

**RESOLUTION NO. 23-043**

**CITY OF MAPLE GROVE**

**RESOLUTION GRANTING PLANNED UNIT DEVELOPMENT -  
DEVELOPMENT STAGE PLAN FOR THE SOTA SHINE MAPLE GROVE  
PROJECT AND PRELIMINARY PLAT AND FINAL PLAT OF SOUTHWEST  
CROSSROADS NINTH ADDITION**

WHEREAS, Nick Netley (hereinafter referred to as the “**Applicant**”) has made application for a Planned Unit Development (hereinafter referred to as “**PUD**”) – Development Stage Plan, preliminary plat, and final plat (hereinafter collectively referred to as the “**Application**”) for property legally described as *Outlots G and H, Southwest Crossroads, Hennepin County, 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 held a public hearing and considered the Application at its February 13, 2023 meeting, recommending approval; and

WHEREAS, the City Council considered the Application at its February 21, 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 preliminary plat and final plat of the Property and PUD – Development Stage Plan for the purpose of constructing a 7,240 square foot carwash and pet wash building on Lot 1 of the Final Plat (hereinafter referred to as the “**Project**”).
- B. The Applicant has submitted, for the City Council’s review and approval: (i) the PUD – Development Stage Plan plans for Lot 1 of the Final Plat, prepared by Mohagen Hansen, with the last City submittal date of February 3, 2023 (hereinafter referred to as the “**Sheets**”), which Sheets Cover Sheet (Sheet A000) is attached as Exhibit B; (ii) the City Resubmittal for Existing Conditions, Removals, Site, Grading, Erosion Control, Utilities, and Landscaping, prepared by Westwood Professional Services, Inc., with the City submittal date of February 6, 2023 (hereinafter referred to as the “**Updated Civil Sheets**”), which Updated Civil Sheets Cover Sheet (Sheet C001) is attached as Exhibit C; (iii) Vehicle Stacking sheet, drafted by

Westwood Professional Services, Inc., dated February 3, 2023 (hereinafter referred to as the “**Stacking Plan**”); (iv) updated site plan (Sheet C200) drafted by Westwood Professional Services, Inc. (hereinafter referred to as “**Sheet C200**”); (v) the preliminary plat of the Property, drafted by Westwood Professional Services, Inc., dated January 6, 2023 (hereinafter referred to as the “**Preliminary Plat**”); and (vi) the final plat of the Property entitled “Southwest Crossroads Ninth Addition”, drafted by Westwood Professional Services, Inc. (hereinafter referred to as the “**Final Plat**”). The plans for the development of the Property are the Sheets as updated by the Updated Civil Sheets, the Stacking Plan, and Sheet C200 (hereinafter collectively referred to as the “**Plans**”).

- C. The Property is zoned PUD, Planned Unit Development. The land surrounding the Property is zoned PUD, Planned Unit Development.
- 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 of the dimensional requirements of this chapter, including setbacks, height, floor area, floor area ratio, lot area, lot width, lot depth and yards.

- F. 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.
- G. City Code §36-61 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 City Code and will not be permitted unless the Applicant demonstrates that the development would tend to accomplish the following PUD objectives:
  - 1. For any PUD with a residential component guided low-medium density residential, over ten acres in size and outside the gravel mining area, or guided medium density residential or high density

residential, regardless of size, and outside of the gravel mining area, shall be assessed against the project point system which ensures innovations within a single development having a greater variety in type, design, and siting of dwellings to meet the growing demands for housing at various economic levels and the growing demands for rental units as well as owner-occupied units;

2. Higher standards of site and building design through the use of trained and experienced land planners, architects, and landscape architects;
3. The preservation and enhancement of desirable site characteristics such as natural topography and geographic features, and the protection of natural vegetation and water features;
4. An efficient use of land resulting in smaller networks of utilities and streets, thereby lowering housing costs and public investments;
5. A development pattern in harmony with the objectives of the city's comprehensive plan; and
6. A more desirable environment than would be possible through the strict application of the zoning and subdivision regulations of the city.

(hereinafter referred to as the “**PUD Objectives**”)

H. The Project as proposed in the Plans is consistent with the current zoning and the surrounding properties. It will not be detrimental to said properties, to existing roads and traffic, and the general health, safety, and welfare of the public, and accomplishes the PUD Objectives, provided it is subject to and meets, to the satisfaction of the City, the conditions set forth in this Resolution.

I. 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 meets, 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 – Development Stage Plan and the Plans to develop the Project on Lot 1 of 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 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 Applicant’s Agreement, filing of letters of credit, and payment of fees. City Code §30-21.
  - b. Any signage 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 Plans are subject to the review and recommendation of the City Arbor Committee. The Plans shall be modified as recommended by the City Arbor Committee and directed by the City Director of Community and Economic Development.
  - d. The Applicant shall comply with the following requirements subject to the satisfaction of the City Director of Community and Economic Development:

- i. The Plans shall be modified to extend the sidewalk that runs along 70<sup>th</sup> Place to the east side of the driveway and up to the property line.
    - ii. No more than 20% of overstory trees (five) can be the same genus. The Plans shall be modified to reduce the number of spruce trees on the Plans and replace with conifer trees.
  - e. The Plans shall be modified as provided below subject to the review and approval of the City Engineer:
    - i. Applicant shall submit a signed copy of the Plans.
    - ii. The Applicant shall submit erosion and sediment control plan and SWPPP.
    - iii. The Plans are subject to the review of the Elm Creek Watershed District. The Plans shall be modified as recommended by the Elm Creek Watershed District and directed by the City Engineer.
    - iv. Sheet C300 of the Plans shall be modified to: (i) provide EOF Elevation/HP and location for CB 112, CBMH 111, and CBMH 100; and (ii) provide building FFE should be 1.5 feet above EOFs.
    - v. The Plans shall be modified to provide a stop sign at the proposed exit to 70<sup>th</sup> Place.
    - vi. The proposed guard rail on the north side of the proposed car wash building may be problematic during the winter months. It may also make it more difficult for garbage/recycling trucks to access the proposed trash enclosure. The Plans shall be modified to provide for less intrusive signing and striping to accomplish the same on-site traffic circulation goals.
    - vii. The Applicant shall provide information to verify that a single-unit garbage/recycling truck can clear the proposed gate that leads to the trash enclosure.
    - viii. Applicant shall obtain MCES SAC determination.
    - ix. Prior to receiving permits for the development of the Property, the Applicant shall have its contractor field verify the size and horizontal and vertical location of existing water service stub and existing sewer stub at the right-of-way.

- x. The Applicant shall verify if used pet wash water is reclaimed or will be directed at 6-inch sewer service.
- f. The Applicant shall comply with the following requirements subject to the satisfaction of the City Fire Inspector:
- i. The Plans shall be modified to provide a 13-foot 6-inch clearance height on the outer loop road around the building.
  - ii. The Plans shall be modified to identify the location of the sprinkler riser room. The Plans shall be modified to provide for a low temperature sensor in the riser room.
  - iii. The Plans show a water room in the southwest corner of the pet wash and the utility plan shows the water main entering the building at the northwest corner of the pet wash. Water mains are not allowed to run under the building. The Plans shall be modified to alleviate the above issue.
  - iv. The Plans shall be modified to provide for a hydrant located within 100 feet of the fire department connection.
  - v. The Plans indicate an 6-inch combination water service line. The Plans shall be modified to provide for the domestic service line, including irrigation, to be limited to a quarter size of the combination service.
  - vi. The Plans shall be modified to meet and Lot 1 of the Final Plat 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.
- g. 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).

- h. 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 guaranty the proper installation and growth of all landscaping items.
- i. 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 Lot 1 of the Final Plat. The City will not issue any permits for the development of Lot 1 of the Final Plat prior to being provided recording information for the PUD Agreement.
- j. 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.
- k. The final plans for the development of Lot 1 of the Final Plat, determined at the time of permits for the development, shall be based on the Plans as modified by the parking on Sheet C200 (hereinafter referred to as the “**Final Plans**”). Construction on and maintenance of Lot 1 of the Final Plat shall, at all times, comply with the Plans, Final Plans, this Resolution, previous and subsequent approvals, and local, state, and federal rules and regulations.
- l. The Property is located within the City’s Park Service Area 31 and will be served by Gleason Athletic Fields and Maple Creek Park. 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 current commercial park dedication rate for the City is \$11,000 per acre. Assuming the Final Plat is released prior to the City Council adjusting the park dedication rate, the park dedication amount to be paid for Lot

1 of the Final Plat shall be \$16,500.00 (1.5 acres times \$11,000). 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 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. The park dedication for Outlot A of the Final Plat will be determined at the time of platting as a buildable lot.

- 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 Lot 1 of the Final Plat 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 thereunder 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:

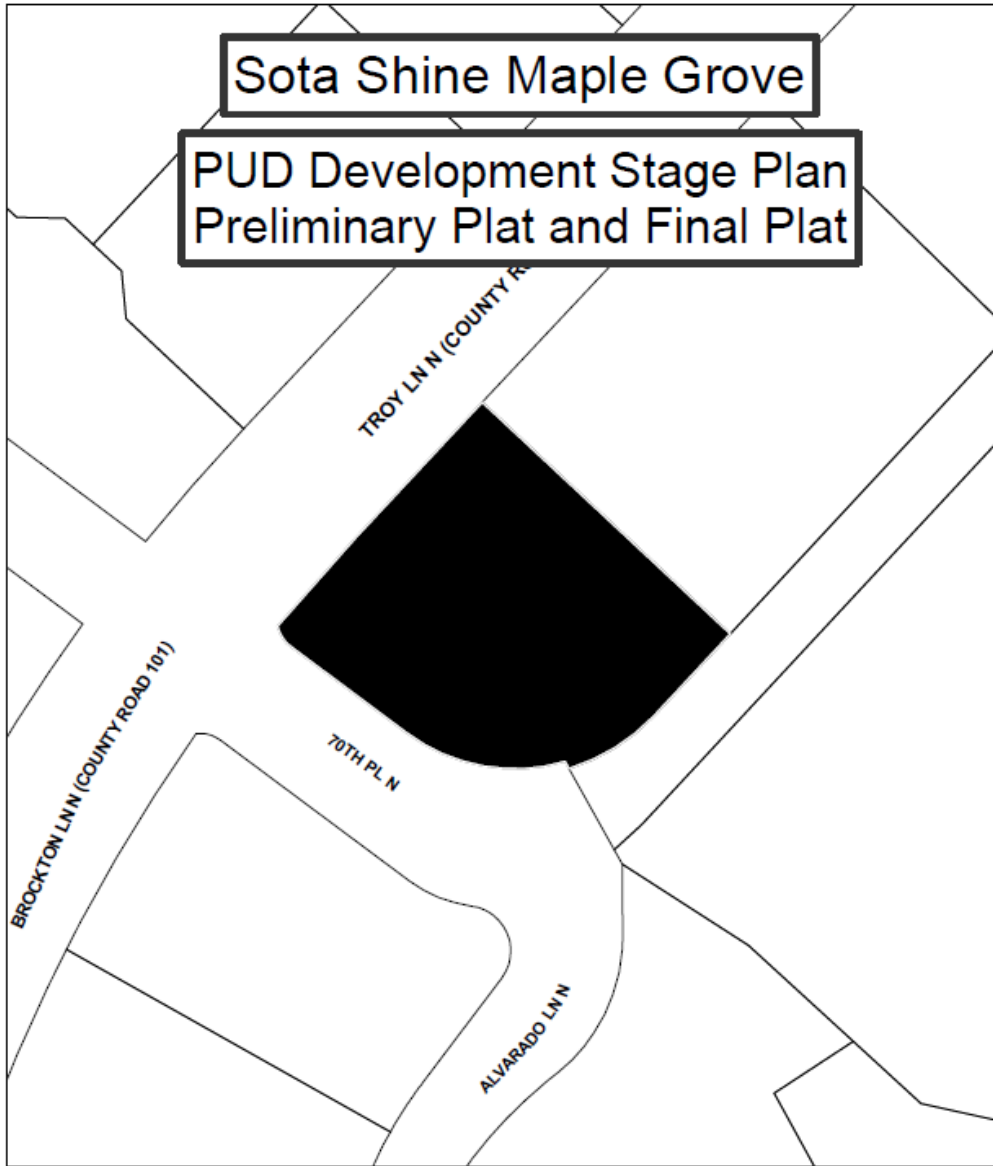
whereupon, the resolution was declared duly passed and adopted the 6<sup>th</sup> day of March, 2023.

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. 23-043 is a true and correct copy of the Resolution as adopted by the City Council on the 6<sup>th</sup> day of March, 2023.

\_\_\_\_\_  
City Clerk

EXHIBIT A



NEIGHBORHOOD LOCATION MAP



**EXHIBIT B**



<b>GENERAL</b>	
A000	COVER SHEET
<b>CIVIL</b>	
C001	COVER SHEET
1 of 1	PRELIMINARY PLAT
-	FINAL PLAT
C100	EXISTING CONDITIONS AND REMOVALS PLAN
C200	SITE PLAN
C300	GRADING AND EROSION CONTROL PLAN
C400	SWPPP NARRATIVE
C401	SWPPP NOTES
C500	UTILITY PLAN
C600	DETAILS
C601	DETAILS
C602	STORM SEWER AND WATERMAIN DETAILS
L100	LANDSCAPE PLAN
E100	SITE PHOTOMETRIC PLAN
<b>ARCHITECTURAL</b>	
A001	GENERAL NOTES DOOR SCHEDULE MISC
A010	SPECIFICATIONS
A020	CODE PLANS
A100	ARCHITECTURAL SITE PLAN
A201	FLOOR PLAN
A203	ROOF PLAN AND ROOF DETAILS
A300	EXTERIOR ELEVATIONS
A301	EXTERIOR ELEVATIONS
A302	3D IMAGE AND EXTERIOR MATERIALS
A310	BUILDING SECTIONS
A320	EXTERIOR WALL SECTIONS
A321	EXTERIOR WALL SECTIONS
A322	EXTERIOR WALL SECTIONS
A323	EXTERIOR WALL SECTIONS
A500	ENLARGED PLANS AND INTERIOR ELEVATIONS
A600	REFLECTED CEILING PLANS
A800	EXTERIOR DETAILS
A801	EXTERIOR DETAILS
A802	EXTERIOR DETAILS
A900	INTERIOR DETAILS

**INTERIOR FINISHES**

F100	INTERIOR FINISH PLANS AND SPECIFICATIONS
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**STRUCTURAL**

S001	GENERAL STRUCTURAL NOTES
S101	FOUNDATION PLANS
S102	ROOF FRAMING PLANS
S201	SECTIONS AND DETAILS
S202	SECTIONS AND DETAILS

**MECHANICAL & PLUMBING**

PM1.0	MECHANICAL TITLE SHEET INDEX, SYMBOLS AND ABBREVIATIONS
PM1.1	MECHANICAL GENERAL NOTES
PM1.2	MECHANICAL DETAILS
M1.0	HVAC PLANS
P1.0	PLUMBING PLAN
P1.1	PLUMBING ISOMETRICS
PM2.0	MECHANICAL SPECIFICATIONS
PM2.1	MECHANICAL SPECIFICATIONS
PM2.2	MECHANICAL SPECIFICATIONS
PM2.3	MECHANICAL SPECIFICATIONS
PM2.4	MECHANICAL SPECIFICATIONS
PM2.5	MECHANICAL SPECIFICATIONS
PM2.6	MECHANICAL SPECIFICATIONS
PME1.0	MECHANICAL AND ELECTRICAL SCHEDULES

**ELECTRICAL**

E0.0	ELECTRICAL TITLE SHEET
E1.0	ELECTRICAL SITE PLAN
E1.1	SITE PHOTOMETRICS
E2.0	POWER PLAN
E3.0	ELECTRICAL SPECIFICATIONS
E4.0	CAR WASH EQUIPMENT PLAN - REFERENCE ONLY
E5.0	LIGHTING PLAN
E6.0	RISER AND PANEL SCHEDULES

## **EXHIBIT C**

# CITY RESUBMITTAL

FOR

## EXISTING CONDITIONS, REMOVALS, SITE, GRADING, EROSION CONTROL, UTILITIES, AND LANDSCAPE

FOR

### SOTA SHINE MAPLE GROVE MAPLE GROVE, MN

PREPARED FOR:  
**SOTA SHINE, LLC**  
 3056 HIGHLAND BOULEVARD  
 MOUND, MN 55364  
 CONTACT: NICKOLAS NETLEY  
 PHONE: 763-258-4710  
 EMAIL: NICKNETLEY@YAHOO.COM

PREPARED BY:  
**Westwood**  
INCORPORATED IN MINNESOTA  
 10000 UNIVERSITY AVENUE, SUITE 100  
 BURNSVILLE, MN 55337  
 PROJECT NUMBER: 0041930.00  
 CONTACT: JEFF R. WESTENDORF



Vicinity Map  
per 17.04.04

**SHEET INDEX**

SHEET NO.	SHEET TITLE
001	COVER
100	EXISTING CONDITIONS & REMOVALS PLAN
200	GRADING AND EROSION CONTROL PLAN
300	UTILITIES
400	LANDSCAPE ARCHITECTURE CONTROL DETAILS
500	STORM SEWER AND WATER MAIN DETAILS
600	LANDSCAPE PLAN
700	PHOTOMETRIC PLAN

NO.	DATE	BY	REVISION	LIMITS

**CITY RESUBMITTAL**  
 EXISTING CONDITIONS, REMOVALS, SITE,  
 GRADING, EROSION CONTROL, UTILITIES,  
 AND LANDSCAPE  
 FOR  
 SOTA SHINE MAPLE GROVE  
 MAPLE GROVE, MN  
 PREPARED FOR: SOTA SHINE, LLC  
 PROJECT NUMBER: 0041930.00  
 SHEET 02 OF 07

PROJECT NUMBER: 0041930.00



# SHEET INDEX

Sheet List Table	
SHEET NUMBER	SHEET TITLE
C001	COVER
C100	EXISTING CONDITIONS & REMOVALS PLAN
C200	SITE PLAN
C300	GRADING AND EROSION CONTROL PLAN
C500	UTILITY PLAN
C600	SITE DETAILS
C601	SANITARY AND EROSION CONTROL DETAILS
C602	STORM SEWER AND WATERMAIN DETAILS
L100	LANDSCAPE PLAN
E100	SITE PHOTOMETRIC PLAN