



**PLANNING COMMISSION MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
FEBRUARY 25, 2019  
7:00 PM**

Call to Order

Approval of minutes of the regular Planning Commission meeting of December 10, 2018.

Opportunity for Citizens to Address the Commission on items not on the Agenda

**Agenda Approval**

1. Approval of the Agenda

**Public Hearings**

2. Conduct a public hearing to consider a request for a variance from setback requirements at 7300 Portland Avenue.

19-VAR-01

**Other Business**

3. Election of Planning Commission Chairperson, Vice-Chairperson and Secretary.  
PC Letter #1
4. Appointment of liaisons to the Community Services Advisory Commission, City Council, Housing and Redevelopment Authority, School Board and Transportation Committee  
PC Letter #2
5. Review of Planning Commission Bylaws.  
PC Letter #3
6. Consideration of a motion to reschedule the May Planning Commission meeting to May 29, 2019.  
PC Letter #4

**Liaison Reports**

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

**City Planner's Reports**

7. City Planner's Report

8. Next Meeting Time and Location

March 25, 2019, at 7:00 p.m. in the Council Chambers.

9. 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.**



# Planning Commission Minutes

December 10, 2018

MEMBERS PRESENT: Chairperson Sean Hayford Oleary, Commissioners James Rudolph, Bryan Pynn, Susan Rosenberg, Kathryn Quam, Allysen Hoberg and Dan Kitzberger

STAFF PRESENT: Melissa Poehlman, Assistant Community Development Director  
Matt Brillhart, Associate Planner, Sadie Gannett, Assistant Planner

OTHERS PRESENT: Rami Saleh, Representative for Variance Application

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

## APPROVAL OF MINUTES

M/Pynn S/Rosenberg to approve the minutes of the November 26, 2018 meeting.

*Motion carried: 7-0*

## OPEN FORUM

Ruane Onesirosan spoke in opposition of the proposal at 66<sup>th</sup> Street & Queen Avenue.

Assistant Community Development Director Poehlman responded that the City Attorney was reviewing her letter.

## ITEM #1 APPROVAL OF AGENDA

M/Pynn, S/Quam to approve the agenda.

*Motion carried: 7-0*

## PUBLIC HEARING(S)

### ITEM #2

**Conduct a public hearing and consider a request for a variance from sign code requirements at 6601 Penn Avenue South.**

Assistant Planner Sadie Gannett presented the staff report.

In response to Commissioner Pynn and Chair Hayford Oleary, Rami Saleh (applicant) described the proposed changes to the existing signs.

Chair Hayford Oleary opened the public hearing.

No members of the public spoke.

M/Rudolph, S/Pynn to close the public hearing.

*Motion carried: 7-0*

M/Hoberg, S/Rudolph - to recommend approval of a resolution granting a variance from sign code requirements at 6601 Penn Avenue South.

Chair Hayford Oleary commented that while he doesn't like the intensification of these types of signs, this seems like a reasonable request and is in support of the variance.

*Motion carried: 7-0*

December 10, 2018

**OTHER BUSINESS**

None.

**LIAISON REPORTS**

Community Services Advisory Commission: No report

City Council: No report

HRA: No report

Richfield School Board: No report

Transportation Commission: Chair Hayford Oleary – 65<sup>th</sup> St open house

**CITY PLANNER'S REPORT**

Brillhart notified commissioners of a work session on December 11<sup>th</sup> at 6:00 pm. MnDOT will be present to talk about updates and local impacts of the I-494 project. He also noted that the January Planning Commission meeting will likely be cancelled, making the next meeting February 25<sup>th</sup>, 2019.

**ADJOURNMENT**

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

The meeting was adjourned by unanimous consent at **7:13 p.m.**

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Planning Commission Secretary

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	2.
CASE NO.:	19-VAR-01



## PLANNING COMMISSION MEETING 2/25/2019

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
2/15/2019

### **ITEM FOR COMMISSION CONSIDERATION:**

**Conduct a public hearing to consider a request for a variance from setback requirements at 7300 Portland Avenue.**

### **EXECUTIVE SUMMARY:**

The single-family home at 7300 Portland Avenue is located in the Single-Family District (R) and was recently purchased by the applicant, Twin Cities Habitat for Humanity. This property is on a corner lot at the intersection of Portland Avenue and 73rd Street, which are arterial and collector streets respectively. The existing home and detached garage will be demolished in order to build a new single-family home and detached garage.

The existing home is legally nonconforming in that it does not meet either the front or the street/corner side setbacks. Additionally, the existing driveway exits onto Portland Avenue. The applicant is proposing to build the new home in accordance with setback requirements, which requires reorienting the garage with the driveway exiting onto 73rd Street, which is a collector street. When a vehicle access door faces a side lot line that abuts an arterial or collector street, the setback requirement is 20 feet. This requirement is to ensure that there is enough depth for off street parking in the event that a sidewalk is installed in the right-of-way. Most vehicles are longer than 15 feet and if a sidewalk was adjacent to this property, it is possible that a parked car in the driveway would extend over the property line, into the sidewalk. The applicant is asking for a variance to allow a 15 foot setback, which would be permitted if the door did not face an arterial or collector street. Staff consulted with the City's Transportation Engineer who confirmed that the City has no plans to install a sidewalk on the south side of 73rd Street. Currently there are sidewalks on both the north side of 73rd Street as well as both sides of Portland Avenue.

There are unique circumstances impacting this lot due to the location of the house directly to the south at 7304 Portland Avenue. The neighboring home is located at the very rear of the property and has a one foot setback from the shared side lot line with 7300 Portland Avenue. The required side setback for a house and an accessory garage in this district is five feet, which would allow for a distance of 10 feet between neighboring structures. Due to the fact that the corner lot at 7300 Portland is only 47 feet wide, if the garage is set back the required 20 feet from the street side lot line, the combined interior setback between the garage and the neighboring house would be approximately 6 feet. The applicant would like to avoid putting the garage that close to the neighboring home as well as provide a bit more green space for the residents.

Staff finds the unusual orientation of the house on the neighboring lot to the south as well as the low probability of a sidewalk being installed on the south side of 73rd Street to be unique circumstances that warrant granting a variance. Finding that the proposal meets all requirements necessary to issue a variance, staff is recommending approval.

## **RECOMMENDED ACTION:**

Conduct and close a public hearing and by motion: Approve a resolution granting a variance at 7300 Portland Avenue.

## **BASIS OF RECOMMENDATION:**

### **A. HISTORICAL CONTEXT**

See Executive Summary.

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

7300 Portland Avenue is zoned Single-Family Residential. Setback requirements are established in Zoning Code Section 514.

The findings necessary to approve a variance are as follows (Subsection 514.13):

1. *There are "practical difficulties" that prevent the property owner from using the property in a reasonable manner.* Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty. The narrow width of the lot and the location of the neighboring home create a practical difficulty to meet the required 20 foot setback for the garage, which would leave very little space between the rear of the garage and the neighboring home. It is reasonable to provide some flexibility in the setback requirements for a vehicle access door.

2. *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.* The narrow width of the lot and the location of the neighboring home are unique. The majority of homes in the Single-Family District and the vicinity are setback 30 feet from the front lot line, whereas the neighboring home is located at the rear of the property. Under this circumstance, a garage setback of 20 feet would create very little space in relation to the neighboring home.

3. *The variance would not alter the character of the neighborhood or the locality.* Granting a variance to allow a 15 foot setback for the garage will not alter the character of the neighborhood. Other properties in the neighborhood do not meet current setback requirements.

4. *The variance is the minimum necessary to alleviate the practical difficulty.* The variance requested is the minimum necessary to allow a reasonable location of the garage. The proposed 15 foot setback is permitted under other conditions.

5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.* The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare.

### **C. CRITICAL TIMING ISSUES:**

60-DAY RULE: The 60-day clock 'started' when a complete application was received on January 29, 2019. A decision is required by March 30, 2019 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

### **D. FINANCIAL IMPACT:**

None.

### **E. LEGAL CONSIDERATION:**

Notice of this public hearing was published in the *Sun Current* newspaper on February 14 and mailed to properties within 350 feet of the site.

## **ALTERNATIVE RECOMMENDATION(S):**

Deny the request with a finding that the proposed variance does not meet requirements.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Chad Dipman, Twin Cities Habitat for Humanity, Inc., Applicant

**ATTACHMENTS:**

Description	Type
☐ Resolution	Resolution Letter
☐ Site Plans, Photos	Backup Material
☐ Zoning Map	Backup Material

## RESOLUTION NO. 231

### RESOLUTION OF THE RICHFIELD PLANNING COMMISSION GRANTING APPROVAL OF A VARIANCE AT 7300 PORTLAND AVENUE

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of a variance on the parcel of land commonly known as 7300 Portland Avenue (the “property”) and legally described as:

Lot 1, Block 1, Blairs Wooddale Third Addition, together with that part of the vacated alley which accrued thereon upon the vacation thereof, Hennepin County, Minnesota.

**WHEREAS**, the property is located in the Single-Family Residential (R) district and a proposed vehicle access door of an accessory garage will be set back 15 feet from the street/corner side lot line; and

**WHEREAS**, Richfield Zoning Code Subsection 514.13, Subdivision 6 states that whenever any building (principal or accessory) is located in such a manner that a vehicle access door faces a side or rear lot line, such side or rear setback requirement shall be not less than 20 feet; and

**WHEREAS**, the property owner has filed an application requesting a variance from the Zoning Code Subsection listed above, for the purposes of a 15 foot setback of a proposed vehicle access door of an accessory garage from the street/corner side lot line; and

**WHEREAS**, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where enforcement would cause “practical difficulty” to the owners of the property under consideration; and

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing for the requested variance at its February 25, 2019 meeting; and

**WHEREAS**, notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the subject property; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Commission of the City of Richfield, Minnesota, as follows:

1. The Planning Commission makes the following general findings:
  - a. The property is zoned Single-Family Residential (R).
  - b. The proposed vehicle access door of an accessory garage will be set back 15 feet from the street/corner side lot line. A variance from Subsection 514.13, Subd. 6 is required.
2. With respect to the application for a variance from the above-listed requirements, the Planning Commission makes the following findings:
  - a. Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty. The narrow width of the lot and the location of the neighboring home create a practical difficulty to meet the required 20 foot setback for the



garage, which would leave very little space between the rear of the garage and the neighboring home. It is reasonable to provide some flexibility in the setback requirements for a vehicle access door.

- b. There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity. The narrow width of the lot and the location of the neighboring home are unique. The majority of homes in the Single-Family District and the vicinity have a setback of 30 feet, whereas the neighboring home is setback to the rear of the lot. Under this circumstance, a garage setback of 20 feet would create very little space in relation to the neighboring home.
  - c. Granting the variance will not alter the character of the neighborhood. Granting a 15 foot setback for the garage will not alter the character of the neighborhood. Other properties in the neighborhood do not meet current setback requirements.
  - d. The variance requested is the minimum necessary to allow a reasonable location of the garage. The proposed 15 foot setback is permitted under other conditions.
  - e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan. The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare.
3. Based upon the above findings, a variance to the above-specified requirement is hereby approved according to the terms of Richfield City Code Subsection 514.13, Subd. 6 with the following stipulations:
- a) This variance to the setback requirement shall apply only to the proposed vehicle access door of an accessory garage.
  - b) The recipient of this approval shall record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.11, Subd. 7; and
  - c) This approval shall expire one year from the date of approval unless construction has begun.

Adopted by the Planning Commission of the City of Richfield, Minnesota this 25th day of February 2019.

\_\_\_\_\_  
Chairperson, Richfield Planning Commission

**ATTEST:**

\_\_\_\_\_  
Secretary, Richfield Planning Commission

**KEMPER & ASSOCIATES INC.**  
PROFESSIONAL LAND SURVEYORS

721 OLD HIGHWAY 8 N.W.  
NEENAH, MINNESOTA 55112  
651-631-0361  
FAX 651-631-8605  
email: kemper@pro-rs.net  
www.kempersurveys.com

**7300 PORTLAND AVENUE SOUTH**

CITY OF RICHFIELD, HENNEPIN COUNTY, MINNESOTA

(PROPOSED SITE & GRADING PLAN)



BASIS FOR BEARINGS:  
HENNEPIN COUNTY  
COORDINATE SYSTEM  
(NAD 83, 1996)  
(VIA REAL TIME GPS  
MEASUREMENTS UTILIZING  
MINNESOTA DEPARTMENT  
OF TRANSPORTATION  
VRS NETWORK)  
BASIS FOR ELEVATION:  
TOP NUT OF FIRE  
HYDRANT AT THE  
SOUTHWEST CORNER OF  
73RD STREET AND  
5TH AVE SOUTH  
ELEV.=853.2 (NAVD 88)  
(AS PER CITY OF RICHFIELD  
PUBLIC WORKS DEPT.)  
CONTOUR INTERVAL=1/2 FOOT

**LEGEND**

- 852— EXISTING CONTOUR LINE
- ×852.20 EXISTING SPOT ELEVATION
- SSMH ○ SANITARY SEWER MANHOLE
- WMH ○ WATER MANHOLE
- CB □ CATCH BASIN
- WV ⊗ WATER VALVE
- PP ○ POWER POLE
- OH— OVERHEAD UTILITY LINE
- SS— SANITARY SEWER LINE
- G— GAS MAIN OR SERVICE
- W— WATER MAIN OR SERVICE
- //— WOOD FENCE
- X— CHAIN LINK FENCE
- EM ⊕ ELECTRIC METER
- GM ⊠ GAS METER
- PP ○ POWER POLE
- (V) DENOTES DIMENSION MEASURED DURING THE COURSE OF THIS SURVEY
- (R) DENOTES RECORD DIMENSION AS PER PLAT OR LEGAL DESCRIPTION
- DENOTES SET SURVEY MONUMENT MARKED "KEMPER 18407"
- BICYCLE LANE
- WINDOW WELL

**ZONING SUMMARY**

ZONED R: SINGLE-FAMILY  
MINIMUM LOT AREA: 6,700 SQ. FT.  
MINIMUM LOT WIDTH: 50 FEET  
MINIMUM LOT DEPTH: 100 FEET  
MAXIMUM BUILDING HEIGHT: 25 FEET  
MAXIMUM LOT COVERAGE: 35%  
MAXIMUM IMPERVIOUS SURFACE: 45%  
SINGLE-FAMILY BUILDING SETBACKS:  
FRONT: 30 FEET  
SIDE: 5 FEET  
REAR: 25 FEET  
ACCESSORY BUILDING SETBACKS:  
FRONT: 30 FEET  
SIDE: 3 FEET  
REAR: 5 FEET  
(PER CITY OF RICHFIELD ZONING CODE)  
(BUILDER TO VERIFY PRIOR TO ANY  
CONSTRUCTION OR DEMOLITION)

**AREA SUMMARY**

LOT 1 = 5,862 SQ. FT. OR 0.1346 ACRES  
PROPOSED HOUSE FOOTPRINT =  
864 SQ. FT.  
PROPOSED FRONT PORCH = 120 SQ. FT.  
PROPOSED REAR STOOP = 16 SQ. FT.  
PROPOSED GARAGE FOOTPRINT =  
440 SQ. FT.  
PROPOSED DRIVEWAY = 240 SQ. FT.  
PROPOSED WALKS & STEPS =  
148 SQ. FT.  
TOTAL PROPOSED IMPERVIOUS SURFACE  
COVERAGE = 1,825 SQ. FT.  
(31.1% OF LOT AREA)

PREPARED FOR:  
CHAD DIPMAN  
PROJECT SYSTEMS SUPERVISOR  
HABITAT FOR HUMANITY  
1954 UNIVERSITY AVE. W  
ST. PAUL, MN 55104  
612-305-7172 (OFFICE)  
612-209-3754 (CELL)  
chad.dipman@thchabitat.org

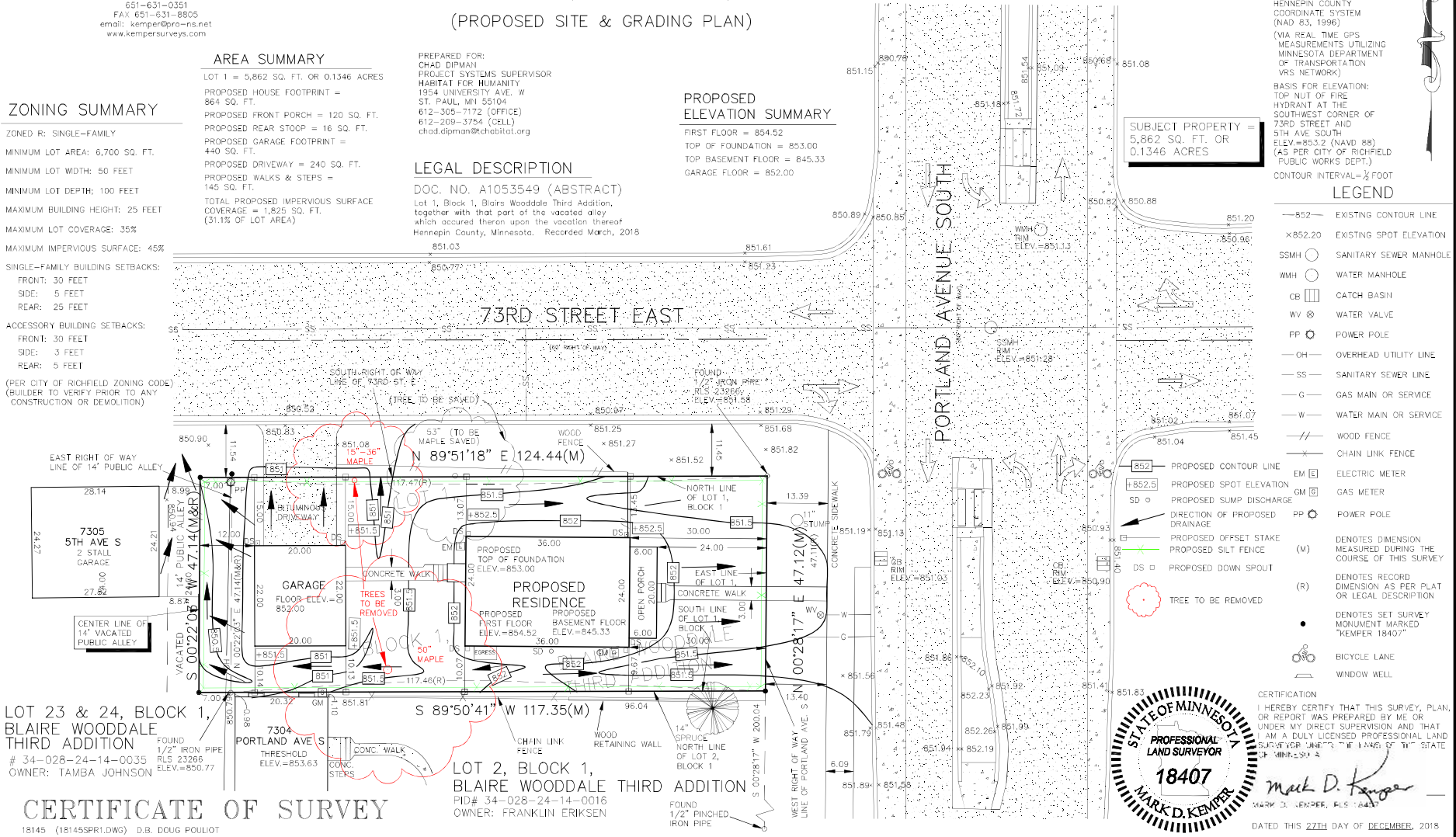
**PROPOSED ELEVATION SUMMARY**

FIRST FLOOR = 854.52  
TOP OF FOUNDATION = 853.00  
TOP BASEMENT FLOOR = 845.33  
GARAGE FLOOR = 852.00

**LEGAL DESCRIPTION**

DOC. NO. A1053549 (ABSTRACT)  
Lot 1, Block 1, Blaire Wooddale Third Addition,  
together with that part of the vacated alley  
which occurred thereon upon the vacation thereof  
Hennepin County, Minnesota. Recorded March, 2018

SUBJECT PROPERTY =  
5,862 SQ. FT. OR  
0.1346 ACRES



LOT 23 & 24, BLOCK 1,  
BLAIRE WOODDALE  
THIRD ADDITION  
# 34-028-24-14-0035  
OWNER: TAMBA JOHNSON

LOT 2, BLOCK 1,  
BLAIRE WOODDALE THIRD ADDITION  
PID# 34-028-24-14-0016  
OWNER: FRANKLIN ERIKSEN

**CERTIFICATE OF SURVEY**

18145 (18145SPR1.DWG) D.B. DOUG POULIOT



CERTIFICATION  
I HEREBY CERTIFY THAT THIS SURVEY, PLAN,  
OR REPORT WAS PREPARED BY ME OR  
UNDER MY DIRECT SUPERVISION AND THAT  
I AM A DULY LICENSED PROFESSIONAL LAND  
SURVEYOR UNDER THE LAWS OF THE STATE  
OF MINNESOTA.  
*Mark D. Kemper*  
MARK D. KEMPER, PLS 18407  
DATED THIS 27TH DAY OF DECEMBER, 2018



**7300 Portland – Location of Existing House and Garage**



**Location of neighboring property adjacent to proposed location of new garage**

Street view of 7300 Portland Avenue



Street view of 7300 Portland Avenue at 73<sup>rd</sup> Street



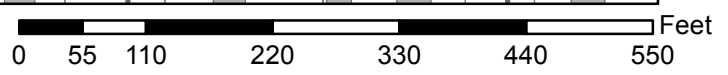
# 7300 Portland Avenue VAR - 2/2019

## Surrounding Zoning & Comprehensive Plan



Zoning:  
 MR-1 - Two-family residential  
 MR-3 - High-density residential  
 R - Single Family Residential

Comp Plan:  
 HDR- High Density Residential  
 LDR - Low Density Residential



AGENDA SECTION:	Other Business
AGENDA ITEM #	3.
CASE NO.:	PC Letter #1



## PLANNING COMMISSION MEETING 2/25/2019

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITY PLANNER REVIEW:

### **ITEM FOR COMMISSION CONSIDERATION:**

**Election of Planning Commission Chairperson, Vice-Chairperson and Secretary.**

### **EXECUTIVE SUMMARY:**

The Bylaws require that the Planning Commission hold an annual organizational meeting at the first regular meeting in February and elect from its membership a Chairperson, Vice-Chairperson and Secretary.

According to the Bylaws (Part II, Organization), a majority vote is necessary to first elect a Chairperson and then to elect the remaining officers. The Chairperson, Vice-Chairperson and Secretary are to take office immediately upon election and hold office until their successors are elected next year.

The Chairperson is responsible for conducting all Planning Commission meetings and public hearings. The Chairperson is also responsible for representing the Commission in dealing with the City Council and staff. The Vice-Chairperson fulfills the responsibilities of the Chairperson in the event the Chairperson is absent. The Secretary assumes these responsibilities when both the Chairperson and Vice-chairperson are absent and signs all minutes and official Commission documents.

### **RECOMMENDED ACTION:**

**Elect a Planning Commission Chairperson, Vice-Chairperson and Secretary.**

### **BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

None

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

An annual organizational meeting is required by the Planning Commission Bylaws.

C. **CRITICAL TIMING ISSUES:**

None

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

### **ALTERNATIVE RECOMMENDATION(S):**



None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

AGENDA SECTION:	Other Business
AGENDA ITEM #	4.
CASE NO.:	PC Letter #2



## PLANNING COMMISSION MEETING 2/25/2019

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
2/15/2019

### **ITEM FOR COMMISSION CONSIDERATION:**

**Appointment of liaisons to the Community Services Advisory Commission, City Council, Housing and Redevelopment Authority, School Board and Transportation Committee**

### **EXECUTIVE SUMMARY:**

#### **City Council:**

The City Council is the legislative branch of the city government. The Council is responsible for the efficient operation of the city through the enactment of policies and ordinances that are administered by staff. The City Council meets every second and fourth Tuesday at 7:00 pm in the Council Chambers at City Hall. Commissioner Rosenberg served as liaison to the City Council for 2018.

#### **Community Services Advisory Commission:**

The Community Services Commission is an advisory group appointed by the City Council to discuss and provide feedback on City issues relating to recreation, parks, public works and any other issues as directed. The Community Services Advisory Commission meets on the third Tuesday of the month at 7:00 pm, at the Community Center. Commissioner Bryan Pynn served as liaison to the Community Services Advisory Commission for 2018.

#### **Housing and Redevelopment Authority:**

The Housing and Redevelopment Authority is responsible for certain types of housing, economic, and commercial/industrial development and redevelopment in the city. The Housing and Redevelopment Authority meets every third Monday at 7:00 pm in the Council Chambers at City Hall. Commissioner Rudolph served as liaison to the HRA in 2018.

#### **Richfield School Board:**

The School Board is comprised of locally elected public officials who provide strategic guidance for the Richfield Public Schools and oversee and review the Schools' management. Although the Richfield Public Schools are a completely separate entity from Richfield City Government, the Commission also appoints a liaison to the Richfield School Board. The School Board generally meets the first and third Monday of each month at 7:00 pm in the District Office Board Room. Commissioner Quam served as liaison to the School Board for 2018.

#### **Transportation Commission:**

The Transportation Commission was appointed by the City Council to review transportation-related topics and make recommendations to the City Council. The Committee meets the first Wednesday of each month at 7:00 pm in the Council Chambers at City Hall. Commissioner Hayford O'leary served as liaison to the Transportation Committee in 2018.

**RECOMMENDED ACTION:**

Approve members to serve as liaisons to the City Council, Community Services Advisory Commission, Housing and Redevelopment Authority, School Board, and Transportation Committee.

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

None

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

None

C. **CRITICAL TIMING ISSUES:**

None

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**



**PLANNING COMMISSION MEETING  
2/25/2019**

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITY PLANNER REVIEW:

**ITEM FOR COMMISSION CONSIDERATION:**  
**Review of Planning Commission Bylaws.**

**EXECUTIVE SUMMARY:**

Part 3, Section 3 of our Bylaws requires the Planning Commission to review the Bylaws each year at the February organizational meeting. Staff is not recommending any changes to the Bylaws this year.

**RECOMMENDED ACTION:**

**Approve the revised Planning Commission Bylaws.**

**BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

None

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

Annual review of Planning Commission Bylaws is required and Bylaws should align with City Code. Amending the Bylaws requires a 2/3 majority of the members of the Commission (5 Commissioners).

C. **CRITICAL TIMING ISSUES:**

None

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

N/A

**ATTACHMENTS:**

Description	Type
□ City Code Section 305	Backup Material



## SECTION 305. - ADMINISTRATION; COMMISSIONS; BOARDS

### 305.00. - Definitions.

**Subdivision 1.** The following terms, when used in this Section, shall have the following meanings unless the context clearly indicates otherwise:

**Subd. 2.** "Commission" means a body established by the City Council to advise the Council on matters of municipal concern. The terms "commission" and "board" may be used interchangeably in this Section.

**Subd. 3.** "Youth" means an individual who is at least 15 years of age.

### 305.01. - Creation; general requirements.

Unless otherwise provided by law or herein, the provisions in this subsection apply to all City commissions.

**Subdivision 1. Creation.** A Commission may be established by a majority of the City Council. The Council shall adopt a resolution or ordinance that will describe the purpose and function of the Commission. City Commissions are advisory bodies to the City Council. The Council shall periodically review the role, responsibilities and procedures of each Commission. The Council may eliminate a Commission by adopting a resolution or ordinance rescinding the resolution or ordinance establishing the Commission.

**Subd. 2. Residency.** Members of city commissions shall be residents of the City, unless an ordinance or resolution expressly provides otherwise.

**Subd. 3. Terms.** The City Council shall appoint members to the commissions for terms not to exceed three years. No member shall serve more than three consecutive terms on the same Commission. Appointment to serve on a Commission for a period of time greater than one-half of a complete term shall be counted as a full term. If the Council appoints an individual who had a break in continuous service of at least one full term, it shall be treated as a first-term appointment. Commissioners may only serve on one Commission at a time.

**Subd. 4. Youth appointments.** The City Council may appoint a maximum of two youth members to certain commissions. Terms for youth appointments shall be one year, commencing on September 1 and ending on August 31. No youth member shall serve more than three consecutive terms on the same Commission. Except as otherwise provided for by resolution of the Council, youth members must be residents of the City and enrolled in a high school or equivalent. A youth member may only serve on one Commission at a time.

**Subd. 5. Attendance.** Members are required to attend regular commission meetings. Commission members shall notify the Commission Chair or staff liaison if he or she is unable to attend a meeting. The Council shall conduct an annual review of the attendance of members of City commissions.

**Subd. 6. Removal/vacancy.** Commission members serve at the pleasure of the City Council and, unless prohibited by law, may be removed at any time for any reason, including but not limited to, excessive absences from commission meetings. When a vacancy occurs, the Council shall appoint a person to fill the unexpired term of the vacated seat. Unless provided otherwise by law or city resolution, a seat on a Commission is vacated upon any of the following:

- (a) Death;
- (b) Removal of legal residence in the City;
- (c) Resignation in writing presented to the City Manager, or designee;
- (d) Removal by the Council; or,
- (e) Election or appointment to a public office.

**Subd. 7. Committees.** Commissions may establish committees from time to time as the need arises.

**Subd. 8. Staff/council liaisons.** Each January, the City Council shall designate a Council member as liaison and one alternative liaison to each Commission. The City Manager shall appoint one City employee to serve as a staff liaison to each Commission. Council and staff liaisons are not voting members of a Commission.

**Subd. 9. Bylaws/rules of procedure.**

- (a) Commissions may adopt bylaws to govern meeting procedures and other matters not addressed in this Section. If the bylaws of a Commission and this Section conflict, this Section shall prevail. Commissions may amend bylaws with approval of a 2/3 majority vote of the Commission.
- (b) At all meetings of a Commission where formal action is required on a matter, the meeting shall be governed by Sturgis' Standard Code of Parliamentary Procedure. At meetings where no action is required, no formal parliamentary procedure shall govern the conduct of the proceedings unless necessary such as when a formal motion is before the Commission.

305.03. - Establishment of human rights commission.

**Subdivision 1. Scope of section.** It is declared that it is the public policy of the City to fulfill its responsibilities as a partner of the state department of human rights in securing for all citizens equal opportunity in housing, employment, public accommodations, public services and education, and to fully implement those goals set forth in Minnesota Statutes, Chapter 363A, the Minnesota Human Rights Act.

**Subd. 2. Establishment of commission.** There is established and continued a human rights commission.

**Subd. 3. Purpose of commission.** The purpose of the Commission is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community and to take appropriate action consistent with the Minnesota Human Rights Act. The Commission shall also advise the City Council on long range programs to improve human relations in the City.

**Subd. 4. Composition of the commission.** The Commission consists of 13 members appointed by the Council. Eleven members shall be appointed for terms of three (3) years, except that (i) a person appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor in that term was appointed shall be appointed only for the remainder of such, and (ii) two (2) persons shall be appointed as "youth" members for one (1) year terms. The two (2) youth members shall be given all rights, privileges and responsibilities granted to the other appointed members. Members serve without compensation and may be removed from office at any time by the Council.

**Subd. 5. Commission's responsibilities.** The Commission shall:

- (a) Adopt bylaws and rules for the conduct of its affairs including the election, assumption of duties and definition of responsibilities of officers and committees;
- (b) Engage in discussions with the state department of human rights for the purpose of delineating cooperative regulatory and enforcement procedures;
- (c) Enlist the cooperation of agencies, organizations and individuals in the community in an active program directed to create equal opportunity and eliminate discrimination and inequalities;
- (d) Formulate a human relations program for the City to provide increased effectiveness and direction to the work of all individuals and agencies addressing themselves to planning, policy making and educational programming in the area of civil and human rights;
- (e) Advise the City Council and other agencies of the government on human relations and civil rights problems and act in an advisory capacity with respect to planning or operation of any City

department on issues of civil and human rights and recommend the adoption of such specific policies or actions as are needed to provide for full equal opportunity in the community;

- (f) Study, investigate and assist in eliminating alleged violation of Minnesota Statutes, Chapter 363A by conference, conciliation and persuasion, and when necessary, cooperate with the state department of human rights in enforcing the provisions of the state act;
- (g) Develop such programs of education as will assist in the implementation of the Minnesota Human Rights Act and foster the Commission's assumption of leadership in recognizing and resolving potential human rights problems in the community; and
- (h) Develop and implement programs that enhance the advancement of human rights in the community and that promote an awareness of and appreciation for cultural diversity.

**Subd. 6. Investigations, enforcement, penalties.** The Commission may receive and investigate complaints of alleged violations of this subsection. Investigations shall conform to the Complaint Process formulated by the State Department of Human Rights.

### 305.05. - Fire Civil Service Commission.

**Subdivision 1. Abolish police civil service.** The Police Civil Service Commission is abolished.

**Subd. 2. Fire Commission continued.** The former joint police and fire civil service commission is now known as the Fire Civil Service Commission and shall continue.

**Subd. 3. Membership.** The Fire Civil Service Commission shall consist of three (3) members appointed for terms in the same manner, for the same terms, and with the same qualifications pursuant to Minnesota Statutes, Chapter 420. Terms of commissioners are for three (3) years commencing on February 1 of the year of appointment.

### 305.07. - Planning commission.

**Subdivision 1. Establishment.** Pursuant to Minnesota Statutes, section 462.354, subdivision 1, there is created and continued a City Planning Commission.

**Subd. 2. Commission form.** Except in cases in which the Planning Commission is authorized by this Code or other applicable law to render a final decision, the Planning Commission serves in an advisory capacity to the City Council. Staff services for the Commission shall be furnished by the Community Development Department of the City.

**Subd. 3. Composition of the commission.** The Commission consists of seven (7) members appointed by the Council to serve for terms of three (3) years, with terms of members to be staggered so that as nearly equal number of terms as possible shall expire each year. Terms begin on the first day of February.

**Subd. 4. Powers and duties of the commission.** The Planning Commission shall undertake the duties given by Minnesota Statutes, sections 462.351 to 462.354. The Planning Commission shall deliberate and make recommendations, or final decisions as applicable, on:

- (a) Proposed amendments to the zoning code or map;
- (b) Land development applications requiring site plan approval, interim use permits, conditional use permits or variances from the land development regulations of the City; and
- (c) Such other matters relating to planning and development within the City, as may be referred to it by the Council.

**Subd. 5. General objectives of the commission.** The Planning Commission shall, as necessary, perform the following functions on behalf of the City:



- (a) Subject planning decisions to citizens' examination and influence through technical advisory subcommittees which may study and recommend courses of action on special planning matters;
- (b) Act as an advocate of various beneficial planning projects, as directed by the Council, to stimulate interest and acceptance of planning within the City; and
- (c) Act as a coordinator of planning activities within the City by working with public, quasi-public and private planning groups to coordinate the total planning efforts of the City and other governmental units.

**Subd. 6. Additional powers and duties.** The Council may assign additional duties and responsibilities to the Planning Commission to assist the Commission in effectively carrying out the Commission's objectives, powers and duties.

### 305.09. - Board of health.

**Subdivision 1. Creation of board.** Pursuant to Minnesota Statutes, Chapter 145A, there is created and continued a board of health.

**Subd. 2. Council to constitute board.** The Board consists of the City Council and a physician who is the health officer of the City.

**Subd. 3. Powers and duties of board.** The Board shall:

- (a) Investigate and make such reports and obey such directions concerning communicable diseases as the State Board of Health may require or give; and
- (b) Cause all laws and regulations relating to the public health, including any and all health regulations contained in this code to be obeyed and enforced.

**Subd. 4. Inspection and enforcement.** The Board and authorized officers or employees of the Board shall have the right to enter into any building, conveyance or place where contagion, infection, filth or other source or cause of preventable disease exists or is reasonably suspect.

**Subd. 5. Uniform enforcement and appeals.** Orders or rules and regulations adopted or issued by the Board shall be enforced in the manner provided in Section 320. Persons aggrieved by an order or rule or regulation of the Board may appeal in accordance with the provisions of Section 320.

**BYLAWS AND RULES OF PROCEDURE  
OF THE CITY PLANNING COMMISSION  
RICHFIELD, MINNESOTA**

The following Bylaws and Rules of Procedure are adopted by the Richfield Planning Commission to facilitate the performance of its duties and functions as empowered under Chapter III, Subsection 305.07, Subdivisions 1-6 of the City Code. General requirements related to residency, terms, attendance, removal, vacancies, etc. shall be dictated by Subsection 305.01.

**PART I. MEETINGS**

**Section 1. Regular Meetings**

Regular meetings of the Planning Commission shall be on the fourth Monday of each month commencing at 7:00 P.M. in the Council Chambers of the Municipal Center, unless otherwise noticed.

**Section 2. Work Session Meetings**

Approximately six times per year, the Commission will meet to discuss and deliberate on general planning matters related to property development and future well being of the Community. These meetings shall be held on the fourth Monday of the month commencing at 6:00 P.M. whenever possible. In the event of a conflict or need for additional discussion time, meetings shall be held on the second Monday of the month commencing at 7:00 P.M. Unless otherwise noticed, meetings shall be held in the Bartholomew Conference Room of the Municipal Center.

**Section 3. Special Meetings**

Special meetings of the Planning Commission can be called by the Chairperson and one member or by three members of the Commission or at the request of the City Council. Notice, designating the time and place of the meetings, shall be given to all members in accordance with the open meeting law.

**Section 4. Quorum**

Four members of the Planning Commission shall constitute a quorum for the transaction of business. No action shall be taken in the absence of a quorum with the exception that the Planning Commission members present may take testimony for use at a later meeting at which a quorum is present, and may adjourn a meeting to a later time without further notice.

**Section 6. Voting**

At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice. An affirmative vote of a majority of members present shall be necessary for the passage of any matter before the Planning Commission, except as otherwise provided in these Bylaws.

## **Section 7. Proceedings**

### **a) Format of Meeting**

At a regular meeting of the Planning Commission, the following format shall be followed in conducting the business of the meeting.

- 1) Call to order / noting of attendance
- 2) Approval of Minutes
- 3) Approval of Agenda
- 4) Open Forum
- 5) Public Hearing Items
- 6) Other Business
- 7) Liaison Reports
- 8) Adjournment

### **b) Public Hearing**

The purpose of a hearing is to collect information and facts in order for the Commission to either render a decision or develop a planning recommendation for the City Council. At a public hearing the following procedure shall be followed for each case for which a public hearing is held:

- 1) Chair shall state the case to be heard.
- 2) Chair shall call upon the Community Development Director or designee to present the staff report and stand for questions from the Commission.
- 3) Chair shall ask the applicant to present his/her case.
- 4) Members of the Planning Commission shall be allowed to question the applicant about his/her proposal.
- 5) The Chair shall open the public hearing and all interested persons may address the Commission, giving relevant information regarding the proposal before the Commission.
  - a) All questions or statements by Richfield staff personnel, Planning Commissioners, applicants or interested citizens will be directed through the Chair.
  - b) All who wish to speak will be heard, but only in accordance with the above procedure and after recognition by the Chair.
  - c) No individual may speak longer than five (5) minutes, except through previous arrangement with the Chair, or by vote of the Commission.

- d) The spokesperson for a group will be allowed ten (10) minutes.
  - e) At the determination of the Chair, if questions or responses from the Commission, the applicant, the public, or City staff introduce materially new information or issues relevant to the matter under consideration, interested citizens may make additional comments in accordance with the above procedure. In order to promote meeting efficiency, the Chair may discourage duplicative comments.
- 6) The hearing shall be closed. Interested persons shall not be heard again unless the hearing is reopened by a majority vote of the Commission.
  - 7) Members of the Planning Commission may ask additional questions of City staff or the applicant, and the applicant shall be allowed to respond.
  - 8) The Commission shall discuss and clarify the item before it, and take action in the form of a motion, resolution, or report.

## **PART II. ORGANIZATION**

### **Section 1. Election of Officers**

At the first regular meeting in February of each year, the Commission shall hold an organizational meeting and elect from its membership a Chairperson, Vice-chairperson, and Secretary. Officers shall be elected by a majority vote of all the members of the Commission. Voting shall take place in a manner agreed to by the Commission. If no one receives a majority of all the members of the Commission, voting shall continue until one member receives majority support. Vice-chairperson and Secretary shall be elected from the remaining members by the same procedure.

If the Chairperson resigns from office before the next regular organizational meeting, the Vice-chairperson shall automatically become acting Chairperson until a new officer is elected at the next regular meeting. If both Chairperson and Vice-chairperson resign, the Secretary shall become acting Chairperson. In any instance, where an officer of the Commission resigns or retires from office a new officer shall be elected to the vacated position at the next regular meeting of the Commission.

If the Chairperson, Vice-chairperson, and Secretary are absent from a meeting, the Commission shall elect a temporary Chairperson by voice vote.

In the event that the Secretary is absent from a meeting, the Chairperson shall appoint a member of the Commission to approve the minutes of that meeting.

## **Section 2. Tenure**

The Chairperson, Vice-chairperson, and Secretary shall take office immediately following their election and hold office until their successors are elected and assume office.

## **Section 3. Duties of Officers**

The duties and powers of the officers of the Planning Commission shall be as follows:

### **a) Chairperson**

- 1) Presides over all meetings of the Commission.
- 2) Appoints committees and performs such other duties as may be ordered by the Commission.
- 3) Signs documents of the Commission.
- 4) Sees that all actions of the Commission are properly taken.
- 5) Calls special meetings of the Commission in accordance with these Bylaws.
- 6) Works with appropriate city staff in organizing agendas of all general Planning Commission meetings.

### **b) Vice-chairperson**

Performs all of the duties and responsibilities of the Chairperson in his/her absence.

### **c) Secretary**

- 1) Assumes duties and responsibilities of the Chairperson when both Chairperson and Vice-chairperson are absent.
- 2) Signs all minutes of the Commission as well as other official documents of the Commission.

## **PART III. MISCELLANEOUS**

### **Section 1. Suspension of Rules**

The Commission may suspend any of these Rules by a 2/3 vote of those members present.

**Section 2. Amendments**


These Rules may be amended at any regular meeting by a 2/3 majority of the members of the Commission.

**Section 3. Review**

The contents of these Bylaws and Rules of procedure should be comprehensively reviewed, evaluated, and modified where necessary, at the organizational meeting held in February of each year.

**Adopted this 26th day of February, 2018**

  
\_\_\_\_\_  
Chairperson, Richfield Planning Commission

  
\_\_\_\_\_  
Secretary, Richfield Planning Commission

AGENDA SECTION: Other Business  
AGENDA ITEM # 6.  
CASE NO.: PC Letter #4



## PLANNING COMMISSION MEETING 2/25/2019

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
2/15/2019

### **ITEM FOR COMMISSION CONSIDERATION:**

**Consideration of a motion to reschedule the May Planning Commission meeting to May 29, 2019.**

### **EXECUTIVE SUMMARY:**

The regularly scheduled May Planning Commission meeting falls on Monday, May 27. City offices will be closed on this date for Memorial Day. Staff recommends rescheduling the regular meeting to Wednesday, May 29, 2019.

### **RECOMMENDED ACTION:**

**By motion: Approve the rescheduling of the May Planning Commission meeting from May 27, 2019 to May 29, 2019.**

### **BASIS OF RECOMMENDATION:**

A. **HISTORICAL CONTEXT**

None.

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

None.

C. **CRITICAL TIMING ISSUES:**

None.

D. **FINANCIAL IMPACT:**

None.

E. **LEGAL CONSIDERATION:**

None.

### **ALTERNATIVE RECOMMENDATION(S):**

None.

### **PRINCIPAL PARTIES EXPECTED AT MEETING:**