

RESOLUTION NO. 23-147

CITY OF MAPLE GROVE

**RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT – CONCEPT
STAGE PLAN AMENDMENT, AND PLANNED UNIT DEVELOPMENT -
DEVELOPMENT STAGE PLAN AND PRELIMINARY PLAT FOR
LIL EXPLORERS CHILDCARE CENTER AND
FINAL PLAT OF EXPLORERS ADDITION**

WHEREAS, ME Properties Maple Grove (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, preliminary plat, and final plat (hereinafter collectively referred to as the “**Application**”) for property located at 6755 Wedgwood Court North and 6805 Wedgewood Court North, 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 15,000 square foot childcare center (hereinafter referred to as the “**Proposed Use**”). The Proposed Use will occupy the southerly 1.88 acres of the Property and the northerly 1.46 acres will be a separate lot for future development.

- B. The Applicant has submitted, for the City Council’s review and approval: (i) the plans for the Property drafted by Michael J Thomas Architect, dated August 12, 2023, and consisting of the following: Cover Sheet (Sheet A0.0), Exterior Elevations (Sheet A0.1), First Story Floor Plan (Sheet A1.1),

Exterior Elevations (Sheet A2.1), and Exterior Details (A5.2) (hereinafter referred to as the “**Plans**”); (ii) the Plans include the following drafted by SISU Land Surveying & Engineering: Existing Conditions 2, dated July 10, 2023 (Sheet C3), Site Plan, dated September 5, 2023 (Sheet C5), Removal Plan, dated September 5, 2023 (Shet C6), Grading, Drainage, and Erosion Control Plan, dated September 5, 2023 (Sheet C7), Storm Sewer Plan, dated September 5, 2023 (Sheet C8), Utility Plan, dated September 5, 2023 (Sheet C9), and Tree Survey and Preservation Plan, dated September 5, 2023 (Sheet C10); (iii) the Plans include the Landscape Plan, drafted by Midwest Landscapes, dated September 1, 2023; (iv) preliminary plat for Explorers Addition, drafted by SISU Land Surveying & Engineering, dated September 5, 2023 (hereinafter referred to as “**Preliminary Plat**”); and final plat of the Property titled *Explorers Addition*, drafted by SISU Land Surveying (hereinafter referred to as “**Final Plat**”).

- C. The Property is zoned PUD, Planned Unit Development. The land to the north, east, and south is zoned, PUD, Planned Unit Development. The land to the west of the Property is zoned R-2, Single-Family Residential District.
- 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 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 Preliminary Plat and Final Plat for the City’s review and approval.
- J. 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 – Concept Stage Plan amendment, PUD – Development Stage Plan, and the Plans to

develop the Property with the Proposed Use, 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 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 Plans shall be modified to provide for elevation drawings of the trash enclosures.
 - ii. The Plans shall be modified to have the play equipment be made up of primarily earth tone colors to be complimentary of natural surroundings.
 - iii. The Plans shall be modified to add a begin one way sign as vehicles enter the area of the parking lot that has angled parking.
 - iv. The Plans shall be modified to provide for a do not enter sign at the southerly driveway curb-cut to prevent vehicles from entering the one way.

- d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Engineer:
 - i. Sheet C7 of the Plans shall be modified to provide a silt fence adjacent to Wedgewood and add a note “Street Sweeping required a minimum of 1x per week or as directed by City Engineer”.
 - ii. The Final Plat will be modified to provide for a 60-foot-wide utility easement for existing water and sanitary sewer across the Property at 68th Avenue.
- e. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:
 - i. 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.
 - ii. 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.
 - iii. The Plans shall be modified to provide for a low temperature sensor if the riser room is to have direct exterior access.
 - iv. The Plans shall be modified to verify the turning radius for both entrances are compliant with City Code Ch. 18, Art. III.
 - v. The locking Fire Department Connection caps shall be Knox or Potter. The key boxes shall be Knox or DAMA.
 - i. 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 Property was originally platted in 1996, with park dedication being satisfied using the commercial rate at that time. Subdividing existing platted lots causes a park dedication obligation that subtracts the associated value of the commercial fee at the time of the 1996 plat. In 1996, the commercial park dedication rate was \$3,600.00 per acre. The 2023 commercial park dedication rate is \$11,000.00. The park

dedication obligation for the Final Plat is \$24,716.00, calculated as follows:

2023 Fee

Block 1, Lot 1 - 1.88 acres x \$11,000.00 = \$20,680.00

Block 1, Lot 2 - 1.46 acres x \$11,000.00 = \$16,060.00

2023 Total = \$36,740.00

1996 Fee

Block 1, Lot 1 - 1.88 acres x \$3,600.00 = \$6,768.00

Block 1, Lot 2 - 1.46 acres x \$3,600.00 = \$5,256.00

1996 Total = \$12,024.00

Park Dedication Obligation

\$36,740.00 - \$12,024.00 = \$24,716.00

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:

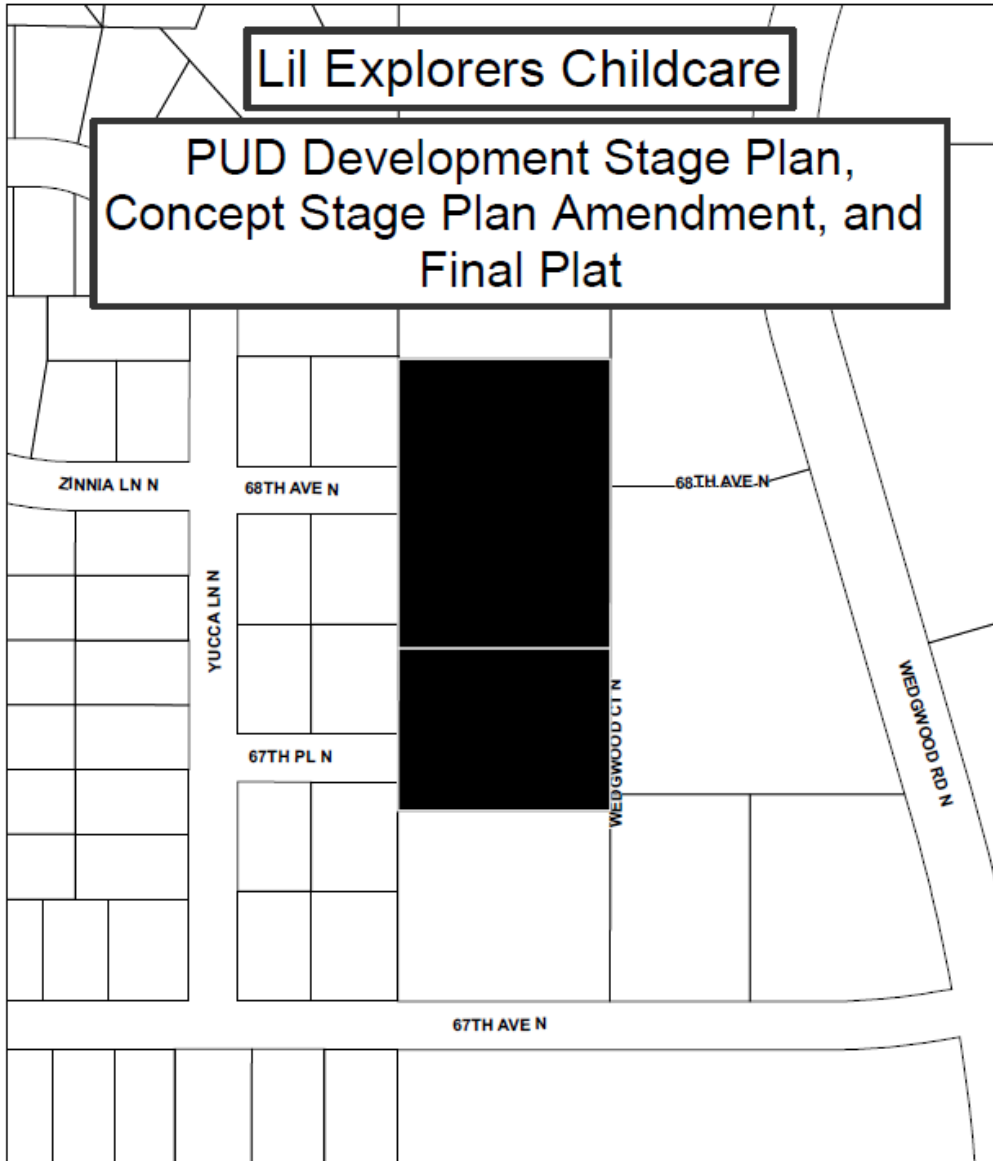
whereupon, the resolution was declared duly passed and adopted the 16th day of October, 2023.

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. 23-147 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

