



# Planning Commission Agenda

March 28, 2016  
7:00 p.m.

## Introductory Proceedings

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Roll Call

Approval of Minutes: Regular Planning Commission meeting of February 22, 2016

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

## Public Hearing

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- |         |                         |  |
|---------|-------------------------|--|
| ITEM #1 | 16-IUP-01               | Consider an Interim Use Permit to allow continued operation of a used car sales business at 6529 Penn Avenue (CarHop).   |
| ITEM #2 | 16-RZN-02 &<br>16-CP-02 | Consider a change to the zoning and Comprehensive Plan designations of 7614 Pillsbury Avenue. The proposed amendments would change the zoning of the property from Industrial to Single-Family Residential and the Comprehensive Plan designation from Medium-High Density Residential to Low Density Residential. |
| ITEM #3 | PC Letter #7            | Consider amendments to the City's Zoning Ordinance. The proposed ordinance makes minor adjustment to permitted accessory uses in parks.  |

## New Business

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## Old Business

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## Liaison Reports

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

## City Planner's Report

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**Next Meeting Date: April 12, 2016 – Special CC/HRA/PC  
Worksession**

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## **Adjournment**

“Auxiliary aid for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612/861-9738”.



# Planning Commission Minutes

February 22, 2016

MEMBERS PRESENT: Vice Chairperson Dan Kitzberger and Commissioners Erin Vrieze Daniels, Sean Hayford Oleary, Susan Rosenberg, and Gordon Vizecky

MEMBERS ABSENT: Chairperson Rick Jabs and Commissioner Charles Standfuss

STAFF PRESENT: Melissa Poehlman, City Planner  
Matt Brillhart, Planning Technician  
Karen Barton, Community Development Manager

OTHERS PRESENT: Meeting sign-in sheet attached to minutes

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

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## APPROVAL OF MINUTES

M/Rosenberg, S/Vizecky to approve the minutes of the January 25, 2016 regular meeting.

**Motion carried: 5-0**

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## OPEN FORUM

No members of the public spoke.

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## PUBLIC HEARING(S)

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### ITEM #1

**16-VAR-02 – Consider a request for a variance to allow a fence to exceed six feet in height at the Richfield Water Plant (6399 Oakland Avenue).**

Planning Technician Matt Brillhart presented the staff report.

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

**Motion carried: 5-0**

M/Rosenberg, S/Hayford Oleary to approve the variance.

**Motion carried: 5-0**

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### ITEM #2

**16-APUD-01 – Consider a major amendment to the Market Plaza/Village Shores (6501 Woodlake Drive) Planned Unit Development.**

City Planner Melissa Poehlman presented the staff report.

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Mr. Moltumyr (6500 Woodlake Dr) stated his support and inquired about the use of parking by residents of Woodlake Point.

Mr. DeSantis (6501 Woodlake Dr) stated his support as a resident of Village Shores.

Ms. Johnson (6500 Woodlake Dr) inquired about the existing businesses in Market Plaza.

Mr. Gevers (applicant) introduced the project and responded to questions, stating Champps' lease expires April 1, and that the rest of the businesses would remain in place. He stated they are still reviewing the parking situation with regards to Woodlake Point.

Ms. Haaven (6625 Knox Ave) stated concerns about the replacement of Champps with a medical clinic.

Mr. Alan (address not given) inquired about the number of elevators in the building, to which Mr. Gevers responded that they are adding 2 more banks of elevators.

Mr. Hoover (7627 Harriet Ave) stated concerns with the concentration of seniors living on fixed incomes in this area.

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

**Motion carried: 5-0**

Commissioner Hayford Oleary stated dissatisfaction with the proposed pedestrian improvements to the site and lack of bike parking.

Commissioner Vrieze Daniels and Commissioner Rosenberg stated support for the project.

M/Rosenberg, S/Vrieze Daniels to recommend approval of the PUD amendment.

**Motion carried: 4-1** (*Hayford Oleary dissenting*)

### **ITEM #3**

**16-CP-01, 16-RZN-01, 16-PUD-01, 16-FDP-01 & 16-CUP-01 – Consider a variety of land use requests related to a proposal for an 88-unit assisted living facility at 76<sup>th</sup> Street and Pillsbury Avenue.**

Poehlman presented the staff report.

Mr. Hoover stated concerns with the concentration of seniors living on fixed incomes.

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

**Motion carried: 5-0**

In response to questions from Commissioner Rosenberg, Redevelopment Manager Karen Barton stated the city was pursuing developers to build single-level options, including the under construction Sheridan Villas, but that available sites were limited. Barton stated that lower-density options on this site would require heavy city subsidies to pencil out.

In response to a question from Commissioner Vizecky, Poehlman stated that the city had been trying to market this property since 2007. Vizecky stated that the last proposal for this property was met with resistance, and that the current proposal addressed many of those concerns.

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In response to a question from Commissioner Vrieze Daniels, Poehlman stated that the single-family home (7614 Pillsbury Ave) was currently zoned industrial and would be rezoned to single-family residential in the future.

Commissioner Hayford Oleary stated concerns with restricting future development of the empty northeast corner of the property.

Acting Chair Kitzberger noted national demographic trends in the increasing population over the age of 65 in the coming years and stated he does not think Richfield is taking on a disproportionate share of senior housing, noting that the property could be converted to other uses in the future.

M/Vizecky, S/Vrieze Daniels to recommend approval of the comprehensive plan amendment, rezoning, planned unit development, final development plan, and conditional use permit.

**Motion carried: 5-0**

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## **NEW BUSINESS**

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### **ITEM #4**

**PC Letter No. 2 – Consider a resolution finding that the sale of property (former City garage site and adjacent properties) to Mesaba Capital Development, LLC for construction of an assisted living facility is consistent with the Comprehensive Plan**

Poehlman presented staff report and noted that the item was not a public hearing, but had been listed as such on the agenda by mistake.

M/Vizecky, S/Vrieze Daniels to approve the resolution.

**Motion carried: 5-0**

### **ITEM #5**

**PC Letter No. 3 – Election of Chairperson, Vice-Chairperson, and Secretary**

M/Hayford Oleary to elect Commissioner Vrieze Daniels as 2016 Chairperson.

M/Vrieze Daniels to elect Commissioner Kitzberger as 2016 Chairperson.

Commissioner Vizecky seconded both motions.

**Motion to elect Commissioner Kitzberger not carried: 2-3**

**Motion to elect Commissioner Vrieze Daniels carried: 3-2**

M/Kitzberger, S/Vizecky to elect Commissioner Hayford Oleary as 2016 Vice-Chairperson.

**Motion carried: 5-0**

M/Vrieze Daniels, S/Hayford Oleary to elect Commissioner Vizecky as 2016 Secretary.

**Motion carried: 5-0**

### **ITEM #6**

**PC Letter No. 4 – Appointment of liaisons to the Community Services Advisory Commission, City Council, Housing and Redevelopment Authority (HRA), School Board and Transportation Commission.**

February 22, 2016

**2016 Liaison Appointments:**

**Community Services Advisory Commission – Commissioner Jabs**

**City Council – Commissioner Rosenberg**

**Housing and Redevelopment Authority – Commissioner Vrieze Daniels**

**School Board – Commissioner Kitzberger**

**Transportation Commission – Commissioner Hayford Oleary**

**ITEM #7**

**PC Letter No. 5 – Review and Approve Amendment to the Planning Commission Bylaws**

Poehlman presented the staff report.

Bylaws were amended and adopted by unanimous consent.

**ITEM #8**

**PC Letter No. 6 – Discuss dates and topics for 2016 Study Sessions**

Poehlman discussed potential study session topics.

Commissioner Hayford Oleary suggested bicycle parking requirements as a topic.

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**OLD BUSINESS**

None.

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**LIAISON REPORTS**

Community Services Advisory Commission: No report

City Council: No report

HRA: No report

Richfield School Board: No report

Transportation Commission: Commissioner Hayford Oleary – sidewalks/pedestrian planning

Chamber of Commerce: No report

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**CITY PLANNER'S REPORT**

Poehlman reminded commissioners of the upcoming joint worksession to discuss the Cedar Corridor Master Plan update and Interstate Partners proposal.

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**ADJOURNMENT**

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

**Motion carried: 5-0**

The meeting was adjourned by unanimous consent at **8:26 p.m.**

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Gordon Vizecky  
Secretary

**PLANNING COMMISSION MEETING SIGN-IN SHEET**

**Name (print legibly)**

**Address or Organization**

Warren Moltusyr <sup>Woodlake</sup> <sub>Point</sub>	6500 Woodlake Dr. #909 <sup>Richfield,</sup> <sub>MN.</sub>
Camillo de Santos	6501 Woodlake Dr. #901
Lillian Johnson	6500 Woodlake Dr. #914
DAVID GEVERS	E. J. PLESLO & Assoc. INC.
Jenni Heaven	6625 Knox Ave S.
MICHAEL ALAN	
Jett Hoover	7627 Harriet
Della Kolpin	Mesaba Capital



# PLANNING COMMISSION STAFF REPORT

**PC MEETING DATE: MARCH 28, 2016**

## ITEM FOR PLANNING COMMISSION CONSIDERATION:

Public hearing to consider a request for an interim use permit to allow the continued use of 6529 Penn Avenue for used car sales.

### I. RECOMMENDED ACTION:

**Conduct and close a public hearing and by motion: Recommend approval of a one-year interim use permit for used car sales at 6529 Penn Avenue (CarHop).**

### II. BACKGROUND

The property at 6529 Penn Avenue was first approved for use as a used car sales lot in 1990. The use was not consistent with the Comprehensive Plan then, and remains at odds with the current Comprehensive Plan. This use has always been considered temporarily acceptable while waiting for the Penn Avenue Corridor to redevelop.

In 2007 the City Council adopted a revised Zoning Ordinance that made used automobile sales permissible only as an integral part of a new automobile sales business (Section 534.07, Subd. 7e). The business at 6529 Penn Avenue has been operating as a legally nonconforming use since the adoption of this Ordinance. The existing permit for this use expires June 8, 2016 and the applicant is applying for a new three-year interim use permit.

### III. BASIS OF RECOMMENDATION

#### A. POLICY

- The purpose of an interim use permit is to allow a use that may not be compatible with the Comprehensive Plan to operate for a limited period of time. Interim use permits are designed to meet the problem that arises when a City designates an area for redevelopment or revitalization, but the market has yet to react to those changes.
- The Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects the provisions were intended to prevent. The Council must find that the temporary nature of this permit makes the nonconforming use permissible at this time.
- In evaluating a request for an interim use permit, the Planning Commission and City Council shall also consider its compliance with the criteria outlined in Subsection 547.15 of the City Code, further articulated in the attached document.
- The result of the Penn Avenue Corridor Study on this property was to change the zoning designation from Industrial to Mixed Use – Community, with the Penn



Avenue Overlay. Mixed-Use Districts prohibit used auto sales unless they are an integral part of a new car dealership. The Penn Avenue Overlay also prohibits auto mechanical and/or body repair shops and auto detailing establishments. These types of businesses currently remain in the Corridor as legally non-conforming uses. Staff believes that given current market conditions and the existence of similar auto-related businesses in the area, an interim use permit for continued use of the property for used auto sales is warranted provided that the property continue to comply with the stipulations of the existing interim use permit.

- Staff recommends a one-year interim use permit so that the compatibility of this use with the Corridor can be re-evaluated in 2017. By Ordinance, interim use permits terminate upon the occurrence of any of the following events, whichever first occurs:
  - a) The date stated in the permit; or
  - b) Upon violation of conditions under which the permit was issued.
- In addition to termination at the end date of the permit or upon violation of the conditions under which the permit is issued, staff recommends that the permit terminate upon termination or sale of the current business (CarHop), or upon the sale of the property by the current owner (Penn Avenue Partners II LLC), whichever occurs first.

#### B. CRITICAL ISSUES

- In 2009, the City completed a visioning process for the Penn Avenue Corridor. The vision for this area does not include used car sales businesses. Current market conditions have stalled redevelopment/revitalization projects and no major changes have occurred within the Corridor since adoption of the Penn Avenue Plan.
- Approval of an interim use permit would be conditioned upon continued compliance with the landscape plan (submitted April 2010 with initial interim use permit), maintaining window planter boxes throughout growing season and adding seasonal décor in winter, performing patch repair of the parking lot as necessary and regularly clearing the lot of any debris, compliance with sign rules, and compliance with the Penn Avenue Design Guidelines.
- Staff recommends a one-year interim use permit so that conditions in the Corridor can be re-evaluated and the continued compatibility of this use considered again next year.
- In order to approve the interim use permit, the Council must find that the temporary nature of the business warrants waiving certain provisions of the Zoning Code, specifically the prohibition of used car sales businesses in this future pedestrian-friendly district and the allowance of nonconforming uses.

#### C. FINANCIAL

- The required application fee has been paid.

#### D. LEGAL

- Notification: Notice of this public hearing was published in the Sun Current in accordance with State and Local requirements. Properties within 350 feet were notified by mail.
- Council consideration is scheduled for April 12, 2016.

#### IV. ALTERNATIVE RECOMMENDATION(S)

- Recommend approval of an interim use permit for a different length of time (up to five years maximum).

- Recommend approval of an interim use permit with additional conditions.
- Recommend denial with a finding that the requirements necessary to issue an interim use permit are not met.

#### V. ATTACHMENTS

- Resolution
- Interim use permit requirements
- Consent agreement
- Site and landscaping plans
- Photos
- Planning & zoning maps

#### VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- CarHop representative – Annette Rumreich

**RESOLUTION APPROVING AN  
INTERIM USE PERMIT  
TO ALLOW USED AUTO SALES  
BY INTERSTATE AUTO GROUP DBA CARHOP  
AT 6529 PENN AVENUE**

**WHEREAS**, the City of Richfield (the City) adopted a Comprehensive Plan in 2009 to guide the development of the community; and

**WHEREAS**, the City has adopted a Zoning Ordinance or other official controls to assist in implementing the Comprehensive Plan; and

**WHEREAS**, an application has been filed with the City of Richfield which requests an interim use permit to allow Interstate Auto Group dba CarHop (the “Applicant”) to conduct used automobile sales at 6529 Penn Avenue; and

**WHEREAS**, the Property is zoned Mixed Use – Community (MU-C) and within the Penn Avenue Corridor Overlay District (PAC); and

**WHEREAS**, the requested interim use of the property is not permitted in the MU-C District; and

**WHEREAS**, the City Council finds that the temporary nature of the proposed interim use eliminates the adverse effects the prohibition was intended to prevent. Compliance with performance and landscaping standards, Penn Avenue Design Guidelines, and termination of the permit in one year eliminates the detriment that a used auto sales business will have on the creation of a pedestrian-friendly corridor; and

**WHEREAS**, the Planning Commission held a public hearing on March 28, 2016 to review the application for an interim use permit, following mailed and published notice as required by law; and

**WHEREAS**, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

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

1. The proposed interim use permit request meets all applicable conditions and restrictions stated in Subsection 547.15 of the 2007 Zoning Ordinance except as follows:
  - a. The proposed interim use is not a permitted use within the Penn Avenue Corridor Overlay District. In accordance with Subsection 547.15 Subd. 3e the City Council finds that the temporary nature of the interim use eliminates the detriment that a used auto sales business will have on the pedestrian-friendly vision of the Corridor given that pedestrian upgrades have yet to occur elsewhere in the area.
  - b. In accordance with Subsection 547.15, Subd. 3e the City Council finds that the purpose of the interim use permit in this instance is to allow productive use of a

property that is not yet “ripe” for redevelopment given current market conditions. The temporary nature of the interim use will ensure that the nonconforming use not be allowed to continue so long as to become a detriment to the implementation of the Comprehensive Plan.

2. An interim use permit for used auto sales by Interstate Auto Group dba CarHop at 6529 Penn Avenue, as described in City Council Staff Report No. \_\_\_\_\_ is approved with the following conditions:
  - a. The interim use permit will expire one (1) year from its effective date (June 8, 2016), or upon termination or sale of the current business (Interstate Auto Group dba CarHop), or upon the sale of the subject property by the current owner (Penn Avenue Partners II LLC), or upon violation of the conditions under which the permit was issued, whichever occurs first.
  - b. That the parking lot be kept in a good state of repair, performing sealcoating and/or patch repair as necessary and regularly clearing the lot of any debris.
  - c. That a 22-foot minimum drive aisle be maintained in the parking area, a maximum of 32 vehicles be on site including inventory, customer and employee parking, and that no vehicles be parked or stored on grass buffer areas.
  - d. That landscaping be installed and maintained in accordance with the previously approved plan, dated April 2010, and that seasonal décor be installed in winter.
  - e. That all trash containers be kept inside the building and not stored in the parking lot.
  - f. The interim use permit shall be reviewed periodically by the City to ensure compliance with the conditions set forth in this resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of April 2016.

\_\_\_\_\_  
Debbie Goettel, Mayor

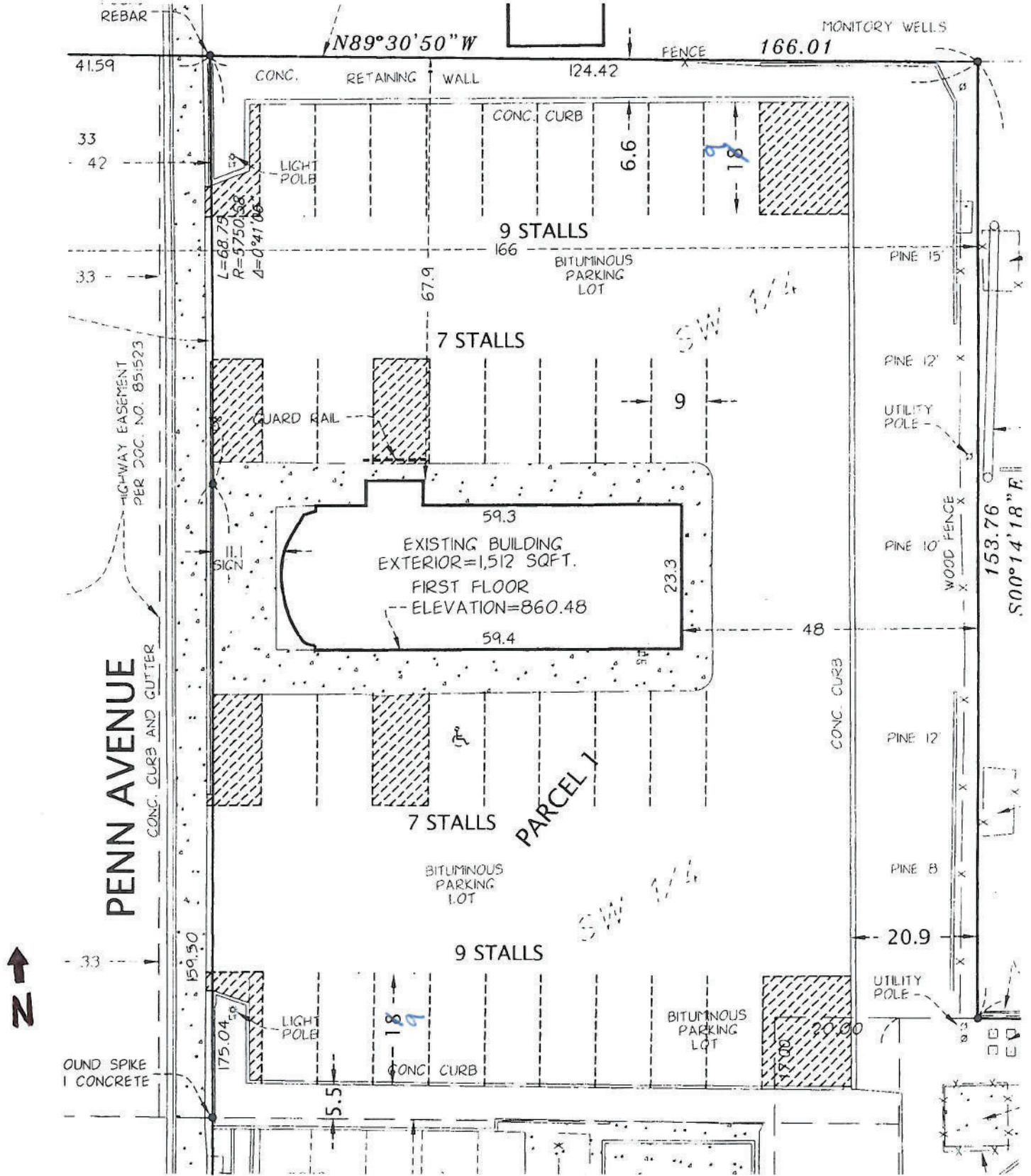
ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

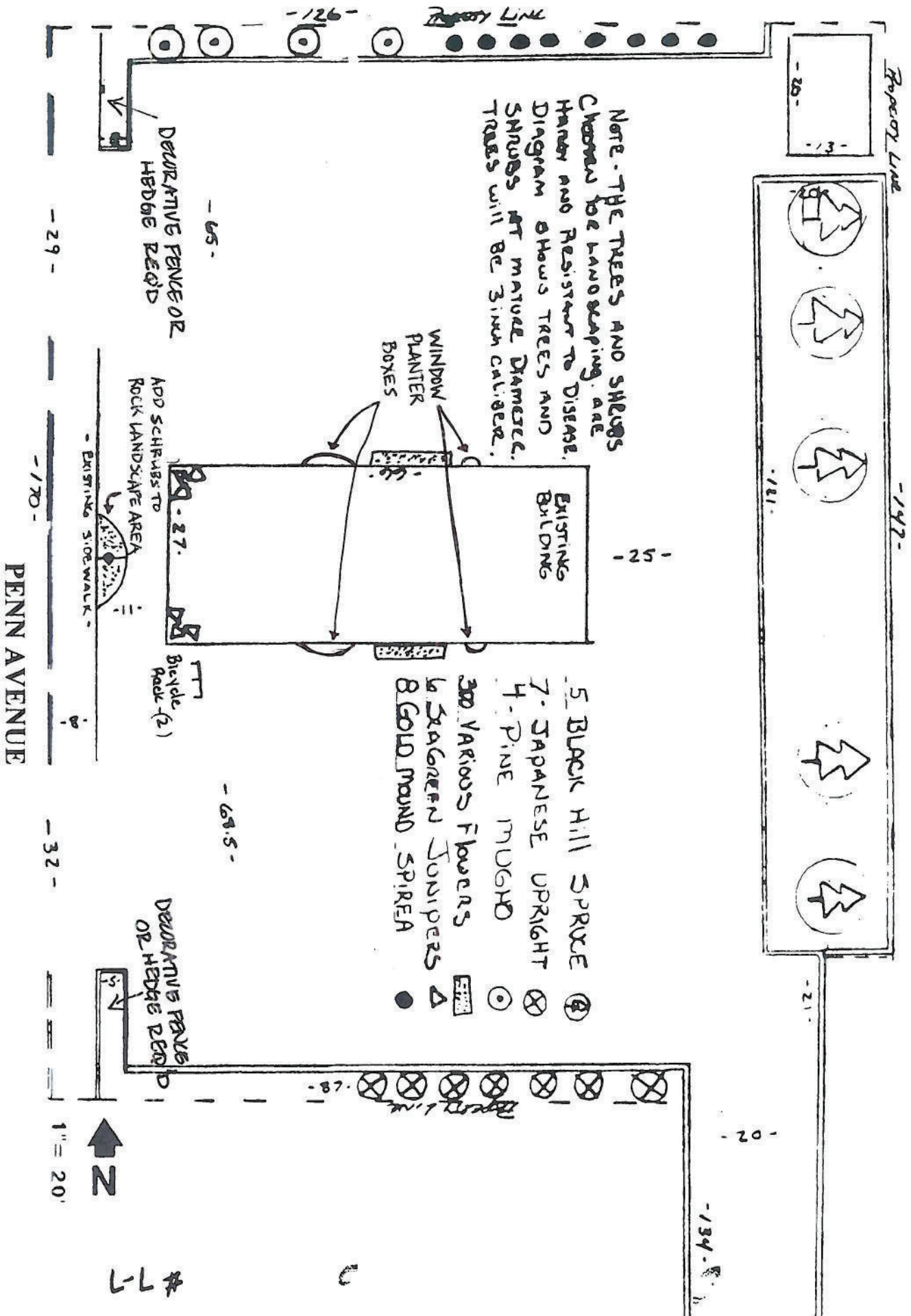
Interim Use Permit Requirements  
Subsection 547.15 Subd. 3.

- a) *The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties.* Staff recommends that the permit expire in one year. At that time, if conditions continue to warrant, the Council may issue a new Interim Use Permit to the applicant.
- b) *The use will terminate upon a date or event that can be identified with certainty. Interim use permits may not be granted for a period greater than five (5) years.* Staff recommends termination on June 8, 2017.
- c) *The use will not adversely impact the health, safety and welfare of the community during the period of the interim use.* It is not anticipated that used auto sales will adversely impact the community or this area within the next year.
- d) *The use is similar to existing uses in the area.* Used auto sales and other auto-oriented businesses are no longer permitted within this area; however see below.
- e) *An interim use shall conform to zoning regulations except the City Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects the provisions were intended to prevent.* The rezoning and preparation of design guidelines for the Penn Avenue Corridor is intended to create a cohesive, inviting and pedestrian-friendly environment. Auto-oriented businesses were not found to be consistent with this vision and most are not permitted under the Penn Avenue Corridor Overlay. However, market conditions at this time do not make it imperative that nonconforming uses be ushered out as quickly as possible. As the pedestrian improvements in particular have yet to happen along the Corridor, the continuation of an auto-related business for a limited period of time is not detrimental to this vision. The proposed interim use of this property will allow the property to be used productively for the short-term and avoid a potentially vacant storefront. Expiration of the interim use permit in one year will assure that this use, which is not compatible with the overall revitalization plan for the area, will not impede future efforts to that end. Further, the property will be required to meet landscaping, performance standard and Design Guideline requirements to partially mitigate and screen the impact of this auto-oriented use.
- f) *There is adequate assurance that the property will be left in suitable condition after the use is terminated.* N/A.
- g) *By agreement, the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.* The property owner has signed a consent agreement agreeing to this condition.
- h) *The property owner, by agreement, agrees to any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit.* The applicant must continue to comply with all conditions of the existing interim use permit.
- i) *The property owner agrees to abide by any additional conditions that the Council deems appropriate for permission of the use.*

# PARKING PLAN EXISTING 32 STALLS



# 6529 PENN AVENUE SOUTH PROPOSED LANDSCAPE PLAN APRIL 2010



CONSENT AGREEMENT

WHEREAS, on November 13, 2007 the City Council of the City of Richfield adopted Ordinance No. 2007-19, which establishes a framework for regulating temporary use of land through the issuance of interim use permits; and

WHEREAS, Section 547.15 Subdivision 2 of this Ordinance requires an applicant for an interim use permit to sign a Consent Agreement wherein the applicant acknowledges and agrees that the proposed interim use will not impose additional costs on the public if there is a future need for public acquisition of the applicant's property through eminent domain, that the applicant has no entitlement to future reapproval of the interim use permit and that the applicant will abide by the conditions of approval that the City Council attaches to the interim use permit;

NOW, THEREFORE, Penn Avenue Partners II LLC, as applicant for

an interim use permit for used car sales at 6529 Penn Ave S, Richfield, MN  
(use of property) (location)

agree as follows:

1. If this application is approved by the Richfield City Council and an interim use permit is issued, the interim use of the property will not impose additional costs on the City or any other public entity if it is necessary to acquire the property or a portion thereof by eminent domain after issuance of the interim use permit.

2. The applicant acknowledges that the proposed use is temporary and terminates upon expiration of the interim use permit. The applicant has no legal or equitable right to future reapproval of the interim use permit and must file a new application for that purpose.

3. The applicant will comply with all conditions imposed by the City Council on the interim use permit.

4. This Consent Agreement shall be binding on any owner, operator, tenant and/or user of the property for which the interim use permit has been granted and the applicant is authorized to sign this Consent Agreement on behalf of said owner, operator, tenant and/or user of the property.

PENN AVENUE PARTNERS II LLC

Karla R Carlom

Applicant (Applicant must be the Property Owner)

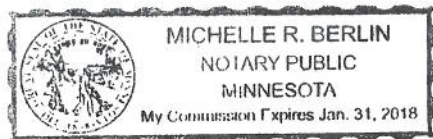
Karla R Carlom, Vice Manager

DATED: 1/27/14

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of January, 2014, by Karla R Carlom, the Vice Manager of Penn Avenue Partners II LLC, a Minnesota Limited liability company, on behalf of said company. Delaware

Michelle Berlin  
Notary Public

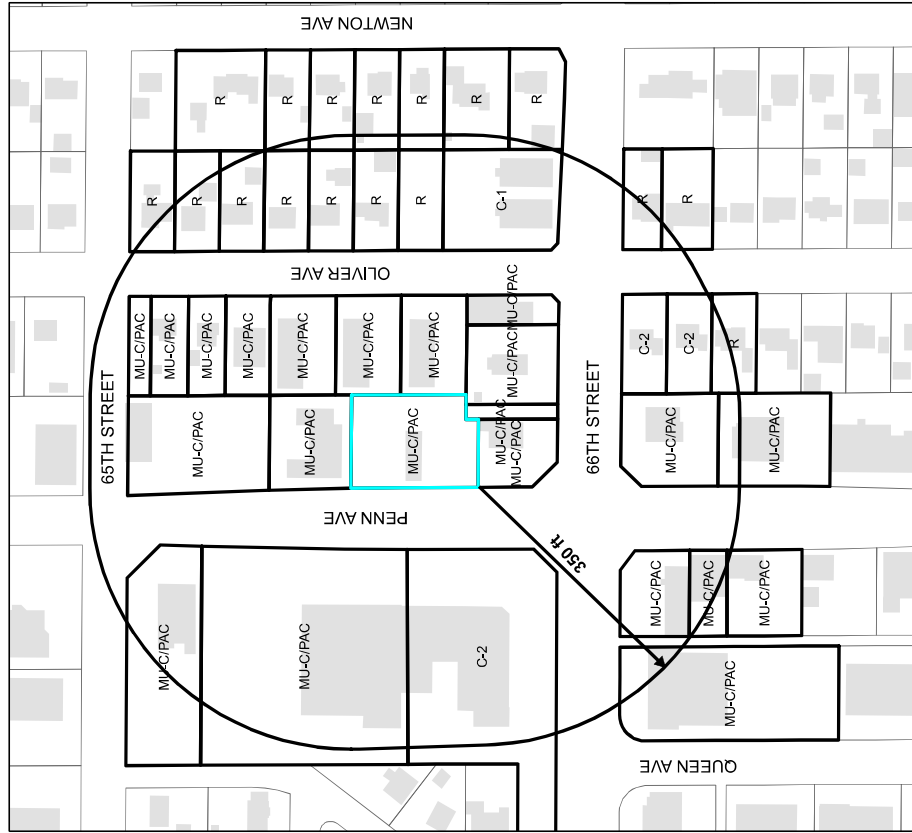




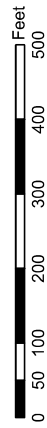


# 6529 Penn Ave - IUP 4/2016

## Surrounding Zoning

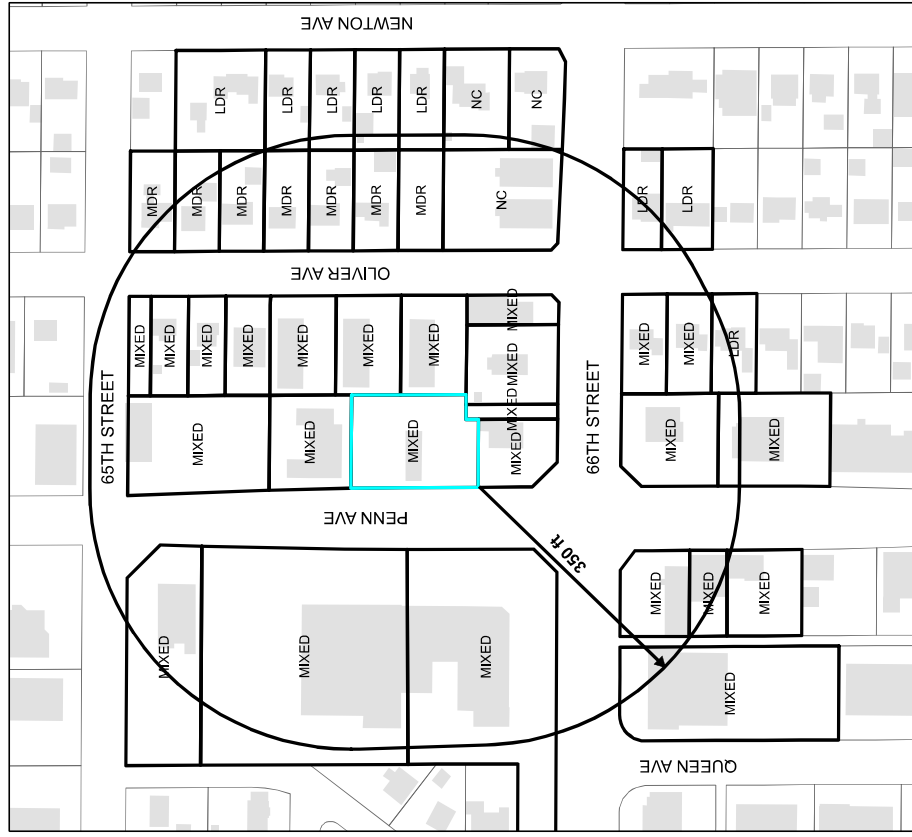


MU-C - Mixed-Use Community  
 PAC - Penn Avenue Corridor Overlay  
 C-1 - Neighborhood Business  
 C-2 - General Commercial  
 R - Single Family Residential

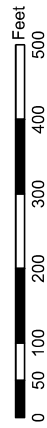


# 6529 Penn Ave - IUP 4/2016

## Surrounding Comprehensive Plan



MIXED - Mixed Use  
 LDR - Low Density Residential  
 MDR - Medium Density Residential  
 NC - Neighborhood Commercial



AGENDA SECTION:	PUBLIC HEARING
AGENDA ITEM #	2
PC LETTER #	
CASE #	16-RZN-02 & 16-CP-02



# PLANNING COMMISSION STAFF REPORT

**PC MEETING DATE: MARCH 28, 2016**

**ITEM FOR PLANNING COMMISSION CONSIDERATION:**  
Public hearing to consider amendments to the City’s Zoning Ordinance and Comprehensive Plan to designate 7614 Pillsbury Avenue as Single-Family and Low-Density Residential.

**I. RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion:**

- 1) Recommend approval of the attached resolution amending the Comprehensive Plan to change the designation of 7614 Pillsbury Avenue from Medium-High Density Residential to Low-Density Residential; and**
- 2) Recommend approval of the attached ordinance amending Appendix 1 of the City Code to change the zoning of 7614 Pillsbury Avenue from Industrial (I) to Single-Family Residential (R).**

**II. BACKGROUND**

On Tuesday, March 22nd, the City Council approved a change to the Zoning and Comprehensive Plan designations for all but one parcel on the block that formerly housed the Richfield Public Works Garage. This block is bounded by 76<sup>th</sup> and 77<sup>th</sup> Streets to the north and south and the SOO Line Railroad tracks and Pillsbury Avenue on the west and east. The properties are now zoned and guided to allow for the construction of an 88-unit senior housing development. The single-family home at 7614 Pillsbury Avenue is not part of this project and will remain. Staff is proposing to rezone and re-guide this property as Single-Family Residential (R) and Low-Density Residential, respectively. These designations will make the property conforming, and will therefore offer the property owner the most flexibility in terms of maintenance and improvement to the property.

**A. CRITICAL ISSUES**

- Staff has discussed the proposed changes with the current property owner. Neither the property owner nor anyone else in the notification area has contested the proposed changes.

**B. FINANCIAL**

- N/A

### C. LEGAL

- The City Attorney has reviewed the proposed changes.
- Notice of this public hearing was published in the Sun Current in accordance with State and Local requirements.
- Other Actions:
  - Council: The recommendation of the Planning Commission will go to the City Council for two readings. If the City Council adopts the recommended changes, they will take effect the day following publication in the Sun Current newspaper.

### III. ALTERNATIVE RECOMMENDATION(S)

- Recommend denial of the proposed ordinance.

### IV. ATTACHMENTS

- Ordinance
- Resolution

### V. PRINCIPAL PARTIES EXPECTED AT MEETING

- None

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATING TO ZONING;  
AMENDING APPENDIX 1 TO THE RICHFIELD CITY  
CODE BY REZONING  
7614 PILLSBURY AVENUE  
TO SINGLE-FAMILY RESIDENTIAL (R)**

**THE CITY OF RICHFIELD DOES ORDAIN:**

- Section 1. Section 1, Paragraph (5) of Appendix 1 of the Richfield Zoning Code is repealed.
- Sec. 2. This ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

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

**RESOLUTION AMENDING THE CITY'S COMPREHENSIVE PLAN  
CHANGING THE DESIGNATION OF  
7614 PILLSBURY AVENUE  
TO "LOW-DENSITY RESIDENTIAL"**

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

**WHEREAS**, the Comprehensive Plan designates 7614 Pillsbury Avenue South as "Medium-High Density Residential;" and

**WHEREAS**, the "Medium-High Density Residential" designation was chosen based on the idea of a redevelopment that encompass the entire block; and

**WHEREAS**, the current property owner does not wish to sell and a development that does not impact the property was approved by the City Council on March 22, 2016; and

**WHEREAS**, the City has reviewed the Guide Plan classification and determined that it would be appropriate to designate 7614 Pillsbury Avenue as "Low-Density Residential" in order to make the property conforming and to offer the homeowner as much flexibility for maintenance and improvement as possible; and

**WHEREAS**, the Planning Commission conducted a public hearing on March 28, 2016 concerning modifying the Guide Plan and recommended approval of the modifications; and

**WHEREAS**, the City Council considered the amendment on April 26, 2016;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota that the City's Comprehensive Plan is hereby amended to designate 7614 Pillsbury Avenue as "Low-Density Residential;" contingent upon the following:

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

Adopted by the City Council of the City of Richfield, Minnesota this 26th day of April, 2016.

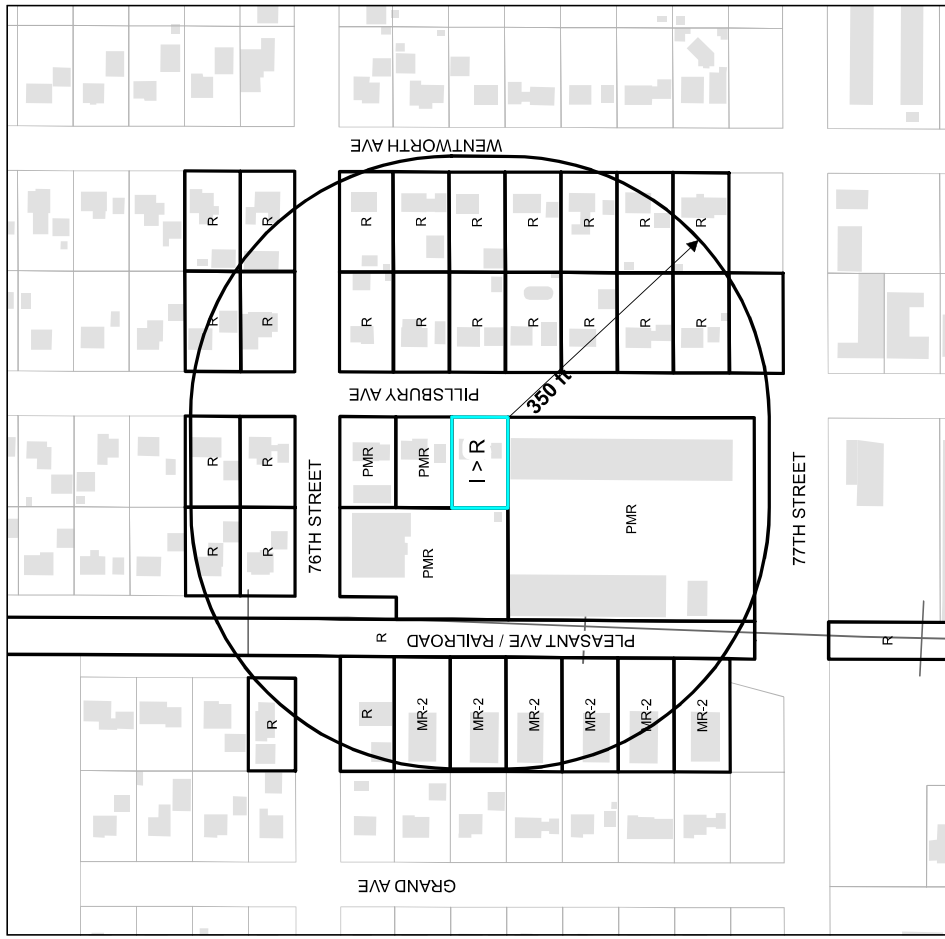
\_\_\_\_\_  
Debbie Goettel, Mayor

**ATTEST:**

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk

# 7614 Pillsbury Ave - RZN & CP 4/2016

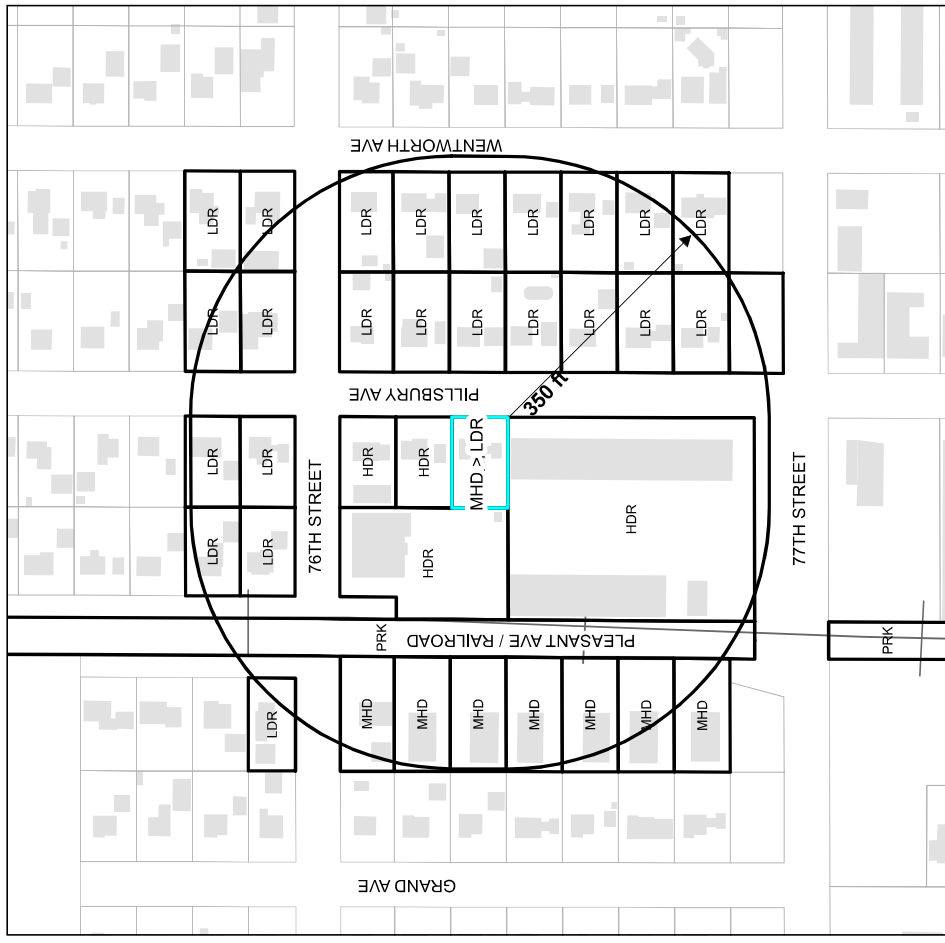
## Surrounding Zoning



- PMR - Planned Multi-Family Residential
- R - Single Family Residential
- MR-2 - Multi-Family Residential
- I - Industrial

# 7614 Pillsbury Ave - RZN & CP 4/2016

## Surrounding Comprehensive Plan



- HDR - High Density Residential
- MHD - Medium-High Density Residential
- LDR - Low Density Residential
- PRK - Park



# PLANNING COMMISSION STAFF REPORT

**PC MEETING DATE: MARCH 28, 2016**

**ITEM FOR PLANNING COMMISSION CONSIDERATION:**  
 Public hearing to consider amendments to the City's Zoning Ordinance. The proposed Ordinance makes minor changes to allowable uses within parks.

**I. RECOMMENDED ACTION:**  
**Conduct and close a public hearing and by motion: Recommend approval of the attached Ordinance amending regulations related to allowable uses within parks.**

**II. BACKGROUND**

In the course of reviewing the Zoning Code with Parks and Recreation staff, it was noted that only facilities owned by a governmental unit are currently permitted within parks. This could technically prohibit relationships like the one the City currently has with Wheel Fun Rentals to operate Malt-Tees snack shop and the mini golf course at Veteran's Park. Staff is proposing a minor change to the Ordinance to allow this type of mutually-beneficial relationship to continue.

Current: Parks and related recreational facilities owned by a governmental unit.  
 Proposed: Parks and related accessory facilities.

**III. BASIS OF RECOMMENDATION**

**A. POLICY**

- Ongoing review and periodic updating of the Code is necessary to ensure that regulations are serving their intended purposes.
- Clear language is important to both staff and our customers.

**B. CRITICAL ISSUES**

- None

**C. FINANCIAL**

- N/A



**D. LEGAL**

- The City Attorney has reviewed the proposed Ordinance change.
- Notice of this public hearing was published in the Sun Current in accordance with State and Local requirements.
- Other Actions:
  - Council: The recommendation of the Planning Commission will go to the City Council for two readings. If the City Council adopts the recommended changes, they will take effect the day following publication in the Sun Current newspaper.

**IV. ALTERNATIVE RECOMMENDATION(S)**

- Recommend approval of the proposed Ordinance with additional changes.
- Recommend denial of the proposed Ordinance.

**V. ATTACHMENTS**

- Ordinance

**VI. PRINCIPAL PARTIES EXPECTED AT MEETING**

- N/A

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

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE  
REGULATIONS RELATED TO PERMITTED  
USES WITHIN PARKS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1            Subsection 512.03 of the Richfield City Code related to permitted uses in all zoning districts is amended to read as follows:

**512.03. Permitted uses in all districts.**

Except as otherwise noted, the following uses shall be construed to be permitted in all zoning districts within the City:

- a) Public streets and highways;
- b) Underground public utilities;
- c) Parks and related ~~recreational~~accessory facilities ~~owned by a governmental unit~~;
- d) Solar equipment as an accessory use; and
- e) Horticulture/community gardens as an accessory to an established institutional use (school, church, park), provided that plants and related materials are maintained in a clean and orderly manner and that waste is disposed of appropriately.

Section 7            This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 26th day of April, 2016.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk