



PLANNING COMMISSION STAFF REPORT

PC MEETING DATE: AUGUST 23, 2010

ITEM FOR PLANNING COMMISSION CONSIDERATION:

Consideration of a change to the text of the Richfield Comprehensive Plan related to implementation. The proposed amendment will allow the rezoning of certain properties to be deferred to a time when redevelopment is likely (as a result of multiple properties being assembled), as a means of limiting the number of single-family homes that become legally nonconforming.

I. RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of a text amendment to the Implementation Chapter of the Richfield Comprehensive Plan that will defer the rezoning of certain properties.

II. BACKGROUND

Comprehensive Plan Implementation Requirements

In addition to the requirement to prepare and periodically update a comprehensive plan, State Law requires that cities amended zoning regulations to comply with that plan (MN § 473.865). In Richfield's case, there are approximately 600 properties that are zoned in a manner that is not in direct agreement with the Comprehensive Plan. Over 400 of these properties are currently zoned R (Single-Family Residential) and are being used for single-family residential purposes. These properties are guided for a variety of higher density residential and commercial uses in the Comprehensive Plan.

In response to concerns from affected property owners and policy-makers, City staff has continued to evaluate and discuss options for compliance with State Statute.

Discussion with Metropolitan Council staff, the City Attorney and staff from the cities of Minneapolis and St. Louis Park has resulted in the proposed text amendment. This alternative will maintain the integrity of the Comprehensive Plan, a Plan that involved years of work and significant public input, but defer the rezoning of certain properties in areas that are not targeted for redevelopment in the near future.

Staff proposes to identify areas in the Comprehensive Plan that are not anticipated to redevelop in the near future as "transitional" redevelopment areas. The Plan would state that the zoning designation of these "transitional" properties would not change until multiple lots were assembled and redevelopment as defined in the Comprehensive Plan became feasible. Metropolitan Council staff has indicated that this proposal would be acceptable. Further, Metropolitan Council staff believes that this change would be

considered a “minor amendment” given that the actual designation of land within the Community is not changing.

Proposed Language

Chapter 10 – Implementation

Pg. 10-4

State law requires that zoning regulations be in compliance with the Comprehensive Plan. Following an update or amendment to the Comprehensive Plan, the City has nine (9) months to review and amend its Zoning Code to bring it into compliance with the modified Plan. ~~Typically, cities will undertake a rezoning study following a major update or amendment to its Comprehensive Plan.~~ The City of Richfield has determined that the creation of nonconforming single-family homes/uses should be avoided except in areas that are targeted for redevelopment, as determined by the existence of a redevelopment document or plan. Single-family properties that are not within one of these designated redevelopment areas shall be deemed “transitional” redevelopment areas and rezoning will be deferred until multiple lots have been assembled and redevelopment as defined in the Comprehensive Plan becomes feasible.

III. BASIS OF RECOMMENDATION

A. POLICY

- Current zoning regulations do not adequately regulate development to be in conformance with the Comprehensive Plan.
- MN § 473 requires that cities amend their zoning ordinance so as to not conflict with the comprehensive plan.
- The proposed language was created based on discussions with the City Attorney, Metropolitan Council staff and staff from the cities of Minneapolis and St. Louis Park. (Language used within the Minneapolis and St. Louis Park Comprehensive Plans to meet this same intent has been attached for reference.)
- The proposed language will meet the intent of the law and is acceptable to the City Attorney and Metropolitan Council staff.
- If approved by the City Council, the proposed amendment will be sent to adjacent government bodies for review and comment. Adjacent jurisdictions are allowed up to 60 days to comment.
- Following the adjacent jurisdiction review period, the amendment will be submitted to the Metropolitan Council.

B. CRITICAL ISSUES

- State Law requires that the City’s Zoning Ordinances and Comprehensive Plan be in agreement.
- There are 153 properties that are currently zoned R (Single-Family Residential) that ARE within an existing redevelopment area (Penn Avenue, Lakes at Lyndale, Interstate 494, Lyndale Gateway, Cedar Corridor). Under this amendment, these properties must still be rezoned. All but four of these

properties are located in the Cedar Corridor. The other four properties are on the west side of the 7500 block of Garfield Avenue.

- There are additional non-single-family properties (135) that must also be rezoned under the proposed amendment.

C. FINANCIAL

- N/A

D. LEGAL

Notification: Notification of this public hearing was published in the Sun Current Newspaper in accordance with City and State requirements.

Other Actions:

Council:	The City Council will consider the proposed amendment on September 14, 2010.
Adjacent jurisdictions:	60-day comment period to begin following Council decision.
Metropolitan Council:	60-day review period

IV. ALTERNATIVE RECOMMENDATION(S)

- Recommend alternate solution to consistency issue.

V. ATTACHMENTS

- Map
- Applicable text, Minneapolis Comprehensive Plan
- Applicable text, St. Louis Park Comprehensive Plan

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Potentially impacted property owners