



# Planning Commission Agenda

July 25, 2016  
7:00 p.m.

## Introductory Proceedings

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Roll Call

**Approval of Minutes:** Regular Planning Commission meeting of June 27, 2016 .

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

## Public Hearing

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<b>ITEM #1</b>	<b>16-APUD-04</b>	Amend Planned Unit Development for Cedar Point Retail and Daycare
<b>ITEM #2</b>	<b>PC Letter #9</b>	Consider amendments to the City's Zoning Ordinance. The proposed ordinance allows the City to "opt-out" of recently-adopted legislation related to temporary family health care dwellings.
<b>ITEM #3</b>	<b>PC Letter 10</b>	Consider amendments to the City's Zoning Ordinance. The proposed ordinance will modify antenna and telecommunication tower regulations.

## New Business

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## Old Business

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## Liaison Reports

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

# **City Planner's Report**

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**Next Meeting Date: August 22, 2016**

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## **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

June 27, 2016

**MEMBERS PRESENT:** Chairperson Erin Vrieze Daniels and Commissioners Sean Hayford Oleary, Rick Jabs, Dan Kitzberger, Susan Rosenberg, and Charles Standfuss

**MEMBERS ABSENT:** Commissioner Gordon Vizecky

**STAFF PRESENT:** Melissa Poehlman, City Planner  
Matt Brillhart, Planning Technician  
Chris Regis, Finance Manager  
James Topitzhofer, Recreation Services Director

**OTHERS PRESENT:** Meeting sign-in sheet attached to minutes

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

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## APPROVAL OF MINUTES

M/Rosenberg, S/Standfuss to approve the minutes of the May 23, 2016 regular meeting.

**Motion carried: 6-0**

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## OPEN FORUM

No members of the public spoke.

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## NEW BUSINESS

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### ITEM #1

**PC Letter #1 – Consideration of the 2018-2021 Capital Improvement Program and a finding of consistency with the Comprehensive Plan of the Capital Improvement Program and the 2017 Capital Improvement Budget.**

Finance Manager Chris Regis gave a presentation of the 2018-2021 CIP and 2017 CIB.

M/Rosenberg, S/Kitzberger to recommend approval of the 2018-2021 Capital Improvement Program and approve a resolution finding that the 2017 Capital Improvement Budget and 2018-2021 Capital Improvement Program are consistent with the Comprehensive Plan.

**Motion carried: 6-0**

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## PUBLIC HEARING(S)

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### ITEM #2

**16-SP-01 – Consider a request for site plan approval for a community band shell at Veterans Memorial Park.**

June 27, 2016

City Planner Melissa Poehlman presented the staff report and Recreation Services Director James Topitzhofer detailed the changes from the previous band shell proposal. Chair Vrieze Daniels gave a statement describing the Planning Commission's role in the review process and set guidelines for the public hearing, giving each speaker 3 minutes.

Martha Allen (6640 Lyndale Avenue) stated appreciation for moving the band shell further away from wetlands, but that it wasn't far enough to ensure no effect on migratory birds.

Molly Murray (7445 Lyndale Avenue) stated support for the band shell with concerns about sound levels.

Dorothy Hoffman (6438 11<sup>th</sup> Avenue) requested details about the noise study and for further study to be done.

Renee Anderson (701 East 66<sup>th</sup> Street) stated concerns with noise.

Kathleen Murphy (6601 5<sup>th</sup> Avenue) stated concerns with noise and spillover parking.

Steve LaVictoire (4308 15<sup>th</sup> Avenue, Minneapolis) stated concerns with the need for the band shell and with loss of open space.

Constance Pepin (4031 Zenith Avenue, Minneapolis) stated concerns with open space and wildlife habitat.

Steven Greenfield (3429 Grand Avenue, Minneapolis) stated concerns with affecting wildlife habitat and requested that the bandshell be moved to another park.

Sue Sandahl (7601 Bryant Avenue) stated support for the band shell.

Terry Straub (7430 Portland Avenue) stated financial concerns with the proposal.

Maureen Scaglia (6410 Washburn Avenue) stated support for the band shell.

David Gepner (6845 Penn Avenue) stated support for the band shell as a community asset.

Birgit Johnson (6332 13<sup>th</sup> Avenue) stated numerous concerns with the financing and public process of the band shell proposal.

Linae Larson (6331 Blaisdell Avenue) stated concerns with the duplicate bandshell, referencing the Lyndale Gardens site, as well as concerns with effects on wildlife.

Tom Fitzhenry (6737 Park Avenue) spoke on behalf of the Noise Oversight Committee (NOC), stating concerns with airport noise.

M/Rosenberg, S/Hayford O'Leary to close the public hearing.

**Motion carried: 6-0**

In response to questions from Chair Vrieze Daniels, Poehlman stated that the Comprehensive Plan identified Augsburg Park as a site for a performance stage, though further study identified Veterans Park as the preferred location. Poehlman stated that the stage at the Lyndale Gardens site would be smaller in scale and could not host community-wide events.

In response to a question from Commissioner Rosenberg, Topitzhofer stated that all events would be scheduled through the Recreation Services Department.

In response to a question from Commissioner Jobs, Topitzhofer described how the noise test was performed, using standards from the MN Pollution Control Agency.

Chair Vrieze Daniels stated a desire for a professional sound quality test to be conducted.

In response to a question from Commissioner Standfuss, Poehlman described how the zoning code regulated properties in the areas affected by airport noise.

June 27, 2016

Commissioner Kitzberger stated that the band shell was a great opportunity for residents to get out and meet one another, and stated support for the location.

Chair Vrieze Daniels read through the site plan approval criteria from the Zoning Code.

M/Rosenberg, S/Hayford Oleary to recommend approval of the site plan.

Chair Vrieze Daniels proposed a friendly amendment to the motion, adding a stipulation to require a professional noise study prior to issuance of a building permit. Commissioner Rosenberg accepted the amendment.

**Motion carried, as amended: 5-1** (*Standfuss dissenting*)

### **ITEM #3**

**16-SP-02, 16-VAR-04 – Consider a request for site plan approval and variances to allow a conversion of the former Lariat Lanes bowling alley at 6320 Penn Avenue to office space.**

Planning Technician Matt Brillhart presented the staff report.

Commissioner Hayford Oleary praised the improvements along Penn Avenue and noted that snow clearance of pedestrian routes had been an issue at other properties.

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

**Motion carried: 6-0**

M/Hayford Oleary, S/Standfuss to recommend approval of the site plan and variances, with an additional stipulation that the pedestrian connection to Penn Avenue be cleared of snow.

**Motion carried: 6-0**

### **ITEM #4**

**16-VAR-03 – Consider a request for a variance to allow a fence to exceed 4 feet in height in the front yard area at 7600 Clinton Avenue.**

Brillhart presented the staff report.

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

**Motion carried: 6-0**

M/Jabs, S/Rosenberg to approve the variance.

**Motion carried: 6-0**

### **ITEM #5**

**16-APUD-04 – Continue the public hearing to consider land use applications for the Cedar Point Commons development to July 25, 2016.**

M/Standfuss, S/Kitzberger to continue the public hearing to July 25, 2016.

**Motion carried: 6-0**

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**OLD BUSINESS**

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June 27, 2016

None.

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## **LIAISON REPORTS**

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Community Services Advisory Commission: Commissioner Jabs  
City Council: No report  
HRA: No report  
Richfield School Board: No report  
Transportation Commission: Commissioner Hayford Oleary  
Chamber of Commerce: No report

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## **CITY PLANNER'S REPORT**

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No report.

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## **ADJOURNMENT**

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

**Motion carried: 6-0**

The meeting was adjourned by unanimous consent at **8:44 p.m.**

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Charles Standfuss  
Acting Secretary

PLANNING COMMISSION MEETING SIGN-IN SHEET

Name (print legibly)	Address or Organization
Martha ALLEX	640 Lyndale Ave. S. Audubon Chapter of Minneapolis
Sue Sandahl	7601 Bryant Ave So Richfield MN 55423
Terry STRANB	7430 Fort Road
KATHKEN MURPHY	4601 5th ave. SO.
BINGI <sup>4</sup> JOHNSON	6372 Mpls. Ave. N
Kelly Larsen / Linae Larsen	6331 Blaisdell Ave S
Constance Pepin	4031 Zenith Ave S Mpls MN 55410
Stephen Greenfield	3429 Grand Ave S Mpls, 55408
STEVE LAVICTOIRE	4308 15th Ave. S. MPLS 55407 RICHFIELD OPEN SPACE
Dorothy Hoffmann	6438 11 <sup>th</sup> Ave D.



# PLANNING COMMISSION STAFF REPORT

**PC MEETING DATE: JULY 25, 2016**

## ITEM FOR PLANNING COMMISSION CONSIDERATION:

Public hearing to consider an amendment to approved development plans for the Cedar Point Commons development at 66th Street and Richfield Parkway. The proposal includes revisions to the vacant site to the west of Richfield Parkway and to the pad site on the far eastern edge of the development, along Highway 77.

### I. RECOMMENDED ACTION:

**Conduct and close a public hearing and by motion: Recommend approval of an amended Planned Unit Development, Conditional Use Permit and Final Development Plan for Cedar Point Commons at 66th Street and Richfield Parkway.**

### II. BACKGROUND

Final development plans for Cedar Point Commons were approved by the City Council on June 27, 2006. The nearly 30 acre development included the existing Target, Home Depot, TCF Bank, and inline shops, as well as a future restaurant site at the southeast corner of the development and space for additional retail on the vacant lots across Richfield Parkway. For many years, market conditions were not strong enough to develop these additional sites.

In December of 2015 Hempel Companies (“the Developer”) purchased the pad site, vacant lots, and the existing inline retail buildings from Ryan Companies. On February 9, 2016, the developer attended a joint Work Session of the City Council, Planning Commission, and Housing and Redevelopment Authority to provide a general update of the additions and improvements they were contemplating for the property. The current proposal includes additional retail and restaurant space along 66th Street and a preliminary layout for a day care on the northern half of the vacant lots. The Developer is asking for final approvals for the retail/restaurant buildings and preliminary approval of the day care facility. If approved by the Council, final approval of the day care building could be issued administratively through a minor amendment process.

### III. BASIS OF RECOMMENDATION

#### A. POLICY

**Planned Unit Development / Conditional Use Permit / Final Development Plan:**

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



**Proposed changes from previously approved plans:**

The eastern-most property was initially envisioned as a location for a full-service restaurant. Almost immediately following approvals, this became an issue as both full-service restaurant size needs changed and as the quick-service food market grew. The proposed building includes two quick-service restaurants and a small center-tenant retail space. The building incorporates many of the architectural elements of the existing inline shops, but significantly improves the southern façade; adding windows, awnings, and an inviting pedestrian access point leading to either a pedestrian-focused central entrance (to the Five Guys restaurant) or the southeastern patio (Café Zupas).

Four multi-tenant buildings were originally proposed for the property west of Richfield Parkway. The Developer is proposing one multi-tenant retail/restaurant building at the corner of 66th Street and Richfield Parkway and a day care facility on the northern portion of the site. This multi-tenant building also includes two restaurants, one on either end of the building, and a central retail space. Again, the building mimics many of the architectural elements of the existing development, but improves the southern façade and focuses more on pedestrian access. Pedestrian and bicycle access being of particular importance for this site which is adjacent to both the Three Rivers Trail and a heavily-used transit stop. Functional doors will be provided along 66th Street.

The day care facility at the north end of the property west of Richfield Parkway is proposed to serve up to 180 children. Although this site was initially approved for retail uses, day care is a permitted use in the underlying General Business (C-2) District and staff believes that the use provides both a nice transition from the residential area to the north and west, and a service to the immediate neighborhood (current and future). The architecture of the day care facility is currently being developed. The approved Planned Unit Development (PUD) states that the design of future buildings must be similar to Target and Home Depot. Staff supports the idea that the development should complement the existing development; however, staff does not believe the building should be required to “match” the existing buildings. Design that helps to provide a transition to the residential uses would be appropriate in this location.

The following variations from standard requirements are requested:

- **Building Orientation:** Code requires that buildings be oriented such that at least one primary entrance faces the street.
  - **Property west of Richfield Parkway –**
    - Staff feels that this requirement is most important for the commercial building on the vacant lots adjacent to the roundabout. The Developer is proposing three functional doors along 66th Street and Richfield Parkway, but staff feels that additional architectural elements should be added to better highlight these access points and to provide activity along 66th Street. The attached resolution includes a stipulation requiring that the Developer continue to work with staff on these design elements and that going forward a minimum of two tenants maintain functional customer entrances on this side of the building.

- The security needs of a day care limit opportunity for a second primary entrance facing Richfield Parkway. Site design and outdoor play areas will help to activate that street frontage.
- **Eastern-most property** – The location of this building and its surroundings make it less likely that this building would be accessed on foot from 66th Street. Staff has discussed creating an inviting entry to the pedestrian space between the existing and new buildings through use of a trellis structure similar to what exists at the TCF Bank. A stipulation requiring continued exploration of this issue is also included in the attached resolution.

**Additional comments:**

- In order to help facilitate construction yet this year, staff is recommending approval of the proposed preliminary day care site plan. All anticipated changes to the site plan fall within the parameters of a “minor amendment” and could be approved by staff. If changes requiring a reduction in setbacks to a point that minimum requirements are not met, or that other special exceptions are needed, the item would be brought back before the policy makers for approval.
- The vacant lots must be replatted and a preliminary plat has been included as part of this packet.

**B. CRITICAL ISSUES**

- None

**C. FINANCIAL**

- Required application fees have been paid.

**D. LEGAL**

- Notice of this hearing was mailed to properties within 350 feet of the proposed development and published in the Sun Current Newspaper.
- Other Actions:
  - Council: Council consideration scheduled August 23, 2016

**IV. ALTERNATIVE RECOMMENDATION(S)**

- Recommend approval of the amended Final Development Plan and Conditional Use Permit with additional and/or modified stipulations.
- Recommend denial of the amended Final Development Plan and Conditional Use Permit with a finding that the proposed project does not meet City requirements.

**V. ATTACHMENTS**

- Resolution
- Required findings
- Proposed plans
- Planning & zoning maps

**VI. PRINCIPAL PARTIES EXPECTED AT MEETING**

- Ben Krsnak, Hempel Companies

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING AN AMENDED  
FINAL DEVELOPMENT PLAN  
AND CONDITIONAL USE PERMIT  
FOR THE CEDAR POINT COMMONS  
PLANNED UNIT DEVELOPMENT**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of an amended final development plan and conditional use permit to allow construction of two commercial retail buildings and a day care facility to complete development of the planned unit development known at the Cedar Point Commons development and located at approximately 66<sup>th</sup> Street East and Richfield Parkway, property legally described as:

LOTS 1,2,3,5 AND 7, BLOCK 1, CEDAR POINT COMMONS, HENNEPIN COUNTY, MINNESOTA

AND

LOTS 1 AND 2, BLOCK 2, CEDAR POINT COMMONS, HENNEPIN COUNTY, MINNESOTA

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested amendment to the final development plan and conditional use permit at its July 26, 2016 meeting; and

**WHEREAS**, notice of the public hearing was mailed to properties within 350 feet of the subject property on June 14, 2016 and published in the Sun-Current on June 16, 2016 and; and

**WHEREAS**, the requested amendment to the final development plan and conditional use permit meets those requirements necessary for approving a planned unit development as specified in Richfield's Zoning Code, Section 542.09, Subd. 3 and as detailed in City Council Staff Report No.\_\_\_\_\_; and

**WHEREAS**, the request meets those requirements necessary for approving a conditional use permit as specified in Richfield's Zoning Code, Section 547.09, Subd. 6 and as detailed in City Council Staff Report No.\_\_\_\_\_; and

**WHEREAS**, the City has fully considered the request for approval of an amended planned unit development, final development plan and conditional use permit; and

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

1. The City Council adopts as its Findings of Fact the **WHEREAS** clauses set forth above.
2. An amended planned unit development, final development plan and conditional use permit are approved for two commercial retail buildings and a day care facility as described in City Council Report No. \_\_\_\_, on the Subject Property legally described above.
3. The approved planned unit development, final development plan and conditional use permit are subject to the following conditions:
  - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
  - Additional architectural emphasis must be placed on tenant doors facing 66<sup>th</sup> Street (western commercial building). A minimum of two customer entrances must be maintained on the south side of this building.
  - Additional emphasis on pedestrian walkway between existing and approved commercial building (pad site) should be discussed with City staff.
  - City staff is authorized to make final approvals (through a minor amendment process) of the day care facility so long as said improvements meet all Code requirements.
  - A final landscape plan including parking lot screening that meets or attempts to meet Zoning Code requirements. Modifications may be made in order to accommodate the adjacent Three Rivers Park District Trail.
  - The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans.
  - Snow storage within the surface parking lot is prohibited. All parking spaces must remain available year round.
  - Odor control systems are required for restaurants in the western commercial building in accordance with Subsection 544.27 of the City Code.
  - Separate sign permits are required.
  - A final lighting plan complying with City requirements is required.
  - All new utility service must be underground.
  - All utilities must be screened from public view in accordance with Ordinance requirements. A screening plan is required prior to the issuance of a Building Permit.
  - Properties west of Richfield Parkway must be replatted. Final plat approval is required within one year of this approval.
  - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated May 24, 2016 and compliance with all other City and State regulations.
  - Prior to the issuance of an occupancy permit the developer must submit a surety equal to 125% of the value of any improvements not yet complete.
  - Unless specifically modified by this resolution, all previous conditions of approval remain in place.

4. The approved planned unit development, final development plan and conditional use permit shall expire one year from issuance unless the use for which the permit was granted has commenced, substantial work has been completed or upon written request by the developer, the Council extends the expiration date for an additional period of up to one year, as required by the Zoning Ordinance, Section 547.09, Subd. 9.
5. The approved planned unit development, final development plan and 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 Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 23rd day of August, 2016.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk

## Required Findings

**Part 1:** The following findings are necessary for approval of a PUD application (542.09 Subd. 3):

1. *The proposed development conforms to the goals and objectives of the City's Comprehensive Plan and any applicable redevelopment plans.* The Comprehensive Plan guides this area for regional commercial/office development. The proposed buildings and uses represent the final component of the larger Cedar Point Commons development that was begun in 2006.
2. *The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries.* This requirement is met. The proposed buildings are similar to the existing development and have been designed to function in a substantially similar manner as the originally approved plans.
3. *The development is in substantial conformance with the purpose and intent of the guiding district, and departures from the guiding district regulations are justified by the design of the development.* The development is in substantial compliance with the intent of the guiding C-2 District.
4. *The development will not create an excessive burden on parks, schools, streets or other public facilities and utilities that serve or area proposed to serve the development.* The City's Public Works, Engineering and Recreation Departments have reviewed the proposal and do not anticipate any issues.
5. *The development will not have undue adverse impacts on neighboring properties.* No undue adverse impacts are anticipated.
6. *The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.* This requirement is met; appropriate stipulations have been incorporated into the final resolution.

**Part 2:** All uses are conditional uses in the PC-2 District. The findings necessary to issue a Conditional Use Permit (CUP) are as follows (Subd. 547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* See above – Part 1, #1.
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 use is consistent with the intent of the Planned General Business District and the underlying General Business District. The proposal

provides attractive commercial development that is compatible with adjacent properties and no significant adverse impacts are anticipated.

3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* The proposed uses are similar to the previously adopted Planned Unit Development for this area. Deviations related to architecture for a day care and changes to reduce retail space are justified and reasonable for this development.

4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The proposed development is in substantial compliance with City performance standards. Deviation from Code requirements is requested as follows:

- Building Orientation – The applicant has proposed buildings two buildings that do not orient a primary entrance toward the public street. The location within the development and specific planned uses make this a reasonable variation. In exchange for this flexibility, the developer shall work to emphasize pedestrian entrances on the third building.

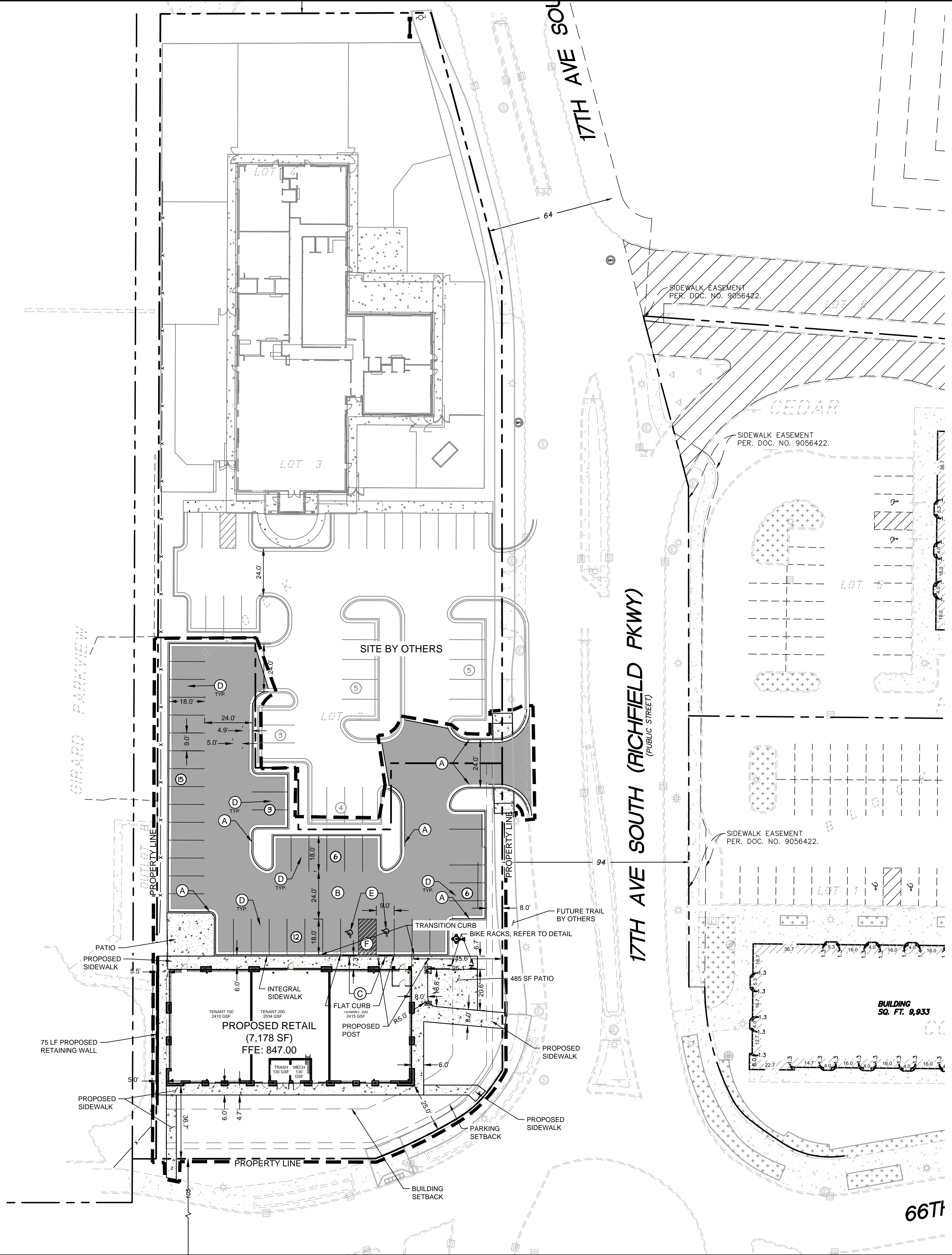
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any adverse impacts.

6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* Adequate provisions have been made to protect the public health, safety and welfare.

7. *There is a public need for such use at the proposed location.* See above – Part 1, #1.

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.

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**LEGEND**

	PROPERTY LINE
	LIMITS OF DISTURBANCE
	SETBACK LINE
	PROPOSED CURB AND GUTTER
	PROPOSED ASPHALT PAVEMENT
	PROPOSED CONCRETE SIDEWALK

**PROPERTY SUMMARY**

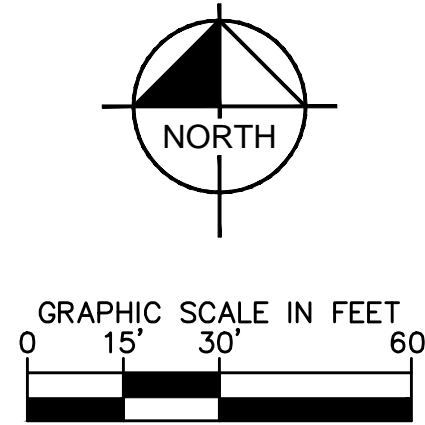
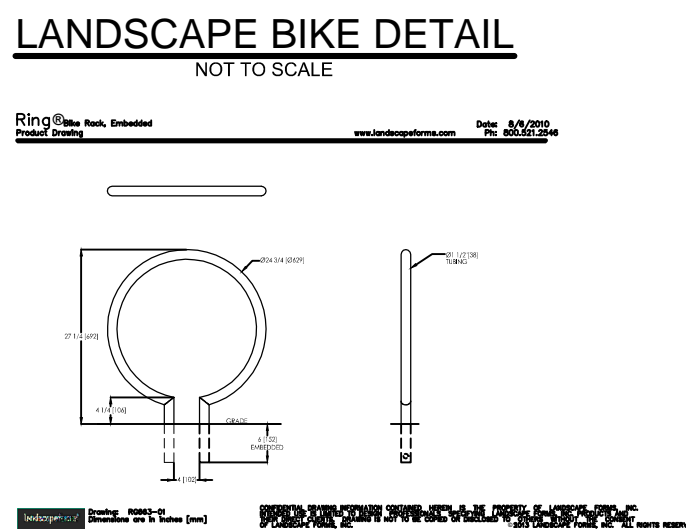
RICHFIELD RETAIL DEVELOPMENT	
TOTAL DISTURBED AREA	36,050 SF (0.83 AC)
PROPOSED IMPERVIOUS AREA	27,443 SF (0.63 AC)
PROPOSED PERVIOUS AREA	8,607 SF (0.20 AC)
ZONING SUMMARY	
EXISTING ZONING	PC-2
PROPOSED ZONING	PC-2
PARKING SETBACKS	SIDE/REAR = 5' ROAD = 8'
BUILDING SETBACKS	FRONT = 35' SIDE = 0'

**BUILDING A DATA SUMMARY**

AREAS	
PROPOSED PROPERTY	35100 SF (0.81 AC)
TOTAL BUILDING AREA	7,178 SF (20.45% OF TOTAL PROPERTY AREA)
RESTAURANT 1	± 2410 SF
RETAIL 1	± 2034 SF
RESTAURANT 2	± 2415 SF
PARKING	
REQUIRED RESTAURANT 1 PARKING	24 SPACES @ 10'/1,000 SF
REQUIRED RETAIL 1 PARKING	7 SPACE @ 3.5'/1,000 SF
REQUIRED RESTAURANT 2 PARKING	25 SPACE @ 10'/1,000 SF
TOTAL REQUIRED PARKING	56 SPACES
TOTAL PROPOSED PARKING	42 SPACES @ 5.85 RATIO
ADA STALLS REQ'D / PROVIDED	2 STALLS / 2 STALLS

- KEYNOTE LEGEND**
- (A) 6" DEPTH, B612 CURB AND GUTTER
  - (B) STANDARD DUTY PAVEMENT
  - (C) ADA SIGN & POST, SEE DETAIL
  - (D) STANDARD PARKING SPACE, 9' X 18'
  - (E) ADA PARKING SPACE
  - (F) ADA PEDESTRIAN RAMP

- SITE PLAN NOTES**
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
  - CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
  - ALL DISTURBED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
  - ALL INNER CURBED RADII ARE TO BE 3' AND OUTER CURBED RADII ARE TO BE 10' UNLESS OTHERWISE NOTED. STRIPED RADII ARE TO BE 5'.
  - ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  - EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.



ISSUED FOR REVIEW - NOT FOR CONSTRUCTION

**Kimley»Horn**

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**PROJECT**  
160852001

**DATE**  
4/27/2016

**SCALE**  
AS SHOWN

**DESIGNED BY**  
N/CB

**DRAWN BY**  
BRJ, LEC

**CHECKED BY**  
N/CB

**REVISIONS**

No.	REVISIONS	DATE	BY
1	ISSUED FOR REVIEW	4/22/16	BRJ

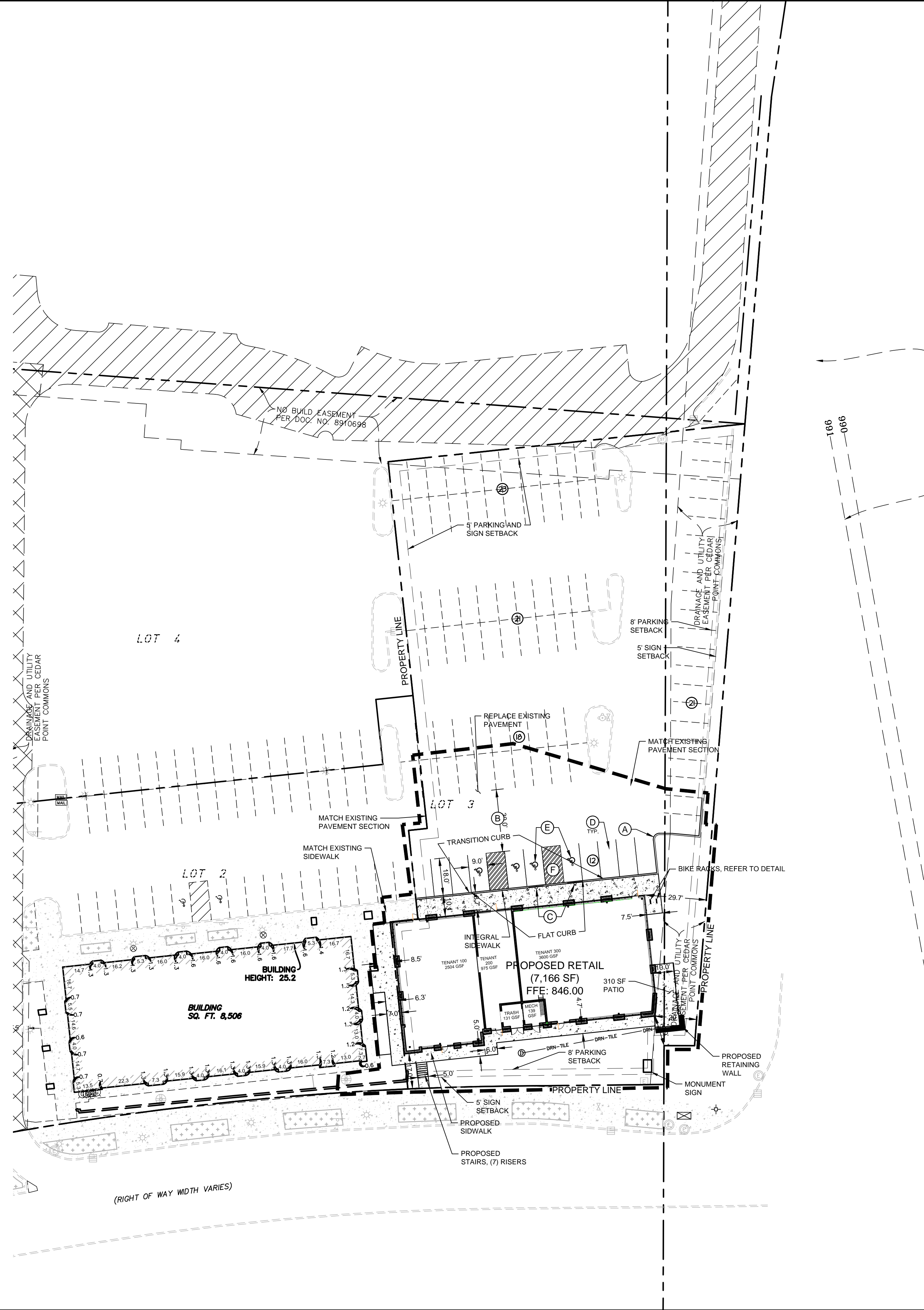
**DJR ARCHITECTS**  
RETAIL DEVELOPMENT  
RICHFIELD, MN

**SITE PLAN - WESTBUILDING**

SHEET NUMBER  
**C3.0**



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**LEGEND**

	PROPERTY LINE
	LIMITS OF DISTURBANCE
	SETBACK LINE
	RETAINING WALL
	PROPOSED CURB AND GUTTER
	PROPOSED ASPHALT PAVEMENT
	PROPOSED CONCRETE SIDEWALK

**PROPERTY SUMMARY**

RICHFIELD RETAIL DEVELOPMENT	
TOTAL DISTURBED AREA	22,330 SF (0.52 AC)
PROPOSED IMPERVIOUS AREA	17,387 SF (0.4 AC)
PROPOSED PERVIOUS AREA	4,943 SF (0.12 AC)
ZONING SUMMARY	
EXISTING ZONING	PC-2
PROPOSED ZONING	PC-2
PARKING SETBACKS	SIDE/REAR = 5' ROAD = 8'
BUILDING SETBACKS	FRONT = 35' INTERIOR SIDE = 0' REAR = 25'

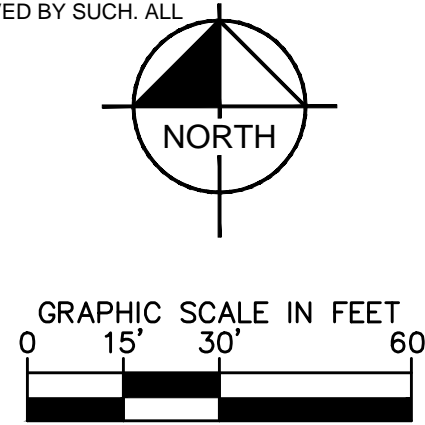
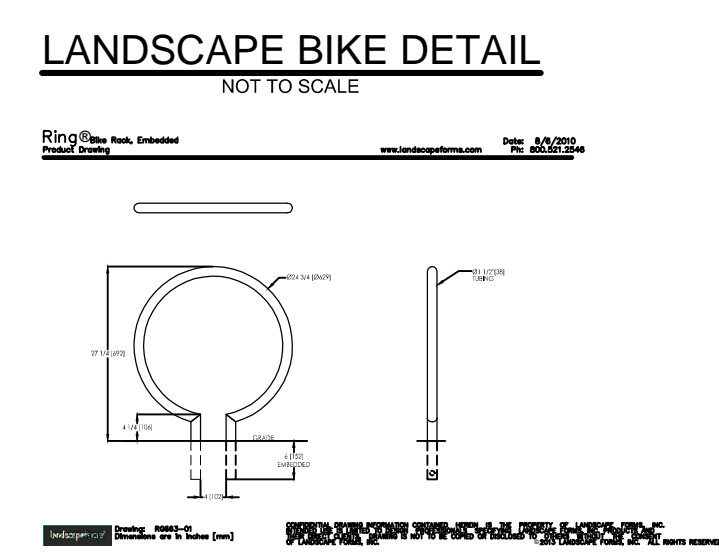
**BUILDING A DATA SUMMARY**

AREAS	
PROPOSED PROPERTY	40,530 SF (0.93 AC)
TOTAL BUILDING AREA	7,166 SF (17.68% OF TOTAL PROPERTY AREA)
RESTAURANT 1	± 2504 SF
RETAIL 1	± 975 SF
RESTAURANT 2	± 3600 SF
PARKING	
REQUIRED RESTAURANT 1 PARKING	25 SPACES @ 10/1,000 SF
REQUIRED RETAIL 1 PARKING	4 SPACE @ 3.5/1,000 SF
REQUIRED RESTAURANT 2 PARKING	36 SPACE @ 10/1,000 SF
TOTAL REQUIRED PARKING	65 SPACES
TOTAL PROPOSED PARKING	94 SPACES @ 13.12 RATIO
ADA STALLS REQ'D / PROVIDED	4 STALLS / 4 STALLS

**KEYNOTE LEGEND**

(A)	6" DEPTH, B612 CURB AND GUTTER
(B)	STANDARD DUTY PAVEMENT
(C)	ADA SIGN & POST, SEE DETAIL
(D)	STANDARD PARKING SPACE, 9' X 18'
(E)	ADA PARKING SPACE
(F)	ADA PEDESTRIAN RAMP

- SITE PLAN NOTES**
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
  - CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
  - ALL DISTURBED AREAS ARE TO RECEIVE FOUR INCHES OF TOPSOIL, SEED, MULCH AND WATER UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
  - ALL INNER CURBED RADII ARE TO BE 3' AND OUTER CURBED RADII ARE TO BE 10' UNLESS OTHERWISE NOTED. STRIPED RADII ARE TO BE 5'.
  - ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  - EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED OR RELOCATED AS NECESSARY. ALL COST SHALL BE INCLUDED IN BASE BID.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS, (UNLESS OTHERWISE NOTED ON PLANS) INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS & POLES, ETC. AS REQUIRED. ALL WORK SHALL BE IN ACCORDANCE WITH GOVERNING AUTHORITIES REQUIREMENTS AND PROJECT SITE WORK SPECIFICATIONS AND SHALL BE APPROVED BY SUCH. ALL COST SHALL BE INCLUDED IN BASE BID.



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**Site Plan - East Building**

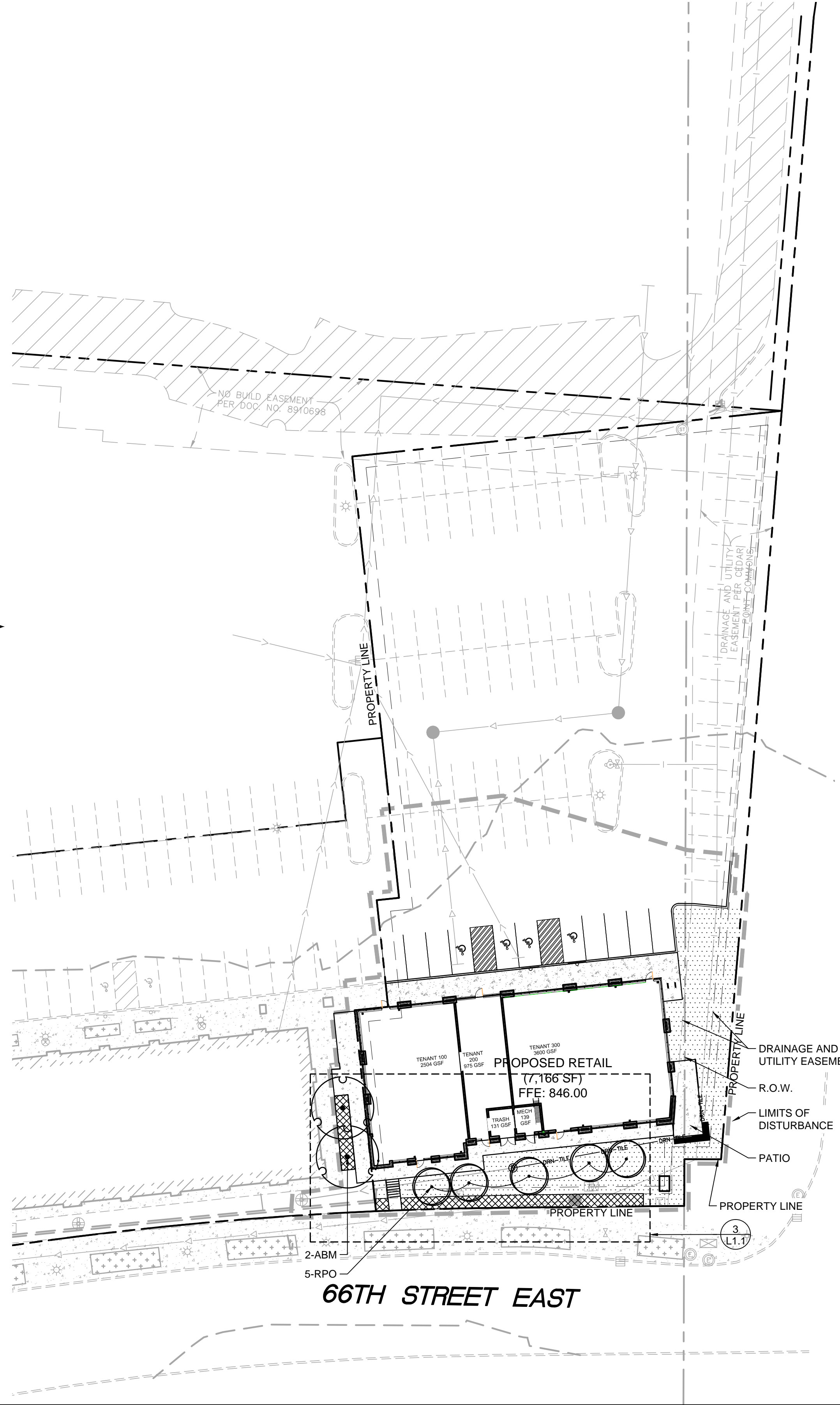
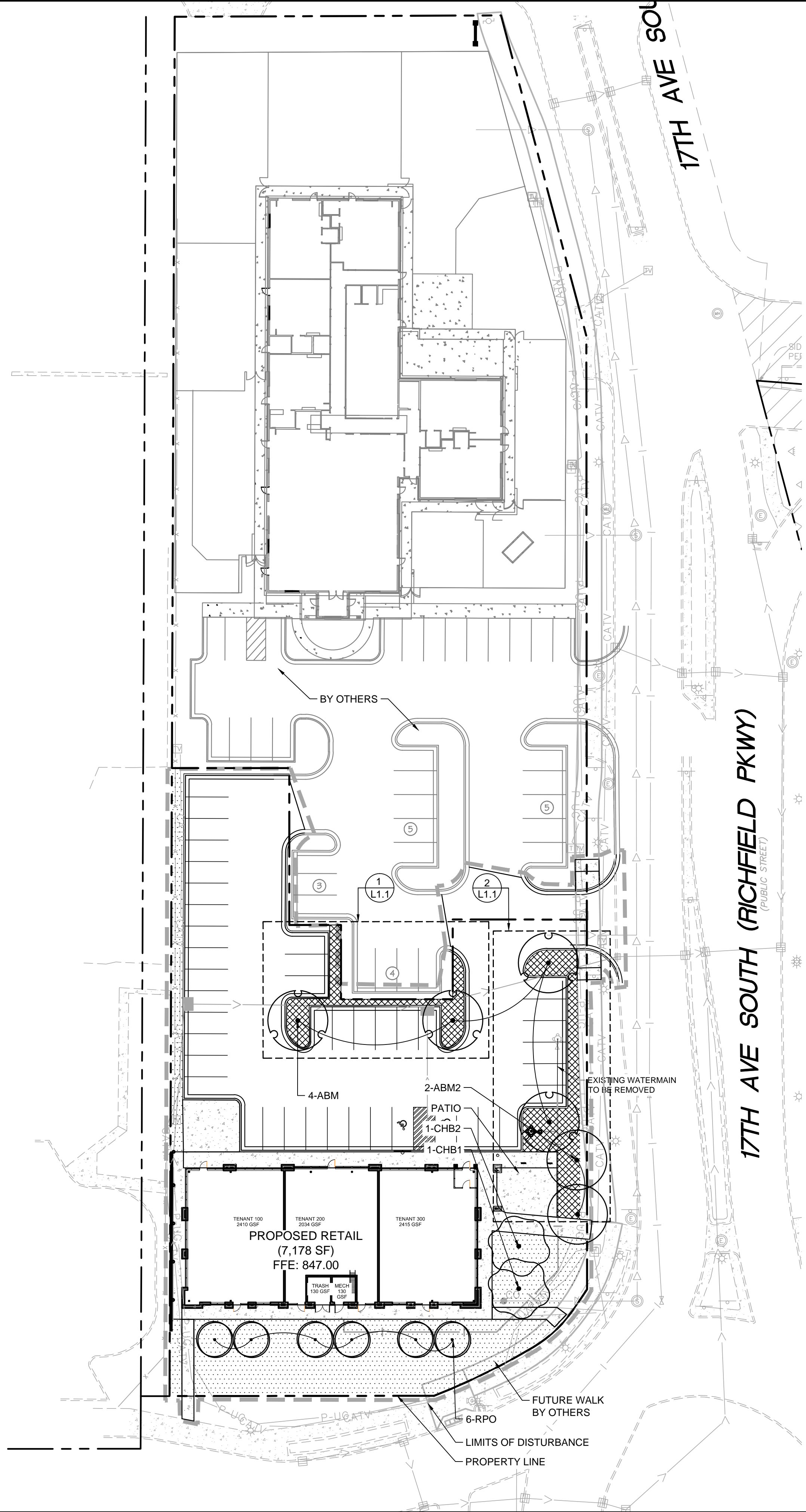
**DJR ARCHITECTS**  
RETAIL DEVELOPMENT  
RICHFIELD, MN

KHA PROJECT	160852001
DATE	4/27/2016
SCALE	AS SHOWN
DESIGNED BY	NCB
DRAWN BY	BRJ, LEC
CHECKED BY	NCB

ISSUED FOR REVIEW	4/22/16	BRJ
REVISIONS		
DATE		

SHEET NUMBER  
**C3.1**

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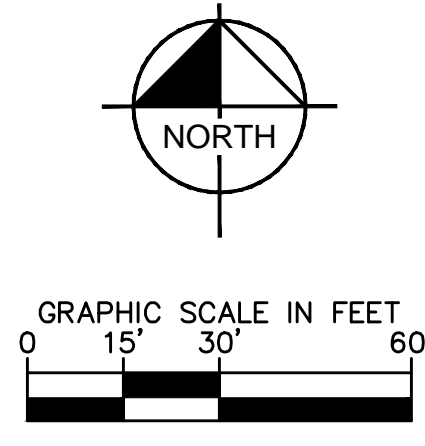


LANDSCAPE REQUIREMENT		
WEST	REQUIRED	PROPOSED
TREES	14	14
SHRUBS	35	35
EAST		
TREES	7	7
SHRUBS	17	20

- NOTES:
- AT MINIMUM, PLANTINGS SHALL BE AT ONE TREE PER 2,500 SF OF DEVELOPABLE LANDSCAPING AREA AND ONE SHRUB PER 1,000 SF OF DEVELOPABLE LANDSCAPING AREA
  - DEVELOPABLE LANDSCAPING AREA IS DEFINED AS THE TOTAL AREA OF A DEVELOPMENT SITE OR PHASE MINUS THE PORTION OF THAT AREA WITHIN A NATURAL WATER BODY OR PROTECTED WETLAND

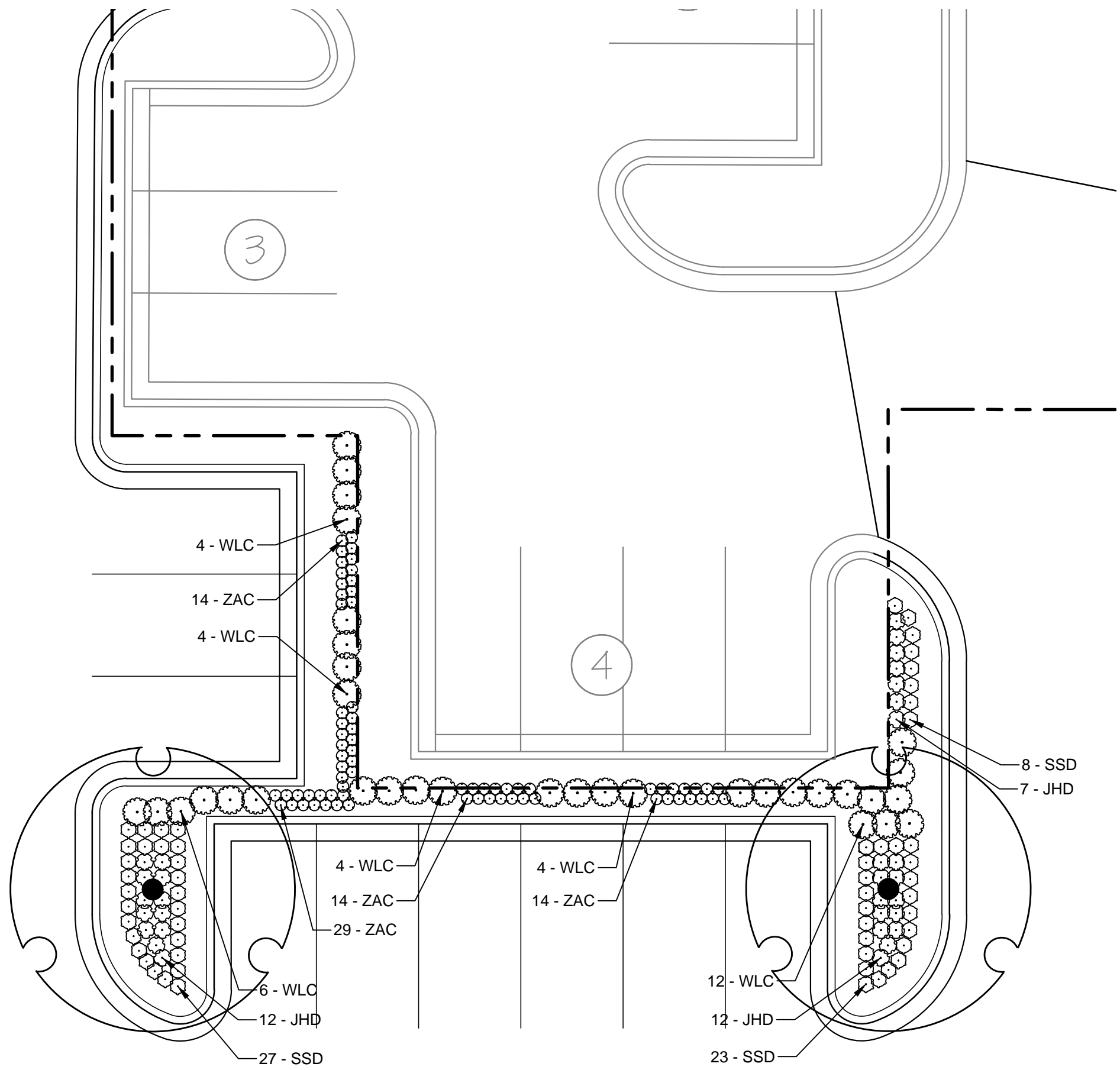
**LANDSCAPE NOTES**

- VERIFY ALL LANDSCAPE IMPROVEMENTS WITH REMOVALS AND SITE WORK. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK. LOCATIONS OF EXISTING BURIED UTILITIES SHOWN ON PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATIONS OF UTILITIES WITHIN AND ADJACENT TO THE WORK AREA, TO PROTECT ALL UTILITIES DURING THE WORK PERIOD, AND TO REPAIR ANY AND ALL DAMAGE AS A RESULT OF THE CONSTRUCTION. NOTIFY THE LANDSCAPE ARCHITECT OF ANY CONFLICTS.
- ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE OF PESTS AND DISEASE.
- ALL TREES SHALL BE FULL HEAD AND MEET ALL REQUIREMENTS SPECIFIED.
- ALL PLANT MATERIAL SHALL BE CONTAINER GROWN OR BALLED AND BURLAPPED.
- ALL MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY, SCHEDULE, AND PROTECTION BETWEEN DELIVERY AND PLANTING TO MAINTAIN HEALTHY PLANT CONDITIONS.
- INSTALL TURF SOD, PER SPECIFICATIONS, CONSISTING PRIMARILY OF POA PRATENSIS (KENTUCKY BLUEGRASS), FREE OF WEEDS. ALL DISTURBED AREAS NOT INDICATED AS PLANTING BEDS ARE TO BE SODDED.
- ALL TURF AREAS SHALL HAVE TOPSOIL PLACED AT MINIMUM DEPTH OF 4". SHRUB/PERENNIAL BEDS SHALL HAVE MINIMUM 12" TOPSOIL, AND ALL TREE AREAS SHALL HAVE MINIMUM 24" TOPSOIL.
- INSTALL MINIMUM 4" DEPTH DOUBLE SHREDDED HARDWOOD BARK MULCH AROUND SINGLE TREE AND IN SHRUB/PERENNIAL BEDS. MULCH TO BE FREE OF DELETERIOUS MATERIALS.
- APPLY PRE-EMERGENT HERBICIDE PREEN (OR APPROVED EQUAL) IN PERENNIAL BEDS FOLLOWED BY DOUBLE SHREDDED HARDWOOD BARK MULCH.
- STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
- ANY PLANT WHICH IS DISEASED, DISTRESSED, DEAD, OR REJECTED SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE MEETING ALL PLANT LIST SPECIFICATIONS.
- ALL PLANTING AREAS SHALL HAVE IRRIGATION. COORDINATE ALL PLANTINGS WITH IRRIGATION CONTRACTOR. PROTECT ALL IRRIGATION SYSTEM COMPONENTS DURING PLANTING.
- INSTALL 3/4" x 4" STEEL EDGER (BLACK) STAKED WITH METAL SPIKES AT 4'-0" O.C. ANYWHERE SOD ABUTS SHRUB/PERENNIAL BEDS.
- CONTRACTOR TO BE RESPONSIBLE FOR FULLY MAINTAINING, INCLUDING BUT NOT LIMITED TO, WATERING, SPRAYING, MULCHING, AND FERTILIZING ALL OF THE PLANT MATERIALS AND TURF DURING THE 60 DAY PLANT ESTABLISHMENT PERIOD.
- CONTRACTOR TO WARRANTY NEW PLANTINGS FOR ONE YEAR UPON COMPLETION.

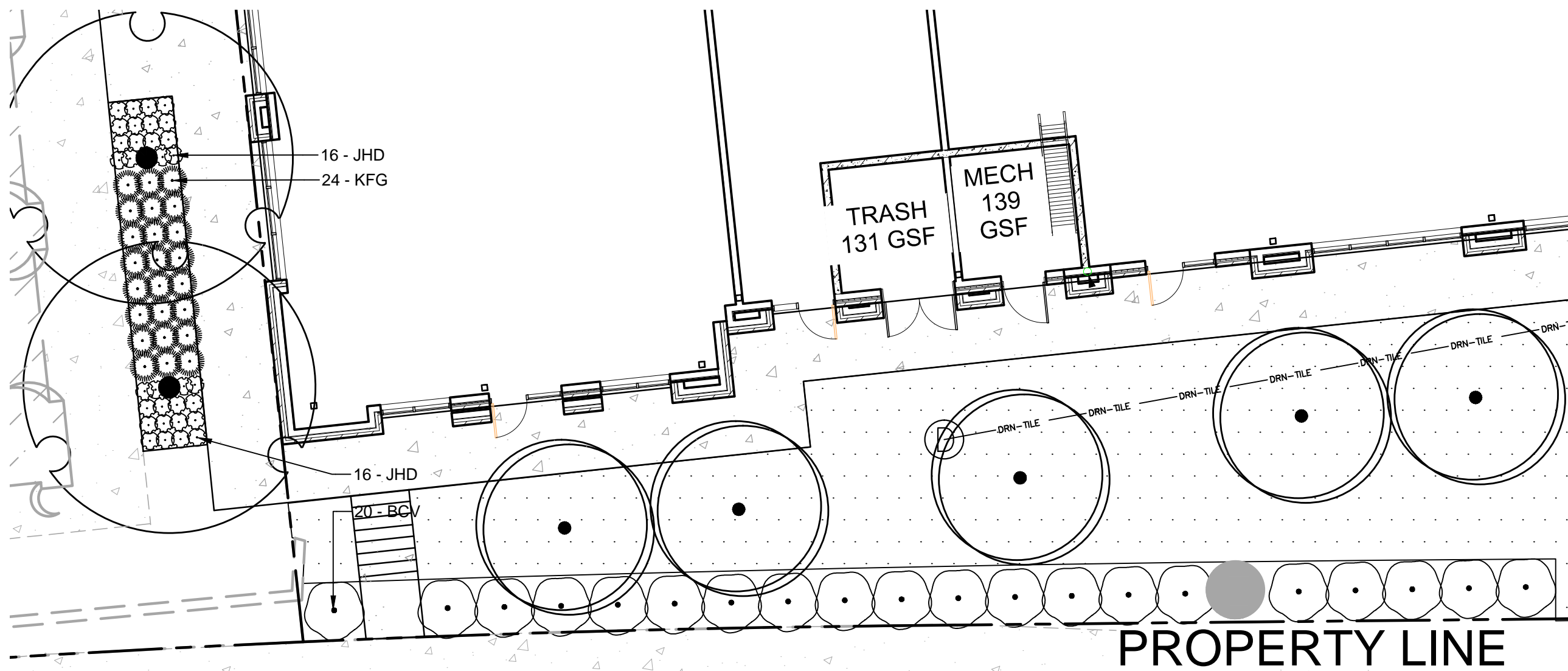


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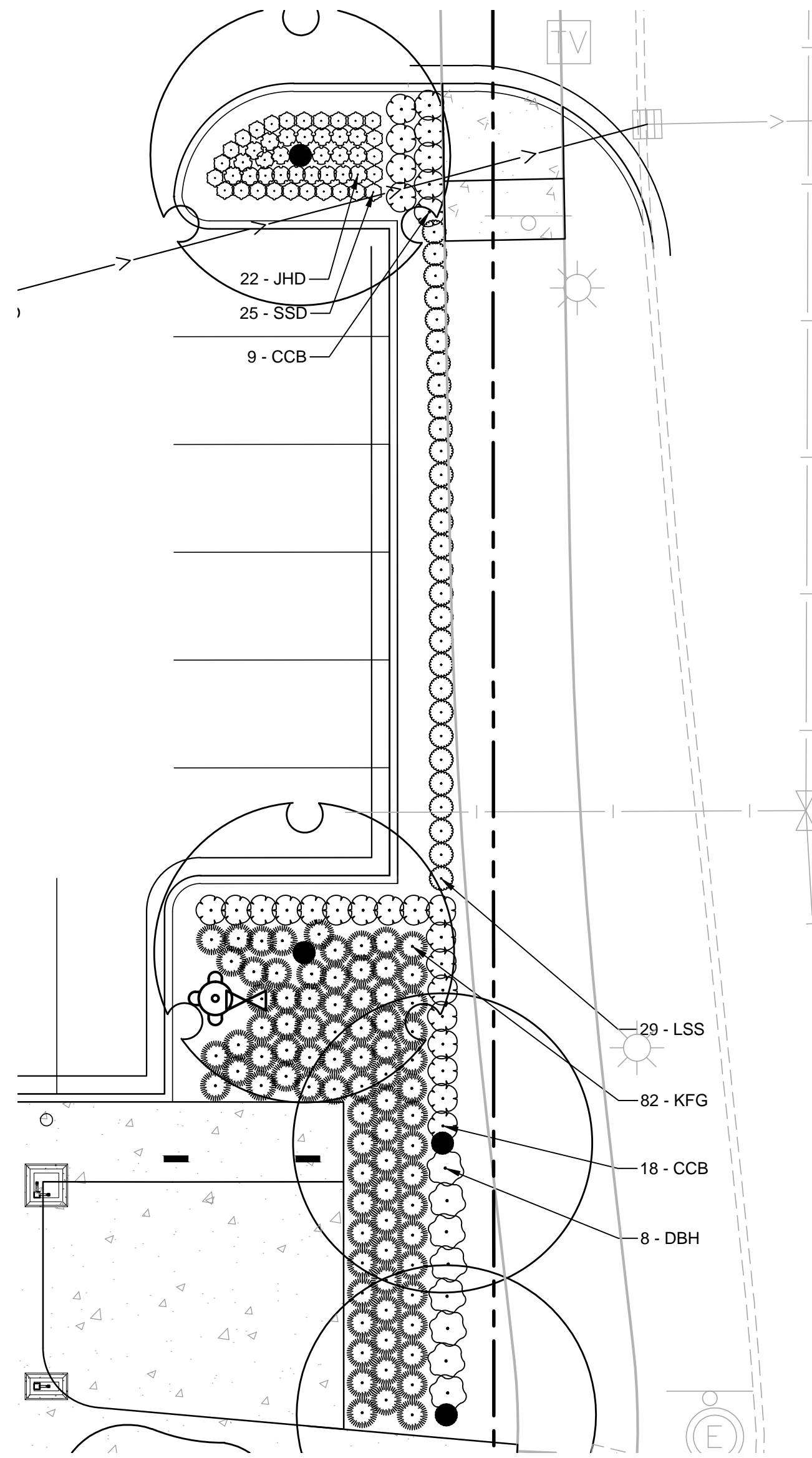
KHA PROJECT 160852001		DATE 4/27/2016		SCALE AS SHOWN		DESIGNED BY N/CB		DRAWN BY BRJ, LEC		CHECKED BY N/CB	
<b>LANDSCAPE PLAN</b>											
DJR ARCHITECTS RETAIL DEVELOPMENT RICHFIELD, MN											
SHEET NUMBER L1.0											
<b>Kimley»Horn</b>											
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1 DETAILED LANDSCAPE PLAN  
L1.1



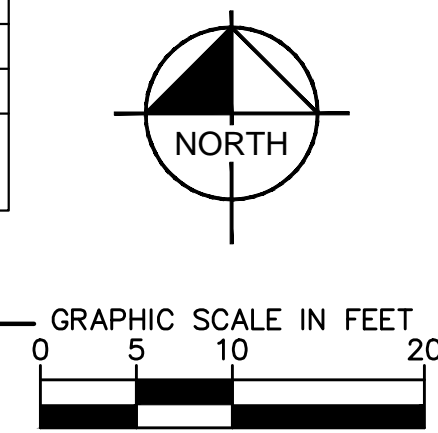
3 DETAILED LANDSCAPE PLAN  
L1.1



2 DETAILED LANDSCAPE PLAN  
L1.1

PLANT SCHEDULE					
TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL
ABM	6	ACER X FREEMANII 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	B & B	2.5" CAL.
ABM2	2	ACER X FREEMANII 'AUTUMN BLAZE'	AUTUMN BLAZE MAPLE	B & B	3.5" CAL.
CHB1	1	CELTIS OCCIDENTALIS	COMMON HACKBERRY	B & B	4.5" CAL.
CHB2	1	CELTIS OCCIDENTALIS	COMMON HACKBERRY	B & B	3.5" CAL.
RPO	11	QUERCUS X WAREI 'LONG'	REGAL PRINCE OAK	B & B	2.5" CAL.
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
BCV	20	VIBURNUM TRILOBUM 'BAILEY COMPACT'	BAILEY'S COMPACT AMERICAN VIBURNUM	#2 CONT.	PER PLAN
CCB	27	SYMPHORICARPOS X DOORENBOSII 'KOLMCAN'	CANDY CORALBERRY	#2 CONT.	PER PLAN
DBH	8	DIERVILLA LONICERA	DWARF BUSH HONEYSUCKLE	#1 CONT.	PER PLAN
PERENNIALS	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
JHD	85	HEMEROCALLIS X 'JUST PLUM HAPPY'	JUST PLUM HAPPY DAYLILY	#1 CONT.	PER PLAN
KFG	106	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	#1 CONT.	PER PLAN
LSS	29	PEROVSKIA X 'LITTLE SPIRE'	RUSSIAN SAGE	#1 CONT.	PER PLAN
SSD	83	HEMEROCALLIS X 'STELLA SUPREME'	STELLA SUPREME DAYLILY	#1 CONT.	PER PLAN
WLC	34	NEPETA X FASSENI 'WALKERS LOW'	WALKERS LOW CATMINT	#1 CONT.	PER PLAN
ZAC	71	COREOPSIS VERTICILLATA 'ZAGREB'	ZAGREB COREOPSIS	#1 CONT.	PER PLAN
GROUND COVER	QTY	BOTANICAL NAME	COMMON NAME		
	1,139 SY	POA PROTENSIS	KENTUCKY BLUEGRASS		

4 PLANT SCHEDULE  
L1.1



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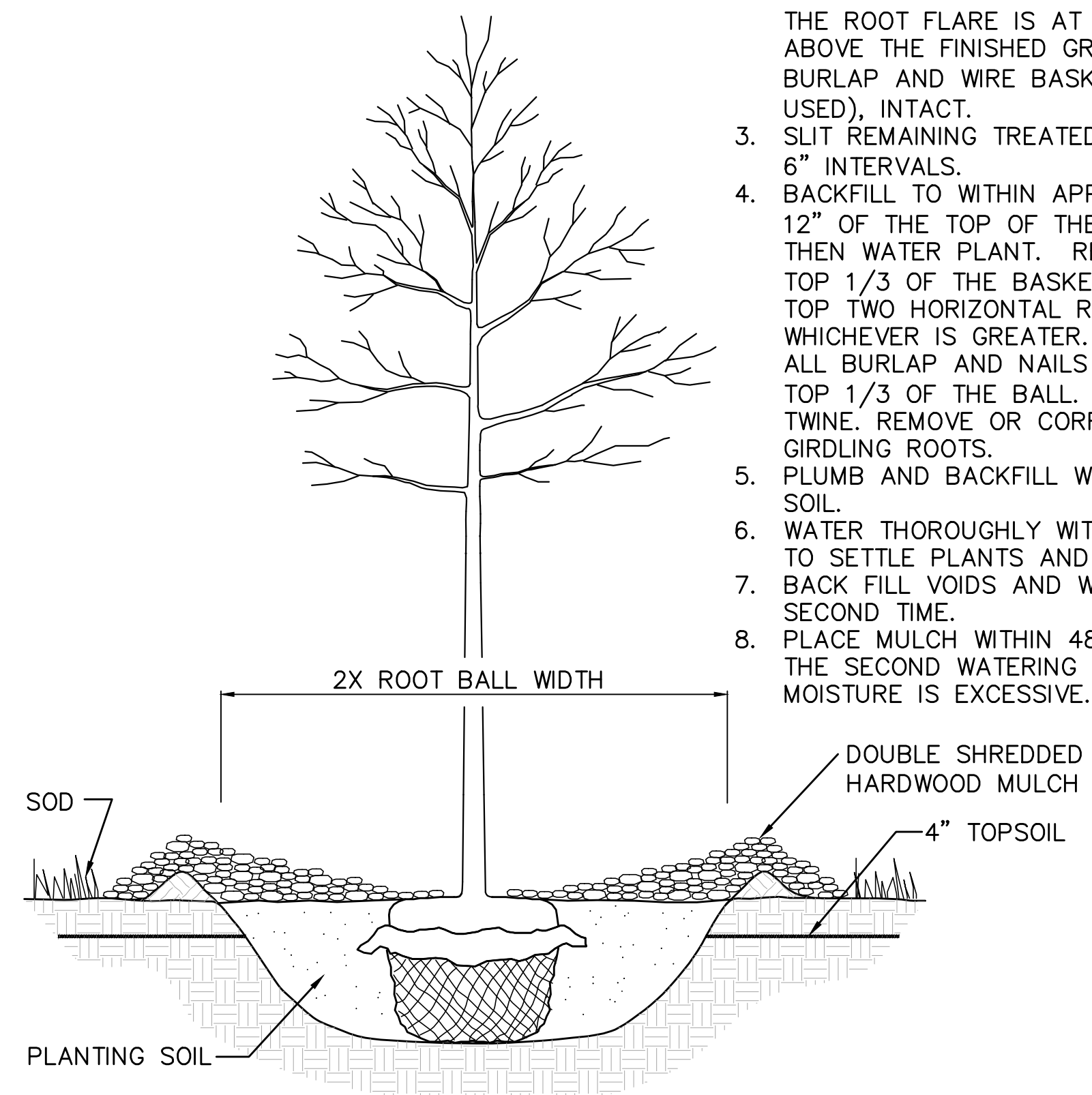
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160852001	4/27/2016	AS SHOWN	N/CB	BRJ, LEC	N/CB

DETAILED LANDSCAPE PLAN

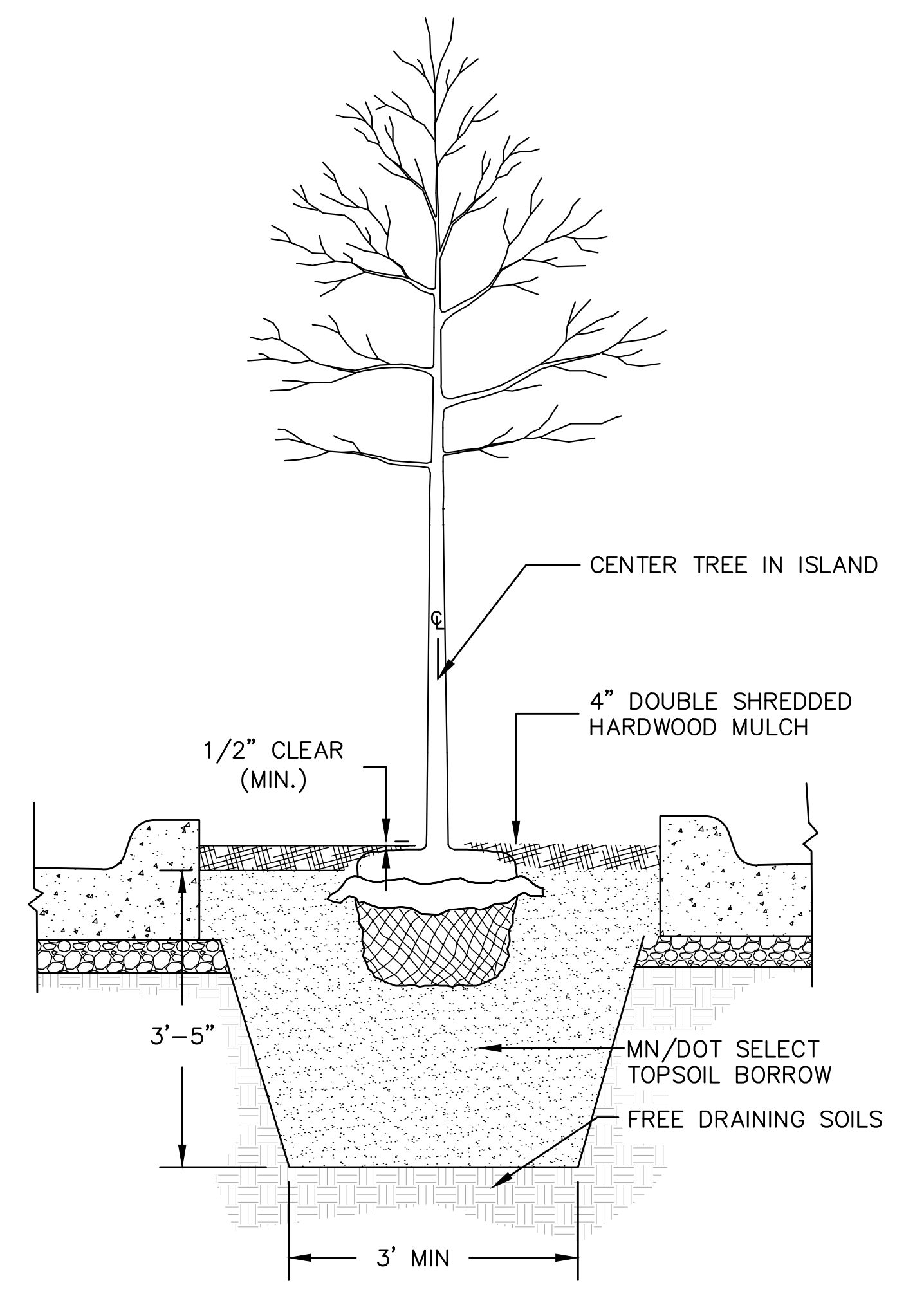
DJR ARCHITECTS  
 RETAIL DEVELOPMENT  
 RICHFIELD, MN

SHEET NUMBER  
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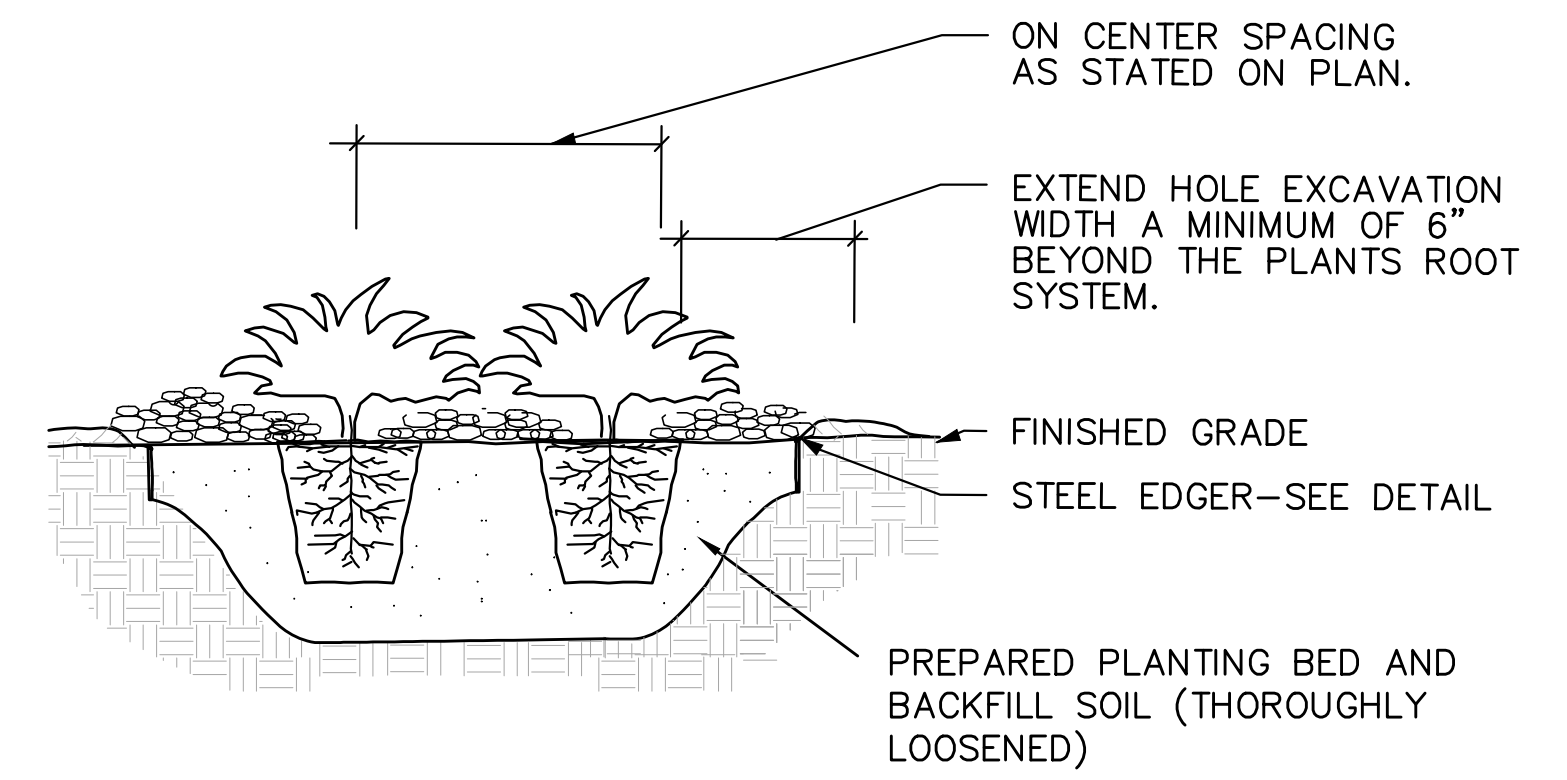
K:\TWC\_LDE\DJR\Richfield, MN\3 Design\CAD\PlanSheets\L2.0 LANDSCAPE DETAILS.dwg July 08, 2016 - 4:59pm  
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- NOTES:**
1. SCARIFY SIDES AND BOTTOM OF HOLE. PROCEED WITH CORRECTIVE PRUNING.
  2. SET PLANT ON UNDISTURBED NATIVE SOIL OR THOROUGHLY COMPACTED PLANTING SOIL. INSTALL PLANT SO THE ROOT FLARE IS AT OR UP TO 2" ABOVE THE FINISHED GRADE WITH BURLAP AND WIRE BASKET, (IF USED), INTACT.
  3. SLIT REMAINING TREATED BURLAP AT 6" INTERVALS.
  4. BACKFILL TO WITHIN APPROXIMATELY 12" OF THE TOP OF THE ROOTBALL, THEN WATER PLANT. REMOVE THE TOP 1/3 OF THE BASKET OR THE TOP TWO HORIZONTAL RINGS WHICHEVER IS GREATER. REMOVE ALL BURLAP AND NAILS FROM THE TOP 1/3 OF THE BALL. REMOVE ALL TWINE. REMOVE OR CORRECT STEM GIRDLING ROOTS.
  5. PLUMB AND BACKFILL WITH PLANTING SOIL.
  6. WATER THOROUGHLY WITHIN 2 HOURS TO SETTLE PLANTS AND FILL VOIDS.
  7. BACK FILL VOIDS AND WATER SECOND TIME.
  8. PLACE MULCH WITHIN 48 HOURS OF THE SECOND WATERING UNLESS SOIL MOISTURE IS EXCESSIVE.

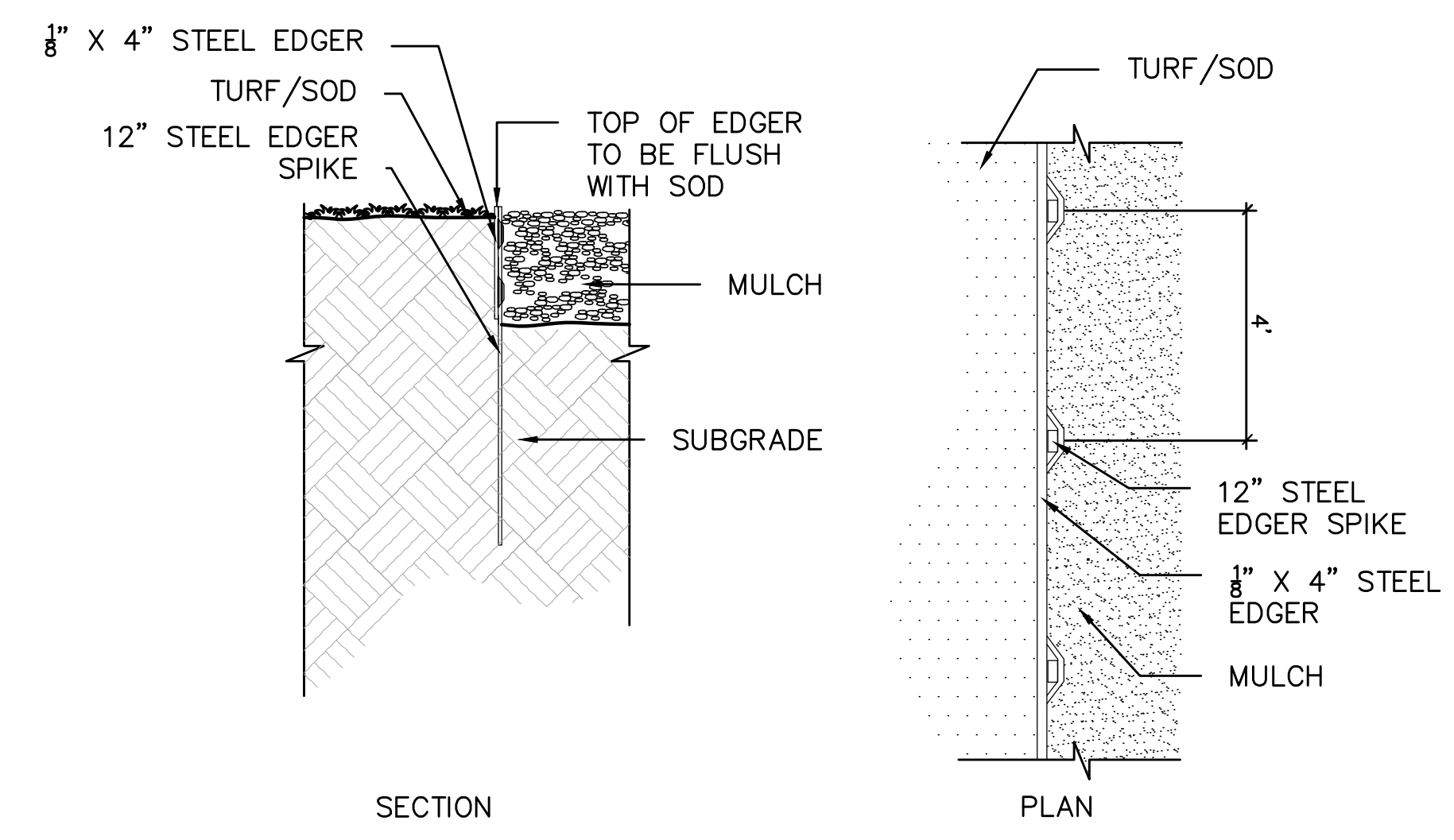


2 LANDSCAPE ISLAND TREE PLANTINGS  
L2.0

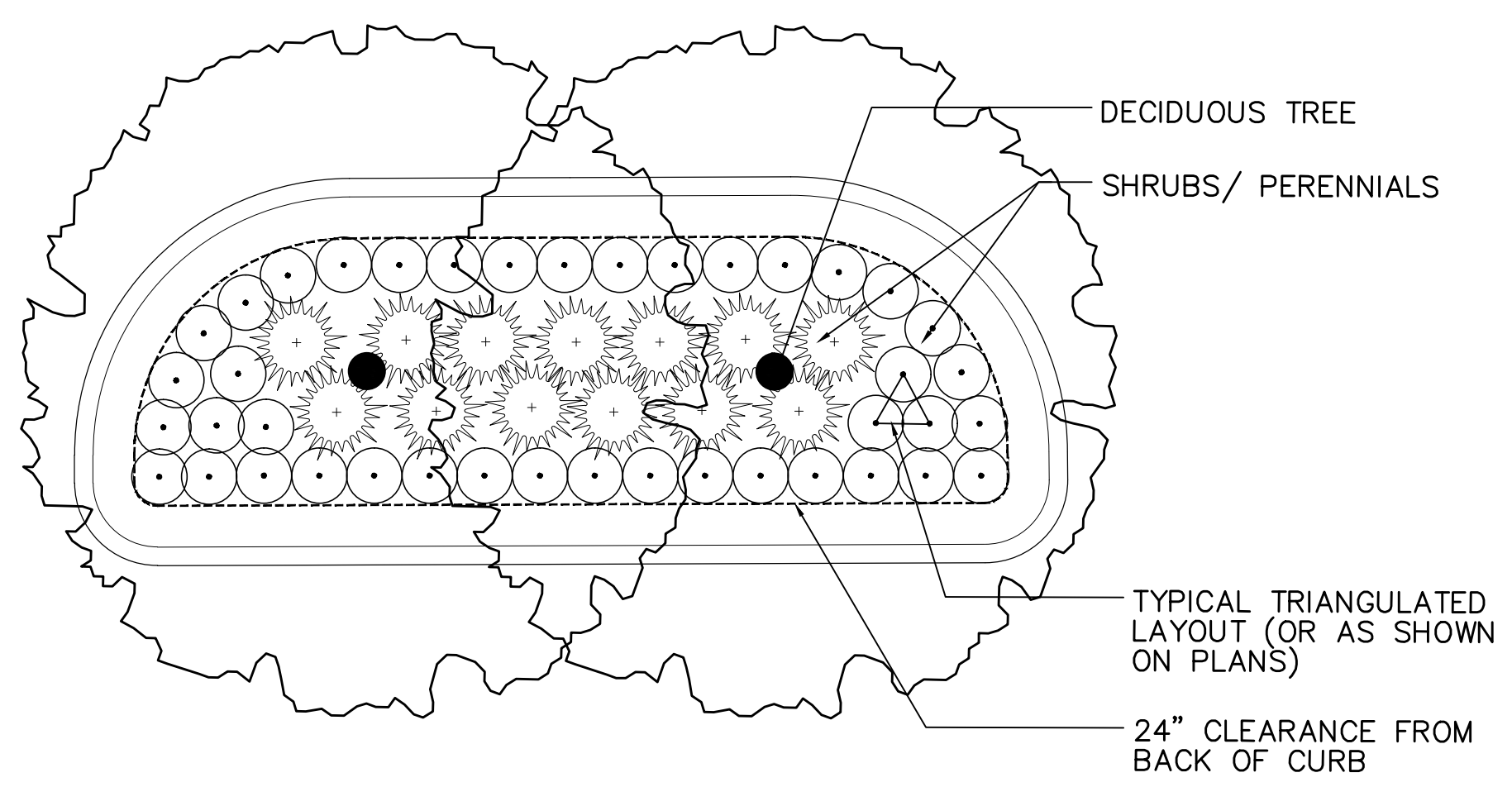


- NOTES:**
1. SCARIFY SIDES AND BOTTOM OF HOLE.
  2. PROCEED WITH CORRECTIVE PRUNING OF TOP AND ROOT.
  3. REMOVE CONTAINER AND SCORE OUTSIDE OF SOIL MASS TO REDIRECT AND PREVENT CIRCLING FIBROUS ROOTS. REMOVE OR CORRECT STEM GIRDLING ROOTS.
  4. PLUMB AND BACKFILL WITH PLANTING SOIL.
  5. WATER THOROUGHLY WITHIN 2 HOURS TO SETTLE PLANTS AND FILL VOIDS.
  6. BACK FILL VOIDS AND WATER SECOND TIME.
  7. PLACE MULCH WITHIN 48 HOURS OF THE SECOND WATERING UNLESS SOIL MOISTURE IS EXCESSIVE.
  8. MIX IN 3-4" OF ORGANIC COMPOST.

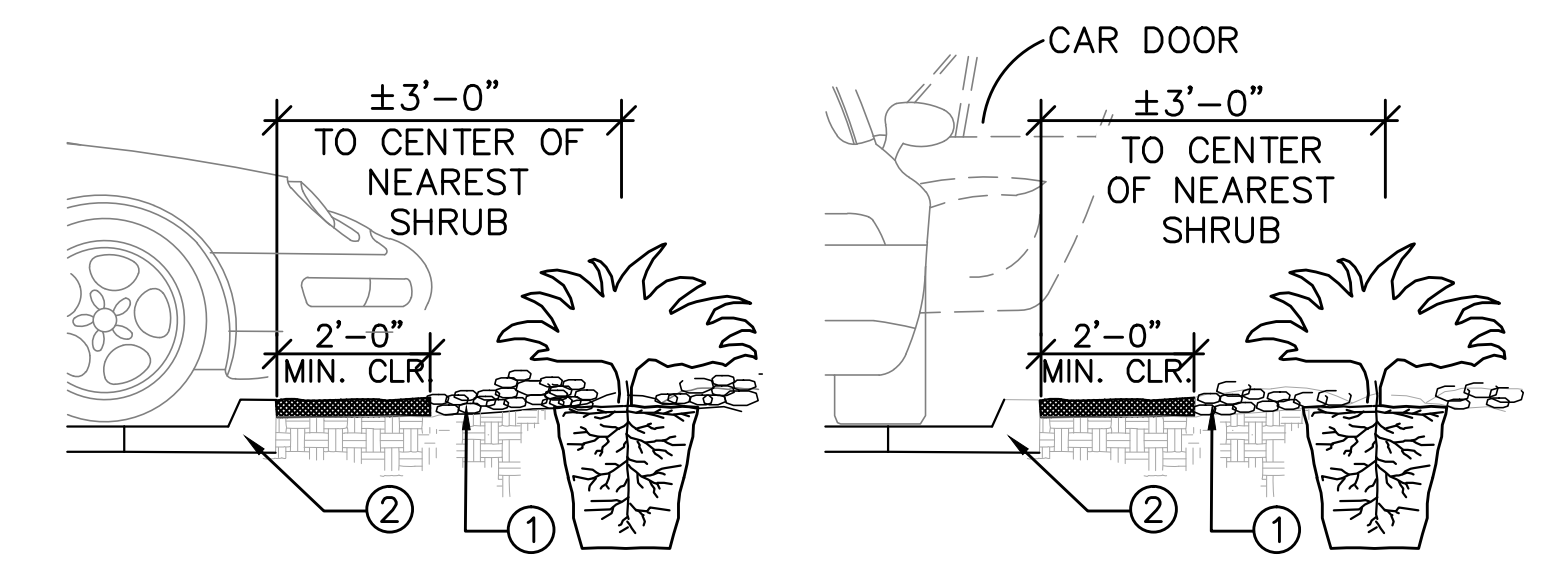
3 SHRUB PLANTING DETAIL  
L2.0



4 LANDSCAPE EDGER DETAIL  
L2.0



5 LANDSCAPE ISLAND PLANTINGS  
L2.0



- NOTES:**
1. INSTALL CONTINUOUS MULCH BED ADJACENT TO PARKING SPACES AS SHOWN.
  2. MULCH SHALL BE MIN. 4" DEEP. NO POP-UP IRRIGATION HEADS SHALL BE LOCATED WITHIN 24" OF A PARKING SPACE ON ANY SIDE.
  3. CURB OR PARKING LOT EDGE.

6 PARKING SPACE PLANTINGS  
L2.0

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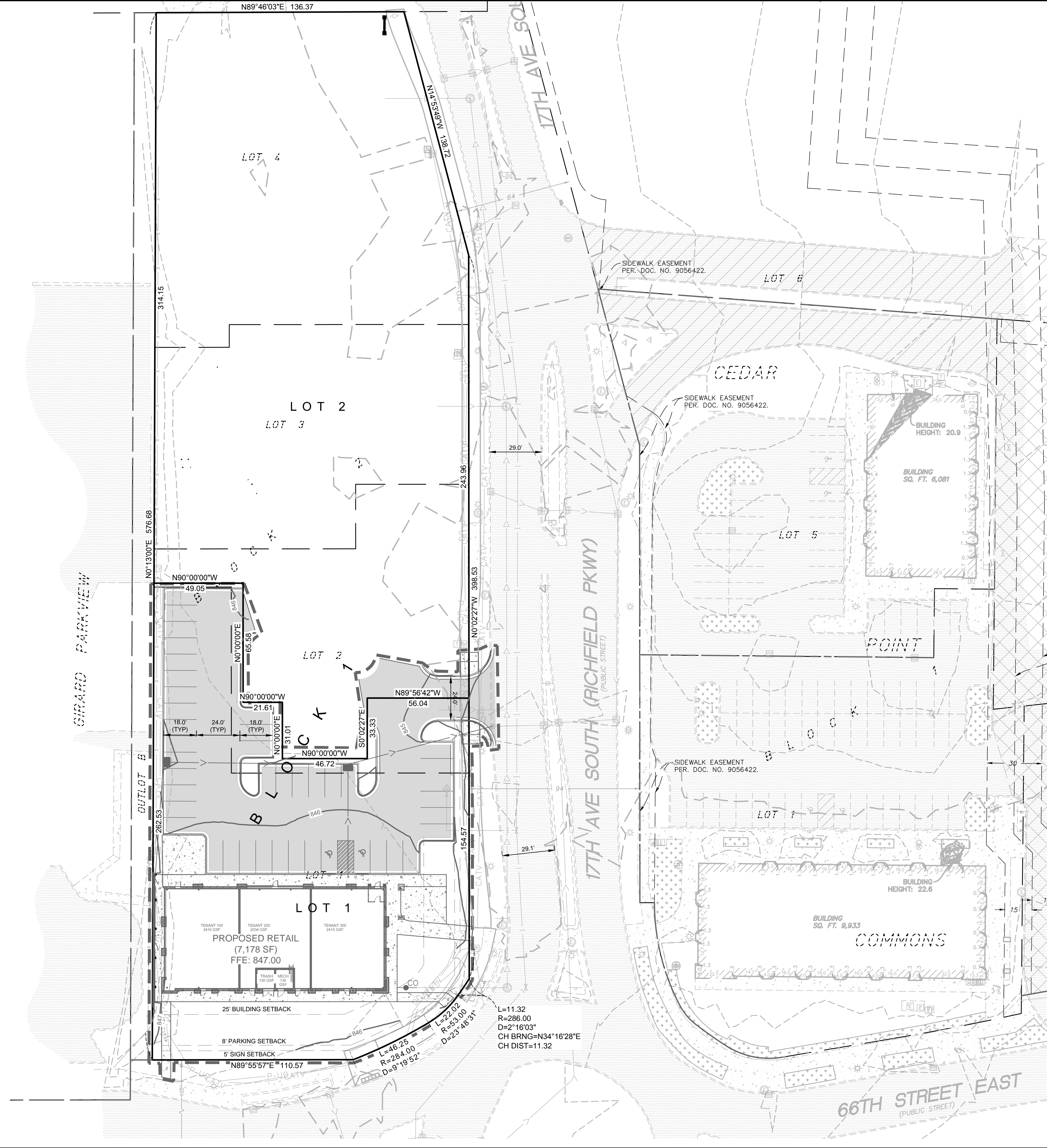
LANDSCAPE DETAILS

DJR ARCHITECTS  
 RETAIL DEVELOPMENT  
 RICHFIELD, MN

SHEET NUMBER  
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**LEGEND**

	PROPERTY LINE
	LIMITS OF DISTURBANCE
	SETBACK LINE
	PROPOSED CURB AND GUTTER
	PROPOSED ASPHALT PAVEMENT
	PROPOSED CONCRETE SIDEWALK

**PROPERTY SUMMARY**

RICHFIELD RETAIL DEVELOPMENT	
TOTAL DISTURBED AREA	36,050 SF (0.83 AC)
PROPOSED IMPERVIOUS AREA	27,443 SF (0.63 AC)
PROPOSED PERVIOUS AREA	8,607 SF (0.20 AC)
ZONING SUMMARY	
EXISTING ZONING	PC-2
PROPOSED ZONING	PC-2
PARKING SETBACKS	SIDE/REAR = 5' ROAD = 8'
BUILDING SETBACKS	FRONT = 35' SIDE = 0'

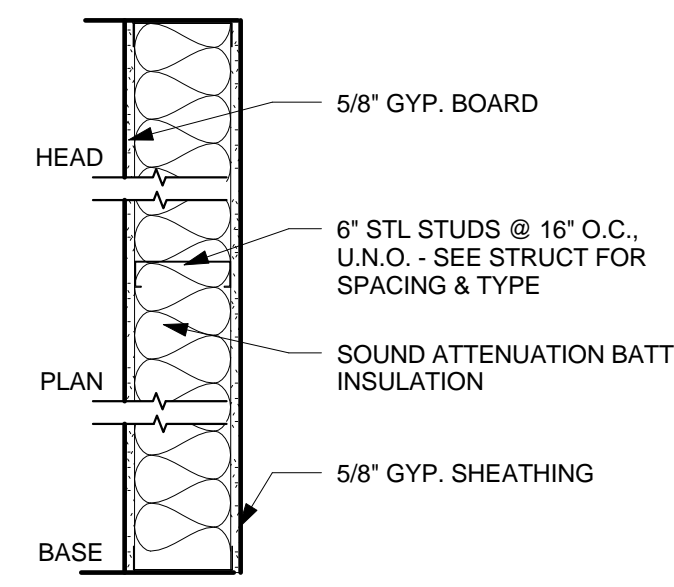
**DEVELOPER**  
 HEMPEL PROPERTIES  
 527 S MARQUETTE AVE #500  
 MINNEAPOLIS, MN 55402  
 TELEPHONE: (612) 355-2600

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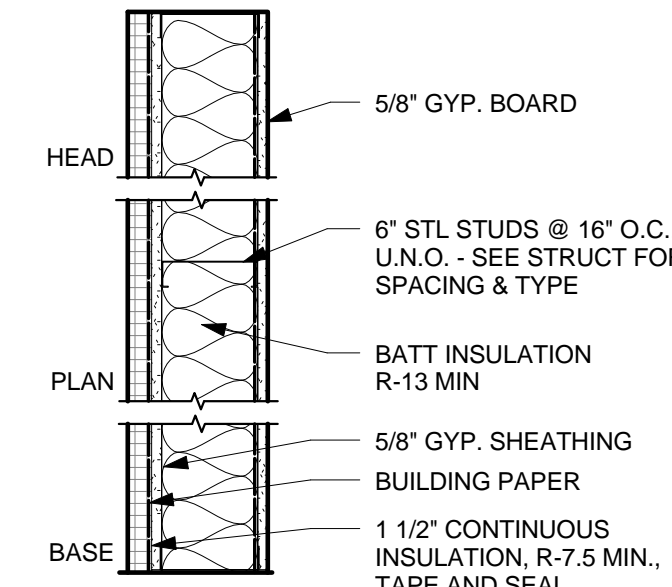
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	<p>DATE 4/27/2016</p>
<p>SCALE AS SHOWN</p>	<p>DESIGNED BY NCB</p>
<p>DRAWN BY BRJ, LEC</p>	<p>CHECKED BY NCB</p>
<p>DJR ARCHITECTS                  RETAIL DEVELOPMENT                  RICHFIELD, MN</p>	<p>PRELIMINARY PLAT OF                  CEDAR POINT COMMONS                  SECOND ADDITION</p>
<p>SHEET NUMBER V1.0</p>	<p>ISSUED FOR REVIEW 4/22/16 BRJ</p>
<p>REVISIONS</p>	<p>DATE BY</p>

# GENERAL NOTES - PARTITIONS

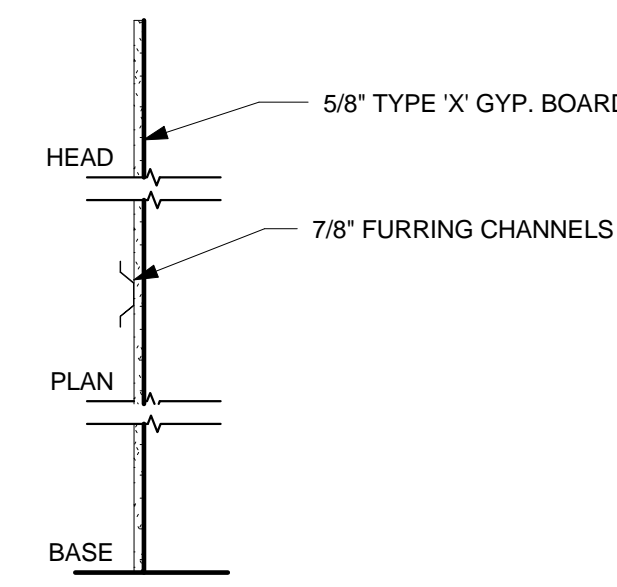
- REFER TO FLOOR PLANS FOR PARTITION TYPES
- TYPICAL FLOOR PLAN DIMENSIONS OF PARTITIONS ARE TO THE CENTER OF WALL STUD U.N.O.
- PROVIDE TYPE 'X' GYPSUM BOARD AT ALL LOCATIONS U.N.O.
- GYPSUM PANELS AND OTHER WALL PANELS SHALL BE INSTALLED WITH THEIR BOTTOM EDGE 1/2" ABOVE THE FLOOR SLAB.
- PROVIDE VERTICAL AND HORIZONTAL CONTROL JOINTS IN GYPSUM BOARD AS RECOMMENDED BY MANUFACTURER OR AS SHOWN ON DRAWINGS.
- PROVIDE WATER RESISTANT TYPE GYPSUM BOARD AT AREAS THAT ARE SCHEDULED TO RECEIVE CERAMIC TILE FINISH AND ALL TOILET ROOM PARTITIONS U.N.O.
- PROVIDE SOLID BLOCKING WITHIN PARTITIONS AT ALL WALL HUNG EQUIPMENT.
- ALL ELEMENTS OF ACOUSTIC RATED PARTITIONS SHALL EXTEND TO ROOF OR FLOOR DECK ABOVE AND ALL JOINTS AND PENETRATIONS OF ACOUSTIC RATED PARTITIONS SHALL BE FILLED AND SEALED.
- REFER TO INTERIOR PARTITION TYPE SUBSCRIPT KEY FOR ADDITIONAL REQUIREMENT OR MODIFICATIONS TO BASIC PARTITION TYPES.
- WHERE A CLEAR DIMENSION OR OPENING IS REQUIRED OR NOTED, MEASURE DIMENSION TO FACE OR PARTITION FINISH.
- GA AND UP TESTING NUMBERS MAY VARY DEPENDING ON THE MANUFACTURER OF COMPONENTS ACTUALLY USED.



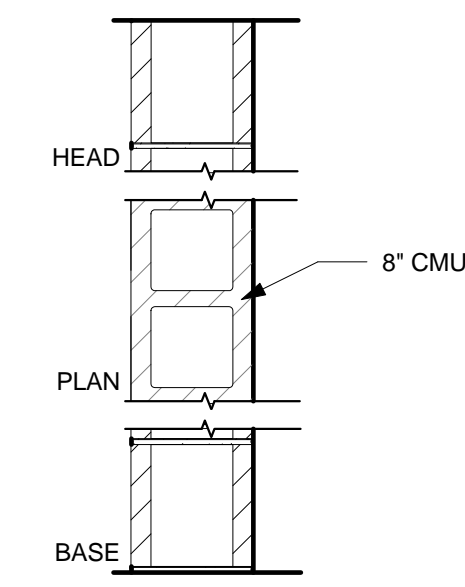
A1 INTERIOR DEMISING WALL - 6" STUDS



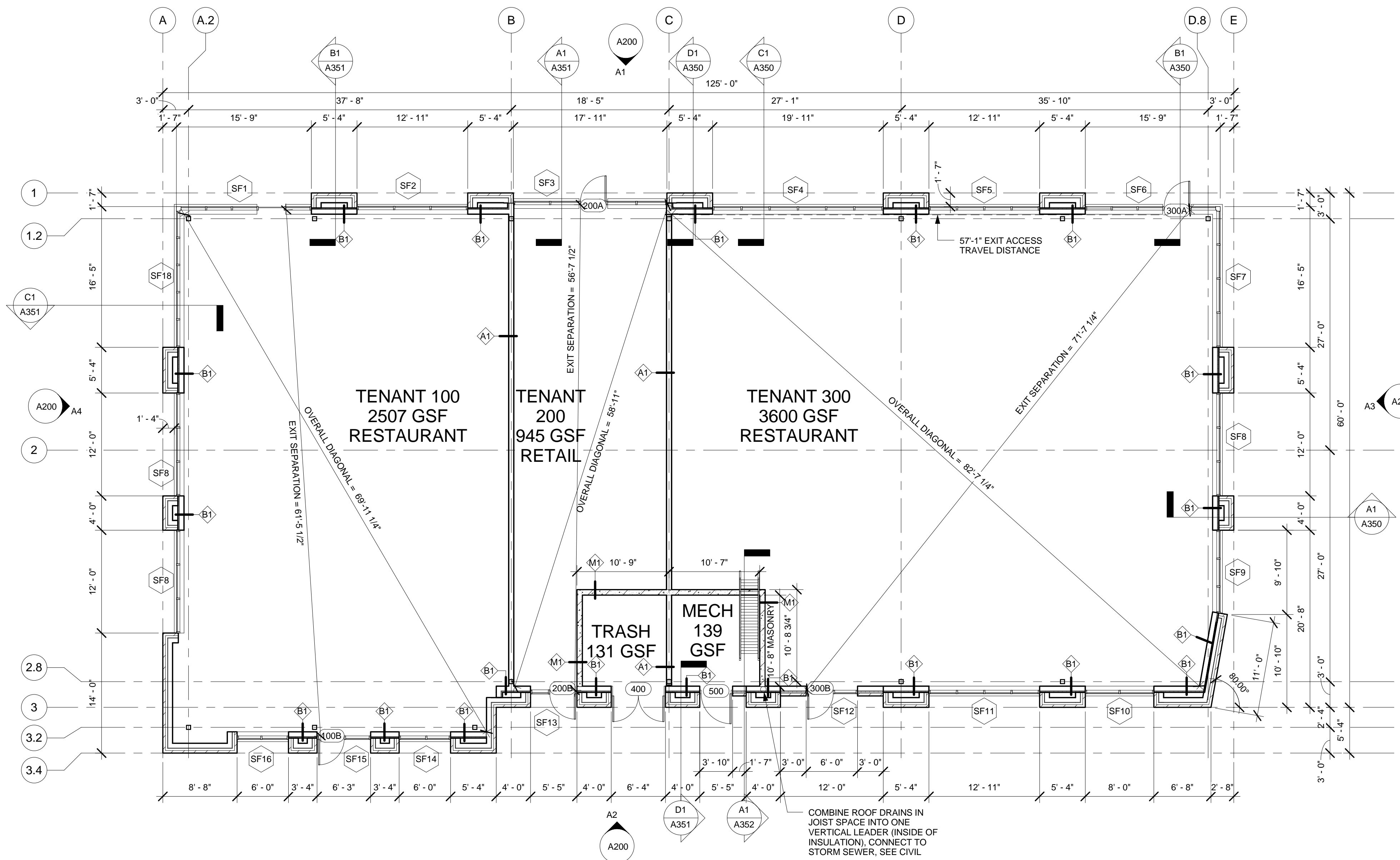
B1 INSULATED WALL - 6" STUDS



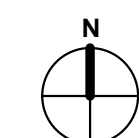
F1 FURRING CHANNELS - 7/8"



M1 8" CMU SHEAR WALL



A1 FLOOR PLAN - LEVEL 1  
1/8" = 1'-0"



CODE REVIEW			
<b>PROJECT DESCRIPTION</b>			
New construction of 7,322 gross square foot, 1 story freestanding retail building. Shell only. All tenant improvement interior work permitted separately.			
<b>APPLICABLE CODES</b>			
International Building Code (IBC) 2012 Edition Minnesota Building Code 2015 Minnesota Accessibility Code 1341 Minnesota Energy Code 1323			
<b>AUTOMATIC SPRINKLER (Chapter 9)</b>			
Provided per NFPA 13			
<b>OCCUPANCY (Chapter 3)</b>			
Occupancy Group (Sections 305)			
Actual occupancy groups to be determined by tenant improvement plans.			
M. Mercantile / A2. Assembly / B. Business Non-Separated Mixed Use A2 Most Restrictive (shown below in table)			
<b>GENERAL BUILDING HEIGHTS AND AREAS (Chapter 5)</b>			
<b>Incidental Use Areas (Table 508.2)</b>			
Storage Rooms > 100 SF: 1-Hour or Automatic Fire-Extinguishing System			
<b>Height Modifications (504)</b>			
Height Increase (NFPA 13 Sprinkler): 20 feet and 1 story			
<b>Area Modifications (506)</b>			
Additional 300% for 1 story with sprinkler system			
<b>Allowable Height and Building Areas (Table 503)</b>			
Group	Type	Tabular Allowable Area	Modified Allowable Area
A-2	VB	6,000 SF	24,000 SF
Group	Type	Tabular Allowable Height	Modified Allowable Height
A-2	VB	1 / 40'-0"	2 / 60'-0"
Actual			
Area			
7,322 SF			
Height			
1 / 19'-8"			
*If entire building were A-2. Actual tenant occupancy types vary. A-2 most restrictive.			
<b>CONSTRUCTION TYPE (Chapter 6)</b>			
Construction Type (602)			
Type VB			
<b>Building Element Fire-Resistance Rating Requirement (Table 601)</b>			
Structural Frame	0 Hours		
Bearing Walls - exterior	0 Hours		
Bearing Walls - interior	0 Hours		
Nonbearing Walls - exterior	0 Hours		
Nonbearing Walls - interior	0 Hours		
Floor Construction	0 Hours		
Roof Construction	0 Hours		

CODE REVIEW	
<b>MEANS OF EGRESS (Chapter 10)</b>	
Occupant Load (Table 1004.1.1)	
Mercantile areas:	30 gross SF per occ.
Business areas:	100 gross SF per occ.
Assembly areas:	15 net SF per occ. seating (or number of seats) 5 net SF per occ. waiting 300 gross SF per occ.
Storage areas:	300 gross SF per occ.
See plan for Occupant Load tabulations. Actual occupant loads will be determined by tenant build-out plans.	
<b>Egress Width (Table 1005.1)</b>	
All Occupancies with Sprinkler System: - Non-stairway Components = 0.15/Occupant	
See plan for Egress Width prospectively required and provided (Egress Plan to be revised w/ Tenant Improvement Submittal)	
<b>Exit Access (1014)</b>	
Multiple Tenants: Each tenant to be provided with access to req. exits without passing through adjacent tenant space	
<b>Exit And Exit Access Doorways (1015)</b>	
Number of exits req. (IBC 1015/ 1019) = see tenant plans Arrangement (IBC 1015.2) - Not less than 1/3 overall diagonal (Sprinklered Building)	
Travel Distance Maximum (M / A-2 Occupancy):	Distance
Exit Access (IBC 1016.1)	250 feet
Common Path of Egress (IBC 1014.3)	75 feet
<b>PLUMBING FIXTURES (Chapter 29):</b>	
Plumbing code review with tenant plan (deferred submittal).	
<b>LIFE SAFETY LEGEND</b>	
	Exit Signage provide emergency egress power
	Exit Width Req'd / Provided
	Direction of Egress
	Occupant Load

**DJR ARCHITECTURE, INC**  
333 Washington Ave N., Suite 210  
Richfield, MN 55423  
612.676.2700 www.djr-inc.com

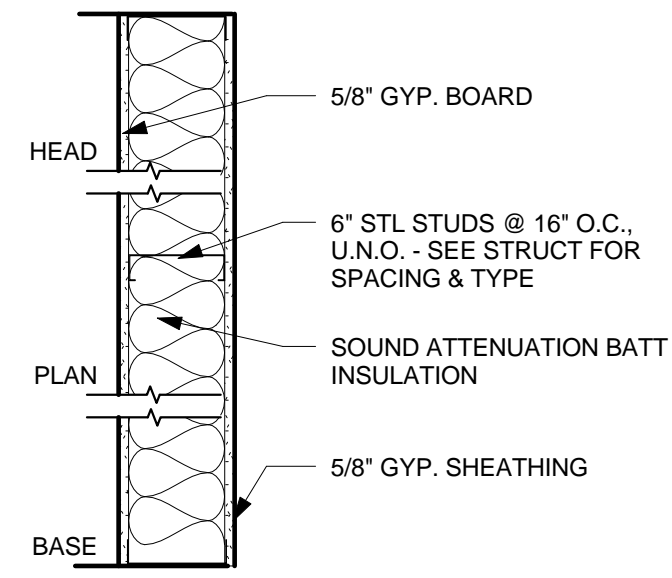
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional architect in the State of Minnesota.  
APPROVE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
EXPIRATION NUMBER: 3-1-2016  
CLIENT: \_\_\_\_\_  
CONTRACTOR: \_\_\_\_\_  
STRUCTURAL: \_\_\_\_\_  
CIVIL: \_\_\_\_\_

**Richfield Retail - East Building**  
PRELIMINARY - NOT FOR CONSTRUCTION  
FLOOR PLAN  
Project #: 15-063.00  
Date: 3-1-2016  
Drawn by: CW  
Checked by: SN  
Issue: \_\_\_\_\_  
Date: \_\_\_\_\_

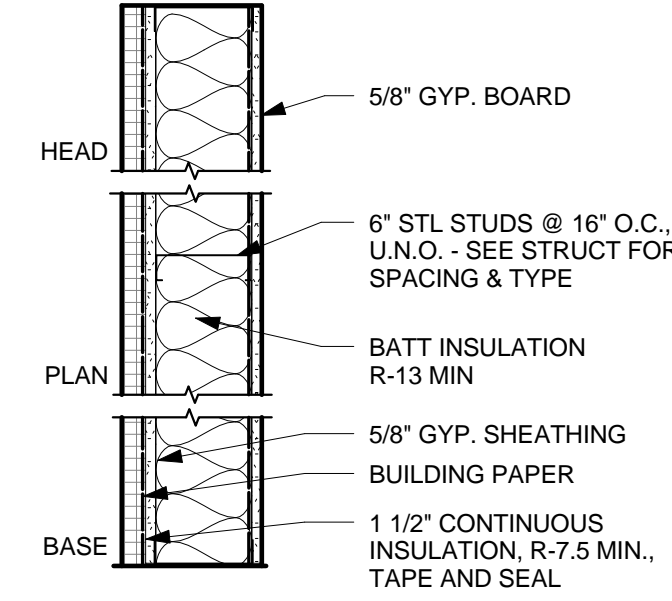
**A110**

# GENERAL NOTES - PARTITIONS

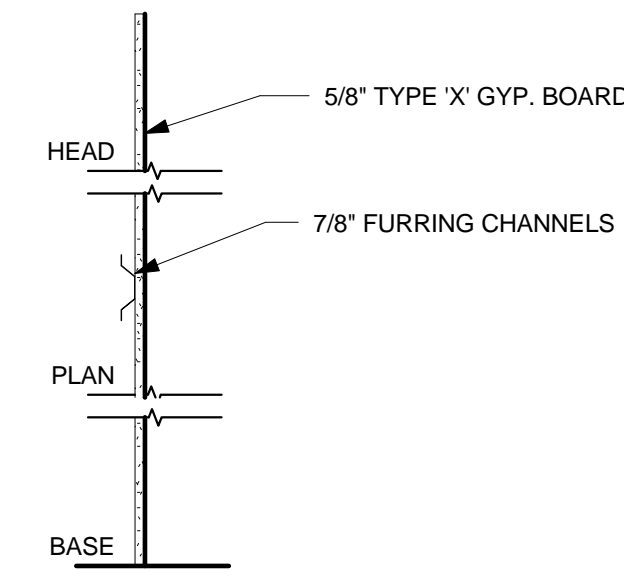
- REFER TO FLOOR PLANS FOR PARTITION TYPES
- TYPICAL FLOOR PLAN DIMENSIONS OF PARTITIONS ARE TO THE CENTER OF WALL STUD U.N.O.
- PROVIDE TYPE 'X' GYPSUM BOARD AT ALL LOCATIONS U.N.O.
- GYPSUM PANELS AND OTHER WALL PANELS SHALL BE INSTALLED WITH THEIR BOTTOM EDGE 1/2" ABOVE THE FLOOR SLAB.
- PROVIDE VERTICAL AND HORIZONTAL CONTROL JOINTS IN GYPSUM BOARD AS RECOMMENDED BY MANUFACTURER OR AS SHOWN ON DRAWINGS.
- PROVIDE WATER RESISTANT TYPE GYPSUM BOARD AT AREAS THAT ARE SCHEDULED TO RECEIVE CERAMIC TILE FINISH AND ALL TOILET ROOM PARTITIONS U.N.O.
- PROVIDE SOLID BLOCKING WITHIN PARTITIONS AT ALL WALL HUNG EQUIPMENT.
- ALL ELEMENTS OF ACOUSTIC RATED PARTITIONS SHALL EXTEND TO ROOF OR FLOOR DECK ABOVE AND ALL JOINTS AND PENETRATIONS OF ACOUSTIC RATED PARTITIONS SHALL BE FILLED AND SEALED.
- REFER TO INTERIOR PARTITION TYPE SUBSCRIPT KEY FOR ADDITIONAL REQUIREMENT OR MODIFICATIONS TO BASIC PARTITION TYPES.
- WHERE A CLEAR DIMENSION OR OPENING IS REQUIRED OR NOTED, MEASURE DIMENSION TO FACE OR PARTITION FINISH.
- GA AND UP TESTING NUMBERS MAY VARY DEPENDING ON THE MANUFACTURER OF COMPONENTS ACTUALLY USED.



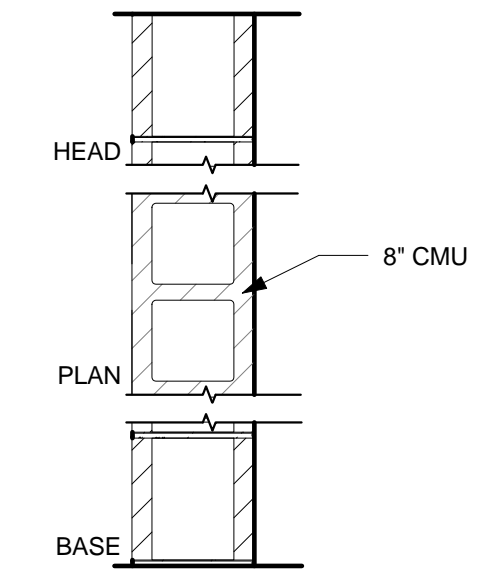
A1 INTERIOR DEMISING WALL - 6" STUDS



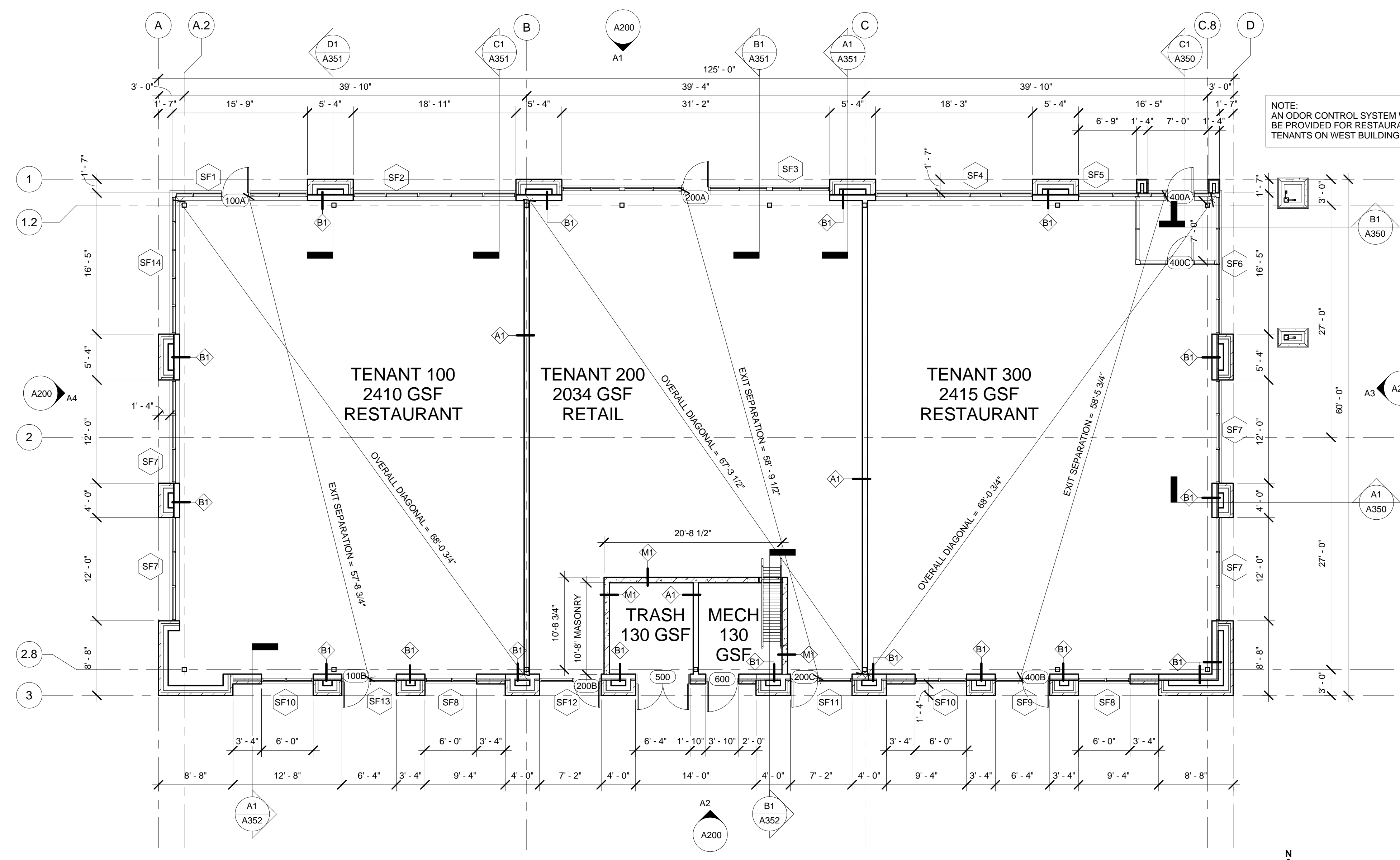
B1 INSULATED WALL - 6" STUDS



F1 FURRING CHANNELS - 7/8"



M1 8" CMU SHEAR WALL

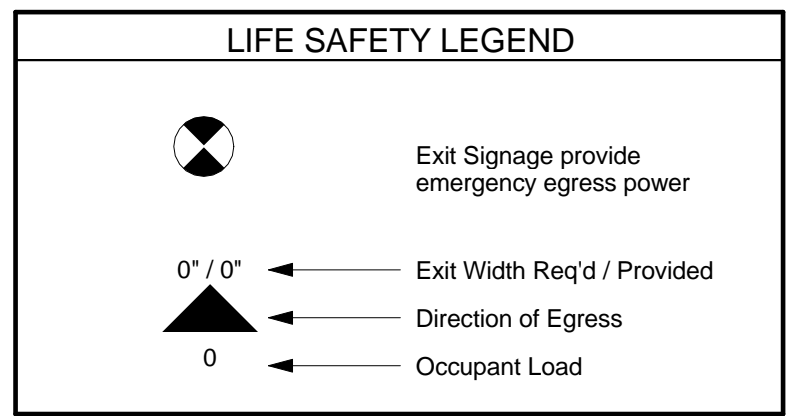


A1 FLOOR PLAN - LEVEL 1  
1/8" = 1'-0"

NOTE: AN ODOR CONTROL SYSTEM WILL BE PROVIDED FOR RESTAURANT TENANTS ON WEST BUILDING.

CODE REVIEW			
<b>PROJECT DESCRIPTION</b>			
New construction of 7,119 gross square foot, 1 story freestanding retail building. Shell only. All tenant improvement interior work permitted separately.			
<b>APPLICABLE CODES</b>			
International Building Code (IBC) 2012 Edition Minnesota Building Code 2015 Minnesota Accessibility Code 1341 Minnesota Energy Code 1323			
<b>AUTOMATIC SPRINKLER (Chapter 9)</b>			
Provided per NFPA 13			
<b>OCCUPANCY (Chapter 3)</b>			
Occupancy Group (Sections 305)			
Actual occupancy groups to be determined by tenant improvement plans.			
M: Mercantile / A2: Assembly / B: Business Non-Separated Mixed Use A2 Most Restrictive (shown below in table)			
<b>GENERAL BUILDING HEIGHTS AND AREAS (Chapter 5)</b>			
<b>Incidental Use Areas (Table 508.2)</b>			
Storage Rooms > 100 SF: 1-Hour or Automatic Fire-Extinguishing System			
<b>Height Modifications (504)</b>			
Height Increase (NFPA 13 Sprinkler): 20 feet and 1 story			
<b>Area Modifications (506)</b>			
Additional 300% for 1 story with sprinkler system			
<b>Allowable Height and Building Areas (Table 503)</b>			
Group	Type	Tabular Allowable Area	Modified Allowable Area
A2	VB	6,000 SF	18,000 SF
Actual Area: 7,119 SF			
Group	Type	Tabular Allowable Height	Modified Allowable Height
A2	VB	1 / 40'-0"	2 / 60'-0"
Actual Height: 1 / 19'-8"			
*If entire building were A-2. Actual tenant occupancy types vary. A-2 most restrictive.			
<b>CONSTRUCTION TYPE (Chapter 6)</b>			
Construction Type (602) Type VB			
<b>Building Element Fire-Resistance Rating Requirement (Table 601)</b>			
Structural Frame	0 Hours		
Bearing Walls - exterior	0 Hours		
Bearing Walls - interior	0 Hours		
Nonbearing Walls - exterior	0 Hours		
Nonbearing Walls - interior	0 Hours		
Floor Construction	0 Hours		
Roof Construction	0 Hours		

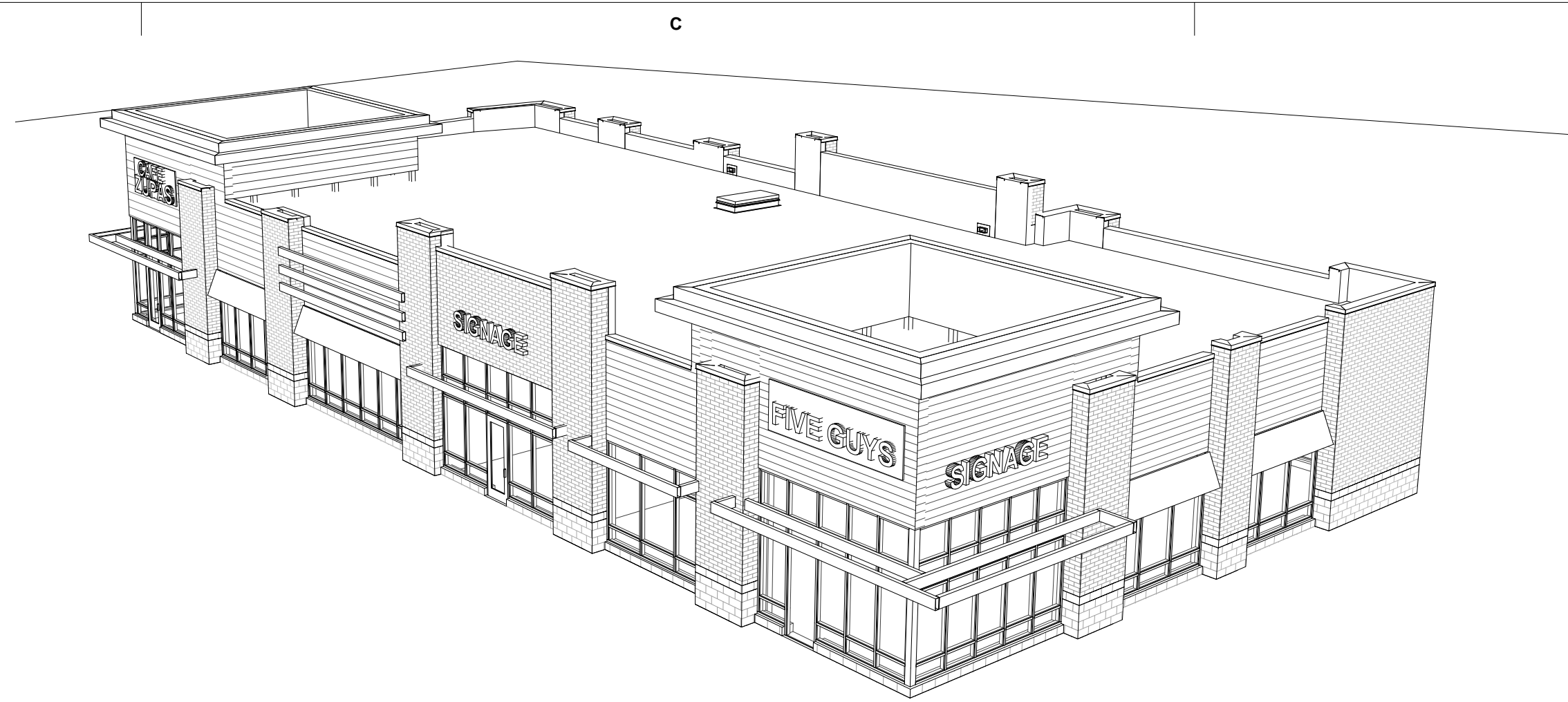
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Each tenant to be provided with access to req. exits without passing through adjacent tenant space	
<b>Exit And Exit Access Doorways (1015)</b>	
Number of exits req. (IBC 1015/ 1019) = see tenant plans	
Arrangement (IBC 1015.2) - Not less than 1/3 overall diagonal (Sprinklered Building)	
Travel Distance Maximum (M / A-2 Occupancy):	
Distance	250 feet
Common Path of Egress (IBC 1014.3)	75 feet
<b>PLUMBING FIXTURES (Chapter 29):</b>	
Plumbing code review with tenant plan (deferred submittal).	



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 architect in the State of Minnesota.

APPROVE: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_  
EXPIRATION NUMBER: 3-1-2016  
DATE: \_\_\_\_\_

PROJECT #: 15-063.00  
DATE: 3-1-2016  
DRAWN BY: CW  
CHECKED BY: SN



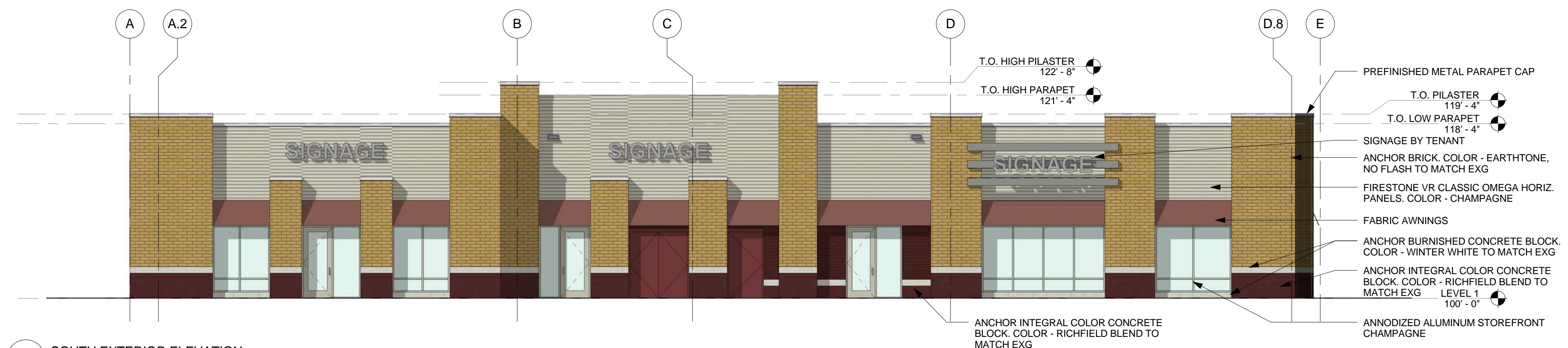
B4 3D View



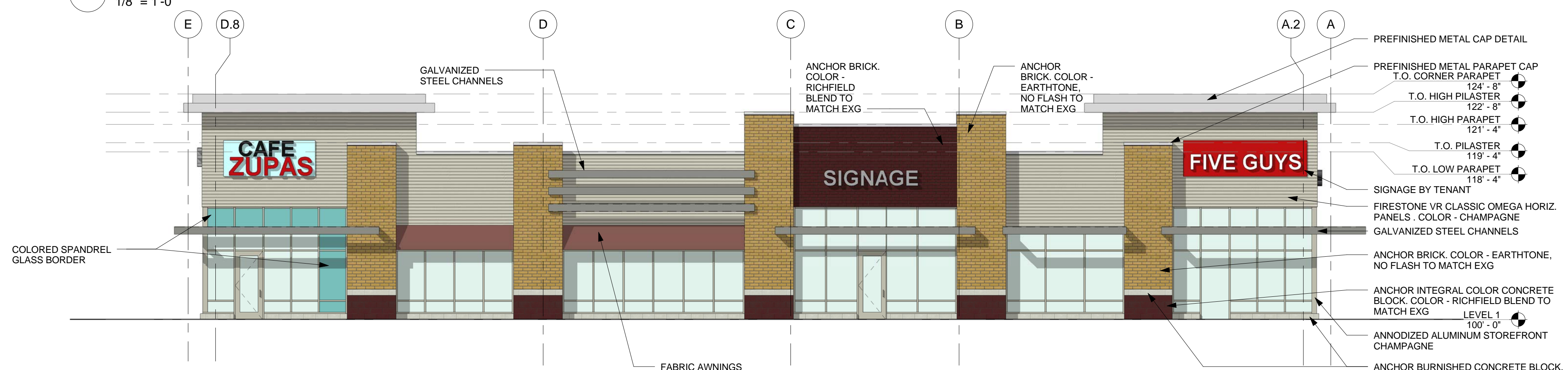
A4 WEST EXTERIOR ELEVATION  
1/8" = 1'-0"



A3 EAST EXTERIOR ELEVATION  
1/8" = 1'-0"



A2 SOUTH EXTERIOR ELEVATION  
1/8" = 1'-0"



A1 NORTH EXTERIOR ELEVATION  
1/8" = 1'-0"

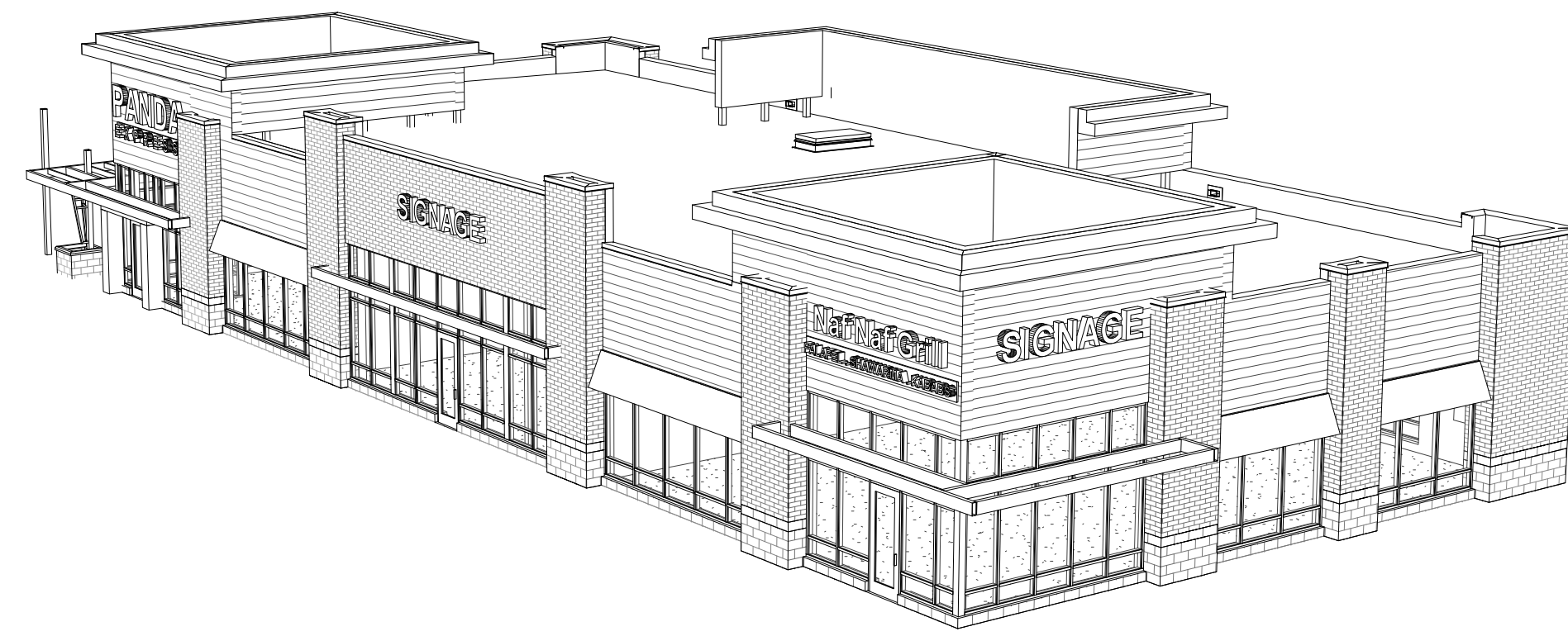
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

APPROVE  
SIGNATURE  
EXPIRATION NUMBER  
3-1-2016

PROJECT # 15-063.00  
DATE 3-1-2016  
DRAWN BY CW  
CHECKED BY SN

Richfield Retail - East Building  
PRELIMINARY: NOT FOR CONSTRUCTION  
EXTERIOR ELEVATIONS  
Richfield, MN





B4 3D View



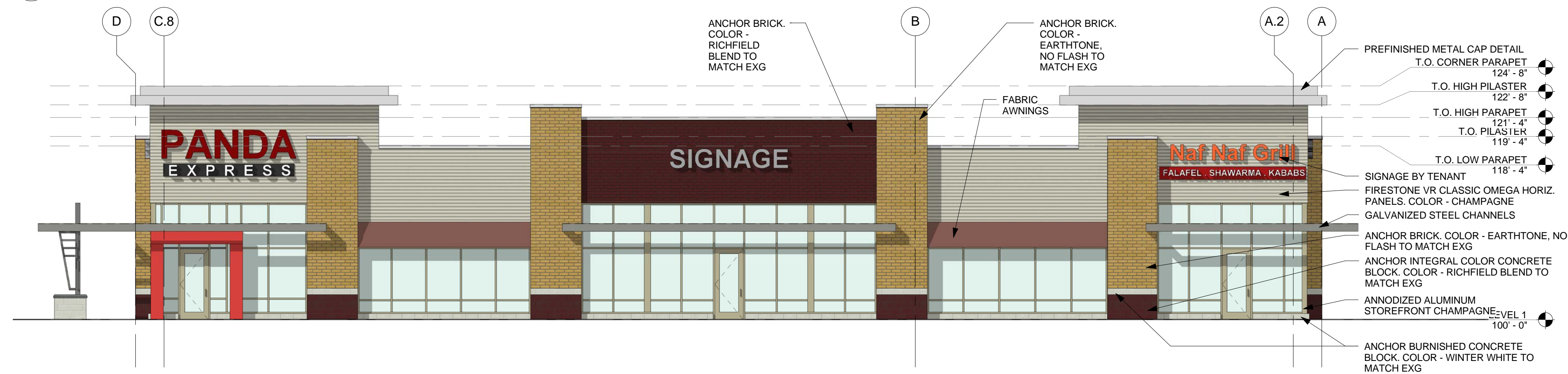
A4 WEST EXTERIOR ELEVATION  
1/8" = 1'-0"



A3 EAST EXTERIOR ELEVATION  
1/8" = 1'-0"



A2 SOUTH EXTERIOR ELEVATION  
1/8" = 1'-0"



A1 NORTH EXTERIOR ELEVATION  
1/8" = 1'-0"

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 architect under the laws of the State of Minnesota.  
APPROVE:  
SIGNATURE  
REGISTRATION NUMBER  
DATE

PROJECT # 15-063.00  
DATE 3-1-2016  
DRAWN BY CW  
CHECKED BY SN

Richfield Retail - West Building  
PRELIMINARY - NOT FOR CONSTRUCTION

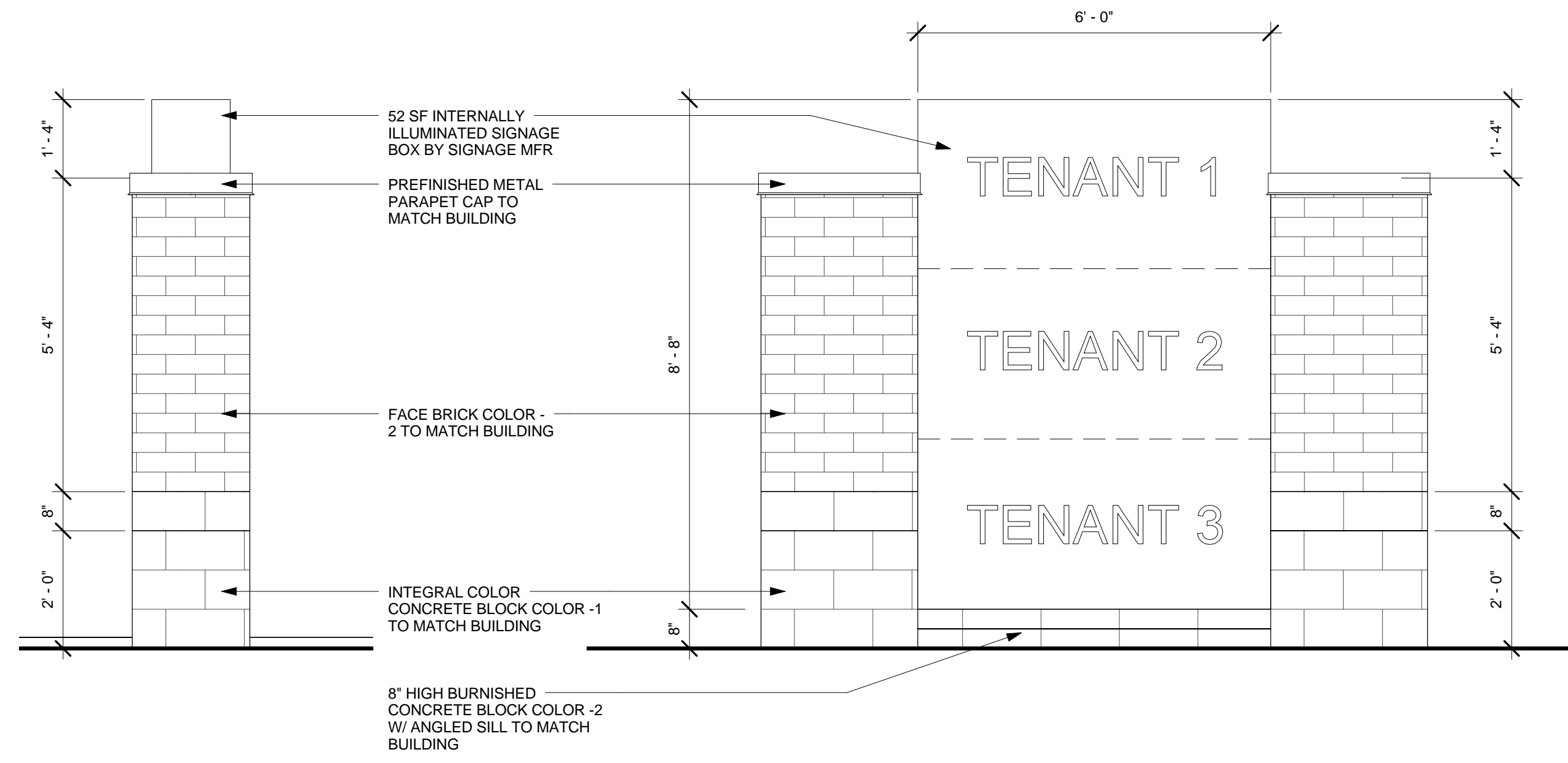
EXTERIOR ELEVATIONS

D

C

B

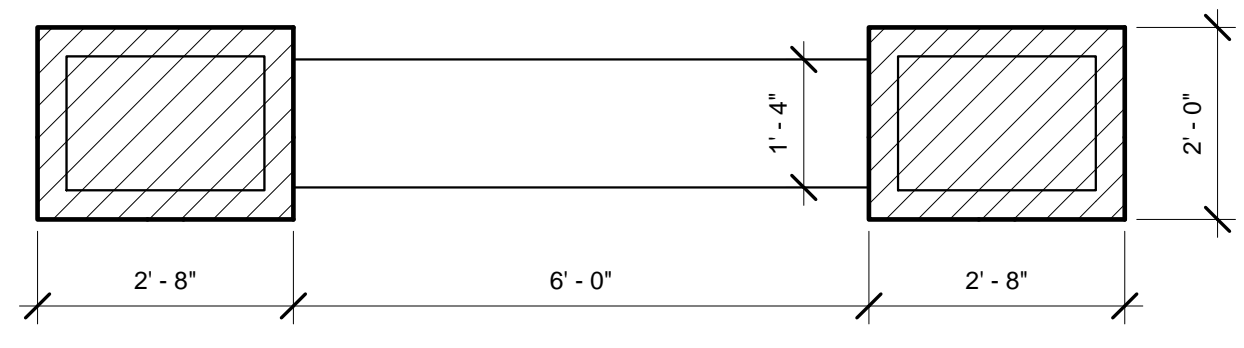
A



B2 EAST EXTERIOR ELEVATION  
1/2" = 1'-0"

A2 NORTH EXTERIOR ELEVATION  
1/2" = 1'-0"

SEE CIVIL PLAN C3.1 FOR LOCATION.



A1 Enlarged Monument Sign Plan  
1/2" = 1'-0"

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.  
**SCOTT NELSON**  
SIGNATURE  
REGISTRATION NUMBER: 622816  
PART TITLE: CLIENT

Project #: 15-063.00  
Date: 6-29-16  
Drawn by: CW  
Checked by: SN

PRELIMINARY: NOT FOR CONSTRUCTION

Richfield Retail  
Enter address here

Copyright © DJR Architecture, Inc.  
Monument Sign

CONTRACTOR  
STRUCTURAL  
CIVIL



View From Northeast Corner



View From Southeast



View From Northwest Corner



Detail of Center Tenant

## Richfield Retail - East Building

Richfield, MN

July 11, 2016

PERSPECTIVE RENDERINGS

115-0083

**DJR**  
ARCHITECTURE INC.



View From North



Detail of Left Tenant



Detail of Right Tenant

## Richfield Retail - East Building

Richfield, MN

July 11, 2016

PERSPECTIVE RENDERINGS

115-0083

**DJR**  
ARCHITECTURE INC.



View From Northeast Corner



View From Southeast



View From Northwest Corner



Detail of Center Tenant

## Richfield Retail - West Building

Richfield, MN

July 11, 2016

PERSPECTIVE RENDERINGS

115-0083

**DJR**  
ARCHITECTURE INC.



View From North



Detail of Left Tenant



Detail of Right Tenant

## Richfield Retail - West Building

Richfield, MN

July 11, 2016

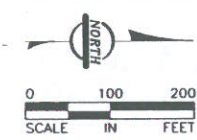
PERSPECTIVE RENDERINGS

115-0083

DJR  
ARCHITECTURE INC.

# 2006 Approved Site Plan

Call 48 Hours before digging  
**GOPHER STATE ONE CALL**  
 Twin Cities Area 651-454-0002  
 MN. Toll Free 1-800-252-1166



Duluth, MN  
 Ham Lake, MN  
 Minneapolis, MN  
 Phone: 952.933.1157  
 Fax: 952.933.1151  
 www.rlkinc.com



I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.

SURVEYED	RLK
DESIGNED	JRD
DRAWN	TER
CHECKED	

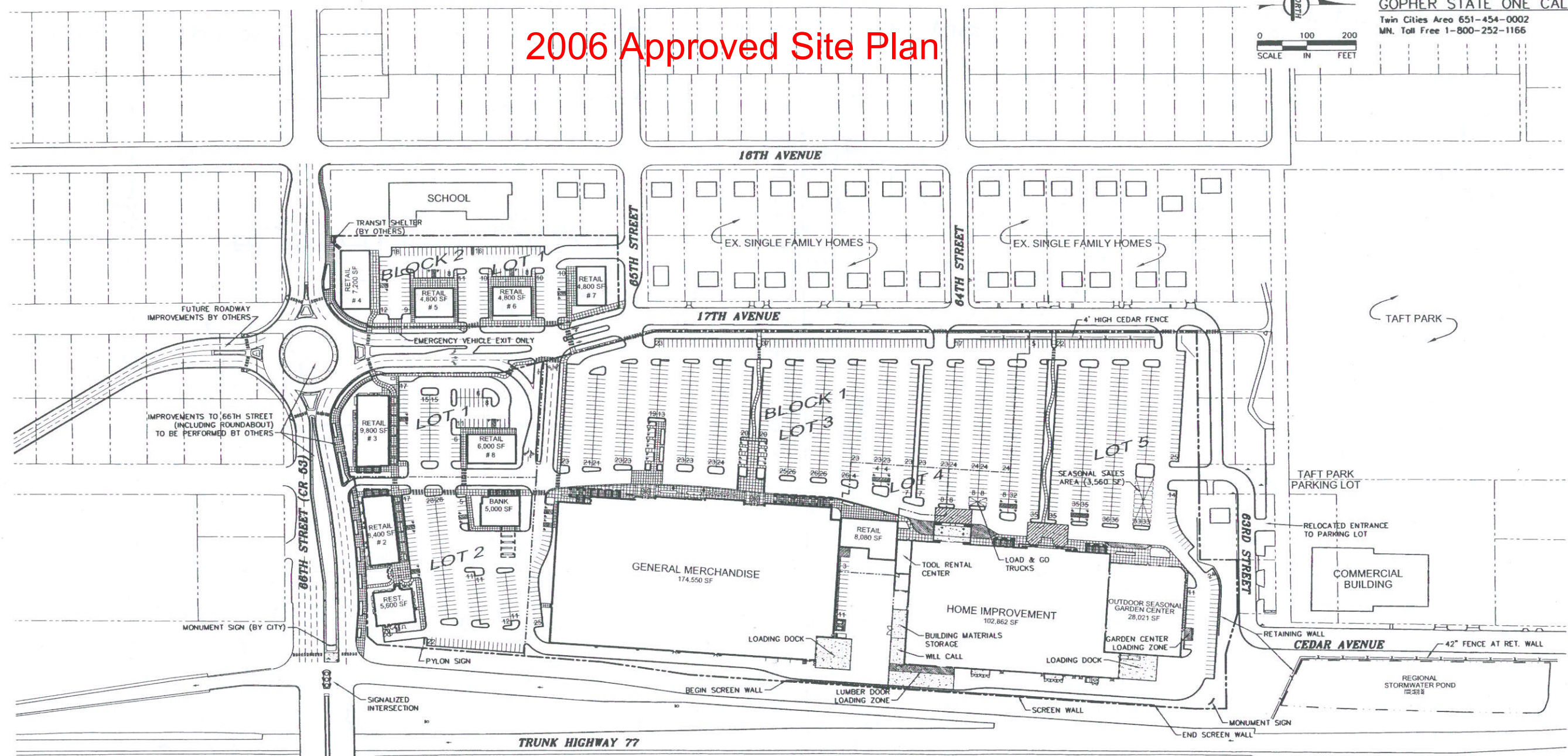
REVISIONS

RYAN COMPANIES US, INC.  
 5100 South Central Expressway  
 Minneapolis, MN 55412  
 612-472-4000 tel  
 612-472-3000 fax  
 WWW.RYANCOMPANIES.COM



CEDAR POINT COMMONS  
 RICHFIELD, MINNESOTA  
 OVERALL SITE PLAN

SHEET 1  
 2/38  
 PROJECT  
 20057444  
 DATE  
 4/4/06



### SITE DATA

EXISTING ZONING IS A COMBINATION OF INDUSTRIAL, SINGLE FAMILY RESIDENTIAL AND COMMERCIAL.

PROPOSED ZONING IS P.U.D.

EXISTING COMPREHENSIVE PLAN USE IS REGIONAL COMMERCIAL/OFFICE.

PARKING AND BUILDING SETBACKS ARE VARIABLE AND AS SHOWN ON THE DETAILED SITE PLAN.

SITE AREA = 29.6 ACRES

PARCEL DESCRIPTION	PARCEL AREA	PARCEL USE	BUILDING AREA	PARKING PROVIDED	PARKING RATIO
LOT 1, BLOCK 1	1.9 AC	RETAIL	15,800 SF	78 STALLS	5.0/1000
LOT 2, BLOCK 1	2.7 AC	REST./RETAIL/BANK	19,000 SF	145 STALLS	7.6/1000
LOT 3, BLOCK 1	12.6 AC	GENERAL MERCHANDISE	174,550 SF	752 STALLS	4.3/1000
LOT 4, BLOCK 1	0.8 AC	RETAIL	8,080 SF	37 STALLS	4.5/1000
LOT 5, BLOCK 1	9.2 AC	HOME IMPROVEMENT	102,862 SF*	441 STALLS	4.3/1000
LOT 1, BLOCK 2	2.4 AC	RETAIL/REST.	21,600 SF	112 STALLS	5.2/1000
<b>TOTAL</b>	<b>29.6 AC</b>		<b>341,892 SF</b>	<b>1,565 STALLS</b>	<b>4.6/1000</b>

\* GARDER CENTER NOT INCLUDED IN BUILDING AREA

### GENERAL SITE NOTES

PROJECT ACREAGE DOES NOT INCLUDE ANY RIGHT-OF-WAY FOR 66TH STREET, 17TH AVENUE OR FOR THE REGIONAL STORMWATER POND LOCATED ON MNDOT PROPERTY.

ENVIRONMENTAL ASSESSMENT WORKSHEET (EAW) WAS APPROVED BY THE CITY COUNCIL ON 3/28/06.

CONCEPT PLAN FOR SITE, LANDSCAPE, CIVIL AND BUILDING ELEVATIONS, SIGNAGE AND MATERIALS WAS APPROVED BY HRA ON 3/20/06 AND CITY COUNCIL ON 3/28/06.

OPEN HOUSE ON THE PROJECT WAS HELD ON 3/13/06 AT MT. CALVARY CHURCH & SCHOOL.

REFER TO 50 SCALE SITE DEVELOPMENT PLANS FOR PROPOSED SETBACKS AND PLAN DETAILS.

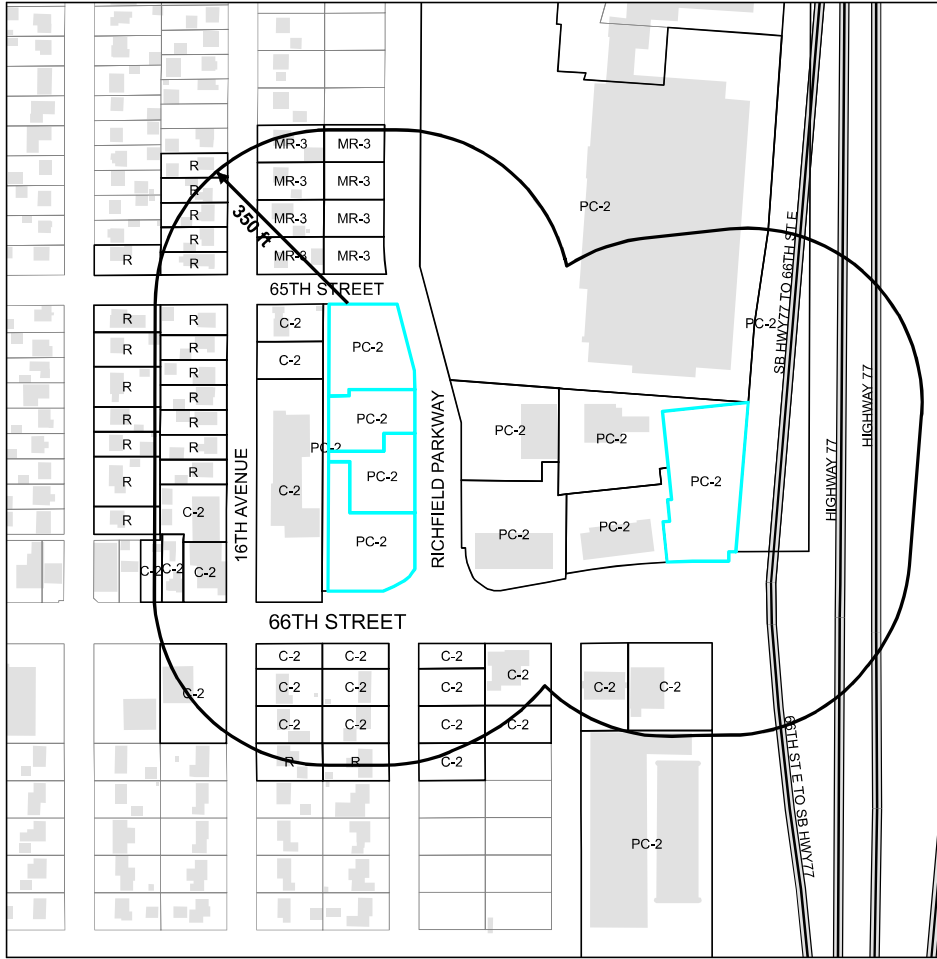
THE IMPERVIOUS AREA FOR THE 29.6 ACRE PROJECT SITE IS 88.6% IF THE REGIONAL POND AREA OF 1.9 ACRES IS ADDED TO THE PROJECT, THE IMPERVIOUS AREA WOULD BE DECREASED TO 83.3%.

NOT FOR CONSTRUCTION

Apr. 24, 2006 2:53pm  
 C:\Users\jrd\Documents\20057444\20057444.dwg

# Cedar Point Commons - APUD 7/2016

## Surrounding Zoning

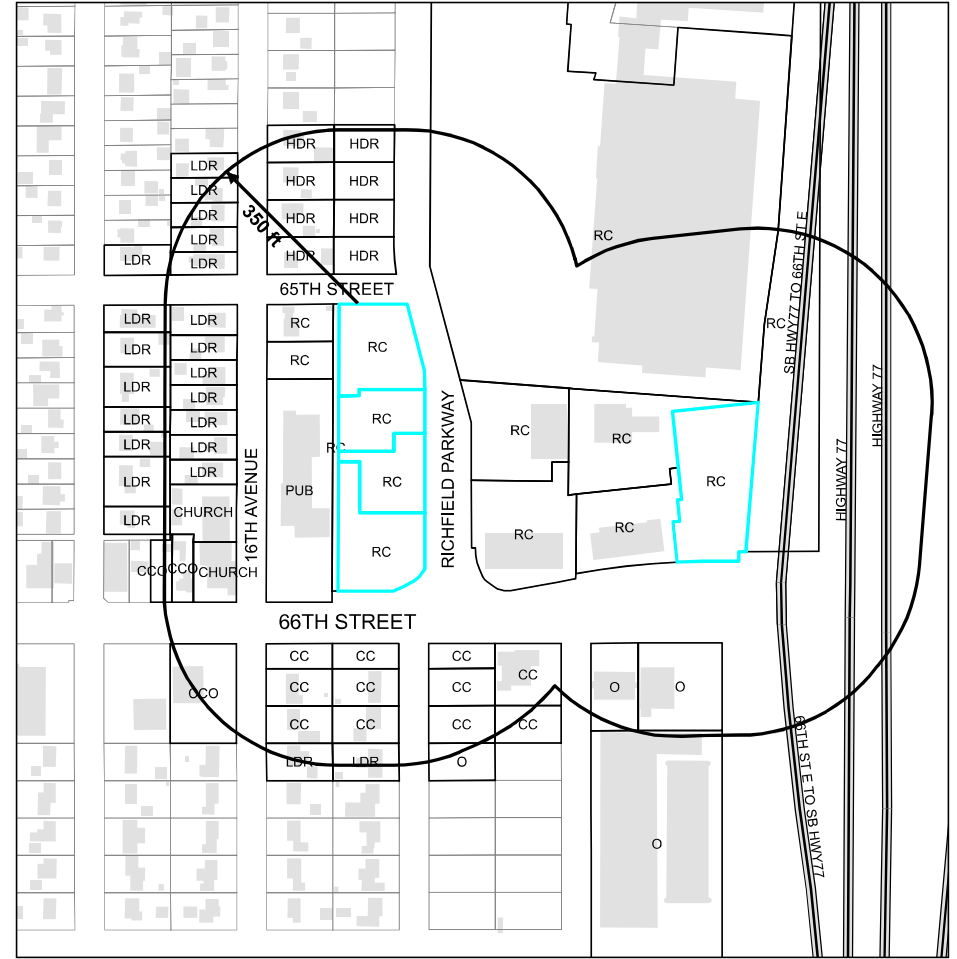


- C-2 - General Commercial
- PC-2 - Planned General Commercial
- R - Single Family Residential
- MR-3 - High Density Multi-Family Residential



# Cedar Point Commons - APUD 7/2016

## Surrounding Comprehensive Plan



- RC - Regional Commercial
- CC - Community Commercial
- CCO - Community Commercial/Office
- O - Office
- LDR - Low Density Residential
- HDR - High Density Residential
- PUB - Public





AGENDA SECTION:	PUBLIC HEARING
AGENDA ITEM #	2
PC LETTER #	9
CASE #	



# PLANNING COMMISSION STAFF REPORT

**PC MEETING DATE: JULY 25, 2016**

**ITEM FOR PLANNING COMMISSION CONSIDERATION:**

Public hearing to consider amendments to the City’s Zoning Ordinance. The proposed ordinance allows the City to “opt-out” of recently-adopted legislation related to temporary family health care dwellings.

**I. RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Recommend approval of the attached ordinance opting out of the requirements of Minnesota Statutes, Section 462.3593**

**II. BACKGROUND**

Legislation allowing certain types of recreational vehicles to be used as “temporary family dwellings” was signed into law by the Minnesota Legislature in May of this year. The stated purpose of the law is to provide transitional housing for seniors although the law does not limit the housing to seniors, but rather allows anyone in need of assistance with two or more “instrumental activities of daily life” to be housed in this manner. The law creates a new type of permit, a “temporary conditional use permit” that allows this type of housing for up to six months, with an option to extend the permit by an additional six months. The law gives cities only 15 days to make a decision on granting the permit, as opposed to the typical 60 days.

The League of Minnesota Cities (“League”) and City staff opposed this legislation for a number of reasons:

- Cities should be allowed to make decisions related to density and accessory dwellings units/structures at a local level.
- The varied characteristics of cities make it inappropriate to adopt one-size-fits-all land use regulations that will impact the character of neighborhoods.
- The City of Richfield allows accessory dwelling units in a variety of forms. Individuals wishing to accommodate an aging senior have a legal, City-sanctioned way to do so.
- Adopted legislation allows for only one occupant of the temporary health care dwelling unit. It seems unsafe and inconsistent with an urgent need for temporary housing to place a person with medical and/or physical impairments alone in housing unit. Minnesota winter conditions could also pose a threat to impaired individuals living alone in a temporary structure.
- The combination of an accessory dwelling unit plus a temporary family health care dwelling on Richfield lots would create overcrowding issues that could be detrimental to the surrounding neighborhood.

- The adopted permit process puts city staff in the place of having to request medical and legal documents. The City of Richfield does not want to be in this position.
- The adopted timeline is far too short.

As a result of strong city and League opposition, the adopted bill does allow cities to “opt-out” of this legislation. Unless cities choose not to participate by passing an “opt-out” ordinance, the law requires cities to start issuing permits for temporary dwellings on September 1<sup>st</sup>. The League has drafted the attached model ordinance to assist cities in this process.

It is the opinion of City staff and legal counsel that the Council should adopt the attached ordinance opting out of these requirements. Staff believes that adequate provisions to allow for both temporary and longer term assistance for family members with health issues already exist in our ordinances.

**III. BASIS OF RECOMMENDATION**

**A. POLICY**

- Addressed above

**B. CRITICAL ISSUES**

- Cities must specifically opt out of the law or begin issuing permits for qualified applicants on September 1, 2016.

**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
- Amended MN Statutes, Section 144D.01, Subd. 4

**VI. PRINCIPAL PARTIES EXPECTED AT MEETING**

- N/A

BILL NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE TO  
OPT-OUT OF THE REQUIREMENTS  
OF MINNESOTA STATUTES, SECTION 564.3593**

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, Subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

**THE CITY OF THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. Subsection 509.09 of the Richfield City Code relating to accessory buildings is amended to read as follows:

**Subsection 509.09. Accessory buildings.**

Subdivision 1. Construction of accessory buildings. No accessory building shall be constructed prior to the time of construction of the principal building on any residential lot, including commercially zoned lots used for residential purposes.

Subd. 2. Building separation. The required setback between an accessory building and any other building on the lot shall be determined by Section 400 of the city code.

Subd. 3. Eave projection. The roof overhang (eave projection) for accessory buildings shall not be located closer than two (2) feet from any lot line.

Subd. 4. Relationships to principal building. No accessory building on any lot, except through lots, shall be situated forward of the front building line of the principal building. In the case of a through lot, no accessory building shall be located within 30 feet of the lot lines abutting either street unless otherwise noted.

Subd. 5. Lot coverage and height. No accessory building shall be greater in lot coverage or floor area than the principal building, or greater in height than the principal building.

Subd. 6. Opt-out of Minnesota Statutes, Section 462.3593. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Richfield opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

Sec. 2. This Ordinance shall be effective immediately upon its passage and publication.

Passed by the City Council of the City of Richfield, Minnesota this 23rd day of August, 2016.

---

Debbie Goettel, Mayor

ATTEST:

---

Elizabeth VanHoose, City Clerk

# 2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

---

## CHAPTER 111--S.F.No. 2555

*An act relating to local government; regulating zoning of temporary family health care dwellings; establishing temporary dwelling permits; amending Minnesota Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 394; 462.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

Subd. 4. **Housing with services establishment or establishment.** (a) "Housing with services establishment" or "establishment" means:

(1) an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or

(2) an establishment that registers under section 144D.025.

(b) Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, certified boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245D;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the Department of Human Services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts 9525.2100 to 9525.2140, or applicable successor rules or laws;

(8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; ~~or~~

(10) services for persons with developmental disabilities that are provided under

a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under chapter 245D; or

(11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.

Sec. 2. **[394.307] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

**Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

**Subd. 2. Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

**Subd. 3. Temporary dwelling permit; application.** (a) Unless the county has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care

dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the county. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law and local ordinances.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The county may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The county may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The county may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the county revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the county may

charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

**Subd. 8. No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

**Subd. 9. Opt-out.** A county may by resolution opt-out of the requirements of this section.

### Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

**Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

**Subd. 2. Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;



(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

**Subd. 3. Temporary dwelling permit; application.** (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

**Subd. 4. Initial permit term; renewal.** The initial temporary dwelling permit is valid for

six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

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AGENDA SECTION:	PUBLIC HEARING
AGENDA ITEM #	3
PC LETTER #	10
CASE #	



# PLANNING COMMISSION STAFF REPORT

**PC MEETING DATE: JULY 25, 2016**

**ITEM FOR PLANNING COMMISSION CONSIDERATION:**  
 Public hearing to consider amendments to the City’s Zoning Ordinance. The proposed ordinance would update regulations related to telecommunication facilities.

**I. RECOMMENDED ACTION:**  
**Conduct and close a public hearing and by motion: Recommend approval of the attached ordinance amending Subsection 544.25 related to telecommunication towers and antennas.**

**II. BACKGROUND**

On September 8, 2015 the City Council adopted a one-year moratorium on the consideration of wireless telecommunication facilities and antennas in City, County, and State right-of-ways throughout the City. This moratorium was in response to inquiries about new “small cell” technology. The City had been approached by a company named Mobilitie who was looking to install six new utility poles for small cell packages within City right-of-way.

City staff believes that it is important to provide wireless communication access to the public. City staff also believes that this is possible to do so with fair and balanced regulations related to siting, screening, and operation of the wireless communication facilities. The proposed ordinance updates a number of definitions and the purpose and intent section. It also strikes language related to collocation in the public right-of-way. This language is proposed to be removed because the Zoning Ordinance is not intended to regulate the initial permitting and placement of structures within the public right-of-way. Section 802 of the City Code addresses right-of-way management and includes the City’s policies related to permitting, placement, undergrounding, etc.

In regard to the previous inquiry by Mobilitie, the City Attorney has found that this particular company does not meet the definition of a telecommunications right-of-way user as defined by Minn. Stat., §237.162, Subd. 4 and therefore does not have a right under law, franchise, or ordinance to the use the public right-of-way. The City may consider applications for right-of-way facilities by Mobilitie, but no inherent right exists.

### 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 and that information is kept up-to-date.
- 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  
REGULATIONS RELATED TO  
TELECOMMUNICATION FACILITIES**

**THE CITY OF RICHFIELD DOES ORDAIN:**

- Section 1            Subsection 507.07, Subdivision 4 of the Richfield City Code defining “antenna” is amended to read as follows:
- Subd. 4.** ~~“Antenna.” Any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a support structure, pole, light standard, building or other structure for the purpose of providing personal wireless services and its attendant base station. For purposes of this Section, “antenna” does not include “dish antenna.”~~Any exterior transmitting or receiving device mounted on a tower, monopole, building, or other structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communications signals. “Antenna” does not include either a “dish antenna” or a lightning rod.
- Section 2            Subsection 507.07, Subdivision 99 of the Richfield City Code defining “public utility” is amended to read as follows:
- Subd. 99.** “Public utility.” Persons, corporations, or governments supplying gas, electric, transportation, water, or sewer, ~~or telecommunication service to the general public. Personal wireless telecommunication service facilities shall not be considered as public utilities.~~
- Section 3            Subsection 507.07, Subdivision 96 of the Richfield City Code defining “personal wireless telecommunication service” is repealed.
- Subd. 96.** ~~“Personal wireless telecommunication service.” Licensed commercial wireless services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced mobilized radio (ESMR), paging, and similar services that are marketed to the general public.~~
- Section 4            A new Subsection 507.07, Subdivision 130 of the Richfield City Code to read as follows is added, and by now renumbering all following subdivisions accordingly:

**Subd. 130.** “Telecommunications Equipment.” Antennas and accessory/associated equipment such as wires, cables, generators, air conditioning units, and other equipment or facilities that are used in conjunction with telecommunication facilities and telecommunication equipment.

Section 5 A new Subsection 507.07, Subdivision 131 of the Richfield City Code to read as follows is added, and by now renumbering all following subdivisions accordingly:

**Subd. 131.** “Telecommunications Facilities.” Any facility or location maintained by a commercial enterprise where telecommunications equipment or telecommunications tower is located.

Section 6 A new Subsection 507.07, Subdivision 142 of the Richfield City Code to read as follows is added, and by now renumbering all following subdivisions accordingly:

**Subd. 142.** “Wireless telecommunications.” Any personal wireless services as defined in the Federal Communications Act of 1996, including FCC licensed commercial wireless Telecommunications services including, but not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system of mobile communication (GSM), paging, and similar services that currently exist or may be developed.

Section 7 Subsection 544.25 of the Richfield City Code related to telecommunication towers and antennas is amended to read as follows:

**Subdivision 1.** [Purpose.] This section is intended to establish fair and balanced regulations related to the siting, screening, and operation of wireless telecommunication facilities and equipment ~~in order~~ to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community. This section recognizes that wireless communication systems provide a valuable service to the public but that they are not a public utility. The following regulations ~~the Council finds that these regulations~~ are necessary in order to:

- a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
- b) Minimize adverse visual effects of towers through careful design and siting standards;
- c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

d) Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

**Subd. 2. Permits.** It shall be unlawful for any person, firm, or corporation to erect, construct in place, place or re-erect, replace, or repair any tower without first making application to the Department of Community Development and securing the required zoning and building permits.

**Subd. 3. Exemptions.** Permits are not required for: (Amended, Bill No. 2011-13)

i. Adjustment of the elements of an antenna array affixed to a tower or antenna, provided that replacement does not reduce the safety factor.

ii. Antennae and/or towers erected temporarily for test purposes, for emergency communication, or for broadcast remote pick-up operations. Temporary antennae shall be removed within 72 hours following installation.

**Subd. 4. Submittal Requirements.** The applicant shall provide at the time of application sufficient information to indicate that construction, installation, and maintenance of the antenna and tower will not create a safety hazard or damage to the property of other persons. In addition to the information required elsewhere in this Code, development applications for towers shall include the following supplemental information: (Added, Bill 2009-1)

a) A report from a qualified and licensed professional engineer which:

i. Describes the tower height and design including a cross section and elevation;

ii. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;

iii. Describes the tower's capacity, including the number and type of antennas that it can accommodate;

iv. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

v. Includes an engineer's stamp and registration number; and,

vi. Includes other information necessary to evaluate the request.

b) For all commercial wireless telecommunication service towers, a letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

c) Before the issuance of a building permit, the following supplemental information shall be submitted:

i. Proof that the proposed tower complies with regulations administered by Federal Aviation Administration; and,

ii. A report from a qualified and licensed professional engineer which demonstrates the tower's compliance with the aforementioned structural and electrical standards.

d) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless the Director approves a time extension. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.

**Subd. 5. Towers in Residential Zoning Districts.** Towers shall be allowed only in the following residentially zoned areas:

a) Towers supporting amateur radio antennas and conforming to all applicable provisions of this Code shall be allowed only in the rear yard of residentially zoned parcels.

b) Towers supporting commercial antennas and conforming to all applicable provisions of this Code shall be allowed only in the following residentially zoned locations:

i. Church sites, when camouflaged as steeples or bell towers;

ii. Park sites, when compatible with the nature of the park; and,

iii. Government, school, utility, and institutional sites, not including the public right-of-way.

**Subd. 6. Collocation Requirements.** All commercial wireless telecommunication towers erected, constructed, or located within the City shall comply with the following requirements:

a) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless the City Council finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one (1) mile search radius (one half ( $\frac{1}{2}$ ) mile search radius for towers under 120 feet in height, one quarter ( $\frac{1}{4}$ ) mile search radius for towers under 80 feet in height) of the proposed tower due to one (1) or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.



ii. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

iv. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.

b) Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least 2 additional users if the tower is over 100 feet in height or for at least one (1) additional user if the tower is over 60 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

**Subd. 7. Tower Design Requirements.** Proposed or modified towers and attached antennas shall meet the following design requirements.

a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

b) Commercial wireless telecommunication service towers shall be of a monopole design unless the City Council determines that an alternative design would better blend into the surrounding environment.

**Subd. 8. Tower Setbacks.** Towers shall conform to each of the following minimum setback requirements:

a) Towers shall meet the setbacks of the underlying zoning district with the exception of industrial zoning districts, where towers may encroach into the rear setback area, provided that the rear property line abuts another industrially zoned property and the tower does not encroach upon any easements.

b) Towers shall maintain a minimum distance from the nearest residential structure equal to twice the height of the tower.

c) Towers shall not be located between a principal structure and a public street, with the following exceptions:

i. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.

ii. On sites abutted by public streets on all sides, towers may be placed within a side yard abutting a local street.

d) A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the City Council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure.

**Subd. 9. Tower Height.** The height of a telecommunication tower and antenna shall be measured as the distance from ground level to the highest point on the tower, including the antenna.

a) In all residential property, the maximum height of any tower shall be 30 feet.

b) In all residential zoning districts other than designated residential property, the maximum height of any tower shall not exceed one (1) foot for each four (4) feet the tower is setback from designated residential property up to a maximum height of 75 feet.

c) In all nonresidential zoning districts, the maximum height of any tower shall not exceed one (1) foot for each two (2) feet the tower is setback from designated residential property up to a maximum height of 75 feet in nonindustrial zoning districts and 100 feet in industrial zoning districts.

d) In accordance with the Federal Communications Commission's preemptive ruling PRB1, towers and antennas erected for the primary purpose of supporting amateur radio communications may exceed the height restrictions of (3), above, but shall not exceed 65 feet in height.

e) In addition to the height limitations noted above, no tower shall be constructed or changed so as to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones of the MSP Zoning Ordinance.

**Subd. 10. Tower Lighting.** Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.

**Subd. 11. Signs and Advertising.** The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

**Subd. 12. Associated Equipment.** Ground equipment associated with a tower or wireless telecommunications facility shall be screened by vegetative or other screening compatible with the surrounding environment if deemed necessary by the Director or designee. When associated ground equipment is housed in a building or structure, that

building or structure shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground equipment associated with a wireless telecommunications facility may be located on residentially used property only within a utility easement adjacent to the public right-of-way, except in the multifamily zoning districts where ground equipment associated with a wireless telecommunications facility may also be located within a code complying building or structure after receiving the approvals required by this Code.

**Subd. 13. Antennas Mounted on Roofs, Walls, and Existing Towers.** The placement of wireless telecommunication antennas on roofs, walls, and existing towers may be approved by the Director, provided the antennas meet the requirements of this Code, after submittal of 1) a site and building plan and 2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated. Antennas shall be mounted on the facade of the building or penthouse structure unless the Director or designee determines that another antenna mounting location decreases the visual impact of the antennas. All roof-mounted equipment shall be screened from view.

**Subd. 14. Antenna Design and Mounts.** Applicants shall use antenna designs and mounts that minimize visual impact.

~~**Subd. 15. Collocation in the Public Right-of-Way.** Wireless telecommunication facilities and antennas may co-locate with existing poles or towers in the City, County, or State right-of-way within any zoning district.~~

**Subd. 16. Maintenance and Inspections.** Tower and antenna finish and paint shall be maintained in good condition, free from rust, graffiti, peeling paint, or other blemish.

a) All towers may be inspected at least once each year by an official of the Building and Inspection Division to determine compliance with original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Section.

b) Notice of violations will be sent by registered mail to the owner and he will have 30 days from the date the notification is issued to make repairs. The owner will notify the Building and Inspection Division that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

**Subd. 17. Variances.** The following standards apply to variance requests for towers, antennas, or wireless telecommunication facilities.

a) The City Council shall consider the following issues in addition to the variance findings required in Section 547.11 of this Code.

i. The viability of Code complying alternative locations for the proposed tower, antenna, or wireless telecommunication facility.

ii. The impacts of the tower, antenna, or wireless telecommunication facility at the proposed site relative to the impacts of the tower, antenna, or wireless telecommunication facility at a Code complying alternative location.

iii. The extent to which there is a significant gap in coverage surrounding the proposed tower, antenna, or wireless telecommunication facility or other evidence of inadequate service due to antenna location.

iv. The extent to which the proposed tower, antenna, or wireless telecommunication facility is the least intrusive, lowest impact design available.

v. The extent to which the height of the proposed tower, antenna, or wireless telecommunication facility could be reduced and still provides adequate coverage.

vi. The extent to which the size of the proposed accessory equipment could be reduced.

vii. The feasibility of placing the proposed accessory equipment underground.

b) The applicant shall pay the reasonable cost of the City retaining a qualified, independent radio frequency engineer to provide a professional opinion to the City Council if the Director or designee determines that an independent radio frequency engineer is needed to assist in consideration of these regulations.

Section 8

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