



**REGULAR CITY COUNCIL MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
APRIL 12, 2022  
7:00 PM**

**INTRODUCTORY PROCEEDINGS**

Call to order

Pledge of Allegiance

Open forum

***Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council. Please refer to the City Council web page for additional ways to submit comments or call 612-861-9711/email [kwynn@richfieldmn.gov](mailto:kwynn@richfieldmn.gov) with questions.***

Approve the Minutes of the (1) City Council Work Session of March 22, 2022; (2) Regular City Council Meeting of March 22, 2022; (3) Special City Council Work Session of March 23, 2022; (4) Special City Council Work Session of March 24, 2022; and (5) Joint Council, Community Services and Planning Commission Work Session of March 28, 2022.

**PRESENTATIONS**

1. Presentation in recognition of Earth Day 2022

**AGENDA APPROVAL**

2. Approval of the Agenda
3. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
  - A. Consider the approval of a resolution authorizing acceptance of a donation received by Richfield Recreation Services Department from Jill Mithun for Wood Lake Nature Center in the amount of \$100,000 and to authorize the Recreation Services Director to apply the funds for Wood Lake Nature Center.

Staff Report No. 53
  - B. Consider the approval of a resolution of support for Public Works' regional solicitation grant application for federal funding to Metropolitan Council for the installation of pedestrian and bicycle infrastructure on 73rd St near Centennial Elementary.

Staff Report No. 54
  - C. Consider the approval of a resolution of support for Public Works' regional solicitation application for federal funding to the Metropolitan Council for a pedestrian and bike connection on 73rd St and



modernizing the 73rd St pedestrian bridge over I-35W.

Staff Report No. 55

- D. Consider the approval of a resolution of support for Public Works' regional solicitation grant application for federal funding to Metropolitan Council for the modernization of 76th St from Xerxes Ave to Sheridan Ave.

Staff Report No. 56

- E. Consider approval of an agreement for improvements to the railroad's existing public road at-grade crossing with Progressive Rail Incorporated as part of the 65th Street Reconstruction Project.

Staff Report No. 57

- F. Consider the approval of the resolutions to adjust the City's Municipal State Aid Street (MSAS) network.

Staff Report No. 58

- G. Consider adoption of a resolution authorizing the purchase of a permanent lighting easement at 800 W 65th St for the 65th Street Reconstruction Project.

Staff Report No. 59

- H. Consider the adoption of a resolution supporting the repeal of the exclusion of Hennepin and Ramsey counties from receiving motor vehicle lease sales tax (MVLST) funds and a return to the original MVLST county state aid formula.

Staff Report No. 60

- I. Consider the approval of the bid tabulation and award a contract to Visu-Sewer, Inc., for the 2022 Sanitary Sewer Rehabilitation Program in the amount of \$591,774.00 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.

Staff Report No. 61

- J. Consider the approval of the first reading of an ordinance amending Subsection 210.01 of the City Code related to City Council salaries for 2023 and 2024.

Staff Report No. 62

- K. Consider the approval of the Hennepin County Youth Sports Program Grant Resolution to submit a grant for youth curling equipment and authorize staff to execute the grant agreement if awarded.

Staff Report No. 64

- L. Consider the approval of the Hennepin County Youth Sports Program Grant Resolution to submit a grant for accessible picnic tables and authorize staff to execute the grant agreement if awarded.

Staff Report No. 65

4. Consideration of items, if any, removed from Consent Calendar

### **RESOLUTIONS**

5. Consider a resolution approving the contract with the International Association of Firefighters Local 1215 for the contract period January 1, 2022 through December 31, 2023 and authorize the City Manager to execute the agreement.

Staff Report No. 67

6. Consider a request for an amended Planned Unit Development, Final Development Plan, and Conditional Use Permit to allow construction of a building addition to an elementary school at 6500 Nicollet Avenue South.

Staff Report No. 63

7. Consider a resolution approving 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. 68

8. 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. 69

### **CITY MANAGER'S REPORT**

9. City Manager's Report



### **CLAIMS AND PAYROLLS**

10. Claims and Payroll

### **COUNCIL DISCUSSION**

11. Hats Off to Hometown Hits
12. Adjournment

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





# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## City Council Work Session Virtual via WebEx

**March 22, 2022**

<b>CALL TO ORDER</b>
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The meeting was called to order by Mayor Regan Gonzalez at 5:45 p.m. virtually via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

Council Members Absent: None

Advisory Board of Health Members Present: Katrina DeVore and Rebecca Case

Staff Present: Katie Rodriguez, City Manager; Jennifer Anderson, Health Administrator; Chris Swanson, Management Analyst; Sack Thongvanh, Assistant City Manager; and Kari Sinning, City Clerk

Others Present: Molly Schmidtke, CHES – Community Outreach Coordinator, Association for Non-Smokers MN; and Rachel Callanan, Senior Staff Attorney at Public Health Law Center

<b>ITEM #1</b>	<b>PRESENTATION AND DISCUSSION OF POLICY RECOMMENDATIONS BY THE ADVISORY BOARD OF HEALTH RELATED TO PROHIBITING FLAVORED TOBACCO PRODUCTS AND CAPPING THE NUMBER OF TOBACCO LICENSES ISSUED BY THE CITY OF RICHFIELD</b>
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City Manager Rodriguez stated the agenda item and introduced Community Health Services Administrator Anderson. Community Health Services Administrator Anderson introduced the Community Outreach Coordinator for the Association for Non-Smokers MN, Molly Schmidtke. Molly Schmidtke gave a brief presentation that outlined the following:

- Tobacco industry targets – youth, women, African Americans
- Impact of Nicotine on the Brain
- How flavored tobacco drives youth to use
- E-cigarette use in the Independent School District 280
- Menthol and its use in tobacco products
- Federal, State, and Local tobacco prevention policies such as other cities that have placed caps on the number of licenses and restricted flavors that would be sold within the City



Council Member Hayford Oleary asked about the trends within the school district between conventional cigarettes and e-cigarette use. Molly Schmidtke stated that the specific data that she has only broke it down by e-cigarettes and would follow up with other data pertaining to conventional cigarette use.

Council Member Trautmann asked for clarification of the percentage of students that are showing signs of tobacco addiction. Molly Schmidtke stated that seventy percent of students that currently use tobacco products are showing signs of addiction.

Council Member Hayford Oleary appreciated the presentation and stated that the municipal owned liquor stores should stop tobacco sales if we are going to impose restrictions. He shared concern on how this would affect small businesses. He also stated his support on banning flavored tobacco including menthol and a limit of the number of licenses issued of which he would like more data about. Molly Schmidtke stated that she would follow up with research about the number of licenses.

Council Member Supple supported banning flavored tobacco and asked about the sunset of the licenses. Molly Schmidtke stated that the licenses would be reduced through attrition or a certain date. Senior Staff Attorney Rachel Callanan stated that from a public health standpoint that the sooner the better to end all tobacco sales for the betterment of the community and explained that a set date of years would allow for businesses to adapt their sales. Community Health Administrator Anderson stated when the City of Bloomington went through this process that they gave businesses that were selling flavored tobacco time to get rid of the supply they currently have.

Council Member Trautmann thanked the presenters for their work and supported limiting the sale of flavored tobacco and ending tobacco sales in general with consideration to gas stations and small businesses.

Mayor Regan Gonzalez stated that she is in support of this and asked about the City of Edina passing this ordinance. Molly Schmidtke stated that it was passed about a year before the City of Bloomington and the City of Edina was sued by the tobacco industry regarding flavored tobacco sales which is a similar case to the City of Los Angeles that was judged in favor of the City. Mayor Regan Gonzalez also asked why the cities of Edina, Bloomington, and Richfield all passed this legislation at different times when the same public health administration services all three. Community Health Services Administrator Anderson explained that the Advisory Board of Health (ABH) had conversations about this topic in late 2019 after it had already been passed in Edina and then covid happened which put this issue on hold. Mayor Regan Gonzalez commented that Richfield is disproportionately impacted by public health issues and of the three cities that the Public Health Administration serves, Richfield does not get the attention that it deserves.

Council Member Whalen agreed with the support from other Council Members and shared that there should be a clearer goal as to when the licenses would cease instead of being perpetually renewed. He also appreciated the all the work from everyone involved on this public health issue.

Community Health Services Administrator Anderson briefly summarized that Council is all in support of eliminating flavored tobacco products including at the municipal liquor stores and that the different options for capping the number of licenses could be returned to Council for further discussion.

Council Member Whalen stated that he has trust with the ABH guidance as to which option to cap the number of licenses since this ordinance would also have first and second readings at Council meetings and agreed with Council Member Hayford Oleary who stated that municipal liquor stores should stop selling tobacco all together - not just flavored tobacco products.



Council Member Hayford Oleary thanked Council Member Whalen for mentioning his earlier comment regarding tobacco sales at the municipal liquor stores and asked the other Council Members if they are in agreeance of which Council Members Trautmann and Supple agreed that we should be the leaders in this initiative. City Manager Rodriguez stated that more research would have to be conducted in order to make that decision of which Council was fine with Staff making that business decision without Council approval.

Mayor Regan Gonzalez and Council Members Trautmann and Supple agreed with Council Member Whalen that the ordinance does not need to be brought back to Council for discussion at a work session.

Council Member Trautmann asked staff to be mindful of the purchasing habits of small businesses so they are not penalized for purchasing something that was legal.

Rachel Callanan shared that the City Attorney should review the obligations that the municipal owned liquor stores have in order to stop selling all tobacco products.

City Manager Rodriguez summarized the discussion:

- General agreement of Council to ban flavored tobacco products and to authorize staff to allow time for businesses to become compliant.
- Also general agreement of Council to cap the number of tobacco licenses in the City and to authorize staff to review the different options.
- Consider ending all tobacco sales in municipal owned liquor stores of which staff will research before making a final decision.

Council Member Whalen reiterated his earlier comment that licenses should have a clear end date regardless of how long that is and that licenses should not be continually renewed.

Mayor Regan Gonzalez thanked everyone for the discussion and the clarifications.

<b>ADJOURNMENT</b>
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The work session was adjourned by unanimous consent at 6:41 p.m.

Date Approved: April 12, 2022

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Maria Regan Gonzalez  
Mayor

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Kari Sinning  
City Clerk

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Katie Rodriguez  
City Manager





# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Regular Council Meeting Virtual via WebEx

**March 22, 2022**

### CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 7:00 p.m. virtually via WebEx.

Council Members Present: Maria Regan Gonzalez, Mayor; Mary Supple; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen

Council Members Absent: None

Staff Present: Katie Rodriguez, City Manager; Mary Tietjen, City Attorney; Melissa Poehlman, Community Development Director; Julie Urban, Assistant Community Development Director; Ryan Krzos, City Planner; Nellie Jerome, Assistant City Planner; Olivia Wycklendt, Civil Engineer; Kristin Asher, Public Works Director; Amy Markle, Recreation Services Director; Rachel Lindholm, Sustainability Specialist; Jane Skov, IT Manager; Kelly Wynn, Administrative Assistant; and Kari Sinning, City Clerk

Others Present: Lisa Hendricks, Founder of Partnership Academy; Sean Elder, TenSquare Director of Real Estate Development; Courtney Poja, Cornerstone Senior Director of Advancement;

### PLEDGE OF ALLEGIANCE

Mayor Regan Gonzalez led the Pledge of Allegiance.

### OPEN FORUM

Administrative Assistant Wynn reviewed the options to participate:

- Participate live by calling 612-861-0651 during the open forum portion
- Call prior to meeting 612-861-9711
- Email prior to meeting [kwynn@richfieldmn.gov](mailto:kwynn@richfieldmn.gov)

Katie Shepherd, 7301 17<sup>th</sup> Ave S, is a representative of Richfield for Equitable Public Safety (REPS) who thanked Council for meeting with the group over the past year and shared information about racial inequalities in the Richfield Police Department. Shepherd also stressed the importance of racial equity in the City's strategic planning so that Richfield can be the community where people of all races, ethnicities, and backgrounds feel welcomed, safe and valued.



While waiting for additional comments, Mayor Regan Gonzalez asked for clarification of when City Council meetings would be returning to in-person. Administrative Assistant Wynn stated that in-person meetings would begin on April 1 with the first City Council meeting on April 12. She also stated that remote participation for the open forum and public hearings would continue.

Andrea Solano, 7225 Harriet Ave, shared concerns of neighborhood safety near the high school due to a suspicious house on the block.

Arielle Thomas, 6424 Humboldt Ave, supported the expansion of Partnership Academy. Additional comments were received regarding this agenda item of which Council asked for a summary of those comments to be read during the agenda item.

<b>APPROVAL OF MINUTES</b>
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M/Supple, S/Hayford Oleary to approve the minutes of the: (1) Special City Council Work Session of March 7, 2022; (2) Joint Council, HRA and Planning Commission Work Session of March 8, 2022; (3) Regular City Council Meeting of March 8, 2022; and (4) Special City Council Work Session of March 15, 2022.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0

<b>ITEM #1</b>	<b>APPROVAL OF THE AGENDA</b>
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M/Trautmann, S/Whalen to approve the agenda.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0

<b>ITEM #2</b>	<b>CONSENT CALENDAR</b>
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City Manager Rodriguez presented the consent calendar.



- A. Consider a resolution approving a request for a Conditional Use Permit to allow a Class III restaurant (fast food/convenience restaurant) at 4 - 66th Street East (Richfield Shoppes). (Staff Report No. 42)

**RESOLUTION NO. 11954**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A  
RESTAURANT AT 4 - 66TH STREET EAST**

- B. Consider the approval of a bid tabulation and award of contract to Park Construction Co. for the 2022 Concrete and Mill and Overlay Project in the amount of \$320,771.38 and authorize the City Manager to approve contract changes under \$175,000 without further City Council consideration. (Staff Report No. 43)
- C. Consider a resolution of support for the development of affordable, supportive housing for people with the lowest incomes on the property located at 6613-25 Portland Avenue. (Staff Report No. 44)

**RESOLUTION NO. 11955**

**RESOLUTION SUPPORTING THE DEVELOPMENT OF  
AFFORDABLE, SUPPORTIVE MULTIFAMILY HOUSING IN THE  
VICINITY OF 6613-25 PORTLAND AVENUE**

- D. First reading of transitory ordinance providing funding for certain capital improvements from the Liquor Contribution Special Revenue Fund. (Staff Report No. 45)
- E. Consider approval of a service level agreement with Dialog One, LLC for translation and Interpretation3 services. (Staff Report No. 46)
- F. Consider the approval of both a sidewalk and utility easement and a temporary construction easement at Nicollet Avenue and 70th Street with Hennepin County so intersection upgrades can be completed. (Staff Report No. 47)
- G. City Coalition Letter Commenting on Xcel Energy's 2020-2031 Integrated Distribution Plan (Staff Report No. 48)

**RESOLUTION NO. 11956**

**RESOLUTION APPROVING THE CITY OF RICHFIELD AS A  
SIGNATORY ON THE MINNESOTA LOCAL GOVERNMENT  
COALITION LETTER IN RESPONSE TO XCEL ENERGY'S  
INTEGRATED DISTRIBUTION PLAN (IDP)**

M/Whalen, S/Supple to approve the consent calendar.

Council Member Supple expressed excitement for Item C and the importance of low income housing.

Council Member Whalen appreciated all of the good things that this consent agenda contains that better Richfield and thanked staff for the work on the items.

Council Member Trautmann agreed with the comments from Council Member Whalen and asked about the restaurant from Item A. City Planner Krzos introduced the owner of the new restaurant, Veronica Velazquez, who explained the foods at the restaurant and the expected open date.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE



Motion carried 5-0.

<b>ITEM #3</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM CONSENT CALENDAR</b>
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None.

<b>ITEM #4</b>	<b>PUBLIC HEARING AND SECOND READING OF THE TRANSITORY ORDINANCE TO REAFFIRM WARD BOUNDARIES TO CONFORM TO REDISTRICTING REQUIREMENTS PURSUANT TO MINNESOTA STATUTES AND CITY CHARTER AND CONSIDERATION OF A RESOLUTION ESTABLISHING PRECINCT BOUNDARIES AND POLLING LOCATIONS. (STAFF REPORT NO. 49)</b>
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Council Member Whalen presented Staff Report 49.

City Clerk Sinning stated the reason for the changes in polling places and the renumbering of the precincts.

Council Member Whalen opened the public hearing.

Administrative Assistant Wynn gave the options for participating in the public hearing and stated that there were no callers.

M/Whalen, S/Hayford Oleary to close the public hearing.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0.

M/Whalen, S/Supple to approve the second reading of the transitory ordinance establishing new ward boundaries following the 2020 census data and conforming to redistricting requirements pursuant to Minnesota Statutes and City Charter.

**BILL NO. 2022-5  
TRANSITORY ORDINANCE NO. 19.23**

**AN ORDINANCE ESTABLISHING THE BOUNDARIES OF COUNCIL  
WARD DISTRICTS PURSUANT TO SECTION 2.03 OF THE CITY  
CHARTER OF THE CITY OF RICHFIELD**



City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0.

M/Whalen, S/Supple to approve a resolution establishing new precinct boundaries and polling locations.

**RESOLUTION NO. 11957**

**RESOLUTION ESTABLISHING BOUNDARIES OF ELECTION  
PRECINCTS; AMENDING RESOLUTION NO. 10640**

Council Member Supple thanked City Clerk Sinning for all the work she did on redistricting and mentioned a precinct finder on the City's website that will help voters with their new locations.

Council Member Hayford Oleary complimented City Clerk Sinning particularly on the process of anticipating future developments that will hopefully lead to well-balanced convenient voting.

Mayor Regan Gonzalez thanked City Clerk Sinning for her leadership during the redistricting process that makes it easier for voters and residents to participate.

Council Member Trautmann also thanked City Clerk Sinning and mentioned the legacy of voting at Sheridan Hills for his family and understood the reasoning behind the change as Richfield is a growing city.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford Oleary: AYE  
Whalen: AYE

Motion carried 5-0.

<b>ITEM #5</b>	<b>CONSIDER A REQUEST FOR AN AMENDED PLANNED UNIT DEVELOPMENT, FINAL DEVELOPMENT PLAN, AND CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A BUILDING ADDITION TO AN ELEMENTARY SCHOOL AT 6500 NICOLLET AVENUE SOUTH. (STAFF REPORT NO. 50)</b>
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Council Member Hayford Oleary presented Staff Report 50.

City Planner Krzos added that staff has worked hard with the applicant to develop a flexible outcome and solution to future parking needs and mentioned that the expansion of the building would need additional parking of which a lease with the Hub owners might not be sufficient.



Council Member Hayford Oleary asked for clarification about the options that were given to Partnership Academy and stated that the applicant wants to do something different than what staff proposes. City Planner Krzos stated that the applicant wants to move forward with the expansion without the need to provide additional parking.

Management Analyst Swanson read aloud a couple of comments that were emailed before the meeting from a teacher, Claire Jordan, and a prospective parent, Loretia Tyus, that were both in support of the Partnership Academy expansion. Additional comments were also received via email and are included at the end of these minutes.

M/Hayford Oleary, S/Whalen to approve the attached resolution authorizing an amended Planned Unit Development, a Final Development Plan, and a Conditional Use Permit.

Council Member Whalen appreciated the clarification that Council Member Hayford Oleary asked about and asked Lisa Hendricks, founder of Partnership Academy, to speak about the practicality of the options that staff recommends. Lisa Hendricks thanked Council and staff for their efforts on this project and explained that the options given by staff would lead to a delay because they would not be able to acquire the adjacent property quickly and building structured parking would have to go through the Planning Commission/City Council and financing that would significantly delay the timeline. Hendricks mentioned that they do have a lease agreement with the Hub that goes through 2024 for parking however they could not find other parking that would be a longer term lease in the area. Hendricks stated that the two options given by staff could be done but they are asking for time to implement those additional parking spaces.

Council Member Whalen asked staff to speak about previous experiences that has happened when giving temporary conditions to applicants and what would happen if the recommended is not agreed upon. City Planner Krzos shared the experiences that the city has pursued with a couple of auto dealerships that were given extra time and the difficulty that the city had to enforce the parking code.

Council Member Whalen shared his thought of staff parking along the streets and has heard resident feedback of concern about that.

Council Member Hayford Oleary shared his mixed feelings on this issue and stated that there is an obligation to hold to our minimum parking requirements. He showed support of giving the applicant more flexibility for a lease agreement with the Hub and having Partnership Academy return with a plan in two years or start paying penalties much like Audi.

Council Member Trautmann asked staff to speak about the affect the options would have with respect to the redevelopment of the hub area. City Planner Krzos explained that the City wants the Hub redevelopment to be as successful as possible and that the owners of the Hub have not stated that they would provide additional surplus parking beyond what they currently offer. City Planner Krzos stated that the applicant could pursue leasing the parking from the Hub and secure additional land from the medical office should the need arise for additional parking which would help future goals of the Hub redevelopment that would not sacrifice any developable area for the Hub.

Mayor Regan Gonzalez asked if there is a possibility of creating a condition that if the applicant does not secure the property by a certain date that they would have to build the structured parking. Community Development Director Poehlman stated that this is an option that Council could pursue but mentioned that there are difficulties because the situation for the school could change that could result in the revocation of the certificate of occupancy.

Council Member Supple asked for clarification on how the development of the three options happened. City Planner Krzos explained that the options are a result of the discussion from the



Planning Commission meeting. Council Member Supple shared her concerns of guaranteeing the purchase of the medical office or the lease of additional parking from the Hub would happen of which the only guaranteed solution would be the structured parking and asked about the timeline of building the structured parking. Lisa Hendricks introduced Sean Elder, Director of Real Estate Development from TenSquare, who stated the project would be subject to the public approval process that could delay the construction that would make it difficult to be completed for the 2023-2024 school year. Sean Elder also explained that financial bonds the school has would allow them to have contingencies.

Council Member Whalen asked for clarification if the medical office was purchased that the building would be taken down and a surface lot would be created of which the applicant agreed. He then also asked for clarification that the city does not allow for standalone parking lots to be created. City Planner Krzos stated that the additional surface parking would be added to their existing parking. Council Member Whalen shared his concern for the lack of appeal of either using medical office land as surface parking or building a small parking structure. He also asked about the process used with Audi and how that would work with this project. Director Poehlman stated that a resolution that was passed by Council to extend the agreement for Audi to build the additional parking structure. She also stated that Council could do the same with this project with deadlines and penalties. Council Member Whalen understood the reason for the parking minimums and stated that the benefits outweigh the negatives of school staff potentially parking along side streets.

Mayor Regan Gonzalez agreed with Council Members Whalen and Supple and asked if there was a way to make sure the applicant follows through with the additional parking. Director Poehlman stated that if the applicant does not meet the requirements of the permit that it could be revoked.

Council Member Hayford O'Leary stated that a two-year agreement much like the Audi one would make the most sense due to the volatile nature of the purchasing market and Hub redevelopment.

Council Member Trautmann asked what would happen if the current parking leased from the Hub were to cease. City Planner Krzos stated that there is a contingency plan that they would have to create parking spaces in the current playground area.

Council Member Whalen commented to the applicant about offering some commercial space in the purchased land if that is a possibility. Sean Elder stated that keeping the current building would not meet the parking requirements.

Council Member Supple asked what the next steps are considering the options are to go with the staff recommendation or to come up with a compromise similar to the Audi agreement. City Attorney Tietjen stated that the current motion could be amended or withdrawn and there could be an alternative motion to direct staff. Director Poehlman stated that staff could create an amended motion or be directed to return at the next council meeting for approval. Sean Elder mentioned the timing of tax exempt bonds of which Director Poehlman stated that they could be approved at the same meeting.

Council Member Hayford O'Leary withdrew the current motion.

Motion and second withdrawn.

M/Hayford O'Leary, S/Supple to direct staff at the next council meeting to provide an amended resolution that within two years requires the applicant to comply with the parking options that were described or comply with the parking requirements at that time.



Council Member Supple asked Council Member Hayford Oleary to clarify the intent of the new motion. Council Member Hayford Oleary stated the Audi-like agreement would be more recommended and wanted to acknowledge that the parking requirements may change within two years.

Council Member Whalen asked for clarification of the escrow account that Audi has with the City. Director Poehlman stated that money was given upfront for the account and that if they do not comply the City is allowed to retain that money. She stated that the resolution that would be brought back to Council would direct staff to craft an agreement with the City Attorney and Partnership Academy that would include the details. Council Member Whalen asked the applicant if the escrow monies would be feasible for Partnership Academy. Sean Elder stated the escrow obligation would have to be reviewed by bond council.

There was further discussion that clarified the above and Director Poehlman stated that the current motion does not include any details and that staff would work with Partnership Academy and the City Attorney to create the agreement. Council Member Hayford Oleary stated that this was the intent of the motion.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE

Supple: AYE

Trautmann: AYE

Hayford Oleary: AYE

Whalen: AYE

Motion carried 5-0.

<b>ITEM #6</b>	<b>CONSIDER CITY COUNCIL'S APPROVAL OF THE MAYOR'S APPOINTMENT OF TWO HOUSING AND REDEVELOPMENT AUTHORITY (HRA) COMMISSIONERS. (STAFF REPORT NO. 51)</b>
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Council Member Supple presented Staff Report 51.

M/Supple, S/Hayford Oleary to approve the Mayor's (1) reappointment of Erin Vrieze Daniels as an HRA Commissioner for a four year term expiring February 28, 2026; and (2) appointment of Gordon Hanson as an HRA Commissioner for a two year term expiring February 28, 2024.

Council Member Supple explained the difference in the term expirations as the two year is to fill a vacancy and create staggering within the authority. She expressed excitement in looking forward to working with them.

Council Member Hayford Oleary asked for clarification of the term lengths going forward. Community Development Director Poehlman stated that they would be five-year terms once they are staggered.

Council Member Whalen stressed the importance of HRA/EDA to the City and expressed optimism for the future process of recruitment.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE



Supple: AYE  
Trautmann: AYE  
Hayford O'leary: AYE  
Whalen: AYE

Motion carried 5-0.

ITEM #7	<b>CONSIDER AN APPROPRIATION OF AMERICAN RESCUE PLAN ACT FUNDING TO VOLUNTEERS ENLISTED TO ASSIST PEOPLE AND CORNERSTONE TO SERVE IMMEDIATE HOUSING AND SAFETY NEEDS OF COMMUNITY MEMBERS NEGATIVELY IMPACTED BY THE COVID-19 PANDEMIC. (STAFF REPORT NO. 52)</b>
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Council Member Trautmann presented Staff Report 52.

Community Development Director Poehlman stated that they give to these organizations through social services and the additional funds would help to provide more services to residents.

Courtney Poja expressed appreciation for the opportunity. Council Member Trautmann shared that through his law practice that there has been a spike in domestic violence cases and stressed the importance of offering these services to the community.

M/Trautmann, S/Supple to approve a resolution allocating \$120,000 in American Rescue Plan Act funding for rent and utility assistance and violence intervention services to households negatively impacted by the COVID-19 pandemic, and authorizing the Mayor and City Manager to execute service contract amendments with Volunteers Enlisted to Assist People and Cornerstone to provide these services.

**RESOLUTION NO. 11958**

**RESOLUTION APPROVING AN ALLOCATION OF AMERICAN  
RESCUE PLAN ACT FUNDING TO VEAP AND CORNERSTONE**

Council Member Whalen appreciated this use of the funds and encouraged long-term investment of the ARPA funds to combat issues within the community.

Council Member Trautmann appreciated the good work of VEAP.

Mayor Regan Gonzalez thanked the organizations for their importance in the community and shared brief history of how organizations like VEAP and Cornerstone have impacted her involvement in public service as an adult.

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
Supple: AYE  
Trautmann: AYE  
Hayford O'leary: AYE  
Whalen: AYE

Motion carried 5-0.



<b>ITEM #8</b>	<b>CITY MANAGER'S REPORT</b>
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City Manager Rodriguez gave a brief covid update and stated that in-person meetings will begin on April 1.

<b>ITEM #9</b>	<b>CLAIMS AND PAYROLL</b>
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M/Trautmann, S/Whalen that the following claims and payrolls be approved:

<b>U.S. Bank</b>	<b>3/22/2022</b>
A/P Checks: 304644 – 304985	\$1,962,324.37
Payroll: 168954 – 169258	\$ 739,810.03
TOTAL	\$2,702,134.40

City Clerk Sinning took roll call vote:

Regan Gonzalez: AYE  
 Supple: AYE  
 Trautmann: AYE  
 Hayford O'leary: AYE  
 Whalen: AYE

Motion carried 5-0

<b>ITEM #10</b>	<b>HATS OFF TO HOMETOWN HITS</b>
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Council Member Hayford O'leary mentioned career day at the high school and shared an appreciation for a respectful conversation that he had with residents although they had disagreeing views.

Council Member Whalen lifted up the Augsburg Adventure Park and all those that have contributed to the success of the playground.

Council Member Supple thanked the Communications team for the Annual Report and the Community Development staff for the year-in-review of the HRA/EDA at the HRA meeting.

Council Member Trautmann expressed appreciation for those that advocate for community services like Partnership Academy, VEAP, and Cornerstone as they important function of what makes Richfield a great place to live and thrive.

Mayor Regan Gonzalez echoed the comments of Council Member Supple regarding the year-in-review of the HRA/EDA as it showcases the good works the authorities do to support the community. She also lifted up the community education classes and Spring/Summer recreational programs that were delivered to the residents and encouraged everyone to participate.



**ITEM #11****ADJOURNMENT**

The meeting was adjourned by unanimous consent at 9:08 p.m.

Date Approved: April 12, 2022

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Maria Regan Gonzalez  
Mayor

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Kari Sinning  
City Clerk

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Katie Rodriguez  
City Manager



Dear Richfield City Council,  
My name is Amanda Allgaier. I have been a Kindergarten teacher at Partnership Academy for 10 years. I hope you will consider approving this project. Any delay will have a significant impact on our students and community.

Thank you for your consideration.

Amanda Allgaier  
she/her/hers  
Kindergarten Teacher  
Partnership Academy

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Dear Richfield City Council,  
My name is Simone Schneider and this is my first year working at Partnership Academy. Partnership Academy is the fourth school that I have worked at in my teaching career and I have been absolutely blown away with how exceptional it is. It is a fantastic school and it is a pleasure to work with the students and staff here. With all the tumultuousness of the surrounding districts it feels like such a gift to our community to have this safe and nourishing school. Although our school building is new and wonderful, we simply don't have enough room for all the students and staff that we have. Additionally, there are over forty students on the preschool waiting list for the 2022-2023 school year and I would love to see another preschool class open to accommodate more families. On a personal level, I have been so impressed with the Partnership Academy preschool program that I have my own child on the waiting list for attendance in the fall. I hope that you will consider approving the expansion project for our school. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Thanks for your consideration.

Best,

Simone Schneider  
She/Her/Hers  
Fourth Grade Teacher  
Partnership Academy

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Dear Richfield City Council,  
My name is AJ. I have worked at Partnership Academy for 2 years. I hope you will consider approving the expansion construction. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential. We have many students on a waitlist to attend our school and the only thing preventing us from serving those students is space.

Thanks for your consideration.

AJ Johnson  
(she/her)  
Middle School Literacy Teacher  
Partnership Academy

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Dear Richfield City Council,  
My name is Heather Busch and I am a teacher at Partnership Academy. I have been in education for more than 15 years and seen many different schools. Partnership Academy is doing something significant in the Richfield community. They are raising the bar on education for students across the city while attending to the students' emotional needs sensitively. I hope that you will consider approving the building project. Any delay will have a significant impact on our ability to serve our students and



community. We would be able to start construction right away in order to accommodate our students in families who deserve a great education. Thank you for your consideration

Heather Busch (she/her)  
Partnership Academy  
3-5th Grade Intervention

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Dear Richfield City Council,

My name is Stephanie Chavez Estrada. I have worked at Partnership Academy for 6 years and serve as the Middle School Special Education Lead Teacher. I have worked at PA since we were located inside the Assumption Church. Space was always difficult to find and affected the way our teachers taught and the way student's learned. We were so grateful when we were able to move into our very own building, but continue to have the same issues with spacing. We have had amazing enrollment numbers and thus we continue to grow. Currently, Special Education students are receiving services in the hallway and are continuously distracted. Taking disabilities into consideration, students with a specific learning disability, ADHD, language disorders, etc need more enclosed spaces in order to fully grasp the concepts being taught and make enough growth to reach their IEP goals. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential. Thanks for your consideration.

Stephanie Chavez Estrada  
She/Her/Hers  
Special Education Lead Teacher

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Dear Richfield City Council,

My name is Ishana. I have worked at Partnership Academy for 3 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential. Thanks for your consideration

Ishana Lee  
Covid 19 & Operations Specialist  
Partnership Academy

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Dear City Council,

Hello, my name is Lizbeth Briones. I am writing to share our support for Partnership Academy's expansion project. My child has been at Partnership for 2 years. We love the school, it has helped my son grow academically in many ways.

This new space will offer needed classrooms to bolster the small group, individualized programs for our students. It will also allow the school to increase the number of preschool students it can serve. This is an immediate need in the community highlighted by the long waiting list. I urge you to approve this project!

Sincerely,  
Lizbeth Briones

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Hello City Council,

I know you have been working closely with some of my colleagues on PA's expansion project. I can't emphasize how critical it is for our school community that we can move forward with our expansion. We are bursting at the seams with overwhelming demand for preschool services as well as small group instruction for English Learners (Emergent Bilinguals), Special Education, and Intervention. Our scholars are literally squeezed into every nook and cranny of our existing space -- our demand has already exceeded our new building's capacity.



**We feel it is an Equity imperative that the students of color in our building should get an exceptional learning experience with the resources, supports, and spaces that make their success possible.** Through the pandemic, our enrollment has expanded to about 530 families, and we have over 30 families on our preschool waiting list, 20 of whom would be immediately admitted if our expansion is approved. I can go on and on about the dedicated staff, supportive families, and promising results. This is a very unique and amazing community, and we hope to continue our partnerships in Richfield to better serve our families.

Please do not hesitate to reach out with any questions or needs as you consider our proposal.

**Molly Schwaiger**  
*She/Her/Hers*  
Principal  
Partnership Academy

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Dear Richfield City Council,  
My name is Shannon Jaeger. I have worked at Partnership Academy for 14 years and currently teach middle school science. I hope you will consider approving the project for expansion that Partnership Academy is proposing. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential. We currently do not have enough space to meet the needs of our students. We have multiple advisory classes doubled up in the same classroom, small groups do not have quiet spaces and are being held in the hallway, and spaces not traditionally used as learning spaces have become student spaces. These solutions to the lack of space in our school are not ideal and definitely not sustainable. Please strongly consider approving this project so that we can better meet the needs of our learning community. Thank you for your time and consideration.

Shannon Jaeger  
Middle School Science Teacher  
*She/Her*  
Partnership Academy

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Dear Richfield City Council,  
My name is Arielle Thomas. I live in Richfield and next year my two sons (twins) will be in preK at Richfield Public Schools (RDLS). I would have LOVED to send my sons to Partnership Academy. It is the ONLY full day completely preK programs in Richfield. As a teacher and as a mom, I know the importance of early childhood education and the struggles so many parents face, paying for daycare/preschool.

I have worked at Partnership Academy for 4 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential. Thanks for your consideration.

Arielle Thomas

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Dear Richfield City Council,  
My name is Mary Kondrak. I have worked at Partnership Academy for 6 years and I am also a Richfield resident. I hope you will consider approving this project. As an early childhood special education teacher, I can attest to the positive impact that this expansion will have on our youngest students in Richfield to be able to have adequate space and services for our growing school and community.

Mary Kondrak  
Early Childhood Special Education Teacher  
Partnership Academy

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Dear Richfield City Council,

My name is Doug Schleif. As a Richfield resident and the Assistant Principal at Partnership Academy, I have numerous thoughts on why Richfield should consider approving this building project.

Partnership Academy started as a vision with a goal of providing a safe learning community for our local Latinx population. The school started with 75 students and in the past 20 years has consistently grown. Currently, we are at 530 students with a waiting list of students that would like to attend but unfortunately, we do not have the space. While our population continues to be mostly Latinx, over the past five years we have become more diverse with an increase in the number of white and black students that now attend. Throughout these twenty years, this learning community has continued to get stronger, and we continue to strive for academic, civic, and social excellence.

Partnership Academy is an asset to my community. Preventing or delaying its growth would be unfortunate. I ask that the City Council approve the Partnership Academy plan without any contingencies. Any delay in construction will have a significant impact on our ability to serve our learning community to our highest potential.

Sincerely,  
Doug Schleif  
6244 2<sup>nd</sup> Ave. S

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Dear Richfield City Council,

Hello, my name is Ashley Leary and I have worked at Partnership Academy for the past 15 years. For many years we have dreamed of a new building and were thrilled when that dream became a reality a few years ago with our new location at 6500 Nicollet Avenue. Our new location has added visibility in the community and our enrollment has grown significantly. We are running out of space to run the individualized programming we feel helps students thrive. I urge you to approve our project. It will provide necessary space to service our students and do so in a timely manner so it does not disrupt our school year. The past two years of this pandemic have had a significant effect on our students and we want to be able to give them the support they need and be able to provide a normal school year next year! Any delay in construction will have a significant impact on being able to serve our students and community in this next school year.

Ashley Leary  
Data Coordinator/Math Coach  
Partnership Academy Charter School

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Dear Richfield City Council,

My name is Stephany Martinez, I have worked at Partnership Academy for 1 1/2 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential. It will make a big difference in spaces mostly for our special education program. Since we have a lot of students needing quiet space or to focus with their accommodations.

Thanks for your consideration.  
Ms.Stephany

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Dear Richfield City Council,

My name is Kelly Schmidt. I have worked at Partnership Academy for 6 years. I hope you will consider approving our project! Any delay in construction will have a significant impact on our ability to serve our students and community to our highest potential.  
Thanks for your consideration!

Kelly Schmidt, MA, CCC-SLP  
Speech Language Pathologist, Partnership Academy

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I would like to see this new project for the future and have more space for generation, thank you.

Antonio Pinos Rodriguez

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Hola buenas tardes envío este correo para apoyar ala escuela PA para ampliarla más a mi si me interesa porque es una escuela segura y muy buena y pienso mandar mi otra hija a estudiar ahí

*Hello, good afternoon, I am sending this email to support the PA school to expand it further if I am interested because it is a safe and very good school and I plan to send my other daughter to study there.*

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Yo Rebeca Linares, mama de Mitzy Genis apoyo al proyecto para expandir el nuevo proyecto para que mi ija tenga más espacio y y nuevas oportunidades de aprender y apoyo a ala directora ms rosa y a los maestros en el nuevo proyecto primero dios lo lograremos. Y yo apoyo a partnership academy es una buena escuela.

*I, Rebeca Linares, mother of Mitzy Genis, support the project to expand the new project so that my daughter has more space and new opportunities to learn, and I support the director, Ms. Rosa, and the teachers in the new project, first, God, we will achieve it. And I support partnership academy as it is a good school.*

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Good afternoon,

My name is Jake Kizewski. I've been an employee at Partnership Academy for the past 14 years. In that time, I have fallen in love with our school community and the mission we strive to carry out on a daily basis. The demand for our program continues to build. We need to expand to meet the needs of our students and community. This is highlighted by a 40+ child waitlist in our preschool program.

It is with this that I share this message. I am urging the Richfield City Council to approve, without contingency, Partnership's expansion plans. Any delay in the construction is going to have a significant impact on our ability to best serve our students and in turn our community.

Jake Kizewski  
Operations Director  
Partnership Academy

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Good Afternoon,

My Name is Lactetia. I'm a parent of a preschool applicant for Partnership academy. My child is currently number 16 on the waiting list due to not having enough availability for preschoolers. I am coming to you today to ask if you could please approve the PA project without contingency! That way my child can begin preschool this coming Fall. Thank you.

Lactetia Tyus

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Good evening,

I am a parent of a 4 year old who didn't get accepted in partnership in the lottery. I support to have an expansion where more kids can get the opportunity to be in preschool at a young age. Be able to socialize and have an education without waiting a year or their name being drawn from a box if they get enrolled or not.

Sincerely,

Elena



Dear city council, we hereby request your approval for the expansion of the partnership academy school, as the mother of 2 students currently in grade 2 and 7, I hope that you can give us your point in favor to be able to enlarge the school, and that more can enter 40 students to preschool since my daughter is one more little girl on the waiting list and I pray to God that we achieve it since I could be able to work and help my family with the expenses that are stronger every day and I also see it on the side that my daughter can have a good learning at a young age because in the future she could speak English and be useful in the city we live in, which is Richfield and I also think that her being in the school and me working contribute one more granite to the economy of the city itself, with longing and enthusiasm we await your prompt approval to be able to achieve it, thank you very much on behalf of the Latino community.

Cyndi Franco

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Dear Richfield City Council,  
I live in Richfield for 17 years and have worked at Partnership Academy for one year as a reading tutor. Please consider approving the Academy's expansion project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Mary Beckman  
6711 Lake Shore Drive South  
Richfield, MN 55423

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Dear Richfield City Council,  
My name is Lourdes. This is my first year at Partnership Academy, and hoping for many more. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Lourdes Molina  
She/Her/Hers  
Special Education Teacher  
Partnership Academy

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Dear Richfield City Council,  
My name is Nikki Roberts. I have worked at Partnership Academy for 1 year. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Nikki Roberts  
She/Her/Hers  
Associate Educator  
Partnership Academy

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Dear Richfield City Council,  
My name is Alison Kelso. I have worked at Partnership Academy for 3 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

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Dear Richfield City Council,  
My name is Khalena Wise Wickstrom. I have worked at Partnership Academy for 1 year and it was proven to be a wonderful experience to be part of a school that cares and supports the local community in every way they can. In my decade of my teacher career, this is by far the best school I have encountered that truly cares about the community and their students' success.



I hope that you will consider approving this project for the school's expansion. Any delay in construction will have a significant impact on our school being able to serve our students and community to our highest potential.

Khalena Wise-Wickstrom  
Float Educator  
Partnership Academy

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Dear Richfield City Council,

My name is Julia Ross and I have worked at Partnership Academy for 3 years. I hope that you will consider approving this project. It would truly benefit students and staff and would have an impact on being able to serve our students and entire community here at PA.

Julia Ross  
1st Grade Teacher  
Partnership Academy

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Dear Richfield City Council,

My name is Claire Jordan and I have worked at Partnership Academy for 3 years. I hope you will consider approving the expansion project so we can begin construction immediately. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Claire Jordan  
PreK-2nd Grade Emergent Bilingual Teacher  
Partnership Academy

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Dear Richfield City Council,

My name is Randi Kay Weiland. I have worked at Partnership Academy for over 10 years. It has been exciting to see the growth the school has made since I started working here. Our new building is amazing, but we are already out of space because we have grown even more than expected. I hope you will consider approving this construction project. Any delay will have a significant impact on being able to serve our students and community to our highest potential. We are bursting at the seams trying to accommodate all of our staff and students.

Randi Kay Weiland  
Literacy Coach  
Partnership Academy

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Dear Richfield City Council,

My name is Becky Wellington and I have worked at Partnership Academy for 10 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Sincerely,  
Becky Wellington  
she/her/hers  
Partnership Academy

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Dear Richfield City Council,

My name is Jessica Kitzman, and I am the art teacher at Partnership Academy. I am deeply grateful to work with the students and families at partnership, and I am passionate that they deserve the very best we have to offer. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

With gratitude,  
Jessica Kitzman

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Dear Richfield City Council,

My name is Najah Charlton. I have worked at Partnership Academy for 3 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Thanks for your consideration.  
Najah Charlton

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Dear Richfield City Council,

My name is Cassandra Norris. I have worked at Partnership Academy for 3 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Thanks for your consideration.  
Cassandra Norris, LICSW

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Dear City Council Members. My name is Rosa Herrera and I'm writing to you in support of Partnership Academy's expansion project. I am a Founding Director of Partnership Academy so I have been there for 20 years. I can attest that our PA families love our school. In a great way we have reached max capacity at our school. The expansion will help increase the number of preschool students we can serve. This is an immediate need in our community. We have a long wait list for preschool this year. I urge you to please approve this project. I assure you this will be a win-win situation for the City of Richfield and for the families we serve.

There is a high demand for preschool services all over the cities. I know that if we expand we will be helping so many families with preschool age children. All other preschool programs in the cities have a long wait list. including PICA Headstart.

Rosa L. Herrera  
Family & Community Outreach Director/Founder  
Public Notary  
Partnership Academy

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Dear Richfield City Council,

My name is Dianna Chang and I have been with Partnership Academy since 2014. My deepest hope is that our expansion project will be considered for approval. Delays in construction would certainly have a significant impact on serving our students. Thank you for your partnership and for your support!

Dianna (Pa) Chang  
Executive Coordinator

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Dear Richfield City Council,

My name is Ariana Woodard. This is my first year working at Partnership Academy, and I immediately fell in love with this school and the way we put students first. I hope you will consider approving this project. We need more space to serve our students. We run a lot of small group interventions and due to the increase in enrollment we have been using every possible nook and cranny, it isn't sustainable as our students aren't able to focus as well as they should.

Ariana Woodard  
Partnership Academy

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Pedimos de favor que nos aprueben la expansión para el preescolar. Monica Morocho

*We ask that you please approve the expansion for the preschool.*

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Dear Richfield City Council,

My name is Craig Noles. I have worked at Partnership Academy for 3 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Thanks for your consideration.

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Dear Richfield City Council,

My name is Whitney Strand and I am a teacher at Partnership Academy. I have been a teacher at PA for the past 8 years. Partnership Academy is doing something significant in the Richfield community. They are raising the bar on education for students across the city while attending to the students' emotional needs sensitively. I hope that you will consider approving the building project. Any delay will have a significant impact on our ability to serve our students and community. We would be able to start construction right away in order to accommodate our students and families who deserve a great education.

Thank you for your consideration,  
Whitney Strand

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Dear Richfield City Council,

My name is Lisa Paterson. I have worked at Partnership Academy for 6 years. I hope you will consider approving this project. Any delay in construction will have a significant impact on being able to serve our students and community to our highest potential.

Lisa Paterson  
Special Education Teacher  
Partnership Academy





March 17, 2022

Dear Members of the Richfield City Council,

The Partnership Academy team looks forward to seeing you at the City Council meeting on March 22!

As you know, Partnership Academy has served the Richfield and surrounding communities for 20 years. We serve over 530 amazing students in grades PreK through 8th grade. Approximately 97% of our scholars identify as BIPOC. Partnership Academy has been instrumental in partnering with families and the community to provide equitable access to high quality education that is culturally responsive, anti-racist and meets the individual needs of each student.

We have experienced unprecedented growth since moving into our newly constructed school building in 2019. This growth has placed space constraints on our current programming requiring a 6,000 sq ft addition to our property. The most notable need is the ability to provide additional space for small groups and individualized instruction which is critically needed following the Covid 19 pandemic. Additionally, we would be able to increase our free, all day preschool offerings to meet the waiting list demand which is currently at 40 students and growing.

Our team has been working closely with city staff on our development plans and appreciate the time and consideration they have put into assisting us with our desired outcome. In addition to the city staff recommendations outlined in the meeting materials we would also like you to consider an **alternate option** that would allow us to address the urgency of our timeline.

We would like to propose that the council approve our PUD **without immediate requirements to construct 80 parking stalls or acquire additional land**. Partnership Academy has an established lease for 60 parking stalls with Brixmor through January 31, 2024 with options to renew. With 37 owned stalls, this provides 97 parking spots. If the leased parking agreement is not renewed, then Partnership Academy would complete a combination of pathways to ensure parking requirements are met, including acquisition of an adjacent property and or construction of structured parking. Those costs are included as permissible debt under the school's bond covenants. This approval scenario ensures that construction can start as soon as possible and



aligns the financial obligations of the school with the timing of a potential parking need. We are respectfully requesting the Council to consider this option for the following two reasons:

1. The proposed requirements (being subject to site acquisition or structured parking approval) delay (and potentially inhibit) our ability to start construction which delays our students' access to the quality programming they deserve.
2. The proposed requirements force us to prematurely incur over \$1,100,000 in additional debt service to construct parking. We currently have parking leased through January of 2024 that suffices parking requirements with the realistic possibility of lease extension or acquiring an adjacent property in the near future which is in the best interest of the school.

Ultimately, the school will proceed with the site development as approved by the City Council. However, we feel that the recommended pathway above saves money for students' needs until it is absolutely needed and completes construction in a timely manner to best serve students.

I would like to follow up with each of you via the phone numbers listed on the City's website to discuss further and answer any questions. In the meantime, please feel free to reach out to me directly at 612-327-8323 or [lhendricks@paschool.org](mailto:lhendricks@paschool.org).

Thanks in advance for your consideration,

A handwritten signature in cursive script that reads "Lisa Hendricks".

Lisa Hendricks  
Executive Director/Founder





# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Special City Council Meeting

March 23, 2022

### CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 4:00 p.m. held virtually via WebEx.

*Council Members Present:* Maria Regan Gonzalez, Mayor; Mary Supple; Ben Whalen; Simon Trautmann; and Sean Hayford O'leary

*Staff Present:* Katie Rodriguez, City Manager; Sack Thongvanh, Assistant City Manager; Amy Markle, Recreation Services Director; Mike Dobesh, Fire Chief; Jay Henthorne, Police Chief; Melissa Poehlman, Community Development Director; Kristin Asher, Public Works Director; Bill Fillmore, Liquor Operations Director; Krista Guzman, Human Resources Manager; Neil Ruhland, Communications Manager; and Chris Swanson, Management Analyst

### Item #1

### STRATEGIC PLANNING RETREAT WITH CONSULTANT, CRAIG RAPP

Consultant, Craig Rapp, facilitated discussion regarding strategic planning with Council Members and Staff.

### ADJOURNMENT

The work session was adjourned by unanimous consent at 7:15 p.m.

Date Approved: April 12, 2022

\_\_\_\_\_  
Maria Regan Gonzalez  
Mayor

\_\_\_\_\_  
Kari Sinning  
City Clerk

\_\_\_\_\_  
Katie Rodriguez  
City Manager





# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Special City Council Meeting

March 24, 2022

### CALL TO ORDER

The meeting was called to order by Mayor Regan Gonzalez at 8:30 a.m. held virtually via WebEx.

*Council Members Present:* Maria Regan Gonzalez, Mayor; Mary Supple; Ben Whalen; Simon Trautmann; and Sean Hayford Oleary

*Staff Present:* Katie Rodriguez, City Manager; Sack Thongvanh, Assistant City Manager; Amy Markle, Recreation Services Director; Mike Dobesh, Fire Chief; Jay Henthorne, Police Chief; Melissa Poehlman, Community Development Director; Kristin Asher, Public Works Director; Bill Fillmore, Liquor Operations Director; Krista Guzman, Human Resources Manager; Neil Ruhland, Communications Manager; and Chris Swanson, Management Analyst

### Item #1

### STRATEGIC PLANNING RETREAT WITH CONSULTANT, CRAIG RAPP

Consultant, Craig Rapp, facilitated discussion regarding strategic planning with Council Members and Staff.

### ADJOURNMENT

The work session was adjourned by unanimous consent at 12:49 p.m.

Date Approved: April 12, 2022

\_\_\_\_\_  
Maria Regan Gonzalez  
Mayor

\_\_\_\_\_  
Kari Sinning  
City Clerk

\_\_\_\_\_  
Katie Rodriguez  
City Manager





**CITY COUNCIL MEETING MINUTES**  
Richfield, Minnesota

**Joint Planning Commission, City  
Council, and Community Services  
Commission Work Session**

**Virtual via WebEx**

**March 28, 2022**

**CALL TO ORDER**

The meeting was called to order by Planning Commissioner Kennealy at 6:00 p.m. virtually via WebEx.

Planning Commission Members Present:	Brendan Kennealy; Ben Surma; Brett Stursa; Eddie Holmwig-Johnson
Planning Commission Members Absent:	James Rudolph, Chair; Kathryn Quam
Council Members Present:	Mary Supple; Simon Trautmann; Sean Hayford Oleary; and Ben Whalen
Council Members Absent:	Maria Regan Gonzalez, Mayor
Community Services Commission Members Present:	Tessa Johanson
Community Services Commission Members Absent:	Kevin Wendt, Chair; David Benson; Stephanie Nwaudu; Ben Marx; Heather MacDonald; Meredith Bruzek; Jessica Johnson-Kreps; and Brooke Nelson
Staff Present:	Melissa Poehlman, Community Development Director; Nellie Jerome, Assistant Planner; and Ben Manibog, Transportation Engineer.
Others Present:	Lisa Austin, Amber Blanchard, and Andrew Lutaya from MnDOT



<b>ITEM #1</b>	<b>MEMBERS OF THE I-494 PROJECT TEAM WILL PRESENT AN UPDATE ON THE PROGRESS MADE TO DATE BY THE I-494: AIRPORT TO HIGHWAY 169 PROJECT 1 VISUAL QUALITY ADVISORY COMMITTEE (VQAC) IN THEIR EFFORTS TO DEVELOP THE PROJECT'S VISUAL QUALITY MANUAL (VQM) AND CONTEXT SENSITIVE SOLUTIONS (CSS) GUIDE WHICH WILL GUIDE AESTHETIC QUALITIES OF THE PROJECT AND THE CORRIDOR'S VISUAL ELEMENTS.</b>
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Lisa Austin, MnDOT's Visual Quality Project Manager for the 494 Corridor project, presented the Visual Quality Manual and Context Sensitive Solutions Framework for the I-494: Airport to 169 project. Austin described the scope of the project and visual quality advisory committee. The context sensitive solutions framework identifies what aspects of the corridor can be added by the community at a later date, like art or pedestrian infrastructure. Austin reviewed the visual aspects that were reviewed and ultimately selected for I-494 through public engagement with the committee.

Council member Hayford Oleary asked about the city-funded aspects about fencing and bridges, and the MnDOT team clarified that all costs are covered for basic fences and designs. MnDOT also added that landscaping will take up to three years to implement after the infrastructure is done. Council member Hayford Oleary also added that intersection design should be improved for pedestrian safety, especially at 66<sup>th</sup> Street and 35W. MnDOT staff added that they are working to keep all aesthetics within the state budget to avoid asking for any community contributions on top of the basic designs.

City Transportation Engineer Ben Manibog added that the City is working with Bloomington to finalize the lighting plan.

<b>ADJOURNMENT</b>
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The work session was adjourned by unanimous consent at 6:37 p.m.

Date Approved: April 12, 2022

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Maria Regan Gonzalez  
Mayor

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Nellie Jerome  
Assistant City Planner

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Katie Rodriguez  
City Manager



AGENDA SECTION:

PRESENTATIONS

AGENDA ITEM #

1.



## CITY COUNCIL MEETING 4/12/2022

REPORT PREPARED BY: Rachel Lindholm, Sustainability Specialist

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

### **ITEM FOR COUNCIL CONSIDERATION:**

Presentation in recognition of Earth Day 2022

### **EXECUTIVE SUMMARY:**

### **RECOMMENDED ACTION:**

### **BASIS OF RECOMMENDATION:**

- A. **HISTORICAL CONTEXT**
- B. **POLICIES (resolutions, ordinances, regulations, statutes, etc):**
- C. **CRITICAL TIMING ISSUES:**
- D. **FINANCIAL IMPACT:**
- E. **LEGAL CONSIDERATION:**

### **ALTERNATIVE RECOMMENDATION(S):**

### **PRINCIPAL PARTIES EXPECTED AT MEETING:**

### **ATTACHMENTS:**

Description	Type
Earth Day Proclamation 2022	Cover Memo





## Proclamation of the City of Richfield

**WHEREAS**, Earth Day will be celebrated nationwide on Friday, April 22nd, to bring awareness about the need to respect and care for the environment; and

**WHEREAS**, Climate related disasters have only intensified since 2019, including a record June heat wave, drought across Minnesota in 2021, and drought-related forest fires in North America that increased air pollutants to dangerous levels, where even healthy people were encouraged to remain inside, and water restrictions resulting from the same drought, making it clear that the climate crisis is affecting us here and now; and

**WHEREAS**, the ten warmest and wettest years ever recorded in Minnesota have all occurred since 1998, warming surface waters are leading to a significant loss of fish habitat and increasing the risk of harmful algae blooms, forests are changing as native northern species are strained by warming temperatures, crops are stressed by cycles of drought and floods, home insurance rates are rising faster than the national average from an average of \$368 in 1998 to \$1,348 in 2015, and faster warming winters are leading to new pests as well as shorter winter recreation seasons; and

**WHEREAS**, Richfield's Climate Action Plan details goals and actions to lessen the city's environmental footprint and strengthen the city's overall commitment to the environment; and

**WHEREAS**, City staff have been sharing information and implementing initiatives around a variety of environmental subjects aimed at benefiting the planet, like waste reduction, alternative landscaping, tree maintenance, energy efficiency and more; and

**WHEREAS**, the community of Richfield is encouraged to participate in park clean-up efforts this month and year-round to demonstrate good stewardship of our green spaces and natural resources; and

**WHEREAS**, Earth Day will also be celebrated by the City of Richfield through a tree planting, buckthorn pulling, and litter clean-up event at Wood Lake Nature Center on April 24th;

**NOW, THEREFORE, I, Maria Regan Gonzalez, mayor of Richfield, on behalf of the Richfield City Council, do proclaim that the City of Richfield observes Earth Day as a way of promoting environmental stewardship and mindful choices to help preserve and protect our natural habitats.**

**PROCLAIMED** this 12th day of April, 2022

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Maria Regan Gonzalez, Mayor





**STAFF REPORT NO. 53**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Amy Markle, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Amy Markle, Recreation Services Director  
4/4/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

Consider the approval of a resolution authorizing acceptance of a donation received by Richfield Recreation Services Department from Jill Mithun for Wood Lake Nature Center in the amount of \$100,000 and to authorize the Recreation Services Director to apply the funds for Wood Lake Nature Center.

**EXECUTIVE SUMMARY:**

Wood Lake Nature Center received a donation from Jill Mithun in the amount of \$100,000. Jill was an avid user of Wood Lake Nature Center. She liked walking the trails and enjoyed the outdoors. She loved communicating with the staff, speaking with other Richfield residents, and was a long-time member of the nature center book club. The money will be set aside for supporting the construction of a new nature center.

**RECOMMENDED ACTION:**

**By Motion:** Approve the resolution authorizing acceptance of a grant received by Richfield Recreation Services Department from Jill Mithun for Wood Lake Nature Center in the amount of \$100,000 and to authorize the Recreation Services Director to apply the funds for Wood Lake.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

The Recreation Services Department has received this donation from a private party wishing to benefit Wood Lake Nature Center.

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

- The Administrative Services Department issued a memo on November 9, 2004 requiring that all grants and restricted donations to departments be received by resolution and by more than two-thirds majority of the City Council in accordance with Minnesota Statute 465.03.
- City Council considers approval for all City contracts and agreements by policy.

C. **CRITICAL TIMING ISSUES:**

There's no critical timing issues associated with this item.

D. **FINANCIAL IMPACT:**



This donation will have a very positive financial impact to the City and will help fund critical infrastructure needs at Wood Lake Nature Center.

E. **LEGAL CONSIDERATION:**

**ALTERNATIVE RECOMMENDATION(S):**

There are no alternative recommendations.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Amy Markle Recreation Services Director

**ATTACHMENTS:**

Description	Type
□ Wood lake Nature Center Donation Resolution	Cover Memo



**RESOLUTION NO.**

**RESOLUTION ACCEPTING A DONATION RECEIVED BY THE RICHFIELD  
RECREATION SERVICES DEPARTMENT FROM Jacqueline (Jill) Mithun FOR WOOD  
LAKE NATURE CENTER IN THE AMOUNT OF \$100,000 AND AUTHORIZING THE  
RECREATION SERVICES DIRECTOR TO EXECUTE THE ASSOCIATED GRANT.**

**WHEREAS**, Minnesota Statute 465.03 reads in part as follows:

Any city, county, school district or town may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every acceptance shall be by resolution of the council adopted by two-thirds majority of its members, expressing such terms in full, and

**WHEREAS**, the City of Richfield has received grants and donations as described below:

DATE	DONOR	PURPOSE	AMOUNT
04/12/22	Jacqueline (Jill) Mithun	Wood Lake Nature Center	\$100,000

**WHEREAS**, Wood Lake Nature Center will make use of the funds to help build a new nature center for the community.

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

That the City Council of the City of Richfield hereby accepts the grants and donations as listed above, received in 2022, and authorizes the City to administer the funds in accordance with grant agreements and terms prescribed by donors.

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

\_\_\_\_\_  
Maria Regan Gonzalez, Mayor Pro

Tempore

ATTEST:

\_\_\_\_\_  
Kari Sinning, City Clerk





**STAFF REPORT NO. 54**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Ben Manibog, Transportation Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of a resolution of support for Public Works' regional solicitation grant application for federal funding to Metropolitan Council for the installation of pedestrian and bicycle infrastructure on 73rd St near Centennial Elementary.**

**EXECUTIVE SUMMARY:**

Public Works is pursuing a regional solicitation grant from the Metropolitan Council for federal funding for pedestrian and bicycle infrastructure on 73rd St near Centennial Elementary. To submit a grant application, a resolution of support from the local agency is required to demonstrate that the project has overall agency support.

The application aims to fill a quarter-mile trail gap on 73rd St between Bloomington Ave and Cedar Ave. The project includes improving street crossings at 16th Ave adjacent to Centennial Elementary and at Cedar Ave connecting to the Nokomis-Minnesota River Regional Trail. The details of the project, including trail placement along the corridor, will be determined through the City's public engagement process.

**RECOMMENDED ACTION:**

**By Motion: Approve the resolution of support for Public Works' regional solicitation grant application for federal funding to Metropolitan Council for the installation of pedestrian and bicycle infrastructure on 73rd St near Centennial Elementary.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Metropolitan Council is seeking applicants for the 2022 regional solicitation. The solicitation's Safe Routes to School (SRTS) category's purpose is to fund projects that focus on improving safety around school sites.

The pedestrian and bike gap on 73rd St near Centennial Elementary was identified on both the 2009 and 2014 SRTS Comprehensive Plans. The recommendation to fill the gap was made in collaboration with Richfield Public Schools.

An average of 8% of Centennial Elementary students walk or bike to school compared to 13% district-



wide. In the neighborhood around Centennial Elementary, households are more likely to not have a vehicle compared to the rest of the city (9% vs 5%). The neighborhood has more people younger than 18 compared to the rest of the city (31.5% vs 21.5%).

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

The 73rd St segment is identified as a gap in the 2009 and 2014 Safe Routes To School Comprehensive Plans. The proposed project aligns with the city's Complete Streets policy and comprehensive plan.

**C. CRITICAL TIMING ISSUES:**

The overall grant application is due April 14, 2022. To submit a grant application, a resolution of support from the local agency is required to demonstrate that the project has overall agency support.

**D. FINANCIAL IMPACT:**

If the application is accepted and selected, Metropolitan Council will award the City 80% of the estimated construction costs in federal funds. The remaining 20% of costs are locally funded and may consist of additional grant money, cash-on-hand, state aid funding, general obligation bonds, or other revenue sources identified during project planning. Kimley Horn has supplied a cost estimate for the project to be \$600,000. The estimate for the obligation of local dollars would be 20% or \$154,000.

The project is scheduled for construction for 2026.

**E. LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Resolution of Support	Resolution Letter
<input type="checkbox"/> Application elements graphic	Exhibit



## **RESOLUTION NO.**

### **RESOLUTION OF SUPPORT FOR CENTENNIAL ELEMENTARY REGIONAL SOLICITATION APPLICATION**

**WHEREAS**, the Metropolitan Council's regional solicitation is a competitive federal funding allocation process available to local governments in the Twin Cities region; and

**WHEREAS**, the regional solicitation's Safe Routes to School (SRTS) Infrastructure category's purpose is to fund projects that focus on improving safety around school sites; and

**WHEREAS**, there is a pedestrian and bike gap on 73rd St adjacent to Centennial Elementary; and

**WHEREAS**, an average of 8% of Centennial students walk or bike to school and

**WHEREAS**, the gap and related infrastructure were identified in the 2009 and 2014 SRTS Comprehensive Plans in collaboration with Richfield Public Schools; and

**WHEREAS**, closing the 73rd St pedestrian gap and improving pedestrian crossings will increase safety and improve the experience of students traveling to and from school; and

**WHEREAS**, a 20% local government match funding is required if the project is selected; and

**WHEREAS**, if the above project is selected, construction is tentatively scheduled for 2026; and

**WHEREAS**, the City of Richfield invests in infrastructure to best serve today's and tomorrow's residents, businesses, and visitors; and

**WHEREAS**, the City of Richfield ensures that City services are accessible to people of all races, ethnicities, incomes, and abilities.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Richfield supports Public Works' 2022 regional solicitation application for SRTS Infrastructure near Centennial Elementary School.

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

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Maria Regan Gonzalez, Mayor

ATTEST:



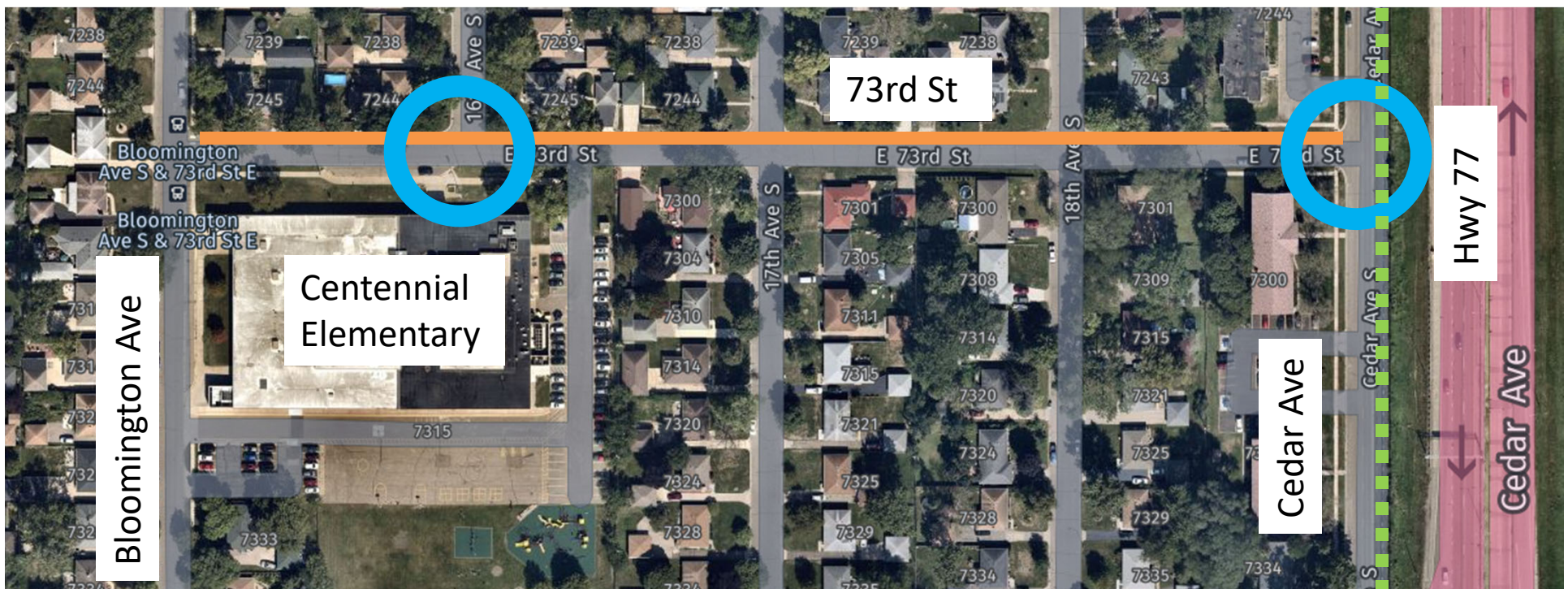
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Kari Sinning, City Clerk



# Application elements

- Off-street trail —
- Crossing enhancements ○
- Existing regional trail - - -







**STAFF REPORT NO. 55**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Ben Manibog, Transportation Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
4/5/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/7/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of a resolution of support for Public Works' regional solicitation application for federal funding to the Metropolitan Council for a pedestrian and bike connection on 73rd St and modernizing the 73rd St pedestrian bridge over I-35W.**

**EXECUTIVE SUMMARY:**

Public Works is pursuing a regional solicitation grant from the Metropolitan Council for federal funding for pedestrian and bicycle infrastructure on 73rd St between I-35W and Lyndale Ave. To submit a grant application, a resolution of support from the local agency is required to demonstrate that the project has overall agency support.

The application aims to fill a half-mile pedestrian and bike gap on 73rd St between Lyndale Ave and I-35W. The project includes modernizing the existing pedestrian bridge over I-35W to make it ADA accessible. The details of the project, including trail placement along the corridor, will be determined through the City's public engagement process.

**RECOMMENDED ACTION:**

**By motion: Adopt the resolution of support for Public Works' regional solicitation application for federal funding to Metropolitan Council for a pedestrian and bike connection on 73rd St and modernizing the 73rd St pedestrian bridge.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Metropolitan Council is seeking applicants for the 2022 regional solicitation. The solicitation's Multiuse Trails and Bicycle Facilities category's purpose is to fund projects that increase the availability and attractiveness of bicycling, walking, or rolling by improving safety, reducing or eliminating user barriers, and improving the Regional Bicycle Transportation Network.

The pedestrian and bike gap on 73rd St between I-35W and Lyndale Ave was identified in the 2012 Bike Master Plan and the 2018 Pedestrian Master Plan. The bridge's lack of accessibility was identified in the 2009 Safe Routes to School Comprehensive Plan.



Richfield Middle School and High School are within a half-mile of the project corridor. An average of 13% and 14% of students from the middle and high school respectively walk or bike to school. However, 10% and 12% of middle and high school students respectively are within the walk zone of their school but are separated by I-35W.

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

The proposed project is identified in the 2009 Safe Routes to School Comprehensive Plan, the 2012 Bike Master Plan, and the 2018 Pedestrian Master Plan. The project also aligns with the city's Complete Streets policy and comprehensive plan.

**C. CRITICAL TIMING ISSUES:**

The overall grant application is due April 14, 2022. To submit a grant application, a resolution of support from the local agency is required to demonstrate that the project has overall agency support.

**D. FINANCIAL IMPACT:**

If the application is accepted and selected, Metropolitan Council will award the city 80% of the estimated construction costs in federal funds. The remaining 20% of costs are locally funded and may consist of additional grant money, cash-on-hand, state aid funding, general obligation bonds, or other revenue sources identified during project planning. Kimley Horn has supplied a cost estimate for the project to be \$5,000,000. The estimate for the obligation of local dollars would be 20% or \$1,000,000.

It has been advised to fully replace the pedestrian bridge. Rehab/repair is not advisable as it gives pedestrians and bicyclists a sub-standard facility. While replacement is more expensive than rehab, it is recommended to apply for full replacement.

The project is scheduled for construction in 2026.

**E. LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
□ Resolution of Support	Resolution Letter
□ Application elements graphic	Exhibit



## **RESOLUTION NO.**

### **RESOLUTION OF SUPPORT FOR 73RD ST TRAIL AND BRIDGE REGIONAL SOLICITATION APPLICATION**

**WHEREAS**, the Metropolitan Council's regional solicitation is a competitive federal funding allocation process available to local governments in the Twin Cities region; and

**WHEREAS**, the regional solicitation's Multiuse Trails and Bicycle Facilities category's purpose is to fund projects that increase the availability and attractiveness of bicycling, walking, or rolling by improving safety, reducing or eliminating user barriers, and improving the Regional Bicycle Transportation Network.

**WHEREAS**, the existing pedestrian bridge on 73rd St over I-35W does not have ramps and is not ADA accessible; and

**WHEREAS**, there is a pedestrian and bicycle gap on 73rd St from I-35W to Lyndale Ave; and,

**WHEREAS**, Richfield Middle School and Richfield High school are both within a half mile of the project corridor; and,

**WHEREAS**, the bridge's lack of accessibility was identified in the 2009 Safe Routes to School Comprehensive Plan in collaboration with Richfield Public Schools; and

**WHEREAS**, the gap on 73rd St was identified in the 2012 Bicycle Master Plan and the 2018 Pedestrian Master Plan; and

**WHEREAS**, 10% and 12% of students from the Middle and High Schools respectively are within the walk zone of their school but are separated by I-35W; and

**WHEREAS**, an average of 13% and 14% of students from the Middle and High Schools respectively walk or bike to school; and

**WHEREAS**, closing the 73rd St pedestrian and bicycle gap and improving the bridge's accessibility will increase the safety and improve the experience of students traveling to and from schools and community members traveling in their neighborhood; and

**WHEREAS**, a 20% local government match funding is required if the project is selected; and

**WHEREAS**, if the above project is selected, construction is tentatively scheduled for 2026; and

**WHEREAS**, the City of Richfield invests in infrastructure to best serve today's and tomorrow's residents, businesses, and visitors; and

**WHEREAS**, the City of Richfield ensures that City services are accessible to people of all races, ethnicities, incomes, and abilities.



**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Richfield supports Public Works' 2022 regional solicitation application for 73rd St trail and bridge.

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

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Maria Regan Gonzalez, Mayor

ATTEST:

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Kari Sinning, City Clerk



# 73rd St W connection and bridge

- New connection —
- Bridge rehab ○







**STAFF REPORT NO. 56**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Ben Manibog, Transportation Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
4/5/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/7/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of a resolution of support for Public Works' regional solicitation grant application for federal funding to Metropolitan Council for the modernization of 76th St from Xerxes Ave to Sheridan Ave.**

**EXECUTIVE SUMMARY:**

Public Works is pursuing a regional solicitation grant from the Metropolitan Council for federal funding to modernize 76th St from Xerxes Ave to Sheridan Ave. To submit a grant application, a resolution of support from the local agency is required to demonstrate that the project has overall agency support.

The application aims to reconfigure 76th St to two travel lanes and a center turn lane. The project includes considering the removal of the traffic signal at Upton Ave, undergrounding the overhead electric lines, replacement of city utilities, and improving pedestrian and bike crossings. The details of the project will be determined through the City's public engagement process.

**RECOMMENDED ACTION:**

**By motion: Approve the resolution of support for Public Works' regional solicitation grant application for federal funding to Metropolitan Council for the modernization of 76th St from Xerxes Ave to Sheridan Ave.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Metropolitan Council is seeking applicants for the 2022 regional solicitation. The solicitation's Roadway Reconstruction/Modernization category's purpose is to fund roadway preservation projects that improve infrastructure condition, reduce crashes, and enhance multimodal travel options.

76th St connects low, medium, and high density housing with the Centennial Lakes area, Best Buy Headquarters, public transit, and other community assets. The corridor also separates residents to the south from the Nine Mile Creek Regional Trail, South Education Center, and St. Richard's Catholic Church.

76th St is currently a four-lane undivided road. Converting to a three-lane (two travel lanes and a center



turn lane) section reduces rear-end, right angle, and head-on crashes (9, 4, and 0 respectively occurred in the last ten years on the project corridor).

Construction is also an opportunity to study the need for a traffic signal at Upton Ave. If the project is selected, staff will study the signal and make a recommendation on whether it should be removed. Signal removal would be coupled with a roundabout or other measure to ensure safe pedestrian and bike crossings on Upton Ave.

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

The proposed project aligns with the city's Complete Streets policy and comprehensive plan.

**C. CRITICAL TIMING ISSUES:**

The overall grant application is due April 14, 2022. To submit a grant application, a resolution of support from the local agency is required to demonstrate that the project has overall agency support.

**D. FINANCIAL IMPACT:**

If the application is accepted and selected, Metropolitan Council will award the city 80% of the estimated construction costs in federal funds. The remaining 20% of costs are locally funded and are identified as general obligation bonds, utility bonds, and electric utility user fees. Kimley Horn has supplied a cost estimate for the project to be \$3,150,000. The estimate for the obligation of local dollars would be 20% or \$630,000.

Utility replacement is not eligible for federal funding in this situation. The project cost above represents reconstruction the road without utility replacements. If this was awarded to the city, staff would seek funds from other sources to replace the utilities.

The project is scheduled for construction in 2027.

**E. LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Resolution of support	Resolution Letter
<input type="checkbox"/> Application elements graphic	Exhibit



**RESOLUTION NO.**

**RESOLUTION OF SUPPORT FOR W 76TH ST MODERNIZATION REGIONAL SOLICITATION APPLICATION**

**WHEREAS**, the Metropolitan Council's regional solicitation is a competitive federal funding allocation process available to local governments in the Twin Cities region; and

**WHEREAS**, the regional solicitation's Roadway Reconstruction/Modernization category's purpose is to fund roadway preservation projects that improve infrastructure condition, reduce crashes, and enhance multimodal travel options; and

**WHEREAS**, W 76th St from Xerxes Ave to Sheridan Ave is a four lane undivided road; and

**WHEREAS**, converting four lane undivided roads to three lanes reduces rear-end, right angle, and head-on crashes; and

**WHEREAS**, W 76th St connects low, medium, and high density housing with the Centennial Lakes commercial area, Best Buy Headquarters, and public transit; and

**WHEREAS**, a 20% local government match funding is required if the project is selected; and

**WHEREAS**, if the above project is selected, construction is tentatively scheduled for 2027; and

**WHEREAS**, the City of Richfield invests in infrastructure to best serve today's and tomorrow's residents, businesses, and visitors; and

**WHEREAS**, the City of Richfield ensures that City services are accessible to people of all races, ethnicities, incomes, and abilities.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Richfield supports Public Works' 2022 regional solicitation application for W 76th St modernization.

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

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Maria Regan Gonzalez, Mayor

ATTEST:

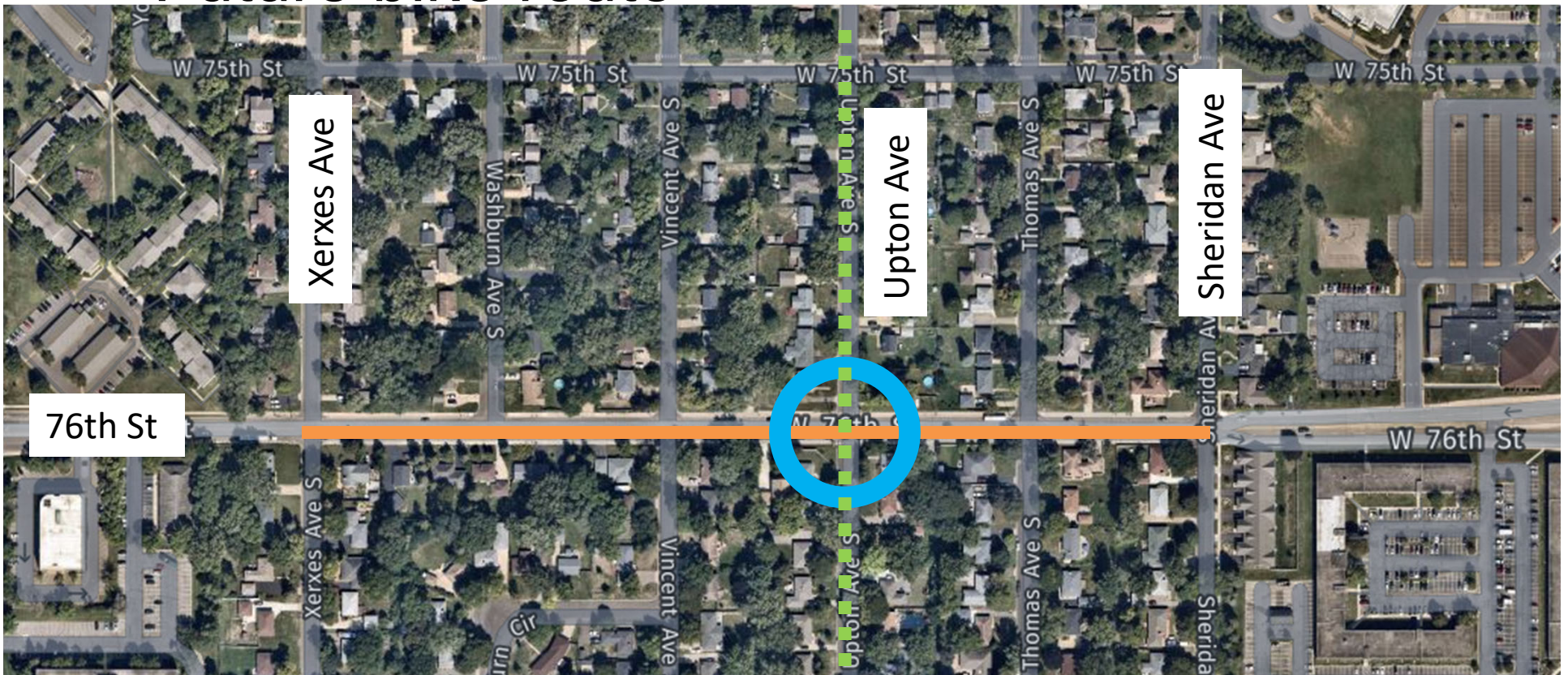
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Kari Sinning, City Clerk



# 76th St W modernization

- 4 to 3 lane conversion —
- Signal and crossing study ○
- Future bike route - - - - -







**STAFF REPORT NO. 57**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Olivia Wycklendt, Civil Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider approval of an agreement for improvements to the railroad's existing public road at-grade crossing with Progressive Rail Incorporated as part of the 65th Street Reconstruction Project.**

**EXECUTIVE SUMMARY:**

In advance of the upcoming reconstruction of 65th Street from Nicollet Ave to 66th St/Rae Dr, the City and Progressive Rail Incorporated have negotiated terms of an agreement for improvements to the railroad's existing public road at-grade crossing.

According to the agreement, the City of Richfield will have permission to rebuild the railroad's at-grade crossing surface across 65th St at Pleasant Ave as a part of the 65th St Reconstruction project. The work outlined shall be at the expense of the City, including any work performed by Progressive Rail, or its contractors or sub-contractors, as a part of rebuilding this at-grade crossing.

The City Council and Progressive Rail Incorporated must both approve and execute the agreement before any construction activity can take place on the at-grade crossing.

**RECOMMENDED ACTION:**

**By motion: Approve the agreement for improvements to the railroad's existing public road at-grade crossing with Progressive Rail Incorporated as part of the 65th Street Reconstruction Project.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The 65th Street Reconstruction Project will improve pavement conditions, replace deteriorating sidewalks, and upgrade aging underground utilities while improving operational safety for pedestrians, bicyclists, and vehicles. The project also provides an opportunity to address a longstanding flooding issue in the area of 65th Street and the HUB shopping center.
- The City Council approved the preliminary design layout for the 65th Street Reconstruction Project on July 28, 2020.
- The 100% design plan was completed for the 65th St Reconstruction project and went out to bid on March 3rd, 2022, with anticipated construction in 2022 and 2023.



- The railroad crossing is located on 65th St at Pleasant Ave and is targeted for reconstruction as part of the project.
- The property that the railroad crossing is on is owned by Soo Line Railroad, a subsidiary of Canadian Pacific Railway. The railroad tracks, ties, and surfacing are owned by Progressive Rail Incorporated.

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

The reconstruction of 65th Street is consistent with the following approved plans:

- Five-Year Street Reconstruction Plan
- Comprehensive Plan (Chapter 7 - Transportation)
- Pedestrian Master Plan
- Bicycle Master Plan
- Street Reconstruction Guiding Principles Document
- Complete Streets Policy
- Arterial Roads Study

**C. CRITICAL TIMING ISSUES:**

The agreement for improvements to the railroad's existing public road at-grade crossing must be approved prior to any construction activity and to maintain the proposed project schedule.

**D. FINANCIAL IMPACT:**

The estimated cost to rebuild the 73 feet of crossing surface with 120 feet of track panel, and other associated parts and materials is \$134,400.00.

**E. LEGAL CONSIDERATION:**

The City Attorney has reviewed the agreement and will be available at the meeting to answer questions.

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

	Description	Type
□	Agreement for Improvements to Existing Public Road At-Grade Crossing	Contract/Agreement
□	Parcel Sketch of Railroad Crossing	Exhibit
□	Railroad Crossing Quote	Backup Material



## **AGREEMENT FOR IMPROVEMENTS TO EXISTING PUBLIC ROAD AT GRADE CROSSING**

THIS AGREEMENT (the "Agreement") is made and entered into by and between the City of Richfield, a Minnesota municipal corporation, 6700 Portland Avenue South, Richfield, Minnesota 55423 (the "City") and Progressive Rail Incorporated, a Minnesota corporation, 21778 Highview Avenue, Lakeville, 55044 (the "Company").

### **RECITALS**

WHEREAS, the City proposes to rebuild the grade crossing surface across 65th Street as part of the 65th Street Reconstruction Project (the "Project"); and

WHEREAS, the Project will cross the track of the Company and includes but is not limited to the rebuilding of the crossing surface and installation of new materials, as described in this Agreement and the attached Exhibit A; and

WHEREAS, the Company concurs with the proposed Project upon the terms and conditions set forth in this Agreement; and

WHEREAS, the parties desire to set forth the terms and conditions of the Project in this Agreement.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreement as hereinafter contained, the parties hereto agree as follows:

**SECTION 1. CONSTRUCTION.** The City shall construct, or cause to be constructed, the following labor, materials, and work equipment to perform and complete the Project:

- A. The rebuilding of the 73-foot crossing surface with 120-foot track panel through 65th Street; and
- B. The installation of new 115RE welded rail and new crossing seven-inch by nine-inch by ten-foot crossing ties; and
- C. The installation of new Pandrol plates with e-clips; and
- D. The installation of new insulated joint bars; and
- E. The installation of other track materials; and
- F. The installation of new concrete crossing panels; and
- G. The installation of crushed granite ballast; and
- H. The removal and disposal of materials and sub-ballast; and
- I. The installation of packed sub-ballast with fabric and drain tile; and
- J. Additional labor, materials, and work related to the Project.

**SECTION 2. RIGHTS OF ENTRY.** The City, or its contractors or sub-contractors, shall secure, or cause to be secured, all other rights of entry required for the Project. The City shall construct and complete the Project all without cost or assessment to the Company.



SECTION 3. PAYMENT OF COSTS. The estimated total cost of the work to be performed as outlined above shall be at the expense of the City and is estimated to be approximately one hundred thirty-four thousand and four hundred dollars (\$134,400.00) for the Project, as indicated in the attached Exhibit A. The cost of the work performed by the Company, or its contractors or sub-contractors, for the Project, shall be paid by the City to the Company within thirty (30) days of the satisfactory completion of the work and the provision to the City of invoices and other data reasonably necessary to support the Company's request for payment by the City.

SECTION 4. BUY AMERICA REQUIREMENT. The requirements of the "Buy America" provisions in 23 U.S.C. 313 and 23 C.F.R. 635.410 are applicable to this Agreement. If the Company uses steel or iron as part of its work, and the cost of that steel or iron is more than 0.1 percent of the total project cost or \$2,500 (whichever is greater), the Company must use steel or iron melted or manufactured in the United States. Materials that have been removed from the United States for any process (e.g., change of chemical content, shape, size or finish) are not considered domestic materials.

SECTION 5. MAINTENANCE. Upon completion of this project, the City shall maintain the roadway, and crossing at its expense, together with the other associated public improvements lying within the easement. The Company shall operate and maintain its track and the street over its ties and any crossing warning devices in accordance with federal or state law while it operates its line of railroad over such and crossing.

SECTION 6. INDEMNIFICATION. Each party to this Agreement shall be responsible for its own actions and neglect, and for that of its officers, employees, agents, and contractors, with respect to the design, construction, operation, and maintenance of the railroad signal and associated improvements. Each party shall also indemnify, hold harmless, and defend the other party against claims, damages, causes of action, judgments, and costs and expenses in connection with personal injury or death or property damage arising from or occurring at the railroad signals and associated improvements which result from the actions or neglect of the first party, its officers, employees, agents, or contractors, except to the extent that the claim or damage is the result of the actions or neglect of the second party, its officers, employees, agents, or contractors. Nothing herein shall be deemed a waiver of the limitations on liability set forth in Minnesota Statute Chapter 466.

SECTION 7. This Agreement shall be binding upon the parties hereto, their successors or assigns.



IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate counterparts, each of which shall be considered as an original by their duly authorized officers, as of the dates below indicated.

**PROGRESSIVE RAIL INCORPORATED**

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_  
Date

STATE OF MINNESOTA    )  
                                          ) ss.  
COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_, the \_\_\_\_\_ and the \_\_\_\_\_, respectively, of Progressive Rail Incorporated, a Minnesota corporation.

\_\_\_\_\_  
Notary Public



**CITY OF RICHFIELD**

\_\_\_\_\_  
Maria Regan Gonzalez, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Katie Rodriguez, City Manager

\_\_\_\_\_  
Date

STATE OF MINNESOTA    )  
                                          ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument as acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, by Maria Regan Gonzalez and Katie Rodriguez, the Mayor and City Manager,  
respectively, of the City of Richfield, a Minnesota municipal corporation, on behalf of the City.

\_\_\_\_\_  
Notary Public

This document was drafted by:

Kennedy & Graven, Chartered (SBK)  
150 South Fifth Street  
Suite 700  
Minneapolis, MN 55402  
612-337-9300

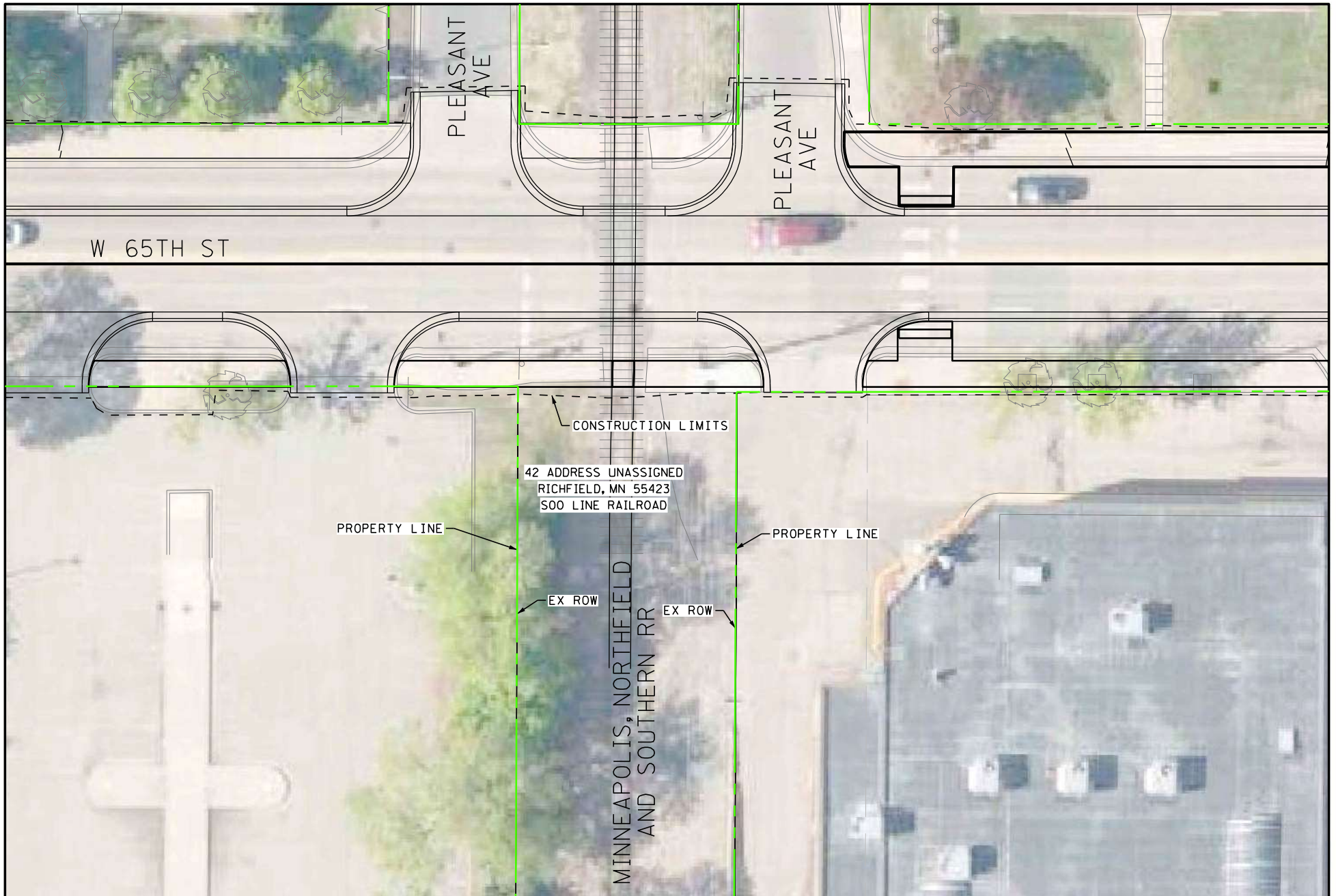


## **EXHIBIT A**

Quote for Work

[To Be Included]





30  
SCALE IN FEET

42 ADDRESS UNASSIGNED  
RICHFIELD, MN 55423  
SOO LINE RAILROAD

PARCEL SKETCH  
5/13/2021

SHEET 1 OF 1

*Richfield*  
**Kimley»Horn**





RAILWORKS TRACK SYSTEMS, INC.  
EQUAL OPPORTUNITY EMPLOYER

## QUOTATION / OFFER / ACCEPTANCE

DATE: December 2, 2021  
TO: Progressive Rail  
21778 Highview Ave.  
Lakeville, MN 55044

ATTN : **Chad Nieman**  
PROJECT: 505-21-136 Rebuild 65<sup>th</sup> Street Crossing  
65<sup>th</sup> Street  
Bloomington, MN

**RAILWORKS TRACK SYSTEMS, INC.** proposes to do the following work as described below:

Description	Unit of Measure	Quantity	Unit Price	Total Price
Rebuild 73' crossing surface with - 120' Track Panel through 65th Street.	LS	1	\$ 134,400.00	\$ 134,400.00
Railworks would supply the following materials:				
New 115RE welded rail, new 7"x9"x10' crossing ties. New pandrol plates with e-clips. New insulated joint bars. New concrete crossing panels. Crushed granite ballast. Earthwork to include removal and disposal of old materials / sub-ballast. Furnish and install packed sub-ballast with fabric and drain tile.				
Detours, barricades, permits, saw cutting of asphalt, disposal of asphalt, furnish and installation of new asphalt, disposal of rail / OTM is not included in pricing.				
<b>BASE SCOPE OF WORK</b>				<b>\$ 134,400.00</b>

Work Schedule Commence Work TBD Proposed Completion TBD  
PAYMENT SCHEDULE NET 30 DAYS FROM DATE OF BILLING

**1½% interest on invoices over 10 days**  
**Payment for materials delivered to site @ 100 % NET      days**

**THIS QUOTE IS GOOD FOR 30 DAYS**

**ACCEPTANCE**

BY \_\_\_\_\_

DATE \_\_\_\_\_

**RAILWORKS TRACK SYSTEMS, INC.**

BY \_\_\_\_\_

**PLEASE SIGN AND RETURN TO THE ADDRESS LISTED BELOW**

WE QUOTE AS FOLLOWS SUBJECT TO ALL TERMS AND CONDITIONS ATTACHED

FORMS / Quotation Offer Acceptance  
Terms and Conditions

**RAILWORKS TRACK SYSTEMS, INC.**  
8485 W 210<sup>TH</sup> Street ♦ PO Box 959  
Lakeville, MN 55044-0959  
(952) 469-4907 ♦ (952) 469-1926 FAX ♦ (800) 230-1835





**STAFF REPORT NO. 58**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Olivia Wycklendt, Civil Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
 4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of the resolutions to adjust the City's Municipal State Aid Street (MSAS) network.**

**EXECUTIVE SUMMARY:**

Municipal State Aid (MSA) rules allow cities to adjust the designation of MSA routes within the city in order to maximize the annual MSA allotment (over \$1M in 2021). City staff is recommending changes in the MSA route designation to maximize the City's annual MSA allotment and to reconcile roadway alignment changes constructed during the 77th Street Underpass Project.

**RECOMMENDED ACTION:**

**By Motion:**

**1. Adopt the resolution revoking MSAS designation from the following City streets:**

**MSAS#: Street Names: Limits:**

**108 Cedar Avenue S 77th St to 76th St**

**108 77th St Bloomington Ave to Cedar Ave**

**2. Adopt the resolution for MSAS designation of the following City streets:**

**MSAS # Street Name Limits**

**378 Richfield Parkway 77th St to 76th St**

**108 Cedar Ave Bloomington Ave to Richfield Parkway**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Municipal State Aid Street Designation

MSA rules state that 20% of city streets are eligible for designation as MSAS routes.

Proposed Needs Map Adjustments

The "Needs Map" adjustments are proposed to maximize the annual allotment. These changes are



suggested primarily because the current MSA designations do not match the alignments and lengths of Cedar Avenue, 77th St and Richfield Parkway which are currently under construction as a part of the 77th Street Underpass Project.

System Revision Procedure

Staff submits a letter to the District State Aid Engineer (DSAE) requesting approval of system revisions.

The DSAE and the MSAS Needs Unit review the proposed revisions and approves or denies the request. If approved, a City Council Resolution is required to make the changes. The proposed changes outlined in the proposed resolutions were approved by the DSAE on February 17, 2022.

Once adopted, the resolutions are sent to the DSAE for final approval of the MSAS system revisions by the Commissioner of Transportation of the State of Minnesota.

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

City Council resolutions are required by the Minnesota Department of Transportation (MnDOT) Office of State Aid for requesting the revocation and designation of MSAS.

**C. CRITICAL TIMING ISSUES:**

The resolution requesting changes to the MSAS system is due by May 1, 2022 to be included in this year's MSAS Needs.

**D. FINANCIAL IMPACT:**

The proposed changes are expected to maximize the City's Municipal State Aid allotment.

**E. LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
❑ Letter from MnDOT	Backup Material
❑ MSAS Revisions Map	Backup Material
❑ MSAS Revoking Resolution	Resolution Letter
❑ MSAS Designating Resolution	Resolution Letter



**TO:** Joe Powers  
Richfield City Engineer

**FROM:** Bill Lanoux  
Manager, Municipal State Aid Needs Unit

**DATE:** February 17, 2022

**SUBJECT:** Municipal State Aid Revocations & Designations

**The following Municipal State Aid Street revocations will be approved when the City Council resolution has been received.**

Part of MSAS 108: Cedar Avenue – from 77<sup>th</sup> Street to 76<sup>th</sup> Street (0.14 miles)

Part of MSAS 108: 77<sup>th</sup> Street – from Bloomington Avenue to Cedar Avenue (0.21 miles)

**The following Municipal State Aid Street designations will be approved when the City Council resolution has been received.**

Extension of MSAS 108: 77<sup>th</sup> Street – from Bloomington Avenue to Richfield Parkway (0.19 miles)

MSAS 378: Richfield Parkway – from 77<sup>th</sup> Street to 76<sup>th</sup> Street (0.10 miles, *under construction*)

**A Commissioner's Order will follow.**

**Needs Update Comments:**

Routes can receive Needs and be used in the calculation of your 2023 allotment. Include this revision with your 2022 spring Needs update (*the Needs are now open*).

**Certification of Mileage Update Comments:**

You can include these revisions on the *2022 Annual Certification of Mileage* that is due in January 2023.

	Available Mileage	0.06	2021 Certified Mileage
+	Revoked Mileage	0.35	
-	<u>Designated Mileage</u>	<u>0.29</u>	
	Remaining Available Mileage	0.12	

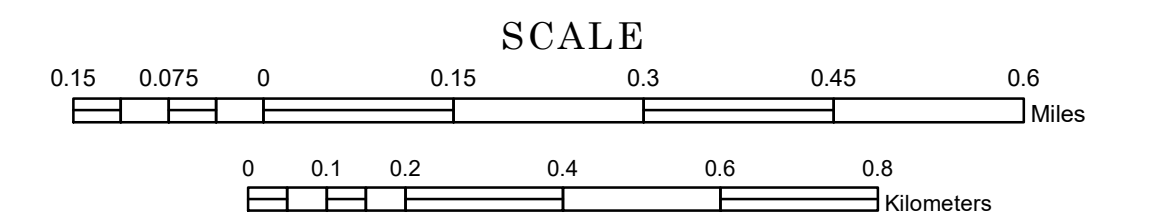
If you have any questions, contact your DSAE or Bill Lanoux at (651) 366-3817 for instructions.



# MUNICIPALITY OF RICHFIELD

PREPARED BY THE  
MINNESOTA DEPARTMENT OF TRANSPORTATION  
OFFICE OF TRANSPORTATION SYSTEM MANAGEMENT

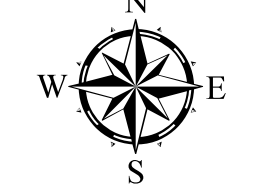
IN COOPERATION WITH  
U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION



1 in = 800 ft

2021

Projection:  
Transverse Mercator  
NAD 1986  
UTM Zone 15

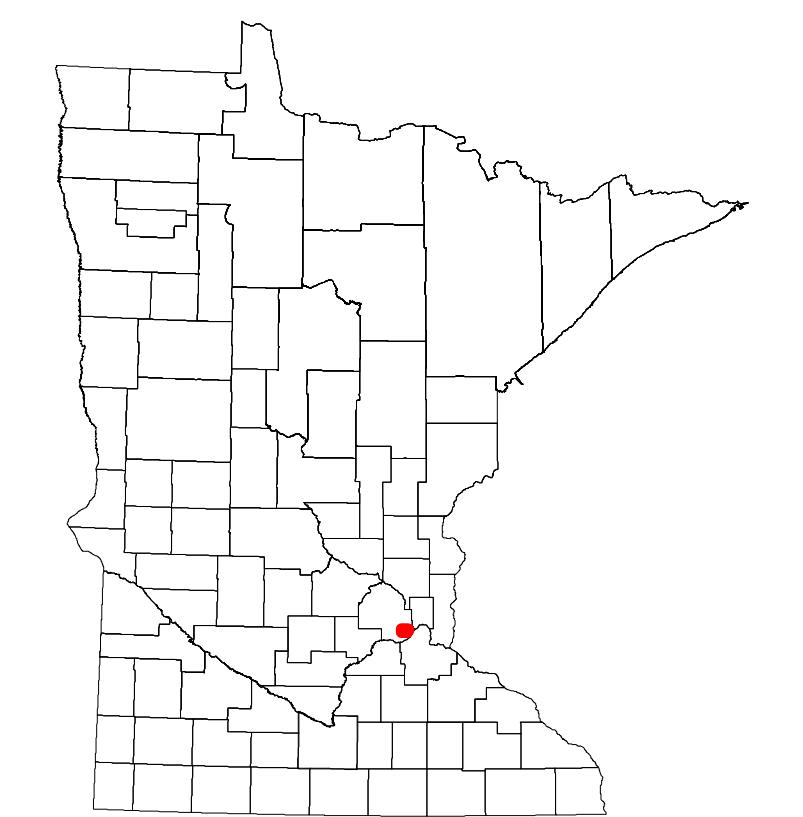


North American Datum  
of 1986

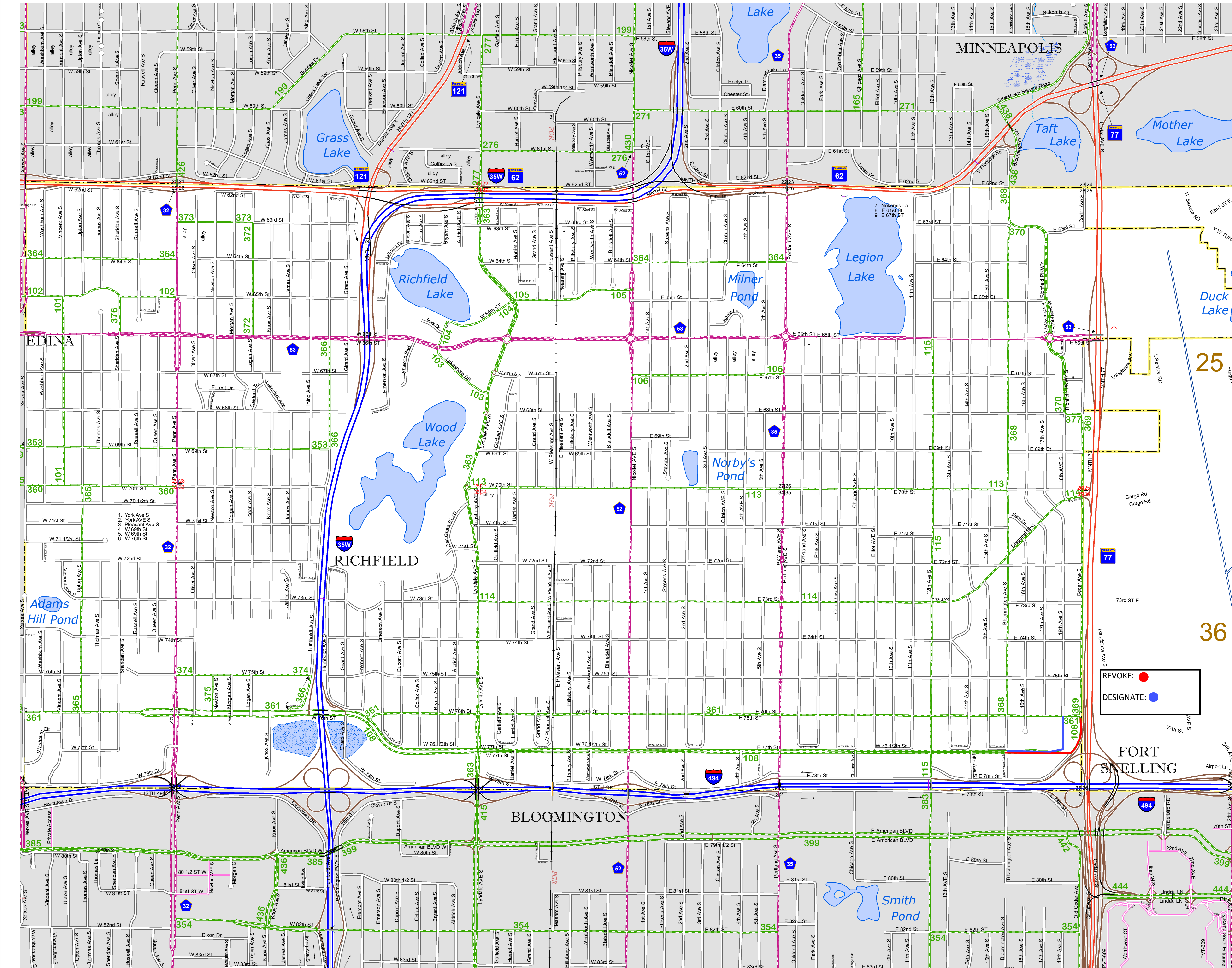
ROAD AND ROADWAY FEATURES		INFRASTRUCTURE FEATURES	
INTERSTATE		LONG BRIDGE (100' OR GREATER SPAN)	
US HIGHWAY		MAJOR BRIDGE (20' TO 100' SPAN)	
MN HIGHWAY		MINOR BRIDGE (5' TO 20' SPAN)	
COUNTY STATE AID HIGHWAY		ROAD TUNNEL (100' OR GREATER SPAN)	
COUNTY ROAD		RAILROAD BRIDGE (100' OR GREATER SPAN)	
MUNICIPAL STREET		SKYWAY	
MUNICIPAL STATE AID STREET		PEDESTRIAN BRIDGE	
PRIVATE STREET/ROAD		PEDESTRIAN TUNNEL	
TOWNSHIP ROAD		AVIATION FEATURES	
UNORGANIZED TERRITORY ROAD		COMMERCIAL AIRPORT	
RAMP OR CONNECTOR		GENERAL AIRPORT	
GREAT RIVER ROAD		AIRSTRIP	
COUNTY STATE AID HIGHWAY (DNE)		SEAPLANE	
MUNICIPAL STATE AID STREET (DNE)		AIRPORT RUNWAY	
TRUNK HIGHWAY FUTURE PROJECTS		HYDROLOGIC FEATURES	
OTHER ROADS		RIVER OR STREAM (PERENNIAL)	
FRONTAGE		LAKE, POND OR RESERVOIR	
INDIAN SERVICE		STREAM (INTERMITTENT)	
RAILROAD		DRAINAGE DITCH	
RAILROAD AND RAILWAY FEATURES		WETLAND	
BOUNDARY FEATURES		ISLAND OR LAND	
COUNTY		REGIONAL WATERSHED	
MUNICIPALITY		OTHER FEATURES	
		SECTION CORNER	

REVOKE: ●

DESIGNATE: ●



Population (U.S. Census 2010): 35228



LAST EDITED ON 12-22-2021

To request information from this document in an alternative format, call 651-366-4718 or 1-800-657-3774 (Greater Minnesota); 711 or 1-800-627-3529 (Minnesota Relay). You may also send an e-mail to [ADArequest.dot@state.mn.us](mailto:ADArequest.dot@state.mn.us). (Please request at least one week in advance.)



**RESOLUTION NO.**

**RESOLUTION REVOKING MUNICIPAL  
STATE AID DESIGNATION  
FROM CERTAIN CITY STREETS**

**WHEREAS**, it is deemed advisable and necessary for certain streets hereinafter described as Municipal State Aid streets to be revoked and removed from Richfield's Municipal State Aid system under the provisions of Minnesota laws.

**NOW, THEREFORE, BE IT RESOLVED** that the street described as follows:

<b><u>MSA #</u></b>	<b><u>Street Name</u></b>	<b><u>Limits</u></b>
108	Cedar Avenue	77 <sup>th</sup> to 76 <sup>th</sup> St
108	77 <sup>th</sup> St	Bloomington Ave to Cedar Ave

be, and hereby are, revoked as Municipal State Aid streets of the City of Richfield, subject to approval of the Commissioner of Transportation of the State of Minnesota.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized and directed to forward two certified copies of this Resolution to the Commissioner of Transportation for his consideration.

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



**RESOLUTION NO.**

**RESOLUTION FOR MUNICIPAL STATE AID DESIGNATION OF CERTAIN CITY  
STREETS**

**WHEREAS**, it is deemed advisable and necessary for certain streets hereinafter described as Municipal State Aid streets to be designated for Richfield's Municipal State Aid system under the provisions of Minnesota laws.

**NOW, THEREFORE, BE IT RESOLVED** that the street described as follows:

<u><b>MSA #</b></u>	<u><b>Street Name</b></u>	<u><b>Limits</b></u>
378	Richfield Parkway	77 <sup>th</sup> St to 76 <sup>th</sup> St
108	77 <sup>th</sup> St	Bloomington Ave to Richfield Parkway

be, and hereby is, designated as a Municipal State Aid street of the City of Richfield, subject to approval of the Commissioner of Transportation of the State of Minnesota.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized and directed to forward two certified copies of this Resolution to the Commissioner of Transportation for his consideration.

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

---

Maria Regan Gonzalez, Mayor

ATTEST:

---

Kari Sinning, City Clerk





**STAFF REPORT NO. 59**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Olivia Wycklendt, Civil Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
4/5/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider adoption of a resolution authorizing the purchase of a permanent lighting easement at 800 W 65th St for the 65th Street Reconstruction Project.**

**EXECUTIVE SUMMARY:**

As part of the 65th Street Reconstruction Project, certain temporary construction and permanent right-of-way easements must be acquired for construction. Temporary construction and permanent right-of-way easements are sometimes needed in order to implement major infrastructure projects and facilitate the construction thereof. Property owners receive compensation for both types of easements but for temporary construction easements the area remains under ownership of the property owner and it is restored and turned-back after construction is complete.

The property owner at 800 W 65th St has accepted an offer to purchase a permanent right of way easement and has completed the necessary paperwork to finalize the transaction.

In order for the easement to become effective, City Council must approve the resolution authorizing payment to the property owner in the agreed upon amounts.

**RECOMMENDED ACTION:**

**By motion: Approve the resolution authorizing the purchase of a permanent lighting easement at 800 W 65th St for the 65th Street Reconstruction Project.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The 65th Street Reconstruction Project will improve pavement conditions, replace deteriorating sidewalks, and upgrade aging underground utilities while improving operational safety for pedestrians, bicyclists, and vehicles. The project also provides an opportunity to address a longstanding flooding issue in the area of 65th St and the HUB shopping center.
- The City Council approved the preliminary design layout for the 65th Street Reconstruction Project on July 28, 2020.
- The 100% design plan was completed for the 65th St Reconstruction project and went out to bid on March 3rd, 2022, with anticipated construction in 2022 and 2023.



- The permanent easement is needed for the installation of new light poles along 65th St where there are none with the existing roadway design.
- Purchase of the easement will allow for the installation of light poles outside of the proposed trail, allowing for a safer pedestrian environment.
- The value of the easement is determined via negotiation and using neighboring property values in the area as a guideline for the offer.

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

The city has authority to acquire easements through an "offer to purchase" and if no agreement can be reached the city can acquire property through eminent domain for public purposes.

**C. CRITICAL TIMING ISSUES:**

Timely payment for and acquisition of the easement will ensure construction can begin as planned in 2022.

**D. FINANCIAL IMPACT:**

- 800 W 65th St (PID: 27-028-24-23-0110) requires a permanent lighting easement payment of \$2,250.00.
- Funding for the purchase of the easement required for the construction of the 65th St Reconstruction Project will be paid by City funds dedicated to project costs.

**E. LEGAL CONSIDERATION:**

The City Attorney has reviewed the agreement and will be available at the meeting to answer questions.

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
☐ Resolution	Resolution Letter
☐ 800 W 65th St Lighting Easement	Contract/Agreement



**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE CITY OF RICHFIELD TO MAKE PAYMENT FOR  
THE PURCHASE OF A PERMANENT LIGHTING EASEMENT AT 800 W 65<sup>TH</sup> ST  
(PID# 27-028-24-23-0110) AS A PART OF THE 65<sup>TH</sup> ST RECONSTRUCTION  
PROJECT**

**WHEREAS**, the City Council of the City of Richfield is the official governing body of the City of Richfield; and

**WHEREAS**, the City, a Minnesota municipal corporation acting by and through its City Council, is authorized by law to acquire land and other interests in real estate which are needed for public use or purpose; and

**WHEREAS**, the City Council finds that public safety and convenience require that the City undertake and complete improvements known as the 65th Street Reconstruction Project to improve the pavement conditions, replace deteriorating sidewalks and upgrade aging underground utilities while improving operational safety for pedestrians, bicyclists and vehicles; and

**WHEREAS**, it is necessary to acquire a permanent right of-way easement encumbering the property at 800 W 65<sup>th</sup> St (PID# 27-028-24-23-0110); and

**WHEREAS**, the good faith efforts of employees and agents of the City, in addition to the property owners, has resulted in the acceptance of an offer to purchase the aforementioned easement without need for further negotiations.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Richfield, Minnesota hereby authorizes the Mayor and the City Manager to make payment to the property owner and make effective the agreed upon easement to ensure timely construction of the project in 2022.

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

---

Maria Regan Gonzalez, Mayor

ATTEST:

---

Kari Sinning, City Clerk



## RIGHT-OF-WAY EASEMENT

THIS INSTRUMENT is made this 15th day of March, 2022, by ChrisProp-LYFT, LLC, a Minnesota limited liability company ("Grantor") in favor of the City of Richfield, Minnesota, a municipal corporation under the laws of the State of Minnesota (the "City").

### Recitals

- A. Grantor is the fee owner of property in Hennepin County, Minnesota, legally described on the attached Exhibit A (the "Property").
- B. Grantor desires to grant to the City an easement for right-of-way purposes as hereinafter described in, over, across, beneath, and above the Portion of the Property legally described on Exhibit B and depicted on Exhibit C attached hereto (the "Easement Area") according to the terms and conditions contained herein.

### Terms of Easement

1. Recitals. The recitals above are hereby incorporated herein and made part of the Easement.
2. Grant of Easement. For good and valuable consideration, receipt of which is hereby acknowledged by Grantor, Grantor grants and conveys to the City a permanent, easement for right-of-way purposes in, over, across, beneath, above, and through the Easement Area.
3. Scope of Easement. The above-described permanent right-of-way easement includes the rights of the City, its contractors, agents and employees, to enter the Easement Area at all reasonable times for the purpose of locating, constructing, reconstructing, operating, maintaining, inspecting, altering and repairing within the described easement area public lighting, electrical, storm sewer, sanitary sewer and water facilities, and sidewalk, or all other public facilities or improvements of any type that are not inconsistent with a public right-of-way use.

The easement created herein also includes the right to cut, trim, or remove from the Easement Area trees, shrubs, or other vegetation as in the City's judgment unreasonably interfere



with the easement or facilities of the City, its successors or assigns, and to prohibit obstructions and grading alterations now or in the future as in City's judgment unreasonably interfere with the use or maintenance of the Easement Area.

4. Warranty of Title. Grantor warrants that Grantor is the fee owner of the Property and has the right, title, and capacity to convey to the City the easement herein.

5. Environmental Matters. The City shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys' fees, or losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which relate to, the Easement or the Property prior to the date of this instrument.

6. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on Grantors, Grantors' successors, and assigns.

STATE DEED TAX DUE HEREON: NONE

Dated this 15th day of March, 2022.

*[Remainder of page left intentionally blank; signature page to follow]*



**GRANTOR:**

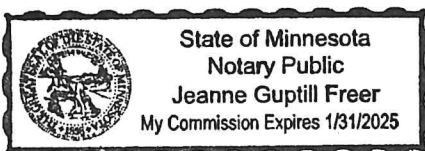
ChrisProp-LYFT, LLC

By: Christopherson Properties  
Its: Manager

By: WR Christopherson  
Name: William Christopherson  
Its: Manager

STATE OF MINNESOTA     )  
                                          ) ss.:  
COUNTY OF HENNEPIN     )

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of March, 2022, by William Christopherson, as Manager of Christopherson Properties, a Minnesota limited liability company, Manager of ChrisProp-LYFT, LLC, a Minnesota limited liability company, on behalf of ChrisProp-LYFT as Grantor.



J Guptill Freer  
Notary Public

*NOTARY STAMP OR SEAL*

THIS INSTRUMENT DRAFTED BY:  
Kennedy & Graven, Chartered (SCZ)  
150 South Fifth Street, Suite 700  
Minneapolis, MN 55402  
(612) 337-9300



**EXHIBIT A**  
**Legal Description of the Property**

Tract B, Registered Land Survey No. 1131; also, Tract C and the Southwesterly 55 feet of Tract B, Registered Land Survey No. 0675, Hennepin County, State of Minnesota.

PID 2702824230110



**EXHIBIT B**  
**Legal Description of the Easement Area**

An easement lying over, under and across that part of Tract B, Registered Land Survey No. 1131, Hennepin County, Minnesota, described as follows:

Commencing at the intersection of the northerly Right of Way of 65th Street West as monumented and delineated on said Tract B with the easterly line of said Tract B, thence South 58 degrees 44 minutes 04 seconds West, assumed bearing along said northerly Right of Way, 29.18 feet to the point of beginning; thence continuing South 58 degrees 44 minutes 04 seconds West, along said Right of Way, 10.00 feet; thence North 31 degrees 15 minutes 56 seconds West, 5.00 feet; thence North 58 degrees 44 minutes 04 seconds East, 10 feet; thence South 31 degrees 15 minutes 56 seconds East to the point of beginning.

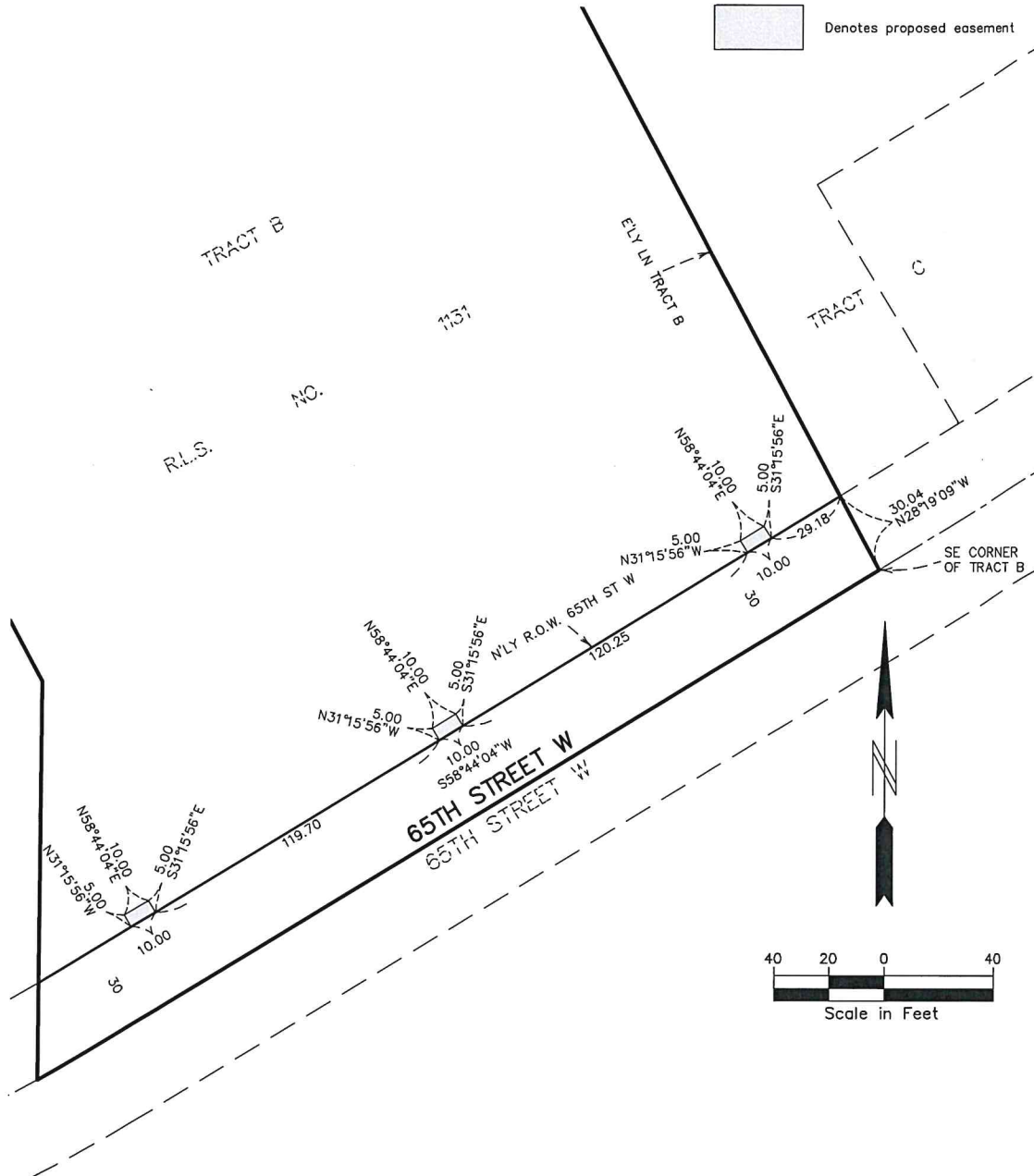
Commencing at the intersection of the northerly Right of Way of 65th Street West as monumented and delineated on said Tract B with the easterly line of said Tract B, thence South 58 degrees 44 minutes 04 seconds West, assumed bearing along said northerly Right of Way, 159.43 feet to the point of beginning; thence continuing South 58 degrees 44 minutes 04 seconds West, along said Right of Way, 10.00 feet; thence North 31 degrees 15 minutes 56 seconds West, 5.00 feet; thence North 58 degrees 44 minutes 04 seconds East, 10 feet; thence South 31 degrees 15 minutes 56 seconds East to the point of beginning.

Commencing at the intersection of the northerly Right of Way of 65th Street West as monumented and delineated on said Tract B with the easterly line of said Tract B, thence South 58 degrees 44 minutes 04 seconds West, assumed bearing along said northerly Right of Way, 289.13 feet to the point of beginning; thence continuing South 58 degrees 44 minutes 04 seconds West, along said Right of Way, 10.00 feet; thence North 31 degrees 15 minutes 56 seconds West, 5.00 feet; thence North 58 degrees 44 minutes 04 seconds East, 10 feet; thence South 31 degrees 15 minutes 56 seconds East to the point of beginning.



**EXHIBIT C**  
**Map of the Easement Area**





**PROPOSED LEGAL DESCRIPTIONS FOR LIGHT POLE EASEMENTS:**

An easement lying over, under and across that part of Tract B, Registered Land Survey No. 1131, Hennepin County, Minnesota, described as follows:

Commencing at the intersection of the northerly Right of Way of 65th Street West as monumented and delineated on said Tract B with the easterly line of said Tract B, thence South 58 degrees 44 minutes 04 seconds West, assumed bearing along said northerly Right of Way, 29.18 feet to the point of beginning; thence continuing South 58 degrees 44 minutes 04 seconds West, along said Right of Way, 10.00 feet; thence North 31 degrees 15 minutes 56 seconds West, 5.00 feet; thence North 58 degrees 44 minutes 04 seconds East, 10 feet; thence South 31 degrees 15 minutes 56 seconds East to the point of beginning.

Commencing at the intersection of the northerly Right of Way of 65th Street West as monumented and delineated on said Tract B with the easterly line of said Tract B, thence South 58 degrees 44 minutes 04 seconds West, assumed bearing along said northerly Right of Way, 159.43 feet to the point of beginning; thence continuing South 58 degrees 44 minutes 04 seconds West, along said Right of Way, 10.00 feet; thence North 31 degrees 15 minutes 56 seconds West, 5.00 feet; thence North 58 degrees 44 minutes 04 seconds East, 10 feet; thence South 31 degrees 15 minutes 56 seconds East to the point of beginning.

Commencing at the intersection of the northerly Right of Way of 65th Street West as monumented and delineated on said Tract B with the easterly line of said Tract B, thence South 58 degrees 44 minutes 04 seconds West, assumed bearing along said northerly Right of Way, 289.13 feet to the point of beginning; thence continuing South 58 degrees 44 minutes 04 seconds West, along said Right of Way, 10.00 feet; thence North 31 degrees 15 minutes 56 seconds West, 5.00 feet; thence North 58 degrees 44 minutes 04 seconds East, 10 feet; thence South 31 degrees 15 minutes 56 seconds East to the point of beginning.

\* This sketch does not purport to show the existence or nonexistence of any encroachments from or onto the hereon described land, easements of record or unrecorded easements which affect said land or any improvements to said land.

Sheet  
1 of 1

**PIONEER**engineering  
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Mendota Heights, MN 55120  
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Cad File: 119256- LIGHT  
POLE RLS 1131.dwg  
Date: 2-14-22  
Folder #: 8465  
Drawn by: MTW

Description Sketch for:  
City of Richfield



## MEMORANDUM OF UNDERSTANDING

City of Richfield – 800 W 65th Street

PID: 2702824230110  
Fee Owner(s): ChrisProp-LYFT, LLC

On this 15th day of March, 2022, ChrisProp-LYFT, LLC Owner of the above-described parcel of property located in the City of Richfield, County of Hennepin, and State of Minnesota, did execute and deliver a conveyance of real estate rights to the City of Richfield.

This agreement is now made and entered as a memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:


1. The Owner has been furnished with an offer of compensation for the property rights acquired. The Owner understands that the acquired property rights are for use in connection with the right-of-way easement for light pole construction and maintenance, public improvements, and construction of the City of Richfield 65th Street Reconstruction Project.
2. That in full compensation for the conveyance of said property, the City of Richfield shall pay the Owner the sum of two-thousand two-hundred fifty dollars (\$2,250) for easement(s) and damages. Owner understands that payment by the City of Richfield must await recording, City Council approval, verification of marketable title, and lender consents, if needed.
3. In the event of a clerical error, Grantor, whether one or more, agrees to cooperate in correcting the error including but not limited to resigning all documents.
4. Additionally: N/A

It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Understanding and Easement Document(s) dated March 15, 2022 and that these documents and agreements include all oral agreements, representations, and negotiations between the parties.

[Signatures to follow]



Date: 03/03/2022

By:   
Joseph W Powers, City Engineer

Date: 03/15/2022

ChrisProp-LYFT, LLC

By: Christopherson Properties

Its: Manager

By:   
Name: William Christopherson, Manager  
Its: Manager





**STAFF REPORT NO. 60**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Scott Kulzer, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
4/5/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/7/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the adoption of a resolution supporting the repeal of the exclusion of Hennepin and Ramsey counties from receiving motor vehicle lease sales tax (MVLST) funds and a return to the original MVLST county state aid formula.**

**EXECUTIVE SUMMARY:**

Minnesota's general sales tax applies to long-term motor vehicle leases, which is known as the Motor Vehicle Lease Sales Tax (MVLST). In 2006, voters overwhelmingly supported a constitutional amendment to dedicate the MVLST funds to transportation and subsequent legislative action excluded Hennepin and Ramsey counties from receiving MVLST formula funds.

Hennepin and Ramsey counties are the only counties in the seven-county metro area excluded from receiving funding through the MVLST. The rationale for excluding Hennepin and Ramsey counties from receiving MVLST funds was based on enabling of new taxing authority through the Counties Transit Improvement Board (CTIB).

With CTIB's dissolution in 2017, the underlying rationale for excluding Hennepin and Ramsey counties from receiving the MVLST funds has ceased to exist. As the most populous counties in Minnesota, residents of Hennepin and Ramsey counties contribute substantially to the MVLST collections but are excluded by law from receiving funding from this transportation source.

**RECOMMENDED ACTION:**

**By Motion: Adopt the resolution supporting the repeal of the exclusion of Hennepin and Ramsey counties from receiving motor vehicle lease sales tax (MVLST) funds and a return to the original MVLST county state aid formula.**

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

See executive summary.

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

- Minnesota Statutes, Sec. 297A.815, Subd. 3. exempts Hennepin and Ramsey counties from the



MVLST distribution formula.

- While no specific legislation was introduced this session to repeal the MVLST distribution exclusion, the legislation could be included in end of session negotiations and rolled into a larger transportation finance or tax omnibus bill.

C. **CRITICAL TIMING ISSUES:**

Even though the likelihood of this legislation passing this session is uncertain, a growing number of municipal and county officials are working to build awareness, momentum and support for the MVLST distribution change.

D. **FINANCIAL IMPACT:**

There is no financial impact to the City in supporting the MVLST distribution changes or related legislation.

E. **LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
▢ MVLST Info Brief	Backup Material
▢ MVLST Repeal Resolution	Resolution Letter



# Motor Vehicle Lease Sales Tax Distribution

## Hennepin and Ramsey are excluded from metro-wide transportation funding

Residents of Hennepin and Ramsey counties contribute substantially to taxes collected on motor vehicles leases, but, both counties are largely excluded by state law from receiving funding from this transportation funding source.

**Since 2018, more than \$130 million has been collected in Hennepin and Ramsey counties, with virtually none coming back.** Hennepin and Ramsey County residents deserve equitable funding to provide for the safe and efficient movement of people, goods, and information throughout the metro region.

### Rationale for excluding Hennepin/Ramsey no longer exists

- In 2008, the legislature passed a comprehensive transportation package that authorized the Counties Transit Improvement Board (CTIB) and allowed metro counties to implement a quarter-cent sales tax to collectively fund transit. The package included dedicating revenue collected on motor vehicle lease sales taxes (MVLST) to Greater MN transit and to roads and bridges in the seven-county Metro Area, excluding Hennepin and Ramsey Counties.
- In 2017, CTIB dissolved, and as did the rationale for excluding Hennepin and Ramsey counties from MVLST formula funds.

## Contacts

### Intergovernmental Relations

#### Brennan Furness

Hennepin County  
Public Policy Manager  
612-235-0938  
[Brennan.Furness@hennepin.us](mailto:Brennan.Furness@hennepin.us)

#### Jennifer O'Rourke

Ramsey County  
Director of Government Relations  
651-724-3461  
[Jennifer.o'rourke@co.ramsey.mn.us](mailto:Jennifer.o'rourke@co.ramsey.mn.us)

### Transportation

#### Joe Gladke, P.E.

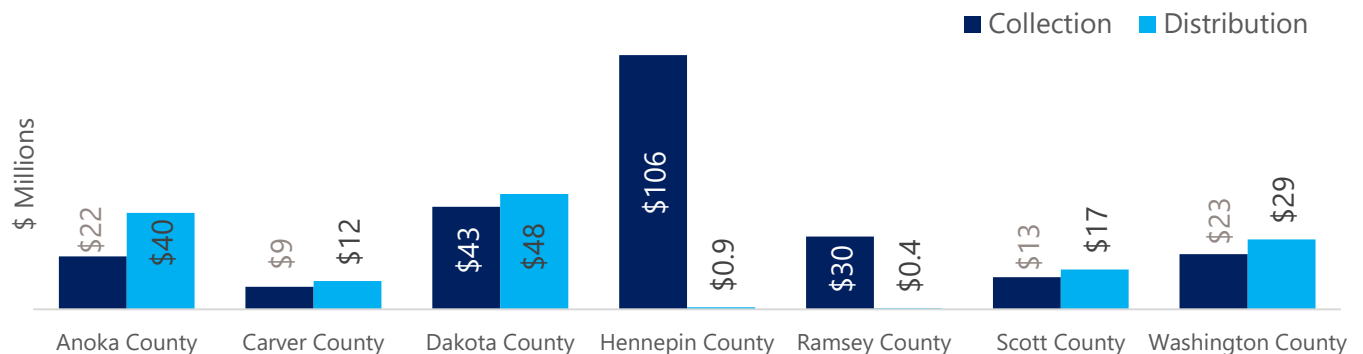
Hennepin County  
Assistant Director of Planning  
612-275-6830  
[Joseph.Gladke@hennepin.us](mailto:Joseph.Gladke@hennepin.us)

#### Ted Schoenecker

Ramsey County  
Public Works Director  
and County Engineer  
651-266-7116  
[ted.schoenecker@co.ramsey.mn.us](mailto:ted.schoenecker@co.ramsey.mn.us)

## MVLST Collection in the Metro Area

From 2018 to 2021



Sources: Minnesota Department of Revenue and Minnesota Department of Public Safety



## Current MVLST allocation

The current rate of the MVLST is 6.5% per leased vehicle, which generates approximately \$100 million statewide each year. Since FY2018, MVLST revenues have been distributed according to the following formula:

- 11% Highway User Tax Distribution Fund (HUTDF) using the state aid formula
- 13% MN Transportation Fund (Local Bridges)
- 38% Greater MN Transit
- 38% County State Aid Highway to metro counties, excluding Hennepin and Ramsey, based on population.

**The Metro Area counties generate 69% of MVLST revenues, but only receive 38% of the amount generated and Hennepin and Ramsey counties get almost none.**

## Hennepin and Ramsey county transportation needs

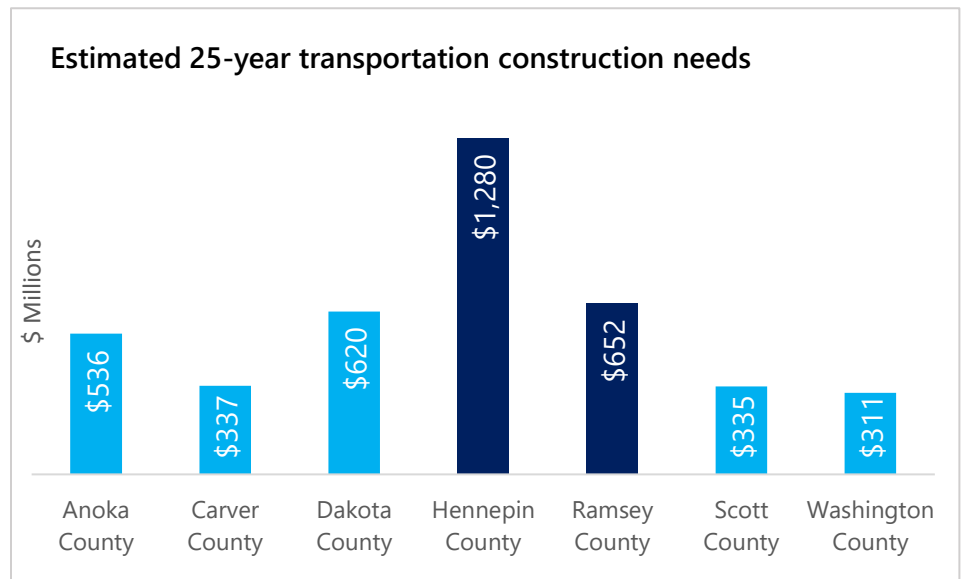
Hennepin and Ramsey counties have the **first** (\$1.28 billion) **and third** (\$652 million) **highest needs** for road and bridge construction of all 87 counties. \*

**Hennepin County** maintains the largest roadway system of any county in the state with 2,200 lane miles of roadway, 450 miles of bikeways, and 340 miles of sidewalks, 148 bridges, 792 traffic signals and more than 23,000 drainage structures/systems.

People travel more than 2.1 billion vehicle miles on Hennepin County roads.

Roughly one third of the system is more than 50 years old. To preserve and maintain the existing system and quality of service, Hennepin County has identified a \$30 million annual funding gap.

**Ramsey County** maintains 842 lane miles of roadways, 300 miles of sidewalks/trails, 60 bridges, 413 traffic signal systems and more than 12,000 drainage structures/systems. People travel more than 1.4 million vehicle miles on Ramsey County roads. To preserve and maintain the existing system and quality of service, Ramsey County has identified a \$12 million annual funding gap.



Source: January 2022 MnDOT CSAH Distribution Report

\* As identified through the calculation of the county state aid highway distribution





**RESOLUTION NO.**

**RESOLUTION OF SUPPORT FOR THE REPEAL OF THE EXCLUSION OF  
HENNEPIN AND RAMSEY COUNTIES FROM RECEIVING MOTOR VEHICLE LEASE  
SALES TAX (MVLST) FUNDS AND A RETURN TO THE ORIGINAL MVLST COUNTY  
STATE AID FORMULA.**

**WHEREAS**, in 2006, Minnesota voters overwhelmingly approved a constitutional amendment to dedicate Motor Vehicle Lease Sales Tax (MVLST) funds specifically to transportation; and

**WHEREAS**, subsequent legislative action directed the MVLST funds to transportation but excluded Hennepin and Ramsey counties based on the enabling of new taxing authority through the Counties Transit Improvement Board (CTIB); and

**WHEREAS**, with the dissolution of CTIB in 2017 the rationale for excluding Hennepin and Ramsey counties from a fair share of MVLST funds has ceased to exist; and

**WHEREAS**, Hennepin and Ramsey counties are the two most populous counties in the state, accounting for nearly 32.5% of Minnesota's population, and contribute significantly to MVLST revenue; and

**WHEREAS**, Hennepin and Ramsey counties combined have \$1.932 Billion 25-year construction needs as identified in MnDOT's 2022 CSAH Distribution Report; and

**WHEREAS**, the economic strength and competitiveness of our state and region depend on an effective, efficient and well-maintained transportation system and no county should be excluded from a key revenue source for maintaining transportation infrastructure.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota that it supports all efforts to repeal the exclusion of Hennepin and Ramsey counties from receiving Motor Vehicle Lease Sales Tax (MVLST) funds and urges the Legislature of the State of Minnesota to promptly pass legislation that will ensure Hennepin and Ramsey counties receive a fair and proportional share of MVLST revenues as originally intended by the constitutional amendment.

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

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Maria Regan Gonzalez, Mayor

ATTEST:

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Kari Sinning, City Clerk





**STAFF REPORT NO. 61**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Jordan Vennes, Water Resources Engineer

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
4/5/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of the bid tabulation and award a contract to Visu-Sewer, Inc., for the 2022 Sanitary Sewer Rehabilitation Program in the amount of \$591,774.00 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.**

**EXECUTIVE SUMMARY:**

Consistent with the Capital Improvement Plan, staff is continuing the multi-year process of rehabilitating the sanitary sewer system. Since 2019, the City has lined 36,659 linear feet of sanitary sewer main as part of its Sanitary Sewer Rehabilitation Program.

Most of the sanitary sewer system was installed in the 1950's and this aging infrastructure is in need of attention due to excessive maintenance needs and potential for blockages. The project will utilize the cured-in-place-pipe (CIPP) process which is a trenchless technology in which no excavation is required. This method is a cost-effective solution to provide new sanitary mains without the high cost of excavation.

Bids for the sanitary sewer rehabilitation program were opened on March 30, 2022. Visu-Sewer, Inc., was the lowest responsive and responsible bidder with a base bid amount of \$591,774.00. The City received 4 bids ranging from a high bid of \$729,816.90 to the low bid of \$591,774.00.

**RECOMMENDED ACTION:**

**By motion: Approve the bid tabulation and award a contract to Visu-Sewer, Inc., for the 2022 Sanitary Sewer Rehabilitation Program in the amount of \$591,774.00 and authorize the City Manager to approve contract changes up to \$175,000 without further City Council consideration.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The City's 120 miles of sanitary sewer collection system was installed in the late 1950's. The material used at that time was Vitrified Clay Pipe (VCP). Over time the VCP has allowed roots to intrude through joints and has resulted in partial blockage of the main lines. Our maintenance program currently in place includes the cleaning of the mains once per year. If we are not able to clean once per year it can result in blockages that could backup into the homes of residents.
- Technological advances now allow us to repair these sewer mains without digging up the road



through a process called Cured-in-place-pipe (CIPP). This procedure involves the insertion of a liner into the existing VCP sanitary main. It expands and adheres to the main and then hardens to a schedule 40 PVC consistency and results in what is essentially a "new" pipe within the old pipe. After the liner hardens, the individual service connections are then reopened and placed back into service.

- This year's project will be the third effort in a multi-year approach to rehabilitate the sanitary sewer mains. Maintenance records, televising reports, and asset properties (age, material, etc.) are considered in the utility risk model. Areas that are found to be the most critical are being addressed first and other areas will follow. The end result will be lining the entire sanitary main system.

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

- For City contracts or purchases estimated to exceed \$175,000, sealed bids shall be solicited by public notice in the manner and subject to the law governing contracts or purchases by the City of Richfield.
- The scope of the project - 18,966 linear feet - meant the contract cost would well exceed the \$175,000 threshold.
- The Metropolitan Council Environmental Services (MCES) supports this type of sewer main repair.

**C. CRITICAL TIMING ISSUES:**

- Approval at the April 12, 2022 City Council meeting will allow the project to move forward in 2022 with the goal of finishing within the calendar year. Approval now will allow for maximum flexibility of schedule.
- Once the contractor begins the project, it is expected to last 8-12 weeks before final completion.

**D. FINANCIAL IMPACT:**

- 4 bids were received ranging from a high bid of \$729,816.90 to a low bid of \$591,774.00.
- The City has budgeted \$800,000 for this project to be funded using Wastewater Utility Funds.
- Due to the favorable difference between the budgeted amount (\$800k) and the low bid amount (\$592k), the City may exercise its authority under the project specifications to increase the project scope by 25% in order to rehabilitate more sanitary sewer main with this year's project.
- Funding for this project was included in the adopted 2021 revised/2022 proposed wastewater utility budget (7350) and was planned for as a capital improvement project during the utility rate study that was completed in 2017.
- This project is included in the Capital Improvement Plan.

**E. LEGAL CONSIDERATION:**

- When the amount of a contract or purchase is estimated to exceed \$175,000, sealed bids shall be solicited by public notice in the manner and subject to the law governing contracts or purchases by the City of Richfield.
- Since the contract value exceeds \$300,000, this project will be governed by Richfield's prevailing wage regulations (Richfield Municipal Code, Section 435).
- The advertisement for bid for the project was published in the Richfield Sun Current on March 3, 2022, and on the Questcdn.com website on March 3, 2022.
- Bid opening was held on March 30, 2022. A copy of the bid tabulation is attached.

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Bid tab	Backup Material



**CITY OF RICHFIELD, MINNESOTA**

Bid Opening  
March 30, 2022  
1:00 p.m.

2022 Sanitary Sewer Lining Project  
Bid No. 22-03


Pursuant to requirements of Resolution No. 1015, a there was a meeting of Administrative Staff and it was stated that the purpose of the meeting was to receive; open and read aloud bids for the 2022 Sanitary Sewer Lining Project, as advertised in the official newspaper on March 3, 2022.

Present: Kari Sinning, City Clerk  
Jordan Vennes, Water Resources Engineer  
Chris Swanson, Management Analyst

The following bids were submitted and read aloud:

Bidder's Name	Bond	Non-Collusion	Intent to Comply	Responsible Contractor Certificate	Total Base Bid
Visu-Sewer	Provided	Provided	Provided	Provided	\$591,774.00
Veit & Company, Inc.	Provided	Provided	Provided	Provided	\$678,261.00
Insituform Technologies USA, LLC	Provided	Provided	Provided	Provided	\$687,712.90
Granite Inliner, LLC, MN	Provided	Provided	Provided	Provided	\$729,816.90

The City Clerk announced that the bids would be tabulated and considered at the April 12, 2022 City Council Meeting.

  
Kari Sinning, City Clerk





**STAFF REPORT NO. 62**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Chris Swanson, Management Analyst

DEPARTMENT DIRECTOR REVIEW: Sack Thongvanh, Administrative Services Manager  
4/5/2022

OTHER DEPARTMENT REVIEW: Lourdes Landi, HR Specialist

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of the first reading of an ordinance amending Subsection 210.01 of the City Code related to City Council salaries for 2023 and 2024.**

**EXECUTIVE SUMMARY:**

Chapter II, Section 210 of the City Code establishes the salaries of the City Council. Subsection 210.01, Subd. 5 provides that salaries of Council Members shall be reviewed by the City Council by May 1 in each year in which an election is held pursuant to Section 200 of the Code. An ordinance amending the salaries established by this section must not take effect until after the next succeeding municipal election.

In 2018, City Council approved an ordinance for salary adjustments which was the lesser of 3.5% or the percentage increase in the annual pay structure granted on January 1, 2018, and January 1, 2019, to the Management and General Services pay plans. The Mayor and City Council annual salary increases for those years was 3%, reflecting the Management and General Services pay plan agreement. The City has a 30 year history of providing the same cost of living increase to all of its employee groups.

The City Council salary ordinance change in 2020 was consistent with past practice, but with a slight variation due to the pandemic. On June 23, of 2020 the city council reviewed the comparable city council salaries and past practices in setting future salaries during a work session. The majority of city council expressed their desire to maintain city council salaries at the same rate, a 0% increase, in 2021 due to the financial impacts of the COVID-19 pandemic. Staff was directed to provide an economic trigger in the ordinance for 2022 which set the future salary increase to 0% if the economy had not improved, or, if the financial outlook was positive, set the salary increase to match the cost of living percentage increase granted to employees in the Management and General Services pay plan in 2021 (3%). Based on the positive outlook of the economy in 2021, city council did receive a 3% increase in their salaries for 2022.

The attached ordinance provides for increases in 2023 and 2024 to match the increases provided in the Management and General Services pay plans for those years. It is anticipated that staff will recommend a 3% cost of living increase for 2023 to be consistent with settled collectively bargained contracts. The City has a 30 year history of providing the same cost of living increase to all of its employee groups. The anticipated 2024 cost of living increase is not known at this time.

In the past, city council has also reviewed their salaries compared to other metropolitan cities. We



have attached information on other metropolitan cities' salaries. Even with the proposed 3% increase, the City Council's salary would be in the middle of the pay scale for surrounding metropolitan cities' salaries.

**RECOMMENDED ACTION:**

**By motion: Approve the first reading of the ordinance amending Subsection 210.01 of the City Code related to City Council salaries and schedule the second reading and public hearing for April 26, 2022**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Please see executive summary.

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

Chapter II, Section 210.01, Subd. 5 of the City Code establishes the salaries of the City Council.

**C. CRITICAL TIMING ISSUES:**

City Council needs to establish their salaries for 2023 and 2024 by ordinance before the next council election.

**D. FINANCIAL IMPACT:**

The future 2023 and 2024 budgets adopted by City Council will reflect the adopted increase to staff pay plans in those years.

**E. LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

The City Council could defer action on this item to a future meeting or amend the current proposed salary increase.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
▣ Proposed salaries for 2023	Exhibit
▣ AN ORDINANCE AMENDING SECTION 210 RICHFIELD CITY CODE PERTAINING TO CITY COUNCIL SALARIES 2023-24 (Redline)	Ordinance



# Proposed Salary Increases

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## Mayors Salary (2023)

<u>City</u>	<u>Salary</u>
Bloomington	\$26,400.00
Woodbury	\$14,946.00
Edina	\$14,865.00
Maplewood	\$14,579.00
Richfield (Proposed 3%)	\$13,124.88
Brooklyn Center	\$11,846.00
Inver Grove Heights	\$11,400.00
Cottage Grove	\$10,848.00
Fridley	\$10,688.53
Roseville	\$9,300.00
Oakdale	\$8,400.00
Hopkins	\$8,000.00

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## City Council Salary (2023)

<u>City</u>	<u>Salary</u>
Maplewood	\$12,832.00
Bloomington	\$12,396.00
Edina	\$11,826.00
Woodbury	\$11,379.96
Richfield (Proposed 3%)	\$10,187.11
Brooklyn Center	\$9,070.00
Inver Grove Heights	\$8,200.00
Cottage Grove	\$8,172.00
Oakdale	\$7,020.00
Roseville	\$7,020.00
Hopkins	\$6,000.00
Fridley (At-Large)	\$8,779.42
Fridley	\$7,761.85

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BILL NO. XXX

AN ORDINANCE AMENDING SECTION 210  
RICHFIELD CITY CODE PERTAINING TO  
CITY COUNCIL SALARIES

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Subsection 210 of the Richfield City Code is hereby amended as follows:

Subdivision 1. Mayor. The annual salary of the mayor as of January 1, ~~2018-2020~~2022 is \$~~11,662~~12,742.6. Effective January 1, ~~2021~~2023, the salary of the mayor shall ~~remain at~~be increased by a percentage that is equal to the percentage increase in the annual pay structure granted January 1, 2023 to Management and General Services pay plans.  
~~\$11,662-~~

Subdivision 2. Council. The annual salary of a member of the council as of January 1, ~~2020~~2022 is \$~~9,051~~890.4. Effective January 1, ~~2021~~2023, the salary of a member of the council shall ~~remain at \$9,051.~~be increased by a percentage that is equal to the percentage increase in the annual pay structure granted January 1, 2023 to Management and General Services pay plans.

Subdivision 3. Effective January 1, ~~2022~~2024 the annual salary of the mayor and a member of the council as provided in Subdivision 1 and 2 above shall receive ~~a 0%an~~an increase ~~if the National Bureau of Economic Research (NBER) finds the economy is in recession. However, if the NBER finds that the economy is not in recession then the salary increase that~~that would match the increase granted in the Management and General Services pay plans ~~for the previous year of 2021~~granted January 1, 2024.

Section 2. Effective Date. This ordinance becomes effective on January 1, 2023.

Passed 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





**STAFF REPORT NO. 64**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Amy Markle, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Amy Markle, Recreation Services Director  
4/4/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of the Hennepin County Youth Sports Program Grant Resolution to submit a grant for youth curling equipment and authorize staff to execute the grant agreement if awarded.**

**EXECUTIVE SUMMARY:**

All Hennepin County Youth Sports Program Grants are required to execute a resolution, which authorizes the filing of the application and pledges to execute final agreements with Hennepin County if a grant is awarded. The Recreation Department is applying for \$8,574.91 for the purchase of youth curling stones and equipment. There is a grant match of \$17,35.57 from the Richfield Curling Club. If awarded, the grant would significantly help the Department offer youth curling programming in partnership with Richfield Curling Club.

**RECOMMENDED ACTION:**

**By motion: Approve the resolution to submit a Hennepin County Youth Sports Program Equipment Grant and authorize the Recreation Services Director to execute the grant if awarded.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

The Richfield Ice Arena is home to the Richfield Curling Club, and other curling organizations use the facility for playing. We have curling stones and equipment for adults but we have not been able to expand the program to youth due to lack of equipment that is expensive. Through this grant opportunity, we are hoping to offer youth curling classes and grow the sport in our community.

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

The attached resolution authorized the City of Richfield to enter into necessary and required agreements with Hennepin County for the specific purpose of purchasing youth curling stones and equipment and managing the life of the items.

**C. CRITICAL TIMING ISSUES:**

The Hennepin County Youth Sports Program Grant was due April 1, 2022, and supporting municipal resolutions can be added in the weeks following. The application was submitted and the resolution will follow in the coming week.



**D. FINANCIAL IMPACT:**

The Hennepin County Youth Sports Program Equipment Grant funds the purchase of athletic and park equipment up to \$10,000. Applications are scored, and having a financial match scores higher. The Richfield Curling Club has contributed a match of \$1,753.57; the City of Richfield has no financial impact.

**E. LEGAL CONSIDERATION:**

There are no legal considerations for this item.

**ALTERNATIVE RECOMMENDATION(S):**

Reject the resolution and potentially miss an opportunity to support the purchase of youth curling equipment.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
▣ HC YSP Grant Resolution for Curling Equipment	Cover Memo



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

**A RESOLUTION AUTHORIZING GRANT APPLICATION AND AGREEMENT  
UNDER HENNEPIN YOUTH SPORTS PROGRAM**

**WHEREAS**, the Hennepin County Board of Commissioners, via the Hennepin Youth Sports Program, provides for capital funds to assist local government units of Hennepin County for the development of sports or recreational facilities, and

**WHEREAS**, the City of Richfield (hereinafter, the “City”) desires to develop a youth curling program (hereinafter, the “Project”); and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota, that:

1. The estimate of the total cost of developing the Project is \$10,309.98. The City is requesting \$8,574.41 from the Hennepin Youth Sports Program. The City will assume responsibility for providing matching funds of \$1,735.57.

2. The City is the owner of the property where the Project is located. The City will own the property where the Project is located for at least the functional life of the facility, which is estimated to be 50 years. The Project may not be converted to a non-public or non-recreational uses within this time period without the approval of Hennepin County.

3. The City agrees to assume one hundred (100) percent of operational and maintenance costs for the Project and will operate the Project for its intended purpose as stated in the Project application for the functional life of the facility.

4. The City agrees to enter into necessary and required agreements with Hennepin County for the specific purpose of developing the Project and managing its long-term operation.

5. The Mayor, City Manager, staff, and consultants are hereby authorized and directed to take any and all additional steps and actions necessary to execute the application for the Hennepin Youth Sports Program grant.

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





**STAFF REPORT NO. 65**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Amy Markle, Recreation Services Director

DEPARTMENT DIRECTOR REVIEW: Amy Markle, Recreation Services Director  
4/4/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider the approval of the Hennepin County Youth Sports Program Grant Resolution to submit a grant for accessible picnic tables and authorize staff to execute the grant agreement if awarded.**

**EXECUTIVE SUMMARY:**

All Hennepin County Youth Sports Program Grants are required to execute a resolution, which authorizes the filing of the application and pledges to execute final agreements with Hennepin County if a grant is awarded. The Recreation Department is applying for \$10,000 for the purchase of accessible picnic tables. There is a grant match of \$14,036.00 from the park capital budget. If awarded, the grant would increase accessible opportunities for picnicking and enjoying parks across the system. A total of 20 accessible picnic tables will be purchased and placed at a variety of parks that are still lacking accessible tables.

**RECOMMENDED ACTION:**

**By motion: Approve the resolution to submit a Hennepin County Youth Sports Program Equipment Grant and authorize the Recreation Services Director to execute the grant if awarded.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

Picnic tables are a core park amenity for people to gather and enjoy picnics and activities in the parks. Several of our parks lack accessible picnic tables and we are hoping through this grant and future opportunities to have fully accessible tables at all Richfield Parks and be more inclusive to our whole community.

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

The attached resolution authorized the City of Richfield to enter into necessary and required agreements with Hennepin County for the specific purpose of purchasing accessible picnic tables and managing the life of the them.

**C. CRITICAL TIMING ISSUES:**

The Hennepin County Youth Sports Program Grant was due April 1, 2022, and supporting municipal resolutions can be added in the weeks following. The application was submitted and the resolution will



follow in the coming week.

**D. FINANCIAL IMPACT:**

The Hennepin County Youth Sports Program Equipment Grant funds the purchase of athletic and park equipment up to \$10,000. Applications are scored, and having a financial match scores higher. The City of Richfield has matched the grant with \$14,036 from the park capital budget, which with the grant support will be enough to purchase 20 tables.

**E. LEGAL CONSIDERATION:**

There are no legal considerations for this item.

**ALTERNATIVE RECOMMENDATION(S):**

Reject the resolution and potentially miss an opportunity to support the purchase of accessible picnic tables.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
□ HC YSP Grant Resolution for Accessible Picnic Tables	Cover Memo



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

**A RESOLUTION AUTHORIZING GRANT APPLICATION AND AGREEMENT  
UNDER HENNEPIN YOUTH SPORTS PROGRAM**

**WHEREAS**, the Hennepin County Board of Commissioners, via the Hennepin Youth Sports Program, provides for capital funds to assist local government units of Hennepin County for the development of sports or recreational facilities, and

**WHEREAS**, the City of Richfield (hereinafter, the “City”) desires to install accessible picnic tables (hereinafter, the “Project”); and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota, that:

1. The estimate of the total cost of developing the Project is \$24,036.00. The City is requesting \$10,000.00 from the Hennepin Youth Sports Program. The City will assume responsibility for providing matching funds of \$14,036.00.

2. The City is the owner of the property where the Project is located. The City will own the property where the Project is located for at least the functional life of the facility, which is estimated to be 15-20 years. The Project may not be converted to a non-public or non-recreational uses within this time period without the approval of Hennepin County.

3. The City agrees to assume one hundred (100) percent of operational and maintenance costs for the Project and will operate the Project for its intended purpose as stated in the Project application for the functional life of the facility.

4. The City agrees to enter into necessary and required agreements with Hennepin County for the specific purpose of developing the Project and managing its long-term operation.

5. The Mayor, City Manager, staff, and consultants are hereby authorized and directed to take any and all additional steps and actions necessary to execute the application for the Hennepin Youth Sports Program grant.

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





**STAFF REPORT NO. 67**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Krista Guzman, HR Manager

DEPARTMENT DIRECTOR REVIEW: Sack Thongvanh, Assistant City Manager  
4/5/2022

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/6/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider a resolution approving the contract with the International Association of Firefighters Local 1215 for the contract period January 1, 2022 through December 31, 2023 and authorize the City Manager to execute the agreement.**

**EXECUTIVE SUMMARY:**

City staff has completed labor negotiations with the International Association of Firefighters Local 1215 (Union). The provisions of the two-year contract cover all twenty-six employees represented in this unit.

The tentative settlement provides a cost of living wage adjustment of 3.00% with an additional 2.00% market rate adjustment, effective the first full pay period of January 2022, and a cost of living wage adjustment of 3.00%, effective the first full pay period of January 2023.

A high level summary of the other provisions of the tentative agreement include:

- An addition of funds to members covered by the agreement for annual wellness screening and exams.
- Agreement to accept the same level of contributions that Management and General Services employees will be receiving in 2022 and 2023 for health and dental insurance coverage.
- A \$30 increase to clothing and equipment allowance in 2022, and another \$25 increase in 2023.

**RECOMMENDED ACTION:**

**By motion: Adopt a resolution approving the provisions of the 2022-2023 labor agreement with the International Association of Firefighters Local 1215 bargaining unit and authorize the City Manager to execute the agreement.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

The tentatively approved two-year contract settlement includes the following significant changes:

- Wages: A three percent cost of living wage adjustment and two percent market rate adjustment in 2022 and a three percent cost of living wage adjustment in 2023.
- Health Insurance: Up to a maximum contribution of \$965.50 per month for single Employee coverage, \$1,370 per month for Employee plus spouse or Employee plus child(ren) coverage and \$1,500 per month for Employee plus family coverage in the year 2022.



- Dental Insurance: A \$0.25 per month increase to the Employer contribution for Employee single dental insurance coverage at \$60.25 per month for the year 2022.
- Follow the same contributions for general services and management employees will be receiving for health and dental insurance in the year 2023.
- Clothing and Equipment: A \$30 increase to the clothing and equipment allowance in 2022 and \$25 increase to clothing and equipment in 2023.
- An addition of funds to members covered by the agreement for annual wellness screening and exams.

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

- The City has met and negotiated in good faith with the Union and its representatives and is bound under the Public Employer's Labor Relations Act to meet and bargain over the terms and conditions of employment.
- The proposed settlement for the health and dental insurance provisions is identical to those provided to non-union City employees. The City has a long history of providing the same level of insurance benefits to all eligible City employees.
- The 2022 three percent (effective the first full pay period in 2022) wage increase represents the same wage adjustment implemented for non-union City employees, and the market rate adjustment is modeled after all other bargaining units in the City of Richfield, in order to maintain competitiveness in the labor market and with other cities. The 2023 three percent (effective the first full pay period in 2023) wage increase is within the range of comparable metro cities, and the same as three other bargaining units in the City of Richfield that have already settled for 2023.
- The wage settlement and health insurance provision is well within the range for other comparable bargaining groups in similar metro cities.

**C. CRITICAL TIMING ISSUES:**

In order to allow the City's finance personnel to modify payroll records in a timely manner for 2022 wages and benefits, it is recommended that the City Council act to adopt the attached resolution providing for contract changes, effective January 1, 2022.

**D. FINANCIAL IMPACT:**

- Three percent (3.00%) wage increase with a two percent (2.00%) market rate adjustment, effective the first full pay period of 2022, for contract year 2022.
- Three percent (3.00%) wage increase, effective the first full pay period of 2023, for contract year 2023.
- A \$0.25 per month increase in Employer monthly contribution towards employee single dental insurance in 2022.
- A \$30 per year increase to the clothing and equipment allowance in 2022 and a \$25 per year increase in 2023.

**E. LEGAL CONSIDERATION:**

If the terms of this agreement are not approved, further negotiation and/or mediation will be necessary.

**ALTERNATIVE RECOMMENDATION(S):**

- Do not approve the terms of this agreement and prepare for further negotiation and/or mediation.
- Defer discussion to another date.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
□ Fire 2022-2023 Contract Resolution	Resolution Letter



**RESOLUTION NO.**

**RESOLUTION APPROVING LABOR AGREEMENT BETWEEN THE  
CITY OF RICHFIELD AND  
THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 1215  
BARGAINING UNIT FOR THE YEAR 2022 AND 2023**

**WHEREAS**, the City Manager and the Richfield Firefighters IAFF Local 1215 have reached an understanding concerning conditions of employment for year 2022 and 2023; and

**WHEREAS**, it would be inappropriate to penalize IAFF Local 1215 members who have negotiated in good faith; and

**WHEREAS**, the City Ordinance requires that contracts between the City and the exclusive representative of the employees in an appropriate bargaining unit shall be completed by Council resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby approve the Labor Agreement between the City of Richfield and IAFF Local 1215 Bargaining Unit for 2022 and 2023, under the provisions of the Labor Agreement to be implemented, effective January 1, 2022 and authorize the City Manager to execute the contract.

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

\_\_\_\_\_  
Maria Regan Gonzalez

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Kari Sinning

\_\_\_\_\_  
City Clerk





**STAFF REPORT NO. 63**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Ryan Krzos, Planner

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director  
4/4/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/5/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider a request for an amended Planned Unit Development, Final Development Plan, and Conditional Use Permit to allow construction of a building addition to an elementary school at 6500 Nicollet Avenue South.**

**EXECUTIVE SUMMARY:**

Partnership Academy (Applicant), a preschool through grade 8 charter school, was granted land use approvals in 2018 to develop a school building at the northeast corner of the HUB shopping center, at 6500 Nicollet Avenue South. This property is zoned PC-2, Planned General Commercial. In response to growth in enrollment and increased programmatic needs, the Applicant is proposing a 5,962 square-foot expansion on the north side of the building, an area of the property that is currently used for parking. This expanded area will house four additional classrooms, an administrative office, student support spaces, and additional restrooms.

Enrollment is planned to total 550 students and there will be 99 staff on-site. Required parking for schools is based on the total number of staff members, plus 8 spaces for visitors. Accounting for both the five percent parking reduction for additional bicycle parking and the ten percent transit reduction, a total of 92 spaces is required for this site. The proposed expansion would result in the loss of 16 parking stalls, reducing the total on-site parking to 37 stalls. The Applicant has an agreement with the owner of the HUB for 60 leased parking spaces that runs through January 2024.

At the March 22, 2022 City Council meeting, Staff was directed to prepare language in a revised resolution approving the addition with modified stipulations regarding long-term parking. Specifically, the attached resolution requires the Applicant enter into an agreement prior the issuance of a Certificate of Occupancy that outlines timing and circumstances for providing 80 stalls by one of the following:

- Acquiring adjoining property for a sufficient amount of additional parking,
- Constructing additional on-site parking, or
- Securing a more-permanent shared parking agreement with an adjacent property.

Since the funding for this addition requires that the Applicant satisfy any zoning contingencies, it is expected that the Applicant will pursue approval of an additional amendment to permit structured parking at the April and May Planning Commission and City Council meetings, respectively.



## **RECOMMENDED ACTION:**

**By motion: Approve the attached resolution authorizing an amended Planned Unit Development, a Final Development Plan, and a Conditional Use Permit.**

## **BASIS OF RECOMMENDATION:**

### **A. HISTORICAL CONTEXT**

- Partnership Academy has been based in Richfield since 2002, previously operating out of leased space at Church of the Assumption (305 77th Street East).
- This site was formerly occupied by a Bremer Bank building and is part of a larger Planned Unit Development (PUD) with the HUB Shopping Center and vacant grocery store site.
- Partnership Academy was granted a PUD amendment in 2018, for construction of the current K-8 school building. A portion of required parking spaces have been leased from the HUB shopping center since the school opened. Their current approval would require construction of parking stalls in the playground area should the leased parking no longer be available.

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

- Zoning Code Section 542.13, Subd. 3 establishes requirements for major amendments to an approved PUD final development plan. Since the request proposes an expansion exceeding ten percent of the building floor area, it is considered a major amendment to the PUD. A major PUD amendment is subject to the same review criteria and procedures as issuance of a new PUD. A full discussion of all requirements is included as an attachment to this report. Generally, the criteria require that the Council 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.

### **C. CRITICAL TIMING ISSUES:**

- 60-DAY RULE: The 60-day clock started when a complete application was received on January 10, 2022. The Applicant requested an extension for Council consideration, and at their March 22 meeting, Council directed staff to revise the approval resolution and bring back for final consideration. Accordingly, the deadline for approval is May 10, 2022.

### **D. FINANCIAL IMPACT:**

- The required application fees have been paid.

### **E. LEGAL CONSIDERATION:**

- Notice of the public hearing at the Planning Commission was published in the Sun Current newspaper on January 13, 2022, and was mailed to properties within 350 feet of the site.

## **ALTERNATIVE RECOMMENDATION(S):**

- Recommend approval of the proposed PUD amendment with additional and/or modified stipulations.
- Recommend denial of the proposed PUD amendment with a finding that the proposal does not meet City requirements.

## **PRINCIPAL PARTIES EXPECTED AT MEETING:**

Representatives of Partnership Academy

## **ATTACHMENTS:**

Description	Type
▢ APUD Resolution	Resolution Letter
▢ APUD Required Findings	Backup Material
▢ Rendering	Backup Material
▢ Zoning Map	Backup Material
▢ Planned Land Uses Map	Backup Material
▢ Site Plan	Backup Material







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

**RESOLUTION APPROVING AN AMENDMENT TO A  
PLANNED UNIT DEVELOPMENT, FINAL DEVELOPMENT  
PLAN, AND CONDITIONAL USE PERMIT TO ALLOW  
CONSTRUCTION OF A BUILDING ADDITION TO AN  
ELEMENTARY SCHOOL AT 6500 NICOLLET AVENUE SOUTH.**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of an amended final development plan and conditional use permit to allow construction of an addition onto an elementary school building in the planned unit development at HUB Shopping Center, located at 6500 Nicollet Avenue South, property legally described as:

LOT 1, BLOCK 1, RICHFIELD HUB SUPERBLOCK, HENNEPIN COUNTY,  
MINNESOTA

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing at its January 24, 2022 meeting and did not recommend approval of the requested amendment to the final development plan and conditional use permit based on the applicant's inability to meet parking requirements; 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 January 13, 2022; and

**WHEREAS**, the applicant has modified their requested amendment to the final development plan and conditional use permit in order to provide more off-street parking; and

**WHEREAS**, the requested amendment to the final development plan and conditional use permit meets those requirements necessary for approving a major amendment to a planned unit development as specified in Richfield's Zoning Code, Section 542.13, Subd. 3 and as detailed in City Council Staff Report No.\_\_\_\_\_; and

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

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

1. The City Council adopts as its Findings of Fact the **WHEREAS** clauses set forth above.
2. An amended planned unit development, final development plan, and conditional use permit are approved to allow a building expansion on an existing elementary



school building, as described in City Council Report No.\_\_\_\_\_, on the Subject Property legally described above.

3. The approved planned unit development, final development plan and conditional use permit are subject to the following conditions:
  - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
  - The applicant must return to the City within two years of this approval with plans to provide the lessor of 80 parking stalls or the number of parking stalls that meets the requirements of the zoning code at the time of that application, through a combination of any of the following:
    - i. Constructing additional off-street parking on site. Administrative site plan approval is required for surface parking; a major amendment is required for structured parking.
    - ii. Acquiring additional property nearby and providing proof of ability to provide additional off-street parking through lot combination or a shared parking agreement, as outlined in subsection 544.13, Subd. 11, of the Zoning Code. Administrative site plan approval is required for surface parking; a major amendment is required for structured parking.
    - iii. Securing additional parking on another property adjacent to the school through a shared parking agreement as outlined in subsection 544.13, Subd. 11, of the Zoning Code. Administrative site plan approval may be required.

The applicant must negotiate and execute a separate agreement detailing the specific terms and penalties associated this requirement. This agreement must be executed prior to the issuance of a certificate of occupancy.

  - All required parking spaces shall remain available year round and shall not be used for snow storage.
  - A minimum of 75 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.
  - Separate sign permits are required.
  - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated January 6, 2022, and compliance with all other City and State regulations.
  - Prior to the issuance of an occupancy permit, the developer must submit a surety equal to 125% of the value of any improvements not yet complete.
  - Unless specifically modified by this resolution, all previous conditions of approval remain in place.
4. The approved planned unit development, final development plan and conditional use permit shall expire one year from issuance unless the use for which the permit was granted has commenced, substantial work has been completed or upon written request by the developer, the Council extends the expiration date



for an additional period of up to one year, as required by the Zoning Ordinance, Section 547.09, Subd. 9.

5. The approved planned unit development, final development plan and conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the Zoning Ordinance, Section 547.09, Subd. 10.

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

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Maria Regan Gonzalez, Mayor

ATTEST:

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Kari Sinning, City Clerk



## **Required Findings**

**Part 1:** The following findings are necessary for approval of a PUD application (542.09, Subd. 3):

1. The proposed development conforms to the goals and objectives of the City's Comprehensive Plan and any applicable redevelopment plans. This requirement is met. The Comprehensive Plan guides this area for mixed use development. The proposed building addition would not alter the use of the site.
2. The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries. This requirement is met. The proposed building addition will not alter the general function of the existing building or site.
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 purpose of the guiding C-2 (General Commercial) District is to allow a wide variety of uses serving Richfield and the surrounding area. These uses are expected to be attractive in appearance from all sides and compatible with adjacent properties through compliance with the Performance Standards specified in Zoning Code Section 544. This requirement is met, except for the required minimum on-site parking for elementary schools outlined in subsection 544.13. This is discussed in Part 2, #4, below.
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 building addition proposal and do not anticipate any issues.
5. The development will not have undue adverse impacts on neighboring properties. No undue adverse impacts are anticipated related to this building addition.
6. The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interest. This requirement is met with the exception of securing adequate parking, as established in subsection 544.13 of the Zoning Code. This is discussed in Part 2, #4, below.

**Part 2:** All uses are conditional uses in the PC-2 District. The findings necessary to issue a Conditional Use Permit (CUP) are as follows (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 purpose of the Zoning Code is to protect and promote the general welfare of the City. The proposal does not conflict with this purpose. The purpose of Planned Unit Developments is to provide an opportunity for innovative and creative development. The proposed building addition does not conflict with this purpose, with the exception of securing sufficient long-term parking arrangements. This is discussed in #4, below.
3. The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines. The proposed use is not changing and is consistent with the



previously adopted Planned Unit Development for this area, with the exception of securing sufficient long-term parking arrangements. This is discussed in #4, below.

4. The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code. The proposed development is in substantial compliance with City performance standards, except the following deviations from requirements:
  - Parking requirements for a K-8 school are 1 space per employee, plus 8 visitor spaces. A total of 37 parking spaces are proposed on site, which would be a reduction of 16 existing parking spaces from the current total of 53. The applicant has indicated in the attached narrative that the projected staffing level will be 99 employees. The projected employee counts result in an initial requirement of 107 spaces. Parking requirements may be reduced by 10% at this location for proximity to frequent public transit service. Parking requirements may also be reduced by 5% for excess bike parking at 4 bike spaces per 1 auto space. With both reductions, required parking is 92 spaces.
  - The applicant will continue working with the HUB Shopping Center ownership, Brixmore, to continue a cross-access parking lease agreement to use surplus parking on the HUB site. The current lease runs through January, 2024.
  - Although the HUB lease agreement does not meet long-term shared parking requirements outlined in Code (section 544.13, Subd. 11, requiring a covenant agreement that runs with the lot), the applicant is planning acquisition of a nearby property which would provide upwards of 80 off-street parking spaces in total for the school. Alternatively, the applicant would seek to build structured parking on site.
  - Final approvals are conditional upon preparation of a separate agreement outlining timing and circumstance by which they would provide the required parking spaces.
5. The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements. The City's Public Works and Engineering Departments have reviewed the proposal and do not anticipate any adverse impacts.
6. The use will not have undue adverse impacts on the public health, safety, or welfare. Adequate provisions have been made to protect the public health, safety, and welfare.
7. There is a public need for such use at the proposed location. See above – Part 1, #1. Partnership Academy has been located in Richfield since 2002 and has sought to construct a new addition onto an existing school facility.
8. The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit. This requirement is met, with the exception of securing adequate parking, as established in subsection 544.13 of the Zoning Code. This is discussed in #4, above.





**This is your DRAFT. Please remember, this is a work-in-progress.**

**The purpose of sending this draft is for you to identify inaccuracies so that we can fix them.**

**To prepare for our next screen sharing meeting, please:**

- 1. Review and make a list of all the corrections you want done.**
- 2. Schedule an online screen sharing meeting with your Project Coordinator to review your corrections.**

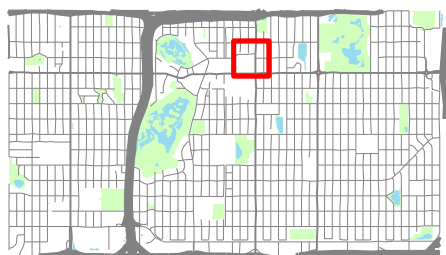
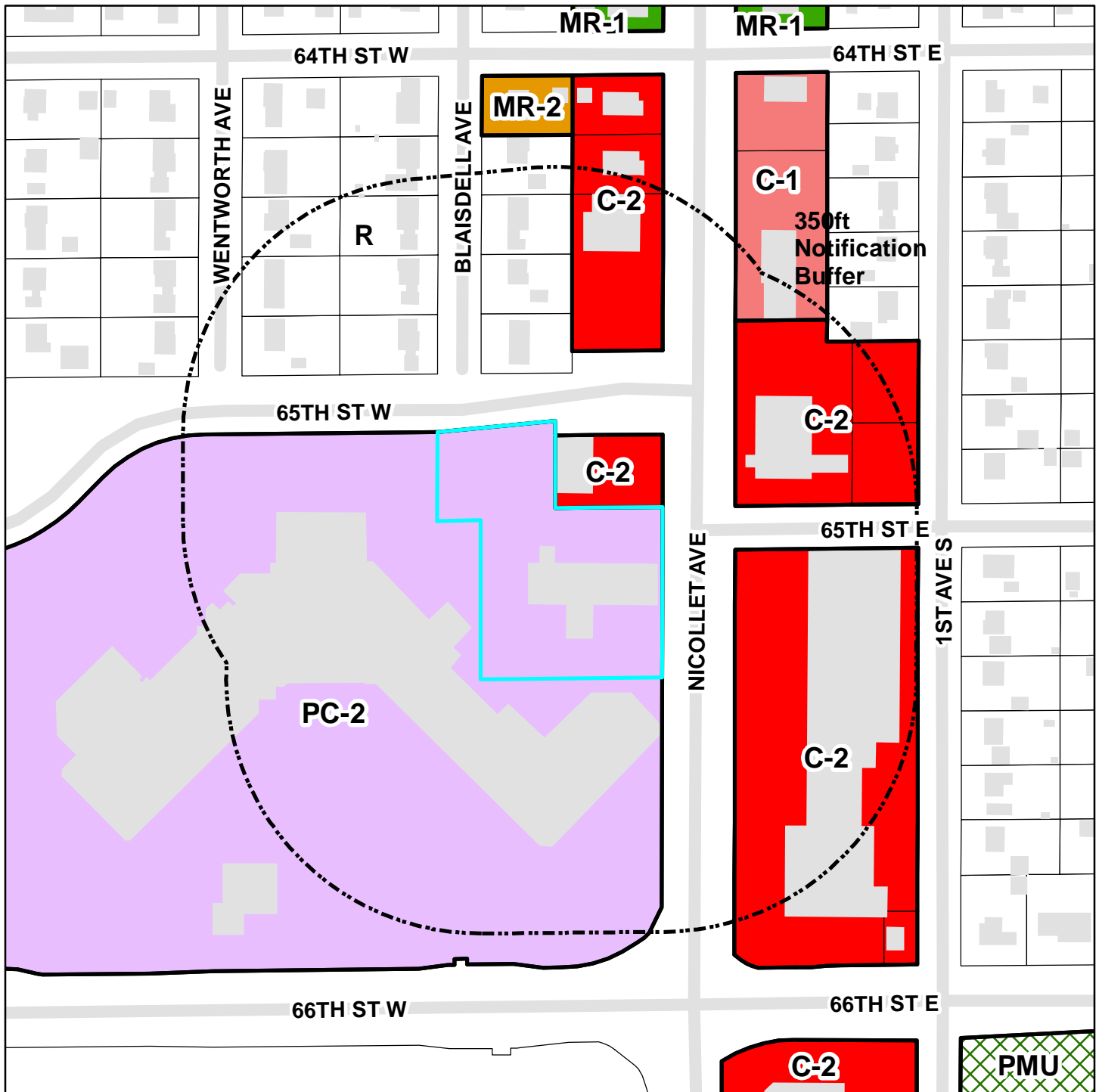




# 6500 Nicollet Ave

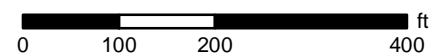
## Surrounding Zoning

Case No: 22-APUD-01



### Zoning Districts

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	MU-C/CAC Mixed Use + Cedar Overlay	I Industrial
MR-2 Multi-Family	C-2 General Commercial		

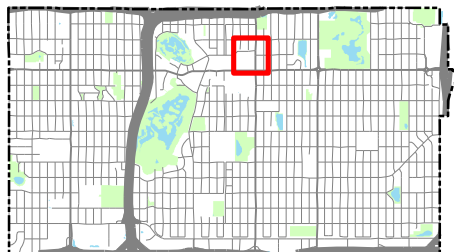
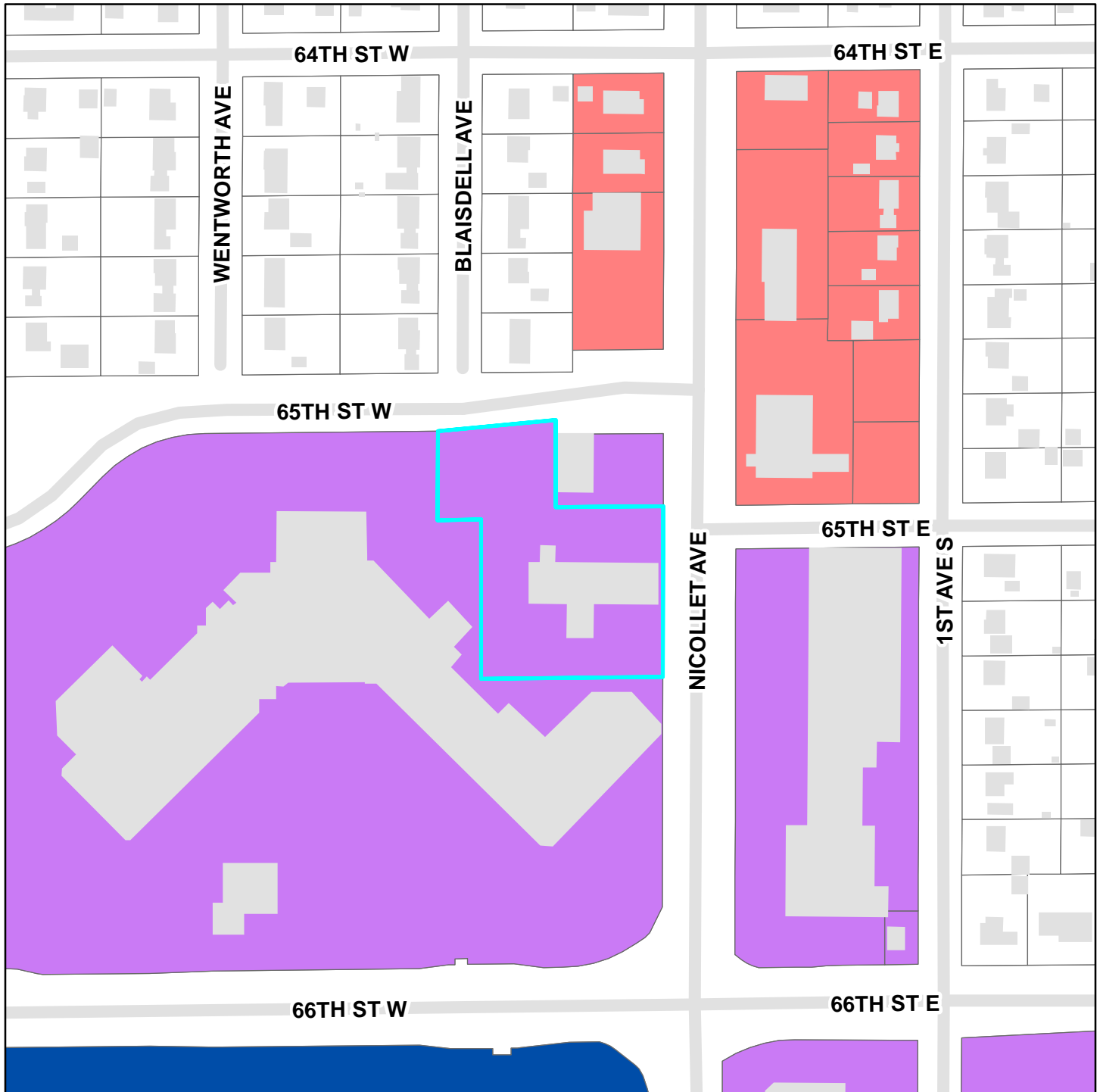






# 6500 Nicollet Ave

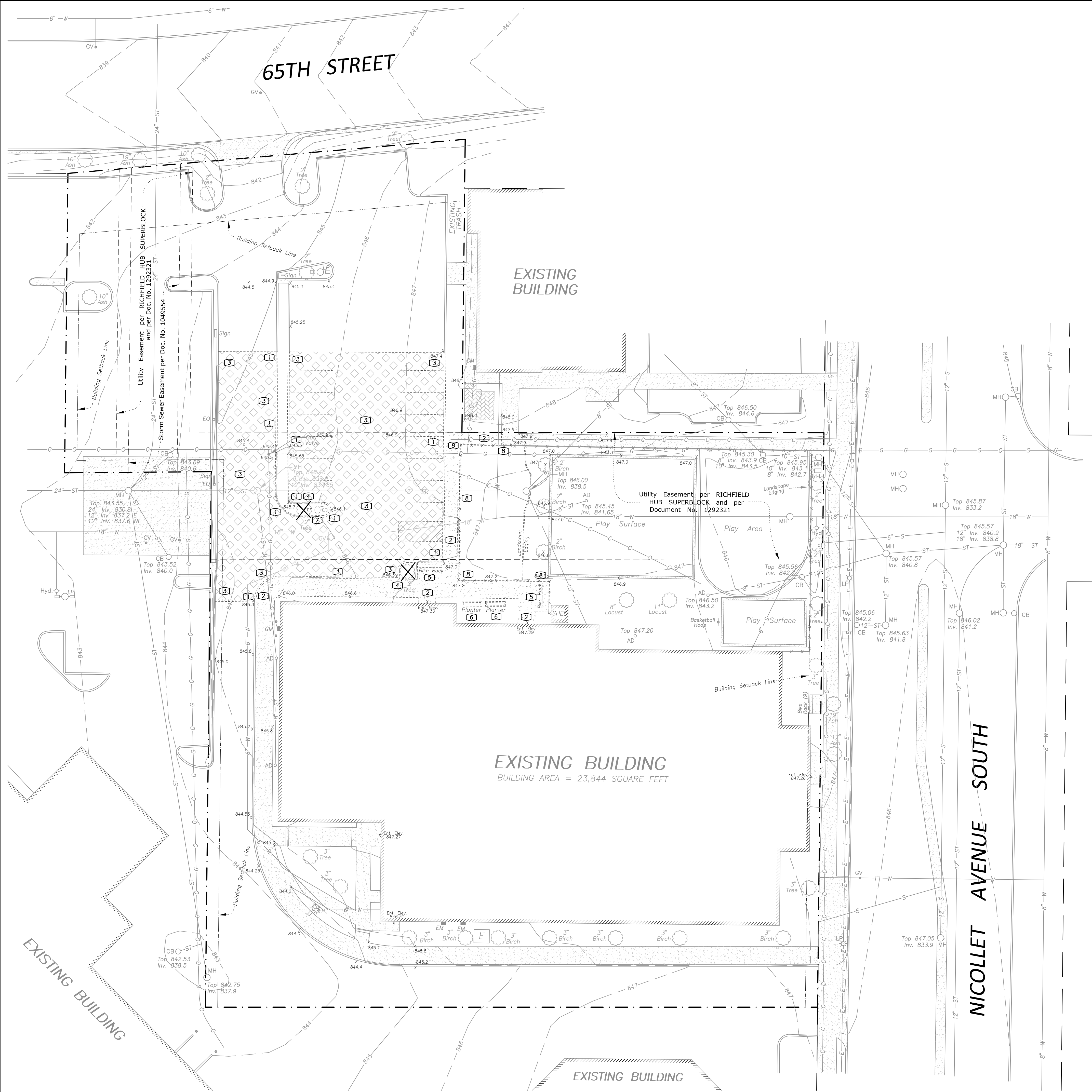
## 2040 Comprehensive Plan Designations



### 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)         |





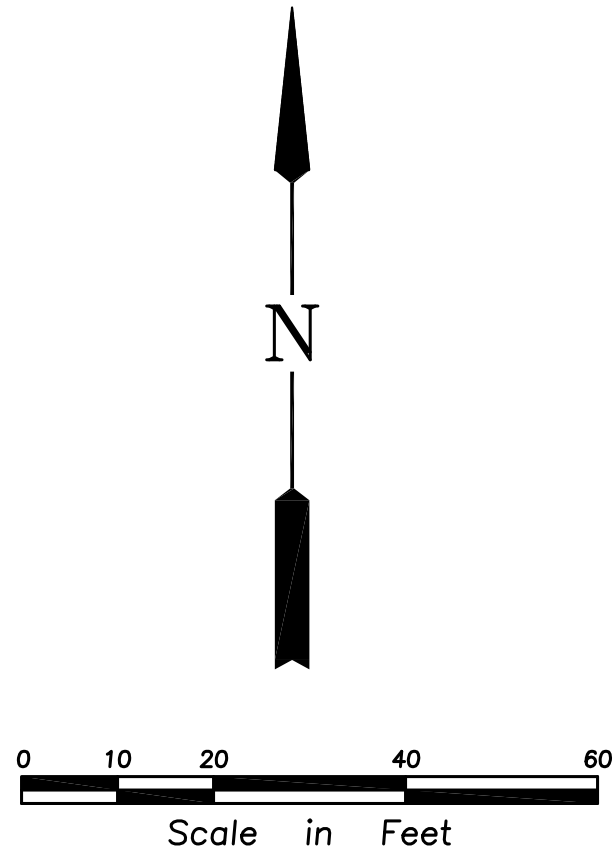
NOTE: SEE ARCHITECTURAL FOR DEMOLITION OF EXISTING BUILDING

NOTE: CONTRACTOR TO COORDINATE REMOVAL/ABANDONMENT AND RELOCATION OF EXISTING POWER POLES, OVERHEAD ELECTRIC LINES, BURIED ELECTRIC LINES, BURIED COMMUNICATION LINES AND BURIED GAS LINES WITH THE APPROPRAITE UTILITY COMPANY.

NOTE: SEE UTILITY PLAN FOR REMOVAL OF EXISTING UTILITIES

- DEMOLITION NOTES
- 1 - Remove concrete curb & gutter
  - 2 - Remove concrete pavement
  - 3 - Remove bituminous pavement
  - 4 - Remove tree
  - 5 - Remove & salvage bike rack
  - 6 - Remove planter
  - 7 - Remove light pole (By Others)
  - 8 - Remove fence

- LEGEND
- BITUMINOUS TO BE REMOVED
  - CONCRETE TO BE REMOVED
  - EXISTING TREE TO BE REMOVED
  - W - EXISTING WATERMAIN
  - S - EXISTING SANITARY SEWER
  - ST - EXISTING STORM SEWER
  - G - EXISTING BURIED GAS LINE
  - E - EXISTING BURIED ELECTRIC LINE
  - C - EXISTING BURIED COMMUNICATION LINE



REHDER & ASSOCIATES, INC.  
Civil Engineers & Land Surveyors

3440 Federal Drive, Suite 110  
Minneapolis, MN 55412  
Telephone 612-452-5051  
www.rehder.com

PROJECT NO.: 211-3036-013 DRAWING FILE: 3038013.DWG

I hereby certify that this plan 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.

PRELIMINARY

Name \_\_\_\_\_ Date \_\_\_\_\_  
Reg. No. \_\_\_\_\_

Issued  
CITY SUBMITTAL

12-27-21

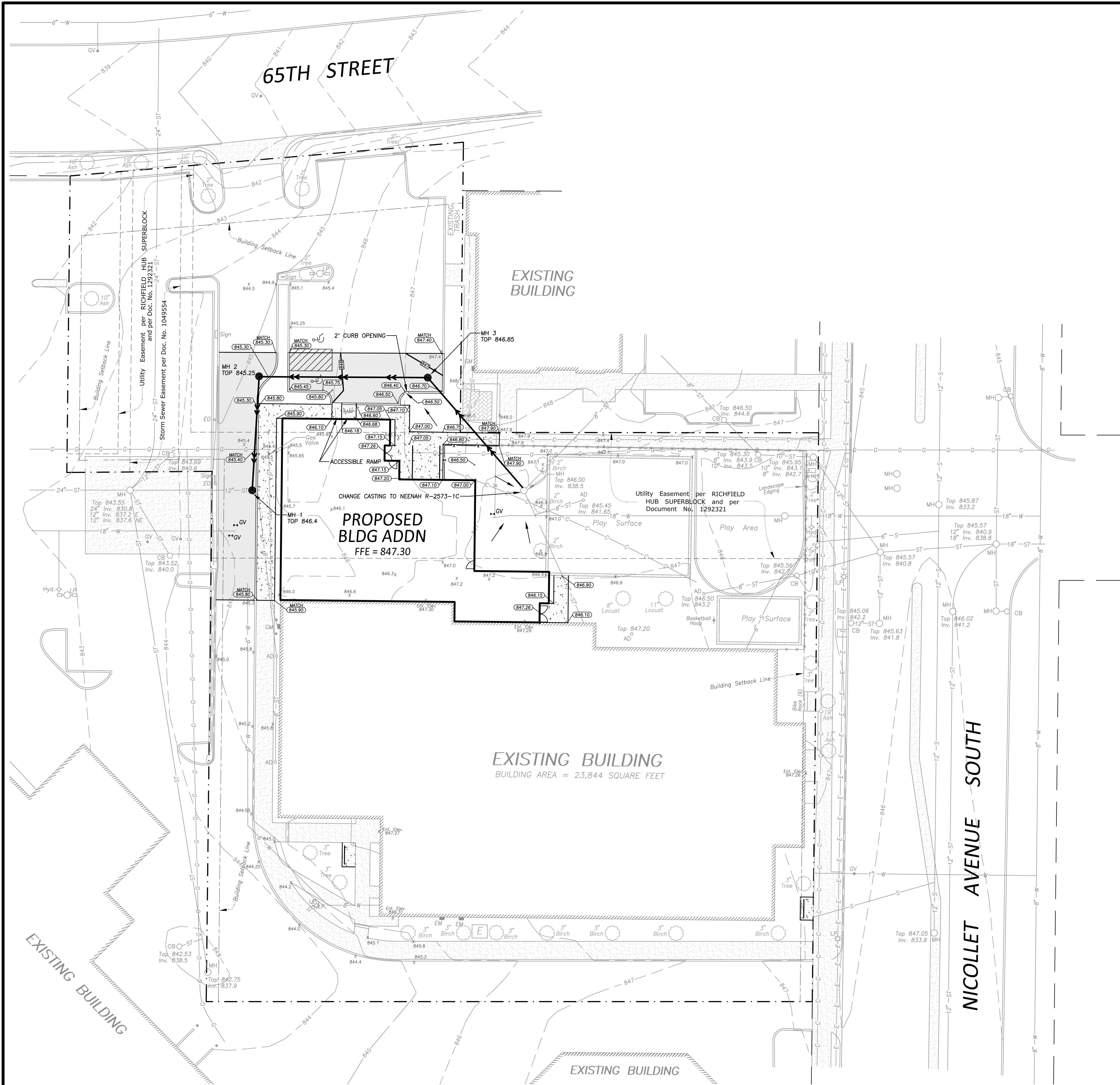
SITE DEMOLITION PLAN  
PARTNERSHIP ACADEMY ADDITION  
CITY OF RICHFIELD

SHEET NUMBER  
C1









- GRADING NOTES**
- 1 - All elevations shown are to final surfaces.
  - 2 - Contractor is responsible for obtaining a National Pollutant Discharge Elimination System (NPDES) General Storm Water Permit for Construction Activity before construction begins.
- EROSION CONTROL NOTES**
- 1 - Contractor is responsible for all notifications and inspections required by General Storm Water Permit.
  - 2 - All erosion control measures shown shall be installed prior to grading operations and maintained until all areas disturbed have been restored.
  - 3 - Sweep paved public streets as necessary where construction sediment has been deposited.
  - 4 - Each area disturbed by construction shall be restored per the specifications within 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
  - 5 - Temporary soil stockpiles must have silt fence around them and cannot be placed in surface waters, including storm water conveyances such as curb and gutter systems, or conduits and ditches.
  - 6 - The normal wetted perimeter of any temporary or permanent drainage ditch or swale that drains water from any portion of the construction site, or diverts water around the site, must be stabilized within 200 lineal feet from the property edge, or from the point of discharge into any surface water. Stabilization of the last 200 lineal feet must be completed within 24 hours after connecting to a surface water.
  - 7 - All pipe outlets must be provided with temporary or permanent energy dissipation within 24 hours of connection to a surface water.
  - 8 - Excess concrete/water from concrete trucks shall be disposed of in portable washout concrete basin or disposed of in a contained area.

**LEGEND**

- PROPOSED MANHOLE
- PROPOSED GATE VALVE
- PROPOSED STORM SEWER
- ▨ PROPOSED CONCRETE
- ▩ PROPOSED STD. DUTY BITUMINOUS
- ▨ PROPOSED HEAVY DUTY BITUMINOUS
- 1000— PROPOSED CONTOUR
- 1003.50 PROPOSED ELEVATION
- SILT FENCE
- INLET PROTECTION DEVICE
- BOUNDARY/ROW/BLOCK LINE
- - - EASEMENT
- - - BUILDING/PARKING SETBACK LINE
- DRAINAGE ARROW
- W — EXISTING WATERMAIN
- S — EXISTING SANITARY SEWER
- ST — EXISTING STORM SEWER
- G — EXISTING BURIED GAS LINE
- E — EXISTING BURIED ELECTRIC LINE
- C — EXISTING BURIED COMMUNICATION LINE
- 980— EXISTING CONTOUR
- x 995.50 EXISTING ELEVATION

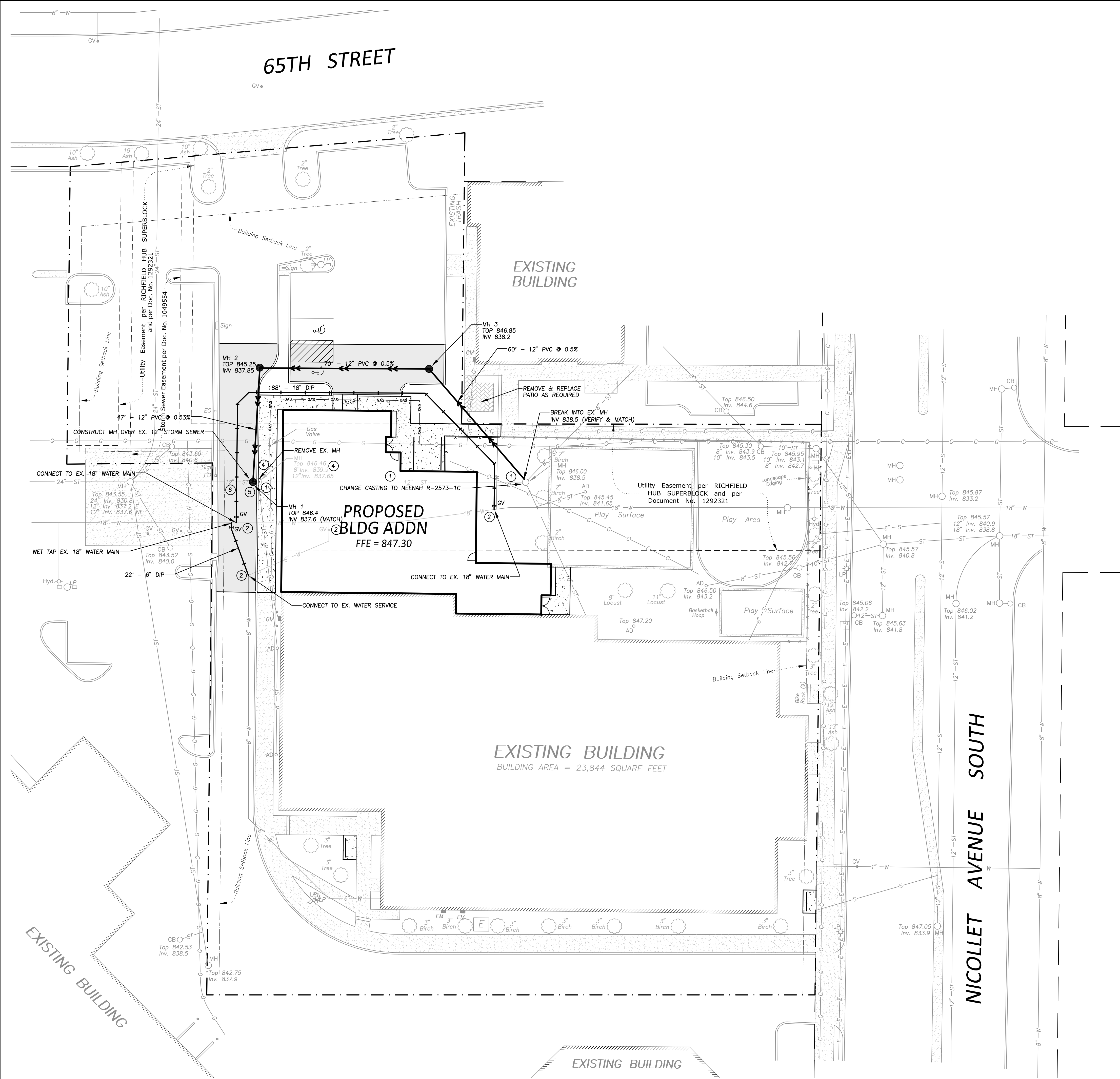
**Scale in Feet**

0 10 20 40 60

**North Arrow**

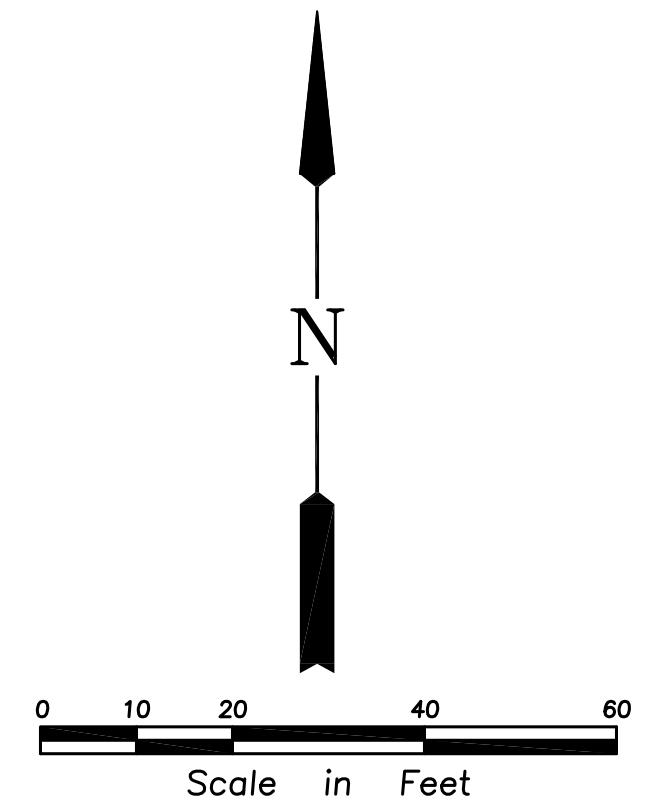
N





- UTILITY NOTES
- 1 - Remove storm sewer pipe
  - 2 - Remove water main
  - 3 - Remove gas main
  - 4 - Remove storm sewer structure
  - 5 - Reroute existing 8" storm sewer to proposed manhole
  - 6 - Maintain a minimum of 18" vertical separation between watermain and sewer.

- LEGEND
- PROPOSED MANHOLE
  - ⋈ PROPOSED GATE VALVE
  - PROPOSED STORM SEWER
  - +— PROPOSED WATERMAIN
  - ▤ PROPOSED CONCRETE
  - ▥ PROPOSED STD. DUTY BITUMINOUS
  - - - BOUNDARY/ROW/BLOCK LINE
  - - - EASEMENT
  - - - BUILDING/PARKING SETBACK LINE
  - W — EXISTING WATERMAIN
  - S — EXISTING SANITARY SEWER
  - ST — EXISTING STORM SEWER
  - G — EXISTING BURIED GAS LINE
  - E — EXISTING BURIED ELECTRIC LINE
  - C — EXISTING BURIED CABLE LINE



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I hereby certify that this plan 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.

**PRELIMINARY**

Name \_\_\_\_\_ Date \_\_\_\_\_  
Reg. No. \_\_\_\_\_

Issued  
CITY SUBMITTAL

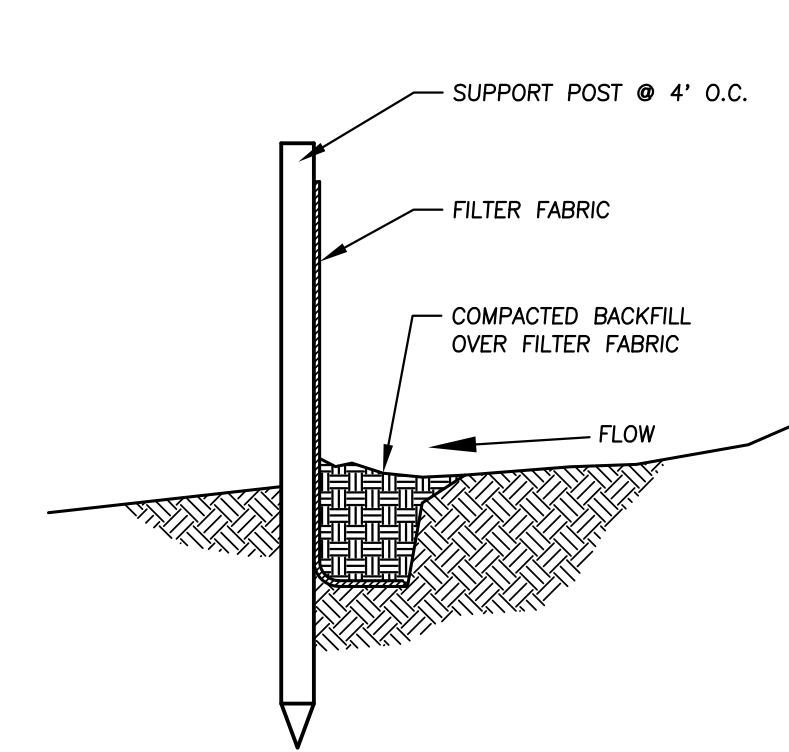
12-27-21

UTILITY PLAN  
PARTNERSHIP ACADEMY ADDITION  
CITY OF RICHFIELD

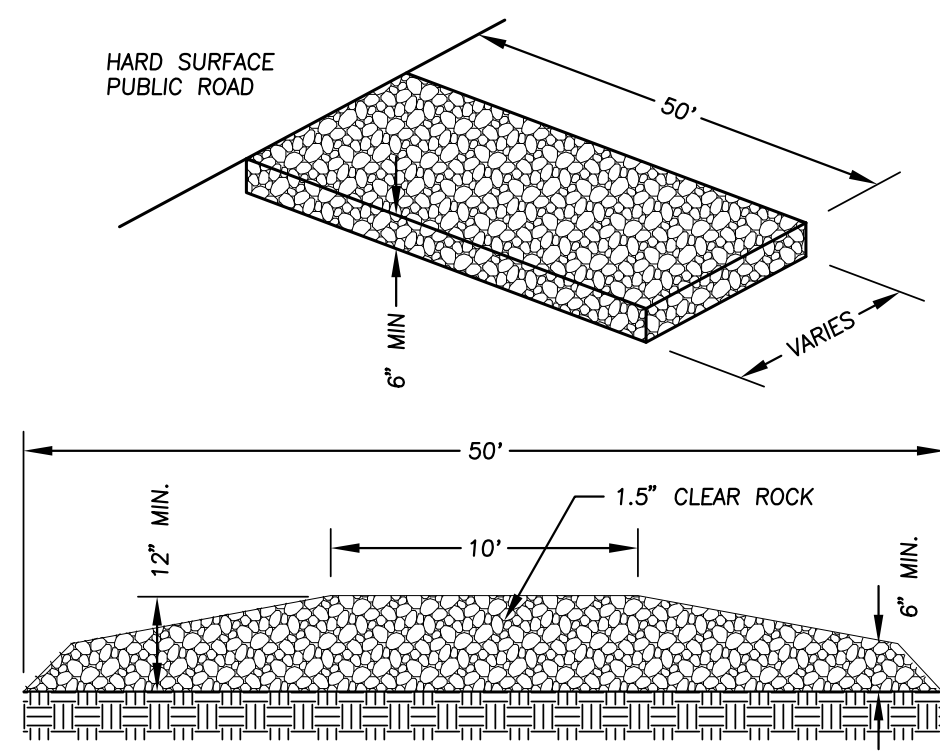
SHEET NUMBER  
**C4**

PROJECT NO.: 211-3036-013 DRAWING FILE: 3038013.DWG

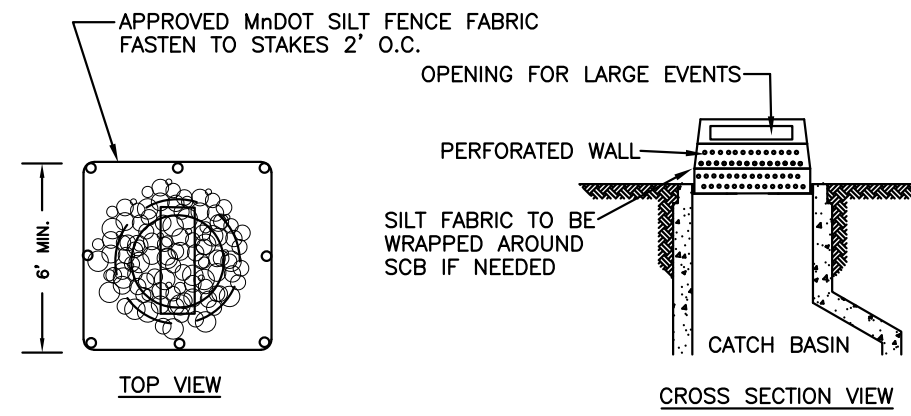




1  
C5  
SILT FENCE  
NO SCALE

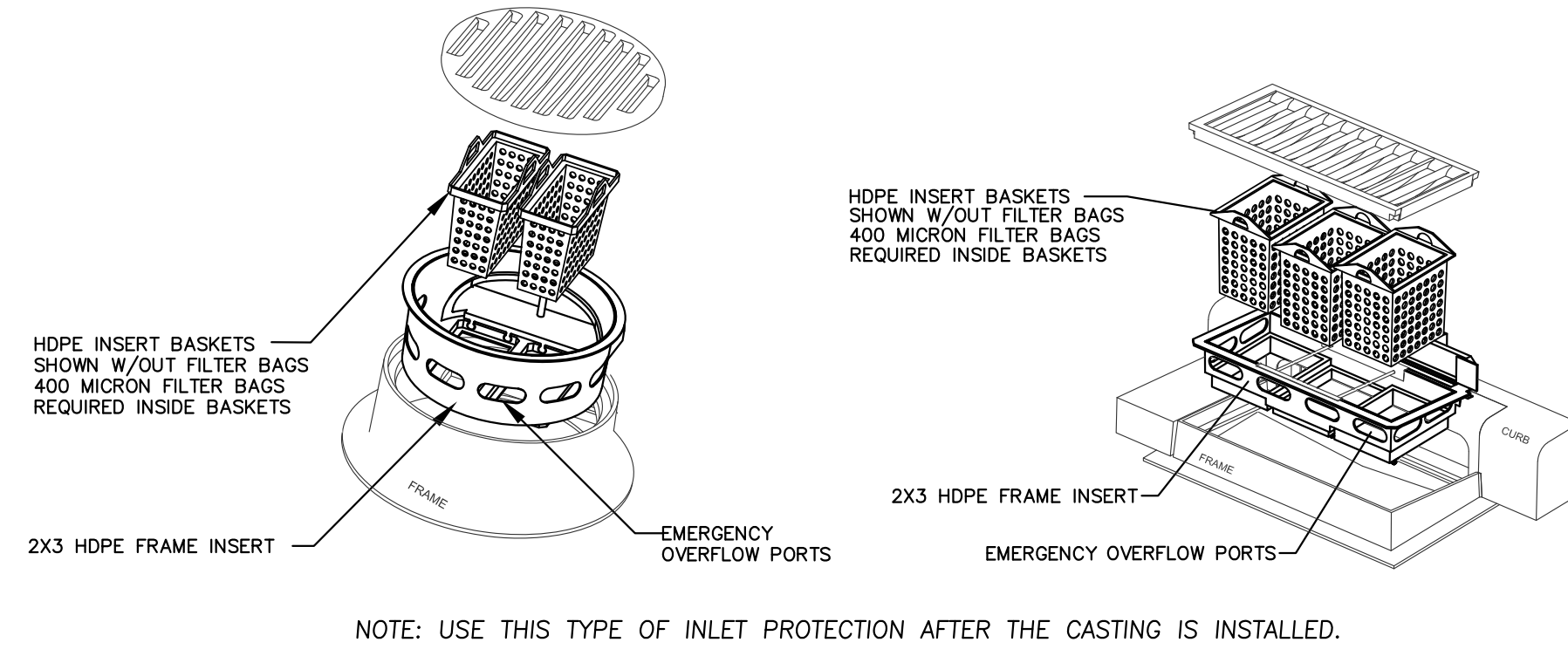


2  
C5  
ROCK CONSTRUCTION ENTRANCE  
NO SCALE



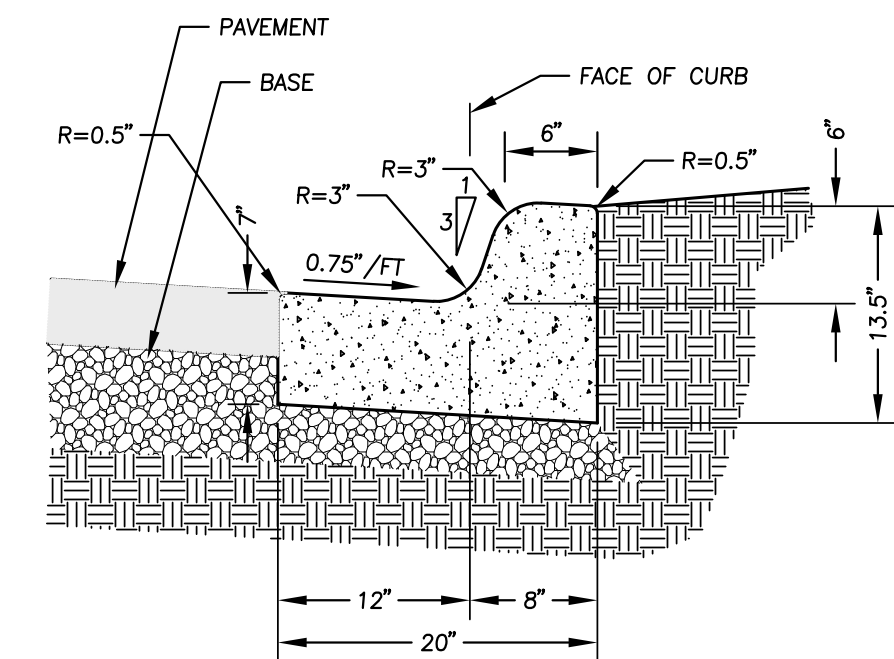
NOTE: USE THIS TYPE OF INLET PROTECTION BEFORE THE CASTING IS INSTALLED.

3  
C5  
INLET PROTECTION  
(INFRA SAFE OR EQUAL)  
NO SCALE



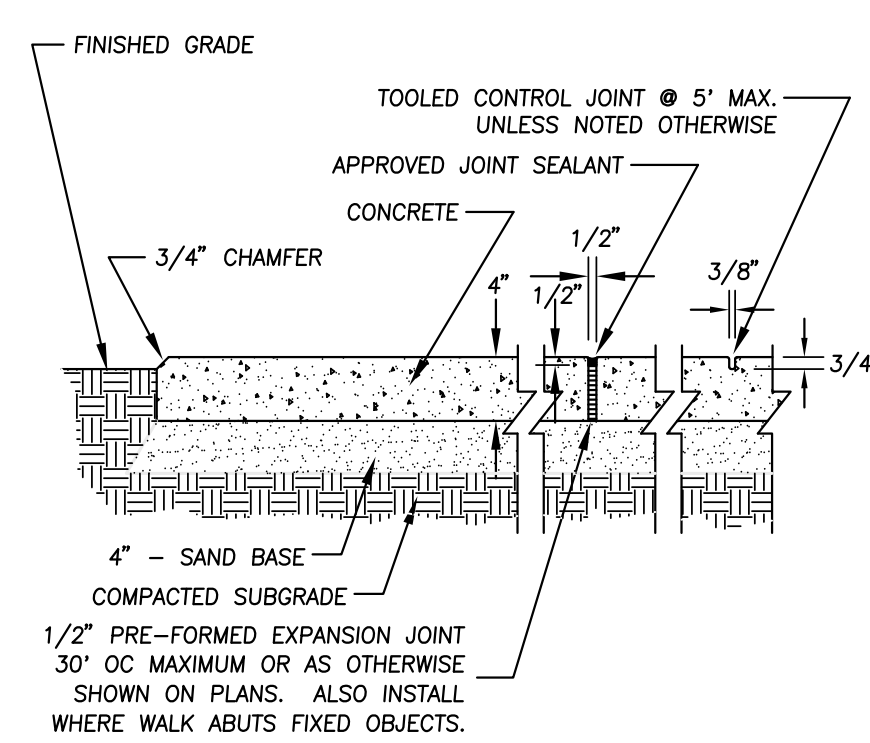
NOTE: USE THIS TYPE OF INLET PROTECTION AFTER THE CASTING IS INSTALLED.

4  
C5  
INLET PROTECTION  
(INFRA SAFE OR EQUAL)  
NO SCALE

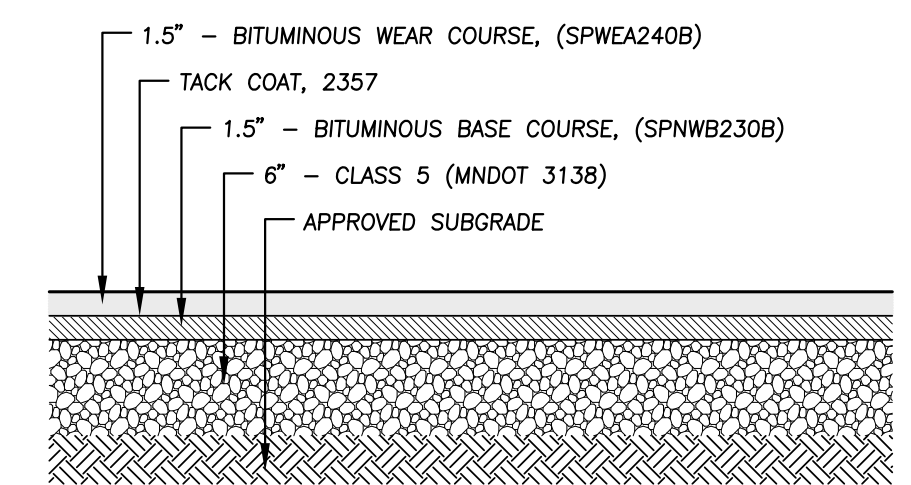


Note: Where contours indicate, ignore 0.75'/ft slope indicated above and match adjoining pavement slope to prevent gutter from "ponding".

5  
C5  
B612 CONCRETE CURB & GUTTER  
NO SCALE

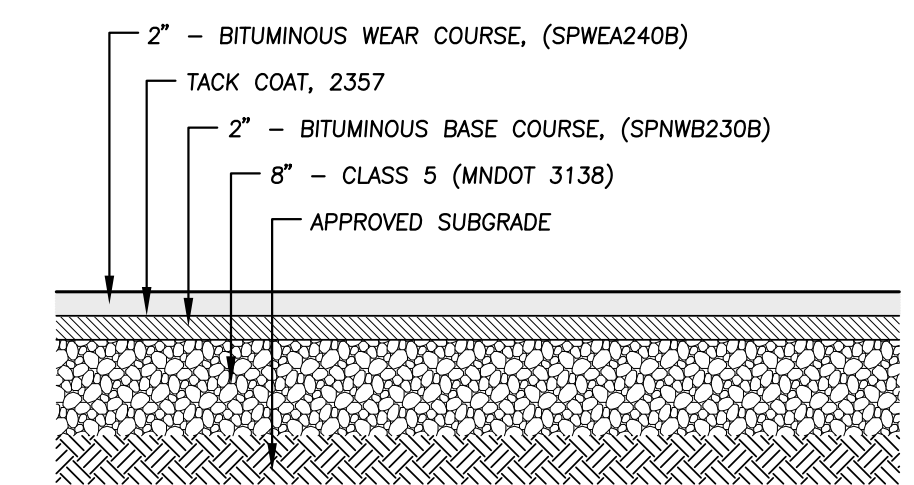


6  
C5  
CONCRETE SIDEWALK  
NO SCALE



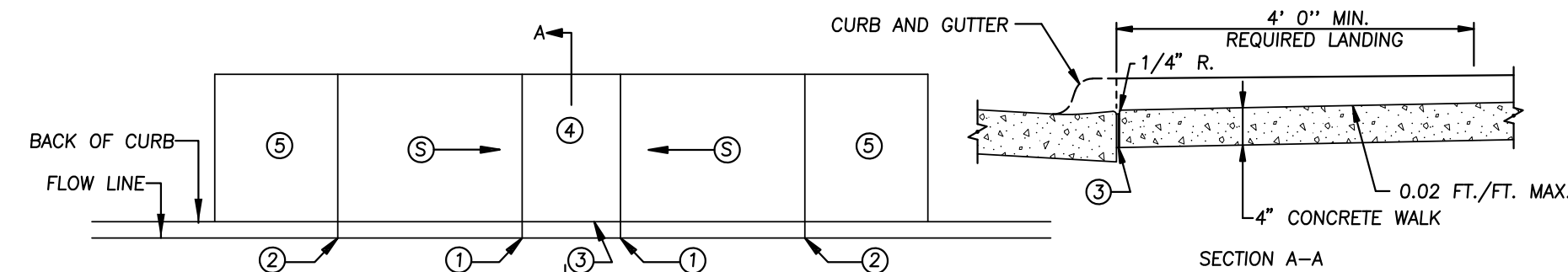
NOTE: VERIFY ADEQUACY OF PAVEMENT SECTION WITH ENGINEER AFTER SUBGRADE SOILS ARE EXPOSED AND BEFORE BITUMINOUS PAVEMENT IS PLACED.

7  
C5  
STANDARD PAVEMENT SECTION  
NO SCALE



NOTE: VERIFY ADEQUACY OF PAVEMENT SECTION WITH ENGINEER AFTER SUBGRADE SOILS ARE EXPOSED AND BEFORE BITUMINOUS PAVEMENT IS PLACED.

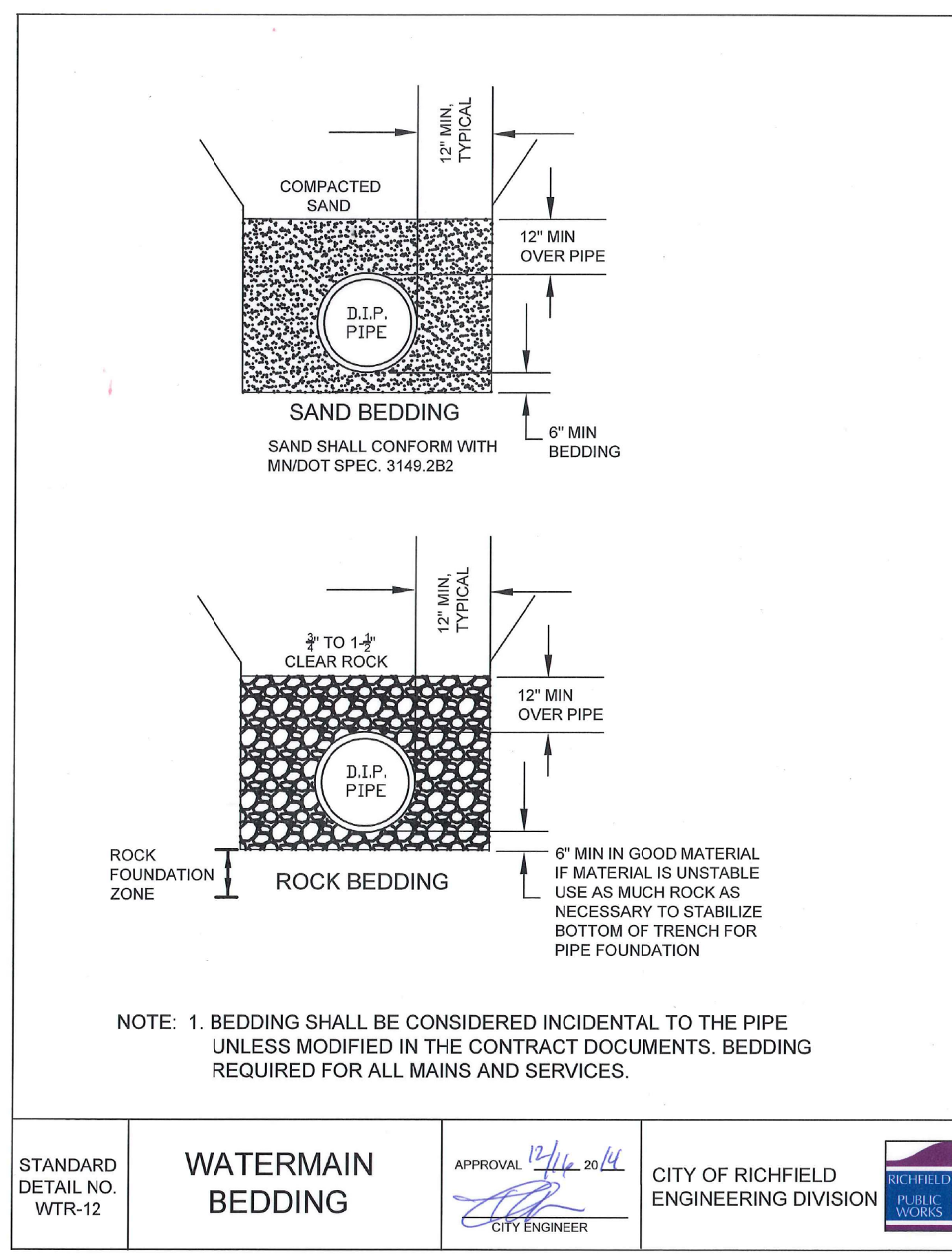
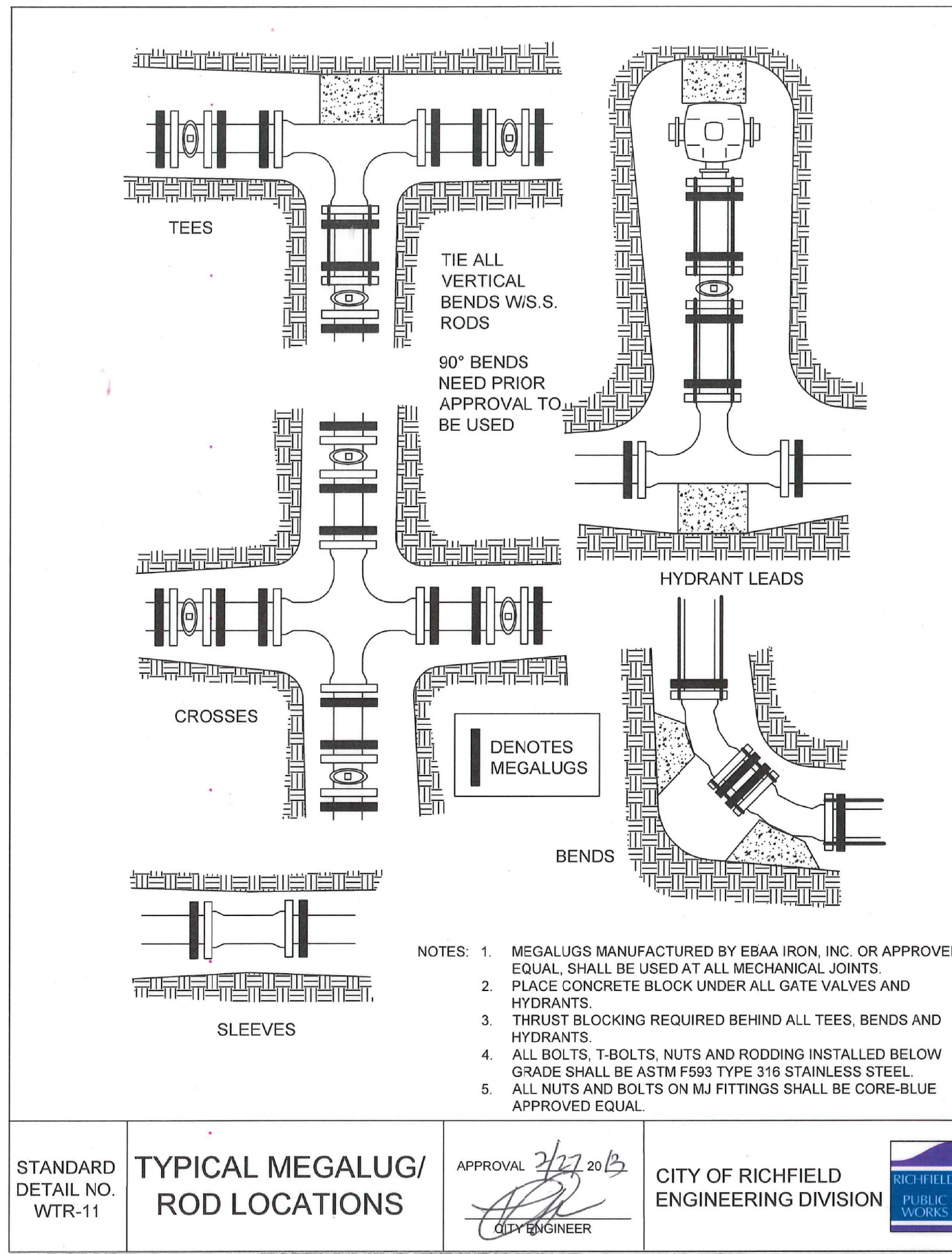
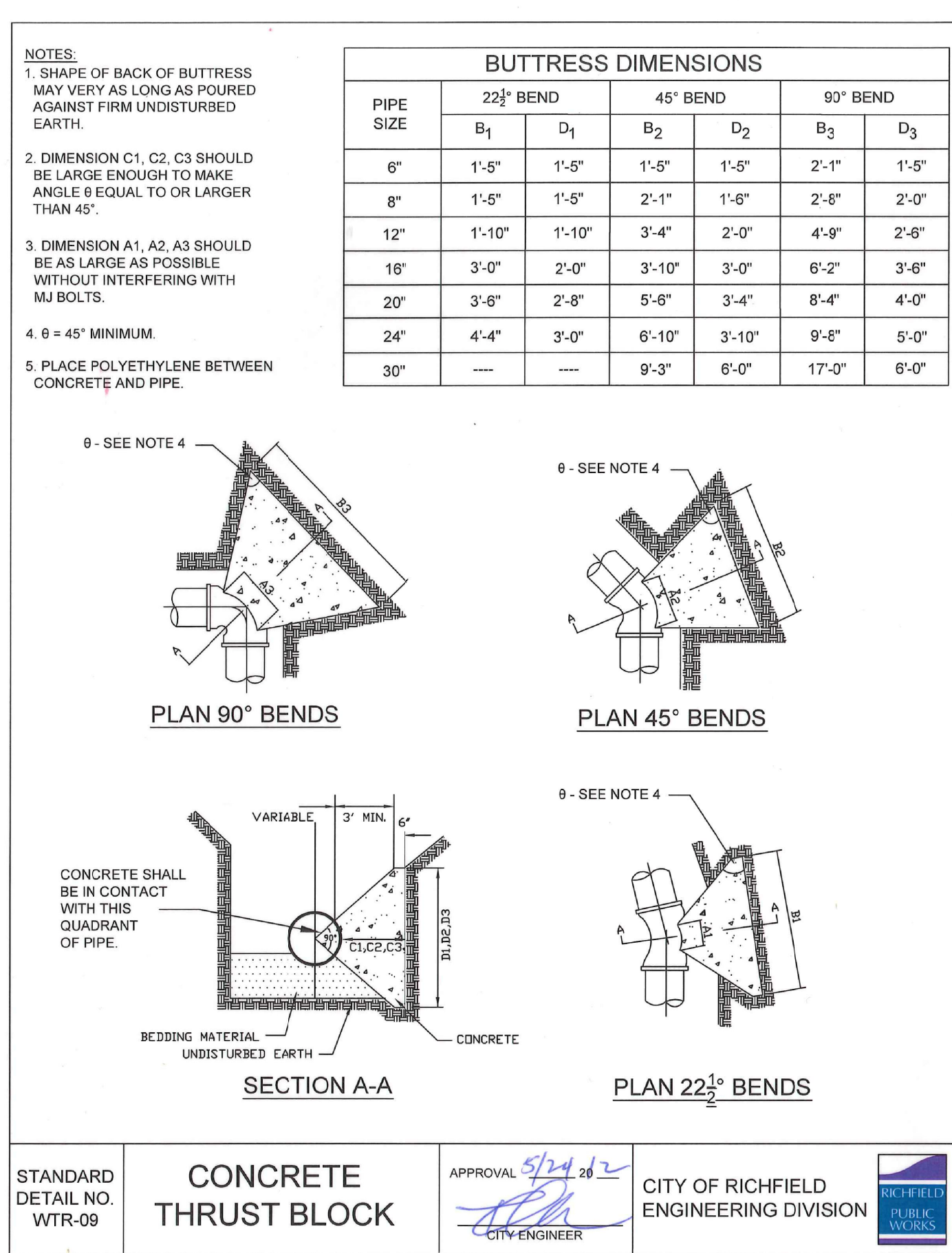
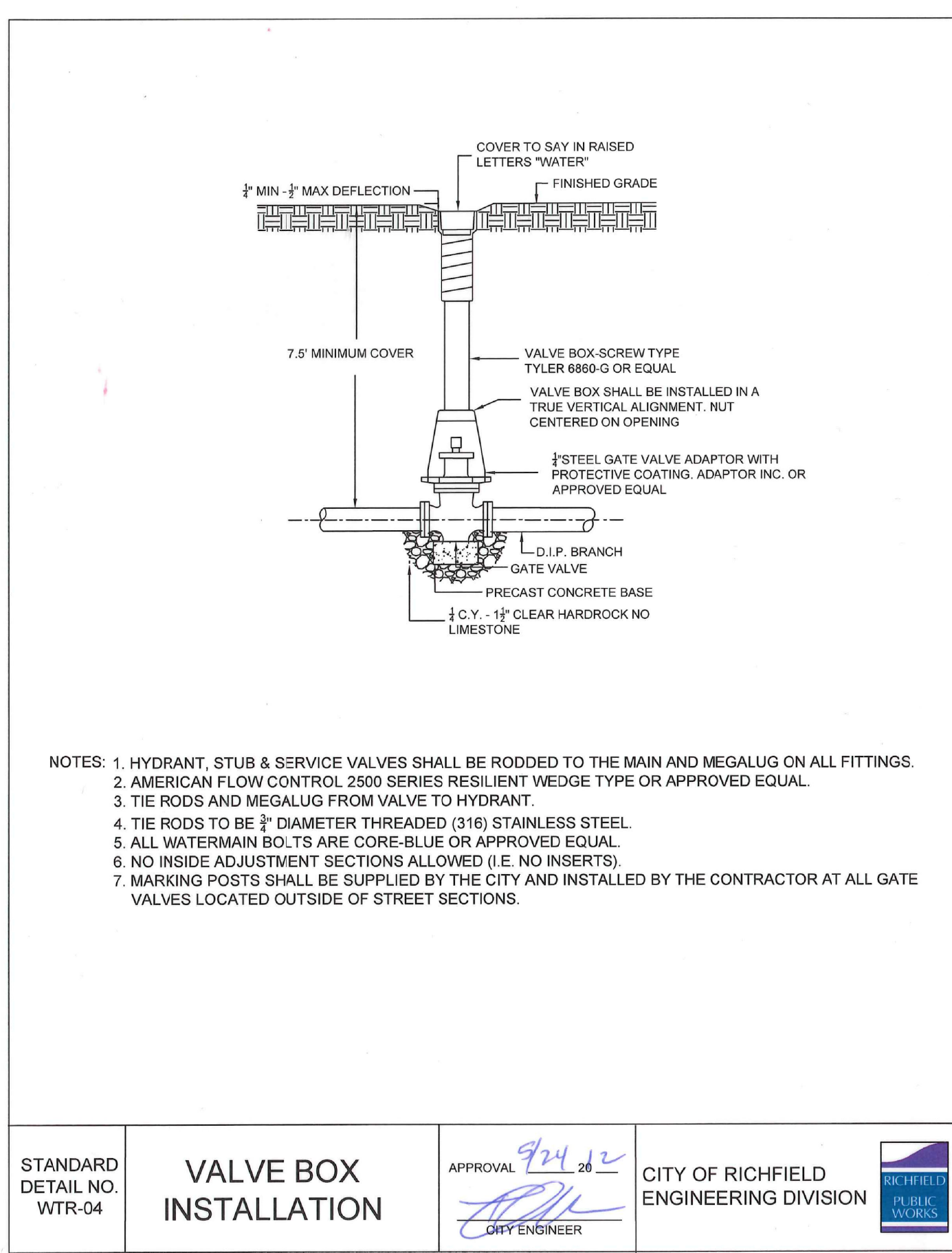
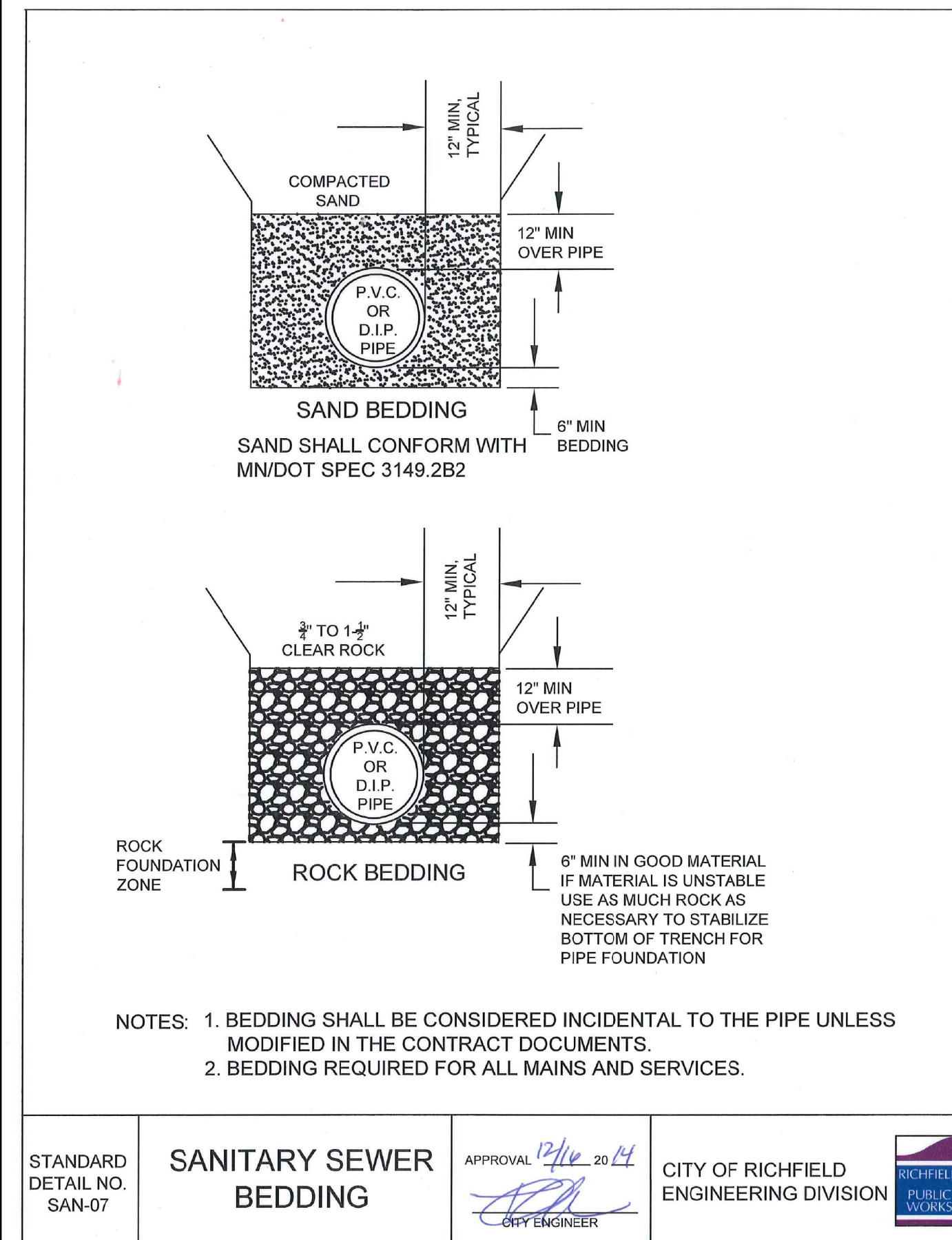
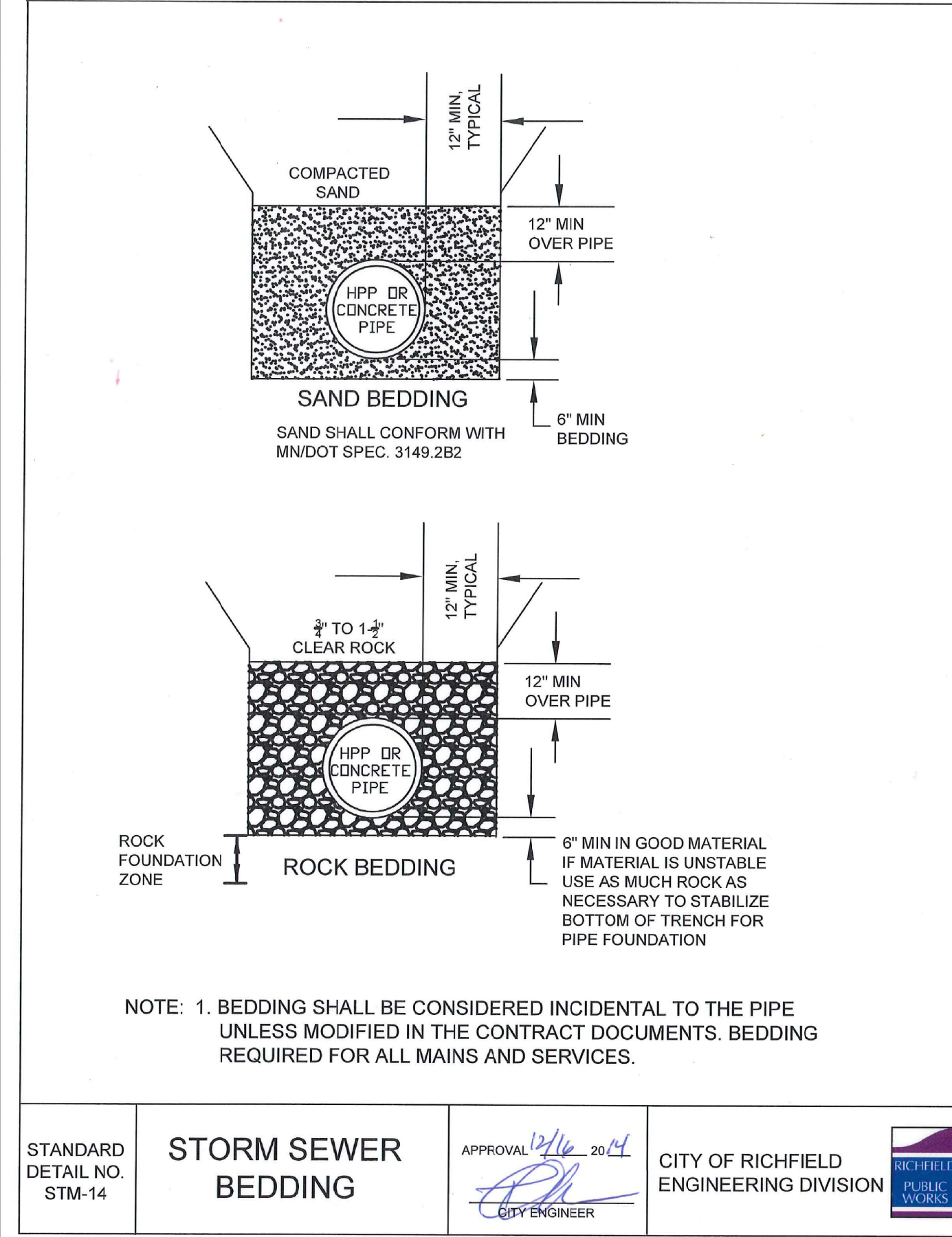
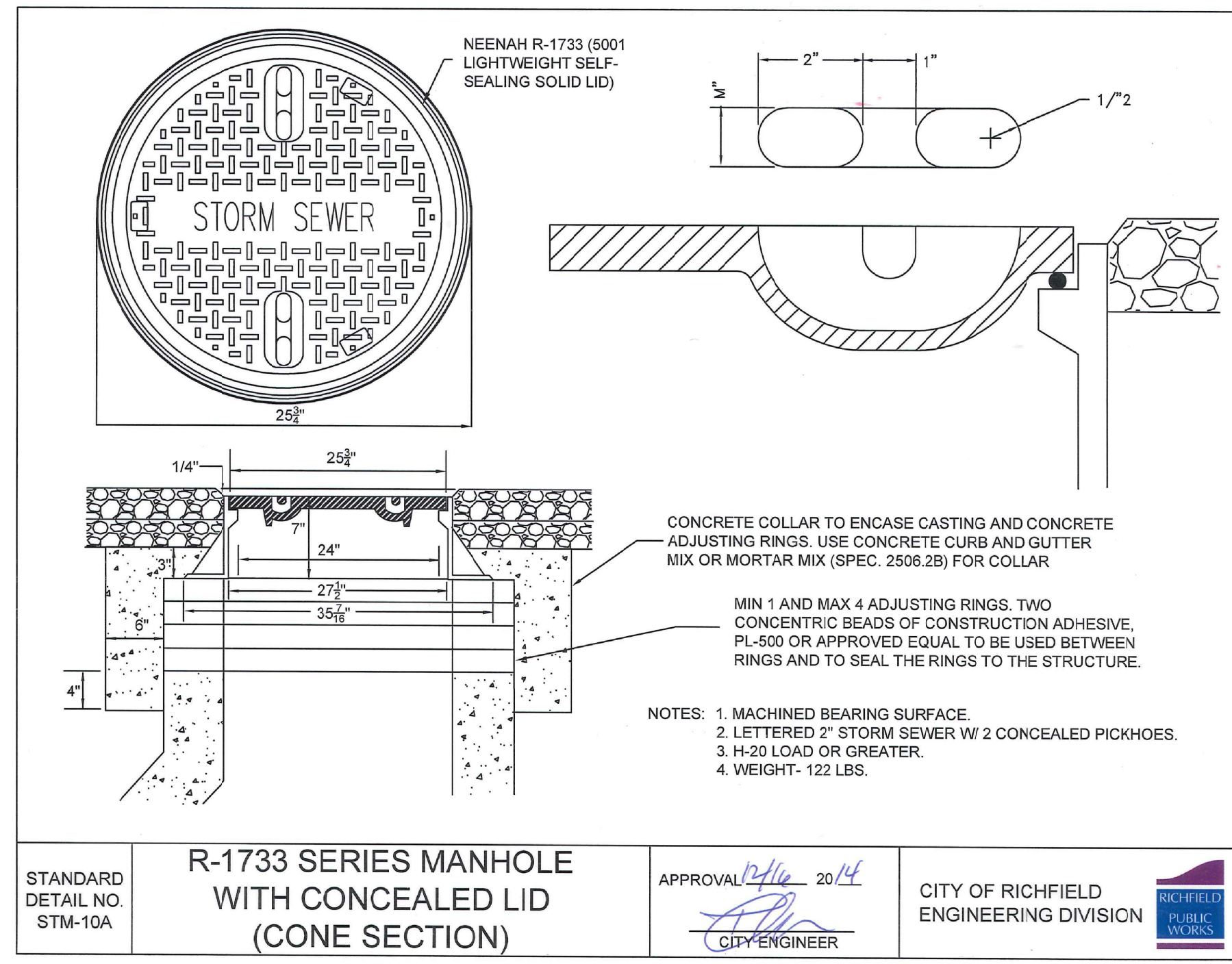
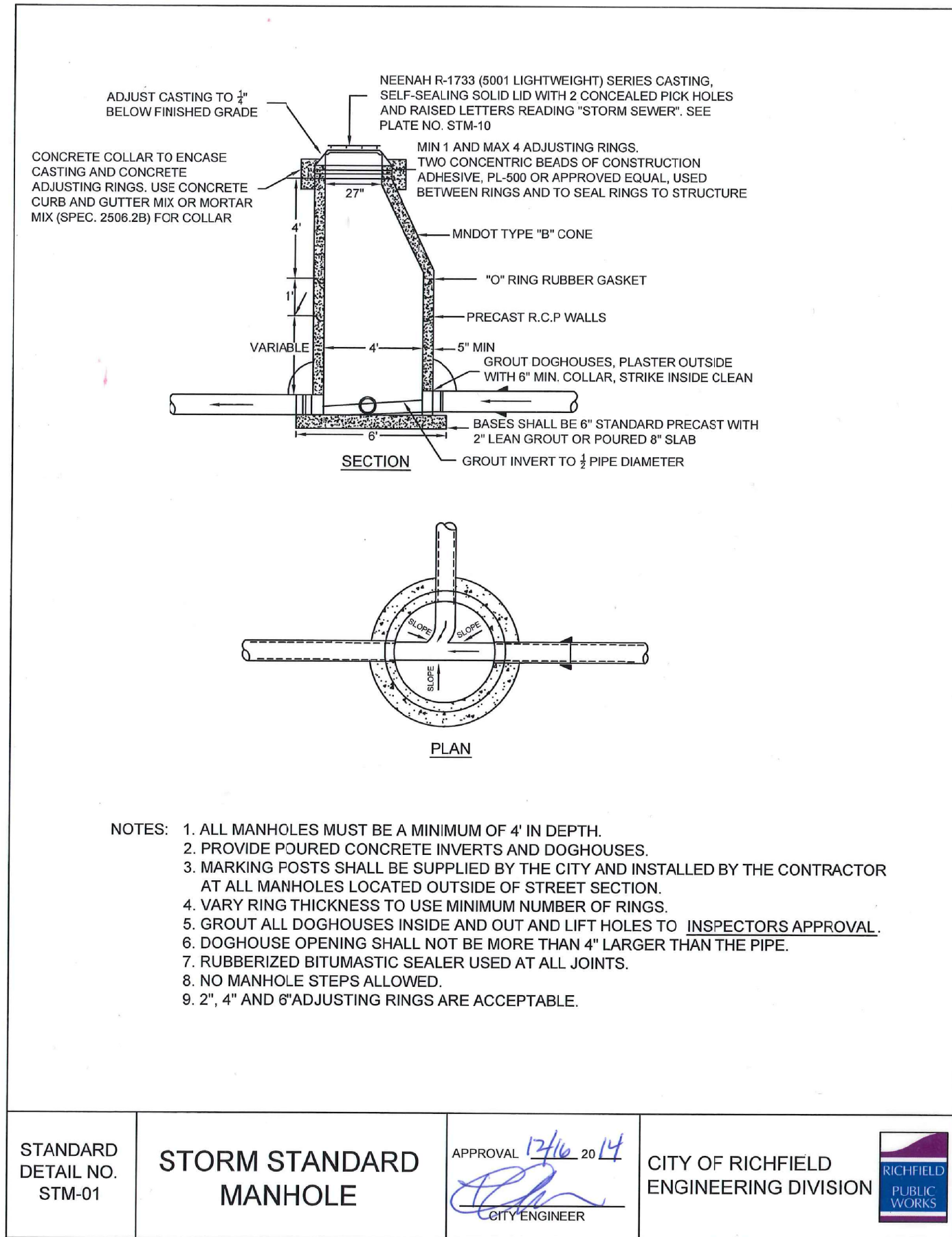
8  
C5  
HEAVY DUTY PAVEMENT SECTION  
NO SCALE



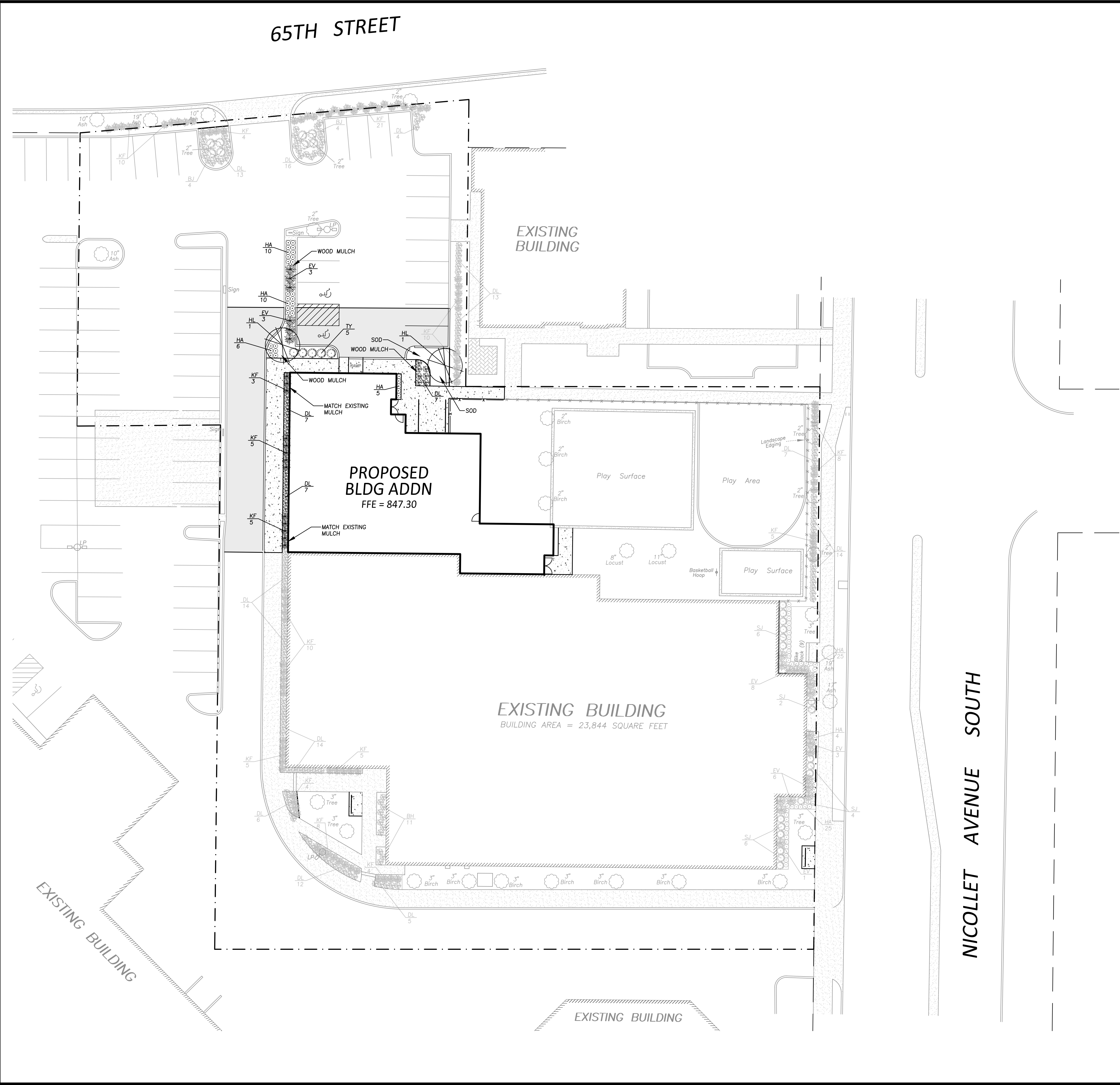
- 1 0" CURB HEIGHT.  
2 FULL CURB HEIGHT.  
3 1/2" PREFORMED JOINT FILLER MATERIAL AASHTO M 213. JOINT FILLER SHALL BE PLACED FLUSH WITH THE BACK OF CURB AND ADJACENT SIDEWALK. JOINT SHALL BE FREE OF DEBRIS. RECTANGULAR DETECTABLE WARNINGS SHALL BE SETBACK 3" FROM THE BACK OF CURB. RADIAL DETECTABLE WARNINGS SHALL BE SETBACK 3" MINIMUM TO 6" MAXIMUM FROM THE BACK OF CURB.  
4 4' BY 4' MIN. LANDING WITH MAX. 2.0% SLOPE IN ALL DIRECTIONS.  
5 IF LONGITUDINAL SLOPE IS GREATER THAN 5.0%, 4' X 4' MIN. LANDING WITH MAX 2.0% SLOPE IN ALL DIRECTIONS REQUIRED.  
6 INDICATES PEDESTRIAN RAMP - SLOPE SHALL BE BETWEEN 5.0% MINIMUM AND 8.3% MAXIMUM IN THE DIRECTION SHOWN AND THE CROSS SLOPE SHALL NOT EXCEED 2.0%.

9  
C5  
PEDESTRIAN RAMP  
NO SCALE









PLANT, SHRUB AND TREE LIST (PER 2018 PLANS)

PLANTS & SHRUBS				
SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE/ROOT
HA	88	Hosta	Hosta	#1 Pot
TY	7	Taxus x media 'Tauntonii'	Taunton Yew	#5 Pot
EV	26	Viburnum opulus 'Nanum'	Dwarf European Viburnum	#5 Pot
BJ	8	Juniperus sabina 'Broadmoor'	Broadmoor Juniper	#5 Pot
BH	11	Hydrangea arborescens	Bella Anna Hydrangea	#5 Pot
DL	128	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	#1 Pot
KF	94	Calamagrostis acutiflora	Karl Foerster	#2 Pot
SJ	16	Juniperus chinensis 'Spartan'	Spartan Juniper	#7 Pot
TOTAL	378			

TREES				
SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE/ROOT
DE	5	Ulmus davidiana var. japonica 'Discovery'	Discovery Elm	2 - 1/2" B&B
HL	5	Gleditsia triacanthos var. inermis 'Harve'	Northern Acclaim Honeylocust	2 - 1/2" B&B
RB	10	Betula nigra	River Birch (1-stem)	2 - 1/2" B&B
PC	3	Malus 'Prairifire'	Prairifire Crabapple	1 - 1/2" B&B
TOTAL	23			

PLANT, SHRUB AND TREE LIST (POST CONSTRUCTION)

PLANTS & SHRUBS				
SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE/ROOT
HA	85	Hosta	Hosta	#1 Pot
TY	5	Taxus x media 'Tauntonii'	Taunton Yew	#5 Pot
EV	24	Viburnum opulus 'Nanum'	Dwarf European Viburnum	#5 Pot
BJ	8	Juniperus sabina 'Broadmoor'	Broadmoor Juniper	#5 Pot
BH	11	Hydrangea arborescens	Bella Anna Hydrangea	#5 Pot
DL	139	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	#1 Pot
KF	107	Calamagrostis acutiflora	Karl Foerster	#2 Pot
SJ	16	Juniperus chinensis 'Spartan'	Spartan Juniper	#7 Pot
TOTAL	395			

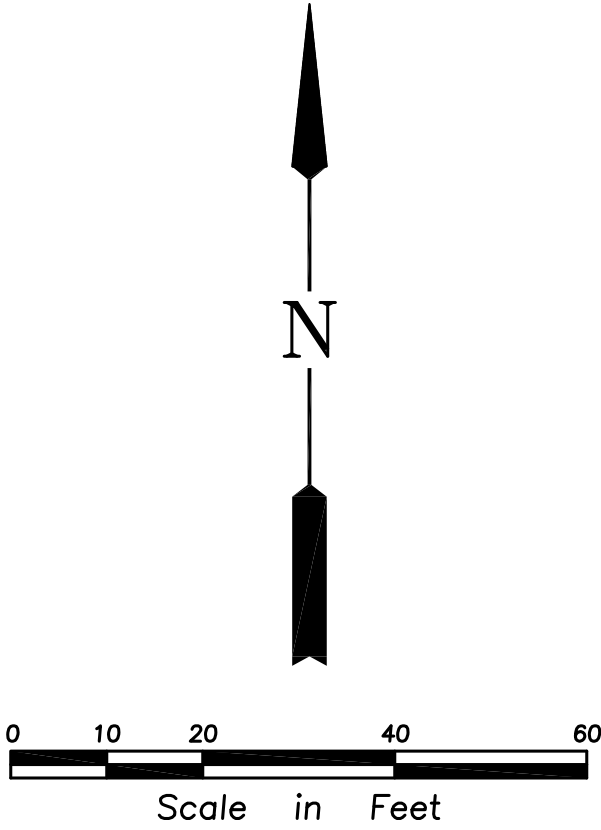
TREES				
SYMBOL	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE/ROOT
DE	5	Ulmus davidiana var. japonica 'Discovery'	Discovery Elm	2 - 1/2" B&B
HL	5	Gleditsia triacanthos var. inermis 'Harve'	Northern Acclaim Honeylocust	2 - 1/2" B&B
RB	10	Betula nigra	River Birch (1-stem)	2 - 1/2" B&B
PC	3	Malus 'Prairifire'	Prairifire Crabapple	1 - 1/2" B&B
TOTAL	23			

LANDSCAPING QUANTITIES

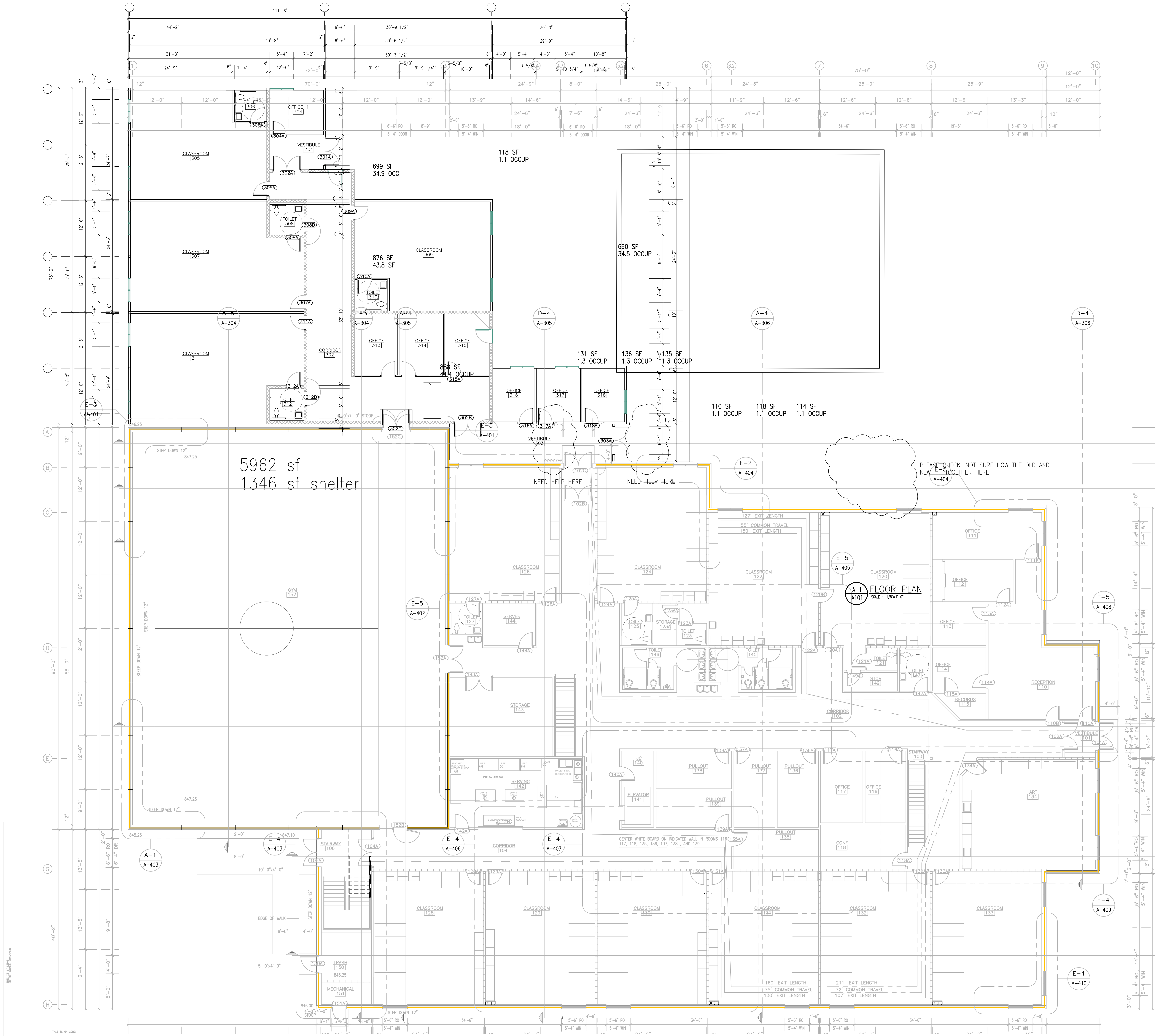
DEVELOPABLE LANDSCAPING AREA = 78,102 SQ.FT.  
TREE REQUIREMENTS = 1 TREE PER 2,500 SQ.FT.  
TREES REQUIRED = 32  
SHRUB REQUIREMENTS = 1 SHRUB PER 1,000 SQ.FT.  
SHRUBS REQUIRED = 79

LEGEND

- BOUNDARY/ROW/BLOCK LINE
- PROPOSED CONCRETE
- PROPOSED BITUMINOUS
- PROPOSED SHRUB
- EXISTING SHRUB
- PROPOSED TREE
- EXISTING TREE







## CODE INFORMATION

APPLICABLE CODES:		BUILDING CODE		MINNESOTA BUILDING CODE 2020	
		ENERGY CODE		MINNESOTA ENERGY CODE 2020	
		FIRE CODE		MINNESOTA STATE FIRE CODE 2020	
		PLUMBING CODE		2020 MINNESOTA PLUMBING CODE	
		MECHANICAL CODE		2020 MINNESOTA MECHANICAL AND FUEL GAS	
		ELECTRICAL CODE		MINNESOTA ELECTRICAL CODE	
		ACCESSIBILITY CODE		MINNESOTA ACCESSIBILITY CODE 2020	
		STANDARD FOR DESIGN OF STORM SHELTERS			

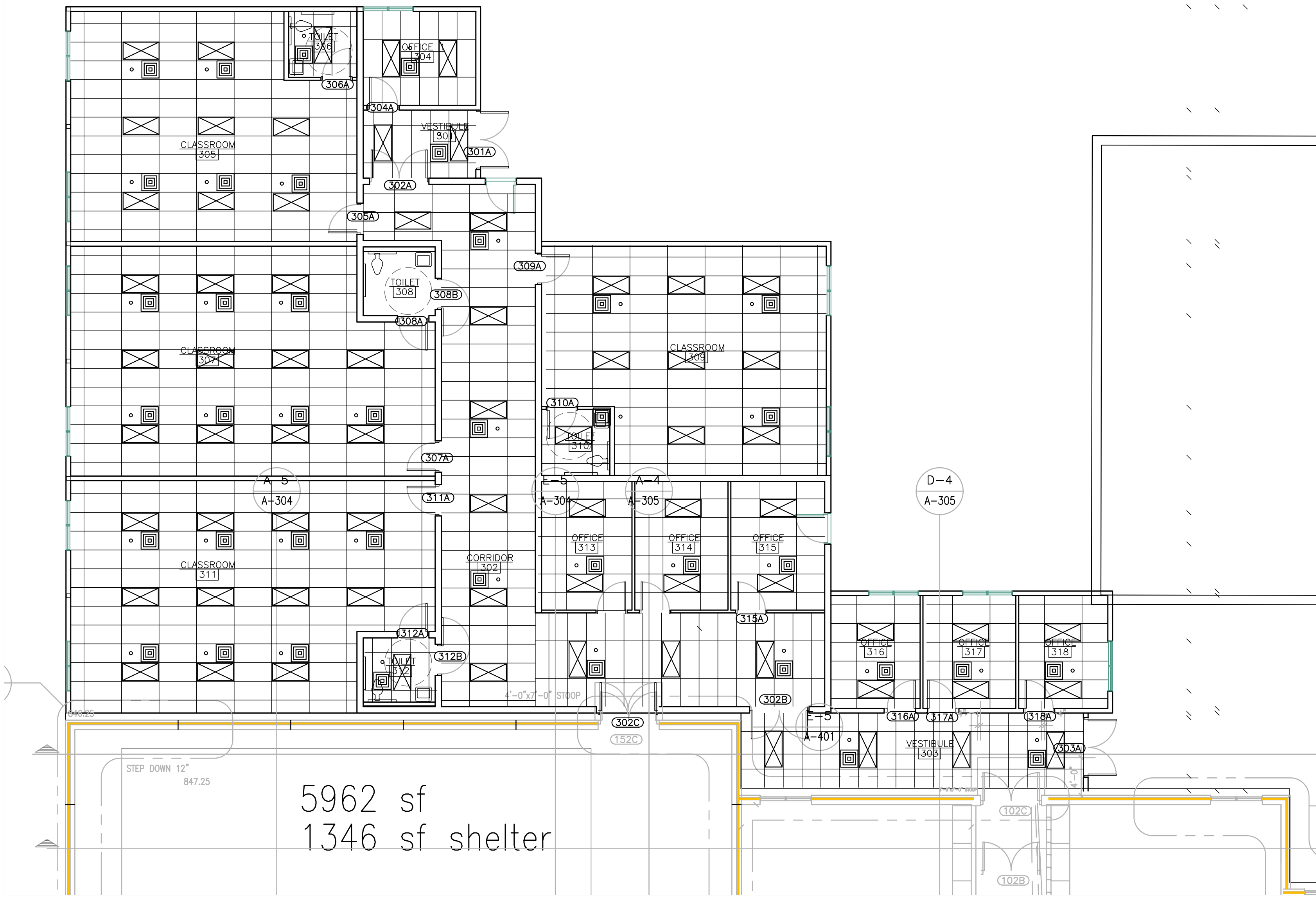
ALLOWABLE HEIGHT AND BUILDING AREA		TABLE AREA		506.3 AREA INCREASE	
GROUP	TYPE OF CONSTRUCTION	HEIGHT	TABLE AREA	506.3 AREA INCREASE	TOTAL AREA
E	TYPE II (B) - SPRINKLED	2 STORY	14,500 SF	29,000 SF	43,500 SF

EXISTING FOOTPRINT		23,852 SF	
ADDITION		5,962 SF	
TOTAL FOOTPRINT		29,814 SF	

NECESSARY FINISH AFFIDAVITS WILL BE PROVIDED TO THE INSPECTOR		TABLE 803.5 FLAME SPREAD REQUIREMENTS		VERTICAL EXITS		CORRIDORS		ROOMS	
FIRE ALARM		FIRE PROTECTION		FIRE EXTINGUISHER		NUMBER		TRAVEL	
REQUIRED		FULLY SPRINKLED		MIN. 2-A PER 3000 SF		AS SHOWN ON PLANS		REQUIRED FOR	

OFFICE	100	1.1			
ADDITION					
OTHER					
FIRST FLOOR		582.38	N A	87.32"	
TOTAL		1088.65		163.2"	DOORS 30"
GLASSROOM					5' MIN CORRIDOR
GYMNASIUM	EATING 123/ PLAY 86			41.8"	68"
	SPECIAL USE 380			76"	170"
TOTAL		1349.08		238.7"	DOORS 30"
					5' MIN CORRIDOR





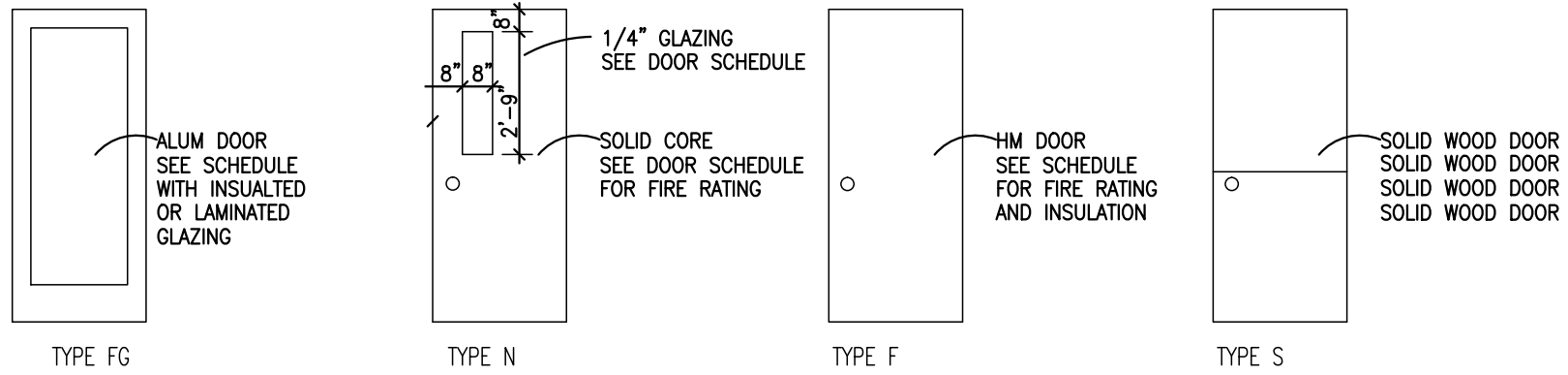
A-1  
A101  
REFLECTED CEILING PLAN  
SCALE: 1/8"=1'-0"

5962 sf  
1346 sf shelter

HARDWARE SETS													
DESCRIPTION		GENERAL NOTES											
1	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
2	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
3	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
4	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
5	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
6	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR
	CLASSROOM/STORAGE	HINGES	DOORS	ROTATION	PASSAGE	INDICATORS	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR	DOOR

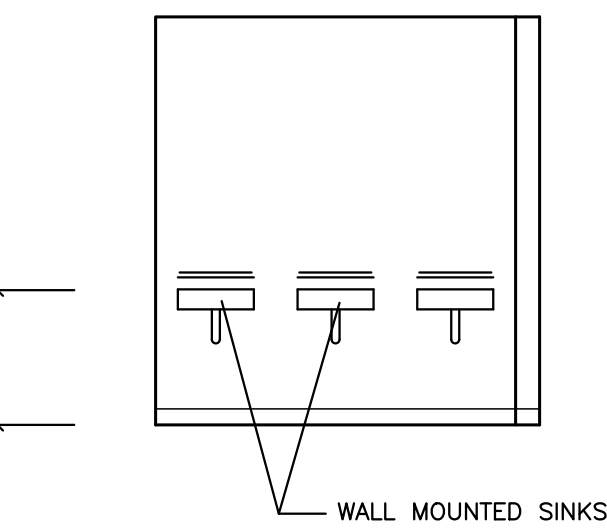
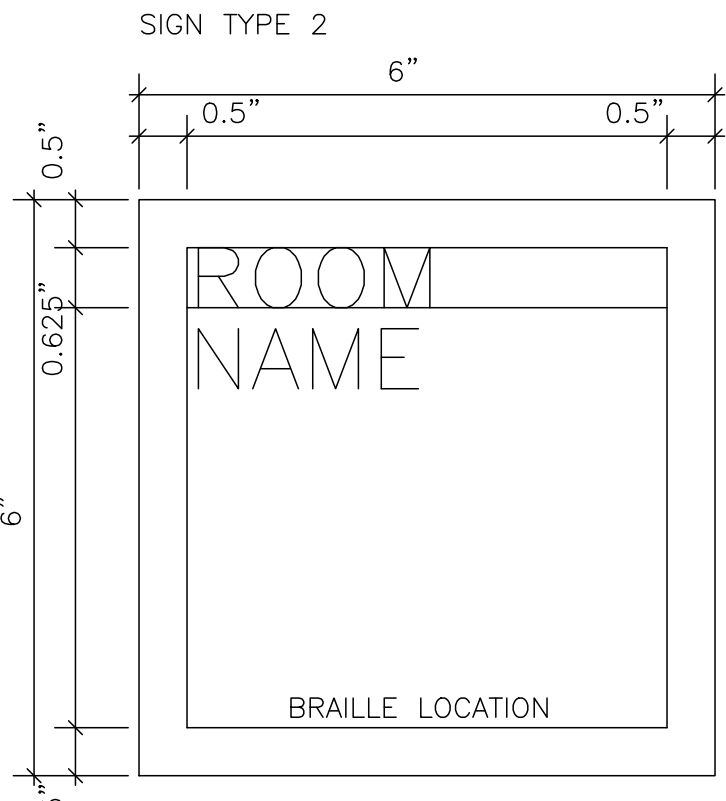
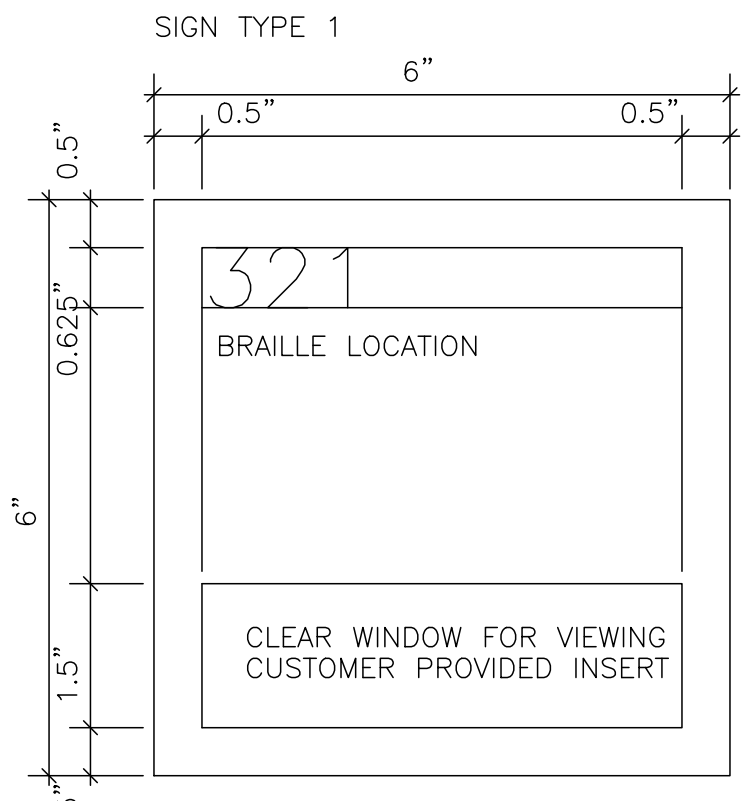
DOOR SCHEDULE													
NO.	ROOM NAME	DOOR			FRAME			GLAZING	REMARKS				
		SIZE	TYPE	MAT'L	FINISH	TYPE	MAT'L			FINISH			
301A	VESTIBULE	PR	3'-0"x7'-0"x1 3/4"	FG	ALUM	ML	2	ALUM	ML	6	1" INSUL		
302A	CORRIDOR SS	PR	3'-0"x7'-0"x1 3/4"	F	HM	PT	2	HM	PT	5	-		
302B	CORRIDOR SS	PR	3'-0"x7'-0"x1 3/4"	F	HM	PT	2	HM	PT	5	-		
302C	CORRIDOR SS	PR	3'-0"x7'-0"x1 3/4"	F	HM	PT	2	HM	PT	5	-		
303A	VESTIBULE	PR	3'-0"x7'-0"x1 3/4"	FG	ALUM	ML	1	ALUM	ML	2 HR	6	1" INSUL	
304A	OFFICE		3'-0"x7'-0"x1 3/4"	N	WD	ST	1	HM	PT	1	1/4"		
305A	CLASSROOM - SS		3'-0"x7'-0"x1 3/4"	N	WD	ST	1	HM	PT	2 HR	2	CERAMIC	
306A	TOILET		3'-0"x7'-0"x1 3/4"	F	WD	ST	1	HM	PT	3			
307A	CLASSROOM - SS		3'-0"x7'-0"x1 3/4"	N	WD	ST	1	HM	PT	2 HR	2	CERAMIC	
308A	TOILET - SS		3'-0"x7'-0"x1 3/4"	F	WD	ST	1	HM	PT	2 HR	4		
308B	TOILET		3'-0"x7'-0"x1 3/4"	F	WD	ST	1	HM	PT	2 HR	2		FULL OPEN SWING
309A	CLASSROOM - SS		3'-0"x7'-0"x1 3/4"	N	WD	ST	1	HM	PT	2 HR	2	CERAMIC	
310A	TOILET		3'-0"x7'-0"x1 3/4"	F	WD	ST	1	HM	PT	4			
311A	CLASSROOM - SS		3'-0"x7'-0"x1 3/4"	N	WD	ST	1	HM	PT	2 HR	2	CERAMIC	
312A	TOILET - SS		3'-0"x7'-0"x1 3/4"	F	WD	ST	1	HM	PT	2 HR	4		
312B	TOILET		3'-0"x7'-0"x1 3/4"	F	WD	ST	1	HM	PT	3			FULL OPEN SWING
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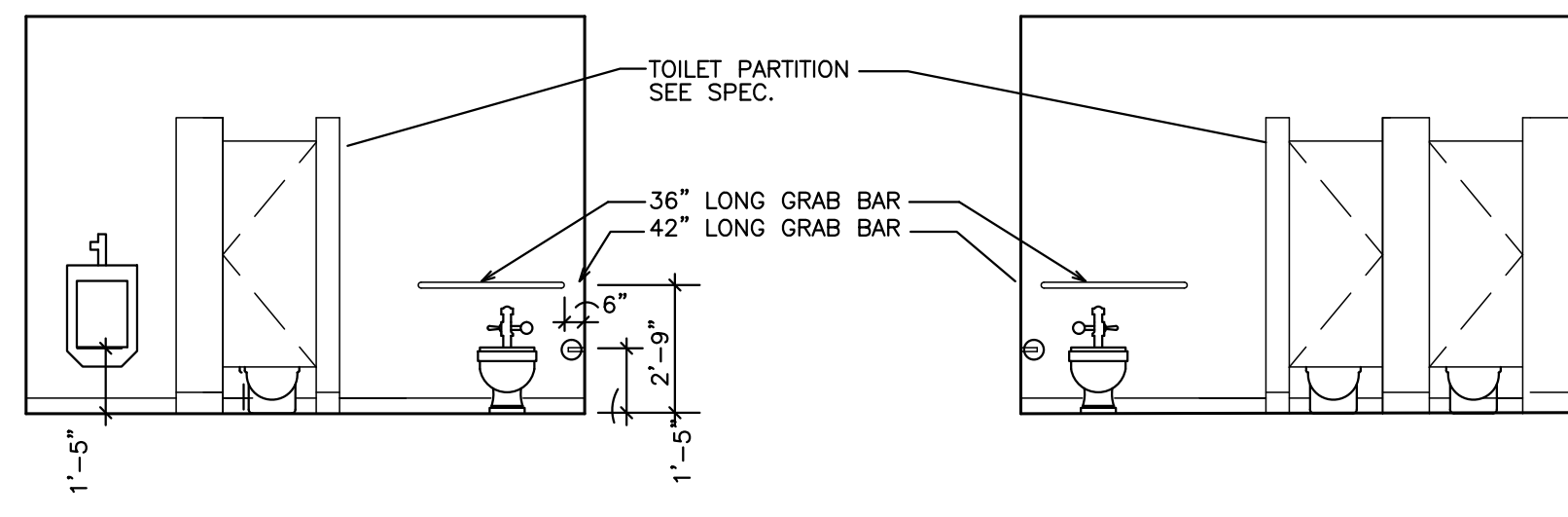


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A301  
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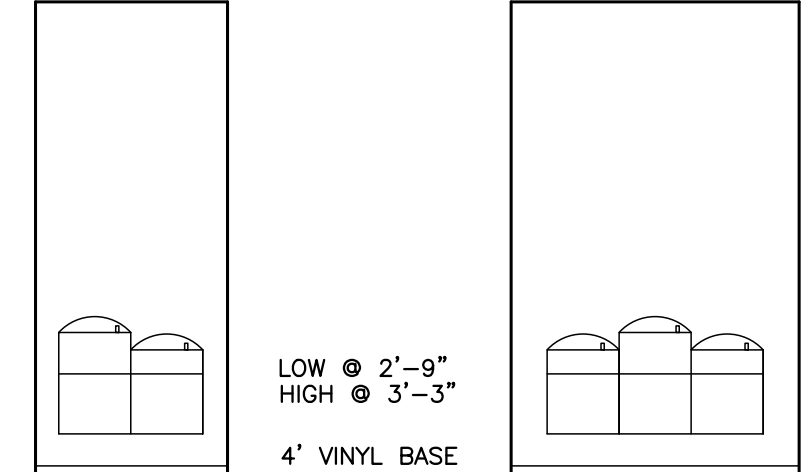
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FOR CORRECT ROOM ID NUMBERS SEE SIGN PLAN.  
GENERAL NOTES  
SIGN FACE:  
0.00 NON-GLARE CLEAR ACRYLIC  
SQUARE CORNERS SIZE AS SHOWN ON DRAWING  
SUBSURFACE PAINT COLOR BY OWNER  
SUBMIT SAMPLE FOR OWNER APPROVAL  
RAISED TEXT:  
ROWMARK 311-204  
BRIGHT WHITE PROFILE  
HELVETICA BOLD, SIZE AND POSITION AS SHOWN ON DRAWING.  
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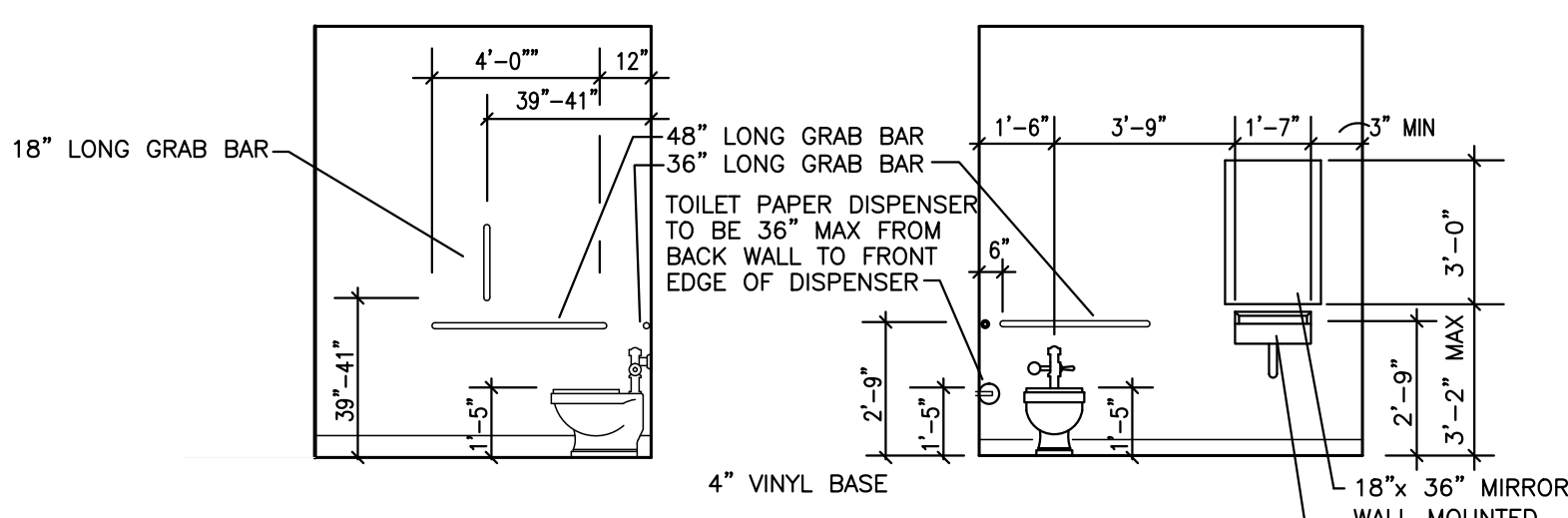
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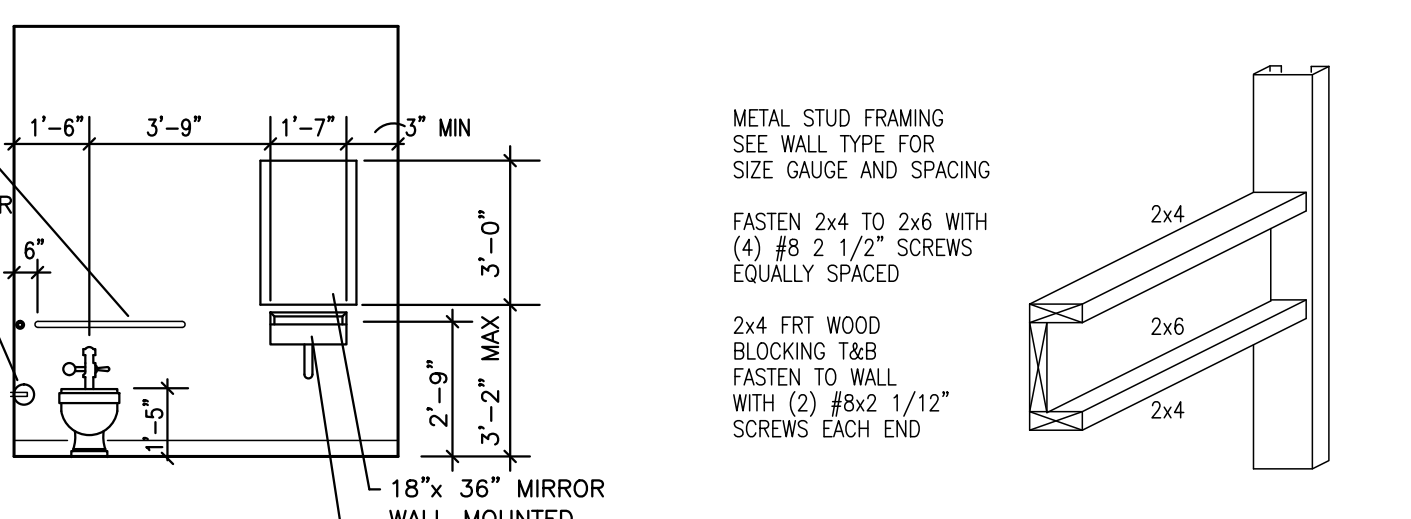
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A-101  
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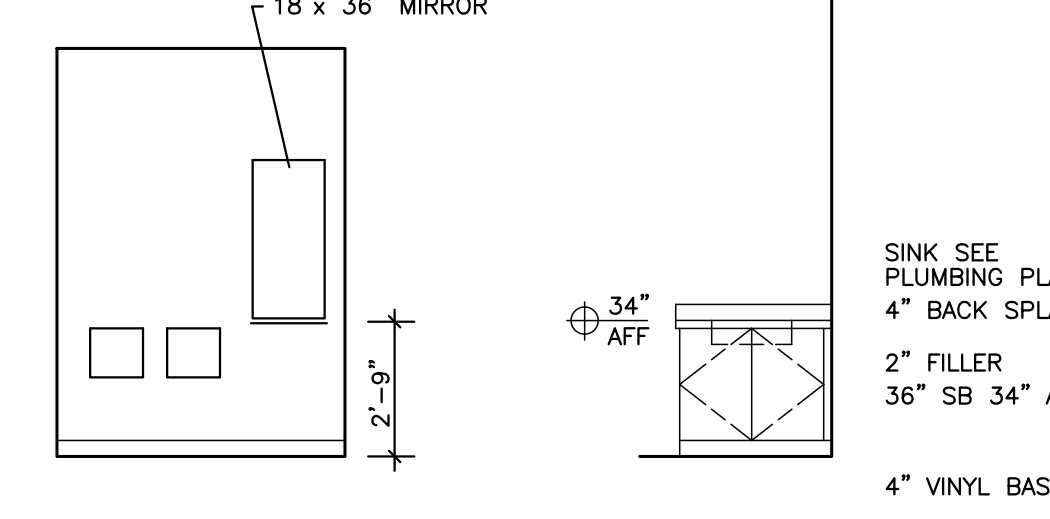
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DF DETAILS  
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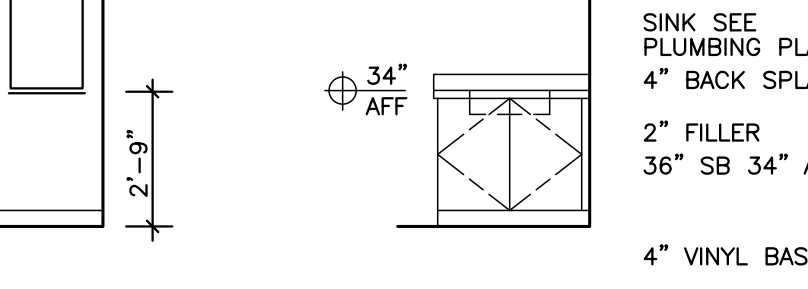
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TOILET ROOM DETAILS  
SCALE: 1/4"=1'-0"



B-5  
A-101  
TOILET ROOM BLOCKING  
SCALE: NTS



B-7  
A-101  
MIRROR DETAIL  
SCALE: 1/4"=1'-0"



B-8  
A-101  
SINK DETAIL  
SCALE: 1/4"=1'-0"

## REVIEW

SIGN OFF

DATE

PARTNERSHIP ACADEMY ADDITION  
6500 NICOLLET  
RICHFIELD, MINNESOTA



616 677 5287 OFFICE  
616 813 2452 MOBILE  
RMD@RMDArchitects.net  
1744 MARINE ESTATES DR.  
TALLMADGE TOWNSHIP, MI 49435

ISSUED FOR:

DATE:

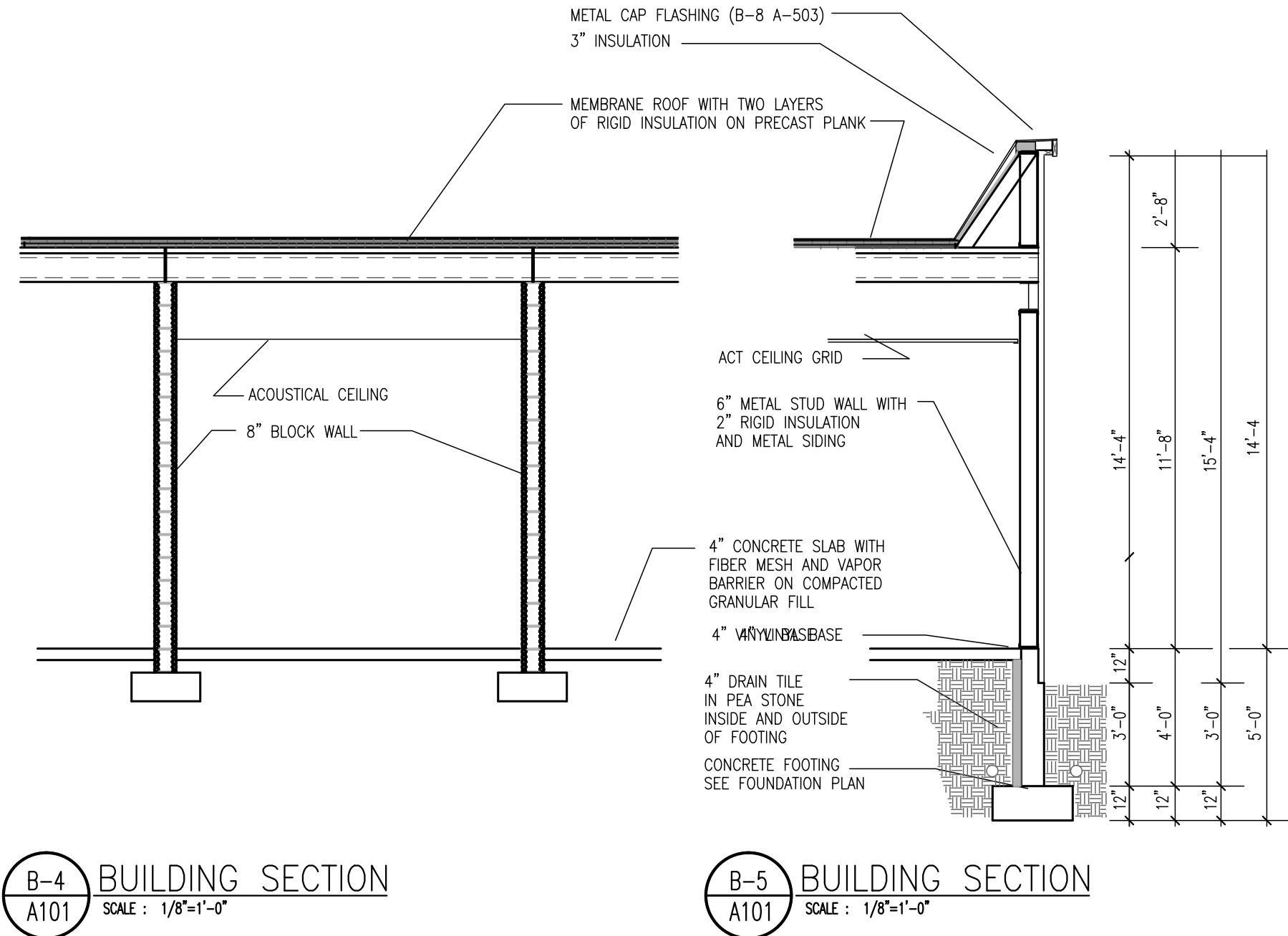
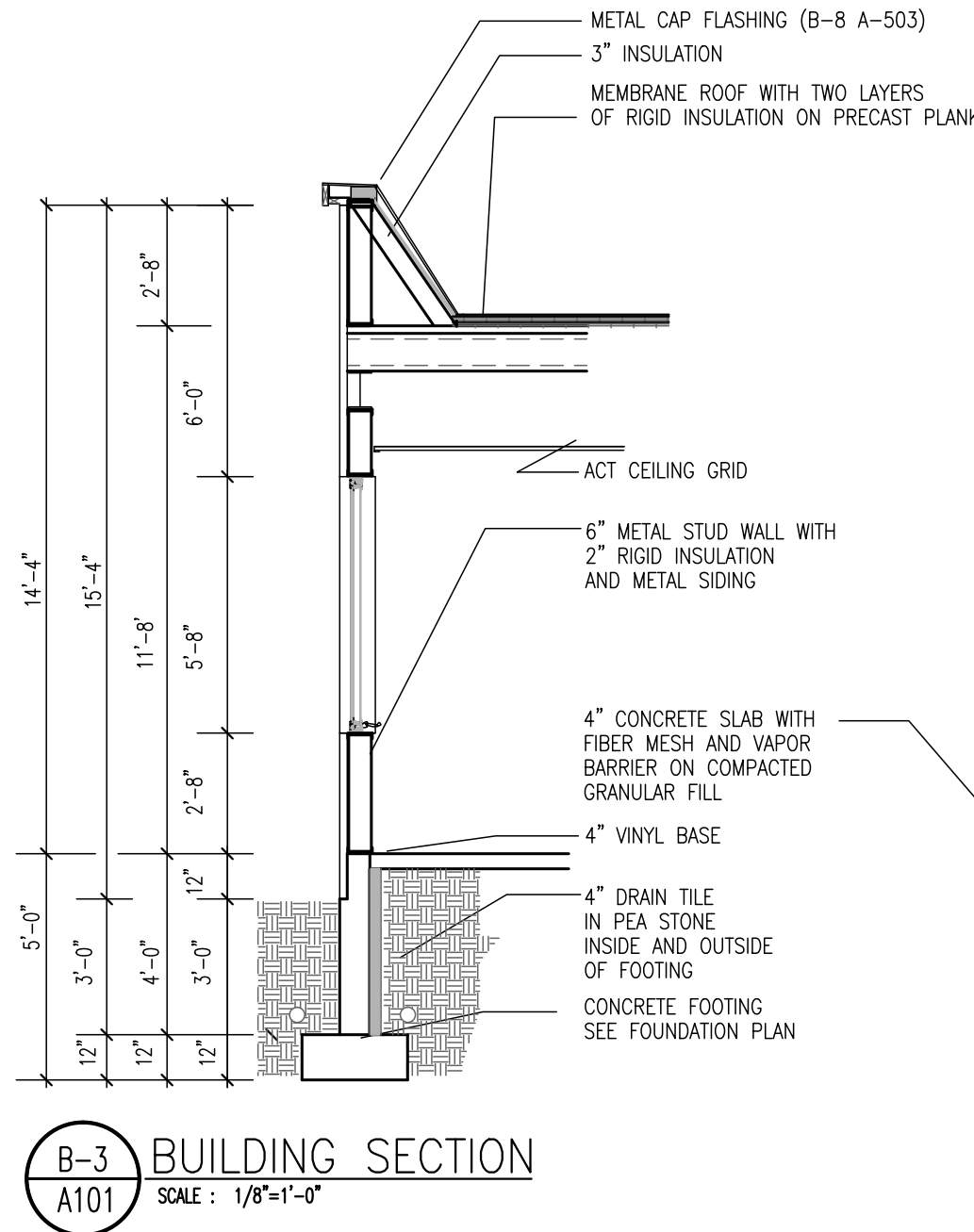
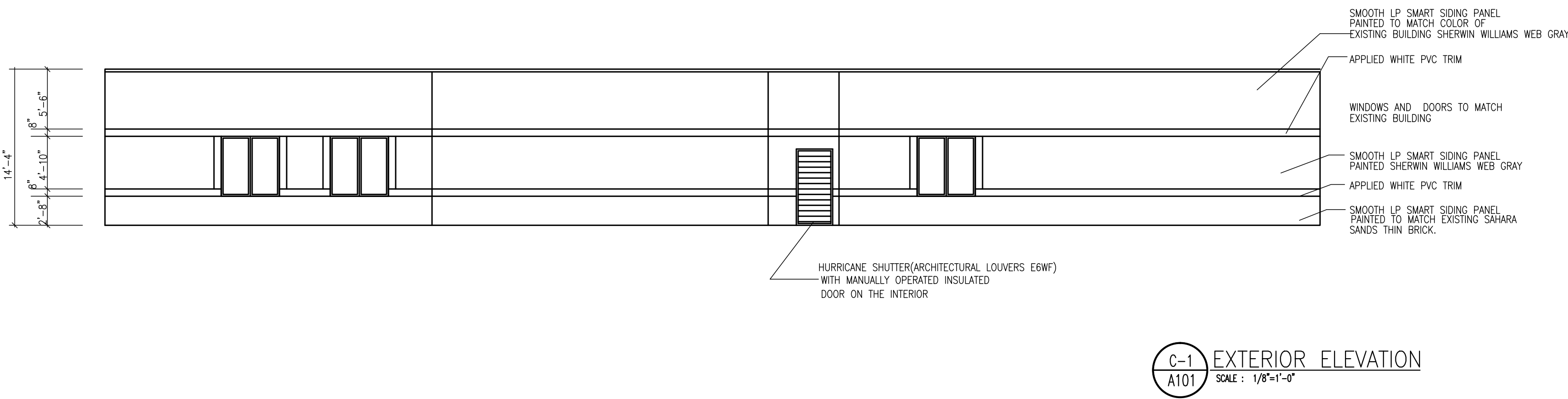
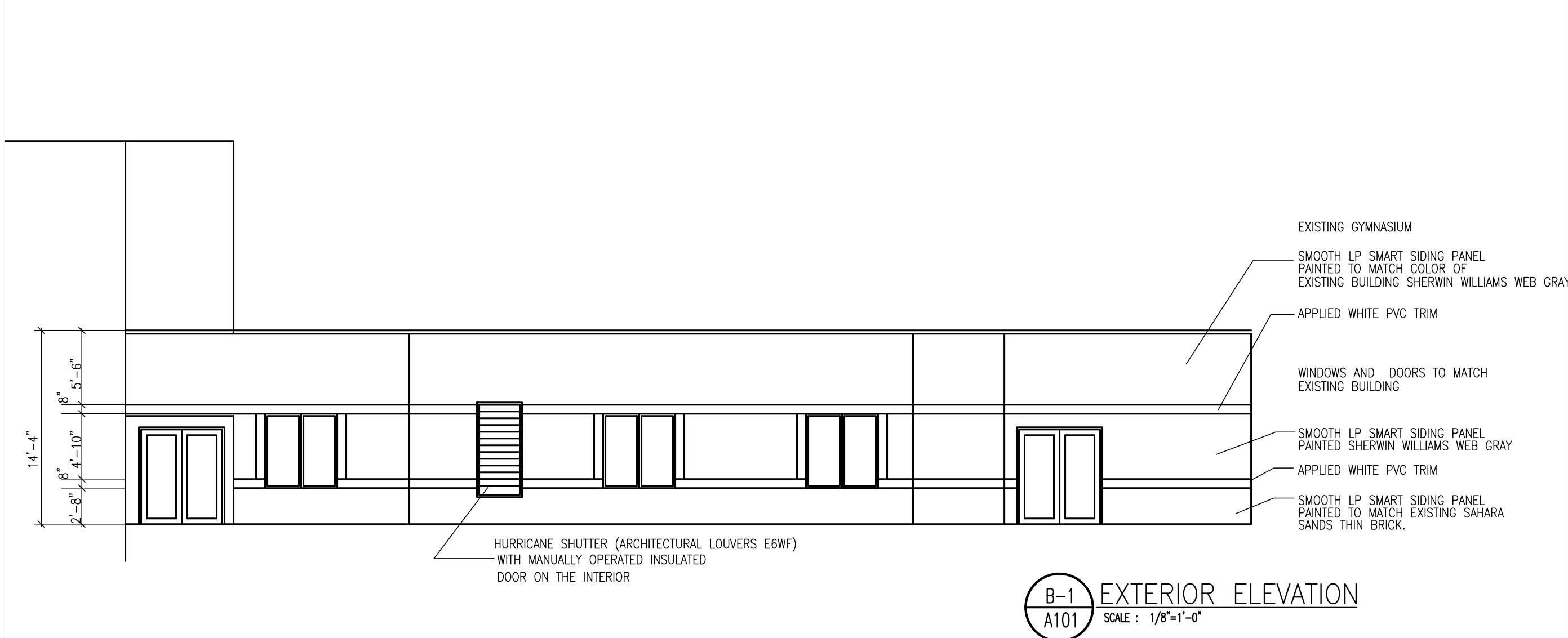
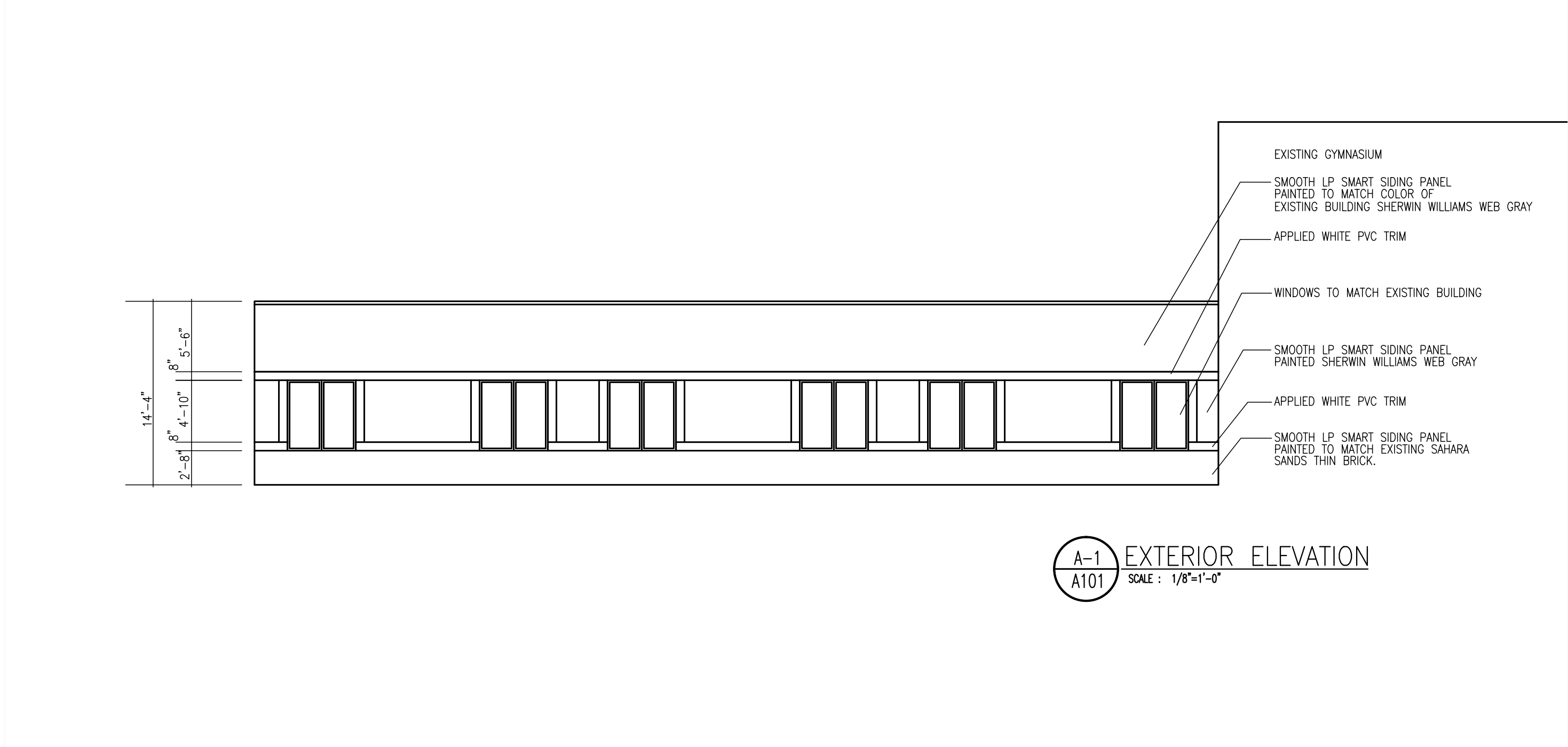
ISSUED FOR:

DATE:

SEAL

PROJECT NUMBER  
PA22321  
SHEET NUMBER  
A-102





B-5 BUILDING SECTION  
SCALE: 1/8"=1'-0"

REVIEW

SIGN OFF

DATE

PARTNERSHIP ACADEMY ADDITION  
6500 NICOLLET  
RICHFIELD, MINNESOTA



616 677 5587 OFFICE  
616 813 2452 MOBILE  
RMD@RMDArchitects.net  
1744 MARINE ESTATES DR.  
TALLMADGE TOWNSHIP, MI 49435

ISSUED FOR:

DATE:

ISSUED FOR:  
REVIEW  
REVIEW  
REVIEW  
REVIEW

DATE:  
11/10/21  
12/07/21  
12/08/21  
12/09/21  
12/16/21

SEAL

SHEET NAME

PROJECT NUMBER

PA22321

SHEET NUMBER

A-201





**STAFF REPORT NO. 68**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Ryan Krzos, Planner

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director  
4/5/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/5/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**Consider a resolution approving 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 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 outdoor seating and 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. Approval of that zoning occurred 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 along 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 and invite people into the site. 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 allow the operation to close at 11pm. 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 is proposed to the west of the Lakewinds Cooperative building and the proposed building. Additionally, a connection is provided from Lyndale Avenue to the front of the building with a separate path north of the proposed parking area. In light of Public Safety Department 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. Additionally, 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.

At their meeting on March 28, 2022 the Planning Commission conducted a public hearing on the proposal. Thirteen people spoke at the public hearing, all expressing opposition to the proposal. The common concerns among the speakers included noise, lighting, and odors from the proposed use, and compatibility of the use with its surroundings. Draft meeting minutes are included as an attachment to this report. Additionally, 54 written correspondences were provided to the Planning Commission and were acknowledged and summarized at the meeting. Approximately 70% of this correspondence indicated support for the project (there was some overlap with those who provided written comments and those who spoke at the public hearing). Each correspondence is included as an attachment to the draft Planning Commission meeting minutes. The Planning Commission approved a motion to recommend approval of the project. The Planning Commission's recommendation included modified conditions requiring the facility to close by 11pm, restricting outdoor events to no later than 8pm with the exception of 2 special events per year, and that the patio area north of the north side of the building close by 10pm.

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:**

**By motion: Approve the attached resolution authorizing an amended Planned Unit Development, a Final Development Plan, and a Conditional Use Permit.**

### **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.
- Benefactor Brewing shared their project plans 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.

- In December 2021, the Planning Commission opened a public hearing on the request which was continued until the January 2022 meeting upon request by the Applicant. Again, upon request by the Applicant the January continued public hearing was cancelled.
- As noted in the executive summary, the Planning Commission held a public hearing on the request at their March 28 meeting. The Planning Commission approved a motion recommending approval of the project with modified conditions which are reflected in the attached resolution.

**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.
- Departures 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 departure 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 departure is from the underlying Zoning Ordinance requirement the facility will follow the operational hours specified in state statute for off-sale intoxicating liquor (i.e. Liquor Stores) - 8am to 10pm on weekdays and Saturday; 11am to 6pm on Sunday. The Planning Commission and Staff recommend allowing operation of the facility end at 11pm. 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 it is reasonable to grant the ability to operate with the similar hours that full-service restaurants would be allowed. In this case the Applicant has indicated that 11pm is their intended closing time, and would likely be earlier than 11pm on some days. 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:**

- 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 conducted at the March Planning Commission meeting.

- Notice of the Planning Commission public hearing was mailed to properties within 350 feet of the site on March 15 and published in the Sun Current newspaper March 17.
- The City is aware that a private Reciprocal Easement Agreement is in place for this property that may impact their use. The Applicant has expressed that they hope they will be able to amend this agreement. However, It is not an agreement that the City enforces or that the City can consider in making land use decisions. Zoning decisions do not negate any private agreements.

**ALTERNATIVE RECOMMENDATION(S):**

- Approve the proposal with additional/modified stipulations.
- Deny 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
▢ Project Narrative	Backup Material
▢ Proposed Architectural and Civil Plans	Backup Material
▢ Draft Planning Commission Minutes	Backup Material
▢ Public Comments - Benefactor Brewing	Backup Material
▢ Zoning Map	Backup Material
▢ 2040 Comp Plan Designations	Backup Material
▢ Letter	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 2<sup>nd</sup> 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 on March 15, 2022, 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. Upon written request, the Community Development Director may approve up to two special events per calendar year that end at a specified time after 8pm.
- The applicant shall work with Community Development and Public Safety staff regarding final details for outdoor alcohol service.
- Hours of Operation shall be no later than 11pm unless otherwise further restricted by City Council in granting or renewal of an alcoholic beverage license. The portions of the outdoor patio north of the building shall close no later than 10pm.
- 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

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Maria Regan Gonzalez, Mayor

ATTEST:

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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 64<sup>th</sup> 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. Departures from the guiding district 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.* This portion of the overall Lyndale Gardens redevelopment has been previously contemplated for commercial uses; including at the time when the residential uses were developed to the north. The recommended conditions of approval seek to minimize impacts on adjoining properties as it relates to noise; so as to maintain a level that which could be expected within a mixed use context. Additionally, the proposal is subject to the City noise control ordinances and the lighting requirements of the zoning code. Accordingly, 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 conditional use permit and final development plan establishes the terms and conditions of the development, which sufficiently protect the public interest.

**Part 3:** All uses are conditional uses in the Planned Mixed Use 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.* As noted in Part 2, #5, 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 a 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 recommended conditions of approval contain a limitation on operating after 11pm. The Council may modify this condition to further restrict hours of operation if deemed to be in the public interest.



## ***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.

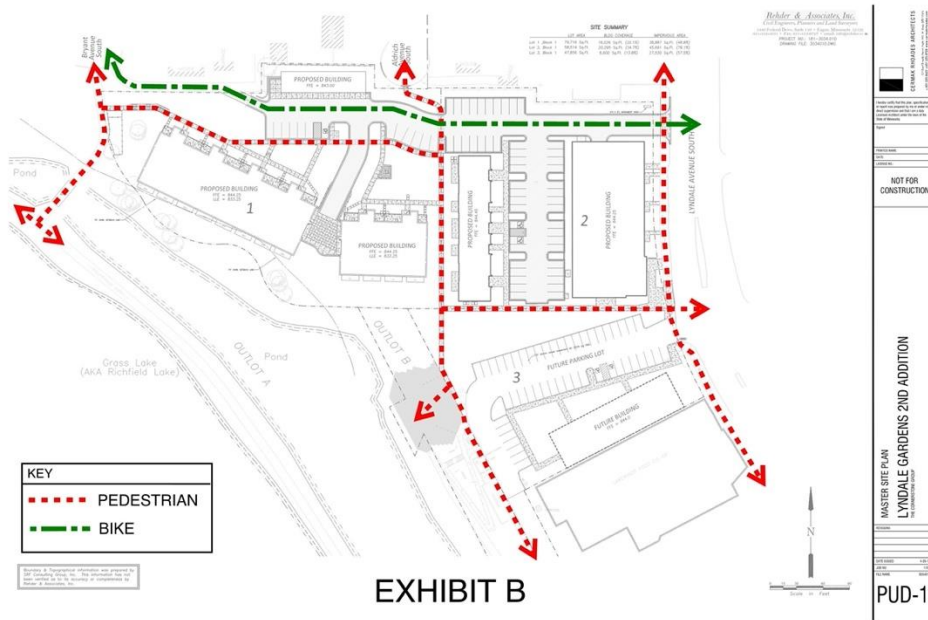
For the amphitheater, we look forward to hosting family-friendly entertainment that is appropriate for all ages. Our goal is to provide a similar feel to Edina's Centennial Lakes performance space, with enjoyable performances held at a semi-regular cadence. We would love to hire local artists on Friday 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 growlers. 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).





10 South Eighth Street  
Minneapolis, MN 55402

t 612\_339-2257  
sheadesign.com

civil engineer  
BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com  
structural engineer

map engineer

kitchen equipment consultant

brewing equipment consultant

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

client  
BENEFACOR BREWING, LLC

scal

DESIGN DEVELOPMENT

no.	date	issued for

project no. 8367.01	issue date 2021-11-29
drawn ES	checked ES

sheet title  
RENDERING

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OVERALL BUILDING - PERSPECTIVE VIEW FROM LYNDALE AVENUE TOWARDS SOUTHWEST





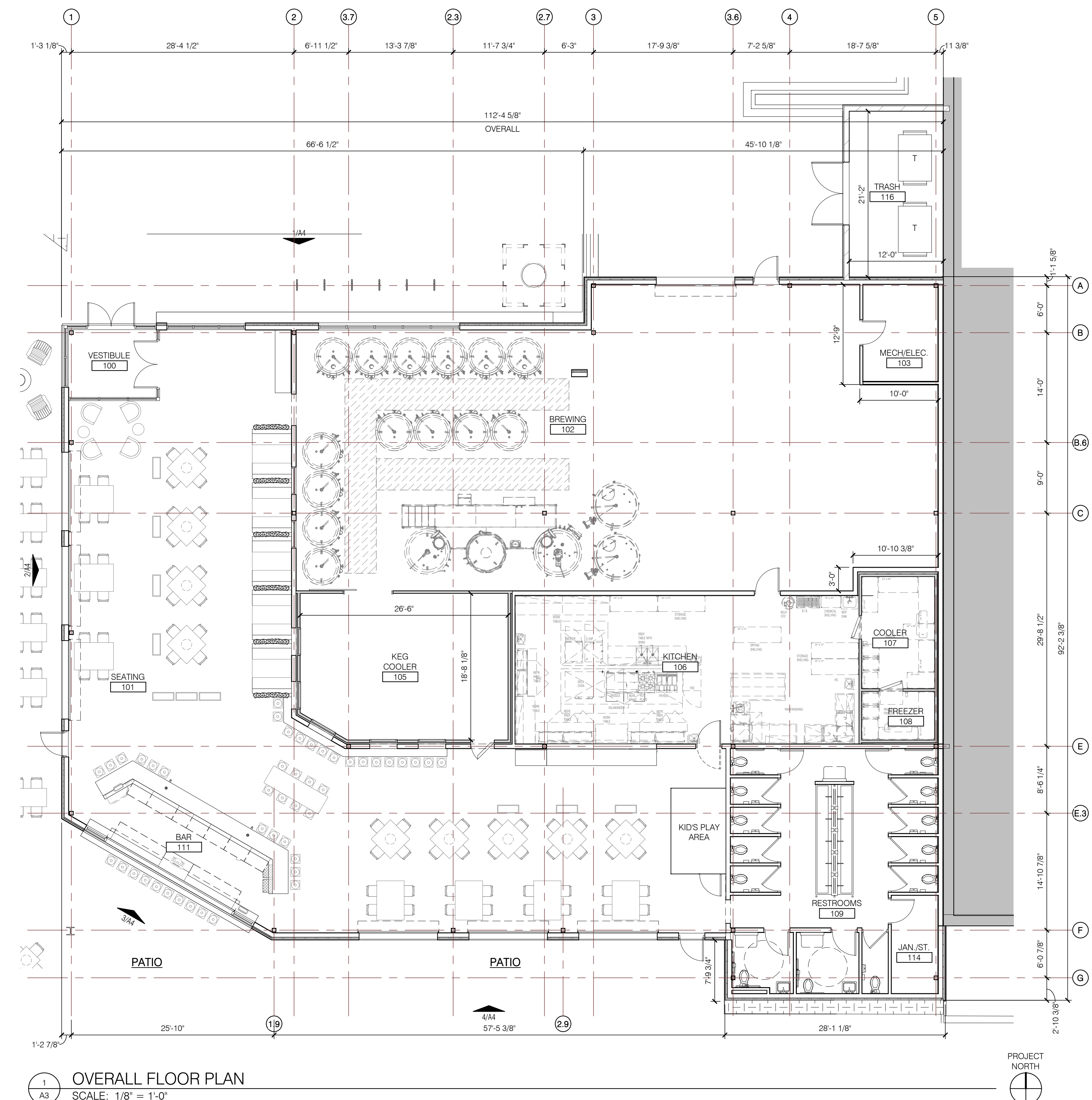


The logo for Shea & Associates, featuring the word "shea" in a white, lowercase, italicized serif font, centered within a solid black circle.

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P. J. Davis, Inc.

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10 South Eighth Street  
Minneapolis, MN 55402

t 612\_339-2257  
sheadesign.com

civil engineer

BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com

structural engineer

map engineer

kitchen equipment consultant

brewing equipment consultant

project title

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

client

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scal

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sheet title  
EXTERIOR BUILDING ELEVATIONS

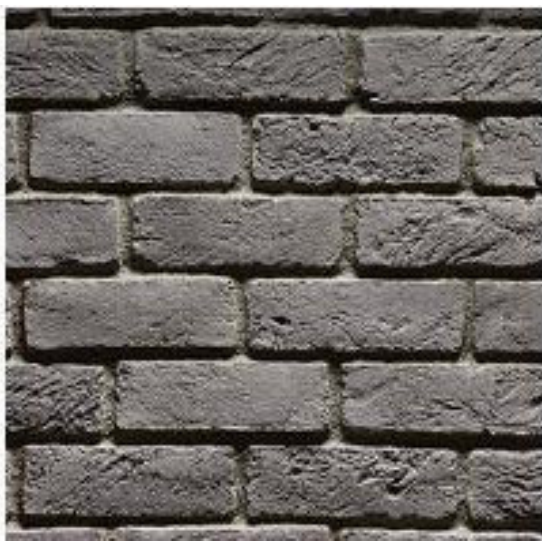
A4



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



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

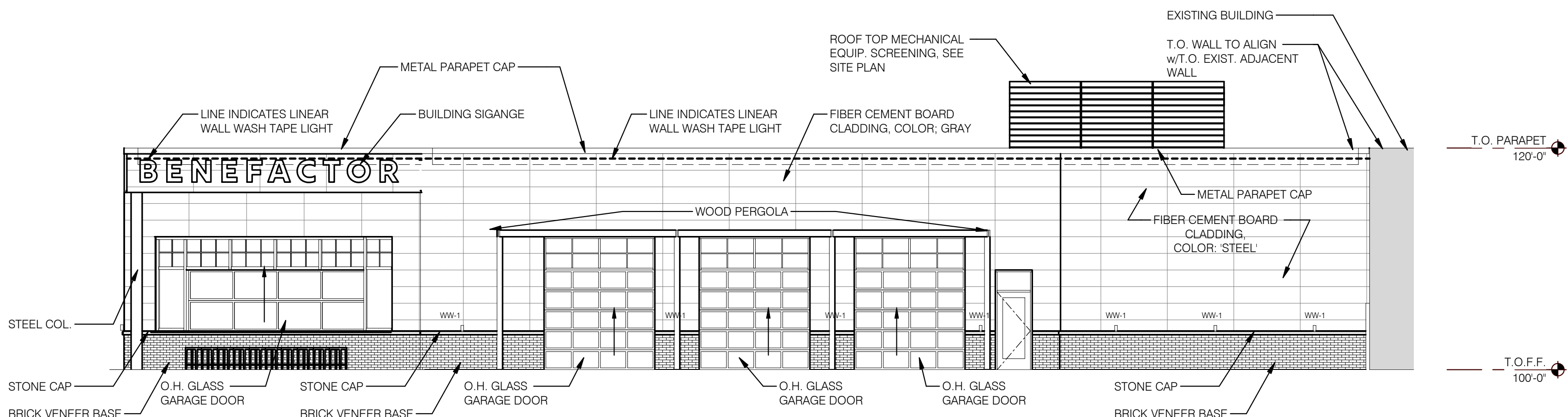


MFR: 'CULTURED STONE' BRICK VENEER  
STYLE: 'HANDMADE BRICK'  
COLOR: CARBON  
SIZE: 2 7/8" H x 8 1/8" L  
PATTERN: RUNNING BOND

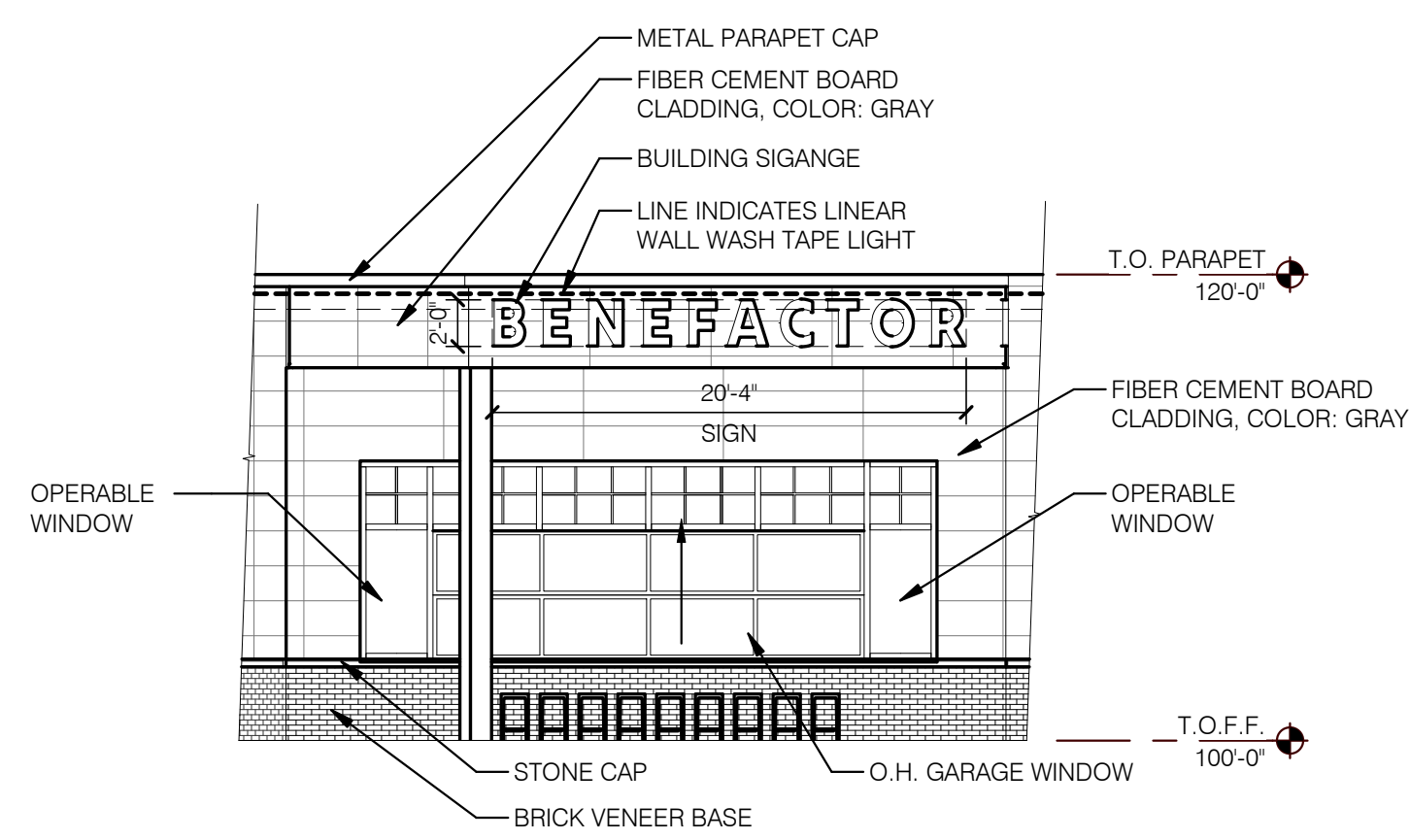


WOOD ACCENTS & ENTRY CANOPY

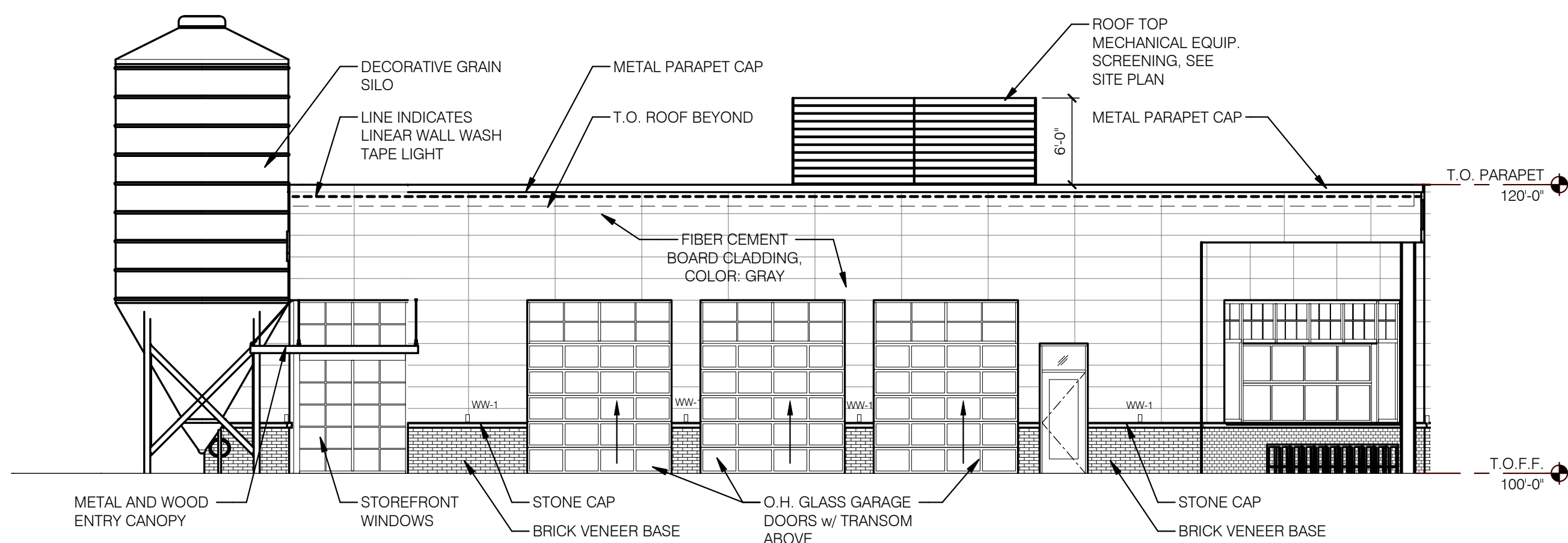
EXTERIOR MATERIALS



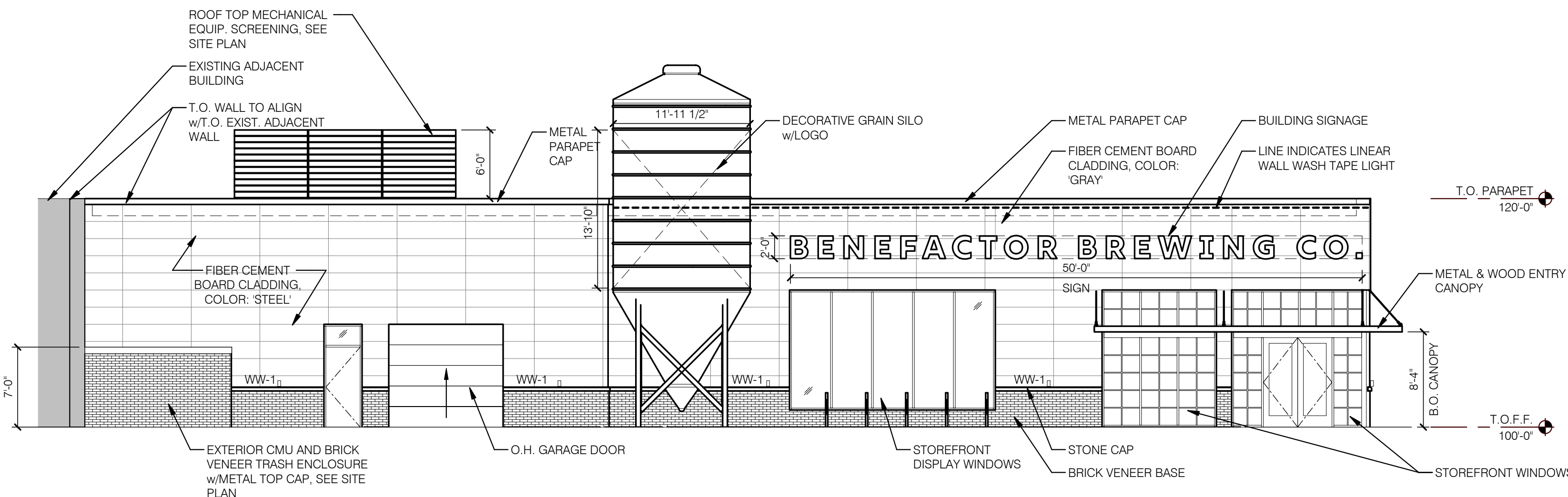
4  
A4  
REAR BUILDING ELEVATION - SW  
SCALE: 1/8" = 1'-0"



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"

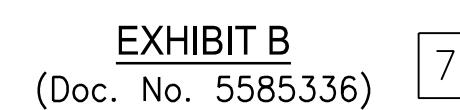






Michael J. Fischer, Jr.  
Minnesota Land Surveyor, No. 56505

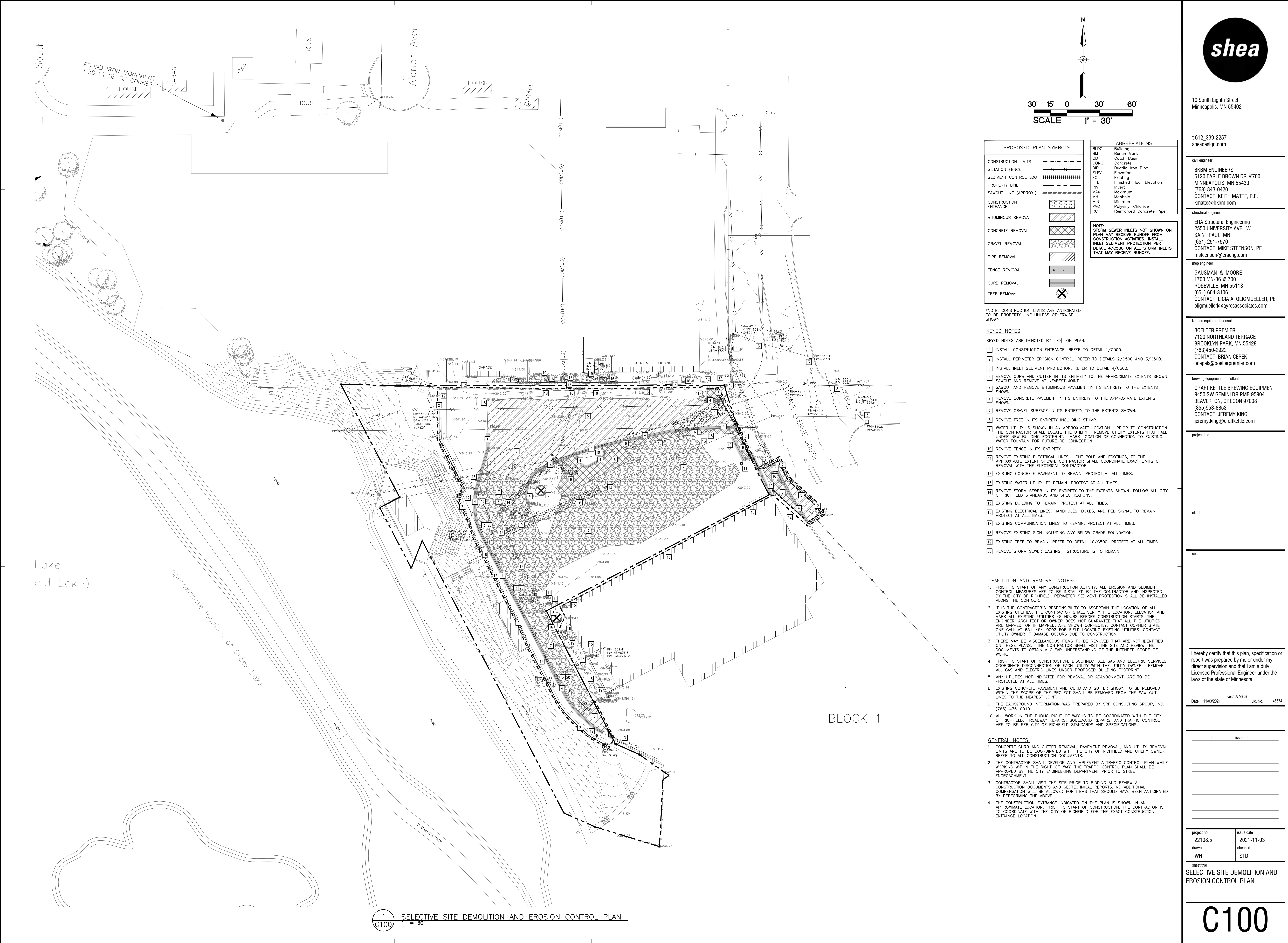
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## SHEET 2 OF 2

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10 South Eighth Street  
Minneapolis, MN 55402

t 612\_339-2257  
sheadesign.com

civil engineer

BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com

structural engineer

ERA Structural Engineering  
2550 UNIVERSITY AVE. W.  
SAINT PAUL, MN  
(651) 251-7570  
CONTACT: MIKE STEENSON, PE  
msteenson@eraeng.com

map engineer

GAUSMAN & MOORE  
1700 MN-36 # 700  
ROSELVILLE, MN 55113  
(651) 604-3106  
CONTACT: LUCIA A. OLIGMUELLER, PE  
oligmuelle1@ayresassociates.com

kitchen equipment consultant

BOELTER PREMIER  
7120 NORTHLAND TERRACE  
BROOKLYN PARK, MN 55428  
(763)450-2922  
CONTACT: BRIAN CEPEK  
bcepek@boelterpremier.com

brewing equipment consultant

CRAFT KETTLE BREWING EQUIPMENT  
9450 SW GEMINI DR PMB 95904  
BEAVERTON, OREGON 97008  
(855)953-8853  
CONTACT: JEREMY KING  
jeremy.king@craftkettle.com

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

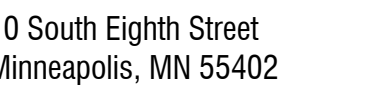
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project no. 22108.5	issue date 2021-11-03
drawn WH	checked STD

sheet title  
SELECTIVE SITE DEMOLITION AND EROSION CONTROL PLAN

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612\_339-2257  
headesign.com

civil engineer

**BKBM ENGINEERS**  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com

structural engineer

ERA Structural Engineering  
2550 UNIVERSITY AVE. W.  
SAINT PAUL, MN  
(651) 251-7570  
CONTACT: MIKE STEENSON, PE  
msteenson@eraeng.com

shop engineer

GAUSMAN & MOORE  
1700 MN-36 # 700  
ROSEVILLE, MN 55113  
(651) 604-3106  
CONTACT: LICIA A. OLIGMUELLER, PE  
oligmuellel@ayresassociates.com

kitchen equipment consultant

BOELTER PREMIER  
7120 NORTHLAND TERRACE  
BROOKLYN PARK, MN 55428  
(763)450-2922  
CONTACT: BRIAN CEPEK  
bcepek@boelterpremier.com

brewing equipment consultant

CRAFT KETTLE BREWING EQUIPMENT  
9450 SW GEMINI DR PMB 95904  
BEAVERTON, OREGON 97008  
(855)953-8853  
CONTACT: JEREMY KING  
jeremy.king@craftkettle.com

project title

Client

Real

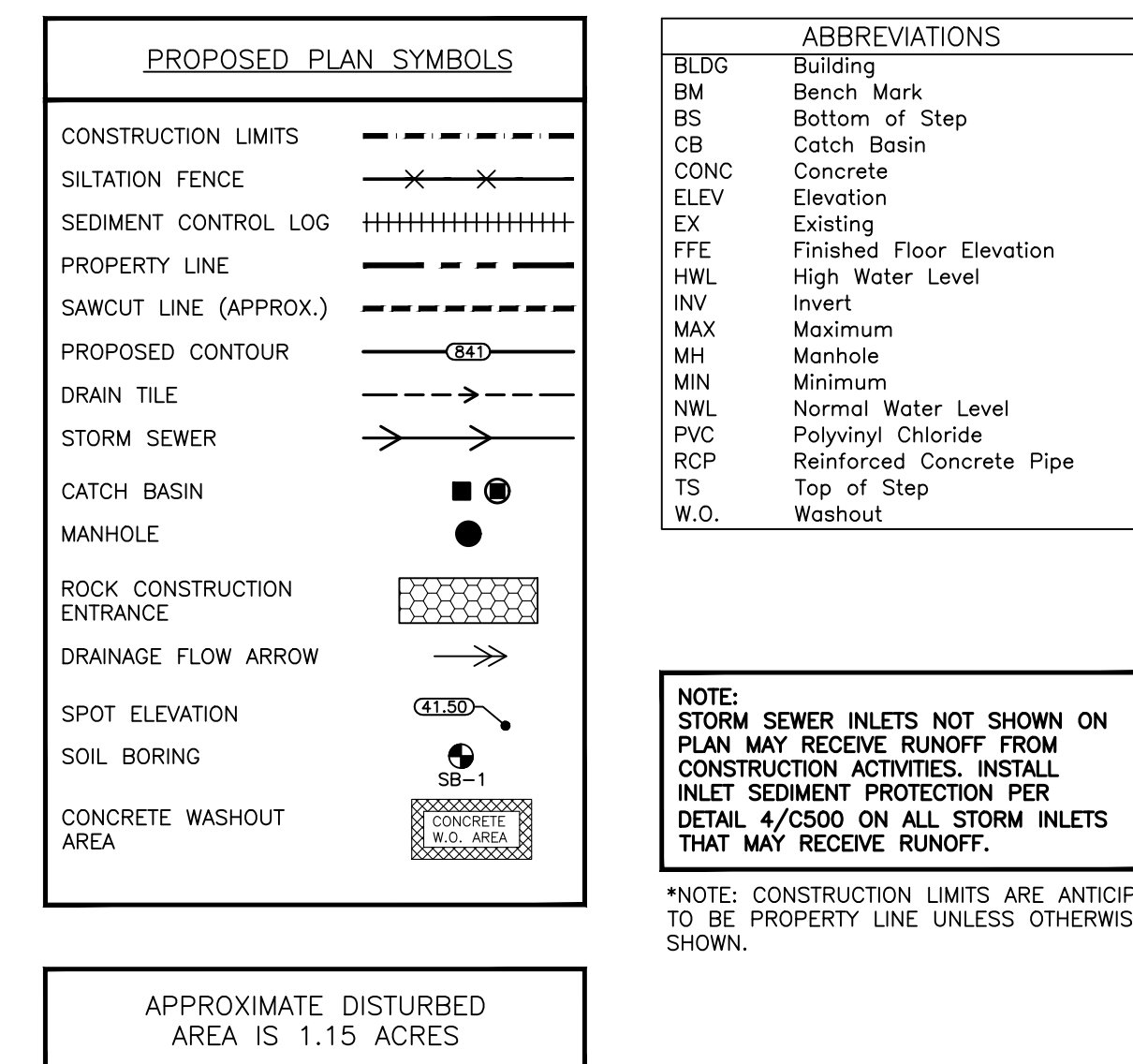
hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the state of Minnesota.

Keith A Matte  
ate 11/03/2021 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 MINNESOTA'S ARCS/605 GENERAL STORMWATER PERMIT 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. ANY EROSION CONTROL FACILITIES SHALL BE INSTALLED PRIOR TO ANY SITE GRADING OPERATIONS. THE CITY ENGINEERING DEPARTMENT MUST BE NOTIFIED UPON COMPLETION OF THE EROSION CONTROL FACILITIES. THE EROSION CONTROL FACILITIES ARE TO BE GRADING EQUIPMENT TO BE REMOVED AFTER THE EROSION CONTROL 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 SHALL 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 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 MADE ONCE EVERY SEVEN DAYS AND WITHIN 24 HOURS AFTER EVERY RAIN EVENT. THE INSPECTION RECORD MUST BE MADE AVAILABLE TO THE CITY OF RICHFIELD WITHIN 24 HOURS OF REQUEST.
5. FLOWS FROM DIVERSION CHANNELS OR PIPES (TEMPORARY OR PERMANENT) SHALL BE ROUTED TO SEDIMENTATION BASINS OR APPROPRIATE ENERGY DISSIPATORS TO PREVENT TRANSPORT OF SEDIMENT TO OUTFLOW TO LATERAL CONVEYERS AND TO PREVENT EROSION AND SEDIMENTATION WHEN RUNOFF FLOWS INTO THESE CONVEYERS.
6. SITE ACCESS ROADS SHALL BE GRADED OR OTHERWISE PROTECTED WITH SILT FENCES, DIVERSION CHANNELS, OR DIKES AND PIPES TO PREVENT SEDIMENT FROM ENTERING THE SITE. THE ACCESS ROADS, SITE-ACCESS ROADS/DRIVEWAYS SHALL BE SURFACED WITH CRUSHED ROCK WHERE THEY ADJACENT EXISTING PAVED ROADWAYS.
7. SLOES TROCKED 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 SITE 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 AREED AND HAVE BEEN DISTURBED AND FOR WHICH GRADING OR SITE BUILDING CONSTRUCTION OPERATIONS ARE NOT ACTIVELY UNDERWAY SHALL BE SEEDS AND MULCHED AS SET FORTH IN THE FOLLOWING PARAGRAPHS WITHIN 14 DAYS:
  - A. ALL SEEDS 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 WHEAT), 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 21-141 AT A RATE OF 58 POUNDS PER ACRE.
11. UNLESS SPECIFIED ELSEWHERE WITHIN THE CONSTRUCTION DOCUMENTS (I.E. ARCHITECTURAL SITE PLAN OR), PERMANENT TURF RESTORATION SHALL CONSIST OF SOD.
12. WHENEVER OTHER EROSION AND SEDIMENT CONTROL PRACTICES ARE INADEQUATE, TEMPORARY ON-SITE SEDIMENT BASINS THAT CONFORM TO THE CRITERIA FOR ON-SITE DETENTION BASINS SHALL BE PROVIDED.
13. MULCH, HYDROMULCH, AND TACKIFIERS MAY NOT BE USED FOR STABILIZATION IN SWALES OR DRAINAGE DITCHES UNLESS THE LONGITUDINAL SLOPE IS LESS THAN 2 PERCENT.
14. 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 DETAILLED SHALL BE INSTALLED AND MAINTAINED AROUND ALL CATCH BASINS UNTIL THE TRIBUTARY AREA TO THE CATCH BASIN IS RESTORED.
15. GRADING ACTIVITIES PROPOSED TO BEGIN AFTER OCTOBER 15 WILL REQUIRE AN APPROVED PHASING 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 BE INSTALLED TO PREVENT HIGH RATE OF EROSION AND TO PROTECT THE CATCH BASIN.
16. 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.
17. TO MINIMIZE EROSION, ALL 3:1 SLOPES SHALL BE COVERED WITH A M/NDOT 3885 CATEGORY 3 STRAW EROSION CONTROL BLANKETS OR STAKED SOD.
18. ACCUMULATION OF ALL SEDIMENT OCCURRING IN LAKES AND STORM SEWERS AND DITCHES SHALL BE REMOVED PRIOR TO, DURING AND AFTER COMPLETION OF GRADING ACTIVITIES.
19. 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 UTILITIES ARE SHOWN OR IF MARKED, ARE SHOWN CORRECTLY. CONTACT OWNER AT 650.454-0002 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 419.50, FOR EXAMPLE, ARE TO BE UNDERSTOOD TO MEAN 841.50.
7. ALL SPOT ELEVATIONS ALONG THE CURB-LOW 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 CIVIL ENGINEER.
12. PRIOR TO ISSUANCE OF BUILDING PERMITS, ALL NECESSARY EROSION CONTROL DEVICES MUST BE IN PLACE AND FUNCTIONING. THE CITY OF RICHFIELD WILL NOT ISSUE A SITE SPECIFIC PERMIT 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 SPECIFICATIONS SIX INCHES OF TOPSOIL - AFTER CONSTRUCTION - SHALL BE 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 ATTACHED DRAWINGS TO BE INSTALLED TO THE SITE. THE CONTRACTOR SHALL REFER TO THE ATTACHED 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 INTO ADJACENT PROPERTIES. ANY DAMAGE TO ADJACENT PROPERTIES MUST BE CORRECTED AND RESTORED AS SOON AS POSSIBLE TO PREVIOUSLY EXISTING ADJACENT PROPERTIES.
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 PAVEMENT ARE TO HAVE CLASS 5 BASE INSTALLED; ALL OTHER DISTURBED AREAS ARE TO BE SEED, STRAW MULCH PLACED, 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 GROUND MULCHING SHALL BE DEFINED AS MULCH MATERIAL SPREAD OVER FROZEN GROUND. MULCH MATERIALS THAT DO NOT REQUIRE DISC-ANCHORING INTO THE SOIL MAY BE PLACED WITHOUT MODIFICATION. MULCH MATERIALS THAT REQUIRE DISC-ANCHORING MAY BE ANCHORED WITH STEEL RAIL SPOKE STABILIZERS OR DISC-ANCHORED TO 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.





10 South Eighth Street  
Minneapolis, MN 55402

t 612\_339-2257  
sheadesign.com

civil engineer

**BKBM ENGINEERS**  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com

structural engineer

ERA Structural Engineering  
2550 UNIVERSITY AVE. W.  
SAINT PAUL, MN  
(651) 251-7570  
CONTACT: MIKE STEENSON, PE  
msteenson@eraeng.com

map engineer

GAUSMAN & MOORE  
1700 MN-36 # 700  
ROSEVILLE, MN 55113  
(651) 604-3106  
CONTACT: LICIA A. OLIGMUELLER, PR  
oligmuellel@ayresassociates.com

kitchen equipment consultant

**BOELTER PREMIER**  
7120 NORTHLAND TERRACE  
BROOKLYN PARK, MN 55428  
(763)450-2922  
CONTACT: BRIAN CEPEK  
bcepek@boelterpremier.com

brewing equipment consultant

CRAFT KETTLE BREWING EQUIPMENT  
9450 SW GEMINI DR PMB 95904  
BEAVERTON, OREGON 97008  
(855)953-8853  
CONTACT: JEREMY KING  
jeremy.king@craftkettle.com

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.

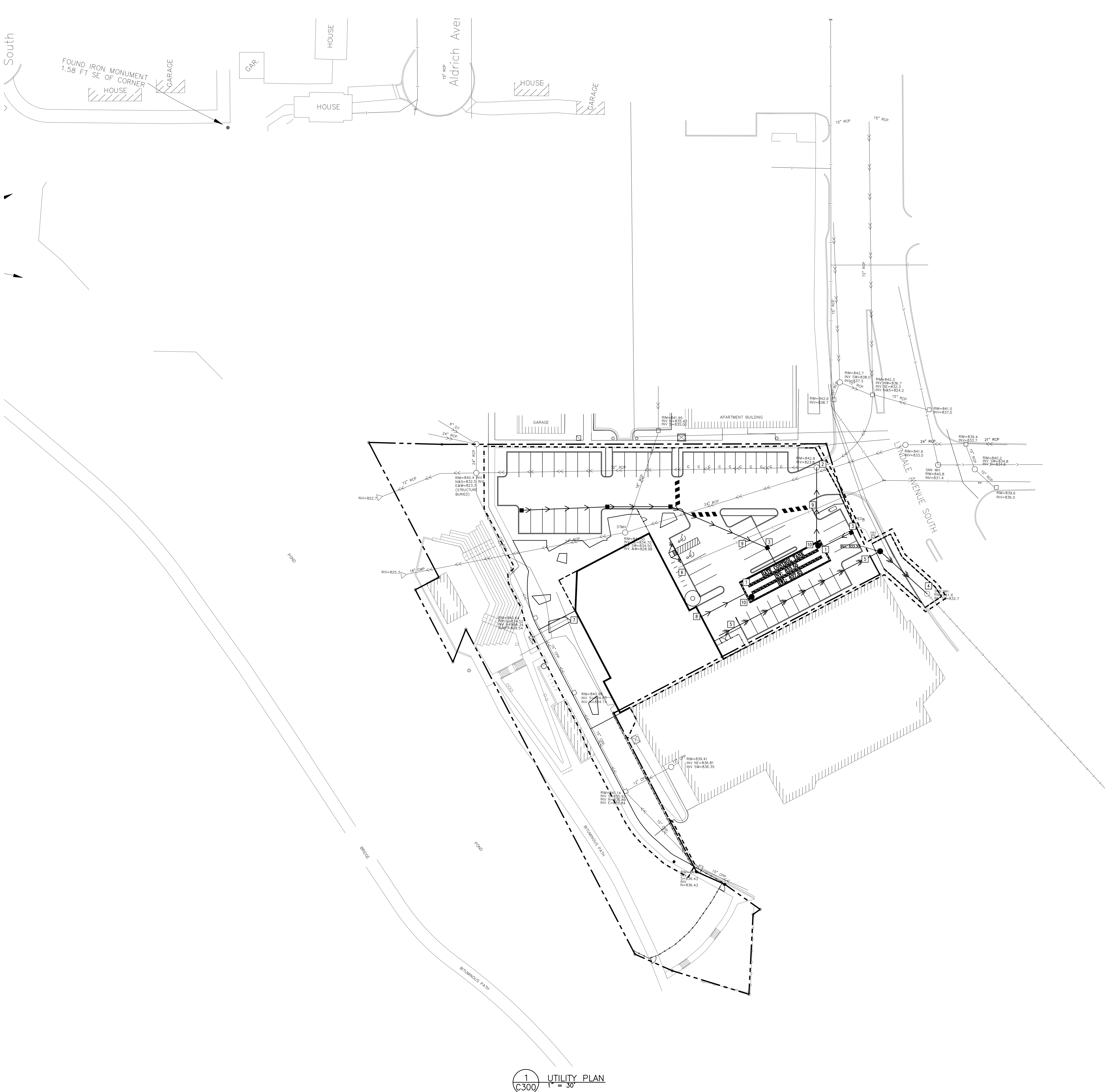
Date 11/03/2021 Keith A Matte Lic. No. 4667

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project no.	issue date
22108.5	2021-11-03
drawn	checked
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# QUALITY PLAN

# C300



### PROPOSED PLAN SYMBOLS

CONSTRUCTION LIMITS	
PROPERTY LINE	
SAWCUT LINE (APPROX.)	
SANITARY SEWER	
WATER PIPE	
DRAIN TILE	
STORM SEWER	
FIRE HYDRANT	
GATE VALVE	
CATCH BASIN	
MANHOLE	
SEWER INVERT ELEVATION	

<b>ABBREVIATIONS</b>	
BLDG	Building
BM	Bench Mark
CB	Catch Basin
CONC	Concrete
DIP	Ductile Iron Pipe
ELEV	Elevation
EX	Existing
FF	Finished Floor Elevation
HDPE	High Density Polyethylene
INV	Invert
MAX	Maximum
MH	Manhole
MIN	Minimum
PIV	Post Indicator Valve
PVC	Polyvinyl Chloride
RCP	Reinforced Concrete Pipe
RD	Roof Drain

UTILITY NOTES FOR WORK IN  
PUBLIC RIGHT-OF-WAY:

1. FOLLOW ALL CITY OF RICHFIELD AND HENNEPIN COUNTY STANDARDS AND SPECIFICATIONS.
2. PRIOR TO CONSTRUCTION, CONTRACTORS ARE TO COORDINATE ALL WORK WITHIN RIGHT-OF-WAY AND OBTAIN ALL APPLICABLE PERMITS.

### KEYED NOTES

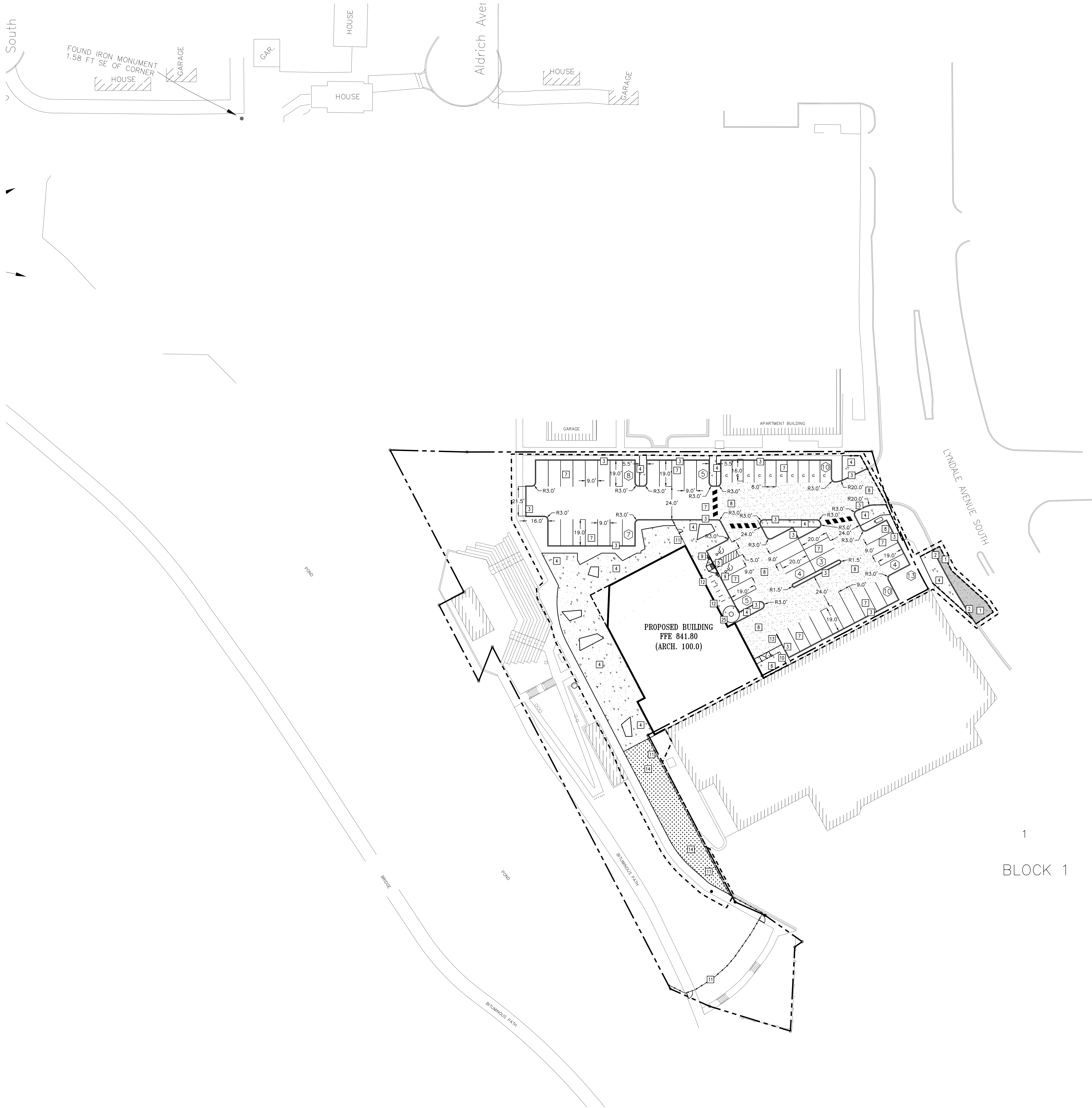
KEYED NOTES ARE DENOTED BY NO ON PLAN

1. INSTALL RATE CONTROL TANK, KNP PERC, 9/5500. RATE CONTROL TANK SHALL HAVE A TOTAL VOLUME OF 4.118 CUBIC FEET AND MEET THE RATE CONTROL REQUIREMENTS OF THE 1995 CDP. SYSTEM FLOW RATE SHALL BE BASED ON CMP PIPE DESIGN. ANY ALTERNATE DESIGNS MUST BE APPROVED BY CIVIL ENGINEER AND APPROVED BY THE CONTRACTOR.
2. CORE DRILL EXISTING MANHOLE FOR PROPOSED PIPE CONNECTION, GROUT SEAL AROUND OPENING, FOLLOW ALL CITY OF RICHFELD STANDARDS AND SPECIFICATIONS.
3. INSTALL 12" CMP 12' TO DETAIL 6" TO DETAIL 6" INVERT.
4. CORE DRILL EXISTING MANHOLE FOR PROPOSED PIPE CONNECTION AT INV. 832.81. GROUT SEAL AROUND OPENING. FOLLOW ALL CITY OF RICHFELD STANDARDS AND SPECIFICATIONS.
5. LOCATION OF PROPOSED SANITARY SEWER SERVICE. REQUIRE FOR SANITARY SEWER TABLE FOR INVERT ELEVATIONS AND PIPE SIZES. STUB TO WITHIN 5' FEET OF EXISTING BUILDING. EXISTING SERVICE SHALL BE EXPOSED AND REMOVED WITH MECHANICAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
6. LOCATION OF PROPOSED WATER SERVICE CONNECTION, EXISTING 4" INCH WATER MAIN TO BE EXPOSED AND REMOVED. EXISTING SERVICE SHALL BE EXPOSED AND REMOVED WITH MECHANICAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
7. LOCATION OF PROPOSED WATER SERVICE CONNECTION. EXISTING WATER LINE FEEDS FROM WATER MAIN TO THE WATER FOUNTAIN. EXISTING SERVICE SHALL BE EXPOSED AND REMOVED 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 SEWER SERVICE, CONTRACTOR SHALL LOWER WATER SERVICE TO PROVIDE ADEQUATE COVER AND SEPARATION.
10. INSTALL ACCESS RISER.

UTILITY NOTES:

1. COORDINATE SEWER CONNECTION LOCATIONS AT THE BUILDING WITH THE MECHANICAL CONTRACTOR PRIOR TO CONSTRUCTION. NO ADDITIONAL COMPENSATION WILL BE ALLOWED FOR THIS 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 ALLOWED FOR THIS WORK.
3. ALL SEWER SEWER CONNECTIONS WITH LESS THAN 5 FEET OF COVER OVER THE TOP OF PIPE SHALL BE INSULATED. INSULATION SHALL BE INSTALLED FROM THE EXISTING GRADE TO THE TOP OF THE COVER. INSULATION SHALL BE INSTALLED ATTAINING 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 THROU-ROCKING ON ALL WATER MAIN AT CITY OF RICHFIELD. PROVIDE MECHANICAL JOINT RESTRAINTS ON ALL BENDS, VALVES, TEES, FLUOS AND HYDROANT 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 FOUNDATION SHALL BE SCHEDULED TO PVC TO PVC PIPE AND ATTAINING SHALL CONFORM TO THE REQUIREMENTS OF ASTM D3034 (ASTM D2656 FOR CONTRACTORS 40).
11. CONTRACTORS SHALL COORDINATE ALL WORK WITH GAS, ELECTRIC, TELEVISION AND CABLE COMPANIES PRIOR TO START OF CONSTRUCTION.
12. WHEN PROPOSED GRADE OVER EXISTING SMALL UTILITIES IS PROPOSED TO BE LOWERED, CONTRACTOR SHALL COORDINATE WITH UTILITY OWNER FOR THE PROTECTION OF THE EXISTING UTILITY. 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 SEWER LINE SHALL BE TESTED IN ACCORDANCE WITH MN PLUMBING CODE. PIPE JOINTS SHALL BE TESTED TO 100 PSI.
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 EXISTING PIPING. GASKETS AND OTHER NON-APPROVED JOINTS ARE NOT ALLOWED. GROUTING RINGS ARE AN ACCEPTABLE ALTERNATIVE. CEMENT MORTAR JOINTS ARE PROHIBITED ONLY FOR REPAIRS AND CONNECTIONS OF EXISTING LINES.
15. CONTRACTOR SHALL SUBMIT CONNECTION DETAIL FOR REVIEW.





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.



10 South Eighth Street  
Minneapolis, MN 55402

t 612\_339-2257  
sheadesign.com

civil engineer

BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com

structural engineer

ERA Structural Engineering  
2550 UNIVERSITY AVE. W.  
SAINT PAUL, MN  
(651) 251-7570  
CONTACT: MIKE STEENSON, PE  
msteenson@eraeng.com

map engineer

GAUSMAN & MOORE  
1700 MN-36 # 700  
ROSEVILLE, MN 55113  
(651) 604-3106  
CONTACT: LUCIA A. OLIGMUELLER, PE  
oligmuelle1@ayresassociates.com

kitchen equipment consultant

BOELTER PREMIER  
7120 NORTHLAND TERRACE  
BROOKLYN PARK, MN 55428  
(763)450-2922  
CONTACT: BRIAN CEPEK  
bcepek@boelterpremier.com

brewing equipment consultant

CRAFT KETTLE BREWING EQUIPMENT  
9450 SW GEMINI DR PMB 95904  
BEAVERTON, OREGON 97008  
(855)953-8853  
CONTACT: JEREMY KING  
jeremy.king@craftkettle.com

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

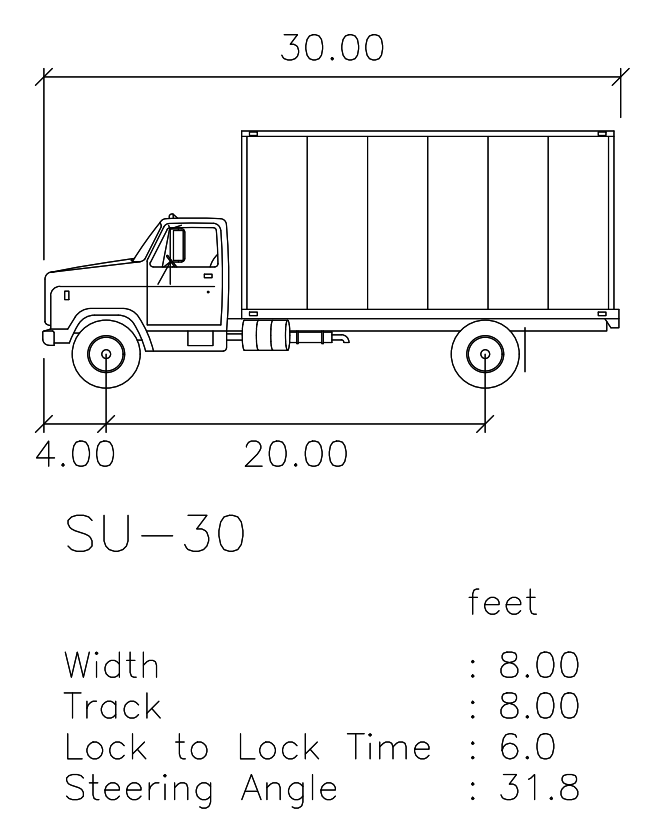
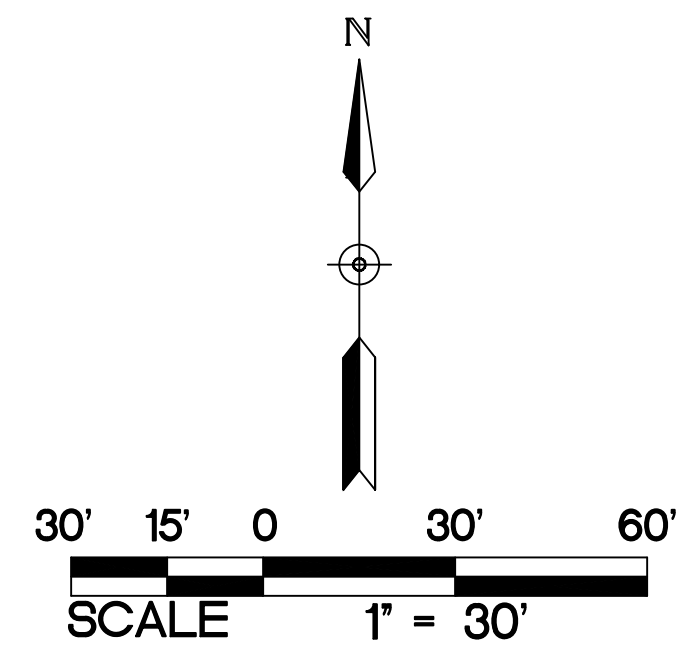
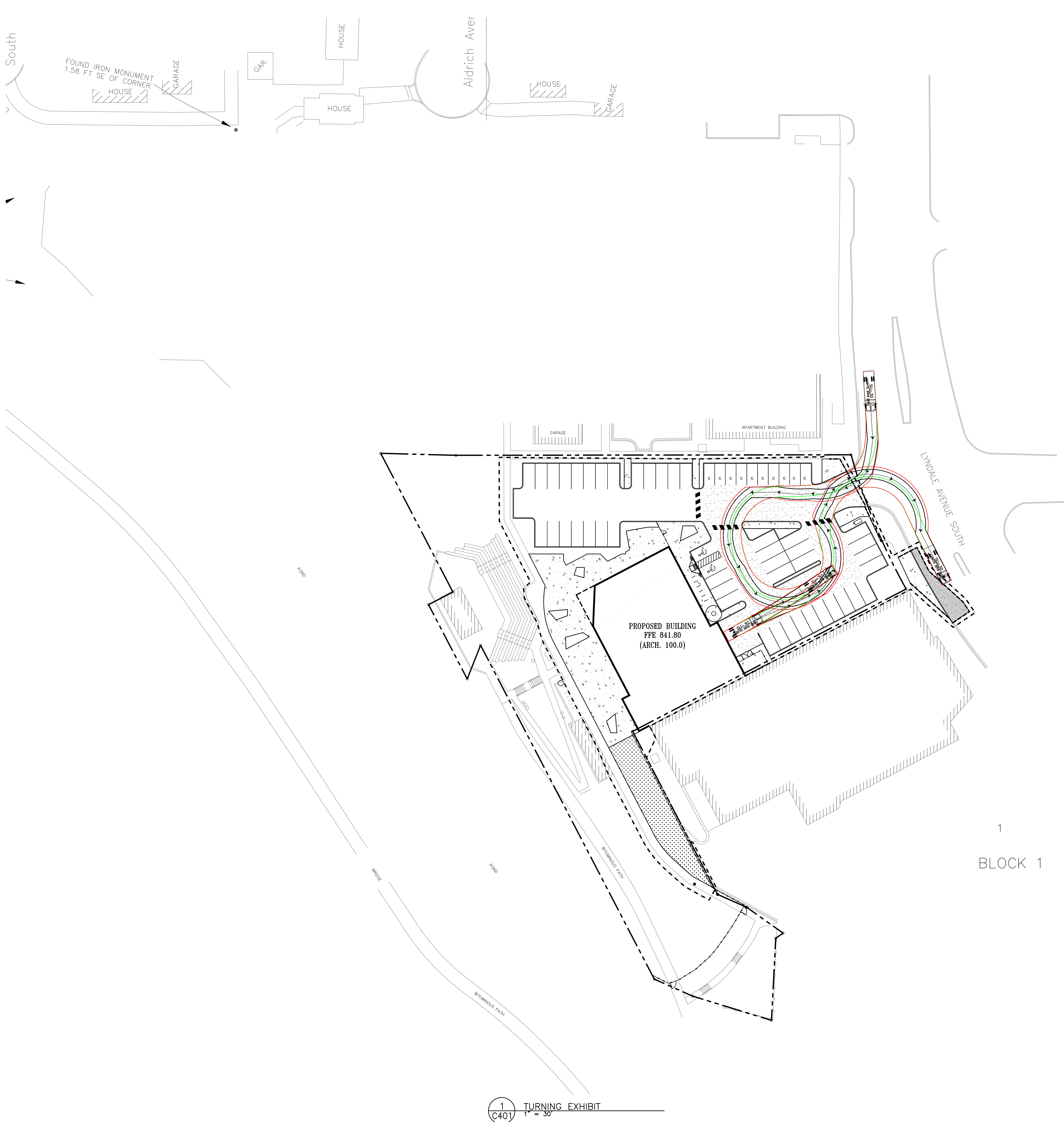
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10 South Eighth Street  
Minneapolis, MN 55402

t 612\_339-2257  
sheadesign.com

civil engineer  
BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com

structural engineer  
ERA Structural Engineering  
2550 UNIVERSITY AVE. W.  
SAINT PAUL, MN  
(651) 251-7570  
CONTACT: MIKE STEENSON, PE  
msteenson@eraeng.com

map engineer  
GAUSMAN & MOORE  
1700 MN-36 # 700  
ROSEVILLE, MN 55113  
(651) 604-3108  
CONTACT: LICIA A. OLIGMUELLER, PE  
oligmuelle1@ayresassociates.com

kitchen equipment consultant  
BOELTER PREMIER  
7120 NORTHLAND TERRACE  
BROOKLYN PARK, MN 55428  
(763)450-2922  
CONTACT: BRIAN CEPEK  
bcepek@boelterpremier.com

brewing equipment consultant  
CRAFT KETTLE BREWING EQUIPMENT  
9450 SW GEMINI DR PMB 95904  
BEAVERTON, OREGON 97008  
(855)953-8853  
CONTACT: JEREMY KING  
jeremy.king@craftkettle.com

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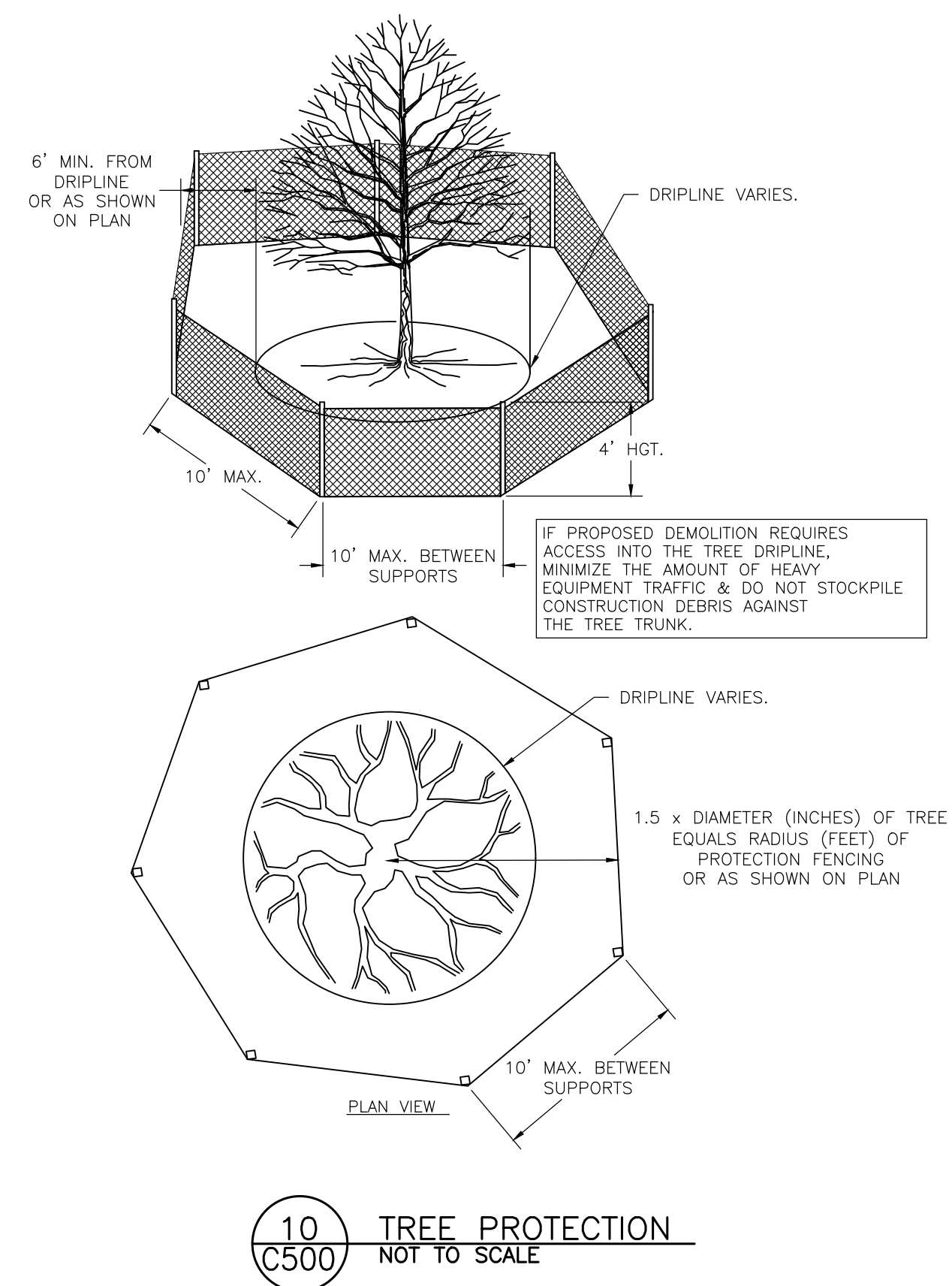
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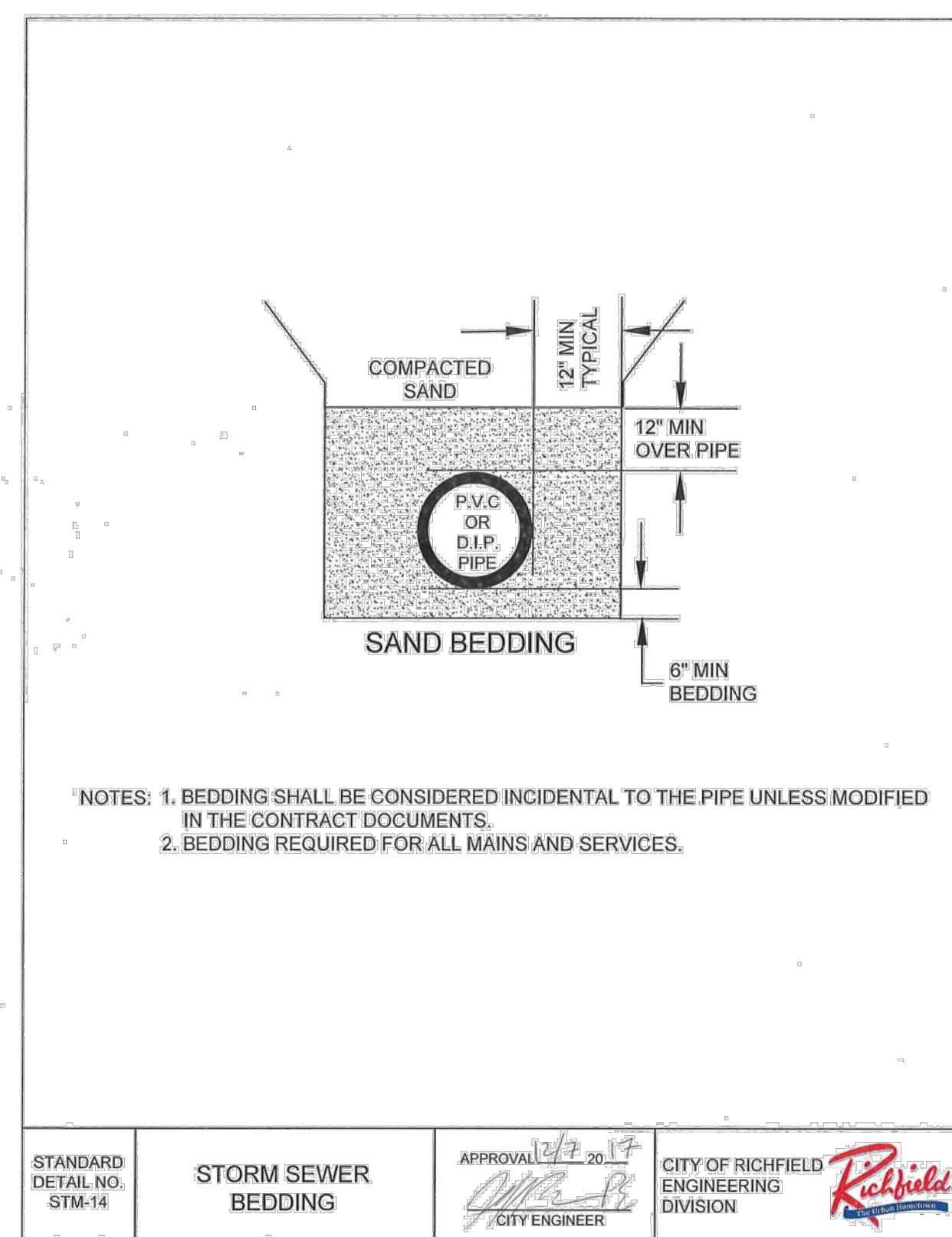
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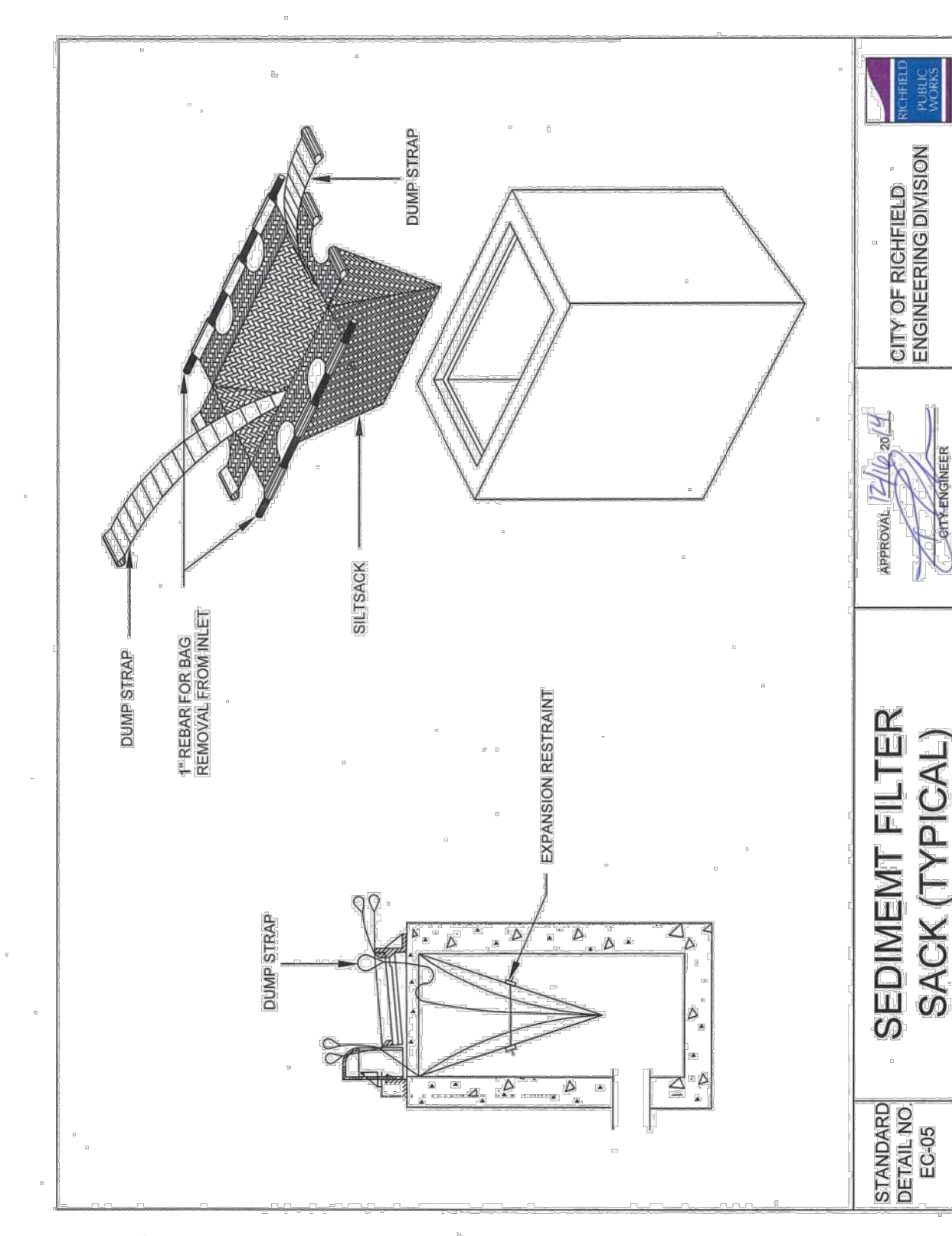




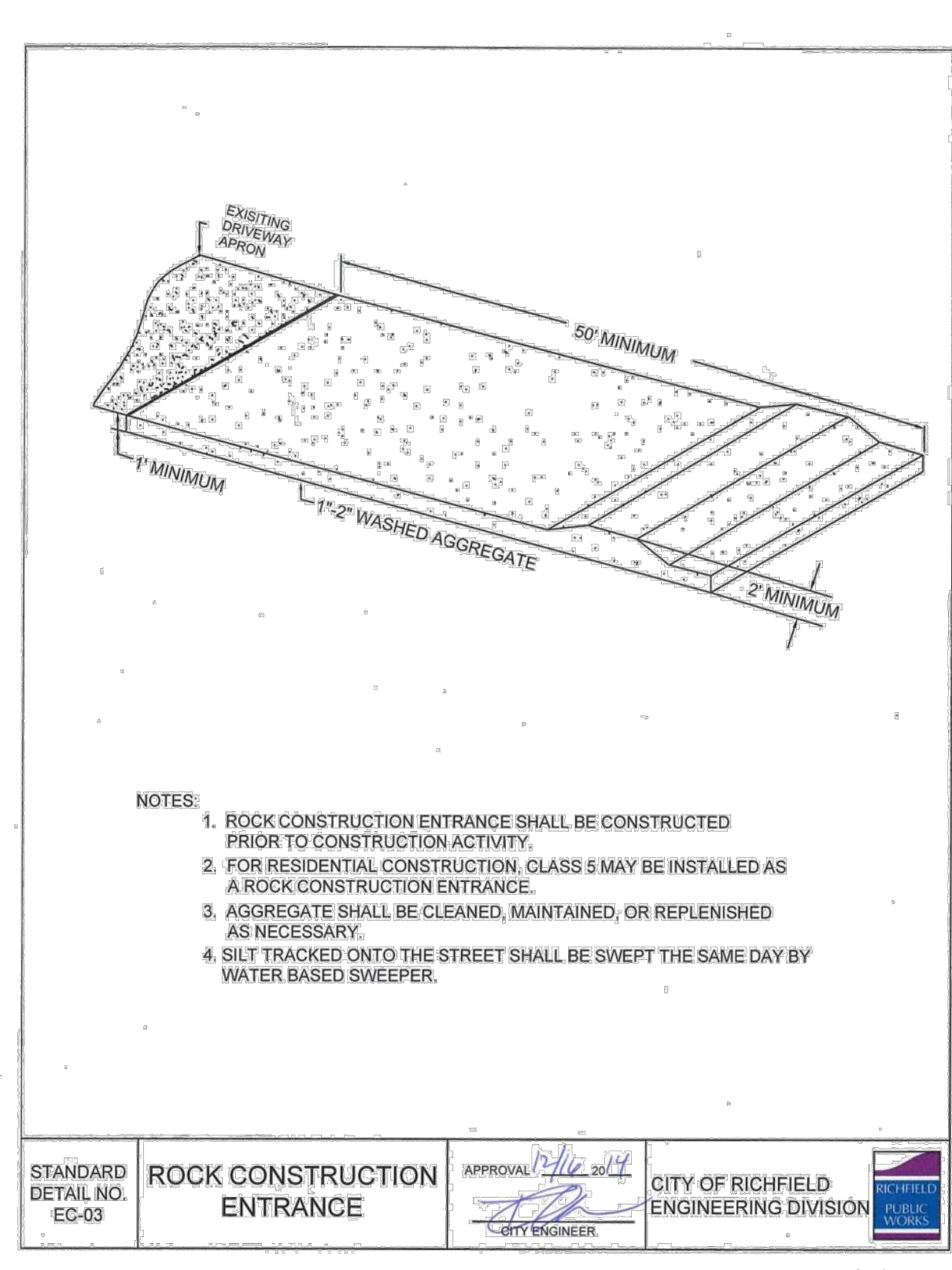
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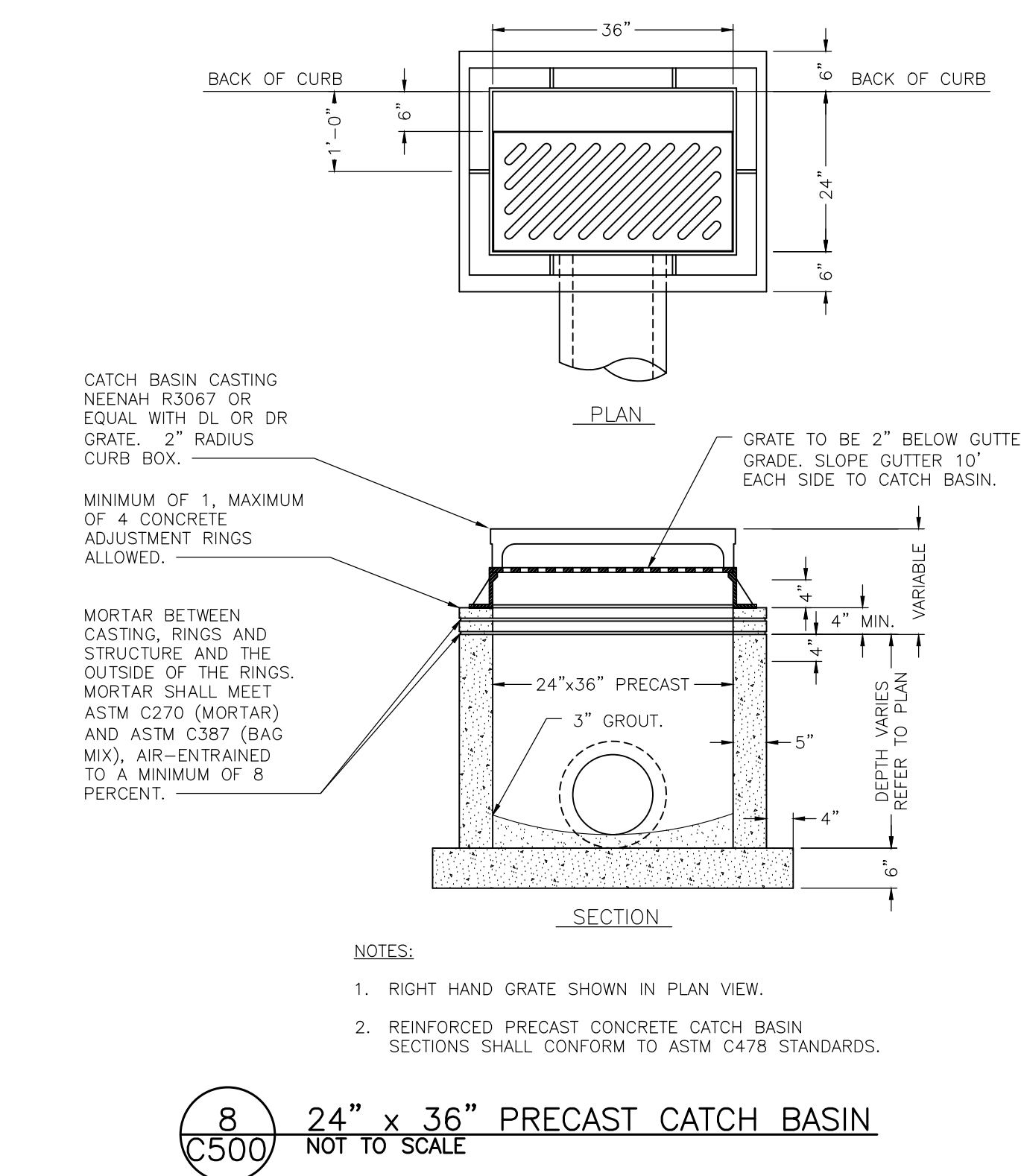
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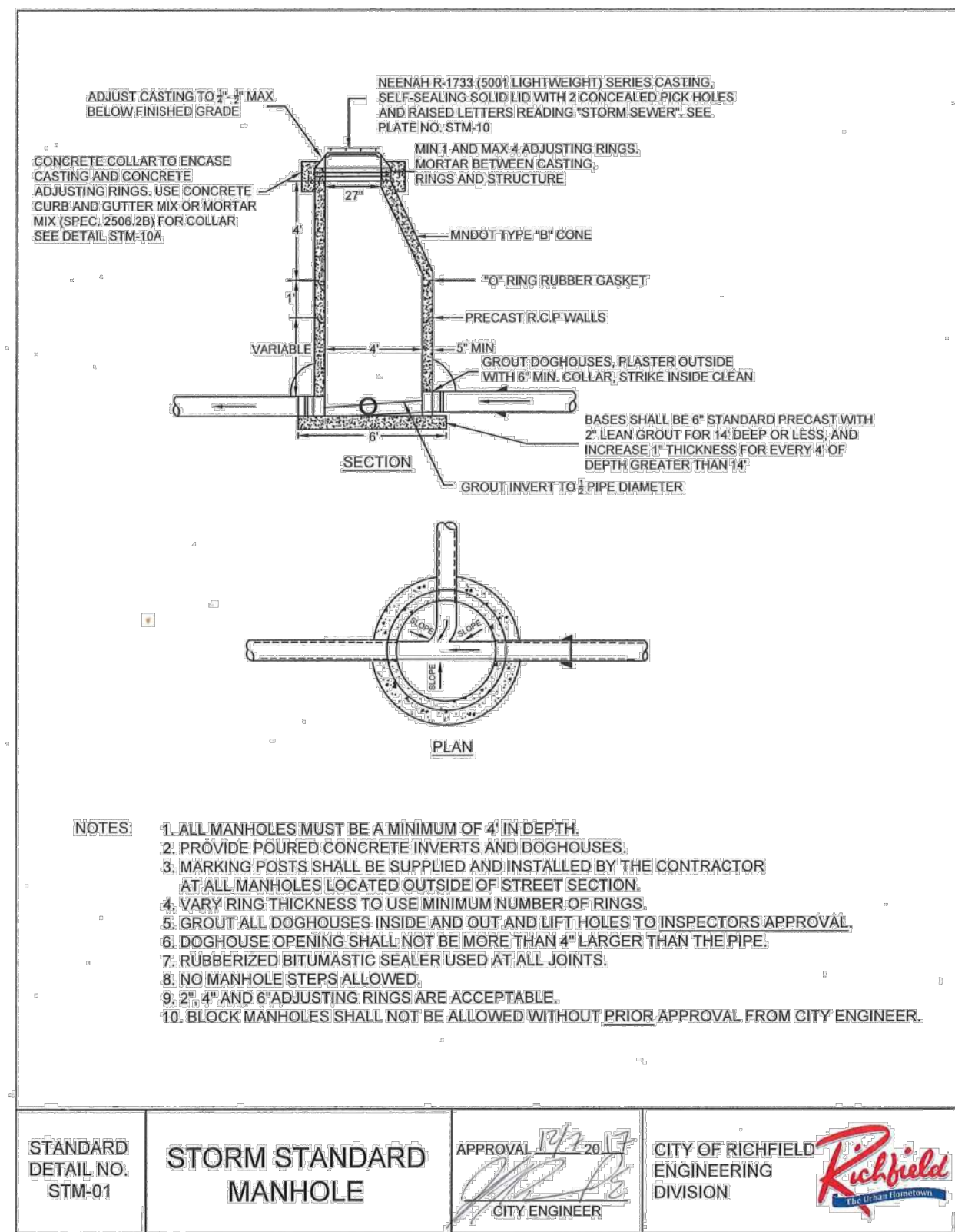
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NOT TO SCALE



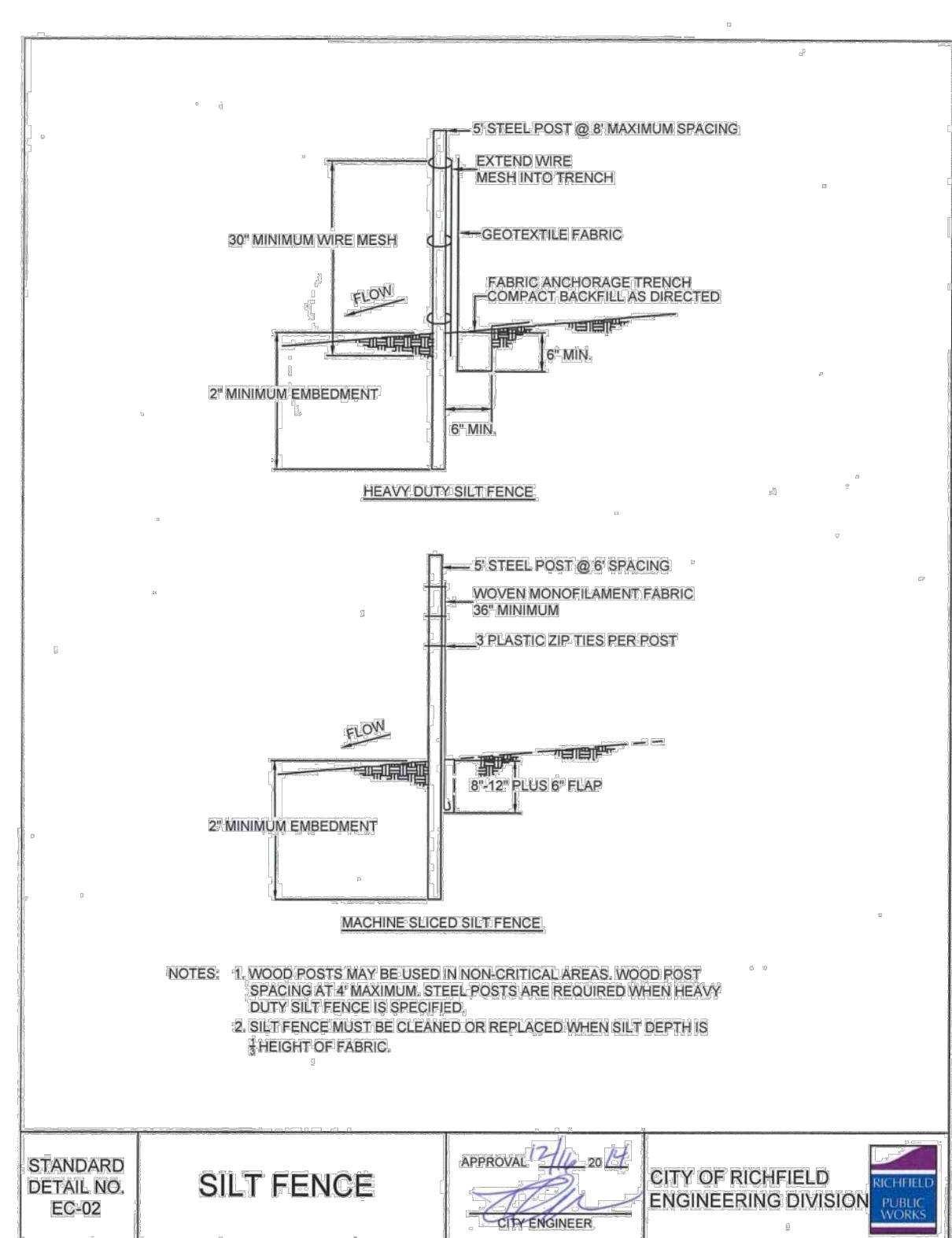
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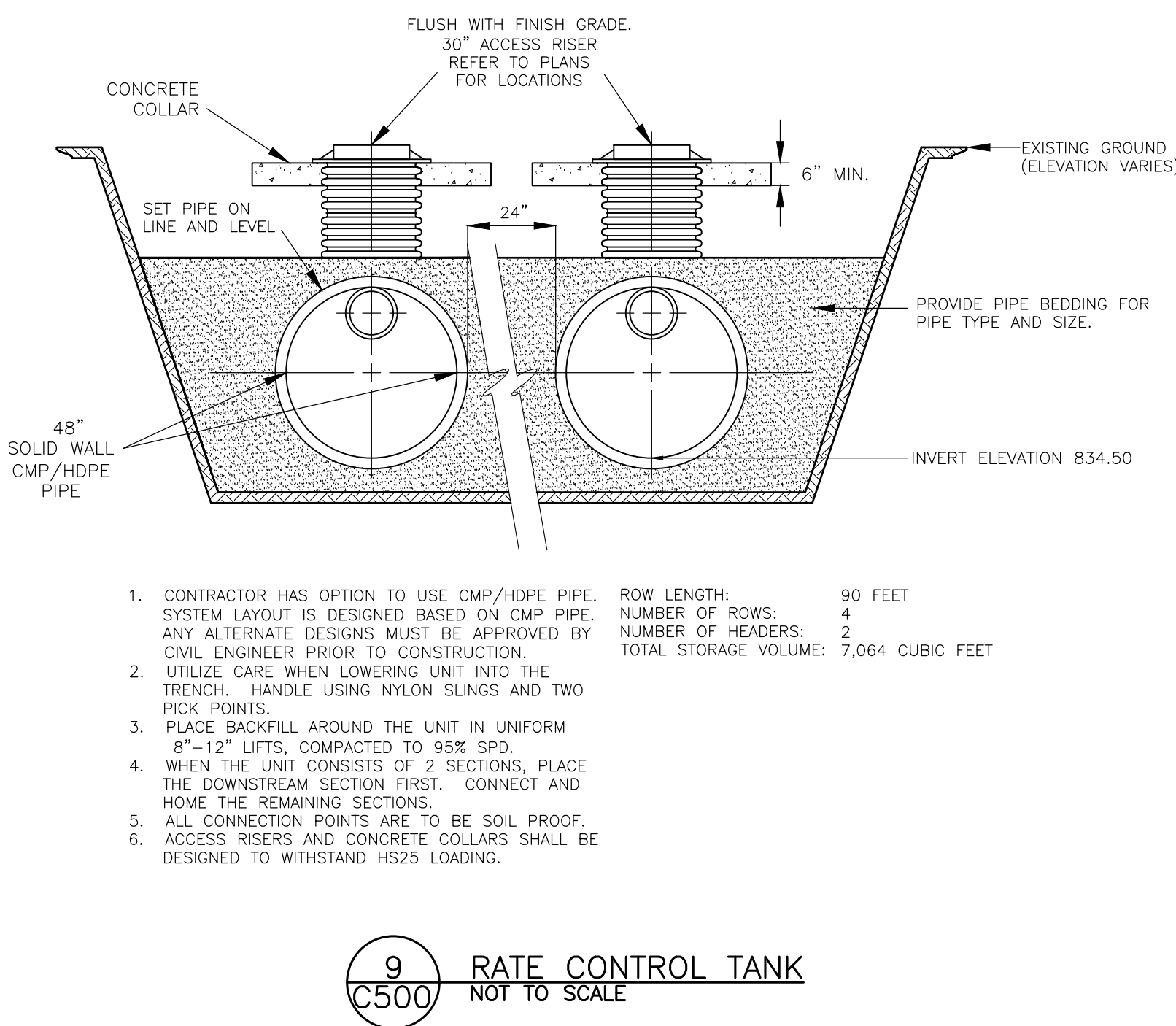
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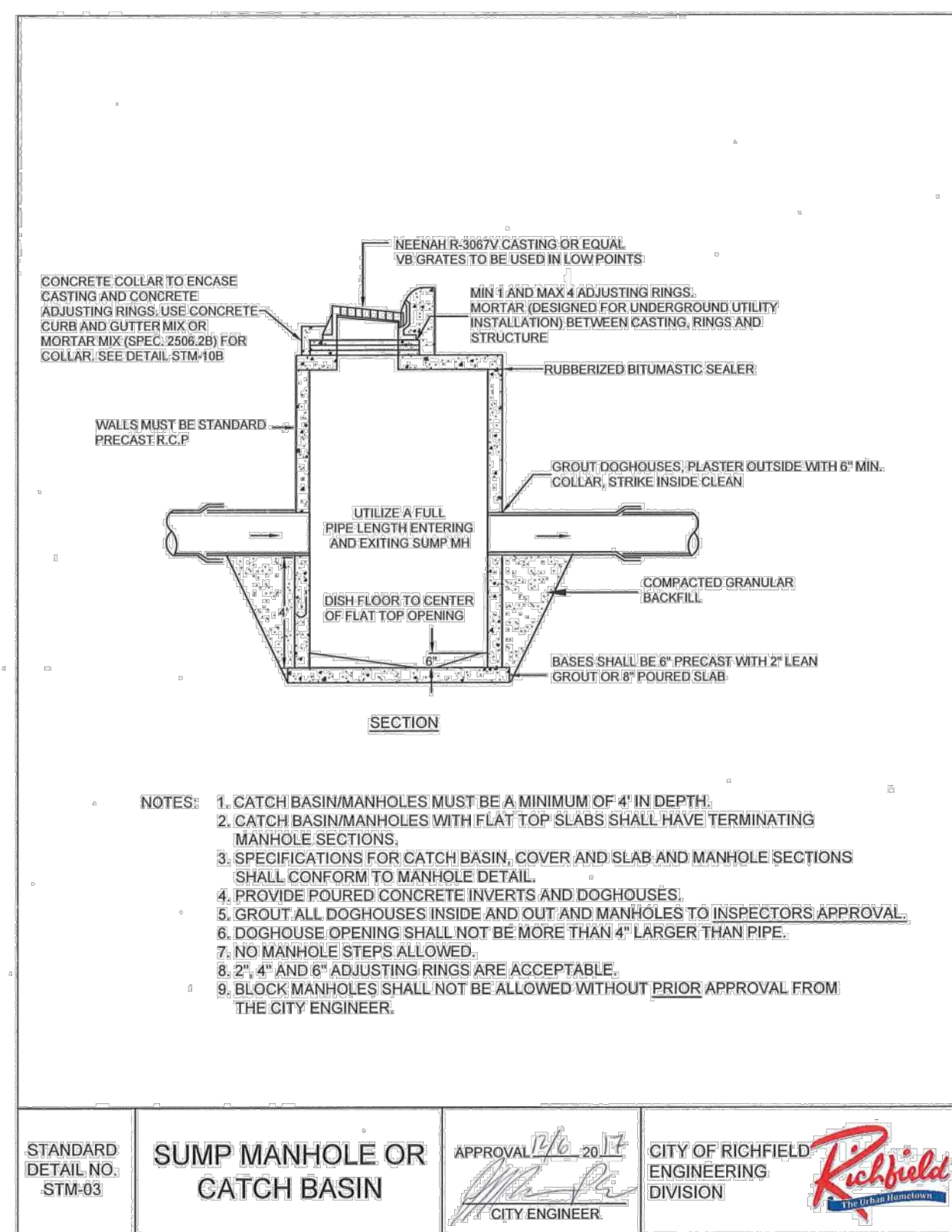
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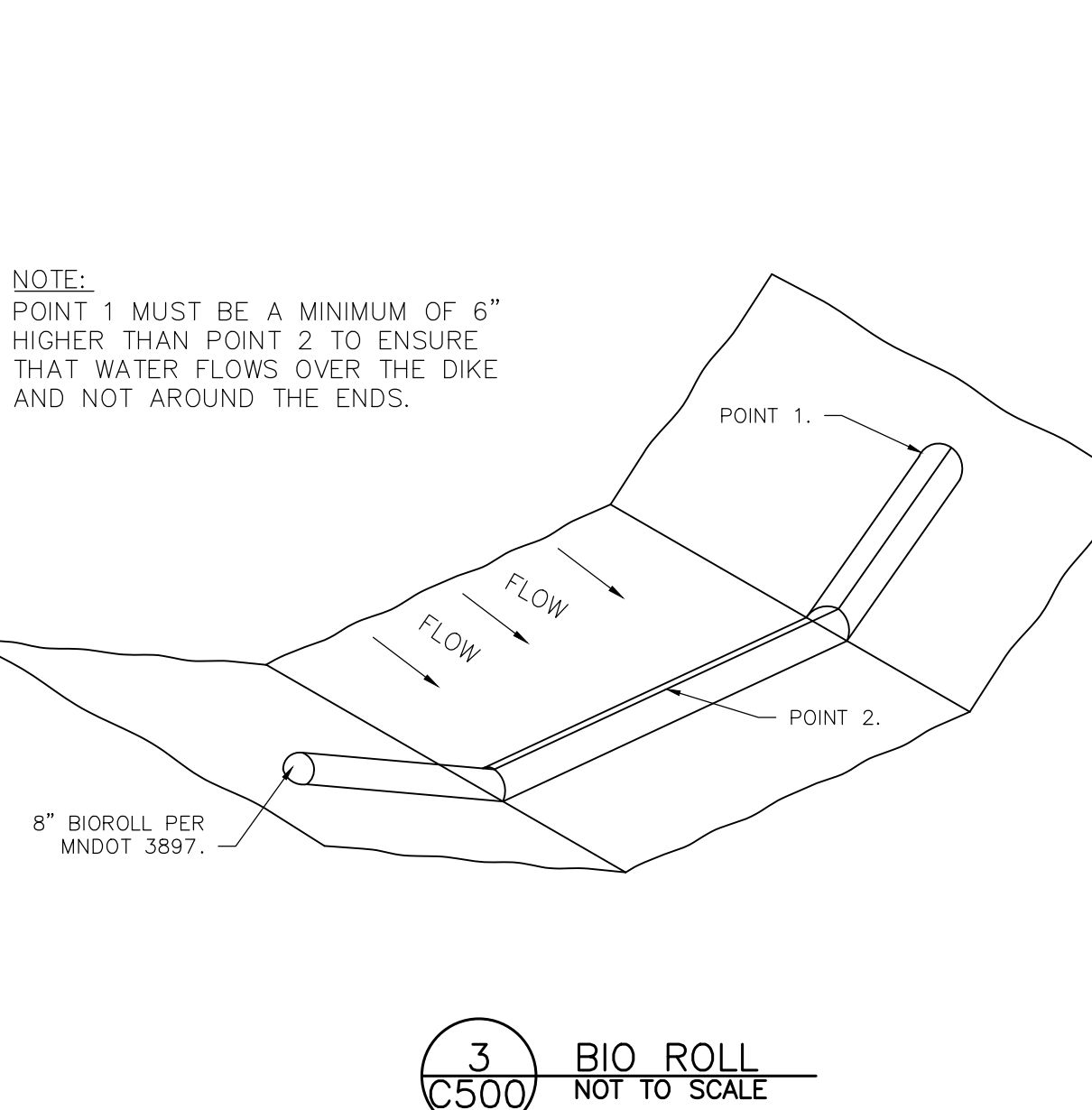
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9  
C500 RATE CONTROL TANK  
NOT TO SCALE



6  
C500 SUMP MANHOLE  
NOT TO SCALE



3  
C500 BIO ROLL  
NOT TO SCALE



10 South Eighth Street  
Minneapolis, MN 55402

t 612.339.2257  
sheadesign.com

civil engineer

BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com

structural engineer

ERA Structural Engineering  
2550 UNIVERSITY AVE. W.  
SAINT PAUL, MN  
(651) 251-7570  
CONTACT: MIKE STEENSON, PE  
msteenson@eraeng.com

map engineer

GAUSMAN & MOORE  
1700 MN-36 # 700  
ROSEVILLE, MN 55113  
(651) 604-3108  
CONTACT: LUCIA A. OLIGMUELLER, PE  
oligmuelle1@ayresassociates.com

kitchen equipment consultant

BOELTER PREMIER  
7120 NORTHLAND TERRACE  
BROOKLYN PARK, MN 55428  
(763)450-2922  
CONTACT: BRIAN CEPEK  
bcepek@boelterpremier.com

brewing equipment consultant

CRAFT KETTLE BREWING EQUIPMENT  
9450 SW GEMINI DR PMB 95904  
BEAVERTON, OREGON 97008  
(855)953-8853  
CONTACT: JEREMY KING  
jeremy.king@craftkettle.com

project title

client

soil

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WH	STD

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CIVIL DETAILS

C500





10 South Eighth Street  
Minneapolis, MN 55402

t 612.339.2257  
sheadesign.com

civil engineer

BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
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SAINT PAUL, MN  
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CONTACT: MIKE STEENSON, PE  
msteenson@eraeng.com

map engineer

GAUSMAN & MOORE  
1700 MN-36 # 700  
ROSEVILLE, MN 55113  
(651) 604-3106  
CONTACT: LUCIA A. OLIGMUELLER, PE  
oligmuelle1@ayresassociates.com

kitchen equipment consultant

BOELTER PREMIER  
7120 NORTHLAND TERRACE  
BROOKLYN PARK, MN 55428  
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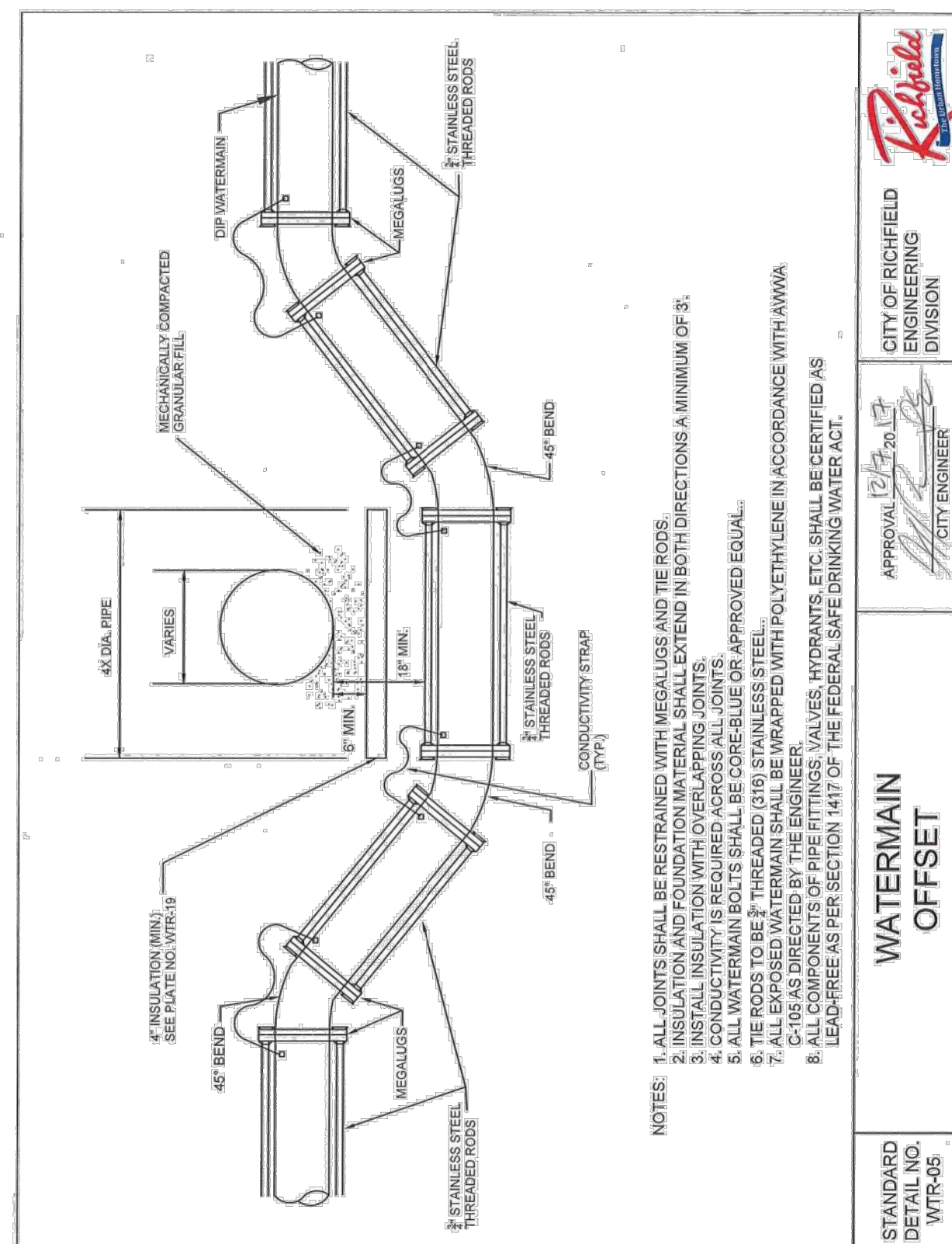
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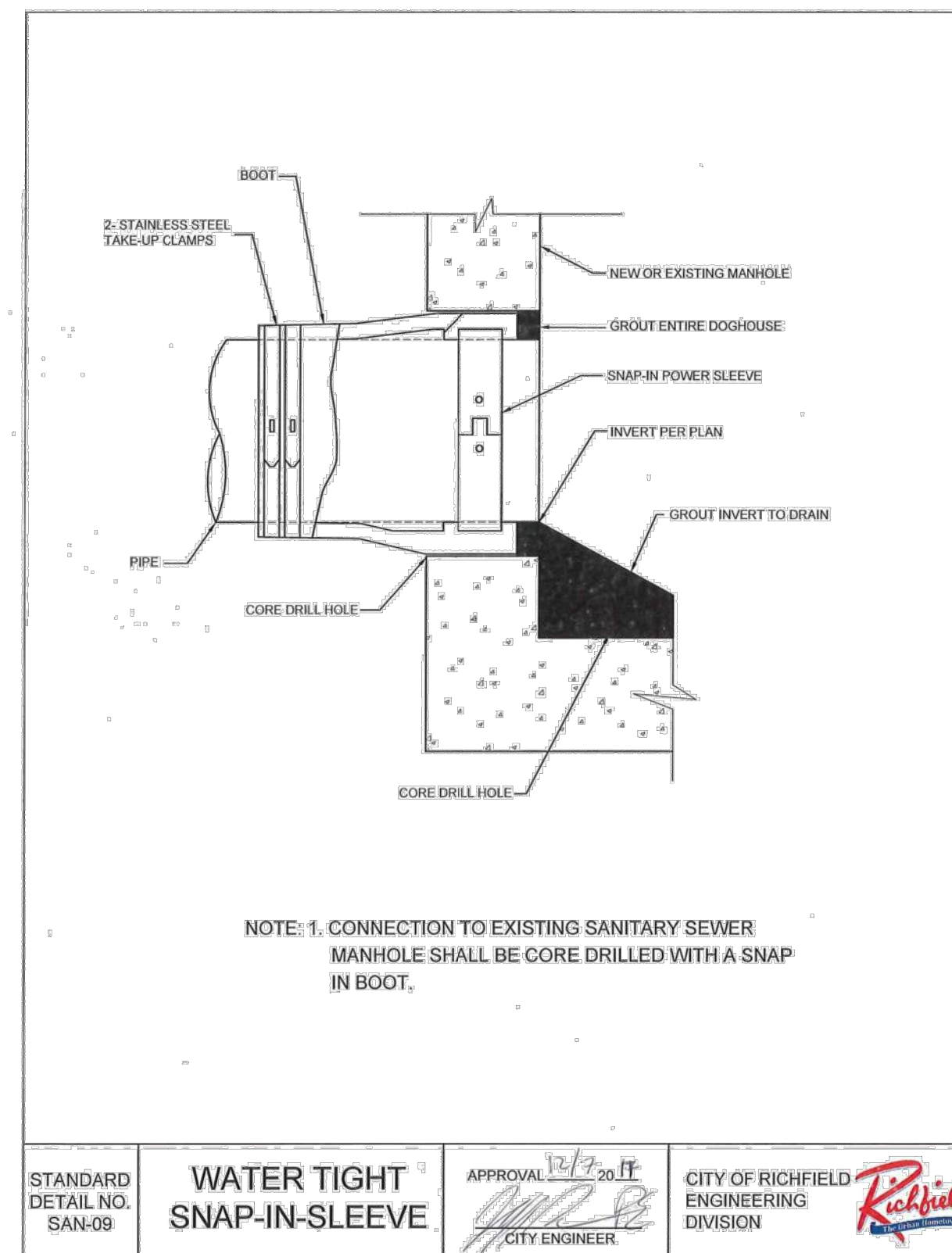
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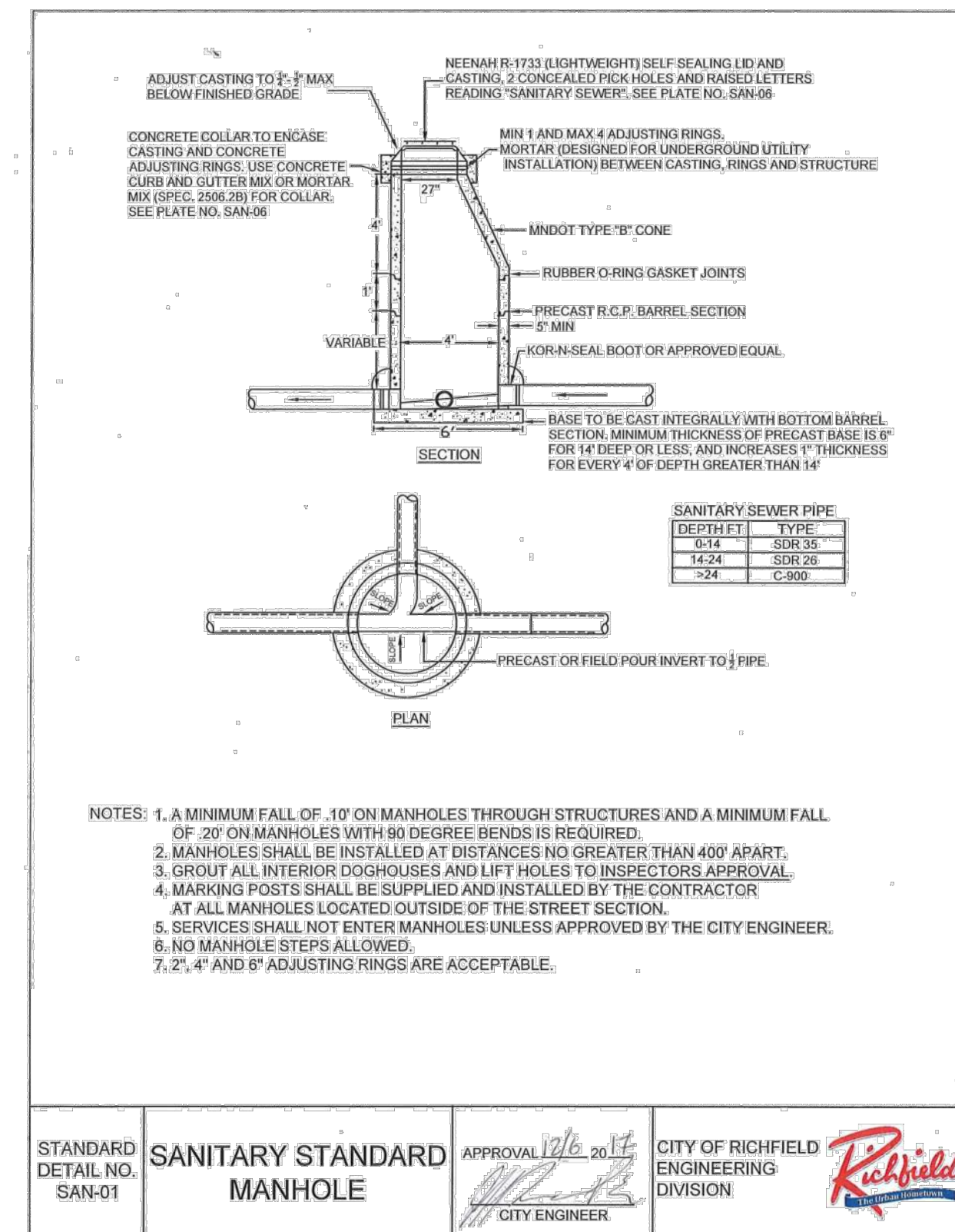
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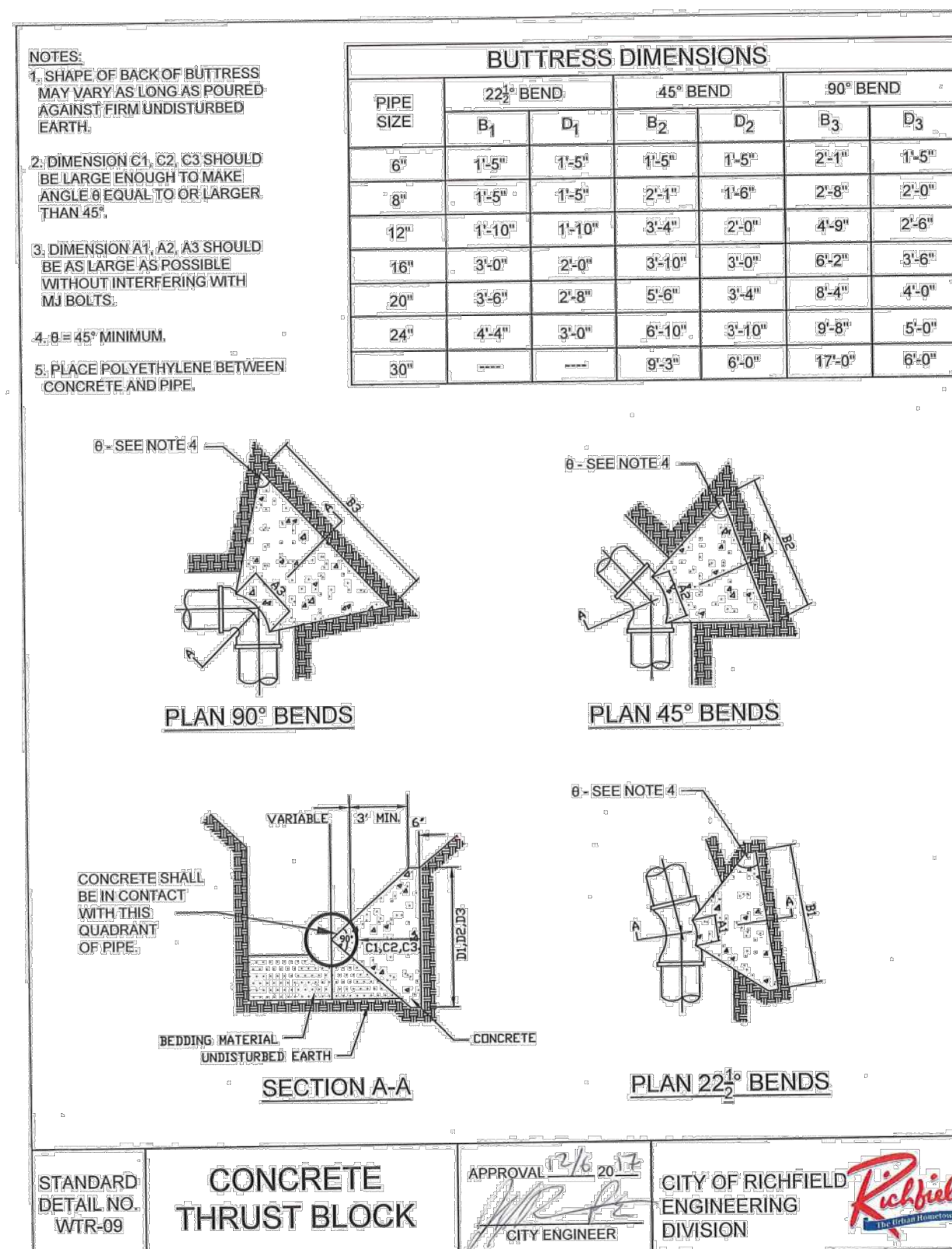
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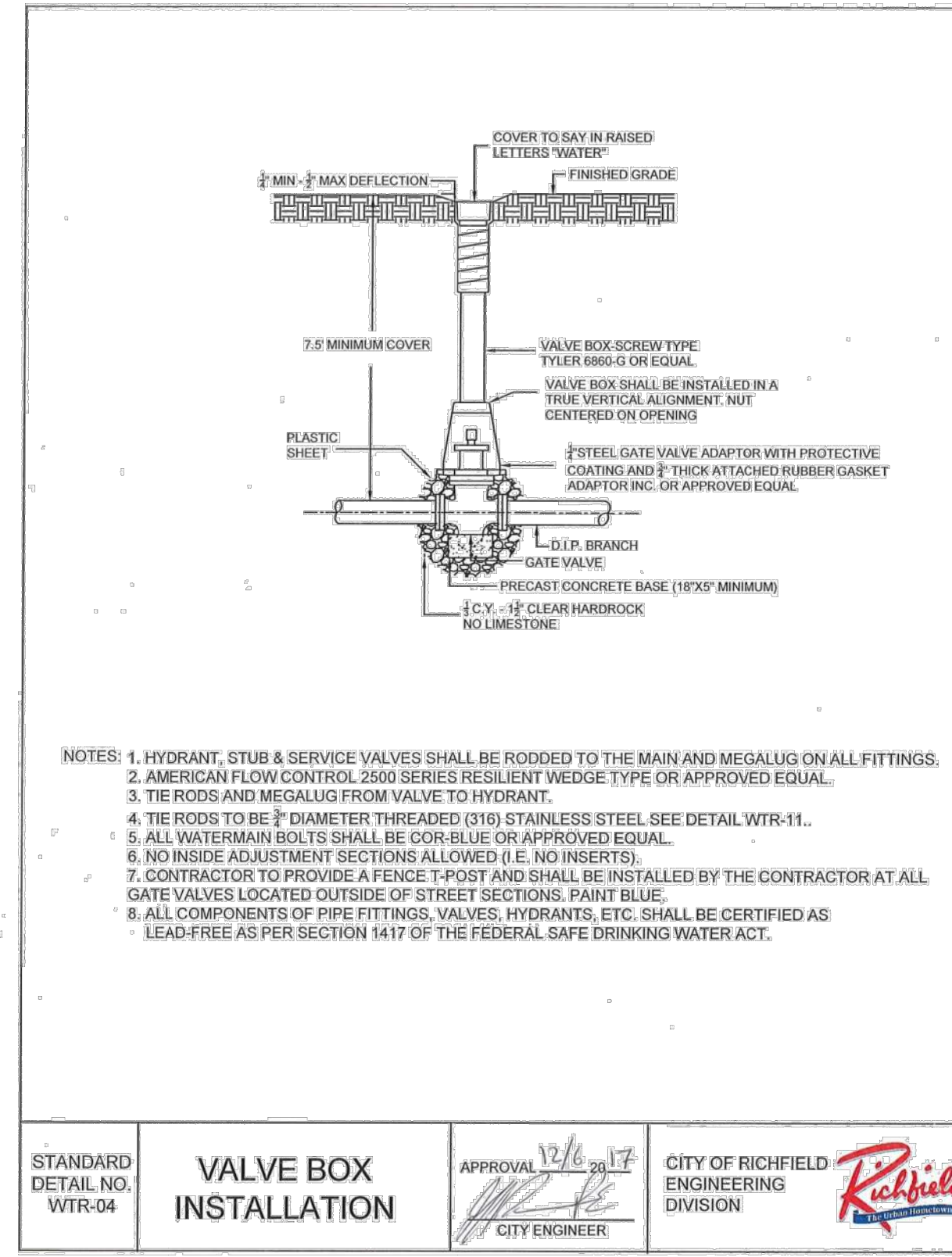
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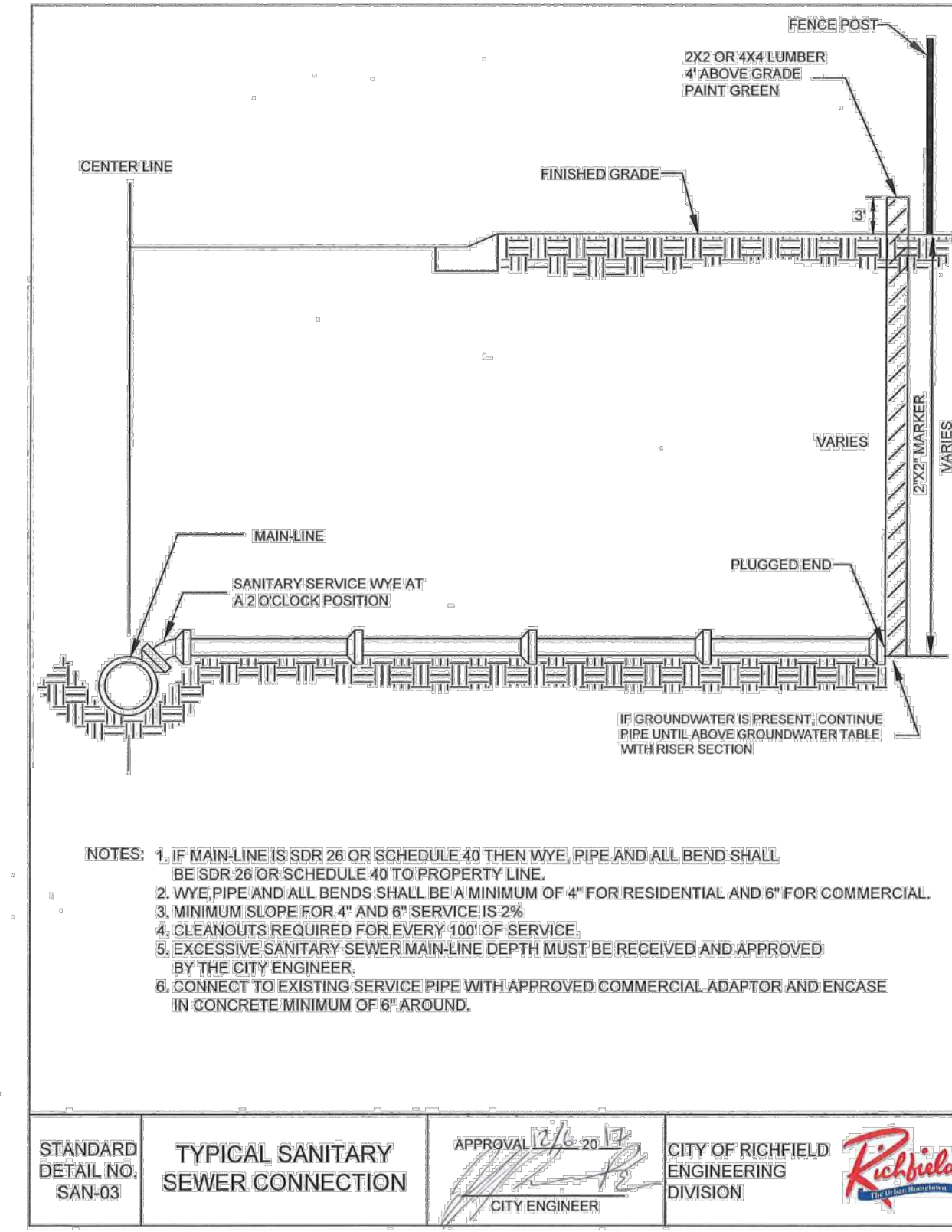
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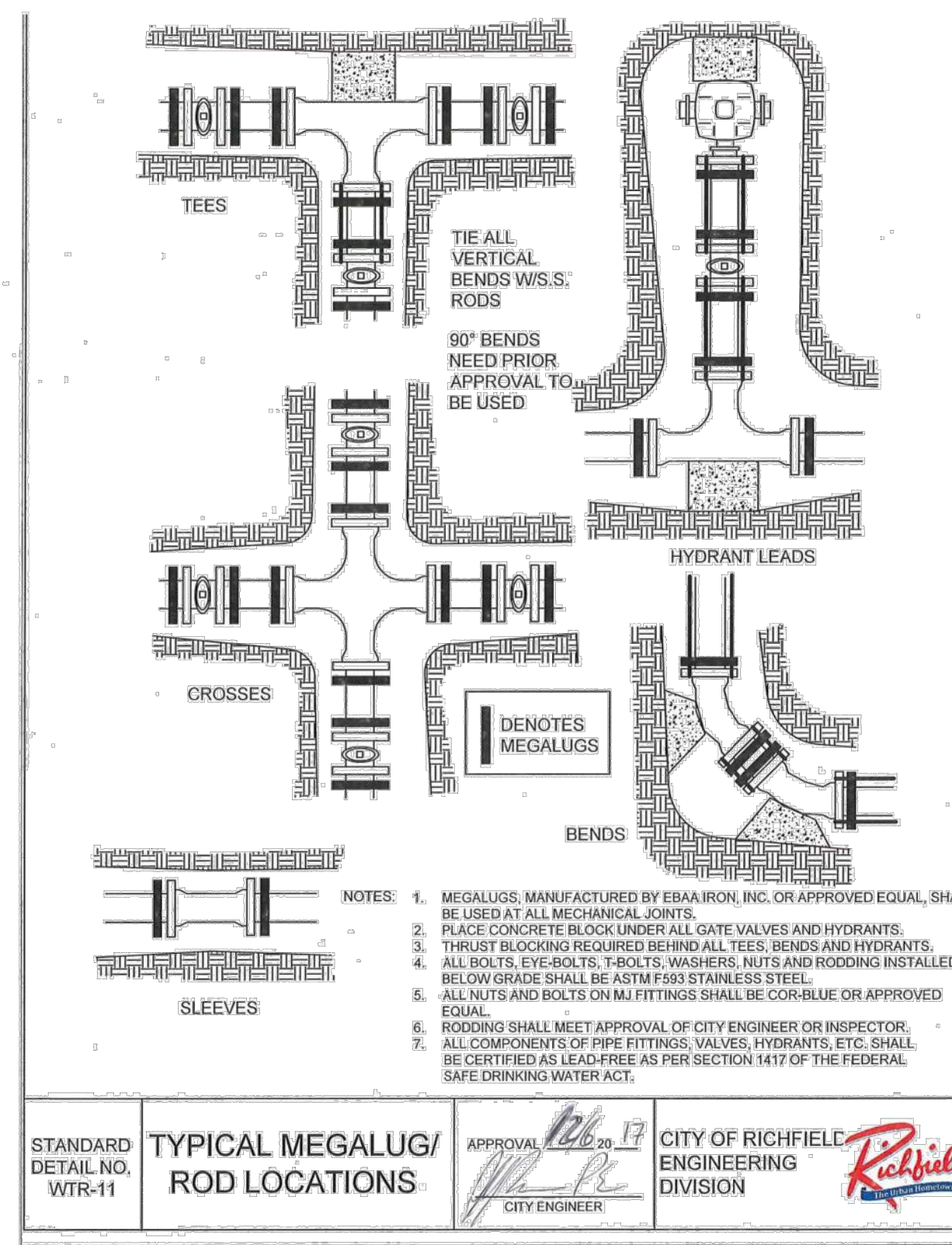
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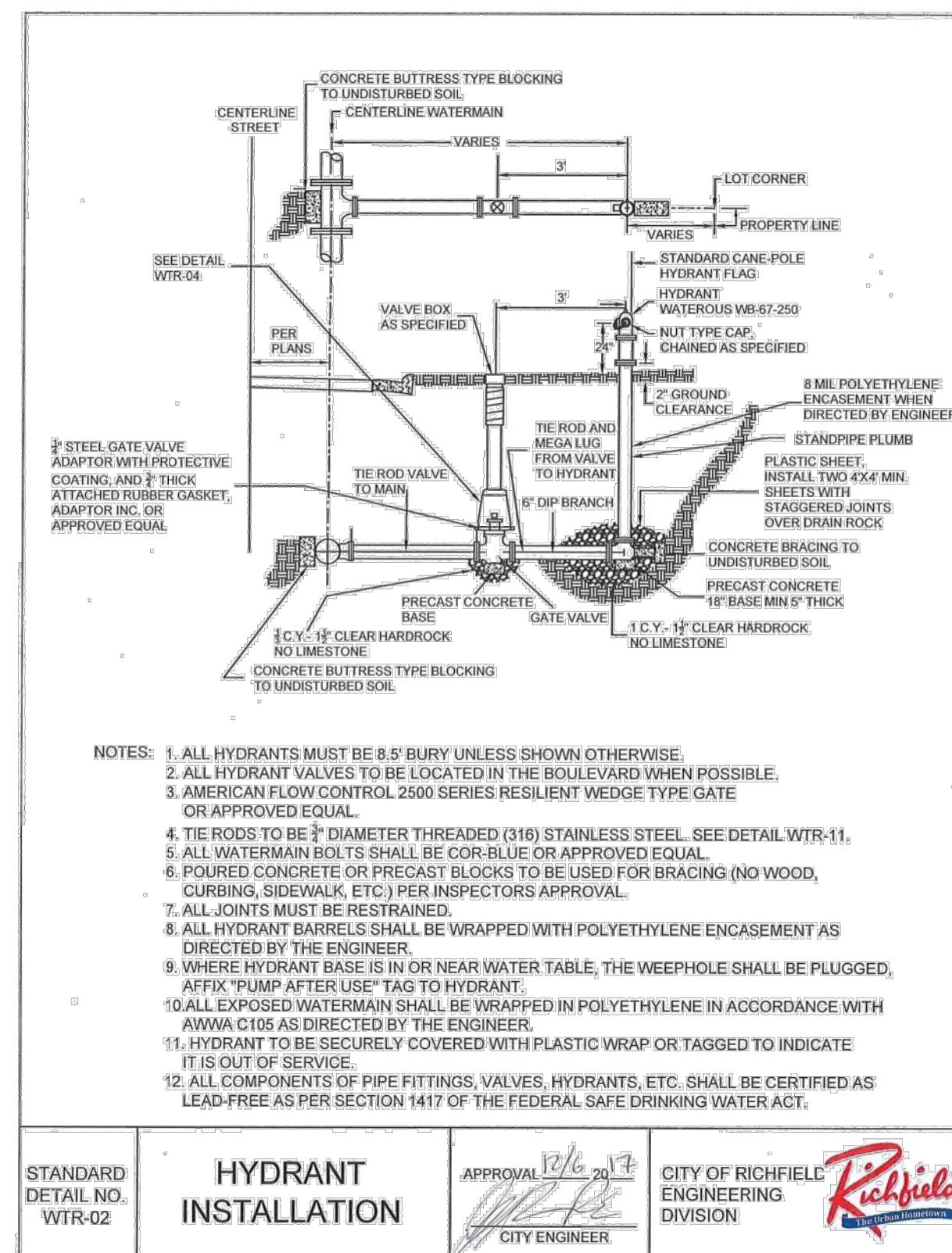
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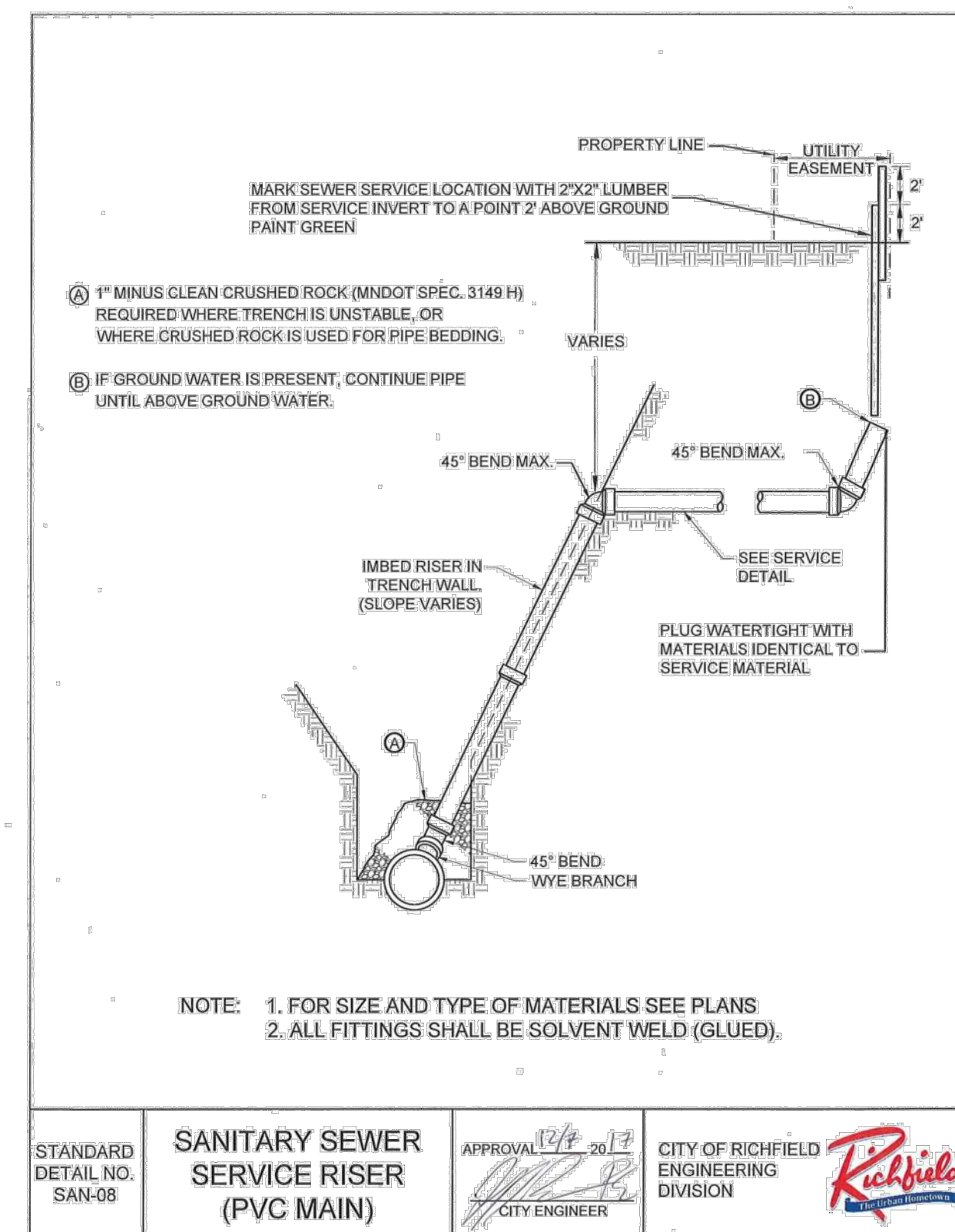
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C501 SANITARY SEWER SERVICE  
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9  
C501 MEGALUG LOCATIONS  
NOT TO SCALE



6  
C501 HYDRANT INSTALLATION  
NOT TO SCALE



3  
C501 SANITARY SEWER RISER  
NOT TO SCALE





10 South Eighth Street  
Minneapolis, MN 55402

t 612\_339-2257  
sheadesign.com

civil engineer

BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
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map engineer

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ROSELLE, MN 55113  
(651) 604-3108  
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kitchen equipment consultant

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BROOKLYN PARK, MN 55428  
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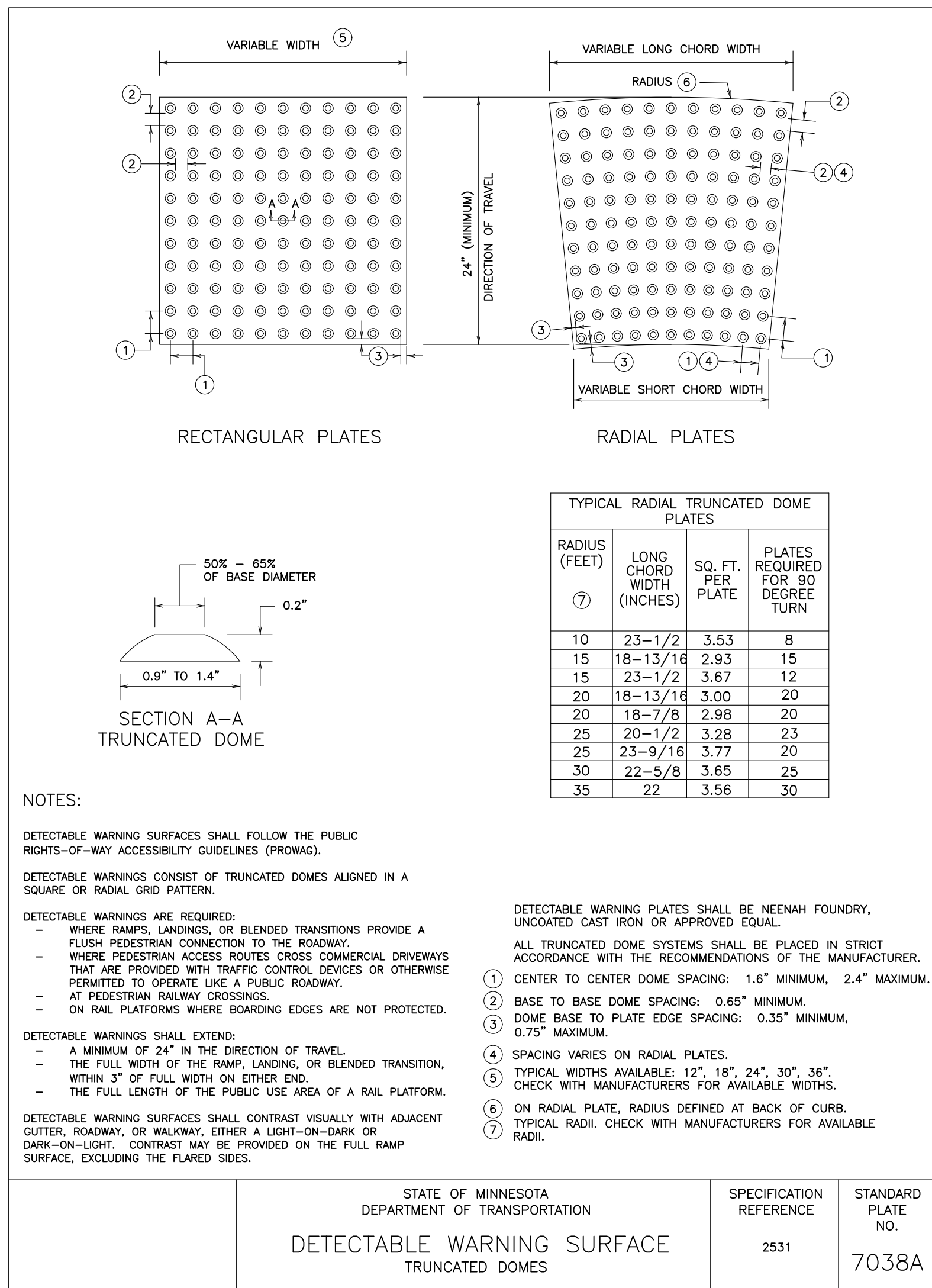
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CIVIL DETAILS

C502

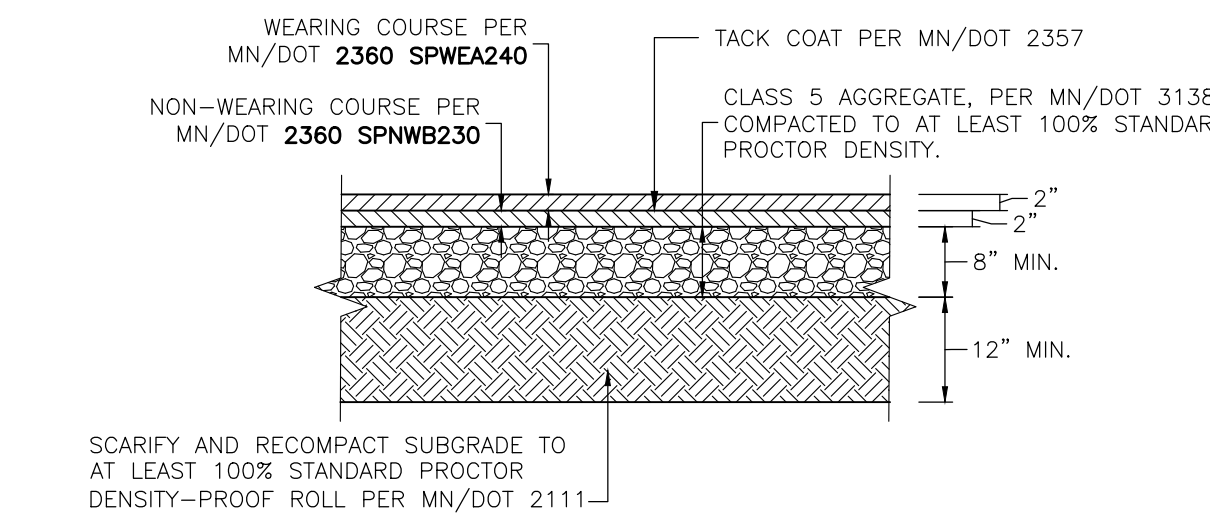


NOTE:  
FOR ADA COMPLIANT PEDESTRIAN RAMPS, REFER TO MN/DOT STANDARD PLAN 5-297.250 PEDESTRIAN CURB RAMP DETAILS AT THE FOLLOWING WEB ADDRESS:  
[HTTP://STANDARDPLATES.DOT.STATE.MN.US/STDPLATE.ASPX](http://STANDARDPLATES.DOT.STATE.MN.US/STDPLATE.ASPX)

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

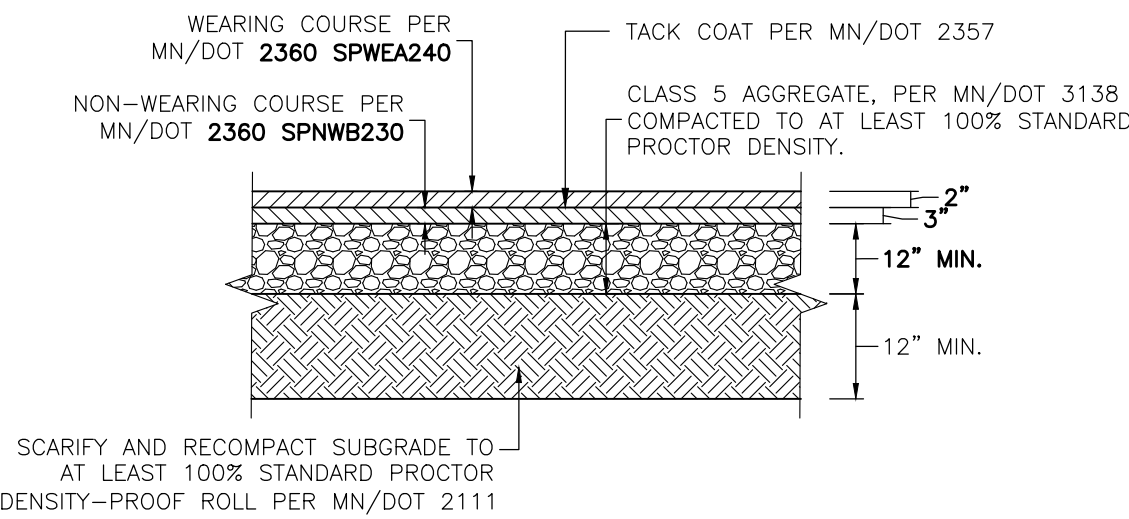
### 9 PEDESTRIAN CURB RAMP — DETECTABLE WARNING

C502 NOT TO SCALE



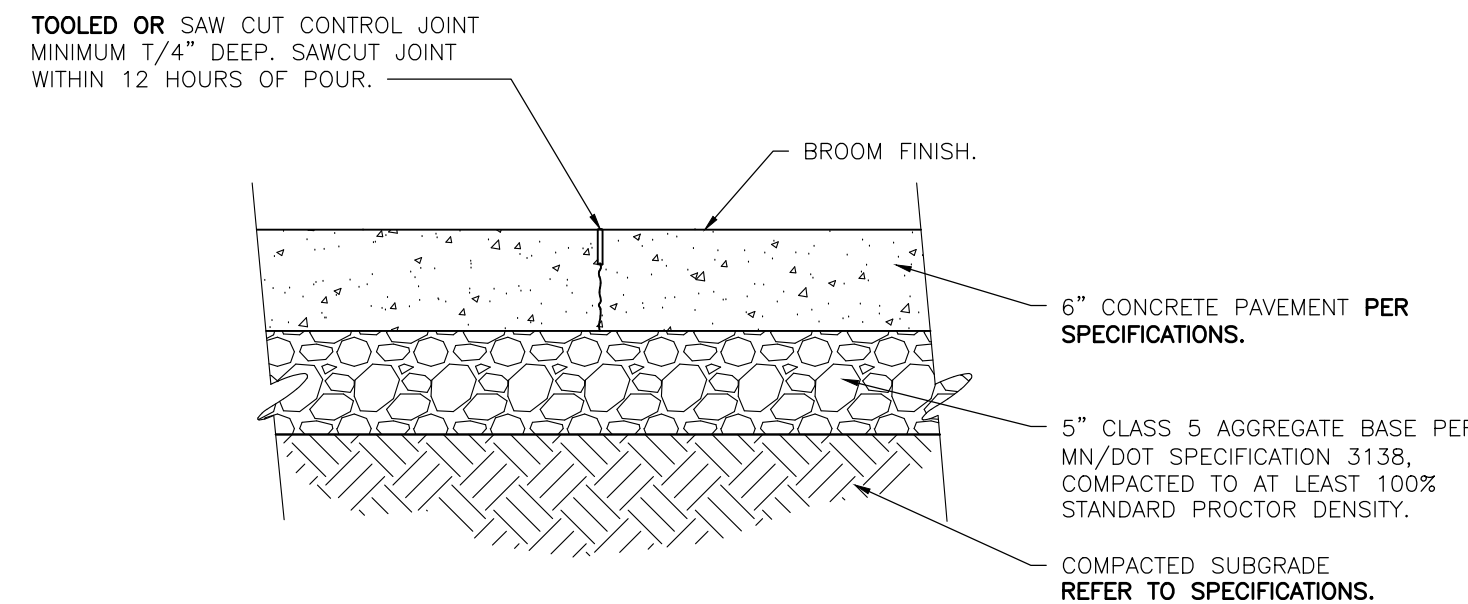
### 5 LIGHT-DUTY BITUMINOUS PAVEMENT

C502 NOT TO SCALE



### 6 HEAVY-DUTY BITUMINOUS PAVEMENT

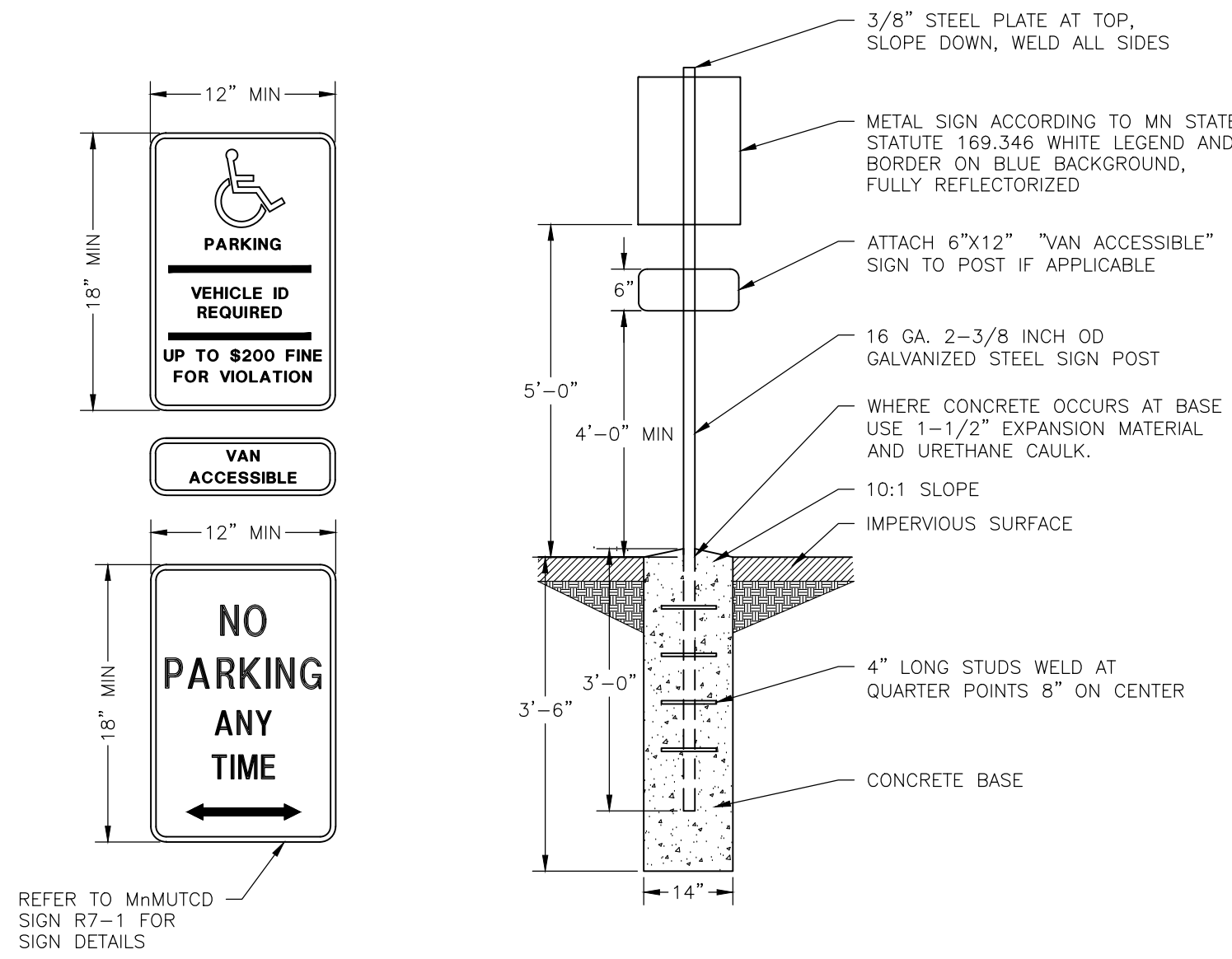
C502 NOT TO SCALE



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

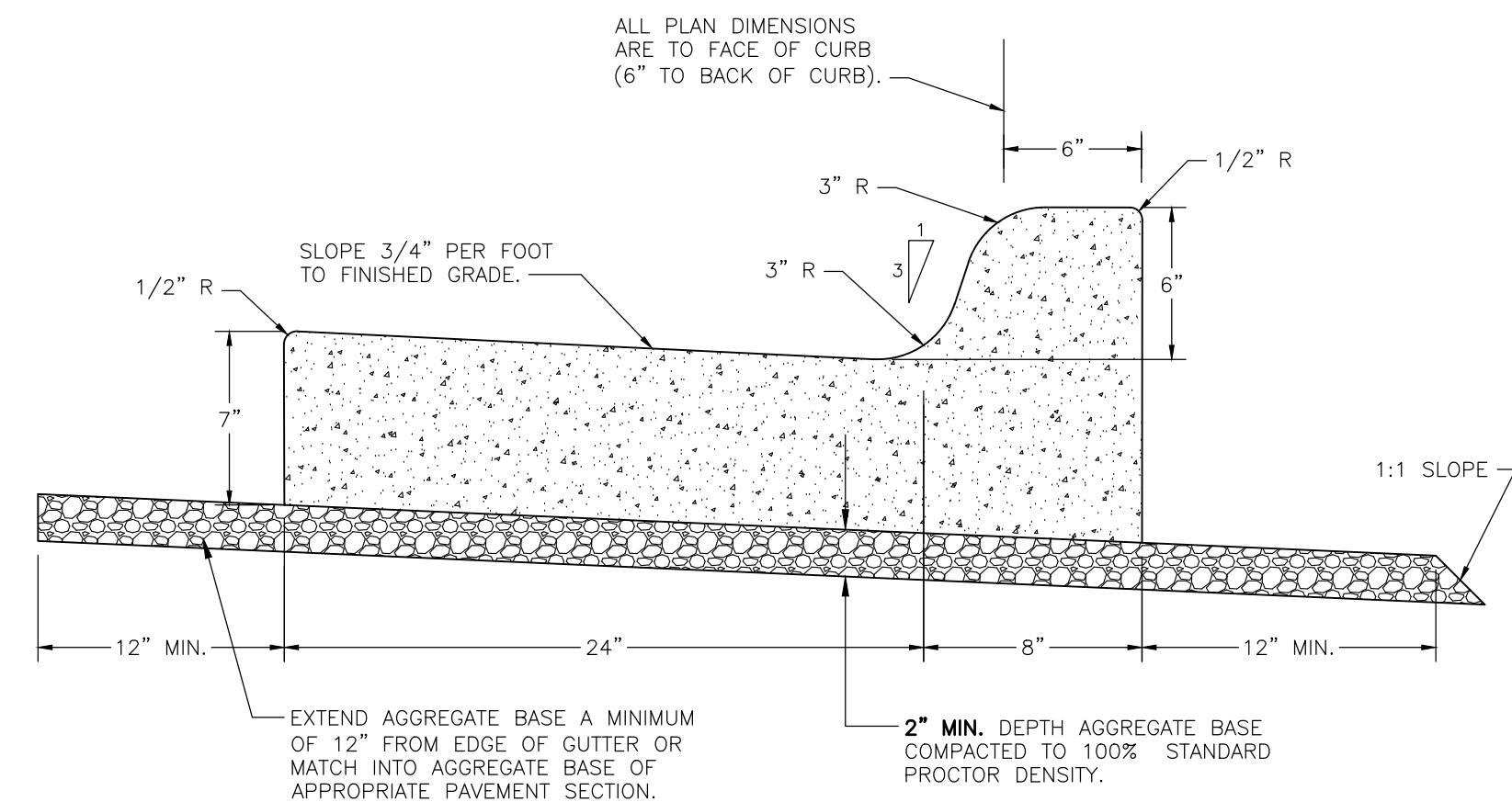
### 7 CONCRETE PAVEMENT

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### 8 SIGN AND POST

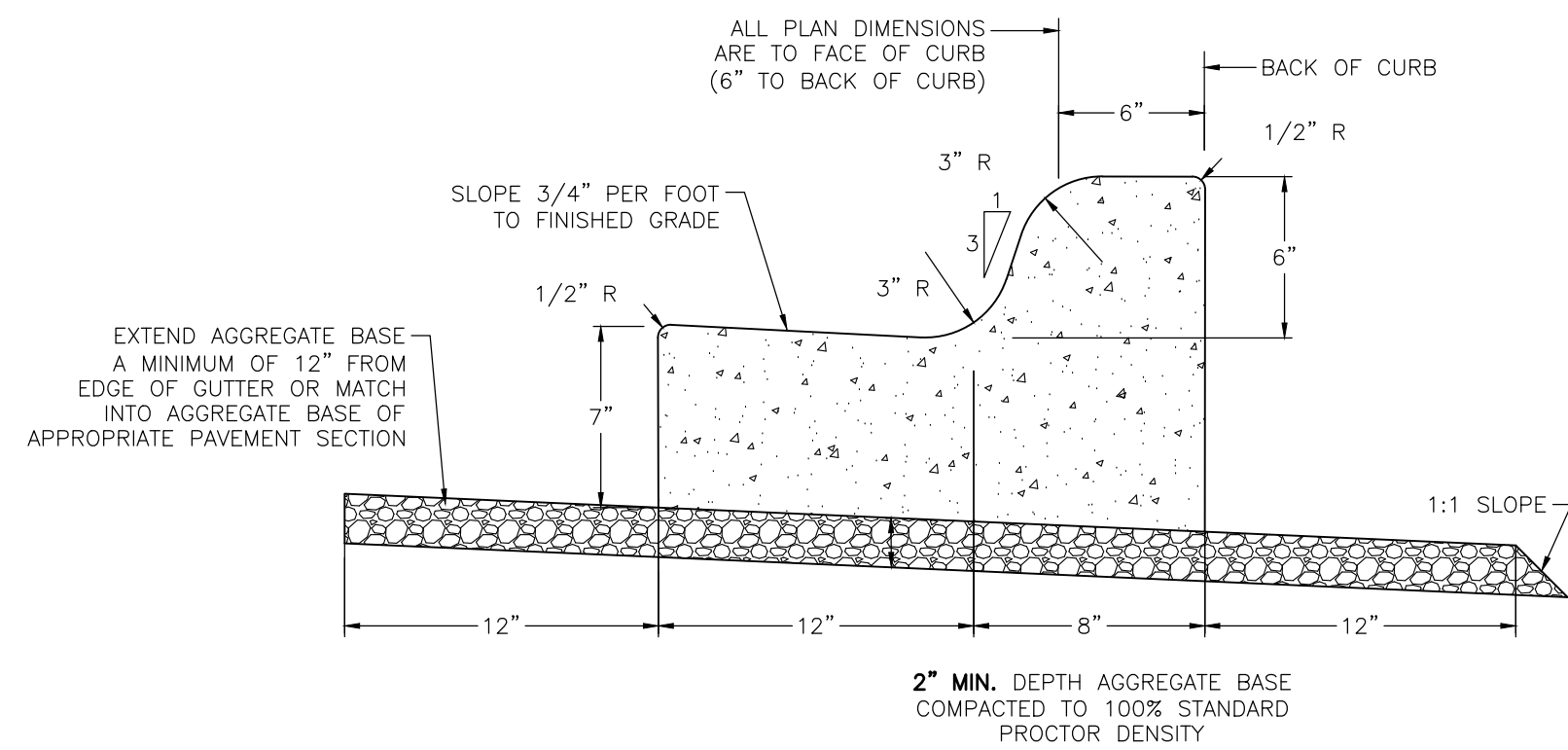
C502 NOT TO SCALE



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

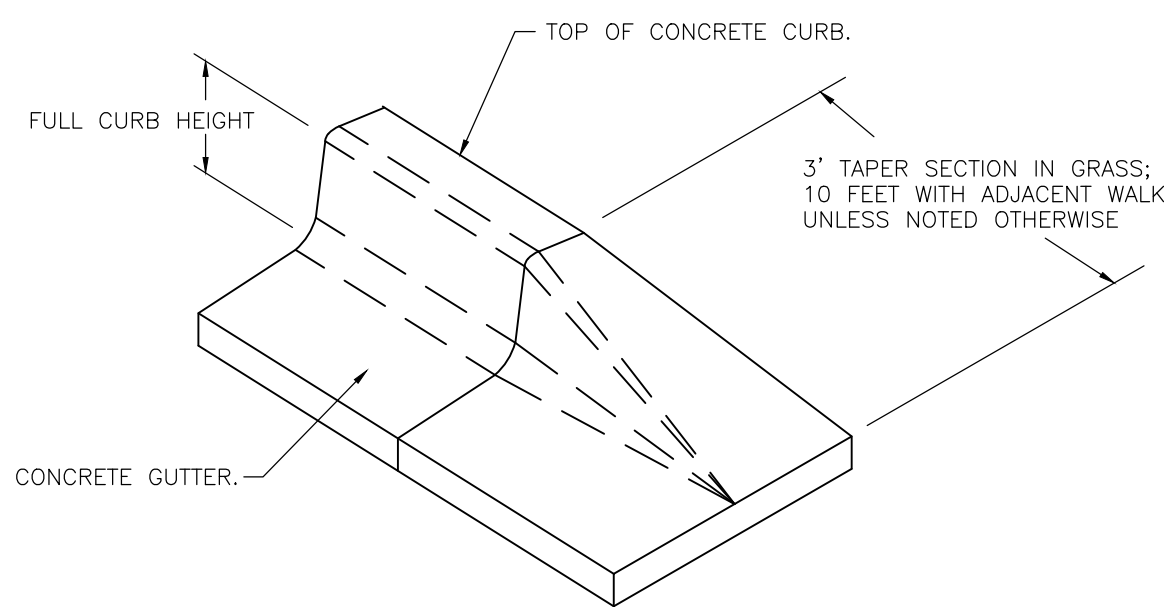
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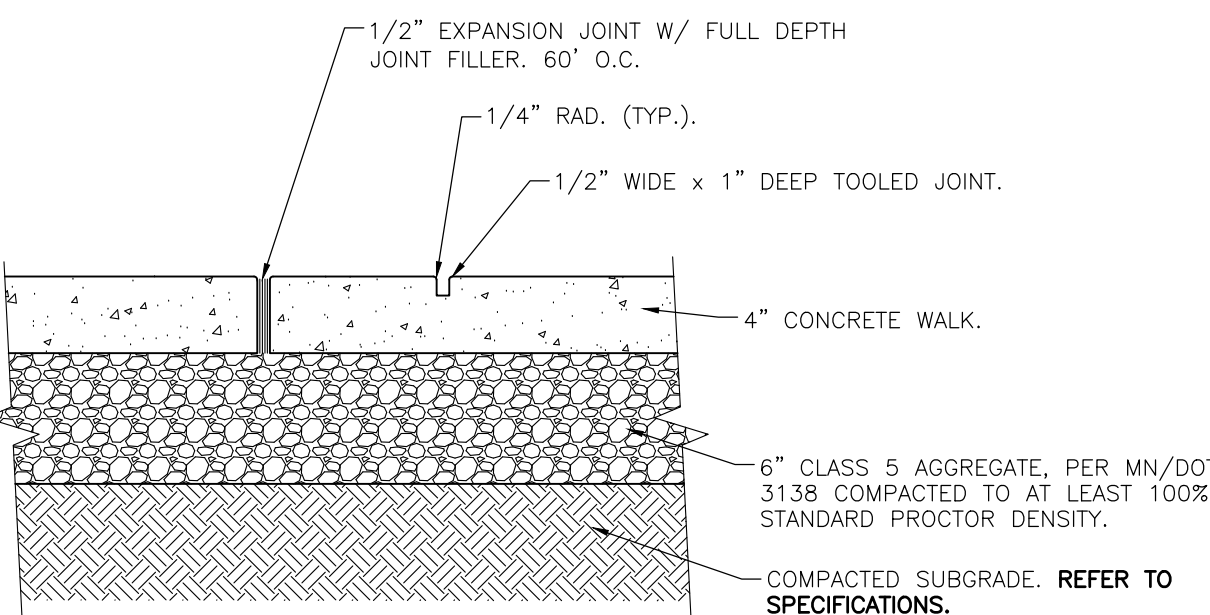
### 2 B612 CONCRETE CURB AND GUTTER

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



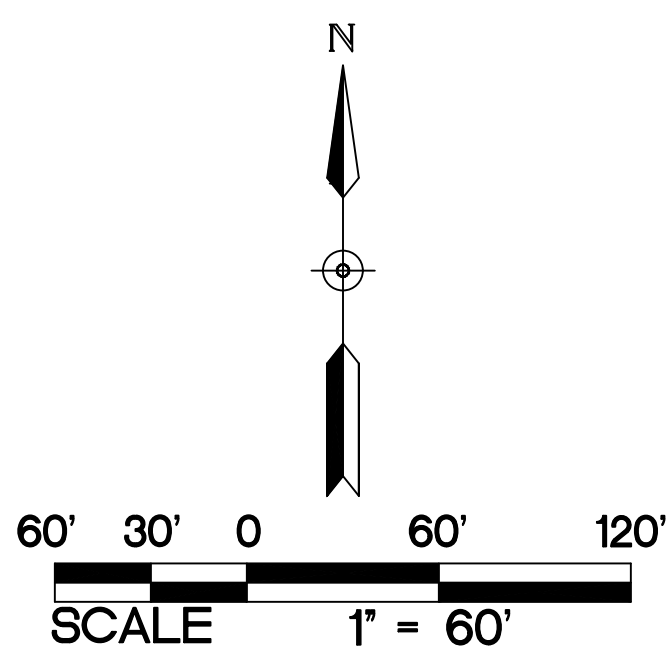


EXISTING DRAINAGE AREAS						
DRAINAGE AREA	IMPERVIOUS AREA (ACRES)	PERVIOUS AREA (ACRES)	TOTAL AREA (ACRES)	1-YEAR (2.48")	10-YEAR (4.26")	100-YEAR (7.50")
1	0.36	0.77	1.13	2.81	5.41	10.58
2	0.24	0.41	0.64	0.89	2.14	4.94
TOTAL	0.60	1.18	1.78	3.70	7.55	15.52

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

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



10 South Eighth Street  
Minneapolis, MN 55402

t 612\_339-2257  
sheadesign.com

civil engineer

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MINNEAPOLIS, MN 55430  
(763) 843-0420  
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kitchen equipment consultant

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STORMWATER POLLUTION  
PREVENTION PLAN

C600

**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 UNDESIRABLE, 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.

**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.

VICINITY MAP  
RICHFIELD, MINNESOTA





t 612\_339-2257  
sheadesign.com

BKBM ENGINEERS  
6120 EARLE BROWN DR #700  
MINNEAPOLIS, MN 55430  
(763) 843-0420  
CONTACT: KEITH MATTE, P.E.  
kmatte@bkbm.com

ERA Structural Engineering  
2550 UNIVERSITY AVE. W.  
SAINT PAUL, MN  
(651) 251-7570  
CONTACT: MIKE STEENSON, PE  
msteenson@eraeng.com

GAUSMAN & MOORE  
1700 MN-36 # 700  
ROSEVILLE, MN 55113  
(651) 604-3106  
CONTACT: LICIA A. OLIGMUELLER, PE  
oligmuellera@ayresassociates.com

BOELTER PREMIER  
7120 NORTHLAND TERRACE  
BROOKLYN PARK, MN 55428  
(763)450-2922  
CONTACT: BRIAN CEPEK  
bcepek@boelterpremier.com

CRAFT KETTLE BREWING EQUIPMENT  
9450 SW GEMINI DR PMB 95904  
BEAVERTON, OREGON 97008  
(855)953-8853  
CONTACT: JEREMY KING  
jeremy.king@craftkettle.com

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

seal

[illegible]

sheet title  
SITE PLAN

## A2

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612\_339-2257  
sheadesign.com

consultant

Division of

West Highway 36 - Suite 7

Roseville, Minnesota 55113  
(651) 639-9606 Fax (651) 639-9606  
Project No. 81-0357

le

EFACOR BREWERY &  
RESTAURANT  
1000 W. 10TH AVE & LYNDALE AVES  
MINNEAPOLIS, MN

EFATOR BREWING, LL

REBY CERTIFY THAT THIS PLAN,  
IFICATION, OR REPORT WAS PREPARED  
E OR UNDER MY DIRECT SUPERVISION  
THAT I AM A DULY LICENSED  
FESSIONAL ENGINEER UNDER THE  
S OF THE STATE OF MINNESOTA

PRINT NAME: EDWARD L. STUDNISKI

SIGNATURE: Edward J. Stuchlik

E 11/23/2021 LIC. NO. 23179

## SIGN DEVELOPMENT#

date	issued for
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Issue date	1/1/2000
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ELS

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PHOTOMETRICS PLAN

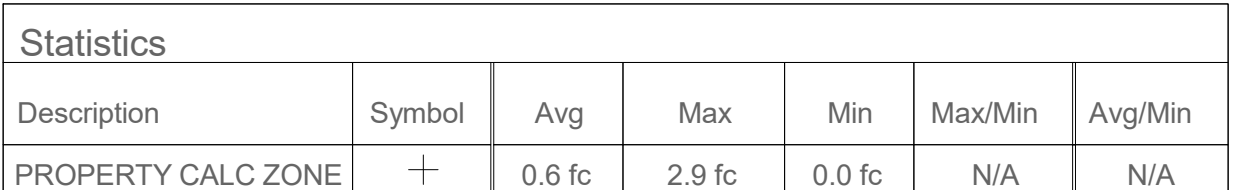
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ODP

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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				

1 SITE PHOTOMETRICS PLAN  
SP1 1/16" = 1'-0"





# Planning Commission Minutes

March 28, 2022

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

MEMBERS ABSENT: Chair James Rudolph

STAFF PRESENT: Melissa Poehlman, Community Development Director; Ryan Krzos, Planner

OTHERS PRESENT: Rashid Omar, Southdale Event Center; for item #1; Representatives from Benefactor Brewery for Item #2,

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

Acting Chairperson Quam introduced the three new Planning Commissioners.

## APPROVAL OF AGENDA

M/ Holmwig-Johnson, S/Quam to approve the agenda.

*Motion carried: 6-0*

## APPROVAL OF MINUTES

M/ Quam, S/ Holmwig-Johnson to approve the minutes of the February 28, 2022, Planning Commission meeting.

*Motion carried: 6-0*

## OPEN FORUM

No members of the public spoke, no comments received.

## PUBLIC HEARINGS

**ITEM #1 - 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.** Planner Ryan Krzos presented the staff report. Staff discussed variance conditions, alternative recommendations, a potential of excess bicycle parking on the property.

M/Quam, S/Stursa to close the Public Hearing.

*Motion carried: 6-0*

M/Surma, S/Quam to recommend approval of a proposed site plan and denial of a variance at 6436 Penn Avenue South.

*Motion carried: 7-0*

**ITEM #5 - Public hearing to consider a request for 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.** Planner Krzos presented the staff report. Commissioners discussed hours of operation and the history of the amphitheater and surrounding area.

Calls were received from the following residents, who all had concerns about noise, parking, and late hours of operation:

Mary Gorman, 6350 Lyndale Ave, #E-104

Patty Smith, 6360 Lyndale Ave, #108



Jeffery Prager, 6354 Lyndale Ave  
Evan Ho, 6360 Lyndale Ave  
John Cushing, Lakeside at Lyndale Gardens resident  
Jody Spencer and David Doorknacker, 6350 Lyndale Ave  
Scott Taylor, 6354 Lyndale Ave  
Tony Mills, 6360 Lyndale Ave, #W-207  
Deborah Silverman, no address given  
Mark Thieroff, 100 Washington Ave S, Minneapolis, representing Julie Harper-Wylie and Rick Wylie at Lakeside at Lyndale Gardens  
Martha Joy, 6352 Lyndale Ave, #E-301  
Peter Hilzer, 6354 Lyndale Ave  
Ellen Murphy, 6356 Lyndale Ave #W-104

M/ Holmvig-Johnson, S/Quam to close the Public Hearing and take a 5 minute recess.

*Motion carried: 6-0*

Commissioners further discussed noise concerns, the amphitheater use and hours, and the differences in impact between a restaurant and a brewery.

M/Stursa, S/Holmvig-Johnson to 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.

M/Stursa, S/Surma to amend the motion to add a condition that events at the amphitheater shall end by dusk and that special permits to allow events to go later than 8pm may be requested and approved by City Staff up to twice per year.

*Motion carried: 6-0*

M/ Holmvig-Johnson, S/Kennealy to amend the motion to add a condition that the north side of the patio be closed by 10pm each night, and the entire business be closed no later than 11pm each night.

*Motion carried: 6-0*

M/Stursa, S/Surma to recommend approval the attached resolution with approved amendments.

*Motion as amended carried: 5-1 (Commissioner Quam voted no)*

## **LIAISON REPORTS**

Community Services Advisory Commission: no report

City Council: Our commissioner Gordon Hanson was recently appointed to the HRA, and Commissioner Erin Vriez Daniels was reappointed.

Housing and Redevelopment Authority (HRA): Director Poehlman gave the Year in Review presentation, which was very uplifting. A resolution was approved in support of a deeply affordable housing project, and a the sale of 1600 Logan Ave S for a Habitat for Humanity home.

Richfield School Board: no report

Transportation Commission: The March meeting was cancelled

Chamber of Commerce: no report

Sustainability Commission: They discussed updates to distribution of organics collection bags, earth day plans, mailers for energy efficiency and organics hauling, and the possibility of a sustainability fair with the League of Women Voters. They had a work session with Community



Services to discuss the tree displacement plan for tree replacement for emerald ash borer removal.

### **PLANNER'S REPORT**

In-person meetings will return in April, and work sessions are planned for April 12, 18, and 26, and May 10

### **ADJOURNMENT**

The next regular meeting is scheduled for Monday, April 25, 2022, at 7pm.

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

*Motion carried: 6-0*

The meeting was adjourned by unanimous consent at **10:23 p.m.**

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Planning Commission Secretary



DATE: March 28, 2022

TO: The Richfield Planning Commission

RE: Planning Commission Meeting of March 28 at 7:00 p.m; **Benefactor Brewery Agenda Item**

FROM: Connie Carleen; 6352 Lyndale Ave S, #E101; Richfield, MN 55423

As a condominium owner at Lakeside at Lyndale Gardens, I am writing to urge you to recommend denial of the application to amend the Lyndale Gardens PUD due to the adverse impact it will have upon the near neighboring residential property owners.

On August 18, 2019, I began the process of purchasing a new condominium being constructed at Lakeside at Lyndale Gardens. At that time and throughout the purchase process until closing on the property in August 2020, I was assured by the Developer (The Cornerstone Group) that the property which Benefactor Brewery now wishes to develop was specifically to be used in future as a small strip mall with limited traffic. In addition, I was informed that the existing amphitheater was a public access site to Richfield Lake where summer performances would be scheduled for the entire community to enjoy on an infrequent basis (up to a dozen times per year) and never later than 8 PM in the evening.

While technically accurate at the time, given that that is what is represented on the 2013 PUD that you are proposing to change, I have since learned that the Developer was actively working to alter the use of that site beginning at least as early as May 6, 2019 (over three months *before* I first placed a deposit on my condo). A neighboring Lakeside at Lyndale Gardens condo owner, working through an attorney, secured via Data Request a copy of an email from Colleen Carey (Owner of The Cornerstone Group) to the Richfield Community Development Director, John Stark, on May 6, 2019, indicating her strong interest in using the retail land for a brewpub.

I would not have purchased the property had I known my condominium balcony would be situated 50 yards from a brewpub with plans for seasonal outdoor performances in the amphitheater three or more times per week and daily outdoor seating to accommodate patrons as late as 10 PM (or as is currently being considered, 2 AM should the proposal to operate outside the zoning ordinance be allowed). I strongly suspect the Developer fully understood that very few buyers *would* invest in an expensive property under those circumstances, hence the lack of transparency about the active pursuit to sell to a brewpub during the condo purchase process.

I can attest to the certainty of the adverse effect of the noise from that venue because I have already experienced it during the performances from the amphitheater last year - the sound being muted but still audible even with my balcony door locked shut. Sitting outside on my balcony is akin to having box seating in a theater. This has proved to be lovely during an enjoyable performance and annoying during an objectionable one (such as last fall when a musical group included a large reverberating drum that dominated the stage). Since the performances over the past year were few, brief, and sometimes enjoyable, they were tolerable. Even when not enjoyable, they were sufferable knowing they only lasted about an hour. The idea of being subjected to an incessant cacophony of noise from live musical performances, piped-in music, scores of patrons clamoring at outdoor tables just yards from my balcony is unsupportable.

I have read about the fervor of some of the City of Richfield's planning/governing officials to open Richfield's first micro-brewery and taproom, so have questioned whether voicing my opinion on this matter is simply an exercise in futility, anticipating you all arrive to the Planning Commission Meeting readied with a rubber stamp in hand. Still, I hold out hope that you will listen to the voices of the



residents/neighbors whom you will be affecting by your decision today and pray that you will recommend denial of the application to amend the Lyndale Gardens PUD.

Thank you for your time and consideration.



**From:** [Melissa Poehlman](#)  
**To:** ["Keith Jensen"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Benefactor Brewery Agenda Item  
**Date:** Monday, March 28, 2022 12:36:08 PM

---

Mr. Jensen,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** Keith Jensen [mailto:kaj22@mac.com]  
**Sent:** Monday, March 28, 2022 11:28 AM  
**To:** Melissa Poehlman  
**Cc:** Rick Wylie; markthieroff@siegelbrill.com; kaj22@msn.com  
**Subject:** Benefactor Brewery Agenda Item

Hello,

My name is Keith Jensen. I reside at 6360 Lyndale Ave S., #208, Richfield, MN. Phone is 612-250-6045.

I am writing to comment on the proposed Benefactor Brewing project as I am unable to call in this evening due to a previous commitment.

When I was looking into buying my home in the Lakeside area of Richfield, I was told that on the "back side" of Lakewinds would be some type of retail development or a coffee shop. I understand plans change from a vision to what might be built. When I found out it was to be a restaurant/bar I initially liked the idea. However, the more I heard and read about Benefactor's plans and agenda my opinion on the project changed dramatically. Even after meeting with the Benefactor staff and lawyer, they did very little to alleviate my concerns. The project is not consistent with the neighborhood. It is too large and ambitious. It would be the source of excessive noise for an area right next to their residential neighbors. Not to mention that it violates the REA for the area. I believe it would have an undo adverse impact on the neighborhood.

My biggest concerns are about the noise the outdoor dining area will generate. From people talking loudly over the piped in music to the noise from bands playing at the amphitheater along with the possible light pollution from the outdoor patio dining area and any additional lighting they might add to the amphitheater. It was worrisome enough to think about the noise and lights going until 11pm at night, now I've heard there has been discussion allowing Benefactor Brewing to remain open until 2am. That is 100 % unacceptable to me as a neighbor of theirs. It is incredibly inconsiderate of them to not even consider their neighbors and the issues that will develop if they are allowed to be open late into the evening let alone until 11pm.



The amphitheater has been an asset to the community. A wide range of acts would perform. I understand a dance class would use the stage during the day along with some other groups using it for yoga, meditation, religious services, etc. The evening programming would conclude by sunset and the audience would leave after it was over. If Benefactor is allowed to take over there is no guarantee that those groups would be "allowed" to continue to use the amphitheater. The evening programming would be regulated by what would benefit the brewpub not the community and it is unknown how late into the evening Benefactor plans on having their live acts perform.

Personally, I am worried about the quality of life in this area. I bought into Richfield, specifically around Lake Richfield, due to the natural environment and quietness of the area. With live bands being estimated to play up to 3 nights a week that quality would deteriorate. The ability to sit on my deck to enjoy "nature" would be diminished due to the loud noise and partying.

Benefactor stated they wish to be a good neighbor. A "good neighbor" would not hold outdoor parties until either 11pm or 2am. The scope of their proposal is too ambitious and does not fit in with the neighborhood and is an inappropriate fit.

The Benefactor staff stated trees and shrubbery will be sufficient to limit the noise and lights. They seem to forget that some of the residences are less than 500 feet from the outdoor dining area. When do they think the trees and shrubs will be sufficiently tall enough to block the sounds and light?

Please do not approve Benefactor's application as it is. It would need a major overhaul to make it compatible with the neighborhood's needs and wants. I understand the city is excited to have a brewery in its city limits. However, the Lakeside location is incompatible with the neighborhood. A more commercial/industrial area would fit better with their current design and plans.

Thank you for your time and consideration.

Sincerely

Keith Jensen



**From:** [Melissa Poehlman](#)  
**To:** ["Perry, Debra"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Benefactor Brewery Agenda Item  
**Date:** Monday, March 28, 2022 12:39:09 PM

---

Debra,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** Perry, Debra [mailto:DebraPerry@edinarealty.com]  
**Sent:** Monday, March 28, 2022 11:52 AM  
**To:** Melissa Poehlman  
**Subject:** Benefactor Brewery Agenda Item

Dear Ms. Poehlman,

I respectfully want to express my opposition to the current plans of Benefactor Brewery.

I am a REALTOR with Edina Realty and have helped clients buy and sell houses in Richfield. I represented the most recent buyer of a condo at the Lakeside at Lyndale Gardens Homeowners Association. During our due diligence period, we came to understand that this new development was a public/private partnership that the city of Richfield to bring new and different type of housing to the heart of Richfield. This development brought higher end housing to Richfield and is contributing to a higher tax base.

To approve certain ordinances extending the brewpubs hours of operation and allowing noise, light and smells to impact the owners of the condos and residences of the apartment buildings seems to me to be a betrayal to the residents. For the homeowners, their property values may be impacted by the decisions made by the planning commission.

Richfield has done a great job in bringing in entertainment, retail, housing, parks to their residents. It seems to me that balancing the needs and priorities of all parties is challenging. Please consider denying the current variance requests and working with Benefactor Brewery to create hours and an environment that would work for their Lyndale Commons neighbors.

Respectfully submitted,





**Debra Perry, REALTOR®**

651.707.5857 | [debraperry@edinarealty.com](mailto:debraperry@edinarealty.com)

Edina Realty 50<sup>th</sup> & France Office

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**From:** [Melissa Poehlman](#)  
**To:** ["rich robbins"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brew Pub  
**Date:** Monday, March 28, 2022 12:40:19 PM

---

Richard & Kelly,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** rich robbins [mailto:[robbinsrealtor@hotmail.com](mailto:robbinsrealtor@hotmail.com)]  
**Sent:** Monday, March 28, 2022 12:07 PM  
**To:** Melissa Poehlman  
**Subject:** Brew Pub

As Richfield residents we're in favor of the brew pub and the location.  
Richfield is in desperate need of a business like this.

Richard and Kelly Robbins  
2016 Forest Drive W.  
Richfield, MN 55423



**From:** [Melissa Poehlman](#)  
**To:** ["Anna Maloney"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewery!  
**Date:** Monday, March 28, 2022 12:43:45 PM

---

Anna,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Anna Maloney [mailto:[ancornell12@gmail.com](mailto:ancornell12@gmail.com)]  
**Sent:** Monday, March 28, 2022 12:25 PM  
**To:** Melissa Poehlman  
**Subject:** Brewery!

Hi there,

I would like to express my enthusiastic support for the proposed brewery near Richfield Lake! It would bring a lively spirit to that area, would provide a space for community/arts events that would utilize the amphitheater, and would be an all-around great addition to our city! My husband and I became residents of Richfield about 2 years ago, and have loved supporting local restaurants/businesses like this-- we would be first in line!

Thank you,  
Anna Maloney

--

*Rev. Anna Maloney*  
*Pastor of Student and Family Ministries, Bloomington Covenant Church*  
*cell: (818) 606-6217*  
*office: (952) 641-9021*  
[anna.cornell@bcov.org](mailto:anna.cornell@bcov.org)



**From:** [Melissa Poehlman](#)  
**To:** ["Louise Bilek"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewpub - yes!  
**Date:** Monday, March 28, 2022 12:42:34 PM

---

Louise,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**

Community Development Director  
Executive Director – Richfield HRA

☎ 612.861.9766

**From:** Louise Bilek [mailto:bileklouise@gmail.com]

**Sent:** Monday, March 28, 2022 12:13 PM

**To:** Melissa Poehlman

**Subject:** Brewpub - yes!

Responding to a FB post. As a resident, I would love another place to gather with my community and over a beer, even better! This is a great opportunity to drive some revenue into the city! Thanks for accepting feedback!--

Sent from Louise's iPhone



**From:** [Melissa Poehlman](#)  
**To:** ["Jerome Bergquist"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewpub Plan  
**Date:** Monday, March 28, 2022 12:41:07 PM

---

Jerome,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Jerome Bergquist [mailto:[jerome.bergquist@gmail.com](mailto:jerome.bergquist@gmail.com)]  
**Sent:** Monday, March 28, 2022 12:09 PM  
**To:** Melissa Poehlman  
**Subject:** Brewpub Plan

Hey there, I am sharing my emphatic support of the plan for a brewpub adjacent to Richfield Lake. Having a casual gathering space like a brewery will be a definite positive addition to our community. My family spends a significant amount of time and money at the neighboring breweries on the Minneapolis side of 62, and I would love to see an option within the borders of Richfield.

Jerome Bergquist  
2837 W 71 1/2 Street



**From:** [Melissa Poehlman](#)  
**To:** ["Chris Gacek"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Feedback  
**Date:** Monday, March 28, 2022 12:40:45 PM

---

Chris,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** Chris Gacek [mailto:cgacek@outlook.com]  
**Sent:** Monday, March 28, 2022 12:09 PM  
**To:** Melissa Poehlman  
**Subject:** Feedback

I'd just like to say that I'm greatly in favor of having a brewpub in Richfield. I frequent many of the breweries/brewpubs in the Twin Cities and it would be nice to not have to travel as much to visit one. Thanks for your consideration.



**From:** [Melissa Poehlman](#)  
**To:** ["Margaret Sch."](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: I am a Richfield resident against a brewpub by Richfield Lake  
**Date:** Monday, March 28, 2022 12:44:16 PM

---

Margaret,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Margaret Sch. [mailto:margaretsch@gmail.com]  
**Sent:** Monday, March 28, 2022 12:39 PM  
**To:** Melissa Poehlman  
**Subject:** I am a Richfield resident against a brewpub by Richfield Lake

This seems likely to engender traffic, public drunkenness, noise and so on. The shores of Richfield Lake are not a good place for that. If there should be one in Richfield, put it in some location where there are already bars. Not beside what was supposed to be a natural lake.

Why are brewpubs not allowed in Richfield so far? Whatever the reasons were, they are no doubt still valid. I don't see any reason for such a business to exist at all in Richfield . . but especially not beside Richfield Lake.

Margaret Scheirman  
612 229 7333  
6856 Oliver Avenue South  
Richfield MN 55423

--

*Sincerely,  
Margaret*



**From:** [Melissa Poehlman](#)  
**To:** ["Neil CarlinSchauer"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Lakewinds Brewery  
**Date:** Monday, March 28, 2022 12:43:21 PM

---

Neil,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Neil CarlinSchauer [mailto:neilcarlinschauer@gmail.com]  
**Sent:** Monday, March 28, 2022 12:24 PM  
**To:** Melissa Poehlman  
**Subject:** Lakewinds Brewery

Hello,  
I am in support of the Lakewinds Brewery in Richfield!

Thanks,  
Neil CarlinSchauer



**From:** [Melissa Poehlman](#)  
**To:** ["Wendi Johnston"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Proposed Brew Pub  
**Date:** Monday, March 28, 2022 12:45:11 PM

---

Wendi,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

Melissa Poehlman, AICP (she/her/hers)  
Community Development Director  
Executive Director – Richfield HRA  
H 612.861.9766

-----Original Message-----

From: Wendi Johnston [<mailto:wencorjohnston@outlook.com>]  
Sent: Monday, March 28, 2022 12:42 PM  
To: Melissa Poehlman  
Subject: Proposed Brew Pub

The proposal for a brewpub in Richfield is an excellent idea! I /we have lived in Richfield since 2016, and felt the infrastructure was getting a much needed improvement. However it does not seem like the city has continued to grow and develop more options for restaurants and bars. Now that Lyn 65 is gone, that area would benefit from a brewpub. We are pleased with Protagonist's opening and I hope the city council sees the needs/want for more options like the proposed brewpub. I know there are a lot of younger people moving to Richfield, and I believe this will encourage more younger adults to consider Richfield to be their home. I also understand the generation of people that grew up in Richfield are not keen on seeing this type of growth. But other old cities have successfully updated their infrastructure to accommodate a younger community interest. I look forward to seeing more of this type of growth in Richfield.

Thank you  
Wendi Johnston



**From:** [Melissa Poehlman](#)  
**To:** ["Angela Nelson"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Proposed Brewpub  
**Date:** Monday, March 28, 2022 12:41:35 PM

---

Angela,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Angela Nelson [mailto:[angela.nelson0922@gmail.com](mailto:angela.nelson0922@gmail.com)]  
**Sent:** Monday, March 28, 2022 12:11 PM  
**To:** Melissa Poehlman  
**Subject:** Proposed Brewpub

Hello,  
I was just reading on the Richfield Community Facebook page about the proposed brewpub near Lakewinds.

I am a Richfield homeowner, located at 6725 Lyndale Ave S. and think it would be a great addition to our neighborhood.

We already love walking down the block to the amphitheatre when they have music and family walks around Richfield Lake. To have more options to grab a drink and some food and make an evening if it so close to home sounds perfect!

I hope it goes through!

Thanks,  
Angela Nelson



**From:** [Melissa Poehlman](#)  
**To:** ["CHRISTOPHER WOODWARD"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Richfield brewpub  
**Date:** Monday, March 28, 2022 12:43:01 PM

---

Christopher,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

Melissa Poehlman, AICP (she/her/hers)  
Community Development Director  
Executive Director – Richfield HRA  
H 612.861.9766

-----Original Message-----

From: CHRISTOPHER WOODWARD [<mailto:wooddahl@aol.com>]  
Sent: Monday, March 28, 2022 12:17 PM  
To: Melissa Poehlman  
Subject: Richfield brewpub

I think it would be a great idea, I live in South Minneapolis and would support it



**From:** [Melissa Poehlman](#)  
**To:** ["Matt Hoffman"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Richfields First BrewPub!  
**Date:** Monday, March 28, 2022 12:42:10 PM

---

Matt,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**

Community Development Director  
Executive Director – Richfield HRA

☎ 612.861.9766

**From:** Matt Hoffman [mailto:mhoffman54@gmail.com]

**Sent:** Monday, March 28, 2022 12:11 PM

**To:** Melissa Poehlman

**Subject:** Richfields First BrewPub!

Hello!

I am emailing you today because I understand that the public hearing for Richfield's first BrewPub will be taking place this afternoon. I am at work, so I am unable to attend, but I wanted to voice my full support for this project. I worked in the beverage and hospitality industry for years, and I know how incredible these sorts of places can be. Not only do they help inject a ton of revenue into the local economy, but often times businesses like this are very good and helping to support the community as well. I have no doubt that a new brewpub in the location off Lyndale would be a wonderful addition to our city.



**From:** [Melissa Poehlman](#)  
**To:** ["Catherine Perrizo"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: support for the proposed brewpub  
**Date:** Monday, March 28, 2022 12:39:50 PM

---

Catherine,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** Catherine Perrizo [mailto:[catherine\\_perrizo@hotmail.com](mailto:catherine_perrizo@hotmail.com)]  
**Sent:** Monday, March 28, 2022 12:05 PM  
**To:** Melissa Poehlman  
**Subject:** support for the proposed brewpub

Hello,

As a long-term resident of Richfield -- I have lived in Lyndale Plaza Apartments for many years, which is across from the proposed site of the new brewpub (Lyndale Plaza) -- I highly support this endeavor and just wanted to email my support.

I believe this will bring revenue to Richfield as well as providing a unique and welcomed offering to residents and visitors.

Thank you,  
Catherine Perrizo, MBA  
507.327.9436



**From:** [Melissa Poehlman](#)  
**To:** [Ryan Krzos](#)  
**Subject:** FW: Vote me in for the Brew Pub.  
**Date:** Monday, March 28, 2022 3:37:53 PM

---

Melissa Poehlman, AICP (she/her/hers)  
Community Development Director  
Executive Director – Richfield HRA  
H 612.861.9766

-----Original Message-----

From: 6125992097@vtext.com [<mailto:6125992097@vtext.com>]  
Sent: Monday, March 28, 2022 1:41 PM  
To: Melissa Poehlman  
Subject: Vote me in for the Brew Pub.

Vote me in for the Brew Pub.



My name is Jeffrey Prager. I am an owner and resident at 6354 Lyndale Ave S, immediately west of the proposed commercial establishment of Benefactor's Brewery. I purchased this residential property because of certain understandings and commitments that are now being breached. I am writing in the hope that the Planning Commission will block approval of the plans as submitted.

I purchased this property in 2019 because of three assurances: two of which were codified in formal purchase agreements. It is now clear that **all three** of these assurances were provided in bad faith.

1. I purchased residential property in an area zoned by the City of Richfield for mixed-use. I had not lived in Richfield before. However, this promised to be a model of progressive city development premised on socio-economic diversity in housing, a public Ampitheater designed to promote community interaction, and commercial property intended to serve the needs of its neighbors, including a restaurant. As presented to me, it was an "experiment in living" strongly supported by the City of Richfield. **The City provided substantial subsidy** to the Developer to include in its planning the Ampitheater. NOW, THE DEVELOPER, DESPITE THE GENEROUS SUBSIDY FROM THE CITY, HAS SOLD THE PROPERTY, INCLUDING THE AMPITHEATER, TO A SINGLE PROPRIETOR: BENEFACTOR'S BREWERY. Documents indicate that the sale of the property, including the Ampitheater, was already being planned **PRIOR** to our purchase. These plans already violated statements made that helped secure our purchase. **BAD FAITH #1**
2. Including in the sale documents was a REA where we were assured that any future commercial development would be in-keeping with the residential needs of the owners and would promote the aims of Richfield city planning. This included, among other provisions, no live-music, no excessive noise, and no unpleasant smells. The violation of the agreement entered into by the commercial property, the owner and the developer does not directly involve the City. However, it provides further evidence that the Developer had no intention either to honor agreements with the residents OR the City of Richfield. **BAD FAITH #2**
3. Many months later, when the Brewery went public with its plans, it provided assurances that it would be a "good neighbor," acknowledging to the residents the proximity of their enterprise to residential property. They asked to meet with interested parties, listened to concerns expressed concerning lighting, noise, smell, landscaping, restricted access to Lake Richfield, etc. At the meeting they promised to take these concerns into account. However, the very next morning their plans were provided to the City, intending to seek approval for plans at the next Planning Commission Meeting only weeks away. BENEFACTOR'S PROVIDED NO ALTERATIONS TO ORIGINAL PLANS DESPITE PROMISES TO THE CONTRARY. Since then, their legal representation has continually stonewalled any discussion with our lawyer, formally responding only at the very last minute and without a single concession. Moreover, the Brewery misrepresents "neighborhood impact" by making no reference to Condo Units IMMEDIATELY ADJACENT (literally in their back yard) to the Brewery. Indeed, their latest submission to the Planning Commission PROVIDES MORE LIVE MUSIC IN THE AMPITHEATER than originally indicated and attests to their being "no adverse impact" on their residential neighbors. **BAD FAITH #3**

The Planning Commission, by denying approval of Benefactor's Brewery at this meeting, can right these wrongs. Serious misrepresentations at all level have occurred. There is no confidence that any verbal assurances, including to the Planning Commission, either from the commercial entity or the seller of the property, can be held with any confidence.

Sincerely yours,



Jeffrey Prager, Ph.D.  
6354 Lyndale Ave. S, W202  
Richfield, MN 55423

310-922-0111  
[jeffreyprager1@gmail.com](mailto:jeffreyprager1@gmail.com)



**From:** [Melissa Poehlman](#)  
**To:** ["Ellen Murphy"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Benefactor Brewery Agenda Item  
**Date:** Monday, March 28, 2022 3:46:15 PM

---

Ellen,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** Ellen Murphy [mailto:[ellen2221@att.net](mailto:ellen2221@att.net)]  
**Sent:** Monday, March 28, 2022 2:27 PM  
**To:** Melissa Poehlman  
**Cc:** Ellen Murphy  
**Subject:** Fwd: Benefactor Brewery Agenda Item

Begin forwarded message:

**From:** Ellen Murphy <[ellen2221@att.net](mailto:ellen2221@att.net)>  
**Date:** March 28, 2022 at 12:59:22 AM CDT  
**To:** Ellen Murphy <[ellen2221@att.net](mailto:ellen2221@att.net)>  
**Subject: Benefactor Brewery Agenda Item**

Dear Richfield Planning Commissioners,

My name is Ellen Murphy and I live at 6356 Lyndale Ave. S Unit 104 Lakeside at Lyndale condos. I have lived in multiple cities throughout my career due to relocations, most recently Chicago.

In October of 2019, I made the personal decision to move to the greater Minneapolis area due to my health. I have been battling cancer since 2012 and needed to move closer to multiple family members in the area. Nothing was holding me in Chicago except my very stressful job. I lived in downtown Chicago and needed to get out of the fast pace to a more relaxed living environment per my oncologist. I hired a realtor and considered several suburban communities in the area. I personally found the Lakeside at Lyndale development on my computer and asked my realtor to go check it out which she did not support. Despite recommendations to not move to Richfield from family members and friends in the area, I signed the condo purchase agreement after Thanksgiving in 2019. I felt the beautiful, quiet, natural surroundings combined with convenient access to shopping and necessities was a great decision for my health and retirement. I moved into the unit in late July, 2020.

When I bought the unit in November of 2019, I was told by Cornerstone and the



adjoining vacant lot would most likely be a 4 to 5 unit small business shopping center. Around March of 2021 the word around the community was that a brewpub was seeking approval to develop the lot including use of the amphitheater. I was very concerned of such, especially when I found out this plan was already in the works when I first signed the purchase agreement?

Several members of the community have contacted city council members to voice concern and 20 of the 30 units in the community formed a group to work together to address our strong opposition to the Benefactor plan.

I am writing to advise that I concur 100% with the points of opposition that attorney Mark Thieroff wrote on behalf of Julie and Rick Wylie at 6352 Lyndale Ave. Unit 103. We have all worked as a group with Rick and Julie on our opposition positions.

I believe the proposed development is not consistent or compatible with the heavy residential neighborhood and for the many reasons noted would indeed create adverse impacts on the neighbors. How do they propose to restrict noise from loud bands? Parking is already a problem as the Henley guests are parking in the guest parking of the Lakeside owned spots. Open until 2am? This often leads to drunk and unruly patrons.

I do not understand the workings of city government but I do know there is a legally binding REA agreement signed by the original parties of the development (Lakewinds, Henley, and Cornerstone). The parameters of this agreement that the brewery/restaurant would violate, were obviously agreed to for the purpose of maintaining a consistent, compatible and non adverse environment.

I am respectfully asking you to decline the proposal. Please do not let me regret moving to Richfield and force me to move out so as to live a peaceful retirement.

Sincerely,  
Ellen M Murphy



**From:** [Melissa Poehlman](#)  
**To:** ["Caitie Dunser"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Benefactor Brewing proposal  
**Date:** Monday, March 28, 2022 3:37:26 PM

---

Caitie & Wes,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Caitie Dunser [mailto:caitiedunser@gmail.com]  
**Sent:** Monday, March 28, 2022 1:36 PM  
**To:** Melissa Poehlman  
**Subject:** Benefactor Brewing proposal

Hello,

Wanted to write prior to the hearing tonight to express my excitement for the proposal submitted by Benefactor Brewery for the Brew Pub near Lyndale and 65th.

The proposal is well thought out, and the idea of having a Brew Pub in our great city is absolutely exciting. The location, near the lake, off a major roadway, and with plenty of proposed parking makes it a fantastic use of the space. I anticipate this would bring people to Richfield who otherwise would never know about all our great city has to offer- and that can't be bad!

Please consider approving the proposal, which has my household's strong support!

Caitie and Wes Dunser



**From:** [Melissa Poehlman](#)  
**To:** ["Wantock, Karen"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brew Pub comments  
**Date:** Monday, March 28, 2022 3:49:27 PM  
**Attachments:** [image002.png](#)

---

Karen,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** Wantock, Karen [mailto:Karen.Wantock@biworldwide.com]  
**Sent:** Monday, March 28, 2022 3:40 PM  
**To:** Melissa Poehlman  
**Subject:** Brew Pub comments  
**Importance:** High

Hi Melissa,

I left a voicemail for you a bit ago. I am a property manager right down the street from the best brew pub in Edina near 74th and Bush Lake Rd called Wooden Hill Brewing Company. They have a lovely little brew pub in mostly an office/commercial area and have a booming happy hour business. I would guess the parking lot of the building where they reside has more than 80 parking spots. At the Happy Hour time of day, most of those spots are full and cars are parked along the streets where I have inserted orange lines in the drawing below. Their parking capacity easily exceeds 100 spaces.

They have reached out to multiple Corporate neighbors to see if they can use parking space from us. We have all declined due to the liability associated with doing that for an establishment that serves alcohol. Some corporate neighbors nearby have even added signage saying, "No Brew Pub Parking" So, I know from an outsider POV that parking is always a problem. Putting a brew pub in Richfield with only 58 parking spaces (and no real place to park along public streets immediately outside of that) seems short sighted. The patio alone is expected to seat over 100 people.

As much as we would like to give people credit that they are going to walk to the brew pub, people are generally creatures of comfort, and many will drive.

My suggestion is that Edina City Council comes to Edina for a Thursday or Friday happy hour at Wooden Hills Brewing Company on a nice day.  
And who doesn't love a field trip to a brew pub!

Thanks for the opportunity to comment. Sorry I was late with this, and I hope this comment can still be included.





KAREN WANTOCK  
Property Manager  
Administrative Services  
**P 952.844.4478**

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**From:** [Melissa Poehlman](#)  
**To:** ["Holly Boyce"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewery  
**Date:** Monday, March 28, 2022 1:21:00 PM

---

Holly,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

Melissa Poehlman, AICP (she/her/hers)  
Community Development Director  
Executive Director – Richfield HRA  
H 612.861.9766

-----Original Message-----

From: Holly Boyce [<mailto:holly@lightenupllc.com>]  
Sent: Monday, March 28, 2022 1:18 PM  
To: Melissa Poehlman  
Subject: Brewery

We fully support the new proposed brewery and look forward to it!!!

Sent from my iPhone



**From:** [Melissa Poehlman](#)  
**To:** ["Richfield Chamber Membership"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewery  
**Date:** Monday, March 28, 2022 3:42:22 PM

---

Kelsey,  
Thank you. Your comments have been passed along to the Planning Commission.  
Kind regards,  
Melissa

Melissa Poehlman, AICP (she/her/hers)  
Community Development Director  
Executive Director – Richfield HRA  
H 612.861.9766

-----Original Message-----

From: Richfield Chamber Membership [<mailto:membership@richfieldmnchamber.org>]  
Sent: Monday, March 28, 2022 1:53 PM  
To: Melissa Poehlman  
Subject: Re: Brewery

Hi Melissa,

The Chamber of Commerce would like to add our support for the brewery. Our mission is to build community and economic prosperity. We believe this Brewery could help do so. Thank you for considering our support.

-Kelsey Nagel  
President  
Richfield Chamber of Commerce



**From:** [Melissa Poehlman](#)  
**To:** ["erin Rykken"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewery- public meeting  
**Date:** Monday, March 28, 2022 3:42:56 PM

---

Erin,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** erin Rykken [mailto:[erinjaxson@yahoo.com](mailto:erinjaxson@yahoo.com)]  
**Sent:** Monday, March 28, 2022 1:59 PM  
**To:** Melissa Poehlman  
**Subject:** Brewery- public meeting

Dear whom it may concern,

I am writing to you today regarding the proposal for a brewery in Richfield. As of this moment, Richfield does not have a brewery and this would be an amazing opportunity for the city.

Breweries tend to bring together diverse groups of people together. People travel from other parts of the state to try new beers and enjoy a unique atmosphere. This type of establishment would bring money to the city and surrounding businesses. People that come and visit can see that Richfield is amazing Richfield and all that it offers.

This particular location would have indoor and outdoor seating with views of one of our beautiful lakes. It would also help define an unused space that has been left unattractive for way too long. Having different attractions and businesses would also help attract new home buyers and new businesses.

Thank you for taking the time to read my letter to you.

Erin Rykken  
(952)454-6372



**From:** [Melissa Poehlman](#)  
**To:** ["Laura Babcock"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewpub  
**Date:** Monday, March 28, 2022 1:21:16 PM

---

Laura,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Laura Babcock [mailto:[lababcock3@gmail.com](mailto:lababcock3@gmail.com)]  
**Sent:** Monday, March 28, 2022 1:20 PM  
**To:** Melissa Poehlman  
**Subject:** Brewpub

Greetings,

My husband and I would love to see a brewpub brought into our community. We live within a couple blocks of the proposed area and there's nothing like that for us here! We are always traveling into Minneapolis to go to breweries/tap rooms. It would be so nice to have one close to home where we can go on dates and also meet friends and family. Brewpubs are usually family friendly as well and having 3 kids, we'd love to be able to bike/walk to a place like this.

Just wanted to share our thoughts. Thanks so much.

Laura



**From:** [Melissa Poehlman](#)  
**To:** ["Sheila Holtberg"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewpub  
**Date:** Monday, March 28, 2022 1:20:37 PM

---

Sheila,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**

Community Development Director

Executive Director – Richfield HRA

☎ 612.861.9766

**From:** Sheila Holtberg [mailto:[maesheila13@gmail.com](mailto:maesheila13@gmail.com)]

**Sent:** Monday, March 28, 2022 1:14 PM

**To:** Melissa Poehlman

**Subject:** Brewpub

I have been a Richfield resident for 20 years now. I fully support a brewpub. I believe it would be a great addition to our community!

It would lovely if it would also be dog friendly!

Sincerely-

Sheila Holtberg  
7300 Clinton Av S



**From:** [Melissa Poehlman](#)  
**To:** ["Cole Hooey"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewpub feedback  
**Date:** Monday, March 28, 2022 1:20:18 PM

---

Cole,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Cole Hooey [mailto:colehooey@gmail.com]  
**Sent:** Monday, March 28, 2022 1:06 PM  
**To:** Melissa Poehlman  
**Subject:** Brewpub feedback

Hello,  
I wanted to voice my overwhelming support of the proposed brewpub near Richfield Lake. As new businesses, restaurants, and other developments have popped up throughout the recent years I have felt that one thing missing was a brewery/brewpub type environment. There is an atmosphere that no other kind of restaurant or bar can take the place of. South Minneapolis has very few breweries relative to the rest of the city so adding one in an accessible location like Richfield will draw patrons from more than just Richfield. I'm excited to see what happens next!

Cole Hooey  
Richfield resident





**From:** [Melissa Poehlman](#)  
**To:** ["PETER TRESSEL"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Brewpub Support  
**Date:** Monday, March 28, 2022 1:11:37 PM

---

Peter,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** PETER TRESSEL [mailto:ptressel@comcast.net]  
**Sent:** Monday, March 28, 2022 12:54 PM  
**To:** Melissa Poehlman  
**Subject:** Brewpub Support

I am writing to support building a brewpub in Richfield. A brewpub would benefit Richfield in the following ways.

- 1) Richfield would become a destination for everyone to visit. This would benefit other businesses too--restaurants, gas stations etc.
- 2) A brewpub would bring the city of Richfield together. It would be a meeting place where Richfield residents would come and converse and grow together.
- 3) A brewpub would increase tax revenue.
- 4) A successful brewpub would bring in other businesses to take advantage of the foot traffic created.
- 5) A brewpub would bring media attention to Richfield. Look at all of the positive coverage Bloomington received when 9 mile creek opened earlier this year.

Please let me know what I can do to support this endeavor.

Sincerely,

Peter Tressel



**From:** [Melissa Poehlman](#)  
**To:** ["Connor Maloney"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: New Brewpub in Richfield  
**Date:** Monday, March 28, 2022 1:16:21 PM

---

Connor,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

---

**From:** Connor Maloney [mailto:malon175@umn.edu]  
**Sent:** Monday, March 28, 2022 12:59 PM  
**To:** Melissa Poehlman  
**Subject:** New Brewpub in Richfield

Hi,

As a Richfield resident I am contacting you to let you know that I fully support the addition of Benefactor Brewpub to the Richfield community.

Not only would it be good for drawing consumers into Richfield, but it would take those proceeds and benefit the Richfield community itself.

Thank you,

Connor Maloney



**From:** [Melissa Poehlman](#)  
**To:** ["Troy Clarity"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Proposed Brew Pub - Let's Do It  
**Date:** Monday, March 28, 2022 3:39:27 PM

---

Troy,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Troy Clarity [mailto:trclarity@gmail.com]  
**Sent:** Monday, March 28, 2022 1:46 PM  
**To:** Melissa Poehlman  
**Subject:** Proposed Brew Pub - Let's Do It

We live on Lynwood Blvd and Lakewinds is a frequent stop of ours. We love the bandshell and attended many of the performances that have been there. I think it would be a great addition to have a craft brewery near there as well.

We really enjoy these small craft beer places, similar to Wild Mind (in Mpls) and it would be very cool to have one in our community...and walking distance for us is a bonus.

Thanks

Troy R. Clarity  
6605 Lynwood Blvd  
Richfield, MN 55423

612-309-6501  
[trclarity@gmail.com](mailto:trclarity@gmail.com)  
[www.linkedin.com/in/troyclarity](https://www.linkedin.com/in/troyclarity)



**From:** [Melissa Poehlman](#)  
**To:** ["Blair Harmon"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Proposed Brewery  
**Date:** Monday, March 28, 2022 1:12:14 PM

---

Blair,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Blair Harmon [mailto:[blairpharmon@gmail.com](mailto:blairpharmon@gmail.com)]  
**Sent:** Monday, March 28, 2022 12:56 PM  
**To:** Melissa Poehlman  
**Subject:** Proposed Brewery

Hello-

I am writing to express my unequivocal support for the proposed brewpub/brewery under discussion today. As a newer Richfield resident, I've been looking for new places to go to, and to invite my friends to, and such an establishment would be a perfect gathering spot along these lines.

Not only would we be able to make better use of the space near Lakewinds, but we could also generate additional economic activity into our community. I'm excited about the possibility, and I have many friends and relatives who would have another reason to come to Richfield if this were to come to fruition.

Thank you,

Blair Harmon  
651-253-1297



**From:** [Melissa Poehlman](#)  
**To:** ["Meg Olsen"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Proposed brewpub  
**Date:** Monday, March 28, 2022 3:40:32 PM

---

Megan,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Meg Olsen [mailto:megrifink.88@gmail.com]  
**Sent:** Monday, March 28, 2022 1:45 PM  
**To:** Melissa Poehlman  
**Subject:** Proposed brewpub

Hello Ms. Poehlman,

I am excited to hear that Richfield is considering adding a brewpub to the lot next to Lakewinds Co-op. As a lifelong Richfield resident, RHS class of 2006 and homeowner since 2018, I am thrilled that Richfield could soon be adding this to our community. I love visiting the local breweries in the area, but I have felt the lack of one I can support in my town. I considered becoming a founding member of the new brewery in Bloomington, but I wanted to wait and put my money into a Richfield business. I am so glad that I might have the option of doing that soon!

I know that breweries can bring a lot of business into a community, and the location of this one would also give visitors access to one of Richfield's hidden nature gems. I cannot think of a better way to open Richfield up to the larger Twin City community. Please do what you can to support this development!

Megan Olsen



**From:** [Melissa Poehlman](#)  
**To:** ["Reed Osell"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Proposed brewpub feedback  
**Date:** Monday, March 28, 2022 1:12:41 PM

---

Reed,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Reed Osell [mailto:[reedosell@gmail.com](mailto:reedosell@gmail.com)]  
**Sent:** Monday, March 28, 2022 12:59 PM  
**To:** Melissa Poehlman  
**Subject:** Proposed brewpub feedback

Good afternoon Melissa, my name is Reed Osell, resident of Richfield in the wood lake area. I wanted to send feedback in full support of the brewpub that is proposed over by Richfield lake.

I worked for several years in the Minnesota craft brewing industry and have had first hand experience seeing the positive economic impact of breweries.

My first brewery job was in excelsior at Excelsior Brewing company. It was by far one of the most visited businesses in the city, and the guests it attracted, also visited other businesses in the community.

The most recent brewery I worked for was Castle Danger brewery up in two harbors mn. This was another example of a small, sleepy north shore town, who's economy was boosted by the presence of a brewery. Two harbors used to be a "passing through" town, but with Castle Danger, it's become a "stop and visit" town. The locals love the brewery, the chamber of commerce loves the brewery, and Minnesotans traveling to the north shore love the brewery.

I would absolutely love to see Richfield have a brewpub and hope my feedback is considered!

Thank you,  
- Reed



**From:** [Melissa Poehlman](#)  
**To:** ["Ryan Leer"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Proposed Brewpub/Brewery  
**Date:** Monday, March 28, 2022 3:34:51 PM

---

Ryan,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Ryan Leer [mailto:rmleer@gmail.com]  
**Sent:** Monday, March 28, 2022 1:29 PM  
**To:** Melissa Poehlman  
**Subject:** Proposed Brewpub/Brewery

Hello,

I am a resident of Richfield and I believe the proposed brewpub/brewery is a fantastic idea! Although I don't work *at* a brewery I do work in the brewing industry. Breweries are a great place for people to socialize and unwind with family and friends. Benefactor is going to blow it out of the park with this location, with the layout they have proposed - their patio and indoor seating will be packed year round. I am excited to have my first pint there and will try to be first in line once they open.

Cheers!

Ryan Leer



**From:** [Melissa Poehlman](#)  
**To:** ["Kate Clarity"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Richfield Brew Pub  
**Date:** Monday, March 28, 2022 1:25:12 PM

---

Kate,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Kate Clarity [mailto:kclarity95@gmail.com]  
**Sent:** Monday, March 28, 2022 1:21 PM  
**To:** Melissa Poehlman  
**Subject:** Richfield Brew Pub

Hello,

I'm a Richfield resident and am in support of opening the proposed Brew Pub in our town.

My husband and I enjoy going to them and would love to be able to support one in our own community.

Thank you,

Kate Clarity  
6605 Lynwood Blvd

--

**Kate Clarity**



**From:** [Melissa Poehlman](#)  
**To:** ["Kelly LaPointe"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Richfield Brewery  
**Date:** Monday, March 28, 2022 3:44:22 PM

---

Kelly,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

Melissa Poehlman, AICP (she/her/hers)  
Community Development Director  
Executive Director – Richfield HRA  
H 612.861.9766

-----Original Message-----

From: Kelly LaPointe [<mailto:lapointe.kelly@gmail.com>]  
Sent: Monday, March 28, 2022 2:09 PM  
To: Melissa Poehlman  
Subject: Richfield Brewery

Hoping this makes it in by the deadline, as my service to tricky.

As an 8 year Richfield resident I have found that I often times leave the area to go to breweries and music outside of Richfield. I would love to have something in Richfield to patron. It adds so much draw to surrounding businesses and adds such an interest to our little community!

Sincerely,  
Kelly LaPointe  
715-207-9061

Sent from my iPhone



**From:** [Melissa Poehlman](#)  
**To:** ["Steven Warmack"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Richfield Brewpub  
**Date:** Monday, March 28, 2022 3:41:29 PM

---

Steven,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Steven Warmack [mailto:swarmack39@gmail.com]  
**Sent:** Monday, March 28, 2022 1:50 PM  
**To:** Melissa Poehlman  
**Subject:** Richfield Brewpub

As a resident of Richfield I would love to have a local brewery to visit and enjoy.

My vote is a strong YES.

Thank you,

Steven and Kathy Warmack  
6900 3rd Ave S. Richfield, MN 55423



**From:** [Melissa Poehlman](#)  
**To:** ["Megan Threlkeld"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Richfield Brewpub  
**Date:** Monday, March 28, 2022 3:34:31 PM

---

Megan,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Megan Threlkeld [mailto:megthrelkeld@gmail.com]  
**Sent:** Monday, March 28, 2022 1:34 PM  
**To:** Melissa Poehlman  
**Subject:** Richfield Brewpub

Hello,

I wanted to provide feedback about the proposed Brewpub. I think it is a wonderful idea! My husband and I have lived in Richfield for the past year and a half and moved here because we love the sense of community. A small town feel within a large city. I think adding a brewery would only enhance the feeling. There is something special about having a place to bring families and dogs, while enjoying a beer together. We need more positivity right now!

Ps. I don't even like beer and we don't have a dog, but still absolutely love the idea ;)

Thank you!

Regards,  
Megan Threlkeld

--

**Megan Threlkeld**  
**Marketing Specialist - Industrial**



**From:** [Melissa Poehlman](#)  
**To:** ["Christopher Goyette"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Support for proposed brewpub  
**Date:** Monday, March 28, 2022 3:38:24 PM

---

Christopher,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Christopher Goyette [mailto:[chris.goyette@gmail.com](mailto:chris.goyette@gmail.com)]  
**Sent:** Monday, March 28, 2022 1:44 PM  
**To:** Melissa Poehlman  
**Subject:** Support for proposed brewpub

Dear Richfield representative,

I am writing as a resident of Richfield to express my support for the proposed brewpub near Lakewinds, and within walking distance of my home. I would love a local business, that provides a community gathering space, much like Pizza Luce does currently. With the departure of Lyn 65, I am even more in support of quality owner operator businesses that provide local entertainment and community building. The thought of enjoying a beer with friends and neighbors at a brewery near the lake and walking trail is an exciting prospect, and I 100% support this effort. Thank you.

Christopher Goyette  
1406 W 66th Street  
Richfield, MN 55423



**From:** [Melissa Poehlman](#)  
**To:** ["Brian Sanden"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Support for Richfield Brewpub!  
**Date:** Monday, March 28, 2022 1:11:09 PM

---

Brian,  
Your comments have been received and sent to the Planning Commission.  
Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

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**From:** Brian Sanden [mailto:[briansanden@yahoo.com](mailto:briansanden@yahoo.com)]  
**Sent:** Monday, March 28, 2022 12:49 PM  
**To:** Melissa Poehlman  
**Subject:** Support for Richfield Brewpub!

Hi there!

Wanted to write and add my wife and I's support for the proposed Brew Pub in Richfield. Going to breweries is one of our absolute favorite ways to get out of the house and as citizens of Richfield, we pretty much have to leave the entire area just to get to a decent brewery. It's probably worth noting that my wife doesn't drink alcohol either, but still loves the atmosphere of breweries and activities that usually happen at most breweries, so the audience it'll attract is definitely NOT limited just to us beer drinkers. Anyhoo, I think this would be an incredible addition to Richfield and likely bring a lot of curious people into the area as well; all good things.

Cheers,  
-Brian Sanden  
612-206-2216



**From:** [Melissa Poehlman](#)  
**To:** ["Lindi Gish"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Support of Richfield brewery  
**Date:** Monday, March 28, 2022 1:16:59 PM

---

Lindi,

Your comments have been received and sent to the Planning Commission.

Kind regards,

Melissa

**Melissa Poehlman, AICP (she/her/hers)**

Community Development Director

Executive Director – Richfield HRA

☎ 612.861.9766

**From:** Lindi Gish [mailto:[lindi.gish@gmail.com](mailto:lindi.gish@gmail.com)]

**Sent:** Monday, March 28, 2022 1:00 PM

**To:** Melissa Poehlman

**Subject:** Support of Richfield brewery

Hello!

I am writing in support of the proposed brewpub in Richfield. My name is Lindi and my husband, son and I live on Oliver Avenue. We love Richfield and have so many friends interested in moving to our city, with all the amenities of Minneapolis but so many more benefits. We would love to bring our dog and baby to a brewpub patio here in Richfield in the summers, to play cards and spend time with friends. I think it would be a great addition to our local scene and would attract new residents and put Richfield on the radar as "the place to be"—even more than it already is.

I hope it passes!



## 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



## 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



Commissioners,

We appreciate the opportunity to comment on the proposed change in the development request from Benefactor Brewery. We live at 6354 Lyndale Ave. S. Unit 101 in the Lakeside at Lyndale condominium development.

We are aware of the position paper sent to you by Mr. Mark Thieroff the attorney representing Julie Harper-Wylie and Rick Wylie dated March 24, 2022. We agree with all of his observations and recommendations.

On a more personal level, we became aware of the Lakeside development in 2018 when we were looking for a "forever home" after we moved from our home of 35 years on the Mississippi River in St. Paul. This entire development was presented to us by Colleen Carey and her team as a community venture with respect for nature and a collegial "vibe" among residents, businesses and the existing neighborhood.

---She was proud of the amphitheater and the associated amenities that she created overlooking Richfield Lake, and she said she wanted it to be sustained as a welcoming environment for the public. She coordinated entertainment there on Wednesdays during the summer which ended at 8PM and she welcomed requests for use by Richfield residents. She indicated that we could anticipate a similar limited schedule of public use going forward.

---- She orchestrated social gatherings among prospective buyers and established neighborhood residents to further encourage a community atmosphere.

--- The addition of a co-op, not just another grocery store, was highlighted as further evidence of her intent. We all received co-op gifts.

--- From the beginning she was proud of a governance agreement that assured that the development remained a cordial environment of like-minded players

--- Given the opportunity to again live in a tranquil environment close to nature we purchased our home November 19, 2018 investing hundreds of thousands of dollars.

--- She described the plans for development of the remaining retail space (it would not include the amphitheater and property immediately adjacent to the lake) as a business venture which would be developed with the same community focus and under the same development structure.

Given the behaviors over the past 2 years, it is apparent that we have been deceived by the parties intimate to the proposal at hand.

The proposal before you, which is supported by Colleen Carey as demonstrated in her email to the city dated November 5, 2019, is a radical departure from what we were sold and, as noted by Mr. Thieroff, at odds with the initial development agreement with the city and, in several areas, it conflicts with existing city wide regulations.

Benefactor Brewery representatives have met with several representatives of our association with the stated purpose of understanding our concerns and negotiating with us to see if we could find common ground. Their proposal is unchanged from the position they articulated before meeting with us and now proposes up to 3 outdoor events/week rather than the more modest schedule discussed last fall.



Does the city condone and support such deceitful behavior that violates existing city regulations?

We have communicated with Ms. Melissa Poehlman and Council member Sean Hayford Oleary regarding the nuisances and potential violations articulated in Mr. Thieroff's letter and they seemed empathetic.

Does the city want to be a constant mediator between residents who abide by city regulations and wish to live in a residential neighborhood and a brewery/restaurant that seeks to dominate that same residential neighborhood?

Duplicitous behavior has a way of perpetuating trouble.

Peter and Linda Hilger

We can be reached at [philger@mcg.net](mailto:philger@mcg.net) and 651-690-3593



**From:** [Dave and Jody Dornacker-Spencer](#)  
**To:** [Ryan Krzos](#)  
**Subject:** Fwd: Benefactor Brewing  
**Date:** Thursday, March 24, 2022 8:14:53 PM

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Ryan: We are out of town and are not sure if we'll be able to attend the meeting live or not, but we hope to make it. Please share this email with all on the Planning Commission, if it hasn't already been forwarded to them. We sent this to our Council Member, the Mayor and Melissa. Melissa keeps saying the REA is something that is a separate issue that you are not taking into consideration. Legally she may be correct, but shouldn't the Planning Commission be aware of approving something that clearly violates the REA that ultimately governs what can be built on the lots? Is it not a waste of time to try move something forward that can't legally be built? We are completely baffled why the REA doesn't seem to be a factor when it should be. To approve and move something forward that clearly violates the provisions of the final governing REA makes little or no sense to us. It is our hopes eyes will get opened and the Commission will realize this proposal is a detriment besides illegal basis the governing REA. We've been told the City Council can stop this, but we also feel the Planning Commission can also do this with their vote on Monday. Please put an end to something that should have never been considered in the first place.

David Dornacker  
Jody Spencer  
3/24

----- Forwarded message -----

**From:** **Dave and Jody Dornacker-Spencer** <[spendor18686@gmail.com](mailto:spendor18686@gmail.com)>  
**Date:** Thu, Mar 24, 2022 at 11:22 AM  
**Subject:** Benefactor Brewing  
**To:** <[MRegan@richfieldmn.gov](mailto:MRegan@richfieldmn.gov)>, Sean Hayford Oleary <[SHayfordoleary@richfieldmn.gov](mailto:SHayfordoleary@richfieldmn.gov)>, Melissa Poehlman <[MPoehlman@richfieldmn.gov](mailto:MPoehlman@richfieldmn.gov)>

We are very disappointed in the Planning Commission, City officials, Cornerstone and the Benefactor Brewing Group. It seems since conception there was no consideration for the residents or a study of the REA that governs what can be constructed on those lots. In reading some of the public communications, amongst those officials involved, we read one comment stating that the condo owners bought knowing they had an amphitheatre in their backyard. That's true, but we were also told this was Cornerstone's gift to the City of Richfield and to expect 6-8 events a summer, some musical, some educational etc. that would always end around 8 PM. We were told it was a public space gifted to the community. Why wouldn't we believe them? The City listed the amphitheatre in their brochures. To say we bought expecting a circus under our decks is not true. Many who purchased from Cornerstone were told to expect a possible coffee shop or other retail on the vacant lots. There was never mention of an outdoor bar arena below our decks. If we had been told this from the start, I don't know if anyone would have bought in. We know we would not have.

We are sad to see that the City hasn't considered the vacant lots for green space, considering the density of the housing surrounding those vacant lots,. We observe kids playing in the parking lots with no playground facilities. Cities throughout America are beginning to incorporate additional green space for their residents, particularly in new construction zones? The area is not family friendly at this time. A park would help solve that problem.



The current REA prevents Benefactor from building on the empty lots. The only way around this is to amend the REA, but we don't see that ever happening considering over 2/3'rd of the Lakeside owners are opposed. Benefactor is fully aware of the REA in place, but appears to be pushing forward, evidently expecting that this legal barrier will be ignored just as many of our city officials are doing. This simply is not right. For city officials to support this development, knowing it is in violation of the rules that govern the property development, is beyond us. Were you not elected to have the well being of your residents the first priority?

This development needs to be stopped in its tracks by the City Council and removed from consideration by the Planning Commission. If not, then legal avenues will most likely have to be pursued resulting in time and expense for all to hear the same answer. The REA in place does not allow such a development to be built on the vacant lots.

Hopefully, those involved will step up and do what is right for the community. Will someone please sound the horn and give a wake up call to the participants including city officials involved with this? Again, it is our understanding at this point it is up to the Mayor and Council to halt the project. Please do so and have some consideration for your constituents, the community living around the proposed site and the law. Please feel free to share this email with all parties involved.

David Dornacker/Jody Spencer  
6350 Lyndale Ave So. #302  
Richfield, MN 55423  
3/24/22

PS-Sean, please make sure other council members get a copy of this.



March 24, 2022

**Via Email** ([RKrzos@richfieldmn.gov](mailto: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.<sup>1</sup> 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.

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<sup>1</sup> 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*

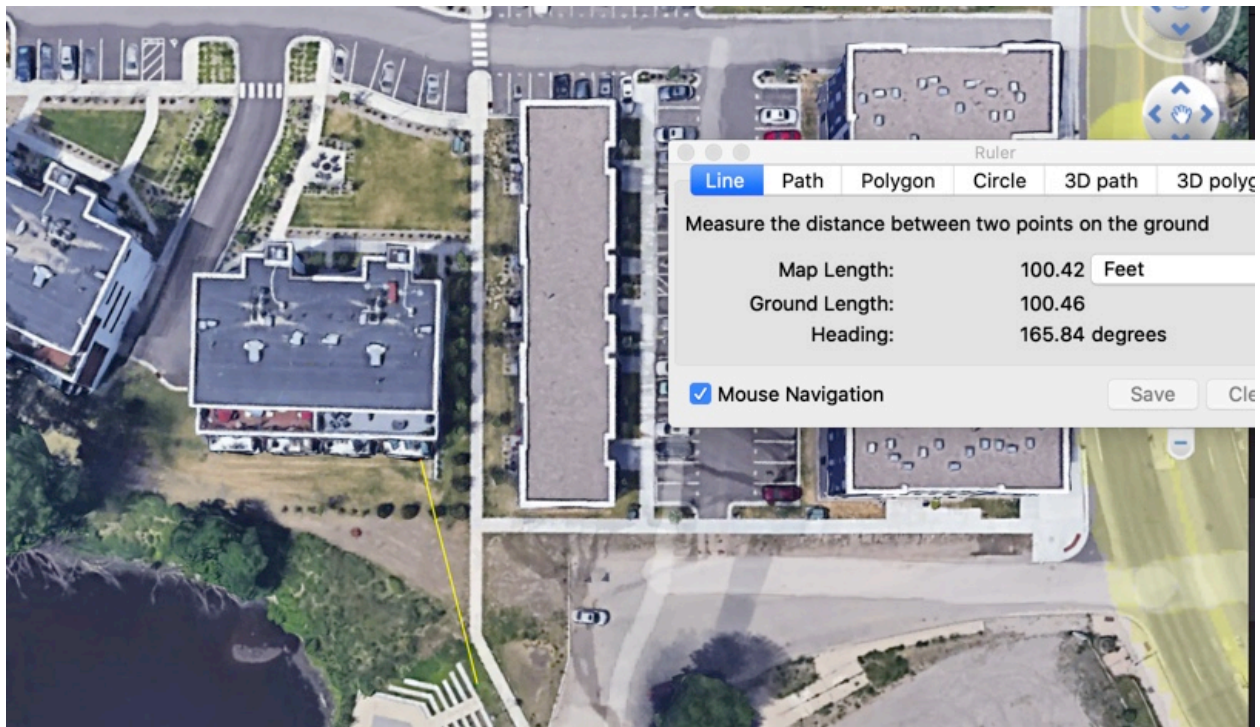
All of this was going on before my clients closed on the purchase of their unit on August 18, 2020. And even after that, plans for the brewpub were kept under wraps for some time. Colleen Carey did not disclose the plan to my clients until February 13, 2021 – after virtually all the units in condominium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

#### The brewpub proposal and expected impacts

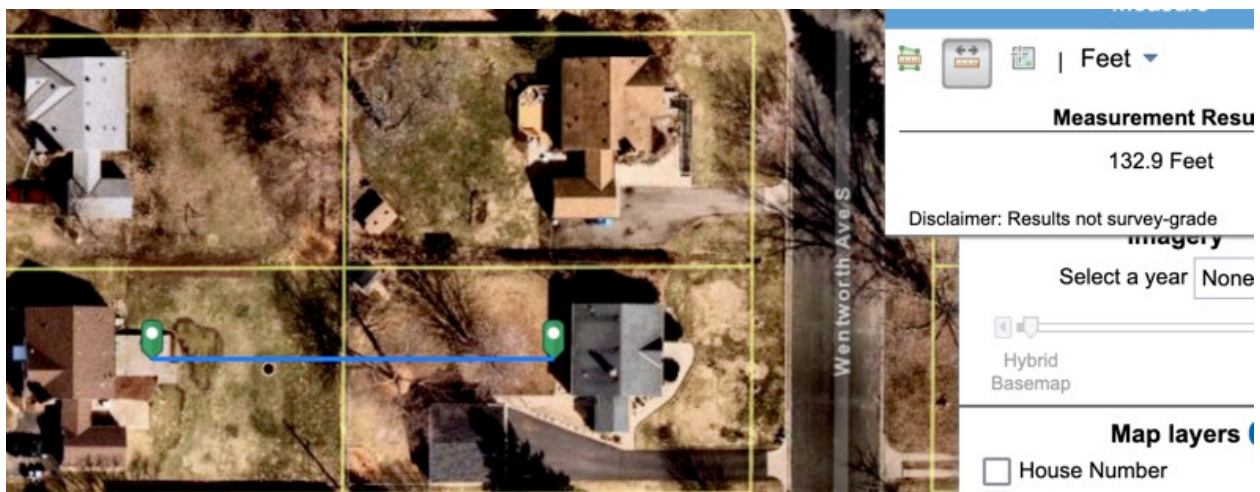
My clients are deeply concerned about the impact that the proposed brewpub will have on their quality of life, and in particular they and the other residents object to the proposed outdoor seating area and the noise it will generate. That outdoor drinking and eating area next to the



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.

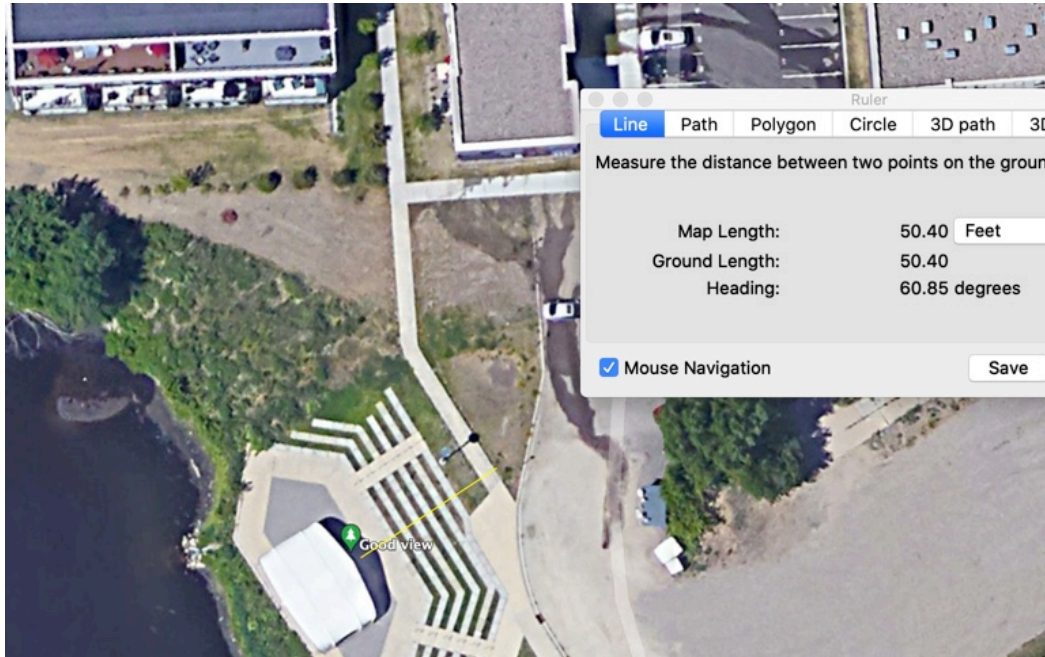
For this reason alone, the Application must be denied.

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 light gray background.

Mark Thieroff

(612) 337-6102 | Direct  
markthieroff@siegelbrill.com



**From:** [Melissa Poehlman](#)  
**To:** ["Dianne Mills"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Benfactor Brewery Agenda Item  
**Date:** Monday, March 28, 2022 7:28:01 AM

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Anthony & Diane,

Your comments have been forwarded to the Planning Commission.

Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Dianne Mills [mailto:demills49@gmail.com]  
**Sent:** Saturday, March 26, 2022 3:58 PM  
**To:** Melissa Poehlman  
**Cc:** Tony Mills  
**Subject:** Benfactor Brewery Agenda Item

Date: 3/26/2022  
To: Melissa Poehlman  
Subject: Benefactor Brewing Proposal

Dear Melissa,

As residents of Lakeside at Lyndale Gardens Condominium complex we are opposed to the Benefactor Brewing (BB) application as currently proposed. This project is wrong for our community on so many levels, as a brewery or distillery, and that the City of Richfield would even consider a brewery in a residential area. When we signed on to purchase our Condo the amphitheater was promoted as a community event and park area. The summer of 2021 proved just that with Illusion Theater using the area for youth day camps and Wednesday nights with various entertainment groups throughout the summer. These Wednesday night events were from 6 to 8:30 pm no artificial lighting needed and no alcohol or food was served. This is what we bought into.

The full use of this site by BB is particularly concerning for the following reasons:

- **VOLUME OF PEOPLE**: There is seating for approx. 261 (per architectural plans). This does not take into account seating on walls, planter edges, amphitheater or people just standing around.
- **PARKING**: There is parking on site for approx. 56 vehicles. This means that the additional parking necessary will be on surrounding public streets and the private lots of Henley and Lakeside at Lyndale Gardens which are essentially residential. If patrons of BB park on Aldrich, Bryant and Mildred Dr. our property will be the shortest route to the brewery. Closing time will be most worrisome with patrons returning to their cars after a fun night out.
- **NOISE**: There is a note from someone at the City regarding environmental noise impacts already in place that have not affected the wildlife to date but that is from far off freeways and occasional aircraft take offs on the south parallel runway. This is not the constant noise for hours on end that BB will generate six days a week from talking, laughter, recorded music and live music throughout the spring, summer and fall months. We understand the BB patrons are there for a fun night out but as home owners the idea of being forced to listen to these fun nights out 6 days a week throughout the spring, summer and fall is just wrong.
- **LIGHTING**: Bright lighting and noise will prevent us from fully enjoying a quiet night at home on our balconies. Not to mention the vehicle lights shining in the homes.

We all know that this location would be a huge financial benefit to BB especially in the spring, summer and fall. We also know the huge disappointment to us homeowners who pay a significant amount in property taxes to the city (public records show this to be approx. \$237,000 for year 2022).

Cornerstone LLC misrepresented us owners by documenting that this site in question was to have low volume businesses but it is now



known that negotiations with a brewery were already underway when we were closing on our properties.

Again, we are opposed to granting BB approval of their application on this site and hope the Richfield City Planners will agree with us that this is not an appropriate site for a brewery. We have also been made aware that the REA requirements prohibit BB from operating as proposed.

Sincerely,  
Anthony & Dianne Mills  
Lakeside at Lyndale Gardens  
6360 Lyndale Ave S - Unit W207  
Richfield, MN 55423  
651 2614231



**From:** [Melissa Poehlman](#)  
**To:** ["Robskezton@outlook.com"](mailto:Robskezton@outlook.com)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Microbrewery comment  
**Date:** Monday, March 28, 2022 10:02:14 AM

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Rob,

Thank you for your comment. It will be sent on the Planning Commission.

Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

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**From:** Robskezton@outlook.com [mailto:[Robskezton@outlook.com](mailto:Robskezton@outlook.com)]  
**Sent:** Monday, March 28, 2022 9:43 AM  
**To:** Melissa Poehlman  
**Subject:** Microbrewery comment

I am writing in definite support of the proposed microbrewery. It will be great to have another option here in Richfield and keeping my money in the community is something I try to do. Use of parking or noise as an objection is just NIMBY-ism from people afraid of the diversity and "alternative" people that a microbrewery might bring. Enough of that! I want a Richfield with vibrant business, good jobs, and diverse people.

Please SUPPORT the microbrewery.

Thanks!

Rob Skezton  
Portland and 73th



**From:** [Melissa Poehlman](#)  
**To:** ["Sean Gilbertson"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Planning Commission Open Forum  
**Date:** Monday, March 28, 2022 7:33:45 AM

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Sean,

Your comments have been forwarded to the Planning Commission.

Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Sean Gilbertson [mailto:seanhgilbertson@gmail.com]  
**Sent:** Saturday, March 26, 2022 7:56 AM  
**To:** Melissa Poehlman  
**Subject:** Planning Commission Open Forum

Esteemed Members of the Richfield Planning Commission,

I'm writing today in support of the proposed microbrewery and taproom being considered at this month's meeting. In the last five to ten years, the Twin Cities metro area has seen an increasing number of these types of establishments opening and flourishing. They can be robust gathering places for members of the community and also be a draw for patrons in nearby areas.

I spent many of my weekends last summer biking to breweries. Not only Minneapolis and St. Paul, but Eagan, Burnsville, St. Louis Park, Excelsior, Fridley, Mankato, Stillwater, etc. I spent time and money in each of these cities chiefly because they have a micro-brewery available. Bloomington just opened its first microbrewery in the last few weeks. I visited last weekend and was surprised at the number of people that were enjoying the large indoor space. It was the middle of the afternoon and I'd estimate that 75% of the tables were occupied.

Not only would it be exciting to add Richfield to the list of cities with its own microbrewery, the location next to Lake Richfield could be excellent for an eatery. I think of restaurants like Bread and Pickle at Lake Harriet or Sea Salt by Minnehaha Falls and can just picture something similar right here in our own backyard. I know how excited I would be to take a sunny stroll around the lake and stop in for a bite and a cold beverage. Or even putting on my parka and snow pants and trudging over there for a hot meal and a change of scenery in the dead of winter.

I know that some of my fellow Richfield residents have some reservations about this project. Perhaps they live in one of the nearby condos and worry about noise. I've been to a fairly wide array of microbreweries and in my experience, they don't usually attract a rowdy crowd. Most breweries I've been to are lively with conversation, but that's the extent of the noise. In fact,



my wife and I used to go work in breweries like one would a coffee shop and found the experience quite pleasant. Perhaps some of our neighbors believe we could be using our development dollars for something more vital. And maybe that's true. But I have been giddy at the thought of having a brew-pub close by since I heard this was in the works. I think it would be an exciting addition to the downtown area. And maybe even be a catalyst to bring folks from nearby communities into our beloved hometown and remind them of all the other wonderful amenities we have to offer.

Thank you for your consideration,

Sean Gilbertson  
6817 Grand Ave S, Richfield, MN 55423  
612-655-7407



**From:** [Melissa Poehlman](#)  
**To:** ["dsewich1"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Planning Commission Open Forum  
**Date:** Monday, March 28, 2022 7:39:29 AM

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Good morning Ann and Doug,

We will forward to the Planning Commission.

Also, could you tell me more about when you are having trouble with parking? After your email, I checked the street a few times at various times of day and checked with our Public Works plowing supervisor and Engineering staff and they weren't aware of issues. If there are safety issues on your block, we definitely want to address those.

Thanks,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

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**From:** dsewich1 [mailto:dsewich1@comcast.net]  
**Sent:** Friday, March 25, 2022 7:46 PM  
**To:** Melissa Poehlman  
**Subject:** RE: Planning Commission Open Forum

Dear Melissa,

Since we were notified that the Brew Pub is now on the Planning Commission agenda for Monday, March 28, I am forwarding our original email to you for consideration. Our existing parking problem continues, as outlined in our email. Thank you again for passing our concerns on to the Planning Commission.

Ann and Doug Sewich  
6324 Aldrich Ave S  
612 518 9786

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Melissa Poehlman <MPoehlman@richfieldmn.gov>  
Date: 2/28/22 6:10 PM (GMT-06:00)  
To: 'dsewich1' <dsewich1@comcast.net>  
Subject: RE: Planning Commission Open Forum

Hi Ann & Doug,



These comments will be read during the open forum tonight.

Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director | City of Richfield  
📞 612.861.9766

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**From:** dsewich1 [mailto:dsewich1@comcast.net]  
**Sent:** Saturday, February 26, 2022 9:26 PM  
**To:** Melissa Poehlman  
**Subject:** Planning Commission Open Forum

Re Brew Pub proposal

Hello Melissa,

Ironically, there was a lot of discussion around parking and city parking requirements during January's planning meeting, which is the very issue we have with the proposed brew pub.

We live at 6324 Aldrich Ave S. We border the Henley/Lakeside developments. Since they opened we've regularly had their guests parking on the 6300 block of Aldrich, because they say there's no guest parking available at Henley/Lakeside. This creates additional congestion on an already tight Aldrich cul de sac.

We've had complaints from workers who can't navigate or park their trucks. The snow plows can't clear the street. So where would these brew pub patrons park??

How many spaces would the pub be required to provide?

What about parking for the adjacent amphitheatre?

This project sounds like it has the potential to make an already bad parking situation much worse.

Thank you for sharing our brew pub parking concerns with the Planning Commission.

Ann and Doug Sewich  
6324 Aldrich Ave S  
612 518 9786

Sent from my Verizon, Samsung Galaxy smartphone



**From:** [Melissa Poehlman](#)  
**To:** ["Scott Taylor"](#)  
**Cc:** [Ryan Krzos](#)  
**Subject:** RE: Planning Commission Open Forum: Benefactor Brewery Agenda Item  
**Date:** Monday, March 28, 2022 7:40:34 AM

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Scott,

Your comments have been forwarded to the Planning Commission.

Kind regards,  
Melissa

**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
☎ 612.861.9766

**From:** Scott Taylor [mailto:scott.taylor.a@gmail.com]  
**Sent:** Friday, March 25, 2022 4:26 PM  
**To:** Melissa Poehlman  
**Subject:** Planning Commission Open Forum: Benefactor Brewery Agenda Item

Dear Richfield Planning Commissioners,

The Richfield Lake amphitheater operated to date in a manner mostly compatible with immediate vicinity residential neighbors. The outdoor live entertainment and restaurant complex proposed by Benefactor Brewing is wholly incompatible.

Over the past two years, the amphitheater hosted a variety of events or performances, several of them attended and enjoyed by me, a next-door neighbor. Those previous events had certain similarities:

- Events were infrequent, typically lasted about one hour, and concluded well before sunset.
- Audiences gathered in the amphitheater and surrounding area shortly before an event and then dispersed when it was over.
- None of these previous outdoor events served food or alcohol or operated for the purpose of marketing alcohol. No loud, obnoxious, or otherwise intoxicated behavior by any attendee was ever witnessed or reported.

The year-round outdoor entertainment and restaurant complex proposed by Benefactor Brewing, a plan enthusiastically encouraged by city officials, it is well noted, is not compatible with residential neighbors, even in a mixed-use setting:

- The plan would eliminate an open outdoor community gathering spot to replace it with a closed-off, live entertainment and gaming venue for the sole and express purpose of marketing and profiting from the sale of alcohol to a narrow demographic group.
- Future uses and performances, whether in the amphitheater directly or elsewhere on the site, including the outdoor game area, necessarily will be designed to attract large crowds and to maintain those crowds on site for as long as possible, even late into the evening, every evening, to maximize alcohol sales and profits.



- Obnoxious sounds, vibrations, lights and odors from the outdoor food and entertainment complex, otherwise suitable for an industrial location, would be a daily, non-stop barrage on neighboring residents (90 housing units within 300 feet, most of them much closer), who have no escape given the immediate proximity of their homes.

I respectfully ask the Planning Commission to recognize the outdoor entertainment and restaurant complex as incompatible with residential neighbors, both in substance and scale, and to reject it.

Best Regards,

Scott Taylor

6354 Lyndale Ave S, W-301

Richfield, MN 55423

612-805-3004



**From:** [Nick Daniels](#)  
**To:** [Ryan Krzos](#)  
**Subject:** Public Comment: Land Use Request for Proposed Microbrewery  
**Date:** Monday, March 28, 2022 4:55:22 PM

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I'm a newer resident in Richfield. My wife and I bought our first home here about a year ago. The need for a brewery like this is a frequent topic of conversation in my close knit circle of friends and family. It would serve as a great community gathering place and a great place to meet with our friends and neighbors. I think this proposed location is perfect--it's proximity to multiple bus lines and bike lanes make it very accessible. It also seems to me that its proximity to both Edina and South Minneapolis would give it plenty of nearby support in addition to our own residents.

I would be thrilled to be a patron at a microbrewery right here in Richfield!

Thanks,

Nick Daniels



**From:** [Melissa Poehlman](#)  
**To:** [Ryan Krzos](#)  
**Subject:** FW: Richfield Brewpub  
**Date:** Tuesday, March 29, 2022 1:07:40 PM

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**Melissa Poehlman, AICP (she/her/hers)**  
Community Development Director  
Executive Director – Richfield HRA  
📞 612.861.9766

**From:** Avery Bardell [mailto:avrbaird@gmail.com]  
**Sent:** Tuesday, March 29, 2022 9:55 AM  
**To:** Melissa Poehlman  
**Subject:** Richfield Brewpub

Hello,

I'm emailing in to voice my support for the proposed Brewpub next to Lakewinds. I think it will be a benefit to the community and wonderful addition for socializing. Right now, we go out of our way to go to breweries in Minneapolis and St Paul. It's very exciting to potentially have one in our own city!

Avery Bardell

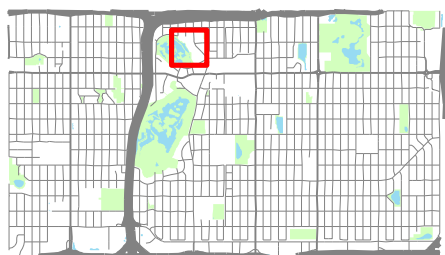
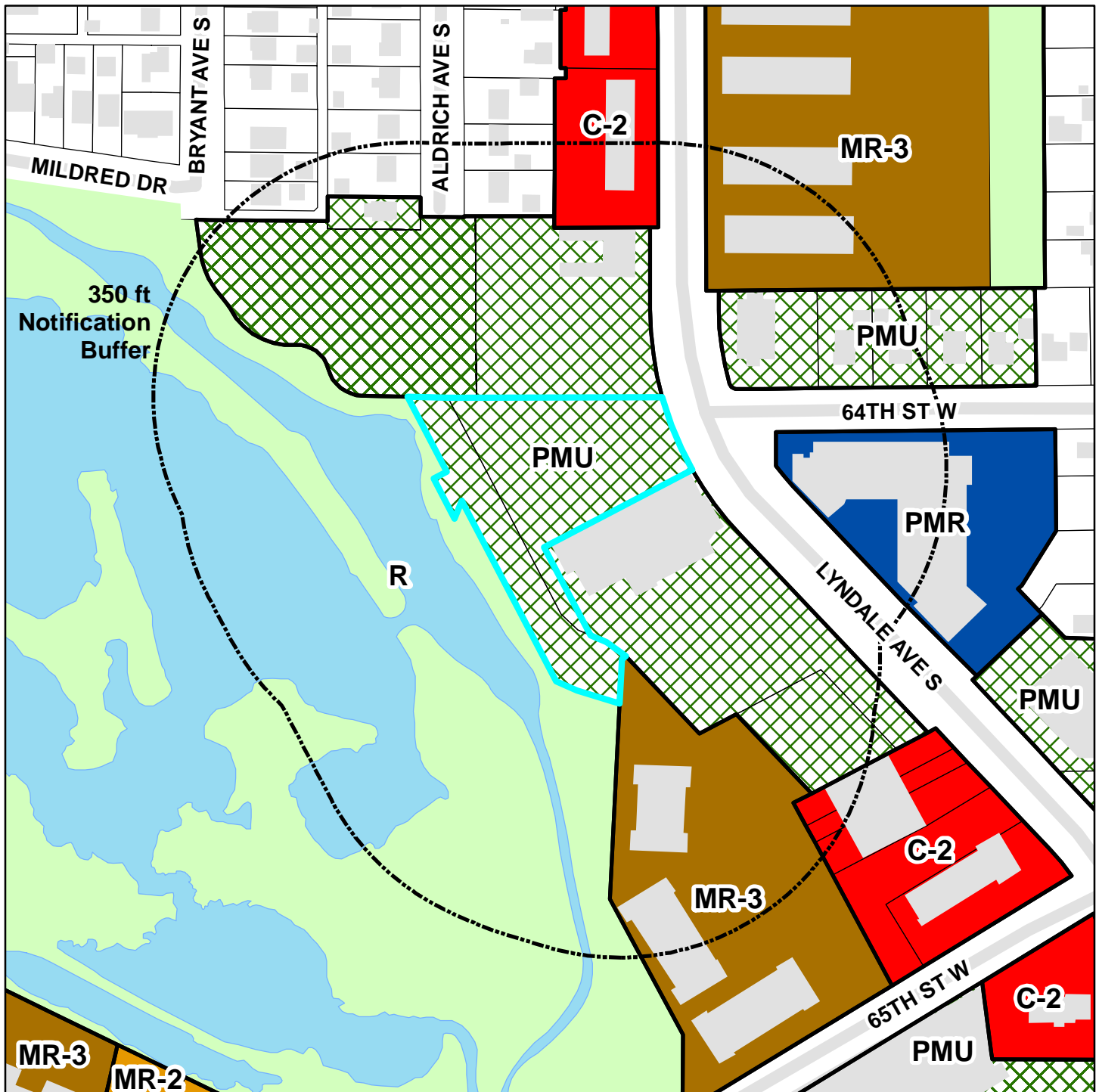




# 6402 Lyndale Avenue S

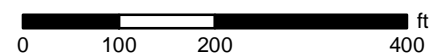
## Surrounding Zoning

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



### Zoning Districts

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	

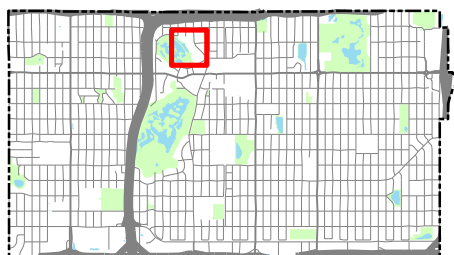






# 6402 Lyndale Avenue S

## 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)         |





April 7, 2022

**Via Email**

Members of the City Council  
City of Richfield

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

Dear Mayor Gonzalez and Members of the City Council:

I represent Julie Harper-Wylie and Rick Wylie, who own one of the units in the Lakeside at Lyndale Gardens condominium ("the Condos"), which is immediately adjacent to the brewpub that has been proposed by Benefactor Brewing, LLC, ("the Applicant") for Lot 3, Block 1, Lyndale Gardens Second Addition ("the Property"). I write today to urge you on behalf of my clients to deny the application to amend the existing PUD to allow the construction of the proposed brewpub ("the Application").<sup>1</sup>

This project has attracted considerable attention. Richfield is apparently one of the few remaining suburban cities without a brewpub, and from what we have been told by staff and the Applicant, many residents of the City would like to see one open in Richfield. But the desire of some residents to have a brewpub closer to home is not a basis for amending the existing PUD. Rather, you are required to determine whether the Project would have undue adverse impacts on the **neighboring properties**, which includes the Condos.

You have received information from Condo owners regarding the impacts they will experience if the PUD amendment is approved, and I will not repeat that information here. Instead, I will address three points: (1) that the Property and proposed outdoor seating area are not comparable to the Pizza Luce location on 66<sup>th</sup> St. as was suggested at the Planning Commission; (2) that it is not necessary to amend the PUD to allow a brewpub to operate on the Property; and (3) that the proposed brewpub's undue adverse impacts prevent the requested PUD amendment.

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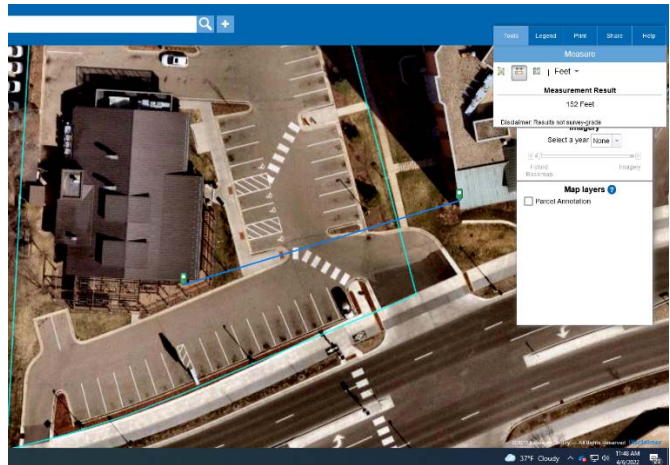
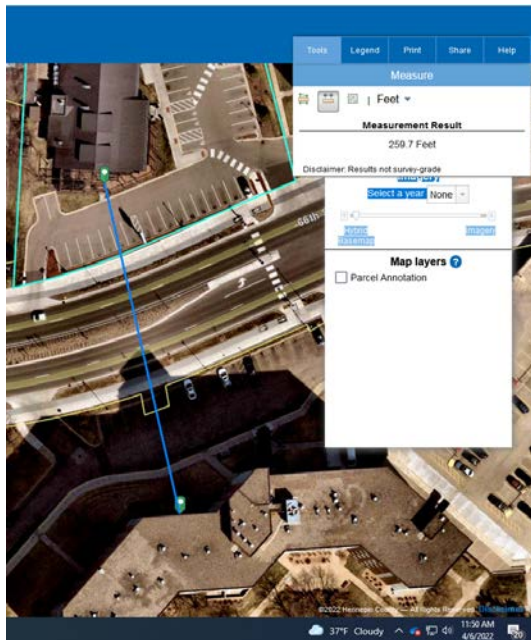
<sup>1</sup> The owners of a further 19 of the 30 condominium units have authorized me to state their objection to the proposed PUD amendment: Carol Timmons, Cathy Rebuffoni, Charlie Ormiston and Ruth Ormiston, Connie Carleen, Dan Miles and Ronda Miles, Dave Dornacker and Jody Spencer, Ellen Murphy, 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.



1. This site differs markedly from the Pizza Luce site on 66<sup>th</sup> St.

In the discussion of whether the impacts of the Project will be unduly adverse, Planning Commissioners considered the situation of the Pizza Luce on 66<sup>th</sup> Street, which also has residential uses nearby. The two situations are in fact very different. First, Pizza Luce and the two nearby residential buildings are located on a four-lane divided road that has a daily trip count of 18,000.<sup>2</sup> One of the residential buildings is actually on the other side of that busy road from Pizza Luce. This fact coupled with the fact that the residential buildings in question are 11 and 12 stories high and are therefore exposed to noise from nearby 35W and the airport means that the baseline ambient noise level for these residences is considerably higher than at the Condos.

Second, the residences and their balconies are much further from Pizza Luce's outdoor seating area. As these images show, the distances from the seating area to the nearest balconies are 152 ft. and 260 ft.:



In contrast, the distance from the condo decks to the brewpub's outdoor drinking area is just 100 ft. This is not even as far as the distance between two residential decks on opposite sides of a Richfield alley.

Third and finally, Pizza Luce does not have outdoor entertainment.

For each of these reasons, any noise generated in the pizza restaurant's outdoor seating will not have the same impact on nearby residents as noise from the proposed brewpub will.

2. Amending the PUD is not necessary for a brewpub to operate on the Property.

When considering the impact of the brewpub on the residences, it must not be forgotten that the Applicant does not need to modify the layout of the existing PUD to operate a brewpub on the

---

2

<https://mndot.maps.arcgis.com/apps/webappviewer/index.html?id=7b3be07daed84e7fa170a91059ce63bb>

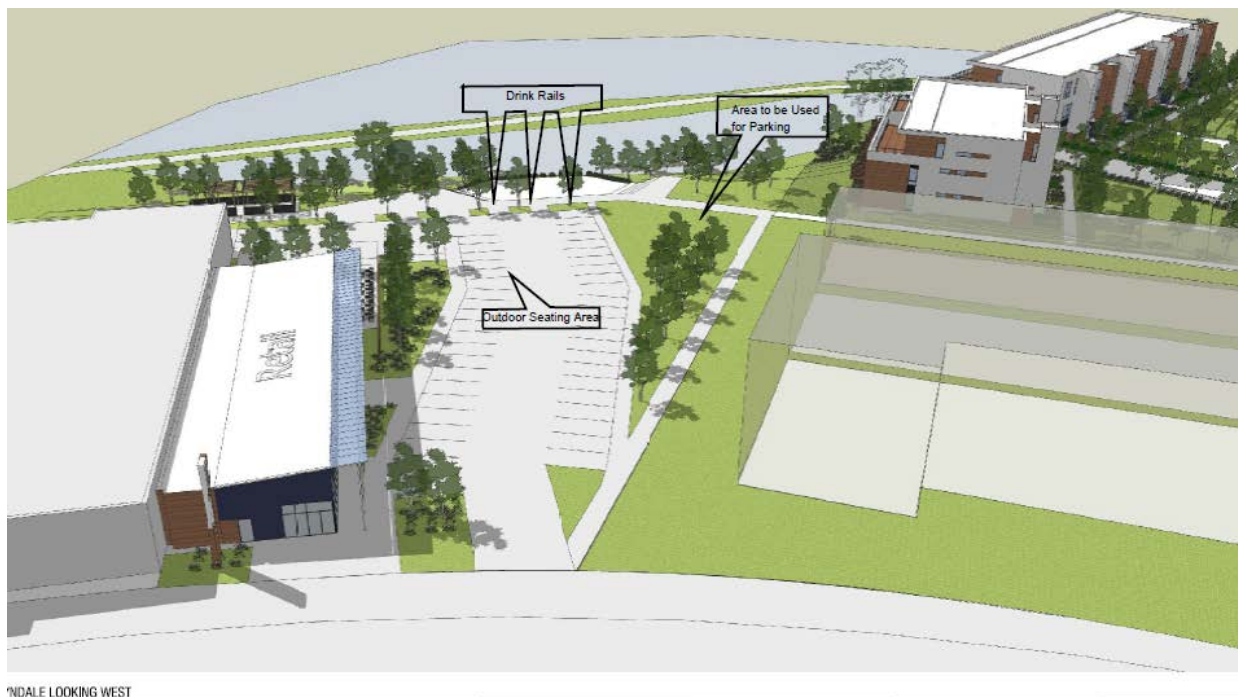


Property. The current PUD allows a commercial building of up to 6,000 square feet on the southern side of the Property plus an adjoining outdoor seating area. A brewpub building within this approved footprint would be larger than many Twin Cities brewpubs. For example, Day Block Brewing Co. and Town Hall Brewery in Minneapolis as well as Waldmann Brewery and Yoerg Brewing Company in St. Paul are all in buildings with a footprint of less than 6,000 square feet. While many Twin Cities tap rooms and brewpubs are larger than that, the vast majority of those operations are in industrial settings, not among established residential uses.

3. The proposed PUD amendment will result in undue adverse impacts on the Condos.

The most important PUD finding you will have to make is whether the proposed development will have “undue adverse impacts on neighboring properties.” Sec. 542.09(e). Neither the Applicant nor staff has disputed that the proposed brewpub will have adverse impacts on the Condos. As staff explained at the public hearing, the question is whether those adverse impacts are “undue.”

While it is hard to determine a project’s exact impacts before it is built and operating, here the proximity to the Condos of the Applicant’s proposed outdoor operations—and specifically the areas where the brewpub’s customers will drink and eat and laugh and celebrate—makes the significance of the expected impacts obvious. The Applicant chose not to depict the Condos on its site plan (oddly, the Condos are only structures in the PUD that are missing from the plan) but the image below illustrates the Applicant’s plans in relation to the Condos.<sup>3</sup> (The Condos are the brown and white structures on the right, next to the lake.) The structure labeled “retail” is where a brewpub could be located under the current PUD, and the arrows show the locations of the **outdoor seating area**, the **drink rails** and **additional parking**. The image also shows the location of the amphitheater, which will doubtless be a location for brewpub customers to gather.



<sup>3</sup> This original image was included in the meeting packet for the meeting in 2018 at which the Council approved the PUD amendment that allowed the construction of the condominium buildings.




Even though the proposed brewpub building is not shown, this image makes very clear that through the proposed PUD amendment the commercial activity on the site would move from a location off to the left as viewed from the Condos to directly in front of the Condos. It will not be possible to look out at the lake, from inside or on the deck, without seeing—and hearing—the brewpub’s customers, every summer evening, all evening long, less than 100 feet away. And this is even before one considers the significant increase in the use of the amphitheater, for live music.

The dictionary definition of “undue” is “unwarranted or inappropriate,” which suggests a balancing of harms. We submit to you that if you balance the interests of the residents in maintaining their existing quality of life against the Applicant’s interest in having a lakeside location with which to attract more business, you will easily conclude that the Proposal will cause “undue adverse impacts on neighboring properties.”

We respectfully request that you deny the requested PUD amendment for the proposed brewpub building and thereby limit the proposed brewpub to the footprint of the retail space in the current PUD.<sup>4</sup>

Very truly yours,



Mark Thieroff

(612) 337-6102 | Direct  
markthieroff@siegelbrill.com

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<sup>4</sup> In making this request my clients expressly and specifically reserve their rights under the Reciprocal Easement Agreement governing the Property.





**STAFF REPORT NO. 69**  
**CITY COUNCIL MEETING**  
**4/12/2022**

REPORT PREPARED BY: Nellie Jerome, Assistant Planner

DEPARTMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director  
4/4/2022

OTHER DEPARTMENT REVIEW:

CITY MANAGER REVIEW: Katie Rodriguez, City Manager  
4/5/2022

**ITEM FOR COUNCIL CONSIDERATION:**

**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) and is within the Penn Avenue Corridor (PAC) Overlay District. 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; however, it may be worth considering whether users of the event center (the use that requires the greatest number of parking stalls) would access the site via bicycle and whether or not this reduction is reasonable.

The Applicant is requesting a variance to the minimum number of required spaces to allow operation with only the 19 available stalls, but has been working with a property owner across the street to secure an additional 16 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 for a minimum of 18 vehicles is secured ahead of building permit approvals.

**RECOMMENDED ACTION:**

**By motion: Approve a proposed site plan and deny a variance at 6436 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 Council 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.
- The Planning Commission held a public hearing to consider the request at its March 28, 2022, meeting and voted unanimously to recommend approval of the attached resolution.

**ALTERNATIVE RECOMMENDATION(S):**

- Approve the proposed site plan with additional and/or modified stipulations.
- Deny the proposed site plan with a finding that the proposal does not meet City requirements.
- Approve the requested variance with findings that all required criteria are met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Representatives from Southdale Event Center

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Resolution	Resolution Letter
<input type="checkbox"/> Required Findings	Backup Material
<input type="checkbox"/> Property Survey	Backup Material
<input type="checkbox"/> Site Plan	Backup Material
<input type="checkbox"/> Shared Parking layout	Backup Material
<input type="checkbox"/> CUP and Variance Resolution (2017)	Backup Material
<input type="checkbox"/> 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 Council 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: October 28, 2021	JOB NO.: 2021325	HORIZONTAL DATUM: NAD83 2011ADJ Hennepin County
DATE OF MAP: November 11, 2021	DRAFTED BY: CRM	
REVISION: DATE 20	CHECKED BY: DSH	VERTICAL DATUM: N/A
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)



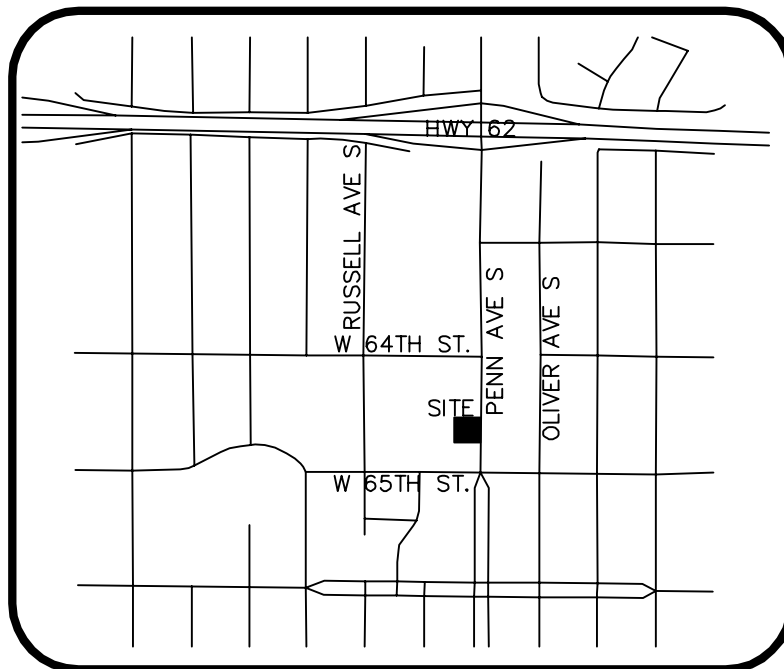
### Utility Notes

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.

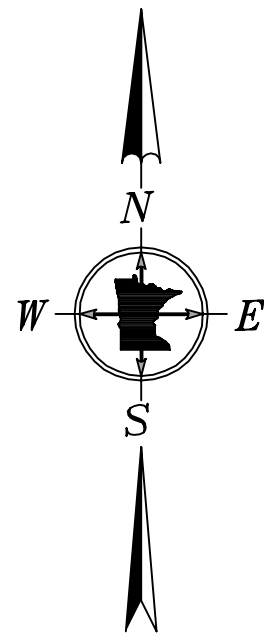
### Surveyor's Notes

- 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.

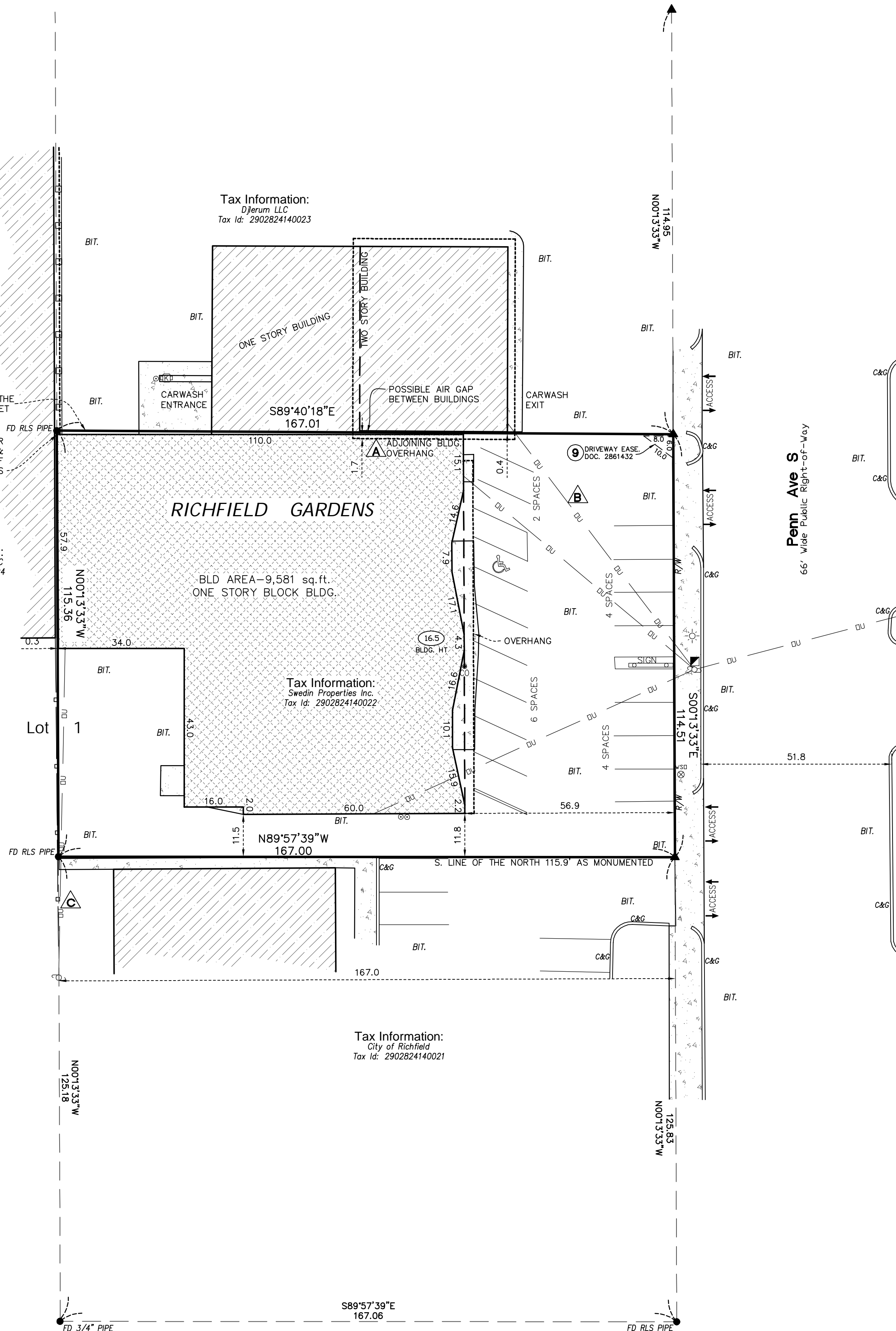
### Zoning Information

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

### Standard Legend

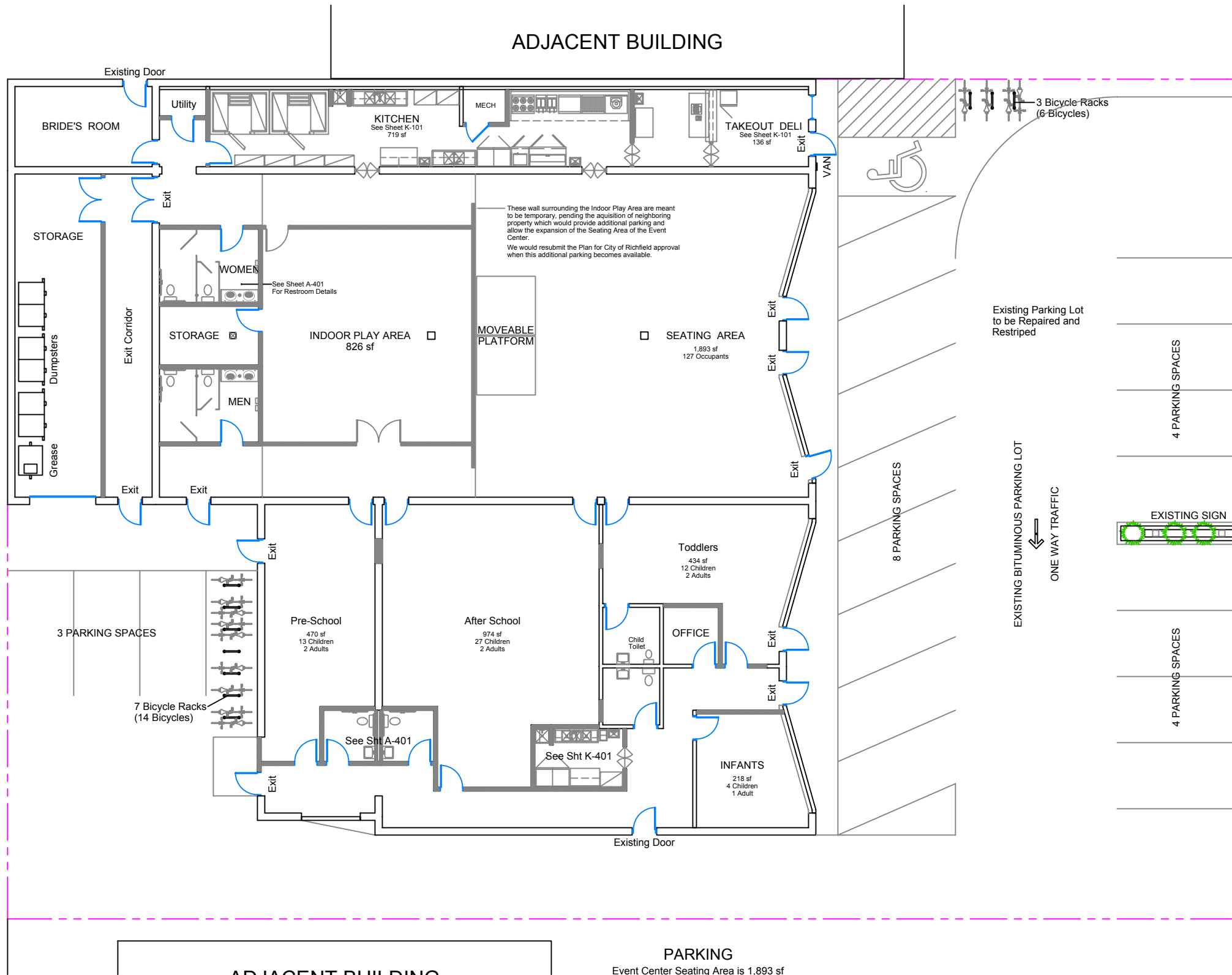
- BIT. Bituminous Surface
- C&G Curb & Gutter
- Light Pole
- Water Shut-Off / Curb Stop
- Communications Pedestal
- Bollard Post
- Key Pad
- Utility Pole
- Found Iron Pipe
- Found P.K. Nail
- Building Foot Print
- Adjoining Property Building Foot Print
- Concrete Surface
- Wood Panel Fence
- Guard Rails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

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



West 65th Street





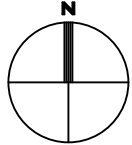
ADJACENT BUILDING

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.

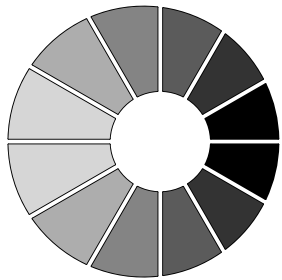
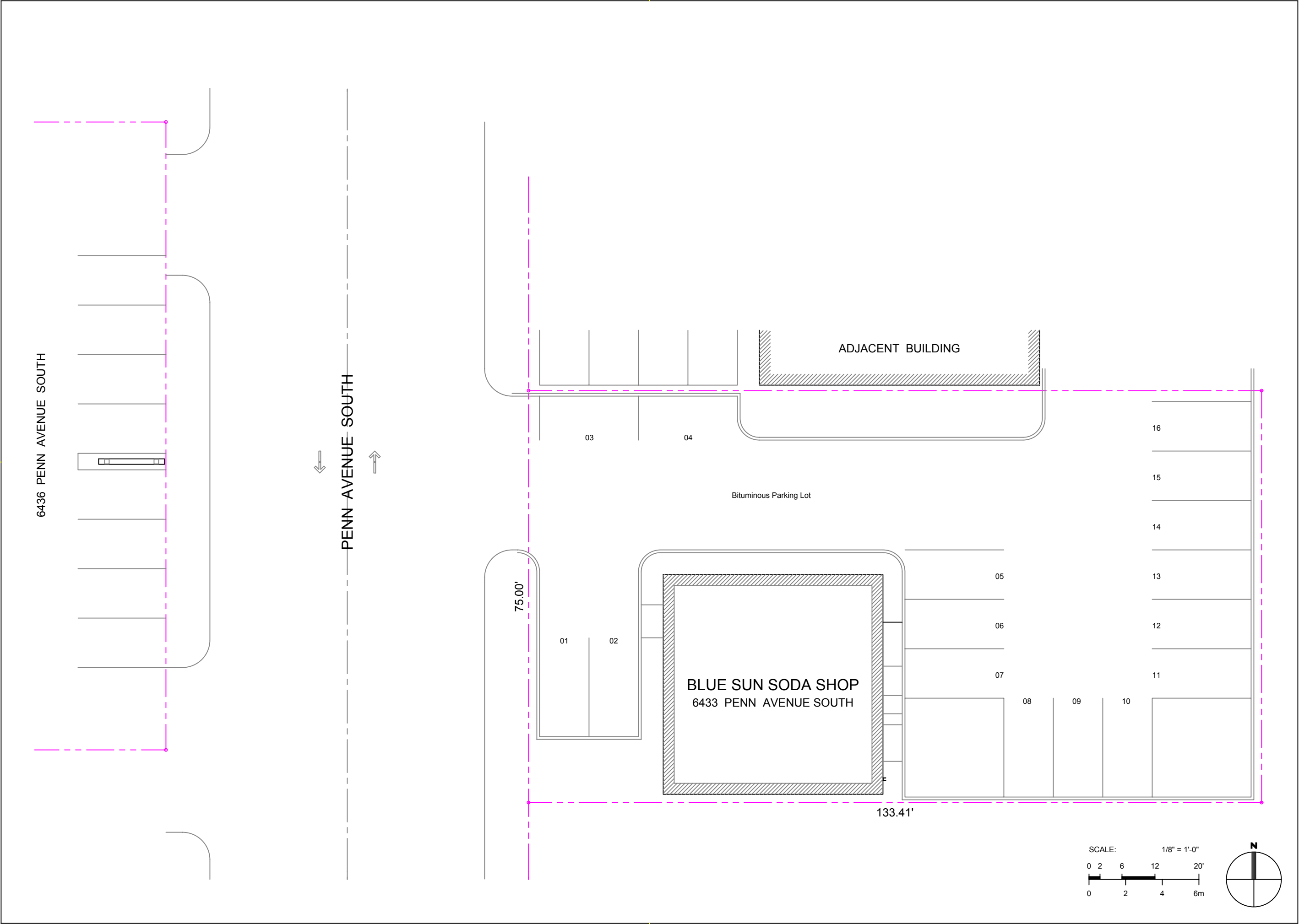
JAMES A. MACKEY

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 EVENT CENTER**  
6436 PENN AVENUE SOUTH  
RICHFIELD , MINNESOTA 55423  
PIN: 29-028-24-14-0022  
PROJECT AREA: 9,558 sf  
YEAR CONSTRUCTED: 1956  
**FLOOR PLAN - PROPOSED**





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

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.

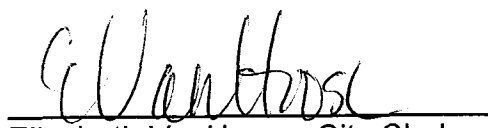


- The parking lot must be patched/resurfaced and restriped, including a striped connection from the sidewalk to the accessible loading/aisle space prior to the issuance of an occupancy permit.
  - Awning(s) shall be installed across the entire building façade. Sign permits are required for any signs 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

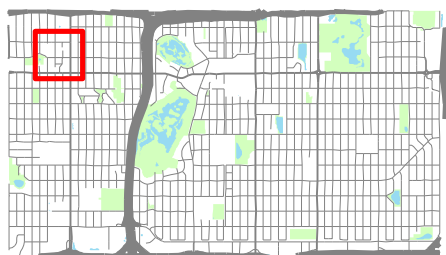
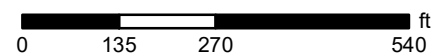
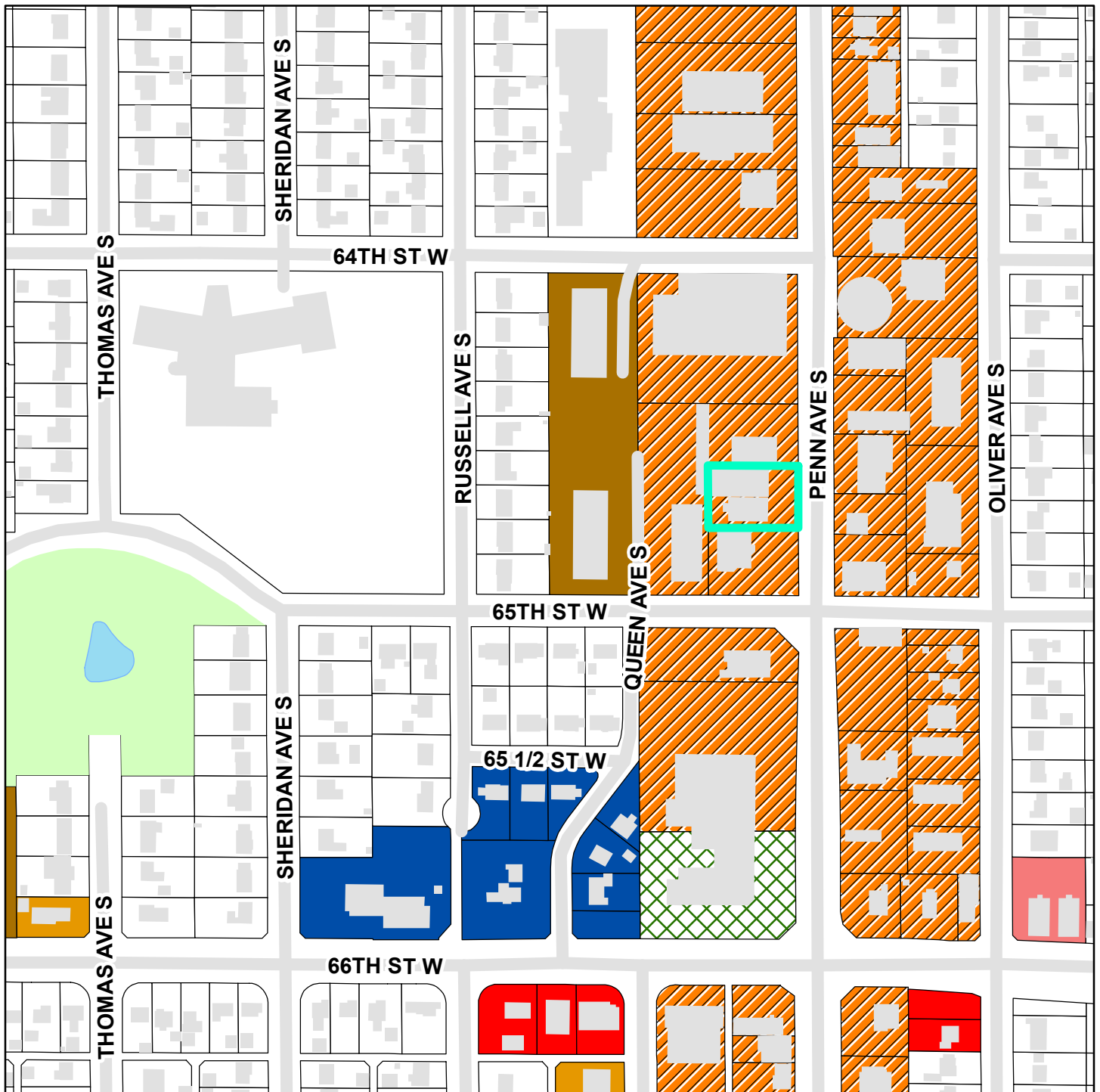




# 6436 Penn Ave

## 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                |

