Planning Commission Agenda

May 4, 2017—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: April 20, 2017

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   (No Items)

8. Public Hearings: Non-Consent Agenda Items

   A. Amendment to the existing Ridgedale Center Sign Plan to allow a wall sign that is not for the mall proper, an anchor department store, or a restaurant with exterior wall frontage.

      Recommendation: Adopt the resolution denying the request (4 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Drew Ingvalson
B. Conditional use permit for an eight-resident licensed residential care facility at 5531 Eden Prairie Road.

Recommendation: Recommend the city council adopt the resolution approving the conditional use permit (4 votes)

- Recommendation to City Council (Tentative Date: May 22, 2017)
- Project Planner: Susan Thomas

C. Conditional use permit for a telecommunications tower on the property located at 4525 Williston Road.

Recommendation: Recommend the city council adopt the resolution approving the request (4 votes)

- Recommendation to City Council (Tentative Date: May 22, 2017)
- Project Planner: Loren Gordon

9. Adjournment
Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.

2. Applications and items scheduled for the May 18, 2017 Planning Commission meeting:

   Project Description: Rowland Investments LLC, in partnership with the city of Minnetonka, is proposing to construct trails, boardwalks, and a pedestrian bridge on The Chase apartment property within Lone Lake Park at 5709 Rowland Road and 5624 Shady Oak Road respectively. The proposal requires a conditional use permit and wetland setback variances.
   Project No. 08001.17a        Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson    Section: 35

   Project Description: The applicant is requesting a variance for a home addition at 2807 McKenzie Point Road.
   Project No.: 17009.17a        Staff: Drew Ingvalson
   Ward/Council Member: 3—Brad Wiersum    Section: 8

   Project Description: HP Holdings, LLC has submitted an application to subdivide the property at 3625 Plymouth Road into two residential lots. As proposed, the existing home would be removed and two, new, single-family residential homes would be constructed. Each of the two proposed lots would require a variance to reduce the lot width at setback from 110 feet to 98 and 99 feet respectively.
   Project No.: 17010.17a        Staff: Ashley Cauley
   Ward/Council Member: 1—Bob Ellingson    Section: 14
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.

2. Staff presents their report on the item.

3. The Commission will then ask City staff questions about the proposal.

4. The chairperson will then ask if the applicant wishes to comment.

5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.

6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.

7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.

8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.

9. The Commission will then discuss the proposal. No further public comments are allowed.

10. The Commission will then make its recommendation or decision.

11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.
1. Call to Order

Chair Kirk called the meeting to order at 6:30 p.m.

2. Roll Call

Commissioners Calvert, Knight, Powers, Schack, and Kirk were present. Sewall and O’Connell were absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Water Resources Technician Tom Dietrich.

3. Approval of Agenda

Calvert moved, second by Schack, to approve the agenda as submitted with modifications and an additional comment provided in the change memo dated April 20, 2017.

Calvert, Knight, Powers, Schack, and Kirk voted yes. Sewall and O’Connell were absent. Motion carried.

4. Approval of Minutes: April 6, 2017

Powers moved, second by Knight, to approve the April 6, 2017 meeting minutes as submitted.

Calvert, Knight, Powers, Schack, and Kirk voted yes. Sewall and O’Connell were absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of April 10, 2017:

- Tabled action on The Enclave at Regal Oak in response to the applicant’s request.
- Adopted a resolution approving a modification to the interim use permit for The Big Thrill Factory to add an outdoor trampoline.
The next planning commission meeting will be May 4, 2017.

6. **Report from Planning Commission Members**: None

7. **Public Hearings: Consent Agenda**: None

8. **Public Hearings**

   **A. Amendment to the existing Ridgedale Festival master development plan for façade changes.**

   Chair Kirk introduced the proposal and called for the staff report.

   Thomas reported. She recommended denial of the request based on the findings and subject to the conditions listed in the staff report.

   Knight asked what would happen if tenants adjacent to the proposal would want a façade similar to the current proposal. Thomas stated that that application would be reviewed by the planning commission at that time.

   Chair Kirk asked if the adjacent façades extend to the height of the roof line. Thomas referred the question to the applicant. Gordon noted that the roof heights increase from the west to east and get taller nearer to the Toys R Us site. The roof heights are equal in proportion to the parapet heights.

   Chair Kirk asked if there is a correlation between a store’s square footage and the size restriction of a sign. Thomas answered affirmatively. There is a sign covenant that allows an anchor store to have a 5-foot tall, 250-square-foot sign.

   Calvert asked if any of the other signs for the building would be improved. Mr. Gibson stated that a canopy is being considered for the adjacent facades.

   Dan Gibson, representing Kimco Realty Corporation, part owner of the building and applicant, stated that Kimco Realty is the largest owner of open-aired shopping centers in the country. The goal is to be sensitive to communities, but be driven by what retailers need. The applicant wants to make the 25,000-square-foot space viable again. One vacancy can cause a prolonged vacancy. The proposal would help the situation. It would not feel out of place. The small tenants want an anchor that will attract customers to the site.

   Chair Kirk asked for the square footage of the Total Hockey site. Mr. Gibson answered 8,700 square feet.
Powers asked where the proposal has worked in other locations. Mr. Gibson responded “everywhere.” The location at Arbor Lakes in Maple Grove is an example. The tenant would apply for sign approval. He added that limited signage is a deterrent to retail.

Tom Winter, of Welsh Architecture, representing the applicant, explained that the façade plans would create a cohesive unit. The proposal would be four feet lower than the Toys R Us façade. The width of the proposed façade was increased to identify the space as an anchor tenant. The tower helps to balance the other two anchor tenants.

The public hearing was opened. No testimony was submitted and the hearing was closed.

In response to Schack’s question, Mr. Winter explained that from the top of the Toys R Us parapet, it drops 7 feet to the next level and 10 feet to the lowest level.

Schack wants malls and retailers to be viable, but the proposal does seem like a lot.

Powers likes the proposal. It is a commercial area. He likes the variation in heights. It is a strong-looking structure. He supports the proposal, but he would still like to see other areas that have done the proposal successfully.

Knight agreed with Powers. He likes the idea of varying the heights of the building. He did not like the idea of having a large amount of space above the doors and windows compared to Toys R Us. He supports the proposal.

Chair Kirk thought the proposal would be too big. What exists now is too low, but he would prefer something in between. The proposal would have a lot of blank space. He was frustrated that the sign plan would not be reviewed at the same time as the canvas. He preferred decreasing the height four or five feet.

Calvert was also conflicted. She still did not like the very large “Macy’s” letters on Ridgedale Center. It is a commercial area and she wants the businesses to be viable, but she was not convinced that a façade so much higher than the store on the west would be attractive. She was concerned with the size of the canvas looking like a billboard.

Powers noted that outdoor retail centers are not doing well. He did not know if the height would be appropriate, but a retailer has to be visible. He would like additional pictures of existing similar signs.
Schack agreed that some increase would be appropriate, but the west side of the proposal seems really extreme.

Calvert understood the need to draw attention to a store, but there are reasons for sign regulations. The height differential between the top of the façade and the western most store front would be too extreme.

**Powers moved, second by Calvert, to recommend that the city council adopt the resolution denying an amendment to the existing Ridgedale Festival master development plan for façade changes.**

**Calvert, Schack, and Kirk voted yes. Knight and Powers voted no. Sewall and O’Connell were absent. Motion passed.**

**B. Items concerning Ridgedale restaurants at 12415 Wayzata Boulevard.**

Chair Kirk introduced the proposal and called for the staff report.

Gordon reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Calvert asked how four restaurants on one pad would impact the master development plan. Gordon explained the history of the site. The style of restaurants is changing.

Chair Kirk asked if the site would have walkability. Gordon pointed out proposed sidewalks on the site plan. The site would be much more walkable than it is now.

Powers asked if the sidewalks would be handicap accessible. Gordon answered in the affirmative.

Ben Freeman, representing General Growth Properties, applicant, thanked the commissioners for their consideration. He appreciated staff’s input. The proposal is an opportunity to invest in and improve Ridgedale Center. The company is proud of how far the center has come and excited to continue the momentum with the current proposal. There has been an evolution in restaurant demand. He envisioned pads two and three being used by single users. He looked forward to resolving minor traffic issues with staff. The applicant is more than willing to incorporate the recommended changes.

Knight asked for the height of the façade. Mr. Freeman answered 25 feet.
Schack asked for the number of seats in the restaurants. Mr. Freeman said that it would really depend on the layout.

The public hearing was opened.

Annette Bertelsen, 13513 Larkin Drive, spoke on behalf of a group of residents who live in the Essex neighborhood west of Ridgedale Village. She stated that:

- The group is beyond thrilled that the developer continues to improve Ridgedale Center. She thanked staff and commissioners for creating design standards.
- They liked the idea of having new restaurants and redevelopment that align with the city’s growth strategies.
- The city council did not discuss restaurant land use and density. Those discussions need to take place. The commission exists to follow the comprehensive guide plan.
- The strategy is to drive robust growth.
- The comprehensive guide plan says that Ridgedale Village is guided for mixed uses and housing. The proposal has no mixed uses or housing.
- The comprehensive guide plan does not prohibit the type of use being proposed, but the proposal does not meet the goals of the comprehensive guide plan.
- The proposal would have extremely low density in an area that is designated for big growth.
- The PID allows a use with much higher density on the site.
- The proposal is proposing 30 Legos when 75 Legos would be allowed and be closer to the city’s goals.
- The Ridgedale Village Center study calls for a floor area ratio of 1.1 which would represent 110 Legos. The proposed development and land use would represent 19 Legos.
- Building heights should be taller closer to the mall and get shorter as buildings get closer to neighborhoods. That provides a good transition. This proposal would be contrary to that because the proposed buildings would be too short.
- She asked if there is room to improve the proposal; if the development must remain retail or commercial, then what can be done to increase the density; can the proposal be adjusted to include mixed use or housing; and what incentives are available to offer to a developer to get mixed use or housing.
No additional testimony was submitted and the hearing was closed.

Calvert asked if parking regulations would be met. Gordon explained that the current parking ratio is 4.4 vehicle stalls per 1,000 square feet of shopping center. The proposal would have 4.1 stalls per 1,000 square feet. A shopping center typically has 3 stalls per 1,000 square feet for a non-December event. There would be proof of parking east of Nordstrom's. There would be sufficient parking. Someday parking might become a concern with additional development.

Gordon explained the creation of the village study and the variety of uses included in a “mixed use” designation. New development leads to additional development and improvements. Public improvements, such as the construction of the on-ramp to Interstate 394, spurs private investments.

Chair Kirk thought the pads at the end of the parking lot seem too dense. He questioned where snow would be stored and if there would be enough parking stalls in December. The proposal is located within the Ridgedale Center inner loop. He could not imagine adding housing or increasing the density further in the inner loop.

Calvert asked if a taller and denser project would be allowed. Gordon answered that a more dense use could be approved. A market study found that Ridgedale is lacking food and beverage stores, grocery stores, full-service restaurants, and drinking places. There is also a need for additional general merchandise stores.

Schack noted that the Bonaventure corner is an already congested area. Having a variety of food choices in one area is appealing. The proposal is consistent with what is allowed.

Powers likes the plan.

Mr. Freeman stated that competitors like being located next to each other because it attracts patrons to the area. He was not against increasing the density. Reciprocal parking agreements would be made between tenants.

Calvert asked if the third phase was discussed by the city council. Gordon explained that the minutes did not reflect the discussion of the third phase, but the third phase was reviewed by the city council and included in the approval of the master development plan. Chair Kirk recalled the planning commission discussing the phases. General Growth Properties has done a great job promoting new development.
Chair Kirk thought that the building pads would be able to provide a use with more density in the future. He was comfortable recommending approval to the city council. The inner ring is different than the second ring from Ridgedale Center. He could see structured parking and a theater in the future. There is still a lot of potential to develop the inner ring in the future. He appreciated the residents attending the meeting.

Calvert loved the proposed materials and design. The proposal would be very attractive. Chair Kirk agreed.

**Schack moved, second by Calvert, to recommend that the city council adopt the following resolution approving final site and building plans and a resolution approving conditional use permits for restaurant uses and outdoor seating areas for Ridgedale Restaurants located at 12415 Wayzata Boulevard with a modification provided in the change memo dated April 20, 2017.**

**Calvert, Knight, Powers, Schack, and Kirk voted yes. Sewall and O’Connell were absent. Motion carried.**

9. **Adjournment**

**Knight moved, second by Powers, to adjourn the meeting at 8:33 p.m. Motion carried unanimously.**

By:

______________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
May 4, 2017

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)
Minnetonka Planning Commission Meeting

May 4, 2017

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION  
May 4, 2017

Brief Description  Amendment to the existing Ridgedale Center Sign Plan to allow a wall sign that is not for the mall proper, an anchor department store, or a restaurant with exterior wall frontage.

Recommendation  Recommend the planning commission adopt the resolution denying the request

Introduction

CycleBar is a new tenant at Ridgedale Center that will operate a fitness club, specializing in cycling classes. CycleBar is a national fitness club with two other locations in the Twin Cities metro area (Woodbury and Minneapolis). The applicant is requesting an amendment to the Ridgedale Center Sign Plan to allow an exterior wall sign.

Tenant Space

The CycleBar tenant space is generally located near the new southeast entrance to the mall, between Nordstrom and Sears. The tenant space has its own exterior access on the south side of the mall. However, this access was not part of the final site and building plans reviewed and approved by the city council or the building permit construction plans. In both cases, the subject space was shown as a display and “back of house” space. (See attached).

Proposal and Ridgedale Center Sign Covenant

The following is intended to summarize CycleBar’s sign proposal and Ridgedale Sign Plan. Additional information associated with the proposal can be found in the “Supporting Information” and attachments sections of this report.

- **Sign Proposal.** The proposed wall sign would generally face south, towards Ridgedale Drive. The sign would have a 30-inch tall logo and 20-inch tall letters. The total length of the sign would be 25 feet. (See attached).

- **Ridgedale Sign Plan.** The existing sign plan for Ridgedale only permits exterior wall signs for:
  - Ridgedale Center proper;
  - Anchor department stores exceeding 100,000 square feet in size; and
  - Restaurants that have frontage on the mall exterior.
The subject tenant is not permitted exterior signage, as the business does not fall into any of these three categories. (See attached sign plan).

Primary Questions and Analysis

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines the primary questions associated with the proposal and staff’s findings.

- **Is the sign plan amendment reasonable?**

  No. Under the existing Ridgedale Center Sign Plan only the mall proper, anchor department stores, and restaurants with exterior access are permitted exterior wall signage. While the subject tenant space does have exterior access, it does not qualify for exterior signage, as it does not fall into the previously mentioned three categories. Furthermore, the site and building plans for the mall expansion and original building permit construction plans did not display this space with exterior access. Instead, this space was shown as a display and “back of house” space, not an independent tenant space. Only recently have building permits been issued to create exterior access to the subject space.

- **Is the requested amendment consisted with the intent of the Ridgedale Sign Plan?**

  No. The city has granted amendments to the Ridgedale Sign Plan for sign dimensions, but has not granted amendments for tenants that are not anchor department stores or restaurants with exterior access. In addition, staff is concerned that this requested amendment could encourage additional sign plan amendment requests for other tenants at the Ridgedale Center that do not have exterior wall signage. Additional signage would have the potential to create a cluttered appearance on the building that would be detrimental to the health, safety, general welfare, aesthetics and image of the community.

- **Are there alternative advertising opportunities for the tenant?**

  Yes. Staff has provided alternative options to the tenant that would meet city ordinance, the existing sign plan, and provide adequate advertising for the new business.

Staff Recommendation

Staff recommends the planning commission adopt the attached resolution, denying the requested amendment to the Ridgedale Sign Plan associated with the CycleBar at 12401 Wayzata Blvd.
Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Uses**
The subject property is surrounded by commercial and service commercial uses.

**Planning**
- **Guide Plan designation:** mixed use
- **Existing Zoning:** PID, planned I-394 development

**Tenant Space History**
On January 23, 2014, the city council approved final site and building plans for Ridgedale Center. The approval included the mall expansion and the construction of a new department store. Renderings provided for this review did not show direct exterior access to the subject tenant space. (See attached).

On March 5, 2014, the city issued a construction permit for renovation work to be completed at Ridgedale Center. A part of this construction work included a new entrance, façade work, and interior construction work. The subject space, proposed to be used by CycleBar, was shown as a “back of house” space with a display area. This area did not have direct exterior access, but had access through a utility or storage passageway. (See attached).

On February 21, 2017, the city approved a building permit to demolish interior walls and add an exterior door into the subject space. (See attached).

On March 9, 2017, the city issued a construction permit for demolition and interior construction work. The demolition work removed the display walls and the interior construction work fitted the space for CycleBar. (See attached).

**Sign Plan History**
The Ridgedale Sign Plan was originally approved in 1986. The sign plan established general sign type and size parameters. It also permitted signage for only the Ridgedale Center, anchor department stores, and restaurants.

The sign plan was subsequently amended in 1987, 1990, and 2013.

In 2015, the City approved a revised sign plan for the Ridgedale Center. (See attached).
### Pyramid of Discretion

![Diagram of Pyramid of Discretion]

- **This proposal:**

### Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the attached resolution, denying the sign plan amendment request.

2. Disagree with staff’s recommendation. In this case, a motion should be made approving the sign plan amendment request. The motion should include findings for approval.

3. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

### Voting Requirement

The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

### Neighborhood Comment

The city sent notices to 346 area property owners. No written comments have been received.

### Deadline for Action

July 10, 2017
Location Map

Project: Cyclebar
Applicant: Sign Source
Address: 12401 Wayzata Blvd
Project No. 03046.17b
FRONT ELEVATION

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

PHOTOGRAPHIC VIEW

SCALE: NTS

EXISTING CONDITIONS

THE RIDGEDALE VENTER MALL
12401 WAYZATA BLVD., 2nd Floor, Space No. 2085 Minnetonka, MN 55305

KEVIN KENDALL
AB 10-24-16 EXT R2
2014 Site and Building Plan Review Submittal

Subject Space
SECOND LEVEL PLAN
SCALE 1"=50'0"

NORTH
EXISTING
RENOVATION
NEW ADDITION
NEW ANCHOR

Subject Space

2014 Site and Building Plan Review Submittal
2014 Building Permit Submittal

Subject Space
February 2017 Building Permit

EXISTING WALL TO BE REMOVED - SHOWN DASHED
EXISTING DOOR AND FRAME TO BE REMOVED - SHOWN DASHED
EXISTING ROOF DRAIN TO REMAIN
EXISTING WALL STRUCTURE TO REMAIN - SHOWN SHADED
EXISTING STEEL COLUMN TO REMAIN - SHOWN SHADED
EXISTING CURTAIN WALL FRAME AND GLASS SYSTEM TO REMAIN - SHOWN SHADED
EXISTING GLASS SYSTEM AND SILL FRAME TO BE REMOVED - SHOWN DASHED

DOOR HARDWARE
1 ea. Continuous hinge 790-900 'Hager'
1 ea. Rim Exit Device 2103 CD 'Stanley Security Solutions'
1 ea. Rim Cylinder 12E-62 'Stanley Security Solutions'
1 ea. Pull 12J 'Hager'
1 ea. Overhead Stop 104S 'Glynn-Johnson'
1 ea. Surface Closer D-3550 'Stanley Security Solutions'
1 ea. Threshold S205A 36' 'Reese Enterprises'
1 ea. Rain Guard (if needed) R201A 'Reese'
1 ea. Sweep 354C 'Reese'
Aluminum color: standard aluminum mill finish
Glass: Tinted to match existing.

PROPOSED FLOOR PLAN

1/4" = 1'-0"

EXISTING/DEMO PLAN

1/4" = 1'-0"
NOTE: CONTRACTOR TO PROVIDE ARCHITECT WITH DETAILS OF THIS CURTAIN WALL FRAME SYSTEM ONCE THE AREA IS EXPOSED. THE ARCHITECT WILL PROVIDE PROPER DETAILING TO PREVENT WATER INTRUSION.

NOTE: CONTRACTOR TO VERIFY THE INTEGRITY OF THE EXISTING (REMAINING) WINDOW SYSTEM ONCE THE ITEMS ARE REMOVED. CONSULTATION FROM A CURTAIN WALL SUPPLIER/EXPERT MAY BE WARRANTED.

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EXISTING WINDOW SYSTEM TO REMAIN - SHOWN SHADED

ALUMINUM STORE-FRONT SYSTEM

PRE-FINISHED METAL FLASHING

CONTINUOUS CAULKING

NOTE: CONTRACTOR TO PROVIDE ARCHITECT WITH DETAILS OF THIS CURTAIN WALL FRAME SYSTEM ONCE THE AREA IS EXPOSED. THE ARCHITECT WILL PROVIDE PROPER DETAILING TO PREVENT WATER INTRUSION.

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NOTE: CONTRACTOR TO VERIFY THE INTEGRITY OF THE EXISTING (REMAINING) WINDOW SYSTEM ONCE THE ITEMS ARE REMOVED. CONSULTATION FROM A CURTAIN WALL SUPPLIER/EXPERT MAY BE WARRANTED.
EXHIBIT A

RIDGEDALE SIGN PLAN

Exterior signs for Ridgedale Center must meet all of the requirements of the city’s sign ordinance, except for the following:

1. The mall is allowed exterior signs according to the following standards:
   a) The signs must not exceed the following number, height, and size:

<table>
<thead>
<tr>
<th></th>
<th>Quantity (max.)</th>
<th>Height (max.)</th>
<th>Copy and graphic area (max.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>pylon sign</td>
<td>1</td>
<td>85 ft.</td>
<td>480 sq. ft.</td>
</tr>
<tr>
<td>monument signs</td>
<td>4</td>
<td>8 ft.</td>
<td>40 sq. ft.</td>
</tr>
<tr>
<td>directional signs</td>
<td>9</td>
<td>8 ft.</td>
<td>20 sq. ft.</td>
</tr>
<tr>
<td>entrance towers</td>
<td>4</td>
<td>N/A</td>
<td>225 sq. ft.</td>
</tr>
</tbody>
</table>

   b) There may be no additional freestanding or pylon signs than identified above. All freestanding signs must include the name of the shopping center only, and must not include individual tenant identification. Directional signs must include only directional messages.

2. Anchor department stores that exceed 100,000 square feet in size are allowed exterior signs according to the following standards:
   a) Maximum of one wall sign per exterior elevation.
   b) The total height of the sign must not exceed 8 feet.
   c) The total length of the sign must not exceed 25% of the lineal footage of the surface to which it is affixed.

3. Restaurants that have frontage on the mall exterior are allowed exterior signs according to the following standards:
   a) Maximum of one wall sign per exterior elevation.
   b) The total height of the sign must not exceed 42 inches.
   c) The sign must be located within the tenant’s leased space, unless an alternative location is approved by the planning commission or city council, based on the unique characteristics of the tenant space or building design.
4. Freestanding buildings are allowed exterior signs according to the following standards:
   a) Maximum of one wall sign per exterior elevation.
   b) The total height of the sign must not exceed 5 feet.
   c) The total length of the sign must not exceed 75% of the lineal footage of the surface to which it is affixed.

5. All other tenants are not allowed exterior signs, including temporary business signs.
To Whom it May Concern,

We are requesting a sign plan amendment for the Cyclebar Ridgedale Center Mall located at 12802 Lindelane suite 2085 Minnetonka, MN 55305. The CycleBar Space is located on the exterior of the mall, with no exposure or entrance to the interior of the mall. We would like to install an exterior sign on the CycleBar storefront. Without an exterior sign we would not be able to identify our business appropriately to our customers and potential customers.

Thank you for your consideration,

Mallory Yancy
Resolution No. 2017-

Resolution denying an amendment to the existing sign plan for
Ridgedale Center at 12401 Wayzata Boulevard

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Under the existing Ridgedale Center sign plan, the mall proper, anchor department stores, and restaurants with frontage on the mall exterior are allowed exterior wall signage.

1.02 The applicant Greg Rendall, on behalf of CycleBar, is requesting an amendment to the sign plan to allow exterior signage for a fitness club.

1.03 The proposed sign would have a 30-inch tall logo and 20-inch tall letters. The total length of the sign would be 25 feet.

1.04 On May 4, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission denied the sign plan amendment request.

Section 2. Findings.

2.01 Under the existing Ridgedale Center sign plan, only the mall proper, anchor department stores, and restaurants with exterior access are permitted exterior wall signage. While the subject tenant space does have exterior access, it does not qualify for exterior signage, as it does not fall into the previously mentioned three categories.

2.02 The city has granted amendments to the Ridgedale Center Sign Plan for sign dimensions, but has not granted amendments for tenants that are not anchor department stores or restaurants with exterior access.

2.03 Additional signage that does not meet the Ridgedale Sign Plan would have the potential to create a cluttered appearance on the building that would be
detrimental to the health, safety, general welfare, aesthetics and image of the community.

2.04 Previously approved site and building plans and building permit construction plans did not display the subject space with exterior access. Instead, this space was shown as a display and “back of house” space, not an independent tenant space with exterior access. Only recently have building permits been issued to create exterior access to the subject space.

Section 3. Planning Commission Action.

3.01 The requested sign plan amendment is hereby denied.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 4, 2017.

Brian Kirk, Chairperson

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent: Allendorf
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a meeting held on May 4, 2017.

David E. Maeda, City Clerk
Brief Description
Conditional use permit for an eight-resident licensed residential care facility at 5531 Eden Prairie Road

Recommendation
Recommend the city council adopt the resolution approving the conditional use permit

Background
By state law, licensed care facilities that serve six or fewer residents are permitted uses in all residential zoning districts. The city cannot place restrictions on such facilities above or beyond the restrictions placed on any other single-family home in the community. Further, as permitted uses, no special city zoning review or approval is required.

The state law is silent on licensed care facilities serving more than six residents. As such, individual communities have the authority to allow and regulate these larger facilities. Historically, the city of Minnetonka has held the view that licensed care facilities provide a valuable service to community residents and their family members. The city has chosen to allow, as conditional uses, facilities that serve between seven and twelve residents.

Proposal
Michelle Nash, on behalf of Legacy Care Home, is requesting a conditional use permit to operate an eight-resident residential care facility at 5311 Eden Prairie Road. As proposed a new eight-bedroom, five-bathroom home would be constructed. Ms. Nash currently operates two other care facilities in Minnetonka.

Staff Analysis
A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the applicant’s request and staff’s findings.

- **Are minimum conditional use permit standards met?**

  Yes. The applicant’s proposal would meet the eleven conditional use permit standards outlined in the city code. These standards are detailed in the “Supporting Information” section of this report.
• **Are the anticipated site impacts reasonable?**

Yes. Grading would occur to accommodate construction of the new home and driveway, and installation of required utilities and stormwater management facilities. This grading would likely result in removal or significant impact to two high-priority trees and up to eight significant trees. The amount of proposed grading and level of resulting tree impact would be allowed under city ordinances. It is important to note that the planning commission and city council must review the applicant’s proposal, not because of the proposed construction, but because of the proposed *occupancy* of that construction. In other words, no special review would be required if the proposed home were to be occupied as a single-family home or even if it were a licensed care facility serving six or fewer residents.

**Recommendation**

Recommend the city council approve a conditional use permit for an eight-resident licensed residential care facility at 5531 Eden Prairie Road

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
## Supporting Information

### Surrounding

The subject property is surrounded by single-family homes;

### Land Uses

- **Planning**
  - Guide Plan designation: low-density residential
  - Zoning: R-1

### CUP Standards

By City Code §300.16 Subd.3(g) licensed residential care facilities or community based residential care facilities serving six or fewer residents must meet the following standards:

1) 3,000 square feet of lot area for each overnight resident, based on proposed capacity;

   **Finding:** Excluding the narrow portion of the property that extends into Glen Lake, the proposal would result in 6,765 square feet of lot area for each of the eight residents.

2) 300 square feet of residential building area for each overnight resident, based on proposed capacity;

   **Finding:** Excluding the proposed garage and basement area, the proposal would result in 418 square feet of building area for each of the eight residents.

3) in R-1 and R-2 districts, for new construction including additions, a floor area ratio (FAR) that is no more than 100% of the highest FAR of the homes within 400 feet of the lot lines and within 1,000 feet of the lot along the street where it is located, including both sides of the street. The FAR applies to an existing structure only if it seeks to expand. The city may exclude a property that the city determines is not visually part of the applicant's neighborhood and may add a property that the city determines is visually part of the applicant's neighborhood. The city may waive or modify the floor area requirement where:

   a. the proposed use would be relatively isolated from the rest of the neighborhood by slopes, trees, wetlands, undevelopable land, or other physical features; or

   b. the applicant submits a specific building design and site plan, and the city determines that the proposed
design would not adversely impact the neighborhood character because of such things as setbacks, building orientation, building height, or building mass. In this case, the approval is contingent upon implementation of the specific site and building plan.

**Finding:** The maximum existing FAR in the area is 0.12. The proposed home would have a FAR of 0.11. This calculation excludes the narrow portion of the property that extends into Glen Lake.

1) no external building improvements undertaken in R-1 and R-2 districts which alter the original character of the home unless approved by the city council. In R-1 and R-2 districts, there must be no exterior evidence of any use or activity that is not customary for typical residential use, including no exterior storage, signs, and garbage and recycling containers;

**Finding:** The proposed home would have a front elevation typical of a single-family home. Display of signage and storage of garbage and recycling containers have been addressed in the conditions of approval section of the provided resolution.

5) traffic generation: a detailed documentation of anticipated traffic generation must be provided. In order to avoid unreasonable traffic impacts to a residential neighborhood, traffic limitations are established as follows:

a. in R-1 and R-2 districts, the use is not permitted on properties that gain access by private roads or driveways that are used by more than one lot;

   **Finding:** The property is accessed via an individual driveway onto a public road.

b. the use must be located on, and have access only to, a collector or arterial roadway as identified in the comprehensive plan;

   **Finding:** The property is accessed by Eden Prairie Road, a collector roadway.

c. the use must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as
holidays, that has been reviewed and approved by city staff.

**Finding:** Staff notes:

- The most recent traffic counts on Eden Prairie Road suggest that the roadway carries roughly 6,600 vehicles per day. The proposed eight-resident facility would have very little if any impact on traffic volumes.

- As proposed, the home would be set back 150 feet from the front property line, allowing ample space for onsite parking.

no on-street parking to be allowed. Adequate off-street parking will be required by the city based on the staff and resident needs of each specific facility. In R-1 and R-2 districts, the parking area must be screened from the view from other R-1 and R-2 residential properties. Private driveways must be of adequate width to accommodate effective vehicle circulation and be equipped with a turnaround area to prevent backing maneuvers onto public streets. Driveways must be maintained in an open manner at all times and be wide enough for emergency vehicle access. Driveway slope must not exceed 8 percent unless the city determines that site characteristics or mitigative measures to ensure safe vehicular circulation are present. Adequate sight distance at the access point must be available;

**Finding:** As proposed, the home would be set back 150 feet from the front property line, allowing ample space for onsite parking. A driveway turnaround has been included as a condition of approval.

all facilities to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

**Finding:** This has been included as a condition of approval.

landscape buffering from surrounding residential uses to be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-
site impacts. Landscape screening from surrounding residential uses may be required by the city depending on the type, location and proximity of residential areas to a specific facility;

**Finding:** Given the design of the home, the visual diversity of the surrounding area, and existing vegetation, it would not be necessary to install landscaping beyond that typically installed on a single-family lot.

9) submission of detailed program information including goals, policies, activity schedule, staffing patterns and targeted capacity which may result in the imposition of reasonable conditions to limit the off-site impacts;

**Finding:** Programming information has been provided. Staff finds nothing in this information that would require additional or “out of the ordinary” conditions.

10) submission of a formal site and building plan review if a new building is being constructed, an existing building is being modified, or the city otherwise determines that there is a need for such review; and

**Finding:** A survey, grading plan, and building plans have been submitted and reviewed by pertinent city staff.

11) additional conditions may be required by the city in order to address the specific impacts of a proposed facility.

**Shoreland District**

The subject property is located within the shoreland overlay zoning district and is subject to the regulations of the shoreland ordinance. Four of these regulations are of particular interest.

1. **Structural Setback.** By ordinance, homes must be set back a minimum of 75 feet from the ordinary high water level (OHWL) of Glen Lake. The proposed home would be set back over 400 feet from the OHWL.

2. **Impervious Surface.** By ordinance, no more than 30 percent of the area within 150 of the OHWL may be covered by impervious surface. As proposed, the entirety of this area would remain in its natural state.

3. **Bluff/Steep Slope.** By ordinance, and as required by the Minnesota Department of Natural Resources, steep slopes
within the shoreland district are called “bluffs.” The property does contain a bluff. However, all construction and grading activity would be upland from this bluff. Further, as required by the shoreland ordinance, all construction and grading would be outside of the bluff impact zone, which incorporates the defined bluff and a 20-foot setback or buffer from the top of the bluff.

4. Tree Removal. Clearing of natural vegetation within bluff impact zone and the shore impact zone – 37.5 feet upland from the OHWL – is prohibited. Limited removal of trees and shrubs may be allowed, but only following approval of natural resources staff. No such removal is proposed.

Stormwater Management

Stormwater management is required under both city of Minnetonka and Nine Mile Creek Watershed District rules. A permit is also required from the watershed district. This management and permitting would be required for any construction on the lot; the occupancy of the building would not matter.

Minnetonka Facilities

There are currently 33 licensed residential care facilities operating in the city of Minnetonka. The vast majority of these residential facilities serve six or fewer residents. Just two facilities serve over six residents, operating with conditional use permits.

Legacy Care Home currently operates two licensed care facilities in Minnetonka.

Pyramid of Discretion

Motion Options

The planning commission has several options:
1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the conditional use permit.

2. Disagree with the staff recommendation. In this case, a motion should be made to recommend the city council deny the permit. This motion should include a statement as to why the recommendation is for denial.

3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Voting Requirement**

The planning commission will make a recommendation to the city council. A recommendation to approve the applicant’s request requires an affirmative vote a simple majority. At the city council, approval of the applicant’s request similarly requires an affirmative vote a simple majority.

**Neighborhood Comments**

The city sent notice to 111 area property owners and has received no written comments to date.

**Deadline for Action**

July 24, 2017
Project: Legacy Care Home 3
Applicant: Michelle Nash
Address: 5531 Eden Prairie Rd
Project No. 17007.17a
Plan Review for Legacy Care Home 3

Conditional use regulations

1. Lot size meets criteria for 8 residents, 24,000 sq per, lot is 2.3 archers which equals **43,560 sq.**
2. House size meets criteria, 2,400 sq for 8. House. Main level of the home is 3358, the lower level would be 1679 (1/2) and the garage is 660 for a total of 5697.
3. The house meets the FAR for the area. the "buildable" square footage of the lot and I think it might be approx 54,700 if they let us use the land down to where the width goes down to 35ft, so just the front part. That FAR ratio is .104
4. No activity will occur that is not customary for the area.
5. The home’s traffic pattern will fit with the current arterial road that it sits on. There are no shared private driveways. The site plan lays out driveway and parking for houses purpose. There would be traffic movement at 7:00am 3:00pm and 11:00pm. With potential daily visitors that we would have no pattern to base on.
6. Parking: driveway will be enhanced to accommodate about five parking spaces off to the side. As well as garage space. With landscaping to buffer parking spaces. See site plan.
7. House conforms to all state and city codes and ordinances.
8. Landscaping and buffering will meet city criteria.
9. Program information submitted with site plans.
## Guideline for Activities

Attention staff this is a guideline for how the activities look for the day, still have to follow care plan for cares.

### Daily Schedule

<table>
<thead>
<tr>
<th>Time</th>
<th>Monday</th>
<th>Tuesday</th>
<th>Wednesday</th>
<th>Thursday</th>
<th>Friday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>6am-9:30am</td>
<td>dressed/Breakfast</td>
<td>dressed/Breakfast</td>
<td>dressed/Breakfast</td>
<td>dressed/Breakfast</td>
<td>dressed/Breakfast</td>
<td>dressed/Breakfast</td>
<td>dressed/Breakfast</td>
</tr>
<tr>
<td>9:30-10:30</td>
<td>Read the paper</td>
<td>Church</td>
<td>Read the paper</td>
<td>Read the paper</td>
<td>Read the paper</td>
<td>Read the paper</td>
<td>Read the paper</td>
</tr>
<tr>
<td>9:30-10:30</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
</tr>
<tr>
<td>10:30</td>
<td>Snack/beverage</td>
<td>Snack/beverage</td>
<td>Snack/beverage</td>
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<td>Snack/beverage</td>
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<tr>
<td>11:00</td>
<td>Activity</td>
<td>Activity</td>
<td>Activity</td>
<td>Activity</td>
<td>Activity</td>
<td>Activity</td>
<td>Activity</td>
</tr>
<tr>
<td>12:00</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
</tr>
<tr>
<td>1:00</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
<td>Lunch</td>
</tr>
<tr>
<td>1:30-2:30</td>
<td>laying down/activity</td>
<td>laying down/activity</td>
<td>laying down/activity</td>
<td>laying down/activity</td>
<td>laying down/activity</td>
<td>laying down/activity</td>
<td>laying down/activity</td>
</tr>
<tr>
<td>3:00</td>
<td>Activities</td>
<td>Activities</td>
<td>Activities</td>
<td>Activities</td>
<td>Activities</td>
<td>Activities</td>
<td>Activities</td>
</tr>
<tr>
<td>4:00</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
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<td>Exercises/walks</td>
<td>Exercises/walks</td>
<td>Exercises/walks</td>
</tr>
<tr>
<td>5:30</td>
<td>Dinner</td>
<td>Dinner</td>
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<td>Dinner</td>
</tr>
</tbody>
</table>

Activities are not set in stone it is more of a guideline and can be altered by staff depending on what is going on that day with residents.

### Activity Ideas:

- Board Games, Card Games, reading, music, coloring/painting, sing alongs, large motor games
- Sit outside, puzzles, read a book to them, check activity closet for stuff to do!

 Massage 2nd Thursday of the month 9-11:30

 Music with Rita 2nd Monday of month 1:30 house 2, 2:00 at house 1
Legacy Care Home Disclosure For Memory Care Services

Sums up:
goals policies staffing pattern.

651.636.6330 • 651.636.4226 fax • www.kindredathome.com
Welcome to your new home at Legacy Care Home. We are very proud to have you join our community.

The Legacy Care Home is comprised of 6 residential rooms registered as Housing with Services; all 6 rooms can accommodate residents needing specialized memory care. We offer a variety of amenities and services including a full service kitchen, serving three meals a day, housekeeping, laundry, activities, and licensed home care services.

**MISSION**

To give back to those that have given so much in life, by providing housing, personalized assistance, and a secured environment to help seniors maintain a dignified quality of life.

**Vision**

Our goal is to provide individualized services that enable seniors to age in place.

As an organization that has adopted the Minnesota Health and Housing Alliance's Code of Ethics, we are committed to providing high quality care, to giving utmost respect to the dignity of the individual, and to encouraging the highest level of independence.

Our residence has been specifically designed with a number of unique physical features in keeping with our goals. Specifically, they are:

1. All private rooms. Residents bring their own furniture and personal belongings to enhance the familiarity of their room and create a “home” feeling.
2. A customized floor plan that gives consideration to accessibility and orientation.
3. Walk-in, accessible shower.
4. Spacious “home” areas including living room, dining room, kitchen and porches
5. 24-hour supervision of residents.

**LEGACY CARE HOME RESIDENCY REQUIREMENTS**

All residents of Legacy Care Home must meet our residency requirements at all times during their residency. Legacy Care Home has established these residency requirements in order to maintain a community living setting in which all residents may quietly enjoy their day to day lives. A resident will not be permitted to continue to live at Legacy Care Home if they do not meet the residency requirements.

Residents may meet the residency requirements in two ways:

1. Without any assistance from other persons or from assistive devices; or
2 With the assistance of others and/or assistive devices.

Legacy Care Home makes various types and amounts of supportive and home care services available to its residents to assist them to live successfully at Legacy Care Home. The supportive and health services Legacy Care Home makes available will not meet all needs for assistance and support residents may come to have as their needs change. If a resident needs more assistance than Legacy Care Home makes available, we will work with the resident to identify and engage other assistance available in the community, such as companion services, Medicare home care agencies, private duty nursing services, other additional home care services, hospice services, therapy services, etc. All other providers will be required to maintain any licensure which may be required under Minnesota law, to comply with all Legacy Care Home policies that may apply to their services, and to coordinate care with Legacy’s home care nurses.

Legacy Care Home is committed to working to make residency at Legacy Care Home successful for all involved, including families, other residents, staff, and volunteers. If issues are identified, discussion with the resident and/or family is arranged. Legacy Care Home will provide a disabled resident with a reasonable accommodation as required by law. However, Legacy Care Home will not fundamentally alter the essential nature of its programs or services in order to meet a resident’s needs.

If a resident does not obtain whatever services may be required to assist the resident to meet the following residency requirements, the resident will be asked to move out of Legacy Care Home.

In order to reside in Legacy Care Home, residents must, by themselves or with the help of others:

Be 55 years or older
Fulfill all financial obligations and complete all necessary paper work for residency
Maintain the integrity of the building
Not harm others, and not threaten violence towards themselves or others
Maintain personal health and safety
Not create a disturbance or safety problem due to the use of alcohol or drugs.
Practice fire safety, such as in regard to smoking
Not have behaviors related to dementia that impair the peace and safety of other residents and/or themselves
Not require assistance beyond that which can realistically be arranged.
Be cooperative with incontinence management
Comply with all provisions of the Residency Agreement and this Resident Handbook

Health Service Program
Legacy Care Home’s health service program offers a wide range of health related and supportive services. See the fee schedules attached to the Residency Agreement. The following are examples of services available through Legacy Care Home staff:
- Daily help with several activities of daily living, with multiple home care visits per day and/or frequent monitoring.
- Assistance with management of incontinence.
- Ongoing supervision in a more accessible environment to minimize falls.
- Continual monitoring of serious chronic health problems, such as CHF or COPD.
- Frequent redirection and reassurance in a highly structured environment for those experiencing symptoms of memory loss or dementia
- Management of mild behavior deficits that do not create safety risks but that do not conform to generally accepted social norms.
- Daily meals to support adequate nutrition for those unable to prepare or arrange for those meals themselves.
- Coordination with Medicare home care and/or hospice services.
- Ongoing assistance with orientation to time, place and person.
- Ongoing staff support and reassurance due to anxiety, depression or mild agitation as a result of memory loss.
- Supervision to minimize risk for wandering away or becoming lost when navigating freely outside of their home.

Legacy Care Home does not make the following services available, but will work with others in the community if a resident needs such services:

- 24-hour skilled care by a registered nurse
- Medicare covered home care services
- Hospice services

**HEALTH SERVICES ASSESSMENT AND CARE PLAN**

Prior to moving to Legacy Care Home, each prospective resident is offered a comprehensive assessment by the Registered Nurse Case Manager. While voluntary, you are strongly encouraged to take advantage of that assessment, which addresses medical history, cognitive status and current medical and social issues. The RN uses the information gleaned in the assessment process to propose a care plan, so that a prospective resident and their family will know, when making their decision on whether to move to Legacy Care Home, what needs could be met by Legacy Care Home's health service program, the costs associated with those services, and what services, if any, the prospective resident may need to obtain from others in the community.

When a resident decides to move to Legacy Care Home and obtain health services from our home care agency, the resident is re-assessed as part of the formal process of admitting them to Home Health Care Services and developing a health services care plan. Components of this assessment include:

- Activities of Daily Living
- Cognitive Status
- Body Systems Review
- A Medical-Psycho-Social Review
The **Health Services Care Plan** correlates to each resident’s needs and functional abilities. The Care Plan emphasizes *abilities* as opposed to *disabilities* and focuses on promoting the maximal level of independence and quality of life for the resident.

Each resident is formally re-evaluated by the RN per home care regulations, or when there is a significant change in the resident’s condition. Informal evaluation is ongoing through daily charting by care attendants. Caregivers are trained to report any and all status changes to the RN for further assessment.

**FAMILIES**

We believe that the family and/or personal representative play a very vital role in helping our staff to know the resident and to identify his or her most important needs. Families are involved at all stages of care planning, care provision and re-assessment. We offer opportunities for care conferences with families as often as necessary to share information about the resident.

We welcome frequent visits to the home, participation in activities, and interaction with staff. Families may visit at any time, 24 hours a day, 7 days a week.

**STAFF**

**TRAINING**

As memory care providers, Legacy Care Home has an on-going commitment to quality staff training. Training is provided by the RN Case manager with support from the Executive Director.

*All* staff providing direct care to residents at Legacy Care Home will be trained in General Dementia Care at general orientation and will receive additional General Dementia Care training at their annual anniversary in-service. Topics to be covered in that training include:

2. Communication changes and strategies for dementia care.
3. Understanding behaviors and communication.
4. Activities of daily living: effective approaches and skills for bathing, dressing, grooming, and mealtimes.
5. Dementia care activities and life enrichment.

All employees employed will receive an additional two hour class in Dementia Care within 3 months of employment covering the disease of dementia, understanding behavior as communication, recreation programs, family and staff working together, and self care for staff.

**STAFF AVAILABILITY**

Legacy Care Home is staffed as follows:
• A full time Executive Director
• A full time RN Case Manager
• Nurse available by pager 24 hours a day
• Home health aide staffing 24 hours a day*

- 7AM to 3PM  1 Home Health Aide in attendance
- 3PM to 11PM  1 Home Health Aide in attendance
- 11PM to 7AM  1 Home Health Aide in attendance
- 8 AM to 8 PM  1 Home Health Aide in attendance

*Staffing levels for home health aides can be adjusted as needed.

Staff Credentials and Duties

Executive Director – Oversees all aspects of operations for the community.

Registered Nurse Case Manager – Oversees home care operations at Legacy, including compliance with regulations, quality assurance and daily services. Performs all admission assessments and formulates individual care plans for residents. Provides direct skilled care as needed. Delivers services in compliance with The Minnesota Nurse Practice Act.

Unlicensed staff – Provide daily direct care to our residents as delegated by the registered nurse, assisting with personal cares, activities of daily living, medication management, leisure activities and meals. Must be deemed competent by the Registered Nurse Case Manager to deliver care and services to residents.

RESIDENT PROGRAMS AND ACTIVITIES
Resident programs at Legacy are designed and developed by the executive director, RN case Manager and CnA staff. Activity programs emphasize movement, sensory stimulation, orientation, structure, routine, familiarity and enjoyment. Activities are frequent but short in duration to accommodate short attention spans and restlessness. The staff spends time becoming familiar with the likes and dislikes of the residents on each unit and makes every attempt to accommodate individual needs and desires.

Resident activities are provided to residents of the home 7 days per week. A sample activity calendar, as well as current calendars are available to residents and families at all times.

FEE SCHEDULES

All fee schedules for rent and services are attached as addendums to the Residency Agreement.

Current fee schedules may also be obtained from the executive director at any time. When changes occur to any fee, a 30 day notice will be provided to the resident, designated family member and/or authorized representative.
SIGNIFICANT CHANGE IN HEALTH STATUS

In the event that there is an emergency or significant change in health status requiring a transfer to the hospital or emergency room, we will make every effort to help you make informed decisions about when you wish to return to your room at Legacy Care Home. It may not always be in your best interest to return immediately to Legacy Care Home. You may benefit from a short-term rehab stay first, because our staff may not be able to meet all your needs after a hospital stay. Frequently, residents use short-term rehab units at other sites, and then return to their room at Legacy Care Home with the level of services we provide.

Our ultimate goal would always be to have you return to Legacy Care Home, but that might not always be the safest option for you on a temporary basis.

Important reminders:

1. The executive director is available to help you and your family make the right decisions in these situations. She will maintain contact with you, any other facility, and your family.
2. In the event you cannot safely return to Legacy Care Home, the notice periods continue to apply.
Resolution No. 2017-

Resolution approving a conditional use permit for an eight-resident licensed residential care facility at 5531 Eden Prairie Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Michelle Nash, on behalf of Legacy Care Home, is requesting a conditional use permit to operate an eight-resident residential care facility at 5531 Eden Prairie Road.

1.02 The property is legally described on EXHIBIT A of this resolution.

1.03 On May 4, 2017, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3(g) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. 3,000 square feet of lot area for each overnight resident, based on proposed capacity;

2. 300 square feet of residential building area for each overnight resident, based on proposed capacity;
3. in R-1 and R-2 districts, for new construction including additions, a floor area ratio (FAR) that is no more than 100% of the highest FAR of the homes within 400 feet of the lot lines and within 1,000 feet of the lot along the street where it is located, including both sides of the street. The FAR applies to an existing structure only if it seeks to expand. The city may exclude a property that the city determines is not visually part of the applicant's neighborhood and may add a property that the city determines is visually part of the applicant's neighborhood. The city may waive or modify the floor area requirement where:

a) the proposed use would be relatively isolated from the rest of the neighborhood by slopes, trees, wetlands, undevelopable land, or other physical features; or

b) the applicant submits a specific building design and site plan, and the city determines that the proposed design would not adversely impact the neighborhood character because of such things as setbacks, building orientation, building height, or building mass. In this case, the approval is contingent upon implementation of the specific site and building plan.

4. no external building improvements undertaken in R-1 and R-2 districts which alter the original character of the home unless approved by the city council. In R-1 and R-2 districts, there must be no exterior evidence of any use or activity that is not customary for typical residential use, including no exterior storage, signs, and garbage and recycling containers;

5. traffic generation: a detailed documentation of anticipated traffic generation must be provided. In order to avoid unreasonable traffic impacts to a residential neighborhood, traffic limitations are established as follows:

a) in R-1 and R-2 districts, the use is not permitted on properties that gain access by private roads or driveways that are used by more than one lot;

b) the use must be located on, and have access only to, a collector or arterial roadway as identified in the comprehensive plan;
c) the use must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as holidays, that has been reviewed and approved by city staff.

6. no on-street parking to be allowed. Adequate off-street parking will be required by the city based on the staff and resident needs of each specific facility. In R-1 and R-2 districts, the parking area must be screened from the view from other R-1 and R-2 residential properties. Private driveways must be of adequate width to accommodate effective vehicle circulation and be equipped with a turnaround area to prevent backing maneuvers onto public streets. Driveways must be maintained in an open manner at all times and be wide enough for emergency vehicle access. Driveway slope must not exceed 8 percent unless the city determines that site characteristics or mitigative measures to ensure safe vehicular circulation are present. Adequate sight distance at the access point must be available;

7. all facilities to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

8. landscape buffering from surrounding residential uses to be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-site impacts. Landscape screening from surrounding residential uses may be required by the city depending on the type, location and proximity of residential areas to a specific facility;

9. submission of detailed program information including goals, policies, activity schedule, staffing patterns and targeted capacity which may result in the imposition of reasonable conditions to limit the off-site impacts;

10. submission of a formal site and building plan review if a new building is being constructed, an existing building is being modified, or the city otherwise determines that there is a need for such review; and

11. additional conditions may be required by the city in order to address the specific impacts of a proposed facility.
Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code 300.16 Subd.3(g):

1. Excluding the narrow portion of the property that extends into Glen Lake, the proposal would result in 6,765 square feet of lot area for each of the eight residents.

2. Excluding the proposed garage and basement area, the proposal would result in 418 square feet of building area for each of the eight residents.

3. The maximum existing FAR in the area is 0.12. The proposed home would have a FAR of 0.11. This calculation excludes the narrow portion of the property that extends into Glen Lake.

4. The proposed home would have a front elevation typical of a single-family home. Display of signage and storage of garbage and recycling containers have been addressed as the conditions of this resolution.

5. The property is accessed by an individual driveway onto Eden Prairie Road, a collector roadway. The most recent traffic counts on Eden Prairie Road suggest that the roadway carries roughly 6,600 vehicles per day. The proposed eight-resident facility would have very little if any impact on traffic volumes.

6. As proposed, the home would be set back 150 feet from the front property line, allowing ample space for parking. A driveway turnaround has been included as a condition of this resolution.

7. Given the design of the home, the visual diversity of the surrounding area, and existing vegetation, it would not be necessary to install landscaping beyond that typically installed on a single-family lot.

8. A survey, grading plan, and building plans have been submitted and reviewed by pertinent city staff.
Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   
   b) Submit the following:
       1) A stormwater management plan and calculations showing on-site retention of 1 inch of rainfall over the site’s impervious surface.
       2) A stormwater maintenance agreement.
       3) A tree preservation plan that clearly indicates the trees proposed to be protected, the trees proposed for removal, and any tree mitigation as required by city code.
       4) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
           a. The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
           b. If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
       c) Install a temporary rock driveway, erosion control, and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.
       d) Pay any outstanding utility bills.
2. Changes to existing driveway locations must be reviewed and approved by Hennepin County.

3. The driveway must include a vehicle turnaround. Vehicles may not be parked in the turnaround area.

4. The facility must conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances, including:
   - City Code 300.10, R-1 Low Density Residential District
   - City Code 300.25, Shoreland District
   - City Code 325, Sign Regulations
   - City Code 845, Public Nuisances

5. The property owner must contact the state fire marshal regarding fire code requirements and any necessary inspections.

6. The city council may reasonably add or revise conditions to address any future unforeseen problems.

7. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 22, 2017.

_______________________________________
Terry Schneider, Mayor

Attest:

_________________________________
David E. Maeda, City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on May 22, 2017.

__________________________________
David E. Maeda, City Clerk
EXHIBIT A

That part of Lot 7, "Glen Lake Park", described as follows: Commencing at a point where the Southerly line of said lot terminates at the line of ordinary high water at Glen Lake, thence Northerly along the shore of said Glen Lake to the Northerly line of said lot, where the same terminates at the line of ordinary high water at Glen Lake, thence Westerly 692 feet, more or less, to the Northeasterly boundary line of said lot, thence in a Northwesterly direction along said Northeasterly line to a point in said line 424.3 feet from the Northerly corner of said lot; thence Southwesterly to a point in the Westerly line of said lot, 64.75 feet from the Southwesterly corner of said lot; thence Southerly to the Southwesterly corner of said lot; thence Easterly 1196 feet to said lake and the point of beginning Hennepin County, Minnesota.
MINNETONKA PLANNING COMMISSION  
May 4, 2017

**Brief Description**  
Conditional use permit for a telecommunications tower with a height variance on the property located at 4525 Williston Road

**Recommendation**  
Recommend the city council adopt the resolution approving the request

---

**Project No.**  
05011.17a

**Property**  
Williston Water Tower site, 4525 Williston Road

**Applicant**  
Verizon Wireless

**Proposal**

Verizon Wireless is requesting a conditional use permit for construction and operation of a telecommunications tower and associated ground equipment. The tower and equipment would be located directly south of the existing water tower.

**Site Features**

The site is located on the south side of the Highway 7, south frontage road and east of Williston Road. The property is 1.15 acres in size (excluding the larger city owned property to the east) and is improved with the Williston Water Tower which is approximately 130 feet in height. The site rises approximately 35 feet from the frontage road to the south property line. In addition to providing space for the water tower, the city has managed the landscape as an oak woodland brushland restoration area. This area is part of the broader Tower Hill Park Habitat Restoration.

**Proposed Location**

The proposed tower location was determined after a long collaboration with city staff to evaluate various options on the subject property as well as the adjacent Tower Hill Park. Although the nearly 9-acre city owned area between Williston and Woodhill Road appear to provide many potential tower locations, a number of factors limit options including:

- Water and utility lines crossing through the area,
- Underground city water storage tanks,
• Proximity to surrounding residential neighborhoods,

• Visual impact to the Highway 7 corridor,

• Viable options that work with the carrier’s requirements including equipment access,

• Topography,

• Wooded and wetland areas; and,

• Accessibility from and proximity to adjacent streets or existing driveways.

While it is not customary for the city to engage so directly in project details, in this situation as the property owner, the city has numerous interests in identifying a location that is acceptable. As noted, the proposed tower would be located directly south of the water tower. This location is in an area that is reasonably accessible from the south frontage road, has minimal disruption to habitat and landscape, and does not interfere with the numerous public utilities around the site. From a visual perspective, the location between the water tower and the woods provides sheltering when viewed from many angles.

The tower would be located 90 feet directly south of the water tower. The tower base would be approximately 16 feet higher in elevation than the base of the water tower. The tower would be 67 feet higher than the water tower.

The ground equipment would be located between the monopole and the water tower. Grading is proposed to “tuck” the equipment better into the hillside to help reduce visual impacts. A 6-foot retaining wall is shown on the south side of equipment pad. Metal fencing 7-feet in height would enclose the ground equipment. A proposed sidewalk would connect the ground equipment and tower to the water tower access road.

Proposed Tower

The proposed tower total height would be 180 feet. The tower would be of stealth design to blend the tower into the surrounding environment. The tower would incorporate the antennas into the monopole structure so that they do not project out from the side of the structure. The pole would also be painted an ivory/off white color, similar to the nearby water tower, to minimize the visual impact of the structure. The tower design would incorporate features for multiple antennas between 150 and 180 feet on the tower. (See photo simulations).

Minnetonka Telecommunication Ordinance

The city recognizes the value of wireless communications, while also recognizing that freestanding telecommunications towers may have a visual impact on the areas in which
they are located. In an attempt to balance the technological positive with the aesthetic negative, the city’s current telecommunications ordinance favors the installation of technology on existing support structures – such as water towers, buildings, and high voltage transmission poles – over the construction of freestanding towers. This is evidenced in the ordinance in several ways:

- **Administrative Permit vs. Conditional Use Permit.** The installation of wireless facilities on existing support structures can often be reviewed and approved administratively. A freestanding telecommunications tower can be approved only by conditional use permit.

- **Conditional Use Permit Standards.** By conditional use permit standard, an applicant for a freestanding telecommunications tower must prove that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it.

**Staff Analysis**

In speaking with telecommunication providers, city staff regularly outlines the goals of the telecommunication ordinance and strongly suggests providers look for support structures on which they can install antennas. In the case of the current application, Verizon previously sought a location on the top of the water tower to achieve coverage needs to the south. The city declined a departure from its public water tower policy to allow Verizon to meet its coverage needs. In doing so, the city suggested that a monopole may be an alternative means to gaining coverage needs.

During the concept plan review, Verizon had proposed a 150-foot tower to achieve its coverage needs. Since those review meetings, staff, the city’s telecommunications consultant and representatives from Verizon have continued to discuss details of the proposal. After much discussion, the city’s telecommunications consultant made the recommendation to consider increasing the tower height. In this circumstance, increasing the tower height has the following advantages:

1) The increased height would provide additional collocation opportunities,

2) The increased height and additional collocation opportunities will greatly reduce the need for other monopoles in the area for the foreseeable future; and,

3) The increased height and additional collocation opportunities reduces pressure for additional telecommunications equipment space on the city’s water tower which is at capacity.

Given the lack of viable alternatives to collocate telecommunications equipment on existing structures in the area to provide Verizon reasonable coverage, staff views the proposal as reasonable.
Although the proposed telecommunications facility is reasonable for the following reasons:

1) The proposed telecommunications facility would provide the applicant with reasonable coverage,

2) The proposed telecommunications facility would be constructed of stealth design and sited in a manner to minimize visual impacts,

3) The proposed telecommunications facility would allow collocation opportunities for other providers,

4) The proposed telecommunications facility would not create impacts that would negatively jeopardize the delivery of essential public services; and,

5) The proposed telecommunications facility would not negatively impact the health, safety and welfare of the community.

Staff Recommendation

Staff recommends that the planning commission recommend approval to the city council to adopt a resolution approving a conditional use permit for a telecommunication facility at 4525 Williston Road.

Originator: Loren Gordon, AICP, City Planner

Through: Julie Wischnack, AICP, Community Development Director
          Corrine Heine, City Attorney
Supporting Information

Surrounding Land Uses
- Northerly: Commercial, zoned B-1
- Easterly: Tower Hill Park; zoned R-1
- Southerly: Single-family homes; zoned R-1
- Westerly: Single-family homes; zoned R-1

Planning
- Guide Plan designation: Low Density Residential
- Zoning: R-1

Previous Reviews
Verizon previously sought a location on the top of the water tower to achieve coverage needs to the south.

The city has a policy regarding the use of public water towers for antennas. As stated in city council policy 12.5, priority is granted to public safety and governmental agencies before private entities. Currently, the top of the water tower is exclusively used by public safety and governmental agencies. Private cellular providers have only been allowed on the “flute” of the tower under the bulb of the tank.

In the 2015 discussion, the city determined that:

1) The Verizon proposal to locate private equipment on top of the water tower would not be advantageous to telecommunications equipment already in place, and

2) Exploration of other alternatives such as a monopole antenna on the water tower property was a possibility.

Federal Law
Under federal law, communities may not: (1) discriminate between telecommunications providers; (2) ban the construction, modification, or placement of facilities in a particular area; or (3) regulate the placement, construction, or modification of facilities based on the environmental effects of radio frequency emissions.

Federal law does not prohibit the denial of specific telecommunications facilities requests. However, the denial must be based on a “reasoned approach” and must be made in writing.

Administrative Review
By ordinance, telecommunication facilities can be reviewed and approved administratively when the facility would be located on:
- (1) a high-voltage transmission tower; or
- (2) on an antenna support structure for which a CUP has already been approved. In
addition, the ordinance allows administrative review and approval of a one-time 15-foot extension of an existing facility.

Variance Standards

The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

PURPOSE AND INTENT OF THE ZONING ORDINANCE: The R-1 District allows telecommunications facilities as a conditional use on public or institutional property guided for low-density residential.

CONSISTENT WITH COMPREHENSIVE PLAN: The comprehensive plan guides the property for low-density residential use.

PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

REASONABLENESS:

The request is reasonable for the applicant to achieve reasonable telecommunications coverage. The city’s telecommunications consulting engineer determined the minimum height required to obtain reasonable coverage exceeds the 90 feet telecommunications tower standards established in city code section 300.34 subd. 4(b)(1)(d). Therefore a variance is warranted to comply with the Federal Telecommunications Act.

UNIQUE CIRCUMSTANCE:

Although the water tower would provide the necessary height for reasonable coverage, space is not available for collocation. There are no other facilities or buildings available for collocation in the required coverage area. The construction of a telecommunications tower at this location and height is unique. The city does allow a tower of similar height up to 199 feet high if the applicant can demonstrate that off-site views of the tower will be minimized by the topography of the site and surrounding area, the location of the tower, the tower design, the surrounding tree cover and structures, or the use of screening.

CHARACTER OF LOCATILTY:

The request is reasonable for the applicant to achieve reasonable telecommunications coverage. The city’s telecommunications consulting engineer determined the minimum height required to obtain reasonable coverage exceeds the 90 feet
telecommunications tower standards established in city code section 300.34 subd. 4(b)(1)(d). Therefore a variance is warranted to comply with the Federal Telecommunications Act.

CUP Standards

The proposal would not meet the specific conditional use permit standards as outlined in City Code §300.34 Subd.4(b):

1) Telecommunication facilities may be located only on public or institutional property: in R-1 and R-2 residential districts and on property guided for low-density residential in the Planned I-394 District subject the standards listed in subparagraphs b through e which follow.

Finding: The proposed facility would be located on institutional property.

2) An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis;

Finding: The information supplied by the applicant was reviewed by the city’s telecommunications consultant. The consultant confirmed that the location and height reasonably meet the applicant’s coverage needs.

3) A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant’s reasonable capacity and coverage needs; and

Finding: The applicant is proposing a stealth design monopole structure.

4) A telecommunications tower and antennas, including attachments other than lighting rods, must not exceed 75 feet in height, measured from grade. The city council may increase this height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of
proximity, topography or screening by trees or buildings or would accommodate two or more users. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.

Finding: The city’s telecommunications consultant has confirmed that the minimum height needed to provide reasonable coverage is 150 feet. The council will need to grant a variance to the height requirement in order to provide the applicant with reasonable coverage.

Pyramid of Discretion

Motion Options

The planning commission has two options:

1) Concur with the staff recommendation. In this case a motion should be made recommending the city council approve the request based on the findings outlined in the staff-drafted resolution.

2) Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. This motion should include findings for approval.

Neighborhood
Comments

The city sent notices to 180 area property owners and received no comments to date.

Deadline for Decision

July 18, 2017
CONTRACTOR TO COORDINATE PUBLIC AND PRIVATE UTILITY LOCATIONS PRIOR TO CONSTRUCTION START. NOTIFY THE ARCHITECT AND THE VZW CONSTRUCTION ENGINEER IMMEDIATELY OF ANY UTILITY ISSUES.

1. PROPOSED EQUIMENT PLATFORM ASSEMBLED WITH GUARD RAILS, 12' DIA CONCRETE LADDER, CANOPY AND LIGHT FIXTURE. CONTRACTOR TO PROVIDE ADEQUATE LIFTING EQUIPMENT FOR PICKING AND SETTING ON FOUNDATION.

2. PROPOSED PLATFORMS NOT SHOWN FOR CLARITY.

3. CONTRACTOR SHALL OPENING AT UNLIT PLATFORM START WITH BOUNCING MEETING APPLICABLE CODES & STANDARDS.

NOTES:

MAPPING OF THE EXISTING SITE TO THE NEAREST PUBLIC UTILITY LOCATIONS IS RECOMMENDED.

The proposed retaining wall is not shown for clarity.
1. RISER HEIGHT & RUN LENGTH AS INDICATED ON PLAN.
2. CONCRETE OR GRAVEL WALK AS INDICATED ON PLAN. CONCRETE SHALL BE 5" WITH 6"/5 W.M.U. & 3" SAND. GRAVEL SHALL BE 4" COMPACTED.
3. HANDRAIL VERTICAL POST REQUIRED 8'-0" O.C. MAX SPACING.

NOTES:

TYP. HANDRAIL & STAIR SECTION

SCALE: 1/4"=1'-0"
CONTRACT GENERAL CONDITIONS

00 0001 FORMS
Contractor shall be required to fill in, or in the name of Verizon Wyoming, to be hereinafter referred to as the ‘Owner’. Other forms shall be supplied by the Contractor.

00 0002 SURVEY FEES
Contractor shall be required to file with the Architect. Layout Surveying shall be conducted with the Surveyor per "Request For Quote", (RFQ).

00 0010 INSURANCE & BONDS
Contractor shall provide insurance certificates for themselves and subcontractors. Contractor will provide any required Bonding. Contractor agrees to warranty the project for 1 year post occupancy.

00 0040 SUPERVISION & COORDINATION
Contractor shall provide supervision throughout the Project, coordinating the work of the Subcontractors and delivery & installation of Owner-furnished items. Contractor's responsibilities include conformance & coordinating of Underground Utilities Locations. Contractor shall carry the required liability insurance, including 500,000.

00 0160 TESTING
Contractor shall coordinate, authorize, and pay for Samples and/or Test a sufficient number to test for the purpose intended.

01 0000 GENERAL CONDITIONS
Contractor shall make themselves aware of, and attend meetings, with the Owner and/or Architect. Contractor is to attend the Pre-Construction Meeting of all parties involved, prior to the start of construction.

01 0100 TEMPORARY UTILITIES
Contractor shall maintain the site in a clean and orderly fashion, providing temporary sanitary facilities, waste disposal, and fencing (fence or tarpaulin, as required).

01 0300 EQUIPMENT RENTAL
Contractor shall furnish equipment necessary to expedite work.

01 0500 SITE OFFICERS & SUPERVISORS
Contractor shall provide security (fence or tarpaulin) for the site and materials that are being stored on site.

01 0700 CLEAN UP & CLOSE OUT
Contractor shall clean up the Site to the satisfaction of Owner. Contractor shall complete the construction of the Work, including the final grading and sheeting, and shall sign and return the Site to the Owner. Contractor shall maintain a set of drawings during the job, on which changes shall be noted.

02 0000 SITE IMPROVEMENTS
Contractor shall furnish equipment necessary to expedite work.

03 0000 CONSTRUCTION SPECIFICATIONS
MATERIALS

03 1100 CONCRETE
Concrete shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 1200 CONCRETE STAIRS, HANDRAILS
Concrete stair and handrail to be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 1300 CONTRACTOR TO PROVIDE.contractor shall furnish all materials necessary to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 1400 CABLE PROTECTION
All conduits shall be as described in the Construction Specifications, and shall be protected by the Contractor.

03 1500 WOOD FENCES
Wood fences shall be galvanized per "Request for Quote", (RFQ).

03 1600 THERMAL & MOISTURE

03 2000 ROOFING SYSTEMS

03 2200 LANDSCAPING
Contractor shall provide all materials and labor to construct the landscaping as described in the Construction Specifications. Contractor shall retain the services of a licensed architect to oversee the construction.

03 2500 MECHANICAL & ELECTRICAL
Any site-specific grounding issues not covered by the Contractor shall provide all materials and labor to construct the grounding system as described in the Construction Specifications.

03 2600 GROUNDING SYSTEMS
Contractor shall provide all materials and labor to construct the grounding system as described in the Construction Specifications. Contractor shall retain the services of a licensed architect to oversee the construction.

03 2700 WATER TOWERS & TANKS
Contractor shall furnish and install the necessary water storage tanks and towers as described in the Construction Specifications. Contractor shall retain the services of a licensed architect to oversee the construction.

03 3000 MECHANICAL INSTALLATION
Contractor shall furnish and install all mechanical equipment and systems necessary to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 3100 PLUMBING
Plumbing shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 3200 HEATING, VENTILATION, & AIR CONDITIONING
HVAC shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 3300 ELECTRICAL
Electrical shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 3400 SECURITY & SURVEILLANCE
Security systems shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 3500 OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 3600 PLATFORMS & BRIDGES
Platform and bridge foundation concrete and reinforcing to be per tower specifications, and shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 3700 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 3800 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 3900 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 4000 OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 4100 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 4200 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 4300 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 4400 OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 4500 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 4600 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 4700 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 4800 OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 4900 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 5000 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 5100 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 5200 OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 5300 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 5400 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 5500 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 5600 OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 5700 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 5800 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 5900 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 6000OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 6100 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 6200 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 6300 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 6400 OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 6500 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 6600 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 6700 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 6800OWNER-FURNISHED EQUIPMENT & FEES
Owner-furnished equipment & fees shall be furnished by Owner, and shall provide a set of drawings during the job, on which changes shall be noted.

03 6900 SITE IMPROVEMENTS
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 7000 SPECIAL CONSTRUCTION
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.

03 7100 SITE WORK
Contractor shall furnish all materials and labor to perform the work shown on Drawings, including items shipped with the Equipment Package assembly.
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision, and, that I am a duly registered Architect under the laws of the State of Minnesota.

ROBERT J. DAVIS, Reg. No. 12427

Date: 03-31-17

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(612) 720-0052

PROJECT
20141112993

LOC. CODE: 308586

MINNETONKA, MN 55345

SHEET CONTENTS:
EROSION CONTROL PLAN & DETAILS

DRAWN BY: CT
DATE: 11-11-16
CHECKED BY: MJS
REV.D 03-31-17

A-7
PLANTING DETAIL

SCALE: 1/8" = 1'-0"

1. Coordinate planting with existing and proposed underground utilities.

2. 3/4" DIA., 10' LONG COTTON STAKE WITH NOTCHED END (7 EXPOSED), 2 FOR TREE TIE BACK FROM TOP OF BALL.

3. 1/2" DIA., 10' LONG COTTON STAKE WITH NOTCHED END (7 EXPOSED), 2 FOR TREE TIE BACK FROM TOP OF BALL.

4. 4" WOOD TURNBUCKLE, 4" SIDE PLACED.

5. 24" x 2" x 2" STAKE DRIVEN FLUSH WITH FINISHED GRADE.

6. PLANTING DETAIL NOTES:
   a. Coordinate planting with existing and proposed underground utilities.
   b. Use detail for depth of planting.

7. 2" MULCH BACKFILL WITH TOP SOIL, AND PEAT MOSS 3:1 BY VOLUME IN 9" LAYERS.

8. Water each layer until settled.

9. Loosen subsoil around tree.

10. Soil saucer.

11. 2 1/2" DIA. - 10' LONG COTTON STAKE WITH NOTCHED END (7 EXPOSED), 2 FOR TREE TIE BACK FROM TOP OF BALL.

12. Turnbuckle, 4" side placed.

13. 24" x 2" x 2" STAKE DRIVEN FLUSH WITH FINISHED GRADE.

14. Tree diameter equals tree ball diameter.

RETAINING WALL PLAN

SCALE: 3/16" = 1'-0"

RETAINING WALL PLAN NOTES:
1. COORDINATE THESE DRAWINGS WITH ALL OTHER CONTRACT DOCUMENTS. IF DISCREPANCIES ARE NOTED, CONTRACTOR SHALL RESOLVE PRIOR TO COMMENCEMENT OF CONSTRUCTION.
2. SEE ARCH & CIVIL DRAWINGS FOR PRECISE WALL LAYOUT DRAWINGS & TO VERIFY INFORMATION INDICATED ON THESE DRAWINGS.
3. WALL SHALL BE CONSTRUCTED WITH VERSALOK STANDARD UNITS AND VERSAGRID 3.0 GEOSGRID REINFORCING.
4. SEE MANUFACTURER INFORMATION FOR ADDITIONAL CONSTRUCTION DETAILS. MANUFACTURER INFORMATION SHALL ACCOMPANY THE CONSTRUCTION PLANS.
PIN HOLES AND SLOTS FOR 9/4" SETBACK WALL CONSTRUCTION

PIN HOLES FOR VERTICAL WALLS
SPLITTING GROOVE FOR HALF UNIT
SPLITTING GROOVE FOR FREESTANDING WALLS
PINNING SLOTS FOR FREESTANDING WALLS

VERSALOK
STANDARD UNIT
VERSATUFF PIN
VERSATUFF PIN
2 PER UNIT

VERSATUFF PIN
2 PER UNIT

PINNING DETAIL
BASE STEPPING DETAIL

0.48" DIA.

RANDOMLY STAGGER VERTICAL JOINTS

NOTE:
• STEP AS NEEDED TO MAINTAIN MINIMUM REQUIRED EMBEDMENT

VERSALOK
STANDARD UNIT
VERSATUFF PIN
VERSATUFF PIN
2 PER UNIT

PINNING DETAIL
BASE STEPPING DETAIL
ODD COURSES

STD. UNITS 90 DEGREE INSIDE CORNER DTL.

COURSE 1

B-CAP

A-CAP

16''
12''

14''
14''

VERSALOK

STANDARD CAP UNITS

COURSE 2

GEOGRID INSTALLATION DTL.

NOTE:
- FOLLOW GEOSYNTHETIC GRID MANUFACTURER'S INSTALLATION INSTRUCTIONS AND SPECIFICATIONS
- GEOGRID LENGTH AND ELEVATION PLACEMENT SHALL BE DETERMINED BY WALL DESIGN ENGINEER

FOR STRAIGHT WALLS, ALTERNATE A-CAP AND B-CAP

SPLIT SIDE OF CAP AND STANDARD UNIT

RANDOMLY STAGGER VERTICAL JOINTS

CAPPING DETAIL @ STRAIGHT WALLS

COURSE 3

VERSA-LOK

STANDARD CAP UNITS

COURSE 4

@ STRAIGHT WALLS

VERSA-LOK

STANDARD CAP UNITS
INSIDE CORNER NOTES:

- AT SUBSEQUENT REINFORCEMENT ELEVATIONS EXTEND REINFORCEMENT FROM OPPOSITE WALL FACE.
- EXTEND REINFORCEMENT BEYOND WALL FACE A DISTANCE EQUAL TO 1/4 OF THE HEIGHT OF THE WALL (H).

90 DEGREE INSIDE CORNER W/ REINFORCEMENT

SCALE: NONE
CAP UNIT ADHES TO TOP UNIT
INVERSA-LOK
CONCRETE ADHESIVE

VERSA-LOK STANDARD
MODULAR CONCRETE UNITS

IMPERVIOUS FILL
12" DEEP

DRAINAGE AGGREGATE
12" THICK MIN.

GEOSYNTHETIC REINFORCEMENT
SEE ELEVATION DRAWINGS
FOR LENGTH, TYPE, AND SPACING

REINFORCED BACKFILL
COMPACTED 95% OF MAXIMUM
STANDARD PROCTOR DENSITY

4" DIA. (MIN) DRAIN PIPE
OUTLET @ END OF WALL
OR @ 40 CENTERS MAX.
SLOPE TO DRAIN (1:6:1 FT)

TYP. UNREINF. WALL SECTION

TYP. REINFORCED WALL SECTION

SCALE: NONE
NOTE: GEOGRID NOT SHOWN FOR CLARITY

6" TALL X 12" WIDE CONG. BEAM W/ (2) #5 BARS PLACED 2" ABOVE BOT. BEAM & MIN. 18" BRG. EA. END

CONCRETE HEADWALL OR CUT MODULAR UNITS

CONCRETE HEADWALL OR CUT MODULAR UNITS

NOTE:
1. MIN. 20-DAY CONC. STRENGTH = 4,000 PSI
2. REINFORCING = ASTM A 615 W/F = 60 KSI

WALL DETAIL WITH CONDUIT PENETRATION

SCALE: NONE

W6

WALL DETAIL WITH CONDUIT PENETRATION

SCALE: NONE

W6
**ELEVATION NOTES:**

1. ELEVATION CHANGES OF TOP & BOTTOM OF WALL BY STATION ARE APPROXIMATE. ACTUAL STATIONS SHALL BE FIELD ADJUSTED FOR ACTUAL BLOCK DIMENSIONS AND FINISH GRADES.
2. MAXIMUM ELEVATION STEP AT BASE = 12'.
ELEVATION NOTES:
1. ELEVATION CHANGES OF TOP & BOTTOM OF WALL BY STATION ARE APPROXIMATE. ACTUAL STATIONS SHALL BE FIELD ADJUSTED FOR ACTUAL BLOCK DIMENSIONS AND FINISH GRADES.
2. MAXIMUM ELEVATION STEP AT BASE = 12'.
SPECIFICATION FOR SEGMENTAL RETAINING WALL SYSTEMS

PART 1: GENERAL

1.01 Description

A. Work shall consist of furnishing materials, labor, equipment and supervision to install a segmental retaining wall system in accordance with plans and specifications and in reasonably close conformity with the plans, grades, design and dimensions shown on plans or established by Owner or Owner's Engineer.

1.02 Reference Standards

A. Segmental Retaining Wall Units

1. ASTM C 140 - Sampling and Testing Concrete Masonry Units
2. ASTM C 1572 - Standard Specification for Dry-Cast Segmental Retaining Wall Units

B. Geosynthetic Reinforcement

3. ASTM D 5261 - Standard Test Method for Determining the Coefficient of Soil and Geosynthetic or Geosynthetic and Geosynthetic by Direct Shear Method
4. ASTM D 5818 - Standard Test for Exposure and Retrieval of Samples to Evaluate Installation Damage of Geosynthetics

C. Soils

1. ASTM D 428 - Standard Test Method for Laboratory Compactation Characteristics of Soils Unconfined Standard Effort
2. ASTM D 2457 - Standard Practice for Classification of Soils for Engineering Purposes
3. ASTM D 422 - Standard Test Method for Particle-Size Analysis of Soils

D. Drainage Pipe

2. ASTM F 405 - Standard Specification for Corrugated Polyethylene (PE) Pipe and Fittings

E. Engineering Design

1. NCHCA Design Manual for Segmental Retaining Walls, Third Edition
2. Where specifications and reference documents conflict, the Wall Design Engineer shall make the final determination of applicable document.

1.03 Substitution

A. Materials Submissions: The Contractor shall submit manufacturers' certifications two weeks prior to start of work stating that the SRN units and geosynthetic reinforcement meet the requirements of Section 2 of this specification.

1.04 Delivery, Storage and Handling

A. Contractor shall check materials upon delivery to ensure that the specified type and grade of materials have been received and proper color and texture of SRN units have been received.
B. Contractor shall store and handle materials in accordance with manufacturer's recommendations and in a manner to prevent deterioration or damage due to moisture, temperature changes, contaminants, corrosion, breaking, chipping or other causes.
C. Contractor shall prevent excessive mud, wet concrete, epoxies and similar materials that may affix themselves from coming in contact with materials.
D. Contractor shall protect materials from damage; no damaged material shall be incorporated into the segmental wall.
E. Geosynthetics shall be protected from UV exposure and the protective covering on geosynthetics shall remain until immediately before installation and shall be stored at temperatures above ~10 degrees F.

PART 2: MATERIALS

2.01 Segmental Retaining Wall Units

A. SRN units shall be machine formed, Portland cement concrete blocks specifically designed for retaining wall applications. SRN units currently approved for this project are: VERSA-LOK Standard
B. SRN unit faces shall be of straight geometry.
C. SRN unit height shall be 8 inches.
D. SRN units shall provide a minimum width of 120 psi wall face area.
E. SRN units shall be solid through the full height of the unit.
F. SRN units shall have a depth (front to rear) to height ratio of 2:1, minimum.
G. SRN units shall be capable of being erected with the horizontal gap between adjacent units not exceeding 1/8 inch.
H. SRN units shall be interlocked with connecting pins that provide 3/4 inch setback from bottom (yielding a T-degree end from vertical).
I. SRN units shall be sound and free of cracks or other defects that would interfere with the proper placing of the unit or significantly impair the strength or permanence of the structure. Any cracks or chips observed during construction shall fall within the guidelines outlined in ASTM C 1572.
J. Concrete SRN units shall conform to the requirements of ASTM C 1572 and have a minimum net average 28 days compressive strength of 3000 psi. Compressive strength test specimens shall conform to the saw-cut coupon provisions of ASTM C 496.
K. SRN unit molded dimensions shall not differ more than ± 1/8 inch from that specified, as measured in accordance with ASTM C 140. This tolerance does not apply to architectural surfaces, such as split faces.

2.02 Segmental Retaining Wall Unit Connection Pins

A. SRN units shall be inter-connected with VERSA-Lok connection pins. The pins shall consist of glass-reinforced nylon made for the expressed use with the SRN units supplied.
2.09 Geosynthetic Reinforcement
A. Geosynthetic reinforcement shall consist of high-tensile PET geogrids, HDPE geogrids, or geotextiles manufactured for soil reinforcement applications. The type, strength and placement of the geosynthetic reinforcement shall be determined by procedures outlined in this specification and the NCHRP Design Manual for Geosynthetics (3rd Edition 2008) and materials shall be specified by the Soil Design Engineer in their final soil plans and specifications. The manufacturers/suppliers of the geosynthetic reinforcement shall have demonstrated construction of similar size and types of segmental retaining walls on previous projects. Geosynthetic types currently approved for this project are: VERSA-Grid Geogrids.
B. The type, strength and placement of the reinforcing geosynthetic shall be as determined by the Soil Design Engineer, as shown on the final, P.E.-stamped retaining wall plans.

2.04 Leveling Pad
A. Material for leveling pad shall consist of compacted sand, gravel, or combination thereof (USCS soil types FF, SM, SP, G, W) and shall be at least 6 inches in depth. Clean concrete with a strength of 200-300 psi and 6 inches thick maximum may also be used as a leveling pad material. The leveling pad thickness should extend laterally at least a distance of 6 inches from the toe and heel of the lowermost SRW unit.

2.05 Drainage Aggregate
A. Drainage aggregate shall be angular, clean stone or gravel with the following gradation as determined in accordance with ASTM D422:

<table>
<thead>
<tr>
<th>Size</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 inch</td>
<td>100</td>
</tr>
<tr>
<td>3/4 inch</td>
<td>75-100</td>
</tr>
<tr>
<td>4</td>
<td>0-60</td>
</tr>
<tr>
<td>6</td>
<td>0-90</td>
</tr>
<tr>
<td>10</td>
<td>0-5</td>
</tr>
</tbody>
</table>

2.06 Drainage Pipe
A. The drainage collection pipe shall be a perforated or slotted PVC, or corrugated HDPE pipe. The drainage pipe may be wrapped with a geotextile to function as a filter.
B. Drainage pipe shall be manufactured in accordance with ASTM F 405 or ASTM F 758.

2.07 Reinforced Backfill Soil
A. The reinforced soil material shall be free of debris. Unless otherwise noted on the final, P.E.-stamped, retaining wall plans prepared by the Soil Design Engineer, the reinforced soil material shall consist of the inorganic USCS soil types FF, SM, SP, G, W, meeting the following gradation, as determined in accordance with ASTM D422:

<table>
<thead>
<tr>
<th>Size</th>
<th>Percent Passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 inch</td>
<td>100</td>
</tr>
<tr>
<td>4</td>
<td>20-100</td>
</tr>
<tr>
<td>6</td>
<td>0-60</td>
</tr>
<tr>
<td>10</td>
<td>0-12</td>
</tr>
</tbody>
</table>

2.01 Reinforced Backfill Soil (CONT.)
B. The maximum particle size of poorly graded gravels (SP) shall not exceed 3/4 inch unless expressly approved by the Soil Design Engineer.
C. The long-term design strength (LTDS) of the geosynthetic is reduced to account for additional installation damage from particles larger than the maximum.
D. The geosynthetic filter material shall be between 3 and 4 when tested in accordance with ASTM G 51.

2.08 Geotextile Filter
A. Drainage geotextile shall consist of geosynthetic specifically manufactured for use as a precast soil filter that retains soil while still allowing water to pass through the life of the structure. The type and placement of the geotextile filter material shall be as required by the Soil Design Engineer in their final soil plans and specifications.

PART 5: DESIGN PARAMETERS

3.01 Soil
A. The following assumed soil parameters have been used for the preparation of the final design, and shall be verified by the Owner's Geotechnical Engineer:

<table>
<thead>
<tr>
<th>Unit Weight</th>
<th>Internal Friction</th>
<th>Cohesion (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(psf)</td>
<td>Angle (degrees)</td>
<td>(psf)</td>
</tr>
<tr>
<td>Reinforced Fill</td>
<td>110</td>
<td>20</td>
</tr>
<tr>
<td>Retained Soil</td>
<td>115</td>
<td>20</td>
</tr>
<tr>
<td>Foundation Soil</td>
<td>115</td>
<td>20</td>
</tr>
</tbody>
</table>

B. Should the actual soil conditions observed during construction differ from those assumed for the design, design shall be reviewed by the Soil Design Engineer at the Owner's geotechnical engineer's discretion.

3.02 Design
A. The design analysis for the final, P.E.-stamped retaining wall plans prepared by the Soil Design Engineer shall consider the external stability, sliding and overturning, internal stability, and failure stability of the reinforced soil mass, and shall be in accordance with acceptable engineering practice and these specifications. The internal and external stability analysis shall be performed in accordance with the "NCHRP Design Manual for Geosynthetics (3rd Edition 2008)" using the recommended design factors of safety in this manual.
B. External stability analysis for bearing capacity, global stability, and total and differential settlement shall be the responsibility of the Owner and the Owner's Geotechnical Engineer. The Geotechnical Engineer shall perform bearing capacity, settlement estimates, and stability analysis based on the final wall design provided by the Soil Design Engineer and coordinate any required changes with the Soil Design Engineer.
PART 4. CONSTRUCTION

4.01 Inspection
A. The Owner or Owner's Engineer is responsible for verifying that the materials supplied by the Contractor meet all the requirements of the specification. This includes all substrates for materials and design qualifications and proper installation of wall system.
B. Contractor's field construction supervisor shall have demonstrated experience and be qualified to direct all work at the site.

4.02 Excavation
A. Contractor shall excavate to the lines and grades shown on the project grading plans. Contractor shall take precautions to minimize over-excavation. Over-excavation shall be filled with compacted fill material, or as directed by the Wall Design Engineer, at the Contractor's expense.
B. Contractor shall verify location of existing structures and utilities prior to excavation. Contractor shall ensure all surrounding structures are protected from the effects of wall excavation. Excavation support, if required, is the responsibility of the Contractor.

4.03 Foundation Preparation
A. Following the excavation, the foundation soil shall be examined by the Owner's Engineer to assure actual foundation soil strength meets or exceeds the assumed design bearing strength. Soils not meeting the required strength shall be removed and replaced with fill soils, as directed by the Owner's Geotechnical Engineer.
B. Foundation soil shall be proof-rolled and compacted to 95% standard Proctor density and inspected by the Owner's Geotechnical Engineer prior to placement of leveling pad materials.

4.04 Leveling Pad Construction
A. Leveling pad shall be placed as shown on the plan, P.E.-sealed retaining wall plane with a minimum thickness of 6 inches. The leveling pad should extend (vertically) at least a distance of 6 inches from the toe and heel of the lowerrace SRN unit.
B. Granular leveling pad material shall be compacted to provide a firm, level bearing surface on which to place the first course of units. Well-graded sand can be used to smooth the top \( (4\text{ in.}) \times 1/2\text{ in.} \) of the leveling pad. Compaction will be with mechanical plate compactors to achieve 95% of maximum standard Proctor density (ASTM D 698).

4.05 SRN Unit Installation
A. All SRN units shall be installed at the proper elevation and orientation as shown on the plan, P.E.-sealed wall plans and details or as directed by the Wall Design Engineer. The SRN units shall be installed in general accordance with the manufacturer's requirements. The specifications and drawings shall govern in any conflict between the two requirements.
B. First course of SRN units shall be placed on the leveling pad. The units shall be leveled side-to-side, front-to-rear and with adjacent units, and aligned to ensure tight and contact with the leveling pad. The first course is the most important to ensure accurate and acceptable results. No gap shall be left between the front of adjacent units. Alignment may be done by means of a string line or offset from base line to the back of the units.
C. All excess debris shall be cleaned from top of units and the next course of units installed on top of the units below.
D. Two VERSA-Tuff connection pins shall be inserted through the pin holes of each upper-course unit into receiving slots in lower-course units. Pins shall be fully seated in the pin slot below. Units shall be pushed forward to remove any looseness in the unit-to-unit connection.
E. Prior to placement of next course, the level and alignment of the units shall be checked and corrected where needed.
F. Layout of courses and corners shall be installed in accordance with the wall plan details or in general accordance with SRN manufacturer's installation guidelines. Walls meeting at corners shall be interlocked by overlapping successive courses.
G. Procedures C. through F. shall be repeated until reaching top of wall units, just below the height of the cap units. Geosynthetic reinforcement, drainage materials, and reinforced backfill shall be placed in sequence with unit installation as described in Section 4.06, 4.07 and 4.08.
4.06 Geosynthetic Reinforcement Placement

A. All geosynthetics reinforcement shall be installed at the proper elevation and orientation as shown on the final P.E.-sealed retaining wall plan profiles and details, or as directed by the Wall Design Engineer.

B. At the elevations shown on the final plans, (after the units, drainage material and backfill have been placed to this elevation) the geosynthetics reinforcement shall be laid horizontally on compacted fill and on top of the concrete SRN units, to within 1 inch of the front face of the unit below. Embedment of the geosynthetics in the SRN units shall be consistent with SRN manufacturer’s recommendations. Correct orientation of the geosynthetics reinforcement shall be verified by the Contractor to be in accordance with the geosynthetics manufacturer’s recommendations. The highest-strength direction of the geosynthetics must be perpendicular to the wall face.

C. Geosynthetics reinforcement layers shall be one continuous piece for their entire embedment length. Splicing of the geosynthetics in the design-strength direction (perpendicular to the wall face) shall not be permitted. Along the length of the wall, horizontally adjacent sections of geosynthetics reinforcement shall be butted in a manner to assure 100% coverage parallel to the wall face.

D. Tracked construction equipment shall not be operated directly on the geosynthetics reinforcement. A minimum of 6 inches of backfill is required prior to operation of tracked vehicles over the geosynthetics. Turning should be kept to a minimum. Rubber-tired equipment may pass over the geosynthetics reinforcement at slow speeds (less than 5 mph).

E. As a general, the geosynthetics reinforcement shall be free of wrinkles prior to placement of soil fill. The nominal tension shall be applied to the reinforcement and secured in place with staples, nails or by hand tamping until reinforcement is covered by 6 inches of fill.

4.07 Drainage Aggregate and Drainage Material Placement

A. Drainage aggregate shall be installed to the line, grades and sections shown on the final P.E.-sealed retaining wall plans. Drainage aggregate shall be placed to the minimum thickness shown on the construction plans between and behind units (a minimum of 1 cubic foot per each exposed square foot of wall face unless otherwise noted on the final plans).

B. Drainage collection pipes shall be installed to maintain gravity flow of water outside the reinforced-soil zone. The drainage collection pipe shall be installed at the locations shown on the final construction drawings. The drainage collection pipe shall daylight into a storm sewer or along a slope, at an elevation below the lowest point of the pipe with the aggregate drain. Drainage laterals shall be spaced at a maximum 40-foot spacing along the wall face.

4.08 Backfill Placement

A. The reinforced backfill shall be placed as shown in the final wall plans in the maximum compacted lift thickness of 8 inches and shall be compacted to a minimum of 95% of standard Proctor density (ASTM D 698) at a moisture content within ±1% of 75% points of optimum. The backfill shall be placed and spread in such a manner as to eliminate wrinkles or movement of the geosynthetics reinforcement and the SRN units.

B. Only hand-operated compaction equipment shall be allowed within 3 feet of the back of the wall units. Compaction within the 3 feet behind the wall units shall be achieved by at least three passes of a lightweight mechanical tamper, plate, or roller.

C. At the end of each day’s operation, the Contractor shall slope the last level of backfill away from the wall facing and reinforced backfill to direct water runoff away from the wall face.

4.09 Backfill Placement (CONT.)

D. At completion of wall construction, backfill shall be placed level with final top of wall elevation. If final grading, paving, landscaping and/or storm drainage installation adjacent to the wall is not completed immediately after wall completion, temporary grading and drainage shall be provided to ensure water runoff is not directed at the wall nor allowed to collect or pond behind the wall until final construction adjacent to the wall is completed.

4.09 SRN Caps

A. SRN caps shall be properly aligned and glued to underlying units with VERSA-Lock adhesive, a flexible, high-strength concrete adhesive. Rigid adhesive or mortar are not acceptable.

B. Caps shall overhang the top course of units by 3/4 inch to 1 inch. Slight variation in overhang is allowed to correct alignment at the top of the wall.

4.10 Construction Adjacent to Completed Wall

A. The Owner or Owner’s Representative is responsible for ensuring that construction by others adjacent to the wall does not disturb the wall or place temporary construction loads on the wall that exceed design loads, including loads such as water pressure, temporary grades, or equipment loading. Heavy paving or grading equipment shall be kept a minimum of 8 feet behind the back of the wall face. Equipment with wheel loads in excess of 150 psi live load shall not be operated within 10 feet of the base of the retaining wall during construction adjacent to the wall. Care should be taken by the General Contractor to ensure water runoff is directed away from the wall structure until final grading and surface drainage collection systems are completed.
GENERAL GROUNDING NOTES:
An external buried ground ring (Lead 1) shall be established around each foundation. Lead 1 shall be kept 24” away from the foundation. Connections to the ground rods shall be less than 48” apart. Each lead shall be bonded to two parallel leads of at least 6 feet apart horizontally. Connections between the two leads shall be made by exothermic welding.

All subgrade connections shall be with exothermic welding, thereby ensuring a perfect electrical connection. Steel composition grades shall be specified.

The main ground ring shall be established around each foundation. Lead 1 shall be bonded to two parallel leads of at least 6 feet apart horizontally. Connections between the two leads shall be made by exothermic welding.

All subgrade connections shall be with exothermic welding, thereby ensuring a perfect electrical connection. Steel composition grades shall be specified.

The main ground ring shall be established around each foundation. Lead 1 shall be bonded to two parallel leads of at least 6 feet apart horizontally. Connections between the two leads shall be made by exothermic welding.

All subgrade connections shall be with exothermic welding, thereby ensuring a perfect electrical connection. Steel composition grades shall be specified.
PROPOSED FUTURE GENERATOR

PROPOSED EQUIPMENT CABINETS TO BE GROUNDED PER MANUFACTURERS SPECS AND ATTACHED TO MAIN BUSS BAR

PROPOSED GROUND LEAD FROM MAIN BUSS BAR TO TOWER BUSS BAR, FOLLOW CABLE ROUTE.

NOTE: CONTRACTOR SHALL ENSURE THAT EACH WHIP IS ROUTED TO LEAD 1 BY THE SHORTEST PATH, AND BENDS SHALL NOT BE LESS THAN 12" RADIUS

GROUNDING DETAIL INDEX

DETAIL DESCRIPTION

11.1 TEST WELL DETAIL GROUND RING & ROD DETAIL
11.2 REBAR GROUNDING DETAIL
11.4 CONSULT DETAIL
11.5 TYPICAL GROUNDING CABLE BRIDGE DETAIL
11.6 TYPICAL TOWER GROUNDING DETAIL

NOTE:
CONTRACTOR SHALL ENSURE THAT EACH WHIP IS ROUTED TO LEAD 1 BY THE SHORTEST PATH, AND BENDS SHALL NOT BE LESS THAN 12" RADIUS

GROUNDING PLAN

TEST WELL PREFERRED LOCATION

TEST WELL PREFERRED LOCATION

PROPOSED GROUND LEAD FROM TOWER BUSS BAR TO MAIN BUSS BAR, FOLLOW CABLE ROUTE.

SCALE: NONE

NORTH

G-2
I hereby certify that the plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered Architect under the laws of the State of Minnesota.

ROBERT J. DAVIS, Reg. No. 12427

Date: 03-31-17

DESIGN
9973 VALLEY VIEW RD.
EDEN PRAIRIE, MN 55344
(952) 903-9299
WWW.DESIGN1EP.COM

10801 BUSH LAKE ROAD
BLOOMINGTON, MN 55438
(612) 720-0052

PROJECT 2041112993
LOC. CODE: 308586

MINC
ALADDIN
WILLISTON RD.
MINNETONKA, MN 55345

SHEET CONTENTS:
SITE UTILITY PLAN

DRAWN BY:
REV.
02-27-17
REV. D 03-31-17

1. CONTRACTOR TO COORDINATE PUBLIC AND PRIVATE UTILITY LOCATIONS PRIOR TO CONSTRUCTION START. NOTIFY THE ARCHITECT AND THE VZW CONSTRUCTION ENGINEER IMMEDIATELY OF ANY UTILITY LINE ISSUES.

2. EXISTING UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND NOT ALL UTILITIES ARE SHOWN. CONTRACTOR IS RESPONSIBLE TO NOT DAMAGE UNDERGROUND UTILITIES AND MUST CONDUCT PUBLIC AND PRIVATE UTILITY LOCATES BEFORE EXCAVATING.

3. CONTRACTOR SHALL RESTORE ALL AREAS, INCLUDING LANDSCAPING, SUBMITTED BY OWNER TO PRE-CONSTRUCTION CONDITIONS.

4. G.C. TO PROVIDE ADDITIONAL HARDWARE AT 18" INTERVALS OF FIBER CONDUIT, NOT SHOWN FOR CLARITY.

HAVE YOU CONSIDERED THE USE OF A CUSTOM SCHEDULE OF CONDITIONS TO IMPLEMENT THESE REQUIREMENTS?

- PROPOSED ABER DISTRIBUTION PEDESTAL MAY BE REQUIRED BY UTILRy PROVIDER
- PROPOSED W.D. HOle/PULL BOX, LOCATED WITHIN PUBLIC R.O.W.
- INSTALLED BY DARK ABER PROVIDER
- INSTALLED BY DARK ABER PROVIDER (SEE 1/U-1)

TRANS

PULL BOX LOCATION PLAN
SCALE: 1" = 10'-0"
REPORT REGARDING CONSTRUCTION

OF A 180-FOOT COMMUNICATIONS TOWER

ON THE ALADDIN WATER TOWER

MINNETONKA, MINNESOTA

FOR VERIZON WIRELESS

PREPARED BY:

GARRETT G. LYSIAK, P.E.

APRIL 21, 2017
Engineering Statement
The documents submitted by Verizon Towers to The City of Minnetonka for a new 180-foot tower were reviewed for compliance with the technical requirements of the (Wireless Telecommunications Overlay) of the zoning ordinance. The site is located at the Aladdin Water tower on Williston Road.

The proposed site has been evaluated several times in the past for both locating on the top of the water tank and various new tower locations in the surrounding area. The studies showed that a new tower is required to achieve the desired coverage and loading for the communications system.

In the proposed location, the water tower will shield the signals so various heights were examined to minimize this condition.

Once the new tower location was determined, the coverage was determined and several heights between 140 and 180 feet were analyzed.

The minimum height for the tower to provide adequate coverage was determined to be 140-feet. However, one consideration was to have the tower designed for future increase in height to permit other communications systems to be located on the new tower. Verizon submitted the new application with the increased height so future users could be located on it at a minimal disruption to their system operation.

This proposed height would eliminate the future need for a tower in the nearby area since the Ordinance requires using existing towers before any new towers could be approved.

Summary
The review of the proposed Verizon tower indicates that:

- It would provide the required wireless system coverage to eliminate the present existing poor coverage area and provide enhanced existing coverage.

- The site is not predicted to cause any interference products to any protected frequency in the area and is not predicted to be an RF radiation hazard.

- The tower at the proposed height is designed to accommodate additional communications systems.
• The proposal is in compliance with the structural requirements of the ordinance.

• Due to the lack of any existing towers or adequate support structures in the vicinity, the site would need to locate very near to the proposed location to fill the coverage gap.

Respectfully submitted,

[Signature]

Garrett G. Lysiak, P.E.
CONCEPT PLAN REVIEW
City Council Agenda Item #14  
Meeting of October 24, 2016

**Brief Description**  
Concept plan review Williston water tower monopole

**Action Requested**  
Discuss concept plan with the applicant. No formal action required.

**Background**

In 2015, the city was approached by Verizon Wireless to locate telecommunications equipment on the Williston Water Tower located at 4525 Williston Road. Specifically, Verizon’s request was to locate equipment at the top of the water tower to gain improvements to its coverage area to the south.

The city has a policy regarding the use of public water towers for antennas. As stated in city council policy 12.5, priority is granted to public safety and governmental agencies before private entities. Currently, the top of the water tower is exclusively used by public safety and governmental agencies. Private cellular providers have only been allowed on the “flute” of the tower under the bulb of the tank. (See pages 5-9).

In the 2015 discussion, the city determined that:

1) The Verizon proposal to locate private equipment on top of the water tower would not be advantageous to telecommunications equipment already in place, and

2) Exploration of other alternatives such as a monopole antenna on the water tower property was a possibility.

Over the past many months, city staff, the city’s wireless consulting engineer and Verizon representatives have worked together on a monopole antenna as an alternative to locating Verizon telecommunications equipment on top of the water tower. The potential monopole would be 140-feet in height (slightly higher than the 135 foot water tower) and be located approximately 100-feet directly south of the water tower on city property at a ground elevation 17 feet higher than the base elevation of the water tower. (See plans on pages 1–4.)

The monopole was sited in this location after a careful review of many factors including:

1) Not disturbing habitat restoration areas of Tower Hill Park,

2) Location of the underground water storage tank at Tower Hill Park,

3) Location of watermains and other underground utilities,
Meeting of October 24, 2016
Subject: Williston water tower monopole

4) Proximity to the water tower,

5) Proximity to surrounding residential neighborhoods,

6) Visual impact to the Highway 7 corridor and

7) Viable options that work with the carrier’s requirements.

Planning Commission Concept Review

The planning commission reviewed the concept plan at their September 22, 2016 meeting. The commission generally agreed that a monopole was appropriate. Discussion comments included questions about the existing capacity for new providers below the bulb, tree impacts, health impacts and design. (See pages 11-12). There were no members of the public in attendance.

Review Process

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted. A formal application would require the following:

1) Consent from the city for use of public property and,

2) An application for a conditional use permit for the construction of a monopole telecommunications tower.

- Neighborhood Meeting. The city hosted a neighborhood meeting along with Verizon on August 24, 2016. Three neighborhood residents were in attendance. Discussion among residents, city staff and Verizon representative in attendance included:

  o What other locations were looked at?
    o Why not a location on city property to the east nearer to Woodhill Road?
    o Move the tower south up the hill, possibly into the residential neighborhood if the city were to purchase additional residential property.
  o What is the size of the tower? Will the tower have guy wires?
  o Will other providers want to locate on the monopole?
  o Co-location options for other providers available on the monopole?
  o Discussion about the two design options: 1) a monopole with stealth design or internal antennas and 2) a monopole with a “crow’s nest” or external antennas. External antennas may allow for more co-location potential than a stealth design monopole. What would be the possibilities of other providers wanting to locate on a monopole? It would be beneficial to receive additional
input on both options as it has implications on future site development and use. A stealth monopole could limit the number of providers. Would limiting colocation opportunities create the need for an additional monopole in the future?

- **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

- **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

**Staff Recommendation**

Staff recommends the city council provide comment and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans. Feedback on the notification area for future mailings during the formal review process is also requested.

Through:  Geralyn Barone, City Manager
          Julie Wischnack, AICP, Community Development Director

Originator: Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city’s website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) staff can review resident comments.

- **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting would be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.

- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.

- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.

- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.

- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project.
and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.

- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
LOCATION MAP

Williston water tower site monopole
4525 Williston Road

This map is for illustrative purposes only.
Staff Preferred Location
Staff Preferred Location
Policy Number 12.5
Use of City Water Towers for the Location of Antennas

Purpose of Policy: This policy establishes a uniform policy for reviewing requests for the location of antennas on city water towers.

Introduction
The city has received requests for the location of various antennae on its water towers. The council has determined that a uniform policy for reviewing these requests is desirable.

Permitted Locations
Antennae not owned by the city of Minnetonka will be permitted only on water towers that have been sufficiently modified, in the opinion of the public works director to adequately accommodate those antennae. The modification must be done at the user’s expense.

Permitted Users
Only the following entities may place antennae on city water towers, in order of descending priority:

1. City of Minnetonka
2. Public safety agencies, including law enforcement, fire, and ambulance services, that are not part of the city of Minnetonka.
3. Other governmental agencies, for uses that are not related to public safety.
4. Government-regulated entities whose antennae offer a service to the general public for a fee, in a manner similar to a public utility, such as long distance and cellular telephone. This does not include radio or television broadcasters.

If there is a conflict in use between potential and existing users, permission for use will be granted in order of priority listed above.

Application Process
All applicants who wish to locate antennae on city water towers must submit to the public works director a completed application form and a detailed plan of the proposed installation. Staff will review the application to determine the appropriateness of the request, including the aesthetic impact and the structural integrity of the tower. Staff may retain the services of a structural engineer to analyze the structural capacity. The applicant must reimburse the city for the cost of this analysis.

The technical analysis and other relevant data will be submitted to the city council for its review. City council approval is conditioned on a finding by a professional communications engineer that there will be no interference with other users. The applicant must reimburse the city for the cost of this analysis before installation of the
antennas. After approval by the city council, the successful applicant must sign an agreement with the city, in a form acceptable to the city attorney, that requires the application to pay a periodic fee, to obtain adequate liability insurance, and to comply with other appropriate requirements. The fees will be established by the city council after considering comparable rates in other cities, potential expenses and risks to the city, and other appropriate factors.

Standards
No application will be granted unless the following standards are met:

- The potential use must not interfere with other users who have a higher priority.
- The user must comply with minimum equipment and site standards prepared by the city.
- The user must have its own sources of electrical power and telephone service.
- The user's equipment and personnel must not interfere with normal operation of the water tower.
- The user must reimburse the city for any costs that it incurs because of the user's existence on city property.
- The user must agree to pay a fee for each time it wants admittance into the tower structure, if required by the city.
- The user must be responsible for the security of its own equipment.
- The user must have obtained all necessary land use approvals.
- The user must comply with the attached Guidelines for Antennas on City Water Towers.

Revocation
The city council may revoke permission to use a city water tower if it determines that any one of the following situations exist:

- A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with an existing use;
- A user's antennae unreasonably interfere with other users with higher priority, regardless of whether or not this was adequately predicted in the technical analysis; or
- A user violates any of the standards in this policy or the conditions attached to the city's permission.
• The city council decides to dismantle the water tower.

Before taking action, the city will provide notice to the user of the intended revocation and the reasons for it, and provide an opportunity for the user to address the city council regarding the proposed action. This procedure need not be followed in emergency situations.

Reservation of Right
Notwithstanding the above, the city council reserves the right to deny, for any reason, the use of any or all city water towers by any one or all applicants.

Adopted by Resolution No. 88-8767
Council Meeting of November 7, 1988

Amended by Resolution No. 97-043
Council Meeting of March 31, 1997

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2006-026
Council Meeting of March 27, 2006
Guidelines for Antennas on City Water Towers

1. **Design plans.** Drawings and specifications detailing equipment installation, cable runs, supports, penetrations, fastening methods, foundations, panels, electrical power connections, grounding, and all other required details for a complete installation must be submitted for review and approval. A drawing depicting the final appearance of the tank must also be included. A certified professional engineer in the utility's state must stamp all drawings and specifications.

2. **Operation.** Either by design, function, or installation, proposed equipment must not interfere with the facility's operation and its ability to deliver safe, potable water at sufficient pressure to customers.

3. **Appearance.** The equipment must have minimal detrimental effect on the facility's aesthetic appearance. The design must not significantly alter the appearance of the tank. The use of permanently installed false overflow pipes as cable conduits is not allowed. Wherever possible, tank cable runs must be internal to the tank's structure. No exposed exterior cable runs will be allowed without the written approval of the utility. Color for cables, antennas, and any other visible appurtenances must match the tank colors and be submitted for approval.

4. **Coatings.** Existing rank interior and exterior coating systems must be protected or repaired with new equivalent coating systems during the work of antenna company equipment installation. Coating repairs must be subject to approval. Existing tank coating specifications are available on request.

5. **Enclosures.** Proposed communication equipment to be installed at ground level outside a tank's structure must be enclosed in approved, aesthetically pleasing enclosures. All ground structures must be contained within the city owned parcel subject to planning approval. Unsupervised access into the water storage facility is not permitted. Supervised access shall be granted based on the Lease agreement. Wherever possible, a private access to the antenna company's designated area must be provided by the antenna company. The antenna company will have unlimited access to its designated area through this access point.

6. **Exclusion zone.** An exclusion perimeter zone of 10 ft (minimum) beyond the outermost tank component (i.e., catwalk or widest tank diameter) must exist (outermost structure from the tank center plus 10 ft). No aboveground appurtenance is permitted within the exclusion zone without the utility's written approval.

7. **Installation.** All cable runs between the antenna company's designated area and the tank must be buried. No ice bridges or other exposed (above grade) cable support systems may be installed without written approval. All cable tank penetrations must be sealed. The penetration sealing method and/or detail must be submitted for approval. The utility may request a structural analysis be performed, at antenna company expense, if the number of wall penetrations is a structural concern. No proposed
appurtenance may interfere with the periodic maintenance of the site grounds. The antenna company must maintain the grounds inside its designated equipment area.

8. **Maintenance.** Presence and operation of proposed equipment must have minimal impact on the tank's periodic maintenance work (e.g., tank inspections and painting). Antennas may be required to be out of service for a period of time during periodic tank maintenance work.

9. **Safety.** Any and all proposed equipment, installation work, maintenance work, or any other work performed on the premises by the antenna company, or agents of the antenna company, must not result in any safety hazards or OSHA violations. Such hazards and violations may include, but are not limited to, ladder cage/riser clearance, toe-rung clearance, hatch interference, and vent interference.

10. **Security.** No antenna company property or activities, including the operation and maintenance of antenna company equipment and appurtenances, may, in any way, impinge on the ability of the utility to provide security for its facility.

11. **Regulations.** The proposed communication system design must comply with all federal, state, and local standards regulations, whether identified by the utility in its review or not. Antenna company must correct any design deficiencies discovered subsequent to approval of the installation at its expense and with the approval of the utility. Communication equipment must not interfere with any utility communication or control signals. If interference between the antenna company and other communication equipment is discovered, it must be corrected at the antenna company's expense.
Notice Area

Williston water tower site monopole
4525 Williston Road
A. Concept plan review for Williston water tower monopole.

Chair Kirk introduced the proposal and called for the staff report.

Gordon reported. Staff recommends the planning commission provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans. Feedback on the notification area for future mailings during the formal review process is also requested.

Chair Kirk asked if it would be possible to put the antennae array below the bulb. Gordon answered that the area below the bulb was at capacity.

Chair Kirk asked if a footing would require tree removal. Gordon explained that stabilizing the tower would not cause tree loss, but two trees would have to be relocated because of the ground equipment.

Odland has no service at her house, so she would appreciate having service. She asked what health risks are associated with telecommunications towers.

Gary Lysiak, of Owl Engineering, city consultant, compared possible foundations for the monopole. He stated that:

- The health concerns are not a problem.
- More towers could be added to the site. The city would not allow an antennae on top of the water tower. The problem with Verizon’s coverage is on the other side of the water tower. The tower must be taller than the water tower.
- One more user could be added to the monopole. The city must look at a stealth design with limited users or putting visible antennae on the outside of the pole.
- Companies change antennae all of the time. If the use changes, wireless internet or remote meter readers could use the tower. The towers are gold mines because they are there, they are tall, and they are located in residential neighborhoods.
- It would provide revenue and service for the city.
- There are federal rules, local laws, and environmental factors to consider. There are a lot of cogs in the wheel that have to mesh.
- The city is in an interesting place because there is no health problem and there is a need in service.
- It would be preferable to have the antennae visible to change providers because in six months the towers would not be noticed anymore.
Gordon noted that the city is not interested in the crow’s nest appearance, but prefers the stealth appearance.

Mr. Lysiak stated that every time a provider changes something, then the equipment must change. The challenge is maintaining the band width.

Wischnack clarified that the existing pole would be made wider instead of adding more poles on the site. Mr. Lysiak explained that each provider needs 10 feet of separation between providers. The terrain will limit the separation.

Wischnack noted that the tower by Cub Foods is a stealth tower.

Calvert asked if there would be more visual clutter to have a crow’s nest or a forest of monopoles. Wischnack clarified that a monopole could house another provider on the 149-foot pole. Mr. Lysiak agreed. A monopole could be made modifiable.

Karen O’Brien, representing Verizon, was available for questions.

Chair Kirk obtained agreement from commissioners that the site would be appropriate for a stealth monopole in accordance with staff’s recommendation.
from a traffic, safety, and design point of view. The size and number of lots complies with ordinance regulations.

Bergstedt said that two new houses would change the character of the neighborhood somewhat, but there is no legal reason to deny the application.

Schneider concurred. The proposed location of the driveway would be the best option and a private turn around next to a very nice house would generate a better design and quality of houses that would fit appropriately on the site. Trees would be removed, but new trees may be planted and five to eight years from now the two residences would fit. He agreed that there is no basis for denial. It would be preferable to have the shared driveway in the proposed location than to have one driveway access McGinty Road West.

Barone clarified that a two-thirds vote of the council is needed to pass a motion to approve the application.

Allendorf moved, Acomb seconded a motion to adopt resolution 2016-126 approving Mayfair at Copperfield. Acomb, Allendorf, Bergstedt, Wiersum, and Schneider voted “yes.” Ellingson voted “no.” Wagner was excused. Motion carried.

C. Items concerning The Enclave at Regal Oak at 3639 Shady Oak Road and 3627 Regal Oak Lane:

1) Ordinance rezoning the properties from R-1 to PUD;
2) Master Development plan; and
3) Preliminary and final plats.

This item was removed from the agenda at the applicant’s request.

D. Concept plan review for a Williston water tower monopole.

Gordon provided the staff report.

Allendorf did not object to the proposal, but asked if Towerhill Park’s reservoir would be a good location for a monopole. It would not be as noticeable. Gordon explained that the location of the reservoir and area topography would not make it feasible.
Wiersum understood the limitations of placing the antennae on top of the water tower. He asked if there is another option on the water tower that could work. He found the monopole unsightly. He questioned the need for it.

Gordon explained that the issue is the height needed for the antennae to be effective. Wischnack explained the reasons why other options had been disqualified. The height is needed. The question is where to locate the monopole. The proposal is the best solution.

Wiersum asked if there would be technology in the future that would make monopoles irrelevant. It is amazing how creative people can be when told “no.” He did not want to settle for this. He wanted to see if there is a better solution to the eye pollution. Gordon stated that technology is evolving. There is a trend to use more antennae that cover smaller sites. He could not predict how long there would be a need for monopoles.

Bergstedt asked if the city has a legal obligation to help a cell phone company. Gordon explained that the Federal Communications Commission does obligate governments to not inhibit the use and delivery of communication services. Bergstedt noted that the proposal would locate the monopole on public property. He asked if it would change anything if the proposed site would be privately owned. Gordon answered in the negative. Wischnack clarified that the city has the authority to allow or deny the monopole as the property owner of the proposed site. The applicant could apply to locate a monopole somewhere else.

Gordon noted that the organization of the equipment on the water tower follows the city’s policy. Changing the policy could be revisited, but that has been done before and the policy remained the same.

Schneider said that the proposal could be a lot worse. The city is obligated to allow something to happen. Having some ability to control the design, location, and configuration while gaining a substantial amount of revenue may not be such a bad idea. After a while, a person would get used to seeing the tower. The water tower is more unsightly than the monopole. The lease would be for a defined amount of time. He saw a trend of residents discontinuing their land lines. Having the best location, utilizing a stealth pole, and the city receiving the revenue may be the best scenario.

Acomb agreed that the trend is to discontinue land-line telephones. Requiring colocation with another provider could be a condition of approval to prevent redundancy. City Attorney Corrine Heine explained that the details of the negotiation have not taken place yet. The city would
require the facility to be capable of colocation and would require colocation as owner and proprietor of the site. In addition, in the zoning ordinance, the city requires an applicant to collocate telecommunications equipment if the applicant is able to obtain the same coverage area by colocation.

Wiersum anticipated that cell use will continue to grow. The proliferation of need should be discussed. He would like to have a thought-out approach to determine where in the city the antennae and equipment would have the least amount of impact.

Bergstedt understood that no one loves monopoles. The location recommended by staff is one of the highest points in Hennepin County and city-owned property. Without the water tower, a monopole would stick out visually a lot more. People will notice the monopole initially, but within a few months, it would blend into the water tower and wooded backdrop. From the proposed site, there is a steep topographic drop traveling toward Glen Lake and Eden Prairie. He saw the service as one needed by the residents of Minnetonka. He is not enamored with the monopole, but delaying action on the application to have time to create a policy does not make sense. The proposal is the best option available.

Allendorf stated that it is inevitable that the monopole would be built. He agrees that it would disappear over time. He suggested moving it more to the east, away from Williston Road. Gordon explained that water lines are buried in that space.

Schneider suggested moving the monopole 20 feet into the trees and planting new trees around it so it would not be as visible without looking up.

Acomb suggested locating the monopole on the edge of the trees and planting additional trees around it.

Gary Lysiak, Owl Engineering, city consultant, stated that:

- The federal government prevents telecommunication companies from talking to each other.
- After looking at the coverage maps, he agrees that the antennae must be at the proposed height or taller.
- His analysis looks at each provider separately. It is hard to do a "what if" scenario with any accuracy. He does not recommend it.
- If this proposal would be denied, then Verizon would apply for a monopole on a commercial property in Minnetonka.
Wiersum stated that he voiced his preferences, but understood that something has to be done.

Bergstedt attended the neighborhood meeting where staff reviewed the other sites that had been considered. Every possible site has been considered. This is the best site possible.

Wiersum would be open to considering locating the monopole on private property if it would provide better aesthetics.

15. **Appointments and Reappointments:** None

16. **Adjournment**

   *Schneider moved, Allendorf seconded a motion to adjourn the meeting at 10:26 p.m. All voted "yes." Motion carried.*

Respectfully submitted,

Lois T. Mason
Deputy City Clerk
Resolution No. 2017-____

Resolution approving a conditional use permit for a telecommunications tower with a height variance at 4525 Williston Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Verizon Wireless, has requested a conditional use permit for a telecommunications tower and associated ground equipment to be located at 4525 Williston Road.

1.02 The property is legally described as:

Lot 2, Block 1, Tower Hill Second Addition

1.03 The proposed telecommunications tower would be 180 feet in height and include associated ground equipment.

1.04 On May 4, 2017, the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received, the staff report, and the telecommunications consultant report, all of which are incorporated by reference into this resolution. The commission recommended that the city council deny the conditional use permit.

Section 2. Standards

2.01 By 47 US Code §332(c)7, local governments have authority over the placement, construction, and modification of personal wireless service facilities, except local government may not:

a. Unreasonably discriminate among providers of functionally equivalent services;
b. Prohibit or have the effect of prohibiting the provision of personal wireless services; and

c. Regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.

2.02 City Code 300.34 Subd.4(b) outlines the following conditional use permit standards for telecommunications facilities within residential and commercial zoning districts:

a. Telecommunication facilities may be located only on public or institutional property: in R-1 and R-2 residential districts and on property guided for low-density residential in the Planned I-394 District subject to the standards listed in subparagraphs b through e which follow.

b. An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis;

c. A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant’s reasonable capacity and coverage needs; and

d. A telecommunications tower and antennas, including attachments other than lighting rods, must not exceed 75 feet in height, measured from grade. The city council may increase this height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.
e. Telecommunications facilities may be located in public right-of-way of a major collector or arterial roadway as defined in the comprehensive plan, if they meet all of the following requirements:

1. The facility is not located within a special area designated subdivision 7;

2. The facility is not located adjacent to residentially zoned property unless the applicant demonstrates by providing a study prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and no other location is feasible in a non-residential zone;

3. The facility must use as many stealth design techniques as reasonably possible. In particular, the antennas must be designed to minimize their size and appearance. Economic considerations alone are not justification for failing to provide stealth design techniques; and

4. The facility must also comply with the requirements in subdivision 6(k).

2.03 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The R-1 District allows telecommunications facilities as a conditional use on public or institutional property guided for low-density residential.
2. CONSISTENT WITH COMPREHENSIVE PLAN: The comprehensive plan guides the property for low-density residential use.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

   a. REASONABLENESS:

      i. The request is reasonable for the applicant to achieve reasonable telecommunications coverage. The city’s telecommunications consulting engineer determined the minimum height required to obtain reasonable coverage exceeds the 90 feet telecommunications tower standards established in city code section 300.34 subd. 4(b)(1)(d). Therefore a variance is warranted to comply with the Federal Telecommunications Act.

   b. UNIQUE CIRCUMSTANCE:

      ii. Although the water tower would provide the necessary height for reasonable coverage, space is not available for collocation. There are no other facilities or buildings available for collocation in the required coverage area. The construction of a telecommunications tower at this location and height is unique. The city does allow tower of similar height up to 199 feet high if the applicant can demonstrate that off-site views of the tower will be minimized by the topography of the site and surrounding area, the location of the tower, the tower design, the surrounding tree cover and structures, or the use of screening.

   a. CHARACTER OF LOCATILTY:

      iii. The request is reasonable for the applicant to achieve reasonable telecommunications coverage. The city’s telecommunications consulting engineer determined the minimum height required to obtain reasonable coverage exceeds the 90 feet telecommunications tower standards established in city code section 300.34 subd. 4(b)(1)(d). Therefore a variance is warranted to comply with the Federal Telecommunications Act.
3.02 The proposal would not meet the specific conditional use permit standards as outlined in City Code §300.34 Subd.4(b):

1) Telecommunication facilities may be located only on public or institutional property: in R-1 and R-2 residential districts and on property guided for low-density residential in the Planned I-394 District subject the standards listed in subparagraphs b through e which follow.

**Finding:** The proposed facility would be located on institutional property.

2) An applicant must provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it. The applicant must also pay the reasonable expenses of a radio or electrical engineer retained by the city, at its option, to review this analysis;

**Finding:** The information supplied by the applicant was reviewed by the city’s telecommunications consultant. The consultant confirmed that the location and height reasonably meet the applicant’s coverage needs.

3) A telecommunications facility must use as many stealth design techniques as reasonably possible. Economic considerations alone are not justification for failing to provide stealth design techniques. The city council may require that a different location be used if it would result in less public visibility, is available, and would meet the applicant’s reasonable capacity and coverage needs; and

**Finding:** The applicant is proposing a stealth design monopole structure.

4) A telecommunications tower and antennas, including attachments other than lighting rods, must not exceed 75 feet in height, measured from grade. The city council may increase this height to 90 feet if the increase in height would not have a significant impact on surrounding properties because of proximity, topography or screening by trees or buildings or would accommodate two or more users. The city council may waive this height standard for a tower used wholly or partially for essential public services, such as public safety.

**Finding:** The city’s telecommunications consultant has confirmed that the minimum height needed exceeds the city’s 90-foot height maximum. The council will need to approve a height variance in order to provide the applicant with reasonable coverage.
Section 4 Council Action.

4.01 The above-described conditional use permit is hereby approved based on the findings of section 3 of this resolution.

4.02 The conditional use permit is approved with the following conditions:

a. This resolution must be recorded with Hennepin County.

b. The applicant shall enter into an agreement with the city that addresses the use, maintenance and leasing arrangements of the telecommunications facility.

c. If the project exceeds 50 cubic yards of excavation/fill or 5,000 square feet of land disturbing activity stormwater management will be required, and the applicant must conform to the following criteria:

1. Rate Control: limit peak runoff flow rates to that from existing conditions for the 2-, 10-, and 100-year events for all points where stormwater leaves the site.

2. Volume Control: Provide on-site retention of 1" over the additional impervious surface added through the project.

3. Water Quality Treatment: Provide for all runoff generated by the additional impervious surface be treated to at least 60% annual phosphorus removal and 90% annual total suspended solid removal. Pollutant removal efficiencies can also be achieved through onsite retention/detention of the 2.5-inch event.

d. Provide an updated landscape plan to address the following:

1. The project will impact 5 honey locust and 1 hawthorn that are unable to be moved. Provide $2,000 to plant and care for six new trees.

2. Maintain the temporary access south of the cottonwood and catalpa to avoid any tree damage.

3. Tree protection fencing or silt fence will be required on the west side of the stairway so the grading activity is contained and tree impacts are minimized.
4. The project must not impact the woodland area. Minimize impacts to a 29” black cherry on the corner of the woods, (indicated as a 15” box at the SE corner of sheet A-7 on the submitted survey).

5. The closest Ponderosa Pine on the east side of the water tower is about 10-feet away from the “underground electrical run”. If the electrical line is not bored underground, any surface disturbance should be kept 15-20 feet away.

e. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

f. Submit necessary project escrows as required by the city.

g. The city council may reasonably add or revise conditions to address any future unforeseen problems.

h. The approval will expire on December 31, 2018 if a building permit has not been issued.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 22, 2017.

_______________________________________
Terry Schneider, Mayor

Attest:

_________________________________
David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on May 22, 2017.

__________________________
David E. Maeda, City Clerk