



**PLANNING COMMISSION MEETING
VIRTUAL MEETING VIA WEBEX
MARCH 28, 2022
7:00 PM**

Call to Order

Approval of the Minutes

- Approval of the February 28, 2022, regular meeting minutes

Open Forum: Opportunity for the public to address the Commission on items not on the Agenda. To share during a meeting call in live 612-861-0651*

Agenda Approval

1. Approval of the Agenda

Public Hearings

Public hearing to consider a request for a site plan approval and a variance for a daycare, take-out restaurant, and event space at 6436 Penn Avenue South.

Staff Report No. 11

Public hearing to consider a request for an amended Planned Unit Development, Final Development Plan and Conditional Use Permit to allow a micro-brewery and brewpub/taproom at 6402 Lyndale Avenue South.

Staff Report No. 12

Liaison Reports

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

City Planner's Reports

2. City Planner's Report

3. Next Meeting Time and Location

- Work Sessions on April 12, 2022 at 6:00 pm in the Bartholomew Room; and April 18, 2022 at 6:00 pm in Bartholomew Room
- Regular meeting on April 25, 2022 at 7:00 pm in Council Chambers

4. 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 612-861-9789.

***Complete information on how to share comments or questions with the Planning Commission, see our Agendas and Minutes page**

https://www.richfieldmn.gov/city_government/planning_commission/agendas_and_minutes.php



Planning Commission Minutes

February 28, 2022

MEMBERS PRESENT: Chair Kathryn Quam, Commissioners Brendan Kennealy, Brett Stursa, Eddie Holmvig-Johnson, James Rudolph, Benjamin Surma, and Gordon Hanson

MEMBERS ABSENT: None.

STAFF PRESENT: Melissa Poehlman, Community Development Director; Nellie Jerome, Assistant Planner

OTHERS PRESENT: Representatives from Kruse Market for item #2, Representatives from Partnership Academy for Item #3,

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

Chairperson Quam introduced the three new Planning Commissioners.

APPROVAL OF MINUTES

M/Stursa, S/ Holmvig-Johnson to approve the minutes of the January 24, 2022, Planning Commission meeting.

Motion carried: 7-0

OPEN FORUM

Comments regarding parking concerns at the proposed Benefactor Brewery were received from Ann and Doug Sewich at 6324 Aldrich Ave.

APPROVAL OF AGENDA

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

Motion carried: 7-0

OTHER BUSINESS

ITEM #1 - Election of Planning Commission Chairperson, Vice-Chairperson and Secretary. Assistant Planner Nellie Jerome presented the staff report.

M/Quam, S/Hansen to elect Commissioner James Rudolph as chairperson

Motion carried: 7-0

M/Rudolph, S/Stursa to elect Commissioner Quam as vice-chairperson

Motion carried: 7-0

M/Stursa, S/Quam to elect Commissioner Kennealy as secretary

Motion carried: 7-0

ITEM #2 - Appointment of liaisons to the City Council, Community Services Advisory Commission, Housing and Redevelopment Authority, School Board, Transportation Commission, Chamber of Commerce, and Sustainability Commission. Assistant Planner Jerome presented the staff report.

City Council: Commissioner Quam

Community Services Advisory Commission: Commissioner Rudolph

Housing and Redevelopment Authority (HRA): Commissioner Stursa
Richfield School Board: Commissioner Holmwig-Johnson
Transportation Commission: Commissioner Surma
Chamber of Commerce: (vacant)
Sustainability Commission: Commissioner Kennealy

ITEM #3 - Review of the Planning Commission Bylaws. Assistant Planner Jerome presented the staff report. No changes were proposed.

PUBLIC HEARINGS

ITEM #4 - Public hearing to consider a request for a Conditional Use Permit to allow a Class III restaurant (fast food/convenience restaurant) at 4 - 66th Street East (Richfield Shoppes). Assistant Planner Nellie Jerome presented the staff report, and the applicant team was present and spoke about their excitement to open the proposed La Michoacana Tasty restaurant. Commissioners asked about curbside pick-up, liquor licenses, and the role of Conditional Use Permits in land use approvals.

M/Hanson, S/ Holmwig-Johnson to close the Public Hearing.
Motion carried: 7-0

M/ Holmwig-Johnson, S/Surma to recommend approval of a Conditional Use Permit to allow a Class III restaurant (fast food/convenience restaurant) at 4 - 66th Street East (Richfield Shoppes).
Motion carried: 7-0

ITEM #5 - Public hearing to consider a variance request for more impervious surface coverage than allowed by the Zoning Code at 6500 Logan Avenue South. Assistant Planner Nellie Jerome presented the staff report, and the homeowner was present and spoke about his request. Commissioners discussed unique circumstances and setting precedents with regard to variance approvals. Commissioners asked about variance approval requirements and staff confirmed that all requirements would need to be met in order to consider approval of a variance.

M/Quam, S/Hanson to close the Public Hearing.
Motion carried: 7-0

The applicant spoke about the practical difficulties of the proposed swimming pool and impervious surface, and the provision to have a survey done as a condition. Commissioner Stursa noted that she could not find all requirements for variance approval met in this case.

M/ Holmwig-Johnson, S/Stursa to deny a variance request for more impervious surface coverage than allowed by the Zoning Code at 6500 Logan Avenue South.
Motion carried: 4-2 (Commissioners Surma and Rudolph vote to deny, Commissioner Hanson abstained)

LIAISON REPORTS

Community Services Advisory Commission: no report
City Council: (vacant)
Housing and Redevelopment Authority (HRA): No report
Richfield School Board: (vacant)

Transportation Commission: No report
Chamber of Commerce: (vacant)
Sustainability Commission: (vacant)

PLANNER'S REPORT

Work sessions are planned for March 8, April 25, and April 26.

ADJOURNMENT

The next regular meeting is scheduled for Monday, March 28, 2022, at 7pm, via Webex virtual meeting.

M/Kennealy, S/Stursa to adjourn the meeting.

Motion carried: 7-0

The meeting was adjourned by unanimous consent at **8:36 p.m.**

Planning Commission Secretary



PLANNING COMMISSION MEETING

3/28/2022

REPORT PREPARED BY: Nellie Jerome, Assistant Planner

DIRECTOR REVIEW: Melissa Poehlman, Community Development Director

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for a site plan approval and a variance for a daycare, take-out restaurant, and event space at 6436 Penn Avenue South.

EXECUTIVE SUMMARY:

Southdale Event Center (Applicant) is proposing a new event space, daycare facility, and take-out restaurant at 6436 Penn Avenue South. The property is zoned Mixed Use – Community (MU-C) with Penn Avenue Corridor (PAC) overlay. All three proposed uses are permitted in this zoning district. A site plan review is required in this case because the use of the property is changing.

The proposed event center would have a maximum capacity of 127 people and the hours of operation will not overlap with the daycare or take-out hours. Considering the separate operating hours, the total parking requirement for the site, with requested transit and bike parking reductions, is 37 spaces. Due to the layout of the property, only 19 spaces are available on-site (51% of the required parking). The Applicant will be providing 20 bike spaces and the property is also on a high-frequency bus route.

The Applicant is requesting a variance to the minimum number of required spaces, but has been working with a property owner across the street to secure additional parking spaces through a lease agreement.

Staff is recommending denial of the requested variance based the fact that the application does not meet all criteria required for approval of a variance, as described in the attached Required Findings document. Shared parking under the joint use parking rules in the Zoning Code is an alternative possibility, should the Applicant find off-street parking nearby that can be secured long-term with a covenant. Staff is recommending approval of the site plan with a condition that long-term auto parking is secured ahead of building permit approvals.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of a proposed site plan and denial of a variance at 6435 Penn Avenue South.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

This property was granted a conditional use permit and parking variance for a fast food restaurant and office space in 2017 (Resolution #11376, attached). The circumstances of this parking variance approval were significantly different from the request presented here. The City determined that the amount of parking required by the Zoning Code was not needed based on the nature of the proposed office and

fast food uses at that time.

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

- Zoning Code section 547.13 establishes requirements for Site Plan Review.
- Zoning Code Section 544.13: Vehicle parking and loading requirements, Subdivision 6, established requirements for parking minimums based on the use of the property. Daycares require 1 space per 5 enrollees, for a total of 12 spaces. Take-out restaurants require 1 space per 25 square feet of customer area, for a total of 6 spaces. Event centers are similar to places of worship and/or assembly which require 1 space per 3 seats for a total of 43 spaces.
- Zoning Code Section 544.13: Vehicle parking and loading requirements, Subdivision 11, established rules for joint parking facilities.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The 60-day clock started when a complete application was received on March 14, 2022. The Applicant requested an extension for Council consideration, and a decision is required by May 13, 2022, 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 the public hearing was published in the Sun Current newspaper on March 17, 2022, and was mailed to properties within 350 feet of the site.
- Council consideration of these applications has been tentatively scheduled for April 12, 2022.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the proposed site plan with additional and/or modified stipulations.
- Recommend denial of the proposed site plan with a finding that the proposal does not meet City requirements.
- Recommend approval of the proposed variance with a finding that all required criteria are met

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representatives from Southdale Event Center

ATTACHMENTS:

| Description | Type |
|--------------------------------------|-------------------|
| □ Resolution | Resolution Letter |
| □ Required Findings | Backup Material |
| □ Property Survey | Backup Material |
| □ Site Plan | Backup Material |
| □ Shared Parking layout | Backup Material |
| □ CUP and Variance Resolution (2017) | Backup Material |
| □ Zoning Map | Backup Material |

RESOLUTION NO. _____

**RESOLUTION APPROVING A SITE PLAN AND
DENYING A VARIANCE FOR OFF-STREET PARKING
FOR A DAYCARE, TAKE-OUT RESTAURANT,
AND EVENT SPACE AT 6436 PENN AVENUE SOUTH.**

WHEREAS, an application has been filed with the City of Richfield which requests approval of proposed site plan and off-street parking variance for a daycare, event venue, and take-out restaurant, located at 6436 Penn Avenue South, property legally described as:

THAT PART OF THE NORTH 115.9 FEET OF THE SOUTH 270.9 FEET OF
THE EAST 167 FEET OF LOT 1, RICHFIELD GARDENS, WHICH LIES SOUTH
OF THE NORTH 354.5 FEET OF SAID LOT 1, HENNEPIN COUNTY,
MINNESOTA

WHEREAS, the Planning Commission of the City of Richfield held a public hearing at its March 28, 2022 meeting and recommended approval of the requested site plan review and denial of a variance; and,

WHEREAS, Zoning Code section 544.13, Subdivision 6, established a minimum number of required off-street parking spaces for the intended uses at the property, which totals 43 spaces for this property; and

WHEREAS, Zoning Code section 544.13, Subdivision 8, allows a reduction of 5% of the number of required off-street parking spaces for excess bike parking (4 bicycle spaces is equivalent to 1 parking space) and 10% for proximity to transit (any parcel which is located within 1/4 mile of a frequently operating transit line), totaling 37 required off-street parking spaces; and,

WHEREAS, the on-site parking spaces provided at the property totals 19; and,

WHEREAS, Zoning Code section 544.13, Subdivision 11, requires that the joint use of shared parking facilities shall be protected by covenants that run with the lots housing all the joint users; and,

WHEREAS, a variance to the minimum number of off-street parking of spaces is requested, and Subsection 547.11 of the Zoning Code states that a variance may only be granted when all required criteria are met; and,

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property and published in the Sun Current newspaper on March 17, 2022; and,

WHEREAS, the City has fully considered the request for site plan approval and variance for off-street parking; 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. The approved site plan is 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.
 - Prior to the issuance of building permits, the applicant shall obtain shared parking covenants that satisfy the minimum amount of required off-street parking. The covenant shall be associated with an off-street parking area within 500 feet of the property, as measured along an established path of travel between the parking area and the main entrance, unless shuttle service is provided, per Zoning Code section 544.13, Subdivision 12. These covenants shall be reviewed by the City Attorney and the document containing the covenants shall be recorded with the County.
 - Department of Human Services license is required requirements before a Certificate of Occupancy may be granted.
 - Parking lot must be patched/resurfaced and restriped before a Certificate of Occupancy may be granted.
 - All rooftop or ground mechanical equipment must be screened, per Zoning Code Section 544.05.
 - Bike racks shall be installed with adequate spatial dimensions.
 - Separate sign permits are required for each sign.
 - All properties that contain cooking apparatus which necessitates the installation of a Type 1 Ventilation Hood (as required by State Building Code) and that are adjacent to residential properties shall mitigate odors with professionally-designed odor control remedies.
 - All required parking spaces shall remain available year round and shall not be used for snow storage.
 - A minimum of 20 bike parking spaces are required to be eligible for the 5% reduction in required off-street auto parking spaces.
 - 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 March 10, 2022, and compliance with all other City and State regulations.
 - A surety equal to 125% of the value of any improvements not yet complete must be submitted to the City before a Certificate of Occupancy may be granted.

3. The approved site plan 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, as required by the Zoning Ordinance, Section 547.13, Subd. 9.
4. With respect to the application for a variance from the above-listed requirements, the Planning Commission makes the following findings:
 - Strict enforcement of the Zoning Code subsection listed above would not cause a practical difficulty. Economic considerations alone do not constitute practical difficulties. The applicant is establishing an allowed use in an existing building but does not have access to enough on-site parking spaces to satisfy the minimum requirement. The applicant may acquire spaces at a nearby property, with a covenant, per joint parking rules.
 - No unique circumstances apply to the property which does not apply generally to other properties in the MU-C/PAC district, or in the vicinity of Penn Avenue.
 - The applicant caused the circumstances that led to the variance request, in choosing to propose an event center at a space without adequate parking.
 - The variance requested is not in harmony with the intent of the Zoning Ordinance. Adequate parking is required for the proposed uses, and shared parking may be found nearby, per joint parking rules in the Zoning Code.
 - Based on the foregoing findings, the application for a variance to the required minimum amount of off-street parking is denied.

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of April, 2022.

ATTEST:

Maria Regan Gonzalez, Mayor

Kari Sinning, City Clerk

Required Findings

Part 1 - Site Plan Approval (Subsection 547.13) In evaluating a site plan, the Planning Commission and Council shall consider its compliance with the following:

- a) *Consistency with the various elements and objectives of the City's long range plans including, but not limited to, the Comprehensive Plan.*
The proposed uses are consistent with the long-range plans and comprehensive plan.
- b) *Consistency with the purposes of the Zoning Code.*
The proposed uses are consistent with the Zoning Code and are allowed in the zoning district.
- c) *Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas.*
There are no proposed changes to the exterior of the property.
- d) *Creation of a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development.*
The proposed uses are harmonious to the nearby existing and future buildings, and there are no proposed changes to the exterior of the property.
- e) *Creation of a functional and harmonious design for structures and site features including:*
 - i. *Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors, and the general community;*
The property provides a generally desirable environment in the context of the area.
 - ii. *Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development;*
There is good design and function of open space at this property, in the context of the area.
 - iii. *Appropriateness of the materials, textures, colors and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions;*
Details of construction are compatible to the area, no there are no proposed changes to the exterior of the property
 - iv. *Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.*
This is a small site, and there is adequate bike parking and pedestrian areas proposed, but there is not enough parking for the proposed uses. The applicant will need to secure additional parking before any building permitd will be granted. The issue of parking is discussed in Part 2, below.
- f) *Creation of an energy-conserving design through design location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials*

and site grading.

No exterior structures are proposed to change.

- g) *Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.*

There are no exterior changes and no negative aspects of the design are expected to affect neighboring properties.

Part 2 - Variances:

- a) *There are "practical difficulties" that prevent the property owner from using the property in a reasonable manner.*

The applicant is establishing an allowed use in an existing building but does not have access to enough on-site parking spaces to satisfy the minimum requirement. The applicant may acquire spaces at a nearby property, with a covenant, per joint parking rules.

- b) *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.*

No unique circumstances apply to the property which does not apply generally to other properties in the MU-C/PAC district, or in the vicinity of Penn Ave. The applicant caused the circumstances that led to the variance request, in choosing to propose an event center at a space without adequate parking.

- c) *The variance would not alter the character of the neighborhood or the locality.*

The variance would affect the surrounding neighborhood as event attendees would likely find spill over parking on residential streets or at nearby properties.

- d) *The variance is the minimum necessary to alleviate the practical difficulty.*

There is no practical difficulty, as discussed in part a.

- e) *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.*

The variance requested is not in harmony with the intent of the Zoning Ordinance.

Adequate parking is required for the proposed uses at this site, and shared parking may be found nearby per joint parking rules in the Zoning Code.



SITE NAME: RICHFIELD
SWEDIN PROPERTIES

PROJECT ADDRESS
**6436 Penn Ave S
Richfield MN 55423**

ALTA/NSPS Land Title Survey

BASED UPON TITLE COMMITMENT NO. 59184
OF CHICAGO TITLE INSURANCE COMPANY
BEARING AN EFFECTIVE DATE OF SEPTEMBER 20, 2021 @ 7:00 A.M.

To Charis Properties, LLC, a Minnesota limited liability company; Swedin Properties Inc.; Chicago Title Insurance Company and Commercial Partners Title:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10, 13, 14, 16, 17, 18 and 19 of Table A thereof.

The fieldwork was completed on October 28, 2021.

Doug Huhn
Registration No. 43808 - In the State of Minnesota
Registration No. 7131 - In the State of North Dakota

| | | |
|----------------------------------------------|------------------------|----------------------------------------|
| DATE OF FIELD WORK: <u>October 28</u> , 2021 | JOB NO: <u>2021325</u> | HORIZONTAL DATUM: <u>NAD83 2011ADJ</u> |
| DATE OF MAP: <u>November 11</u> , 2021 | DRAFTED BY: <u>CRM</u> | Hennepin County |
| REVISION: _____ DATE _____, 20 | CHECKED BY: <u>DSH</u> | VERTICAL DATUM: <u>N/A</u> |
| REVISION: _____ DATE _____, 20 | | |

Commitment Legal Description

The Land is described as follows:

That part of the North 115.9 feet of the South 270.9 feet of the East 167 feet of Lot 1, Richfield Gardens, which lies South of the North 354.5 feet of said Lot 1.

Hennepin County, Minnesota
Abstract Property

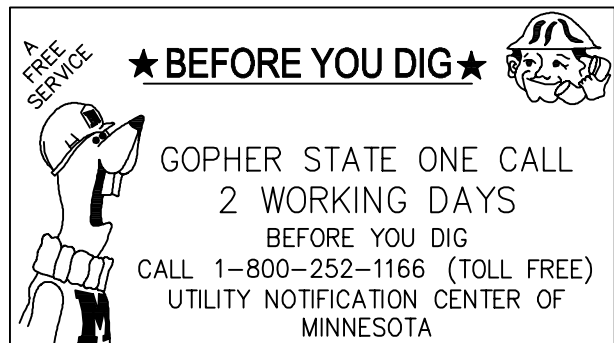
THE ABOVE DESCRIPTION DESCRIBES THE SAME PROPERTY AS IN TITLE COMMITMENT FILE NO. 59184 OF CHICAGO TITLE INSURANCE COMPANY DATED SEPTEMBER 20, 2021.

Containing 0.44 Acres, more or less.
Containing 19,194 Sq. Ft., more or less

Notes Corresponding to Schedule B

9 Terms and conditions of and easements contained in Deed of Appurtenant Easement dated February 15, 1954, filed February 25, 1954, as Document No. 2861432 in Book 1990 of Deeds, Page 353. (PLOTTED, SHOWN HEREON)

12 Terms and conditions of Resolution No. 20-0373R2 adopted October 20, 2020, filed October 26, 2020, as Document No. A10853594. (NOT PLOTTED, NO PLOTTABLE SURVEY RELATED ITEMS)



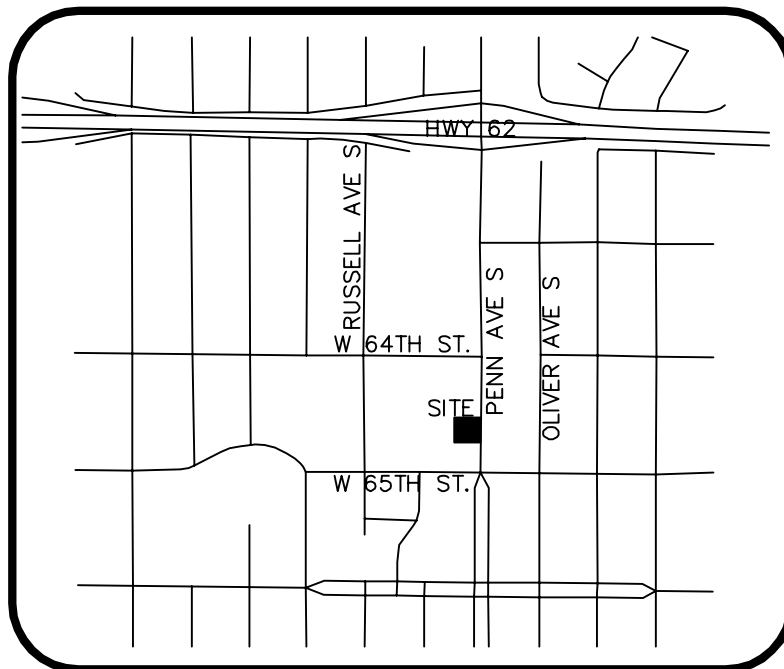
Utility Notes

NO UNDERGROUND UTILITIES HAVE BEEN LOCATED AS PART OF THIS SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. PLEASE CONTACT GOPHER STATE ONE CALL TO HAVE THE UNDERGROUND UTILITIES PHYSICALLY LOCATED ON THE GROUND.

FLOOD NOTE: By graphic plotting only, this property was found to be located within Flood Zone(s) X of the Flood Insurance Rate Map, Community Panel No. 27053C0368F, which bears an effective date of 11/04/2016 and is not in a Special Flood Hazard Area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or an application for a variance from the Federal Emergency Management Agency.

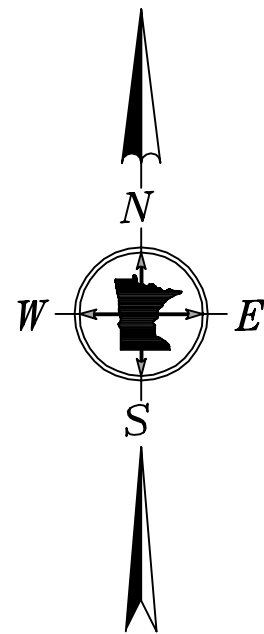
Surveyor's Notes

- At the time of this survey, there was no observable surface evidence of earth moving work, building construction or building additions within recent months.
- At the time of this survey, there was no observed evidence of substantial areas of refuse.
- At the time of this survey, there was no observable evidence of any recent changes in street right-of-way lines either completed or proposed, and available from the controlling jurisdiction.
- At the time of this survey, there was no observable evidence of any recent street or sidewalk construction or repairs.
- Property has direct physical access to Penn Ave S being a publicly dedicated and maintained Right-of-Way.
- Based on observed evidence only the site does not contain any cemeteries or burial grounds.
- Orientation of this bearing system is based on the Hennepin County Coordinate System NAD83 2011adj.
- Subsurface buildings, improvements and/or Environmental issues may exist on site that we were not made aware of and therefore were not examined or considered during the process of this survey.
- Adjoining ownership information shown hereon was obtained from the Hennepin County Parcel Information website. Ownership information is subject to revision upon receipt of a title search by a title insurance company.
- All statements within the certification, and other references located elsewhere here on, related to: utilities, improvements, structures, buildings, party walls, parking, easements, servitude's, and encroachments; are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.
- This survey meets or exceeds the survey standards/standards of care as set forth in section 3 of the 2021 ALTA/NSPS survey requirements.
- Building areas shown hereon are to the footprint of the building only.
- There is a possible airgap between the two buildings that was closed off with brick on the east and west side and covered with a rubber membrane on the roof. This assumption is based on the extension of the subject property building and the adjoining property building and their 2nd story wall limits. This possible airgap could also only be in the area of the 2 story portion of the building.



Vicinity Map

(Not to Scale)



GRAPHIC SCALE

(IN FEET)

Significant Observations

THIS IS A LISTING OF OBSERVED IMPROVEMENTS THAT CROSS DEED LINES. THIS IS NOT A STATEMENT OF OWNERSHIP OR POSSESSION.

- ADJOINING PROPERTY TO THE NORTH 2ND STORY OVERHANG FALLS UP TO 1.7 FEET ON TO SUBJECT PROPERTY.
- OVERHEAD UTILITY LINE RUNNING NORTHWESTERLY ACROSS SUBJECT PROPERTY TO ADJOINING PROPERTY FROM THE POWER POLE IN THE RIGHT OF WAY WITHOUT THE BENEFIT OF AN EASEMENT.
- SINGLE WIRE APPEARS TO BE COMMUNICATION LINE FOR SUBJECT PROPERTY CROSS FROM POWER POLE ON PROPERTY TO THE SOUTH WITHOUT THE BENEFIT OF AN EASEMENT.

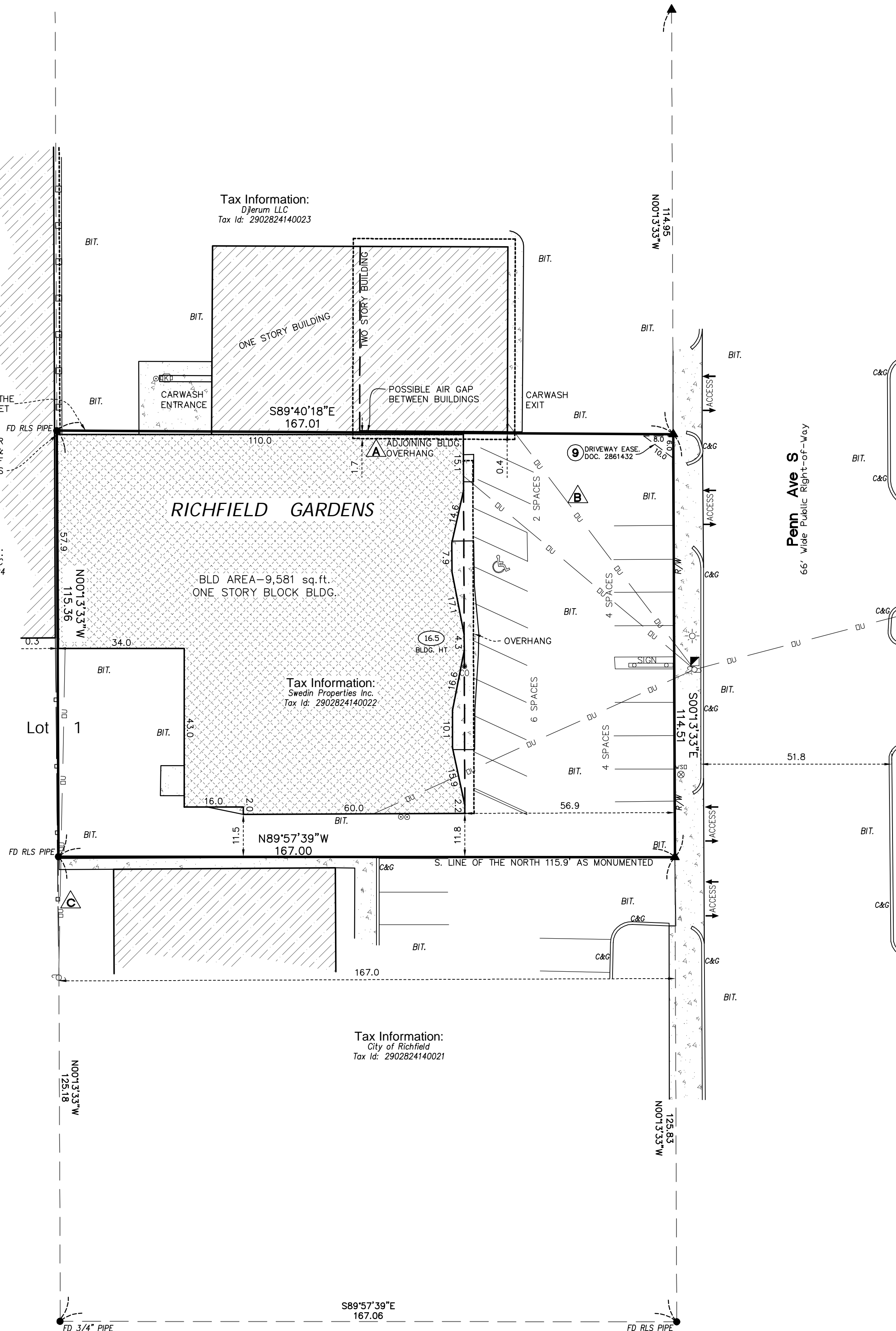
Zoning Information

ZONING INFORMATION NOT PROVIDED BY THE CLIENT AT TIME OF SURVEY.

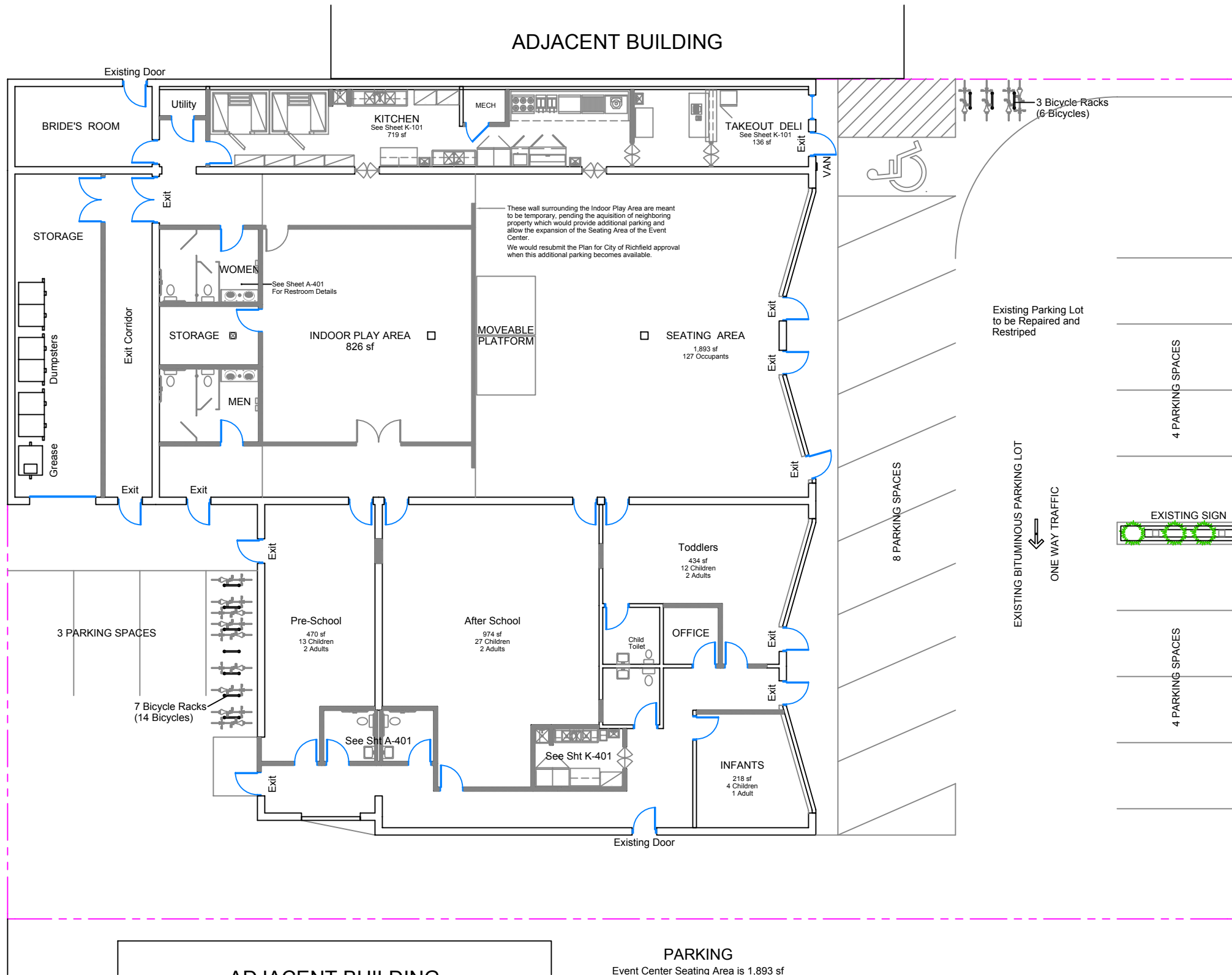
Standard Legend

- BIT. Bituminous Surface
- C&G Curb & Gutter
- Light Pole
- Water Shut-Off / Curb Stop
- Communications Pedestal
- Bollard Post
- Key Pad
- Utility Pole
- Found Iron Pipe
- Found P.K. Nail
- Building Foot Print
- Adjoining Property Building Foot Print
- Concrete Surface
- Wood Panel Fence
- Guard Rails
- Overhead Line

| PARKING SPACE TABLE | |
|--------------------------|-----------------|
| TYPE | SPACES PROVIDED |
| STANDARD | 16 |
| HANDICAP | 1 |
| TOTAL SPACES - 17 SPACES | |



West 65th Street



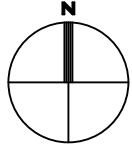
ADJACENT BUILDING

ADJACENT BUILDING

PARKING
Event Center Seating Area is 1,893 sf
1,893 @ 15sf per Occupant = 126.2 or 127 Occ
127 / 3 = 42.3 or 43 Parking Spaces
43 x 10% Credit = 4.3 or 5 Spaces (Bus Line)
42.3 - 6.3 = 36 Parking Spaces
20 @ 6436 + 16 @ 6433 = 36 Spaces
4 Bike Spaces (Takeout) 12 Bike Spaces (Event)=16 Bike Spaces Req'd
We Provide 20 Bike Spaces for 2 Parking Credits
43 Spaces - 5 and -2 = 36 Spaces
20 Spaces are Provided on Our Property and 16 Contracted Spaces
To Expand the Seating to our Full Capacity will Require 35 More Spaces

LEGEND
— Indicates Existing Walls to Remain
--- Indicates Walls to be Removed
— Indicates New Walls
3 5/8" Metal Studs 16" o.c. with
5/8" Type "X" Fire-rated Gypsum
Board Both Sides and Finish as
Selected by Owner

SCALE: 1/8" = 1'-0"
0 2 6 12 20'
0 2 4 6m



JIM MACKEY
ARCHITECT
1723 LAFOND AVENUE
SAINT PAUL, MN 55104
PHONE/FAX 651-644-0869
E-MAIL jim.mack@q.com

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 Minnesota.

JAMES A. MACKEY

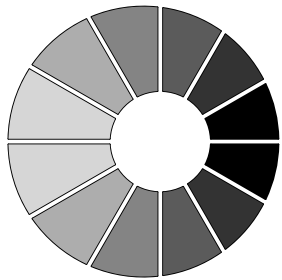
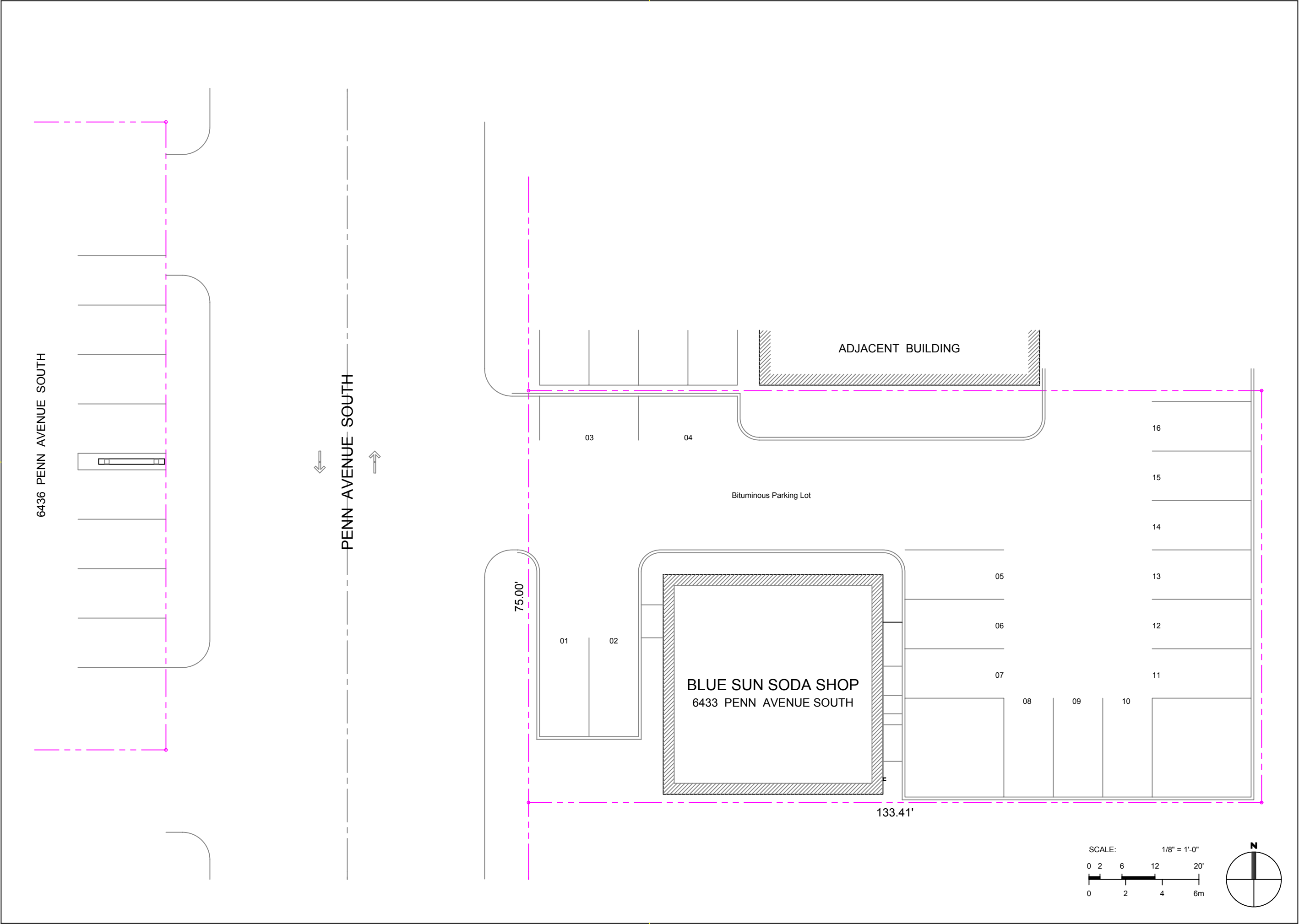
Date: _____ Lic. No. 23018

PROJECT NO: 22.02.01

ISSUE DATE:
18 FEB 22
22 FEB 22
23 FEB 22
12 MAR 22

SOUTHDAL E V E N T C E N T E R
6436 PENN AVENUE SOUTH
RICHFIELD , MINNESOTA 55423
PIN: 29-028-24-14-0022
PROJECT AREA: 9,558 sf
YEAR CONSTRUCTED: 1956
FLOOR PLAN - PROPOSED

A 102



DISEÑOS

2335 RHODE ISLAND AVE S
ST LOUIS PARK , MN 55426
DISENOS@ParkAtelier.com
T 612 . 309 . 1234

J W McELMURY © MMXXII

| | |
|-------------|-----------|
| PROJECT NO: | 22.02.01 |
| ISSUE DATE: | 19 MAR 22 |
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SOUTHDALE EVENT CENTER

6433 PENN AVENUE SOUTH
RICHFIELD , MINNESOTA 55423
PIN: 28-028-24-23-0008
PROJECT AREA: 10,006 sf Property - 1,600 sf Building
YEAR CONSTRUCTED: 1953

SITE PLAN SHARED PARKING

RESOLUTION NO. 11376

**RESOLUTION APPROVING A
CONDITIONAL USE PERMIT AMENDMENT AND VARIANCE
FOR A RESTAURANT
AT 6436 PENN AVENUE**

WHEREAS, an application has been filed with the City of Richfield which requests approval of a conditional use permit amendment and variance to allow a Class III (fast food / convenience) restaurant at property commonly known as 6436 Penn Avenue and legally described as follows:

That part of the north 115.9 feet of the south 270.9 feet of the east 167 feet of Lot 1, RICHFIELD GARDENS which lies south of the north 354.5 feet of said Lot 1, Hennepin County, Minnesota

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit and variance at its June 26, 2017 meeting; and

WHEREAS, notice of the public hearing was published in the Sun Current on June 15, 2017 and mailed to properties within 350 feet of the subject property on June 13, 2017; and

WHEREAS, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit as specified in Richfield's Zoning Code, Subsection 547.09 and as detailed in City Council Staff Report No. 118; and

WHEREAS, the Zoning Code states that off-street parking for Class III (fast food / convenience) restaurants shall be provided at a ratio of 17 spaces per 1,000 square feet of gross floor area and for wholesale businesses at a ratio of 1 space per 800 square feet of gross floor area, Subsection 544.13, Subd. 6; 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 their enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, the City has fully considered the request for approval of the conditional use permit;

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

1. The City Council makes the following general findings:
 - a. The Property is zoned Mixed Use Community (MU-C).
 - b. The Zoning Code states that off-street parking for Class III (fast food / convenience) restaurants shall be provided at a ratio of 17 spaces per 1,000 square feet of gross floor area and for wholesale businesses at a ratio of 1 space per 800 square feet of

gross floor area. 17 spaces are available on site. A variance from Subsection 544.13, Subd. 6 is necessary.

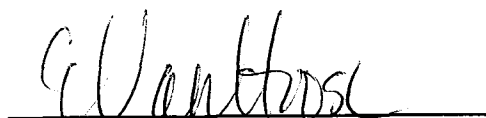
2. With respect to the application for a variance from the above-listed requirements, the City Council makes the following findings:
 - a. Parking requirements are based on square footage. Subway plans to occupy 1,500 square feet of the building, while the remaining 8,000 square feet would be occupied by the building's owner, Dynamic Products Midwest (DPM). The parking requirement for Class III (fast food / convenience) restaurants is 17 spaces per 1,000 square feet of gross floor area and the requirement for wholesale businesses is 1 space per 800 square feet of gross floor area. After factoring in a 10 percent reduction for proximity to public transit service, the total parking requirement is 33 spaces (23 for Subway and 10 for DPM.) 17 spaces are available on the property and no space exists to create additional parking.
 - b. Unique circumstances apply in that DPM has only 12 total employees, several of whom work off site entirely or are dispatched in the field most of the day. Much of the building is used as storage for their equipment and products. While the area behind the building cannot officially be counted as parking spaces due to non-compliant access aisle and stall dimensions, DPM allows up to 5 employees to park in that area, reducing pressure on the available spaces in the parking lot. Furthermore, the City's parking requirements for fast food restaurants are much higher than Subway's own requirement of 12 spaces for a 1,500 square foot restaurant (1 space per 125 square feet.)
 - c. Granting the requested variance will not alter the character of the neighborhood or locality. Given the existing usage of the building, staff does not anticipate that shortages will occur. This location is in close proximity to a concentration of apartments and businesses. It is reasonable to assume that some percentage of customers and employees will choose to walk rather than drive.
 - d. The variance requested is the minimum necessary to alleviate the practical difficulty. Space is not available to create additional parking.
 - e. The proposed variance does not conflict with the purpose or intent of the Ordinance or Comprehensive Plan.
3. Based on the above findings, a variance is hereby approved to reduce the off-street parking requirement for the Subject Property to 17 spaces.
4. A conditional use permit is issued to allow a Class III (fast food/convenience) restaurant, as described in City Council Staff Report No. 118, on the Subject Property legally described above.
5. This conditional use permit is subject to the following conditions in addition to those specified in Section 547.09 of the City's Zoning Ordinance:
 - That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.09, Subd. 8. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of an occupancy permit.
 - The proposed interior trash room must meet all Building/Health Codes.

- The parking lot must be patched/resurfaced and restriped, including a striped connection from the sidewalk to the accessible loading/aisle space prior to the issuance of an occupancy permit.
 - Awning(s) shall be installed across the entire building façade. Sign permits are required for any signs greater than 6 square feet in area, including awning signage.
 - Bicycle parking must be provided, in accordance with Zoning Code Section 544.17.
 - The remaining space in the building may not be used by another restaurant.
 - All rooftop or ground mechanical equipment must be screened, per Zoning Code Section 544.05.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated June 5, 2017, and compliance with all other City and State regulations.
 - Prior to the issuance of an occupancy permit, the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.
6. The conditional use permit and variance shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
7. This 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 City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 8th day of August 2017.


Pat Elliott, Mayor

ATTEST:

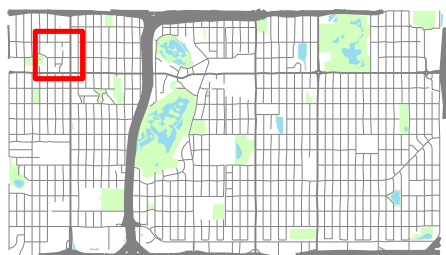
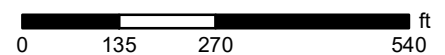
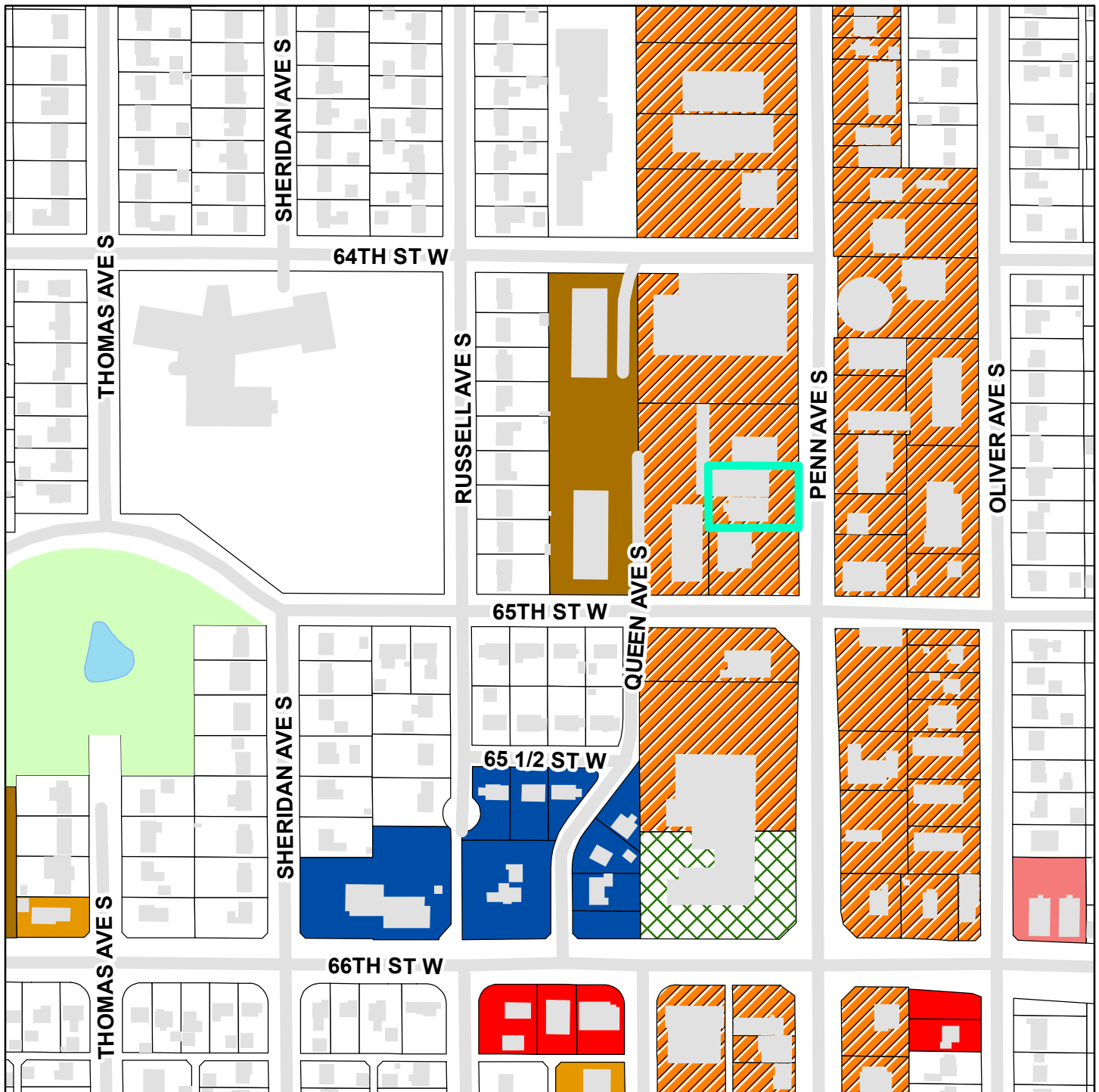

Elizabeth VanHoose, City Clerk



6436 Penn Ave

Surrounding Zoning

Case No: 22-SP-01



Zoning Districts

- | | | |
|--------------------------|--------------------------------|-----------------------------------|
| Parks | MR-3 High-Density Multi-Family | PMU Planned Mixed Use |
| R Single-Family | C-1 Community Commercial | MU-C/PAC Mixed Use + Penn Overlay |
| PMR Planned Multi-Family | C-2 General Commercial | 6436 Penn Ave |
| MR-2 Multi-Family | | Building Footprint |





PLANNING COMMISSION MEETING

3/28/2022

REPORT PREPARED BY: Ryan Krzos, Planner

DIRECTOR REVIEW: Melissa Poehlman, Community Development Director

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for an amended Planned Unit Development, Final Development Plan and Conditional Use Permit to allow a micro-brewery and brewpub/taproom at 6402 Lyndale Avenue South.

EXECUTIVE SUMMARY:

Benefactor Brewing (Applicant) has submitted requests for land use approvals for a micro-brewery and brewpub/taproom at 6402 Lyndale Avenue South. The Applicant specifically is seeking approval of an amendment to an existing Planned Unit Development (PUD), Final Development Plan (FDP), and Conditional Use Permit (CUP). The proposal consists of a 9,242 square foot building containing a production facility with a taproom and kitchen. An associated off-street parking area and patio area will also be constructed. The Applicant proposes to include the existing amphitheater area in the overall use plan specifically for entertainment for patrons as described in the attached project narrative.

The site is located in what has been known as the Lakes at Lyndale area. Since the late 1990s, the City has identified this area for reinvestment and/or redevelopment. The Comprehensive Plan designates this area as Mixed Use; the intent of which is to create a vibrant, thriving city center that will serve as Richfield's downtown. The city center is to include a mix of residential, shopping, recreational and business uses. The entire former Lyndale Garden Center property (including the subject property) is zoned Planned Mixed Use. The approval of that zoning happened in 2013 in keeping with the Comprehensive Plan and the vision for the Lakes at Lyndale area. An active commercial use component has been a part of the overall development plan, including the 2018 amendment which proposed a 6,000 square foot commercial building that would coordinate with already-constructed outdoor activity space for this site. Those plans depicted a building with a frontage up to Lyndale Avenue. This proposal represents a departure from that proposed layout; therefore the PUD amendment is necessary. In order to address this reduced building frontage, the applicant proposes to maintain street presence by way of a pedestrian connection lined with landscaping from Lyndale Avenue to the building's main entrance. Additionally, a decorative grain silo and use of storefront windows attempt to further the proposed building's street-level interest. The Applicant's request also includes deviation from other relatively minor underlying code provisions. Specifically, hours of operation would deviate from the stated Micro-brewery Zoning requirements and instead would align the use with what is allowed for full-service restaurants or other alcohol-serving businesses. It should be noted that the Applicant states that the facility would

close at 11 pm or midnight. Potential impacts from operation of the facility are addressed through proposed conditions of approval, specifically limiting the number and duration of performances. It should be noted the City Code contains noise standards which stipulate day time (7 am to 10 pm) noise limits and night time (10 pm to 7 am) noise limits.

The proposal maintains circulation and access to points within and beyond the larger redevelopment site as is stipulated in the previous land use approvals. To fulfil the circulation requirement a pathway would be provided to the west of the Lakewinds Cooperative building and the proposed building as well as from Lyndale Avenue to the front of the building with a separate path north of the proposed parking area. In light of Public Safety concerns with outdoor alcohol service, the Applicant has worked with Public Safety and Community Development staff to address perimeter boundaries while also maintaining access and circulation. The Applicant will install a barrier along the pond edge of the amphitheater and explore the use of wristbands or hand-stamps to help prevent the sale or passing of alcohol to minors. A combination of plantings and signage will clearly mark areas in which alcohol consumption is allowed, but also allow continued public passage through the site and through the amphitheater area. This delineation is necessary as alcohol consumption is prohibited in public parks, which is the land area beyond the limits of the subject properties. However, since it appears that part of the amphitheater structure encroaches on the adjoining City property a recommended condition of approval requires that a lot line adjustment be executed.

Staff finds that the proposed project is consistent with the overall development plan and meets the intent and policies of the Comprehensive Plan and Code requirements for Mixed Use development. Accordingly, staff recommends approval of the project.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval the attached resolution approving an amended Planned Unit Development, Final Development Plan and Conditional Use Permit to allow a mirco-brewery and brewpub/taproom at 6402 Lyndale Avenue South.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The subject property is located within the Lakes at Lyndale area of the City. For many years, this has been considered Richfield's downtown and redevelopment has been a priority.
- The Lyndale Garden Center closed its doors in 2006. The property was purchased by The Cornerstone Group in 2011 and an overall development plan including 151 apartments, a grocery store, 11,000 square feet of retail/restaurant space, and outdoor activity space was approved by the City Council in March of 2013. In December of 2013, an amendment to the PUD was approved to allow a greater proportion of the commercial space to be used for a restaurant.
- The Lakewinds Cooperative opened for business in 2014 on the south half of the Lyndale Garden Center site.
- The amphitheater and other quasi-public amenities, including a connection to the Richfield Lake path, were completed in 2017.
- In 2018, an amendment to the overall development plan to replacing the large apartment building with 30 condominiums, 8 rental townhomes, and 66 apartments was approved. A final phase of commercial space continued to be planned for the subject property. The Henley Apartments and Lakeside at Lyndale condominiums were completed in 2020.
- Project plans were shared with a group of Lakeside at Lyndale condominiums owners on November 8, 2021. Neighbors shared their concerns about noise, parking, impacts to wildlife, access to the lake and surrounding amenities.

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

Planned Unit Development

- PUDs are intended to encourage the efficient use of land and resources and to encourage

innovation in planning and building. PUDs provide flexibility in the application of requirements if the proposed development is well-designed and can be successfully integrated into the neighborhood. Generally, in new and amended PUDs, the review criteria requires the Council to find that the proposal conforms to the goals and policies of the Comprehensive Plan and Zoning Code without having undue adverse impacts on public health, safety and welfare. Staff finds that the project warrants amendment of the PUD as the use and design responds to the vision of the Comprehensive Plan, the existing PUD, and the applicable underlying Mixed Use code requirements.

- Deviations from the original PUD and Zoning Code are requested as further discussed in the Required Findings attachment to this report. As noted in the Executive Summary, the primary deviation from the existing PUD is the placement of the building. Staff finds that the proposal sufficiently accounts for the change in the building location by the overall site and building design.

A second requested deviation is from the underlying Zoning Ordinance requirement the facility follow the operational hours specified in state statute for off-sale intoxicating liquor (i.e. Liquor Stores) - 8 am to 10pm on weekdays and Saturday; 11-6 on Sunday. Staff recommends allowing operation of the facility to align with the time period allowed for other alcohol serving facilities like bars and restaurants (between 8am and 2am). The proposal represents the first instance of a micro-production facility in the City thus this section of code has been untested. It is not clear whether this provision is meant to apply to the entire operation or just the off-sale of growlers. Staff finds that is reasonable to grant the ability to operate with the same hours that bars or full-service restaurants would be allowed. It should be noted that the Applicant indicates that the facility would close at 11pm or midnight. Staff will further examine this issue for clarification and address necessary changes by way of an ordinance amendment.

Lastly, the Zoning Code states that five percent of the area encompassing the parking lot is to consist of landscape islands, each being 10 feet by 10 feet and 180 square feet. Landscaping is provided both within islands and around the perimeter of the parking area. The intent of this provision is to provide a well landscaped and attractive parking area. Staff finds that the proposed landscaping plan achieves this intent.

Micro-brewery and Taproom

- Micro-production facilities are conditionally allowed in the MU-C and MU-R Districts, and by extension the Planned Mixed Use District, provided a number of conditions are met. The proposal meets these requirements. A full discussion of all applicable review criteria is provided in the Required Findings attachment to this report.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The 60-day clock 'started' when the application was deemed complete on November 29, 2021. The Applicant requested that consideration of their application be postponed multiple times. As such, the deadline for issuing a decision is extended until April 12, 2022 to accommodate the Applicant's request.

D. FINANCIAL IMPACT:

- Required application fees have been paid.

E. LEGAL CONSIDERATION:

- Notice of this public hearing was mailed to properties within 350 feet of the site on March 15 and published in the Sun Current newspaper March 17. A public hearing for this request was opened and continued at the December 2021 Planning Commission meeting then canceled at the January meeting. Since the initial public hearing was canceled, a new public hearing was scheduled. Three email correspondences regarding the proposal are included as an attachment to this report.
- Council consideration of these applications has been tentatively scheduled for April 12, 2022.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the proposal with additional/modified stipulations.
- Recommend denial of the proposal with findings that requirements are not met.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representatives of Benefactor Brewing

ATTACHMENTS:

| Description | Type |
|------------------------------------------|-------------------|
| ▣ APUD Resolution | Resolution Letter |
| ▣ APUD Required Findings | Backup Material |
| ▣ Zoning Map | Exhibit |
| ▣ 2040 Comp Plan Designations | Exhibit |
| ▣ Project Narrative | Backup Material |
| ▣ Proposed Architectural and Civil Plans | Backup Material |
| ▣ Public Comments - Benefactor Brewing | Backup Material |

RESOLUTION NO.

RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR AN AMENDED PLANNED UNIT DEVELOPMENT AT 6402 LYNDALE AVENUE SOUTH

WHEREAS, an application has been filed with the City of Richfield which requests approval of a final development plan and conditional use permit for an amended planned unit development for a micro-brewery and taproom, on land that is legally described as follows:

Lot 3, Block 1, Lyndale Gardens 2nd Addition and Outlot B, Lyndale Gardens; and

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 March 28, 2022 meeting; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property and published in the Sun-Current on March 17, 2022; and

WHEREAS, the requested final development plan and conditional use permit meets those requirements necessary for approving an amended 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 for a micro-brewery and taproom as described in City Council Report No. ____, on the Subject Property legally described above.
3. The approved amended 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 lot line adjustment encompassing the portions of the amphitheater and path onto the adjoining Outlot A, Lyndale Gardens shall be executed prior to the issuance of a certificate of occupancy.

- Live entertainment or musical performances on the amphitheater shall be limited to no more than three nights per week. Such events shall end by 8pm Sunday through Thursday and by closing time on Fridays and Saturdays.
 - The applicant shall work with Community Development and Public Safety staff regarding final details for outdoor alcohol service.
 - Hours of Operation shall be restricted to those specified in section 1202.21 of the City Code, unless otherwise provided by City Council in granting or renewal of an alcoholic beverage license.
 - All outdoor events shall comply with the noise requirements described in Section 930 of the City Code.
 - The micro-brewery operator shall obtain all applicable licenses described in 537.05 subd. 14 of the Zoning Ordinance, and shall remain in good standing with requirements of said licenses.
 - Signage for the various elements of this development may be placed on other parcels within the development (off-site signs) with the permission of the property owner. This approval does not constitute approval of specific signs. Sign permits are required and must be applied for separately. Signs on the building's north facade shall not be lit between the hours of 10:00 p.m. and 6:00 a.m.
 - Final lighting plans must be submitted to and approved by the Community Development and Public Works Directors prior to installation
 - Final landscaping plans must be approved by the Community Development Department prior to installation. A final sediment and erosion control plan must be submitted to and approved by the Public Works Director.
 - Final stormwater management plans must be submitted to and approved by the Public Works Director. All applicable stormwater fees must be paid to the Public Works Department.
 - Final details for bicycle parking stalls shall be submitted prior to issuance of a building permit.
 - Final plans for sidewalks and improvements in and along the right-of-way must be submitted to and approved by the Community Development and Public Works Directors.
 - Final utility plans must be submitted to and 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 dated November 18, 2021 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 the ongoing maintenance and tending of all landscaping in accordance with approved plans.
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 12th day of April,
2022

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

Required Findings

Part 1: Development proposals in the Mixed Use Districts shall be reviewed for compliance with the following (537.01, Subd.2):

1. *Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan and any redevelopment plans established for the area.* 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 development adds an active commercial use to the city center as envisioned by the Comprehensive Plan and the overall development plan previously approved for the Lyndale Gardens site.
2. *Consistency with the regulations of the Mixed Use Districts as described by Section 537 of the Code.* The proposed development meets the intent of the existing Planned Unit Development (PUD) governing the site as well as the underlying Mixed Use District regulations. The proposal deviates from these governing regulations as follows:
 - Front Setback and building placement. The existing planned unit development depicted the building on this site up near Lyndale Avenue reflective of the maximum front yard setback for commercial buildings in the Mixed Use District of 15 feet. The proposed building would be setback approximately 136 feet from the front property line. The intention of the original PUD is to establish a street presence and pedestrian scale by creating building mass along primary Lyndale Avenue. The proposal seeks to maintain that street-level interest by way of a pedestrian connection lined with landscaping from Lyndale Avenue to the building's main entrance. Additionally, a decorative grain silo and use of storefront windows contribute to the proposed building's street presence furthering the intent of this requirement.
 - Hours of Operation. The Zoning Ordinance states that the facility must follow the operational hours specified in state statute for off-sale intoxicating liquor (i.e. Liquor Stores) - 8 am to 10pm on weekdays and Saturday; 11-6 on Sunday. Staff recommends allowing operation of the facility to align with the time period allowed for other alcohol serving facilities like bars and restaurants (between 8am to 2am). The proposal represents the first instance of a micro-production facility in the City thus this section of code has been untested. It is not clear whether this provision is meant to apply to the entire operation or just the off-sale of growlers. Staff finds that is reasonable to grant the ability to operate with the same hours that bars or full-service restaurants would be allowed. Staff will further examine this issue for

clarification and address necessary changes by way of an ordinance amendment.

- Parking lot islands. Five percent of the area encompassing the parking lot is to consist of landscape islands, each being 10 feet by 10 feet and 180 square feet. Landscaping is provided both within islands and around the perimeter of the parking area. The intent of this provision is to provide a well landscaped and attractive parking area. The proposed landscaping plan achieves this intent.

3. *Creation of a design for structures and site features which promotes the following:*

- i. *An internal sense of order among the buildings and uses.* The proposed development is designed to take advantage of the adjacent Richfield Lake, but also provides an active and attractive presence along Lyndale Avenue. The building and site design will be compatible with the surroundings in terms of scale and design.
- ii. *The adequacy of vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.* The development will have a sole vehicular access point from Lyndale Avenue which is aligned with 64th Street to the east. Multiple pedestrian connections from all directions of the site are constructed and/or maintained per previous approvals.
- iii. *Energy conservation through the design of structures and the use of landscape materials and site grading.* The proposal building shares a wall with the Lakewinds Cooperative building which contributes to energy conservation. Additionally, the design takes advantage of and builds upon the pedestrian circulation system making non-motorized trips more convenient.
- iv. *The minimization of adverse environmental effects on persons using the development and adjacent properties.* No adverse environmental impacts are anticipated with the proposed use. The proposed lighting plan demonstrates that light will not spill over onto adjoining properties. An odor mitigation system is proposed as is a stormwater rate control tank for runoff from the proposed development.

Part 2: 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. See above – Part 1, #1.*

2. *The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries.* See above – Part 1, #3.
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 MU Districts. Deviations as noted in Part 1, #2 are minor and have been used to create a better overall development.
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.* Undue adverse impacts are not anticipated.
6. *The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest.* The final development plan, which establishes the terms and conditions of the development, meets this requirement.

Part 3: All uses are conditional uses in the PMU 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 proposed use is consistent with the intent of the Planned Mixed Use District and the underlying Mixed Use Districts.
3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* The mission of the Lakes at Lyndale Plan is to create a "thriving urban center" by "provid[ing] more housing opportunities, upgrad[ing] commercial properties and offer[ing] greater enjoyment of the natural and recreational amenities of Wood Lake and Richfield Lake." The proposed use and its integration into the larger mixed use development is consistent with this mission.
4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The proposed development will comply with performance standard requirements.

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, Engineering and Recreation Departments have reviewed the proposal and do not anticipate any issues.*
6. *The use will not have undue adverse impacts on the public health, safety, or welfare. No undue adverse impacts are anticipated.*
7. *There is a public need for such use at the proposed location. The City has designated this site as a target for redevelopment. The existing vacant land within the subject site is a blight in this area. Breweries are a land use that is brought up among desired uses by community members.*
8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit. Section 537.05 subd. 14 of the Zoning Code establishes criteria for Micro-production facilities in the MU-C and MU-R Districts and by extension the Planned Mix Use District. The proposed meets these requirements, which are as follows:*

a) Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); and/or a distiller's license from the State of Minnesota. Compliance with licensing requirements is a condition of approval.

b) Taproom/Cocktail Room Location in MU-C District. Micro-production facilities with an accessory taproom or cocktail room in the Mixed Use - Community District must be on a lot abutting an arterial or collector street. Lyndale Avenue is classified as an arterial street and the subject site abuts this roadway.

c) Taproom/Cocktail Room Operations. Taprooms/cocktail rooms must either make food available on-site or expressly allow patrons to carry in food. A kitchen with food service is part of the proposal.

d) Taproom/Cocktail Room License. An accessory taproom or cocktail room for the sale of beer or spirits produced on-site shall require a taproom/cocktail room license from the City of Richfield in accordance with Section 1202 of the City Code. Compliance with licensing requirements is a condition of approval.

e) Off-sale. A micro-production facility may sell their product for off-sale consumption through their taproom or cocktail room. Any on-site sale of beer in the form of growlers shall require a Micro-brewery Off-sale License in

accordance with Section 1202 of the City Code. Compliance with licensing requirements is a condition of approval.

f) Production of Beer. Annual production of malt liquor for a micro-brewery with an accessory taproom shall not exceed 3,500 barrels, and only 500 barrels may be sold off-sale as growlers. Production at micro-breweries without a taproom shall not exceed 1,750 barrels annually. The applicant has stated their ability to comply with this requirement.

g) Production of Spirits. Annual production of spirits for a micro-distillery with an accessory cocktail room shall not exceed 40,000 proof gallons annually. Production at micro-distilleries without a cocktail room shall not exceed 20,000 proof gallons annually. Not applicable.

h) Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public right-of-ways, including regulating the number of trucks per day and the hours that deliveries are permitted. An off-street loading area with the capability to accommodate a truck is proposed.

i) Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards. An odor control system is proposed to be installed.

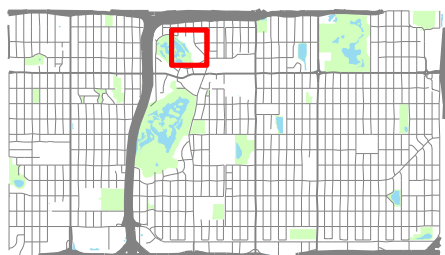
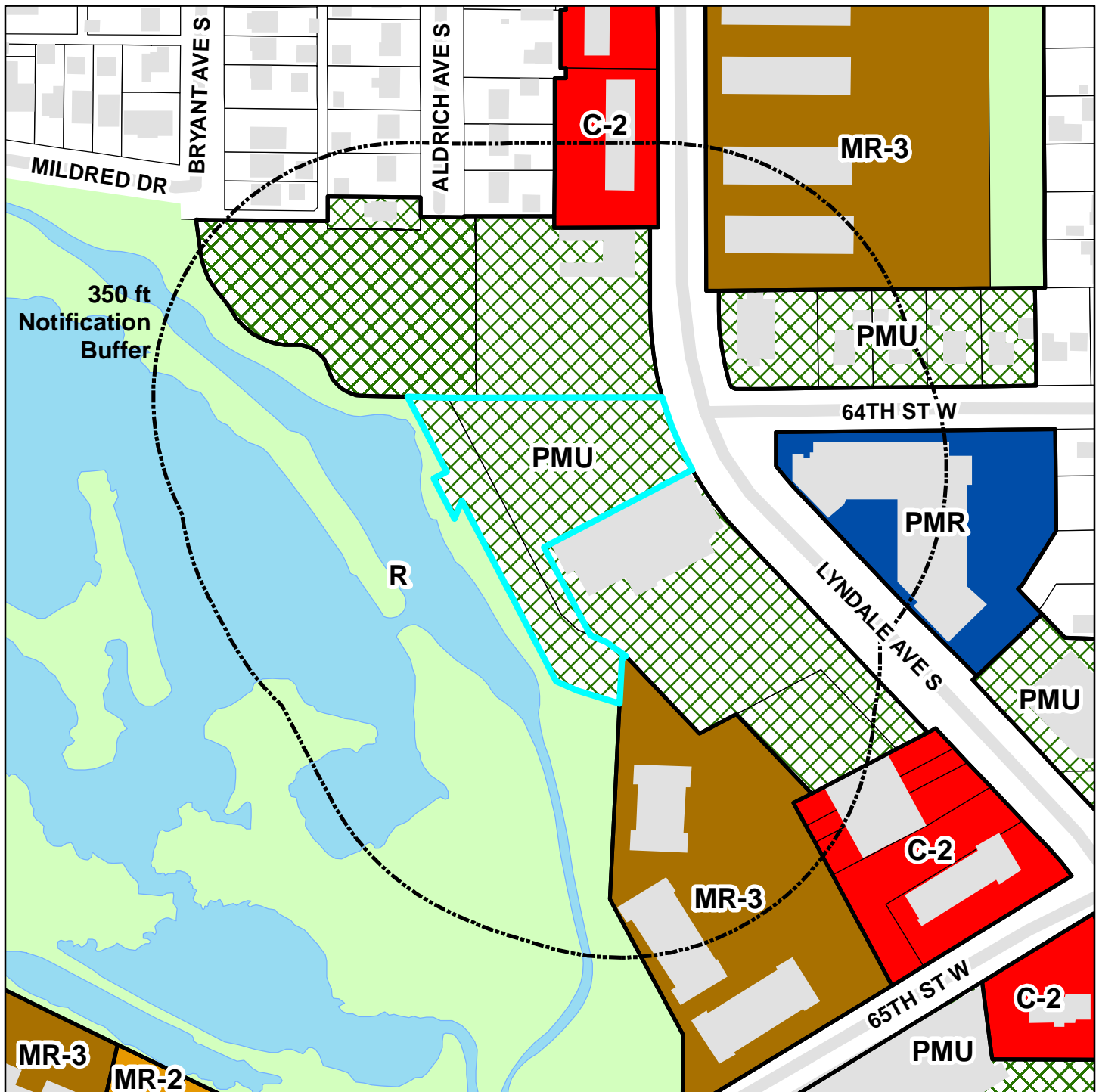
j) Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit. Chapter 340A of State Statute limits the facility to the following hours of operation: Sundays, between the hours of 11:00 a.m. and 6:00 p.m.; and between 8:00 a.m. and 10:00 p.m. on Monday through Saturday. The Council may add a condition further restricting hours of operation if deemed to be in the public interest.



6402 Lyndale Avenue S

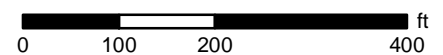
Surrounding Zoning

Case No: 21-APUD-02, 21-FDP-03, 21-CUP-04



Zoning Districts

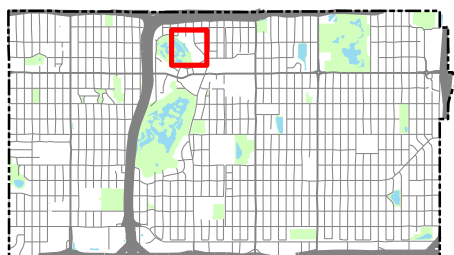
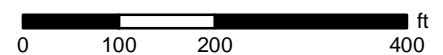
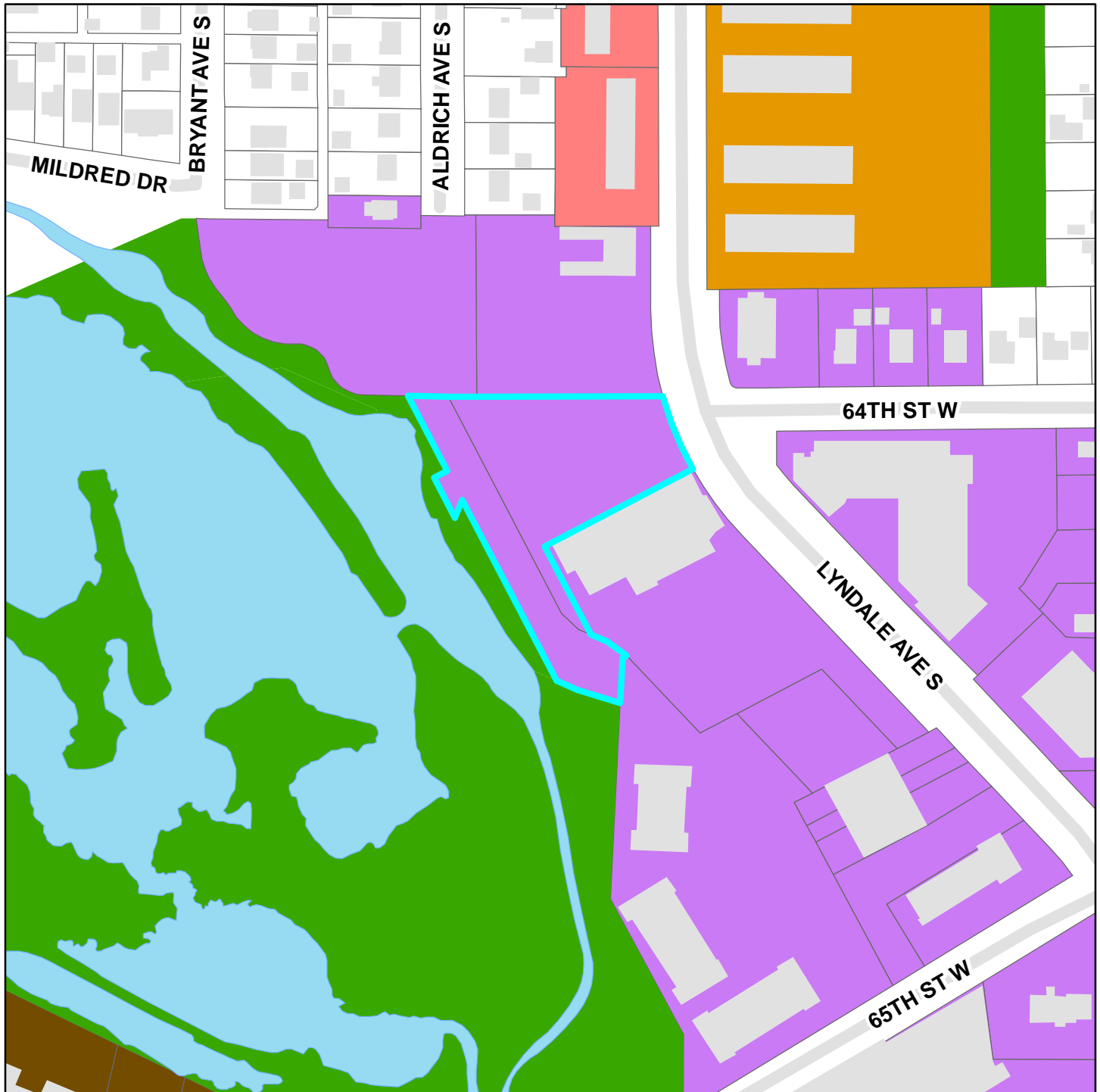
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|-------------------------------|------------------------------------|---------------------------------|------------------------------------|
| Parks | MR-2 Multi-Family | C-2 General Commercial | MU-C/CAC Mixed Use + Cedar Overlay |
| R Single-Family | MR-2/CAC Multi-Fam + Cedar Overlay | PC-2 Planned General Commercial | MU-C/PAC Mixed Use + Penn Overlay |
| R-1 Low-Density Single-Family | MR-3 High-Density Multi-Family | PMU Planned Mixed Use | MU-N Mixed Use-Neighborhood |
| MR-1 Two-Family | SO Service Office | MU-C Mixed Use-Community | MU-R Mixed Use-Regional |
| PMR Planned Multi-Family | C-1 Community Commercial | I Industrial | |





6402 Lyndale Avenue S

2040 Comprehensive Plan Designations



2040 Planned Land Use

- | | |
|--------------------------|----------------------------|
| Mixed Use | Medium Density Residential |
| Regional Commercial | Low Density Residential |
| Community Commercial | Park |
| Neighborhood Commercial | Quasi-Public |
| High Density Residential | Right-of-Way (ROW) |



Benefactor Brewing Project Narrative

A. Basic Description:

Benefactor Brewing is excited to bring the first brewery to the city of Richfield overlooking Richfield Lake and Amphitheater. We are developing a ground up, built-to-suit 9,200 square foot brewery and restaurant. We intend to purchase the amphitheater and have been keenly focused integrating it into our site plan, so our future guests can enjoy a beautiful indoor/outdoor space in the heart of downtown Richfield.

B. Anticipated Completion Date:

Late 2022.

C. Impact on Adjacent Properties:

Short term: Construction is always a challenge for nearby neighbors. Luckily, Lakewinds faces the opposite direction so it should not be a disruption to their business. We are committed to hiring great building partners who will be respectful of the residential neighbors to the north. We hope to complete a substantial portion of construction this winter and spring when windows are still closed and dust is more easily controlled. Our lot is large enough that materials and trucks will be onsite with minimal disruption along Lyndale (except when necessary for utility connection, etc.)

Long term: This project will benefit Lakewinds Co-Op by bringing traffic to the area and increasing commercial property value. Our impression from conversations with Dale Woodbeck (General Manager at Lakewinds) is that he has been eagerly awaiting development on this lot.

While we understand that some condo owners are concerned with our project, we are committed to being a good neighbor by having reasonable hours, limiting events, and controlling noise as much as possible. The amphitheater and commercial parcel are not properly cared for currently – often times with trash and liquor bottles thrown about. We'll be maintaining our site during construction and once open to make sure Richfield Lake and our outdoor space continue to be assets for the community.

We believe that increased development and a restaurant/brewery amenity in the area will be a big advantage to the commercial properties and apartment residents across Lyndale (and beyond).

Benefactor Amphitheater & Music Programming

We plan on playing light background music in the taproom and on the patio during normal business hours. Our space is meant to be family friendly and community oriented, so we expect our music to be broadly approachable, age appropriate, and an acceptable volume.

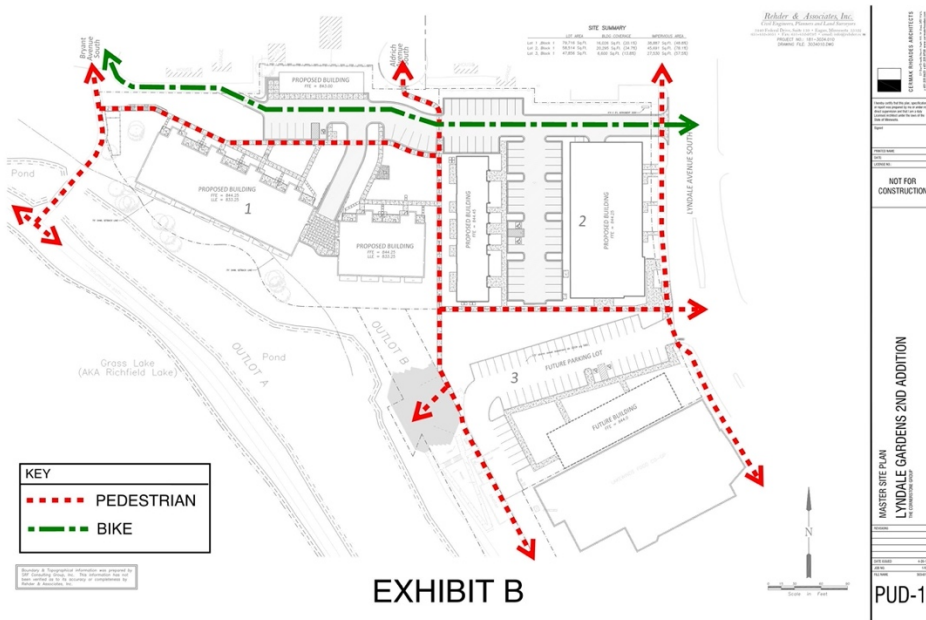
For the amphitheater, we look forward to hosting family-friendly entertainment that is appropriate for all ages. Our goal is to provide a similar feel to Edina's Centennial Lakes performance space, with enjoyable performances held at a semi-regular cadence. We would love to hire local artists on Friday or Saturday evenings to play jazz, acoustic, or other light music, and would plan for this to be one evening every few weeks during the patio season. We envision potentially hosting 2-3 larger events per year; one on our yearly anniversary weekend and one to two on other weekends (E.g. Oktoberfest). We also look forward to hosting a few daytime events geared towards children, such as the Teddy Bear Band or puppet shows, and plan to let the Sunday morning services currently being held at the amphitheater continue as they currently run. For all events held at the amphitheater, we will comply with city ordinances relating to noise level, hours of operation, and other applicable regulations.

Note about Patio Enclosure/Boundaries

We are committed to keeping the sidewalk open through the site as the development intended (see attached exhibit). We plan to use markers and signage to establish the limits of the patio and drinking area, specifically along the three sidewalk entrances. We will add a barrier behind the amphitheater and extend along the lakeshore as requested. We're committed to working with Public Safety on what type of markers/barriers will be acceptable and where those should be placed. We'll include more details as we finalize landscape plans and move toward building permit and liquor licensing.

EXHIBIT B

Pedestrian Access Map



Note about Production Limit

We are aware that our production cannot exceed 3,500 barrels, and only 500 barrels may be sold off-sale as growers. We do not have any concerns about complying with these limits.

Note about Art

We agree that the green area along NW property line is a nice space for artwork or street furniture. We'll work with Cornerstone Group and the Public Art Commission on options for the space.

Note about Odor Control

Yes, we are planning to have an odor control system.

Notes about Architectural Requirements:

- We would like to move forward with our trash enclosure with design updates to make sure it aligns with the building. We believe it's the most efficient use of space and can be kept very clean. Since it's on the front of our building, we are equally motivated to make sure it remains well cared for and tidy. We propose using a combination of the brick veneer and dark siding so that it blends with the rest of the building. We'll have a gate that opens for access but remains closed when not in use. We are committed to making sure that trash is kept in the enclosure and does not escape or spill out. It will face our loading dock, so we want to keep that clear for safety and to prevent spills from being tracked inside as well.
- We have continued the brick along the entire front of the building. See updated elevations.
- Metal parapet cap is continued across front of building.
- Rooftop mechanicals are now 100% screened.
- The change of relief condition is being met; below is a calculation of the various materials and areas on the front of the building:

EXTERIOR MATERIAL CALCULATION:

FIBER CEMENT BOARD, 1337.87 SF - 59.55%

BRICK & STONE: 270.75 SF - 12.05%

STOREFRONT: 574.44 SF - 25.57%

METAL: 63.66 SF - 2.83%

TOTAL: 2,246.72 SF

- Windows are set in to the exterior walls. We will meet the requirement by providing a 1" minimum setback from the face of the storefront window mullion to the face of the exterior wall material.

Notes about Site Requirements:

- As noted earlier, we will work with public safety on patio boundaries.
- Compact parking stalls will be marked with signage.

- Bike parking is near front entry. The existing bike parking for the amphitheater has been removed. We'll likely add more bike parking along the lower lake path or entry from condos (need to confirm where we expect most bike traffic to come from). We're happy to add multiple bike parking spots if there's a demand for it.
- We are exploring EV charging stations and will make a final decision pending the cost. We agree with running a conduit for future use.
- The signage is currently about 12% of the wall (100 sq ft. sign + 150 sq ft silo signage on 2300 sq ft wall).



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map engineer

kitchen equipment consultant

brewing equipment consultant

project title
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RESTAURANT
64TH AVE & LYNDALE AVES. S.
RICHFIELD, MN

client
BENEFACITOR BREWING, LLC

seal

DESIGN DEVELOPMENT

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RENDERING

A1

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OVERALL BUILDING - PERSPECTIVE VIEW FROM LYNDALE AVENUE TOWARDS SOUTHWEST

SUBMITTED FOR:
PLANNING AND ZONING APPLICATION
2021-11-29



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RICHFIELD, MN

client

BENEFACITOR BREWING, LLC

seal

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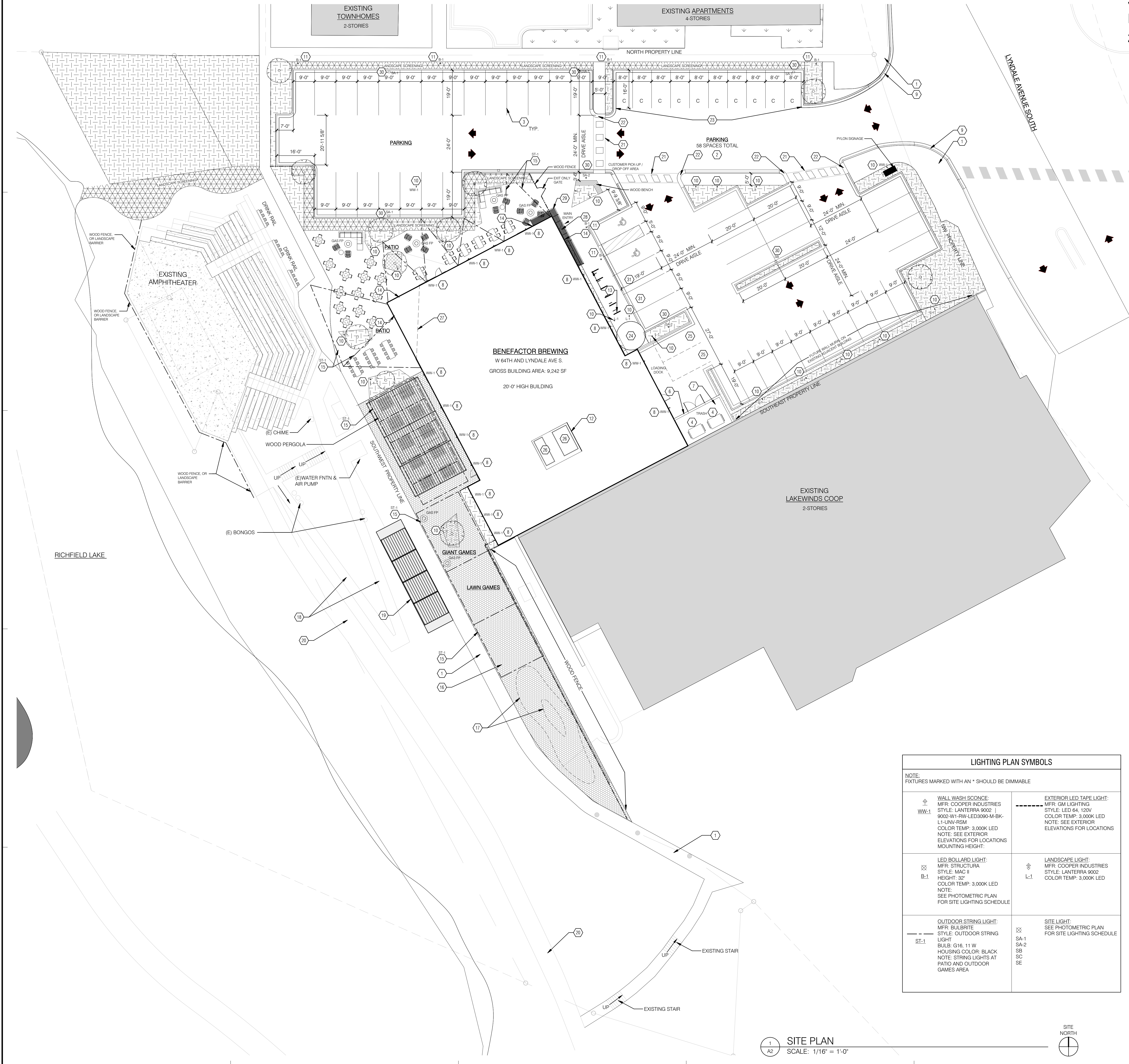
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SITE PLAN

A2

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sewing equipment consultant

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BENEFACITOR BREWING, LLC

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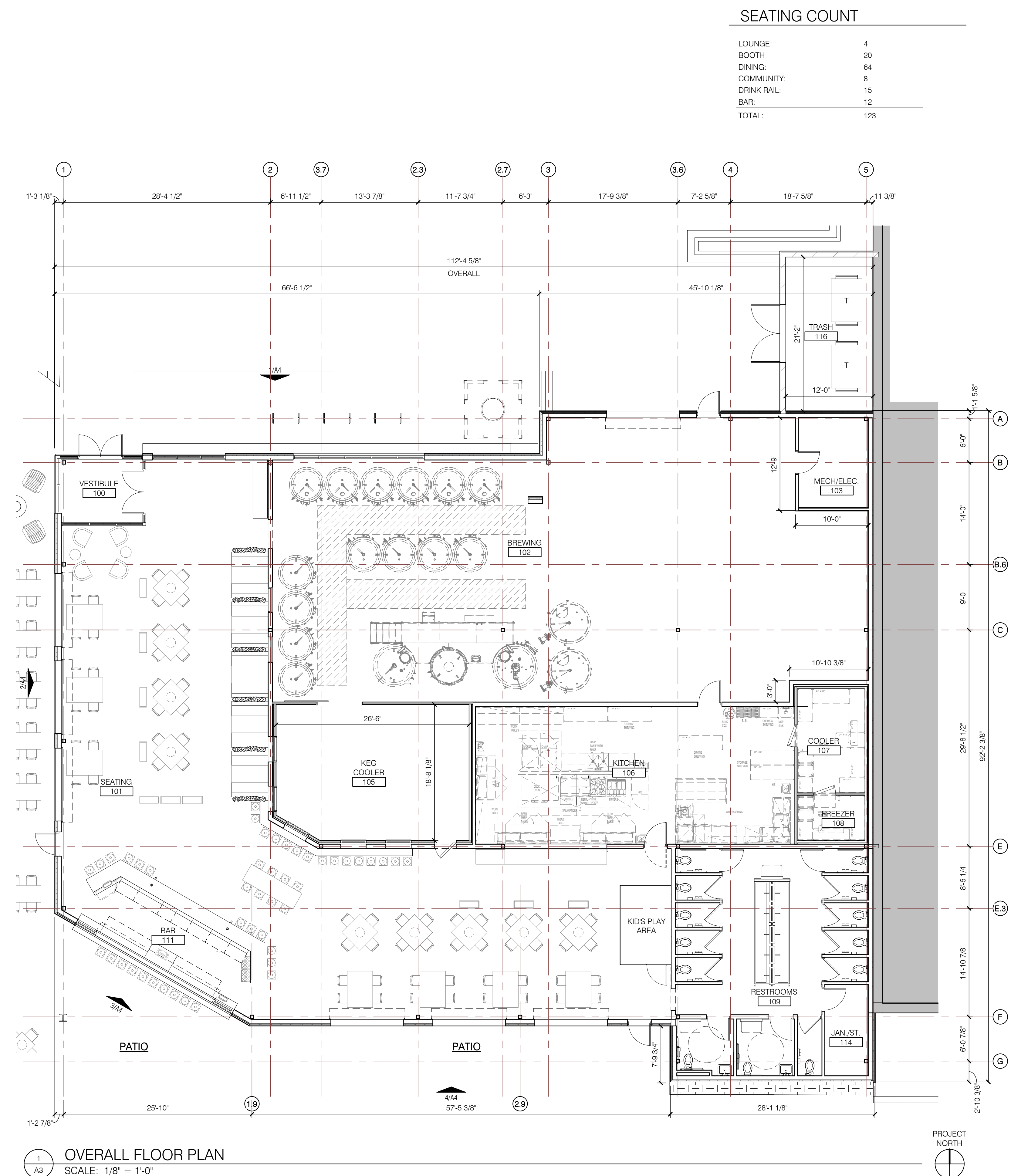
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Sheet title
FLOOR PLAN

A3

Plywood, Inc.





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client

BENEFACITOR BREWING, LLC

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DESIGN DEVELOPMENT

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sheet title
EXTERIOR BUILDING ELEVATIONS

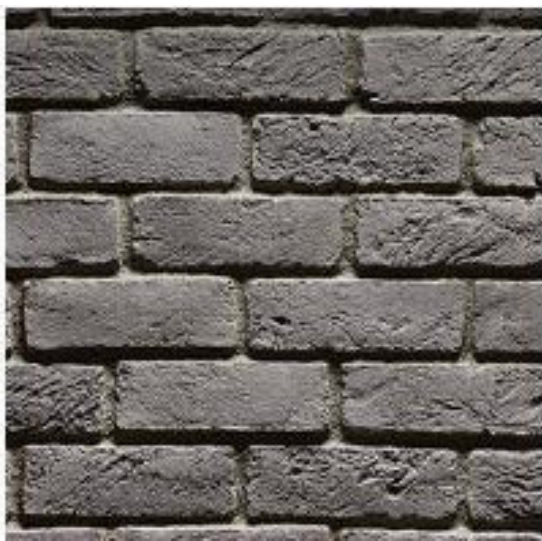
A4



MFR: 'NICHHA' FIBER CEMENT PANELS
STYLE: 'TUFF BLOCK'
COLOR: STEEL
SIZE: 17 7/8" H x 71 9/16" L



MFR: 'NICHHA' FIBER CEMENT PANELS
STYLE: 'ARCHITECTURAL BLOCK'
COLOR: GRAY
SIZE: 17 7/8" H x 71 9/16" L

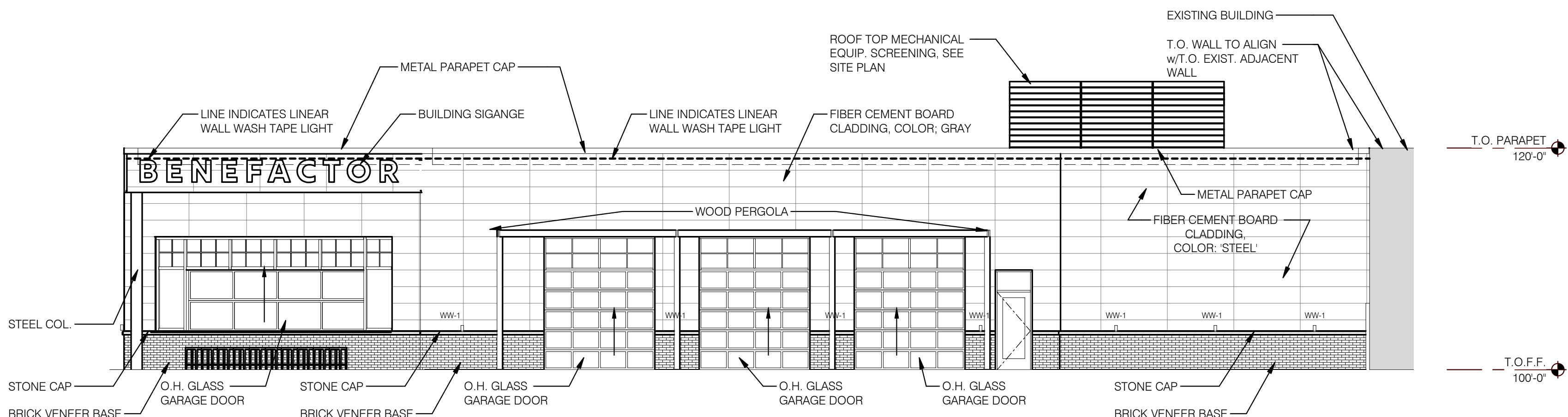


MFR: 'CULTURED STONE' BRICK VENEER
STYLE: 'HANDMADE BRICK'
COLOR: CARBON
SIZE: 2 7/8" H x 8 1/8" L
PATTERN: RUNNING BOND

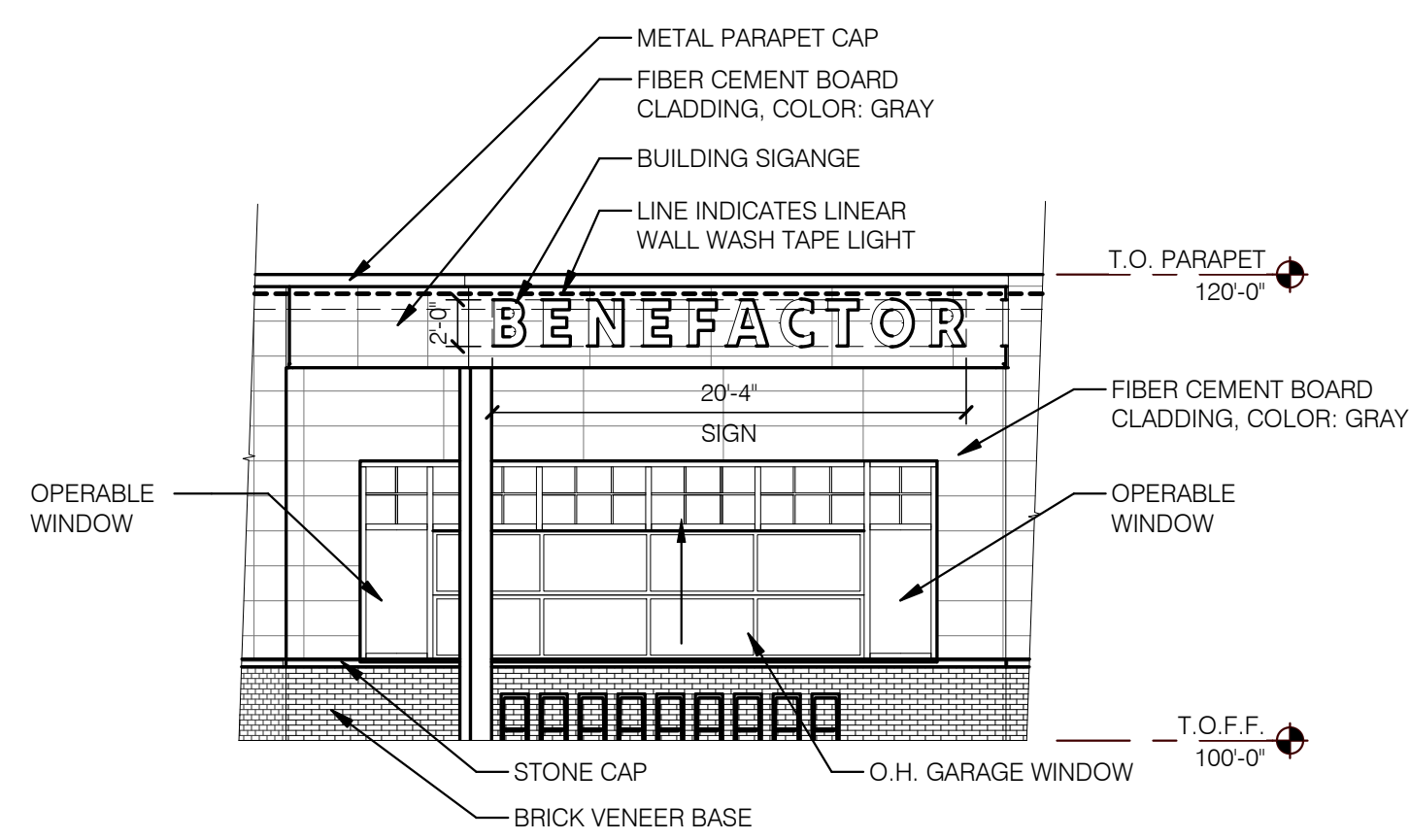


WOOD ACCENTS & ENTRY CANOPY

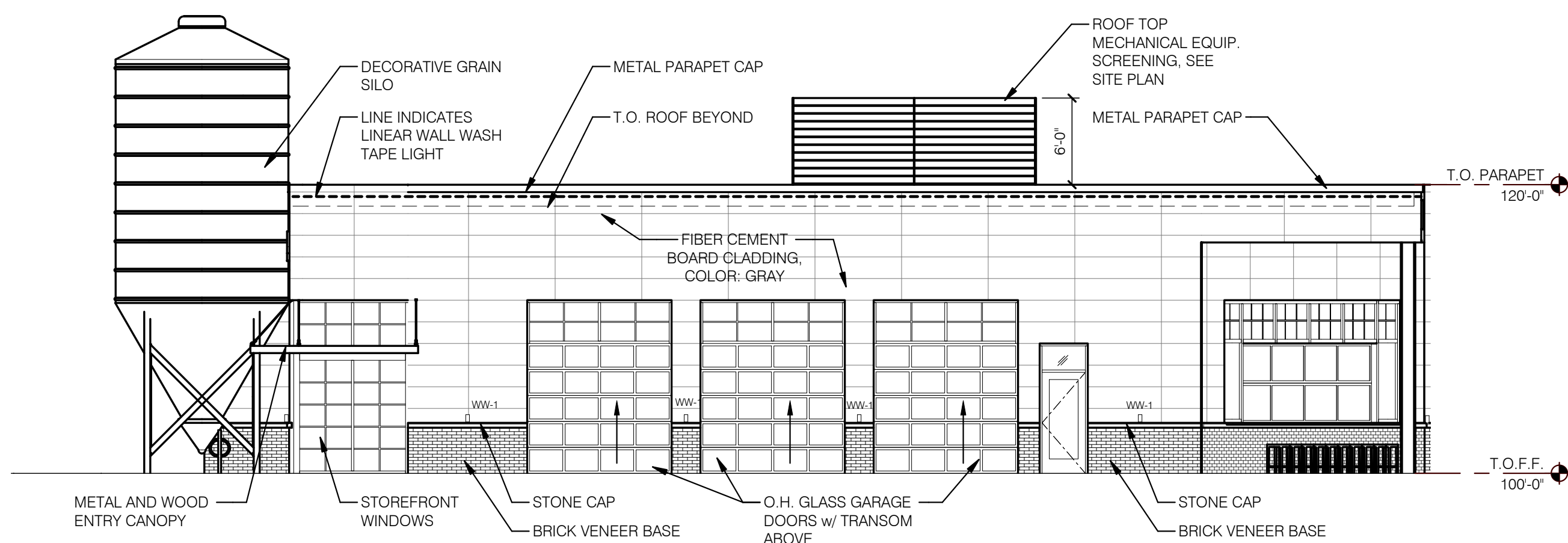
EXTERIOR MATERIALS



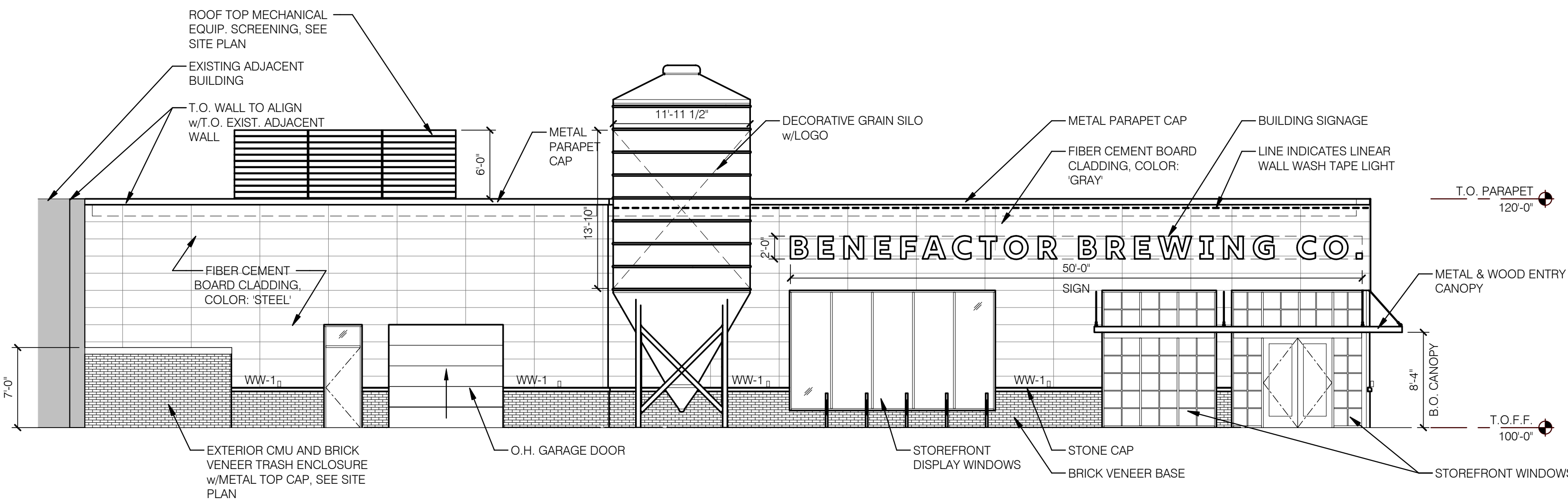
4
A4
REAR BUILDING ELEVATION - SW
SCALE: 1/8" = 1'-0"



3
A4
CORNER BUILDING ELEVATION - NW
SCALE: 1/8" = 1'-0"



2
A4
SIDE BUILDING ELEVATION - NW
SCALE: 1/8" = 1'-0"



1
A4
FRONT BUILDING ELEVATION - NE
SCALE: 1/8" = 1'-0"

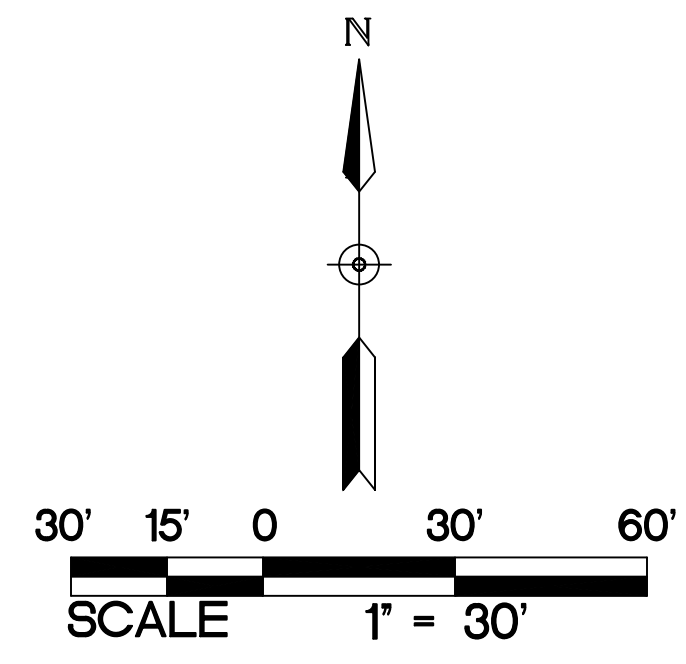
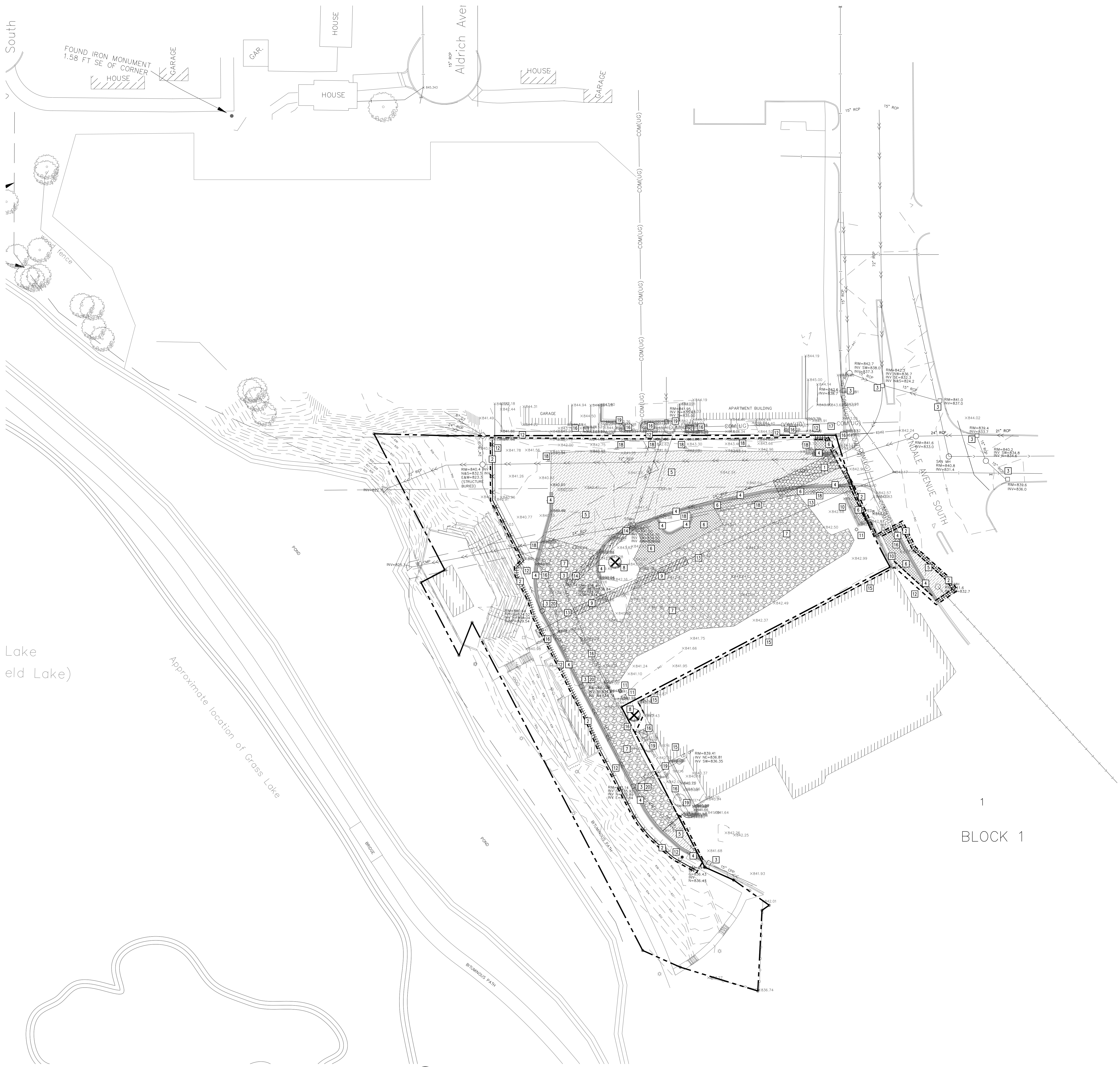
Michael J. Fischer, Jr.
Minnesota Land Surveyor, No. 56505

18: Easements or servitudes, if any, as shown hereon.

DRAFT



SHEET 2 OF 2



| PROPOSED PLAN SYMBOLS | |
|-----------------------|----------|
| CONSTRUCTION LIMITS | --- |
| SILTATION FENCE | ---X--- |
| SEDIMENT CONTROL LOG | ===== |
| PROPERTY LINE | --- |
| SAWCUT LINE (APPROX.) | --- |
| CONSTRUCTION ENTRANCE | [Symbol] |
| BITUMINOUS REMOVAL | [Symbol] |
| CONCRETE REMOVAL | [Symbol] |
| GRAVEL REMOVAL | [Symbol] |
| PIPE REMOVAL | [Symbol] |
| FENCE REMOVAL | [Symbol] |
| CURB REMOVAL | [Symbol] |
| TREE REMOVAL | [Symbol] |

| ABBREVIATIONS | |
|---------------|--------------------------|
| BLDG | Building |
| BM | Bench Mark |
| CB | Catch Basin |
| CONC | Concrete |
| DIP | Ductile Iron Pipe |
| ELEV | Elevation |
| EX | Existing |
| FFI | Finished Floor Elevation |
| INV | Invert |
| MAX | Maximum |
| MH | Manhole |
| MIN | Minimum |
| PVC | Polyvinyl Chloride |
| RCP | Reinforced Concrete Pipe |

NOTE: STORM SEWER INLETS NOT SHOWN ON PLAN MAY RECEIVE RUNOFF FROM CONSTRUCTION ACTIVITIES. INSTALL INLET SEDIMENT PROTECTION PER DETAIL 4/C500 ON ALL STORM INLETS THAT MAY RECEIVE RUNOFF.

- *NOTE: CONSTRUCTION LIMITS ARE ANTICIPATED TO BE PROPERTY LINE UNLESS OTHERWISE SHOWN.
- KEYED NOTES**
- KEYED NOTES ARE DENOTED BY [Symbol] ON PLAN.
1. INSTALL CONSTRUCTION ENTRANCE. REFER TO DETAIL 1/C500.
 2. INSTALL PERIMETER EROSION CONTROL. REFER TO DETAILS 2/C500 AND 3/C500.
 3. INSTALL INLET SEDIMENT PROTECTION. REFER TO DETAIL 4/C500.
 4. REMOVE CURB AND GUTTER IN ITS ENTIRETY TO THE APPROXIMATE EXTENTS SHOWN.
 5. SAWCUT AND REMOVE BITUMINOUS PAVEMENT IN ITS ENTIRETY TO THE EXTENTS SHOWN.
 6. REMOVE CONCRETE PAVEMENT IN ITS ENTIRETY TO THE APPROXIMATE EXTENTS SHOWN.
 7. REMOVE GRAVEL SURFACE IN ITS ENTIRETY TO THE EXTENTS SHOWN.
 8. REMOVE TREE IN ITS ENTIRETY INCLUDING STUMP.
 9. WATER UTILITY IS SHOWN IN AN APPROXIMATE LOCATION. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL LOCATE THE UTILITY. REMOVE UTILITY EXTENTS THAT FALL UNDER NEW BUILDING FOOTPRINT. MARK LOCATION OF CONNECTION TO EXISTING WATER FOUNTAIN FOR FUTURE RE-CONNECTION.
 10. REMOVE FENCE IN ITS ENTIRETY.
 11. REMOVE EXISTING ELECTRICAL LINES, LIGHT POLE AND FOOTINGS, TO THE APPROXIMATE EXTENT SHOWN. CONTRACTOR SHALL COORDINATE EXACT LIMITS OF REMOVAL WITH THE ELECTRICAL CONTRACTOR.
 12. EXISTING CONCRETE PAVEMENT TO REMAIN. PROTECT AT ALL TIMES.
 13. EXISTING WATER UTILITY TO REMAIN. PROTECT AT ALL TIMES.
 14. REMOVE STORM SEWER IN ITS ENTIRETY TO THE EXTENTS SHOWN. FOLLOW ALL CITY OF RICHFIELD STANDARDS AND SPECIFICATIONS.
 15. EXISTING BUILDING TO REMAIN. PROTECT AT ALL TIMES.
 16. EXISTING ELECTRICAL LINES, HANDHOLES, BOXES, AND PED SIGNAL TO REMAIN. PROTECT AT ALL TIMES.
 17. EXISTING COMMUNICATION LINES TO REMAIN. PROTECT AT ALL TIMES.
 18. REMOVE EXISTING SIGN INCLUDING ANY BELOW GRADE FOUNDATION.
 19. EXISTING TREE TO REMAIN. REFER TO DETAIL 10/C500. PROTECT AT ALL TIMES.
 20. REMOVE STORM SEWER CASTING. STRUCTURE IS TO REMAIN.

- DEMOLITION AND REMOVAL NOTES:**
1. PRIOR TO START OF ANY CONSTRUCTION ACTIVITY, ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE INSTALLED BY THE CONTRACTOR AND INSPECTED BY THE CITY OF RICHFIELD. PERIMETER SEDIMENT PROTECTION SHALL BE INSTALLED ALONG THE CONTOUR.
 2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION, ELEVATION AND MARK ALL EXISTING UTILITIES 48 HOURS BEFORE CONSTRUCTION STARTS. THE ENGINEER, ARCHITECT OR OWNER DOES NOT GUARANTEE THAT ALL THE UTILITIES ARE MAPPED, OR IF MAPPED, ARE SHOWN CORRECTLY. CONTACT GOPHER STATE ONE CALL AT 651-454-0002 FOR FIELD LOCATING EXISTING UTILITIES. CONTACT UTILITY OWNER IF DAMAGE OCCURS DUE TO CONSTRUCTION.
 3. THERE MAY BE MISCELLANEOUS ITEMS TO BE REMOVED THAT ARE NOT IDENTIFIED ON THESE PLANS. THE CONTRACTOR SHALL VISIT THE SITE AND REVIEW THE DOCUMENTS TO OBTAIN A CLEAR UNDERSTANDING OF THE INTENDED SCOPE OF WORK.
 4. PRIOR TO START OF CONSTRUCTION, DISCONNECT ALL GAS AND ELECTRIC SERVICES. COORDINATE DISCONNECTION OF EACH UTILITY WITH THE UTILITY OWNER. REMOVE ALL GAS AND ELECTRIC LINES UNDER PROPOSED BUILDING FOOTPRINT.
 5. ANY UTILITIES NOT INDICATED FOR REMOVAL OR ABANDONMENT, ARE TO BE PROTECTED AT ALL TIMES.
 6. EXISTING CONCRETE PAVEMENT AND CURB AND GUTTER SHOWN TO BE REMOVED WITHIN THE SCOPE OF THE PROJECT SHALL BE REMOVED FROM THE SAW CUT LINES TO THE NEAREST JOINT.
 7. THE BACKGROUND INFORMATION WAS PREPARED BY SRF CONSULTING GROUP, INC. (763) 475-0010.
 8. ALL WORK IN THE PUBLIC RIGHT OF WAY IS TO BE COORDINATED WITH THE CITY OF RICHFIELD. ROADWAY REPAIRS, BOULEVARD REPAIRS, AND TRAFFIC CONTROL ARE TO BE PER CITY OF RICHFIELD STANDARDS AND SPECIFICATIONS.

- GENERAL NOTES:**
1. CONCRETE CURB AND GUTTER REMOVAL, PAVEMENT REMOVAL, AND UTILITY REMOVAL LIMITS ARE TO BE COORDINATED WITH THE CITY OF RICHFIELD AND UTILITY OWNER. REFER TO ALL CONSTRUCTION DOCUMENTS.
 2. THE CONTRACTOR SHALL DEVELOP AND IMPLEMENT A TRAFFIC CONTROL PLAN WHILE WORKING WITHIN THE RIGHT-OF-WAY. THE TRAFFIC CONTROL PLAN SHALL BE APPROVED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO STREET ENCROACHMENT.
 3. CONTRACTOR SHALL VISIT THE SITE PRIOR TO BIDDING AND REVIEW ALL CONSTRUCTION DOCUMENTS AND GEOTECHNICAL REPORTS. NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR ITEMS THAT SHOULD HAVE BEEN ANTICIPATED BY PERFORMING THE ABOVE.
 4. THE CONSTRUCTION ENTRANCE INDICATED ON THE PLAN IS SHOWN IN AN APPROXIMATE LOCATION. PRIOR TO START OF CONSTRUCTION, THE CONTRACTOR IS TO COORDINATE WITH THE CITY OF RICHFIELD FOR THE EXACT CONSTRUCTION ENTRANCE LOCATION.

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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 Professional Engineer under the laws of the state of Minnesota.

Date 11/03/2021 Keith A Matte Lic. No. 46674

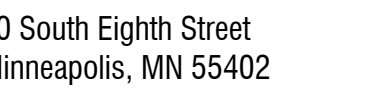
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sheet title

SELECTIVE SITE DEMOLITION AND EROSION CONTROL PLAN

C100



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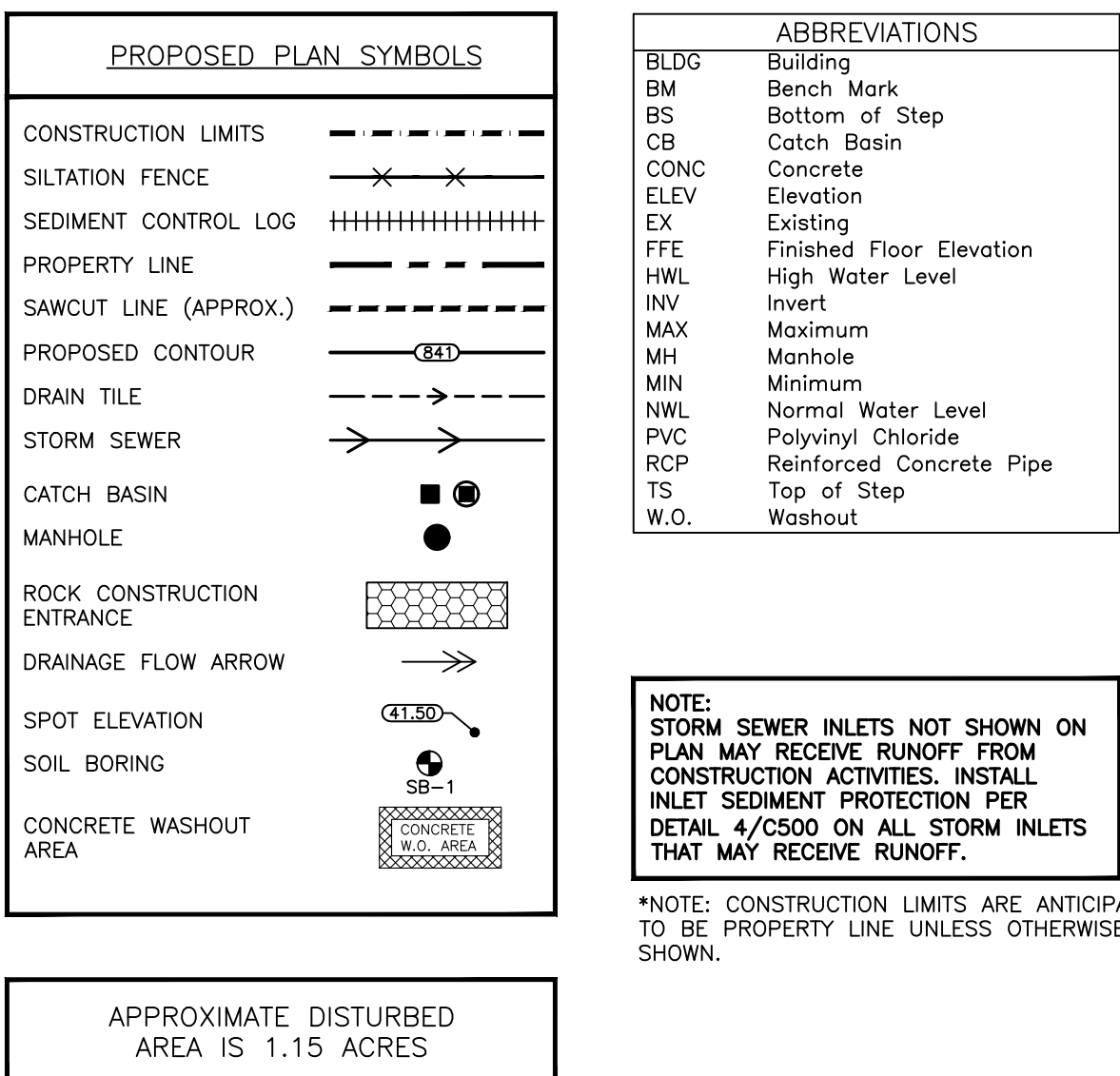
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

te 11/03/2021 Keith A Matte Lic. No. 46674

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LOADING, DRAINAGE, AND EROSION CONTROL PLAN

C200



KEYED NOTES

KEYED NOTES ARE DENOTED BY NO ON PLAN.

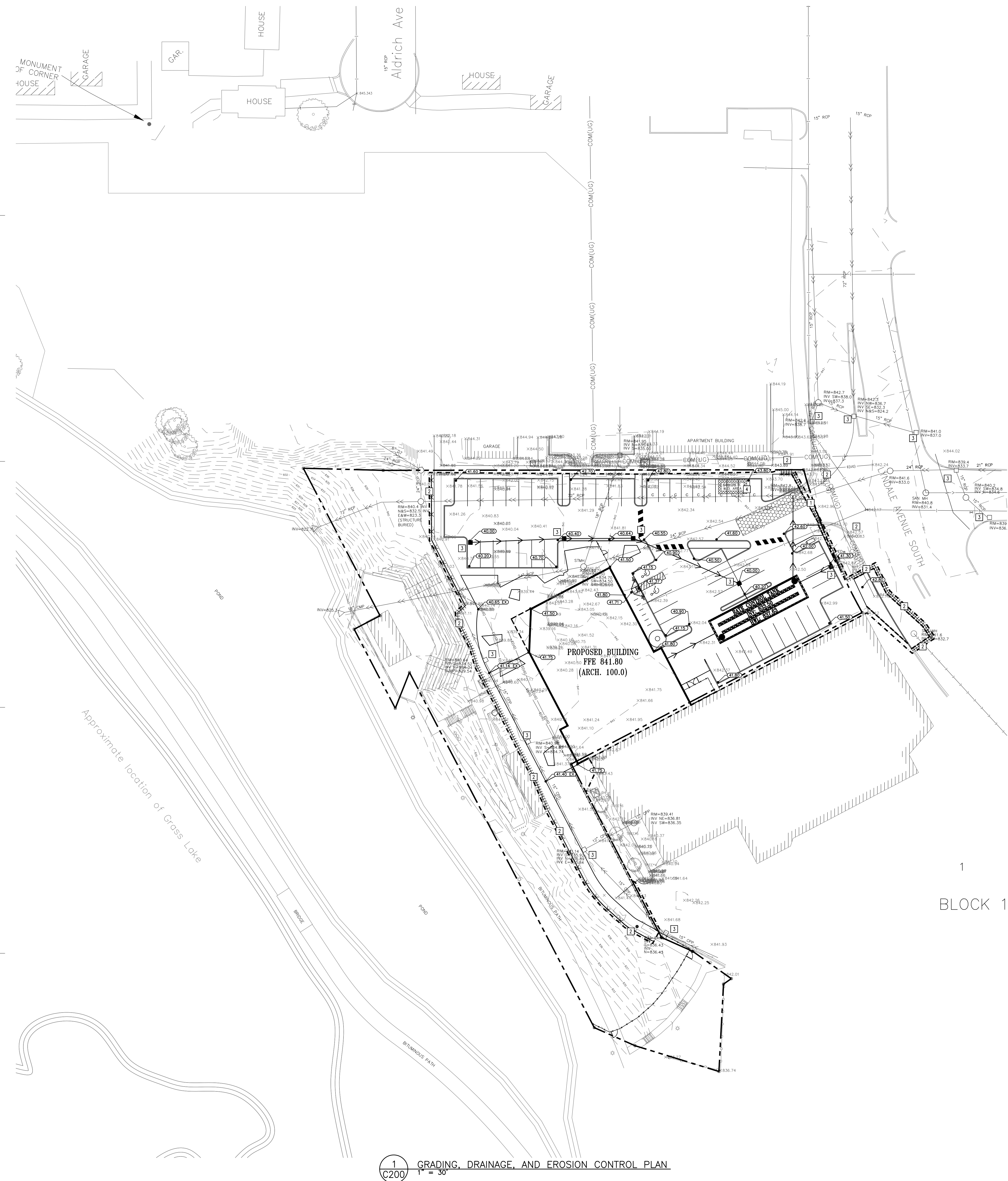
1. INSTALL CONSTRUCTION ENTRANCE. REFER TO DETAIL 1/C500.
2. INSTALL PERIMETER EROSION CONTROL. REFER TO DETAILS 2/C500 AND 3/C500.
3. INSTALL INLET SEDIMENT PROTECTION. REFER TO DETAIL 4/C500.
4. APPROXIMATE LOCATION OF TEMPORARY CONTAINED CONCRETE WASH OUT BIN. REFER TO ENVIRONMENTAL NOTES/SECTION 01500 FOR CONSTRUCTION ACTIVITY. FOR MORE DETAILS, SELF CONTAINED CONCRETE WASHOUTS ON CONCRETE DELIVERY TRUCKS IS AN ACCEPTABLE ALTERNATIVE TO ON-SITE CONTAINMENT.

EROSION CONTROL NOTES:

1. ALL EROSION CONTROL FACILITIES SHALL BE INSTALLED PRIOR TO ANY SITE GRADING OPERATIONS. THE CITY ENGINEERING DEPARTMENT MUST BE NOTIFIED UPON COMPLETION OF ALL EROSION CONTROL FACILITIES. EROSION CONTROL FACILITIES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE TO SCHEDULE A PRE-CONSTRUCTION GRADING MEETING ON-SITE WITH THE CITY OF RICHFIELD. IF DAMAGED OR REMOVED DURING CONSTRUCTION, ALL EROSION CONTROL FACILITIES MUST BE RESTORED AND IN PLACE AT THE END OF EACH DAY.
2. ANY EROSION CONTROL FACILITIES DEEMED NECESSARY BY THE CITY OF RICHFIELD; BEFORE, DURING OR AFTER THE GRADING ACTIVITIES, SHALL BE INSTALLED AT THE CITY OF RICHFIELD'S EXPENSE.
3. NO DEVIATIONS SHALL BE MADE FROM THE ELEVATIONS SHOWN ON THE APPROVED GRADING PLAN, WITHOUT PRIOR APPROVAL FROM THE CIVIL ENGINEER.
4. FOR SITES GREATER THAN 1.0 ACRE, AS REQUIRED BY THE MPCA PERMIT REQUIREMENTS, THE PERMIT APPLICANT MUST KEEP AN EROSION CONTROL INSPECTION LOG. INSPECTION MUST BE DONE ONCE EVERY SEVEN DAYS AND WITHIN 24 HOURS AFTER EVERY RAIN EVENT. THE INSPECTION RECORD MUST BE MAINTAINED AT THE CITY OF RICHFIELD WITHIN 60 DAYS OF REQUEST.
5. FLOWS FROM DIVERSION CHANNELS OR PIPES (TEMPORARY OR PERMANENT) SHALL BE ROUTED TO SEDIMENTATION BASINS OR APPROPRIATE EROSION DISSIPATORS TO PREVENT TRANSPORT OF SEDIMENT TO OUTFLOW TO LATERAL CONVEYORS AND TO PREVENT EROSION AND SEDIMENTATION WHEN RUNOFF FLOWS INTO THESE CONVEYORS.
6. SITE ACCESS ROADS SHALL BE GRADED OR PROTECTED WITH SILT FENCES, DIVERSION CHANNELS, OR DIKES AND PIPES TO PREVENT SEDIMENT FROM EXITING THE SITE VIA THE ACCESS ROADS. SITE-ACCESS ROADS/DRIVEWAYS SHALL BE SURFACED WITH CRUSHED ROCK WHERE THEY ADJOIN EXISTING PAVED ROADWAYS.
7. SOILS TRACKED FROM THE SITE BY MOTOR VEHICLES OR EQUIPMENT SHALL BE CLEANED DAILY FROM PAVED ROADWAY SURFACES, OR MORE FREQUENTLY IF REQUESTED BY THE CITY OF RICHFIELD, THROUGHOUT THE DURATION OF CONSTRUCTION.
8. DUST CONTROL MEASURES SHALL BE PERFORMED PERIODICALLY WHEN CONDITIONS REQUIRE AND/OR AS DIRECTED BY THE CITY OF RICHFIELD.
9. ALL EROSION CONTROL MEASURES SHALL BE USED AND MAINTAINED FOR THE DURATION OF THE CONSTRUCTION. IF CONSTRUCTION OPERATIONS OR NATURAL EVENTS DAMAGE OR INTERFERE WITH THESE EROSION CONTROL MEASURES, THEY SHALL BE RESTORED TO SERVE THEIR INTENDED FUNCTION AT THE END OF EACH DAY OR AS SOON AS FIELD CONDITIONS ALLOW ACCESS.
10. ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED AS SOON AS POSSIBLE. ANY AREAS WHICH HAVE BEEN FINISHED GRADED OR AREAS THAT HAVE BEEN DISTURBED AND FOR WHICH GRADING OR OTHER BUILDING CONSTRUCTION OPERATIONS ARE NOT ACTIVELY UNDERWAY SHALL BE SEEDED AND MULCHED AS SET FORTH IN THE FOLLOWING PARAGRAPHS WITHIN 14 DAYS:
 - A. ALL SEEDED AREAS SHALL BE EITHER MULCHED AND DISC-ANCHORED OR COVERED BY FIBROUS BLANKETS TO PROTECT SEEDS AND LIMIT EROSION. TEMPORARY STRAW MULCH SHALL BE DISC-ANCHORED AND APPLIED AT A UNIFORM RATE OF NOT LESS THAN TWO TONS PER ACRE AND NOT LESS THAN 80% COVERAGE.
 - B. IF THE GRADED AREA IS ANTICIPATED TO BE RE-DISTURBED/DEVELOPED WITHIN SIX MONTHS, PROVIDE A TEMPORARY VEGETATIVE COVER CONSISTING OF MINNESOTA DEPARTMENT OF TRANSPORTATION (MNDOT) SEED MIXTURE 21-111 (OATS), OR 21-112 (WINTER PHEMANT), AT A RATE OF 100 POUNDS PER ACRE.
 - C. IF GRADED AREA WILL NOT BE DEVELOPED FOR A PERIOD GREATER THAN SIX MONTHS, PROVIDE A SEMI-PERMANENT VEGETATIVE COVER OF SEED MIXTURE MNDOT 22-112 AT A RATE OF 40 POUNDS PER ACRE.
 - D. GRADING BONDS OR THE EQUIVALENT SECURITIES SHALL BE RETAINED UNTIL TURF HAS GERMINATED AND SURVIVED A 60-DAY GROWING PERIOD.
 - E. ALL AREAS THAT WILL NOT BE MOVED OR MAINTAINED AS PART OF THE ULTIMATE DESIGN WILL BE PERMANENTLY RESTORED USING SEED MIXTURE MNDOT 21-111 AT A RATE OF 59 POUNDS PER ACRE.
11. UNLESS SPECIFIED ELSEWHERE WITHIN THE CONSTRUCTION DOCUMENTS (I.E. ARCHITECTURAL SITE PLAN OR), PERMANENT TURF RESTORATION SHALL CONSIST OF SOO.
 - G. WHENEVER OTHER EROSION AND SEDIMENT CONTROL PRACTICES ARE INADEQUATE, TEMPORARY ON-SITE SEDIMENT BASINS THAT CONFORM TO THE CRITERIA FOLLOWS ON-SITE DETENTION BASINS SHALL BE PROVIDED.
 - H. MULCH, HYDROMULCH, AND TACKIFIERS MAY NOT BE USED FOR STABILIZATION IN SWALES OR DRAINAGE DITCHES UNLESS THE LONGITUDINAL SLOPE IS LESS THAN 2 PERCENT.
 - I. RUNOFF SHALL BE PREVENTED FROM ENTERING ALL STORM SEWER CATCH BASINS PROVIDING THEY ARE NOT NEEDED DURING CONSTRUCTION. WHERE STORM SEWER CATCH BASINS ARE NECESSARY FOR SITE DRAINAGE DURING CONSTRUCTION, SEDIMENT PROTECTION DEVICES AS DETAILED SHALL BE INSTALLED AND MAINTAINED AROUND ALL CATCH BASINS UNTIL THE TRIBUTARY AREA TO THE CATCH BASIN IS RESTORED.
11. GRADING ACTIVITIES PROPOSED TO BEGIN AFTER OCTOBER 15 WILL REQUIRE AN APPROVED PLANNING SCHEDULE. THE AREA OF LAND THAT THE CITY WILL ALLOW TO BE DISTURBED AT THIS TIME OF YEAR WILL BE SEVERELY LIMITED. THE CITY WILL ALSO REQUIRE ADDITIONAL EROSION CONTROL DEVICES, I.E., TEMPORARY SEDIMENT BASINS, TO PREVENT HIGH RATES OF EROSION OF PIERCE AND MOUNTAIN LAKE WATERSHEDS.
12. EROSION CONTROL FACILITIES SHALL BE INSTALLED AND MAINTAINED AROUND THE PERIMETER OF ALL LAKES WITHIN OR ADJACENT TO THE AREA TO BE GRADED UNTIL THE TRIBUTARY AREA TO THE LAKE IS RESTORED.
13. TO MINIMIZE EROSION, ALL 3:1 SLOPES SHALL BE COVERED WITH A M/V/OTD 3885 CATEGORY 3 STRAW EROSION CONTROL BLANKETS OR STAKED SOO.
14. ACCUMULATION OF ALL SEDIMENT OCCURRING IN LAKES AND STORM SEWERS AND DITCHES SHALL BE REMOVED PRIOR TO, DURING AND AFTER COMPLETION OF GRADING ACTIVITIES.
15. EROSION CONTROL ITEMS AND DEVICES SHALL BE REMOVED ONLY AFTER THE AREA HAS RECEIVED FINAL STABILIZATION OR AS DIRECTED BY THE CITY OF RICHFIELD.

GRADING NOTES:

1. THE CONTRACTOR SHALL VISIT THE SITE, REVIEW ALL CONSTRUCTION DOCUMENTS AND FIELD VERIFY THE EXISTING CONDITIONS PRIOR TO BIDDING. NO ADDITIONAL COMPENSATION WILL BE GIVEN FOR WORK THAT COULD HAVE BEEN IDENTIFIED BY A SITE VISIT OR CONSTRUCTION DOCUMENT REVIEW.
2. THE BACKGROUND INFORMATION WAS PREPARED BY SRF CONSULTING GROUP, INC. (763) 475-0010.
3. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ASCERTAIN THE LOCATION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION, ELEVATION AND MARK ALL EXISTING UTILITIES 48 HOURS BEFORE CONSTRUCTION STARTS. THE ENGINEER, ARCHITECT OR OWNER DOES NOT GUARANTEE THAT ALL THE UTILITIES AND/OR IF MARKED ARE SHOWN CORRECTLY. THE CONTRACTOR CANNOT BE HELD RESPONSIBLE AT 651-654-0002 FOR FIELD LOCATING EXISTING UTILITIES. CONTACT UTILITY OWNER IF DAMAGE OCCURS DUE TO CONSTRUCTION.
4. PROTECT ALL EXISTING STRUCTURES AND UTILITIES WHICH ARE NOT SCHEDULED FOR REMOVAL.
5. NOTIFY CITY BUILDING INSPECTOR BEFORE TRENCHING AND EXCAVATION WORK COMMENCES. THE CONTRACTOR SHALL OBTAIN ALL APPLICABLE PERMITS PRIOR TO START OF CONSTRUCTION.
6. ALL SPOT ELEVATIONS SHOWN AS 41.50, FOR EXAMPLE, ARE TO BE UNDERSTOOD TO MEAN 841.50.
7. ALL SPOT ELEVATIONS ALONG THE CURB-LINE INDICATE THE ELEVATION OF THE GUTTER, UNLESS NOTED OTHERWISE.
8. NO LANDSCAPED SLOPES ARE TO EXCEED 3:1 (3 FEET HORIZONTAL TO 1 FOOT VERTICAL) UNLESS NOTED OTHERWISE.
9. ACCESSIBLE PARKING AREAS SHALL NOT HAVE SLOPES IN ANY DIRECTION THAT EXCEED 2%.
10. PROVIDE POSITIVE DRAINAGE FROM BUILDINGS AT ALL TIMES.
11. UPON COMPLETION OF THE GRADING AND UTILITY WORK, THE CONTRACTOR SHALL CERTIFY THAT ALL GRADING AND UTILITY WORK WAS PERFORMED IN ACCORDANCE WITH THE APPROVED GRADING AND UTILITY PERMITS. AN AS-BUILT GRADING AND UTILITY PLAN SHALL BE PERFORMED BY A REGISTERED LAND SURVEYOR HIRED BY THE CONTRACTOR. SURVEY SHALL BE PROVIDED TO CITY ENGINEER.
12. PRIOR TO ISSUANCE OF BUILDING PERMITS, ALL NECESSARY EROSION CONTROL DEVICES MUST BE IN PLACE AND FUNCTIONING. THE CITY OF RICHFIELD WILL BE REQUIRED TO DETERMINE ITS SUITABILITY FOR BUILDING ACTIVITIES. IF THE PUBLIC UTILITIES HAVE NOT BEEN INSTALLED AT THIS POINT, IT MAY BE NECESSARY TO WITHHOLD BUILDING PERMITS FOR VARIOUS LOTS TO ALLOW THE CONTRACTOR ADEQUATE SPACE TO PERFORM THIS WORK.
13. ALL DEBRIS CREATED IN THE PROCESS OF CLEARING AND GRADING THE SITE SHALL BE REMOVED FROM THE SITE. THIS INCLUDES TREES AND SHRUBS. UNDER NO CIRCUMSTANCES SHALL THIS TYPE OF MATERIAL BE BURIED OR BURNED ON THE SITE.
14. THE CONTRACTOR MAY STRIP AND SALVAGE TOPSOIL FOR POTENTIAL RE-SPREADING ON THE SITE, IF APPROVED BY THE LANDSCAPE ARCHITECT AND/OR SPECIFIED SIX INCHES OF TOPSOIL - AFTER CONSTRUCTION OF THE CURB AND GUTTER. RE-SPREAD PRIOR TO SEEDING AND MULCHING. EXCESS TOPSOIL MAY BE REMOVED FROM THE SITE PROVIDING THERE IS ADEQUATE TOPSOIL REMAINING TO PROPERLY FINISH THE SITE AS NOTED ABOVE. THE TOPSOIL, STRIPPING, STOCKPILING AND REMOVAL SHALL BE SHOWN ON THE GRADING AND UTILITY PLAN. THE ENGINEER, ARCHITECT AND SPECIFICATIONS, THE CONTRACTOR SHALL REFER TO THE LANDSCAPE DRAWINGS AND SPECIFICATIONS FOR ANY SPECIAL TOPSOIL OR PLANTING REQUIREMENTS.
15. ALL GRADING OPERATIONS SHALL BE CONDUCTED IN A MANNER TO MINIMIZE THE POTENTIAL FOR SITE EROSION. EROSION CONTROL MEASURES SHALL BE INSTALLED TO PREVENT SEDIMENT FROM RUNNING OFF ONTO ADJACENT PROPERTIES. ANY DAMAGE TO ADJACENT PROPERTIES MUST BE CORRECTED AND RESTORED AS SOON AS POSSIBLE TO PREVENT DAMAGE FROM THE ADJACENT PROPERTY OWNERS(S).
16. IF CONSTRUCTION OF THE SITE WORK PROCEEDS THROUGH THE WINTER MONTHS, ANY DISTURBED AREAS OUTSIDE THE BUILDING FOOTPRINTS ARE TO BE MINIMALLY STABILIZED PRIOR TO MARCH 1, AS FOLLOWS: AREAS PLANNED TO RECEIVE PAVEMENTS ARE TO HAVE CLASS 5 BASE INSTALLED; ALL OTHER DISTURBED AREAS ARE TO BE SEED, STRAW MULCH AND, DISC-ANCHORED.
17. WINTER MULCHING:
 - 17.A. SNOW MULCHING SHALL BE DEFINED AS MULCH MATERIAL SPREAD OVER THE TOP OF SNOW SO THAT THE MULCH MELTS THROUGH THE SNOW AND STICKS TO THE EXPOSED SOILS.
 - 17.B. FROZEN GROWN MULCHING SHALL BE DEFINED AS MULCH MATERIAL SPREAD OVER FROZEN GROWN, MULCH MATERIALS THAT DO NOT REQUIRE DISC-ANCHORING INTO THE SOIL MAY BE PLACED WITHOUT MODIFICATION, MULCH MATERIALS THAT REQUIRE DISC-ANCHORING MAYBE ANCHORED WITH STEEL ORAL SOIL STABILIZERS OR MAY BE FROZEN TO THE SOIL BY APPLYING WATER, AT A RATE OF 2000 GALLONS PER ACRE, OVER THE MULCH AS A SUBSTITUTION FOR DISC-ANCHORING.
18. THE CONTRACTOR SHALL LIMIT THE DISTURBED AREA AS MUCH AS POSSIBLE.

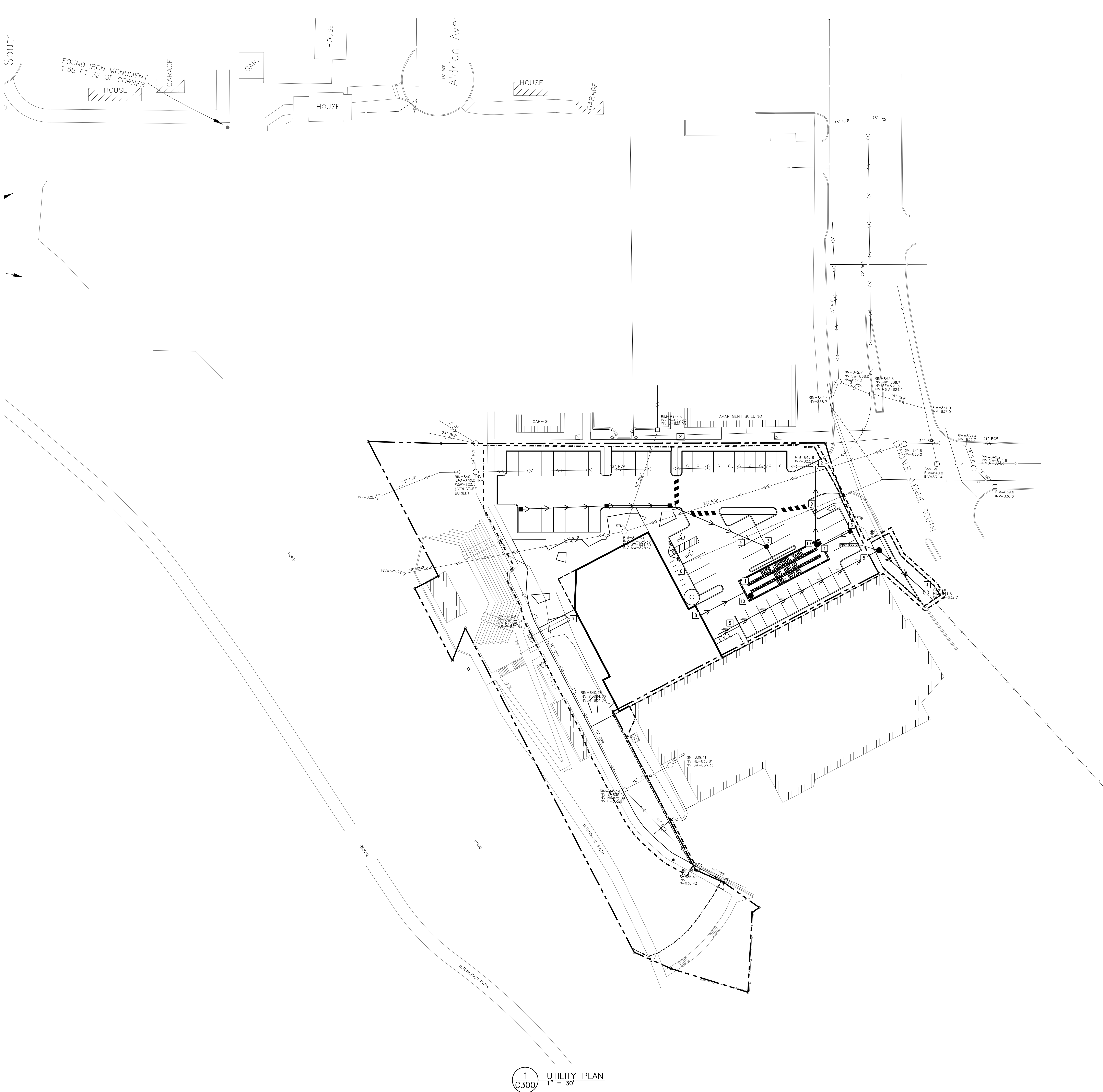


BLOCK 1

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C200

GRADING, DRAINAGE, AND EROSION CONTROL PLAN

1" = 30'



| PROPOSED PLAN SYMBOLS | | ABBREVIATIONS | |
|------------------------|-----|---------------|---------------------------|
| CONSTRUCTION LIMITS | --- | BLDG | Building |
| PROPERTY LINE | --- | BM | Bench Mark |
| SAWCUT LINE (APPROX.) | --- | CB | Catch Basin |
| SANITARY SEWER | --- | CONC | Concrete |
| WATER PIPE | --- | DIP | Ductile Iron Pipe |
| DRAIN TILE | --- | ELEV | Elevation |
| STORM SEWER | --- | EX | Existing |
| FIRE HYDRANT | --- | FFE | Finished Floor Elevation |
| GATE VALVE | --- | HDPE | High Density Polyethylene |
| CATCH BASIN | --- | INV | Invert |
| MANHOLE | --- | MAX | Maximum |
| SEWER INVERT ELEVATION | --- | MH | Manhole |
| | | MIN | Minimum |
| | | PVI | Post Indicator Valve |
| | | PVC | Polyvinyl Chloride |
| | | RCP | Reinforced Concrete Pipe |
| | | RD | Roof Drain |

*NOTE: CONSTRUCTION LIMITS ARE ANTICIPATED TO BE PROPERTY LINE UNLESS OTHERWISE SHOWN.

- KEYED NOTES
- KEYED NOTES ARE DENOTED BY **W** ON PLAN.
1. INSTALL RATE CONTROL TANK PER DETAIL 9/C500. RATE CONTROL TANK SHALL HAVE A TOTAL VOLUME OF 4.118 CUBIC FEET AND MEET THE RATE CONTROL REQUIREMENTS INDICATED ON SHEET C600. SYSTEM FOOTPRINT IS BASED ON CMP PIPE DESIGN. ANY ALTERNATE DESIGNS MUST BE APPROVED BY CIVIL ENGINEER PRIOR TO CONSTRUCTION.
 2. CORE DRILL EXISTING MANHOLE FOR PROPOSED PIPE CONNECTION. GROUT SEAL AROUND OPENING. FOLLOW CITY OF RICHFIELD STANDARDS AND SPECIFICATIONS.
 3. INSTALL SUMP CATCH BASIN WITH SHOUT, ENVIRODOD, OR APPROVED EQUAL. REFER TO DETAIL 6/C500.
 4. CORE DRILL EXISTING MANHOLE FOR PROPOSED PIPE CONNECTION AT INV. 832.81. GROUT SEAL AROUND OPENING. FOLLOW ALL CITY OF RICHFIELD STANDARDS AND SPECIFICATIONS.
 5. LOCATION OF PROPOSED SANITARY SEWER SERVICE. REFER TO SANITARY SEWER TABLE FOR INVERT ELEVATIONS AND PIPE SIZES. STUB TO WITHIN 5 FEET OF PROPOSED BUILDING. COORDINATE EXACT LOCATION AND INVERT ELEVATION WITH MECHANICAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
 6. LOCATION OF PROPOSED WATER SERVICE CONNECTION. EXISTING 4-INCH WATER LINE WILL BE USED TO SERVICE BUILDING. COORDINATE EXACT LOCATION AND INVERT ELEVATION WITH MECHANICAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
 7. LOCATION OF PROPOSED WATER SERVICE CONNECTION. EXISTING WATER LINE FEEDS WATER FOUNTAIN TO THE WEST. PROPOSED BUILDING SHALL MAINTAIN SERVICE TO THE WATER FOUNTAIN. COORDINATE EXACT LOCATION AND INVERT ELEVATION WITH MECHANICAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
 8. LOCATION OF ROOF DRAIN CONNECTION.
 9. CONTRACTOR SHALL VERIFY DEPTH OF EXISTING WATER SERVICE. IF SERVICE HAS LESS THAN 7.5-FEET OF COVER OR HAS LESS THAN 1.5-FEET OF SEPARATION FROM PROPOSED SEWERS, THEN CONTRACTOR SHALL LOWER WATER SERVICE TO PROVIDE ADEQUATE COVER AND SEPARATION.
 10. INSTALL ACCESS RISER.

- UTILITY NOTES:
1. COORDINATE SERVICE CONNECTION LOCATIONS AT THE BUILDING WITH THE MECHANICAL CONTRACTOR PRIOR TO CONSTRUCTION. NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR UNCOORDINATED WORK.
 2. COORDINATE UTILITY INSTALLATION WITH STRUCTURAL PRIOR TO START OF CONSTRUCTION. UTILITIES SHALL NOT BE INSTALLED WITHIN THE ZONE OF INFLUENCE OF ANY STRUCTURAL ELEMENTS. NO ADDITIONAL COMPENSATION WILL BE PROVIDED FOR UNCOORDINATED WORK.
 3. ALL SEWER SERVICE CONNECTIONS WITH LESS THAN 5 FEET OF COVER OVER THE TOP OF PIPE SHALL BE INSULATED. INSULATION SHALL BE INSTALLED FROM THE CONNECTION OF THE SERVICE AT THE BUILDING TO THE POINT WHICH THE SERVICE ATTAINS 5 FEET OF COVER. CONTRACTOR SHALL OBTAIN WRITTEN PERMISSION FROM ARCHITECT OR ENGINEER PRIOR TO INSTALLATION OF INSULATION.
 4. PROTECT ALL EXISTING STRUCTURES AND UTILITIES WHICH ARE NOT SCHEDULED TO BE REMOVED.
 5. ALL SEWER AND WATER CROSSINGS SHALL HAVE A MINIMUM VERTICAL SEPARATION OF 1.5 FEET AND HORIZONTAL SEPARATION OF 10 FEET. FOLLOW ALL HEALTH DEPARTMENT AND CITY OF RICHFIELD AND HENNEPIN COUNTY STANDARDS.
 6. ALL WATER MAINS SHALL BE DUCTILE IRON PIPE, CLASS 52, UNLESS NOTED OTHERWISE.
 7. ALL WATER MAIN SHALL HAVE A MINIMUM DEPTH OF COVER OF 7.5 FEET OVER TOP OF WATER MAIN.
 8. PROVIDE THRUST BLOCKING ON ALL WATER MAIN PER CITY OF RICHFIELD. PROVIDE MECHANICAL JOINT RESTRAINTS ON ALL BENDS, VALVES, TEES, PLUGS AND HYDRANT LEADS.
 9. SANITARY SEWER PIPING SHALL BE SDR 35 PVC UNLESS NOTED OTHERWISE.
 10. STORM SEWER PIPING SHALL BE SDR 35 POLY VINYL CHLORIDE (PVC), UNLESS NOTED OTHERWISE. ALL STORM SEWER PIPE THAT IS EXTENDED TO THE BUILDING FOR ROOF DRAIN SERVICES IS TO BE SCHEDULE 40 PVC. PVC PIPE AND FITTINGS SHALL CONFORM TO THE REQUIREMENTS OF ASTM D3034 (ASTM D2665 FOR SCHEDULE 40).
 11. CONTRACTORS SHALL COORDINATE ALL WORK WITH GAS, ELECTRIC, TELEVISION AND TELEPHONE COMPANIES PRIOR TO START OF CONSTRUCTION.
 12. WHERE PROPOSED GRADE OVER EXISTING SMALL UTILITIES IS PROPOSED TO BE LOWERED, CONTRACTOR SHALL COORDINATE WITH UTILITY OWNER FOR THE LOWERING OF THE EXISTING UTILITY TO PROVIDE THE MINIMUM COVER REQUIRED AT NO ADDITIONAL COST TO THE OWNER.
 13. ALL PORTIONS OF THE STORM SEWER SYSTEM LOCATED WITHIN 10-FEET OF THE BUILDING OR WATER SERVICE LINE SHALL BE TESTED IN ACCORDANCE WITH MN PLUMBING CODE. PIPING MATERIAL SHALL BE SCHEDULE 40 PVC.
 14. ALL JOINTS AND CONNECTIONS IN THE STORM SEWER SYSTEM SHALL BE GAS TIGHT OR WATER TIGHT IN ACCORDANCE TO MN PLUMBING CODE. APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATER TIGHT CONNECTIONS TO MANHOLES, CATCH BASINS, AND OTHER STRUCTURES. RESILIENT WATER-STOP GROUTING RINGS ARE AN ACCEPTABLE ALTERNATIVE. CEMENT MORTAR JOINTS ARE PERMITTED ONLY FOR REPAIRS AND CONNECTIONS OF EXISTING LINES CONSTRUCTED WITH SUCH JOINTS.



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project title

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seal

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 Professional Engineer under the laws of the state of Minnesota.

Date 11/03/2021 Keith A Matte Lic. No. 46674

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UTILITY PLAN

C300



| PROPOSED PLAN SYMBOLS | |
|-------------------------------------|-----------|
| CONSTRUCTION LIMITS | --- |
| PROPERTY LINE | --- |
| SAWCUT LINE (APPROX.) | --- |
| BITUMINOUS PAVEMENT | [Pattern] |
| CONCRETE PAVEMENT/SIDEWALK | [Pattern] |
| SEE ARCHITECTURAL PLANS FOR DETAILS | [Pattern] |
| PEDESTRIAN CURB RAMP | [Symbol] |
| ACCESSIBLE PARKING SYMBOL | [Symbol] |
| SIGN | [Symbol] |
| PARKING STALL COUNT | [Symbol] |

| ABBREVIATIONS | |
|---------------|-----------------------------------------------------|
| BLDG | Building |
| BM | Bench Mark |
| CONC | Concrete |
| ELEV | Elevation |
| EX | Existing |
| F.F.E. | Finished Floor Elevation |
| zE | Maximum |
| MIN | Minimum |
| R | Radius |
| TYP. | Typical |
| MN/UTCD | Minnesota Manual on Uniform Traffic Control Devices |

*NOTE: CONSTRUCTION LIMITS ARE ANTICIPATED TO BE PROPERTY LINE UNLESS OTHERWISE SHOWN.

KEYED NOTES

KEYED NOTES ARE DENOTED BY [Symbol] ON PLAN.

1. INSTALL NEW BITUMINOUS PAVEMENT TO MATCH EXISTING PAVEMENT CROSS SECTION. FOR BIDDING PURPOSES REFER TO DETAIL 6/C502. INTENT IS TO MATCH EXISTING PAVEMENT CROSS SECTION
2. INSTALL B624 CONCRETE CURB AND GUTTER. REFER TO DETAIL 1/C502.
3. INSTALL B612 CONCRETE CURB AND GUTTER. REFER TO DETAIL 2/C502.
4. INSTALL CONCRETE WALK. REFER TO DETAIL 4/C502.
5. INSTALL PEDESTRIAN CURB RAMP. REFER TO DETAIL 9/C502. REFER TO MN/DOT STANDARD PLAN 5-297.250 AND MN/DOT STANDARD PLATE 7038.
6. INSTALL CONCRETE DUMPSTER PAD. REFER TO DETAIL 7/C502.
7. INSTALL LIGHT-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 5/C502.
8. INSTALL HEAVY-DUTY BITUMINOUS PAVEMENT. REFER TO DETAIL 6/C502.
9. INSTALL ACCESSIBLE PARKING SIGN. REFER TO DETAIL 8/C502.
10. INSTALL TRASH ENCLOSURE SCREEN FENCE. REFER TO ARCHITECTURAL PLANS AND DETAILS.
11. INSTALL FENCE. REFER TO ARCHITECTURAL PLANS AND DETAILS.
12. INSTALL BICYCLE RACK. REFER TO ARCHITECTURAL PLANS AND DETAILS.
13. INSTALL NOSE-DOWN CURB SECTION. REFER TO DETAIL 3/C500.
14. REFER TO ARCHITECTURAL PLANS FOR DETAILS IN THIS AREA.
15. REFER TO ARCHITECTURAL PLANS FOR SILO DETAILS.

PAVING NOTES:

1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
2. ALL CURB AND GUTTER IS TO BE B612 CONCRETE CURB AND GUTTER UNLESS NOTED OTHERWISE.
3. NO SIDEWALK IS TO HAVE MORE THAN A 2% CROSS SLOPE OR MORE THAN A 5% LONGITUDINAL SLOPE.
4. REFER TO ARCHITECTURAL PLANS FOR PROPOSED BUILDING LAYOUT.
5. FOLLOW ALL CITY OF RICHFIELD AND HENNEPIN COUNTY RULES, REGULATIONS AND SPECIFICATIONS WHEN WORKING IN PUBLIC RIGHT OF WAY.
6. STRIPE PARKING LOT AS SHOWN. ALL PARKING STALLS ARE TO BE 9 FEET WIDE BY 20 FEET LONG, UNLESS NOTED OTHERWISE.
7. ACCESSIBLE AISLES SHALL BE STRIPED PER MN CODE (SECTION 502). WHERE "NO PARKING" SIGNAGE WOULD OBSTRUCT A CURB RAMP OR ACCESSIBLE ROUTE, "NO PARKING" SHALL BE PRINTED ON THE SURFACE OF THE ACCESS AISLE.
8. THE CONTRACTOR IS TO CONTACT THE CITY OF RICHFIELD FIRE MARSHALL FOR THE EXACT PLACEMENT OF FIRE LANES, YELLOW-PAINTED CURBING AND NO PARKING AREAS FOR FIRE PROTECTION PURPOSES.
9. REFER TO STRUCTURAL PLANS FOR STOOP DETAILS. ALL WALKS ARE TO BE CENTERED ON THE DOORS.
10. INSTALL APPROPRIATE EXPANSION MATERIAL WHERE CONCRETE IS ADJACENT TO BUILDING FACE.
11. ALL EXPANSION AND ISOLATION JOINTS SHALL BE SEALED PER SPECIFICATIONS.
12. MATCH NEW PAVEMENT, CURB AND GUTTER, AND SIDEWALK INTO EXISTING. NO ABRUPT GRADE TRANSITIONS OR PONDING OF WATER WILL BE ALLOWED.
13. SAWCUT EXISTING PAVEMENT, SIDEWALK, AND CURB AND GUTTER TO NEAREST JOINT. COORDINATE REMOVAL LIMITS WITH SITE DEMOLITION CONTRACTOR AND CONSTRUCTION MANAGER.
14. INSTALL DRIVE ENTRANCE PER CITY OF RICHFIELD STANDARDS AND SPECIFICATIONS. FOLLOW ALL CITY OF RICHFIELD AND HENNEPIN COUNTY REQUIREMENTS FOR TRAFFIC CONTROL.
15. REFER TO SPECIFICATIONS FOR GRADE VERIFICATION SURVEY REQUIREMENTS PRIOR TO PLACEMENT OF SUB-BASE MATERIAL, BASE MATERIAL, AND PAVEMENTS/SIDEWALKS.



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project title

client

seal

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 Professional Engineer under the laws of the state of Minnesota.

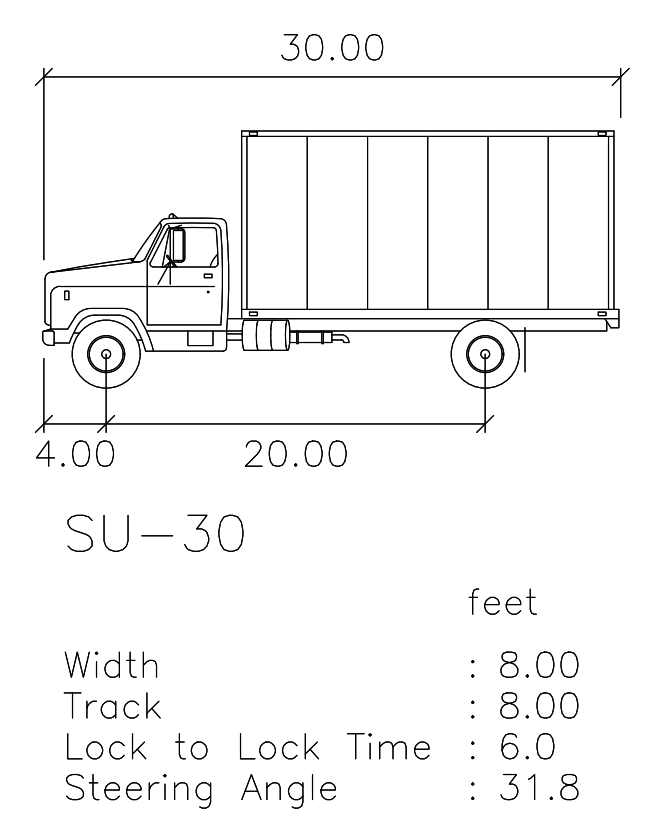
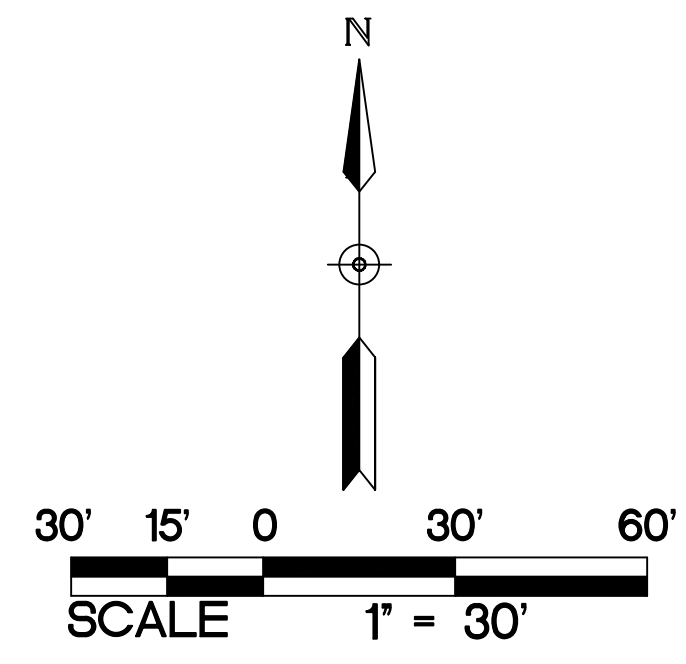
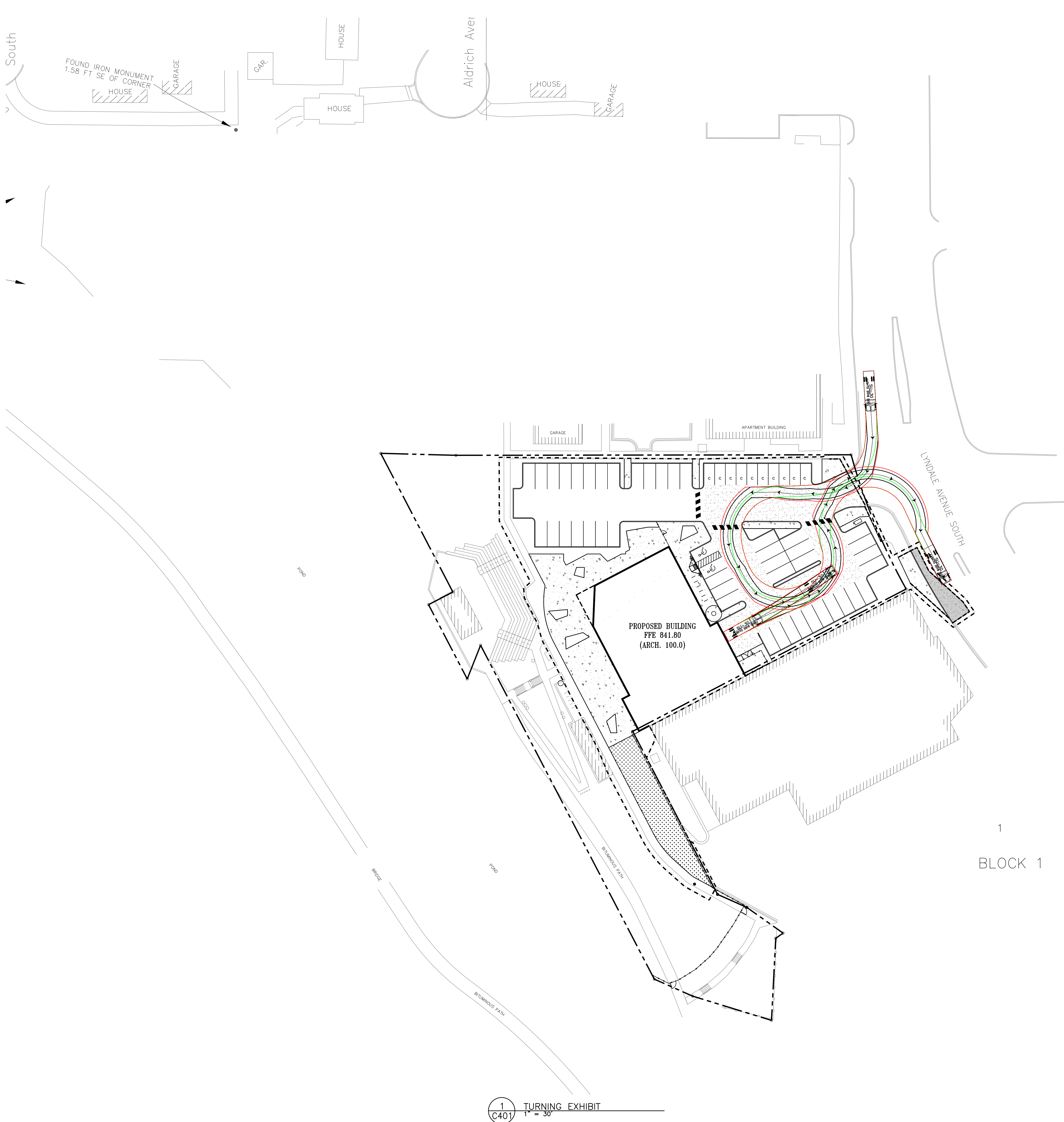
Date 11/03/2021 Keith A Matte Lic. No. 46674

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sheet title
PAVING AND GEOMETRIC PLAN

C400



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sheet title
TURNING EXHIBIT

C401



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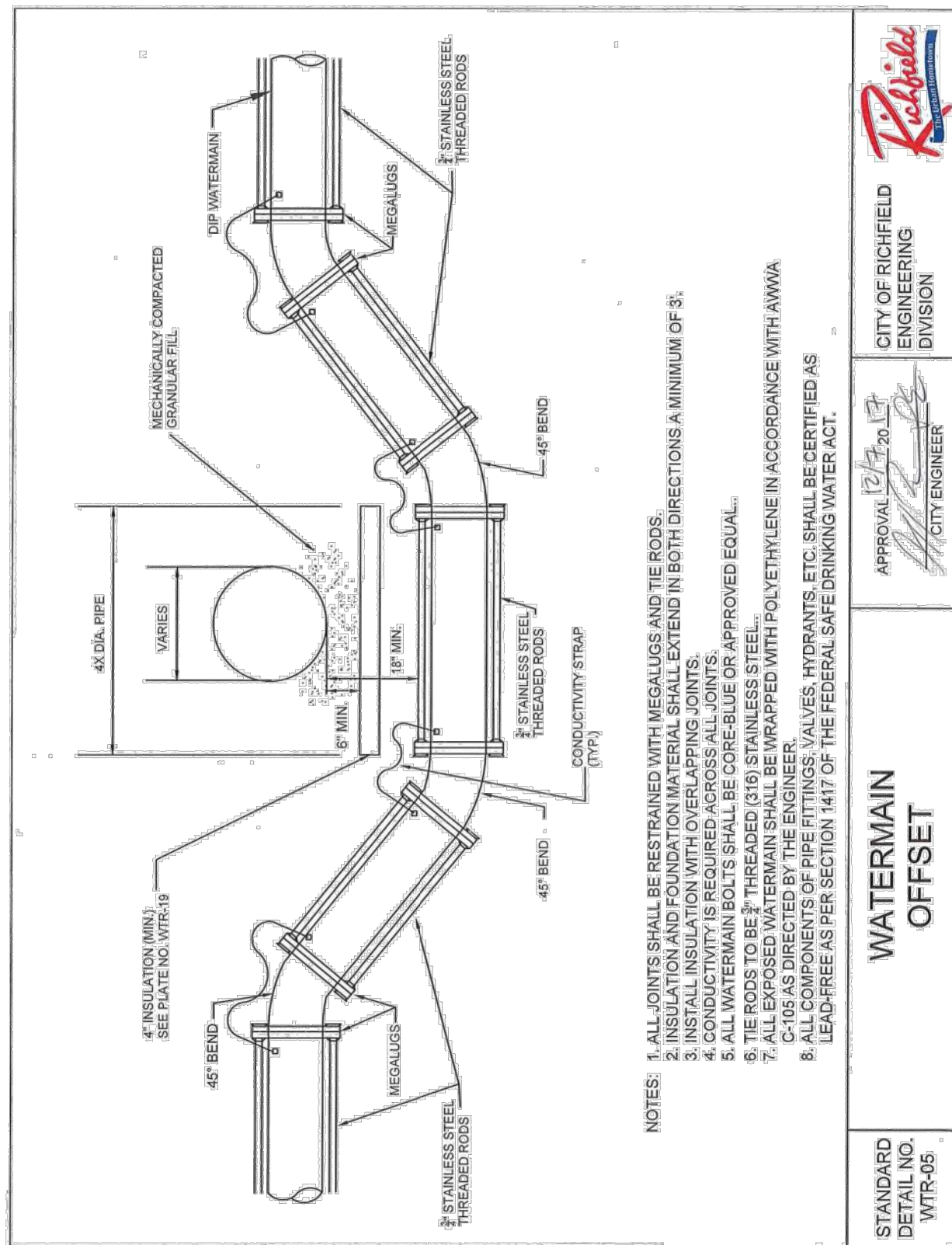
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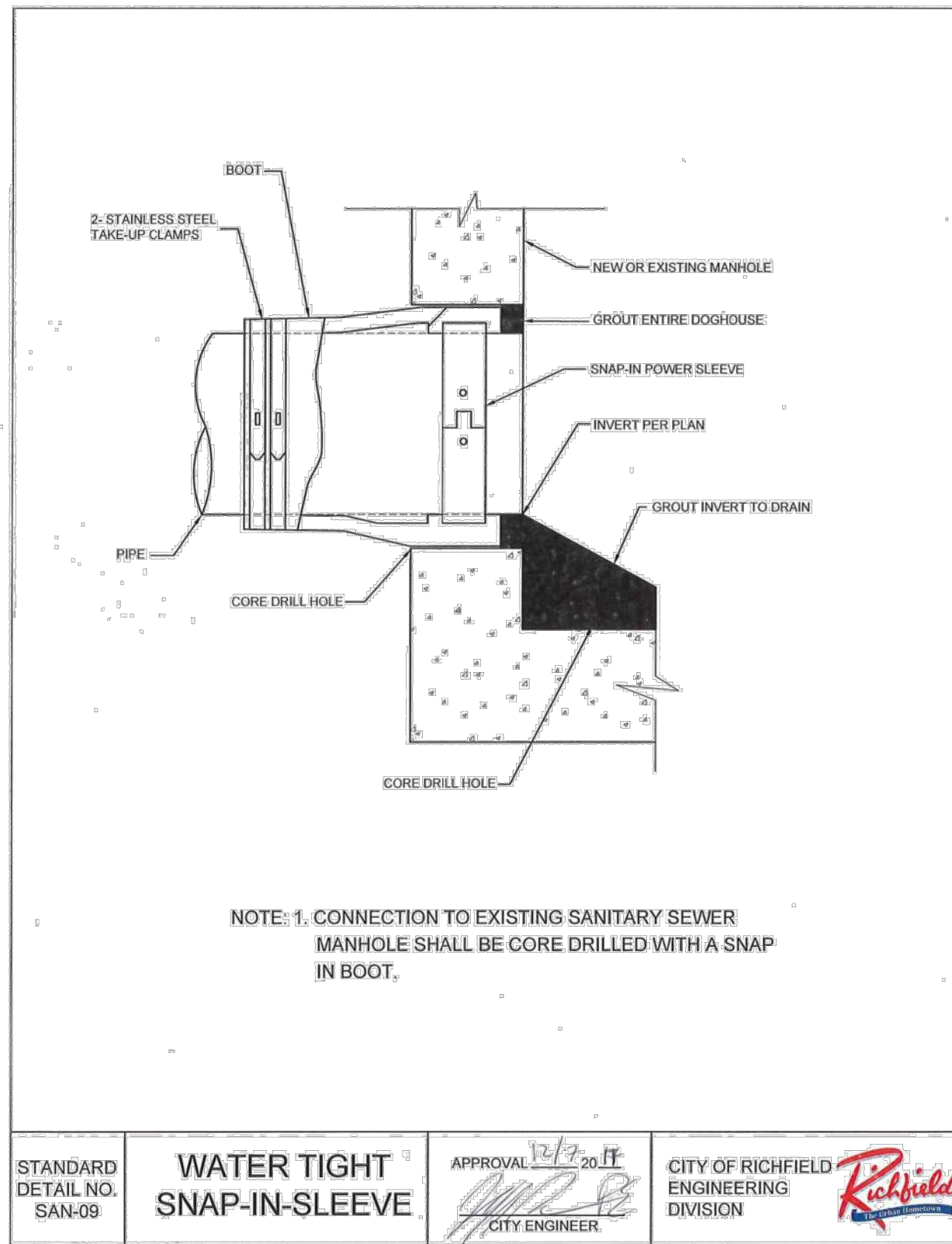
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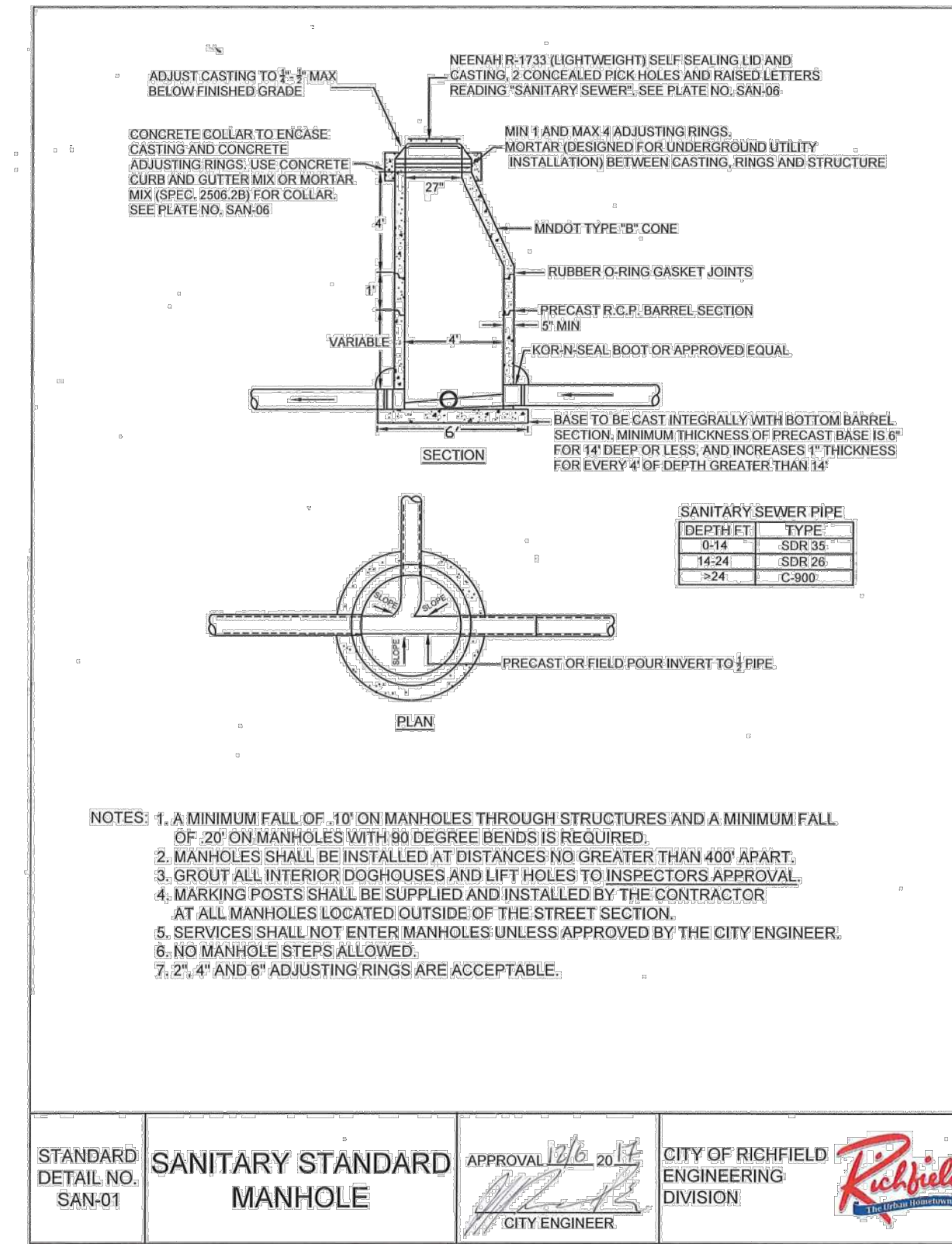
C501



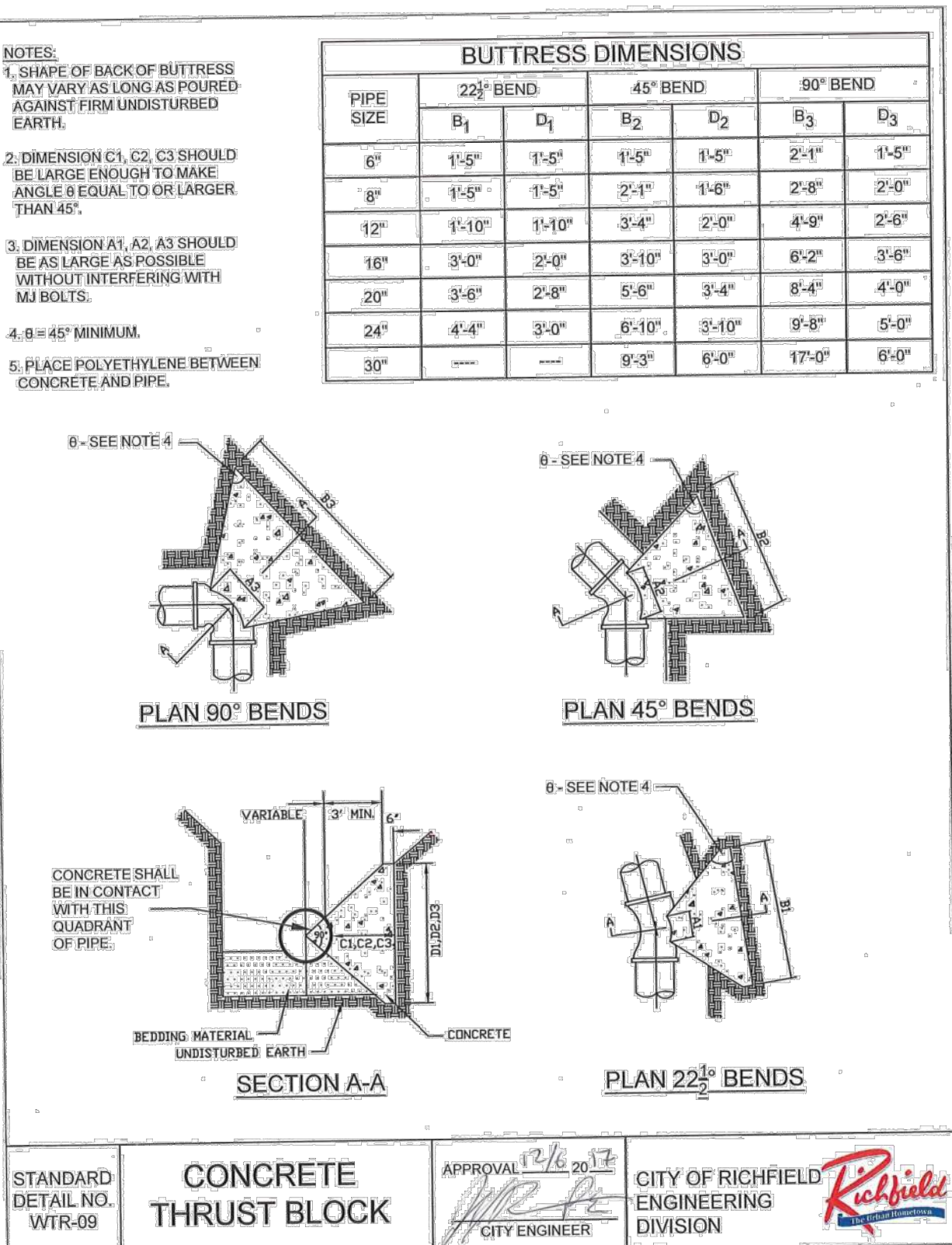
7 C501 WATERMAIN OFFSET
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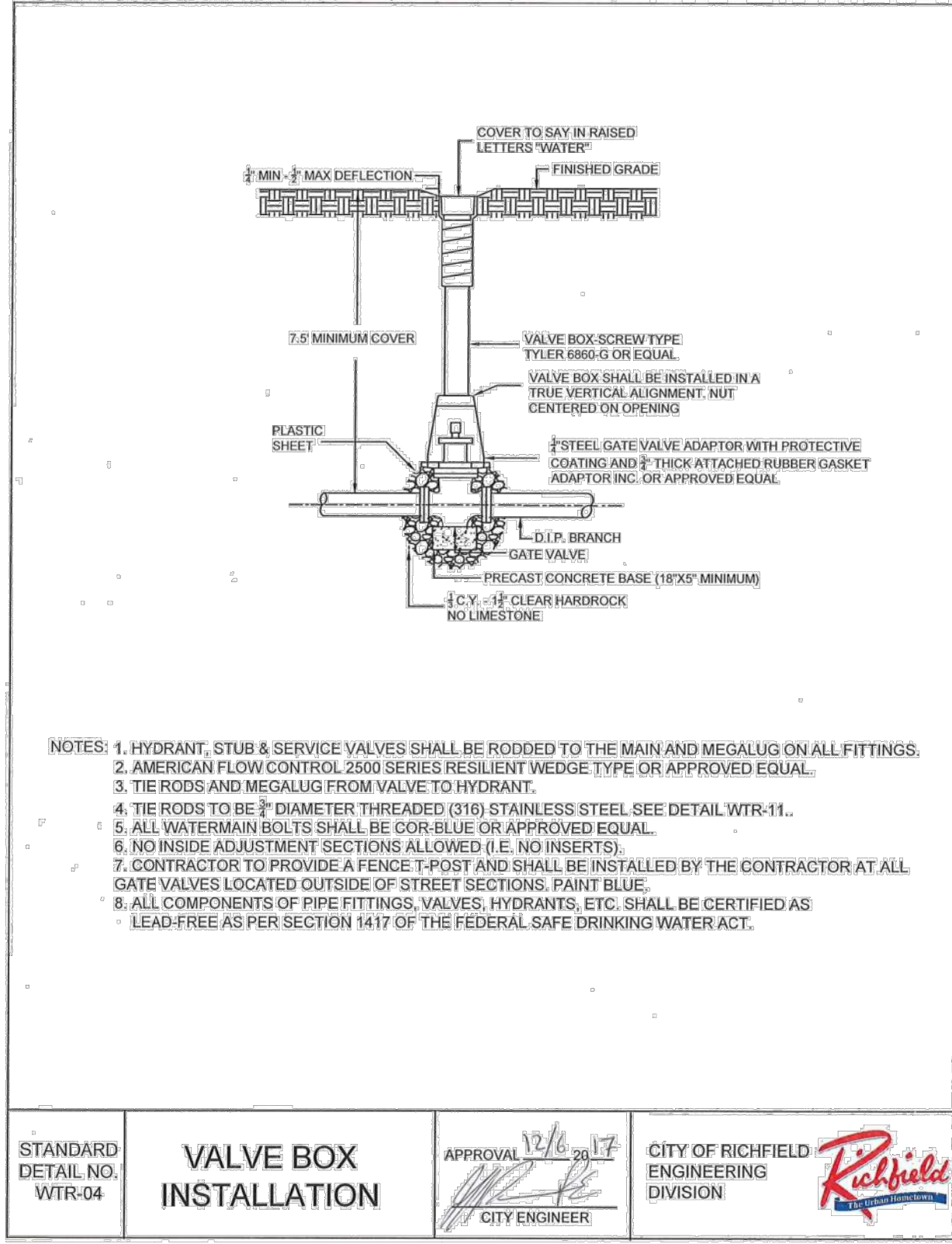
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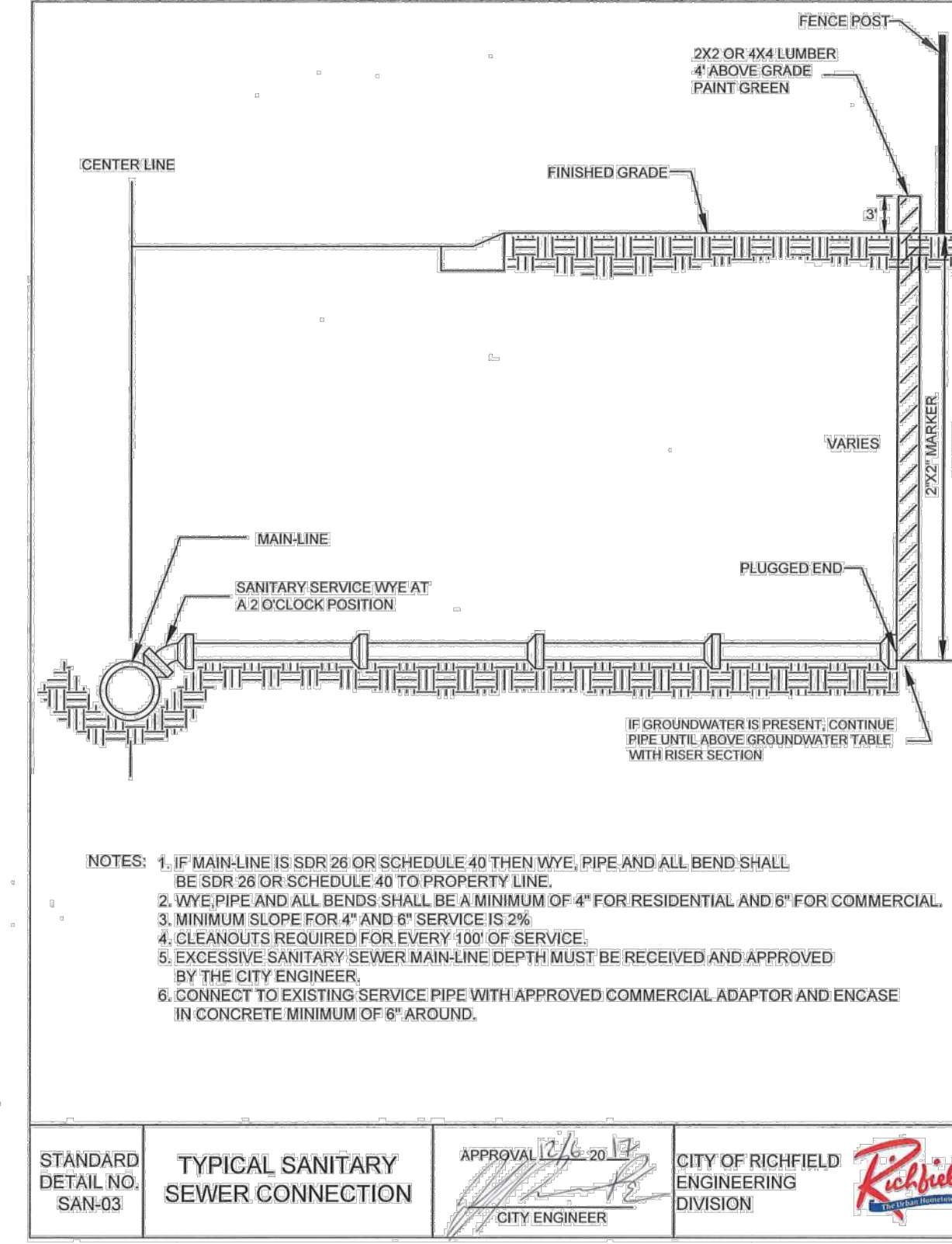
1 C501 SANITARY SEWER MANHOLE
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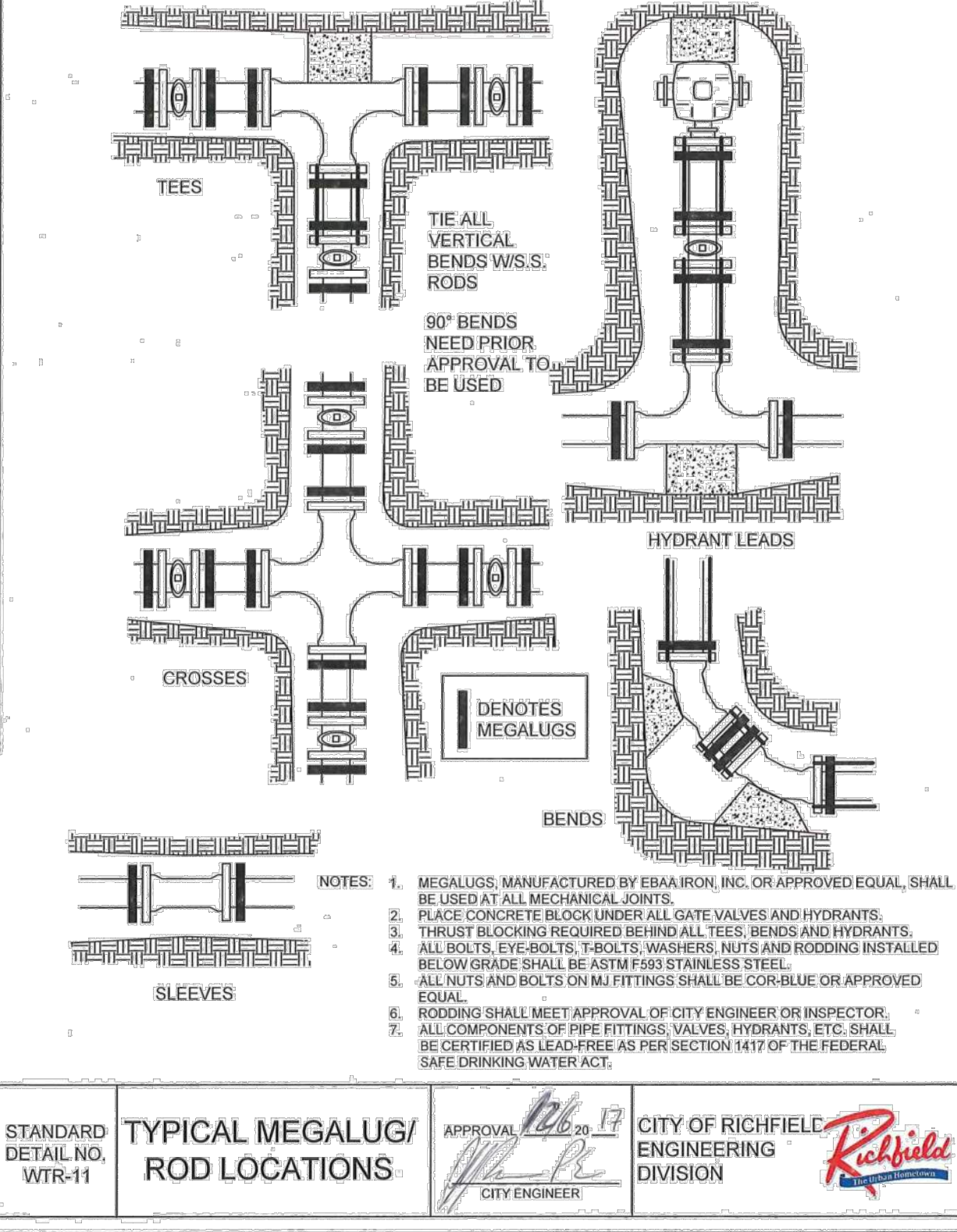
8 C501 THRUST BLOCKING
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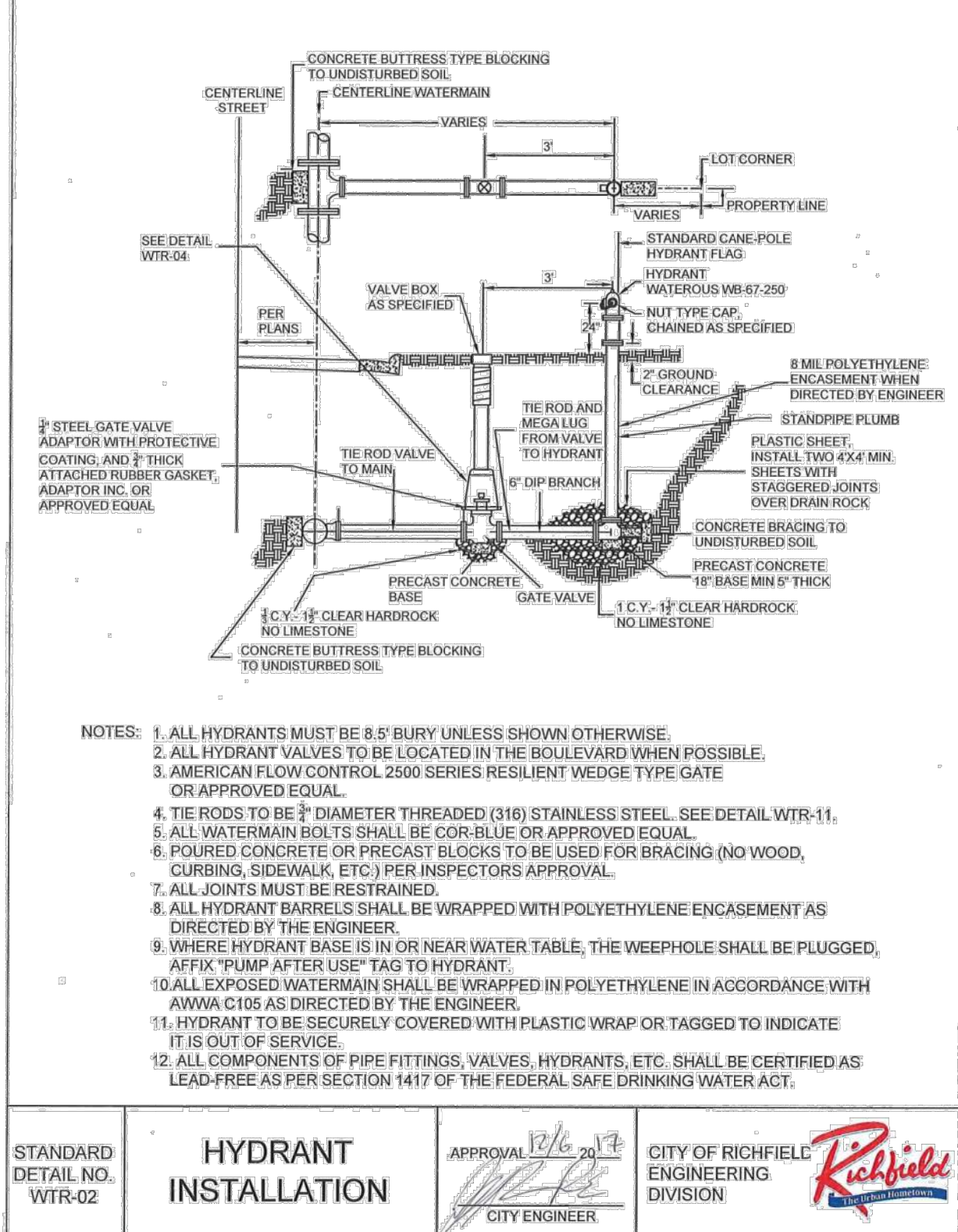
5 C501 VALVE BOX INSTALLATION
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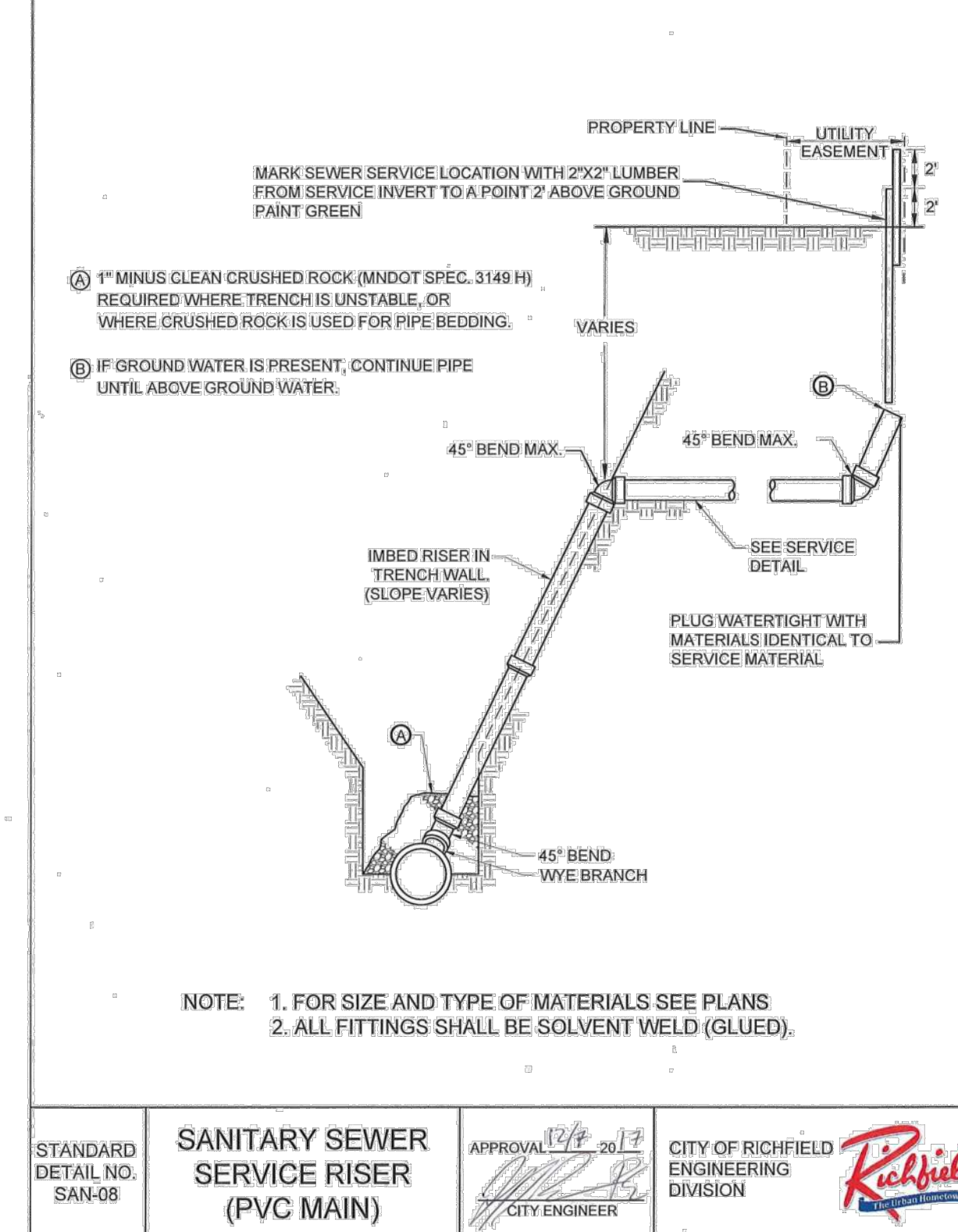
2 C501 SANITARY SEWER SERVICE
NOT TO SCALE



9 C501 MEGALUG LOCATIONS
NOT TO SCALE



6 C501 HYDRANT INSTALLATION
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3 C501 SANITARY SEWER RISER
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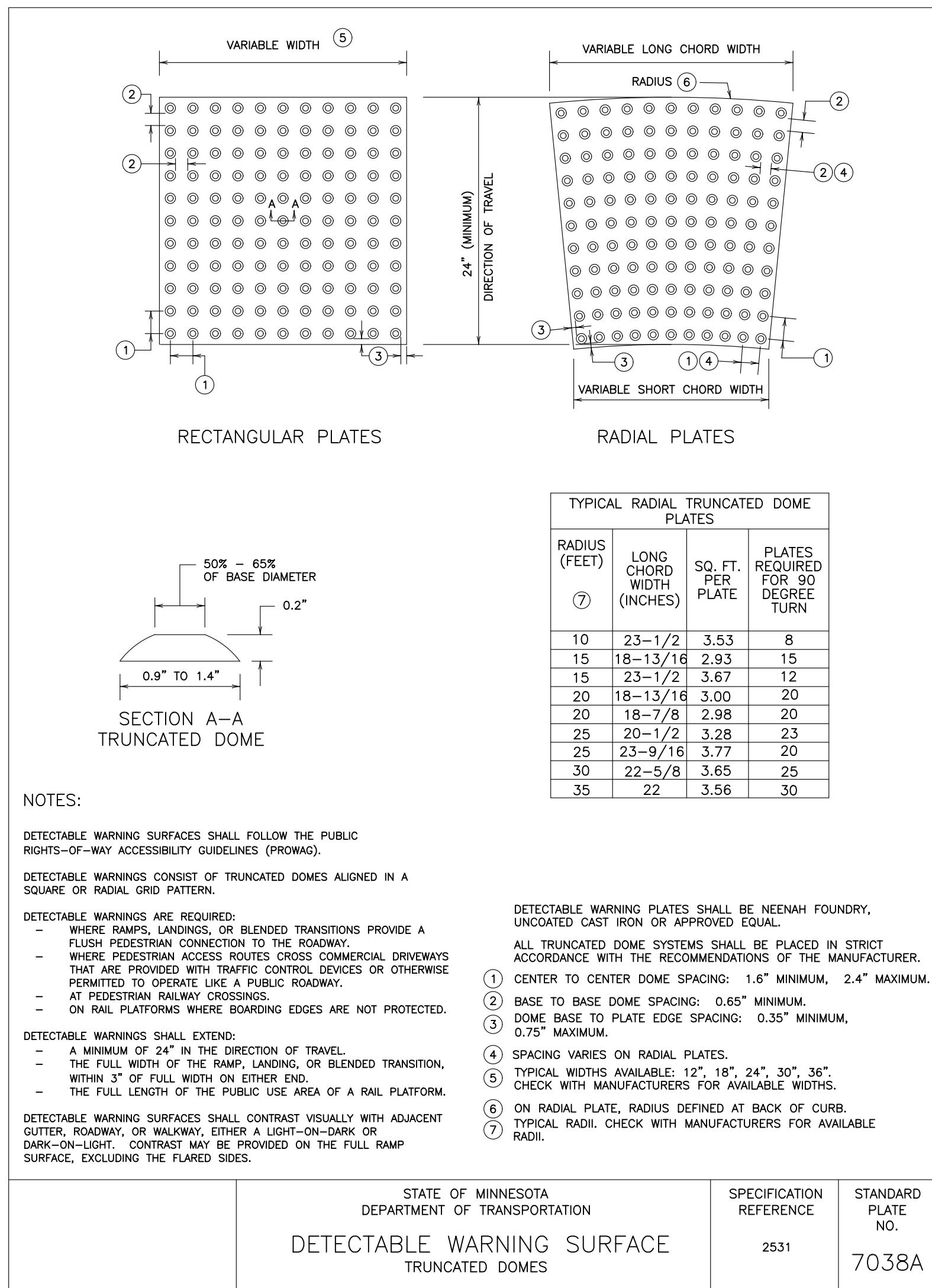
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CIVIL DETAILS

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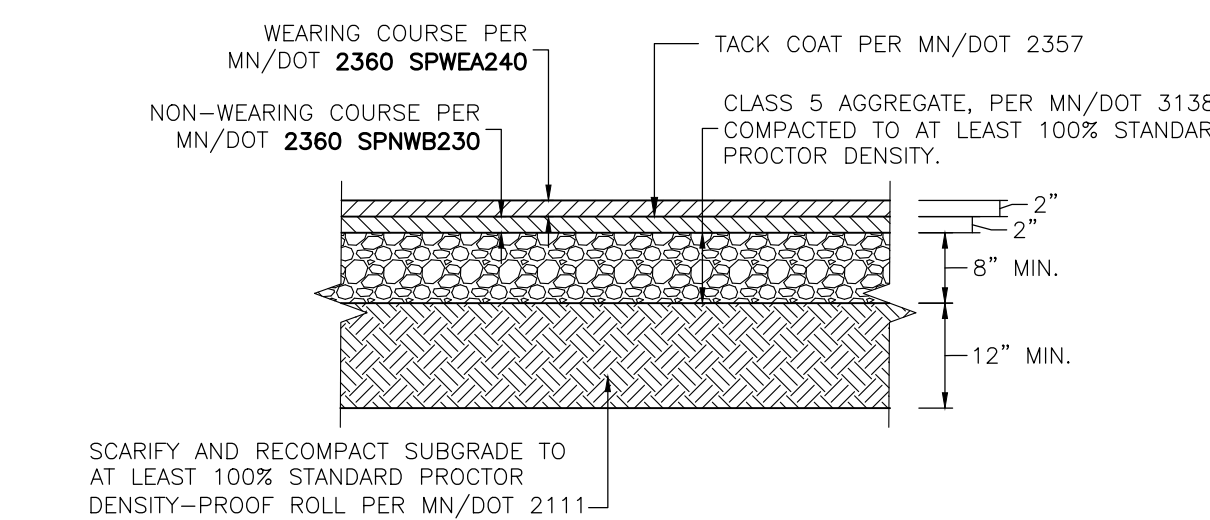


NOTE:
FOR ADA COMPLIANT PEDESTRIAN RAMPS, REFER TO MN/DOT STANDARD PLAN 5-297.250 PEDESTRIAN CURB RAMP DETAILS AT THE FOLLOWING WEB ADDRESS:
[HTTP://STANDARDPLATES.DOT.STATE.MN.US/STDPLATE.ASPX](http://STANDARDPLATES.DOT.STATE.MN.US/STDPLATE.ASPX)

CONTRACTOR SHALL COORDINATE FINAL CURB RAMP LOCATION AND PEDESTRIAN CURB RAMP DETAIL WITH THE CITY AND OWNER PRIOR TO INSTALLATION.

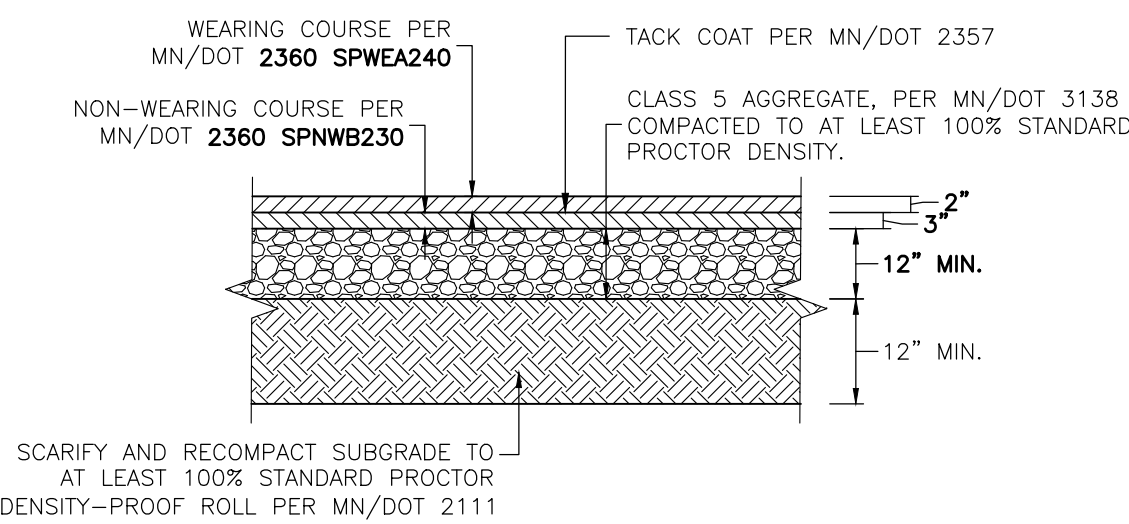
9 PEDESTRIAN CURB RAMP — DETECTABLE WARNING

C502 NOT TO SCALE



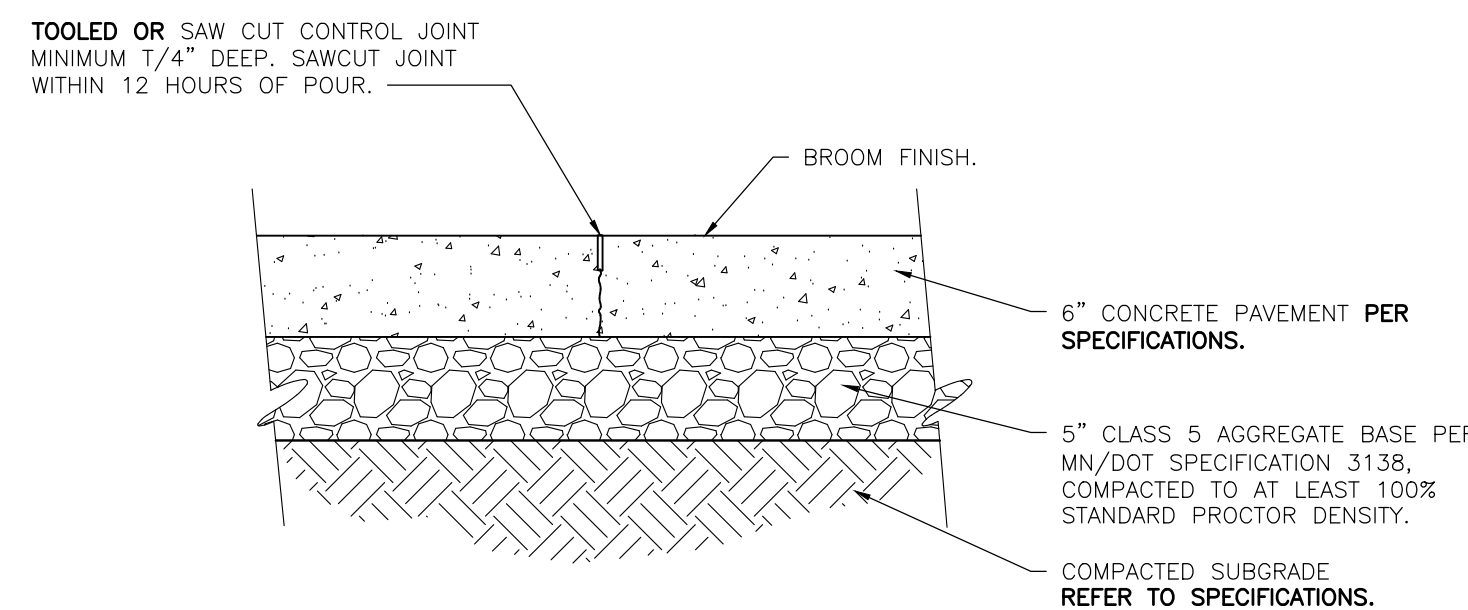
5 LIGHT-DUTY BITUMINOUS PAVEMENT

C502 NOT TO SCALE



6 HEAVY-DUTY BITUMINOUS PAVEMENT

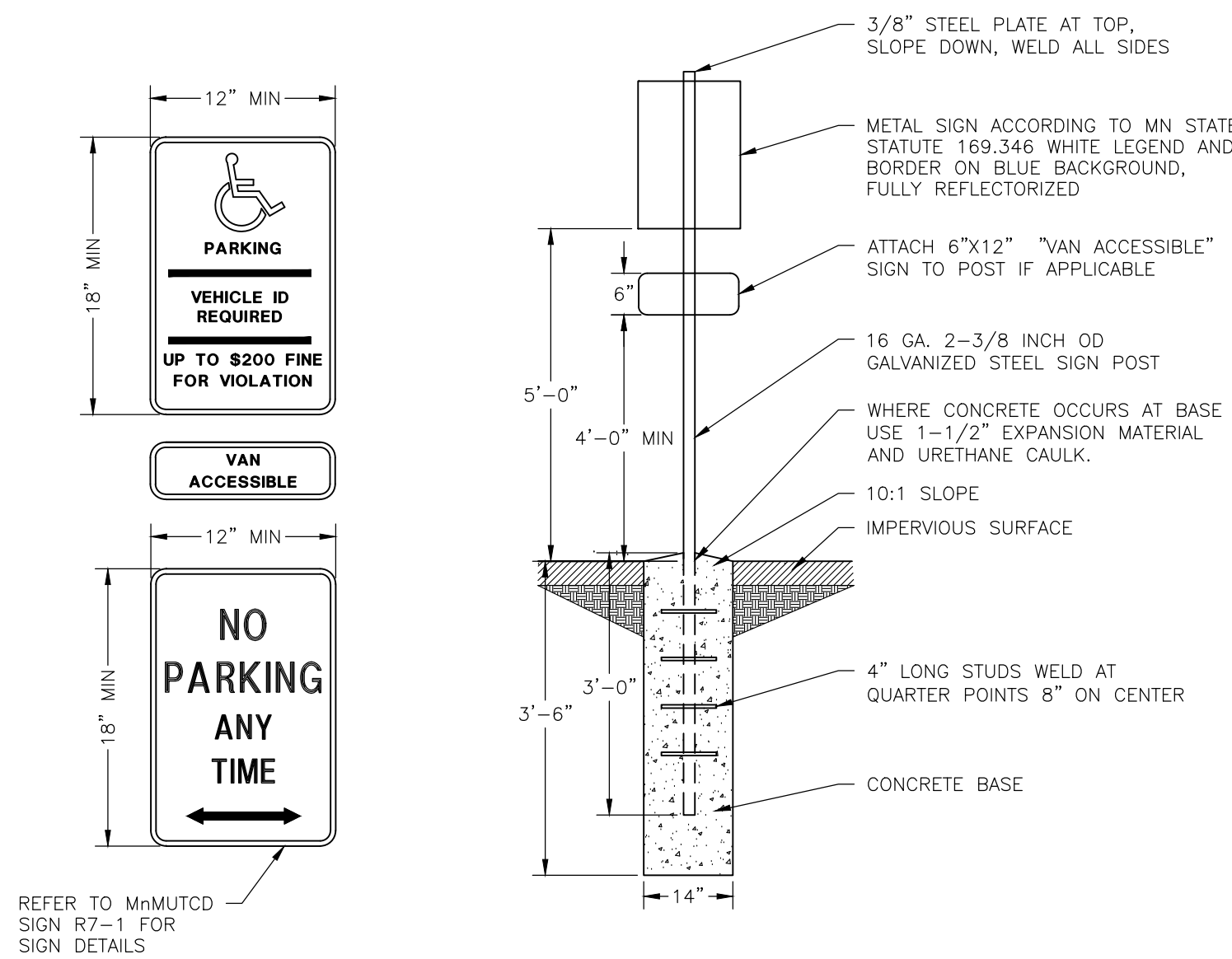
C502 NOT TO SCALE



NOTE:
1: JOINT SPACING SHALL NOT EXCEED 24 TO 30 TIMES THE PAVEMENT THICKNESS WITH A MAXIMUM OF 15 FEET.

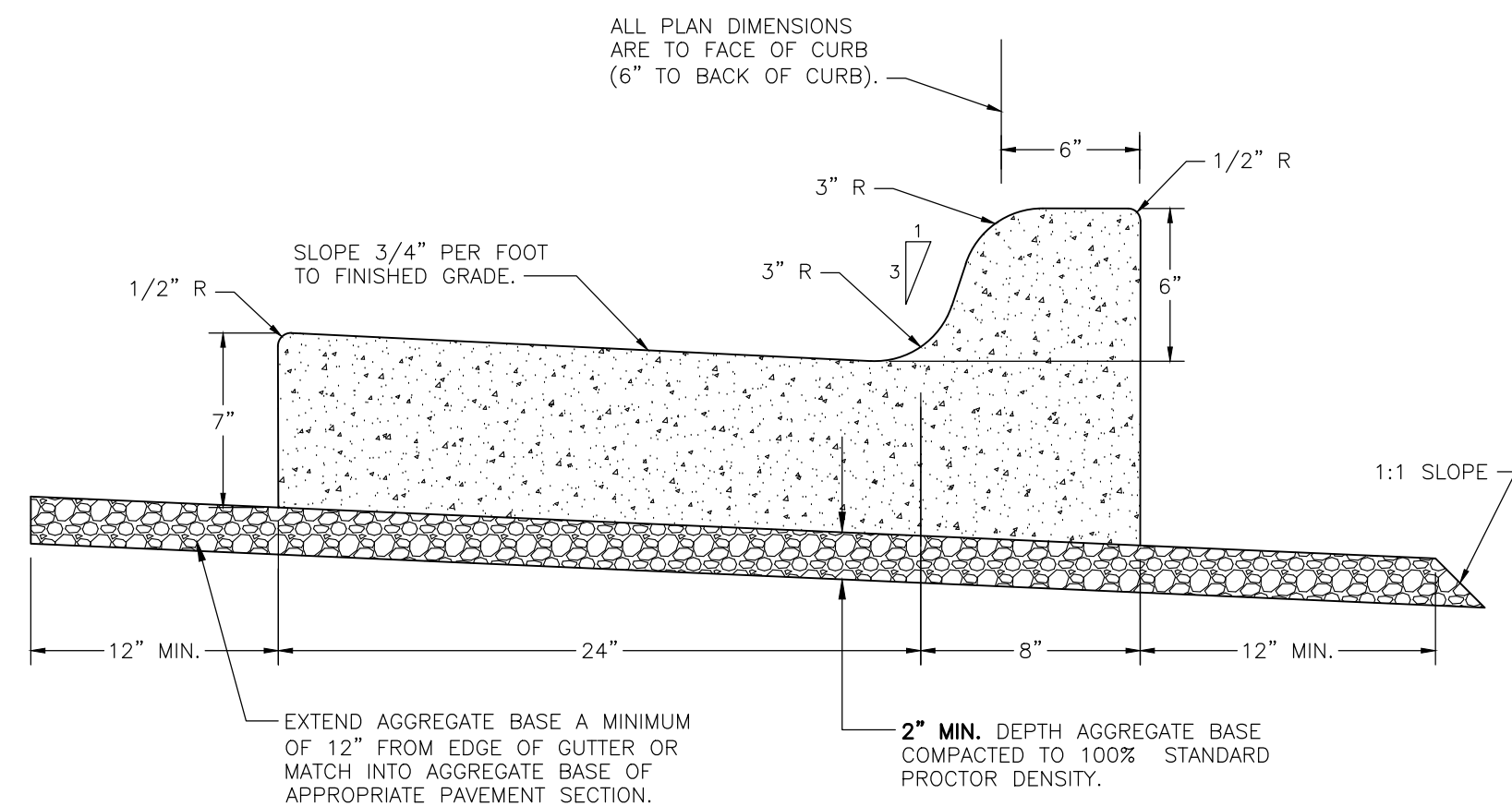
7 CONCRETE PAVEMENT

C502 NOT TO SCALE



8 SIGN AND POST

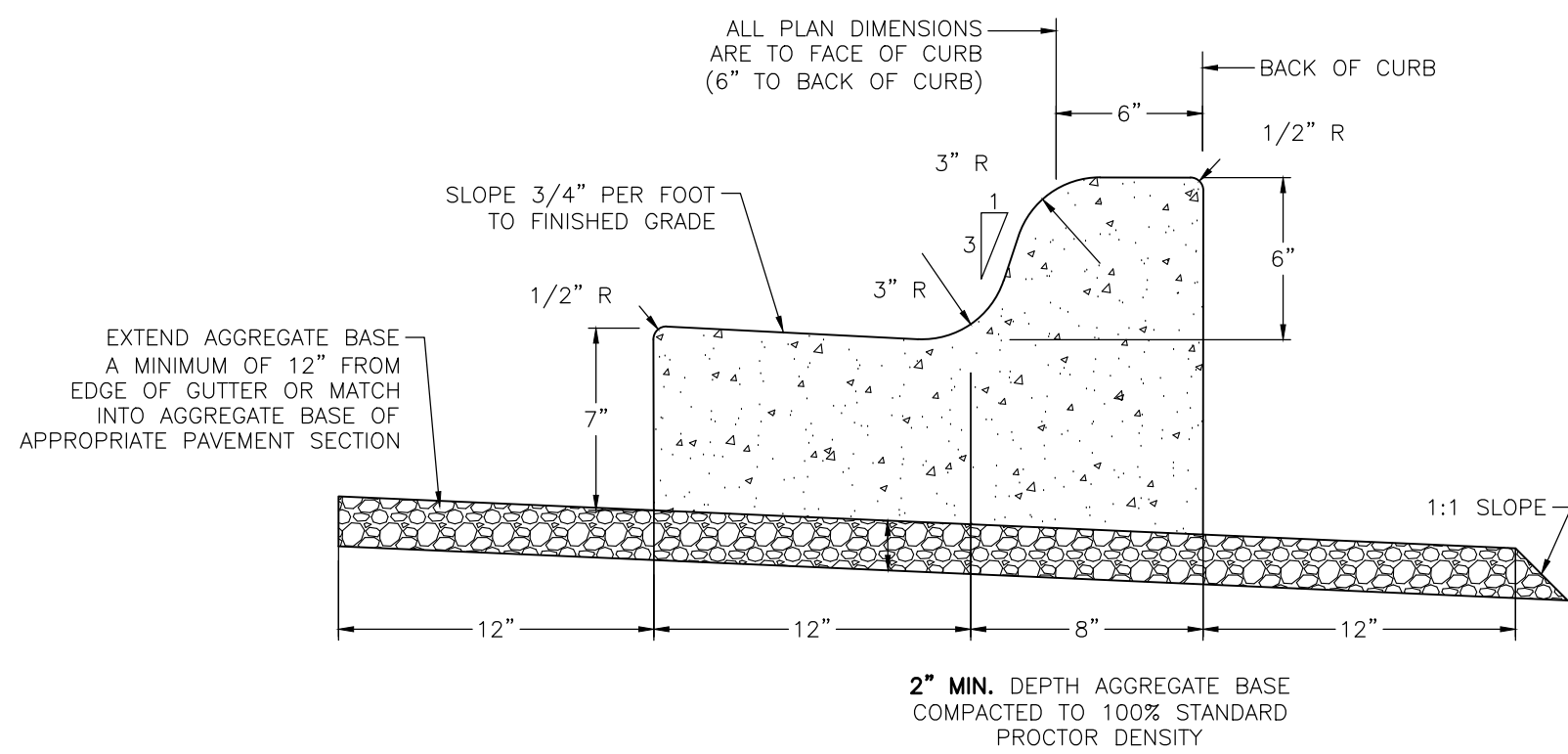
C502 NOT TO SCALE



NOTES:
1. DIRECTION OF TRANSVERSE GUTTER SLOPE TO MATCH DIRECTION OF ADJACENT PAVEMENT SLOPE.
2. CONSTRUCT CURB AND GUTTER IN ACCORDANCE WITH MNDOT SPECIFICATION 2531.

1 B624 CURB AND GUTTER

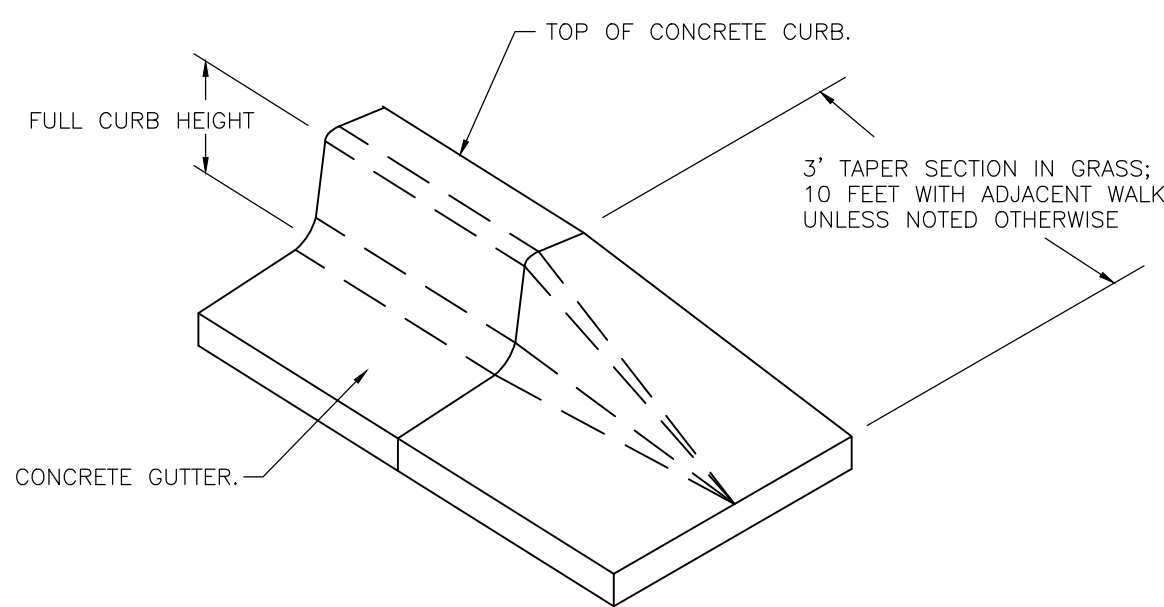
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NOTES:
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2. CONSTRUCT CURB AND GUTTER IN ACCORDANCE WITH MNDOT SPECIFICATION 2531.

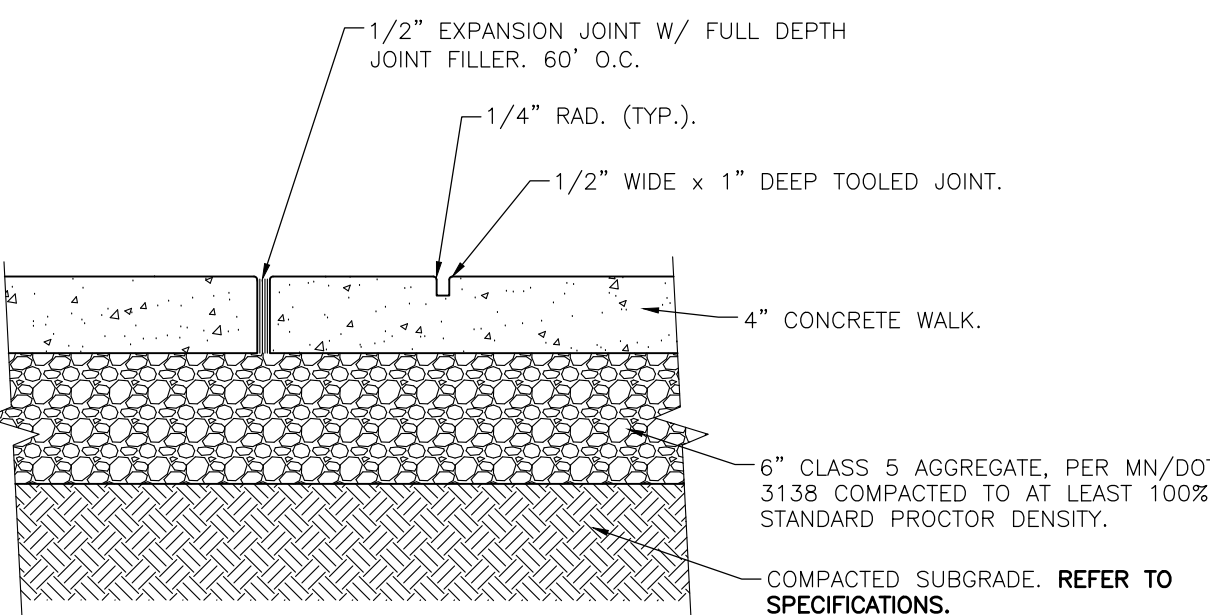
2 B612 CONCRETE CURB AND GUTTER

C502 NOT TO SCALE



3 NOSE-DOWN CURB SECTION

C502 NOT TO SCALE



NOTE:
1: JOINT SPACING SHALL BE A MAXIMUM OF 6- FEET ON CENTER.

4 CONCRETE SIDEWALK (TYP.)

C502 NOT TO SCALE



| EXISTING DRAINAGE AREAS | | | | | | |
|-------------------------|-------------------------|-----------------------|--------------------|----------------|-----------------|------------------|
| DRAINAGE AREA | IMPERVIOUS AREA (ACRES) | PERVIOUS AREA (ACRES) | TOTAL AREA (ACRES) | 1-YEAR (2.48") | 10-YEAR (4.26") | 100-YEAR (7.50") |
| 1 | 0.36 | 0.77 | 1.13 | 2.81 | 5.41 | 10.58 |
| 2 | 0.24 | 0.41 | 0.64 | 0.89 | 2.14 | 4.94 |
| TOTAL | 0.60 | 1.18 | 1.78 | 3.70 | 7.55 | 15.52 |

| PROPOSED DRAINAGE AREAS | | | | | | |
|-------------------------|-------------------------|-----------------------|--------------------|----------------|-----------------|------------------|
| DRAINAGE AREA | IMPERVIOUS AREA (ACRES) | PERVIOUS AREA (ACRES) | TOTAL AREA (ACRES) | 1-YEAR (2.48") | 10-YEAR (4.26") | 100-YEAR (7.50") |
| 1 | 0.84 | 0.08 | 0.92 | — | — | — |
| 2 | 0.24 | 0.41 | 0.64 | 0.89 | 2.14 | 4.94 |
| 3 | 0.16 | 0.06 | 0.21 | 0.57 | 1.08 | 2.06 |
| RATE CONTROL TANK | — | — | — | 1.76 | 3.21 | 6.78 |
| TOTAL | 1.23 | 0.55 | 1.78 | 3.22 | 6.43 | 13.78 |

| STORMWATER RUNOFF SUMMARY | | | |
|---------------------------|---------------------------------|----------------------------------|-----------------------------------|
| | 1-YR STORM (2.48") RUNOFF (CFS) | 10-YR STORM (4.26") RUNOFF (CFS) | 100-YR STORM (7.50") RUNOFF (CFS) |
| PRE-DEVELOPED SITE | 0.19 | 1.84 | 6.30 |
| EXISTING SITE | 3.70 | 7.55 | 15.52 |
| PROPOSED SITE | 3.22 | 6.43 | 13.78 |

NOTE:
THE STORM WATER POLLUTION PREVENTION PLAN FOR THIS PROJECT INCLUDES THE CIVIL ENGINEERING PLANS AND THE PROJECT MANUAL. MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION WHENEVER ANY CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING 14 CALENDAR DAYS. STABILIZATION MUST BE COMPLETED NO LATER THAN 14 CALENDAR DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

INSPECTIONS:
EXPOSED SOIL AREAS: ONCE EVERY 7 DAYS AND WITHIN 24 HOURS FOLLOWING A 1/2 INCH OVER 24 HOURS RAIN EVENT.
STABILIZED AREAS: ONCE EVERY 30 DAYS.
FROZEN GROUND: AS SOON AS RUNOFF OCCURS OR PRIOR TO RESUMING CONSTRUCTION.
RECORDS: A COPY OF THE GRADING, DRAINAGE EROSION CONTROL PLAN AND WATERSHED DATA & SWPPP PLANS AS WELL AS THE INSPECTIONS/MAINTENANCE LOGS ARE TO BE KEPT EITHER IN THE FIELD OFFICE, INSPECTOR'S VEHICLE OR CONTRACTOR'S VEHICLE.

FINAL STABILIZATION
STABILIZATION BY UNIFORM PERENNIAL VEGETATIVE COVER (70% DENSITY)
DRAINAGE DITCHES STABILIZED.
ALL TEMPORARY SYNTHETIC AND STRUCTURAL BMP'S REMOVED.
CLEAN OUT SEDIMENT FROM CONVEYANCES AND SEDIMENTATION BASINS (RETURN TO DESIGN CAPACITY).

GRADING & SOILS
BASED ON SOIL BORINGS(S) PROVIDED BY BRAUN INTERTEC, SOILS TYPICALLY FOUND ON THIS PROJECT ARE: SM SP
REFER TO THE GEOTECHNICAL REPORT FOR ADDITIONAL INFORMATION.

| MINIMUM ESTIMATED QUANTITIES FOR EROSION CONTROL | | |
|--------------------------------------------------|--------------------|------|
| ITEM DESCRIPTION | ESTIMATED QUANTITY | |
| DRAINAGE STRUCT. INLET FILTER | 13 | EACH |
| ROCK CONSTRUCTION ENTRANCE | 1 | EACH |
| CONCRETE WASHOUT | 1 | EACH |
| SILT FENCE | 218 | LF |
| BIO LOG | 544 | LF |

NOTE: QUANTITIES SHOWN ARE THE MINIMUM REQUIRED. ADDITIONAL QUANTITIES MAY BE NEEDED IF REQUIRED BY THE MPCA, WATERSHED DISTRICT, OR CITY. CONTRACTOR IS RESPONSIBLE FOR FINAL DETERMINATION OF QUANTITIES PRIOR TO CONSTRUCTION.

CONSTRUCTION ACTIVITY EROSION PREVENTION PRACTICES
CONTRACTOR SHALL STABILIZE ALL EXPOSED SOIL AREAS (INCLUDING STOCKPILES). STABILIZATION MUST BE INITIATED IMMEDIATELY TO LIMIT SOIL EROSION WHENEVER ANY CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED ON ANY PORTION OF THE SITE AND WILL NOT RESUME FOR A PERIOD EXCEEDING 14 CALENDAR DAYS. STABILIZATION MUST BE COMPLETED NO LATER THAN 14 CALENDAR DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

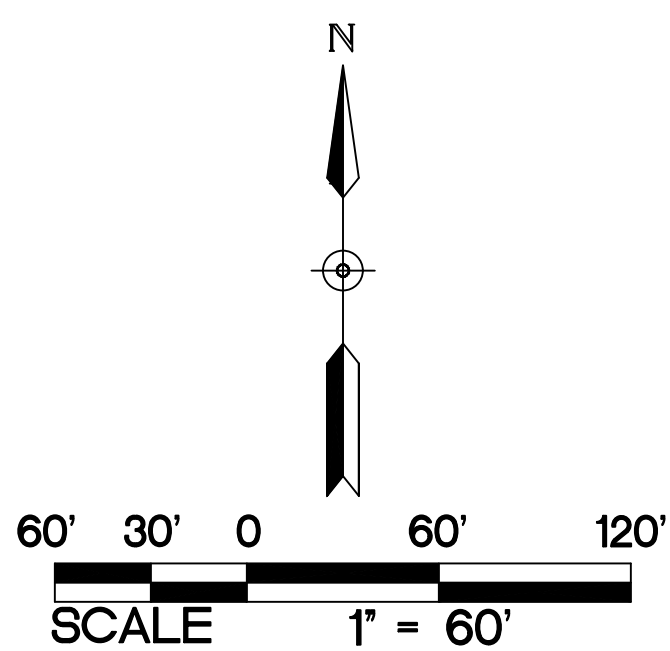
FOR PUBLIC WATER THAT THE DNR HAS PROMULGATED "WORK IN WATER RESTRICTIONS" DURING SPECIFIED FISH SPAWNING TIME FRAMES, ALL EXPOSED SOIL AREAS THAT ARE WITHIN 200 FEET OF THE WATER'S EDGE, AND DRAIN TO THESE WATERS MUST COMPLETE THE STABILIZATION ACTIVITIES WITHIN 24 HOURS DURING THE RESTRICTION PERIOD.
PIPE OUTLETS MUST BE PROVIDED WITH TEMPORARY OR PERMANENT ENERGY DISSIPATION WITHIN 24 HOURS AFTER CONNECTION TO A SURFACE WATER.
SEDIMENT CONTROL MEASURES MUST BE INSTALLED ON ALL DOWN GRADIENT PERIMETERS BEFORE ANY UPGRADIENT LAND DISTURBING ACTIVITIES BEGIN.

SEDIMENT AND EROSION CONTROL MAINTENANCE
PERMETER SEDIMENT CONTROL PRACTICES: WHEN SEDIMENT REACHES 1/2 THE HEIGHT OF THE BMP, THE SEDIMENT MUST BE REMOVED WITHIN 24 HOURS. IF PERMETER SEDIMENT CONTROL HAS BEEN DAMAGED OR IS NOT FUNCTIONING PROPERLY, IT MUST BE REPAIRED AND/OR REPLACED WITHIN 24 HOURS. PERMETER BMP MEASURES MAY INCLUDE SILT FENCING.
CONSTRUCTION SITE VEHICLE EXIT LOCATIONS: ALL TRACKED SEDIMENT ONTO PAVED SURFACES MUST BE REMOVED WITHIN 24 HOURS OF DISCOVERY OR MORE FREQUENTLY IF REQUIRED BY CITY OR WATERSHED.

CONSTRUCTION SITE DEWATERING:
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL DEWATERING PERMITS. DISCHARGE FROM ALL DEWATERING OPERATIONS SHALL BE DIRECTED TO ON-SITE DEPRESSIONS. NO DISCHARGE FROM DEWATERING OPERATIONS SHALL BE DIRECTED OFF-SITE TOWARDS A WATER OF THE STATE.

PORTABLE TOILET NOTES:
1. PORTABLE TOILETS POSE AN ENVIRONMENTAL HAZARD WHEN PLACED IN THE VICINITY OF STORM DRAINS OR BODIES OF WATER. PORTABLE TOILET CLEANING ACTIVITIES CAN ALSO GENERATE POLLUTANTS THAT CAN DEGRADE WATER QUALITY.
2. PORTABLE TOILET PLACEMENT:
2.1. PLACE PORTABLE TOILETS ON FLAT STABLE GROUND WITH CLEAR ACCESS TO THE UNITS.
2.2. LOCATE TOILETS A MINIMUM OF 20 FEET FROM ANY WATER BODY AND 10 FEET FROM ANY CURB AND GUTTER. IF UNFEASIBLE, AN EARTHEN BERM OR SAND BAG BERM SHALL BE PLACED AROUND THE UNIT FOR SPILL AND LEAK CONTAINMENT.
2.3. AVOID PLACING TOILETS ON IMPERVIOUS SURFACES THAT WILL QUICKLY DRAIN TO STORM SEWERS.
2.4. LOCATE TOILETS SO THAT EXPOSURE TO TRAFFIC AND MOVING EQUIPMENT IS MINIMIZED.
2.5. SECURE TOILETS TO THE GROUND WITH STAKES OR CABLES.
2.6. RINSE WATER FROM CLEANING ACTIVITIES SHALL NOT BE DISPOSED ON SITE.
3. REGULARLY CHECK TOILETS FOR DAMAGE, LEAKS AND SPILLS AS PART OF THE WEEKLY STORMWATER SITE INSPECTION.
4. OWNER IDENTIFICATION AND CONTACT INFORMATION SHALL BE DISPLAYED IN A PROMINENT LOCATION ON EACH UNIT.

| ABBREVIATIONS | |
|---------------|-------------------------------------------------|
| BMDG | Building |
| BMP | Best Management Practice |
| BW | Bottom of Wall |
| CB | Catch Basin |
| CONC | Concrete |
| ELEV | Elevation |
| EX | Existing |
| FFE | Finished Floor Elevation |
| HWL | High Water Level |
| INV | Invert |
| MAX | Maximum |
| MH | Manhole |
| MIN | Minimum |
| MPCA | Minnesota Pollution Control Agency |
| NFDES | National Pollutant Discharge Elimination System |
| NWL | Normal Water Level |
| PVC | Polyvinyl Chloride |
| RCP | Reinforced Concrete Pipe |
| TW | Top of Wall |
| W.O. | Washout |



OTHER NOTES:
1. LONG TERM MAINTENANCE OF THE SITE WILL BE PERFORMED BY THE OWNER. INCLUDED MAINTENANCE FOR STORMWATER DEVICES
1.1. INSPECT SUMP CATCH BASINS ON A BIENNIAL BASIS, ONCE IN THE SPRING AND ONCE IN THE FALL.
1.2. CLEAN SUMP CATCH BASINS OF SEDIMENT AND DEBRIS ANNUALLY OR WHEN SEDIMENTS FILL 1/3 OF THE STORAGE VOLUME.
1.3. ADDITIONAL LONG TERM MAINTENANCE MEASURES.
2. THIS SWPPP WAS PREPARED BY PERSONNEL THAT ARE CERTIFIED IN THE DESIGN OF CONSTRUCTION SWPPPS. COPIES OF THE CERTIFICATIONS ARE ON FILE WITH BKBM AND ARE AVAILABLE UPON REQUEST.
3. THIS SWPPP DOCUMENT MUST BE AMENDED AS NECESSARY DURING CONSTRUCTION IN ORDER TO KEEP IT CURRENT WITH THE POLLUTANT CONTROL MEASURES UTILIZED AS THE SITE. THE SITE MAP SHOWING LOCATIONS OF ALL STORM WATER CONTROLS MUST BE POSTED ON THE SITE AND UPDATED TO REFLECT THE PROGRESS OF CONSTRUCTION.

POLLUTION PREVENTION MANAGEMENT MEASURES
SOLID WASTE DISPOSED PROPERLY; COMPLY WITH MPCA REQUIREMENTS.
HAZARDOUS WASTE STORED (SECONDARY CONTAINMENT, RESTRICTED ACCESS) AND DISPOSED IN COMPLIANCE WITH MPCA REQUIREMENTS.
NO EXTERNAL WASHING OF TRUCKS AND OTHER CONSTRUCTION ALLOWED ON-SITE.
CONCRETE WASHOUT ON-SITE: ALL LIQUID AND SOLID WASTES GENERATED BY CONCRETE WASHOUT OPERATIONS MUST BE CONTAINED IN A LEAK-PROOF CONTAINMENT FACILITY OR IMPERMEABLE LINER. A COMPACTED CLAY LINER THAT DOES NOT ALLOW LIQUIDS TO ENTER GROUND WATER IS CONSIDERED AN IMPERMEABLE LINER. THE LIQUID AND SOLID WASTES MUST NOT CONTACT THE GROUND, AND THERE MUST NOT BE RUNOFF FROM THE CONCRETE WASHOUT OPERATIONS OR AREAS. LIQUID AND SOLID WASTES MUST BE DISPOSED OF PROPERLY AND IN COMPLIANCE WITH MPCA REGULATIONS. A SIGN MUST BE INSTALLED ADJACENT TO EACH WASHOUT FACILITY TO INFORM CONCRETE EQUIPMENT OPERATORS TO UTILIZE THE PROPER FACILITIES. THE CONCRETE WASHOUT AREA INDICATED ON THE PLANS IS SHOWN IN AN APPROXIMATE LOCATION. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION IN ACCORDANCE WITH MPCA REQUIREMENTS.
STORAGE HANDLING AND DISPOSAL OF CONSTRUCTION PRODUCTS, MATERIALS, AND WASTES:
BUILDING PRODUCTS THAT HAVE THE POTENTIAL TO LEACH POLLUTANTS MUST BE UNDER COVER.
PESTICIDES, HERBICIDES, INSECTICIDES, FERTILIZERS, TREATMENT CHEMICALS, AND LANDSCAPE MATERIALS MUST BE UNDER COVER.
HAZARDOUS MATERIALS, TOXIC WASTE (INCLUDING OIL, DIESEL FUEL, GASOLINE, HYDRAULIC FLUIDS, PAINT SOLVENTS, PETROLEUM-BASED PRODUCTS, WOOD PRESERVATIVES, ADDITIVES, CURING COMPOUNDS, AND ADOS MUST BE PROPERLY STORED IN SEALED CONTAINERS TO PREVENT SPILLS, LEAKS OR OTHER DISCHARGES.

HANDLING AND STORAGE OF HAZARDOUS MATERIALS:
IF THE CONTRACTOR INTENDS TO USE POLYMERS, FLOCCULANTS, OR OTHER SEDIMENTATION TREATMENT CHEMICALS ON THE PROJECT SITE, THE CONTRACTOR MUST COMPLY WITH THE FOLLOWING MINIMUM REQUIREMENTS:
1. THE CONTRACTOR MUST USE CONVENTIONAL EROSION AND SEDIMENT CONTROLS PRIOR TO CHEMICAL ADDITION TO ENSURE EFFECTIVE TREATMENT. CHEMICALS MAY ONLY BE APPLIED WHERE TREATED STORMWATER IS DIRECTED TO A SEDIMENT CONTROL SYSTEM WHICH ALLOWS FOR FILTRATION OR SETTLEMENT OF THE FLOC PRIOR TO DISCHARGE.
2. CHEMICALS MUST BE SELECTED THAT ARE APPROPRIATELY SUITED TO THE TYPES OF SOILS LIKELY TO BE EXPOSED DURING CONSTRUCTION, AND TO THE EXPECTED TURBIDITY, PH AND FLOW RATE OF STORMWATER FLOWING INTO THE CHEMICAL TREATMENT SYSTEM OR OF THE FLOC.
3. CHEMICALS MUST BE USED IN ACCORDANCE WITH DOSING SPECIFICATIONS AND SEDIMENT REMOVAL DESIGN SPECIFICATIONS PROVIDED BY THE MANUFACTURER OR PROVIDER/SUPPLIER OF THE APPLICABLE CHEMICALS.
ON-SITE FUEL TANKS REQUIRE SECONDARY CONTAINMENT AS REQUIRED BY THE PERMIT. PORTABLE FUEL TRUCKS SHALL HAVE THEIR SPILL KITS AVAILABLE DURING FUELING. SPILLS GREATER THAN 5 GALLONS MUST BE REPORTED TO THE PROPER AUTHORITIES.

PROJECT NARRATIVE
EXISTING SITE DESCRIPTION --- THE EXISTING SITE IS 1.73 ACRES IN SIZE, OF WHICH, 38% IS IMPERVIOUS. IT CONSISTS OF AN AMPHITHEATER, CONCRETE SIDEWALK, CONCRETE PAVEMENT, AND GRASS LAWN. THE SITE LIES BETWEEN THE LAKEWINDS FOOD CO-OP BUILDING TO THE SOUTH AND AN APARTMENT BUILDING TO THE NORTH. RICHFIELD LAKE IS DIRECTLY WEST OF THE SITE. THE NORTHEASTERN PORTION OF THE LAKE IS USED FOR PRETREATMENT OF STORMWATER RUNOFF.
PROPOSED SITE DESCRIPTION --- THE PROPOSED SITE WILL CONSIST OF A NEW BUILDING, PARKING LOT, AND CONCRETE SIDEWALK. THE IMPERVIOUS AREA WILL INCREASE BY APPROXIMATELY 33% STORMWATER RUNOFF WILL BE COLLECTED AND PIPED TO AN UNDERGROUND RATE CONTROL TANK WHICH WILL THEN DISCHARGE TO THE RICHFIELD LAKE PRETREATMENT BASIN. NO ON-SITE TREATMENT IS REQUIRED.

MECHANICAL AND NON-STORMWATER DISCHARGES, EXISTING AND PROPOSED
1. WATER LINE FLOODING
2. LANDSCAPE IRRIGATION
3. UNCONTAMINATED PUMPED GROUND WATER
4. DISCHARGE FROM POTABLE WATER SOURCES
5. FOUNDATION DRAINS
6. AIR CONDITIONING CONDENSATION

AGENCY CONTACTS
CITY OF RICHFIELD
ENGINEERING DEPARTMENT
6700 PORTLAND AVENUE
RICHFIELD, MN 55423
PHONE: (612) 861-9795
MINNESOTA POLLUTION CONTROL AGENCY
520 LAFAYETTE ROAD
SAINT PAUL, MN 55155
PHONE: (651) 296-6300
SALLY SIMPSON
PHONE: (612) 327-5028

NOTE:
THE CONTRACTOR MUST COMPLETE, SIGN, OBTAIN OWNERS SIGNATURE, PAY FEE, AND SEND IN THE NFDES PERMIT APPLICATION. CONTRACTOR SHALL PROVIDE A CERTIFIED EROSION CONTROL SUPERVISOR. SWPPP DOCUMENTATION, INCLUDING INSPECTION REPORTS SHALL BE RETAINED FOR A PERIOD OF THREE (3) YEARS. DESIGN CALCULATIONS ARE ON FILE AT BKBM.
THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR IMPLEMENTATION OF THE SWPPP AND INSTALLATION, INSPECTION, AND MAINTENANCE OF THE EROSION PREVENTION AND SEDIMENT CONTROL BMP'S, BEFORE, DURING, AND AFTER CONSTRUCTION UNTIL THE NOTICE OF TERMINATION HAS BEEN FILED.

STOCKPILES:
ON-SITE STOCKPILES OF SOIL SHALL HAVE PERIMETER SEDIMENT CONTROL. STOCKPILES SHALL BE STABILIZED WITH BLANKETS, TAPPS, OR HYDRO MULCH IF LEFT ON-SITE FOR MORE THAN 14 DAYS.

TEMPORARY SEDIMENT BASINS:
TEMPORARY SEDIMENT BASINS SHALL BE PROVIDED PER APPENDIX A, SECTION C.1.8 OF THE MPCA GENERAL STORMWATER PERMIT.
ENGINEER ANTICIPATES THAT, PRIOR TO INSTALLATION OF FILTRATION MEDIA AND DRAIN TILE, CONTRACTOR WILL USE PROPOSED FILTRATION BASINS AS TEMPORARY SEDIMENT BASINS. CONTRACTOR SHALL EXCAVATE TEMPORARY BASINS AND CLAY LINE PRIOR TO USE. SURFACE WATER SHALL BE REMOVED BY SKIMMER DEVICE SUCH AS FAIRCLOTH SKIMMER OR THIRSTY DUCK, OR USING A PUMP WITH A FILTER. ALTERNATIVE TEMPORARY SEDIMENT BASINS SHALL BE APPROVED BY ENGINEER PRIOR TO USE.

SWPPP IMPLEMENTATION, INSTALLATION, INSPECTION, AND BMP MAINTENANCE SHALL BE PERFORMED BY THE CONTRACTOR.

NAME: _____
CERTIFICATION #: _____
DATE: _____

NOTE:
AN AS-BUILT SURVEY OF ALL STORMWATER BMP'S (FILTRATION BASIN, OUTLET STRUCTURES, DRAIN TILE, CLEAN OUTS, SUMP CATCH BASINS, ETC.) SHALL BE SUBMITTED TO THE CITY OF RICHFIELD PRIOR TO PROJECT CLOSEOUT. THE AS-BUILT SURVEY SHALL INCLUDE THE FILTRATION BASIN, DRAIN TILE INVERTS AND LAYOUT FOR VERIFICATION THE SYSTEM WAS INSTALLED PROPERLY AND THAT 18-INCHES OF SAND/FILTRATION MIX OVER THE TOP OF THE DRAIN TILE HAS BEEN PROVIDED.



10 South Eighth Street
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t 612_339-2257
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kitchen equipment consultant
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9450 SW GEMINI DR PMB 95904
BEAVERTON, OREGON 97008
(855)953-8853
CONTACT: JEREMY KING
jeremy.king@craftkettle.com

project title

client

scale

no

date

issued for

project no.

issue date

drawn

checked

sheet title

STORMWATER POLLUTION PREVENTION PLAN

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 Professional Engineer under the laws of the state of Minnesota.

Date: 11/03/2021 Keith A Matte Lic. No. 46674

no

date

issued for

project no.

issue date

drawn

checked

sheet title

STORMWATER POLLUTION PREVENTION PLAN

C600



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CONTACT: JEREMY KING
jeremy.king@craftkettle.com

project title

BENEFACITOR BREWERY &
RESTAURANT
64TH AVE & LYNDALE AVES. S.
RICHFIELD, MN

client

BENEFACITOR BREWING, LLC

seal

DESIGN DEVELOPMENT

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| drawn | checked |
| ES | ES |

sheet title

SITE PLAN

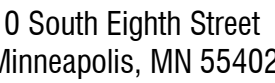
A2

© 2021 Shea, LLC



SITE PLAN
SCALE: 1/16" = 1'-0"





onsultant

**Gausman
& Moore**

A Division of

AVRES

Mechanical and Electrical Engineers
1700 West Highway 36 - Suite 700
Roseville, Minnesota 55113
(651) 639-9606 Fax (651) 639-9618
Project No. 81-0357

**BENEFACITOR BREWERY &
RESTRAURANT
64TH AVE & LYNDALE AVES. S
RICHFIELD, MN**

BENEFACITOR BREWING, LLC

23

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 PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

PRINT NAME: EDWARD L. STUDNISKI

SIGNATURE: Edward L. Studniski

DATE 11/23/2021 LIC. NO. 23179

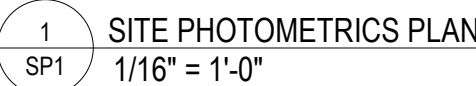
DESIGN DEVELOPMENT#1

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| project no. | issue date |
| 81-0357 | 11/23/2021 |
| drawn | checked |
| ELS | ELS |

SITE PHOTOMETRICS PLAN

SP1



| LUMINAIRE SCHEDULE | | | | | | |
|--------------------|--------------|----------------------------|------|-----------|---------|----------------------------------------------------------------------|
| TYPE | MANUFACTURER | MODEL | VOLT | LAMP | BALLAST | LUMINAIRE DESCRIPTION |
| | | | | NO. | | |
| | | | | WATTAGE | | |
| SA1 | LITHONIA | DSXU LED P1 40K BLC MVOLT | 208 | 20 LED | DRIVER | LED AREA LUMINAIRE WITH TYPE BLC DISTRIBUTION MOUNTED ON A 20' POLE |
| | | 38 | | | | |
| SA2 | LITHONIA | DSXU LED P1 40K BLC MVOLT | 208 | 20 LED | DRIVER | LED AREA LUMINAIRE WITH TYPE BLC DISTRIBUTION MOUNTED ON A 10' POLE |
| | | 38 | | | | |
| SB | LITHONIA | DSXU LED P3 40K TSW MVOLT | 208 | 20 LED | DRIVER | LED AREA LUMINAIRE WITH TYPE TSW DISTRIBUTION MOUNTED ON A 20' POLE |
| | | 71 | | | | |
| SC | LITHONIA | DSXU LED P2 40K T1FM MVOLT | 208 | 20 LED | DRIVER | LED AREA LUMINAIRE WITH TYPE T1FM DISTRIBUTION MOUNTED ON A 20' POLE |
| | | 49 | | | | |
| SD | STRUCURA | MAC II 42 L40 S0 5 | 120 | LED | DRIVER | 42" HIGH SOLID GLULAM WOOD BOLLARD WITH TYPE 5 DISTRIBUTION |
| | | 12 | | | | |
| SE | LITHONIA | DSXU LED P1 40K T1S MVOLT | 208 | 20 LED | DRIVER | LED AREA LUMINAIRE WITH TYPE T1S DISTRIBUTION MOUNTED ON A 20' POLE |
| | | 49 | | | | |

Ryan Krzos

From: Margaret <margaretjensen87@gmail.com>
Sent: Saturday, December 4, 2021 1:51 PM
To: Ryan Krzos
Subject: Planning commission public comment

Dear Commissioner,

I am writing my in regard to the proposed brewery and taproom on Lyndale Avenue. I am opposed to this project because of the city granting a forgivable loan using taxpayer money. Supplementing a privately owned for profit business using taxpayer dollars is wrong. As a homeowner in Richfield, I think it is irresponsible to use our tax dollars in this way. Please take my comment into consideration.

Sincerely,

Margaret Jensen

Sent from my iPhone

Ryan Krzos

From: Kathy Warmack <kwarma@gmail.com>
Sent: Saturday, December 4, 2021 8:57 AM
To: Ryan Krzos
Subject: Planning Commission Public Comment

I am writing to let you know we (husband and I) support the new proposed micro-brewery and taproom Richfield needs something like this and the location is perfect!

--

Kathy

Ryan Krzos

From: Toby Bohlke <toby.bohlke@gmail.com>
Sent: Saturday, December 4, 2021 7:52 AM
To: Ryan Krzos
Subject: Opposed: Taproom hearing feedback
Attachments: image0.jpeg; ATT00001.txt

Good day,
Regarding the attached public hearing

My wife and I are opposed to the forgivable loan aspect of this project proposal.

It would not benefit the community or the resources via job our tax revenue from what I can gather with available information. The ROI for the tax payer isn't there and thus our feedback in opposition.

Thanks, Toby and Katie Bohlke

6914 16th Ave S

March 24, 2022

Via Email (RKrzos@richfieldmn.gov)

Members of the Planning Commission
City of Richfield

Re: Benefactor Brewing / Lyndale Gardens
Our File No. 30474

Dear Planning Commissioners:

I represent Julie Harper-Wylie and Rick Wylie, who own one of the units in the Lakeside at Lyndale Gardens condominium, which is immediately adjacent to the brewpub that has been proposed by Benefactor Brewing, LLC, for Lot 3, Block 1, Lyndale Gardens Second Addition ("the Property"). The purpose of this letter is to share with you my clients' very serious concerns with the proposed plans for the Property, which are inconsistent with the original plans for Lyndale Gardens and would negatively impact the wellbeing of the residents of the adjacent residential properties.¹ For the reasons outlined below, my clients urge you to deny the pending application to amend the PUD.

Background

When the current PUD was approved in 2013, the Property, the amphitheater parcel, the condo property, and the Henley apartments property were all owned by Lyndale Gardens, LLC, or another entity owned by Colleen Carey (collectively, "the Developer"). The PUD approved up to 11,600 square feet of retail on the Property. A subsequent amendment to the PUD allowed up to 7,000 square feet of the retail space to be used as a restaurant.

None of the retail space was ever developed, and when the Developer began marketing the condominium units in 2018, it consistently represented to prospective buyers, including unit owners identified in this letter, that the Property would be developed into a small retail strip center. Buyers were even given a site plan showing four retail shops and were told they could expect to see businesses like a coffee shop, dry cleaner's, deli or small restaurant in that space.

¹ The owners of a further 19 of the 30 condominium units have authorized me to state their objection to the proposed brewpub: Carol Timmons, Cathy Rebuffoni, Charlie Ormiston and Ruth Ormiston, Connie Carleen, Dan Miles and Ronda Miles, Dave Dornacker and Jody Spencer, Ellen Murphy, Jeff Prager and Deborah Silverman, John Ho and Yvonne Ho, Keith Jensen, Martha Joy and John Cushing, Mary Cade, Mary Gorman, Pat Bradley and Bev Bradley, Patty Smith, Peter Hilger and Linda Hilger, Scott Taylor and Sally Taylor, Shanley Baker, Tony Mills and Dianne Mills. They may choose to share their views with you in separate written submissions or through testimony at the public hearing.

The retail building itself was to be located on the southeastern edge of the site, as far as possible from the condominium units and separated from residences by a parking lot. No mention was ever made of a brewpub, and particularly not a brewpub with a large outdoor seating area or one with plans to play recorded music and hold live music events outdoors. My clients relied on these representations about plans for the Property when they decided to purchase their unit.

We now know that at the exact same time that prospective purchasers of the condo units were being told that the Property would be developed with a small strip center, discussions about a possible brewpub on the Property had already begun. For example, we have learned through a Data Request that on May 6, 2019, Ms. Carey emailed the City's then-community development director John Stark to express her interest in developing the Property for a brewpub:

Hey John, just checking in after the phone call I got from you a few weeks ago. You had indicated that there might be a brewpub that was interested in our retail land. Is there anyone I should contact to learn more or provide information to someone? I'd be very interested in our use like that. Let me know if there is anything that I should be doing. Thanks for your help.
Colleen Carey

Later in October 2019, Ms. Carey sent planning staff an email confirming the Developer's interest in pursuing a brewery:

We met with a potential user of the retail space who wants to put in a brewery yesterday. They will likely be in touch with you and/or John soon. Can you let me know how parking requirements are calculated for a Taproom style brewery?

Plans for the brewpub continued to move forward in 2020. On June 26 that year, a Benefactor Brewing representative sent planning a staff this update:

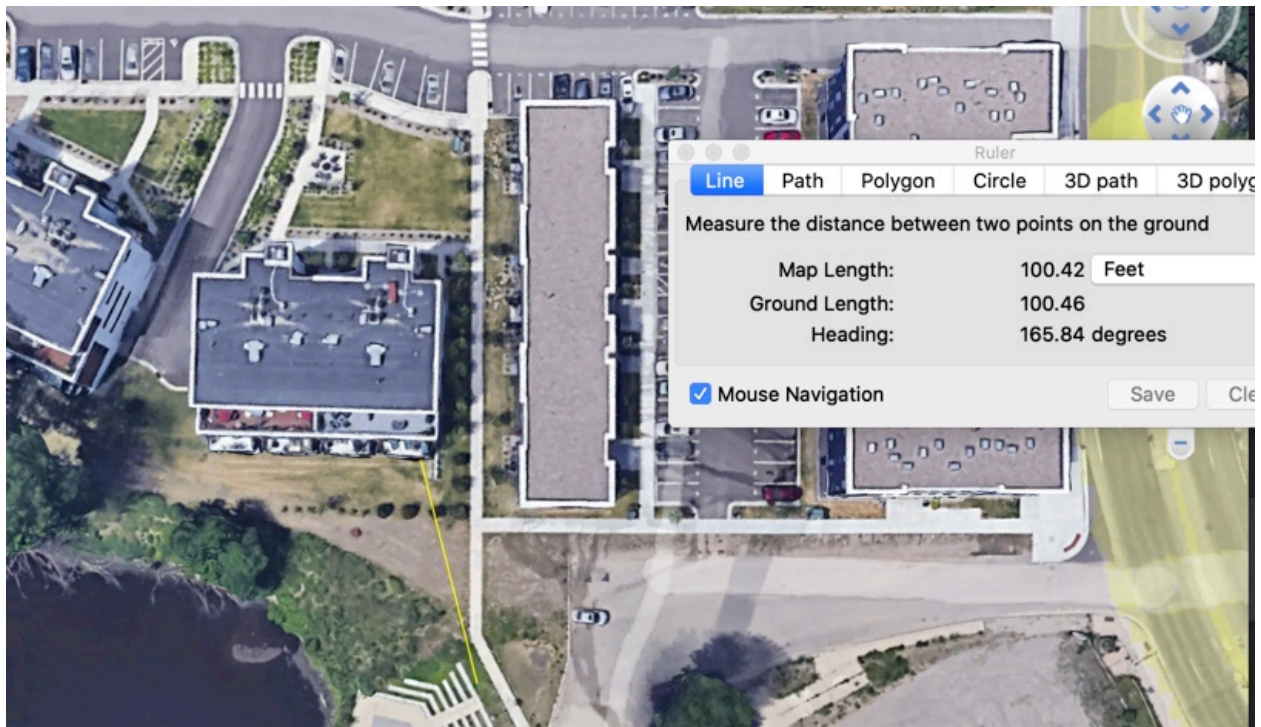
*Hi John & Melissa,
I am writing to let you know that we submitted an updated LOI for the Lyndale Gardens site! We're excited to be moving forward with our plans to become the first taproom in Richfield and were hoping to schedule a call with you to discuss our next steps. Do you have availability next week for us to continue our conversation?
Thank you,
Sam Nelson*

All of this was going on before my clients closed on the purchase of their unit on August 18, 2020. And even after that, plans for the brewpub were kept under wraps for some time. Colleen Carey did not disclose the plan to my clients until February 13, 2021 – after virtually all the units in condominium had been sold.

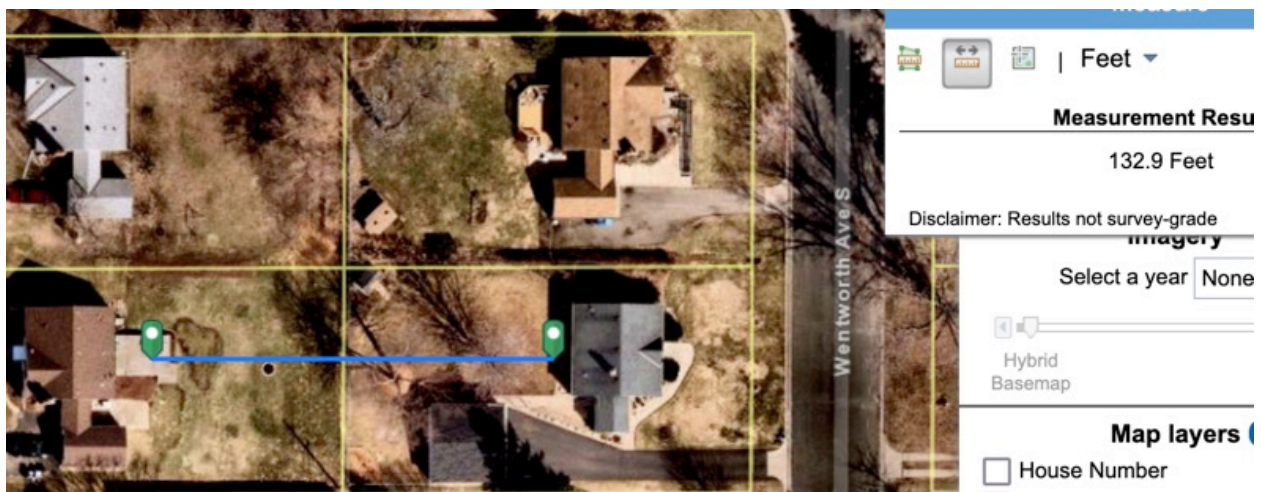
The brewpub proposal and expected impacts

My clients are deeply concerned about the impact that the proposed brewpub will have on their quality of life, and in particular they and the other residents object to the proposed outdoor seating area and the noise it will generate. That outdoor drinking and eating area next to the

brewery building begins just 100 feet from the decks on the nearest condo building, where my clients reside, which is shown in this aerial photograph:



This is less than the distance between two typical Richfield houses on either side of an alley, shown here as approximately 130 feet:



Benefactor Brewing wants to locate the seating area as close as possible to the lake for aesthetic reasons and to draw in more customers, and in discussions with residents they have insisted that the seating area must be located on the north and west side of the building (the closest location to the condo buildings) rather than to the south for their operational

convenience. As a result, if the current plan were approved, my clients would have to live with the constant sound of groups of people drinking and eating and partying, as would be expected at a business of this type. Residents will hear audible conversations, they will hear laughter, they will hear the brewpub's recorded music, and they will hear the concerts in the amphitheater held at much greater frequency than has occurred to date. While these activities are fine for some locations, just off of my clients' deck is simply the wrong place for this use.

Condo residents are also concerned about the smell of the brewery and parking noise and lights immediately adjacent to their homes.

The inappropriateness of this location is borne out by the fact that the proximity of this brewpub and its live entertainment offerings to adjacent residential uses would make it a rarity—if not a first—among brewpubs in the Twin Cities metropolitan area, which are most commonly found in industrial or entirely commercial settings. For example, the newest brewery in the area—Nine Mile Brewery in Bloomington—is located in an industrial area of that city, nowhere near residences.

The best evidence that this operation will negatively impact adjoining residences can be found in Benefactor Brewing's own words. First, in Benefactor Brewing's very first communication with the City about the brewpub idea, which was an email dated October 29, 2019, they acknowledged potential "noise" issues and specifically asked if this were an appropriate site for their operation:

Colleen indicated that we would likely be able to use the amphitheater and park space for events and possibly patio space in the summer. Given that there may be limited hours due to noise constraints, do you see any issues with us using that space?

Benefactor Brewing also recognized noise impacts in its project narrative, where it committed only to controlling noise "as much as possible":

While we understand that some condo owners are concerned with our project, we are committed to being a good neighbor by having reasonable hours, limiting events, and controlling noise as much as possible.

Second, Benefactor Brewing has concealed from the City its true intentions for the live entertainment it plans to offer. In its November 29, 2021, project narrative, Benefactor Brewing stated they plan to have live music "one evening every few weeks during the patio season." That would mean one or maybe two live events each month. However, in direct written communications with my clients, Benefactor Brewing was willing to commit only to a limit of 6 live concerts per month. That is at least three times more concerts than what Benefactor Brewing has told the City, and the reason for this discrepancy is obvious. Benefactor Brewing knows that its live music is going to disturb the neighbors—my clients and the other residents.

My clients purchased their residence because they wish to live in a vibrant, active community and they neither seek nor expect solitude or silence. They value the walking trails and the opportunity to interact with the many people who live, work and recreate in Lyndale Gardens. But the proposal to locate a patio with seating for up to 110 and standing area for many more within earshot of their deck would bring an intense use and a dynamic that was never

envisioned for this PUD and that will negatively impact the quality of life in the residential areas of the PUD nearest the proposed brewpub.

- I. The Planning Commission should recommend denial of the Application because the proposed amendment to the PUD does not meet the purposes of the PUD regulations and because the proposed brewpub will have adverse impacts on neighboring properties.

The statement of purpose for the PUD ordinance emphasizes that it “provide[s] an opportunity for innovative and creative development, *while assuring that the development will complement existing neighborhood character.*” Sec. 542.01 (emphasis added). Similarly, one of the required findings for a PUD amendment is that “the development will not have undue adverse impacts on neighboring properties.” Sec. 542.09(e). This finding is necessary for the approval of a PUD or PUD amendment.

It cannot be disputed that the proposed brewpub and especially the planned outdoor seating area and live entertainment will have adverse effects on the Lakeside at Lyndale Gardens condominium units: Benefactor Brewing has recognized that. The question is whether it will have “undue” adverse impacts. The dictionary definition of “undue” is “unwarranted or inappropriate because excessive or disproportionate,” and the adverse effects that will emanate from the brewpub are plainly inappropriate or excessive. The key factor here is that we are talking about potential impacts on every clear-weather day during the warmer months. We are not considering an annual event or seasonal festival. We are talking about the potential for daily impacts from spring to fall. (Note the gas fire pits on the site plan that will extend the outdoor season.) If the weather is nice enough for my clients to want to enjoy some time on their deck, the brewpub’s 110-seat patio will likely be full of people. And many times a month those crowds will be entertained by live music that will be unavoidable on the decks of the condo units.

Because the brewpub and its outdoor seating area will not “complement the existing neighborhood character” and because the record before this body will not support a finding that “the development will not have undue adverse impacts on neighboring properties,” the Planning Commission should recommend denial of the Application.

- II. The Planning Commission should recommend denial of the Application because the PUD, if amended, will not form a desirable and unified environment within its own boundaries.

Another required finding for a PUD amendment is that the “proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries.” Sec. 542.09(3)(b). As discussed above, the amended PUD would not form a unified environment because the new proposed use—the brewpub with outdoor seating area and live entertainment—is incompatible with the residential uses within the PUD.

The best evidence of this incompatibility is the Reciprocal Easement Agreement with Covenants, Conditions and Restrictions that governs the entire PUD (“the REA”). This is a set of covenants that were agreed upon in 2013 by the owner of the Lakewinds grocery property and Lyndale Gardens, LLC, as owner of the Property, the condominium site, and the property on which the Henley apartments were built. The REA restricts the use and development of the

Property to this day and states that the parties to it intend that their properties “be operated as an integrated Development.”

Significant to the question of just what constitutes a “unified development” of the land included in the PUD, the REA not only states that Lyndale Gardens intends on developing a retail strip center on the Property, the REA *expressly prohibits the development of the proposed brewpub*. It does this in several ways: by prohibiting uses that involve “manufacturing, distilling or industrial operations,” which includes brewing beer; by prohibiting any establishment that provides live entertainment; and by prohibiting any use that emits noise or sound that be heard outside of any building.

We recognize that the REA is a private agreement that is enforceable in the courts and not in the context of this land use approval process, but we submit that the REA provides a clear indication of the understanding of the original developers who obtained the PUD approval to develop this land of what constitutes a “desirable and unified environment within its own boundaries.” As that objective would not be met with the addition of the proposed brewpub, the related required finding cannot be made. The Planning Commission should therefore recommend denial of the Application.

III. The Planning Commission should recommend denial of the Application because an amphitheater is not an authorized use in any of the PUD districts.

In its current form and under the proposed amendment, the PUD would include both residential and non-residential uses: a grocery store, an apartment complex, a residential condominium, a brewery and restaurant, and an outdoor amphitheater. Section 542.03 provides that “[b]oth residential and non-residential uses may be included in a single PUD district *provided that* ... the uses are those that are authorized in one (1) of the eight (8) types of PUD districts.”

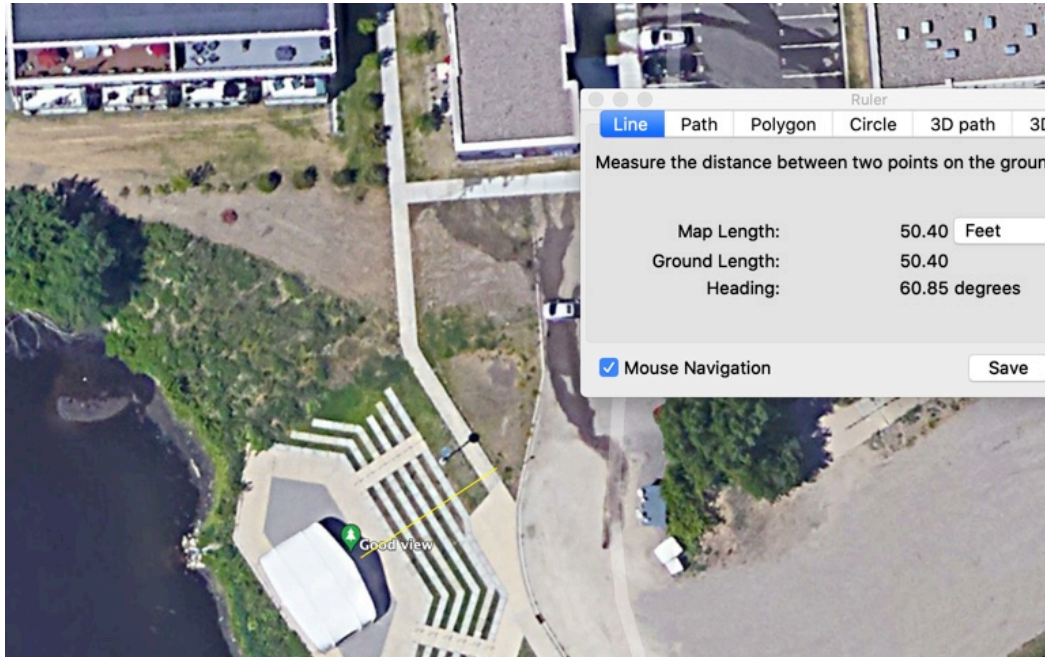
An amphitheater is not a use currently authorized in any of the eight PUD districts. Indeed the Zoning Ordinance does not recognize an amphitheater—or any type of outdoor music venue—as a permitted or conditionally permitted use anywhere in the City.

For this reason alone, the Application must be denied.

IV. The live entertainment events will violate the City Code.

Another reason to conclude that the proposed use will be incompatible with the adjacent residential uses is that the live entertainment and likely also the recorded music in the outdoor seating area will violate the City Code. Section 930.21(b) provides that the following shall constitute a prohibited disturbance: “Operation of any [radio receiver, musical instrument, phonograph, stereo and electronic equipment, ... or other device for the production or reproduction of loud sounds] outside of an enclosed structure at any time, in a manner distinctly audible at a distance of 50 feet from the device.”

As the majority of the outdoor seating area is beyond the zone 50 feet from the stage of the amphitheater (see 50’ long yellow line below) the obvious intention is to hold live music events that would violate the noise provisions of the City Code.



For all of the foregoing reasons, we strongly urge you to recommend denial of the application to amend the Lyndale Gardens PUD.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark Thieroff', written over a white background.

Mark Thieroff

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