

CITY OF PLYMOUTH

RESOLUTION No. 2024-225

RESOLUTION APPROVING FINAL PLAT AND DEVELOPMENT CONTRACT FOR “THE BOULEVARD” FOR PROPERTY LOCATED AT 13001 COUNTY ROAD 10 (2024034)

WHEREAS, SPRC Land Ventures Plymouth, LLC has requested approval of a final plat for “The Boulevard” consisting of 18 lots; and

WHEREAS, the proposed plat is located on property presently legally described as follows:

PARCEL 1:

That part of Government Lot 5 and that part of the Northwest Quarter of the Northwest Quarter of Section 2, Township 118, Range 22, Hennepin County, Minnesota, lying North of the center line of County Road No. 47 as platted in the recorded plat of Bass Lake Highlands and lying Westerly and Southerly of the center line of county State Aid Highway No. 10 as platted in the recorded plat of Hennepin County State Aid Highway No. 10, Plat 8.

PARCEL 2:

That part of the South Half of the Southeast Quarter of Section 34, Township 119, Range 22, Hennepin County, Minnesota, lying Southeasterly of the East line of Interstate Highway 494 as described in warranty Deed filed in Book 2460 of Deeds on page 33, as Document Number 3499559, and lying Southwesterly of the Southerly line of Hennepin County State Aid Highway No. 10 as shown on Highway Plat Document No. 3867013.

PARCEL 3:

That part of the West Half of the Northeast Quarter of Section 3, Township 118, Range 22, Hennepin County, Minnesota, lying North of the center line of County Road No. 47 and lying North and East of Interstate Highway 494 as described in Final certificate filed as Document Number 4040272.

PARCEL 4:

The East Half of the Northeast Quarter of Section 3, Township 118, Range 22, Hennepin County, Minnesota, EXCEPT that part of the Northeast Quarter of the Northeast Quarter of Section 3, Township 118, Range 22, lying Northerly and Easterly of the centerline of Hennepin County State Aid Highway No. 10 and its extension Northwesterly; and EXCEPT that part of the East Half of the Northeast Quarter of Section 3, Township 118, Range 22, lying southerly of the following-described line:

Commencing at the Southeast corner of said East Half of the Northeast Quarter; thence on an assumed bearing of North along the East line of said East Half of Northeast Quarter, 1,156.67 feet to the point of beginning of the line to be described; thence South 55 degrees 14 minutes 12 seconds west, 105.39 feet; thence Southwesterly 378.94 feet along a 2-degree tangential curve concave to the Southeast having a central angle of 7 degrees 34 minutes 44 seconds; thence Westerly 382.11 feet along a non-tangential curve concave to the Southwest having a central angle of 27 degrees 38 minutes 34 seconds, a radius of 792.00 feet and a chord bearing North 69 degrees 52 minutes 02 seconds west to the Southerly line of Hennepin County Highway No. 47, Plat 13; thence South 79 degrees 42 minutes 49 seconds West, along said Southerly line and not tangent to last-described curve, 598.08 feet to the west line of said East Half of the Northeast Quarter and there terminating; and also EXCEPT that part of the East Half of the Northeast Quarter of Section 3, Township 118, Range 22, Hennepin County, Minnesota, described as commencing at the Southeast corner of said East Half of the Northeast Quarter; thence northerly along the East line of said East Half of the Northeast Quarter, 1,156.67 feet to the point of beginning of the line to be described; thence Southwesterly deflecting to the left 124 degrees 45 minutes 48 seconds, 105.39 feet; thence Southwesterly 378.94 feet along a 2-degree tangential curve, concave to the Southeast, having a central angle of 7 degrees 34 minutes 44 seconds, and a radius of 2,865.79 feet; thence Westerly 382.11 feet along a non-tangential curve, concave to the Southwest, having a central angle of 27 degrees 38 minutes 34 seconds, a radius of 792.00 feet and the chord of said curve deflects to the right 62 degrees 28 minutes 30 seconds to a point on the southerly line of Hennepin county Highway No. 47, Plat 13, on file and of record in the office of the Hennepin County Recorder; thence Northeasterly along said Southerly line and not tangent to last described curve to the East line of said East half of the Northeast Quarter; thence South along said East line to the point of beginning.

WHEREAS, city staff has prepared a development contract covering the improvements related to said plat.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLYMOUTH, MINNESOTA, that it should and hereby does approve the request by SPRC Land Ventures Plymouth, LLC for a final plat for The Boulevard; and

FURTHER, that the development contract for said plat be approved, and that upon prior execution of the development contract by the developer, the Mayor and City Manager be authorized to execute the development contract on behalf of the city; and

FURTHER, that the following conditions apply to said plat:

1. The final plat for The Boulevard is approved in accordance with the materials received by the city on July 19 and 23, 2024, except as may be amended by this resolution.

2. The preliminary plat and planned unit development (PUD) general plan related to the subject property were approved under Resolution No. 2024-101 (incorporated herein by reference). Development standards not otherwise described in Resolution No. 2024-101 shall be as indicated on the approved PUD general plan filed in the city's office of community and economic development. The development standards described in Resolution 2024-101 or in Section 21655.79 of the Plymouth City Code (e.g., allowable land uses, maximum building height, minimum building setback, building design and material regulations, etc.) shall be adhered to, unless otherwise amended.
3. The PUD shall be designed, constructed, and maintained to provide cohesive and harmonious elements including, but not limited to, accent building materials, landscaping, lighting, decorative paving materials, and street furniture. All buildings shall have four-sided, high-quality architecture of equal or near equal treatments on all sides. Building design between various lots shall be harmonious and cohesive but each building may have its own individual character and identity. Elevations of all sides of a proposed building shall be submitted with the required PUD final plan, for determination of compliance with the requirements specified herein.
4. Unless otherwise shown to be more on the approved PUD general plans, all buildings, parking areas and their related drive aisles, retaining walls, and other improvements shall be set back a minimum of ten feet from all front lot lines (which are lot lines abutting a public street) and a minimum of five feet from side and rear lot lines.
5. The PUD shall include a public plaza and placemaking components, the design of which shall be reviewed by city staff for approval.
6. The developer shall invest not less than \$200,000 for public art and street furniture within the PUD.
7. Street furniture, including but not limited to, bike racks, benches, exterior lighting, planters, and trash receptacles shall be consistent throughout the PUD, as approved by city staff.
8. Bike racks or bike storage areas shall be required for all uses within the PUD.
9. Loading areas shall be positioned to limit visibility from adjacent buildings and publicly accessible areas/public rights-of-way, and shall be screened through the use of wing walls, berms, and/or landscaping. PUD final Plans shall include renderings of proposed loading areas with typical vehicles shown from various abutting views.
10. Other than limited/special temporary events within the commercial/retail areas where an administrative permit (pursuant to C-4 standards) has been obtained, there shall be no outdoor sales or display of merchandise. The exception is that the grocery store on Lot 4, Block 1 may have a five-foot wide area along the front wall of the store, in locations to be designated and approved by city staff, for such uses.

11. By October 31, 2025, the Developer shall construct a temporary parking lot (curb and gutter not required) on Lot 1, Block 3 ("Residential 4" building site) for use by the abutting city park. The Developer shall grant an easement to the city for use of that temporary parking lot and, further, shall grant an easement for permanent city park use of the permanent parking lot after the "Residential 4" building is constructed.
12. Parking within the plat should be shared (via cross parking easement) by all uses within the plat.
13. The required natural buffer strips shall be provided around the wetlands at the minimum widths specified in the zoning ordinance based upon the type and quality rating of the wetland.
14. Prior to installation of public utilities and streets, the Developer shall execute the development contract and provide all related sureties, receive city approval of final constructions plans for public improvements, and provide proof that the final plat has been recorded with Hennepin County.
15. **Prior to recording the final plat**, the Developer shall:
 - a. Provide revised plans and related detail sheets showing 6 inches of compacted aggregate subbase for all public sidewalks.
 - b. Convey Lot 2, Block 3 (park land dedication) to the city by limited warranty deed, subject to the City Attorney's review of the title commitment.
 - c. Execute the development contract and provide the related financial guarantees and fees.
 - d. Submit a final version the Declaration of Easements, Covenants, and Restrictions (DECR) for city review. The DECR shall address, but not be limited to, responsibilities for maintenance, repair, and replacement of all private parking lots, driveways, public and private sidewalks, and other or similar facilities, subdivision signage, trees/landscaping within the boulevard, Developer-installed retaining walls and fencing, and other similar or common features, as well as the plaza area, public art, and any shared parking and access arrangements within the plat, and shall also address required agreements for ongoing stormwater operations and maintenance, including chloride management, of each site as part of its Site Improvement Performance Agreement (SIPA) when each parcel obtains PUD final plan approval, as applicable to the individual parcel. The city acknowledges that the DECR may be amended to address future shared parking, access, utilities and other arrangements between lots as development within the plat progresses.
 - e. Provide any required agreements and easements, including but not limited to, trail easements in recordable form. Specifically: 1) a trail easement is required along that part of County Road 10 where the trail is designed outside of the right-of-way; and 2) the trail easement along County Road 61 must be widened to include/account for a minimum four-foot-wide clear zone.
16. **Prior to issuance of the first building permit within the PUD**, the Developer shall:
 - a. Provide proof that the final plat has been recorded.
 - b. Obtain all applicable permits, including watershed approvals.
 - c. Provide an overall lighting plan, including fixture cut sheets, for staff review and approval.
 - d. Provide a master sign plan for staff review and approval.

17. **PUD Final Plan requirement:** Issuance of building permits and development of individual buildings and their related private site improvements may not proceed until after the developer for that specific lot:
 - a. Applies for and obtains city staff approval of the required PUD Final Plan; and
 - b. Enters into a Site Improvement Performance Agreement (SIPA) and provides the related financial guarantee and fees.

18. **Prior to or in conjunction with issuance of building permits for the apartment buildings,** the Developer shall pay the park dedication fee for the apartment units, pursuant to Paragraph 20.B.2 of the development contract.

19. **Prior to release of financial sureties,** the Developer shall:
 - a. Install park boundary monuments along the perimeter of Lot 2, Block 3 (park land), in accordance with city regulations. (Specifications for park boundary monuments are available from the City Parks and Recreation Department.)
 - b. Install wetland buffer monuments abutting wetlands, in accordance with city regulations. Wetland buffer signage shall be purchased from the city at-cost. (Specifications for the monuments are available from the Community and Economic Development Department.)

20. Upon review and approval by the City Attorney, the city may, at its own discretion, make minor (non-substantive) changes to the development contract as agreed upon by the Developer.

21. Standard Conditions:
 - a. No building permits shall be issued until the city has received proof that the final plat is recorded and the city engineer signs off on building construction.
 - b. Signage shall comply with an approved master sign plan and shall require a separate sign permit, as required.
 - c. Any visible rooftop or ground-mounted mechanical equipment shall be painted or screened to match the building.
 - d. Compliance with the city's lighting, tree preservation, and landscaping regulations.
 - e. Compliance with all building and fire code requirements.
 - f. Compliance with all city and watershed regulations regarding drainage, runoff, water quality, and erosion control.
 - g. Fire flow calculations shall be provided with PUD Final Plan submittals.
 - h. Building permits are required for retaining walls that exceed four feet in height. Additionally, a safety fence shall be installed at the top of retaining walls that exceed four feet in height.
 - i. Hours of operation for site preparation work including building demolition, utility installation, foundation piling installation, and grading shall be limited as follows: Monday through Friday 7 a.m. to dusk; Saturdays 8 a.m. to 6 p.m.; Sundays and Holidays no work allowed. Hours of operation for site development work including building construction shall be limited as follows: Monday through Friday 7 a.m. to 10 p.m.; Saturdays, Sundays, and Holidays 8 a.m. to 9 p.m.
 - j. Trees shall be planted within the boulevard and within boulevard islands to create a parkway, with credit given to the overall landscaping requirement for the development.
 - k. Removal of any diseased or hazardous trees from the property at the owner's expense.
 - l. Trees may be planted within the boulevard and boulevard islands to create a parkway.

- m. Any subsequent expansions are subject to required reviews and approvals per ordinance provisions.
- n. The final plat approval shall expire two years after the date of approval, unless the property owner or applicant has recorded the final plat, or unless the applicant, with the consent of the property owner, has received prior approval from the city to extend the expiration date for up to one additional year, as regulated under Section 512 of City Code.
- o. The PUD general plan approval shall not expire.

APPROVED by the City Council on this 23rd day of July, 2024.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.

The undersigned, being the duly qualified and appointed City Clerk of the City of Plymouth, Minnesota, certifies that I compared the foregoing resolution adopted at a meeting of the Plymouth City Council on July 23, 2024, with the original thereof on file in my office, and the same is a correct transcription thereof.

WITNESS my hand officially as such City Clerk and the Corporate seal of the city this 23 day of July, 2024.

John M Gully
City Clerk

