Planning Commission Agenda

February 5, 2015—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: January 22, 2015
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda
   No Items
8. Public Hearings: Non-Consent Agenda Items
   A. Sign plan review for Ridgedale Center at 12401 Wayzata Boulevard.
      Recommendation: Adopt the resolution approving the request. (5 votes)
      • Final Decision Subject to Appeal
      • Project Planner: Jeff Thomson
   B. Ordinances amending various sections of the city code regarding.
      Recommendation: Recommend the city council adopt the ordinances. (4 votes)
      • Recommendation to City Council (Tentative Date: March 2, 2015)
      • Project Planner: Susan Thomas
9. Adjournment
Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.

2. Applications scheduled for the February 19, 2015 Planning Commission meeting:

   Project Description: Housekeeping ordinance pertaining to grading.
   Project No.: TBD  Staff: Susan Thomas

   Project Description: The property owner has presented a concept to subdivide seven existing properties into twelve single-family residential lots at 5290 and 5300 Spring Lane; 5325 Co Rd 101; 5301 and 5311 Tracy Lynn Terrace; and two properties with unassigned addresses. At this time the proposal requires: (1) rezoning the properties from R-1 to R-1A. By city code, the city will consider formal subdivision of the properties at a later date.
   Project No.: 14002.15a  Staff: Susan Thomas
   Ward/Council Member:  4—Tim Bergstedt  Section: 30
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.

2. Staff presents their report on the item.

3. The Commission will then ask City staff questions about the proposal.

4. The chairperson will then ask if the applicant wishes to comment.

5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.

6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.

7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.

8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.

9. The Commission will then discuss the proposal. No further public comments are allowed.

10. The Commission will then make its recommendation or decision.

11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.
1. **Call to Order**

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

2. **Roll Call**

   Commissioners Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman were present.

   Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, Water Resources Engineer Liz Stout, and Natural Resource Manager Jo Colleran.

3. **Approval of Agenda:** The agenda was approved as submitted with modifications and additions provided in the change memo dated January 22, 2015.

4. **Approval of Minutes:** January 8, 2015

   *Odland moved, second by Kirk, to approve the January 8, 2015 meeting minutes as submitted with the following change:*

   Page 6, paragraph 6: “Kirk said that it appeared that the building elevation increased in height, the elevation decreased, but the height of the roof of the building increased from 980 feet in the previous proposal to 983 feet in the current proposal.”

   *Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman voted yes. Motion carried.*

5. **Report from Staff**

   Gordon briefed the commission on land use applications considered by the city council at its meeting of January 5, 2015:

   - Introduced and referred items related to Groveland Villas to the planning commission.
   - Vacation and establishment of new utility and drainage easements for 9900 Bren Road.
• Adopted a resolution approving the conditional use permit for Unleased Dog Care.

The first Ridgedale southwest sector vision meeting was well attended by 100 residents. The next meeting will be in February.

Gordon announced that Chair Lehman has completed serving eight years on the planning commission. Chair Lehman has attended over 200 meetings and reviewed over 1,100 development applications including Opus headquarters, United Health, and tree protection and shoreland ordinances. Gordon appreciated Chair Lehman's ability to run a meeting and his service over the last eight years on the planning commission and the eight previous years on the park board. Wischnack appreciated how fair Lehman consistently ran each meeting. Chair Lehman appreciated the kind words. For every 1,100 project, he had people at church come up to him and tell him what they thought of project.

The next planning commission meeting will be February 5, 2015.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

8. Public Hearings

A. Site and building plans for a condominium building in the Legacy Oaks development.

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

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

Tim Whitten, of Whitten Associates, applicant, was very pleased to be speaking to commissioners. He stated that:

• Development of the southeast quadrant was on hold until the market would be available for this type of product.
• The interest in the project has been extraordinary. He is excited to move forward with this option.
• The project is in the midst of grading. There are curb and gutters in some of the areas. It is advancing quickly.
• He was happy to answer questions.
Rettew asked why condominiums were chosen. Mr. Whitten said that condominiums were always intended for the site. The market was a little unstable for the last few years. The townhomes were the safe position. He is confident enough to move forward with the first building.

Rettew asked how many more units a condominium would have than townhomes. Mr. Whitten recalled 60 units would be the maximum number of condominiums and mid-twenties for townhouses. The site would allow a greater number of units in terms of density.

The public hearing was opened.

Craig Sicard, 408 Parkers Lake Road, stated that:

- He was concerned with the amount of traffic on the proposed accesses to Parkers Lake Road. The accesses would be close together.

No additional testimony was submitted and the hearing was closed.

Thomas explained that a traffic study was done and the plan was evaluated by the city engineer. Engineering staff were concerned with the number of access points on Parkers Lake Road, so one access was eliminated. The driveway access to the north condominium building would be located on Oak Croft Place which would be a private drive on the south side of the building. The site and building plan review being looked at currently is for the proposed building on the north. The two buildings on the south would be reviewed in the future by the commission. Further consideration may be done at that time.

Chair Lehman asked for the location of the accesses on the east side of Parkers Lake Road. Thomas provided an illustration that showed that there would be no access points on the east side of Parkers Lake Road. The Carlson Gates Apartments have access on Carlson Parkway.

Rettew said that the proposed three condominium buildings would more than double the population. He wondered about the environmental impact and traffic. Thomas explained that the master development plan looked at the environment impact and setback from wetlands. The property has been guided for medium density since the mid-1970s. The city council has been very clear during concept plan reviews that medium density is preferred. The condominiums provide more density than townhomes. Townhomes would have been at 4.5 units per acre.
The proposal would be 6.6 units per acre. The increase in density is favored by the city council.

Rettew noted the areas lack of trees. He was concerned it would add to the appearance of being nondescript, treeless, and having closed-in lots. Thomas answered that staff recommends approval of the proposal.

Rettew questioned the reasons for medium density. Thomas repeated that the area has been guided for medium density since the first comprehensive guide plan. The site is the city’s best opportunity to provide a good size area of medium density. Colleran added that the site has lost large trees due to Oak wilt. The proposal would restore a woodland area on the west end. The landscape plan would be part of the master development plan. Large parts of the site would be placed in conservation easements where wetland buffers would be restored, a woodland restoration area would be created, and landscape would be planted. It would not be a traditional conservation development. It would be an urban ecology stewardship plan. It would be funded by the homeowner’s association to continue long-term restoration and maintenance. The trees would be relatively small when planted, but would grow in time. The property was a sheep farm and it was not a forested area to begin with. There would be rain gardens, infiltration basins, and storm water ponds installed to pretreat runoff and protect the wetlands.

Chair Lehman asked staff to explain the benefits of medium density residential housing. Gordon explained that Interstates 494 and 394 created an area appropriate for density and access. Chair Lehman added that a housing goal set by the Metropolitan Council for the city is to provide a variety of housing types. Gordon agreed.

Kirk found the architecture attractive. He appreciated the fact that the building would be three stories. The gable roofs would make it look residential. The plat of the area kept the large lots near the northwest. He expected to see higher density for this site. The architecture would be appropriate. However, Oak Croft Place and Parkers Lake Road could be a congested intersection if motorists would use Oak Croft Place to enter into the development. Legacy Oaks Trail is more the main access point for the development. It seems that the drive may block the street if more than two vehicles would be queued to enter the underground garage. He agreed that limiting the number of access points on Parkers Lake Road would make sense, but was concerned with queuing. Thomas explained that the drive leading to the underground garage from Oak Croft Place would be longer to allow more stacking space than a drive directly from Parkers Lake Road. From a grade perspective, the entrance to the
underground garage needs to be on the east side. She agreed that there would be a downside to both locations. From staff’s perspective, the detriment of having direct access to Parkers Lake Road outweighs the detriment to Oak Croft Place.

Kirk reminded staff of the need expressed for improvements to Parkers Lake Road. Thomas answered that the upgrade to Parkers Lake Road and construction of a sidewalk or trail on the west side are tentatively scheduled in the city's capital improvement plan. Gordon said that the improvements are currently scheduled for 2018. The improvements would be done after the construction traffic for redevelopment of the site would be completed and grading for the trail would be done while grading for the redevelopment would occur.

Rettew drives Parkers Lake Road every day. Parkers Lake Road divides the houses on the west and north from the rest of the hustle and bustle. The condominiums on Carlson are on a hill and hard to see form Parkers Lake Road. He could see townhomes and single-family houses, but the proposal feels like too much. It would be too close to the single-family neighborhood to the north and west. He could see townhomes there.

Odland moved, second by Kirk, to adopt the ordinance on pages A28-A31 of the staff report which amends the master development plan for Villas at Groveland at 17113 Minnetonka Boulevard and adopt the resolution on pages A32-A44 of the staff report which grants preliminary plat and final plat approvals to Villas at Groveland, a 14 lot subdivision at 17113 Minnetonka Boulevard.

Odland, Kirk, Knight, Magney, O'Connell, and Lehman voted yes. Rettew voted no. Motion carried.

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

B. Items concerning Villas at Groveland at 17113 Minnetonka Boulevard.

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

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

Rettew asked if there would be enough room to locate plowed snow in the cul-de-sac. Thomson said that one less driveway and residence would help. Shared
driveways are an option. There would be a snow storage easement to provide snow storage.

Kirk wanted to make sure there would be the ability to park two vehicles in each driveway. Thomson confirmed that would be the case. The setback was moved back to allow two vehicles to park on each driveway.

O'Connell favored the change. He noticed a traffic increase with the closing of County Road 101 while it is under construction. He asked what could be done to handle the construction traffic, especially at rush hour. Thomson said that the construction management plan would outline the route and hours for construction traffic.

Rettew asked if the proposal would meet ordinance requirements. Thomson explained that the proposal is a planned unit development (PUD) that would meet all medium density ordinance requirements. The proposal was previously approved.

Kirk asked if FAR applies to a PUD. Thomson explained that the units would meet the previous .5 FAR PUD standard.

Kirk confirmed with Thomson that the proposal would contain no housing that would meet affordability standards.

James Mackinnon, applicant, stated that he is working with Gonyea Homes. The number of building pads was reduced from 17 to 14. The beginning price point would be $750,000.

Jeff Martineau, of Coldwell Banker representing Gonyea Homes, stated that he is excited for the project. The housing pads appeared a little tight on the first plan. The proposed sized lots and residences would appeal to the empty-nester market. He illustrated how the houses would fit on the lots. The smaller lots on the west side of the street would have houses around 3,400 square feet finished. The houses on the east side of the street would have houses about 2 feet wider and with 3,600 to 3,700 square feet finished. The houses would all be custom. There would be a variety of different fronts.

The public hearing was opened. No testimony was submitted and the hearing was closed. Kirk appreciated that two lots were removed from the plan. He is not a huge fan of detached townhomes, but appreciates the decrease in density. He supports
approval of the proposal. He would like the extra space used to provide more open space.

**Odland moved, second by Kirk, to recommend that the city council adopt the ordinance on pages A28-A31 of the staff report which amends the master development plan for Villas at Groveland at 17113 Minnetonka Boulevard and the resolution on pages A32-A44 of the staff report which grants preliminary and final plat approval to Villas at Groveland, a 14 lot subdivision at 17113 Minnetonka Boulevard.**

**Odland, Rettew, Kirk, Knight, Magney, O'Connell, and Lehman voted yes. Motion carried.**

Chair Lehman stated that the item is tentatively scheduled to be reviewed by the city council at its February 9, 2015 meeting.

**C. Items concerning At Home Apartments at 5709 Rowland Road.**

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

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

Kirk asked how approval of a PUD stays with a property. Thomas explained that the Glen Lake proposal was on a traditional, R-5 zoned property. When a developer or property owner submits an application that meets all ordinance requirements, then the city is obligated to approve the application. Commissioners reviewed an application at the last meeting for a building that included variances to the R-5 ordinance standards. There was no existing PUD or master development plan for the property. That is different than the current proposal. In the case of PUD zoning, the city adopts a custom plan for that property. It serves as the zoning regulations for development. If an applicant would submit an application that would meet the allowances and regulations of a master development plan, then the city would be obligated to approve it. Kirk said that helped. It seems difficult to apply the same rules for a different product line sometimes.

Thomas explained that the current proposal is not exactly the same as what was approved in 2007. Commissioners have the authority to find that the proposal is not the same and recommend denial of the proposal. However, if an applicant came in with the exact same footprint, number of units, and for a senior cooperative, then the city would be obligated to approve it.
Kirk noted that the PUD is its own zoning district. Thomas agreed.

O’Connell clarified with Thomas that the approval is attached to the property, not the developer and a “reasonable” standard is used to approve a change. He asked what constitutes “reasonable.” Thomas said that it is a subjective measurement.

In response to Rettew’s question, Colleran explained that the floodplain forest is a strip of land that is defined in the tree ordinance. It is an ecosystem made up of silver maple and cottonwood trees where flooding occurs, recedes, and leaves saturated soils. As part of the grading plan, a small portion of the floodplain forest, 16 percent, would be impacted. Trees within the floodplain forest would be in a woodland preservation area as defined in the tree protection ordinance. Trees outside of the floodplain forest would be significant trees or high-priority trees. There are different categories of trees when evaluating tree loss.

Rettew asked what would happen to the flood water with a 16 percent reduction in floodplain forest. Colleran explained that the floodplain forest is an ecosystem growing in the floodplain. The flood water would be captured in the storm water ponding area. The project would be required to mitigate loss of the floodplain forest within reason. Trees would be planted to replace removed trees where reasonable.

Rettew asked for the parking ratio. Thomas provided a chart that explained that there would be 170 parking stalls on the property which equals 1.6 parking stalls per unit and 1.3 stalls per bedroom. Of the 170 stalls, 116 would be underground. Staff is comfortable with the amount of parking.

Rettew asked if the trail would connect to the city’s trail system. Thomas explained that portion of the project has not yet been determined.

Kirk confirmed with Thomas that the proposal would have eight fewer stalls than the consultant’s recommendation. Staff is comfortable with the ITE rate.

Kirk noted that the previous proposal provided for a larger building on the site without impacting the floodplain. Thomas agreed. The necessary parking area pushed the building back.

Kirk asked if an access agreement would be required for a trail. Thomas responded that a trail easement would be required.
Knight noted that residents support a sidewalk on Rowland Road and Bren Road leading to Shady Oak Road. He asked if the city plans on constructing a sidewalk. Thomas answered that it would not be part of the proposed project, but the city fills in missing links in the sidewalk system when the opportunities become available.

Mike Cashill and LeAnna Stefaniac of At Home Apartments and Pete Keely with Collage Architects introduced themselves. Mr. Cashill stated that they are excited to work in the community. At Home Apartments currently owns and manages the Chasewood Gates project down the road and 5,000 rental units throughout the twin cities and Kansas City. He looks to put the right product in the right place. He would like to work with staff to make the site pedestrian and cyclist friendly and provide an access to the park.

Mr. Keely presented the site plan. He stated that:

- There were modifications to accommodate the new wetland delineation which changed since 2007.
- The main mass of the building was diminished by breaking it into parts and moving it further back from Rowland Road. The building was situated to avoid a wetland and provide more room to plant trees.
- The storm water retention would increase the runoff storage.
- There are two access points. There would be underground parking and on-grade parking.
- The number of units has decreased to 106 units and the number of underground parking stalls has increased to a ratio of 1 stall per unit. The number of parking stalls would be 1.3 per bedroom. There would be more 1-bedroom units. The market is calling for more 1 bedroom units.
- The internal courtyard would be developed, landscaped, and made nice.

Kirk relies on an applicant to know how much parking would be necessary. It seems that there would be no way to expand the parking if needed.

Kirk asked if the developments in the company profile are now built. Ms. Stefaniac answered affirmatively. At Home Apartments are currently developing a similar proposal in Eagan which uses the 1.3 parking ratio. Mr. Cashill and Kirk compared the differences between the projects in the company profile and the current proposal. The proposed site has a beautiful area in the back. The
community room and decks would be facing the back. Kirk appreciates the gables on the roof. It makes it feel more residential.

Kirk asked if the stormwater retention pond would be used as part of the wetland remediation. Thomas stated that the proposal would not require any fill of wetland area. An area of the floodplain would be filled and mitigated. Stormwater storage would be happening in the floodplain area. Stout explained that the area being excavated for the stormwater pond would be the mitigation for the floodplain. There would be more storage for floodplain water than existing storage area filled.

Kirk asked if rent restrictions for 20 percent of the units applies to a variety of units. Ms. Stefaniac explained that the affordable units would be 20 percent of the total of each type of unit which results in 14 1-bedroom units, 1 of the 1 plus den units, and 4 2-bedroom units. The mirror of the building as a whole would match the affordable units.

In response to Odland’s question, Ms. Stefaniac answered that Parkway West and East River have 100 percent market-rate units. Parkway West has 48 units and East River has 44 units. Both are roughly 75 percent 1-bedroom units and 25 percent 2-bedroom units.

The public hearing was opened.

Calvin Johnson, 12905 Jorissen Road, stated that:

- He lives in Lake Forest Townhomes which consists of 35 townhomes with 2-car garages for each.
- His concern is the density. The same amount of land would have a lot more units. It would not be appropriate.
- There are parking issues.
- There are floodplain issues. The additional flood waters could affect the townhomes.
- The previous project was for owner-occupied cooperatives. The current proposal would have twice the density.
- The surrounding townhomes are owner occupied.
- The commission should not do harm to existing homeowners.

Bob Stanke, 5833 Rowland Road, stated that:

- He has lived there 36 years. The massive structure would destroy the woodland character of the area.
He was concerned with traffic. Traffic is already at an unacceptable level. It is impossible to sleep after 6:30 a.m. because of traffic going into the industrial park.

The speed limit is 30 miles per hour, but vehicles travel at 45 miles per hour.

The project would be across the street from the fire station. If it is a senior residence, then there would be more emergency calls.

The size would be too large for the area.

Terry Thomas, 5455 Butternut Circle, stated that:

- His mortgage company required him to have flood insurance when he moved in in 1999. His property is inches above the floodplain.
- Make sure the holding pond is built adequately. His property is in trouble from any type of large rainfall now.
- Several owners of Lake Forest Townhomes have flood insurance.
- Flood insurance costs $1,000 a year, but he does not pay it now.
- He wants the engineers to make sure the developer does what is supposed to be done.

No additional testimony was submitted and the hearing was closed.

Chair Lehman requested staff address concerns expressed by residents. Stout explained that floodplains are based on computer modeling. The computer applies a 100-year storm to a watershed. The assumption fully builds out the site including the maximum amount of impervious surface. The amount of water that would travel off of the surface is calculated and it is determined how the Nine-Mile Creek and its floodplain would be impacted. Engineering staff requires final as-built and record drawings and surveys when a project is completed. That is to ensure that there would be zero net fill of the floodplain. She has worked with residents who may choose to get an elevation certificate done by a surveyor. Many owners of a Lake Forest Townhome have proven to FEMA and their mortgage companies that their property is above the floodplain and, therefore, no longer required to have flood insurance. However, if she lived next to Nine-Mile Creek, she would not thing flood insurance a bad thing to have. The Lake Forest Townhomes are upstream of the proposed site and a significant culvert crossing at the railroad tracks. The culvert crossing has a more of a significant impact on the flood elevations upstream than any amount of fill proposed for the proposed project.

Chair Lehman asked what the city does to monitor the site for floodplain adequacy. Stout answered that final record drawings and as built surveys would
be required to ensure that there would have been no fill of the floodplain. The floodplain volume would be the same as it was prior to the project. The city holds an escrow or letter of credit until proof has been provided that demonstrates the requirements have been completed. The city can and has made property owners correct those types of situations.

In response to Chair Lehman’s question, Stout explained that there is no guarantee that the floodplain area would not flood. In 1987, there was a 5,000-year storm in the area that caused flooding. The applicant enters into maintenance agreements with the city to allow city staff to monitor the area and make sure that the pond would be working adequately and the floodplain storage area would be maintained.

Chair Lehman noted that staff supports the proposal as recommended. He asked staff to compare the current proposal with past proposals. Thomas agrees that staff finds the proposal reasonable. The primary change would be the number of units from 61 to 106. Staff found from the results of the traffic study that the area’s infrastructure could accommodate the increase in density. The building mass has not changed.

Kirk lives near the proposed site. The traffic study focuses on the Rowland Road and Baker Road area. There is a curve that makes it difficult to get past. It does seem a little concerning. He recognizes that the majority of traffic would be heading toward Shady Oak Road which has a controlled intersection at Bren Road.

Kirk asked for the city’s position on buying the property and making it a park. Wischnack explained that the city does have not a large enough budget to purchase property to be used as a park every time an application for development has been received. The dollars from the previous park referendum have been used up. Acquisitions made as part of that planning process have been completed. Many of the properties purchased are along Minnehaha Creek. The funds were also used to rehabilitate existing parks.

Kirk found that the proposal fits the site’s guidance by the comprehensive guide plan. It fits the intention of what the 2007 application by Applewood would have brought to the site. He supports the project.

Rettew appreciated the architect chopping up the mass of the building. He also identified with the residents who would be losing a nice wooded area. He was leaning toward supporting the proposal because it would be consistent with the 2007 proposal.
Magney supports the proposal. There would be more density, but the footprint and mass would be slightly smaller. The way the building would be set back would allow the building to fit in better than Applewood would have. Traffic is a concern, but the traffic engineers did their homework and he accepts their expert opinion that it would be acceptable.

Knight noted that the proposed building would not be close to another building. He commutes on Rowland Road by bicycle and vehicle. He thought the building would be a nice addition to the area. Rowland Road is a fairly quiet street. He did not anticipate a huge change. He supports staff’s recommendation.

**Odland moved, second by Kirk, to recommend that the city council adopt the following for the property at 5709 Rowland Road: an ordinance amending the existing master development plan (see page A59–A68 of the staff report); an ordinance approving the floodplain alteration permit (see pages A69–A71 of the staff report); and a resolution approving final site and building plans with floodplain setback variances (see pages A72–A82 of the staff report).**

*Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman voted yes. Motion carried.*

**Odland moved, second by Kirk, to adopt the resolution finding that the At Home Apartments Housing Tax Increment Financing District Plan conforms to the general plan for the development and redevelopment of the city (see pages A83–A84 of the staff report).**

Kirk appreciated the application providing diversity in housing stock within the development.

*Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman voted yes. Motion carried.*

9. **Adjournment**

*Odland moved, second by Lehman, to adjourn the meeting at 8:48 p.m. Motion carried unanimously.*

By: __________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting

February 5, 2015

Agenda Item 7

Public Hearing: Consent Agenda
(No Items)
Minnetonka Planning Commission Meeting
February 5, 2015

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
February 5, 2015

Brief Description  Sign plan review for Ridgedale Center at 12401 Wayzata Boulevard

Recommendation  Adopt the resolution approving the sign plan

Introduction

The property owner, General Growth Properties, is proposing to update the exterior signs for Ridgedale Center. The signs include a new pylon sign, monument entrance signs, and directional signs which provide wayfinding for the mall’s anchor tenants. There would be no changes to existing wall signs for the anchor tenants and restaurants. (See narrative and plans on pages A1-A46.)

Existing Sign Plan

Ridgedale Center is governed by a sign plan that was approved by the planning commission in June 1986. (See pages A47-A51.) The sign plan regulates all exterior signs at Ridgedale, including the mall, anchor department stores, as well as the freestanding buildings occupied by Firestone Tire and Sears Auto. The sign plan allows for several different types of exterior signs, including:

- **Ridgedale Center signs:** The mall is allowed several exterior signs to identify the center, which include the existing pylon sign and the tower structures at each of the entrances.

- **Anchor department store signs:** Each of the four department stores are allowed wall signs on each of their exterior elevations.

- **Restaurants:** Restaurants that are located adjacent to a mall entrance and have an exterior entrance are allowed a wall sign.

- **Freestanding tenants:** The existing freestanding buildings which are occupied by Firestone and Sears Auto, are allowed wall signs on the exterior of the building.

- **Interior tenants:** The existing sign plan prohibits all other tenants, including tenants inside the mall, from having exterior signs.

The existing sign plan has been amended since its adoption in 1986. In 2013, the city council approved an amendment for the expanded Macy’s store to have a taller height for
their wall signs. Also in 2013, the planning commission approved an amendment for the Bar Louie wall signs.

Ridgedale Center

The mall is currently undergoing a three phase redevelopment which was approved by the city council in March of 2013. The redevelopment includes an expansion to the Macy’s department store, a two-story expansion of the mall, and construction of a new 140,000 Nordstrom department store. The redevelopment also includes renovation to the exterior elevations and entrances of the mall. All of these improvements are currently under construction. The master development plan also has a future phase 3, which would include three new freestanding restaurants on the northwest side of the mall.

Proposed Signs

As part of the current improvements, the applicant is also proposing to update all of the exterior signs for Ridgedale Center itself. However, there would be no changes to any of the tenant signage for the department stores, restaurants, or freestanding tenants. In addition, interior mall tenants would still not be able to have exterior signage. The following summarizes the new exterior signs:

- **Pylon sign:** The plans include updating the existing pylon that is located on the north side of the mall property. The sign would not be replaced. Instead, the existing cladding would be removed and a new exterior cladding would be added on the exterior of the structure. The new cladding would consist of a dark aluminum panel which would match the materials used in the new exterior mall elevations. The sign cabinet would also be re-clad in the same material, except for the new brand logo. The top of the sign would be squared-off from the current sign design, but the new sign would have the exact same height (85 feet) and copy and graphic area (480 sq. ft.) as the existing sign. (See pages A20-A22.)

- **Entrance tower signs:** There are four tower structures that are located at each of the existing mall entrances. The tower structures identify the mall entrances and currently have signage on the top which identifies the mall. The exterior materials of the towers will be updated as part of the previously approved mall façade improvements. The proposed sign plan includes updating the signage on top of the towers by replace the existing Ridgedale text with the new Ridgedale logo. (See pages A42-A45.)

- **Monument entrance signs:** The applicant is proposing to add four monument signs at some of the vehicle site entrances. The monuments would identify the mall, and may provide directional signs on the base if needed. (See pages A24-A28.) The site does not currently have any monument, so these would be additional signs beyond what currently exists.
• **Directional signs:** The applicant is proposing to add multiple directional signs along the public streets and interior ring road to provide wayfinding for vehicular traffic. The signs would direct vehicles to the department stores and major tenants. The signs would be 8 feet in height with 20 square feet of copy and graphic area. (See pages A30-A34.)

**Staff Analysis**

Staff finds that the applicant’s proposal is reasonable:

• The revised sign plan is consistent with the existing sign plan for Ridgedale Center. The existing sign plan focuses on providing identification for the mall and anchor department stores. Individual tenants within the mall are not allowed exterior signage. Only restaurants and freestanding tenants are allowed exterior wall signs that are smaller and proportional to their tenant space. This would continue to be the standard under the revised sign plan. The new signs would provide site identification for the mall, as well as directional messages. There would be no changes to the regulations for individual tenants.

• The proposed sign plan improves site identification and wayfinding. The site has frontage on three major roadways, seven vehicle access points, and an interior private roadway network. There is limited wayfinding signage today, and the new monument and directional signs provide better wayfinding for vehicles travelling to the mall.

• The proposed sign plan would reflect the reinvestment in the mall that was approved with the 2013 master development plan. The signs would continue the design theme from the mall expansion and façade improvements, and would update the exterior appearance of the mall.

**Proposed Sign Plan**

City staff is recommending that the planning commission rescind the existing sign plan, and approve the revised sign plan. The existing sign plan includes numerous standards and provisions that are privately enforced by the mall, and do not impact the city’s administration or enforcement of the sign ordinance. For example, the sign plan includes requirements for tenants’ interior signs. The revised sign plan would regulate the standard items outlined in the city’s sign ordinance such as height, size, and location. In addition, the revised plan would clarify that the city’s sign ordinance regulations apply, except for the specific regulations outlined in the resolution. The previous sign plan amendments for Macy’s and Bar Louie would not be affected by the proposed change.

**Staff Recommendation**
Adopt the resolution on pages A57-A60, which rescinds the existing sign plan and approve a revised sign plan for Ridgedale Center at 12401 Wayzata Boulevard.

Originator: Jeff Thomson, Planner
Through: Loren Gordon, AICP, City Planner
### Supporting Information

**Project No.** 03046.15a  
**Property** Ridgedale Center, 12401 Wayzata Blvd.  
**Applicant** General Growth Properties

#### Surrounding Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northerly</td>
<td>I-394</td>
</tr>
<tr>
<td>Easterly</td>
<td>Crane Lake, zoned PID/Planned I-394 District and guided for open space</td>
</tr>
<tr>
<td>Southerly</td>
<td>Mix of institutional, office, residential and hospitality uses, zoned PID and guided for mixed use</td>
</tr>
<tr>
<td>Westerly</td>
<td>Mix of bank, retail, restaurant and commercial uses, zoned PID and guided for mixed use</td>
</tr>
</tbody>
</table>

#### Planning

Guide Plan designation: Mixed Use  
Zoning: PID/Planned I-394 District

#### Sign Plan Review Standards

Factors which will be used in determining if an individual sign plan will be considered include the following:

1) The development includes a high rise (greater than 3 story) structure;  
   **Finding:** Ridgedale Center does not include any high rise structures.

2) The development includes multiple structures and/or substantial site area;  
   **Finding:** Ridgedale Center is 84 acres in total size, making it one of the largest developments in the community. The site also has seven vehicle access points from public streets and four separate parking lots.

3) The development includes mixed uses;  
   **Finding:** Ridgedale Center includes a mix of commercial uses, including retail, restaurant, automotive, and anchor department stores.
4) A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

Finding: The site has unique visibility needs compared to other commercial properties. Ridgedale abuts three major streets, Wayzata Boulevard, Ridgedale Drive, and Plymouth Road, and has visual frontage from I-394. The site also has seven separate vehicle access points from these public streets. In addition, the site is a regional destination which anchors the larger Ridgedale area regional center.

5) The sign plan includes permanent sign covenants which can be enforced by the city.

Finding: The sign plan includes specific conditions of approval which would be administered and enforced with all sign permit applications. This would include the current signs and all future signs.

Motion Options

The planning commission has three options:

(1) Concur with staff’s recommendation. In this case a motion should be made to approve the proposal based on the findings outlined in the staff-drafted resolution.

(2) Disagree with staff’s recommendation. In this case a motion should be made recommending denial of the 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.

Approving Body

The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)

Appeals

Any person aggrieved by the planning commission’s decision regarding the requested variances 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 100 area property owners and received no comments.

Deadline for Decision:

March 14, 2015
Project: Ridgedale Sign Improvements
Applicant: General Growth Properties
Address: 12401 Wayzata Blvd
(03046.15a)
As part of the ongoing redevelopment and expansion of Ridgedale Center, General Growth Properties proposes modernizing the sign plan document to incorporate existing signage upgrades along with additional directional, tenant, and project identification signage opportunities currently not contemplated by the existing Sign Plan.

The sign plan amendment proposal is an important component to the long-term vision of sustained viability for Ridgedale Center as a major regional attraction. The proposed signage enhancements will significantly improve the external presentation of the center, while offering improved way-finding and destination identification for the customer. The package meets both the current and future anticipated needs for the Center.

The proposed signage is unified and complimentary with the new exterior and interior renovation design, resulting in what will be an integrated customer experience from curb to center court.
RIDGE DALE

DESIGN INTENT
EXTERIOR/INTERIOR SIGNAGE

DECEMBER 8, 2014

rsm design
160 Cabrillo, San Clemente CA, 92672
949.492.9479 T 949.492.2230 F
rsmdesign.com

GGP DLR Group

Ridgedale Sign Plan
12401 Wayzata Blvd.

CONCEPTUAL DESIGNS ONLY - NOT FOR CONSTRUCTION
CONTACT INFORMATION

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GGP
Brian De Vinck
brian.devinck@generalgrowth.com

GGP
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P: 312.960.5038
Indemnity: These plans are for design purposes only and are not intended to be used for construction. Anyone who uses these designs for construction does so at their own risk. Owner, and Owner's agents, servants and employees who use these designs ("Indemnitors") agree to indemnify and hold Redmond Schwartz Mark Design, its officers, directors, agents, servants and employees ("Indemnities") harmless from any and all claims, liability, cost, losses, damages, recovery and expenses (including attorney's fees, court costs and expert witness fees) incurred by Indemnitee arising from any claims involving these designs or any other work done by Indemnitee.

The following package represents the signage and graphics scope as understood by RSM Design throughout the design process and at the time of issuance. RSM Design cannot be held responsible for alterations, changes, value engineering, and other modifications made to the signage scope and fabrication methods without the inclusion of and consent of RSM Design prior to fabrication and installation.

With the acceptance of this package by the Client and Architect of Record, all of the designs represented in this package have been reviewed (and approved unless RSM Design is notified otherwise) by the architects of record and the client (General Growth Properties) for original design intent, placement, appropriateness, and functionality.

All location plans and location elevations represented in this package may not be representative of the existing built conditions. The sign fabricator is responsible for verifying all existing conditions (dimensions, backing, accessibility, other conditions) prior to fabrication and installation.

Conflicts/contradictions with drawings or conditions
The contractor should recognize and bring to RSM Design any conflicts or contradictions either in regards to our drawings or as they relate to other disciplines or contractors. All conflicts should be described in writing and the contractor is to provide alternative solutions to resolve the conflict. All conflicts are to be resolved and any changes approved by RSM Design and Developer prior to sign fabrication.

Roles and Responsibilities:
RSM Design's role on this project is for the design and aesthetic look of each sign in coordination with the design team.

The sign fabricator is responsible for all structural, mechanical, fabrication, coordination, and installation of all signs and is responsible for meeting all local and national codes, ordinances, and laws associated with these designs.

Roles and Responsibilities:
RSM Design's role on this project is for the design and aesthetic look of each sign in coordination with the design team.

The sign fabricator is responsible for all structural, mechanical, fabrication, coordination, and installation of all signs and is responsible for meeting all local and national codes, ordinances, and laws associated with these designs.

General Notes:
1. It is the fabricator/installers responsibility to:
   a. remove, note and legally dispose of all existing signs.
   b. remove Legal, Warning, Code Required or ADA signs only when replacement sign is to be installed, temporary sign(s) to be provided as needed for safety measures.
   c. patch and repair any damage to surfaces at or adjacent to sign, either existing damage or damage caused by removal of existing sign.
   d. coordinate painting of garage interior and all sign installations with general contractor.
   e. confirm all final messaging with client prior to fabrication. RSM to be notified of any changes or comments.

4. Sign Fabricator's shop drawings to include layout of all seams and messaging on signs.

5. Renderings are illustrative and conceptual in nature, measured, dimensioned drawings and messages in this document govern.

6. All exterior signs to have appropriate weep holes with internal light baffles.

7. Where sign will be anchored to concrete provide steel plate with epoxy set anchors. Locate anchors at grout where brick occurs and tie into existing concrete. Locate and avoid existing re-bar. Shop drawings for anchor must include a current ICC report.
GENERAL RSM DESIGN SIGNAGE SPECIFICATIONS

These general specifications addressing signage and graphic elements within the attached package are intended for the signage fabricator, and are a supplement and subservient to the general project specifications provided by the Owner, developer, or architect of record. The sign fabricator is responsible for obtaining and complying with the referenced general project specifications in addition to these signage specifications. This document has been assembled by RSM Design with the expectation that the sign fabricator will meet the following quality and performance requirements. The acceptance of these drawings by the sign fabricator constitutes agreement to comply with the following conditions. The Owner will hold the sign fabricator to these requirements as part of their contract obligations.

I. INDEMNITY

These signage drawings are for design purposes only and are not intended to be used for construction. Anyone who uses these designs for construction does so at their own risk. Owner, and Owner’s agents, servants and employees who use these designs (“Indemnitors”) agree to indemnify and hold RSM Design, its officers, directors, agents, servants and employees (“Indemnitee”) harmless from any and all claims, liability, cost, losses, damages, recovery and expenses (including attorney’s fees, court costs and expert witness fees) incurred by Indemnitee arising from any claims involving these designs or any other work done by Indemnitee.

The following package represents the signage and graphics scope as understood by RSM Design throughout the design process and at the time of issuance. RSM Design cannot be held responsible for alterations, changes, value engineering, and other modifications made to the signage scope and fabrication methods without the inclusion of and consent of RSM Design prior to fabrication and installation.

With the acceptance of this package by the Owner, developer, and/or architect of record, all of the designs represented in this package have been reviewed (and approved unless RSM Design is notified otherwise) by the architects of record and the client for original design intent, placement, appropriateness, and functionality.

All location plans and location elevations represented in this package may not be representative of the existing built conditions. The sign fabricator is responsible for verifying all existing conditions (dimensions, backing, accessibility, electrical accessibility, other conditions) prior to fabrication and installation.

Conflicts / Contradictions with Drawings or Existing Conditions

The contractor should recognize and bring to RSM Design any conflicts or contradictions either in regards to these drawings or existing conditions or as they relate to other disciplines or contractors. All conflicts should be described in writing and the sign fabricator is to provide alternative solutions to resolve the conflict. All conflicts are to be resolved and any changes approved by RSM Design and client prior to fabrication.

Roles and Responsibilities

RSM Design’s role on this project is for the design intent and aesthetic look of each sign and in coordination with the overall project design team. The sign fabricator is responsible for all structural, mechanical, fabrication, details of the signs (venting, waterproofing, safety, etc.), engineering of the signs construction coordination, and installation of all signs. The sign fabricator is responsible for meeting all local and national codes, ordinances, and laws associated with these designs and their construction documentation.

Sign fabricator to inform owner, developer, general contractor, and RSM Design that the sign package has been submitted to the local governing municipality or city for review and plan check, and any variances have been approved for the signs.

General Notes

1. It is the sign fabricator’s and installers responsibility to:
   a. Coordinate all sign installations with general contractor.
   b. Remove existing signs as determined by client and dispose of them legally.
   c. Patch and repair any damage to wall surfaces and surrounding finished floor, at or adjacent to sign, includes existing damage and any damage caused by removal of existing sign.
   d. Remove Legal, Warning, Code Required or ADA signs only when replacement sign is to be installed; and temporary sign(s) to be provided as needed for safety measures.
   e. Advise RSM Design of any existing signs not accounted for in RSM Design’s sign package.
2. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM Design of any changes or conflicts within the design package.
3. Sign fabricator to confirm all final sign messaging and locations with client or general contractor prior to fabrication. RSM Design to be notified of any changes or comments.
4. Sign fabricator’s shop drawings to include layout of all seams, attachments, and messaging on all signs.
5. Renderings in RSM Design’s package are illustrative and conceptual in nature; measured, dimensioned drawings, and messages in this document govern.
6. All exterior signs to have appropriate water proofing and weep holes to discharge any water inside, but weep holes must contain internal light baffles to shield any light leakage.
7. Sign fabricator to detail and provide all necessary mechanical or non-mechanical ventilation for signs (exterior and interior) to keep signs from overheating or condensation building up. If vents or ventilation devices alter the design intent, RSM Design is to be notified prior to fabrication.

8. Where signs will be anchored to concrete, sign fabricator to provide steel plate with epoxy set anchors (locate and avoid existing re-bar). Where signs will be located on brick, locate anchors at grout where brick occurs and tie into existing concrete.
9. Sign fabricator’s shop drawings (which will be used for construction) must include and clearly document all of the following:
   - Internal structure
   - Construction details and joints
   - All visible attachments and material seams
   - Vents
   - Lighting details
   - Water proofing and water drainage
   - Electrical locations
   - Access panels
   - Foundation details
   - Engineered structural members
   - Material thicknesses
   - Color samples sprayed on actual (final) materials

10. Sign fabricator’s drawings to be based off of their original documentation and drawings, and are not to be “copies” of or re-formating of RSM Design’s original design drawings.

II. PERFORMANCE INFORMATION NON-DISCLOSURE AGREEMENT

All ideas, designs, arrangements, and plans indicated or presented by these drawings are owned by and are the property of the Redmond Schwartz Mark Design, Inc. (RSM Design) and the project Owner, and were created, evolved, and developed for use on and in connection with the specified project ONLY. These designs and details cannot be used on any other project. None of such ideas, designs, arrangements or plans shall be used by or disclosed to any persons, firm, or corporation for any purpose whatsoever without the written permission of Redmond Schwartz Mark Design Inc. and the Owner. Any and all inquiries in this regard by outside parties should be referred to RSM Design. It is required that all original artwork furnished by RSM Design be returned upon completion of this project.

For the purpose of this package and these specifications, the term “Contractor” shall mean sign fabricator or sign contractor and the term “sign” shall refer to any fabrication, object, or article of graphics or furniture described in these drawings and/or specifications. The acceptance of these drawings by contracted general contractors, vendors, bidders, sign fabricators, or sub-contractors and their agents constitutes agreement to all of the following conditions outlined in these specifications.
III. DESIGN INTENT AND SHOP DRAWINGS

A. Details on drawings indicate a design approach for sign structures but do not necessarily include all fabrication details required for the complete structural integrity of the signs. It shall be the responsibility of the Contractor to perform the complete structural design of the signs and to incorporate all the reasonable safety factors necessary to protect the Owner, Contractor, and RSM Design against public liability. Sign fabricator also be responsible for the detailing and inclusion of all necessary water proofing, proper ventilation devices, and internal lighting specifications in their shop drawings.

B. Fabrication and installation design: Unless otherwise directed by Owner, design to withstand severe public abuse, souvenir theft or vandalism, but not less than equivalent of resisting simple hand implements and tools (screwdrivers, knives, coins, keys, and similar items), and adult physical force for approximately 10 minutes. All fabricated signs shall also be built to withstand normal maintenance operations used by employees/staff.

C. Electrical Design: Contractor shall specify all internal and external electrical and internal lighting components to be used to illuminate sign elements. Major, large scale elements may require the involvement of a licensed lighting designer at the sole cost of the Owner. Final coordination of fixture type, lamping, quantity and locations to take place between Contractor, general contractor, and Owner, as well as selected lighting designer for suitability in attaining desired appearance and/or effect.

a) Actual installation of lighting fixtures not contained within the sign elements, except those performed by a licensed electrical contractor or equivalent for the location of the project.

b) Sign connection to existing electrical power on site, if more than (6) feet from sign element(s), must be performed by a licensed electrical contractor. Sign fabricator to coordinate necessary electrical requirements and locations with the general contractor.

c) When requested by the Owner and RSM Design, lighting mock-up(s) shall be provided using the specified fixtures or lamps, either in-shop review, or on-site evaluation, to determine the effectiveness of the desired lighting scheme and to the approval of the Owner.

d) If required, sign fabricator to submit calculations signed by a registered professional electrical engineer in the area or country of the project to Owner for review.

e) Sign fabricator to submit certification of conformance to UL (or similar in the area or country of the project) for sign construction.

D. Resulting working drawings, shop drawings, and contract documents including permit documents are the sole responsibility of the Contractor in every respect. Contractor is responsible for obtaining all permits in the area, local municipality, or country of the project’s location.

E. RSM Design will review the submitted shop drawings only for conformance with general design intent, and will in no way be responsible or liable for any results of construction from approved working drawings, material selection, shop drawings, contract documents or any other agreements other than agreement with the Owner authorizing these documents.

F. Sign fabricator to submit shop drawings for review and approval obtained by RSM Design and Owner prior to any fabrication begins. Should fabrication that has begun and might need to be changed prior to obtaining approval of shop drawings, sign fabricator to assume all costs associated with the changes.

G. Sign fabricator to make corrections to and resubmit any shop drawings not approved.

IV. QUALITY ASSURANCE

A. Quality of Workmanship.

The Contractor shall be responsible for the quality and delivery of all materials, and workmanship required for the execution of the contract including the materials and workmanship of any firms or individuals who act as his or her subcontractors. It is desired that the Contractor for work of this type shall have in-house, broad knowledge, diverse shop and field experience, flexibility, coordinating ability, skilled craftsmen, and physical labor as necessary as well as facilities to produce quality products. Contractor shall be responsible for providing subcontractors with complete and up-to-date drawings, specifications, graphic schedule and other information issued by RSM Design.

B. Performance.

The contractor shall base his or her proposal on the performance of all services, including all items of labor, material and equipment required for the complete fabrication and installation of the specified work (and these specifications) within the time frame agreed to by Contractor, Owner, and RSM Design.

C. Dimensions.

Written dimensions on the drawings shall take precedence over scaled dimensions. Contractor shall verify and be responsible for all dimensions and conditions shown by these drawings as they relate to actual material sizes, existing construction and related site conditions. If there are discrepancies with dimensions or materials, it is the responsibility of the Contractor to bring it to RSM Design’s attention before fabrication for any clarifications deemed necessary.

D. Sign Package Graphics Schedule.

Copy, quantities and references shown on the included Graphics Schedule shall take precedence over drawings. Specification shall take precedence over the large-scale details. The large-scale details shall take precedence over the small-scale drawings. If there are discrepancies it is the responsibility of the Contractor to bring it to RSM Design’s attention before fabrication for any clarifications deemed necessary.

E. Execution.

In the case of discrepancies, in quantities, dimensions, message, or any other related elements Contractor is to notify RSM Design before proceeding further in any operation, in order to resolve the issues in question. It is required that the Contractor not attempt to resolve the discrepancies without consulting RSM Design.

F. Contractor Recommendations.

The Contractor shall carefully study the detailed drawings for the various signs and make specific recommendations and changes if those changes will improve the quality of any sign. Such recommendations and changes shall be approved in writing by RSM Design or their technical representative prior to preparation of shop drawings or fabrication of any samples or signs. The Contractor is responsible for including industry standard details in their shop drawings, whether indicated in RSM Design’s design drawings or not. . . . items such as proper venting (mechanical or natural), water proofing, foundations details, weep holes, access panels, etc. It is the Contractor’s responsibility in the production of the shop drawings for construction to accommodate for all necessary local code required conditions and sign detailing that will promote the long life and ease of maintenance of the signs.

G. Artwork.

Apple Macintosh generated electronic artwork as required by the Contractor for signs, symbols, and custom designed graphic components (i.e. logos, logo types, arrows, or patterns) will be provided in Mac-based Adobe Illustrator CSS format at a scaled percentage of the final size. A high resolution appropriate art or graphic scan will be provided when necessary. All engraving, non-ventilation work shall be done by Contractor. All message layouts and text for project signage system is the responsibility of the sign Contractor. All enlarging and reducing is the responsibility of the sign Contractor. Contractor shall submit an itemized list of all required artwork at time of bid prior to generating shop drawings. Note: Any artwork required beyond electronic computer artwork noted above (i.e. additional custom copy layouts, formatting for other platforms or file types, AutoCAD files, “Linotronic” output, or copying to other media, etc.) will be billed to the Contractor on a time and materials basis by RSM Design. RSM Design cannot provide copies of licensed fonts.

H. UL (or similar) Compliance.

Complete Underwriters Compliance (for the United States) or approved recognized testing agency (for other countries), compliance, as required, is the responsibility of the Contractor. Contractor shall provide lighting fixtures and electrical components that meet all UL (or similar) testing lab requirements for safety, operation, construction and are UL-labeled and listed.

J. Lamp Emission.

All lighting fixtures/sources shall emit a color balanced, consistent and uniform light with no bowsing, flickering, haloting, or other uneven effects.

K. Electrical Hardware.

All transformers and electrical hardware shall be concealed, non-audible and non-visible to pedestrian and vehicular traffic. Provide disconnect switch as required by local or international governing agencies. Confirm with Owner and general contractor the necessity or desirability of light sensor switches, day-night circuit connections, local restrictions on night time area lighting or other conditions that could affect the use and operation of any sign illumination.
L. Labeling.
There shall be no visible labels, manufacturer’s or otherwise, code
permitting, on the completed signs. If labels are required, a sample label
and intended location along with an explanation of the requirements
must be submitted for review by RSM Design and the Owner, prior to
application and/or installation. No visible sign fabricator company labels
or stickers are permitted.

M. Stock.
All material, hardware, electrical components, finishes, etc. used to
fabricate and install sign components shall be “NEW” (not previously
used or operated in any other application) and from the most recent
original manufacturer’s production run/supply and appropriately matched
to the service conditions required of the site.

N. Testing.
Contractor is required to provide Owner with a copy of all testing
inspection reports as may be required by local or international codes.
An independent testing lab may be hired by the Owner to do inspection
and material testing. Contractor is not to proceed with fabrication until
all unsatisfactory conditions have been corrected by the Contractor in a
manner acceptable to the Owner.

V. SUBMITTAL

A. Shop Drawings.
The Contractor shall submit a digital PDF file of detailed shop drawings;
as well as two (2) sets of detailed shop drawings for each sign type, to
the following: (1) set of 11” x 17” prints to general contractor and (1)
set of 11” x 17” prints to RSM Design for review prior to the start of
any fabrication. These drawings are to show and indicate all materials,
finishes, construction details, lighting specifications and installation details
of artwork and signage structure. This includes types and locations of all
mechanical fasteners, indicated welds, attachments, joint details, internal
frames, lighting details and specifications, reinforcements, support
backing, ventilation (natural or mechanical), water proofing, engineering
details and calculations, electrical locations, foundation details, access
panels, material thicknesses, color samples (on actual materials), and
connection to support structure or mounting surface, whether shown or
discussed in RSM Design’s drawings or not. Shop drawings and data shall
be reviewed by RSM Design with such promptness as to cause no delay in
the work. The Contractor shall make all corrections required by RSM
Design and resubmit for final review. Shop drawings for all signs must be
approved by RSM Design and the General Contractor or Owner before
the start of fabrication.

B. Conflicts/Contradictions w/ Drawings or Conditions.
The contractor should recognize and bring to RSM any conflicts or
contradictions either in regards to the drawings or as the drawings relate
to other disciplines or contractors. All conflicts should be described in
writing and the Contractor is to provide alternative solutions to resolve
the conflict. All resolved conflicts and any changes approved by
RSM Design and Owner prior to sign fabrication.

C. Product Data.
The Contractor shall submit manufacturer’s technical data and installation
instructions for each type of sign and/or fixture required as will be provide
in the completed, installed sign unit. Identification of all materials used,
by manufacturer’s descriptive literature, control number, name, code
number, batch and formula when available shall be provided by the Contractor.
All materials used and specified are the responsibility of
the Contractor. Any materials indicated or specified in RSM Design’s
drawings must be approved of by the Contractor for availability, warranty,
appropriateness, compatibility with other materials, etc. If Contractor has
any concerns about any materials about or specified by RSM Design
in their design intent drawings, Contractor to inform RSM Design in
writing prior to fabrication or take on full responsibility for use of specified
material.

D. Specific Samples and Mock-ups
The Contractor shall submit two (2) samples and/or prototypes as
specified within the drawings, minimum size 8.5” x 11” or as requested
by RSM Design of each color and finish on the specified materials and/or
accessories required for signs. Samples must be submitted to RSM Design
in a time frame allowable for review of color, texture and aesthetic
compatibility to any existing adjacent materials prior to fabrication. It is
strongly encourages that all color and material samples be submitted to
RSN Design when shop drawings are submitted for review. Compliance
with all other requirements is the exclusive responsibility of the Contractor.
When specified, finish full-size samples of sign materials. Contractor to
resubmit all samples and mock-ups as requested until all RSM Design,
general contractor, and Owner specifications are met and approved.
All project mock-ups need to be approved prior to fabrication of all final
signs.

E. Structure.
Installation, engineered internal structure, engineered mounting
assemblies and engineered foundations are by Contractor and are
to adhere to design intent of RSM Design, if specified. Contractor
to coordinate and provide architect of record and general contractor
with drawings including placement and structural requirements for
architectural backing. Contractor shall submit two (2) sets of prints and
one digital set of comprehensive engineering drawings to RSM Design
incorporating an adequate foundation and/or mounting structure for all
sign components to meet all load and wind requirements and given site
conditions. The Contractor shall, at his or her expense, submit to general
contractor for distribution and review, calculations, sealed by certified
engineers registered in the state or country of final installation, for all
structural members including foundations.

F. Custom Fabricated Items.
The Contractor is to submit shop drawings of all custom fabricated items
and specifications on all standard pre-manufactured items.

G. Electrical Requirements.
The Contractor shall provide, within 30 days of the award of contract,
the specific electrical requirements to the Owner and/or general contractor.

H. Light Service.
The Contractor shall provide the general contractor or Owner with
complete lighting or LED replacement information, brand, type, wattage,
color, etc., for all lighted components. This information shall be in
a digital format and shall indicate at least one local area (site) supplier.

J. Special Conditions.
The Contractor shall provide RSM Design and the Owner with
specifications and recommendations to provide a magnetic force field
around all signs that will protect the signs from all damage. Please
email RSM Design upon receipt of and acknowledgment of this “Special
Condition” so that RSM Design can remove it from the final bid / award
package. Thank you.

K. Maintenance.
The Contractor shall provide the Owner with complete finish/component
instructions as specified by the manufacturer for on-going sign
cleaning and maintenance. Three (3) sets are to be submitted. Contractor
to provide Owner with one (1) gallon or one (1) liter (unopened and clearly
marked of each paint color/finish used on the project.

L. Copy / Text / Messaging Layouts.
The Contractor shall provide the Owner full size black and white copy
layouts required for all signs and all copy prior to fabrication. Layouts must
be submitted to the Owner and/or RSM Design in a time frame allowable
for review, multiple adjustments and approval without delay to the project.
Final copy of all signs, including size and fonts used to be reviewed
and approved by Owner prior to final fabrication. RSM Design is not
responsible for correct adherence to code, copy information or location
of signs. City, County, State, or Country sign requirements supersede
information shown in the RSM Design sign designs.

VI. FINISHES

A. Colors and Surface Textures.
All colors shall match exactly the color and finish specifications provided
by RSM Design. Exercise care to assure that finished surfaces are
unblemished in the completed work. For exposed signage, materials with
applied colors or other characteristics related to appearance, Contractor
shall provide color matches indicated, or if not indicated, as selected
and reviewed by RSM Design.

B. Surface Preparation.
All surfaces shall be thoroughly cleaned and free from dust, dirt, rust,
scale, mill scale, oil, greasy materials or residue from cleaning. All
structural metals shall be cleaned by sandblasting. Except as indicated or
directed otherwise, finish all surfaces smooth. All coatings shall be applied
in strict accordance with the manufacturer’s recommendations. All paint
products shall conform to local codes. All finished pieces shall present a
uniform opaque color appearance unless specifically indicated otherwise
by RSM Design.
C. Painted Finish.

1. Surfaces

Using Matthews paint products (or similar quality), finish with 1 coat 74-734 & 74-735 Metal Pretreat @ .25 mls DFT, 1 coat Matthews Acrylic Polyurethane 1 ml Dft (min.) Observe designer’s specification regarding specularity (mate to gloss). If Matthews paints are not available, Contractor to use similar and submit to RSM Design for approval prior to fabrication.

2. Aluminum

Using Matthews paint products finish (or similar quality), with 1 coat 74-734 / 74-735 Metal Pretreat @ .25 mls DFT or 1 coat 74 793 Spray Bond @ .15 to .25 mls DFT and 1 coat Matthews Acrylic Polyurethane 1 ml DFT (min). Matthews paints are not available, Contractor to use similar and submit to RSM Design for approval prior to fabrication.

3. Bright Metals

Match finish (polished, satin, brushed, etc.) detailed on drawing. If specified, coat with a non-yellowing polyurethane clear coat.

4. Plastic Surfaces

All plastic to be paint finished according to paint manufacturer’s specifications.

D. Application.

All applications of color coatings are to be equal and of consistent cover with no “streaking”, “spotting”, “gradation” or other variations within from each similar application.

E. Ultra-Violet/Fading Protection.

Contractor shall utilize materials, coatings and processes to minimize as much as possible any noticeable fading of pigmented coatings.

F. Neon Returns.

All exposed neon returns and double backs are to be behind with a top coat to match the field area immediately behind that neon unless otherwise specified.

VII. MATERIALS

A. Acrylic / Color Translucent Sheet.

Where sheet material is indicated as “color,” provide color translucent sheet of density required to produce uniform brightness without halo-like effect. Material provided shall be appropriately matched to the intended permanent field conditions. Note: Where translucent material is called out as “cast”, “formed” or “molded” resin, acrylic or polycarbonate (i.e. “Lexan”, “Tuffco,” etc.), the Contractor shall research and specify the optimum material and fabrication method for the desired finish and/or effect. Contractor shall provide samples of such materials as indicated on RSM drawings.

B. Acrylic/Transparent Sheet.

Where sheet material is indicated as “clear” provide colorless sheet in gloss finish, with light transmittance of 92% where tested in accordance with the requirements of ASTM D-1103 (or similar local or country standards).

C. Aluminum Sheet.

Provide aluminum sheet of alloy and temper recommended by the aluminum producer or finisher for the type of use and finish indicated and with no less than the strength and durability properties specified in ASTM B-109 for 5005-H14 (or similar local or country standards).

D. Aluminum Extrusion.

Provide aluminum extrusion of alloy and temper recommended by the aluminum producer or finisher for the type of use and finish indicated and with no less than the strength and durability properties specified is ASTM B- 221 for 6063-T5 (or similar local or country standards).

E. Structural Steel.

Contractor to coordinate with Architect of Record all internal structural steel support as required, to meet the requirements of the permanent installation. Contractor to provide architect of record and general contractor with drawings indicating placement and structural requirements for architectural backing.

F. Fasteners.

Unless otherwise indicated, provide concealed fasteners fabricated from metals that are non-corrosive to either the signage materials or the mounting surface. Where screw-heads are necessarily visible, they shall be indicated on all shop drawings, be a flush mounted “allen-head” attachment, and be “painted out” to match the adjacent surface.

G. Electrical/Lamps.

Provide new electrical components and respective lamps, so as to be easily repaired or replaced from local available stock (24 hr. max. turn-around).

H. Vinyl Machine-Cut Copy.

Vinyl machine-cut copy shall be of 3M Scotchcal brand film or other quality product with provable identical performance specifications and warranty conditions. Any vinyl other then 3M must be submitted to RSM Design for review and approval prior to fabrication.

J. Paint.

Paint shall be manufacturer’s highest grade for best ultraviolet light resistance, weatherability and overall longevity of finish and color. Paint shall have a written warranty against premature fading and be approved by RSM Design prior to construction. Prior to close-out, Contractor shall turn over to Owner (3) copies of complete paint schedule indicating colors used on each sign type.

A. Copy Application.

All sign copy shall be crisp, sharp, clean, and free from “ticks,” discontinuous curves, line waver, and similar type of imperfections.

1. Sign copy to comply with the requirements indicated for size, proportion, style, spacing, content, position, material, finish and color of letters, numbers, symbols and other graphic devices.

2. All letter forms shall be aligned so as to maintain a baseline parallel to the sign format, with margins and layout as indicated on design drawings and approved shop drawings.

3. Silk-screening copy: Finish sheet of copy to match sheet of copy panel background (gloss, semi-gloss, or sheens between). Edges of letters shall be straight and corners sharp. Surfaces of letters shall be uniform in color, finish and free from pinholes and other imperfections.

4. Routed copy: Cutting and routing shall be done in such manner that edges and corners of finished letter forms shall be sharp and true. Letter forms with nicked, cut, ragged, rounded (positive or negative) corners, and similar disfigurements will not be acceptable. Letter forms shall be aligned so as to maintain a base line parallel to the sign format, with margins and layout as indicated on RSM Design’s design drawings and approved shop drawings. Vertical strokes shall be plumb. Mechanically fasten center of letters to acrylic plastic as required.

B. Illumination.

Illuminate units in the manner indicated using the manufacturer’s standard lighting components including fluorescent, incandescent, LED, or neon, fixtures, transformers, insulators and other components. Make provision for servicing and for concealed connection to the building system. Coordinate the electrical components of signs with those of the power supply provided.
C. Signage / Cabinet.

1. Details shown on the drawing shall be followed for exterior appearance only. Structural design shall utilize unitized, self-supportive framing. Fabricate cabinet, exposed faces and graphic devices to size and style indicated and produce surfaces free from oil canning, warping, distortion or any irregularities or inconsistencies. Include internal bracing for stability and attachment of mounting accessories as required.

2. Contractor may change interior construction shown on these details to conform with their shop practices and industry standards. However, these changes must be submitted as part of the shop drawings and be reviewed by RSM Design prior to fabrication.

3. Construct all work to eliminate burns, cutting edges and sharp corners.

4. Qualifications: Welding must be performed by operators who are currently qualified by tests as prescribed in AWS D1.1, D1.2, or D1.3 (or similar), as applicable, and/or certified by a recognized building or code authority. Submit qualifying data and certification to Developer for approval. Welding must conform to the acceptable requirement of AWS D1.1, D1.2, and D1.3 and MPS 11-0099 (or similar in country of project).

5. Parts indicated to be turned must be accurately machined worked from solid stock to dimensions indicated or on approved shop drawings. Finished surfaces to be polished smooth unless otherwise indicated or directed by Developer, free of any visible pits, voids, or similar defects.

6. Make all signs tight fitting, between parts and sections, and with adjacent surfaces. Unless indicated otherwise, non-welded joints between various portions of signs must be weatherproof (for exterior signs) and have tight, hairline-type appearance, without gaps (varying or otherwise). Provide sufficient fastenings to preclude looseness, racking, or similar movement.

7. Conform with manufacturer's recommended fabricating procedures regarding fastening, restraining, expansion and contraction of dissimilar materials.

8. Isolate dissimilar materials. Exercise particular care to isolate non-ferrous metals from ferrous metals, including fasteners.

9. Metal thickness: Provide metal thicknesses most appropriate for the fabrication conditions. These must all be called out in the shop drawings. RSM Design to be advised of any changes to their shop drawings and approved prior to fabrication.

10. All non-painted exposed metal to be stainless steel unless otherwise specified.

11. All non-painted exposed metal to be stainless steel unless otherwise specified.

12. Should any substitutions of materials be suggested by the Contractor from what is specified in the design drawings, RSM Design and the Owner must be notified prior to and approved prior to fabrication.

13. Contractor responsible for the integration of all proper sign ventilation (natural or mechanical) to prevent overheating and condensation build up, and these details should be shown on the shop drawings and approved prior to fabrication.

D. Fastenings.

1. Fasteners on sign-face surface shall not be exposed, except where specifically noted.

2. Sign-face surfaces shall not be penetrated during fabrication or installation of signs, except where specifically noted.

3. Sign-face surface shall not be deformed, distorted, or discolored by attachment of concealed fasteners.

4. All fasteners shall be resistant to oxidation or other corrosive action completely through their cross sections.

5. Work shall be secured with fasteners of the same metal, color and finish as the components they secure where they are exposed to view.

E. Neon / Lamps.

All exposed neon if used shall be installed in such a manner as to minimize double backs, exposed wires, etc. All exposed neon shall appear as a continuous line (4”0” min. seamless runs) of light with no irregularities from section to section. Contractor shall coordinate with RSM Design to select exact color of neon and/or lamps prior to fabrication. Contractor is responsible for referencing and following local code constraints.

F. Mock-Ups.

1. Mock-Ups of specific sign(s) may be requested by RSM Design as part of the final Design Intent Documents. The cost of Mock-Ups will be a part of fabricators bid.

2. Mock-Ups will be specified in drawings as two or three dimensional, as well as being operational or not.

3. Mock-Ups will be specified in drawings for in-shop or on-site review, and coordinated with Owner and all interested parties.

4. Mock-Ups will be reviewed and signed off by Owner, RSM Design, and interested parties prior to fabrication and installation.

5. Contractor to resubmit all samples and mock-ups as requested until all RSM Design, general contractor, and Owner specifications are met and approved.

G. Aluminum Sheet.

Not less than 0.125” (or equivalent metric measurement) thick unless noted otherwise fabricate by the HELIARC or MIG welded, filled and ground smooth, unless the seam occurs along a color break. Then a clean butt joint with concealed backing channel and plug weld is acceptable upon receipt of RSM Design approved sample to match surrounding material finish. All bends, curves and folds to be geometrically correct and produced by a consistent mechanical method unless approved otherwise by RSM Design.

H. Jointing and Brake Forming.

All sheet metal shall have brake formed edges with radii not greater than sheet thickness unless otherwise specified. Adjacent stock shall have edges with similar radii.

J. Welding.

All exposed welds are to be ground smooth to match surface of adjacent material.

IX. LARGE FORMAT COMPUTER OUTPUT

High-resolution large format computer output to comply with the following:

1. Minimum resolution 200 dpi.

2. Process: 3M SCOTCHPRINT (or approved equal).

3. Substrate: Opaque or Translucent Scotchcal film (or approved equal).


5. Input: Electronic art as specified to be provided by RSM Design.

6. Warranty: 5 year minimum

X. INSTALLATION

A. Contractor shall be responsible for determining the erection and dismantling of all barricade or protective coverings necessary to safeguard the public and property during the performance and duration of his or her work.

B. Contractor shall attach signs to substrates in accordance with the structural engineer's and the manufacturer's instructions unless otherwise shown. Install level, plumb and at proper height. Repair or replace damaged units as directed by and to the approval of Owner or RSM Design.

C. Installation of all signage items shall be by the Contractor. Installation includes provision of any required footing, to be reviewed by RSM Design, all anchor bolts, fastenings, attachment metals, and other miscellaneous metal items embedded in concrete or building wall material as required, and security of sign units in place with no visible fasteners.
D. The Contractor shall provide required electrical equipment and connection to shell building. The point of connection is to be provided by the general contractor. All electrical connections shall be made by a licensed electrician employed by the Contractor for this purpose. All connections shall be made in accordance with the requirements of the National Electrical Code, NEC (or similar code in country of project) in addition to all applicable local codes. Electrical contractor shall provide and install all wiring, conduit, junction boxes and electrical devices necessary to provide electrical power to rough-in connections unless otherwise noted. Contractor shall provide concealed neon transformers and all electrical connections beyond rough-in connections by electrical contractor, according to NEC approved methods.

E. Contractor shall be responsible for matching sign service available on site to the requirements of the sign, including transformers.

F. All necessary signage components as well as the entire signage assembly are to be UL listed, or by approved nationally recognized testing lab in country of project.

G. Contractor is responsible for compliance with all applicable environmental regulations.

H. Contractor is responsible for compliance with all OSHA regulations (or similar regulations in country of project).

J. Contractor must coordinate installation with general contractor so that overall project schedule is not impacted.

K. Contractor is responsible for determining site wind load requirements and insuring that all signs comply.

XI. CLEANING / PROTECTION AND WARRANTIES

A. All items to be installed by the Contractor shall be left in a clean condition. Upon completion of the installation of each sign, clean all soiled sign surfaces and “touch up” as directed by Owner or RSM Design in accordance with the manufacturer’s instructions. All debris and packing material shall be removed and disposed of in a legal manner. The protective masking of the plastic surfaces shall be removed by the Contractor upon completion of installation. All excavation and site work shall be returned to its original grade configuration after contract items are installed.

B. Finish Surfaces.

Sign units shall be warranted in writing by the Contractor for a period of no less than one year from the date of Owner acceptance. All finishes are to be warranted for 3 years from the date of Owner acceptance. There shall be:

1. No delamination of any parts of the sign or of lettering from the sign face.
2. No cupping, warping or dipping in excess of the requirements stipulated in the specifications.
3. No bubbling, crazing, chalking, rusting or other disintegration of the sign face, messages or edge finish of the panels.
4. No corrosion developing beneath the paint surface of the support systems, except as the result of obvious vandalism.
5. No corrosion of the fasteners.
6. No movement of signs from their foundations. The signs must remain true and plumb on their foundations, except when the sign has sustained obvious post-installation external damage.
7. No fading of the colors when matched against a sample of the original color and material.
8. No variation of any other performance specified by RSM Design on the drawings or in the specifications.

C. Structure/Components

1. Contractor shall provide Owner with three (3) copies of the written warranty prior to installation, guaranteeing to correct, to Owner’s satisfaction, at Contractor’s sole expense, all defects in fabrication, faulty materials, workmanship, design, and installation of signage work for a period of one year after completed installation of signwork work.
2. Fading, cracking, warping, peeling, delaminating, rusting, corroding, and structural failure, including distortion by whatever cause, shall be construed as failure because of faulty materials and workmanship.
3. Failures during warranty period shall be repaired or replaced to satisfaction of Owner.

D. External Lamps.

All lamps shall be warranted against failure for 90 days, and LED and neon three (3) years and all ballast one (1) year. Lamps and LEDs are to be replaced within 48 hours of notice by Owner, in the event of failure within specified time. These items are to be replaced by Contractor at Contractor’s sole expense.

E. Contractor shall have total and complete responsibility for the security of all equipment, materials, and sign components until reviewed and accepted by the Owner.

XII. PERMITS

A. Securing and paying for all permits required by local governmental agencies is the responsibility of the Contractor. Inspections and tests necessary for the construction and placement of all work required by the applicable governing agencies is by the Contractor.

B. Contractor shall secure and pay for all insurance required by law including but not limited to Liability, Worker’s Compensation, Comprehensive Construction Liability, Personal Injury, Comprehensive Auto and Property on-and off-sites. Contractor shall check insurance requirements for terminology and coordinate insurance requirements with project general specifications. Insurance requirements should be checked for terminology and coordinated with general specifications.

C. Contractor shall not reveal or disseminate any information to any person(s), private or public, other than RSM Design, Owner, or contractor’s personnel as necessary to execute the contract without first contacting the Owner for permission.

XIII. CODE REQUIREMENTS

All Signs Must Comply With ADA Guidelines (in the United States) and/or County/City/Fire Marshall Code Requirements:

A. Contractor to provide copy proofed Grade Two Braille to ADA specifications for permanent room signs for projects within the United States. Type and symbols to be raised a minimum of 1/32”.

B. Signs must be mounted 60” (or metric equivalent) from finish floor to center of sign on latch side of the door where applicable.

C. Characters and background on ADA signage shall be eggshell, matte or other non-glare finish for projects within the United States.

D. Contractor to provide copy of approved city or county fire marshal drawing sets of all applicable signage.

E. Contractor responsible for all signs complying with all applicable codes for specified region.

XIV. BID NOTES

Original fabrication quotes shall be sent directly to the Owner with copies of all pricing information to be sent simultaneously to RSM Design and general contractor. Pricing shall be submitted in accordance with the bid documents.

Bidding contractors are required to clearly indicate in writing within the bid the method of construction anticipated, the materials to be used, and any exclusions or exceptions to the bid documents.

XV. COORDINATION

All foundations, electrical plans, specialty lighting, LED, digital sign components to be coordinated by Contractor. All wiring, fixtures, anchoring, foundations to be by Contractor.

XVI. ACCEPTANCE OF SPECIFICATIONS

Contractor has read and understands the above specifications and agrees to the terms outlined above.

I hereby acknowledge that I/we have read, understand, and accept responsibility for compliance with the provisions set forth within these specifications and will comply with all specifications.

Fabricator Signature: ____________________________

Date: ____________________________

1. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM of any changes or conflicts to package.

2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.

3. Notwithstanding the above, the sign shall be warranted for 3 years from the date of Owner acceptance. Thereafter, the sign shall be warranted for the remaining contract life.

4. Fading, cracking, warping, peeling, delaminating, rusting, corroding, and structural failure, including distortion by whatever cause, shall be construed as failure because of faulty materials and workmanship.

5. Failures during warranty period shall be repaired or replaced to satisfaction of Owner.
PROJECT SCHEDULES //
**GENERAL NOTES:**
1. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM of any changes or conflicts to package.
2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.

**PAINTS**
All paints to have Satin Finish unless otherwise specified. All painted surfaces are to be on aluminum.

**MATERIALS**
All materials to be provided as 8" x 8" sample or as part of a mock-up for approval.

### MATERIALS

- **M1** Glass
- **M2** Tile panels*
- **M3** Sign White Acrylic #7328
- **M4** Not used
- **M5** Precast Concrete. Coordinate color with RSM Architect
- **M6** Sculpted Sign Foam. Painted to match M2 Pattern scaled 400% of M2 for mockup.
- **M7** Aluminum
- **M8** Frosted Acrylic

### VINYL

- **V1** 3M Vinyl Frosted White

*The Tile Gallery*

**PAINTS**

- **P1** Black
- **P2** Dark Grey
- **P3** White
- **P4** Red
- **P5** Off-Black
- **P6** Metallic Black Dark
- **P7** Metallic Black Light
- **P8** Light Grey

The Fabricator shall submit two samples and/or prototypes of each material, paint and vinyl call out listed on this sheet, minimum size 8" x 8" or as requested by RSM of each. Samples must be submitted to RSM in a time frame allowable for review of material, color and aesthetic compatibility to any existing adjacent materials. RSM will review the samples and send one set back to the fabricator and keep one set as control samples throughout the fabrication process. If a color or material is not approved, the Fabricator must re-submit a new sample until it is approved by the team.

---

**PAINTS AND MATERIALS SCHEDULE**

**Ridgedale**

12401 Wayzata Blvd.
**GENERAL NOTES:**
1. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM of any changes or conflicts to package.
2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.

---

**PRIMARY RECOMMENDED LOGO**
Logos shown are the final project logos for use, please note, see all final drawings for color and materials specification.

---

**PROJECT FONTS**

*Gotham - Book*

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z
0 1 2 3 4 5 6 7 8 9

*Gotham - Medium*

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

---

**PROJECT ARROWS**

- Left
- Right
- Straight
- Keep Right
- Keep Left

---

**PROJECT SYMBOLS**

- Men's Restroom
- Women's Restroom
- Restrooms
- Family Restrooms
- Handicap

---

Logos shown are the final project logos for use, please note, see all final drawings for color and materials specification.

---

**PROJECT SYMBOLS**

- Men's Restroom
- Women's Restroom
- Restrooms
- Family Restrooms
- Handicap
<table>
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<th>Proposed Sign Type</th>
<th>Estimated Quantities</th>
<th>Electrical Required</th>
<th>Lighting</th>
<th>Mock-Up</th>
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* PLEASE NOTE: ALL QUANTITIES NEED TO BE VERIFIED WITH SITE PLAN BY FABRICATOR PRIOR TO CONSTRUCTION
** ALL LOCATIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION
*** FABRICATOR TO PROVIDE PER UNIT COST FOR ALL SIGN TYPES
**** FABRICATOR TO CONFIRM WITH GC IF AND WHERE FOUNDATION WORK SHOULD BE INCLUDED IN BID

ELECTRICAL NOTES: AT THIS POINT IN THE DESIGN PROCESS, THE SPECIFIC ELECTRICAL REQUIREMENTS FOR EACH SIGN CANNOT BE DETERMINED. HOWEVER, AS A GENERAL WORKING AND PLANNING ELECTRICAL REQUIREMENT, WE RECOMMEND NO LOWER THAN A 120 VOLT/20 AMP SIGN CIRCUIT AND THE SIGNS MAY HAVE NO LESS THAN A 7.0 AMP @120 VOLT TOTAL LOAD. PLEASE NOTE THAT ALL EXACT ELECTRICAL REQUIREMENTS FOR EACH SIGN WILL NEED TO BE PROVIDED BY THE SELECTED SIGN FABRICATOR.

MOCK-UP LEGEND
1. Full 3D Working Mock-Up; On site review
2. Partial 3D Working Mock-Up; On site review
3. Full Size Color 2D Moveable Mock-Up; On site review
4. Full Size Black & White prints of copy, provided for review
5. No Mock-Up Required
GENERAL NOTES:
1. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM of any changes or conflicts to package.
2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.

Note: All locations to be coordinated with landscape architect and approved by client representative.
SECTION 8

Note: All locations to be coordinated with landscape architect and approved by client representative.

SECTION 10

SECTION 11

SECTION 12

GENERAL NOTES:
1. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM of any changes or conflicts to package.
2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.
EXTERIOR SIGN FAMILY //
GENERAL NOTES:
1. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM of any changes or conflicts to package.
2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.

DRAWING FOR DESIGN INTENT ONLY. NOT INTENDED FOR CONSTRUCTION.

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**GENERAL NOTES:**

1. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM of any changes or conflicts to package.
2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.

- Fabricator to coordinate with client/GC to determine design & constraints of existing foundation and notify RSM if proposed design exceeds limitations.
- Existing sign cladding to be removed, sign to be re-clad as shown.
- Painted aluminum base as required to clad bottom of support structure as needed.
- Painted aluminum channels letters with sign white acrylic faces, returns painted metallic gray.
- Painted aluminum letter flush with face of frame. Letter and frame inside to return 6”.
- Painted aluminum panels over existing structure support.
- Existing Ridgedale sign.
- Internally illuminate Lexan panels with applied digitally printed vinyl pattern. Seams to be coordinated with architect. Pattern to match.
- Existing concrete base.
- Slope shown for reference only.

**Notes:**

- Painted aluminum channel letters with sign white acrylic faces, returns painted metallic gray.
- Painted aluminum letter flush with face of frame. Letter and frame inside to return 6”.
- Painted aluminum panels over existing structure support.
- Existing Ridgedale sign.
- Internally illuminate Lexan panels with applied digitally printed vinyl pattern. Seams to be coordinated with architect. Pattern to match.
1. Sign fabricator to verify all locations and conditions prior to fabrication and notify RSM of any changes or conflicts to package.
2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.

Sign is elevated 1/2" at center to facilitate runoff.

Flat return of letter to slant up 8% to back panel for runoff. Typical.

Existing Ridgedale sign
DRAWING FOR DESIGN INTENT ONLY.

NOT INTENDED FOR CONSTRUCTION.

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GENERAL NOTES:
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Date Issued
160 Cabrillo
San Clemente
CA 92672
949.492.9479 T
949.492.2230 F
rsmdesign.com

PROGRESS
INTERIOR & EXTERIOR DESIGN INTENT
12.08.14

SIGN WHITE ACRYLIC FACE
ACRYLIC FACE WITH 1/4" x .063" NOTCH ATTACHED WITH METHACRYLATE EPOXY & COUNTERSUNK SCREWS PAINTED TO MATCH

A23
GENERAL NOTES:
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Notes:
- At severe grade locations second tier planter box may be added. To be coordinated with RSM & architect.
- Planter box may switch sides of sign based on individual location conditions. To be coordinated with RSM & architect.

Feature material over aluminum cabinet
Base and planter finish material to be coordinated with RSM and architect.

Feature material to be uplit from cove lighting at base of wall
Feature material all sides
3.5" deep, reverse channel halo-lit letters mounted 1 1/2" off back wall
Light cove at base of wall to uplight wall.

Notes:
- At severe grade locations second tier planter box may be added. To be coordinated with RSM & architect.
- Planter box may switch sides of sign based on individual location conditions. To be coordinated with RSM & architect.
GENERAL NOTES:
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Section A

Scale: 1" = 1'-0"

- Precast Cap.
- Feature material to be mitered at all corners.
- Halo-illuminated dimensional letters mounted to cabinet frame.
- Aluminum sign structure.
- Light cove with LED illumination to wash up onto feature material. To be spec’d. as water tight fixture.
- Weep holes as required on all sign components.
- Precast Cap. Top of wall to slope min. 2% away from wall to facilitate runoff.
- Base and planter finish material to be coordinated with RSM and architect.
- Granite by Triarch, custom color TBD. Typical.
- Feature material to be mitered at all corners.
- Rigid insulation, place filter fabric between insulation and soil, typical.
- Concrete footing
- Concrete Wall
- Weep holes as required on all sign components.
- Precast Cap.
- Halo-illuminated dimensional letters mounted to cabinet frame.
- Feature material.
- Precast Cap. Top of wall to slope min. 2% away from wall to facilitate runoff.
- Base and planter finish material to be coordinated with RSM and architect.
- Granite by Triarch, custom color TBD. Typical.
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DRAWING FOR DESIGN INTENT ONLY. NOT INTENDED FOR CONSTRUCTION.
Base and planter finish material to be coordinated with RSM and architect.

Feature material over aluminum cabinet.

Feature material over aluminum cabinet.

3.5" deep, reverse channel halo-lit letters mounted 1 1/2" off back wall.

Light cove at base of wall to uplight wall.

1" thick fabricated, painted aluminum letters. Painted 3/4" of wall.

Base and planter finish material to be coordinated with RSM and architect.

Foundation to be coordinated with GC.

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Feature material to be mitered at all corners.

Rigid insulation, place filter fabric between insulation and soil, typical.

Precast Cap. Top of wall to slope min. 2% away from wall to facilitate runoff.

Light cove with LED illumination to wash up onto feature material. To be spec’d as water tight fixture.

Weep holes as required on all sign components.

Aluminum sign structure

Halo-illuminated dimensional letters mounted to cabinet frame

Painted fabricated aluminum letters

Base and planter finish material to be coordinated with RSM and architect.

Granyte by Triarch, custom color TBD. Typical

Precast Cap.

Precast Cap. Drains. Place filter fabric between insulation and soil, typical.

Drainage aggregate backfill

Concrete footing

Note: Sign fabricator to engineer below grade drainage at planters.
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2. Sign fabricator to confirm all final messaging with client prior to fabrication and notify RSM of any changes or comments.
3. Signs on slope to maintain 1' min. exposed base on high side. Low side of base to extend below grade.
4. Messages shown are for reference only, to be determined and approved by client representative prior to fabrication.
5. Signs are one-sided at most locations. Sign box wraps back equal distance on two-sided signs.
6. Message box to sit on street side of sign or right side if parallel to street.

**Materials:**

- White acrylic allows LEDs in perimeter of sign box to glow onto feature material cladding.
- Signs oriented perpendicular to street, to have panel side to street.
- Feature material on all sides of aluminum cabinet.
- Internally illuminated aluminum box to wrap structure.
- Led lighting inside perimeter of box to glow through acrylic back and illuminates feature material.

**Notes:**

- Precast base, material & finish to be coordinated with RSM & architect.
- Logo on panel wrapped side.
- Sign to sit flush to finished surface and follow grade. To be field verified.
- Foundation to be coordinated with GC.
- Replaceable tenant panels with internally illuminated push-through sign-white acrylic graphics, flush to sign face. Panels to wrap sign.
- Logo background recessed 1/4" into base.
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A Section
Scale: 1 1/2" = 1'-0"

Double Sided Version

Single Sided Version

Feature material to be mitered at corners.
Feature material fastened to cabinet internal frame.
Sign white acrylic
Aluminum internal structural frame.
Steel support.
LED lighting to create halo effect at perimeter of cabinet.
LED lighting as required to provide even illumination.
White acrylic push-thru flush graphics
Removable aluminum tenant panels
LED lighting to create halo effect at perimeter of cabinet.

Ridgedale Sign Plan
12401 Wayzata Blvd.

PROGRESS
INTERIOR & EXTERIOR DESIGN INTENT
12.08.14
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Ridgedale Sign Plan
12401 Wayzata Blvd.

e3 - VEHICULAR DIRECTIONAL Messaging
Not to Scale

All messages to be approved by client representative prior to fabrication.

See location plan for sign orientation.
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All messages to be approved by client representative prior to fabrication.

See location plan for sign orientation.

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PROGRESS INTERIOR & EXTERIOR DESIGN INTENT

Ridgedale Sign Plan
12401 Wayzata Blvd.

12.08.14
PROGRESS
INTERIOR &
EXTERIOR
DESIGN
INTENT

All messages to be approved by client representative prior to fabrication.

e3 - VEHICULAR DIRECTIONAL

Not to Scale
Typical logo/message locations for towers. Tower/message orientation for each tower to be noted on final message and location plans. To be approved by client representative.

Reverse-channel halo-lit letters painted.
Pinned off back wall.

See details following page.
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Note:
- Locations and messages for signs per Civil (Signing and Striping Plan).
- Street names to be provided by client representative.
- Signs to comply with all applicable codes and regulations.
Note:
- Locations and messages for signs per Civil (Signing and Striping Plan).
- Street names to be provided by client representative.
- Signs to comply with all applicable codes and regulations.

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Notes:
- Messages shown are for reference only.
- Final message to be provided and approved by client representative prior to fabrication.

Acrylic panel, face painted
1/8" thk. applied alum. letters painted
1/8" deep reveal painted
All edges and corners eased

A REMINDER FROM YOUR LOCAL POLICE DEPARTMENT

Your Car

Your Things

Your Keys
IF YOU SEE SOMETHING, SAY SOMETHING!

REPORT SUSPICIOUS ACTIVITY TO THE POLICE

CALL 287-EYES (287-3937)

Notes:
- Messages shown are for reference only.
- Final message to be provided and approved by client representative prior to fabrication.
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1. East Tower - Top View
   Scale: 1/8" = 1'-0"

2. East Tower - Side View A
   Scale: 1/8" = 1'-0"

3. East Tower - Side View B
   Scale: 1/8" = 1'-0"

4. East Tower - Side View C
   Scale: 1/8" = 1'-0"

5. East Tower - Side View D
   Scale: 1/8" = 1'-0"

Ridgedale Sign Plan
12401 Wayzata Blvd.

PROGRESS EXTERIOR DESIGN INTENT
01.12.15

E4s - ENTRY TOWER
Ridgedale
12401 Wayzata Blvd.
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A. **GENERAL:**

1. It is the intent of Developer, Dayton's, Donldson's, Penney's and Sears that signs at Ridgedale be developed in an imaginative and varied manner and that all signs conform with the intent of this Exhibit as well as comply with the criteria set forth below.

2. Although previous and current signing practices of Tenants and/or Parties will be considered, they will not govern signs to be installed at Ridgedale.

3. Each Tenant and/or Party shall be required to identify their respective premises by illuminated signs; such signs may be illuminated by the so called "back-lit" method with lamps contained wholly within the depth of the letter.

4. There shall be no free-standing or pylon signs other than those erected and maintained by Developer or as provided for in this Exhibit.

5. There shall be no moving or flashing signs.

6. There shall be no signs placed upon the roof or on the penthouse walls of any building or structure within the Entire Premises, except as permitted by Developer.

7. There shall be no signs painted on the exterior surfaces of any building or structure within the Entire Premises.

8. There shall be no temporary signs or sale signs or banners affixed to the exterior surfaces of any building or structure within the Entire Premises nor in any parking area nor on any light standards.

9. There shall be no signs placed at right angles to any front, whether interior or exterior, of any building or structure within the Entire Premises.

10. There shall be no signs, whether temporary or permanent, hung or affixed around, on or behind glass doors or display windows, whether interior or exterior.

11. There shall be no exterior signs permitted for any Tenant and/or Party whose Gross Floor Area is less than 100,000 square feet.

12. There shall be no signs affixed to any storefront, whether interior or exterior, identifying leased departments contained within the premises of any Tenant or Occupant.

13. The following types of signs or sign components shall be PROHIBITED:

   a. Signs employing moving or flashing lights.

   b. Signs employing exposed raceways, ballast boxes or transformers.

   c. Sign manufacturer's names, stamps or decals.

   d. Signs employing painted non-illuminated letters.

**REVISED:** January 19, 1973
c. Signs employing "in-mold-vacuum formed" type plastic letters.

d. Signs of box or cabinet type except at customer/package pickup stations and on gas islands, which shall be permitted.

g. Signs employing uncapped or uncapable plastic letters or letters with no returns and exposed fastenings.

14. The use of corporate crests or insignia will be permitted provided such corporate crests, shields or insignia shall not exceed the average height for sign letters.

15. Developer's written approval of drawings and specifications for all signs desired by any Tenant and/or Party within the Entire Premises is required. Tenant and/or Party shall submit three copies of its sign plans for Developer's approval prior to fabrication of sign. Such drawings shall show location of sign on storefront giving color, materials, attachment devices and construction details.

B. DEPARTMENT STORE SIGN CRITERIA:

1. The signs which, on both levels of the Dayton's, Donaldsons, Penney's and Sears buildings front on the Air-Conditioned Mall, shall be:

   a. Not more than four feet (4') in height.

   b. Mounted flush with the wall of the building to which affixed (unless "back-lit").

   c. Of a length which does not exceed 75% of the lineal footage of the wall storefront to which affixed.

   d. Of a design which is uniform with other signs of Tenant and/or Party similarly placed.

   e. Display only the name of the department store for Sears, Dayton and Penney, and for Allied the name "Donaldson's", as applicable.

2. The signs affixed to the exterior surfaces of Dayton's, Donaldsons, Penney's, and Sears Main Buildings shall be:

   a. Limited to one sign per exterior face.

   b. Mounted flush with the wall of the building to which affixed (unless "back-lit").

   c. Display only the name of the department store for Sears, Dayton and Penney, and for Allied the name "Donaldson's", as applicable, the first letter of which (or in the case of Penney, the letters "JCP") to be not more than eight feet (8') in height and the other letters to be not more than four feet (4') in height; the maximum height for all letters, in the case of a sign employing all upper case letters, shall be not more than eight feet (8').

   d. Of a length which does not exceed 25% of the lineal footage of the surface to which affixed.

   e. Of a design which is uniform with other signs of Tenant and/or Party similarly placed.
f. It is understood that catalog and parcel pick-up locations, in the normal course of events, have sign requirements to which the criteria listed in this Section 2 do not apply; signs identifying these areas are subject to developer's approval as provided for in this Exhibit and are to be 1) interior or "back-lit", 2) not placed at right angles to any front and 3) architecturally harmonious.

3. The signs affixed to the exterior surfaces of Dayton, Donaldson's, Penney and Sears' T.B.A. or Auto Center as the case may be shall be:

a. Limited to one sign per exterior surface.

b. Mounted flush with the wall of the building to which affixed (unless "back-lit").

c. Display only the name of the department store for Sears, Dayton and Penney and for Allied the name "Donaldson's" as applicable and two additional words describing the business conducted therein (such as "Auto Center").

d. Not more than five feet (5') in height.

e. Of a length which does not exceed 75% of the lineal footage of the surface to which affixed.

f. Of a design which is uniform with other signs of Tenant and/or Party similarly placed.

g. Such signs shall not project above the general roof-top line of the building to which affixed.

h. Gas price signs shall be limited to one per T.B.A. and shall be illuminated; the gas price sign may be of the pylon type located in close proximity to the gas pump area and shall be 1) interior lit, 2) a maximum of fifty (50) square feet per panel and 3) no higher than fifteen feet (15') overall.

i. The use of so-called product identification signs is expressly prohibited.

4. The plans and specifications for any other signs desired by Dayton's, Donaldson's, Sears or Penney's shall be submitted to Developer and reviewed in accordance with Article 24 of this Operating Agreement and the provisions of this Exhibit "I".

C. INDIVIDUAL TENANT SIGN CRITERIA:

1. All signs and identifying marks shall be within the limitations of the leased premises between the floor line and the store front header. All such signs shall be subject to the requirements and limitations as outlined herein:

a. Signs shall not project beyond the line of the leased premises bordering "Common Area" more than two inches (2") if less than eight feet (8') above finished floor line or more than six inches (6") if above eight feet (8').

b. The wording of signs shall be limited to the store name only.

c. Multiple or repetitive signing will not be permitted; one store sign per storefront will be permitted. Developer shall be the final judge in determination of the number of storefronts.
d. Sign letters or components shall not have exposed neon or other lamps. All light source shall be concealed by translucent material. Sign letters or components may be back-illuminated with lamps contained wholly within the depth of the letter. Maximum brightness in any event shall not exceed 100 foot-lamberts.

e. The average height of sign letters or components on stores shall not exceed eighteen inches (18").

f. The extreme outer limits of sign letters or components shall fall within a rectangle each of the two short sides of which shall not fall closer than 24 inches to the side lease lines of the leased premises; the top side of which shall not fall closer than 12 inches to the soffit of the mall facade element. No part of the sign letters shall hang free of the background when such background is provided.
DEPARTMENT STORE SIGNAGE

Attached Exhibit "I" which relates to department stores at Ridgedale Center will remain in full force and effect except as amended from time to time (i.e. allowing a restaurant less than 100,000 square feet to erect an exterior sign like Magic Pan, Applebees).

RESTAURANT SIGNAGE

With respect to referenced amendments, the following applies:

1. Only restaurants will be considered to be allowed an exterior sign. At no time will a store other than a restaurant use be granted approval to erect an exterior sign.

2. The maximum height of said exterior restaurant sign will be 30 inches.

3. The maximum length of signs will be judged on aesthetic qualities and will not be subject to restrictions as to height vs. width of individual letters.

4. The only areas where exterior signs will be considered is at each of the four entryways to the center. There will be a maximum of two (2) restaurant uses at each entryway. If a restaurant has a separate restaurant entryway, they will be allowed to construct a second sign appropriate to the smaller entryway.

5. If a restaurant is to have an exterior awning with logo or lettering, the logo or lettering shall not exceed 50% of the coverage of said awning.

RIDGEDALE CENTER SIGNAGE

1. Ridgedale Center reserves the right to construct entryway signage to identify "Ridgedale Center". This could possibly occur during renovation of entrances or at any time that the owners of Ridgedale Center may elect to construct such signs.

2. This type of signage would be subject to the same restrictions as in attached Exhibit "I".

NOTE: These sign criteria guidelines are intended to allow the City of Minnetonka a reference point for future exterior sign requests. Ridgedale Center reserves the right to discuss and request variations from these proposed guidelines on a case by case basis.
View of Building Expansion - South

Landlord Provided Storefront (up to 18')

Wood Patterned Composite Panel

Glass Curtain Wall

Art Wall

Granite

Illuminated Glass

Mesabi Black Granite

Landing Provided Storefront (up to 18')

White Metal Accent Panel

Basalt Tile

New Mall Design

Ridgedale Sign Plan

12401 Wayzata Blvd.
New Mall Design

- Composite Panel
- Example Tenant Storefront (up to 25 feet)
- Glass Curtain Wall
- Art Wall
- Wood Patterned Composite Panel
- Example Tenant Storefront (up to 25 feet)
- White Metal Accent Panel
- Granite and Illuminated Glass Tower

VIEW OF BUILDING EXPANSION - NORTH
New Mall Design

VIEW OF RENOVATED ENTRY - WEST

- EXISTING TENANT
- WOOD PATTERNED COMPOSITE PANEL
- GLASS CURTAIN WALL
- ART WALL
- WHITE METAL ACCENT PANEL
- EXISTING TENANT
- GRANITE AND ILLUMINATED GLASS TOWER
New Mall Design

VIEW OF RENOVATED ENTRY - SOUTH

WOOD PATTERNED COMPOSITE PANEL

EXISTING TENANT

GLASS CURTAIN WALL

ART WALL

WHITE METAL ACCENT PANEL

EXAMPLE TENANT STOREFRONT
New Mall Design

MATERIALS

WOOD PATTERNED COMPOSITE PANEL

GRAY COMPOSITE PANEL

WHITE METAL ACCENT PANEL

BASELT STONE TILE
(VARIED SAMPLES SHOWN TO REPRESENT COLOR VARIATION OF MATERIAL)

MESABI BLACK GRANITE
Resolution No. 2015-

Resolution rescinding the existing sign plan and approving a revised sign plan for Ridgedale Center at 12401 Wayzata Boulevard

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

Section 1. Background.

1.01 General Growth Properties has requested approval of a sign plan for Ridgedale Center at 12401 Wayzata Boulevard.

1.02 On June 19, 1986, the planning commission approved the existing sign plan for Ridgedale Center.

1.03 On February 5, 2015, the Planning Commission held a hearing on the proposal. 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.

Section 2. General Standards.

2.01 City Code §300.30, Subd. 9(h) states that factors which will be used in determining if an individual sign plan will be considered include the following:

1. The development includes a high rise (greater than 3 story) structure;

2. The development includes multiple structures and/or substantial site area;

3. The development includes mixed uses;

4. A sign plan is uniquely adapted to address the visibility needs of a
development while remaining consistent with the intent of this section to direct high quality signage; and

5. The sign plan includes permanent sign covenants which can be enforced by the city.

Section 3. Findings.

3.01 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd. 5.

1. Ridgedale Center is one of the largest developments in the community. The site is 84 acres in total size, which is one of the largest commercial sites in the city. The site also has seven vehicle access points from public streets and four separate parking lots.

2. Ridgedale Center includes a mix of commercial uses, including retail, restaurant, automotive, and anchor department stores.

3. The site has unique visibility needs compared to other commercial properties. Ridgedale abuts three major streets, Wayzata Boulevard, Ridgedale Drive, and Plymouth Road, and has visual frontage from I-394. The site also has seven separate vehicle access points from these public streets. In addition, the site is a regional destination which anchors the larger Ridgale area regional center.

4. The sign plan includes specific conditions of approval which would be administered and enforced with all sign permit applications. This would include the current signs and all future signs.

Section 4. Planning Commission Action.

4.01 The existing sign plan for Ridgedale Center is hereby rescinded.

4.02 The revised sign plan for Ridgedale Center is hereby approved, subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the sign plans dated December 8, 2014, except as modified by the conditions below.

2. Exterior signs for the mall must meet all of the requirements of the city’s sign ordinance, except for the following:
a) The mall is allowed exterior signs according to the following standards:

1) The signs must not exceed the following number, height, and size:

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Quantity (max.)</th>
<th>Height (max.)</th>
<th>Copy and graphic area (max.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pylon sign</td>
<td>1</td>
<td>85 ft.</td>
<td>480 sq. ft.</td>
</tr>
<tr>
<td>Monument signs</td>
<td>4</td>
<td>8 ft.</td>
<td>40 sq. ft.</td>
</tr>
<tr>
<td>Directional signs</td>
<td>9</td>
<td>8 ft.</td>
<td>20 sq. ft.</td>
</tr>
<tr>
<td>Entrance towers</td>
<td>4</td>
<td>N/A</td>
<td>225 sq. ft.</td>
</tr>
</tbody>
</table>

2) There may be no additional freestanding or pylon signs than identified above. All freestanding signs must include the name of the shopping center only, and must not include individual tenant identification. Directional signs must include only directional messages.

b) Anchor department stores that exceed 100,000 square feet in size are allowed exterior signs according to the following standards:

1) Maximum of one wall sign per exterior elevation.

2) The total height of the sign must not exceed 8 feet.

3) The total length of the sign must not exceed 25% of the lineal footage of the surface to which it is affixed.

c) Restaurants that have frontage on the mall exterior are allowed exterior signs according to the following standards:

1) Maximum of one wall sign per exterior elevation.

2) The total height of the sign must not exceed 30 inches.

d) Freestanding buildings are allowed exterior signs according to the following standards:

1) Maximum of one wall sign per exterior elevation.
2) The total height of the sign must not exceed 5 feet.

3) The total length of the sign must not exceed 75% of the lineal footage of the surface to which it is affixed.

   e) All other tenants are not allowed exterior signs, including temporary business signs.

3. Sign permits are required.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on February 5, 2015.

                               , Chairperson

Attest:

__________________________________________
Kathy Leervig, 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 February 5, 2015.

__________________________________________
Kathy Leervig, Deputy City Clerk
Brief Description
Ordinances amending various sections of city code regarding:

(1) Wetland Ordinance;
(2) Tree Ordinance;
(3) Grading Ordinance; and
(4) Illicit Discharge Ordinance

Recommendation
Recommend the city council adopt the ordinances

Proposal
Staff has prepared several ordinances amending sections of the city’s existing environmental ordinances. The ordinances can be classified as: (1) housekeeping amendments; and (2) mandatory amendments.

(1) HOUSEKEEPING
Through the interpretation and enforcement of ordinances, staff sometimes finds that language needs to be modified to clarify the intent of the ordinance regulations or to reflect long-standing city practices. Staff is proposing the following housekeeping amendments:

<table>
<thead>
<tr>
<th>ORDINANCE</th>
<th>SUMMARY OF PRIMARY CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland</td>
<td>Clarifies how a wetland boundary will be determined if there is dispute</td>
</tr>
<tr>
<td></td>
<td>Clarifies allowances for public utilities in wetlands and wetland buffers</td>
</tr>
<tr>
<td></td>
<td>Clarifies setbacks for hot tubs, retaining walls, and uncovered structures</td>
</tr>
<tr>
<td></td>
<td>Allows the city to require escrow to restore an altered wetland</td>
</tr>
<tr>
<td>Tree</td>
<td>Clarifies basic tree removal area for structures built on post footings</td>
</tr>
<tr>
<td></td>
<td>Removes individual ash trees from the high-priority classification</td>
</tr>
<tr>
<td></td>
<td>Clarifies how measurements are taken from roadways to groups of high-priority trees</td>
</tr>
<tr>
<td></td>
<td>Clarifies conditionally permitted uses in the R-1 district are held to different tree mitigation standards than a single-family home</td>
</tr>
</tbody>
</table>
(2) **MANDATORY**

Under the federal Clean Water Act, in order to discharge stormwater into area waterbodies, cities are required to hold a municipal separate storm sewer system (MS4) permit. The Minnesota pollution control agency (MPCA) issues and administers MS4 permits. An overview of the MPCA program for the MS4 permit is included on pages A1-A2. Like all cities that hold a MS4 permit, Minnetonka must maintain conformance with it through its regulations and practices. Conditions of the city’s MS4 permit include:

- public education;
- public participation;
- detecting and eliminating illicit discharges;
- controlling construction site and post construction runoff; and
- Implementing “good housekeeping measures.”

The goal of these conditions, and the MS4 permit itself, is to improve and protect surface waters by reducing pollutants found in stormwater discharges. To comply with the conditions of the MS4 permit, the city must adopt more restrictive ordinance language relating to grading and illicit discharges than exist in the current ordinances. Staff is proposing the following ordinance amendments:

<table>
<thead>
<tr>
<th>ORDINANCE</th>
<th>SUMMARY OF CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grading</td>
<td>Includes language as required by MPCA relating to the agency’s individual construction site permit</td>
</tr>
<tr>
<td>Illicit Discharge</td>
<td>Defines technical terms</td>
</tr>
<tr>
<td></td>
<td>Exempts certain discharges</td>
</tr>
<tr>
<td></td>
<td>Prohibits certain discharges</td>
</tr>
<tr>
<td></td>
<td>Prohibits certain connections</td>
</tr>
</tbody>
</table>

**Staff Recommendation**

Recommend the city council adopt the following:

1. An ordinance amending Minnetonka City Code §300.23 concerning the wetland overlay district. (Page A4–A15.)

2. An ordinance amending Minnetonka City Code §300.28 Subd.19 regulating tree protection. (Page A16–A27.)

3. An ordinance amending Minnetonka City Code §300.28 Subd. 16, 17 and 18 regulating grading and erosion control. (Page A28–A37.)
4. An ordinance amending Minnetonka City Code §§1205 and 300.28 regulating discharges into the municipal storm sewer system. (Page A38–A42.)

Submitted through: Loren Gordon, AICP, City Planner

Originated by: Jo Colleran, Natural Resources Manager
               Corrine Heine, City Attorney
               Aaron Schwartz, Natural Resources Specialist
               Liz Stout, PE, Water Resources Engineer
               Susan Thomas, AICP, Principal Planner
The Municipal Separate Storm Sewer System (MS4) general permit is mandated by the federal regulations under the Clean Water Act and administered by the Minnesota Pollution Control Agency.

The MS4 permitting program gives owners or operators of municipal separate storm sewer systems approval to discharge stormwater to lakes, rivers and wetlands in Minnesota.

**Environmental harm**

Urban stormwater frequently contains litter, oil, chemicals, toxic metals, bacteria, and excess nutrients, like nitrogen and phosphorous. Polluted stormwater contributes to swimming-beach closings, fish-eating advisories, excess algae growth and poor water clarity in urban water resources, especially lakes.

In addition to human effects, poorly managed urban stormwater can drastically alter the natural flow and infiltration of water, scour stream banks and harm or eliminate aquatic organisms and ecosystems.

The primary goal of the MS4 general permit is to improve water quality by reducing pollutants in stormwater discharges. Specifically, the program aims to ensure proper management of stormwater discharges into waters of the state.

**Defining MS4s**

In general terms, MS4s are publicly owned or operated stormwater infrastructure, used solely for stormwater, and which are not part of a publicly owned wastewater treatment system. Examples of stormwater infrastructure include curbs, ditches, culverts, stormwater ponds and storm sewer pipes. Common owners or operators of MS4s include cities, townships and public institutions.

The MS4 general permit focuses on reducing the pollution that enters these public systems and discharges to wetlands, streams and lakes (“waters of the state”).

Owners and operators of MS4s which are required to get a permit are created in one of three ways: By federal rule, 40 CFR § 122.34 (a) and (b) (the Clean Water Act), state rule (Minnesota Rules Chapter 7090), or by public petition to the Minnesota Pollution Control Agency.

By federal rule, stormwater systems in urban areas are labeled Mandatory MS4s. In addition to these, Minnesota added other stormwater systems (Designated MS4s) to the list. These MS4s are only added if the stormwater system is located in an urban area that meets the criteria established in the State Rule for population and discharge points.

The number of MS4s in Minnesota is growing as urban areas expand. As of April 2008, there were 243 MS4s in Minnesota.

**Public Process**

After a term of five years, the MS4 general permit is improved and revised, if necessary, and re-issued. Public comment
is encouraged before the re-issuance of new MS4 general permits and before the creation of new MS4s. In addition, the public is asked each year to share its opinion on plans the owner or operator of their local MS4 has made to manage stormwater. These opinions are shared at local meetings required by the permit.

Requirements of the MS4 General Permit

All owners or operators of MS4s are required to satisfy the requirements of the MS4 general permit; Minneapolis and St. Paul are required to meet customized individual permits, which are similar but which contain additional requirements.

Basically, the MS4 general permit requires the MS4 operator or owner to create a Stormwater Pollution Prevention Program with six important components:

1. Public education and outreach, which includes teaching citizens about better stormwater management
2. Public participation: Include citizens in solving stormwater pollution problems. This includes a required public annual meeting and an annual report.
3. A plan to detect and eliminate illicit discharges to the stormwater system (like chemical dumping and wastewater connections)
4. Construction-site runoff controls
5. Post-construction runoff controls
6. Pollution prevention and municipal “good housekeeping” measures, like covering salt piles and street-sweeping.

Reducing Stormwater Pollution

The MS4 general permit is a requirement, but also a tool in the hands of city, township and county officials who want to improve the quality of lakes and rivers that receive their stormwater discharges. MS4 administrators have can improve the quality of life for their citizens by protecting and restoring local water quality.

Citizens served by an MS4 are invited to encourage the owner or operator (normally their city, township or county) to tackle stormwater pollution problems, but the responsibility for water quality is not left in the hands of public officials.

Public and private spaces contribute to urban stormwater pollution. While MS4 administrators control the public sources of stormwater pollution, it’s ultimately in the hands of private citizens to change the way they do small things that will have a dramatic effect on the quality of their favorite fishing spot or swimming beach.

Simple Steps for Better Water Quality

You can make simple changes to reduce stormwater pollution and improve the quality of your local lake or river by following these tips:

- Fertilize established lawns with phosphorous-free fertilizer and don’t overspray fertilizer into the street.
- Rake leaves and sweep grass clippings away from curbs. Clean curbs mean clean water.
- When you wash your car or truck, direct water onto your lawn to soak up soap.
- Find attractive alternatives to large, impervious driveways and sidewalks.
- Direct your home’s gutters onto your lawn. Water that doesn’t make it to the curb can’t carry pollutants to lakes and streams.

Detailed Information

For more detailed information about the MS4 general permit or for further information about reducing stormwater pollution, please visit the MPCA stormwater program Web site: [www.pca.state.mn.us/stormwater](http://www.pca.state.mn.us/stormwater)
PROPOSED ORDINANCES
Ordinance No. 2015-

An Ordinance amending Minnetonka City Code Section 300.23, concerning the wetland overlay district

Section 1. Section 300.23 of the Minnetonka City Code is amended as follows:

SECTION 300.23. WETLANDS PROTECTION.

1. Purpose and Intent.

   a) The purpose of this section is to recognize, preserve and protect the environmental, aesthetic and hydrologic functions of the city's wetlands by regulating the use of wetlands and their adjacent properties. These functions include, but are not limited to, sediment control, pollution control, filtration, fish and wildlife habitat and aquifer recharge.

   b) The intent of this section is to protect wetlands to the maximum extent possible while allowing a reasonable use of the property. This section adopts the regulations and standards of the Wetland Conservation Act of 1991 (WCA), Laws of Minnesota 1991, chapter 354, as amended, and the rules adopted pursuant to the WCA. It also establishes a wetlandoverlay district. This overlay district further regulates the underlying land use as allowed by other districts or the WCA.

2. Designation of Protected Wetlands and Exemptions.

   a) The wetlands protected and regulated by this Section are types 1, 2, 3, 4, 5, 6, 7, and 8 wetlands, as defined in circular 39, “Wetlands of the United States”, 1971 edition, United States Department of the Interior. Protected wetlands are further generally defined as follows:

      Type 1 Seasonally Flooded Basins or Floodplains: Type 1 wetlands are seasonally flooded basins or flats in which soil is covered with water or is waterlogged during variable seasonal periods but usually is well-drained during much of the growing season. Type 1 wetlands are located in depressions and in overflow bottom lands along water courses. Vegetation varies greatly according to the season and duration of the flooding, and includes bottom land hardwoods, as well as herbaceous plants.

      Type 2 Inland Fresh Meadow: Occurs along the shallow edges of lakes, marshes and floodplains, or in perched depressions. The soil is usually without standing water during much of the growing season, but is waterlogged within at least a few inches of...
the surface. Vegetation includes grasses, sedges, rushes and various herbaceous plants.

Type 3 Inland Shallow Fresh Marsh: Soil is usually water logged during the growing season, often covered with as much as six inches or more of water. Vegetation includes grasses, bulrushes, cattails, arrowheads, smartweeds and other emergent aquatic vegetation.

Type 4 Inland Deep Fresh Marsh: Soil covered with six inches to three feet or more of water during growing season. Vegetation includes cattails, reeds, bulrushes and wild rice. Open water areas may contain pondweeds, naiads, coontail, water milfoils and other submergent aquatic vegetation.

Type 5 Inland Open Fresh Water: Water is usually less than 10 feet deep and is fringed by a border of emergent vegetation. Vegetation includes pondweeds, naiads, coontail, water milfoils and other submergent aquatic vegetation.

Type 6 Shrub Swamp: Occurs along sluggish streams or on floodplains. The soil is usually waterlogged during the growing season, and is often covered with as much as six inches of water. Vegetation includes alder, willow and dogwood.

Type 7 Wooded Swamp: Occurs along sluggish streams, on floodplains, on flat perched depressions and in shallow lake basins. The soil is waterlogged to within a few inches of its surface during the growing season and is often covered with as much as one foot of water. Vegetation typical to this wetland includes tamarack, white cedar, black spruce, balsam fir, red maple and black ash.

Type 8 Bog: Occurs along sluggish streams, on flat perched depressions and shallow lake basins. The soil is waterlogged and supports a spongy covering of mosses. Vegetation typical to this wetland type includes sphagnum moss, heath shrubs and sedges. Minnesota bogs contain leatherleaf, Labrador tea, cranberries and pitcher plants. Scattered stunted black spruce and tamarack also are common features of bogs.

b) Areas that exhibit wetland characteristics but were created for a purpose other than to create a wetland are exempt from this section. This includes areas such as storm water ponds, roadway ditches, or other areas that receive artificial hydrology. The landowner has the responsibility to prove by a preponderance of the evidence that an area is exempt under this paragraph.

c) The reconstruction and maintenance of existing public roads and associated public utilities are exempt from this section 300.23 as long as they comply with the WCA as approved by city staff.

This section establishes the presumptive wetland overlay districts. These districts are subject to additional requirements beyond those required by the WCA. The boundaries of the presumptive wetland overlay districts are identified by government survey section and contour elevation above mean sea level in Appendix A to this section. The city’s official wetland map graphically shows these boundaries.

If a specific wetland delineation has been done under WCA rules, then the boundaries of the wetland overlay district for that location will be as shown in the delineation rather than the presumptive boundaries. The city may require wetland delineations to determine compliance with WCA rules and this section 300.23; however, property owners may have wetland delineations done for their properties on their own initiative. The delineation must be done by a professional wetland delineator according to WCA rules and be acceptable to the planning director. Public waters and public water wetlands are included in the overlay district.

4. Interpretation of Wetlands Boundaries.

Whenever a delineated wetland boundary is disputed or uncertain, the city planning director or designee may convene the technical evaluation panel according to WCA rules. The owner must have the delineated wetland boundary staked in the field in order for the panel to evaluate the area. The technical evaluation panel and city planning director or designee may require additional information require the submission of a registered survey of the property and field staking showing the wetland delineation, and such other information as the director may require to resolve the dispute or uncertainty. No boundary change may be authorized on the basis of fill that was placed on the site after the city designated the area as part of the wetland overlay district. Persons aggrieved by a decision of the city planning director, designee, or the technical evaluation panel may appeal such the decision as provided in accordance with the provisions of section 300.03, subdivision 1of this ordinance and the WCA rules as applicable.

5. Wetland Buffer Areas.

   a) This subsection establishes requirements for wetland buffer areas around protected type 2-8 wetlands. Buffer areas are necessary and beneficial to maintain the health of wetlands. Buffer areas protect the edge of wetlands from erosion while filtering sediment, chemicals and other nutrients from runoff that drains into wetlands. Buffer areas can improve the biological diversity and health of a wetland environment while reducing the adverse impacts of human activities.

   b) Buffer areas regulated by this section are areas of vegetative cover that are upland of the wetland edge, and that occur in a natural condition or through restoration. Buffer areas consist of shrubbery and trees, and native grasses or forbs or both that are not mowed, fertilized or manicured in any manner.

The stricken language is deleted; the underlined language is inserted.
c) Wetland buffer areas must be created or existing buffer areas must be maintained around all protected type 2-8 wetlands in the following situations:

1) when wetlands are required to be replaced or restored;

2) when new development occurs. For purposes of this subsection, new development means:
   a) any subdivision that creates a new lot that has no principal use on it;
   b) construction of a principal use on an existing vacant parcel of land;

3) when redevelopment occurs. For purposes of this section redevelopment means the reconstruction of the principal structure if it includes the removal of the principal structure by more than 50 percent of the square footage of the building footprint or an increase of the square footage of the building footprint by more than 50 percent. This requirement does not apply if construction is the result of more than 50 percent of the building being damaged by an involuntary force, such as fire, wind, or vandalism;

4) when the city requires a buffer as part of a variance, expansion permit, conditional use permit, or a site plan review; or

5) on any preserve wetland when grading or construction is proposed that requires a city permit and the proposed activity could potentially impact the quality of the wetland by increasing hard surface run off, altering existing drainage, or impacting an existing buffer.

d) Buffer area widths will be based on the wetland classification in the city's water resources management plan. The following are the required buffer area widths:

<table>
<thead>
<tr>
<th>Wetland Classification</th>
<th>Width of Buffer Area From the Wetland Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manage 2</td>
<td>16.5 feet</td>
</tr>
<tr>
<td>Manage 1</td>
<td>25 feet</td>
</tr>
<tr>
<td>Preserve</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

e) In cases of new development or redevelopment the city may require that vegetation in the wetland buffer be installed prior to the issuance of the certificate of occupancy. To ensure installation of the buffer the city may require a cash escrow or letter of credit equal to 150 percent of the cost to install the required buffer.

f) The city may allow the disturbance of an existing buffer area during the course of construction activity. This disturbance must be kept to a minimum, soils must
be decompacted to a level that will accommodate root growth, and the buffer area must be re-established as required by the city. The city will determine the amount of allowable disturbance. The city may require a cash escrow or letter of credit equal to 150 percent of the cost to re-establish the buffer to its original condition.

g) The city may require buffer area planting and maintenance when the city determines that there is inadequate vegetation in the buffer area to meet the intent of this section. The city may require a cash escrow or letter of credit equal to 150 percent of the estimated cost of the vegetation and installation. The escrow or letter of credit must be valid for up to two years and may be used by the city to replace any vegetation that dies.

h) The affected property owner or homeowner association that is responsible for the maintenance must:

1) maintain and repair damage to buffer areas from such activities as mowing, cutting, grading or other prohibited activities, unless mowing is approved by city staff as a buffer management strategy. Permission must be obtained from the city before implementing buffer management strategies, which may include mowing, burning, and the use of herbicides.

2) be responsible for maintaining only the permitted vegetation in the buffer area and must remove all noxious weeds and invasive, non-native species such as European buckthorn;

3) ensure that all soil surfaces in the buffer area are planted with the permitted vegetation and that there is no open soil surface that may result in erosion.

6. Permitted Uses.

a) Within the wetland overlay districts no land may be used except for one or more of the following uses:

1) native wetland vegetation, provided that no change is made to the ground elevation;

2) wildlife and nature preserves;

3) public overhead utility lines and poles that are less than two feet in diameter;

4) docks and reasonable access to the wetland, poles, posts or footings that are less than two feet in diameter to be used for boardwalks and bridges, and pervious hiking, skiing and horseback riding trails that comply with WCA standards. Pervious will mean an area where water is able to infiltrate into the ground;
5) public and private flood control structures, ponding and drainage facilities and associated accessory appurtenances;

6) environmental monitoring or control facilities, including those related to water quality and wildlife regulation;

7) in wetlands where impervious, public trails exist, maintenance of the trail will be allowed as long as there is not an increased impact to the wetland.

b) Within wetland buffer areas no land may be used except for one or more of the following uses:

1) native vegetation, provided that no change is made to the ground elevation;

2) wildlife and nature preserves;

3) docks and reasonable access to the wetland, poles, posts or footings that are less than two feet in diameter to be used for boardwalks and bridges, and pervious hiking, skiing and horseback riding trails. Pervious will mean an area where water is able to infiltrate into the ground;

4) public and private flood control structures, ponding and drainage facilities and associated accessory appurtenances;

5) environmental monitoring or control facilities, including those related to water quality and wildlife regulation;

6) public overhead utility poles and lines that are less than two feet in diameter, under-ground public utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes and other equipment that provides an essential public service;

7) fences;

8) retaining walls if the city determines that the retaining wall will protect the wetland from existing conditions of erosion;

9) in wetland buffer areas where impervious, public trails exist, maintenance of the trail will be allowed as long as there is not any additional impact to the wetland buffer area.


The stricken language is deleted; the underlined language is inserted.
Within the wetland overlay districts and the wetland buffer areas no land may be used for the following except by conditional use permit and except in conformance with the standards specified in subsection 8 of this section:

a) private and public recreational uses, including golf courses, impervious trails, picnic grounds and boat ramps;

b) public utilities not permitted under subdivision 6 of this section, including necessary structures;

c) other non-structural facilities similar to those permitted by this section which also meet the intent of this section, as determined by the city; or

d) public structures associated with recreational uses permitted by this subsection or by subsection 6 of this section that are designed in an environmentally sensitive manner and will withstand periodic flooding, except for structures designed or used for habitation or the storage of equipment.

8. Standards for Wetlands Districts, Buffer Areas and Neighboring Lands.

The following standards apply to all land within the wetland overlay districts, wetland buffer areas, and to neighboring lands:

a) Protection of wetlands and wetland buffer areas.

1) Except as modified or regulated by the standards of this subsection, all requirements of the underlying zoning district apply.

2) No structures are allowed in the wetland overlay districts, or wetland buffer area except those allowed as of right or by conditional use permit by subsections 6 or 7 of this section.

3) Activities including, but not limited to, building, paving, mowing, cutting, filling, dumping, yard waste disposal or fertilizer application are prohibited. Mowing may be permitted when approved by city staff as a buffer management strategy. However, invasive non-native vegetation, such as European buckthorn and noxious weeds, may be removed.

4) Before grading or construction near a wetland overlay district or buffer area, the owner or contractor must place erosion control fencing on the upland side of the perimeter of the wetland overlay district or wetland buffer area, whichever is more restrictive, or as required by the city. This fencing must remain in place until all development activities that may affect the wetland and the wetland buffer area have been finished and adequate vegetative cover has been established.

The stricken language is deleted; the underlined language is inserted.
5) All structures must have a minimum basement floor elevation not less than two feet above the 100-year flood elevation.

6) All hard surface runoff must be treated in accordance with the requirements of the city and the appropriate watershed district. Treatment may include site retention, skimmers, weirs, bioretention or infiltration basins, or sedimentation ponds of appropriate scale. Structures and ponds serving this purpose must be properly maintained and serviced by the property owner.

7) Discharge into the wetlands must occur at a rate no greater than allowed by the city engineer in accordance with the city’s water resources management plan, and the appropriate watershed district requirements.

b) Setbacks.

1) All structures, except those permitted within the wetland overlay districts, must be set back at least 35 feet from a wetland overlay district and at least 10 feet from a required wetland buffer, whichever is greater. The distance for a pool will be measured from the water’s edge of the pool. However, uncovered porches, decks, patios, sport courts, tennis courts, pool aprons, above ground hot tubs not exceeding 120 square feet, stairways, and walkways, as well as cantilevered building areas, porticos, and similar features may extend up to 10 feet into the required setbacks but not into buffer areas. For purposes of this section a pool apron is the hard surface or decking material that is contiguous to the water’s edge of the pool.

2) Parking areas, roadways, driveway areas, trails and any retaining wall if it is structurally integral to the construction of these items must not be located within 20 feet of a wetland overlay district and must be outside of any required buffer area.

3) A setback is not required from the wetland overlay district for overhead public utility poles and lines that are less than two feet in diameter, underground public utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes, and other equipment that provides an essential public service.

4) A setback is not required from the wetland overlay district for fences, or retaining

5) Retaining walls, except that retaining walls may not be within 25 feet of a wetland unless needed to control existing conditions of erosion as field verified by city staff. In this instance the location of the retaining wall must be approved by city staff.

6) An existing structure, driveway or parking area meeting the required setback from a city-designated wetland boundary or buffer area is considered a
legal nonconforming development if a later wetland delineation or implementation of a wetland buffer shows that the wetland or its buffer is closer than the required setback.


   a) Removal of wetlands from a wetland overlay district requires a zoning amendment. An amendment must be made pursuant to the provisions of section 300.09 of this ordinance and WCA replacement rules. This amendment must be consistent with the purpose of this ordinance, the city’s water resources management plan and the goals and policies of the comprehensive plan. In determining the appropriateness of a rezoning request, the city council will consider the size of the wetland overlay district, the magnitude of the area proposed for removal, the overall impact on the function and value of the wetland, the hydrological and ecological effects and the type and function of wetlands involved in order to provide the maximum feasible protection.

   b) Wetlands within an overlay district may only be removed according to WCA rules and if at least an equal area of new wetland is created to compensate for the wetland being filled. Unless otherwise approved by the city council, compensatory wetland area must be provided within the same subwatershed district as the wetland being altered, it must be located outside of any public easement and it must not result in the loss of regulated trees. The city may require cash escrow or letter of credit equal to 150 percent of the cost to mitigate for the wetland.

   c) In addition to application requirements, the city may require submission and approval of the following information:

      1) a concept plan showing ultimate use of the property;
      2) a grading plan with appropriate drainage calculations and erosion controls prepared by a registered engineer;
      3) a landscaping or revegetation plan;
      4) such other information as may be necessary or convenient to evaluate the proposed rezoning; and
      5) a determination of the function and value of the wetland using the most recent version of the Minnesota routine assessment method (MNRAM) for evaluating wetland functions (MNRAM) or other approved assessment methodology.

10. Alteration of the Wetlands.

    a) Except as provided below, no alteration of land within a wetland overlay district or a wetland buffer is allowed without a wetlands alteration permit, subject to recommendation by the planning commission and approval of the city council. The planning commission must hold a public hearing after notifying the property owners
within 400 feet of the proposed alteration. Activities that constitute an alteration regulated by this section include changes to the size, depth or contour of the wetlands or its buffer, dredging, or alterations of wetlands or buffer vegetation.

b) A wetland alteration permit is not required:

1) when a wetland district is rezoned to another zoning classification;

2) to remove vegetation from the wetland or its buffer pursuant to a restoration management plan approved by qualified city staff;

3) to alter vegetation in a type 1 wetland;

4) to plant native wetland vegetation;

5) to selectively clear or prune trees or vegetation that are dead, diseased, noxious or similar hazards;

6) to remove vegetation in a contiguous width not to exceed ten feet in order to install a dock or gain access to the wetland as permitted in 6(a) or 6(b) of this section and as approved by city staff;

7) to repair and maintain existing public facilities such as ponds, trails, and utilities if the work does not result in an increased impact to the wetland or its buffer; or

8) to remove sediment and debris from the wetland that has resulted from erosion, public works projects, transportation projects or other similar activities. The removal of sediment must not result in the removal of hydric soil from the wetland basin and must be approved by city staff.

c) Alteration of land within a wetland overlay district will only be allowed if the wetland and its buffer are provided in an amount compensatory to that being altered. Unless otherwise approved by the city council, compensatory wetland area and its buffer must be provided within the same subwatershed district as the wetland being altered, it must be located outside of any public easement and it must not result in the loss of regulated trees. The city may require cash escrow or letter of credit equal to 150 percent of the estimated cost to restore the wetland and its buffer.

d) In determining the appropriateness of an alteration request, the city council will consider the size of the total wetland district, the magnitude of the area proposed for alteration, the impact on the overall function and value of the wetland, the aesthetic, hydrological and ecological effect, the type and function of wetlands involved, and such other factors as may be appropriate in order to provide the maximum feasible protection to the wetlands. Application for a wetlands alteration permit must be accompanied by such information as required by the city, including:

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The **stricken** language is deleted; the **underlined** language is inserted.
1. Public Control of Wetlands.

a) The city council may require that the owner of any property affected by this ordinance must record wetland and buffer area easements or restrictive covenants within the property's chain of title. These easements or covenants must describe the boundaries of the wetland and buffer area and prohibit any building, paving, mowing (unless approved as a management strategy), cutting, filling, dumping, yard waste disposal or fertilizer application within the wetland and the buffer area. The owner or developer must record these easements or covenants with the final plat, with deeds from a lot division or, if no subdivision is involved, before the city issues a grading permit or building permit for an affected property. The applicant must submit evidence that the easement or covenant has been submitted to the county for recording.

b) If the city council does not require an easement or covenant, the city may record a notice of the wetland and buffer area requirements against the property. The property owner must still comply with the requirements of this section.

12. Wetland Buffer Markers.

When new development or redevelopment results in multifamily residential or a business use, the developer must place markers at the upland boundary of the wetland buffer edge at least every two hundred feet. The developer must use uniform markers provided by the city. The city will charge a reasonable cost for the markers.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective the day after publication.
Adopted by the city council of the City of Minnetonka, Minnesota, on March 2, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this Ordinance:**

Date of introduction: January 26, 2015
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on March 2, 2015.

David E. Maeda, City Clerk

The *stricken* language is deleted; the *underlined* language is inserted.
The City of Minnetonka Ordains:

Section 1. Section 300.28, subdivision 19 of the Minnetonka City Code is amended as follows:

19. Tree Protection.

a) Purpose. The goal of this subdivision is to preserve as much as practical Minnetonka's highly valued tree natural resources, ecosystems and viewsheds, while allowing reasonable development to take place and not interfering with how existing homeowners use their property. This subdivision provides incentives for property owners who wish to subdivide areas that include woodlands and high priority trees to use planned unit development (PUD), which allows the flexibility to both protect woodlands and property rights. Standards governing the preservation, protection, and planting of trees are necessary to:

1) prevent tree loss by eliminating or reducing compaction, filling or excavation near tree roots;
2) prevent or reduce soil erosion and sedimentation and stormwater runoff;
3) improve air quality and reduce noise pollution;
4) enhance energy conservation through natural insulation and shading;
5) control the urban heat island effect;
6) increase and maintain property values;
7) maintain buffers between similar land uses and establishing and maintaining buffers between conflicting land uses; and
8) preserve as much as practical the diversity and extent of the trees and woodlands that are an integral part of this city's identity, while allowing reasonable development and allowing existing homeowners freedom to use their land.

b) Definitions. For the purposes of this subdivision, certain terms and words are defined as follows:

1) "Basic Tree Removal Area" - consists of the following:
a. within the areas improved for reasonably-sized driveways, parking areas and structures without frost footings and within ten feet around those improvements;

b. within the footprints of, and 20 feet around, buildings with frost footings;

c. within the footprints of, and 10 feet around, structures with post footings such as decks or porches, if the structure is located at or outside of the area allowed by item 1)b; and
d. in areas where trees are being removed for ecological restoration in accordance with a city-approved restoration plan.

2) "Canopy" - The uppermost layer of a forest, formed by tree crowns.

3) "Critical root zone" - the minimum area around a tree that must remain undisturbed. The critical root radius is calculated by measuring the tree's diameter at breast height. For each inch of tree diameter, 1.5 feet of root zone radius must be protected. For example, if a tree's dbh is 10 inches, then its critical root zone radius is 15 feet (10 x 1.5 = 15).

4) "Diameter breast height (dbh)" - the diameter of a tree measured at 4.5 feet above the base of the tree. Multi-stem trees are considered one individual tree and each stem must be measured 4.5 feet above the base of the stem and added together to determine the diameter of the multi-stem tree.

5) "Protected tree" - a tree that is in a woodland preservation area, or is a high priority tree or significant tree.

6) "Redevelopment" -- reconstruction of the principal structure if it includes the removal of the principal structure by more than 50% of the square footage of the building footprint or an increase of the square footage of the building footprint by more than 50%.

7) "Sapling" - A young tree.

8) "Understory" - The trees, shrubs, and herbaceous plants that grow in the shade of the forest canopy, including trees that could potentially grow to reach the canopy.

9) "Woodland preservation area" - a remnant woodland ecosystem that is at least two acres in size regardless of property boundaries, is generally mapped in the city's Minnesota Land Cover Classification System, and although it may be degraded it generally meets the criteria for one of the following types of ecosystems as reasonably determined by the city:

   a. "floodplain forest" - an area populated by deciduous tree species tolerant of seasonal flooding and deposition of silty or sandy soils. The canopy cover is extremely variable, and mature trees are typically greater than 70 feet tall. The

The stricken language is deleted; the underlined language is inserted.
dominant tree species in the canopy are silver maple and eastern cottonwood. In floodplain areas with severe flooding, the understory will be sparsely vegetated. Trees in the understory include saplings from the canopy species, green ash, black willow, slippery elm, American elm, boxelder, and hackberry;

b. "lowland hardwood forest" - an area with a flat terrain populated by deciduous tree species tolerant of periodic soil saturation from seasonally high water tables. The soils are moderately well to poorly drained. The dominant tree species in the canopy are American elm, black ash, basswood, bur oak, red oak, white oak, quaking aspen, paper birch, and red maple. Trees in the understory include saplings from the canopy species, slippery elm, green ash, butternut, sugar maple, quaking aspen, balsam poplar, and American hornbeam. The large shrub or small tree layer of the understory is typically dense and can include ironwood, pagoda dogwood, prickly ash, American hazelnut, gray dogwood, and speckled alder;

c. "maple basswood forest" - an area with well drained soils and populated by a variety of shade-tolerant, fire sensitive, deciduous tree species. The mature trees are straight with narrow crowns greater than 60 feet tall. The dominant tree species in the canopy are basswood and sugar maple but mesic species such as slippery elm, red oak, bur oak, green ash, white ash and black ash may be found as well. Trees in the understory include saplings from the canopy species, bitternut, black cherry, and ironwood. The large shrub or small tree layer of the understory is composed of primarily tree seedlings and herbaceous plants;

d. "mesic oak forest" - an area populated by tall, single stemmed deciduous trees greater than 60 feet tall that lack spreading lower branches. Mesic oak forests may have a moderately moist habitat, but can be dry depending on the slope and aspect of the forest. The dominant tree species in the canopy include red oak, white oak, and bur oak. Trees in the understory include saplings from the canopy, and fire-sensitive species such as basswood, green ash, bitternut hickory, big-toothed aspen, butternut, northern pin oak, black cherry, paper birch, American elm, boxelder and red maple. The large shrub or small tree layer in the understory tends to be sparse with greater herbaceous plant diversity but can include ironwood, chokecherry, prickly ash, American hazelnut, prickly gooseberry, red-berried elder, nannyberry, juneberry/serviceberry, and pagoda dogwood;

e. "oak woodland brushland" - an area with a canopy more open than a forest but less open than a savanna. It is characterized by open-grown trees and a distinct shrub layer in well-drained sandy, gravelly soils. The dominant tree species include red oak, northern pin oak, white oak, bur oak, and aspen. When it exists, the trees in the understory include saplings from the canopy, black cherry and red cedar. The large shrub or small tree layer can include American hazelnut, ironwood, juneberry and chokecherry;

f. "tamarack swamp" - an area that is a forested wetland community dominated by patches of tamarack, a deciduous coniferous tree. The dominant tree species in the canopy include tamarack, black spruce, paper birch, and
red maple. The trees in the understory include saplings from the canopy and the large shrub or small tree layer can include speckled alder and red osier dogwood; or

g.  "willow swamp" - an area that is a forested wetland community or an area with seasonally flooded soils and scattered-to-dense shrub cover. The dominant tree species in the canopy include black willow and speckled alder. The trees in the understory include saplings from the canopy and the large shrub or small tree layer can include several species of willow and dogwood.

10)  "High priority tree" - a tree that is not in a woodland preservation area but is still important to the site and the neighborhood character, that is structurally sound and healthy, and that meets at least one of the following standards:

   a.  a deciduous tree that is at least 15 inches dbh, except ash, box elders, elm species, poplar species, willow, silver maple, black locust, amur maple, fruit tree species, mulberry, and Norway maple.

   b.  a coniferous tree that is at least 20 feet in height, except a Colorado spruce that is not in a buffer as described in subparagraph (b)(10)(c); or

   c.  a tree that is in a group of deciduous trees that are at least eight inches dbh or coniferous trees that are at least 15 feet in height, that provide a buffer or screening along an adjacent public street, and that are within 50 feet of an arterial road and 35 feet of a minor collector, local, or private street and a trail. This distance will be measured from the edge of the pavement or curb of the road, street or trail.

11)  "Significant tree" - a tree that is structurally sound and healthy and that is either a deciduous tree at least eight inches dbh or a coniferous tree at least 15 feet in height.

   c)  City authority. To preserve protected trees, the city may:

       1)  require and enforce a tree preservation plan as described in paragraph (d) below;

       2)  specify trees or groups of trees for preservation;

       3)  specify grading limits;

       4)  require the clustering of buildings or the relocation of roads, drives, buildings, utilities or storm water facilities when this would preserve protected trees;

       5)  grant variances;

       6)  specify time periods in which tree cutting, trimming or injury may not occur in order to prevent the spread of disease; and

       7)  require conservation easements or other legal means to ensure that woodland preservation areas or groups of high priority trees or significant trees are not intentionally destroyed after the development has been approved.

The stricken language is deleted; the underlined language is inserted.
d) Tree Preservation Plan. A tree preservation plan is required as part of an application for a preliminary plat, lot division, conditional use permit, variance, expansion permit, grading permit, site and building plan review, wetland/floodplain alteration permit, or building permit. A tree preservation plan is not required for a grading permit or building permit on an R-1 zoned property containing a single-family home when tree mitigation is not required under (e)(1) below, except a grading permit and building permit for R-1 property when no tree mitigation is required under (e)(1) below.

If the exception applies and if a tree preservation plan is not required and if the property owner retains a contractor to do the work, the contractor must submit a plan showing the proposed construction limits on the property and must not remove any trees outside the specified construction limits. A tree preservation plan must include:

1) a tree inventory that meets the following criteria:

   a. The species, sizes, and locations of high priority trees, significant trees, and trees in woodland preservation areas must be shown, regardless of health. Dead or structurally unsound trees should be noted as such in the inventory.

   b. Canopy species that exist in woodland preservation areas, including those that are in the understory, must be inventoried if they are four inches dbh or larger. Understory trees, excluding canopy species, and large shrubs that exist in woodland preservation areas must be inventoried if they are two inches dbh or larger.

   c. The size of high priority trees and significant trees must be inventoried regardless of location.

   d. The size of coniferous trees must be recorded in dbh and approximate height.

   e. Invasive species such as buckthorn and honeysuckle should not be inventoried.

2) a site plan that shows the dbh, location and size of the critical root zone for each protected tree, the trees to be removed, the trees to be preserved, the proposed construction limits, and the proposed tree protection methods in addition to construction limit fencing. If grading or construction limits are outside of a woodland preservation area, the trees in that woodland preservation area may be grouped together.

e) Tree Removal and Preservation. Removal of protected trees is prohibited except as follows:

1) Existing Structures.

   a. R-1 zoned properties containing a single-family home: On property that is zoned R-1 and that has an existing principal structure in use as a single-family dwelling, protected trees may be removed without any mitigation if the principal structure has been in existence and not externally expanded for at least two years after
(1) a final building permit inspection or a certificate of occupancy was issued and (2) all of its final landscaping or ground cover was installed.

b. All other zones properties: On any property that is not zoned R-1 and that has an existing principal structure but does not meet the requirements of clause 19(e)(1)(a) above, protected trees may be removed subject to the same standards applicable to R-1 property if no site improvements are undertaken and the owner complies with the required tree preservation and landscape plan for the property.

2) Existing Vacant Parcels of Land, Redevelopment, Site Improvements.

   a. R-1: For the construction of a principal structure single-family home on a vacant R-1 lot or for redevelopment of an existing R-1 lot by construction of a single-family home or additions to a single-family home, protected trees may be removed with no mitigation only within the "basic tree removal area".

   b. All other zones: Except as provided in clause 19(e)(2)(a) above, an applicant may construct a principal structure on a vacant lot, redevelop an existing lot, or make site improvement to an existing lot and remove protected trees without mitigation only as follows: On property not zoned R-1 for the construction of a principal structure on a vacant lot with no principal structure, for redevelopment of an existing lot, or for site improvements to an existing lot, protected trees may be removed with no mitigation only:

      1. within the basic tree removal area; and

      2. within the width of required easements for public and private streets and utilities, except that only significant trees may be removed in areas of required surface water ponding. The removal of woodland preservation area trees or high priority trees for surface water ponding must be mitigated.

   c. The removal of protected trees under this subsection 2 must also comply with the general removal requirements under subsection 4 below.

3) Subdivisions.

   a. Significant trees may be removed for any construction in a subdivision of land without mitigation only:

      1. within the basic tree removal area; and

      2. within the width of required easements for public and private streets and utilities, including areas required for surface water ponding.

   b. If more than 35% of the site's high priority trees or more than 25% of a woodland preservation area on the site are to be removed for any construction in a subdivision of land, there can be no more than one lot per developable acre of land. High priority trees and trees within a woodland preservation area may be removed for any construction in a subdivision of land without mitigation only:

The stricken language is deleted; the underlined language is inserted.
1. for the basic tree removal area; and

2. for the width of required easements for public and private streets and utilities, except in areas of required surface water ponding. The removal of high priority trees or trees in woodland preservation areas for surface water ponding must be mitigated.

c. A subdivision of land that proposes to remove more than 35% of the site’s high priority trees or more than 25% of a woodland preservation area on the site can be developed up to the full density normally allowed under other development regulations in the applicable zoning district if the property is developed under an approved planned unit development (PUD). There is no minimum size required for a PUD in this situation. In reviewing a PUD application, the city will consider the extent to which steps are taken to preserve protected trees, such as:

1. using creative design, which may include the clustering of homes, reducing lot sizes, reducing or expanding normal setbacks, custom grading, retaining walls, buffers, and establishing the size and location of building pads, roads, utilities and driveways;

2. preserving the continuity of woodland preservation areas by developing at the edges of those areas rather than at the core;

3. exercising good faith stewardship of the land and the trees both before subdivision and after, including the use of conservation easements when appropriate; and

4. minimizing the impact to the character of the existing landscape and neighborhood.

d. The removal of protected trees under this subsection 3 must also comply with the general removal requirements under subsection 4 below.

4) General removal requirements. The removal of protected trees under subsections (2) and (3) must also comply with the following general requirements:

a. Principal structures and associated facilities must be located to maximize tree preservation. The city may specify the location of the principal structures and associated facilities in order to ensure a reasonable amount of tree preservation.

b. Any tree removed outside of the specified allowable tree removal areas must be mitigated as specified below.

c. The applicant must comply with any approved tree preservation or landscape plan.

d. Trees required to be saved as part of a subdivision approval must remain on a lot for two years after the final building permit inspection or certificate

The stricken language is deleted; the underlined language is inserted.
of occupancy is issued for the principal structure, whichever is later. Any tree that dies solely of natural causes such as disease or wind is exempt from this section.

e. Each protected tree that is removed in violation of ordinance requirements is a separate violation of the city code.

5) Greater Public Good. The city council may allow the removal of protected trees contrary to the provisions in subparagraphs (1) - (4) if it determines that there is a greater public good such as:

a. providing reasonable use or access to the property;
b. providing affordable housing;
c. allowing for the creation or rehabilitation of a public road or trail;
d. providing for a public utility service, such as a transmission line, ponding or a water tower;
e. allowing for the creation or rehabilitation of a public park; or
f. enabling redevelopment in a designated redevelopment area.

f) Tree Mitigation.

1) When tree mitigation is required, the applicant must submit a tree mitigation plan for staff review and approval. The plan must indicate the number of inches or feet of mitigation trees, the species and quantity of each species, and the caliper size or feet and location for each replacement tree. The plan may not be comprised of more than 25 percent of the same species or size unless approved by the city. The plan must comply with the mitigation standards required below. The applicant must implement the tree mitigation plan approved by city staff.

2) Specific mitigation standards. Mitigation for tree removal of trees in woodland preservation areas, high priority trees, and significant trees must meet the following specific standards;

a. Mitigation rate.

1. A tree or large shrub that is in a woodland preservation area or is a high priority tree must be replaced at the rate of one inch for each inch in diameter of a deciduous tree that was removed and at the rate of one foot for each foot in height of a coniferous tree that was removed; and

2. A significant tree must be replaced with one two-inch tree.

b. Mitigation species.
1. Trees and large shrubs in woodland preservation areas must be replaced with species found in that eco-type as specified on the list of acceptable replacement species on file with the city;

2. High priority trees must be replaced with species of a similar type that are normally found growing in similar conditions and that are included on the list of acceptable replacement species on file with the city;

3. Significant trees may be replaced with any tree species other than ash, box elder, silver maple, willow, Norway maple, amur maple and Colorado spruce, as approved by city staff; and

   c. Mitigation size.

   1. Replacement sizes for woodland preservation areas and high priority trees are:

      a) not less than one and one quarter inches but not more than three inches dbh for deciduous balled and burlapped trees, and not less than three inches but not more than six inches dbh for spade-moved deciduous trees;

      b) not less than 7 gallon stock for understory or small trees and not less than 3 gallon stock for shrubbery; and

      c) not less than six feet but not more than eight feet in height for balled and burlapped coniferous trees, and not less than eight feet but not more than 14 feet in height for spade-moved coniferous trees.

   2. The city may allow larger balled and burlapped or spade moved trees if these trees are accompanied with a three year guarantee. Other size substitutions, based on site characteristics, may be allowed at the reasonable discretion of the city,

   3. Replacement size for a significant tree is not less than a two-inches dbh.

3) General mitigation standards:

   a. All replacement trees and shrubs must meet the American Standard for Nursery Stock and the American National Standard relating to planting guidelines, quality of stock and appropriate sizing of the root ball for balled and burlapped, potted and spade-moved tree.

   b. If the city determines in its reasonable discretion that there is no appropriate location for some or all of the required replacement trees, those trees may not be required.

   c. Replacement trees must be planted on the same property or development area from which the trees were removed.

The stricken language is deleted; the underlined language is inserted.
d. A tree will be considered removed if girdled, if 30 percent or more of the trunk circumference is injured, if 30% or more of the crown is trimmed, if an oak is trimmed between April 1st and July 15th, or if the following percentage of the critical root zone is compacted, cut, filled or paved: 30 percent of the critical root zone for all species, except 40 percent for ash, elm, poplar species, silver maple and boxelder.

e. Development that is subject to landscape requirements in sections 300.27 and 300.31 must meet the minimum landscape requirements of the applicable section. Trees planted as part of a required landscaping plan may be counted as replacement trees under this section, at the city's discretion.

f. The required mitigation trees must be replaced by the current property owner if the trees have died, have severely declined or have been damaged after the end of the second full growing season following installation. A tree will be considered to be severely declined if more than 25 percent of the crown has died.

g. The city may require an escrow deposit to ensure the required planting and continued existence of the mitigation trees. The city will release the escrow deposit after the end of the second full growing season following installation of the mitigation trees and any replacement trees.

h. A tree or shrub that was required by the city to be saved but was removed must be replaced at a rate of 2:1 based on dbh for deciduous species and height for conifers. The city may also impose a financial penalty equal to $500.00 for each inch of dbh or foot of height removed, not to exceed $5000 for each tree or shrub. This provision also applies to a conservation easement area that is disturbed during or after development.

g) General tree protection standards.

1) Before construction, grading or land clearing begins, the city-approved tree protection fencing or other method must be installed and maintained at the critical root zones of the trees to be protected. The location of the fencing must be in conformance with the approved tree preservation plan. This fencing must be inspected by city staff before site work begins.

2) No construction, compaction, construction access, stock piling of earth, storage of equipment or building materials, or grading of any kind may occur within the critical root zone areas of trees to be protected.

3) A healthy protected tree that was not a hazard to personal safety or property damage and that was removed or otherwise destroyed by unnatural causes within three years before a development application will be regarded as if it were present at the time of construction or a development application. This provision does not apply if the number of protected trees removed is less than 5% of the protected trees existing five years before the application.

The stricken language is deleted; the underlined language is inserted.
4) An area of new or compensatory water storage may not be located where there are woodland preservation areas, high priority trees or significant trees, unless approved by the city. Mitigation will be required for the loss of woodland preservation areas and high priority trees due to ponding. The compensatory storage area must be created in a manner that prevents erosion into any nearby water resource.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective the day after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 2, 2015.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction: January 26, 2015
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:
I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on March 2, 2015.

______________________________
David E. Maeda, City Clerk

The stricken language is deleted; the underlined language is inserted.
Ordinance No. 2015-

An Ordinance amending Minnetonka City Code Section 300.28, subdivisions 16, 17 and 18, regulating grading and erosion control

The City of Minnetonka Ordains:

Section 1. Minnetonka City Code Section 300.28 subdivision 16, paragraph (a), clauses (5) and (6), relating to requirements for an application for grading permit or grading and erosion control plan, are amended to read as follows:

5) the location of any water body that is identified as impaired pursuant to section 303(d) of the Clean Water Act and meeting the specific impaired waters criteria of the Minnesota pollution control agency's stormwater permit for construction activities and that is within one mile of the site;

6) a drainage plan that includes the existing and proposed direction of drainage, stormwater conveyance systems to which the site drains, any stormwater management practices that are required by the city's water resources management plan WRMP and any engineering plans and specifications that may be deemed necessary by the city engineer, along with supporting calculations for all engineering work;

Section 2. Minnetonka City Code Section 300.28, subdivision 17 is amended to read as follows:


a) All plans must be consistent with the Minnesota pollution control agency's construction general permit as applicable.

ba) Except as otherwise provided by the director of planning, 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.

8) The city may require heavy-duty fencing such as chain link or wire mesh along the approved grading and construction limits. The city may require signs to be posted that prohibit construction or grading activity beyond the required fencing.

9) Sufficient silt fence or equivalent is required to hold all sheet flow runoff generated at an individual site. Additional measures such as check dams, diversion, temporary or permanent sedimentation basins are required to handle channelized flow.

10) All erosion and sediment control and tree and wetland protection measures must be inspected on a weekly basis and maintained. Sediment must be removed from these measures when it accumulates to a depth of 1/3 of the designed capacity.

11) All storm drain inlets must be protected during construction.

12) Newly installed and rehabilitated catch basins must be provided with a sump area or grit chamber for collecting coarse-grained material as required by the city engineer. Such basins must be cleaned when they are half filled with material and at the time of project completion.
13) Pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water.

14) The normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from the site, or diverts water around a site must be stabilized. Stabilization must be completed within 24 hours of connecting to a surface water. Portions of the ditch that are under construction must be stabilized within 24 hours after the construction activity in that portion has ceased. The normal wetted perimeter is defined as the area that is in contact with water during annual flow events.

15) Sediment, construction debris, or other temporary impacts from the activity must be removed from water resources, adjacent properties, or other areas that were intended to be protected as part of the city’s approval. The removal must restore the sites to previous or improved conditions. The city must be contacted before removing sediment from a water resource, tree preservation area, or other protected area to ensure that the removal does not result in additional damage. A restoration plan may be required by the city.

16) Temporary soil stockpiles must have silt fence or other sediment controls in place if not already contained by perimeter controls, and must not be placed in any natural buffers, surface waters, drainage patterns or storm water conveyances.

17) Soil stockpiles and slopes equal to or greater than 3:1 that will not be worked for over 14 days must be stabilized with vegetation, mulch, tarps or other means unless no run-off from them is directed toward a watercourse, tree protection area, or the site perimeter. The city may require that slopes steeper than 12% that will not be worked for 14 days must be temporarily stabilized if directed toward a water resource, tree protection area, adjacent property, roadway, or other sensitive area.

18) The work must avoid creating or altering topography in a manner that appears artificial or out of place with adjacent property.

19) Slopes that are created may not be steeper than 3:1. The city may allow temporary or permanent created slopes steeper than 3:1 in an area where a retaining wall would pose a practical difficulty or in public improvements that serve the greater public good if the final grades are approved by the city engineer and the created slope:

a. is not steeper than 2:1 in any event;

b. is permanently stabilized with deep-rooted vegetation, rip-rap, boulders, or other groundcover adequate to control erosion and does not require mowing or other maintenance by equipment that would need to traverse the slope;
c. contains no unbroken slope length greater than 30 feet in order to maintain sheet flow and minimize rills and gullies;

d. is not directed toward a water resource;

e. does not inhibit snow storage or maintenance of a public improvement and is not located within a public easement;

f. does not obstruct a traffic sightline or pose a safety hazard; and

g. does not adversely impact drainage toward, or pose potential erosion onto, adjacent property.

20) When one or more acres of disturbed soil drains to a common location the site must be in compliance with the Minnesota pollution control agency’s construction general permit which includes the installation of a temporary sediment basin to provide treatment to the runoff before it leaves the site or enters surface waters. A temporary basin may be converted into a permanent basin after construction is complete. The city engineer may also require a temporary sediment basin for those sites that are less than one acre based on site conditions. In both instances the basin must be designed and constructed according to the city’s water resources management plan.

2149) Dewatering and draining activities must be discharged to on-site temporary or permanent sediment basins whenever possible. Dewatering and draining activities must not result in the release of sediment toward or into water resources, the street, or other areas that were intended to be protected as part of the city’s approval. The dewatering rate and direction must be controlled and must incorporate energy dissipation to prevent flooding or other harm to water resources or adjacent property. The city must be notified of the dewatering schedule prior to the start of work.

20) Locations for cleaning concrete trucks designated as part of the grading and erosion control plan must be used to ensure that the discharge does not cause erosion, pollution or damage to trees or other natural resources.

22) All waste and unused building materials such as garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials must be properly disposed of and not allowed to be carried by runoff into a surface water, receiving channel or storm sewer conveyances.

   a. Solid waste: All unused building materials and waste such as contaminated sediment, asphalt and concrete millings, floating debris, paper, plastic, and fabric must be disposed of accordingly and comply with disposal requirements set forth by the Minnesota pollution control agency.
b. Hazardous/toxic waste: Paint, gasoline, oil and any hazardous materials must be properly stored, including secondary containment, to prevent spills, leaks or other discharges. Access to the storage areas must be restricted to prevent vandalism. Storage and disposal of hazardous or toxic substance must be in compliance with the requirements set forth by the Minnesota pollution control agency.

c. Liquid waste: All other non-stormwater discharges such as concrete truck washout, vehicle washing or maintenance spills produced during the construction activity may not be discharged to any surface waters and must be properly disposed of.

d. External washing of equipment and vehicles, including concrete trucks: All external washing activities must be limited to a designated area of the site as provided on the approved grading and erosion control plan as applicable. All runoff must be contained and wastes from external washing activities must not cause erosion, pollution or damage to trees or other natural resources and must be disposed of properly. No engine degreasing is allowed on the site.

e. Wastes generated by concrete and other washout operations on sites that require a Minnesota pollution control agency construction general permit: All liquid and solid wastes generated by any concrete or other washout operations must be contained in a leak proof facility or impermeable liner. Concrete waste must not come into contact with the ground. Concrete waste must be disposed of properly and in compliance with applicable Minnesota pollution control agency regulations.

2324) Dust must be adequately controlled by site watering, temporary stabilization, or other means approved by the city.

2422) The burial of organic materials such as trees, lumber, and yard waste that could decompose is prohibited. No rock, concrete, or other construction material or debris may be buried unless approved by city staff.

2523) All on-site construction debris must be contained. A regularly scheduled trash removal service must be hired to remove this debris. A copy of the service agreement and company contact information may be required before issuance of the permit.

2624) All temporary erosion and sediment control, tree protection fencing, and other temporary protection measures must be removed within 30 days after permanent groundcover has been fully established, inspected, and approved by the city. The city may grant an extension for frozen ground conditions.

2725) At a minimum, the work must conform to the city’s water resources management plan, the current version of the Minnesota pollution control
agency's publication regarding protecting water quality in urban areas, and the Metropolitan Council's publication about urban small sites best management practices, or equivalent.

2826) A site that drains to a water identified as impaired pursuant to section 303(d) of the Clean Water Act and meeting the specific impaired waters criteria of the Minnesota pollution control agency's stormwater permit for construction activities and that is within a one-mile linear distance from that impaired water may be required to comply with additional site-specific standards, including:

a. stabilizing all exposed soil areas as soon as possible to limit soil erosion if the soil areas have not been worked for 7 days; and

b. using a temporary sediment basin for common drainage locations that serve an area with five or more acres disturbed at one time.

2927) The plan and work must comply with the performance standards regulating trees and steep slopes under subdivisions 19 and 20 below.

3028) During construction of an infiltration or biofiltration system, sediment controls must be used to prevent the discharge of sediment into the infiltration or biofiltration area. The area must not be compacted while the site is under construction. Infiltration or biofiltration areas must not be excavated to final grade until the contributing drainage areas have been permanently stabilized.

3129) As-built plans must be provided for ponding, infiltration areas or other areas as required by the city engineer. The city may also require as-built plans for final grades and structures such as retaining walls, foundations, and catch basins.

3230) Other measures may be required by the city if warranted at an individual site, such as:

a. screening retaining walls;

b. planting or re-vegetating large slopes with vegetation similar to that which was removed, except that turf grass must be re-vegetated with native deep rooted species;

c. providing a site maintenance inspection log to be maintained by the applicant or the applicant's contractor for compliance with the grading and erosion control plan or the construction management plan as required. The log must be a written record and include:

1) the name of the person who conducted the inspection;
2) the date of the inspection and any associated maintenance activity;

3) the findings of the inspection;

4) a description of corrective work completed, if any;

5) the date the corrective work was completed;

6) the date and amount of rainfall events in excess of 0.5 inches in a 24-hour period.

d. decompacting soils, outside the intact critical root zones of trees to be protected, to a depth of 18 inches;

e. spreading at least 6 inches of topsoil or other organic material and incorporating it into the underlying soil during final site treatment in order to increase infiltration or improve establishment of vegetation; and

f. imposing additional conditions to protect the public interest.

cb) All items listed in subdivision 17(a) must be maintained throughout the course of construction and grading activity.

d(e) If a grading and erosion control plan has been implemented but is reasonably considered by the director of planning to be inadequate in achieving the policy objectives described in subdivision 15(a), the city may require the permittee to modify and implement the plan to achieve those objectives.

e) If a Minnesota pollution control agency construction general permit is required the applicant must obtain the permit, submit proof to the city that the permit has been acquired, submit proof to the city that the permit has been transferred if applicable, and comply with the regulation.

fd) Upon written notification from the applicant that all land-disturbing activities are complete, the site has been permanently stabilized or re-vegetated, and all temporary erosion and sediment controls, tree protection fencing and construction limit fencing have been removed, the city will inspect the site and release any security being held if the site is deemed to be in compliance with the approved grading permit and the grading and erosion control plan.

Section 3. Minnetonka City Code Section 300.28, subdivision 18 is amended to read as follows:
18. Grading and Erosion Control Enforcement.

   a) No person may undertake, authorize or permit any excavating, grading, filling or any other land-disturbing activity that exposes soil:

      1) if the person does not have a city-approved grading permit or city-approved grading and erosion control plan; or

      2) if the action violates or is not in compliance with a city-approved grading and erosion control plan or a required grading permit issued by the city, or a Minnesota pollution control agency construction general permit if required, including the approved plans and all terms and conditions of the permit.

   b) The city may inspect any property subject to an approved grading and erosion control plan or grading permit to ensure that erosion and sediment control and tree protection measures are properly installed and maintained. Upon request by the city the site maintenance inspection log must be made available within 24 hours of the request.

   c) If the soil is not permanently stabilized through landscaping when a certificate of occupancy is issued, the city may require a cash deposit or letter of credit in a form acceptable to the city attorney not to exceed 150% of the estimated cost, or 125% of an actual bid, to ensure compliance with the approved grading and erosion control plan for the site.

   d) A public nuisance exists when there is any violation of the provisions of subdivisions 15 through 18 or the Minnesota pollution control agency construction general permit if required. A public nuisance also exists when erosion or drainage from a property is causing, or has the likelihood of causing, serious harm to neighboring property, the city's stormwater system, or to natural resources such as significant trees, water resources, and wetland buffers. Serious harm includes actual damage as well as interference with reasonable use of the property.

   e) Whenever the city finds noncompliance with any provision of subdivisions 15 through 18, or the Minnesota pollution control agency construction general permit if required staff will attempt to communicate with the permittee and the landowner to obtain immediate and voluntary compliance. If that person is not readily available or refuses to comply within reasonable deadlines, the city may take any or all of the following actions, provided that written notice of the noncompliance has been sent to the permittee and landowner or posted on the property:

      1) implement the necessary corrective measures and pay for them with financial security deposited with the city;
2) initiate proceedings to abate a public nuisance under section 845 of this code;

3) withhold inspections or any city approvals for the property in question until compliance is achieved;

4) issue a stop work order for the project in question until compliance is achieved;

5) revoke the permit; and

6) pursue criminal and civil penalties under section 1310 of this code.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective the day after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 2, 2015.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

**Action on this Ordinance:**

Date of introduction: January 26, 2015
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.
Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on March 2, 2015.

David E. Maeda, City Clerk
Ordinance No. 2015-

An Ordinance amending Minnetonka City Code Sections 1205 and 300.28, regulating discharges into the municipal storm sewer system

The City of Minnetonka Ordains:

Section 1. Section 1205.005 of the Minnetonka City Code is amended as follows:

1205.005. Obstruction Prohibited. A person must not without prior approval of the city engineer, block, obstruct, or impede to any extent the flowage of waters:

1. through any portion of a storm sewer system owned and maintained by the city of Minnetonka; or

2. to or from a lake, pond, designated storm water detention area, stream, creek, ditch, backwater, other open body of water, or wetlands designated on the city's wetlands map.

The city engineer may not approve action when, in his/her professional judgment, it violates the standards in city code section 300.23, 300.24, 300.25 or the city's water resources management plan as defined in city code section 300.02, creates the potential for unreasonable flooding or property damage, or otherwise creates a danger to the public health and safety.

Section 2. Section 1205 of the Minnetonka City Code is amended by adding a section as follows:

1205.015. Illicit Discharge and Connections.

1. Definitions. For purposes of this section, the following terms have the meanings provided below:

   a. “Illicit connection” means (i) any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or (ii) any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an

The stricken language is deleted; the underlined language is inserted.
authorized enforcement agency.

b. “Illicit discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted by this section.

c. “Municipal Separate Storm Sewer System (MS4)” means the system of conveyances (including road with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

d. “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

2. Illicit discharge prohibition. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing pollutants, other than storm water.

3. Exemptions. The following discharges are exempt from discharge prohibitions established by this section:

a. Water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and water used in street sweeping activities.

b. Discharges or flow from firefighting, and other discharges specified in writing by the city engineer or designee as being necessary to protect public health and safety.

The stricken language is deleted; the underlined language is inserted.
c. **Discharges associated with dye testing, however this activity requires a verbal notification to the city engineer or designee prior to the time of the test.**

d. **The prohibition does not apply to any non-storm water discharge permitted under a National Pollutant Discharge Elimination System (NPDES) permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.**

4. **Prohibition of illicit connections.**

a. **The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.**

b. **This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.**

c. **A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.**

d. **Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the city engineer or designee.**

e. **Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner of occupant of that property upon receipt of written notice of violation from the city engineer or designee requiring that such locating be completed. The notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city engineer or designee.**

The stricken language is deleted; the underlined language is inserted.
5. Compatibility with other regulations. This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. In case of conflicts in provisions, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 2. Section 300.28(11) of the Minnetonka City Code is amended to read as follows:

11. Performance Standards Regulating Liquid or Solid Waste.

All uses shall be subject to: (1) applicable regulations of the city and the metropolitan waste control commission governing discharge into a public storm or sanitary sewer, waterway or stream; and (2) the waste controls found in city ordinance and water resources management plan.

Section 5. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 6. Section 1 of this ordinance is effective 30 days after publication. Sections 2 through 4 of this ordinance are effective the day after publication.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 2, 2015

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

The stricken language is deleted; the underlined language is inserted.
Action on this Ordinance:

Date of introduction:
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on March 2, 2015

David E. Maeda, City Clerk