

CITY OF *Sunfish Lake* MINNESOTA

Planning Commission Findings of Fact & Recommendation (Approval)

Applicant's Name: Joel and Jolene Owens

Request: The applicants request City approval of major site and building plans and a conditional use permits to allow construction of a sport court at 1 Grieve Glen Lane. A conditional use permit is required to allow construction of the sport court as a third accessory structure on the property in addition to an in ground pool and detached garage, and to permit construction of a chain link fence enclosing the sport court.

Planning Commission Meeting Date: August 20, 2014

Findings of Fact: Based on review of the application and evidence received, the Sunfish Lake Planning Commission now makes the following findings of fact and recommendation:

1. The address of the subject property is as follows:

1 GRIEVE GLEN LANE, SUNFISH LAKE, MN 55118
2. The Planning Report dated August 13, 2014 prepared by Northwest Associated Consultants, Inc. is incorporated herein by reference.
3. The City Engineer report dated July 30, 2014 and the City Engineer email memo dated August 1, 2014 are incorporated herein by reference.
4. The Sunfish Lake Planning Commission reviewed the applicant's request for major site and building plan and conditional use permit approval on August 20, 2014. The Planning Commission recommended approval of major site and building plans for construction of a sport court at 1 Grieve Glen Lane, and conditional use permits to allow a sport court as a third accessory structure on the subject property and to allow the construction of a chain link fence enclosing the sport court, subject to certain conditions as set forth in the Planning Report.
5. Upon review of the planning report and application information the Planning Commission found that the proposed site and building plans and conditional use permit requests meet Ordinance requirements. The following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans:

1. The proposed sport court meets accessory structure setback standards.
2. With the addition of the sport court, the subject property will continue to adhere to impervious surface standards provided for the Shoreland Overlay District.
3. The sport court is not anticipated to have negative impact on site natural systems. The sport court will not require the removal of trees, and the City Engineer has indicated that increased runoff from the court will be sufficiently treated with existing stormwater management facilities on the property. Revised plans from the applicants have addressed concerns from the City Engineer regarding reducing construction impacts to an existing wetland buffer area around the stormwater pond and preventing potential erosion issues resulting from increased runoff.
4. The proposed sport court is placed on the property to be screened from adjacent properties and the public right of way by existing berms. The elevation of the sport court is almost 10 ft. below the top of the existing berms. In addition, the applicants provided an analysis of existing vegetation in the area of the sport court, demonstrating that existing tree coverage would provide additional visual buffer between the sport court and adjacent properties.
5. The proposed home meets other applicable Zoning Ordinance criteria.

Conditional Use Permit to Permit Construction of a Sport Court as a Third Accessory Structure on the Subject Property, in Addition to an Existing In Ground Pool and Detached Garage:

1. There is potential for continued use of the requested sport court. This recreational facility will be operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.
2. The project satisfies the criteria for a conditional use permit provided in Section 1204.02.F of the Zoning Ordinance.
3. The proposed sport court meets all other Zoning Ordinance standards.

Conditional Use Permit to Permit Construction of Chain Link Fence Enclosing the Proposed Sport Court:

1. The fence placement or design does not create a safety hazard with regard to public streets or adjacent properties.
2. The fence is hidden by existing berms and tree coverage along with the remainder of the sport court, and as such does not negatively impact

views of abutting properties or serve to distract from the open natural setting of the community.

3. The fence structure meets performance standards.

Recommendation:

Based on the foregoing considerations and applicable ordinances, the Planning Commission recommends approval of the applicant's major site and building plans and conditional use permits to allow for the construction of a sport court on their property.

Approved, subject to the following conditions:

1. Any significant trees in the vicinity of the project areas to be preserved shall be protected during the course of construction. Tree protection measures must include marking trees to be saved with a red flag so as to clearly differentiate them from trees to be removed, and maintaining a minimum 50 foot equipment setback from trees to avoid root compaction or disturbance.
2. The lighting, of a temporary or permanent nature, of the sport court is prohibited.
3. The chain link fence may not exceed 200 linear feet or 10 feet in height.
4. The applicants are required to maintain the sport court facility over time so it does not present a hazard to public health, safety or general welfare, and can continue to function for the purpose stated.
5. The applicants implement revised plans provided to the City Engineer (dated July 31, 2014) that respond to concerns regarding grading, drainage, and erosion control measures described in the City Engineer report dated July 30, 2014.
6. The applicants install additional screening trees southeast of the proposed sport court to buffer noise from the sport court area to adjacent properties. Provide a plan for additional tree plantings to City staff for review prior to moving ahead with building permit issuance.
7. The applicants shall contact planning staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.

Adopted by the Sunfish Lake Planning Commission this 20th day of August 2014.

City of Sunfish Lake

By: _____
Andrea McCue
Planning Commission Chair

ATTEST

Catherine Iago, City Clerk



PLANNING REPORT - Major Site and Building Plan Review and CUP

TO: Sunfish Lake Planning Commission

FROM: Michelle Barness

DATE: August 13, 2014

RE: Sunfish Lake – 1 Grieve Glen Lane – Site and Building Plan Review / CUP – Sport Court

FILE: 211.01 – 14.09

Application Accepted:	July 21, 2014
Planning Commission Date:	August 20, 2014
Tentative City Council Review:	September 2, 2014
60-day Review:	September 19, 2014

BACKGROUND

Joel and Jolene Owens are requesting approval of major site and building plans and a conditional use permit (CUP) to allow the construction of a sport court on their property located at 1 Grieve Glen Lane. The property is located within both the R-1 Single Family Residential and Shoreland Overlay Districts.

The proposed sport court is 2,800 square feet in area and is to be located in the side yard south of the home. The location of the sport court is at an elevation tucked behind existing berms on the subject property in an effort to help obscure the view of the court from adjacent homes and the road right of way. The proposed sport court is required to meet Zoning Ordinance standards for accessory structures, setbacks, grading, drainage and stormwater management, lighting, and conditional use permit criteria.

The sport court will be a third accessory structure on the site in addition to an existing in ground pool and detached garage and will involve installation of a 10 ft. chain link fence, requests which require conditional use permit approval.

In addition, the proposed sport court will result in the addition of more than 1,000 square feet of hard surface to the property, which requires a major site and building plan review. The major plan review and CUP require review and approval by both the Planning Commission and the City Council.

APPROVALS REQUIRED	
Major Site and Building Plan Review	To permit the construction of a sport court exceeding 1000 square feet of hard surface at 1 Grieve Glen Lane.
Conditional Use Permits	To permit a sport court as a third accessory structure and with chain link fencing up to 10 ft. in height.

Attached for reference:

- Exhibit A: Site Survey
- Exhibit B: Project Narrative
- Exhibit C: Sport Court Specifications
- Exhibit D: Example Sport Court Image
- Exhibit E: City Engineer Report

ISSUES ANALYSIS

Major Site and Building Plan Review

The property at 1 Grieve Glen Lane is zoned R-1, Single Family Residential and is also within the Shoreland Overlay District surrounding Hornbean Lake. The following table illustrates the application of R-1 District and Shoreland Overlay District requirements to the property with the proposed sport court.

R-1 District Standards	Required	Proposed	Compliant
Front accessory setback (west to public street)	100 feet	Exceeds 100 feet	Yes
Side accessory setback (south)	25 feet	45 feet	Yes
Rear accessory setback (east)	25 feet	Exceeds 25 feet	Yes
Shoreland Overlay District Standards	Required	Proposed	Compliant
Maximum lot coverage by impervious surface	30%	Approximately 10%	Yes

Setbacks. As illustrated in the table above, the proposed sport court meets zoning district standards for accessory structure setbacks.

Building Materials. The sport court will be constructed of a poured concrete subfloor, covered with an interlocking high impact polypropylene copolymer tile. A black chain link fence is proposed around the perimeter of the court. The City Building Inspector has reviewed the plan set and has no comments regarding this application. A more thorough Building Code review will be conducted with the building permit application.

High Water Elevation. Permanent structures in the shoreland district must have a low elevation at a level at least three feet above the highest known lake water level, or three feet above the OHWM of the lake, whichever is higher. The high water elevation for Hornbean Lake is 873.22 feet, in which case the low elevation of the sport court structure must be a minimum of 876.22 feet. The elevation of the sport court is 877.6 feet, which meets high water elevation requirements.

Accessory Structures. Private recreational facilities accessory to an existing principal permitted use on the same lot and which are operated for the enjoyment and convenience of the residents of the principal use and their occasional guests are an allowed accessory use in the R-1 District. The proposed sport court will be the third accessory structure on the subject property in addition to an existing in ground pool and a detached garage. More than one accessory structure is permitted with approval of a conditional use permit, which is being requested.

The sport court will be approximately 2,800 square feet in area. The shoreland district limits the size of surfaced play areas on lake frontage lots, but provides no limitation on the size of such structures on non-lake frontage lots. As such the requested sport court is required to adhere to basic accessory standards provided in Zoning Ordinance Section 1217 *Accessory Buildings, Structures, Uses And Equipment*, which does not identify a limit on the size of recreational structures.

Section 1217 states that accessory buildings, structures, and uses are required to be screened from neighboring properties and the public right-of-way and the design and positioning of any such structure shall minimize the impact upon abutting properties. The proposed sport court will be set into existing berms in the southeast corner of the property. The applicants have indicated that the berms and existing tree coverage in the area will help screen the court.

Lighting. The lighting, of a temporary or permanent nature, of sport activity areas and other recreational facilities is prohibited. The applicants have indicated that no lighting is proposed.

Grading, Drainage and Erosion Control. Grading, drainage, and erosion control associated with construction of the proposed sport court are subject to the approval of the City Engineer, who was provided drainage calculations, drainage plans, proposed grading, and erosion control measures for review. The City Engineer provided a report on the project (Exhibit E), stating that runoff increases from the sport court is not anticipated to have a significant effect on the downstream system and drainage conditions. He did provide recommendations for 1) adjusting the location of the sport court and construction entrance to avoid negative impacts to the vegetated buffer around the detention pond near the sport court, 2) changing grading around the sport court to create milder grades to reduce the chance of erosion of the vegetated buffer, 3) increasing the size of the retaining wall abutting the court, and 4) adding erosion control measures. The applicants provided revised plans addressing all of these concerns, which were approved by the City Engineer.

The Shoreland Overlay District limits the impervious surface coverage of lots to not exceed 30% of the lot area. The proposed sport court will result in the subject property having approximately 10% impervious surface coverage, which meets Ordinance requirements.

Landscaping/Fencing/Screening. A 10 ft. chain link fence is being proposed around the perimeter of the sport court. Criteria for a 10 foot chain link fence include:

- 1) The fence height or design does not create a safety hazard with regard to public streets or roadways.
- 2) The fence placement, height or design does not create a safety problem or negatively affect adjoining properties or uses.
- 3) The fence does not negatively impact views of abutting properties or serve to distract from the open natural setting of the community.
- 4) The fence structure meets performance standards, doesn't affect public infrastructure needs, is compatible with the area, and doesn't impact adjacent properties.

The proposed fence is of weather treated material, will not exceed 200 linear feet, and will meet setback standards. It is not anticipated to cause safety issues with public right-of-ways or negatively affect adjoining properties or uses.

The applicant has indicated that a retaining wall just less than 4 feet in height will support the existing berm where the sport court will be set in the ground. No engineered drawings are required for retaining walls if they are less than 4 feet in height.

No trees are to be removed from the lot in the course of constructing the proposed sport court, and the applicant is not proposing the addition of any new landscaping. Accessory structures are required to be sufficiently screened from adjacent properties. The applicants have indicated that the fence and the sport court will be almost entirely screened from street right-of-ways and neighboring properties by existing berms surrounding the sport court and tree coverage in the immediate area.

Any significant trees in the vicinity of the sport court construction area to be preserved shall be protected during the course of construction. Tree protection measures must include marking trees to be saved with a red flag, so as to clearly differentiate them from trees to be removed, and maintaining a minimum 50 foot construction equipment setback from trees to avoid root compaction or disturbance. The City Forester has reviewed the site plan and has no additional recommendations.

Septic System. The applicant provided the location of the existing septic system on the site, which is located east of the home and a significant distance from proposed sport court. The site's septic system is not anticipated be impacted by the construction of the proposed sport court.

Site and Building Plan Evaluation Criteria. As described in Section 1208.04 of the City Zoning Ordinance, the Planning Commission, as its basis of recommendation, and the City Council, as its basis for decision, shall evaluate the effects of the proposed site and building plans. This review shall include, but is not limited to, the following:

- A. Whether the proposed improvements are compatible and in harmony with the existing structures in the surrounding community.
- B. Whether the proposed improvements preserve the character and nature of the surrounding community, including the natural landscape and woodland characteristics of the community.
- C. Whether the proposed improvements are not constructed of unsightly, improper or unsuitable materials.
- D. Whether the proposed improvements will not materially adversely affect any natural resources in the community, except when there is no feasible and prudent alternative to the proposed location of the improvements. For purposes of this clause, "natural resources" shall include, but not be limited to, all mineral, animal, botanical, air, water, land, timber, soil, quietude, recreational, historical, scenic and aesthetic resources.
- E. Whether the proposed site and improvements shall have an appearance that will not have an adverse effect upon adjacent residential properties.
- F. Whether the proposed site improvement complies with drainage requirements, as provided in Section 1216.04 of the Zoning Ordinance.

The City has heard from concerned neighbors who have requested more information on the proposed sport court to be able to gauge whether the project will be visible from adjacent lots. The applicants have indicated that the sport court is being located to avoid any impacts to neighbors. It will be placed at the base of existing berms on the property to reduce its visibility; the difference in elevation between the base of the sport court and the top of the berms surrounding the court is almost 10 feet. In addition, a significant amount of existing tree coverage will remain in the area of the sport court, which in combination with the described berms is anticipated to provide considerable screening of the use. The Planning Commission must make a determination as to whether the proposed sport court will have an adverse effect upon adjacent residential properties given consideration of these facts.

If in consideration of the project and available screening neighbors or the City feel impacts to adjacent properties need to be mitigated, the applicants have indicated the willingness to implement additional tree or shrub plantings as deemed necessary.

The sport court is not anticipated to have negative impact on site natural systems. The sport court will not require the removal of trees, and the City Engineer has indicated that

increased runoff from the court will be sufficiently treated with existing stormwater management facilities on the property. Revised plans from the applicants have addressed concerns from the City Engineer regarding reducing construction impacts to an existing wetland buffer area around the stormwater pond and preventing potential erosion issues resulting from increased runoff.

Conditional Use Permit – To Permit More Than One Accessory Structure on the Subject Property.

Section 1217.01 states that no permit shall be issued for the construction of more than one accessory building and/or structure, except by conditional use permit. As indicated, the proposed sport court will be a third accessory structure on the property, so the applicants are requesting approval of a CUP for its construction. The sport court must meet accessory ordinance CUP criteria, including:

- A. There is a demonstrated need and potential for continued use of the structure for the purpose stated.
- B. No commercial or home occupation activities are conducted on the property.
- C. The building has an evident re-use or function related to the principal use.
- D. Accessory building shall be maintained in a manner that is compatible with the adjacent residential uses and does not present a hazard to public health, safety and general welfare.
- E. The provisions of Section 1204.02.F. of this Ordinance shall be considered and a determination made that the proposed activity is in compliance with such criteria.

Section 1204.02.F Conditional Use Ordinance Criteria:

- 1. The proposed action in relation to the specific policies and provisions of the official City Comprehensive Plan.
- 2. The proposed use's compatibility with present and future uses of the area.
- 3. The proposed use's conformity with all performance standards contained herein.
- 4. The proposed use's effect on the area in which it is proposed.
- 5. The proposed use's impact upon property values in the area in which it is developed.
- 6. Traffic generated by the proposed use is in relation to capabilities of streets serving the property.
- 7. The proposed use's impact upon existing public services and facilities.

The proposed sport court is an allowed accessory use in the R-1 District. The court's location meets ordinance setback standards, and the project will adhere to grading, drainage, stormwater management, and erosion control requirements provided by the City Engineer.

Again, it is up to the Planning Commission to have a discussion regarding whether the sport court will have any effect on the area in which it is proposed. If approval is considered, the Commission must make a determination that the sport court is compatible with other residential uses, in that adequate screening can be provided to buffer views to the court from public right-of-ways and nearby properties. If the project is approved, the applicants are required to maintain the sport court facility over time so it does not present a hazard to public health, safety or general welfare, and can continue to function for the purpose stated.

SUMMARY AND RECOMMENDATION

The applicants are requesting approval of a Major Site and Building Plan review to allow the construction of a sport court at 1 Grieve Glen Lane. In addition, the applicants have requested CUPs to allow construction of a third accessory structure and to permit construction of a 10 foot chain link fence with the sport court system. Planning staff recommends approval of the site plan review and CUPs based on finding that the sport court is an allowed R-1 District use, and that the court meets setback standards, can be screened from adjacent properties, meets grading, drainage, stormwater management and erosion control requirements, and is not anticipated to impact site vegetation. This recommendation would be contingent upon the following:

1. The applicants shall contact planning staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.
2. Construction activities shall adhere to all erosion control and stormwater management criteria provided in Sections 1216.04 and 1243.06 of the Zoning Ordinance.
3. Any significant trees in the vicinity of the project areas to be preserved shall be protected during the course of construction. Tree protection measures must include marking trees to be saved with a red flag so as to clearly differentiate them from trees to be removed, and maintaining a minimum 50 foot equipment setback from trees to avoid root compaction or disturbance.
4. The lighting, of a temporary or permanent nature, of the sport court is prohibited.
5. The applicants are required to maintain the sport court facility over time so it does not present a hazard to public health, safety or general welfare, and can continue to function for the purpose stated.

6. The applicants implement revised plans provided to the City Engineer (dated July 31, 2014) that respond to concerns regarding grading, drainage, and erosion control measures described in the City Engineer report dated July 30, 2014.

c: Sunfish Lake Mayor and City Council
Cathy Iago, City Clerk
David Neameyer, City Building Official
Ron Wasmund, City Septic System Inspector
Don Sterna, City Engineer
Jim Naves, City Forester
Tim Kuntz, City Attorney
Joel and Jolene Owens, Applicants
Bob Moser, Moser Homes, Inc., Builder
Jennie Skancke, Hydrologist, Dakota County, MnDNR



Ms. Michelle Barness, Sunfish Lake City Planner
Northwest Associated Consultants, Inc.
4800 Olson Memorial Highway, Suite 202
Golden Valley, MN 55422

Dear Ms. Barness:

I am submitting an application for a major site plan review on behalf of the owners of #1 Grieve Glen Lane, Sunfish Lake, MN. The owners' names are Joel and Jolene Owens. Per our discussion, a major site plan is required by City code because they already have two "accessory structures" on their property. The other accessory structures consist of their swimming pool and a detached garage.

Attached is a copy of the survey for the property showing the proposed location of a sport court. You will see that the proposed improvement meets the applicable setbacks from the road and the adjacent property lines.

Since I submitted the original concept plan, the topographic elevations have been added to show the existing berms in that vicinity. You will see that the proposed location of the sport court is at an elevation tucked behind the berms to obscure the view of this court from adjacent homes and from the roadway area. This spot was chosen in an effort to avoid any impact on the character of the neighborhood.

The landscaping in this vicinity will consist of a retaining wall on the south side of the proposed improvement. This will allow for a reasonable transition of grade between the court and the existing berms. The survey also shows this detail.

Attached a copy of a photo showing an example of the type of sport court that is being proposed. The proposed court would include a 40' X 70' recreation surface with some framework and netting for ball containment. No lighting is included as part of this proposed project.

I confirmed that the impervious area of the lot with the sport court is estimated to be 26,979 square feet. The lot size is 311,650 square feet. This translates to impervious surface coverage of approximately 8.6%. As we discussed, this is well within the applicable limits for this property.

Based on our previous conversation, there is precedent in Sunfish Lake for permitting a detached garage, a pool, and a sport court or tennis court structure on properties of adequate size. We hope that you view this proposed project as one that is acceptable so that the owners can proceed with this improvement.

Thank you for your consideration of this request and please let me know if any additional information would be helpful.

Regards,

A handwritten signature in cursive script that reads 'Bob Moser'.

Bob Moser

SECTION 09624 - MODULAR ATHLETIC SURFACING

PART 1 - GENERAL

1.1 DESCRIPTION

- A. Scope
 - 1. The complete installation of modular athletic surfacing system including the interlocking high-impact polypropylene copolymer tile of proprietary formulation and striping.
- B. Related work specified under other sections.
 - 1. CONCRETE SUBFLOORS - SECTION 03_ _ _
 - a. The general contractor shall furnish and install the concrete subfloors.
 - b. The slab shall be a medium broom finish with level tolerances of $\pm 1/8"$ (3.2mm) in any 10' (3m) radius. Floor Flatness and Floor Levelness (FF and FL) numbers are not recognized. High spots shall be ground level and low spots filled with approved leveling compound.
 - c. The slab shall have a slope no more than 0.5%, or 1 inch in 16 feet, all in one plane. Optionally, concrete slab may be crowned at the court center line and sloping down at 0.5% towards the edge of the slab.
 - 2. GAME STANDARD INSERTS - SECTION 11_ _ _

1.2 REFERENCES

- A. ASTM (American Society for Testing & Materials)
 - 1. ASTM D 256
 - 2. ASTM D 638
 - 3. ASTM D 648
 - 4. ASTM D 785
 - 5. ASTM D 792
 - 6. ASTM C 1028
 - 7. ASTM G 21
- B. ISO (International Organization for Standardization)
 - 1. ISO 1183
 - 2. ISO 527-1, -2
 - 3. ISO 179
 - 4. ISO 180
 - 5. ISO 75B-1, -2
- C. EN (European Norm)
 - 1. EN 13036-4
 - 2. EN 12235:2004
 - 3. EN 14877:2006
 - 4. EN 12616
 - 5. EN ISO 5470-1
- D. ITF (International Tennis Federation)

1.3 SUBMITTALS

- A. Sport Court® PowerGame™ modular athletic surfacing specifications.
- B. One sample of specified system, if requested by Architect.
- C. Sport Court modular athletic surfacing installation guide.
- D. Sport Court modular athletic surfacing care and maintenance guide.
- E. Sport Court Warranty.

1.4 QUALITY ASSURANCE

- A. MATERIAL SUPPLIER:
 - 1. Shall be Sport Court International, Inc. (manufacturer)
 - 2. Manufacturer shall be ISO 9001:2008 and ISO 14001:2004 Certified to assure proper quality and environmental control.
 - 3. Manufacturer shall be a Zero Waste company.
 - 4. Manufacturer shall have produced sports surfaces for a longer period of time than their stated

SPORT COURT® POWERGAME™

warranty.

5. Surfaces must be certified for competition by the international federations for basketball (FIBA), volleyball (FIVB), handball (IHF) and badminton (BWF).

B. INSTALLER:

1. The complete installation of the surfacing system as described in these specifications shall be carried out by an experienced installer (Contractor), and the work shall be performed in accordance with current Sport Court installation instructions.
2. Installer (Contractor) shall be liable for all matters related to installation for a period of one year after the floor has been substantially installed and completed.
3. Successful bidder shall submit a minimum of five (5) completed modular projects of similar magnitude and complexity within the last two (2) years.
4. Bidder shall provide all sample tile and documentation.

1.5 DELIVERY, STORAGE AND HANDLING

- A. Materials shall be delivered in manufacturer's original, unopened and undamaged packaging with identification labels intact.
- B. Store material on a clean, dry, and flat surface, protected from exposure to harmful weather conditions or possible damage.

1.6 SITE CONDITIONS

- A. In order to prevent damage and not void the warranty, installation of modular materials shall not commence until all other finishes and overhead mechanical trades have completed their work in the athletic surfacing areas.
- B. Subfloors shall be clean, dry and free from dirt, dust, oil, grease, paint, or other foreign materials.
- C. Surfacing installation shall not begin until the levelness requirements of concrete subfloors have been met.
- D. The installation area shall be closed to all traffic and activity for a period to be set by the Contractor.
- E. Environmental Limitations
 1. Comply with the Sport Court requirements.
 2. Adhere to all MSDS requirements for materials employed in the work.
 3. Protect all persons from exposure to hazardous materials at all times.
- F. After athletic surfacing is installed and the game lines painted, the area is to be closed to allow curing time for the system, typically 3-5 days. No other trades or personnel are allowed on the floor until it has been accepted by the owner.

1.7 WARRANTY

- A. Sport Court provides a limited warranty of fifteen (15) years on the materials it has supplied. (A copy of the full warranty, with its Terms and Exclusions, is available from the authorized Sport Court Dealer.) This 15-Year Limited Warranty is subject to the Outdoor Surface Warranty and all of its provisions. The Outdoor Surface Warranty is expressly limited to the surfacing materials (goods) supplied by Sport Court. During the period covered under the Outdoor Surface Warranty, Sport Court will repair/replace any defective tiles with the same or substantially similar product according to the schedule in the Outdoor Surface Warranty. The warranty does not cover floor damage caused (wholly or in part) by fire, winds, floods, moisture, other unfavorable atmospheric conditions or chemical action, nor does it apply to damage caused by ordinary wear, misuse, abuse, negligent or intentional misconduct, aging, faulty building construction, concrete slab separation, faulty or unsuitable subsurface or site preparation, settlement of the building walls or faulty or unprofessional installation of Sport Court surfacing systems.
- B. Sport Court shall not be liable for incidental or consequential losses, damages or expenses directly or indirectly arising from the sale, handling or use of the materials (goods) or from any other cause relating thereto, and their liability hereunder in any case is expressly limited to the replacement of materials (goods) not complying with this agreement or, at their election, to the repayment of, or crediting buyer with, an amount equal to the purchase price of such materials (goods), whether such claims are for breach of warranty or negligence. Any claim shall be deemed waived by buyer unless submitted to Sport Court in writing within 30 days from the date buyer discovered, or should have discovered, any claimed breach.

PART 2 - PRODUCTS**2.1 MATERIALS**

- A. Sport Court PowerGame™ modular athletic surfacing shall be:
- Grid-top design.
 - Size: 12" x 12" x 5/8" (30.48cm x 30.48cm x 15.8mm)
 - High-impact polypropylene copolymer suspended modules.
 - 907 support leg structure.
 - The tile shall have a positive locking system.
- B. Standard Colors: Bright Blue, Burgundy, Dark Blue, Evergreen, Green, Bright Red, Titanium, Sand, Gray, Clover, Brick Red, Steel Blue, Black, Open Tennis Blue, Granite, Earth, Terra-Cotta, Kiwi, Purple, Mustard, Shamrock Green, Pearl Orange, Black.
- C. Color Consistency: $\Delta E_{CMC} < 1.0$
- D. Weight: 0.70 lbs. (315 grams)
- E. Packaging: Product is shipped in pre-assembled sheets (2x4 modules per sheet, 5 sheets per box).
- F. Material Test Results
- | | | |
|----------------------------|------------------------------|--------------------------------|
| 1. Rockwell hardness: | (ASTM D 785) | 65 R |
| 2. Heat deflection: | (ASTM D 648 @ 66 psi) | 85°C |
| | (ISO 75B-1, -2 @ 40.45 MPa): | 73°C Unannealed |
| 3. Tensile Yield Strength: | (ASTM D 638) | 3,000psi |
| | (ISO 527-1, -2) | 20 MPa |
| 4. Elongation at Yield: | (ASTM D 638) | 5% |
| | (ISO 527-1, -2) | 5% |
| 5. Notched Izod: | (ASTM D 256) | No break at 23°C |
| | (ISO 180) | 31kJ/m ² |
| 6. Charpy Notched Impact: | (ISO 179 @ 23°C) | 26kJ/m ² |
| 7. Density: | (ASTM D 792) | 0.902 specific gravity 23/23°C |
| | (ISO 1183 @ 23°C) | 0.90 g/cm ³ |
- G. Product Test Results
- | | | |
|----------------------------|--------------------------------|-----------------|
| 1. Friction: | (ASTM C1028) | Dry: 0.65 |
| | (EN 13036-4) | Dry: 103 |
| 2. Vertical Ball Behavior: | (EN 12235:2004) | Tennis: 93% |
| 3. Angled Ball Behavior: | (EN 14877:2006) | Tennis: 50 Fast |
| 4. Permeability: | (EN 12616) | >2000 mm/h |
| 5. Flatness: | 0.0" (0.0mm) | |
| 6. Lateral Forgiveness™: | +0.065" / -0" (+1.65mm / -0mm) | |
- H. Load Bearing Capacity: 170 psi (1.17MPa)
- I. Court Pace Classification: (ITF) Category 5 - Fast
- J. Sanitary Information
- Resistance to fungi (when tested in compliance with ASTM G-21 and MIL standard 810-D procedure 508.3). All basic organisms tested (ATCC #6205-11797) and were found to have zero growth.
 - Resistance to the following:
 - Bacteria and mildew resistance
 - Gram-positive bacterial Staphylococcus Aureus
 - Gram-negative Klebsiella Pneumoniae
 - Pink-staining organism
 - STV Reticulum
 - Surface fungi growth prior to and following leaching
- K. Game Line Paint
- Adhesion promoter – proprietary tile adhesion promoter as supplied by Sport Court.
 - Paint – aliphatic polyurethane as recommended by Sport Court. Select from standard colors.

PART 3 - EXECUTION

3.1 INSPECTION

- A. Inspect concrete slab for contamination, dryness and levelness. Report any discrepancies to the general contractor.
- B. Concrete slab shall be broom swept and dust free by the general contractor.
- C. Installer (Contractor) shall document all working conditions as specified in PART 1 – GENERAL prior to starting installation. Report any discrepancies to the general contractor.

3.2 INSTALLATION

- A. Sports surface shall be installed to pre-approved layout.
- B. Tiles shall be trimmed to accommodate thermal expansion and contraction according to *Sport Court Thermal Expansion and Concrete Size Adjustment* document.
- C. Sports surface shall be clean and dust free.
- D. Game Lines
 - 1. Use only high quality masking tape approved by Sport Court.
 - 2. Lines shall be primed and painted using Sport Court proprietary adhesion promoter and recommended aliphatic polyurethane paint.
 - 3. Provide game lines as indicated on drawings.
- E. Remove all excess and waste materials from the work area. Dispose of empty containers in accordance with federal and local statutes.

END OF SECTION 09624



EXHIBIT D

Memorandum

To: *Michelle Barness and Alan Brixius
Northwest Associated Consultants*

From: *Donald W. Sterna, PE
WSB & Associates, Inc.*

Date: *July 30, 2014*

Re: *Site Plan Review for Sport Court
1 Grieve Glen Lane
City of Sunfish Lake, MN
WSB Project No. 2182-050*

Project Background

The applicant is proposing accessory sport court structure on their property. The following is our review for the engineering, storm water management, and site grading issues.

Comments:

- The sport court must be relocated (rotated and/or moved) and the contours down to the pond flattened to not impact the 16.5-foot vegetation buffer for the following:
 - The grading plan proposes to excavate on the south side of the existing pond, and increase the side slope of the basin to 3:1 in the 16.5-foot buffer area around the pond. This 3:1 slope will be very susceptible to erosion from the runoff of the impervious surface of the sport court and impacts the vegetation. This should be modified and slopes should not exceed 4:1 with a 5:1 slope preferred. By moving and rotating the sport court this can be achieved. In addition, the water quality treatment of runoff from the court to the pond will be improved if the downstream side slope was flattened down to promote settling of sediment.
 - The final access to the sport court will be across the 16.5-foot vegetative buffer area of the pond from the existing driveway on the west or on the east side of the pond from the residence. The buffer areas will be impacted by continual use of the sport court. The berm along the west side may have to be pulled back to get this access out of the 16.5-foot buffer.
 - The proposed grading plan places a construction entrance in the 16.5-foot buffer area of the pond. The construction entrance will affect the buffer area and vegetation adjacent to the pond. The construction entrance must be outside of the 16.5-foot buffer area.
- The proposed rate control for the existing pond has a minor increase of 0.3cfs, and a high water elevation increase of 0.02 feet for the 100-year event. These increases are not anticipated to have a significant effect on the downstream system and the drainage conditions. The propose drainage is approved. The grading plan includes expansion of the

existing pond storage, but this expansion affects the buffer area grading. Since the runoff addition is negligible, changing the slopes is not recommended and won't be necessary if the sport court is moved away from the pond.

- The Hydrocad model title of Pond PP should be changed to "Proposed Pond". This will provide clarification of the modeling results.
- The existing culvert under the driveway should have inlet protection installed during construction. The inlet protection can be removed once the area is restored.
- The silt fence should encompass the construction entrance from the driveway. The silt fence on the east end of the project should encompass the proposed grading.

Conclusion and Recommendations

We hereby find the proposed plans not to be in accordance with City requirements and recommend denial from an engineering standpoint for this project until these items are addressed. We are requesting a new set of plans addressing these comments and drainage report be resubmitted to our office prior to final issuing of the building permit on the project. It should be noted the drainage calculations are ok, we just require these to be updated per the requested plan changes.

Michelle Barness

From: Don Sterna [DSterna@wsbeng.com]
Sent: Friday, August 01, 2014 1:22 PM
To: Bob Moser; Tom Voll
Cc: Michelle Barness
Subject: RE: Sunfish Lake Sport Court revision 7-31-14

Hi Bob

These revisions are acceptable to me. Please provide an updated plan for our files. No other comments.

Don

Don Sterna, PE

Transportation Final Design Manager, Vice President

d: 763-287-7189 | c: 612-360-1289

WSB & Associates, Inc. | 701 Xenia Avenue South, Suite 300 | Minneapolis, MN 55416



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From: Bob Moser [<mailto:bobmoser@moserhomesinc.com>]
Sent: Thursday, July 31, 2014 2:17 PM
To: Don Sterna; Tom Voll
Cc: 'Michelle Barness'
Subject: FW: Sunfish Lake Sport Court revision 7-31-14

Hi Don and Tom:

See the attachment and the summary of changes below. I hope that this looks acceptable. Thanks again for taking the time to review this and discuss the various options with me. Please let me know if anything else is needed.

Regards,

Bob

From: Daniel Obermiller [<mailto:dobermiller@egrud.com>]
Sent: Thursday, July 31, 2014 12:16 PM
To: Bob Moser
Subject: Sunfish Lake Sport Court revision 7-31-14

Bob,
See attached revised sport court attached.

The following revisions have been made:

- Court moved 5 feet SE'ly away from the pond area.
- Sport Court surface drainage is split at center and drains to either end instead of directly toward pond.
- Area between pond and court is now at about 5:1 proposed grade.
- Retaining wall behind court raised to 4'.
- Slope behind said wall is proposed at 3:1, cutting into berm some but not reducing overall height.
- Construction entrance moved out of buffer area.
- Proposed inlet protection proposed on culvert under driveway.
- Silt fence adjusted to encompass grading and construction area.

If we can revise the plan further please let me know.

Thanks DanO

DANIEL W. OBERMILLER

Mn R.L.S. #25341; Wi. R.L.S. # 2668

E. G. RUD & SONS, INC., LAND SURVEYORS

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Lino Lakes, MN 55014



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**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW
CONSTRUCTION OF A SPORT COURT AS A THIRD ACCESSORY STRUCTURE, A
CONDITIONAL USE PERMIT TO ALLOW A 10 FOOT CHAIN LINK FENCE IN
ASSOCIATION WITH THE SPORT COURT, AND MAJOR SITE AND BUILDING
PLANS FOR THE CONSTRUCTION OF A SPORT COURT FOR THE PROPERTY
LOCATED AT 1 GRIEVE GLEN LANE, LEGALLY DESCRIBED AS LOTS 1 AND 2,
BLOCK 1, GRIEVE GLEN, DAKOTA COUNTY, MINNESOTA.**

WHEREAS, Joel and Jolene Owens submitted an application for a conditional use permit for a third accessory structure, a conditional use permit for a chain link fence around a sport court, and major site and building plans for a sport court for the property located at 1 Grieve Glen Lane, legally described as:

Lots 1 and 2, Block 1, Grieve Glen, Dakota County, MN

WHEREAS, City staff reviewed the application and judged it to be complete and outlined their review comments in a planning report dated August 13, 2014, prepared by Northwest Associated Consultants, and an engineer's report dated July 30, 2014; and

WHEREAS, the Sunfish Lake Planning Commission held a public hearing at their August 20, 2014 meeting and reviewed the major site and building application and the requested conditional use permits, along with the planning report dated August 13, 2014; and

WHEREAS, upon hearing the staff presentations, applicant testimony, and public testimony, the Planning Commission closed the public hearing and recommend to the City Council approval of the major site and building plans to construct a sport court, and conditional use permits to allow construction of the sport court as a third accessory structure and to allow construction of a 10 foot chain link fence around the sport court, whereby the following findings support the Planning Commission recommendation for approval:

Major Site and Building Plans:

1. The proposed sport court meets accessory structure setback standards.
2. With the addition of the sport court, the subject property will continue to adhere to impervious surface standards provided for the Shoreland Overlay District.
3. The sport court is not anticipated to have negative impact on site natural systems. The sport court will not require the removal of trees, and the City Engineer has indicated that increased runoff from the court will be sufficiently treated with existing stormwater

management facilities on the property. Revised plans from the applicants have addressed concerns from the City Engineer regarding reducing construction impacts to an existing wetland buffer area around the stormwater pond and preventing potential erosion issues resulting from increased runoff.

4. The proposed sport court is placed on the property to be screened from adjacent properties and the public right of way by existing berms. The elevation of the sport court is almost 10 ft. below the top of the existing berms. In addition, the applicants provided an analysis of existing vegetation in the area of the sport court, demonstrating that existing tree coverage would provide additional visual buffer between the sport court and adjacent properties.
5. The proposed home meets other applicable Zoning Ordinance criteria.

Conditional Use Permit to Allow Construction of a Sport Court as a Third Accessory Structure on the Subject Property:

1. There is potential for continued use of the requested sport court. This recreational facility will be operated for the enjoyment and convenience of the residents of the principal use and their occasional guests.
2. The project satisfies the criteria for a conditional use permit provided in Section 1204.02.F of the Zoning Ordinance.
3. The proposed sport court meets all other Zoning Ordinance standards.

Conditional Use Permit to Allow Construction of Chain Link Fence Enclosing the Proposed Sport Court:

1. The fence placement or design does not create a safety hazard with regard to public streets or adjacent properties.
2. The fence is hidden by existing berms and tree coverage along with the remainder of the sport court, and as such does not negatively impact views of abutting properties or serve to distract from the open natural setting of the community.
3. The fence structure meets performance standards.

WHEREAS, the Sunfish Lake City Council considered the application for major site and building plan review and conditional use permits at their meeting on September 2, 2014 and agrees with the findings of the Planning Commission.

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Sunfish Lake hereby approves the major site and building plan review and conditional use permit requests

dated July 21, 2014, for the property legally described as Lots 1 and 2, Block 1, Grieve Glen, Dakota County, MN, with the following conditions:

1. Any significant trees in the vicinity of the project areas to be preserved shall be protected during the course of construction. Tree protection measures must include maintaining a minimum 50 foot equipment setback from trees to avoid root compaction or disturbance.
2. The lighting, of a temporary or permanent nature, of the sport court is prohibited.
3. The chain link fence may not exceed 10 feet in height.
4. The applicants are required to maintain the sport court facility over time so it does not present a hazard to public health, safety or general welfare, and can continue to function for the purpose stated.
5. The applicants implement revised plans provided to the City Engineer (dated July 31, 2014) that respond to concerns regarding grading, drainage, and erosion control measures described in the City Engineer report dated July 30, 2014.
6. The applicants install additional screening trees southeast of the proposed sport court to buffer noise from the sport court area to adjacent properties. Provide a plan for additional tree plantings to City staff for review prior to moving ahead with building permit issuance.
7. The applicants shall contact planning staff to arrange pre- and post-construction site visits, whereby staff can confirm that site and building plans and associated approval conditions have been implemented accordingly. The inspections are separate from other inspections that may be necessary by the City Building Inspector, City Septic System Inspector, City Engineer, or other individuals. The cost of site inspections is \$75.00 each and payment of this amount shall be the responsibility of the property owner.

This resolution is adopted by the City Council of the City of Sunfish Lake this 2nd day of September 2014.

Molly Park, Mayor

Attest:

Catherine Iago, City Clerk