

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
SPRING LAKE PARK AND CREATING A NEW PLANNED UNIT DEVELOPMENT
DISTRICT**

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Zoning Map Amendment. The following properties are hereby rezoned from C-1, Shopping Center Commercial, to PUD #2017-1, Planned Unit Development, District:

PID #01-30-24-24-0038

PID #01-30-24-24-0039

PID #01-30-24-24-0002

Section 2. Design Standards. The rezoning of the property incorporates the following PUD (Planned Unit Development) design standards:

a. Intent

The purpose of this zone is to create a PUD for a proposed grocery store, convenience store, gas station and coffee shop.

b. Permitted Uses

The permitted uses in this zone are the same as the permitted uses for the C-1, Shopping Center Commercial, District as listed in Appendix D of Chapter 153 of the Spring Lake Park Code of Ordinance. In addition, the following uses are also permitted in the PUD #2017-1 District: 1) auto and marine; gas station; 2) drive in restaurants, or similar uses providing goods and services to patrons in autos; 3

c. Building Location, Area, Height and Architecture

Building location, area, height and architecture shall conform to the approved Final Development Plans described in Section 3 of this Ordinance and on file with the Administrator, Clerk/Treasurer.

d. Landscaping and Screening.

Tree placements, species and types, landscaping, and screening shall conform to the approved Final Development Plans and Site Plan described in Section 3 of this Ordinance and on file with the Administrator, Clerk/Treasurer. The Administrator, Clerk/Treasurer shall determine if additional landscaping or screening is required once the building and site improvements are constructed.

Minor modifications or amendments may be made and documented administratively by the Administrator, Clerk/Treasurer.

e. Site and Building Signage

Site and building signage shall be consistent with §153.080 – §153.088 *et seq.* of the Spring Lake Park Code of Ordinance. The existing billboard on site shall be removed.

f. Grading, Drainage, Utilities, Storm Water Management and Other Performance Characteristics.

The grading, drainage, utilities, storm water management and other performance characteristics of the PUD #2017-1 shall generally conform to the approved Final Development Plans and Site Plan described in Section 3 of this Ordinance. Modifications or amendments may be made and documented administratively by the Administrator, Clerk/Treasurer based upon comments received from the City Engineer, Public Works Director, Rice Creek Watershed District, Minnesota Department of Health, Minnesota Pollution Control Agency, Minnesota Department of Transportation and Anoka County Highway Department.

g. Additional Performance Standards of the PUD #2017-1 District

In addition to the Performance Characteristics set forth above, the following additional performance standards shall apply in the PUD #2017-1 District:

1. Exterior lighting will be provided as shown on the Photometric Plan described in Section 3 of this Ordinance and on file with the Administrator, Clerk/Treasurer. All exterior lighting for the site, either affixed to poles or the building, shall be down-cast cutoff type fixtures. Lighting levels shall not exceed 1 foot candle at the outside edge of the site at all locations.
2. A traffic study shall be prepared evaluating the impact of the development on adjacent streets and the intersection of 81st Avenue and Highway 65, and proposing recommendations for mitigating impacts. The property owner shall be responsible for the necessary development driven street improvements.
3. Sanitary sewer, water and drainage facilities within the site shall be considered “private” facilities. The City will not be responsible for maintenance of these private facilities.
4. Property owner shall provide utility easements over all water mains and fire hydrants on site.
5. Required parking for the site is 455 parking stalls. Due to the fact that this represents fewer parking stalls than required under City Code, this site is

not eligible to contribute parking outside of the PUD for joint use under § 153.139 of the Zoning Code.

6. The property owner shall be responsible for maintenance of the sidewalks/trails along 81st Avenue NE and Central Avenue, to include snow removal.
7. *Timing of the Creation of the PUD #2017-1 PUD District.* This 2017-1 PUD Zoning District is created upon the occurrence of the following events: 1) Final approval of the detailed Site and Utility Construction Plans/Specifications by the Public Works Director and the City Engineer; and 2) Execution of a Development Agreement between the City and property owner, as approved by the City Attorney. The Development Agreement shall include provisions to cover all aspects of design, construction, fees and costs.

Section 3. Approval of Preliminary and Final PUD Plans and Site Plan.

- a. *Approved Preliminary and Final PUD Development Plans and Site Plan.* The subject property shall be developed in substantial conformance with the following plans and specifications:
 1. Sheet C-3.0, Site Plan, dated July 6, 2017, prepared by Alliant Engineering
 2. Sheet C-4.0, Grading, Drainage and Erosion Control Plan, dated July 6, 2017, prepared by Alliant Engineering
 3. Sheet C-5.0, Utility Plan, dated July 6, 2017, prepared by Alliant Engineering
 4. Sheet L-1.0, Landscape Plan, dated July 6, 2017, prepared by Alliant Engineering
 5. Sheet P-1.0, Photometric Plan, dated July 6, 2017, prepared by Alliant Engineering
 6. Sheets A-6.0 and A-6.1, Exterior Elevations, dated July 6, 2017, prepared by Hy-Vee
- b. *Contingencies to the Approval of the Preliminary and Final PUD Plans/Site Plan.* The Final PUD Development Plan and the Site Plan shall be deemed approved at such time as all of the following events occur:
 1. The Applicant modifies the Final PUD Development Plan and the Site Plan to address, to the satisfaction of the Administrator, Clerk/Treasurer, all issues raised by the City Planner and City Engineer, and all issues, in the memorandum from Stantec dated July 20, 2017.
 2. The Applicant and the City execute a Development Contract in a form and content satisfactory to the City Attorney. The drafting of said Development Contract shall be made by the City Attorney.

3. The Applicant pays all costs incurred by the City in processing all applications related to the development, including all planner, engineer and attorney fees incurred by the City.
 4. The Applicant obtains all necessary approvals and permits from other applicable jurisdictions, including MnDOT and Anoka County.
- c. *Future Amendments to the Final PUD Development Plans and the Site Plan.* Minor changes to the Final PUD Development Plans and the Site Plan may be made administratively at the discretion of the Administrator, Clerk/Treasurer. Any significant changes to the principal building from the Final Development Plans and the Site Plan shall require an amendment to this Ordinance, as determined by the Administrator, Clerk/Treasurer.

Section 4. Findings. In rezoning the above referenced property to the PUD #2017-1 Zoning District and related Preliminary and Final PUD Development Plans, the City Council finds the following:

- a. The PUD #2017-1 Zoning District is consistent with the City of Spring Lake Park 2030 Comprehensive Plan and protects the health, safety and welfare of the residents.
- b. The project will provide a full-service grocery store in the city.
- c. The project will provide sidewalk along the west side of Central Avenue from 81st Avenue to the store entrance.
- d. The project will provide a sidewalk connection from the bus stop on central Avenue north of 81st Avenue into the convenience store and grocery store in a nicely landscaped setting.

Section 5. Official Zoning Map. The Administrator, Clerk/Treasurer shall make the applicable changes to the official zoning map upon completion of all of the contingencies outlined in Section 3.b. of this Ordinance.

Section 6. Severability. Should any section, paragraph, provision, sentence or lesser part of this Ordinance be found invalid by a Court of competent jurisdiction, then such invalid section, paragraph, provision, sentence or phrase shall be severed from this Ordinance and all remaining portions of this Ordinance shall continue in full force and effect.

Section 7. Effective Date. The ordinance shall become effective upon adoption and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this _____ day of _____, 2017.

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer