

**HOPKINS CITY COUNCIL
AGENDA
Tuesday, August 16, 2022
6:30 pm**

**THIS AGENDA IS SUBJECT TO CHANGE
UNTIL THE START OF THE CITY COUNCIL MEETING**

Schedule HRA Special Meeting, 6:30 p.m. – City Council Meeting immediately following meeting

I. CALL TO ORDER

II. ADOPT AGENDA

III. PRESENTATIONS

1. Recognition of students from Boryspil, Ukraine; Hanlon

IV. CONSENT AGENDA

1. Minutes of the August 1, 2022 City Council Meeting Proceedings
2. Minutes of the August 8, 2022 City Council Work Session Proceedings
3. Approval of Temporary On-Sale Liquor License for Team Tucker Association; Domeier
4. Second Reading of Ordinance 2022-1181; Imihy Bean
5. Second Reading of Ordinance 2022-1182; Lenz
6. Resolution Approving an Amendment to the Planning & Zoning Commission Bylaws; Krzos

V. PUBLIC HEARINGS

VI. OLD BUSINESS

VII. NEW BUSINESS

1. Second Reading: Hopkins Apartments Rezoning; Krzos

VIII. PUBLIC COMMENT

IX. ANNOUNCEMENTS

- Next City Council Regular Meeting: Tuesday, September 6 at 6:30 p.m.
- Next City Council Work Session: Tuesday, September 13 at 6:30 p.m.

X. ADJOURN

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 1, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Monday, August 1, 2022 at 6:32 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Mayor Hanlon called the meeting to order with Council Members Balan, Beck, Garrido and Hunke attending. Others attending included City Manager Mornson, Assistant City Manager Lenz, City Clerk Domeier, Management Analyst Imihy Bean, Director of Planning and Development Elverum, Community Development Coordinator Youngquist, City Planner Krzos and City Attorney Riggs.

ADOPT AGENDA

Motion by Garrido. **Second** by Balan.

Motion to Adopt the Agenda.

Ayes: Balan, Beck, Garrido, Hanlon, Hunke

Nays: None. Motion carried.

CONSENT AGENDA

Motion by Balan. **Second** by Hunke.

Motion to Approve the Consent Agenda.

1. Minutes of the July 19, 2022 City Council Meeting Proceedings
2. Approval of Temporary Liquor License for Hopkins Elks Lodge #2221; Domeier
3. Approval of Temporary On-Sale Liquor License for St. Gabriel the Archangel Catholic Church; Domeier
4. Extension of On-Sale Liquor License for LTD Brewing LLC DBA LTD Brewing Co.; Domeier
5. Ratify Checks Issued in July 2022; Bishop

Ayes: Balan, Beck, Garrido, Hanlon, Hunke

Nays: None. Motion carried.

NEW BUSINESS

VII.1. Site Plan Review for Renovation of 1301 Cambridge Street Cambridge Towers; Krzos

City Planner Krzos summarized City Council Report 2022-070. Link Wilson of Kaas Wilson Architects (on behalf of Hopkins Apartments LLC) request site plan approval to allow renovation of the property located at 1301 Cambridge Street.

Motion by Beck. **Second** by Balan.

Motion to adopt Resolution 2022-049 approving the Site Plan application from Hopkins Apartments LLC to rehabilitate the property located at 1301 Cambridge Street (PID 19-21-11-0126), subject to conditions.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 1, 2022**

**Ayes: Balan, Beck, Garrido, Hanlon, Hunke
Nays: None. Motion carried.**

**VII.2. Hopkins Apartments Rezoning, Conditional Use Permit and Site Plan Review;
Krzos**

City Planner Krzos summarized City Council Report 2022-071. Brian Bochman with Enclave Companies, requested rezoning, conditional use permit and site plan approvals for the Hopkins Apartments development. Director of Planning and Development Director Elverum summarized the affordability definitions and components of the project. She also addressed sustainability issues previously raised noting that developer is requesting \$40,000 for rooftop solar panels.

Mr. Bochman addressed concerns raised and the Planning and Zoning Commission meeting regarding sustainability. He added that Enclave understands the value of the movie theater and is working with the Hopkins Center for the Arts to keep movies an option in Downtown Hopkins.

Lori LaGrange, 145 10th Avenue North, spoke in opposition of the project.

Wendy Goetz, 343 Van Buren Avenue North, spoke in opposition of the project.

Cindy Vlasack, 4810 Caribou Drive, Minnetonka, spoke in opposition of the project.

Luke Slindee, 130 8th Avenue North, spoke in favor of the project.

Jim Sapienza, 133 11th Avenue, spoke in opposition of the project.

Matthew Miller, 202 5th Avenue North, spoke to the Hopkins group looking to provide movie alternatives in Hopkins. The group is looking for opportunities to partner.

Nickie Johnson, 1117 Trailwood South, spoke in opposition of the project.

Jim Shirley, 32 11th Avenue South, spoke in opposition of the project.

Michon Ross, 7th Avenue South, spoke in opposition of the pride flags.

Rick Brausen, 345 13th Avenue North, spoke in favor of the project.

Gene Schneider, resident of Citigables, spoke to security and privacy issues of the project requesting more information.

Discussion was held about the public comment provided by email and previous meetings. Council requested the comments be included at an upcoming meeting.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 1, 2022**

Mr. Bochman spoke to the security and privacy areas. The walking path provided on site will be large enough for emergency vehicles. The path will be lit and landscaped. Mr. Bochman also provided information on the potential to incorporate art into the project, the co-working spaces will be provided within the building and other apartment amenities similar to other apartments on Mainstreet. He also provided art ideas and potential updates to current businesses that are already part of the project.

Brief discussion was held about the emergency service vehicles being able to access the walkway. Mr. Krzos explained the fire departments recommendation noting the space was adequate for the fire needs. Mayor Hanlon requested more information on affordable housing and the AMI for the next meeting. Council Member Hunke questioned why the new zoning code was not applied to this project understanding there has been a transition. Mr. Bochman spoke to the façade requirements and the first floor units. Ms. Elverum did a review from the old code and against the new code and they worked together for the best option. Staff will provide an analysis on the issue.

Council Member Hunke wants the conditions to include the public art commitment. Council Member Balan supported having a new building full of customers to supporting local businesses. He spoke to market rate units and affordable units.

Council Member Beck spoke to expanding Mainstreet to the west and property owner rights. He shared the opportunity benefits to Mainstreet versus leaving the site vacant. Mayor Hanlon shared that the City tried to maintain a theater but also wants to maintain the existing Mainstreet. Mayor Hanlon wanted to see options in affordable housing and supported the sustainability initiatives.

Council Member Garrido concurred with Council thoughts. She was hopeful for a youth entertainment opportunities.

Council Member Balan did not support going above the \$1.25 million in financial assistance. Council Member Hunke appreciated how the developer collaborated with the City to bring this project to fruition. He spoke to changes made to the parking and first floor facades. He shared concerns about the additional financial ask to have the affordable housing units but supported sustainability initiatives.

Motion by Balan. **Second** by Garrido.

Motion to adopt Resolution 2022-050 approving the first reading of Ordinance 2022-1183 rezoning the subject property (PID 24-117-22-34-0249) from B-2, Central Business District to B-2, Central Business District with a Planned Unit Development (PUD), subject to conditions.

Ayes: Balan, Beck, Garrido, Hanlon, Hunke
Nays: None. Motion carried.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 1, 2022**

Motion by Beck. **Second** by Hunke.

Motion to adopt Resolution 2022-051 approving a conditional use permit allowing a residential use in the B-2, Central Business District on the subject property (PID 24-117-22-34-0249), subject to conditions.

Ayes: Balan, Beck, Garrido, Hanlon, Hunke
Nays: None. Motion carried.

Motion by Hunke. **Second** by Garrido.

Motion to adopt Resolution 2022-052 approving the site plan for the Hopkins Apartments Mixed Use Building on the subject property (PID 24-117-22-34-0249), subject to conditions.

Ayes: Balan, Beck, Garrido, Hanlon, Hunke
Nays: None. Motion carried.

VII.3. First Reading: Ordinance Amending Chapter 6 of the Hopkins City Code Regarding Animals; Imihy Bean

Management Analyst Imihy Bean summarized City Council Report 2022-073. Staff has drafted an ordinance that would allow backyard chickens for institutional buildings, change the maximum number of chickens to four universally, simplify the coop setback and size requirements, and change the length of licenses

Council Member Beck questioned the golf course zoning. He proposed adding the golf course zoning designation to the next ordinance reading. Ms. Imihy Bean stated that in the new code a golf course would qualify to have chickens.

Motion by Beck. **Second** by Balan.

Motion to Adopt for First Reading, Ordinance 2022-1181, Amending Chapter 6 of the Hopkins City Code Regarding Animals.

Ayes: Balan, Beck, Garrido, Hanlon, Hunke
Nays: None. Motion carried.

VII.4. First Reading: Ordinance Extending the Term of the Franchise held by Comcast of Minnesota, Inc.; Lenz

City Manager Mornson summarized City Council Report 2022-067. The Southwest Cable Commission is in the process of negotiating a renewal with Comcast for our franchise agreement. The existing franchise agreement expired on August 1, 2022. Until a new agreement is finalized, Staff recommends extending the existing franchise agreement.

Motion by Hunke. **Second** by Garrido.

**HOPKINS CITY COUNCIL
REGULAR MEETING PROCEEDINGS
AUGUST 1, 2022**

Motion to Approve First Reading of Ordinance 2022-1182 extending the Term of the Franchise Held by Comcast of Minnesota, Inc.

Ayes: Balan, Beck, Garrido, Hanlon, Hunke
Nays: None. Motion carried.

ANNOUNCEMENTS

Mayor Hanlon provided the upcoming meeting schedule.

ADJOURNMENT

There being no further business to come before the City Council and upon a motion by Hunke, second by Balan, the meeting was unanimously adjourned at p.m.

Respectfully Submitted,
Amy Domeier, City Clerk

ATTEST:

Patrick Hanlon, Mayor

Amy Domeier, City Clerk

**HOPKINS CITY COUNCIL
WORK SESSION PROCEEDINGS
AUGUST 8, 2022**

CALL TO ORDER

Pursuant to due call and notice thereof a regular meeting of the Hopkins City Council was held on Monday, August 8, 2022 at 6:30 p.m. in the Council Chambers at City Hall, 1010 1st Street South.

Mayor Hanlon called the meeting to order with Council Members Balan, Beck, Garrido and Hunke attending. Others attending included City Manager Mornson, Assistant City Manager Lenz, City Clerk Domeier, Management Analyst Imihy Bean, Director of Planning and Development Elverum, Public Works Director Stanley and Finance Director Bishop.

Regulation of THC Products; Domeier

City Clerk Domeier solicited feedback and direction on how to proceed with possible THC regulations. The City Council supported having a licensing structure in place to have some control over the sale of THC in Hopkins.

Discussion around regulation included:

- No transient merchant sales
- Sales only from establishments
- Conduct background checks
- Potentially limit the number of locations that sell
- Restrict near schools
- 18 to sell products
- No vending machine sales
- No delivery sales
- No self-service displays
- Requirements same as tobacco for the 25% of floor place (no stand-alone)
- Reasonable fee structure

Staff will use the discussion items to craft an ordinance. Council preferred to regulate use types and not have to amend the zoning code if possible. City Clerk Domeier anticipated further review this fall.

2023 – 2027 Capital Improvement & Equipment Replacement Plans; Bishop

Finance Director Bishop presented the 2023 to 2027 Capital Improvement and Equipment Replacement Plans.

CIP: Brief discussion was held about the Burnes Park debt service amount. Mr. Bishop explained that franchise fee funds could be used towards the debt service amount but not the park dedicate fees. Council Member Beck suggested reducing the Burnes Park debt service amount.

**HOPKINS CITY COUNCIL
WORK SESSION PROCEEDINGS
AUGUST 8, 2022**

ERP: Brief discussion was held about emerald ash borer and adding funds for forestry. Mr. Stanley stated that the forestry equipment is used daily. He would need to follow-up on the tree replacement plans.

Council Member Balan questioned the remaining ARPA funds. City Manager Mornson stated the remaining funds were set aside for inflation or a potential budget reduction.

City Manager Performance Review

Motion by Balan. **Second** by Hunke.

Motion to Close the meeting for the purpose of conducting a performance evaluation of the City Manager Mike Mornson pursuant to MN Statute 13D.05 subd. 3(a).

Ayes: Balan, Beck, Garrido, Hanlon, Hunke

Nays: None. Motion carried.

The City Council met in closed session to conduct the performance evaluation of City Manager Mornson. The City Council will summarize its conclusions at the August 16, 2022 regular meeting.

ADJOURNMENT

There being no further business to come before the City Council the meeting was unanimously adjourned at 9 p.m.

Respectfully Submitted,
Amy Domeier, City Clerk

ATTEST:

Patrick Hanlon, Mayor

Amy Domeier, City Clerk



August 16, 2022

Council Report 2022-076

Approval of Temporary On-Sale Liquor License for Team Tucker Association

Proposed Action

Staff recommends adoption of the following motion: Approve the Issuance of a Temporary On-Sale Liquor License for Team Tucker Association.

Passage of this motion will result in the ability of the association to serve alcoholic beverages at the Team Tucker All Star Party event on September 10.

Overview

Team Tucker Association has submitted an application for a temporary on-sale liquor license in conjunction with the Team Tucker All Star Party. The event will take place at Matetzold Field, 1215 1st Street North on September 10 from 6 to 10 p.m. The event includes an auction, music, dancing, food and drinks.

The applicant is required to follow the regulations set forth Policy 5-D Special Events Policy. . Temporary on-sale liquor licenses must be approved by the State of Minnesota, Alcohol & Gambling Enforcement Division.

Primary Issues to Consider

- The applicant meets the requirements set forth by State Statute to obtain temporary on-sale liquor licenses.
- As required by State Statute, the application must be approved by the City before submitting to the State of Minnesota, Alcohol & Gambling Enforcement Division.

Supporting Documents

- Complete application and certificate of insurance are available for review in the City Clerk's office.

Amy Domeier, City Clerk

Financial Impact: \$ _____ Budgeted: Y/N ____ Source: _____ Related Documents (CIP, ERP, etc.): _____ Notes: _____
--



CITY OF HOPKINS

Memorandum

To: Honorable Mayor and Council Members
From: PeggySue Imihy Bean, Management Analyst
Copy: Mike Mornson, City Manager
Date: August 16, 2022
Subject: Second Reading of Ordinance 2022-1181

Staff recommends that the Council approve the following motion: Move to adopt for Secondirst Reading, Ordinance 2022-1181 Amending Chapter 6 of the Hopkins City Code Regarding Animals.

No changes have been made to the ordinance since the August 1 first reading.

Attachment:
Ordinance 2022-1181

**CITY OF HOPKINS
COUNTY OF HENNEPIN**

ORDINANCE NO. 2022-1181

**ORDINANCE AMENDING CHAPTER 6 OF THE HOPKINS CITY CODE
REGARDING ANIMALS**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HOPKINS
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Section 6-30 of the Hopkins City Code is hereby amended to add the double-underlined language and delete the ~~stricken~~ language as follows:

Sec. 6-30. Chicken licenses.

- (a) *Purpose.* The purpose and intent of sections 6-30 through 6-32 is to permit the keeping of chickens in certain ~~residential areas~~ zoning districts in a manner that is clean and sanitary and unlikely to become a nuisance or otherwise become detrimental to the public health, safety and welfare of the community. These sections are intended to only allow hens pursuant to the requirements contained herein and the keeping or harboring of roosters and other poultry is expressly prohibited.
- (b) *License required.* No person may keep, harbor, maintain, care for, or control chickens in the city without a license issued pursuant to this section. Chicken licenses may only be issued to persons located in requesting to keep chickens in the city's R-1 zoning districts (R-1-A, R-1-B, R-1-C, R-1-D, R-1-E) and Institutional District.
- (c) *Application for license.* A person applying for a chicken license must supply the information required on a city-provided license application, which shall include, but not necessarily be limited to, the number of chickens to be kept, dimensions and materials of a chicken coop and/or chicken run, a site plan showing the location of a proposed chicken coop and/or chicken run in relation to other existing structures and lot lines, and a written plan for keeping the premises clean and free of waste material, objectionable odors, and predators. For non-homesteaded properties, written permission from the owner of the property must also be submitted with any license application.
- (d) *License fee.* A license fee may be established by the city and included in the city's fee schedule, and said fee must be paid at the time of making application.
- (e) *License issuance; term.* A license may be issued by the city if all requirements of the Hopkins City Code are deemed satisfied and will remain satisfied upon the issuance of the license under the circumstances proposed. A license shall be valid until the applicant moves. ~~for two years and a renewal application must be submitted by a licensee at least 30 days prior to license expiration to ensure no lapse in licensure.~~

SECTION 2. Section 6-31 of the Hopkins City Code is hereby amended to add the double-underlined language and delete the ~~stricken~~ language as follows:

Sec. 6-31. Proper confinement, care and maintenance of chickens.

(a) *Chicken requirements.* In addition to obtaining a license, all chicken owners within the city shall adhere to the following requirements:

- (1) Only hens may be may kept, harbored, maintained, cared for, or controlled in the city. The keeping, harboring, maintaining, caring for, or controlling of roosters or any other poultry is prohibited under all circumstances.
- (2) The maximum number of chickens allowed shall comply with the information detailed in the table below.

Maximum Number of Chickens Allowed in Residential Districts	
District	Number of Chickens Allowed
R-1-A & R-1-B <u>Residential and Institutional</u>	4 <u>2 plus 1 additional chicken for every 4,356 square feet of lot area over 6,000 square feet (maximum of 4).</u>
R-1-C	3 plus 1 additional chicken for every 4,356 square feet of lot area over 12,000 square feet (maximum of 4).
R-1-D & R-1-E	4

- (3) Chickens must at all times remain confined on the premises and in a chicken coop and/or chicken run located in the property's rear yard, as that term is defined in Hopkins City Code, section 102-4.
- (4) Chickens may not be located in any part of a dwelling, garage, or any other accessory structure other than a chicken coop or chicken run, except that chickens under the age of six weeks may be temporarily kept indoors for brooding purposes.
- (5) Licensees must provide city staff with access to the premises at any time requested to verify compliance with the city's chicken regulations or in response to any complaint of a violation.
- (6) The harvesting or butchering of chickens on the premises is prohibited.
- (7) Selling chickens or chicken eggs on the premises is prohibited.
- (8) No chickens may be kept or raised in a manner as to cause injury or annoyance to persons or other animals on other properties in the vicinity of the premises, whether due to noise, odor, filth, or otherwise.
- (9) All grain and food stored for the use of the chickens shall be kept in rodent-proof and leak-proof containers with tight-fitting covers.
- (10) Chicken coops and chicken runs shall be maintained in a clean and sanitary condition, and in good repair. Flies, rodents and objectionable odors shall be contained.
- (11) Chicken coops and chicken runs shall be kept free of accumulated fecal matter and all collected fecal material shall be bagged and properly disposed of at least once a week.

Stored fecal matter must be kept in a leak-proof container with a tight-fitting cover until removal from the premises.

(12) Chicken feces, discarded chicken feed, and dead chickens shall not be composted.

(b) *Chicken coop requirements.* All chicken coops in the city shall adhere to the following requirements:

- (1) Must be constructed to adequately keep chickens in and predators out. A coop shall be fully enclosed and wind proof with a well-ventilated roof to prevent escape by chickens or entrance by migratory birds and rodents.
- (2) Maximum size must comply with the information detailed in the table below and must not exceed seven feet in total height.

Maximum Size of Chicken Coop	
Maximum Number of Chickens Allowed	Maximum Size
Two (2) Chickens	Twelve (12) square feet
Three (3) Chickens	Eighteen (18) square feet
Four (4) Chickens	Twenty Four (24) square feet

- (3) Be screened from view by a fence or landscaped buffer with a minimum height of four feet. A fence shall require a separate permit consistent with the standards in section 102-13. Landscaping may consist of shrubs or trees but shall provide a minimum 50 percent opacity screen when planted.
- (4) Provide adequate protection from the elements and be able to be winterized. Heaters are strictly prohibited.

Chicken Coop Minimum Setback Requirements	
District	Setback from all property lines
<u>R-1 A & R-1 B Residential and Institutional</u>	10 Feet from a side (including corner lots) or rear property line. 3 feet from a rear property line abutting an alley.
R-1 C	15 Feet
R-1 D & R-1 E	20 Feet

- (5) Be located in the rear yard of the premises and shall be setback at least five feet from any on-site or adjacent residential structure or business and conform with the property line setbacks detailed in the table below.
- (6) May be made mobile, but must meet all requirements of this section at all times and must be returned to their proper location while unattended or after sunset.

(c) *Chicken run requirements.* All chicken runs in the city shall adhere to the following requirements:

- (1) The maximum size must comply with the information detailed in the table below and must not exceed seven feet in total height.

Maximum Size of Chicken Run	
Maximum Number of Chickens Allowed	Maximum Size
Two (2) Chickens	Forty (40) square feet

Three (3) Chickens	Sixty (60) square feet
Four (4) Chickens	Eighty (80) square feet

- (2) Must be enclosed with fencing, weather resistant/green treated wood and/or sealed with a weather resistant product and/or woven wire materials, and may allow chickens to contact the ground.
- (3) Must have a protective overhead netting to keep the chickens separated from other animals.
- (4) A fence permit may be required pursuant to Hopkins City Code, section 102-13.
- (5) Must be located in the rear yard of the premises and shall be setback at least five feet from any on-site or adjacent residential structure or business and conform with the property line detailed in the table below.

Chicken Run Minimum Setback Requirements	
District	Setback from all property lines
R 1 A & R 1 B <u>Residential and Institutional</u>	10 Feet from a side (including corner lots) or rear property line. 3 feet from a rear property line abutting an alley.
R 1 C	15 Feet
R 1 D & R 1 E	20 Feet

- (6) May be made mobile, but must meet all requirements of this section at all times and must be returned to their proper location while unattended or after sunset.

SECTION 3. In accordance with Section 3.03 of the City Charter and Minn. Stat. § 412.191, subd. 4, due to the significant length of this Ordinance, City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On August 16, 2022, the Hopkins City Council adopted Ordinance 2022-1181 that amends Chapter 6 of the Hopkins City Code. The purpose of amending the City Code is to allow for the chickens in all residential and institutional districts including amendments to the setbacks and license terms.

A printed copy of the ordinance is available for inspection during regular business hours at Hopkins City Hall and is available online at the City's web site located at www.hopkinsmn.com.

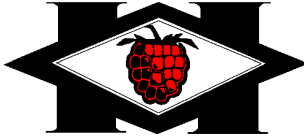
SECTION 4. The effective date of this ordinance shall be the date of publication.

First Reading:	August 1, 2022
Second Reading:	August 16, 2022
Date of Publication:	August 25, 2022
Date Ordinance Takes Effect:	August 25, 2022

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk



CITY OF HOPKINS

Memorandum

To: Honorable Mayor and Council Members
From: Ari Lenz, Assistant City Manager
Copy: Mike Mornson, City Manager
Date: August 16, 2022
Subject: Second Reading of Ordinance 2022-1182

Staff recommends that the Council approve the following motion: Move to adopt for Second Reading of Ordinance 2022-1182 extending the Term of the Franchise Held by Comcast of Minnesota, Inc.

No changes have been made to the ordinance since the August 1 first reading.

Attachment:
Ordinance 2022-1182

**CITY OF HOPKINS
COUNTY OF HENNEPIN**

ORDINANCE NO. 2022-1182

**AN ORDINANCE EXTENDING THE TERM OF THE FRANCHISE
HELD BY COMCAST OF MINNESOTA, INC.**

**THE CITY COUNCIL OF THE CITY OF HOPKINS HEREBY ORDAINS AND
FOLLOWS:**

WHEREAS, on or about July 17, 2012, the City of Hopkins, Minnesota (“City”) granted a cable television franchise pursuant to Ordinance No. 2012-1051 (“Franchise”) which is currently held by Comcast of Minnesota, Inc. (“Comcast”); and

WHEREAS, the City and Comcast, pursuant to 47 U.S.C. §546(h), are currently conducting informal franchise renewal negotiations in an attempt to reach mutually acceptable terms for franchise renewal; and

WHEREAS, both the City and Comcast are interested in continuing informal renewal negotiations and desire to extend the Franchise term from August 1, 2022, to January 31, 2023; and

WHEREAS, the City and Comcast have determined that an extension of the Franchise term is reasonable and in the best interest of the City, and its residents, to ensure uninterrupted cable television services; and

WHEREAS, both the City and Comcast desire to expressly reserve all of their respective rights under state and federal law; and

WHEREAS, the City and Comcast continue to be governed by the formal renewal process pursuant to 47 U.S.C. §546(a-g) and nothing contained herein shall in anyway diminish either party’s rights under the formal renewal process.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HOPKINS,
MINNESOTA HEREBY ORDAINS:**

1. The Franchise is hereby amended by extending the term of the Franchise from August 1, 2022, through January 31, 2023.
2. Except as specifically modified hereby, the Franchise shall remain in full force and effect.
3. This Ordinance shall become effective upon adoption by the City and acceptance by Comcast.

Adopted by the City Council of the City of Hopkins, Minnesota this 16th day of August 2022.

CITY OF HOPKINS, MINNESOTA

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

ACCEPTANCE

Comcast of Minnesota, Inc. hereby accepts this Ordinance and agrees to be bound by the terms and conditions of the Franchise, as amended.

COMCAST OF MINNESOTA, INC.

By: _____

Its: _____

Background

The formation, powers and duties of a planning commission are established in state law, the City Charter and Section 2-68 of the City Code. Generally, the establishment and organization of a planning commission is left to the local government, while the powers and duties are detailed in state statute. The current Planning & Zoning Commission Bylaws were adopted on January 26, 1988 and were last updated in 2016 to address changes in State Statute that occurred up to that time.

In May of 2021, Section 2-68 of the City Code was updated to allow for appointment of non-voting student members to the Commission. However, the Commission Bylaws were not modified to include this change. Accordingly, Staff prepared suggested revisions to the Bylaws to reflect the updated City Code. The revised Bylaws document also proposed further revisions to reflect the Commission's current practices and operation. Specifically the making the following changes:

- Removes the secretary officer position whose duties are now handled by staff;
- States that the term of Commissioners is a period of two years as reflected in Section 2-68 of the City Code;
- Revises the time limits for speakers during public hearings from 30 minutes to two minutes, unless otherwise arranged prior to the hearing, or by vote of the Commission.

The proposed amendments were discussed at the June 28, 2022 Planning and Zoning Commission meeting. Following that discussion staff made minor revisions for clarity and presented the final version at the July 26, 2022 regular meeting. The Planning and Zoning Commission unanimously approved a motion approving the amendment to the bylaws. City Council review and approval of any amendments to the required prior to taking effect.

Alternatives

1. Approve the amendment to the Bylaws.
2. Deny the amendment to the Bylaws. If the City Council considers this alternative, findings will have to be identified that support this alternative.
3. Continue for further information. If the City Council indicates that further information is needed, the item should be continued.

CITY OF HOPKINS
Hennepin County, Minnesota

RESOLUTION NO: 2022-054

**A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF HOPKINS
PLANNING & ZONING COMMISSION BYLAWS**

WHEREAS, the City of Hopkins initiated an application to amend the City of Hopkins Planning & Zoning Commission Bylaws; and,

WHEREAS, the procedural history of the application is as follows:

1. That an application to amend the City of Hopkins Planning & Zoning Commission Bylaws was initiated by the City of Hopkins;
2. That the Hopkins Zoning and Planning Commission, reviewed such application on June 28, 2022, and on July 26, 2022;
3. That the City of Hopkins Planning & Zoning Commission approved Planning & Zoning Commission Resolution 2022-04, recommending the City Council approve this item.

NOW, THEREFORE, BE IT RESOLVED that the City of Hopkins hereby approves an amendment to the City of Hopkins Planning & Zoning Commission Bylaws.

Adopted by the City Council of the City of Hopkins this 16th day of August 2022.

Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

CITY OF HOPKINS
PLANNING & ZONING COMMISSION
BYLAWS

DRAFT

AMENDED AND APPROVED AUGUST 16, 2022

CITY OF HOPKINS
PLANNING & ZONING COMMISSION BYLAWS

ARTICLE I – IDENTITY

1.1 This organization shall be known as the City Planning & Zoning Commission of the City of Hopkins.

~~1.2~~—The administrative offices and mailing address of the Commission
~~1.3~~1.2 shall be 1010 First Street South, City Hall, Hopkins, Minnesota.

ARTICLE II – ORIGIN AND POWERS

2.1 The City Planning & Zoning Commission was created by Ordinance No. 269. The Commission serves in an advisory capacity to the City Council. The Commission is also the Board of Adjustments and Appeals as provided for in the zoning code and has the powers and duties assigned to it by the zoning code and by law.

ARTICLE III – DUTIES AND OBJECTIVES

3.1 The ~~objectives of the~~ Commission is designed to serve in advisory capacity to the City Council and Administration and is further empowered to perform certain quasi-judicial functions.

3.2 The objectives of the Commission are to guide future development of land, services and facilities so as to ensure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities and so as to promote the public health, safety, morals, and general welfare, including the aesthetic, social, economic, physical and environmental quality of the entire City in the context of the metropolitan community. To bring about the achievement of these objectives the Commission shall:

- (a) Establish community development objectives and policies,
- (b) Make development plans,
- (c) Increase public understanding and acceptance of planning practices,

- (d) Coordinate development actions affecting City growth,
- (e) Make recommendations to the City Council relating to acceptance of subdivisions (Subdivision Code),
- (f) Make recommendations to the City Council regarding provisions of the Legislative Code (petitions and applications for rezoning, conditional use permits, variances, street and alley vacation, retention of tax forfeit land, etc.),
- (g) Review all matters relating to or affecting the physical development of the City,
- (h) Draft and recommend to the City Council for adoption, regulations and ordinances authorizing and empowering the enforcement of its findings and conclusions relating to the physical development of the City, and
- (i) Serve as a forum for ~~citizen~~ resident, business and community involvement and expression on the above-mentioned elements.

ARTICLE IV – MEMBERSHIP

- 4.1 Number. The Commission shall consist of seven persons of which no less than six shall have been a resident of the City for one year or more on the date of appointment. -At the sole discretion of the City Council, one member may be a manager, owner, or have a substantial ownership stake in a business that is located within the corporate city limits of the City of Hopkins. -The Commission shall also have one staff liaison to be appointed by the City Manager. The Commission shall also have two youth members to be appointed by the City Manager. -Each member except the staff liaison and the youth members shall have the right to vote on all matters before the Commission.
- 4.2 Terms. Member terms of office shall be for two years. Three members shall be appointed on July 1 of each odd numbered year and four shall be appointed on July 1 of each even numbered year. -Members appointed to complete a current term of office shall be considered to have served a term of office if the appointment is to an office which is less than half completed. If the appointment is to an office which is more than half completed the appointment will not be considered a term of office. -Members shall serve no more than two consecutive terms of office. -The Council member shall serve for a term of one year and may be eligible for a consecutive one-year reappointment. Youth members shall be appointed on July 1 of each year, shall be appointed for a one-year term and shall serve no more than three consecutive terms of office.

- 4.3 Removal. Members may be subject to removal by the Mayor, for cause, but only after Council approval, after notice and opportunity for a hearing before the Council. Members who discontinue legal residency in the City or fail to maintain the requirements to be eligible to serve as a business representative shall automatically be deemed to have resigned from the Commission as of the date of such discontinuance.
- 4.4 Absenteeism. If any member fails to attend four regular meetings of the Commission per year, notice of such failure may be cause for removal and forwarded by the Chair to the Mayor and Council with the request for removal of such members from the Commission.
- 4.5 Expenses. Members shall serve without salary, but cost of sending notices, preparing and distributing minutes and other clerical expenses shall be paid by the City from the general fund together with such extraordinary expenses as are authorized by the City Council.

ARTICLE V – OFFICERS AND DUTIES

- 5.1 Titles. The officers of this Commission shall be a Chair ~~and~~, Vice-Chair ~~and~~ Secretary.
- 5.2 Duties of the Chair. The chair shall preside at all meetings, appoint committees, rule on procedural questions subject to reversal by a two-thirds vote of members in attendance, exercise the same voting rights as the other commissioners, assist City Administration in preparing annual Commission budget, and carry out such other duties as are assigned by the Commission.
- 5.3 Duties of the Vice-Chair. The Vice-Chair shall act in the absence or inability of the Chair to act and in such instances shall have the powers and functions of the Chair.
- ~~5.4 Duties of the Secretary. The secretary shall oversee the notifying of all members of meetings, drafting and circulating agendas, keeping on file all official records and reports of the Commission, keeping written record of Commission meetings, transactions and actions, serving required notices of all public hearings and public meetings, maintaining and circulating information and carrying out such other duties as are assigned by the Commission.~~

ARTICLE VI – ELECTION OF OFFICERS

- 6.1 Term. Officers shall be elected by secret ballot at the annual meeting of the Commission. Terms of office shall be for one year and no member shall hold the office of Chair or Vice-Chair for more than two years consecutively. Officers shall serve until replaced by a duly elected officer in accord with these procedures.
- 6.2 Nominating Committee. The Chair may appoint a nominating committee to report to the Commission prior to election, but nominating of officers may also be made from the floor.
- 6.3 Majority Required. Candidates for office receiving a majority vote of the entire voting membership (four) shall be declared duly elected.
- 6.4 Date of Office. New elected officers shall take office at the regular meeting in July.
- 6.5 Vacancies. Vacancies occurring in offices of the Commission shall be filled forthwith by regular election procedure.

ARTICLE VII – MEETINGS

- 7.1 Annual Meetings. An annual organizational meeting shall be held at the regular meeting in May of each year. The annual meeting shall be devoted to the election of officers and may include amendments to the Bylaws, consideration of an annual work plan or other business as shall be scheduled by the Planning & Zoning Commission.
- 7.2 Regular Meetings. Regular meetings of the Commission shall be held on the fourth Tuesday of each month at a time and place agreed upon by the Commission at a prior meeting. At such meetings, the Commission may consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting, or by the Chair, the City Council or Mayor. In the event that the regular meeting date falls on a legal holiday, the meeting shall be held on the following day.
- 7.3 Special Meetings. Special meetings may be called at the discretion of the Chair, or by the written request of at least three members who shall convey such request to the staff liaisonsecretary.
- 7.4 Notice of Meetings. Notice in writing of annual meetings setting forth the time and place thereof shall be delivered to all Commission members at least twenty calendar days in advance of such meetings; notice in writing of each regular meeting shall be sent to all Commission members at least twenty calendar days in advance of such meetings; notice in writing of each regular meeting shall be sent to all Commission members at least four calendar days in advance of such meeting

and notice in writing of any special meeting shall be sent to all Commission members at least four calendar days prior to such meeting and shall state the time, place and purpose and agenda of such meeting.

ARTICLE VIII – PRE-MEETING PROCEDURES

- 8.1 Agenda. The agenda for each meeting of the Commission shall be developed in writing by the ~~staff liaison~~ secretary of the Commission, subject to approval by the Zoning Administrator and Chair.
- 8.2 Application Deadlines. No matter shall be placed on the agenda unless written request or petition, along with necessary forms, legal descriptions, maps, drawings, etc., have been submitted to the Planning Department in proper and correct form and unless the following timetable has been observed.:
- a) Matter Requiring Published Newspaper Notice: All applications and referrals, including required legal descriptions, certified sufficient petitions, maps, drawings, etc., shall be received at a date set by the ~~staff liaison~~ Zoning Administrator each month. Applicants shall meet informally with the ~~staff liaison~~ Zoning Administrator and other city staff as necessary prior to submittal of such application in order to preliminarily discuss required drawings and possible planning implications.
 - b) All other matters: For all matters other than those mentioned in (a) above, all applications and referrals, including required legal descriptions, certified sufficient petitions, maps, drawings, etc., shall be received by the Planning Department prior to the Commission meeting at which action may be taken.
- 8.3 Reference to Committee. The ~~staff liaison~~ Zoning Administrator and Chair may refer any matter to Commission committee before placing such matter on the agenda, and in such event the pertinent committee shall meet and consider said matter and report thereon before the Commission takes final action. Also, any three members of the Commission may, prior to or during full Commission discussion, require that a matter be considered by a Commission committee.
- 8.4 Reports. The ~~staff liaison~~ Zoning Administrator shall prepare a technical study or report on all matters to be heard and shall provide such reports or findings to Commission members at least four calendar days before the Commission meeting at which action may be taken.
- 8.5 Withdrawal. If a petitioner or applicant desires to withdraw a matter from the agenda, such request must be submitted to the ~~staff liaison~~ secretary in writing, and if any public notice has been given, any persons appearing at the noticed hearing on said petition or application shall be entitled to be heard at said hearing.

ARTICLE IX – MEETING PROCEDURE

- 9.1 Rules of Order. Unless otherwise specifically designated, Roberts Rules of Order, as most recently revised, shall govern meeting procedures. However deliberative sessions of the Commission shall be conducted as informally as possible.
- 9.2 Quorum. A majority of the membership of the Commission (four) shall constitute a quorum for meeting purposes; however, no less than three affirmative or negative votes shall be required to transact business or make binding decisions on behalf of the Commission. Ex-officio members are eligible for the purpose of declaring a quorum but are non-voting members.
- 9.3 Conflict of Interest. Whenever a Commission member shall have a direct or indirect personal or financial interest in an application or petition before the Commission, such member shall declare such interest and shall not participate in any hearing on said matter; shall absent himself from all deliberative sessions or Commission discussion on said matter; and shall in no event vote upon said matter. When there is question as to the existence of a conflict of interest, the Chair shall make ruling thereon. The member with the conflict shall be required to leave the room during the voting.
- 9.4 Suspension of Rules. The Commission may temporarily suspend its rules by a three-fourths vote of members in attendance.
- 9.5 Appearance of Petitioner. No application or petition shall be given final approval unless the applicant or petitioner appears personally or by representative at hearing called thereon, or makes satisfactory explanation or presentation in lieu thereof. Such appearance shall not be required in matters regarding release of tax-forfeited “conservation” properties.
- 9.6 Agenda. Order of business at regular meetings shall be basically as follows:
1. Call to order.
 2. Roll call or determination of quorum.
 3. Public hearings.
 4. Consideration of minutes.
 5. Communications.
 6. Report of final disposition of matters previously before the Commission.
 7. Reports of officers and committees.

8. Consideration of matters regarding Commission action.
9. Other business.
10. Adjournment.

- 9.7 Dispensation. A motion must be made and voted upon in order to dispense with any item on the agenda. No binding or final action shall be taken on any agenda matter except at public, annual, regular, or special meetings.
- 9.8 Non-Agenda Matters. No binding or final action may be taken on any matter not on the written agenda except by unanimous vote of the members in attendance or two-thirds vote (five) of the entire membership.
- 9.9 Continuing. A continuing motion if passed has the effect of laying the matter over until the next regular meeting unless otherwise specified.
- 9.10 Tabling. A tabling motion if passed has the effect of laying the matter over indefinitely or until removed from the table.

ARTICLE X – PUBLIC HEARING PROCEDURE

- 10.1 Time Limits. The proponents and opponents of any petition or application shall be limited to a total presentation period of ~~thirty-two~~ minutes each. Speakers may also be granted one period of one additional minute to raise new issues or concerns; or conclude their remarks.
Exceptions to the standard time limit, no longer than five minutes, may be granted through previous arrangement with the Chair, or by vote of the Commission at the onset of the public hearing-
- 10.2 Order of Appearance. The proponents shall proceed first, and no person shall speak more than once on a matter before the Commission unless in answer to a question by a Commission member or staff member or following suspension of the rules, except that petitioner or ~~his-their~~ representative may be granted not more than seven minutes to rebut the opposition presentation.
- 10.3 Termination of Hearing. Upon close of public hearing no further presentation shall be allowed except upon suspension of the rules.

ARTICLE XI – SPECIALISTS

- 11.1 Special Committees & Observers. The Chair may appoint such special committees and chairpersons thereof as ~~he/she~~ they may from time to time deem necessary.

ARTICLE XII – POLICY

- 12.1 Policy Statement. A written statement of policy of the Commission shall be drafted and maintained at the administration offices.
- 12.2 Policy Revision. Said policy may be revised, amended or added to at any regular or special meeting by a majority of the entire membership and shall be reviewed by the Commission or a committee thereof annually.
- 12.3 Policy Availability. The staff shall advise petitioners, applicants or other interested persons of applicable portions of said policy upon request.

ARTICLE XIII – AMENDMENT OF BY-LAWS

- 13.1 Amendment Procedure. These bylaws and rules of procedure may be amended at any regular meeting by two-thirds vote of Commissioners in attendance and notice and copies of any proposed amendments shall be given all Commissioners along with meeting notice. Each Commissioner will receive at least thirty days written notice of intent to amend, including the date, time and place such amendment will be voted on, and an exact copy of the amendment as proposed. Amendments require two-thirds vote of the entire membership (five) of the Commission for passage; and in such instance only, Commission members will be allowed to vote by written proxy. All amendments are subject to City Council review and approval prior to taking effect.

ARTICLE XIV – EFFECTIVE DATE

- 14.1 These bylaws shall take effect ~~October 27, 2016~~ August 16, 2022, and shall supersede all bylaws which might have been earlier established for the City Planning & Zoning Commission of Hopkins.



**Hopkins Apartments (Former Mann Theatre – Hopkins Cinema 6)
Rezoning**

Proposed Action: Staff recommends the City Council approve the following motion: Move to adopt Resolution 2022-053 approving the second reading of Ordinance 2022-1183 rezoning the property at 1118 Mainstreet (PID 24-117-22-34-0249) from B-2, Central Business District to B-2, Central Business District with a Planned Unit Development.

With this motion, staff will finalize a PUD Agreement for City Council consideration.

Overview

Enclave Companies is proposing a redevelopment of the former Mann Theater located along Mainstreet between 11th Avenue and 12th Avenue South. The applicant’s plans call for a 4-story, 150-unit mixed use building with 5,382 square feet of commercial space. The first reading of the ordinance was held on August 1, 2022.

The site is currently guided Downtown Center by the 2040 Comprehensive Plan and zoned B-2, Central Business District. As part of the necessary approvals, the applicant requests rezoning to B-2, Central Business District with a Planned Unit Development (PUD) to allow flexibility from some of the B-2 zoning standards in exchange for a higher quality development. Since the first reading, the developer has agreed to add rooftop solar as an additional exchange.

The applicant, Brian Bochman with Enclave Companies, requests approval of the second reading of Ordinance 2021-1183. If approved, a PUD Agreement will be brought to the City Council along with a Parking Agreement for use of the City’s municipal ramp. Together, these agreements will finalize the rezoning of this site and the public assistance committed to the development. Those agreements are anticipated to be brought to the City Council on September 6, 2022.

Primary Issues to Consider

- Background
- Planned Unit Development Review
- Alternatives

Supporting Documents

- Resolution 2022-053
- Ordinance 2021-1183

Ryan Krzos, City Planner and Kersten Elverum, Director of Planning

Financial Impact: \$ <u> N/A </u> Budgeted: <u> </u> Y/N <u> </u> Source: _____ Related Documents (CIP, ERP, etc.): _____ Notes:
--

BACKGROUND

Development Proposal. The 1.88 acre subject property was originally platted as part of the West Minneapolis Addition in 1887. The existing Hopkins Cinema 6 Movie Theatre was constructed in 1995 as part of a redevelopment of this property which included the movie theatre, three retail spaces and a 5,000 square foot casual dining restaurant. The movie theatre property was owned by the Beard Group who leased it to the Mann Theatres Group. Prior to 1995, the site was occupied by the Suburban Chevrolet automobile dealership.

The Hopkins Housing and Redevelopment Authority (HRA) purchased the subject property from Suburban Chevrolet and sold it to the Beard Group in 1995 and executed a development agreement with the developer (the Beard Group) which included both financial and site and building design requirements for the project. The financial requirements created Tax Increment District 1-2 encompassing the subject property which generated tax increment dollars to offset public costs in conjunction with redeveloping the site. That TIF District obligation ended in 2020.

On November 20, 2020, Mann Theatre – Hopkins Cinema 6 permanently closed its business due primarily to the continuing COVID-19 pandemic. In 2021, the City reviewed a concept plan related to redevelopment of the site brought forward by a different developer. Enclave Companies recently secured an agreement to purchase the site, and is now seeking land use approvals. The redevelopment would provide a residential mix of 67 alcove, 22 studio, 47 one-bedroom, and 14 two-bedroom market rate apartments; and 5,382 square feet of commercial space on the ground floor accessed from Mainstreet.

Review Process to Date

The City Council approved the first reading of this rezoning ordinance, along with the corresponding site plan and conditional use permit, on August 1, 2022. Prior to that action, the Planning & Zoning Commission held a public hearing to review these items and recommended approval by the City Council on July 26, 2021. The Planning Commission's recommendation included a stipulation that the developer shall explore the addition of affordable housing and sustainability certifications and/or features in support of the Planned Unit Development (PUD) request. The applicant has revised their proposal to include rooftop solar panels in support of the PUD request. It is anticipated that residential affordability would be tied to an increased financial assistance request and staff recommends that it not be considered a PUD benefit.

Should the City Council approve the second reading of this ordinance and the planned unit development agreement, it would rezone the subject property from B-2, Central Business District to B-2, Central Business District with a Planned Unit Development (PUD) and authorize the Mayor and City Manager to enter into the PUD agreement.

PLANNED UNIT DEVELOPMENT REVIEW

The purpose of a planned unit development is to allow flexibility from traditional development standards in return for a higher quality development. Typically, the City looks for a developer to exceed other zoning standards, building code requirements or meet other goals of the Comprehensive Plan. In exchange for the flexibility offered by the planned unit development, the

applicant is expected to detail how they intend to provide a higher quality development or meet other City goals.

The requested rezoning of the site from B-2, Central Business District to B-2, Central Business District with a Planned Unit Development (PUD) would allow the applicant to deviate from some of the zoning regulations as detailed in the table below. The applicant is seeking this flexibility in exchange for the project delivering sustainability features including rooftop solar, electric vehicle charging stations, pedestrian connection from 12th Avenue South to 11th Avenue South, three pedestrian level art installations, and a building design that includes design and amenity features above and beyond minimal underlying zoning requirements.

Requested Planned Unit Development Deviations		
Zoning Category	Zoning Requirement	Requested Deviation
Conditional Use Permit	Residential Dwellings Prohibited On 1 st Floor	Allow Residential Dwellings on First Floor
	One underground space per unit	120 underground stalls proposed. 30 stalls located in surface lot, and conceptual agreement on lease of 40 stalls in municipal garage
	Density limited to allowance for R-4 (44 unit/ac)	79.6 units per acre in accordance with guided range of 20-100 units per acre in the Downtown Center
Off-street Parking:	2 stalls per unit	1.26 stalls per unit
Building Height	Four Stories or 45 ft	47.9 ft as measured along Mainstreet

COMPREHENSIVE PLAN

The development proposal is in conformance with the City’s Comprehensive Plan including the following goals:

- Welcome growth to the city by directing most of new housing and employment to the city’s mixed use centers and employment districts.
- Encourage all public and private developments to be well-designed, durable, human-scaled and pedestrian oriented.
- Support the development of a safe, connected, accessible network of regional and local bicycle and pedestrian facilities in Hopkins.
- Grow the supply of housing in Hopkins, particularly in targeted areas.
- Support the vision of a community where everyone has access to the resources and opportunities needed to live healthy, active lives. (The site is very conducive to an active lifestyle with a walk score of 90)
- Encourage sustainable practices in locating, designing, constructing and maintaining development in the city.
- Support the development of a strong, vibrant, livable community that attracts jobs, population and investment.
- Maintain a viable downtown core that serves as an economic and social center for the community.

- Continue to grow Downtown's population and jobs base.

ALTERNATIVES

1. **Vote to approve the rezoning and planned unit development for 1118 Mainstreet.**
2. **Vote to deny the rezoning and planned unit development for 1118 Mainstreet.** Should the City Council consider this option, it must also identify specific findings that support this alternative.
3. **Continue for further information.** If the City Council finds that further information is needed, the items should be continued.

CITY OF HOPKINS
Hennepin County, Minnesota

RESOLUTION 2022-053

**A RESOLUTION APPROVING THE SECOND READING OF ORDINANCE 2022-1183
REZONING THE PROPERTY WITH PID 24-117-22-34-0249 FROM B-2, CENTRAL
BUSINESS DISTRICT TO B-2, CENTRAL BUSINESS DISTRICT WITH A PLANNED UNIT
DEVELOPMENT, SUBJECT TO CONDITIONS**

WHEREAS, the applicant, Enclave Companies, initiated an application requesting to rezone the property addressed as 1118 Mainstreet (PID 24-117-22-34-0249) from B-2, Central Business District to B-2, Central Business District with a Planned Unit Development (PUD), and

WHEREAS, this property is legally described in Exhibit A; and

WHEREAS, the procedural history of the application is as follows:

1. That the above stated application was initiated by the applicant on June 24, 2022; and,
2. That the Hopkins Planning & Zoning Commission, pursuant to published and mailed notice, held a public hearing on the application and reviewed such application on July 26, 2022: all persons present were given an opportunity to be heard; and,
3. That written comments and analysis of City staff were considered; and,
4. That the Hopkins Planning & Zoning Commission reviewed this application during their July 26, 2022 meeting and recommended approval by the City Council, subject to conditions; and
5. That the Hopkins City Council reviewed this application during their August 1, 2022 meeting and agreed with the findings of the Planning & Zoning Commission and approved and approved Resolution 2022-050 approving the first reading of Ordinance 2022-1183 rezoning the property located at 1118 Mainstreet with PID 24-117-22-34-0249; and
6. That the Hopkins City Council conducted a second reading of Ordinance 2022-1183 during the August 16, 2022 meeting.

WHEREAS, staff recommended approval of the above stated application based on the findings outlined in the staff report dated August 1, 2022 and the staff memo dated August 16, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hopkins hereby approves the second reading of Ordinance 2022-1183 rezoning the property located at 1118 Mainstreet (PID 24-117-22-34-0249) from B-2, Central Business District to B-2, Central Business District with a Planned Unit Development (PUD), subject to the conditions listed below.

1. Approval by the City Council and execution by the Mayor and City Manager of a Planned Unit Development (PUD) Agreement in a form acceptable to the City Attorney.
2. Approval of the development by the Nine Mile Creek Watershed District and conformance with all related conditions.
3. Payment of all applicable development fees including, but not limited to SAC, park dedication and City Attorney fees.

Adopted by the City Council of the City of Hopkins this 16th day of August, 2022.

By: _____
Patrick Hanlon, Mayor

ATTEST:

Amy Domeier, City Clerk

EXHIBIT A
Legal Description of subject property

Tract A:

Lots 1 through 6 inclusive, Block 7,

That part of the North Half of the adjoining vacated East-West alley in said Block 7 lying between the extension across it of the West line of said Lot 1 and the East line of Lot 26, in said Block 7,

That part of the vacated East-West alley lying North of the center line of said alley and between the extension across it of the East line of Lot 6 and the East line of Lot 26, all in Block 7, "West Minneapolis". According to the recorded plat thereof, and situate in Hennepin County, Minnesota. Being registered land as is evidenced by Certificate of Title No. 834358.

Tract B:

Lot Twenty-three (23) except the South 25 feet thereof, front and rear, and all of Lots Twenty-four (24), Twenty-five (25), and Twenty-six (26), Block Seven (7), West Minneapolis, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, together with that part of the South half of the vacated East-West alley in said Block 7 lying between the extension across it of the West line of Lot 26 and the center line of the North-South alley in said Block 7 and together with that part of the West half of the vacated North-South Alley in said Block 7 lying between the extensions across it of the South line of Lot 23 except the South 25 feet thereof and the North line of said Lot 26.

Abstract Property

Tract C:

Lots Seven (7), Eight (8), Nine (9) and Ten (10), Block Seven (7), West Minneapolis, except the South 25 feet of said Lot 10, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, together with that part of the East half of the vacated North-South alley in said Block Seven (7) lying between the extensions across it of the South line of Lot 10 except the South 25 feet thereof and the North line of said Lot 7 and together with that part of the South half of the vacated East-West alley in said Block 7 lying between the extensions across if of the East line of said Lot 7 and the Center line of the North-South alley in said Block 7.

Abstract Property.

**CITY OF HOPKINS
Hennepin County, Minnesota**

ORDINANCE NO. 2022-1183

**AN ORDINANCE REZONING THE PROPERTY WITH PID 24-117-22-34-0249 FROM B-2,
CENTRAL BUSINESS DISTRICT TO B-2, CENTRAL BUSINESS DISTRICT WITH A
PLANNED UNIT DEVELOPMENT**

THE COUNCIL OF THE CITY OF HOPKINS DOES HEREBY ORDAIN AS FOLLOWS:

1. That the zoning classification of B-2, Central Business District, upon the following described premises is hereby repealed, and in lieu thereof, said premises is hereby zoned B-2, Central Business District with a Planned Unit Development (PUD).
2. The property to be rezoned is legally described in Exhibit A

First Reading:	August 1, 2022
Second Reading:	August 16, 2022
Date of Publication:	August 25, 2022
Date Ordinance Takes Effect:	August 25, 2022

ATTEST:

Patrick Hanlon, Mayor

Amy Domeier, City Clerk

EXHIBIT A
Legal Description of subject property

Tract A:

Lots 1 through 6 inclusive, Block 7,

That part of the North Half of the adjoining vacated East-West alley in said Block 7 lying between the extension across it of the West line of said Lot 1 and the East line of Lot 26, in said Block 7,

That part of the vacated East-West alley lying North of the center line of said alley and between the extension across it of the East line of Lot 6 and the East line of Lot 26, all in Block 7, "West Minneapolis". According to the recorded plat thereof, and situate in Hennepin County, Minnesota.

Being registered land as is evidenced by Certificate of Title No. 834358.

Tract B:

Lot Twenty-three (23) except the South 25 feet thereof, front and rear, and all of Lots Twenty-four (24), Twenty-five (25), and Twenty-six (26), Block Seven (7), West Minneapolis, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, together with that part of the South half of the vacated East-West alley in said Block 7 lying between the extension across it of the West line of Lot 26 and the center line of the North-South alley in said Block 7 and together with that part of the West half of the vacated North-South Alley in said Block 7 lying between the extensions across it of the South line of Lot 23 except the South 25 feet thereof and the North line of said Lot 26.

Abstract Property

Tract C:

Lots Seven (7), Eight (8), Nine (9) and Ten (10), Block Seven (7), West Minneapolis, except the South 25 feet of said Lot 10, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, together with that part of the East half of the vacated North-South alley in said Block Seven (7) lying between the extensions across it of the South line of Lot 10 except the South 25 feet thereof and the North line of said Lot 7 and together with that part of the South half of the vacated East-West alley in said Block 7 lying between the extensions across if of the East line of said Lot 7 and the Center line of the North-South alley in said Block 7.

Abstract Property.