



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
MARCH 27, 2023
7:00 PM**

Call to Order

Approval of the Minutes

Approval of the minutes of the regular Planning Commission meeting of February 27 2023.

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: 2463 576 7703 and password: 1234.

Agenda Approval

1. Approval of the Agenda

Other Business

2. Review of the Planning Commission Bylaws.

Staff Report No. 6

3. **Public Hearings**

Consideration of a request for Site Plan Approval at 817 - 66th Street East for an optometrist clinic.

Staff Report No. 7

4. **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. City Planner's Report

At the March 14 City Council meeting, the City Council approved the first reading of the ordinance amendment to

eliminate the minimum lot size requirement for a Planned Unit Development. There was no discussion. The second reading will be held on Tuesday, March 28th.

At the February Planning Commission meeting, the liaison position to the Sustainability Commission was left vacant with the hopes that it would be a good fit for Commissioner Taraldsen. Commissioner Taraldsen has indicated acceptance of this appointment.

6. Next Meeting Time and Location

Planning Commission work session on April 24, 2023 at 6:00 p.m. in the Bartholomew Room at City Hall;

Regular meeting on April 24, 2023 at 7:00 p.m. 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

February 27, 2023

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; Brendan Kennealy; Benjamin Surma, Eddie Holmvig-Johnson, Brett Stursa, and Cole Hooey

Planning Commissioners Absent: Matt Taraldsen

Staff Present: Nellie Jerome, Planner I; LaTonia DuBois, Administrative Assistant

Others Present:

APPROVAL OF MINUTES

M/Stursa, S/Hooey to approve the minutes of the Regular Planning Commission Meeting of January 23, 2023

Motion carried: 6-0

OPEN FORUM

Chair Rudolph reviewed the options to participate in the open forum.

Dave Huss 7028 Oak Grove Blvd inquired about the change in verbiage for tonight's public hearing.

Chair Rudolph explained there would be an open forum for this item.

There were no callers.

ITEM #1

APPROVAL OF THE AGENDA

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

Motion carried: 6-0

ITEM #2	ELECTION OF PLANNING COMMISSION CHAIRPERSON, VICE-CHAIRPERSON AND SECRETARY. (STAFF REPORT NO. 2)
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Planner I Jerome presented Staff Report No. 1.

M/Kennealy, S/Stursa to elect Commissioner Holmwig-Johnson as Chairperson

Motion carried 6-0

M/Hooey, S/Stursa to elect Commissioner Kennealy as Vice-Chairperson

Motion carried 6-0

M/Holmwig-Johnson, S/Surma to elect Commissioner Stursa as Secretary

Motion carried 6-0

ITEM #3	APPOINTMENT OF LIASONS TO THE CITY COUNCIL, COMMUNITY SERVICES ADVISORY COMMISSION, HOUSING AND REDEVELOPMENT AUTHORITY, SCHOOL BOARD, TRANSPORTATION COMMISSION, CHAMBER OF COMMERCE, AND SUSTAINABILITY COMMISSION. (STAFF REPORT NO. 3)
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Planner I Jerome presented Staff Report No. 3

M/Stursa, S/Hooey to appoint the following liaisons:

City Council: Commissioner Kennealy

Community Services Advisory Commission: Commissioner Rudolph

Housing and Redevelopment Authority (HRA): Commissioner Stursa

Richfield School Board: Commissioner Holmwig-Johnson

Transportation Commission: Commissioner Surma

Chamber of Commerce: Commissioner Hooey

Sustainability Commission: vacant

Planning Commissioners discussed leaving the Sustainability Commission liaison position vacant until the March meeting to give the new Planning Commissioner Taraldsen an opportunity to sign up for that liaison position.

Motion carried 6-0

ITEM #4	REVIEW OF PLANNING COMMISSION BYLAWS. (STAFF REPORT NO. 4)
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Planner I Jerome presented Staff Report No. 4

No changes were suggested.

No action necessary.

ITEM #5	CONSIDERATION OF AN ORDINANCE AMENDMENT TO ELIMINATE THE MINIMUM LOT SIZE REQUIREMENT FOR A PLANNED UNIT DEVELOPMENT. (STAFF REPORT NO. 5)
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Planner I Jerome presented Staff Report No. 5

Commissioner Hooey inquired about what a micro-Planned Unit Development (PUD) may look like.

Planner I Jerome explained different types of PUD's.

Commissioner Hooey inquired about the process to develop a fourplex.

Planner I Jerome explained the steps required.

Commissioner Stursa inquired if this amendment was being proposed now due to any possible upcoming items.

Planner I Jerome explained nothing is currently in the horizon and this is not being brought forward due to any specific applications or requests.

Commissioner Holmvg-Johnson asked for clarification about the PUD process.

Planner I Jerome explained the PUD process.

Chair Rudolph opened the public hearing.

Dave Huss, 7028 Oak Grove Blvd expressed concern about zoning changes to his area and a previous residence in Richfield, inquiring about the process that would be required if a neighbor wanted to sell to their property to a developer that wanted to take a single family home and create multi-family rental property.

Commissioner Holmvg-Johnson explained the process for PUD approval would not change with this amendment.

M/Hooey, S/Holmvg-Johnson to close the public hearing.

Commissioners discussed the process for PUD's.

Commissioner Stursa asked if this would apply differently to different zoning districts in the city.

Planner I Jerome explained this would only apply to current PUD zoning districts and reviewed which districts that would allow a PUD and shared how residents are notified when zoning changes or amended PUDs occur.

M/Stursa, S/Holmvg-Johnson to recommend approval of an ordinance amendment to eliminate the minimum lot size requirement for a Planned Unit Development.

Motion carried 6-0

ITEM #5	LIAISON REPORTS
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- Community Services Commission: No report.
- City Council: Commissioner Kennealy reported on a recent work session regarding the Hwy 62 & 494 easy pass, and shared that the City Council declared February Black History Month.
- Housing and Redevelopment Authority (HRA): Commissioner Stursa reported on the recent HRA meeting.
- Richfield School Board: No report
- Transportation Commission: No report
- Chamber of Commerce:
- Sustainability Commission:

ITEM #6	CITY PLANNER'S REPORT
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None.

ITEM #7	NEXT MEETING TIME AND LOCATION
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The next regular meeting is scheduled for Monday, March 27, 2023, at 7:00 p.m. in the Council Chambers at the Richfield Municipal Center.

ITEM #6	ADJOURNMENT
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M/Kennealy, S/Surma to adjourn the meeting.

Chair Rudolph thanked the commission for the previous year of being Chair

Motion carried: 6-0 and the meeting was adjourned at 7:42p.m.

Submitted by:

LaTonia DuBois
Administrative Assistant

Brett Stursa
Planning Commission Secretary

AGENDA SECTION:	Other Business
AGENDA ITEM #	2.
CASE NO.:	Staff Report No. 6



PLANNING COMMISSION MEETING

3/27/2023

REPORT PREPARED BY: Sam Crosby, Planner II

COMMUNITY DEVELOPMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
3/21/2023

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

EXECUTIVE SUMMARY:

Part 3, Section 3 of the Planning Commission Bylaws requires review of the Bylaws each year. This year it was pointed out that the Commission's standard agenda order does not align with the Bylaws. The agenda typically has only the approval of the minutes before the open forum. Under Section 7.a "Format of Meeting" the Bylaws call for the approval of both the minutes and the agenda before the open forum.

There are a few reasons to amend the Bylaws to match our current practice. The first is that the open forum is in the same place on other agendas, such as the City Council's agenda. This consistency in format is helpful for the public. The second is that the open forum may influence the agenda; although it is rare, the Commission may wish to amend the agenda based on the forum comments. Third, the software program we utilize for the agenda was created by an outside company and is not easily corrected. Finally, in general, it is just considerate practice to hear the public as quickly as possible, not to keep them waiting unnecessarily.

RECOMMENDED ACTION:

By motion: Approve the revised Planning Commission Bylaws.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

None

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

- Annual review of Planning Commission Bylaws is required and Bylaws must 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
▢ 032723 - Draft Bylaw Revisions	Backup Material
▢ City Code Section 305	Backup Material

**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 ~~3~~) Open Forum
- ~~4)~~ Approval of Agenda
- 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 27th day of March, 2023

Chairperson, Richfield Planning Commission

Secretary, Richfield Planning Commission

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.

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	3.
CASE NO.:	Staff Report No. 7



PLANNING COMMISSION MEETING

3/27/2023

REPORT PREPARED BY: Nellie Jerome, Planner I

COMMUNITY DEVELOPMENT DIRECTOR REVIEW: Melissa Poehlman, Community Development Director
3/22/2023

ITEM FOR COMMISSION CONSIDERATION:

Consideration of a request for Site Plan Approval at 817 - 66th Street East for an optometrist clinic.

EXECUTIVE SUMMARY:

Swoop Eye Care (Applicant) is requesting a site plan approval for a new optometry clinic at 817 - 66th Street East. Optometry clinics are a permitted use in the C-2, General Business, Zoning District, but because this is a change in use from a restaurant to a clinic, a site plan approval is required. There is no expansion or increase in use, and interior modifications are planned to turn the space from a restaurant into a clinic.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of a site plan at 817 - 66th Street East.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

- A Conditional Use Permit (CUP) for a type I restaurant was granted for this property in late 2021. The CUP expired in late 2022 after no work was started on the restaurant due to the 1-year limit on land use approvals.

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

- Subsection 534.03 of the Richfield Zoning Code establishes rules for Permitted uses in the C-2, General Business District.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on March 2, 2023. A decision is required by May 2, 2023, or the City 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 the public hearing was published in the Sun Current newspaper on March 16, 2023, and was mailed to properties within 350 feet of the site.
- Council consideration of these applications has been tentatively scheduled for April 11, 2023.

ALTERNATIVE RECOMMENDATION(S):

- Recommend approval with additional and/or modified stipulations.
- Recommend denial with a finding that the proposal does not meet City requirements.

PRINCIPAL PARTIES EXPECTED AT MEETING:

Michael Wallerich, Swoop Eye Care

ATTACHMENTS:

Description		Type
▢	Resolution	Resolution Letter
▢	Certificate of Survey	Backup Material
▢	Site Plan	Backup Material
▢	Building Rendering	Backup Material
▢	Business Description	Backup Material
▢	Zoning Map	Backup Material

RESOLUTION NO.

**RESOLUTION APPROVING A
SITE PLAN FOR AN OPTOMETRY CLINIC
AT 817 - 66TH STREET EAST**

WHEREAS, an application has been filed with the City of Richfield which requests site plan approval use to allow an optometry clinic at the property commonly known as 817 - 66th Street East and legally described as follows:

Lots 3 and 4, and the East 1/2 of Lot 2, and the North 10.00 feet of the East 10.00 feet of the West 1/2 of Lot 2; Block 3, Terrace Gardens, Hennepin County, Minnesota.

WHEREAS, the Richfield Zoning Code section 547.13 requires that site a plan approval be obtained in order to expand or change the use of a building or lot; and,

WHEREAS, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit at its March 27, 2023, meeting; and,

WHEREAS, notice of the public hearing was published in the Sun Current on March 16, 2023 and mailed to properties within 350 feet of the subject property on March 14, 2023; and

WHEREAS, the City has fully considered the request for approval of the site plan.

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

1. A site plan approval is issued to allow an optometry clinic on the property legally described above.
2. This site plan approval is subject to the following conditions in addition to those specified in Section 547.13 of the City's Zoning Ordinance:
 - A final landscaping plan that meets Zoning Code requirements, specifically those for parking lot screening, must be submitted prior to the issuance of building permits.
 - All trash must be stored indoors or in the dumpster enclosure constructed on the subject property, in compliance with Zoning Code Section 544.05.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated September 2, 2021, and compliance with all other City and State regulations.
 - Prior to the issuance of an occupancy permit the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.
3. The site plan approval shall expire one year after issuance unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and

substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.13, Subdivision 9.

Adopted by the City Council of the City of Richfield, Minnesota this 11th day of April 2023.

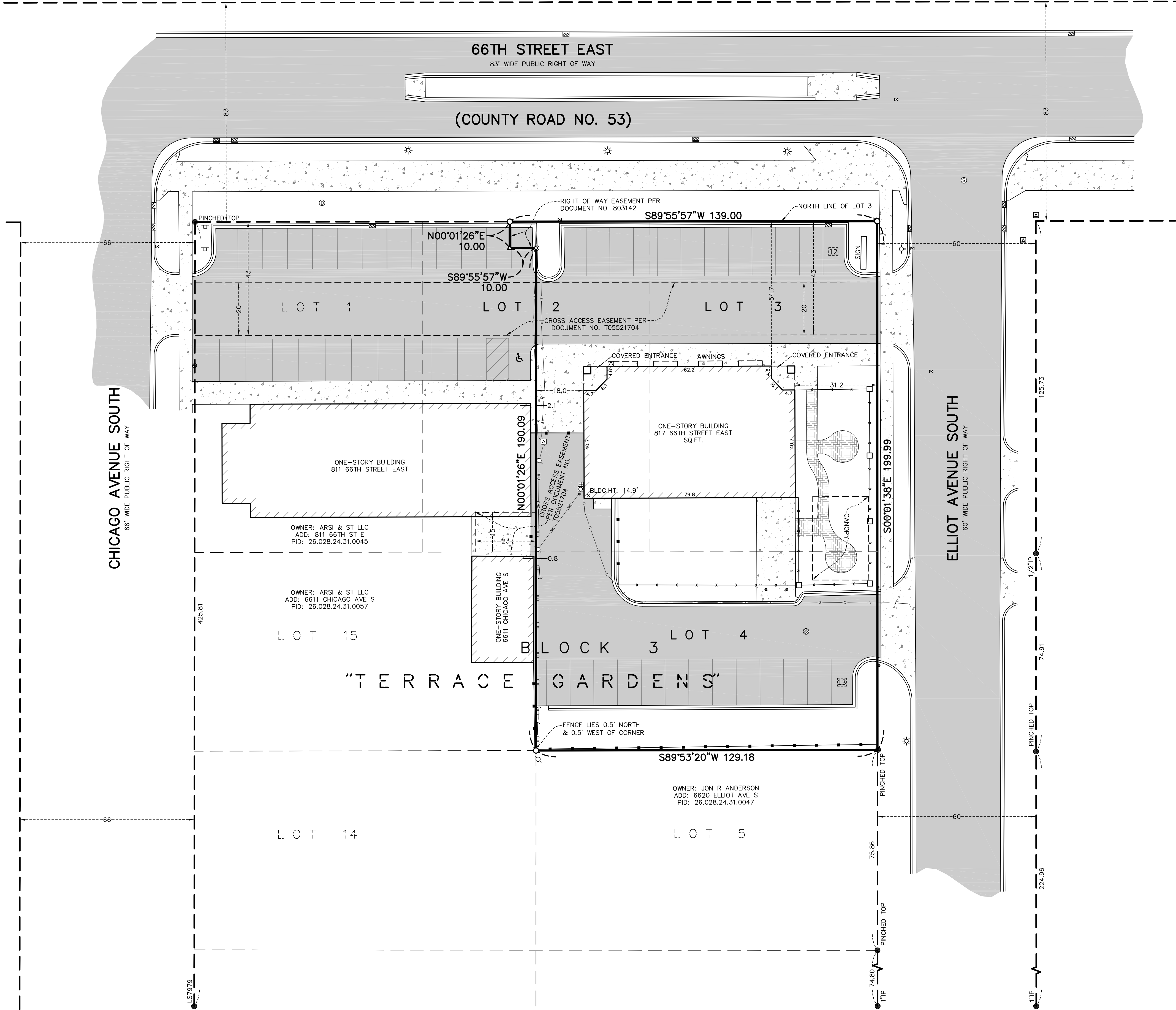
Mary B. Supple, Mayor

ATTEST:

Dustin Leslie, City Clerk

LEGEND

- FOUND IRON PIPE
- SET IRON PIPE
- SET NAIL
- SET X
- BOLLARD
- LIGHT POLE
- SIGN
- ELECTRIC METER
- TRANSFORMER
- POWER POLE
- GUY WIRE
- HANDHOLE
- GAS METER
- AUTO SPRINKLER
- CATCH BASIN
- CATCH BASIN
- GATE VALVE
- HYDRANT
- SANITARY MANHOLE
- STORM MANHOLE
- OVERHEAD UTILITY
- UNDERGROUND ELECTRIC
- UNDERGROUND GAS
- CHAIN LINK FENCE
- WOOD FENCE
- HANDICAP PARKING STALL
- PARKING STALL COUNT
- BITUMINOUS SURFACE
- CONCRETE SURFACE



SURVEY NOTES

- The bearing system is based on the north line of Lot 3, which is assumed to bear South 89 degrees 55 minutes 57 seconds West.

SURVEYED PROPERTY

Legal Description:

Parcel 1:
Lots 3 and 4, and
The East 1/2 of Lot 2, and the North 10.00 feet of the East 10.00 feet of the West 1/2 of Lot 2;
Block 3, "Terrace Gardens".
(Torrens Property - Certificate of Title No. 1493481)

Parcel 2:
Non-exclusive easement for access purposes over parts of Lots 1 and 2, Block 3, Terrace Garden, as contained and described in the Cross Access Agreement, dated April 5, 2018, recorded April 6, 2018, as Document No. T05521704.

Per Title Commitment No. NCS-1076872-MPLS, dated 06/10/2021, issued by First American Title Insurance Company.
Easements and servitudes benefiting or burdening the surveyed property, listed in Schedule B-II of the Commitment, are listed below using the same numbering system as in said Schedule B-II. Items 1-9, 11-15, and 17-18 are not survey-related items and are not listed below.

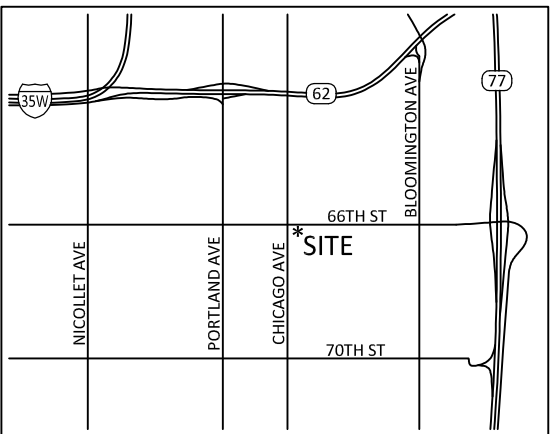
- Easement for private driveway and right-of-way purposes, together with any incidental rights, in favor of Roy A. Wekstrom and Beatrice L. Wekstrom, husband and wife and Alvin Jensen and Anne Jensen, husband and wife, as contained in Easement, dated August 06, 1962, recorded March 26, 1965 as Document No. 803142. **The easement is shown on the survey.**
- Terms and conditions, including an easement for access purposes, as contained in the Cross Access Agreement, dated April 5, 2018, recorded April 6, 2018, as Document No. T05521704. **The easement is shown on the survey.**

"TABLE A" NOTES

- Monuments have been placed at all corners of the boundary of the property, unless already marked or referenced by existing monuments or witnesses in close proximity to the corner, as shown on the survey.
- The subject property address is 817 66th Street East, and its property identification number is 26.028.24.31.0122.
- The subject property lies within Flood Plain Zone X (areas determined to be outside the 0.2% annual chance flood plain) per Federal Insurance Rate Map No. 27053C0369F dated 11/04/2016.
- The gross area of the surveyed property is 0.60 Acres or 25,923 Square Feet.
- A zoning report or letter has not been provided to the surveyor.
- a) The building and exterior dimensions of the outside wall at ground level are shown on the survey. It may not be the foundation wall.
b) Square footage of the existing building is shown on the survey.
c) Measured height of the building above grade is shown on the survey.
- Substantial features observed in the process of conducting the fieldwork are shown on the survey.
- There are 25 regular parking stalls on the surveyed property, as shown.
- Source information from plans and markings has been combined with observed evidence of utilities to develop a view of underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, some utility locate requests from surveyors may be ignored or result in an incomplete response. The surveyor has compiled the markings made on the ground, the maps provided, and the observed evidence to show utilities hereon. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary. Pursuant to MS 216.D contact Gopher State One Call at 651-454-0002 prior to any excavation.
- The names, address and property identification numbers of adjoining owners according to current public records are shown on the survey.

VICINITY MAP

NOT TO SCALE



CERTIFICATION

To Honolulu Holdings, LLC; American Equity Bank; and First American Title Insurance Company:

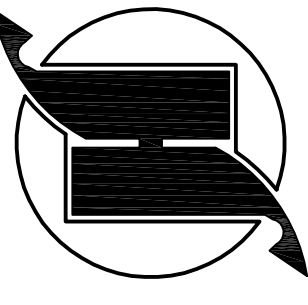
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 11(a), and 13 of Table A thereof. The fieldwork was completed on September 13, 2021.

Date of Plat or Map: September 15, 2021
James R. Hill, Inc.

James R. Hill, Inc.
Marcus F. Hampton, Land Surveyor, MN License No. 47481

James R. Hill, Inc.

PLANNERS / ENGINEERS / SURVEYORS
2999 WEST C.R. 42, SUITE 100, BURNSVILLE, MN 55306
PHONE: 952.890.6044 rhampton@jrhillinc.com
www.jrhillinc.com



817 66TH STREET EAST
RICHFIELD, MINNESOTA
ALTANS/NSPS LAND TITLE SURVEY

FOR
HEMPEL COMPANIES

10050 CROSSTOWN CIRCLE, SUITE 100, MINNEAPOLIS, MN 55344

DRAWN BY
MFH

DATE
09/15/2021

REVISIONS

CAD FILE

23923m.dwg

PROJECT NO.

23923-00

FILE NO.

1-21-062

SHEET 1 OF 1



FOUNDATION
ARCHITECTS

901 N. Third St # 135
Minneapolis, MN 55401
www.foundationarch.com
612.340.5430

CONSTRUCTION
DOCUMENT SET
02.08.2023

I hereby certify that this plan,
specification, or report was
prepared by me or under my direct
supervision and that I am a duly
registered architect under the

Robert A. Shaffer

Robert A. Shaffer
Date 02.08.2023 Reg. No. 20803

No.	Description	Date
1	CITY SITE PLAN REVIEW	02/20/23
2	ARC RESPONSES	03/09/2023

SWOOP EYE CARE

817 E 66TH ST
RICHFIELD, MN 55423

copyright 2023

ARCHITECTURAL
SITE PLAN

Date 03-09-2023
Project Number 23-01

A101

PROJECT NARRATIVE:

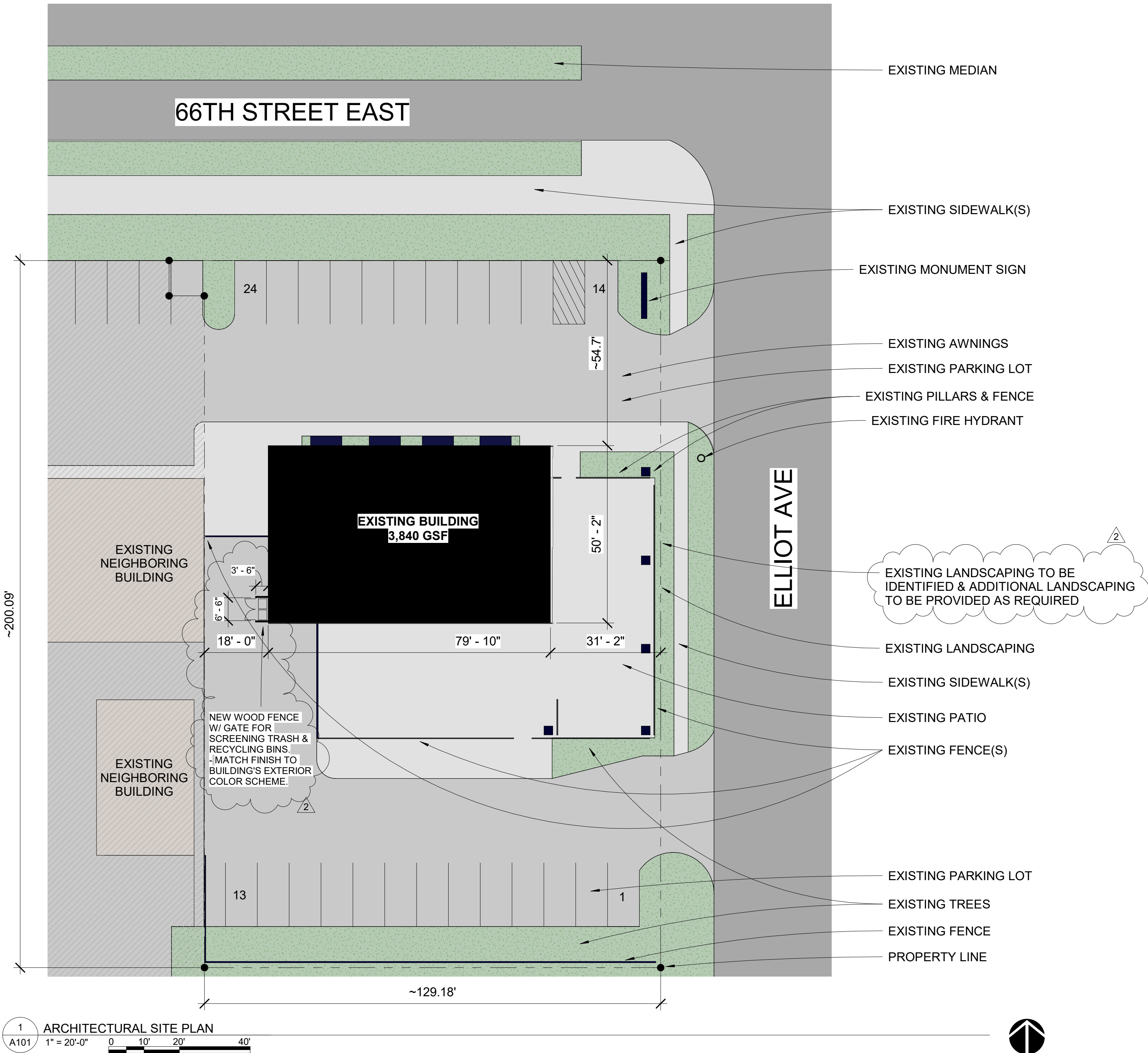
LEGAL DESCRIPTION:
Property ID number: 26-028-24-31-0122
(SEE SURVEY)

NARRATIVE:
THE PROJECT IS A REMODEL OF AN EXISTING COMMERCIAL BUILDING FOR A NEW EYE CARE CLINIC & FUTURE TENANT SPACE. THE BUILDING WAS PREVIOUSLY USED AS A RESTAURANT. AN EYE CARE CLINIC HAS BEEN CONFIRMED AS A PERMITTED USE WITHIN THE C-2 GENERAL COMMERCIAL ZONING.

ANTICIPATED COMPLETION DATE: 13 WEEKS FROM START OF CONSTRUCTION ~ 07/14/2023

EFFECT OR IMPACT: WE BELIEVE THE PROJECT WILL HAVE A POSITIVE IMPACT ON THE SURROUNDING AREA WITH THE UPDATED EXTERIOR FINISHES & REINVESTMENT INTO THE BUILDING.

ZONING: C-2 GENERAL COMMERCIAL





Swoop
EYE CARE



Date: 02/17/2023

RE: Operating Hours and Number of Employees

To Richfield City Council,

Swoop Eye Care is an eye clinic offering both clinical services and retail eyewear. Dr. Michael Wallerich, the owner and optometrist, provides comprehensive and specialty eye care services that attracts patients from the Twin Cities community as well as patients from the surrounding Midwest region.

The practice will focus on providing eye care within the following areas:

- Comprehensive eye care (routine eye exams)
- Pediatric eye care (infancy to 18 years of age)
- Specialty contact lenses
- Neuro-Optometric Evaluations and Rehabilitation

The clinic will also offer a retail optical to provide quality eyewear options for Swoop Eye Care patients and customers.

Hours of Operation:

Monday-Friday: 08:00AM-06:00PM

Saturday: 08:00AM-04:00PM

Sunday: Closed

Number of Employees: 5 full time

If Richfield City Council or any other parties have any questions, please do not hesitate to reach out to Dr. Wallerich.

Sincerely,



Dr. Michael Wallerich, OD, MBA

Optometrist/CEO/Owner

C: (612) 889-8861

F: (612) 299-1260

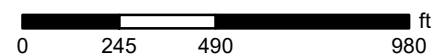
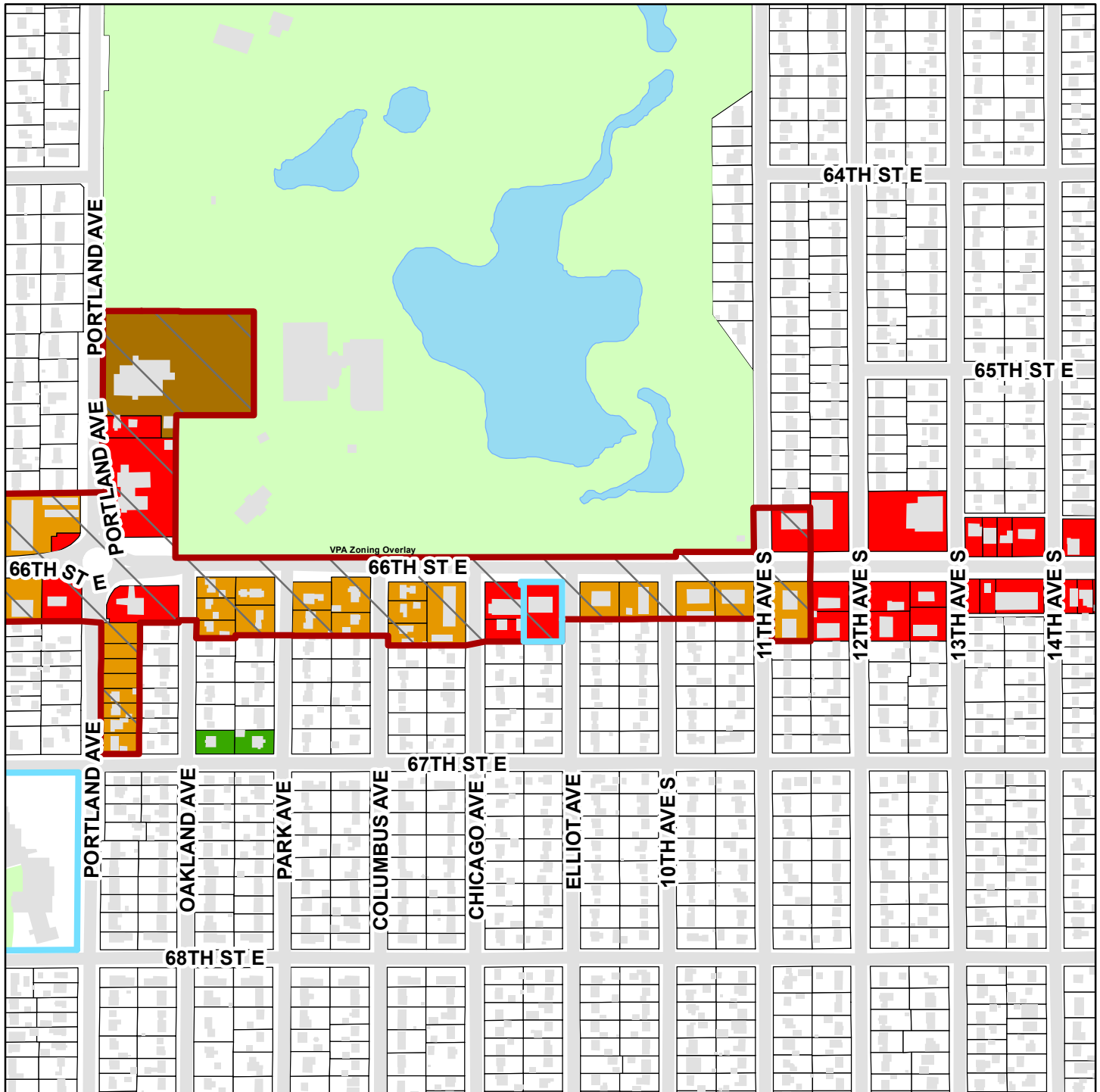
E: Michael@WallerichEyeCare.com



817 - 66th Street East

Surrounding Zoning

Case No: 23-SP-01



Zoning Districts

- | | |
|--------------------------------|------------------------|
| Parks | C-2 General Commercial |
| R Single-Family | 817 66th Street East |
| MR-1 Two-Family | VPA Overlay Boundary |
| MR-2 Multi-Family | |
| MR-3 High-Density Multi-Family | |

