

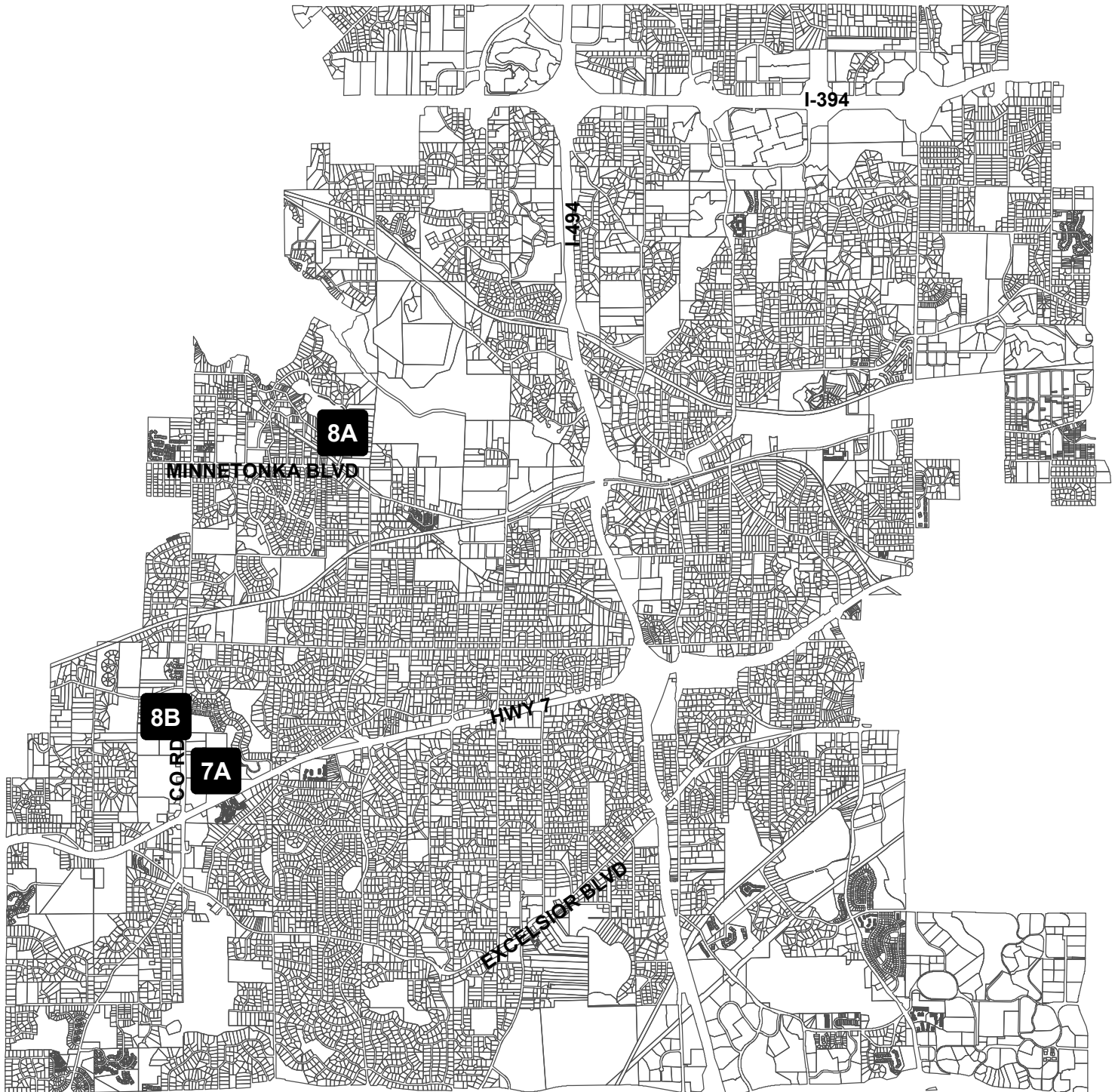


CITY OF
MINNETONKA

MINNETONKA PLANNING COMMISSION

Oct. 6, 2022

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
minnetonkamn.gov





**Planning Commission Agenda
Oct. 6, 2022
6:30 p.m.**

City Council Chambers – Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: Sept. 1, 2022

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

A. Resolution rescinding the existing Westwind Plaza sign plan.

Recommendation: Adopt the resolution rescinding the plan (4 votes)

- Final decision, subject to appeal
- Project Planner: Drew Ingvanson

8. Public Hearings: Non-Consent Agenda Items

A. Conditional use permit for a detached accessory dwelling unit at 3274 and 3305 Fairchild Avenue.

Recommendation: Recommend the city council adopt the resolution approving the request (4 votes)

- Recommendation to City Council (Oct. 24, 2022)
- Project Planner: Bria Raines

B. Preliminary and final plat of DUNIBAR COURT, a five-lot subdivision, at 17809 Ridgewood Road.

Recommendation: Recommend the city council adopt the resolution approving the request (4 votes)

- Recommendation to City Council (Oct. 24, 2022)
- Project Planner: Ashley Cauley

9. Adjournment

Planning Commission Agenda

Oct. 6, 2022

Page 3

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. There following applications are tentatively schedule for the Oct. 20, 2022 agenda.

Project Description	The Social, CUP for a restaurant
Project Location	12411 Wayzata Blvd
Assigned Staff	Bria Raines
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Parking Ordinance Discussion
Project Location	City-wide
Assigned Staff	Susan Thomas and Bria Raines
Ward Councilmember	City-wide

**Unapproved
Minnetonka Planning Commission
Minutes**

Sept. 1, 2022

1. Call to Order

Chair Sewall called the meeting to order at 6:30 p.m.

2. Roll Call

Commissioners Hanson, Maxwell, Powers, Banks, and Sewall were present. Henry and Waterman were absent.

Staff members present: Assistant City Planner Susan Thomas and Planner Drew Ingvalson.

3. Approval of Agenda

Powers moved, second by Banks, to approve the agenda as submitted with an additional comment provided in the change memo dated Sept. 1, 2022.

Hanson, Maxwell, Powers, Banks, and Sewall voted yes. Henry and Waterman were absent. Motion carried.

4. Approval of Minutes: Aug. 18, 2022

Maxwell moved, second by Hanson, to approve the Aug. 18, 2022 meeting minutes as submitted.

Hanson, Maxwell, Powers, Banks, and Sewall voted yes. Henry and Waterman were absent. Motion carried.

5. Report from Staff

Thomas briefed the commission on the land use application considered by the city council at its meeting on Aug. 22, 2022:

- Adopted a resolution approving items to construct a house on Bantas Point Lane.

The next planning commission meeting is scheduled to be held on Sept. 15, 2022.

6. Report from Planning Commissioners

Hanson and Chair Sewall thanked staff for conducting the tour for commissioners and councilmembers last week.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

Banks moved, second by Maxwell, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Expansion permit for a garage at 11709 Shady Oak Drive.

Adopt the resolution approving an expansion permit for a garage at 11709 Shady Oak Drive.

Hanson, Maxwell, Powers, Banks, and Sewall voted yes. Henry and Waterman were absent. The motion was carried out, and the item on the consent agenda was approved as submitted.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within ten days.

8. Public Hearings

A. Preliminary plat for Cummings Homestead Second Addition, a two-lot subdivision, at 5024 Sparrow Road.

Chair Sewall introduced the proposal and called for the staff report.

Ingvalson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Michael Brandt, the applicant's surveyor, stated that:

- The staff did an excellent job explaining the information.
- One parcel would be subdivided into two properties.
- The map shows what could be done, but there is no house plan yet. The buyer would be required to follow the building permit code.
- The trees located in the building pad area are cottonwood and boxelder trees. The report will specify the size and type of trees identified by a forester.
- He provided the tree inventory and spreadsheet identifying the trees to staff.
- He hopes to keep as many trees as possible. They are an amenity for the property unless they are sick.
- The retaining walls are planned to be no taller than four feet. The retaining walls would create proper drainage patterns to the infiltration basin south of the driveway.
- The existing sanitary sewer and water pipes would be accessed.

- He requested commissioners vote to approve the proposal.

In response to Maxwell's question, Mr. Brandt explained that a rain garden would be utilized as the infiltration system that would allow for rainwater to travel into the aquifer. It would be designed to absorb and clean stormwater runoff.

Chair Sewall confirmed with Mr. Brandt that there would be no grading or tree removal done at this time. Once the subdivision is completed, and the plat is recorded at the county, then the property would be available for sale. A builder would apply for a building permit.

In response to Maxwell's question, Mr. Brandt explained that the city requires an infiltration test at the time of grading to determine how quickly stormwater seeps into the rain garden to make sure its size would meet the needs of the site. The calculation is theoretical at this point, but at the time of the building permit, it would be tested and adjusted if needed to ensure its accuracy.

The public hearing was opened.

Bruce Dejong, 18420 Old Excelsior Blvd., stated that:

- He provided a history of the property and its previous owners.
- He supports the subdivision.
- Everything looks reasonable and appropriate.

Bob Cummings, representing the applicants, stated that:

- He thanked Mr. Dejong for the history lesson.
- Allowing the property to be divided would prevent a large subdivision from being created and, potentially, the existing house from being torn down.
- The proposal would enhance the neighborhood and allow another homeowner to live in a great location in Minnetonka.
- The location is great; the land is beautifully wooded; the property is convenient to access, and the property is valuable.
- He appreciated the commission's time and looked forward to the proposal being approved.

Powers asked if a conservation easement had been considered for the rear area of the new lot. Mr. Cummings stated that he would look into that possibility.

No additional testimony was submitted, and the hearing was closed.

Banks supports the proposal. The proposal's tree removal plan meets the tree protection ordinance standards.

Powers supports the staff's recommendation. The proposal meets every ordinance requirement. He encouraged the applicant to talk to staff about the possibility of adding a conservation easement.

Chair Sewall appreciated the plan's thoughtfulness to save as many trees as possible. It would be a nice property. The proposal makes a lot of sense. He supports the staff's recommendation.

Powers moved, second by Maxwell, to recommend that the city council adopt the resolution approving the Cummings Homestead Second Addition, a two-lot subdivision, at 5024 Sparrow Road.

Hanson, Maxwell, Powers, Banks, and Sewall voted yes. Henry and Waterman were absent.

9. Adjournment

Maxwell moved, second by Banks, to adjourn the meeting at 7:05 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary

Minnetonka Planning Commission Meeting

Agenda Item 7

Public Hearing: Consent Agenda

MINNETONKA PLANNING COMMISSION
Oct. 6, 2022

Brief Description Request to rescind the Westwind Plaza sign plan at 4795 County Road 101

Recommendation Adopt the resolution rescinding the sign plan.

Existing Property Information

- **Location:** Northeast of the County Road 101/Highway 7 intersection
- **Land Area:** 10 acres
- **Zoning:** B-2, Limited Business District
- **Land Use:** Commercial
- **Buildings:**
 - The property consists of four buildings. Three of the four buildings on the site are subject to an existing sign covenant (shown in blue).
 - The Chase Bank building (shown in green) is not subject to the sign plan, as it was constructed after the sign plan was passed and is not specifically addressed by the sign plan. Instead, the Chase Bank building is subject to city sign ordinance requirements.
- **Existing Uses:** The site tenants are various commercial users. They include restaurants, personal services, and retail sales. Some tenants of the buildings include:
 - Chipotle;
 - O'Reilly Auto Parts;
 - Bethesda Thrift Shop;
 - Great Clips;
 - Viet Hoa Chinese Cuisine; and
 - Mathnasium.



Background

Below is a list of the previous signage requests received by the city for the subject property.

- 1989: The first Westwind Plaza sign plan is approved by the planning commission.
- 1993: The sign plan is amended to allow larger wall signage for anchor tenants with spaces over 12,000 square feet.

- 2015: The city received a request for larger signage for non-anchor tenants under 12,000 square feet. This request was denied by the planning commission.
- 2022: Spectrum signs approached the city with a proposal to add a new freestanding sign with tenant identification (see right). This sign was not permitted due to the existing Westwind Plaza sign plan stating that “no tenant identification shall appear on the freestanding sign.” The applicant and property owner subsequently submitted a request to rescind the sign plan.



Proposal

Rick Ferraro of Spectrum Signs, on behalf of the property owner (Bixmor Property Group, is requesting that the subject sign plan be rescinded. A review of the Westwind sign plan and the city code sign ordinance finds that the sign plan is generally more restrictive. Specifically, the city’s sign ordinance allows for:

- Larger wall signs for nearly all tenants;
- More tenant sign identification options (sign plan limits signage to tenants’ names);
- Tenant identification on freestanding signs; and
- Exterior temporary signs, with a temporary sign permit.

More detailed differences between the Westwind Plaza sign plan and the city’s sign ordinance can be found within the “Supporting Information” section of this report.

Staff analysis

Staff supports the request to rescind the Westwind Plaza sign plan as:

- **The sign plan is generally more restrictive than the city's sign ordinance.** As outlined above (and in the “Supporting Information” section), the Westwind Plaza sign plan is generally more restrictive than the city code’s sign ordinance. Rescinding the sign plan would allow businesses to have more sign alternatives and would better support their branding, wayfinding, and advertising.
- **Rescinding the sign plan would be consistent with similar building types.** The majority of the multi-tenant buildings within the city, similar to Westwind Plaza, do not have a sign plan and follow city code requirements. Rescinding the Westwind Plaza sign plan would make the property more consistent with similar buildings within the city and city-wide signage rules.

Summary

The Westwind Plaza sign plan presumably functioned well in 1989. However, the 33-year-old plan is now cumbersome to enforce and overly restrictive. Rescinding the subject sign plan would assist businesses by allowing more signage options and simplifying signage requirements while continuing signage consistency within the community.

Staff recommendation

Adopt the resolution rescinding the Westwind Plaza sign plan as it pertains to the buildings at 4795 County Road 101.

Originator: Drew Ingvalson, Associate Planner/Sustainability Coordinator
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Properties

	North	South	East	West
Existing Tenants	Vacant (Wetland)	Cub Foods	Vacant (Wetland)	Target and Multi-Tenant Building
Zoning	R-1 and B-1	B-2	R-1	PUD
Guide Plan Designation	Open Space	Commercial	Commercial	Commercial

Subject Property

	Existing	Proposed
Tenants	Multi-Tenant Building	No change
Zoning	B-2	
Guide Plan Designation	Commercial	

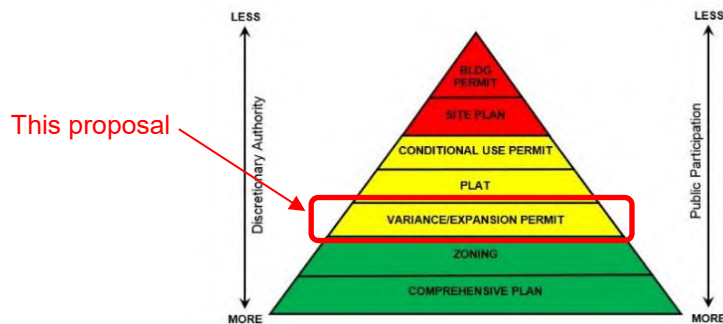
Sign Plan vs. Sign Ordinance

The charts below show the differences between the Westwind Plaza sign plan and city code sign ordinance. Generally, the sign plan is more restrictive than the city's sign ordinance.

	Sign Plan	Sign Ordinance
Wall Signs		
Number per tenant	1 per exterior wall face (not more than 2)	1 per exterior wall face (not more than 2)
Max Copy Height	<12,000 sq. ft. tenant: 24 inches	26 inches
	>12,000 sq. ft. tenant (one tenant currently): 30 inches	
Max Logo Height	All Tenants: 36 inches	36 inches
Illumination	Required	Permitted
Temporary Signs	Not permitted (except as part of a grand opening)	Permitted (twice per year)
Interior Signage	Area and time limits	Not Addressed

	Sign Plan	Sign Ordinance
Freestanding Signs		
Number per Property	1	2
Max Copy and Graphic Area	80 square feet	80 square feet
Max Area	120 square feet	120 square feet
Max Height	18 feet	18 feet
Tenant Identification	Not permitted	Permitted
Temporary Signs (with permit)	Not permitted (except part of a grand opening)	Permitted (twice per year)

Pyramid of Discretion



Motion options

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made adopting the resolution to rescind the sign plan.
2. Disagree with the staff’s recommendation. In this case, a motion should be denying the request. The motion should include findings for denial.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Voting Requirement

The planning commission’s action on the applicant’s request is final, subject to appeal. Approval requires the affirmative vote of five commissioners.

Appeals

Any person aggrieved by the planning commission's decision about the request to rescind the sign plan may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

**Neighborhood
Comments**

The city sent notices to 42 area property owners and has received no comments to date.

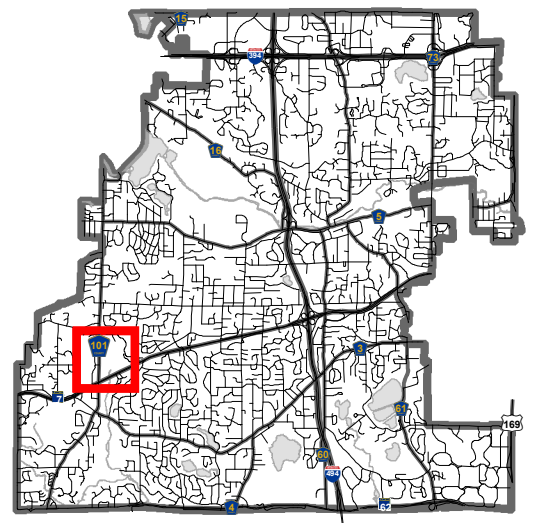
**Deadline for
Decision**

Dec. 5, 2022



Location Map

Project: Westwind Plaza
Address: 4795 Co Rd 101



Sign Plan Review Application

Westwind Plaza 4703-4795 County Road 101

Written Description

Westwind Plaza is a shopping center located at the intersection of Highway 7 and County Road 101 in one of the primary retail trade areas of Minnetonka, serving the greater Lake Minnetonka communities.

Signage for the Westwind Plaza is currently regulated under an existing sign plan that allows one freestanding sign for shopping center identification only. The sign plan language is shown below:

- i. No tenant identification shall appear on the freestanding sign used for shopping center identification. No other ground-mounted signs are permitted.

The property owner would like to install a multi-tenant monument sign that would incorporate both shopping center and tenant identification. As the proposed sign would not be allowed under the sign plan, but would be allowed under the current sign code, the property owner is proposing to rescind the existing Westwind Plaza sign plan and follow the sign code for all exterior signage for this shopping center.

The proposed monument sign has a total area of 120 square feet with 68 square feet of copy and graphic area and 14 feet in height. The sign would be double-sided and have internal LED illumination. Please reference the sign drawing for additional details.

The existing pylon sign located on the Southwest corner of the property along County Road 101 would be removed. The proposed monument sign would be installed in the same location, on the existing poles and footing.

The proposed sign size is within sign code guidelines for a Principal Structure between 20,000 – 100,000 gross square feet which allows a maximum of 120 square feet of monument sign area, 80 square feet of copy and graphic area with a height of 18 feet.

The sign plan is more restrictive than sign code regarding on-building signage. By rescinding the sign plan and following code, wall sign copy allowed would increase to 26” in height as opposed to 24” as noted in the sign plan.

220334

Brixmor

Westwind Plaza

Contact

Brixmor
J.P. Yohannes
8700 Bryn Mawr Ave #1000s
Chicago, IL 60631

Phone/Email

612-704-6210
jp.yohannes@brixmor.com

Jobsite

4703-4795 County Rd 101
Minnetonka, MN 55345

Designer

PW

Salesperson

RF

Project Manager

TP

Date

4-22-21
8-10-22



BRIXMOR[®]
Property Group

 **SPECTRUM**
SIGN SYSTEMS, INC

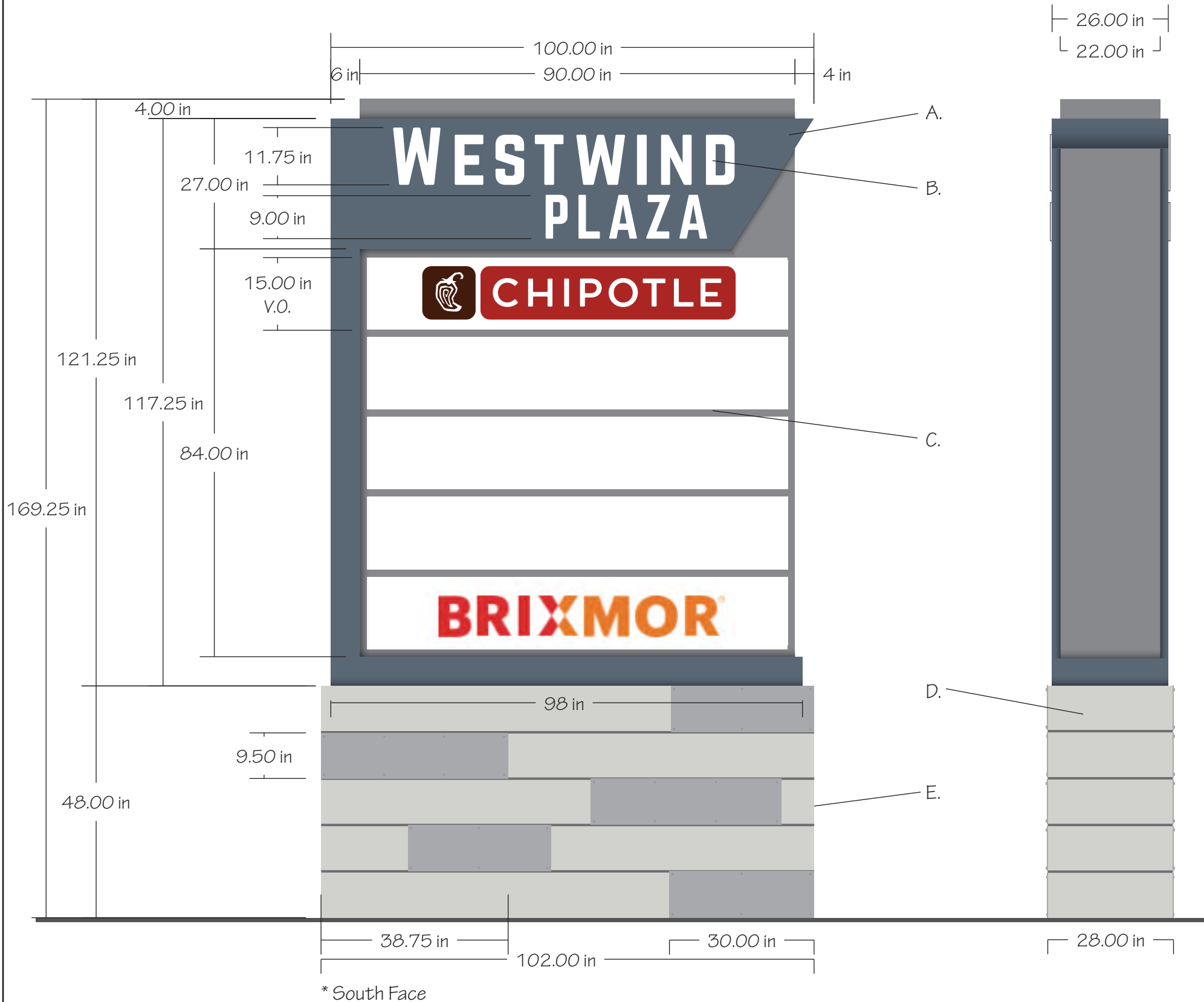
8786 W. 35W Service Drive
Blaine, MN 55449

763-432-7447 | www.spectrum-signs.com

Existing Freestanding Sign



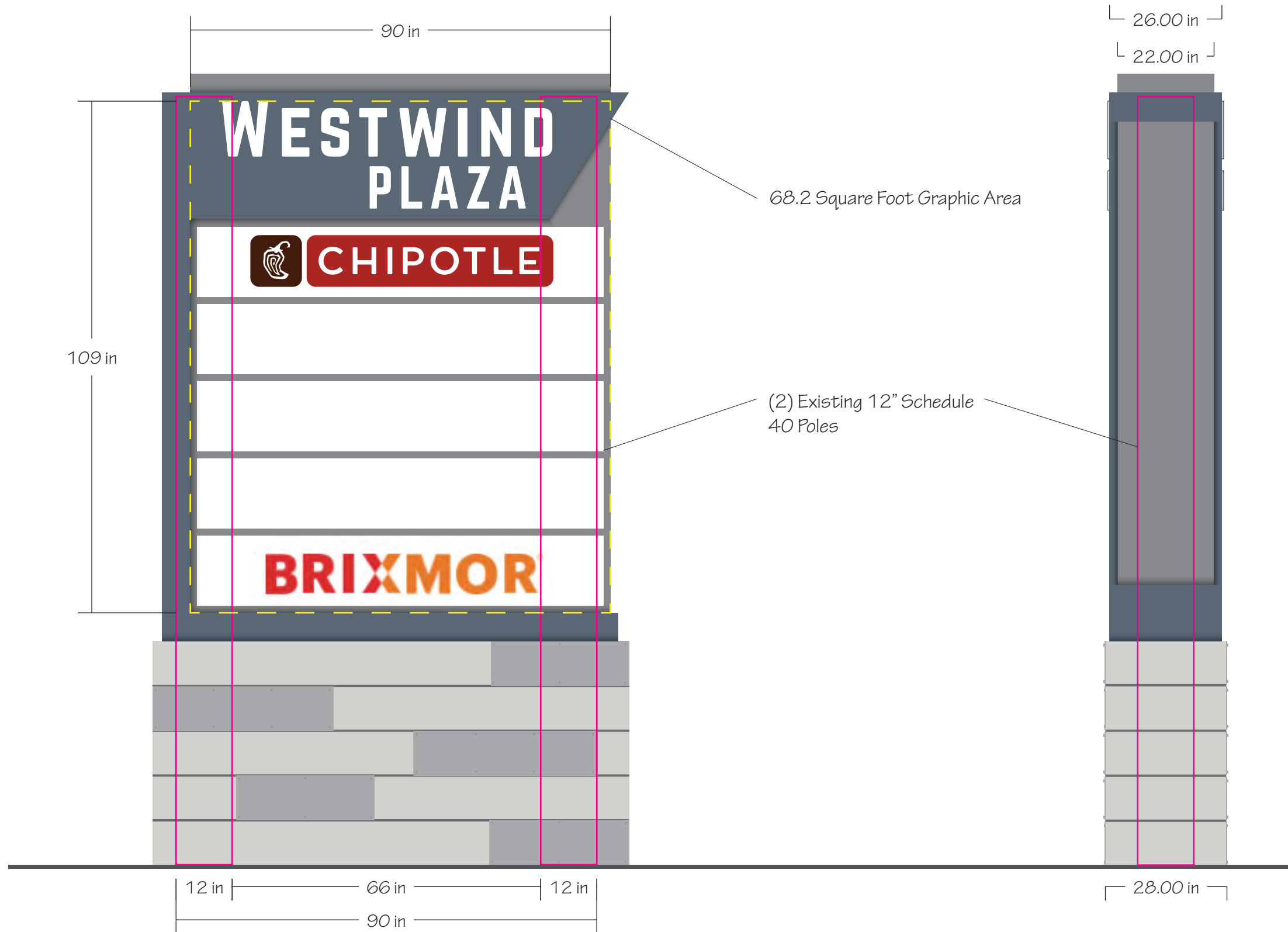
220334 - Brixmor - Westwind Plaza - Sign 1



Furnish and Install (1) 121.25" x 100" D/F LED Illuminated Monument Sign

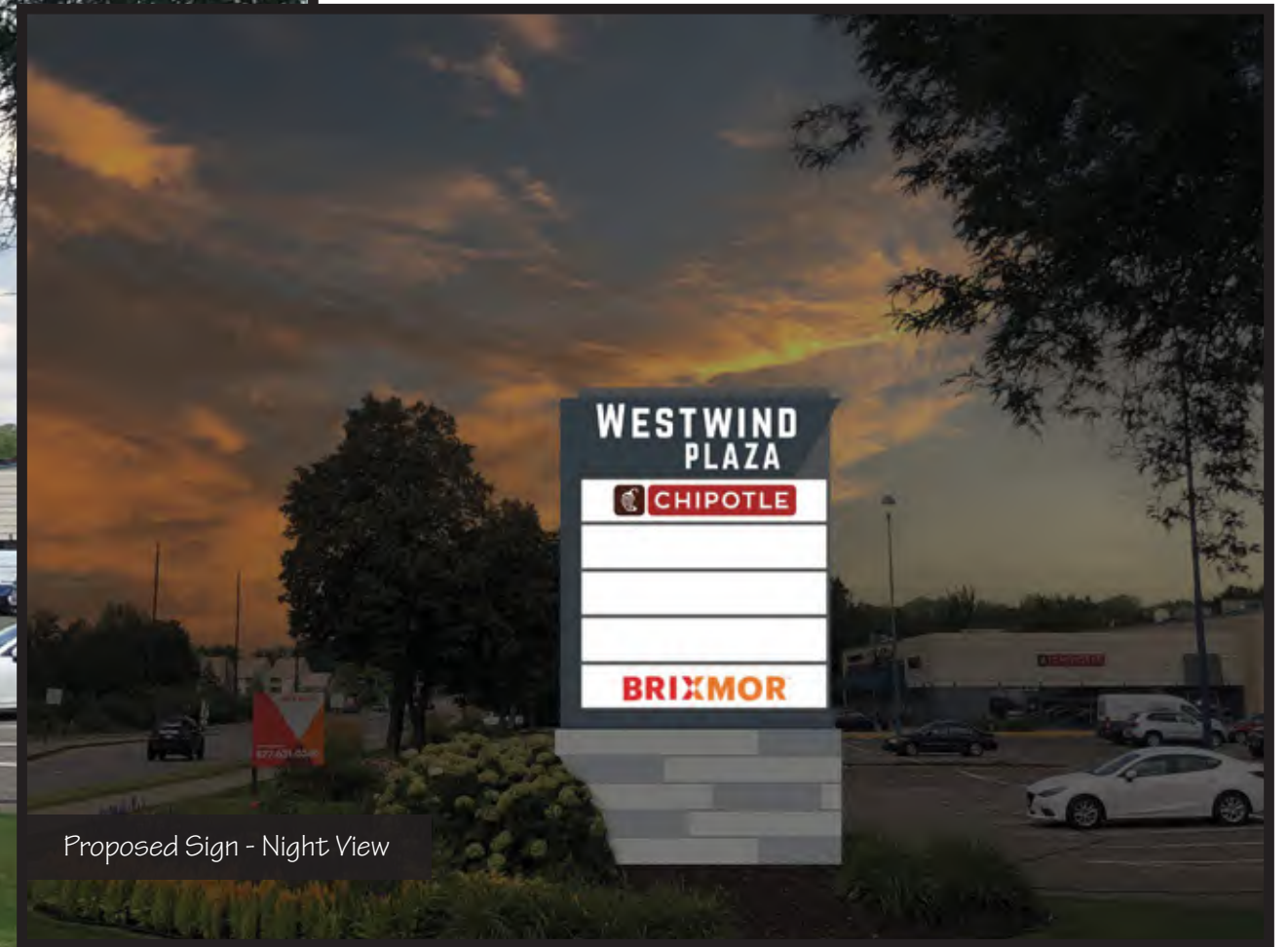
- A. Aluminum Cabinet, Retainer and Divider Bars Painted Gray Color TBV
- B. Routed Aluminum Face with Clear Acrylic Push Thru Copy Backed with White Diffuser Vinyl Finish Color TBV
- C. Flat White Polycarbonate Tenant ID Panels with First Surface Translucent Vinyl / Digitally Printed Graphics
* Tenant Artwork Required in Vector Format for Production
- D. Aluminum Pole Cover with Sprayed Stucco Finish and Painted Seam Lines - Colors TBV
- E. (6) 9.5" x 30" x .125" Painted Aluminum Panels Fastened to Pole Cover
(4) 9.5" x 38.75" x .125" Painted Aluminum Panels Fastened to Pole Cover Finish Color TBV

220334 - Brixmor - Westwind Plaza - Sign 1

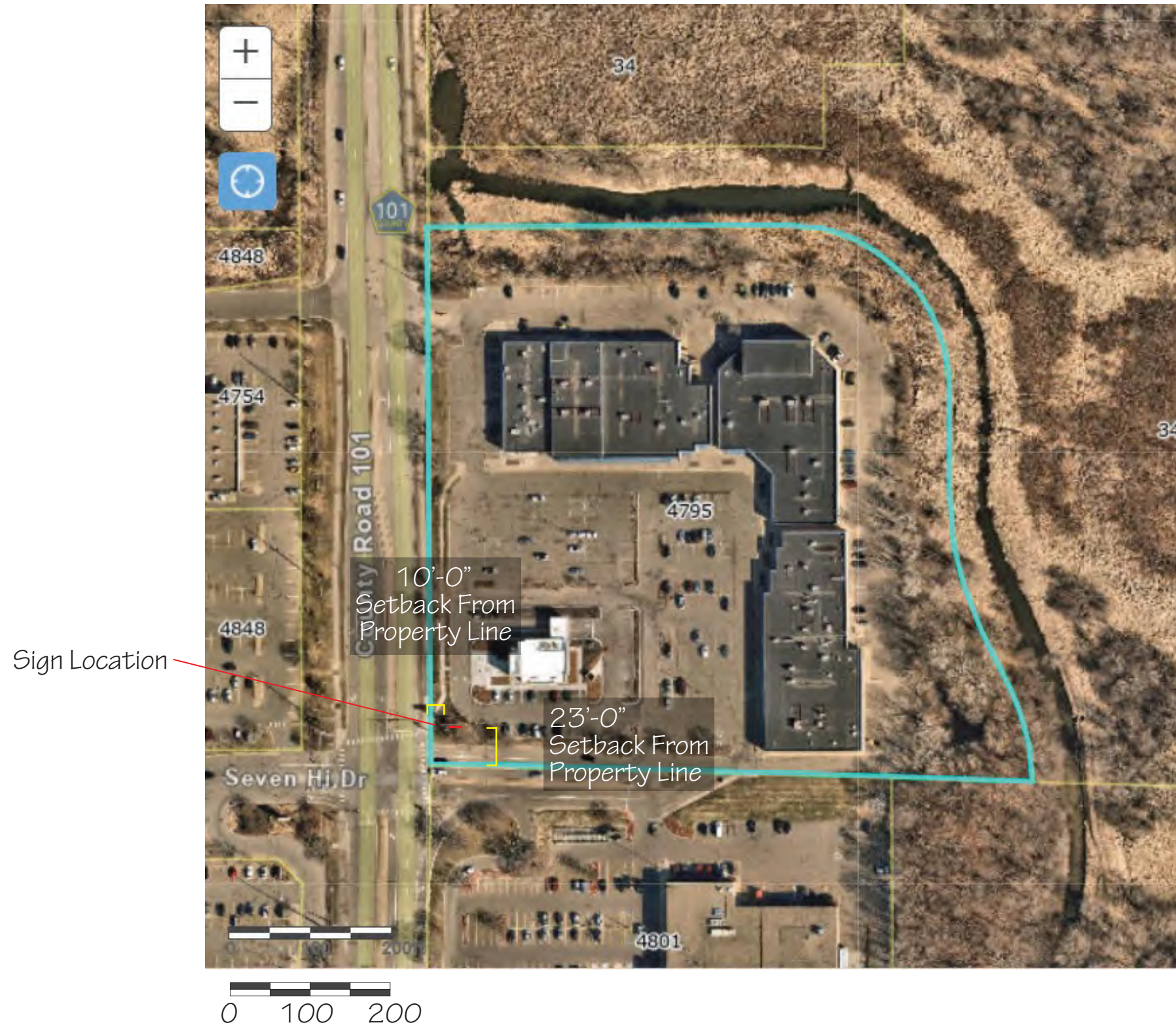




Proposed Sign - South Face



Proposed Sign - Night View



Sign Location



Planning Commission Resolution No. 2022-

**Resolution rescinding the Westwind Plaza
sign plan at 4795 County Road 101**

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 The subject property is located at 4795 County Road 101. The property is legally described as:

LOT 2, BLOCK 1, Willow Wood, HENNEPIN COUNTY, MINNESOTA

Torrens Certificate No. 1337602

1.02 The original sign plan for the Westwind Plaza was approved in 1989. Signs within the Westwind Plaza are now governed by an amended version of that sign plan that was approved by the planning commission in 1993.

1.03 Rick Ferraro of Spectrum Signs, on behalf of the property owner Bixmor Property Group, is requesting that the subject sign plan be rescinded.

Section 2. FINDINGS.

2.01 The request to rescind the Westwind Plaza sign plan is reasonable for two reasons:

1. The Westwind Plaza sign plan is generally more restrictive than the city's sign ordinance. Rescinding the sign plan would allow businesses to have more sign alternatives and would better support their branding, wayfinding, and advertising.
2. The majority of multi-tenant buildings within the City of Minnetonka do not have a sign plan. Rescinding the Westwind Plaza sign plan would make the property more consistent with similar buildings within the city and city-wide signage rules.

Section 3. Planning Commission Action.

3.01 The Westwood Plaza sign plan pertaining to the property 4795 County Road 101 Road is rescinded.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Oct. 6, 2022.

Joshua Sewall, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 6, 2022.

Fiona Golden, Deputy City Clerk

Minnetonka Planning Commission Meeting

Agenda Item 8

Public Hearing: Non-Consent Agenda

MINNETONKA PLANNING COMMISSION
Oct. 6, 2022

Brief Description	Conditional use permit for a detached accessory dwelling unit at 3274 and 3305 Fairchild Avenue
Recommendation	Recommend the city council approve the request.

Background

In 2020, the city received a proposal to construct a house at 3274 Fairchild Avenue. The application included a front yard setback variance. The request was discussed at two planning commission meetings. On the first meeting, Oct. 22, 2020, the commission held a public hearing and determined the lot was unbuildable; on the second, on Nov. 19, 2020, the commission denied the variance request. The property has a wetland and a floodplain and is in the shoreland district, which all require additional setbacks than what is described for “typical” R-1 zoned properties. Based on the city ordinance, the property had only 900 square feet of buildable area, whereas the proposed home was 1,000 square feet in size and also required a variance to fit.

In 2021, the accessory dwelling unit (ADU) ordinance was updated to include detached ADUs as a conditional use on residential properties zoned R-1, R-1A, and R-2. Prior to this, the zoning ordinance did not allow detached accessory dwelling units. The ADU ordinance amendment is another opportunity for the applicant to build the structure at 3274 Fairchild Avenue.

Additional property background can be found attached in the Oct. 8, 2020 staff report.

Proposal

The applicant is proposing a roughly 550-square-foot ADU at 3274 Fairchild Road. The proposal would meet all required setbacks and the tree protection ordinance and would not require a variance. The proposal requires a conditional use permit for the ADU and a lot combination.

The properties 3274 and 3305 Fairchild Avenue are located across the street from one another and have the same owner. The properties must be combined as part of this project to comply with the city code definition of principal and accessory uses. An accessory use is a use subordinate to a principal use on the same property. As is, the proposal is currently a principal structure on 3305 Fairchild Road and the proposed ADU at 3274 Fairchild Road. The project would be in compliance once the lot combination has been completed.

For the lots to be granted approval for combination by Hennepin County, the city must sign a combination approval form. If the conditional use permit is approved, the resolution would permit staff to provide the applicant with a city approval form to complete their county application.

Staff Analysis

Until the properties have been approved for combination by Hennepin County, this proposal would not be considered a conditional use. The definition of an accessory dwelling unit is as follows:

A secondary dwelling unit located on the same property as a principal dwelling unit, which includes provisions for living independent of the principal dwelling, such as areas for sleeping, cooking, and sanitation, as determined by the city planner. This definition includes a secondary dwelling unit that is attached to or detached from the principal dwelling unit.

If the lot combination is not approved as part of the resolution for this conditional use permit, the proposed accessory unit will not be located on the same parcel as the principal unit. Therefore, prior to the issuance of a building permit, the property owner must complete the lot combination process by applying with and receiving approval from Hennepin County.

The proposal is reasonable and would meet the standards outlined in the city code for an ADU, apart from the single lot requirement, which would be addressed by the associated resolution. The following is intended to summarize the standards and staff's findings. A full list of the standards and staff's findings can be found in the "Supporting Information" section of this report:

- **General Standards:** The property owners are proposing to construct an ADU on 3274 Fairchild Avenue near Libb's Lake. The property contains a wetland and floodplain and is within the shoreland district. Parking for the dwellings would be across Fairchild Avenue at 3305 Fairchild Avenue. The ADU would meet all setback requirements.
- **Construction and design:** The ordinance provides several construction and design-related standards to ensure compatibility with existing single-family residential neighborhoods:

Size: The ADU would be less than the code-defined maximum square footage of 1,000 square feet.

Height: The highest point of the ADU would not extend above the highest point of the existing home. The height of the proposed ADU is 12 feet.

Lowest Floor: The lowest floor for the proposed ADU is 937.5 feet. The ordinary high water level (OHWL) is 929.4 feet. The proposed elevation of the lowest floor would be well above the elevation of the OHWL.

Grading: As proposed, no site grading would occur below the 100-year floodplain or within the 35-foot wetland setback.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for a detached accessory dwelling unit at 3274 Fairchild Avenue.

Originator: Bria Raines, Planner
Through: Susan Thomas, AICP, Assistant City Planner
Loren Gordon, AICP, City Planner

Supporting Information

Surrounding property and subject property

	Subject Property	North	South	East	West
Use	Single-family residential home	Single-family residential home	Single-family residential home	Single-family residential home	Libbs Lake/Single-family residential home
Zoning	R-1	R-1	R-1	R-1	R-1
Guide plan designation	Low density residential	Low density residential	Low density residential	Low density residential	Low density residential

CUP Standards

The following is intended to summarize ordinance standards and staff's findings:

	CITY CODE STANDARD	STAFF FINDING
	The proposal would meet the general conditional use permit standards as outlined in City Code §300.16, Subd. 2:	
1.	The use is consistent with the intent of the ordinance;	
2.	The use is consistent with the goals, policies, and objectives of the comprehensive plan;	
3.	The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements; and	
4.	The use does not have an undue adverse impact on public health, safety, and welfare.	
	The proposal would meet the specific conditional use permit standards as outlined in City Code §300.16, Subd. 3(d) for accessory apartments:	
	GENERAL STANDARDS	
a.	ADUs are allowed only on properties zoned R-1, R-1A, and R-2.	The property is zoned R-1.
b.	No more than one ADU is allowed per property.	Only one ADU is proposed.
c.	The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.	The property owner is proposing to continue residing in the existing home on the east side of Fairchild Avenue. Additionally, this has been added as a condition of approval.
d.	ADUs may not be subdivided or otherwise separated in ownership from the principal dwelling unit.	Subdivision is not proposed as part of the project, but this has been added as a condition of approval, as well as the lot combination.

e.	Adequate off-street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.	Off-street parking for the ADU is proposed on a paved area east of Fairchild Avenue. A condition of approval has been added to limit the number of vehicles – not related to occasional guests – to four vehicles.
f.	The ADU and property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply.	The ADU would comply with setback requirements for general structures, wetlands, floodplains, and the shoreland district. Setback variances are not included in this proposal.
CONSTRUCTION AND DESIGN STANDARDS		
a.	On properties zoned R-1 or R-1A, an ADU may be attached to or detached from a principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.	The proposed ADU would be detached from the principal structure. A condition has been added requiring that the two properties be combined to comply with ADU standards.
b.1.	Must be no larger than 1,000 square feet in total area or 35 percent of the floor area of the principal dwelling, whichever is less. The city council may approve a larger area where the additional size would not result in undue adverse impacts to	The ADU would be less than 1,000 square feet in size.

	<p>the neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing or proposed vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique. In no case may a detached ADU be 200 square feet or less in total size.</p>	
b.2.	<p>Must be served by municipal water, municipal sanitary sewer, gas, and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.</p>	<p>This has been added as a condition of approval. The property does have utility stubs that the applicant plans to connect the ADU to.</p>
b.3.	<p>Must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.</p>	<p>This has been added as a condition of approval.</p>
b.4.	<p>May not be served by an additional curb cut unless approved by the city engineer in compliance with the driveway ordinance.</p>	<p>This proposal includes no plans for a new driveway.</p>
b.5	<p>Must be registered with the Minnetonka police and fire</p>	<p>This has been added as a condition of approval.</p>

	departments prior to occupancy.	
ATTACHED ADUs		
1.	Must be designed to maintain the single-family appearance of the principal dwelling from off-site views.	The ADU is detached.
2.	May be created through the conversion of living space or attached garage space. However, the garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating adequate vehicular parking exists on the site.	
3.	Maximum height and minimum required setbacks are outlined for principal structures in the associated zoning district.	
DETACHED ADUs		
1.	Must be designed to maintain the residential character of the lot on which it will be located.	The ADU would be constructed on the west portion of the property. The design would be consistent with residential architecture.
2.	May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for the construction of an attached or detached 24-foot by 24-foot garage without variance, and the applicant submits a detailed plan that demonstrates adequate vehicular parking exists on the site.	The ADU would not be created by the conversion of garage space.

3.	<p>The highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the additional height would not adversely impact neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique.</p>	<p>The highest point of the ADU would not extend above the highest point of the principal structure.</p> <p>The ADU would sit roughly twenty feet "lower" than the principal structure and would have a height of 12 feet.</p>
<p>LOCATION REQUIREMENTS</p>		
a)	<p>Behind the rear building line of the principal dwelling unit. In the case of a corner or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.</p>	<p>The property is not a corner lot. The ADU would maintain the required setbacks.</p>
b)	<p>To preserve existing, natural site features to the extent practicable.</p>	<p>The proposal consists of constructing an ADU and installing a rain garden. The proposal would not encroach on any required wetland, floodplain, or shoreland district setbacks. The proposal would meet the tree protection ordinance.</p>
5.	<p>Must be set back from side and rear property lines at a distance equal to the code-defined height of the ADU,</p>	<p>The ADU would meet the required setbacks.</p>

	but not less than 15 feet, and set back from all-natural features as required by ordinance.	
OTHER REQUIREMENTS		
6.	May contain a maximum of two bedrooms.	The proposed ADU contains one bedroom. Nonetheless, this has been added as a condition of approval.
7.	Must be constructed on a permanent foundation with no wheels.	The ADU would be located on a permanent foundation.

Tree Protection Ordinance

The tree protection ordinance protects the types of trees that may be removed from the subject property. This proposal is a construction on a vacant residential property. Construction on a vacant lot must follow the maximum tree removal and tree mitigation¹ requirements.

City Code Requirement	Maximum removal	Proposed removal
25% of woodland preservation area	No WPA on the site	0 trees
35% of high-priority trees	22 trees	Seven trees (11.2%)
50% of significant trees	Two trees	0 trees

Based on the submitted plans, the mitigation requirement is 26 inches. Natural Resources staff has noted that the grading may impact two additional high-priority trees, which would increase the mitigation requirement to 57.5 inches total. If the two additional trees are impacted by grading, the property would still meet the tree protection ordinance.

Outside agencies

City staff contacted small utilities and the Minnehaha Creek Watershed District. Comments have been received from CenterPoint Energy and Comcast stating that there are no comments or concerns for this project.

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include the installation and maintenance of erosion control fencing.

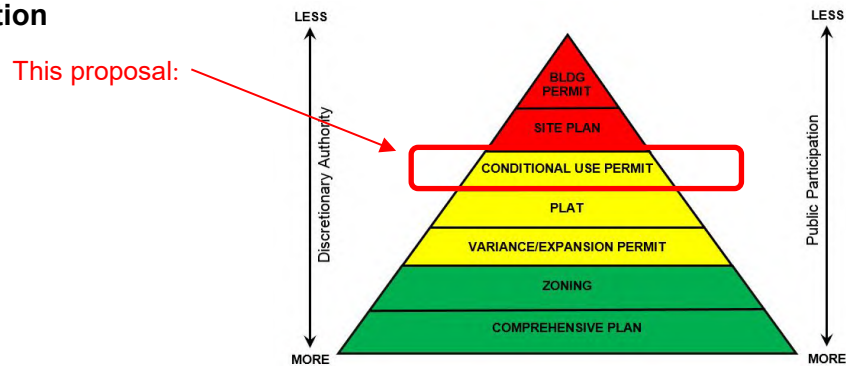
Neighborhood

The city sent notices to 34 area property owners. Planning staff

¹ By City Code Sec. 314.01 Subd. 8, construction on a vacant lot requires tree mitigation for the "removal of trees or large shrubs in woodland preservation areas, high priority trees, and significant trees"

Comments received one email for additional information and no comments on the project.

Pyramid of Discretion



Voting Requirement The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority.

Motion Options The planning commission has three options:

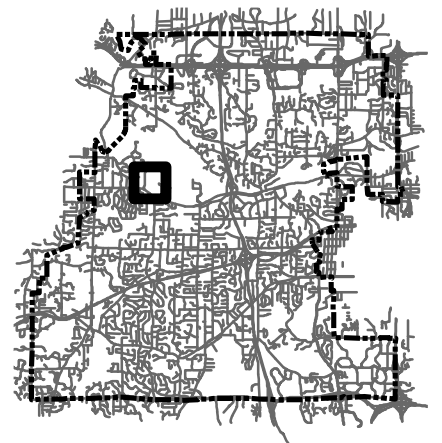
1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the request.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.
3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Deadline for Decision The applicant has signed a 120-day waiver.



LOCATION MAP

Project: Culotti Residence
Location: 3305 Fairchild Ave



Described Intend use of accessory Dwelling Unit (ADU) at 3305 Fairchild Ave

The proposal would combine two lots 3274 and 3305 Fairchild into one parcel and tax ID. The lot would become a double facing lot by city standards. The intended use of the ADU would be the independent living of my parents. We have lived full time at 3305 Fairchild Ave since 2014. We chose to raise our three children in this location because of the great community and schools Minnetonka has to offer.

The ADU will off my parents a place to live and maintain their independence, while being able to be part of their grandchildren's lives and be close by to watch them grow up.

Based on the city's requirements for a detached ADU, the structure would meet all setback requirements. The proposed ADU would not affect the city of Minnetonka's shoreland, wetland, floodplain or nuisance ordinance. It would have no additional impact on the neighboring properties. The structure would sit much lower than all neighboring properties and would be significantly screen by the current dense vegetation and topography. The lot was plotted as a R1 lot and has an existing water/sewer hookup and electrical pole on the lake shore land property for utility hookup. There is adequate parking that already existing on 3305 Fairchild Ave, no additional parking would be required.

The proposed ADU would support the comprehensive guide plan and supports multi-generational families and aging in place.

Layout



Structure Dimensions:

- Proposed Area 548 sqft
- Structure lowest floor 937.5
- Structure Siding & Roof will match primary resident – The image above provides a visual 3D of the structure design, final aesthetics will match primary resident

Height: 15ft max from grade

Roof Midpoint 12ft from grade

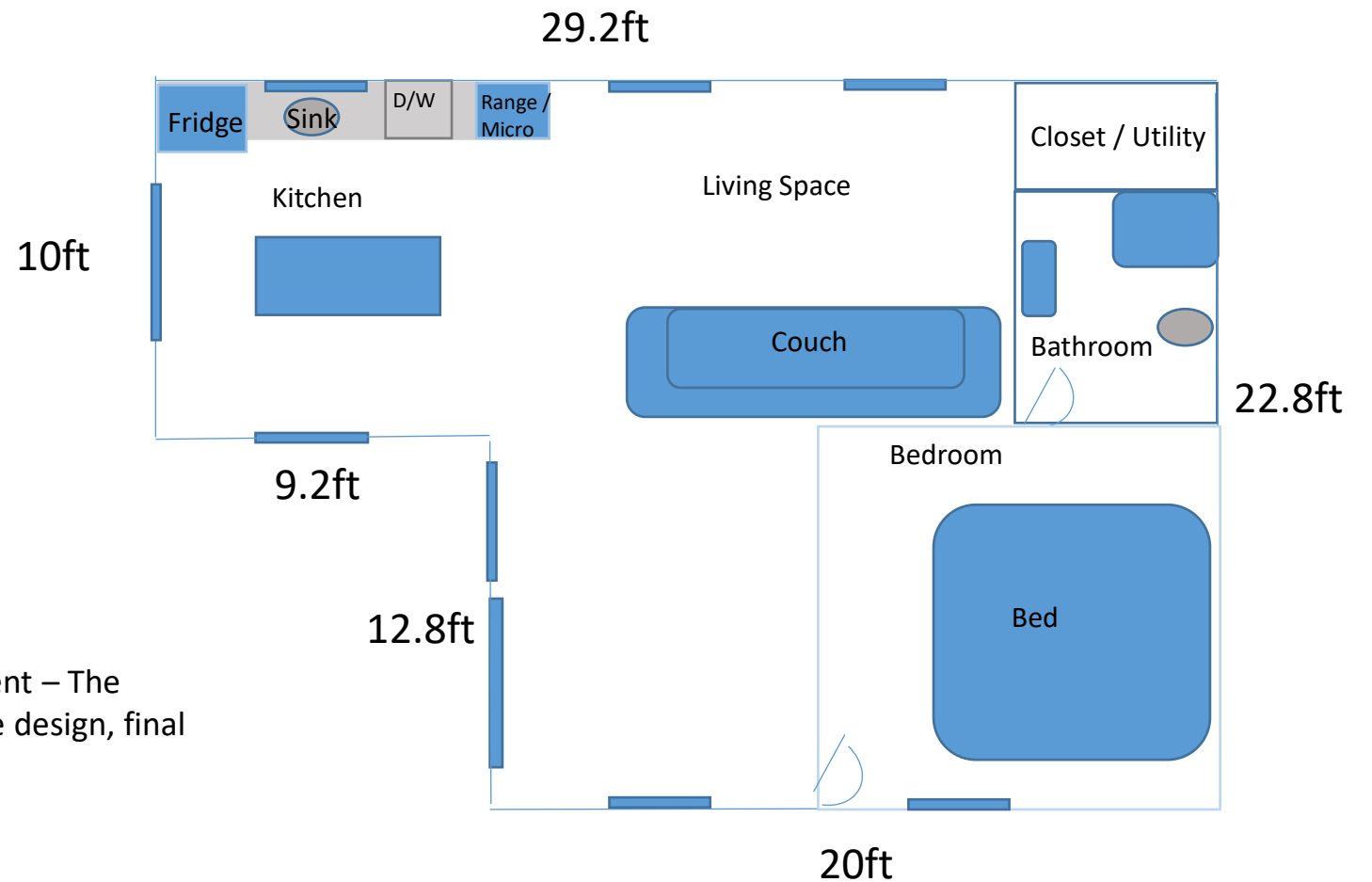
Side Yard Setback – 15ft

Front Yard Setback – 35ft

Floodplain setback – 20ft

Wetland setback – 35ft

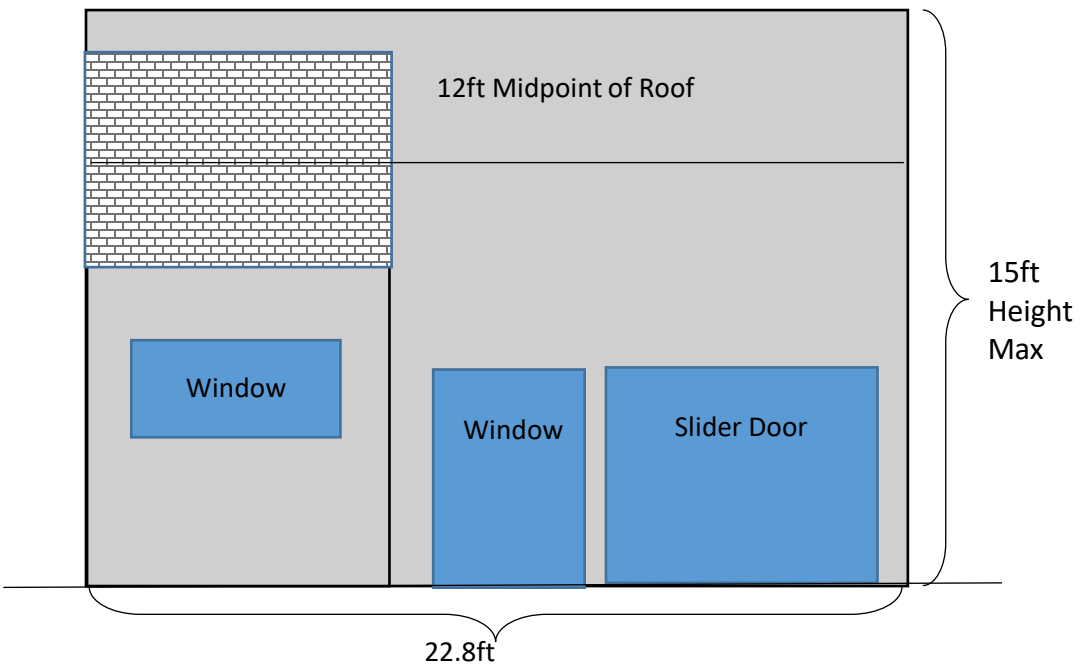
All construction to be within realm of MN Statues 326B & 327A All work to be done to Code within the City of Minnetonka



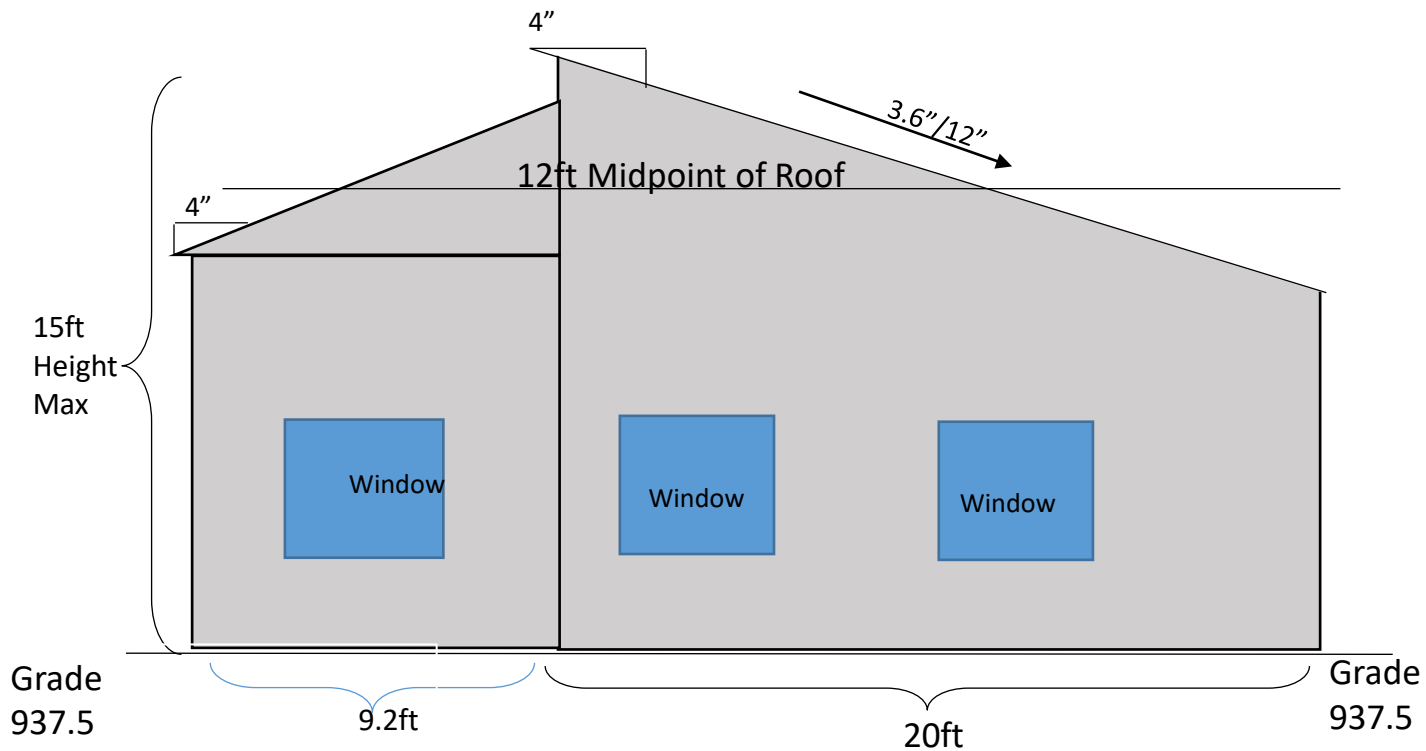
Structure

All construction to be within realm of MN Statues 326B & 327A
All work to be done to Code within the City of Minnetonka

West Elevation



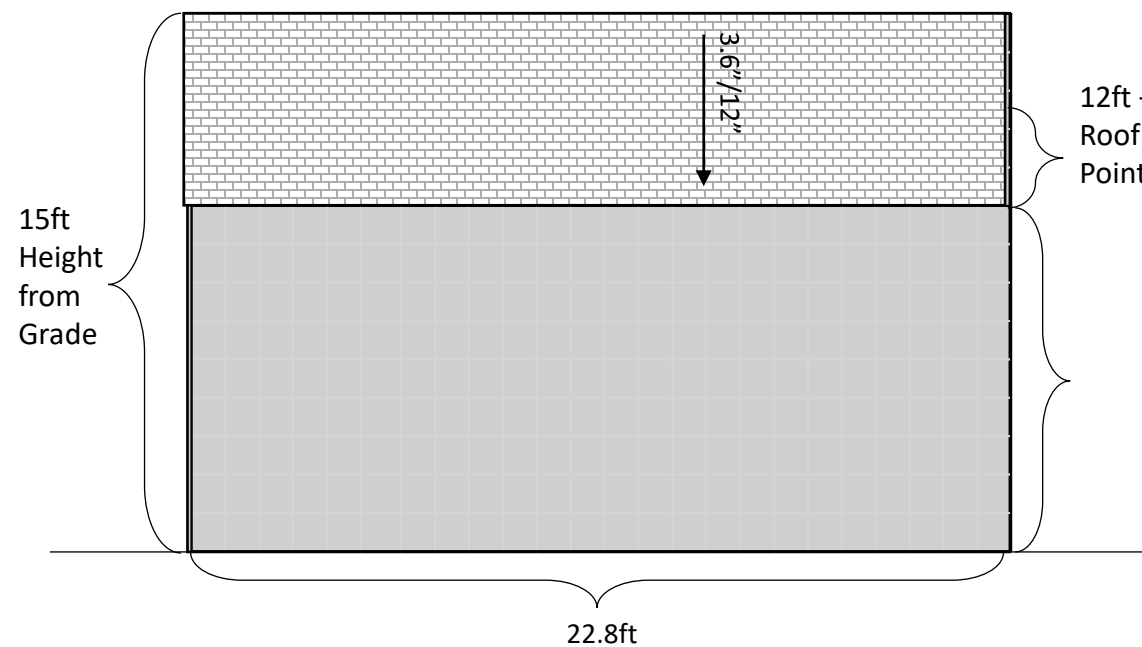
South Elevation



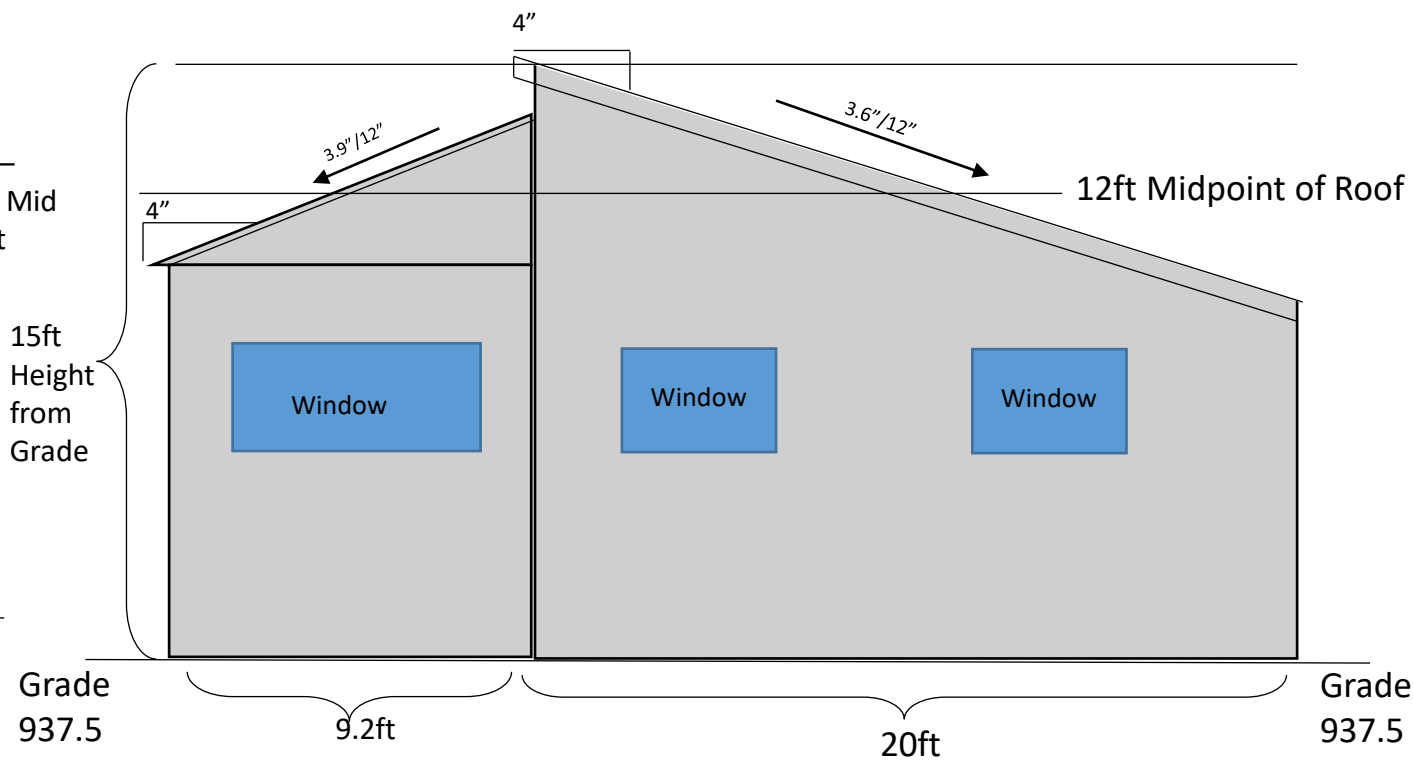
Structure

All construction to be within realm of MN Statues 326B & 327A
All work to be done to Code within the City of Minnetonka

East Elevation

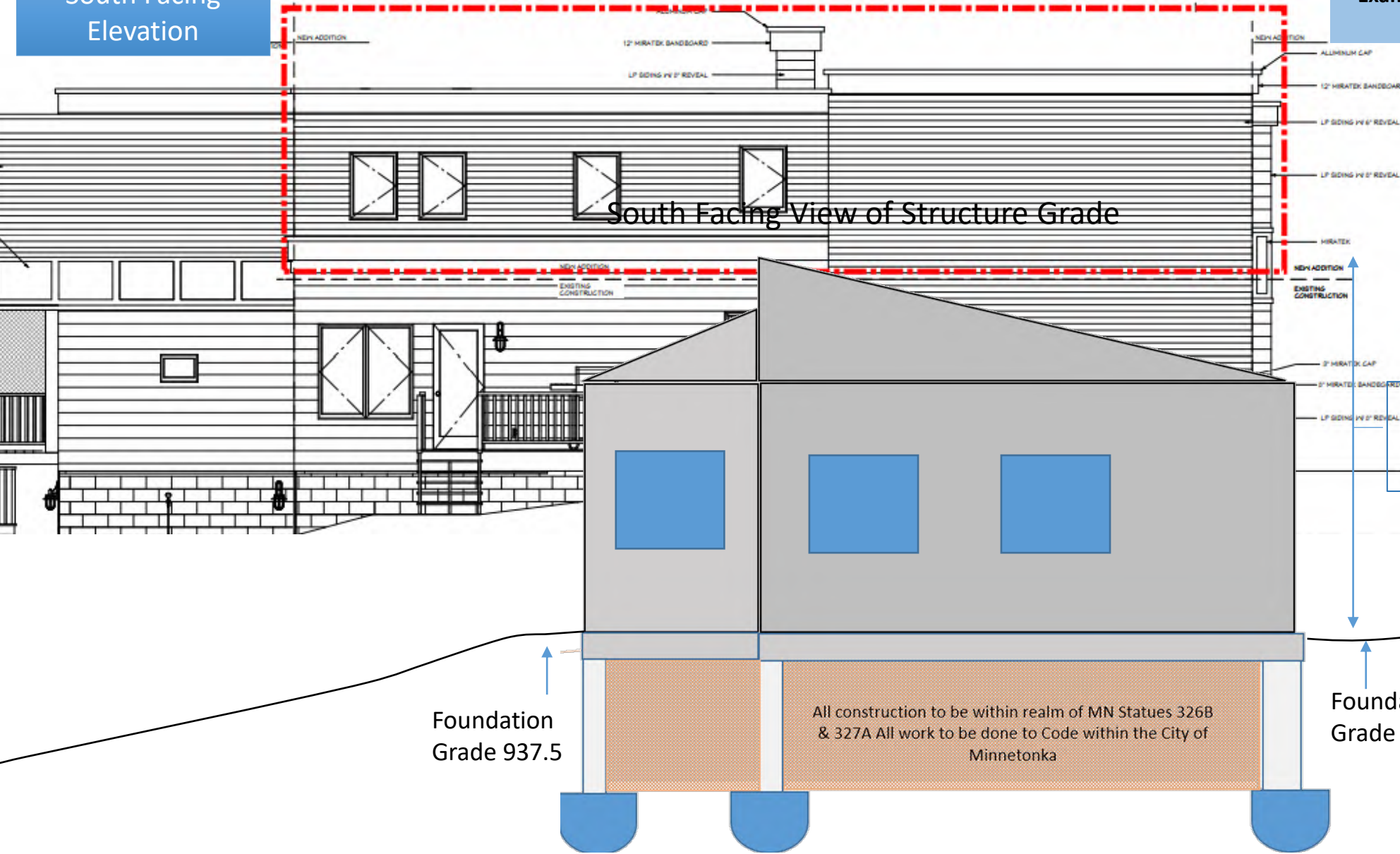


North Elevation



South Facing Elevation

Example of ADU height and size compared to neighbor to the North



South Facing View of Structure Grade

Max Roof Height from Grade will meet city code requirements equal to or less than 15ft

Foundation Grade 937.5

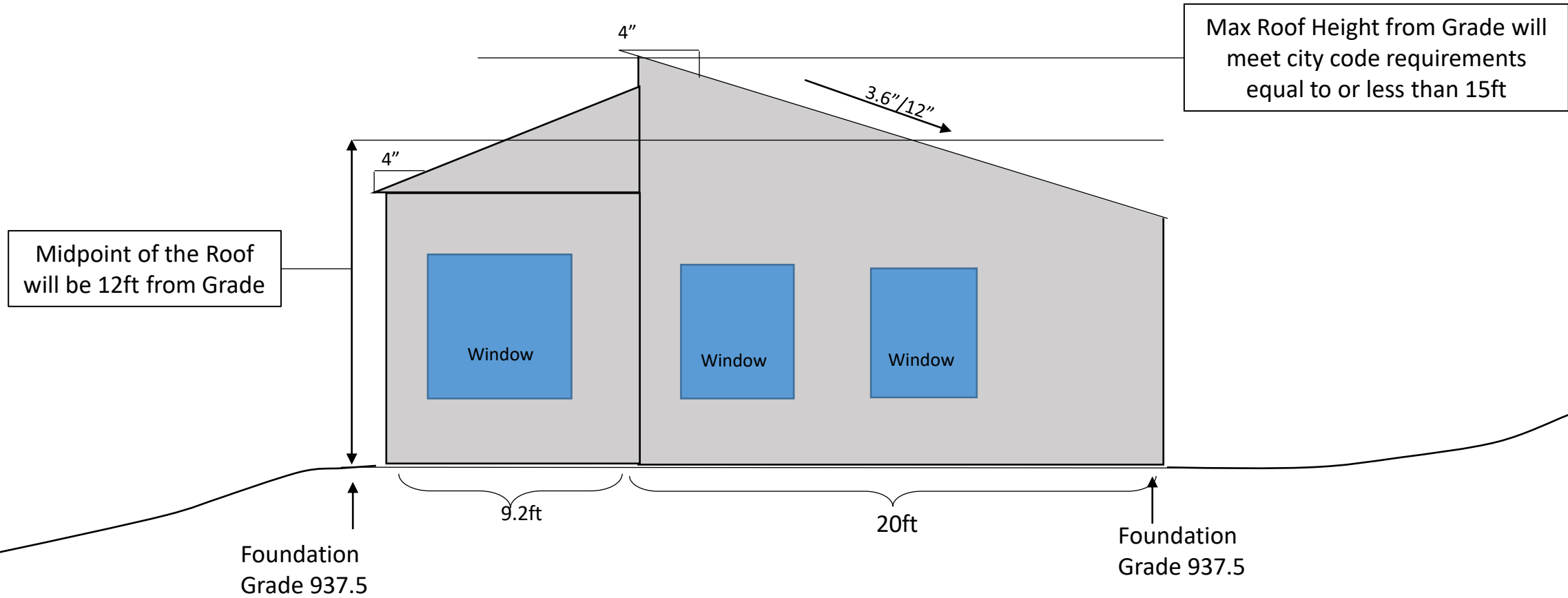
All construction to be within realm of MN Statues 326B & 327A All work to be done to Code within the City of Minnetonka

Foundation Grade 937.5

South Facing Elevation with Grade

The structure will not have imposing presence as it will reside 9 feet below the street level, significantly lower from the house on the South (>20ft) and 7ft below the house to the north

South Elevation



Foundation

Foundation:
Elevation of Foundation
Grade: 937.5
Footings: Frost Proof
footings

15ft: Top of Roof from
Grade

12ft: Midpoint of roof
from Grade

937.5

937.5

4-5 Inch Slab

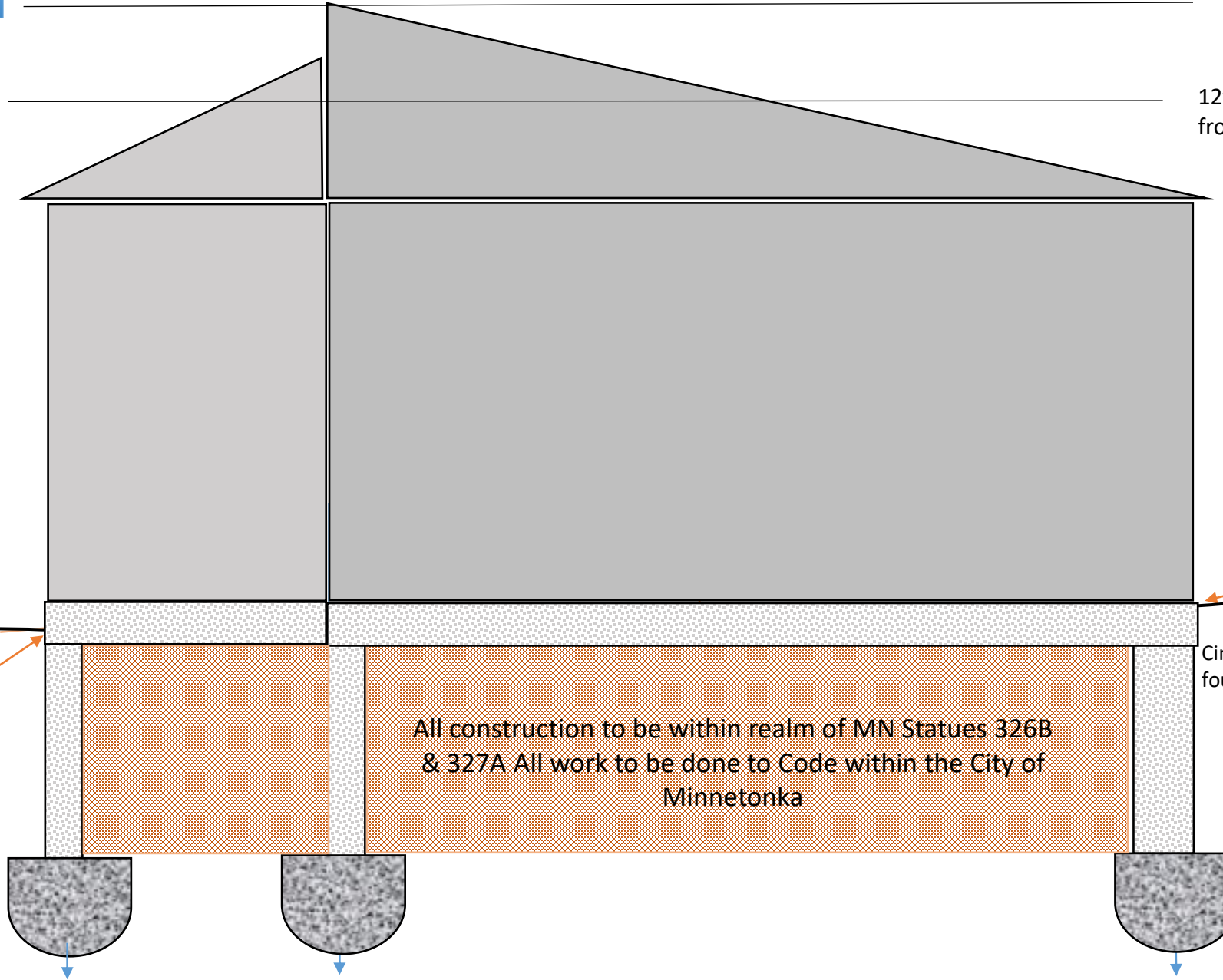
Cinderblock or monolithic
foundation wall

All construction to be within realm of MN Statues 326B
& 327A All work to be done to Code within the City of
Minnetonka

Footing to meet code
requirements

Frost proof footings 4ft deep
bell shaped bottom

Frost proof footings 4ft deep
bell shaped bottom

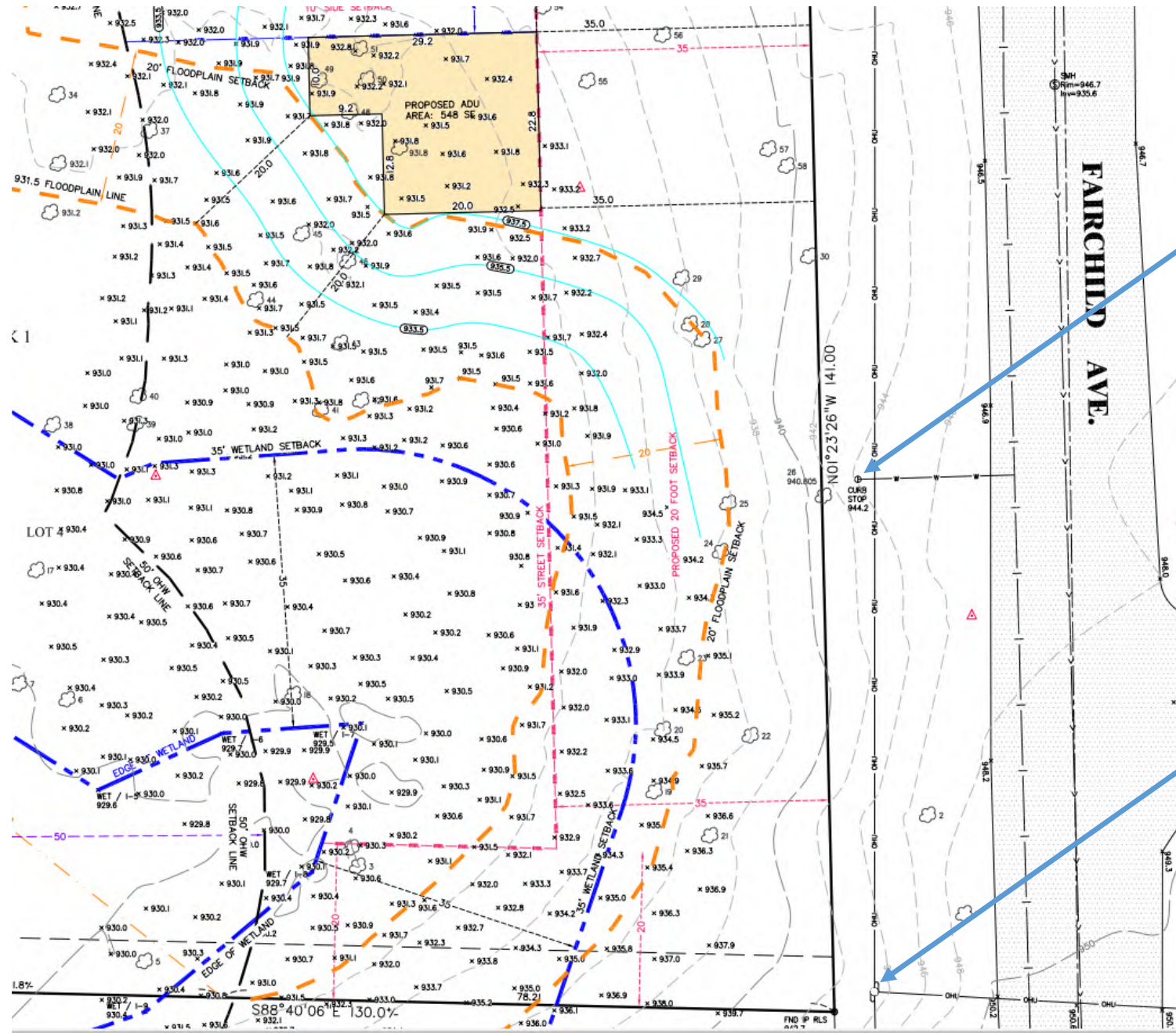


Parking and Access



Utility Hookup

The proposed ADU would utilize utilities hookups that existing on the lot.



Connect ADU Water and Sewer hookup to the Existing Water and Sewer Hookup on property

Connect ADU Electrical from Power Pole on lot.

LIBBS LAKE

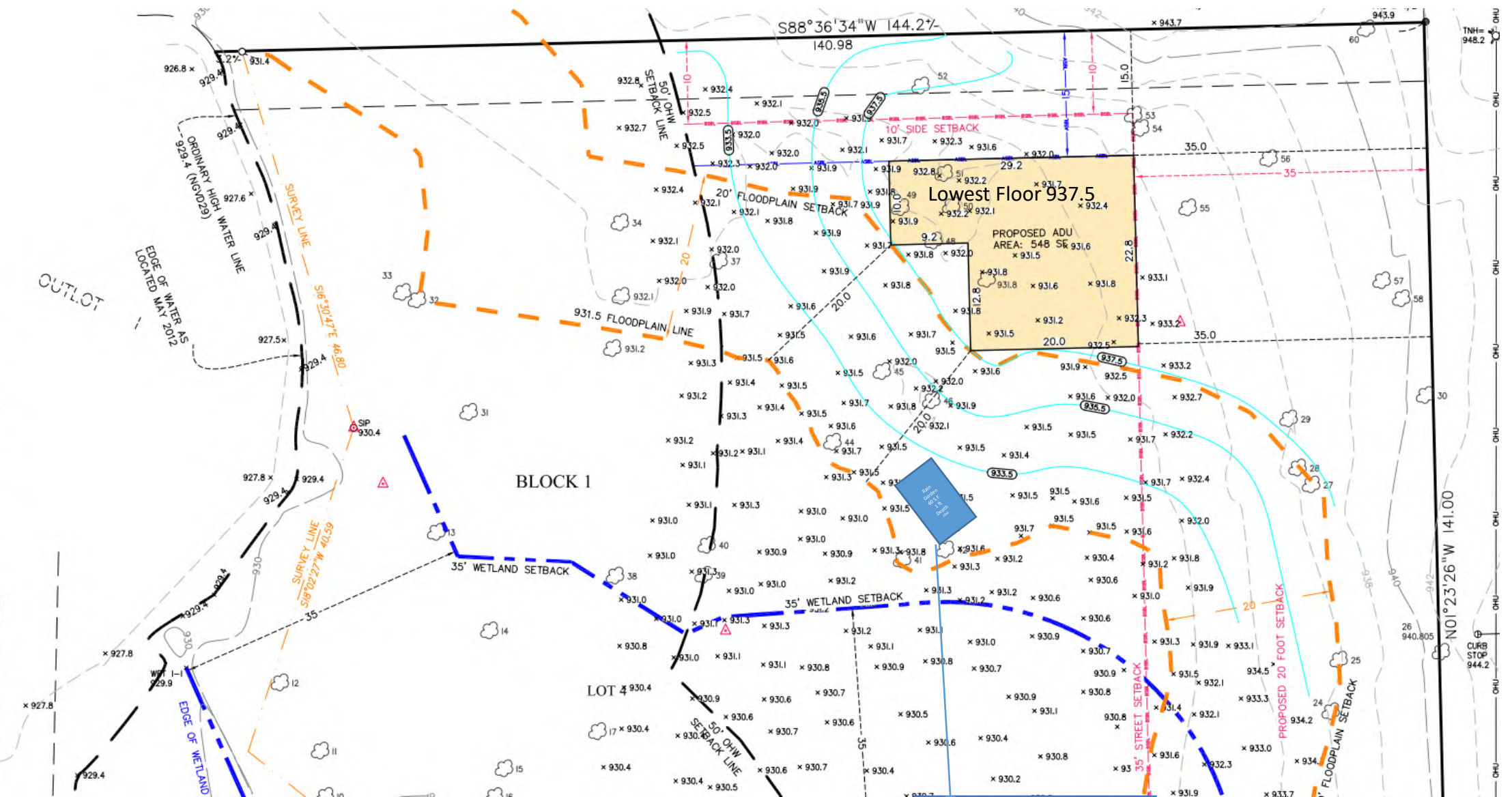
OUTLOT

EDGE OF WATER AS LOCATED MAY 2012

ORDINARY HIGH WATER LINE

EDGE OF WETLAND

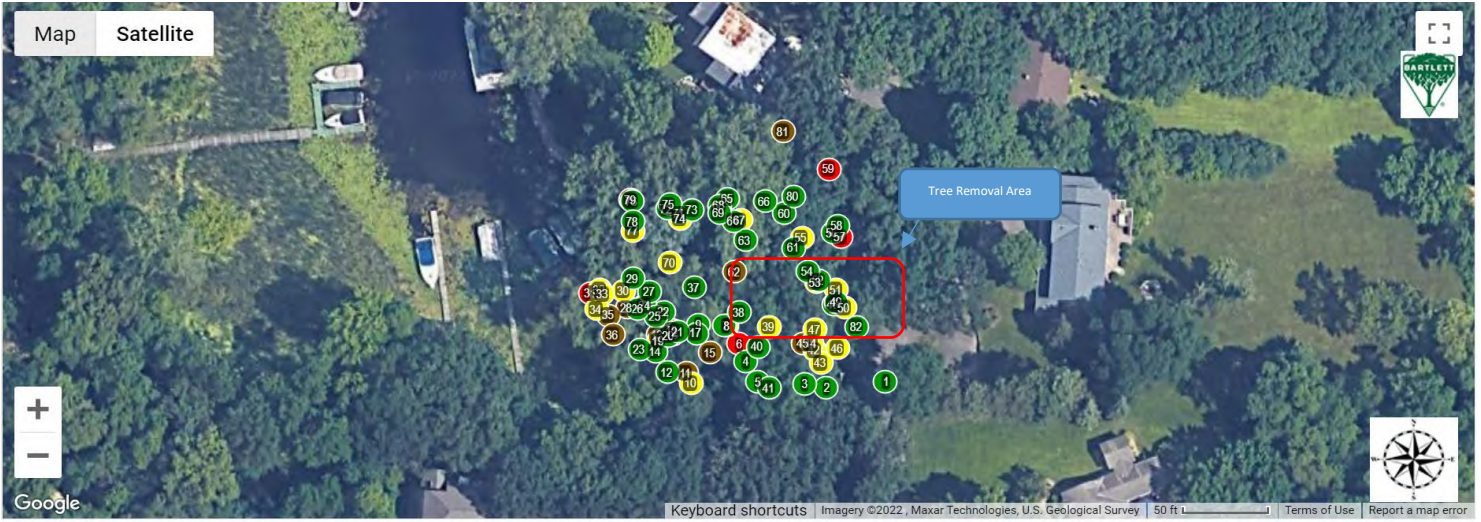
PER PLAT



Rain Garden 60 S.F.
 – Depth 1 ft
 Size 10ft x 6ft

Culotti Inventory at 3274 Fairchild Avenue

17 Trees to be removed out of 82 Trees (20.7%), of which 2 are in poor health and 1 is dead. Tree removal will only be conducted in proposed ADU site.



Inventory at 3305 Fairchild Avenue



Tree Inventory at 3274 Fairchild Avenue

Tree #	Common Name	Condition Class	genus	species	Diameter (dbh)	Keep or Re
1	Ash-Green	Poor	Fraxinus	pennsylvanica	11	Keep
2	Ash-Green	Good	Fraxinus	pennsylvanica	11	Keep
3	Ash-Green	Good	Fraxinus	pennsylvanica	10.5	Keep
4	Ash-Green	Poor	Fraxinus	pennsylvanica	14.5	Keep
5	Ash-Green	Good	Fraxinus	pennsylvanica	14.2	Keep
6	Willow-Black	Good	Salix	nigra	19.6	Keep
7	Boxelder	Fair	Acer	negundo	8.6	Keep
8	Poplar-Eastern	Good	Populus	deltoides	20.4	Keep
9	Poplar-Eastern	Good	Populus	deltoides	13	Keep
10	Boxelder	Dead	Acer	negundo	10.1	Keep
11	Poplar-Eastern	Good	Populus	deltoides	17.5	Keep
12	Poplar-Eastern	Fair	Populus	deltoides	22.2	Keep
13	Willow-Black	Dead	Salix	nigra	19.8	Keep
14	Poplar-Eastern	Good	Populus	deltoides	25	Keep
15	Willow-Black	Good	Salix	nigra	17.7	Keep
16	Poplar-Eastern	Good	Populus	deltoides	13	Keep
17	Willow-Black	Fair	Salix	nigra	13.3	Keep
18	Poplar-Eastern	Good	Populus	deltoides	15.6	Keep
19	Oak-Bur	Good	Quercus	macrocarpa	21.5	Keep
20	Oak-Bur	Dead	Quercus	macrocarpa	16.4	Keep
21	Oak-Bur	Good	Quercus	macrocarpa	30	Keep
22	Oak-Bur	Good	Quercus	macrocarpa	21.5	Keep
23	Ash-Green	Fair	Fraxinus	pennsylvanica	9	Keep
24	Oak-Bur	Good	Quercus	macrocarpa	22.5	Keep
25	Oak-Bur	Fair	Quercus	macrocarpa	12.8	Keep
26	Oak-Bur	Good	Quercus	macrocarpa	16	Keep
27	Oak-Bur	Good	Quercus	macrocarpa	24.2	Keep
28	Oak-Bur	Dead	Quercus	macrocarpa	13.1	Keep
29	Oak-Bur	Fair	Quercus	macrocarpa	17.3	Keep
30	Oak-Bur	Fair	Quercus	macrocarpa	16	Keep
31	Boxelder	Dead	Acer	negundo	9	Keep
32	Boxelder	Fair	Acer	negundo	10.2	Keep
33	Poplar-Eastern	Good	Populus	deltoides	28.2	Keep

34	Boxelder	Fair	Acer	negundo	11	Keep
35	Poplar-Eastern	Good	Populus	deltoides	26	Keep
36	Poplar-White	Good	Populus	alba	28.8	Keep
37	Boxelder	Fair	Acer	negundo	11	Remove
38	Ash-Green	Dead	Fraxinus	pennsylvanica	9.1	Keep
39	Poplar-Eastern	Fair	Populus	deltoides	8.5	Keep
40	Willow-Black	Dead	Salix	nigra	11.8	Keep
41	Boxelder	Good	Acer	negundo	12.2	Keep
42	Poplar-White	Dead	Populus	alba	27.5	Remove
43	Poplar-Eastern	Dead	Populus	deltoides	9.5	Remove
44	Elm-American	Dead	Ulmus	americana	8.7	Remove
45	Willow-Black	Dead	Salix	nigra	15.7	Remove
46	Poplar-Eastern	Good	Populus	deltoides	26.1	Remove
47	Poplar-Eastern	Good	Populus	deltoides	25.2	Remove
48	Poplar-Eastern	Good	Populus	deltoides	19.4	Remove
49	Poplar-Eastern	Fair	Populus	deltoides	13	Remove
50	Poplar-Eastern	Good	Populus	deltoides	27.5	Remove
51	Poplar-Eastern	Good	Populus	deltoides	25	Remove
52	Elm-American	Dead	Ulmus	americana	8.3	Remove
53	Oak-Bur	Dead	Quercus	macrocarpa	15.2	Remove
54	Oak-Bur	Poor	Quercus	macrocarpa	19.3	Remove
55	Oak-Bur	Dead	Quercus	macrocarpa	15.3	Remove
56	Oak-Bur	Poor	Quercus	macrocarpa	20	Remove
57	Ash-Green	Fair	Fraxinus	pennsylvanica	9.5	Keep
58	Oak-Bur	Poor	Quercus	macrocarpa	16	Keep
59	Oak-Bur	Good	Quercus	macrocarpa	18.3	Keep
60	Oak-Bur	Fair	Quercus	macrocarpa	13.6	Keep

Tree Inventory at 3305 Fairchild Avenue

1		Oak, Bur	#1 Oak, Bur	24
2		Oak, Bur	#2 Oak, Bur	27.5
3		Oak, Bur	#3 Oak, Bur	16
4		Oak, Bur	#4 Oak, Bur	16
6		Birch, River	#6 Birch, River	30.5
7		Maple, Sugar	#7 Maple, Sugar	13.5
8		Maple, Sugar	#8 Maple, Sugar	10.5
9		Maple, Sugar	#9 Maple, Sugar	11.5
11		Ash, Green	#11 Ash, Green	25
12		Ash, Green	#12 Ash, Green	18
13		Ash, Green	#13 Ash, Green	23.5
16		Pine, Austrian	#16 Pine, Austrian	11.5
17		Pine, Austrian	#17 Pine, Austrian	11
18		Elm, Siberian	#18 Elm, Siberian	24.5

19		Elm, Siberian	#19 Elm, Siberian	33.5
20		Spruce, White	#20 Spruce, White	6
21		Spruce, White	#21 Spruce, White	6.5
22		Spruce, White	#22 Spruce, White	7
23		Arborvitae (White Cedar)	#23 Arborvitae, White Cedar -	5
24		Arborvitae (White Cedar)	#24 Arborvitae, White Cedar -	9
25		Pine, White	#25 Pine, White	7.5
26		Maple, Silver	#26 Maple, Silver	16.5
27		Maple, Silver	#27 Maple, Silver	16.5
28		Ash, Green	#28 Ash, Green	21
31		Ash, Green	#31 Ash, Green	19.5
32		Willow	#32 Willow	29
33		Elm, Siberian	#33 Elm, Siberian	24
34		Oak, Northern Red	#34 Oak, Northern Red	33
35		Oak, Bur	#35 Oak, Bur	10

36	A	Ash, Green	#36 Ash, Green	14.5
37	A	Ash, Green	#37 Ash, Green	12.5
38	A	Ash, Green	#38 Ash, Green	19
39	A	Ash, Green	#39 Ash, Green	16.5
40	B	Boxelder	#40 Boxelder	44.5
41	M	Mulberry, White	#41 Mulberry, White	8.5
42	B	Boxelder	#42 Boxelder	4

Coniferous Tree Heights

#16 Pine, Austrian 11.5 DBH / 33'9"

#17 Pine, Austrian 11 DBH / 31'8"

#20 Spruce, White 6 DBH / 28'5"

#21 Spruce, White 6.5 DBH / 28'3"

#22 Spruce, White 7 DBH / 28'6"

#23 Arborvitae (White Cedar) 5 DBH / 29'

#24 Arborvitae (White Cedar) 9 DBH / 23'

#25 Pine, White 7.5 DBH / 35'

PLANNING COMMISSION OCT. 22, 2020 MEETING MINUTES

C. Items concerning construction of a house at 3274 Fairchild Ave.

Chair Sewall introduced the proposal and called for the staff report.

Ingvalson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Chair Sewall noted that the first determination to be made by commissioners is whether the lot is developable or not. If the lot is deemed developable, then the next determination to be made is whether the front-yard setback variance is reasonable.

Luke asked for the definition of a principle structure. Ingvalson answered that a principle structure on a residential lot is a single-family house. The proposal would meet minimum principle structure size requirements.

Waterman asked what area is considered part of the neighborhood. Ingvalson answered all properties within 400 feet of the subject property.

Henry asked if a garage could be built on the property. Ingvalson stated that a structure up to 120 square feet would be allowed to be built on the stand-alone, residential lot.

In response to Maxwell's questions, Ingvalson stated that city engineers review each application to determine if the grading and amount of fill would allow proper drainage. The city requires an applicant to provide a survey done by a licensed land surveyor.

In response to Luke's question, Ingvalson explained that there are vacant lots within 400 feet of the site that are smaller than the application's lot, but those lots are located in the floodplain, sit below the ordinary high water level, or are covered by wetland enough to have no buildable area. There are several houses in the area that have a similar front yard setback as the proposal is requesting with the variance to allow a front setback of 20.5 feet.

In response to Powers' question, Ingvalson answered that the lot met all R-1 district zoning requirements when it was created, but ordinances have changed since then. Staff has found unique characteristics with the lot which meet the practical difficulty standard.

Hanson asked why the site would still be undevelopable if the property adjacent to it would be added. Ingvalson explained that the vacant property on the east is located entirely in the floodplain. The two properties combined would not meet minimum standards.

Chair Sewall asked if the property owners' two lots would be combined, then could a second house be built on the site. Ingvalson answered that ordinances prohibit two single-family residences from being built on one single-family lot. If the properties would be combined, then the maximum 120-square-foot structure size requirement would not be enforced. The size of a structure on a parcel made from combining the two properties owned by the same owner would only be restricted by setbacks.

Ingvalson explained that the city requires a survey to show the floodplain location. The level of detail on the applicant's survey is significantly higher than typically provided. The previously denied application proposed a much larger house that extended into floodplain and shoreland setbacks. The amount of square footage that is buildable on the site has changed based on this increased information. The proposal shows that a house could fit on the buildable area and meet minimum size requirements.

Chair Sewall confirmed with Ingvalson that the garage doors would allow entry into the front of the house and there would be a door on the rear of the house. The first level has no livable space. The upstairs would have all of the livable area.

Eric Hastreiter, of City Homes, the builder representing the applicant, stated that he worked diligently to create architectural plans and a survey for the site. He invited Nick to speak.

Nick Culotti, resident of 3305 Fairchild Ave. and owner of 3274 Fairchild Ave., applicant, thanked commissioners for their time. He stated that:

- The proposal for 3274 Fairchild Ave. would be a reasonable and permitted use of the property which would allow a place for his parents to stay when they visit from New York.
- In 2018, he met with staff. He had a detailed topography survey and wetland delineation completed. Natural resources staff visited the site to validate the wetland delineation. An application was submitted and approved by city staff and the Department of Army Corps of Engineers in Oct. of 2018 which is valid for five years.
- He worked with city staff to propose a modest structure that would meet all city standards except for the front yard setback. The proposed front yard setback is consistent with others in the neighborhood including the immediate neighbors on the north and south of the property.
- He has had plans prepared by a licensed architect, licensed civil engineer, and licensed geo-technical engineer.
- The application does not request anything other than what would be necessary for a reasonable, permitted use of the property while respecting the environment by following practices imposed by state and local regulations.
- He thanked commissioners for their time.

Chair Sewall asked if another door would be added to provide another access. Mr. Culotti would like to add one. Options are being considered. He looked into combining the parcels, but then a living space would not be allowed.

Henry asked if adding onto the existing house had been considered. Mr. Culotti answered affirmatively. It was considered, but a newly installed wrap-around deck would have to be destroyed and makes the proposal the best economic and common-sense solution.

Powers asked Mr. Culotti if he knew the lot was considered unbuildable when he purchased it. Mr. Culotti answered in the negative. He and his wife purchased the lot in

2014. The seller said that there is buildable land on the lot and a variance would probably be needed to build something. He contacted the city in 2015 and Cauley sent him a staff report that detailed a previous land use application for the site. That application requested approval of multiple variances including ones to build in the wetland setback and floodplain. At that meeting, the site was deemed unbuildable.

Powers asked Mr. Culotti what plans he would have for the proposal if his parents no longer needed it. Mr. Culotti answered that he and his wife would move into it when they are ready to downsize.

Waterman asked what discussions he has had with neighbors. Mr. Culotti said that he reached out to neighbors. Some neighbors were o.k. with the proposal, some neighbors were concerned with privacy, and some neighbors encouraged other neighbors to oppose the proposal.

The public hearing was opened.

Steve Dunlop, 3250 Fairchild Ave., stated that:

- He values the applicants. He wants what is best for their family and the surrounding neighborhood as a whole.
- He does not support the project.
- The site has always been deemed unbuildable. The design for the remodel of his house was based on the proposed site being unbuildable and his property value is based on the proposed site being unbuildable.
- Previous attempts to build on the lot have been denied.
- He spoke to Ingvalson who went over the staff report with him and headed off a lot of the concerns he has brought forth.
- The proposed structure would be taller than his house.
- His deck and three bathroom windows would have a view of the proposed house.
- He provided slides of his house adjacent to the proposal.
- He highlighted parts of a staff report from 2013 regarding a previous application that states that staff would not support the proposal because it would be "more than what properties in the neighborhood have been or are allowed." It also states that staff believes the property is unbuildable and it has been valued as such by the city assessor for many years.
- The floodplain has moved since 2013. The FEMA insurance map shows half of the site is still being treated as a floodplain.
- The proposal requires a front setback variance.
- He did not think it fair to include the properties within 400 feet of the site to compare lot sizes, house size, and floor area ratio (FAR) calculations.
- The proposed site would have by far the smallest lot compared to 14 properties on Fairchild Ave.
- The volume of fill should be taken into account. The footprint would be no different than before.
- The property is in common ownership and, therefore, no hardship exists.
- The hardship is created by the property owner.

- The property is unique because it is unbuildable because the lot is too small and the proposal would need 25,000-cubic feet of fill added in order to put a 1,000-square-foot living structure on the property.
- The site had 700-square feet of buildable area in 2013 and now has 900-square feet of buildable area.
- The proposed house would not fit in with the characteristics of the houses on Fairchild Ave.
- The circumstances have been created by the land owner.
- The proposal would be a deviation from the city's policies.
- The 2013 staff report noted that the site has a significant amount of high priority and significant trees.
- The lot does not maintain the half-acre-minimum lot size.
- The proposal's dimensional standards are not consistent with the neighborhood.
- Buying additional property would not make this buildable.
- The house would not fit the constraints of the lot.
- The property has reasonable use and has not been taxed as a buildable lot.
- The property was purchased after the zoning ordinance was created, therefore the hardship was created by the owner.
- He agrees with staff's opinion in 2013 and it should apply to this application.
- He requested the application be denied.

Lisa Crump, 3300 Fairchild Ave., stated that:

- She appreciates the opportunity to express her concerns.
- She disagrees with the variance application.
- She thought the property is unbuildable.
- Seventeen years ago she met with city staff who determined that the property has a reasonable use as lake access and that it would be improbable to be able to build a house on the site given the sheer number and size of variances that would be required.
- In 2013, the previous owner's application was denied. At that time, staff determined the lot was unbuildable.
- The lot was taxed as an unbuildable lot.
- The applicants purchased the property in common ownership with 3305 Fairchild Ave. The property at 3305 Fairchild Ave. could easily accommodate an expansion of the existing house on its 2.8 acres.
- The proposal would not fit the character of the neighborhood.
- The neighborhood has a precedent of allowing a flag lot.
- She spoke to city staff regarding adding on to her garage. Staff said that it would not meet setback requirements and would require a front-yard setback variance. She chose not to apply for the variance.
- The proposal would cause privacy issues for her.
- The houses within 400 feet of the site do not accurately reflect the neighborhood. The proposal would not fit in with the character of the neighborhood.
- She did not support the application.

Scott Crump, 3300 Fairchild Ave., stated that:

- The house would not be in character with the Fairchild neighborhood.
- The proposal would lower property values.
- The house would be too small for a family. It could be rented to a business and he did not want to live next to it.
- The planning commission is not obligated to approve the variance.
- The floodplain has changed since 2013. He did not “buy that at all.”
- The property owner created the situation.
- Fairchild Ave. and Lakeshore Blvd. have distinctively different neighborhoods.
- The property has a lawful and permitted use serving as lake access.
- The application should not be approved.
- The lot is unbuildable.

Marcia Aamodt, 3224 Fairchild Ave., stated that:

- The area has attractive houses.
- The proposed site has been classified as unbuildable for many years.
- The city’s philosophy is to support park-like areas. She did not agree with adding fill. She questioned if the city council’s philosophy has changed or if the application would be approved to generate more revenue.
- The lot’s small size has not changed.
- The variance would allow the structure to be located closer to the street. Her property created a berm to help block the driveway.
- The structure would not fit in the neighborhood. To fit in better, the structure could be cantilevered; have a long deck on the south side; have bowed windows to soften the appearance of the proposed flat-sided building; and add a stylistic roof and gabled windows above the garage.
- Trees would be removed and dump trucks would dump fill on the site. The surrounding area would be decimated.
- The structure would not be beneficial to the neighborhood.
- The lot is just as unbuildable now as it was previously.
- The planning commission and city council should deny the proposal.

No additional testimony was submitted and the hearing was closed.

In response to Hanson’s question, Ingvalson answered that the structure would be setback 10 feet on the north side property line. There is no minimum square footage requirement.

The public hearing was reopened.

Peter Coyle, attorney with Larkin Hoffman, representing the applicant, stated that:

- There are two questions that need to be answered: Can the application satisfy the standards of a variance for the nonconformity? Can the application satisfy the city’s standards relevant for a front yard setback?

Staff's report confirms that the application has done so and recommends approval of the application on that basis.

- He respects the objections and concerns raised by the residents. The objections boil down to either a visual issue, the fact that a previous application had been denied, and that the property has been subject to regulatory changes that make it a legal, nonconforming lot. The lot started out as a legal, conforming lot which has certain rights. The proposed variance would protect those rights to ensure that the lot is buildable.
- He respected that the neighbors would rather not have a structure on the lot that someone else owns, but the proposal would meet side yard setback requirements, stay below the height ceiling limit, and the house would meet building code requirements. The neighbors' concerns are not legally relevant.
- The proposal satisfies the city's land use plan, zoning requirements and the restrictions on the property were not caused by the owner. The restrictions that made the property unbuildable were initiated by a public entity that imposed restrictions on what was a legal, conforming piece of property. It is a platted lot of record subject to property tax.
- The denial of a previous application is not relevant.
- The property is zoned correctly.
- The use of a single-family house is reasonable.
- The property is big enough to accommodate the dwelling.
- The proposal satisfies the requirements of the city.
- He requests approval of the application.
- The lot is buildable within the city's standards.
- The city has granted the same front-yard setback variance to similar properties.
- This application should be approved.
- He was available to answer questions.

No additional testimony was submitted and the hearing was closed.

Maxwell asked if the Dunlop house meets side-yard setback requirements. Gordon answered that the Dunlop house is 9.2 feet from the side property line adjacent to the proposed site.

In response to Maxwell's question, Ingvalson explained that changes in surveys may be made after adding spot elevations which can allow for a more accurate survey to be completed. Yetka agreed that changing the landscape can change the floodplain location as well as having more spot elevations that allow the location of the floodplain to be identified more accurately on a survey.

Chair Sewall clarified with Ingvalson that since the lot conformed to ordinance requirements at the time it was platted that gives the property owner the right to build a single-family residence. Since the current property owner owns another parcel across the street, the proposed site is considered in common ownership which results in the two properties only being allowed to have one single-family house. The proposed site is allowed to have a garage with no size restriction except for meeting setback requirements. If the proposed site had never been in common ownership, then the

property owner would have had the right to construct a single-family residence on the proposed site.

Waterman stated that:

- He appreciates all of the time, work and energy put into the proposal by the applicant, city staff, and neighbors.
- He spent a lot of time looking at the details. He would like to do what he would like to do to his property, but he also understands that there are codes to prevent an adverse impact on neighbors. The code states that the site should not have a principle structure because the lot is undersized and in common ownership.
- He might feel differently if the site was still owned by the original owner or if there was already a house on the site, but since the purchase is more recent, he felt the current ordinance should be followed.
- Unfairly burdening a homeowner should be considered.
- He agreed that the proposed house would not fit with the neighborhood character.
- The proposal would cause environmental changes by adding fill and removing trees.
- He did not support the application.

Luke stated that:

- She agrees with Waterman.
- She thanked the homeowner and neighbors for their diligence.
- Regardless of the decision, she encouraged the neighbors to continue a harmonious relationship.
- She saw no change since the site was considered unbuildable.
- The site is in common ownership and undersized.
- She was concerned with the environmental impact from fill and removal of trees.
- She is in favor of smaller structures and accessory dwelling units in Minnetonka.
- She did not see a reason to change the site's unbuildable status.
- She did not support the application.

Henry concurred with Luke and Waterman. The issue is that the site does not meet the buildable area requirements now and was previously found to be an unbuildable lot. He did not support the proposal.

Maxwell concurs with commissioners. The lot does not meet the buildable area requirement, is in common ownership with another property, and the fill could cause an environmental issue located so close to the lake. She made it clear that the planning commission considers land use issues and not tax revenue.

Hanson agreed with commissioners. He had issues with the lot area, fill, and changes since the last denial of an application.

Powers thanked the neighbors, staff, and commissioners. He stated that:

- He was ambivalent towards the proposal. On the one hand, the hardship is self created. On the other hand, the house would fit in with the neighborhood. It would be a single-family house. He did not particularly like the look of the house, but it would be in character with the neighborhood.
- If this would be the first house built, then the argument could be made that large houses would not fit with the existing small house.
- He is going to support staff's recommendation and changing the status to make it a buildable lot.
- He wishes the house would be smaller and prettier.
- He supports staff's recommendation.

Chair Sewall stated that:

- He visited the site a few times because he could not decide.
- It would be a hard lot to build on and the house would be located close to the neighbors' house. It does not make a lot of sense, but he felt that it would meet those thresholds.
- The front yard setback is not an issue. There are similar front yard setbacks in the area.
- The fact that the lot is held in common ownership does not seem like a big issue.
- The proposal fits within the parameters.
- He agreed that it would not be an ideal house or spot to put a house, but he feels the property owner has the right to do that.
- The proposal would not negatively impact property values.
- He supports staff's recommendation.
- He hopes the neighbors can get past the disagreement and remain neighborly.

Waterman moved, second by Luke, to deny the application to declare the property at 3274 Fairchild Ave. developable for a principle structure and a front yard setback variance due to findings that include that the lot is undevelopable, undersized for a principle structure and in common ownership.

Waterman, Hanson, Henry, Luke, and Maxwell voted yes. Powers and Sewall voted no. Motion carried.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

Chair Sewall thanked everyone for their time.

PLANNING COMMISSION NOV. 19, 2020

Henry moved, second by Waterman, to adopt a resolution denying the variance request to deem the vacant lot at 3274 Fairchild Ave. developable for a principle structure as recommended in the staff report as follows:

- A. Resolution formalizing a denial of a variance to declare the property at 3274 Fairchild Ave. developable for a principle structure.**

Adopt the attached formal resolution denying the variance request to deem the vacant lot at 3274 Fairchild Ave. developable for a principle structure. This resolution includes findings from the Oct. 22, 2020 planning commission meeting.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were absent. Motion carried and the item on the consent agenda was approved as submitted.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

Resolution No. 2022-

Resolution approving a conditional use permit for a detached accessory dwelling unit at 3274 and 3305 Fairchild Avenue

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 The subject properties are located at 3274 and 3305 Fairchild Avenue. It is legally described as:

Lot 4, Block 1, TONKAHA SHORES, Hennepin County, Minnesota

- AND -

All that part of the North 150 feet of South 600 feet of the Northeast Quarter lying Easterly of Town Road, Hennepin County, Minnesota

1.02 The property owners, Nicholas and Natalie Culotti, requested to construct an accessory dwelling unit (ADU) on 3274 Fairchild Avenue. The proposal requires a conditional use permit for a detached accessory dwelling unit (ADU) and a lot combination granted by Hennepin County.

1.03 On Oct. 6, 2022, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3(d) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. General Standards:

- a) ADUs are allowed only on properties zoned R-1, R-1A, and R-2.
- b) No more than one ADU is allowed per property.
- c) The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
- d) ADUs may not be subdivided or otherwise separated in ownership from the principal dwelling unit.
- e) Adequate off-street parking must be provided for both the principal dwelling unit and the ADU. Such parking must be in a garage, carport, or on a paved area specifically intended for that purpose but not within a required driveway turnaround. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum number does not include vehicles of occasional guests who do not reside on the property.
- f) The ADU and property on which it is located are subject to all other provisions of this ordinance relating to single-family dwellings, including all provisions of the shoreland, wetland, floodplain, and nuisance ordinances. To the extent of any inconsistency among ordinance provisions, the most restrictive provisions apply.

2. Construction and Design Standards:

- a) On properties zoned R-1 or R-1A, an ADU may be attached to or detached from a principal structure. On properties zoned R-2, ADUs must be attached to the principal structure. An attached ADU includes an ADU that is contained within an existing principal structure.
- b) Any ADU, whether attached or detached:
 - 1) Must be no larger than 1,000 square feet in total area or 35 percent of the floor area of the principal dwelling, whichever is less. The city council may approve a larger area where the additional size would not result in undue adverse impacts to the neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing or proposed vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or

variance; or any other characteristic the city considers important or unique. In no case may a detached ADU be 200 square feet or less in total size.

- 2) Must be served by municipal water, municipal sanitary sewer, gas, and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
 - 3) Must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
 - 4) May not be served by an additional curb cut unless approved by the city engineer in compliance with the driveway ordinance.
 - 5) Must be registered with the Minnetonka police and fire departments prior to occupancy.
- c) Attached ADUs:
- 1) Must be designed to maintain the single-family appearance of the principal dwelling from off-site views.
 - 2) May be created through the conversion of living space or attached garage space. However, the garage space may be converted only if: (1) space is available on the property for construction of a 24-foot by 24-foot garage without variance; and (2) the applicant submits a detailed plan demonstrating adequate vehicular parking exists on the site.
 - 3) Maximum height and minimum required setbacks are outlined for principal structures in the associated zoning district.
- d) Detached ADUs:
- 1) Must be designed to maintain the residential character of the lot on which it will be located.
 - 2) May be created through the conversion of detached garage space only if either: (1) the principal structure includes an attached garage with minimum dimensions of 24 feet by 24 feet; or (2) space is available on the property for the construction of an attached or detached 24-foot by 24-foot garage without variance, and the applicant submits

a detailed plan that demonstrates adequate vehicular parking exists on the site.

- 3) The highest point of the ADU may not extend above the highest point of the roof of the principal dwelling unit. The city council may approve a taller ADU if it finds the additional height would not result in undue adverse impacts to neighboring properties. In evaluating whether this standard is met, the city may consider things such as the size of the property; the location of the ADU relative to homes on adjacent properties; whether the ADU would be reasonably screened from adjacent properties by existing vegetation, elevation changes, or linear distance; whether a similarly-sized, non-ADU structure could be constructed in the location proposed without a conditional use permit or variance; or any other characteristic the city considers important or unique.
- 4) Must be located:
 - a) Behind the rear building line of the principal dwelling unit. In the case of a corner or double frontage lots, the ADU is subject to front yard setbacks established for principal structures.
 - b) To preserve existing, natural site features to the extent practicable.
- 5) Must be set back from side and rear property lines at a distance equal to the code-defined height of the ADU, but not less than 15 feet, and set back from all-natural features as required by ordinance.
- 6) May contain a maximum of two bedrooms.
- 7) Must be constructed on a permanent foundation with no wheels.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The proposal meets the specific conditional use permit standards outlined in City Code 300.16 Subd.3(d).

1. General Standards:

- a) The property is zoned R-1.

- b) Only one ADU is proposed.
- c) The property owners would continue to reside in the principal structure. The applicant has mentioned the possibility of moving into the ADU when the applicants retire. Additionally, as a condition of this resolution, a future subdivision of this property is prohibited.
- d) Subdivision is not proposed. An approved lot combination through Hennepin County has been added as a condition of this resolution.
- e) Off-street parking for the ADU is proposed on a paved area East of Fairchild Avenue. A condition of approval has been added to limit the number of vehicles – not related to occasional guests – to four vehicles.
- f) The ADU would comply with setback requirements for general structures, wetlands, floodplains, and the shoreland district. Setback variances are not included in this proposal.

2. Construction and Design Standards:

- a) The proposed ADU would be detached from the principal structure. A condition will be that the two properties must be combined to comply with ADU standards.
- b) Any ADU, whether attached or detached:
 - 1) The ADU would be less than 1,000 square feet in size.
 - 2) As a condition of this resolution, the ADU must be served by municipal water, municipal sanitary sewer, and gas and electric utilities via service lines shared with the principal dwelling unit. Unless otherwise approved by staff, water service to the ADU must be connected after the existing meter in the principal structure.
 - 3) As a condition of this resolution, the ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
 - 4) This proposal does not include additional curb cuts or driveways.
 - 5) As a condition of this resolution, the ADU must be registered with the Minnetonka police and fire departments prior to occupancy.

- c) The ADU is detached.
- d) Detached ADUs:
 - 1) The ADU would be constructed on the West portion of what is currently 3274 Fairchild Avenue. The design would be consistent with residential architecture.
 - 2) The ADU would not be created by the conversion of garage space.
 - 3) The highest point of the ADU would not extend beyond the highest point of the newly constructed home. The new home would sit roughly twenty feet “lower” in elevation than the principal structure. The building height of the ADU would be 12 feet to the midpoint of the roof.
 - 4) Must be located:
 - a. The property is not a corner lot. The ADU would maintain the required setbacks.
 - b. The proposal consists of constructing an ADU and installing a rain garden. The proposal would not encroach on any required wetland, floodplain, or shoreland district setbacks.
 - 5) The ADU would meet the required setbacks.
 - 6) The proposed ADU contains one bedroom. Nonetheless, this has been added as a condition of this resolution.
 - 7) The ADU would be located on a permanent foundation.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

- The survey, received April 5, 2022
- ADU floor plans, received April 5, 2022
- Elevations, received April 5, 2022
- Tree inventory received Sept. 6, 2022
- Rain garden revision received Sept. 23, 2022

2. Prior to the issuance of a building permit:
 - a) This resolution must be recorded at Hennepin County.
 - b) The property owner must apply with Hennepin County for a lot combination and provide proof of the combination under one PID. This resolution authorizes city staff to complete and issue the applicant a city approval form required for their Hennepin County Parcel Combination Application.
 - c) Submit the following:
 - 1) Cash escrow in the amount of \$1,000. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
 - 2) A tree mitigation plan. The plan must meet mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. Based on the submitted plans, the mitigation requirements would be 26 inches based upon submitted plans. If grading impacts trees #27 (Poplar Eastern, 22 DBH) and #29 (Poplar Eastern, 7 DBH), an additional 31.5 inches would be required.
 - d) Install a temporary rock driveway, erosion control fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
3. The minimum floor elevation is 933.5'.
4. No net fill is allowed below the 100-year floodplain elevation; 931.5'. Grading below the 931.5' contour would require a floodplain alteration permit.
5. The ordinary high water level (OHWL) for Libbs Lake is 929.4'. The ADU

must meet the shoreland setback of 50 feet from the OHWL.

6. The existing sewer and water service stubs to the ADU parcel must be used to connect to public utilities, which is closer to the ADU than the principal structure. If the existing services are inadequately sized, the old services must be removed back to the main per the city engineer before installing the new services.
7. The owner of the property must reside in the principal dwelling unit or the ADU as a permanent residence, not less than 185 days per calendar year.
8. The ADU may not be subdivided or otherwise separated in ownership from the principal dwelling unit. The properties must be combined prior to a building permit being issued.
9. No more than four vehicles may be parked or stored anywhere outside on the property. This maximum does not include vehicles of occasional guests who do not reside on the property.
10. The principal structure and the ADU must comply or be brought into compliance with all applicable building, housing, electrical, plumbing, mechanical, and related city codes.
11. The ADU must be registered with the Minnetonka police and fire departments prior to occupancy. A separate address from the principal structure will be required.
12. The highest point of the ADU cannot extend beyond the highest point of the roof of the principal dwelling unit.
13. The ADU cannot contain more than two bedrooms.
14. Permits may be required from other outside agencies, including the Minnehaha Creek Watershed District and the Department of Natural Resources. It is the applicant's responsibility to obtain any necessary permits.
15. The city council may reasonably add or revise conditions to address any future unforeseen problems.
16. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 24, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 24, 2022.

Becky Koosman, City Clerk

MINNETONKA PLANNING COMMISSION
Oct. 6, 2022

Brief Description Preliminary and final plat of DUNIBAR COURT, a five-lot subdivision at 17809 Ridgewood Road

Recommendation Recommend the city council approves the proposal.

Background

The city council approved DUNIBAR RIDGE, located immediately west of the subject property, in 1999. At that time, a concept plan was submitted for review contemplating the development of the subject property at 17809 Ridgewood Road. The concept contemplated six lots around a cul-de-sac extension from Dunibar Ridge.

The Dunibar Ridge Road cul-de-sac, and right-of-way, were pushed to the eastern property line to allow for the contemplated access in the future.

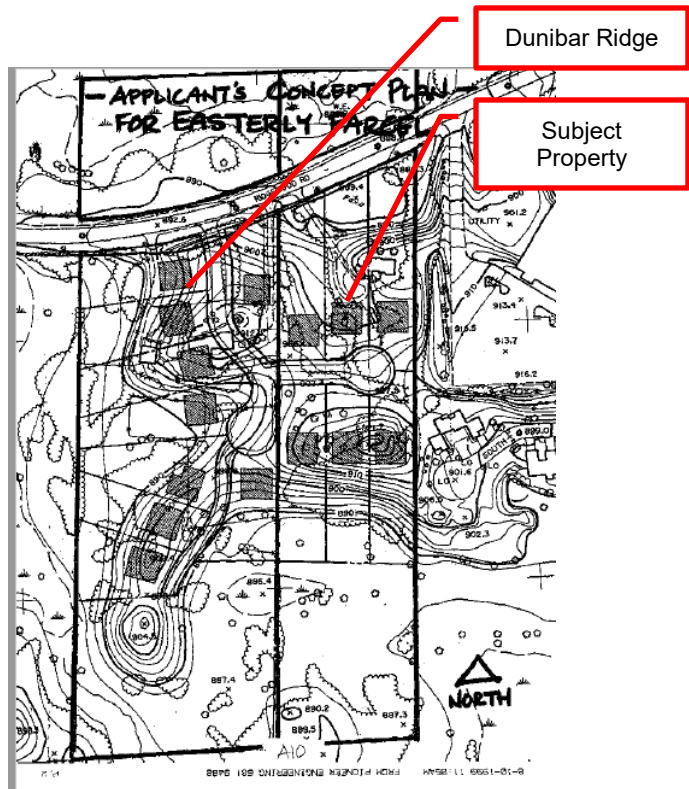
A declaration of restrictive covenants was required to be recorded on all properties within the Dunibar Ridge development. The following language was included in the declaration:

“Section 4. Notice Regarding Extension of Public street. The Declarant, for itself and its successors and assigns, hereby acknowledges that the city may cause, require or effectuate extension of the public street dedicated in the plat of Dunibar Ridge to provide access to future homes that may be constructed on property lying east of the land platted as Dunibar Ridge.”

Unfortunately, either by staff error or by county indexing error, the declaration was only recorded against two properties (4430 and 4445 Dunibar Ridge) rather than all of the properties as was originally intended.

Proposal Summary

Zehnder Homes, Inc. is proposing to develop the roughly 7.5-acre property at 17809 Ridgewood Road into five single-family residential lots. The following is intended to summarize the applicant’s proposal:



- **Existing Site Conditions**

The 7.5-acre property is currently vacant. Aerial photography suggests the single-family home, removed in 2009, was originally constructed prior to the mid-1950s.

Ridgewood Road and the adjacent sidewalk "cut through" the northern part of the property.



Figure 1: 1957 Aerial

Figure 2: Current Aerial

North of Ridgewood Road: This area is encumbered by wetland, city, and FEMA floodplain.

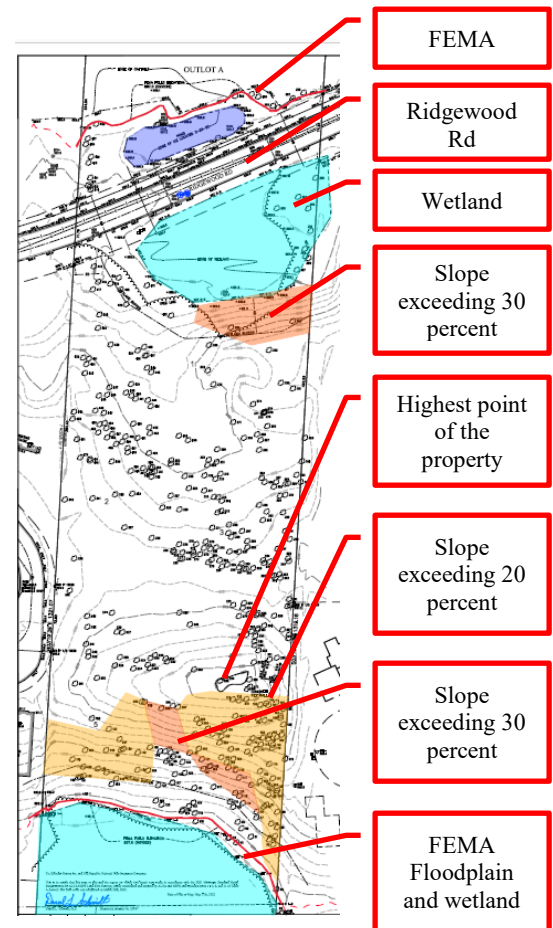
South of Ridgewood Road: The property generally slopes downward in all directions from the highest point located in the southeast quadrant of the site's buildable area. There are two areas of a steep slope.¹ The northern slope exceeds 30 percent. The southern slope has areas of 20 percent and 30 percent slopes. Additionally, there are two areas of wetland and associated floodplain.

Overall site: There are 379 regulated trees on the property.

- **Proposal and Site Impacts**

The proposal would subdivide the property into five single-family residential properties. All lots would meet and exceed minimum lot area standards and would range in size from roughly 22,000 sq. ft. to 97,500 sq. ft. Access to Lot 1 (the northerly lot) would be from Ridgewood Road. The remaining lots would be accessed via a new cul-de-sac extended from Dunibar Ridge Road.

Topography. Earthwork would be necessary for the construction of the proposed homes, driveways, sewer and water services, and stormwater management facilities. Grading would move soil to "flatten" the cul-de-sac area. To accomplish this, one foot of fill would be added in the area of the Dunibar Ridge Road connection, and two to four feet of cut would occur before its terminus. General grading for the new homes would occur at the time of the site grading, with final grading occurring at the time of a building permit.



¹ By [City Code Sec. 300.02](#), a steep slope is a slope that: (1) raises at least 20 feet between the toe and top of the slope; (2) has an average grade of 20 percent as measured between the toe and top of the slope; and (3) has been field verified and located by city staff. In verifying and locating steep slopes, the staff may consider site factors such as soil types, vegetation coverage, anticipated erosion issues, technical reports, and studies, or other items the staff considers pertinent for the protection of the slope.

Utilities: As originally proposed, utilities to the northerly lot would be extended from Ridgewood Road and the cul-de-sac lots from Dunibar Ridge Road. However, it has long been the city’s practice to establish to identify and establish water main connections to provide better services to residents. Staff requested the developer explore the opportunity to connect services from Dunibar Ridge Road to Southridge Court (development to the east). An exhibit prepared by the developer suggested that the connection would result in additional tree loss.

Trees. The subject property is not located within a woodland preservation area. However, it contains many mature trees. The following chart summarizes tree loss related to the submitted grading and utility connection plans:

	Existing Trees	Removal allowed by Code*	Removal based on plans*	Removal with Utility Connection
High priority	220 trees	77 trees = 35%	76 trees = 34%	84 trees = 38%
Significant	159 trees	79 trees = 50%	66 trees = 42%	71 trees = 45%
* By city code, a tree is considered removed if 30 percent or more of the critical root zone is compacted, cut, filled, or paved.				

Wetland and floodplain. No impacts are proposed to the three wetlands and associated floodplain areas onsite. The proposed plans would meet all provisions of the city's wetland and floodplain ordinances.

Stormwater. Developments must meet specific stormwater management rules, which include runoff rate control, runoff volume control, and water quality treatment. Stormwater runoff from the new improvements would be directed to an underground chamber located between Lots 1 and 2 and a series of smaller rain gardens. These stormwater facilities would be constructed at the time of the grading permit.

The proposal requires approval of the preliminary and final plat.

Proposal Summary

A land-use proposal is comprised of many details. These details are reviewed by members of the city’s economic development, engineering, fire, legal, natural resources, planning, and public works department and divisions. These details are then aggregated into a few primary questions or issues. The analysis and recommendations outlined in the following sections of this report are based on the collaborative efforts of this larger staff review team.

• **Are the proposed lots reasonable?**

Yes. The city’s subdivision ordinance outlines minimum areas and dimensional standards for single-family residential lots. The proposed lots would meet or exceed the minimum R-1 requirements.

Lot	AREA		WIDTH		Lot Depth
	Total	Buildable *	ROW	Setback	
CODE	22,000 sf	3,500 sf	80 ft	110 ft	125 ft
1	65,765 sf	35,390 sf	300 ft	290 ft	250 ft
2	22,099 sf	8,495 sf	120 ft	130 ft	168 ft

3	27,923 sf	15,055 sf	65 ft	130 ft	145 ft
4	64,414 sf	18,220 sf	65 ft	130 ft	601 ft
5	97,417 sf	7,925 sf	118 ft	136 ft	360 ft
* Rounded to the nearest five sq. ft. Note: The setbacks and lot widths are shown incorrectly on the preliminary plat. The numbers above are based on accurate setbacks.					

- **Does the proposal align with the 1999 development concept?**

Yes, the development is generally consistent with the 1999 concept plan. Since the plan was contemplated, the city has amended and adopted several ordinances, including the PUD, planned unit development, subdivision, and several environmental ordinances (trees, steep slope, wetland, and floodplain).

To summarize the concept and current proposal:

	1999 CONCEPT PLAN	CURRENT PROPOSAL
<i>Number of lots</i>	6	5
<i>Zoning</i>	PUD – similar to the Dunibar Ridge development	R-1 – consistent with the subject property’s zoning
<i>Access</i>	All lots accessing the cul-de-sac extending from Dunibar Ridge Road	Four lots accessing onto a slightly shorter cul-de-sac extending from Dunibar Ridge Road. The fifth lot would access onto Ridgewood Road.

- **Are the anticipated site impacts, including the utility connection, reasonable?**

Yes. Grading would occur to accommodate the new public cul-de-sac, utilities, and the construction of the new homes. Staff finds that while these improvements would change the site, these impacts are reasonable.

Slopes. The proposed grading impacts avoid the site’s steep slopes to the greatest extent possible. The steep slope standards outlined in [City Code Sec. 300.28 Subd. 20](#) and staff’s findings of how the proposal meets those standards are included in the “Supporting Information” of this report.

Trees. The proposal would meet the city’s tree protection ordinance as currently proposed. However, as noted previously, it’s the city’s practice to identify and establish water main connections to provide better service to residents. The connection would result in tree loss above the ordinance threshold for high-priority tree removal (34 percent *without* connection vs. 38 percent *with* the connection.)

[City Code Sec. 314.01\(7\)\(d\)](#) grants the city council the authority to allow the removal of protected trees above the percentages listed in the ordinance when the result would promote a greater public good. The ordinance goes on to list out examples and includes "providing for a public utility service" as a greater public good.

Staff supports the tree removals above the ordinance thresholds as the direct result of the public utility connection that would provide better service to area residents.

Neighborhood Meeting

The developer hosted a neighborhood meeting on September 12th. Seven people attended the meeting from the Southridge Townhome and Dunibar Ridge developments. One neighbor was from the Southridge Townhome development, five were from the Dunibar Ridge neighborhood, and the remaining attendee did not disclose their property location. The neighbors asked questions about access and requested the developer consider a connection through the northern wetland. The neighbors asked staff to provide information on "wetland mitigation" and "wetland moving" that occurred with the Ridgewood Road project roughly 15 years ago. [Staff's follow-up to these questions are included in the memo from staff to the neighbors dated Sept. 18, 2022]. The neighbors expressed concerns related to safety (primarily related to kids playing in the cul-de-sac), limited on-street parking, and construction information (construction parking, timing, etc.).

Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary and final plat of DUNIBAR COURT, a five-lot subdivision at 17809 Ridgewood Road.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

Northerly: Residential property encumbered with a wetland/pond
Easterly: Ridgewood Church zoned R-1 and townhomes zoned PUD, planned unit development
Southerly: Wetlands, owned by Ridgewood Church
Westerly: Dunibar Ridge, single-family, zoned PUD

Planning

Guide Plan designation: low density residential
Zoning:

Trees within the Dunibar Ridge Road easement

[City Council Policy 11.3](#) establishes guidelines for determining when a private use interferes with a public easement. The policy **ROW** would identify the area on the east side of Dunibar Ridge Road as a *boulevard easement*.

The coniferous trees on the east side of the Dunibar Ridge Road cul-de-sac do not appear as part of the original development plans. They first appear in aerials in the early 2000s. These trees were planted within the boulevard easement and too close to the back of the curb under the current policy.

Steep Slope

The city's ordinance defines a steep slope as a slope that:

- Rises at least 20 feet between the toe and top of the slope;
- Has an average slope of 20 percent or more;
- Has been field verified and located by city staff. In verifying and locating steep slopes, staff may consider site factors such as soil types, vegetation coverage, anticipated soil erosion issues, technical reports and studies, and other items staff considers pertinent for the protection of the slope.

By City Code §400.28, Subd. 20(b), staff will evaluate the extent to which the development meets the guidelines under each finding. While it is the intent of the ordinance to require compliance with as many of the guidelines as possible, the ordinance grants the city discretion to not require *total* compliance with *every* guideline if the overall finding is still achieved:

Ordinance Finding 1: The property is physically suitable for the design and siting of the proposed development and will preserve significant natural features by minimizing disturbance to existing topographical forms.

- a. Design developments into steep slopes, rather than making significant alterations to the slope to fit the development:
 1. Avoid building pads that result in extensive grading outside of the building footprint and driveway areas;

2. Use retaining walls as an alternative to banks of cut-and-fill, and design and site such walls to avoid adverse visual impact;
3. Allow for clustering with different lot shapes and sizes, with the prime determinant being to maximize the preservation of the natural terrain;
4. Allow flag lots when appropriate to minimize grading;
5. Avoid cuts and fills greater than 25 feet in depth; and
6. Design grading to preserve the crest of prominent ridges. Buildings may be located on the prominent ridges as long as the requirements of this subdivision are met.

Staff finding: Areas of the steep slope are located on the east side of Lot 1 and the southern areas of Lots 4 and 5.

Northern slope on Lot 1: The home would be located on the western side of the lot (opposite of the slope). No grading or retaining walls are proposed in this area.

Southern slope on Lots 4 and 5: Lot configurations, home locations, and design are proposed to minimize impact to the slope. A two-foot retaining wall is proposed on Lot 5. Roughly two feet of cut would occur on Lot 4, and four feet of fill is proposed for Lot 5.

Nonetheless, a condition of approval has been included to reduce impacts in areas of 20 percent slope and eliminate grading within slope areas of 30 percent or more.

- b. Design streets and driveways that generally follow existing contours, except where necessary for public safety or to minimize the adverse impacts from traffic:
 1. Use cul-de-sacs and common drives where practical and desirable to preserve slopes; and
 2. Avoid individual long driveways unless necessary to locate the principal structures on a less sensitive areas of the site.

Staff Finding: The construction of the cul-de-sac and driveways would not impact the slopes.

- c. Concentrate development on the least sensitive portion of the site to maximize the preservation of significant trees and natural features:

1. Preserve sensitive areas by clustering buildings or using other innovative approaches; and
2. Maintain sufficient vegetation and design the scale of the development so that it does not overwhelm the natural character of the steep slope.

Staff finding: The proposal is concentrated in areas away from the slopes and preserves as much vegetation as possible in the sloped areas.

- d. Preserve steep slopes that buffer residences from non-residential sources of light and noise.

Staff Findings: The proposal would involve grading, but the grading is designed to minimally impact the slopes.

Finding 2: The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

- a. Wherever practical, minimize the impervious surface area and maximize the use of natural drainage systems:
 1. Design any new drainage systems away from neighboring properties, away from cut faces or sloping surfaces of a fill, and towards appropriate drainage facilities, whether artificial or natural. Drainage systems must comply with the city's water resources management plan; and
 2. Use the existing natural drainage system as much as possible in its unimproved state if the natural system adequately controls erosion.

Staff Findings: Runoff would be directed to an underground chamber between Lots 1 and 2 and a series of smaller rain gardens throughout the site. The water resources engineer has reviewed the plan. Nonetheless, a condition of approval has been added to ensure the proposal will meet the city's water resources management plan.

- b. Avoid building on or creating steep slopes with an average grade of 30 percent or more. The city may prohibit building on or creating slopes in the following situations:
 1. Where the city determines that reasonable development can occur on the site without building on or creating slopes; or

2. Development on such slopes would create real or potentially detrimental drainage or erosion problems.

Staff Findings: There are two slopes of 30 percent or more grade. No grading has been proposed in this area. Nonetheless, a condition of approval has been included to avoid grading in these areas.

- c. Design slopes to be in character with the surrounding natural terrain;

Staff Findings: The proposal would visually change the topography of the property. However, impacts on the slopes will be minimal.

- d. Use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the city engineer;

Staff Findings: The proposal does not contain any innovative approaches to slope stabilization, but none are required.

- e. Install and maintain erosion control measures during construction in accordance with the current Minnesota pollution control agency best management practices; and

Staff Findings: This is included as a condition of approval.

- f. Revegetate disturbed areas as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.

Staff Findings: This is included as a condition of approval.

Finding 3. The proposed development provides adequate measures to protect public safety.

- a. Limit the slopes of private driveways to not more than 10 percent. The driveway should have sufficient flat areas at the top and toe to provide vehicles a landing area to avoid vehicles slipping into the adjacent street during icy conditions. The city may require a driveway turn-around; and
- b. Provide sufficient access for emergency vehicles to reach the proposed buildings.

Staff Findings: The city's engineering and fire departments have reviewed the plans and find this condition suitably met.

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include the installation and maintenance of a temporary rock driveway, erosion

control, and tree protection fencing. As a condition of approval, the applicant must submit a construction management plan detailing these management practices.

**Neighborhood
Comments**

The city sent notices to 21 area property owners and received several comments. Those comments, and a staff response, are attached to this staff report.

Voting Requirement

The planning commission will make a recommendation to the city council. A recommendation requires the affirmative vote of a simple majority. The planning commission has three options:

- 1) Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the preliminary plat.
- 2) Disagree with the staff recommendation. In this case, a motion should be recommending the city council deny the subdivision proposal. The motion should include findings for denial.
- 3) Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both. *The applicant must also agree to sign a 120-day waiver.*

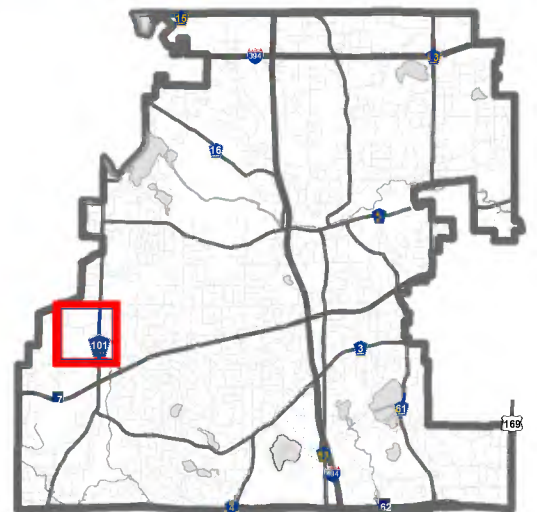
**Deadline for
Decision**

Nov. 4th, 2022 unless the applicant signs a 120-day waiver.



Location Map

Project: Dunibar Court
Address: 17809 Ridgewood Road



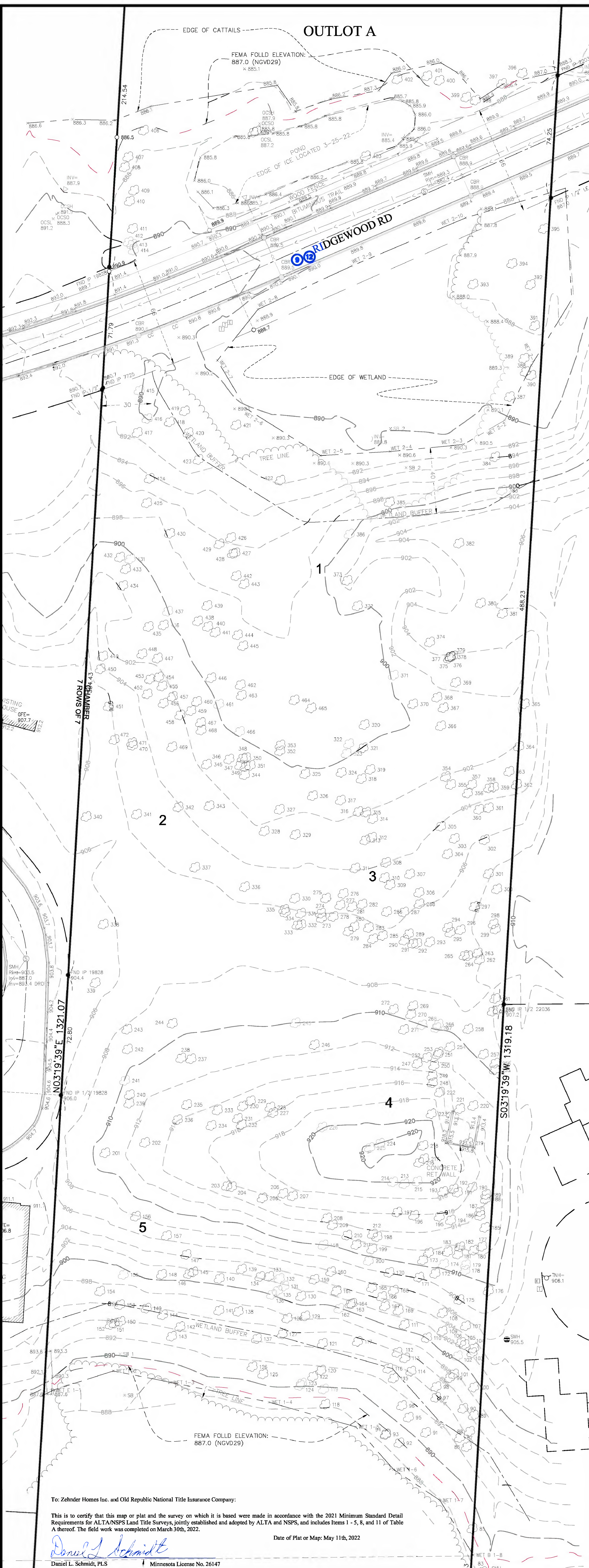
“Dunibar Court” – Development Narrative

Developer Introduction:

ZEHNDER HOMES, INC. –

Eric Zehnder
10300 10th Ave N
Plymouth, Minnesota 55441
Telephone: 651-303-5747
Email: ericzehnder@zehnderhomes.com

Zehnder Homes is proposing to develop a single parcel in the city of Minnetonka, Minnesota that will create a community of 5 detached single-family homes on +/- 7.55 acres of land. The site is located on the south side of Ridgewood Road, just west of county road 101 and east of Dunibar Ridge Road. Four of the homes will be accessed from a new cul de sac adjacent to Dunibar Ridge Road. The other home will be accessed via a driveway off Ridgewood Road. The development will be named “Dunibar Court” and is a conforming, single-family, R1 development. Care has been taken to minimize grading and the impact to existing trees. The percentage of removed trees is well below the allowed percentages. This proposed residential development will consist of single-family style homes.



DESCRIPTION OF PROPERTY SURVEYED
 The East 16 rods of the West 1/2 of the Southeast 1/4 of the Southeast 1/4, Section 19, Township 117, Range 22, Hennepin County, Minnesota

STANDARD NOTES

- Site Address: 17809 Ridgewood Road, Minnetonka, Minnesota, 55345
- Flood Zone Information: Areas determined to be outside of the 0.2% annual chance floodplain and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown at 889.0 feet (NGVD29) on the north side of Ridgewood Road and at 887.0 feet (NGVD29) on the south side of Ridgewood Road. Mandatory flood insurance purchase requirements and floodplain management standards apply per Flood Insurance Rate Map, Community Panel No. 27053C0317F, effective date of November 4th, 2016.
- Parcel Area Information: Gross Area: 348,513 s.f. +/- ~ 8.001 acres +/-
 R/W Area: 19,505 s.f. +/- ~ 0.448 acres +/-
 Wet Area: 152,970 s.f. +/- ~ 3.512 acres +/-
 Net Area: 176,038 s.f. +/- ~ 4.041 acres +/-
 *We do not affirmatively insure the quantity of acreage set forth in the description
- Benchmark: Elevations are based on MNDOT Geodetic Station Name: 2706 M which has an elevation of 981.953 feet (NAVD88).
- Zoning Information: The current Zoning for the subject property is R-1 (Low Density Residential) per the City of Minnetonka's zoning application on the date April 1st, 2022. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Minnetonka found on their web site on the date of April 1st, 2022 and are as follows:
Principal Structure Setbacks - Street(s): 35 feet
 Side: 10 feet min., 30 feet total
 Rear: 40 feet or 20% of lot depth, whichever is less
 Height: 35 feet
 Hardcover: 30 percent of lot area

*Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.

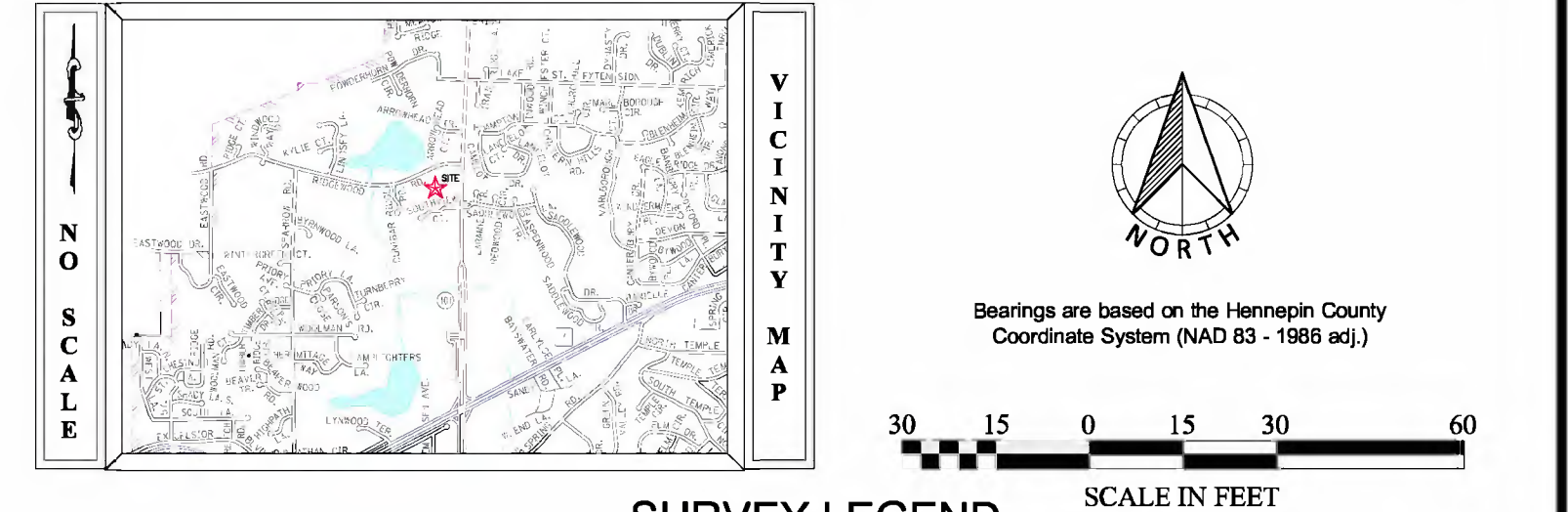
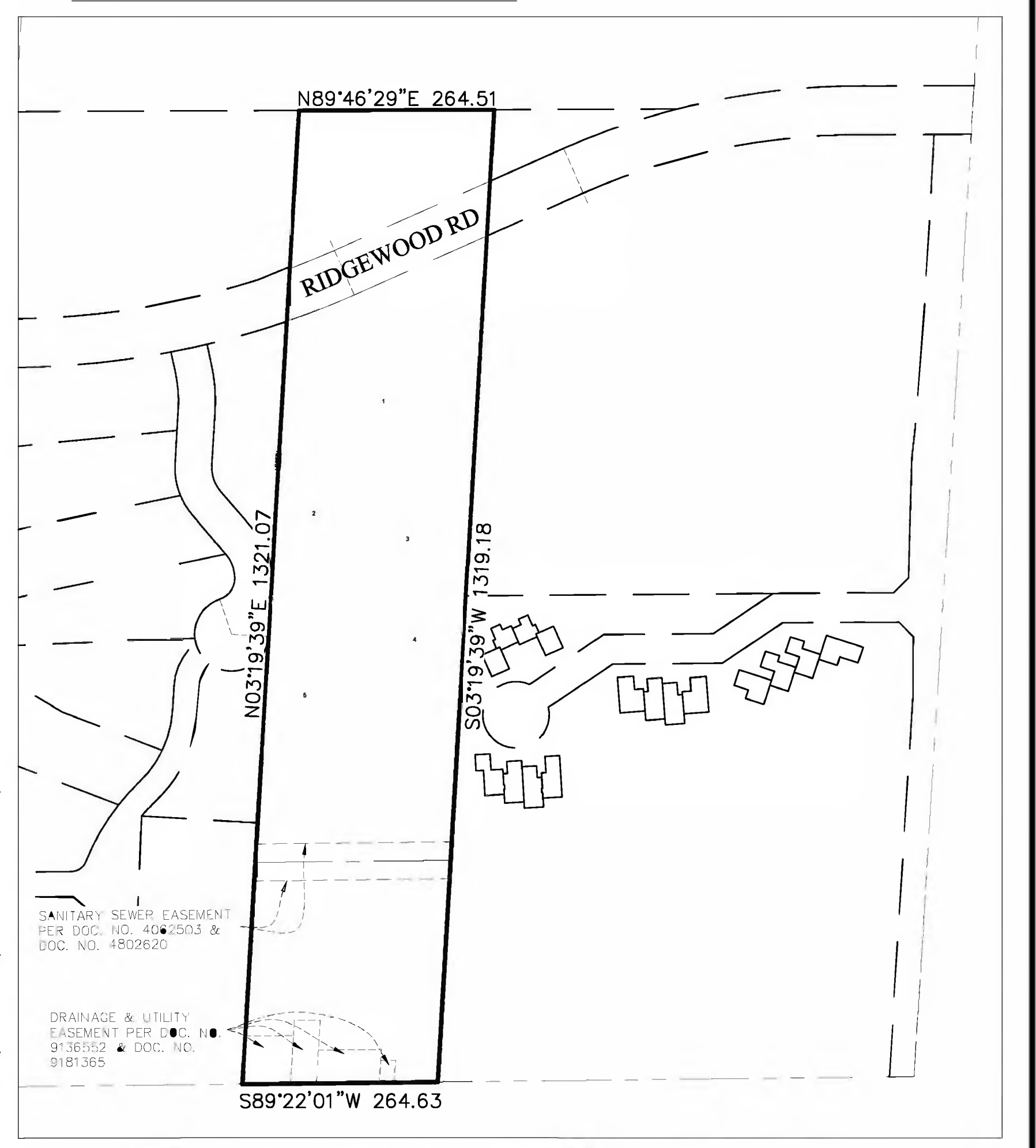
- Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visually observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.
- Wetland Delineation: The wetland delineation was performed by Kjolhaug Environmental Services and was flagged on April 24th, 2022. Sathre-Bergquist located the wetland flags on May 2nd, 2022.

SURVEY REPORT

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by CHB Title, LLC as issuing agent for Old Republic National Title Insurance Company, File No. 55723, dated March 13th, 2022.

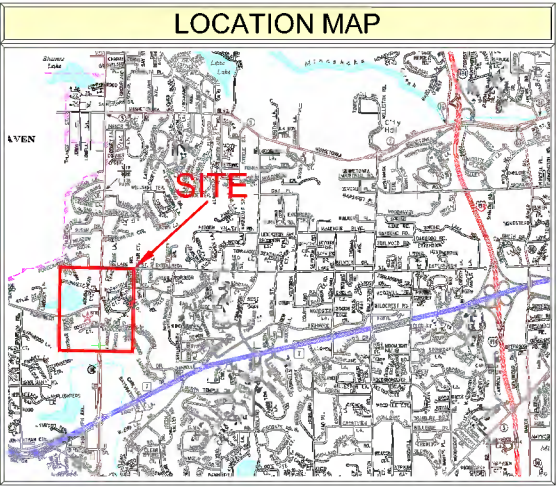
- We note the following with regards to Schedule B of the herein referenced Title Commitment:
 - Item no. 1-8 & 13-15 are not survey related
 - Item no. 9 - Subject to The Plat of Ridgewood Road filed as Document No. 3713208. - *Shown Hereon*
 - Item no. 10 - Terms and conditions of Final Certificate in the Matter of the Condemnation of Certain Lands for Sanitary Sewer Easements and Watermain Easements, filed January 11, 1974, as Document No. 4062503, as evidenced in Quit Claim Deed from Richard Pashina and Dorothy Pashina, husband and wife to Metropolitan Sewer Board of Hennepin County, filed June 20, 1983, as Document No. 4802620. - *Shown Hereon*
 - Item no. 11 - Terms and conditions of Order to Acquire Permanent Easements, filed May 21, 2008, as Document No. 9136552, as evidenced in Easement granted to the City of Minnetonka filed September 10, 2008, as Document No. 9181365. - *Shown Hereon*
 - Item no. 12 - Subject to Ridgewood Road as laid out and traveled. - *Shown Hereon*
- Observations/Comments noted hereon per field survey:
 - A concrete retaining wall of unknown ownership and purpose is located on the east side of the parcel.

OVERALL - NO SCALE



SURVEY LEGEND

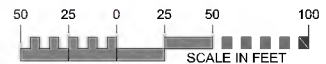
● CAST IRON MONUMENT	⊕ PIEZOMETER	W/O WALKOUT ELEVATION
● IRON PIPE MONUMENT SET	⊖ POWER POLE	FFE FIRST FLOOR ELEVATION
● IRON PIPE MONUMENT FOUND	⊘ GUY WIRE	GFE GARAGE FLOOR ELEVATION
⊗ CHISELED "X" MONUMENT SET	⊙ ROOF DRAIN	TOP TOP OF FOUNDATION ELEV.
⊗ CHISELED "X" MONUMENT FOUND	⊕ LIFT STATION	LOE LOWEST OPENING ELEV.
⊗ REBAR MONUMENT FOUND	⊕ SANITARY MANHOLE	CONCRETE
⊗ PK NAIL MONUMENT SET	⊕ SANITARY CLEANOUT	BITUMINOUS
⊗ PK NAIL MONUMENT FOUND	⊕ STORM MANHOLE	BUILDING SETBACK LINE
⊗ SURVEY CONTROL POINT	⊕ STORM DRAIN	C/TV CABLE TV
⊗ A/C UNIT	⊕ CATCH BASIN	CONCRETE CURB
⊗ CABLE TV PEDESTAL	⊕ FLARED END SECTION	CONTOUR EXISTING
⊕ ELECTRIC TRANSFORMER	⊕ TREE CONIFEROUS	CONTOUR PROPOSED
⊕ ELECTRIC MANHOLE	⊕ TREE DECIDUOUS	GRAND RAIL
⊕ ELECTRIC METER	⊕ TREE CONIFEROUS REMOVED	DRAIN TILE
⊕ ELECTRIC OUTLET	⊕ TREE DECIDUOUS REMOVED	ELC ELECTRIC UNDERGROUND
⊕ YARD LIGHT	⊕ TELEPHONE MANHOLE	FENCE
⊕ LIGHT POLE	⊕ TELEPHONE PEDESTAL	FO FIBER OPTIC UNDERGROUND
⊕ FIRE DEPT. HOOK UP	⊕ UTILITY MANHOLE	GAS UNDERGROUND
⊕ FLAG POLE	⊕ UTILITY PEDESTAL	OHU OVERHEAD UTILITY
⊕ FUEL PUMP	⊕ UTILITY VAULT	TREE LINE
⊕ FUEL TANK	⊕ WATERMAIN MANHOLE	SANITARY SEWER
⊕ PROPANE TANK	⊕ WATER METER	STORM SEWER
⊕ GAS METER	⊕ WATER SPIGOT	TEL TELEPHONE UNDERGROUND
⊕ GAS VALVE	⊕ WELLS	RETAINING WALL
⊕ GAS MANHOLE	⊕ MONITORING WELL	UTILITY UNDERGROUND
⊕ GENERATOR	⊕ CURB STOP	WATERMAIN
⊕ GUARD POST	⊕ GATE VALVE	TRAFFIC SIGNAL
⊕ HAND HOLE	⊕ HYDRANT	RAILROAD TRACKS
⊕ MAIL BOX	⊕ IRRIGATION VALVE	RAILROAD SIGNAL
	⊕ POST INDICATOR VALVE	RAILROAD SWITCH
	⊕ SIGN	SATELLITE DISH
	⊕ SOIL BORING	WETLAND BUFFER SIGN



LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE	BSBL	BSBL
GARAGE SETBACK LINE	GSBL	GSBL
PARCEL BOUNDARY LINE	PSBL	CSBL
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SAN/WM SERVICE		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-UP		
STORM STRUCTURE LABEL	[CB H3]	[CB H3]
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		

SHEET INDEX TABLE	
SHEET	Description
SP	Site Plan
CS	Certificate of Survey
ST	Preliminary Street Plan
UP1 & UP2	Preliminary Utility Plan
GP & GP2	Preliminary Grading Plan
EC	Preliminary Erosion Control Plan
TS	Tree Survey

PREPARED BY	PREPARED FOR
ENGINEER SATHRE-BERGQUIST, INC. 150 SOUTH BROADWAY WAYZATA, MINNESOTA 55391 PHONE: (952) 476-6000 FAX: (952) 476-0104 CONTACT: CHARLES WIEMERSLAGE, P.E. EMAIL: CWIEMERSLAGE@SATHRE.COM	DEVELOPER ZEHNDER HOMES, INC. 2780 ALAMO CIRCLE NE BLAINE, MN 55449 PHONE: (651) 303-5745 CONTACT: ERIC ZEHNDER EMAIL: ericzehnder@zehnderhomes.com



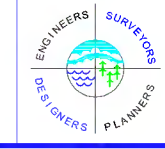
EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISION
RIDGEVIEW	1	CAW	8/11/2022	REVISE GRADING - STORM
DRAWN	2	CAW	8/16/2022	EXTEND STREET
CAW				
CHECKED				
CAW				
DATE				
06/03/22				

USE (INCLUDING COPYING, DISTRIBUTION, AND/OR CONVEYANCE OF INFORMATION) OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT SATHRE-BERGQUIST, INC.'S EXPRESS WRITTEN AUTHORIZATION. USE WITHOUT SAID AUTHORIZATION CONSTITUTES AN ILLEGITIMATE USE AND SHALL THEREBY INDEMNIFY SATHRE-BERGQUIST, INC. OF ALL RESPONSIBILITY. SATHRE-BERGQUIST, INC. RESERVES THE RIGHT TO HOLD ANY ILLEGITIMATE USER OR PARTY LEGALLY RESPONSIBLE FOR DAMAGES OR LOSSES RESULTING FROM ILLEGITIMATE USE.

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Charles A. Wiemerslage
 CHARLES A. WIEMERSLAGE, P.E.
 Date: 06/03/2022 Lic. No. 99180



SATHRE-BERGQUIST, INC.
 14000 25TH AVENUE NORTH, SUITE 120
 PLYMOUTH, MN 55447 (952) 476-6000

CITY PROJECT NO.

MINNETONKA, MINNESOTA

SITE PLAN
DUNIBAR COURT
ZEHNDER HOMES, INC.

FILE NO.
 99595-141
 SP
 SP

DESCRIPTION OF PROPERTY SURVEYED

The East 16 rods of the West 1/2 of the Southeast 1/4 of the Southeast 1/4, Section 19, Township 117, Range 22, Hennepin County, Minnesota

STANDARD NOTES

- 1) **Site Address:** 17809 Ridgewood Road, Minnetonka, Minnesota, 55345
- 2) A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted herein.
- 3) **Flood Zone Information:** X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown at 889.0 feet (NGVD29) on the north side of Ridgewood Road and at 887.0 feet (NGVD29) on the south side of Ridgewood Road. Mandatory flood insurance purchase requirements and floodplain management standards apply) per Flood Insurance Rate Map, Community Panel No. 27053C0317F, effective date of November 4th, 2016.
- 4) **Parcel Area Information:**
 - Gross Area: 348,513 s.f. +/- ~ 8.001 acres +/-
 - R/W Area: 19,505 s.f. +/- ~ 0.448 acres +/-
 - Net Area: 152,970 s.f. +/- ~ 3.512 acres +/-
 - Net Area: 176,038 s.f. +/- ~ 4.041 acres +/-

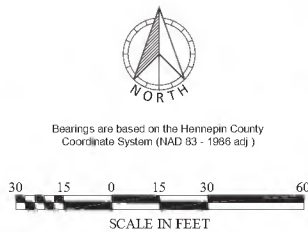
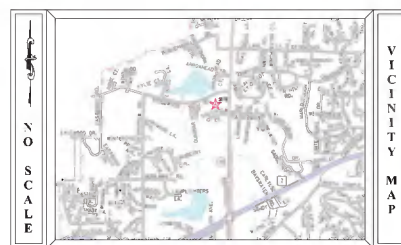
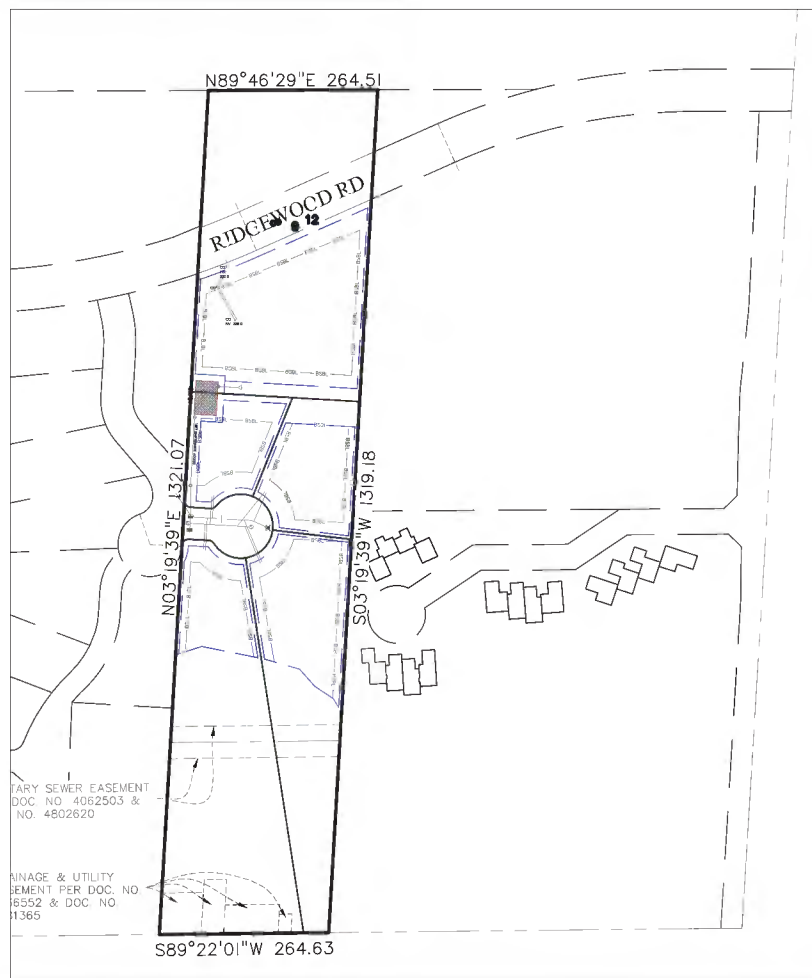
*We do not affirmatively insure the quantity of acreage set forth in the description.
- 5) **Benchmark:** Elevations are based on MNDOT Geodetic Station Name: 2706 M which has an elevation of 981.953 feet (NAVD83).
- 6) **Zoning Information:** The current Zoning for the subject property is R-1(Low Density Residential) per the City of Minnetonka's zoning application on the date April 1st, 2022. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Minnetonka found on their web site on the date of April 1st, 2022 and are as follows:
 - Principal Structure Setbacks - Street(s): 35 feet
 - Side: 10 feet min., 30 feet total
 - Rear: 40 feet or 20% of lot depth, whichever is less
 - Height: 35 feet
 - Hardcover: 30 percent of lot area

*Please note that the zoning information shown herein may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any information or construction.
- 7) **Utilities:** We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651454-0002.
- 8) **Wetland Delineation:** The wetland delineation was performed by Kjolhaug Environmental Services and was flagged on April 24th, 2022. Sathre-Bergquist located the wetland flags on May 2nd, 2022.

TREE LEGEND

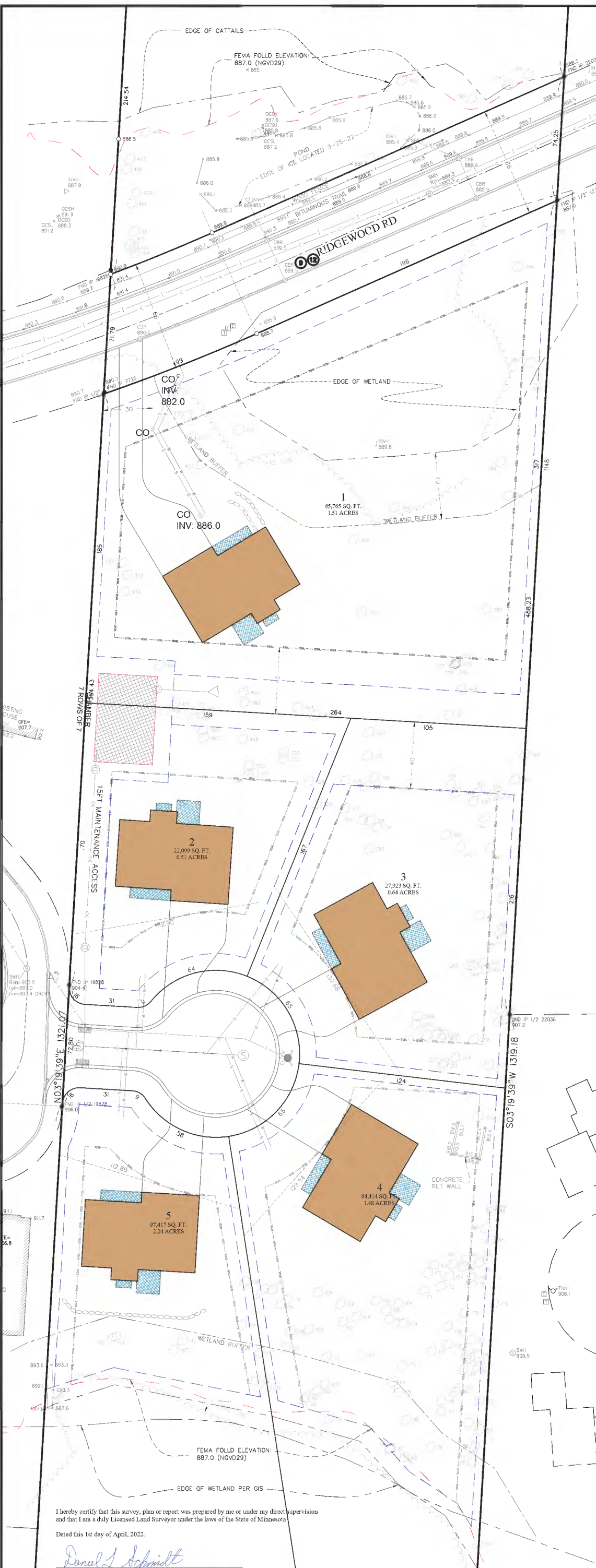
= Tree to be Saved

OVERALL - NO SCALE



SURVEY LEGEND

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> ● CAST IRON MONUMENT ○ IRON PIPE MONUMENT SET ○ IRON PIPE MONUMENT FOUND ○ DRILL HOLE FOUND ✕ CHISELED "X" MONUMENT SET ✕ CHISELED "X" MONUMENT FOUND ✕ REBAR MONUMENT FOUND ▲ PK NAIL MONUMENT SET ▲ PK NAIL MONUMENT FOUND ○ PK NAIL W/ ALUMINUM DISC ○ SURVEY CONTROL POINT ⊠ A/C UNIT ⊠ CABLE TV PEDESTAL ⊠ ELECTRIC TRANSFORMER ⊠ ELECTRIC MANHOLE ⊠ ELECTRIC METER ⊠ ELECTRIC OUTLET ⊠ YARD LIGHT ⊠ LIGHT POLE ⊠ FIBER OPTIC MANHOLE ⊠ FIRE DEPT. HOOK UP ⊠ FLAG POLE ⊠ FUEL PUMP ⊠ FUEL TANK ⊠ PROPANE TANK ⊠ GAS METER ⊠ GAS VALVE ⊠ GAS MANHOLE ⊠ GENERATOR ⊠ GUARD POST ⊠ HAND HOLE ⊠ MAIL BOX | <ul style="list-style-type: none"> ⊠ PIEZOMETER ⊠ POWER POLE ⊠ GUY WIRE ⊠ ROOF DRAIN ⊠ LIFT STATION ⊠ SANITARY MANHOLE ⊠ SANITARY CLEANOUT ⊠ STORM MANHOLE ⊠ STORM DRAIN ⊠ CATCH BASIN ⊠ FLARED END SECTION ⊠ TREE CONIFEROUS ⊠ TREE DECIDUOUS ⊠ TREE CONIFEROUS REMOVED ⊠ TREE DECIDUOUS REMOVED ⊠ TELEPHONE MANHOLE ⊠ TELEPHONE PEDESTAL ⊠ UTILITY MANHOLE ⊠ UTILITY VAULT ⊠ WATERMAN MANHOLE ⊠ WATER METER ⊠ WATER SPIGOT ⊠ MONITORING WELL ⊠ CURB STOP ⊠ DATE VALVE ⊠ IRRIGATION VALVE ⊠ POST INDICATOR VALVE ⊠ SIGN ⊠ SOIL BORING | <ul style="list-style-type: none"> WOE WALKOUT ELEVATION FFE FIRST FLOOR ELEVATION GFE GARAGE FLOOR ELEVATION TOF TOP OF FOUNDATION ELEV. LOE LOWEST OPENING ELEV. CONCRETE BITUMINOUS BUILDING SETBACK LINE CABLE TV CONCRETE CURB CONTOUR EXISTING CONTOUR PROPOSED GRASS DRAIN TILE ELC ELECTRIC UNDERGROUND FENCE FIBER OPTIC UNDERGROUND GAS UNDERGROUND OVERHEAD UTILITY TREE LINE SANITARY SEWER STORM SEWER TEL TELEPHONE UNDERGROUND RETAINING WALL UTL UTILITY UNDERGROUND WATERMAIN TRAFFIC SIGNAL RAILROAD TRACKS RAILROAD SIGNAL RAILROAD SWITCH SATELLITE DISH WETLAND BUFFER SIGN |
|---|---|--|



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

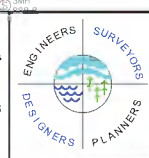
Dated this 1st day of April, 2022.

Donald J. Schmitt
Daniel L. Schmitt, PLS
schmitt@sathre.com

Minnesota License No. 26147

FIELD CREW	NO.	BY	DATE	REVISION
DMA K	1	EMW	5/6/2022	ADDED WETLAND BUFFER
DRAWN	2	CAW	9/20/2022	REVISE LOTS 2 & 3
EMW	3	CMT	9/23/2022	REVISE LOTS 3 & 5
CHECKED				
DLS				
DATE				
3-22-22				

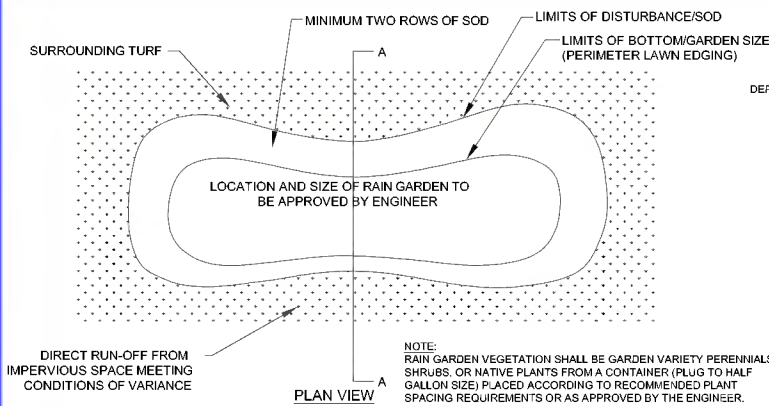
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14000 25TH ST. STUIE 120
PLYMOUTH, MN. 55391
(952) 476-6000

TWP:117-RGE:22-SEC:19
Hennepin County
MINNETONKA, MINNESOTA

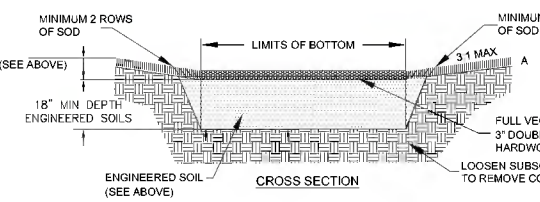
FILE NO. 99595-141
PRELIMINARY PLAT
DUNIBAR COURT
PREPARED FOR:
ZEHNDER HOMES, INC.
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1



SUBSOIL	SUBSOIL TYPE	RECOM. DEPTH
A	SAND/GRAVEL	12"-18"
B	SAND WITH CLAY OR SILT	9"-12"
C	CLAY OR SILT WITH SAND	6"-9"
D	CLAYS OR SILTS	6"

NOTE: RAIN GARDEN VEGETATION SHALL BE GARDEN VARIETY PERENNIALS, SHRUBS, OR NATIVE PLANTS FROM A CONTAINER (PLUG TO HALF GALLON SIZE) PLACED ACCORDING TO RECOMMENDED PLANT SPACING REQUIREMENTS OR AS APPROVED BY THE ENGINEER.

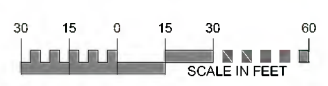
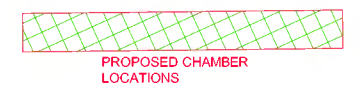
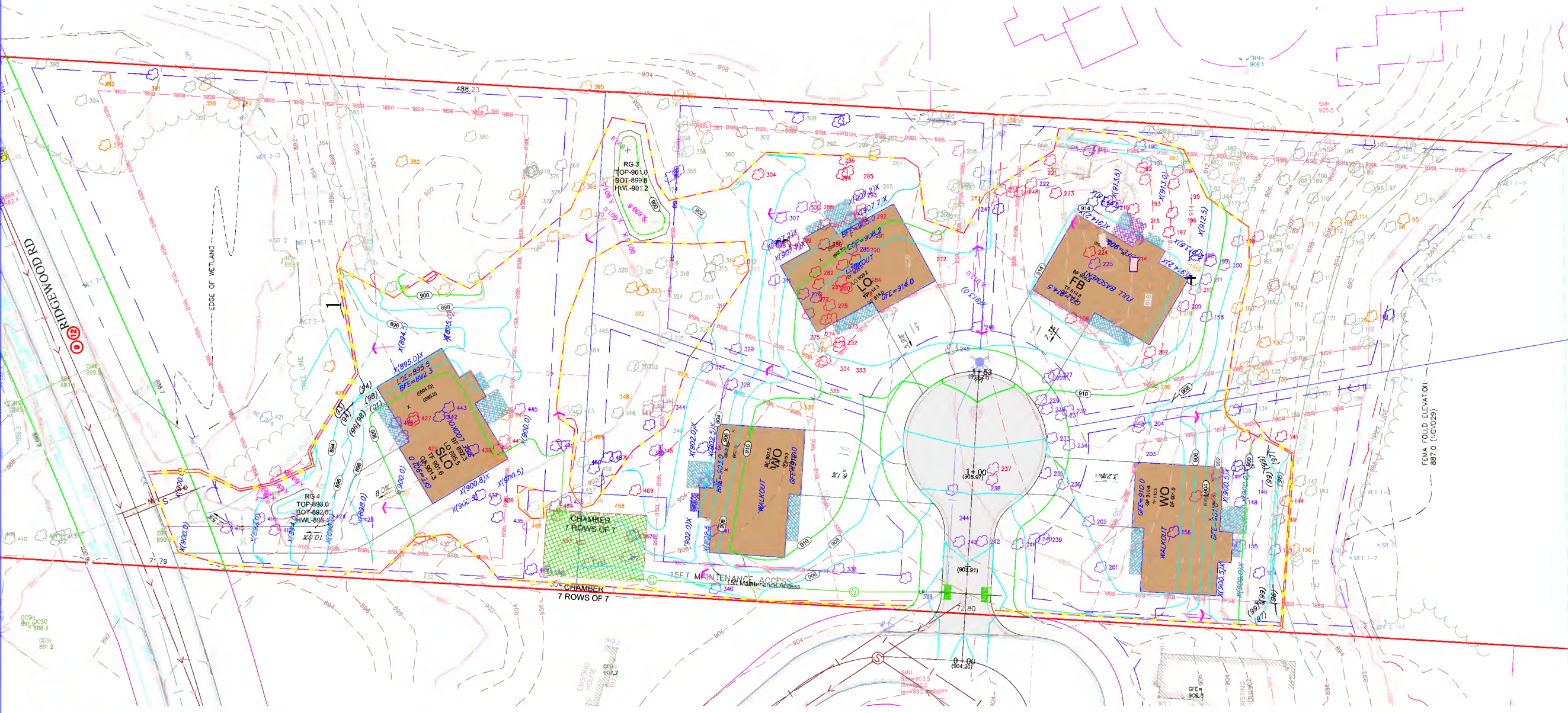
ENGINEERED SOIL
TOP 6" OF RAIN GARDEN SHALL BE ENGINEERED SOILS. USE ON SITE SOILS FOR THE REMAINING 12" PROVIDED THAT SAND SEEM IS INTERSECTED WHEN BASIN IS CONSTRUCTED. SHOULD SAND SEEM NOT BE FOUND THEN THE ENGINEERED SOILS LISTED BELOW SHALL BE USED.
(DCSWCD MIX B)
80% COARSE-WASHED SAND (MNDOT 3126)
20% LEAF-LITTER COMPOST (ORGANIC, GRADE 2, MNDOT 3890) NO TOPSOIL OR ON-SITE SOILS MAY BE USED IN ENGINEERED SOIL MIX UNLESS APPROVED BY THE ENGINEER. 3 RING INFILTRATOR TESTING AND INFILTRATION TEST ON ENGINEERED SOILS MAY BE REQUIRED AS DIRECTED BY THE ENGINEER.



NOTES
1. FINAL GRADE AND MULCHING SHALL BE DONE BY HAND.
2. NO EQUIPMENT WILL BE ALLOWED ON THE RAIN GARDEN AFTER EXCAVATION BEGINS.
3. PERIMETER EROSION CONTROL SHALL BE INSTALLED AND REMAIN IN PLACE UNTIL TURF IS ESTABLISHED AROUND RAIN GARDEN.
4. OWNER IS RESPONSIBLE FOR NOTIFYING ENGINEER FOR INSPECTION OF RAIN GARDEN FOR:
(1) FINALIZING RAIN GARDEN SIZE AND LOCATION.
(2) OBSERVATION OF EXCAVATION AND SCARIFYING OF SUBSOIL.
(3) APPROVAL TO BACKFILL WITH ENGINEERED SOILS.
(4) FINAL INSPECTION WITH MULCH AND PLANTS INSTALLED.

- CONSTRUCTION NOTES
- INSTALL SILT FENCE AS SHOWN ON PLAN, AS REQUIRED BY THE CITY OF MINNETONKA OR DIRECTED BY THE ENGINEER.
 - INSPECT SILT FENCE, AND ROCK ENTRANCE BERM AFTER ALL RAINFALL EVENTS AS REQUIRED BY THE NPDES PERMIT.
 - WO PADS 3:1 MAX. ALL OTHER SLOPES 4:1 MAX (UNLESS NOTED)
 - RESTORATION - 6.0 ACRES
 - RESTORE ALL DISTURBED AREAS WITH 4" TO 6" OF TOPSOIL, OR EXISTING ON-SITE ORGANIC MTRL.
 - SEED POND SLOPES AND DETENTION AREAS WITH MNDOT 310 OR BWSR P8 SEED MIX AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. SEED WETLAND BUFFER AREAS WITH MNDOT 350-MESIC PRAIRIE (38.5 PLS LBS/AC) OR BWSR 35-241 SEED MIX AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (REFER TO WETLAND CREATION/BANKING PLAN FOR WETLAND SEED MIX REQUIREMENTS)
 - SEED ALL OTHER DISTURBED AREAS WITH RESIDENTIAL TURF 270 AT A RATE OF 100 LBS./ACRE AND FERTILIZE WITH 20-0-10 AT 100 LBS./ACRE. (UNLESS OTHERWISE NOTED)
 - ONLY PHOSPHOROUS FREE FERTILIZER IS TO BE USED ON SITE.
 - MULCH WITH TYPE 1 AT A RATE OF 2 TONS/ACRE AND DISC ANCHOR IMMEDIATELY AFTER PLACEMENT. USE WOODFIBER BLANKET ON ALL SLOPES 3:1 (FT) OR GREATER.
 - MAINTAIN ALL SILT FENCE UNTIL TURF HAS BEEN ESTABLISHED.
 - RESTORATION WORK WILL BE COMPLETED WITHIN 72 HOURS OF GRADING COMPLETION.
 - ALL WETLAND BUFFERS AND FULL CONSERVATION EASEMENT SHALL BE FULLY ESTABLISHED IN NATIVE VEGETATION BY A QUALIFIED RESTORATION COMPANY. NO TURF OR LAWN MAINTENANCE ACTIVITIES ARE ALLOWED WITHIN THE BUFFER AREAS. ANY EROSION BLANKET INSIDE THE CONSERVATION EASEMENT MUST BE FULLY BIODEGRADABLE SUCH AS S31BD OR S32BD.
 - GRADE BACK 1:1 - 3' FROM FACE OF ALL RETAINING WALLS
 - SILT FENCE - BEFORE GRADING - 4,800 LF
AFTER GRADING - 210 LF

- GENERAL NOTES:
- THE GRADING CONTRACTOR IS RESPONSIBLE FOR ALL STORM WATER INSPECTIONS ACCORDING TO THE MPCA STORM WATER PERMIT. THIS INCLUDES BOTH WEEKLY INSPECTIONS AND INSPECTIONS DONE AFTER A 0.5" RAIN EVENT. A COPY OF THE INSPECTION REPORT MUST BE EMAILED TO THE ENGINEER AND DEVELOPER ON A WEEKLY BASIS.
 - THE CONTRACTOR SHALL PLACE INLET PROTECTION DEVICES IN ACCORDANCE WITH THE CITY OF MINNETONKA DETAIL. FOR ALL STORM SEWER INLETS AND MAINTAIN THEM AS AN EFFECTIVE SILT CONTROL DEVICE. INLET PROTECTION SHALL BE REMOVED WHEN RESTORATION HAS BEEN ESTABLISHED.
 - ALL RETAINING WALLS WILL REQUIRE A STRUCTURAL DESIGN, A BUILDING PERMIT & A FINAL INSPECTION REPORT.
 - A 1'-2" CRUSHED ROCK ENTRANCE BERM SHALL BE PLACED AT THE SITE ENTRANCE, TO REPLACE SILT FENCE, AND MINIMIZE EROSION ON TO THE STREETS. THE ROCK BERMS SHALL BE THE WIDTH OF THE ENTRANCE AND 2 FEET HIGH WITH 4:1 SLOPES. (SEE DETAIL)
 - THE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM THE BUILDING PAD AND STREET AREAS THROUGHOUT CONSTRUCTION.
 - THE CONTRACTOR SHALL ATTEMPT TO PREVENT SOIL MATERIALS FROM LEAVING THE SITE BY EROSION AND VEHICLE WHEEL TRACKING. HE SHALL BE RESPONSIBLE FOR CLEANING OF STREET, BOULEVARD AND UTILITY FACILITIES THAT RECEIVE ANY ERODED OR TRACKED SOIL MATERIAL OR OTHER CONSTRUCTION DEBRIS OR MATERIAL.
 - EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.
 - BUILDING PADS ARE 6" DEEP, UNLESS OTHERWISE NOTED. THE FRONT AND REAR BUILDING PAD LINES ARE SHOWN ON THE PLAN. THE ENGINEER SHOULD BE CONTACTED IF THE CONTRACTOR HAS ANY QUESTIONS REGARDING BUILDING PADS. REAR PAD ELEVATIONS SHOULD BE ESTABLISHED BASED OFF THE 2:1 SLOPE FROM THE 26" FLAT BENCH, OR AT MOST 50' BEHIND FRONT OF PAD.



SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR	(dashed line)	(solid line)
MAJOR CONTOUR	(dashed line)	(solid line)
LOT LINE	(dashed line)	(solid line)
BUILDING SETBACK LINE	(dashed line)	(solid line)
GARAGE SETBACK LINE	(dashed line)	(solid line)
PARCEL BOUNDARY LINE	(dashed line)	(solid line)
DRAINAGE AND UTILITY EASEMENTS	(dashed line)	(solid line)
CURB AND GUTTER	(dashed line)	(solid line)
RIGHT-OF-WAY	(dashed line)	(solid line)
BACKYARD CATCH BASIN	(dashed line)	(solid line)
CATCH BASIN	(dashed line)	(solid line)
STORM SEWER MANHOLE	(dashed line)	(solid line)
FLARED END SECTION WRAP	(dashed line)	(solid line)
SANITARY SEWER MANHOLE	(dashed line)	(solid line)
HYDRANT	(dashed line)	(solid line)
GATE VALVE	(dashed line)	(solid line)
DRAIN FLOW/RUNOFF ARROW	(dashed line)	(solid line)
EMERGENCY OVERTFLOW SWALE	(dashed line)	(solid line)
SILT FENCE (PRE CONSTRUCTION)	(dashed line)	(solid line)
SILT FENCE (POST CONSTRUCTION)	(dashed line)	(solid line)
SPOT ELEVATION	x 960.0	x 960.0
T&C SPOT ELEVATION	x 960.0	x 960.0

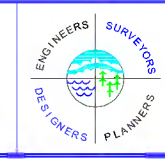
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DRAWING NAME	NO.	BY	DATE	REVISION
RIDGEVIEW	1	CAW	8/11/2022	REVISE GRADING - STORM
DRAWN	2	CAW	8/16/2022	EXTEND STREET
CHECKED				
DATE				
06/03/22				

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Charles A. Wimerslag
CHARLES A. WIMERSLAGE, P.E.
Date: 06/03/2022 Lic. No. 9180

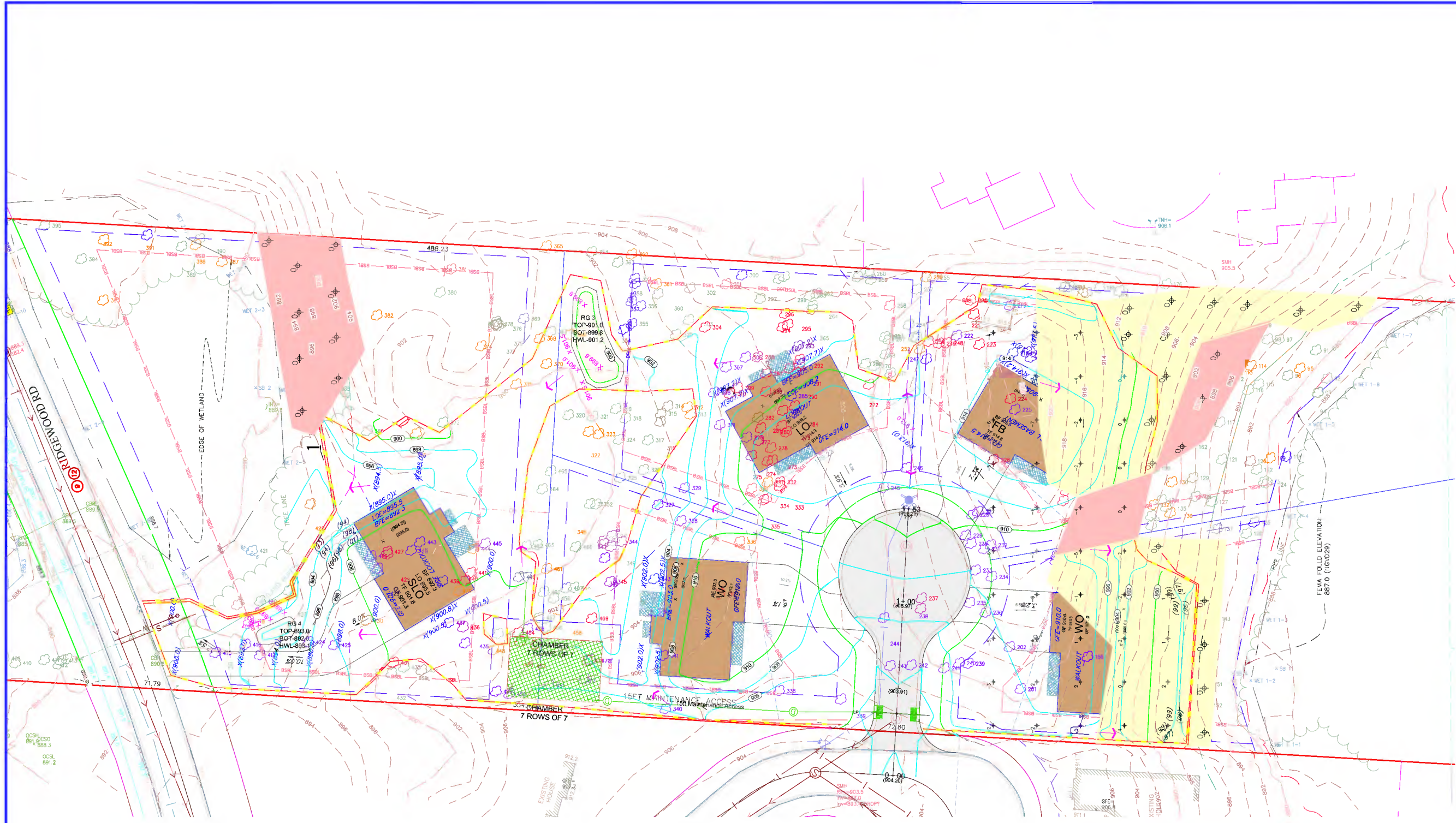


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PLYMOUTH, MN 55447 (952) 476-6000

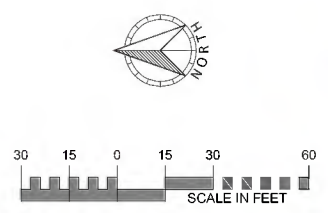
CITY PROJECT NO.
MINNETONKA, MINNESOTA

PRELIMINARY GRADING PLAN
DUNIBAR COURT
ZEHNDER HOMES, INC.

FILE NO.
99595-141
GP1
GP2



20% SLOPE AREA
30% SLOPE AREA



SYMBOL LEGEND		
DESCRIPTION	PROPOSED	EXISTING
MINOR CONTOUR		
MAJOR CONTOUR		
LOT LINE		
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP RAP		
SANITARY SEWER MANHOLE		
HYDRANT		
GATE VALVE		
DRAIN FLOW/RUNOFF ARROW		
EMERGENCY OVERFLOW SWALE		
SILT FENCE (PRE CONSTRUCTION)		
SILT FENCE (POST CONSTRUCTION)		
SPOT ELEVATION		
TBC SPOT ELEVATION		

EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

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RIDGEVIEW	1	CAW	8/11/2022	REVISE GRADING - STORM
DRAWN	2	CAW	8/16/2022	EXTEND STREET
CAW				
CHECKED				
CAW				
DATE				
06/03/22				

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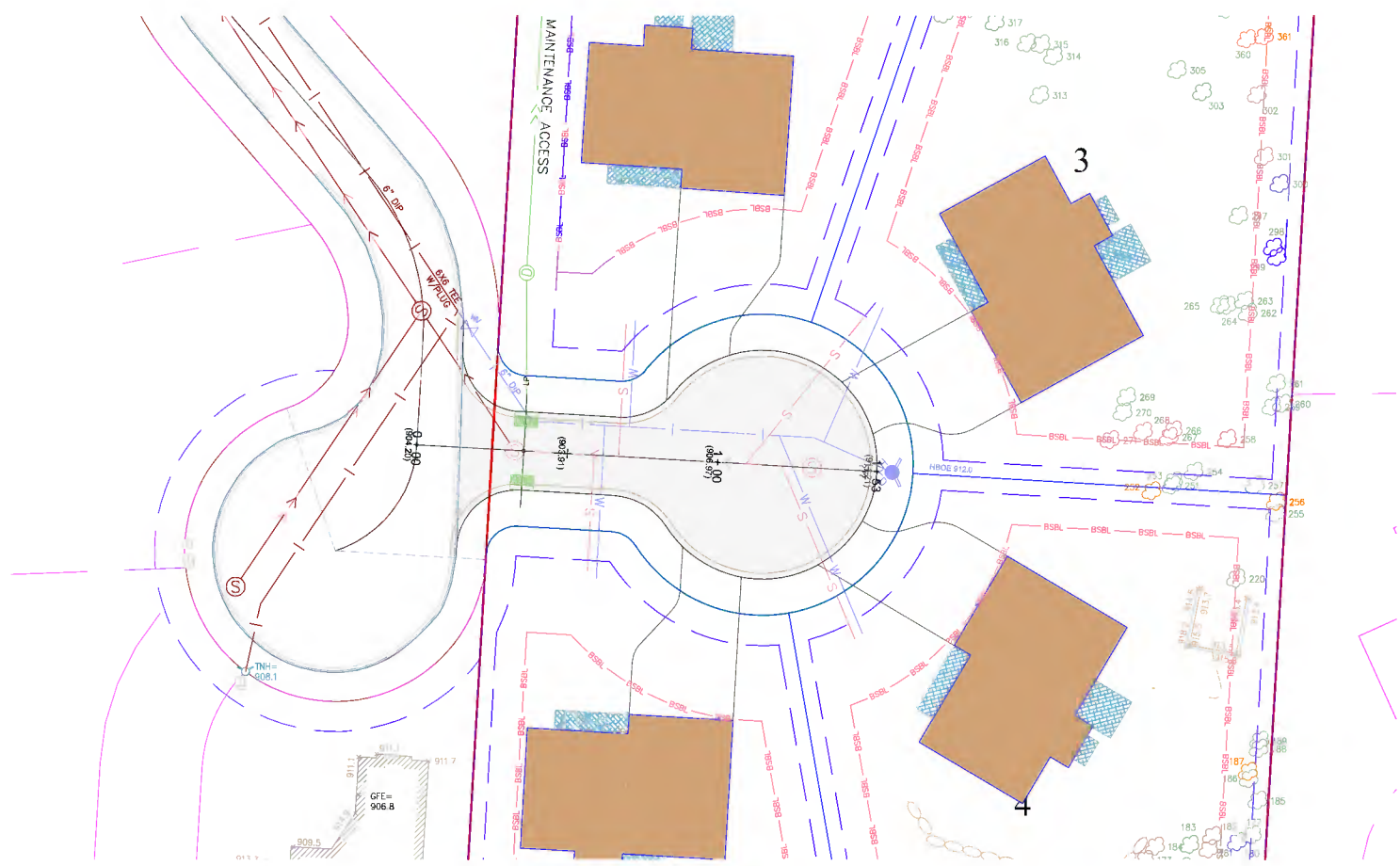
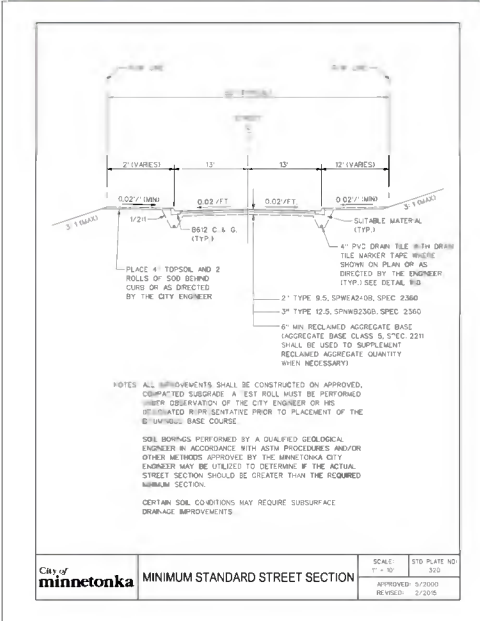
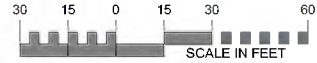
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CITY PROJECT NO.

 MINNETONKA,
 MINNESOTA

PRELIMINARY GRADING PLAN
 DUNIBAR COURT
 ZEHNDER HOMES, INC.

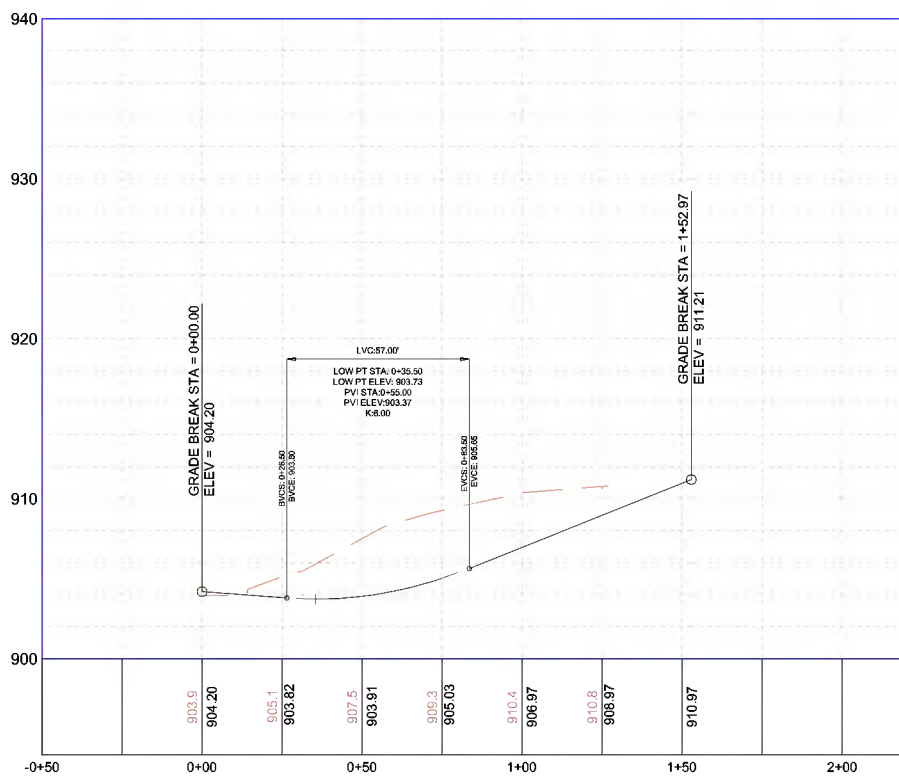
FILE NO.
 99595-141
 GP2
 GP2



- STREET NOTES**
1. ALL PUBLIC STREETS ARE 26' FF UNLESS OTHERWISE NOTED.
 2. PROPOSED DRAIN TILE SHALL HAVE TRACE WIRE PER CITY SPECIFICATIONS.
 3. ALL PERMANENT SIGNS TO BE INSTALLED BY PUBLIC WORKS. CALL THE CITY WHEN READY FOR INSTALLATION.
 4. ALL DRIVEWAYS SHALL ADHERE TO STANDARDS ON CITY DETAIL PLATE 310 WITH MAX DRIVEWAY WIDTHS WITHOUT WINGS OF 20' FOR TWO STALL GARAGES AND 30' FOR 3 STALL GARAGES.

ALL STORM SEWER STRUCTURES SHALL BE EXPOSED DURING STRING LINE OF CURB TO ENSURE PROPER FIT WITH CONCRETE RINGS.

LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE		BSBL
GARAGE SETBACK LINE		GSBL
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SAN/W SERVICE		S
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-RAP		
STORM STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAN		
HYDRANT		
GATE VALVE		



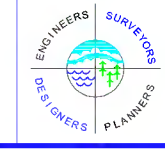
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DRAWN	2	CAW	8/16/2022	EXTEND STREET
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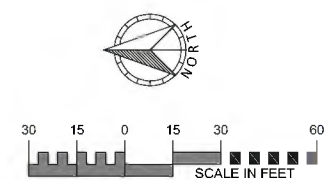
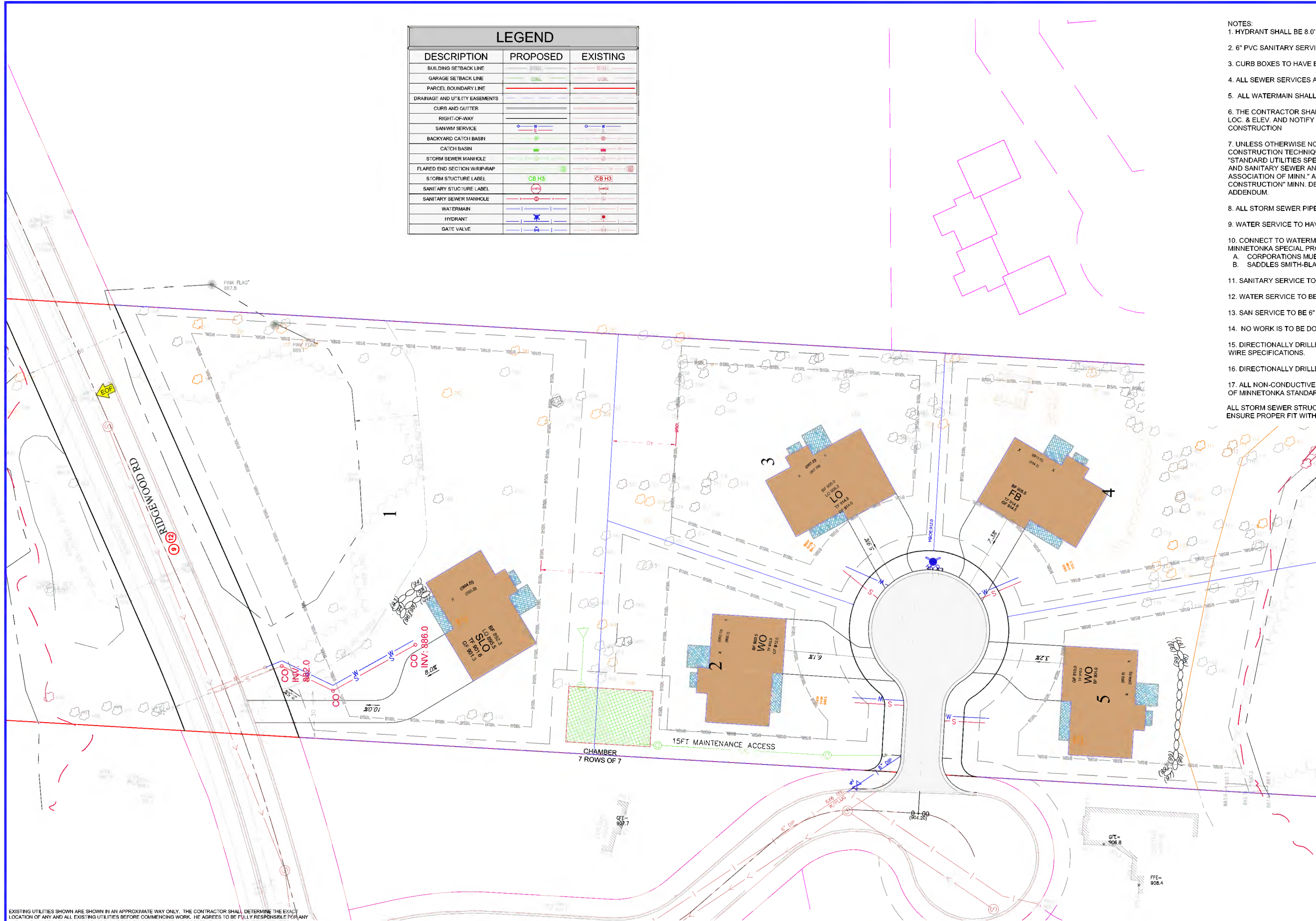
 MINNETONKA,
 MINNESOTA

PRELIMINARY STREET PLAN
 DUNIBAR COURT
 ZEHNDER HOMES, INC.

FILE NO.
 99595-141
 ST
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LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SANWY SERVICE		
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CATCH BASIN		
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FLARED END SECTION WRAP-RAP		
STORM STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		

- NOTES:
- HYDRANT SHALL BE 8.0' BURY. WATERMAIN SHALL HAVE 7.5' COVER.
 - 6" PVC SANITARY SERVICES AND RISER TO BE SDR 26.
 - CURB BOXES TO HAVE EXTENSION RODS TO CURB STOP.
 - ALL SEWER SERVICES ARE LOCATED 3' DOWNSTREAM OF WATER SERVICES.
 - ALL WATERMAIN SHALL BE DIP CLASS 52 W/ POLYWRAP, UNLESS OTHERWISE NOTED.
 - THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, VERIFY EXISTING INVERT LOC. & ELEV. AND NOTIFY THE OWNER OF ANY DIFFERENCES. PRIOR TO BEGINNING CONSTRUCTION
 - UNLESS OTHERWISE NOTED, OR AS SPECIFIED IN THE ABOVE NOTE, ALL MATERIALS, CONSTRUCTION TECHNIQUES AND TESTING SHALL CONFORM TO THE 1999 ED. OF THE "STANDARD UTILITIES SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION BY THE CITY ENGINEERING ASSOCIATION OF MINN." AND TO THE "STANDARD SPECIFICATION FOR HIGHWAY CONSTRUCTION" MINN. DEPT. OF TRANS., 2000 EDITION, INCLUDING THE CURRENT ADDENDUM.
 - ALL STORM SEWER PIPE SHALL BE CLASS 5 UNLESS OTHERWISE NOTED.
 - WATER SERVICE TO HAVE CURB STOP & BOX INSTALLED PER DETAIL 518.
 - CONNECT TO WATERMAIN WITH CORPORATION STOP AND TAPPING SADDLE PER CITY OF MINNETONKA SPECIAL PROVISIONS - SEE 2504 WATER MAIN - 2611.2D.
 - CORPORATIONS MUELLER H15000 OR FORD F 600
 - SADDLES SMITH-BLAIR 315 OR 317
 - SANITARY SERVICE TO CONNECT TO MAIN WITH 8"x 6" WYE AND 6" 1/8 BEND.
 - WATER SERVICE TO BE 1.5" COPPER.
 - SAN SERVICE TO BE 6" PVC, SDR-26
 - NO WORK IS TO BE DONE WITHIN THE WETLAND BOUNDARY
 - DIRECTIONALLY DRILLED WATERMAIN SHALL INCLUDE TRACER WIRE. SEE CITY TRACER WIRE SPECIFICATIONS.
 - DIRECTIONALLY DRILLED WATERMAIN SHALL USE ELECTROFUSED FITTINGS.
 - ALL NON-CONDUCTIVE WATERMAIN SHALL BE INSTALLED WITH TRACER WIRE PER CITY OF MINNETONKA STANDARDS.
- ALL STORM SEWER STRUCTURES SHALL BE EXPOSED DURING STRING LINE OF CURB TO ENSURE PROPER FIT WITH CONCRETE RINGS.



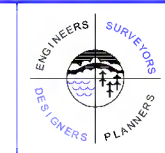
EXISTING UTILITIES SHOWN ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ANY AND ALL EXISTING UTILITIES BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES ARISING OUT OF HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL EXISTING UTILITIES.

DRAWING NAME	NO.	BY	DATE	REVISION
RIDGEVIEW	1	CAW	8/11/2022	REVISE GRADING - STORM
DRAWN	2	CAW	8/16/2022	EXTEND STREET
CAW				
CHECKED				
CAW				
DATE				
06/03/22				

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I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Charles A. Wiemerslage
 CHARLES A. WIEMERSLAGE, P.E.
 Date: 06/03/2022 Lic. No. 49180



SATHRE-BERGQUIST, INC.
 14000 25TH AVENUE NORTH, SUITE 120
 PLYMOUTH, MN 55447 (952) 476-6000

CITY PROJECT NO. ---
MINNETONKA, MINNESOTA

PRELIMINARY UTILITY PLAN
DUNIBAR COURT
ZEHNDER HOMES, INC.

FILE NO. 99595-141
 UP1
 UP2

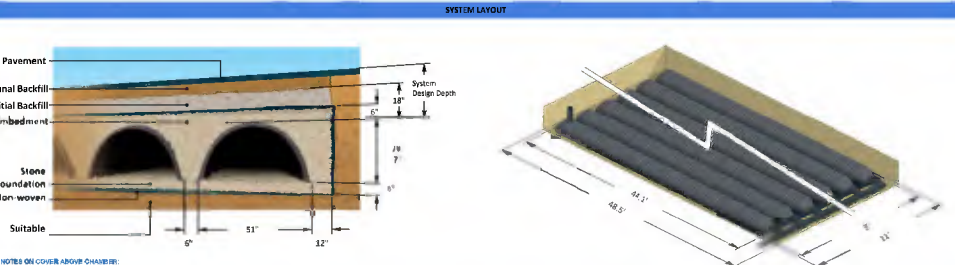


Standard Units Calculator



PROJECT DESCRIPTION
 Project Name: Wabers 3 Date: 2 / 11 / 2022 City/State: Minnetonka, MN Phone #: _____
 Engineer: Sathre-Bergquist Contractor: _____ Designed By: _____ Princeps Rep: _____

DESIGN CRITERIA - BASED ON STORAGE VOLUME
 Chamber Size: HS75 Constraint on System Dimensions: Width Number of Manholes: 1 Manhole Diameter: 12 (in) Include Manhole Volume? Yes Units: Standard **For Metric units, visit Prinsco.com
 Target Storage Volume: _____ (cf) Constraint Limit: _____ (ft) Stone Porosity: 40 % Bottom of Stone Elevation: _____ (ft) Min. Pavement Elevation: _____ (ft) Min. Pavement Elevation: _____ (ft)
 Additional Stone Above Chamber: _____ (ft) Additional Stone Below Chamber: _____ (ft) Additional Stone Side of Chamber: _____ (ft) Additional Stone Between Chambers Rows: _____ (ft)



NOTES ON COVER ABOVE CHAMBER:
 Min. Burial Depth: 18"
 Max. Burial Depth: 8"

SYSTEM STORAGE & QUANTITIES

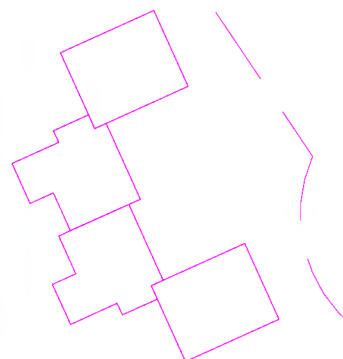
System Layout	System Footprint	Stone Storage	Manhole Storage	Chamber Storage	Total System Storage
_____ of _____ rows of _____ chambers & _____ rows of _____ chambers	_____ (sf)	_____ (cf)	_____ (cf)	_____ (cf)	_____ (cf)
Number of Chambers: _____	Number of End Caps: _____	Required Stone (for substructure): _____ (cy)	Non-woven geotextile (seams 20' overlap): _____ (sf)	Woven Geotextile - Scar: _____ (sf)	Woven Geotextile - Sediment Row: _____ (sf)

ASSISTANCE: For assistance with design, drawings or pricing please have your completed system design and roads, and contact your Prinsco sales representative.
 The user is intended to use this calculator for preliminary design purposes only and is not intended to be used for final design and construction.

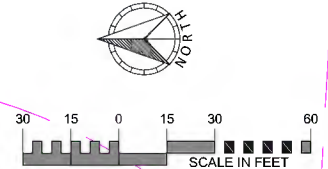
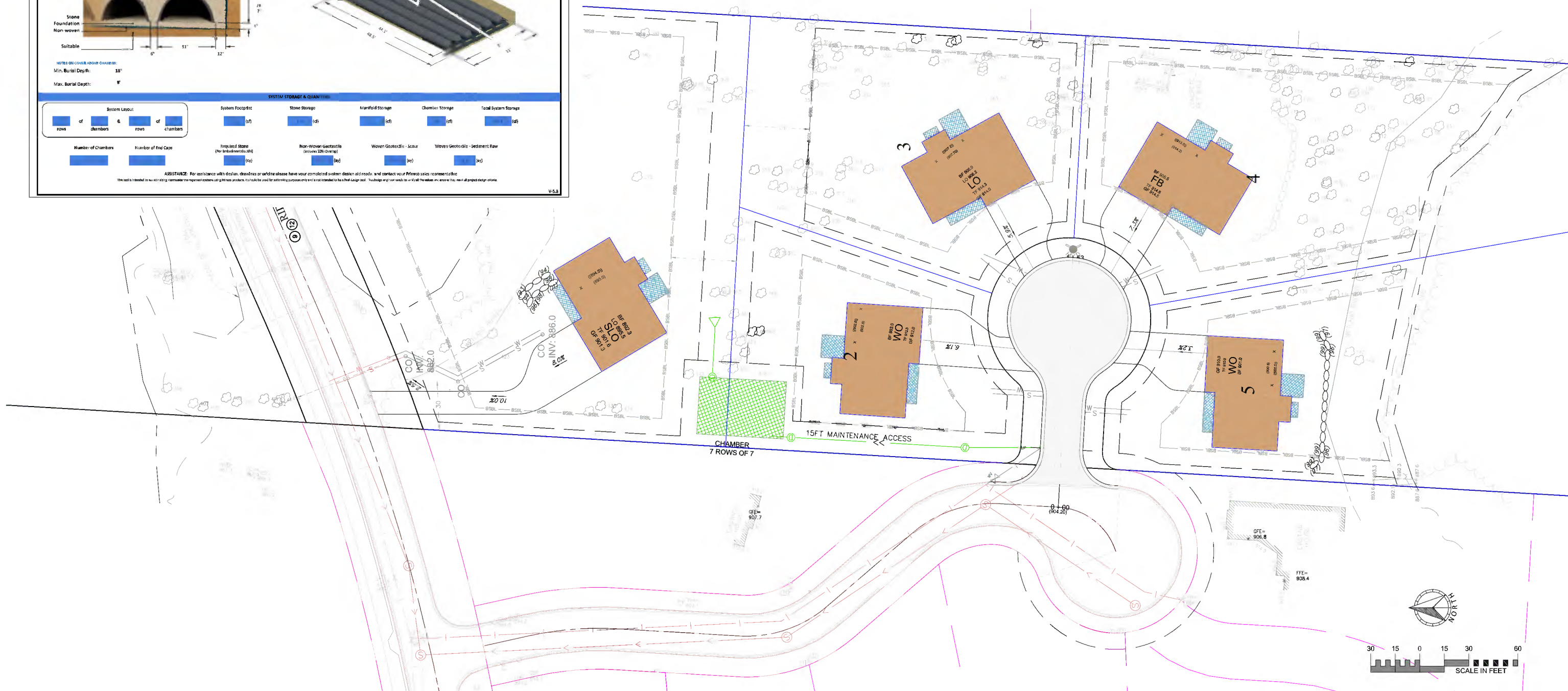


PROPOSED CHAMBER LOCATIONS

DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE	-----	-----
GARAGE SETBACK LINE	-----	-----
PARCEL BOUNDARY LINE	-----	-----
DRAINAGE AND UTILITY EASEMENTS	-----	-----
CURB AND GUTTER	-----	-----
RIGHT-OF-WAY	-----	-----
SANITARY SERVICE	-----	-----
BACKYARD CATCH BASIN	-----	-----
CATCH BASIN	-----	-----
STORM SEWER MANHOLE	-----	-----
FLARED END SECTION WRIP-RAP	-----	-----
STORM STRUCTURE LABEL	CB H3	CB H3
SANITARY STRUCTURE LABEL	-----	-----
SANITARY SEWER MANHOLE	-----	-----
WATERMAIN	-----	-----
HYDRANT	-----	-----
GATE VALVE	-----	-----



- 4" RIGID PVC DRAINTILE SHALL BE INSTALLED AT THE LOWPOINT CATCH BASINS 125' MIN. (STD) IN EACH DIRECTION & 250' IN THE UPHILL DIRECTION FOR ON SLOPE CATCH BASINS.
 - 4" PERFORATED REAR YARD DRAINTILE NOT WITH THE INFILTRATION/FILTRATION AREAS SHALL COMPLY TO CITY DETAIL 160 AND 170
 - TIE THE LAST 3 PIPE JOINTS TO FLARED END SECTIONS (TYPICAL).
 - TRASH GUARDS SHALL BE PLACED ON ALL FLARED END SECTIONS.
 - TIE ALL PIPE JOINTS BETWEEN STORM SEWER CONTROL STRUCTURES AND APRONS AND CULVERT APRONS.
 - TIE ALL JOINTS BETWEEN OCS STRUCTURES AND FLARED END SECTIONS.
 - WIMCO'S OR APPROVED EQUAL TO BE INSTALLED AT ALL STORM INLETS.
 - GRANULAR MATERIAL SHALL BE PLACED UNDER STORM SEWER PIPE OR STRUCTURES THAT ARE LESS THAN 48" BELOW FINISHED GRADE AND EXTEND TO AT LEAST 48" BELOW FINISHED GRADE.
 - RIP-RAP FOR STORM SEWER SHALL BE CONSTRUCTED USING GRANITE ROCK, 1' DIAMETER OR LARGER AND SHALL BE HAND PLACED. RIP-RAP SHALL BE CLASS 3 ON FILTER MATERIAL ON GEOTEXTILE FABRIC.
- ALL STORM SEWER STRUCTURES SHALL BE EXPOSED DURING STRING LINE OF CURB TO ENSURE PROPER FIT WITH CONCRETE RINGS.



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RIDGEVIEW	1	CAW	8/11/2022	REVISE GRADING - STORM
DRAWN	2	CAW	8/16/2022	EXTEND STREET
CAW				
CHECKED				
CAW				
DATE				
06/03/22				

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Charles A. Wiemerslage
 CHARLES A. WIEMERSLAGE, P.E.
 Date: 06/03/2022 Lic. No. 49180

ENGINEERS SURVEYORS DESIGNERS PLANNERS

SATHRE-BERGQUIST, INC.
 14000 25TH AVENUE NORTH, SUITE 120
 PLYMOUTH, MN 55447 (952) 476-6000

CITY PROJECT NO. _____

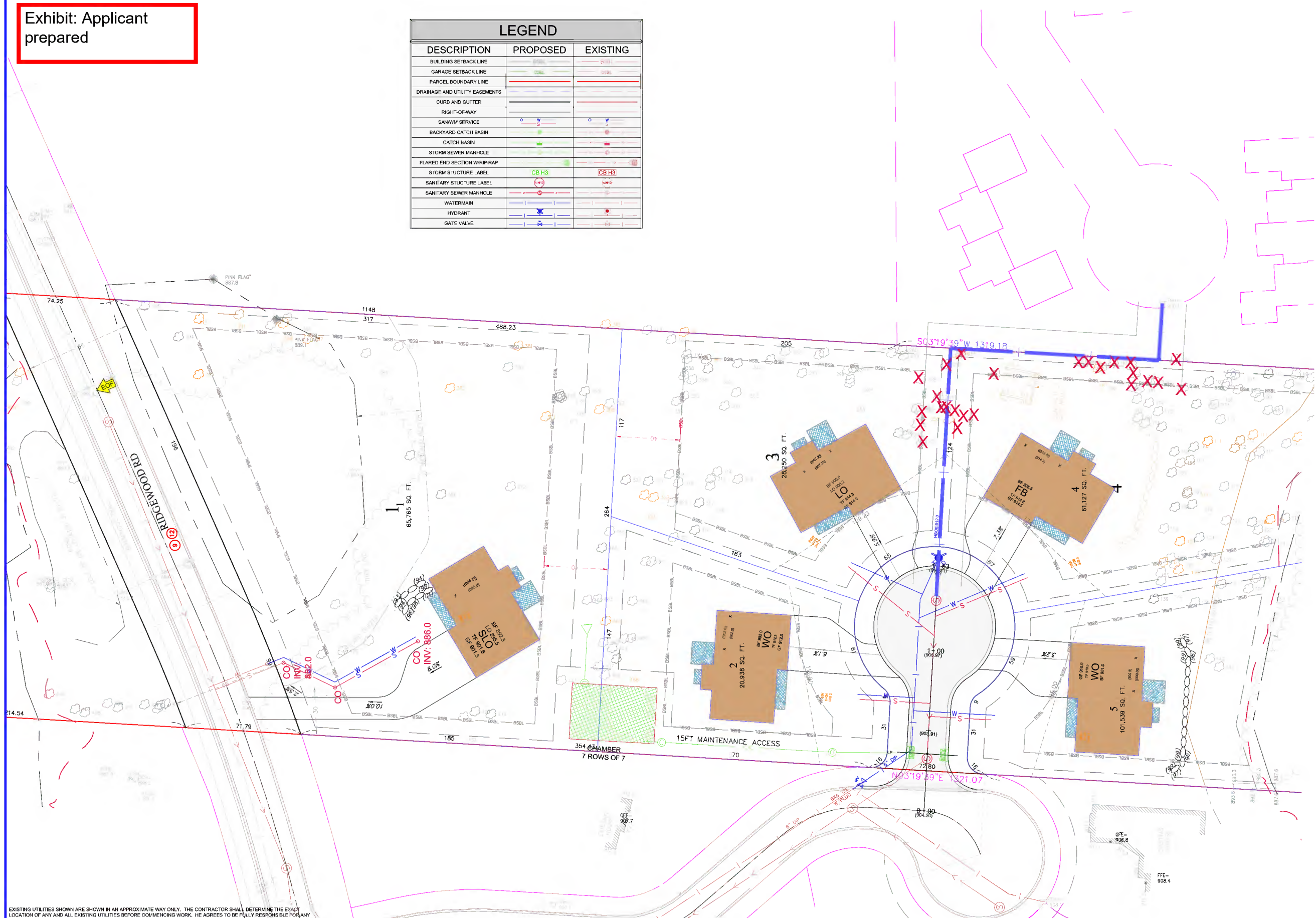
MINNETONKA, MINNESOTA

PRELIMINARY UTILITY PLANS
 DUNIBAR COURT
 ZEHNDER HOMES, INC.

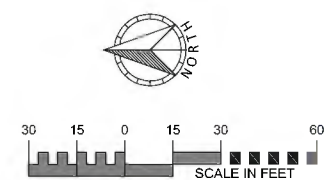
FILE NO. 99595-141
 UP2
 UP2

Exhibit: Applicant prepared

LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SANWY SERVICE		
BACKYARD CATCH BASIN		
CATCH BASIN		
STORM SEWER MANHOLE		
FLARED END SECTION WRAP-RAP		
STORM STRUCTURE LABEL	CB H3	CB H3
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		



ALTERNATE UTILITY PLAN 1
MINIMUM 25 ADDITIONAL TREES
REMOVED - 9 HIGH PRIORITY



DRAWING NAME	NO.	BY	DATE	REVISION
RIDGEVIEW	1	CAW	8/11/2022	REVISE GRADING - STORM
DRAWN	2	CAW	8/16/2022	EXTEND STREET
CAW				
CHECKED				
CAW				
DATE				
06/03/22				

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 ENGINEERS SURVEYORS
 DESIGNERS PLANNERS

14000 25TH AVENUE NORTH, SUITE 120
 PLYMOUTH, MN 55447 (952) 476-6000

CITY PROJECT NO.

MINNETONKA,
 MINNESOTA

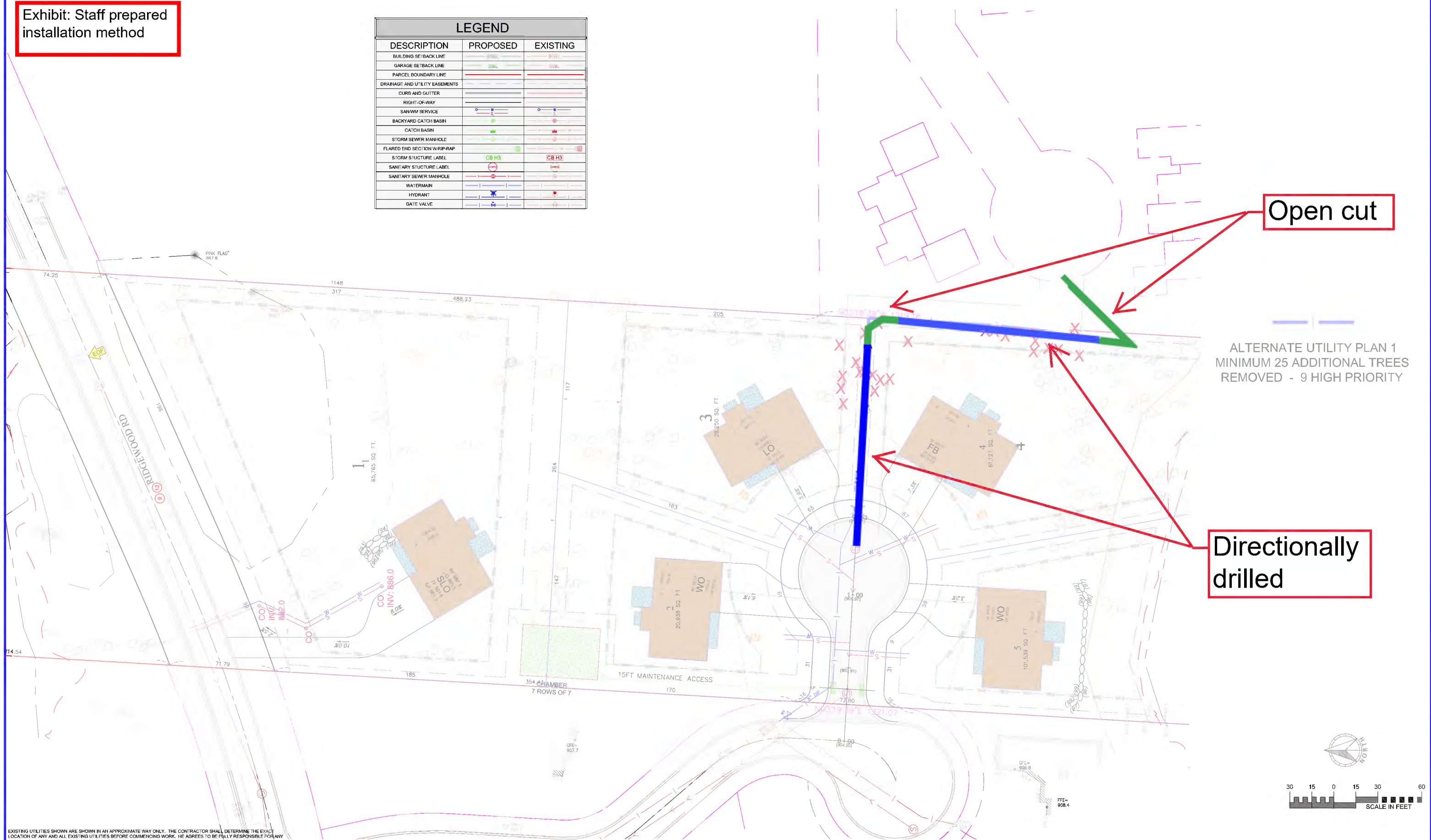
ALTERNATE UTILITY PLAN
 DUNIBAR COURT
 ZEHNDER HOMES, INC.

FILE NO.
 99595-141

ALT
 ALT

Exhibit: Staff prepared installation method

LEGEND		
DESCRIPTION	PROPOSED	EXISTING
BUILDING SETBACK LINE		
GARAGE SETBACK LINE		
PARCEL BOUNDARY LINE		
DRAINAGE AND UTILITY EASEMENTS		
CURB AND GUTTER		
RIGHT-OF-WAY		
SANWY SERVICE		
BACKYARD CATCH BASIN		
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FLARED END SECTION WRAP-RAP		
STORM STRUCTURE LABEL		
SANITARY STRUCTURE LABEL		
SANITARY SEWER MANHOLE		
WATERMAIN		
HYDRANT		
GATE VALVE		



Open cut

ALTERNATE UTILITY PLAN 1
MINIMUM 25 ADDITIONAL TREES
REMOVED - 9 HIGH PRIORITY

Directionally drilled

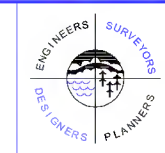
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 PLYMOUTH, MN 55447 (952) 476-6000

CITY PROJECT NO.

 MINNETONKA,
 MINNESOTA

ALTERNATE UTILITY PLAN
 DUNIBAR COURT
 ZEHNDER HOMES, INC.

FILE NO.
 98595-141
 ALT
 ALT

DESCRIPTION OF PROPERTY SURVEYED

The East 16 rods of the West 1/2 of the Southeast 1/4 of the Southeast 1/4, Section 19, Township 117, Range 22, Hennepin County, Minnesota

STANDARD NOTES

- Site Address: 17809 Ridgewood Road, Minnetonka, Minnesota, 55345
- Flood Zone Information: X (Area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown at 889.0 feet (NGVD29) on the north side of Ridgewood Road and at 887.0 feet (NGVD29) on the south side of Ridgewood Road. Mandatory flood insurance purchase requirements and floodplain management standards apply) per Flood Insurance Rate Map, Community Panel No. 27053C0317F, effective date of November 4th, 2016.
- Parcel Area Information:

Gross Area:	348,513 s.f. +/-	~ 8.001 acres +/-
R/W Area:	19,505 s.f. +/-	~ 0.448 acres +/-
Wet Area:	152,970 s.f. +/-	~ 3.512 acres +/-
Net Area:	176,038 s.f. +/-	~ 4.041 acres +/-

*We do not affirmatively insure the quantity of acreage set forth in the description
- Benchmark: Elevations are based on MNDOT Geodetic Station Name: 2706 M which has an elevation of: 981.953 feet (NAVD88).
- Zoning Information: The current Zoning for the subject property is R-1 (Low Density Residential) per the City of Minnetonka's zoning application on the date April 1st, 2022. The setback, height, and floor space area restrictions for said zoning designation were obtained from the City of Minnetonka found on their web site on the date of April 1st, 2022 and are as follows:

Principal Structure Setbacks -	Street(s): 35 feet
	Side: 10 feet min., 30 feet total
	Rear: 40 feet or 20% of lot depth, whichever is less
	Height: 35 feet
	Hardcover: 30 percent of lot area

*Please note that the zoning information shown hereon may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process prior to any planning or construction.

We have not received the current zoning classification and building setback requirements from the insurer.
- Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visually observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-0002.
- Wetland Delineation: The wetland delineation was performed by Kjolhaug Environmental Services and was flagged on April 24th, 2022. Sathre-Bergquist located the wetland flags on May 2nd, 2022.

SURVEY REPORT

This map and report was prepared with the benefit of a Commitment for Title Insurance issued by CHB Title, LLC as issuing agent for Old Republic National Title Insurance Company, File No. 55723, dated March 13th, 2022.

- We note the following with regards to Schedule B of the herein referenced Title Commitment:
 - Item no.'s 1-8 & 13-15 are not survey related
 - Item no. 9 - Subject to The Plat of Ridgewood Road filed as Document No. 3713208. - *Shown Hereon*.
 - Item no. 10 - Terms and conditions of Final Certificate in the Matter of the Condemnation of Certain Lands for Sanitary Sewer Easements and Watermain Easements, filed January 11, 1974, as Document No. 4062503, as evidenced in Quit Claim Deed from Richard Pashina and Dorothy Pashina, husband and wife to Metropolitan Sewer Board of Hennepin County, filed June 20, 1983, as Document No. 4802620. - *Shown Hereon*.
 - Item no. 11 - Terms and conditions of Order to Acquire Permanent Easements, filed May 21, 2008, as Document No. 9136552, as evidenced in Easement granted to the City of Minnetonka filed September 10, 2008, as Document No. 9181365. - *Shown Hereon*.
 - Item no. 12 - Subject to Ridgewood Road as laid out and traveled. - *Shown Hereon*.
- Observations/Comments noted hereon per field survey:
 - A concrete retaining wall of unknown ownership and purpose is located on the east side of the parcel.

TREE REMOVAL SUMMARY

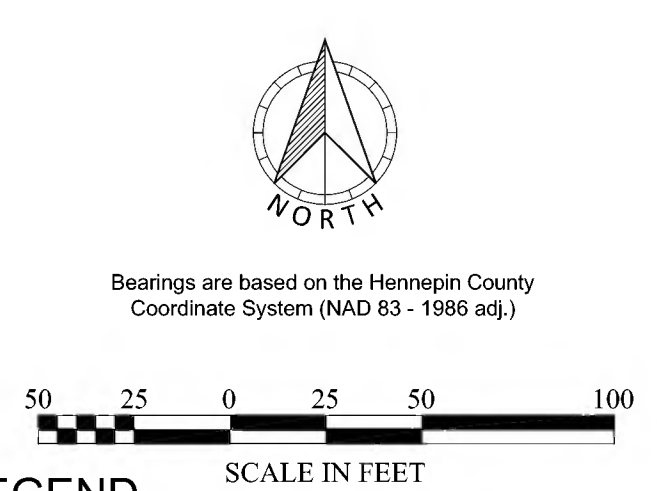
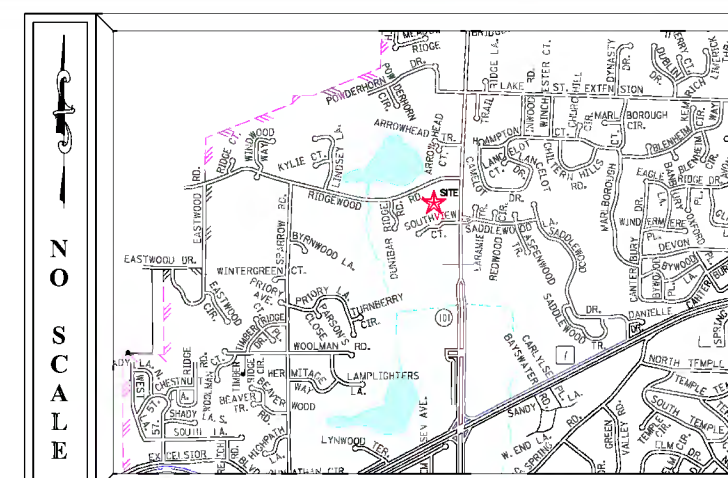
Total Trees on Site:	454
Dead / Insignificant Trees on Site:	59
Total Live Trees on Site:	395
Total High Priority Trees:	233
Total High Priority Removed:	79 ~ 33.9%
Total Significant Trees Removed:	149 ~ 37.7%

TREE LEGEND

- = Tree to be Saved
- = Tree to be Removed, Significant
- = Tree to be Removed, High Priority
- = Tree deemed not Significant

NOTE:
Trees 10,11,13,14,18,19,20,21,22,61,62,82,83,84,176,362,364,365
Are All Offsite

OVERALL - NO SCALE



SURVEY LEGEND

<ul style="list-style-type: none"> ● CAST IRON MONUMENT ○ IRON PIPE MONUMENT SET ● DRILL HOLE FOUND × CHISELED "X" MONUMENT SET × CHISELED "X" MONUMENT FOUND △ REBAR MONUMENT FOUND △ PK NAIL MONUMENT SET △ PK NAIL MONUMENT FOUND ○ PK NAIL W/ ALUMINUM DISC ○ SURVEY CONTROL POINT □ A/C UNIT □ CABLE TV PEDESTAL □ ELECTRIC TRANSFORMER □ ELECTRIC MANHOLE □ ELECTRIC METER □ FUEL TANK □ PROPANE TANK □ GAS METER □ GAS VALVE □ GAS MANHOLE □ GENERATOR □ GUARD POST □ HOLE □ MAIL BOX 	<ul style="list-style-type: none"> ○ PIEZOMETER ○ POWER POLE ○ GUY WIRE ○ ROOF DRAIN ○ LIFT STATION ○ SANITARY MANHOLE ○ SANITARY CLEANOUT ○ STORM MANHOLE ○ STORM DRAIN ○ CATCH BASIN ○ FLARED END SECTION ○ TREE CONIFEROUS ○ TREE DECIDUOUS ○ TREE CONIFEROUS REMOVED ○ TREE DECIDUOUS REMOVED ○ TELEPHONE MANHOLE ○ TELEPHONE PEDESTAL ○ UTILITY MANHOLE ○ UTILITY PEDESTAL ○ UTILITY VAULT ○ WATERMAIN MANHOLE ○ WATER METER ○ WATER SPIGOT ○ MONITORING WELL ○ CURB STOP ○ GATE VALVE ○ HYDRANT ○ IRRIGATION VALVE ○ POST INDICATOR VALVE ○ SOIL BORING 	<ul style="list-style-type: none"> WOE WALKOUT ELEVATION FFE FIRST FLOOR ELEVATION GFE GARAGE FLOOR ELEVATION TOF TOP OF FOUNDATION ELEV. LOE LOWEST OPENING ELEV. CONCRETE BITUMINOUS BUILDING SETBACK LINE CTV CABLE TV CONTOUR EXISTING CURB REG CONTOUR PROPOSED GUARD RAIL DRAIN TILE ELECTRIC UNDERGROUND FENCE FO FIBER OPTIC UNDERGROUND GAS UNDERGROUND OHU OVERHEAD UTILITY TREE LINE SANITARY SEWER STORM SEWER TELEPHONE UNDERGROUND RETAINING WALL UTILITY UNDERGROUND WATERMAIN TRAFFIC SIGNAL RAILROAD TRACKS RAILROAD SIGNAL RAILROAD SWITCH SATELLITE DISH WETLAND BUFFER SIGN
--	---	--



To: Zehnder Homes Inc. and Old Republic National Title Insurance Company:

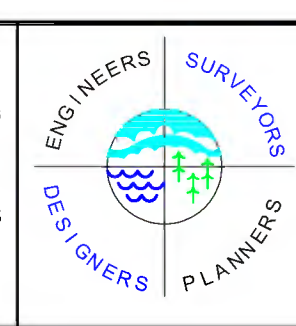
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1 - 5, 8, and 11 of Table A thereof. The field work was completed on March 30th, 2022.

Daniel L. Schmidt
Daniel L. Schmidt, PLS
Minnesota License No. 26147

Date of Plat or Map: May 11th, 2022

FIELD CREW	NO.	BY	DATE	REVISION
DMA K	1	EMW	5/6/2022	ADDED WETLAND BUFFER
DRAWN	2	CAW	8/11/2022	REVISE TREE TABLE
CHECKED				
DLS				
DATE				
3-22-22				

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SATHRE-BERGQUIST INC.
14000 25TH ST. STUIE 120
PLYMOUTH, MN. 55391
(952) 476-6000

TWP:117-RGE.22-SEC.19
Hennepin County
MINNETONKA, MINNESOTA

TREE SURVEY
DUNIBAR COURT
PREPARED FOR:
ZEHNDER HOMES, INC.

FILE NO.
99595-141
1
2

Tree #	Species	DBH	Condition	Stems	Height	Significant	High Priority	Notes	Tree #	Species	DBH	Condition	Stems	Height	Significant	High Priority	Notes	Tree #	Species	DBH	Condition	Stems	Height	Significant	High Priority	Notes
1	Willow	5.5	Fair	1		Yes	No		159	Boxelder	85.0	Good	1		Yes	Yes		317	Boxelder	28.5	Fair	2		Yes	Yes	
2	Willow	22.5	Good	1		Yes	No		160	Boxelder	5.5	Dead	1		No	No		318	Boxelder	13.0	Fair	1		Yes	Yes	
3	Willow	13.5	Good	1		Yes	Yes		161	Boxelder	5.0	Good	1		Yes	No		319	Boxelder	14.5	Fair	1		Yes	Yes	
4	Hackberry	10.0	Good	1		Yes	Yes		162	Basswood	16.5	Fair	1		Yes	Yes		320	Maple, sugar	12.5	Good	1		Yes	Yes	
5	Boxelder	12.5	Fair	1		Yes	Yes		163	Boxelder	7.0	Poor	1		No	No	decay	321	Boxelder	27.5	Fair	1		Yes	Yes	
6	Boxelder	13.5	Fair	1		Yes	Yes		164	Boxelder	8.0	Good	1		Yes	No		322	Boxelder	6.5	Dead	1		No	No	
7	Boxelder	21.5	Good	1		Yes	Yes		165	Hackberry	7.0	Good	1		Yes	No		323	Boxelder	5.5	Dead	1		No	No	
8	Boxelder	9.5	Good	1		Yes	No		166	Boxelder	9.5	Fair	1		Yes	No		324	Boxelder	14.0	Good	1		Yes	Yes	
9	Boxelder	7.0	Poor	1		No	No	broken top	167	Boxelder	7.5	Good	1		Yes	No		325	Redcedar	10.0	Good	1	25	Yes	Yes	
10	Elm, red	10.0	Good	1		Yes	Yes		168	Boxelder	7.0	Fair	1		Yes	No		326	Redcedar	5.5	Good	1	50	Yes	No	
11	Elm, American	10.5	Good	1		Yes	Yes		169	Boxelder	8.5	Fair	1		Yes	No		327	Pine, Scots	19.0	Fair	1	90	Yes	Yes	
12	Boxelder	13.0	Good	1		Yes	Yes		170	Hackberry	9.0	Good	1		Yes	No		328	Elm, red	10.5	Good	1		Yes	Yes	
13	Boxelder	26.5	Poor	2		No	No	split, decay	171	Boxelder	10.0	Good	1		Yes	Yes		329	Cottonwood	26.0	Good	1		Yes	Yes	
14	Boxelder	21.0	Poor	1		No	No	cracked, leaner	172	Boxelder	8.0	Good	1		Yes	No		330	Boxelder	10.5	Poor	1		No	No	decay
15	Boxelder	10.5	Good	1		Yes	Yes		173	Boxelder	6.0	Good	1		Yes	No		331	Boxelder	6.0	Dead	1		No	No	
16	Elm, American	8.0	Fair	1		Yes	No		174	Boxelder	13.0	Good	1		Yes	Yes		332	Boxelder	9.5	Good	1		Yes	No	
17	Elm, American	6.0	Good	1		Yes	No		175	Boxelder	6.0	Good	1		Yes	No		333	Boxelder	7.5	Fair	1		Yes	No	
18	Boxelder	80.0	Poor	1		No	No	broken top	176	Boxelder	4.5	Good	1		Yes	No		334	Boxelder	5.0	Good	1		Yes	No	
19	Boxelder	11.5	Fair	1		Yes	Yes		177	Boxelder	12.0	Good	1		Yes	Yes		335	Boxelder	7.5	Good	1		Yes	No	
20	Boxelder	13.0	Good	1		Yes	Yes		178	Boxelder	8.0	Fair	1		Yes	No		336	Boxelder	5.5	Poor	1		No	No	decay
21	Boxelder	7.0	Poor	1		No	No	almost dead	179	Boxelder	6.5	Fair	1		Yes	No		337	Elm, American	8.0	Good	1		Yes	No	
22	Boxelder	11.0	Poor	1		No	No		180	Boxelder	5.5	Good	1		Yes	No		338	Elm, red	11.5	Good	1		Yes	Yes	
23	Boxelder	4.5	Fair	1		Yes	No		181	Boxelder	8.0	Fair	1		Yes	No		339	Elm, Siberian	34.0	Fair	1		Yes	Yes	
24	Boxelder	12.5	Good	1		Yes	Yes		182	Boxelder	6.5	Good	1		Yes	No		340	Redcedar	7.0	Good	1	25	Yes	Yes	
25	Boxelder	13.0	Fair	1		Yes	Yes		183	Boxelder	5.5	Good	1		Yes	No		341	Elm, American	14.5	Good	1		Yes	Yes	
26	Boxelder	10.5	Poor	1		No	No	broken	184	Boxelder	13.0	Good	1		Yes	Yes		342	Redcedar	9.0	Fair	1	40	Yes	Yes	
27	Boxelder	9.0	Good	1		Yes	No		185	Boxelder	5.5	Good	1		Yes	No		343	Elm, American	14.0	Good	1		Yes	Yes	
28	Boxelder	21.0	Poor	1		No	No	decay	186	Boxelder	12.0	Good	1		Yes	Yes		344	Ash, green	11.5	Good	1		Yes	Yes	
29	Boxelder	5.5	Fair	1		Yes	No		187	Boxelder	5.0	Dead	1		No	No		345	Boxelder	7.5	Good	1		Yes	No	
30	Boxelder	6.5	Dead	1		No	No		188	Boxelder	10.0	Good	1		Yes	Yes		346	Catalpa	18.5	Good	3		Yes	Yes	
31	Boxelder	12.5	Fair	1		Yes	Yes		189	Boxelder	5.0	Good	1		Yes	No		347	Redcedar	8.5	Good	1	35	Yes	Yes	
32	Basswood	82.0	Good	5		Yes	Yes		190	Boxelder	10.0	Good	1		Yes	Yes		348	Redcedar	3.0	Dead	1	18	No	No	
33	Boxelder	11.5	Good	1		Yes	Yes		191	Boxelder	7.0	Good	1		Yes	No		349	Redcedar	8.5	Good	1	40	Yes	Yes	
34	Boxelder	11.5	Good	1		Yes	Yes		192	Boxelder	5.0	Good	1		Yes	No		350	Ash, green	10.0	Good	1		Yes	Yes	
35	Boxelder	21.0	Good	1		Yes	Yes		193	Boxelder	4.0	Good	1		Yes	No		351	Redcedar	10.5	Good	1	45	Yes	Yes	
36	Boxelder	12.5	Good	1		Yes	Yes		194	Boxelder	4.5	Good	1		Yes	No		352	Boxelder	10.5	Good	2		Yes	Yes	
37	Boxelder	11.0	Good	1		Yes	Yes		195	Boxelder	7.5	Good	1		Yes	No		353	Boxelder	4.0	Good	1		Yes	No	
38	Boxelder	10.0	Fair	1		Yes	Yes		196	Boxelder	8.0	Good	1		Yes	No		354	Boxelder	12.0	Good	1		Yes	Yes	
39	Boxelder	14.5	Fair	1		Yes	Yes		197	Boxelder	8.0	Fair	1		Yes	No		355	Boxelder	10.5	Fair	1		Yes	Yes	
40	Boxelder	11.0	Good	1		Yes	Yes		198	Boxelder	6.5	Fair	1		Yes	No		356	Boxelder	14.0	Good	1		Yes	Yes	
41	Boxelder	7.5	Good	1		Yes	No		199	Boxelder	10.0	Good	1		Yes	Yes		357	Boxelder	13.0	Fair	1		Yes	Yes	
42	Boxelder	15.0	Good	1		Yes	Yes		200	Boxelder	19.0	Good	3		Yes	Yes		358	Boxelder	9.5	Fair	1		Yes	No	
43	Boxelder	13.0	Dead	1		No	No		201	Redcedar	9.0	Good	1	22	Yes	Yes		359	Boxelder	7.5	Good	1		Yes	No	
44	Boxelder	5.5	Good	1		Yes	No		202	Redcedar	17.0	Good	1	30	Yes	Yes		360	Elm, red	9.0	Good	1		Yes	No	
45	Boxelder	14.0	Good	1		Yes	Yes		203	Redcedar	3.5	Good	1	22	Yes	Yes		361	Elm, red	10.0	Poor	1		No	No	decay
46	Boxelder	19.5	Fair	1		Yes	Yes		204	Redcedar	5.0	Good	1	25	Yes	Yes		362	Boxelder	17.5	Poor	1		No	No	decay
47	Boxelder	15.5	Good	1		Yes	Yes		205	Elm, American	9.5	Dead	1		No	No		363	Boxelder	10.5	Fair	1		Yes	Yes	
48	Boxelder	13.5	Dead	1		No	No		206	Elm, American	11.0	Good	1		Yes	Yes		364	Boxelder	16.0	Fair	1		Yes	Yes	
49	Boxelder	17.5	Fair	1		Yes	Yes		207	Elm, American	5.5	Good	1		Yes	No		365	Boxelder	23.5	Poor	1		No	No	missing bark
50	Boxelder	6.0	Poor	1		No	No	decay	208	Boxelder	4.5	Dead	1		No	No		366	Butternut	11.0	Dead	1		No	No	
51	Boxelder	25.0	Good	1		Yes	Yes		209	Boxelder	11.5	Good	1		Yes	Yes		367	Elm, American	25.0	Good	2		Yes	Yes	
52	Boxelder	11.0	Good	1		Yes	Yes		210	Boxelder	4.0	Fair	1		Yes	No		368	Boxelder	11.5	Poor	1		No	No	dieback
53	Boxelder	8.0	Good	1		Yes	No		211	Hackberry	15.0	Good	1		Yes	Yes		369	Boxelder	33.0	Fair	2		Yes	Yes	
54	Boxelder	10.5	Good	1		Yes	Yes		212	Boxelder	5.0	Poor	1		No	No	half dead	370	Boxelder	18.0	Poor	2		No	No	borers, decay
55	Boxelder	7.5	Poor	1		No	No	missing top	213	Boxelder	6.5	Good	1		Yes	No		371	Spruce, white	13.5	Poor	1		No	No	disease
56	Boxelder	28.0	Fair	2		Yes	Yes		214	Boxelder	5.5	Good	1		Yes	No		372	Whitecedar	32.0	Good	3	28	Yes	Yes	
57	Boxelder	15.0	Good	1		Yes	Yes		215	Boxelder	7.5	Good	1		Yes	No		373	Maple, sugar	28.0	Poor	1		No	No	decay
58	Boxelder	10.5	Good	1		Yes	Yes		216	Boxelder	5.0	Good	1		Yes	No		374	Spruce, white	8.0	Poor	1		No	No	diseased
59	Ash, black	11.0	Good	1		Yes	Yes		217	Boxelder	4.5	Fair	1		Yes	No		375	Whitecedar	4.0	Fair	1	25	Yes	Yes	
60	Boxelder	5.0	Fair	1		Yes	No		218	Elm, American	17.0	Good	1		Yes	Yes		376	Whitecedar	5.0	Fair	1	25	Yes	Yes	
61	Ash, black	20.0	Poor	1		No	No	decay	219	Boxelder	11.5	Good	1		Yes	Yes		377	Whitecedar	3.5	Fair	1	25	Yes	Yes	
62	Boxelder	6.5	Poor	1		No	No	decay	220	Hackberry	11.0	Good	1		Yes	Yes		378	Whitecedar	4.0	Good	1	22	Yes	Yes	
63	Ash, black	14.5	Fair	1		Yes	Yes		221	Boxelder	8.0	Good	1		Yes	No		379	Whitecedar	5.0	Good	1	25	Yes	Yes	
64	Ash, black	11.0	Good	1		Yes	Yes		222	Elm, red	11.0	Good	1		Yes	Yes		380	Maple, sugar	27.5	Fair	1		Yes	Yes	
65	Ash, black	4.0	Fair	1		Yes	No		223	Boxelder	7.9	Good	1		Yes	No		381	Spruce, white	11.0	Dead	1	30	No	No	
66	Ash, black	9.5	Good	1		Yes	No		224	Boxelder	7.5	Good	1		Yes	No		382	Birch, paper	29.5	Poor	1		No	No	decay
67	Ash, black	8.0	Good	1		Yes	No		225	Boxelder	11.0	Good	1		Yes	Yes		383	Spruce, white	15.0	Fair	1	50	Yes	Yes	
68	Ash, black	15.0	Good	1		Yes	Yes		226	Elm, red	8.0	Good	1		Yes	No		384	Boxelder	8.0	Good	1		Yes	No	
69	Ash, black	11.5	Good	1		Yes	Yes		227	Redcedar	4.5	Good	1	25	Yes	Yes		385	Honeylocust	19.0	Fair	1		Yes	Yes	
70	Ash, black	13.5	Good	1		Yes	Yes		228	Redcedar	6.5	Good	1	25	Yes	Yes		386	Crabapple	23.0	Fair	1		Yes	Yes	
71	Ash, black	9.0	Good	1		Yes	No		229	Redcedar	6.0	Good	1	25	Yes	Yes										

1999 AND PRIOR TAXES PAID
TAXPAYER SERVICES
TRANSFER ENTERED

DEC 29 1999

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1
HENNEPIN COUNTY MINN.
Tom Miller DEPUTY

Box 491
**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS FOR DUNIBAR RIDGE**

THIS DECLARATION made this 27th day of December, 1999 by Janco, Inc., a Minnesota corporation, with an address of 10201 Wayzata Boulevard, Suite 220, Minnetonka, Minnesota 55305 (hereinafter referred to as "Developer").

WHEREAS, Developer is the legal owner of the residential lots and outlots legally described in Article II of this Declaration (collectively referred to as "Dunibar Ridge"), and Developer desires to create thereon a community of compatible and complementary single-family residential homes of high architectural quality for the benefit of the residents of the community and consistent with the requirements of the City of Minnetonka for the development of Dunibar Ridge; and

WHEREAS, Developer deems it desirable for the assurance of consistent quality in architectural design to establish certain restrictions and covenants as to how Dunibar Ridge may be developed and to subject certain portions of Dunibar Ridge to the easements set forth herein; and

WHEREAS, Developer deems it desirable for purposes of efficiency to create a committee to which shall be delegated and assigned the powers of administering and enforcing certain of the following covenants and restrictions and exercising unfettered judgement as to what architectural designs are compatible and complementary to Dunibar Ridge; and

WHEREAS, Developer intends that certain of the following covenants and restrictions are to be administered and enforced by Developer and the homeowners association established for Dunibar Ridge for the purposes expressed in the Articles of Incorporation for the Dunibar Ridge Homeowners Association,

NOW, THEREFORE, Developer declares that the residential lots within Dunibar Ridge shall be held, transferred, sold, conveyed, occupied and used subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with title to the real property comprising Dunibar Ridge and be binding on all parties having any right, title or interest in any lot within Dunibar Ridge, together with their heirs, successors and assigns, and shall inure to the benefit of each owner thereof and the City of Minnetonka.

OFFICE OF COUNTY RECORDER
HENNEPIN COUNTY, MINNESOTA

CERTIFIED FILED AND OR
RECORDED ON

99 DEC 30 AM 8:03

U.S. DOCUMENT # 7236548

[Signature] DEPUTY

ARTICLE I DEFINITIONS

Section 1. "Association" shall mean and refer to Dunibar Ridge Homeowners Association, its successors and assigns.

Section 2. "City" shall mean the City of Minnetonka, a Minnesota municipal corporation.

Section 3. "Common Properties" shall mean and refer to that certain real property, including all improvements and structures constructed or to be constructed thereon, described in this Declaration as owned or to be owned by the Association for the common use, benefit and enjoyment of the Owners including (a) Outlots B and C, Dunibar Ridge, Hennepin County, Minnesota (the "Outlots"), which Outlot B and a portion of Outlot C are subject to a Conservation Easement granted by the Declarant in favor of the City, dated December 27 1999, recorded _____, _____ in the Hennepin County, Minnesota Recorder's Office as recorded Document No. _____ (the "Conservation Easement") and which Outlot C is subject to the Private Street Easement herein declared; (b) the easement over the property legally described in Exhibit A attached hereto for the purposes set forth in Article IV hereof (the "Monument Easement"); and (c) such additions thereto (by way of easement or other grant from Developer or others) as have or may be granted to the Association, or as may be described in any amendment to this Declaration, or as may be designated by Developer in any supplementary Declaration made by Declarant in accordance with Article II hereof.

Section 4. "Developer" shall mean and refer to Janco, Inc., a Minnesota corporation, its successors and assigns.

Section 5. "Living Unit" shall mean a single residential housing unit consisting of a group of rooms and hallways which are designed or intended for use as living quarters for one family.

Section 6. "Lot" shall mean and refer to any tract or parcel of land shown upon any recorded plat or subdivision map of Dunibar Ridge (except the Outlots), whenever such plat or subdivision map, as amended, replatted or further subdivided, shall be made of record.

Section 7. "Members" shall mean all owners who are members of the Association as provided in Article V hereof.

Section 8. "Mortgage" shall mean any first mortgage or other security instrument by which a Lot or any part thereof is encumbered by a first priority lien.

Section 9. "Mortgagee" shall mean any person named as the Mortgagee under any such Mortgage or any successors to the interest of such person under such Mortgage.

Section 10. "Outlots" shall mean Outlot B and Outlot C, created by the recorded Plat of Dunibar Ridge, Hennepin County, Minnesota.

Section 11. "Private Street Easement" shall mean and refer to that certain easement over Outlot C, Dunibar Ridge, except that portion of Outlot C subject to the Conservation Easement, for (a) roadway and utility purposes for the benefit of and access to Lots 5, 6 and 7, Block 2, Dunibar Ridge, and (b) pedestrian and non-motorized vehicular access to Outlot B, for the benefit of all the Lots.

Section 12. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot subject to this Declaration, but shall not mean or refer to the Mortgagee of any such Lot unless and until such Mortgagee has acquired title pursuant to or in lieu of foreclosure of a Mortgage and the period within which the fee owner may redeem from such foreclosure has terminated. Where any such Lot is being sold by the fee owner to a contract vendee who is entitled to possession of the Lot, the contract vendee shall be considered the "Owner" of the Lot upon furnishing adequate proof to the Association that the rights of the fee owner as to the Association have been delegated to the contract vendor under such contract for deed.

Section 13. "Properties" shall mean and refer to the Lots and Outlots and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

ARTICLE II PROPERTY SUBJECT TO THIS DECLARATION

Section 1. Existing Properties. The real estate which is and shall be held, transferred, sold, conveyed, occupied and used subject to this Declaration is located in the City of Minnetonka, County of Hennepin, and State of Minnesota and is more particularly described as follows: Lot 1, Block 1; Lots 1 through 7, inclusive, Block 2; Lot 1, Block 3; and Outlot B and C, all in Dunibar Ridge, according to the plat thereof on file or of record in the office of the in and for Hennepin County, Minnesota.

Section 2. Additional Property. Additional property, including any additional or substituted Common Elements, may become subject to this Declaration by filing for record in the Office of the County Recorder and/or Registrar of Titles, whichever is appropriate in connection with the real property described of one or more Supplementary Declarations of Covenants, Conditions, Restrictions and Easements ("**Supplementary Declaration**"), which shall extend the scheme of the covenants and restrictions and easements of this Declaration to such additional property. The Supplementary Declaration may include necessary additions or modifications to this Declaration with respect to such additional property, but may not revoke, modify or add to the covenants and restrictions established by Article VIII of this Declaration with respect to the Lots described in Section 1 above. Such Additional Property may be annexed as provided, however, that until December 31, 2002, and without the consent of any other member of the Association, the Developer shall have the right to annex such additional property to the scheme of this Declaration, by a Supplementary Declaration, as aforesaid, provided that such property so annexed by the Declarant without such consent of the members of the Association shall be all or a part of the property legally described as the East Sixteen (16) rods of the West one-half (W1/2) of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Nineteen (19), Township One hundred seventeen (117), Range Twenty Two (22), Hennepin County, Minnesota.

**ARTICLE III
USE OF COMMON PROPERTIES**

Section 1. Owners' Easement of Enjoyment Common Properties. Every Owner shall have a right and easement of enjoyment, subject to the obligation of maintenance, protection and preservation therewith, in and to the Common Properties which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) The right of the Association to charge reasonable charges and other fees for the use, enjoyment, maintenance, repair and protection of any improvements situated upon the Common Properties.

(b) The right of the Association to suspend the voting rights of an Owner for any period during which an assessment against that Owner's Lot remains unpaid.

(c) The right of the Association to dedicate or transfer all or any part of the Common Properties to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument agreeing to such dedication or transfer signed by fifty-one percent (51%) of each class of members has been recorded.

(d) The terms of the Conservation Easement granted to the City over Outlot B and a portion of Outlot C, Dunibar Ridge.

(e) Use of the Private Street Easement shall be limited to those uses permitted in Section 3 of Article IV hereof.

Section 2. Common Properties Restriction. No industry, business, trade, occupation or profession of any kind shall be conducted, maintained or permitted on any part of the Common Properties, nor shall any "for sale" signs or any window display advertising be maintained or permitted on any part thereof, except that Developer reserves the right for itself or its agents to maintain a business and sales office during the construction and sales periods and to place "for sale" or any other signs on any part of the Common Properties (other than the Outlots) and to use any part of the Common Properties (other than the Outlots) for sale or display purposes.

Section 3. Obstructions. There shall be no obstruction of the Common Properties, nor shall any Owner be allowed to keep or store anything on any part of the Common Properties without the prior written consent of the Association except construction materials and equipment during the period of construction upon the Common Properties or except as specifically provided herein. Nothing shall be altered on, constructed in, or removed from the Common Properties except as authorized and permitted by the Developer or upon the prior written consent of the Association.

Section 4. Delegation of Use. Any Owner may delegate, in accordance with the Bylaws of the Association, his or her right of enjoyment to the Common Properties to the members of his or her family, his or her tenants, or contract purchasers who reside on the property.

ARTICLE IV
MAINTENANCE OF ENTRANCE MONUMENTS, PRIVATE STREET AND OUTLOTS

Section 1. Monuments. One or more entrance monuments and related plantings and improvements may be constructed on the Monument Easements described in Exhibit A attached hereto, which easement is hereby granted and declared by Developer for the benefit of the Association and the Lots, and which shall run with and be binding upon the land. The repair, maintenance and replacement of these monuments, plantings and related improvements shall be the obligation of the Association, and any and all maintenance, repair and replacement costs shall be assessed in accordance with Article VI hereof.

Section 2. INTENTIONALLY OMITTED.

Section 3. Private Street. A twenty-foot driveway and related improvements shall be constructed by Developer on the Private Street Easement, which easement the Developer hereby grants and declares, and which shall run with and be binding upon the land, for (a) vehicular and pedestrian access to and for the benefit of Lots 5, 6 and 7, Block 2 and the Owners thereof, and (b) the installation, maintenance and replacement of utility lines and related appurtenances for the benefit of the Lots and Outlots and the Owners thereof, including but not limited to storm drainage facilities and catch basins, electrical and sanitary sewer facilities and water lines, and (c) pedestrian and non-motorized vehicular access to Outlot B, Dunibar Ridge for the benefit of all the Lots and Owners thereof. The repair, maintenance and replacement of the improvements to and utility installations in Outlot C (including the obligation to keep the street thereon at all times cleared of snow and ice and to annually inspect and clean the sump catch basins to remove collected sediment) shall be borne equally by the Owners of said Lots 5, 6 and 7 (one-third each), and such Owners shall keep the same in good condition and repair, consistent with the original construction thereof. In the event that such Owners fail to perform such repair, maintenance and obligations within ninety (90) days (subject to extension as reasonably necessary for weather conditions) after notice by the Association that any such repair, maintenance or replacements thereto are necessary in the reasonable judgment of the Association, or at any time without notice in the event of an emergency, the Association may order such repairs, maintenance or replacements and charge the cost thereof to the Owners of Lots 5, 6, and 7 in accordance with Article VI, Section 5 hereof.

Section 4. Outlots. Outlot B and the portion of Outlot C subject to the Conservation Easement, Dunibar Ridge consist of wetland areas. The maintenance of said Outlot B and that portion of Outlot C subject to the Conservation Easement, and any improvements installed thereon by the Association, to the extent not maintained by municipal authorities, shall be the obligation of the Association and any and all maintenance costs shall be assessed in accordance with Article VI hereof.

ARTICLE V
MEMBERSHIP AND VOTING RIGHTS - ASSOCIATION

Section 1. Membership. Each Owner of a Lot which is subject to assessment by the Association shall be a Member of the Association. Membership shall be appurtenant to and may not be separated from ownership of such Lot.

Section 2. Voting Rights. The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners of one or more Lots, except the Developer. Each Class A member shall be entitled to one vote for each Lot owned by him or her. When more than one person own any Lot, all such persons shall be members, and the vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B member shall be the Developer. The Class B member shall be entitled to three votes for each Lot owned by it. The Class B membership shall cease and be converted to Class A membership upon conveyance of fee title to a Lot from the Developer, in which event the Owner of such Lot shall be entitled to vote as a Class A member and the Class B member shall no longer be entitled to any vote with respect to that Lot.

ARTICLE VI
COVENANT FOR MAINTENANCE ASSESSMENTS; LIENS; CONTRACTING FOR COMMON SERVICES

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Developer, for each Lot owned within the Properties, hereby covenants, and each owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The special assessments, together with interest, costs and reasonable attorneys' fees to collect the same, shall be a charge on each Lot within Dunibar Ridge and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs, and reasonable attorneys' fees to collect the same, shall also be the personal obligation of the person who was the Owner of such Lot at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to an Owner's successors in title unless expressly assumed by them.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Properties and for the maintenance, repair, replacement, improvement, preservation and protection of the Common Properties and the improvements constructed thereon.

Sections 3. Annual Assessment. The annual assessment must be fixed at a uniform rate for each Lot. The annual assessment shall be due and payable each September 1 beginning on September 1, 2000. The annual assessment due September 1, 2000 shall not exceed One

Hundred and No/100 Dollars (\$100.00). For the following years, the annual assessment shall be levied by the Association, based upon a proposed budget. The annual assessment may be increased, without a vote of the Member, by the greater of (a) One Hundred and No/100 Dollars (\$100.00) per Lot; or (b) the percentage increase, if any, over the twelve-month period preceding the year for which such annual assessment is levied, in the Consumer Price Index, all items, published by the United States Department of Commerce, Bureau of Labor Statistics, for the region including Eden Prairie, Minnesota. In order to increase the annual assessment more than the maximum amount established in this Section, a vote of fifty percent (50%) of the votes of each class of Member cast by the members present, in person or by proxy, at a meeting of the Association called for that purpose shall be necessary. The Board of Directors of the Association shall fix the amount of the annual assessment in an amount not in excess of the maximum. The annual assessment for each year shall be fixed, and written notice provided to each Owner at least thirty (30) days prior to September 1 of the year in which the assessment is due. Failure to provide such notice, however, shall not render the assessment invalid. Annual Assessments shall be payable in a single lump-sum payment, unless the Board of Directors of the Association elects otherwise.

Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Properties, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of each class of Members who are voting in person or by proxy at a special meeting duly called for this purpose. Notwithstanding the foregoing, in the event the City levies a special assessment or taxes relating to the Common Properties, this special assessment shall be assessed to the Owners by the Association without the requirement of the consent of the Owners,

Section 5. Individual Lot Maintenance Assessments. In the event that any Owner violates any covenant or fails to perform any condition contained in this Declaration, the Association may, but shall not be obligated in any way to, perform the act, remove the defect or correct the violation upon thirty (30) days written notice to the Owner, and, as appropriate, pursuant to the procedures contained in Article VI. If the Association so acts on behalf of an Owner, the Association may levy an assessment (hereinafter, "**Individual Lot Maintenance Assessment**") against the Lot for the cost of the performance or correction. The Board of Directors of the Association shall determine when any individual Lot Maintenance Assessment shall be payable.

Section 6. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on a monthly, quarterly or annual basis.

Section 7. Assessment Certificates. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of its issuance.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at a rate of interest established by the Board of Directors of the Association which shall not exceed the lower of (a) the maximum rate permitted by law, or (b) eight percent (8%) per annum. The Association may bring an action at law against the owner personally obligated to pay the same, or foreclose the lien against the property, in the same manner in which mortgages may be foreclosed in Minnesota. Each Owner, by acceptance of a deed for any Lot, shall be deemed to give full and complete power of sale to the Association and to consent to a foreclosure of the lien by advertisement as provided by Minnesota Statutes. The Association may elect to bring an action at law against the Owner personally obligated to pay the assessment. The Association shall be entitled to recover its attorneys' fees, costs and expenses in the event it prevails in any action to recover any assessments and interest due thereon. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Properties or abandonment of his or her Lot.

Section 9. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien of any first Mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien upon such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

Section 10. Cable Television. The Association may (but shall not be required to) enter into appropriate agreements with cable television or other cable or similar services serving the Property, on behalf of the Members of the Association, upon such terms and subject to such conditions as the Board of Directions may, from time to time, agree.

Section 11. Trash Removal. The Association may (but shall not be required to) enter into appropriate agreements with trash removal services or similar services serving the Property, on behalf of the Members of the Association, upon such terms and subject to such conditions as the Board of Directors may, from time to time, agree.

Section 12. Other Joint Purchasing Activities. The Association may (but shall not be required to) enter into other contracts or similar joint purchasing activities, on behalf of the Members of the Association, upon such terms and subject to such conditions as the Board of Directors may, from time to time, agree.

ARTICLE VII ARCHITECTURAL CONTROL COMMITTEE

Section 1. Establishment of Architectural Control Committee. There is hereby created an Architectural Control Committee ("ACC") to regulate and enforce the terms, conditions, covenants and restrictions of this Declaration.

Section 2. Committee Membership. The ACC shall have three (3) initial members: Janice M. Graham, Roy Lecy, and Tom Graham, with an initial address of 10201 Wayzata Boulevard, Suite 220, Minnetonka, Minnesota 55305. The initial members shall serve at the pleasure of the Developer and the Developer shall have the authority and power to appoint successors and/or replacements by duly recorded instrument until the Class B membership ceases

to exist. At that time, the Association shall appoint three (3) successors, who shall be Owners of Lots, and establish an address for the newly appointed ACC. In the event the Association does not appoint successors to the ACC upon the termination of the Class B membership, or at any time after successors are so appointed by the Association, the then Owners of the majority of the Lots shall have the power through a duly recorded instrument to elect successors and/or new members to the ACC.

Section 3. Review by Committee; Completion of Construction. No building, structure, fence, wall, patio, swimming pool, tennis court or any other structure shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, color, surrounding landscaping, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by a majority of the ACC. At the same time, a landscape plan must be submitted to the ACC showing the effect of the design and placement of the improvement on the existing grade and landscape and on any trees that are eight inches or more in diameter at the base of the tree. The ACC shall take such landscape plan into consideration when deliberating whether to approve construction of the improvement and may withhold its approval if, in its good faith judgment, the landscape plan does not minimize damage to such trees and existing grade and landscape. In the event said ACC fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will be deemed to have been granted. In the event of disapproval by the ACC, the requesting Owner may give written notice that the Owner wishes to appeal the ACC decision and request a hearing by the Association's Board of Directors. Such notice must be furnished to the ACC within ten (10) days of its decision. The hearing shall be at a special meeting of the Board of Directors to be held within thirty (30) days of the receipt of the Owner's notice of appeal. In the event of disapproval by the ACC, the requesting Owner may give written notice that the Owner wishes to appeal the ACC decision and request a hearing by the Association's Board of Directors. Such notice must be furnished to the ACC within ten (10) days of its decision. The hearing shall be at a special meeting of the Board of Directors to be held within thirty (30) days of the receipt of the Owner's notice of appeal.

The exterior of all buildings must be completed and finished in a good and workmanlike manner including the painting, siding or bricklaying within six (6) months from the commencement of the construction of said building.

Section 4. Architectural Liability. The ACC shall be concerned about aesthetic characteristics only and does not assert architectural expertise. In the course of its duties, the ACC may request certain design modifications in the interest of producing overall Lot improvements more complementary to or compatible with the Dunibar Ridge community. It is the sole duty and responsibility of the applicant to employ an architect or other person to design the requested modifications in a safe and architecturally sound manner. Each Owner of any interest in Dunibar Ridge, his or her heirs, successors and assigns, as a condition of his or her ownership, waives any right to damages which result from architectural designs requested by the ACC. The ACC shall exercise its judgement as to aesthetic characteristics of architectural design and its judgment shall be final.

Section 5. Removal and Abatement. The ACC or the Association shall have the right to order an Owner to remove or alter any structure on any Lot erected in violation of the terms of this Declaration, and to employ appropriate judicial proceedings to compel the alteration or

demolition of any nonconforming construction or other violation. Any cost incurred by the ACC shall be levied as an Individual Lot Maintenance Assessment as provided in Article VI.

Section 6. Variances. Reasonable variances to the covenants, conditions and restrictions may be granted by the ACC after review, in order to overcome practical difficulties or to prevent unnecessary hardship. A variance may only be granted if it is not materially detrimental to other Lots and shall not defeat the purpose of this Declaration.

ARTICLE VIII LAND USE RESTRICTIONS AND REQUIREMENTS

Section 1. Residential Structures. All Lots within Dunibar Ridge shall be used only for single-family residential purposes except that any Lot or Outlot dedicated to the public for park purposes, may be used for park purposes. No building or structure shall be erected, altered, placed or permitted to remain on any Lot except a single-family residence. Each Living Unit shall have an attached garage designed to accommodate a minimum of three automobiles. All exterior home fronts must be at least eighty percent cedar, redwood, stone, stucco, natural brick or a combination of the above.

Section 2. Drainage and Utility Easement. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat of Dunibar Ridge. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easement, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each Lot shall be maintained continuously by the Owner of the Lot in accordance with the requirements of the City except for improvements owned by a public authority or a utility company.

Section 3. Setback. Every building, structure, or other improvement, shall be set back in accordance with the setback ordinances, rules and regulations of the City and any other governmental body which may have or acquire jurisdiction over Dunibar Ridge. Additionally, the placement of all structures and improvements is subject to the approval of the ACC as set out in Article VII herein.

Section 4. Trade/Business Restriction. No Living Unit shall ever be constructed on the Common Properties, and no Living Unit shall be used for purposes other than as a single family residence, nor shall any trade or business of any kind be carried on within a Living Unit or upon a Lot, provided that none of the following activities shall be considered a violation of this covenant:

- (a) The maintenance of a business and sales office by Developer during the construction and sale periods;
- (b) The maintenance of an office by the Association for purposes authorized by the Association; or
- (c) The maintenance of a "home office" within a Living Unit that is not used to receive customers or regular deliveries via delivery truck associated with the use of the home office.

Section 5. Exterior Maintenance. The exterior of each Living Unit and those portions of a Lot not occupied by a Living Unit shall be maintained by the Owner thereof in good repair and in neat condition, free of refuse and debris.

ARTICLE IX COMMON PROPERTIES

Section 1. Passive Use. The Common Properties are conveyed to the Association for the use, enjoyment and benefit of all the Owners of Lots in Dunibar Ridge. The use and enjoyment thereof is intended to be a passive use in that the Common Improvements may be initially improved by the Developer, but thereafter the Common Properties and the improvements thereon shall be preserved and maintained by the Association, and no Owner may actively use any Common Properties other than the Owner of the Lot across which said easements lie but then only in accordance with the terms and conditions of this Declaration.

Section 2. Developer's Easement. Developer hereby reserves such easements through, over and in the Common Properties to exercise its right, but not its obligation, to install, operate or maintain or replace improvements thereon as contemplated by this Declaration.

ARTICLE X PROHIBITED ACTIVITIES AND USES

Section 1. Nuisances. No noxious or offensive activities shall be carried upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Section 2. Livestock and Pets. No animals, livestock or poultry of any kind shall be raised, bred or kept in Dunibar Ridge in any Lot except dogs, cats or other household domesticated pets may be kept provided that they are not kept, bred or maintained for any commercial purpose.

Section 3. Garbage and Refuse Disposal. No Lot shall be used or maintained as dumping ground for rubbish. Trash, garbage or other waste or household refuse shall not be kept except in sanitary containers. All containers for the storage or disposal of such materials shall be kept within the garage forming a part of a Living Unit.

Section 4. Prohibited Structures. No storage structure, structures of a temporary character, barn or other outbuilding shall be used on any Lot, either temporarily or permanently.

Section 5. Signs. No signs may be displayed to public view on any Lot except signs not more than five (5) square feet advertising the property for sale or rent, or any signs used by the Developer to advertise the property during construction and sale of Lots.

Section 6. Soil and Gravel Sale. Except as approved by the ACC, no sod, soil or gravel shall be sold or removed from the Lots or the Outlots. To protect the slopes within Dunibar Ridge and to prevent soil erosion, the ACC has broad discretion in this area. All soil or gravel available from any excavation for the construction or alteration of a residence or any appurtenance on any Lot and by whomsoever owned shall be stored on the Lot or at a location to be designated by the ACC. After the completion of backfilling with respect to each such

residence or appurtenance, all excess material shall be immediately hauled out of Dunibar Ridge and shall be disposed of in compliance with all applicable laws, codes, and ordinances.

Section 7. Storage of Motor Vehicles, Trailers, Boats and Recreational Vehicles. No buses, trucks, snowmobiles, horse trailers, camper trailers, trailers, recreational vehicles, unlicensed automobiles, aircrafts, tractors or watercraft shall be parked, kept or stored on any Lot except on a temporary basis (being no more than forty-eight (48) hours) unless parked, kept or stored within a closed garage.

Section 8. Antennae. Except with prior written approval of the ACC, no exterior television, towers, radio, satellite, or microwave antenna of any sort and no satellite dish larger than 12 inches in diameter shall be erected or maintained upon any Lot. The ACC may choose to prohibit all such antennae, or to prohibit only certain kinds and locations of antennae, and to change its regulations from time to time, all in its discretion. Without limiting the generality of the foregoing, it shall not be deemed arbitrary or an abuse of such discretion if the ACC were to:

- (a) permit existing antennae to continue to be maintained, while at the same time banning new antennae of the same type or location;
- (b) prohibit antennae to be placed so as to be visible from the street side of a Lot, but permit the same antennae if not so visible; or
- (c) place height or size restrictions on antennae.

ARTICLE XI SPECIAL CITY REQUIREMENTS

Section 1. Protected Open Space Designation. The Declarant, for itself and its successors and assigns, hereby requests that Outlot B, Dunibar Ridge, and that portion of Outlot C, Dunibar Ridge that is subject to the Conservation Easement, be designated as protected open space or a similar type of designation pursuant to the City's land use regulations.

Section 2. Private Street Requirements. The Declarant, for itself and its successors and assigns, hereby acknowledges that before the City makes a final inspection of the Living Units constructed on Lots 5, 6 and 7, Block 2, Dunibar Ridge, the street within the Private Street Easement must be paved and the driveways between such street and such house must be paved. There shall be no right of access to the Private Street Easement from Lot 1, Block 3, Dunibar Ridge.

Section 3. Fire Protection Systems. If the private street constructed within the Private Street Easement is not twenty feet wide and if a turn-around meeting the approval of the City's Fire Marshal is not constructed pursuant to the requirements of the City's Fire Marshal, then the Living Units constructed on Lots 6 and 7, Block 2, must be provided with a fire protection sprinklering system meeting the requirements of the City Fire Marshal.

Section 4. Notice Regarding Extension of Public Street. The Declarant, for itself and its successors and assigns, hereby acknowledges that the City may cause, require or effectuate extension of the public street dedicated in the plat of Dunibar Ridge to provide access to future homes that may be constructed on property lying east of the land platted as Dunibar Ridge.

Section 5. Access Restrictions. Lot 1, Block 1 and Lot 1, Block 2 of Dunibar Ridge, Hennepin County, Minnesota shall not have direct access to Ridgewood Road.

ARTICLE XII GENERAL PROVISIONS

Section 1. Duration. The covenants, restrictions and easements of this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the Association in its own right and/or by the Owner of any Lot subject to the Declaration, his or her respective legal representatives, heirs, successors and assigns, for a term of twenty (20) years from the date this Declaration is recorded; after which time said covenants, restrictions and easements shall be automatically renewed for successive periods of ten (10) years, unless seventy-five percent (75%) of the then Owners and the City execute and record an appropriate written instrument terminating this Declaration, or any part hereof. Such instrument shall be null and void unless consented to by the City, which is deemed to be a beneficiary of this Declaration.

Section 2. Amendments. The covenants and restrictions of this Declaration may be amended as follows (except that annexation of Additional Property shall be governed by Article II hereof and further except that the covenants and conditions set forth in Article XI hereof may not be amended without the written consent of the City):

(a) Only by the Developer, and at its discretion, at any time up and until the last Lot in Dunibar Ridge is sold by it; and

(b) From the date the Developer sells the last Lot in Dunbar Ridge by an instrument signed by not less than seventy-five percent (75%) of the Owners of the Lots.

Any amendment must be properly recorded.

Section 3. Access. For the purposes solely of performing the maintenance, repair and upkeep of the Common Properties and any improvements or structures thereon authorized by this Declaration, the Developer or the Association, through its duly authorized agents or employees, shall have the right, but the Developer and the Association shall not have the obligation, after reasonable notice to the Owners, to enter upon any Lot to perform any obligation of the Association hereunder, or to exercise any right or remedy of the Association hereunder.

Section 4. Enforcement. Enforcement of these covenants and restrictions, and the provisions of the Bylaws and Articles of Incorporation of the Association or the decisions of the Association made pursuant thereto, shall be by any proceeding at law or in equity against any person or person violating or attempting to violate any covenant or restriction either to restrain violation or to recover damages and against the land to enforce any lien created by these covenants; and failure by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter. The covenants and restrictions contained in this Declaration shall be enforceable by the Association, the Owners and the City. Any person violating any of the covenants and restrictions shall be liable to the Owners, the Association and the City for all reasonable costs and attorneys' fees which they incur in successfully enforcing the covenants or restrictions.

Section 5. Notices. Any notice required to be sent to any Member of the Association or to any Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postage prepaid, to the last known address of such Member or owner appearing on the records of the Association at the time of such mailing.

Section 6. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provision which shall remain in full force and effect.

Section 7. Minnesota Common Interest Ownership Act Not Applicable. Pursuant to the exemption provisions of Minnesota Statutes, Section 515B.1-102(e)(2), this Declaration, and the scheme of covenants, conditions, restrictions, easements, charges and liens created hereby, are not subject to the provisions of Minnesota Statutes, Section 515B.1-101 through 515B.4-118, the "Minnesota Common Interest Ownership Act."

IN WITNESS WHEREOF, the undersigned has executed this Declaration as of the day and year first above written.

JANCO, INC., a Minnesota corporation

By



Janice M. Graham

Its President

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 21st day of December, 1999, by Janice M. Graham, President of Janco, Inc., a Minnesota corporation, as the free act and deed of the corporation.



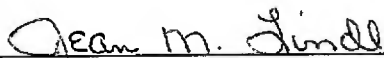

Notary Public

EXHIBIT A

MONUMENT EASEMENT

An easement for installation, maintenance and repair of monuments, entrance signage, plantings and related improvements over, across and under (a) the East twenty (20) feet of the North twenty (20) feet, of Lot 1, Block 2, Dunibar Ridge, Hennepin County, Minnesota, and (b) the West twenty (20) feet of the North twenty (20) feet of Lot 1, Block 1, Dunibar Ridge, Hennepin County, Minnesota.

Neighborhood Comments

Sent: Sunday, September 11, 2022 8:51 PM

To: Eric Zehnder

Subject: Proposed Ridgewood Road Development in Minnetonka

Thank you for the letter regarding the development and the city meeting on September 12th. Unfortunately, my wife and I cannot attend, but I wanted to submit a letter of support as I understand there are others in the neighborhood who have concerns. As an original homeowner, the planned development was contemplated from the time we built our home here in 2001, so this is not a surprise. The intent was always to have the cul-de-sac at the end of Dunibar Ridge extended and I appreciate that the proposed development only has 4 new homes with access through the neighborhood. I would hope that much of the development work and heavy equipment would access the development directly from Ridgewood Road, with final homeowner access coming via Dunibar Ridge Road.

I would also hope that those new homes would be part of the Dunibar Ridge homeowners' association, given there will be a shared access. My only request would be for the builder/developer to either update the entrance monument or to make a financial contribution to the association so that it could be done in the near future.

Please feel free to share my letter of support or name with the planning commission.

Best of luck.

Eric and Jenny Roesner
4454 Dunibar Ridge



Larkin Hoffman

8300 Norman Center Drive
Suite 1000
Minneapolis, Minnesota 55437-1060

GENERAL: 952-835-3800
FAX: 952-896-3333
WEB: www.larkinhoffman.com

July 1, 2022

Julie Wischnack
Community Development Director
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Re: Potential Development of 17809 Ridgewood Road

Dear Ms. Wischnack:

This firm represents a coalition of neighbors (the “Dunibar Neighbors”) impacted by the future development of 17809 Ridgewood Road (“Property”) in the City of Minnetonka (the “City”). The Property has been on and off the market for the past several years and City staff has informally reviewed a variety of plans for the Property. The Property is impacted by wetlands along Ridgewood Road and based on our review of proposals received as part of a data request to the City, interested parties have proposed accessing the Property via a new private road off the Dunibar Ridge cul-de-sac (“Dunibar Circle”).

We have considerable concerns and objections to any access provided via Dunibar Circle. The negative, practical impacts of a new private road off of Dunibar Circle are highlighted by the personal testimony of the Dunibar Neighbors attached to this letter as Exhibits A-M. Furthermore, access provided via Dunibar Circle is inconsistent with policy goals outlined in the City’s comprehensive plan and zoning ordinance.

- I. *Difficult site conditions must be addressed by potential developers, impacts cannot fall solely on existing neighborhoods*

While the Property is just over 7.5 acres, much of that includes wetlands and undevelopable steep slopes. Wetlands run along Ridgewood Road and limit expansion of the existing driveway. Any proposed development of the Property must take into account the existing environmental conditions including wetlands, floodplains, Steep slopes and vegetation. The City’s 2040 Comprehensive Plan seeks to preserve the integrity of existing single-family neighborhoods through careful management of land use transitions and impacts between potential conflicting uses. Site complications should not be endured by existing neighborhoods, they must be addressed by a prospective developer within the constraints of the existing site.

- II. *Proposed access via Dunibar Circle is no longer consistent with the zoning ordinance*

The Dunibar Ridge Subdivision was approved by the City Council on August 30, 1999. It does not include the Property. The approvals included: 1) a rezoning from R-1 to PUD, 2) a

preliminary plat, and 3) a wetland alteration permit. While the Dunibar Ridge Plat incorporated access to the Property from Dunibar Circle, for all of the practical reasons described by the Dunibar Neighbors, such access will have a detrimental impact on the existing community. Today, Dunibar Circle serves 5 of the 9 homes developed as Dunibar Ridge. Adding another private road with multiple lots reduces already limited parking, creates potentially hazardous traffic patterns, and overburdens the existing cul-de-sac.

The access contemplated along Dunibar Circle in 1999 assumed that the Property would be rezoned to a Planned Unit Development ("PUD"). Section 300.22 of the City Code governs the use of PUD zoning. A PUD may be considered by the City when: 1) it would result in a public benefit, 2) is consistent with the community wide goals of the comprehensive plan, and 3) is appropriately integrated into existing and proposed surrounding development. In addition to these standards, the City Council must find that rezoning to a PUD is consistent with the public health, safety, and general welfare benefiting the residents of the City.

III. Rezoning of the Property to a PUD is inconsistent with the public health, safety, and welfare

Based on the concerns highlighted by the Dunibar Neighbors, an additional access point off Dunibar Circle is inconsistent with the protection of the public health, safety and general welfare. And upon review of the development proposals presented to staff thus far there is little showing of a public benefit- any development utilizing Dunibar Circle would require removal of additional trees on the Property and do not preserve important natural resources. Finally, providing access to a new housing development via a 24 foot roadway along Dunibar Circle is simply not compatible with the existing neighborhood. To be sure, the Dunibar Ridge Neighbors are not opposed to development of the Property, but to any development that creates dangerous conditions for their neighborhood.

For these reasons and those detailed in the attached correspondence, we strongly object to any development that accesses the Property via Dunibar Circle. We urge staff to direct prospective applicants to develop a project that is consistent with the City's policies and the law and will not adversely impact the Dunibar Ridge neighborhood.

Sincerely,



Megan C. Rogers, for
Larkin Hoffman

Direct Dial: (952) 896-3395

Direct Fax: (952) 842-1847

Email: mrogers@larkinhoffman.com

cc: Corrine Heine, City Attorney

Enclosures

Exhibit List - Letter in Opposition to Private Drive Access for 17809 Ridgewood Road

Exhibit	Submitted By	Summary
A	<i>Janel and Mark Drews</i> 4526 Dunibar Ridge	Negative impact to neighborhood, specifically safety of existing property owners and residents, parking and navigation concerns. Addition of second private drive is inconsistent with public health, safety, and welfare.
B	<i>Scott and Karen Evensons</i> 4478 Dunibar Ridge	Street is narrow and difficult to navigate today, snow removal is challenging in the cul-de-sac, addition of roadway would create an intersection rather than a cul-de-sac. Not consistent with the policy goals of the City. Addition of second private drive is inconsistent with public health, safety, and welfare.
C	<i>Elizabeth Kind</i> 4574 Dunibar Ridge	Addition of second private drive converts cul-de-sac to a 5 way intersection, within limited space not sufficient to currently accommodate school bus traffic, not appropriate for neighborhood. Addition of second private drive is inconsistent with public health, safety, and welfare.
D	<i>Christine and Rcj Nagalla</i> 4502 Dunibar Ridge	Safety, access for emergency vehicles, conflicts with delivery vehicles, snow removal, reduction of parking with already limited driveways for certain properties. Addition of second private drive is inconsistent with public health, safety, and welfare.
E	<i>Bobbi and Joel Rochlin</i> 4445 Dunibar Ridge	Transparency matters, developers have not approached the neighborhood, significant safety and property value concerns with potential development.
F	<i>Jenny Roesner</i> 4454 Dunibar Ridge	Traffic, difficulty to navigate cul-de-sac, visibility concerns based on existing snow storage, not appropriate for neighborhood. Addition of second private drive is inconsistent with public health, safety, and welfare.
G	<i>Dan and Laurie Schoenecker</i> 4525 Dunibar Ridge	Homeowners adjacent to proposed roadway, substantial safety concerns. Addition of second private drive is inconsistent with public health, safety, and welfare.
H	<i>Dunibar Neighbors</i>	Photograph depicting existing traffic pattern in cul-de-sac, proximity of potential private drive to existing homes
I	<i>Dunibar Neighbors</i>	Photograph depicting existing parking and traffic conflicts in cul-de-sac
J	<i>Dunibar Neighbors</i>	Map of existing driveways and no parking areas along Dunibar Ridge
K	<i>Dunibar Neighbors</i>	Photograph depicting height of plowed snow in cul-de-sac reflecting limited visibility from private drive

Exhibit List - Letter in Opposition to Private Drive Access for 17809 Ridgewood Road

		and driveways without additional impact of proposed private roadway
L	<i>Dunibar Neighbors</i>	Photograph depicting limited parking in existing cul-de-sac
M	<i>Janelle Mellema</i> 4550 Dunibar Ridge	Danger to children, existing issues with snow removal only to be exacerbated by additional drive. Addition of second private drive is inconsistent with public health, safety, and welfare.

May 20, 2022

Exhibit A

City of Minnetonka
City Planning Commission

To Whom it May Concern:

We are writing to express our opposition to any proposal or decision that allows access to an additional development through the Dunibar Ridge neighborhood.

We have significant concerns with the additional traffic and noise that this would bring to our quiet and private neighborhood. This would negatively impact the safety of our residents that regularly walk in and out of Dunibar Rdg to nearby trails, to my children that walk to and from their school buses that pick-up and drop-off at Ridgewood Road, and to families in the neighborhood that regularly walk and have children riding bicycles, scooters, and skateboards through the neighborhood. Our residents also regularly have visitors and service/delivery trucks that need access to parking on Dunibar Rdg, and we have concerns that opening an access point to a development would reduce the space needed for this essential parking. Also, when cars or trucks are parked on Dunibar Rdg the street becomes very narrow for traffic to pass by, and additional traffic volume leads to further safety concerns for those parking in the area.

We urge you to consider other options for access to the additional development, as we feel it necessary to preserve the safety and quiet feel of the Dunibar Rdg neighborhood.

Respectfully,

Janel & Marc Drews
4526 Dunibar Rdg
Minnetonka, MN 55345

We were the first occupied home on Dunibar Ridge in Minnetonka in 2000. With the completion of the current nine homes on the main road and Private Drive, we understand there is new residential development proposed for the lot adjacent to Dunibar Ridge and Ridgewood Church property.

As you evaluate where to place an accessible street, we ask you to consider things that were not likely apparent when this street was built 20 + years ago:

- The street is narrow, making it difficult to maneuver in and out access when multiple vehicles-either residential or contractor- are parked on the street
- Survey vehicles parked along the cul de sac have already blocked access to the mailboxes multiple days, thereby not allowing for mail delivery
- Should emergency vehicles be called, they would likely block driveways due to the narrow cul de sac radius
- The cul sac are too narrow to accommodate a school bus turn around
- Snow removal-even when in smaller amounts of three-four inches- is challenging in the cul de sac, as there is nowhere to place the plowed snow to keep driveways and the private drive accessible. Already, the large snowplows are unable to adequately clear snow in the radius of the cul de sac and a smaller truck must come in to push the remaining snow into the neighbor's yard. It often leaves residual snow in the cul de sac well away from the curb, further narrowing its circumference.
- Additional traffic will hasten pavement degradation. Already there have been areas that have sunk and required repair.
- We selected this street because of the value and safety offered with a cul de sac street design. Neighbors gather in the cul de sac, children are able play and bike safely. Adding an additional access street would decrease the safety and create a hardship for all the neighbors.
- Cul de sacs, by their design, are not meant to be an intersection

We respectfully ask the City of Minnetonka to seek an alternative access point into the proposed development. Access near Ridgewood Church driveway could be an excellent alternative.

We are asking The City of Minnetonka to not allow this precedence allowing multiple streets to pour into a cul de sac to be established.

Scott and Karen Evensons
4478 Dunibar Ridge Road

June 13, 2022

Re: proposed access through Dunibar Ridge Road cul-de-sac

As a resident on Dunibar Ridge Road, I strongly protest allowing access through our cul-de-sac to the housing development planned east of us. My primary reasons are safety and congestion.

The current configuration has two driveways off the cul-de-sac: homes 4502 and 4525, as well as the entrance to a private drive, which leads to three homes. Adding an access road for the planned development essentially turns our cul-de-sac into an intersection!

The lack of sidewalks on Dunibar Ridge Road and the south side of Ridgewood Road requires school children to walk and wait on the street for school buses. (The cul-de-sac is too small to permit school bus turnaround.) Winter weather and its accompanying city snow removal create snowbanks near the fire hydrant, limiting the view of those coming from the private drive and home 4525.

Limited street parking, too, is an issue. Five mailboxes and a fire hydrant are on the perimeter of the cul-de-sac., with their incumbent parking distance regulations. Parking in the turnaround at the end of the private drive is prohibited, thus street parking for current residents and their visitors is at a premium.

Service vehicles can cause congestion as they jockey for limited parking on the narrow street. Adding traffic from several new homes would only increase the existing access and safety concerns.

We have had vandals and have become vigilant as neighbors about monitoring and reporting unknown vehicles or behavior to each other. Unknown traffic would decrease our ability to self-monitor.

There are viable, safe options for access from Ridgewood Road to the planned development. No one benefits from adding to Dunibar Ridge Road congestion, except, perhaps, the developer.

Sincerely,

Elizabeth Kind
4574 Dunibar Ridge Road
Minnetonka, Minnesota 55345

To: City of Minnetonka

We strongly oppose developing an access road through Dunibar Ridge Road. Access through our development is a significant safety concern and will diminish the integrity of our established property development.

Lack of safety / Narrow street.

- The safety of our children is at risk with additional traffic in the Dunibar Ridge cul de sac.
- The Dunibar Ridge Road cul de sac has 4 entrances into the cul de sac. Addition of a road/drive through the existing cul de sac will add to the right-of-way issues which currently exist.
- Dunibar Ridge Road within the Association is a narrower road; the Association will be at risk of compromised safety with increased traffic.
- Additional traffic on the narrow road puts firetrucks, ambulances, utility trucks, city vehicles at risk of restricted access in the event of emergency.
- Delivery vehicles currently have restricted access to park and often park in the middle of the cul de sac to deliver packages to Dunibar residents. This is a major safety concern currently and the risk will increase with addition of a new road/drive in the Dunibar Ridge cul de sac.
- Snow removal is currently deposited on the east side of the Dunibar Ridge Road cul de sac due to placement of existing driveways, fire hydrant, existing private drive, utility box. If the cul de sac is eliminated to add access drive/road there will be no place for snow to be deposited. Piling snow on existing Dunibar resident property is a significant safety concern and will greatly restrict driving visibility for residents, visitors, utility vehicles entering and existing the Dunibar Ridge cul de sac.

Reduction of parking.

- The east side of the cul de sac primarily serves as our only on street parking for guests and service vendors due to the placement of driveways, mailboxes, fire hydrant, existing private drive, utility box. If the cul de sac is eliminated there will be no off-street parking for existing cul de sac residents.

Increased traffic poses significant safety and liability concerns for the current residents of Dunibar Ridge.

Christine and Rajesh Nagalla

4502 Dunibar Ridge Road, Minnetonka MN 55345

Dear City of Minnetonka,

As homeowners in Dunibar Ridge, we are writing to express our concern about the development of the vacant land to the east of our 9-home neighborhood. Despite reaching out to the city for clarification, residents have not been made aware of specific expansion plans and the potential impact to our neighborhood.

Dunibar residents should have full visibility into the proposed development and be able to provide input into this project to ensure that it does not negatively impact the safety or property value of any Dunibar Ridge homeowner.

Bobbi and Joel Rochlin

4445 Dunibar Ridge Road

I am a homeowner at 4454 Dunibar Ridge Road, Minnetonka, MN 55345 and am writing to oppose an access road from our Dunibar Ridge development to the future proposed development to the east of our neighborhood. I strongly urge the City of Minnetonka to consider putting the new development's access road at an entry point that does not adjoin our houses.

While there are increased traffic concerns, the main reasons are due to safety and snow removal. Having a road at the proposed point will be detrimental for the houses in the cul de sac and the snow removal will be concern as there is a private drive in addition to the city plows needing to navigate.

Thank you for the consideration and listening to our concerns.

Jenny Roesner

Dear City of Minnetonka Council and Planning Commission:

We, the Schoeneckers, live at 4525 Dunibar Ridge and will be the most significantly impacted by the proposed extension off of our cul-de-sac as we live adjacent to the proposed road and property to be developed. The addition of a cul-de-sac off of our existing circle will sandwich our driveway between two roads that also backs into a third road. Our cul-de-sac will change from a safe, family-friendly, and traffic-limited cul-de-sac to a dangerous intersection/pinwheel. We oppose this addition because it creates a danger to those of us who live in the neighborhood and overcomplicates the existing street plan. This addition will threaten driver and pedestrian safety, create parking issues, create a hardship for families living on the current private drive, overcomplicate snow removal in a way that harms the ability for first responders to respond to emergencies, and impact the existing home's property values. We would propose that the developer consider accessing this property via either Ridgewood Road or from an extension of Southridge Court. To continue as proposed would be establishing a precedent for developers to request more of this type of road off of cul-de-sacs.

The proposed addition will negatively impact driver's safety in our neighborhood

If this plan is approved, 4525 and 4502 will back into four-way traffic created by 3 streets and 2 driveways. This complicates the right of way and will create a dangerous and chaotic intersection in a quiet, family-friendly neighborhood. Our cul-de-sac will become a 5-point pinwheel.

The proposed addition will negatively impact pedestrian safety in our neighborhood

For over twenty years, our children have played, biked, scootered, and played baseball games in the existing cul-de-sac. Since there is no sidewalk, kids and adults congregate in the street to talk or play games. Adding extra traffic from construction and a new development will put the safety of Dunibar Ridge residents and visitors at risk. Our children walk to the bus stop in the street and will stand in the road to wait for the bus. We have called the First Student Bus Company and Minnetonka Schools because of the dangerous traffic on Ridgewood Road. In the past, we have requested the bus pick the students up in the cul-de-sac. However, this is impossible because buses cannot pull into the cul-de-sac because the circle is too small and there is not enough room for a bus to turn around without backing up multiple times. This situation already places our children and residents in harms way.

The proposed addition will negatively impact the ability to park in our neighborhood

Dunibar Ridge currently lacks space for parking due to it being narrow and the cul-de-sac being smaller than building codes recommend. The proposed cutout for the new cul-de-sac will exacerbate this problem. The developers, proposed buyers, surveyors, and Urban Forestry officials have already parked too close to our mailboxes on multiple occasions, which has prevented us from receiving our mail. USPS requires that you park at least fifteen feet from each side of the mailbox to prevent mail delivery interruptions. The construction has not begun and our ability to enjoy our properties, neighborhood, and government services have already been affected. We fear that with added construction and development traffic, this situation will worsen.

We are extremely concerned, as the parking situation is already quite limited, and the narrow street only allows for two cars to pass when another vehicle is not parked in the street. Dunibar Ridge is

curvy and is only 23 to 25 feet wide. Measuring the distance from the side of a parked car leaves little room for a car to pass. This often limits our street to operating as a one-lane street. In the past, delivery trucks have caused problems by taking up too much space and essentially barricading the street. If there is a construction vehicle parked on our street, FedEx, the Waste disposal, and yard services will not be able to use our road or provide services to those living here. And, as often seen with construction sites, multiple construction vehicles along with workers' vehicles will be parked on our street, rendering it impassable.

Parking space on our road is already restricted. When you include restrictions for thirty feet from the stop sign at Ridgewood, twenty to thirty feet from each side of the new twenty-five-plus foot wide road, fifteen feet from each side of the mailboxes, ten feet on either side of the fire hydrants, and five feet from either side of each driveway there are less parking spots than houses on Dunibar Ridge. Depending on where the new street is placed, the cul-de-sac will likely be limited to one or no parking spots. Our neighborhood will have to tell its guests to park on Ridgewood Road. Ridgewood is a road that many in our community will acknowledge is heavily used, winding, and suffers from frequent speeding. This will require our guests to park in a location that will be dangerous for them as well as drivers.

If this addition is approved, the construction vehicles will either take up all of the parking on our street for several years or will have to park on Ridgewood Road. This will create a safety issue just as if our guests are required to park on Ridgewood. If the construction workers park on Ridgewood, traffic would still be greatly increased as they use other vehicles to shuttle supplies and equipment into the worksite.

The proposed addition will complicate parking and services for the existing private drive

The new development will create a hardship for the existing private drive as well. The current private drive is narrow with a small T at the end to turn around. There is little room to park along the street and it is hard for larger delivery trucks like UPS and FedEx to deliver to the private drive and turn around. Their solution is to park in the cul-de-sac and run packages down. Guests of the private drive will also park in the cul-de-sac to prevent overcrowding of the private drive. Our Trash Services will drive down the private drive and then sometimes backs uphill to the cul-de-sac because it is too difficult to turn around. Under the proposed addition, our garbage man will have to back up a hill into an intersection with limited visibility. The yard services for the private drive will also park in the cul-de-sac and drive or walk any equipment they need to whichever house they are servicing. Under this proposal, the services and enjoyment of the property of those living on the private drive will be impaired.

The proposed addition will complicate snow removal and overburden the yards it is plowed into

When it snows, the snow is plowed into the yards of 4525, 4502, and where the proposed road will go. The current plowing already forces too much snow into our small cul-de-sac. With a new road, the snow that previously went there will likely be plowed with the rest of the snow into the front yards of 4525 and 4502. By the end of winter, the snowbanks in front of 4525 often reach six feet tall. With the added road, 4525 will back into a blind intersection with its view obstructed by the snowbanks. Furthermore, 4525 has a fire hydrant in its front yard, which frequently needs to be dug out in the winter in case of an emergency. With the additional snow being added to the already massive snowbanks, we fear that this will complicate access to the hydrants in an emergency. Furthermore, the

snowbanks shrink the size of our cul-de-sac, making it harder for delivery, garbage, and emergency vehicles to navigate our street for many months of each year. In the Spring, the south side of the court floods, creating an ice rink at the bottom of 4525's driveway for the first six to eight feet of the street. There is not a drain here for the water to flow, and the proposed new development is uphill from the existing street by three to four feet. This will cause the water from the new development to flow into the court causing additional flooding and ice. In the late winter/ early spring, this ice added with the overly complicated and potentially blind intersection will create a danger for those navigating it.

The proposed addition will negatively impact our home values

Homes on cul-de-sacs have a higher value. Aesthetically, we will lose value with our confusing intersection/ cul-de-sac. On the Minnetonka city map, an additional street coming off of a cul-de-sac could not be found. We communicated with multiple Minnetonka Realtors and none of them have seen a cul-de-sac with one extra road coming off of it, let alone the proposed new development in addition to the preexisting private drive. Per my conversation with Drew Ingvalson, Associate Planner/ Sustainability Coordinator, on October 26, 2021, roads off of cul-de-sacs are predominantly not allowed. Minnetonka allowed the private drive off of the cul-de-sac twenty or more years ago for Dunibar Ridge but no longer allows it. Now, this council is being asked to consider allowing, not just a three home private drive, but a new development that could add up to 5 houses off of our cul-de-sac. This would mean that we would have three streets entering our cul-de-sac, destroying the quiet and family-friendly environment that cul-de-sacs are supposed to create. Furthermore, allowing a third street here would create a precedent for developers to request similar developments like this in other cul-de-sacs, which would negatively impact Minnetonka's reputation of being a quiet and family-friendly area to raise your children.

The proposed addition will increase traffic and aggravate issues that exist within the existing road infrastructure

We are a small street and have already experienced traffic and speeding from snowplows, delivery and garbage vehicles, yard services, and teenage kids. We even have parents from Deephaven Elementary who do not live in our neighborhood use our street to get their kids off the bus so they can avoid the school traffic. Construction has not even begun and we have experienced an increase in traffic from developers, potential buyers, and surveyors. This increase of traffic will increase exponentially if construction proceeds, which further amplifies the risk of an accident. Our street was not developed for this increase in traffic and is cracking and sinking in multiple places. We fear that construction vehicles will greatly accelerate the deterioration of our street.

The proposed addition will impede emergency vehicles and aggravate emergency situations on our street

In the event of an emergency, such as a fire, the emergency vehicle on the cul-de-sac will likely block two of the three roads and residents will be unable to get out. This additional street will also complicate the street plan and could hinder response time in a situation where seconds could save a life. The small diameter of the cul-de-sac provides a challenging turnaround for emergency vehicles, which will be aggravated by the additional street.

**The proposed addition will cut through an area the Dunibar Ridge association
has taken care of for years**

The proposed new road would go through the area where our mailboxes are. The Dunibar Ridge Association has been taking care of this area for over twenty years per our developer's instructions. The developer planted nine mature pine trees with mulch. We were told this easement was Dunibar Ridge's and that it was our duty to care for it. The trees are over twenty feet tall and are cared for by our Association. The Association pays a gardener to mulch and weed the area and obvious upkeep is often done by members of our association's households. Our mailboxes also have been built on this strip of land which has been cared for by the Association. The neighborhood has also removed and controlled buckthorn on and around this piece of land during this duration. We were told that this land and trees were our responsibility. The removal of the mature pine trees and mulched area in question will harm the beauty and aesthetic value of the surrounding homes.

Conclusion

There are several other ways to access the property without utilizing Dunibar Ridge. With cul-de-sacs being defined by Minnetonka Section 400.015 Definition # 6 as "a street with a single means of ingress and egress and having a turnabout at its end for **safe and convenient** reversal of traffic", our street would stray further from this definition harming the value of our property and over complicating a street whose purpose was to provide safety and convenience for its residents. We urge you to consider other entrance options into the proposed development and make a decision that would not impact the use and enjoyment of our property in such a significant manner. The residents that live on Dunibar Ridge will be at a greater risk of injury and loss with no true corresponding benefit. Good city planning and governance would support a decision against turning our cul-de-sac into a pseudo intersection with no true right of way or safety measures. The implementation of this plan would create a foreseeable danger not just for our residents, but also for construction workers and future residents of the new development which can easily be avoided by striking down this proposal. We ask that you consider this request through our eyes and consider how stressed and unsafe you would feel from this proposed plan.

Sincerely,










Dan and Laurie Schoenecker



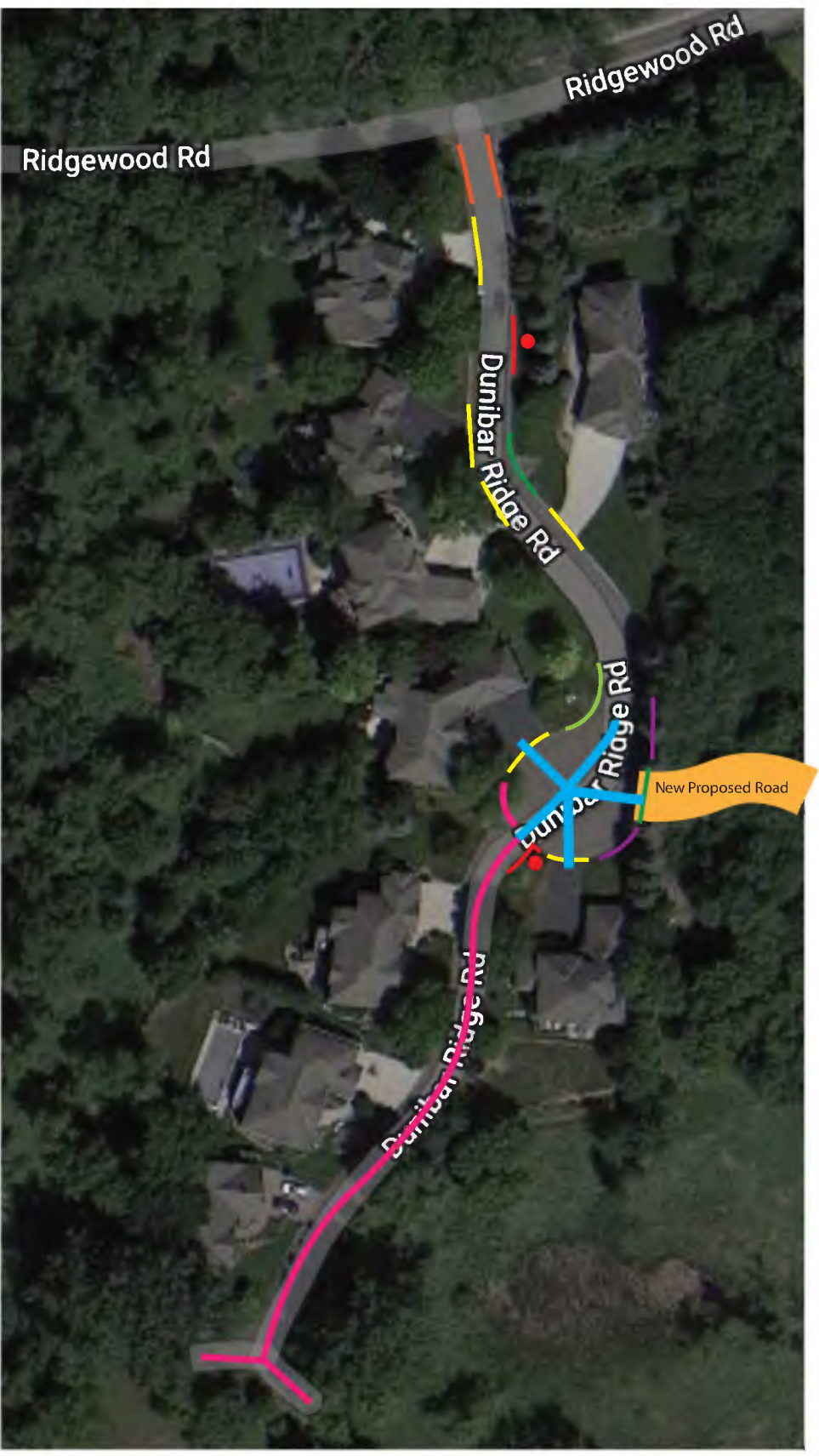
Dunibar cul de sac - dangerous traffic patterns



Dunibar cul de sac – Limited parking for visitors and service vehicles; High congestion and safety concerns

-  Dangerous Pinwheel /Intersection
-  New Proposed Road (at least 25 feet wide)
-  New Proposed Road 20 - 30 feet from new road.
-  Ridgewood Dr. - No parking 30 feet from stop sign. (30 feet x 2 + 25)
-  Driveways - No parking 5 feet from driveways (10 feet x 6)
-  Mailboxes - No Parking 15 feet from mailboxes, our mailboxes are 6 feet wide.(36 feet x 2)
-  Fire Hydrant (2)
No Parking 10 Feet on either side (22 feet x 2)
-  Questionable parking due to curve
-  Private Drive No Parking on the road or 20 feet from the road (20 feet x 2)

35 Feet of no parking is unmarked due to the unknown of where the mailboxes will be moved.





Snow collection for Dunibar already has low visibility to traffic and pedestrians in the cul de sac given the amount of snow and limited space to collect/deposit. Adding a proposed road development to Dunibar will increase existing concerns of visibility from snow collection.



Dunibar cul de sac - constrained ability to access personal mailboxes due to existing traffic patterns and limited parking

Janelle Mellema

May 19, 2022

Dear City of Minnetonka,

I am writing to you as a resident from the Dunibar Ridge neighborhood. We have recently learned of the plan to place an entrance point to a new neighborhood right in the heart of our development! This raises several concerns for us as residents, namely in regards to the safety of our children, maintaining the integrity of our quaint & quiet neighborhood, and the additional complication of an already present problem: snow removal.

We have invested into this development because of it's small size and peaceful cul de sac center. This is a place where our kids bike, play, and draw with chalk. The introduction of an access point near our mailboxes would immediately and irrevocably change our neighborhood for the worse. The danger to our children due to the increased traffic flow through our neighborhood is unacceptable. The city's allowance of this plan would absolutely alter the safety of our residents.

Furthermore, we purchased homes in this development, at the high prices we did, namely for this reason: a small, safe, quiet neighborhood. The value of our homes would surely decrease with the additional traffic.

Lastly, snow removal in this area is already a predicament. The additional homes and the road to them, means less space available for piling snow on the edges of the cul de sac, where there already is insufficient room!

For the above stated reasons, I strongly oppose the addition of an access point to the pending development.

Thank you for your time and consideration.

Sincerely,

Janelle Mellema

Email from
Christie Nagalla
on 9/9/2022

17809 Ridgewood Road Proposed Development.

Yellow highlighted text references direct Minnetonka Code of Ordinances:

E MINNETONKA, MINNESOTA; CODE OF ORDINANCES, Local legislation current through Ord. 2022-07 effective August 14, 2022, [Visit the City of Minnetonka, MN home page](#)

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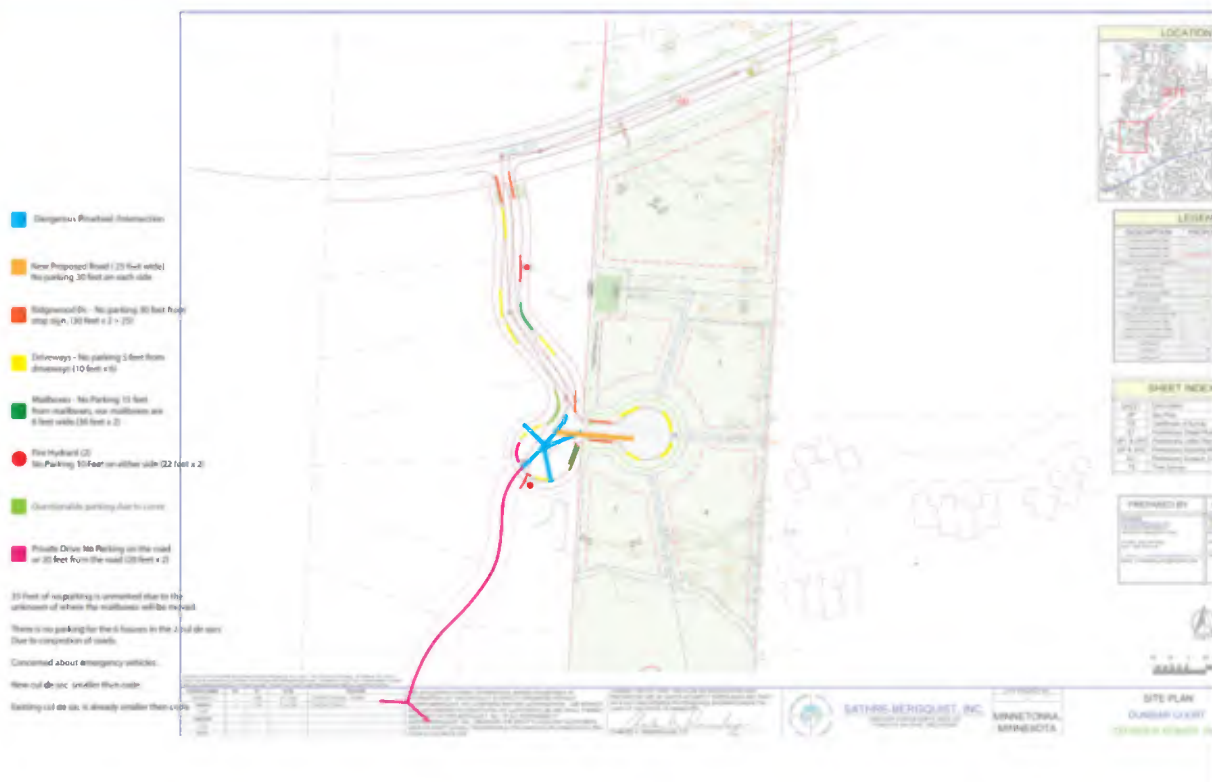
CITY OF MINNETONKA, HOME RULE CHARTER, Effective: April 18, 2019

Question 1: SAFETY

Proposed 17809 development plan appears to be converting existing Dunibar Ridge Homeowners Association cul de sac into an intersection. How will proposed design be SAFE & COMPLY with Minnetonka Code of Ordinance?

[SECTION 300.02. DEFINITIONS. 27. "Cul-de-sac" - a street with a single means of ingress and egress and having a turnaround at its end for safe and convenient reversal of traffic.

28. "Cul-de-sac bulb" - a turnaround at the end of a cul-de-sac.]



Questions 2a-b: SAFETY

2a. How will the proposed design promote orderly and SAFE flow of vehicular and pedestrian traffic and SAFE “right of way management”?

[SECTION 300.27. SITE AND BUILDING PLAN REVIEW. 1. Purpose. It is the intent of this section to serve the public interest by promoting a high standard of development within the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified development, the city seeks to accomplish the following: c) mitigate to the extent feasible adverse impacts of one land use upon another; d) promote the orderly and safe flow of vehicular and pedestrian traffic]

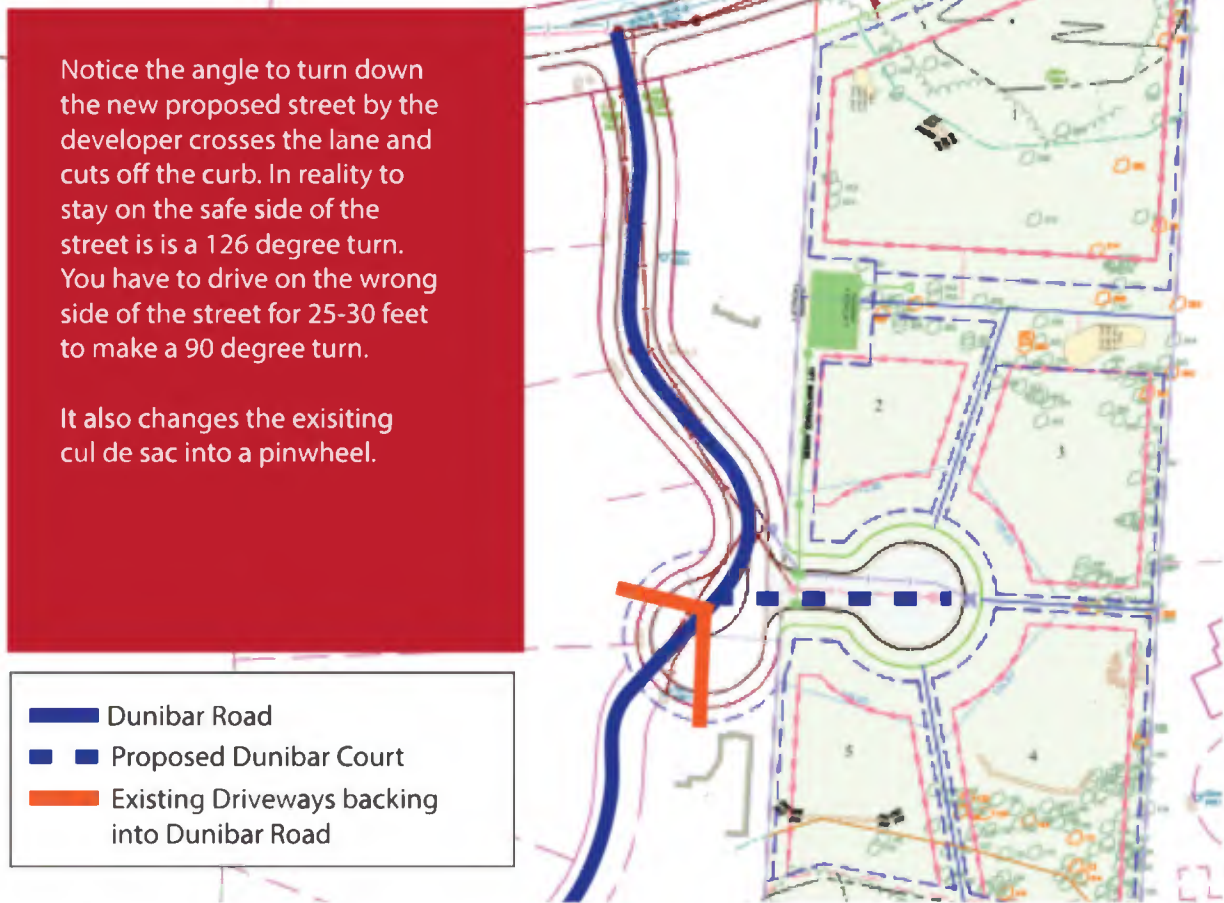
[SECTION 1120. RIGHT-OF-WAY MANAGEMENT.1120.005. Findings, Purpose, and Intent. To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances. Accordingly, the city enacts this section to impose reasonable regulation on the placement and maintenance of facilities within the city's rights-of-way and is intended to complement the regulatory roles of state and federal agencies]

2b. Submitted proposal suggests vehicles are required to turn into proposed development at 126 degree acute/sharp angle; not to code of right angle (90 degrees).

SECTION 400.030. DESIGN STANDARDS. In evaluating a subdivision, the city will consider its compliance with the following standards: 2. Street Standards. a) The arrangement, character, extent, width and location must be consistent with the comprehensive plan. c) Streets must be designed in accordance standards and specifications as required by the city engineer. d) Street intersections must be at right angles wherever possible.

[1105.055. Construction Requirements Generally. In addition to the regulations and specifications adopted by the city engineer, the following requirements must be met. The angle should be as close as reasonably practical, in the judgment of the city engineer, to a right angle to the tangent of the curve of the street pavement.

Diagram for Question 2a, 2b:



Question 3: PARKING

Proposed design through Dunibar Ridge Homeowners Association cul de sac restricts SAFE parking. Where will existing residents, new residents, visitors, deliveries, emergency vehicles park safely?

[SECTION 300.27. SITE AND BUILDING PLAN REVIEW. Standards. 4) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking. g) protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Diagram for Question 3: As designed proposed development will intentionally limit parking for Dunibar Ridge HOA.

- If there are cars parked on both sides of Dunibar Road, a car can barely fit between the 2 cars. Often if there is 1 delivery truck on our block you cannot get by due to the curvy road.
- size of a mid size car. Smaller then a pick up truck or large suv
- Ridgewood Dr. and Ridgewood Court - No parking 30 feet from stop sign. (30 feet x 6)
- Driveways - No parking 5 feet from driveways (10 feet x 10)
- Mailboxes - No Parking 15 feet from mailboxes, our mailboxes are 6 feet wide (36 feet x 2)
- Fire Hydrant (2)
No Parking 10 Feet on either side (22 feet x 3)
- Questionable parking due to curve
- Private Drive No Parking on the road or 20 feet from the road (20 feet x 2)

35 Feet of no parking is unmarked due to the unknown of where the mailboxes will be moved.

There is 2-3 parking spots for the 6 houses in the 2 cul de sacs due to congestion of roads.

Concerned about emergency vehicles .

New cul de sac smaller then code

Existing cul de sac is already smaller then code

Where will snow go in the new cul de sac?



ALTERNATE UTILITY PLAN 1
MINIMUM 25 ADDITIONAL TREES
REMOVED - 9 HIGH PRIORITY

- No Parking
 - 20-30 feet from corner
 - 5 feet from driveway
 - 10 feet from each side of fire hydrant
- Where is their fire hydrant?
Where is their mailboxes?
This adds less parking
- Questionable parking on curve

STATE OF MINNESOTA, COUNTY OF ANOKA, CITY OF MINNETONKA, MINNESOTA

MINNETONKA, MINNESOTA

SATHRE-BERGQUIST, INC.

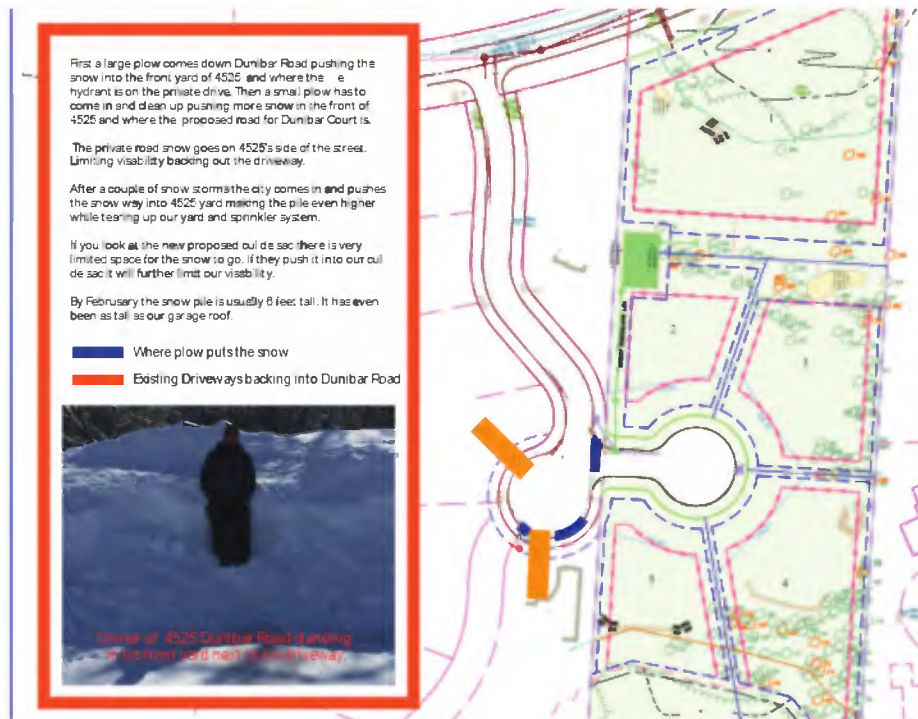
1100 W. AVENUE NORTH, SUITE 200
MINNETONKA, MN 55345

ALTERNATE UTILITY PLAN
DUNIBAR COURT
ZEHNDER HOMES, INC.

Question 4: SNOW COLLECTION

Proposed design through Dunibar Ridge Homeowners Association cul de sac restricts SAFE snow collection and unobstructed sight lines. Where will snow be collected?

1130.010. Prohibitions. 1. A person must not deposit snow or ice, plowed or removed from private property, onto a public street, public sidewalk or other public property. Street boulevards are intended to provide storage for snow and ice that is removed from city streets. Snow or ice that is plowed or removed from private property may be deposited within the boulevard abutting the property from which it was removed but must not be deposited in non-abutting boulevard areas.



Question 5a-d: HOA & NATURAL RESOURCES

Dunibar Ridge Homeowners Association (HOA) was established in December of 1999 (23 years ago.)

5a. What are the rights and obligations of the existing HOA in approving or denying 17809 Ridgewood Road proposed development access through Dunibar Ridge cul de sac?

5b. Dunibar Ridge HOA pays for maintenance of the seven (7) 50+ foot mature pine trees and “buffer” area around HOA mailboxes for 23 years. How will the buffer land be accounted for in the proposed development plan? Who decides what happens to the seven (7) 50+ foot mature, “significant” pine trees?

5c. Easement granted by developer to Dunibar Ridge Homeowner Association. Does use of the easement for alternative purpose go to Dunibar Ridge HOA to vote whether or not to grant alternative use of property?

5d. Will the new development expect to join the Dunibar Ridge HOA and require new bylaws be established?

[SECTION 300.02. DEFINITIONS. 20. “Common area, residential” - land, structures, or both, that are owned and maintained by a homeowners' association or similar organization and used for the mutual benefit of residents or tenants of the association or organization.]

SECTION 300.22. PLANNED UNIT DEVELOPMENT DISTRICT. 5. Specific Standards. c) A homeowners association must be established where appropriate to ensure on-going maintenance of infrastructure and public spaces, required restoration and management of natural areas, or other actions and activities specific to the PUD.

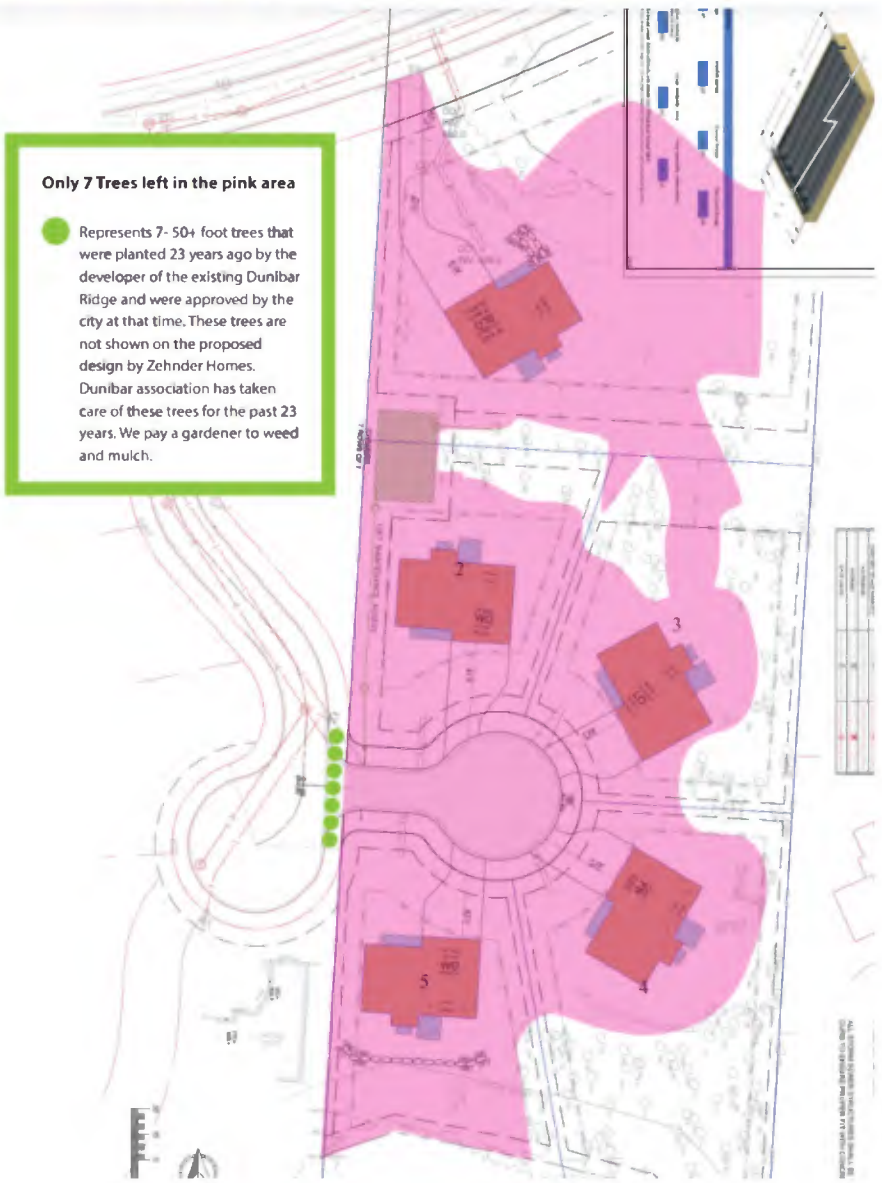
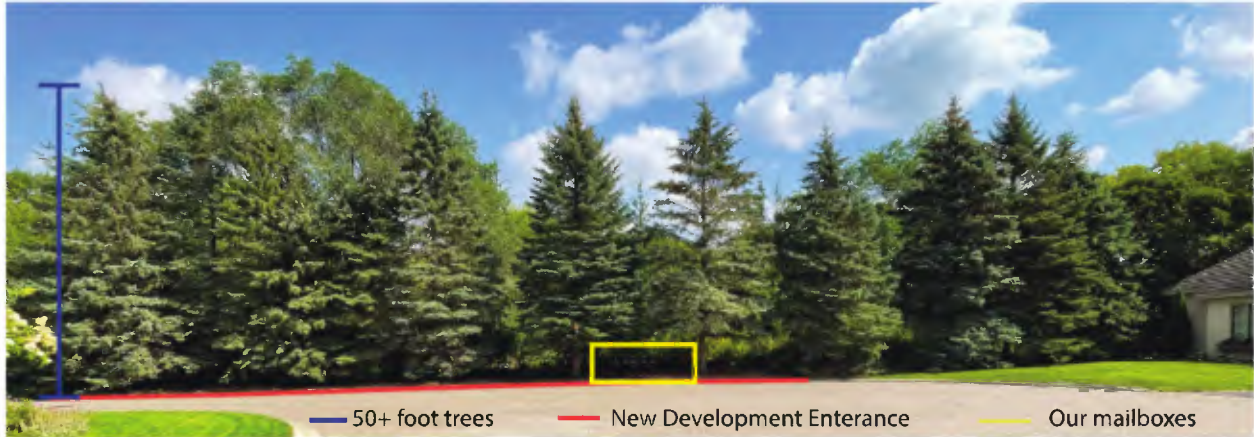
[SECTION 300.02. DEFINITIONS. 14. “Buffer” - the use of land, topography, open space or landscaping to separate a use of property from another adjacent or nearby use.]

[SECTION 314.01 TREE PROTECTION 1. Purpose. The purpose of this subdivision is to encourage tree preservation by reasonably limiting the removal of trees during construction, site work, and land development activities, as well as to mitigate for the loss of trees due to these activities while maintaining the rights of existing homeowners to use their private property.

1. Findings. The city of Minnetonka finds that trees and woodlands are an integral part of the city's identity. As such, the city finds that standards governing the preservation, protection, and planting of tree resources are necessary to:
2. a) Maintain & enhance, as much as practical, the diversity & extent of the city's trees and woodlands while balancing community responsibilities with private property rights.
3. j) Increase and maintain property values; and
4. k) Promote the positive impacts of trees on society, such as lowering stress, reducing noise, and calming traffic.]

[SECTION 400.010. PURPOSE. 8. "Easement" - an interest in land granted by a property owner that entitles the easement holder to a specified use of the land.]

Diagram for Questions 5a-d:



Question 6: Property Value

[SECTION 314.01 TREE PROTECTION 1. Purpose. The purpose of this subdivision is to encourage tree preservation by reasonably limiting the removal of trees during construction, site work, and land development activities, as well as to mitigate for the loss of trees due to these activities while maintaining the rights of existing homeowners to use their private property.

1. j) Increase and maintain property values; and

Alternative design options to be considered to increase and maintain property values in the Dunibar Ridge HOA, with particular review of impact to 4445 Dunibar Ridge Road property (below is current proposal submitted to City.)



Question 7: TRAFFIC

How is the traffic study conducted? Numerous vehicles currently in and out of Dunibar Ridge Homeowners Association cul de sac as described below. How will new and existing development safely operate day to day?

SECTION 300.28. PERFORMANCE STANDARDS.1. Purpose.

The purpose of performance standards is to establish specific and quantifiable limitations on identified types of pollution and other activities which have a high nuisance potential. The performance standards apply in all zoning districts unless specifically stated to the contrary.

14. Traffic Studies. a) The city may require a traffic analysis to be prepared by a registered traffic engineer approved by the city to assess potential traffic impacts on local streets and highways. If impacts on service levels of roadways and intersections are anticipated, the project will be approved only contingent upon a traffic management plan that adequately mitigates those impacts. The plan may include travel demand management strategies, use of transit facilities or other appropriate measures to reduce traffic generation, and necessary improvements to road systems.

Current traffic observations in Dunibar Ridge cul de sac, but not limited to:

Snow removal	<ul style="list-style-type: none">• Private Drive plowed by Superior• Dunibar Ridge Road plowed by City of Minnetonka big plow• Dunibar Ridge Road cul de sac plow by City of Minnesota small plow (big plow too big to clear the cul de sac snow)
Trash & recycling collection	<ul style="list-style-type: none">• SWS services some Dunibar Homes on Mondays• Republic services other Dunibar Homes
Home Deliveries	<ul style="list-style-type: none">• 20+ deliveries/day (2-3/household) i.e., Groceries, Amazon• Delivery trucks park in Dunibar Ridge cul de sac; unable to turnaround in Dunibar Private Drive ("T" not wide enough at end of Private Drive)
Lawn care	<ul style="list-style-type: none">• Multiple lawn care & tree services• Association gardener
School Buses	<ul style="list-style-type: none">• Deephaven Elementary• Minnetonka Middle School East• High School buses

Question 8a-b: DESIGN STANDARDS

7a. Is the proposed new access road/cul de sac 80 feet in diameter to meet Minnetonka Code of city ordinance?

[SECTION 400.030. DESIGN STANDARDS. 3. Cul-de-sac Standards.

a) Cul-de-sacs are measured along the center line of the street from the intersection of origin to the end of the cul-de-sac right-of-way.

b) Each cul-de-sac must have a terminus of nearly circular shape unless modified by the city with a minimum right-of-way diameter of 100 feet and a minimum pavement diameter of 80 feet.]

Dunibar Court is approx. 75 feet or smaller. Please measure your plan provided by ZEHNDER HOMES, INC

7b. Is the proposed new housing side to lot line at least 15 feet to meet Minnetonka Code of city ordinance? Below image included on 17809 Ridgewood Road proposal to City indicates only 10 feet.

Is the house next to 4525 10 or 15 feet from lot line? Code is 15.

Question 9: ALTERNATIVE DESIGN CONSIDERATION

Can a different development design be considered as an alternative to better minimize impact to mature "significant", pine tree and keep the general appearance of developed areas around the development site and SAFETY of existing Dunibar Ridge HOA cul de sac?

SECTION 300.27. SITE AND BUILDING PLAN REVIEW.1. Purpose. It is the intent of this section to serve the public interest by promoting a high standard of development within the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified development, the city seeks to accomplish the following: c) mitigate to the extent feasible adverse impacts of one land use upon another; d) promote the orderly and safe flow of

vehicular and pedestrian traffic; and e) preserve and enhance the natural and built environment.

SECTION 300.27. SITE AND BUILDING PLAN REVIEW. 5. Standards. In evaluating a site and building plan, the planning commission and city council shall consider its compliance with the following: b) consistency with this ordinance; c) preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

Alternative development design (next page)



- Bus Stop for children
- Less congested for safety
- They can safely play in their cul de sac
- Their own private neighborhood / association
- Backyards face away from church and condos (privacy)
- Sound from 101 and 7 muted because backs face away from road
- Place for snow removal
- Easier for emergency vehicles to find
- Their construction vehicles can fit on their road
- Lots of parking
- Rocklins are not on an island
- Green space for all
- 90 degree turns without any awkward roads

References above to City Ordinance came directly from :

E MINNETONKA, MINNESOTA
CODE OF ORDINANCES

Local legislation current through Ord. 2022-07 effective August 14, 2022

[Visit the City of Minnetonka, MN home page](#)

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CITY OF MINNETONKA
HOME RULE CHARTER

Effective: April 18, 2019

SECTION 300.01. TITLE, PURPOSE, SCOPE AND INTERPRETATION

1. Title.

Sections 300.01 through 300.33, inclusive, of the code of city ordinances shall be known and may be referred to as the "Minnetonka zoning ordinance of 1986". When referred to herein it shall be known as "this ordinance".

2. Purpose.

This ordinance is enacted to promote the public health, safety and general welfare of the city of Minnetonka through the following:

- a) encouraging the planned and orderly development of residential, commercial, industrial, recreational and public uses of land;
- b) providing adequate light, air and convenience of access to property;
- c) limiting congestion in the public right-of-way;
- d) preventing overcrowding of land and undue concentration of population and structures;
- e) providing for the compatible integration of different land uses and the most appropriate use of land;
- f) encouraging development in accordance with the city's comprehensive plan;

g) conserving the natural beauty and environmental assets of the city including areas of steep slopes, mature trees, wetlands, and habitat;

h) protecting water resources and water quality in accordance with the provisions of this ordinance and the city's water resources management plan;

i) facilitating the provision of water, utilities and sewage disposal to property;

j) protecting the population from fire, and other matters affecting public safety;

k) maintaining to a reasonable extent property values and the tax base of the city; and

l) providing for the administration of this ordinance and amendments to it, defining the powers and duties imposed by this ordinance and prescribing penalties for violation of its provisions.

SECTION 300.02. DEFINITIONS.

20. "Common area, residential" - land, structures, or both, that are owned and maintained by a homeowners' association or similar organization and used for the mutual benefit of residents or tenants of the association or organization.

SECTION 300.02. DEFINITIONS.

14. "Buffer" - the use of land, topography, open space or landscaping to separate a use of property from another adjacent or nearby use.

SECTION 300.02. DEFINITIONS.

27. "Cul-de-sac" - a street with a single means of ingress and egress and having a turnaround at its end for safe and convenient reversal of traffic.

28. "Cul-de-sac bulb" - a turnaround at the end of a cul-de-sac.

SECTION 300.02. DEFINITIONS.

105. "Planned unit development (PUD)" - a zoning classification and development type in which the city grants flexibility from certain subdivision and zoning regulations to achieve a public benefit that would not otherwise be achieved through a non-PUD development.

SECTION 300.02. DEFINITIONS.

145. "Street" - a vehicular way located within road right-of-way, as defined and designated in the subdivision ordinance and comprehensive guide plan.

SECTION 300.03. ADMINISTRATION AND ENFORCEMENT.

1. Administration.

The city planner shall be responsible for the administration and enforcement of this ordinance. The city planner shall create and maintain such systems of records and files and establish such administrative procedures as are necessary to promote the efficient administration of this ordinance. The city planner may designate such additional persons as may be necessary or convenient to administer and enforce this ordinance. Any person aggrieved by any procedure or decision of the city planner may appeal to the planning commission. The decision of the planning commission regarding any decision first made by the city planner may be appealed to the city council in accordance with the procedures outlined in section 300.04 of this ordinance.

SECTION 300.04. PLANNING COMMISSION.

1. Establishment.

A planning commission of seven members is established and will constitute the planning agency of the city. Members of the planning commission must be residents of the city and will be appointed by the mayor and confirmed by the city council. Members will serve staggered terms of two years and may be removed by a vote of two-thirds of the full city council. Members will hold office until their successors are appointed and qualified, not to exceed an additional 90 days.

2. Powers and Duties.

The planning commission shall have such powers and duties as may be conferred upon it by statute, charter or ordinance. The planning commission's actions shall be advisory to the city council except with regard to those matters in which its decisions are final but subject to appeal to the city council. In addition, the planning commission shall have the power:

- a) to hear requests and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by an administrative officer in the enforcement of this ordinance; and
- b) to hear requests for variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique

to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this ordinance.

3. Procedures.

The planning commission shall elect from among its members such officers as it may deem appropriate. The planning commission may adopt bylaws or rules for the conduct of its business.

4. Staff Liaison.

The city planner shall serve as liaison between the planning department and planning commission. The city planner shall prepare reports and information for the planning commission, attend its meetings and participate in hearings and discussions held by the commission but shall not vote on any item before the planning commission.

5. Actions.

The planning commission shall make recommendations to the city council or decisions on items before it within a reasonable time or such time as shall be prescribed by statute, charter or ordinance. Failure by the planning commission to make a recommendation or decision within the required period shall be deemed to be a denial if the delay is appealed by the applicant. The planning commission may condition its recommendations or approval in order to effect the intent of this ordinance. The planning commission shall accompany its decision to deny an application with a statement of its findings regarding the matter. The planning commission shall serve a copy of any decision in which its action is final upon the applicant by mail.

6. Appeals.

a) Any person aggrieved by a decision of the planning commission regarding an application on which the decision of the planning commission may be final may appeal such decision to the city council. The appeal shall be submitted in writing within 10 days of the date of the decision or the decisions stands. Upon appeal, the city council shall consider the request within 90 days unless an extended period is agreed with the appellant. The city council may reverse the decision of the planning commission by an affirmative vote of two-thirds of its full membership.

b) A person aggrieved by a decision of the city planner or the city engineer that is made under the authority of this ordinance may appeal such decision to the planning commission. The appeal must be submitted in writing within 10 days of the date of the decision. A person aggrieved by a decision of the planning commission regarding such appeal may appeal the decision of the planning commission to the city council. The appeal must be submitted in

writing within 10 days of the decision. The city council may reverse the decision of the planning commission by an affirmative vote of at least two-thirds of its full membership.

c) In any matter in which the planning commission's decision is not final but is a recommendation to the city council, the city council may adopt, modify or reject the recommendation of the planning commission by vote of a simple majority of those present, unless otherwise required by this ordinance.

d) A person aggrieved by a final city decision made under this chapter 3 may seek judicial review by filing an action with the Hennepin County District Court within 60 days after the date that the city provides written notice of the final decision to the applicant.

e) Any applicant who obtains a building permit, starts construction, begins a use in reliance upon the decision of the planning commission, or any combination of those activities, prior to the termination of the appeal period, assumes the risk that the decision may be reversed upon appeal. When an appeal is received by the city the applicant will be notified of the appeal and informed as to the date of the city council meeting where it will be heard.

SECTION 300.22. PLANNED UNIT DEVELOPMENT DISTRICT.

1. Purpose.

The purpose of the planned unit development (PUD) zoning district is to provide a district that grants flexibility from certain subdivision and zoning regulations in order to realize public benefits that may not otherwise be achieved through non-PUD development.

SECTION 300.22. PLANNED UNIT DEVELOPMENT DISTRICT.

5. Specific Standards.

c) A homeowners association must be established where appropriate to ensure on-going maintenance of infrastructure and public spaces, required restoration and management of natural areas, or other actions and activities specific to the PUD.

SECTION 300.15. GENERAL REGULATIONS FOR RESIDENTIAL DISTRICTS.

9. Yard and Setback Regulations.

e) No wall, fence, structure, tree, shrub, vegetation or other obstruction shall be permitted in any yard or setback which poses a danger to traffic by obscuring the view from any street or roadway. Visibility from any street or roadway shall be unobstructed above the height of two and one-half feet within the triangle described as beginning from a point at the paved edge of the intersection, two sides of which extend a distance of 25 feet along the edge of each street and the third side being a line connecting the other sides. (Figure 22)

SECTION 300.27. SITE AND BUILDING PLAN REVIEW.

1. Purpose.

It is the intent of this section to serve the public interest by promoting a high standard of development within the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified development, the city seeks to accomplish the following:

- a) implement the comprehensive plan;
- b) maintain and improve the city's tax base to a reasonable extent;
- c) mitigate to the extent feasible adverse impacts of one land use upon another;
- d) promote the orderly and safe flow of vehicular and pedestrian traffic; and
- e) preserve and enhance the natural and built environment.

SECTION 300.27. SITE AND BUILDING PLAN REVIEW.

4. Application.

Application for a site and building plan review shall be made to the city planner on forms provided by the city and shall be accompanied by the following:

- a) a plat or map of the property showing the proposed improvements;
- b) a list of the names and addresses of the owners of all properties situated wholly or partially within 400 feet of the property as such appear on the certified records of the Hennepin county auditor;
- c) evidence of ownership or an interest in the property;
- d) the fee required by section 710 of the code of city ordinances;
- e) complete site and building elevations and footprint plans, signed by a registered architect, civil engineer, landscape architect or other appropriate design professional; and
- f) such other information as may be required by the city.

An application for a site and building plan review on a parcel for which the zoning is contrary to the land use designation in the comprehensive plan must be accompanied by an application for an amendment to the comprehensive plan. If an environmental assessment worksheet is required, no site and building plan approval shall be granted until the environmental assessment worksheet has been received and a negative declaration for an environmental

impact statement has been made by the city council. If an environmental impact statement is required, no site and building plan shall be approved until the environmental impact statement has been prepared.

5. Standards.

In evaluating a site and building plan, the planning commission and city council shall consider its compliance with the following:

- a) consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
- b) consistency with this ordinance;
- c) preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;
- d) creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;
- e) creation of a functional and harmonious design for structures and site features, with special attention to the following:
 - 1) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
 - 2) the amount and location of open space and landscaping;
 - 3) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
 - 4) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
- f) promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
- g) protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

6. Public Hearing.

a) After receipt of a completed application, a date must be set for a public hearing before the planning commission. Not less than 10 days before the public hearing, the city must send notice to the owners of properties located wholly or partially within 400 feet of the site. Following the hearing or any continuance thereof which is not appealed by the applicant, the planning commission must make a decision regarding the matter. The planning commission may approve a building or site plan review only upon the affirmative vote of at least two-thirds of its full membership. The planning commission action will be final action subject to the right of appeal, except if the application is associated with, or is an integral part of, another land use application which requires city council action. In that situation, the planning commission action will be a recommendation to the city council, and require only a majority vote. City council action requires a majority vote.

b) The public hearing must be held before the city council instead of the planning commission if the application is for a city-owned park, the project has no variances, and a public hearing complying with the notice provisions of this paragraph has been held at a neighborhood meeting or by the Minnetonka park board

7. Appeals.

Any person aggrieved by a decision of the planning commission may appeal to the city council in accordance with the provisions of section 300.04 of this ordinance. Notice shall be given in the same manner as required for the public hearing before the planning commission. The city council shall make a decision within 120 days of submission of a completed application or such longer period not objected to by the appellant. If the city council fails to make a timely decision, the appeal shall be deemed to have been approved. The city council may reverse or amend a decision of the planning commission by an affirmative vote of two-thirds of its full membership.

15. Grading, Filling and Excavation.

4) prevent adverse impacts to neighboring property

17) a construction management plan which includes a description of grading and construction activities, a schedule that outlines these activities, hours of activity, a traffic analysis showing how the material will be removed from or delivered to the site, a site maintenance inspection schedule and other items requested by the city. The site maintenance inspection schedule must indicate the person responsible for implementing the erosion control plan;

17. Standards for Grading and Erosion Control Plans.

a) All plans must be consistent with the Minnesota Pollution Control Agency's construction general permit as applicable.

b) Except as otherwise provided by the city planner, a grading and erosion control plan and the work conducted under an approved plan must comply with all of the following requirements as applicable:

- 1) The work must be scheduled so as to minimize the amount of soil exposed at any one time. Land disturbance and removal of existing vegetation must be minimized to avoid adverse impacts to adjacent properties and natural resources. All exposed soil must be stabilized as soon as possible if the exposed soil has not been worked for 14 days.
- 2) Structures must be designed to conform to the existing site topography as much as reasonably possible.
- 3) Temporary rock construction driveways or other acceptable best management practice must be installed and maintained as needed wherever vehicles enter and exit a site.
- 4) Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. A regular sweeping schedule must be established. A copy of the street-sweeping service agreement and company contact information may be required before issuance of the permit.
- 5) Silt fence or equivalent sediment control measures to be used must conform to the city's standard.
- 6) Silt fences or equivalent sediment control measures must be installed along the downslope and sideslope perimeters of the approved grading and construction limits. Perimeter controls should be located to maintain a buffer of existing vegetation during construction, as site conditions allow, along the edges of any curbs, wetlands, channels or other water resources that could receive sediment from the site.
- 7) Tree protection or construction fence must be installed to minimize impacts to the critical root zones of adjacent trees or to prevent impacts to adjacent properties. 23) Dust must be adequately controlled by site watering, temporary stabilization, or other means approved by the city.

SECTION 314. TREE PROTECTION.

SECTION 314.01 TREE PROTECTION

2. Purpose. The purpose of this subdivision is to encourage tree preservation by reasonably limiting the removal of trees during construction, site work, and land development activities, as well as to mitigate for the loss of trees due to these activities while maintaining the rights of existing homeowners to use their private property.
3. Findings. The city of Minnetonka finds that trees and woodlands are an integral part of the city's identity. As such, the city finds that standards governing the preservation, protection, and planting of tree resources are necessary to:
4. a) Maintain and enhance, as much as practical, the diversity and extent of the city's trees and woodlands while balancing community responsibilities with private property rights.

5. b) Maintain buffers between similar land uses and maintain and establish buffers between conflicting land uses;
 6. c) Promote climate resilience;
 7. d) Improve air quality and reduce noise pollution;
 8. e) Enhance energy conservation through natural insulation and shading;
 9. f) Reduce the urban heat island effect;
 10. g) Reduce soil erosion, sedimentation, and stormwater runoff;
 11. h) Preserve habitat for wildlife, including pollinating insects;
 12. i) Extend the life of roadways;
 13. j) Increase and maintain property values; and
 14. k) Promote the positive impacts of trees on society, such as lowering stress, reducing noise, and calming traffic.
15. 3. Applicability. The provisions of this subdivision apply whenever construction, site work, development, or redevelopment activities occur on a property.
16. 4. Authority. Consistent with the purpose of this subdivision, and in order to enforce its provisions, the city may:
17. a) Identify, require, and enforce a tree preservation plan as described in subdivision 6 below;
 18. b) Specify trees or groups of trees for preservation;

How will the city protect the existing seven (7) mature pine trees offering natural insulation and shading and reduction in urban heat effect support the Cities natural resource commitments and code of ordinances?

SECTION 325.01 PURPOSE AND FINDINGS.

1. Purpose.

The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of

this section, to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the city's goals by authorizing:

- a) permanent signs that establish a high standard of aesthetics;
- b) signs that are compatible with their surroundings;
- c) signs that are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;

SECTION 400.005. SHORT TITLE.

This ordinance shall be known as the "subdivision ordinance" and will be referred to herein as "this ordinance".

SECTION 400.010. PURPOSE.

Minnesota Statutes Sections 462.358 and 505.03 convey responsibilities and authority to cities for the establishment of platting and subdivision regulations. The purpose of this Chapter is to establish platting and subdivision regulations that:

1. Provide for the orderly, efficient, and safe development of land, urban services and facilities;
2. Promote the public health, safety, and general welfare of the community by establishing physical standards, design requirements, and procedures for the platting and subdivision of land; and
3. Establish procedures that permit flexibility in land development.
6. "Cul-de-sac" - a street with a single means of ingress and egress and having a turnaround at its end for a safe and convenient reversal of traffic.
7. "Cul-de-sac bulb" - the turnaround at the end of a cul-de-sac.
8. "Easement" - an interest in land granted by a property owner that entitles the easement holder to a specified use of the land.
10. "Pedestrian way" - a public or private right-of-way designated for pedestrian use.
14. "Right-of-way" - an area of land dedicated on a plat or by legal document or by operation of law that is intended to be used for location of streets, pedestrian ways, railroads, or utility purposes.
15. "Street" - a vehicular way located within a right-of-way, further designated as local, collector, minor arterial, principal arterial or private.

16. "Street, collector" - a street so designated in the comprehensive plan that is designed to provide access from local streets to arterial streets.
17. "Street, local" - a street so designated in the comprehensive plan that is designed to provide access to adjacent properties and neighborhoods. All streets not designated as collector or arterial streets are local streets.
18. "Street, minor arterial" - a street so designated in the comprehensive plan that is designed for mobility rather than access and connects land uses that generate a large number of vehicle trips.
19. "Street, principal arterial" - a street so designated in the comprehensive plan that is designed to provide high-speed mobility between the Twin Cities and other locations outside of the metropolitan area.
20. "Street, private" - a street that is not owned or maintained by a government body.
21. "Street width" - the shortest distance generally measured between the face of parallel curbs.
22. "Subdivision" - the separation of an area, parcel, or tract of land under single ownership into two or more parcels, as defined in Minnesota Statutes section 462.352. Subdivision includes the division of any land previously combined for tax purposes.

SECTION 400.025. SUBDIVISION REVIEW PROCESS.

Any subdivision that results in two or more parcels requires two approvals: preliminary plat approval and final plat approval. Each approval constitutes a separate action by the city, requiring a separate application, and subject to separate statutory deadlines. The review and approval procedures are outlined in the following:

- 7) Tree plans. Woodland preservation, high priority and significant trees, as defined by the zoning ordinance, must be identified in existing and resulting conditions plans.

SECTION 400.030. DESIGN STANDARDS.

In evaluating a subdivision, the city will consider its compliance with the following standards:

2. Street Standards.

- a) The arrangement, character, extent, width and location must be consistent with the comprehensive plan.
- b) Streets must be designed and located with consideration to existing and planned streets, reasonable circulation patterns, topographical conditions, stormwater runoff, public

conveyance and safety. c) Streets must be designed in accordance standards and specifications as required by the city engineer.

d) Right-of-way widths must be the minimum required by the city engineer and appropriate for the street classification. The required minimum will generally fall with the following ranges:

1) Local street: 50 to 80 feet

2) Collector street: 60 to 100 feet

3) Minor arterial street: 60 to 150 feet

4) Principal arterial street: 100 to 300 feet.

d) Street intersections must be at right angles wherever possible.

e) Street jogs with centerline off-sets must be at least 125 feet in length wherever possible.

f) Property lines at street intersections must be rounded with a radius of at least 20 feet or with comparable cutoffs or chords in place of rounded corners.

3. Cul-de-sac Standards.

a) Cul-de-sacs are measured along the center line of the street from the intersection of origin to the end of the cul-de-sac right-of-way.

b) Each cul-de-sac must have a terminus of nearly circular shape unless modified by the city with a minimum right-of-way diameter of 100 feet and a minimum pavement diameter of 80 feet.

c) The property line at the intersection of the cul-de-sac bulb and the straight portion of the street must be rounded at a radius of not less than 20 feet.

d) Center islands are prohibited.

e) Cul-de-sacs may not be longer than 500 feet unless the city council approves a longer length based upon the following conditions:

1) severe topography: the resulting street grade is more than seven percent or substantial grading is required so that the physical character of the property or adjacent properties is severely impacted;

2) significant vegetation: the cul-de-sac would serve to preserve mature trees on the property, whereas an extension or through street would cause their destruction. Significant vegetation is defined to include but not be limited to indigenous deciduous hardwood trees of 12 inches in diameter or more and indigenous coniferous trees of 15 feet high or more;

3) existing development: the pattern of existing development requires that the only practical method of providing public access is a long cul-de-sac; or

4) temporary cul-de-sac: the cul-de-sac is temporary and designed to be extended to provide access to an adjacent property that has not undergone development.

f) In a case where a proposed plat is adjacent to a limited access highway, other major highway or arterial street, the city may require the developer to configure the lots in a manner that does not permit direct access between any lot and the highway or arterial street.

g) All proposed streets shown on the plat must be offered for dedication as public streets.

SECTION 1100. STREET SPECIFICATIONS.

1100.005. Definitions.

For the purpose of this section the words below are defined as follows.

1. "City" means the city of Minnetonka.
2. "Engineer" means the city engineer or agent.
3. "Specifications" means the designs, standards, requirements, and directions prepared by the engineer, as accepted by the council.
4. The term "work" includes materials and labor.
5. "Subdivider" means owner or developer.

SECTION 1105. DRIVEWAYS, APPROACHES AND ENTRANCES.

1105.050. Submission of Plans to City Engineer.

Plans submitted to the building inspector that include or involve a driveway approach must be referred by the building inspector to the city engineer for his/her approval before a building permit may be issued.

1105.055. Construction Requirements Generally.

In addition to the regulations and specifications adopted by the city engineer, the following requirements must be met.

1. A driveway approach must intersect the street pavement at an angle to be approved by the city engineer based upon the physical characteristics of the street and the lot being accessed. The angle should be as close as reasonably practical, in the judgment of the city engineer, to a right angle to the tangent of the curve of the street pavement.
- 7 Trees or shrubs must not be placed adjacent to the driveway so as to unreasonably interfere with the ability to see traffic on the public street.

SECTION 1120. RIGHT-OF-WAY MANAGEMENT.

1120.005. Findings, Purpose, and Intent.

To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances. Accordingly, the city enacts this section to impose reasonable regulation on the placement and maintenance of facilities within the city's rights-of-way and is intended to complement the regulatory roles of state and federal agencies. This section requires persons excavating and obstructing the rights-of-way to bear financial responsibility for their work and to reimburse the city for its out-of-pocket and projected costs.

This section must be interpreted consistently with Minnesota statutes sections 237.162, 237.163, 237.79, 237.81, and 238.086 (the "Act") and the other laws governing applicable rights of the city and users of the rights-of-way. This section must also be interpreted consistent with Minnesota rules 7819.0050 - 7819.9950 where possible. To the extent any provision of this section cannot be interpreted consistently with the Minnesota rules, the interpretation most consistent with the Act and other applicable statutory and case law is intended. This section may not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

1120.010. Election to Manage Public Rights-of-Way.

Pursuant to the authority granted to the city under state and federal law, the city elects under the Act to manage rights-of-way under its jurisdiction and to regulate excavations and obstructions within public rights-of-way.

SECTION 1130. SNOW REMOVAL RESTRICTIONS.

1130.005. Definition.

"Street" as used in this section means the traveled portion of any city street, alley, and highway, county road and state highway within the city of Minnetonka, including curb and gutter.

1130.010. Prohibitions.

1. A person must not deposit snow or ice, plowed or removed from private property, onto a public street, public sidewalk or other public property. Street boulevards are intended to

provide storage for snow and ice that is removed from city streets. Snow or ice that is plowed or removed from private property may be deposited within the boulevard abutting the property from which it was removed but must not be deposited in non-abutting boulevard areas.

2. A person must not deposit snow or ice, regardless of place of origin, onto a public street or public sidewalk in a manner that unreasonably obstructs the use of the street or sidewalk, or interferes with city snowplowing operations.

3. An owner or occupant of private property must not permit or allow anyone who is plowing or removing snow or ice from the owner or occupant's property to deposit snow or ice in violation of this ordinance.

(Amended by Ord. No. 2015-02, adopted February 9, 2015)

Sent to neighbors
on Sept. 19th



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | eminnetonka.com

TO: Dunibar Ridge Neighbors
FROM: Ashley Cauley, Senior Planner
DATE: Sept. 18, 2022
SUBJECT: Dunibar Court

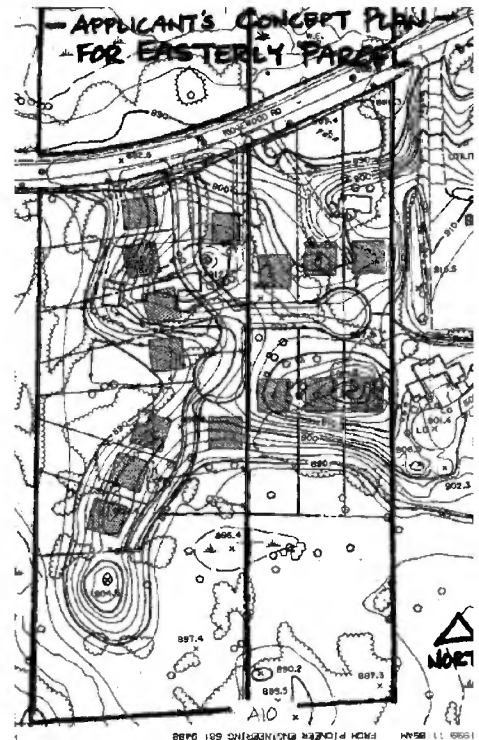
This memo is intended to respond to questions raised by neighbors in the letter from Larkin Hoffman on July 1, 2022 and email from Christie Nagalla on Sept. 9, 2022.

- **Neighborhood comment: Difficult site conditions must be addressed by potential developers, impacts cannot solely fall on existing neighborhoods.**

Staff response: Each land use proposal is reviewed by professionals in engineering, fire, legal, natural resources, economic development, planning, and public works to ensure compliance with city ordinances and evaluate site impacts.

- **Neighborhood comment: The proposed access via Dunibar Circle is no longer consistent with the zoning ordinance and the access along Dunibar Circle in 1999 assumed the property would be rezoned to PUD. Rezoning of the property to PUD does not provide a public benefit and would be inconsistent with the public health, safety and welfare.**

Staff response: At the time of development, the developer of Dunibar Ridge prepared, for staff review, several concept plans to provide future development access to 17809 Ridgewood Road. Ultimately, the cul-de-sac and associated right-of-way, of Dunibar Ridge Road was shifted to the eastern property line to allow a future connection to integrate the new, future development. The future development plan contemplated six lots, all with access via a newly constructed cul-de-sac from Dunibar Ridge Road. The staff report, at the time, suggested that development of the property would be PUD, planned unit development, similar to the Dunibar Ridge development. Since the development of Dunibar Ridge, the city has amended



and adopted several ordinances, including the PUD, subdivision and several environmental ordinances (trees, steep slope, wetland, and floodplain).

As currently proposed, Lot 2 of Dunibar Court is less than the required 22,000 square feet and would require a variance. The developer will slightly reconfigure the plans to increase the lot area of Lot 2 to be conforming and eliminate the need for a lot area variance. Based on conversations with the developer, the lot line between Lot 1 and Lot 2 will move north slightly. Once this is completed the subdivision will meet R-1 zoning standards. Despite the minor change, staff will upload the revised plans to the website as soon as they are available.

The following is intended to summarize the lot sizes of Dunibar Court to the existing Dunibar Ridge development.

	Address/ Lot Description	Lot area *	Buildable area *	Lot width at right of way	Lot width at building setback	Lot Depth
Dunibar Ridge	Per Development					
	Lot 1, Block 1 4445	23,195 sq. ft.	11,130 sq. ft.	90 ft	103 ft	240 ft.
	Lot 1, Block 2 4430	24,680 sq. ft.	4,270 sq. ft.	97 ft	104 ft	245 ft
	Lot 2, Block 2 4454	25,255 sq. ft.	6,975 sq. ft.	89 ft	90 ft	245 ft
	Lot 3, Block 2 4478	26,345 sq. ft.	9790 sq. ft.	101 ft	100 ft	300 ft
	Lot 4, Block 2 4502	26,275 sq. ft.	9,255 sq ft.	141 ft	99 ft	295 ft
	Lot 5, Block 2 4526	25,330 sq. ft.	5,730 sq ft.	10 ft ^{v1}	140 ft	260 ft
	Lot 6, Block 2 4550	22,149 sq. ft.	6,650 sq. ft.	0 ft ^{v2}	90 ft	240 ft
	Lot 7, Block 2 4574	22,035 sq. ft.	4,600 sq. ft.	0 ft ^{v3}	100 ft	170 ft
	Lot 1, Block 3 4525	22,070 sq. ft.	4,940 sq. ft.	108 ft	90 ft	200 ft
Dunibar Court	Code Required	22,000 sq. ft.	3,500 sq. ft.	80 ft 65 ft at cul-de-sac	110 ft	125 ft
	Lot 1, Block 1	65,765 sq. ft.	36,530 sq. ft.	294 ft	293 ft	251 ft
	Lot 2, Block 1	20,038 ft	8,120 sq ft.	115 ft	124 ft	166 ft
	Lot 3, Block 1	38,250 sq. ft.	15,280 sq ft.	65 ft	129 ft	143 ft
	Lot 4, Block 1	61,130 sq. ft.	18,480 sq. ft.	67 ft	134 ft	155 ft
	Lot 5, Block 1	101, 540 sq ft.	8,063 sq. ft.	115 ft	115 ft	601 ft

House placement is proposed to meet required setbacks from property lines and natural resources. Dunibar Court would have setbacks equal to, or greater than, homes in Dunibar Ridge:

	Dunibar Ridge	Dunibar Court
Minimum front yard setback	25 feet from local street within the PUD * 35 feet from a local street outside of the PUD 50 feet from Ridgewood Rd Private street homes have front yard setbacks of 20 feet.	35 feet from new cul-de-sac 50 feet from Ridgewood Rd **
Minimum side yard setbacks	10 feet from interior lot lines 15 feet on lot line along the exterior of the PUD	10 feet; aggregate total of 30 feet
Minimum rear yard setback	40 feet or 20 percent of the lot width, whichever is less	

* The property at 4525 Dunibar Ridge was granted a variance to reduce the front yard setback from 25 feet to 20 feet for a three-stall garage.

** The front yard setback of Lot 1, Block 1 Dunibar Court is shown at 35 feet. However, the home footprint is shown to meet the 50 ft setback. This would be updated on future plans.

- **Neighborhood comment: The pond on the north side of 4445 Dunibar Ridge Road no longer has water in it.**

Staff response: During the wetland review, natural resources staff noted that the basin is completely separate from the adjacent wetlands. The water resources engineer added that the basin was constructed to take on and treat stormwater. It may be wet or dry for periods of time based on weather conditions. Aerial photography suggest that water has been present in the basin at various times since its construction but does appears to be dry in 2021 and 2022. This is generally consistent with lower water levels across the city.

- **Neighborhood comment: The roadways are too narrow.**

Staff response: Existing and proposed roadways are consistent with ordinance. The following is intended to show street design requirements outlined in city code compared to Dunibar Ridge Road and the new Dunibar Ridge.

	Code Required	Dunibar Ridge Road	Dunibar Court
Minimum right-of-way width	Local street: 50-80 ft	50 ft	50 ft
Minimum cul-de-sac right of way	Diameter of 100 ft	100 ft	100 ft
Minimum cul-de-sac pavement	Diameter of 80 ft	80 ft	75 ft *

* A condition of approval would be added to increase the pavement diameter to 80 feet.

- **Neighborhood comment: Dunibar Court should be constructed through the wetland as wetland migration has already occurred in this area, and other areas of the community.**

Staff response: Wetland levels fluctuate over time resulting from many factors.

Typically, public infrastructure may be allowed within wetland and associated buffer areas only when the city determines that no other viable alternatives are available. This requires a legal process and review and approval by several agencies.

The following is intended to summarize instances of wetland alteration approved by the city council over the last decade:

2003	Marshes of Meadowwoods	Previous property owners had drained wetlands onsite without a permit. To rectify, the developer was required to provide 10.36 acres of wetland.
2011	City of Minnetonka Greenbrier Trail	Trail connection to provide appropriate pedestrian connections between Cedar Lake Road and Hopkins Crossroad. Along the 3,500-foot trail, 990 square feet of wetland was filled.
2013	Sparrow Road/ Beaverwood Road trail project	530 square feet of wetland was filled for the construction of a sidewalk adjacent to 18400 Beaverwood Trail as part of the Sparrow Road reconstruction project.
2014	Legacy Oaks	Roughly 6,660 square feet of wetland was filled. To satisfy the Wetland Conservation Act mitigation standard, approximately 16,650 square feet of degraded wetland was restored and 19,650 square feet of wetland buffers was created.
2015	County Road 101 reconstruction	Fill roughly 5,400 square feet of wetland and create 7,320 square feet of new stormwater storage area to relocate the bus access at Clear Spring Elementary school as part of the County Road 101 project.
2016	Southwest Light Rail Trail	Alteration (movement) of 1.24 acres of wetland. Regional and local policy makers determined that the SWLRT line will ultimately provide the regional population with a transportation alternative and, as such, contribute to the greater public good.
2020	Trail connection near Opportunity Court and Hwy 169. The connection was part of a 15-mile Nine Mile Creek Regional Trail.	260 square feet of wetland was filled and 260 square feet of wetland was created.

These projects were approved to either rectify previous violations or to serve a larger public good on a scale larger than a single development. Staff would not support the roughly 11,000 square feet of wetland fill, which would require mitigation at a rate of 2:1, needed to construct a public road for the current proposal.

- **Neighborhood comment: When will Dunibar Ridge Road be reconstructed?**

Ridgewood Road, Dunibar Ridge Road, and Southridge Court are scheduled for mill-and-overlay in 2027.

- **Neighborhood comment: The proposal suggest vehicles are required to turn into development at 126 degrees acute/ sharp angle and not the 90 degree turn required by code.**

Staff response: The city's engineering, fire, and public works department have reviewed the site design and find it to be acceptable.

- **Neighborhood comment: Where will parking occur?**

Staff response: Parking can continue to occur on private properties or along the public street.

- **Neighborhood comment: Where will snow be collected?**

Staff response: Generally, snow collected from the public roadway is deposited in rights-of-way (ROW). The location of the hydrant, mailboxes and pine trees planted within the ROW have limited snow storage at the end of the Dunibar Ridge Road cul-de-sac (in front of 4502 and 4525 Dunibar Ridge Road.

Staff review finds that the new cul-de-sac would not make the situation better or worse as snow from the existing cul-de-sac would not be pushed into the new cul-de-sac and vice versa. However, if the proposal does not move forward removing the pine trees would significantly improve the situation as additional area for snow storage would be created.

Please note, that the private snow removal companies - removing snow from 4526, 4550, and 4574 and the private drive - should not be depositing snow within the right-of-way pursuant to the section provided to [Sec. 1130.010](#). Staff will continue to monitor that situation.

- **Neighborhood comment: Will the new development be required to join the HOA? Easement granted by the developer to the HOA, does this affect Dunibar Ridge HOA to vote whether or not to approve the proposal?**

Staff response: A pre-existing agreement is required to give the city the authority to require the new development to join the existing HOA. The city does not have a copy of the Dunibar Ridge HOA but available information suggests that the city does not have the authority to require the new development to join the existing HOA. That said, the developer/ new development may join should they chose to do so.

The plans do not include an easement benefiting the HOA on behalf of the development or vice versa. The plans do include standard drainage and utility easements, conservation easements to be placed over wetland buffer areas, and a 15 foot

maintenance easement to provide maintenance access to the stormwater facility between Lots 1 and 2.

- **Neighborhood comment: What happens to the pine trees on the east side of Dunibar Ridge Road?**

Staff response: The pine trees are located within the right-of-way. [City Council Policy No. 11.3](#) relates to private uses within public easement areas. The policy would classify the area on the east side of the Dunibar Ridge Road cul-de-sac as a "boulevard easement". The policy prohibits coniferous trees within 20 feet of the back of curb and the city can require their removal if determined by the director of engineering to hinder the safe and efficient movement of motorists, pedestrians, and bicyclists on public rights-of-way. While the city has not required their removal to date, the trees are located within a right-of-way and are not required to be saved. Discussion with the developer about the proposed landscaping plan should occur.

- **Neighborhood comment: Is the house next to 4525 10 or 15 feet from the lot line. The code requires 15 feet.**

Staff response: The setback line for Lot 5 is shown at 15 feet. It is common for developers, at this stage, to average the cumulative 30 foot setback for building area calculations. However, as noted above a new home could be constructed 10 feet from the western lot line if 20 feet is maintained on the east side of the home.

Resolution No. 2022-

Resolution approving the preliminary and final plat of DUNIBAR COURT, a five-lot subdivision, at 17809 Ridgewood Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Zehnder Custom Homes, Inc. has requested preliminary and final plat approval for DUNIBAR COURT, a five-lot subdivision.

1.02 The property is located at 17809 Ridgewood Road. It is legally described as follows:

The East 16 rods of the West 1/2 of the Southeast 1/4 of the Southeast 1/4, Section 19, Township 117, Range 22, Hennepin County, Minnesota

1.03 On Oct. 6, 2022, the Planning Commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The Commission recommended that the City Council grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.

Section 4. Council Action.

- 4.01 The above-described preliminary and final plat is hereby approved, subject to the following conditions:
1. Prior to the release of the final plat for recording purposes:
 - a) Submit a revised final plat that includes:
 - 1) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - 2) Include easement Doc. No. 9181365.
 - 3) Provide drainage and utility easements:
 - Over existing or proposed public utilities, as determined by the city engineer.
 - Over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.
 - Over maintenance path along the west property line of Lot 2.
 - b) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
 - 1) Title evidence that is current within thirty days before the release of the final plat.
 - 2) Conservation easements over all of the wetlands and buffers and the entire piece of property north of Ridgewood Road. This document must include a drawing of the easements that may allow the removal of hazards, diseased, or invasive species.
 - 3) A Contract for Residential Development (or Developers Agreement). This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.
 - c) Submit the following:
 - 1) Two sets of mylars for city signatures.

- 2) An electronic CAD file of the plat in microstation or DXF.
 - 3) Park dedication fee of \$20,000. Based on the city's adopted capital improvement program, there are 8.35 miles identified of missing trail connections in the southwest quadrant of the city. This park dedication fee is the result of the determination that the specific development would directly impact surrounding park and recreational facilities within the community and therefore necessitates access, acquisition, and improvements to those facilities.
2. This approval will be void on Oct. 6, 2023, if: (1) the final plat has not been recorded; and (2) the city has not received and approved a written application for a time extension.
 3. Subject to staff approval, DUNIBAR COURT must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Site plan, grading plan, utilities plan, alternate utility plan with staff prepared installation method dated Aug. 16, 2022
 - Tree plan dated Aug. 11, 2022
 - Preliminary plat dated Sept. 23, 2022
 4. A site development is required. This permit will cover demolition, grading, installation of sewer, water, and stormwater facilities, and construction of the public street:
 - a) Unless authorized by city staff, no site work – including tree removal – may begin until a complete site development permit application has been submitted, reviewed by staff, and approved.
 - b) The following must be submitted for the site development permit to be considered complete:
 - 1) Electronic plans and specifications submitted through the city's electronic permit and plan review system.
 - 2) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval. All plans must include:
 - a. Easement Doc. No. 9181365
 - b. Minimum 50-foot wide right-of-way, with minimum right-of-way diameter for 100 feet at the cul-de-sac.

- c. Minimum 26-foot wide face-to-face pavement, with a minimum pavement diameter of 80 feet at the cul-de-sac.

In addition:

- d. Final site plan. The plan must:
- Accurately note the setbacks from property lines. Additionally, a 50-foot front yard setback from Ridgewood Road.
 - Illustrate a curb cut to the maintenance path on the west side of Lot 2.
- e. Final grading plan must:
- Include street grades.
 - Clearly identify the maintenance path to the stormwater chamber. This access path can be vegetated – but not planted with shrubs or trees – and be structurally able to support trucks.
 - Utilize conservative grading in slope areas greater than 20 percent. No grade alteration is allowed in areas of 30 percent or greater slope, as identified by staff.
- f. Final utility plan. This plan must:
- Adjust the water main alignment to avoid catch basins.
 - Loop the water main from Dunibar Ridge Road to Southridge Court and provide isolation valves.
 - Include profiles for water main, sanitary sewer, and storm sewer.
- g. Final stormwater management plan. The plan must demonstrate conformance with the following criteria:
- Rate. Limit peak runoff flow rates to that of existing conditions from the 2-, 10-, and 100-

-
- year events at all points where stormwater leaves the site.
 - Volume. Provide for onsite retention of 1.1-inch of runoff from the entire site's impervious surface.
 - Quality. Provide for all runoff to be treated to at least 60 percent total phosphorus annual removal efficiency and 90 percent total suspended solid annual removal efficiency.
- h. Final landscaping plan. The plan must:
- Meet minimum landscaping and mitigation requirements, as outlined in the ordinance. Note only small shrubs, perennials, and grasses may be located in public easements.
 - Not include any trees within the public right-of-way. Newly planted deciduous trees must be located at least 15 feet from the pavement edge and coniferous trees at least 20 feet from the pavement edge.
- i. Tree mitigation plan. The plan must meet mitigation requirements, as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased.
- j. An erosion control plan that notes that all trees required to remain will be protected by chain link fence.
- 3) A utility exhibit. The exhibit must show only property lines, sewer, water, storm sewer, and underground stormwater facilities. The exhibit must clearly note which facilities are public and which are private.
- c) Prior to issuance of a site development permit:
- 1) The final plat must be recorded at Hennepin County.
 - 2) The easements and contract outlined in Sec. 4.01(1) of this resolution must be recorded.
 - 3) Submit the following documents and items:

- a. Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas and required stormwater management facilities. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the basin, keeping approved vegetated or pea rock cover within the basin, and removing any blockage that may impede the drainage of the site, as approved with the building permits. These documents must be appropriately recorded.
- b. A stormwater maintenance agreement in a city-approved format for review and approval of city staff.
- c. A MPA NPDES permit.
- d. A MPCA Sanitary Sewer Extension Permit or documentation that such a permit is not required.
- e. A MDH permit for the proposed water main or documentation that a permit is not required.
- f. A construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.
- g. Evidence of closure/ capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
- h. All required administrative or engineering fees.
- i. Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, an amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.
- j. Individual letter of credit or cash escrow in the amount of 125% of an engineer's bid cost or 150% of an estimated cost to comply with grading permit and landscaping requirements and to restore the

site. The city will not fully release the letters of credit or cash escrow until (1) an electronic CAD file or certified as-built drawings of the public infrastructure in microstation or DXF format have been submitted; (2) vegetated ground cover has been established; and (3) required landscaping or vegetation has survived one full growing season.

- k. Cash escrow in the amount of \$5,000. This escrow must be accompanied by a document prepared by the city and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- 4) Hold a preconstruction meeting with site contractors and city planning, engineering, public works, and natural resources staff. The meeting may not be held until all items required under 4.01 Subd.4(b) and Subd.4(c)(3) of this resolution have been submitted, reviewed by staff, and approved.
- 5) Install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
- 6) Permits may be required from other outside agencies, including Hennepin County, the Riley-Purgatory Bluff Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
5. Prior to issuance of a building permit for the first new house within the development, submit the following documents:
- a) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - b) Proof of subdivision registration and transfer of NPDES permit.

7. Prior to issuance of a building permit for any of the lots within the development:
 - a) Submit the following items for staff review and approval:
 - 1) A construction management plan if the builder is not the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
 - 2) A letter from the surveyor stating that the boundary and lot stakes have been installed as required by the ordinance.
 - 3) Final grading and tree preservation plan for the lot. The plan must:
 - a. Be in substantial conformance with the plans outlined in Section 4.01(3) unless modified by Section 4.01(4) of this ordinance.
 - b. Show sewer and water services to minimize impact to any significant or high-priority trees.
 - 4) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.
 - 5) An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format.
 - b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing, and any other measures identified on

- the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
- c) Install heavy-duty fencing, which includes chain-link fencing, at the conservation easement and around trees as required by city staff. This fencing must be maintained throughout the course of construction.
 - d) Submit all required hook-up fees.
8. All lots and structures within the development are subject to all R-1, low-density residential zoning standards. In addition:
- a) Minimum floor elevation is 893.9' on the north side and 889.5' on the south side.
 - b) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
9. The city may require the installation and maintenance of signs which delineate the edge of any required conservation easement. This signage is subject to the review and approval of city staff.
10. During construction, the streets must be kept free of debris and sediment.
11. The property owner is responsible for replacing any required landscaping that dies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Oct. 24, 2022.

Brad Wiersum, Mayor

Attest:

Becky Koosman, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Oct. 24, 2022.

Becky Koosman, City Clerk