

RESOLUTION NO. 23-127

CITY OF MAPLE GROVE

**RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT -
DEVELOPMENT STAGE PLAN, PRELIMINARY PLAT, AND FINAL PLAT
FOR MINNESOTA SCIENCE AND TECHNOLOGY CENTER**

WHEREAS, Ryan Companies US, Inc. (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 within the City of Maple Grove Gravel Mining Area north of Interstate 694 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 August 14, 2023, recommending approval of the Application; and

WHEREAS, the City Council considered the Application at its August 21, 2023 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 to develop Lot 1, Block 1 of the Final Plat (hereinafter referred to as “**Lot 1**”) with a 400,000 square foot, three-story, office/lab building with the potential of a 150,000 square foot addition.
- B. On June 26, 2023, the City Council passed Resolution No. 23-094 conditionally approving PUD – Concept Stage Plan approval to develop the Property with a 400,000 square foot, three-story, office/lab building with the potential of a 150,000 square foot addition.
- 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 Ryan A+E. Inc., with a resubmittal date of August 1, 2023 (hereinafter referred to as the “**Plans**”), which Plans Cover Sheet (Sheet C001) is attached hereto as Exhibit B; (ii) the Plans include the elevations, drafted by

Perkins & Will, dated June 20, 2023 (Sheets A300, A301, A302, A303, A304, A305, A306, and A307); (iii) the Plans include the Site Lighting Plan (Sheet E1.1) and Electrical Details (Sheet E1.2), drafted by Emanuelson-Podas, Inc., with a resubmittal date of August 1, 2023; (iv) the Plans include the landscape plans, drafted by Ryan A+E, Inc., with a resubmittal date of August 1, 2023 (Sheets L001, L200, L400, and L500); (v) preliminary plat of the Property, drafted by Westwood Professional Services, Inc., dated August 11, 2023 (hereinafter referred to as “**Preliminary Plat**”); and (vi) the final plat of the Property entitled *Minnesota Science and Technology Center*, drafted by Westwood Professional Services, Inc. (herein referred to as the “**Final Plat**”), which Final Plat subdivides the Property into Lot 1 and 3 outlots.

- 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 east and west of the Property is zoned PUD, Planned Unit Development. The land to the north of the Property is zoned RA, Single-Family Agricultural. The land to the south of the Property is Interstate 94/694.
- 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 to develop Lot 1 with a 400,000 square foot, three-story, office/lab building with the potential of a 150,000 square foot addition, 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. Any addition to the 400,000 square foot building shall require a PUD – Development Stage Plan amendment.
- d. 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.
- e. The Applicant has submitted a letter dated August 1, 2023 addressed to the City Planning Manager regarding the requirements of City staff in various staff memoranda (hereinafter referred to as the “**Letter**”). The City Planning Manager issued a memorandum dated August 2, 2023 regarding remaining requirements. The following requirements must be met subject to the satisfaction of the City Director of Community and Economic Development:
 - i. The Plans shall be modified to provide for soil types to ensure the overall health and success of all proposed trees in islands with less than a 30 feet by 30 feet growing area.
 - ii. Prior to release of the building permit, Applicant shall provide a maintenance plan for all native planting areas.
 - iii. The Applicant shall provide where the existing McCrossan material and equipment on the Property will be moved.
- f. The City Fire Inspector issued a letter dated July 21, 2023 with requirements. By letter dated August 8, 2023, the City Fire Inspector indicates that the Letter satisfies the requirements with verification required at the time of building plan submittal.
- g. The Applicant shall comply with the following requirements subject to the satisfaction of the City Engineer:
 - i. Sheet C403 of the Plans shall be modified to confirm drainage escapes loading dock area or add pump.
 - ii. Sheet C404 shall be modified to so EOF for pond should be at least 18" lower than FFE of proposed and future building expansion.

- iii. Sheet C601 shall be modified to provide landscape plan where filtration basin shall be planted in clumps of fox sedge and prairie cord grass.
 - iv. SWPPP shall be provided at the time of grading permit. All final runs of storm sewer that terminate into ponds with a flared end section must be reinforced concrete pipe.
 - v. Prior to release of the Final Plat, a stormwater BMP maintenance agreement drafted by the City shall be executed.
 - vi. Table 1.1 of the stormwater management report must use local, Hennepin County depths.
 - vii. A manhole located in the proposed eastern portion of the parking lot appears to be in the flowline of the curblin. The Plans shall be modified to either spin the cone so the entire manhole casting sits in the parking lot or move the manhole away from the curb to the drive aisle.
 - viii. The Final Plat shall be modified to provide dedication of drainage and utility easements or a separate easement shall be provided for the public utilities on the east side and the pond on the south eastside..
 - ix. The Plans shall be modified to provide additional valves needed at crosses and tees (3 at a cross and 2 at a tee).
 - x. The Plans shall be modified to provide for all drop manholes to be outside drops.
- h. 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).

- i. 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.
- j. 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 Lot 1. The City will not issue any permits for the development of Lot 1 prior to being provided recording information for the PUD Agreement.
- k. 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 guarantee the proper installation and growth of all landscaping items.
- l. Pursuant to Statute Statute and City Code, the Final Plat requires park dedication via a land dedication and/or a cash equivalent based on the rate approved by the City Council when the Final Plat is released for recording. The park dedication obligation shall be by a cash dedication based on the commercial rate, which is currently \$11,000.00 per acre. Lot 1 consists of 40.01 acres of the 105.85-acre Property. The development of Lot 1 is a proposed 400,000 square foot facility with a combination of office space and research and development labs. 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 \$440,110.00 (40.01 acres times \$11,000.00). 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 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. The park dedication for future phases of the Preliminary Plat will be reviewed when application is made on a future phase final plat.

- m. 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.
- n. 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.
- o. Construction on and 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.
- p. 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).
- q. 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 on the 21st day of August, 2023.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF MAPLE GROVE)

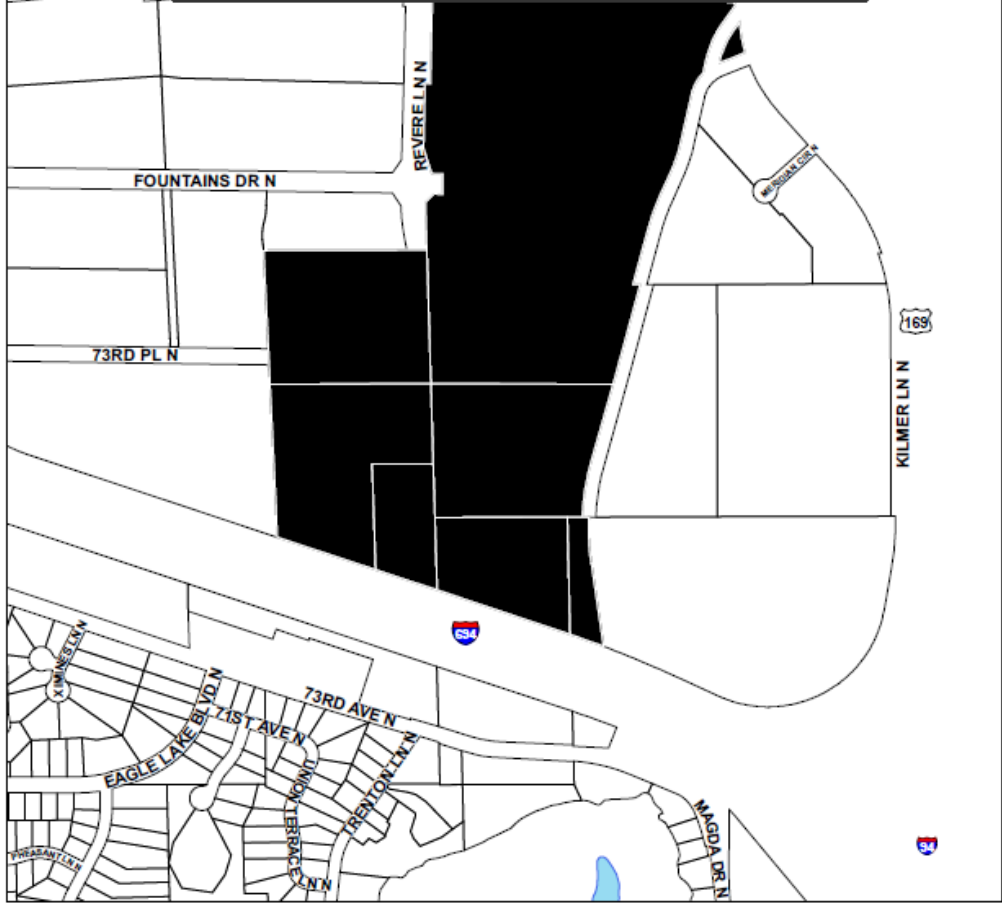
I, the undersigned, being the duly qualified and acting Clerk of the City of Maple Grove, Hennepin County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing Resolution No. 23-127 is a true and correct copy of the Resolution as adopted by the City Council on the 21st day of August, 2023.

City Clerk

EXHIBIT A

Minnesota Science and Technology Center -
Project Black Bear

PUD Development Stage Plan,
Preliminary Plat, and Final Plat



NEIGHBORHOOD LOCATION MAP



City of
Maple Grove



0 250 500 Feet

Feet
05900200
11111

PROJECT BLACK BEAR

MAPLE GROVE, MN

DEVELOPMENT STAGE PUD

PROJECT CONTACTS

OWN ENGINEER:
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WWW.PW.COM

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PROJECT LOCATION



VICINITY MAP
NOT TO SCALE

SHEET INDEX

10	0101	C001	COVER SHEET
10	0102	C100	EXISTING CONDITIONS SURVEY
10	0103	C101	EXISTING CONDITIONS SURVEY
10	0104	C102	OVERALL REMOVAL PLAN
10	0105	C103	SEM-OVALS PLAN
10	0106	C104	SEM-OVALS PLAN
10	0107	C105	SEM-OVALS PLAN
10	0108	C106	SEM-OVALS PLAN
10	0109	C107	SEM-OVALS PLAN
10	0110	C200	OVERALL EROSION CONTROL PLAN
10	0111	C201	EROSION CONTROL PLAN
10	0112	C202	EROSION CONTROL PLAN
10	0113	C203	EROSION CONTROL PLAN
10	0114	C204	EROSION CONTROL PLAN
10	0115	C205	EROSION CONTROL PLAN
10	0116	C300	OVERALL SITE PLAN
10	0117	C301	SITE PLAN
10	0118	C302	SITE PLAN
10	0119	C303	SITE PLAN
10	0120	C304	SITE PLAN
10	0121	C305	SITE PLAN
10	0122	C400	OVERALL GRADING PLAN
10	0123	C401	GRADING PLAN
10	0124	C402	GRADING PLAN
10	0125	C403	GRADING PLAN
10	0126	C404	GRADING PLAN
10	0127	C405	GRADING PLAN
10	0128	C500	OVERALL UTILITY PLAN
10	0129	C501	UTILITY PLAN
10	0130	C502	UTILITY PLAN
10	0131	C503	UTILITY PLAN
10	0132	C504	UTILITY PLAN
10	0133	C505	UTILITY PLAN
10	0134	C600	OVERALL STORMSEWER PLAN
10	0135	C601	STORMSEWER PLAN
10	0136	C602	STORMSEWER PLAN
10	0137	C603	STORMSEWER PLAN
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10	0338	C804	C&I DE TAILS
10	0339	C805	C&I DE TAILS
10	0340	C806	C&I DE TAILS
10	0341	C807	C&I DE TAILS
10	0342	C808	C&I DE TAILS
10	0343	C809	C&I DE TAILS
10	0344	C810	C&I DE TAILS
10	0345	C811	C&I DE TAILS
10	0346	C812	C&I DE TAILS
10	0347	C813	C&I DE TAILS
10	0348	C814	C&I DE TAILS
10	0349	C815	C&I DE TAILS
10	0350	C816	C&I DE TAILS
10	0351	C817	C&I DE TAILS
10	0352	C818	C&I DE TAILS
10	0353	C819	C&I DE TAILS
10	0354	C820	C&I DE TAILS
10	0355	C821	C&I DE TAILS
10	0356	C822	C&I DE TAILS
10	0357	C823	C&I DE TAILS
10	0358	C824	C&I DE TAILS
10	0359	C825	C&I DE TAILS
10	0360	C826	C&I DE TAILS
10	0361	C827	C&I DE TAILS
10	0362	C828	C&I DE TAILS
10	0363	C829	C&I DE TAILS
10	0364	C830	C&I DE TAILS
10	0365	C831	C&I DE TAILS
10	0366	C832	C&I DE TAILS
10	0367	C833	C&I DE TAILS
10	0368	C834	C&I DE TAILS
10	0369	C835	C&I DE TAILS
10	0370	C836	C&I DE TAILS
10	0371	C837	C&I DE TAILS
10	0372	C838	C&I DE TAILS
10	0373	C839	C&I DE TAILS
10	0374	C840	C&I DE TAILS
10	0375	C841	C&I DE TAILS
10	0376	C842	C&I DE TAILS
10	0377	C843	C&I DE TAILS
10	0378	C844	C&I DE TAILS
10	0379	C845	C&I DE TAILS
10	0380	C846	C&I DE TAILS
10	0381	C847	C&I DE TAILS
10	0382	C848	C&I DE TAILS
10	0383	C849	C&I DE TAILS
10	0384	C850	C&I DE TAILS
10	0385	C851	C&I DE TAILS
10	0386	C852	C&I DE TAILS
10	0387	C853	C&I DE TAILS
10	0388	C854	C&I DE TAILS
10	0389	C855	C&I DE TAILS
10	0390	C856	C&I DE TAILS
10	0391	C857	C&I DE TAILS
10	0392	C858	C&I DE TAILS
10	0393	C859	C

●	08/01/2023	C001	COVER SHEET
●	08/01/2023	C100	EXISTING CONDITIONS SURVEY
●	08/01/2023	C101	EXISTING CONDITIONS SURVEY
●	08/01/2023	C102	OVERALL REMOVALS PLAN
●	08/01/2023	C103	REMOVALS PLAN
●	08/01/2023	C104	REMOVALS PLAN
●	08/01/2023	C105	REMOVALS PLAN
●	08/01/2023	C106	REMOVALS PLAN
●	08/01/2023	C107	REMOVALS PLAN
●	08/01/2023	C200	OVERALL EROSION CONTROL PLAN
●	08/01/2023	C201	EROSION CONTROL PLAN
●	08/01/2023	C202	EROSION CONTROL PLAN
●	08/01/2023	C203	EROSION CONTROL PLAN
●	08/01/2023	C204	EROSION CONTROL PLAN
●	08/01/2023	C205	EROSION CONTROL PLAN
●	08/01/2023	C300	OVERALL SITE PLAN
●	08/01/2023	C301	SITE PLAN
●	08/01/2023	C302	SITE PLAN
●	08/01/2023	C303	SITE PLAN
●	08/01/2023	C304	SITE PLAN
●	08/01/2023	C305	SITE PLAN
●	08/01/2023	C400	OVERALL GRADING PLAN
●	08/01/2023	C401	GRADING PLAN
●	08/01/2023	C402	GRADING PLAN
●	08/01/2023	C403	GRADING PLAN
●	08/01/2023	C404	GRADING PLAN
●	08/01/2023	C405	GRADING PLAN
●	08/01/2023	C500	OVERALL UTILITY PLAN
●	08/01/2023	C501	UTILITY PLAN
●	08/01/2023	C502	UTILITY PLAN
●	08/01/2023	C503	UTILITY PLAN
●	08/01/2023	C504	UTILITY PLAN
●	08/01/2023	C505	UTILITY PLAN
●	08/01/2023	C506	OVERALL STORMSEWER PLAN
●	08/01/2023	C507	STORMSEWER PLAN
●	08/01/2023	C508	STORMSEWER PLAN
●	08/01/2023	C509	STORMSEWER PLAN
●	08/01/2023	C510	STORMSEWER PLAN
●	08/01/2023	C511	STORMSEWER PLAN
●	08/01/2023	C600	CIVIL DETAILS
●	08/01/2023	C601	CIVIL DETAILS
●	08/01/2023	C602	CIVIL DETAILS