



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
AUGUST 23, 2021
7:00 PM**

Call to Order

Approval of the Minutes

Open Forum: Opportunity for the public to address the Commission on items not on the Agenda. To share during a meeting: walk in or call in live 612-861-0651*

Agenda Approval

Public Hearings

Consideration of the adoption of a resolution authorizing an Interim Use Permit to allow Richfield Bloomington Honda to use City-owned property at 7700 Pillsbury Avenue South for employee parking.

Liaison Reports

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

City Planner's Reports

1. Next Meeting Time and Location

Regular meeting on September 27, 2021, at 7:00 p.m. in the Council Chambers.

2. 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



Planning Commission Minutes

June 28, 2021

MEMBERS PRESENT: Chair Kathryn Quam, Commissioners Brendan Kennealy, Susan Rosenberg, James Rudolph, Bryan Pynn, and Brett Stursa

MEMBERS ABSENT: None.

STAFF PRESENT: Melissa Poehlman, Asst. Director of Community Development; Ryan Krzos, Planner; Nellie Jerome, Assistant Planner

OTHERS PRESENT: None.

Chairperson Quam called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

M/Pynn, S/Rosenberg to approve the minutes of the May 24, 2021, meeting.
Motion carried: 6-0

OPEN FORUM

No members of the public spoke, no comments received.

APPROVAL OF AGENDA

M/Quam, S/Stursa to approve the agenda.
Motion carried: 6-0

OTHER BUSINESS

ITEM #1 - Election of Planning Commission Vice-Chairperson. Assistant Community Development Director Melissa Poehlman reviewed the election procedures.

M/Rudolph, S/Quam to elect Commissioner Pynn for Vice Chairperson..
Motion carried: 6-0

ITEM #2 - Consider the 2023-2026 Capital Improvement Program and a finding of consistency with the Comprehensive Plan of the Capital Improvement Program and the 2022 Capital Improvement Budget. Finance Director, Chris Regis, presented the Capital Improvement Budget (CIB) and the Capital Improvement Plan (CIP).

Richfield resident, Babatunde Famudu, at 6709 Lyndale Ave., spoke about a lack of racial diversity within CIP projects. Commissioner Stursa asked staff to comment about equity and diversity in relation so CIP projects. Staff responded that the equity and diversity is part of the 2040 Comprehensive plan and that the City Council has set equity and diversity goals.

M/Stursa, S/Kennealy to recommend approval of the 2023-2026 Capital Improvement Program; and to adopt a resolution finding that the 2022 Capital Improvement Budget and 2023-2026 Capital Improvement Program are consistent with the Comprehensive Plan.
Motion carried: 6-0

PUBLIC HEARINGS

ITEM #3 - Conduct a public hearing and consider a recommendation of an ordinance rezoning nine properties throughout the City in order to comply with the Comprehensive Plan. City Planner Ryan Krzos presented the staff report. City Planner Krzos reviewed the nine sites that are proposed for rezoning to meet their current use and to meet the uses outlined in the 2040 Comprehensive Plan.

Staff received messages from Joanne Ecklund at 7001 Penn Avenue S who was in favor of the rezoning. They also received comments from Tunde Famodu, 6709 Lyndale Ave; Richard Schugel, 6711 Lake Drive S; and, Brian Combs, 6738 Pleasant Ave, who expressed concerns.

Richfield resident, Babatunde Famodu, at 6709 Lyndale Ave., spoke at the meeting and had a concern about a rezoning his residential property in the future because it is next to a commercial property that is part of this rezoning. He asked commissioners to think of others like him when they review planning cases. Denise Famodu, also at 6709 Lyndale Ave., asked for clarification on the C-1, Neighborhood Commercial Zoning District uses.

M/Quam, S/Rosenberg to close the Public Hearing.

Motion carried: 6-0

Planner Krzos explained the C-1, Community Commercial Zoning District as allowing for community-scale commercial businesses, and that the current uses of the properties that are being rezoned will not change. Commissioner Pynn encouraged the public to participate in the next Comprehensive Plan process that will take place in 2028.

M/Quam, S/Rosenberg to recommend approval of an ordinance rezoning nine properties throughout the City in order to comply with the Comprehensive Plan.

Motion carried: 6-0

LIAISON REPORTS

Community Services Advisory Commission: no report.

City Council: There was a final vote to approve the organized trash hauling and plans will be finalized as the summer goes on.

Housing and Redevelopment Authority (HRA): two items HRA supported a Tax Credit Application for a proposed multifamily development at 6501 Penn Ave otherwise known as the “bumper to bumper” site, as well as a Memorandum of Understanding with Benefactor Brewing for development at the site north of Lakewinds Food Co-op.

Richfield School Board: (none).

Transportation Commission: no report, they did not meet.

Chamber of Commerce: (none)

Sustainability Commission: no report.

CITY PLANNER’S REPORT

The July 19 work session has been cancelled. The City Council approved the final overlay district for the Veteran’s Park and the moratorium has expired. Commissioner Pynn asked about the status of the brewery at the “bumper to bumper” site, and Community Development Director John Stark explained the details and status of the potential development in the area, which could be under construction next year if they are approved for tax credit funding.

ADJOURNMENT

The next work session and regular meeting is scheduled for Monday, July 26, 2021, at 6pm and 7pm, respectively.

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

Motion carried: 5-0 (Rosenberg was absent for the vote)

The meeting was adjourned by unanimous consent at **10:28 p.m.**

Planning Commission Secretary



Work Session Minutes

Planning Commission and City Council

July 26, 2021

PC MEMBERS PRESENT: Chair Kathryn Quam, Commissioners Brendan Kennealy, Susan Rosenberg, James Rudolph, Bryan Pynn, and Brett Stursa

PC MEMBERS ABSENT: None.

COUNCIL MEMBERS PRESENT: Mayor Maria Regan Gonzalez; Mary Supple; Sean Hayford Oleary; and Simon Trautmann

COUNCIL MEMBERS ABSENT: Ben Whalen

STAFF PRESENT: Melissa Poehlman, Assistant Community Development Director; Nellie Jerome, Assistant Planner; and Jay Henthorne, Chief of Police

OTHERS PRESENT: none.

Chairperson Quam called the meeting to order at 6:00 p.m.

ITEM #1 - Review and discuss potential changes to zoning regulations for firearm sales, repair, and other related uses.

Assistant Community Director Melissa Poehlman presented the work session discussion topic, and asked Council Members and Commissioners to think about reviewing the policy aspects and reviewing the current zoning rules.

Council Member Mary Supple asked for clarification on changing the current rules and the impact on existing gun shops that may become nonconforming. Assistant Director Poehlman noted that nonconforming uses would be able to continue operating in perpetuity, but they would need to meet requirements of the nonconformity rules of the Zoning Code.

Mayor Maria Regan Gonzalez read a statement from Council Member Ben Whalen, who stated that he supporting expanding limits on gun sales, including online sales, in the interest of limiting gun violence. Mayor Regan Gonzalez stated that she felt similarly.

Assistant Director Poehlman asked Council Members and Commissioners to think about limiting gun sales to areas residentially zoned, residentially used, or both, and if the distance restrictions were appropriate. Planning Commission Chair Kathryn Quam, Commissioner James Rudolph, and Council Members Simon Trautmann and Supple advocated for including all residential uses, including Mixed-Use Neighborhood districts, over just areas that are residentially-zoned. Council Member Supple noted that the City should have similar rules to our neighbor cities. Commissioner Brett Stursa noted that parks should be included in the list of separated uses.

Assistant Director Poehlman brought up the distance of the buffer areas, with two example options: the current buffer of 100 feet, and the 250-foot buffer that nearby cities have. Assistant

Director Poehlman said Staff would review both options and bring the findings back to the Council and Planning Commission.

Chair Quam inquired about the possibility of prohibiting firing ranges, and Assistant Director Poehlman said that the City may be able to prohibit them but would check with the City Attorneys. Mayor Regan Gonzalez would like to start with a buffer of 250 feet from separated uses, and see what that looks like on a zoning map.

Mayor Regan Gonzalez called on Police Chief, Jay Henthorne, who gave statements on how Police work with gun sales and with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) licensing. Chief Henthorne stated that the noise and pollution are negative impacts with outdoor firing ranges, and indoor firing range requirements are usually cost prohibitive.

Commissioner Rudolph said that he supported the 250-foot buffer, based on how much it limits options for future stores. Council Member Supple asked Chief Henthorne about current inspection practices for existing businesses, to avoid theft of firearms. The Chief stated that Police work with business owners to go through security plans and systems, but they don't regulate the security systems. Mayor Regan Gonzalez asked Chief Henthorne if he had any comments or suggestions on the policy for gun sales. Chief Henthorne and other Police Department staff reviewed the ordinance and they support cleaning it up and he agrees with the suggestions mentioned so far.

Council Member Hayford-Oleary advocated for prohibiting indoor shooting ranges in Richfield. Council Member Trautmann felt differently, since there is a benefit to using guns safely and if we allow firearms then shooting ranges would be appropriate. Council Member Hayford-Oleary said that we might not be an appropriate community and they should be located in less-densely populated areas with more industrial uses. Chair Quam agreed with Hayford-Oleary, and said that she preferred including all residential uses over expanding the buffer to 250 feet, if a choice had to be made between the two.

Council Member Kennealy stated that parks should be included with government buildings, that businesses who sell firearms along with other goods should have the same rules as businesses who exclusively sell firearms, and that any licensed daycare provider should be included in the buffered areas.

Council Member Hayford-Oleary agreed with Council Member Trautmann that primary and incidental sellers should be treated the same, as should businesses with online sales or in-person sales. Assistant Director Poehlman noted that St. Paul has a specific requirement that no firearms be stored on-site if the business does online-only sales. Council Member Supple stated that any firearm seller with any inventory should follow the regulations similarly. Chair Quam said that a volume of firearm inventory should also not be criteria for less regulation.

Commissioners and Council Members discussed the differences between in-home daycares and daycare centers. Commissioner Kennealy said that he would be less concerned about the difference between the two daycare options if the residential buffer was increased. Mayor Regan Gonzalez noted that the language should be changed from "churches" to "religious" institutions, to be more inclusive. Commissioners and Council members agreed that all schools should be included in the buffer area.

Assistant Director Poehlman summarized the work session findings. Staff will look at residential zones and residential use buffers, as well as the consequences of expanding the residential buffer to 250 feet. They will look at the buffer when parks, occupied or occupy-able

governments paces, daycare centers and in-home daycares (especially if the 250-foot buffer isn't possible) are included in the regulation. Staff will also look at possible regulations for shops with any inventory on site, and if they are online-only or in-person. Staff will come back to firing range regulations in the future as well.

Mayor Regan Gonzalez asked that the new buffer maps be presented along with policy enforcement outlines at any future meeting or work session.

ADJOURNMENT

The meeting was adjourned by unanimous consent at **7:00 p.m.**

Planning Commission Secretary



PLANNING COMMISSION MEETING

8/23/2021

REPORT PREPARED BY: Nellie Jerome, Assistant Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director
8/18/2021

ITEM FOR COMMISSION CONSIDERATION:

Consideration of the adoption of a resolution authorizing an Interim Use Permit to allow Richfield Bloomington Honda to use City-owned property at 7700 Pillsbury Avenue South for employee parking.

EXECUTIVE SUMMARY:

Richfield Bloomington Honda has applied for an Interim Use Permit (IUP) to lease the City-owned property at 7700 Pillsbury Avenue as a standalone parking lot. Standalone parking lots are not an allowed use in Richfield; an IUP would temporarily permit this nonconforming use.

Honda has been leasing this property from the City since 2013 for employee parking. Two previous Interim Use Permits (IUP's) were granted to Honda for employee parking at this site in the past: one in 2015 and one in 2018. The most recent IUP expired on July 31, 2021. Honda is applying for a new IUP to continue leasing this site. The Applicant has not used the lot at 7700 Pillsbury Avenue South for approximately nine months (although they have continued to pay the lease).

No current redevelopment plans are proposed for the property at this time. Should the Council grant approvals for a development, terms of the IUP would allow the City to terminate this agreement. In order to approve the IUP, the Council must find that the temporary nature of the permit warrants waiving certain provisions of the Zoning Code. In this case, the prohibition of parking lots as a standalone use would be waved for this IUP.

Staff is proposing the following conditions as part of the IUP approval:

- The term of the IUP will begin upon execution of a license agreement with the Richfield Housing and Redevelopment Authority, or 90 days from this approval, whichever comes first, expiring no later than December 13, 2022.
- The lot is to be used for employee parking only. No parking of inventory vehicles or customer vehicles shall be permitted at any time.
- A maximum of 77 vehicles shall be stored on site and no vehicles shall be parked or stored on grass or buffer areas.
- The applicant shall install "no overnight parking" signage at each vehicle entrance to the parking area, within 60 days of the IUP approval.
- The parking lot shall be kept in a good state of repair, with sealcoating and/or patch repair as necessary, and kept clear of any debris.
- Trees, shrubs, and grasses shall be trimmed and maintained as necessary to preserve landscaping aesthetics.

The attached resolution includes a provision authorizing two possible six-month extensions to the IUP with an additional stipulation. Honda's prior land use approvals for their property at 401 W 77th Street required the construction of a parking structure to fully accommodate their parking needs by 2020 (City Council Resolution No.10807, adopted June 25, 2013). No such structure has been constructed, nor has the applicant applied for an extension or amendment to the approved plans. Staff proposes that an extension only be consider if the Applicant does one of the following: 1) return to the Council to request an extension or amendment to the approved final development plans, or 2) apply for permits to construct the parking structure.

RECOMMENDED ACTION:

By motion: recommend adoption of a resolution authorizing an Interim Use Permit to allow a standalone parking facility at 7700 Pillsbury Avenue South.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The Applicant's prior land use approvals include the addition of a parking structure to fully accommodate their parking needs, to be built by 2020.
- The lot has not been used from October, 2020, to present. In late April of 2021 the building operations department cleaned up trash and debris on the lot. In July 2021, a commercial neighbor complained of overgrown grass and weeds on the lot which were tidied up by the City.

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

The purpose of an IUP is to allow a use which 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 zoning provisions were intended to prevent. The Council must find that the temporary nature of this permit makes the nonconforming use permissible. 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 City Code, further articulated in the attached document. By Ordinance, IUP's terminate upon the occurrence of any of the following events, whichever first occurs: a) The date or event stated in the permit (e.g. approval of redevelopment plans); or b) 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 July 26, 2021. A decision is required by September 24, 2021, or the Council must notify the applicant that is extending the deadline (up to a maximum of 60 additional days, or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

- The required application fees have been paid. City staff are drafting a lease agreement with Honda for continued use of the City-owned property.

E. LEGAL CONSIDERATION:

- Notice of the public hearing was published in the Sun Current newspaper on August 12, 2021, and mailed to properties within 350 feet of the site.
- The request is scheduled to be heard at the September 14, 2021, City Council meeting.

ALTERNATIVE RECOMMENDATION(S):

- Approve an IUP for a different length of time (up to five years maximum) or with additional conditions; or,
- Deny the request with a finding that the requirements necessary to issue an IUP are not met.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Tim Carter, General Manager, Richfield Bloomington Honda

ATTACHMENTS:

Description	Type
☐ Resolution	Resolution Letter
☐ Interim Use Permit Requirements	Backup Material
☐ IUP Consent Agreement	Backup Material
☐ Parking Lot Plan	Backup Material
☐ Zoning Map	Backup Material

RESOLUTION NO.

**RESOLUTION APPROVING AN
INTERIM USE PERMIT
TO ALLOW A STANDALONE PARKING FACILITY
BY RICHFIELD BLOOMINGTON HONDA
AT 7700 PILLSBURY AVENUE SOUTH**

WHEREAS, the City of Richfield adopted a Comprehensive Plan in 2018 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 Richfield Bloomington Honda (the "Applicant") to conduct off-site employee parking at 7700 Pillsbury Avenue South; and

WHEREAS, the Property is zoned Mixed Use – Neighborhood (MU-N) and the requested interim use of the property is not permitted in the MU-N District; and

WHEREAS, the Planning Commission held a public hearing on August 23, 2021, to review the application for an interim use permit; 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 August 12, 2021; and

WHEREAS, the City Council finds that the temporary nature of the proposed interim use eliminates the adverse effects that the prohibition was intended to prevent. Termination of the permit in 12 months from the execution of a License Agreement with the Richfield Housing and Redevelopment Authority, or upon granting land use approvals for redevelopment plans, eliminates the detriment that a standalone parking facility will have on the area; 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 Zoning Ordinance Subsection 547.15.
2. An interim use permit for a standalone parking facility by Richfield Bloomington Honda at 7700 Pillsbury Avenue South, as described in City Council Staff Report No. _____ is approved with the following conditions:
 - a. The Applicant's prior land use approvals, outlined in City Council Resolution No. 10807, include the addition of a parking structure to fully accommodate their

parking needs, to be built by 2020. The Applicant must return to the Council to request an extension or amendment to the approved final development plans to address this parking structure requirement before the end of the interim use permit term. No extension of this Permit shall be considered if this issue has not been addressed.

- b. The one-year term of the interim use permit will begin following the execution of a license agreement with the Housing and Redevelopment Authority, or 90 days from this approval, whichever comes first; such that the expiration of the interim use permit shall be no later than December 13, 2022.
- c. The Community Development Director shall hold discretion to grant a maximum of two (2) six-month extensions of the interim use permit.
- d. The City may terminate the interim use permit 30 days following City Council approval of redevelopment plans for the property.
- e. The annual interim use permit monitoring fee, as dictated by City Code, will apply to this extension.
- f. The parking lot is to be used for employee parking only. No parking of inventory vehicles or customer vehicles shall be permitted at any time. A maximum of 77 vehicles shall be stored on site, and vehicles shall not be parked or stored on grass or buffer areas.
- g. The applicant shall install "no overnight parking" signage at each vehicle entrance to the parking area, within 60 days of the interim use permit approval.
- h. The parking lot shall be kept in a good state of repair, with sealcoating and/or patch repair as necessary, and kept clear of any debris.
- i. Trees, shrubs, and grasses shall be trimmed and maintained as necessary to preserve landscaping aesthetics.

Adopted by the City Council of the City of Richfield, Minnesota this 14h day of September, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

Interim use permits

547.15 Subd. 3. General issuance standards.

The Planning Commission shall recommend an interim use permit and the Council shall issue such interim use permit only if it finds, based on the proposed location, that:

- 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;
- 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;
- c) The use will not adversely impact the health, safety and welfare of the community during the period of the interim use;
- d) The use is similar to existing uses in the area; (Amended, Bill No. 2011-17)
- 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;
- f) There is adequate assurance that the property will be left in suitable condition after the use is terminated;
- 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;
- 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; and
- i) The property owner agrees to abide by any additional conditions that the Council deems appropriate for permission of the use.

CONSENT AGREEMENT

WHEREAS, on November 13, 2007 the City Council of the City of Richfield adopted Ordinance No. 2007-19, which establishes a framework for regulating temporary use of land through the issuance of interim use permits; and

WHEREAS, Section 547.15 Subdivision 2 of this Ordinance requires an applicant for an interim use permit to sign a Consent Agreement wherein the applicant acknowledges and agrees that the proposed interim use will not impose additional costs on the public if there is a future need for public acquisition of the applicant's property through eminent domain, that the applicant has no entitlement to future reapproval of the interim use permit and that the applicant will abide by the conditions of approval that the City Council attaches to the interim use permit;

NOW, THEREFORE, Richfield Bloomington Nordic, as applicant for
an interim use permit for 7700 Pillsbury Ave at Richfield, MN
(use of property) (location)
, agree as follows:

(location continued)

1. The applicant acknowledges that the proposed use is temporary and terminates upon expiration of the interim use permit. The applicant has no legal or equitable right to future reapproval of the interim use permit and must file a new application for that purpose.

2. The applicant will comply with all conditions imposed by the City Council on the interim use permit.

3. This Consent Agreement shall be binding on any owner, operator, tenant and/or user of the property for which the interim use permit has been granted and the applicant is authorized to sign this Consent Agreement on behalf of said owner, operator, tenant and/or user of the property.

DATED: 7-27-2021

Applicant

[illegible]

The foregoing instrument was acknowledged before me this 27 day of July, 2021, by Richelle Fleuman, the Nitars of Richfield Bloomington Park a Minnesota Company, on behalf of said company.

Notary Public



RAILROAD TRACKS

PROPERTY LINE

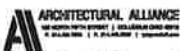
77TH STREET

TOTAL PARKING 77 SPACES

PROPERTY LINE

PILLSBURY AVENUE SOUTH

1 PROPOSED TEMPORARY PARKING SITE
SCALE 1" = 30'



1.01A

PROPOSED SITE PLAN
(SURFACE PARKING)

A13-01A



Renier
Construction
Corporation



RICHFIELD BLOOMINGTON HONDA

501 W 77TH ST RICHFIELD, MN 55423

