PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
OCTOBER 28, 2019
7:00 PM

Call to Order

Approval of minutes of the regular Planning Commission meeting of August 26, 2019.
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 a variance from sign code requirements at Southdale Square shopping center - 2900 66th Street West.

19-VAR-07
3. Public hearing to consider a site plan approval and variances for a proposal to construct a 127-unit apartment building on a portion of the Lunds property at $6200 \& 6228$ Penn Avenue South.
4. Public hearing to consider a request for conditional use permit to allow small wireless facilities in the right-of-way near 6920 Penn Avenue. Cancel public hearing for a small wireless facility at 7108 Lyndale Avenue.

19-CUP-10, 19-CUP-11
5. Continue a public hearing to consider an amendment to the Richfield-Bloomington Honda Conditional Use Permit, Final Development Plans, and Planned Unit Development to November 25, 2019.

19-APUD-05
Other Business
6. Consider a motion to reschedule the December Planning Commission meeting to December 9, 2019.

## 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

7. City Planner's Report
8. Next Meeting Time and Location

- Monday, November 25, 2019, at 7:00 p.m. in the Council Chambers

9. 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.

MEMBERS PRESENT:
MEMBERS ABSENT:
STAFF PRESENT:

# Planning Commission Minutes 

August 26, 2019

Chairperson Allysen Hoberg, Commissioners Bryan Pynn, Sean Hayford Oleary, Peter Lavin, James Rudolph, and Kathryn Quam Commissioner Susan Rosenberg<br>Matt Brillhart, Associate Planner<br>Sadie Gannett, Assistant Planner Chris Regis, Finance Director

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

## APPROVAL OF MINUTES

M/Quam, S/Pynn to approve the minutes of the July 22, 2019 meeting.
Motion carried: 6-0
OPEN FORUM
No members of the public spoke.

## ITEM \#1 APPROVAL OF AGENDA

M/Hayford Oleary, S/Quam to approve the agenda.
Motion carried: 6-0

## OTHER BUSINESS

ITEM \#2
Consideration of the 2021-2024 Capital Improvement Program and a finding of consistency with the Comprehensive Plan of the Capital Improvement Program and the 2020 Capital Improvement Budget.
Associate Planner Matt Brillhart presented the staff report.
Finance Director Chris Regis gave a presentation on the 2020 CIB and 2021-2024 CIP.
Regis provided clarification for Commissioner Lavin and Chair Hoberg on details of the CIB and CIP. Brillhart provided clarification for Chair Hoberg and Commissioner Hayford Oleary regarding the Planning Commission's role in reviewing and voting on the CIB and CIP.

M/Pynn, S/Lavin to recommend approval of the 2021-2024 Capital Improvement Program; and Adopt a resolution finding that the 2020 Capital Improvement Budget and 2021-2024 Capital Improvement Program are consistent with the Comprehensive Plan.
Motion carried: 6-0

## PUBLIC HEARING

## ITEM \#3

Continue a public hearing to consider amendments to City Code Section 500, regarding platting and subdivision regulations
Associate Planner Matt Brillhart presented the staff report.
M/Hayford Oleary, S/Hoberg to continue a public hearing to consider amendments to City Code Section 500.
Motion carried: 6-0

## LIAISON REPORTS

Community Services Advisory Commission: No Report
City Council: No report.
HRA: Commissioner Quam summarized the meeting, which covered budget and project updates. Richfield School Board: Commissioner Rudolph gave an update on school construction projects. Transportation Commission: Commissioner Hayford Oleary gave an update on Lyndale Avenue construction and the $66^{\text {th }}$ St bike ride event.
Chamber of Commerce: No Report.

## CITY PLANNER'S REPORT

Brillhart provided upcoming dates for the next Planning Commission meeting, Penn Fest, a City Council work session on the former Bumper to Bumper property at 6501 Penn Avenue, as well as a joint work session for 6439 Lyndale Avenue. In response to Commissioner Hayford Oleary, Brillhart gave a brief update on the RF64 project status. In response to Commissioner Lavin, Brillhart stated that Housing Manager Julie Urban would have more information regarding the affordable housing proposal at the former City Garage site.

## ADJOURNMENT

M/Pynn, S/Rudolph to adjourn the meeting.
The meeting was adjourned by unanimous consent at 7:28 p.m.
Motion carried: 6-0

Planning Commission Secretary

## PLANNING COMMISSION MEETING

 10/28/2019REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director 10/21/2019

## ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for a variance from sign code requirements at Southdale Square shopping center - 2900 66th Street West.

## EXECUTIVE SUMMARY:

Southdale Square shopping center is located along the north side of 66th Street between Vincent and York Avenues, spanning both sides of the Richfield-Edina border. The Original Mattress Factory ("Applicant") plans to lease a vacant space in the shopping center (located between Red Pepper and Schmitt Music) and has applied for a variance to the City's sign code requirements to permit a wall sign larger than ordinarily allowed by code. In multi-tenant shopping centers, the total area of wall signs for each tenant may not exceed 15 percent of the exterior wall area of the portion of the building occupied by that tenant. The space that the Applicant plans to occupy is much narrower at the storefront entrance ( 20 feet) than at its full width (nearly 50 feet). Because the maximum sign area is based on the width of the tenant space at the exterior wall, this results in a much smaller sign area allowance ( 58.75 square feet) than if it were calculated using the full width of the tenant space ( 146.25 square feet). The Applicant is requesting a variance to instead calculate the sign allowance based on the full width of the space. Granting this variance would allow the Applicant to install the proposed wall sign measuring 144 square feet in area. The unusual shape and layout of the tenant space is a unique circumstance not anticipated by the Zoning Code and staff finds that it is reasonable to provide flexibility in the interpretation of the code to calculate the allowable sign area based on the full width of the tenant space, rather than the narrower storefront entrance.

Finding that the proposal meets all requirements necessary to issue a variance, staff is recommending approval.

## RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Approve a resolution granting a variance from sign code requirements at 2900 66th Street West.

## BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

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

2900 66th Street West is zoned General Commercial (C-2). Sign requirements are established in Zoning Code Section 549.

1. There are "practical difficulties" that prevent the property owner from using the property in a reasonable manner. Strict interpretation of the code would unreasonably limit the size of a wall sign in this location, relative to other tenants in the shopping center. It is reasonable to provide flexibility in the interpretation of the code to calculate the allowable sign area based on the full width of the tenant space, rather than the narrow storefront entrance.
2. There are unusual 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 unusual shape and layout of the tenant space with a narrow entrance is a unique circumstance not anticipated by the Zoning Code.
3. The variance would not alter the character of the neighborhood or the locality. The proposed sign is similar in size to others in the shopping center and would face the parking lot interior, rather than directly onto public streets or the neighborhood.
4. The variance is the minimum necessary to alleviate the practical difficulty. The proposed sign is within the maximum allowable sign area, if calculated based on the full width of the tenant space.
5. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan. The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare.

## C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock 'started' when a complete application was received on October 7, 2019. A decision is required by December 6, 2019 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 on October 17 and mailed to properties within 350 feet of the site.

## ALTERNATIVE RECOMMENDATION(S):

Deny the request with a finding that the proposed variance does not meet requirements.

## PRINCIPAL PARTIES EXPECTED AT MEETING:

Tyler Johnson, Original Mattress Factory

## ATTACHMENTS:

Description

- Resolution
- Plans
- Zoning map

Type
Resolution Letter
Backup Material
Backup Material

## RESOLUTION NO. 235

## RESOLUTION OF THE RICHFIELD PLANNING COMMISSION GRANTING APPROVAL OF A VARIANCE AT 2900 66TH STREET WEST

WHEREAS, an application has been filed with the City of Richfield which requests approval of a variance on the parcel of land commonly known as 2900 66th Street West (the "property") and legally described as:

Lot 1, Block 1, Southdale Square, Hennepin County, Minnesota
WHEREAS, Richfield Zoning Code Subsection 549.23, Subdivision 2 (b) states: "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."

WHEREAS, The Original Mattress Factory ("applicant") has submitted an application requesting a variance from the Zoning Code Subsection listed above, for the purposes of installing a wall sign that would exceed of 15 percent of the wall area; 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 enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, the Planning Commission of the City of Richfield held a public hearing for the requested variance at its October 28, 2019 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

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

With respect to the application for a variance from the above-listed requirements, the Planning Commission makes the following findings:

1. The Planning Commission makes the following general findings:
a. The Property is zoned General Commercial (C-2).
b. The width of the tenant space varies from 20 feet (at exterior wall) to 49 feet 9.5 inches (at widest), and the building height is 19 feet 7 inches. Based on the front exterior wall, the maximum allowable sign area is 58.75 square feet.
c. The proposed sign is approximately 144 square feet in area. A variance from Zoning Code Subsection 549.23, Subd. 2 is required.
2. With respect to the application for a variance from the above-listed requirements, the Planning Commission makes the following findings:
a. Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty. Strict interpretation of the code would unreasonably limit the size of a wall sign in this location, relative to other tenants in the shopping center. It is reasonable to provide flexibility in the interpretation of the code to calculate
the allowable sign area based on the full width of the tenant space, rather than the narrower storefront entrance.
b. Unique circumstances affect the property that were not created by the applicant. The unusual shape and layout of the tenant space with a narrow entrance is a unique circumstance not anticipated by the Zoning Code.
c. Granting a variance will not alter the character of the neighborhood. The proposed sign is similar in size to others in the shopping center and would face into the parking lot interior, rather than directly onto public streets or the neighborhood.
d. The variance requested is the minimum necessary. The proposed sign is within the maximum allowable sign area, if calculated based on the full width of the tenant space.
e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare.
3. Based upon the above findings, a variance to the above-specified requirement is hereby approved according to the terms of Richfield City Code Subsection 509.25, Subd. 3 with the following stipulations:
a) This variance applies only to Suite 2908 within the property; and
b) The dimensions of the wall sign shall not exceed 146.25 square feet; and
c) The recipient of this approval shall record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.11, Subd. 7; and
d) This approval shall expire one year from the date of approval unless the use has commenced.

Adopted by the Planning Commission of the City of Richfield, Minnesota this 28th day of October 2019.

## ATTEST:

Secretary, Richfield Planning Commission


66TH STREET WEST

ROSS M. HEDLUND, CCIM, RPA

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## SOUTHDALE SQUARE + FOR LEASE + SUITE 2908



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$.118^{\prime \prime}$ (White) Acrylic Face w/ $5^{\prime \prime}$ Deep, White Returns, Blue Trim Cap, LED Illuminated Channel Letters

## SIDE VIEW - (MAIN SICN)

Illuminated Face (White . $118^{\prime \prime}$ Acrylic)
(Original) - 3M Olympic Blue Translucent

Illuminated Face (White . $118^{\prime \prime}$ Acrylic)
(Mattress Factory) - 3 D Dual Color BLACK (Day Night)

Fascia

## FRONT VIEW - (MAIN SICN)



Pi
ig ©

MATIRRESS RACTORY.


18



Original  -



## Southdale Square VAR - 10/2019 Surrounding Zoning \& Comprehensive Plan



# PLANNING COMMISSION MEETING 

 10/28/2019REPORT PREPARED BY: Matt Brillhart, Associate Planner / Melissa Poehlman, Asst. CD Director

CITYPLANNER REVIEW:

## ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a site plan approval and variances for a proposal to construct a 127-unit apartment building on a portion of the Lunds property at 6200 \& 6228 Penn Avenue South.

## EXECUTIVE SUMMARY:

Lunds Real Estate (Lunds) has submitted land use applications requesting site plan approval and variances for a six-story, 127 -unit apartment building on a portion of the Lunds property. Over the last several years, Lunds has explored a variety of options for the northwest corner of their property, floating potential uses including a day care and a car wash. In October of 2018, Lunds representatives first presented a concept for apartments to the City Council, HRA, and Planning Commission. While the proposal did not require a neighborhood meeting, Lunds has held two listening sessions with the neighborhood (April 23, 2019 and September 25, 2019). In addition, draft development plans were made available for feedback at the Open Streets on Penn event on September 15, 2019.

Lunds proposes to divide the property into two lots. The apartment building would be developed on the north lot, and the existing Lunds store would remain on the south lot. The property is zoned Mixed Use Community, and is located in the Penn Avenue Corridor Overlay District. The proposal meets all Zoning Code requirements, aside from two variances. Variances are requested for the apartment building's setback distance from Penn Avenue, and for impervious surface coverage on the Lunds store property. Regarding the front yard setback for the apartment building, Code allows a maximum setback of 20 feet. The proposed building setback is 141.6 feet to the east lot line abutting Penn Avenue. Staff finds that it is reasonable to allow a greater building setback for the purposes of maintaining existing traffic and parking circulation patterns for the grocery store, which has operated in this location since 1967. Additionally, this building placement allows the underground parking access to be oriented away from the adjacent residential neighborhood to the west. Regarding impervious surface coverage, the store parcel exceeds by $1 \%$ the maximum allowed coverage of $80 \%$. However, on the overall combined site, impervious coverage would be $78 \%$. Staff finds that it is reasonable to consider the two lots part of a cohesive whole.

The proposed building height ( 6 stories) is within the allowed maximum height in the Penn Avenue Corridor (8 stories). Underground and at-grade parking levels provide parking at ratios that meet Code requirements for both the store and apartment building. The proposed development site and building are attractively designed and landscaped, and would provide a number of amenities to its residents, including a fitness center, community rooms, bicycle storage area, dog run, and outdoor
amenity space on the 2nd floor. The proposal includes an improved public sidewalk on Penn Avenue and pedestrian connections to the store entrance.

Staff finds that the proposed project meets the goals of the Comprehensive Plan and Zoning Code requirements, and therefore recommends approval of the applications.

## RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of a resolution granting site plan approval and variances for an apartment development on the Lunds property at 6200 \& 6228 Penn Avenue South.

## BASIS OF RECOMMENDATION:

## A. HISTORICAL CONTEXT

Over the last 20+ years, the City has undertaken a series of studies related to reinvestment and revitalization of the Penn Avenue corridor. The most recent of these was the Penn Avenue Revitalization Plan, adopted in 2008 and effectuated through the creation of the Penn Avenue Corridor Overlay Zoning District in 2009. The intention of these Plans and the accompanying Design Guidelines has been to encourage redevelopment and investment that would lead to a walkable, attractive, and thriving corridor. To encourage investment, the City has made significant improvements to its own properties (Fire Station 2 and the Liquor Store), as well as partnering with Hennepin County to administer a Façade Improvement Grant Program.

The proposed building would continue the established land use pattern of multifamily residential development on blocks surrounding Penn Avenue, and would be just the second market-rate multifamily apartment building constructed on the City's west side since the 1970s.
B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

Comprehensive Plan
The Comprehensive Plan is an expression of the community's vision for the future. Since the early 1980s, the City's Comprehensive Plan has called for a mix of uses including higher density housing in this area, which would serve as a buffer between commercial uses on Penn Avenue and single-family homes to the west. Subsequent updates of the Comprehensive Plan in 1997, 2008, and 2018 have maintained that mixed use designation. The current Comprehensive Plan calls for a density range of 25-100 housing units per acre in the Penn Avenue Corridor.

## Zoning

The property is zoned Mixed Use Community, and is located in the Penn Avenue Corridor Overlay District. The proposal meets all zoning code requirements, aside from the two variances discussed in the Executive Summary. A full discussion of all applicable review criteria is provided as an attachment to this report - see "Code Requirements / Required Findings".
C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock 'started' when a complete application was received on October 14, 2019. A decision is required by December 13, 2019 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:

The required application fees have been paid.

## 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 on October 17th.


## ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the proposal with modifications.
- Recommend denial of the proposal with findings that requirements are not met.


## PRINCIPAL PARTIES EXPECTED AT MEETING:

## Lunds Real Estate representatives

ATTACHMENTS:

Description

- Resolution
- Required Findings
- Zoning map

D Developer Narrative

- Site Plans
- Landscape Plan (color)
- Elevations \& Floor Plans

D Traffic and Parking Study

Type
Resolution Letter
Exhibit
Backup Material
Backup Material
Exhibit
Backup Material
Backup Material
Backup Material

RESOLUTION NO. $\qquad$

## RESOLUTION APPROVING A SITE PLAN AND VARIANCES FOR A MULTIFAMILY RESIDENTIAL DEVELOPMENT AT 6200 AND 6228 PENN AVENUE SOUTH

WHEREAS, an application has been filed with the City of Richfield which requests approval of a site plan and variances for a multifamily residential development on land ("subject property") that is legally described in the attached Exhibit A; and

WHEREAS, the Planning Commission held a public hearing and recommended approval of the site plan and variances at its October 28, 2019 meeting; and

WHEREAS, notice of the public hearing was published in the Sun Current and mailed to properties within 350 feet of the subject property on October 17, 2019; 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 enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, the request meets those requirements necessary for approving a site plan as specified in Zoning Code Section 547.13, and variances as specified in Section 547.11, as detailed in the "Code Requirements / Required Findings" document included in City Council Staff Report No. $\qquad$ ; and

WHEREAS, the City has fully considered the request for approval of the site plan and 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. Multifamily dwellings 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 proposed density and building height conform to the Comprehensive Plan and Zoning Code.
d. 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 effects upon public safety or the general welfare.
e. In the MU-C District, the maximum allowed front setback is 20 feet. On the apartment parcel, the proposed front setback to Penn Avenue is 141.6 feet. The maximum impervious surface coverage allowed is $80 \%$. On the grocery store parcel, the proposed impervious surface coverage is $81 \%$. Variances from Section 537.07, Subdivision 1 are required.
2. Based on the above findings, a site plan and variances are approved for a multifamily residential development as described in City Council Report No. Approval of the site plan is subject to the following conditions:

- A recorded copy of this resolution must be submitted to the City prior to the issuance of a building permit.
- A preliminary plat must be approved prior to the issuance of a building permit.
- A final plat must be approved and recorded prior to the issuance of a certificate of occupancy.
- Parking \& cross-access easements between the two parcels are required and must be recorded prior to the issuance of a certificate of occupancy.
- Final lighting plans must be submitted to and approved by the Community Development Director. Pedestrian scale lighting shall highlight building entrances. Lighting in the right-of way must be approved by Public Works.
- A revised landscaping plan including tree caliper sizes and quantities that conform to Zoning Code Section 544.03 must be submitted to and approved by the Community Development Director. The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with plans. The inclusion of electrical infrastructure to light trees along Penn Avenue is recommended.
- Final plans for sidewalks and improvements in and along the right-of-way must be submitted to and approved by the Public Works Director. Sidewalk shall continue across the driveway curb cuts, per Public Works requirements. Coordinate boulevard tree species and placement with the City Forester.
- Final stormwater management plans must be submitted to and approved by the Public Works Director. Plans must meet all requirements of the City's Surface Water Management Plan and Richfield Bloomington Water Management Organization. All applicable stormwater fees must be paid to the Public Works Department.
- Final utility plans must be submitted to and approved by the Public Works Director. All new utilities must be underground.
- A maintenance agreement must be executed and approved by the Public Works Director prior to issuance of a Certificate of Occupancy.
- The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated October 10, 2019, and compliance with all other applicable City and State regulations.
- Prior to the issuance of a Certificate of Occupancy, the Developer must submit a surety equal to $125 \%$ of the value of any improvements not yet complete.
- As-builts or $\$ 7,500$ cash escrow must be submitted to the Public Works Department prior to issuance of a final certificate of occupancy.
- This approval does not constitute approval of specific signs. Sign permits are required and must be applied for separately.
- During construction, the applicant shall minimize parking and traffic impacts on public streets related to worker/construction vehicles.

3. The approved site plan and variances shall expire one year from issuance unless the use 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.
4. The approved site plan and variances 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 12 th day of November, 2019.

> Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

## EXHIBIT A

## LEGAL DESRCRIPTION

EXISTING PARCEL DESCRIPTION:
Certificate of Title No: 845282
Par 1: The East 158 feet of the South 160 feet of the North $1 / 2$ of the East $3 / 8$ of the Northeast Quarter of the Northeast Quarter of Section 29, Township 28, Range 24.
Par 2: The East 330 feet of the North $1 / 2$ of the North $1 / 2$ of the Northeast Quarter,
Except the North 175 feet thereof,
Except the South 25 feet of the North 200 feet of the East 300 feet of said Northeast Quarter and except the East 158 feet of the South 160 feet of the North $1 / 2$ of the East $3 / 8$ of the Northeast Quarter of the Northeast Quarter;
all in Section 29, Township 28, Range 24.
Subject to all rights of access being the right of ingress to and egress from the Southerly line of the North 200 feet of the East 330 feet of the Northeast Quarter of said Section as shown in deed Doc No. 656151; (as to Par 2)
Subject to road easement over the West 30 feet and East 33 feet of the South 150 feet of the North 350 feet of the east 330 feet of the Northeast Quarter of the Northeast Quarter of said Section, as shown in deed Doc. No. 661295; (as to Par 2)

Certificate of Title No: 848433

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## 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, including multifamily residential development. Proposed density is within the range of $25-100$ units per acre allowed in the Penn Avenue Corridor.
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 general purposes.
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. A large amount of the existing site is impervious surfaces. The addition of the apartment building and additional store parking will increase impervious surfaces, but overall will comply with regulations. See (g) below regarding tree protection.
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 architecture and site layout of the apartment building is intended to be complementary to the existing Lunds store. Lunds may pursue future upgrades to the store exterior to further enhance this design language connection.
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.

The proposal includes an improved public sidewalk on Penn Avenue and pedestrian connections to the store entrance. Bicycle parking is provided for residents and customers. Parking lot circulation for the existing store is maintained and parking lot screening will be improved by adding trees and shrubs. Underground and at-grade parking levels provide parking at ratios that meet Code requirements for both the store and apartment 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 preserves the existing store building while adding new landscaping areas throughout both properties.
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. The developer must submit a survey of existing trees along the west property line and a tree protection plan. The development must meet all stormwater requirements outlined in the City's Surface Water Management Plan and Richfield Bloomington Water Management Organization.

## Part 2 - Variances:

The applicant is requesting variances from Section 537.07, Subdivision 1.
Apartment parcel - Front building setback ( 20 feet maximum; 42.2 feet proposed to lot line, 141.6 feet proposed to Penn Avenue)

Store parcel - Impervious surface coverage (80\% maximum; 81\% proposed)
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 property owner proposes to add a residential building to the property while causing minimal impact to the existing grocery store, which was built in 1967. Requiring the apartment building to be placed near Penn Avenue would impact access to the grocery store, and would cause the underground parking access for the apartment building to be located on the west side of the building, closer to adjacent residential properties. With regards to impervious surface coverage, the existing property is nearly completely paved over today, with exception to the tree buffer on the west side and parking lot buffers along Penn Avenue. Due to the reduction in size of the store parcel, desire to maintain adequate parking for the store, and dedication of additional right-of-way to improve the sidewalk along Penn Avenue, the impervious surface coverage on the store parcel would slightly exceed $80 \%$. The location of the existing store building and parking lot circulation is a practical difficulty, preventing the property owner from adding a residential building that otherwise fully complies with Zoning Code.
b) There are unusual 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 existing store building was constructed in 1967, prior to the adoption of current Codes. Maintaining the orientation of the store building and parking field, while adding a desired residential use to the property is a unique circumstance. With regards to impervious surface coverage, the division of the property into two parcels is also a unique circumstance. Impervious surface coverage on the combined site complies with the $80 \%$ maximum coverage allowed (net $78 \%$ coverage proposed on combined site).
c) The variance would not alter the character of the neighborhood or the locality. The proposed development is designed to minimize impacts on adjacent properties by orienting vehicular access away from the west side of the property. The proposed development will benefit the surrounding neighborhood and City as a whole by improving circulation on the site and bringing new customers to the Penn Avenue Corridor. Negative impacts related to the granting of these variances are not anticipated.
d) The variance is the minimum necessary to alleviate the practical difficulty. The proposed variances are the minimum necessary to reuse this property. While the apartment building could conceivably be located closer to Penn Avenue than proposed, the variance is the minimum necessary to maintain access, parking, and visibility to the existing grocery store building. The purpose of the maximum setback regulation is to locate new buildings close to the street, to establish a street wall and bring building entrances closer to pedestrians. With regards to impervious surface coverage, the proposed $81 \%$ coverage on the store parcel exceeds code maximums by $1 \%$. Impervious surface coverage on the combined sites complies with the $80 \%$ maximum coverage allowed (net 78\% coverage proposed on combined site).
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 intent of the Zoning Ordinance and Comprehensive Plan as discussed further in Part 1 of this document.

6200-6228 Penn Ave - Lunds Residential - Surrounding Zoning \& Comprehensive Plan


Lund Real Estate Holdings, LLC
Planning and Zoning Application
September 27, 2019

## Project Narrative

a. Basic Description. On the site of the existing Lunds \& Byerlys grocery store located at 6228 Penn Avenue South, Richfield MN, Lund Real Estate Holdings, LLC (LREH) is proposing to develop the following:

1. 127-unit multifamily project
2. 6 Story total building height
3. 175 internal parking spaces (one level below grade and one at grade)
4. Parking lot will be reconfigured to accommodate the new structure
5. Combined parking of interior (175) stalls and exterior (162) stalls totals 337 stalls. City code requires 159 stalls for the multifamily portion of the development and 145 stalls for the grocery store (taking into account the 10\% parking reduction allowable for proximity to public transit service) for a total of 304 stalls. While the total number of proposed parking stalls exceeds city requirements by 33 stalls, the number of surface stalls on the grocery parcel following the re-platting will be 142 (3 less than code requirements); however, an REA will be put in place which will give the grocery parcel access to the surface stalls on the multifamily parcel so the grocery parcel will have sufficient stalls to meet code requirements.
6. Impervious area - Reconfiguration of the parking area along the southeast corner of the grocery lot pushes the grocery site impervious area to $81.7 \%$, exceeding the city requirement of $80 \%$; however, when taking the entire parcel into account, the impervious area for the development remains below the maximum allowed area(total for the site is 78.9\%). As such, LREH requests that reconfiguration of this parking area be granted.
7. Preliminary plat - the site will be re-platted to so that the multifamily project and grocery store will be 2 separate parcels to accommodate separate ownership. REA will be put in place to govern parking, access, sharing of expenses, and other terms and conditions as appropriate.
b. Timing - It is anticipated that construction will begin in spring of 2020 with a completion within 18 months for an opening in Summer/Fall 2021. Parking lot and drive entrance reconfigurations will be staged to accommodate the need for both access and parking for the L\&B store which will remain open throughout the construction period.
c. Effect on adjacent properties - the site is bordered by Highway 62 to the north, Penn Avenue to the east, Aldi Grocery store to the south of the existing Lunds \& Byerlys, so the only properties which might be affected are the single-family homes to the west. In order to have the least affect on these properties, LREH has more than doubled the set back on this side of the project from the required 20 feet to 48 feet. This has the benefit of having the building further away from the homes and it also preserves more of the large trees along the western edge of the property - both items in effect reducing the shadowing on the neighboring properties. Two other design items that reduce the affect on the western neighbors are 1) the location of entrances into the parking garages, and 2) the location of the project's amenity deck. Both of these design elements have been placed in such a way that they are shielded by the building so as to protect the neighbors from any noise or activity related to either. LREH has conducted 2
neighborhood meetings and has arrived as the proposed site plan taking neighborhood concerns into account.

## PRELIMINARY SITE CONSTRUCTION PLANS

FOR
LUND'S MULTIFAMILY RESIDENTIAL
6822 PENN AVENUE SOUTH
RICHFIELD, MINNESOTA

## DORAN

ARCHITECTURE doran companies
803 GLENROY ROAD SUITE 20 BLOOMINGTON, MN 554
(P) -952-288-2066

ENGINEER
N WENCK
WENCK ASSOCIATES, INC. 7500 OLSON MEMORIAL HIG GOLDEN VALLEY, MN 55427
(P) - $763-252-6800$
CONTACT: DAN LAVENDER, P.E.


COVER SHEET

C-001


等


Richfield Lunds \&
Byerlys Apartments Byerlys Apartments


## SITE CONTEXT MAP

NOT TO SCALE
(T) NUMBER OF TRANSIT STOPS WITHIN 0.5 MILE RADIUS OF SITE: 30 APPROXIMATE (AERIAL) DISTANCE FROM SITE TO 3 CLOSEST TRANSIT ATOPS
$1.320^{\prime}$
$2.500^{\prime}$
THER LOCATIONS OF NOTE, AND APPROXIMATE AERIAL DISTANCE FROM

##  <br> 



SITE:

- SHERIDAN HILLS ELEMENTARY SCHOOL (SCHOOL) - 1,250'
- FRASER SCHOOL (SCHOOL) - 660'
- MOTHER DUCK LEARNING CENTER (SCHOOL) - 630'
- MADISON PARK (PARK) - 1,820'
- SHERIDAN PARK (PARK) - 1,800
- EASTSIDE BIBLE BAPTIST CHURCH (CHURCH) - 770'
- UNITED METHODIST CHURCH - PEACH (CHURCH) - 2,240'



## CERTIFICATE OF SURVEY

6228 PENN AVENUE SOUTH, RICHFIELD, MN

EXISTING PARCEL DESCRIPTION:
ar 1: The East 158 feet of the South 160 feet of the North $1 / 2$ of the East $3 / 8$ of the Northest Ouarter of the Northeast
rcept the Noorth 175 feet thereof.

oll in Section 29, Township 28, Ronge 24.

 Cerificicote of Title No: 848433
The North $1 / 2$ of the East $3 / 8$ of the East $1 / 2$ of the North $1 / 2$ of Northesst Quorter;
Section 29, Towsship 28, Ronge
SURVEYORS NOTES:
Bearings shown hereon ond CAD files provided by the surveyor ore in the Hennepin County Coordinote System NA0B3(1)
 SURVEYORS CERTIFICATION
hereby cerifit that this survey wos completed by me or under my direct supervision ond that I om o duy licensed lond surveyor under Clike
$\underset{\text { chris Amburn } \quad 9 / 23 / 20}{\text { Dote }}$


UND FOOD HOLDINGS, INO
Ph.651-485-5




 comp

VNCK



 )
Richifild Lunds \&
Byerlys Apartments


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GRADING PLAN


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Richfield Lunds Byerlys Apartments
,imbencis

THECITY OF RICHFIELD REQUIRES 1 TREE PER 2500 SQUARE FEET AND 1 SHRUB PER 1000 SQUARE FEET OF

|  | Area $(\mathrm{FT})$ |
| :--- | ---: |
| Lot Area | 217,236 |
| Total Impervious Area | 168,08 |
| Developable Landscape Area | 49,228 |

Canopy Trees Required ( 49228 Area/ $/ 2500 \mathrm{FT}^{2}$ ) 20
50


LANDSCAPE PLAN

\&B- DORAN
ARCHITECTURE




\&B- DORAN





RICHFIELD LUNDS SITE
SOUTH \& EAST ELEVATIONS


RICHFIELD LUNDS SITE
NORTH \& WEST ELEVATIONS
PREPARED FOR: LUND REAL ESTATE HOLDINGS, INC




SUMMER SOLSTICE SHADOW, 9 AM WO TREES


SUMMER SOLSTICE SHADOW, 9 AM WITH TREES


SUMMER SOLSTICE SHADOW, 12 PM WO TREES


SUMMER SOLSTICE SHADOW, 12 PM WITH TREES


SUMMER SOLSTICE SHADOW, 4 PM WO TREES


SUMMER SOLSTICE SHADOW, 4 PM WITH TREES


WINTER SOLSTICE SHADOW, 9 AM WO TREES


WINTER SOLSTICE SHADOW, 9 AM WITH TREES


WINTER SOLSTICE SHADOW, 12 PM WO TREES


WINTER SOLSTICE SHADOW, 12 PM WITH TREES


WINTER SOLSTICE SHADOW, 4 PM WO TREES


WINTER SOLSTICE SHADOW, 4 PM WITH TREES
\&B- DORAN
ARCHITECTURE

# Traffic and Parking Study for Lunds and Byerlys Apartments in Richfield, MN 

4100 W. 50th Street Edina, MN 55424

Prepared by:
WENCK Associates, Inc.
1800 Pioneer Creek Center Maple Plain, MN 55359
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Fax: 763-479-4242

## Table of Contents

TABLE OF CONTENTS ..... I
1.0 EXECUTIVE SUMMARY ..... 1-1
2.0 PURPOSE AND BACKGROUND ..... 2-1
3.0 EXISTING CONDITIONS ..... 3-1
4.0 TRAFFIC FORECASTS ..... 4-1
5.0 TRAFFIC ANALYSIS ..... 5-1
6.0 PARKING ANALYSIS ..... 6-1
7.0 CONCLUSIONS AND RECOMMENDATIONS ..... 7-1
8.0 APPENDIX ..... 8-1

## FIGURES

FIGURE 1 PROJECT LOCATION ..... 2-2
FIGURE 2 SITE PLAN ..... 2-3
FIGURE 3 EXISTING CONDITIONS ..... 3-2
FIGURE 4 WEEKDAY AM AND PM PEAK HOUR VOLUMES (ONE-WAY) ..... 4-3
FIGURE 5 WEEKDAY AM AND PM PEAK HOUR VOLUMES (TWO-WAY) ..... 4-4

Edward F. Terhaar
License No. 24441

### 1.0 Executive Summary

The purpose of this Traffic and Parking Study is to evaluate the impacts of the proposed new residential building located at 6228 Penn Avenue S. in Richfield, MN. The project site is located in the existing parking lot area at the Richfield Lunds and Byerlys store.

This study examined weekday a.m. and p.m. peak hour traffic impacts of the proposed redevelopment at the following intersections:

- Penn Avenue/north access
- Penn Avenue/middle access
- Penn Avenue/south access

The proposed project consists of constructing a new apartment building in the existing parking lot area at the Richfield Lunds and Byerlys store. The new building will have 130 dwelling units and 175 underground parking stalls. The project is expected to be completed by the end of 2021.

Under existing conditions, the north access operates as one-way entering, the middle access operates as one-way exiting, and south access operates as one-way exiting. The proposed project includes converting the north and middle access points to two-way traffic flow.

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 47 net trips during the a.m. peak hour, 57 net trips during the p.m. peak hour, and 707 net trips daily.
- Overall, trips generated by the proposed development are expected to have minimal impact on traffic operations on the surrounding street system. From a level of service standpoint, Scenario 1 (two-way traffic) results in slightly better operations than Scenario 2 (one-way traffic). However, both scenarios result in acceptable traffic operations at the access intersections.
- The proposed number of parking spaces can accommodate the expected peak parking demand based on Institute of Transportation Engineers (ITE) data and existing parking usage for the grocery store.


### 2.0 Purpose and Background

The purpose of this Traffic and Parking Study is to evaluate the impacts of the proposed new residential building located at 6228 Penn Avenue S. in Richfield, MN. The project site is located in the existing parking lot area at the Richfield Lunds and Byerlys store. The project location is shown in Figure 1.

This study examined weekday a.m. and p.m. peak hour traffic impacts of the proposed redevelopment at the following intersections:

- Penn Avenue/north access
- Penn Avenue/middle access
- Penn Avenue/south access


## Proposed Development Characteristics

The proposed project consists of constructing a new apartment building in the existing parking lot area at the Richfield Lunds and Byerlys store. The new building will have 130 dwelling units and 175 underground parking stalls.

Under existing conditions, the north access operates as one-way entering, the middle access operates as one-way exiting, and south access operates as one-way exiting. The proposed project includes converting the north and middle access points to two-way traffic flow.

The project is expected to be completed by the end of 2021. The current site plan is shown in Figure 2.



### 3.0 Existing Conditions

The proposed site is a portion of the parking lot for the existing grocery store. The site is bounded by Penn Avenue S. to the east, TH 62 to the north, the existing grocery store to the south, and residential property to the west.

Near the site location, Penn Avenue S. is a four lane undivided roadway with traffic signal control at major intersections. Existing conditions at intersections near the proposed project location are described below and are shown in Figure 3.

## Penn Avenue/north access

This intersection has three legs, with the west leg configured for one-way entering only into the site. The northbound approach provides one left turn/through lane and one through only lane. The southbound approach provides one through/right turn lane and one through only lane.

## Penn Avenue/middle access (minor street stop control)

This intersection has three approaches and is controlled with a stop sign on the eastbound approach. The eastbound approach provides one left turn lane and one right turn lane. The northbound approach provides one left turn/through lane and one through only lane. The southbound approach provides one through/right turn lane and one through only lane. The eastbound approach is configured for one-way exiting from the site.

## Penn Avenue/south access (minor street stop control)

This intersection has three approaches and is controlled with a stop sign on the eastbound approach. The eastbound approach provides one left turn lane and one right turn lane. The northbound approach provides one left turn/through lane and one through only lane. The southbound approach provides one through/right turn lane and one through only lane. The eastbound approach is configured for one-way exiting from the site.

Turn movement data for the intersections was collected during the weekday a.m. (7:009:00 a.m.) and p.m. (4:00-6:00 p.m.) peak periods in September 2019.


### 4.0 Traffic Forecasts

## Traffic Forecast Scenarios

To adequately address the impacts of the proposed project, forecasts and analyses were completed for the year 2022. Specifically, weekday a.m. and p.m. peak hour traffic forecasts were completed for the following scenarios:

- 2019 Existing. Existing volumes were determined through traffic counts at the subject intersections. The existing volume information includes trips generated by the existing grocery store use.
- 2022 No-Build. Existing volumes at the subject intersections were increased by 1.0 percent per year to determine 2022 No-Build volumes. The 1.0 percent per year growth rate was calculated based on recent growth experienced near the site.
- 2022 Build. Trips generated by the proposed development were added to the 2022 No-Build volumes to determine 2022 Build volumes.


## Trip Generation for Proposed Project

Weekday a.m. and p.m. peak hour trip generation for the proposed development were calculated based on data presented in the tenth edition of Trip Generation, published by the Institute of Transportation Engineers (ITE). The resultant trip generation estimates are shown in Table 4-1.

| Land Use | Size | Weekday AM Peak Hour |  |  | Weekday PM Peak Hour |  |  | Weekday Daily |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  | In | Out | Total | In | Out | Total | Total |
| Apartments | 130 DU | 12 | 35 | 47 | 35 | 22 | 57 | 707 |

DU=dwelling unit
As shown, the project adds 47 net trips during the a.m. peak hour, 57 net trips during the p.m. peak hour, and 707 net trips daily.

## Trip Distribution Percentages

Trip distribution percentages for the subject development trips were established based on the nearby roadway network, existing and expected future traffic patterns, and location of the subject development in relation to major attractions and population concentrations.

The distribution percentages for trips generated by the proposed development are as follows:

- 60 percent to/from the north on Penn Avenue
- 40 percent to/from the south on Penn Avenue


## Traffic Volumes

Development trips were assigned to the surrounding roadway network using the preceding trip distribution percentages. Traffic volumes were established for the forecasting scenarios described earlier during the weekday a.m. and p.m. peak hours. The resultant traffic volumes are presented in Figures 4 and 5.



### 5.0 Traffic Analysis

## Intersection Level of Service Analysis

Traffic analyses were completed for the subject intersections for all scenarios described earlier during the weekday a.m. and p.m. peak hours using Synchro software. Initial analysis was completed using existing geometrics and intersection control.

Capacity analysis results are presented in terms of level of service (LOS), which is defined in terms of traffic delay at the intersection. LOS ranges from A to F. LOS A represents the best intersection operation, with little delay for each vehicle using the intersection. LOS F represents the worst intersection operation with excessive delay. The following is a detailed description of the conditions described by each LOS designation:

- Level of service A corresponds to a free flow condition with motorists virtually unaffected by the intersection control mechanism. For a signalized or an unsignalized intersection, the average delay per vehicle would be approximately 10 seconds or less.
- Level of service B represents stable flow with a high degree of freedom, but with some influence from the intersection control device and the traffic volumes. For a signalized intersection, the average delay ranges from 10 to 20 seconds. An unsignalized intersection would have delays ranging from 10 to 15 seconds for this level.
- Level of service C depicts a restricted flow which remains stable, but with significant influence from the intersection control device and the traffic volumes. The general level of comfort and convenience changes noticeably at this level. The delay ranges from 20 to 35 seconds for a signalized intersection and from 15 to 25 seconds for an unsignalized intersection at this level.
- Level of service D corresponds to high-density flow in which speed and freedom are significantly restricted. Though traffic flow remains stable, reductions in comfort and convenience are experienced. The control delay for this level is 35 to 55 seconds for a signalized intersection and 25 to 35 seconds for an unsignalized intersection.
- Level of service E represents unstable flow of traffic at or near the capacity of the intersection with poor levels of comfort and convenience. The delay ranges from 55 to 80 seconds for a signalized intersection and from 35 to 50 seconds for an unsignalized intersection at this level.
- Level of service F represents forced flow in which the volume of traffic approaching the intersection exceeds the volume that can be served. Characteristics often experienced include long queues, stop-and-go waves, poor travel times, low comfort and convenience, and increased accident exposure. Delays over 80 seconds for a signalized intersection and over 50 seconds for an unsignalized intersection correspond to this level of service.

The LOS results for the study intersections are discussed below.
Scenario 1 - North and middle access changed to two-way, south access remains one-way (preferred option)

Penn Avenue/north access (driveway stop control) - During the a.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS A. The overall intersection operates at LOS A for all scenarios.

During the p.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS A. The overall intersection operates at LOS A for all scenarios.

Penn Avenue/middle access (driveway stop control) - During the a.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS C or better. The overall intersection operates at LOS A for all scenarios.

During the p.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS C or better. The overall intersection operates at LOS A for all scenarios.

Penn Avenue/south access (driveway stop control) - During the a.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS C or better. The overall intersection operates at LOS A for all scenarios.

During the p.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS C or better. The overall intersection operates at LOS A for all scenarios.

## Scenario 2 - Existing one-way driveway operations

Penn Avenue/north access (driveway stop control) - During the a.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS A. The overall intersection operates at LOS A for all scenarios.

During the p.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS A. The overall intersection operates at LOS A for all scenarios.

Penn Avenue/middle access (driveway stop control) - During the a.m. peak hour under existing and 2022 No-Build conditions, all movements operate at LOS C or better. Under 2022 Build conditions, the eastbound left turn operates at LOS D while all other movements operate at LOS C or better. The overall intersection operates at LOS A for all scenarios.

During the p.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS C or better. The overall intersection operates at LOS A for all scenarios.

Penn Avenue/south access (driveway stop control) - During the a.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS C or better. The overall intersection operates at LOS A for all scenarios.

During the p.m. peak hour under existing, 2022 No-Build, and 2022 Build conditions, all movements operate at LOS C or better. The overall intersection operates at LOS A for all scenarios.

## Overall Traffic Impact

Overall, trips generated by the proposed development are expected to have minimal impact on traffic operations on the surrounding street system. From a level of service standpoint, Scenario 1 (two-way traffic) results in slightly better operations than Scenario 2 (one-way traffic). However, both scenarios result in acceptable traffic operations at the access intersections.

### 6.0 Parking Analysis

The proposed apartment building will be constructed in the northwest quadrant of the property in space that is currently used for parking. Under existing conditions there are 229 striped parking spaces on the site. The proposed project includes 175 underground spaces and 160 surface spaces, for a total of 335 on-site parking spaces.

## Parking Demand Calculations

Parking data from the Institute of Transportation Engineers (ITE) was used to determine the expected peak parking demand for the apartment building. Data provided in the ITE publication Parking Generation, $5^{\text {th }}$ Edition, indicates that the peak parking demand for the apartment is 153 spaces on a weekday and 143 spaces on a Saturday.

## Existing Parking Usage

Existing parking usage for the grocery store was surveyed on three weekdays and one Saturday in September 2019. The results of the surveys are shown in Table 2.

Table 2
Existing On-Site Parking Usage

$\left.$| Date and Time of Day | $\begin{array}{c}\text { Total On-Site } \\ \text { (229 total spaces) }\end{array}$ |  |
| :---: | :---: | :---: |
| Spaces |  |  |
| used |  |  | \(\left.\begin{array}{c}Spaces <br>

open\end{array} \right\rvert\, $$
\begin{array}{cc}\hline \text { Tuesday September 10, 2019 } \\
12: 10 \text { pm }\end{array}
$$\right)\)

For the overall site, there was a maximum of 98 spaces used on September $21^{\text {st }}$ and a minimum of 70 spaces used on September $12^{\text {th }}$.

## Overall Parking Impact

Data provided in the ITE publication Parking Generation, $5^{\text {th }}$ Edition, indicates the grocery store and apartment uses peak at different times during the day. Based on the ITE data, the peak weekday parking demand occurs between 6 a.m. and 8 a.m. The peak parking demand during that time period is 199 spaces. On a Saturday, the peak parking demand occurs between $8 \mathrm{a} . \mathrm{m}$. and $11 \mathrm{a} . \mathrm{m}$. The peak parking demand during that time is 210 spaces.

The 335 spaces provided is 136 spaces greater than the calculated peak weekday demand and 125 spaces greater than the calculated peak Saturday demand. Based on these calculations, the amount of proposed parking is adequate.

### 7.0 Conclusions and Recommendations

The conclusions drawn from the information and analyses presented in this report are as follows:

- The proposed development is expected to generate 47 net trips during the a.m. peak hour, 57 net trips during the p.m. peak hour, and 707 net trips daily.
- Overall, trips generated by the proposed development are expected to have minimal impact on traffic operations on the surrounding street system. From a level of service standpoint, Scenario 1 (two-way traffic) results in slightly better operations than Scenario 2 (one-way traffic). However, both scenarios result in acceptable traffic operations at the access intersections.
- The proposed number of parking spaces can accommodate the expected peak parking demand based on Institute of Transportation Engineers (ITE) data and existing usage for the grocery store.


## PLANNING COMMISSION MEETING 10/28/2019

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITYPLANNER REVIEW:

## ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for conditional use permit to allow small wireless facilities in the right-of-way near 6920 Penn Avenue. Cancel public hearing for a small wireless facility at 7108 Lyndale Avenue.

## EXECUTIVE SUMMARY:

SAC Wireless, on behalf of AT\&T ("Applicant"), is requesting approval of a conditional use permit (CUP) to allow the installation of a small wireless facility in a residential area. The Applicant is proposing to replace a City-owned light pole adjacent to 6920 Penn Avenue with a new pole that will accommodate the attachment of the small wireless facility. The request for a similar installation at 7108 Lyndale Avenue was withdrawn by the Applicant.

The 6920 Penn Avenue site was identified by AT\&T's radiofrequency engineers as an area where cellular coverage is lacking and where light poles, utility poles, or other structures that could feasibly hold a small wireless facility are present. The proposed small wireless facility is able to fill a "pocket" of poor cellular coverage that signals from a traditional tower cannot reach.

In order to approve a conditional use permit, the Council must find that the request is consistent with the purpose and goals of the City's Comprehensive Plan and Zoning Code; complies with applicable performance standards; and will not cause "undue adverse impacts" on governmental facilities, utilities, or services; or on the public health, safety, or welfare.

Finding that the proposal meets requirements, staff recommends approval of the conditional use permit for a small wireless facility at 6920 Penn Avenue.

## RECOMMENDED ACTION:

1. Cancel a public hearing related to a request for a conditional use permit for a small wireless facility at 7108 Lyndale Avenue; and
2. Conduct and close a public hearing and by motion: Recommend approval of a conditional use permit to allow a small wireless facilities in the right-of-way near 6920 Penn Avenue.

## BASIS OF RECOMMENDATION:

## A. HISTORICAL CONTEXT

State law gives "telecommunications right of way users" the right to install facilities in the right of way. This right is subject to local governmental authority to manage right of way permitting. In

2017, the Minnesota Legislature amended the definition of a "telecommunications right of way user" to include persons deploying facilities to provide "wireless service." Wireless providers may deploy a "small wireless facility" or a "wireless support structure" in the right-of-way.

While the City's authority to deny permits in the right-of-way is limited, cities may make such facilities or structures a conditional use in right of way located in "a district or area zoned for single-family residential use or within a historic district." The City Council held a work session to discuss this issue on July 25, 2017 and directed City staff to move forward with an amendment to make these facilities a conditional use in single-family residential areas.

In July 2019, the Planning Commission reviewed applications for wireless facilities at 5 other sites throughout the City. The City Council approved CUPs for those locations in August.

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

- Small wireless facilities are a conditionally permitted use in the Single-Family Residential ( R ) and Low Density Single-Family Residential (R-1) Districts.
- The Federal Communications Commission (FCC) has established guidelines for human exposure to Radio Frequency Electromagnetic Fields. Separate evaluations of each individual site are included as attachments to this report. All sites will comply with established FCC guidelines.
- The City Attorney's Office has advised that in order to reject an application based on health impacts, the City would have to show (with evidence) that the Federal Government's ruling on the allowable exposure limits is wrong.
- A full discussion of general CUP requirements and required findings can be found as an attachment to this report.
C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60 -day clock 'started' when a complete application was received on October 15 , 2019. A decision is required by December 14, 2019 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 on October 17, 2019.
- Council consideration has been tentatively scheduled for November 12, 2019.


## ALTERNATIVE RECOMMENDATION(S):

- None


## PRINCIPAL PARTIES EXPECTED AT MEETING:

Joe Goldshlack, applicant for SAC Wireless on behalf of AT\&T

## ATTACHMENTS:

## Description

- Resolution-Penn
- Required Findings
- Site Plans
- Zoning map

D Frequency Study - 6920 Penn Ave

Type
Resolution Letter
Backup Material
Backup Material
Backup Material
Backup Material

## RESOLUTION NO.

## RESOLUTION APPROVING <br> A CONDITIONAL USE PERMIT TO ALLOW A SMALL WIRELESS FACILITY IN THE RIGHT-OF-WAY ADJACENT TO 6920 PENN AVENUE

WHEREAS, an application has been filed with the City of Richfield which requests a conditional use permit for a small wireless facility to be co-located on a city-owned light pole in the right-of-way on land generally located at 6920 Penn Avenue, legally described as:

That part of Penn Avenue South adjacent to Lot 6, Block 16, "Tingdale Bros.' Lincoln Hills 3rd Addition", Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing for the requested conditional use permit at its October 28, 2019 meeting; and

WHEREAS, the Planning Commission recommended approval of the conditional use permit for a small wireless facility; and

WHEREAS, notice of the public hearing was published in the Sun Current on October 17, 2019 and mailed to properties within 350 feet of the subject property on October 15, 2019; and;

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield's Zoning Code, Subsection 547.09; 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 conditional use permit is issued to allow a small wireless facility on the Subject Property legally described above.
3. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City's Zoning Ordinance:
a) The recipient of this approval shall record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.11, Subd. 7; and
b) The applicant is responsible for obtaining all required permits, and for compliance with all other City and State regulations.
c) Approval does not constitute approval of the Small Cell Pole Attachment permit required by the Public Works Department or the Electrical Permit required by the Inspections Department.
d) Separate approval of an antenna permit is not required.
4. The conditional use permit shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been
issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
5. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of November, 2019.

ATTEST:

Elizabeth VanHoose, City Clerk

## Code Requirements / Required Findings

Part 1 - Conditional Use Permit: The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan. This requirement is met. The location of the facility is designated as "Low-Density Residential". The Utilities section of the Comprehensive Plan states that the provision of public and private utilities is essential to a thriving, healthy community. This proposal to upgrade privately owned wireless equipment is consistent with the Comprehensive Plan.
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. This requirement is met. The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. The proposed use is not inconsistent with these intentions. The property is in the Single-Family Residential ( R ) District. The purpose of the $R$ District is to provide residential locations that are safe, attractive and quiet. The proposed use of attaching a small wireless facility to an existing pole in the right-of-way does not pose threat to this and is conditionally permitted in this district. Given that there is not currently an excessive concentration of small wireless facilities in this location, this requirement is met.
3. The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines. There are no specific redevelopment plans that apply to the properties.
4. The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code. Section 544 of the code does not apply to small wireless facilities in the Single-Family Residential Districts.
5. The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements. Small wireless facilities located in the right-of-way require a permit from Public Works and are required to meet certain conditions. The facility will be co-located with existing utilities. The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any issues.
6. The use will not have undue adverse impacts on the public health, safety, or welfare. No adverse impacts are anticipated.
7. There is a public need for such use at the proposed location. Maintaining and providing up-to-date wireless facilities at multiple locations is necessary to maintain a thriving community.
8. The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit. This requirement is met.






# SAC Wireless, LLC on behalf of AT\&T Mobility, LLC <br> Site FA - 14826408 <br> USID - 215061 <br> Site Name - <br> CRAN_RUMW_SDALE_009 (MRUMW030809) <br> 6920 PENN AVENUE SOUTH <br> RICHFIELD, MN 55423 

Latitude: N44-52-38.50
Longitude: W93-18-31.36
Structure Type: Light Pole
Report generated date: May 3, 2019
Report by: Scott Broyles
Customer Contact: Ryan Peck

AT\&T Mobility, LLC will be compliant when the remediation recommended in Section 5.2 or other appropriate remediation is implemented.

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## Table of Contents

1 GENERAL SITE SUMMARY ..... 3
1.1 Report Summary ..... 3
1.2 Fall Arrest Anchor Point Summary ..... 3
1.3 Signage Summary ..... 4
2 SCALE MAPS OF SITE ..... 5
3 ANTENNA INVENTORY ..... 7
4 EMISSION PREDICTIONS ..... 8
5 SITE COMPLIANCE ..... 11
5.1 Site COMPLIANCE STATEMENT ..... 11
5.2 Actions for Site Compliance ..... 11
6 REVIEWER CERTIFICATION ..... 12
APPENDIX A - STATEMENT OF LIMITING CONDITIONS ..... 13
APPENDIX B - REGULATORY BACKGROUND INFORMATION ..... 14
FCC Rules and Regulations ..... 14
OSHA Statement ..... 15
APPENDIX C - SAFETY PLAN AND PROCEDURES ..... 16
APPENDIX D - RF EMISSIONS ..... 17
APPENDIX E - ASSUMPTIONS AND DEFINITIONS ..... 18
General Model Assumptions ..... 18
Use of Generic Antennas ..... 18
APPENDIX F - DEFINITIONS ..... 19
APPENDIX G - REFERENCES ..... 21

## 1 General Site Summary

### 1.1 Report Summary

| AT\&T Mobility, LLC | Summary |
| :--- | :--- |
| Max Cumulative Simulated RFE Level on the <br> Ground | $<1 \%$ General Public Limit |
| Compliant per FCC Rules and Regulations? | Will Be Compliant |
| Compliant per AT\&, Mobility, LLC's Policy? | No |

The following documents were provided by the client and were utilized to create this report:

RFDS: 215061_CRAN_RUMW_SDALE_009_MRUMW030809_RFDS 4.16.19
CD's: 215061_CRAN_RUMW_SDALE_009_MRUMW030809_CDS REV_A
RF Powers Used: Customer power used

### 1.2 Fall Arrest Anchor Point Summary

| Fall Arrest <br>  <br> Parapet Info | Parapet Available <br> (Y/N) | Parapet Height <br> (inches) | Fall Arrest Anchor <br> Available (Y/N) |
| :---: | :--- | :--- | :--- |
| Roof Safety Info | N | $\mathrm{N} / \mathrm{A}$ | N |

### 1.3 Signage Summary

a. Pre-Site Visit AT\&T Signage (Existing Signage)

b. Proposed AT\&T Signage

| AT\&T Signage Locations |  |  |  |  | $0$ | $\begin{array}{\|c\|} \hline \text { ancan } \\ \hline 90 \\ \hline \end{array}$ |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Information 1 | Information 2 | Notice | Notice 2 | Caution | Caution 2 | Warning | Warning 2 | Barriers |
| Access <br> Point(s) |  |  |  |  |  |  |  |  |  |
| Alpha |  |  |  |  |  |  |  |  |  |
| Beta |  |  |  |  |  |  |  |  |  |
| Gamma |  |  |  |  |  |  |  |  |  |
| Delta |  |  |  |  |  |  |  |  |  |
| Epsilon |  |  |  |  |  |  |  |  |  |

## 2 Scale Maps of Site

The following diagrams are included:

- Site Scale Map
- RF Exposure Diagram
- RF Exposure Diagram - Elevation View

Site Scale Map For: CRAN_RUMW_SDALE_009


## 3 Anfenna Inventory

The following antenna inventory was obtained by the customer and was utilized to create the site model diagrams:

|  | Anienna Make \& Model | Type | TX Freq (MHz) | Technology | $\begin{gathered} \mathrm{Az} \\ \text { (Deg) } \end{gathered}$ | Hor BW (Deg) | Ant Len <br> (fi) | Power | Power Type | Power Unif | Misc Loss | TX Count | Toial ERP (Waths) | $\begin{array}{\|c} \text { Ant } \\ \text { (d } \end{array}$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| .C | Ace Technology <br> ACOM-2F15D-12P | Omni | 1900 | LTE | 0 | 360 | 2 | 57.25 | TPO | dBmW | 0 | 1 | 2636.3 | 6. |
| . $C$ | Ace Technology <br> ACOM-2F15D-12P | Omni | 2100 | LTE | 0 | 360 | 2 | 57.95 | TPO | dBmW | 0 | 1 | 3243.4 | 7. |
| . C | Ace Technology <br> ACOM-2F15D-12P | Omni | 5150 | LTE | 0 | 360 | 2 | 34.95 | TPO | dBmW | 0 | 1 | 5.4 | 2. |

Note: The $Z$ reference indicates the bottom of the antenna height above the main site level unless otherwise indicated. Effective Radiated Power (ERP) is provided by the operator or based on Sitesafe experience. The values used in the modeling may be greater than are currently deployed.

## 4 Emission Predictions

In the RF Exposure Simulations below all heights are reflected with respect to main site level. In most rooftop cases this is the height of the main rooftop and in other cases this can be ground level. Each different height area, rooftop, or platform level is labeled with its height relative to the main site level. Emissions are calculated appropriately based on the relative height and location of that area to all antennas. The total analyzed elevations in the below RF Exposure Simulations are listed below.

- Ground $=0^{\prime}$

The Antenna Inventory heights are referenced to the same level.

## RF Exposure Simulation For: CRAN_RUMW_SDALE_009 Composite View



RF Exposure Simulation For: CRAN_RUMW_SDALE_009
Elevation View

\% of FCC Public Exposure Limit
Spatial average 0' - 6'


## 5 Site Compliance

### 5.1 Site Compliance Statement

Upon evaluation of the cumulative RF emission levels from all operators at this site, RF hazard signage and antenna locations, Sitesafe has determined that:

AT\&T Mobility, LLC will be compliant when the remediation recommended in Section 5.2 or other appropriate remediation is implemented.

The compliance determination is based on General Public RFE levels derived from theoretical modeling, RF signage placement, proposed antenna inventory and the level of restricted access to the antennas at the site. Any deviation from the AT\&T Mobility, LLC's proposed deployment plan could result in the site being rendered non-compliant.

Modeling is used for determining compliance and the percentage of MPE contribution.

### 5.2 Actions for Site Compliance

Based on FCC regulations, common industry practice, and our understanding of AT\&T Mobility, LLC RF Safety Policy requirements, this section provides a statement of recommendations for site compliance. Recommendations have been proposed based on our understanding of existing access restrictions, signage, and an analysis of predicted RFE levels.

AT\&T Mobility, LLC will be made compliant if the following changes are implemented:

## Light Pole Access Location

No Signs - Controlled access to the structure should be implemented by AT\&T and the structure owner.

Notes:

- The area with the potential to exceed the General Public MPE limits is extends beyond 16' from the antenna. Sitesafe would normally recommend the appropriate RF signage on the structure at the vertical safe distance below the antenna; however, per AT\&T's signage policy, no signage should be recommended in this instance and controlled access to the structure should be implemented by AT\&T and the structure owner.
- MPE is calculated to be $15,113.26$ at the antenna level and MPE safe Distance is $27^{\prime}$ Horizontal and $4^{\prime}$ vertical.
- Signage may already be in place. Sitesafe does not have record of any existing signage because there were no previous visits or data supplied regarding them. All remediation is based on a worst-case scenario.


## 6 Reviewer Certification

The reviewer whose signature appears below hereby certifies and affirms:

That I am an employee of Site Safe, LLC, in Vienna, Virginia, at which place the staff and I provide RF compliance services to clients in the wireless communications industry; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission (FCC) as well as the regulations of the Occupational Safety and Health Administration (OSHA), both in general and specifically as they apply to the FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields; and

That I have thoroughly reviewed this Site Compliance Report and believe it to be true and accurate to the best of my knowledge as assembled by and attested to by Scott Broyles.

May 3, 2019

## Richard Kurtanich

## Appendix A - Statement of Limiting Conditions

Sitesafe has provided computer generated model(s) in this Site Compliance Report to show approximate dimensions of the site, and the model is included to assist the reader of the compliance report to visualize the site area, and to provide supporting documentation for Sitesafe's recommendations.

Sitesafe may note in the Site Compliance Report any adverse physical conditions, such as needed repairs, that Sitesafe became aware of during the normal research involved in creating this report. Sitesafe will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because Sitesafe is not an expert in the field of mechanical engineering or building maintenance, the Site Compliance Report must not be considered a structural or physical engineering report.

Sitesafe obtained information used in this Site Compliance Report from sources that Sitesafe considers reliable and believes them to be true and correct. Sitesafe does not assume any responsibility for the accuracy of such items that were furnished by other parties. When conflicts in information occur between data collected by Sitesafe provided by a second party and data collected by Sitesafe, the data will be used.

## Appendix B - Regulatory Background Information

## FCC Rules and Regulations

In 1996, the Federal Communications Commission (FCC) adopted regulations for the evaluating of the effects of RF emissions in 47 CFR § 1.1307 and 1.1310. The guideline from the FCC Office of Engineering and Technology is Bulletin 65 ("OET Bulletin 65"), Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, Edition 97-01, published August 1997. Since 1996 the FCC periodically reviews these rules and regulations as per their congressional mandate.

FCC regulations define two separate tiers of exposure limits: Occupational or "Controlled environment" and General Public or "Uncontrolled environment". The General Public limits are generally five times more conservative or restrictive than the Occupational limit. These limits apply to accessible areas where workers or the general public may be exposed to Radio Frequency (RF) electromagnetic fields.

Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure.

An area is considered a Controlled environment when access is limited to these aware personnel. Typical criteria are restricted access (i.e. locked or alarmed doors, barriers, etc.) to the areas where antennas are located coupled with proper RF warning signage. A site with Controlled environments is evaluated with Occupational limits.

All other areas are considered Uncontrolled environments. If a site has no access controls or no RF warning signage it is evaluated with General Public limits.

The theoretical modeling of the RF electromagnetic fields has been performed in accordance with OET Bulletin 65. The Maximum Permissible Exposure (MPE) limits utilized in this analysis are outlined in the following diagram:

FCC Limits for Maximum Permissible Exposure (MPE)
Plane-wave Equivalent Power Density


Limits for Occupational/Controlled Exposure (MPE)

| Frequency <br> Range <br> $(\mathrm{MHz})$ | Electric <br> Field <br> Strength $(E)$ <br> $(\mathrm{V} / \mathrm{m})$ | Magnetic <br> Field <br> Strength <br> $(\mathrm{H})(\mathrm{A} / \mathrm{m})$ | Power <br> Density $(\mathrm{S})$ <br> $\left(\mathrm{mW} / \mathrm{cm}^{2}\right)$ | Averaging Time $\|E\|^{2}$, <br> $\|\mathrm{H}\|^{2}$ or S (minutes) |
| :--- | :--- | :--- | :--- | :--- |
| $0.3-3.0$ | 614 | 1.63 | $(100)^{*}$ | 6 |
| $3.0-30$ | $1842 / \mathrm{f}$ | $4.89 / \mathrm{f}$ | $\left(900 / \mathrm{f}^{2}\right)^{*}$ | 6 |
| $30-300$ | 61.4 | 0.163 | 1.0 | 6 |
| $300-1500$ | -- | - | $\mathrm{f} / 300$ | 6 |
| $1500-$ | -- | - | 5 | 6 |
| 100,000 |  |  |  |  |


| Limits for General Population/Uncontrolled Exposure (MPE) |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| Frequency <br> Range <br> (MHz) | Electric <br> Field <br> Strength (E) <br> (V/m) | Magnetic <br> Field <br> Strength <br> ( H ) $(\mathrm{A} / \mathrm{m})$ | Power <br> Density (S) <br> (mW/cm ${ }^{2}$ ) | Averaging Time $\|\mathrm{E}\|^{2}$, <br> $\|\mathrm{H}\|^{2}$ or $S$ (minutes) |
| 0.3-1.34 | 614 | 1.63 | (100)* | 30 |
| 1.34-30 | 824/f | 2.19/f | (180/f²)* | 30 |
| 30-300 | 27.5 | 0.073 | 0.2 | 30 |
| 300-1500 | -- | -- | f/1500 | 30 |
| 1500- | -- | -- | 1.0 | 30 |
| 100,000 |  |  |  |  |
| $\mathrm{f}=$ frequency in $\mathrm{MHz} \quad$ *Plane-wave equivalent power density |  |  |  |  |

## OSHA Statement

The General Duty clause of the OSHA Act (Section 5) outlines the occupational safety and health responsibilities of the employer and employee. The General Duty clause in Section 5 states:
(a) Each employer -
(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
(2) shall comply with occupational safety and health standards promulgated under this Act.
(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OSHA has defined Radiofrequency and Microwave Radiation safety standards for workers who may enter hazardous RF areas. Regulation Standards 29 CFR § 1910.147 identify a generic Lockout/Tagout procedure aimed to control the unexpected energization or startup of machines when maintenance or service is being performed.

## Appendix C - Safety Plan and Procedures

The following items are general safety recommendations that should be administered on a site by site basis as needed by the carrier.

General Maintenance Work: Any maintenance personnel required to work immediately in front of antennas and / or in areas indicated as above $100 \%$ of the Occupational MPE limits should coordinate with the wireless operators to disable transmitters during their work activities.

Training and Qualification Verification: All personnel accessing areas indicated as exceeding the General Population MPE limits should have a basic understanding of EME awareness and RF Safety procedures when working around transmitting antennas. Awareness training increases a worker's understanding to potential RF exposure scenarios. Awareness can be achieved in a number of ways (e.g. videos, formal classroom lecture or internet-based courses).

Physical Access Control: Access restrictions to transmitting antennas locations is the primary element in a site safety plan. Examples of access restrictions are as follows:

- Locked door or gate
- Alarmed door
- Locked ladder access
- Restrictive Barrier at antenna (e.g. Chain link with posted RF Sign)

RF Signage: Everyone should obey all posted signs at all times. RF signs play an important role in properly warning a worker prior to entering into a potential RF Exposure area.

Assume all antennas are active: Due to the nature of telecommunications transmissions, an antenna transmits intermittently. Always assume an antenna is transmitting. Never stop in front of an antenna. If you have to pass by an antenna, move through as quickly and safely as possible thereby reducing any exposure to a minimum.

Maintain a 3 foot clearance from all antennas: There is a direct correlation between the strength of an EME field and the distance from the transmitting antenna. The further away from an antenna, the lower the corresponding EME field is.

Site RF Emissions Diagram: Section 4 of this report contains an RF Diagram that outlines various theoretical Maximum Permissible Exposure (MPE) areas at the site. The modeling is a worst-case scenario assuming a duty cycle of $100 \%$ for each transmitting antenna at full power. This analysis is based on one of two access control criteria: General Public criteria means the access to the site is uncontrolled and anyone can gain access. Occupational criteria means the access is restricted and only properly trained individuals can gain access to the antenna locations.

## Appendix D - RF Emissions

The RF Emissions Simulation(s) in this report display theoretical spatially averaged percentage of the Maximum Permissible Exposure for all systems at the site unless otherwise noted. These diagrams use modeling as prescribed in OET Bulletin 65 and assumptions detailed in Appendix E .

The key at the bottom of each RF Emissions Simulation indicates percentages displayed referenced to FCC General Public Maximum Permissible Exposure (MPE) limits. Color coding on the diagram is as follows:

- Areas indicated as Gray are predicted to be below $5 \%$ of the MPE limits. Gray represents areas more than 20 times below the most conservative exposure limit. Gray areas are accessible to anyone.
- Green represents areas are predicted to be between $5 \%$ and $100 \%$ of the MPE limits. Green areas are accessible to anyone.
- Blue represents areas predicted to exceed the General Public MPE limits but are less than Occupational limits. Blue areas should be accessible only to RF trained workers.
- Yellow represents areas predicted to exceed Occupational MPE limits. Yellow areas should be accessible only to RF trained workers able to assess current exposure levels.
- Red represents areas predicted to have exposure more than 10 times the Occupational MPE limits. Red indicates that the RF levels must be reduced prior to access. An RF Safety Plan is required which outlines how to reduce the RF energy in these areas prior to access.

If trained occupational personnel require access to areas that are delineated as above $100 \%$ of the limit, Sitesafe recommends that they utilize the proper personal protection equipment (RF monitors), coordinate with the carriers to reduce or shutdown power, or make real-time power density measurements with the appropriate power density meter to determine real-time MPE levels. This will allow the personnel to ensure that their work area is within exposure limits.

## Appendix E-Assumptions and Definitions

## General Model Assumptions

In this site compliance report, it is assumed that all antennas are operating at full power at all times. Software modeling was performed for all transmitting antennas located on the site. Sitesafe has further assumed a $100 \%$ duty cycle and maximum radiated power.

The modeling is based on recommendations from the FCC's OET-65 bulletin with the following variances per AT\&T guidance. Reflection has not been considered in the modeling, i.e. the reflection factor is 1.0. The near / far field boundary has been set to 1.5 times the aperture height of the antenna and modeling beyond that point is the lesser of the near field cylindrical model and the far field model taking into account the gain of the antenna.

The site has been modeled with these assumptions to show the maximum RF energy density. Areas modeled with exposure greater than $100 \%$ of the General Public MPE level may not actually occur but are shown as a prediction that could be realized. Sitesafe believes these areas to be safe for entry by occupationally trained personnel utilizing appropriate personal protective equipment (in most cases, a personal monitor).

## Use of Generic Antennas

For the purposes of this report, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information about a carrier, their FCC license and/or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of equipment, antenna models, and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, Sitesafe recommends remodeling of the site utilizing the more complete and accurate data. Information about similar facilities is used when the service is identified and associated with a particular antenna. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer's published data regarding the antenna's physical characteristics makes more conservative assumptions.

Where the frequency is unknown, Sitesafe uses the closest frequency in the antenna's range that corresponds to the highest Maximum Permissible Exposure (MPE), resulting in a conservative analysis.

## Appendix F - Definitions

5\% Rule - The rules adopted by the FCC specify that, in general, at multiple transmitter sites actions necessary to bring the area into compliance with the guidelines are the shared responsibility of all licensees whose transmitters produce field strengths or power density levels at the area in question in excess of $5 \%$ of the exposure limits. In other words, any wireless operator that contributes $5 \%$ or greater of the MPE limit in an area that is identified to be greater than $100 \%$ of the MPE limit is responsible for taking corrective actions to bring the site into compliance.

Compliance - The determination of whether a site complies with FCC standards with regards to Human Exposure to Radio Frequency Electromagnetic Fields from transmitting antennas.

Decibel (dB) - A unit for measuring power or strength of a signal.
Duty Cycle - The percent of pulse duration to the pulse period of a periodic pulse train. Also, may be a measure of the temporal transmission characteristic of an intermittently transmitting RF source such as a paging antenna by dividing average transmission duration by the average period for transmission. A duty cycle of $100 \%$ corresponds to continuous operation.

Effective (or Equivalent) Isotropic Radiated Power (EIRP) - The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

Effective Radiated Power (ERP) - The product of the power supplied to the antenna and the antenna gain in a given direction relative to a half-wave dipole antenna.

Gain (of an antenna) - The ratio of the maximum power in a given direction to the maximum power in the same direction from an isotropic radiator. Gain is a measure of the relative efficiency of a directional antenna as compared to an omnidirectional antenna.

General Population/Uncontrolled Environment - Defined by the FCC as an area where RF exposure may occur to persons who are unaware of the potential for exposure and who have no control over their exposure. General Population is also referenced as General Public.

Generic Antenna - For the purposes of this report, the use of "Generic" as an antenna model means the antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use its industry specific knowledge of antenna models to select a worst-case scenario antenna to model the site.

Isofropic Antenna - An antenna that is completely non-directional. In other words, an antenna that radiates energy equally in all directions.

Maximum Measurement - This measurement represents the single largest measurement recorded when performing a spatial average measurement.

Maximum Permissible Exposure (MPE) - The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with acceptable safety factor.

Occupational/Controlled Environment - Defined by the FCC as an area where RF exposure may occur to persons who are aware of the potential for exposure as a condition of employment or specific activity and can exercise control over their exposure.

OET Bulletin 65 - Technical guideline developed by the FCC's Office of Engineering and Technology to determine the impact of RF exposure on humans. The guideline was published in August 1997.

OSHA (Occupational Safety and Health Administration) - Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA's role is to promote the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

Radio Frequency Exposure or Electromagnetic Fields - Electromagnetic waves that are propagated from antennas through space.

Spatial Average Measurement - A technique used to average a minimum of ten (10) measurements taken in a ten (10) second interval from zero (0) to six (6) feet. This measurement is intended to model the average energy a 6 -foot tall human body will absorb while present in an electromagnetic field of energy.

Transmitter Power Output (TPO) - The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load.

## Appendix G - References

The following references can be followed for further information about RF Health and Safety.

Site Safe, LLC
http://www.sitesafe.com
FCC Radio Frequency Safety
http://www.fcc.gov/encyclopedia/radio-frequency-safety
National Council on Radiation Protection and Measurements (NCRP)
http://www.ncrponline.org
Institute of Electrical and Electronics Engineers, Inc., (IEEE)
http://www.ieee.org
American National Standards Institute (ANSI)
http://www.ansi.org
Environmental Protection Agency (EPA)
http://www.epa.gov/radtown/wireless-tech.html
National Institutes of Health (NIH)
http://www.niehs.nih.gov/health/topics/agents/emf/
Occupational Safety and Health Agency (OSHA)
http://www.osha.gov/SLTC/radiofrequencyradiation/
International Commission on Non-lonizing Radiation Protection (ICNIRP)
http://www.icnirp.org
World Health Organization (WHO)
http://www.who.int/peh-emf/en/
National Cancer Institute
http://www.cancer.gov/cancertopics/factsheet/Risk/cellphones
American Cancer Society (ACS)
http://www.cancer.org/docroot/PED/content/PED $13 X$ Cellular Phone Towers.asp?sit earea=PED
European Commission Scientific Committee on Emerging and Newly Identified Health Risks
http://ec.europa.eu/health/ph risk/committees/04 scenihr/docs/scenihr o 022.pdf
Fairfax County, Virginia Public School Survey
http://www.fcps.edu/fts/safety-security/RFEESurvey/
UK Health Protection Agency Advisory Group on Non-lonizing Radiation
http://www.hpa.org.uk/webw/HPAweb\&HPAwebStandard/HPAweb C/1317133826368
Norwegian Institute of Public Health
http://www.fhi.no/dokumenter/545eea7l47.pdf

# PLANNING COMMISSION MEETING 

 10/28/2019REPORTPREPARED BY: Melissa Poehlman, Asst. Community Development Director<br>CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director 10/21/2019

## ITEM FOR COMMISSION CONSIDERATION:

Continue a public hearing to consider an amendment to the Richfield-Bloomington Honda Conditional Use Permit, Final Development Plans, and Planned Unit Development to November 25, 2019.

## EXECUTIVE SUMMARY:

On June 25, 2013, the City Council approved a Planned Unit Development (PUD) for a new RichfieldBloomington Honda and Mitsubishi dealership at 501-77th Street West. A stipulation of the approval was for the ownership to meet annually with staff to discuss the construction of a structured parking ramp that would provide additional service bays and inventory storage area, and also bring the property into compliance with minimum building coverage requirements. Richfield-Bloomington Honda is working to finalize application materials related to their request to remove the requirement to build this structured parking ramp. The application is expected to be complete in time for the November Planning Commission meeting.

## RECOMMENDED ACTION:

By Motion: Continue a public hearing to consider an amendment to the Conditional Use Permit, Final Development Plans, and Planned Unit Development at 501-77th Street West (Richfield-Bloomington Honda) to November 25, 2019.

## 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:

- Notice of this public hearing was published in the Sun Current newspaper on October 17, 2019.
- Postcards will be mailed to properties within 350 feet of the property in advance of the rescheduled public hearing.


## ALTERNATIVE RECOMMENDATION(S):

## None

PRINCIPAL PARTIES EXPECTED AT MEETING:
None
ATTACHMENTS:
Description
■ Context Map
Type
Exhibit

Richfield Bloomington Honda - Context (2018 image)


## PLANNING COMMISSION MEETING 10/28/2019

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director 10/14/2019

## ITEM FOR COMMISSION CONSIDERATION:

Consider a motion to reschedule the December Planning Commission meeting to December 9, 2019.

## EXECUTIVE SUMMARY:

The regularly scheduled December Planning Commission meeting falls on Monday, December 23. Staff recommends rescheduling the meeting to the second Monday of the month, December 9, 2019.

## RECOMMENDED ACTION:

By motion: Approve the rescheduling of the December Planning Commission meeting from December 23, 2019 to December 9, 2019.

## BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

The December Planning Commission meeting is typically rescheduled for the second Monday of December in order to avoid conflicts with the holiday week travel plans, etc.
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:

N/A


[^0]:    The North $1 / 2$ of the East $3 / 8$ of the East $1 / 2$ of the North $1 / 2$ of Northeast Quarter;
    Except the North 175 feet thereof, and
    Except the East 330 feet thereof,

