

## RESOLUTION NO. 22-113

### CITY OF MAPLE GROVE

#### RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT – CONCEPT STAGE PLAN AMENDMENT AND PLANNED UNIT DEVELOPMENT – DEVELOPMENT STAGE PLAN FOR PROPERTY LOCATED AT 15701 GROVE CIRCLE NORTH

WHEREAS, Tooth Fairy Holdings, LLC (hereinafter referred to as the “**Applicant**”), has made application for a Planned Unit Development (hereinafter referred to as “**PUD**”) – Concept Stage Plan amendment and PUD - Development Stage Plan (hereinafter collectively referred to as the “**Application**”) for that property located at 15701 Grove Circle North, 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 held a public hearing and considered the Application at its June 13, 2022 meeting, recommending approval; and

WHEREAS, the City Council consider the Application at its June 20, 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 – Concept Stage Plan amendment and PUD – Development Stage Plan to develop the Property with a 6,600 square foot medical building that will provide dental services (hereinafter referred to as the “**Project**”). The original PUD – Concept Stage Plan approved a 5,400 square foot retail building at the Property. A PUD – Concept Stage Plan amendment is required to increase the size of the building and modify the use.
- B. The Applicant has submitted, for the City Council’s review and approval the plans for the Property drafted by Sperides Reiners Architects, Inc., City submittal date of May 9, 2022, which consists of the following pages:
  1. A000 Title Sheet
  2. A002 Exterior Renderings
  3. 1 of 1 ALTA/ACSM Land Title Survey
  4. C1-2 Demolition Plan
  5. C2-1 Site Plan
  6. C3-1 Grading and Erosion Plan
  7. C4-1 Utility Plan

8. C8-1 Civil Details
9. C8-2 Civil Details
10. L1-1 Landscape Plan
11. L2-1 Landscape Details
12. A200 Floor Plan
13. A300 Exterior Elevations
14. A301 Exterior Elevations
15. A302 Exterior Elevations - Color

(hereinafter referred as the “**Plans**”).

C. The Property is zoned PUD, Planned Unit Development. The land surrounding the Property is zoned PUD, Planned Unit Development.

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(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 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
- I. The Applicant has submitted the Plans for the City’s review and approval.
- J. The development as proposed in the Application and the Plans 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.

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 Application and the Plans for PUD – Concept Stage Plan and PUD – Development Stage Plan to develop the Property with a 6,600 square foot medical building that will provide dental services is hereby conditionally approved, 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 Applicant shall comply with the following requirements subject to the satisfaction of the City Director of Community and Economic Development:
  - a. The landscape plan portion of the Plans shall be modified as follows: (i) add six (6) additional overstory trees; (ii) empty parking islands shall be utilized for additional tree locations if recommended by the City Arbor Committee and directed by the City Director of Community and Economic Development; (iii) coniferous trees shall be added; (iv) callout species of all saved trees; (v) no more than 20% of overstory trees can be of the same genus; and (vi) all best efforts must be made to save existing trees.

- b. The landscape plan portion of the Plans are subject to the review and recommendation of the City Arbor Committee. The Plans shall be modified as recommended by the City Arbor Committee and approved by the City Director of Community and Economic Development.
  - c. The Plans shall be modified to provide for a flat curb and gutter approach to the sidewalk between the two (2) accessible parking stalls.
4. The Applicant shall comply with the following requirements subject to the satisfaction of the City Engineer:
- a. A signed copy of the Plans is required.
  - b. The Plans shall be modified to provide stormwater calculations for volume management.
  - c. The Plans shall be modified to provide for biofiltration basin to be 90% sand and 10% organic compost, and vegetation shall be Fox Sedge and Prairie Cord Grass planted in clumps/groups.
  - d. The Plans shall be modified to callout EOF location and elevation for biofiltration basin.
  - e. The Plans shall be modified to provide the biofiltration basin to have a maintenance agreement with the City.
  - f. The Plans shall be modified to callout access to biofiltration basin.
  - g. The Plans shall be modified to provide for the RCP connection to existing MH in City right-of-way shall be a minimum of 15 inches.
  - h. The Plans shall be modified to have curb and gutter be tip out style to promote drainage structures in the existing lot.
  - i. The Plans are subject to the review of the Elm Creek Watershed District. The Plans shall be modified as directed by the Elm Creek Watershed District and approved by the City Engineer.
  - j. The Plans shall be modified to provide for pedestrian sidewalk connections to the existing sidewalks along Grove Circle and Hospital Drive, and the sidewalk along Hospital Drive needs to be extended to the south tying into the driveway.
  - k. The Plans shall be modified to replace all water piping 90 degree bends with 45 degree bends or less or to make modification to alleviate excessive bends.

5. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:
  - a. The Plans shall be modified to verify that the one (1) on-site fire hydrant is located within 100 feet of a fire department connection.
  - b. The Plans shall be modified to show the fire sprinkler riser room.
  - c. If a combination fire sprinkler and domestic water service is used, the Plans shall be modified to have the domestic service, including, but not limited to irrigation, to be limited to ¼ size of the combination 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.
6. 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 DSP 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 an on-going requirement that will be a term and obligation within the PUD Agreement (see PUD Agreement requirement below).
7. The Applicant shall enter into a Site Improvement Performance Agreement (hereinafter referred to as “**SIPA**”), if required by the City Director of Community and Economic Development, 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.
8. 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.

9. Construction on the Property shall, at all times, comply with the DSP Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.
10. Maintenance of the Property shall, at all times, comply with the DSP Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.
11. 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.
12. 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:

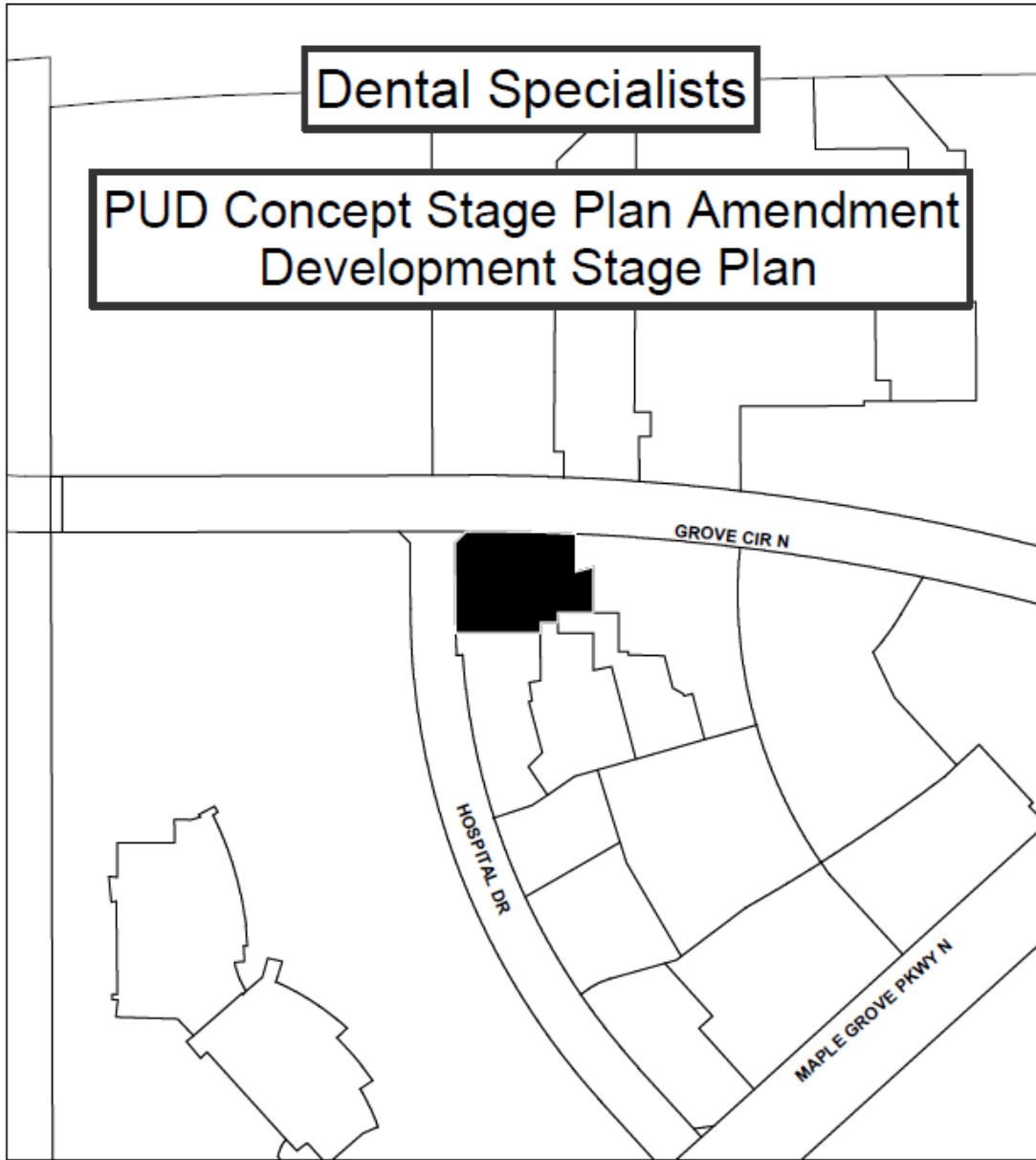
whereupon, the resolution was declared duly passed and adopted the 20<sup>th</sup> day of June, 2022.

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. 22-113 is a true and correct copy of the Resolution as adopted by the City Council on the 20<sup>th</sup> day of June, 2022.

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

EXHIBIT A



NEIGHBORHOOD LOCATION MAP

