



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
DECEMBER 10, 2018
7:00 PM**

Call to Order

Approval of minutes of the regular Planning Commission meeting of November 26, 2018.

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

Agenda Approval

1. Approval of the Agenda

Public Hearings

2. Conduct a public hearing to consider a request for a variance from sign code requirements at 6601 Penn Avenue South.

18-VAR-09

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
 - December 11, 2018, at 6:00 p.m. in the Bartholomew Room.
 - January 28, 2019, at 7:00 p.m. in the 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

November 26, 2018

MEMBERS PRESENT: Chairperson Sean Hayford Oleary, Commissioners James Rudolph, Bryan Pynn, Susan Rosenberg, Kathryn Quam, and Dan Kitzberger
MEMBERS ABSENT: Commissioner Allysen Hoberg
STAFF PRESENT: Melissa Poehlman, Assistant Community Development Director
Matt Brillhart, Associate Planner
OTHERS PRESENT: Erik Winegarden, David Lundy, Todd Olin, and Dan O'Brien; development team

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

APPROVAL OF MINUTES

M/Pynn S/Rosenberg to approve the minutes of the October 22, 2018 meeting.

Motion carried: 6-0

OPEN FORUM

No members of the public spoke.

ITEM #1 APPROVAL OF AGENDA

M/Rosenberg, S/Quam to approve the agenda.

Motion carried: 6-0

PUBLIC HEARING(S)

ITEM #2

Conduct a public hearing and consider a variety of land use approvals related to a proposal to construct a 179-unit apartment building on the north side of 66th Street between Queen and Russell Avenues.

Associate Planner Matt Brillhart presented the staff report.

Brillhart clarified the term 'vacate' for Commissioner Quam and provided clarification to Chair Hayford Oleary on easements and right of way for the proposed changes to Russell Avenue.

Project manager Todd Olin introduced the project.

Commissioner Pynn inquired about the possibility of a building step back on 65th ½ Street.

Mr. Olin commented that a 10 minute recess would allow the development team to respond. Brillhart clarified and Chair Hayford Oleary concurred on the appropriate procedure for the public hearing and allowing the developer time to respond.

In response to Commissioner Quam, developer Eric Winegarden explained why they chose the largest version of their three different proposals. Commissioner Quam expressed concern over the loss of the mature trees. Olin confirmed that all trees would be removed.

Olin confirmed for Commissioner Rosenberg that they have signed purchase agreements for all 6 properties. Rosenberg inquired further how this development could impact water pressure, to which Poehlman responded that the Utility Department has reviewed the plans.

November 26, 2018

In response to Rosenberg, Poehlman explained why it is not desirable to leave the 3 houses on the east side of Queen.

In response to Commissioner Rudolph, Olin explained that they explored a variety of heights and options using a market study, vacancy rates and the Comprehensive Plan as guides.

Chair Hayford Oleary opened the public hearing.

Ruane Onesirosan - 2421 65th St W - expressed concern over disruption, quiet, and tree loss.

Wesley Webber – 2501 65th St W – expressed traffic concerns with Russell Ave connection, and asked why not straighten Queen Ave instead. He also commented on increased shadows.

Luci Peterson – 2500 66th St W (Sheridan Court) – expressed concerns with noise and impacts on people with sensory issues and disabilities as well as traffic concerns.

Patty Bergren – 2414 65th ½ St W – asked the city to reduce the building height by one story along 65th 1/2 Street to reduce traffic and shadow impacts.

Kathryn Cahill – 6528 Russell Ave – expressed concern for mitigating effects of construction.

Colleen Webber – 2501 65th St W – commented that Russell is narrow and would be unsafe to turn left onto 66th in PM rush hour. She also gave a 3 story height comparison.

Nick Seibert – 6904 Logan Ave – expressed concern over the size of development and the impact it will have on Sheridan Hills Elementary.

Manzar Khan – 6539 Queen Ave – Family has owned their home for 40 years and has fixed it up and wants to continue to live there.

Patty Bergren asked how “undue adverse impacts” are determined.

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

Motion carried: 6-0

Brillhart addressed the questions regarding parking and street width on Russell Avenue.

Chair Hayford Oleary brought up the concerns raised about mitigating construction impacts on the surrounding residents. Poehlman responded that a stipulation could be added requiring the developer to survey the existing conditions of the properties prior to the start of construction.

Poehlman responded to the question regarding the term “undue adverse impacts” stating that it is a legal term that generally means that something is of “great harm”.

In response to Chair Hayford Oleary, Poehlman provided details about the traffic study.

Poehlman provided clarification in response to questions about purchase agreements.

In response to Commissioner Pynn, Olin explained why it was decided to vacate Queen. Dan O’Brien, the architect, provided further explanation for their design considerations.

Olin addressed Commissioner Pynn's question regarding proposing 4 stories, stating that they used the City's Comprehensive Plan and City Code as guides. Brillhart responded to Commissioner Pynn's question about density standards in relation to height.

In response to Commissioner Rudolph, Brillhart stated that the proposal does not need a Comprehensive Plan amendment and clarified what aspects require variations from Code. Commissioner Rudolph further inquired about the building coverage and how that would impact storm water management, to which Brillhart stated that more pervious area is provided than is required.

Commissioner Quam asked for clarification on the property status at 6539 Queen Ave to which Poehlman explained that private property negotiations could not be discussed at the hearing.

Poehlman responded to Commissioner Quam regarding the grade change to the east. Olin clarified further how the building height compares to the Fraser building. Quam inquired about the high-density range, to which Brillhart responded that the range is 50-100 units per acre and that this project is approximately 80 units per acre. Quam commented further that a 3-story building could still meet density requirements.

Commissioner Pynn introduced a proposed amendment regarding height and step backs. Commissioner Rudolph expressed support for the amendment. Commissioner Quam commended the work of Commissioner Pynn but thought it was too tall on the south side.

M/Rudolph, S/Pynn - Continue consideration to 8:40 p.m. to allow the applicant time to discuss the proposed changes.

Motion carried: 6-0

The meeting was resumed at 8:40 p.m.

David Lundy of the development team stated that they are willing to consider the proposal put forth by Commissioner Pynn.

In response to Commissioner Kitzberger, Brillhart clarified how increasing the height of the building on the south and east side would compare to Sheridan Court.

In response to Commissioner Rosenberg, Poehlman stated that the building setback along 66th Street was similar or slightly greater than that of Sheridan Court. Rosenberg expressed support for Commissioner Pynn's amendment and reasoning for allowing five stories on 66th.

In response to Chair Hayford Oleary, Lundy stated that the goal would be to keep roughly the same unit count with the height and stepback amendment.

In response to Commissioner Rudolph, Brillhart commented that staff did not believe that allowing 5 stories would set a precedent that would be out of line with what other nearby zoning districts allow. Commissioner Rudolph stated his preference for three stories.

M/Pynn, S/Kitzberger to recommend rezoning from High-Density Residential (MR-3) and Single-Family Residential (R) to Planned Multi-Family Residential (PMR).

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Chair Hayford Oleary expressed support for the rezoning as it is in line with the Comprehensive Plan. Commissioner Kitzberger commended Commissioner Pynn for bringing his amendment idea forward.

Motion carried: 6-0

M/Pynn, S/Kitzberger to recommend approval of a resolution approving a Planned Unit Development, Conditional Use Permit and Final Development Plan for an apartment development on the north side of 66th St between Queen and Russell Avenues.

M/Pynn, S/Rudolph to require the north and northwest faces of the building to be lowered to 3 floors in exchange for increasing to 5 floors along 66th Street and the eastern side of the building.

Commissioner Rosenberg expressed that it is still too big but understands that they have to follow the regulations guiding land use and will support the proposal. She further expressed that she understands the neighbors' concerns but asked for tolerance of those who rent. Commissioner Quam restated her preference for three stories and would not support the proposal as is. Commissioner Rudolph expressed agreement with Commissioner Quam. Chair Hayford Oleary expressed support for the amendment because it likely won't have an impact on unit count. Commissioner Quam expressed that she is in favor of more housing but wants to do it thoughtfully.

Motion carried: 5-1(Quam opposed)

In response to Commissioner Rudolph, Poehlman stated that he could make an amendment to require preconstruction surveys of the surrounding properties by an independent inspector.

M/Rudolph, S/Pynn to recommend an amendment to require preconstruction surveys by an independent contractor of the surrounding homes within 100 feet of the property including all properties on the 6500 block on the west side of Russell Avenue, excluding properties on the south side of 66th Street.

Motion carried: 5-1 (Kitzberger opposed)

Chair Hayford Oleary summarized the motion recommending approval of a Planned Unit Development, Conditional Use Permit and Final Development Plan, as amended.

Motion carried: 4-2 (Quam & Rudolph opposed)

In response to Chair Hayford Oleary, Brillhart stated when the City Council would be voting.

ITEM #3

Consider the attached resolution finding that the acquisition of 6701 17th Avenue South by the Housing and Redevelopment Authority in order to eliminate 145 feet of roadway and create additional greenspace is consistent with the Richfield Comprehensive Plan.

Melissa Poehlman, Assistant Community Development Director, presented the staff report.

Chair Hayford Oleary inquired which version of the Comprehensive Plan is currently in effect. Poehlman clarified that staff reviewed both Comprehensive Plans for this item and provided further clarification on questions related to the right of way.

Commissioner Rudolph thanked staff for pursuing this item.

November 26, 2018

M/Rudolph, S/Pynn to approve a resolution finding that the acquisition of 6701 17th Avenue is consistent with the Comprehensive Plan.

Motion carried: 6-0

OTHER BUSINESS

None.

LIAISON REPORTS

Community Services Advisory Commission: No report

City Council: No report

HRA: Commissioner Rudolph – private development of new homes under Richfield Rediscovered

Richfield School Board: No report

Transportation Commission: Chair Hayford O'Leary – 65th St reconstruction open house 12/12/18.

CITY PLANNER'S REPORT

Poehlman notified commissioners of a date change for the December meeting to December 10th as well as a work session on December 11th at 6:00 pm. MnDOT will be present to talk about local impacts of the I-494 project.

ADJOURNMENT

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

The meeting was adjourned by unanimous consent at **9:21 p.m.**

Planning Commission Secretary

NOVO - Queen Ave Development (2400 66th St West)

Bryan Pynn, Planning Commission

11/26/2018

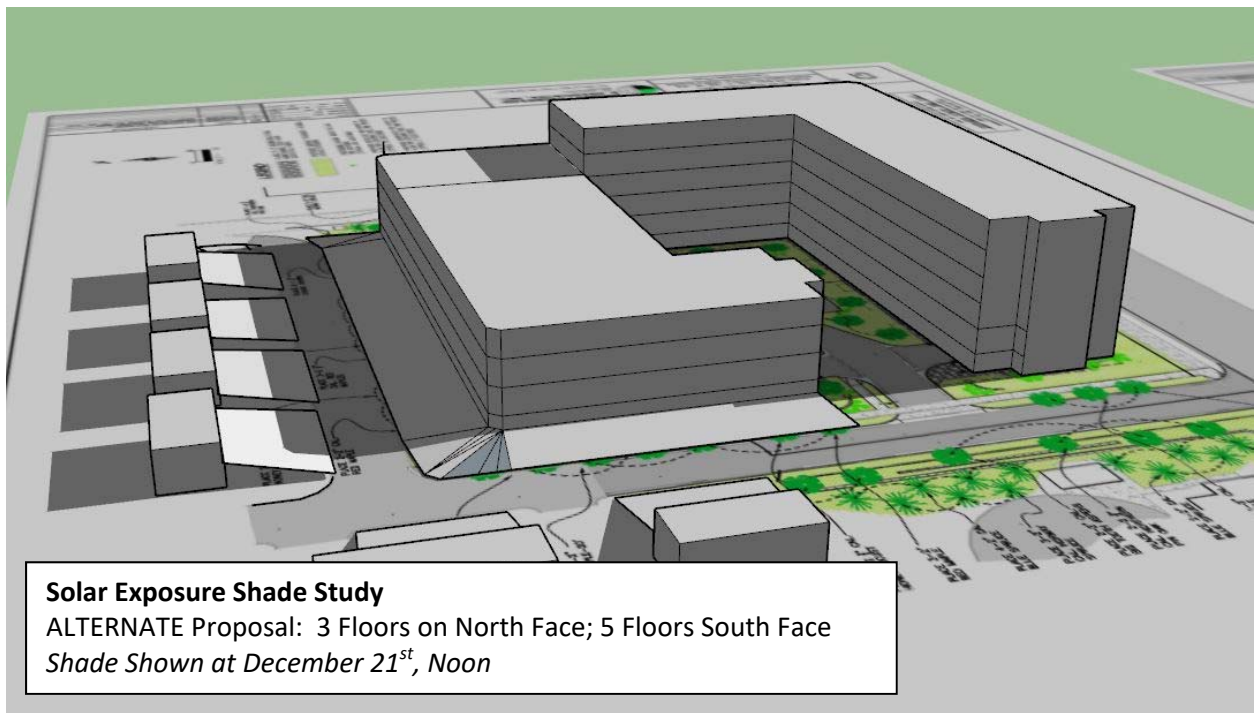
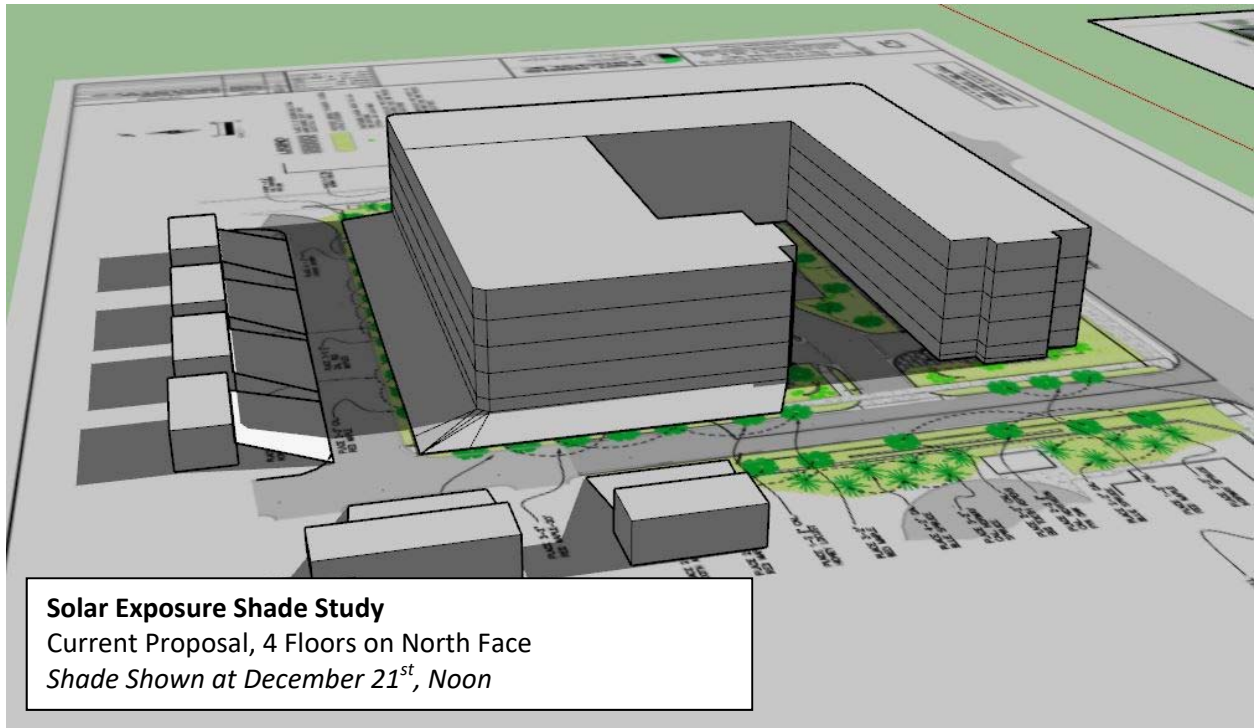
PROPOSED AMENDMENT:

Approve variances as requested if the north and northwest faces of the structure can be lowered to 3 floors IN EXCHANGE FOR allowing 5 floors along 66th street and the eastern side of the building to make up for lost units.

RATIONALE:

Southern solar exposure in the winter months is incredibly important in Minnesota for energy efficiency, road safety, and mental health. Residents along 65th ½ will be shaded up to their front windows of their home for up to 2 months during the winter if 4 floors are allowed along the north and northwest faces. If the building height were lowered to 3 floors on these 2 faces (removing 18-22 units), then the loss in units could be made up on the south and east sides of the building if we allow for 5 floors to make up for lost units. Lowering to 3 floors would allow for more solar access across the majority of the yards during peak hours near the winter solstice. This height change will also reflect city policies that call for 'step-down' architecture wherever possible to make a smoother transition to lower density land uses. It will also be more desirable to future developers and residents of that development if their first floor residents were not bathed in shade for much of the winter.

See next page for shade study examples



AGENDA SECTION:	Public Hearings
AGENDA ITEM #	2.
CASE NO.:	18-VAR-09



PLANNING COMMISSION MEETING 12/10/2018

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director
11/29/2018

ITEM FOR COMMISSION CONSIDERATION:

Conduct a public hearing to consider a request for a variance from sign code requirements at 6601 Penn Avenue South.

EXECUTIVE SUMMARY:

The BP gas station at 6601 Penn Avenue South is located in the Mixed-Use Community and Penn Avenue Corridor Overlay Districts (MU-C/PAC) and has been a service station since the 1950's. This property is on a corner lot of two arterial streets and has two freestanding signs that are 20 feet tall; one on Penn Avenue and one on 66th Street. Rose City Sign, Inc. (Applicant) is proposing to update both signs by changing the gas price panels to dynamic displays. These signs are legally nonconforming and changing the panels to dynamic displays is an intensification of the use, which requires a variance from the City's sign regulations.

The City's sign regulations were modified earlier this year. Under the new regulations, a property in this district is allowed one freestanding sign at a maximum height of 20 feet. Any additional freestanding signs can't exceed 8 feet in height. Additionally, only one dynamic display is allowed per site and there must be a minimum distance of 100 feet between that sign and any residential property. Dynamic displays can't exceed 35% of the sign area and must display a static image that doesn't change or move more than once every 60 seconds. The restrictions for dynamic display signs are intended to minimize potential driver distraction and minimize proliferation in residential districts where signs can adversely impact residential character.

Currently, the sign on 66th Street is legally nonconforming because it is internally lit and does not meet minimum distance requirements from residential property. As shown in the site plan, this sign is approximately 75 feet from the property line of 6606 Oliver Avenue South and approximately 135 feet from the home. It is unclear how visible this sign is from the home as there is a fence and a mixture of mature deciduous and coniferous trees that provide screening. The residential property at 6600 Oliver Avenue South was acquired for public use and removed as part of the 66th Street reconstruction project, and is zoned General Commercial (C-2). In regard to height requirements, the additional sign on Penn Avenue is legally nonconforming since only one 20 foot tall sign is permitted. Both signs have a setback of approximately 1 foot, but changing the price panels to dynamic displays will not impact the setback.

Staff finds that the legally nonconforming status of these two signs, as well as the intended use of the dynamic displays to be unique circumstances that warrant granting a variance. These panels will display a static image and, according to the Applicant, will change approximately once every three days. Additionally, the dynamic displays will be located in the lower portion of the signs, comprising approximately 10% of the sign area, which is well under what is permitted. While adding dynamic display panels is an intensification of use, it is unlikely that this use will have an adverse impact on the surrounding residential character to the east. The

properties to the north, west and south are all commercial. Additionally, 6606 Oliver Avenue South is zoned General Commercial (C-2), although the current use is residential. It is reasonable to provide some flexibility in the intensification of the use and allow the gas price panels on both signs to be changed to dynamic displays as it is consistent with the new technology of how gas stations display and update gas prices.

Finding that the proposal meets all requirements necessary to issue a variance, staff is recommending approval.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Approve a resolution granting a variance at 6601 Penn Avenue South.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

See Executive Summary.

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

6601 Penn Avenue South is zoned Mixed-Use Community and is within the Penn Avenue Corridor Overlay District (MU-C/PAC). Sign requirements are established in Zoning Code Section 549.

The findings necessary to approve a variance are as follows (Subsection 547.11):

1. *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.* Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty. The existing signs are legally nonconforming. It is reasonable to provide some flexibility in the intensification of the existing use to allow the gas price panels on both signs to be changed to dynamic displays. The use of dynamic displays is consistent with the changing technology of how gas stations display gas prices.

2. *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.* This property has operated as a service station for decades and the existing signs are legally nonconforming. The location of this building is unique due to it being on a corner lot with visibility and access from two arterial streets, with a freestanding sign on both frontages.

3. *The variance would not alter the character of the neighborhood or the locality.* Granting a variance to allow dynamic displays will not alter the character of the neighborhood. This property is adjacent to commercial properties to the north, west, and south and there is established screening bordering the residential property to the east. Additionally, the residential property is zoned General Commercial (C-2) but the current use is residential. The existing signs are internally lit and adding dynamic displays will not alter the character of the neighborhood.

4. *The variance is the minimum necessary to alleviate the practical difficulty.* The variance requested is the minimum necessary to allow the property to update their signs.

5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.* The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare.

C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock 'started' when a complete application was received on November 26, 2018. A decision is required by January 25, 2019 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 on November 29 and mailed to properties within 350 feet of the site on .

ALTERNATIVE RECOMMENDATION(S):

Deny the request with a finding that the proposed variance does not meet requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Tammy Westerberg (Rose City Sign, Inc.), Applicant

ATTACHMENTS:

	Description	Type
▣	Resolution	Resolution Letter
▣	Site Plan & Screening	Backup Material
▣	Zoning Map	Backup Material
▣	Letter of Concurrence	Backup Material
▣	Variance Petition	Backup Material

RESOLUTION NO.

RESOLUTION OF THE RICHFIELD PLANNING COMMISSION GRANTING APPROVAL OF A VARIANCE AT 6601 PENN AVENUE SOUTH

WHEREAS, an application has been filed with the City of Richfield which requests approval of a variance on the parcel of land commonly known as 6601 Penn Avenue South (the “property”) and legally described as:

Lot 10, Block 6, Fairwood Park Addition and the north 10 feet of Lot 9, except roads

WHEREAS, Richfield Zoning Code Subsection 509.25, Subdivision 3 states that any nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion; and

WHEREAS, the property owner has filed an application requesting a variance from the Zoning Code Subsection listed above, for the purposes of adding dynamic displays to the existing signs; and

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

WHEREAS, the Planning Commission of the City of Richfield held a public hearing for the requested variance at its December 10, 2018 meeting; and

WHEREAS, notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the subject property; and

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

1. With respect to the application for a variance from the above-listed requirements, the Planning Commission makes the following findings:
 - a. Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty. The existing signs are legally nonconforming. It is reasonable to provide some flexibility in the intensification of the existing use to allow the gas price panels on both signs to be changed to dynamic displays. The use of dynamic displays is consistent with the changing technology of how gas stations display gas prices.
 - b. Unique circumstances affect the property that were not created by the land owner. This property has operated as a service station for decades and the existing signs are legally nonconforming. The location of this building is unique due to it being on a corner lot with visibility and access from two arterial streets, with a freestanding sign on both frontages.
 - c. Granting a variance to allow dynamic displays will not alter the character of the neighborhood. This property is adjacent to commercial properties to the north, west, and south and there is established screening bordering the residential property to the east. Additionally, the residential property is zoned General

Commercial (C-2) but the current use is residential. The existing signs are internally lit and adding dynamic displays will not alter the character of the neighborhood.

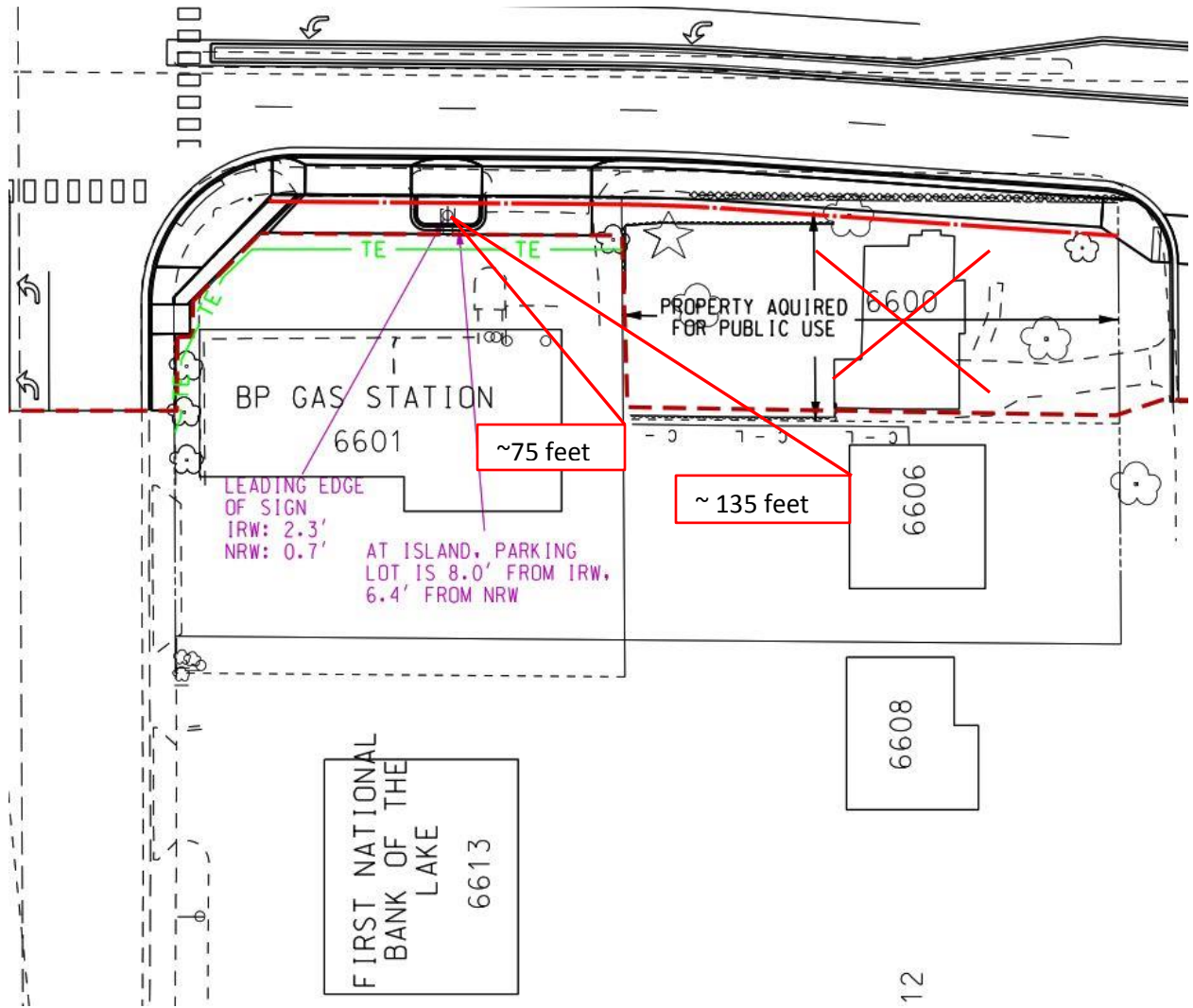
- d. The variance requested is the minimum necessary to allow the property to update their signs.
 - e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare.
2. Based upon the above findings, a variance to the above-specified requirement is hereby approved according to the terms of Richfield City Code Subsection 509.25, Subd. 3 with the following stipulations:
- a) This variance shall apply only to the proposed use of the signs. Modification of that use shall require reconsideration of the sign regulations; and
 - b) The dimensions of the dynamic displays must not exceed the approved size of 4.64 square feet; and
 - c) The recipient of this approval shall record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.11, Subd. 7; and
 - d) This approval shall expire one year from the date of approval unless the use has commenced.

Adopted by the Planning Commission of the City of Richfield, Minnesota this 10th day of December 2018.

Chairperson, Richfield Planning Commission

ATTEST:

Secretary, Richfield Planning Commission



6601 Penn Ave S- Screening Adjacent to Residential Property



6601 Penn Ave S- Location of Existing Signs



6601 Penn Avenue VAR - 12/2018

Surrounding Zoning & Comprehensive Plan

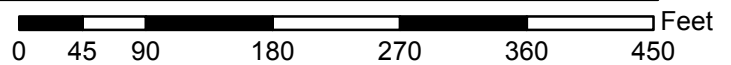


Zoning:

- MU-C - Mixed-Use Community
- PAC - Penn Avenue Corridor Overlay
- C-2 - General Commercial
- MR-3 - High-density residential
- MR-2 - Multi-family residential
- R - Single Family Residential

Comp Plan:

- MIXED - Mixed-Use
- CCO - Community Commercial/Office
- MHD - Medium Density Residential
- LDR - Low Density Residential





CANOPY. ELECTRIC. SIGN. VINYL GRAPHICS.

Per the request of the city of Richfield for the owner of BP, 6601 Penn Ave S, Richfield, MN 55423 to give Rose City Sign, Inc signed written consent:

I Romeo give Rose City Sign Inc, permission to act on my behalf on the Application and Variance with in the city of Richfield, MN.

Signed: 

Date: 11/23/2018

(TOLL FREE)

1-800-594-9451

www.rosecityinc.com

31208 County RD 71, Eagle Bend MN 56446

(FAX)

1-218-738-3187

Variance Petition



Applicant: penn Amoco INC

Address: 6601 penn ave Richfield MN 55423

I am Requesting a Variance to Allow: digital sign

I AM IN FAVOR OF THE PROPOSED VARIANCE:

*Signature (property owners only)	Address (please print clearly)
<i>[Signature]</i>	1015 Rae Dr. Richfield MN 55423
<i>[Signature]</i>	8116 W 66th St Richfield
<i>[Signature]</i>	2112 W. 46th St Richfield
<i>[Signature]</i>	7010 Irving Ave S. Richfield, MN 55423
<i>[Signature]</i>	6401 Logan Ave S Richfield 55423
<i>[Signature]</i>	6529 Newton Ave. S. Richfield, 55423
<i>[Signature]</i>	7238 QUEEN AVE SO RICHFIELD
<i>[Signature]</i>	6108 Logan Ave So Minneapolis
<i>[Signature]</i>	2405 W. 66th St - 55423
<i>[Signature]</i>	6528 Morgan Ave S.
<i>[Signature]</i>	7000 Knox Ave NW
<i>[Signature]</i>	7227 Park Avenue, Richfield
<i>[Signature]</i>	6415 NEWTON AVE SO
<i>[Signature]</i>	6520 OLIVER AVE S APT. 11
<i>[Signature]</i>	7438 46th Ave S Richfield MN

* Signatures may not be removed after the petition is submitted to the City.