



**PLANNING COMMISSION MEETING
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS
FEBRUARY 26, 2018
7:00 PM**

Call to Order

Approval of minutes of the regular Planning Commission meeting of November 27, 2017.

Presentation of Commissioner Survey materials by Human Rights Commissioner Ben Sunderlin.

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

Agenda Approval

1. Approval of the Agenda

Public Hearings

2. Public hearing to consider a request for a variance to odor control regulations for a takeout-only restaurant at 7733 Portland Avenue.

18-VAR-01

3. Public hearing to consider a request for a variance from the City's shoreland management ordinance for the Lyndale Gardens Development.

18-VAR-02

Other Business

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

PC Letter #1

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

PC Letter #2

6. Review of Planning Commission Bylaws.

PC Letter #3

Liaison Reports

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

City Planner's Reports

7. City Planner's Report

8. Next Meeting Time and Location

March 26, 2018 at 7:00 p.m. in the Council Chambers.

9. Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



Planning Commission Minutes

November 27, 2017

MEMBERS PRESENT: Vice Chairperson Sean Hayford Oleary, Commissioners Allysen Hoberg, Gordon Vizecky, Dan Kitzberger, Bryan Pynn, and Susan Rosenberg

STAFF PRESENT: Melissa Poehlman, Assistant Community Development Director

OTHERS PRESENT: Ward Emery, 6400 Pillsbury Avenue
Dustin Cochart, 6342 Pillsbury Avenue
Anthony Schwendeman, 6400 Pillsbury Avenue
Javier Ayala, 6420 Pillsbury Avenue
Ginny Morin, 6415 Pillsbury Avenue
Brien Hall, 6945 17th Avenue

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

APPROVAL OF MINUTES

M/Vizecky, S/Rosenberg to approve the minutes of the October 23, 2017 work session and regular meeting.

Motion carried: 6-0

ITEM #1 APPROVAL OF AGENDA

M/Vizecky, S/Hoberg to approve the agenda.

Motion carried: 6-0

OPEN FORUM

No members of the public spoke.

OTHER BUSINESS

ITEM #2

PC Letter #12 – Election of Planning Commission Chairperson.

M/Hoberg, S/Rosenberg to elect Commissioner Hayford Oleary as Chairperson.

Motion carried: 6-0

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

Motion carried: 6-0

ITEM #3

PC Letter #13 – Consideration of a resolution finding that the following are consistent with the Richfield Comprehensive Plan:

- 1) The modification to the Redevelopment Plan for the Richfield Redevelopment Project Area and the Tax Increment Plan for the Cedar Avenue TIF District;**
- 2) The Tax Increment Financing Plan for the 2017-1 (Chamberlain) Tax Increment Financing District; and**
- 3) The sale of property to Chamberlain Apartments LLC for construction of a 283 unit multi-family housing project (The Chamberlain).**

Assistant Community Development Director Melissa Poehlman presented the staff report.

M/Hoberg, S/Pynn to approve the resolution.

Motion carried: 6-0

November 27, 2017

PUBLIC HEARING(S)

ITEM #4

17-VAR-09 – Consideration of a request for a variance to reduce setback requirements for a garage at 6400 Pillsbury Avenue.

Poehlman presented the staff report.

In response to a question from Commissioner Pynn, Poehlman stated that the purposes of the corner side setback requirement included visibility, aesthetics, and consistency.

Ward Emery (6400 Pillsbury Avenue) and four residents from the surrounding area spoke in favor of the variance for the garage.

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

Motion was not carried, and the public hearing remained open for additional discussion.

M/Vizecky, S/Kitzberger to close the public hearing.

Motion carried: 6-0

Commissioner Pynn stated that approving the variance could set a precedent for other people to break the rules and ask for forgiveness later, but was inclined to support the variance regardless. Commissioner Rosenberg stated that the applicant knew the rules beforehand, and stated concern with setting precedent.

In response to a question from Commissioner Kitzberger, Poehlman stated that if the variance were denied, the applicant would have the opportunity to appeal that decision to the City Council. If the variance were denied, the garage would have to be modified or moved to comply with City Code.

M/Pynn, S/Hoberg to approve the variance application for 6400 Pillsbury Avenue.

Motion failed: 2-4 (Hayford O'leary, Vizecky, Kitzberger, and Rosenberg opposed)

M/Rosenberg, S/Vizecky to deny the variance application for 6400 Pillsbury Avenue.

Motion carried: 4-2 (Hoberg and Pynn opposed)

ITEM #5

PC Letter #14 – Conduct a public hearing and consider revisions to the City's Zoning Ordinance related to construction standards to mitigate the impact of airport noise.

Assistant Community Development Director Melissa Poehlman presented the staff report.

In response to a question from Commissioner Vizecky, Poehlman stated that the ordinance was not intended to apply to accessory structures.

Brien Hall, 6945 17th Avenue, stated concern with lowering the standards for residential construction.

M/Vizecky, S/Vrieze Daniels to close the public hearing.

Motion carried: 6-0

In response to a question from Commissioner Hoberg, Poehlman stated that these standards related purely to noise, and did not address low-frequency vibration.

November 27, 2017

M/Vizecky, S/Rosenberg to recommend approval of the ordinance amendment.

Motion carried: 6-0

LIAISON REPORTS

Community Services Advisory Commission: No report

City Council: Commissioner Rosenberg – No report

HRA: Commissioner Hoberg – No report

Richfield School Board: Commissioner Kitzberger gave a recap of the election results.

Transportation Commission: Commissioner Hayford Oleary – D Line bus rapid transit update

Chamber of Commerce: Commissioner Vizecky – Holiday party Dec. 14

CITY PLANNER'S REPORT

Poehlman noted that a new Assistant Planner had been hired.

ADJOURNMENT

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

The meeting was adjourned by unanimous consent at **8:22 p.m.**

Planning Commission Secretary

AGENDA SECTION:	Public Hearings
AGENDA ITEM #	2.
CASE NO.:	18-VAR-01



**PLANNING COMMISSION MEETING
2/26/2018**

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for a variance to odor control regulations for a takeout-only restaurant at 7733 Portland Avenue.

EXECUTIVE SUMMARY:

In 2017, Winner Gas remodeled and reopened the gas station and convenience store at 7733 Portland Avenue. The business owner now plans to add a takeout-only deli restaurant inside the convenience store. The addition of cooking equipment will require a Type I ventilation hood, which triggers the requirement to mitigate cooking odors when adjacent to residential property. Richfield Villa Center (7727 Portland Avenue), a senior living facility and nursing home, abuts the gas station property to the north. Winner Gas Station is requesting a variance to allow the deli without the addition of odor mitigation equipment.

There are unique circumstances related to this site and use that warrant granting a variance from odor control requirements. A takeout-only restaurant inside a convenience store is likely to operate cooking equipment at a lower intensity than a full-service or fast food restaurant. The proposed ventilation hood is to be situated at the south end of the building, directing cooking exhaust toward the highway and away from Richfield Villa Center. The exhaust fan would be located approximately 78 feet from the shared property line, and approximately 113 feet from the residential building. Richfield Villa Center has provided a letter of support for the variance request.

Finding that the proposal meets all requirements necessary to issue a variance, staff is recommending approval.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Approve a variance to odor control regulations for a takeout-only restaurant at 7733 Portland Avenue.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None.

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

Zoning Code Section 544.27 states that all properties that contain a cooking apparatus which necessitates the installation of a Type 1 ventilation hood (as required by State Building Code) and which abut existing residential property shall mitigate or otherwise address the impact of odors as follows: New restaurant sites abutting or adjacent to existing residential properties shall install professionally-designed

odor control remedies.

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

1. *There are “practical difficulties” that prevent the property owner from using the property in a reasonable manner.* Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty. This building and the neighboring residential use are adjacent to Highway 494 and is subjected to exhaust fumes as well as other fumes that may be generated by the gas station and surrounding land uses. It is reasonable to provide some flexibility and allow a Type 1 ventilation hood without an odor control system.

2. *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.* The location of this building is unique due to the proximity to highway 494 and the car exhaust fumes that are present. Additionally, a takeout deli-counter inside a convenience store is likely to operate cooking equipment at a significantly lower intensity than a full-service or fast food restaurant.

3. *The variance would not alter the character of the neighborhood or the locality.* This property is directly adjacent to Interstate 494. The discharge of the exhaust hood is to be situated towards the south end of the building, toward the highway, which is located as far as possible from the adjacent residential property to the north, 7727 Portland Avenue. A representative of the adjacent property has provided a letter in support of the proposal. Granting a variance to allow a takeout-only deli restaurant without odor mitigation will not alter the character of the neighborhood.

4. *The variance is the minimum necessary to alleviate the practical difficulty.* The variance requested is the minimum necessary to allow the property to add cooking equipment for a takeout-only deli restaurant.

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

C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock 'started' when a complete application was received on February 8, 2018. A decision is required by April 9, 2018 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

Notice of this public hearing was published in the *Sun Current* newspaper on February 8 and mailed to properties within 350 feet of the site on February 6.

ALTERNATIVE RECOMMENDATION(S):

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

PRINCIPAL PARTIES EXPECTED AT MEETING:

Edward Elias, applicant

ATTACHMENTS:

Description	Type
☐ Resolution	Resolution Letter
☐ Site Plan	Backup Material
☐ Zoning Maps	Backup Material
☐ Letter from Richfield Villa Center	Backup Material

RESOLUTION NO. 220

RESOLUTION OF THE RICHFIELD PLANNING COMMISSION GRANTING APPROVAL OF A VARIANCE AT 7733 PORTLAND AVENUE

WHEREAS, an application has been filed with the City of Richfield which requests approval of a variance on the parcel of land commonly known as 7733 Portland Avenue (the "property") and legally described as:

COMMENCING AT A POINT IN W LINE OF SW 1/4 DISTANT 415 FT N FROM SW CORNER THEREOF THENCE S TO N LINE OF HIGHWAY THENCE E ALONG SAID HIGHWAY LINE 213 FT THENCE N 30 FT THENCE NWLY TO A POINT 183 FT E AND 115 5/10 FT S FROM POINT OF BEGINNING THENCE N 115 5/10 FT TH W 183 FT TO BEGINNING EX ROAD, HENNEPIN COUNTY, MINNESOTA

WHEREAS, Richfield Zoning Code Subsection 544.27, Subdivision 1 states that all properties that contain cooking apparatus which necessitates the installation of a Type 1 ventilation hood (as required by State Building Code) and which abut existing residential property shall mitigate or otherwise address the impact of odors as follows: New restaurant sites abutting or adjacent to existing residential properties shall install professionally-designed odor control remedies; and

WHEREAS, the property owner has filed an application requesting a variance from the Zoning Code Subsection listed above, for the purposes of adding a Class IV (Takeout Only) Restaurant to an existing gas station / convenience store business; and

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

WHEREAS, the Planning Commission of the City of Richfield held a public hearing for the requested variance at its February 26, 2018 meeting; and

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

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

1. With respect to the application for a variance from the above-listed requirements, the Planning Commission makes the following findings:
 - a. Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty. This building is adjacent to Highway 494 and is subjected to exhaust fumes as well as other fumes that may be generated by the gas station and surrounding land uses. It is reasonable to provide some flexibility and allow a type 1 vent hood without an odor control system.
 - b. Unique circumstances affect the property that were not created by the land owner. The location of this building is unique due to the proximity to highway 494 and the car exhaust fumes that are present. Additionally, a takeout deli-counter

inside a convenience store is likely to operate cooking equipment at a significantly lower intensity than a full-service or fast food restaurant.

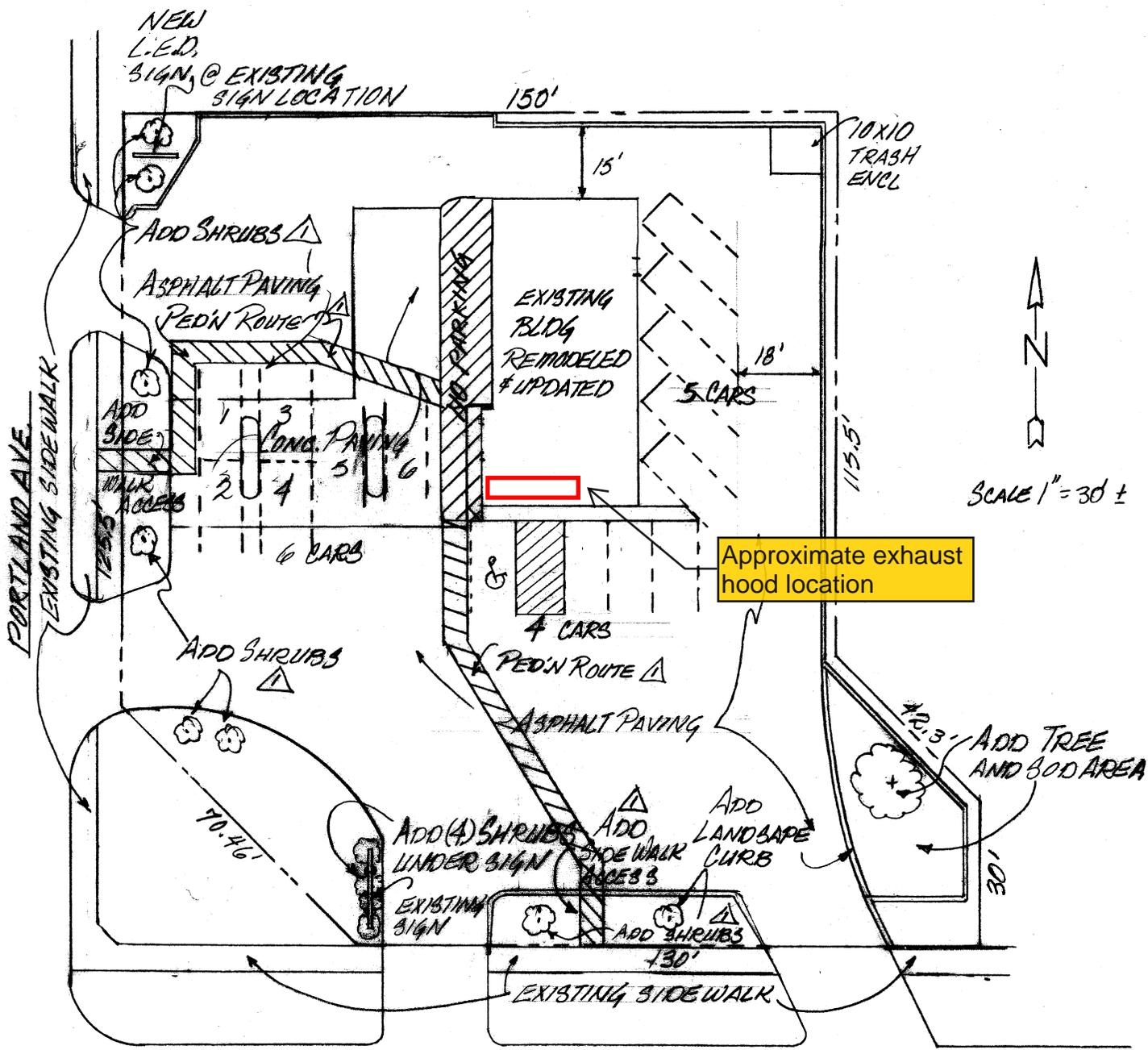
- c. This property is directly adjacent to Interstate 494. The discharge of the exhaust hood is to be situated towards the south end of the building, toward the highway, which is located as far as possible from the adjacent residential property to the north, 7727 Portland Avenue. A representative of the adjacent property has provided a letter in support of the proposal. Granting a variance to allow a takeout-only deli restaurant without odor mitigation will not alter the character of the neighborhood.
 - d. The variance requested is the minimum necessary to allow the property to add cooking equipment for a takeout-only deli restaurant.
 - e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare.
2. Based upon the above findings, a variance to the above-specified requirement is hereby approved according to the terms of Richfield City Code Subsection 544.27, Subd. 1 with the following stipulations:
- a) This variance shall apply only to the proposed use, described as a takeout-only (Type IV) restaurant. Modification of that use to another class of restaurant shall require a conditional use permit and reconsideration of the odor control requirement; and
 - b) Any new rooftop or ground mechanical equipment must be screened, per Subsection 544.05; and
 - c) The recipient of this approval shall record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.11, Subd. 7; and
 - d) This approval shall expire one year from the date of approval unless the use has commenced.

Adopted by the Planning Commission of the City of Richfield, Minnesota this 26th day of February 2018.

Chairperson, Richfield Planning Commission

ATTEST:

Secretary, Richfield Planning Commission



△ IMPERVIOUS SURFACE CALC.

2,857 #' = PERVIOUS AREA
 (@ # INSIDE PROP. LINES)

27,567 #' = IMPERVIOUS AREA

$2,857 \div 27,567 = 0.1036$

$100\% - 10.36\% = 89.64\%$ IMPERVIOUS AREA

I-494 SERVICE ROAD

Plot/Site Plan

△ REVISED 7.11.16 6.6.16

15 PARKING SPACES.

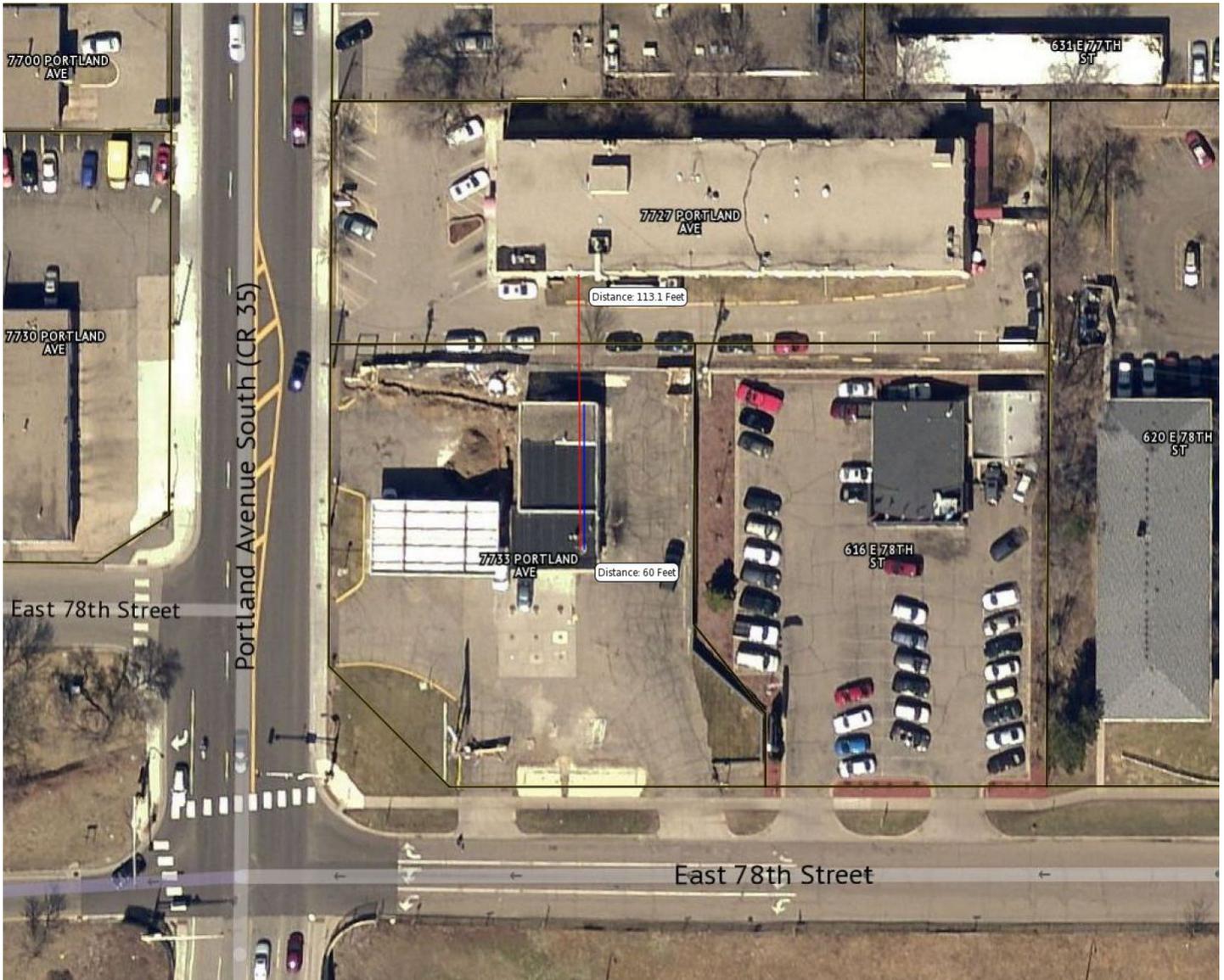
8' WIDE SPACES

8' WIDE LOADING @

A.D.A. SPACE.

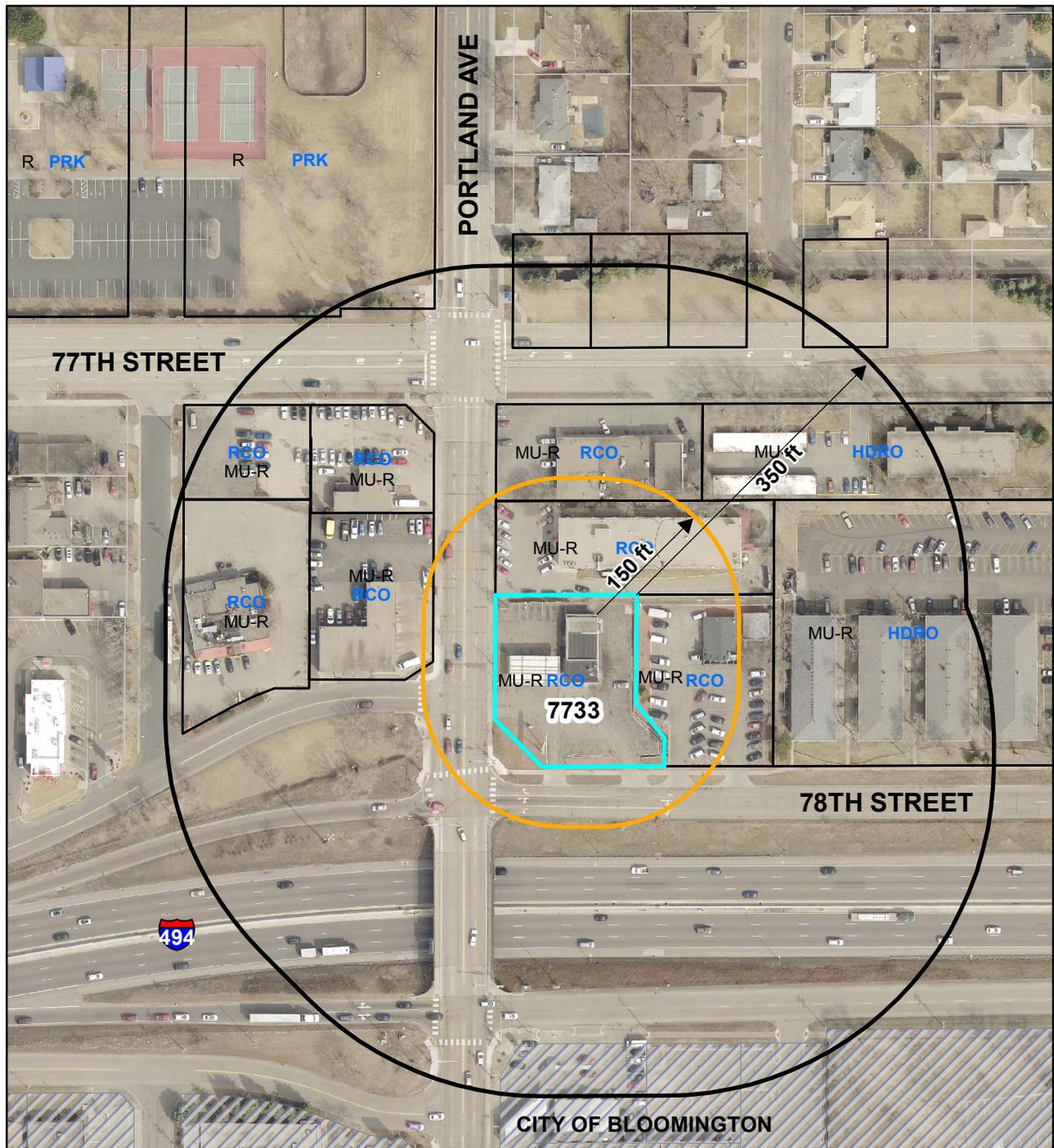
7733 Portland Avenue – Winner Gas Station variance request

Proposed kitchen hood vent to be located approximately 113 feet from Richfield Villa Center building at 7727 Portland Avenue



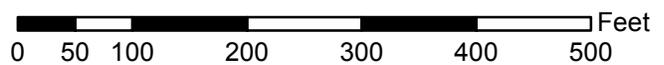
7733 PORTLAND AVE - 2/2018 VAR

Surrounding Zoning & Comp Plan



Zoning:
MU-R - Mixed-Use Regional

Comp Plan:
RCO - Regional Commercial/Office
HDRO - High Density Residential/Office



- 350 ft Mailed Notice area
- 150 ft Odor Control Requirement



Richfield

a Villa Center

January 23, 2018

To: City of Richfield

FROM: Richfield a Villa Center

RE: Deli Recommendation-Winner Gas Station

To Whom it May Concern,

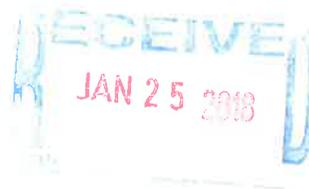
Richfield a Villa Center is in favor of Winner Gas Station opening a Deli bar in their establishment. There would be no concern regarding extra traffic. We serve 100 residents and 87 employees. An additional option near buy to purchase fresh food would be greatly appreciated.

Thank you.



JoAnn Buytendorp,

Administrator



AGENDA SECTION:	Public Hearings
AGENDA ITEM #	3.
CASE NO.:	18-VAR-02



PLANNING COMMISSION MEETING 2/26/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Public hearing to consider a request for a variance from the City's shoreland management ordinance for the Lyndale Gardens Development.

EXECUTIVE SUMMARY:

The Cornerstone Group ("Applicant") has owned the Lyndale Garden Center property since 2011. Land use approvals granted by the City Council in 2013 resulted in the construction of Lakewinds Food Co-op, as well as the shoreline improvements and public amenities along Richfield Lake. The northern portion of the site, intended for multifamily housing development, has remained undeveloped and prior land use approvals have since expired. While The Cornerstone Group continues to finalize a housing development proposal for the site, they are seeking clarity from the City regarding building setback requirements from Richfield Lake.

The City recently adopted a shoreland management ordinance that requires a 75-foot setback for all structures, as measured from the Ordinary High Water Level (OHWL) established by the Minnesota Department of Natural Resources (DNR). The DNR's OHWL measurement of Richfield Lake includes various stormwater management ponds that surround the lake. The Cornerstone Group is requesting a variance to use the OHWL of Richfield Lake that was originally identified by the City prior to the construction of the stormwater management ponds, in place of the larger setback established by the ordinance. Observing the larger setback would result in a 22% reduction in buildable area on the site. The Applicant states that this reduction in buildable area would restrict their ability to develop the site to the point of being financially infeasible. Any buildings on the site would have to be pushed farther back from the stormwater management ponds, reducing the width of the site and restricting drive aisles and parking areas to the point where Fire Department access may not be possible.

The attached site plan drawings show the locations of the OHWL (blue), 75-foot setback line (green), and requested setback line (red). The requested setback line is based on City records of Richfield Lake's OHWL, excluding the stormwater management ponds along the shoreline. The Applicant worked closely with the City's Public Works Department to establish this proposed setback line, and Engineering staff support the variance request.

This variance request does not include the construction of any specific structures on the site. Separate applications must be submitted and an additional public hearing would take place before approval of any structures. Finding that the proposal meets all requirements necessary to issue a

variance, staff is recommending approval.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Approve a variance from the City's shoreland management ordinance for the Lyndale Gardens development.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

In 2013, The Cornerstone Group received approvals related to redevelopment of the former Lyndale Garden Center property. Those plans included a 151-unit apartment building, approximately 10,000 square feet of retail/restaurant space, and outdoor amenity areas along Richfield Lake. It also encompassed the land that is now home to Lakewinds Food Co-op and a vacant lot to the south of Lakewinds parking lot. Land use approvals typically expire after one year unless extensions are granted by the Council. Despite several extensions, financing for the development of the northern half of the site was not secured, and all land use approvals related to the project expired in December of 2015.

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

Shoreland setback requirements are established in City Code Section 430.06, Subdivision 3. Section 430 is included below as an attachment to this report.

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

1. *There are "practical difficulties" that prevent the property owner from using the property in a reasonable manner.* Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty by severely limiting the property owner's ability to develop housing on the site. The addition and enlargement of stormwater management ponds surrounding Richfield Lake were related to the Crosstown Commons highway reconstruction project. The stormwater ponds were not intended to change the OHWL measurement or impede development of nearby properties.

2. *There are unusual or unique circumstances that apply to the property which were not created by the applicant and do not apply generally to other properties in the same zone or vicinity.* The unusual wedge shape of the property, combined with the larger setback requirement, would dramatically reduce the developable area of the site. Setting buildings back to the 75-foot setback based on the 826' OHWL would restrict drive aisles and parking areas to a point where proper fire apparatus access may not be possible. These circumstances do not generally apply to other properties within the mixed-use district or the City as a whole.

3. *The variance would not alter the character of the neighborhood or the locality.* Granting a variance to allow buildings closer to the stormwater management ponds surrounding Richfield Lake will not alter the character of the neighborhood. The site has been covered extensively by asphalt parking areas for several decades, with existing pavement areas extending beyond the requested setback line. The proposed improvements to the site would dramatically reduce impervious surface coverage on the site.

4. *The variance is the minimum necessary to alleviate the practical difficulty.* The proposed setback line is based on City records of the shoreline of Richfield Lake prior to the addition of the stormwater management ponds surrounding the lake.

5. *The variance is in harmony with the general purpose and intent of the ordinance and consistent with the Comprehensive Plan.* The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare. The property owner intends to work with the City on shoreline restoration and erosion control, including native plant species and creation of a management plan.

C. CRITICAL TIMING ISSUES:

60-DAY RULE: The 60-day clock 'started' when a complete application was received on January 30, 2018. A decision is required by March 31, 2018 or the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.

D. FINANCIAL IMPACT:

None.

E. LEGAL CONSIDERATION:

Notice of this public hearing was published in the *Sun Current* newspaper on February 8, and mailed to properties within 350 feet of the site on February 6.

ALTERNATIVE RECOMMENDATION(S):

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

PRINCIPAL PARTIES EXPECTED AT MEETING:

Lawrence Black, The Cornerstone Group

ATTACHMENTS:

Description	Type
□ Resolution	Resolution Letter
□ Site Plans, Aerial Photo, Zoning Map	Backup Material
□ City Code Section 430 - Shoreland Ordinance	Backup Material

RESOLUTION NO. 221

RESOLUTION OF THE RICHFIELD PLANNING COMMISSION GRANTING APPROVAL OF A VARIANCE TO SHORELAND SETBACK REGULATIONS AT THE PROPERTY COMMONLY KNOWN AS LYNDALE GARDENS

WHEREAS, an application has been filed with the City of Richfield which requests approval of a variance on an unaddressed parcel of land (the “property”) legally described as:

LOT 1, BLOCK 1, LYNDALE GARDENS, HENNEPIN COUNTY, MINNESOTA

WHEREAS, Richfield City Code Section 430 establishes shoreland management practices and identifies the Ordinary High Water Level (OHWL) for public waters. This section identifies the OHWL of Richfield Lake as 826.1 feet. Subsection 430.06 establishes uses and development standards within the shoreland district, including building setbacks of 75 feet from the OHWL; and

WHEREAS, the property owner has filed an application requesting a variance from Zoning Code Subsection 430.06, Subdivision 3, to establish an alternative building setback distance than as defined in this Subsection; and

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

WHEREAS, the Planning Commission of the City of Richfield held a public hearing for the requested variance at its February 26, 2018 meeting; and

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

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

1. With respect to the application for a variance from City Code Subsection 430.06, Subdivision 3, the Planning Commission makes the following findings:
 - a. Strict enforcement of the Zoning Code subsection listed above would cause a practical difficulty by severely limiting the property owner’s ability to develop housing on the site. The addition and enlargement of stormwater management ponds surrounding Richfield Lake were related to the Crosstown Commons highway reconstruction project. The stormwater ponds were not intended to change the OHWL measurement or impede development of nearby properties.
 - b. Unique circumstances affect the property that were not created by the land owner. The unusual wedge shape of the property, combined with the larger setback requirement, would dramatically reduce the developable area of the site. Setting buildings back to the 75 foot setback based on the 826' Ordinary High Water Level (OHWL) would restrict drive aisles and parking areas to a point where proper fire apparatus access may not be possible. These circumstances do not generally apply to other properties within the mixed-use district or the City as a whole.

- c. Granting a variance to allow buildings closer to the stormwater management ponds surrounding Richfield Lake will not alter the character of the neighborhood. The site has been covered extensively by asphalt parking areas for several decades, with existing pavement areas extending beyond the requested setback line. The proposed improvements to the site would dramatically reduce impervious surface coverage on the site.
 - d. The variance requested is the minimum necessary to alleviate the practical difficulty. The proposed setback line is based on City records of the shoreline of Richfield Lake prior to the addition of the stormwater management ponds surrounding the lake.
 - e. The variance is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan. The requested variance will not adversely impact the aesthetics of the community or its health, safety and welfare. The property owner intends to work with the City on shoreline restoration and erosion control, including native plant species and creation of a management plan.
2. Based upon the above findings, a variance to the above-specified requirement, as described in **Planning Commission Report No. 18-VAR-02**, is hereby approved with the following stipulations:
- a) This variance approval is exclusive to the requirements of City Code Subsection 430.06 and does not constitute the approval of any specific structures on the site. Separate applications must be submitted for approval of any structures; and
 - b) The recipient of this approval shall continue to work with the Richfield Public Works Department to establish shoreline restoration and erosion control plans; and
 - c) The recipient of this approval shall record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.11, Subd. 7; and
 - d) This variance approval shall expire two years from the date of issuance unless the use has commenced, or building permits have been issued and substantial work has been completed. The variance shall remain in effect for so long as conditions regulating it are observed, and shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the Zoning Ordinance, Section 547.11, Subd. 11.

Adopted by the Planning Commission of the City of Richfield, Minnesota this 26th day of February 2018.

Chairperson, Richfield Planning Commission

ATTEST:

Secretary, Richfield Planning Commission



AERIAL IMAGE OF RICHFIELD LAKE, STORMWATER PONDS, AND PROPERTY LINES

Richfield Lake

6400 DUPONT AVE S
Richfield Lake Park

Richfield Lake Park

Mildred Dr

Mildred Dr

Lyndale Ave S

Lyndale Ave S

W 64th St W

900 MILDRED DR

6321 BRYANT AVE S

6320 ALDRICH AVE S

6321 ALDRICH AVE S

6320 LYNDALE AVE S

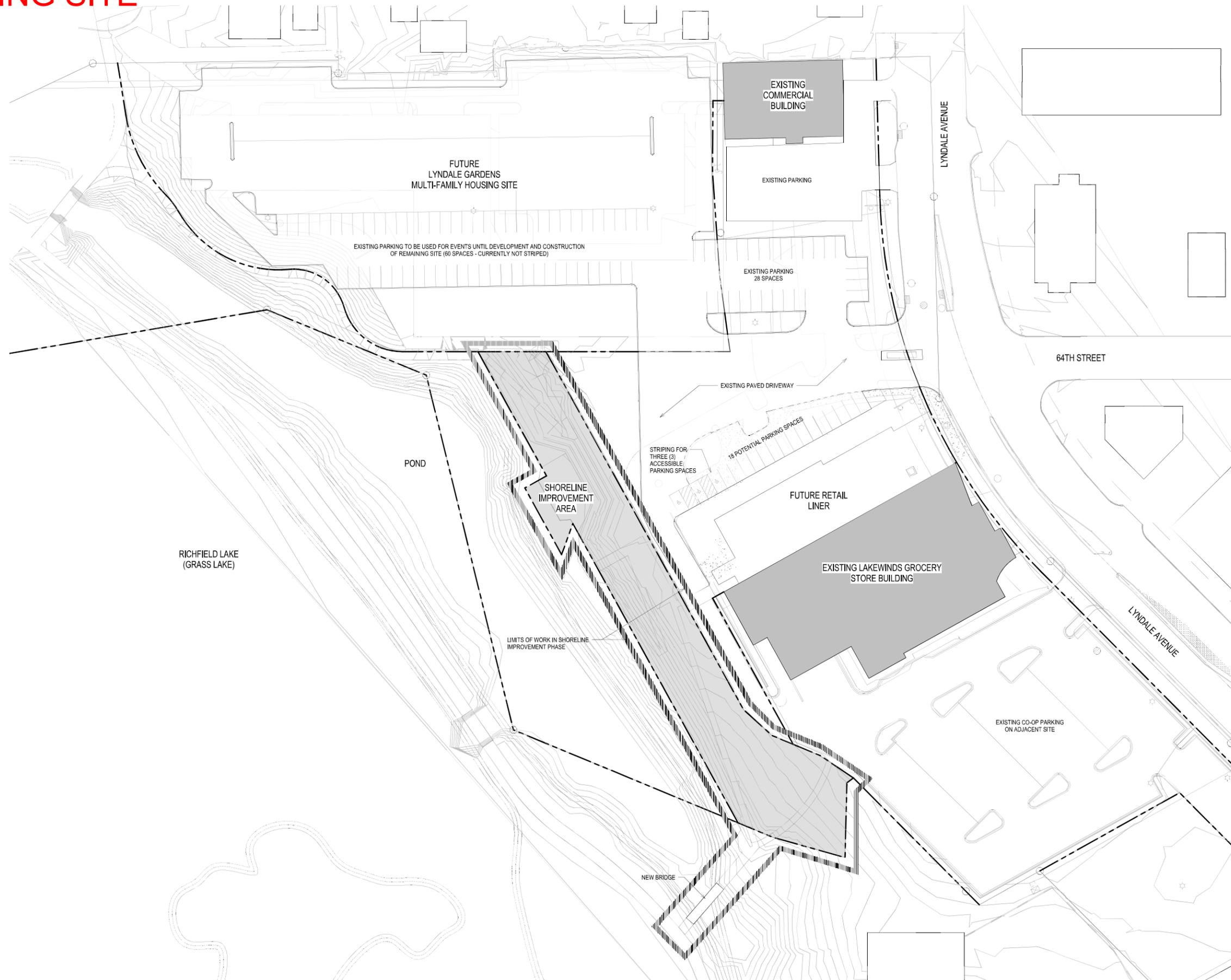
6324 ALDRICH AVE S

6325 ALDRICH AVE S

6345 LYNDALE AVE S

6420 LYNDALE AVE S

EXISTING SITE



CUNNINGHAM GROUP

Cunningham Group
Architecture, Inc.
St. Anthony Main
201 Main St. SE
Suite 205
Minneapolis, MN
55414
Tel: 612 379 3400
Fax: 612 379 4400
www.cunningham.com

Client
CORNERSTONE GROUP

Consultant

Revisions	No.	Date	Description

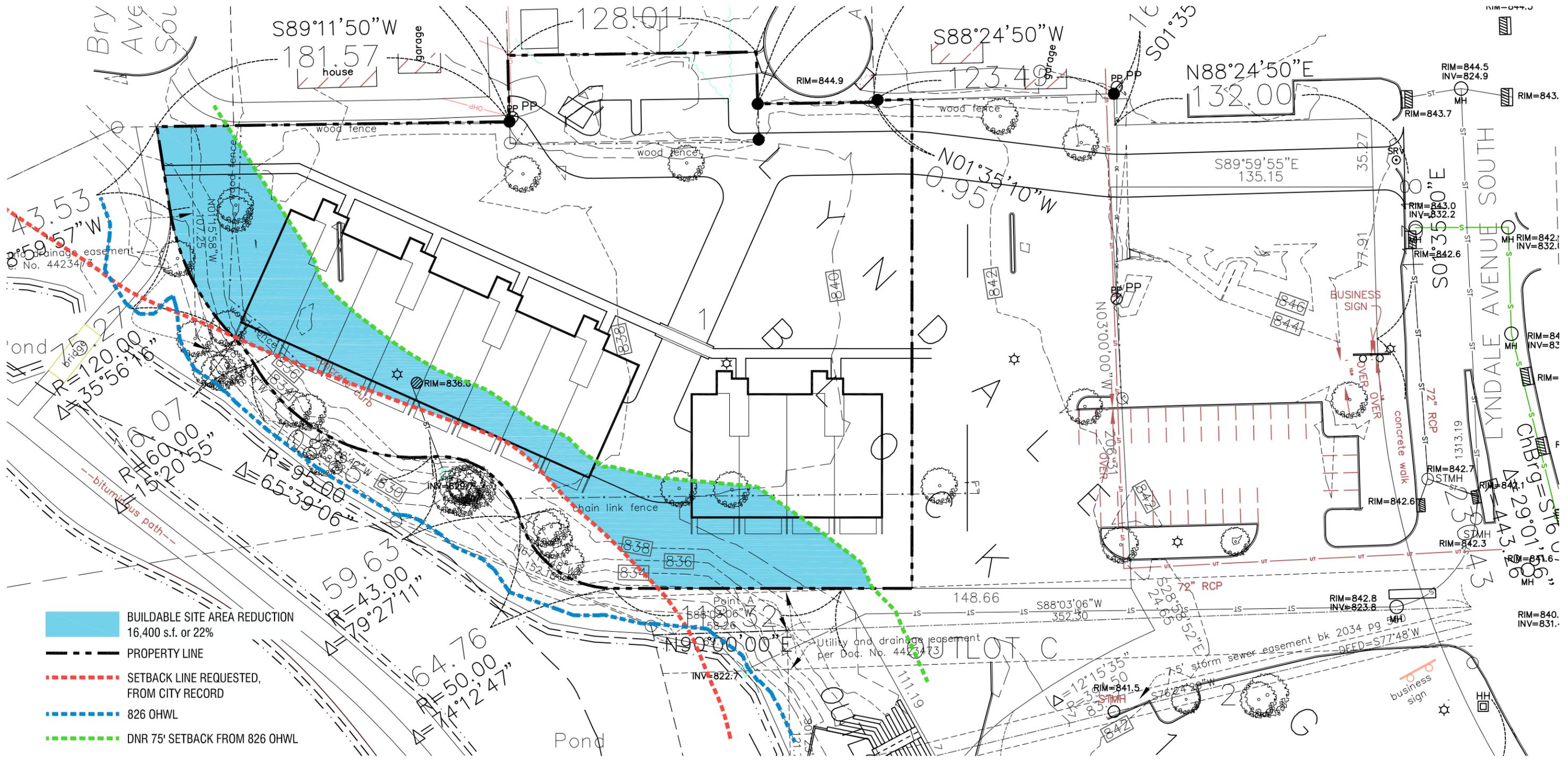
Document Phase: PUD Submittal
Date: APRIL 25, 2016
PIC / ARC: JEFFERY SCHODNECK
Drawn By: PO
Checked By: PO
Comm. No.: 11-1087

Project Title
LYNDALE GARDENS
LYNDALE GARDENS
SHORELINE
IMPROVEMENTS

Sheet Title
**SITE DEVELOPMENT
PLAN - OVERALL
LAYOUT**

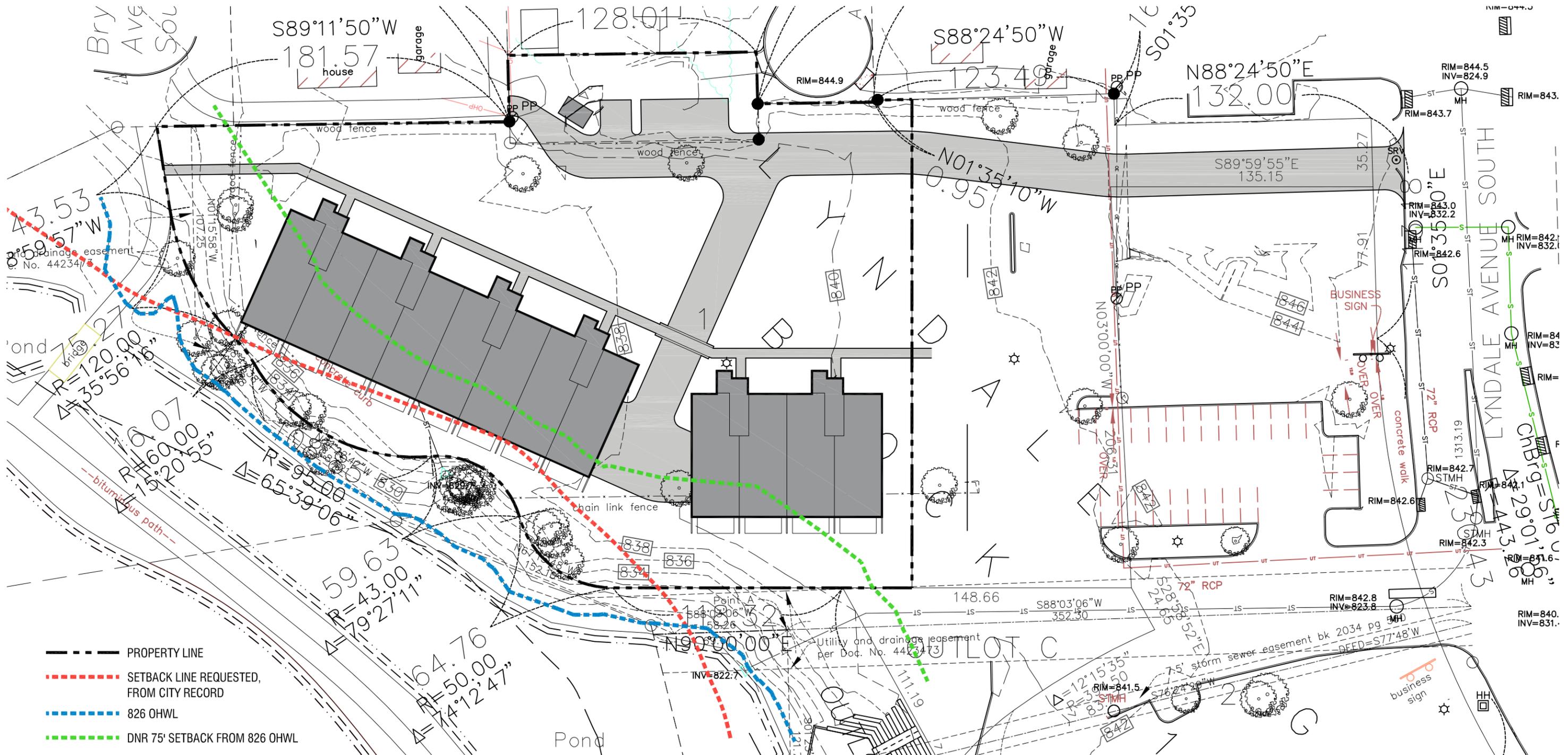
Sheet Number

A100



- BUILDABLE SITE AREA REDUCTION
16,400 s.f. or 22%
- PROPERTY LINE
- SETBACK LINE REQUESTED, FROM CITY RECORD
- 826 OHWL
- DNR 75' SETBACK FROM 826 OHWL

DNR SETBACK
1"=50'-0"



- PROPERTY LINE
- SETBACK LINE REQUESTED, FROM CITY RECORD
- 826 OHWL
- DNR 75' SETBACK FROM 826 OHWL

SITE PLAN FOR VARIANCE REQUEST

1"=50'-0"

PROPERTY SURVEY

LYNDALE GARDENS

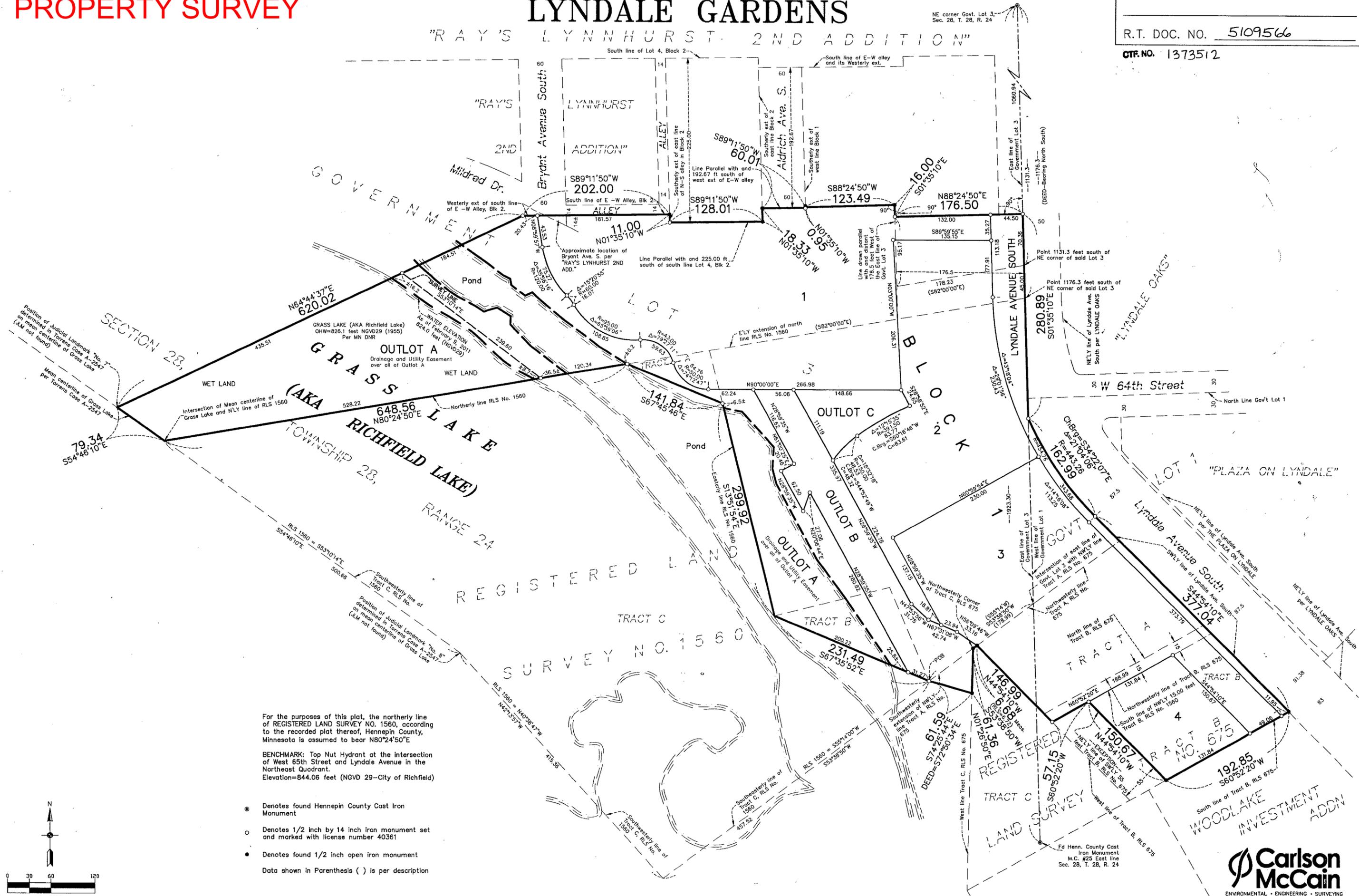
"RAY'S LYNNHURST 2ND ADDITION"

NE corner Govt. Lot 3
Sec. 28, T. 28, R. 24

R.T. DOC. NO. 5109566

CTF. NO. 1373512

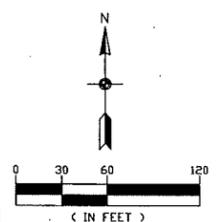
FILE NO. 2413



For the purposes of this plat, the northerly line of REGISTERED LAND SURVEY NO. 1560, according to the recorded plat thereof, Hennepin County, Minnesota is assumed to bear N80°24'50\"E

BENCHMARK: Top Nut Hydrant at the intersection of West 65th Street and Lyndale Avenue in the Northeast Quadrant.
Elevation=844.06 feet (NGVD 29—City of Richfield)

- ⊙ Denotes found Hennepin County Cast Iron Monument
 - Denotes 1/2 inch by 14 inch iron monument set and marked with license number 40361
 - Denotes found 1/2 inch open iron monument
- Data shown in Parenthesis () is per description

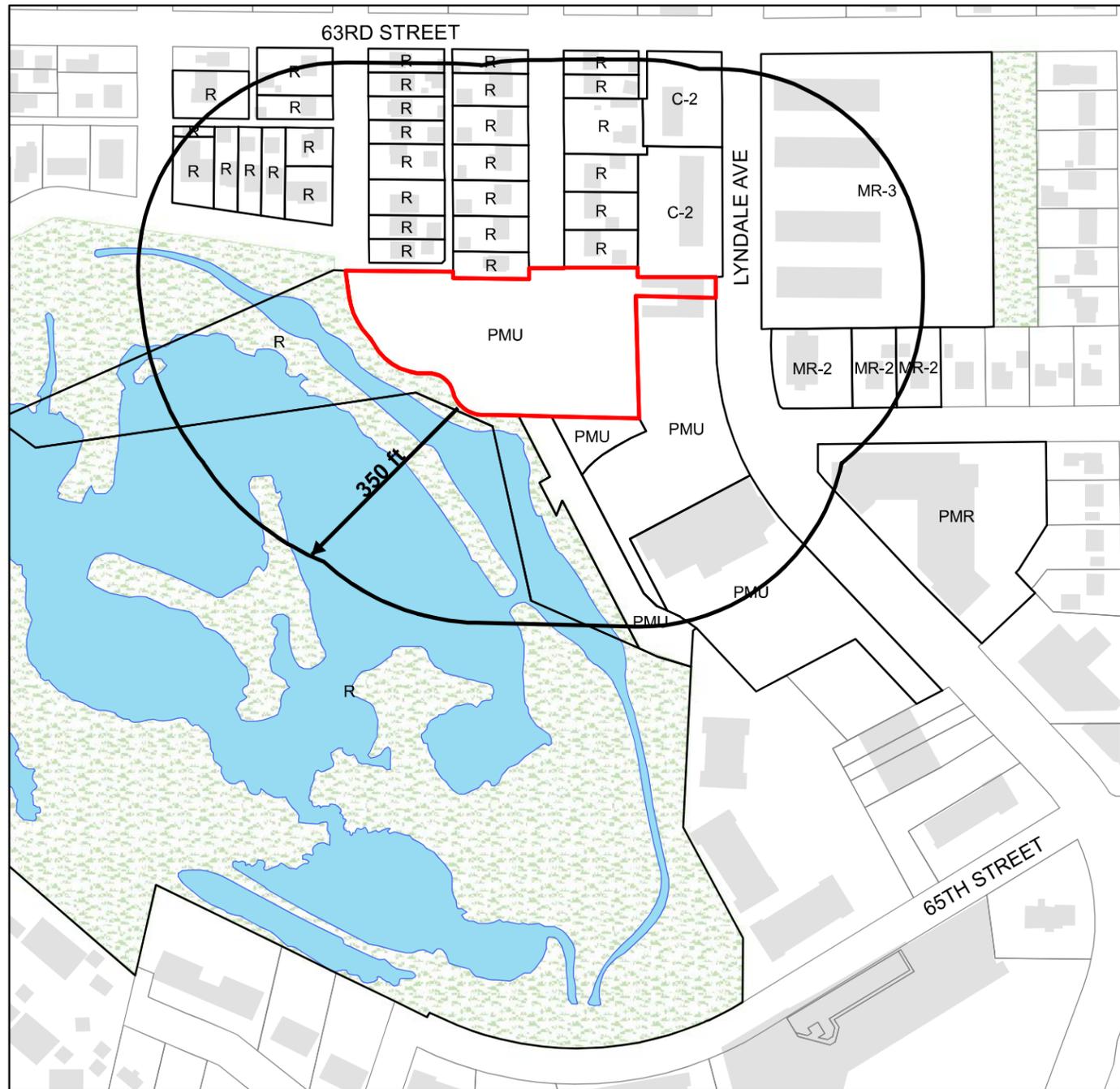


13.092

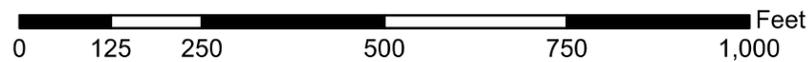
Carlson McCain
ENVIRONMENTAL • ENGINEERING • SURVEYING

Lyndale Gardens Site - VAR 2/2018

Surrounding Zoning

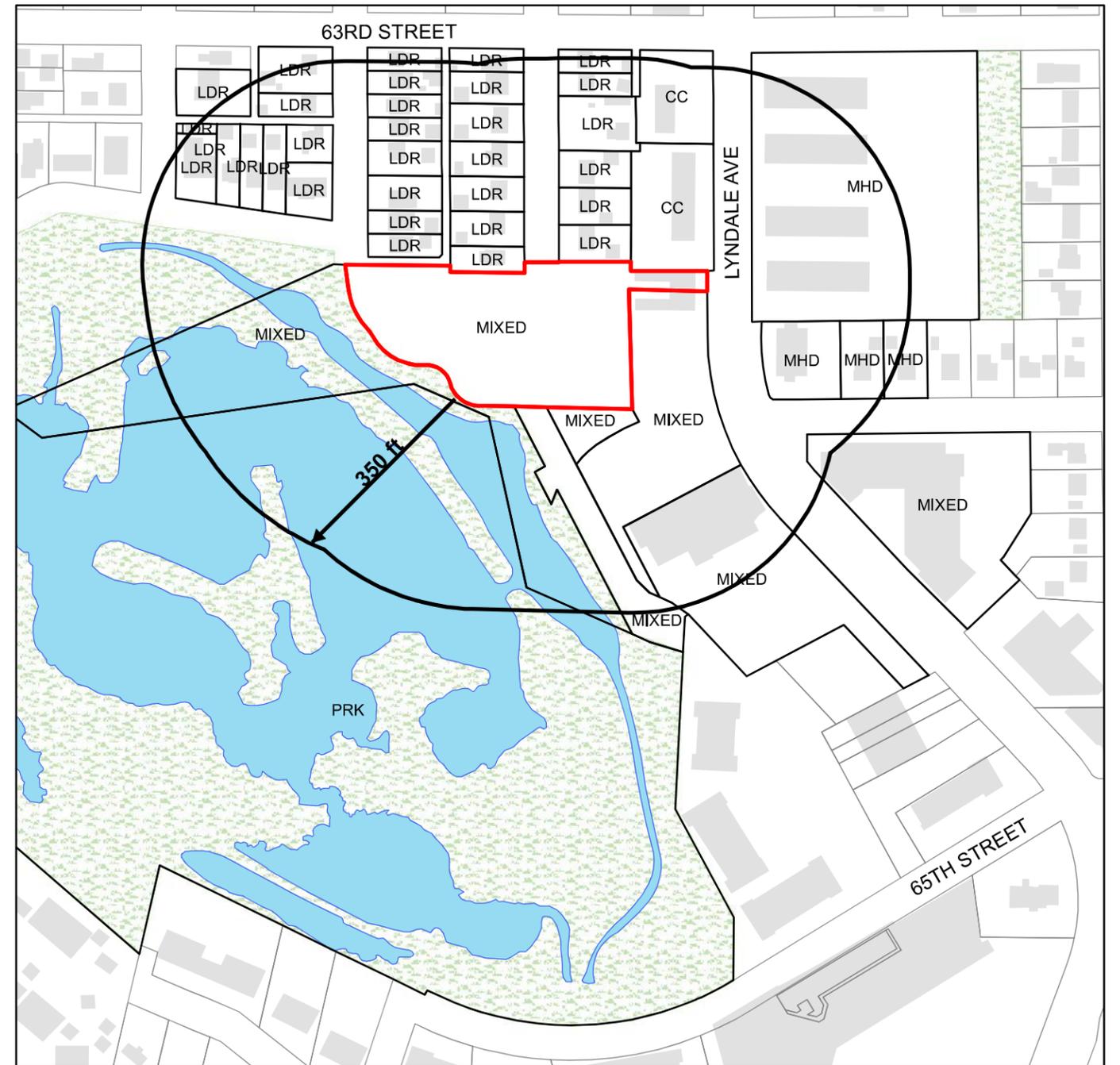


- C-2 - General Commercial
- PMU - Planned Mixed Use
- PMR - Planned Multi-Family Residential
- R - Single Family Residential
- MR-2 - Multi-Family Residential
- MR-3 - High Density Multi-Family Residential

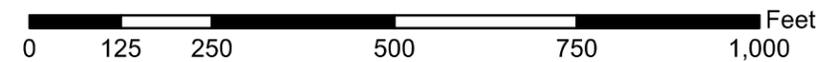


Lyndale Gardens Site - VAR 2/2018

Surrounding Comprehensive Plan



- MIXED - Mixed Use
- LDR - Low Density Residential
- MHD - Medium-High Density Residential
- CC - Community Commercial
- PRK - Park



BILL NO. _____

**AN ORDINANCE AMENDING CHAPTER IV OF THE RICHFIELD
CODE OF ORDINANCES BY ADDING A NEW SECTION 430
RELATING TO SHORELAND MANAGEMENT**

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. A new Section 430 is inserted into the Richfield City Code as follows:

SECTION 430. – SHORELAND MANAGEMENT

430.01. – Statutory Authority.

This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F, Minnesota Regulations, Parts 6120.2500 – 6120.3900, and Minnesota Statutes, Chapter 462.

430.02. – Purpose.

The uncontrolled use of shorelands of the City of Richfield affects the public health, safety and general welfare by contributing to pollution of public waters and by impairing the local tax base. It is, therefore, in the best interests of the public health, safety and welfare to provide for the wise development of shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise utilization of waters and related land resources.

The purpose of this Section is to implement regulations concerning the use, development, and alteration of certain shore areas in the City of Richfield in compliance with directives and requirements of Minnesota Statutes, Section 103F.221, Subd. 1 and rules adopted pursuant thereto. These regulations are adopted in order to protect the natural characteristics of such shore areas and adjacent water areas to prevent the pollution of surface and ground waters to minimize flood damage, to manage the effects of shore area crowding and development, and to maintain shore area property values.

430.03. – Jurisdiction.

Subdivision 1. Applicability. The provisions of this Section shall apply to the shoreland district in the City, as defined in Subdivision 3.

Subd. 2. Exemptions. Pursuant to Minnesota Regulations, Parts 6120.2500 - 6120.3900, no lake, pond, or flowage less than 10 acres in size is subject to the regulations in this Section. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempted from this Section.

Subd. 3. Protected Waters and Classifications. The provisions of this Section shall apply to the shore areas of the following public waters, as identified by the DNR.

	DNR #	DNR Classification	Ordinary High Water Level
Richfield Lake	27002100	Recreational Development	826.1 ft
Wood Lake	27002600	Recreational Development	820.7 ft
Legion Lake	27002400	Natural Environment	Elevation not established

Subd. 4. Other Regulations. Unless specifically stated to the contrary, the provisions of this Section shall be in addition to, and not in derogation of, other statutes, regulations, or ordinances, affecting shore areas. If both these regulations and other regulations impose similar restrictions upon shore areas, the more restrictive regulation shall apply.

430.04. – Definitions.

Subdivision 1. For purposes of this Section, the following words and terms will have the meanings as stated:

Subd. 2. Backyard Appurtenant Structure – accessory structures under 100 square feet in size, including but not limited to : children's recreational equipment (e.g., swing set or sandbox); clotheslines; arbors and trellises; outdoor fireplaces or grills; permanent benches; utility wires or poles; other public sewer, water, and gas utility appurtenances; flag poles; walls and fences less than six (6) feet in height; landscaping retaining walls; dog enclosures.

Subd. 3. Best Management Practices - the methods and practices described in the Minnesota Pollution Control Agency's "Protecting Water Quality in Urban Areas", commonly known as "Best Management Practices In Minnesota".

Subd. 4. Deck - a horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to the principal use of the site.

Subd. 5. DNR - Minnesota Department of Natural Resources.

Subd. 6. Exotic species - flora and fauna that are not indigenous to Minnesota, as determined by the DNR, the City, or other public agency.

Subd. 7. Noxious weed - those weeds so defined in Minnesota Statutes Section 18.77, subd. 8, or any plant which is identified and placed by Hennepin County on its noxious weed list.

Subd. 8. Ordinary high water level (OHWL) - the boundary of public waters, which is the elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural

vegetation changes from predominantly aquatic to predominantly terrestrial. The OHWLs for those public waterbodies governed by this Section are listed in subsection 430.03, subd. 3.

Subd. 9. Paved area - any impervious ground surface area created by means of concrete, asphalt, brick, mortar, or other materials.

Subd. 10. Public waterbody - the lakes listed in the table in subsection 430.03, subd. 3.

Subd. 11. Shoreland district - all land in the City lying within 1,000 feet from the Ordinary High Water Level (OHWL) of the public waterbodies listed in subsection 430.03, subd. 3.

Subd. 12. Shore area impact zone - all land between the ordinary high water level and a line parallel to it at a setback of 50 percent of the structure setback, as detailed below.

	Shore Impact Zone
Richfield Lake	37.5'
Wood Lake	37.5'
Legion Lake	75'

Subd. 12. Vegetation - flora of any variety, including trees, shrubs, plants, and grass.

Subd. 13. Watercraft landing facility - a dock, ramp, or other structure used to land watercraft.

Subd. 14. Watercraft lift or storage facility - an unenclosed structure designed and used solely to raise water craft out of the water or for the storage of watercraft and related equipment.

Subd. 15. Water-oriented accessory structure – a small, above ground building or other improvement, *except stairways, stairway landings, lifts, fences, docks, and retaining walls*, which, because of the relationship of its use with a public water body, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

430.05. – Permit Required.

Unless otherwise exempted in this Section, a permit is required for any construction, grading, filling, excavation, impervious surface construction, or vegetation management within the shore area impact zone.

430.06. – Uses and Development Standards within the Shoreland District.

Subdivision 1. Permitted Uses. Permitted uses within the shoreland district shall be determined by the regulations of the underlying zoning district, as established in Appendix B of the City Code.

Subd. 2. Lot area and width. Lot area and width standards for residential development by a public water body shall be governed by the regulations of the underlying zoning district, as established in Appendix B of the City Code.

Subd. 3. Setback requirements. The following setbacks shall apply, except as exempted in subdivision 4.

	Setback of Structures from OHWL
Richfield Lake	75'
Wood Lake	75'
Legion Lake	150'

Subd. 4. Structure setback exemptions. The following types of structures are exempt from the required structure setbacks in subd. 3, but are required to follow the standards in Subdivisions 5 and 6 of this subsection:

- a. Stairways, stairway landings, and pedestrian lifts;
- b. Watercraft landing facilities;
- c. Watercraft lift or storage facilities;
- d. Water-oriented accessory structures;
- e. Utility sheds;
- f. Decks
- g. Other backyard appurtenant structures; and
- h. Public park, beach, and marina facilities and other public improvements.

Subd. 5 Height. The height of structures shall be governed by the underlying zoning district as established in Appendix B of the City Code.

Subd. 6. Impervious surface coverage. Impervious surface coverage shall not exceed 10% in the shore area impact zone.

430.07. – Backyard Appurtenant and Water-Oriented Structures within the Shoreland District.

Subdivision 1. Each residential lot may have one water-oriented accessory structure or facility located no closer to the OHWL than 10 feet.

Subd. 2. All other backyard appurtenant and water-oriented structures shall be at least 10 feet from the OHWL.

Subd. 3. Performance Standards.

- a. All backyard appurtenant and water-oriented structures must be located so as to minimize the impact upon existing vegetation, and whenever reasonable in the most visually inconspicuous portions of lots, as viewed from the surface of the public waterbody, assuming summer, leaf-on conditions.
- b. The structure must not exceed twelve feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet; provided that utility sheds shall not exceed 120 square feet in area. Detached decks must not exceed eight feet above grade at any point.
- c. The roof of a structure may be used as a deck with safety rails, but must not be enclosed or used as a storage area.
- d. The structure must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- e. The following standards shall apply to attached or detached decks:
 - i) allowed only if no reasonable location exists for the deck outside of the shore area impact zone;
 - ii) the deck encroachment toward the OHWL shall not exceed fifteen (15) percent of the existing setback of the principal structure from the OHWL or shall not encroach into the shore area impact zone, whichever is more restrictive;
 - iii) the deck must be constructed primarily of wood, and shall not be enclosed, roofed or screened, and shall not result in the creation of an impervious surface;
- f. Nothing herein is intended to permit private watercraft landing facilities or other private water access where such rights have been acquired by the public.

430.08. – Stairways, Lifts, Landings Within the Shoreland District.

Subdivision 1. Location. Stairways, stairway landings, retaining walls, and pedestrian lifts shall be located whenever reasonable in the most visually inconspicuous portions of lots, as viewed from the surface of the public waterbody, assuming summer, leaf- on conditions.

Subd. 2. Construction and Design.

- a. Stairways and pedestrian lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public open-space recreational properties, and planned developments where more than one lot or more than four dwelling units are served.
- b. Landings for stairways and pedestrian lifts on residential lots must not exceed 32 square feet in area. Landings not exceeding 60 square feet may be used for

commercial properties, public open-space recreational properties, and planned developments where more than one lot is served.

- c. Canopies or roofs are not allowed on stairways, stairway landings, or pedestrian lifts.
- d. Stairways, stairway landings, and pedestrian lifts may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

430.09. – Grading, Filling, Excavation, Impervious Surface Construction, and Vegetation Management Within the Shoreland District.

Subdivision 1. Permit required. No grading, filling, excavation, impervious surface construction, or vegetation management within the shore impact zone areas shall occur without a shore area permit.

Subd. 2. Permit exemptions. The following activities do not require a permit:

- a. the removal of dead, diseased, hazardous or storm-damaged vegetation, or for the mowing of turf;
- b. the periodic pruning of woody vegetation up to four inches in diameter (as measured at the base of the cut provided the roots are left intact);
- c. removal of exotic species, noxious weeds or other public nuisances;
- d. removals or alterations for purposes of the construction of when all other requirements are met;
- e. landscaping activities customarily associated with gardening or lawn care, not including grading.

Subd. 3. Performance standards. The following standards shall be required for all grading, filling, excavation, and vegetation management within the shore area impact zone:

- a. The existing vegetative screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, must be substantially maintained; and
- b. Before any permit will be issued to grade or fill, the applicant must provide evidence that all provisions of federal, state, and local law pertaining to wetlands and shore area (including but not limited to the Wetland Conservation Act, Watershed District regulations, U.S. Corps of Engineers regulations, DNR protected waters regulations, and City floodplain,) have been satisfied to the satisfaction of the City Engineer.
- c. All shore area permits for grading, filling, or excavation shall be subject to all of the additional following conditions:

- (i) Alterations must be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed and is exposed for the shortest time possible.
 - (ii) Mulches or similar materials must be used, where necessary, for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible.
 - (iii) Methods to minimize soil erosion and to trap sediments before they reach any surface water feature must be used.
 - (iv) Altered areas must be stabilized to acceptable erosion control standards consistent with Best Management Practices.
 - (v) Fill or excavated material must not be placed in a manner that creates an unstable slope.
 - (vi) Alterations of topography may be allowed only if accessory to uses allowed by this section and does not adversely affect adjacent or nearby properties.
 - (vii) Placement of natural rock rip rap, including associated grading and placement of a filter blanket, is permitted only if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the rip rap is within ten feet of the OHWL (as measured along the ground surface), and the height of the rip rap above the OHWL does not exceed three feet.
 - (viii) Such other conditions as are reasonable and necessary under the circumstances as determined by the City Engineer.
 - (ix) Excavations or grading where the intended purpose is connection to a public waterbody (such as boat slips, canals, lagoons, and harbors) shall not be allowed without the approval of the DNR.
- d. All shore area permits for impervious surface construction in the shore impact zone shall be subject to the additional following conditions:
- i) The impervious surface construction must: take advantage of natural vegetation and topography to achieve maximum screening of view from the public waterbody; limit the removal or alteration of vegetation; be designed so as to minimize and control erosion to the public waterbody consistent with Best Management Practices; and, be designed so as to minimize adverse impacts to the shore area.
 - ii) Existing natural drainage ways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and detain storm water runoff before discharge to public waters.
 - iii) Development and construction must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected

using methods and facilities designed and installed consistent with Best Management Practices.

- iv) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

430.10. – Water and Sewer Facilities.

Subdivision 1. Connection to public systems. All lots within the shoreland district shall be connected to the public water and sanitary sewer systems and old sewer and water systems shall be abandoned in conformance with state law and city ordinances. Lots not meeting this requirement must be connected as part of any proposed development or redevelopment.

Subd. 2. Wells/septic systems prohibited. No new water wells or on-site sewage treatment systems may be constructed within the shoreland district.

430.11. – Administration.

Subdivision 1. Permit Fee. The fee for a shore area permit shall be as provided in Appendix D of this Code, except that a double fee may be required by the City in instances where work or an activity has been initiated without the required permit.

Subd. 2. Other necessary permits. The obtaining of a shore area permit for a given activity shall not abrogate the need to obtain any other permits required for the activity under the City Code or other federal, state, or local laws.

Subd. 3. Applications. Applications for a shore area permit shall be filed with the City Engineer and shall contain information necessary and relevant to the review and analysis of the application, as determined by the City. Such information may include a scaled plan showing some or all of the following:

- a. Existing and proposed contour lines with two-foot intervals and ground elevations;
- b. The OHWL;
- c. Existing vegetation and proposed removals;
- d. Existing and proposed improvements and utilities;
- e. Location of wells and private septic systems;
- f. Wetlands;
- g. Lot lines;
- h. Adjacent streets and right-of-way;
- i. Shore area and shore area impact zone;

j. Other information relevant to the application, as determined by the City.

Section 2. Effective Date. This Ordinance is effective as provided by Section 3.09 of the Richfield City Charter.

Adopted by the City Council of the City of Richfield, Minnesota this ____ day of _____, 2018.

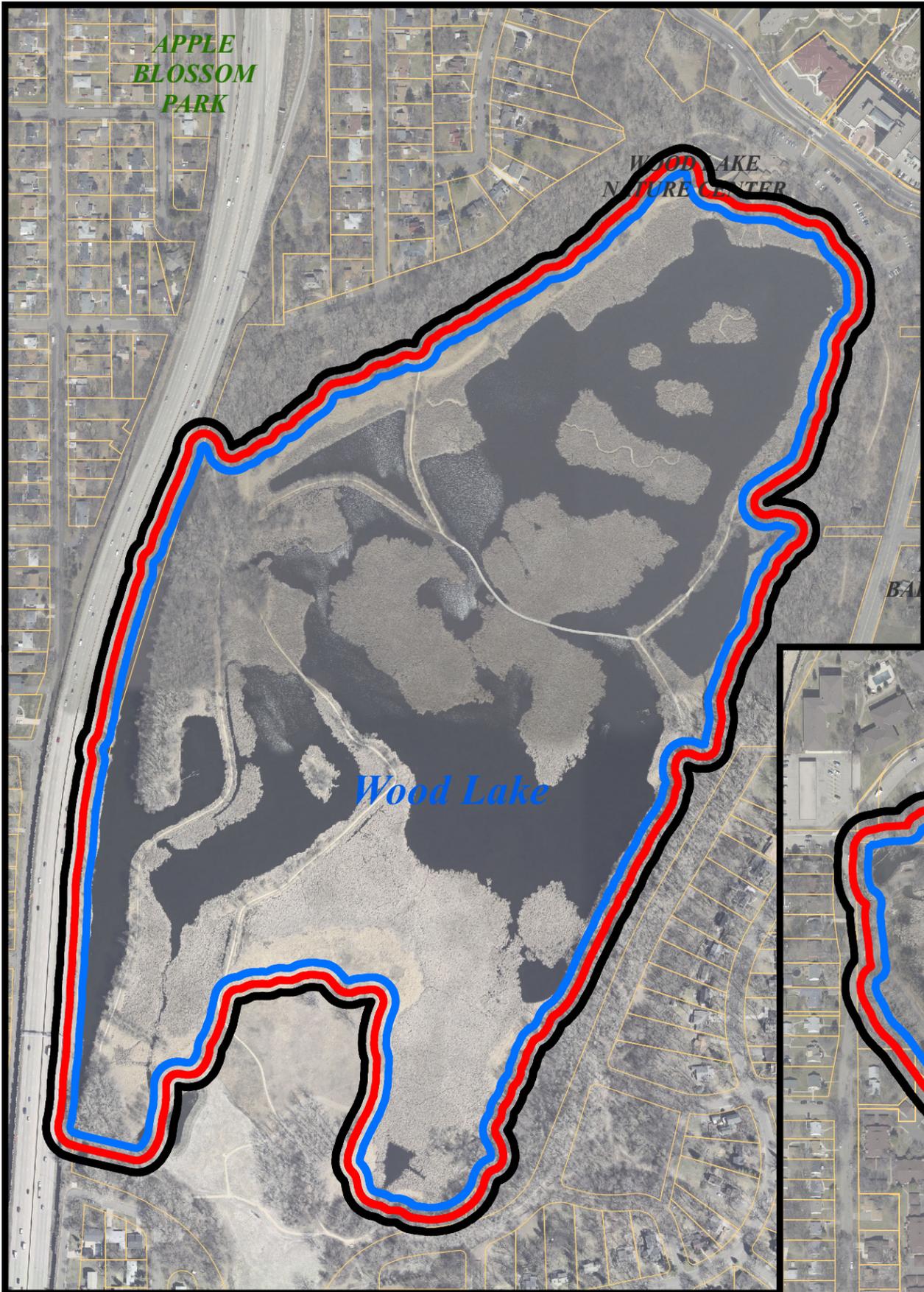
By:

Pat Elliott, Mayor

ATTEST:

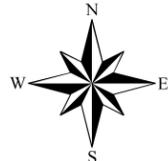
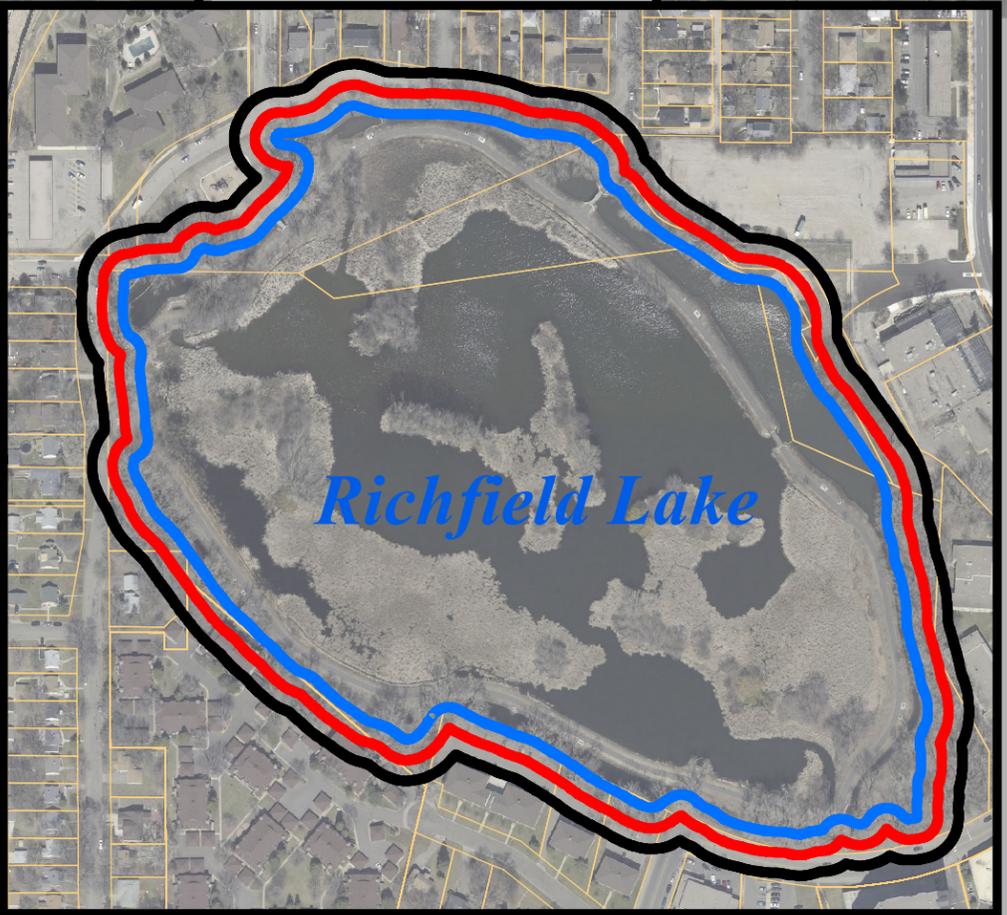
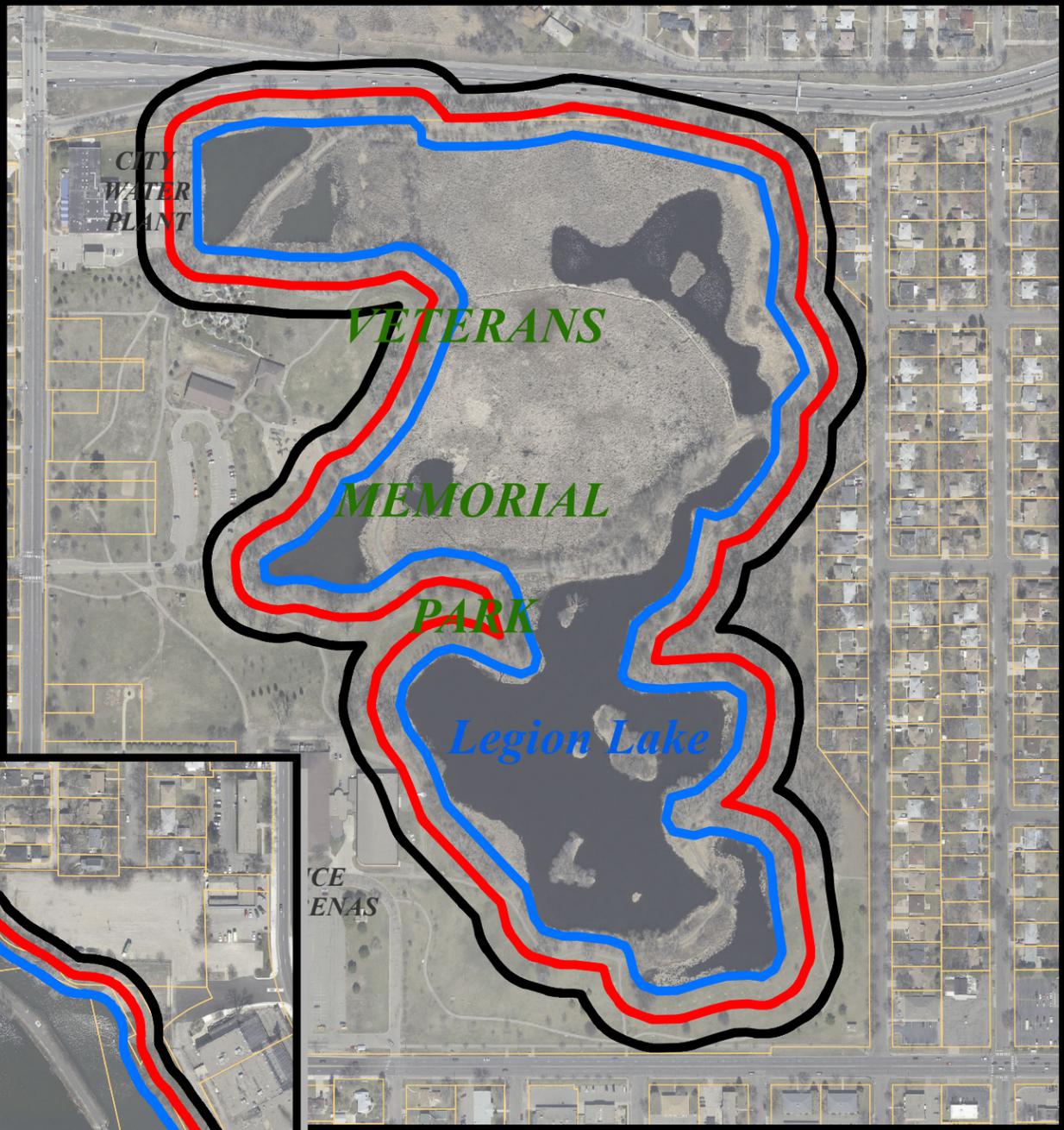
Elizabeth VanHoose, City Clerk

Richfield OHWL Setbacks



Legend

- Ordinary High Water Level
- Shore Impact Zone
- Structure Setback



AGENDA SECTION:	Other Business
AGENDA ITEM #	4.
CASE NO.:	PC Letter #1



PLANNING COMMISSION MEETING 2/26/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Election of Planning Commission Chairperson, Vice-Chairperson and Secretary

EXECUTIVE SUMMARY:

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

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

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

RECOMMENDED ACTION:

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

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None

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

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

C. **CRITICAL TIMING ISSUES:**

None

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

AGENDA SECTION:	Other Business
AGENDA ITEM #	5.
CASE NO.:	PC Letter #2



PLANNING COMMISSION MEETING 2/26/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

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

EXECUTIVE SUMMARY:

Community Services Advisory Commission:

The Community Services Advisory Commission meets on the third Tuesday of the month at 7:00 pm, at the Community Center. Former Commissioner Vrieze Daniels served as liaison to the Community Services Advisory Commission for 2017.

City Council:

The City Council meets every second and fourth Tuesday at 7:00 pm in the Council Chambers at City Hall. Commissioner Rosenberg served as liaison to the City Council for 2017.

Housing and Redevelopment Authority:

The Housing and Redevelopment Authority meets every third Monday at 7:00 pm in the Council Chambers at City Hall. Commissioner Hoberg served as liaison to the HRA in 2017.

School Board:

The Commission also appoints a liaison to the Richfield School Board. The School Board generally meets the first and third Monday of each month at 7:00 pm in the District Office Board Room. Commissioner Kitzberger served as liaison to the School Board for 2017.

Transportation Commission:

The Transportation Commission was appointed by the City Council to review transportation-related topics and make recommendations to the City Council. The Committee meets the first Wednesday of each month at 7:00 pm in the Council Chambers at City Hall. Commissioner Hayford Oleary served as liaison to the Transportation Committee in 2017.

RECOMMENDED ACTION:

The following Planning Commission actions are recommended: Approve members to serve as liaisons to the Community Services Advisory Commission, City Council, Housing and Redevelopment Authority, School Board, and Transportation Committee.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None

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

None

C. **CRITICAL TIMING ISSUES:**

None

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

AGENDA SECTION: Other Business
AGENDA ITEM # 6.
CASE NO.: PC Letter #3



PLANNING COMMISSION MEETING 2/26/2018

REPORT PREPARED BY: Matt Brillhart, Associate Planner

CITY PLANNER REVIEW:

ITEM FOR COMMISSION CONSIDERATION:

Review of Planning Commission Bylaws.

EXECUTIVE SUMMARY:

Part 3, Section 3 of our Bylaws requires the Planning Commission to review the Bylaws each year at the February organizational meeting. Staff is recommending several changes to Section 7b, regarding public hearings. The proposed revisions are intended to better reflect how the Planning Commission has actually conducted public hearings in practice. Additionally, staff is proposing a minor change to clarify procedures following the resignation of the Chairperson.

RECOMMENDED ACTION:

Approve the revised Planning Commission Bylaws.

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None

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

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

C. **CRITICAL TIMING ISSUES:**

None

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A

ATTACHMENTS:

Description

Type

▣ 2018 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. General Planning 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 the applicant's responses to questions from the Commission, 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. In addition to the statements by individual or groups, there will be a period, not to exceed thirty (30) minutes, during which the public may question the City's staff members present, the applicant or their representatives or any member of the Planning Commission. Questions must be directed through the Chair.~~
- 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. The Commission shall discuss and clarify the item before it, and take action on it.~~
- 8) ~~The Commission shall discuss and clarify the item before it, and take action in the form of a motion, resolution, or report. Any decision of the Commission on the merits of any planning question before it shall be embodied in the form of a motion, resolution, or report, and referred to the City Council for action.~~

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.

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

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.