



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
JUNE 27, 2022
7:00 PM**

Call to Order

Approval of the Minutes

- April 25, 2022, regular Planning Commission meeting minutes.

Open Forum: Opportunity for the public to address the Commission on items not on the Agenda. To share during a meeting you may do so in person, to participate remotely dial: 1-415-655-0001, access code 2468 464 3503

Agenda Approval

1. Approval of the Agenda

Public Hearings

2. Consideration of a request for interim use permit allowing Minnesota Independence College and Community to continue to use the property at 2000 - 76th Street West for social, meeting, and office space for their Community Program.
Staff Report No. 17

Liaison Reports

3.

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

4.

City Planner's Report
5. Next Meeting Time and Location
 - Regular meeting on July 25, 2022, at 7pm in Council Chambers at City Hall

6. 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**



Planning Commission Minutes

April 25, 2022

MEMBERS PRESENT: Chair James Rudolph, Commissioners Kathryn Quam, Brendan Kennealy, Brett Stursa, Eddie Holmwig-Johnson, and Benjamin Surma

MEMBERS ABSENT: None.

STAFF PRESENT: Melissa Poehlman, Community Development Director; Ryan Krzos, Planner

OTHERS PRESENT: Ryan Schwickert, representative for MWF Properties for Item #2; and David Lenz, representative from Hope Church for item #3.

Chair Rudolph called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

M/ Stursa, S/ Holmwig-Johnson to approve the minutes Approval of the minutes of the joint Planning Commission, Community Services Commission and City Council work session of March 28, 2022; the Regular Planning Commission meeting of March 28, 2022; and the joint Planning Commission and City Council and HRA work session of April 12, 2022.

Motion carried: 6-0

OPEN FORUM

No members of the public spoke, no comments were received.

APPROVAL OF AGENDA

M/Quam, S/Stursa to approve the agenda.

Motion carried: 6-0

OTHER BUSINESS

Consideration of a resolution finding that the acquisition and disposition of 1516 66th Street East by the Housing and Redevelopment Authority is consistent with the Richfield Comprehensive Plan. Julie Urban, Assistant Community Development Director, presented the staff report.

M/Stursa, S/Surma to approve a resolution finding that the acquisition and disposition of 1516 66th Street East by the Housing and Redevelopment Authority is consistent with the Richfield Comprehensive Plan

Motion carried: 6-0

PUBLIC HEARINGS

ITEM #1 - Cancel a public hearing to consider a request for an amended Planned Unit Development, Final Development Plan and Conditional Use Permit to allow structured parking at 6500 Nicollet Avenue South (Partnership Academy). Ryan Krzos, Planner, presented the staff report and explained the applicant's request to cancel the request for this land use approval.

Commissioners Stursa and Surma asked about City Council conditions for this applicant to secure additional parking as part of a prior land use approvals. Planner Krzos explained the conditions and options for this applicant to secure this parking, and the penalty for not securing

it. Planner Krzos also explained that the approval of the structured parking was no longer a requirement for the applicant to secure funding.

M/ Stursa, S/Kennealy to cancel a public hearing to consider a request for an amended Planned Unit Development, Final Development Plan and Conditional Use Permit to allow structured parking at 6500 Nicollet Avenue South (Partnership Academy).

Motion carried: 6-0

ITEM #2 - Public Hearing to consider a request for a Comprehensive Plan Amendment, Planned Unit Development, Final Development Plan and Conditional Use Permit for a multi-family development at 7700 Pillsbury Avenue South. Planner Krzos presented the staff report. Commissioners asked clarifying questions about the history of the site and about Planned Unit Developments.

The applicant, representing MWF developers, was present and answered questions about the railroad abutting the property and about the plan to provide excess parking over the maximum to meet a projected need. Commissioners asked about bike parking access, electric vehicle chargers and conduit required, and affordability.

The public hearing was opened and one member of the public, Janet Bakalar at 7220 Wentworth, had questions about density definitions in the zoning of this property and about the affordability level of the units.

M/Quam, S/Stursa to close the public hearing.

Motion carried: 6-0

Commissioners asked further questions about the rezoning, the excess parking, the number of electric vehicle spaces.

M/Quam, S/ Stursa to:

1. Recommend approval of amending the Comprehensive Plan designation for the subject property from Medium Density Residential to High Density Residential.
2. Recommend approval of rezoning the subject property from Mixed Use Neighborhood (MU-N) to Planned Mixed Use (PMU); and
3. Recommend approval of a Planned Unit Development, Conditional Use Permit, and Final Development Plan for a multi-family residential development at 7700 Pillsbury Avenue South.

M/ Holmwig-Johnson, S/ Stursa to amend the motion so that the four stalls above the maximum number not be approved but can be designed as reserved parking stalls and that the applicant can request from staff, with sufficient evidence, to improve those stalls. Commissioner Quam questioned what "sufficient evidence" would be that would require the additional stalls to be built.

Motion carried: 4-2 (Chair Rudolph and Commissioner Quam voted in opposition)

M/Stursa, S/Quam to amend the motion require that fifty percent of the three ratios of electric vehicle parking be provided with the understanding that Staff's recommendation differs then that would be explained to the Council at their meeting.

Motion carried: 6-0

M/ Holmvig-Johnson, S/Kennealy to require that fifty percent of the bicycle parking enclosed stalls be available to those not renting a vehicle stall.

Motion carried: 6-0

Motion as amended carried: 5-1 (Chair Rudolph voted in opposition)

ITEM #3 - Public hearing to consider a request for a variance for a trash enclosure location farther away from the building.

Planner Krzos presented the staff report.

Commissioners asked about the size of the enclosure, past approvals for the site.

Representatives from Hope Church, the applicant, spoke about the work that the church is doing and about preferences for the proposed location instead of the approved location.

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

Commissioners reviewed the requirements for approval of a variance and the role of the Planning Commission in making a variance decision. Commissioners also inquired about potential code revisions in the future in relation to dumpster rules.

M/Holmvig-Johnson, S/Quam to deny request for a variance for a trash enclosure location farther away from the building.

Motion carried: 6-0

LIAISON REPORTS

- Community Services Advisory Commission: no report
- City Council: Mayor Regan Gonzalez is not running for re-election so we will have a new mayor next year
- Housing and Redevelopment Authority (HRA): the HRA met with Planning Commission and City Council on a work session about the Hub shopping center location
- Richfield School Board: no report
- Transportation Commission: Three different items were considered for approval so the City of Richfield could enter a regional solicitation application to the Met Council for three projects related to Safe Routes to Schools.
- Chamber of Commerce: no report
- Sustainability Commission: no report

Chair Rudolph made a statement thanking former-Chair Quam for her service to the Planning Commission over the last two years.

PLANNER'S REPORT

Benefactor Brewing pulled their application before it was considered by the City Council so the Council did not make a decision on that. There is a work session tomorrow, April 26, on the Legion Site, and on May 10th there is a work session to continue discussion on Missing Middle housing policy.

ADJOURNMENT

The next regular meeting is scheduled for Monday, April 25, 2022, at 7pm.

M/Stursa, S/Surma adjourn the meeting.

Motion carried: 6-0

The meeting was adjourned by unanimous consent at **8:56 p.m.**

Planning Commission Secretary

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	2
CASE NO.:	Staff Report No. 17



PLANNING COMMISSION MEETING

6/27/2022

REPORT PREPARED BY: Nellie Jerome, Assistant Planner

EXECUTIVE DIRECTOR REVIEW: Melissa Poehlman, Community Development Director

ITEM FOR COMMISSION CONSIDERATION:

Consideration of a request for interim use permit allowing Minnesota Independence College and Community to continue to use the property at 2000 - 76th Street West for social, meeting, and office space for their Community Program.

EXECUTIVE SUMMARY:

The Applicant, Minnesota Independence College and Community (MICC), is a nonprofit vocational and life skills training program for autistic and neurodiverse young adults. MICC has been operating out of the Colony Apartments in Richfield for over 20 years. Their educational curriculum includes helping students make successful transitions towards independent living and financial self-sufficiency. Members of the Community Living Program have graduated from MICC and have access to the program for social connection and independent living support.

MICC was granted an Interim Use Permit (IUP) to use the property at 2000 - 76th Street West for office/recreation space in 2016. This permit expires this month. The property is zoned Single Family Residential (R) and use as an office/recreational space is not permitted by the Zoning Code, so a new IUP is necessary. There are no changes proposed to the building, and Staff has reviewed the proposed use and finds that it will continue to maintain the residential character of the property and neighborhood. Staff recommends approval of a 5-year IUP.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of an Interim Use Permit allowing Minnesota Life College to use the property at 2000 - 76th Street West for social, meeting, and office space for their Community Program.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- An IUP was approved in September 2016 and took effect in June of 2017, when a Certificate of Occupancy was issued for the property after renovations were made.
- Preliminary concepts for redevelopment of the properties at 2000, 2006, and 2018 - 76th Street West were presented at a work session last summer. A preliminary development agreement was filed with the Housing and Redevelopment Authority (HRA) to construct a new facility on these lots, with classroom and office space, and affordable housing units. MICC is currently in the process of seeking financing for that project. A Planned Land Use map is attached for this site, showing Medium Density Residential as the guiding district.

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

- The purpose of an IUP is to allow a use that may not be compatible with the Comprehensive Plan to operate for a limited period of time. The Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects that the provisions were intended to prevent. The Council must find that the temporary nature of this permit makes the nonconforming use permissible at this time. In evaluating a request for an IUP, the Planning Commission and City Council shall also consider its compliance with the criteria outlined in Subsection 547.15 of the Zoning Code, further articulated in the attached document.
- By ordinance, IUP's terminate upon the occurrence of any of the following events, whichever first occurs:
 1. The date stated in the permit; or
 2. Upon violation of conditions under which the permit was issued.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on May 26, 2022. A decision is required by July 25, 2022, OR the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

- Notice of the public hearing was published in the Sun Current newspaper on June 16, 2022, and was mailed to properties within 350 feet of the site.
- Council consideration of these applications has been tentatively scheduled for July 12, 2022.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of an IUP with additional and/or modified stipulations.
- Recommend denial of an IUP with a finding that the proposal does not meet City requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Amy Gudmestad, Executive Director of MICC

ATTACHMENTS:

Description	Type
❑ Resolution	Resolution Letter
❑ IUP Required Findings	Backup Material
❑ Project Narrative from Applicant	Backup Material
❑ Zoning Map	Backup Material
❑ Planned Land Use Map	Backup Material

**RESOLUTION APPROVING AN
INTERIM USE PERMIT TO ALLOW
SOCIAL, MEETING, AND OFFICE SPACE
FOR USE BY MINNESOTA INDEPENDENCE
COLLEGE AND COMMUNITY
AT 2000 - 76TH STREET WEST**

WHEREAS, the City of Richfield (the City) adopted a Comprehensive Plan in 2019 to guide the development of the community; and

WHEREAS, the City has adopted a Zoning Ordinance or other official controls to assist in implementing the Comprehensive Plan; and

WHEREAS, an application has been filed with the City of Richfield, which requests an interim use permit to allow Minnesota Independence College and Community (MICC) (the "Applicant") to develop space for social, meeting, and office uses at property legally described as follows:

The South 183.1 feet of the following described tract: That part of the South 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 28, North, Range 24, West of the 4th principal meridian described as follows: Beginning at a point on the South line thereof distant 983.1 feet East of West line thereof; thence North parallel with the West line thereof 328.1 feet to a point; thence West on line parallel with the South line thereof 131 feet to a point; thence South line on line parallel with the West line thereof 328.1 feet to a point; thence East on a straight line 131 feet to the place of beginning, Hennepin County, Minnesota.

WHEREAS, the Property is zoned Single Family Residential (R); and

WHEREAS, office and meeting space uses are not permitted as a principal use of property in this zoning district; and

WHEREAS, the City Council finds that the temporary nature of the proposed interim use eliminates the adverse effects the prohibition was intended to prevent; and

WHEREAS, the Planning Commission held a public hearing on June 27, 2022 to review the application for an interim use permit, following mailed and published notice as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. The proposed interim use permit request meets all applicable conditions and restrictions stated in Subsection 547.15 of the 2007 Zoning Ordinance except as follows:
The proposed interim use is not a permitted primary use in the Single Family Residential (R) Zoning District. In accordance with Subsection 547.15, Subd. 3e,

the City Council finds that the temporary nature of the interim use eliminates the detriment that a non-residential primary use will have to a residential area. The property is located on a corner lot, and is adjacent to other single family residential properties to the north, west, and east. The Best Buy headquarters building lies to the south. Woodlake Lutheran Church, Richfield Middle School, and numerous multi-family properties are also located nearby. Minnesota Independence College and Community has operated out of the Colony Apartments located one block to the east for over 20 years.

2. An interim use permit for social, meeting, and office space by Minnesota Independence College and Community at the property legally described above, as described in City Council Staff Report No. _____ is approved with the following conditions:
 - a. The interim use permit will expire five (5) years from the date of approval (tentatively July 12, 2022) or upon violation of the conditions under which the permit was issued, whichever occurs first.
 - b. The interim use permit shall be reviewed periodically by the City to ensure compliance with the conditions set forth in this resolution.
 - c. The annual monitoring fee, as dictated by City Code, will apply.

Adopted by the City Council of the City of Richfield, Minnesota this 12th day of July 2022.

Maria Regan-Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

Interim Use Permit Requirements
Subsection 547.15 Subd. 3.

- a) *The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties.*
Staff recommends that the permit expire one year from its effective date, with a possible administrative extension of up to four additional years, contingent on there being no major issues or serious complaints in the first year.
- b) *The use will terminate upon a date or event that can be identified with certainty. Interim use permits may not be granted for a period greater than five (5) years.*
Staff recommends that the use terminate one year from the date of approval (tentatively July 12, 2022), subject to the possible extension noted in part "a."
- c) *The use will not adversely impact the health, safety and welfare of the community during the period of the interim use.* The use of the property for social, meeting, and office space is not anticipated to adversely impact the community.
- d) *The use is similar to existing uses in the area.* The property is located on a residential corner lot, and is adjacent to other single family residential properties to the north, west, and east. The Best Buy headquarters building lies to the south. Woodlake Lutheran Church, Richfield Middle School, and numerous multi-family properties are also located nearby. Minnesota Life College has operated out of the Colony Apartments located one block to the east for over 20 years.
- e) *An interim use shall conform to zoning regulations except the City Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects the provisions were intended to prevent.* See above, parts "b" and "c."
- f) *There is adequate assurance that the property will be left in suitable condition after the use is terminated.* No changes are proposed to the property. No major expansions or additions to the property are proposed at this time.
- g) *By agreement, the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.* The property owner has signed a consent agreement agreeing to this condition.
- h) *The property owner, by agreement, agrees to any conditions that the City Council has deemed appropriate for permission of the use, including a condition that the owner will provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit.* The property owner is aware of all conditions
- i) *The property owner agrees to abide by any additional conditions that the Council deems appropriate for permission of the use.* The property owner is aware of all conditions.



**Minnesota Independence College and Community
Project Narrative- May 25, 2022
2000 W.76th Street, Richfield, MN 55423**

The Minnesota Independence College and Community (MICC) Community Program is non-profit organization designed for adults with learning differences and autism spectrum disorders who are living independently and employed in Richfield and surrounding communities. Individuals in this program have successfully graduated from MICC's College Program, where they have learned independent living and employment skills, and access the Community Program for social connection and independent living support.

MICC first applied for an Interim Use Permit for 2000 W. 76th Street, Richfield in September of 2016, which was awarded in June of 2017. MICC would like to continue to use the residence, which is referred to as the "Community Center", as social, recreational and office space for our participants without any further changes to the property.

Current Conditions

The Community Center is located within a single-family residential neighborhood in the city of Richfield. It sits on the north side of 76th street, with Best Buy Corporate headquarters on the south side of the street. It is 1 block west of the Colony Apartments, where MICC has been operating for over 25 years. One block further west is the Woodlake Lutheran church, which MICC has rented space from for over a decade. It sits on a corner lot, bordered by two single family residences owned by MICC.

The property consists of 0.36 acres of land with a single-family home containing 2,170 square feet. There is a detached 2 car garage with 4 parking spaces in the driveway, which is accessible via Morgan Avenue. The house was originally built in

1941 and has 3 levels: a main floor, basement and second story, which was added in 1995.

In the summer of 2017, MICC made upgrades to the home to make it more accessible for program participants and able to support house activities, including the following:

- Added an accessible deck, while maintaining the residential appearance of the exterior of the home.
- Updated the main floor to meet current accessibility standards.
- Remodeled restrooms.
- Added technology infrastructure.
- Added sprinkler system as required by the fire chief.

Proposed Use

MICC plans to continue using the property as a social, meeting and small office space for the Community Program. Some examples of how the house is used include:

1. Office space: 2-5 MICC employees will work in the house, providing care coordination activities and individual support as needed.
2. Accommodation: Individuals in the MICC community may use bedroom space as needed.
3. Individual MICC participants using the computer lab, meeting with MICC employees, etc.
4. Small groups of MICC participants watching television, playing video games, cooking in the kitchen together, participating in craft clubs, etc.
5. Groups of 10-12 participants attending classes on healthy living, having board game night, etc.
6. Outdoor activities such barbeques, gardening and lawn games, typically in the early evening and on weekends.

Maximum occupancy is estimated to be 10-20 adults. The majority of MICC participants do not drive. Parking has not been a concern, nor do we believe it will be. If the concern arises, parking spots at either The Colony apartments or Woodlake Lutheran Church may be obtained, as both are longstanding partners of MICC.

The Community Center is not a public facility, as it is solely for the use of MICC participants and employees.

Although future needs of MICC may require significant changes to the property, the current site plan application does not involve any modifications, expansion, or additions to the building at this time.

Conclusion

The Community Center has served the needs of the MICC Community Program for the last 5 years. MICC takes pride in maintain the home, inside and out, to ensure it fits nicely into the neighborhood. The home maintains a residential look while allowing for learning to take place, friendships to be built and resources to be provided for life-long independent living in the City of Richfield, which our participants call home.

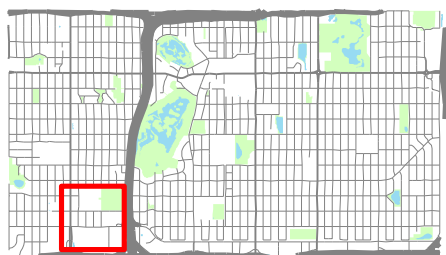
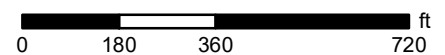
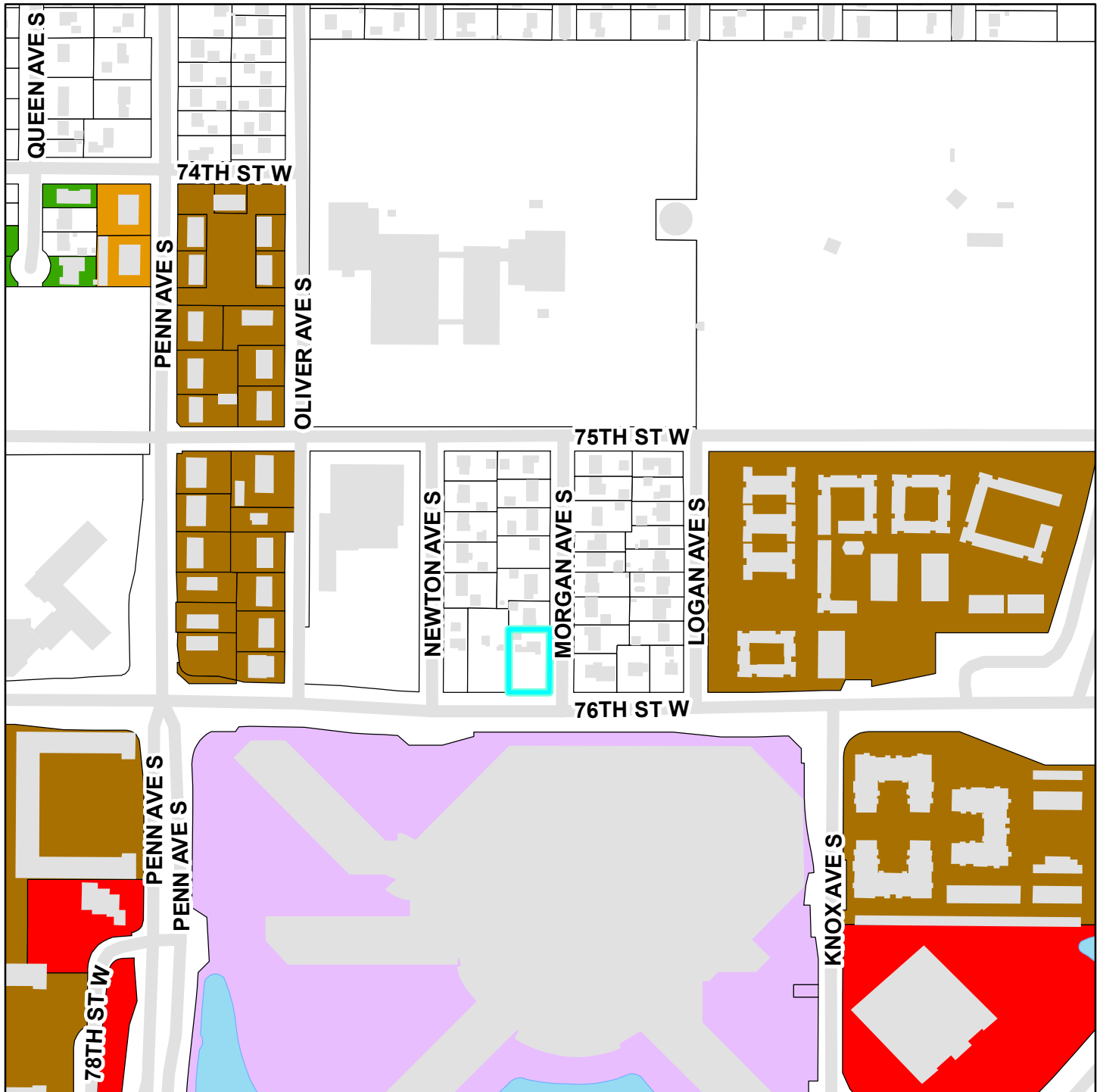




2000 - 76th Street West

Surrounding Zoning

Case No: 22-IUP-01



Zoning Districts

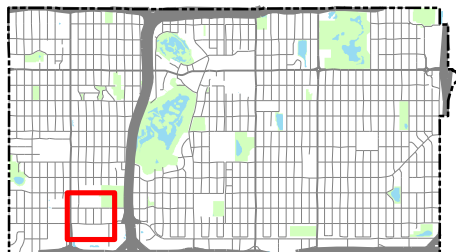
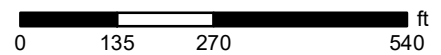
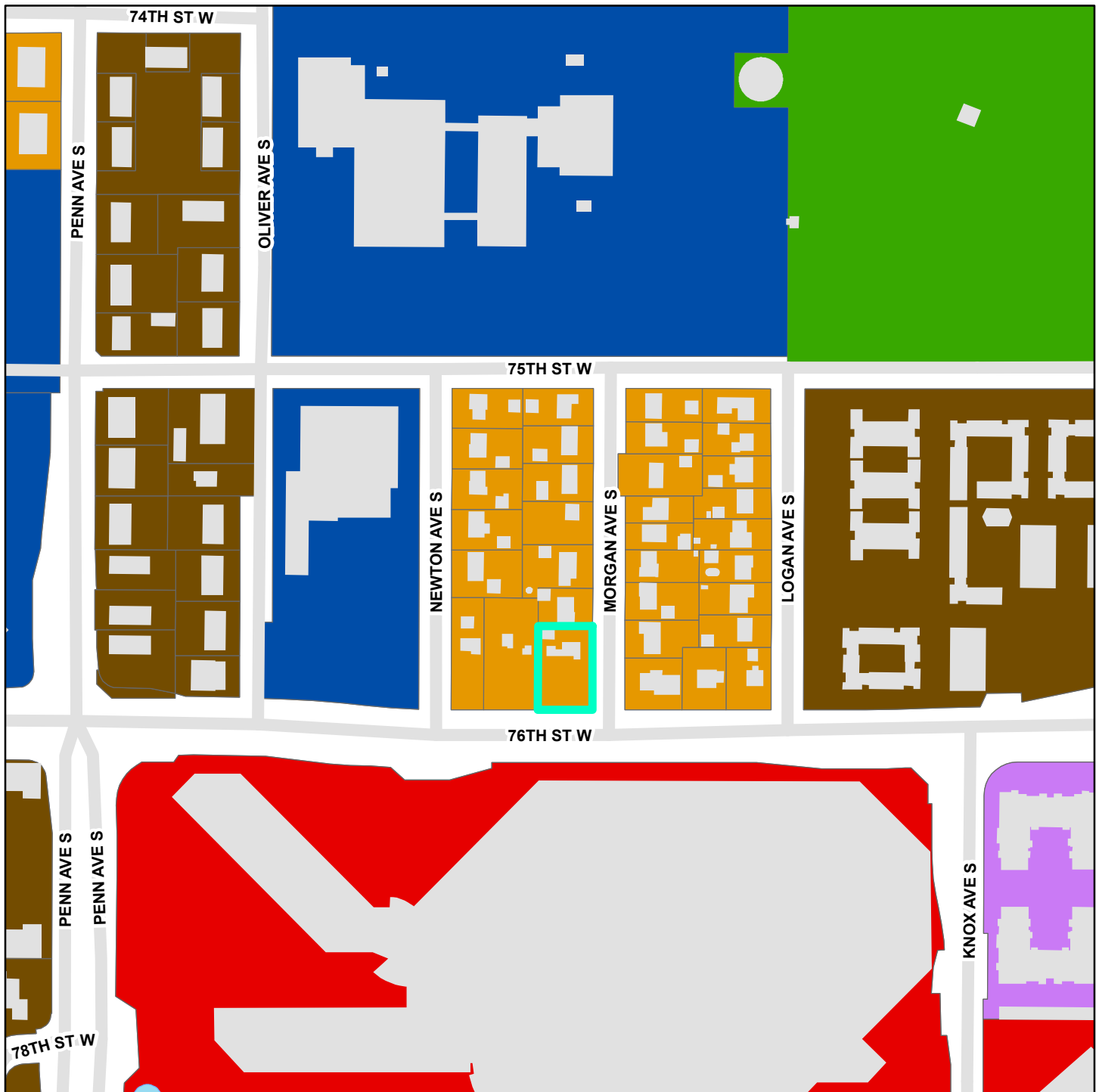
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|----------------------------------|--------------------------------|---------------------------------|
| Subject Property, 2000 W 76th St | MR-2 Multi-Family | PC-2 Planned General Commercial |
| Building Footprint | MR-3 High-Density Multi-Family | Parks |
| R Single-Family | C-2 General Commercial | |
| MR-1 Two-Family | | |





2000 - 76th Street West

2040 Comprehensive Plan Designations



2040 Planned Land Use

- | | |
|----------------------------|----------------------------------|
| Mixed Use | Quasi-Public |
| Regional Commercial | Subject Property, 2000 W 76th St |
| High Density Residential | |
| Medium Density Residential | |
| Park | |

