

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-0652R

RESOLUTION ISSUING A C-5 PLAN APPROVAL TO CENTRO PROPERTIES GROUP FOR RELOCATION OF DRIVEWAYS AND PEDESTRIAN ACCESS, REDUCTION IN THE NUMBER OF PARKING SPACES AND RECONFIGURATION OF THE PARKING LOT, NEW LANDSCAPING/SCREENING, AND RELOCATION OF SIGNS AT BURNING TREE PLAZA.

CITY PROPOSAL:

RESOLVED, that the city council finds the following:

(a) Centro Properties Group has submitted to the city council a request for C-5 plan approval of Burning Tree Plaza, in accordance with Section 50-140(a) of the City Code, for relocation of driveways and pedestrian access, reduction in the number of parking stalls and reconfiguration of the parking lot, new landscaping/screening and relocation of signs on property located at 5115 Burning Tree Road (Lots 2 and 3, Block 1, and a portion of Outlot A, Burning Tree Division) (FN 08102); and

(b) Said permit application was duly referred to the city planning commission at their October 14, 2008, regular meeting, and the city planning commission has subsequently reported its conditional approval to the city council; and

(c) The approval was made because of the city planning commission's findings that compliance with the appropriate standards of the ordinance will be met through the conditions of approval; and

(d) Approval is granted to Centro Properties Group for amendment of a C-5 plan for Burning Tree Plaza, including relocation of driveways and pedestrian access, reduction in the number of parking stalls and reconfiguration of the parking lot, new landscaping/screening and relocation of signs on property located at 5115 Burning Tree Road, subject to the following conditions:

(1) The project be constructed and maintained in accordance with documents submitted by SAS + Associates titled "Burning Tree Plaza Site Improvements" and as identified as Public Document No. _____:

(A) L-1, existing site, dated September 31, 2008;

- (B) L-2, proposed site plan, dated September 31, 2008;
- (C) L-3, pervious/impervious areas, dated September 31, 2008;
- (D) L-4, proposed site plan, dated September 31, 2008; and
- (E) L-5, sections, dated September 31, 2008;

(2) That the applicant submitted a revised plan (L-2) showing that the minimum parking setback along Maple Grove and Burning Tree roads is of a width greater than five feet;

(3) That the applicant submitted a revised plan (L-2) showing that the retaining wall along the Burning Tree Driveway will be constructed of the same material (wet cast modular block) that the Minnesota department of transportation is using for its retaining wall (Wall 6) along Burning Tree Road; and

(4) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the land use supervisor without further planning commission or city council action; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50, Article XXIII;

(e) Approval is also granted for the following variances, which are authorized by sections 50-142 and 40-143:

(1) To construct 796 parking stalls rather than the required 931 stalls; and

(2) To reduce the building and parking lot landscape setbacks for Maple Grove and Burning Tree roads as shown on the plans listed in paragraph (d)(1) of this resolution.

Approved as to form:

Attorney

PC/PLNG CP:tmf 10/17/2008

STATEMENT OF PURPOSE: This resolution conditionally approves the C-5 plan for Burning Tree Plaza and grants variances from parking and landscape setback standards as allowed by the C-5 ordinance.

Conditions of approval include 1) a requirement that the applicant submit a revised plan showing that the minimum parking setback along Maple Grove and Burning Tree roads is of a width greater than five feet; and 2) a requirement that the applicant submit a revised plan showing that the retaining wall along the Burning Tree Driveway is constructed of the same material that the Minnesota department of transportation is using for its retaining wall along Burning Tree Road.

This resolution also grants to the land use supervisor the authority to approve minor modifications to the approved plans that do not alter major design elements. Following the public hearing on October 14, 2008, the city planning commission voted unanimously to recommend that the C-5 plan for Burning Tree Plaza be approved.

Petition received: September 2, 2008
Action deadline: December 31, 2008