



# Planning Commission Minutes

April 23, 2018

MEMBERS PRESENT: Chairperson Sean Hayford Oleary, Commissioners Allysen Hoberg, Susan Rosenberg, Dan Kitzberger, James Rudolph, Bryan Pynn, and Kathryn Quam

MEMBERS ABSENT: None

STAFF PRESENT: John Stark, Community Development Director  
Matt Brillhart, Associate Planner  
Sadie Gannett, Assistant Planner

OTHERS PRESENT: Paul Lynch, Ryan Anderson, and Joe Wagner – applicant & representatives  
See Item #5 and attached sign-in sheet for additional speakers.

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

## APPROVAL OF MINUTES

M/Rosenberg, S/Quam to approve the minutes of the March 26, 2018 meeting.

*Motion carried: 7-0*

## OPEN FORUM

No members of the public spoke.

## ITEM #1 APPROVAL OF AGENDA

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

*Motion carried: 7-0*

## PUBLIC HEARING(S)

### ITEM #2

**18-ACUP-01, 18-VAR-05 – Consideration of a request for an amendment to a conditional use permit and variance to allow an expansion to increase capacity from 28 beds to 32 beds at Progress Valley, 308 78<sup>th</sup> St E.**

Assistant Planner Sadie Gannett presented the staff report.

Chair Hayford Oleary opened the public hearing.

No members of the public spoke.

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

*Motion carried: 7-0*

M/Hoberg, S/Rosenberg to approve the resolution granting an amendment to a conditional use permit and a variance.

*Motion carried: 7-0*

### ITEM #3

**18-APUD-02 – Consideration of a request for an amendment to the Richfield Urban Village Planned Unit Development to allow McDonald's to make minor site modifications and the replacement of menu board signs with dynamic display signs.**

Associate Planner Matt Brillhart presented the staff report.

Chair Hayford Oleary opened the public hearing.

No members of the public spoke.

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In response to Commissioner Pynn, Brillhart explained how the City regulates dynamic display signs. In response to Commissioner Quam, Brillhart stated that the proposed signs are not in compliance with the proposed changes to the sign ordinance, but staff found that the proposal was appropriate in this case.

M/Rosenberg, S/Pynn to close the public hearing.  
*Motion carried: 7-0*

M/Pynn, S/Rosenberg to recommend approval of an amended Planned Unit Development, Conditional Use Permit and Final Development Plan for Richfield Urban Village.  
*Motion carried: 7-0*

#### **ITEM #4**

##### **18-SP-01, 18-VAR-06 – Consideration of a request for a site plan review and variances for a restaurant at 6600 Penn Avenue,**

Assistant Planner Sadie Gannett presented the staff report.  
Chair Hayford Oleary opened the public hearing.

In response to Commissioner Pynn, Brillhart explained under what conditions the property may need to meet odor control requirements in the future.

In response to Commissioner Rosenberg's concerns with the transit stop in front of the restaurant on 66<sup>th</sup> St, Brillhart stated that Metro Transit maintains their shelters and property owners are not responsible for maintenance.

The applicant stated that the restaurant will be called Frango, which is Portuguese for chicken. The applicant stated that the location has good visibility and high traffic. One member of the public expressed support for the restaurant.

M/Rosenberg, S/Pynn to close the public hearing.  
*Motion carried: 7-0*

M/Quam, S/Rosenberg to recommend approval of a site plan and variances for a restaurant at 6600 Penn Avenue.  
*Motion carried: 7-0*

#### **ITEM #5**

##### **18-CP-01, 18-RZN-01, 18-PUD-01, 18-CUP-01, 18-FDP-01 – Consider approval of the attached ordinance and resolutions related to the approval of a mixed use development on 66<sup>th</sup> Street, between 1<sup>st</sup> and Stevens Avenues,**

Associate Planner Matt Brillhart presented the staff report.

In response to Commissioner Quam, Brillhart confirmed that an open house was held on April 19, but the timing did not allow comments to be incorporated into the staff report.

The applicant provided a brief overview of the project.

Commissioner Rudolph inquired about the proposed setback variance from 15 feet to 10 feet. Applicant representative Ryan Anderson responded that this was due to site constraints and, based on precedence, the 10 foot setback is adequate to provide the proper screening for the

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adjacent residential property. In response to Commissioner Pynn, Brillhart clarified that the arborvitaes on the south lot line encroach on the developer's lot. 100% opacity screening of 3 to 4 feet is required, adding plantings in addition to what's there should be adequate screening.

Commissioner Pynn confirmed with Mr. Anderson which entrance is for underground parking and that commercial traffic for deliveries, etc. would use the main surface parking lot. Community Development Director Stark added that according to traffic generation formulas provided by the Institute of Transportation Engineers, the project would produce an estimated 91 trips during the peak afternoon hour, based on 31 apartment units, 4000 square feet of general commercial and 2000 square feet of restaurant space.

Chair Hayford Oleary asked if the 91 trips per hour could be put into perspective. Stark responded that a small Walgreens generates about 125 peak hour trips. In response to Chair Hayford Oleary, Lynch confirmed that parking spaces are bundled with the rent. Chair Hayford Oleary commented that it would be preferable to provide bike parking that isn't blocked by car parking. Chair Hayford Oleary opened the public hearing.

22 speakers expressed concerns including inadequate parking, increased traffic, headlights, snow and ice buildup and removal, visibility, and trash. Some expressed concern about renters and potential noise. Many speakers stated that they did not agree with the zoning change to mixed-use and did not think that this development fit with the residential neighborhood. Several speakers also expressed concern over the notification, public engagement and decision making process.

Bruce O'Dell	6616 Stevens
Steve Vopatek	6620 Stevens
Dean Gade	6615 Stevens
Nancy Norton	132 E 66 <sup>th</sup> St
Terry	63 <sup>rd</sup> and 15 <sup>th</sup>
Tracy Satterlund	6628 Stevens
John Lunke	6527 Stevens
Husniya Bradley	6625 Stevens
Nikki Bodurtha	6633 1 <sup>st</sup> Ave
Julie Lapensky	6621 Stevens
Elizabeth Arnold	148 E 66 <sup>th</sup> St
Rachel Stavrou	6627 1 <sup>st</sup> Ave
Matt Ackerman	6718 Stevens
Jean German	6624 Stevens
Cathy Bender	6637 Stevens
Mark Wittman	6645 Stevens
Kathleen Balaban	6526 Stevens
Mike Plantan	6632 Stevens
Lauren Plantan	6632 Stevens
Tim Sullivan	6636 2 <sup>nd</sup> Ave
Mike Ekholm	6714 Stevens
Jeanne Hiller	6715 Stevens

In response to audience comments, Chair Hayford Oleary clarified the process as well as the roles of the Planning Commission and the City Council.

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

*Motion carried: 7-0*

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Chair Hayford Oleary clarified the decision making process for development proposals and stated that work sessions are typical and many projects do not materialize. Not all potential developers choose to make a formal application, which is the point that the public gets notified. Stark concurred with the Chair and further explained how the timeline of this project developed in line with the proposed updates to the comprehensive plan.

Commissioner Rudolph commented that there was similar community concern over the Chamberlain project and that the community worked with the Planning Commission, City staff and the developer to work out concerns to let the project move forward.

Commissioner Rosenberg expressed disapproval of how the developer handled the open house. Chair Hayford Oleary stated that holding a neighborhood meeting is the choice of the developer, but not required.

Stark responded to Commissioner Rudolph's questions that staff does give guidance to developers for neighborhood outreach and that the snowstorm did delay the delivery of the notices. He also clarified the process that development proposals go through and that mailed notices are not provided for Council work sessions. Commissioner Rudolph inquired if there was a way for a developer to work with residents before the Planning Commission considers the proposal.

Commissioner Hoberg concurred that the developer should have done a better job with neighborhood outreach and that there should be more engagement with the public prior to coming before the Planning Commission. She commented on the disparity among renters and homeowners in Richfield and stated that long term renters add to the community as well. She also expressed concern with the level of affordability of these apartments and the increase in traffic.

Commissioner Quam also expressed concern over the notification process.

Chair Hayford Oleary expressed general support for the project but expressed concern that the planting on the south border may not be adequate for screening. He commented that the site is too expensive to develop into single-family homes and that if it's not this development, it will be something else.

Brillhart clarified a number of items including screening, trip generation rates, setbacks, visibility, shadowing, handicap parking, and trash storage.

Stark stated that the issue of commercial vacancies at the Hub is not a consideration that can be applied when granting a land use approval of another site.

Commissioner Hoberg expressed that the technical details would have been helpful for the community to have before the neighborhood meeting. She also expressed concerns on the timing of voting on the comprehensive plan.

Brillhart responded to Chair Hayford Oleary's question about the 60-day timeline. Stark added that the 60-day clock is a State Law applied to land use applications. He also clarified the Metropolitan Council's timeframe for hearing case-by-case comprehensive plan amendments.

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Commissioner Hoberg asked if it was possible to be in support of mixed-use but not in support of this development. Stark responded in the affirmative.

In response to Commissioner Pynn, Stark confirmed that they were considering changing the zoning of this property as part of the new comprehensive plan, regardless of who purchased it. Stark also clarified the distinction between a comprehensive plan and a zoning ordinance. Stark responded to a question from the public, explaining that the Metropolitan Council doesn't look at individual projects of this scale, but rather at a community-wide scale.

Commissioner Quam noted that there is a survey available online where people can comment on the Comprehensive Plan.

Commissioner Rudolph inquired if this proposal could be tabled until next month. Chair Hayford Oleary concurred and inquired if it would conflict with the 60 day clock. Brillhart responded that the Commission can choose to table the item, but the amendment to the comprehensive plan is the most time sensitive due to the June 1<sup>st</sup> deadline to get amendments to the Metropolitan Council. He clarified that there are three separate motions for the Commission to vote on.

Commissioner Pynn asked for clarification on the motion and expressed support of the parcel being designated for mixed-use, but not for the proposed development as it is now. Chair Hayford Oleary responded affirmatively to Commissioner Rudolph that they can vote on item one and table items two and three.

Commissioner Rosenberg expressed that she didn't see the point in tabling items two and three if you were in support of item one. Commissioner Hoberg responded that she would prefer to not change the comprehensive plan just for this development but expressed that there are opportunities for great mixed-use development. Rosenberg re-stated the point that it is not economically feasible for this site to be developed as single-family homes, so it is either going to be this development or something else. Chair Hayford Oleary clarified that the vision of the comprehensive plan is for this site to be guided as mixed-use. Commissioner Rosenberg clarified the Planning Commission's advisory role to the City Council, who makes the final vote.

M/Rosenberg, S/Pynn to recommend approval of amending the comprehensive plan designation for the subject property from Quasi-public, low density residential to mixed use  
*Motion carried: 7-0*

M/Rudolph, S/Pynn to continue motions two and three to the next meeting to give the developer a chance to work with nearby residents.

Commissioner Hoberg stated that this was a good chance to understand what the Comprehensive Plan means for the city and encouraged people to contact their City Council members.

Stark clarified that tonight was the public hearing, which has been closed, so the Planning Commission will not have to hold another public hearing on the tabled items. Commissioner Pynn confirmed that this would provide the developer time to address concerns of residents.

*Motion to continue carried: 4-3 (Hayford Oleary, Rosenberg, and Kitzberger dissenting)*

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Chair Hayford Oleary clarified the motions to the members of the audience.

**ITEM #6**

**PC Letter #4, Public hearing to consider changes to the City's Zoning Ordinances related to sign regulations.**

Associate Planner Matt Brillhart presented the staff report.

Chair Hayford Oleary asked for clarification between a dynamic display and a billboard when the dynamic display advertises a product that is sold on the premises. Brillhart responded that the sign code does not regulate speech and that staff would not look at the content of dynamic displays that specifically. Chair Hayford Oleary inquired how staff views a prepackaged advertisement for a product that they sell. Stark responded that is considered an on-premise sign. Chair Hayford Oleary expressed concern over visual clutter and wants the City's ordinance to discourage advertising on dynamic displays and keep the intended purpose to allow a changeable text message as opposed to images.

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

M/Rudolph, S/Hayford Oleary to close the public hearing.  
*Motion carried: 7-0*

M/Kitzberger, S/Rosenberg to recommend approval of the ordinance related to sign regulations  
*Motion carried: 7-0*

**ITEM #7**

**Consideration of a motion to reschedule the May Planning Commission meeting to May 29, 2018.**

Associate Planner Matt Brillhart presented the reasons for the date change.  
M/Rosenberg, S/Pynn to reschedule the May Planning Commission meeting to May 29, 2018.  
*Motion carried: 7-0*

**LIAISON REPORTS**

Chair Hayford Oleary opted to skip liaison reports for this meeting.

**CITY PLANNER'S REPORT**

No report.

**ADJOURNMENT**

M/Rosenberg, S/Rudolph to adjourn the meeting.  
The meeting was adjourned by unanimous consent at **10:15 p.m.**

  
Planning Commission Secretary

PLANNING COMMISSION MEETING SIGN-IN SHEET

Name (print legibly)

Address or Organization

✓ ERIN VRIELE Panek	1812 W. 8th
✓ Bruce O'Neil	6616 Stevens Ave S
✓ Steve Vopatah	6620 Stevens
✓ Glen Lee	6615 STEVENS.
✓ NANCY MORTON	132 E. 66 ST
✓ TERRY COOPER	63 & 15th
✓ Tracy Latteland	6628 Stevens
✓ John Zunk	6527 STEVENS
✓ Hensyah Dent Bradley	6625 Stevens Ave
✓ Nikki Bodurthe	6633 1st Ave S
✓ [unclear] Lepusky	6621 Stoney Ave
✓ E. ARNOUD	148 E 66th St
✓ Rachel Stavrou	6627 1st Ave S
✓ MARY Arkerman	6718 Stevens
✓ Jean Herman	6624 Stevens
✓ Cathy Bender	6637 Stevens
✓ Mark Withman	6645 Stevens
✓ KANAZEE BAHABAD	6526 Stevens

