

BILL NO. 2011-2

**AMENDMENT TO APPENDIX 1
OF THE CODE OF THE
CITY OF RICHFIELD
(CVS Planned Unit Development Plan and Rezoning)**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Findings of Fact. The City Council hereby makes the following findings of fact:

- A. The City's zoning ordinance establishes zoning classifications for individual property. The property located at 6528 Penn Avenue is zoned C-2 (General Commercial), MU-C (Mixed Use – Community) and is within the PAC (Penn Avenue Corridor) Overlay District.
- B. Velmeir Companies has submitted an application to the City for a planned unit development plan [the "PUD plan"] for the south 220 feet of 6528 Penn Avenue [the "subject area"]. The PUD plan proposes to construct a 12,900 square foot retail building with drive-thru service and 58 parking stalls.
- C. The City has reviewed the zoning ordinance and determined that it would be appropriate to rezone the subject area as PMU (planned mixed use) and approve the PUD plan to establish the regulations governing the PMU district.
- D. The Planning Commission has conducted a public hearing concerning the PUD plan and amending the zoning ordinance in the subject area. The Planning Commission recommended approval of the PUD plan and zoning ordinance amendment on November 22, 2010. The City Council held a first reading of the rezoning on December 14, 2010 and second reading and consideration of the PUD plan on January 11, 2011.
- E. The City's zoning ordinance provides criteria for approving a PUD plan and rezoning of property to a planned unit development. The City Council finds that the PUD plan and rezoning of property in the subject area meets the criteria in the following ways:
 - 1) The proposed development conforms with the goals and objectives of the City's Comprehensive Development Plan and any applicable redevelopment plans:
 - a) The PUD plan is consistent with the Comprehensive Plan designation of this property as part of a larger mixed use district stretching along Penn Avenue from Highway 62 to 68th Street.
 - b) The PUD plan is consistent with the described intent of this designation to "create a traditional neighborhood center that is a vibrant, pedestrian-oriented district...[that] would accommodate residential, shopping, recreational and business uses in a flexible arrangement that captures the spirit and intent of the Penn Avenue Revitalization Master Plan." [4-22]

- c) The PUD plan is consistent with the Penn Avenue Master Plan vision for this area as a continued home for the Arc's Value Village store, additional retail and surface parking. The PUD plan is consistent with the Penn Avenue Design Guidelines in that it appropriately transitions between the public street and private development.
 - d) The PUD plan and rezoning are also consistent with the expressed desire for "enhance[d] business opportunities...either as part of upgrading existing retail areas, expanding new retail business opportunities and/or seeking new and/or redevelopment opportunities for offices, entertainment and service businesses." [4-16]
- 2) The proposed development is designed in such a manner as to form a desirable and unified environment within its own boundaries: The building is designed to accommodate customers for the proposed business, as well as continued shared access with the adjoining property. Drive-thru service is separated from the general parking area to prevent traffic congestion within the site. Enhanced crosswalk treatments on site will allow for safe pedestrian movement within the development and to/from the adjoining property and public street.
 - 3) The development is in substantial conformity with the purpose and intent of the original MU-C and PAC zoning districts, and departures from the original district regulations are justified by the design of the development: Setbacks have been adjusted based on the particulars of the site – specifically, the significant grade change from the intersection to the northwest corner of the property and property's relationship to the adjacent residential buildings to the west. The proposed ground sign with that will contain advertising for the business on the northern half of the divided property is justified based on the shared parking and access for the two uses.
 - 4) The development will not create an excessive burden on parks, schools, streets, or other public facilities and utilities which serve or are proposed to serve the development: Access to and from the development will remain the same and there is no change in the proposed class of use of the property (retail to retail). The developer will work with the Public Works Department to upgrade utilities where necessary and no issues are anticipated.
 - 5) The development will not have undue adverse impacts on neighboring properties: No access changes are proposed and there is no change in the class of use of the parcel. The use is significantly separated and screened from the residential parcels to the west by a grade change and existing tree cover that will remain.
 - 6) The terms and conditions proposed to maintain the integrity of the plan are sufficient to protect the public interests: A final development plan, which establishes the terms and conditions of the development, is required before construction can commence.

Section 2. Appendix 1 of the zoning ordinance code of the City of Richfield entitled "Richfield Zoning Code: Boundaries of Zoning Districts" is hereby amended:

A. Section 3, Paragraph (6) is repealed.

B. Section 16, Paragraph (6) is amended to read as follows:

(6) M-9, 10 (W of Penn, 62 to 67th, except 66th & Penn corner) That area lying between the center lines of state highway 62 and 67th Street, and between the center lines of Penn Avenue and Queen Avenue extended north, except that part of Lot 16, "Richfield Gardens", which lies southerly of a line described as commencing at the southeast corner of said Lot 16; thence northerly, along the easterly line of said Lot 16, a distance of 219.69 feet to the point of beginning of the line to be described; thence westerly, deflecting to the left 90 degrees 00 minutes 00 seconds, to the west line of said Lot 16 and said line there terminating; together with: Lot 3, Block 3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens.

C. A new Section 8 titled Planned Mixed Use (PMU) is added as follows, and by now renumbering all following sections accordingly.

(1) M-9 (Northwest corner 66th & Penn) That part of Lot 16, "Richfield Gardens", which lies southerly of a line described as commencing at the southeast corner of said Lot 16; thence northerly, along the easterly line of said Lot 16, a distance of 219.69 feet to the point of beginning of the line to be described; thence westerly, deflecting to the left 90 degrees 00 minutes 00 seconds, to the west line of said Lot 16 and said line there terminating; together with: Lot 3, Block 3, Harry Tickner's Subdivision of Lot 15, Richfield Gardens.

Section 3. This amendment constitutes a rezoning of the south half of 6528 Penn Avenue.

Section 4. This ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 11th day of January, 2011.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk