



# Planning Commission Minutes

January 24, 2011

- MEMBERS PRESENT: Chair Rick Jabs, Commissioners Robert Hall, Josh Root, Tom Rublein, Dennis Schuller and Gordon Vizecky
- MEMBERS ABSENT: Commissioners Daniel Kitzberger and Maureen Scaglia
- STAFF PRESENT: Melissa Poehlman, City Planner  
John Stark, Community Development Director
- OTHERS PRESENT: Mark Modjean, 7001 Nicollet Ave  
Colleen Carey, 7610 Lyndale Ave  
Joshua Colburn, 7641 Aldrich Ave  
Nicole Mosiman, representing 7610 Lyndale Ave

Chairperson Jabs called the meeting to order at 7:01 p.m.

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## APPROVAL OF MINUTES

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M/Root, S/Rublein to approve the minutes of the November 22, 2010 Planning Commission Meeting.

***Motion carried: 5-0***

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## OPEN FORUM

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None

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## PUBLIC HEARING

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Commissioner Vizecky arrived.

### ITEM #1

**Case No. 11-RZN-01 – Consideration of an amendment to the Richfield Zoning Ordinance that would bring the properties located at 7410 and 7420 Cedar Avenue into conformance with the Richfield Comprehensive Plan. The amendment will change the zoning of the properties from MR-1 (Two-Family Residential) and MR-2 (Multi-Family Residential) respectively, to C-2 (General Commercial).**

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City Planner Poehlman (Poehlman) presented the staff report, explaining that the proposed change was part of a much larger action that the Commission had considered late in 2010 that would bring approximately 300 properties into compliance with land use designations of the Comprehensive Plan.

M/Hall, S/Root to close the public hearing.

***Motion carried: 6-0***

M/Hall, S/Rublein to recommend approval of the attached ordinance amending Richfield City Code Appendix 1 to change the zoning designation of 7410 and 7420 Cedar Avenue from MR-1 and MR-2 respectively, to C-2.

***Motion carried: 6-0***

## **ITEM #2**

**Case No. 11-CP-01 – Consideration of an amendment to Comprehensive Plan designation of properties near the intersection of 70<sup>th</sup> Street and Nicollet Avenue and 6800 Penn Avenue as Community Commercial, and 6901 Penn Avenue as Medium-Density Residential.**

City Planner Poehlman presented the staff report stating that the proposed change would bring the Comprehensive Plan and Zoning designations of the properties into conformance. The Planning Commission had recommended these changes at a previous meeting.

Mark Modjean, 7001 Nicollet, stated that he was in favor of the proposed amendment.

M/Root, S/Rublein to close the public hearing.

***Motion carried: 6-0***

Commissioner Root asked staff how many units could be built at 6901 Penn Avenue if the property was redeveloped.

Poehlman stated that she did have those numbers immediately available, but the number of units would be similar to what currently exists.

M/Rublein, S/Vizecky to recommend approval of an amendment to the Richfield Comprehensive Plan designating 7 East 70<sup>th</sup> Street, 6941 Nicollet Avenue, 6944 Nicollet Avenue, 6945 Nicollet Avenue, 6949 Nicollet Avenue, 7001 Nicollet Avenue, 7005 Nicollet Avenue and 6800 Penn Avenue as Community Commercial; and 6901 Penn Avenue as Medium Density Residential.

***Motion carried: 6-0***

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**ITEM #3**

**PC Report #1 – Consideration of an amendment to parking requirements for take-out only restaurants.**

City Planner Poehlman presented the staff report. Poehlman stated that parking standards for take-out only restaurants have been on staff's list of things to review for some time. The operational differences between a traditional restaurant with seating and a take-out only restaurant would seem to lend themselves to different parking requirements. Staff reviewed similar uses within the Richfield Code as well as restaurant parking standards in the metro area and across the country. Staff proposed a new standard of 1 space per 25 square feet of customer area, plus 1 space per delivery vehicle.

Staff responded to a question from Commissioner Rublein regarding the calculation of parking needs in a mixed use development and designation of particular spots.

M/Root, S/Hall to close the public hearing.

***Motion carried: 6-0***

In response to a question from Commissioner Root, Poehlman defined "customer area" as the public area in front of any counter or ordering station.

Commissioner Hall asked why consideration of this ordinance amendment had been expedited instead of considering this along with other ordinance changes that staff mentioned would be considered later in the year.

Poehlman responded that the owners of the Kensington Park development at 76<sup>th</sup> Street and Lyndale Avenue are requesting an amendment to the site's Final Development Plan that would allow a take-out only restaurant.

Commissioner Hall stated that he felt there had been inadequate time to review the proposed change.

Commissioner Vizecky stated that the proposed change seemed relatively minor in that it aligned parking requirements for take-out only restaurants with a use that has similar operational practices.

Commissioner Schuller stated that this proposal seems to encourage take-out only restaurants when the community has indicated interest in traditional, sit-down restaurants.

M/Vizecky, S/Root to recommend approval of an ordinance amendment to Richfield City Code Subsection 544.13 related to minimum parking requirements for Class IV (Take-Out Only) Restaurants.

Commissioner Hall stated that he felt the move to be hasty and would abstain from voting.

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***Motion carried: 4-1 (Schuller dissenting, Hall abstaining)***

**ITEM #4**

**Case No. 11-APUD-01 – Consideration of an amendment to the approved Final Development Plans for Kensington Park to allow additional restaurant space.**

City Planner Poehlman presented the staff report stating that the approved plans for the Kensington Park Development at 76<sup>th</sup> Street and Lyndale Avenue allow for up to 8,000 square feet of restaurant space. Poehlman stated that current parking requirements call for 144 parking spaces and the development include 143 spaces. The developer, The Cornerstone Group, also leases 49 off-site parking spaces for employee parking. The Cornerstone group is requesting an amendment to allow a take-out only restaurant with 250 square feet of customer area. Additional space will be used for a corporate office and food preparation and training area. Poehlman stated that adequate off-site employee parking was provided. The Commission should rather consider the on-site needs for delivery drivers and customers.

Colleen Carey, President of The Cornerstone Group, addressed the Commission. Ms. Carey stated that employee parking rules were now being strictly enforced and parking demand has gone down by 15 percent. Further, 80 percent of Sarpino's business is in the evening, when there is no parking shortage.

The Commission discussed the bigger picture issue of providing parking for future successful developments with Ms. Carey. Commissioners and Ms. Carey agreed that in a built-up, urban environment like Richfield, successful developments will likely lead to some street parking.

Commissioner Hall asked if parking spots would be designated specifically for delivery driver parking. Given the location of the business, adjacent to Potbelly's, this could be an issue.

Ms. Carey said that Sarpino's had not requested designated parking spaces at this point, but that they could and it may be considered.

Commissioner Hall asked if staff had received copies of the leases for the off-site parking.

Poehlman and Stark responded that the City had received documentation when the development was originally approved. One of the agreements is with the City for parking at the Liquor Store.

Ms. Carey said that she could provide documentation if necessary.

Josh Colburn, 7646 Aldrich Avenue, stated that he would be delighted to see the vacant tenant space in Kensington Park filled, however he has a few comments and concerns related to the parking situation.

- Some of the spaces reserved for specific businesses are not used frequently, but remain unavailable for other businesses. Parking calculations likely do not account for this.

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- Visitors to the residential units also use the lot.
- Chipotle is currently open until 10 p.m. and he would appreciate the same closing time for any new restaurant.
- Traffic circulation (waiting for customers to enter/exit parking stall) seems to be the biggest issue. Concerned that business weighted so heavily toward delivery could exacerbate this issue.

Nicole Mosiman, representing both The Cornerstone Group and Sarpino's, stated that the actual parking demand for the proposed use is far less than many "retail" uses.

M/Root, S/Vizecky to close the public hearing.

***Motion carried: 6-0***

Commissioner Root stated that he felt comfortable making the required findings for the proposal. The bigger picture is considering "who we are" as a community – urban or exurban. In looking to redevelop areas of the City, we will need to be okay with some on-street parking.

Commissioner Rublein stated that he believes a reasonable effort has been made to provide additional parking off-site and that the fact is that additional parking cannot be created on-site.

Commissioner Jabs stated his appreciation for the creativity of The Cornerstone Group in finding this particular tenant.

Commissioner Schuller asked if the Commission could recommend an additional parking study.

Poehlman responded that the Commission was free to make any recommendation they found appropriate.

M/Vizecky, S/Root to recommend approval of an amendment to the Final Development Plan and Conditional Use Permit for the Planned Unit Development at 7610, 7630 and 7644 Lyndale Avenue (Kensington Park) to allow additional restaurant space.

Commissioner Vizecky agreed that the Commission's recommendation include a comment to the Council recommending a traffic analysis.

***Motion carried: 5-1 (Hall dissenting)***

M/Hall, S/Rublein to amend the previous motion to include stipulations requiring that off-site parking space leases be provided to the City annually and that enforcement of lease requirements for off-site employee parking is continued.

Commissioner Vizecky responded that he felt that this would just create busy work for staff and the applicant when there has been no demonstrated problem.

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Commissioner Schuller agreed, stating that it is in the best interest of the owner to do this anyway.

Chair Jabs agreed.

***Motion failed: 1-5 (Jabs, Root, Rublein, Schuller, Vizecky dissenting)***

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## **NEW BUSINESS**

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Commissioner Rublein asked that staff explain when and how the City can get involved in the condemnation of a building.

Director Stark responded that the City Attorney recently drafted a letter in regard to this and it would be provided to the Commission. He stated that the rules related to condemnation are very stringent. In regard to the Lyndale Garden Center in particular, The Cornerstone Group is currently working to acquire the property.

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## **OLD BUSINESS**

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## **LIAISON REPORTS**

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Community Services Advisory Commission: Report by Chairperson Jabs  
City Council: Report by Director Stark  
HRA: No report  
Richfield School Board: Report by Commissioner Rublein  
Transportation Commission: No report  
Other: No reports

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## **ADJOURNMENT**

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M/Vizecky, S/Root to adjourn the meeting.

***Motion carried: 6-0***

The meeting was adjourned by unanimous consent at **8:47 p.m.**

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Thomas Rublein  
Secretary