

ORIGINAL

AGREEMENT

THIS AGREEMENT is made as of July 13, 2010 by and between Reed R. Christianson and Lisa Christianson, husband and wife (“Owners”), and City of Richfield, a Minnesota municipal corporation (“City”).

Recitals

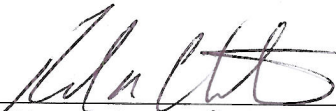
- A. Owners are the fee owners of the property at 6315 Penn Avenue South in the City of Richfield, Hennepin County, Minnesota, legally described as Lots 20 and 21, Block 12, Rays Lynnhurst Addition (the “Property”).
- B. The Property has been zoned for Mixed Use Commercial since 2007. For all relevant times prior to 2007, the Property was zoned C-2 General Commercial.
- C. At all times relevant to this Agreement, the Property has been improved with a building of approximately 11,360 square feet and a parking area that includes eight parking spaces in the front of the building, with room for two additional spaces in the rear of the building.
- D. The Property has an approved parking permit from 1961 for eight parking spaces in conjunction with a rehabilitation center use. From approximately 1968 until 2004 the Property was occupied by a retail furniture/appliance store, but the City has no record of any approved parking permit for that use.
- E. Since 2004, the Property has been occupied by an art gallery and restoration business and is now vacant. The Owners desire to lease the Property for use as a furniture store. It is not possible to create additional parking spaces on the Property without removing all or a portion of the existing building.
- F. The Property does not satisfy the parking requirements under the current zoning ordinance for a furniture store use. There is a dispute between the parties as to whether the City is legally required to allow a furniture store use on the Property with only ten parking spaces.
- G. The parties desire to settle and compromise the dispute according to the terms of this Agreement.

Terms


- 1. The City shall allow the Property to be used for a furniture store, effective immediately upon the execution of this Agreement by all parties. Upon execution of this Agreement, City staff may accept and process sign permit applications for the Property. The use of the Property as a furniture store will not be considered a change in use for purposes of administration of accessibility requirements under the state building code.

2. Owners agree to promptly submit an application for site plan approval to the City, in accordance with City ordinances. The site plan application may show eight parking spaces in front of the building and two spaces in the rear of the building.. The City waives the requirement for a parking study. The Owners agree that the City may condition approval of the site plan on the use of the Property as a furniture store. The City may also impose other reasonable requirements to mitigate adverse effects of the reduced parking, including (a) a requirement that the Owners make all reasonable efforts to arrange for shared parking with neighboring properties if the lack of on-site parking on the Property causes traffic or site-management problems; and (b) a requirement that store employees not be allowed to park in the front eight spaces.

3. Owners agree that they are duly on notice of the City's requirement for site plan approval for any change in use of the Property that results in an increasing intensity of use. In addition, Owners acknowledge that if the Property ceases to be used as a furniture store for any period of 12 or more consecutive months, then: (a) any subsequent proposal to use the Property as a furniture store will require a new site plan approval in accordance with all applicable ordinances at the time; (b) the past use of the Property as a furniture store will be a relevant fact that may be considered along with other relevant facts, but that fact alone will not entitle the applicants to site plan approval of only ten parking spaces for a future furniture store use.




Reed R. Christianson

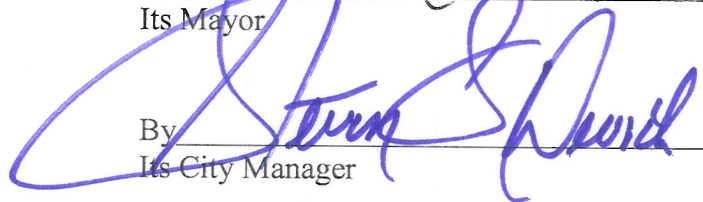


Lisa Christianson

CITY OF RICHFIELD

By 

Its Mayor

By 

Its City Manager