



Planning Commission Agenda

May 23, 2016
7:00 p.m.

Introductory Proceedings

Roll Call

Approval of Minutes: Regular Planning Commission meeting of March 28, 2016.

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

Public Hearing

- | | | |
|----------------|--|--|
| ITEM #1 | 16-PUD-02, 16-FDP-02, 16-CUP-02 | Consider request for a Planned Unit Development/Conditional Use permit/Final Development Plan to allow the construction of quasi-public shoreline improvements along the eastern edge of Richfield Lake. |
| ITEM #2 | 16-IUP-02 | Consider request for an interim use permit for temporary and occasional Lakewinds Co-op employee parking at 6430 Lyndale Avenue (vacant lot south of Lakewinds Co-op) |
| ITEM #3 | 16-IUP-03 | Consider request for an Interim Use Permit for temporary automobile inventory storage parking at 6400 Lyndale Avenue (former Lyndale Gardens site) |

New Business

Old Business

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 Report

**Next Meeting Date: May 24, 2016 – Cedar Corridor
Master Plan worksession with the
City Council**

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

March 28, 2016

- MEMBERS PRESENT:** Chairperson Erin Vrieze Daniels and Commissioners Sean Hayford Oleary, Rick Jabs, Dan Kitzberger, Susan Rosenberg and Charles Standfuss
- MEMBERS ABSENT:** Commissioner Gordon Vizecky
- STAFF PRESENT:** Melissa Poehlman, City Planner
Matt Brillhart, Planning Technician
- OTHERS PRESENT:** None

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

APPROVAL OF MINUTES

M/Rosenberg, S/Kitzberger to approve the minutes of the February 22, 2016 regular meeting.

Motion carried: 6-0

OPEN FORUM

No members of the public spoke.

PUBLIC HEARING(S)

ITEM #1

16-IUP-01 – Consider a request for an interim use permit to allow continued operation of a used car sales business at 6529 Penn Avenue (CarHop).

Planning Technician Matt Brillhart presented the staff report.

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

Motion carried: 6-0

In response to a question from Commissioner Standfuss, City Planner Melissa Poehlman stated that staff had met with the property owner in November 2015 to discuss redevelopment options, but did not anticipate any changes in the near term.

M/Hayford Oleary, S/Standfuss to recommend approval of a one-year interim use permit.

Motion carried: 6-0

ITEM #2

16-RZN-02, 16-CP-02 – Consider amendments to the City's Zoning Ordinance and Comprehensive Plan to designate 7614 Pillsbury Avenue as Single-Family and Low-Density Residential.

March 28, 2016

City Planner Melissa Poehlman presented the staff report.

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

Motion carried: 6-0

In response to questions from Commissioner Hayford Oleary, Poehlman stated that rezoning from Industrial to Single Family Residential would allow the homeowner greater flexibility to make improvements or refinance the home. Poehlman stated that this was not the only instance of a zoning designation not being in alignment with the comprehensive plan, but generally speaking, the Met Council requires zoning and comprehensive plans to be aligned.

In response to questions from Chair Vrieze Daniels, Poehlman stated that the plan for this property was not necessarily to be incorporated with the rest of the block. The adjacent senior housing proposal was approved as-is and the developer is not required to acquire this property in the future. Poehlman stated that the city could explore a land swap in which the city would acquire this property and exchange it for property at the corner of 76th and Pillsbury to allow for future public improvements at the corner, but this scenario was not required or guaranteed.

Commissioner Hayford Oleary stated that it was unfortunate that better coordination had not taken place, considering the city did own the two single-family home parcels at the corner.

M/Rosenberg, S/Kitzberger to recommend approval of amending the zoning and comprehensive plan designations of 7614 Pillsbury Avenue.

Motion carried: 6-0

ITEM #3

PC Letter No. 7 – Consider an amendment to the City’s Zoning Ordinance. The proposed ordinance makes a minor adjustment to permitted accessory uses in parks.

Poehlman presented the staff report.

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

Motion carried: 6-0

M/Standfuss, S/Rosenberg to recommend approval of the ordinance amendment.

Motion carried: 6-0

NEW BUSINESS

None.

OLD BUSINESS

None.

LIAISON REPORTS

March 28, 2016

Community Services Advisory Commission: Commissioner Jabs
City Council: Commissioner Rosenberg
HRA: Chair Vrieze Daniels
Richfield School Board: Commissioner Kitzberger
Transportation Commission: Commissioner Hayford Oleary
Chamber of Commerce: No report

CITY PLANNER'S REPORT

Poehlman reminded commissioners of the April 12 joint worksession to discuss the Cedar Corridor Master Plan update and Interstate Partners proposal.

ADJOURNMENT

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

Motion carried: 6-0

The meeting was adjourned by unanimous consent at **7:28 p.m.**

Charles Standfuss
Acting Secretary

AGENDA SECTION:	PUBLIC HEARING
AGENDA ITEM #	1
PC LETTER #	
CASE #	16-PUD-02, 16-FDP-02, 16-CUP-02



PLANNING COMMISSION STAFF REPORT

PC MEETING DATE: MAY 23, 2016

ITEM FOR PLANNING COMMISSION CONSIDERATION:
 Public hearing regarding land use approvals to allow construction of shoreline improvements and quasi-public amenities along the east side of Richfield Lake.

I. RECOMMENDED ACTION:
Conduct and close a public hearing and by motion: Recommend approval of a Final Development Plan and Conditional Use Permit for a Planned Unit Development along the eastern shoreline of Richfield Lake.

II. BACKGROUND

In 2013, The Cornerstone Group received approvals related to redevelopment of the former Lyndale Garden Center property. Those plans included a 151-unit apartment building, approximately 10,000 square feet of retail/restaurant space, and outdoor activity areas along Richfield Lake. It also encompassed the land that is now home to Lakewinds Food Cooperative and the vacant lot to the south of the Lakewinds parking lot. Land use approvals typically expire after one year unless extensions are requested and granted by the Council. Despite extensions, sufficient financing for the development of the northern half of the site was not secured and all land use approvals related to the project expired in December of 2015.

The Cornerstone Group (applicant) continues to work toward redevelopment of the site that will be substantially similar to what was approved in 2013. In order to take advantage of grant funds that will expire in June of 2017, the applicant is requesting approval of just the shoreline improvements along the eastern edge of Richfield Lake. These improvements include a performance stage with seating for up to 250 people, bike and pedestrian connections to the existing path around Richfield Lake, and community garden space. The applicant has indicated that a proposal for the remainder of the site is anticipated at the end of June in order to begin construction on the housing portion of the site by the end of the year.

Construction of shoreline improvements is anticipated to begin in October of this year, following necessary environmental work. The applicant indicates that construction will take approximately 4-6 months and that the performance stage would be available for use by summer of 2017. Due to the uncertainty of what will be happening on the site at

that time, a stipulation requiring staff approval of a parking plan prior to events has been included in the attached resolution.

III. BASIS OF RECOMMENDATION

A. POLICY

There are a number of different review criteria that apply to this proposal. A full discussion of all requirements has been included as an attachment to this report.

Planned Unit Developments

The property in question is zoned for a Mixed Use Planned Unit Development (PUD); however, the individual parcel is not large enough to qualify as a PUD on its own. The minimum land area necessary for a PUD is one acre. That said, this parcel will not function alone and the intent of the ordinance – to encourage the efficient use of land and resources and to encourage innovation in planning and building – is met when the development is considered as a whole. It is the opinion of staff that these improvements meet the criteria to approve a Planned Unit Development.

Conditional Use Permit

There are eight specific criteria related to the issuance of a Conditional Use Permit. These criteria primarily address whether or not a proposal is consistent with the goals of the City's Comprehensive Plan and Zoning Code and the general regulations of the District in which it is located. The Mixed Use designations of the Comprehensive Plan and Zoning Code accommodate a wide variety of uses including parks. Community gardens are permitted as an accessory use to existing institutional uses, such as a park, church, or school, but not to a commercial or housing development. The PUD zoning offers flexibility on this matter and a stipulation requiring the property owner to maintain and manage the gardens in a clean and orderly manner has been included. It is the opinion of staff that the criteria to issue the Conditional Use Permit are also met.

B. CRITICAL ISSUES

- None

C. FINANCIAL

- The required processing fee has been paid.

D. LEGAL

- Notice of this hearing was mailed to properties within 350 feet of the proposed development and published in the Sun Current Newspaper.
- Other Actions:
 - Council: Consideration scheduled for June 14, 2016.

IV. ALTERNATIVE RECOMMENDATION(S)

- Recommend approval of the proposal with modifications.
- Recommend denial with a finding that the proposed use does not meet requirements

V. ATTACHMENTS

- Resolution
- Requirements document

- Proposed plans
- Planning & zoning maps

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Colleen Carey, President – The Cornerstone Group

RESOLUTION NO. _____

**RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN
AND CONDITIONAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT
AT APPROXIMATELY 6400 LYNDAL 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 include shoreline improvements and quasi-public amenities in coordination with adjacent mixed use development, on land generally located along the eastern shore of Richfield Lake (the "Property"), legally described as:

Outlot B, Block 1, Lyndale Gardens, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested final development plan and conditional use permit at its May 23, 2016 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 May 10, 2016; and

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

WHEREAS, the request meets those requirements necessary for approving a conditional use permit as specified in Richfield's Zoning Code, Section 547.09, Subd. 6 and as detailed in City Council Staff Report No._____; and

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

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

1. The City Council adopts as its Findings of Fact the WHEREAS clauses set forth above.
2. A planned unit development, final development plan and conditional use permit are approved for shoreline improvements and quasi-public amenities adjacent to a future mixed use development site as described in City Council Report No. ____, on the Subject Property legally described above.
3. The approved planned unit development, final development plan and conditional use permit are subject to the following conditions:
 - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
 - A parking plan must be submitted to and approved by the Community Development Director prior to the scheduling of any events at the performance stage.

- Cross-access and shared parking agreements must be recorded against all parcels (Lots 1 & 2, Outlots B & C, Block 1, Lyndale Gardens) prior to the issuance of building permits for the amphitheater.
 - Community gardens must be managed and maintained in a clean and orderly fashion with proper waste disposal.
 - Final stormwater management plans must be approved by the Public Works Director.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report 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.
 - The property owner is responsible for maintenance and replacement of all approved landscaping.
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 14th day of June, 2016.

Debbie Goettel, 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 designates these properties as part of a larger mixed use district encompassing the 66th Street and Lyndale Avenue area. The intent of the mixed use category is to focus on creating a city center in Richfield that will serve as a "downtown." The city center is to include a mix of residential, shopping, recreational and business uses. The proposed quasi-public areas, connection to the lake, and community gardens offer additional opportunities for activity and engagement in the City's central business district.
2. *The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries.* This requirement will continue to be monitored as additional pieces of this redevelopment site come to fruition.
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 proposed development is a piece of a larger development proposal that meets the intent of the Mixed Use guiding districts. The purpose of these districts is to encourage a mix of uses that are complimentary to one another and support the ability to live, work, and play within a compact area.
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.* No undue adverse impacts are anticipated.
6. *The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.* This requirement is met; appropriate stipulations have been incorporated into the final resolution.

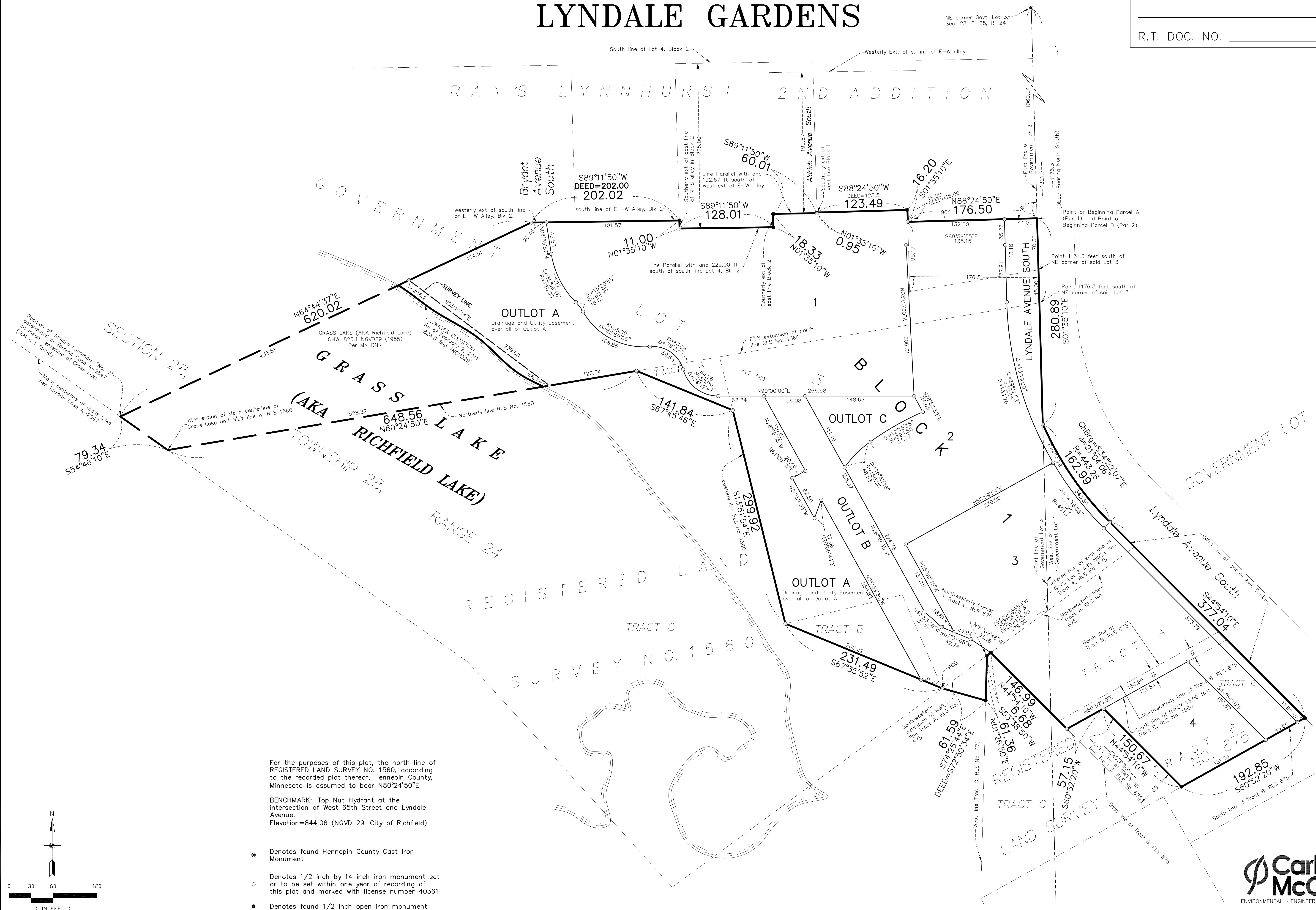
Part 2: All uses are conditional uses in the PMR District. The findings necessary to issue a Conditional Use Permit (CUP) are as follows (Subd. 547.09, Subd. 6):

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. See above – Part 1, #3*
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines. N/A*
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.*
5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements. The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any adverse impacts.*
6. *The use will not have undue adverse impacts on the public health, safety, or welfare. Adequate provisions have been made to protect the public health, safety and welfare.*
7. *There is a public need for such use at the proposed location. See above – Part 1, #1.*
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit. This requirement is met.*

LYNDALE GARDENS

NE corner Govt. Lot 3-
Sec. 28, T. 28, R. 24

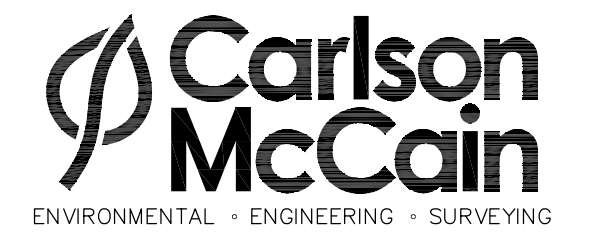
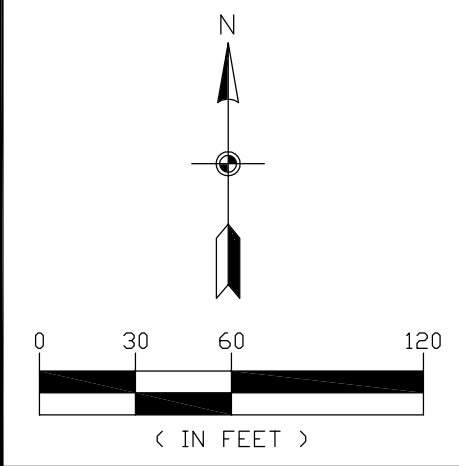
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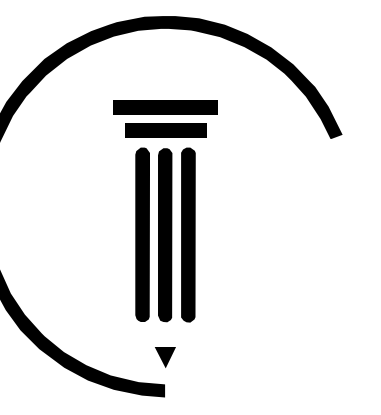


For the purposes of this plat, the north line of REGISTERED LAND SURVEY NO. 1560, according to the recorded plat thereof, Hennepin County, Minnesota is assumed to bear N80°24'50"E

BENCHMARK: Top Nut Hydrant at the intersection of West 65th Street and Lyndale Avenue.
Elevation=844.06 (NGVD 29—City of Richfield)

- Denotes found Hennepin County Cast Iron Monument
- Denotes 1/2 inch by 14 inch iron monument set or to be set within one year of recording of this plat and marked with license number 40361
- Denotes found 1/2 inch open iron monument





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Client
THE CORNERSTONE GROUP

Consultant

Revisions
No. Date Description

Document Phase: PUD Submittal
Date: APRIL 23, 2016
PIC / AIC: JEFFERY SCHONECK
Drawn By: PO
Checked By: PO
Comm. No.: 11-1287

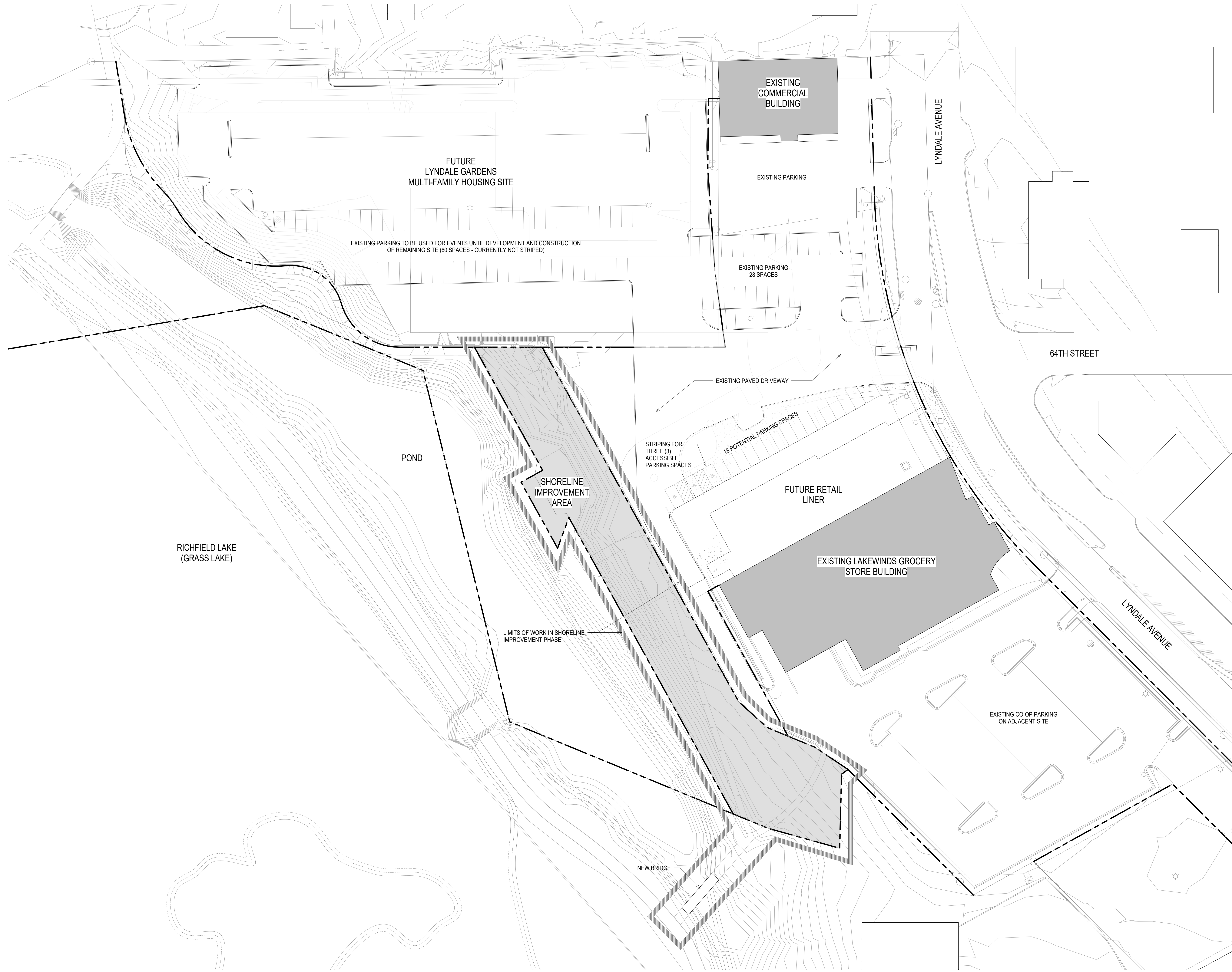
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LYNDALE GARDENS
LYNDALE GARDENS
SHORELINE
IMPROVEMENTS

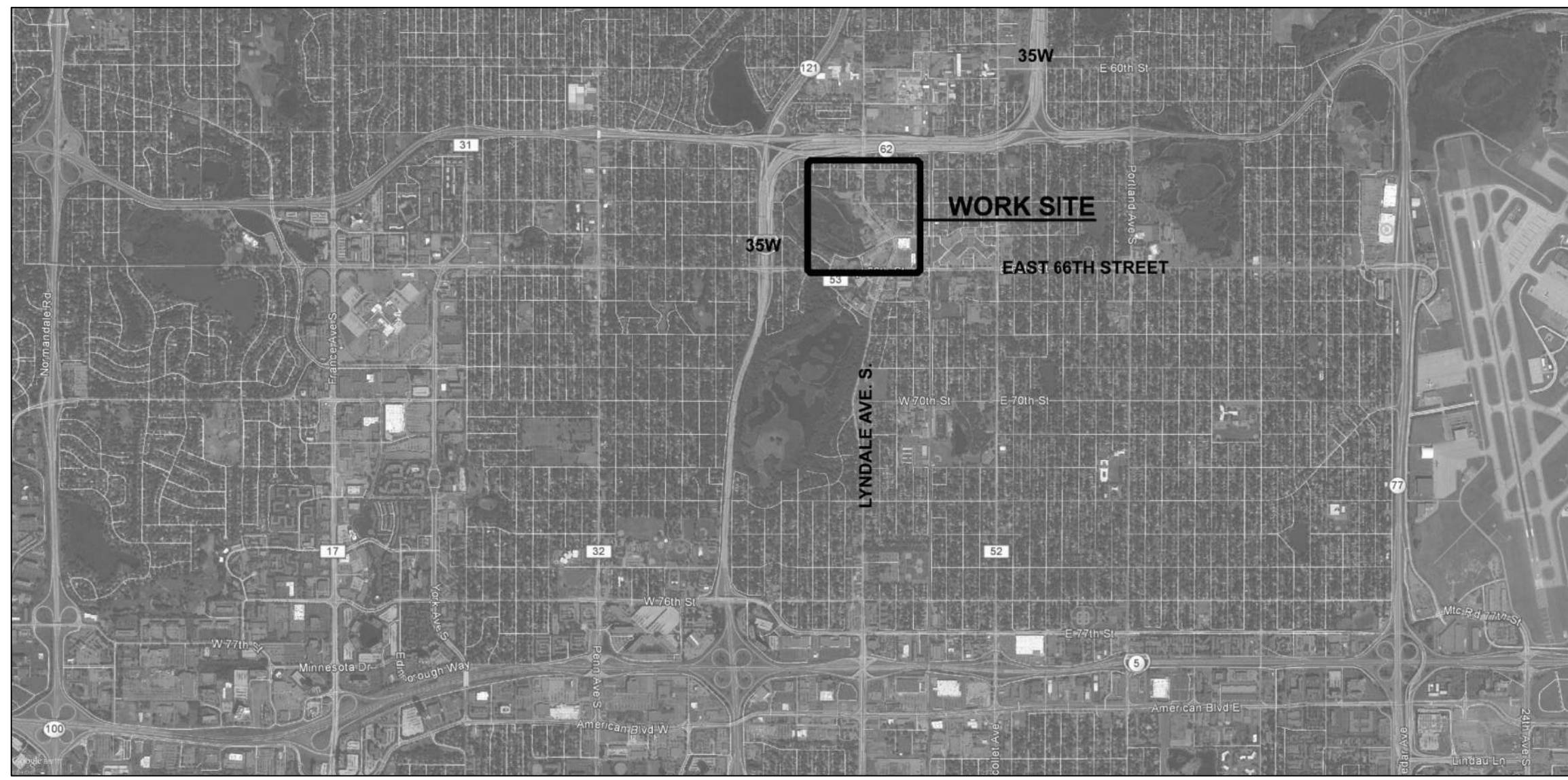
Sheet Title
SITE DEVELOPMENT
PLAN - OVERALL
LAYOUT

Sheet Number

A100

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VICINITY MAP

LYNDALE GARDENS SHORELINE IMPROVEMENTS



NEIGHBORHOOD AREA MAP

SHEET INDEX

- SHEET L100 - GENERAL INFORMATION AND SITE LAYOUT
- SHEET L101 - AMPHITHEATER LAYOUT
- SHEET L102 - CONCRETE JOINTING PLAN
- SHEET L200 - IRRIGATION LAYOUT
- SHEET L300 - ELECTRICAL LAYOUT
- SHEET L400 - SEEDING PLAN
- SHEET L500 - SITE DETAILS
- SHEET L501 - SITE DETAILS
- SHEET C000 - PHASE 1 DEMOLITION, GRADING, DRAINAGE, AND EROSION CONTROL PLAN
- SHEET C100 - PHASE 1 PAVING, GEOMETRIC AND UTILITY PLAN
- SHEET C200 - CIVIL DETAILS



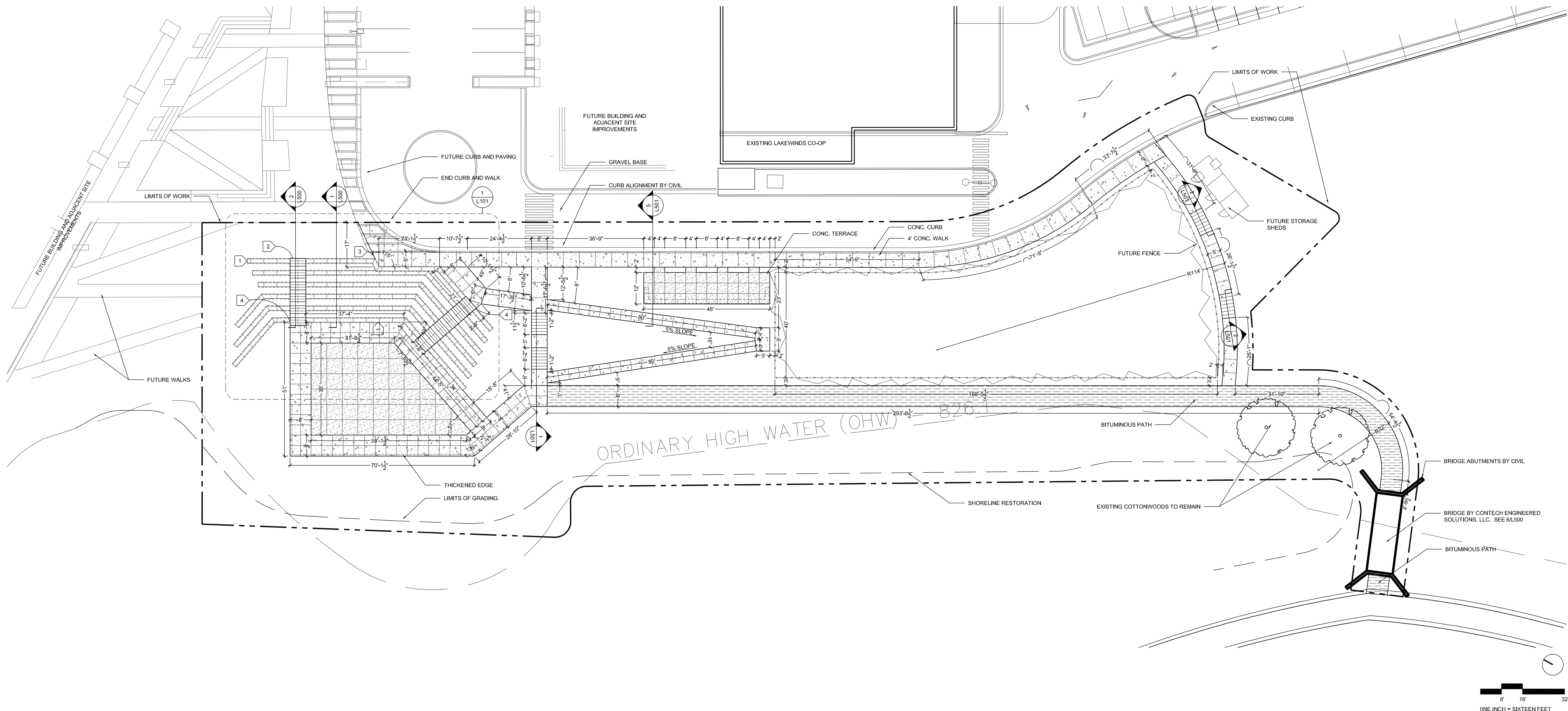
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KEYNOTES

- 1 GABION WALL W/
PRECAST CONC.
BENCHTOP
 - 2 AMPHITHEATER STAIRS
 - 3 ALIGN PAVING EDGE W/
GABION WALL
 - 4 ALIGN PAVING WITH EDGE
OF STAIR
- 6" CONC. W/ STEEL -
MED. BROOM FINISH
 - 6" CONC. W/ STEEL -
EXPOSED AGG. FINISH
 - BITUMINOUS



Consultant
**CORNERSTONE
GROUP**

Revisions		
No.	Date	Description

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the state of Minnesota

James Robin MN Registration # 12207
Name: JAMES ROBIN
License No.: 12207

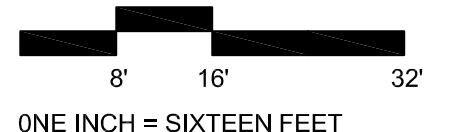
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Date: 26 APRIL, 2016
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Drawn By: BW
Checked By: JR
Comm. No.: PR11-1287.00

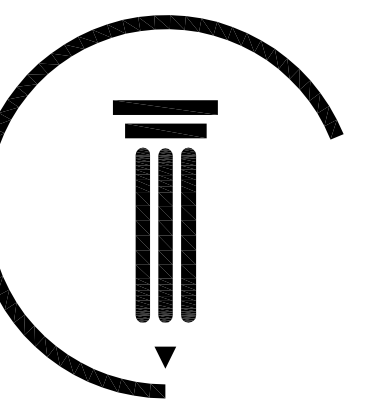
Project Title

LYNDALE GARDENS
SHORELINE
IMPROVEMENTS

Sheet Title
**SITE
LAYOUT**

Sheet Number
L100





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KEYNOTES

- 1 ALIGN PAVING EDGE W/ GABION WALL
- 2 ALIGN PAVING W/ EDGE OF STAIR

Consultant
CORNERSTONE GROUP

Revisions		
No.	Date	Description

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the laws of the state of Minnesota

James Robin MN Registration # 12207
Name: JAMES ROBIN
License No.: 12207

Document Phase: PERMIT SET
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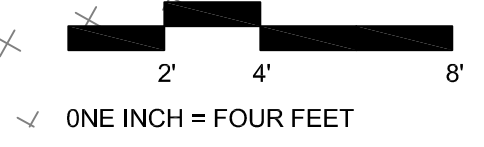
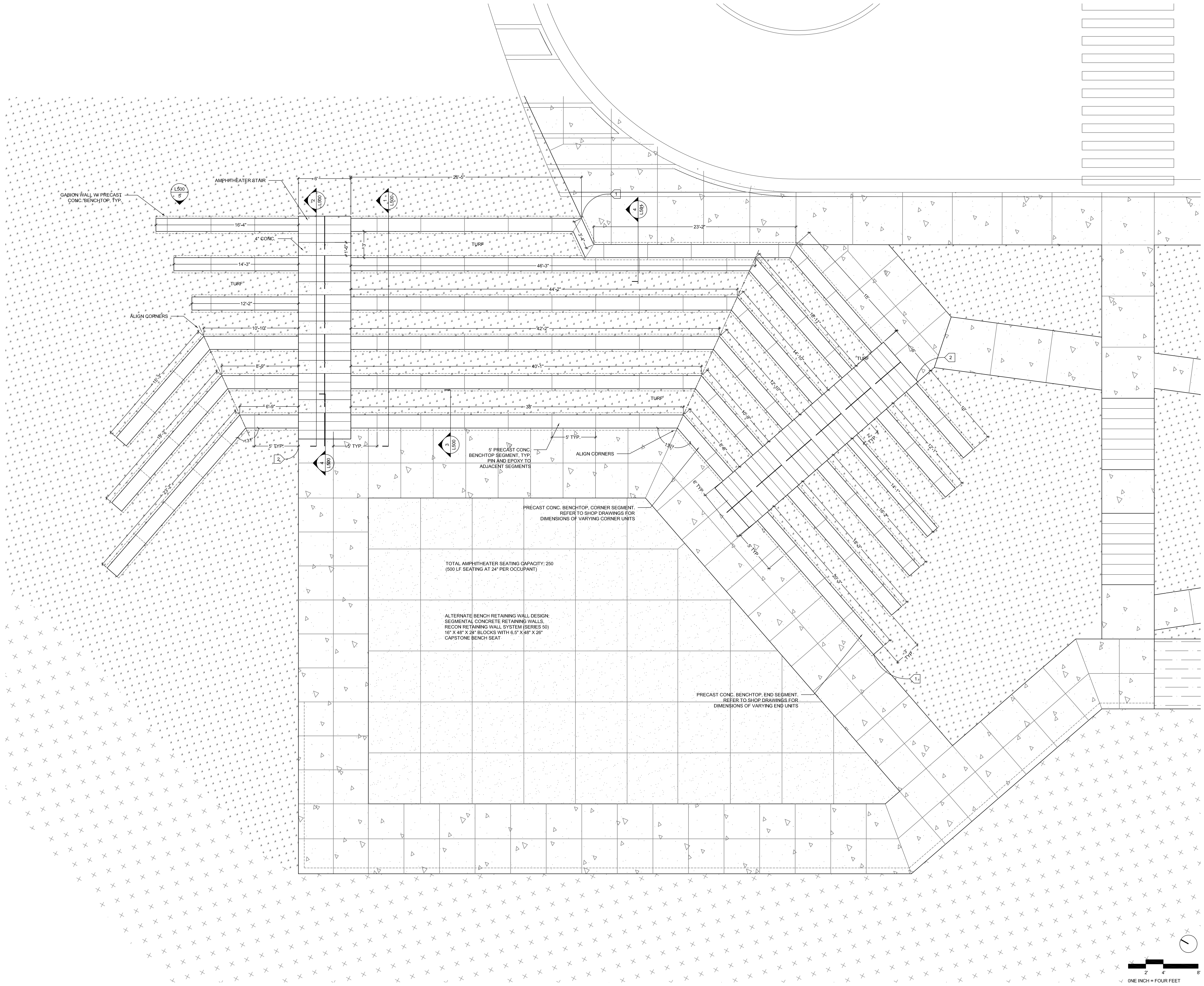
Project Title

LYNDALE GARDENS
LYNDALE GARDENS
SHORELINE
IMPROVEMENTS

Sheet Title
AMPHI-
THEATER
LAYOUT

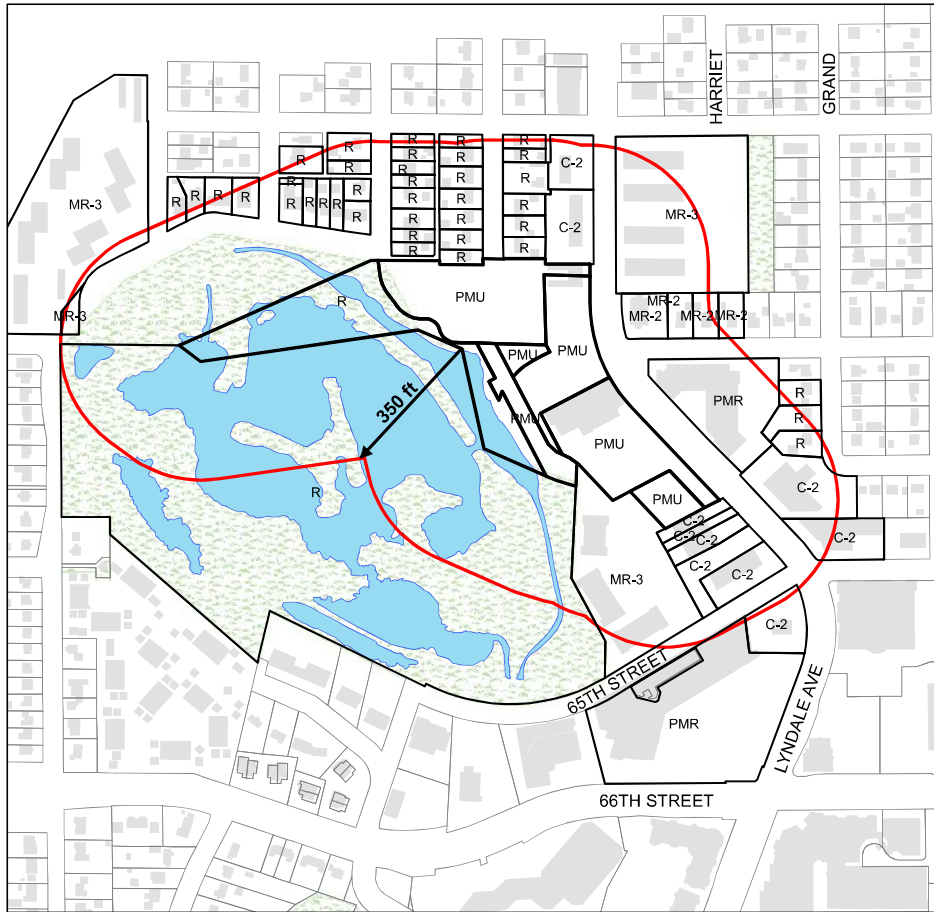
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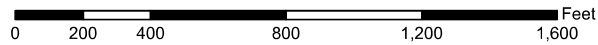


Lyndale Gardens Site - PUD, IUP 6/2016

6400-6430 Lyndale - Surrounding Zoning



- C-2 - General Commercial
- PMU - Planned Mixed Use
- PMR - Planned Multi-Family Residential
- R - Single Family Residential
- MR-2 - Multi-Family Residential
- MR-3 - High Density Multi-Family Residential

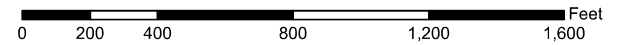


Lyndale Gardens Site - PUD, IUP 6/2016

6400-6430 Lyndale - Surrounding Comp Plan



- MIXED - Mixed Use
- LDR - Low Density Residential
- MHD - Medium-High Density Residential
- CC - Community Commercial
- PRK - Park





PLANNING COMMISSION STAFF REPORT

PC MEETING DATE: MAY 23, 2016

ITEM FOR PLANNING COMMISSION CONSIDERATION:

Public hearing to consider a request for an interim use permit to allow temporary and occasional use of a vacant lot for Lakewinds Co-op employee parking.

I. RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of a two-year interim use permit for occasional employee parking on an adjacent vacant lot.

II. BACKGROUND

As part of the approved larger Planned Unit Development (PUD) for the entire former Lyndale Garden Center site, the vacant lot adjacent to the current Lakewinds Co-op (Lakewinds) parking lot was proposed to be green space. The lot would be available overflow parking during events and potentially available for development in the future. This work was never completed and The Cornerstone Group is now looking to sell the lot Lakewinds.

Current parking at Lakewinds exceeds the City's allowable maximums. This was permitted based on the fact that some sharing, especially during events, would take place. Despite this, Lakewinds representatives have stated that parking shortages are experienced occasionally. These shortages occur a few times in the summer and in the days leading up to Thanksgiving. The applicant has stated that the need for additional parking is about 20 days per year.

Parking is not permitted as the primary use of a parcel, nor is the creation of parking above and beyond allowable maximums permitted without a parking study. The applicant has requested an interim use permit in order to alleviate occasional shortages while evaluating true long-term parking needs for the store and needs that may arise if the development to the north moves forward. Given that current shortages occur so infrequently, staff is recommending only minor clean-up, as opposed to paving and striping. Staff believes that paving and striping would encourage use of the lot by non-employees on a more regular basis and that is not the intent. Staff is recommending approval of a two-year interim use permit with the possibility of a one-year administrative extension. According to The Cornerstone Group, redevelopment of the northern portion of the site should be complete by this time. The permit would allow employee parking on the site for up to 45 days per year. An amendment to the Lakewinds PUD and combination of the two lots will be required prior to any permanent changes to the vacant lot.

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.
- 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.

B. CRITICAL ISSUES

- None

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 June 14, 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 - draft
- Site plan
- Planning & zoning maps

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Lakewinds Natural Foods Cooperative – Jared Hensel, Store Manager

**RESOLUTION APPROVING AN
INTERIM USE PERMIT
TO ALLOW OCCASSIONAL EMPLOYEE PARKING
BY LAKEWINDS FOOD COOPERATIVE EMPLOYEES
AT 6430 LYNDALE AVENUE SOUTH**

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 Lakewinds Food Cooperative (the "Applicant") employees to occasionally park at property legally described as follows:

Lot 4, Block 1, Lyndale Gardens Addition, Hennepin County, MN

WHEREAS, the Property is zoned Planned Mixed Use (PMU); and

WHEREAS, private parking lots are not permitted as a principal use of property in any zoning district in the City; 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; and

WHEREAS, the Planning Commission held a public hearing on May 23, 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:

The proposed interim use is not a permitted primary use within the City. 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 stand-alone parking lot will have to a mixed use area. Also, the infrequent nature of the use (no more than 45 days per year) makes the deferral of parking lot improvements reasonable in this instance.

2. An interim use permit for employee parking by Lakewinds Food Cooperative employees at the property legally described above, as described in City Council Staff Report No. _____ is approved with the following conditions:

- a. The property may be used for employee parking for no more than 45 days per year.
- b. Landscaping, either in the ground or in large planters, shall be installed along the eastern property line to screen the lot and provide a barrier to limit potential customer parking.
- c. Signs must be installed to prohibit non-employee parking.
- d. The interim use permit will expire two (2) years from its effective date (June 14, 2018), or upon violation of the conditions under which the permit was issued, whichever occurs first.
- e. The Community Development Director may issue one administrative extension of this permit for up to one additional year. Reasons for an extension would include redevelopment plans for Lots 1 and 2 of this block that would impact its future use. An extension shall not be granted solely based on cost to improve the site to meet City requirements. The annual monitoring fee, as dictated by City Code, will apply to this extension.
- f. A parking study shall be required prior to the issuance of permits for a permanent parking lot on this lot. This lot shall be combined with an adjacent lot prior to the issuance of permits for a permanent parking lot.
- g. 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 14th day of June 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 two years with one possible administrative extension of up to one additional year. The lot has been vacant for a number of years. Landscaping along the eastern side of the lot will help to improve the appearance of the lot while a more permanent use/solution can be explored.
- 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 14, 2018.
- c) *The use will not adversely impact the health, safety and welfare of the community during the period of the interim use.* The occasional use of the site for parking is not anticipated to adversely impact health, safety, or welfare. Long-term, more permanent improvements to the site will be necessary.
- d) *The use is similar to existing uses in the area.* Other portions of the former Lyndale Garden Center site remain vacant as well. Additional redevelopment is anticipated, but the vacancy and occasional parking will not cause any immediate issues that do not already exist.
- 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.* See above, letter "d."
- f) *There is adequate assurance that the property will be left in suitable condition after the use is terminated.* The property will remain largely as-is.
- 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 property owner and applicant are aware of all conditions. No improvements that will need to be removed are proposed.
- i) *The property owner agrees to abide by any additional conditions that the Council deems appropriate for permission of the use.* The property owner and applicant are aware of all conditions.

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, Lyndale Gardens LLC, as the property owner and co-applicant for an interim use permit for occasional employee parking (up to 45 days per year)
(use of property)

at 6430 Lyndale Ave (legally described as Lot 4, Block 1, Lyndale Gardens Addition),
(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.

DATED: _____
Applicant (Applicant must be the Property Owner)

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

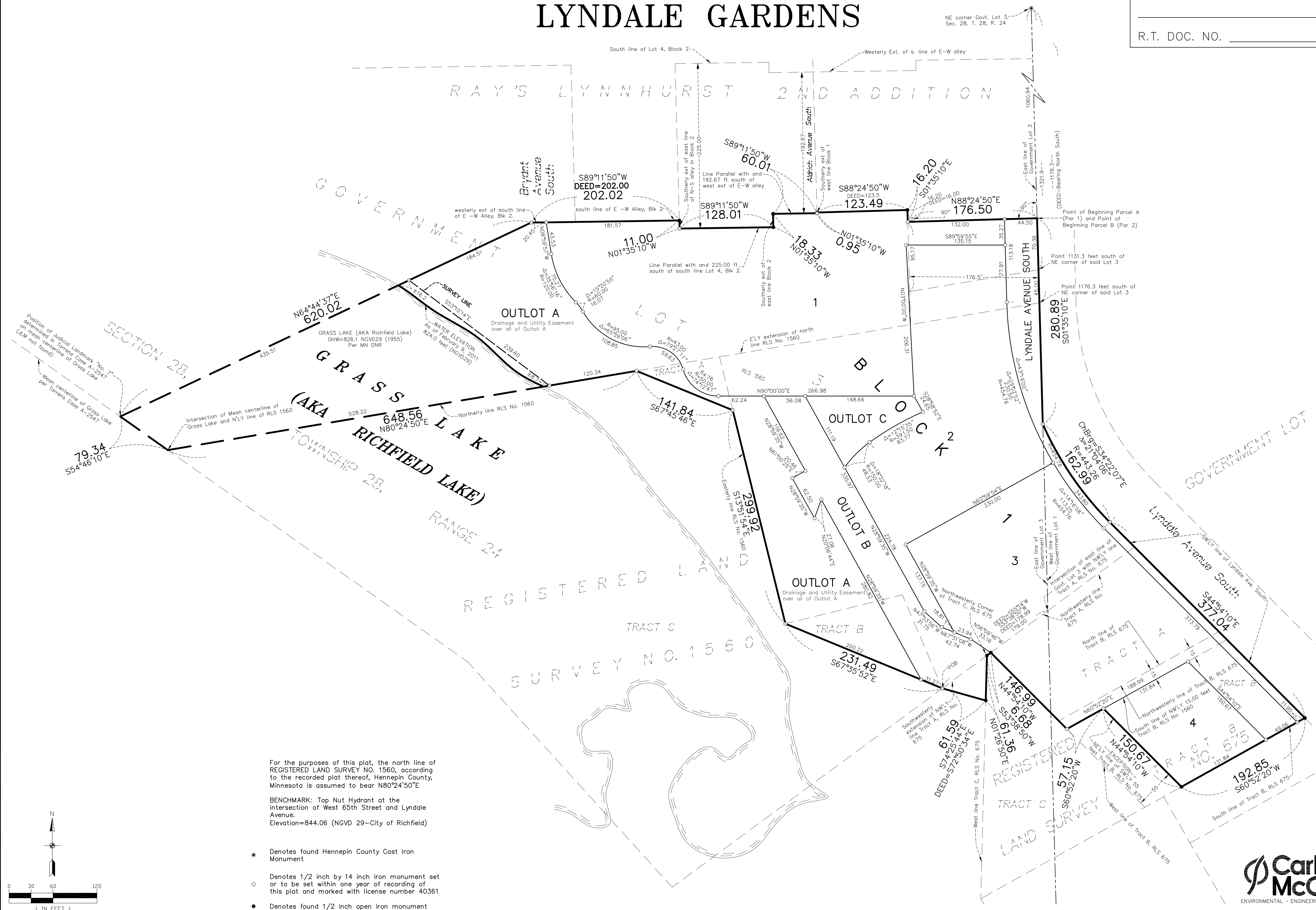
The foregoing instrument was acknowledged before me this _____ day of _____, 20__, by _____, the _____ of _____, a Minnesota _____, on behalf of said company.

Notary Public

LYNDALE GARDENS

NE corner Govt. Lot 3-
Sec. 28, T. 28, R. 24

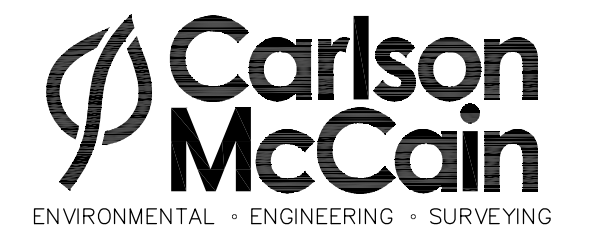
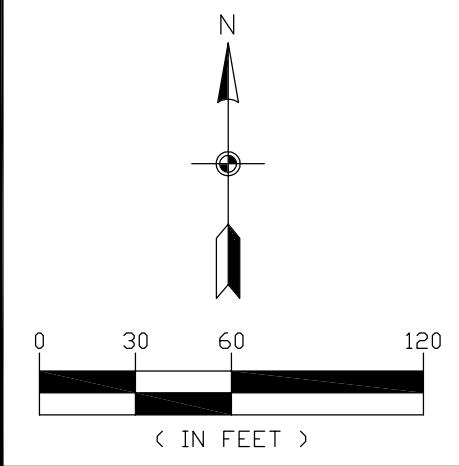
R.T. DOC. NO. _____

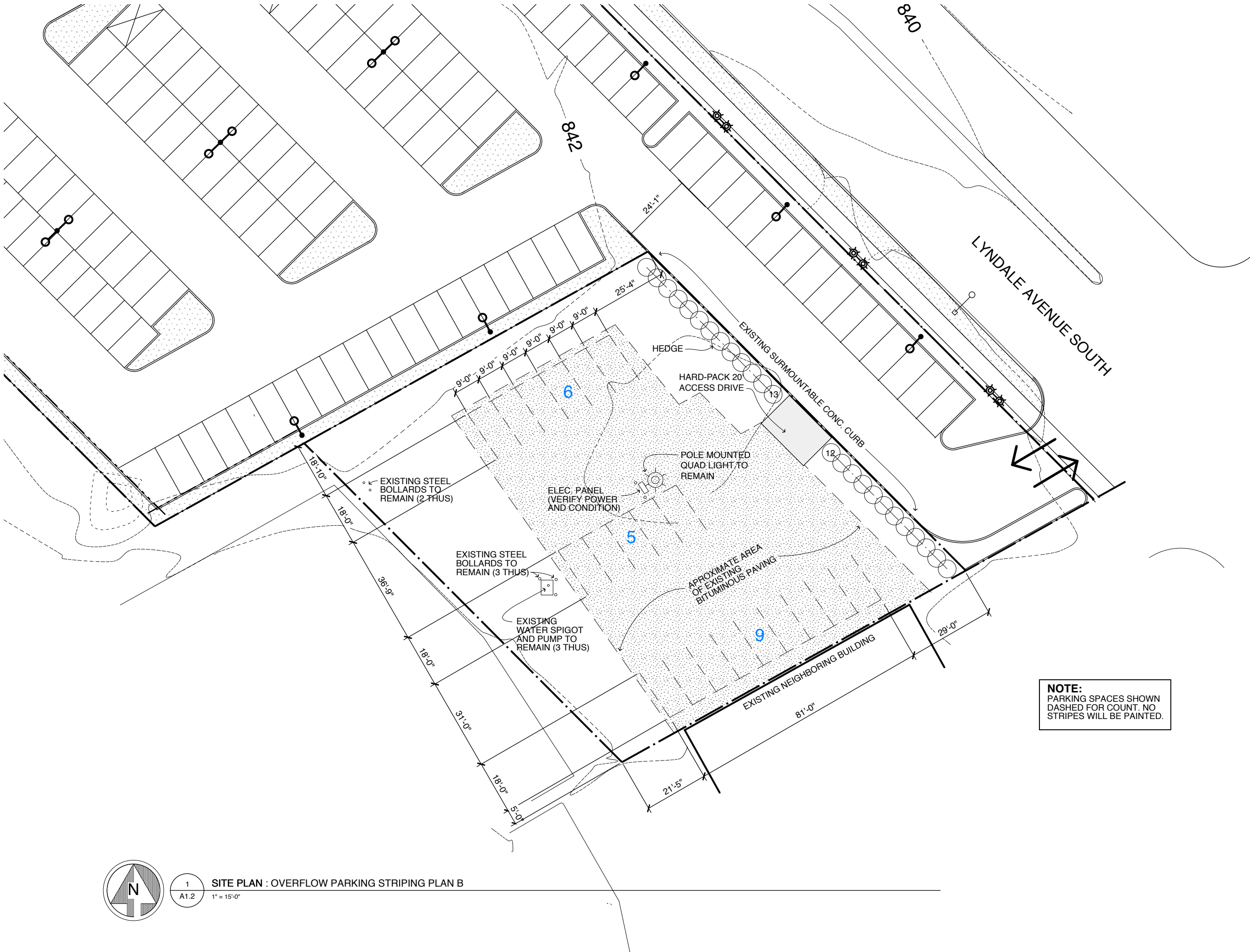


For the purposes of this plat, the north line of REGISTERED LAND SURVEY NO. 1560, according to the recorded plat thereof, Hennepin County, Minnesota is assumed to bear N80°24'50"E

BENCHMARK: Top Nut Hydrant at the intersection of West 65th Street and Lyndale Avenue.
Elevation=844.06 (NGVD 29—City of Richfield)

- Denotes found Hennepin County Cast Iron Monument
- Denotes 1/2 inch by 14 inch iron monument set or to be set within one year of recording of this plat and marked with license number 40361
- Denotes found 1/2 inch open iron monument





Charles Levin Architects
 2300 Milwaukee Avenue
 Minneapolis, Minnesota 55404-3150
 P: 612.729.5333
 F: 612.729.8351
 E: chuck@clevin.com

ARCHITECT'S PROJECT #1515 N



Project Address:
 6420 Lyndale Ave. S.
 Richfield, MN 55423

Office Address:
 6321 Bury Drive #21
 Eden Prairie, MN 55346

PROPOSED PARKING IUP	
	05/10/2016

PRINTED 5/10/16

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of MN.

Charles Alan Levin

Charles Alan Levin
 MN License No. 14672
 Date: 09/16/13



NOTE:
 PARKING SPACES SHOWN DASHED FOR COUNT. NO STRIPES WILL BE PAINTED.



1 SITE PLAN : OVERFLOW PARKING STRIPING PLAN B
 A1.2 1" = 15'-0"

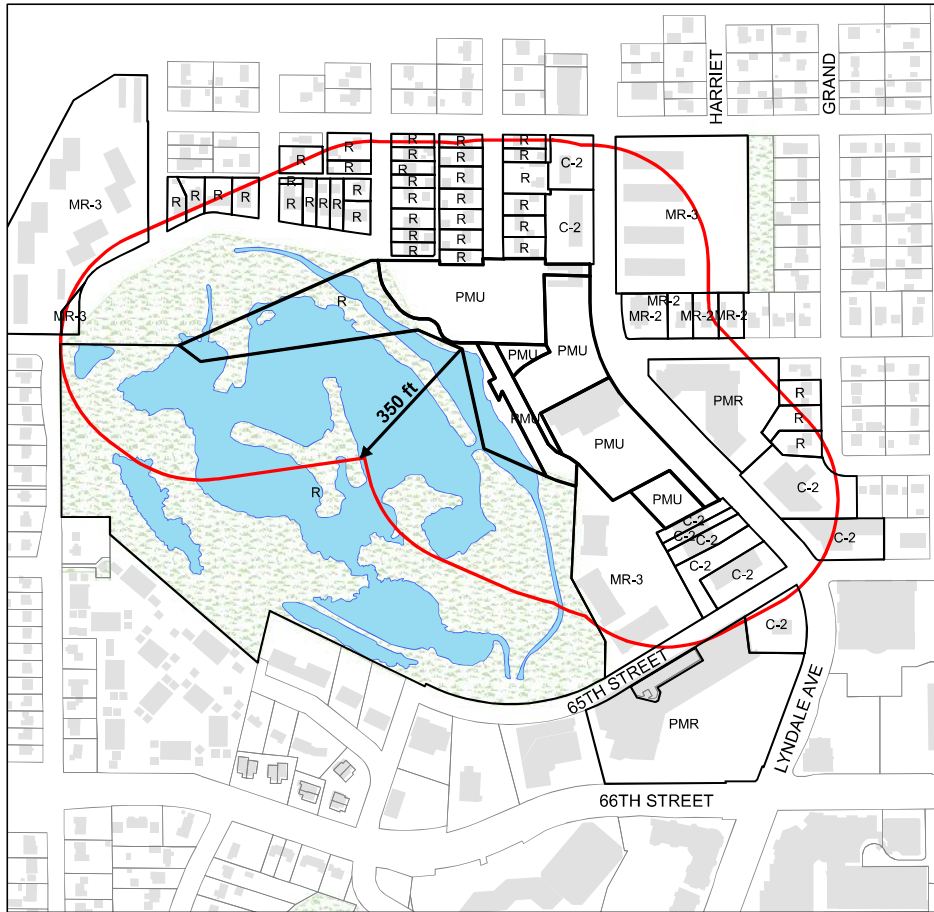
SITE PLAN

SHEET A1.2

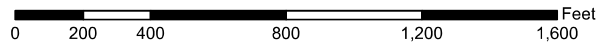
© 2016 Charles Levin Architects

Lyndale Gardens Site - PUD, IUP 6/2016

6400-6430 Lyndale - Surrounding Zoning

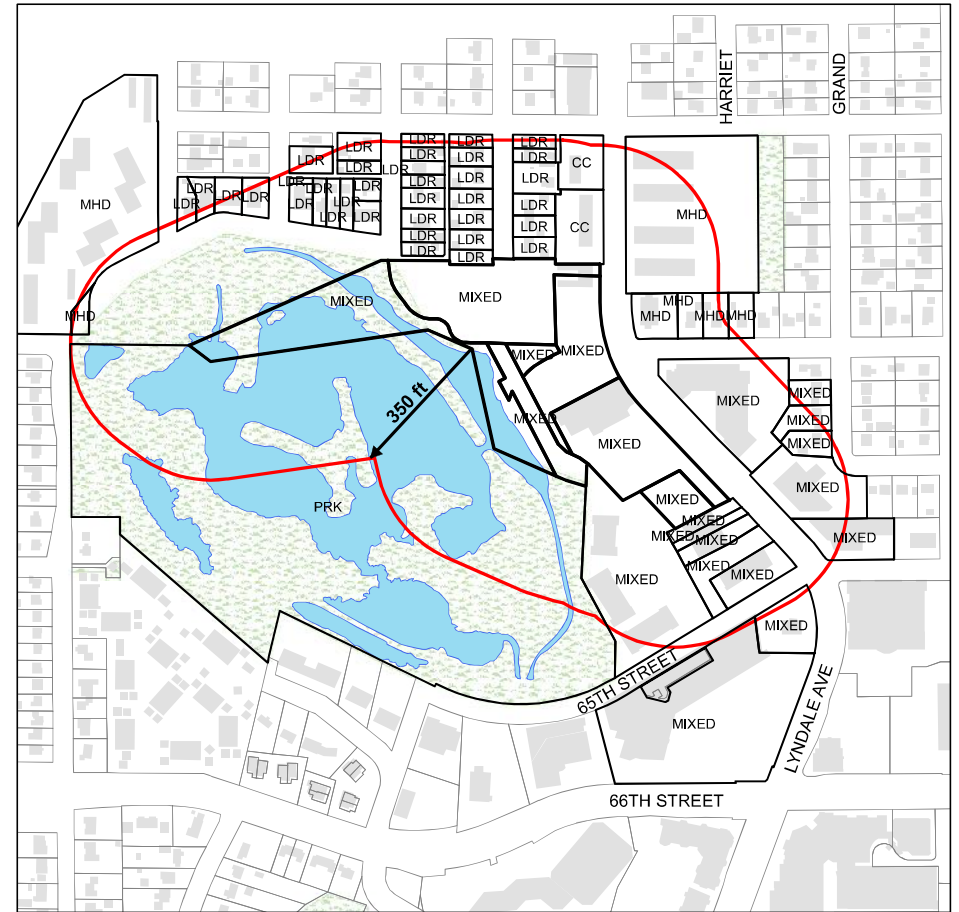


- C-2 - General Commercial
- PMU - Planned Mixed Use
- PMR - Planned Multi-Family Residential
- R - Single Family Residential
- MR-2 - Multi-Family Residential
- MR-3 - High Density Multi-Family Residential

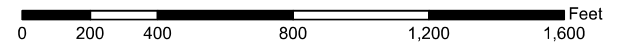


Lyndale Gardens Site - PUD, IUP 6/2016

6400-6430 Lyndale - Surrounding Comp Plan



- MIXED - Mixed Use
- LDR - Low Density Residential
- MHD - Medium-High Density Residential
- CC - Community Commercial
- PRK - Park





PLANNING COMMISSION STAFF REPORT

PC MEETING DATE: MAY 23, 2016

ITEM FOR PLANNING COMMISSION CONSIDERATION:

Public hearing to consider a request for an interim use permit to allow temporary vehicle inventory storage on vacant former Lyndale Garden Center land.

I. RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of a four-month interim use permit for vehicle inventory storage at approximately 6400 Lyndale Avenue.

II. BACKGROUND

Richfield-Bloomington Honda and Mitsubishi currently park inventory in the parking ramp at the Best Buy Headquarters. Approximately 600 vehicles are stored at this location. Last fall, Best Buy agreed to lease office space to HealthPartners who will soon move approximately 500 employees to the site. Inventory storage will no longer be possible. While Honda and Mitsubishi work to prepare a permanent site for vehicle storage, they are asking to temporarily park some of this inventory on the vacant Lyndale Gardens lots.

The Cornerstone Group continues to work toward redevelopment of this site and plans to present a new land use application for this portion of the site in the near future. President Colleen Carey has stated that the site would be available for parking for four months, with the potential for month-to-month extensions depending on development progress.

Parking is not permitted as the primary use of a parcel. The applicant has requested an interim use permit in order to alleviate an immediate, but temporary problem. Given the expressed short duration of the need and the potential for redevelopment soon after, staff is recommending only minor clean-up, as opposed to paving and striping. Staff would support this situation for up to four months. If an extension is requested, paving and striping equal to what was done at the other Honda interim use permit site (south half of the former Public Works Garage) will be required. Staff is recommending an allowance for one administrative extension of up to six months. The applicant is aware of these proposed stipulations.

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.

- The Council may waive ordinance provisions upon 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 described in Subsection 547.15 of the City Code which is detailed in the attached document.

B. CRITICAL ISSUES

- None

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 May 24, 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 plan
- Planning & zoning maps

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Richfield-Bloomington Honda/Mitsubishi Representative(s)

**RESOLUTION APPROVING AN
INTERIM USE PERMIT
TO ALLOW TEMPORARY VEHICLE INVENTORY STORAGE
AT 6400 LYNDALE AVENUE SOUTH**

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 Richfield-Bloomington Honda/Mitsubishi (the "Applicant") to store vehicle inventory at property legally described as follows:

Lots 1 & 2, Block 1, Lyndale Gardens Addition, Hennepin County, MN

WHEREAS, the Property is zoned Planned Mixed Use (PMU); and

WHEREAS, private parking lots are not permitted as a principal use of property in any zoning district in the City; 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; and

WHEREAS, the Planning Commission held a public hearing on May 23, 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:

The proposed interim use is not a permitted primary use within the City. 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 stand-alone parking lot/automobile inventory storage lot will have to a mixed use area.

2. An interim use permit for Richfield-Bloomington Honda and Mitsubishi at the property legally described above, as described in City Council Staff Report No. _____ is approved with the following conditions:
 - a. The property may be used for employee parking for no more than four months without improvements to the lot(s).

- b. The interim use permit will expire four months from its effective date (September 24, 2017), or upon violation of the conditions under which the permit was issued, whichever occurs first.
- c. The Community Development Director may issue one administrative extension of this permit for up to six additional months. The granting of this extension will require that the parking/storage areas be paved and striped. The annual monitoring fee, as dictated by City Code, will apply to this extension.
- d. 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 24th day of May 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.* The applicant is requesting a four-month interim use permit and staff is recommending a limit of one six-month extension. The lot will not be used for direct sales; only storage. Only employees will enter/exit the site. No adverse impacts related to inventory storage for this period of time are anticipated.
- 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 or before March 24, 2017.
- c) *The use will not adversely impact the health, safety and welfare of the community during the period of the interim use.* No adverse impacts are anticipated.
- d) *The use is similar to existing uses in the area.* Parking lots are common throughout the area.
- 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.* Due to the temporary nature of the request, staff recommends that the Council waive provisions related to parking lot construction. If the use continues beyond the initial four-month period, the applicant shall be required to pave and stripe the lot(s). No adverse impacts related to the waiver from standard parking lot requirements are anticipated.
- f) *There is adequate assurance that the property will be left in suitable condition after the use is terminated.* The property will remain largely as-is. A consent agreement has been signed.
- 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 property owner and applicant are aware of all conditions. No improvements that will need to be removed are proposed.
- i) *The property owner agrees to abide by any additional conditions that the Council deems appropriate for permission of the use.* The property owner and applicant are aware of all conditions.

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, Lyndale Gardens LLC, as the property owner and co-applicant for an interim use permit for temporary vehicle inventory storage
(use of property)

at Lots 1 & 2, Block 1, Lyndale Gardens Addition, agree as follows:
(location)

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.

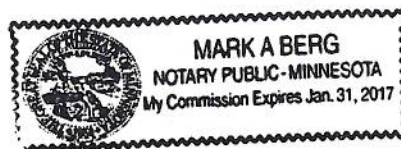
DATED: 5-13-16

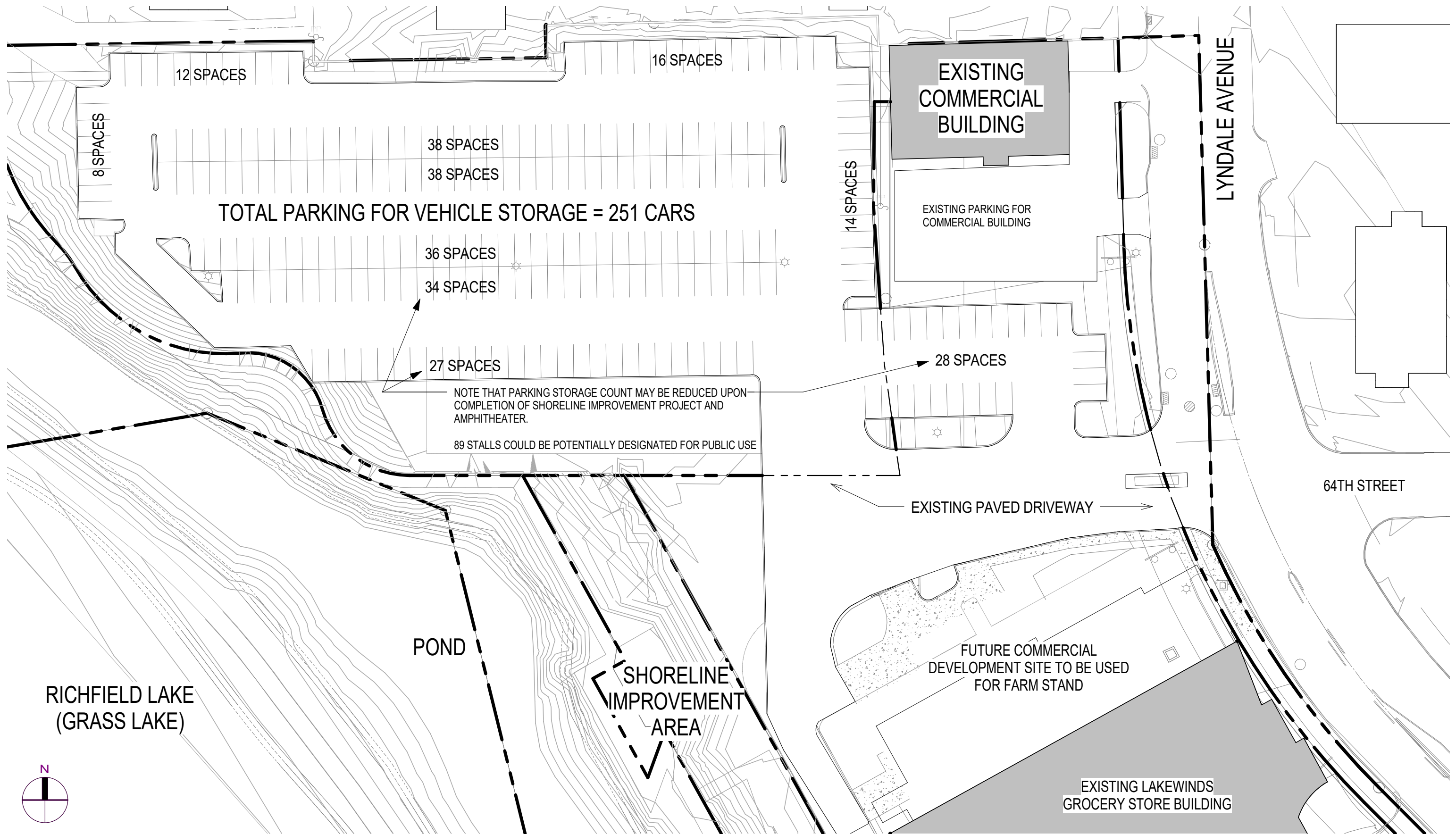
Colleen M. Carey
Applicant (Applicant must be the Property Owner)

STATE OF MINNESOTA)
) SS
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 13th day of MAY, 2016, by Colleen CAREY, the Chief MANAGER of LYNDALE GARDENS LLC, a Minnesota LLC, on behalf of said company.

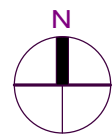
Mark A. Berg
Notary Public





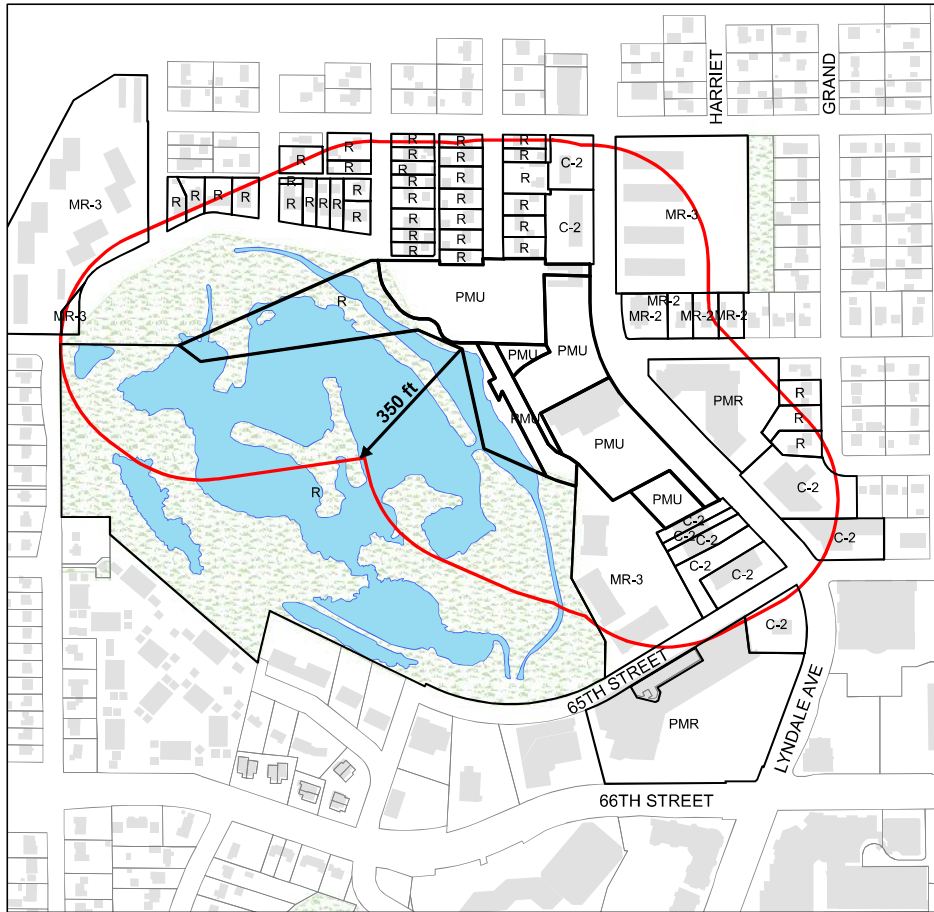
Site Plan - Vehicle Storage Parking Layout - Honda

1" = 50'-0"

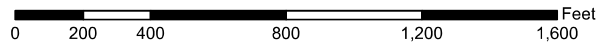


Lyndale Gardens Site - PUD, IUP 6/2016

6400-6430 Lyndale - Surrounding Zoning

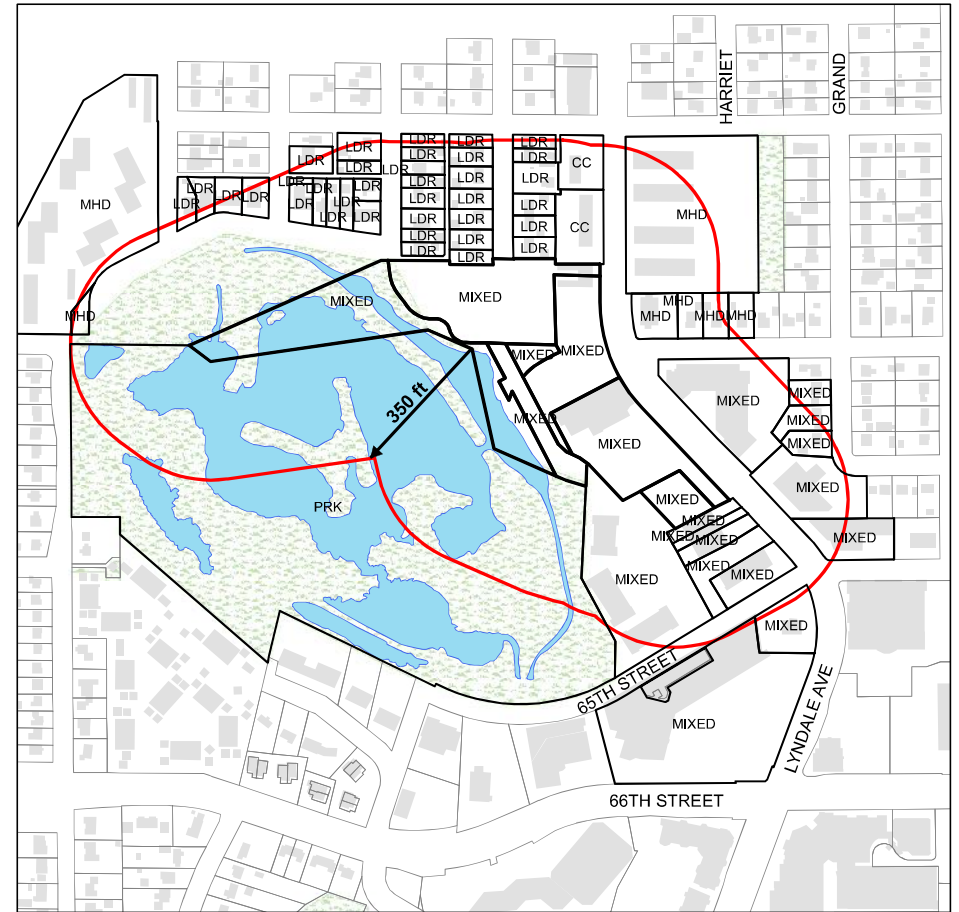


- C-2 - General Commercial
- PMU - Planned Mixed Use
- PMR - Planned Multi-Family Residential
- R - Single Family Residential
- MR-2 - Multi-Family Residential
- MR-3 - High Density Multi-Family Residential



Lyndale Gardens Site - PUD, IUP 6/2016

6400-6430 Lyndale - Surrounding Comp Plan



- MIXED - Mixed Use
- LDR - Low Density Residential
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