



**PLANNING COMMISSION MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
MARCH 27, 2017  
7:00 PM**

Call to Order

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

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

**Public Hearings**

1. Consider a request for an interim use permit to allow the continued use of 6529 Penn Avenue for used car sales.  
17-IUP-01
2. Public hearing to consider an amendment to The Shops at Lyndale Planned Unit Development to allow construction of a new Panera Bread restaurant building with a drive-thru to replace the former Don Pablo's restaurant.

17-APUD-02

**Liaison Reports**

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

**City Planner's Reports**

3. City Planner's Report
4. Next Meeting Time and Location

April 24, 2017 at 7 p.m. in the City Council Chambers

5. Adjournment

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



# Planning Commission Minutes

February 27, 2017

MEMBERS PRESENT: Chairperson Erin Vrieze Daniels and Commissioners Gordon Vizecky, Susan Rosenberg, Sean Hayford Oleary, Bryan Pynn and Allysen Hoberg

MEMBERS ABSENT: Commissioner Dan Kitzberger

STAFF PRESENT: Melissa Poehlman, City Planner  
Matt Brillhart, Associate Planner

OTHERS PRESENT: Liz Berres, resident

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

## APPROVAL OF MINUTES

M/Rosenberg, S/Hayford Oleary to approve the minutes of the November 28, 2016 regular meeting and January 23, 2017 worksession.

*Motion carried: 6-0*

## OPEN FORUM

No members of the public spoke.

## PUBLIC HEARING(S)

### ITEM #1

**PC Letter #4 – Consider approval of ordinance amendments that will create a Cedar Corridor Overlay District and change the zoning of properties within the Cedar Corridor area (roughly 66th Street to 77th Street, east of 17th Avenue) to match the designations in the Comprehensive Plan.**

City Planner Melissa Poehlman presented the staff report and read a letter from the owners of Short Stop (7034 Cedar Avenue).

Liz Berres (6732 17th Avenue) inquired about the buffer distance and screening requirements in the MR-2 district, as well as trash storage regulations.

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

*Motion carried: 6-0*

Commissioner Hayford Oleary stated that recent multi-family and mixed use developments had required fewer than 1.5 parking spaces per unit and stated concern that having a higher parking requirement would put development in Richfield at a competitive disadvantage to other sites.

Chairperson Vrieze Daniels stated that developers are not likely to under build parking for their residents and stated support for lowering the minimum requirement.

February 27, 2017

M/Hayford Oleary to recommend approval of the ordinance amendments, with an amendment to reduce the minimum parking requirement in the MU-C district from 1.5 spaces per unit to 1 space per unit. *The motion was not seconded.*

M/Vizecky, S/Rosenberg to recommend approval of the ordinance amendments, as written.  
*Motion carried: 6-0*

## **NEW BUSINESS**

### **ITEM #2**

#### **PC Letter #1 – Election of Chairperson, Vice-Chairperson, and Secretary**

M/Vizecky, S/Rosenberg to elect Commissioner Vrieze Daniels as 2017 Chairperson.  
*Motion carried: 6-0*

M/Vrieze Daniels, S/Vizecky to elect Commissioner Hayford Oleary as 2017 Vice-Chairperson.  
*Motion carried: 6-0*

M/Vrieze Daniels, S/Hayford Oleary to elect Commissioner Vizecky as 2017 Secretary.  
*Motion carried: 6-0*

### **ITEM #3**

#### **PC Letter #2 – Appointment of liaisons to the Community Services Advisory Commission, City Council, Housing and Redevelopment Authority (HRA), School Board and Transportation Commission.**

2017 Liaison Appointments:

Community Services Advisory Commission – Chairperson Vrieze Daniels

City Council – Commissioner Rosenberg

Housing and Redevelopment Authority – Commissioner Hoberg

School Board – Commissioner Kitzberger

Transportation Commission – Commissioner Hayford Oleary

### **ITEM #4**

#### **PC Letter #3 – Review and Approve Amendment to the Planning Commission Bylaws**

*Bylaws were adopted by unanimous consent.*

## **OLD BUSINESS**

None.

## **LIAISON REPORTS**

Community Services Advisory Commission: No report

City Council: Commissioner Rosenberg – special Mayoral election March 7

HRA: No report

Richfield School Board: No report

Transportation Commission: Commissioner Hayford Oleary – Bicycle Master Plan update

Chamber of Commerce: Commissioner Vizecky – State of the City address February 27

February 27, 2017

### **CITY PLANNER'S REPORT**

Poehlman noted that applications had been received for the Comprehensive Plan advisory committee and that interviews would be held soon, with a goal of holding the first meeting in early April. Poehlman notified commissioners that an update on the Southdale Library redevelopment would be presented at a joint worksession with the City Council on March 14.

### **ADJOURNMENT**

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

*Motion carried: 6-0*

The meeting was adjourned by unanimous consent at **7:47 p.m.**

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Gordon Vizecky  
Secretary



**17-IUP-01**  
**PLANNING COMMISSION MEETING**  
**3/27/2017**

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, City Planner  
3/15/2017

**ITEM FOR COMMISSION CONSIDERATION:**

**Consider a request for an interim use permit to allow the continued use of 6529 Penn Avenue for used car sales.**

**EXECUTIVE SUMMARY:**

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. The existing permit for this use expires June 8, 2017 and the applicant is applying for a new one-year interim use permit.

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. In 2009 the City completed a visioning process for the Penn Avenue Corridor, and the vision for this area does not include used car sales businesses. However, market conditions and the difficulty of assembling small sites have hampered redevelopment/revitalization projects and no major changes have occurred within the Corridor since adoption of the Penn Avenue Plan. The property owner (Penn Avenue Partners II) also owns two adjacent properties at the corner of Penn Avenue and 66th Street (Aida and the former Flowerama building). The property owner is currently working with a coffee/restaurant tenant to redevelop the CarHop and Flowerama sites, but has not yet submitted a formal land use application.

To approve an interim use permit, the Council must find that the temporary nature of this permit makes the nonconforming use permissible at this time. Staff recommends a six-month interim use permit to allow CarHop to continue to operate while the property owner firms up redevelopment plans. A clause terminating the interim use permit 30 days after approval of any new land use approvals has been included in the resolution. Should redevelopment plans not move forward, a six-month term will allow the Council to re-evaluate the compatibility of this interim use within the Penn Avenue Corridor later this year.

**RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Recommend approval of a six-month interim use permit to allow used car sales at 6529 Penn Avenue.**

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

- Discussed in Executive Summary.

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

- 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.
- Approval of an interim use permit is conditioned upon continued compliance with the landscape plan (submitted April 2010), 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.
- 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.
- Staff recommends a six-month interim use permit so that the compatibility of this use within the Penn Avenue Corridor can be re-evaluated later this year. By Ordinance, interim use permits terminate upon the occurrence of any of the following events, whichever first occurs:
  - The date stated in the permit; or
  - 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, or upon the sale of the property by the current owner, or 30 days following City Council approval of a site plan for a different use of the property, whichever occurs first.

**C. CRITICAL TIMING ISSUES:**

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on February 16, 2017. A decision is required by April 17, 2017 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

**D. FINANCIAL IMPACT:**

- None

**E. LEGAL CONSIDERATION:**

- Notice of this public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
- Council consideration has been tentatively scheduled for April 11, 2017.

**ALTERNATIVE RECOMMENDATION(S):**

- Recommend approval of an interim use permit for a different length of time (up to five years maximum) or with additional conditions.
- Recommend denial with a finding that the requirements necessary to issue an interim use permit are not met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Property owner representative  
CarHop representative

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Resolution	Resolution Letter
<input type="checkbox"/> Requirements attachment	Backup Material
<input type="checkbox"/> Site plan, consent agreement, photos, zoning maps	Backup Material

**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 six months 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 27, 2017 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 ready 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 six (6) months from its effective date (June 8, 2017), or upon termination or sale of the current business (CarHop), or upon the sale of the subject property by the current owner (Penn Avenue Partners II), or 30 days following City Council approval of a site plan for a different use of the property, 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 11th day of April 2017.

\_\_\_\_\_  
Pat Elliott, Mayor

ATTEST:

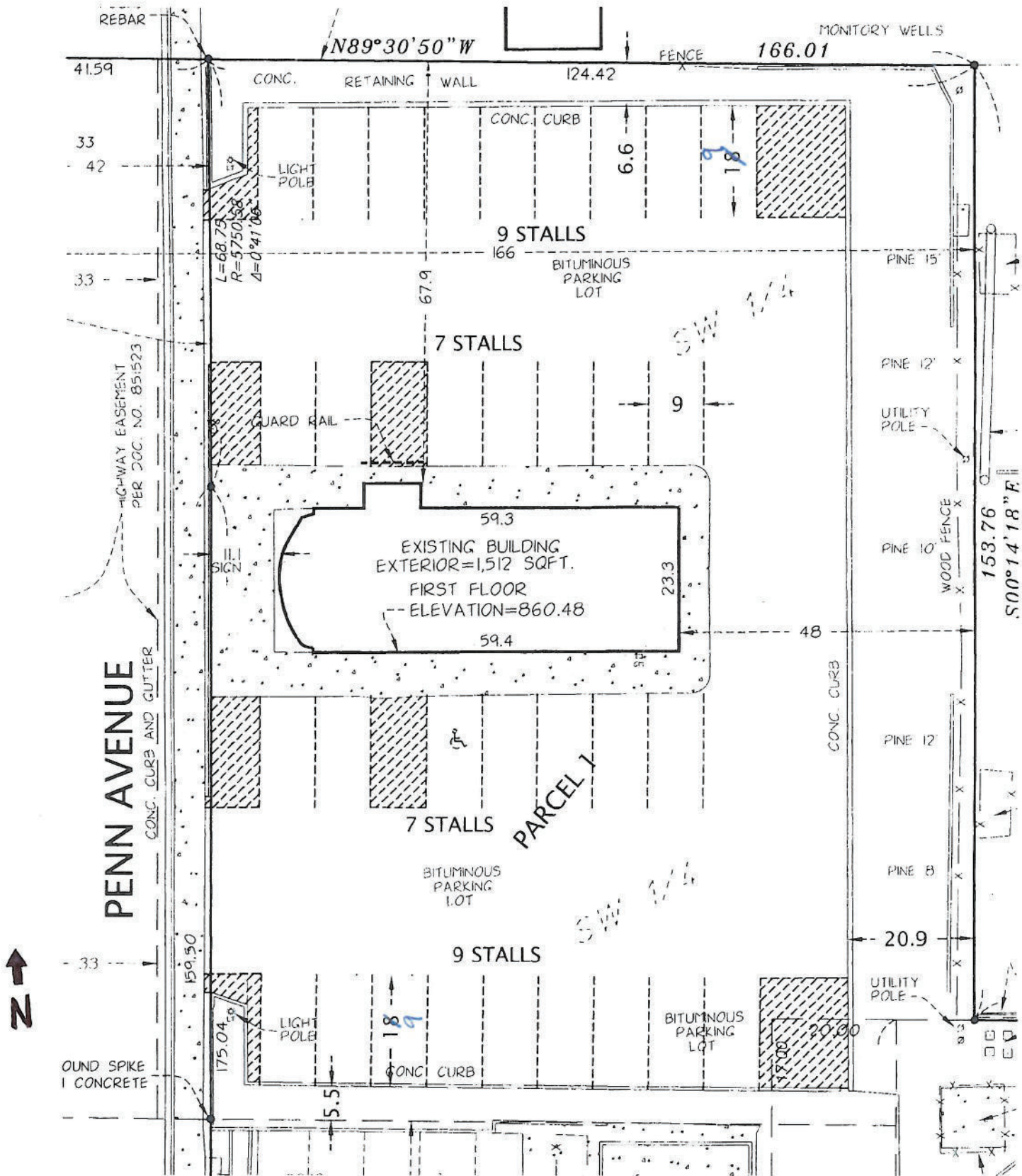
\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



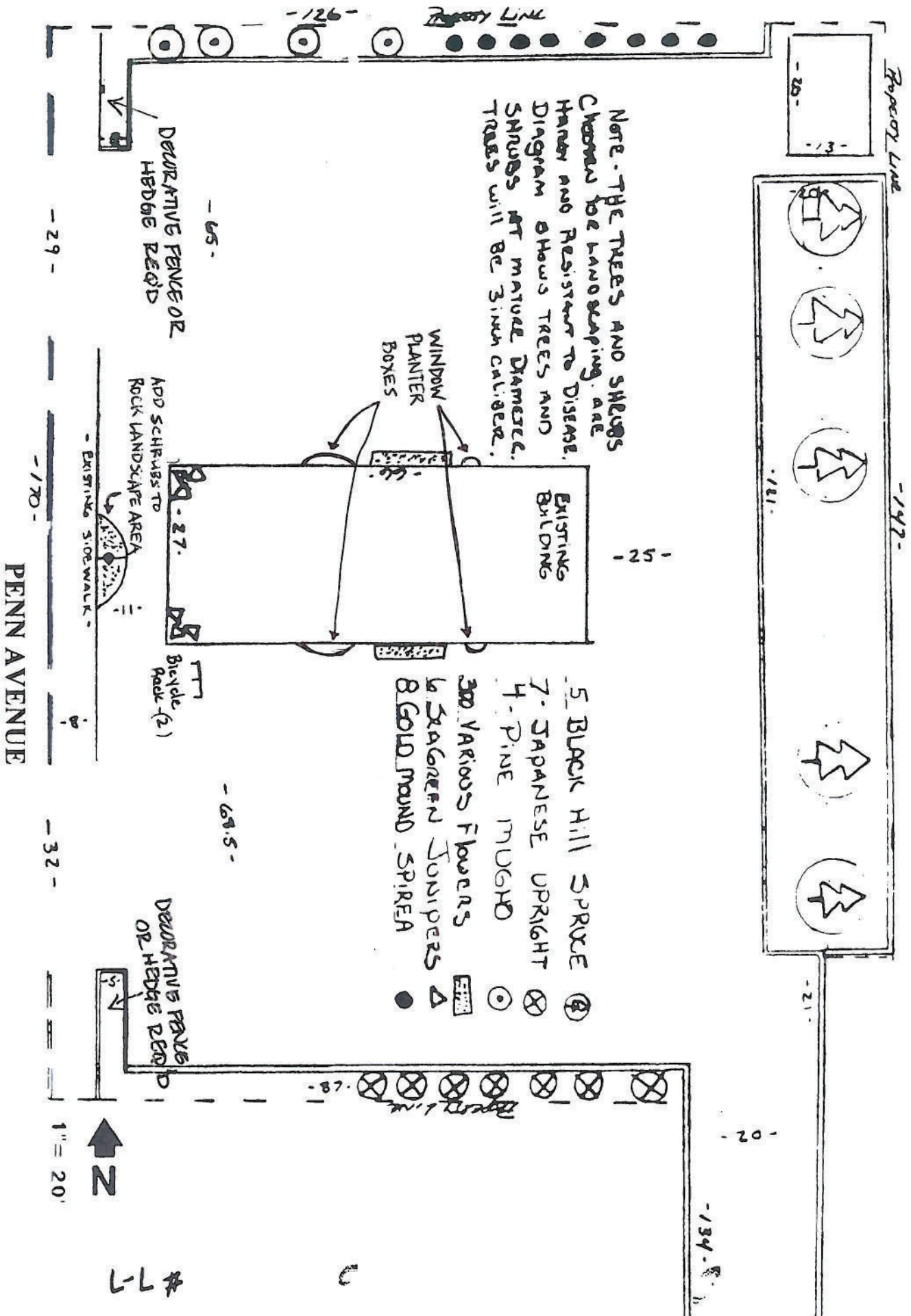
Interim Use Permit Requirements  
Subsection 547.15 Subd. 3.

- 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 six months. 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 December 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 six months.
- 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, 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 have not made 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 vacant storefront. Expiration of the interim use permit in six months 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. The property will be required to meet landscaping, performance standards and Design Guidelines requirements to partially mitigate the impacts 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 Subdivison 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:

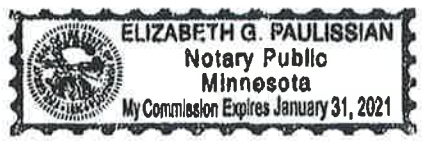
1. If this application is approved by the Richfield City Council and an interim use permit is issued, the interim use of the property will not impose additional costs on the City or any other public entity if it is necessary to acquire the property or a portion thereof by eminent domain after issuance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

DATED: 2/14/17

Karla Carlson  
Applicant (Applicant must be the Property Owner)

STATE OF MINNESOTA )  
 ) SS  
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 16 day of February, 2017, by Karla Carlson, the Vice Manager of Penn Avenue Partners II, a Minnesota Limited Liability Company, on behalf of said company. December

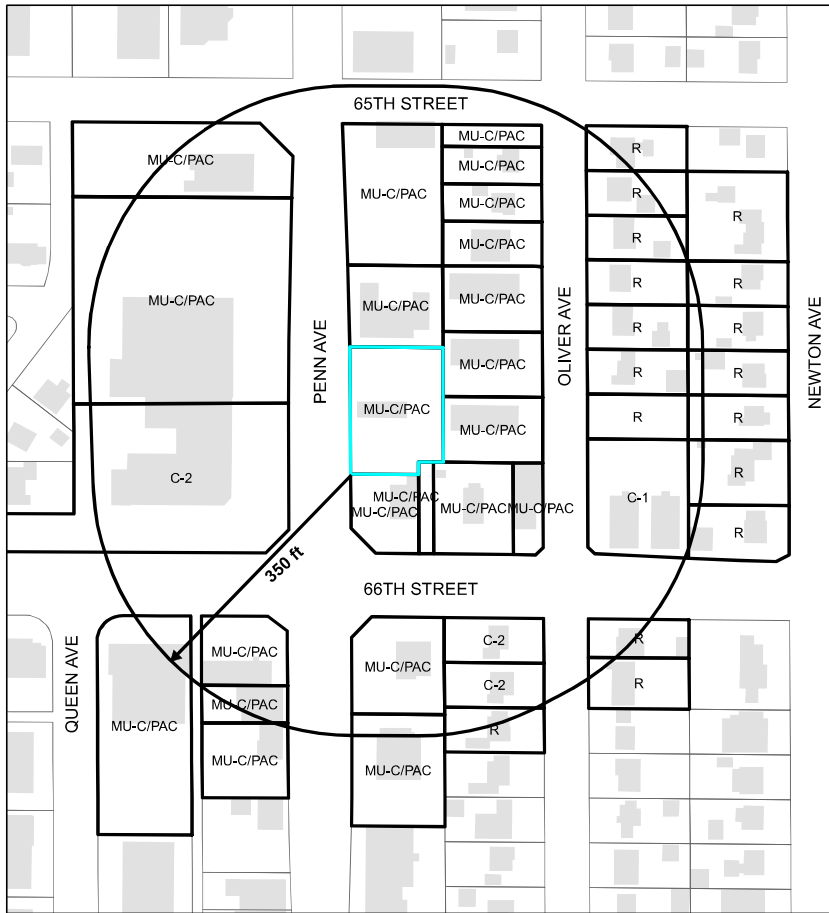


Elizabeth Paulissian  
Notary Public

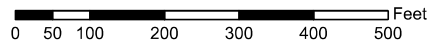


# 6529 Penn Ave - IUP 4/2017

## Surrounding Zoning

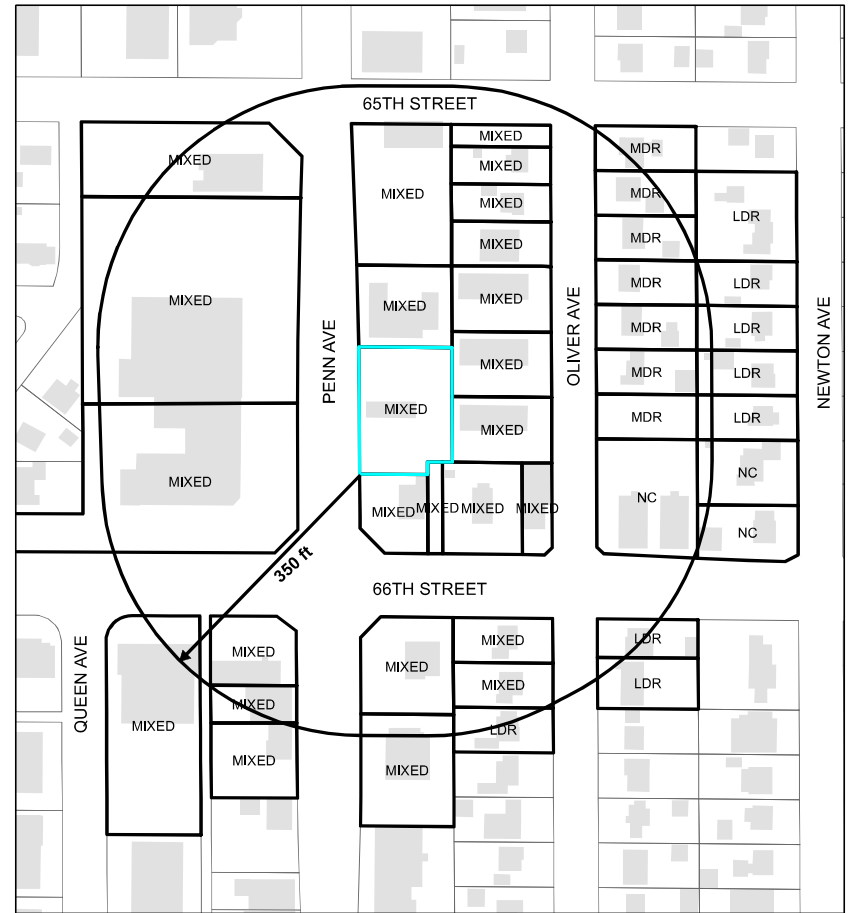


MU-C - Mixed-Use Community  
 PAC - Penn Avenue Corridor Overlay  
 C-1 - Neighborhood Business  
 C-2 - General Commercial  
 R - Single Family Residential

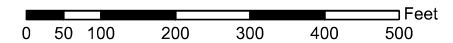


# 6529 Penn Ave - IUP 4/2017

## Surrounding Comprehensive Plan



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





**17-APUD-02**  
**PLANNING COMMISSION MEETING**  
**3/27/2017**

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, City Planner  
3/21/2017

**ITEM FOR COMMISSION CONSIDERATION:**

**Public hearing to consider an amendment to The Shops at Lyndale Planned Unit Development to allow construction of a new Panera Bread restaurant building with a drive-thru to replace the former Don Pablo's restaurant.**

**EXECUTIVE SUMMARY:**

Final development plans for The Shops at Lyndale were approved by the City Council in 1994. The development includes a variety of big box retail anchors and smaller retail and restaurant businesses. A standalone restaurant building located near the center of the development has been vacant since the Don Pablo's restaurant closed in mid-2016.

CSM Corporation ("the Developer") is now proposing to demolish the former Don Pablo's building and construct a new Panera Bread restaurant building with a drive-thru. The Developer met with City staff in January of this year to discuss the proposal and is now applying for an amendment to the Planned Unit Development, Conditional Use Permit, and Final Development Plan.

The proposed use is substantially similar to previously approved plans, replacing the former "full service" restaurant with a "convenience" restaurant with drive-thru. Proposed changes to the site include reconfiguration of the parking lot to accommodate the drive-thru service, resulting in a net loss of one parking space. No other changes are proposed elsewhere in The Shops at Lyndale development at this time. Finding that the proposal meets requirements, staff recommends approval of the amended Planned Unit Development, Conditional Use Permit and Final Development Plan.

**RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Recommend approval of an amended Planned Unit Development, Conditional Use Permit and Final Development Plan for The Shops at Lyndale at 77th Street and Lyndale Avenue.**

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

- Discussed in Executive Summary.

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

**Planned Unit Development / Conditional Use Permit / Final Development Plan:** There are a number of sets of review criteria that apply to this proposal. A full discussion of all requirements is included as an attachment to this report.

**Proposed changes from previously approved plans:**

The proposal requests to replace a 7,600 square foot "Class I: full-service" restaurant with a 4,916 square foot "Class III: convenience" restaurant with drive-thru service. Proposed changes to the site include reconfiguration of the parking lot to accommodate the drive-thru service, resulting in a net loss of one parking space. For both uses, parking requirements are calculated separately from the overall shopping center. While "convenience" restaurants carry higher parking requirements than "full-service" restaurants (17 per 1,000 square feet vs. 10 per 1,000 square feet), there is a net surplus of parking available in the overall Shops at Lyndale development. The Developer has provided the necessary cross-access agreements to share parking across the various parcels of the development.

**The following variations from standard requirements are requested:**

**Building orientation:** Code requires that buildings be oriented such that at least one primary entrance faces the public street rather than the interior of the site. Given the location of this building within the overall development, this requirement is not met. Orienting the building to face 77th Street would have minimal benefit, as it is set back over 300 feet from the street and the site lacks a pedestrian connection to 77th Street.

**C. CRITICAL TIMING ISSUES:**

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on March 9, 2017. A decision is required by May 8, 2017 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

**D. FINANCIAL IMPACT:**

- None

**E. LEGAL CONSIDERATION:**

- Notice of this public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
- Council consideration has been tentatively scheduled for April 11, 2017.

**ALTERNATIVE RECOMMENDATION(S):**

- Recommend approval of the amended Final Development Plan and Conditional Use Permit with additional and/or modified stipulations.
- Recommend denial of the amended Final Development Plan and Conditional Use Permit with a finding that the proposal does not meet City requirements.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Justin Wing, CSM Corporation

**ATTACHMENTS:**

Description	Type
☐ Resolution	Resolution Letter
☐ Requirements attachment	Backup Material
☐ Site plans & zoning maps	Backup Material



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

**RESOLUTION APPROVING AN AMENDED  
FINAL DEVELOPMENT PLAN  
AND CONDITIONAL USE PERMIT  
FOR THE SHOPS AT LYNDALE  
PLANNED UNIT DEVELOPMENT**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of an amended final development plan and conditional use permit to allow construction of a new restaurant building with a drive thru to replace the former Don Pablos restaurant building in the planned unit development known at The Shops at Lyndale, located at approximately 77<sup>th</sup> Street West and Lyndale Avenue, property legally described as:

LOTS 1, 2, 3, 4, 5 AND OUTLOT A, BLOCK 1, THE SHOPS AT LYNDALE,  
HENNEPIN COUNTY, MINNESOTA

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested amendment to the final development plan and conditional use permit at its March 27, 2017 meeting; and

**WHEREAS**, notice of the public hearing was mailed to properties within 350 feet of the subject property on March 14, 2017 and published in the Sun-Current on March 16, 2017 and; and

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

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

**WHEREAS**, the City has fully considered the request for approval of an amended 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. An amended planned unit development, final development plan and conditional use permit are approved to allow a new restaurant building with a drive thru to

replace the former Don Pablos restaurant building, 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 minimum of 4 bicycle parking spaces are required near main entrance. Please include on revised plans parking for a minimum of 4 bikes.
  - The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans.
  - Separate sign permits are required.
  - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated March 10, 2017 and compliance with all other City and State regulations.
  - Prior to the issuance of an occupancy permit the developer must submit a surety equal to 125% of the value of any improvements not yet complete.
  - Unless specifically modified by this resolution, all previous conditions of approval remain in place.
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 11th day of April, 2017.

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Pat Elliott, Mayor

ATTEST:

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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 Comprehensive Plan guides this area for regional commercial development. The proposed building and use would replace a vacant former restaurant building.
2. *The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries.* This requirement is met. The proposed building has been designed to function in a substantially similar manner as the building it replaces.
3. *The development is in substantial conformance with the purpose and intent of the guiding district, and departures from the guiding district regulations are justified by the design of the development.* The development is in substantial compliance with the intent of the guiding C-2 District.
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 PC-2 District. The findings necessary to issue a Conditional Use Permit (CUP) are as follows (Subd. 547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* See above – Part 1, #1.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The use is consistent with the intent of the Planned General Business District and the underlying General Business District. The proposal provides complementary commercial development that is compatible with adjacent properties and no significant adverse impacts are anticipated.

3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* The proposed use is similar to the previous use and is consistent with the previously adopted Planned Unit Development for this area.

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.

# 6021

## Bakery Cafe #6021

980 WEST 78TH STREET  
RICHFIELD, MN 55423

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Consultant Copyright Placeholder

No.	Description	Date

# EXHIBIT A

Project Number: 6021      Sheet Number: 0101

Drawn By:

Author:

Issue Date:

02-17-17

DPM:

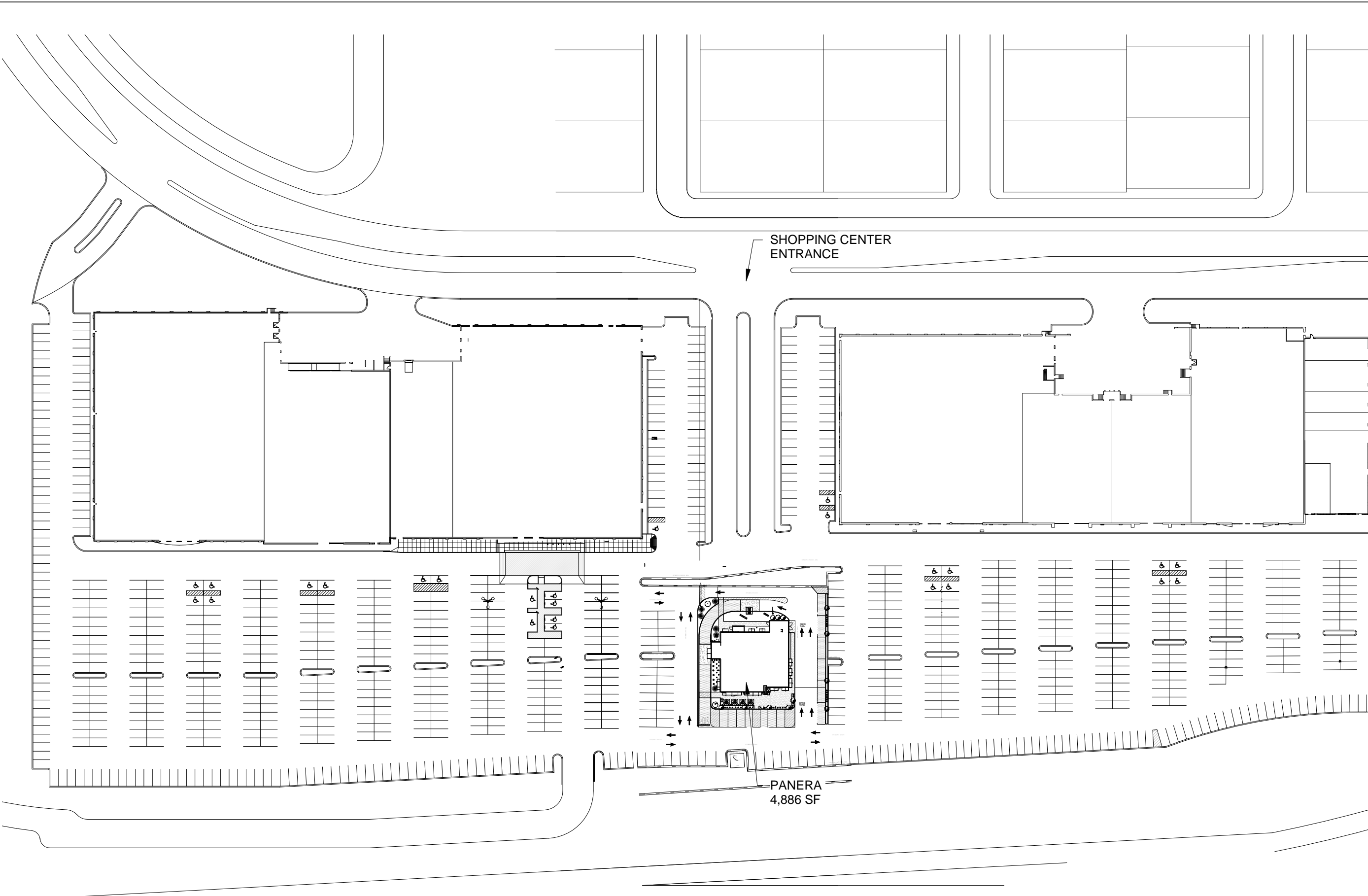
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CPM:

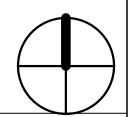
DPM

DM

CPM

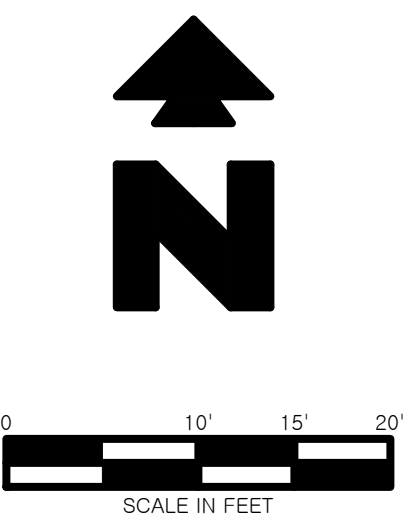


1 Exhibit A  
1" = 100'-0"





Know what's below.  
Call before you dig.



### LEGEND

EXISTING			
e	EAST OR ELECTRIC	OHT	OVERHEAD TELEPHONE
n	NORTH	OHTV	OVERHEAD TV
oh	OVERHEAD	X'SS	SANITARY SEWER
s	SOUTH OR SEWER	UGE	UNDERGROUND ELECTRIC
t	TELEPHONE	UGE&T	UNDERGROUND ELECTRIC AND TELEPHONE
u	UNDERGROUND	UGT	UNDERGROUND TELEPHONE
w	WEST OR WATER	UGTV	UNDERGROUND TV
---	PROPERTY LINE	X'W	WATER
---	RIGHT OF WAY LINE		
---	STORM DRAIN		
X'G	GAS	.5-10-11 50.5	TREE INFO
OHE	OVERHEAD ELECTRIC		.5 = DIAMETER OF TRUNK IN FEET
OHE&T	OVERHEAD ELECTRIC AND TELEPHONE		10 = HEIGHT OF TREE IN FEET
			11 = CANOPY DIAMETER IN FEET
			50.5 = ELEVATION AT BASE OF TREE

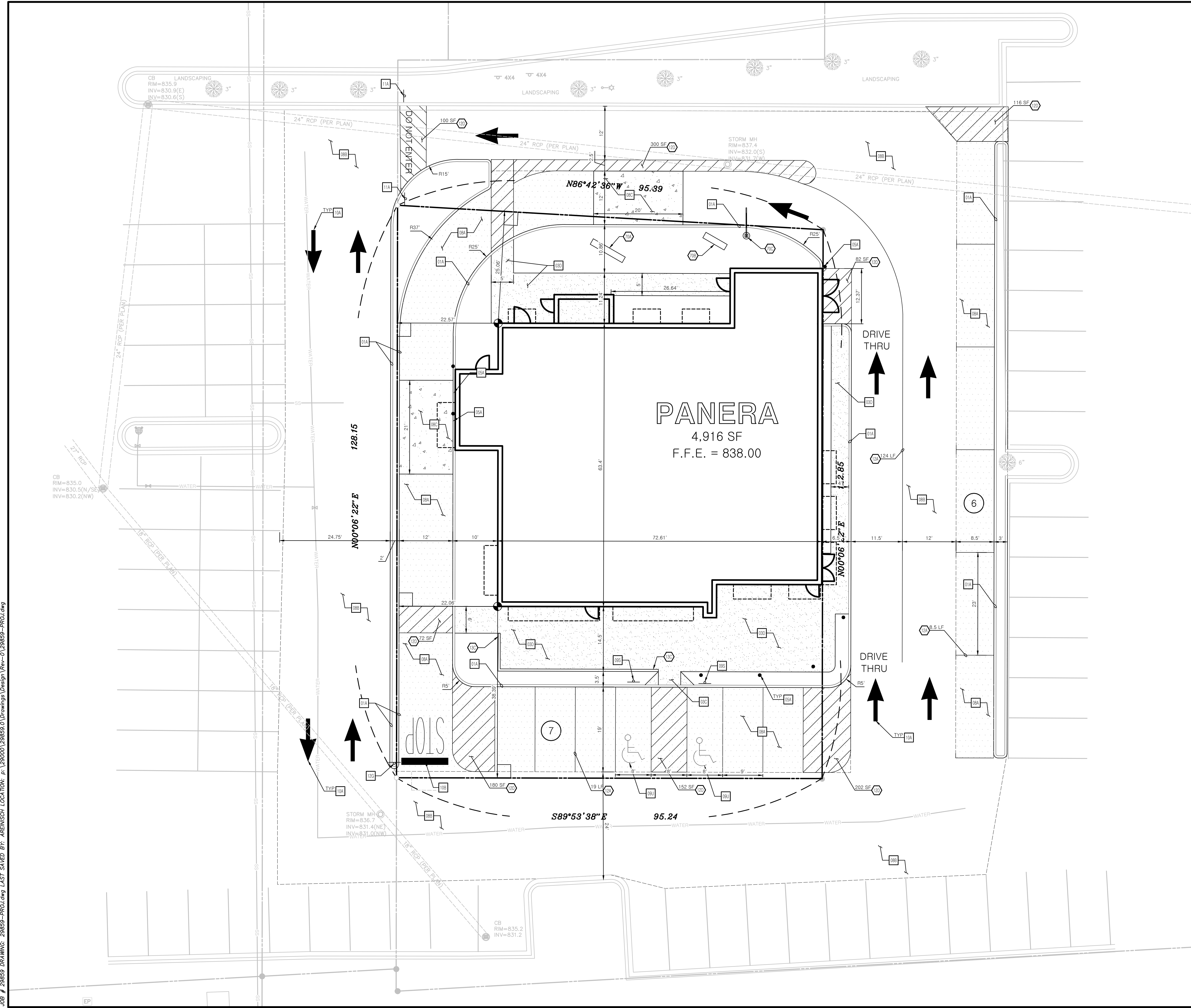
PROPOSED	
---	PROPERTY LINE/RIGHT OF WAY LINE
---	CONCRETE CURB AND GUTTER. SEE DETAIL 01A/01B.
●	BUILDING CONTROL POINT
○	PROPOSED PARKING SPACES
---	LIMITS OF SIDEWALKS AND CONCRETE APRONS (PER ARCH. PLANS)

- #### GENERAL SITE NOTES
- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  - ALL CURB RETURN RADII SHALL BE 2' OR 10', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.
  - UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS: ALL CURB AND GUTTER ADJACENT TO ASPHALT PAVING SHALL BE INSTALLED PER DETAIL 01A. ALL CURBING ADJACENT TO CONCRETE PAVING SHALL BE INSTALLED PER DETAIL 01B. PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH DETAIL 08B OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES. ALL PARKING LOT STRIPING INCLUDING ACCESSIBLE AND VAN ACCESSIBLE SPACES SHALL BE STRIPED PER THE PLANS.
  - ALL PARKING LOT SIGN BASE SUPPORTS SHALL BE INSTALLED PER DETAIL 12F.
  - ALL ACCESSIBLE PARKING STALLS SHALL HAVE SIGNAGE INSTALLED PER DETAIL 09S.

- #### SITE NOTES
- 4 INCH TRAFFIC YELLOW LANE STRIPE (SEE LENGTH INDICATED AT SYMBOL).
  - 4 INCH WIDE PAINTED YELLOW STRIPES. 2.0 FOOT O.C. @ 45 DEGREES (SEE SIZE INDICATED AT SYMBOL).
  - LIMITS OF PATIO WALL (PER ARCH PLANS).
  - MENU, CANOPY AND SPEAKER (PER ARCH PLANS)
  - PREVIEW MENU (PER ARCH PLANS)
  - HEIGHT BAR (PER ARCH PLANS)

- #### SITE DETAILS
- TYPE A CONCRETE CURB AND GUTTER
  - CONCRETE SIDEWALK
  - GUARD POST
  - STANDARD DUTY ASPHALT PAVING
  - HEAVY DUTY ASPHALT PAVING
  - HEAVY DUTY CONCRETE PAVING
  - ACCESSIBLE / VAN ACCESSIBLE PARKING SIGN
  - ACCESSIBLE PARKING SYMBOL
  - TRAFFIC FLOW ARROW
  - STOP BAR
  - DO NOT ENTER SIGN
  - STOP SIGN

SITE CALCULATIONS	
TOTAL DISTURBED AREA	29,826 SF
EXISTING IMPERVIOUS	27,823 SF (93.3%)
EXISTING PERVIOUS	2,003 SF (6.7%)
PROPOSED IMPERVIOUS	27,151 SF (91.0%)
PROPOSED PERVIOUS	2,675 SF (9.0%)



JOB # 28859 DRAWING: 28859-PROJ.dwg LAST SAVED BY: ARENISCH LOCATION: P:\20000\28859\Drawings\Design\Rev-01\28859-PROJ.dwg

PRELIMINARY  
NOT FOR  
CONSTRUCTION

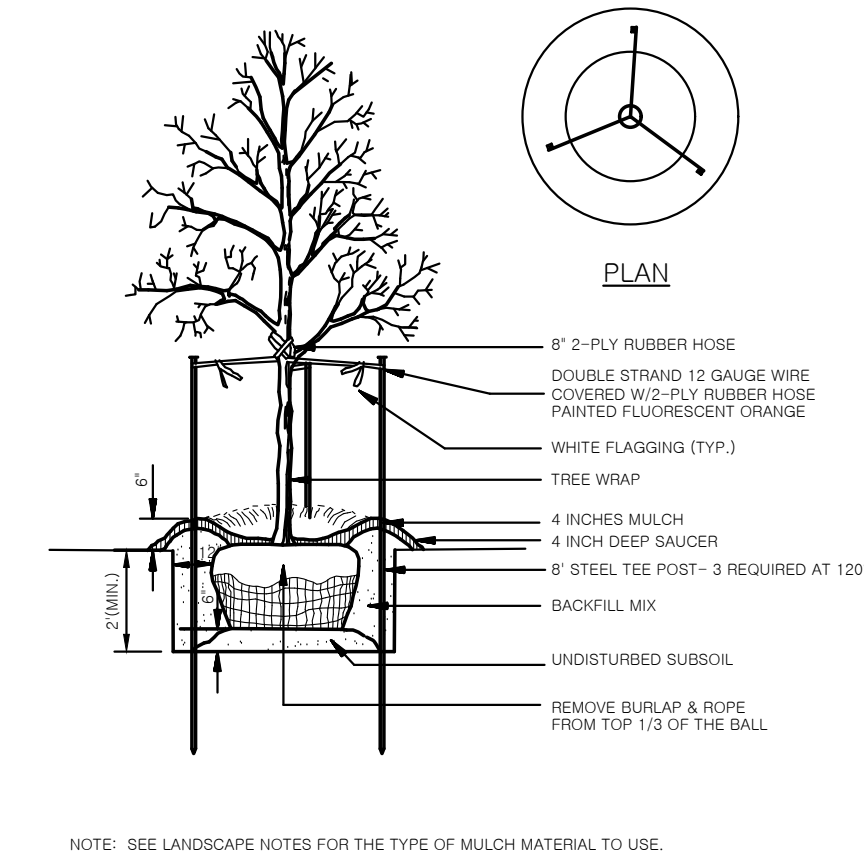
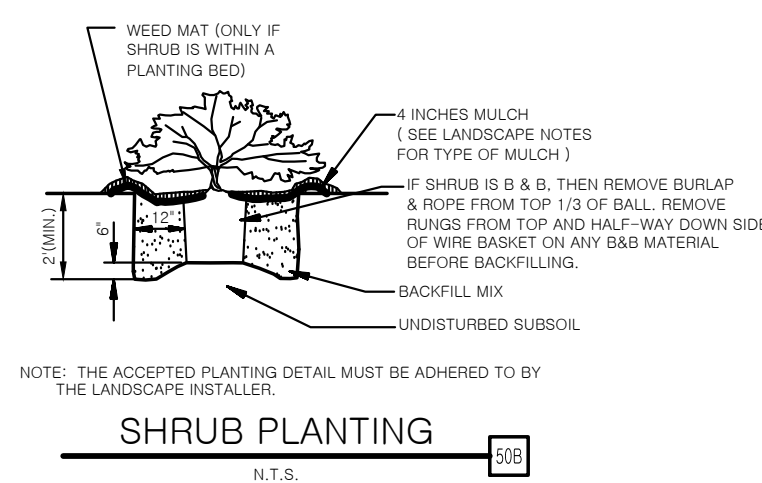
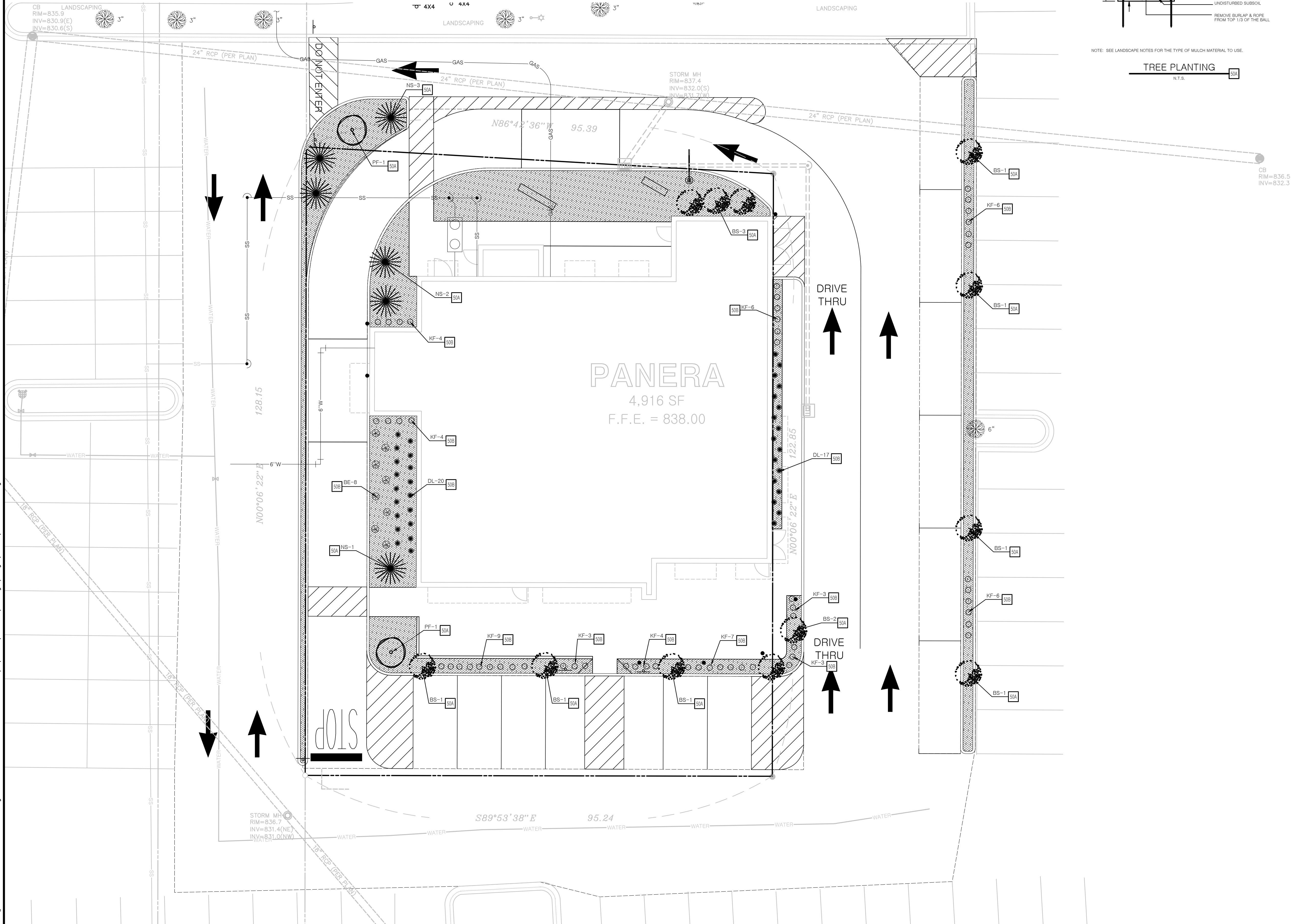
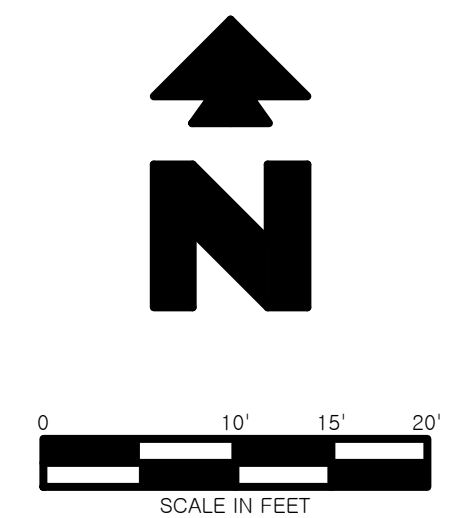
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CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES	DRW
<b>CEI Engineering Associates, Inc.</b>					
ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS					
2025 Centre Pointe Blvd., Suite 210 (651)452-8960 Mendota Heights, MN 55120 (651)452-1148					
<b>PANERA LLC</b>					
900 WEST 78TH STREET RICHFIELD, MN					
<b>SITE PLAN</b>				REV DATE 2/14/17 REV-0	SHEET NO. C3

TREE LIST

SYB	KEY	QTY	COMMON NAME/ BOTANICAL NAME	ROOT	SIZE	REMARKS
NS		6	DWARF NORWAY SPRUCE Pinus Monticola	CONT.	MIN 6" TALL	PLANT AS SHOWN
PF		2	PRAIRIE FIRE CRABAPPLE Malus "Prairie Fire"	CONT.	1.5' CAL.	PLANT AS SHOWN
BS		12	DWARF BLUE SPRUCE Acer Rubrum	CONT.	2.5' CAL.	PLANT AS SHOWN
		20				

SHRUB LIST

SYB	KEY	QTY	COMMON NAME/ BOTANICAL NAME	ROOT	SIZE	REMARKS
	KF	55	KARL FOERSTER - REED GRASS Calamagrostis x Acutiflora	CONT.	1 GAL.	PLANT AS SHOWN
	DL	37	DAYLILIES Hemerocallis	CONT.	1 GAL.	PLANT AS SHOWN
	BE	8	GOLDSTRUM BLACK EYED SUSAN Rudbeckia fulgida "goldstrum"	CONT.	#2 POT	PLANT AS SHOWN
		100				

EXISTING			
(Symbol)	DENOTES FOUND MONUMENT	(Symbol)	FIBER LINE
(Symbol)	DENOTES SET MONUMENT	(Symbol)	WATER LINE
(Symbol)	WATER VALVES	(Symbol)	STORM SEWER LINE
(Symbol)	CATCH BASIN/STORM MH	(Symbol)	SANITARY SEWER LINE
(Symbol)	SANITARY MANHOLE	(Symbol)	CURB
(Symbol)	LIGHT POLE	(Symbol)	CONCRETE

PROPOSED LEGEND	
(Symbol)	3" RIVER ROCK OVER LANDSCAPE FABRIC (2,350 SF) (MATCH EXISTING ROCK THROUGH OUT THE SHOPS ON LYNDALE CAMPUS)

LANDSCAPE DETAILS	
50A	TREE PLANTING
50B	SHRUB PLANTING

GENERAL LANDSCAPE NOTES	
A.	LOCATE ALL UTILITIES AND SITE LIGHTING CONDUITS BEFORE LANDSCAPE CONSTRUCTION BEGINS.
B.	NOTIFY LANDSCAPE ARCHITECT OR DESIGNATED REPRESENTATIVE OF ANY LAYOUT DISCREPANCIES PRIOR TO ANY PLANTING.
C.	ALL LANDSCAPE MATERIALS SHALL BE IN COMPLIANCE WITH THE GRADES AND STANDARDS FOR NURSERY PLANTS, AND SHALL CONFORM TO Mn/DOT SPECIFICATIONS.
E.	ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
F.	MAINTAIN 5' MIN. HORIZONTAL SEPARATION BETWEEN TREE PLANTINGS AND ALL UTILITIES.
G.	A FULLY DESIGNED IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED BY IRRIGATION CONTRACTOR. IRRIGATION DESIGNER SHALL BE RESPONSIBLE FOR SIZING AND SPECIFYING BACKFLOW PREVENTER IN ACCORDANCE WITH LOCAL CODES.

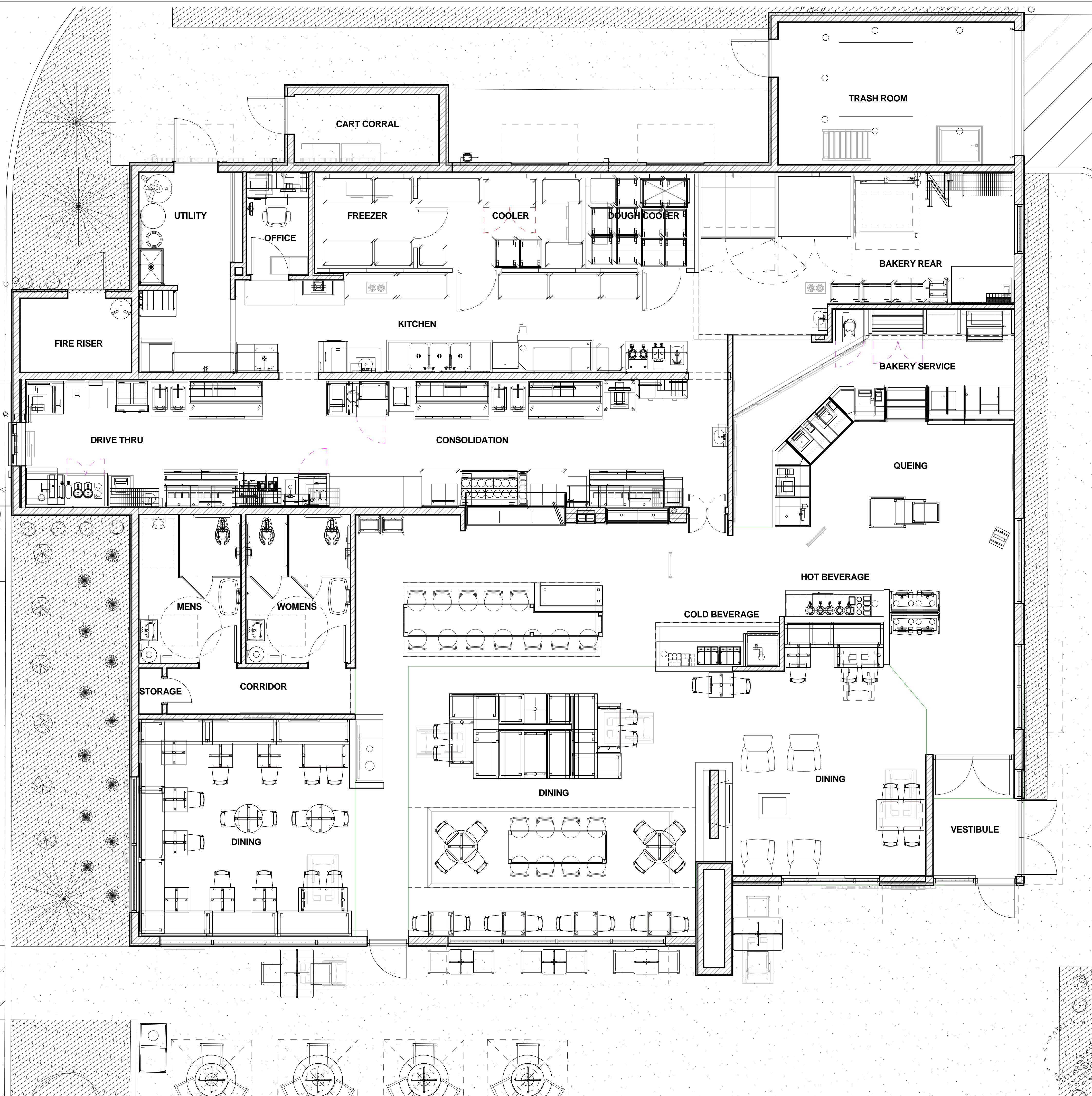
PRELIMINARY  
NOT FOR  
CONSTRUCTION

28859	2/14/17	ALC	ALC	A/R	A/R
CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES	DRW
CEI Engineering Associates, Inc.					
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS ENVIRONMENTAL SCIENTISTS					
2025 Centre Pointe Blvd., Suite 210 (651)452-8960 Mendota Heights, MN 55120 (651)452-1148					
PANERA LLC					
900 WEST 78TH STREET RICHFIELD, MN					
LANDSCAPE PLAN				REV DATE 2/14/17 REV-0	SHEET NO. C7

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2/15/2017 1:50:22 PM

PG 2015.01



DRIVE THRU

DRIVE

Bakery-Cafe:

# 6021

Project Team:

Professional Seal:

Project Title:

**Bakery Cafe #6021**  
 980 WEST 78TH STREET  
 RICHFIELD, MN 55423

95% REVIEW DOCUMENTS



Consultant Copyright Placeholder

No.	Description	Date

### FLOOR PLAN

Project Number: 6021 Sheet Number:

Drawn By:

Author:

Issue Date:

02-17-17

DPM:

BB

DM:

DC

CPM:

KC

# A100

1 Floor Plan  
1/4" = 1'-0"



2/10/2017 8:59:53 AM



1 | Elevation - South  
1/4" = 1'-0"



2 | Elevation - East  
1/4" = 1'-0"

95% REVIEW DOCUMENTS

**Bakery Cafe #6021**  
980 WEST 78TH STREET  
RICHFIELD, MN 55423



Consultant Copyright Placeholder

No.	Description	Date

FINISH KEY	
F2	FABRIC AWNING   OPEN ENDED SLAB   COLOR: GREEN PRINTED FABRIC, (3' PROJECTION / 4' HEIGHT, TYP. & 4' PROJECTION / 4' HEIGHT @ DRIVE THRU)
G1	ALUMINUM STOREFRONT   2" x 4 1/2" PROFILE   THERMAL BREAK   COLOR: DARK BRONZE   1" CLEAR INSULATED GLAZING: PPG SOLARBAN 70XL (OR APPROVED EQUAL)   REFER TO SHEET A611 FOR ADDITIONAL INFORMATION
PX1	EIFS SYSTEM   TEXTURE: TO MATCH DRYVIT LIMESTONE FINISH   COLOR: BENJAMIN MOORE #HC39 PUTNAM IVORY
PX2	EIFS SYSTEM   TEXTURE: TO MATCH DRYVIT LIMESTONE FINISH   COLOR: BENJAMIN MOORE #AF165 KONA
TB1	THIN BRICK VENEER, MODULAR   MRF: ENDICOTT, VELOUR   COLOR: SIENNA IRONSPOT

## EXTERIOR ELEVATIONS1

Project Number: 6021 Sheet Number:

Drawn By:

Author:

Issue Date:

02-17-17

DPM: DM: CPM:

BB DC KC

# ELEV1

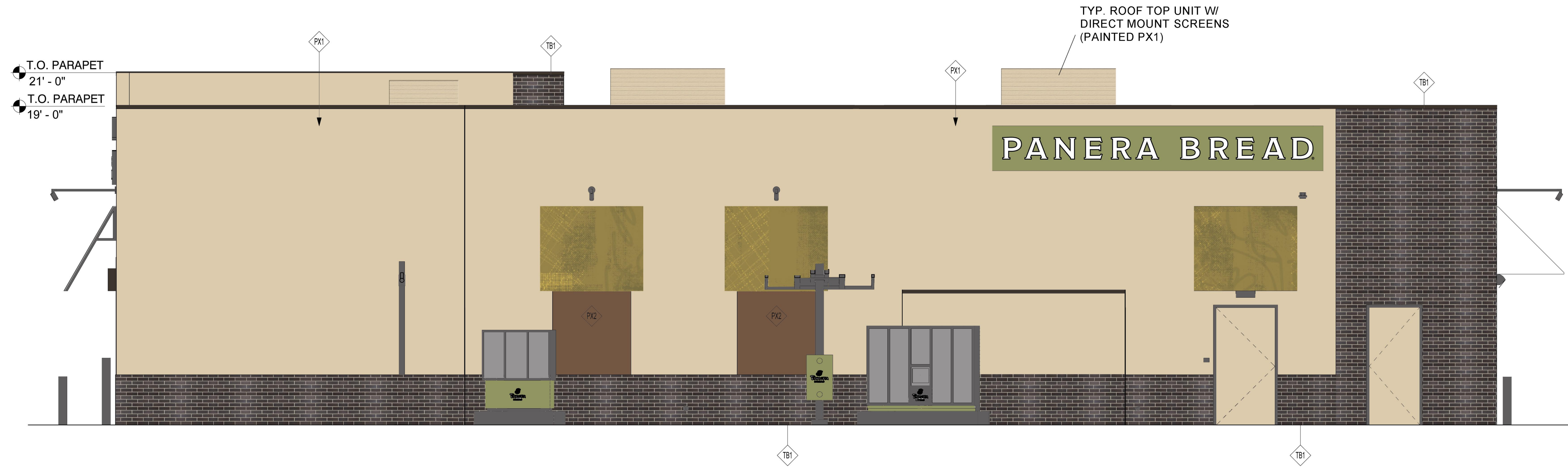
PB 2015.01

**Bakery Cafe #6021**  
 980 WEST 78TH STREET  
 RICHFIELD, MN 55423

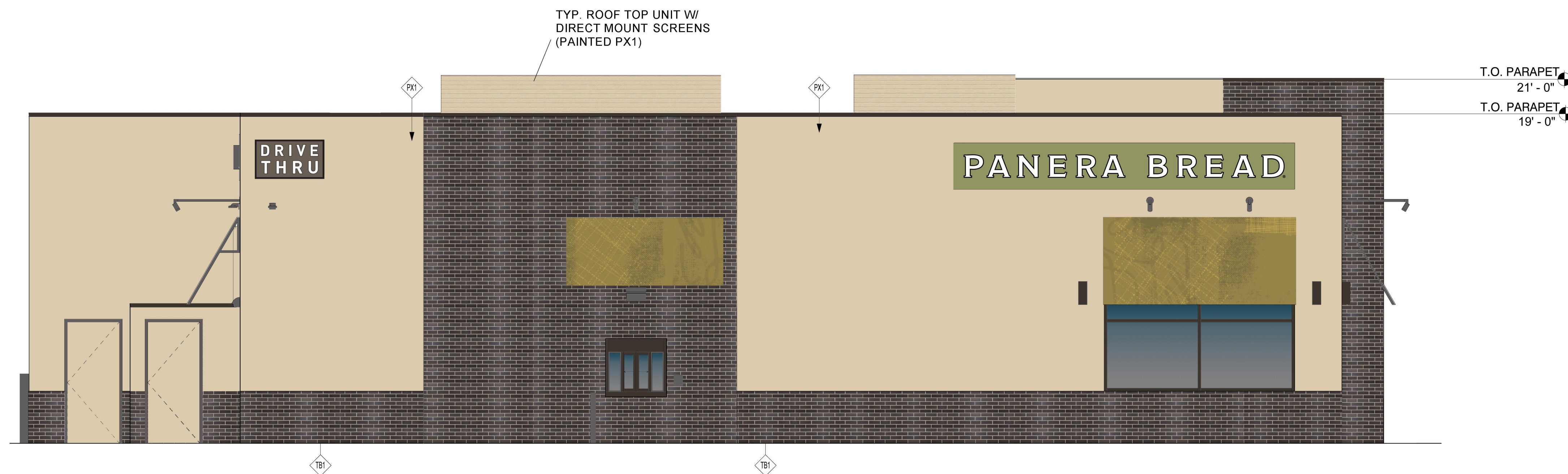


Consultant Copyright Placeholder

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**1** Elevation - North  
 1/4" = 1'-0"



**2** Elevation - West  
 1/4" = 1'-0"

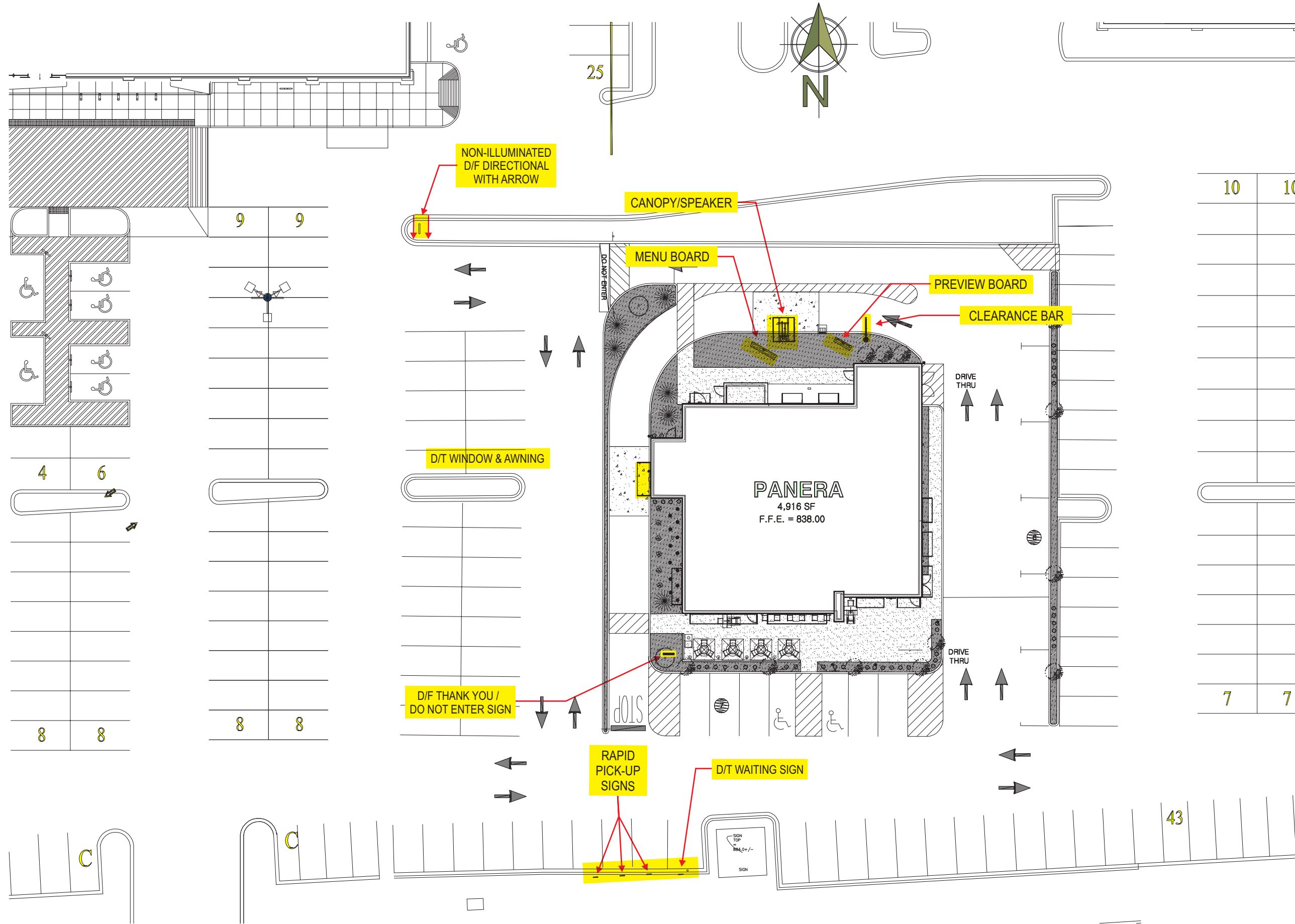
FINISH KEY	
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TB1	THIN BRICK VENEER, MODULAR   MRF: ENDICOTT, VELOUR   COLOR: SIENNA IRONSPOT

No.	Description	Date

## EXTERIOR ELEVATIONS2

Project Number: 6021  
 Sheet Number: **ELEV2**  
 Drawn By:  
 Author:  
 Issue Date: 02-17-17  
 DPM: DM: CPM:  
 BB DC KC

# SIGN PLAN



**MANDEVILLE SIGN**  
making your mark.

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### APPROVALS

Signatures Required Before Release to Production

Engineering	BY	DATE
Sales	BY	DATE
Estimating	BY	DATE
Production	BY	DATE
Quality Control	BY	DATE

### REVISIONS

NO.	BY	DESCRIPTION	DATE
1	JM	updated site plan	02/17/16
2			
3			
4			
5			
6			
7			
8			
9			

All electrical signs shall comply with the National Electric Code (Article 600) and be manufactured according to Underwriters Laboratories U.L. 48 standards and labeled accordingly.

WORK ORDER # 28962-1



CUSTOMER

STORE NUMBER #6021

980 78th Street  
RICHFIELD, MN

LOCATION

PROJECT MANAGER Jim M. - Wendy R.

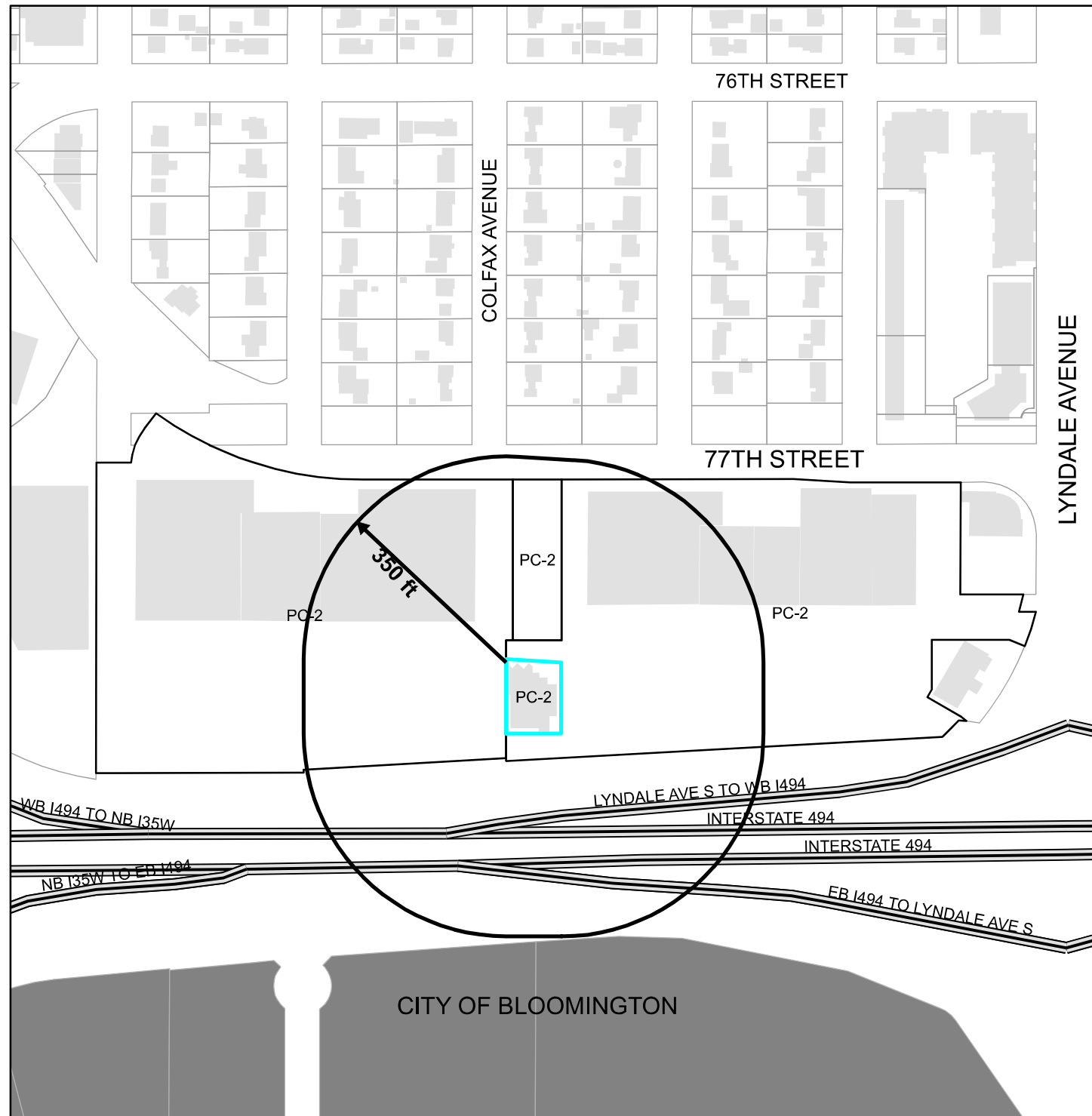
DO NOT SCALE DRAWINGS WD 12/21/16  
ARTIST DATE

28962.7

DRAWING NAME

# SHOPS AT LYNDALE - APUD 4/2017

## Surrounding Zoning



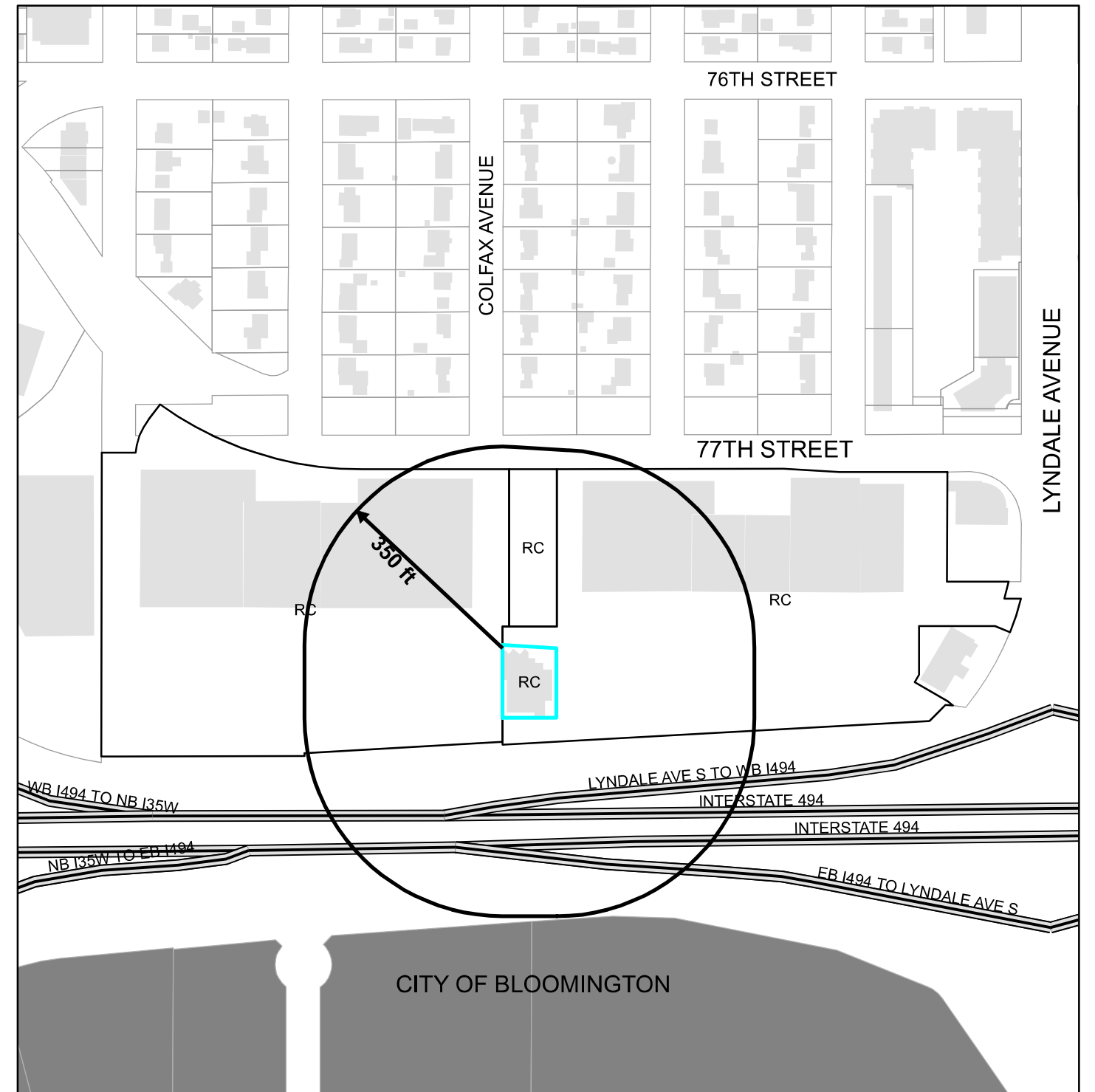
PC-2 - Planned General Commercial

0 125 250 500 750 1,000 Feet



# SHOPS AT LYNDALE - APUD 4/2017

## Surrounding Comprehensive Plan



RC - Regional Commercial

0 125 250 500 750 1,000 Feet

