

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) ss
)
CITY OF RICHFIELD)

I, Kari Sinning, being the duly qualified city clerk of the City of Richfield, Hennepin County, Minnesota, do hereby certify that the foregoing is a true and exact copy of Resolution No. 11931.

And that the same is on file and on record in my office.

Given under my hand and seal

This 12th Day of January, 2022



Kari Sinning
City Clerk
City of Richfield
Hennepin County, Minnesota

RESOLUTION NO. 11931

**RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN
AND CONDITIONAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT
AT 101 66TH STREET EAST**

WHEREAS, an application has been filed with the City of Richfield which requests approval of a final development plan and conditional use permit for a planned unit development to allow a five-story mixed-use building on the parcel of land located at 101 66th Street East (“subject property”), legally described as follows:

Lots 7 and 8 except the south 50 feet of the west half of Lot 8, Goodspeed’s First Plat, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing at its December 13, 2021 meeting, and a motion recommending approval of the final development plan and conditional use permit failed on a 3-3 vote; Therefore, the Planning Commission did not provide a recommendation on the application; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property on November 30, 2021 and published in the Sun Current newspaper on December 2, 2021; and

WHEREAS, the final development plan and conditional use permit meet those requirements necessary for approving a planned unit development as specified in Richfield’s Zoning Code, Section 542.09, Subd. 3 and as detailed in City Council Staff Report No. 10; 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. 10; 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 a mixed-use development as described in City Council Report No. 10, 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:

- The developer shall cooperative with the owner of 112 E 66th Street to mitigate any reduction in the solar power generation capacity by shading of the building.
- A continuous fence six feet in height shall be constructed along the property line bordering 6616 Stevens Ave S, with the consent and cooperation of the owners of 6616 Stevens. Existing shrubs shall be replaced with similar on the subject property.
- Permitted uses shall include those uses permitted in the Mixed-Use Neighborhood District, except convenience stores. Additionally, the following uses from the Mixed-Use Community District are permitted: offices/clinics, health/athletic clubs, spas, yoga studios and class III restaurants without drive-thru/drive-in service.
- With the consent and cooperation of the property owner at 6615 Stevens Avenue, the developer shall install plantings on the property or boulevard area to mitigate headlight impacts. A boulevard feature permit from Richfield Public Works is required before planting on public right-of-way.
- The existing wood fence abutting the property at 6613 1st Avenue shall be replaced with new fence pickets/panels. Existing fence posts may be reused.
- Final landscaping plans must be approved by the Community Development Department prior to installation.
- If a restaurant tenant is installed, odor control systems are required to mitigate cooking odors in accordance with City Code Subsection 544.27.
- Commercial doors facing 66th Street and 1st Avenue shall not be locked during business hours.
- Signage on the south and east building facades shall not be lit between the hours of 10:00 p.m. and 6:00 a.m., except any signage related to underground parking or resident entry. Large-scale wall or projecting signage shall not be used on the south or east elevation.
- Final details for bicycle parking stalls for internal and external shall be submitted prior to issuance of a building permit.
- All parking spaces shall remain available year round.
- Sidewalks must be installed to the south property line along both 1st and Stevens Avenues; and must comply with City Standards and Specifications.
- All new utility service must be underground.
- All utilities must be grouped away from public right-of-way and screened from public view in accordance with Ordinance requirements in manner consistent with the submitted landscaping plan.
- The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans.
- The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated November 18, 2021 and compliance with all other City and State regulations.
- Separate sign permits are required.
- A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.

- 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.
 - Final stormwater management plan must be approved by the Public Works Director. Infiltration not allowed in high-vulnerability wellhead protection area.
 - As-builts or \$7,500 cash escrow must be submitted to the Public Works Department prior to issuance of a final certificate of occupancy.
 - The Public Works Department will monitor traffic counts and patterns following completion of the development.
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 January 2022.



Maria Regan Gonzalez, Mayor

ATTEST:



Kari Sinning, City Clerk