



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
MAY 22, 2023
7:00 PM**

Call to Order

Approval of the Minutes

Approval of the minutes of the: 1) Planning Commission meeting of March 27, 2023; and 2) Planning Commission work session of April 24, 2023.

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: 2630 275 4967 and password: 1234.

Agenda Approval

1. Approval of the Agenda

Other Business

2. Review of the Planning Commission Bylaws. This item was tabled from the March Planning Commission meeting for lack of attendance.

Staff Report No. 8

Public Hearings

3. Public Hearing to consider a two-part request: site plan review and a two-stall parking variance for Afghan Halal Supermarket at 6626 Penn Avenue South.

Staff Report No. 9

Liaison Reports

- 4.

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

On April 25th the City Council approved a one-year time extension of the land use approvals for Richfield Flats - the 4-story, 55-unit apartment building by developer MWF, at 7700 Pillsbury Avenue south.

No land use cases have yet been submitted for review at the June meeting, therefore, it will likely be canceled.

6. Next Meeting Time and Location

Possible work session on July 24, 2023 at 6:00 p.m. in the Bartholomew Room at City Hall

Regular meeting on July 24, 2023 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



PLANNING COMMISSION MEETING MINUTES

Richfield, Minnesota

Regular Planning Commission Meeting

March 27, 2023

CALL TO ORDER

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

Planning Commission Members Present: Brendan Kennealy (Acting Chair), Benjamin Surma, Cole Hooey, and Matt Taraldsen

Planning Commissioners Excused: Brett Stursa, James Rudolph, and Eddie Holmvgig-Johnson

Staff Present: Sam Crosby, Planner II; and Nellie Jerome, Planner I;

Others Present: Dr. Michael Wallerich for Item #3

APPROVAL OF MINUTES

Commissioner Surma questioned whether the vote on the PUD ordinance was in fact 6-0, as he thought he recalled a dissenting vote. Hooey recollected the same. Surma pointed out that the outcome of the item does not change.

M/Hooey, S/Surma to approve the minutes of the Regular Planning Commission Meeting of February 27, 2023 with the caveat that staff verify with Commissioner Rudolph how he voted.

Motion carried: 4-0.

OPEN FORUM

Acting Chair Kennealy reviewed the options to participate in the open forum. There were no callers or speakers.

ITEM #1

APPROVAL OF THE AGENDA

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

Motion carried: 4-0.

ITEM #2**REVIEW OF PLANNING COMMISSION BYLAWS.**

Planner II Crosby presented Staff Report No. 6.

Surma pointed out that a super-majority vote of the entire Commission is required to amend the bylaws and therefore, the item cannot be decided upon tonight.

M/Surma, S/ Taraldsen to table the item until the next Planning Commission meeting.

Motion carried: 4-0.

ITEM #3**CONSIDERATION OF A REQUEST FOR SITE PLAN APPROVAL AT 817 66TH STREET EAST FOR AN OPTOMETRIST CLINIC**

Planner I Jerome presented Staff Report No. 7, pointing out that a letter from Gary Olson, indicating support, was received earlier today, a copy of which was placed at the Commissioner's chairs. (Also attached hereto.)

After a couple questions of staff, Acting Chair Kennealy opened the public hearing.

The applicant, Michael Wallerich, addressed the Commission. He currently has two clinics, one in Eden Prairie and one in St. Paul. He pointed out that the Richfield area is down 4.5 full time optometrists for it's population size. He believes the practice will be well-received.

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

Motion carried: 4-0.

M/Taraldsen, S/Hooey to approved the request as presented by staff.

Motion carried: 4-0

ITEM #4**LIAISON REPORTS**

- Community Services Commission: Rudolph was absent.
- City Council: Commissioner Kennealy reported that the Council approved a first reading of the ordinance amendment to eliminate the minimum lot size requirement for a PUD. They also considered the approval of a CDC prevention and infrastructure grant, and considered awarding American Rescue Plan Act funding grants to non-profit organizations.
- Housing and Redevelopment Authority (HRA): Stursa was absent.
- Richfield School Board: Holmvig-Johnson was absent.
- Transportation Commission: Surma had no report.
- Chamber of Commerce: Hooey had no report.
- Sustainability Commission: Taraldsen had not report.

ITEM #6	CITY PLANNER'S REPORT
----------------	------------------------------

Planner II Crosby reiterated that the City Council approved the first reading of the ordinance amendment to eliminate the minimum lot size requirement for a Planned Unit Development at the March 14 City Council meeting. There was no discussion. The second reading will be held on Tuesday, March 28th.

ITEM #7	NEXT MEETING TIME AND LOCATION
----------------	---------------------------------------

A Planning Commission work session is scheduled for April 24, 2023, at 6:00 pm in the Bartholomew Room at City Hall. The next regular meeting is scheduled for Monday, April 24, 2023, at 7:00 p.m. in the Council Chambers at the Richfield City Hall, but there are no applicants as of yet, so it might be canceled.

ITEM #6	ADJOURNMENT
----------------	--------------------

M/Surma, S/Taraldsen to adjourn the meeting.

Motion carried: 4-0 and the meeting was adjourned at 7:23 p.m.

Submitted by:

Sam Crosby
Planner II

Brendan Kennealy
Planning Commission Vice Chair

From: Joan Olson <olson0219@yahoo.com>
Sent: Sunday, March 26, 2023 9:04 PM
To: Nellie Jerome <NJerome@richfieldmn.gov>
Subject: Planning Commission Public Comment - 3/27/23 Hearing

The undersigned has resided at the address below since 1947 and is familiar with the use of the property located on 66th Street between Chicago and Elliot Avenues. The property was occupied by a nursery prior to the day my parents moved into our house. Otherwise, it would most likely be residential property to date. There are no other commercial properties between the service station on Portland Avenue and the automobile parts store and laundromat on 12th Avenue. Basically, the property, which is the subject to be addressed at the hearing, is a commercial island in a residential neighborhood.

As you might be aware, I have been opposed to several of the proposed conditional use permit applications over the past couple of decades for portions of the adjacent property on Chicago Avenue. Although approved by the Planning Commission and City Council, conditions imposed at the request of adjacent property owners resulted in none of the businesses ever opening their doors.

With respect to the present site plan for the property located at 817 - 66th Street East, I find myself impressed the City of Richfield has found such an appropriate use for a commercial property in a residential neighborhood. An optometry clinic should add no noise in the neighborhood, additional traffic on 66th Street, street parking problems, public safety concerns or other negative factors that I can identify at this point in time.

Absent, the use of a 50 ft. high sign, strobe lighting or outdoor bagpipe music, I see no reasonable objection to the site plan.

Now might be a good time for you, Melissa and staff to address development of the stretch of 66th Street from 12th Avenue to 16th Avenue. With the exception of the Montessori school and day care center on Bloomington Avenue and Church on 16th Street, this is a truly blighted area. Some of the buildings are older than me.

Thank you for your consideration.

Gary Olson
6633 Columbus Av. S.
612-869-0418



Work Session Minutes

Planning Commission

April 24, 2023

PC MEMBERS PRESENT: Chair Eddie Holmwig-Johnson, and Commissioners Brendan Kennealy, Brett Stursa, Benjamin Surma, James Rudolph, Cole Hooey and Matt Taralsden

STAFF PRESENT: Samantha Crosby, Planner II; Nellie Jerome, Planner I

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

ITEM #1 Presentation and discussion of the roles and responsibilities of the Planning Commission.

Planner Crosby presented an overview of land use and zoning within the City of Richfield, including the authority under which the Planning Commission operates, and recommended meeting guidelines. The Commission discussed the amount of discretion inherent in different types of requests, the different methods of communication with the public, and meeting protocols. The Commission then practiced said protocols by running through a mock meeting agenda.

ADJOURNMENT

The meeting was adjourned by unanimous consent at **7:05 p.m.**

Submitted by:

Sam Crosby
Planner II

Eddie Holmwig-Johnson
Planning Commission Chair

AGENDA SECTION:	Other Business
AGENDA ITEM #	2.
CASE NO.:	Staff Report No. 8



PLANNING COMMISSION MEETING

5/22/2023

REPORT PREPARED BY: Sam Crosby, Planner II

DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
5/8/2023

ITEM FOR COMMISSION CONSIDERATION:

Review of the Planning Commission Bylaws. This item was tabled from the March Planning Commission meeting for lack of attendance.

EXECUTIVE SUMMARY:

Part 3, Section 3 of the Planning Commission Bylaws requires review of the Bylaws each year. This year it was pointed out that the Commission's standard agenda order does not align with the Bylaws. The agenda typically has only the approval of the minutes before the open forum. Under Section 7.a "Format of Meeting" the Bylaws call for the approval of both the minutes and the agenda before the open forum.

There are a few reasons to amend the Bylaws to match our current practice. The first is that the open forum is in the same place on other agendas, such as the City Council's agenda. This consistency in format is helpful for the public. The second is that the open forum may influence the agenda; although it is rare, the Commission may wish to amend the agenda based on the forum comments. Third, the software program we utilize for the agenda was created by an outside company and is not easily corrected. Finally, in general, it is just considerate practice to hear the public as quickly as possible, not to keep them waiting unnecessarily.

RECOMMENDED ACTION:

By motion: Approve the revised Planning Commission Bylaws.

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:

None

D. FINANCIAL IMPACT:

None

E. LEGAL CONSIDERATION:

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description	Type
☐ 05222023 Proposed Bylaw Revisions	Backup Material
☐ City Code Section 305	Backup Material

**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) Approval of Agenda~~
- 4 ~~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

Chairperson, Richfield Planning Commission

Secretary, Richfield Planning Commission

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.

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	3.
CASE NO.:	Staff Report No. 9



PLANNING COMMISSION MEETING

5/22/2023

REPORT PREPARED BY: Sam Crosby, Planner II

DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
5/16/2023

ITEM FOR COMMISSION CONSIDERATION:

Public Hearing to consider a two-part request: site plan review and a two-stall parking variance for Afghan Halal Supermarket at 6626 Penn Avenue South.

EXECUTIVE SUMMARY:

Afghan Halal Supermarket (Applicant) is proposing to locate at 6626 Penn Avenue South. The property is zoned Mixed Use – Community (MU-C) within the Penn Avenue Corridor (PAC) overlay. The proposed use is permitted in this zoning district; site plan approval is required because the use of the property is changing.

The on-street parking on Penn Avenue begins in front of the subject site and continues southward. Two on-street stalls are located directly in front of the property. The request includes a Council determination to allow the use of on-street parking towards off-street parking requirements, as further outlined in the Policies section, below.

The parking variance is somewhat of a technicality, as the City's Zoning Code does not permit tandem spaces. The drive aisle along the north side of the building is not required for vehicular circulation or emergency vehicle access. The drive aisle can accommodate four cars, but three of them do not "count" because they are tandem. The Applicant anticipates four employees. Staff finds that allowing the drive aisle to be designated as "employee parking only" is appropriate justification for the two-stall variance. Staff recommends that it be signed as such and be striped with arrows indicating one-way east bound traffic flow.

The requested use includes a takeout area toward the back of the store; most grocery stores have a deli counter with pre-made foods. No seating is proposed and will be included as a condition of approval.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of the proposed site plan and parking variance for 6626 Penn Avenue South.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

-
- The 5,905 square foot parcel is almost entirely impervious; it has been so since developed in 1947 according to Hennepin County aerial records. The building currently contains two tenant spaces: the south half of the building is Northland Staffing Solutions (office), the north half of the building is vacant, but was previously Beta World (retail). Retail requires only slightly more parking per square foot than office. Health clubs, coffee shops, veterinary and medical clinics, and

restaurants all require more parking than retail. So the proposed use is one of the less intensive change of uses possible. It stifles business if there isn't a little flexibility in the potential use of available space. The applicant has the property under contract for purchase contingent upon zoning approval.

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

- Zoning Code Section 547.13 establishes requirements for site plan review. The Applicant is improving the property by restriping the parking stalls, adding bicycle parking and repairing the failing retaining wall. The attached findings of fact provide further support for staff's recommendation for approval.
- Zoning Code Section 544.13, "Vehicle parking and loading requirements", Subd.6, establishes requirements for parking minimums based on the use of the property. A total of eleven parking stalls are required for the proposed use (2,700 sq. ft. of retail at four stalls per 1,000 sq. ft.). With the 10% (one stall) reduction for proximity to transit (any parcel which is located within 1/4 mile of a frequently operating transit line) and the 5% (one stall) reduction in exchange for excess bike parking (four bicycle spaces is equivalent to one car parking space), the minimum number of required off-street parking spaces is reduced to nine.
- Subd.9.d of the same Code Section, "Parking for retail and service uses may be reduced if on-street parking is adjacent to the parcel and where all of the following conditions exist:
 - i. The principal building is located within 20 feet of the front property line [complies];
 - ii. No parking exists between the front face of the principal building and the street [complies];
 - iii. A sidewalk exists along all sides of the lot that abut a public street [complies];
 - iv. A primary building entrance must face the street with parking [complies]; and
 - v. If the Council finds that such parking will not be detrimental to the surrounding neighborhood."With this provision applied, the on-site parking requirement decreases from nine to seven.
- Per Code, only five of the on-site stalls may be counted, hence the two stall variance.
- Zoning Code Section 547.11 establishes the requirements for Variances. As mentioned in the executive summary, staff supports the requested variance based on the presence of three tandem stalls. The attached findings of fact provide further support staff's recommendation for approval.
- Zoning Code Section 544.27 Subd.1 - All new uses that contain cooking apparatus which necessitates the installation of a Type 1 Ventilation Hood and which abut (or are located within 150 feet even if not abutting) existing residential property shall install professionally-designed odor control remedies. If triggered, details must be included on the building plans prior to the issuance of a building permit.
- Zoning Code Section 544.05. – Refuse collection, recycling and utilitarian elements shall be designed into the interior space of buildings or adequately screened from view. How the Applicant plans to comply must be detailed on the building plans prior to the issuance of a building permit.

C. CRITICAL TIMING ISSUES:

The statutory 60 day review period started when a complete application was received on May 5, 2023. Therefore, the 60-day clock ends on July 3, 2023.

D. FINANCIAL IMPACT:

None; required application fees have been paid.

E. LEGAL CONSIDERATION:

- Notice of the public hearing was published in the Sun Current newspaper on May 11, 2023, and was mailed to properties within 350 feet of the subject site.
- Council consideration of this request has been tentatively scheduled for June 13, 2023.

ALTERNATIVE RECOMMENDATION(S):

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

PRINCIPAL PARTIES EXPECTED AT MEETING:

Sahil Masehullah, owner and Tunde Shonoiki, Realtor.

ATTACHMENTS:

Description	Type
▣ Resolution of Approval - Site Plan & Variances	Resolution Letter
▣ Required Findings Statement	Backup Material
▣ Zoning/Location Map	Exhibit
▣ Applicant's Request Letter	Backup Material
▣ Architect's Written Narrative	Backup Material
▣ Site Plan	Backup Material
▣ Floor Plans	Backup Material
▣ Grocery Store Half Mile Walkshed Map	Backup Material

RESOLUTION NO. _____

**RESOLUTION APPROVING A SITE PLAN AND
A TWO STALL PARKING VARIANCE
AT 6626 PENN AVENUE SOUTH**

WHEREAS, an application has been filed by Afghan Halal Supermarket with the City of Richfield which requests approval of a two stall off-street parking variance, and a proposed site plan for a partial change of use from office to retail at 6626 Penn Avenue South, property legally described as:

LOT 8, BLOCK 1, TINGDALE BROS., LINCOLN HILLS, HENNEPIN COUNTY,
MINNESOTA

WHEREAS, the Planning Commission of the City of Richfield held a public hearing at its May 22, 2023 meeting and recommended approval of the requested site plan and variance; and

WHEREAS, the property is currently half retail, half office; and

WHEREAS, Zoning Code Section 544.13, Subdivision 6, establishes the minimum number of required off-street parking spaces, which totals eleven spaces for the property to be entirely retail; and

WHEREAS, Zoning Code Section 544.13, Subdivision 8, allows a reduction of five percent of the number of required off-street parking spaces for excess bike parking (four bicycle spaces is equivalent to one parking space) and ten percent for proximity to transit (any parcel which is located within a quarter mile of a frequently operating transit line), bringing the total required off-street parking spaces down to nine; and

WHEREAS, Zoning Code Section 544.13, Subdivision 9.d, allows the City Council to approve adjacent on-street parking to count towards off-street requirements for retail and service uses, and there are two on-street spaces directly in front of the subject site, bringing the total requirement for off-street parking spaces down to seven; and

WHEREAS, there are five parking stalls available on site, and the applicant has agreed to reserve the drive aisle along the north side of the building for tandem parking by employees only, creating space for three additional cars; 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 May 11, 2023; and,

WHEREAS, the City has fully considered the request;

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. The City Council further adopts as its Findings of Fact the findings listed in the Required Findings Statement.
3. The request to count two on-street parking stalls towards off-street parking requirements, site plan approval, and a two-stall parking variance are all hereby approved subject to the following conditions:
 - a. No seating is proposed or approved.
 - b. All required parking spaces shall remain available year-round and shall not be used for snow storage.
 - c. The north side drive aisle shall be used as employee parking only and shall be signed as such.
 - d. Odor control, and if necessary associated screening, shall be provided per code.
 - e. Trash and recycling shall be fully enclosed or stored inside the building per code.
 - f. Separate sign permits are required for any new or relocated sign greater than six square feet in size.
 - g. The applicant is responsible for obtaining all required permits, and compliance with all other City, County and State regulations.
 - h. No lighting changes are proposed or approved.

Prior to the issuance of a building permit, the applicant shall:

- i. Provide a SAC determination from the Met Council.
- j. Provide proof of having recorded a copy of this resolution of approval.
- k. Provide bike rack specs and a close-up dimensioned diagram of the installation area for staff review and approval.
- l. Indicate how trash and recycling will be handled.

Prior to the issuance of a Certificate of Occupancy, the applicant shall:

- m. Either provide a surety equal to 125% of the value of any improvements not yet complete, or:
 - n. All parking areas must restriped,
 - o. The retaining wall shall be repaired,
 - p. Bike racks shall be installed according to manufacturer's specifications,
 - q. Odor control shall be installed,
 - r. All required screening shall be installed, and
 - s. All directional signage shall be installed.
4. This approval 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 applicant, the Council extends the expiration date for an additional period, as required by the Zoning Ordinance, Section 547.13, Subd. 9.

Adopted by the City Council of the City of Richfield, Minnesota this 13th day of June, 2023.

Mary B. Supple, Mayor

ATTEST:

Dustin Leslie, City Clerk

Required Findings

Afghan Halal Supermarket / 6626 Penn Avenue South

Part 1 - Site Plan Approval (Subsection 547.13) In evaluating a site plan, the Planning Commission and Council shall consider its compliance with the following:

- a) *Consistency with the various elements and objectives of the City's long range plans including, but not limited to, the Comprehensive Plan.*

While the Penn Avenue Corridor is intended for redevelopment, redevelopment is not eminent. The proposed changes improve the property as much as possible given existing conditions and will help span the gap between current day and future redevelopment.

Objective 2.4 of Goal 6 of the Climate Action Plan is: "Measure proximity of grocery stores to residential areas, specifically pedestrian access within a half-mile radius of grocery stores. Use this information in program development to focus on increasing equity." Staff created the attached Grocery Store Half Mile Walkshed Map and found that the proposed supermarket would help to fill a gap near the "equator" of the City. The City's 2040 Comprehensive Plan has both social equity and health equity as foundational principles. Ethnic grocery stores increase equity because people are able to recognize healthy food choices through their own food traditions. Consequently, the proposed use is consistent with long range plans and objectives.

- b) *Consistency with the purposes of the Zoning Code.*

The proposed grocery store is allowed in the MU-C zoning district and is otherwise consistent with purpose and intent of the Zoning Code. Mixed use is desired but not required for sites less than 2 acres in size.

- c) *Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas.*

N/A - The site is not being developed or redeveloped; the building is simply being remodeled.

- d) *Creation of a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development.*

N/A – No exterior changes are proposed beyond maintenance.

- e) *Creation of a functional and harmonious design for structures and site features including:*

- i. *Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors, and the general community;*

N/A - No external changes proposed.

- ii. *Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development;*

N/A – The property does not contain open space and no changes are proposed.

- iii. *Appropriateness of the materials, textures, colors and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions;*

N/A – no exterior changes are proposed, any rooftop mechanical equipment will be located away from view or screened.

- iv. *Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of*

proposed buildings, structures and neighboring properties.

The proposal improves bike parking - both required and extra exterior bicycle parking will be installed.

- f) *Creation of an energy-conserving design through design location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading.*

N/A – No changes are proposed.

- g) *Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.*

There are no exterior changes and no negative aspects of the design are expected to affect neighboring properties.

Part 2 – Parking Variance: (Subsection 547.11) In evaluating a variance, the Planning Commission and Council shall consider the following:

- a) *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.*

In the continuum of parking demand, an office use is the mid to low end of the spectrum. The size of the building relative to the lot is an existing condition which creates a difficulty if the owner desires to convert the building use to anything more parking-intensive than office. The Applicant proposes to use the property in a reasonable manner and the considerations are not economic in nature.

- b) *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.*

The existing conditions may be similar to other properties in the immediately surrounding area, however, they were not created by the Applicant.

- c) *The variance would not alter the character of the neighborhood or the locality.*

Being that the drive aisle along the north side of the building will be used for employee parking in an amount equivalent to, or in excess of, the size of the variance being requested, the variance is not anticipated to alter the character of the neighborhood.

- d) *The variance is the minimum necessary to alleviate the practical difficulty.*

To the extent possible, the Applicant has tried to maximize the amount of parking on site to ensure that the requested variance is the minimum variance necessary to alleviate the difficulty.

- e) *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.*

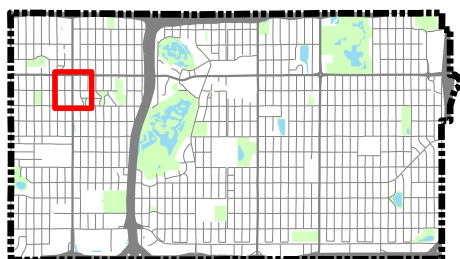
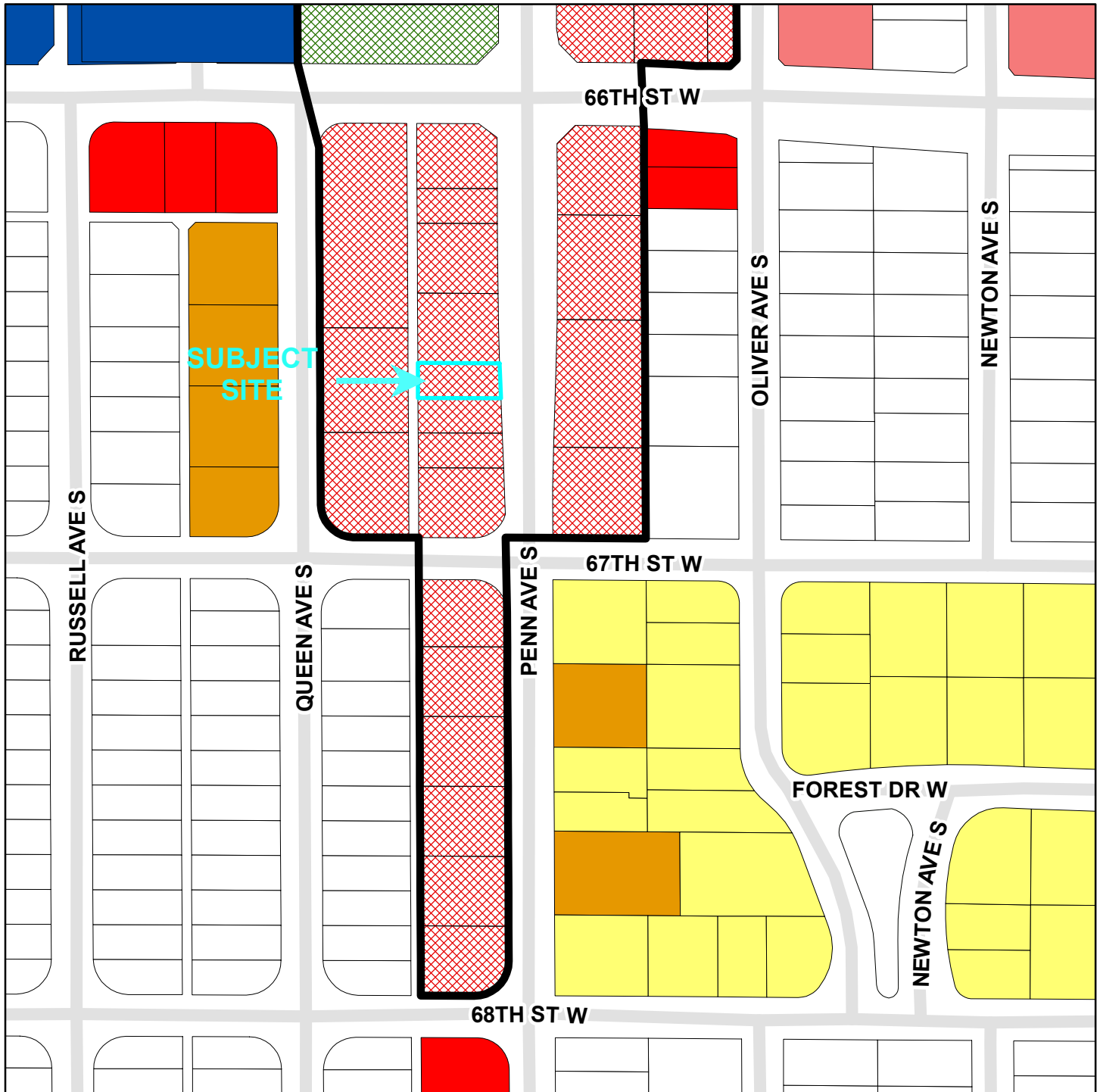
In relation to the zoning ordinance, the purpose and intent of the Penn Avenue Corridor District is to “provide for a balanced mix of commercial, office and residential uses that together create a cohesive and pedestrian-friendly area.” The creation of a grocery store further south on Penn Avenue helps to serve an area not currently within a half mile walk of another grocery store, improving the “pedestrian friendliness” of the area. In relation to the Comprehensive Plan, while the Penn Avenue Corridor is intended for redevelopment, redevelopment is not eminent. The subject use will help span the gap between current day and future redevelopment.



6626 Penn Avenue South

Location and Zoning Map

Afghan Halal Supermarket



Legend

- Penn Ave Corridor Overlay
- R Single-Family
- PMR Planned Multi-Family
- MR-2 Multi-Family
- MR-3 High-Density Multi-Family

- C-1 Community Commercial
- C-2 General Commercial
- PMU Planned Mixed Use
- MU-C Mixed Use-Community

0 105 210 420 ft



To the Distinguished Members of Planning Commission and Richfield City Council:

I am writing to express the importance of establishing an Afghan ethnic grocery store for the Afghan community in the city of Richfield. As a member of the Afghan community living in Minnesota, I understand the challenges that our community is facing, especially with the recent collapse of the republic government of Afghanistan.

The state of Minnesota has announced that it will welcome 2000 immigrants and refugees from Afghanistan, and so far, around 1700 individuals have resided in Minnesota, with the majority of these families living around the twin cities. As per our estimate, around 200 families are living from south Minneapolis to Burnsville, Minnesota.

One of the major challenges that this newly established community is facing is accessing culturally oriented groceries. While some stores that have similar groceries are located on Central Ave in North Minneapolis, the majority of these families don't have reliable transportation and have to spend hours on public transportation to obtain their cultural food. This affects their ability to work full-time jobs and support their families.

To address this issue, we plan to help the community and open a store in Richfield. The store will not only serve the Afghan community in Richfield but also serve community members from Bloomington, Edina, Burnsville, and south of Minneapolis. This opportunity will enable the Afghan community to have access to all kinds of cultural food and products, save them time, and mitigate transportation issues.

An Afghan ethnic grocery store would not only provide access to unique and delicious foods, but it would also be a place where people can come together and share their love of food and culture.

Therefore, I urge you to consider the benefits of establishing an Afghan ethnic grocery store in our community and to support our efforts to make it a reality.

Thank you for your attention to this matter.

Best regards,

Masehullah Sahil



Land Use Application Narrative

Date: 05/04/2023 (REVISED)

Re: Proposed Grocery Store
6626 Penn Ave S,
Richfield, MN 55423

The project applicant wishes to purchase the property located at 6626 Penn Ave S, Richfield, MN 55423.

In the existing building, the approximate retail / office area is 2,700 SF. The retail half is currently vacant and the southern half of the space is currently occupied by an office tenant. The Applicant's plan is to combine both halves and open a small grocery store (retail use) with a takeout Halal meat area. The grocery store is new to the area and will not only serve the Afghan community in Richfield but also serve community members from Bloomington, Edina, Burnsville, and south of Minneapolis.

At approximately 2,700 SF it appears 11 parking spaces would be required (4/1000 for retail) per zoning. There are 4 spaces available at the back and 2 on-street spaces available at the front. There is a drive aisle on the north that could serve as another 1-3 parking space bringing the total up to a minimum of 7 available spaces.

The Richfield zoning code section, 544.13. sub 9 a) – d). Modification of number of required parking spaces, provides provisions for reducing the number of required parking spaces including reductions based on adding bicycle spaces, availability of nearby transit lines and use of on-street parking. Looking at the Penn / W 66th St intersection to the north it appears that there is bus service available. The Applicant is proposing to add the required bike spaces along the front of the building. Using these permitted modifications, 2 parking spaces will be able to be substituted resulting in the need for a Variance for 2 parking space.

From our perspective the Applicant's proposed grocery store will be a great asset to the community, is consistent with the City of Richfield's Zoning Map's Mixed Use of the property, and will not negatively impact the surrounding area.

Sincerely,

A handwritten signature in black ink that reads "Raphael Lister". The signature is fluid and cursive, with a long horizontal stroke at the end.

Raphael Lister, AIA, LEED AP
Pope Design Group
Project Manager

Enclosure: Letter from Masehullah Sahil

767 N. Eustis St., Ste 190
St. Paul, Minnesota 55114
651.642.9200

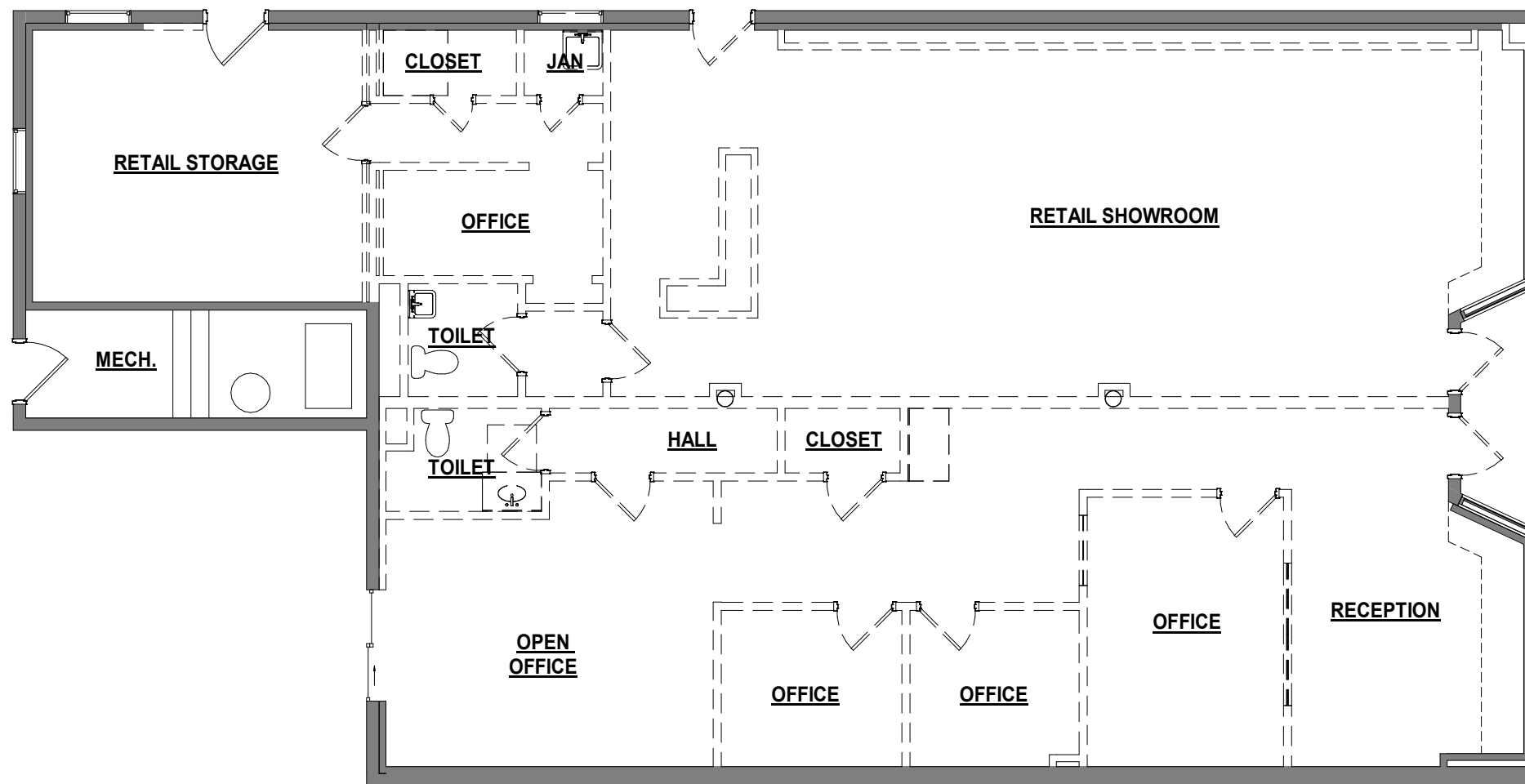
popedesign.com



1
A0

PROPOSED SITE PLAN

1" = 10'-0"



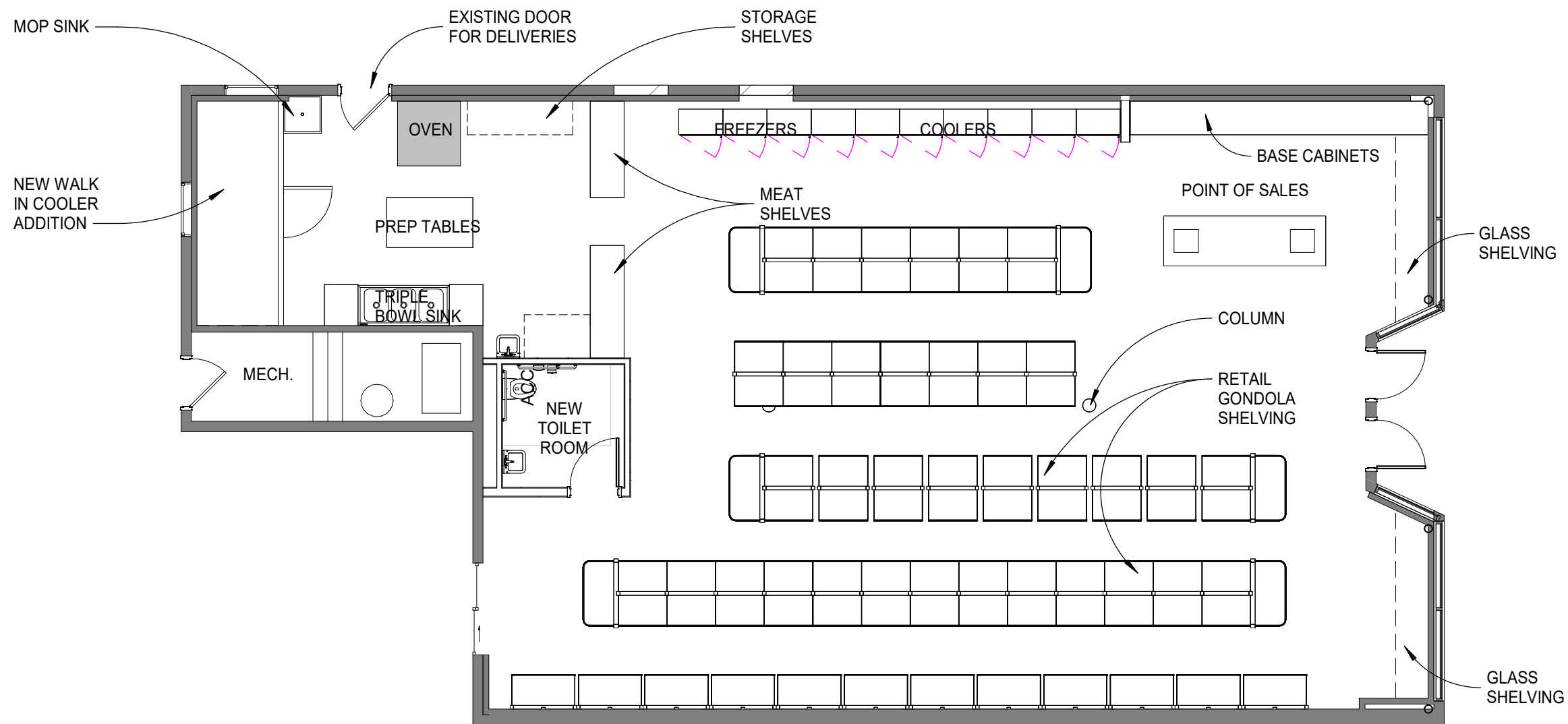
NOTE: ALL WALLS AND ELEMENTS SHOWN DASHED TO BE DEMOLISHED

1
A1

FIRST LEVEL DEMO PLAN

1/8" = 1'-0"





1
A2

FIRST LEVEL NEW WORK PLAN

1/8" = 1'-0"





Grocery Store Half Mile Walkshed Map

Legend

Existing Grocery Store

Proposed Grocery Store

Regional Store Half Mile Walkshed

Local Store Half Mile Walkshed

City Limits

Parks

