

**RESOLUTION NO. 050415-07  
CITY OF WAITE PARK**

**A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLANNED UNIT  
DEVELOPMENT AND DEVELOPMENT PLAN FOR SILVER LEAF DEVELOPMENT  
LOCATED WITHIN THE CITY LIMITS OF THE CITY OF WAITE PARK, MINNESOTA**

**WHEREAS**, the City of Waite Park, Minnesota, a Minnesota municipal corporation, hereinafter called the ("City") has received a request from Silver Leaf Group LLC, a North Dakota limited liability company, hereinafter called the ("Owner") and Silver Leaf Lodging Group, LLC, a South Dakota limited liability company, hereinafter called the ("Developer") for the construction of two hotels and an event center, hereinafter called the ("Silver Leaf Development"); and

**WHEREAS**, Silver Leaf Group LLC is the Owner of certain real property located at the corner of Division Street and 6<sup>th</sup> Avenue South in the City of Waite Park, Stearns County, Minnesota, that will be legally described as:

Lots One (1), Two (2) and Three (3), Block Two (2), Silver Leaf Addition, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota

following recordation of the Plat, hereinafter called the ("Property") or the ("Development Property") located within the city limits which is currently un-platted land proposed to be platted as Silver Leaf Addition; and

**WHEREAS**, the Development Property lies within the B-3 Second Street South Corridor Zoning District; and

**WHEREAS**, the Developer has submitted a Development Plan for Silver Leaf Development which describes the construction of two hotels and an event center; and

**WHEREAS**, the proposed Development Plan fits under "Permitted Uses" within the B-3 Second Street South Corridor Zoning District and is consistent with the intent of said zoning district; and

**WHEREAS**, the Developer has submitted an application for a Planned Unit Development hereinafter after called the ("PUD") to allow for variances from the parking, side yard setbacks and sign height requirements of the B-3 Second Street South Corridor Zoning District; and

**WHEREAS**, the design plan for the PUD is attached hereto as **Exhibit A**; and

**WHEREAS**, the Developer has asked the City to grant approval of the Preliminary and Final PUD and Development Plan for the Silver Leaf Development Project to be constructed on the Property; and

**WHEREAS**, the Waite Park Planning Commission held a public hearing on March 24, 2015, to hear public testimony on the Preliminary and Final PUD and Development Plan for Silver Leaf Development; and


**WHEREAS**, upon Planning Commission review of the application and supplemental information, report of City Staff, testimony of the applicant, public comments and the criteria necessary to consider the request, recommended approval of the Preliminary and Final PUD and Development Plan for Silver Leaf Development with conditions as outlined in the March 24, 2015, Planning Commission's recommendation and made Findings of Fact in support of their recommendation which are attached hereto as **Exhibit B**; and

**WHEREAS**, the Waite Park City Council has reviewed the application and application materials and agrees with the findings and recommendation of the Waite Park Planning Commission and City staff.

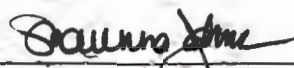
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WAITE PARK, MINNESOTA, AS FOLLOWS:**

1. That the foregoing recitals are true and correct and incorporated herein by reference.
2. That the Findings of Fact outlined in the attached **Exhibit B** are hereby adopted by the City Council of the City of Waite Park.
3. That the City Council of the City of Waite Park and based upon the information received and the attached Findings of Fact, hereby approves the Preliminary and Final PUD and Development Plan for Silver Leaf Development with the following conditions:
  - 1) Final approval of utility and drainage plan.
  - 2) Condition approval of the PUD on providing staff with more details on the proposed signage. Require additional landscaping and a higher level of design standards on the signage to accommodate for their request on signage. City Council will need to determine if the height proposed fits in within the overall character of the area. A lower sign height could be recommended. The Planning Commission discussed the sign height and found this to be acceptable.
  - 3) Final PUD can be approved at this time by the City Council. If this is the desire of the City Council, staff recommends conditioning this approval on staff ensuring they have met the conditions listed under Final PUD requirements. Any minor modifications of the PUD would require an additional public hearing. Any major modifications would require a new application to be submitted for approval. The Planning Commission recommended approval of the Preliminary and Final PUD.

CITY OF WAITE PARK


By   
Richard E. Miller, Mayor

ATTEST:

By   
Shaunna Johnson, City Administrator



I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Waite Park, Minnesota, at a duly authorized meeting held on May 4, 2015.

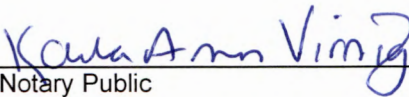
  
Shaunna Johnson, City Administrator

STATE OF MINNESOTA        )  
  ) ss.  
COUNTY OF STEARNS        )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of April, 2019, by Richard E. Miller, Mayor, and by Shaunna Johnson, City Administrator, of the City of Waite Park, a Minnesota municipal corporation, on behalf of the corporation and pursuant to authority granted by the City Council.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

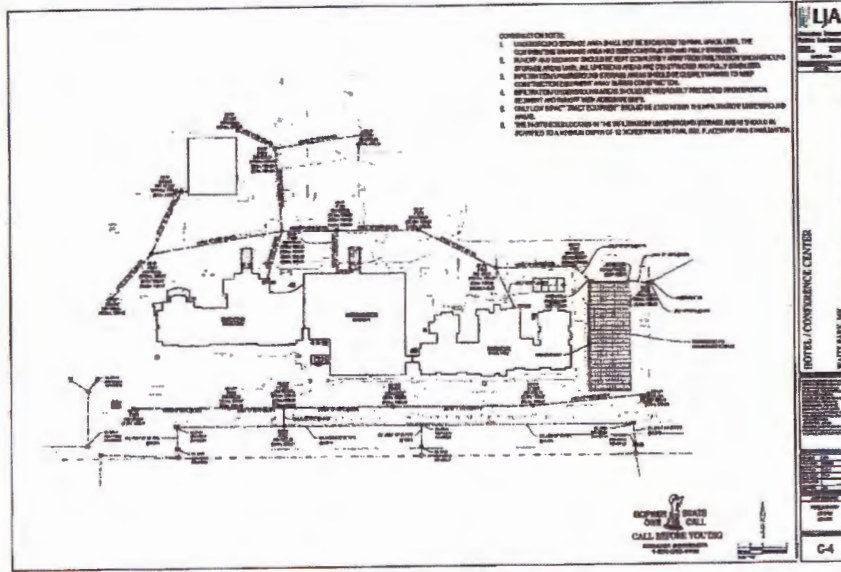
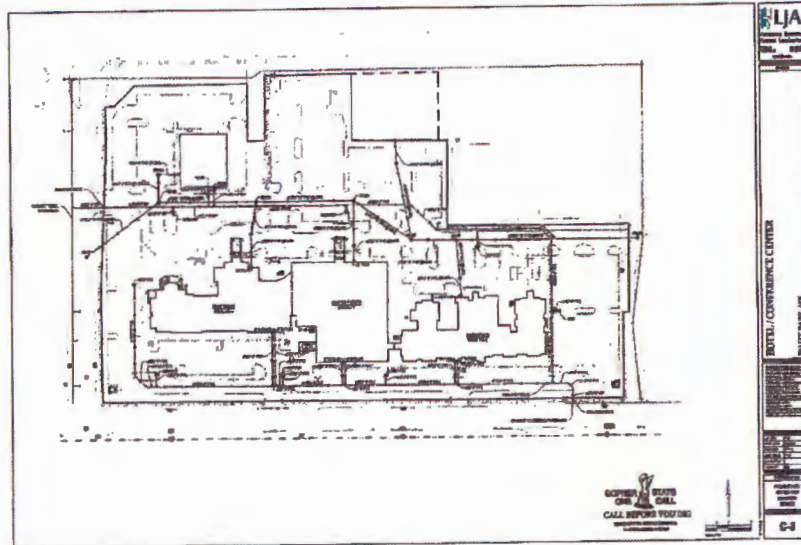


  
Notary Public

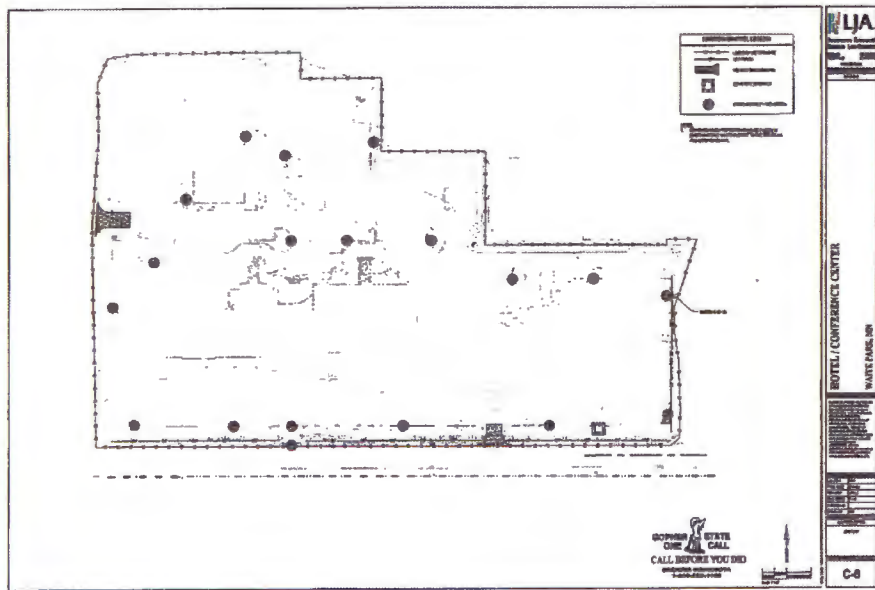
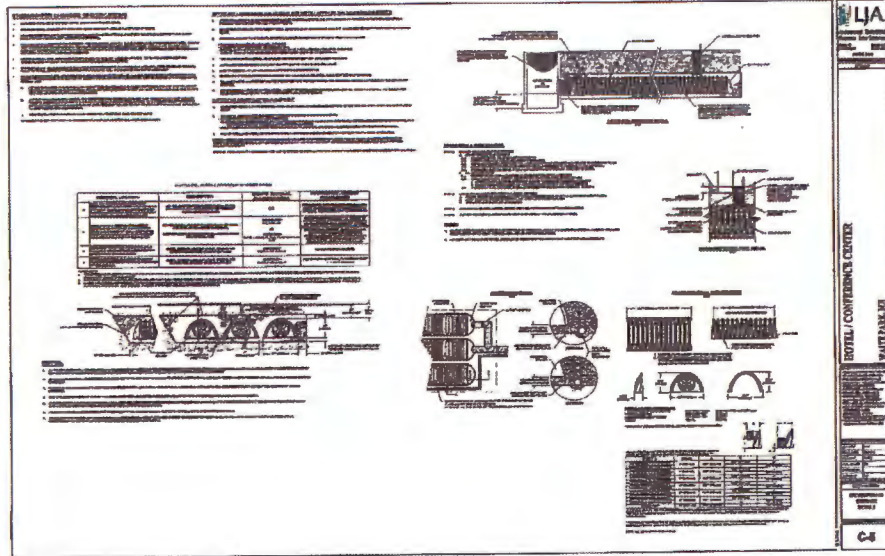
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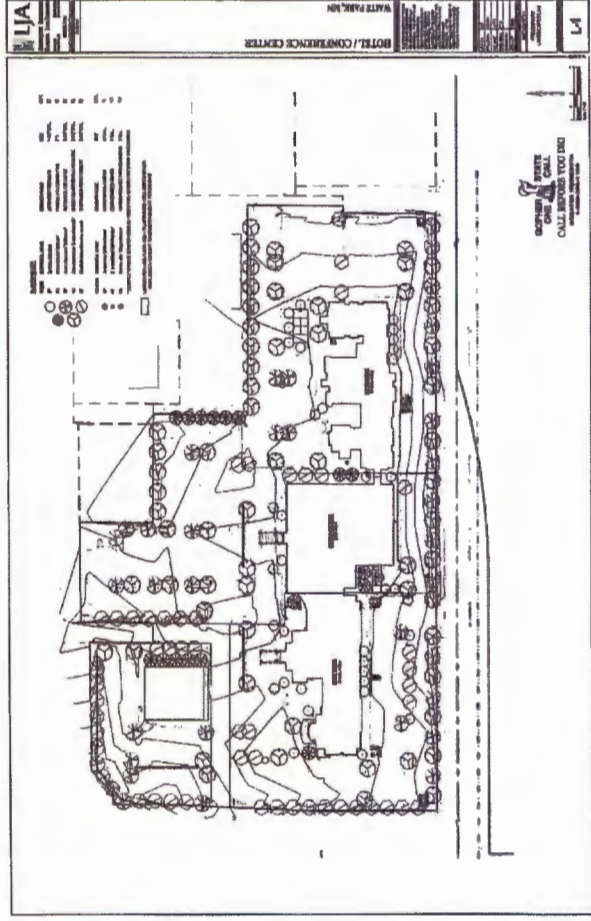
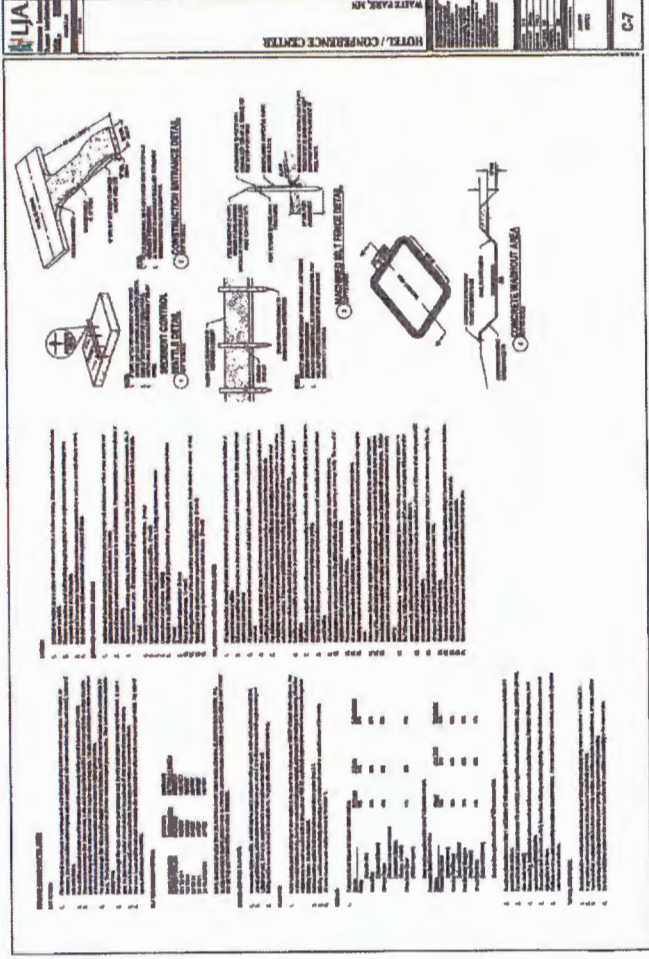
**EXHIBIT A CONTINUED**



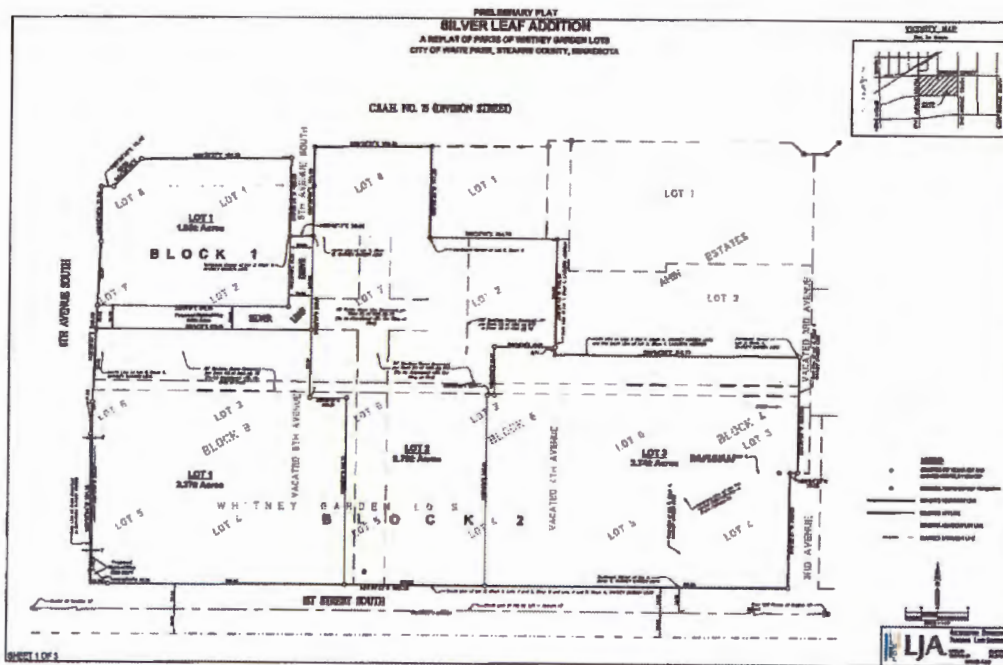
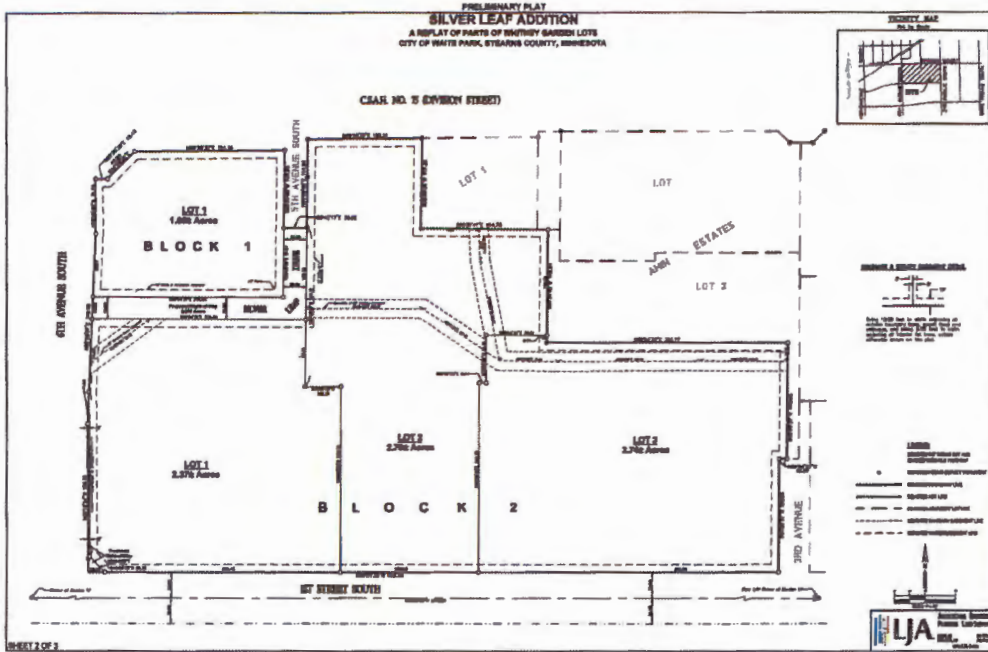
**EXHIBIT A CONTINUED**



**EXHIBIT A CONTINUED**



**EXHIBIT A CONTINUED**





**EXHIBIT B**  
**FINDINGS OF FACT**

**Preliminary PUDs – Criteria For Approval**

A. Preliminary PUD approval shall be granted by the city only if the applicant demonstrates that:

**Criteria #1** The proposed project shall not be detrimental to present and potential surrounding land use.

**Finding #1** That the proposed PUD is not detrimental to present and potential surrounding land use. These facilities benefit the community and would be compatible with surrounding development and will conform to goals and policies of the Comprehensive Plan for the City.

**Criteria #2** Land surrounding the proposed development can be planned in coordination with the proposed development and can be developed so as to be mutually compatible.

**Finding #2** That the land surrounding the proposed PUD could be planned in coordination with the proposed PUD and could be developed to be mutually compatible.

**Criteria #3** Streets and sidewalks, existing and proposed, are suitable and adequate to carry anticipated traffic within the proposed project and in the vicinity of the proposed project, in light of the criteria set forth in the subdivision ordinance and the comprehensive plan.

**Finding #3** That streets and sidewalks will be suitable and adequately serve anticipated traffic within the proposed PUD and in the vicinity of the proposed PUD.

**Criteria #4** Services including potable water, sanitary sewer and storm drainage are available or can be provided by the development prior to occupancy.

**Finding #4** That the Property will be adequately served by essential public facilities and services including potable water, sanitary sewer and storm drainage will be provided by the development prior to occupancy.

**Criteria #5** Each phase of the proposed development, as it is planned to be completed, contains the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

**Finding #5** Each phase of the proposed PUD, as it is planned to be completed, provides the required parking spaces, recreation spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

**Criteria #6** The project conforms with the purposes and standards prescribed in Chapter V of the "Zoning, Land Use and Building Regulations."

**Finding #6** The proposed PUD conforms with the purposes and standards prescribed in Chapter V of the "Zoning, Land Use and Building Regulations."

**Criteria #7** The project conforms to the Comprehensive Plan.

**Finding #7** The proposed PUD conforms with the applicable specific and general objectives of the Comprehensive Plan of the City.

- B. Conformance with the design standards and required improvements as set forth within the Subdivision Ordinance.

*Finding* Required conformance with the regulations established within the Subdivision Ordinance does not limit the City Council's authority to allow flexibility as part of a planned unit development. The proposed development requires variances from the parking, side yard setbacks and sign height requirements. These modifications from the Ordinance requirements will benefit the area but not be a detriment to current or future development of the area.

### **Final PUDs – Criteria for Approval**

Final approval shall be granted by the City only if the applicant demonstrates that final PUD substantially conforms to the approved preliminary PUD. For the purposes of this section "substantially conforms" means that, as compared to the preliminary PUD, the final PUD contains no revisions in density, uses, design or development standards or in the site plan, other than the minor changes pursuant to Subd. 11 of this chapter and conditioned upon staff review that the following items listed below have been met:

1. A survey of the property, showing for all areas to be developed or disturbed existing features, including topography at two-foot contours for slopes 15 percent or less and five-foot contours for slopes over 15 percent, buildings, structures, trees over eight inches in trunk diameter measured 32" above the base of the trunk, streets, utility easements, rights-of-way, and existing land uses;
  2. Floor elevations and sample drawings of project structures and improvements;
  3. Proposed final conditions, covenants and restrictions (CC&Rs) and other documents relating to operation and maintenance of the development, including all of its open areas and recreational facilities, which CC&Rs and other documents shall be recorded upon final PUD approval;
  4. Proposed final agreements which may have been required as conditions of preliminary PUD approval;
  5. A development schedule;
  6. The following plans and diagrams:
    - a. An off-street parking plan;
    - b. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned unit development, and to and from existing and programmed thoroughfares; any special engineering features and traffic regulating devices needed to facilitate or insure the safety of this circulation pattern must be shown;
    - c. Landscaping and tree planting plan, including site grading;
    - d. A topographic map or model of the site and surrounding vicinity;
- B. In the event that development standards were submitted and approved as part of the preliminary development plan, development standards shall be made binding upon all future developers of the property in a manner acceptable to the city and may be submitted in lieu of elevation and perspective drawings of project improvements.

*Finding* There are no major revisions to the development plan as proposed by the Developer and all the items listed above have been met.