PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
APRIL 24, 2017
7:00 PM

Call to Order

Approval of minutes of the Regular Planning Commission Meeting of March 27, 2017.

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

Public Hearings

1. Public hearing to consider a request for a conditional use permit and variances to allow a buffet restaurant to operate in the former Old Country Buffet space at 6601 Nicollet Avenue.
   17-CUP-02, 17-VAR-01

2. Consider the attached resolution related to approval of a multi-tenant commercial development at 66th Street East, between 16th and 17th Avenues. The proposal would replace four existing single-family homes and eliminate approximately 120 feet of 17th Avenue (in front of 6608 and 6614 - 17th Avenue). This area is currently zoned for commercial development.
   Zoning Case No. - 17-RZN-01, 17-CUP-01, 17-FDP-01, 17-PUD-01

Other Business

3. Consider the attached resolution finding that the sale of 6608 17th Avenue and the adjacent remnant parcels by the Housing and Redevelopment Authority for future redevelopment as a commercial property is consistent with the Richfield Comprehensive Plan.
   PC Letter #5

Liaison Reports

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

City Planner’s Reports

4. City Planner's Report

5. Next Meeting Time and Location

May 22, 2017 at 7 p.m. in the City Council Chambers
6. **Adjournment**

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.
MEMBERS PRESENT: Commissioners Sean Hayford Oleary, Gordon Vizecky, Susan Rosenberg, Dan Kitzberger, Bryan Pynn and Allysen Hoberg

MEMBERS ABSENT: Chairperson Erin Vrieze Daniels

STAFF PRESENT: Matt Brillhart, Associate Planner
John Stark, Community Development Director

OTHERS PRESENT: Brian Barnard, Panera Bread

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

M/Hoberg, S/Rosenberg to add a New Business item to the agenda, to discuss feedback resulting from the February Planning Commission meeting.  
Motion carried: 6-0

APPROVAL OF MINUTES

M/Rosenberg, S/Vizecky to approve the minutes of the February 27, 2017 meeting.  
Motion carried: 6-0

OPEN FORUM

No members of the public spoke.

PUBLIC HEARING(S)

ITEM #1

17-IUP-01 – Consider a request for an interim use permit to allow the continued use of 6529 Penn Avenue for used car sales.

Associate Planner Matt Brillhart presented the staff report.

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

M/Vizecky, S/Rosenberg to recommend approval of a six-month IUP with an additional stipulation allowing staff to grant two (2) three-month extensions, if there is evidence of progress on the redevelopment of the site.  
Motion carried: 6-0

ITEM #2

17-APUD-02 – Consider an amendment to The Shops at Lyndale Planned Unit Development to allow construction of a new Panera Bread restaurant building with a drive-thru to replace the former Don Pablo’s restaurant.

Brillhart presented the staff report.
Commissioner Hayford Oleary inquired about the possibility of connecting the proposed building to the existing pedestrian network within The Shops at Lyndale.

Commissioner Pynn spoke in support of adding a pedestrian connection and suggested the applicant work with staff to come up with a solution that enhances safety.

Commissioners Hoberg and Rosenberg discussed the balance between national restaurant chains and locally-owned businesses.

M/Vizecky, S/Kitzberger to close the public hearing.
*Motion carried: 6-0*

M/Hayford Oleary, S/Hoberg to recommend approval of the request, with an additional stipulation to require a pedestrian connection to the existing network at Shops at Lyndale.
*Motion carried: 6-0*

**NEW BUSINESS**
Commissioner Hoberg brought up discussion items related to the February meeting.

**OLD BUSINESS**
None.

**LIAISON REPORTS**
Community Services Advisory Commission: No report
City Council: Commissioner Rosenberg – Pat Elliott officially sworn in as Mayor
HRA: Commissioner Hoberg – 2016 Year in Review
Richfield School Board: Commissioner Kitzberger
Transportation Commission: Commissioner Hayford Oleary – 66th St reconstruction underway
Chamber of Commerce: No report

**CITY PLANNER’S REPORT**
Brillhart noted that interviews were being conducted for the Comprehensive Plan advisory committee.

**ADJOURNMENT**
M/Vizecky, S/Rosenberg to adjourn the meeting.
*Motion carried: 6-0*

The meeting was adjourned by unanimous consent at **7:43 p.m.**
ITEM FOR COMMISSION CONSIDERATION:
Public hearing to consider a request for a conditional use permit and variances to allow a buffet restaurant to operate in the former Old Country Buffet space at 6601 Nicollet Avenue.

EXECUTIVE SUMMARY:
After operating a restaurant at 6601 Nicollet Avenue for several decades, Old Country Buffet closed for business in February 2016 and the space has remained vacant since. Earlier this year a new buffet restaurant, Lakes Buffet, approached the City about occupying this space. Because the space has been vacant for more than one year, all prior approvals for a restaurant have expired. Traditional or cafeteria-style restaurants are a conditional use in the C-2 General Business District. In order to operate a restaurant in this location, the applicant is requesting approval of a conditional use permit and a variance from the City’s odor control regulations.

The Zoning Code establishes requirements for odor control equipment for commercial kitchens that abut residential property and differentiates between new and pre-existing restaurant sites. Because this space has been vacant for more than one year, the Code views this as a “new” restaurant site rather than “pre-existing.” New restaurant sites must install odor control equipment, whereas pre-existing sites are instead required to provide plans for a professionally-designed odor control remedy. For pre-existing sites, complaints of odor impacts may result in requiring that the planned odor control device be installed. The applicant is requesting a variance to be considered a pre-existing site rather than a new restaurant site. Requiring professionally drawn and engineered plans now assures both the City and the applicant that the building could accommodate odor control equipment, should it be necessary in the future.

The applicant is also requesting a variance to reduce off-street parking requirements. Approximately 13 parking stalls will be lost due to construction of a roundabout at the corner of 66th Street and Nicollet Avenue in 2018. This pending modification to the parking lot is a unique circumstance not created by the applicant, and affects the property as a whole rather than this particular restaurant tenant. A preliminary plan to reconfigure the parking lot is attached to this report. A revised site plan meeting all City requirements is required to be submitted for approval by City staff within one year, including a pedestrian route to the public sidewalk and bicycle parking for a minimum of 6 bikes.

Finding that the proposal meets requirements, staff recommends approval of the conditional use permit and variances.

RECOMMENDED ACTION:
Conduct and close a public hearing and by motion: Recommend approval of a conditional use permit and variances to allow a new buffet restaurant at 6601 Nicollet Avenue.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**
   The property at 6601 Nicollet Avenue was originally constructed as a Red Owl supermarket in the 1950s and later subdivided into a multi-tenant commercial building that is currently home to Best Buy Mobile, Hot Comics and Collectibles, and an Army recruiting office. After operating a restaurant at this location for several decades, Old Country Buffet closed for business in February 2016.

B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
   Traditional or cafeteria-style restaurants are a conditional use in the C-2 General Business District. The applicant is requesting variances from Zoning Code Subsections 544.13 and 544.27, as described above in the Executive Summary. A full discussion of general CUP requirements, and additional information related to the requested variances and required findings can be found as an attachment to this report.

C. **CRITICAL TIMING ISSUES:**
   60-DAY RULE: The 60-day clock 'started' when a complete application was received on April 10, 2017. A decision is required by June 9, 2017 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. **FINANCIAL IMPACT:**
   None.

E. **LEGAL CONSIDERATION:**
   Notice of this public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
   Council consideration has been tentatively scheduled for May 9, 2017.

**ALTERNATIVE RECOMMENDATION(S):**
   - Recommend approval of the proposal with modifications
   - Recommend denial of the conditional use permit and/or variances with a finding that requirements are not met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**
Joyce Chan, applicant

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
</tr>
<tr>
<td>Requirements attachment</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Site plans, zoning maps</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
RESOLUTION NO.
RESOLUTION APPROVING A
CONDITIONAL USE PERMIT AMENDMENT AND VARIANCES
FOR A RESTAURANT
AT 6601 NICOLLET AVENUE

WHEREAS, an application has been filed with the City of Richfield which requests approval of a conditional use permit amendment and variances to allow a Class II (traditional/cafeteria) restaurant at property commonly known as 6601 Nicollet Avenue and legally described as follows:

Lots 10, 11, and 12 except road, GOODSPEED’S FIRST PLAT, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit and variances at its April 24, 2017 meeting; and

WHEREAS, notice of the public hearing was published in the Sun-Current and mailed to properties within 350 feet of the subject property on April 13, 2017; and

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield’s Zoning Code, Subsection 547.09 and as detailed in City Council Staff Report No.____; and

WHEREAS, the Zoning Code states that new restaurant sites abutting or adjacent to existing residential properties shall install professionally-designed odor control remedies, Subsection 544.27, Subd. 1; and

WHEREAS, the Zoning Code states that off-street parking for shopping centers shall be provided at a ratio of 3.5 spaces per 1,000 square feet of gross floor area and that restaurants in shopping centers shall be calculated separately, at a ratio of 10 spaces per 1,000 square feet of gross floor area, Subsection 544.13, Subd. 6; and

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

WHEREAS, based on the findings below, the Richfield City Council approves the requested variances from Richfield Zoning Code Subsections 544.27, Subd. 1; and 544.13, Subd. 6; and

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

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:
1. The City Council makes the following general findings:

   a. The Property is zoned General Business (C-2).
   b. The Zoning Code states that new restaurant sites abutting or adjacent to existing residential properties shall install professionally-designed odor control remedies. A variance from Subsection 544.27, Subd. 1 is necessary.
   c. The Zoning Code states that off-street parking for shopping centers shall be provided at a ratio of 3.5 spaces per 1,000 square feet of gross floor area and that restaurants in shopping centers shall be calculated separately, at a ratio of 10 spaces per 1,000 square feet of gross floor area. A variance from Subsection 544.13, Subd. 6 is necessary.

2. With respect to the application for variances from the above-listed requirements, the City Council makes the following findings:

   a. Strict enforcement of Richfield Zoning Code Subsection 544.27, Subd. 1 would cause a practical difficulty by requiring costly odor control equipment at a site that has been a similar restaurant use for several decades and discontinued only recently. The Code establishes requirements for odor control equipment for commercial kitchens that abut residential property and differentiates between new and pre-existing restaurant sites. Because this space has been vacant for more than one year, all prior approvals for a restaurant have expired, and the Code views this as a “new” restaurant site rather than “pre-existing.” New restaurant sites must install odor control equipment, whereas pre-existing sites are required to provide plans for a professionally-designed odor control remedy. The applicant is requesting a variance to be considered a pre-existing site rather than a new restaurant site. Strict enforcement of Richfield Zoning Code Subsection 544.13, Subd. 6 would cause a practical difficulty. The site as it exists today is in compliance with minimum parking requirements. However, in 2018 Hennepin County will construct a roundabout at the intersection of 66th Street and Nicollet Avenue, requiring the acquisition of right-of-way from this property. This loss of property and subsequent reconfiguring of the parking lot will result in a loss of approximately 13 parking spaces. Depending on the final configuration of the parking lot, this will leave the property anywhere from one to six spaces short of the minimum number required.
   b. The intent of the odor control regulation is to protect neighbors from possible nuisance created by cooking odors. The restaurant use having been discontinued for more than one year is a unique circumstance not created by the applicant. Had this restaurant user come in three months sooner, they would have been considered a pre-existing site and odor control would not be required. The pending loss of parking spaces is a unique circumstance, not created by the applicant.
   c. Granting the requested variances will not alter the character of the neighborhood. The applicant will be required to comply with the odor control ordinance for pre-existing restaurant sites abutting residential property. Subsequent complaints of odor impacts may result in requiring that the planned odor control device be installed. With regards to parking, adverse impacts are not anticipated. On-street parking is allowed on 1st Avenue, in the event there is a parking shortage. However, given the existing mix of tenants in the shopping center, staff does not anticipate that any shortages will occur. Furthermore, the intersection of 66th Street and Nicollet
Avenue has the highest level of public transit service available in the City, providing a viable alternative to driving alone.

d. The variances requested are the minimum necessary to alleviate the practical difficulties.

e. The proposed variances do not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.

3. Based on the above findings, a variance is hereby approved to regulate this use as a pre-existing restaurant site, as described in Subsection 544.27, Subdivision 1, Part (c). The applicant shall provide plans for a professionally-designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control and associated screening in the future. Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed.

4. Based on the above findings, a variance is hereby approved to reduce the off-street parking requirement for the Subject Property to not less than 100 stalls.

5. A conditional use permit is issued to allow a Class II (traditional/cafeteria) restaurant, as described in City Council Letter No. _____, on the Subject Property legally described above.

6. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City’s Zoning Ordinance:

   • That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City’s Zoning Ordinance Section 547.09, Subd. 8. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of an occupancy permit.
   • A revised, complete site plan meeting all City requirements is required to be submitted for approval by City staff within one year of this approval. The parking lot must be re-striped in accordance with said plan, including a pedestrian connection substantially in compliance with Subsection 544.15. Bicycle parking for a minimum of 6 bikes (3 hoops/posts) is required near the main entrance.
   • The existing dumpster enclosure for the restaurant must be repaired to comply with Subsection 544.05 and screening must be provided for the non-compliant dumpsters on the south side of the building. All rooftop or ground mechanical equipment must be screened, per Subsection 544.05.
   • Separate sign permits are required.
   • The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City’s Administrative Review Committee Report dated April 3, 2017, and compliance with all other City and State regulations.
   • Prior to the issuance of an occupancy permit the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.

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

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

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of May 2017.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk
Code Requirements / Required Findings

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

1. *The proposed use is consistent with the goals, policies, and objectives of the City’s Comprehensive Plan.* The proposed use of the property is consistent with the guiding “Community Commercial / Office” designation. The Comprehensive Plan identifies a number of goals and policies related to economic development and support for business and employment growth. The proposal is consistent with these goals and policies.

2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. The purpose of the General Business (C-2) District is to allow a wide variety of commercial businesses that are attractive and compatible with nearby residential properties. The proposal is consistent with these purposes.

3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* There are no specific redevelopment plans that apply to the property.

4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The proposed use will either maintain the status quo or improve compliance with performance standards requirements. The applicant must submit a complete site plan, showing the revised parking lot layout. The applicant is requesting variances from Subsections 544.13 and 544.27, described in Part 2.

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

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

7. *There is a public need for such use at the proposed location.* Investment and improvement in vacant sites is necessary to maintain a thriving community.

8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement is met.
Part 2 - Variances: The findings necessary to approve a variance are as follows (Subd. 547.11):

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

Commercial Kitchen Odor Control (544.27, Subd. 1)
The Zoning Code establishes requirements for odor control equipment for commercial kitchens that abut residential property and differentiates between new and pre-existing restaurant sites. Because this space has been vacant for more than one year, all prior approvals for a restaurant have expired, and the Code views this as a “new” restaurant site rather than “pre-existing.” New restaurant sites must install odor control equipment, whereas pre-existing sites are required to provide plans for a professionally-designed odor control remedy. At pre-existing sites, subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed. The applicant is requesting a variance to be considered a pre-existing site rather than a new restaurant site.

Criteria 1: Strict enforcement of this requirement would create a practical difficulty by requiring costly odor control equipment at a site that has been a similar restaurant use for several decades and discontinued only recently.

Criteria 2: The intent of the odor control regulation is to protect neighbors from possible nuisance created by cooking odors. The restaurant use having been discontinued for more than one year is a unique circumstance not created by the applicant. Had this restaurant user come in three months sooner, they would have been considered a pre-existing site and odor control would not be required.

Criteria 3: Granting the requested variances will not alter the character of the neighborhood. The applicant will be required to comply with the odor control ordinance for pre-existing restaurant sites abutting residential property. Subsequent complaints of odor impacts may result in requiring that the planned odor control device be installed.

Criteria 4: The variance requested is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
**Reduced Parking Requirement (Subsection 544.13, Subd. 6)**
The applicant is requesting a variance to reduce the off-street parking requirement from 106 stalls to 100 stalls.

Criteria 1: Strict enforcement of this requirement would cause a practical difficulty. The site as it exists today is in compliance with minimum parking requirements. However, in 2018 Hennepin County will construct a roundabout at the intersection of 66th Street and Nicollet Avenue, requiring the acquisition of right-of-way from this property. This loss of property and subsequent reconfiguring of the parking lot will result in a loss of approximately 13 parking spaces. Depending on the final configuration of the parking lot, this will leave the property anywhere from one to six spaces short of the minimum number required (106 stalls). Staff recommends a reduction of the parking requirement to not less than 100 stalls, in order to provide some flexibility in redesigning the parking lot while still meeting all City requirements.

Criteria 2: The pending loss of parking spaces is a unique circumstance, not created by the applicant.

Criteria 3: With regards to parking, adverse impacts are not anticipated. On-street parking is allowed on 1st Avenue, in the event there is a parking shortage. However, given the existing mix of tenants in the shopping center, staff does not anticipate that any shortages will occur. Furthermore, the intersection of 66th Street and Nicollet Avenue has the highest level of public transit service available in the City, providing a viable alternative to driving alone.

Criteria 4: The variance requested is the minimum necessary to alleviate the practical difficulty.

Criteria 5: The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
This site plan is attached for informational purposes only and is not a warranty, representation or agreement that the Shopping Center or the parking areas, roadways, access points, sidewalks, buildings or other improvements will be as shown hereon, or that the occupants shown hereon will be in the Shopping Center.
Preliminary layout of revised parking lot adjacent to 66th street. This plan is not final or approved by city staff.
ITEM FOR COMMISSION CONSIDERATION:
Consider the attached resolution related to approval of a multi-tenant commercial development at 66th Street East, between 16th and 17th Avenues. The proposal would replace four existing single-family homes and eliminate approximately 120 feet of 17th Avenue (in front of 6608 and 6614 - 17th Avenue). This area is currently zoned for commercial development.

EXECUTIVE SUMMARY:
The properties south of 66th Street between 16th and 17th Avenues have been zoned and guided for commercial use since 1968. At work sessions on February 9th, 2016; April 12th, 2016; and January 24th, 2017; Interstate Development (the Developer) presented concept plans to the City Council, Housing and Redevelopment Authority, and Planning Commission for a multi-tenant commercial building on these properties. Based on feedback received at these meetings, the Developer has submitted a plan that includes an attractive building with access and interest along 66th Street, Richfield Parkway, and adjacent to the Three Rivers Regional Trail. Although no tenants have been announced, the Developer has indicated that a coffee tenant would occupy the western-most space with the drive-thru and that negotiations are underway with a smaller restaurant chain that is not currently operating in or near Richfield for the eastern-most space with patio seating. The proposed plans are consistent with all but two Zoning Code requirements.

1. Businesses with drive-thru service are conditionally permitted in this District; however, the proposed drive-thru window is 3 feet closer to the adjacent residential property line than permitted by Code (147 feet vs. 150 feet).
2. The proposed buffer between the parking lot and the adjacent residential property line is 4.5 feet narrower than required (10.5 feet vs. 15 feet). These requirements are intended to protect adjacent residential property owners from nuisances related to headlights and noise. Staff believes that the proposed combination of fencing and landscaping adequately addresses these issues.

Staff received one phone call about the proposal from a resident concerned with additional traffic traveling south on 16th Avenue. A stipulation related to channelization and/or other means of limiting or prohibiting left turns onto 16th Avenue has been included in the attached resolution.

A neighborhood meeting was held on April 20 to discuss the proposal. Based on the outcome of that meeting, the developer may make revisions to their plans or staff may identify additional issues needing to be addressed.

RECOMMENDED ACTION:
By Motion:
1) Recommend approval of the rezoning of Lots 1, 2, 3, 14, 15, and 16, Block 1, Cedar Sunrise Addition from General Business (C-2) to Planned General Business (PC-2); and
2) Recommend approval of a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a multi-tenant commercial development to be built on properties legally described at Lots 1, 2, 3, 14, 15, and 16, Block 1, Cedar Sunrise Addition, and adjacent right-of-way.

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The six properties south of 66th Street between 16th Avenue and 17th Avenue have been zoned for commercial development since 1968.
- The properties have been guided for commercial development in the Comprehensive Plan since 1982.
- The construction of the roundabout at Richfield Parkway and 66th Street resulted in the closing of the northern end of 17th Avenue. Redevelopment of this area would eliminate the need for much of this right-of-way and the Developer has requested its vacation. The Public Works Department is supportive of this request.

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

- There are a number of sets of review criteria that apply to this proposal. A full discussion of all requirements is included as an attachment to this report. Generally, the criteria require that the Council find that the proposal conforms to the goals and policies of the Comprehensive Plan and Zoning Code without having undue adverse impacts on public health, safety, and welfare.

**C. CRITICAL TIMING ISSUES:**

- The Developer planned to meet with neighborhood residents on Thursday, April 20th. Due to the timing of this report, comments received at the meeting are not reflected.
- A complete application was received and the "60-day clock" started on April 10, 2017. The Council must make a decision, or extend the deadline by an additional 60 days, by June 9, 2017.

**D. FINANCIAL IMPACT:**

- The required application fees have been paid.

**E. LEGAL CONSIDERATION:**

- Notice of this hearing was mailed to properties within 350 feet of the proposed development and published in the Sun Current Newspaper.
- Other Actions: Tentative Schedule
  - May 9, 2017 - Council: 1st Reading of rezoning.
  - May 15, 2017 - HRA: Public Hearing to consider sale of 6608 - 17th Avenue South and remnant parcels to Interstate Partners LLC.
  - May 23, 2017
    - Council: 2nd Reading of rezoning and consideration of Final Development Plans.
    - Council: Public Hearing to consider plat and 1st reading of ordinance adjacent right-of-way

**ALTERNATIVE RECOMMENDATION(S):**

- Recommend approval of the proposed ordinance amendment and site plans with additional and/or modified conditions.
- Recommend denial of the proposed ordinance amendment and site plans with findings that detail how the proposal does not meet City requirements.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Lonnie Provencher, Interstate Development

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ordinance</td>
<td>Ordinance</td>
</tr>
</tbody>
</table>
 Resolution | Resolution Letter
 Required Findings | Exhibit
 Proposed Plans | Exhibit
 Planning & Zoning Maps | Exhibit
ORDINANCE NO. ______

AN ORDINANCE RELATING TO ZONING; AMENDING APPENDIX I TO THE RICHFIELD CITY CODE BY REZONING LOTS 1-3 AND 14-16, BLOCK 1, CEDAR SUNRISE ADDITION AS PLANNED GENERAL BUSINESS (PC-2)

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Section 3, Paragraph (75) of Appendix I of the Richfield Zoning Code is amended to read as follows:

(75) M-9 (15th to Cedar16th Avenue and East 66th Street). That area lying between the center lines of 15th and a line 33 feet east of the center line of Cedar Avenue 16th Avenues, and between the center line of 66th Street and a line distant 250 feet southerly thereof and parallel thereto; except that area where zone PC-2 (5) overlaps with said zone in the block bounded by Cedar and 18th Avenues and by 66th and 67th Streets.

Sec. 2. Section 3, of Appendix I of the Richfield Zoning Code is amended by adding new Paragraphs (93) and (94) as follows:

(93) M-9 (17th Avenue/Richfield Parkway to 18th Avenue, South of 66th). Lots 1-3 and 14-16, Block 2, Wexlers Addn.

(94) M-9 (18th Avenue to Cedar Avenue, South of 66th). That area lying between the center lines of 18th Avenue and a line 33 feet east of the center line of Cedar Avenue, and between the center line of 66th Street and a line distant 250 feet southerly thereof and parallel thereto; except that area where zone PC-2 (5) overlaps with said zone.

Sec. 3. Section 7, of Appendix I of the Richfield Zoning Code is amended by adding new Paragraph (13) as follows:

(13) M-9 (16th to 17th Avenue, South of 66th). Lot 1, Block 1, Plaza 66 in Richfield Addition.

Sec. 4. This ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.
RESOLUTION NO. ______

RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN
AND CONDITIONAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT
TO BE BUILT AT APPROXIMATELY
66TH STREET AND 16TH AVENUE

WHEREAS, an application has been filed with the City of Richfield which requests approval of a final development plan and conditional use permit for a planned unit development to allow construction of a multi-tenant commercial building on properties currently addressed as 6601 – 16th Ave., 6609 – 16th Ave., 6615 – 16th Ave., 6600 – 17th Ave., 6608 – 17th Ave., and 6614 – 17th Ave., and adjacent vacated right-of-way. The property is legally described as:

Lots 1-3 and 14-16, Block 1, Cedar Sunrise Addition, Hennepin County, Minnesota; and

That part of vacated 17th Avenue South described as follows:

Beginning at the northeast corner of Block 1, CEDAR-SUNRISE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota; thence on an assumed bearing of South 00 degrees 06 minutes 08 seconds East, along the west line of said vacated 17th Avenue South, a distance of 200.47 feet to the southeast corner of Lot 3 of said Block 1; thence North 89 degrees 57 minutes 16 seconds East, along the easterly prolongation of the south line of said Lot 3, a distance of 60.00 feet to the intersection of the easterly prolongation of the south line of said Lot 3 with the east line of said vacated 17th Avenue South; thence North 00 degrees 06 minutes 08 seconds West, along said east line of vacated 17th Avenue South, a distance of 73.86 feet; thence North 25 degrees 26 minutes 49 seconds West a distance of 140.17 feet to the point of beginning.

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested final development plan and conditional use permit at its April 24, 2017 meeting; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property on April 11, 2017 and published in the Sun-Current on February 13, 2017; and

WHEREAS, the requested final development plan and conditional use permit meet those requirements necessary for approving a planned unit development as specified in Richfield’s Zoning Code, Section 542.09, Subd. 3 and as detailed in City Council Staff Report No.______; and
WHEREAS, the request meets those requirements necessary for approving a conditional use permit as specified in Richfield’s Zoning Code, Section 547.09, Subd. 6 and as detailed in City Council Staff Report No.______; and

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

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

1. The City Council adopts as its Findings of Fact the WHEREAS clauses set forth above.
2. A planned unit development, final development plan and conditional use permit are approved multi-tenant commercial development as described in City Council Report No. ___, on the Subject Property legally described above.
3. The approved planned unit development, final development plan and conditional use permit are subject to the following conditions:
   - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
   - The property must be platted and the plat recorded prior the issuance of a certificate of occupancy.
   - The Developer must continue to work with Community Development and other City staff to finalize the following items. Items must be approved by Community Development prior to the issuance of a building permit.
     - The sidewalk connection directly to the north side door of the full-service restaurant space is required. Continue to discuss landscape, hardscape, and fencing in this area.
     - Continue to discuss direct sidewalk connection from east patio to parking lot.
     - Continue to discuss final location of transformer and required screening and/or artistic treatment.
     - Coordinate public art, decorative bike racks, and artistic wrap on transformer with City staff.
   - Plans must be revised to limit or prohibit left turns from development onto 16th Avenue.
   - Odor control systems are required to mitigate cooking odors in accordance with City Code Subsection 544.27.
   - Separate sign permits are required.
   - All new utility service must be underground.
   - All utilities must be grouped away from public right-of-way and screened from public view in accordance with Ordinance requirements. A screening plan is required prior to the issuance of a Building Permit.
   - The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans.
   - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City’s Administrative Review Committee
Report dated April 3, 2017 and compliance with all other City and State regulations.

- Prior to the issuance of an occupancy permit the developer must submit a surety equal to 125% of the value of any improvements not yet complete.
- As-builts or $7,500 cash escrow must be submitted to the Public Works Department prior to issuance of a final certificate of occupancy.

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

5. The approved planned unit development, final development plan and conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 24th day of May, 2017.

Pat Elliott, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk
Required Findings

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

1. *The proposed development conforms to the goals and objectives of the City’s Comprehensive Plan and any applicable redevelopment plans.* The City’s Comprehensive Plan has designated these parcels as a spot for Community Commercial Business since 1982. In 2011, the City and Hennepin County developed a revitalization plan for the East 66th Street Corridor (66th Street Corridor Revitalization Plan). The Plan identified this southwest corner of the roundabout as a potential area of change, even leaving open the possibility for regional commercial development on a portion of this site. The plans are consistent with City plans that have been in place for many years.

2. *The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries.* This requirement is met. Drive-thru traffic is limited, pedestrian connections to 66th Street are strong, and bicycle parking is provided throughout the development.

3. *The development is in substantial conformance with the purpose and intent of the guiding district, and departures from the guiding district regulations are justified by the design of the development.* The development is in substantial compliance with the intent of the guiding C-2 District. Departures from requirements are minimal and the proposal meets the intent of requirements.

4. *The development will not create an excessive burden on parks, schools, streets or other public facilities and utilities that serve or area proposed to serve the development.* The City’s Public Works, Engineering, and Recreation Departments have reviewed the proposal and do not anticipate any issues.

5. *The development will not have undue adverse impacts on neighboring properties.* Undue adverse impacts are not anticipated. The site and the conditions of the resolution are designed to minimize any potential negative impacts on neighboring properties. Exiting the development through the neighborhood would be much slower than exiting via 66th Street or Richfield Parkway; however, increased traffic by residents of the neighborhood to the south coming to or leaving from the development could increase traffic on 16th Avenue. Options to limit left turns from the development onto 16th Avenue include channelization and signage within the driveway apron or modifications to the right-of-way itself. City staff will discuss options with the neighborhood, as some options could limit desired movements by residents.

6. *The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.* The final development plan and
conditional use permit resolution establish conditions sufficient to protect the public interest.

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

1. *The proposed use is consistent with the goals, policies, and objectives of the City’s Comprehensive Plan.* See above – Part 1, #1.

2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The use is consistent with the intent of the Planned General Business District and the underlying General Business Districts.

3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* See above – Part 1, #1

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

   - Parking lot setback – The applicant has proposed a 10.5-ft. setback from the south property line; the Code requires a 15-ft. setback. The intent of this provision is to provide adequate area to attractively screen the parking lot. The proposed buffer provides 100% screening of the parking lot through a combination of fencing and landscaping. The buffer area is large enough to support the plants selected and will provide an attractive barrier between the development and the homes to the south.

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

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

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

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

DESCRIPTION

PROPERTY SUMMARY

SURVEY NOTES

LEGEND

CLIENT

INTERSTATE DEVELOPMENT

PROJECT

PLAZA 66

LOCATION

RICHFIELD, MN

SUMMARY

SW of 66TH ST E and 17TH AVE S

Certification

PRELIMINARY

PRELIMINARY

Sheet Title

EXISTING CONDITIONS

Sheet No.  C2.01

Revision History

03/20/17 - 1:03pm - User: evogel L:\PROJECTS\20706\dwg\Civil\Preliminary\20706-C201-EXCND.dwg
IMPROVEMENTS SHOWN ON THE PLANS.

IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER.

IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

EVERGREEN TREES

PERIMETER PLANTINGS = 8
INTERIOR PLANTING ISLAND = 4

PLANT TYPE
LIST CODE HERE

ORNAMENTAL TREES
OVER STORY TREES
TOTAL PLANTINGS

BIKE RACK (4) - DERO - BIKE RACK
1.5" RIVER ROCK PER CIVIL DETAIL
SOD - ALL SOD TO BE IRRIGATED
RIVER ROCK BOULDERS 6"-12" (10) AT EACH CUB INLET AND PIPE OUTLET
RIVER ROCK BOULDERS 18"-36" (7) PLACED AROUND CURB

LANDSCAPE LEGEND

CITY LANDSCAPE CODE

PLANT SCHEDULE

PERENNIALS
SHRUBS
ORN. TREES
TREES

ALL PLANTINGS TO BE IRRIGATED WITH DRIP SYSTEM PER SPECIFICATION
*REFER TO SHEET C2.01 (EXISTING CONDITIONS) FOR EXISTING TREE TAG LOCATIONS

TREE REMOVAL/PRESERVATION

BOTANICAL NAME / COMMON NAME

PLANT NAME

SCALE IN FEET

CONT

CAL

20

10

1

25

36

3

7

26

4

9

5

21

4

10

32

3

2200

2199

2198

2197

2196

2195

2194

2193

2192

2191

2190

2189

2188

2187

2186

2185

2184

2183

2182

7786

7785

7784

7783

Tree Tag

Tree Number

Tree Name

QTY

Size

Fir - Balsam (Abies balsamea)
Maple - Sugar (Acer saccharum)
Fir - Balsam (Abies balsamea)
Fir - Balsam (Abies balsamea)
Birch - Paper (Betula papyrifera)
Maple - Silver (Acer saccharinum)
Box Elder (Acer negundo)
Maple - Silver (Acer saccharinum)
Maple - Silver (Acer saccharinum)
Maple - Sugar (Acer saccharum)
Maple - Silver (Acer saccharinum)
Oak - Red (Quercus rubra)
Oak - White (Quercus alba)
Crab Apple (Malus spp.)
Ash - Green (Fraxinus pennsylvanica)
Ash - Green (Fraxinus pennsylvanica)
Ash - Green (Fraxinus pennsylvanica)
Ash - Green (Fraxinus pennsylvanica)
Ash - Green (Fraxinus pennsylvanica)
Ash - Green (Fraxinus pennsylvanica)

20706-L101-LAND.dwg
KNOW ALL PERSONS BY THESE PRESENTS: That Interstate Industrial, LLC, a Minnesota limited liability company, fee owner, of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lots 1, 2, 3, 14, 15, and 16, Block 1, CEDAR-SUNRISE ADDITION

TOGETHER WITH

That part of vacated 17th Avenue South described as follows:

Beginning at the northeast corner of Block 1, CEDAR-SUNRISE ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota; thence on an assumed bearing of South 00 degrees 06 minutes 08 seconds East, along the west line of said vacated 17th Avenue South, a distance of 200.47 feet to the southeast corner of Lot 3 of said Block 1; thence North 89 degrees 57 minutes 16 seconds East, along the easterly prolongation of the south line of said Lot 3, a distance of 60.00 feet to the intersection of the easterly prolongation of the south line of said Lot 3 with the center line of said vacated 17th Avenue South; thence North 00 degrees 06 minutes 08 seconds West, along said center line of said vacated 17th Avenue South, a distance of 73.86 feet; thence North 25 degrees 26 minutes 49 seconds West a distance of 140.17 feet to the point of beginning.

Has caused the same to be surveyed and platted as PLAZA 66 IN RICHFIELD, and does hereby dedicate to the public for public use forever the drainage and utility easements as shown on this plat.

In witness whereof said Interstate Industrial, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this _______ day of ____________________, 20___.

SIGNED: Interstate Industrial, LLC

By: __________________________

Notary Public,

My Commission Expires

RICHFIELD, MINNESOTA

This plat of PLAZA 66 IN RICHFIELD was approved and accepted by the City Council of Richfield, Minnesota, at a regular meeting thereof held this ______ day of ____________________, 20___.

City Council, Richfield, Minnesota

By: __________________________

Manager

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of PLAZA 66 IN RICHFIELD was recorded in this office this _______ day of _________________, 20___, at ______ o'clock ____ M.

Mark V. Chapin, County Auditor

By: __________________________

Deputy

ENGINEERING, PLANNING AND LAND SURVEYING

SAMBATEK, INC.

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this _______ day of _________________, 20___.

Chris F. Mavis, County Surveyor

By: __________________________

Deputy
REPORT PREPARED BY:  Karen Barton, Community Development Assistant Director

CITY PLANNER REVIEW:  Melissa Poehlman, City Planner
                      4/14/2017

ITEM FOR COMMISSION CONSIDERATION:
Consider the attached resolution finding that the sale of 6608 17th Avenue and the adjacent remnant parcels by the Housing and Redevelopment Authority for future redevelopment as a commercial property is consistent with the Richfield Comprehensive Plan.

EXECUTIVE SUMMARY:
The Housing and Redevelopment Authority owns a single-family home at 6608 17th Avenue and two adjacent remnant parcels to the north and northeast of this home, along 66th Street. This property, and three additional properties in this block, are zoned General Business (C-2) and guided Community Commercial.

The HRA is proposing to sell 6608 17th Avenue and the remnant parcels to Interstate Partners LLC (Developer) for development of an approximately 10,400 square foot commercial building.

State Statute requires that whenever a public agency buys or sells property within the City, the Planning Commission must review the proposed use of the site for consistency with the Richfield Comprehensive Plan. The Community Commercial designation of this property is consistent with the proposed property use. Approval of this resolution does not constitute approval of the proposed development. This action asks the Planning Commission to consider only if the sale of the property for a commercial development is consistent with the Comprehensive Plan.

RECOMMENDED ACTION:
By Motion:  Approve the attached resolution finding that the sale of 6608 17th Avenue and remnant parcels legally described as Lots 1 and 16, Block 1, Cedar Sunrise Addition, by the Housing and Redevelopment Authority for redevelopment as a commercial property is consistent with the Richfield Comprehensive Plan.

BASIS OF RECOMMENDATION:
A.  HISTORICAL CONTEXT
    These properties have been zoned C-2 since at least 1968.

B.  POLICIES (resolutions, ordinances, regulations, statutes, etc):
    Chapter 462 of the Minnesota State Statutes requires that the Planning Commission review the sale of this property for consistency with the City's Comprehensive Plan.

C.  CRITICAL TIMING ISSUES:
    Land use approvals shall be considered separately by the Planning Commission and City Council.

D.  FINANCIAL IMPACT:
E. **LEGAL CONSIDERATION:**
   See Policies

**ALTERNATIVE RECOMMENDATION(S):**
None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>Resolution Letter</td>
</tr>
<tr>
<td>Map</td>
<td>Exhibit</td>
</tr>
</tbody>
</table>
RESOLUTION NO. ______

RESOLUTION OF THE RICHFIELD PLANNING COMMISSION
FINDING THAT THE DISPOSITION
OF PROPERTY FOR FUTURE REDEVELOPMENT AS
COMMUNITY COMMERCIAL
IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

WHEREAS, the Planning Commission has reviewed the Comprehensive Plan regarding the acquisition and disposition of property located at 6608 17th Avenue and the remnant parcels legally described as follows:

LOT 001, BLOCK 001, CEDAR SUNRISE ADDN
LOT 002, BLOCK 001, CEDAR SUNRISE ADDN
LOT 016, BLOCK 001, CEDAR SUNRISE ADDN

WHEREAS, the Planning Commission has found that the disposition of the property for future redevelopment as community commercial development would be consistent with the Richfield Comprehensive Plan;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission finds that the disposition of the above described property, for community commercial use, is in conformance with the Richfield Comprehensive Plan.

Adopted this 24th day of April, 2017, by the Planning Commission of the City of Richfield, Minnesota.

_____________________________
Erin Vrieze Daniels, Chairperson

ATTEST:

__________________________________
Gordon Vizecky, Secretary
Comprehensive Plan Designations
* CC - Community Commercial
* CCO - Community Commercial/Office
* LDR - Low Density Residential
* PUB - Public/Quasi-Public
* RC - Regional Commercial
* MIXED - Mixed Use