - SOUTH
C5.0	CIVIL DETAILS
C5.1	CIVIL DETAILS
C5.2	CIVIL DETAILS
C5.3	CIVIL DETAILS
L1.0	LANDSCAPE PLAN - OVERALL
L1.1	LANDSCAPE PLAN - NORTH
L1.2	LANDSCAPE PLAN - SOUTH
L1.3	LANDSCAPE PLAN NOTES & DETAILS
SW1.0	SWPPP - EXISTING CONDITIONS
SW1.1	SWPPP - PROPOSED CONDITIONS
SW1.2	SWPPP - DETAILS
SW1.3	SWPPP - NARRATIVE
SW1.4	SWPPP - ATTACHMENTS
SW1.5	SWPPP - ATTACHMENTS