Planning Commission Agenda

January 25, 2016
7:00 p.m.

Introductory Proceedings

Roll Call

Approval of Minutes: Regular Planning Commission meeting of December 14, 2015

Opportunity for Citizens to Address the Commission on items not on the Agenda

Public Hearing

ITEM #1	**15-CUP-05**	Conditional Use Permit to allow expansion of a nonconforming accessory structure at 6341 Penn Avenue, (Mother Duck Learning Center)
ITEM #2	**PC Letter #1**	Zoning Ordinance Amendment updating day care regulations in residential districts.

New Business

Old Business

Liaison Reports

Community Services Advisory Commission
City Council
Housing and Redevelopment Authority (HRA)
Richfield School Board
Transportation Commission
Chamber of Commerce
Other

City Planner's Report

Next Meeting Date: January 26, 2016

Adjournment

"Auxiliary aid for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612/861-9738".

Planning Commission Minutes

December 14, 2015

MEMBERS PRESENT:	Chairperson Rick Jabs and Commissioners Erin Vrieze Daniels, Sean Hayford Oleary, Susan Rosenberg, Dan Kitzberger, Gordon Vizecky, and Charles Standfuss
MEMBERS ABSENT:	None
STAFF PRESENT:	Matt Brillhart, Planning Technician Melissa Poehlman, City Planner Charlie O'Brien, Code Compliance Specialist James Topitzhofer, Recreation Services Director
OTHERS PRESENT:	Stephanie Heidish, 6722 Penn Avenue applicant representative Gary Olson, 6633 Columbus Avenue (written testimony)

Chairperson Jabs called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

M/Vizecky, S/Rosenberg to approve the minutes of the November 23, 2015 regular meeting.

Motion carried: 7-0

OPEN FORUM

No members of the public spoke.

PUBLIC HEARING(S)

ITEM #1
15-ASP-04, 15-VAR-07 – Consider approval of a site plan and variances to allow a fitness studio at 6722 Penn Avenue.

Planning Technician Matt Brillhart presented the staff report.

In response to a question from Commissioner Hayford Oleary, the applicant stated the principal entrance would be on Penn Avenue.

M/Vizecky, S/Rosenberg to close the public hearing.

Motion carried: 7-0

M/Standfuss, S/Vrieze Daniels to recommend approval of the site plan and variances.

Motion carried: 7-0

ITEM #2
PC Letter No. 18 – Consider amendments to the City's Zoning Ordinance regulating beekeeping in all zoning districts

City Planner Melissa Poehlman presented the staff report. Code Compliance Specialist Charlie O'Brien presented additional information.

In response to questions from Commissioner Vrieze Daniels, O'Brien stated that the definition of "adjacent" for notification purposes was still under discussion. O'Brien stated that any objection whatsoever would trigger review of an application by the City Manager. O'Brien stated that the proposed beekeeping ordinance contained much stronger controls than were in place for dangerous dogs. Poehlman clarified the regulations for corner lots.

Poehlman presented commissioners with the written testimony submitted by Mr. Gary Olson.

In response to a question from Commissioner Rosenberg, Recreation Services Director James Topitzhofer stated an allergy could be a reason to deny an application.

In response to a question from Commissioner Vizecky, Topitzhofer stated that Woodlake Nature Center had 2 or 3 hives and was not aware of any complaints by residents in the nearby residential buildings.

Gary Olson provided additional testimony regarding the effects of bee stings on people with allergies.

In response to a question from Commissioner Kitzberger, O'Brien stated he was not aware of specific language regarding allergies in other cities' ordinances. Poehlman stated that staff would ask the City Attorney for advice on crafting that language.

Poehlman clarified that the Planning Commission would provide a recommendation on the amendments to the zoning ordinance, and that the beekeeping ordinance (Section 906) would have an additional public hearing at a future City Council meeting. The Planning Commission could provide additional recommendations on Section 906 as well.

M/Vizecky, S/Rosenberg to close the public hearing.

Motion carried: 7-0

In response to a question from Commissioner Vrieze Daniels, Poehlman stated that staff would work to clarify the definition of adjacency for notification purposes.

M/Standfuss, S/Vrieze Daniels to recommend approval of the Zoning Code amendments, and to recommend additional clarification to the proposed Section 906 of the City Code; regarding (1) the definition of “adjacent” for the required notification of adjacent properties; and (2) grounds for denial of a beekeeping registration application, should a neighbor with a bee allergy object.

Motion carried: 7-0

NEW BUSINESS

None.

OLD BUSINESS

None.

LIAISON REPORTS

Community Services Advisory Commission: No report
City Council: No report
HRA: No report
Richfield School Board: No Report
Transportation Commission: Commissioner Hayford Oleary - Richfield Parkway extension
Chamber of Commerce: Commissioner Vizecky

CITY PLANNER’S REPORT

Poehlman noted that the City Council adopted rule changes to bring greater consistency across the various city boards and commissions.

ADJOURNMENT

M/Vizecky, S/Rosenberg to adjourn the meeting.

Motion carried: 7-0

The meeting was adjourned by unanimous consent at **7:51 p.m.**

Gordon Vizecky
Secretary

GARY M. OLSON
6633 Columbus Avenue South
Richfield, Minnesota 55423

December 8, 2015

Richfield Planning Commission
6700 Portland Avenue South
Richfield, Minnesota 55423

Re: Hearing on December 14, 2015 Addressing Ordinance Regulating Beekeeping

Although the undersigned intends to be present at the hearing on December 14, 2015, please accept this letter in lieu of oral testimony. Since the proposed ordinance was not available until the afternoon of December 10, 2015, I was unable to prepare and post this letter prior to the above hearing.

In my opinion, the proposed ordinance should be disapproved because it would adversely affect the health and safety of Richfield residents. It also raises serious questions regarding legal liability for the beekeepers and the City of Richfield for personal injury or death caused by a bee bite or bites.

In drafting the proposed ordinance, employees of the City of Richfield obviously had some concern regarding the danger caused by beekeeping (i.e. Section 2. Subsection 512.03 Subd. 15), but insufficiently addressed medical conditions caused by bee bites. There is no reference to consultation with a board certified allergist, so I am attaching a document prepared by the Mayo Clinic relating to this issue.

I am one of those Americans who have experienced multiple severe allergic reactions (anaphylaxis) to bee bites. This condition has resulted in emergency medical treatment, physician consultations, years of allergy injections and medications at considerable expense. Although significant reaction to bee stings is experienced by less than 2% of the general public, by my calculations this could affect some 700 Richfield residents. I expect some of these residents will be adversely affected by a bee sting from one or more of the honey bees addressed by the proposed ordinance. It would only be a matter of time.

The proposed ordinance raises several legal issues. The deeds for my subdivision contain a restrictive covenant prohibiting operation of a business on the properties. Since it would be naïve to believe no beekeepers would sell the honey they produce, the question is whether the courts would strictly construe such covenant as invalid. The ordinance also requires amending zoning for R1 property.

The most significant issue relates to liability for personal injury or death as a result of a bee sting or stings from a honey bee or bees addressed by the proposed ordinance. Such injury may be considered negligence or establishment of a public nuisance on the part of the City of Richfield and/or the beekeepers. Relying upon a causal relationship defense may not be viable, considering the known danger when the ordinance was passed. At the very least, the City of Richfield and beekeepers would incur legal expenses in defense of any lawsuit.

The proposed ordinance raises several other questions:

1. What party or group suggested the proposed ordinance? It has the appearance of another municipality or special interest group.
2. How was a 10 foot buffer area selected? At that distance, it is possible an adjacent dwelling could be closer to the hive than the beekeeper's residence.
3. The diagram attached to the registration application appears to suggest the hive be placed as close as possible to an adjacent property. Was this intentional?

4. Why should an adjacent property owner be subject to greater exposure to bee stings than a beekeeper wearing protective apparel?
5. Can a beekeeper have hives on more than one property? and
6. Why should the ordinance allow rooftop hives? Rooftop hives would be as visible as hives in the front yard which are not allowed.

Enforcement of the proposed ordinance would be a nightmare. The City inspectors could spend a considerable amount of time performing the numerous inspections of beekeepers as required by this proposed ordinance. Inspections might not be performed unless adjacent property owners complain to the City, which might result in no action of any kind. I reside within 500 feet of an R1 residential property being operated as an automobile repair facility in violation of Section 1. Subsection 509.21 Subd. 11 a) and have been unable to obtain any action by the City. I assume the proposed beekeeping ordinance could be enforced in the same manner. ?

Should the Commission believe the proposed ordinance has any merit, I suggest the following actions be considered:

1. The City Attorney or designee issue a written opinion regarding the legal issues identified herein. This letter might be construed as a "smoking gun" in any lawsuit resulting from passage of this ordinance;
2. Extend the buffer area from 10 to 20 feet or greater;
3. Require beekeepers obtain liability and medical insurance to cover personal injury caused by bee stings;
4. Delete provisions allowing beekeeping on rooftops;
5. Require any water source be contained in the flyway;
6. Disallow beekeeping on all adjacent properties where any legal occupant has a diagnosed, documented allergy to bee stings;
7. Only allow beekeeping on the property the beekeeper resides; and
8. Limit the number of apiary sites a beekeeper can temporarily house bees, pursuant to the provisions of Section 2. Subsection 512.03 Subd. 2 (a).

signature page not submitted to city. MP

AGENDA SECTION:	PUBLIC HEARING
AGENDA ITEM #	1
PC LETTER #	
CASE #	15-CUP-05

PLANNING COMMISSION STAFF REPORT

PC MEETING DATE: JANUARY 25, 2016

ITEM FOR PLANNING COMMISSION CONSIDERATION:

Public hearing to consider a request for a Conditional Use Permit to allow the reconstruction and expansion of a legally nonconforming accessory structure at Mother Duck Learning Center (6341 Penn Avenue).

I. RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of a Conditional Use Permit to allow the construction of a new, expanded accessory structure at 6341 Penn Avenue.

II. BACKGROUND

The owner/operators of Mother Duck Learning Center, Mr. & Mrs. Moin, have run a very successful day care business on Penn Avenue since 1994. In 2008, the business moved from the original location at 6341 Penn Avenue to 6301 Penn Avenue, but growth soon led the Moins to re-open the 6341 site to accommodate additional children. Continued success brings them back before the Planning Commission with plans to make additional improvements to this original site; this time, by replacing and expanding an existing large storage building with a new building suitable for additional classroom space.

The Mixed Use Districts do not allow accessory structures; the existing accessory storage building is legally nonconforming. The Mixed Use District regulations do allow for the expansion of legally nonconforming buildings via a Conditional Use Permit so long as the expansion does not increase the overall, site-wide degree of nonconformity or impede the goals of the Comprehensive Plan. The proposed building will sit on the exact footprint of the existing storage structure, except on the north side where an additional 10 feet will be added. The area in which the additional space will be constructed is currently asphalt; there will be no impact on the landscaping/buffer yard area. The new building will include windows and be more attractive from all four sides. While construction of an addition to the main building could add the same amount of square footage and remove the nonconforming structure, the relocation of a number of existing utilities which serve both this property and others, is cost prohibitive.

III. BASIS OF RECOMMENDATION

A. POLICY

There are a number of different review criteria that apply to this proposal. A full discussion of all requirements has been included as an attachment to this report.

Expansion of Bulk Nonconformities

There are seven specific criteria that must be met in order to expand a legally nonconforming structure. Essentially, the project must attempt to meet the Code requirements in as many ways as possible, cannot negatively impact the surrounding area, nor can it impede the future implementation of the Comprehensive Plan. It is the opinion of staff that the required criteria are met.

Conditional Use Permit

There are eight specific criteria for the issuance of a Conditional Use Permit. These criteria primarily address whether or not a proposal is consistent with the goals of the City's Comprehensive Plan and Zoning Code and the general regulations of the District in which is it located. The Mixed Use designations of the Comprehensive Plan and Zoning Code accommodate a wide variety of uses of which day care facilities are one. The proposed building reconstruction will improve the look of the site, especially from the Oliver Avenue (east) side. It is the opinion of staff that these criteria are also met.

Performance Standards

As part of previous approvals, a landscape plan that included parking lot screening along Oliver Avenue and the north side of the property was approved. Staff and the applicant have discussed replacement of these plantings, and this is listed as a stipulation in the attached resolution. Parking to accommodate additional capacity is available and the proposed building will meet architectural performance standards.

B. CRITICAL ISSUES

- The applicant has requested permission to begin demolition and foundation work prior to final approval by the City Council. This would be permitted at the applicant's own risk. The applicant has not yet applied for these permits.

C. FINANCIAL

- The required processing fee has been paid.

D. LEGAL

Zoning: Mixed Use within the Penn Avenue Corridor Overlay District
Land Use: Current: Day Care
Proposed: No change
Comprehensive Plan: Mixed Use
Notification: Properties within 350-feet
Other Actions:
Council: City Council scheduled for February 9, 2016.

IV. ALTERNATIVE RECOMMENDATION(S)

- Recommend approval of the proposal with modifications.

- Recommend denial with a finding that the proposed use does not meet requirements

V. ATTACHMENTS

- Resolution
- Requirements document
- Proposed plans
- Previously approved landscape plan
- Planning & zoning maps

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Farhad & Michelle Moin – Applicants

RESOLUTION NO. _____

**RESOLUTION GRANTING APPROVAL
OF A CONDITIONAL USE PERMIT
FOR THE EXPANSION OF A NONCONFORMING BUILDING
AT
6341 PENN AVENUE**

WHEREAS, an application has been filed with the City of Richfield which requests approval of conditional use permit to expand a legally nonconforming accessory structure on the parcel of land located at 6341 Penn Avenue (the "Property"), legally described as:

The north 65 feet of the south 165 feet of the west one-quarter of the northwest one-quarter of the northwest one-quarter of Section 28, Township 28, Range 24, Hennepin County, Minnesota, except roads.

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit for the expansion of a nonconforming building in the Mixed Use Districts as specified in Richfield City Code Subsection 537.13, Subd. 2 and as detailed in City Council Staff Report No._____; and

WHEREAS, the requested conditional use permit meets the requirements necessary for all conditional use permits in the City as specified in Richfield City Code Subsection 547.09, Subd. 6 and as detailed in City Council Staff Report No._____; and

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit at its January 25, 2016 meeting; and

WHEREAS, notice of the public hearing was published in the Sun-Current and mailed to properties within 350 feet of the subject property on January 12, 2016; and

WHEREAS, the City has fully considered the request for approval for the conditional use permit; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. A conditional use permit is issued to allow replacement and expansion of an accessory structure, as described in City Council Letter No. _____, on the Subject Property legally described above.

2. This conditional use permit is subject to the following conditions in addition to those specified in Subsections 537.13, Subd. 2 and Subsection 547.09, Subd. 6 of the City's Zoning Ordinance:

    - All required parking must be accessible and clear of snow year-round;
    - Any property changes including lighting, utilities, landscaping, etc. must be approved by the City and comply with Code requirements;
    - Landscaping in accordance with plans approved on December 11, 2012 and is required;

- A Boulevard Feature Permit is required prior to the installation of any plant materials in the public right-of-way;
- Sign permits must be applied for separately. This approval does not constitute approval of any signs. Portable signs are prohibited;
- The applicant must comply with all requirements of the City's Administrative Review Committee Report dated December 17, 2015;
- That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.08, Subd. 8.
- Prior to the issuance of an occupancy permit, the applicant shall submit a copy of the recorded conditional use permit;
- Prior to the issuance of an occupancy permit, the applicant shall submit a surety equal to 125% of the value of any improvements (based on two bids including labor cost) not yet complete.

3. This conditional use permit shall expire one year after it has been issued unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.

4. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this ___ day of ____, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk

Code Requirements / Required Findings

Part 1 – Expansion of Dimensional or Bulk Nonconformities: Legally nonconforming buildings existing prior to February 19, 2006 that do not meet dimensional or bulk standards of the Mixed Use Zoning District may be expanded through the issuance of a conditional use permit. Expansion or modification of a legally nonconforming building shall: (537.13, Subd. 2):

1. *Not increase the overall, site-wide degree of nonconformity.* This requirement is met.

2. *Demonstrate that zoning and Comprehensive Plan requirements are met to the greatest degree practical. These requirements include, but are not limited to: parking, landscaping, architectural design and façade treatment, and site design.* With the exception of the fact that the remodeled building is a separate, accessory structure, all other Code requirements shall be met upon replacement of required landscaping.

3. *Off-set departures from zoning and Comprehensive Plan requirements through superior design and/or additional community/site amenities.* The proposed project will improve the site by improving replacing the nonconforming building with a structure that meets the City's architectural requirements. This will especially improve site aesthetics on the Oliver side of this through-lot.

4. *Not significantly impede implementation of goals and policies of the Comprehensive Plan.* No impact is anticipated.

5. *Not have undue adverse impacts on neighboring residential properties.* No major impact is anticipated. A slight increase in traffic may be seen with increased capacity (up to 20 additional children could be accommodated).

6. *Not have undue adverse impacts on governmental facilities, utilities, services or existing or proposed improvements.* No undue adverse impacts are anticipated.

7. *Not have undue adverse impacts on the public health, safety or welfare.* No undue adverse impacts are anticipated.

Part 2 – Conditional Use Permit: The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* The proposed use of the property is consistent with the guiding "Mixed Use" designation. The Comprehensive Plan identifies a number of goals and policies related to economic development and support for business and employment growth. The proposal is consistent with these goals and policies.

2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the

public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. The purposes of the Mixed Use and Penn Avenue Overlay Districts are to allow a wide variety of commercial, office and residential businesses that support the surrounding community. The Districts emphasize pedestrian-friendly sites and pedestrian-scale development in order to create a cohesive neighborhood. The proposal is consistent with these purposes.

3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* The proposed use improves over-all site compliance with Penn Avenue Design Guidelines.

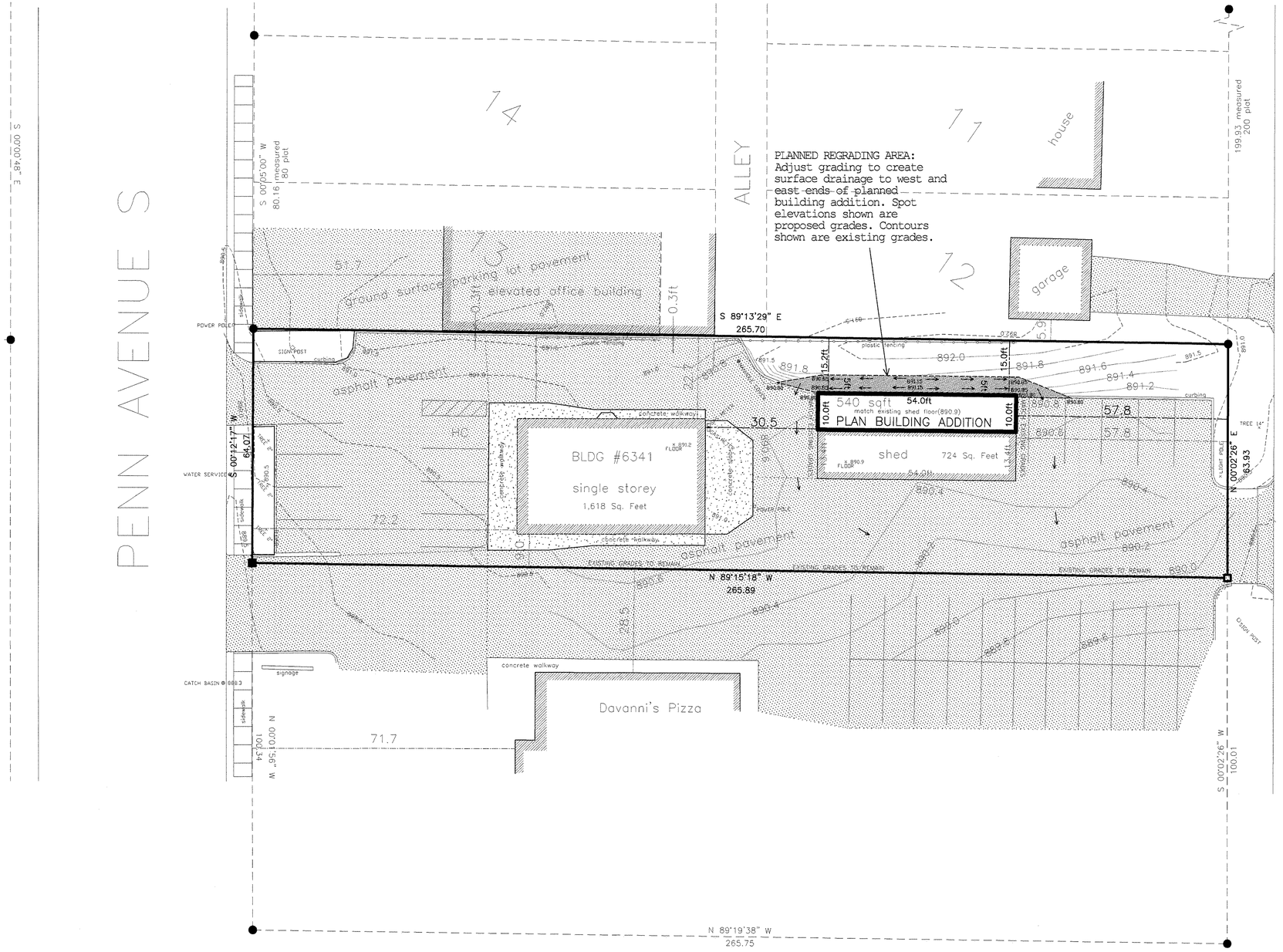
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The applicant shall install landscaping in order to comply with performance standards. Other requirements are or will be met.

5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* No undue adverse impacts are anticipated.

6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* No undue adverse impacts are anticipated.

7. *There is a public need for such use at the proposed location.* Investment and improvement of properties and local businesses is encouraged and necessary in order to maintain a healthy community.

8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement is met.



NOTES

1) Property contains 17,008 square feet area.

2) Elevations are according to City of Richfield benchmark; top nut hydrant on west side of Penn Avenue at 63th Street W. Elevation is 896.86 ft

3) Land markers found or set in the ground during this survey.

- ● Iron pipe land mark found in ground (unless noted otherwise).
- ○ Iron rod land mark set in ground. Top is a plastic cap inscribed RLS 23266.
- □ PK survey nail set in pavement.
- ■ PK survey nail found in pavement.

IMPERVIOUS SURFACES (sq.ft)

AREA	PERCENT	ITEM
17,008	100	lot
		plan features
14,604	86	impervious surface
2404	14	pervious surface
		existing features
14,604	86	impervious surface
2404	14	pervious surface

LEGAL DESCRIPTION

The north 65 feet of the south 165 feet of the west quarter of the northwest quarter of the northwest quarter of section 28, Townwhip 28, Range 24, Hennepin County, Minnesota. Except Roads.

According to the Hennepin County tax department record.

All easements of record or unrecorded, if any, are not shown herein.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE James Bridell DATE 12/10/2015
NAME: JAMES MICHAEL BRIDELL, R.L.S.
PROFESSIONAL LAND SURVEYOR, MINNESOTA LICENSE NO. 23266
FIRM NAME: STATE ENGINEERING AND SURVEYING COMPANY

Certification is limited to this site plan for a building addition. This site plan map is generally according to our job file map no. 2012188. Map no. 2012188 is an existing conditions survey map from the year 2012 for this site. The current existing conditions at this site are the same existing conditions shown on map no. 2012188. The land description shown here is according to the county tax record description, and it is the description given on map no. 2012188. This certification may be revised to reflect any new information offered from a professional abstractor's report, title opinion, or title insurance policy. Excluded from this survey are all easements, if any exist, affecting this or appurtenant properties, except for those easements shown here if any.

Certification is hereby revoked and void for unauthorized copies. If this document is in possession of other parties, not the customer and not the customer's approved parties, the certification is revoked and void. Do not rely on unauthorized copies; these may be fraudulent, incorrect, erroneous, misleading, or omitting relevant information. This document is copyrighted and intended for a specific use (new garage construction) during a specific time period (construction period) and not beyond for purposes other than stated herein.

5709 McGuire Road
Edina, Minnesota 55439
952-854-9002
State Engineering & Surveying Inc
www.state-engineering.com

0 15 30 45

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SITE PLAN - BUILDING ADDITION

Revision No/Issue Date

Survey prepared for:

FARHAD & MICHELE MOIN
9780 BROOKVIEW CIRCLE
EDEN PRAIRIE, MN 55347

Site address

6341 Penn Avenue South
Richfield, MN

JOB NO 2015352

MOTHER DUCK LEARNING CENTER

ADDITION & REMODELING TO EXISTING OUTBUILDING
6341 PENN AVENUE, MINNEAPOLIS, MN

JIM MACKEY ARCHITECT
1723 LAFOND AVENUE, SAINT PAUL, MN 55104
PHONE/FAX (651)644-0869
E-MAIL jim.mack@q.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

JAMES A. MACKEY
DATE: 12/8/15 LIC. NO. 23018

CODE SUMMARY

PROJECT:	BUILDING ADDITION & REMODEL FOR EXISTING OUTBUILDING FOR CHILD LEARNING CENTER
APPLICABLE CODES:	2015 MINNESOTA BUILDING CODE (MBC) INCLUDING THE 2012 INTERNATIONAL BUILDING CODE 2015 MINNESOTA ACCESSIBILITY CODE CHAPTER 1341 2015 MINNESOTA STATE BUILDING CONSERVATION CODE 2009 INTERNATIONAL MECHANICAL CODE (AMENDED BY 2015 MBC CHAPTER 1346) 2009 INTERNATIONAL FUEL GAS CODE (AMENDED BY 2015 MBC CHAPTER 1346) 2006 INTERNATIONAL FIRE CODE (AMENDED WITH MBC CHAPTER 7510) 2015 MINNESOTA STATE PLUMBING CODE CHAPTER 4715 2014 NATIONAL ELECTRIC CODE
OCCUPANCY TYPE:	E (MBC SECTION 305)
CONSTRUCTION TYPE:	V-B (MBC TABLE 503)
OCCUPANT LOAD: (MBC 1004.1.2)	748 S.F. / 35 S.F. PER CHILD = 21 OCCUPANTS (CHILDREN)
EXIT LIGHTING:	LED TYPE EXIT/EMERGENCY LIGHTS MUST BE LOCATED AT EACH EXIT DOOR PER MBC SECTION 1006 - PROVIDE EXTERIOR EXIT/EMERGENCY LIGHTING EACH EXIT
TRAVEL DISTANCE: (MBC 1016.2)	REQUIRED MAXIMUM TRAVEL DISTANCE = 200' MAXIMUM TRAVEL DISTANCE TO AN EXIT = 26'
PLUMBING FIXTURES: (MBC TABLE 2902.1)	REQUIRED PLUMBING FIXTURES = 1 WC / 1 LAV PER SEX FIXTURES PROVIDED = 1 WC / 1 LAV UNISEX + 1 WC / 1 LAV TODDLER UNISEX
SIGNAGE:	TACTILE SIGNAGE SHALL BE PROVIDED AT ALL RESTROOMS PER THE MINNESOTA BUILDING CODE
SPRINKLER:	AUTOMATIC FIRE NONE REQUIRED PER MBC 903.2.3
APPROXIMATE GROSS FLOOR AREA:	EXISTING = 680 S.F. ADDITION = 524 S.F TOTAL = 1204 S.F.

WINDOW SCHEDULE

WDW#	ROUGH OPENING	WDW TYPE	QUANTITY
W1	4-0 X 2-6	TRANSOM	5
W2	4-0 X 3-6	GLIDER	7

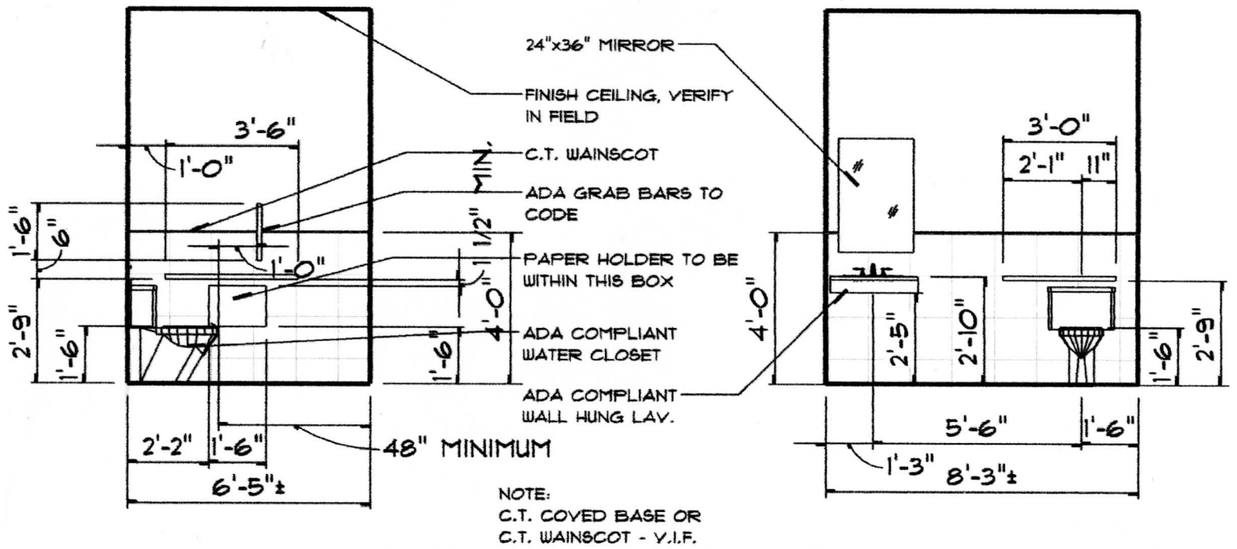
NOTE
1. WINDOWS INDICATED ON PLANS SELECTED BY THE OWNERS.

DOOR INFORMATION

1. ALL INTERIOR DOORS TO HAVE LEVER HANDLES PER CODE.
2. INTERIOR UTILITY & STORAGE CLOSET DOORS EQUIPPED WITH LOCKSET.
3. EXTERIOR DOORS: INSULATED METAL, FULL GLASS WITH PANIC HARDWARE.
4. ALL DOORS 3-0 WIDTH X 6-8 HEIGHT.

GENERAL NOTES

1. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS AND EXISTING BUILDING CONDITIONS.
2. SIMILAR MATERIALS INDICATED ON DIFFERENT PLANS, SECTIONS AND DETAILS, AND ANNOTATED ON ONE OR MORE PLAN, SECTION OR DETAIL SHALL BE CONSIDERED ANNOTATED, NOTED OR LABELED COMPLETELY ON ALL PLANS, SECTIONS AND DETAILS.
3. IN THE CASE OF AMBIGUITIES, DISCREPANCIES OR IRREGULARITIES IN THE DRAWINGS, SPECIFICATIONS, MANUFACTURING INSTRUCTIONS, SITE CONDITIONS OR APPLICABLE CODES AND STANDARDS, REQUEST CLARIFICATION FROM THE ARCHITECT OR ENGINEER BEFORE PROCEEDING. THE COST OF CORRECTING WORK DONE AS A RESULT OF PROCEEDING WITHOUT OBTAINING CLARIFICATION WILL BE BORNE SOLELY BY THE CONTRACTOR.
4. THE CONTRACTOR AND/OR OWNER MUST VERIFY AND CHECK ALL NOTES, FLOOR PLANS, ELEVATIONS, SECTIONS AND DETAILS AND NOTIFY THE ARCHITECT OF ANY ERRORS OR OMMISSIONS FOR POSSIBLE CORRECTION PRIOR TO START OF CONSTRUCTION.
5. ELECTRICAL, HVAC & PLUMBING LAYOUTS (IF REQUIRED) SUPPLIED BY THE CONTRACTORS PERFORMING THE WORK.
6. OVERLAY ROOF TRUSSES DESIGNED & CERTIFIED BY THE TRUSS MANUFACTURER.
7. ALL WORK SHALL COMPLY WITH ALL LOCAL AND STATE BUILDING CODES & ORDINANCES.
8. SEE CONSTRUCTION DRAWINGS FOR ADDITIONAL INFORMATION.



RESTROOM DETAILS

Larson
Larson Specialty Structures Inc
5831 Hoba Lane
White Bear Lake, Minnesota 55110
651 429 5143 Fax: 651 429 5781
www.mfdirect1@comcast.net

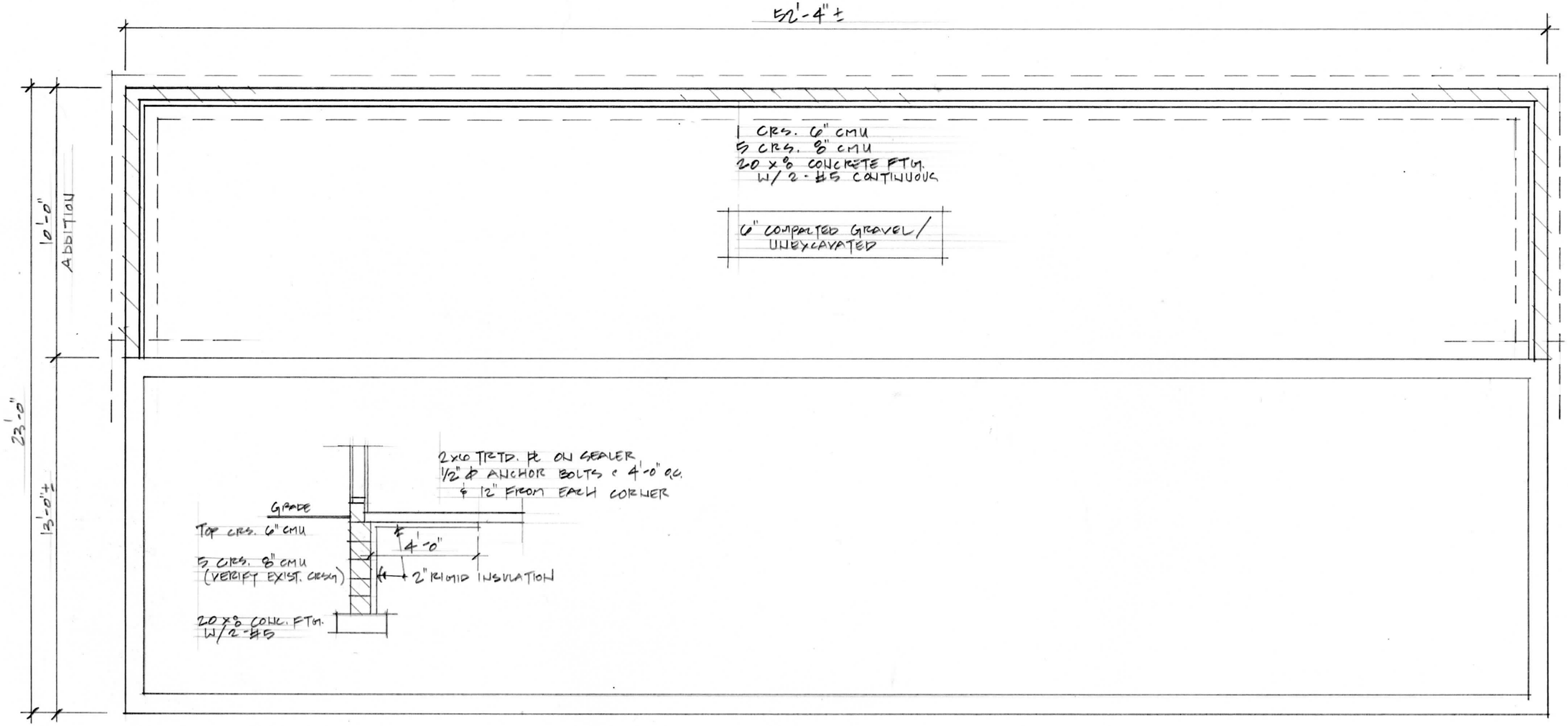
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name Wayne C. Larson
Signature Wayne C Larson
Date 12-8-15 License # 7831

JIM MACKEY ARCHITECT
1723 LAFOND AVENUE, SAINT PAUL, MN 55104
PHONE/FAX (651)644-0869
E-MAIL jim.mack@q.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

JAMES A. MACKEY
DATE: 12/8/15 LIC. NO. 23018



FOUNDATION PLAN

1/4" = 1'-0"

MOTHER DUCK LEARNING CENTER
ADDITION & REMODELING TO EXISTING OUTBUILDING
6341 PENN AVENUE, MINNEAPOLIS, MN

Larson
Larson Specialty Structures Inc
5931 Hobe Lane
White Bear Lake, Minnesota 55110
651 429 5143 Fax: 651 429 6781
www.mildred1@comcast.net

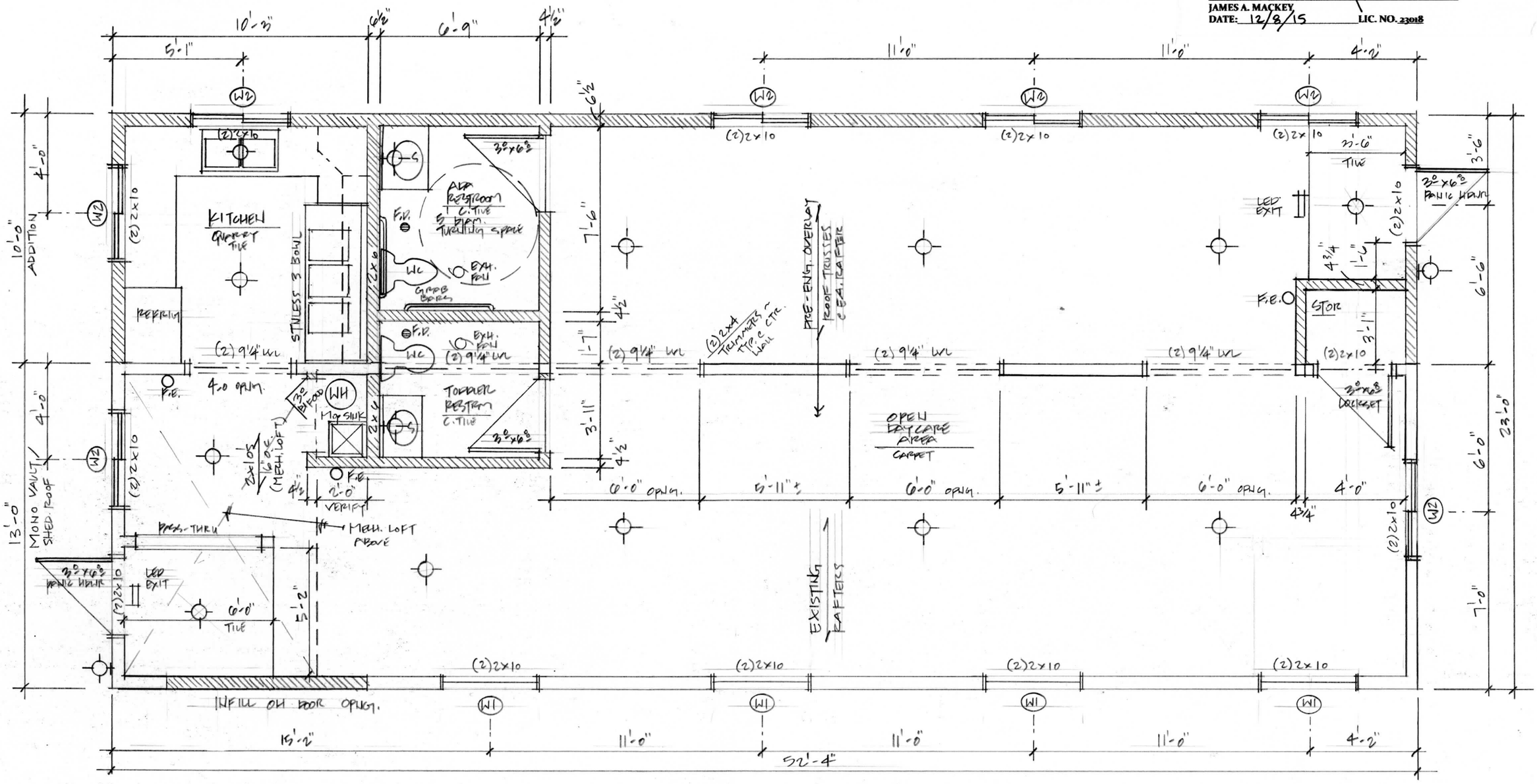
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Print Name Wayne C. Larson
Signature Wayne Larson
Date 12-8-15 License # 7831

JIM MACKEY ARCHITECT
1723 LAFOND AVENUE, SAINT PAUL, MN 55104
PHONE/FAX (651)644-0869
E-MAIL jim.mack@q.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

JAMES A. MACKEY
DATE: 12/8/15 LIC. NO. 23018



REMODELING/ADDITION PLAN

1/4"=1'-0"

MOTHER DUCK LEARNING CENTER
ADDITION & REMODELING TO EXISTING OUTBUILDING
6341 PENN AVENUE, MINNEAPOLIS, MN

JIM MACKEY ARCHITECT
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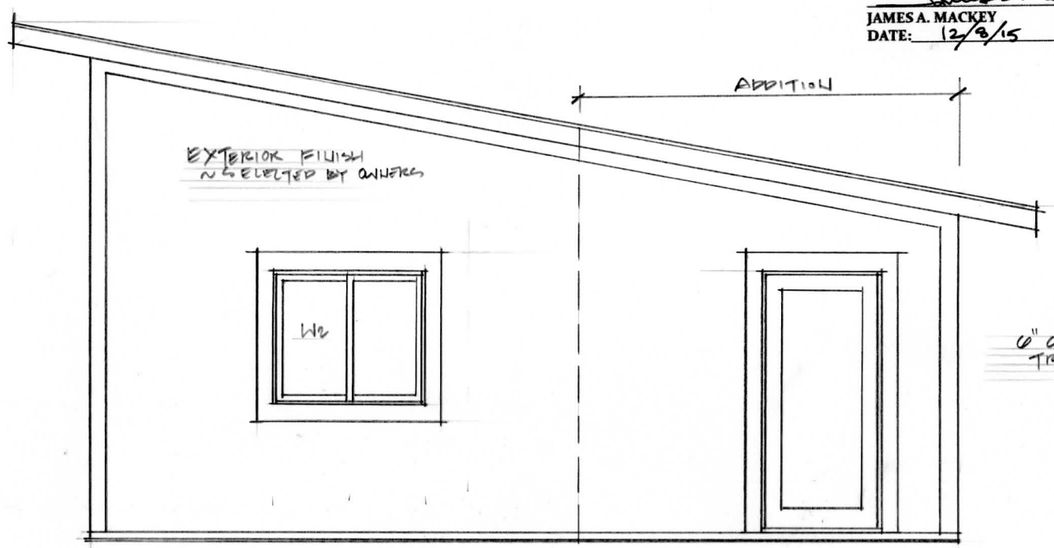

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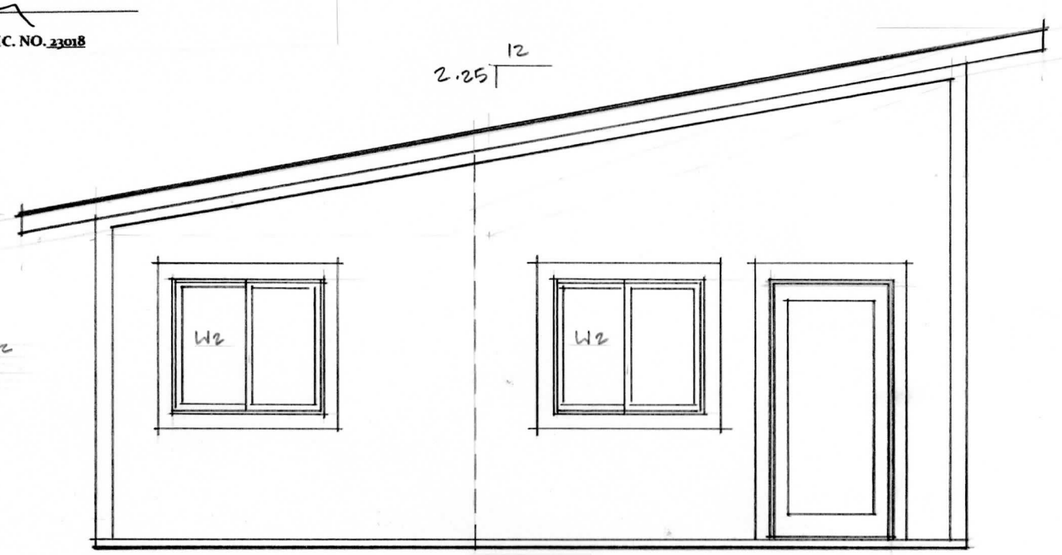
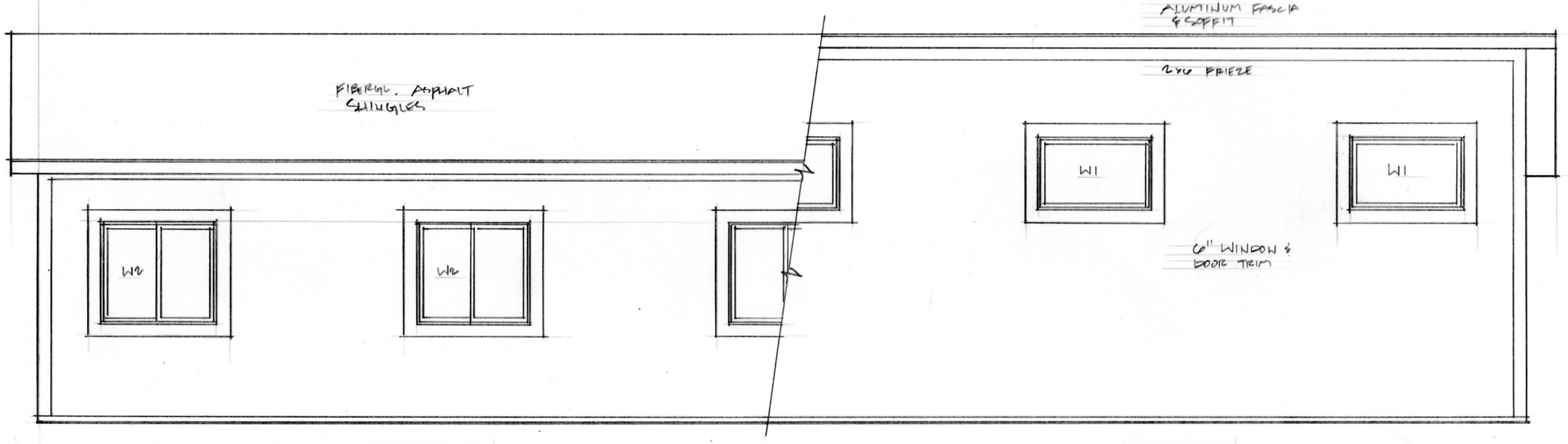


EAST



NORTH

SOUTH

EXTERIOR ELEVATIONS

1/4" = 1'-0"

MOTHER DUCK LEARNING CENTER
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6341 PENN AVENUE, MINNEAPOLIS, MN

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White Bear Lake, Minnesota 55110
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www.mildred1@comcast.net

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

Print Name Wayne G. Larson
Signature Wayne G. Larson
Date 12-8-13 License # 7631

JIM MACKEY ARCHITECT
1723 LAFOND AVENUE, SAINT PAUL, MN 55104
PHONE/FAX (651)644-0869
E-MAIL jim.mack@q.com

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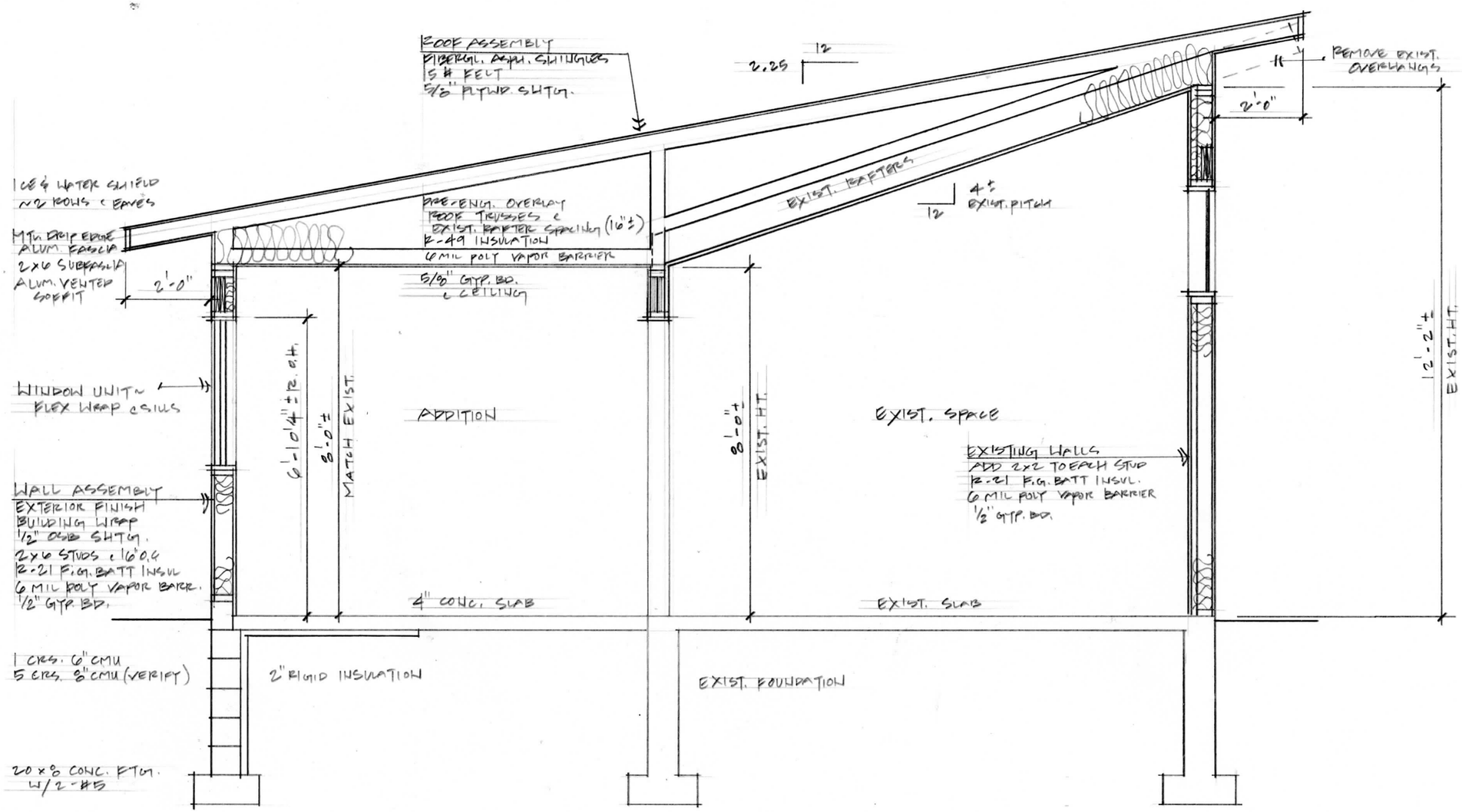


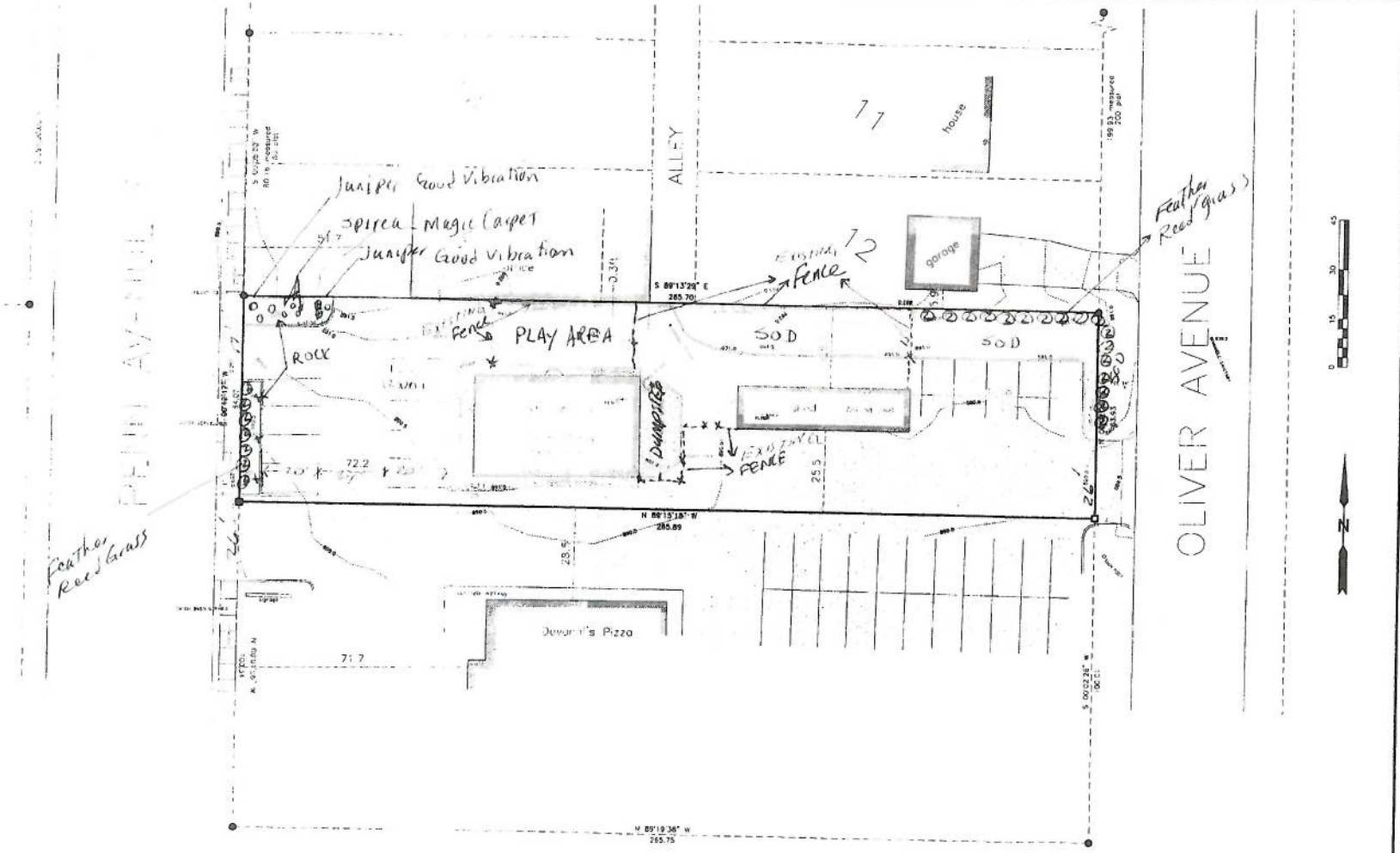
SECTION

1/4" = 1'-0"

MOTHER DUCK LEARNING CENTER
ADDITION & REMODELING TO EXISTING OUTBUILDING
6341 PENN AVENUE, MINNEAPOLIS, MN

3H-4

Approved 12/2012



NOTES

- Property corners [illegible]
- Elevations are referring to [illegible] Elevations. Bm not marked on west [illegible] Penn Avenue at [illegible] Elev. 906.18
- Trees marked [illegible] the survey [illegible]
- Iron pipe monument [illegible]
- Iron rod (size noted on drawing) [illegible] at surface 0.5' (2006)
- Air survey mail with [illegible]
- Iron rod with [illegible]

IMPERVIOUS SURFACES (sq.ft)

AREA	[illegible]	ENT	ITEM
[illegible]	[illegible]		lot
[illegible]	[illegible]		ding features
11,604	38%		existing features
[illegible]	[illegible]		impervious surface
[illegible]	[illegible]		pervious surface

LEGAL DESCRIPTION

The north 85 feet of the south 165 feet of the west quarter of the northwest quarter of the northwest quarter of section 28, Township 28, Range 24, Hennepin County, Minnesota. Except Roads.

According to the Hennepin County tax department record.

All easements of record or unrecorded, if any, are not shown herein.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

NAME: JAMES MICHAEL BRADELL, P.L.S.

SIGNATURE [signature] DATE 8-28-2012

Professional Land Surveyor, Minnesota License No. 23268

Firm Name: State Engineering & Surveying Inc.

This certification is limited to retracing property boundaries and mapping current site conditions.

The signature and certification are binding unless it is otherwise noted for unauthorized users. When this document is in possession of parties other than the customer or beyond the signature, and certification are hereby revoked. Do not rely on unauthorized copies which may be fraudulent, inaccurate, misleading or having impairment and relevant information omitted. This document is copyrighted and intended for a specific

State Engineering & Surveying Inc
6893 Oak Glen Road
Edina, Minnesota 55439
952-934-4002
www.state-engineering.com

LAND SURVEY

Property Boundaries & Site Conditions

No.	Revision/Issue

Survey map prepared for:

FARHAD & MICHELE MOIN
9780 BROOKVIEW CIRCLE
EDEN PRAIRIE, MN 55347

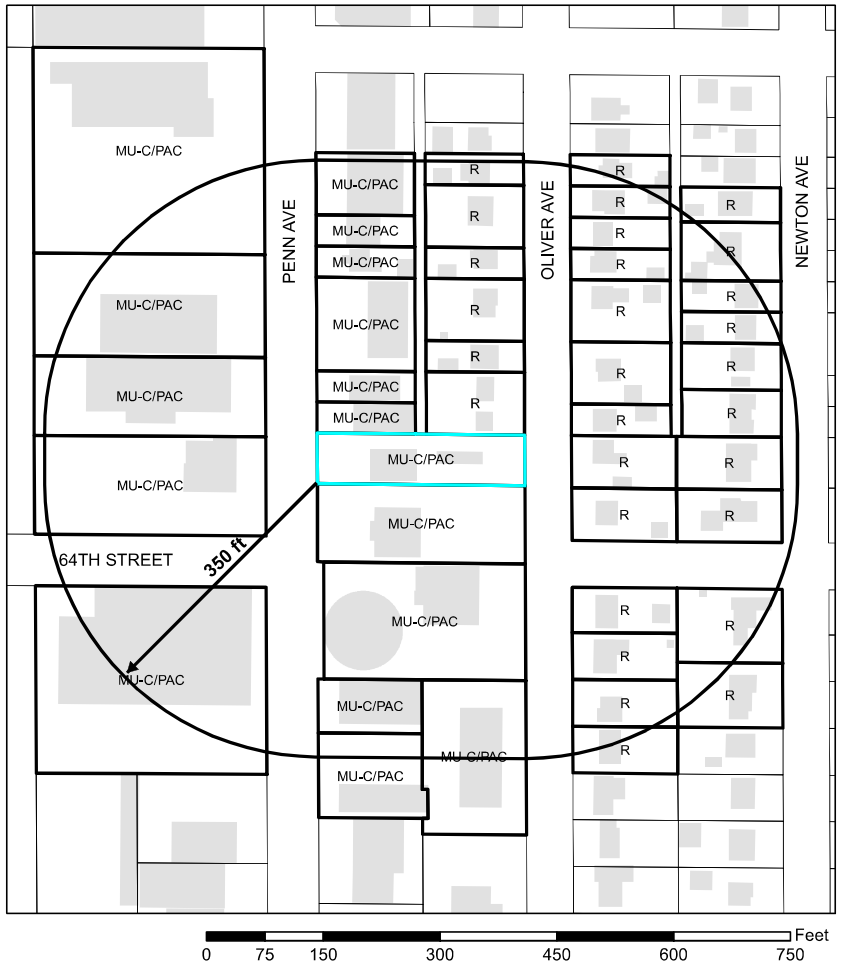
Site address

6341 Penn Avenue South
Richfield, MN

Job No. 2012186 | Sheet 1of1

6341 Penn Ave - CUP 1/2016

Surrounding Zoning



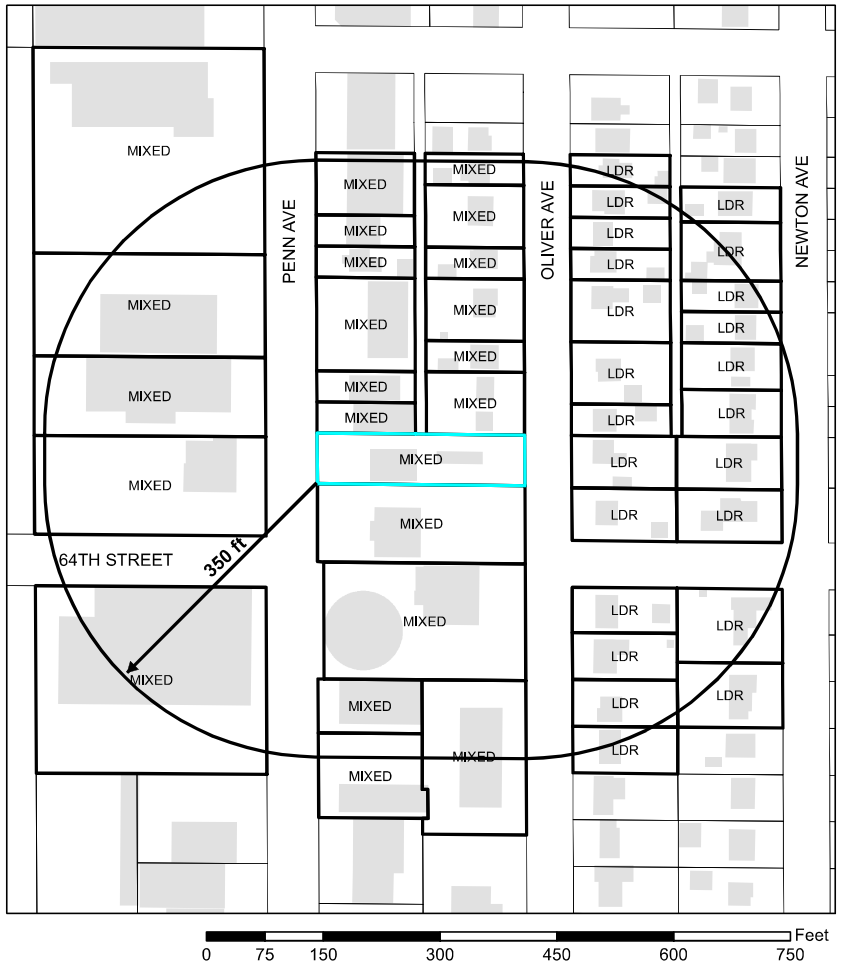
MU-C/PAC - Mixed-Use Community/Penn Avenue Corridor
R - Single Family Residential

N

Path: I:\GIS\Community Development\Staff\Planning Tech\Projects\6341 Penn Z.mxd

6341 Penn Ave - CUP 1/2016

Surrounding Comprehensive Plan



MIXED - Mixed Use
LDR - Low Density Residential

N

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AGENDA SECTION:	PUBLIC HEARING
AGENDA ITEM #	2
PC LETTER #	1
CASE #	

PLANNING COMMISSION STAFF REPORT

PC MEETING DATE: JANUARY 25, 2016

ITEM FOR PLANNING COMMISSION CONSIDERATION:

Public hearing to consider amendments to the City's Zoning Ordinance. The proposed ordinance would update day care facility allowances in all residential districts, such that Richfield's regulations are in agreement with those of the State.

I. RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of the attached ordinance amending day care facility allowances in all residential districts.

II. BACKGROUND

City staff continually monitors and note areas of the Zoning Code that may require review or updating. In 2015, staff discovered that current Richfield regulations related to day care facilities conflict with State regulations. Specific issues and proposed changes to the ordinance are as follows:

- The definition of "group family day care" is not consistent with the definition used by the State.
  - Richfield's Ordinance states that "group family day care" differs from "family day care" only in that the children of the caregiver are included in the total number of children allowed.
  - Under State rules, "Group family day care" and "family day care" are two separate categories of licensure. Children of any caregiver are included in licensed capacity limitations whenever present in either case. At a State level, the difference is in the overall allowable capacity, which is 10 children under a "family day care" license and 14 children under a "group family day care" license.
  - State law requires that both family and group family day care be classified as permitted uses in residential districts. The difference between the two is not important at a local, non-licensing level, therefore staff proposes to remove the "group family day care" definition. The definition of "day care" is sufficient for the purposes of the zoning code.

- Capacity numbers listed are incorrect.
  - As mentioned above, the two categories of licensure allow up to either 10 or 14 children. The Richfield Code currently references 12 children or allows up to 14 under the incorrectly defined "group family day care"

category. The proposed ordinance is simplified to allow "State-licensed day care facilities serving 14 or fewer children." Enforcement of specific license requirements is handled by the State and discussion in the Zoning Code unnecessarily complicates the issue at the local level.

- Specific allowance for nonresident employee added.
  - Per the State of Minnesota, licensed day care facilities serving up to 14 children must be permitted in residential districts. State licensing requires an additional caregiver when more than 12 children are present. An allowance for one nonresident employee has been added to the day care provisions so as to not conflict with either State requirements or the City's home occupation regulations.

III. BASIS OF RECOMMENDATION

A. POLICY

- Ongoing review and periodic updating of the Code is necessary to ensure that regulations are serving their intended purposes.
- Clear language is important to both staff and our customers.

B. CRITICAL ISSUES

- None

C. FINANCIAL

- N/A

D. LEGAL

- Notice of this public hearing was published in the Sun Current in accordance with State and Local requirements.
- Other Actions:
  - Council: The recommendation of the Planning Commission will go to the City Council for two readings. If the City Council adopts the recommended changes, they will take effect the day following publication in the Sun Current newspaper.

IV. ALTERNATIVE RECOMMENDATION(S)

- Recommend approval of the proposed ordinance with additional changes.
- Recommend denial of the proposed ordinance.

V. ATTACHMENTS

- Ordinance

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- N/A

BILL NO. _____

AN ORDINANCE AMENDING THE RICHFIELD CITY CODE TO UPDATE DAY CARE REGULATIONS

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 507.07, Subdivision 30 of the Richfield City Code defining "group family day care" is repealed.

Subd. 30. ~~"Day care, group family." Day care that includes the children of the caregiver.~~

Section 2 Subsection 514.03, Subdivision 3 of the Richfield City Code relating to allowable permitted uses in the Single-Family Residential (R) District is amended to read as follows:

Subd. 3. State-licensed day care facility serving ~~12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving~~ 14 or fewer children. Care facilities located within the R District shall be subject to the same zoning regulations as single-family dwellings in the R District~~.~~, except that one nonresident employee shall be permitted in accordance with State requirements.

Section 3 Subsection 518.03, Subdivision 3 of the Richfield City Code relating to allowable permitted uses in the Low-Density Single-Family Residential (R-1) District is amended to read as follows:

Subd. 3. State-licensed day care facility serving ~~12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving~~ 14 or fewer children. Care facilities located within the R-1 District shall be subject to the same zoning regulations as single-family dwellings in the R-1 District~~.~~, except that one nonresident employee shall be permitted in accordance with State requirements.

Section 4 Subsection 522.03, Subdivision 4 of the Richfield City Code relating to allowable permitted uses in the Two-Family Residential (MR-1) District is amended to read as follows:

Subd. 4. State-licensed day care facility serving ~~12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving~~ 14 or fewer children. Care facilities located within the MR-1 District shall be subject to the same zoning regulations as two-family dwellings in the MR-1 District~~.~~, except that one

nonresident employee shall be permitted in accordance with State requirements.

Section 5 Subsection 525.03, Subdivision 3 of the Richfield City Code relating to allowable permitted uses in the Multi-Family Residential (MR-2) District is amended to read as follows:

Subd. 3. State-licensed day care facility serving ~~12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving~~ 14 or fewer children. Care facilities located within the MR-2 District shall be subject to the same zoning regulations as multifamily dwellings in the MR-2 District~~.~~, except that one nonresident employee shall be permitted in accordance with State requirements.

Section 6 Subsection 527.03, Subdivision 3 of the Richfield City Code relating to allowable permitted uses in the High-Density Residential (MR-3) District is amended to read as follows:

Subd. 3. State-licensed day care facility serving ~~12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving~~ 14 or fewer children. Care facilities located within the MR-3 District shall be subject to the same zoning regulations as multifamily dwellings in the MR-3 District~~.~~, except that one nonresident employee shall be permitted in accordance with State requirements.

Section 7 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this ____ day of _____, 2016.

_____
Debbie Goettel, Mayor

ATTEST:

_____
Elizabeth VanHoose, City Clerk