



**PLANNING COMMISSION MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
AUGUST 22, 2022  
7:00 PM  
REGULAR PLANNING COMMISSION MEETING**

Call to Order

Approval of the Minutes

- Regular Planning Commission Meeting Minutes of July 25, 2022.

Open Forum: Opportunity for the public to address the Commission on items not on the Agenda.

***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: 2457 073 4027 and password: 1234.***

**Agenda Approval**

1. Approval of the Agenda

**Public Hearings**

2. Public hearing to consider an ordinance amendment to regulations for electric vehicle charging.  
Staff Report No. 21

3. **Liaison Reports**

Community Services Advisory Commission City Council  
Housing and Redevelopment Authority (HRA) Richfield School Board  
Transportation Commission  
Chamber of Commerce  
Sustainability Commission

4. **City Planner's Reports**

5. Next Meeting Time and Location

Regular meeting on September 26, 2022, at 7pm in Council Chambers at City Hal

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 612-861-9738.**

**\*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](https://www.richfieldmn.gov/city_government/planning_commission/agendas_and_minutes.php)**



# PLANNING COMMISSION MEETING MINUTES Richfield, Minnesota

## Regular Planning Commission Meeting

### July 25, 2022

#### CALL TO ORDER

The meeting was called to order by Chair Rudolph at 7:00 p.m. in the Council Chambers.

Planning Commission Members Present: James Rudolph, Chair; Kathryn Quam; Brendan Kennealy; Brett Stursa; Benjamin Surma; and Cole Hooley

Planning Commission Members Absent: Eddie Holmwig-Johnson

Staff Present: Sam Crosby, Planner; Nellie Jerome, Assistant Planner; Katie Rodriguez, City Manager; Lance Bernard, Planning Consultant; Kari Sinning, City Clerk

Others Present:

#### APPROVAL OF MINUTES

M/Quam, S/Hooley to approve the minutes of the Regular Planning Commission Meeting of June 27, 2022.

Motion carried: 6-0

#### OPEN FORUM

Chair Rudolph reviewed the options to participate in the open forum. There were no public comments.

<b>ITEM #1</b>	<b>APPROVAL OF THE AGENDA</b>
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M/Stursa, S/Surma to approve the agenda.

Commissioner Quam stated that she would be stepping down from the Planning Commission and made a motion to add "Election of the New Vice Chair" to the agenda. Commissioner Stursa asked if there were bylaws regarding the election of a Vice Chair. Commissioner Quam clarified that there is nothing specifically stated in the bylaws to reelect a new vice chair. Chair Rudolph asked that this be moved to the next meeting to give time for commissioners to think about who to nominate. Commissioners agreed with Chair Rudolph. Commissioner Quam withdrew her motion.

Motion carried: 6-0

<b>ITEM #2</b>	<b>CONSIDER THE 2024-2027 CAPITAL IMPROVEMENT PROGRAM AND A FINDING OF CONSISTENCY WITH THE COMPREHENSIVE PLAN OF THE CAPITAL IMPROVEMENT PROGRAM AND THE 2023 CAPITAL IMPROVEMENT BUDGET. (STAFF REPORT NO. 18)</b>
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City Manager Rodriguez gave a brief presentation that overviewed the 2023 Capital Improvement Budget and the 2024-2027 Capital Improvement Plan.

Commissioner Hooley asked about the regional solicitation application process. City Manager Rodriguez stated that there are criteria for the application that we did not score well on compared to other projects that applied.

Commissioner Quam wondered about applying again for the funding. City Manager stated that we would continue to try to get funding.

Commissioner Surma asked about the segments of the streets that would be a part of the Public Works Capital Improvement Projects. City Manager stated that 69<sup>th</sup> Street would be between Penn Ave and Xerxes Ave; 70<sup>th</sup> Street between 2<sup>nd</sup> Ave and 5<sup>th</sup> Ave; and 76<sup>th</sup> Street between Sheridan Ave and Penn Ave.

Commissioner Hooley asked if what would happen if the funding falls through. City Manager Rodriguez says that we prioritize the projects that are most needed and we will keep trying to find funding.

M/Stursa, S/Quam to (1) recommend approval of the 2024-2027 Capital Improvement Program; and (2) adopt a resolution finding that the 2023 Capital Improvement Budget and 2024-2027 Capital Improvement Program are consistent with the Comprehensive Plan.

**PLANNING COMMISSION RESOLUTION NO. 244**

**RESOLUTION OF THE RICHFIELD PLANNING COMMISSION  
FINDING THAT THE 2023 CAPITAL IMPROVEMENT BUDGET AND  
2024-2027 CAPITAL IMPROVEMENT PROGRAM ARE IN  
CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Motion carried: 6-0

<b>ITEM #3</b>	<b>CONSIDERATION OF A RESOLUTION FINDING THAT THE CONVEYANCE OF REAL PROPERTY LOCATED AT 1710 - 78TH STREET EAST FROM THE CITY TO THE HOUSING AND REDEVELOPMENT AUTHORITY IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN. (STAFF REPORT NO. 19)</b>
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Assistant Planner Jerome presented Staff Report 19.

Commissioner Rudolph asked about the lot size. Assistant Planner Jerome stated that it would include 1600 and 1620 78<sup>th</sup> Street.

M/Stursa, S/Kennealy to approve a resolution finding that the conveyance of real property located at 1710 - 78th Street East to the Housing and Redevelopment Authority is in conformance with the Comprehensive Plan.

**PLANNING COMMISSION RESOLUTION NO. 245**

**RESOLUTION OF THE RICHFIELD PLANNING COMMISSION  
FINDING THAT THE CONVEYANCE OF REAL PROPERTY  
LOCATED AT 1710 - 78TH STREET EAST TO THE RICHFIELD HRA  
IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Motion carried: 6-0

<b>ITEM #4</b>	<b>CONDUCT A PUBLIC HEARING TO CONSIDER UPDATES TO THE CITY'S ZONING CODE SUBSECTION THAT REGULATES FENCES, WALLS, AND HEDGES. (STAFF REPORT NO. 20)</b>
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Consultant Bernard introduced himself and presented Staff Report 20.

Chair Rudolph brought up concerns where the fence post would be visible on both sides and asked if there would be specifications for the fence panels that would require the outer most facing post to be aesthetically pleasing to the adjacent neighbors. He also brought up a concern for clarification of the height requirement for the panels to start from the ground or to have a buffer. Another concern Chair Rudolph brought up was the grandfather date pertaining to fences installed before March 20, 1982. Consultant Bernard stated that there are opportunities to update the date to coincide with the general life cycle of a fence. Chair Rudolph asked about the application fee. Consultant Bernard stated that the fee is lower than a variance request with the current process.

Commissioner Kennealy asked what currently is charged for the Special Fence Exception application fee. Consultant Bernard stated that there has not been one because this is a new process.

Chair Rudolph clarified that there is no permit or application for a fence. Consultant Bernard stated that is correct and they do not propose one. Consultant Bernard also stated that the homeowner would make the best judgement upon the buffer size due to topography changes. Chair Rudolph stated that Bloomington's code allows for up to seven feet to allow for topography changes to give some flexibility. Assistant Planner Jerome stated the current code that defines the height of the fence.

Commissioner Quam asked about outreach to the community to make sure that they are following code. Consultant Bernard stated that if the ordinance gets approved there would be education materials and social media outreach. Commissioner Quam asked who would be enforcing the code compliance. Assistant Planner Jerome stated that most enforcement is done from complaints from neighbors and then a letter is sent to the property owner to inform them of the nonconformity to the code. Commissioner Quam also clarified if there is a retaining wall that the height starts from the ground. Assistant Planner Jerome stated the current code that the combined heights shall not exceed the permitted height if the fence is built upon the retaining wall directly.

Commissioner Surma asked for clarification of a through lot fencing and the special exception. Consultant Bernard explained that unique circumstances, such as through lots, would be taken into consideration and the homeowner could apply for the special exception versus the formal variance process. Commissioner Surma asked if this would only apply to fencing along the edges of the property. Assistant Planner Jerome stated that it would apply to fencing in the entire lot.

Commissioner Hooey asked if there is a reason that the special exception is only for through lots. Consultant Bernard stated that is only an exception for through lots in order to keep standards throughout the community.

Commissioner Stursa asked if there is a number of how many fences that might be affected by the new code. Consultant Bernard stated that they do not have an exact number and the fencing would be grandfathered in until they need to replace fence. Commissioner Stursa asked for clarification on where the fencing height requirement would change. Consultant Bernard referred to the example in the staff report.

Chair Rudolph opened the public hearing.

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

Motion carried: 6-0

Chair Rudolph asked if the changes discussed by the Commission tonight could be brought to another meeting before recommending it to Council because a lot of people would be affected by the changes. Consultant Bernard stated that the changes are minor and it is up to the Commission if they want to see the changes in the proposed code. Commissioner Stursa asked if there would be any timeline constrictions. Consultant Bernard stated that there is not a time restriction.

There was discussion between Commissioners Surma, Commissioner Stursa, and Chair Rudolph regarding how to propose amendments to staff. Consultant Bernard stated that the Commission could pass the recommended action with amendments tonight. Commissioner Quam was in support of making amendments to the recommended action and Chair Rudolph agreed.

Chair Rudolph stated that subsection twelve to be updated and there was discussion regarding the language of subsection twelve. Assistant Planner Jerome stated that any fence existing may continue to exist after this ordinance has been approved by Council and would only apply to any newly constructed fences. Commissioner Stursa recommended that subsection twelve be stricken from the ordinance. Commissioner Quam asked if there is any other subsection that states that newer fences would have to be in compliance. Assistant Planner Jerome stated the section of code that covers any pre-existing fences would be non-conforming. Chair Rudolph shared that he likes the clarity of the date in code which makes it easier for residents to read.

M/Quam, S/Kennealy to recommend approval of ordinance amendments to the City's Zoning Code to incorporate general provisions; modified height requirements for corner lots; and a special fence exception for through lots.

Motion carried: 5-1; Rudolph.

M/Rudolph, S/Quam to add an amendment for construction standards where fences are built on both sides where posts are facing both sides would be allowable under the code as integral to the fence itself. Commissioner Hooey shared his preference to make the code less restrictive. Chair Rudolph asked if it would be easier in an amendment not to require the fence post to be on the inside. Commissioner Hooey stated that he did not want to put limits on the self-expression of fence design choices. Commissioner Stursa stressed the point of being a good neighbor to build fences facing outward which the code could enforce. Consultant Bernard stated that there is language within the code that has the finished fence facing away from the center of the lot and also pointed out subdivision nine. After noticing subdivision nine, Chair Rudolph withdrew the motion.

Motion withdrawn.

M/Rudolph, S/Quam to amend subsection twelve to state the date of adoption by City Council and that pre-existing fences may continue to be maintained and repaired. Commissioner Hooey stated that he would prefer the language be struck from the code to be more simplistic. Chair Rudolph stated that the date would be more clear to the residents to make it simple for them. Commissioner Surma understood both sides of the argument and was fine with the motion as it was not adding a new section but updating the current code. Commissioner Quam echoed the comments of Commissioner Surma and stated that this is probably one of the most read city code. Planner Crosby reminded the Commission of the other subsection that states the start dates and that there could be potential confusion which might not be helpful to residents. Planner Crosby recommended that for clarity the best option would be to strike the language from the code. Commissioner Hooey asked if there could be clarification in the handouts for residents so that the language is clear to residents. Chair Rudolph shared that the handouts are helpful and the code is the final say for a lot of homeowners and builders. After hearing the comments from Planner Crosby, Commissioner Quam was in favor of striking the subsection twelve to reduce confusion.

Motion fails: 2-4; Stursa, Hooey, Quam, Kennealy.

M/Quam; S/Kennealy for an amendment to stike subsection twelve.

Motion carried: 5-1; Rudolph.

<b>ITEM #5</b>	<b>LIAISON REPORTS</b>
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- Community Services Commission: No report.
- City Council: No report.
- Housing and Development Authority (HRA): Commissioner Stursa mentioned the July 12 meeting of the HRA to support a tax credit application for proposed mixed use development by Minnesota Independence College and Community.
- Richfield School Board: (vacant)
- Transportation Commission: No report.
- Chamber of Commerce: (vacant)
- Sustainability Commission: Commissioner Kennealy shared that the audit conducted by the Sustainability Commission found that 96% of the materials in compost are actually compostable. He shared that there were more requests from residents to clean up the city parks and the city is looking into doing more frequent cleanups with volunteers. He also mentioned the city proposed community gardens and round up program at liquor store for trees at Donaldson Park.

<b>ITEM #6</b>	<b>CITY PLANNER’S REPORT</b>
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Assistant Planner Jerome introduced Sam Crosby, Planner II who gave a brief introduction. The Commission welcomed Sam to the City.

<b>ITEM #7</b>	<b>NEXT MEETING TIME AND LOCATION</b>
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The next regular meeting is scheduled for Monday, August 22, 2022 at 7 p.m. in the Council Chambers at the Richfield Municipal Center.

<b>ITEM #8</b>	<b>ADJOURNMENT</b>
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Chair Rudolph thanked Commissioner Quam for her leadership and her work for the City.

M/Stursa, S/Hooey to adjourn the meeting.

The meeting was adjourned by unanimous consent at 8:23 p.m.

Motion carried: 6-0

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Brendan Kennealy  
 Planning Commission Secretary

Submitted by:

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Kari Sinning  
 City Clerk



## PLANNING COMMISSION MEETING 8/22/2022

REPORT PREPARED BY: Nellie Jerome, Assistant Planner

CITY PLANNER REVIEW: Melissa Poehlman, Community Development Director  
8/18/2022

### **ITEM FOR COMMISSION CONSIDERATION:**

**Public hearing to consider an ordinance amendment to regulations for electric vehicle charging.**

### **EXECUTIVE SUMMARY:**

This ordinance amendment would remove requirements that electric vehicle (EV) chargers be installed in enclosed parking areas. The amendment would generally maintain the minimum amount of chargers required and would not change any other dimensional or installation requirements. This amendment will better align the EV charging rules with the State Building Code.

Because the current EV ordinance essentially requires that built structures include EV infrastructure, it goes above and beyond the requirements for structures in the Minnesota building code, which is not allowed according to State Statute 326B.121. Staff has reviewed our ordinance and finds that the removal of the word "enclosed" will prevent the City's EV ordinance from being challenged in relation to the State building code. Developers would still have the option to meet the requirement through enclosed stalls, but it would not be required.

Staff has also reviewed the requirement for conduit installation in residential uses with 4-14 units and with 15 or more units. The recommended change in wording will require at least 50% all of parking spaces to be built with EV charger conduit, instead of the previous wording which required 100% of enclosed spaces to have conduit. The required ratio of 50% is intended to maintain the approximate required quantity of EV-ready stalls. Staff recommends approval of the ordinance change to bring our City's EV standards in line with the MN Building Code.

### **RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: recommend approval of an ordinance amendment for electric vehicle charging standards.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

An ordinance amendment establishing standards for EV chargers was passed by the City Council on March 8, 2022.

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

Subsection 544.13 of the Richfield Zoning Code establishes standards for electric vehicle chargers

#### **C. CRITICAL TIMING ISSUES:**

None.



**D. FINANCIAL IMPACT:**

None.

**E. LEGAL CONSIDERATION:**

State Statute 326B.121, Subdivision 2, part (c) states that “A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code. [...]”

**ALTERNATIVE RECOMMENDATION(S):**

- Recommend denial of an ordinance amendment for electric vehicle charging standards.
- Recommend approval with amendments of an ordinance amendment for electric vehicle charging standards.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None.

**ATTACHMENTS:**

Description	Type
□ Ordinance	Ordinance

BILL NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE  
REGULATIONS AMENDING REGULATIONS  
FOR ELECTRIC VEHICLE CHARGERS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1. **Subsection 544.13, Subdivision 7, of the Richfield Zoning Code is amended as follows:**

**Subd. 7. Electric Vehicle Charger Requirements**

- a) Purpose. Ensuring that electric vehicle (“EV”) charging serves both short- and long-term parking needs throughout the city, while limiting adverse impacts of EV chargers, reducing emissions, and improving environmental health outcomes in our community.
- b) EV charger level descriptions:
  - i. Level-1 (or “L1”) is considered slow charging and includes a range from zero (0) volts to one hundred twenty (120) volts.
  - ii. Level-2 (or “L2”) is considered medium charging and includes a range from one hundred twenty (120) volts to two hundred forty (240) volts.
  - iii. Level-3 (or “L3”) is considered fast or rapid charging and includes a range of greater than two hundred forty (240) volts.
- c) EV-ready spaces and EV parking space standards:
  - i. EV-ready spaces shall require appropriate electrical capacity and conduits to support future EV chargers. Appropriate electrical capacity and conduits shall allow for future simultaneous charging of all future installed chargers. EV-ready spaces shall not require an installed charger unit.
  - ii. EV charger installation in excess of any minimum requirements may be substituted for up to five (5) percent of minimum off-street parking requirements. One (1) L2 or L3 charger is equivalent to one (1) parking space.
  - iii. EV charger locations and standards:
    - 1) EV chargers must be located in a parking island, mounted to an adjacent pedestal or similar structure, or protected by bollards, structures, or a curb if located in a parking lot.
    - 2) EV chargers shall be set back at least three (3) feet from any lot line abutting another parcel. However, upon written request from the property owner, the Director may reduce or rescind this setback requirement for shared access agreements or pursuant to a finding of necessity and public convenience.

- 3) EV chargers located along an alley, or located adjacent to a right-of-way which contains a public sidewalk, shall be set back at least three (3) feet from the nearest edge of such alley or sidewalk. When adjacent to the right-of-way, the location must be approved by the Director of Public Works. EV chargers may be located in the right-of-way, with permission from the Director of Public Works. EV chargers mounted on pedestals, light posts, bollards, or other devices for on-street charging stations shall be designed and located as to not impede pedestrian travel or create hazards within the right-of-way.
  - 4) EV chargers shall be set back at least twenty-four (24) inches from the face of any adjacent curb.
  - 5) EV chargers shall be mounted in a manner that allows for any cords to be retractable or hung sufficiently above any pedestrian surface.
  - 6) EV chargers shall be installed pursuant to manufacturer specification and shall comply with all applicable building codes and relevant Americans with Disabilities Act (ADA) requirements.
  - 7) When an EV charger is not operational for thirty (30) consecutive days, it shall be considered to be removed from service.
  - 8) EV chargers must be operational during the normal business hours of the use(s) served. EV chargers may be de-energized or otherwise restricted after normal business hours of the use(s) served.
- d) Minimum requirements for EV chargers and EV-ready spaces by land use are as follows:

<b>USE</b>	<b>INSTALLED EV CHARGING STATIONS*</b>	<b>EV-READY SPACES*</b>	<b>ADDITIONAL REQUIREMENTS</b>
Residential uses with up to 3 units	At least one (1) <del>enclosed</del> space shall support L1 charging.		
Residential uses with 4 to 14 units	Ten (10) percent of <del>enclosed</del> parking spaces shall support L1 charging.	Two (2) spaces capable of L2 or L3 charging. <u>A minimum of fifty (50) percent of</u> <del>All</del> remaining <del>enclosed</del> spaces capable of L1 charging.	
Residential uses with 15 units or more	Ten (10) percent of parking spaces shall support L2	Twenty (20) percent of spaces capable of L2 or L3 charging. <u>A minimum of fifty (50) percent of</u> <del>All</del>	At least one ADA parking space shall have access to an

	charging.	remaining <del>enclosed</del> spaces capable of L1 charging.	installed EV charger.
Non-residential uses with up to twenty (20) spaces	One (1) space shall support L2 or L3 charging	Ten (10) percent of spaces capable of L2 or L3 charging.	
Non-residential uses with twenty-one (21) or more off-street parking spaces	Five (5) percent of parking spaces shall support L2 or L3 charging.	Twenty (20) percent of spaces capable of L2 charging. At least 1 space capable of L3 charging.	At least one ADA parking space shall have access to an EV charger.

\*If calculation results in a fraction, the next higher whole number shall be used.

- e) The minimum number of EV chargers may be reduced by the Director if proof can be provided that such spaces will not be used.

Section 5. This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 27 day of September, 2022.

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 Maria Regan-Gonzalez, Mayor

ATTEST:

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 Kari Sinning, City Clerk