



**PLANNING COMMISSION MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
MARCH 26, 2018  
7:00 PM**

Call to Order

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

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

**Agenda Approval**

1. Approval of the Agenda

**Public Hearings**

2. Public hearing to consider a request for a variance to allow a reduced setback requirement for a porch at 7298 Oak Grove Boulevard.

18-VAR-03

**Liaison Reports**

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

**City Planner's Reports**

3. City Planner's Report

4. Next Meeting Time and Location

April 23, 2018 at 7:00 p.m. in the Council Chambers.

5. Adjournment

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



# Planning Commission Minutes

February 26, 2018

- MEMBERS PRESENT: Chairperson Sean Hayford Oleary, Commissioners Allysen Hoberg, Susan Rosenberg, Dan Kitzberger, Bryan Pynn, James Rudolph and Kathryn Quam
- STAFF PRESENT: Melissa Poehlman, Assistant Community Development Director  
Matt Brillhart, Associate Planner  
Jeff Pearson, City Engineer
- OTHERS PRESENT: John Bartell, representing Winner Gas, 7733 Portland Avenue  
Colleen Carey, The Cornerstone Group

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

## APPROVAL OF MINUTES

M/Rosenberg, S/Hoberg to approve the minutes of the February 26, 2018 meeting, with a correction to Item #5 to replace “Vrieze Daniels” with “Rosenberg”.

*Motion carried: 7-0*

## OPEN FORUM

No members of the public spoke.

Human Rights Commissioner Ben Sunderlin presented survey materials to Commissioners.

## ITEM #1 APPROVAL OF AGENDA

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

*Motion carried: 7-0*

## PUBLIC HEARING(S)

### ITEM #2

#### **18-VAR-01 – Consideration of a request for a variance to odor control regulations for a takeout-only restaurant at 7733 Portland Avenue.**

Associate Planner Matt Brillhart presented the staff report.

Mr. John Bartell of Commercial Air Designs spoke on behalf of the applicant.

In response to a question from Commissioner Hoberg, Mr. Bartell stated that the menu would include items such as hot sandwiches.

In response to a question from Commissioner Pynn, Mr. Bartell responded that there will be one deep fryer, planned for intermittent use as items will be cooked to order. At staff’s request, Mr. Bartell provided a brief description of the different types of ventilation systems.

Commissioner Quam inquired about the letter of support from the neighboring property, noting that the letter did not specifically mention the variance for odor control. Brillhart responded that he contacted the property management and they did not express concerns with odors.

Chair Hayford Oleary opened the public hearing.

No members of the public spoke.

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

*Motion carried: 7-0*

February 26, 2018

M/Hoberg, S/Rosenberg to approve the resolution granting a variance.

*Motion carried: 7-0*

### **ITEM #3**

#### **18-VAR-02 – Consideration of a request for a variance from the City’s shoreland management ordinance for the Lyndale Gardens Development**

Associate Planner Matt Brillhart presented the staff report.

Chair Hayford Oleary inquired about the procedural change for granting a variance for a project for which they do not have a proposal to review.

Asst. Community Development Director Poehlman responded that the applicant wants to make sure that the City is okay with the setback line before they proceed with having more costly development plans drawn up.

In response to a question from Chair Hayford Oleary, Brillhart responded that the resolution would grant approvals that would be valid for two years.

Commissioner Pynn inquired about what is proposed to the north of the building footprints shown and if that impacts why the buildings would have to be so close to the setback line.

Colleen Carey of The Cornerstone Group responded that they need to preserve access for fire trucks north of the buildings. Additionally, an easement through the site limits a significant area to be developed as parking only over the storm water easement area.

Ms. Carey gave an update on the development as a whole, noting that they are proposing 30 for-sale condo units spread across two 3-story buildings. Units will be priced from \$400,000 to \$600,000 and will range from 1,400 square feet to larger penthouse units. Bad soils, high water table and the setback line all impacted the amount of density the site could accommodate. They would like to begin construction in the fall.

Chair Hayford Oleary opened the public hearing.  
No members of the public spoke.

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

*Motion carried: 7-0*

M/Rosenberg, S/Quam to approve the resolution granting a variance.

*Motion carried: 7-0*

### **OTHER BUSINESS**

#### **ITEM #4**

##### **PC Letter #1 – Election of Chairperson, Vice-Chairperson, and Secretary**

M/Rosenberg, S/Hoberg to elect Commissioner Hayford Oleary as 2018 Chairperson.

*Motion carried: 7-0*

M/Kitzberger, S/Rosenberg to elect Commissioner Hoberg as 2018 Vice-Chairperson.

*Motion carried: 7-0*

M/Kitzberger, S/Rosenberg to elect Commissioner Pynn as 2018 Secretary.

February 26, 2018

**ITEM #5**

**PC Letter #2 – Appointment of liaisons to the Community Services Advisory Commission, City Council, Housing and Redevelopment Authority (HRA), School Board and Transportation Commission.**

2018 Liaison Appointments:

Community Services Advisory Commission – Commissioner Pynn

City Council – Commissioner Rosenberg

Housing and Redevelopment Authority – Commissioner Rudolph

School Board – Commissioner Quam

Transportation Commission – Commissioner Hayford Oleary

**ITEM #6**

**PC Letter #3 – Review and Approve Amendments to the Planning Commission Bylaws**

M/Hayford Oleary, S/Pynn to approve the bylaws, with an amendment to Section 7b, part 5e to reflect that “materially new information” could come from the applicant or the public

*Motion carried: 7-0*

**LIAISON REPORTS**

Community Services Advisory Commission: No report

City Council: Commissioner Rosenberg – No report

HRA: Commissioner Hoberg – No report

Richfield School Board: Commissioner Kitzberger

Transportation Commission: Commissioner Hayford Oleary – Lyndale Avenue update

**CITY PLANNER’S REPORT**

Poehlman noted that the Comprehensive Plan Advisory Committee had their final meeting, and an open house was scheduled on March 15<sup>th</sup> from 4-7 pm. Staff and the consultant will discuss draft plans, potential land use changes, the parks master plan, and transportation plans. Following the open house, there will be a joint work session with the Planning Commission, HRA, and City Council. Following a six-month review period by adjacent government units, a public hearing before the Planning Commission would be scheduled in September or October. The plan must be submitted to the Metropolitan Council by the end of the year. Also, a work session is scheduled on March 13<sup>th</sup> to discuss proposed changes to the sign ordinance.

**ADJOURNMENT**

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

The meeting was adjourned by unanimous consent at **7:49 p.m.**

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Planning Commission Secretary



## PLANNING COMMISSION MEETING 3/26/2018

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director

### **ITEM FOR COMMISSION CONSIDERATION:**

**Public hearing to consider a request for a variance to allow a reduced setback requirement for a porch at 7298 Oak Grove Boulevard.**

### **EXECUTIVE SUMMARY:**

The single-family home at 7298 Oak Grove Boulevard is located on a corner lot on a dead end street south of Wood Lake Nature Reserve. The property owner is proposing to add an 18 foot by 13.25 foot enclosed porch off the rear of the house, along the dead-end Dupont Avenue frontage. The porch would replace an existing deck of a similar footprint. Due to the unusual orientation of the house relative to the lot lines, the house itself has a nonconforming setback of 8.81 feet. The property owner is requesting a variance to reduce the corner side setback requirement from 15 feet to 4 feet to allow the porch addition.

Staff finds the unusual orientation of the house on the lot and its location on a dead-end street to be unique circumstances that warrant granting a variance. Finding that the proposal meets all requirements necessary to issue a variance, staff is recommending approval.

### **RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Approve a resolution granting a variance to reduce the corner side building setback requirement to 4 feet for an enclosed porch at 7298 Oak Grove Boulevard.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

None.

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

7298 Oak Grove Boulevard is zoned Low-Density Single Family Residential (R-1). Building setback requirements are established in Zoning Code Subsection 518.13, Subdivision 2.

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

1. *There are "practical difficulties" that prevent the property owner from using the property in a reasonable manner. Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty by severely limiting the property owner's ability to add a porch to the rear of the house.*
2. *There are unusual or unique circumstances that apply to the property which were not created by*

*the applicant and do not apply generally to other properties in the same zone or vicinity.* The orientation of the house relative to the lot lines is unusual and the location on a dead-end street is a unique circumstance. This house is located in the R-1 Zoning District, which generally has less uniform lot sizes and shapes than other single-family residential properties within the City as a whole.

3. *The variance would not alter the character of the neighborhood or the locality.* The property is located on a dead-end street and abuts Wood Lake Nature Reserve to the north. Due to the depth of the lot, the proposed porch will be nearly 200 feet from the rear lot line. The porch will be designed to match the scale and materials of the house. Granting a variance to allow the proposed porch will not alter the character of the neighborhood.

4. *The variance is the minimum necessary to alleviate the practical difficulty.* The variance requested is the minimum necessary to allow a functional enclosed porch space. The proposed 18 foot by 13.25 foot porch is not unusually large.

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

**C. CRITICAL TIMING ISSUES:**

60-DAY RULE: The 60-day clock 'started' when a complete application was received on March 5, 2018. A decision is required by May 4, 2018 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

**D. FINANCIAL IMPACT:**

None.

**E. LEGAL CONSIDERATION:**

Notice of this public hearing was published in the *Sun Current* newspaper and mailed to properties within 350 feet of the site on March 13, 2018.

Note: the public hearing notice incorrectly stated the setback requirement as 12 feet. The corner side setback requirement in the R-1 Zoning District is 15 feet. The notice mailed to nearby properties included the correct information.

**ALTERNATIVE RECOMMENDATION(S):**

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

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Cheri Saari, applicant representative

**ATTACHMENTS:**

	Description	Type
□	Resolution	Resolution Letter
□	Site Plans, Photos	Backup Material

**RESOLUTION NO.**

**RESOLUTION OF THE RICHFIELD PLANNING COMMISSION  
GRANTING APPROVAL OF A VARIANCE AT  
7298 OAK GROVE BOULEVARD**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of a variance on the parcel of land commonly known as 7298 Oak Grove Boulevard (the “property”) and legally described as:

Lots 11 and 12, Block 6, WOOD LAKE SHORES, Hennepin County, Minnesota

**WHEREAS**, the property is located in the Low-Density Single-Family Residential (R-1) district and a proposed porch will be set back 4 feet from the street/corner side lot line; and

**WHEREAS**, Subsection 518.13, Subdivision 2 states that the street/corner side building setback requirement is 15 feet; 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 Planning Commission of the City of Richfield held a public hearing for the requested variance at its March 26, 2018 meeting; and

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

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

1. The Planning Commission makes the following general findings:
  - a. The property is zoned Low-Density Single-Family Residential (R-1).
  - b. The proposed deck will be set back 4 feet from the street/corner side lot line. A variance from Subsection 518.13, Subd. 2 is required.
2. With respect to the application for a variance from the above-listed requirements, the Planning Commission makes the following findings:
  - a. Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty by severely limiting the property owner’s ability to add a porch to the rear of the house.
  - b. Unique circumstances affect the property that were not created by the land owner. The orientation of the house relative to the lot lines is unusual and the lot is located on a dead-end street. This house is located in the R-1 Zoning District, which generally has less uniform lot sizes and shapes than other single-family residential properties within the City as a whole.
  - c. Granting the variance will not alter the character of the neighborhood. The property is located on a dead-end street and abuts Wood Lake Nature Reserve to the north. Due to the depth of the lot, the proposed porch will be nearly 200

feet from the rear lot line. The porch will be designed to match the scale and materials of the house.

- d. The variance requested is the minimum necessary to allow a functional enclosed porch space. The proposed 18 foot by 13.25 foot porch is not unusually large.
  - e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. The proposed porch will not adversely impact the aesthetics of the community or its health, safety and welfare.
3. Based upon the above findings, a variance to the above-specified requirement is hereby approved according to the terms of Richfield City Code Subsection 518.13, Subd. 2 with the following stipulations:
- a) This variance to the setback requirement shall apply only to the proposed porch.
  - b) The recipient of this approval shall record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.11, Subd. 7; and
  - c) This approval shall expire one year from the date of approval unless construction has begun.

Adopted by the Planning Commission of the City of Richfield, Minnesota this 26th day of March 2018.

\_\_\_\_\_  
Chairperson, Richfield Planning Commission

**ATTEST:**

\_\_\_\_\_  
Secretary, Richfield Planning Commission

Looking north on Dupont Avenue (dead end), 7298 Oak Grove Blvd is on the right, with existing deck off the rear of the house





I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Thomas M. Bloom*

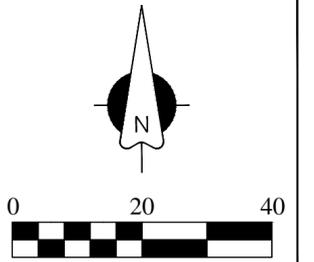
Thomas M. Bloom  
# 42379

LICENSE NO.

FEBRUARY 20, 2018

DATE:

DRAWING ORIENTATION & SCALE



CLIENT NAME / JOB ADDRESS

**ARTHUR  
& JANE  
OTTO**  
7298 OAK  
GROVE  
BOULEVARD  
RICHFIELD,  
MN

DATE	REVISION DESCRIPTION
3/13/18	SHOW ADDITION

DATE SURVEYED: FEBRUARY 20, 2018

DATE DRAFTED: FEBRUARY 20, 2018

SHEET TITLE  
**EXISTING  
CONDITIONS  
SURVEY**

DRAWING NUMBER  
180077 TB  
REV 3-13

SHEET SIZE 17 X 22

SHEET NUMBER  
**S1**

**LEGAL DESCRIPTION:**

Lots 11 and 12, Block 6, WOOD LAKE SHORES, Hennepin County, Minnesota.

**SCOPE OF WORK & LIMITATIONS:**

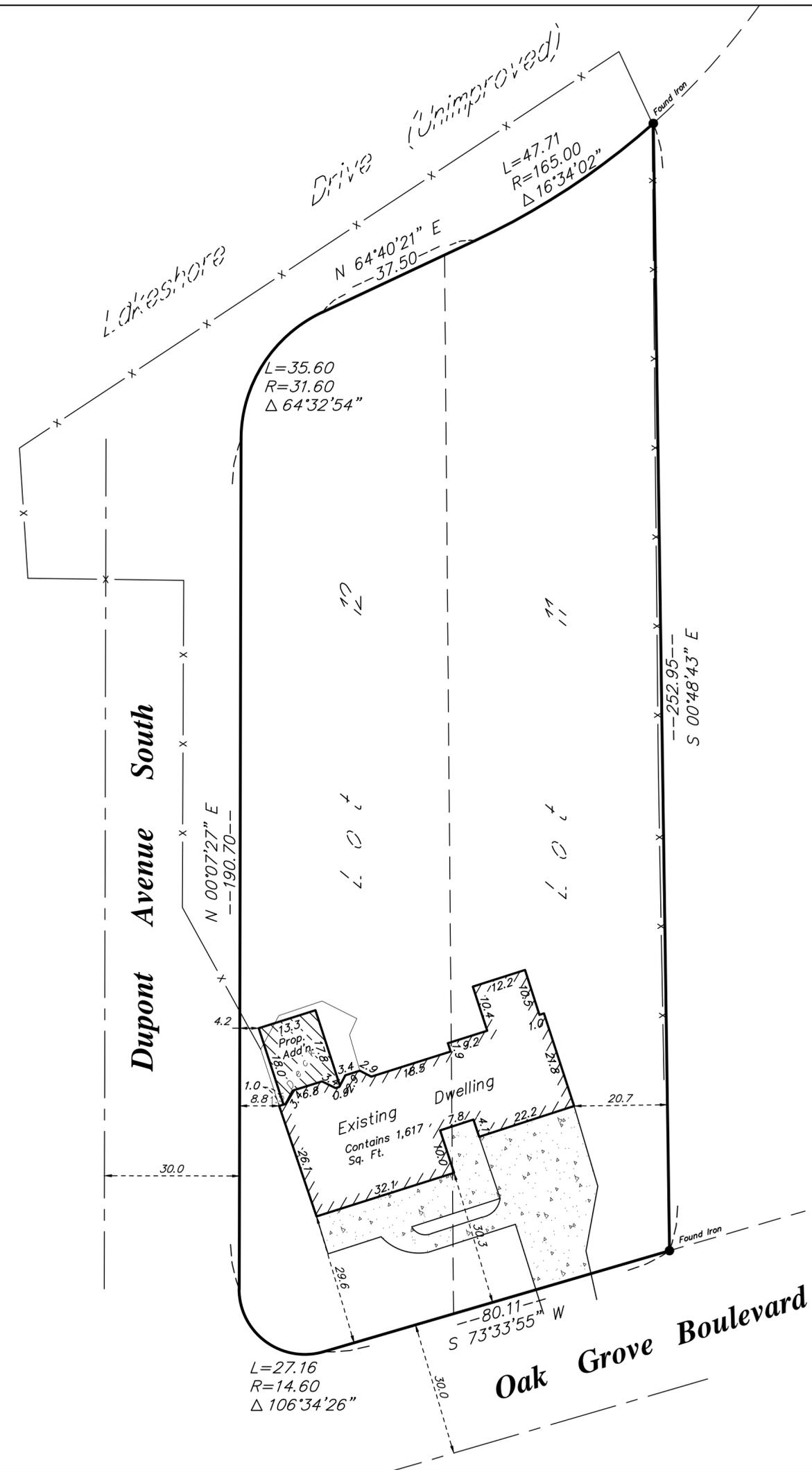
- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
- Showing the location of observed existing improvements we deem necessary for the survey.
- Setting survey markers or verifying existing survey markers to establish the corners of the property.
- It should be noted that this survey was done under snow and ice conditions and that all improvements may or may not have been shown correctly. While we did our best to locate all improvements under the snow and ice, we can't be sure that all improvements were shown. Please look over the survey to be sure everything you need shown is shown correctly.
- While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
- This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
- Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

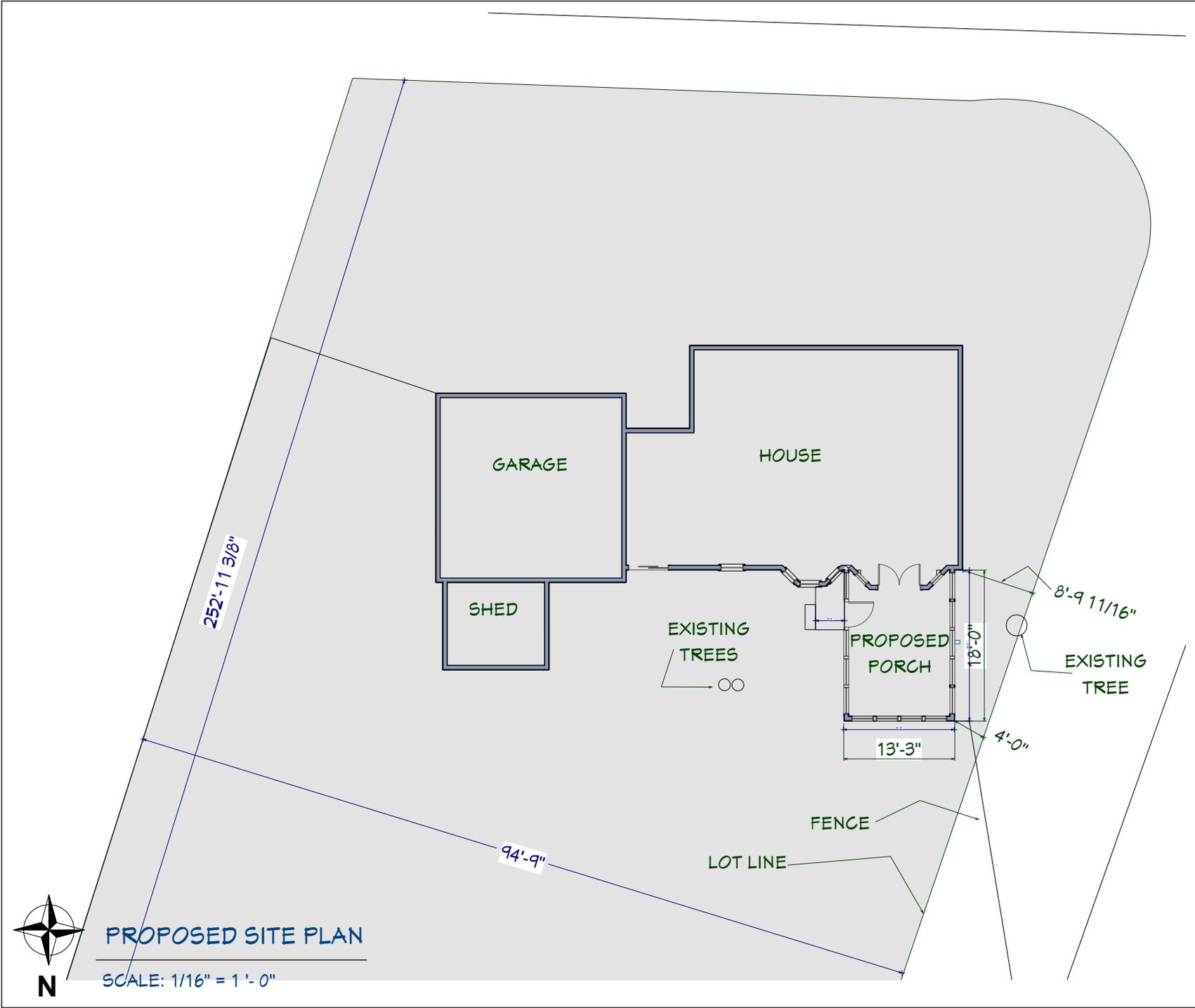
**STANDARD SYMBOLS & CONVENTIONS:**

"●" Denotes iron survey marker, set, unless otherwise noted.

**LEGEND**

- = CATCH BASIN
- = FIRE HYDRANT
- = POWER POLE
- = MANHOLE
- = TELEPHONE PED.
- = ELEC. TRANSFORMER
- = WELL
- = GATE VALVE
- = LIGHT POLE
- = TREE
- = FENCE LINE
- = SANITARY SEWER LINE
- = WATER LINE
- = GAS LINE
- = STORM DRAIN LINE
- = OVERHEAD UTILITY LINE
- = CONCRETE SURFACE





**PROPOSED SITE PLAN**

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

DATE:  
**02/26/18**

DESIGNED BY:  
**Cheri M. Saari**

Cheri@  
SylvestreConstruction.com  
651-398-0112

OWNER:  
**ART & JANE OTTO**  
**7298 OAK GROVE BOULEVARD**  
**RICHFIELD, MN 55423**

CONTRACTING BY:  
**SYLVESTRE**  
REMODELING & DESIGN  
P: 612-861-0188  
W: SylvestreMN.com

SHEET:  
**1**

DATE:  
02/26/18

DESIGNED BY:  
Cheri M. Saari

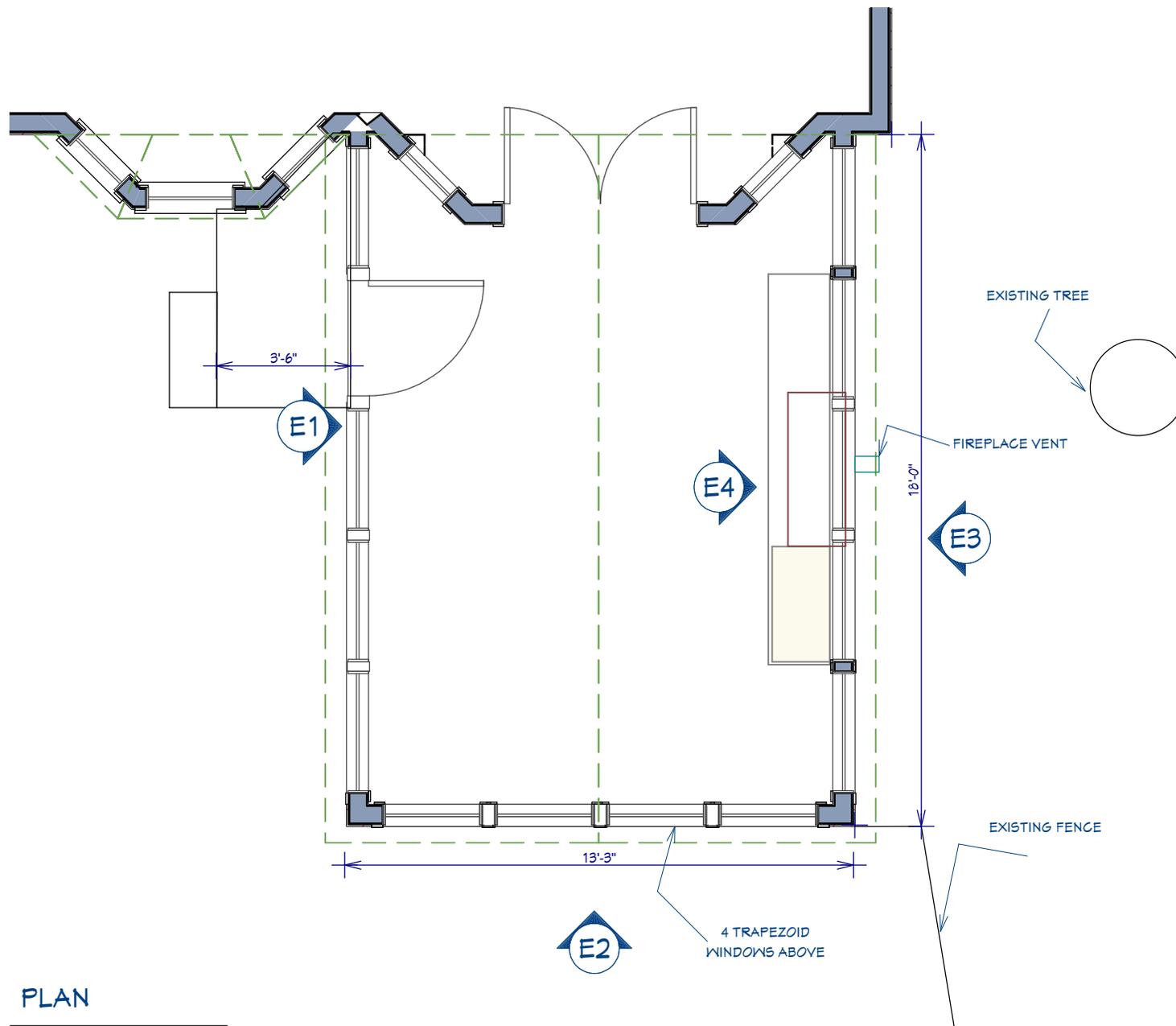
Cheri@  
SylvestreConstruction.com  
651-398-0112

OWNER:  
ART & JANE OTTO  
7298 OAK GROVE BOULEVARD  
RICHFIELD, MN 55423

CONTRACTING BY:  
**SYLVESTRE**  
REMODELING & DESIGN  
P: 612-861-0188  
W: SylvestreMN.com

SHEET:

2



PLAN

SCALE: 1/4" = 1' - 0"



1 WEST



2 NORTH

EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"

DATE:  
02/26/18

DESIGNED BY:  
Cheri M. Saari

Cheri@  
SylvestreConstruction.com  
651-398-0112

OWNER:  
ART & JANE OTTO  
7298 OAK GROVE BOULEVARD  
RICHFIELD, MN 55423

CONTRACTING BY:  
SYLVESTRE  
REMODELING & DESIGN  
P: 612-861-0188  
W: SylvestreMN.com

SHEET:

3

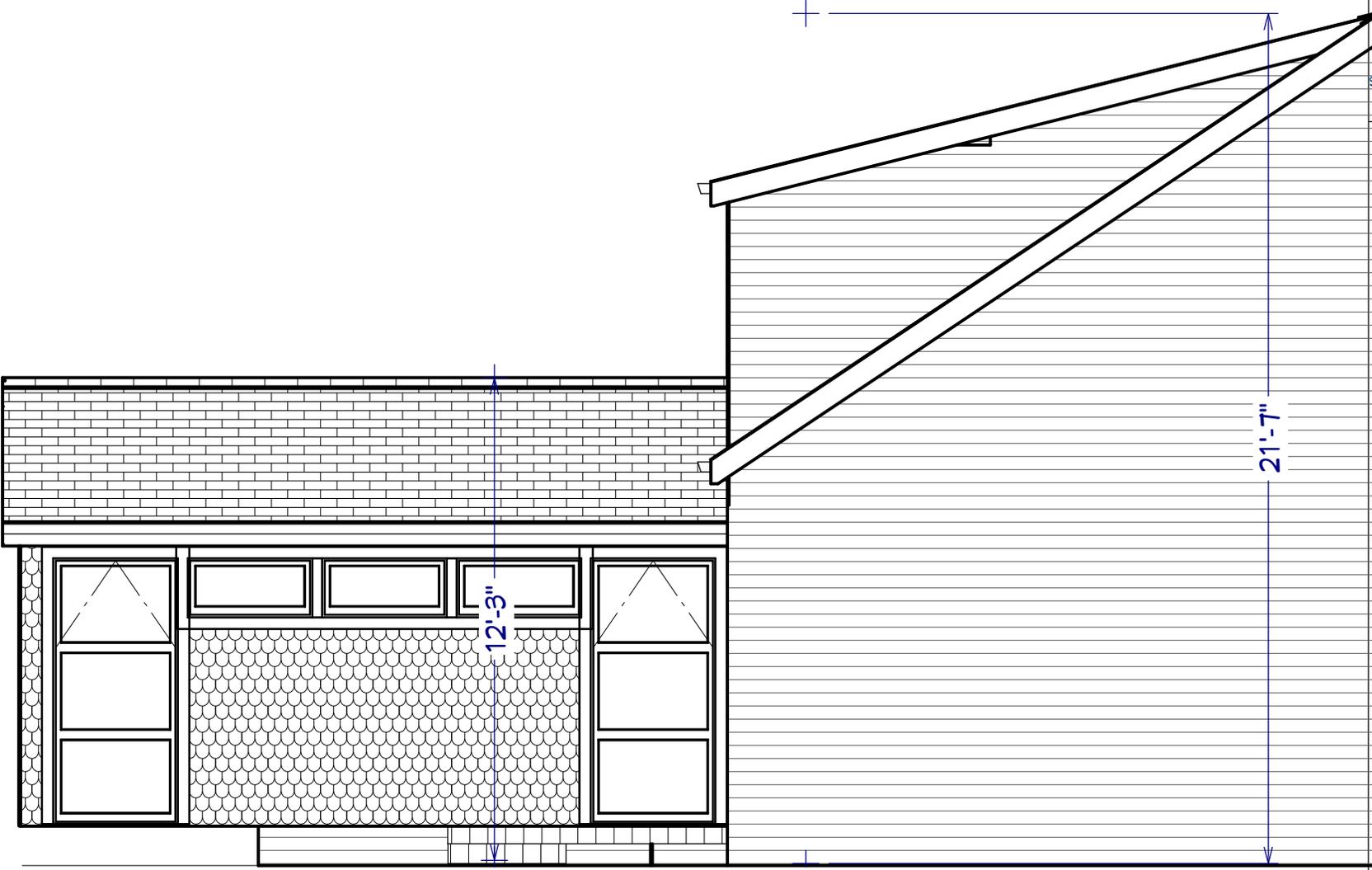
DATE:  
02/26/18

DESIGNED BY:  
**Cheri M. Saari**  
Cheri@  
SylvestreConstruction.com  
651-398-0112

OWNER:  
**ART & JANE OTTO**  
7298 OAK GROVE BOULEVARD  
RICHFIELD, MN 55423

CONTRACTING BY:  
**SYLVESTRE**  
REMODELING & DESIGN  
P: 612-861-0188  
W: SylvestreMN.com

SHEET:  
**4**



3 EAST

EXTERIOR ELEVATION

SCALE: 1/4" = 1'-0"

DATE:  
02/26/18

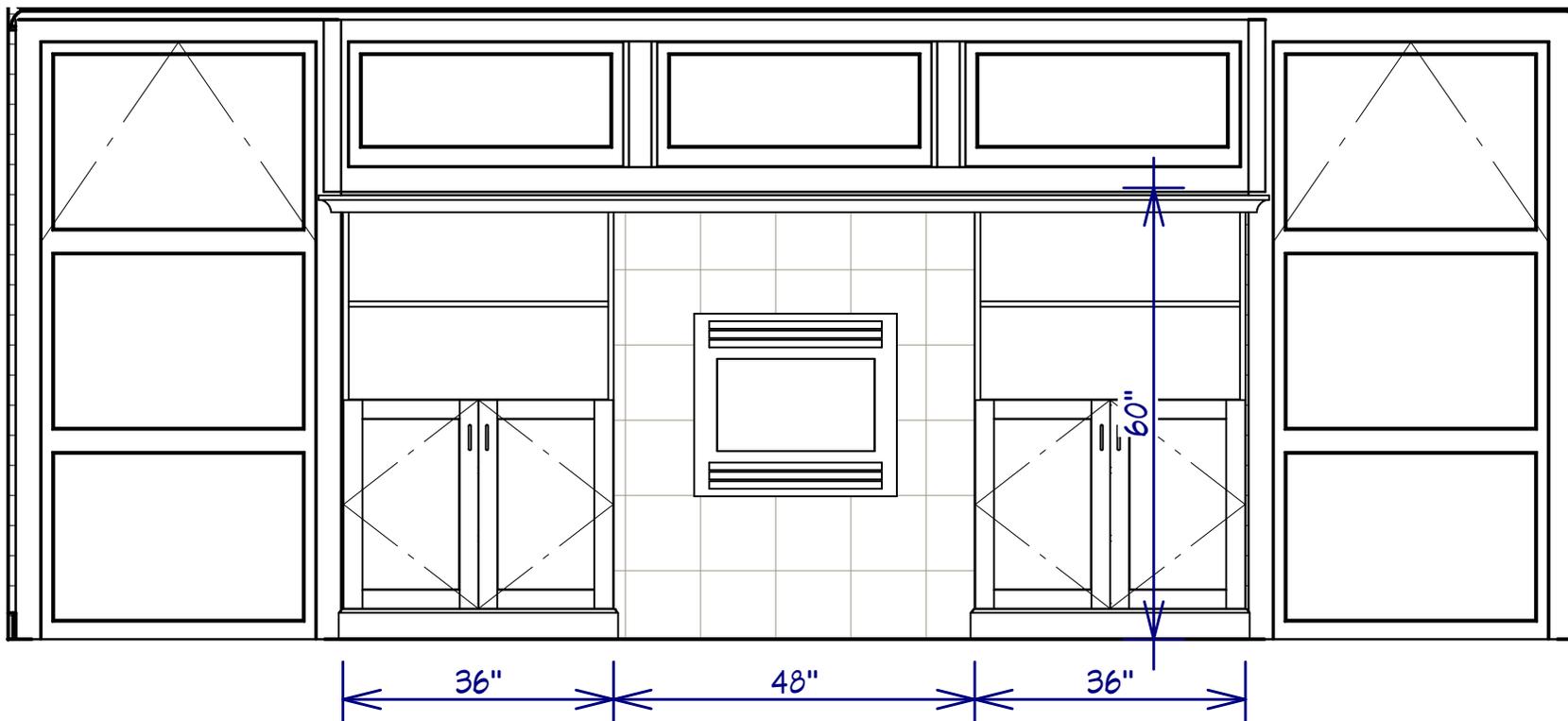
DESIGNED BY:  
**Cheri M. Saari**  
Cheri@  
SylvestreConstruction.com  
651-398-0112

OWNER:  
**ART & JANE OTTO**  
7298 OAK GROVE BOULEVARD  
RICHFIELD, MN 55423

CONTRACTING BY:  
**SYLVESTRE**  
REMODELING & DESIGN  
P: 612-861-0188  
W: SylvestreMN.com

SHEET:

**5**



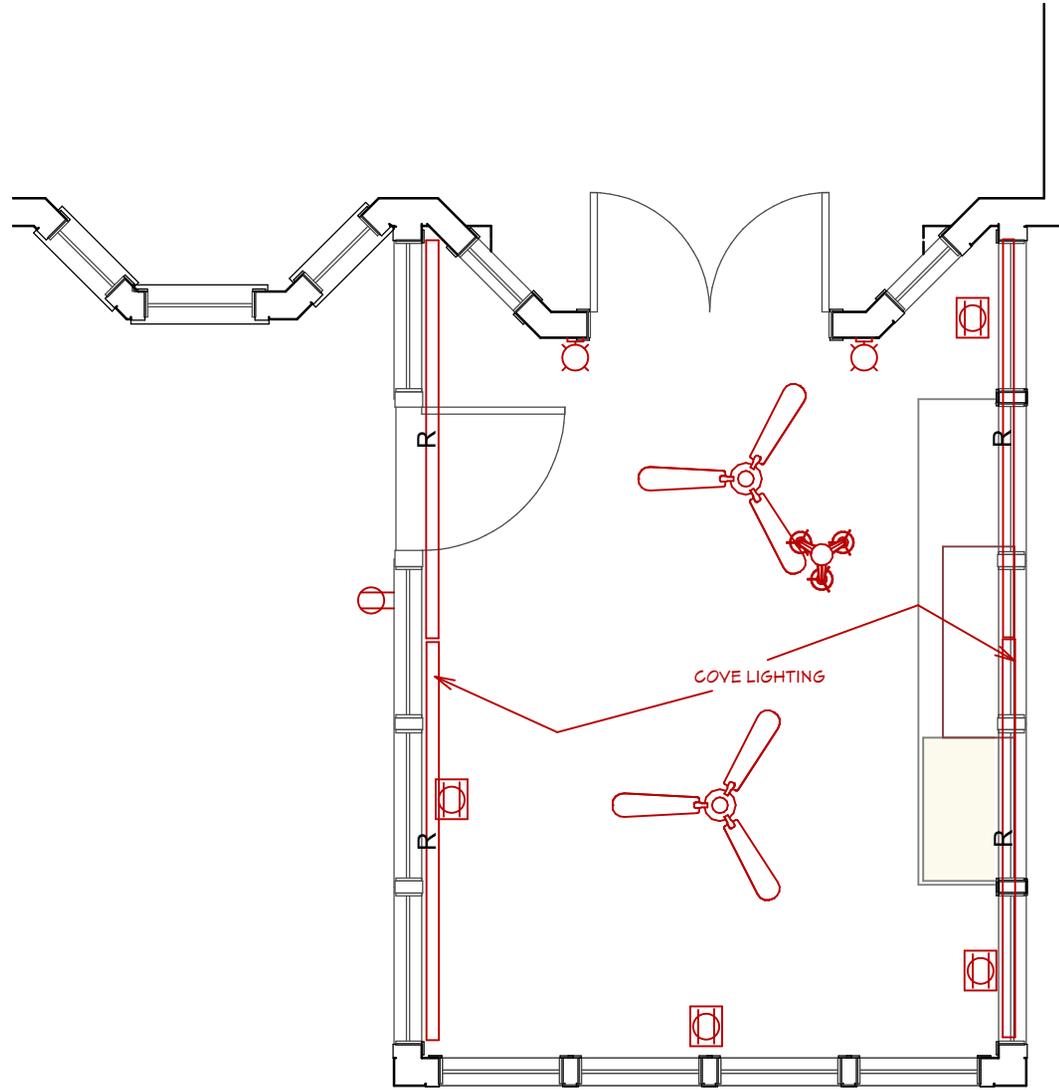
**4 CABINET ELEVATION**

SCALE: 1/2" = 1' - 0"



# ELECTRICAL PLAN

SCALE: 1/4" = 1' - 0"



DATE:  
02/26/18

DESIGNED BY:  
**Cheri M. Saari**  
Cheri@  
SylvestreConstruction.com  
651-398-0112

OWNER:  
**ART & JANE OTTO**  
**7298 OAK GROVE BOULEVARD**  
**RICHFIELD, MN 55423**

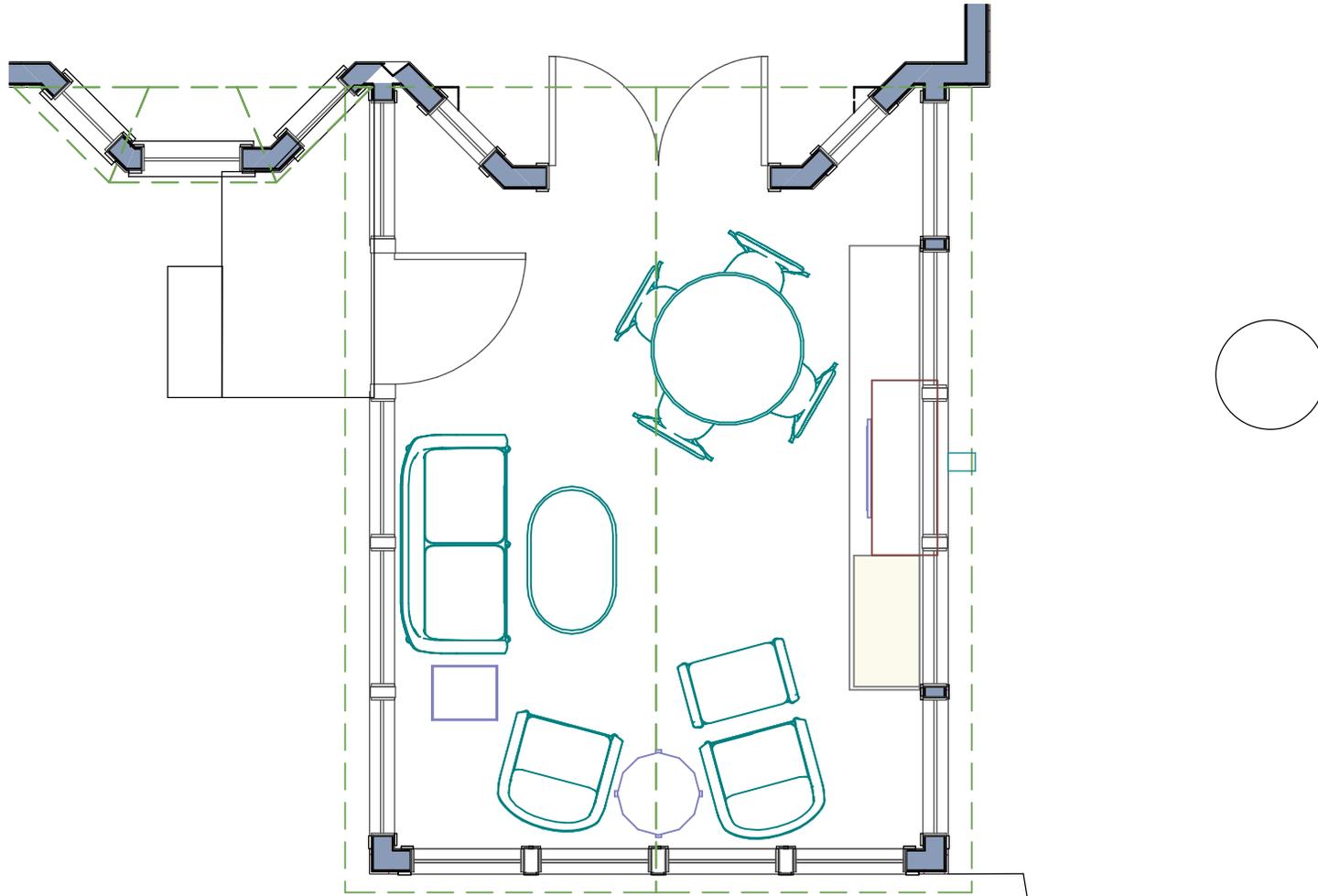
CONTRACTING BY:  
**SYLVESTRE**  
REMODELING & DESIGN  
P: 612-861-0188  
W: SylvestreMN.com

SHEET:  
**6**



FURNITURE PLAN

SCALE: 1/4" = 1'-0"



DATE:  
02/26/18

DESIGNED BY:  
Cheri M. Saari

Cheri@  
SylvestreConstruction.com  
651-398-0112

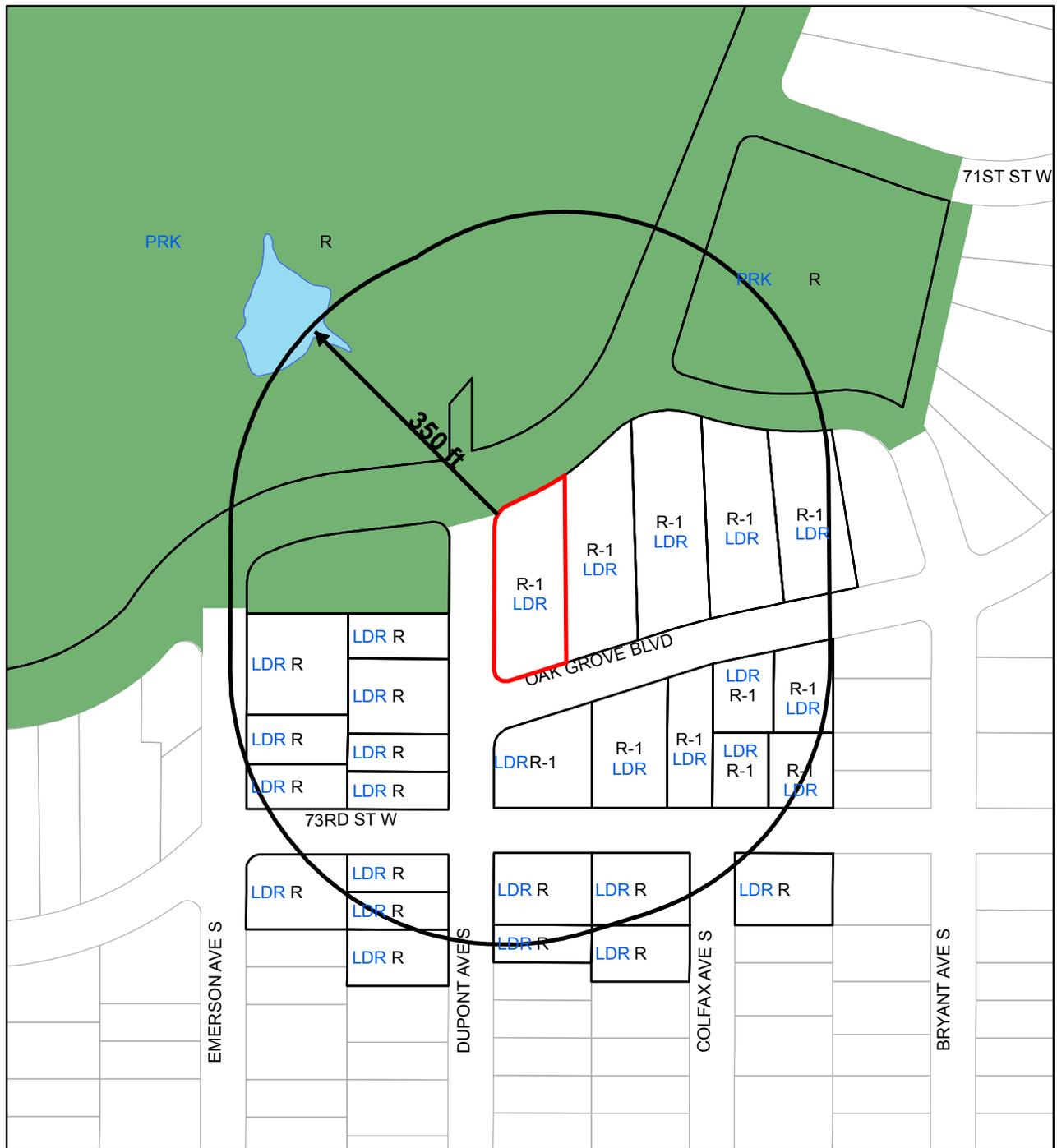
OWNER:  
ART & JANE OTTO  
7298 OAK GROVE BOULEVARD  
RICHFIELD, MN 55423

CONTRACTING BY:  
**SYLVESTRE**  
REMODELING & DESIGN  
P: 612-861-0188  
W: SylvestreMN.com

SHEET:  
7

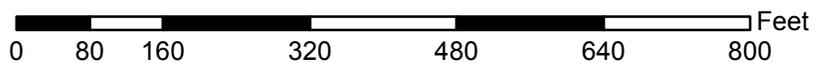
# 7298 Oak Grove Blvd - VAR 3/2018

## Surrounding Zoning and Comp Plan



Zoning:  
 R - Single Family Residential  
 R-1 - Low Density Single Family Residential

Comp Plan:  
 LDR - Low Density Residential



From: **Art Otto** <[artotto99@gmail.com](mailto:artotto99@gmail.com)>

Date: Mon, Mar 12, 2018 at 1:50 PM

To whom it may concern:

I, Arthur J. Otto, fully concur with the variance application as submitted by Sylvestre Construction for the addition of a porch at 7298 Oak Grove Blvd., Richfield, MN.

Furthermore, I grant to Sylvestre Construction the power to continue to act on my behalf through the variance process and permitting requirements.

Sincerely,

Arthur J. Otto

7298 Oak Grove Blvd.

Richfield, MN 55423

email: [artotto99@gmail.com](mailto:artotto99@gmail.com)

cell/text: [612-437-2325](tel:612-437-2325)