



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
SEPTEMBER 26, 2022
7:00 PM**

Call to Order

Approval of the Minutes

- Approval of the minutes of the Regular Planning Commission meeting of August 22, 2022

Open Forum:

Comments are to be an opportunity to address the Planning Commission. Please refer to the Planning Commission agendas and minutes web page for additional ways to submit comments prior to the meeting. Call into the open forum by dialing 1-415-655-0001 Use webinar access code: 2450 928 1988 and password: 1234.

Agenda Approval

1. Approval of the Agenda

Public Hearings

2. Public hearing to consider a preliminary plat and final plat in order to subdivide one lot into two, an amendment to a Planned Unit Development to accommodate minor modifications triggered by the proposed new lot line and vacation of existing drainage and utility easements to be re-dedicated with the proposed plat at 600 64th Street West.

Staff Report No. 22

Other Business

3. Election of Planning Commission Vice-Chairperson.
Staff Report No. 23
4. Consider a motion to reschedule the December Planning Commission meeting to December 12, 2022.
Staff Report No. 24

Liaison Reports

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

City Planner's Reports

5. At the September 13th Council meeting, the City Council voted to approve the text amendment to the fence ordinance with the change that 6 foot tall fences only need to be setback 3 feet (rather than 6 feet) from the corner side property line.
6. Next Meeting Time and Location
 - Regular meeting on October 24, 2022, at 7pm in Council Chambers at City Hall
7. 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 612-861-9739.

***Complete information on how to share comments or questions with the Planning Commission, see our Agendas and Minutes page**
https://www.richfieldmn.gov/city_government/planning_commission/agendas_and_minutes.php



PLANNING COMMISSION MEETING MINUTES

Richfield, Minnesota

Regular Planning Commission Meeting

August 22, 2022

CALL TO ORDER

The meeting was called to order by Chair Rudolph at 7:00 p.m. in the Council Chambers.

Planning Commission Members Present: James Rudolph, Chair; Kathryn Quam; Brendan Kennealy; Brett Stursa; Benjamin Surma; Eddie Holmwig-Johnson and Cole Hooey

Planning Commission Members Absent: None

Staff Present: Sam Crosby, Planner II; and LaTonia DuBois, Administrative Assistant

Others Present: None

APPROVAL OF MINUTES

M/Quam, S/Kennealy to approve the minutes of the Regular Planning Commission Meeting of July 25, 2022

Motion carried: 7-0

OPEN FORUM

Chair Rudolph reviewed the options to participate in the open forum. Planner II Crosby provided the correct access code for the webinar. There were no public comments.

ITEM #1

APPROVAL OF THE AGENDA

M/Kennealy, S/Stursa to approve the agenda.

Commissioner Quam inquired about electing a new Vice Chair and Secretary.

Commissioner Stursa inquired about information shared via email that the election of the Vice Chair and Secretary should occur after the current position is vacated.

Commissioners discussed waiting to elect the new Vice Chair and Commissioner Quam withdrew her request.

Motion carried: 7-0

ITEM #2	PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT TO REGULATIONS FOR ELECTRIC VEHICLE CHARGING. (STAFF REPORT NO. 21)
----------------	--

Planner II Crosby presented the staff report.

Commissioner Hooey inquired about the conduit, Planner II Crosby explained.

Commissioner Surma inquired about the difference between indoor and outdoor spaces, Planner II Crosby explained.

Chair Rudolph inquired about our ordinance in comparison to other cities. Planner II Crosby explained previous comparisons and similarities with other cities.

Chair Rudolph opened the public hearing. Planner II Crosby provided the meeting access code. There were no callers.

M/Quam, S/Surma to close the public hearing.

Motion carried: 7-0

Chair Rudolph inquired about how the building code will affect the changing of the ordinance.

Commissioner Stursa appreciated modification of the ordinance opposed to removing it and thanked staff.

Kennealy expressed support of staff and the ordinance amendment.

Quam also expressed support of staff and the ordinance amendment.

Chair Rudolph shared his support and appreciated the modification to follow state law.

M/Johnson, S/Kennealy to recommend approval of the ordinance.

Motion carried 7-0

ITEM #3	LIAISON REPORTS
----------------	------------------------

Commissioners reviewed current liaison rolls and re-assigned some of them.

- Community Services Commission: Vacant
- City Council: Commissioner Quam shared the primary election results that Husniyah Dent Bradley won the primary for the soon to be vacant Council seat, the Council Member at Large; Commissioner Stursa shared that Sharon Christensen came in second. Commissioner Kennealy volunteered to take on the role of the City Council Liaison.

- Housing and Development Authority (HRA): Commissioner Stursa did not have a report.
- Richfield School Board: Commissioner Holmwig-Johnson did not have a report.
- Transportation Commission: Commissioner Surma provided the Transportation Commission report and shared upcoming data collection that would be done regarding vehicle travel throughout the City and the safety of pedestrian travel.
- Chamber of Commerce: Assigned to Commissioner Hooey.
- Sustainability Commission: Vacant

ITEM #4	CITY PLANNER'S REPORT
----------------	------------------------------

No report

ITEM #5	NEXT MEETING TIME AND LOCATION
----------------	---------------------------------------

The next regular meeting is scheduled for Monday, September 26, 2022 at 7 p.m. in the Council Chambers at the Richfield Municipal Center.

ITEM #6	ADJOURNMENT
----------------	--------------------

Chair Rudolph thanked Commissioner Quam for her leadership and her work for the City.

M/Stursa, S/Quam to adjourn the meeting.

The meeting was adjourned by unanimous consent at 7:31 p.m.

Motion carried: 7-0

Brendan Kennealy
Planning Commission Secretary

Submitted by:

LaTonia DuBois
Administrative Assistant



PLANNING COMMISSION MEETING

9/26/2022

REPORT PREPARED BY: Sam Crosby, Planner II

CITY PLANNER REVIEW: Melissa Poehlman, Community Development Director
9/15/2022

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a preliminary plat and final plat in order to subdivide one lot into two, an amendment to a Planned Unit Development to accommodate minor modifications triggered by the proposed new lot line and vacation of existing drainage and utility easements to be re-dedicated with the proposed plat at 600 - 64th Street West.

EXECUTIVE SUMMARY:

In June of 2020, the City approved a Planned Unit Development (PUD) for North Bay Companies (Applicant) for a new five-story, 82-unit building on 64th Street "The Riley", and renovations to an existing 22-unit building at 6345 Lyndale Avenue South "The Richlyn". The proposal met all Zoning Code requirements of the underlying MU-N zoning district with one sole deviation; the number of compact parking stalls (27) is slightly higher than permitted (23). The property was platted as a single parcel at the time.

The Applicant is now requesting a replat of the property to subdivide the one lot into two. The subdivision will allow the Richlyn and Riley apartment buildings to be refinanced separately. The new lot line is proposed through the Richlyn's back parking lot, 10 feet from the Riley building. The proposed location is the minimum needed to maintain compliance with building code fire separation requirements while maintaining the maximum size possible for the Richlyn lot. The Applicant will be executing a declaration of easements which provide for cross access and maintenance between the two properties. The Applicant has also requested a vacation of all of the existing drainage and utility easements granted by the original plat, as they are to be re-dedicated with the proposed plat. This portion of the request does not require a public hearing.

The proposed subdivision creates the need for additional flexibility from the Zoning Code:

1. The Richlyn lot will not provide the minimum 5 foot parking setback requirement from the new (east /rear) lot line;
2. The Riley lot will not be providing the minimum 5 foot parking setback requirement from the new (west/side) lot line;
3. The Riley lot will be 83% impervious, and the Richlyn lot will be 70.8% impervious. The percentage of impervious surface for the PUD as a whole remains at 79.3%. Staff has included a condition of approval that the properties continue to function as a whole in regards to this provision.

Not related to the proposed subdivision, but worth pointing out; the minimum front yard setback of the Riley was reduced by one foot, from the standard 15 feet down to 14 feet. This was due to the dedication of a one foot strip of land along 64th Street for right-of-way widening.

It is important to note that no physical changes are being made to the site. The entire proposal is administrative in nature. The changes on paper will have no impact on the adjacent properties. The amount of flexibility granted with the original approval was very minor and the additional deviations are commensurate. For these reasons, staff finds that the proposal is reasonable. Staff further finds that the proposal conforms with the Comprehensive Plan and otherwise meets the requirements of the Zoning Code, and therefore recommends approval of the request.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion:

1. **Recommend approval of the resolution approving both the preliminary plat and the final plat;**
2. **Recommend approval of the resolution approving the Amended Planned Unit Development; and**
3. **Recommend approval of a resolution vacating existing drainage and utility easements.**

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The property was assembled, re-guided, rezoned, and approved for redevelopment in 2020.
- Construction of the project was recently completed and the building is currently 85.37% leased and 80.49% occupied. There are 12 units left that have not been rented. The project is on track to be 100% leased by the end of October.

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

- Zoning Code Section 542.13, Subd.3 establishes requirements for major amendments to an approved PUD. Since the request proposes a change in the parking setbacks, it is considered a major amendment. A major PUD amendment is subject to the same review criteria and procedures as issuance of a new PUD. Generally, the criteria require that the Council find that the proposal conforms to the goals and policies of the Comprehensive Plan and Zoning Code without having undue adverse impacts on public health, safety, and welfare.
- Given that no physical changes are proposed, the standard "required findings" remain the same. A full review of all applicable criteria was provided with the original approval, a copy of which can be provided upon request.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The clock started when a complete application was received on August 5, 2022. A subdivision is one of the few requests where 120 days is permitted by state statutes. Therefore, a decision is required by December 3, 2022.

D. FINANCIAL IMPACT:

- The required application fees have been paid.

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 September 15th.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval of the plat, Amended PUD and vacation with additional and/or modified conditions.
- Recommend denial of the plat, Amended PUD and vacation with findings that the proposal does not meet City requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Representatives of North Bay Companies

ATTACHMENTS:

Description	Type
▣ Plat Resolution of Approval	Resolution Letter
▣ APUD Resolution of Approval	Resolution Letter
▣ Vacation Resolution of Approval	Resolution Letter
▣ Easement Vacation Exhibit	Exhibit
▣ Location and Zoning Map	Backup Material
▣ Plat Opinion Letter, dated Aug. 23, 2022	Backup Material
▣ Declaration of Easements	Backup Material
▣ Project Narrative	Backup Material
▣ Preliminary Plat Graphic	Backup Material
▣ Final Plat Graphic	Backup Material

RESOLUTION NO.

RESOLUTION GRANTING APPROVAL OF BOTH A PRELIMINARY AND FINAL PLAT FOR RICHLYN RILEY

WHEREAS, North Bay Companies (“Applicant”) has requested approval of both a preliminary plat and a final plat that subdivides land generally located at 600 - 64th Street West, legally described as Lot 1, Block 1, Henley Two; and

WHEREAS, the proposed subdivision is to be known as RICHLYN RILEY; and

WHEREAS, a public hearing was held on the proposed preliminary plat of RICHLYN RILEY on Monday, September 26, 2022 at which all interested persons were given the opportunity to be heard; and

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

1. The proposed plat of RICHLYN RILEY satisfies the requirements of the City’s subdivision ordinances.
2. Approval of both the preliminary plat and the final plat of RICHLYN RILEY is granted subject to the following conditions:
 - a. Prior to the City sign-off on the final plat, the applicant must address to the City Attorney’s satisfaction all items listed in the plat opinion letter prepared by the City Attorney’s office, dated August 23, 2022.
 - b. The applicant shall dedicate a separate 15-foot wide sidewalk easement over the trail to the park along the east side of the property.
 - c. The as-built drawings must be approved by the City Engineer prior to City sign-off on the final plat.
 - d. The final, executed copy of the construction maintenance agreement must be recorded with the Hennepin County Recorder’s Office. Proof of such shall be submitted to the City prior to City sign-off on the final plat.
3. The Applicant must submit two mylar copies of the plat for signature by the City.
4. The Applicant must file the final plat with the Hennepin County Recorder or Registrar of Titles within two years of the approval of this resolution, along with:
 - a. the declaration of easements,
 - b. a copy of this approved resolution,
 - c. the sidewalk easement dedication document, and
 - d. the certificate of completion of vacation proceedings.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of October, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO.

RESOLUTION APPROVING AN AMENDED PLANNED UNIT DEVELOPMENT AT 600 - 64TH STREET WEST

WHEREAS, an application has been filed with the City of Richfield which requests approval of an Amended Planned Unit Development (APUD) for the Richlyn and Riley Apartments, on land that is legally described as follows:

Lot 1, Block 1, Henly Two, according to the plat thereof, Hennepin County Minnesota; and

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested APUD at its September 26, 2022 meeting; and

WHEREAS, notice of the public hearing was mailed to properties within 350 feet of the subject property, and published in the Sun-Current on September 15, 2022; and

WHEREAS, the requested APUD meets those requirements necessary for approving an Amended Planned Unit Development as specified in Richfield's Zoning Code, Section 542.09, Subd.3 and as detailed in City Council Staff Report No._____; and

WHEREAS, the request meets those requirements necessary for approving a conditional use permit as specified in Richfield's Zoning Code, Section 547.09, Subd.6 and as detailed in City Council Staff Report No._____; and

WHEREAS, the City has fully considered the request for approval of an APUD; and

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

1. The City Council adopts as its Findings of Fact the **WHEREAS** clauses set forth above.
2. An Amended Planned Unit Development is approved to facilitate the subdivision described in City Council Staff Report No. ____, on the Subject Property legally described above.
3. The approved Amended Planned Unit Development is subject to the following conditions:
 - a. The benches along the trail to the park along the east side of the property shall be installed prior to City sign-off on the final plat.
 - b. This approval is contingent upon, and subject to all the conditions of, the plat approval.

- c. The PUD as a whole exceeds the impervious area limitation, therefore the Richlyn Lot (Lot 1) will not be considered eligible to expand impervious area in the future, without approval of an amended PUD.
4. The APUD shall expire one year from issuance unless the use for which the permit was granted has commenced, substantial work has been completed or upon written request by the Developer, the Council extends the expiration date for an additional period of up to one year, as required by the Zoning Ordinance, Section 547.09, Subd.9.
5. The APUD shall remain in effect for so long as conditions regulating it are observed, the approval shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the Zoning Ordinance, Section 547.09, Subd.10.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of October, 2022

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE VACATION OF
DRAINAGE AND UTILITY EASEMENTS**

WHEREAS, the following described lands are subject to drainage and utility easements in favor of the City of Richfield:

Lot 1, Block 1, Henley Two, according to the plat thereof, Hennepin County Minnesota.

WHEREAS, the property is subject to easements for utility and drainage purposes per the recorded plat of Henley Two, as shown on the attached graphic; and

WHEREAS, the Property is part of a proposed re-plat, and all necessary drainage and utility easements will be re-dedicated in the new plat, so there is no need to reserve the easements as part of this proceeding; and

WHEREAS, the City Council finds that the easements reserved in the recorded plat of Henley Two are no longer needed, upon the recording of the plat of Richlyn Riley;

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

1. The easements for drainage and utility purposes, which were reserved over the above-described property in the recorded plat of Henley Two, are hereby vacated, effective upon the recording of the plat of Richlyn Riley. If said plat is not recorded within one year of the date of this resolution, this resolution shall be null and of no effect.
2. This approval is contingent upon the plat approval.
3. The City Clerk is directed to prepare a certificate of completion of vacation proceedings. The applicant shall record the certificate in the office of the Hennepin County Recorder, along with the final plat.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of October, 2022.

Maria Regan Gonzalez, Mayor

ATTEST:

Kari Sinning, City Clerk

Drawn By:TH
Project No. 19414.01 SHEET 1 OF 1



600 64th Street West

Location and Zoning Map

Richlyn Riley Re-Plat



Zoning Districts

Parks	MR-1 Two-Family	C-1 Community Commercial	PMU Planned Mixed Use
Building Footprint	PMR Planned Multi-Family	C-2 General Commercial	
R Single-Family	MR-2 Multi-Family	PC-2 Planned General Commercial	
R-1 Low-Density Single-Family	MR-3 High-Density Multi-Family		





Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis MN 55402

(612) 337-9300 telephone
(612) 337-9310 fax
<http://www.kennedy-graven.com>
Affirmative Action, Equal Opportunity Employer

SAMANTHA C. ZUEHLKE

Attorney at Law

Direct Dial: (612) 337-9205

Email: szuehlke@kennedy-graven.com

August 23, 2022

Samantha Crosby, Planner II
City of Richfield
6700 Portland Avenue
Richfield, MN 55423

VIA EMAIL ONLY

***RE: Plat Opinion for RICHLYN RILEY
Our File No. RC145-754***

Dear Sam:

At your request, I have reviewed a copy of the final plat of **RICHLYN RILEY**, prepared by Civil Site Group PC (the "Plat"), and a commitment for title insurance issued by First American Title Insurance Company National Commercial Services, as agent for First American Title Insurance Company, with an effective date of February 20, 2022, Commitment No. NCS-960185-2-MPLS (the "Commitment").

The Commitment covers real property in Hennepin County, Minnesota, legally described as follows (the "Property"):

Lot 1, Block 1, Henley Two, Hennepin County, Minnesota.

Abstract Property

(the "Property").

I have the following comments:

- 1. Plat Execution.** The Plat must be executed by:
 - a. The three fee owners, according to the commitment:
 - i. Richfield Property Holdings, LLC, a Minnesota limited liability company; and
 - ii. 15th NB Property1 LLC, a Minnesota limited liability company; and
 - iii. 6345 Partners, LLC, a Minnesota limited liability company.

The Plat must be executed with all the formalities of a deed of title. We require from each above-named fee owner: a certificate of good standing from the Minnesota Secretary of State and evidence that each fee owner is authorized to convey the easements dedicated on the Plat, and that the persons signing are authorized to execute the Plat on behalf of their respective entities by providing adequate documentation. *I require review of these instruments.*

- b. The mortgagee, 21st Century Bank, a Minnesota corporation. *The mortgagee must either sign the Plat or provide a consent to plat instrument to be recorded prior to recording the Plat. I require review of all of such documents prior to the city's release of the Plat for recording.*
- c. The mortgagee, Firefly Credit Union, a federal credit union. *The mortgagee must either sign the Plat or provide a consent to plat instrument to be recorded prior to recording the Plat. I require review of all of such documents prior to the city's release of the Plat for recording.*

2. Taxes and Special Assessments. All taxes due on the Property for the year the deed is to be recorded must be paid in full before the Plat is submitted to the County for recording.

Tax I.D. No. 27-028-24-22-0086

2022 base tax is \$49,200.52.

2022 taxes are half paid. There are no delinquent taxes of record.

There are no levied or pending special assessments.

3. Title Commitment Exceptions. The Plat is subject to the following items from Schedule B-II of the Commitment:

- a. Subject to an easement and right-of-way for broadband communications system purposes in favor of Comcast of Arkansas/Florida/Louisiana/Minnesota/Mississippi/Tennessee Inc., a Delaware corporation, dated February 27, 2009, and filed February 5, 2010, as Document No. A9477639. *This is a private easement for Comcast Inc. to provide Broadband services to the Property. The private easement need not be depicted on the Plat. The easement covers Lot 1 of the Richlyn Riley Plat. The City should review in order to ensure that the location of the easement does not interfere with any public improvements.*
- b. Subject to easement for drainage and utility purposes as depicted on the plat of Henley Two, recorded May 7, 2021, as Document No. 10950571. *The easements are depicted on the Plat. No further action is required.*
- c. Subject to the terms and conditions contained in the City of Richfield's Resolution No. 11752, approving the final development plan, conditional use permit, and the planned

unit development at Lyndale Avenue and 64th Street, dated July 14, 2020, recorded May 7, 2021, as Document No. 10950556. *No further action is required.*

- d. Subject to a Mortgage, Assignment of Rents, Security Agreement, and Fixture Financing Statement, dated March 28, 2018, and recorded April 24, 2018, as Document No. A10547334, by and between 6345 Lyndale LLC, a Minnesota limited liability company, for the benefit of 21st Century Bank, a Minnesota corporation, in the original amount of \$1,356,250.00. *Prior to the recording of the Plat, the mortgagee must either sign the Plat or sign a consent to plat in accordance with Paragraph 1.b., above. No additional action is required.*
- e. Subject to a Mortgage, Assignment of Rents, Security Agreement, and Fixture Financing Statement, dated December 28, 2018, and recorded January 2, 2019, as Document No. A10624780, by and between 64th Street LLC, a Minnesota limited liability company, for the benefit of 21st Century Bank, a Minnesota corporation, in the original amount of \$208,125.00. *This mortgage does not appear to relate to the Property to be platted. This mortgage relates to Lot 6, Block 6, Lyndale Oaks, Hennepin County, Minnesota. The plat of Henley Two is the replat of Lots 3-8 of Block 5, of Lyndale Oaks. The Title Company should review this exception and it should be removed from the Commitment.*
- f. Subject to a Mortgage, Assignment of Rents, Security Agreement, and Fixture Financing Statement, dated December 28, 2018, and recorded January 2, 2019, as Document No. A10624786, by and between 64th Street LLC, a Minnesota limited liability company, for the benefit of 21st Century Bank, a Minnesota corporation, in the original amount of \$189,375.00. *While under the same management as fee owner 6345 Lyndale LLC, 64th Street LLC is not a fee owner of the Property according to the Commitment. 64th Street LLC conveyed Lot 5, Block 5, Lyndale Oaks by limited warranty deed to the three fee owners listed in the Commitment. A satisfaction of mortgage was never recorded in the Hennepin County Property records with respect to this mortgage. We require that a satisfaction of mortgage be recorded prior to the recording of the Plat.*
- g. Subject to a contract for Private Development between the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota, and 6345 Partners, LLC, a Minnesota limited liability company, dated September 22, 2020, recorded May 3, 2021, as Document No. 10948739; as amended by the First Amendment to Contract for Private Development between the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota, and 6345 Partners, LLC, Richfield Property Holdings, LLC, and 15th NB Property1, LLC dated December 22, 2020, filed May 3, 2021, as Document No. 10948740. *The contract for Private Development has the HRA providing TIF financing to the developer for the rehabilitation of existing housing and the construction of new housing on the Property. The amendment to the contract for Private Development amends the description of the*

developer to include all three fee owners of the Property as identified by the Title Commitment. No further action is required.

- h. Subject to a Declaration of Restrictive Covenants made by 6345 Partners, LLC, a Minnesota limited liability company, Richfield Property Holdings, LLC, a Minnesota limited liability company, and 15th NB Property1, LLC, a Minnesota limited liability company, in favor of the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota, dated December 22, 2020, filed May 3, 2021, as Document No. 10948741. *The Declaration places occupancy restrictions on the housing to be developed on the Property, including covenants regarding tenant income provisions. No further action is required.*
- i. Subject to a Construction Mortgage, Assignment of Rents, Security Agreement and Fixture Filing, executed by Richfield Property Holdings, LLC, 15th NB Property1 LLC, and 6345 Partners, LLC, in favor of Firefly Federal Credit Union, a federal credit union, dated December 24, 2020, filed May 3, 2021, as Document No. 10948742, in the original amount of \$14,047,500.00. *Prior to the recording of the Plat, the mortgagee must either sign the Plat or sign a consent to plat in accordance with Paragraph 1.c., above. No additional action is required.*
- j. Subject to a Construction Mortgage, Assignment of Rents, Security Agreement and Fixture Filing, executed by Richfield Property Holdings, LLC, 15th NB Property1 LLC, and 6345 Partners, LLC, in favor of Firefly Federal Credit Union, a federal credit union, dated December 24, 2020, filed May 3, 2021, as Document No. 10948743, in the original amount of \$2,287,500.00. *Prior to the recording of the Plat, the mortgagee must either sign the Plat or sign a consent to plat in accordance with Paragraph 1.c., above. No additional action is required.*
- k. Subject to the rights of tenants under unrecorded leases. *If such documents exist, they have not yet been presented to me for review. I will require review of such documents as applicable.*

4. Plat Corrections.

- a. The signature block for each fee owner should be revised to omit the word “its” before each blank designating the signatory’s title.
- b. A period should finish the sentence follow the surveyor’s name in the surveyor’s acknowledgment.

5. Commitment Revisions. The Commitment is dated February 20, 2022. I require review of a Commitment that is less than 90 days old.

August 23, 2022

Page 5

This letter does not purport to set forth every matter relevant to a determination of whether title to the property is marketable, and no one should rely upon it for that purpose. The sole purpose of this letter is to identify required signatories to the plat and related issues of interest to the City in connection with platting, as evidenced by the Commitment.

This opinion is conditioned upon the issuance of a title policy in favor of the City of Richfield, insuring the City's interests as they appear in the plat of **RICHLYN RILEY** in an amount acceptable to the City.

Very truly yours,

Samantha C. Zuehlke

Samantha C. Zuehlke

SCZ:MDT

DECLARATION OF EASEMENTS

This DECLARATION is made as of the ____ day of _____, 2022 by Richfield Property Holdings, LLC, a Minnesota limited liability company, 15th NB Property1 LLC, a Minnesota limited liability company, and 6345 Partners, LLC, a Minnesota limited liability company (collectively, the “Declarant”).

RECITALS

A. Declarant has received land use and subdivision approvals from the City of Richfield, Minnesota, for a planned unit development (the “PUD”) situated on the following parcels of real property owned by Declarant:

Lots 1 and 2, Block 1, RICHLYN RILEY, Hennepin County, Minnesota.

Lot 1, Block 1, RICHLYN RILEY, is referred to herein as the “West Lot,” and Lot 2, Block 1, RICHLYN RILEY, is referred to herein as the “East Lot.” Collectively, the West Lot and East Lot are referred to herein as the “Parcels.”

B. The PUD comprises two multifamily residential buildings, one of which is located on the West Lot (the “West Building”) and one of which is located on the East Lot (the “East Building”), both as depicted on site plan depicted on Exhibit A attached hereto and made a part hereof (the “Site Plan”).

C. There is a parking lot situated between the West Building and the East Building (the “Parking Lot”), as depicted on the Site Plan. The parking lot serves the West Building and fulfills the parking requirements for the West Building as required by the City of Richfield in its approval of the PUD.

D. The property line that divides the West Lot from the East Lot runs through the Parking Lot, in such manner that the majority of the Parking Lot is located on the West Lot and a small portion of the Parking Lot is located on the East Lot.

E. Declarant desires to subject the Parcels to certain covenants, conditions and restrictions hereinafter set forth, for the benefit of the respective parcels and each owner, present and future, thereof.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, Declarant hereby declares, imposes and makes the Parcels subject to the following covenants, restrictions and conditions.

1. Recitals. The Recitals are incorporated herein as if fully set forth.
2. Owners. The term "Owner" or "Owners" shall mean Declarant and any and all successors or assigns of Declarant as the owner or owners of fee simple title to all or any portion of the Parcels.
3. Grant of Easements. Subject to any express conditions, limitations or reservations contained herein, Declarant hereby declares and grants the following:
 - a. A non-exclusive easement for vehicular and pedestrian access, parking and maintenance of the Parking Lot for the benefit of the West Lot over and upon that portion of the Parking Lot located on the East Lot.
 - b. A non-exclusive easement for pedestrian access for the benefit of the West Lot over and upon the paved walkway located on the East Lot, which walkway runs adjacent to the Parking Lot, as is depicted on the Site Plan.
 - c. A non-exclusive easement for vehicular and pedestrian access and parking over and upon the portion of the Parking Lot located on the West Lot for the benefit of the East Lot, solely for the purpose of maintenance of mechanical equipment located in the northwest corner of the East Lot, which mechanical equipment is generally depicted on the Site Plan.
 - d. A non-exclusive right and easement for the benefit of the East Lot to discharge surface storm water drainage and/or runoff from the East Lot over, upon and across the West Lot.
4. Maintenance of Parking Lot. The Owner of the West Lot shall be responsible for all maintenance, including snow removal, of the entire Parking Lot, including that portion located on the East Lot, at such Owner's sole cost and expense.
5. Interference with Easement. No obstructions that would prevent, restrict or otherwise hinder the reasonable use of the easements granted herein for the purposes permitted herein shall be permitted, except for temporary obstructions related to construction, maintenance, repair and replacement of improvements on the Parcels.
6. Duration; Termination. This Declaration shall be perpetual in nature. This Declaration shall be recorded and shall constitute covenants and obligations running with the

land and shall be binding and inure to the benefit of the Owners, their tenants and invitees, and their successors and assigns unless and until this Declaration is terminated. This Declaration may be terminated only by written agreement by and between the Owners of all Parcels and with prior written consent of the City of Richfield.

7. No Third-Party Beneficiaries. This Declaration is for the sole benefit of the Owners and shall not create any rights in third parties.

8. Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Parcels to the general public, or for any public use or purpose whatsoever.

9. Severability. If any provision this Declaration is held to be unenforceable or void, such provision shall be deemed to be severable and shall in no way affect the validity of the remaining terms of this Declaration.

10. Headings. The headings of sections of this Declaration are for convenience of reference only and do not form a part hereof and in no way interpret or construe any of the terms and provisions contained herein.

11. Governing Law. This Agreement and the rights and obligations hereunder of the parties hereto shall be governed by the laws of the State of Minnesota.

[SIGNATURE PAGES FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this Declaration to be executed as of the day and year first above written.

Richfield Property Holdings, LLC
(a Minnesota limited liability company)

By: _____
Name: Daniel Oberpriller
Its: Manager

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Daniel Oberpriller, the Manager of Richfield Property Holdings, LLC, a Minnesota limited liability company, on behalf of the company.

My commission expires:

Notary Public

15th NB Property1 LLC
(a Minnesota limited liability company)

By: _____
Name: Daniel Oberpriller
Its: Chief Manager

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by Daniel Oberpriller, the Chief Manager of 15th NB Property1 LLC, a Minnesota limited liability company, on behalf of the company.

My commission expires:

Notary Public

6345 Partners, LLC
(a Minnesota limited liability company)

By: _____
Name: Daniel Oberpriller
Its: Manager

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

The foregoing instrument was acknowledged, subscribed, and sworn to before me this _____ day of _____, 2022, by Daniel Oberpriller, the Manager of 6345 Partners, LLC, a Minnesota limited liability company, on behalf of the company.

My commission expires: _____

Notary Public

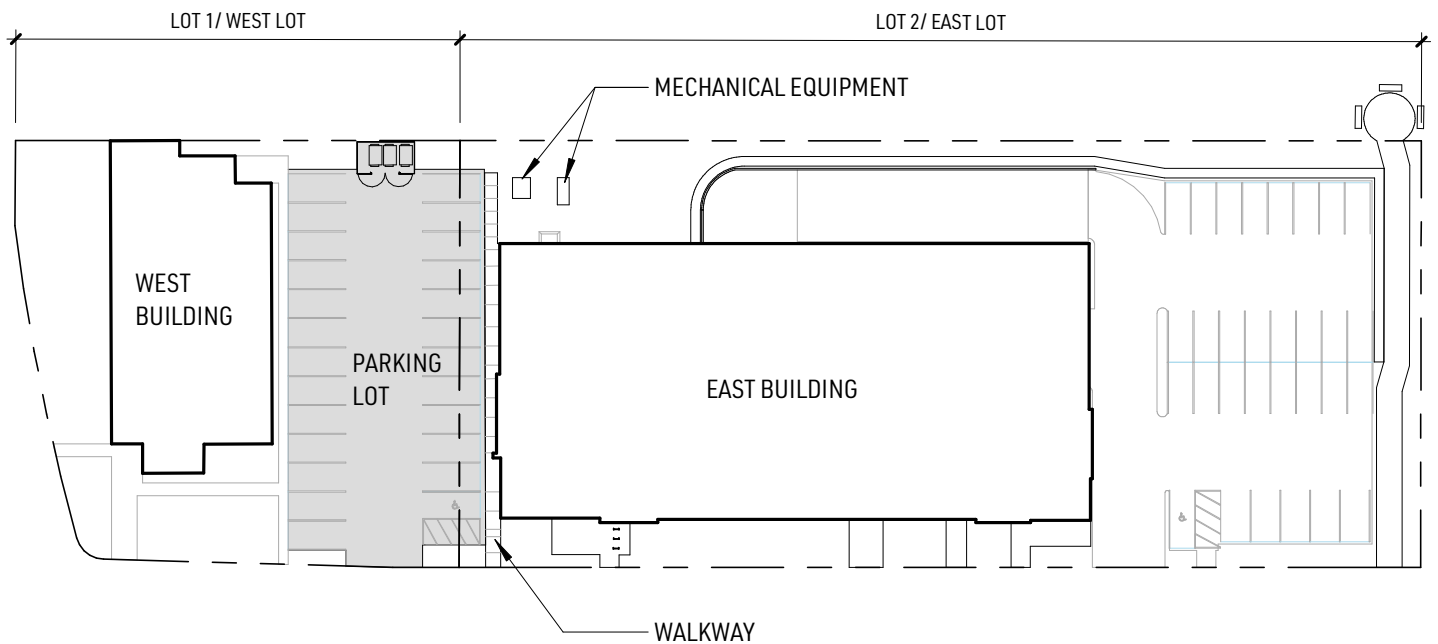
This Instrument was drafted by:
Faegre Drinker Biddle & Reath LLP (CEL)
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
(612) 766-7000

EXHIBIT A

Site Plan

(Inserted on Next Page)

US.351587795.02



1 SITE PLAN
1" = 60'-0"



RICHLYN & RILEY APARTMENTS, RICHFIELD , MINNESOTA
 PROJECT RECAP

Zoning Recap		Unit Recap	
Current Primary Zoning:	Planned Mixed Use	Richlyn Building (6345 Lyndale Avenue S)	
		Studios	22
Site		Riley Building (600 64th Street W)	
Total Area	57,262 sf	Studios	56
		1BR	25
Building Footprint	20,584 sf	2 BR	1 (Accessible)
	Richlyn Building- 4,700 sf Riley Building- 15,884 sf	Total Units	104
Parking (Richlyn & Riley Apartments)		Richlyn Building-	25 Stalls
Building Area-	91,040 sf	Riley Building-	95 Stalls
	Richlyn Building- 14,100 sf Riley Building- 76,940 sf *includes 21,302 SF of parking	Parking Provided	120 Stalls
Building Height		Riley Building	5 Stories, 58'-8"
Usable Open Space		Richlyn Building	1,987 SF
Parcels:	27-028-24-22-0086	Riley Building	4,605 SF

PROJECT NARRATIVE

In July 2020, the Richfield City Council approved a comprehensive plan amendment, rezoning and a conditional use permit (CUP) for a planned unit development (PUD) on the northeast corner of Lyndale Avenue South and 64th Street West. As approved and now constructed, the PUD is a single platted lot with two residential buildings. The building on the west side of the lot, facing Lyndale, was constructed in the 1960s. It includes 22 dwelling units, 16 of which are affordable at 60% AMI. Following approval of the PUD, several improvements were made to the west building, now named Richlyn, including improvements to the entry, exterior lighting, sidewalks and landscaping, upgraded windows, interior lighting, flooring, and kitchen and bathroom renovations including appliances, countertops, and cabinetry. Construction of the new building on the east side of the site is essentially completed. That building, named Riley, includes 82 dwelling units, primarily market rate but 5 of which are affordable at 60% AMI.

The Owner is requesting that the PUD be amended to allow for subdivision of the site into two lots, each containing one of the buildings. Now that construction is complete, the Owner would like to refinance the construction loan. The degree of affordability of the Richlyn units will qualify a lot with just the Richlyn on it for refinancing at more favorable terms, which will contribute to the economic stability of the affordable housing property. Subdivision of the PUD into two lots will have no effect or impact on adjacent properties. Both lots will continue to be part of the PUD and subject to its conditions of approval and no change in the development plan or use of the property is proposed.

The Owner is requesting approval of the following deviations from the requirements of the Planned Mixed Use with MU-N standards.

- The property line that will divide the two lots runs through a row of parking stalls, such that the parking areas on both of the lots about the new, shared lot line, so will not meet the minimum 5-foot setback requirement. A deviation to allow the parking areas on both lots to be at 0 feet is requested. The buildings on both lots are greater than 5 feet from the shared lot line, so no deviation is required for the setback of the structures. The location of the internal lot line is based on two factors: 1) maintaining compliance with building code fire separation requirements between a structure and a side lot line, and 2) maintaining the maximum size possible for the Richlyn lot. Building code fire separation distances are based on the percentage of openings in the building wall. A setback of at least 10 feet is required for the Riley to comply with building code based on window and other openings in the west facade.

As approved in the 2020 PUD, the 25 parking stalls in the surface lot between the buildings will be allocated for use by the Richlyn. A declaration of easements will be recorded that establishes the rights of the Richlyn property to use and access to the portion of the parking stalls in this parking area that will be located on the Riley lot.

- The maximum impervious surface area standard is 75%. Proposed Lot 1 (the Richlyn lot) will have 70.8% impervious surface area and will comply with that standard. Proposed Lot 2 (the Riley lot) will require approval of a deviation to 83.0%. The percentage of impervious surface for the PUD as a whole is 79.3%. The total impervious surface percentage of the PUD when the original application was submitted in 2020 met the 75% standard. However, Planning Commissioners felt that the project should provide parking in excess of the minimum amount required by code and, in response to those concerns, the development team submitted a revised plan for the City Council that reconfigured the surface parking lot on Proposed Lot 2 to add stalls. It was not recognized at that time that the changes to the parking lot design triggered the need for a deviation for maximum impervious surface coverage. A deviation is justified because the additional paved parking area responds to concerns related to availability of onsite parking. It is further justified because the impervious coverage on Proposed Lot 2 includes a paved walkway for public use between 64th Street and Garfield Park. No new changes to the development plan increasing impervious surface are proposed.

- Approval of a third deviation is requested to reduce the minimum front yard setback of the Riley from the standard 15 feet to 14 feet. This deviation is not related to the proposed subdivision; rather it is due to a condition created in 2020 related to dedication of part of the PUD site for widening of 64th Street. The setback of the Riley based on the street line when the applications were approved in 2020 complied with the 15-foot setback requirement. However, the plat approved and recorded in 2020 included, at the request of the City, dedication of a strip of land along 64th Street for right-of-way widening. Upon this realignment of the property line, the front setback of the Riley became 14 feet.



PLANNING & ZONING
 APPLICATION

09.08.22

Riley
 Apartments
 600 64th Street W
 Richfield, Minnesota

19-060.00

Project Information



DJR
ARCHITECTURE



PLANNING & ZONING
APPLICATION

09.08.22

**Riley
Apartments**
600 64th Street W
Richfield, Minnesota
19-060.00

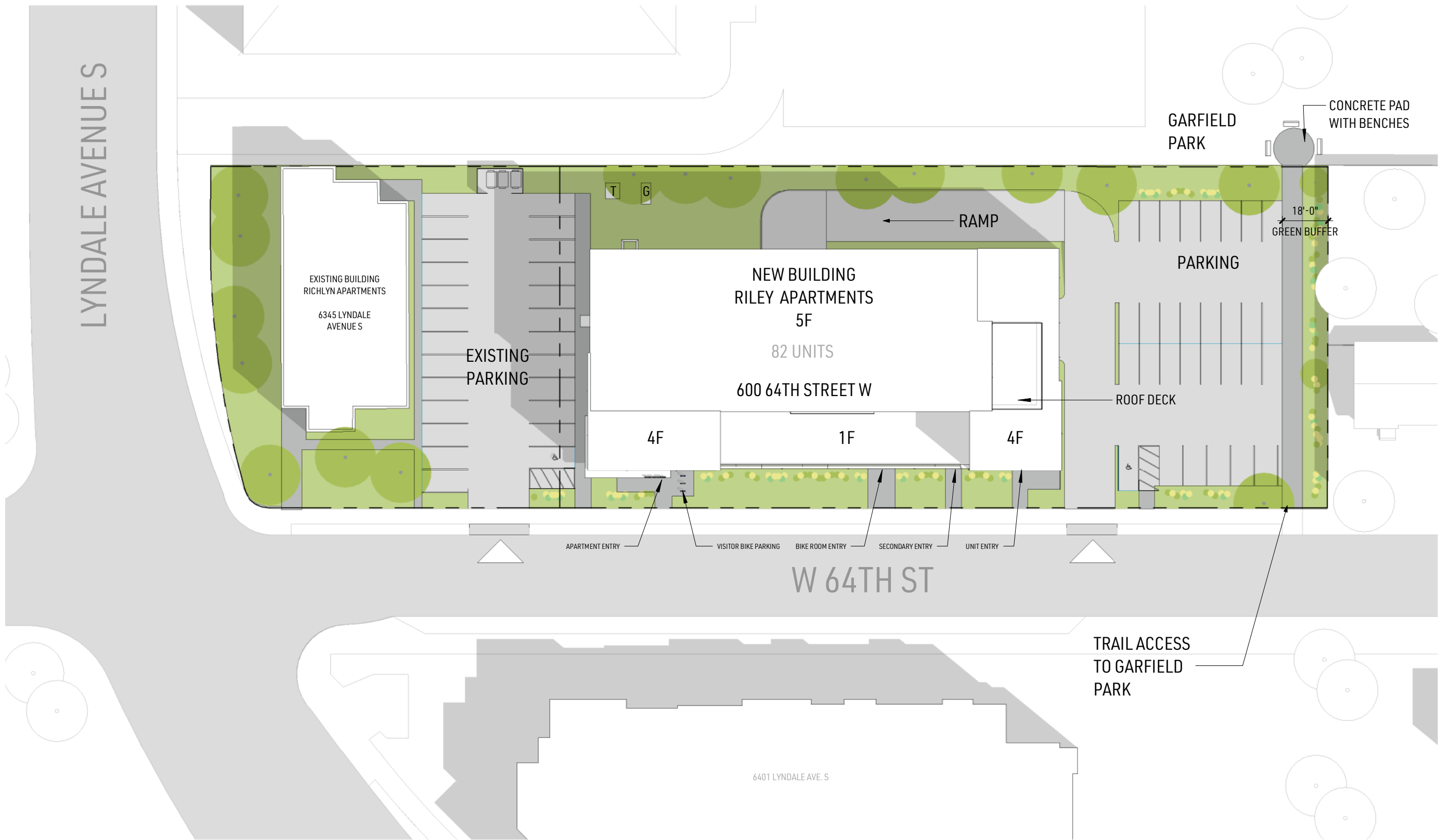
Landscaped Areas



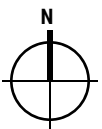
IMPERVIOUS AREA TOTALS

Total Area	57,262 sf
Impervious Site Area - 45,414 sf	79.3%
Pervious Site Area - 11,848 sf	21.8%





SITE PLAN 1/32" = 1'-0"



DJR
ARCHITECTURE



PLANNING & ZONING
APPLICATION

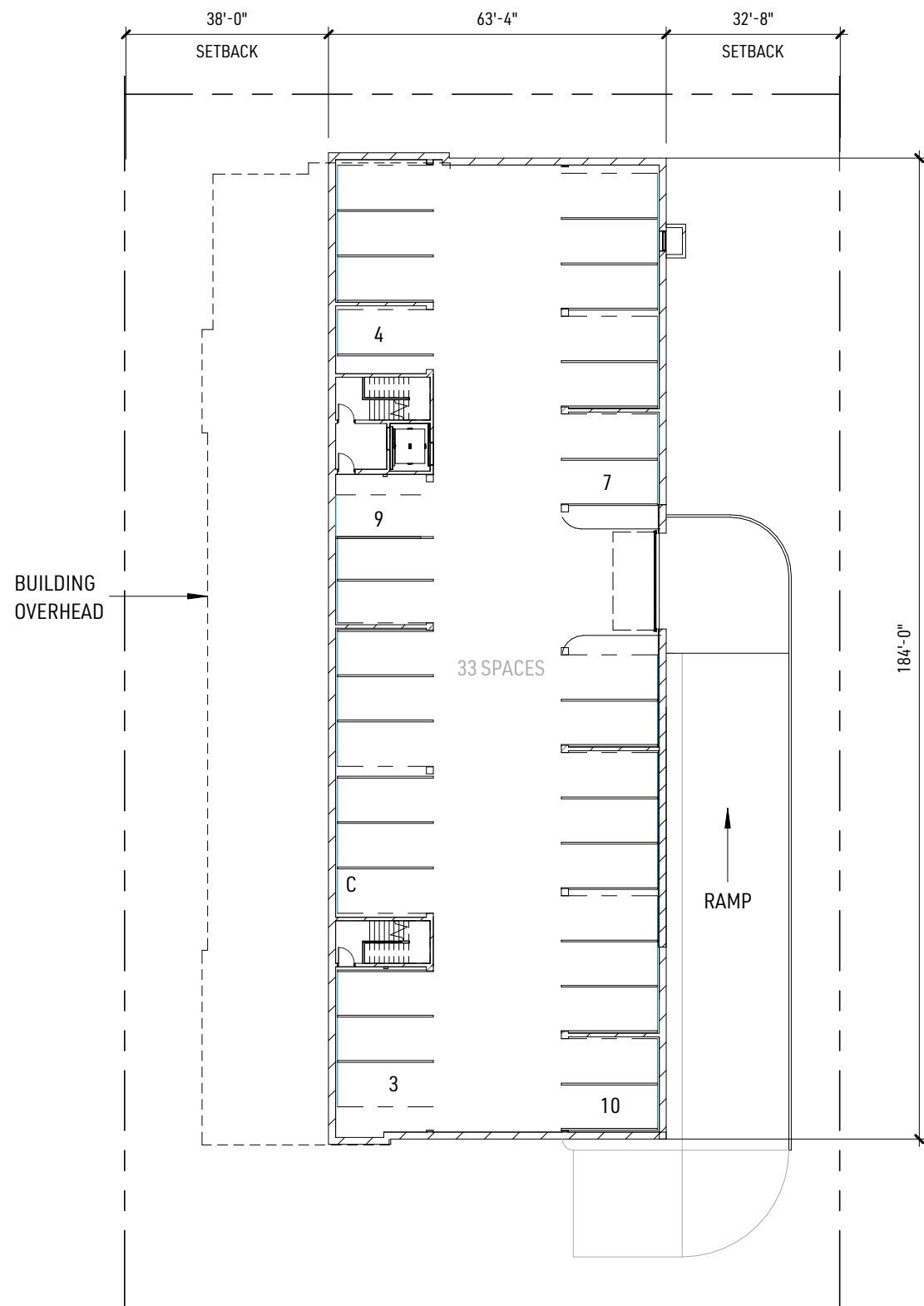
09.08.22

**Riley
Apartments**

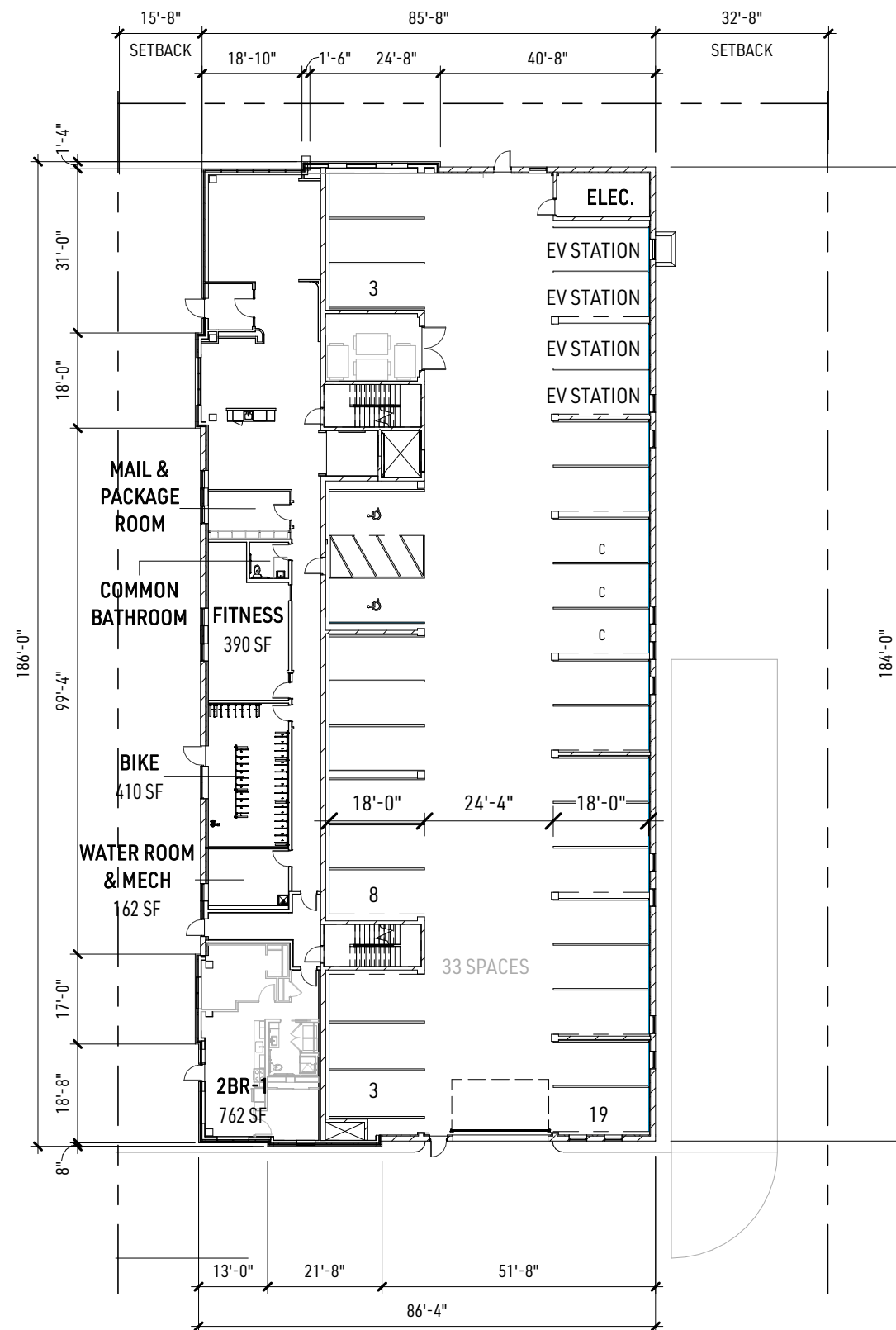
600 64th Street W
Richfield, Minnesota

19-060.00

Site Plan



LEVEL -1 1" = 30'-0"



LEVEL 1 1" = 30'-0"



DJR
ARCHITECTURE



PLANNING & ZONING
APPLICATION

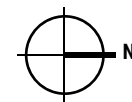
09.08.22

Riley Apartments

600 64th Street W
Richfield, Minnesota

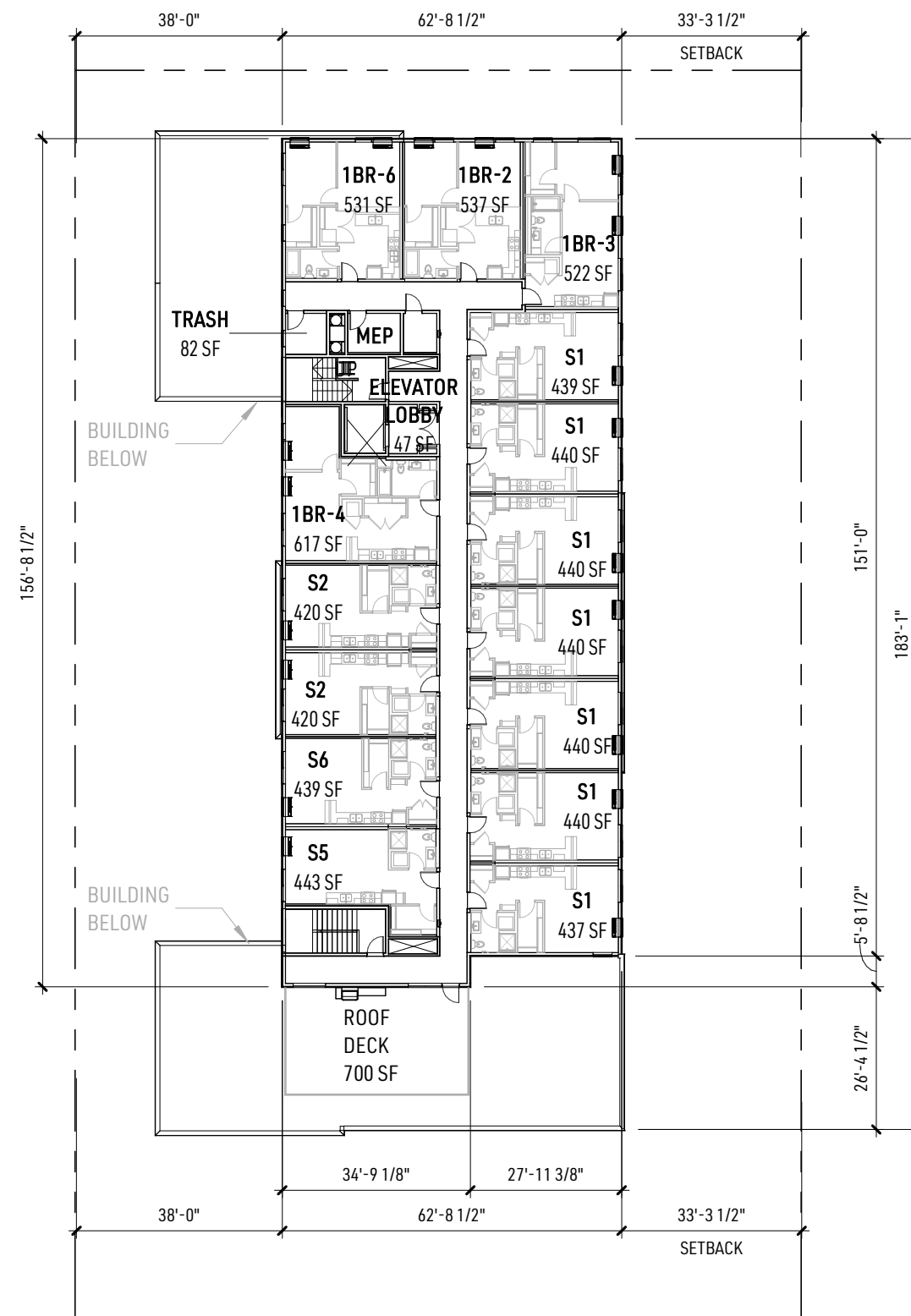
19-060.00

Floor Plans





LEVEL 2-4 1" = 30'-0"



LEVEL 5 1" = 30'-0"



DJR
ARCHITECTURE



PLANNING & ZONING
APPLICATION

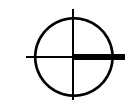
09.08.22

**Riley
Apartments**

600 64th Street W
Richfield, Minnesota

19-060.00

Floor Plans



LYNDALE AVENUE

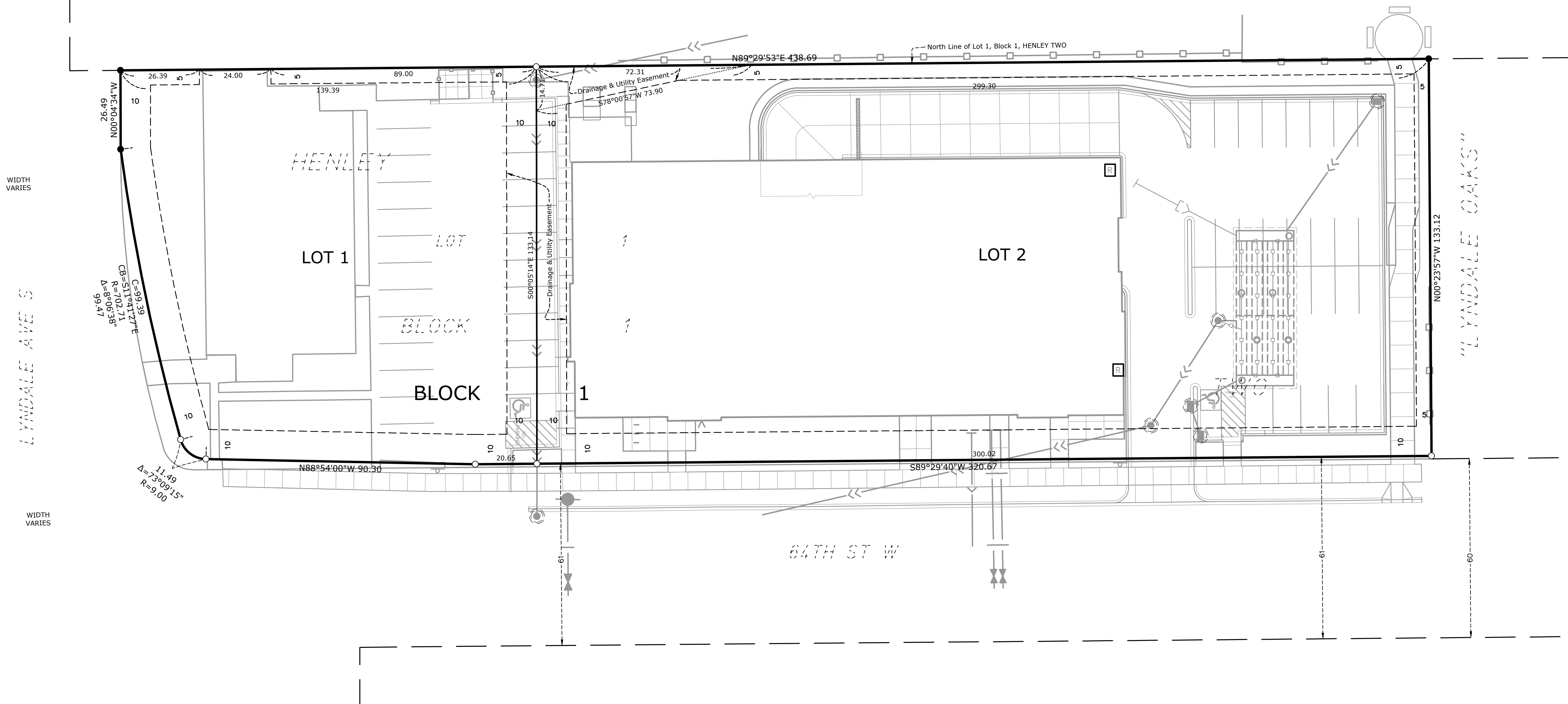


1 FLOOR PLAN - LEVEL 1
1" = 30'-0"

USABLE OPEN SPACE REQUIREMENT
RICHLYN APARTMENTS- 1987 SF RILEY APARTMENTS- 4605 SF

W 64TH STREET

PRELIMINARY PLAT: RICHLYN RILEY



PRELIMINARY PLAT GENERAL NOTES

PROPERTY DESCRIPTION:

Lot 1, Block 1, HENLEY TWO according to the recorded plat thereof, Hennepin County, Minnesota.

DATE OF PREPARATION:

9-6-2022

Proposed improvements per site plan by Civil Site Group dated 6-14-2021 last revised 6-14-2022.

APPLICANT:

North Bay Companies
2316 4th Ave S
Minneapolis, MN 55404

BENCHMARKS:

Elevations are based on the NGVD 29 Datum. Site Benchmark is the top nut hydrant located in the NE quadrant of Lyndale Ave S and 64th St W, having an elevation of 843.67 feet.

AREAS:

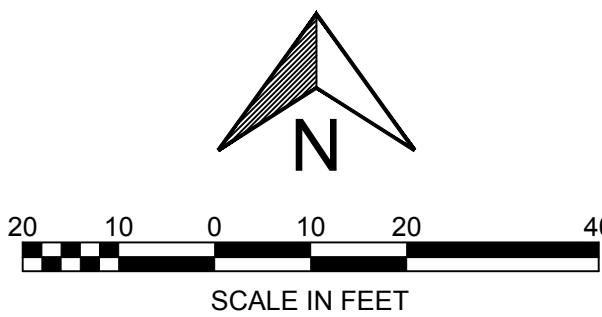
Proposed Lot 1 = 17,368 Sq. Ft. or 0.398 Acres
Proposed Lot 2 = 39,894 Sq. Ft. or 0.916 Acres
Total Property Area = 57,262 Sq. Ft. or 1.314 Acres

FLOOD ZONE:

This property is contained in Zone X (area determined to be outside the 0.2% annual chance floodplain) per Flood Insurance Rate Map, Community Panel No. 27053C0368F, effective date of November 4, 2016.

Rory L. Synsteliën
rory@civilsitegroup.com

Minnesota License No. 44565



Linetype & Symbol Legend

FG	FIBER OPTIC	—	SIGN	⊠	AIR CONDITIONER
—	GAS	⊙	UTILITY MANHOLE	⊙	BOLLARD
—	WATERMAIN	⊙	SANITARY MANHOLE	⊙	ELECTRIC MANHOLE
—	SANITARY SEWER	⊙	STORM MANHOLE	⊙	FLAG POLE
—	STORM SEWER	⊙	CATCH BASIN	⊙	FLARED END SECTION
—	OVERHEAD UTILITIES	⊙	ROOF DRAIN	⊙	GAS VALVE
—	TELEPHONE LINE	⊙	TELEPHONE BOX	⊙	HANDICAP SYMBOL
—	ELECTRIC LINE	⊙	TELEPHONE MANHOLE	⊙	HYDRANT
—	CABLE LINE	⊙	ELECTRIC TRANSFORMER	⊙	WATER MANHOLE
—	CHAINLINK FENCELINE	⊙	TRAFFIC SIGNAL	⊙	WATER VALVE
—	WOODEN FENCELINE	⊙	CABLE TV BOX	⊙	POWER POLE
—	GUARDRAIL	⊙	ELECTRICAL METER	⊙	GUY WIRE
—	CONCRETE SURFACE	⊙	GAS METER	⊙	CONIFEROUS TREE
—	PAVER SURFACE	⊙	FOUND IRON MONUMENT	⊙	DECIDUOUS TREE
—	BITUMINOUS SURFACE	⊙	SET IRON MONUMENT	⊙	
—	GRAVEL/LANDSCAPE SURFACE	⊙	CAST IRON MONUMENT	⊙	

RICHLYN RILEY

600 64TH STREET WEST, RICHFIELD, MN 55423

NORTH BAY COMPANIES

2316 4TH AVE S, MINNEAPOLIS, MN 55404

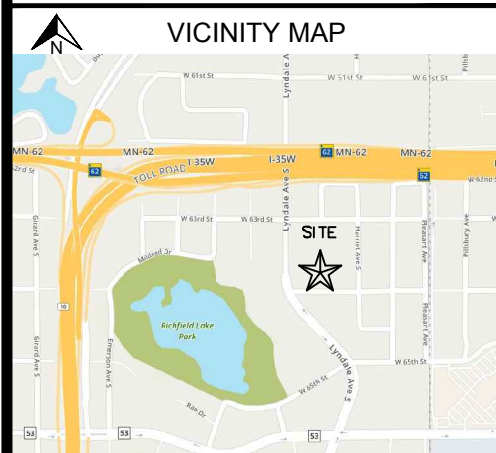
PROJECT

CLIENT

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

RORY L. SYNSTELIEN
DATE 9-6-2022 LICENSE NO. 44565

QA/QC	
FIELD CREW	DO
DRAWN BY	CJ
REVIEWED BY	RS
UPDATED BY	



REVISION SUMMARY	
DATE	DESCRIPTION
PROJECT NO.: 19414.01	

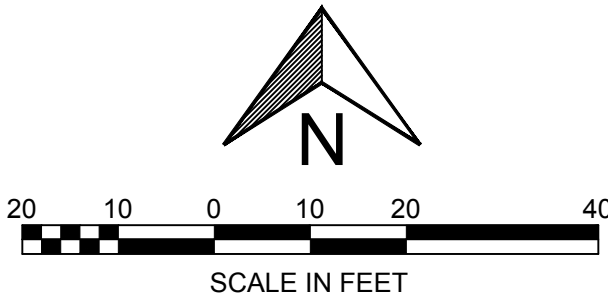
PROJECT NO.: 19414.01

PRELIMINARY PLAT

V2.0

RICHLYN RILEY

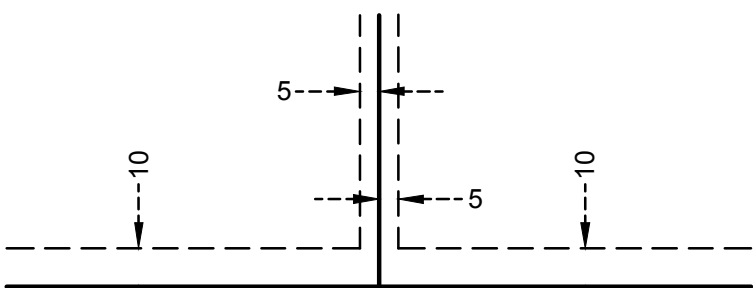
C.R. DOC. NO _____



Bearings are based on the North line of Lot 1, Block 1, HENLEY TWO having an assumed bearing of N 89°29'53" E

- Found 1/2 inch by 14 inch Iron Monument Marked "RLS 44565"
 ○ 1/2 inch by 14 inch Iron Monument Set Marked "RLS 44565"

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



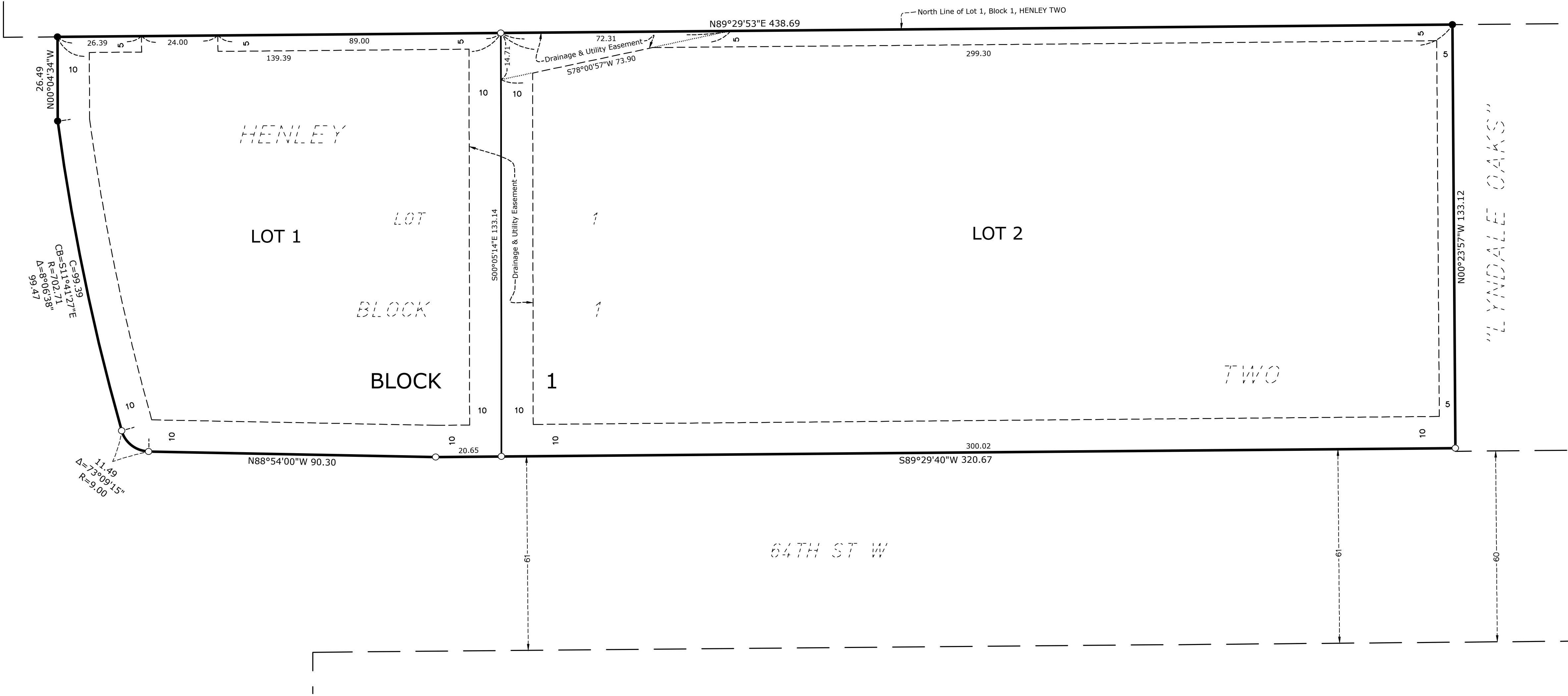
NOT TO SCALE

Being 5 feet in width and adjoining lot lines, unless otherwise indicated, and being 10 feet in width and adjoining right of way lines unless otherwise indicated, as shown on this plat.

WIDTH VARIES

LYNDALE AVE S

WIDTH VARIES



KNOW ALL PERSONS BY THESE PRESENTS: That Richfield Property Holdings, LLC, a Minnesota limited liability company, 15th NB Property1 LLC, a Minnesota limited liability company, and 6345 Partners, LLC, a Minnesota limited liability company, fee owners of the following described property:

Lot 1, Block 1, HENLEY TWO, according to the recorded plat thereof, Hennepin County, Minnesota.

Have caused the same to be surveyed and platted as RICHLYN RILEY and do hereby dedicate to the public for public use the drainage and utility easements as created by this plat.

In witness whereof said Richfield Property Holdings, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of _____, 20 _____.

SIGNED: Richfield Property Holdings, LLC

By: _____ Its: _____

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20 _____.

by _____, its _____ of Richfield Property Holdings, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, Signature _____ Notary Printed Name _____ My Commission Expires: _____

Notary Public _____ County, _____

In witness whereof said 15th NB Property1 LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of _____, 20 _____.

SIGNED: 15th NB Property1 LLC

By: _____ Its: _____

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20 _____.

by _____, its _____ of 15th NB Property1 LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, Signature _____ Notary Printed Name _____ My Commission Expires: _____

Notary Public _____ County, _____

In witness whereof said 6345 Partners, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer

this ____ day of _____, 20 _____.

SIGNED: 6345 Partners, LLC

By: _____ Its: _____

STATE OF _____, COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20 _____.

by _____, its _____ of 6345 Partners, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, Signature _____ Notary Printed Name _____ My Commission Expires: _____

Notary Public _____ County, _____

SURVEYORS CERTIFICATE

I Rory L. Synsteliien do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20 _____.

Rory L. Synsteliien, Licensed Land Surveyor
 Minnesota License No. 44565

STATE OF MINNESOTA, COUNTY OF _____

This instrument was acknowledged before me this ____ day of _____, 20 _____, by Rory L. Synsteliien

Notary Public, Signature _____ Notary Printed Name _____ My Commission Expires: _____

Notary Public _____ County, _____

CITY COUNCIL, CITY OF RICHFIELD, MINNESOTA

This plat of RICHLYN RILEY was approved and accepted by the City Council of the City of Richfield, Minnesota at a regular meeting thereof held this ____ day of _____, 20 _____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Richfield, Minnesota

By: _____, Mayor By: _____, Manager

RESIDENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 20 ____ and prior years have been paid for land described on this plat, dated this ____ day of _____, 20 _____.

_____, County Auditor

By: _____, Deputy

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to Minnesota Statutes Section 383B.565 (1969), this plat has been approved this ____ day of _____, 20 _____.

Chris F. Mavis, County Surveyor

By: _____

COUNTY RECORDER, Hennepin County, Minnesota

I hereby certify that the within plat of RICHLYN RILEY was recorded in this office this ____ day of _____, 20 _____, at _____ O'Clock _____ M.

Amber Bougie, County Recorder

By: _____, Deputy

AGENDA SECTION:	Other Business
AGENDA ITEM #	2.
CASE NO.:	Staff Report No. 23



PLANNING COMMISSION MEETING

9/26/2022

REPORT PREPARED BY: LaTonia DuBois, Administrative Assistant

CITYPLANNER REVIEW: Melissa Poehlman, Community Development Director
9/1/2022

ITEM FOR COMMISSION CONSIDERATION:

Election of Planning Commission Vice-Chairperson.

EXECUTIVE SUMMARY:

In accordance with Planning Commission Bylaws (Part II, Organization), the resignation or retirement of an officer of the Commission shall require that the Commission elect a new officer at the next regular meeting. Commissioner Quam, who previously served as the Vice-Chairperson, resigned following the August 22, 2022 Planning Commission meeting.

The responsibility of the Vice-Chairperson is to fulfill the responsibilities of the Chairperson in the event the Chairperson is absent. These responsibilities include:

1. Presiding over meetings of the Commission.
2. Making appointments to committees.
3. Signing documents of the Commission.
4. Ensuring that actions of the Commission are properly taken.
5. Calling special meetings of the Commission.
6. Working with City staff to organize agendas of general Commission meetings.

Upon election, the Vice-Chairperson shall take office immediately and hold office until a successor is elected.

Officers are elected by a majority vote of all the members of the Commission. Voting shall take place in a manner agreed to by the Commission; historically voting has taken place by voice vote.

RECOMMENDED ACTION:

By motion: Elect a Planning Commission Vice-Chairperson.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- None

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

- See Executive Summary and attached Bylaws.

C. CRITICAL TIMING ISSUES:

- Upon the resignation of an officer, a new officer is to be elected at the next regular meeting of the

Commission.

D. **FINANCIAL IMPACT:**

- None

E. **LEGAL CONSIDERATION:**

- None

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description		Type
□	Planning Commission Bylaws	Exhibit

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

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

PART I. MEETINGS

Section 1. Regular Meetings

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

Section 2. Work Session Meetings

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

Section 3. Special Meetings

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

Section 4. Quorum

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

Section 6. Voting

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

Section 7. Proceedings

a) Format of Meeting

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

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

b) Public Hearing

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

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

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

PART II. ORGANIZATION

Section 1. Election of Officers

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

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

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

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

Section 2. Tenure

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

Section 3. Duties of Officers

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

a) Chairperson

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

b) Vice-chairperson

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

c) Secretary

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

PART III. MISCELLANEOUS

Section 1. Suspension of Rules

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

Section 2. Amendments

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


Section 3. Review

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

Adopted this 26th day of February, 2018



Chairperson, Richfield Planning Commission



Secretary, Richfield Planning Commission

AGENDA SECTION:	Other Business
AGENDA ITEM #	3.
CASE NO.:	Staff Report No. 24



PLANNING COMMISSION MEETING

9/26/2022

REPORT PREPARED BY: LaTonia DuBois, Administrative Assistant

CITY PLANNER REVIEW: Melissa Poehlman, Community Development Director
9/6/2022

ITEM FOR COMMISSION CONSIDERATION:

Consider a motion to reschedule the December Planning Commission meeting to December 12, 2022.

EXECUTIVE SUMMARY:

The regularly scheduled December Planning Commission meeting falls on Monday, December 26, 2022. The Planning Commission has typically rescheduled this meeting to avoid the holiday and winter break time period. Staff recommends rescheduling the meeting to the second Monday of the month, December 12, 2022, as has been custom for several years.

RECOMMENDED ACTION:

By motion: Approve the rescheduling of the December Planning Commission meeting from December 26, 2022 to December 12, 2022.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- The December Planning Commission meeting is typically rescheduled for the second Monday of December in order to avoid conflicts with the holiday week travel plans, etc.

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

- None

C. CRITICAL TIMING ISSUES:

- None

D. FINANCIAL IMPACT:

- None

E. LEGAL CONSIDERATION:

- None

ALTERNATIVE RECOMMENDATION(S):

- None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A