



**PLANNING COMMISSION MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
APRIL 22, 2019  
7:00 PM**

Call to Order

Approval of minutes of the regular Planning Commission meeting of February 25, 2019.

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

**Agenda Approval**

1. Approval of the Agenda

**Public Hearings**

2. Public hearing to consider a request for site plan approval and a variance for a restaurant at 6433 Penn Avenue S.

19-SP-01, 19-VAR-02

3. Public hearing to consider a request for a variance to allow a second curb cut for a driveway at 6220 Clinton Avenue S.

19-VAR-03

4. Public hearing to consider amendments to Zoning Code Section 537: Mixed Use Districts and Section 512: Districts

**Other Business**

5. Review of Planning Commission Bylaws.

PC Letter #3 (continued from February 25, 2019 meeting)

**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**

6. City Planner's Report

7. Next Meeting Time and Location

Tuesday, May 7, 2019, at 4:00 p.m. in the Bartholomew Room

Wednesday, May 29, 2019, at 7:00 p.m. in the Council Chambers

8. 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

February 25, 2019

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

STAFF PRESENT: Matt Brillhart, Associate Planner  
Sadie Gannett, Assistant Planner

OTHERS PRESENT: Chad Dipman, Applicant, Twin Cities Habitat for Humanity

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

## APPROVAL OF MINUTES

M/Rudolph, S/Quam to approve the minutes of the December 10, 2018 meeting.

*Motion carried: 7-0*

## OPEN FORUM

No members of the public spoke.

## ITEM #1 APPROVAL OF AGENDA

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

*Motion carried: 7-0*

## PUBLIC HEARING(S)

### ITEM #2

#### **19-VAR-01 – Consideration of a request for a variance from setback requirements at 7300 Portland Avenue.**

Assistant Planner Sadie Gannett presented the staff report. In response to Commissioner Rudolph, Gannett clarified that the house to the south is one foot from the side lot line.

The applicant gave an overview of the project and expressed that the neighbor to the south was in favor of the variance. In response to Commissioner Levin, he stated that two additional neighbors came to the neighborhood meeting and were supportive.

Chair Hayford Oleary opened the public hearing.

No members of the public spoke.

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

*Motion carried: 7-0*

Commissioner Rudolph expressed concern that the 15 foot setback would not leave enough room to park a car if a sidewalk were installed in the future. Chair Hayford Oleary concurred.

Commissioner Pynn stated that it appeared there was enough space to accommodate both a 15 foot setback and a sidewalk and was inclined to support staff's recommendation. Chair Hayford Oleary responded that the standard 6-foot wide boulevard and sidewalk would take up the full right-of-way. Commissioner Pynn inquired about alternatives to staff recommendations. Chair Hayford Oleary stated that he doesn't think this property is responsible for the setback of another property and doesn't see that as a practical difficulty to comply with code.

February 25, 2019

Commissioner Lavin commented that he found the variance request reasonable in order to maintain space between the garage and the neighboring home.

Chair Hayford Oleary proposed a modified variance of 17 feet that would better accommodate the average length of a car. Commissioner Rudolph expressed support. Commissioner Quam asked staff's opinion on a 17 foot setback. Brillhart provided background on the review of the proposal, which took into account that a 15 foot setback is permitted on non-collector streets. He further stated that a 17 foot setback could be a feasible solution. The applicant stated that he was happy to take the Commission's lead on the proposal.

M/Lavin to approve the variance as recommended by staff  
*The motion was not seconded.*

M/Rudolph, S/Hayford Oleary to approve the resolution granting a variance to allow a garage with a 17 foot corner side setback at 7300 Portland Ave.  
*Motion carried: 7-0*

## **OTHER BUSINESS**

### **ITEM #3**

#### **PC Letter #1 – Election of Chairperson, Vice-Chairperson, and Secretary**

M/Rudolph to elect Commissioner Hoberg as 2019 Chairperson

M/Pynn to elect Commissioner Hayford Oleary as 2019 Chairperson.

(Vote conducted by ballot)

*Rudolph motion carried: 4-3 to elect Commissioner Hoberg as Chairperson*

M/Pynn, S/Rudolph to elect Commissioner Hayford Oleary as 2019 Vice-Chairperson.

M/Quam to elect Commissioner Pynn as 2019 Vice-Chairperson.

(Commissioner Pynn declined the nomination.)

*Pynn motion carried: 7-0 to elect Commissioner Hayford Oleary as Vice-Chairperson*

M/Quam, S/Hoberg to elect Commissioner Pynn as 2019 Secretary.

*Motion carried: 7-0*

### **ITEM #4**

#### **PC Letter #2 – Appointment of liaisons to the Community Services Advisory Commission, City Council, Housing and Redevelopment Authority (HRA), School Board and Transportation Commission.**

2019 Liaison Appointments:

Community Services Advisory Commission – Commissioner Pynn

City Council – Commissioner Rosenberg

Housing and Redevelopment Authority – Commissioner Quam

School Board – Commissioner Rudolph

Transportation Commission – Commissioner Hayford Oleary

Chamber of Commerce – Commissioner Lavin

### **ITEM #5**

#### **PC Letter #3 – Review the Planning Commission Bylaws**

Commissioner Quam addressed Part III, Section 1, Suspension of Rules and how the language relates to the following Section 2, Amendments. The Commissioner proposed an

February 25, 2019

amendment in which both sections would require a two-thirds majority of the Commission as opposed to just two-thirds majority of the members present.

M/Quam, S/Rudolph to amend *Part III, Section 1, Suspension of Rules* to meet the same criteria as *Section 2, Amendment*, requiring a two-thirds majority of the Commission members.

Commissioner Pynn asked for clarification if this would require the full body of the Commission to be present to enact the Suspension of Rules. Brillhart commented that under this proposed amendment, the Suspension of Rules could not be enacted if the minimum of four members required for quorum were present. Commissioner Hayford Oleary commented that it makes sense to allow a two-thirds majority of the members present for a temporary suspension of rule, while requiring a two-thirds majority of the Council Members to Amend the Bylaws.

In response to Commissioner Hayford Oleary, Brillhart stated that he would have to review equivalent bylaws and procedures for comparison. Commissioner Quam stated she was willing to suspend her motion to learn what the model is for City Council.

M/Quam, S/Rudolph to continue consideration of the bylaws to the March meeting.

*Motion carried: 7-0*

#### **ITEM #6**

#### **PC Letter #4 – Consideration of a motion to reschedule the May Planning Commission meeting to May 29, 2019**

M/Pynn, S/Hoberg to reschedule the May Planning Commission meeting to May 29, 2019.

*Motion carried: 7-0*

#### **LIAISON REPORTS**

Community Services Advisory Commission: No report

City Council: No report

HRA: Commissioner Rudolph – work session with the HRA and City Council regarding a proposal for affordable homes

Richfield School Board – No report

Transportation Commission: Commissioner Hayford Oleary – 494 planning continues with potential changes to access at Penn, Nicollet, and 12<sup>th</sup>. Also commented on the Portland bike project between Crosstown and 66<sup>th</sup> St.

#### **CITY PLANNER'S REPORT**

Brillhart informed commissioners of an upcoming training opportunity, *Your Role as Planning Commissioner*. He also informed the commissioners of a work session the following evening prior to the City Council meeting regarding MnDOT's 494 planning efforts.

#### **ADJOURNMENT**

M/Rudolph, S/Hoberg to adjourn the meeting.

The meeting was adjourned by unanimous consent at **7:58 p.m.**

*Motion carried: 7-0*

---

Planning Commission Secretary

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	2.
CASE NO.:	19-SP-01, 19-VAR-02



## PLANNING COMMISSION MEETING 4/22/2019

REPORT PREPARED BY: Sadie Gannett, Assistant Planner

CITYPLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
4/4/2019

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

**Public hearing to consider a request for site plan approval and a variance for a restaurant at 6433 Penn Avenue S.**

### **EXECUTIVE SUMMARY:**

The property at 6433 Penn Avenue has been occupied by Johnston's Vac & Sew for many years. It was recently purchased to be redeveloped into a bubble tea cafe with a limited food menu. Traditional (Class II) restaurants are a permitted use in the Mixed Use Community (MU-C) District.

In addition to the site plan review, the applicant is requesting approval of a variance from off-street parking requirements. The use of the property is changing from retail to a Class II restaurant, which increases the parking requirement to 15 stalls. Under the existing conditions there is limited opportunity to make changes and the applicant is requesting a variance to operate with 13 stalls.

The proposed use is reasonable and offers improvements to the site. While no site improvements are required, the applicant is proposing multiple improvements that will encourage a pedestrian-oriented environment, which is in-line with the Comprehensive Plan and the intent of the Mixed-Use District. A full discussion of general site plan requirements and additional information related to the variance can be found in the Policy Section and in an attachment to this report.

Finding that the proposal meets requirements, staff recommends approval of the site plan and variance.

### **RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Recommend approval of a site plan and variance for a restaurant at 6433 Penn Avenue S.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

Discussed in Executive Summary.

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

This property is zoned Mixed Use – Community (MU-C) and is within the Penn Avenue Corridor (PAC) Overlay District. The Penn Avenue Corridor District allows for a balanced mix of commercial, office and residential uses that together create a cohesive and pedestrian-friendly area. Site plan approval is required prior to the change in use of a building. The proposed site plan will improve upon existing

conditions, while allowing for reuse and aesthetic improvements.

**General Criteria for Site Plan Evaluation**

In evaluating a site plan, the Planning Commission and City Council shall consider its compliance with the following criteria which are discussed more fully in the attached requirements document:

- Consistency with the various elements and objectives of the City’s Comprehensive Plan.
- Consistency with the purposes of the City Code.
- Consistency and harmony with the general appearance of neighboring developed areas and open spaces.
- An internal sense of order and provision of a desirable environment.
- Appropriateness of the amount and arrangement of open space and landscaping, the building materials, textures and colors.
- Adequacy of circulation and parking for all modes of transport.
- Use of energy-conserving design.
- Protection of adjacent and neighboring properties from negative environmental impacts.

Criteria listed are all met or improved by the proposed site plan.

**Variance**

A Class II restaurant has higher parking requirements than the type of retail that had operated here. Parking requirements are based on square footage and the parking requirement for a Class II restaurant is 10 spaces per 100 square feet (Subsection 544.13, Subd. 6). This building is approximately 1,600 square feet, which would require 16 parking spaces. After factoring in a 10 percent reduction for proximity to public transit service, the total parking requirement is 15 spaces. Currently there are 12 parking spaces available. The applicant is proposing to reconfigure the parking lot to accommodate patio seating in front of the building and is able to provide 13 parking spaces.

Much of the building will be used as kitchen, storage, and bathroom facilities, with only a small portion of the space available for customer seating. This location is in close proximity to a concentration of residences and businesses and it is reasonable to assume that some percentage of customers and employees will choose to walk, bike, or take public transportation rather than drive. There is limited space to create additional parking.

Additional information related to the requested variance and required findings are attached to this report.

**C. CRITICAL TIMING ISSUES:**

60-DAY RULE: The 60-day clock 'started' when a complete application was received on March 26, 2019. A decision is required by May 25, 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 and mailed to properties within 350 feet of the site.
- Council consideration has been tentatively scheduled for May 14, 2019.

**ALTERNATIVE RECOMMENDATION(S):**

- Recommend approval of the proposal with modifications.
- Recommend denial of the site plan and/or variances with a finding that requirements are not met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

David Fong, applicant

**ATTACHMENTS:**

Description	Type
☐ Resolution	Resolution Letter
☐ Required Findings	Backup Material
☐ Site Plan	Backup Material
☐ Site Photos	Backup Material
☐ Zoning Map	Backup Material



RESOLUTION NO. \_\_\_\_\_

**RESOLUTION GRANTING APPROVAL  
OF A SITE PLAN AND VARIANCE AT  
6433 PENN AVENUE**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of site plans for a Class II (traditional/cafeteria) restaurant on the parcel of land located at 6433 Penn Avenue (the "Property"), legally described as:

The North 75 feet of the West Half of the South 219.2 feet of the North 657.6 feet of the North Three Quarters of the West Quarter of the Southwest Quarter of the Northwest Quarter of Section 28, Township 28, Range 24, in the Village of Richfield, Hennepin County, Minnesota

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested site plan and variance at its April 22, 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

**WHEREAS**, the Zoning Code requires 15 parking spaces based on the square footage of the building, while the proposed site plan provides 13 spaces; 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 their enforcement would cause "practical difficulty" to the owners of the Property under consideration; and

**WHEREAS**, based on the findings below, the Richfield City Council approves the requested variance from Richfield City Code Subsection 544.13, Subdivision. 6; and

**WHEREAS**, the City has fully considered the request for approval for the site plan with variances; and

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

1. The City Council makes the following general findings:
  - a. The Property is zoned Mixed Use Community (MU-C) and is located in the Penn Avenue Corridor (PAC) overlay.
  - b. Restaurant Class II uses are permitted in the MU-C District. The Penn Avenue Corridor District provides for a balanced mix of commercial, office and residential uses that together create a cohesive and pedestrian-friendly area.

- c. The site and building are existing and were previously used as a Vacuum and Sewing machine repair and retail store.
  - d. Code states that the minimum number of off-street parking spaces required for a Class II Restaurant is 10 per 1,000 square feet of gross floors area. A variance from Subsection 544.13, Subd. 6 is required.
2. With respect to the application for a variance from the above-listed requirements, the City Council makes the following findings:
  - a. Strict enforcement of the Richfield Zoning Code Subsections listed above would cause a practical difficulty. It would be difficult to reuse the existing property without a variance. It is reasonable to allow the reuse of an existing building on an existing lot. Limited space exists to create additional parking.
  - b. Unique circumstances affect the Property that were not created by the land owner. The building was constructed in 1953, prior to the adoption of current Codes. These circumstances were not created by the land owner.
  - c. Granting the requested variance will not alter the essential character of the neighborhood. The requested variance will allow for the reuse and improvement of an existing building. The improvements proposed will benefit the surrounding neighborhood by improving the aesthetics of the site and bring new customers to the Penn Avenue Corridor. No negative impacts are expected.
  - d. The variances requested are the minimum necessary to alleviate the practical difficulty. The proposed variance is the minimum necessary to reuse this property.
  - e. The variances are in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan. The proposed plans are consistent with the general purposes and intents of the Zoning Ordinance and Comprehensive Plan.
3. With respect to the proposed site plan, the City Council finds that it will adequately serve the purpose for which it is proposed and will not have adverse effect upon the public safety or general welfare.
4. Based upon the above findings, a variance to the above-specified requirements is hereby approved.
5. Based upon the above findings and variance, the proposed site plan is hereby approved according to the terms of Richfield City Code Subsection 547.13 with the following additional stipulations:
  - That the recipient of this approval record this Resolution with Hennepin County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and Richfield Zoning Ordinance Section 547.11, Subd. 7. Proof of recording is required prior to the issuance of a building permit;
  - At least one bicycle parking spot is required.
  - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated March 21, 2019, and compliance with all other City and State regulations. Permits are required prior to commencement of any work.
  - The applicant must install professionally-designed odor control remedies if a Type 1 ventilation hood is required;

- Prior to the issuance of an occupancy permit, the applicant shall submit a surety equal to 125% of the value of any improvements not yet complete (based on two bids including labor cost).
- This approval shall expire one year from the date of approval unless the use has commenced or a building permit has been obtained and construction begun.

Adopted by the City Council of the City of Richfield, Minnesota this 14th day of May 2019.

---

Maria Regan Gonzalez, Mayor

ATTEST:

---

Elizabeth VanHoose, City Clerk

## Code Requirements / Required Findings

**Part 1 - Site Plan Approval (Subsection 547.13)** In evaluating a site plan, the Planning Commission and Council shall consider its compliance with the following:

- a) *Consistency with the various elements and objectives of the City's long range plans including, but not limited to, the Comprehensive Plan.* In the Penn Avenue Corridor, the Mixed Use District is intended to be a vibrant, pedestrian-oriented neighborhood center. The District can accommodate a variety of uses. The proposed use of the property as a Class II restaurant is in keeping with these intentions. Additionally, the proposed improvement of adding a patio in front of the building, adjacent to the sidewalk, encourages a pedestrian-oriented environment.
- b) *Consistency with the purposes of the Zoning Code.* The purposes of the Zoning Code include: assisting in the implementation of the Comprehensive Plan; creating harmonious and workable relationships among land uses; enhancing and protecting the physical appearance of the City and more. The proposal is consistent with these purposes of the Zoning Code.
- c) *Preservation of the site in its natural state, insofar as practicable, by minimizing tree and soil removal, and designing any grade changes so as to be in keeping with the general appearance of neighboring developed or developing areas.* The site is already fully developed and is over 80 percent impervious. The applicant is proposing substantial upgrades to both the exterior of the building as well as landscaping improvements which will improve the appearance of the site overall.
- d) *Creation of a harmonious relationship of buildings and open spaces with the terrain and with existing and future buildings having a visual relationship to the proposed development.* The existing building façade is complimentary to the adjacent properties. The proposed improvements to the site, particularly the landscaping upgrades and patio addition, will further enhance the visual appearance.
- e) *Creation of a functional and harmonious design for structures and site features including:*
  - i. *Creation of an internal sense of order for the various functions and buildings on the site and provision of a desirable environment for occupants, visitors and the general community;*
  - ii. *Appropriateness of the amount and arrangement of open space and landscaping to the design and function of the development;*
  - iii. *Appropriateness of the materials, textures, colors and details of construction as an expression of the design concept of the project and the compatibility of the same with the adjacent and neighboring structures and functions; and*
  - iv. *Adequacy of vehicular, cycling and pedestrian circulation, including walkways, interior drives and parking, in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian, cycling and vehicular traffic and arrangement and amount of parking so as to be safe, convenient and, insofar as practicable, compatible with the design of proposed buildings, structures and neighboring properties.*

This site has historically been used as a retail and repair store for larger items such as vacuums and sewing machines and the 12 existing parking stalls were adequate. This site does qualify for a 10 percent reduction in required parking due to the proximity to public

transit service. The striping of an accessible parking space brings the property into compliance with ADA requirements. A bike rack will also be required. Landscaping areas facing Penn Avenue and along the north property line will be improved from the previous tenant and improve the curb appeal of the building. Along the south property line, there is limited opportunity to improve the site further given the placement and size of the building.

- f) *Creation of an energy-conserving design through design location, orientation and elevation of structures, the use and location of glass in structures, and the use of landscape materials and site grading.* The proposal will not worsen conditions and it is possible that the improved landscaping will have a positive impact on surface water drainage.
- g) *Protection of adjacent and neighboring properties through reasonable provisions for such matters as surface water drainage, sound and sight buffers, preservation of views, light and air, and those aspects of design, not adequately covered by other regulations, which may have substantial effects on neighboring land uses.* No changes to surface water drainage, sound and/or sight impacts, views, etc. are anticipated, but the added landscaping could improve surface water drainage.

## **Part 2 - Variances:**

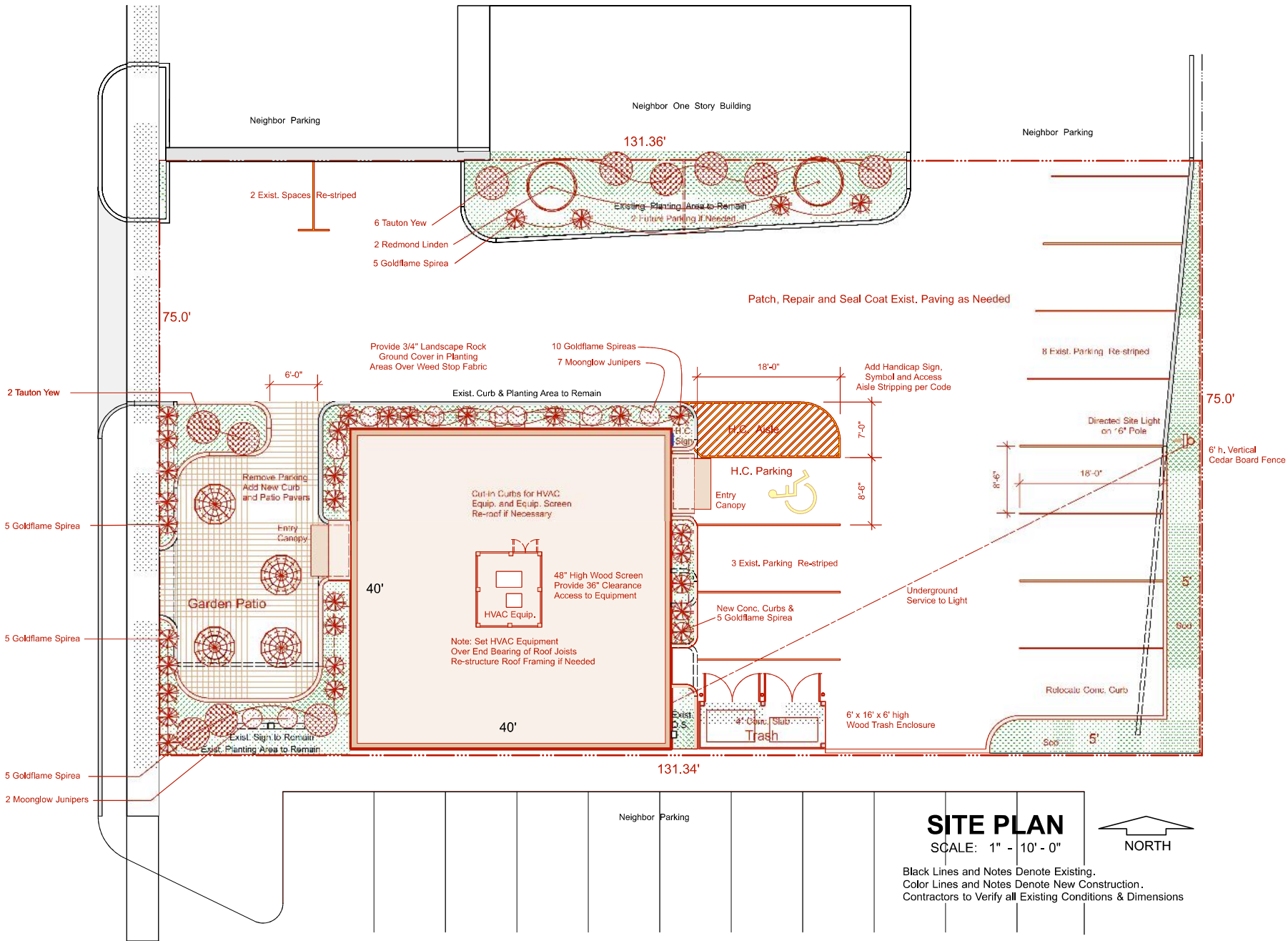
The proposed site plan will improve upon existing conditions, allowing for reuse and aesthetic improvements to a site that would benefit from these improvements. The applicant is requesting variance from off-street parking requirements.

Subsection 544.13, Subd. 6:

- o Off-street spaces required—15 spaces required. (existing – 12 / proposed – 13)

The findings necessary to approve variances are as follows (Subsection. 547.11):

- a) *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.* It would be difficult to reuse the existing property without a variance. It is reasonable to allow the reuse of an existing building on an existing lot. Limited space exists to create additional parking.
- b) *There are usual 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 building was constructed in 1953, prior to the adoption of current Codes. These circumstances were not created by the land owner.
- c) *The variance would not alter the character of the neighborhood or the locality.* The requested variance will allow for the reuse and improvement of an existing building. The improvements proposed will benefit the surrounding neighborhood by improving the aesthetics of the site and bring new customers to the Penn Avenue Corridor. No negative impacts are expected.
- d) *The variance is the minimum necessary to alleviate the practical difficulty.* The proposed variance is the minimum necessary to reuse this property.
- e) *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.* The proposed plans are consistent with the general purposes and intents of the Zoning Ordinance and Comprehensive Plan as discussed further in Part 1 of this document.



**SITE PLAN**

SCALE: 1" = 10' - 0"



Black Lines and Notes Denote Existing.  
Color Lines and Notes Denote New Construction.  
Contractors to Verify all Existing Conditions & Dimensions

**PROJECT**  
1

DATE  
1.28.19

BY  
3.7.19

PROJECT NO.  
011.C.

**LICENSED ARCHITECT MEMBER STATE BOARD OF ARCHITECTS**  
STATE OF MINNESOTA, LICENSE NO. 15698

DATE: 3/7/19

**TII CUP @ 6433 Penn Avenue S., Richfield, MN**

**HRISTENSEN ARCHITECTURAL CONSULTANTS 7126 Excelsior Way, St. Louis Park, MN 55426 612-377-9493 hanc@you-do.com**



### ROOM FINISH SCHEDULE

Room	Ceiling	Walls	Base	Floor
Dining Areas	Pt. G.B.	Pt. G.B.	Q.T.	Q.T.
Front Kitchen	Pt. G.B.	C.T.	Q.T.	Q.T.
Back Kitchen	Ac.T.	C.T.	Q.T.	Q.T.
Storage Room	Ac.T.	Pt. G.B.	Q.T.	Q.T.
Utility Room	Ac.T.	C.T. & Pt.	Q.T.	Q.T.
Restrooms	Ac.T.	C.T. & Pt.	C.T.	C.T.
Hall	Pt. G.B.	Pt. G.B.	Q.T.	Q.T.

Pt. G.B. = Painted Gypsum Board  
 C.T. = Ceramic Wall Tile & Floor Tile  
 Ac.T. = Washable Acoustic Tile Ceiling  
 Q.T. = Quarry Floor Tile & 6" Covered Base Tile

### EQUIPMENT LIST

FRONT KITCHEN	BACK KITCHEN
1 Prep fridge	17 Work table 60"
2 Work table 30"	18 Ice Machine
3 Sealer	19 Double door fridge
4 Work table 72"	20 Work table 60"
5 Grinder	21 Kitchen hood
6 Espresso machine	22 Work table 48"
7 HW dispenser	23 Fryer 40lb
8 Under counter fridge	24 Work table 84"
9 Beverage dispenser	25 HW dispenser
10 Work table 60"	26 Boba cooker
11 Under counter freezer	27 Wash sink
12 Hand sink	28 3-Comp sink
13 Wash sink	29 Hand sink
14 Ice bin	30 Single door fridge
15 Work table 72"	31 Single door freezer
16 Blenders	32 RO filter
34 Ice shaving machine	33 Mop sink

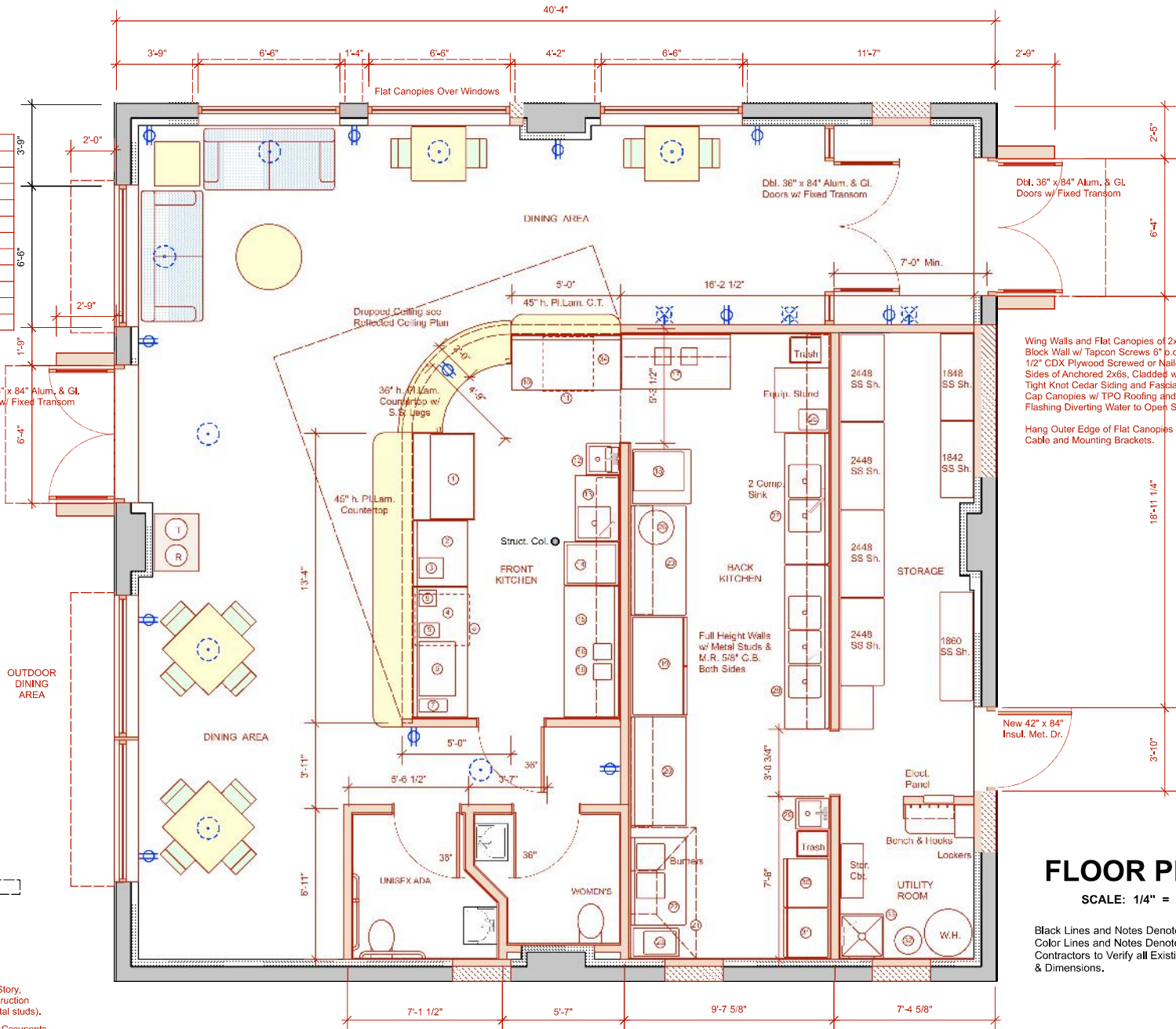
OUTDOOR DINING AREA

Re-face Existing Pylon Sign

### CODE REVIEW

BUILDING DESCRIPTION: Existing 40' X 40', 1 Story, 1,600 s.f., 14' high, Non-Sprinkled, Type 5A Construction (block exterior, wood roof framing and wood or metal studs).

PROPOSED USE: Coffee Shop with less than 50 Occupants, Class B for Business Use, Conditional Use and Non-Separated One Exit Required, Two Provided  
 Two Restrooms Required, Two Provided, One Uni-sex ADA



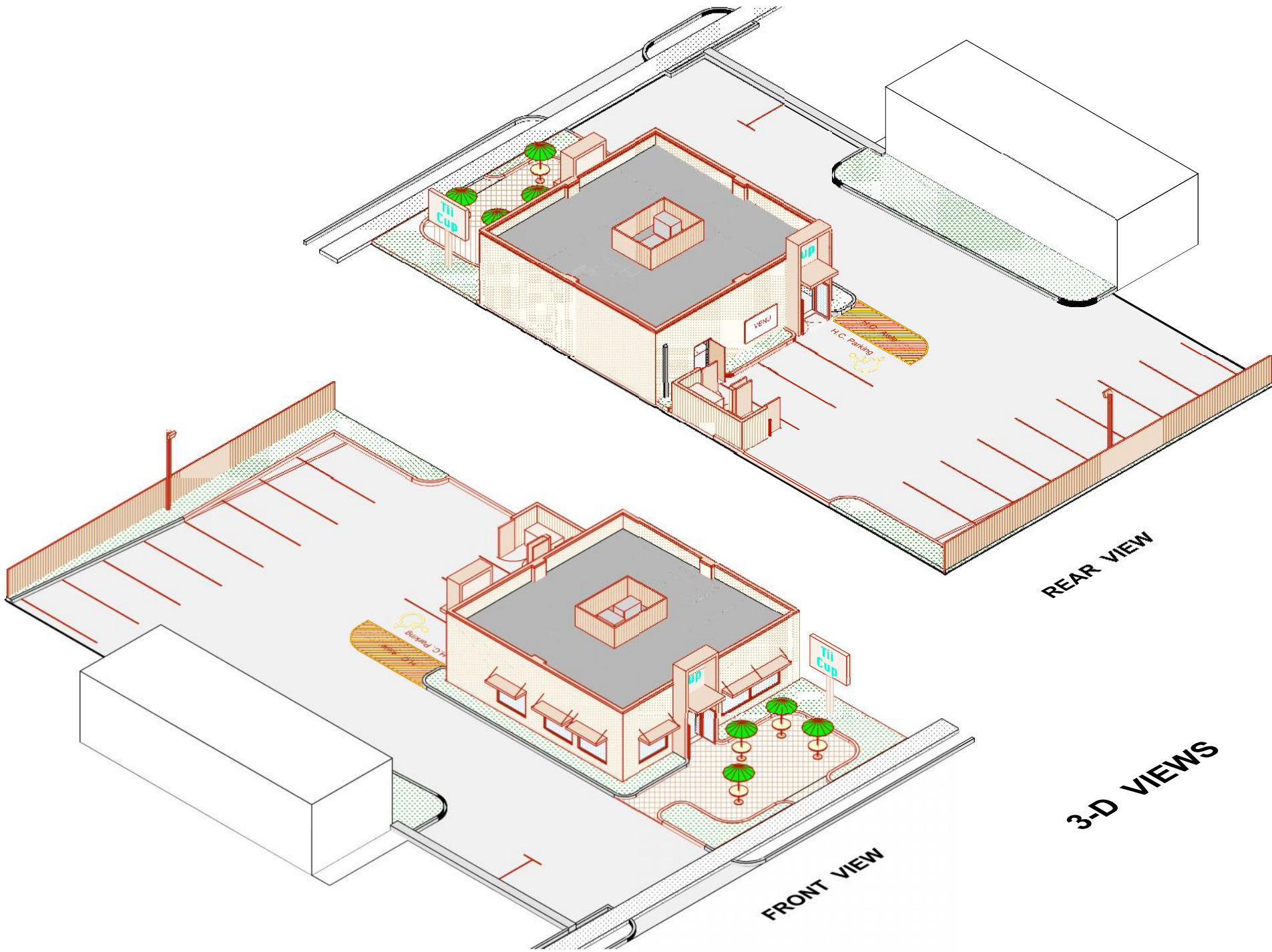
Wing Walls and Flat Canopies of 2x6s Anchored to Block Wall w/ Tapcon Screws 6" o.c. Staggered, 1/2" CDX Plywood Screwed or Nailed 4" o.c. to Both Sides of Anchored 2x6s, Cladged w/ 6" Horizontal T&G, Tight Knot Cedar Siding and Fascia Boards, Clear Sealed Cap Canopies w/ TPO Roofing and Metal Edging & Flashing Diverting Water to Open Sides.

Hang Outer Edge of Flat Canopies w/ Non-corrosive Cable and Mounting Brackets.

### FLOOR PLAN

SCALE: 1/4" = 1' - 0"

Black Lines and Notes Denote Existing. Color Lines and Notes Denote New Construction. Contractors to Verify all Existing Conditions & Dimensions.



FRONT VIEW

REAR VIEW

3-D VIEWS



**H**RISTENSEN **A**RGHITECTURAL **C**ONSULTANTS 7126 Excelsior Way, St. Louis Park, MN 55426 612-377-9493 hanc@you-do.com

**TII CUP** @ 6433 Penn Avenue S., Richfield, MN

PERMITS: MINNESOTA: 1.28.19  
 PERMITS: MINNESOTA: 3.7.19  
 DRAWN: D.L.L.C.  
 DATE: 3.7.19

PROJECT: **4**  
 SHEET: 7



6433 Penn Ave Street View – Existing Condition



6433 Penn Ave – Aerial View



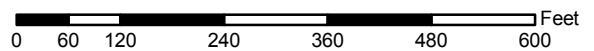
# 6433 Penn Avenue VAR & SP - 4/2019

## Surrounding Zoning & Comprehensive Plan



Comp Plan:  
 HDR- High Density Residential  
 LDR - Low Density Residential  
 MDR - Medium Density Residential  
 MIXED - Mixed Use  
 CCO - Community Commercial  
 NC - Neighborhood Commercial

Zoning:  
 R - Single Family Residential  
 MR-3 - High-density residential  
 MU-C/PAC - Mixed-Use Community/Penn Overlay  
 PMR - Planned Multi-Family  
 C-2 - General Commercial



AGENDA SECTION:	Public Hearings
AGENDA ITEM #	3.
CASE NO.:	19-VAR-03



## PLANNING COMMISSION MEETING 4/22/2019

REPORT PREPARED BY: Sadie Gannett, Assistant Planner / Matt Brillhart, Associate Planner

CITYPLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
4/16/2019

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

**Public hearing to consider a request for a variance to allow a second curb cut for a driveway at 6220 Clinton Avenue S.**

### **EXECUTIVE SUMMARY:**

The single-family home at 6220 Clinton Avenue S. is located in the Single-Family Residential district (R) on a corner lot, next to Highway 62. When the highway was reconstructed, a large amount of right-of-way adjacent to the property was taken and 62nd Street was relocated much closer to the north side of the property. Currently there is no garage on the property, but there is a curb cut on Clinton Avenue to a parking area. The existing curb cut does not meet setback requirements for corner lots. Code requires that any driveway on a corner lot be set back at least 30 feet from an intersection. The applicant is proposing to build an addition, which includes an attached garage and driveway with a curb cut on 62nd Street. They would like to leave the existing curb cut on Clinton Avenue, but code permits only one curb cut from a public street to a lot. The applicant has requested a variance to permit a curb cut off of 62nd Street to accommodate the garage addition, while retaining the existing curb cut on Clinton Ave.

Several unique factors exist to justify granting the variance. The existing curb cut is legally non-conforming as a result of the right-of-way that was taken to allow for the expansion of Highway 62. Prior to the expansion, the parking area met corner lot setback requirements. It seems reasonable to allow the applicant to add an additional curb cut on 62nd Street to access the new garage while also allowing the existing parking area and curb cut to remain. The new driveway will connect to the parking area, which will allow for better circulation and use of the property as well as create a safer location from which to access the property. Because neither Clinton Avenue or 62nd Street function as through streets, traffic is very low at this intersection. The Public Works Department agrees that it is not necessary to require removal of the existing driveway off of Clinton Avenue.

Staff finds the low volume of traffic and location along the highway noise wall to be unique circumstances that warrant granting a variance to allow the existing driveway and curb cut to remain. 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 for a second curb cut for a driveway at 6220 Clinton Avenue S.**

## **BASIS OF RECOMMENDATION:**

### **A. HISTORICAL CONTEXT**

The relocation of 62nd Street made the existing driveway legally non-conforming.

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

6220 Clinton Ave S. is zoned Single Family Residential (R). Driveway requirements are established in Zoning Code Subsection 514.05, Subdivision 6.

The findings necessary to approve a variance are as follows (Subsection 547.11):

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 by limiting the property owner's ability to add an attached garage with a functional driveway, while retaining the existing driveway.
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 orientation of the existing curb cut and driveway relative to the intersection is unusual. The taking of the right-of-way adjacent to the property and the re-location of 62nd Street are unique circumstances that were not created by the applicant.
3. *The variance would not alter the character of the neighborhood or the locality.* Granting a variance to allow the proposed curb cut will not alter the character of the neighborhood. The added curb cut on 62nd Street will be visible to very few neighbors due to its location along Highway 62.
4. *The variance is the minimum necessary to alleviate the practical difficulty.* The variance requested is the minimum necessary to allow the applicant to retain the existing driveway, while adding a curb cut to a new attached garage on 62nd Street.
5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.* The proposed curb cut 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 March 25, 2019. A decision is required by May 24, 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 and mailed to properties within 350 feet of the site on April 11, 2019.

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

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

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

Cole Montgomery, applicant

## **ATTACHMENTS:**

Description	Type
□ Resolution	Resolution Letter

- ▢ Site Plan
- ▢ Site Photos
- ▢ Zoning Map

- Backup Material
- Backup Material
- Backup Material

**RESOLUTION NO.**

**RESOLUTION OF THE RICHFIELD PLANNING COMMISSION  
GRANTING APPROVAL OF A VARIANCE AT  
6220 CLINTON AVENUE S**

**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 6220 Clinton Avenue S (the “property”) and legally described as:

The South 100 feet of the North 328.4 Feet of the East 166.2 feet of the West 332.4 feet of the Northeast 1/4 of the Northeast 1/4 excluding road, Section 27, Township 28, Range 24, Hennepin County, Minnesota

**WHEREAS**, the property is a corner lot located in the Single-Family Residential (R) district; and

**WHEREAS**, Subsection 514.05, Subdivision 6 states that only one curb cut shall be permitted from a public street to a lot; 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 their 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 April 22, 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. 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 by limiting the property owner's ability to add an attached garage with a functional driveway, while retaining the existing curb cut and driveway.
  - b. Unique circumstances affect the property that were not created by the land owner. The orientation of the existing curb cut and driveway relative to the intersection is unusual. The taking of the right-of-way adjacent to the property and the re-location of 62nd Street are unique circumstances that were not created by the applicant.
  - c. Granting a variance to allow the proposed curb cut will not alter the character of the neighborhood. The added curb cut on 62nd Street will be visible to very few neighbors, due to its location along Highway 62.
  - d. The variance requested is the minimum necessary to allow the applicant to retain the existing driveway, while adding a curb cut to a new attached garage on 62nd Street.

- e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. The proposed curb cut will not adversely impact the aesthetics of the community or its health, safety and welfare.
2. Based upon the above findings, a variance to the above-specified requirement is hereby approved according to the terms of Richfield City Code Subsection 514.05, Subd. 6 with the following stipulations:
- a) This variance to the curb cut requirement shall apply only to the proposed curb cut.
  - 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 22nd day of April 2019.

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

**ATTEST:**

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

Scale 3/32" = 1'-0"

PROPOSED

PROPOSED  
 24' ADDITION  
 New Concrete  
 480  
 220  
 47' 4"  
 - 700 sq. ft. new driveway  
 - 106 sqft APRON  
 NEW  
 22' APRON

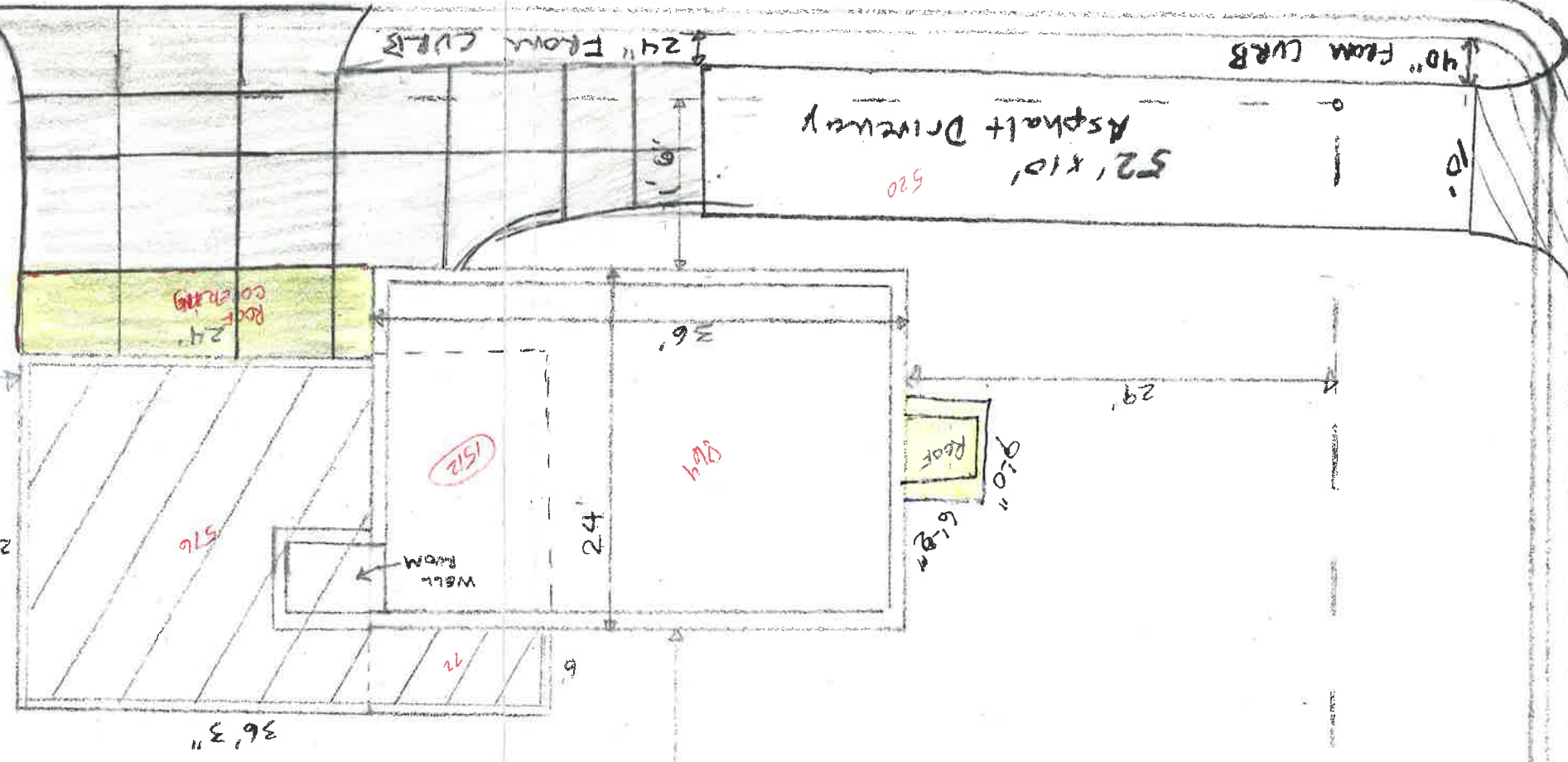


6220 CLINTON AVE. S

136' 4"

64' 6"

13' 11" SET BACK

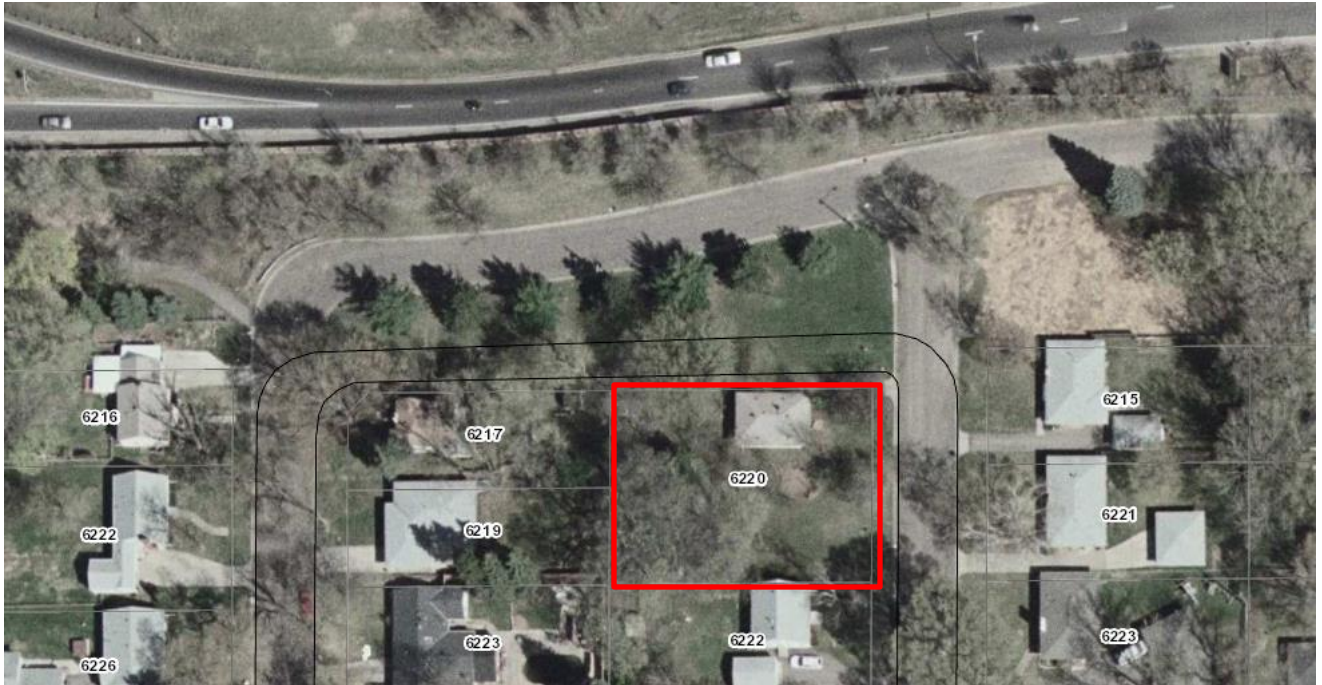


EXISTING CONC. CURB & DRIVEWAY

CLINTON AVE SOUTH



6220 Clinton Ave - Aerial View 2006 – prior to Hwy 62 expansion



6220 Clinton Ave - Aerial View 2015 – post Hwy 62 expansion



6220 Clinton Street view from Clinton Avenue



NE Corner view



**6220 Clinton Street view from 62nd St**



Approximate location  
of proposed curb cut

# 6220 Clinton Avenue VAR - 4/2019

## Surrounding Zoning & Comprehensive Plan



Zoning:

R - Single Family Residential

Comp Plan:

LDR - Low Density Residential

AGENDA SECTION: Public Hearings  
AGENDA ITEM # 4.  
CASE NO.:



## PLANNING COMMISSION MEETING 4/22/2019

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITYPLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
4/16/2019

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

**Public hearing to consider amendments to Zoning Code Section 537: Mixed Use Districts and Section 512: Districts**

### **EXECUTIVE SUMMARY:**

Planning staff routinely reviews zoning ordinances to ensure consistency, identify issues as they arise, and make adjustments as needed. In reviewing the Mixed Use Zoning Districts (Section 537), staff found a number of inconsistencies in the table of uses between the Mixed Use Districts and other zoning districts, as well as other issues that warranted review.

The Mixed Use Districts were first implemented in 2006, following adoption of the I-494 Corridor Master Plan, and were initially tailored specifically for the types of large lots that have frontage on both 77th Street and on I-494. There are numerous text references to I-494 in the code. These regulations were modified in early 2009 to allow greater flexibility for the redevelopment of small lots (less than 2 acres).

Since that time, the Mixed Use designation has been applied to both the Penn and Cedar Avenue Corridors; however, rather than amending the Mixed Use District language, Overlay Districts were created. Most-recently, Mixed Use zoning has been implemented for approved developments such as Lyndale Gardens and The Emi, and could be extended to additional sites in the Lyndale-HUB-Nicollet area that are guided for Mixed Use development in the Comprehensive Plan. Staff believes that it is now time to remove most of the I-494-specific language from Section 537 so that the Mixed Use District regulations can be more easily applied across the city.

The goal of this ordinance amendment is to address inconsistencies between districts by replacing the table of uses (Table 1), amend language specific to the I-494 Corridor, and make other adjustments based on lessons learned from recent and approved development projects.

### **Table 1: Uses of the Mixed Use District**

The table of permitted, conditional, and accessory uses appears in both Section 537—Mixed Use and Section 512—Districts, but had major inconsistencies in how the tables were arranged and sorted. In addition to replacing both tables with identical versions, the following changes were made to specific uses:

- Offices/clinics, spas, health clubs, and yoga studios are proposed to be permitted uses in the Mixed Use—Neighborhood district. These types of businesses were identified as 'accessory' or 'not permitted' in the current table of uses. However, these businesses fall under the umbrella definition of

'Neighborhood retail/services' which are permitted. Nonresidential (commercial) uses in the Mixed Use—Neighborhood district are limited to 10,000 square feet maximum, which ensures that commercial offerings are at a neighborhood scale, not a regional one. Staff proposes to raise the allowed *percentage* of nonresidential use from 10% to 15%, to allow for flexibility in smaller-scale developments. The lower figure of 10,000 square feet or 15% of the total floor area would apply.

- Service station/convenience store (i.e. gas stations) are proposed to be conditional uses in the Mixed Use—Regional and Mixed Use—Community districts rather than simply permitted, as they are today. This will eliminate an inconsistency with the General Business (C-2) District, which regulates service stations as conditional uses. Conditions from that district (537.04 Subd. 11) regarding setbacks and buffering from adjacent properties are proposed to be adopted in the Mixed Use Districts. Service stations are not permitted in the Mixed Use—Neighborhood District.
- 'Parks' were removed from the table, as Section 512.03 already states that parks are permitted in all districts. 'Police substation' was removed from the table, as this type of use would be permitted as 'office' or 'government building'. These changes are aimed at reducing redundancy in the code.

### **Table 2: Mixed Use Bulk and Dimensional Standards**

The Mixed Use Districts are the only district citywide that implements a *maximum* rear setback, meaning that under current regulations, a building cannot be placed more than 15 feet away from the rear lot line. A major goal of the Mixed Use Districts is to locate new buildings as close to the front/primary street as possible. Given building coverage maximums, it is often not practicable to have buildings extend entirely across a lot from the front to rear lot lines. This regulation was aimed at getting buildings in the I-494 Corridor to have meaningful frontage along both 77th Street and I-494, but would not necessarily be a desired outcome along 66th Street or Penn Avenue, where the goal is to have buildings pulled up to sidewalks (front/corner lot lines) and be located away from adjacent residential properties (rear lot lines). Additionally, staff proposes to eliminate a section of Table 2 regarding 'zero lot line setbacks' for residential developments. While it makes sense to allow commercial and vertical mixed use developments to be built right up to front/corner lot lines, it is more desirable for residential-only developments to provide some amount of setback (10'-20') from front lot lines, to allow for entry/amenity plazas, hanging balconies, landscaping and buffering from our busiest/noisiest streets.

### **Table 3: Minimum Parking Standards for Mixed Use Districts**

Current residential parking requirements in the Mixed Use Districts are 1.5 spaces per unit, whereas the high-density residential district allows parking ratios to be lowered to 1.25 spaces per unit. Staff proposes to adopt that 1.25 space standard, as well as introduce language that would allow 1 space per unit in areas adjacent to high-frequency transit stops, or when other factors warrant, such as a shared vehicle(s) being provided on the premises. These are the minimum requirements, and developers often do choose to build more parking than is required. Standards should reflect the minimum supply of on-site parking that can be tolerated, rather than a higher average or target figure.

The amendments described herein and in the attached ordinance text will better align use tables between districts, while updating and clarifying other regulations for the Mixed Use Districts. In the coming months, staff anticipates studying the Bulk and Dimensional Standards in Table 2 in greater detail, along with a thorough review of the performance/design standards in Subsection 537.11 for potential updates to those regulations.

### **RECOMMENDED ACTION:**

**Conduct and close a public hearing and by motion: Recommend approval of the attached ordinance amending Zoning Code Section 537: Mixed Use and Section 512: Districts.**

### **BASIS OF RECOMMENDATION:**

#### **A. HISTORICAL CONTEXT**

None.

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

- The purpose of the Mixed Use districts is to guide future development in a manner that adapts to market and transportation changes while promoting greater pedestrian, bicycle and transit connections; reducing impervious surface; and ensuring high-quality architectural design. These changes will help to ensure that the mixed use zoning districts can continue to be implemented in appropriate locations throughout the city (in accordance with the Comprehensive Plan), rather than being specifically tailored to the I-494 Corridor.
- See the attached ordinance amending Zoning Code Sections 537 (Mixed Use Districts) and 512 (Districts) for all proposed changes.

**C. CRITICAL TIMING ISSUES:**

None.

**D. FINANCIAL IMPACT:**

None.

**E. LEGAL CONSIDERATION:**

- Notice of this public hearing was published in the Sun Current newspaper on April 11, 2019.
- The Council will consider a first reading of the ordinance on May 14 and a second reading and summary publication on May 28, 2019.

**ALTERNATIVE RECOMMENDATION(S):**

Recommend approval of the attached ordinance with modifications.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None

**ATTACHMENTS:**

Description	Type
☐ Ordinance	Ordinance
☐ Zoning map	Exhibit
☐ Comprehensive Plan map	Exhibit

**DRAFT BILL NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE  
TO UPDATE REGULATIONS IN MIXED USE ZONING DISTRICTS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

Section 1                    Section 537 of the Richfield City Code is amended to read as follows:

**SECTION 537 - MIXED-USE DISTRICT (MU)**

(Added, Bill No. 2007-19)

**537.01. - Mixed Use Districts (MU).**

**Subdivision 1. Sub-districts defined.** A mixed use district is an area that supports multiple land uses that are complementary to one another and support the ability to live, work, shop and play within a development pattern of horizontally mixed or vertically mixed uses. There are three sub-districts of mixed use as follows:

- a) Mixed Use Regional (MU-R). Regional mixed use supports destination oriented commercial and office uses at a high density/intensity of development. Limited higher density residential uses would be encouraged to support major employment concentrations. Vertical mixing of uses would be encouraged to create building mass along primary arterials.
- b) Mixed Use Community (MU-C). Community mixed use includes shops and services that support the surrounding community. A balanced mix of commercial, office and higher density residential uses would be included in this district. Vertical mixing of uses would be encouraged to create building mass along primary arterials.
- c) Mixed Use Neighborhood (MU-N). Neighborhood mixed use emphasizes residential development with supporting retail and commercial service uses. Commercial services are emphasized at key transportation nodes/corners and are intended to be of a smaller scale and oriented to the neighborhood.

**Subd. 2. Purpose and Intent.** The purpose and intent of the Mixed Use Districts shall be to:

- a) Guide future development ~~along the I-494 corridor in order to~~ adapt to market and transportation changes;
- b) Encourage vertical mixed-uses clustered at primary (regional) and secondary (community) transportation nodes ~~to build identity within the district;~~
- c) Provide a mix of residential densities ~~along the corridor;~~
- d) Provide appropriate transitions between uses;
- e) Promote greater pedestrian and bicycle access and connections ~~throughout the corridor and along the length of the corridor;~~
- f) Discourage auto oriented uses in favor of pedestrian friendly mixed-use development;
- g) Encourage reductions in impervious surface, while adding well landscaped and attractive public and private spaces with a pedestrian and bicycle friendly character and environment by minimizing surface parking and enhancing pedestrian corridors (sidewalks and trails) through reinforcing build-to lines, getting new buildings to address the street and emphasize enticing street level architecture;
- h) Encourage public and quasi-public open spaces within the corridor by allowing and encouraging taller buildings for high-density uses;
- i) Ensure high quality architectural design and materials;
- j) Promote increased use of transit; and



- k) Encourage redevelopment in a manner that is consistent with the Comprehensive Plan and any applicable corridor master plan or small area plan, redevelopment plan(s) that exist for the district.

**Subd. 3. Review Criteria.** In evaluating development proposals, the Planning Commission and City Council shall consider compliance with the following:

- a) Consistency with the elements and objectives of the City's development guides, including the Comprehensive Plan and any redevelopment plans established for the area;
- b) Consistency with this Subsection;
- c) Creation of a design for structures and site features which promotes the following:
  - (i) An internal sense of order among the buildings and uses;
  - (ii) The adequacy of vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking;
  - (iii) Energy conservation through the design of structures and the use of landscape materials and site grading; and
  - (iv) The minimization of adverse environmental effects on persons using the development and adjacent properties.

**537.03. - Permitted Uses.**

**Subdivision 1.** The following table establishes permitted, conditionally permitted and accessory uses for the Mixed Use Districts:

**Table 1.** Uses of the Mixed-Use District

**Note** —The following abbreviations are used within the use table:

- P= permitted use
- A= accessory use
- C= conditionally permitted
- N= not permitted

Land Use	MU-N	MU-C	MU-R
<b>Residential</b>			
Assisted living facilities, nursing, rest homes	P	P	N
Dwelling, multifamily (min. 3 units)	P	P	P (but see 537.07, Subd. 2a)
Dwelling, townhouse	P	N	N
Live-work units	P	P	N
<b>Commercial, Institutional and Public</b>			
Adult business establishments as defined and regulated under City Code Subsection 1196	N	P	P
Animal kennels	C	C	C

Assembly and manufacturing accessory and subordinate to a retail use	N	A	A
Auto detailing	N	C	C
Auto mechanical or body repair shops	N	C	C
Auto rental facilities accessory to a primary office or hotel use	N	A	A
Auto sales or lease - new vehicles	N	N	C
Convenience store	P	P	P
Day care facilities	P	P	P
Drive-up window or teller service	N	C	C
Firearms related uses	N	N	C
Funeral homes, mortuaries	N	P	N
Government buildings	A	P	A
Health or athletic clubs, spas, yoga studios	P	P	P
Hospitals	N	N	P
Hotel/motel (defined as 6 or more rooms)	N	P	P
Libraries, public	P	P	N
Marijuana (medical) dispensaries	N	N	N
Marijuana (recreational) sales outlets	N	N	N
Micro-production facility (micro-brewery/micro-distillery)	N	C	C
Offices and clinics	P	P	P
Public utilities, major	N	C	C
Public utilities, minor	A	A	A
Religious institutions	P	P	A
Restaurant Class I (serving alcohol)	N	C	P
Restaurant Class II (traditional/cafeteria)	P	P	P
Restaurant Class III (fast food with drive-thru)	N	C	C
Restaurant Class IV (take out only)	P	P	P
Retail services, General	C	P	P
Retail services, Neighborhood	P	P	P

Retail services, Regional	N	C	P
Schools, public or private	P	P	C
Service station/Convenience store	N	C	C
Taproom/Cocktail room	N	A/C	A/C
Tattoo shops	N	P	P
Theaters, movie, or live entertainment	N	N	P
Transit Facilities	A	A	A

Use	MU-R	MU-C	MU-N
<b>COMMERCIAL</b>			
Regional retail services	P	C	N
General retail services	P	P	C
Neighborhood retail services	P	P	P
Restaurant Class I (serving alcohol)	P	C	N
Restaurant Class II (traditional/cafeteria)	P	P	P
Restaurant Class III (fast food/convenience)	C	C	N
Restaurant Class IV (take-out only)	P	P	P
Micro-production facility (micro-brewery/micro-distillery)	C	C	N
Taproom/Cocktail room	A/C	A/C	N
Service Station/convenience store	P	P	N
Convenience store	P	P	P
Offices and clinics	P	P	A
Hotel/motel (defined as 6 or more rooms)	P	P	N
Mortuaries and funeral chapels	N	P	N
Health or athletic clubs, spas, yoga studios	P	P	N
Theaters, movie or live entertainment	P	N	N
Auto sales or lease—new vehicles	C	N	N
Auto mechanical or body repair shops	C	C	N
Auto detailing	C	C	N
Auto rental facilities accessory to a primary office or hotel use	A	A	N
Assembly and manufacturing accessory and subordinate to a retail use	A	A	N

Drive-up window or teller service	C	C	N
Adult business establishments as defined and regulated under Subsection 1196 of the City Code	P	P	N
Tattoo shops	P	P	N
Firearms related uses	C	N	N
Licensed day care facilities	P	P	P
Animal kennels	C	C	C
<b>RESIDENTIAL</b>			
Dwelling, townhouse	N	N	P
Dwelling, multifamily (min. 3 units)	P	P	P (but see 537.07, Subd. 2a)
Live-work units	N	P	P
Assisted living facilities, nursing, rest homes	N	P	P
<b>INSTITUTIONAL/PUBLIC</b>			
Places of worship	A	P	P
Government offices	A	P	A
Police sub-station	P	P	P
Schools	C	P	P
Library	N	P	P
Parks	P	P	P
Hospitals	P	N	N
Transit facilities	A	A	A
Public utility	A	A	A

(Amended, Bill No. 2011-13; 2011-19; 2014-4; 2015-15; 2019-\_\_)

**Subd. 2.** Any land use not listed as Permitted, Accessory or Conditional in this section or Subsection 512.09 is prohibited in the Mixed-Use Districts unless the use is found to be substantially similar to a use listed, as determined by the City in accordance with Subsection 509.23 of this Code.

537.05. - Conditional Uses.

**Subdivision 1.** [Generally.] Conditional uses listed in Table 1 are subject to the conditional use permit provisions outlined in Subsection 547.09 of this Code and the following conditions: (Amended, Bill No. 2011-21)

**Subd. 2.** Regional retail services in MU-C. Regional retail services in the MU-C district provided that retail uses with over 50,000 square feet of gross floor area, are located within a multi-tenant or multi-use shopping area or other multi-tenant development and meet the mixed use requirements of Subsection 537.07, Subd. 2.

**Subd. 3.** General retail services in MU-N. General retail services in the MU-N district provided the following conditions are met: The retail uses front on an arterial street and meet the area requirements of Subsection 537.07, Subd. 2.

**Subd. 4. Restaurant Class I in MU-C.** Class I restaurants in the MU-C district provided that alcoholic beverages shall not be served unless the lot abuts an arterial or collector street.

**Subd. 5. Restaurant Class III or Drive-Up Window or Teller Service.** Uses with drive-up window or teller service provided the following conditions are met:

- a) A minimum distance of 500 feet must be maintained between substantially similar uses with drive-up window or teller service (as measured from property line to property line);
- b) Uses with drive-up window or teller service may not be located adjacent to a property with an existing drive-up window or teller service unless an applicant can demonstrate that the use will not be detrimental to pedestrian, bicycle or vehicle movements;
- c) No drive-up window or lane shall be adjacent to a public street;
- d) Drive-up uses shall be limited to one (1) service window which is part of a primary structure and a single queuing lane and order board/station;
  - (i) The content portion of order boards is limited to 40 square feet;
  - (ii) Order board content may not extend above eight (8) feet in height on the supporting structure;
  - (iii) Order boards/stations must be located within 60 feet of the business which they serve.
- e) The City may consider one (1) additional service lane for automated teller machines (ATMS) or similar facilities;
- f) Drive-up facilities must be designed to minimize impacts to the pedestrian environment and adequately address circulation issues and potential noise or light pollution;
- g) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing;
- h) There shall be no curb cuts on public streets exclusively for the use of drive-up queuing or exit lanes. Drive-up traffic shall enter and exit from internal circulation drives;
- i) Queuing space for at least four (4) cars (70 feet) shall be provided as measured from, but not including, the first drive-up service window or teller station. Such queuing space shall not interfere with parking spaces or traffic circulation;
- j) Any drive-up service window, teller or order station, or exterior loudspeaker shall be located at least 150 feet from any parcel with residential uses on the first floor;
- k) The applicant shall demonstrate that such use will not significantly lower the existing level of service on streets and intersections;
- l) The City shall encourage operators to permit bicyclist use of sales and service windows;
- m) Alcoholic beverages shall not be served through a drive-up window; and
- n) Exterior speakers shall comply with the noise control limits set by Subsection 930 of the City Code.

(Amended, Bill No. 2015-1)

**Subd. 6. New auto sales or lease businesses.** Motor vehicle sales of new vehicles provided the following conditions are met:

- a) Motor vehicle repair and service and sales of used vehicles are allowed when accessory to new vehicle sales. Used auto sales shall be permitted only as an integral part of a new auto sales business (from the same land parcel and in close proximity to the new cars).
- b) The business shall be licensed under Subsection 1155 of the City Code;

- c) The use site shall not abut a lot which is in the R or R-1 District. For the purpose of this subdivision, a lot which merely adjoins the use site at one (1) corner shall not be deemed to abut the use site;
- d) A buffer yard of not less than 15 feet in width shall be provided to separate all aspects of such use from abutting parcels;
- e) Landscaping for the site, including display areas, shall comply with the Performance Standards described in Section 544 of this Code;
- f) Inoperable vehicles shall not be stored on the premises, except in appropriately designed and screened areas as approved by the City;
- g) Parking of vehicles for sale or lease on public right-of-way shall be prohibited;
- h) All repair, assembly, disassembly, maintenance, and detailing of vehicles shall occur within an enclosed building, except minor maintenance such as tire inflation or adding windshield wiper fluid; and
- i) Any exterior speaker shall comply with the noise control limits set by Subsection 930 of the City Code.

**Subd. 7. Service station / Convenience store.** Service station / Convenience store provided the conditions detailed in the C-2 District are met (534.07 Subd. 11).

**Subd. 87. Auto mechanical or body repair shops.** Auto mechanical or body repair shops provided the conditions detailed in the C-2 District are met (534.07 Subd. 12).

**Subd. 98. Auto detailing shops.** Auto detailing shops provided the conditions detailed in the C-2 District are met (534.07 Subd. 13).

**Subd. 109. Firearms Related Uses.** Firearms related uses provided the conditions detailed in the C-2 District are met (534.07 Subd. 17).

**Subd. 1140. Schools in MU-R.** Schools in the MU-R district provided the following: the school has a regional orientation, be oriented to secondary, post-secondary, business or vocational learning and be part of a mixed-use development.

**Subd. 1244. School-based health centers.** School-based health centers as accessory uses within currently operating schools provided the following conditions are met:

- a) The health center must primarily serve students;
- b) Total square footage of the health center may not exceed 3,000 square feet or ten (10) percent of the total building square footage, whichever is less;
- c) Designated parking equal to staff plus one (1) per exam room must be provided and designated for clinic use;
- d) Because of the focus on students and the associated sharing of parking, advertising shall be limited to directional and identification signs. The maximum sign area and height shall not exceed the limits set for nonresidential uses per Subsection 549.23. The total square footage of all freestanding signage for the property shall be governed by the underlying zoning district. (Added, Bill No. 2015-7)

**Subd. 1342. Animal kennels.** (Added, Bill No. 2011-19)

- a) MU-N: Animal kennels shall be permitted in the MU-N District provided the following conditions are met: That full soundproofing is installed on all interior walls (including ceiling) and that the area requirements of Subsection 537.07, Subd. 2 are met.
- b) MU-C: Animal kennels shall be permitted in the MU-C District provided the following conditions are met: That if located in a multi-tenant building, soundproofing is installed on all walls (including ceiling) that are adjacent to another tenant or residential common area.

- c) MU-R: Animal kennels shall be permitted in the MU-R District provided the following conditions are met: That if located in a multi-tenant building, soundproofing is installed on all walls (including ceiling) that are adjacent to another tenant or residential common area.
- d) Outdoor relief areas in MU Districts: Outdoor relief areas shall be permitted in the MU Districts provided that the conditions listed in 534.07, Subd. 24 are met.

**Subd. 1443.** Micro-production facilities in the MU-C and MU-R Districts provided that the following conditions are met:

- a) Licensing. The owner of the micro-production facility qualifies for and receives all federal, state and city licenses necessary for the operation of the micro-production facility, including a brewer license and a malt liquor wholesale license (if wholesale of malt liquor is an intended activity); and/or a distiller's license from the State of Minnesota.
- b) Taproom/Cocktail Room Location in MU-C District. Micro-production facilities with an accessory taproom or cocktail room in the Mixed Use - Community District must be on a lot abutting an arterial or collector street.
- c) Taproom/Cocktail Room Operations. Taprooms/cocktail rooms must either make food available on-site or expressly allow patrons to carry in food.
- d) Taproom/Cocktail Room License. An accessory taproom or cocktail room for the sale of beer or spirits produced on-site shall require a taproom/cocktail room license from the City of Richfield in accordance with Section 1202 of the City Code.
- e) Off-sale. A micro-production facility may sell their product for off-sale consumption through their taproom or cocktail room. Any on-site sale of beer in the form of growlers shall require a Micro-brewery Off-sale License in accordance with Section 1202 of the City Code.
- f) Production of Beer. Annual production of malt liquor for a micro-brewery with an accessory taproom shall not exceed 3,500 barrels, and only 500 barrels may be sold off-sale as growlers. Production at micro-breweries without a taproom shall not exceed 1,750 barrels annually.
- g) Production of Spirits. Annual production of spirits for a micro-distillery with an accessory cocktail room shall not exceed 40,000 proof gallons annually. Production at micro-distilleries without a cocktail room shall not exceed 20,000 proof gallons annually.
- h) Off-street Loading. The micro-production facility shall provide adequate space for off-street loading and unloading of all trucks greater than 22 feet in length. In the absence of off-street loading, the City may impose limits on deliveries or shipments using the public right-of-ways, including regulating the number of trucks per day and the hours that deliveries are permitted.
- i) Odors. No odors from the micro-production facility shall be perceptible beyond the property line. The micro-production facility operator shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control Standards.
- j) Hours of Operation. Micro-production facility operation hours shall be limited to the hours specified in Minnesota Statutes Chapter 340A for off-sale intoxicating liquor unless further limited by the City Council as part of a Conditional Use Permit. (Added, Bill No. 2015-15)

**537.07. - Bulk and Dimensional Standards.**

**Subdivision 1.** The following table establishes certain bulk standards for the MU Districts:

**Table 2.**

Mixed Use Bulk and Dimensional Standards

(Amended, Bill No. 2009-6, 2017-6, 2019-\_\_)

<b>Standard</b>	<b>MU-R</b>		<b>MU-C</b>		<b>MU-N</b>	
Building Stories <sup>1</sup>	2 min	No max	2 min	12 max	2 min	8 max
Building Coverage	50% min	75% max	30% min	50% max	25% min	50% max
	Sites 2 acres or less		Sites 2 acres or less			
	30% min	75% max	25% min	50% max		
Maximum Impervious Surface Coverage	85% of gross parcel area		80% of gross parcel area		75% of gross parcel area	
Usable Open Space Requirement	5% of gross parcel area		5% of gross parcel area		10% of gross parcel area	
Street Level Active Use Building Frontage <sub>2</sub>	60% minimum		50% minimum		No minimum	
<b>Residential Setbacks <sup>3</sup> (standard setbacks)</b>	<b>MU-R</b>		<b>MU-C</b>		<b>MU-N</b>	
Front	10' min	20' max	10' min	20' max	15' min	25' max
Side	5' min		5' min		5' min	
Rear	5' min	20' max	5' min	20' max	5' min	25' max
<del>Residential Setbacks <sup>3</sup> (zero lot line setbacks)</del>	<del><b>MU-R</b></del>		<del><b>MU-C</b></del>		<del><b>MU-N</b></del>	
<del>Front</del>	<del>10' min</del>	<del>20' max</del>	<del>10' min</del>	<del>20' max</del>	<del>15' min</del>	<del>25' max</del>
<del>Side</del>	<del>0' min</del>		<del>0' min</del>		<del>0' min</del>	
<del>Rear</del>	<del>0' min</del>	<del>20' max</del>	<del>0' min</del>	<del>20' max</del>	<del>0' min</del>	<del>25' max</del>
<b>Commercial and Mixed Use Setbacks <sup>3</sup> (standard setbacks)</b>	<b>MU-R</b>		<b>MU-C</b>		<b>MU-N</b>	
Front	0' min	15' max	0' min	15' max	5' min	15' max
Side	5' min		5' min		5' min	
Rear	5' min	45' max	5' min	45' max	5' min	45' max
<b>Commercial and Mixed Use Setbacks <sup>3</sup> (zero lot line setbacks)</b>	<b>MU-R</b>		<b>MU-C</b>		<b>MU-N</b>	
Front - build to line	0' min	15' max	0' min	15' max	5' min	15' max
Side	0' min		0' min		0' min	
Rear	0' min	45' max	0' min	45' max	0' min	45' max
Front yard setback for upper stories after the 3rd story	20' min		20' min		20' min	
Setbacks and landscape area (front yard parking)	5' min		5' min		5' min	
Setbacks and landscape area to I-494	15' min		15' min		15' min	



<sup>1</sup> Parking structures shall not be included in calculation of building stories. Single story portions of structures may be allowed provided they are attached to a principal structure that is two (2) or more stories in height and that the footprint of the single story portion of the structure is no more than 40 percent of the total structure's footprint.

<sup>2</sup> For buildings with multiple street frontages, the Street Level Active Use Building Frontage requirement shall apply to the primary street and other pedestrian oriented streets as determined by the Director. In cases where active use, pedestrian-oriented building frontage along secondary streets is not supportive of the purposes and intent of the mixed use districts (Subsection 537.01, Subd. 2) the Director may waive or reduce the required minimum percentage of Street Level Active Use Building Frontage on those secondary streets.

<sup>3</sup> Standard setbacks apply to all uses except zero lot line developments. The front setback is a build-to line designed to locate buildings in close proximity to the public street. A 3' minimum setback to public sidewalks/trails may be required. Zero lot line setbacks allow buildings to be placed on an interior property line if that structure and the adjacent structure are designed with that placement in mind and a compatible relationship of uses results, including consideration of circulation drives, open space, easements, utility parking areas and glazed facades.

**Subd. 2. Mix of Uses Required.** A mix of uses within a building is required in the MU-C district and other building use criteria apply to the MU-R and MU-N districts.

- a) In the MU-R district a mix of uses is not required, however, residential uses are permitted up to 25 percent of the total building floor area on the site. i.e. if a site contains 100,000 square feet of building floor area, no more than 25,000 square feet of building area can be devoted to residential units and the common areas or associations that serve residential units.
- b) In the MU-C district a mix of uses is required for development sites that exceed two (2) acres in size. No single use type (retail, office, service, hotel, residential, etc.) can exceed 75 percent of the total building floor area on the site.
- c) In the MU-N district a mix of uses is not required, however, no more than 1540% of the total building floor area on the site or within the development can be devoted to nonresidential uses. Total nonresidential floor area in a residential development or building shall not exceed 10,000 square feet.

(Amended, Bill No. 2017-6)

**537.09. - Parking Standards .**

**Subdivision 1. Off Street Parking Ratios.** The following table establishes minimum parking standards for uses within the Mixed Use Districts.

**Table 3**

Minimum Parking Standards for Mixed Use Districts

(Amended, Bill 2009-6)

Land Use Type	Off Street Parking Ratio	
	MU-R and MU-C	MU-N
Commercial Retail *	4	3
Commercial Services *	3	2
Office *	3.3	2
Civic *	3	2
Hotel or motel (per room)	1	1
Residential Townhouse **	1.5	1.5

Residential Multifamily **	1.25 4-5	1.25 4-5
Other Uses	As determined by the Zoning Administrator	
* Per 1,000 square feet of gross floor area.		
**Per dwelling unit. <u>May be reduced to 1 space per unit if factors warrant, such as being located within 1/4-mile of a high-frequency transit route, or providing a shared vehicle on the premises, etc.</u>		

**Subd. 2. Other Parking Requirements.** All other parking requirements shall be dictated by Section 544 of this Code.

**537.11. - Other Performance Standards.**

**Subdivision 1.** Development shall comply with the provisions of Section 544 and the following standards.

**Subd. 2. Exterior Lighting.** Exterior lighting should be used to provide illumination for the security and safety of entry drives, parking, service and loading areas, pathways, courtyards and plazas, without intruding on nonadjacent properties. Exterior lighting shall comply with 544.09 and the following standards:

- a) Poles and fixtures shall be architecturally compatible with structures and lighting on-site and on adjacent properties.
- b) Security lighting shall be adequate for visibility, but not overly bright.
- c) ~~Lighting~~ Metal halide lighting shall be used with a concealed light source of the "cut-off" variety to prevent glare and "light trespass" onto adjacent buildings and sites.
- d) Separate pedestrian scale lighting or other low level fixtures, such as bollards, shall be incorporated for all pedestrian ways through parking lots and drop-off areas at entrances to buildings.
- e) All primary walkways, steps or ramps along pedestrian routes shall be illuminated.

**Subd. 3. Architectural Standards.** Exterior windows shall not be flush with the exterior walls. The windows shall utilize window trim with a minimum relief of 1" from the exterior wall or other similar articulation.

**Subd. 4. Building Relationship to Street and Pedestrian Areas.** All new retail, commercial, office, and mixed-use buildings are to provide a variety of active uses along a public street and/or major pedestrian area. This includes, but is not limited to, the use of multiple street front shops or businesses, multiple entrances into large single tenant buildings and design treatments of entrances, windows, facades etc. New buildings and developments shall comply with the following standards for building orientation and primary entrance:

- a) All buildings shall have at least one (1) primary patron entrance facing an abutting public street, rather than the parking area. Buildings abutting a major pedestrian circulation area as defined in Subsection 537.11, Subdivision 8 shall have at least one (1) primary entrance facing and accessing the major pedestrian circulation way. Primary entrance is defined as the principal entry through which people enter the building. A building may have more than one (1) primary entrance. Primary entrances shall be open to the public during all business hours.
- b) Primary building entrances shall be architecturally emphasized and visible from the street. Principal patron entrances should be clearly defined and highly visible utilizing such design features as awnings, canopies, pillars, special building materials or architectural details.
- c) Commercial or mixed-use structures that have over 60 linear feet of frontage on a major pedestrian area, public sidewalk or major street shall have a principal patron entrance onto the

major pedestrian area, public sidewalk or major street. For building facades over 200 feet in length facing a street, two (2) or more building entrances on the street must be provided.

- d) Building entrances shall incorporate arcades, roofs, porches, alcoves, porticoes and awnings that protect pedestrians from the rain and sun.
- e) Buildings shall include changes in relief on 15 percent of their street facades such as cornices, bases, window treatments, fluted masonry or other designs for pedestrian interest and scale.
- f) Building facades greater than 100 feet in length shall have offset jogs, using elements such as bay windows and recessed entrances or other articulation so as to provide for pedestrian scale to the first floor and to avoid long continuous unbroken building facades.

**Subd. 5. Windows, Window Walls, Blank Walls and Design of the Ground Floor of Nonresidential Buildings.**

- a) All development shall provide ground floor windows along street facades, parks, plazas or other public outdoor spaces. Required window areas must be either windows that allow views into working areas or lobbies or pedestrian entrances or display windows. Required windows shall have a sill no higher than four (4) feet above grade, except as follows. Where interior floor levels prohibit such placement, the sill height maybe raised to allow it to be no more that two (2) feet above the finished floor level up to a maximum sill height of six (6) feet above grade.
- b) For any wall within 30 feet of a street or a major pedestrian area, at least 20% of the ground floor wall area facing the street or pedestrian area shall be display areas, windows, or doorways. Blank walls along streets, public outdoor spaces and major pedestrian areas are prohibited.
- c) Darkly tinted, frosted windows or any windows that block two-way visibility are prohibited as ground floor windows along street facades.

**Subd. 6. Upper Story Setbacks.** Upper story setbacks shall be required for structures over three (3) stories that are adjacent or across a street from residential or public parklands. Upper story setbacks shall be achieved by:

- a) Floors above the third floor or 50 feet shall be stepped back a minimum of 20 feet, and
- b) All buildings shall be stepped back such that the height of the building façade does not exceed an angle greater than 45 degrees from the average street elevation beginning at a point at the curb on the opposite side of the street.
- c) Exception. The Director may waive the building step-back requirements of this Subsection provided that the applicant clearly demonstrates the proposed project:
  - (i) Includes window treatments, entry placement, façade relief and other architectural treatments to provide visual interest and pedestrian-sensitive design at the street level and to maintain a human scale in the streetscape; and
  - (ii) Extends the same architectural features above the ground floor level through variations in design, detail and proportion and by avoiding designs featuring a monolithic street facade and is designed as not to obstruct sunlight from falling on a given point on the back of the sidewalk on the opposite side of the street for more than four (4) hours in any given day between September 21 and March 21.

**Subd. 7. Vehicular Circulation and Parking.** Parking and vehicular circulation shall comply with the standards in Subsections 544.11, 544.13 and the following standards:

- a) Parking drives should be located away from building entrances, be designed to minimize pedestrian conflicts and shall not be located between the main building entrance and the street;
- b) Surface parking lots shall be oriented behind or to the side of buildings;
- c) Driveway access and parking lots shall be shared as much as possible;

- d) Above grade parking ramps shall be located to the rear of a lot (towards I-494 in the 494 Corridor to provide shielding or buffering of I-494 from other uses on site);
- e) Parking ramps shall be designed to be architecturally integrated into the overall site and be made of comparable materials and decorative elements;
- f) For parking lots within pedestrian corridors, refer to Subdivision 8;
- g) Bicycle racks or storage shall be provided; and
- h) Cross access and circulation across adjoining parcels is required, where appropriate and feasible. Joint circulation shall be documented in a cross access and circulation easement and agreement.

**Subd. 8. Pedestrian and Bicycle Circulation.** Pedestrian and bicycle circulation and access shall comply with the standards in Subsection 544.15 and the following standards:

- a) Developments shall implement an on-site pedestrian and bicycle circulation system that complies with the Vision Plan for the district as adopted in the Comprehensive Plan or any other redevelopment plan for the district; and
- b) Sidewalks are required along both sides of all public rights-of-way.

**Subd. 9. Required Open Space in the 494 Corridor.** Within the mixed-use districts, a "major pedestrian area" of usable open space is to be the central organizing element that links the different parts of the corridor into a whole. The major pedestrian area is to be a continuous central spine of pedestrian circulation along the length of the I-494 corridor roughly midway between 77th Street and I-494. This pedestrian area shall be designed for pedestrian circulation and may include gathering and event space.

Landscape setback areas and other impervious areas are to be landscaped to enhance the aesthetics of the area and to define outdoor space. The landscape setback area next to I-494 is to be a green edge of landscaping that may include, but not be limited to trees, shrubs, vines and herbaceous plants. Open space can shape and serve as a transition between different uses and provide focal points and anchors for pedestrian activity. The required open space shall:

- a) Abut a public sidewalk or major pedestrian circulation area and shall be accessible to the public during daylight hours;
- b) Include a combination of public and semi-public gathering spaces, such as plazas, tied together through a linear green corridor along its center;
- c) Include a buffer of landscape plantings along I-494 or other physical barriers to enhance the community's image and to buffer uses from noise or other nuisances;
- d) Be used for treatment of stormwater, only if it is designed as part of the overall open space system such that the stormwater treatment or storage is used as a decorative element, and has no negative impact on recreation or the enjoyment of the open space;
- e) Include plazas, or patios that are integrally designed to accentuate the architecture on-site and to tie off-site elements into an overall theme or character by use of decorative pavers, public art, decorative lighting, seating, planters, or other features. Usable open space shall be a minimum of 1,000 square feet in size and a minimum of 20 feet wide in any direction;
- f) Be designed to have good public visibility to encourage pedestrian use of the on site outdoors amenities, while at the same time enhancing the security of such places by placing public entrances on the open space and ground floor windows along the open space; and
- g) Be designed such that, in the City's judgment, the spaces adequately enhance such development and serve as gathering places for visitors, customers, residents, and employees and are consistent with the Comprehensive Plan or any redevelopment plan for the district.

**Subd. 10. Use Transitions.** The following options should be used as use transitions:

- a) When multifamily, office, small-scale retail, pedestrian intensive retail, civic or public uses are planned as part of a mixed use development, the lesser intensive uses or the more community serving uses may be used as transitions to adjacent residential uses.
- b) Larger commercial or office buildings may be mitigated with building façade articulation, by locating parking lots or structures or other potential nuisances away from residential uses, or by stepping down building height in the area immediately adjacent residential uses.
- c) Streets and streetscape can be used as a transition between uses. The distance and separation afforded by the public right-of way, together with streetscape improvements on both sides of the street may be utilized as a transition to adjacent development.
- d) Green spaces, courts, squares, parks, plazas, etc. may be used to create a meaningful transition between uses.
- e) In situations where the above do not provide adequate transition, additional landscaping may be required as determined by the Director.

**537.13. - Nonconformities.**

**Subdivision 1. Expansion of Nonconforming Uses.** Existing legal nonconforming uses may be maintained according to City Code Subsection 509.25. The City Council may allow expansion of legal nonconforming uses through issuance of a conditional use permit. Expansion may be allowed up to ten (10) percent of the gross floor area provided the expansion meets all other applicable City requirements. Any expansion or modification of a legal nonconforming use should not significantly impede implementation of goals and policies of the Comprehensive Plan.

**Subd. 2. Expansion of Dimensional or Bulk Nonconformities.** Legally nonconforming buildings existing prior to February 19, 2006, that do not meet dimensional or bulk standards of the Mixed Use zoning district may be expanded through review and approval of a conditional use permit-Subsection 547.09. Expansion or modification of a legally nonconforming building shall:

- a) Not increase the overall, site-wide degree of nonconformity,
- b) Demonstrate that zoning and Comprehensive Plan requirements are met to the greatest degree practical. These requirements include, but are not limited to: parking, landscaping, architectural design and façade treatment, and site design;
- c) Off-set departures from zoning and Comprehensive Plan requirements through superior design and/or additional community/site amenities;
- d) Not significantly impede implementation of goals and policies of the Comprehensive Plan;
- e) Not have undue adverse impacts on neighboring residential properties;
- f) Not have undue adverse impacts on governmental facilities, utilities, services or existing or proposed improvements; and
- g) Not have undue adverse impacts on the public health, safety or welfare.

(Amended, Bill No. 2011-13, 2011-28)

Section 2                      Subsection 512.09, Subdivision 3 of the Richfield City Code relating to Permitted, Conditional, Accessory and Prohibited Uses in Mixed-Use Districts is amended by repealing and replacing the table as follows:

***[Subsection 512.09 will be replaced with a table identical to the new Table 1 in 537.03 above]***

Section 3                    This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

                                  Passed by the City Council of the City of Richfield, Minnesota this 28th day of May, 2019.

\_\_\_\_\_ Maria Regan Gonzalez, Mayor

ATTEST:

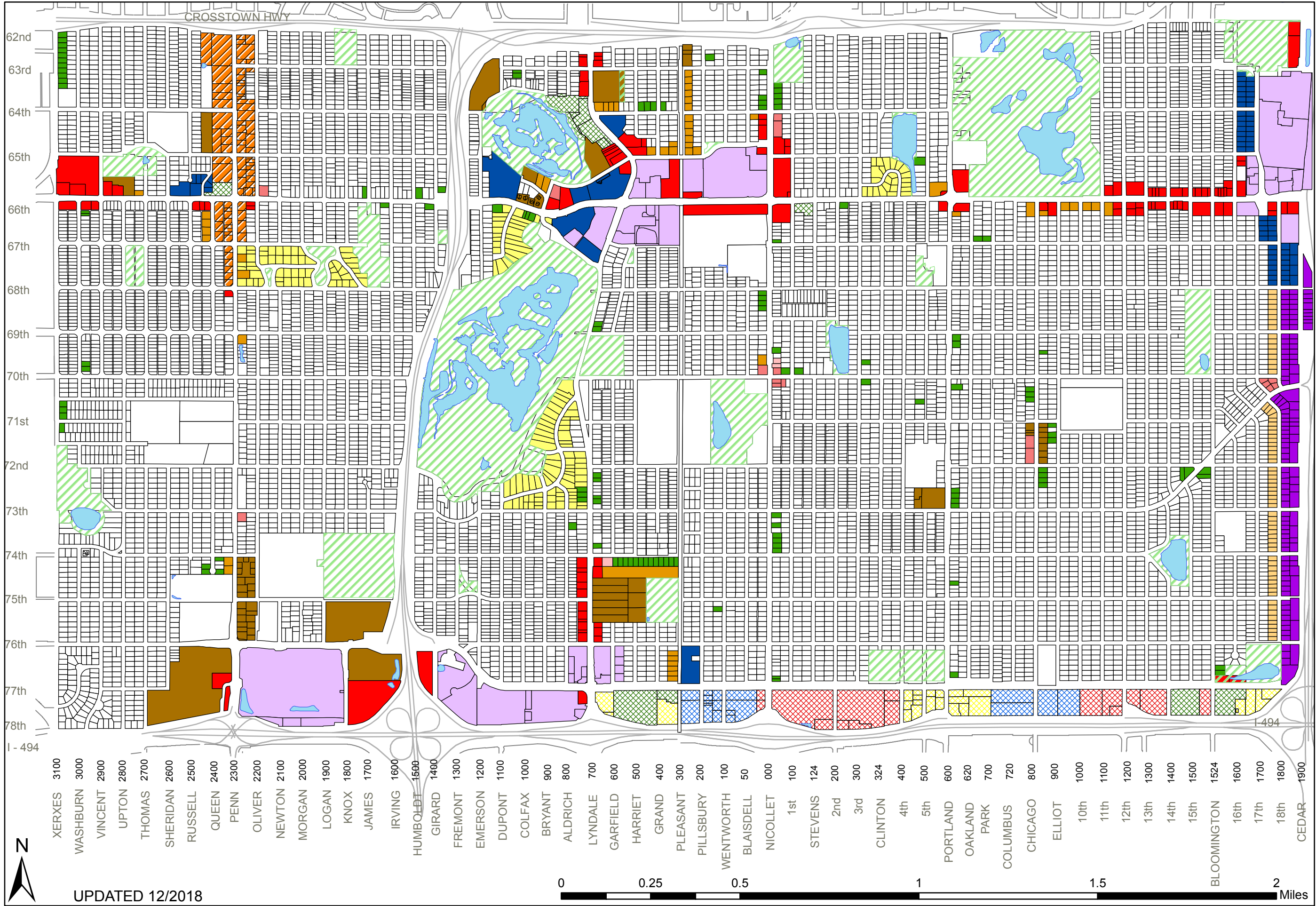
\_\_\_\_\_ Elizabeth VanHoose, City Clerk

# Richfield Zoning Map

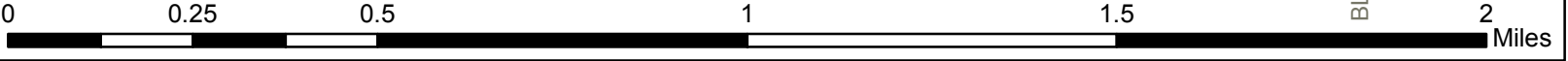


## Zoning Designation

- Park (Zoning District is R)
- R Single-Family
- R-1 Low-Density Single-Family
- MR-1 Two-Family
- PMR Planned Multi-Family
- MR-2 Multi-Family
- MR-2/CAC Multi-Fam + Cedar Overlay
- MR-3 High-Density Multi-Family
- SO Service Office
- C-1 Community Commercial
- C-2 General Commercial
- PC-2 Planned General Commercial
- PMU Planned Mixed Use
- MU-C Mixed Use-Community
- MU-C/CAC Mixed Use + Cedar Overlay
- MU-C/PAC Mixed Use + Penn Overlay
- MU-N Mixed Use-Neighborhood
- MU-R Mixed Use-Regional
- I Industrial

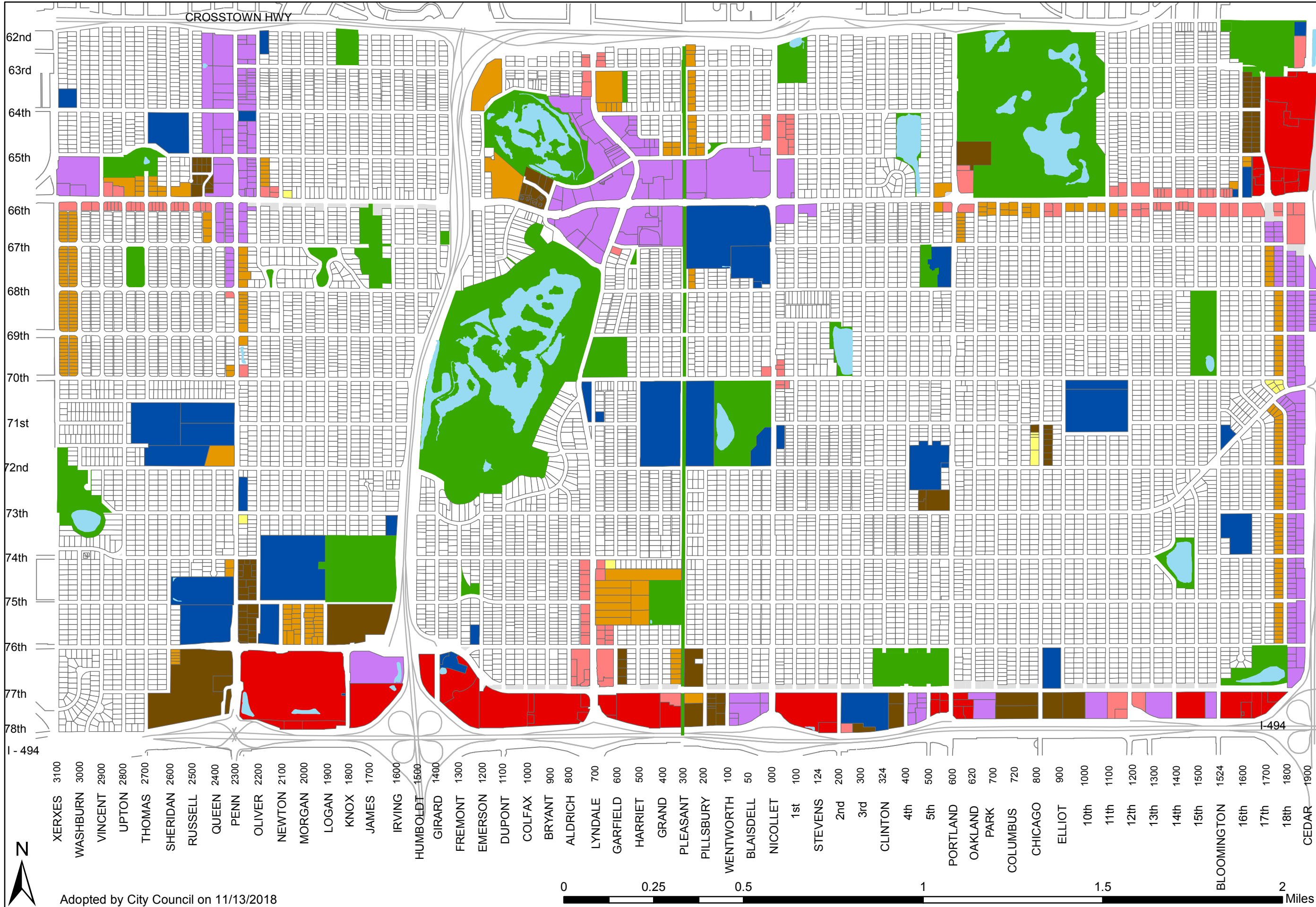


UPDATED 12/2018



XERXES 3100  
 WASHBURN 3000  
 VINCENT 2900  
 UPTON 2800  
 THOMAS 2700  
 SHERIDAN 2600  
 RUSSELL 2500  
 QUEEN 2400  
 PENN 2300  
 OLIVER 2200  
 NEWTON 2100  
 MORGAN 2000  
 LOGAN 1900  
 KNOX 1800  
 JAMES 1700  
 IRVING 1600  
 HUMBOLDT 1500  
 GIRARD 1400  
 FREMONT 1300  
 EMERSON 1200  
 DUPONT 1100  
 COLFAX 1000  
 BRYANT 900  
 ALDRICH 800  
 LYNDALDE 700  
 GARFIELD 600  
 HARRIET 500  
 GRAND 400  
 PLEASANT 300  
 PILLSBURY 200  
 WENTWORTH 100  
 BLAISDELL 50  
 NICOLLET 000  
 1st 100  
 STEVENS 124  
 2nd 200  
 3rd 300  
 324 324  
 4th 400  
 5th 500  
 600 600  
 620 620  
 700 700  
 720 720  
 800 800  
 900 900  
 1000 1000  
 1100 1100  
 1200 1200  
 1300 1300  
 1400 1400  
 1500 1500  
 1524 1524  
 1600 1600  
 1700 1700  
 1800 1800  
 CEDAR 1900

# 2040 Comprehensive Plan - Planned Land Use

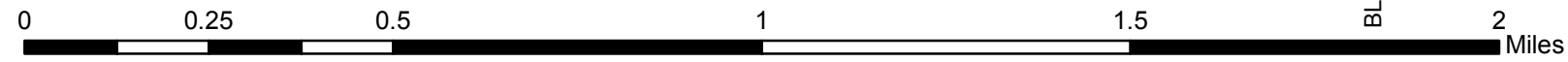


## 2040 Planned Land Use

- Mixed Use
- Regional Commercial
- Community Commercial
- Neighborhood Commercial
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Park
- Quasi-Public
- Right-of-Way (ROW)



Adopted by City Council on 11/13/2018





AGENDA SECTION:	Other Business
AGENDA ITEM #	5.
CASE NO.:	PC Letter #3 (continued from February 25, 2019 meeting)



## PLANNING COMMISSION MEETING 4/22/2019

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director  
4/8/2019

### **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. At the February 25, 2019 meeting, Commissioner Quam inquired about Part III, Section 1 regarding "Suspension of Rules", which states "The Commission may suspend any of these Rules by a 2/3 vote of those members present." In contrast, a 2/3 majority of the Commission (or 5 members) is required to *amend* the Bylaws. Commissioner Quam inquired about the disparity between those two thresholds of approval, and stated a concern that if only 4 members of the Commission were present (enough to have quorum), that as few as 3 members could vote to suspend the rules at that meeting, as the "2/3rds present" threshold would be met. Commissioner Quam proposed an amendment to raise the threshold for suspending the rules to match that of amending the bylaws. After some discussion, the proposed amendment was rescinded and the Commission directed staff to research these criteria for consistency with the bylaws of other City Commissions and the City Council.

Staff's research found that the "2/3rds present" threshold to temporarily suspend the rules is consistent with other City commission bylaws, and is consistent with *Sturgis' Standard Code of Parliamentary Procedure*, which all City commissions and the City Council follow. For additional clarification, "suspension of rules" refers only to suspension of parliamentary procedure during a single meeting, hence the lower threshold for approval (2/3rds present) than for permanently amending the Bylaws (2/3rds of the Commission). In light of these findings, staff is not recommending any changes to the current Bylaws.

#### **RECOMMENDED ACTION:**

**Review Planning Commission bylaws with no changes. A motion is not required.**

#### **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
☐ 2018 Bylaws	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