



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
MARCH 25, 2024
7:00 PM**

Call to Order

Approval of the Minutes

Approval of the minutes of the: 1) Joint Planning Commission and City Council work session of February 26, 2024; and 2) the Regular Planning Commission meeting of February 26, 2024.

Open Forum

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: 2633 163 7555 and password: 1234.

Agenda Approval

1. Approval of the Agenda

Public Hearings

2. Public hearing to consider a request for an amended Planned Unit Development for a time extension of, and amendment to, the construction agreement for a multi-story parking ramp at 1401 - 77th Street East (Audi Richfield).

Staff Report No. 5

3. Continue a public hearing - to consider a request by Partnership Academy to amend their Planned Unit Development to extend the timeframe for complying with the parking agreement - to April 22, 2024.

Staff Report No. 6

Other Business

4. Review of Planning Commission Bylaws and re-scheduling task.

Staff Report No. 7

Liaison Reports

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

5. City Planner's Report

6. Next Meeting Time and Location

- Regular meeting on April 22, 2024 at 7:00 p.m. in Council Chambers at City Hall

7. 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



Work Session Minutes

Planning Commission, and City Council

February 26, 2024

PC MEMBERS PRESENT:	Chair Eddie Holmwig-Johnson, and Commissioners Brendan Kennealy, Benjamin Surma, Brett Stursa, Cole Hooey, and Stephanie Hollman
PC MEMBERS ABSENT:	None
COUNCIL MEMBERS PRESENT:	Mayor Mary Supple, and Council Members Simon Trautmann, Sharon Christensen, Sean Hayford O'leary, and Ben Whalen
COUNCIL MEMBERS ABSENT:	None
STAFF PRESENT:	Melissa Poehlman, Community Development Director; Samantha Crosby, Planner II; and Ruby Villa, Assistant Planner
OTHERS PRESENT:	None

Chair Holmwig-Johnson called the meeting to order at 6:00 p.m.

ITEM #1 Discuss potential reductions to parking requirements.

Community Development Director Poehlman introduced Planner II Crosby who gave an overview of the work session agenda.

Housekeeping Changes

- Planner Crosby explained staff proposed changes of using traditional rounding and allowing on-street parking to be used in parking minimum calculations by right.
- Several Council members and Commissioners expressed their agreement in the proposed changes.

Expanding Council Flexibility

- Planner Crosby explained the proposal for expanding the Council's flexibility in allowing lower parking for low demand populations, not just seniors as currently stated in the code.
- There was consensus that allowances in reductions should not be limited to the listed low demand uses. Planner Crosby stated that she would consult with the City Attorney to determine whether the proposed language would limit flexibility or if it could be interpreted as mere examples, as intended.

Libraries, Museums, and Art Galleries

- Planner Crosby explained the proposal for adding a parking requirement for libraries, museums, and art galleries. The addition of this parking requirement would facilitate the Augsburg Library renovation project.
- Making sure the historical society is also included, several Council members and Commissioners expressed their agreement in the proposed change.

Class III Restaurants

- Planner Crosby explained the proposal for reducing Class III restaurant parking requirements to 7/1,000 GFA from 17/1,000 GFA.
- There was some discussion regarding drive-thru businesses in the city. Planner Crosby clarified that the reduction would be for all Class III restaurants, not just drive-thrus.
- Several Council members and Commissioners expressed their agreement in the proposed change.

Multi-Family

- Planner Crosby explained the proposal for reducing the Council discretionary parking minimum for multi-family districts from 1.5 stall per unit to 1.25 per unit. There would also be the addition of language to allow the Council to evaluate “roadway width” as a contextual consideration.
- There was consensus that the requirement should be reduced to 1.25 by right (without Council discretion).

Transit Oriented Reductions

- Planner Crosby explained the proposal for transit-oriented reductions within 1/8 mile of high frequency bus stops.
- Several Council members and Commissioners expressed their interest in continuing to explore increases in transit-oriented reductions – even eliminating parking requirements completely-- within such focused areas. Keeping in mind the evolving nature of transit service, there was support for looking at the possibility of upzoning around high frequency bus stops with the next Comprehensive Planning effort.

Planner Crosby provided a brief recap of each item in the presentation and confirmed the group’s instructions for staff on how to proceed.

ADJOURNMENT

The meeting was adjourned by unanimous consent at **6:58 p.m.**

Submitted by:

Ruby Villa
Assistant Planner

Brett Stursa
Planning Commission Secretary



PLANNING COMMISSION MEETING MINUTES

Richfield, Minnesota

Regular Planning Commission Meeting

February 26, 2024

CALL TO ORDER

The meeting was called to order by Chair Holmwig-Johnson at 7:06 p.m. in the Council Chambers.

Planning Commissioners Present: Cole Hooey, Eddie Holmwig-Johnson, Benjamin Surma, Stephanie Hollman, Matt Taraldsen, Brett Stursa, and Brendan Kennealy

Commissioners Excused:

Staff Present: Sam Crosby, Planner II and Ruby Villa, Assistant Planner

Others Present: Kris Weiby, Recreation Services Facilities Manager

APPROVAL OF MINUTES

M/Stursa, S/Surma, to approve the minutes of the Regular Planning Commission meeting of November 27, 2023.

Motion carried: 7-0.

OPEN FORUM

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

ITEM #1

APPROVAL OF THE AGENDA

M/Hooey, S/Kennealy, to approve the agenda.

Motion carried: 7-0.

ITEM #2	PUBLIC HEARING TO CONSIDER A REQUEST FOR TWO VARIANCES FROM SIGN CODE REQUIREMENTS AT 636 - 66TH STREET EAST (VETERANS MEMORIAL PARK).
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Planner Villa presented Staff Report No. 1.

In response to Commissioner Hooey, Planner Villa explained that the requested variances are more appropriate than a text amendment for greater signage in general because there are no other properties in the city that are zoned residential and are as large or unique as Veterans Park.

Chair Holmvg-Johnson questioned the need for a dynamic display specifically and expressed concern for the character of the neighborhood. Planner Villa explained that the zoning code contains brightness and separation standards. Planner Villa also explained that signs serve a wayfinding purpose and invited the applicant to speak on the dynamic display portion of the sign.

Kris Weiby explained that the existing sign in front of the pool is very old and in disrepair. The existing sign is also static and needs to be manually altered in order to display new messages. Weiby stated that a dynamic display would help to more easily advertise the multiple services and amenities offered at the park, especially given that the current sign is set very far back from the street and not easily readable.

Commissioner Stursa questioned whether the new dynamic display is the same model as the existing one on Portland Ave and 64th Street. Planner Crosby stated that while the new dynamic display would be the same brand as the existing, it is most likely a newer make and model.

Chair Holmvg-Johnson opened the public hearing. There were no callers or speakers.

M/Kennealy, S/Hooey, to close the public hearing.

Motion carried: 7-0.

Commissioner Kennealy stated that the request seemed reasonable, given the size of the property.

Chair Holmvg-Johnson stated that he did not agree that a practical difficulty caused by the limitation of one dynamic display per property existed. In response, Commissioner Taraldsen disagreed and stated that the unique size and location of the property warrants flexibility of the rules.

Chair Holmvg-Johnson asked that the request be split into two motions.

M/Hooey, S/Taraldsen, to (1) approve a variance to allow a second dynamic display at 636 66th Street East – Veterans Memorial Park.

Motion carried: 6-1 (Holmvg-Johnson dissenting).

M/Taraldsen, S/Hooey, to (2) approve a variance to allow total freestanding signage over 100 square feet at 636 66th Street East – Veterans Memorial Park.

Motion carried: 7-0.

ITEM #3	ELECTION OF PLANNING COMMISSION CHAIRPERSON, VICE-CHAIRPERSON AND SECRETARY.
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Planner Villa presented Staff Report No. 2.

M/Hooey, S/Surma, to elect Commissioner Holmvig-Johnson as Chairperson.

Motion carried: 7-0.

M/Holmvig-Johnson, S/Taraldsen, to elect Commissioner Kennealy as Vice-Chairperson.

Motion carried: 7-0.

M/Hooey, S/Surma to elect Commissioner Stursa as Secretary.

Motion carried: 7-0.

ITEM #4	REVIEW AND AMEND THE PLANNING COMMISSION BYLAWS.
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Planner Villa presented staff report No. 3.

Several Commissioners provided ideas for alternative scheduling procedures. Chair Holmvig-Johnson suggested amending the bylaws to direct staff to provide a calendar of City observed holidays on a yearly basis at every February organizational meeting. At that point, the Commission would agree on all alternative meeting dates for meetings that fall on City observed holidays.

M/Taraldsen, S/Surma, to move the review and amendment of the Planning Commission Bylaws, as well as the yearly re-scheduling task, to the next regular meeting on March, 25, 2024.

Motion carried: 7-0.

ITEM #5	APPOINTMENT OF LIASIONS TO THE CITY COUNCIL, COMMUNITY SERVICES ADVISORY COMMISSION, HOUSING AND REDEVELOPMENT AUTHORITY, SCHOOL BOARD, TRANSPORTATION COMMISSION, CHAMBER OF COMMERCE, AND SUSTAINABILITY COMMISSION.
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Planner Villa presented staff report No. 4.

The Commission discussed and agreed upon the following liaison appointments:

City Council: Commissioner Holmwig-Johnson
Community Services Advisory Commission: Commissioner Hollman
Housing and Redevelopment Authority (HRA): Commissioner Stursa
Richfield School Board: Commissioner Kennealy
Transportation Commission: Commissioner Surma
Chamber of Commerce: Commissioner Hooey
Sustainability Commission: Commissioner Taraldsen

LIAISON REPORTS

- Community Services Commission: This liaison role is currently vacant.
- City Council: Commissioner Kennealy had no report.
- Housing and Redevelopment Authority (HRA): Commissioner Stursa had no report.
- Richfield School Board: Chair Holmwig-Johnson explained that the Richfield School Board is continuing their Safe Routes to School Initiative this year.
- Transportation Commission: Commissioner Surma stated that the Commission received the results of a speed limit survey as part of the initiative for reducing city wide limits.
- Chamber of Commerce: Commissioner Hooey had no report.
- Sustainability Commission: Commissioner Taraldsen reported that tree sales will open late March/early April. Also, registration for space in the community garden will open on March 4th.

ITEM #6	CITY PLANNER'S REPORT
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Chair training is at 6:00 pm on Wednesday, March 20th. The training will be led by the City Attorney and is open to all commissioners.

ITEM #7	NEXT MEETING TIME AND LOCATION
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The next regular meeting is on March 25, 2024, at 7:00 pm in the Council Chambers.

ITEM #8	ADJOURNMENT
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M/Kennealy, S/Surma to adjourn the meeting.

Motion carried: 7-0 and the meeting was adjourned at 7:55 p.m.

Submitted by:

Ruby Villa
Assistant Planner

Brett Stursa
Planning Commission Secretary

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	2
CASE NO.:	Staff Report No. 5



PLANNING COMMISSION MEETING 3/25/2024

REPORT PREPARED BY: Sam Crosby, Planner

COMMUNITY DEVELOPMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
3/19/2024

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for an amended Planned Unit Development for a time extension of, and amendment to, the construction agreement for a multi-story parking ramp at 1401 - 77th Street East (Audi Richfield).

EXECUTIVE SUMMARY:

In 2015, the City approved a new Audi dealership at 1401 - 77th Street East. Those approvals included the construction of a multi-story parking ramp on the property. Because Audi did not want to build the ramp with the original project, they provided \$50,000 in escrow and entered into a Construction Agreement (Agreement) with the City. Since then, multiple time extensions have been granted; see Historical Context section, below, and Audi's request narrative.

Now, nine years later, Audi is requesting additional time, which requires an amendment to the parking agreement. Per Audi's request narrative, all signs indicate that inventory is not likely to return to pre-pandemic levels anytime soon, if ever; and they have no viable business need to build a parking ramp now or in the foreseeable future. Given the seemingly permanent change to the nature of their business, Audi has indicated an openness to pursuing other uses, such as acquiring another auto franchise, or expanding their service center. They intend to use the additional time to explore the possibility of other alternatives.

Audi representatives have presented the attached "First Amendment to the Construction Agreement", which extends the application deadline to April 28, 2027, and the construction deadline to April 28, 2028. The amendment includes the option for an additional one year administrative extension, which would place the application deadline at April 28, 2028 and the construction deadline at April 28, 2029.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of the Planned Unit Development amendment for a time extension of, and amendment to, the parking agreement at 1401 - 77th Street East (Audi Richfield).

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- In 2015, the City Council approved development plans for a new Audi dealership at 1401 - 77th Street East (Property). Those approvals included the construction of a multi-story parking ramp on the Property within five years of the City's approval, to be completed no later than April of 2020. At the time of approval, Audi requested this delay because the anticipated volume of business for a newly opened dealership did not justify the construction of a parking ramp.

- In 2020, Audi had still not submitted plans and requested additional time in which to construct the ramp, as their volume of sales still did not necessitate a parking ramp. Consequently, the City negotiated a \$50,000 escrow deposit and entered into an Agreement with Audi. The Agreement required that Audi submit plans within three years, and complete construction of the ramp within four years. The Agreement authorized the Community Development Director to extend these deadlines by one additional year, with the ramp to be completed no later than April 2025.
- In 2023, the Community Development Director approved the one year extension.

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

Required Minimum Lot Coverage in the Mixed Use Zoning District (Zoning Code Section 537):

- In the “Mixed Use - Regional” Zoning District, buildings are required to cover at least 50% of a lot. Higher building coverage encourages more intense utilization of land and increased tax base on some of the community's most valuable properties along the I-494 corridor. Audi's current dealership building covers only 29% of the site. The addition of the parking ramp would increase the building coverage on the site to approximately 44%, bringing it closer to compliance with the zoning code requirement of 50%.

C. CRITICAL TIMING ISSUES:

- The current Agreement requires that Audi apply for land use approvals to construct the parking ramp by April 28, 2024. This request for amendment is tentatively scheduled for Council consideration on April 9, 2024.

D. FINANCIAL IMPACT:

- In 2020, Audi provided the City \$50,000 to be held a non-interest-bearing account to ensure compliance with the terms of the Agreement. The City is still holding the funds in escrow.
- The required application fees have been paid.

E. LEGAL CONSIDERATION:

- The City Attorney has reviewed the attached amendment to the Agreement, which must be recorded.
- Notice of the public hearing was published in the Sun Current newspaper on March 14, 2024, and was mailed to properties within 350 feet of the site.

Council consideration of this request has been tentatively scheduled for April 9, 2024.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the proposed amendment and time extension with additional and/or modified stipulations.
- Recommend denial of the proposed amendment and time extension with a finding that the proposal does not meet City requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Dan Louismet, Attorney for Audi Richfield, and Joe Bosco, General Manager for Audi Richfield.

ATTACHMENTS:

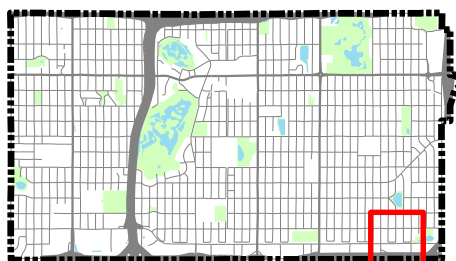
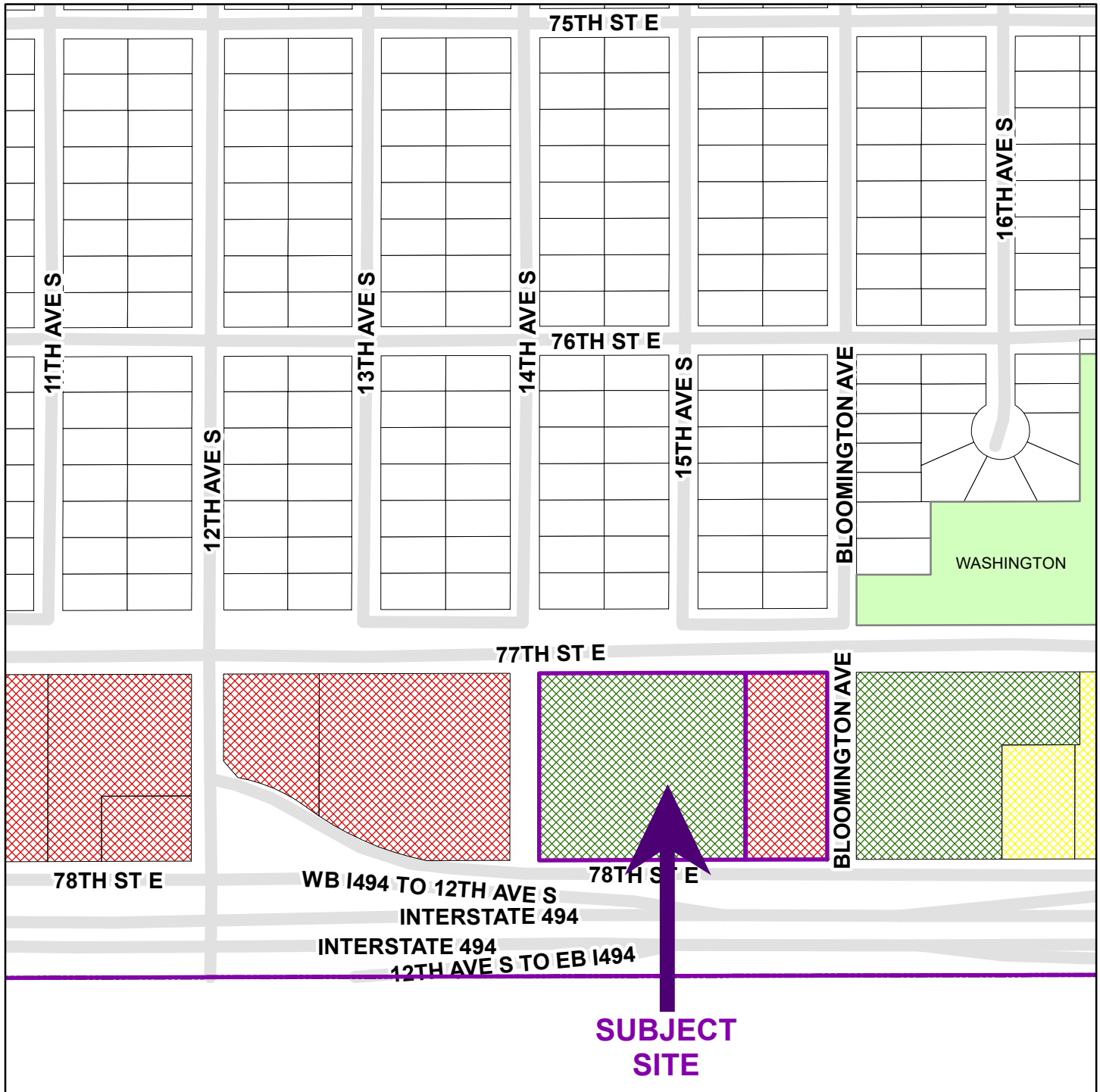
Description	Type
□ Location and Zoning Map	Backup Material
□ Draft Resolution of Approval	Contract/Agreement
□ First Amendment to Construction Agreement	Contract/Agreement
□ Applicant's Request Letter	Backup Material
□ Original Construction Agreement	Backup Material
□ Parking Structure Concept Graphic	Backup Material



1401 - 77th Street East

Location and Zoning Map

Case #:Z24-04



Legend

- R Low Density Residential
- MU-R Mixed Use-Regional
- MU-C Mixed Use-Community
- MU-N Mixed Use-Neighborhood

Parks

0 150 300 600 ft



RESOLUTION NO.

RESOLUTION APPROVING AN AMENDMENT TO THE CONSTRUCTION AGREEMENT FOR A MULTI-STORY PARKING STRUCTURE FOR AUDI RICHFIELD AT 1401 - 77TH STREET EAST

WHEREAS, on April 28, 2015, the City Council approved a comprehensive plan amendment, rezoning, and planned unit development / conditional use permit / final development plan to allow Audi Richfield (Audi) to build a new car dealership at 1401 - 77th Street East (Property), property legally described as:

Lot 1, Block 1, Richfield Properties, Hennepin County, Minnesota.

WHEREAS, the minimum required building coverage in the Mixed Use–Regional Zoning District is 50%, and the Audi’s proposal included building coverage of only 29% of the site without a multi-story parking structure, and approximately 44% with a multi-story parking structure; and

WHEREAS, during the application process, Audi represented it would prefer to wait, rather than construct the parking ramp immediately, because the anticipated volume of business for a newly opened automobile dealership did not justify the construction of a parking ramp; and

WHEREAS, Audi agreed that it would construct a parking ramp on the Property within five years of the City’s land use approvals and was willing to stipulate to this as a condition in the Conditional Use Permit (City Council Resolution No. 11075); and

WHEREAS, Audi deposited \$50,000 of escrow funds, and entered into a Construction Agreement with the City, for the purposes of completing construction of the parking ramp on the Property no later than April 28, 2025; and

WHEREAS, Audi has not yet submitted plans for construction of the parking ramp, and now wishes to extend the deadline for completion by up to four additional years; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property and published in the Sun Current newspaper on March 14, 2024; and

WHEREAS, the Planning Commission of the City of Richfield held a public hearing at its March 25, 2024 meeting and recommended approval of the request;

NOW, THEREFORE, BE IT RESOLVED, by the City Council, that the City of Richfield approves the “First Amendment to the Construction Agreement”, extending the application date to no later than April 28, 2028 and the construction date to no later than April 28, 2029, subject to all terms stated in the Agreement.

BE IT FURTHER RESOLVED, by the City Council, that:

1. The Mayor and City Manager are hereby authorized to execute the First Amendment.
2. Audi is responsible for recording both the original Construction Agreement and the First Amendment to the Agreement, and for providing proof of both to the City.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of April, 2024.

Mary B. Supple, Mayor

ATTEST:

Dustin Leslie, City Clerk

First Amendment to the Construction Agreement between the City of Richfield and
ARB L.L.C. d/b/a AUDI (AUDI)

The Construction Agreement entered into on the 10th day of March, 2020, by and between the City of Richfield, a municipal corporation under the laws of Minnesota (the “City”), and ARB L.L.C. d/b/a Audi Richfield, a limited liability company formed under the laws of the State of Minnesota (the “Developer”), shall be amended as follows:

A. Paragraph 2(b) of the “Agreement” section shall be deleted in its entirety and replaced with the following language:

b) Developer must submit its engineering and construction Plans and an application for an amendment to Developer’s Planned Unit Development to the City for approval no later than April 28, 2027. The Director of Community Development may authorize one (1) 12-month extension of this deadline, extending no later than April 28, 2028.

B. Paragraph 2(c) of the “Agreement” section shall be deleted in its entirety and replaced with the following language:

c) Construction must be substantially completed no later than April 28, 2028. The Director of Community Development may authorize one (1) 12-month extension of this deadline, extending no later than April 28, 2029.

C. Paragraph 5 of the “Agreement” section shall be deleted in its entirety and replaced with the following language:

5. Cash Escrow. To guarantee compliance with the terms of this Agreement and construction of the parking ramp, the City shall retain the cash deposit in the amount of \$50,000, as outlined in the City of Richfield Cash Escrow Agreement (Escrow agreement) attached herein as Exhibit C, until acceptable completion of the site improvements listed and detailed in this agreement. City and Developer both acknowledge that any completion dates established in the Construction Agreement, or Amendments thereto, shall supersede any dates set forth in the Escrow Agreement.

D. All other terms to remain the same.

Notary Public

AUDI RICHFIELD

1401 EAST 77TH STREET RICHFIELD MN 55423

612.961.2834 WWW.AUDIRICHFIELD.COM

February 22, 2024

TO: Richfield Planning Commission

FROM: Audi Richfield

RE: Application to Amend Planned Unit Development and Conditional Use Permit for the Property located at 1401 77th Street East.

Dear Planning Commission,

I am writing today to request an extension in time to fulfill one of the conditions contained in Audi Richfield's conditional use permit (CUP). Specifically, the requirement to build a two-story parking ramp.

In 2015, pursuant to the city's approval of a PUD and CUP to construct a franchised new car dealership on our property, we agreed to construct a two-story parking ramp by the year 2020. At the time, our business projections suggested that, in time, and as the business grew, we would need additional capacity to store a growing inventory of new and used vehicles.

In 2018, as we neared the 2020 deadline to build the parking ramp, we entered into a construction agreement with the city to memorialize the timeline for submitting construction plans and completion of the parking ramp. This was a good-faith effort on our part to satisfy our commitment to the city and stay in good standing with the zoning code and conditions of the CUP. Candidly, our need for additional parking capacity had not yet materialized at this point, but we nevertheless worked with the city to fulfill this condition of the CUP.

In 2019, we worked with our general contractor and held discussions regarding plans to construct a parking ramp. When it became clear that meeting the deadline was not feasible due to the early stage of the design and planning process, the city agreed to amend the construction agreement and delay construction for an additional four years, ultimately bringing the new deadline to build to 2024. The amended agreement also contained two additional provisions: (1) giving the Director of Community Development the authority to grant a one-year extension, which ultimately occurred, and (2) required Audi Richfield to furnish a \$50,000 cash deposit as a mechanism to guarantee compliance with the terms of the CUP. We did in fact furnish the \$50,000 cash deposit which the city still holds today.

In 2020, the COVID-19 pandemic hit. Like everyone else, the pandemic dramatically impacted our business. Namely, the inventory levels that franchised new car dealerships nationwide historically enjoyed were dramatically reduced. Unique to car dealers is how we calculate our inventory. Rather than counting the raw number of vehicles available, dealers calculate their inventory in terms of "days supply" based on historic sales figures. In the case of Audi Richfield, we typically enjoyed inventory levels of 60-90 days supply, pre-pandemic, meaning we had enough vehicles available on our lot to satisfy demand for 60-90 days. During the pandemic, our

inventory levels dropped as low as zero days supply, meaning we had zero new cars available for sale. Even today, with the continued supply issues that plague all automobile manufacturers worldwide, we typically operate at approximately 30 days supply, meaning we have one-third to one-half the number of new vehicles on our lot as we had pre-pandemic. Based on every resource and metrics that dealers use to measure and predict the future of the industry, all signs show that inventories are not likely to return to pre-pandemic levels anytime soon, if ever. This is, in part, due to manufacturers making a significant push toward customers ordering vehicles either online, or at the dealership, and therefore the need for dealers to carry large inventory is dramatically reduced.

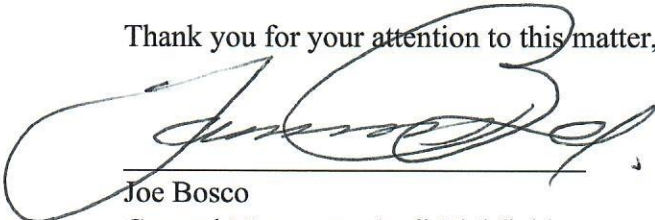
In addition to these new supply realities, the current economic conditions, including high interest rates and high cost of materials and labor, makes satisfying the outstanding condition of the CUP untenable. To put it bluntly, while it does not make good business sense for Audi Richfield to build a ramp that we do not need, it makes even less business sense to build at a time when doing so is cost prohibitive.

With all that said, Audi Richfield remains committed to working with the city to explore higher and better uses for our remaining property than its current surface lot, and even better uses than a parking ramp. To that end, we would very much like to add an additional automobile franchise that would be housed on our remaining property. This of course would require the construction of a new dealership facility. The simple reality is that it is as difficult to predict when we may be awarded a new franchise dealership as it is to be awarded a franchise in the first place.

Being mindful of the difficulty in acquiring another automobile franchise, and with an understanding that to a large degree certain factors in doing so are beyond our control, we are open to pursuing other uses for the property that align with the city's zoning code and comprehensive plan. However, our core competency, admittedly, is retailing and servicing automobiles and therefore venturing into alternatives businesses (uses for the property) will take time and thoughtful planning, which necessitates this request for additional time to satisfy the CUP.

In conclusion, we have no viable business need to build a parking ramp at this time. Despite our good faith projections back in 2015, the business of retailing new automobiles has dramatically changed due to circumstances beyond our control, and there is no way to predict when, if ever, this will change. However, we remain committed to working with the city to explore higher and better uses for our remaining property. Without knowing when exactly this may occur, we are requesting a three-year extension to satisfy the CUP by building either a parking ramp, or, more likely and desirable, another building or business that aligns with the zoning code.

Thank you for your attention to this matter,

A large, stylized handwritten signature in black ink, appearing to read "Joe Bosco".

Joe Bosco

General Manager – Audi Richfield

CONSTRUCTION AGREEMENT

BY AND BETWEEN

THE CITY OF RICHFIELD

AND

ARB L.L.C. d/b/a AUDI (AUDI)

This document drafted by:

Kennedy & Graven, Chartered
(MDT)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300 (AMB)

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EXHIBIT C CASH ESCROW AGREEMENT	

This Construction Agreement (the “Agreement”) is made and entered into this 10th day of March, 2020, by and between the city of Richfield, a municipal corporation under the laws of Minnesota (the “City”), and ARB L.L.C. d/b/a Audi Richfield, a limited liability company formed under the laws of the state of Minnesota (the “Developer”).

RECITALS

1. On April 28, 2015, the Richfield City Council approved a Comprehensive Plan Amendment, rezoning ordinance and a resolution authorizing a planned unit development, conditional use permit, and final development plans to allow Developer to build a new Audi car dealership on the Property legally described in Exhibit A (“Property”).
2. The minimum required building coverage in the Mixed Use – Regional District is 50 percent. The Developer’s proposal included building coverage of only 29 percent of the site.
3. During the application process with the City, Developer represented it had plans to build a multi-story parking ramp on the Property, but indicated it would prefer to wait and assess its business for the future rather than construct the parking ramp at the time that the City issued its approvals, because the anticipated volume of business for a newly opened point for an automobile dealership did not justify the construction of a parking ramp. Developer represented that construction of the parking ramp would increase the building coverage on the site to approximately 44 percent.
4. Under the then existing projections, Developer agreed that it would construct a parking ramp on the Property within five years of the City’s land use approvals and was willing to stipulate to this as a condition in the Conditional Use Permit approved for the Property.
5. The Resolution approving Developer’s Final Development Plan and Conditional Use Permit for a Planned Unit Development (Exhibit B) included the following condition:

“The property owner must return to the City for approval of a minimum two-story parking ramp within four years of this approval. Construction of said ramp must be completed within five years of this approval. The property owner must negotiate and execute a separate agreement detailing the specific terms and penalties associated with this requirement. This agreement must be executed prior to the issuance of a certificate of occupancy.”
6. The parties now wish to memorialize the agreement related to the above-described condition.

NOW, THEREFORE, based on the mutual covenants and obligations contained herein, the parties agree as follows:

AGREEMENT

1. Right to Proceed. This Agreement governs the construction of a parking ramp on the Property, pursuant to the stipulated condition in the Conditional Use Permit. The Developer may not proceed with construction until all of the following conditions precedent have been satisfied:

- a) this Agreement has been executed by the Developer and the City;
- b) the required Cash Escrow has been received by the City from or on behalf of the Developer;
- c) land use plans including site design and architectural details have been submitted by the Developer and approved by the City;
- d) final engineering and construction plans and erosion control plan have been submitted by the Developer and approved by the city engineer;
- e) the Developer has paid the City for legal expenses incurred by the City regarding this Agreement, including fees related to the drafting and negotiation of this Agreement;
- f) the Developer has received all required permits and approvals from the Minnehaha Creek Watershed District, Three Rivers Park District, Minnesota Pollution Control Agency, Hennepin County, the Minnesota Department of Transportation, and any other permitting entity having jurisdiction; and
- g) the City has issued a building permit.

2. Plans/PUD Amendment.

- a) The Developer agrees to construct the parking ramp in accordance with all required city approvals and in compliance with all applicable city codes and other laws. The Developer also agrees that the ramp constructed shall be materially in accordance with the approved engineering and construction plans (collectively, "Plans") that will be submitted to the City. Once submitted, the Plans may not be materially modified by the Developer without the prior written approval of the City.
- b) Developer must submit its engineering and construction Plans and an application for an amendment to Developer's Planned Unit Development to the City for approval no later than April 28, 2023. The Director of Community Development may authorize one (1) 12-month extension of this deadline, extending no later than April 28, 2024.
- c) Construction must be substantially completed no later than April 28, 2024. The Director of Community Development may authorize one (1) 12-month extension of this deadline, extending no later than April 28, 2025.

- d) No vehicles related to the inventory or service operations of the Audi car dealership shall be parked on public right of way surrounding the property.
- e) All construction work performed by or on behalf of the Developer must comply with City and State noise regulations.

3. Erosion Control. a) All construction shall be conducted in a manner designed to control erosion and in compliance with all City ordinances and other requirements, including the City's permit with the Minnesota Pollution Control Agency regarding municipal separate storm sewer system program. Before construction begins, the City must approve an erosion control plan submitted by the Developer, and the Developer shall implement such plan. The City may impose additional erosion control requirements after the City's initial approval if the City deems such measures reasonably necessary due to a change in conditions. All areas disturbed by the grading shall be reseeded promptly after the completion of the work in that area unless the construction is anticipated immediately thereafter. Except as otherwise provided in the erosion control plan, seed shall provide a temporary ground cover as rapidly as possible. All seeded areas shall be fertilized, mulched, and disc anchored as necessary for seed retention. The parties recognize that time is of the essence in controlling erosion.

b) If the Developer does not comply with the erosion control plan and schedule or supplementary instructions received from the City, the City may take such action as it deems reasonably appropriate to control erosion based on the urgency of the situation. The City will make a good faith effort to notify the Developer in advance of any proposed action, including by telephone or email in the case of emergencies, but failure of the City to do so will not affect the Developer's obligations or the City's rights hereunder.

c) The Developer agrees to reimburse all expenses incurred by the City in connection with erosion control actions. The erosion control measures specified in the Plans or otherwise required on the Property shall be binding on the Developer and its successors and assigns.

4. Construction of Ramp. a) Construction must be in accordance with the Plans, any required city approvals, and applicable City engineering standards. The Developer shall submit plans and specifications for construction prepared by a registered professional engineer. The Developer shall obtain any necessary permits from the Minnesota Pollution Control Agency, Minnehaha Creek Watershed District, Three Rivers Park District, Hennepin County, MnDOT, and any other agency having jurisdiction over the Property before proceeding with construction. The City shall inspect all work at Developer's cost. The Developer, its contractors, and subcontractors, shall follow all instructions received from the City's inspectors regarding compliance with the Plans, with City Code requirements or with City engineering standards.

b) As-builts or escrow required prior to final C.O. issue. Submit .pdf file of complete civil and site plan set including all updates with as-built information of all utilities installed and removed. Utility plan also to be delivered as an AutoCAD file, ANSI D size Mylar, and ArcMap point and line shapefile with attribute table populated with structure, pipe and invert elevation

information; provide benchmark information to all new and adjusted hydrants TNH elevation, vertical datum: NAVD 88.

5. Cash Escrow. To guarantee compliance with the terms of this Agreement and construction of the parking ramp, Developer shall furnish the City with a cash deposit in the amount of \$50,000. The cash escrow agreement is attached as Exhibit C.

6. Revocation of Conditional Use Permit. If Developer fails to complete the construction of the ramp by the date identified in paragraph 2(c) of this Agreement, the City will take all lawful steps to revoke the Conditional Use Permit approved for the Property.

7. Insurance. The Developer or its contractor shall maintain, during construction and until at least six months after construction is completed, commercial general liability insurance covering claims for damages for bodily injury, including death, and claims for property damage which may arise out of Developer's work or the work of its contractors or subcontractors. Minimum insurance limits shall be: \$1,000,000 – per occurrence; \$2,000,000 – annual aggregate; \$2,000,000 – annual aggregate – Products/Completed Operations. The following coverages must be included: Premises and Operations Bodily Injury and Property Damage; Personal and Advertising Injury; Blanket Contractual Liability; Products and Completed Operations Liability. The City shall be named as an additional insured on the policy. The certificate of insurance shall provide that the City must be given the same advance written notice of the cancellation of the insurance as is afforded to the Developer or its contractor.

Developer must also provide Worker's Compensation Insurance for all of its employee in accordance with the statutory requirements for the State of Minnesota.

8. Responsibility for Costs. The Developer agrees to reimburse the City for its reasonable legal costs and expenses incurred in drafting and negotiating this Agreement within 30 days after notice in writing by the City. The Developer agrees to reimburse the City for the reasonable cost incurred in the enforcement of any provision of this Agreement, including reasonable attorneys' fees.

9. Clean up and Dust Control. The Developer shall daily clean dirt and debris resulting from construction work by the Developer, its contractors, agents, or assigns. The Developer shall provide dust control to the satisfaction of the City's engineer throughout construction on the Property.

10. Compliance With Laws. The Developer agrees to comply with all laws, ordinances, regulations and directives of the state of Minnesota, Hennepin County, and the City applicable to the Property. This Agreement shall be construed according to the laws of Minnesota. Breach of the terms of this Agreement by the Developer shall be grounds for denial of building permits for the Property, as well as revocation of the Conditional Use Permit approved for the Property.

11. Agreement Runs With the Land. This Agreement shall run with the Property and shall be recorded against the title thereto and shall bind the parties hereto and their successors and assigns.

12. Indemnification. The Developer hereby agrees to indemnify and hold the City and its officers, employees, and agents harmless from claims made by third parties for damages sustained or costs incurred resulting from any action taken pursuant to this Agreement. The Developer hereby agrees to indemnify and hold the City and its officers, employees, and agents harmless for all costs, damages, or expenses which the City may pay or incur in consequence of such claims, including attorneys' fees, except matters involving procedural errors in violation of law or acts of gross negligence by the City.

13. Assignment. The Developer may not assign this Agreement without the prior written permission of the City.

14. Notices. Any notice or correspondence to be given under this Agreement shall be deemed to be given if delivered personally or sent by U.S. Mail, postage prepaid, certified mail, return receipt requested:

a) as to Developer: ARB L.L.C. d/b/a Audi Richfield
1401 77th St. East
Richfield, MN 55423
Attn: Ralph Gesualdo

With a copy to: International Autos
2400 S. 108th Street
West Allis, WI 53227
Attn: Ralph Gesualdo

b) as to City: City of Richfield
6700 Portland Avenue
Richfield, MN 55423
Attn: City Manager

with a copy to: Richfield City Attorney
Kennedy & Graven
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402

or at such other address as either party may from time to time notify the other in writing in accordance with this Section. The Developer shall notify the City if it changes its name or address.

15. Severability. In the event that any provision of this Agreement shall be held invalid, illegal or unenforceable by any court of competent jurisdiction, such holding shall pertain only to such section and shall not invalidate or render unenforceable any other provision of this Agreement.

16. Non-waiver. Each right, power or remedy conferred upon the City by this Agreement is cumulative and in addition to every other right, power or remedy, express or implied, now or hereafter arising, or available to the City at law or in equity, or under any other agreement. Each and every right, power and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and shall not be a waiver of the right to exercise at any time thereafter any other right, power or remedy. If either party waives in writing any default or nonperformance by the other party, such waiver shall be deemed to apply only to such event and shall not waive any other prior or subsequent default.

17. Counterparts. This Agreement may be executed simultaneously in any number of counterparts, each of which shall be an original and shall constitute one and the same Agreement.

18. Force Majeure. Whenever a period of time is herein prescribed, for action to be taken by City or Developer, City or Developer shall not be liable or responsible for, and there shall be excluded from the computation of any such period of time, any unavoidable delays due to strikes, riots, acts of God, shortages of labor or materials, war, governmental laws, regulations, or restrictions or any other causes of any kind whatsoever which are beyond the reasonable control of the parties, including without limitation, inclement conditions and delays in the issuance of permits and approvals. However, this provision shall not apply to any delay caused, in whole or in part, by the Developer's failure to apply for or diligently pursue all necessary government approvals required under this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed on the day and year first above written.

CITY OF RICHFIELD

By: Maria Regan Gonzalez
Maria Regan Gonzalez, Mayor

By: Katie Rodriguez
Katie Rodriguez, City Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by Maria Regan Gonzalez and Katie Rodriguez, the Mayor and City Manager, respectively, of the city of Richfield, a Minnesota municipal corporation, on behalf of the municipal corporation.

Notary Public

ARB L.L.C. d/b/a AUDI RICHFIELD

By: [Signature]
Its: Managing Member

WISCONSIN
STATE OF ~~MINNESOTA~~)
COUNTY OF MILWAUKEE) ss.

The foregoing instrument was acknowledged before me this 10TH day of FEBRUARY,
2020 ~~2019~~, by RALPH GESUALDO, the MANAGING MEMBER of ARB L.L.C., a Minnesota limited
liability company, on behalf of the limited liability company.



[Signature]
Notary Public

EXHIBIT A

The land to which this Construction Agreement applies is legally described as follows:

LOT 1, BLOCK 1, RICHFIELD PROPERTIES, HENNEPIN COUNTY, MINNESOTA

EXHIBIT B

RESOLUTION NO. 11075

**RESOLUTION APPROVING A FINAL DEVELOPMENT PLAN
AND CONDITIONAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT
AT 1400 – 78TH STREET EAST, 1420 – 78TH STREET EAST,
1500 – 78TH STREET EAST AND
7711 – 14TH AVENUE**

WHEREAS, an application has been filed with the City of Richfield which requests approval of a final development plan and conditional use permit for a planned unit development to allow construction of a three-story automobile dealership and parking ramp at 1400 – 78th Street East, 1420 – 78th Street East, 1500 – 78th Street East, and 7711 – 14th Avenue, property legally described in the attached Exhibit A; and

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested final development plan and conditional use permit at its March 23, 2015 meeting; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property on March 10, 2015 and published in the Sun-Current on March 12, 2015 and; and

WHEREAS, the requested final development plan and conditional use permit meets those requirements necessary for approving a planned unit development as specified in Richfield's Zoning Code, Section 542.09, Subd. 3 and as detailed in City Council Staff Report No. 63; and

WHEREAS, the request meets those requirements necessary for approving a conditional use permit as specified in Richfield's Zoning Code, Section 547.09, Subd. 6 and as detailed in City Council Staff Report No. 63; and

WHEREAS, the City has fully considered the request for approval of a planned unit development, final development plan and conditional use permit; and

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.
2. A planned unit development, final development plan and conditional use permit are approved for an automobile dealership as described in City Council Report No. 63, on the Subject Property legally described in Exhibit A.
3. The approved planned unit development, final development plan and conditional use permit are subject to the following conditions:

- A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
- The property must be platted and the plat recorded prior the issuance of a certificate of occupancy.
- The property owner must return to the City for approval of a minimum two-story parking ramp within four years of this approval. Construction of said ramp must be complete within five years of this approval. The property owner must negotiate and execute a separate agreement detailing the specific terms and penalties associated this requirement. This agreement must be executed prior to the issuance of a certificate of occupancy.
- Separate sign permits are required. This resolution constitutes approval of a height (33 ft.) variation only. This variation is for one freestanding sign along I-494.
- Light levels may not exceed those proposed in approved plans. Lights must be dimmed to meet City standards between the hours of 10 p.m. and 7 a.m. daily.
- All new utility service must be underground.
- All utilities must be screened from public view.
- Final 77th Street pedestrian lighting plan must be approved by the Public Works Director. A Maintenance Agreement related to lighting must be recorded prior to the issuance of a Certificate of Occupancy.
- Entire sidewalk along 78th Street must be replaced with new 6-foot walk.
- Final landscaping plans must be approved by the Directors of Public Works, Community Development and Mn-DOT (where applicable). Full site irrigation, including boulevards, is required.
- The property owner is responsible for the ongoing maintenance and tending of all landscaping in accordance with approved plans.
- A Construction and Maintenance Agreement must be recorded prior to the issuance of a final Certificate of Occupancy.
- The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated February 26, 2015 and compliance with all other City and State regulations.
- Minnesota Department of Transportation review required. Applicant must obtain all required permits for work in State right-of-way.
- Final stormwater management plan must be approved by Public Works Director. Infiltration not allowed in high-vulnerability wellhead protection area.
- Prior to the issuance of an occupancy permit the developer must submit a surety equal to 125% of the value of any improvements not yet complete.
- As-builts or \$7,500 cash escrow must be submitted to the Public Works Department prior to issuance of a final certificate of occupancy.

4. The approved planned unit development, final development plan and conditional use permit shall expire one year from issuance unless the use for which the permit was granted has commenced, substantial work has been completed or

upon written request by the developer, the Council extends the expiration date for an additional period of up to one year, as required by the Zoning Ordinance, Section 547.09, Subd. 9.

5. The approved planned unit development, final development plan and 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 Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 28th day of April, 2015.


Debbie Goettel, Mayor

ATTEST:



Elizabeth VanHoose, City Clerk

EXHIBIT C



City of Richfield Cash Escrow Agreement

RICHFIELD PROPERTIES LLC does hereby tender a cash escrow to the City of Richfield in the amount of \$50,000 to guarantee compliance with the terms of CONSTRUCTION AGREEMENT BY AND BETWEEN THE CITY OF RICHFIELD AND ARB L.L.C. d/b/a AUDI ("Agreement")

The Agreement details site improvements, including construction of a parking ramp, that are required for the property located at 1401 77TH ST E (AUDI RICHFIELD), Richfield, Minnesota, 55423.

The Agreement requires said site improvements to be completed by APRIL 28, 2024. The Director of Community Development may authorize one (1) 12-month extension of this deadline, extending no later than April 28, 2025.

The City of Richfield will release this cash escrow upon acceptable completion of the site improvements listed above and detailed in the Agreement. An inspection of the property will be conducted by the City Manager's designee to verify acceptable completion.

The City of Richfield may use this cash escrow to complete any incomplete site improvements if RICHFIELD PROPERTIES LLC does not do so by the completion date(s) specified above. RICHFIELD PROPERTIES LLC (property owner) does hereby grant the City of Richfield and its agents and employees the right to enter upon the property for the purposes of completing any incomplete items listed above. Any administrative costs involved with enforcing this agreement or any costs incurred by the City of Richfield in excess of the cash escrow amount will be paid by RICHFIELD PROPERTIES LLC (property owner) within 30 days following written notice of such costs.

The City of Richfield will deposit the Cash Escrow check in a non-interest bearing account; and no interest shall be due and payable to RICHFIELD PROPERTIES LLC as a result of this Cash Escrow agreement.



Property Owner Date: 2/10/20

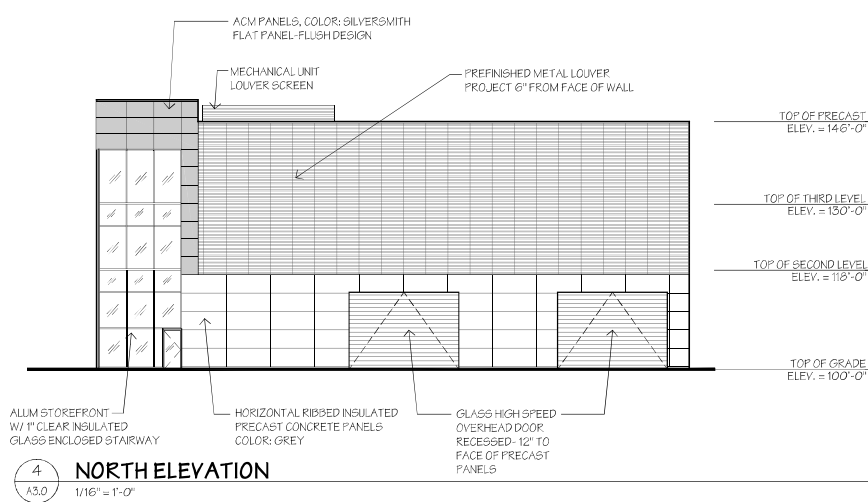
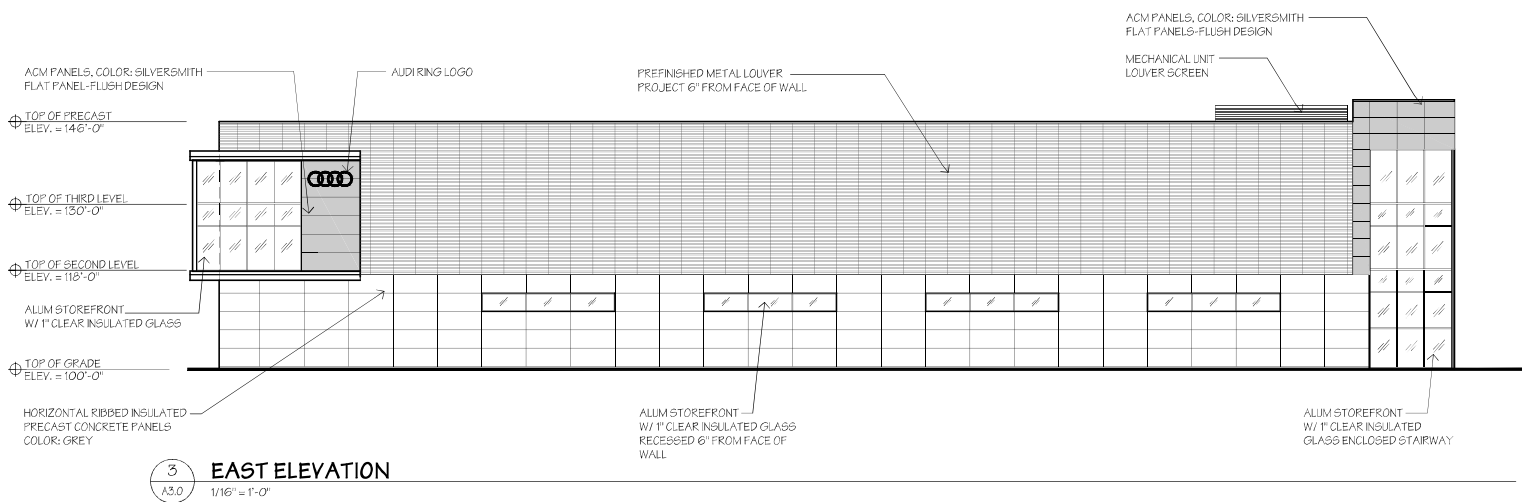
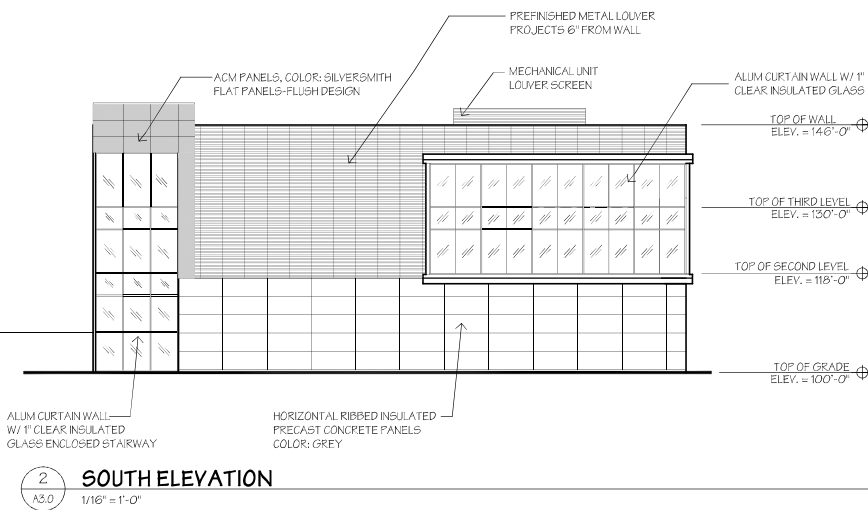
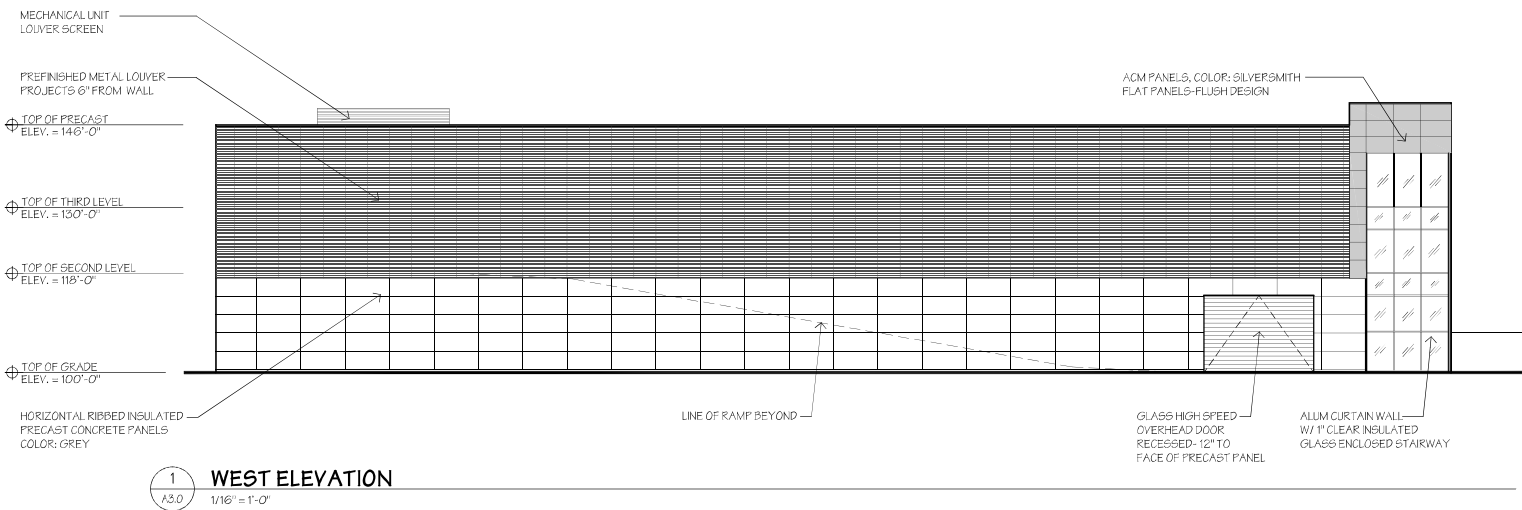
N/A

Contractor Date: _____

RELEASED BY CITY OF RICHFIELD:

City Planner/or City Manager Designee Date: _____

PARKING RAMP PLANS SUBMITTED FOR 2015 PUD APPROVAL



2015 NEW FACILITY

AUDI TERMINAL OF RICHFIELD

1420 78TH STREET EAST
RICHFIELD, MINNESOTA 55423

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ARCHITECTS &
CONTRACTORS, LTD.

227 Colfax Avenue North,
Suite 100
Minneapolis, MN 55405
Ph: (612) 377-3333 Fax: (612) 377-3773
www.phillipsarchitects.com

I HEREBY CERTIFY THAT THIS PLAN,
SPECIFICATION OR REPORT WAS PREPARED
BY ME OR UNDER MY DIRECT SUPERVISION
AND THAT I AM A DULY LICENSED
ARCHITECT UNDER THE LAWS OF THE
STATE OF MINNESOTA.

David A. Phillips

DATE: 2-17-2015 LICENSE # 17367

ISSUE/REVISION:
2-17-2015 CITY SUBMITTAL
3-9-2015 CITY REVISIONS

DRAWN BY: SCB
CHECKED BY: DAP
PROJECT NO.: 14342

EXTERIOR
ELEVATIONS @
PARKING RAMP

A3.1

PARKING RAMP VIEW FROM TRAIL ALONG EAST SIDE OF PROPERTY



AUDI TERMINAL OF RICHFIELD

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	3
CASE NO.:	Staff Report No. 6



PLANNING COMMISSION MEETING

3/25/2024

REPORT PREPARED BY: Sam Crosby, Planner

COMMUNITY DEVELOPMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
3/18/2024

ITEM FOR COMMISSION CONSIDERATION:

Continue a public hearing - to consider a request by Partnership Academy to amend their Planned Unit Development to extend the timeframe for complying with the parking agreement - to April 22, 2024.

EXECUTIVE SUMMARY:

In 2018, the City approved a classroom expansion for Partnership Academy at 6500 Nicollet Avenue South. The project did not meet the parking requirements of the code, therefore, the approval included a condition that the property be brought into compliance with minimum parking requirements within two years. Partnership Academy (Applicant) is working to finalize application materials related to their request for a time extension. The Applicant had hoped to have everything ready for the March meeting; however, additional time is needed. This item will now come before the Planning Commission on April 22.

RECOMMENDED ACTION:

By motion: Continue a public hearing - to consider a request by Partnership Academy to amended their Planned Unit Development to extend the timeframe for complying with the parking agreement - to April 22, 2024.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

None

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

None

C. CRITICAL TIMING ISSUES:

- The agreed-upon deadline for complying with the parking requirement is April 12, 2024. With this delay, the request will not be heard by the City Council until after the deadline.

D. FINANCIAL IMPACT:

None at this time.

E. LEGAL CONSIDERATION:

- Notice of the public hearing at the Planning Commission was published in the Sun Current newspaper on March 14, 2024, and was mailed to properties within 350 feet of the site.

ALTERNATIVE RECOMMENDATION(S):

None

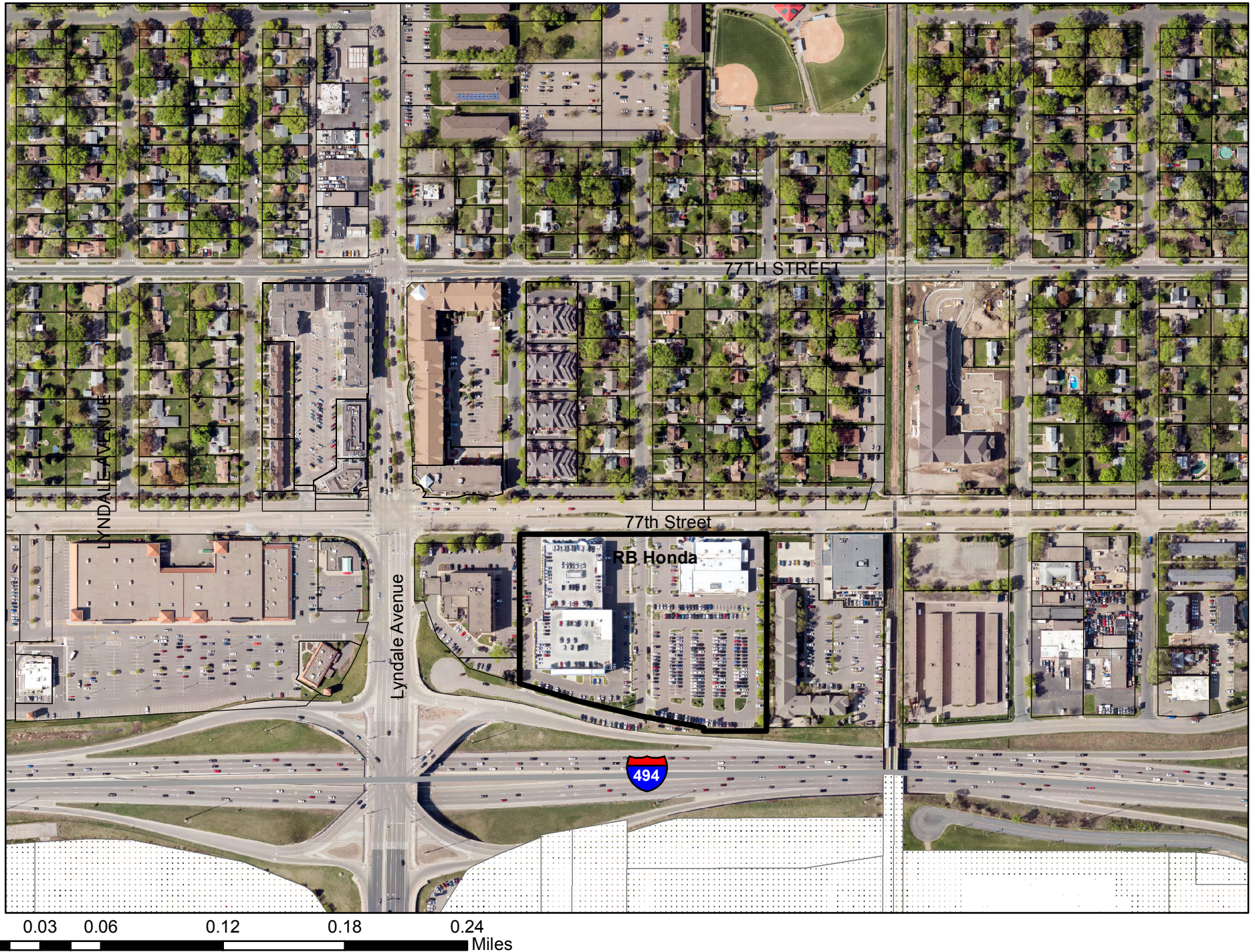
PRINCIPAL PARTIES EXPECTED AT MEETING:

None

ATTACHMENTS:

Description	Type
<input data-bbox="152 296 180 344" type="checkbox"/> Context Map	Exhibit

Richfield Bloomington Honda - Context (2018 image)



AGENDA SECTION:	Other Business
AGENDA ITEM #	4
CASE NO.:	Staff Report No. 7



PLANNING COMMISSION MEETING 3/25/2024

REPORT PREPARED BY: Ruby Villa, Assistant Planner

COMMUNITY DEVELOPMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
3/18/2024

ITEM FOR COMMISSION CONSIDERATION:

Review of Planning Commission Bylaws and re-scheduling task.

EXECUTIVE SUMMARY:

Part 3, Section 3 of the Planning Commission's Bylaws requires that the Commission review the Bylaws each year at the February organizational meeting. Staff is no longer recommending a change this year. At last month's regular meeting, the Commission provided feedback indicating a preference for amending the Bylaws to allow for yearly rescheduling of Planning Commission meetings that fall on City observed holidays. Staff does not believe an amendment is necessary for such a task. The phrase "unless otherwise noted" within Part I, Section I, suggests that a yearly rescheduling task (at the February organizational meeting) would be included.

Staff recommends rescheduling the May meeting to Wednesday, May 29, which would be the next date that the Chambers are available. This would be in keeping with the way other Commissions reschedule meetings that fall on holidays, as well as how the Planning Commission has historically rescheduled meetings that fall on mid-year holidays.

While the December meeting for 2024 does not fall on a holiday, the Planning Commission has traditionally voted to reschedule this meeting to two weeks earlier due to end of year travel arrangements. Staff recommends rescheduling the December meeting to two weeks earlier, Monday, December 9 (the Chambers are unavailable on Monday, December 16).

RECOMMENDED ACTION:

By motion: Approve the rescheduling of the May Planning Commission meeting from Monday, May 27 to Wednesday, May 29.

By motion: Approve the rescheduling of the December Planning Commission meeting from Monday, December 23 to Monday, December 9.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

None

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

- Annual review of Planning Commission Bylaws is required, and Bylaws must align with City Code. Amending the Bylaws requires a 2/3 majority of the members of the Commission (5

Commissioners).

C. **CRITICAL TIMING ISSUES:**

- The fourth Monday of May falls on Memorial Day this year. The next business day (Tuesday, May 28) the Council meets so the Chambers are unavailable.

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

ALTERNATIVE RECOMMENDATION(S):

Approve the rescheduling of the May and December Planning Commission meetings with alternative dates.

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
❑ City Code Section 305	Cover Memo
❑ Holidays/Planning Commission Meetings Schedule	Cover Memo
❑ Planning Commission Bylaws	Cover Memo

SECTION 305. - ADMINISTRATION; COMMISSIONS; BOARDS

305.00. - Definitions.

Subdivision 1. The following terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

Subd. 2. "Commission" means a body established by the City Council to advise the Council on matters of municipal concern. The terms "commission" and "board" may be used interchangeably in this Section.

Subd. 3. "Youth" means an individual who is at least 15 years of age.

305.01. - Creation; general requirements.

Unless otherwise provided by law or herein, the provisions in this subsection apply to all City commissions.

Subdivision 1. Creation. A Commission may be established by a majority of the City Council. The Council shall adopt a resolution or ordinance that will describe the purpose and function of the Commission. City Commissions are advisory bodies to the City Council. The Council shall periodically review the role, responsibilities and procedures of each Commission. The Council may eliminate a Commission by adopting a resolution or ordinance rescinding the resolution or ordinance establishing the Commission.

Subd. 2. Residency. Members of city commissions shall be residents of the City, unless an ordinance or resolution expressly provides otherwise.

Subd. 3. Terms. The City Council shall appoint members to the commissions for terms not to exceed three years. No member shall serve more than three consecutive terms on the same Commission. Appointment to serve on a Commission for a period of time greater than one-half of a complete term shall be counted as a full term. If the Council appoints an individual who had a break in continuous service of at least one full term, it shall be treated as a first-term appointment. Commissioners may only serve on one Commission at a time.

Subd. 4. Youth appointments. The City Council may appoint a maximum of two youth members to certain commissions. Terms for youth appointments shall be one year, commencing on September 1 and ending on August 31. No youth member shall serve more than three consecutive terms on the same Commission. Except as otherwise provided for by resolution of the Council, youth members must be residents of the City and enrolled in a high school or equivalent. A youth member may only serve on one Commission at a time.

Subd. 5. Attendance. Members are required to attend regular commission meetings. Commission members shall notify the Commission Chair or staff liaison if he or she is unable to attend a meeting. The Council shall conduct an annual review of the attendance of members of City commissions.

Subd. 6. Removal/vacancy. Commission members serve at the pleasure of the City Council and, unless prohibited by law, may be removed at any time for any reason, including but not limited to, excessive absences from commission meetings. When a vacancy occurs, the Council shall appoint a person to fill the unexpired term of the vacated seat. Unless provided otherwise by law or city resolution, a seat on a Commission is vacated upon any of the following:

- (a) Death;
- (b) Removal of legal residence in the City;
- (c) Resignation in writing presented to the City Manager, or designee;
- (d) Removal by the Council; or,
- (e) Election or appointment to a public office.

Subd. 7. Committees. Commissions may establish committees from time to time as the need arises.

Subd. 8. Staff/council liaisons. Each January, the City Council shall designate a Council member as liaison and one alternative liaison to each Commission. The City Manager shall appoint one City employee to serve as a staff liaison to each Commission. Council and staff liaisons are not voting members of a Commission.

Subd. 9. Bylaws/rules of procedure.

- (a) Commissions may adopt bylaws to govern meeting procedures and other matters not addressed in this Section. If the bylaws of a Commission and this Section conflict, this Section shall prevail. Commissions may amend bylaws with approval of a 2/3 majority vote of the Commission.
- (b) At all meetings of a Commission where formal action is required on a matter, the meeting shall be governed by Sturgis' Standard Code of Parliamentary Procedure. At meetings where no action is required, no formal parliamentary procedure shall govern the conduct of the proceedings unless necessary such as when a formal motion is before the Commission.

305.03. - Establishment of human rights commission.

Subdivision 1. Scope of section. It is declared that it is the public policy of the City to fulfill its responsibilities as a partner of the state department of human rights in securing for all citizens equal opportunity in housing, employment, public accommodations, public services and education, and to fully implement those goals set forth in Minnesota Statutes, Chapter 363A, the Minnesota Human Rights Act.

Subd. 2. Establishment of commission. There is established and continued a human rights commission.

Subd. 3. Purpose of commission. The purpose of the Commission is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community and to take appropriate action consistent with the Minnesota Human Rights Act. The Commission shall also advise the City Council on long range programs to improve human relations in the City.

Subd. 4. Composition of the commission. The Commission consists of 13 members appointed by the Council. Eleven members shall be appointed for terms of three (3) years, except that (i) a person appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor in that term was appointed shall be appointed only for the remainder of such, and (ii) two (2) persons shall be appointed as "youth" members for one (1) year terms. The two (2) youth members shall be given all rights, privileges and responsibilities granted to the other appointed members. Members serve without compensation and may be removed from office at any time by the Council.

Subd. 5. Commission's responsibilities. The Commission shall:

- (a) Adopt bylaws and rules for the conduct of its affairs including the election, assumption of duties and definition of responsibilities of officers and committees;
- (b) Engage in discussions with the state department of human rights for the purpose of delineating cooperative regulatory and enforcement procedures;
- (c) Enlist the cooperation of agencies, organizations and individuals in the community in an active program directed to create equal opportunity and eliminate discrimination and inequalities;
- (d) Formulate a human relations program for the City to provide increased effectiveness and direction to the work of all individuals and agencies addressing themselves to planning, policy making and educational programming in the area of civil and human rights;
- (e) Advise the City Council and other agencies of the government on human relations and civil rights problems and act in an advisory capacity with respect to planning or operation of any City

department on issues of civil and human rights and recommend the adoption of such specific policies or actions as are needed to provide for full equal opportunity in the community;

- (f) Study, investigate and assist in eliminating alleged violation of Minnesota Statutes, Chapter 363A by conference, conciliation and persuasion, and when necessary, cooperate with the state department of human rights in enforcing the provisions of the state act;
- (g) Develop such programs of education as will assist in the implementation of the Minnesota Human Rights Act and foster the Commission's assumption of leadership in recognizing and resolving potential human rights problems in the community; and
- (h) Develop and implement programs that enhance the advancement of human rights in the community and that promote an awareness of and appreciation for cultural diversity.

Subd. 6. Investigations, enforcement, penalties. The Commission may receive and investigate complaints of alleged violations of this subsection. Investigations shall conform to the Complaint Process formulated by the State Department of Human Rights.

305.05. - Fire Civil Service Commission.

Subdivision 1. Abolish police civil service. The Police Civil Service Commission is abolished.

Subd. 2. Fire Commission continued. The former joint police and fire civil service commission is now known as the Fire Civil Service Commission and shall continue.

Subd. 3. Membership. The Fire Civil Service Commission shall consist of three (3) members appointed for terms in the same manner, for the same terms, and with the same qualifications pursuant to Minnesota Statutes, Chapter 420. Terms of commissioners are for three (3) years commencing on February 1 of the year of appointment.

305.07. - Planning commission.

Subdivision 1. Establishment. Pursuant to Minnesota Statutes, section 462.354, subdivision 1, there is created and continued a City Planning Commission.

Subd. 2. Commission form. Except in cases in which the Planning Commission is authorized by this Code or other applicable law to render a final decision, the Planning Commission serves in an advisory capacity to the City Council. Staff services for the Commission shall be furnished by the Community Development Department of the City.

Subd. 3. Composition of the commission. The Commission consists of seven (7) members appointed by the Council to serve for terms of three (3) years, with terms of members to be staggered so that as nearly equal number of terms as possible shall expire each year. Terms begin on the first day of February.

Subd. 4. Powers and duties of the commission. The Planning Commission shall undertake the duties given by Minnesota Statutes, sections 462.351 to 462.354. The Planning Commission shall deliberate and make recommendations, or final decisions as applicable, on:

- (a) Proposed amendments to the zoning code or map;
- (b) Land development applications requiring site plan approval, interim use permits, conditional use permits or variances from the land development regulations of the City; and
- (c) Such other matters relating to planning and development within the City, as may be referred to it by the Council.

Subd. 5. General objectives of the commission. The Planning Commission shall, as necessary, perform the following functions on behalf of the City:

- (a) Subject planning decisions to citizens' examination and influence through technical advisory subcommittees which may study and recommend courses of action on special planning matters;
- (b) Act as an advocate of various beneficial planning projects, as directed by the Council, to stimulate interest and acceptance of planning within the City; and
- (c) Act as a coordinator of planning activities within the City by working with public, quasi-public and private planning groups to coordinate the total planning efforts of the City and other governmental units.

Subd. 6. Additional powers and duties. The Council may assign additional duties and responsibilities to the Planning Commission to assist the Commission in effectively carrying out the Commission's objectives, powers and duties.

305.09. - Board of health.

Subdivision 1. Creation of board. Pursuant to Minnesota Statutes, Chapter 145A, there is created and continued a board of health.

Subd. 2. Council to constitute board. The Board consists of the City Council and a physician who is the health officer of the City.

Subd. 3. Powers and duties of board. The Board shall:

- (a) Investigate and make such reports and obey such directions concerning communicable diseases as the State Board of Health may require or give; and
- (b) Cause all laws and regulations relating to the public health, including any and all health regulations contained in this code to be obeyed and enforced.

Subd. 4. Inspection and enforcement. The Board and authorized officers or employees of the Board shall have the right to enter into any building, conveyance or place where contagion, infection, filth or other source or cause of preventable disease exists or is reasonably suspect.

Subd. 5. Uniform enforcement and appeals. Orders or rules and regulations adopted or issued by the Board shall be enforced in the manner provided in Section 320. Persons aggrieved by an order or rule or regulation of the Board may appeal in accordance with the provisions of Section 320.

Holidays 2024 - January 2025	Date
New Year's Day	Monday, January 1
Martin Luther King Jr. Day	Monday, January 15
Presidents Day	Monday, February 19
Memorial Day	Monday, May 27
Juneteenth	Wednesday, June 19
Independence Day	Thursday, July 4
Day after Independence Day	Friday, July 5
Labor Day	Monday, September 2
Veterans Day	Monday, November 11
Thanksgiving Day	Thursday, November 28
Friday after Thanksgiving	Friday, November 29
Christmas Day	Wednesday, December 25
MLK Day	Monday, January 20

Planning Commission Meetings 2024 – January 2025	Proposed Alternative Dates
Monday, April 22	
Monday, May 27	Wednesday, May 29
Monday, June 24	
Monday, July 22	
Monday, August 26	
Monday, September 23	
Monday, October 28	
Monday, November 25	
Monday, December 23	Monday, December 9
Monday, January 27	

**BYLAWS AND RULES OF PROCEDURE
OF THE CITY PLANNING COMMISSION
RICHFIELD, MINNESOTA**

The following Bylaws and Rules of Procedure are adopted by the Richfield Planning Commission to facilitate the performance of its duties and functions as empowered under Chapter III, Subsection 305.07, Subdivisions 1-6 of the City Code. General requirements related to residency, terms, attendance, removal, vacancies, etc. shall be dictated by Subsection 305.01.

PART I. MEETINGS

Section 1. Regular Meetings

Regular meetings of the Planning Commission shall be on the fourth Monday of each month commencing at 7:00 P.M. in the Council Chambers of the Municipal Center, unless otherwise noticed.

Section 2. Work Session Meetings

Approximately six times per year, the Commission will meet to discuss and deliberate on general planning matters related to property development and future well being of the Community. These meetings shall be held on the fourth Monday of the month commencing at 6:00 P.M. whenever possible. In the event of a conflict or need for additional discussion time, meetings shall be held on the second Monday of the month commencing at 7:00 P.M. Unless otherwise noticed, meetings shall be held in the Bartholomew Conference Room of the Municipal Center.

Section 3. Special Meetings

Special meetings of the Planning Commission can be called by the Chairperson and one member or by three members of the Commission or at the request of the City Council. Notice, designating the time and place of the meetings, shall be given to all members in accordance with the open meeting law.

Section 4. Quorum

Four members of the Planning Commission shall constitute a quorum for the transaction of business. No action shall be taken in the absence of a quorum with the exception that the Planning Commission members present may take testimony for use at a later meeting at which a quorum is present, and may adjourn a meeting to a later time without further notice.

Section 6. Voting

At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice. An affirmative vote of a majority of members present shall be necessary for the passage of any matter before the Planning Commission, except as otherwise provided in these Bylaws.

Section 7. Proceedings

a) Format of Meeting

At a regular meeting of the Planning Commission, the following format shall be followed in conducting the business of the meeting:

- 1) Call to order / noting of attendance
- 2) Approval of Minutes
- 3) Open Forum
- 4) Approval of Agenda
- 5) Public Hearing Items
- 6) Other Business
- 7) Liaison Reports
- 8) Adjournment

b) Public Hearing

The purpose of a hearing is to collect information and facts in order for the Commission to either render a decision or develop a planning recommendation for the City Council. At a public hearing the following procedure shall be followed for each case for which a public hearing is held:

- 1) Chair shall state the case to be heard.
- 2) Chair shall call upon the Community Development Director or designee to present the staff report and stand for questions from the Commission.
- 3) Chair shall ask the applicant to present his/her case.
- 4) Members of the Planning Commission shall be allowed to question the applicant about his/her proposal.
- 5) The Chair shall open the public hearing and all interested persons may address the Commission, giving relevant information regarding the proposal before the Commission.
 - a) All questions or statements by Richfield staff personnel, Planning Commissioners, applicants or interested citizens will be directed through the Chair.
 - b) All who wish to speak will be heard, but only in accordance with the above procedure and after recognition by the Chair.
 - c) No individual may speak longer than five (5) minutes, except through previous arrangement with the Chair, or by vote of the Commission.

- d) The spokesperson for a group will be allowed ten (10) minutes.
 - e) At the determination of the Chair, if questions or responses from the Commission, the applicant, the public, or City staff introduce materially new information or issues relevant to the matter under consideration, interested citizens may make additional comments in accordance with the above procedure. In order to promote meeting efficiency, the Chair may discourage duplicative comments.
- 6) The hearing shall be closed. Interested persons shall not be heard again unless the hearing is reopened by a majority vote of the Commission.
 - 7) Members of the Planning Commission may ask additional questions of City staff or the applicant, and the applicant shall be allowed to respond.
 - 8) The Commission shall discuss and clarify the item before it, and take action in the form of a motion, resolution, or report.

PART II. ORGANIZATION

Section 1. Election of Officers

At the first regular meeting in February of each year, the Commission shall hold an organizational meeting and elect from its membership a Chairperson, Vice-chairperson, and Secretary. Officers shall be elected by a majority vote of all the members of the Commission. Voting shall take place in a manner agreed to by the Commission. If no one receives a majority of all the members of the Commission, voting shall continue until one member receives majority support. Vice-chairperson and Secretary shall be elected from the remaining members by the same procedure.

If the Chairperson resigns from office before the next regular organizational meeting, the Vice-chairperson shall automatically become acting Chairperson until a new officer is elected at the next regular meeting. If both Chairperson and Vice-chairperson resign, the Secretary shall become acting Chairperson. In any instance, where an officer of the Commission resigns or retires from office a new officer shall be elected to the vacated position at the next regular meeting of the Commission.

If the Chairperson, Vice-chairperson, and Secretary are absent from a meeting, the Commission shall elect a temporary Chairperson by voice vote.

In the event that the Secretary is absent from a meeting, the Chairperson shall appoint a member of the Commission to approve the minutes of that meeting.

Section 2. Tenure

The Chairperson, Vice-chairperson, and Secretary shall take office immediately following their election and hold office until their successors are elected and assume office.

Section 3. Duties of Officers

The duties and powers of the officers of the Planning Commission shall be as follows:

a) Chairperson

- 1) Presides over all meetings of the Commission.
- 2) Appoints committees and performs such other duties as may be ordered by the Commission.
- 3) Signs documents of the Commission.
- 4) Sees that all actions of the Commission are properly taken.
- 5) Calls special meetings of the Commission in accordance with these Bylaws.
- 6) Works with appropriate city staff in organizing agendas of all general Planning Commission meetings.

b) Vice-chairperson

Performs all of the duties and responsibilities of the Chairperson in his/her absence.

c) Secretary

- 1) Assumes duties and responsibilities of the Chairperson when both Chairperson and Vice-chairperson are absent.
- 2) Signs all minutes of the Commission as well as other official documents of the Commission.

PART III. MISCELLANEOUS

Section 1. Suspension of Rules

The Commission may suspend any of these Rules by a 2/3 vote of those members present.

Section 2. Amendments

These Rules may be amended at any regular meeting by a 2/3 majority of the members of the Commission.

Section 3. Review

The contents of these Bylaws and Rules of procedure should be comprehensively reviewed, evaluated, and modified where necessary, at the organizational meeting held in February of each year.

Adopted this 22nd day of May, 2023


Edwin Holmwig-Johnson (Sep 13, 2023 08:24 CDT)

Chairperson, Richfield Planning Commission


Brett Stursa (Sep 13, 2023 09:16 CDT)

Secretary, Richfield Planning Commission