

RESOLUTION NO. 23-148

CITY OF MAPLE GROVE

**RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT – CONCEPT
STAGE PLAN AMENDMENT, AND PLANNED UNIT DEVELOPMENT -
DEVELOPMENT STAGE PLAN FOR DUNKIRK SQUARE POPEYES AND
FINAL PLAT OF DUNKIRK SQUARE FIFTH ADDITION**

WHEREAS, Maple Grove Chicken, LLC (hereinafter referred to as the “**Applicant**”) has made application for a Planned Unit Development (hereinafter referred to as “**PUD**”) – Concept Stage Plan amendment, PUD - Development Stage Plan, and final plat (hereinafter collectively referred to as the “**Application**”) for vacant lot at the property located at 16501 Conty Road 30, Maple Grove, Minnesota 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 September 25, 2023 meeting and recommended approval; and

WHEREAS, the City Council considered the Application at its October 2, 2023 meeting, received the recommendation from the Planning Commission, report from City Staff, and other information.

NOW, THEREFORE, the City Council of the City of Maple Grove makes the following:

FINDINGS

- A. The Applicant has made the Application seeking approval for PUD – Concept Stage Plan amendment, PUD - Development Stage Plan, and final plat for the purpose of developing the Property with a 2,500 square foot restaurant with a drive thru (hereinafter referred to as the “**Proposed Use**”).
- B. The Applicant has submitted, for the City Council’s review and approval: (i) the plans for the Property drafted by Kimley Horn, dated July 12, 2023 (hereinafter referred to as the “**Plans**”), which Plans Title Sheet (Sheet No. C0.0) is attached as Exhibit B; (ii) the Plans include the Popeyes prototype exterior elevations, dated October 27, 2021; (iii) the Plans include the exterior elevations, drafted by Reprise Architects, Inc.; and (iv) the final plat

of Dunkirk Square Fifth Addition, drafted by Egan, Field & Nowak, Inc. (hereinafter referred to as the “**Final Plat**”).

- C. The Property is zoned B-PUD, Business Planned Unit Development. The land to the east of the Property is zoned B-PUD, Business Planned Unit Development. The land to the south of the Property is zoned R-4 PUD, Medium Density Residential Planned Unit Development. The land to the west of 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 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. The Property currently has a PUD – Concept Stage Plan use designation of a 6,400 square foot auto service/retail building. The Proposed Use requires a PUD – Concept Stage Plan amendment.

- I. 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.
- J. The Applicant has submitted the Plans for the City’s review and approval.
- K. The proposed 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.
- 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.
- I. The Applicant, pursuant to City Code Chapter 30, has submitted the Final Plat for the City’s review and approval.
- J. The Final Plat meets the City Code requirements 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:

- 1. The City Council does hereby conditionally approve the PUD – Concept Stage Plan amendment to allow the Proposed Use, subject to the conditions set forth in Paragraph 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 PUD – Development Stage Plan and the Plans to develop the Property with the Proposed Use, subject to the conditions set forth in Paragraph 4 below that must be met, to the satisfaction of the City, prior to the release of the Final Plat, unless otherwise expressly stated.

3. The City Council does hereby conditionally approve the Final Plat and the Mayor and City Clerk are hereby authorized to execute the Final Plat, subject to the conditions set forth in Paragraph 4 below that must be met, to the satisfaction of the City, prior to release of the Final Plat, unless otherwise expressly stated.
4. The following conditions must be met to the satisfaction of the City prior to the 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. 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.
 - c. The Applicant shall comply with the following requirements subject to the satisfaction of the Community and Economic Development Director:
 - i. The proposed drive thru lane on the Plans does not meet the standard 20-foot setback requirement and is as close as 8.9 feet to the pedestrian trail at one location and within 6.4 feet to the property line at another location. The Plans shall be modified as directed by the Community and Economic Development Director.
 - ii. The Plans shall be modified to have no more than 20% (4 trees) of the total overstory trees to be composed of one genus.
 - iii. The Plans shall be modified to provide or evergreen trees to be included on the landscape plan to replace the spruce trees that are proposed for removal.
 - iv. The Plans shall be modified to provide for elevation drawings of the trash enclosures and further detail on the walk-in cooler location at the south end of the building, which exterior materials must be made of the same materials as the building.

- d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Engineer:
 - i. The Plans shall be modified to provide if the pavement will be fully reconstructed.
 - ii. The Plans shall be modified to provide EOF elevation for ST-8 and the existing storm that runs north.
 - iii. The watermain crossing may require insulation. The Plans shall be modified as required by the City Engineer at the time of utility permitting.
 - iv. The Plans shall be modified to provide for EOF for ST-12 and ST-11.
 - v. The Plans shall be modified to provide for verification of the low spot location on the curb island north of ST-13.
 - vi. The Plans shall be modified to verify the low spot location at center of west drive thru lane at 921.82 feet.
 - vii. The Applicant shall verify that the proposed landscaping and signage does not interfere with required sight triangles at the access points onto Maple Grove Parkway. The Plans shall be modified as directed by the City Engineer.

- e. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:
 - i. The Plans shall be modified to provide for the fire department connection and a fire hydrant to be located within 100 feet of the fire department connection.
 - ii. The Plans show a 6-inch water service for fire sprinkler and domestic water coming into the building. The building will require a fire sprinkler system. Domestic water line will be limited to 1 ½ inches in size, including any lawn sprinkler system demand, with the proposed 6-inch combination service unless an electric solenoid valve is installed. The Plans shall be modified accordingly.
 - iii. The Plans shall be modified to provide for the fire sprinkler riser room.

- iv. A new water flow test or a documented water flow test within the past 12 months is required for this proposed building as a condition of receiving a certificate of occupancy.
- v. The Plans shall be modified to meet and the Property shall be subject to the City's on-going requirements regarding the location of fire hydrants and fire hydrant general requirements as provided for in City Code, Minnesota State Fire Code, and the National Fire Protection Association codes and standards.
- 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 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 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 guarantee the proper installation and growth of all landscaping items.
- h. 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.
- i. The Applicant shall, if required by the City Engineer, 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. Pursuant to Minnesota Statutes and City Code, the Final Plat requires a land dedication, or a cash equivalent based on the rate approved by the City Council at the time the Final Plat is released for recording. The current commercial land use park dedication rate for the City is \$11,000.00 per acre. 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 Property shall be \$8,910.00 (0.81 acres x \$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 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.
- 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 §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.
- o. The Final Plat must be filed and recorded with Hennepin County within two 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:

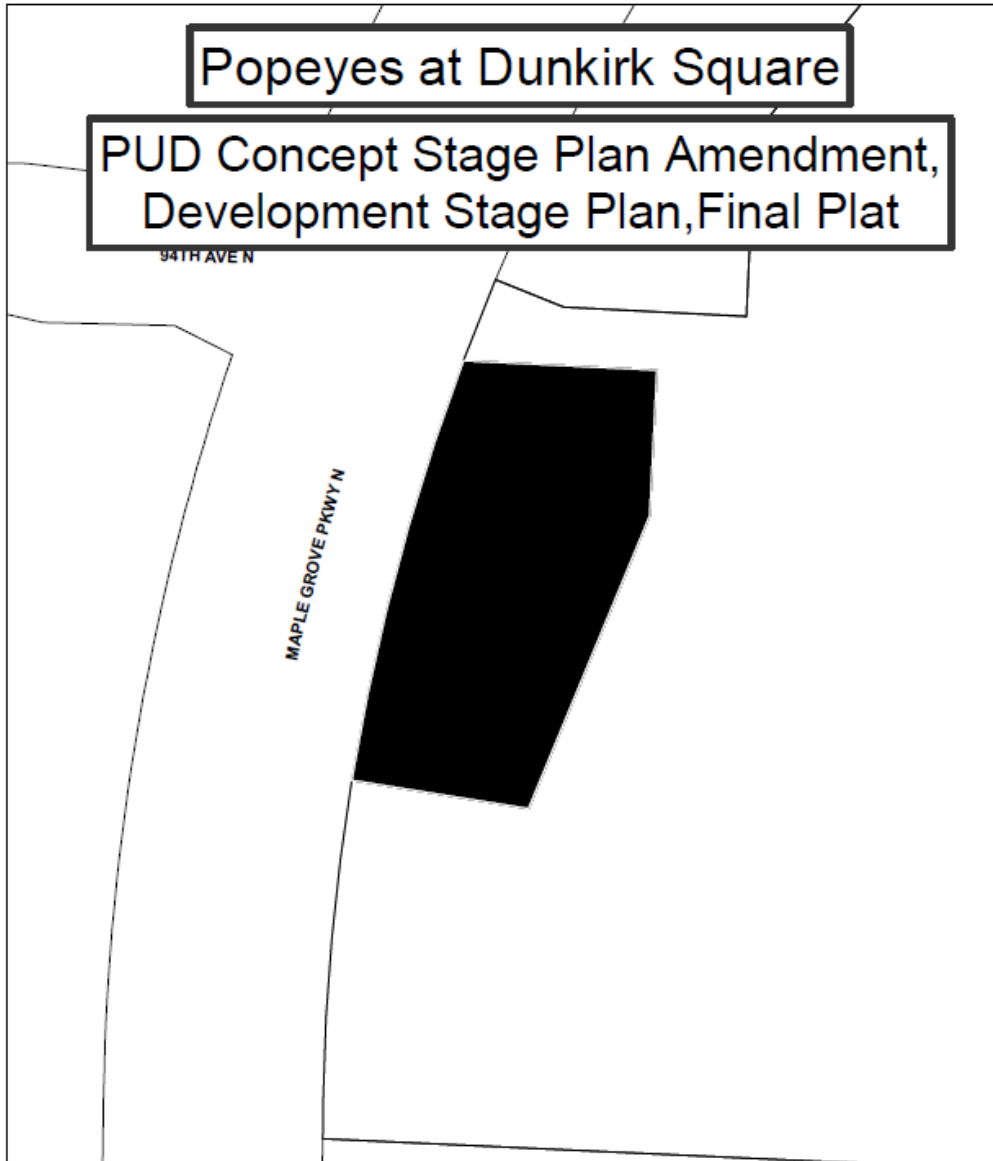
whereupon, the resolution was declared duly passed and adopted the 16th day of October, 2023.

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. 23-148 is a true and correct copy of the Resolution as adopted by the City Council on the 16th day of October, 2023.

City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP

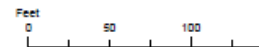


EXHIBIT B

SITE DEVELOPMENT PLANS FOR

DUNKIRK SQUARE OUTLOT A

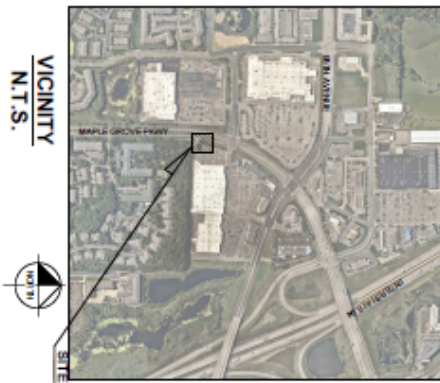
MAPLE GROVE, COUNTY, MN

PROJECT TEAM:

ENGINEER
KIMLEY-HORN AND ASSOCIATES, INC.
Kimley-Horn
PREPARED BY MICHAEL C. BERGNOT
707 ELSTON STREET, SUITE 100
ST. PAUL, MN 55114
TELEPHONE: (651) 464-1977

DEVELOPER
THE PARIKH NETWORK
810 BAYVIEW
900 MENLO PARK WALK, STE 800
EDISON, NJ 08837-1821
TELEPHONE: 201-551-1821
FAX: 201-551-0972

DESIGNER
EVANT FIELD AND COMPANY, INC.
5201 N. WISCONSIN
MINNEAPOLIS, MN 55412
TELEPHONE: (612) 496-3300
CONTRACT: ERIC ROESSER



VICINITY
N.T.S.

- NOTES:**
1. CONTACT ORIGINAL CONTRACTOR THAT THE EXISTING CONSTRUCTION IS IN THE MIDDLE OF CONSTRUCTION TO VERIFY THE EXISTING CONSTRUCTION IS AS SHOWN.
 2. VERIFY THE EXISTING CONSTRUCTION IS AS SHOWN TO THE CITY OF MAPLE GROVE.
 3. VERIFY THE EXISTING CONSTRUCTION IS AS SHOWN TO THE CITY OF MAPLE GROVE.
 4. VERIFY THE EXISTING CONSTRUCTION IS AS SHOWN TO THE CITY OF MAPLE GROVE.

Sheet List Table	
Sheet Number	Description
010	GENERAL NOTES
020	GENERAL NOTES
030	GENERAL NOTES
040	GENERAL NOTES
050	GENERAL NOTES
060	GENERAL NOTES
070	GENERAL NOTES
080	GENERAL NOTES
090	GENERAL NOTES
100	GENERAL NOTES
110	GENERAL NOTES
120	GENERAL NOTES
130	GENERAL NOTES
140	GENERAL NOTES
150	GENERAL NOTES
160	GENERAL NOTES
170	GENERAL NOTES
180	GENERAL NOTES
190	GENERAL NOTES
200	GENERAL NOTES
210	GENERAL NOTES
220	GENERAL NOTES
230	GENERAL NOTES
240	GENERAL NOTES
250	GENERAL NOTES
260	GENERAL NOTES
270	GENERAL NOTES
280	GENERAL NOTES
290	GENERAL NOTES
300	GENERAL NOTES
310	GENERAL NOTES
320	GENERAL NOTES
330	GENERAL NOTES
340	GENERAL NOTES
350	GENERAL NOTES
360	GENERAL NOTES
370	GENERAL NOTES
380	GENERAL NOTES
390	GENERAL NOTES
400	GENERAL NOTES
410	GENERAL NOTES
420	GENERAL NOTES
430	GENERAL NOTES
440	GENERAL NOTES
450	GENERAL NOTES
460	GENERAL NOTES
470	GENERAL NOTES
480	GENERAL NOTES
490	GENERAL NOTES
500	GENERAL NOTES
510	GENERAL NOTES
520	GENERAL NOTES
530	GENERAL NOTES
540	GENERAL NOTES
550	GENERAL NOTES
560	GENERAL NOTES
570	GENERAL NOTES
580	GENERAL NOTES
590	GENERAL NOTES
600	GENERAL NOTES
610	GENERAL NOTES
620	GENERAL NOTES
630	GENERAL NOTES
640	GENERAL NOTES
650	GENERAL NOTES
660	GENERAL NOTES
670	GENERAL NOTES
680	GENERAL NOTES
690	GENERAL NOTES
700	GENERAL NOTES
710	GENERAL NOTES
720	GENERAL NOTES
730	GENERAL NOTES
740	GENERAL NOTES
750	GENERAL NOTES
760	GENERAL NOTES
770	GENERAL NOTES
780	GENERAL NOTES
790	GENERAL NOTES
800	GENERAL NOTES
810	GENERAL NOTES
820	GENERAL NOTES
830	GENERAL NOTES
840	GENERAL NOTES
850	GENERAL NOTES
860	GENERAL NOTES
870	GENERAL NOTES
880	GENERAL NOTES
890	GENERAL NOTES
900	GENERAL NOTES
910	GENERAL NOTES
920	GENERAL NOTES
930	GENERAL NOTES
940	GENERAL NOTES
950	GENERAL NOTES
960	GENERAL NOTES
970	GENERAL NOTES
980	GENERAL NOTES
990	GENERAL NOTES
1000	GENERAL NOTES

CITY PROJECT NUMBER
0000.0000.000



ISSUED FOR PERMIT - NOT FOR CONSTRUCTION				CITY COMMENTS 01/20/23 104 02/01/23 104 03/01/23 104 04/01/23 104 05/01/23 104 06/01/23 104 07/01/23 104 08/01/23 104 09/01/23 104 10/01/23 104 11/01/23 104 12/01/23 104 01/01/24 104 02/01/24 104 03/01/24 104 04/01/24 104 05/01/24 104 06/01/24 104 07/01/24 104 08/01/24 104 09/01/24 104 10/01/24 104 11/01/24 104 12/01/24 104	
DUNKIRK SQUARE OUTLOT A PREPARED FOR THE PARIKH NETWORK MAPLE GROVE, MN		COVER SHEET		01/20/23 104 02/01/23 104 03/01/23 104 04/01/23 104 05/01/23 104 06/01/23 104 07/01/23 104 08/01/23 104 09/01/23 104 10/01/23 104 11/01/23 104 12/01/23 104 01/01/24 104 02/01/24 104 03/01/24 104 04/01/24 104 05/01/24 104 06/01/24 104 07/01/24 104 08/01/24 104 09/01/24 104 10/01/24 104 11/01/24 104 12/01/24 104	

Sheet List Table

Sheet Number	Sheet Title
C000	COVER SHEET
C100	GENERAL NOTES
V100	ALTA SURVEY
V101	ALTA SURVEY
C200	DEMOLITION AND EROSION CONTROL PH. 1 PLAN
C300	EROSION AND SEDIMENT CONTROL PLAN - PHASE 2
C302	EROSION AND SEDIMENT CONTROL DETAILS
C400	SITE PLAN
C401	SITE DETAILS
C402	SITE DETAILS
C403	TRUCK TURN MOVEMENT
C404	SINGLE UNIT TURN MOVEMENT
C405	FIRE TRUCK MOVEMENT
C500	GRADING PLAN
C501	STORM SEWER PLAN
C600	UTILITY PLAN
C601	UTILITY DETAILS
C602	UTILITY DETAILS
C603	UTILITY DETAILS
L100	LANDSCAPE PLAN
L101	LANDSCAPE DETAILS