

# PLANNING COMMISSION MEETING RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS JUNE 26, 2023 7:00 PM

Call to Order

Approval of the Minutes

Approval of the minutes of the regular Planning Commission meeting of May 22, 2023.

Open Forum

3.

4.

Comments are to be an opportunity to address the Planning Commission. Please refer to the Planning Commission agendas and minutes web page for additional ways to submit comments prior to the meeting. Call into the open forum by dialing 1-415-655-0001 Use webinar access code: 2634 002 6399 and password: 1234.

#### **Agenda Approval**

1. Approval of the Agenda

#### **Public Hearings**

2. Public hearing to consider a request for a Conditional Use Permit to allow a 48 child pre-school and day care at 7227 Penn Avenue South (St. Nicholas Episcopal Church).

Staff Report No. 10

<u>Liaison Reports</u>

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

#### **City Planner's Reports**

City Planner's Report

Afghan Halal Supermarket's request for site plan approval and parking variance was approved by the City Council at their June 13<sup>th</sup> meeting.

Next meeting time and location:

• Regular meeting on July 24, 2023 at 7:00 p.m. in Council Chambers at City Hall

#### 5. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9739.

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

https://www.richfieldmn.gov/city\_government/planning\_commission/agendas\_and\_minutes.php



### PLANNING COMMISSION MEETING MINUTES Richfield, Minnesota

# Regular Planning Commission Meeting May 22, 2023

**CALL TO ORDER** 

The meeting was called to order by Chair Holmvig-Johnson at 7:00 p.m. in the Council Chambers.

Planning Commission Members

Present:

Brendan Kennealy, Benjamin Surma, Matt Taraldsen, Brett

Stursa, James Rudolph, and Eddie Holmvig-Johnson

**Planning Commissioners** 

Excused:

Cole Hooey

Staff Present: Sam Crosby, Planner II; and Nellie Jerome, Planner I;

Others Present: Ismail Ahmad, Masehullah Sahil, and Babatunde Shonoiki

#### **APPROVAL OF MINUTES**

M/Stursa, S/Rudolph to approve the minutes of the Regular Planning Commission meeting of March 27, 2023 and the Planning Commission work session of April 24, 2023.

Motion carried: 6-0.

#### **OPEN FORUM**

Chair Holmvig-Johnson reviewed the options to participate in the open forum. There were no callers or speakers.

ITEM #1	APPROVAL OF THE AGENDA

M/Stursa, S/Taralsden to approve the agenda.

Motion carried: 6-0.

ITEM #2	REVIEW OF PLANNING COMMISSION BYLAWS.

Planner Crosby presented Staff Report No. 8.

M/Stursa, S/ Kennealy to approve the bylaws as amended.

Motion carried: 6-0.

**ITEM #3** 

CONSIDERATION OF A REQUEST FOR SITE PLAN APPROVAL AND A TWO STALL PARKING VARIANCE FOR AFGHAN HALAL SUPERMARKET AT 6626 PENN AVENUE SOUTH

Planner Crosby presented Staff Report No. 9.

After a couple questions of staff, Chair Holmvig-Johnson opened the public hearing.

The applicant, Masehullah Sahil, addressed the Commission. Next, a community member, Ismail Ahmad, spoke in favor of the request.

M/Stursa, S/Taralsden, to close the public hearing.

Motion carried: 6-0.

M/Stursa, S/Kennealy to recommend approval of the request as presented by staff.

Motion carried: 6-0.

#### ITEM #4

#### **LIAISION REPORTS**

- Community Services Commission: Rudolph had no report.
- City Council: Commissioner Kennealy reported that the Council held a work session on establishing additional renter protections and removing or changing parking minimums.
   Another work session discussed possible changes to local speed limits. At their regular meeting, the Council approved resolutions to accept support from state and federal agencies for local infrastructure planning and construction.
- Housing and Redevelopment Authority (HRA): Stursa reported that the HRA has an opening and encouraged those who might be interested to apply. The Authority also had a conversation at their March meeting with someone who is interested in a Deli/Bakery/Café concept on the vacant lot next to Frenchman's Pub.
- Richfield School Board: Holmvig-Johnson had no report.
- Transportation Commission: Surma reported on various project updates and the safe-routesto-schools pilot project.
- Chamber of Commerce: Hooey was absent.
- Sustainability Commission: Taraldsen reported that the first ECO Fair, the pilot tree program, and the community garden plot program were all very popular and they are currently working on the digital sustainability guide expected to be complete next month.

ITEM #6

**CITY PLANNER'S REPORT** 

Sam Crosby

Planner II

Planner Jerome announced that she'll be leaving the City for a long range planning position with the City of St. Paul. Planner Crosby repeated the HRA/EDA opening announcement, and pointed out that the Council approved a one-year time extension for Richfield Flats, the 4-story, 55-unit apartment building by developer MWF, at 7700 Pillsbury Avenue South. Finally, the June Planning Commission is likely to be canceled due to a lack of applicants.

June 26, 2023, or, if canceled, then July 24, 2023.

ITEM #6 ADJOURNMENT

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

Motion carried: 6-0 and the meeting was adjourned at 7:24 p.m.

Submitted by:

**Brett Stursa** 

Planning Commission Secretary

AGENDA SECTION: AGENDA ITEM# CASE NO.:

Public Hearings

2.

Staff Report No. 10



# PLANNING COMMISSION MEETING 6/26/2023

REPORT PREPARED BY: Sam Crosby, Planner II

DIRECTOR REVIEW: Melissa Poehlman, Community Development Director

06/21/2023

#### ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for a Conditional Use Permit to allow a 48 child pre-school and day care at 7227 Penn Avenue South (St. Nicholas Episcopal Church).

#### **EXECUTIVE SUMMARY:**

Blossomtime Montessori (Applicant) is proposing to relocate their business from Hope Church (on Portland Avenue) to St. Nicholas Church (on Penn Avenue). State-licensed day care facilities serving 15 or more children within a non-residential building requires a Conditional Use Permit (CUP) in the R, Low Density Residential, Zoning District.

The Applicant is proposing to occupy 3,100 square feet of the 9,500 square foot building (roughly 33 percent of the floor area. No exterior changes are proposed except for the potential installation of a chain link fence around a play structure situated in the green space on the north side of the parcel. There is no church activity during the work week except the pastor. The facility will employ 8 teachers, but only about half of them drive. Hours of operation would be from 6:30 a.m. to 6:00 p.m.

Staff finds that the proposal meets the code requirements and therefore recommends approval of the CUP. A summary of the applicable requirements is provided in the Policies section, below, and in the Required Findings for a CUP attached to this report.

#### **RECOMMENDED ACTION:**

Conduct and close a public hearing and by motion: Recommend approval of a Conditional Use Permit to allow a 48 child pre-school and day care at 7227 Penn Avenue South.

#### **BASIS OF RECOMMENDATION:**

#### A. HISTORICAL CONTEXT

- The City's permit files indicate that the church was originally constructed 1948 and it has been added onto a couple of times since then.
- In 2004, the property was granted a CUP for a Montessori school and day care with 45 children but with only 1,850 square feet of floor area and hours of operation between 7:00 a.m. to 5:30 p.m. Some renovation was completed, but the facility never opened and the approval expired.

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

- Section 514.07 of the zoning code specifies two conditions:
  - 1. That there be a designated pick-up and drop-off area located on the site. There is an existing pick-up/drop-off area, separate from the parking area, on the southwest side of the

- building.
- 2. Designated outdoor play areas shall be set back at least 15 feet from any lot line which abuts a residential property.
- If required by the Department of Human Services (the licensing agency) the Applicant will install a play structure and enclose the area with a four foot tall chain link fence. Both will be located at least 15 feet from the east property line, as required. The Applicant has asked for leeway in regards to the timing of the installation of these improvements. Staff finds that three months is appropriate - basically the required improvements should be installed before the end of the construction season.
- Per Section 544.13, day care centers are required to have one parking stall per five kids, based on licensed capacity. With a licensed capacity of 48 children, ten parking stalls are required. The church has about 54 parking spaces – 23 in the north side lot and 31 in the south side lot. The parking lot is in good condition, but the pavement markings have worn off over time. The parking lot should be restriped to provide for orderly parking and circulation of vehicles. Knowing that the daycare only has a one year lease, staff has provided an extended timeframe: that this be done within one year from the date of approval. In other words, should the lease be renewed, the work will need to be done. If the lease is not renewed, the requirement lapses with the use.
- The site is legal nonconforming in regards to perimeter parking lot plantings along Penn Avenue. Per Section 544.03, Subd.7.a, the view to the parking lot from grade level should be screened to a height of three to four feet with a combination of shrubs and/or earthen berms. Staff has the ability to waive this requirement when it would not be detrimental to adjacent properties to not bring the property into conformance. Staff finds that waiving this requirement is appropriate because the use of the parking lot stalls will not be significantly increasing - most of the clientele will only be briefly dropping off and picking up in the designated pick-up/drop off area.
- Per Section 544.05, all trash and recycling will be stored either within a screened enclosure or internal to the building.
- The site is legal nonconforming with regards to bicycle parking; nevertheless, we encourage the owner to provide at least four bicycle parking stations near the building's main entry.
- Erik Solie, the Environmental Health coordinator had review comments that must be addressed prior to the issuance of a building permit. The Applicant is aware of this. All other departments reviewed the plans and had no additional comments.

#### C. CRITICAL TIMING ISSUES:

• The 60-day clock began when a complete application was received on June 2, 2023. A decision is required by August 1, 2023 or the City 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 - The required application fees have been paid.

#### E. LEGAL CONSIDERATION:

- · Notice of this public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site on June 15, 2023.
- Council consideration has been tentatively scheduled for July 11, 2023.

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

- Recommend approval of the proposal with modifications.
- Recommend denial of the CUP with a finding that requirements are not met.

#### PRINCIPAL PARTIES EXPECTED AT MEETING:

Marie Dias & Sid Perera, Owners

#### ATTACHMENTS:

Description Draft Resolution of Approval Resolution Letter **Backup Material** 

D **CUP** Required Findings ■ Location / Zoning Map

■ Applicant's Project Narrative

Submittal Documents

Backup Material

Backup Material

Backup Material

#### **RESOLUTION NO.**

## RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A PRE SCHOOL AND DAY CARE AT 7227 PENN AVENUE SOUTH

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of a conditional use permit to allow a 48 child Montessori pre-school and day care at St. Nicholas Episcopal Church, 7227 Penn Avenue South, and legally described as follows:

All that part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section 33, Township 28, Range 24, described as follows: Commending at a point on the West line of Section 33 which is six hundred eighty-six (686) feet North of the Southwest corner of the Northwest Quarter of said section; thence North along the West line of said section two hundred ninety-eight (298) feet; thence East parallel with the North line of said subdivision one hundred sixty three and eight-one hundredths (163.81) feet; thence South parallel with the West line of said Section 33 a distance of two hundred ninety eight (298) feet; thence West one hundred sixty three and eight one hundredths (163.81) feet to the point of beginning.

The west 163.81 feet south 12 rods on the north 20 rods of the Southwest Quarter of the Northwest Quarter of Section 33, Township 28 North, Range 24 West of the 4<sup>th</sup> Principal Meridian.

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit at its June 26, 2023 meeting; and

**WHEREAS**, notice of the public hearing was published in the Sun Current and mailed to properties within 350 feet of the subject property on June 15, 2023; 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 514.07, Subdivision 9, as detailed in City Council Staff Report No.\_\_\_\_; 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 adopts as its Findings of Fact the WHEREAS clauses set forth above, and the findings listed in the Required Findings Statement.
- 2. The requested conditional use permit for a 48 child Montessori pre-school and day care, as described in the City Council Staff Report, on the property legally described above, is hereby approved, subject to the following conditions:
  - a) That the applicant records 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.

- b) Any new rooftop or ground mechanical equipment must be screened, per Zoning Code Section 544.05.
- c) Sign permits are required for any signs greater than six square feet in size.
- d) No lighting changes are proposed or approved.
- e) The parking lot shall be restriped within one year of the date of approval.
- f) The exterior improvements required by DHS shall be installed within there months of the date of approval.
- g) The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated June 13, 2023, and compliance with all other City, County and State regulations.
- h) 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.
- 3. The conditional use permit 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.
- 4. 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 11th day of July 2023.

	Mary B. Supple, Mayor
ATTEST:	
Dustin Leslie, City Clerk	

#### Blossomtime Montessori (7227 Penn Ave. S) Code Requirements / Required Findings

**Part 1 – Conditional Use Permit:** The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

- The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan. The proposed use is consistent with the "Public/Quasi-Public" guiding designation. The Comprehensive Plan does not have any goals or policies specifically related to day care facilities, however, the proposal supports business retention and provides a much needed services to families.
- 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 public health, safety, aesthetics, economic viability, and general welfare of the City. The purpose of the R "Low Density Residential" district is to protect and preserve the low density residential character and provide residential locations that are safe, attractive, and quiet. The proposal is consistent with both these purposes.
- The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines. There are no specific redevelopment plans or design guidelines that apply to the property.
- 4. The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code. The property will maintain the status quo in regards to performance standards requirements. Since no building expansion is proposed, the site may continue with its present nonconformities, if there are any a comprehensive review was not conducted, except for parking which is compliant.
- 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 issues.
- 6. The use will not have undue adverse impacts on the public health, safety, or welfare.

  The proposed use is not anticipated to have any adverse impacts to public health, safety and welfare.
- 7. There is a public need for such use at the proposed location. The use is an existing use currently located elsewhere in the City. The success of the existing business demonstrates the need.
- 8. The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit. The use will comply with the two specific conditions listed by the R district for state licensed day care facilities serving more than 15 children.



### 7227 Penn Avenue South

Location and Zoning Map

Blossomtime Montessori



Richfield Montessori School and Child Care Inc. D.B.A. Blossomtime Montessori School 7132 Portland Avenue, South Richfield, MN 55423

May 31, 2023

The Planning Commission
City of Richfield
Richfield, MN 55423

Dear Members,

Thank you so much for your understanding and support relating to our relocation plans.

We are a Department of Human Services (DHS) licensed childcare center (Lic. ID 831153) with a current actual enrollment of 75 children and a maximum licensed capacity of 84 children. Our school, Blossomtime Montessori School, has been in existence for 52 years and during that time we have operated out of locations in both Richfield and Bloomington. However, for the last 15 years, we have been exclusively at a building owned and operated by Hope Church at 7132 Portland Avenue South in Richfield.

Unfortunately, roughly a month ago, Hope Church decided to rent our space along with another vacant area within the same building to a different company and we were asked to move out of our existing space by the 30<sup>th</sup> of June. As a result, for about the last 4 weeks, we along with our parents have been frantically looking for an alternative space for our childcare center. Due to all the hard work of our parents, finally, we found space at St Nicholas Church at 7227 Penn Avenue South in Richfield, MN 55423 and we believe we can relocate at least a major portion of our operation to this new location. The Department of Human Services has indicated that we can have up to 48 children at this location.

This is an existing church with commercial zoning and ample parking including stalls designated as handicap parking. The floor plans that are attached tend to indicate that the original intention of this space was to house a childcare center, but no childcare center has occupied this space in the recent past. As a result, we are not planning to make any additions or changes to the existing structure, except for minor improvements such as painting, new carpeting, etc.

However, we will need to set up an outdoor playground and there is ample unused yard space for that in the current lot. The Department of Human Services is willing to give us a waiver of

several months from the start of our operation at this location for the installation of the playground and we assume that the planning commission will also act accordingly.

We have completed the attached Planning and Zoning Application and are requesting a Conditional Use Permit that would allow us to operate our childcare center at 7227 Penn Avenue South starting August 1<sup>st</sup>, 2023, please.

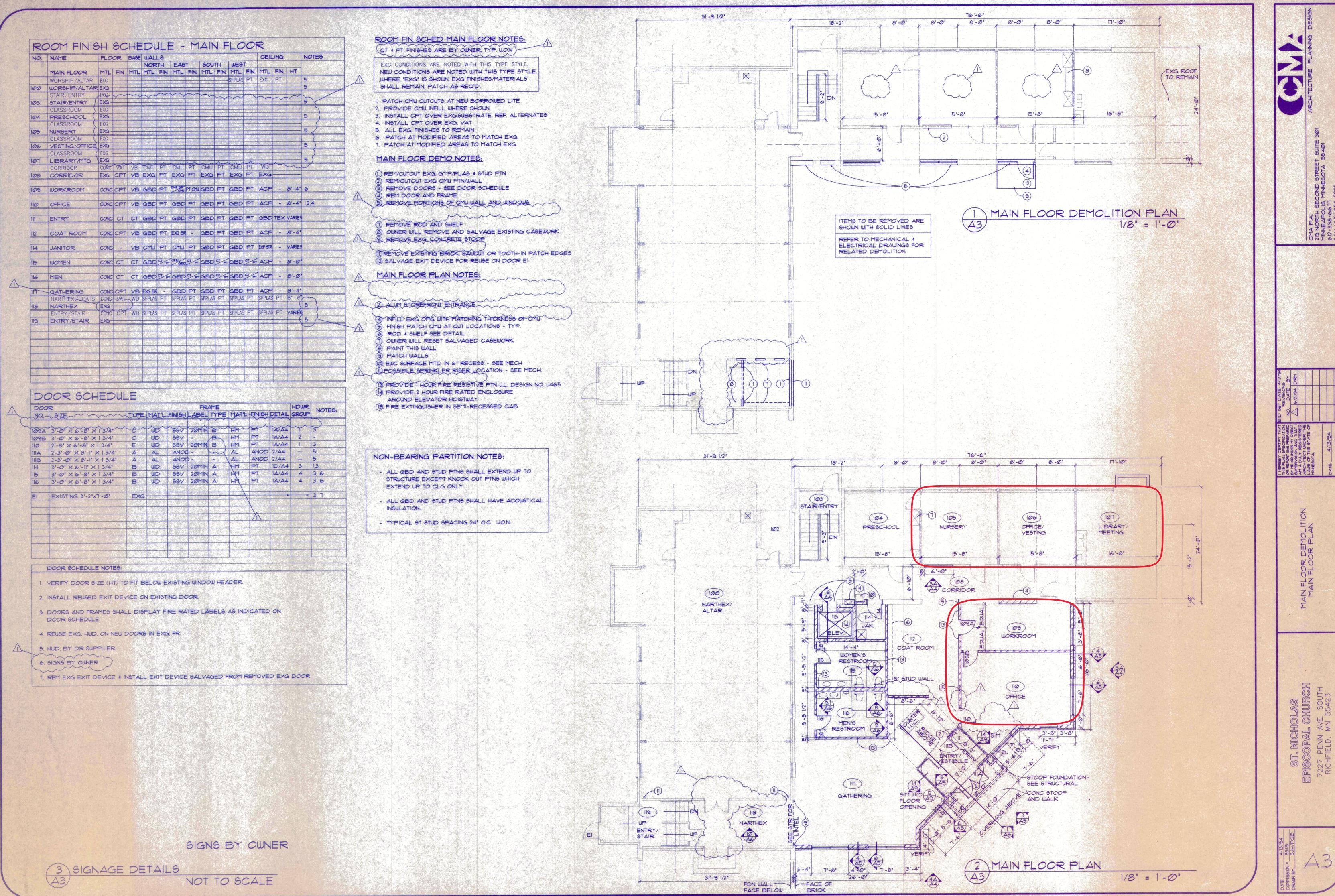
Thank you very much.

Marie Dias

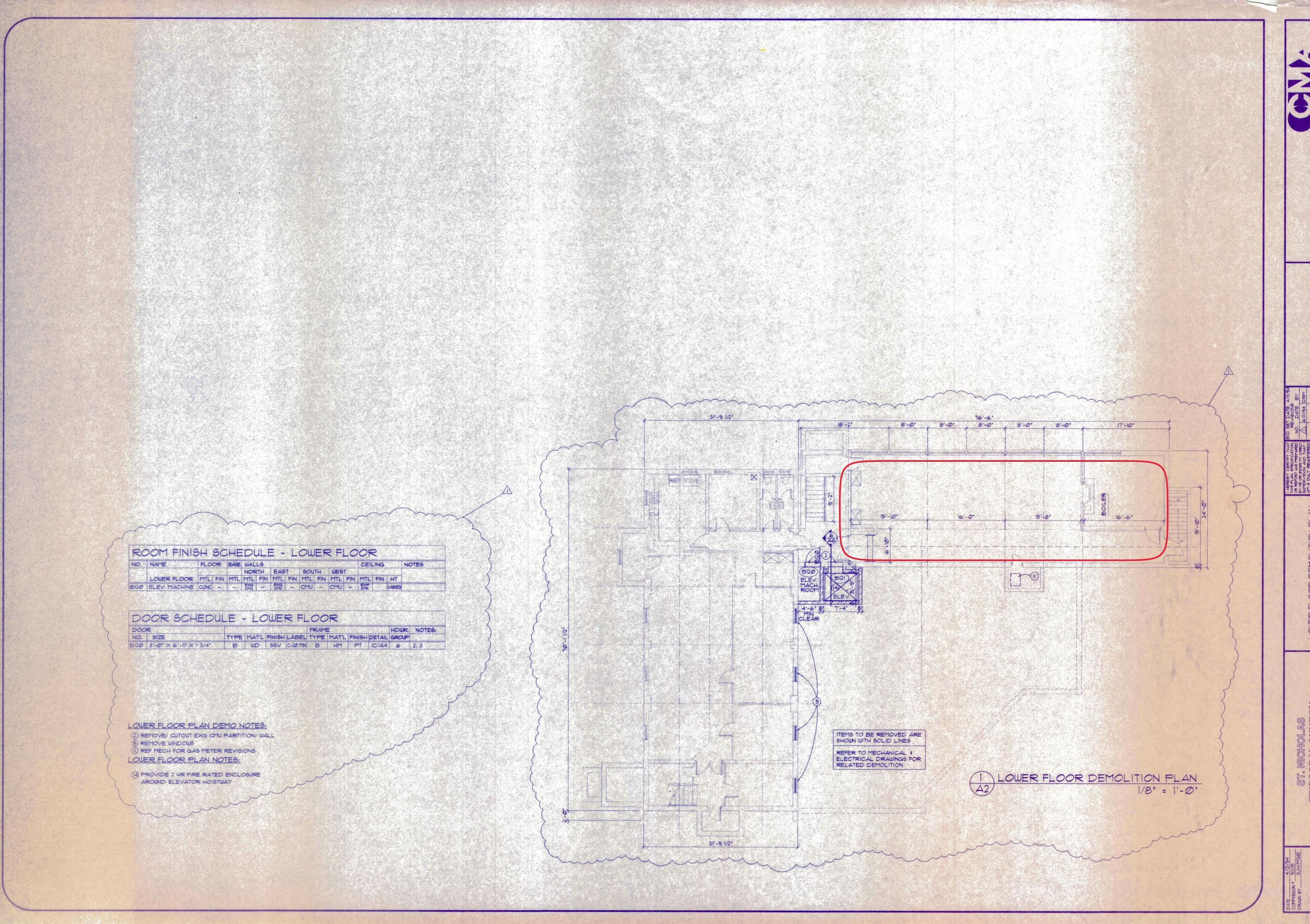
Blossomtime Montessori School

Marie Dia





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### **Drop-off Driveway**

## H

### Hennepin County Property Map



7301

PARCEL ID: 3302824230005

OWNER NAME: St Nicholas Episcopal Church

PARCEL ADDRESS: 7227 Penn Ave S,Richfield MN 55423

PARCEL AREA: 1.49 acres, 64,867 sq ft

A-T-B: Both

SALE PRICE:

SALE DATE:

SALE CODE:

ASSESSED 2022, PAYABLE 2023

PROPERTY TYPE: Commercial-Preferred

HOMESTEAD: Non-Homestead

MARKET VALUE: \$0 TAX TOTAL: \$0.00

ASSESSED 2023, PAYABLE 2024 PROPERTY TYPE: Commercial HOMESTEAD: Non-Homestead

MARKET VALUE: \$0

#### Comments:

7300

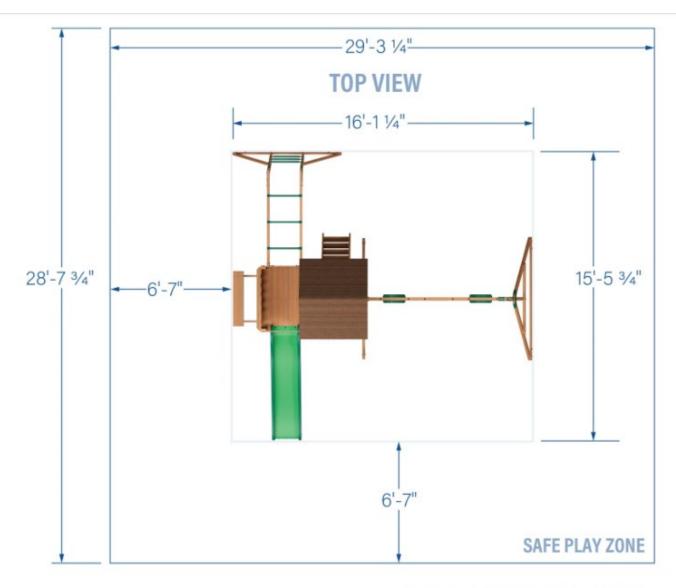
1 inch = 120 feet

St Nicholas

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Date: 5/31/2023

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**FRONT VIEW** 

