



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
APRIL 23, 2018
7:00 PM**

Call to Order

Approval of minutes of the regular Planning Commission meeting of March 26, 2018.

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

Agenda Approval

1. Approval of the Agenda

Public Hearings

2. Public hearing to consider a request for an amendment to a conditional use permit and variance to allow an expansion to increase capacity from 28 beds to 32 beds at Progress Valley, 308 78th Street East.
Zoning Case No. 18-ACUP-01, 18-VAR-05
3. Public hearing to consider an amendment to the Richfield Urban Village Planned Unit Development to allow McDonald's to make minor site modifications and the replacement of menu board signs with dynamic display signs.
18-APUD-02
4. Public hearing to consider a request for a site plan review and variances for a restaurant at 6600 Penn Avenue.
18-SP-01, 18-VAR-05
5. Consider approval of the attached ordinance and resolutions related to the approval of a mixed use development on 66th Street, between 1st and Stevens Avenues.
Zoning Case No. 18-CP-01, 18-RZN-01, 18-PUD-01, 18-CUP-01, 18-FDP-01
6. Public hearing to consider changes to the City's Zoning Ordinances related to sign regulations.
PC Ltr #4

Other Business

7. Consideration of a motion to reschedule the May Planning Commission meeting to May 29, 2018.
PC Letter #5

Liaison Reports

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

Chamber of Commerce
Other

City Planner's Reports

8. City Planner's Report

9. Next Meeting Time and Location

May 29, 2018 at 7:00 p.m. in the Council Chambers.

10. Adjournment

Auxiliary aids 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

March 26, 2018

MEMBERS PRESENT: Chairperson Sean Hayford Oleary, Commissioners Allysen Hoberg, Susan Rosenberg, Dan Kitzberger, James Rudolph and Kathryn Quam
MEMBERS ABSENT: Commissioner Bryan Pynn
STAFF PRESENT: Matt Brillhart, Associate Planner
Sadie Gannett, Assistant Planner
OTHERS PRESENT: Cheri Saari, representing 7298 Oak Grove Blvd

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

APPROVAL OF MINUTES

M/Rosenberg, S/Quam to approve the minutes of the February 26, 2018 meeting.
Motion carried: 6-0

OPEN FORUM

No members of the public spoke.

ITEM #1 APPROVAL OF AGENDA

M/Rosenberg, S/Rudolph to approve the agenda.
Motion carried: 6-0

PUBLIC HEARING(S)

ITEM #2

18-VAR-03 – Consideration of a request for a variance to allow a reduced setback requirement for a porch at 7298 Oak Grove Boulevard,
Assistant Planner Sadie Gannett presented the staff report.

Chair Hayford Oleary opened the public hearing.
No members of the public spoke.

M/Rosenberg, S/Quam to close the public hearing.
Motion carried: 6-0

Commissioner Rudolph asked if the new porch would extend further than the existing deck or stay in the same footprint. Ms. Saari responded that the proposed porch will have a similar footprint as the existing deck.

Commissioner Quam inquired about where the property line of the NW corner of the house is in relation to the public street. Associate Planner Brillhart responded that the NW corner of the house is 8.8 feet from the property line, but that property lines are generally about 10'-12' in from the curb.

M/Rosenberg, S/Kitzberger to approve the resolution granting a variance.
Motion carried: 6-0

LIAISON REPORTS

Community Services Advisory Commission: No report

City Council: Commissioner Rosenberg

HRA: Commissioner Rudolph

Richfield School Board: Commissioner Quam

Transportation Commission: No report

CITY PLANNER'S REPORT

Brillhart noted that the City Council had officially accepted the grant funding and approved guidelines for the Penn Avenue Façade Improvement Grants Program, for businesses on Penn Ave between Crosstown and 68th Street. Funds are available through the end of 2019. Brillhart also commented on the Comprehensive Plan open house that was held on March 15th, which was well-attended with lots of good feedback. City staff, along with consultant HKGI, are working to compile the feedback. A draft version of the Plan is available on the City's website, with a link to a survey. This will be promoted through social media and other means to continue getting feedback from the public. There will be a work session on Tuesday, April 10th, related to the Comp Plan update and another item regarding sign regulations.

ADJOURNMENT

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

The meeting was adjourned by unanimous consent at **7:11 p.m.**

Planning Commission Secretary

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	2.
CASE NO.:	Zoning Case No. 18-ACUP-01, 18-VAR-05



PLANNING COMMISSION MEETING 4/23/2018

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for an amendment to a conditional use permit and variance to allow an expansion to increase capacity from 28 beds to 32 beds at Progress Valley, 308 78th Street East.

EXECUTIVE SUMMARY:

Progress Valley is a nonprofit organization that has provided chemical health treatment services for adult men and women since 1972. They are requesting to increase capacity for their Men's Residential program at 308 78th Street East. Currently, they are licensed to house 28 individuals at this location and they would like to increase their capacity to house 32 individuals. This property is in the Mixed-Use Community District and is considered a legally nonconforming use. The City Council may allow expansion of legal nonconforming uses through issuance of a conditional use permit. Expansion may be allowed up to 10 percent provided the expansion meets all other applicable City requirements. The request to increase their capacity is an intensification of use rather than a physical expansion, however, it seems reasonable to apply this same 10 percent standard to the intensification of use.

The property has a total of six rooms that are able to accommodate three clients, but only two of those six rooms are being used in this manner. They are requesting approval to add one bed to each of the other four rooms, increasing their capacity to accommodate 32 individuals, which is a 14 percent increase. A variance is required for any expansion that exceeds 10 percent. There is no construction or structural change required to the building or grounds in order to accommodate this request.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Approve an amendment to a conditional use permit and variance to allow an expansion to increase capacity from 28 beds to 32 beds at Progress Valley, 308 78th Street East.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

In 2014, a conditional use permit and variance was granted to allow for an expansion greater than 10 percent of a legally nonconforming use at Progress Valley. This was for a building addition of approximately 6,700 square feet and internal renovation that allowed for an increase in bedroom size (not quantity), additional meeting spaces, office space and ADA improvements.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

In accordance with Subsection 537.13 of the Zoning Code, existing legal nonconforming uses may be maintained according to City Code Subsection 509.25. The City Council may allow expansion of legal nonconforming uses through issuance of a conditional use permit. Expansion may be allowed up to 10 percent of the gross floor area provided the expansion meets all other applicable City requirements. Any expansion larger than 10 percent would require a variance.

Community Development staff sought the input of the Richfield Police Department, who have responded that they respond to very few calls to this location and would have no objection to increasing the capacity of the facility as requested.

A full discussion of general CUP and variance requirements and required findings is attached to this report.

C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock started when a complete application was received on March 26, 2018. A decision is required by May 25, 2018 or the council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

- Notice of this public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
- Council consideration is tentatively scheduled for May 8, 2018.

ALTERNATIVE RECOMMENDATION(S):

Deny approval of an amended conditional use permit and variance to allow an increase from 28 beds to 32 beds at Progress Valley, 308 78th Street East.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Jared Bostrom, Progress Valley

ATTACHMENTS:

	Description	Type
▢	Resolution	Cover Memo
▢	Required Findings	Cover Memo
▢	aerial view	Cover Memo

RESOLUTION NO. _____

**RESOLUTION GRANTING APPROVAL
OF AN AMENDMENT TO A CONDITIONAL USE PERMIT
AND VARIANCE AT
308 78TH STREET EAST**

WHEREAS, an application has been filed with the City of Richfield which requests approval of an amendment to a conditional use permit for expansion of a legal nonconforming residential treatment facility/supervised living facility on the parcel of land located at 308 78th Street East (the "Property"), legally described in the attached Exhibit A; and

WHEREAS, the proposed amended conditional use permit includes an expansion or intensification of a legally nonconforming use. The intensification of use will increase capacity of a residential treatment facility/supervised living facility by 14 percent to a total of 32 beds; and

WHEREAS, the City Code allows for the expansion of legal nonconforming uses in the Mixed Use Districts by up to 10 percent;

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, based on the findings below, the Richfield City Council approves the requested variance from Richfield Zoning Code Subsection 537.13, Subd. 1; and

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

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

1. The City Council makes the following general findings:
 - a. The Property is zoned Mixed Use – Community.
 - b. The existing use is legally nonconforming and can continue indefinitely.
 - c. The existing building is legally nonconforming and can continue indefinitely.
 - d. Code states that the Council can approve the expansion of legally nonconforming uses by up to 10 percent of the gross floor area in the Mixed Use Districts. The proposed expansion or intensification of use will increase capacity by 14 percent. A variance from Subsection 537.13 is required.
 - e. Code states that the Council can approve the expansion of legally nonconforming uses that do not significantly impede implementation of goals and policies of the Comprehensive Plan.

2. With respect to the application for a variance to allow the expansion of a legally nonconforming use by more than 10 percent, the City Council makes the following findings:

a. Strict enforcement of Richfield Zoning Code Subsections 537.13, Subdivision 1 would cause a practical difficulty in that the facility would not be allowed to be used to its full capacity. The applicant is proposing to use the site in the same manner that it has been used historically. There are six rooms of the same layout that are large enough to accommodate three people, although only two of the rooms are currently functioning in that capacity. No physical changes would be needed to add a third bed to the additional four rooms. It is reasonable to allow improvement of the facilities for the betterment of clients even if this improvement requires an intensification of use that is more than is typically permitted.

b. Unique circumstances affect the Property that were not created by the land owner. Supervised living facilities are not currently permitted in any of the City's Zoning Districts. Not only would it be difficult to find an alternative location for the facility, but Progress Valley has been operating their program from this location for 35 years without any significant complaints from neighboring properties. It is reasonable to allow expansion within a neighborhood that has co-existed with the facility for many years.

c. Granting the requested variance will not alter the essential character of the neighborhood. The requested variance is not expected to have any impact on the character of the neighborhood.

d. The variance requested is the minimum necessary to alleviate the practical difficulty. This will allow the applicant to increase the capacity of their facility without undertaking any remodeling activities and is the minimum necessary to alleviate the practical difficulty.

3. Based upon the above findings, a variance is hereby approved to permit the expansion of a nonconforming use by 14 percent of the existing gross floor area.

4. Based upon the above findings and variance, the proposed amended conditional use permit is hereby approved according to the terms of Richfield City Code Subsection 537.13, with the following additional stipulations:

a) All stipulations of Resolution No. 11001 remain in effect unless specifically modified by this approval;

b) Annual rental licensing and inspections by the City of Richfield are required; and

c) The recipient of this amended conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 546.05, Subd. 7. Proof of recording must be provided to the City.

5. This amended conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the amended conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 9.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of May 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Exhibit A
Legal Description

Parcel 1:

The East 125.00 feet of the South 174.00 feet of the South Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 28, Range 24, EXCEPT those parts taken for State Trunk Highway No. 5 and 100 over the South 40 feet thereof, pursuant to Documents No. 1349782 and 1719066.

AND

The West 206.54 feet of the South 120.14 feet of the South Half of the Southeast Quarter of the Southeast Quarter of Section 34, Township 28, Range 24.

AND

The West 28.05 feet of the North 53.86 feet of the South 174.00 feet of the South Half of the Southeast Quarter of the Southeast Quarter of Section 34, Township 28, Range 24.

Parcel 2:

Non-exclusive easement for access and utility purposes created pursuant to Driveway Access and Utility Easement Agreement dated April 16, 2004, recorded January 3, 2005 as Document No. 8501482, over the following described land:

The North 32.18 feet of the South 206.18 feet of the East 155.00 feet of the South Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 28, Range 24.

AND

That part of the North 30.00 feet of the South 204.00 feet of the South Half of the Southwest Quarter of the Southeast Quarter of Section 34, Township 28, Range 24, lying West of the East 155.00 feet, and lying East of the West 30.00 feet of the East Quarter of said South Half of the Southwest Quarter of the Southeast Quarter.

AND

The North 32.18 feet of the South 206.18 feet of the West 28.05 feet of the South Half of the Southeast Quarter of the Southeast Quarter of Section 34, Township 28, Range 24.

Code Requirements / Required Findings

Part 1: The following conditions apply to the expansion of nonconforming uses in the Mixed Use Districts:

Subdivision 1. Expansion of Nonconforming Uses. Existing legal nonconforming uses may be maintained according to City Code Subsection [509.25](#). The City Council may allow expansion of legal nonconforming uses through issuance of a conditional use permit. Expansion may be allowed up to ten (10) percent of the gross floor area provided the expansion meets all other applicable City requirements. Any expansion or modification of a legal nonconforming use should not significantly impede implementation of goals and policies of the Comprehensive Plan.

The proposed expansion is not expected to have any significant adverse impact on the implementation of the goals and policies of the Comprehensive Plan. The request to increase their capacity is an intensification of use rather than a physical expansion, however, the 10% standard is being applied to the intensification of use.

Part 2: The findings necessary to approve a variance are as follows (Subd. 547.11):

- 1. There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.*
- 2. There are usual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.*
- 3. The variance would not alter the character of the neighborhood or the locality.*
- 4. The variance is the minimum necessary to alleviate the practical difficulty.*
- 5. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.*

The applicant has requested a variance from the following requirement: Legal nonconforming uses may be allowed to expand by up to 10 percent of the gross floor area (537.13, Subd. 1). The applicant is requesting a variance to increase capacity from 28 beds to 32 beds at Progress Valley, 308 78th St East. The request to increase their capacity is an intensification of use rather than a physical expansion, however, the 10% standard is being applied to the intensification of use.

Criteria 1: Strict enforcement of this requirement would cause a practical difficulty in that the facility would not be allowed to be used to its full capacity. This property is currently approved to house 28 residents; however, it is equipped to accommodate 32 residents. There are six rooms of the same layout that are

large enough to accommodate three people, all though only two of the rooms are currently functioning in that capacity. No physical changes would be needed to add a third bed to the additional four rooms.

Criteria 2: There are unique circumstances in that supervised living facilities are not currently permitted in any of the City's Zoning Districts. Not only would it be difficult to find an alternative location for the facility, but Progress Valley has been operating their program from this location for 35 years without any significant complaints from neighboring properties. The applicant is proposing to use the site in the same manner that is has been used historically. All changes are related to improving the services offered to the residents.

Criteria 3: Granting the requested variance will not alter the character of the neighborhood or locality. There would be no changes to the character of the building or the neighborhood, as there are no proposed changes to the building or grounds. An increase of 4 additional residents is unlikely to result in any significant change in traffic or activity around the facility. It is reasonable to allow expansion within a neighborhood that has co-existed with the facility for many years.

Criteria 4: The requested variance is the minimum necessary to alleviate the practical difficulty. This will allow the applicant to increase the capacity of their facility without undertaking any remodeling activities and is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed plan is in keeping with the intent of both the Zoning Ordinance and the Comprehensive Plan.



Progress Valley: Proposed Project Narrative

Progress Valley-History and Mission

Progress Valley, Inc. is a nonprofit organization providing chemical health treatment services for adult men and women since 1972. We provide integrated, comprehensive and gender specific services offering individuals opportunities for personal change and growth. We believe the process of recovery begins with personal accountability and responsibility to others, and is fostered through the unique and individualized programs we offer. <http://progressvalley.org>

Request for Capacity Increase to 308 East 78th Street, Richfield, MN Treatment Site

We are currently licensed to house 28 individuals at this location. We have a total of 6 rooms that are of the space and layout to accommodate 3 clients, but only two of those rooms are currently being used in this manner. We are requesting approval to add one bed to each of the other 4 rooms, which would increase our maximum capacity to 32 beds. There is no construction or structural change required to the building or grounds in order to accommodate this request.

Background on Request for Increase

As you may recall, Progress Valley was intentional in not requesting an increase in maximum capacity when submitting the proposal for facility renovation in 2014. There have been some important industry, regulatory, and social changes since that time that have prompted us to reconsider and make this request now:

- 1. The Opioid Epidemic:** While Substance Use Disorders of all types continue to be a significant problem, opioid use and related harms in particular have reached epidemic proportions. In 2015, Hennepin County alone had a record 144 opioid-related deaths, which is a number that been exceeded in 2016 (153) and again in 2017 (162). This 47% increase from 2015 to 2017 took place despite increasing prevalence and availability of medications to reverse opioid overdose (naloxone), and medication treatment options that can reduce risk of relapse and overdose, such as buprenorphine and methadone. According to a report released by the Center of Disease Control and Prevention, data on fatal drug overdoses from 2015 to 2016 indicate that drug overdoses are the leading cause of death for people under 50 in America. Although addiction has long been a “life and death” matter for many, this true in a sense that is more literal and imminent than ever before.
- 2. Reform of the Substance Use Disorder Treatment System in Minnesota:** In response to the changing needs of our communities, in January of 2016, the Alcohol and Drug Abuse Division of the Minnesota Department of Human Services submitted a report to the Minnesota legislature, which took part in prompting a reform of the SUD service system in our state. These changes reflect national trends and recommendations for best practices in SUD treatment, and aim to increase the availability, access, and quality of treatment services in a cost effective manner. This request relates directly to one of the pillars of the SUD reform package, which is to “ensure timely access to treatment and improve access to treatment” (MN DHS, 2017).
- 3. Continually Increasing Demand:** Progress Valley has a long history and strong reputation for providing quality treatment for SUD’s, and continues to be a preferred provider for many. Since 2014, we have seen our demand continue to increase, resulting in long wait lists and the need to turn people away or direct them to other services. In March of 2018, our Richfield program was near capacity and had almost 40 people listed that had been referred and had expressed interest in our program.

Intended Use and Outcomes for Proposed Increase

We recognize that approval of this request will not entirely solve any of the aforementioned problems, which are complex and multifaceted. We are certain, however, that if approved, this relatively small measure would be a very significant step in responding to the challenges our communities and clients are facing. We have learned this first hand after seeing the positive outcomes from proper management of 4 additional beds at our women's facility in Bloomington after increasing from 28 to 32 beds in the Fall of 2015.

Some explanation on the rationale and benefit of these beds is as follows:

- We are constantly balancing the needs of our clients that we are transitioning out of the program and back to the community, with those who are waiting to come in and are in need of treatment.
- In addition to having developed clinical stability, a stable living environment and social support are critical aspects of sustained recovery and a continuing care plan. Clients often have barriers, or changes to these plans before they are solidified, which means we are working to resolve these problems. When appropriate, we will keep them in our program until this stability is achieved and they have a safe, sober place to live
- As discussed in the previous section, many people are desperate for treatment, and are living in dangerous or life-threatening circumstances. Trying to evaluate and prioritize these needs, and get people into treatment as quickly as possible is critical
- Many people coming in have life circumstances that need to be arranged prior to, and in conjunction with, coming to treatment. We try to let people know what they can expect for admission dates to the best of our ability, but this depends on the status of people who are leaving the program
- Since these variables are unpredictable, we strive for flexibility in our processes and treatment model wherever we can. For example, we budget our occupancy at each site between 85-87% per year. While we exceed this at times, it has been our desired practice to keep some margin between occupancy and capacity in case anyone needs to be extended in treatment, or we urgently need to get somebody in
- Although census varies by circumstance, this also means that an approved increase of 4 beds would often mean 1-2 more clients in residence
- With the growing demands of the wait list, we recently have not had the margin we historically did, which has impinged upon services for people coming in and/or transitioning out
- Although this proposed increase would not allow us to serve significantly more people, it would afford us more flexibility to serve people more quickly, comprehensively, and effectively

Additional

- Although this proposal is a critical step, it is only part of a comprehensive and multifaceted response plan by the organization
- Progress Valley has recently completed a strategic plan, which identified and executed a variety of measures to respond to changing needs, and has advanced practices in a variety of areas, including response to the opioid crisis
- A new strategic plan is currently being developed that includes implementation of SUD reform items, and exploration of clinical, housing, and other support services that can expand our continuum of care and services for those in need
- Progress Valley has developed a Community Education and Outreach Committee that has shared our expertise, knowledge, and resources with community groups. Our current strategic plan will contain initiatives that advance this support as well
- Progress Valley, Richfield operates with 24/7/365 awake staff coverage

In Closing

As can be seen in our vision, mission, and guiding principles, we believe in promoting lifelong recovery, and have a unique commitment to community and developing personal responsibility through employment, education, or volunteer work. Our vision is that recovery happens within, and contributes to, healthy communities, and we are committed to remaining a good partner and presence in our communities. We believe that this request would be of significant benefit to the community, our organization, and the clients we serve.

Thank you again for your consideration of this request. Please do not hesitate to contact me with any further questions.

References

Minnesota Department of Human Services, Alcohol and Drug Abuse Division (2016). Drug and Alcohol Abuse in Minnesota: A Biennial Report to the Legislature. MN DHS. Retrieved from: <http://www.mndental.org/files/Drug-and-Alcohol-Abuse-in-Minnesota-A-Biennial-Report-ot-the-Legislature.pdf>

Minnesota Department of Human Services, Alcohol and Drug Abuse Division (2017). Substance Use Disorder Reform: Report and Recommendations. MN DHS. Retrieved from: https://mn.gov/dhs/assets/2017-01-substance-use-disorder-system-reform-report_tcm1053-275362.pdf

New York Times Magazine online (November, 2017). "C.D.C Reports a Record Jump in Drug Overdose Deaths Last Year." Retrieved from: <https://www.nytimes.com/2017/11/03/health/deaths-drug-overdose-cdc.html>

Minnesota Spokesman Recorder: News Online (February, 2018). "Hennepin County has new record high for opioid-related deaths during 2017." Retrieved from: <http://spokesman-recorder.com/2018/02/02/hennepin-county-has-new-record-high-for-opioid-related-deaths-during-2017/>



The Commission on Accreditation of Rehabilitation Facilities (CARF)
(Accreditation Since 1989)

An organization receiving Accreditation has put itself through rigorous peer review processes and has demonstrated to a team of surveyors through on-site visits that its programs and services are of the highest quality, measurable, and accountable.

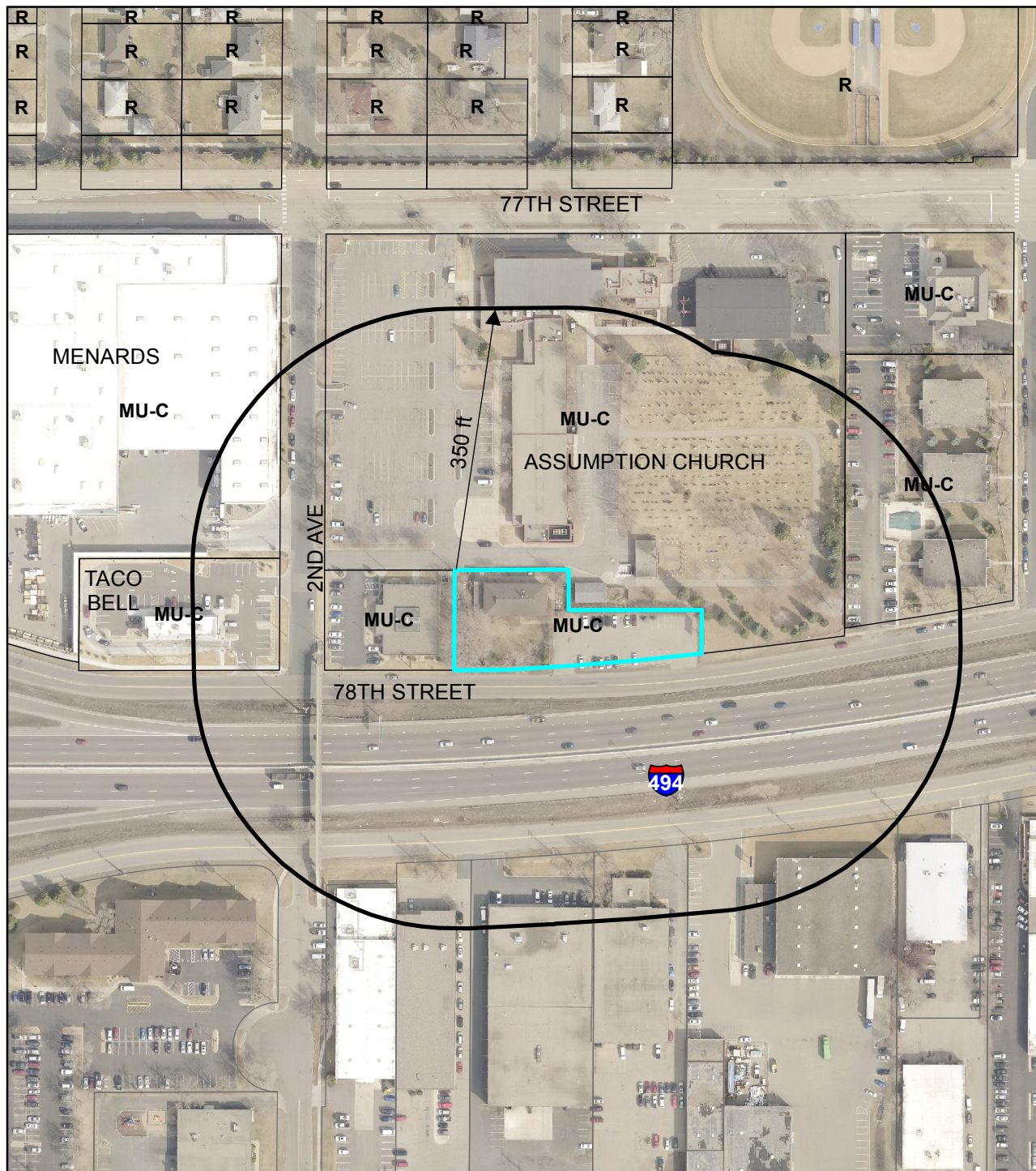


Charity Review Council Seal (Since 2012)

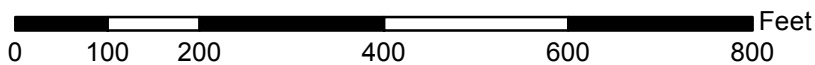
Ensures an organization's operations, structure and policies meet widely accepted standards for accountability and transparency. The awarded "Meets Standards" seal demonstrates an organizations commitment to accountable and ethical practices.

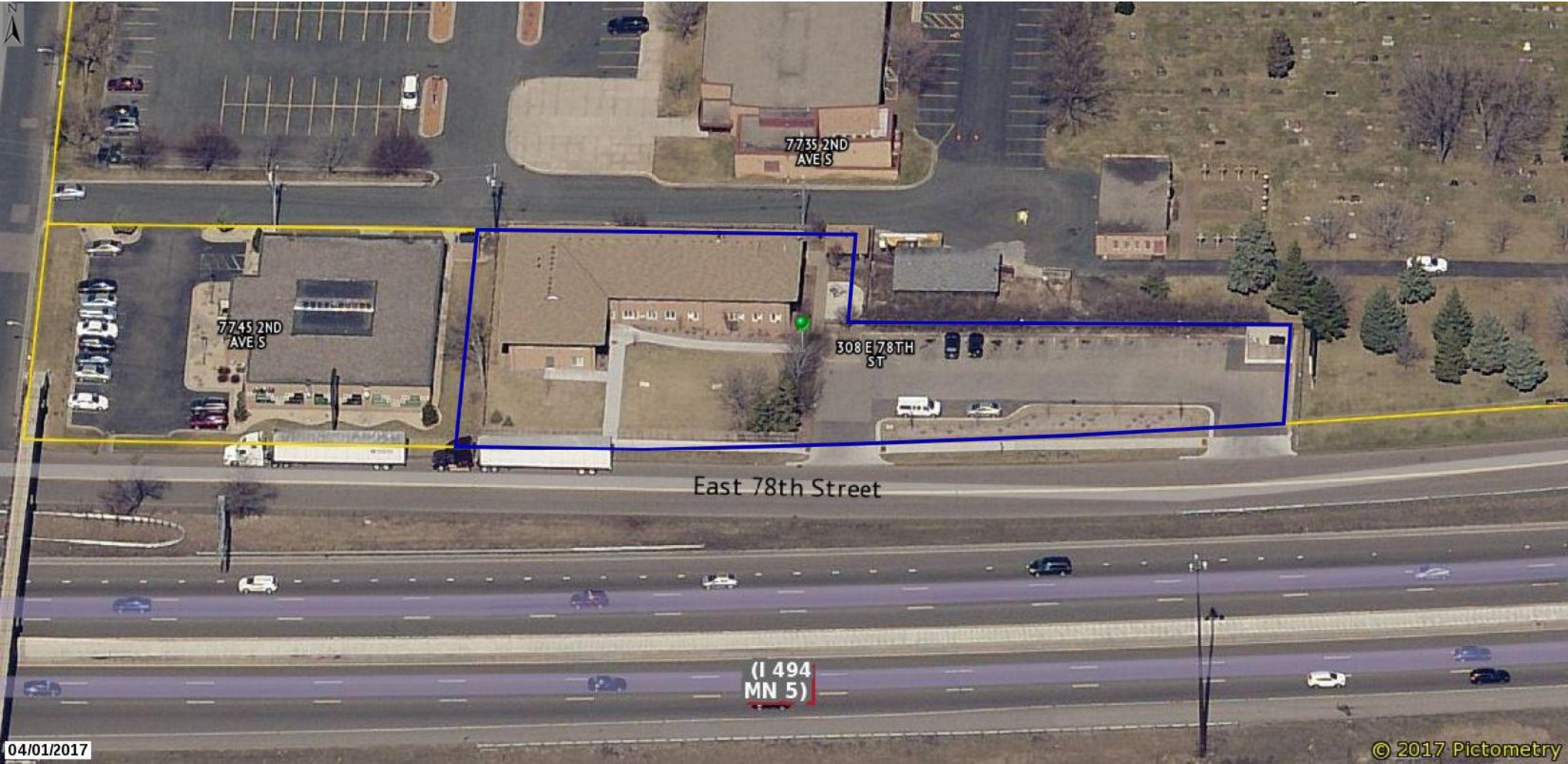
308 78TH ST E - 10/2014 ACUP & VAR

Surrounding Zoning



MU-C - Mixed-Use Community





04/01/2017

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AGENDA SECTION:	Public Hearings
AGENDA ITEM #	3.
CASE NO.:	18-APUD-02



**PLANNING COMMISSION MEETING
4/23/2018**

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider an amendment to the Richfield Urban Village Planned Unit Development to allow McDonald's to make minor site modifications and the replacement of menu board signs with dynamic display signs.

EXECUTIVE SUMMARY:

Final development plans for Richfield Urban Village were approved by the City Council in 1999. The Richfield Urban Village Planned Unit Development (PUD) includes the Woodlake Centre office building and parking structure, The Pines and The Oaks residential buildings, and a McDonald's restaurant with drive-thru service.

McDonald's proposes to make minor site modifications around the drive-thru and parking lot, and proposes to replace the menu board signs with three dynamic displays, also known as electronic message signs. The Zoning Code ordinarily permits only one dynamic display sign per site. The site modifications alone would not have triggered any land use applications. However, the addition of multiple dynamic displays to the property necessitates an amendment to the PUD. The dynamic displays are intended to be used strictly as menu board signage, and will change only as often as necessary to reflect menu and price changes. The dynamic displays will be visible only within the drive-thru area of the site and would not be visible from residential properties or public streets.

No changes are proposed to the building exterior, nor are any other changes proposed elsewhere in the Richfield Urban Village development at this time. Finding that the proposal meets requirements, staff recommends approval of the amended PUD, Conditional Use Permit and Final Development Plan.

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 Richfield Urban Village

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

Discussed in Executive Summary.

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**

Planned Unit Development / Conditional Use Permit / Final Development Plan: A full discussion of all requirements is included as an attachment to this report.

The following variations from standard requirements are requested:

Zoning Code Section 549.25: Dynamic Display Regulations

Three dynamic displays are proposed, whereas the Zoning Ordinance ordinarily permits only one dynamic display per site. The dynamic displays are intended to be used strictly as menu board signage, and will change only as often as necessary to reflect menu and price changes. The dynamic displays will be visible only within the drive-thru area of the site and would not be visible from residential properties or public streets.

C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock 'started' when a complete application was received on March 27, 2018. A decision is required by May 26, 2018 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

- Notice of this public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
- Council consideration has been tentatively scheduled for May 8, 2018.

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 proposal does not meet requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Kevin Shay, Landform Professional Services

ATTACHMENTS:

Description	Type
☐ Resolution	Resolution Letter
☐ Requirements attachment	Backup Material
☐ Site Plans, Zoning Map	Backup Material

RESOLUTION NO. _____

**RESOLUTION APPROVING AN AMENDED
FINAL DEVELOPMENT PLAN
AND CONDITIONAL USE PERMIT
FOR THE RICHFIELD URBAN VILLAGE
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 modifications to an existing restaurant building with a drive thru in the planned unit development known Richfield Urban Village, located at approximately 67th Street West and Lyndale Avenue, property legally described as:

LOT 1 BLOCK 1, RICHFIELD URBAN VILLAGE, 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 April 23, 2018 meeting; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property and published in the Sun Current newspaper on April 12, 2018; and

WHEREAS, the requested amendment to the final development plan and conditional use permit meets those requirements necessary, as specified in Richfield's Zoning Code, Section 542.09, Subd. 3 and 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 to allow modifications to an existing restaurant building with a drive thru, including the replacement of menu board signage with three (3) dynamic display signs, 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.
 - A pedestrian connection to the existing pedestrian network is required, subject to approval by Community Development and Public Works staff.
 - A minimum of 4 bicycle parking spaces are required near the main entrance. Include on revised plans sufficient parking for a minimum of 4 bikes.
 - The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans.
 - Separate sign permits are required.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated April 5, 2018 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 8th day of May, 2018.

Pat Elliott, Mayor

ATTEST:

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 mixed use development, and the overall Richfield Urban Village PUD is consistent with that designation. The proposed modifications are consistent with the Comprehensive Plan.
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 modifications are minor and will have no impacts beyond its boundaries.
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. Three dynamic displays are proposed, whereas the Zoning Ordinance ordinarily permits only one dynamic display per site. The dynamic displays are intended to be used strictly as menu board signage, and will change only as often as necessary to reflect menu and price changes.
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 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. The dynamic displays will be visible only within the drive-thru area of the site and would not be visible from residential properties or public streets.
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 amend a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6)

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* 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. See above – Part 1, #3 and #5 regarding requested deviations from the Zoning Code.

3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* This requirement is met.

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, with the following exception: Code requires that buildings be oriented such that at least one primary entrance faces the public street rather than the interior of the site (544.07, Subd. 2.) This requirement is not met. Given the layout of the site and orientation of the building, an entrance facing Lyndale is not feasible. As no changes are proposed to the building exterior, it would be inappropriate to require the applicant to provide an additional door facing Lyndale Avenue at this time. The site does include connections to the pedestrian network within the overall development and a pedestrian connection to the sidewalk along 67th Street.

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.

Introduction

On behalf of McDonald's USA, LLC, Landform is pleased to submit this application to allow improvements to the McDonald's at 6645 Lyndale Avenue. The site is a 1.16-acre parcel that is used by the existing McDonald's. The proposed site improvements include minor interior alterations, replacing the drive-through signage elements and ADA modifications. All of the improvements comply with the Zoning Ordinance of the City Code. We are excited about the improvements proposed for this site.

PUD Amendment

McDonalds will be making limited changes to the existing restaurant that will improve the overall appearance of the building and accessibility for its patrons. The improvements will not impact landscaping, the brick building façade, site layout, circulation, or impervious surface on site. McDonalds is requesting approval of the PUD amendment to allow for the proposed improvements.

Interior Improvements

McDonalds will be updating the interior of the building in the customer service and restroom areas. These areas will be updated to comply with ADA standards, as well as receiving finish improvements.

Menu Board Updates

McDonalds is proposing to replace the existing menu boards and order canopies. The new order boards have a digital display that does not rotate, flash or have dynamic elements. Displays would be changed manually to reflect a new menu item or price. However, Section 549.25, Subd. 2 of the Zoning Ordinance limits each lot to one dynamic display per lot. McDonalds USA LLC will be requesting PUD flexibility to allow for one additional dynamic display. Both dynamic displays are intended to be viewed from the drive-through area and not intended for viewing from outside the property.

Lighting

No changes to the existing site lighting are proposed, however, there will be new fixtures on the building. Light fixture details have been included in the submittal.

ADA Compliance

The site will be brought into compliance with federal ADA standards. Accessible stalls will be provided in the parking lot and uneven pavement will be replaced and smoothed.

Parking Spaces

The existing 51 parking stalls will remain with minor modifications to accommodate handicap stall changes. The current zoning ordinance (under Section 544.13) would require 80 parking stalls to be constructed in this location, so the current parking lot is an existing legal nonconforming condition.

Summary

We respectfully request approval of this PUD amendment to allow site improvements to the existing McDonald's at 6645 Lyndale Avenue.

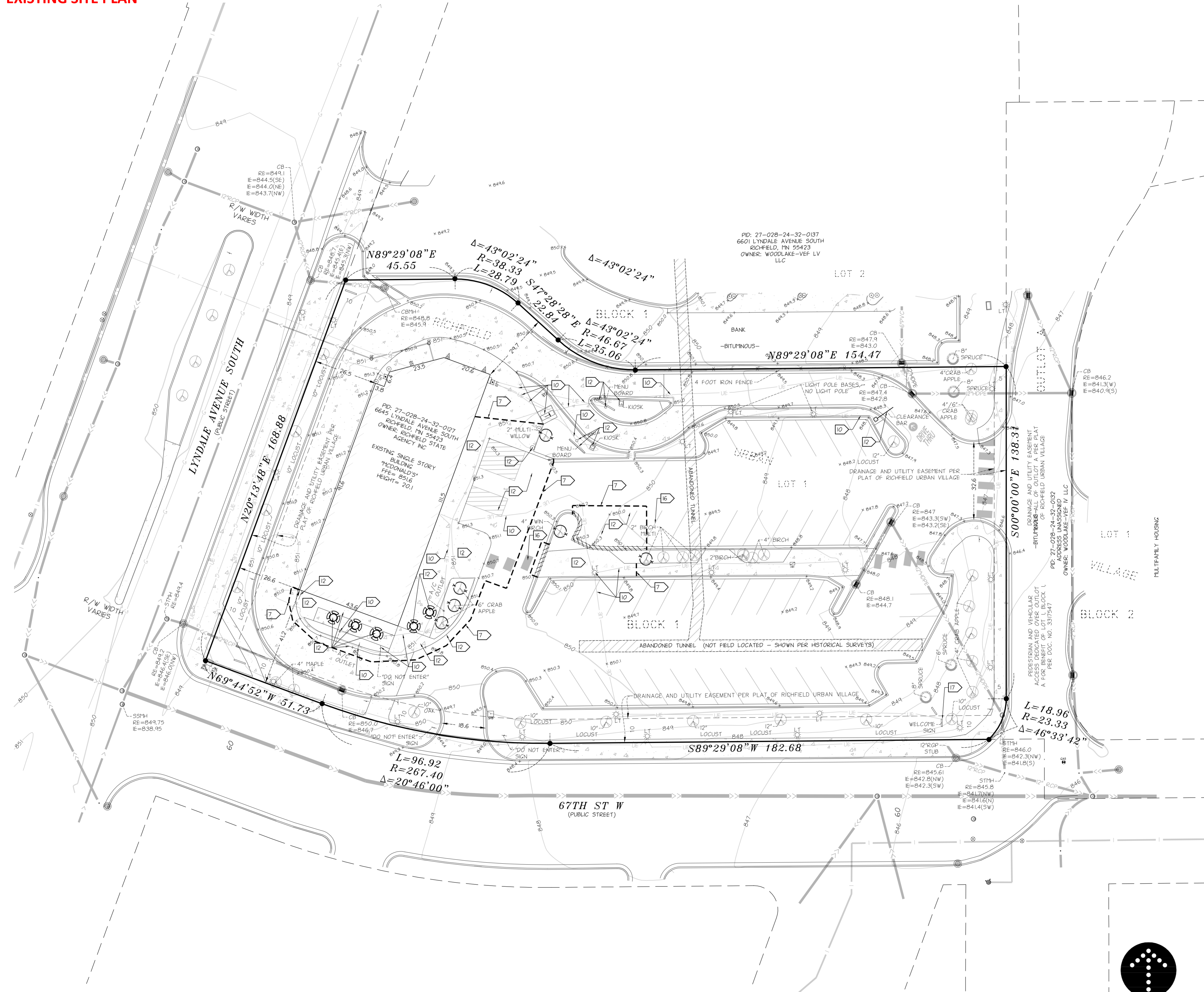
Contact Information

This document was prepared by:

Kevin Shay
Landform
105 South Fifth Street, Suite 513
Minneapolis, MN 55401

Any additional questions regarding this application can be directed to Kevin Shay at kshay@landform.net or 612.638.0228.

EXISTING SITE PLAN



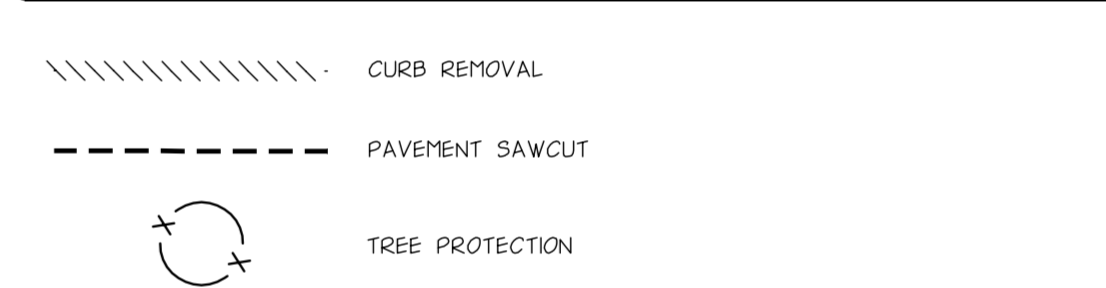
EXISTING CONDITIONS

1. BACKGROUND INFORMATION SHOWN IS FROM SURVEY BY LANDFORM PROFESSIONAL SERVICES, LLC, MINNEAPOLIS, MN, ON JULY 17, 2017, EXPRESSLY FOR THIS PROJECT. RICHFIELD, MN RECORD DRAWINGS; AND UTILITY SERVICE PROVIDERS. LANDFORM OFFERS NO WARRANTY, EXPRESSED OR WRITTEN, FOR INFORMATION PROVIDED BY OTHERS. EXISTING PROJECT CONDITIONS SHALL BE VERIFIED PRIOR TO BEGINNING CONSTRUCTION. ERRORS, INCONSISTENCIES, OR OMISSIONS DISCOVERED SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.

DEMOLITION AND CLEARING NOTES

- OBTAIN PERMITS FOR DEMOLITION, CLEARING, AND DISPOSAL PRIOR TO BEGINNING.
- CONTACT UTILITY SERVICE PROVIDERS FOR FIELD LOCATION OF SERVICES 72 HOURS PRIOR TO BEGINNING DEMOLITION AND CLEARING.
- SEE SHEET C3.1 FOR EROSION PREVENTION AND SEDIMENT CONTROL MEASURES THAT MUST BE IN PLACE PRIOR TO DISTURBANCES TO SITE.
- BUILDING DEMOLITION: VERIFY WITH OWNER THAT BUILDING HAS BEEN EXAMINED OF REGULATED MATERIALS REQUIRING SPECIAL HANDLING OR DISPOSAL AND EXAMINED BY COMPETENT PERSON REMOVE STRUCTURE, COLLINGS, CANOPIES, AND ANY ASSOCIATED CONSTRUCTION IN ITS ENTIRETY. REFER TO ARCHITECTURE.
- DIMENSIONS SHOWN FOR REMOVAL ARE APPROXIMATE. COORDINATE WITH NEW CONSTRUCTION TO ENSURE APPROPRIATE REMOVAL OF EXISTING FACILITIES.
- SAWOUT EXISTING PAVEMENT, REMOVE CONCRETE WALKS, SLABS, AND CURBING TO THE NEAREST EXISTING JOINT BEYOND CONSTRUCTION LIMITS.
- COMPLETE DEMOLITION WITH MINIMAL DISRUPTION OF TRAFFIC. COORDINATE LANE CLOSURES WITH THE REGULATORY AUTHORITY AND PROVIDE ADVANCE NOTIFICATION TO AFFECTED EMERGENCY RESPONSE PROVIDERS.
- PROVIDE BARRICADES, LIGHTS, SIGNS, TRAFFIC CONTROL, AND OTHER MEASURES NECESSARY FOR PROTECTION AND SAFETY OF THE PUBLIC AND MAINTAIN THROUGHOUT CONSTRUCTION. THE CITY REQUIRES TRAFFIC CONTROL MEASURES TO BE IN PLACE DURING UTILITY INSTALLATION, EXISTING BUILDING DEMOLITION, DRIVEWAY INSTALLATION, SIDEWALK INSTALLATION AND FINAL RESTORATION WITHIN THE RIGHT-OF-WAY.
- PROTECT STRUCTURES, UTILITIES, TREES, PLANT MATERIAL, SOD, AND ADJACENT PROPERTY FROM DAMAGE DURING CONSTRUCTION UNLESS NOTED FOR REMOVAL. DAMAGE SHALL BE REPAIRED TO EQUAL OR BETTER CONDITION AT NO ADDITIONAL COST.
- REMOVE TREES NOTED, INCLUDING ROOT STRUCTURES, FROM THE SITE. COORDINATE WITH OWNER TO MARK TREES TO BE SAVED OR TRANSPLANTED PRIOR TO CLEARING.
- REMOVE EXISTING SITE FEATURES INCLUDING, BUT NOT LIMITED TO, UNDERGROUND UTILITIES, PAVING, CURBING, WALKWAYS, FENCING, RETAINING WALLS, SCREEN WALLS, APRONS, LIGHTING, RELATED FOUNDATIONS, SIGNAGE, BOLLARDS, LANDSCAPING, AND STARWAYS WITHIN THE CONSTRUCTION LIMITS UNLESS NOTED OTHERWISE.
- COORDINATE REMOVAL, RELOCATION, TERMINATION, AND RE-USE OF EXISTING PRIVATE UTILITY SERVICES AND APPURTENANCES WITH THE UTILITY COMPANIES. RESTORE ELECTRIC HANDHOLES, PULLBOXES, POWERPOLES, GUTLINES, AND STRUCTURES DISTURBED BY CONSTRUCTION IN ACCORDANCE WITH UTILITY OWNER REQUIREMENTS.
- EXISTING PIPING AND CONDUITS MAY BE ABANDONED IN-PLACE IF FILLED WITH SAND AND IF NOT IN LOCATION OF PROPOSED BUILDING OR IN CONFLICT WITH PROPOSED UTILITIES OR STRUCTURES. TERMINATE EXISTING SERVICES AT THE SUPPLY SIDE IN CONFORMANCE WITH PROVIDER'S STANDARDS.
- HALL DEMOLITION DEBRIS OFF-SITE TO A FACILITY APPROVED BY REGULATORY AUTHORITIES FOR THE HANDLING OF DEMOLITION DEBRIS.
- REMOVE PAVEMENT MARKINGS.
- REMOVE AND REPLACE FOUNDATION AS NECESSARY FOR NEW DIRECTIONAL SIGN. REFER TO DETAILS C2.4/1 AND C2.4/2. SEE SHEET C2.1 FOR ADDITIONAL NOTES.

DEMOLITION LEGEND



REV	DATE	REVISION HISTORY
	03/27/18	CITY SITE PLAN REVIEW

CERTIFICATION

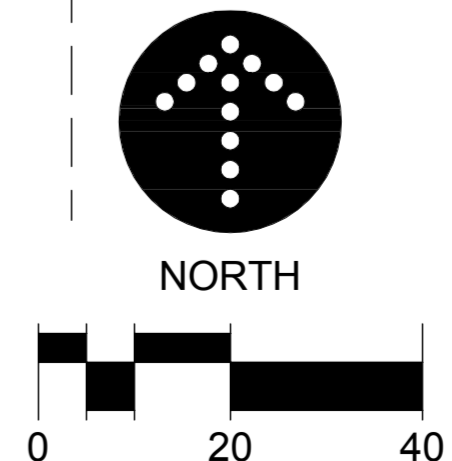
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McDONALD'S USA, LLC.

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OFFICE ADDRESS: 850 W. 82ND STREET #900 BLOOMINGTON, MINNESOTA 55431-9888 (952)-884-4355

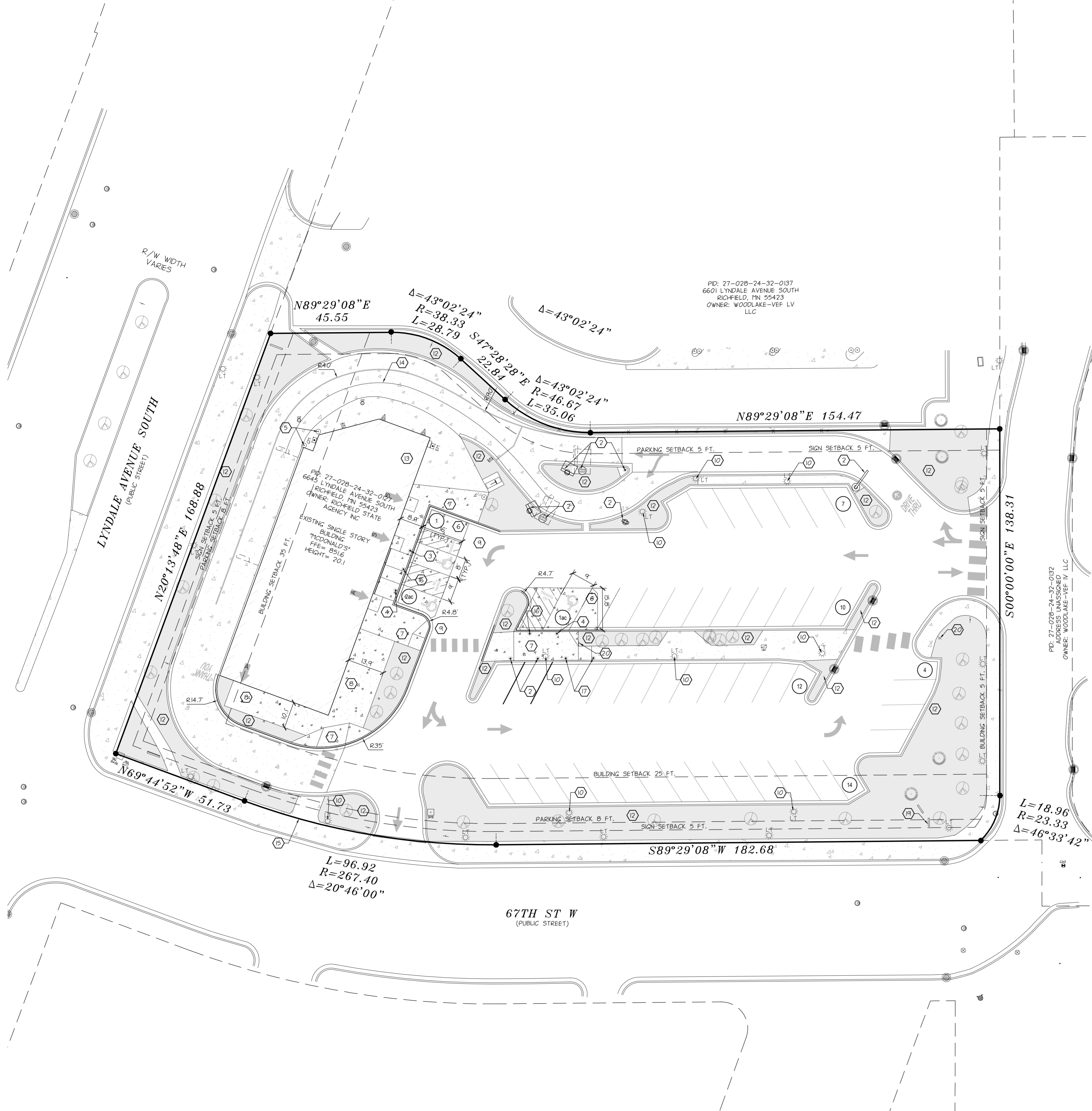
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COUNTY	HENNEPIN	STREET ADDRESS	6645 LYNDALE AVE
PROJECT NAME	EXISTING CONDITIONS & DEMOLITION	SHEET NAME	EXISTING CONDITIONS & DEMOLITION
NATIONAL NUMBER	24690	STATE NUMBER	022-0935
DRAWN BY	TDP	DATE ISSUED	03/27/18
PHOTO ISSUED		REVIEWED BY	CNC
DATE REVIEWED	03/27/18	DATE REVIEWED	03/27/18
FILE NAME	C1.1	PROJECT NO.	C101MCD360.DWG
PROJECT NO.	MCD17360		



LANDFORM
From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401
Tel: 612-252-9070
Fax: 612-252-9077
Web: landform.net

PROPOSED SITE PLAN



SITE CONSTRUCTION NOTES

- ① McDONALD'S PYLON SIGN. - NOT USED.
- ② DRIVE-THRU SIGNAGE. SEE SHEET C2.2.
- ③ STATE AND ADA APPROVED ACCESSIBLE SIGN AND BOLLARD PER DETAIL C7.1/5.
- ④ STATE AND ADA APPROVED ACCESSIBLE SIGN AND BOLLARD WITH "VAN ACCESSIBLE" SIGN PER DETAIL C7.1/5.
- ⑤ 6' x 36" BOLLARD. - EXISTING.
- ⑥ CONCRETE DRIVE APRONS AND SLABS. REFER TO SHEET C3.1 FOR SPECIFICATIONS.
- ⑦ CONCRETE SIDEWALK. MEET AND MATCH EXISTING SIDEWALK. REFER TO SHEET C3.1.
- ⑧ CONCRETE PATIO.
- ⑨ BITUMINOUS PAVEMENT. REFER TO SHEET C3.1 FOR SPECIFICATIONS.
- ⑩ PARKING LOT LIGHT. - EXISTING.
- ⑪ 6' x 42" RAILING. - NOT USED.
- ⑫ PLANTING AREA. REPLACE IN-KIND FOR AREAS THAT ARE DISTURBED.
- ⑬ TRASH ENCLOSURE. - EXISTING.
- ⑭ STACKING DISTANCE IS 12'
- ⑮ CONNECTION TO PUBLIC SIDEWALK.
- ⑯ STATE AND ADA APPROVED ACCESSIBLE SIGN AND BOLLARD WITH "ACCESS ASLE / NO PARKING" SIGN PER DETAIL C7.1/5.
- ⑰ MOBILE ORDER PICK UP SIGNAGE. REFER TO DETAIL C2.5/2.

DIRECTIONAL SIGNAGE NOTES

18. NEW OR REPLACED DIRECTIONAL SIGNAGE IS NOT BEING APPROVED AS PART OF THIS PLAN SET WITH THE JURISDICTION.
- ⑱ DIRECTIONAL SIGNAGE. INSTALL NEW BASE FOR DIRECTIONAL SIGNAGE AS NECESSARY. REFER TO DETAIL C2.4/1 AND SEPARATE SIGN PACKAGE. IF EXISTING BOLT PATTERN WORKS WITH NEW SIGNAGE, AND THE BOLTS ARE LONG ENOUGH, CONTRACTOR MAY REUSE EXISTING FOUNDATION. IF BOLT PATTERN DOES NOT MATCH, OR IF BOLTS ARE NOT LONG ENOUGH FOR THE BOLTS TO BE DOUBLE NUTTED, REMOVE AND INSTALL NEW FOUNDATION. NO RETROFIT FOUNDATIONS ARE ALLOWED.
- ⑳ "NOT AN ACCESSIBLE ROUTE" SIGNAGE.

SITE PLAN NOTES

1. OBTAIN ALL NECESSARY PERMITS FOR CONSTRUCTION WITHIN, OR USE OF, PUBLIC RIGHT-OF-WAY.
2. THE DIGITAL FILE, WHICH CAN BE OBTAINED FROM THE ENGINEER, SHALL BE USED FOR STAKING. DISCREPANCIES BETWEEN THE DRAWINGS AND THE DIGITAL FILE SHALL BE REPORTED TO THE ENGINEER. THE BUILDING FOOTPRINT, AS SHOWN ON THESE DRAWINGS, AND THE DIGITAL FILE, SHALL BE COMPARED TO THE STRUCTURAL DRAWINGS PRIOR TO STAKING.
3. DIMENSIONS SHOWN ARE TO FACE OF CURB AND EXTERIOR FACE OF BUILDING UNLESS NOTED OTHERWISE.

GREEN SPACE

ZONING AND SETBACK SUMMARY

THE PROPERTY IS ZONED PLANNED GENERAL COMMERCIAL ZONE (PG-2)

BUILDING SETBACK INFORMATION IS AS FOLLOWS:
 FRONT YARD = 35 FT.
 REAR = 5 FT.
 SIDE (STREET) = 25 FT.

PARKING SETBACK INFORMATION IS AS FOLLOWS:
 FRONT YARD = 8 FT.
 SIDE (STREET) = 5 FT.
 SIDE (STREET) = 8 FT.

SIGN SETBACK INFORMATION IS AS FOLLOWS:
 ALL PROPERTY LINES = 5 FT.

LOT COVERAGE INFORMATION IS AS FOLLOWS:
 LOT AREA MINIMUM = 43,950 SF = 1 ACRE
 LOT WIDTH MINIMUM = 90 FT.

PARKING SUMMARY

REQUIRED PARKING:	
17 STALLS PER 1,000 SF OF BUILDING	
4,656 SF TOTAL	80 STALLS
TOTAL PARKING STALLS REQUIRED	80 EA.
PROVIDED PARKING:	
STANDARD STALLS (4x19)	48 EA.
COMPACT STALLS (3x16)	1 EA.
ACCESSIBLE STALLS (8x16)	3 EA.
TOTAL PARKING STALLS PROVIDED	51 EA.

AREA SUMMARY

EXISTING:		
PERVIOUS	10,287 S.F.	20.4%
IMPERVIOUS	40,243 S.F.	79.6%
TOTAL (116 AC)	50,530 S.F.	100.0%
PROPOSED:		
PERVIOUS	10,413 S.F.	20.6%
IMPERVIOUS	40,117 S.F.	79.4%
TOTAL (116 AC)	50,530 S.F.	100.0%

REV	DATE	REVISION HISTORY
03/27/18		CITY SITE PLAN REVIEW

CERTIFICATION

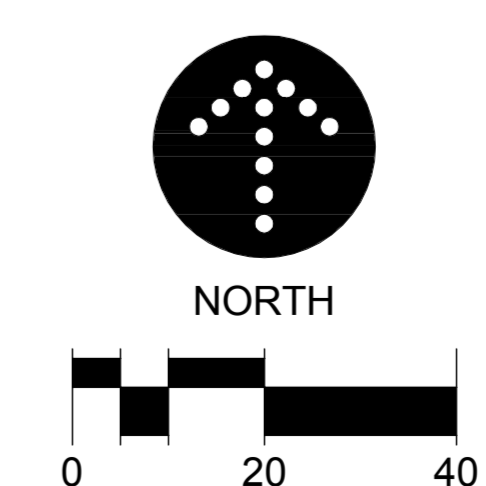
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McDONALD'S USA, LLC.

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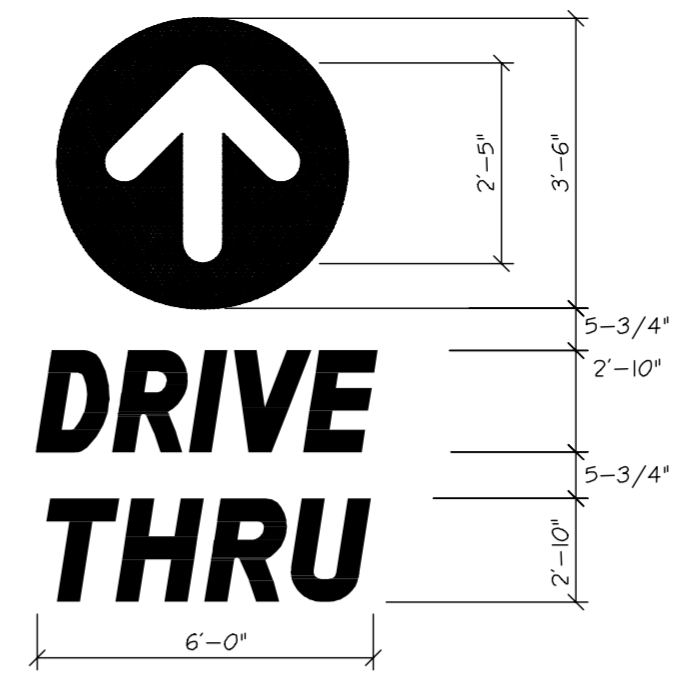
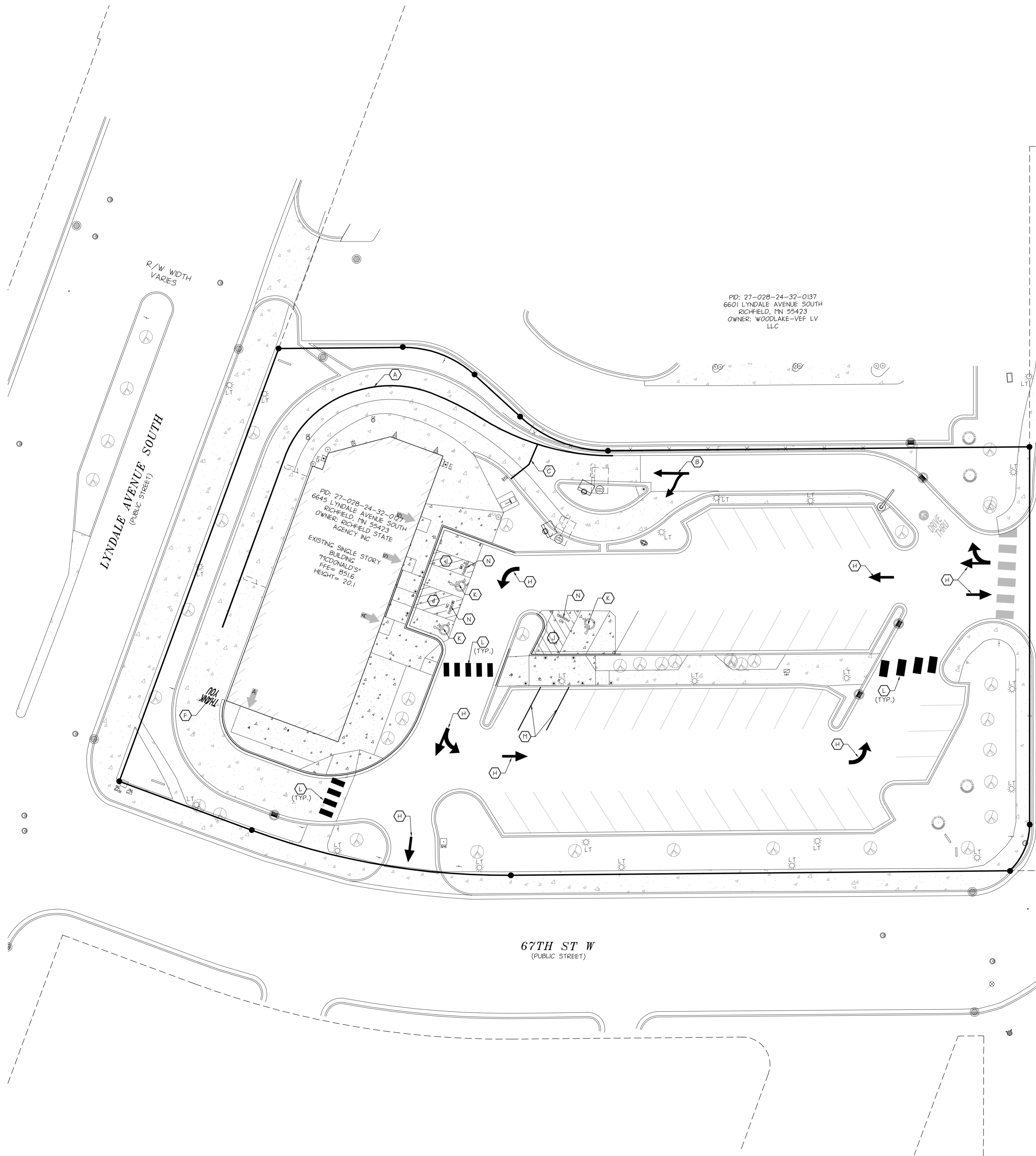
STATE	CITY	STREET ADDRESS	COUNTY	REVIEWED BY	DATE REVIEWED	DATE ISSUED	STATE NUMBER
MN	RICHFIELD	6645 LYNDALE AVE	HENNEPIN	CNC	03/27/18	03/27/18	022-0935



811
 Know what's Below. Call before you dig.

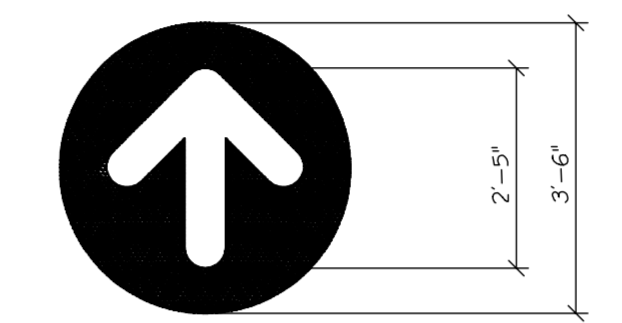
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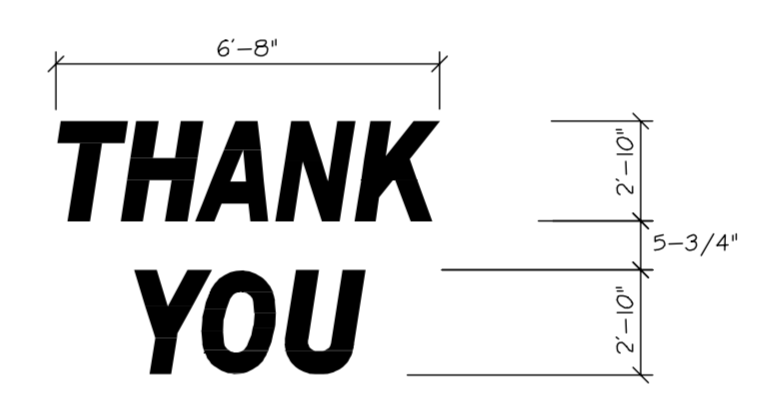
NOTE: ALL TEXT AND ARROW SHALL BE PAINTED YELLOW (PMS 123)

1 PAINTED 'DRIVE THRU' WITH ARROW
NO SCALE



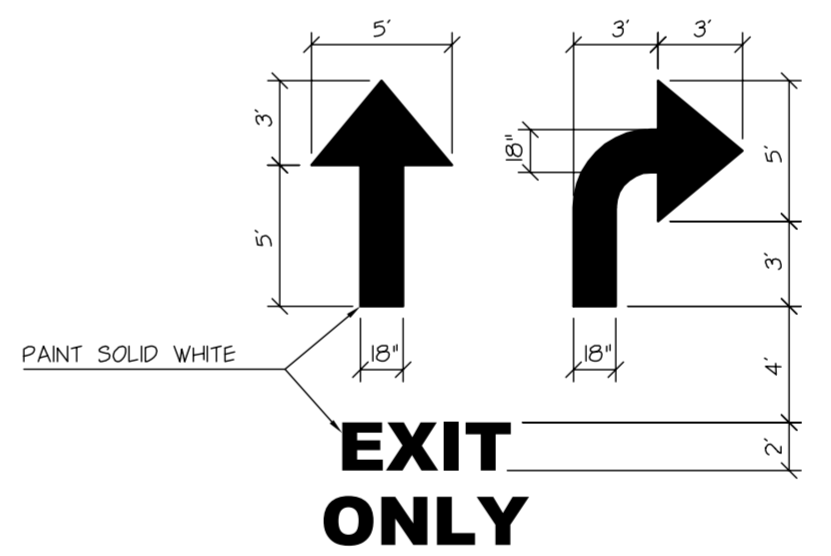
NOTE: ARROW SHALL BE PAINTED YELLOW (PMS 123)

2 PAINTED ARROW
NO SCALE



NOTE: ALL TEXT SHALL BE PAINTED YELLOW (PMS 123)

3 PAINTED 'THANK YOU'
NO SCALE



NOTE: ARROWS AND WORDS CAN BE ARRANGED IN OTHER COMBINATIONS THAN THOSE ILLUSTRATED HERE TO ACHIEVE DESIRED RESULT.

4 TYPICAL PAVEMENT MARKING
NO SCALE



NOTE: TEXT SHALL BE PAINTED WHITE

5 PAINTED 'NO PARKING'
NO SCALE

- STRIPING NOTES**
- (A) 6" WIDE PAINTED STRIPE, PMS 123, YELLOW.
 - (B) 1'-0" WIDE PAINTED DIRECTIONAL ARROW, PMS 123 YELLOW. SEE GENERAL NOTE 4.
 - (C) 6" WIDE PAINTED MERGE POINT, PMS 123 YELLOW. SEE GENERAL NOTE 4.
 - (D) PAINTED DRIVE THRU GRAPHIC. SEE DETAIL 1. SEE GENERAL NOTE 4. - NOT USED.
 - (E) PAINTED DRIVE THRU GRAPHIC. SEE DETAIL 2. SEE GENERAL NOTE 4. - NOT USED.
 - (F) PAINTED DRIVE THRU GRAPHIC. SEE DETAIL 3. SEE GENERAL NOTE 4.
 - (G) 8" WIDE, 10' LONG PAINTED PULL FORWARD STRIPE. PMS 123 YELLOW. - NOT USED.
 - (H) PAINTED SITE CIRCULATION ARROW. SEE DETAIL 4. SEE GENERAL NOTE 4.
 - (I) 4" WIDE CUSTOMER PARKING STRIPING. WHITE. - NOT USED.
 - (J) STRIPED AREA TO BE PAINTED WITH 4' LINES AT 18" O.C., AT 45 DEGREES TO PATH OF TRAVEL. WHITE.
 - (K) PAINTED HANDICAP SYMBOL, TYP. WHITE. SEE DETAIL C7.1/L
 - (L) 2' x 5' PAINTED CROSSWALK STRIPING AT 4' O.C. WHITE
 - (M) 4' WIDE RESERVED DRIVE-THRU PARKING STALL STRIPING. PMS 123 YELLOW.
 - (N) PAINTED GRAPHIC. SEE DETAIL 5. SEE GENERAL NOTE 4.

- GENERAL NOTES**
1. FIELD VERIFY AND CONFIRM EXISTING CONDITIONS AND DIMENSIONS PRIOR TO COMMENCING CONSTRUCTION. NOTIFY MCDONALD'S PROJECT MANAGER OF ANY DISCREPANCIES PRIOR TO COMMENCING CONSTRUCTION.
 2. SEE SHEET C2.1 FOR ALL RADIUS DIMENSIONS.
 3. SEE SHEET C2.2 FOR DRIVE-THRU CONSTRUCTION.
 4. ALL PAVEMENT STENCILS MUST BE PURCHASED FROM THE FOLLOWING AUTHORIZED PROVIDER.
PAVEMENT STENCIL COMPANY
P.O. BOX 18034
ROANOKE, VA. 24014
PH 800-250-5547 FAX 540-427-1326
PAVEMENTSTENCIL.NET

REV	DATE	DESCRIPTION
	03/27/18	CITY SITE PLAN REVIEW

CERTIFICATION

NOT FOR CONSTRUCTION

MCDONALD'S USA, LLC.

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#50 W. 82ND STREET

STATE	MN
CITY	RICHFIELD
COUNTY	HENNEPIN
STREET ADDRESS	6645 LYNDALE AVE
SHEET NAME	STRIPING
DATE ISSUED	03/27/18
DATE REVIEWED	03/27/18
REVIEWED BY	CNC
PHOTO ISSUED	TDP
DRAWN BY	TDP
NATIONAL NUMBER	24690
STATE NUMBER	022-0935
SHEET NO.	C2.6
FILE NAME:	C206MCD360.DWG
PROJECT NO.	MCD17360

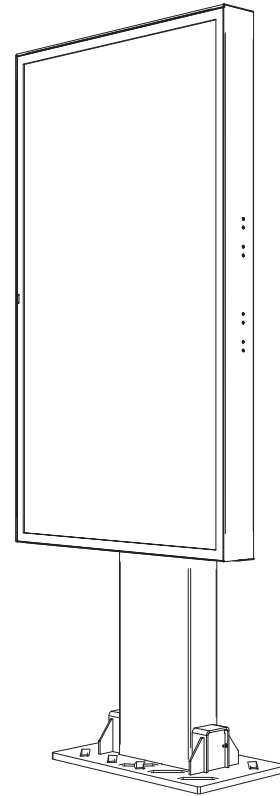
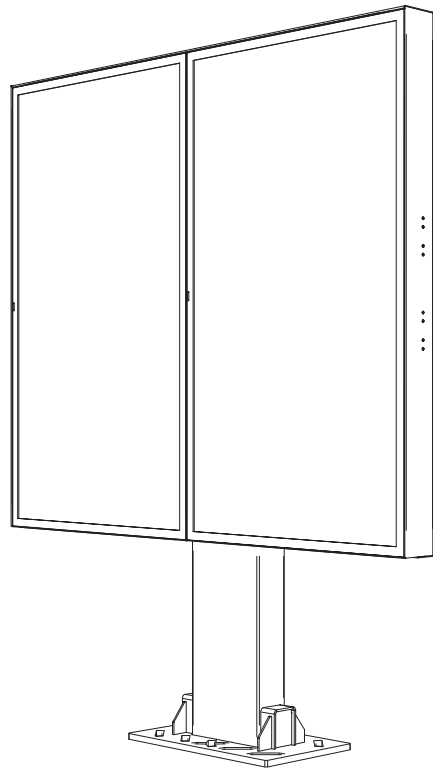
NORTH

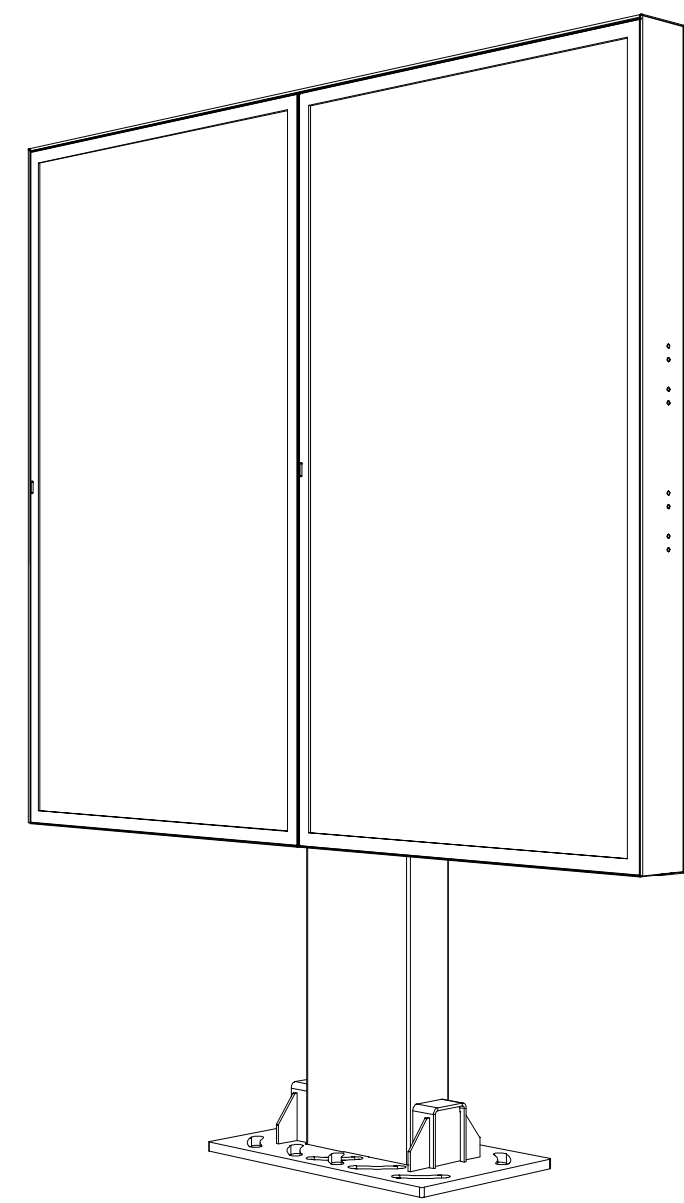
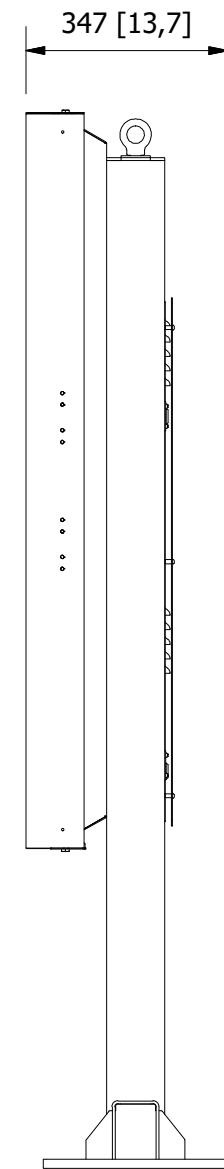
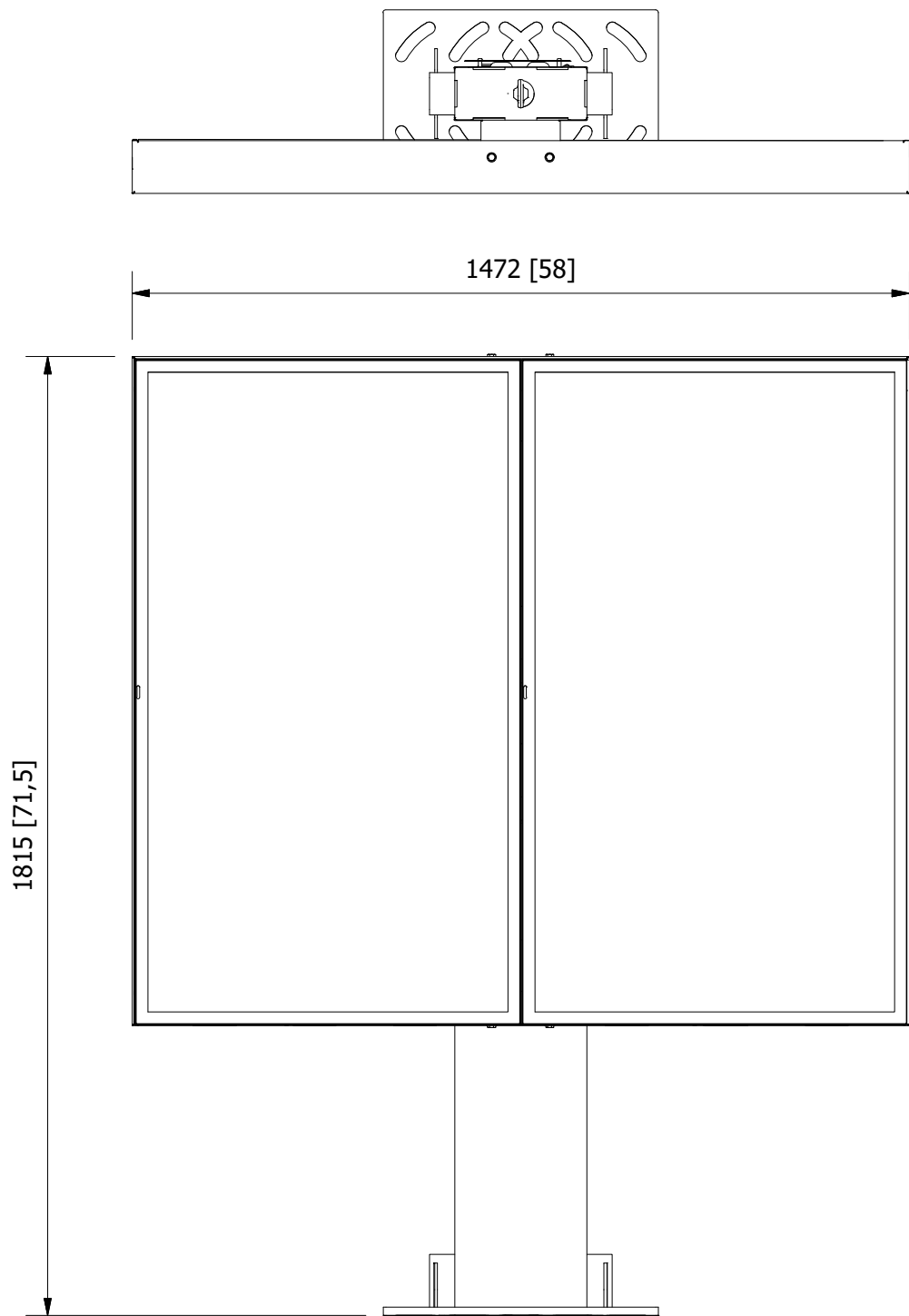
Know what's Below.
Call before you dig.

From Site to Finish

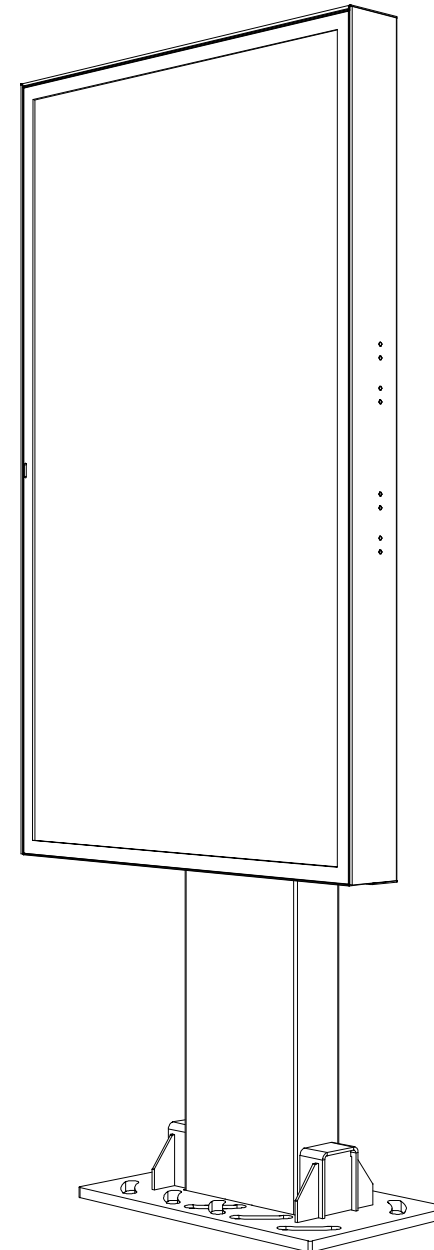
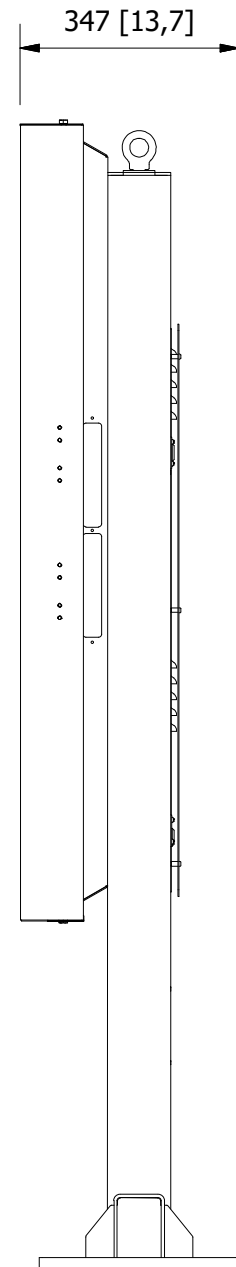
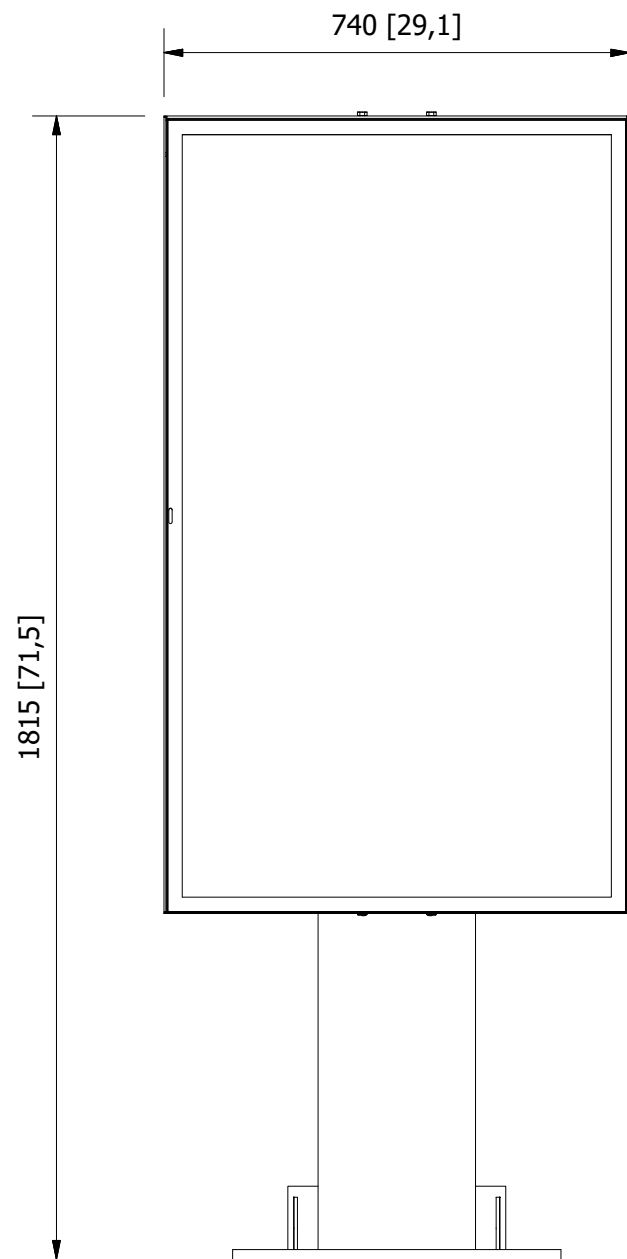
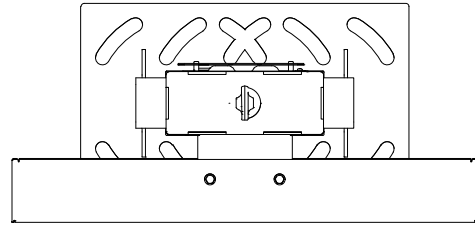
105 South Fifth Avenue Suite 513 Minneapolis, MN 55401
Tel: 612-252-9070 Fax: 612-252-9077 Web: landform.net

Coates ODMB Unit Specs





ODMB 02 DOUBLE	
Displays	2 x Samsung OH55F
Hardware	2 x Stratacache Spectra NG
Heating/Cooling	Watlow 100W Heater Sunon 120mm AC Fan
Power Supply Units	2 x 60W DC Media Player Power Supply
Power Cables	2 x IEC Power Cables
Electrical Components	Isolated Ground 2 x IG Receptacles 20A Circuit Breaker
Communication Cables	4 x HDMI 2 x RS232
Certification	UL Certified



ODMB 02 SINGLE

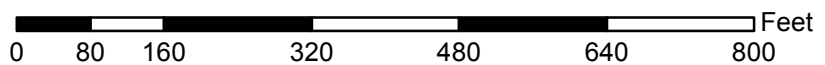
Displays	Samsung OH55F
Hardware	Stratacache Spectra NG
Heating/Cooling	Watlow 100W Heater Sunon 120mm AC Fan
Power Supply Units	60W DC Media Player Power Supply
Power Cables	1 x IEC Power Cable
Electrical Components	Isolated Ground 2 x IG Receptacles 20A Circuit Breaker
Communication Cables	2 x HDMI 1 x RS232
Certification	UL Certified

6645 Lyndale Ave - APUD 4/2018

Surrounding Zoning and Comp Plan



- Zoning:
 R - Single Family Residential
 PMR - Planned Multi-family Residential
 PC-2 - Planned General Commercial
- Comp Plan:
 LDR - Low Density Residential
 MIXED - Mixed Use



AGENDA SECTION:	Public Hearings
AGENDA ITEM #	4.
CASE NO.:	18-SP-01, 18-VAR-05



PLANNING COMMISSION MEETING 4/23/2018

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for a site plan review and variances for a restaurant at 6600 Penn Avenue.

EXECUTIVE SUMMARY:

The property at 6600 Penn Avenue was previously occupied by Bruegger's Bagels but has been vacant since July of 2014. The applicant has the property under contract and is proposing to open a restaurant. Traditional/cafeteria (Class II) restaurants are a permitted use in the Mixed Use Community (MU-C) District. In addition to the site plan review, the applicant is requesting approval of multiple variances. The extended vacancy of the property means that its legally non-conforming status has lapsed; therefore a number of variances related to the existing conditions are necessary. The applicant is requesting variances from parking lot setbacks, off-street parking requirements, building setbacks, impervious surface regulations, and landscaping requirements.

Parking requirements are based on square footage and the parking requirements for Class II restaurants is 10 spaces per 100 square feet. This building is approximately 2243 square feet, which would require 23 parking spaces. After factoring in a 10 percent reduction for proximity to public transit service, the total parking requirement is 21 spaces. Currently, 17 spaces are available on the property and no space exists to create additional parking. A full discussion of general site plan requirements and additional information related to the variances to building setbacks, parking lot setbacks, and impervious surface regulations and the required findings can be found as an attachment to this report.

Several unique factors exist to justify granting the variances. This site has historically operated in a similar capacity under the existing conditions and there is limited opportunity to make changes. Much of the building is used as kitchen, office, storage, and bathroom facilities, with only a small portion of the space available for customer seating. This location is in close proximity to a concentration of residences and businesses and it is reasonable to assume that some percentage of customers and employees will choose to walk, bike, or take public transportation rather than drive. Lastly, this site is not required to have odor control mitigation, but the building is in a mixed-use district where residential development could occur in the future. Plans have been submitted for a professionally-designed odor control remedy, including a statement by a structural engineer that the building could accommodate the planned odor control equipment and associated screening in the future, if necessary.

Finding that the proposal meets requirements, staff recommends approval of the site plan and variances.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of a site plan and variances for a restaurant at 6600 Penn Avenue.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

While the existing building is currently vacant, a restaurant had existed on this site for many years.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Class II restaurants are a permitted use in the MU-C District. The applicant is requesting variances from Subsections 544.13, 537.07, and 544.03 for parking lot setbacks, off-street parking requirements, building setbacks, impervious surface regulations, and landscaping requirements as described above in the Executive Summary.

A full discussion of general Site Plan requirements and additional information related to the requested variances and required findings is attached to this report.

C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock 'started' when a complete application was received on March 22, 2018. A decision is required by May 21, 2018 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

- Notice of this public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
- Council consideration has been tentatively scheduled for May 8, 2018.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the proposal with modifications
- Recommend denial of the site plan and/or variances with a finding that requirements are not met.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Sam Kerim, applicant

ATTACHMENTS:

Description	Type
☐ Resolution	Resolution Letter
☐ Required Findings	Backup Material
☐ Site Plan	Backup Material
☐ aerial view	Backup Material
☐ Zoning Map	Backup Material

RESOLUTION NO. _____

**RESOLUTION GRANTING APPROVAL
OF A SITE PLAN AND VARIANCES AT
6600 PENN AVENUE**

WHEREAS, an application has been filed with the City of Richfield which requests approval of site plans for a Class II (traditional/cafeteria) restaurant on the parcel of land located at 6600 Penn Avenue (the "Property"), legally described as:

Lots 1 and 2, Block 1, Tingdale Bros. Lincoln Hills, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit and variances at its April 23, 2018 meeting; and

WHEREAS, notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the subject property; and

WHEREAS, the existing building at 6600 Penn Avenue does not meet various building setback requirements specified in the Mixed Use Community (MU-C) District and impervious surfaces cover 91.25 percent of the site, exceeding the maximum coverage of 80 percent; and

WHEREAS, the site does not meet general landscaping and screening requirements, as described in Zoning Code Subsection 544.03; and

WHEREAS, the Zoning Code requires a minimum parking lot setback of 8 feet from the right-of-way, while the proposed site plan provides parking lot setbacks of 3 feet along the north property line; and

WHEREAS, the Zoning Code requires 21 parking spaces based on the square footage of the building, while the proposed site plan provides 17 spaces; and

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause "practical difficulty" to the owners of the Property under consideration; and

WHEREAS, based on the findings below, the Richfield City Council approves the requested variances from Richfield City Code Subsection 544.13, Subdivision 5 and 6, Subsection 537.07, Subdivision 1, and Subsection 544.03; and

WHEREAS, the City has fully considered the request for approval for the site plan with variances; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of

Richfield, Minnesota, as follows:

1. The City Council makes the following general findings:
 - a. The Property is zoned Mixed Use Community (MU-C) and is located in the Penn Avenue Corridor (PAC) overlay.
 - b. Restaurant Class II uses are permitted in the MU-C District. The Penn Avenue Corridor District provides for a balanced mix of commercial, office and residential uses that together create a cohesive and pedestrian-friendly area.
 - c. The site and building are existing and were previously used as a Bruegger's Bagels restaurant from 1996 to 2014. Reuse of this building on this site in any fashion will require variances.
 - d. Code states that the maximum front setback shall not exceed 15 feet and side and rear setbacks for a principal building shall not be less than 5 feet. The existing setbacks are 23.5 feet, 67 feet, and 1 foot, respectively. Code states that the maximum impervious surface area shall not exceed 80%. The proposed impervious surface area is 91.25%. Variances from Subsection 537.07, Subd. 1 are required.
 - e. Proposed landscaping and screening plans do not meet several requirements. A variance from Subsection 544.03 is required.
 - f. Code states that the minimum parking lot setback is 8 feet from the right-of-way. A variance from Subsection 544.13, Subd. 5 is required.
 - g. Code states that the minimum number of off-street parking spaces required for a Class II Restaurant is 10 per 1,000 square feet of gross floors area. A variance from Subsection 544.13, Subd. 6 is required.

2. With respect to the application for variances from the above-listed requirements, the City Council makes the following findings:
 - a. Strict enforcement of the Richfield Zoning Code Subsections listed above would cause a practical difficulty. The existing property cannot be used in any fashion without variances. It is reasonable to allow the reuse of an existing building on an existing lot. 17 spaces are available on the property and no space exists to create additional parking.
 - b. Unique circumstances affect the Property that were not created by the land owner. The building was constructed in 1951 and expanded in 1996, prior to the adoption of current Codes. These circumstances were not created by the land owner.
 - c. Granting the requested variances will not alter the essential character of the neighborhood. The requested variances will allow for the reuse and improvement of a vacant building. The improvements proposed will benefit the surrounding neighborhood by improving the aesthetics of the site, particularly along Penn Avenue. No negative impacts are expected.
 - d. The variances requested are the minimum necessary to alleviate the practical difficulty. The proposed variances are the minimum necessary to reuse this property.
 - e. The variances are in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan. The proposed plans are consistent with the general purposes and intents of the Zoning Ordinance and Comprehensive Plan.

3. With respect to the proposed site plan, the City Council finds that it will adequately serve the purpose for which it is proposed and will not have adverse effect upon the public safety or general welfare.
4. Based upon the above findings, variances to the above-specified requirements are hereby approved.
5. Based upon the above findings and variances, the proposed site plan is hereby approved according to the terms of Richfield City Code Subsection 547.13 with the following additional stipulations:
 - That the recipient of this approval record this Resolution with Hennepin County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and Richfield Zoning Ordinance Section 547.11, Subd. 7. Proof of recording is required prior to the issuance of a building permit;
 - The customer entrance(s) shall be covered by awning or alternative covered entrance approved by the Community Development Director. All existing awnings and exterior building lighting shall be replaced or repaired.
 - The applicant shall submit a final landscaping plan to be approved by the Community Development Department, including further detail of the proposed landscaping areas along the east and north property lines. Required plantings must be maintained to meet the intent of the Penn Avenue Design Guidelines.
 - The building exterior shall be repaired and repainted as necessary, including the trash enclosure. Bicycle parking must be provided.
 - Any new rooftop or ground mechanical equipment must be screened, per Zoning Code Section 544.05.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated April 5, 2018, and compliance with all other City and State regulations. Permits are required prior to commencement of any work.
 - Prior to the issuance of an occupancy permit, the applicant shall submit a surety equal to 125% of the value of any improvements not yet complete (based on two bids including labor cost).
 - This approval shall expire one year from the date of approval unless the use has commenced or a building permit has been obtained and construction begun.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of May 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Code Requirements / Required Findings

Part 1 - Site Plan Approval (Subsection 547.13) In evaluating a site plan, the Planning Commission and Council shall consider its compliance with the following:

- a) *Consistency with the various elements and objectives of the City's long range plans including, but not limited to, the Comprehensive Plan.* In the Penn Avenue Corridor, the Mixed Use District is intended to be a vibrant, pedestrian-oriented neighborhood center. The District can accommodate a variety of uses. The proposed use of the property as a Class II restaurant is in keeping with these intentions.
- b) *Consistency with the purposes of the Zoning Code.* The purposes of the Zoning Code include: assisting in the implementation of the Comprehensive Plan; creating harmonious and workable relationships among land uses; enhancing and protecting the physical appearance of the City and more. The proposal is consistent with these purposes of the Zoning Code.
- c) *Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas.* The site is already fully developed and is over 80 percent impervious. No major changes are proposed to the building exterior or site. The proposed site plan will maintain the existing landscaping and improve as possible. A landscape plan is required prior to the issuance of a Certificate of Occupancy.
- d) *Creation of a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development.* The existing building façade is complimentary to the adjacent properties. The proposed improvements to the site, particularly the repair of the trash enclosure and replacing the awnings, will further enhance the visual appearance.
- e) *Creation of a functional and harmonious design for structures and site features including:*
 - i. *Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors and the general community;*
 - ii. *Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development;*
 - iii. *Appropriateness of the materials, textures, colors and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions; and*
 - iv. *Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.*

This site has historically been used as a restaurant and the 17 existing parking stalls were adequate. This site does qualify for a 10 percent reduction in required parking due to the proximity to public transit service. The striping of accessible parking spaces brings the property into compliance with ADA requirements. A stair connection to the Penn Avenue

sidewalk is provided near the front building entrance and a bike rack will be required. Landscaping areas facing Penn Avenue and 66th St will be maintained from the previous tenant and improved as possible to screen the parking lot and the improve curb appeal of the building. Along the west and south property lines, there is limited opportunity to improve the site further given the placement and size of the building.

- f) *Creation of an energy-conserving design through design location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading.* The proposal will not worsen conditions.
- g) *Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.* No changes to surface water drainage, sound and/or sight impacts, views, etc. are anticipated. Plans have been submitted for a professionally-designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control and associated screening in the future, if necessary.

Part 2 - Variances:

The proposed site plan will improve upon existing conditions, allowing for reuse and aesthetic improvements to a site that has struggled with long-term vacancy. The extended vacancy of the property means that legally non-conforming status has lapsed; therefore a number of variances related to the existing conditions are necessary. The applicant is requesting variances from parking lot setbacks, off-street parking requirements, building setbacks, impervious surface regulations, and landscaping requirements.

Subsection 544.13, Subd. 5; Subd. 6:

- Parking lot setback – Parking lots must be set back eight (8) feet from the right-of-way. (proposed/existing – 3 feet)
- Off-street spaces required—21 spaces required. (proposed/existing – 17)

Subsection 537.07, Subd. 1:

- Front, side, and rear building setbacks – 15 feet maximum for front, 5 feet minimum for side and rear (proposed/existing – 23.5 feet, 67 feet, 1 foot, and 1 foot, respectively)
- Impervious surface regulations – 80% maximum (proposed – 91.25%)

Subsection 544.03:

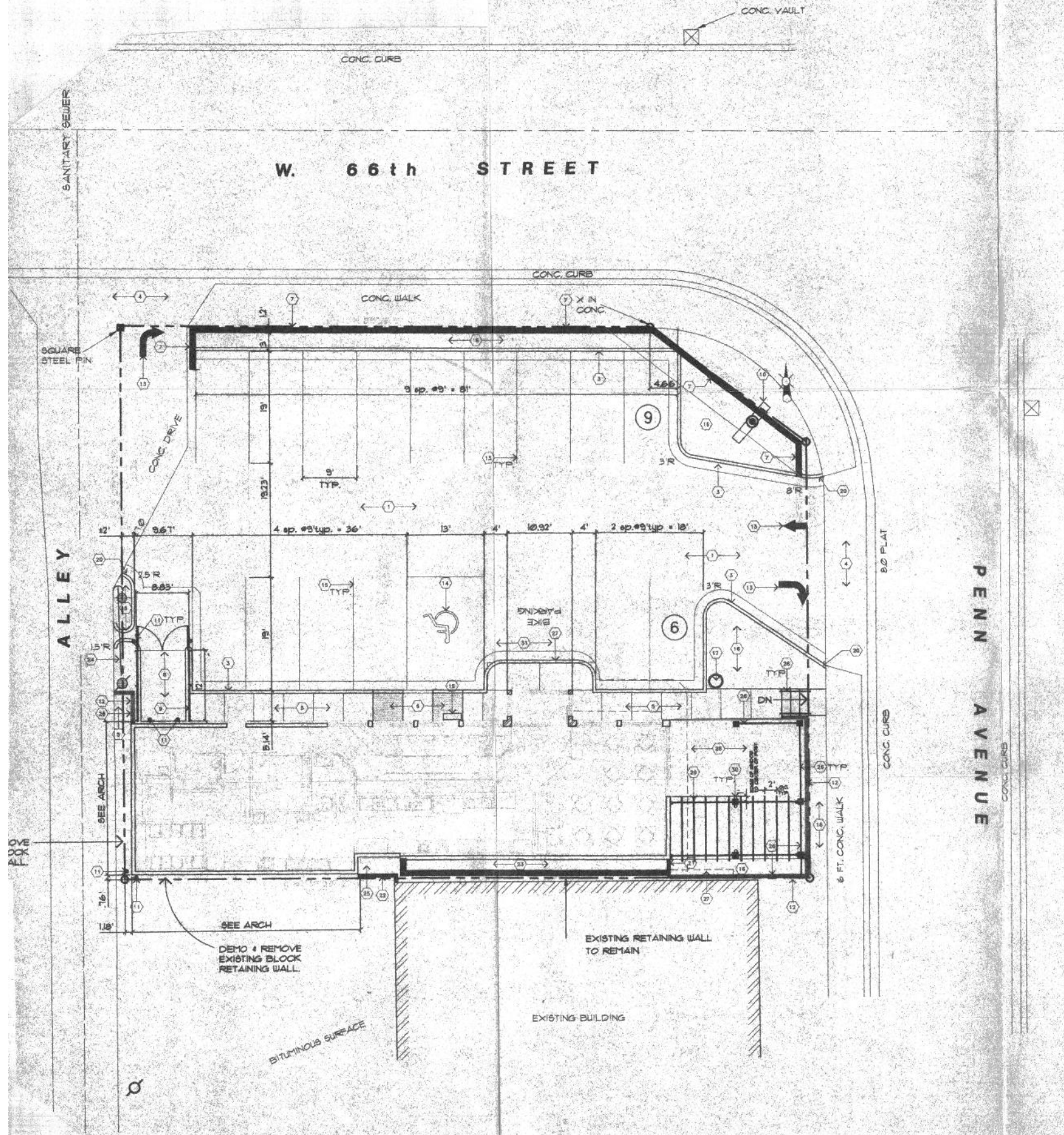
- Landscaping and requirements – no major changes to existing conditions are proposed and several requirements will not be met. The site includes landscaped planting areas facing Penn Avenue. These plantings must be maintained to meet the intent of the Penn Avenue Design Guidelines. A landscape plan for this area is required.

The findings necessary to approve variances are as follows (Subsection. 547.11):

- a) *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.* The existing property cannot be used in any fashion without variances. It is reasonable to allow the reuse of an existing building on an existing lot.
- b) *There are usual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone*

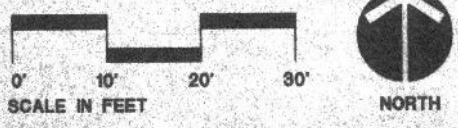
or vicinity. The building was constructed in 1951, prior to the adoption of current Codes. These circumstances were not created by the land owner.

- c) *The variance would not alter the character of the neighborhood or the locality.* The requested variances will allow for the reuse and improvement of a vacant building. The improvements proposed will benefit the surrounding neighborhood by improving the aesthetics of the site and bring new customers to the Penn Avenue Corridor. No negative impacts are expected.
- d) *The variance is the minimum necessary to alleviate the practical difficulty.* The proposed variances are the minimum necessary to reuse this property.
- e) *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.* The proposed plans are consistent with the general purposes and intents of the Zoning Ordinance and Comprehensive Plan as discussed further in Part 1 of this document.



SITE PLAN

○ DENOTES IRON MONUMENT SET



CONSTRUCTION NOTES

1. CONSTRUCT ASPHALT CONCRETE TO MATCH EXISTING. PATCH EXISTING LOT AS NEEDED. SEALCOAT AND REPAIR AS SHOWN.
2. CONSTRUCT 6" P.C.C. CURB PER PHOTO SPEC.
3. CONSTRUCT 6" P.C.C. CURBS & GUTTERS PER PHOTO SPEC.
4. EXISTING CURB CUT TO REMAIN.
5. CONSTRUCT P.C.C. CURB EDGE AND WALK.
6. CONSTRUCT ADA-COMPLIANT P.C.C. RAMP - MAX SLOPE 1:8.
7. EXISTING CONC. WALL TO REMAIN.
8. CONSTRUCT 4" P.C.C. PAD BY 8" DIA. - REFER SPEC. (CONC. JTS. & 2" BY 2" OVER 6" CURB & BASE).
9. CONSTRUCT 4" P.C.C. TRASH ENCLOSURE OF 1" BATTERY CEMENT FENCE TO MATCH COLOR & AESTHETICS OF THE MAIN BUILDING.
10. INSTALL BRUEGGER'S PLYCON SIGN ON EXISTING SIGN BASE. SIGNAGE CONTRACTOR TO COORDINATE WITH G.C.
11. INSTALL GUARD POST PER DETAIL.
12. CONSTRUCT ROCK FACE BLOCK RETAINING WALL. COORDINATE COLOR WITH ARCHITECT. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR SIGNATURE REVIEW.
13. PAINT TRAFFIC ARROWS - TRAFFIC WHITE.
14. PAINT HORIZONTAL STRIPE - TRAFFIC WHITE ON BLUE BACKGROUND.
15. PAINT 4" WIDE SOLID STRIPE - TRAFFIC WHITE.
16. PLANTING AREA - SEE LANDSCAPE PLAN, BWT. L-1.
17. INSTALL TRASH RECEPTACLE PLACE ON PRE-CAST CONCRETE PAD. G.C. TO COORDINATE WITH OWNER.
18. REFER TO SPEC. FOR SIGNAGE.
19. STATE APPROVED H.C. SIGN.
20. TAPER CURB HEIGHT TO MEET EXISTING PAVEMENT.
21. INSTALL LOCKABLE SECURITY GATE.
22. INSTALL 4" HT. WOOD PRIVACY FENCE.
23. EXISTING CONCRETE TO REMAIN.
24. P.C.C. SPILLWAY.
25. SEE STRUCTURAL BIDS.
26. CONSTRUCT ORNAMENTAL METAL FENCE PER DETAIL AND BOLT TO TOP OF WALL. SEE ARCH. BIDS.
27. REMOVE EXISTING CONCRETE AS REQUIRED.
28. CONSTRUCT BRICK PAVEMENT. RUNS BOND PATTERN IN FIELD AND SOLDIER COURSE BORDER. BORDERS PERimeter COLOR RED-BROWN. VERIFY COLOR WITH OWNER. SEE DETAIL.
29. CONSTRUCT WOOD TRELLIS. SEE ARCH. BIDS.
30. PATIO LIGHTING TO BE MOUNTED ON TRELLIS - SEE D-1.
31. BIKE PARKING.

LEGAL DESCRIPTION

LOT 1 AND 2, BLOCK 1, "TINGDALE BROS. LINCOLN HILLS", HENNEPIN COUNTY, MINNESOTA.
 SUBJECT TO THE RIGHT OF WAY OF PENN AVENUE SOUTH (OSAH NO. 32) AS SHOWN IN DOCUMENT NO. 5059512.
 SUBJECT TO OTHER EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

THIS PROPERTY IS SUBJECT TO EASEMENTS & RESTRICTIONS WHICH MAY BE DISCLOSED BY A TITLE COMMITMENT SEARCH.

LOT COVERAGE

GROSS LOT AREA	10466 SF
NET OPEN (LANDSCAPED) SPACE	216 SF. 837 SF.
NET IMPERVIOUS SURFACE	3580 SF. 9629 SF.
COVERAGE AS %AGE OF LOT AREA	34.25% 92.00%

BRUEGGER'S BAGEL BAKERY
 66th Street @ Penn Avenue
 6800 Penn Avenue
 Richfield, Minnesota

SITE PLAN

REVISIONS

SITE PLAN

DRAWN BY	MM
CHECKED BY	PL
DATE ISSUED	4.30.95
SCALE	1" = 10'
JOB NO.	95032

C-1

I hereby certify that this plan, specification or contract was prepared by me or under my direct supervision and that I am a duly registered Professional Engineer under the laws of the State of Minnesota.
 Signature: [Signature]
 Date: 5.2.96
 Registration Number: 17471

1121 East Franklin Ave.
 Minneapolis, MN 55404
 Ph. (612) 871-6009

JOHNSON & RUGGIERI
 INCORPORATED



An equal opportunity employer

EQUIPMENT LIST

ITEM	QTY	DESCRIPTION	REMARKS
01	1		
02	Lot	Banquette / Booth Seat	
03	Lot	Dining Table w/ Base	
04	Lot	Dining Chair	
05		Spare Number	
06	1	Cash Register / P.O.S.	By Owner
07		Open Shelf Utility Stand	72"
08		Open Shelf Utility Stand	48"
09	1	Coffee Brewer / Dispenser	
10	1	Tea Brewer / Dispenser	
11	2	Soap / Towel Dispensers	
12		Spare Number	
13	2	Hand Sink w/Side Shields	
14		Spare Number	
15		Spare Number	
16		Food Warmer	
17	1	Steam Table	
18	1	Worktop Freezer	
19	1	Microwave Oven	
20	1	Refr Prep Table	
21	1	Stainless Steel Overshelf	
22		Spare Number	
23	1	Canopy Exhaust Hood	
24	1	Range w/ Conv Oven	
25		Spare Number	
26	1	Griddle	
27	1	Equipment Stand	
28	1	Char Broiler	
29		Spare Number	
30	2	Deep Fryer	
31		Spare Number	
32	1	Rotisserie Oven	
33		Stainless Steel Worktable	
34		Spare Number	
35		Spare Number	
36		Stainless Steel Worktable	
37		Rice Cooker	
38		Spare Number	
39	1	2-Compartment Prep Sink	Tell-Tale Drain
40	Lot	Wall-Mtd Shelf Unit	
41	1	3-Comp Scullery Sink	Tell-Tale Drain
42	2	Spray Rinse w/ Faucet	
43		Spare Number	
44	2	Stainless Steel Worktable	
45	1	Stainless Steel Worktable	
46		Spare Number	
47	1	Reach-in Freezer	
48	1	Walk-in Cooler	
49	Lot	Walk-in Shelf Unit	
50	Lot	Wire Shelf Unit	
51	Lot	Pallet / Dunnage Rack	
52	1	Bag 'n' Box System	
53		Spare Number	
54		Spare Number	
55		Disposer	
56		Spare Number	
57		Spare Number	
58		Spare Number	
59		Spare Number	
60		Spare Number	
61	1	Ice Machine	
62	1	Floor-Mtd Mop Sink	
63	1	Mop Rack w/ Shelf	
64		Spare Number	
65		Spare Number	
66		Spare Number	
67		Spare Number	
68		Spare Number	
69		Spare Number	
70		Spare Number	
71		Spare Number	
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74		Spare Number	
75		Spare Number	
76		Spare Number	
77		Spare Number	
78		Spare Number	
79		Spare Number	
80		Spare Number	

Walk-in cooler/freezer must be NSF approved to include all components (compressor and condenser). Walls and ceiling must be a minimum of aluminum finish. Floor must be quarry tile or stainless steel. Seal area from the top of the cooler to ceiling or room (egg crate type of material may be used). Shelving must be NSF approved for coolers/freezers. Exterior walls must be stainless steel or approved equal where food preparation occurs against the cooler/freezer wall. Ref. MN Food Code 4626.0505

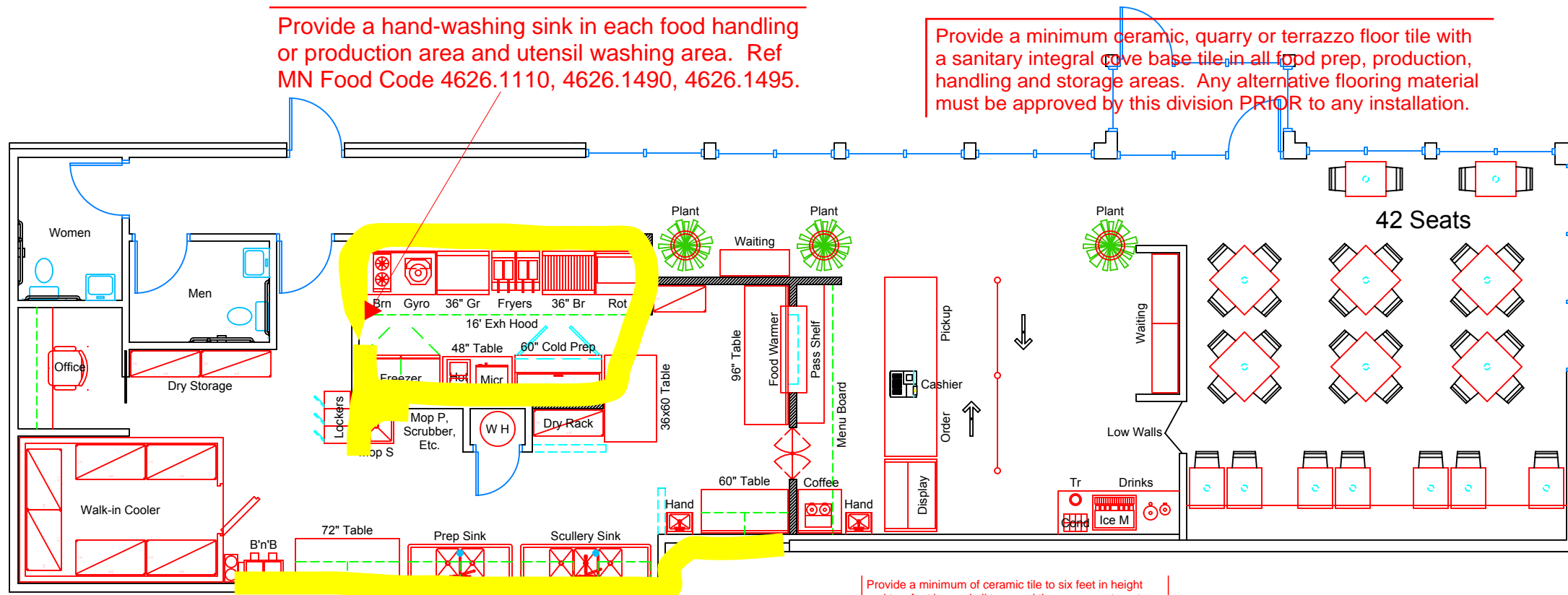
Provide Environmental Health Plan Review application with submittal

Provide specifications for all proposed equipment

Provide 2 complete sets of plans, including Plumbing, Electrical and HVAC to the Environmental Health Division for review

Provide a hand-washing sink in each food handling or production area and utensil washing area. Ref MN Food Code 4626.1110, 4626.1490, 4626.1495.

Provide a minimum ceramic, quarry or terrazzo floor tile with a sanitary integral cove base tile in all food prep, production, handling and storage areas. Any alternative flooring material must be approved by this division PRIOR to any installation.



All millwork cabinets must be plastic laminate (or equal) on all (inside and out) surfaces, to include cut edges for equipment or utility openings. 4" back splash must be provided where required. Place on 6" NSF approved legs, castors, or an approved cement curb with integral sanitary cove base tile. Provide detailed drawings for approval by this department prior to construction. Ref. MN Food Code 4626.0505

Provide a minimum of ceramic tile to six feet in height and two feet beyond all two- and three- compartment sinks, dish washing machines, and food preparation areas designated on the plan. Stainless steel may be used in place of ceramic tile. (City Code Sec. 14.452 (a)(4)(C))

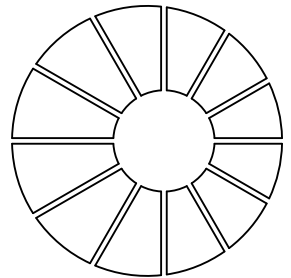
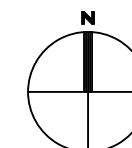
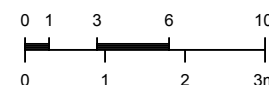
NOTES:

- All work must be performed in compliance with State and Local Codes and Ordinances.
- Mechanical and Electrical work shall be performed on a Design-Build basis. Any engineering required to obtain permits shall be provided by the Mechanical and Electrical Subcontractors at their expense.
- All food service equipment must be NSF approved (or equivalent) and bear the NSF seal.
- Any used equipment items must be in like-new condition, field inspected and approved by the Health Department prior to use.
- All new food service equipment will be furnished to the job site by the Owner unless otherwise noted.
- All new food service equipment shall be unpacked, set in place and connected by the Contractor unless otherwise noted.
- Field verify plumbing and electrical connection requirements for all equipment prior to roughing in utilities.
- All food preparation areas shall have 6x6 quarry tile flooring with INTEGRAL coved base.
- All walls in food preparation areas shall be finished with 'Kemilite Glasbord-P' FRP panels, # BES385P1 White, from quarry tile base to suspended ceiling.
- Suspended ceiling in food preparation areas shall be 'U.S. Gypsum' # 3270, 2'x4' vinyl-wrapped gypsum panels. Color: White Stippled finish with matching grid system.
- All lights in food preparation areas shall be 2'x4' recessed fluorescent fixtures with acrylic lenses.
- Custom cabinets with laminate finish shall have all surfaces and edges finished. All cabinet interiors shall have # S-463 Antique White Melamine finish, including edges, slots and holes for plumbing and electrical connections and switches.
- Verify all finishes and colors with the Owner.

- Indicates Existing Walls to Remain
- - - - - Indicates Existing Walls to be Removed
- ▨ Indicates New Walls

Although every effort is made to provide accurate drawings and specifications for the Project, some discrepancies may occur or conditions be discovered that change the dimensions as shown. Field verify the accuracy of all space dimensions and report any discrepancies in the plans and specifications to DISENOS for correction or clarification.

SCALE: 1/4" = 1'-0"



DISENOS

P O BOX 26455
ST. LOUIS PARK, MN 55426

T 612.309.1234

DISENOS@ParkAtelier.com

J W Mc ELMURY © 2017

PROJECT NO:

ISSUE DATE:

18 DEC 17

16 JAN 18

18 JAN 18

PROJECT
6600 PENN AVENUE SOUTH
RICHFIELD, MINNESOTA

PIN:
PROJECT AREA:
YEAR CONSTRUCTED:

EQUIPMENT PLAN & LIST

K 101



Penn Avenue South (CR 32)

6600 PENN
AVE S

2321 W 66TH
ST

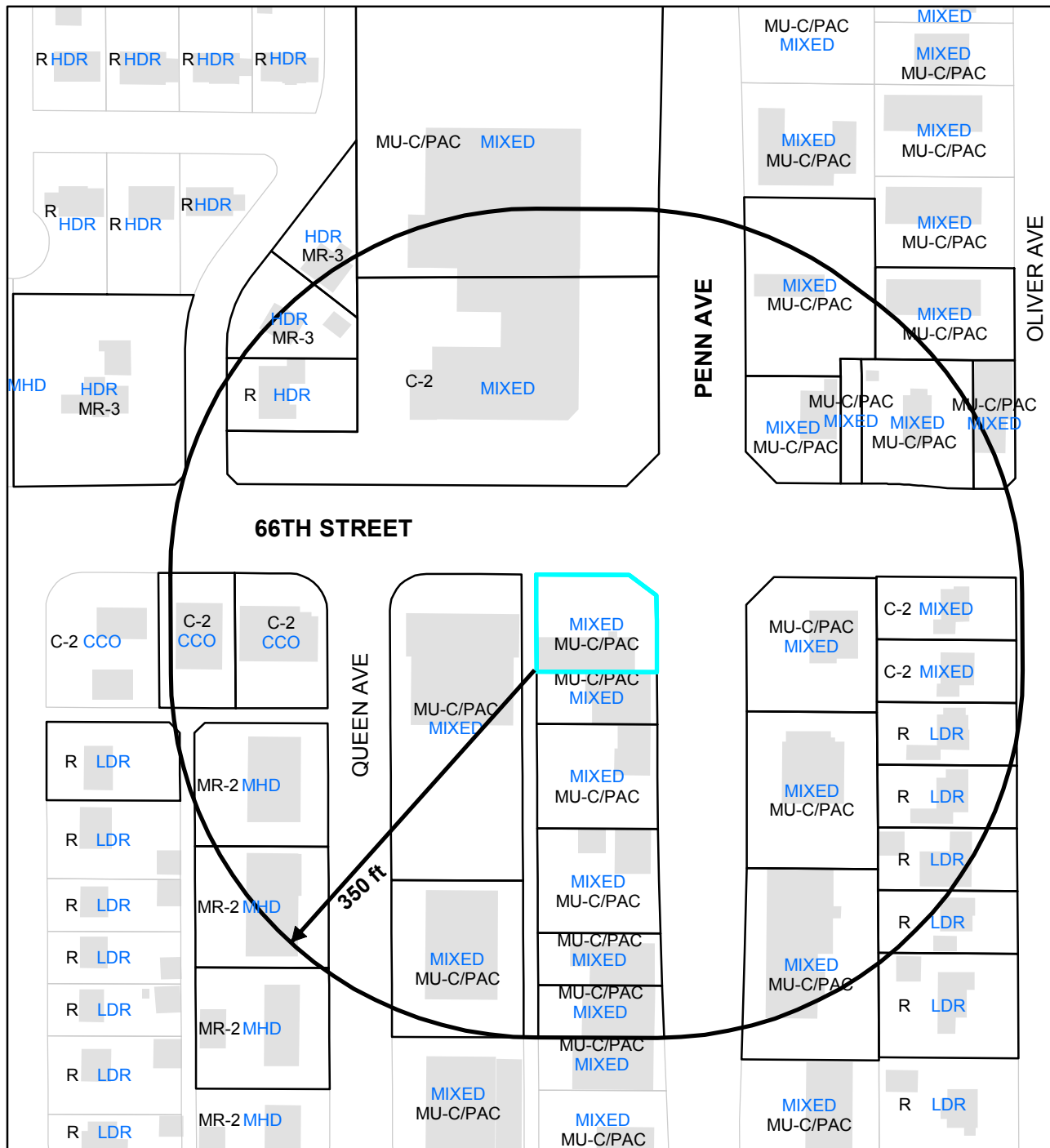
6608 PENN
AVE S

04/02/2015

© 2015 Pictometry

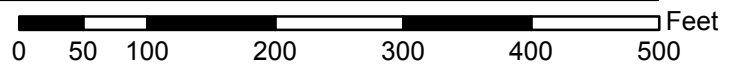
6600 Penn Avenue SP & VAR - 04/2018

Surrounding Zoning & Comprehensive Plan



Zoning:
 MU-C - Mixed-Use Community
 PAC - Penn Avenue Corridor Overlay
 C-2 - General Commercial
 MR-3 - High-density residential
 MR-2 - Multi-family residential
 R - Single Family Residential

Comp Plan:
 MIXED - Mixed-Use
 CCO - Community Commercial/Office
 MHD - Medium Density Residential
 LDR - Low Density Residential



AGENDA SECTION:	Public Hearings
AGENDA ITEM #	5.
CASE NO.:	Zoning Case No. 18-CP-01, 18-RZN-01, 18-PUD-01, 18- CUP-01, 18-FDP-01



PLANNING COMMISSION MEETING 4/23/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Consider approval of the attached ordinance and resolutions related to the approval of a mixed use development on 66th Street, between 1st and Stevens Avenues.

EXECUTIVE SUMMARY:

PLH & Associates (the applicant) purchased the former Southview Baptist Church property in August 2016. The 0.98 acre property consists of the former church building and two single-family homes that were owned by the church, all of which were vacant at the time of sale. At work sessions on August 23rd, 2016 and November 20th, 2017, the applicant presented concept plans to the City Council and Planning Commission for a mixed-use building on the property. Based on feedback received at these meetings, the applicant has submitted a proposal that includes a 3-story mixed-use building with active building uses and strong pedestrian connections along 66th Street. The proposed development includes 31 residential units and approximately 6,000 square feet of commercial space, with parking provided underground and in a surface lot.

The current Comprehensive Plan designation of the property is split - the west half of the site is guided as Quasi-public and the east half is designated as low-density residential. The Plan states that Public and Quasi-public uses include all civic, county and state facilities (excluding parks); religious facilities, schools and other similar non-profit uses. The applicant has applied for an amendment to the Comprehensive Plan that would change the designation of the property to Mixed Use. The Comprehensive Plan does not provide guidance as to how a Quasi-public use shall be re-guided when that use ceases to exist. Potential future uses for each Quasi-public site in the city must be considered individually, within the context of its location. This site is adjacent to the large commercial area centered on Nicollet Avenue and 66th Street, with low density residential uses to the south and east.

Policies in the Comprehensive Plan that support this amendment include the following:

- Expand the vision of the Lakes at Lyndale (Lyndale & 66th) area to include the HUB and Nicollet Shoppes.
- Promote development that broadens the tax base.
- Encourage and support the development of strong commercial districts that respect the values and standards of the citizens of Richfield.
- Encourage the development of viable and responsive neighborhood commercial services.

In accordance with the above policies, the draft Comprehensive Plan Update "Richfield 2040" (Draft Plan)

designates this property as Mixed Use. The proposed density of 31 units per acre is within the Draft Plan guidance of 25-50 units per acre at the edges of the Mixed Use District. These policies and the pending change called for in the Draft Plan update make it reasonable to reconsider the designation of properties in this area and change the guiding of these properties at this time. The Mixed Use Zoning District states that when multifamily, office, small-scale retail, pedestrian intensive retail, civic or public uses are planned as part of a Mixed Use development, the lesser intensive uses or the more community serving uses may be used as transitions to adjacent residential uses. By focusing commercial activity at the west end of the building, the proposed building serves as logical transition between the large commercial area at Nicollet Avenue and the predominantly residential area to the south and east.

The proposed plans are consistent with all but three Zoning Code requirements:

1. The building exceeds the maximum front/side setback of 15 feet along both 1st Avenue (19.4 feet) and Stevens Avenue (52.6 feet); however, the proposed design nicely balances the need for customer entrance and patio space adjacent to the commercial uses on the west side of the building, while providing a larger setback to the residential areas to the south and east along Stevens Avenue.
2. The proposed buffer between the parking lot and the adjacent residential property line is 4 feet 10 inches feet narrower than required (10.17 feet vs. 15 feet). The intent of this provision is to provide adequate area to attractively screen the parking lot and buffer adjacent properties from headlights and vehicle noise. The proposed buffer provides 100% screening of the parking lot through a combination of fencing and landscaping. The buffer area is large enough to support the plants selected and will provide an attractive barrier between the development and the adjacent property to south (6613 1st Avenue).
3. Residential parking requirements in the Mixed Use Districts are 1.5 per unit. The 38 spaces provided underground would equate to a ratio of 1.22 per unit. The developer has indicated that a number of spaces in the surface lot would be reserved for resident and guest parking. If 6-8 spaces are reserved for residential and guest parking, that would create a ratio of 1.42-1.48 spaces per unit. Lower parking requirements exist elsewhere in the City, as the High-Density Residential district allows a parking ratio of 1.25 spaces per unit. High frequency bus lines operate on both Nicollet Avenue and 66th Street, offering local service and express service to downtown. Additionally, 66th Street is being reconstructed with a high-quality bicycle facility, connecting to places of employment and other regional destinations.

At the time of writing this report, staff had received three phone calls from residents with concerns regarding additional traffic on Stevens Avenue, in addition to general concerns with the change from low density to mixed use. Most traffic is expected to reach the development via 66th Street, rather than from the south via 1st or Stevens Avenues. Entering or exiting the development through the neighborhood would be slower than directly via 66th Street. 1st and Stevens Avenues do not continue south of 68th Street, making neighborhood traffic increases unlikely. The plan includes signage and curb modifications to prohibit right turns from the development onto southbound Stevens Avenue. An open house was held on April 19 to discuss the proposal with nearby neighbors. Based on the outcome of that meeting, the developer may make revisions to their plans or staff may identify additional issues needing to be addressed.

Staff finds that the proposed project meets the intent and policies of the Comprehensive Plan and code requirements for Mixed Use development and recommends approval of the project.

RECOMMENDED ACTION:

By Motion:

1. **Recommend approval of amending the Comprehensive Plan designation for the subject property from Quasi-Public and Low Density Residential to Mixed Use.**
2. **Recommend approval of rezoning the subject property from Single-family Residential (R) to Planned Mixed Use (PMU); and**
3. **Recommend approval of a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a mixed-use development at 101 66th Street East.**

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The Planning Commission and City Council were first made aware of this proposal in August 2016; with joint Council/Planning Commission Work Sessions on August 23, 2016 and November 20, 2017.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Comprehensive Plan:

See Executive Summary.

Zoning:

The Mixed Use Zoning District states that when multifamily, office, small-scale retail, pedestrian intensive retail, civic or public uses are planned as part of a mixed use development, the lesser intensive uses or the more community serving uses may be used as transitions to adjacent residential uses. By focusing commercial activity at the west end of the building, the proposed building serves as logical transition between the large commercial area at Nicollet Avenue and the predominantly residential area to the south and east. The proposed development meets the intent of the Mixed Use District regulations. See Executive Summary above for deviations from Code requirements.

Planned Unit Developments are intended to encourage the efficient use of land and resources and to encourage innovation in planning and building. In exchange for these efficiencies and superior design, flexibility in the application of dimensional requirements is available.

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. Generally, the criteria require that the Council find that the proposal conforms to the goals and policies of the Comprehensive Plan and Zoning Code without having undue adverse impacts on public health, safety, and welfare.

C. CRITICAL TIMING ISSUES:

- The Developer planned to hold an open house with neighborhood residents on Thursday, April 19. Due to the timing of this report, comments received at the meeting are not reflected.
- A complete application was received and the "60-day clock" started on April 9, 2018. The Council must make a decision, or extend the deadline by an additional 60 days, by June 8, 2018.
- The Metropolitan Council will not allow cities to submit Comprehensive Plan Amendments after June 30 (as they believe such changes should be incorporated into a community's revised Comprehensive Plan). As a result, consideration of this item is limited to a fairly short time frame.

D. FINANCIAL IMPACT:

As a religious facility, the west half of the site was exempt from property taxes. The developer estimates the total project value at \$6.5 million. If completed as planned, the proposal would grow the city's overall tax base, contributing to the city, county, school district, and other taxing jurisdictions.

E. LEGAL CONSIDERATION:

- Notice of this hearing was mailed to properties within 350 feet of the proposed development and published in the Sun Current Newspaper.
- Tentative schedule for City Council actions:
 - May 8, 2018 - 1st Reading of rezoning.
 - May 22, 2018 - 2nd Reading of rezoning, Comprehensive Plan amendment and consideration of Planned Unit Development & Final Development Plans.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the proposed Comprehensive Plan amendment, rezoning, and planned unit development with additional and/or modified conditions.
- Recommend denial of the requests with findings that requirements are not met.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Paul Lynch, PLH & Associates

ATTACHMENTS:

Description	Type
▣ Resolution - Comp Plan Amendment	Resolution Letter
▣ Ordinance - Rezoning	Ordinance
▣ Resolution - PUD	Resolution Letter
▣ Requirements attachment	Backup Material
▣ Developer narrative	Backup Material
▣ Plans Part 1	Backup Material
▣ Plans Part 2	Backup Material
▣ Aerial photos & Zoning Map	Backup Material

RESOLUTION NO.

**RESOLUTION AMENDING THE CITY'S COMPREHENSIVE PLAN
CHANGING THE DESIGNATION OF 101 66TH STREET EAST
TO "MIXED USE"**

WHEREAS, the City's Comprehensive Plan provides a Guide Plan establishing particular planning needs for specific segments of the City; and

WHEREAS, 101 66th Street East ("subject property") comprises four previously separate lots, formerly addressed as 6601 and 6605 1st Avenue (herein "west half"), and 6600 and 6608 Stevens Avenue (herein "east half"); and

WHEREAS, the Comprehensive Plan designates the west half of the subject property as "Quasi-Public" and the east half as "Low Density Residential"; and

WHEREAS, the draft Comprehensive Plan update, Richfield 2040, designates the subject property as "Mixed Use"; and

WHEREAS, the City has reviewed the Guide Plan classification and determined that it would be appropriate to designate the subject property as "Mixed Use"; and

WHEREAS, the Planning Commission conducted a public hearing and recommended approval of amending the Comprehensive Plan at its April 23, 2018 meeting; and

WHEREAS, the City Council considered the amendment to the Comprehensive Plan on May 22, 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota that the City's Comprehensive Plan is hereby amended to designate 101 66th Street East as "Mixed Use" contingent upon the following:

1. The revision is submitted to and approved by the Metropolitan Council.

Adopted by the City Council of the City of Richfield, Minnesota this 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE RELATING TO ZONING;
AMENDING APPENDIX I TO THE RICHFIELD
CITY CODE BY REZONING
LOTS 7 AND 8 EXCEPT THE SOUTH 50 FEET
OF THE WEST HALF OF LOT 8,
GOODSPEED'S FIRST PLAT
AS PLANNED MIXED USE (PMU)**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Section 8, of Appendix I of the Richfield Zoning Code is amended by adding new Paragraph (7) as follows:

(13) M-8 (1st Avenue to Stevens Avenue, South of 66th). Lots 7 and 8 except the south 50 feet of the west half of Lot 8, Goodspeed's First Plat

Sec. 2. 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 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

RESOLUTION NO.

**RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN
AND CONDITIONAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT
TO BE BUILT AT 101 66TH STREET EAST**

WHEREAS, an application has been filed with the City of Richfield which requests approval of a final development plan and conditional use permit for a planned unit development to allow construction of a three-story mixed-use building on the parcel of land located at 101 66th Street East (“subject property”), legally described as:

Lots 7 and 8 except the south 50 feet of the west half of Lot 8, Goodspeed’s First Plat, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested final development plan and conditional use permit at its April 23, 2018 meeting; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property on April 10, 2018 and published in the Sun Current newspaper on April 12, 2018; and

WHEREAS, the requested final development plan and conditional use permit meet 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 a 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. A planned unit development, final development plan and conditional use permit are approved for a mixed-use development 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:

- The Developer must continue to work with Community Development and other City staff to finalize the following items. Items must be approved by Community Development prior to the issuance of a building permit.
 - Continue to discuss architectural features including the type and number of building materials used on the north façade, particularly the design of the commercial storefronts and material transitions between the commercial and residential portion of the building.
 - If elevations allow, the walkway on the south side of the building should be connected to the Stevens Avenue sidewalk, whether at grade or with stairs through the retaining wall.
 - Continue to discuss the location of transformer and required screening and/or artistic wrap treatment with City staff. Continue to discuss landscape, hardscape, and fencing in this area. The fenced area shall not be larger than necessary to screen the transformer and chain link fencing shall not be used.
 - Trash storage shall be accommodated in underground parking level and/or designed within the building interior, at a location accessible to businesses and residents. The attached accessory trash room shown on plans shall only be permitted if the City Building Official makes a determination that underground or interior trash storage is not feasible.
- Permitted uses shall include those uses permitted in the Mixed-Use Neighborhood District. Additionally, the following uses from the Mixed-Use Community District are permitted: offices/ clinics, health/athletic clubs, spas, yoga studios and restaurants class III without drive-thru/drive-in service.
- Space dedicated to restaurant uses shall not exceed 2,000 gross square feet. Odor control systems are required to mitigate cooking odors in accordance with City Code Subsection 544.27.
- Entries to commercial spaces facing 66th Street and 1st Avenue shall not be locked during business hours.
- Signage on the south and east building facades shall not be lit between the hours of 10:00 p.m. and 6:00 a.m., except any signage related to underground parking or resident entry. Large wall signage and projecting signage shall not be used on the east elevation
- Plans must include signage and curb modifications to prohibit right turns from the development onto southbound Stevens Avenue.
- Bicycle parking is required for commercial uses, with a minimum capacity of six (6) bicycles. An artistic or unique design/color is recommended. Enclosed or underground bicycle storage space is required for the residential uses.
- All new utility service must be underground.
- All utilities must be grouped away from public right-of-way and screened from public view in accordance with Ordinance requirements. A screening plan is required prior to the issuance of a Building Permit.
- The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans.
- The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee

Report dated April 5, 2018 and compliance with all other City and State regulations. Separate sign permits are required.

- Final stormwater management plan must be approved by the Public Works Director. Infiltration not allowed in high-vulnerability wellhead protection area.
 - As-builts or \$7,500 cash escrow must be submitted to the Public Works Department prior to issuance of a final certificate of occupancy.
 - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
 - 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.
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 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

Required Findings

Part 1: Development proposals in the Mixed Use Districts shall be reviewed for compliance with the following (537.01, Subd.2):

1. *Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan and any redevelopment plans established for the area.* The applicant has applied for an amendment to the Comprehensive Plan that would change the designation of the property from Quasi-Public (west half) and Low-Density Residential (east half) to Mixed Use. Public and Quasi-public uses include all civic, county and state facilities (excluding parks); religious facilities, schools and other similar non-profit uses. The Comprehensive Plan does not provide guidance as to how a quasi-public use shall be re-guided when that use ceases to exist. Potential future uses for each quasi-public site in the city must be considered individually, within the context of its location. This site is adjacent to the large commercial area centered at Nicollet and 66th Street, with low density residential uses to the south and east. Policies in the Comprehensive Plan that support this amendment include the following:
 - Expand the vision of the Lakes at Lyndale (Lyndale & 66th) area to include the HUB and Nicollet Shoppes.
 - Promote development that broadens the tax base.
 - Encourage and support the development of strong commercial districts that respect the values and standards of the citizens of Richfield.
 - Encourage the development of viable and responsive neighborhood commercial services.

In accordance with the above policies, the draft Comprehensive Plan Update, Richfield 2040, designates this property as Mixed Use. These policies and the pending change called for in the draft Plan update make it reasonable to reconsider the designation of properties in this area and change the guiding of these properties at this time.

2. *Consistency with the regulations of the Mixed Use Districts as described by Section 537 of the Code.* The Mixed Use Zoning District states that when multifamily, office, small-scale retail, pedestrian intensive retail, civic or public uses are planned as part of a mixed use development, the lesser intensive uses or the more community serving uses may be used as transitions to adjacent residential uses. By focusing commercial activity at the west end of the building, the proposed building serves as logical transition between the large commercial area at Nicollet Avenue and the predominantly residential area to the south and east. The proposed development meets the intent of the Mixed Use District regulations. The proposal only deviates from regulations as follows:
 - As a corner lot and a through lot (extending through a block), the building could be interpreted to have three "front" sides facing 66th Street, 1st Avenue, and Stevens Avenue. The building exceeds the maximum front/side setback of 15' along both 1st Avenue (19.4') and Stevens Avenue (52.6'); however,

- the proposed design nicely balances the need for customer entrance and patio space adjacent to the commercial uses on the west side of the building, while providing a larger setback to the residential areas to the south and east along Stevens Avenue.
- Residential parking requirements in the Mixed Use Districts are 1.5 per unit. The 38 spaces provided underground would equate to a ratio of 1.22 per unit. The developer has indicated that a number of spaces in the surface lot would be reserved for resident and guest parking. If 6 spaces are reserved for residential and guest parking, that would create a ratio of 1.42 spaces per unit. Lower parking requirements exist elsewhere in the City, as the High-Density Residential district allows parking ratio as low as 1.25 spaces per unit. High frequency bus lines operate on Nicollet Avenue and 66th Street, offering local service and express service to downtown. Additionally, 66th Street is being reconstructed with protected bicycle facilities connecting to places of employment and other regional destinations.
3. *Creation of a design for structures and site features which promotes the following:*
- i. *An internal sense of order among the buildings and uses.* The location of the building, drive aisle and parking lot, amenities and walkways provide a safe and accessible site that will adequately serve residents and customers arriving by all transportation modes. Pedestrian connections to 66th Street are strong and active uses & building frontages are included on all sides, with the exception of the ground floor facing Stevens Avenue.
 - ii. *The adequacy of vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.* See above
 - iii. *Energy conservation through the design of structures and the use of landscape materials and site grading.* See above
 - iv. *The minimization of adverse environmental effects on persons using the development and adjacent properties.* The proposal includes buffering and landscaping along property boundaries and exceeds the minimum amount of pervious surfaces required.

Part 2: 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.* See above Part 1, #1
2. *The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries.* See above – Part 1, #3.

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 Mixed-Use District. Departures from requirements are minimal and the proposal meets the intent of requirements.
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.* Undue adverse impacts are not anticipated. The site and the conditions of the resolution are designed to minimize any potential negative impacts on neighboring properties. Most traffic is expected to reach the development via 66th Street, rather than from the south via 1st or Stevens Avenue. Entering or exiting the development through the neighborhood would be slower than directly via 66th Street. Furthermore, 1st and Stevens Avenues do not continue south of 68th Street, making neighborhood traffic increases unlikely. The plan includes signage and curb modifications to prohibit right turns from the development onto southbound Stevens Avenue.
6. *The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.* The final development plan and conditional use permit resolution establish conditions sufficient to protect the public interest.

Part 3: All uses are conditional uses in the PMU 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 Mixed Use District and the underlying Mixed Use District.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* See above – Part 1, #1
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 performance standards. Deviation from Code requirements is requested as follows:

Parking lot setback – The applicant has proposed a 10.17 ft. setback from the south property line; the Code requires a 15-ft. setback. The intent of this provision is to provide adequate area to attractively screen the parking lot and buffer adjacent properties from headlights and vehicle noise. The proposed buffer provides 100% screening of the parking lot through a combination of fencing and landscaping. The buffer area is large enough to support the plants selected and will provide an attractive barrier between the development and the adjacent property to south (6613 1st Avenue).

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 from undue adverse impacts.
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.

March 22, 2018

Matt Brillhart
Associate Planner
Community Development Department
City of Richfield
6700 Portland Avenue South
Richfield, MN 55423

**RE: Project Description and Application Narrative for Planning Consideration
PLH Mixed-Use Development
Richfield, Minnesota**

Matt,

Please consider the following project description and narrative during the review process for the attached Planning & Zoning Application which includes the following types of requests.

- Comprehensive Plan Amendment
- Planned Unit Development (PUD)

All supplemental information required by the application for each of these requests has also been included to provide a comprehensive review.

The subject project area is located near the corner of 1st Avenue South and 66th Street in Richfield, Minnesota (PID No.: 2702824420134), and totals approximately 1.06 acres. Note that the subject project area was divided into four parcels (PID Nos.: 2702824420071, 2702824420069, 2702824420070, and 2702824420073), prior to recently being combined administratively through Hennepin County.

PLH is proposing construction of a new approximate 52,705 square foot mixed-use building and parking areas, which provide 71 stalls between the above ground and lower level parking areas. Additionally, associated site improvements including drive isles, stormwater facilities, landscaping, and utilities are also proposed as part of the development. A preliminary breakdown of the building layout is provided below.

- Lower Level: Underground parking (approximately 33 spaces)
- First Floor: 6,122 SF of commercial tenant space + 5 residential units with community and fitness rooms
- Second Floor: 13 Residential Units
- Third Floor: 13 Residential Units

Per the Richfield Zoning Map, the parcel is currently zoned R1 – Low-Density Single-Family Residential. As part of the PUD, and to accommodate development of the proposed new mixed-use development, we are requesting to rezone the parcels to PMU – Planned Mixed-Use. We are also requesting a Comprehensive Plan Amendment to change the designation of these parcels from Low Density Residential and Public/Quasi-Public to Mixed-Use. In addition to rezoning the parcels as part the PUD, we are also requesting reduced parking requirements, a reduced buffer area along the south property line, and a zero foot setback along 66th Street as indicated on the attached site plans.

The requested PUD combines several unique characteristics of the proposed land use and site to provide a development that is designed in a manner which forms a desirable and unified environment, while meeting the intent of the City's future proposed 2018 Comprehensive Plan by providing a well-designed development that complements the existing and surrounding neighborhood character.

The development as proposed is in conformance with the purpose and intent of the guiding district, which allows for both residential and non-residential land uses to be included in a single PUD district, to provide a balanced mix of higher density residential, commercial, and retail service uses.



As designed, the development promotes efficient use of the land and surrounding resources, including public and utility services. Furthermore, due to the intended use and consistent mix of both residential and retail / commercial traffic flow expected, no traffic impacts to the transportation network, subject property, or neighboring properties, nor excessive burdens to other public facilities are anticipated.

These considerations along with the supplemental information provided within this submittal support approval of the requested Comprehensive Plan Amendment and Planned Unit Development. Please contact me at 952.426.0699 if there is any additional information we can provide in support of this request on behalf of PLH & Associates.

Sincerely,

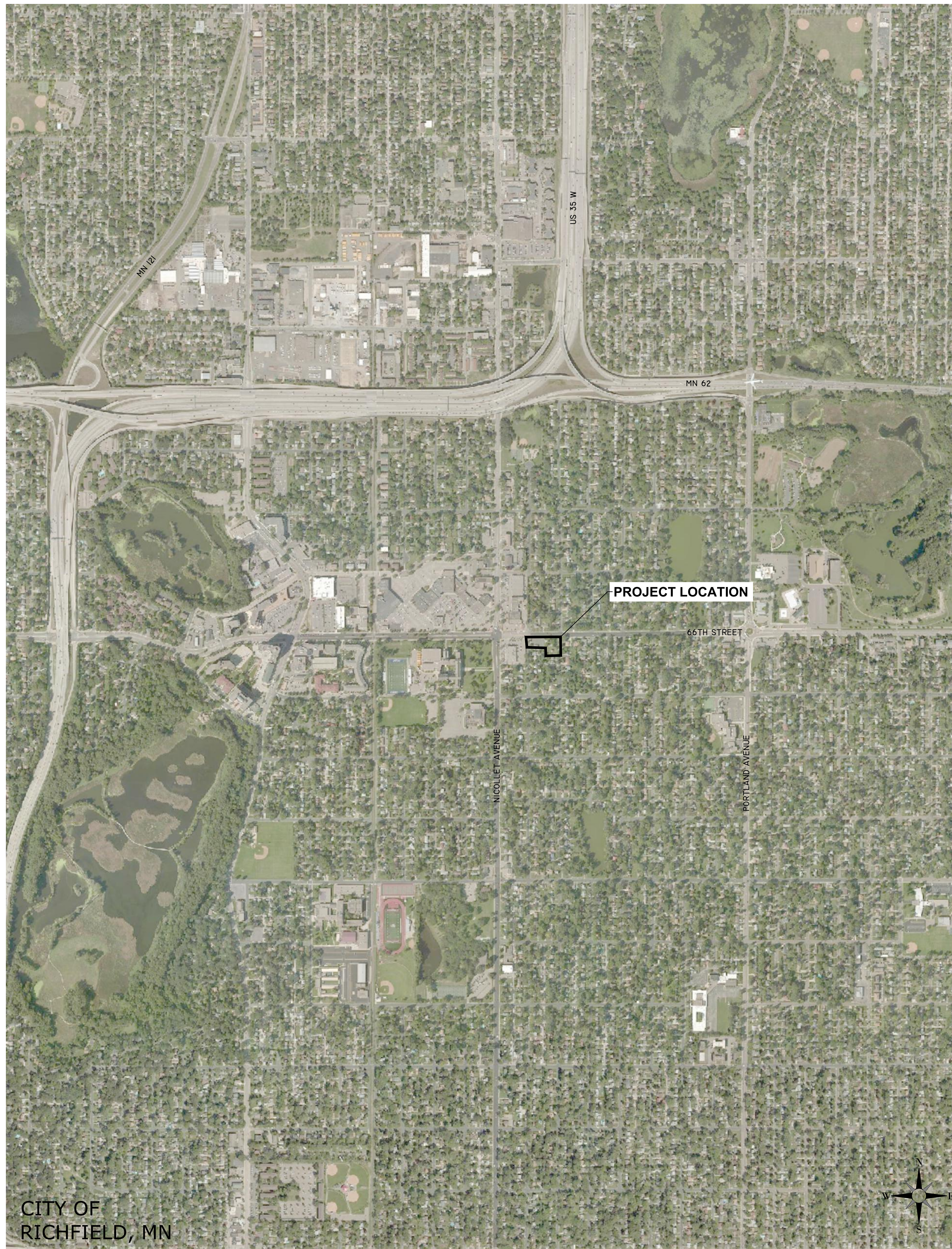
A handwritten signature in black ink that reads "Ryan Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ryan Anderson
Designer
Civil Engineering Group

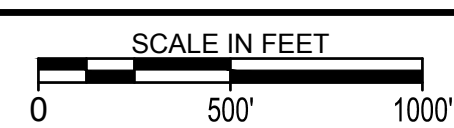




EXTERIOR CONCEPTUAL RENDERING



LOCATION MAP



**SITE PLANS SUBMITTED FOR:
PUD SUBMITTAL**



**PROJECT ADDRESS / LOCATION:
6600 STEVENS AVENUE SOUTH
RICHFIELD, MN 55423**

S27, T28, R24

RICHFIELD, HENNEPIN, MINNESOTA

SITE SUMMARY

PROPOSED ZONING:	PMU, PLANNED MIXED USE
SITE AREA:	0.88 AC.
IMPERVIOUS AREA PROPOSED:	0.72 AC. / 73%
GREENSPACE PROPOSED:	0.26 AC. / 27%
BUILDING COVERAGE PROPOSED:	0.30 AC. / 31%
RETAIL SF:	6,122 SF
RESIDENTIAL SF:	33,250 SF
UNDERGROUND SF:	13,333 SF
BUILDING SF:	52,705 SF
RESIDENTIAL UNITS:	31 UNITS

PARKING REQUIREMENTS (PER CITY CODE)

TYPE	UNIT / AREA	STALLS REQUIRED	STALLS PROVIDED
19' x 9'	1.5 / UNIT	47	33
19' x 9'	3.5 / 1000 SF	22	38
HANDICAP STALL		2	2
TOTAL:		69	71

SETBACKS

	PARKING	BUILDING
FRONT YARD	5'	0'
SIDE YARD	5'	0'
REAR YARD	5'	0'
RESIDENTIAL	5'	15'

PROJECT GENERAL NOTES

- ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS, WHICH INCLUDE, BUT ARE NOT LIMITED TO, THE OWNER - CONTRACTOR AGREEMENT, THE PROJECT MANUAL (WHICH INCLUDES GENERAL SUPPLEMENTARY CONDITIONS AND SPECIFICATIONS), DRAWINGS OF ALL DISCIPLINES AND ALL ADDENDA, MODIFICATIONS AND CLARIFICATIONS ISSUED BY THE ARCHITECT/ENGINEER.
- CONTRACT DOCUMENTS SHALL BE ISSUED TO ALL SUBCONTRACTORS BY THE GENERAL CONTRACTOR IN COMPLETE SETS IN ORDER TO ACHIEVE THE FULL EXTENT AND COMPLETE COORDINATION OF ALL WORK.
- WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
- FIELD VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS. NOTIFY ARCHITECT/ENGINEER OF ANY DISCREPANCIES OR CONDITIONS REQUIRING INFORMATION OR CLARIFICATION BEFORE PROCEEDING WITH THE WORK.
- DETAILS SHOWN ARE INTENDED TO BE INDICATIVE OF THE PROFILES AND TYPE OF DETAILS REQUIRED THROUGHOUT THE WORK. DETAILS NOT SHOWN ARE SIMILAR IN CHARACTER TO DETAILS SHOWN. WHERE SPECIFIC DIMENSIONS, DETAILS OR DESIGN INTENT CANNOT BE DETERMINED, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
- ALL MANUFACTURED ARTICLES, MATERIALS AND EQUIPMENT SHALL BE APPLIED, INSTALLED, CONNECTED, ERECTED, CLEANED AND CONDITIONED ACCORDING TO MANUFACTURERS' INSTRUCTIONS. IN CASE OF DISCREPANCIES BETWEEN MANUFACTURERS' INSTRUCTIONS AND THE CONTRACT DOCUMENTS, NOTIFY ARCHITECT/ENGINEER BEFORE PROCEEDING WITH THE WORK.
- ALL DISSIMILAR METALS SHALL BE EFFECTIVELY ISOLATED FROM EACH OTHER TO AVOID GALVANIC CORROSION.
- THE LOCATION AND TYPE OF ALL INPLACE UTILITIES SHOWN ON THE PLANS ARE FOR GENERAL INFORMATION ONLY AND ARE ACCURATE AND COMPLETE TO THE BEST OF THE KNOWLEDGE OF I & S GROUP, INC. (ISG). NO WARRANTY OR GUARANTEE IS IMPLIED. THE CONTRACTOR SHALL VERIFY THE SIZES, LOCATIONS AND ELEVATIONS OF ALL INPLACE UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES OR VARIATIONS FROM PLAN.
- THE CONTRACTOR IS TO CONTACT "GOPHER STATE ONE CALL" FOR UTILITY LOCATIONS, MINIMUM 3 BUSINESS DAYS PRIOR TO ANY EXCAVATION / CONSTRUCTION (811 OR 1-800-252-1166).

SPECIFICATIONS REFERENCE

ALL CONSTRUCTION SHALL COMPLY WITH THE CITY OF RICHFIELD REQUIREMENTS AND MNDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2016 EDITION, AND THE STANDARD SPECIFICATIONS FOR SANITARY SEWER, STORM DRAIN AND WATERMAIN AS PROPOSED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA 2013, UNLESS DIRECTED OTHERWISE.

PROJECT DATUM

HORIZONTAL COORDINATES HAVE BEEN REFERENCED TO THE NORTH AMERICAN DATUM OF 1983 (NAD83), 1996 ADJUSTMENT (NAD83(1996)) TO THE HENNEPIN COUNTY COORDINATE SYSTEM, IN U.S. SURVEY FEET.

TOPOGRAPHIC SURVEY

THIS PROJECT'S TOPOGRAPHIC SURVEY CONSISTS OF DATA COLLECTED IN JUNE 2017 BY ISG.

FLOOD ZONE

THE FLOOD ZONE CLASSIFICATION/LIMITS DEPICTED HEREON, IF ANY, ARE SUBJECT TO MAP SCALE UNCERTAINTY. THE SURVEYED PROPERTY SHOWN ON THIS SURVEY MAP IS NOT IN A HAZARDOUS FLOOD AREA, ACCORDING TO FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 27053C0369F, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, EFFECTIVE DATE NOVEMBER 4, 2016. FLOOD AREAS ARE SHOWN ON THIS SURVEY.

LEGEND

EXISTING	
---	CITY LIMITS
---	SECTION LINE
---	QUARTER SECTION LINE
---	RIGHT OF WAY LINE
---	PROPERTY / LOT LINE
---	EASEMENT LINE
---	ACCESS CONTROL
---	WATER EDGE
---	WETLAND BOUNDARY
---	WETLAND / MARSH
---	FENCE LINE
---	CULVERT
---	STORM SEWER
---	SANITARY SEWER
---	SANITARY SEWER FORCEMAIN
---	WATER
---	GAS
---	OVERHEAD ELECTRIC
---	UNDERGROUND ELECTRIC
---	UNDERGROUND TELEPHONE
---	UNDERGROUND TV
---	OVERHEAD UTILITY
---	UNDERGROUND UTILITY
---	UNDERGROUND FIBER OPTIC
---	CONTOUR (MAJOR)
---	CONTOUR (MINOR)
---	DECIDUOUS TREE
---	CONIFEROUS TREE
---	TREE LINE
---	MANHOLE/STRUCTURE
---	CATCH BASIN
---	HYDRANT
---	VALVE
---	CURB STOP
---	POWER POLE
---	UTILITY PEDESTAL / CABINET
PROPOSED	
---	LOT LINE
---	RIGHT OF WAY
---	EASEMENT
---	CULVERT
---	STORM SEWER
---	STORM SEWER (PIPE WIDTH)
---	SANITARY SEWER
---	WATER
---	GAS
---	UNDERGROUND ELECTRIC
---	UNDERGROUND TV
---	CONTOUR
---	SANITARY CLEAN OUT
---	STORM MANHOLE
---	CATCH BASIN
---	HYDRANT
---	VALVE
---	CURB STOP
---	LIGHT POLES

CIVIL SHEET INDEX

- C0-10 SITE DATA
- C0-20 SITE DETAILS
- C0-21 SITE DETAILS
- C0-22 SITE DETAILS
- C0-23 SITE DETAILS
- C1-10 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) EXISTING CONDITIONS
- C1-20 STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PROPOSED CONDITIONS
- C1-30 STORMWATER POLLUTION PREVENTION PLAN NOTES
- C1-31 STORMWATER POLLUTION PREVENTION PLAN NOTES
- C1-32 STORMWATER POLLUTION PREVENTION PLAN DETAILS
- C2-10 EXISTING SITE & REMOVALS PLAN
- C3-10 SITE PLAN
- C3-20 SITE UTILITY PLAN
- C4-10 SITE GRADING PLAN
- C5-10 SITE RESTORATION PLAN
- C5-20 PLANTING PLAN
- C5-21 PLANT SCHEDULE, NOTES & DETAILS
- C6-10 PHOTOMETRICS PLAN

**PRELIMINARY
NOT FOR CONSTRUCTION**

B.M. ELEVATION=841.76
TOP NUT OF HYDRANT LOCATED ON THE NORTH WEST CORNER OF THE STEVENS AVENUE AND 66TH STREET INTERSECTION.

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.
ANDREW T. BRANDEL

DATE: _____ LIC. NO.: 47078

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.

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PROJECT

PLH & ASSOCIATES

PLH MIXED USE

RICHFIELD MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	17-20746
FILE NAME	20746 C0 - DETAILS
DRAWN BY	ART
DESIGNED BY	ART
REVIEWED BY	ATB
ORIGINAL ISSUE DATE	3/23/18
CLIENT PROJECT NO.	-

TITLE

SITE DATA

SHEET
C0-10

66TH STREET

1ST AVENUE SOUTH

STEVENS AVENUE SOUTH



PRELIMINARY
NOT FOR CONSTRUCTION

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PROJECT

PLH & ASSOCIATES

PLH MIXED USE

RICHFIELD MINNESOTA

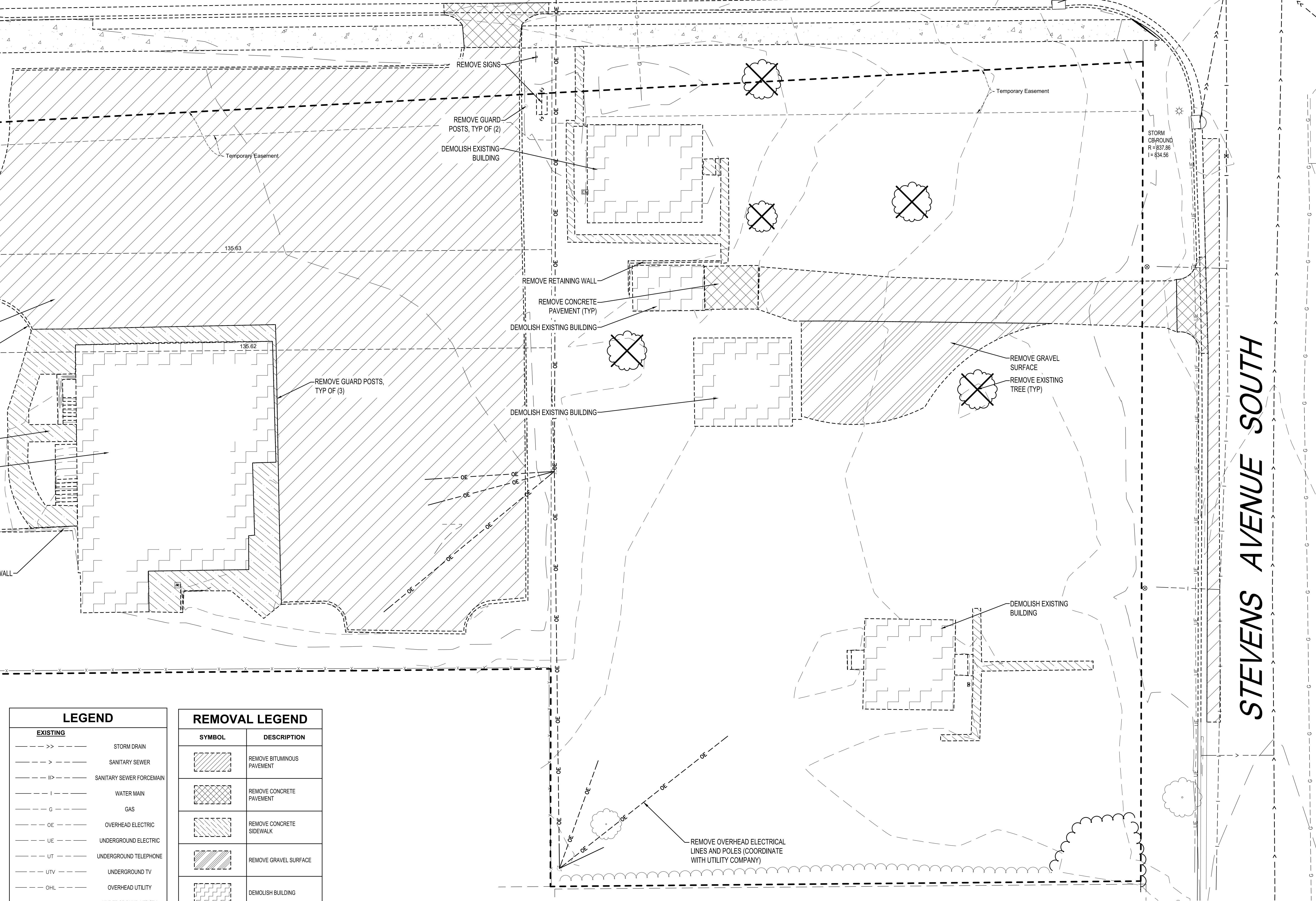
REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO.	17-20746
FILE NAME	20746 C2 - EXISTING
DRAWN BY	MNA
DESIGNED BY	MNA
REVIEWED BY	ATB
ORIGINAL ISSUE DATE	3/23/18
CLIENT PROJECT NO.	

TITLE

**EXISTING SITE &
REMOVALS PLAN**

SHEET
C2-10

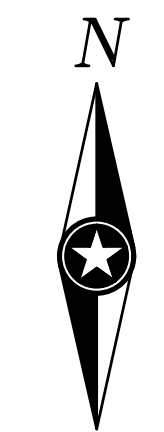
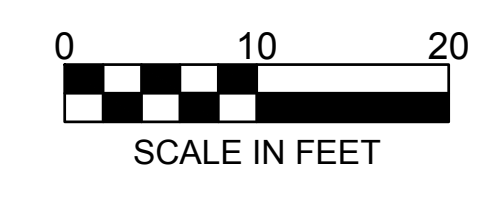


LEGEND	
EXISTING	
--->>---	STORM DRAIN
--->---	SANITARY SEWER
--- ---	SANITARY SEWER FORCEMAIN
---I---	WATER MAIN
---G---	GAS
---OE---	OVERHEAD ELECTRIC
---UE---	UNDERGROUND ELECTRIC
---UT---	UNDERGROUND TELEPHONE
---UTV---	UNDERGROUND TV
---OHL---	OVERHEAD UTILITY
---UUL---	UNDERGROUND UTILITY
---FBO---	FIBER OPTIC
---X---	FENCE LINE
---	PROPERTY / LOT LINE
---	RIGHT OF WAY LINE
---	EASEMENT LINE
---100---	CONTOURS (MAJOR)
---101---	CONTOURS (MINOR)

REMOVAL LEGEND	
SYMBOL	DESCRIPTION
[Hatched Box]	REMOVE BITUMINOUS PAVEMENT
[Cross-hatched Box]	REMOVE CONCRETE PAVEMENT
[Diagonal Hatched Box]	REMOVE CONCRETE SIDEWALK
[Dotted Box]	REMOVE GRAVEL SURFACE
[Grid Box]	DEMOLISH BUILDING
---	REMOVE CURB & GUTTER
[Tree with X]	REMOVE DECIDUOUS TREE (CLEAR & GRUB)

CONTRACTOR SHALL VERIFY EXISTING PAVEMENT SECTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES.
PAVEMENT REMOVALS SHALL INCLUDE FULL DEPTH SAWCUT & SECTION REMOVAL.

NOTE:
CONTRACTOR SHALL FIELD VERIFY THE LOCATIONS OF ALL EXISTING UTILITIES.





PRELIMINARY
NOT FOR CONSTRUCTION

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WEST CORNER OF THE STEVENS AVENUE AND
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ANDREW T. BRANDEL

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PROJECT

PLH & ASSOCIATES

PLH MIXED USE

RICHFIELD MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

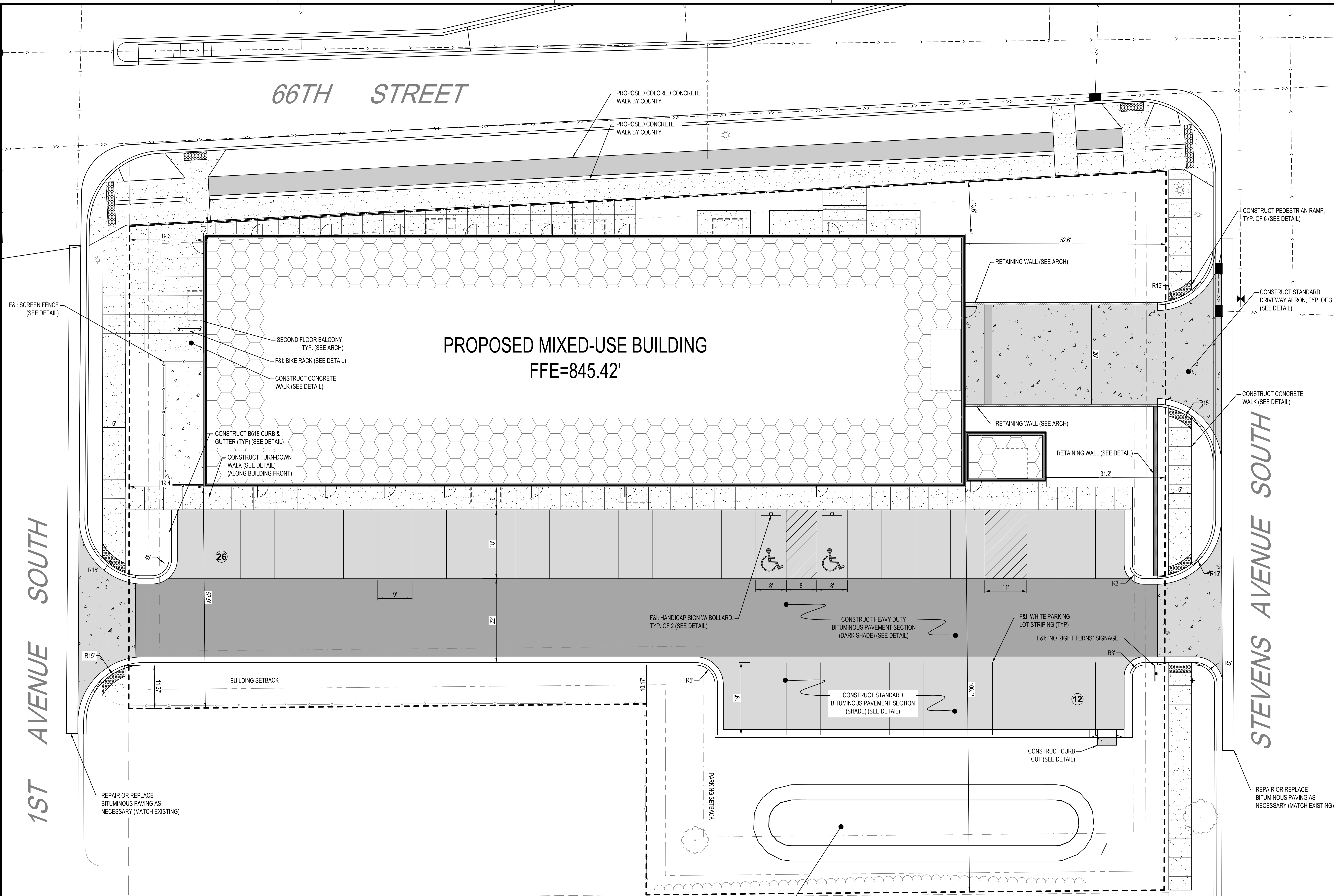
PROJECT NO.	17-20746
FILE NAME	20746 C3 - SITE
DRAWN BY	MNA
DESIGNED BY	MNA
REVIEWED BY	ATB
ORIGINAL ISSUE DATE	3/23/18
CLIENT PROJECT NO.	

TITLE

SITE PLAN

SHEET

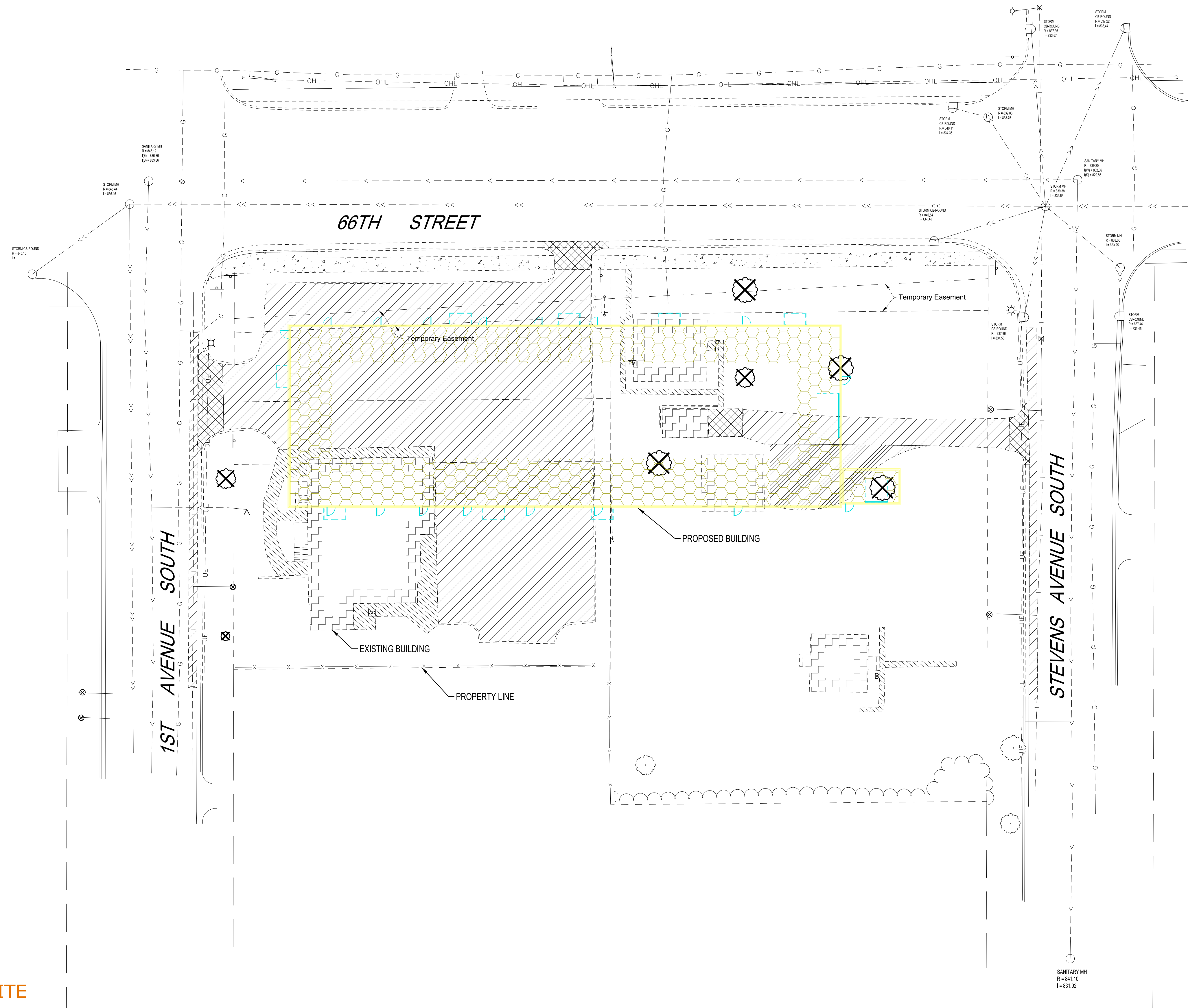
C3-10



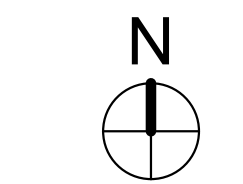
PROPOSED MIXED-USE BUILDING
FFE=845.42'

PAVEMENT LEGEND	
SYMBOL	DESCRIPTION
	BITUMINOUS PAVEMENT
	HEAVY DUTY BITUMINOUS PAVEMENT
	HEAVY DUTY CONCRETE PAVEMENT
	CONCRETE SIDEWALK





EXISTING AND PROPOSED SITE





PRELIMINARY
NOT FOR CONSTRUCTION

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PROJECT

PLH & ASSOCIATES

PLH MIXED USE

RICHFIELD MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

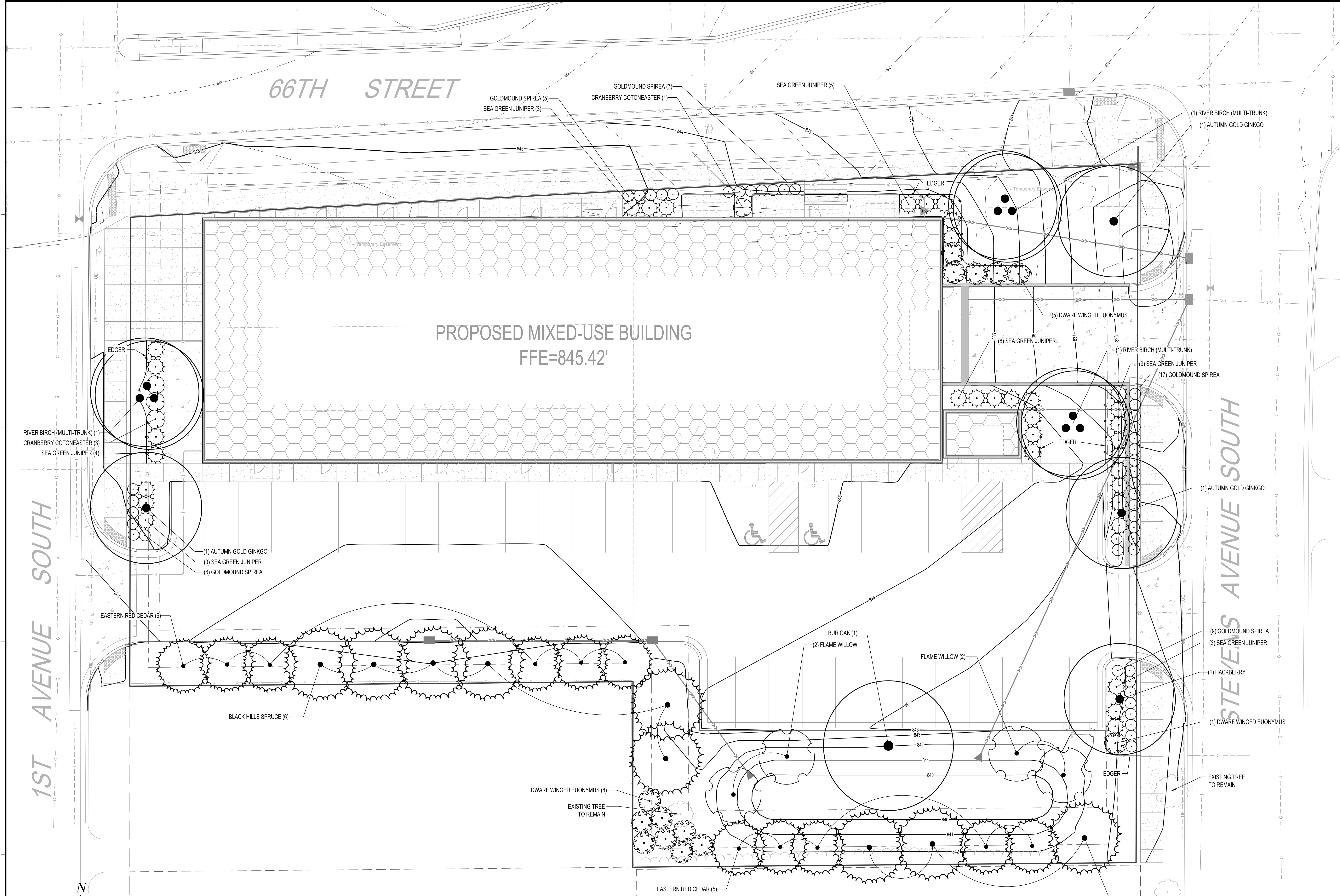
PROJECT NO.	17-20746
FILE NAME	20746 CS - LANDSCAPE
DRAWN BY	-
DESIGNED BY	-
REVIEWED BY	-
ORIGINAL ISSUE DATE	3/23/18
CLIENT PROJECT NO.	-

TITLE

PLANTING PLAN

SHEET

C5-20



LANDSCAPE REQUIREMENTS

TOTAL SITE = 42,699 SF

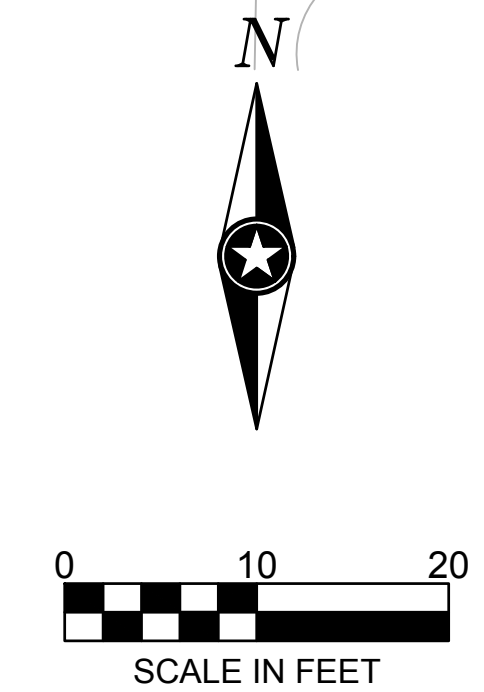
30 TREES SHOWN
 2 EXISTING TREES (TO BE SAVED)
 28 PROPOSED TREES

90 SHRUBS SHOWN

17 TREES REQUIRED
 CODE: 1 TREE PER 2500 SF OF DEVELOPABLE LANDSCAPE AREA
 (42,699 / 2500 = 17.1 OR 17 TREES)

43 SHRUBS REQUIRED
 CODE: 1 SHRUB PER 1000 SF OF DEVELOPABLE LANDSCAPE AREA
 (42,699 / 1000 = 42.7 OR 43 SHRUBS)

UTILITY LOCATIONS SHOWN ARE APPROXIMATE.
CONTRACTOR IS RESPONSIBLE FOR LOCATING UTILITIES
ON-SITE PRIOR TO CONSTRUCTION.





66TH STREET

PROPOSED MIXED-USE BUILDING
FFE=845.42'

STEVENS AVENUE SOUTH

1ST AVENUE SOUTH

PRELIMINARY
NOT FOR CONSTRUCTION

B.M. ELEVATION=841.76
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PROJECT

PLH & ASSOCIATES

PLH MIXED USE

RICHFIELD MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

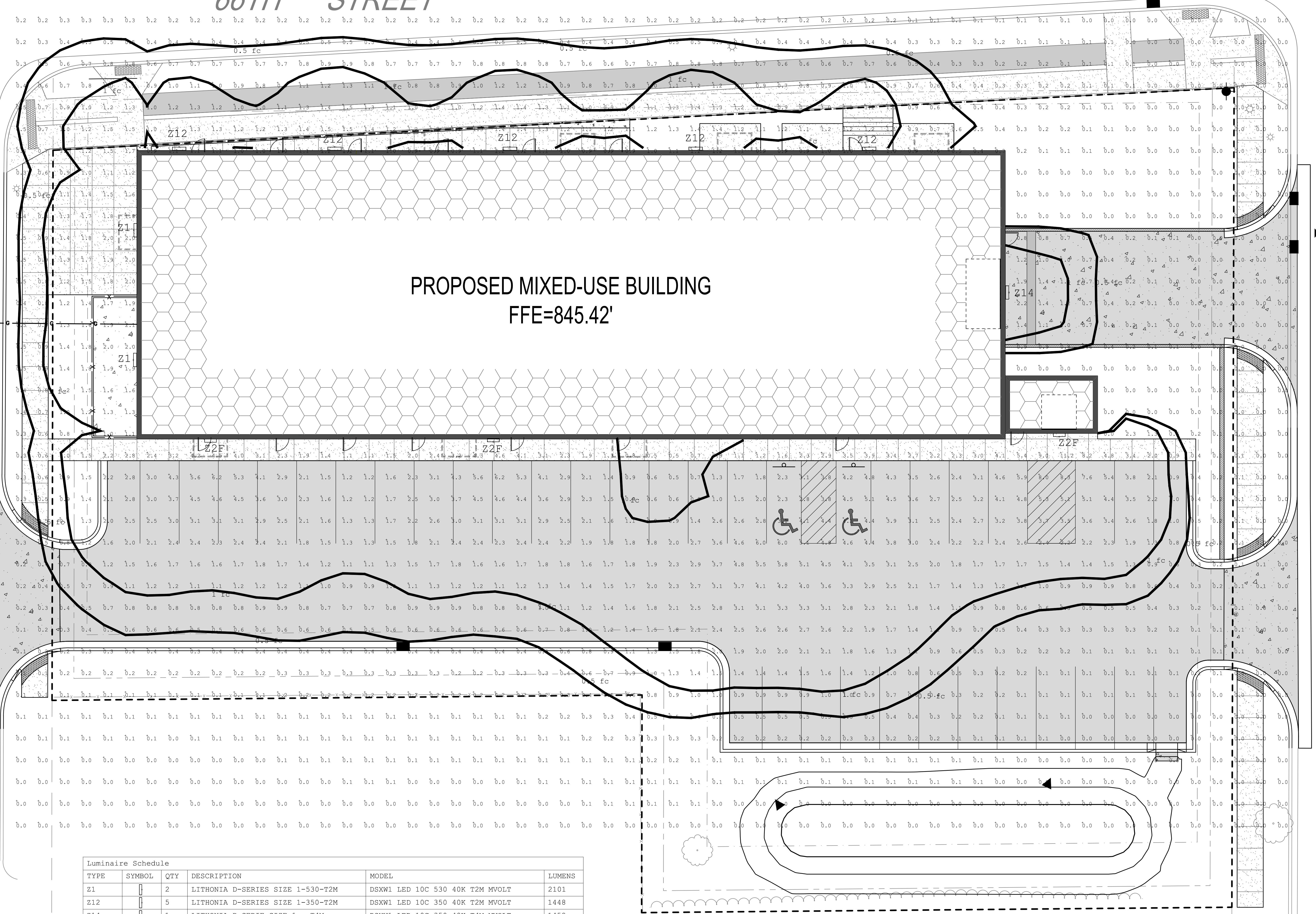
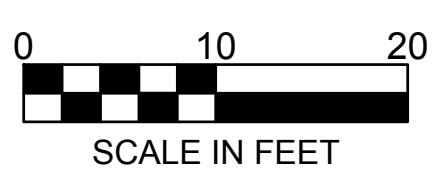
PROJECT NO. 17-20746
 FILE NAME 20746 C6 - PHOTO
 DRAWN BY ART
 DESIGNED BY ART
 REVIEWED BY ATB
 ORIGINAL ISSUE DATE 3/23/18
 CLIENT PROJECT NO. -

TITLE

**PHOTOMETRICS
PLAN**

SHEET
C6-10

Luminaire Schedule					
TYPE	SYMBOL	QTY	DESCRIPTION	MODEL	LUMENS
Z1		2	LITHONIA D-SERIES SIZE 1-530-T2M	DSXW1 LED 10C 530 40K T2M MVOLT	2101
Z12		5	LITHONIA D-SERIES SIZE 1-350-T2M	DSXW1 LED 10C 350 40K T2M MVOLT	1448
Z14		1	LITHONIA D-SERIES SIZE 1 - T4M	DSXW1 LED 10C 350 40K T4M MVOLT	1458
Z2F		3	LITHONIA D-SERIES SIZE 2 - TFTM	DSXW2 LED 20C 1000 40K TFTM MVOLT	7593



PLAN SHEET NOTES

1. ALL INTERIOR PARTITION WALLS SHALL BE WALL TYPE ___ UNLESS OTHERWISE NOTED.

KEYNOTE LEGEND



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PROJECT

PLH MIXED USE BUILDING

RICHFIELD MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO. 17-20746

FILE NAME

DRAWN BY

DESIGNED BY

REVIEWED BY

ORIGINAL ISSUE DATE

CLIENT PROJECT NO.

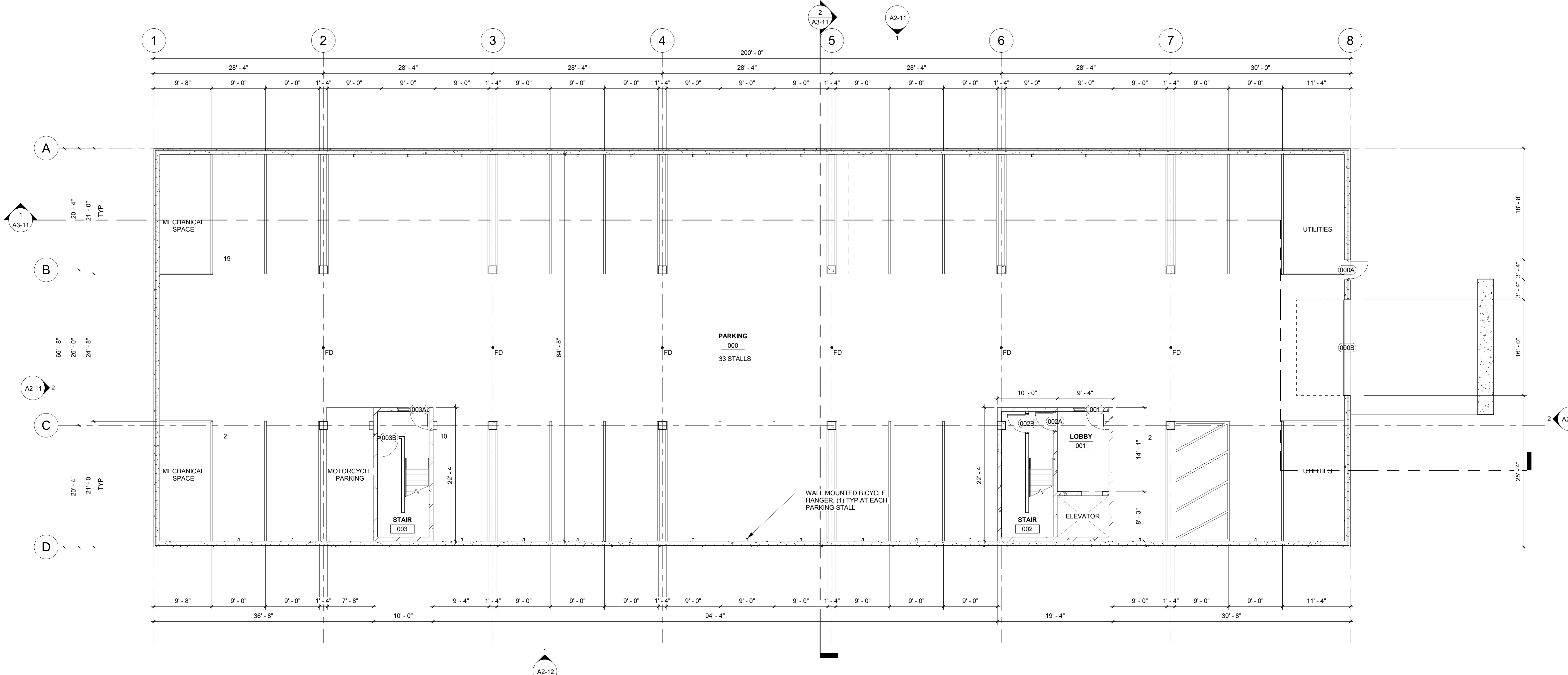
TITLE

LOWER LEVEL PLAN

SHEET

A1-20

PRELIMINARY NOT FOR CONSTRUCTION



REFERENCE SCALE
0 1/4" 1/2" 1" 2"

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



UNIT LEGEND	
STUDIO - 1 BED TYPES - 10 UNITS	1ST FLOOR - 2 2ND FLOOR - 4 3RD FLOOR - 4
1 BEDROOM TYPE - 10 UNITS	1ST FLOOR - 2 2ND FLOOR - 4 3RD FLOOR - 4
2 BEDROOM TYPES - 11 UNITS	1ST FLOOR - 1 2ND FLOOR - 5 3RD FLOOR - 5
TOTAL UNIT MIX	
10 - STUDIO - 32%	
10 - 1 BEDROOM - 32%	
11 - 2 BEDROOM - 35%	
31 TOTAL UNITS	
TOTAL FLOOR SQUARE FOOTAGES	
LOWER LEVEL: 13,333 PARKING = 13,333 SF TOTAL	
FIRST FLOOR: 7,016 RESIDENTIAL + 6,124 RETAIL = 13,138 SF TOTAL	
SECOND FLOOR: 13,117 RESIDENTIAL = 13,117 SF TOTAL	
THIRD FLOOR: 13,117 RESIDENTIAL = 13,117 SF TOTAL	
52,705 TOTAL SQUARE FOOTAGE	

PLAN SHEET NOTES	
1. ALL INTERIOR PARTITION WALLS SHALL BE WALL TYPE _____ UNLESS OTHERWISE NOTED.	
KEYNOTE LEGEND	

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PROJECT

PLH MIXED USE BUILDING

RICHFIELD MINNESOTA

REVISION SCHEDULE		
DATE	DESCRIPTION	BY

PROJECT NO. 17-20746

FILE NAME _____

DRAWN BY _____

DESIGNED BY _____

REVIEWED BY _____

ORIGINAL ISSUE DATE _____

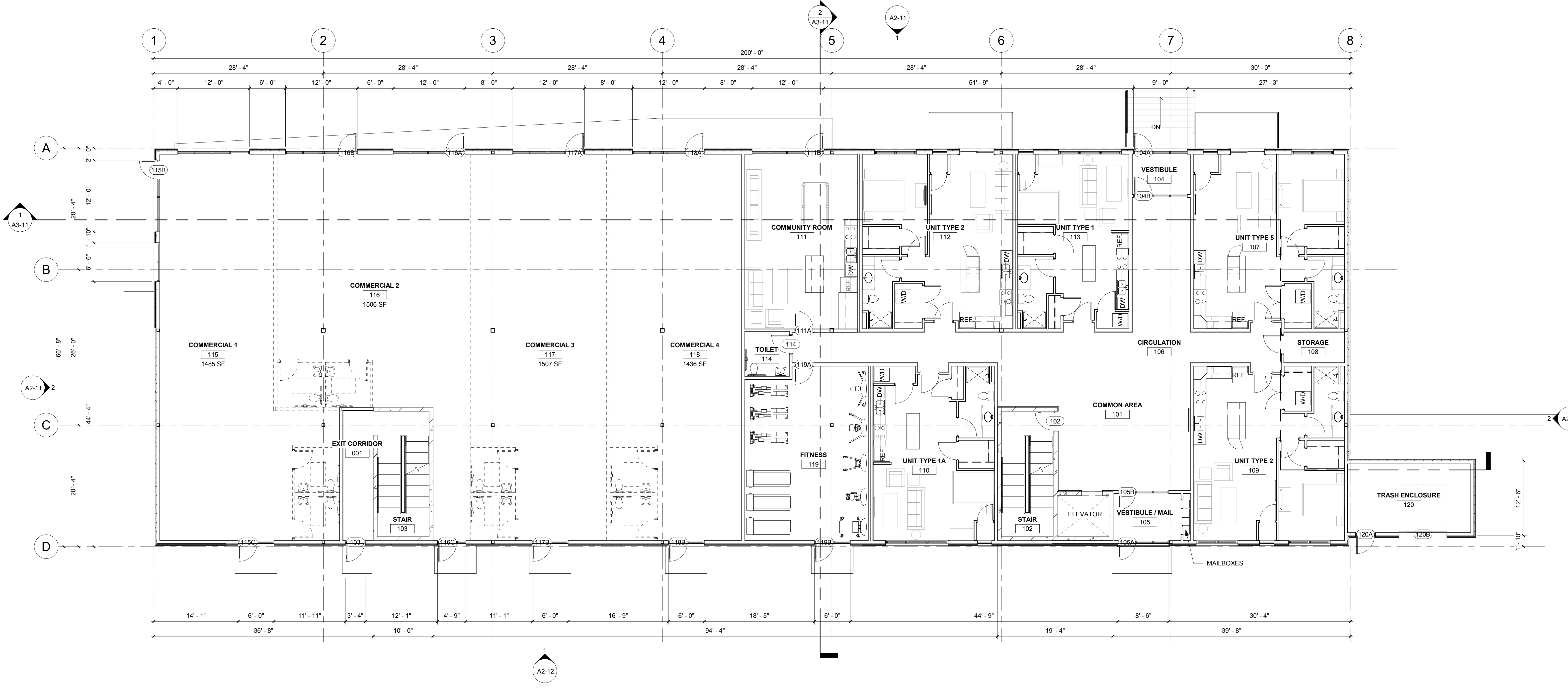
CLIENT PROJECT NO. _____

TITLE

FIRST FLOOR PLAN

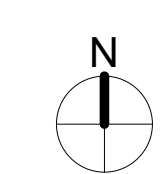
SHEET

A1-21



REFERENCE SCALE
0 1/4" = 1'-0"

1 FIRST FLOOR PLAN
1/8" = 1'-0"



PRELIMINARY NOT FOR CONSTRUCTION

PLAN SHEET NOTES

1. ALL INTERIOR PARTITION WALLS SHALL BE WALL TYPE ... UNLESS OTHERWISE NOTED.

KEYNOTE LEGEND



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.

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PROJECT

PLH MIXED USE BUILDING

RICHFIELD MINNESOTA

REVISION SCHEDULE

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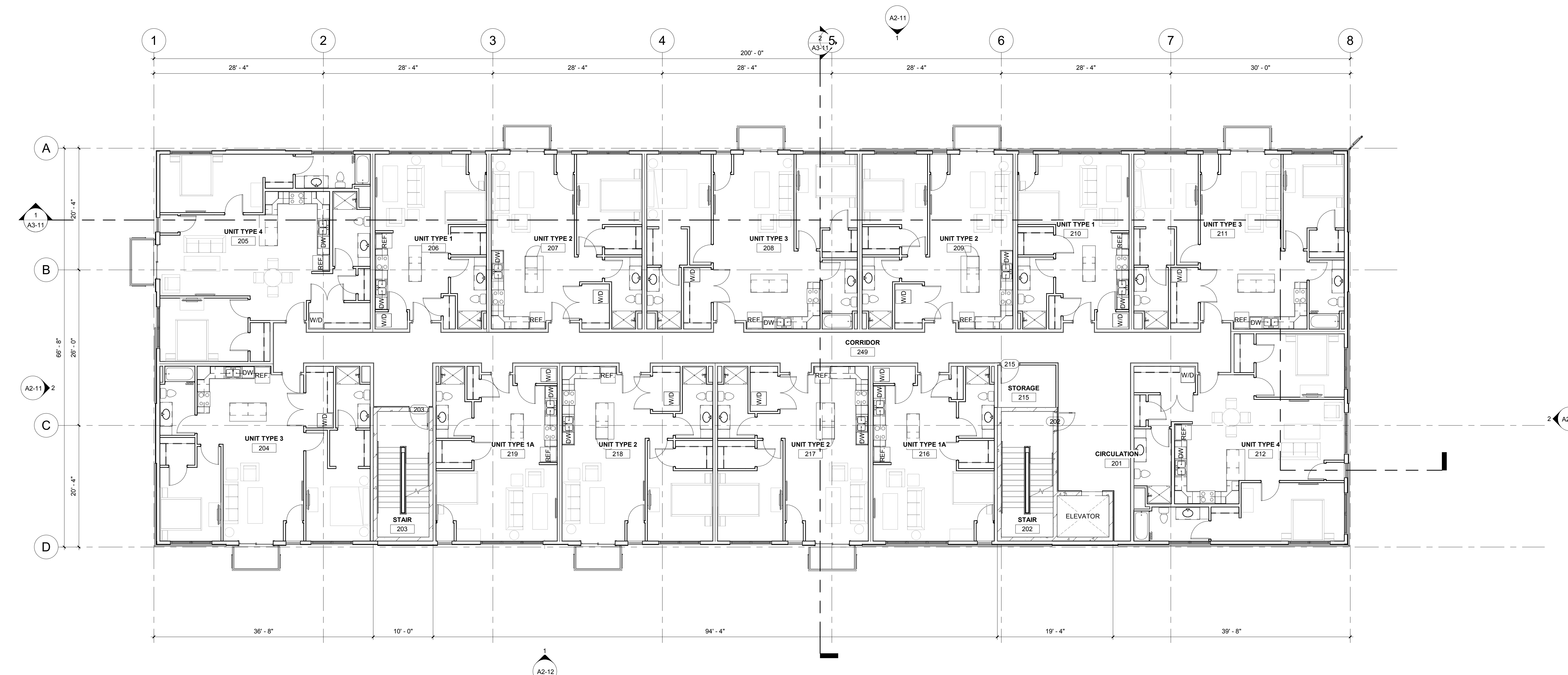
CLIENT PROJECT NO.

TITLE

SECOND FLOOR PLAN

SHEET

A1-22



1 SECOND FLOOR PLAN
1/8" = 1'-0"

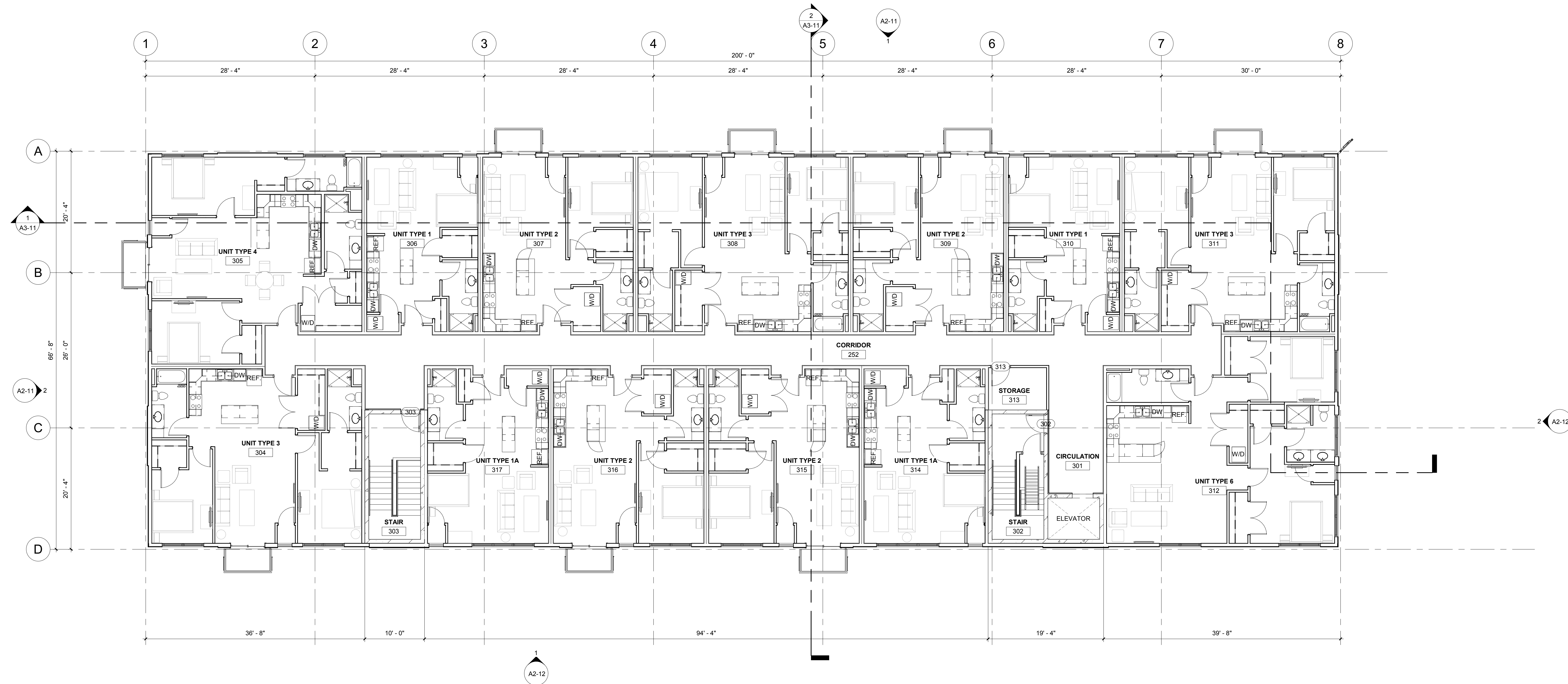
REFERENCE SCALE
0 1/4" 1/2" 1" 2"

PRELIMINARY NOT FOR CONSTRUCTION

PLAN SHEET NOTES

1. ALL INTERIOR PARTITION WALLS SHALL BE WALL TYPE ... UNLESS OTHERWISE NOTED.

KEYNOTE LEGEND



1 THIRD FLOOR PLAN
1/8" = 1'-0"

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RICHFIELD MINNESOTA

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 FILE NAME
 DRAWN BY
 DESIGNED BY
 REVIEWED BY
 ORIGINAL ISSUE DATE 09/12/17
 CLIENT PROJECT NO.

TITLE

THIRD FLOOR PLAN

SHEET

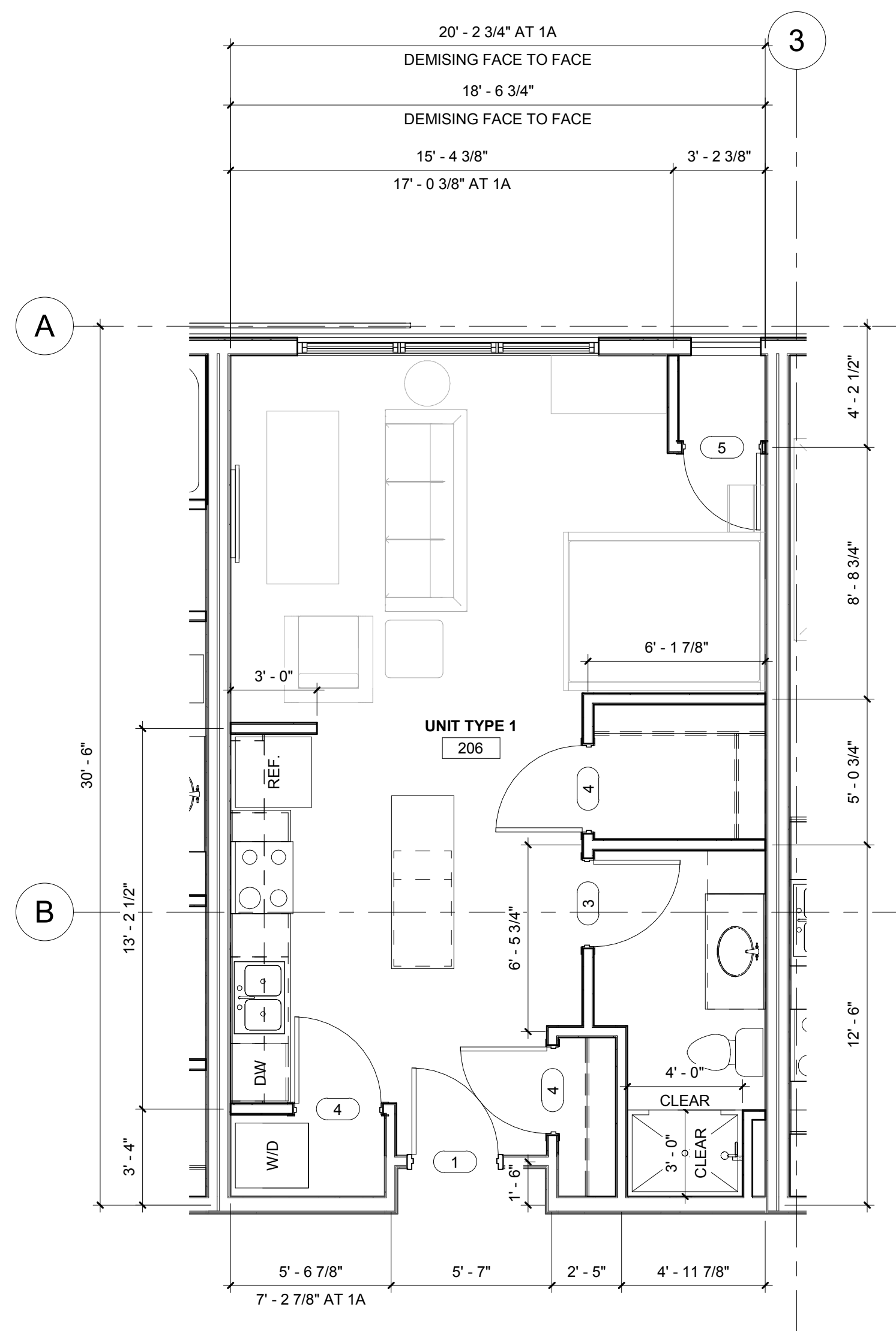
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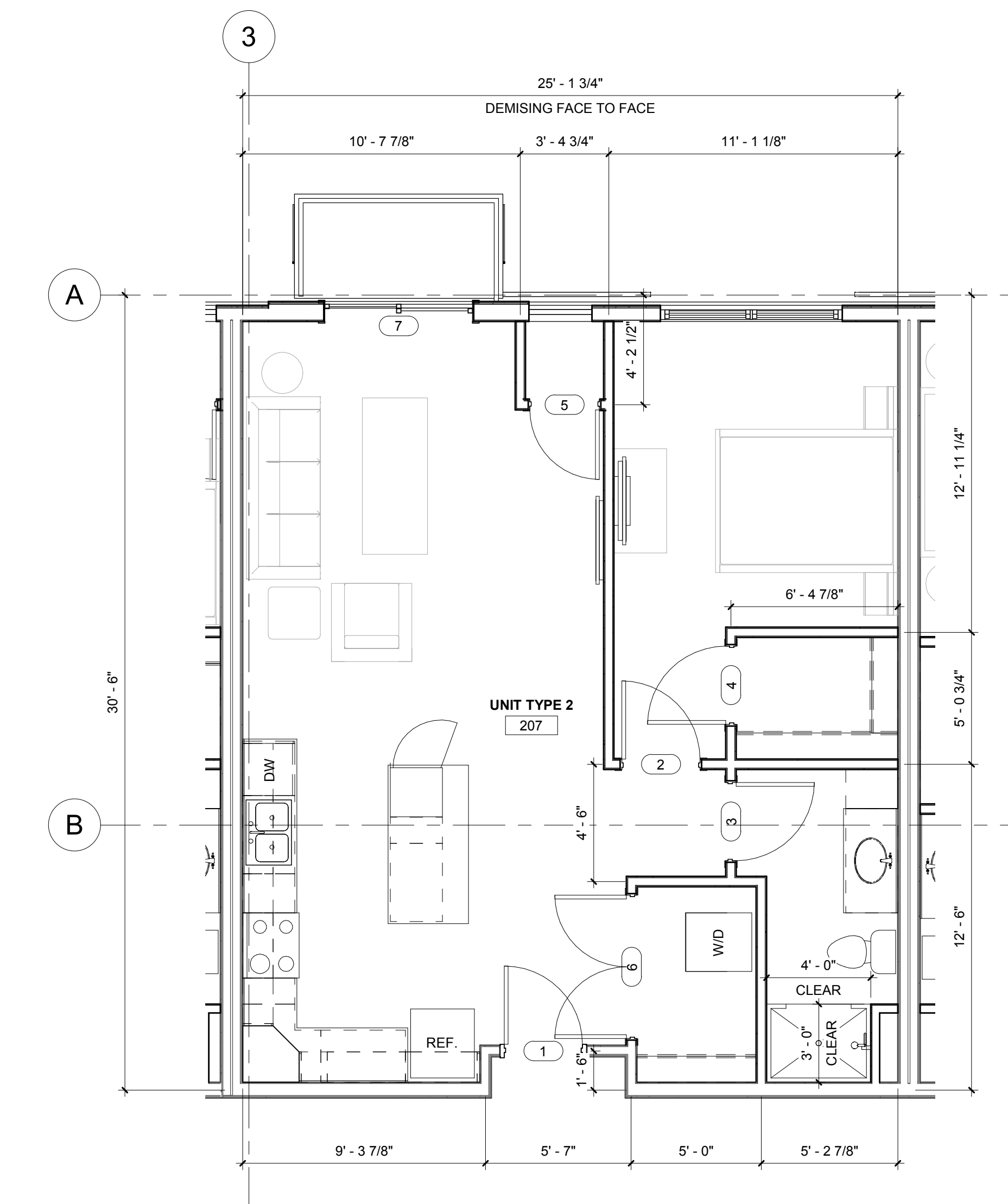




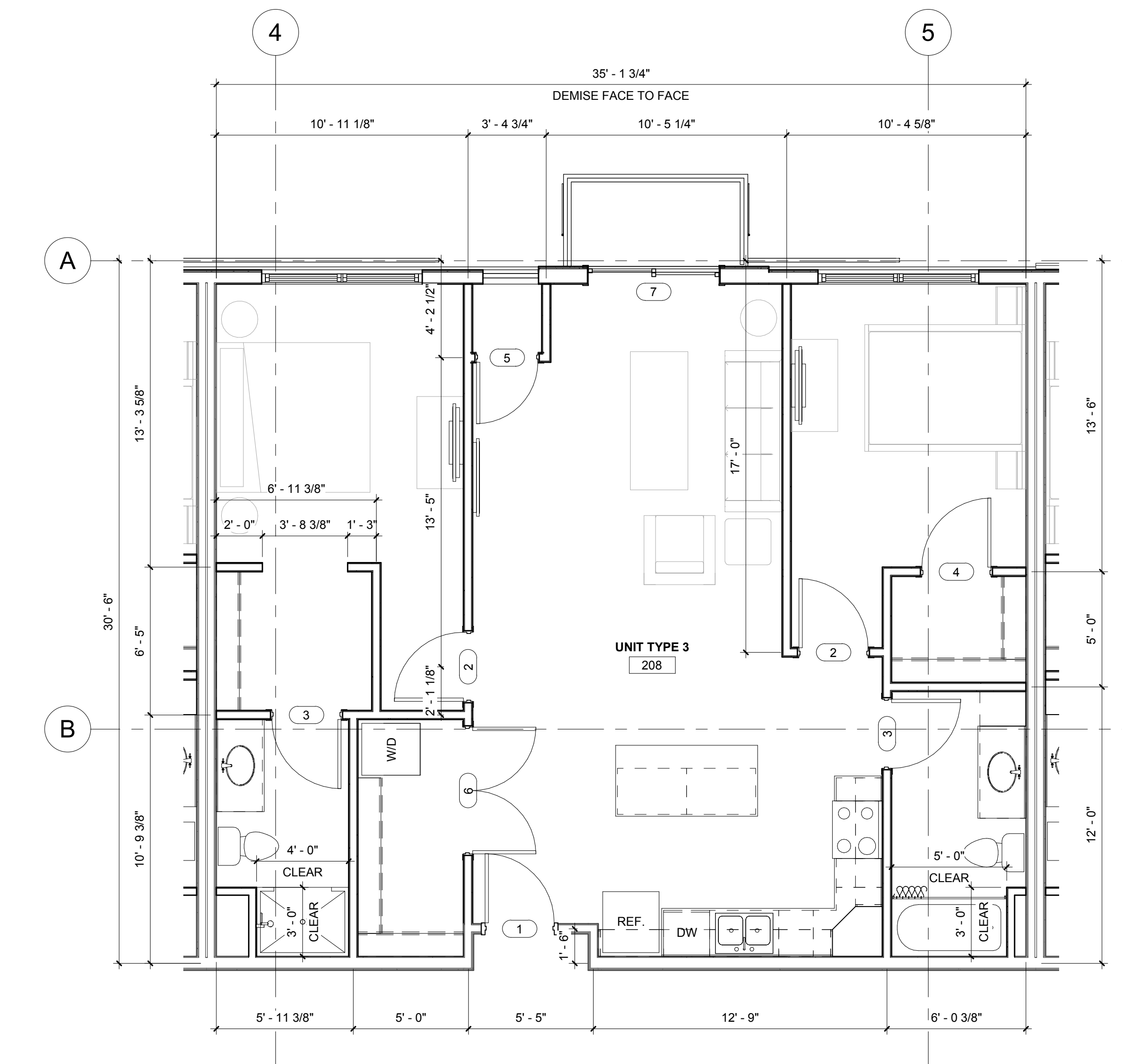
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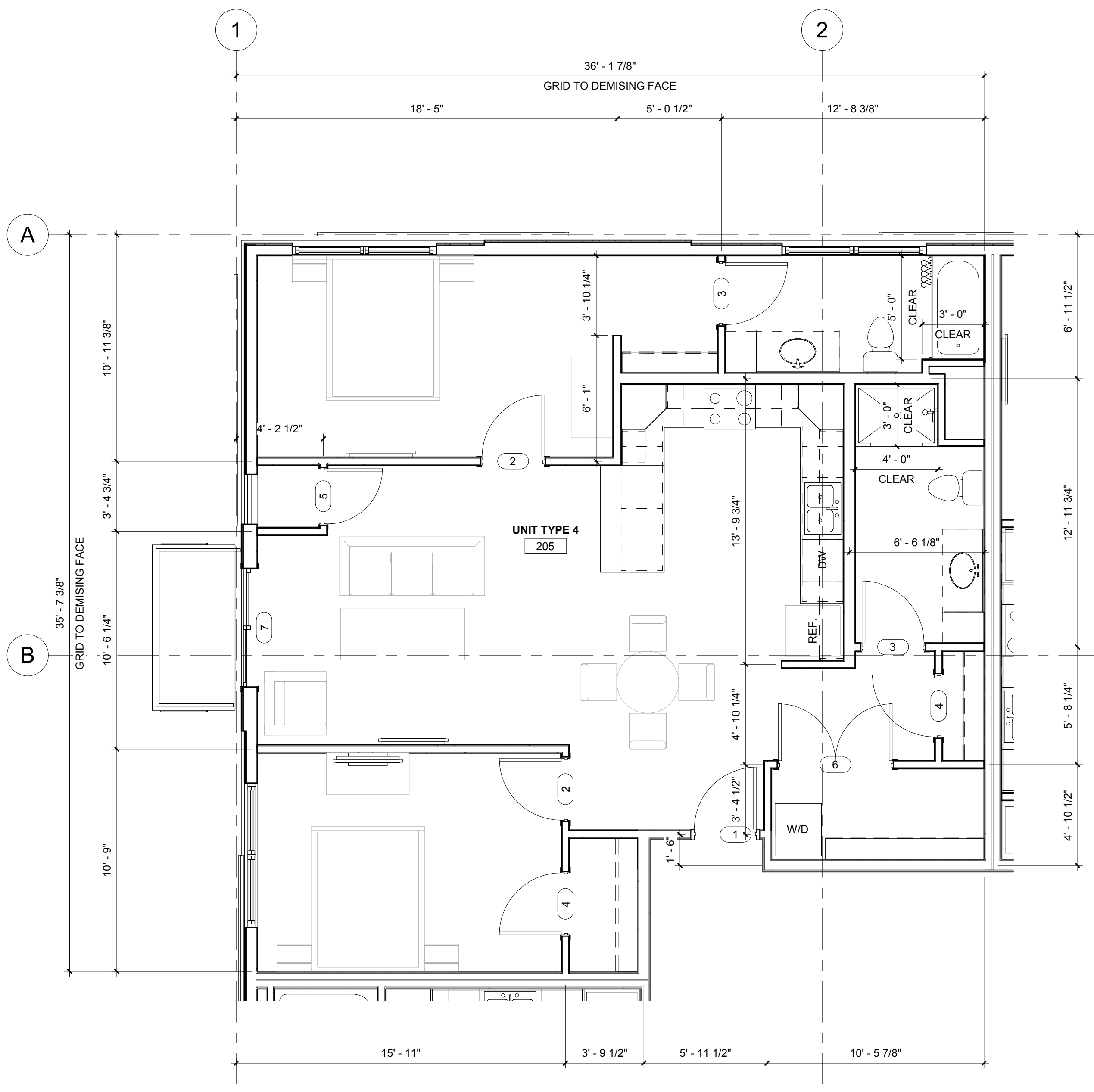
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(1A - 633 SF - 5 INSTANCES)



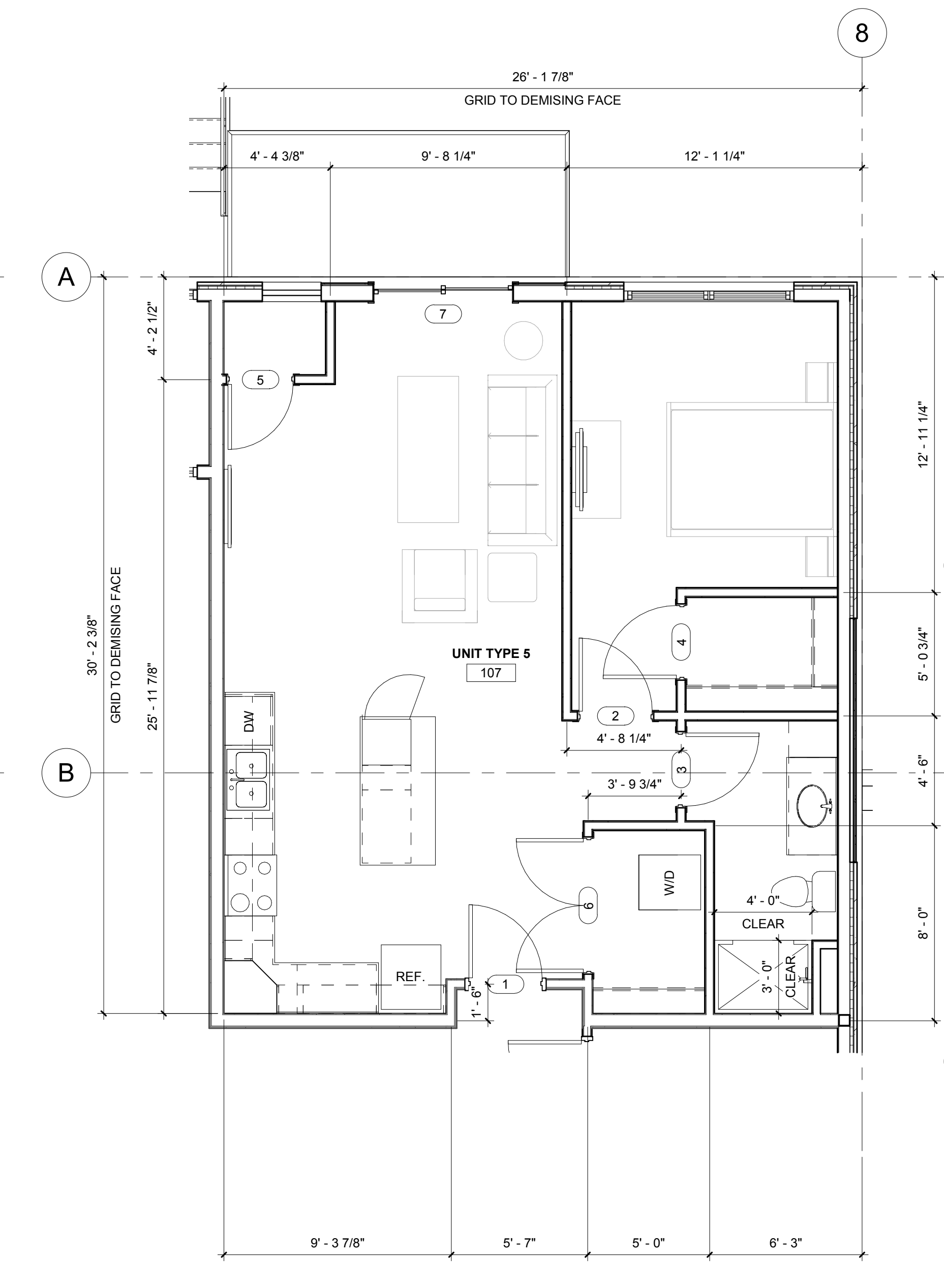
2 UNIT TYPE 2 - 1 BEDROOM (783 SF - 10 INSTANCES)
1/4" = 1'-0"



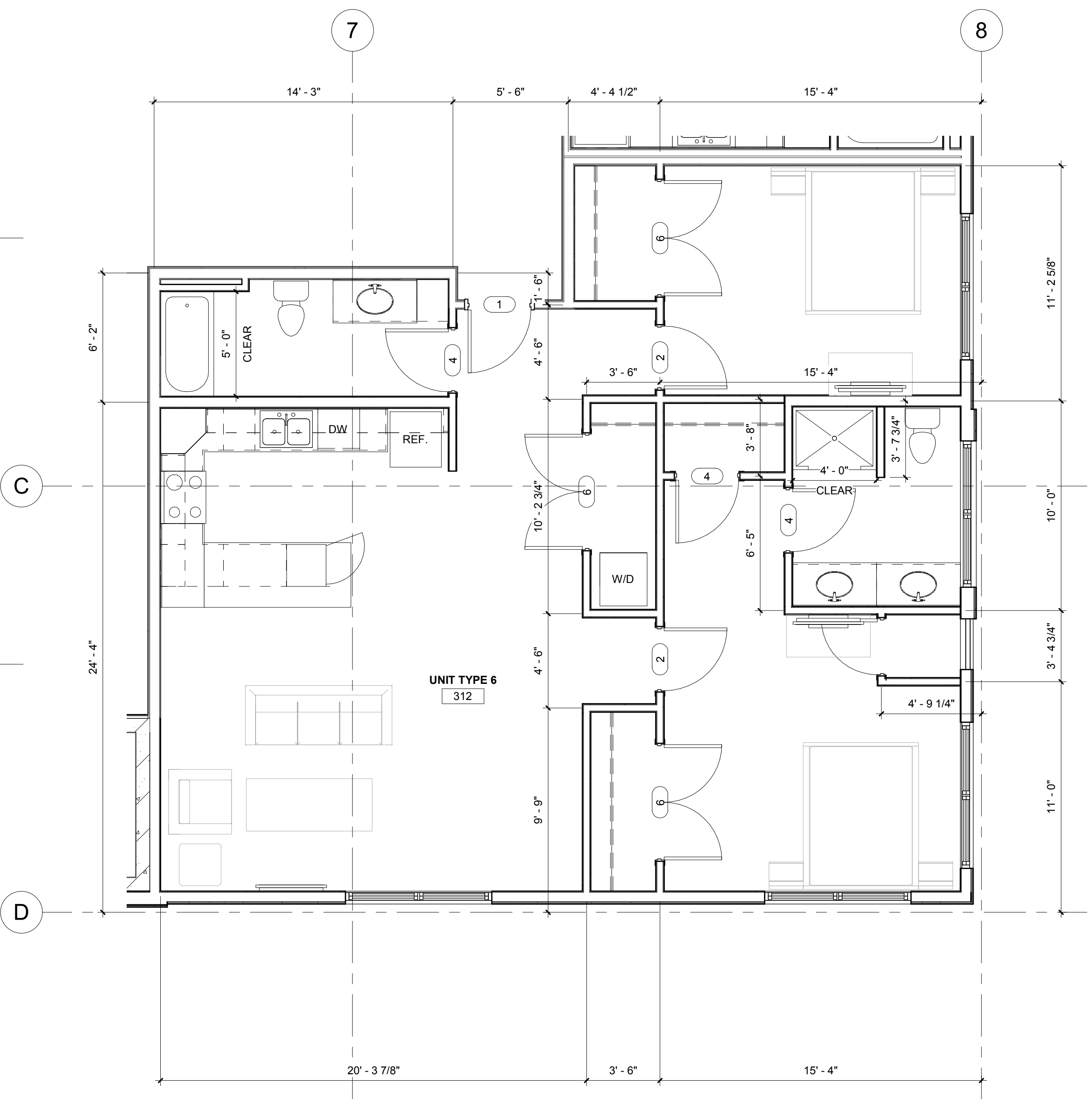
3 UNIT TYPE 3 - 2 BEDROOM (1086 SF - 6 INSTANCES)
1/4" = 1'-0"



4 UNIT TYPE 4 - 2 BEDROOM (1194 SF - 3 INSTANCES)
1/4" = 1'-0"



6 UNIT TYPE 5 - 1 BEDROOM (798 SF - 1 INSTANCE)
1/4" = 1'-0"



5 UNIT TYPE 6 - 2 BEDROOM (1290 SF - 1 INSTANCE)
1/4" = 1'-0"

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PLH MIXED USE BUILDING

RICHFIELD MINNESOTA

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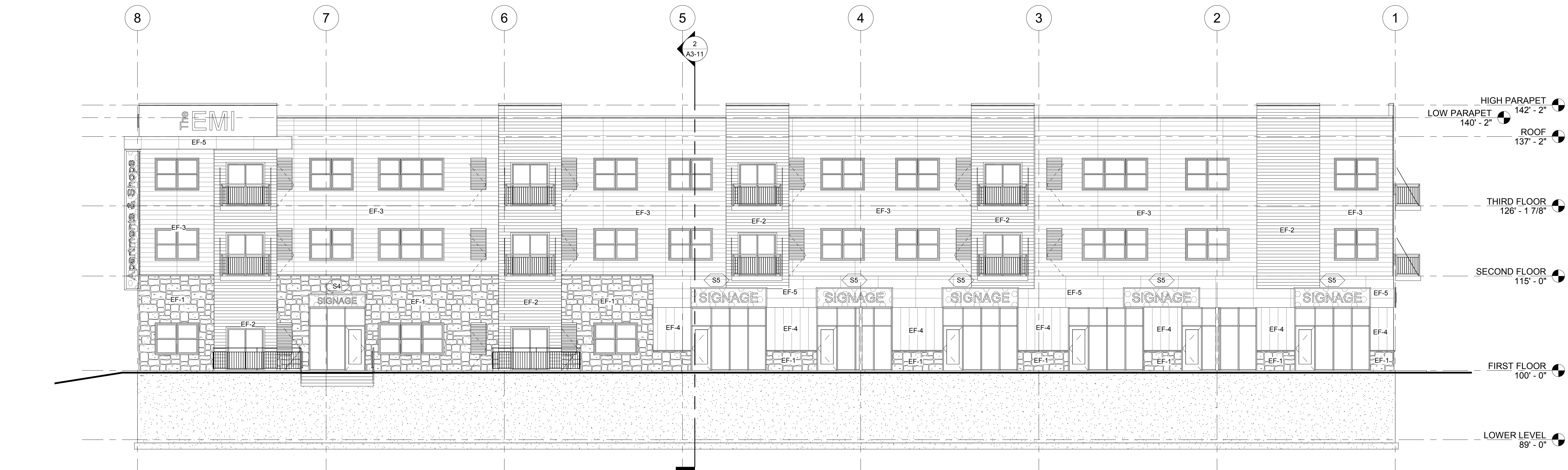
TYPICAL UNIT PLANS



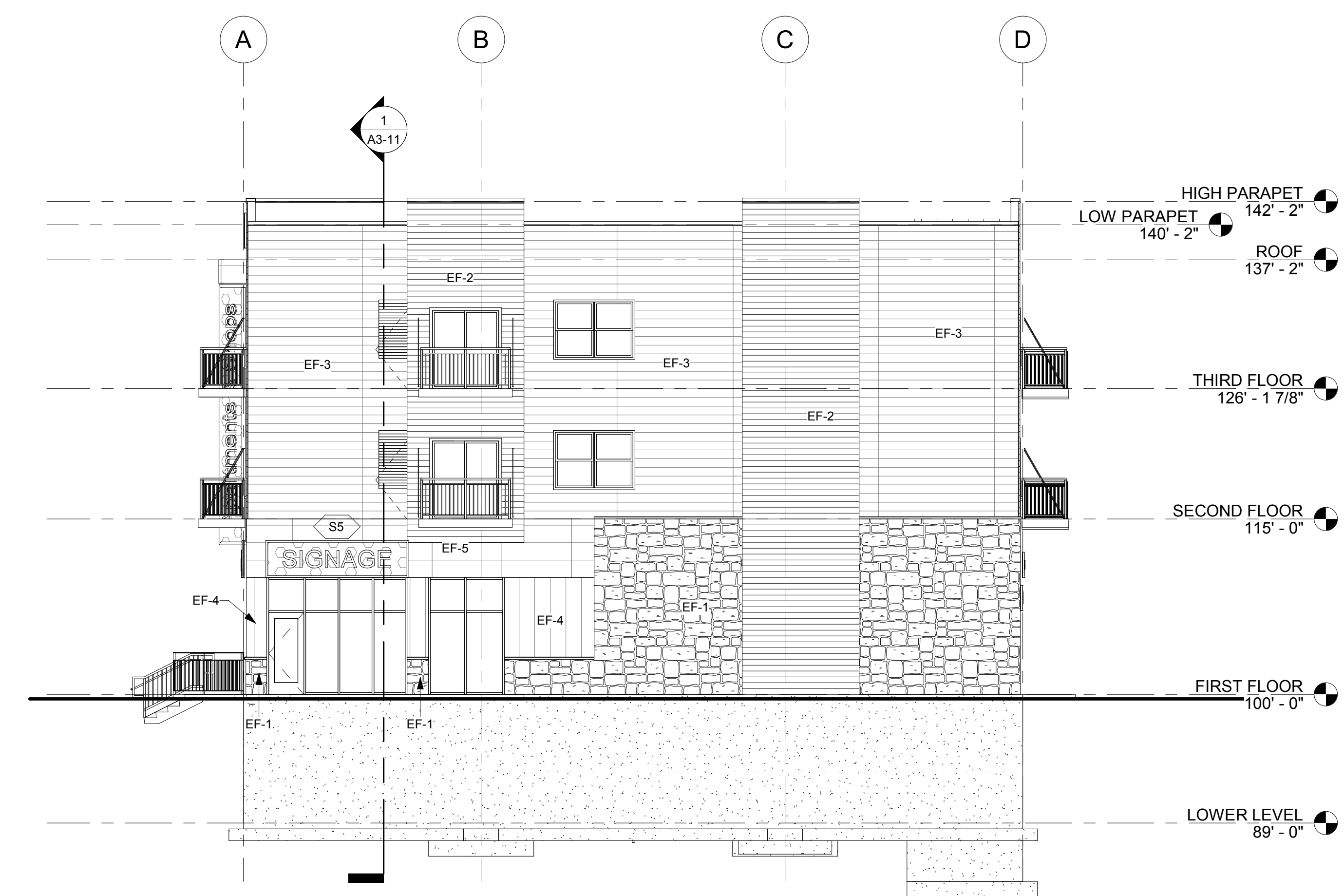
SIGNAGE				
MARK	WIDTH	HEIGHT	TEXT HEIGHT	COUNT
S1	4' - 0"	2' - 0"	0' - 9"	1
S2	6' - 0"	2' - 0"	0' - 9"	4
S3	8' - 0"	2' - 0"	1' - 0"	1
S4	9' - 0"	2' - 0"	1' - 0"	1
S5	12' - 0"	3' - 0"	1' - 8"	6

EXTERIOR WALL MATERIAL SCHEDULE AND TAKEOFF					
MARK	MATERIAL DESCRIPTION	MANUFACTURER	MODEL / COLOR	COMMENTS	APPROX AREA
EF-1	STONE VENEER				3169 SF
EF-2	LAP SIDING	LP SMARTSIDE	LITE COLOR	INSTALL HORIZONTALLY	4186 SF
EF-3	18" x 120" FIBER CEMENT SIDING	NICHA VINTAGE WOOD	LITE CEDAR COLOR	INSTALL HORIZONTALLY	7721 SF
EF-4	BOARD AND BATTEN SIDING	LP SMARTSIDE	WHITE COLOR	INSTALL VERTICALLY	1307 SF
EF-5	18" x 72" FIBER CEMENT PANELS	NICHA	GREY COLOR	INSTALL HORIZONTALLY	1145 SF

NOTE:
ALL QUANTITIES IN "AREA" ARE APPROXIMATE AND FOR REFERENCE ONLY. THESE NUMBERS ARE NOT GUARANTEED AND NOT INTENDED TO BE REPLACEMENTS FOR SHOP DRAWINGS OR PHYSICAL DRAWING EVALUATIONS AND TAKEOFFS.



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



2 WEST ELEVATION
1/8" = 1'-0"

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DESIGNED BY

REVIEWED BY

ORIGINAL ISSUE DATE

CLIENT PROJECT NO.

TITLE

EXTERIOR ELEVATIONS

SHEET

A2-11

PRELIMINARY NOT FOR CONSTRUCTION

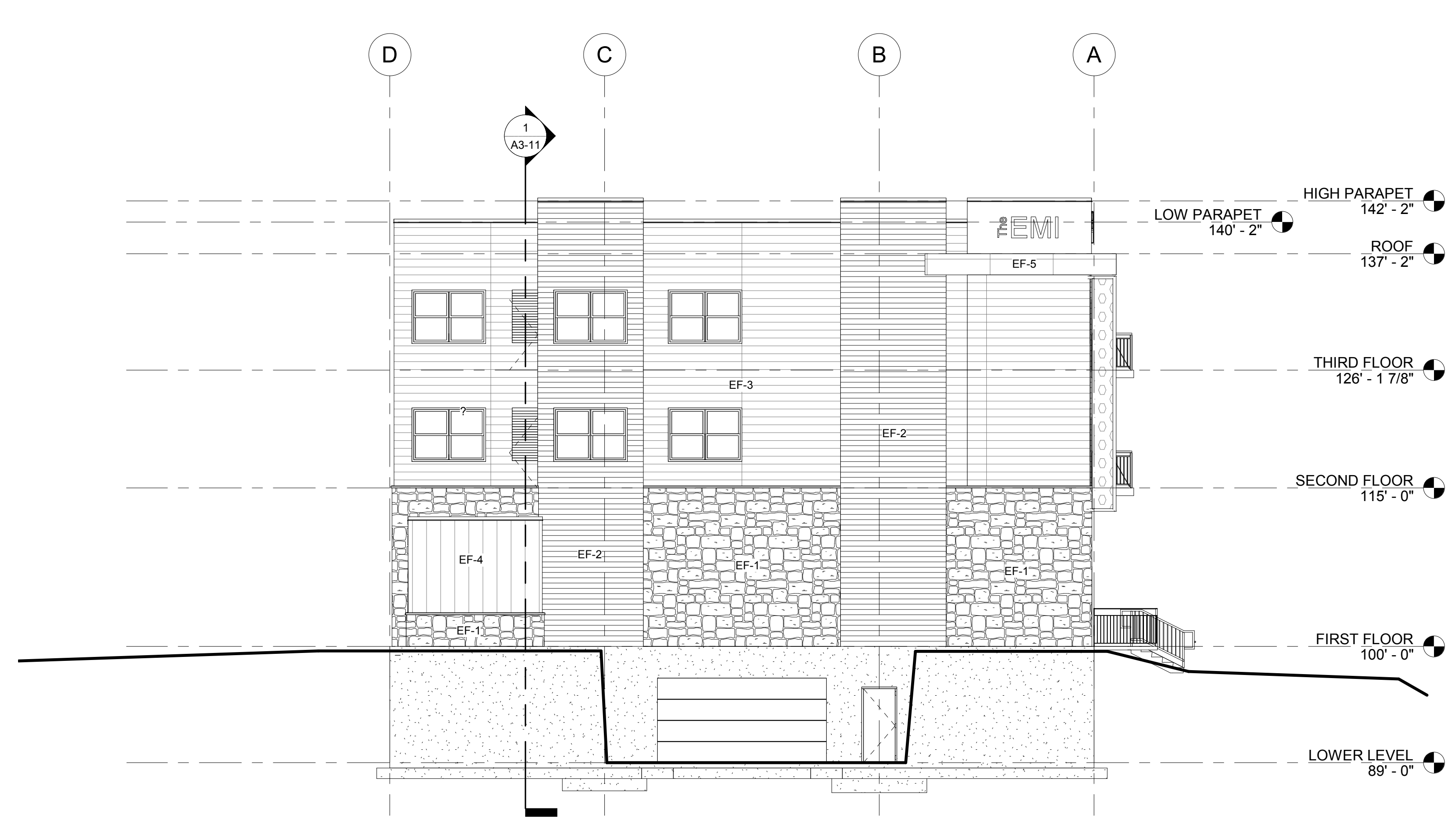




PRELIMINARY NOT FOR CONSTRUCTION



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



2 EAST ELEVATION
1/8" = 1'-0"

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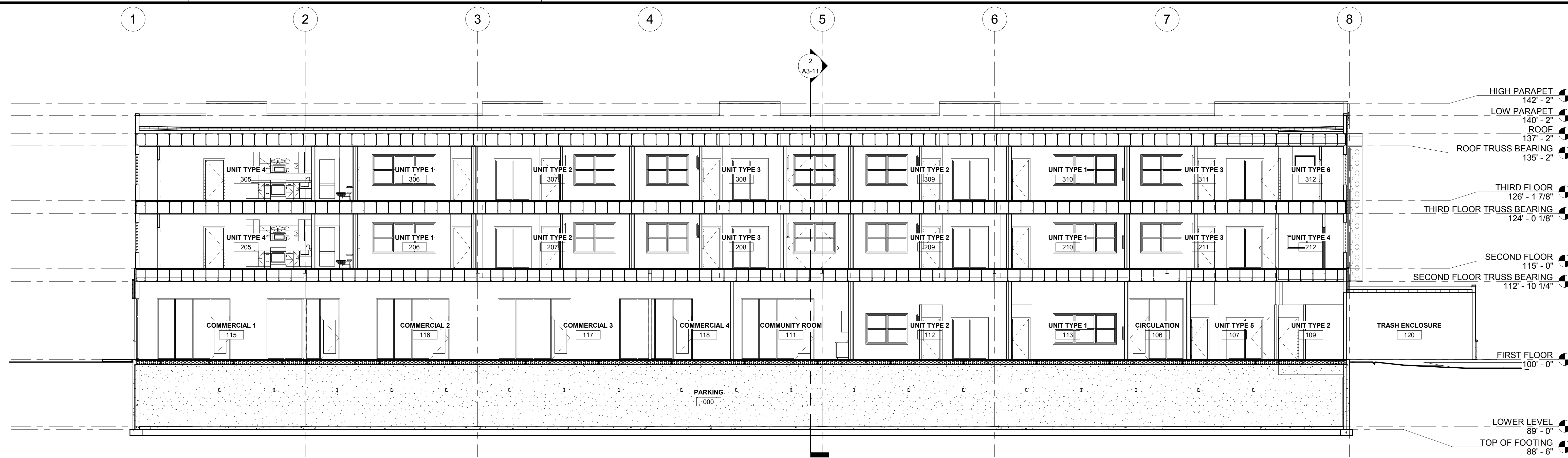
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EXTERIOR ELEVATIONS

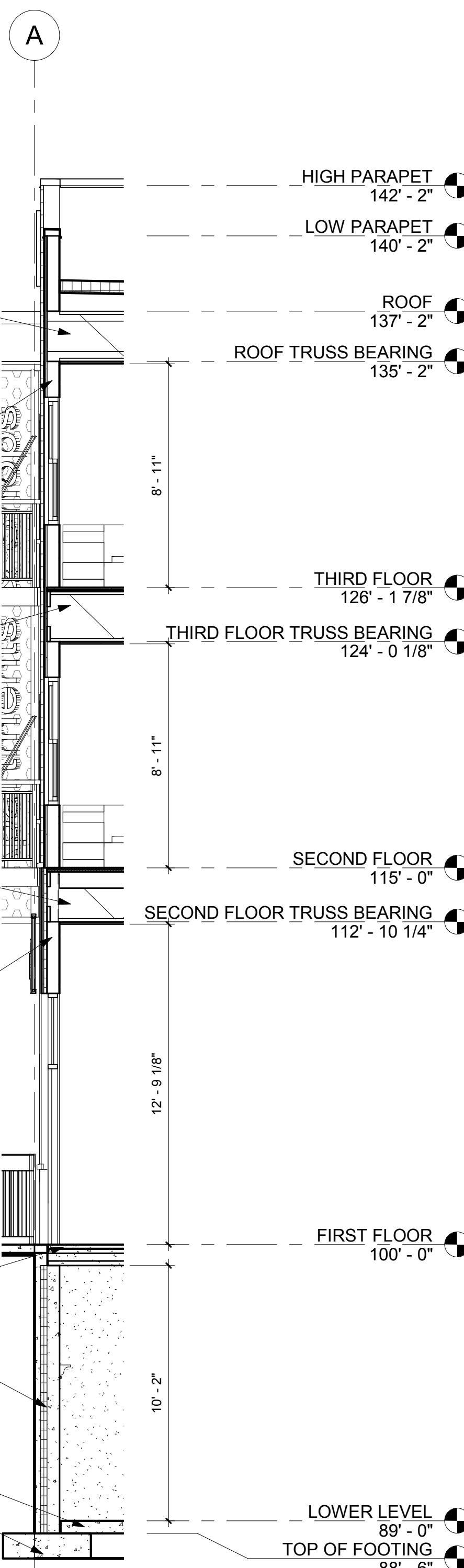
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A2-12

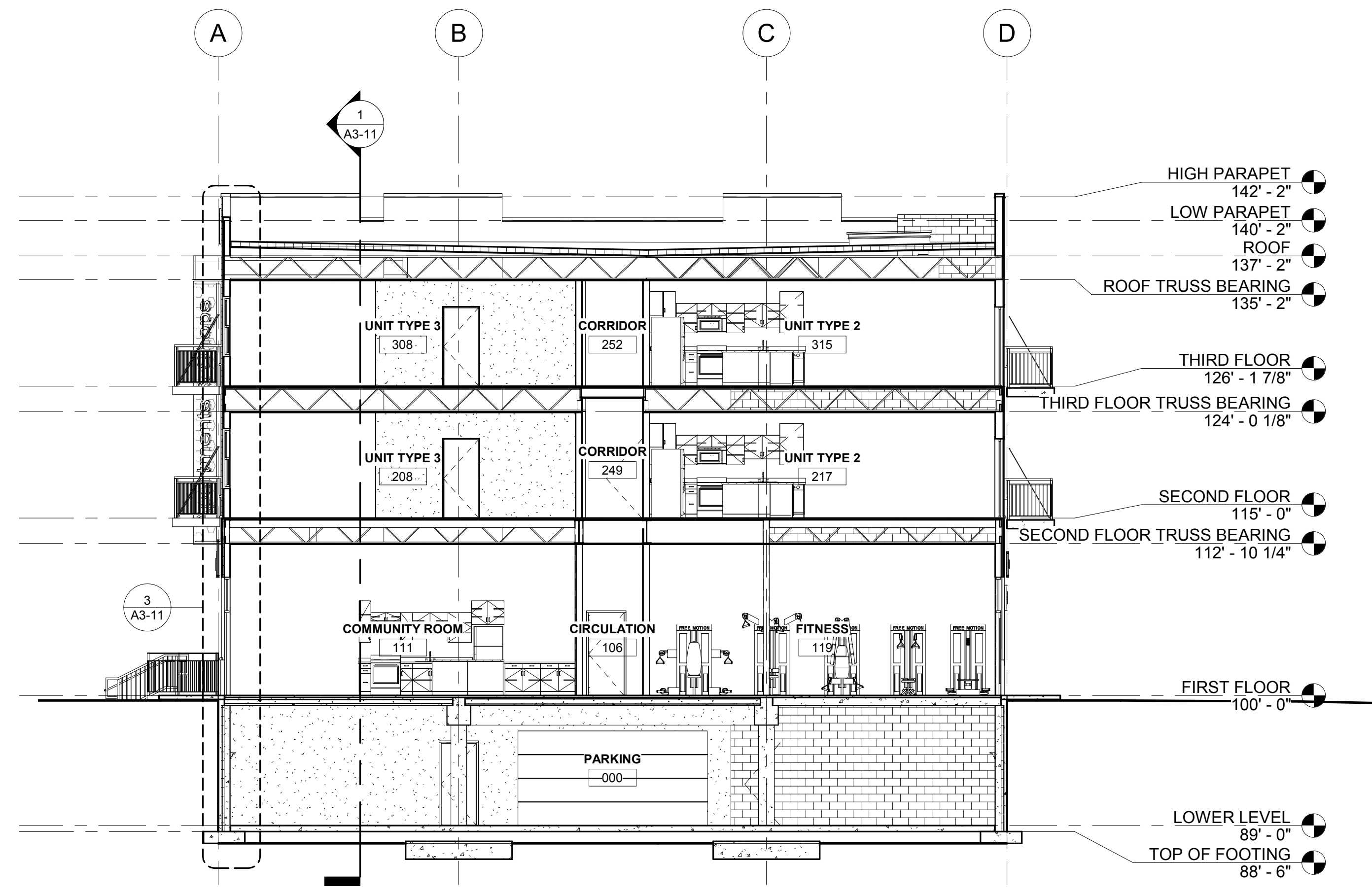




1 BUILDING SECTION
1/8" = 1'-0"



3 TYPICAL WALL SECTION
1/4" = 1'-0"



2 BUILDING SECTION
1/8" = 1'-0"

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BUILDING SECTIONS

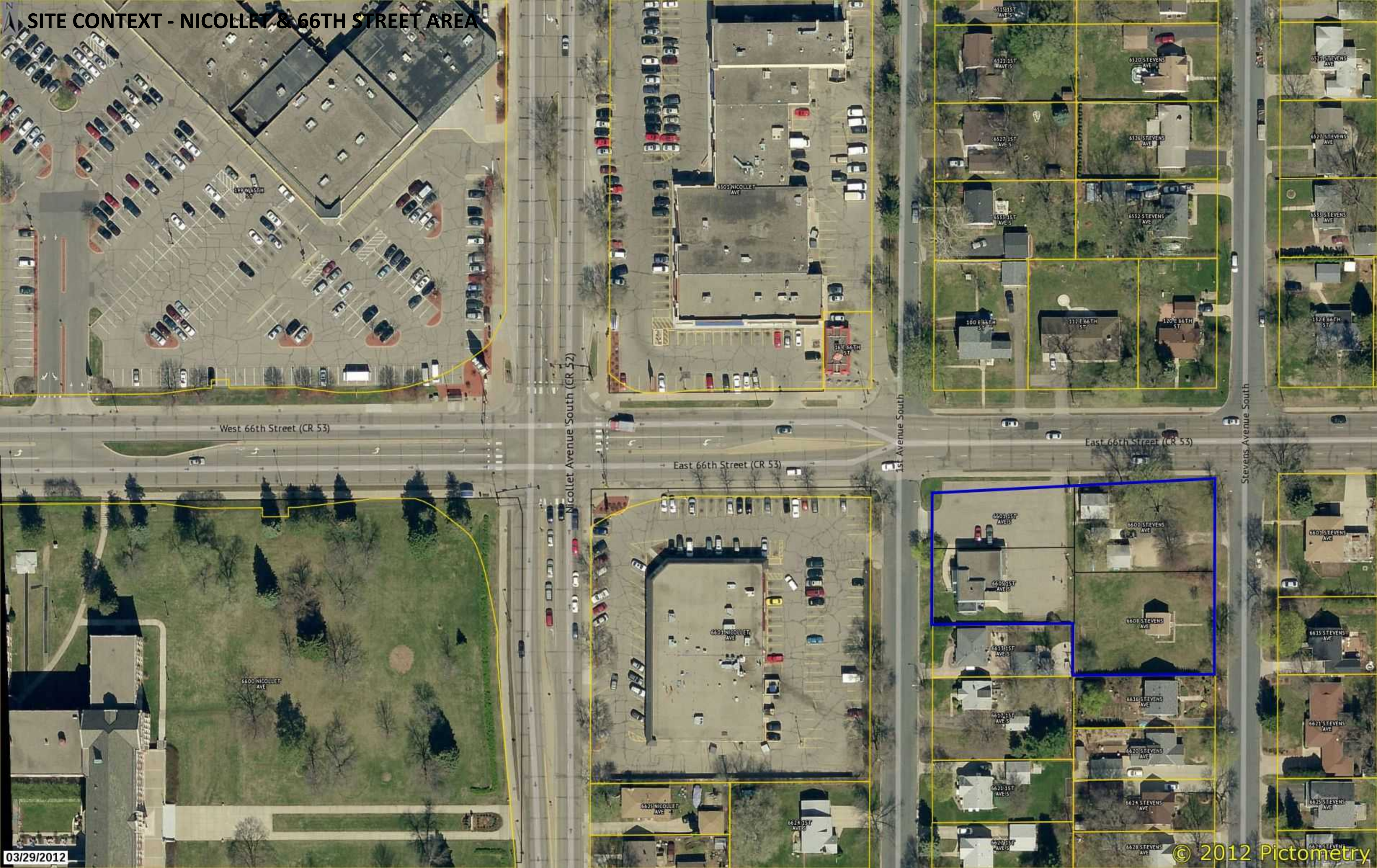
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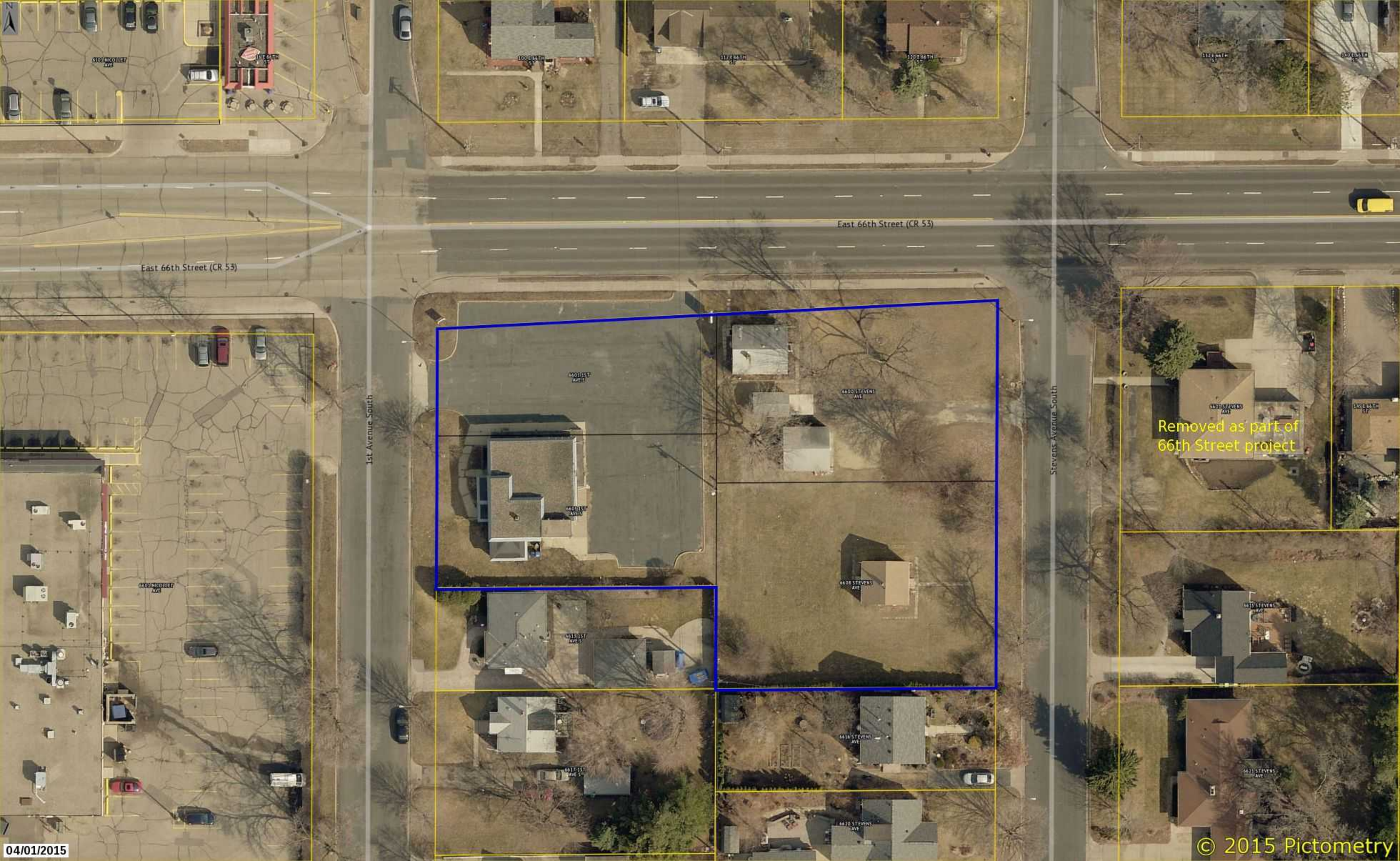


SITE CONTEXT - NICOLLET & 66TH STREET AREA



03/29/2012

© 2012 Pictometry



East 66th Street (CR 53)

East 66th Street (CR 53)

1st Avenue South

Stevens Avenue South

Removed as part of 66th Street project

04/01/2015

© 2015 Pictometry

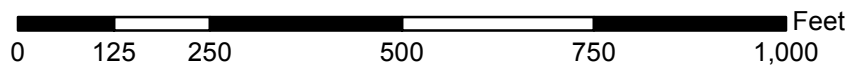
101 66th Street E - CP RZN PUD 4/2018

Surrounding Zoning and Comprehensive Plan





Zoning:
 C-2 - General Commercial
 R - Single Family Residential

Comp Plan:
 CCO - Community Commercial/Office
 LDR - Low Density Residential



Legend

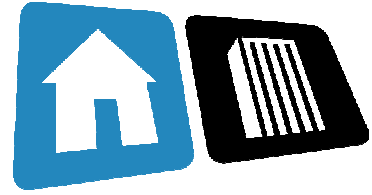
-  350 ft. notification area
-  Development site





SITE PLAN





PLH & ASSOCIATES, LLC

Monday, April 23, 2018

Subject: Open House Comments / Response

On Thursday, April 19, 2018, PLH & Associates, LLC had an Open House for the neighbors within 350 feet of the proposed Mixed-Use project at 6605 1st Ave., Richfield, MN. We had a good showing of residents who shared their thoughts regarding the project. Below are the issues identified by residents during the open house and my proposal to address the concerns.

Concern:

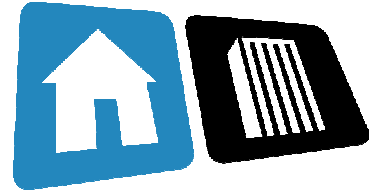
1. Increased traffic on Stevens and 1st Avenue.
 - a. I propose to install a left turn only at the parking lot exit at Stevens Ave known as a “pork chop” curb cut.
 - b. A traffic study was not required by the City staff for the project because the projected traffic volumes are lower than the minimum threshold which has been applied in the past for a traffic study and it is questionable whether there is sufficient traffic generation to result in a meaningful study.
 - c. Resident suggested option: Remove the parking lot exit onto Stevens and leave the garage exit. This was discussed in a city planning meeting and we concluded doing so would create a safety hazard for police and fire.
2. Headlights from parking lot shining into Steven Ave property owner’s house
 - a. I had the Civil Engineer overlay the parking lot on an aerial showing the adjacent property. The head lights would actually shine in his yard along the property line.



PLH & ASSOCIATES, LLC



- b.
- c. If this becomes an issue, then I would offer the property owner additional landscaping to block the headlights from shining onto his house.
3. Building lights shining onto the neighbors
 - a. I have no plans to install a parking lot light pole, but lighting will be installed on the building and be sufficient enough for the project.
 - b. The illumination at the building averages 3.2 and averages .1 at the property line.
 - c. The commercial signage will be programmed to turn off at 10p.
4. Will increase crime in the area.
 - a. Not sure how or why this project would increase crime in the area.
5. Icing on the front sidewalk.
 - a. It was mentioned the building height will restrict the sun from shining onto the 1st Avenue sidewalk and cause icing on the sidewalk. If this is true, this is a concern for me and the snowplow contractor because it can create a liability for the property. So, this will be monitored to make sure the sidewalks are shoveled and salted.
 - b. Preventative treatments can also be performed such as anti-icing similar to what municipalities do on the road when a storm is approaching.
6. Increased Noise
 - a. Not sure how or why this project would increase noise in the area. It is in fact possible that the height of the building and its spanning the majority of 1st Avenue may deflect the noise from the neighbors to the south of the building.
7. Type of residential tenants



PLH & ASSOCIATES, LLC

- a. The rights and duties of landlords and tenants in Minnesota are outlined in federal law, state statutes, local ordinances, safety and housing codes, common law, contract law, and numerous court decisions.
8. Type of commercial tenants
 - a. It is our intention to attract the “best fit” tenant for the spaces that meet the zoning requirements.
 - b. Examples of businesses that would likely be interested in becoming tenants may include insurance agents, coffee shop, hair salon, bike shop, etc.
9. Buffer to residential houses
 - a. The proposed landscape plan shows increased landscaping on the site to cut down on noise and sight line to the property. Several Black Hills Spruce are proposed for the property line near 1st Avenue. Additional landscaping is proposed near Stevens Street which is already heavily landscaped.
10. Single Family housing vs Mixed-Use Building
 - a. It was asked if I had considered putting up houses on the property. Before I purchased the property, I had a proposed site plan and elevation created which I presented to a City Study Session on August 23, 2016. Based upon the positive feedback I received at the City Study Session, I moved forward with purchasing the property and investing in the creation of a plan to submit for permitting.
 - b. It is my opinion that the economics of building single family houses or townhouses (projected to be 5-6) on this parcel of land is not the appropriate use of the land.
 - c. Furthermore, the recently updated Comprehensive Plan has this property guided as a Mixed-Use property
11. People from apartments seeing into the houses.
 - a. I have asked the civil Engineer to put together a Sight line plan, but at the time of this draft it has not been completed. I will make available when received.
 - b. Several tall mature trees currently existing down the property line shielding the residential.
 - c. Furthermore, no matter if it is a 1-3 story building people will be able to see into a house unless you take the necessary steps to restrict what your neighbor can and cannot see.

Any questions or concerns please contact Paul Lynch Jr.

Thank you,

PLH & Associates, LLC
Managing Member

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	6.
CASE NO.:	PC Ltr #4



PLANNING COMMISSION MEETING 4/23/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider changes to the City's Zoning Ordinances related to sign regulations.

EXECUTIVE SUMMARY:

Over the past few months, staff has been researching potential modifications to sign regulations. This study effort began due to requests from the community for the limited use of portable signs, and for greater flexibility in the design and illumination of freestanding signs on Penn Avenue. The goal of this ordinance amendment is to address those issues by providing some flexibility, while simultaneously strengthening regulations related to the height, size, and quantity of signs.

Portable Signs

Current regulations prohibit the use of any portable signs, and staff annually receives a small number of complaints regarding this policy. A blanket policy prohibiting all portable signs has been perceived by businesses and community organizations as being too rigid. This blanket policy is also frequently ignored, creating a heavy workload for sign enforcement. A side effect of prohibiting all portable signs is that businesses have instead opted to display an unlimited number of small yard signs. The current ordinance does not explicitly define small yard signs as portable signs, and does not include restrictions on quantity.

To remedy those related issues, staff proposes amending the ordinance to allow limited use of portable signs, with restrictions on quantity, size, placement, and hours of display, as follows:

- A-frame "sandwich board" signs, T-frame signs, and small yard signs shall be the only portable signs allowed.
- One portable sign permitted per business, with a maximum of two per lot (large shopping centers would allowed a higher number based on street frontage)
- Limited to 4 feet in height and 6 square feet in area.
- Portable signs shall not be displayed between 10:00 p.m. and 6:00 a.m. (small yard signs exempted)
- Existing regulations will continue to apply: signs must be located on private property (not permitted in right-of-way), signs must be located on the premises to which they refer (off-site signage is prohibited) and signs with wheels and/or attached to vehicles or trailers remain prohibited. Freestanding banner signs (including flag or sail type signs) also continue to be prohibited. Temporary banners are only permitted when attached to a structure.

Penn Avenue Design Guidelines

Additional sign regulations apply in the Penn Central area (Crosstown to 68th Street), prohibiting internally lit box signs on building walls and freestanding signs. Staff has interpreted this prohibition to include dynamic displays (electronic changeable message boards). These regulations have made

nearly all freestanding signs on Penn Avenue nonconforming in some way, and have been perceived as being too great of a departure from regulations affecting the rest of the City. The Penn Avenue Design Guidelines acknowledged that size and quantity of signs can be a visual blight, but did not propose any specific changes to regulations.

Staff proposes amending the ordinance to allow dynamic display signs and to re-allow internally lit freestanding signs on Penn Avenue, with new restrictions on the height and size of freestanding signs. Freestanding signs including a dynamic display or internal illumination will be limited to 100 square feet in area in the Penn Central area. Freestanding signs greater than 100 square feet in area would be permitted on larger properties, but would remain ineligible for a dynamic display or internal illumination.

Reducing Freestanding Sign Height and Size Citywide

Based on staff's research of peer cities' sign ordinances, a review of many existing signs in the community, and policymaker feedback from the April 10, 2018 Work Session, staff is proposing to introduce new restrictions on sign height, size, and quantity that would apply citywide. The maximum sign height for many commercial properties would be reduced from 27 feet to 20 feet. The maximum area per sign surface would be reduced from the current 200 square feet to a sliding scale based on site acreage, and the cumulative area of all freestanding signs on a site would be reduced as well. Under the current ordinance, there is no specific limit on the number of tall signs per site. Staff proposes amending the ordinance to allow just one sign exceeding 8 feet in height per site. Exceptions to these new regulations would apply to Planned Unit Developments over 2 acres in area (e.g. large shopping centers such as Lyndale Station or The Shops at Lyndale) and properties abutting highways (e.g. car dealerships, hotels). Please refer to the chart in the "Policy" section below for details.

Other proposed changes to sign regulations:

- The Community Development Director shall have the authority to suspend permit fees and time limits on temporary banner signs during major road construction projects. This would make permanent what was permitted through an interim ordinance for 66th Street construction, which has since expired.
- Clarify regulations for fixed temporary ground signs (typically displayed during the development, construction, sale, or leasing of commercial property).
- Clarify sign setback regulations. The current ordinance states that freestanding signs shall be set back 5 feet from lot lines. Staff proposes to add a clause further clarifying that no freestanding sign shall be located within 14 feet of the curblin, for situations where property lines and right-of-way vary, such as when sidewalks are located on private property with an easement.
- There shall be a minimum distance of 100 feet between any internally illuminated or dynamic display freestanding sign and any residential property. Signs located on a wall that faces an abutting residential property line and within 100 feet of said residential property line shall not be illuminated between 10:00 p.m. and 6:00 a.m.
- Freestanding signs greater than 8 feet in height would be required to provide landscaping or architectural screening of the sign pole(s).

Generally speaking, the proposed changes better reflect the quantity and dimensions of many existing signs throughout the community, and will primarily serve to prevent the addition of new oversized signage in the future. Benefits of limiting the quantity, size and height of freestanding signs include: minimizing visual clutter and distractions to motorists, improving the pedestrian experience by bringing signs closer to a human scale, limiting freeway-scale signage to appropriate locations, and protecting and improving the overall appearance of the community.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of the attached ordinance related to sign regulations.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

Sign regulations were last overhauled in 2007, along with minor amendments made over the past decade. The City Council recently held a work session to discuss sign regulations, as detailed in the attached Council Memo No. 23 / Planning Commission Memo No. 2 and presentation.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Regarding the proposed changes to freestanding sign height, size, and quantity, the chart in Subsection 549.23, Subdivision 2 is proposed to be amended as follows (revisions underlined, deletions strike-through):

Within commercial, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, one (1) freestanding sign per site is signs-are permitted as follows ¹:

District	Maximum sign area of single sign	Maximum height	Total area of all freestanding signs
SO, C-1, MU-N	60 square feet per surface	15 feet	<u>1-2</u> square feet per foot of lot frontage
<u>C-2, MU-C Sites <1 acre</u>	<u>100 square feet per surface</u>	<u>20 feet</u> ²	<u>1 square feet per foot of lot frontage</u>
<u>C-2, MU-C Sites 1-2 acres</u>	<u>150 square feet per surface</u>	<u>20 feet</u> ²	<u>1 square feet per foot of lot frontage</u>
C-2, MU-C Sites >2 acres	200 square feet per surface	<u>20 feet</u> ² 27 feet	<u>1.4</u> -square feet per foot of lot frontage
I, MU-R	250 square feet per surface	27 feet	<u>1.4</u> -square feet per foot of lot frontage

¹Additional freestanding signs on a site shall not exceed 8 feet in height and 50 square feet in area. Planned Unit Development sites greater than 2 acres may request additional signs exceeding 8 feet in height and 50 square feet in area.

²On properties abutting an interstate or state highway or the adjacent frontage road, one freestanding sign with a maximum height of 27 feet may be located within 100 feet of the lot line abutting the highway or frontage road.

See the attached Ordinance amending Zoning Code Sections 549 (Sign Regulations) and 541.21 (Penn Avenue Corridor Overlay District) for all proposed changes.

C. CRITICAL TIMING ISSUES:

None.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

- Notice of this public hearing was published in the Sun Current newspaper on April 12, 2018.
- The Council will consider a first reading of the ordinance on May 8 and a second reading and summary publication on May 22, 2018.

ALTERNATIVE RECOMMENDATION(S):

Recommend approval of the attached ordinance with modifications.

PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description

- ▣ Ordinance - Section 549 Sign Regulations
- ▣ Work Session Memo & Presentation

Type

- Ordinance
- Backup Material

DRAFT BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE
TO UPDATE SIGN REGULATIONS**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Section 549 of the Richfield City Code relating to sign regulations is amended to read as follows:

549.01. - Findings, purpose and effect.

Subdivision 1. Findings. The City hereby finds as follows:

- a) Signs have a direct impact on and relationship to the image of the community;
- b) Uncontrolled and unlimited signs adversely impact the image and aesthetic attractiveness of the community and thereby undermine economic value and growth;
- c) The manner of installation, location and maintenance of signs has a substantial impact on the character and quality of the environment;
- d) Signs provide an important medium through which individuals may convey a variety of messages;
- e) Signs help citizens find their way to intended destinations;
- f) The safety of motorists, cyclists, pedestrians and other users of public streets and property is affected by the number, size, location and appearance of signs that unduly divert the attention of drivers;
- g) Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare;
- h) Uncontrolled and unlimited signs, particularly portable signs ~~when which are commonly~~ located within or adjacent to public right-of-way or ~~are located~~ at driveway/street intersections, result in roadside clutter and obstruction of views of oncoming traffic. This creates a hazard to drivers and pedestrians; and
- i) The City's zoning regulations have, since as early as 1944, included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, location and character that would have an adverse impact upon the aesthetics of the community and threaten its health, safety and welfare. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

Subd. 2. Purpose and intent. It is not the purpose or intent of this sign ordinance to regulate the message displayed on any sign; nor is it the purpose or intent of this ordinance to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this ordinance is to:

- a) Regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote the public health, safety and welfare;

- b) Maintain, enhance and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community;
- c) Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics; and
- d) Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

Subd. 3. Effect. A sign may be erected, mounted, displayed or maintained in the City if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

- a) Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign ordinance;
- b) Allow signs which are designed, constructed, installed and maintained in a manner that does not adversely impact public safety or unduly distract motorists;
- c) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance;
- d) Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare; and
- e) Provide for the enforcement of the provisions of this sign ordinance.

549.03. - Severability.

If any section, subsection, sentence, clause, or phrase of this sign ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portion of this sign ordinance. The City Council hereby declares that it would have adopted the sign ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one (1) or more section, subsections, sentences, clauses, or phrases be declared invalid.

549.05. - Definitions.

Subdivision 1. The following words and phrases, when used in this Section 549 shall have the following meanings, unless the context clearly indicates otherwise. The definitions set forth in this Section 549.05 are in addition to the definitions set forth in Section 507.07, which shall apply to this Section 549, except that in the event of a conflict between the Sections, the definition in Section 549 shall apply:

Subd. 2. "Abandoned sign." Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. ~~Signs that are present because of being legally~~ Legally established nonconforming signs or signs that have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

Subd. 3. "Awning." A roof-like cover, often of fabric, plastic, metal or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects

from a wall or roof of a structure primarily over a window, walk, or the like. Any part of an awning that also projects over a door shall be counted as an awning.

Subd. 4. "Awning sign." A sign or graphic printed on or in some fashion attached directly to the awning material.

Subd. 5. "Balloon sign." A sign consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than 24 inches in diameter.

Subd. 6. "Banner." A sign made of fabric or any nonrigid material with no enclosing framework.

Subd. 7. "Canopy." A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Subd. 8. "Canopy sign." Any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service station canopy signs that are governed by Section 534.07, Subd. 11 of this Code.

Subd. 9. "Changeable message." A message that is not permanently attached to the sign face but that is not a dynamic display.

Subd. 10. "Commercial speech." Speech advertising a business, profession, commodity, service or entertainment.

Subd. 11. "Dynamic display." Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display or structural element and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

Subd. 12. "Erect." Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Subd. 13. "Freestanding sign." Any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Subd. 14. "Grade." The average elevation or level of the centerline of the closest street which the sign abuts.

Subd. 15. "Height of sign." The height of the sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Subd. 16. "Illuminated sign." Any sign that contains an element designed to emanate artificial light internally or externally.

Subd. 17. "Legally established nonconforming sign." Any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this section and which does not comply with this section shall be deemed to be a legal nonconforming sign. A sign that was unlawfully erected shall be deemed to be an illegal sign.

Subd. 18. "Marquee." Any permanent roof-like structure projecting beyond a theater building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Subd. 19. "Marquee sign." Any sign painted, mounted, constructed or attached in any manner, on a marquee.

Subd. 20. "Monument sign." Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign.

Subd. 21. "Noncommercial speech." Dissemination of messages not classified as Commercial Speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and information topics.

Subd. 22. "On-premise messages." Identify or advertise an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Subd. 23. "Outdoor advertising sign." Any sign that is located outdoors and that advertises a product, business, service, event, or any other matter that is not available, or does not take place, on the same premises as the sign (off-premise sign). For the purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such premises and any sign located or proposed to be located in an easement or other appurtenance shall be considered an outdoor advertising sign.

Subd. 24. "Owner." In the case of a lot, the legal owner of the lot as officially recorded by Hennepin County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.

Subd. 25. "Portable sign." A sign with or without copy and graphic that is designed or intended to be moved or transported. By way of example and not by limitation, portable signs include:

a) A- or T- frame signs, including sandwich board signs;

b) ~~Yard-Sandwich board signs anchored only by stakes;~~

c) Signs designed to be transported by trailer or on wheels;

d) Signs mounted on a vehicle for advertising purposes, when the vehicle is parked and visible from public right-of-way, except signs identifying a business when the vehicle is being used in the normal day-to-day operation of that business;

A sign may be a portable sign even if it has wheels removed, was designed without wheels, or is attached temporarily or permanently to the ground, a structure, or other sign.

Subd. 26. "Projecting sign." Any sign which is affixed to a building or wall in such a manner that its leading edge extends more than 12 inches beyond the surface or such building or wall face.

Subd. 27. "Public right-of-way." Public right-of-way has the meaning given it by Minnesota Statutes, Section 237.162, Subdivision 3.

Subd. 28. "Pylon sign." Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Subd. 29. "Roof sign." A sign located above the eave or parapet wall of a building and/or located within the projected roof area.

Subd. 30. "Scoreboard Panel." A nonilluminated sign which is affixed to an electric scoreboard at an outdoor sports arena or complex.

Subd. 31. "Sign." Any letter, word or symbol, poster picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures, which is displayed for informational or communicative purposes.

Subd. 32. "Sign area." The area shall be the area of the smallest rectangle enclosing the extreme limits of the actual sign surface excluding structural elements outside the limits of such sign which do not form an integral part of the display; or in the case of wall signs, figures, symbols, canopy or awning signs, the sign area shall be the area of the smallest rectangle that encloses the sign message or logo. For multi-face signs, the area shall include the maximum number of single display surfaces visible from any ground position at one (1) time. Multi-face signs with display surfaces at an angle to one another shall have an interior angle no greater than thirty-five (35) degrees, unless the total area of both sides does not exceed the maximum allowable sign area for that district.

Subd. 33. "Sign face." The surface of the sign upon, against, or through which the message of the sign is exhibited.

Subd. 34. "Sign structure." Any structure including the supports, uprights, bracing and framework which supports or is capable of supporting any sign.

Subd. 35. "Site." A lot or combination of contiguous lots that are intended, designated, and/or approved to function as an integrated unit.

Subd. 36. "Stringer." A line of string, rope, cording or an equivalent to which is attached a number of pennants, balloons, propellers, banners or similar devices.

Subd. 37. "Temporary fixed ground sign." A sign which is supported by posts imbedded in the ground and is designed to not be readily movable.

Subd. ~~38~~ 37. "Visible." Capable of being seen by a person of normal visual acuity (whether legible or not) without visual aid.

Subd. ~~39~~ 38. "Wall." Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60 degrees or greater with the horizontal plane.

Subd. ~~40~~ 39. "Wall sign." Any sign attached parallel to, but within two (2) feet of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Subd. ~~41~~ 40. "Window sign." Any building sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

549.07. - Permit required.

Subdivision 1. No sign shall be installed, constructed, erected, altered, revised, reconstructed or relocated in the City without first obtaining a permit and license from the City. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

Subd. 2. Application. Application shall be made on forms provided by the City. The form shall include the following information:

- a) The name, address and telephone number of the applicant;
- b) The name, address and telephone number of the person, firm, corporation or other organization erecting the sign;
- c) The name, address, telephone number and written consent of the property owner on which the sign is to be erected;
- d) Site plans indicating the exact location of the sign on the site including its position relative to buildings, structures, streets and property lines;
- e) ~~Two (2) copies of sign~~ Sign plans and specifications with the following information:
 - i. Number of sign faces;
 - ii. Sign colors and construction materials;
 - iii. Sign dimensions;
 - iv. Type, direction, location and intensity of illumination and name of electrical contractor;
 - v. Method of attachment to building or ground; and
 - vi. Stress sheets and calculations showing that the structure is designed to meet the dead load and wind pressure requirements of the Building Code.
- f) If the proposed sign is along interstate highway, the application shall be accompanied by proof that the applicant has obtained a permit from the State for the sign.

Subd. 3. Review. The City shall approve or deny the sign permit application within the time period required by State law. If the permit is denied, the issuing authority shall prepare a written notice of denial within 15 days of its decision, describing the applicant's appeal right under Section 547.05, and send it by certified mail, return receipt requested, to the applicant.

Subd. 4. Additional permits.

- a) Electrical signs must be installed in accordance with the current electrical code and a separate permit from the building official must be obtained prior to placement; and
- b) Building permits (as required) must be obtained from the building official prior to placement.

549.09. - Exemptions.

The following signs shall not require a permit. These exemptions, however, shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same, unless otherwise noted: (Amended, Bill No. 2008-16)

- a) The changing of a changeable message as defined in Subsection 549.05 or a dynamic display message.
- b) The changing of the display surface on a painted or printed sign only. This exemption, however, shall apply only to poster replacement and/or on-site changes involving sign painting elsewhere than directly on a building;
- c) Signs six (6) square feet or less in size, including portable signs defined by Section 549.05, Subd. 25 (a) and (b) in accordance with the following;

- i. Portable signs shall be limited to 4 feet in height and 6 square feet in area;
- ii. No more than one portable sign shall be displayed per business and no more than two per site;
- iii. Portable signs other than yard signs shall not be displayed between the hours of 10:00 p.m. and 6:00 a.m.;

- d) Window signs;
- e) Street identification numbers/address signs;
- f) Bench signs complying with Subsection 805.19, Subd. 4 of the City Code;
- g) Signs on vehicles when the vehicle is being used in the normal day-to-day operation of that business as described in Subsection 549.05, Subd. 30; and
- h) Traffic signs and/or signs erected by public officials in performance of official duties for the purpose of traffic control and public safety. Traffic signs are also exempt from size, setback and dynamic display regulations.

549.11. - Fees.

The application for a sign permit shall be accompanied by the fee provided in Appendix D of the City Code. The fee required in this paragraph is separate from and in addition to any other fees required by this Code.

549.13. - Variances.

Requests for a variance from the requirements of this section shall be processed by the Planning Commission~~Board of Adjustments and Appeals~~ in accordance with Section 547.1105.

549.15. - Violations.

Violation of this section is a misdemeanor. Each day that the violation continues is a separate offense.

549.17. - Enforcement.

Employees of the Community Development~~Inspections~~ ~~Division of the Department of Public Safety~~ and additional persons designated by the Director are hereby authorized to enforce the provisions of this section in the manner provided in Subsection 115.11 of the City Code.

549.19. - Expiration.

Sign permits are valid for one (1) year from the permit issuance date.

549.20. - Retroactive effect.

This sign ordinance shall apply to all sign applications applied for and/or pending prior to its enactment.

549.21. - General regulations.

Subd. 1. The following regulations shall apply to all signs permitted in all districts:

Subd. 2. Signs prohibited.

- a) Any sign located, designed or maintained in a manner which is likely to cause confusion or interfere with the visibility of traffic signs, traffic control devices, crossroads, driveways, or crosswalks or pedestrian, bicycle or wheelchair accessible routes;
- b) Roof signs;

c) Portable signs, except those listed exemptions in Section 549.09;

- d) Searchlights, beacons, strobe lights or other illuminated signs emitting a beam consisting of a collection or concentration of rays of light;
- e) Outdoor advertising signs;
- f) Stringers;
- g) Balloon signs; and
- h) Abandoned signs.

Subd. 3. Required wall signs. One (1) wall sign containing the street address of the building is required on each building or portion of a building with a separate address. The sign must be of sufficient size and located to be clearly visible from the street on which the address is assigned. These signs do not reduce permitted sign area.

Subd. 4. Banners and other temporary signs. Banners and other temporary signs, where permitted, are subject to the following standards: (Amended, Bill No. 2011-13) (Amended, Bill No. 2014-4)

- a) Banners shall be attached to a structure, shall be strongly constructed, and shall be securely attached to their supports;
- b) Banners and other temporary signs shall be removed (including all framework and supports) as soon as damaged or torn;
- c) There shall be no more than one (1) banner per tenant on any building frontage (see Subsection 549.23 for size allowances);
- d) Due to the construction methods of banners and other temporary signs and their tendency toward damage, none may be displayed for more than 28 days. Temporary fixed ground signs are permitted only during the sale, lease, or construction of a property. Temporary fixed ground signs may be displayed for a period not to exceed one year and must be removed within seven days of the sale, lease, or conclusion of construction on the property. One temporary fixed ground sign is permitted for each street upon which a lot has frontage. The area of any one temporary fixed ground sign shall not exceed 32 square feet or eight feet in height. Wherever possible, temporary fixed signs should be attached to an existing freestanding sign on a site; and
- e) No more than four (4) temporary sign permits shall be issued to any business organization or institution within any calendar year; and-
- f) During major road construction projects impacting the access or visibility of properties adjacent to the right-of-way under construction, the Director of Community Development may waive the application fee and extend the time limit for display of banners and other temporary signs, not to exceed one year.

Subd. 5. Setbacks. Unless specifically noted otherwise, all signs shall maintain a five-foot setback from all lot lines. The City may require a greater or lesser setback because of public safety reasons that may include the following conditions: vehicle sight distance (see Subsection 925.01, Subd. 4), distance from intersection, designation of adjacent right-of-way. In no case

shall any part of a freestanding sign be located less than 14 feet behind the curb adjacent to a street. (Amended, Bill No. 2011-13)

Subd. 6. Changeable messages. A message that is not permanently attached to the sign face but that is not a dynamic display may occupy no more than 35 percent of the actual copy and graphic area. The remainder of the sign must not have the capability to change messages even if not used.

Subd. 7. Illumination. External illumination for signs shall be so constructed and maintained that the source of light is not visible from the public right-of-way or residential property. There shall be a minimum distance of 100 feet between any internally illuminated or dynamic display freestanding sign and any residential property. Signs located on a wall that faces an abutting residential property line and within 100 feet of said residential property line shall not be illuminated between 10:00 p.m. and 6:00 a.m. Illumination of signs in the Penn Avenue Corridor is further restricted by Section 541.21 of this Code.

Subd. 8. Noncommercial speech. Any noncommercial message may be substituted for any commercial message on any sign allowed under this Code, subject to the same regulations applicable to such signs. Notwithstanding any provisions of this section to the contrary, all noncommercial signs of any size may be posted in a general election year from a date that is 46 days prior to the state primary election until ten (10) days following the state election. (Amended Bill No. 2010-5)

Subd. 9. Maintenance. All signs shall be maintained in a safe, presentable and good state of repair at all times, including the replacement of defective parts, cleaning and other items required for maintenance of the sign. Vegetation around, in front of, behind, and underneath the base of monument signs for a distance of ten (10) feet shall be neatly trimmed and free of weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

549.23. - Permitted signs by district.

Subd. 1. Residential Districts.

a) Within residential zoning districts, freestanding signs are permitted as follows:

District	Maximum sign area of single sign	Maximum height	Total area of all freestanding signs
R, R-1, MR-1	6 square feet	6 feet	12 square feet
MR-2, MR-3	24 square feet	8 feet	36 square feet
Permitted Nonresidential Uses	50 square feet	20 25 feet	100 square feet

b) Within residential zoning districts, wall signs are permitted as follows:

District	Maximum sign area of single sign
R, R-1, MR-1	Not permitted except as required by Section 549.21, Subd. 3.
MR-2, MR-3	10 percent of total wall area of the wall to which sign is attached
Permitted Nonresidential Uses	10 15 percent of the total wall area of the wall to which sign is attached

- c) Within residential zoning districts, the following types of signs are prohibited:
 - i. Dynamic displays, except for nonresidential uses; and
 - ii. Marquee signs; and
 - iii. Any sign not expressly permitted by this subdivision is prohibited in residential districts.
- d) Scoreboards for public parks and public or private schools are permitted as follows:
 - i. One (1) scoreboard not exceeding 18 feet in height or 100 square feet of surface area is allowed per playing field, not including fields used only for practice; and
 - ii. Commercial or noncommercial speech shall be permitted on the scoreboard as follows:
 - 1. Commercial and noncommercial messages shall not comprise more than 25 percent of the area of the scoreboard; and
 - 2. Commercial and noncommercial messages shall not be illuminated.

Subd. 2. Commercial, Mixed-Use Neighborhood, Mixed-Use Community, Mixed-Use Regional, and Industrial Districts.

- a) Within commercial, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, one (1) freestanding sign per site is permitted as follows ¹:

District	Maximum sign area of single sign	Maximum height	Total area of all freestanding signs
SO, C-1, MU-N	60 square feet per surface	15 feet	1-2 square feet per foot of lot frontage
<u>C-2, MU-C Sites <1 acre</u>	<u>100 square feet per surface</u>	<u>20 feet ²</u>	<u>1 square feet per foot of lot frontage</u>
<u>C-2, MU-C Sites 1-2 acres</u>	<u>150 square feet per surface</u>	<u>20 feet ²</u>	<u>1 square feet per foot of lot frontage</u>
<u>C-2, MU-C Sites >2 acres</u>	200 square feet per surface	<u>20 feet ²</u> 27 feet	<u>1</u> 4-square feet per foot of lot frontage
I, MU-R	250 square feet per surface	27 feet	<u>1</u> 4-square feet per foot of lot frontage

¹ Additional freestanding signs on a site shall not exceed 8 feet in height and 50 square feet in area. Planned Unit Development sites greater than 2 acres may request additional signs exceeding 8 feet in height and 50 square feet in area.

² On properties abutting an interstate or state highway or the adjacent frontage road, one freestanding sign with a maximum height of 27 feet may be located within 100 feet of the lot line abutting the highway or frontage road.

- b) Within commercial, mixed-use neighborhood, mixed-use community, mixed-use regional, and industrial zoning districts, wall signs may not exceed 15 percent of the total wall area of the wall to which sign is attached. In the case of multiple occupancy, the total area of wall signs which each occupant may display shall not exceed 15 percent of the exterior wall of the portion of the building occupied by that tenant. (Amended, Bill No. 2011-13)
- c) Window signs that do not exceed 30 percent of the window area;
- d) Canopies, marquees, projecting signs and fixed awnings that are an integral part of the structure to which they are attached are allowed in the Commercial, Mixed-Use and Industrial districts if they meet the following requirements:
 - i. An awning, canopy, marquee or projecting sign may not project into the public right-of-way;
 - ii. Awnings, canopies, marquees and projecting signs may have no part of the structure other than supports nearer the ground surface than seven (7) feet;
 - iii. The architectural style on the awning, canopy or marquee must be consistent with the building being served;
 - iv. For the purposes of size limitation calculations, awning, canopy, marquee and projecting signs shall be counted as wall signs;~~and~~
 - v. Awnings, canopies or marquees projecting into required yards may not be enclosed;and
 - vi. Awnings or canopies shall not be internally illuminated.
- e) Any sign not expressly permitted by this subdivision is prohibited in commercial, mixed-use and industrial districts.

Subd. 3. (Repealed, Bill No. 2011-13)

549.25. - Dynamic Displays.

Subdivision 1. Findings. Studies show that there is a correlation between dynamic displays on signs and the distraction of highway drivers. Distraction can lead to traffic accidents. Drivers can be distracted not only by a changing message, but also by knowing that the sign has a changing message. Drivers may watch a sign waiting for the next change to occur. Drivers are also distracted by messages that do not tell the full story in one (1) look. People have a natural desire to see the end of the story and will continue to look at the sign in order to wait for the end. Additionally, drivers are more distracted by special effects used to change the message, such as fade-ins and fade-outs. Finally, drivers are generally more distracted by messages that are too small to be clearly seen or that contain more than a simple message. Time and temperature signs appear to be an exception to these concerns because the messages are short, easily absorbed, and become inaccurate without frequent change.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages. Except as prohibited by state or federal law, sign owners should have the opportunity to use these technologies with certain restrictions. The restrictions are intended to minimize potential driver distraction and to minimize proliferation in residential districts where signs can adversely impact residential character.

Local spacing requirements could interfere with the equal opportunity to use such technologies and are not included. Without those requirements, however, there is potential for numerous dynamic displays to exist along any roadway. If more than one dynamic display can be seen

from a given location on a road, the minimum display time becomes critical. If the display time is too short, a driver could be subjected to a view that appears to have constant movement. This impact would obviously be compounded in a corridor with multiple signs. If dynamic displays become pervasive and there are no meaningful limitations on each sign's ability to change frequently, drivers may be subjected to an unsafe degree of distraction and sensory overload. Therefore, a longer display time is appropriate.

A constant message is typically needed on a sign so that the public can use it to identify and find an intended destination. Changing messages detract from this way-finding purpose and could adversely affect driving conduct through last second lane changes, stops, or turns, which could result in traffic accidents. Accordingly, dynamic displays ~~shall generally should not~~ be allowed to occupy the entire copy and graphic area of a sign.

In conclusion, the City finds that dynamic displays should be allowed on signs but with significant controls to minimize their proliferation and their potential threats to public safety.

Subd. 2. Regulations. Dynamic displays on signs are allowed subject to the following conditions:

- a) Dynamic displays are allowed only on monument and pylon signs for nonresidential uses in the residential districts and for all uses in other districts. Dynamic displays may occupy no more than 35 percent of the actual copy and graphic area, and must be contiguous to the static copy and graphic area, including an enclosing framework around the dynamic display. The remainder of the sign must not have the capability to have dynamic displays even if not used. Only one (1) contiguous dynamic display area is allowed on a sign face, except when installed as part of a scoreboard for public parks and public or private schools; (Amended, Bill No. 2010-4)
- b) Only one (1) dynamic display sign is permitted on any individual site;
- c) A dynamic display may not change or move more often than once every 60 seconds, except one (1) for which changes are necessary to correct hour-and-minute, date, or temperature information. Time, date or temperature information is considered one (1) dynamic display and may not be included as a component of any other dynamic display. A display of time, date, or temperature must remain for at least 60 seconds before changing to a different display, but the time, date, or temperature information itself may change no more often than once every three (3) seconds; (Amended, Bill No. 2008-16)
- d) The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects;
- e) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign;
- f) (Repealed, Bill No. 2008-16)
- g) Dynamic displays must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the City that it is not complying with the standards of this ordinance;
- h) Dynamic displays must comply with the brightness standards contained in subdivision 3 below; and

- i) Dynamic displays existing on the effective date of this ordinance must comply with the operational standards listed above. An existing dynamic display that does not meet the structural requirements in clause a) may continue as a nonconforming structure subject to Section 509.25. An existing dynamic display that cannot meet the minimum size requirements of clause e) must use the largest size possible for one line of copy to fit in the available space.

Subd. 3. Brightness standards.

- a) All signs and dynamic displays must meet the following brightness standards in addition to any other requirements of this Code.
 - i. No sign may be brighter than is necessary for clear and adequate visibility;
 - ii. No sign may be of such intensity or brilliance as to impair the vision of a motor vehicle driver with average eyesight or to otherwise interfere with the driver's operation of a motor vehicle;
 - iii. No sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.
- b) The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the City's instructions. The adjustment must be made immediately upon notice of noncompliance from the City. The person owning or controlling the sign may appeal the City's determination through the appeal procedure set forth in Section 547.05 of this Code.
- c) All signs installed after December 22, 2007, that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions. These signs must also be equipped with a means to immediately turn off the display or lighting if it malfunctions, and the sign owner or operator must immediately turn off the sign or lighting when notified by the City that it is not complying with the standards in this section.

549.27. - Nonconforming signs.

Subdivision 1. In addition to the standards established by Section 509.23, the following shall apply to nonconforming signs:

Subd. 2. Relocation. Any legally nonconforming sign may be relocated, subject to compliance with the other provisions of this Code and subject to the limitations hereinafter contained, to another location provided that such alternate location is first approved by the Council. The Council may approve relocation if it finds that the relocation will lessen any adverse impact of the sign upon traffic safety and aesthetics. If a conforming location is available, the Council shall not approve relocation to a nonconforming location.

Subd. 3. Incentives regarding outdoor advertising displays. Outdoor advertising signs do not need to serve the same way-finding function as do on-premise signs. Further, outdoor advertising signs are no longer allowed in the City, and there is no potential that they will proliferate. Finally, outdoor advertising signs are in themselves distracting and their removal serves public safety. The City is extremely limited in its ability to cause the removal of those signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of outdoor advertising signs in certain settings. This removal results in an overall advancement of one (1) or more of the goals set forth in this section that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate outdoor advertising services that would otherwise remain distributed throughout the community.

- a) A person may obtain a permit for an enhanced dynamic display on one (1) face of an outdoor advertising sign if the following requirements are met:
 - i. The applicant agrees in writing to permanently remove, within 15 days after issuance of the permit, at least two (2) other faces of an outdoor advertising sign in the City that are owned or leased by the applicant, each of which must satisfy the criteria of parts ii through iv of this subsection. This removal must include the complete removal of the structure and the foundation supporting each sign face. The applicant must agree that the City may remove the sign if the applicant does not do so within the time frame agreed upon by the applicant and the City, and the application must be accompanied by a cash deposit or letter of credit acceptable to the City Attorney sufficient to pay the City's costs for that removal. The applicant must also agree that it is removing the sign voluntarily and that it has no right to compensation for the removed sign under any law;
 - ii. The City has not previously issued an enhanced dynamic display permit based on the removal of the particular faces relied upon in this permit application;
 - iii. Each removed sign has a copy and graphic area of at least 288 square feet and satisfies two (2) or more of the following additional criteria:
 - 1) The removed sign is located adjacent to a highway with more than two (2) regular lanes and with a general speed limit of 45 miles per hour or greater, but that does not have restrictions on access equivalent to that of an interstate highway;
 - 2) All or a substantial portion of the structure for the removed sign was constructed before 1975 and has not been substantially improved;
 - 3) The removed sign is located in a noncommercial zoning district;
 - 4) The removed sign is located in a special planning area designated in the comprehensive plan; or
 - 5) The removed copy and graphic area is equal to or greater than the area of the copy and graphic area for which the enhanced dynamic display permit is sought.

- iv. If the removed sign face is one (1) for which a state permit is required by state law, the applicant must surrender its permit to the state upon removal of the sign. The sign that is the subject of the enhanced dynamic display permit cannot begin to operate until proof is provided to the city that the state permit has been surrendered.
- b) If the applicant complies with the permit requirements noted above, the city will issue an enhanced dynamic display permit for the designated outdoor advertising sign. This permit will allow a dynamic display to occupy 100 percent of the potential copy and graphic area and to change no more frequently than once every eight (8) seconds. The designated sign must meet all other requirements of this ordinance.

Section 2 Subsection 541.21, Subdivision 3 of the Richfield City Code relating to applicable regulations in the Penn Avenue Corridor Overlay District is amended by adding a letter (e) as follows:

- e) Sign Regulations. All sign regulations applicable in the MU-C District, as found in Section 549 of this Code, shall apply in the PAC District with the following additions, qualifications and/or exceptions:
 - (i) Freestanding signs with an area greater than 100 square feet shall not be internally illuminated or contain a dynamic display.
 - (ii) Wall signs may include internally illuminated individual channel letters, and internally illuminated logos not exceeding 25% of the overall wall sign area. Internally illuminated or backlit box signs are prohibited as wall signs in the PAC District.

Section 3 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 22nd day of May, 2018.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

April 5, 2018

Council Memorandum No. 23

Planning Commission Memorandum No. 2

The Honorable Mayor
and
Members of the City Council

Members of the Planning Commission
City of Richfield

Subject: Sign Regulations – Proposed changes to Zoning Code Section 549

Council Members and Commissioners:

On Tuesday, April 10, planning staff will brief policymakers on efforts to update the City's Sign Ordinance, which was last overhauled in 2007. Staff has been considering changes to two sets of regulations – those concerning portable signs and the Penn Avenue Design Guidelines, particularly as they relate to freestanding signs, internally lit signs, and dynamic displays (changeable message signs).

Portable signs – Under the current sign ordinance, portable signs of any kind are prohibited. Staff is looking to gauge policymaker interest in allowing limited types of portable signs, with restrictions on size, placement, and hours of display.

Penn Avenue Design Guidelines – In the Penn Central business district, there are a set of design guidelines that further restrict certain types of signs. These guidelines prohibit internally lit box signs, and staff has interpreted this prohibition to include electronic changeable message signs (also known as dynamic displays). The Penn Avenue Design Guidelines document acknowledges that the size and quantity of signs is perceived to be a visual blight, but these guidelines do not currently include restrictions on height, size or quantity of freestanding signs. Staff is looking to gauge interest in modifying these regulations to allow the use of dynamic displays, while simultaneously introducing stricter limitations on the height, size and quantity of freestanding signs. Staff would also like to discuss if those regulations should apply only in the Penn Central business district, or be applied more broadly to all commercial zoning districts.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:mrB

Email: Assistant City Manager
Department Directors
Assistant Community Development Director



Sign Regulations Update

Work Session – April 10, 2018



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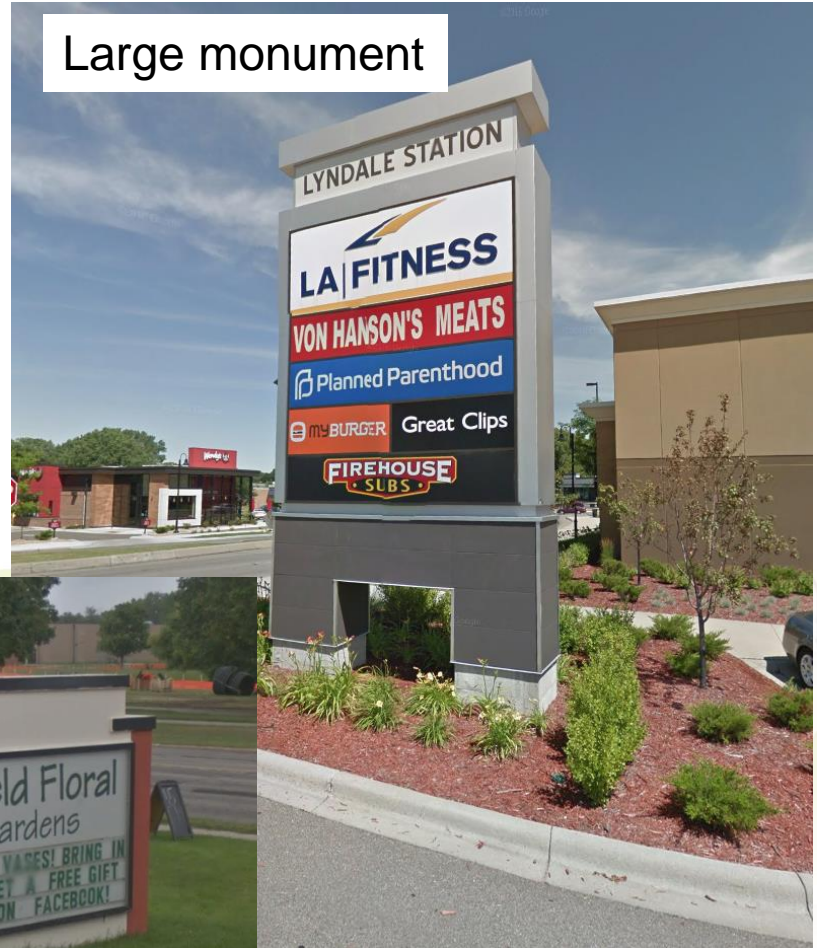
- Signs 101 – types of signs
- Current sign regulations
- Proposed portable sign regulations
- Penn Avenue Design Guidelines & proposed changes
- New regulations: citywide vs. districts
- Discussion / questions

Freestanding signs

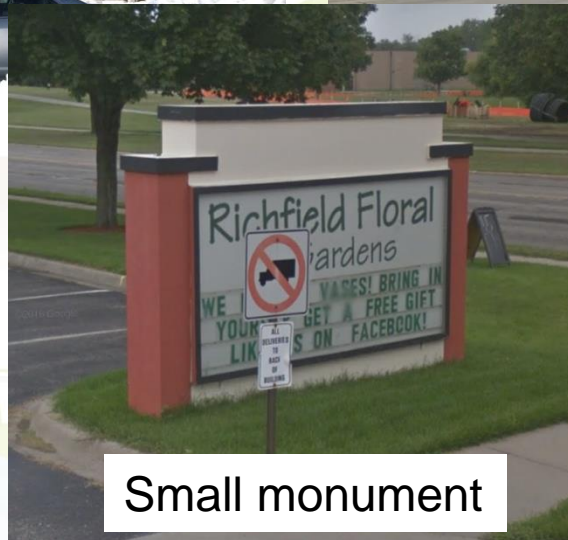


Pylon

Wall



Large monument



Small monument

Portable signs are prohibited

- Sandwich board / A-frame signs
- Sail / flag signs
- Businesses and community orgs have requested flexibility in this blanket policy



Why prohibit portable signs?



Why prohibit portable signs?



Side effect of current policies

- Unlimited ground signs are a nuisance
- Propose limit of two ground signs per lot



Proposed portable sign regulations

- One portable sign permitted per business
- Signs must be located on site of business, no off-premise signs allowed (per current ordinance)
- Signs must be located on private property – Not permitted in public right-of-way (sidewalks, boulevards or medians)
- Signs shall not block any accessible routes for pedestrians/mobility devices, including on private property
- Limited to 4 feet in height and 6 square feet in area, preventing oversized boards or other tall portables (like flag/sail signs, which will remain prohibited)
- Signs shall not be displayed between 10:00pm and 6:00am
- Permit not required

Interim Ordinance – 66th Street construction

- Due to impacts on businesses during 66th Street reconstruction, regulations on temporary signs were relaxed in March 2017.
- Interim ordinance is now expired.
- Propose to give Community Development Director authority to suspend permit fees and time limits on temporary banner signs during major road construction projects.

Penn Avenue Design Guidelines

- Additional sign regulations apply in the Penn Central district (Crosstown to 68th St)
- Adopted in 2008
- Internally lit “box” signs are prohibited
- Staff has interpreted this prohibition to include dynamic displays (LED boards)
- Guidelines do not include any limitations on height or size

Internally lit “box” signs



Oversized and out of scale



Proper scale for Penn Avenue



Adaptation to guidelines

- Internally lit letters
- External lighting



Possible adverse effects of Penn Avenue Design Guidelines

- Nearly all freestanding signs on Penn were made nonconforming in some way
- Externally lit freestanding signs are perceived to be too dimly lit for businesses open in the evening
- Concerns with uniformity of all future signs using “gooseneck” lamp lighting?
(i.e. Davanni’s, Fraser, etc.)

Changes to Penn Guidelines

- Propose to allow dynamic displays (LED boards) with new size restrictions on size
- Re-allow internally lit freestanding signs on Penn Avenue, with restrictions on size

Reduce sign height

- Maximum height – currently 27 feet is the limit for all commercial property regardless of size
- Propose to reduce height to 20 feet
- Exceptions for Planned Unit Developments (Shops at Lyndale, Southdale Square, Lyndale Station, The Hub, etc.)
- Exceptions for properties adjacent to highway (Honda, Audi, backside of Target/Home Depot)

Reduce sign size

- Maximum sign area – currently 200 square feet is the limit for most commercial property regardless of lot size
- Propose to reduce sign size:
 - 100 square feet for properties < 1 acre
 - 150 square feet for properties 1-2 acres
 - 200 square feet for properties >2 acres
- Similar exceptions as outlined for sign height

Reduce quantity of large signs

- There is currently no maximum number of tall freestanding signs
- Propose limit of one tall sign (>8 feet) per lot. No limit on signs below that limit (small monument, directional signs, menu boards, etc.)
- Similar exceptions as outlined for sign height

CVS on Penn



Example of a recent sign with dynamic display – 20' max height

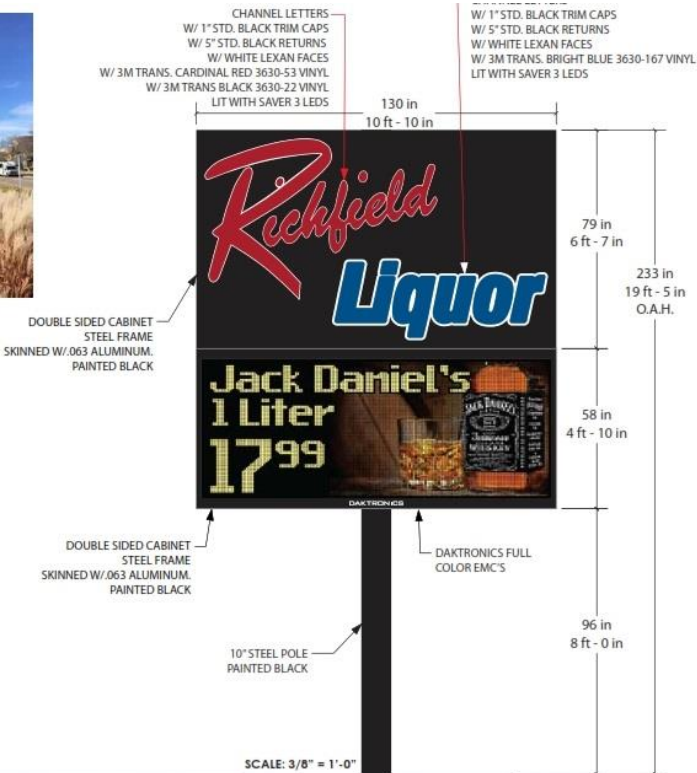
- Lyndale Liquor – 124 square feet



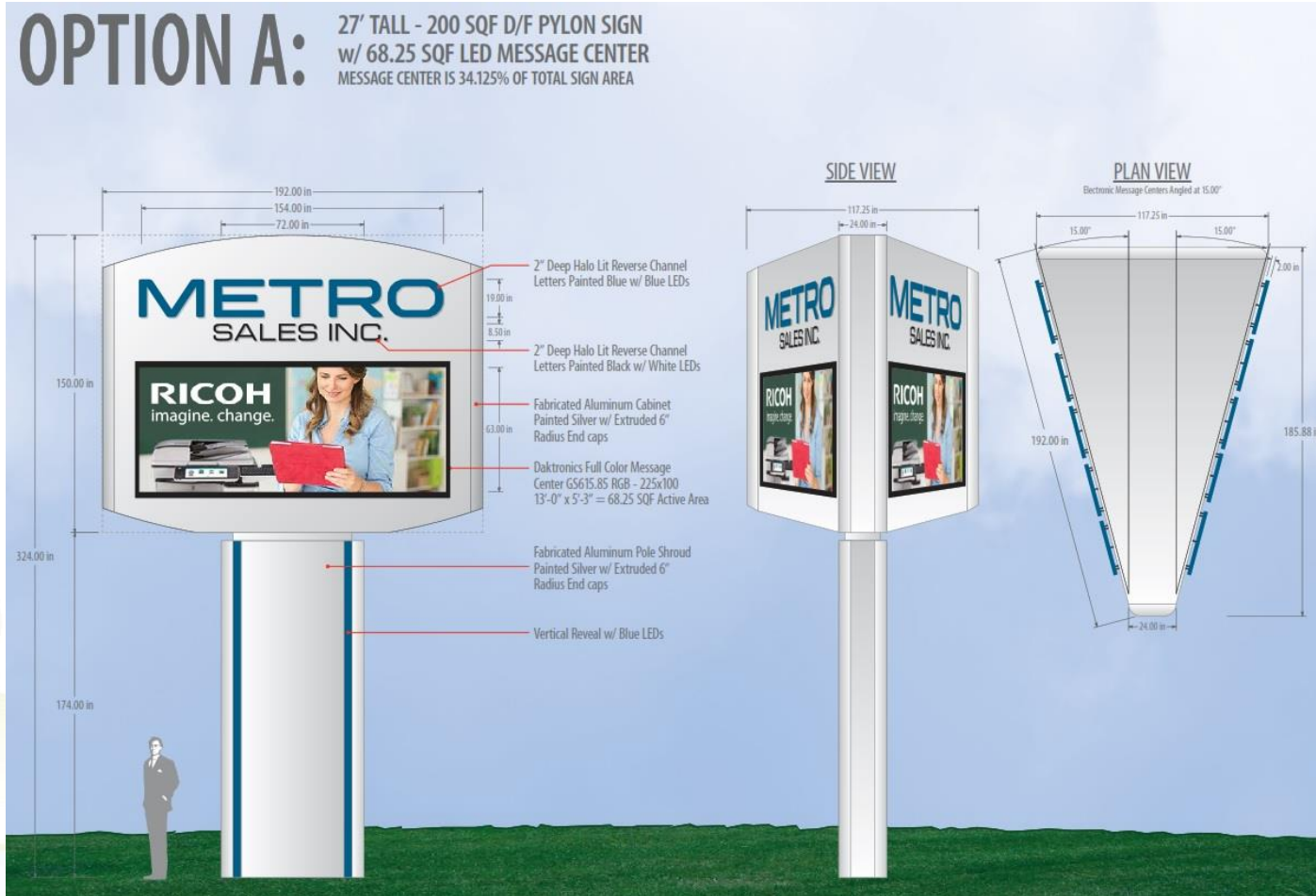
AFTER - SCALE: 5/16" = 1'-0"



BEFORE - NOT TO SCALE



Example of a proposed sign with dynamic display – along 494



Citywide vs. districts

- Staff recommends implementing size and height reductions citywide
- Generally, these updated regulations better reflect the dimensions of most existing signs and avoid the addition of new oversized signage

Not changing

- Maximum sign height or size on large properties (>2 acres), Planned Unit Developments, shopping centers, and properties along highways
- Prohibition on internally lit “box” signs on buildings
- Prohibition on portable signs other than A-frame/sandwich board signs

AGENDA SECTION: Other Business
AGENDA ITEM # 7.
CASE NO.: PC Letter #5



PLANNING COMMISSION MEETING 4/23/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director
3/26/2018

ITEM FOR COMMISSION CONSIDERATION:

Consideration of a motion to reschedule the May Planning Commission meeting to May 29, 2018.

EXECUTIVE SUMMARY:

The regularly scheduled May Planning Commission meeting falls on Monday, May 28, 2018. City offices will be closed on this date for Memorial Day. Staff recommends rescheduling the regular meeting to Tuesday May 29, 2018.

RECOMMENDED ACTION:

By motion: Approve the rescheduling of the regular May Planning Commission meeting from May 28, 2018 to May 29, 2018.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None.

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**

None.

C. **CRITICAL TIMING ISSUES:**

None.

D. **FINANCIAL IMPACT:**

None.

E. **LEGAL CONSIDERATION:**

None.

ALTERNATIVE RECOMMENDATION(S):

None.

PRINCIPAL PARTIES EXPECTED AT MEETING: