



**PLANNING COMMISSION MEETING
VIRTUAL MEETING HELD VIA WEBEX
FEBRUARY 22, 2021
7:00 PM**

Call to Order

Approval of the Minutes

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

Agenda Approval

Public Hearings

1. Conduct a public hearing and consider changes to the City's Zoning Code that would allow for slightly larger garage structures if an Accessory Dwelling Unit is attached, in the single-family (R and R-1) residential districts.

Other Business

2. Election of Planning Commission Chairperson, Vice-Chairperson and Secretary.
3. Appointment of liaisons to the City Council, Community Services Advisory Commission, Housing and Redevelopment Authority, School Board and Transportation Committee.
4. Review of Planning Commission Bylaws.

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

5. Next Meeting Time and Location
 - Joint City Council and Planning Commission Work Session on Monday, February 23, 6:00pm, via Webex
 - Joint City Council, Housing and Redevelopment Authority, and Human Rights Commission Work Session on Monday, March 15, 6:00pm, via Webex
 - Regular Planning Commission Meeting on Monday, March 22, 7:00pm via Webex
 - Joint City Council, Housing and Redevelopment Authority, and Planning Commission Work Session on Monday, March 23, 6:00pm, via Webex

6. 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

January 25, 2021

MEMBERS PRESENT: Chair Kathryn Quam, Commissioners Bryan Pynn, Susan Rosenberg, Peter Lavin, James Rudolph, and Brett Stursa

MEMBERS ABSENT: none.

STAFF PRESENT: Melissa Poehlman, Asst. Director of Community Development
Ryan Krzos, Planner
Nellie Jerome, Assistant Planner

OTHERS PRESENT: Jeffery O'Neil

Chairperson Quam called the meeting to order at 7:00 p.m.
Assistant Director of Community Development, Melissa Poehlman, introduced newly-hired City Planner, Ryan Krzos.

APPROVAL OF MINUTES

M/Pynn, S/Stursa to approve the minutes of the October 26, 2020, meeting.

Motion carried: 6-0

OPEN FORUM

No members of the public spoke, no comments received.

APPROVAL OF AGENDA

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

Motion carried: 6-0

PUBLIC HEARINGS

ITEM #1

Public hearing to consider an ordinance amending the Zoning designation for the property at 6945 Penn Avenue South. Chair Quam explained the role of the Planning Commission was to decide if the proposed rezoning, from residential (R) to Neighborhood Business (C-1), was in line with the Comprehensive Plan. City Planner Ryan Krzos presented the staff report.

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

Motion carried: 6-0

M/Rudolph, S/Rosenberg to recommend approval of an ordinance amending the Zoning designation for the property at 6945 Penn Avenue South.

Motion carried: 6-0

LIAISON REPORTS

Community Services Advisory Commission: The commission discussed the Community Center feasibility study, and how current assets can better serve the community.

September 28, 2020

City Council: Ben Whalen and Simon Troutman were reelected, and Sean Hayford Oleary was newly elected. The Edwina Garcia Community Builders Award was introduced and awarded to Rick Jabs.

Housing and Redevelopment Authority (HRA): The Legion site was determined to be too large of a purchase for the HRA, but the moratorium was not affected by the decision.

Richfield School Board: Elementary students are expected to be back in the classroom before older students. The fail rate at the high school is high and will need to be addressed.

Transportation Commission: none – liaison needed.

Chamber of Commerce: none.

CITY PLANNER'S REPORT

A study session is planned for next month's Planning Commission meeting, focusing on the Home Occupation rules. Future work sessions are planned to discuss subdivision and platting rules. A joint work session with the HRA and City Council is planned for changes to the multi-family district rules. Chair Quam proposed adding an introductory statement explaining the commission's role in reviewing each planning case, when each case is presented at Planning Commission meetings.

ADJOURNMENT

The next regular meeting will be Monday, February 22, 2021, at 7pm on the Webex online meeting platform. The work session will be held before the regular meeting, at 6pm, on February 22, 2021. There will also be a work session planned for March 9, 2021.

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

Motion carried: 6-0

The meeting was adjourned by unanimous consent at **7:36 p.m.**

Planning Commission Secretary



PLANNING COMMISSION MEETING

2/22/2021

REPORT PREPARED BY: Nellie Jerome, Assistant Planner

CITYPLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director
2/16/2021

ITEM FOR COMMISSION CONSIDERATION:

Conduct a public hearing and consider changes to the City's Zoning Code that would allow for slightly larger garage structures if an Accessory Dwelling Unit is attached, in the single-family (R and R-1) residential districts.

EXECUTIVE SUMMARY:

In 2015, the City adopted rules that would allow the construction of Accessory Dwelling Units (ADUs) in the Single Family Residential Districts. These rules allowed the construction of internal, attached, and detached ADUs provided a number of criteria were met. The rules did not increase the allowable square footage of garages or the total square footage of all combined accessory structures.

Sections 514.05 and 518.05 (R and R-1 zoning district rules) of the Zoning Code currently limit garage structures to a maximum of 1,000 square feet of floor area. This maximum, described in part *a* of subdivision 3, includes areas devoted to car parking, storage, accessory dwelling unit, office, or similar habitable space. Part *b* of subdivision 3 limits the total accessory building floor area to 1,200 square feet or 13% of the lot for lots over 15,000 square feet. For reference, this would be about 1,950 square feet of accessory structures for a 15,000 square-foot lot.

Since 2015, only one new ADU has been constructed; it was an internal ADU.

The applicant would like to build a detached Accessory Dwelling Unit (ADU) as part of a new garage. The proposed ADU would meet setback and height requirements, but would exceed the maximum garage size allowed. The applicant would not meet requirements necessary for approval of a variance, but upon review of the proposal staff has recommended that an ordinance change be considered instead.

The lot at 6821 Oakland Avenue is [insert size] square feet. As a larger lot, the overall square footage of accessory structures allowed is 13% of the lot area or {insert allowable amount} square feet. The proposed ADU is 721 square feet and is designed as a single-level living space using "universal design" principles that makes the space more accessible for people with disabilities or similar needs. The proposed two-car garage is {insert} square feet. This is a modest-size two-car garage; however, combined with the proposed ADU, the total square footage of the structure (ADU + parking space) is 1,325 square feet. While beneath the allowable total for the lot, the structure itself is 325 square feet larger than currently allowed for the single structure.

When ADU standards were initially adopted in 2015, the intent was to allow them above accessory garage structures, not alongside them. Staff is recommending that this decision be reconsidered, as single-level living can be important for households looking to add an ADU. Staff is proposing an ordinance amendment allowing the first 400 square feet of a garage-attached ADU to be deducted from the 1,000 square-foot floor area limit of that garage. Any garage-attached ADU would still need to comply with the 1,200 (or 13% for

large lots) square-foot maximum of total accessory structure floor area. No garage with an attached ADU could be over 1,400 square feet on a large lot (lot size over 15,000 sq. ft) or 1,200 square feet on a small lot (lot size under 15,000 sq. ft).

This proposed ordinance change would not affect ADU size regulations (size requirements of at least 300 square feet up to 800 square feet) and would not affect garage height regulations. This proposed change would make it easier to attach an ADU to the side or rear of a garage, avoiding the need for stairs or height increases. This change could help residents age in-place, and would support more accessible multi-generational living styles.

RECOMMENDED ACTION:

Conduct and close a public hearing and by motion: Recommend approval of an ordinance related to garage size in the single-family residential (R and R-1) districts.

BASIS OF RECOMMENDATION:

A. HISTORICAL CONTEXT

ADU standards were adopted by the City in 2015. Thus far, only one ADU has been constructed.

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

- The attached ordinance details the changes to the garage size limits within single-family residential districts.
- Also attached are the proposed plans for a garage with an ADU for the property located at 6821 Oakland Avenue South.

C. CRITICAL TIMING ISSUES:

- 60-DAY RULE: The 60-day clock 'started' when a complete application was received on February 3, 2021.
- A decision is required by April 4, 2021 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 11, 2021.

ALTERNATIVE RECOMMENDATION(S):

- Recommend rejection of the proposed ordinance and continue the requirement that garage structures must meet the 1,000 square foot maximum.
- Recommend approval of the proposed ordinance with amendments.

PRINCIPAL PARTIES EXPECTED AT MEETING:

John Sylvestre, applicant

ATTACHMENTS:

Description	Type
▣ Ordinance	Ordinance
▣ 6821 Oakland Ave ADU - Proposed Survey	Backup Material
▣ 6821 Oakland Ave ADU - Plans - Architectural	Backup Material

BILL NO. _____

**AN ORDINANCE AMENDING THE RICHFIELD ZONING CODE
REGULATIONS RELATED TO THE SIZE OF GARAGES WITH
ATTACHED ACCESSORY DWELLING UNITS**

THE CITY OF RICHFIELD DOES ORDAIN:

- Section 1 Subsection 514.05 of the Richfield Zoning Code related to permitted private garages in the Single Family Residential (R) Zoning District is amended to read as follows:
- Subd. 3. Private garages (includes attached and detached) or carports:
- a) That do not exceed 1,000 square feet in floor area. In the case of detached garages, floor area shall include space devoted to vehicle parking, storage and non-garage uses such as an accessory dwelling unit, office, or similar habitable space. **The first 400 square feet of space devoted to an accessory dwelling unit is exempt from this requirement, provided the site complies with part (b).** Floor area shall not include crawl spaces or attic storage;
 - b) That do not exceed an aggregate of 1,200 square feet (or 13% of lot area in the case of lots of 15,000 square feet or more) in floor area when combined with all other accessory buildings and attached garages on the lot;
- Section 2 Subsection 518.05, Subd. 3 of the Richfield Zoning Code related to permitted private garages in the Low-Density Single-Family (R-1) Zoning District is amended to read as follows:
- Subd. 3. Private garages (includes attached and detached) or carports:
- a) That do not exceed 1,000 square feet in floor area. In the case of detached garages, floor area shall include space devoted to vehicle parking, storage and non-garage uses such as an accessory dwelling unit, office, or similar habitable space. **The first 400 square feet of space devoted to an accessory dwelling unit is exempt from this requirement, provided the site complies with part (b).** Floor area shall not include crawl spaces or attic storage;
 - b) That do not exceed an aggregate of 1,200 square feet (or 13% of lot area in the case of lots of 15,000 square feet or more) in floor area when combined with all other accessory buildings and attached garages on the lot;
- Section 5 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 23rd day of March, 2021.

Maria Regan Gonzalez, Mayor

ATTEST:

Elizabeth VanHoose, City Clerk

LEGAL DESCRIPTION:
South One-Half of Lot 2, Block 3, PORTLAND AVENUE ACRES, Hennepin County, Minnesota.

- SCOPE OF WORK & LIMITATIONS:
- Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
 - Showing the location of observed existing improvements we deem necessary for the survey.
 - Setting survey markers or verifying existing survey markers to establish the corners of the property.
 - Building dimensions and setbacks measured to outside of siding or stucco.
 - This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown hereon.
 - While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.

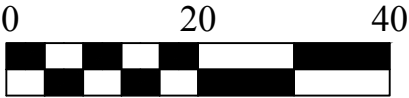
STANDARD SYMBOLS & CONVENTIONS:
"●" Denotes iron survey marker, as noted.

EXISTING HARDCOVER		PROPOSED HARDCOVER	
House	1,503 Sq. Ft.	House	1,503 Sq. Ft.
Decks	355 Sq. Ft.	Decks	355 Sq. Ft.
Driveway/Patio	2,150 Sq. Ft.	Patio	541 Sq. Ft.
Garage/Shed	493 Sq. Ft.	Driveway/Parking Pad	1,272 Sq. Ft.
Front Walk	82 Sq. Ft.	Garage/ADU	1,325 Sq. Ft.
Landscaping/Fireplace	28 Sq. Ft.	Paver Walk	161 Sq. Ft.
AC Pad	8 Sq. Ft.	Landscaping/Fireplace	28 Sq. Ft.
AC Pad	8 Sq. Ft.	AC Pad	8 Sq. Ft.
TOTAL EXISTING HARDCOVER 4,619 Sq. Ft.		TOTAL PROPOSED HARDCOVER 4,652 Sq. Ft.	
AREA OF LOT 15,259 Sq. Ft.		AREA OF LOT 15,259 Sq. Ft.	
PERCENTAGE OF HARDCOVER TO LOT 30.3%		PERCENTAGE OF HARDCOVER TO LOT 30.4%	

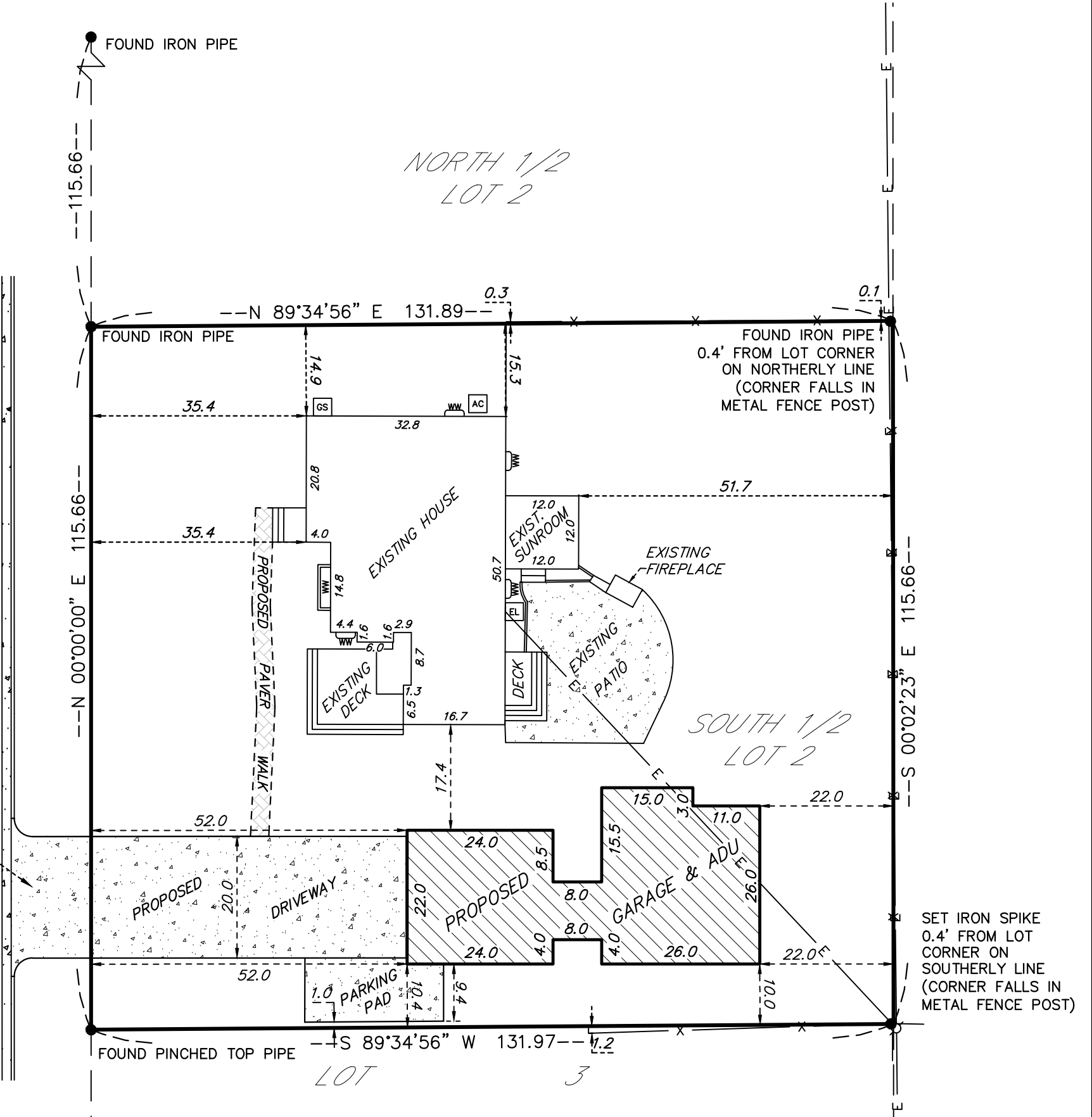
LEGEND

⊙	POWER POLE
WW	WINDOW WELL
AC	AIR CONDITIONER
EL	ELECTRIC METER
GS	GAS METER
— X —	FENCE LINE
— E —	OVERHEAD UTILITY LINE
CONCRETE	CONCRETE

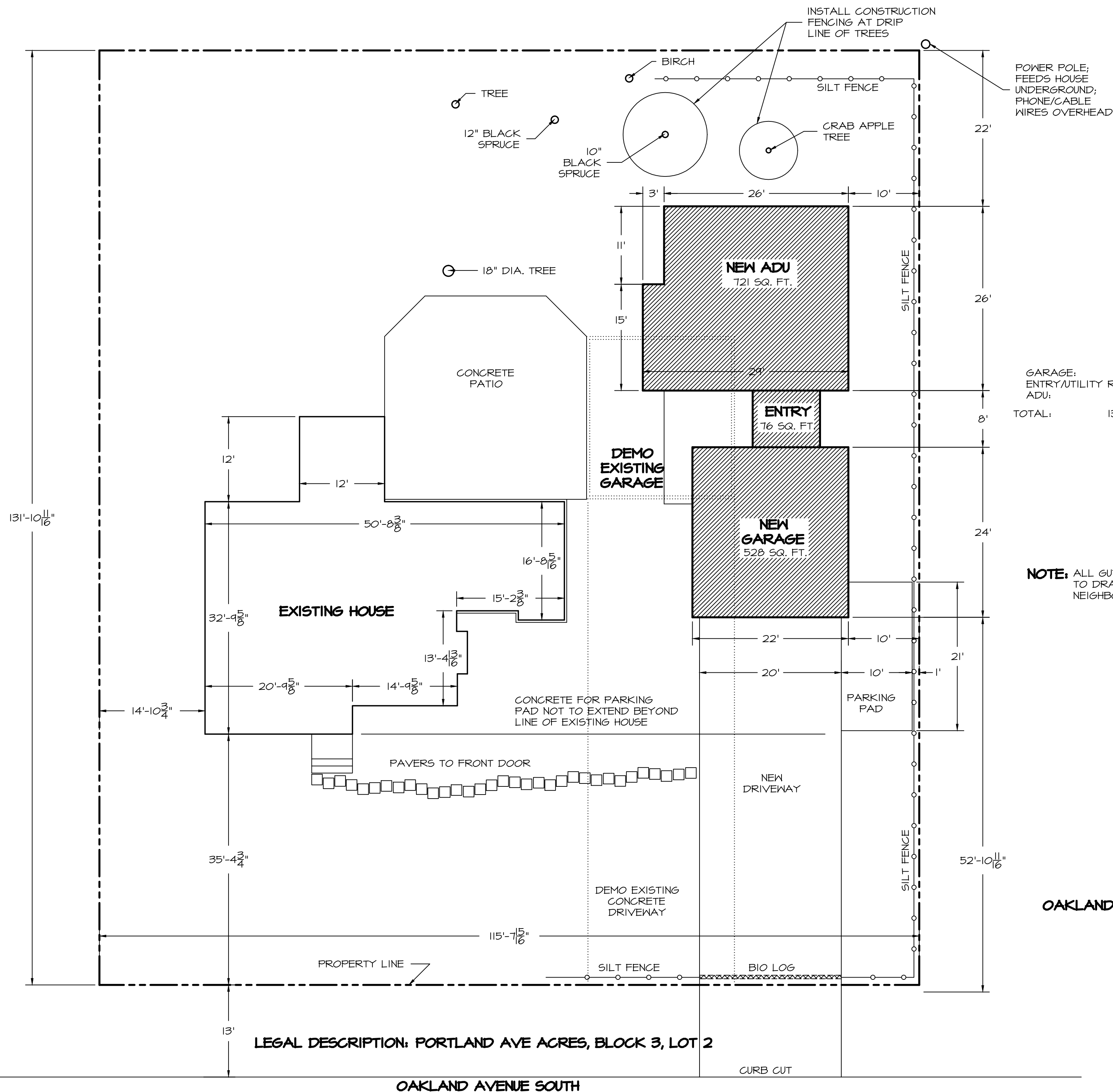
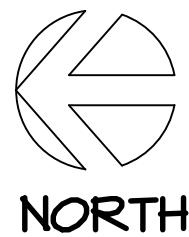
INSTALL NEW CONCRETE DRIVEWAY APRON PER CITY OF RICHFIELD. REPAIR EXISTING CONC. CURB & GUTTER AS NEED PER CITY STANDARDS. SAW CUT REMOVAL AREAS.



OAKLAND AVE S



DATE	REVISION DESCRIPTION	DRAWING ORIENTATION	CLIENT/JOB ADDRESS	<div>Advance Surveying & Engineering, Co.</div> <div>17917 Highway No. 7 Minnetonka, Minnesota 55345 Phone (952) 474-7964 Web: www.advsur.com</div>	I HEREBY CERTIFY THAT THIS PLAN, SURVEY OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND, THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.	DATE SURVEYED:	SHEET TITLE	SHEET NO.
12-11-20	REVISED PROP. ADDITION & UPDATED HC	<div></div> <div>SCALE - 1" = 20'</div>	<div>Sylvestre Construction</div> <div>6821 Oakland Ave S Richfield, MN</div>		<div></div> <div>Thomas M. Bloom</div>	11/18/2020	PROPOSED SURVEY	<div>S1</div> <div>SHEET 1 OF 1</div>
12-17-20	REVISED DRIVEWAY WIDTH FROM 12' TO 20'					DATE DRAFTED:	SHEET SIZE: 11 X 17	
12-17-20	REVISED SITE PLAN					11/19/2020	DRAWING NUMBER 202128 JR	
					<div>#42379</div> <div>LICENSE NO.</div>	<div>11/19/2020</div> <div>DATE</div>		



PROPOSED SITE PLAN

SCALE: 1" = 10'-0"

SYLVESTRE
DESIGN & REMODELING

www.SylvestreConstruction.com
7708 Fifth Avenue South Minneapolis, Minnesota 55423
612-861-0188
MN. LICENSE #1428

REVISIONS	
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11-17-20	
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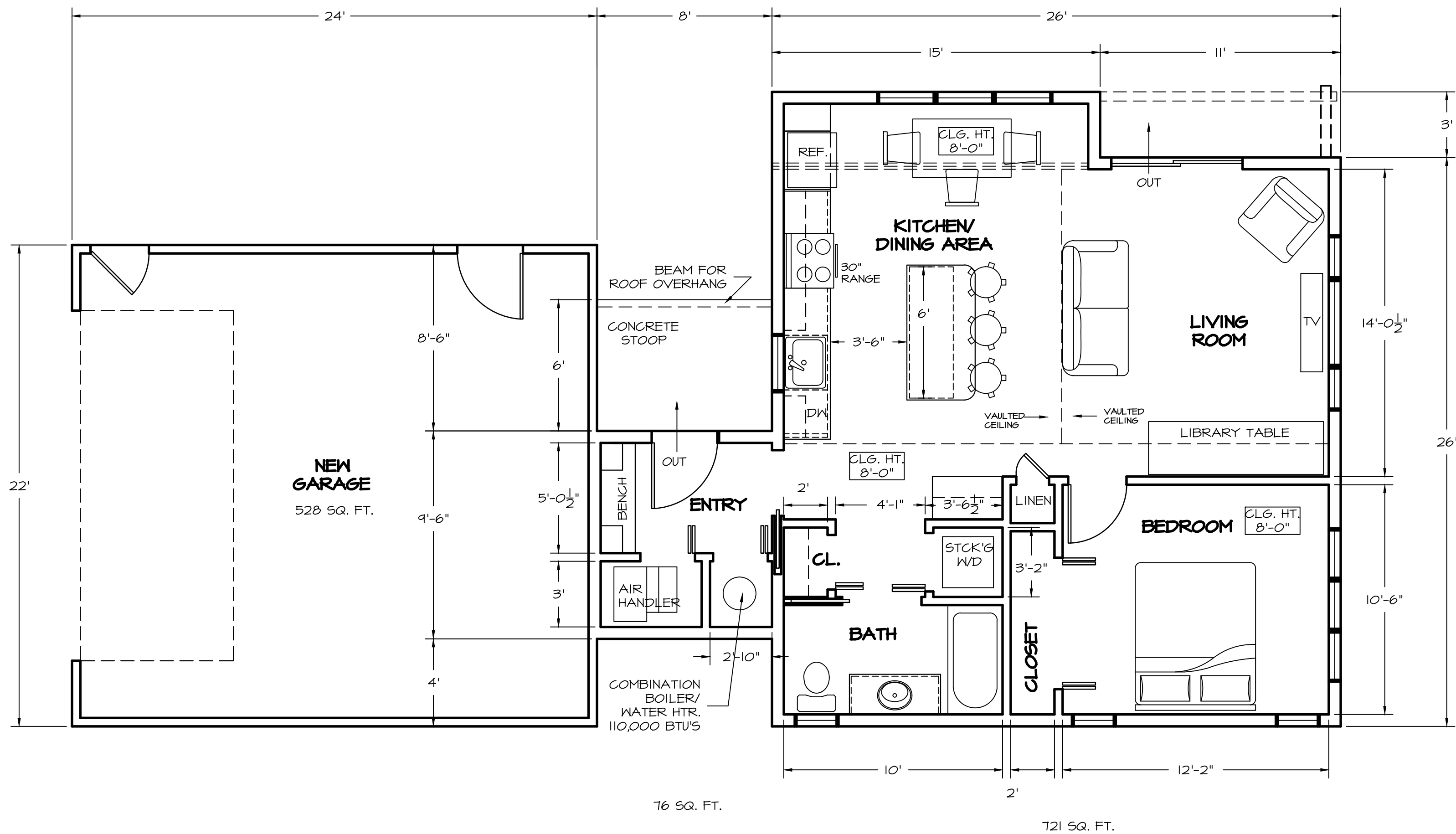
DATE	DRN BY	FILENAME
08-27-20	JK	CAD.L085 2020 MCINERNY-8

PREPARED FOR:
MCINERNY RESIDENCE
MARGARET MCINERNY
6821 OAKLAND AVENUE SOUTH
RICHFIELD, MN 55423

PROPOSED SITE PLAN

SHEET

1



PROPOSED PLAN---GARAGE AND ADU

132.5 TOTAL SQ. FT.

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

PREPARED FOR:

MCINERNY RESIDENCE
MARGARET MCINERNY
6821 OAKLAND AVENUE SOUTH
RICHFIELD, MN 55423

PROPOSED PLAN

SHEET

2

REVISIONS

04-17-20
10-06-20
10-15-20
11-05-20
11-12-20
11-17-20
12-08-20

DATE

08-21-20

DRN BY

JK

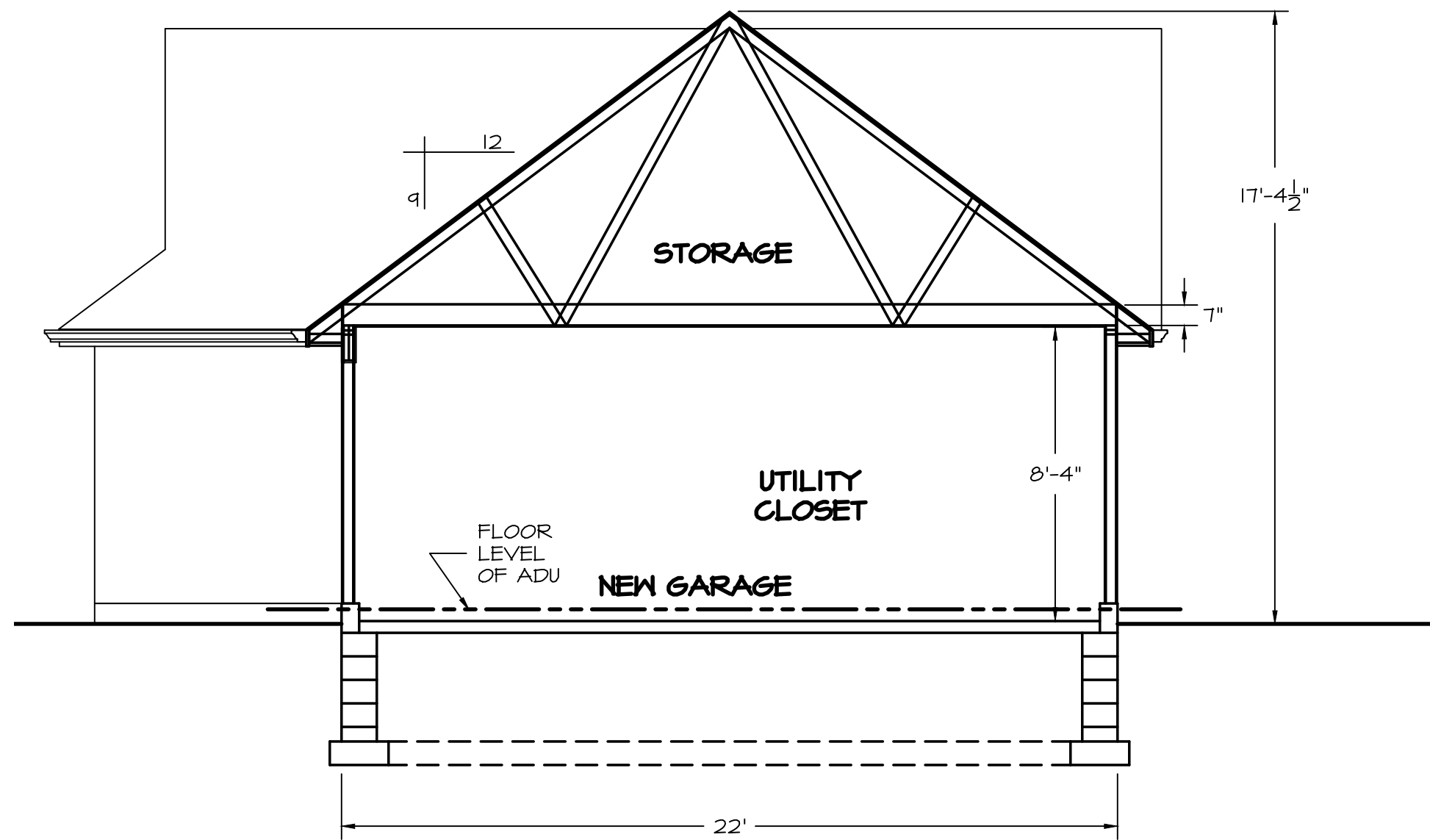
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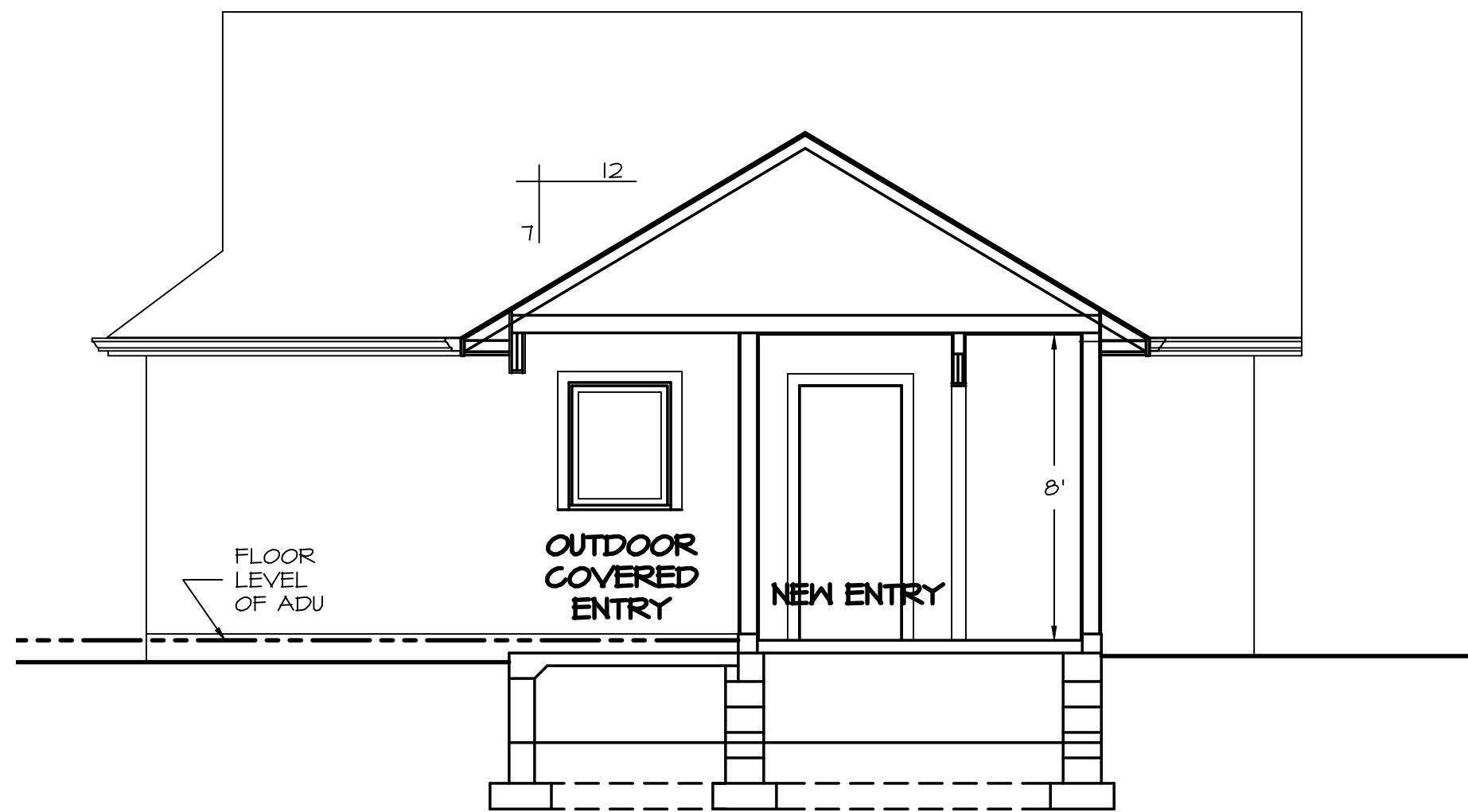
MCINERNY-6

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SECTION THROUGH PROPOSED GARAGE
SCALE: 1/4" = 1'-0"



SECTION THROUGH PROPOSED ENTRY
SCALE: 1/4" = 1'-0"

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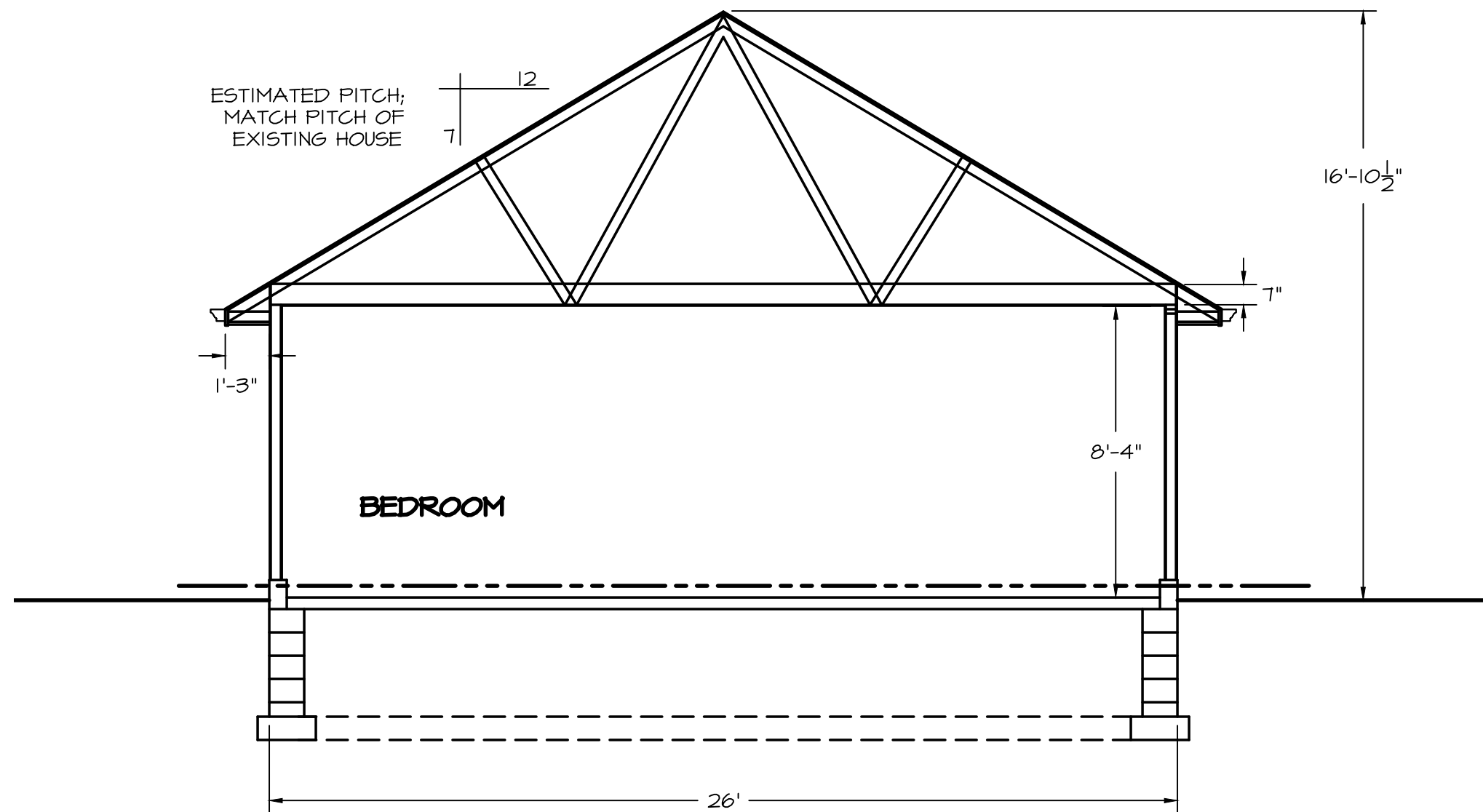
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PREPARED FOR:
MCINERNY RESIDENCE
MARGARET MCINERNY
6821 OAKLAND AVENUE SOUTH
RICHFIELD, MN 55423

SECTIONS

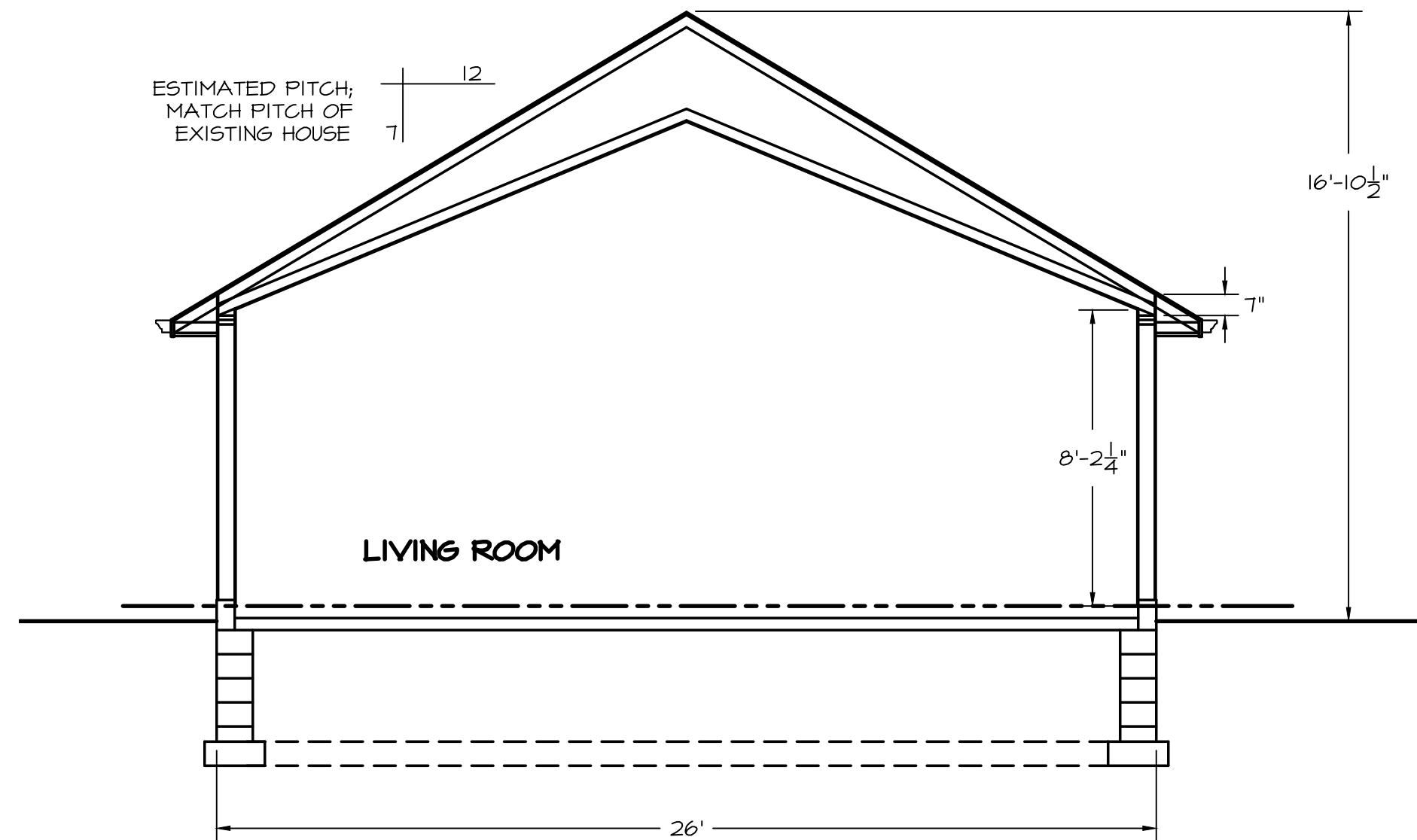
SHEET

3



SECTION THROUGH ADU, 8' CEILING

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



SECTION THROUGH ADU, VAULTED CEILING

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

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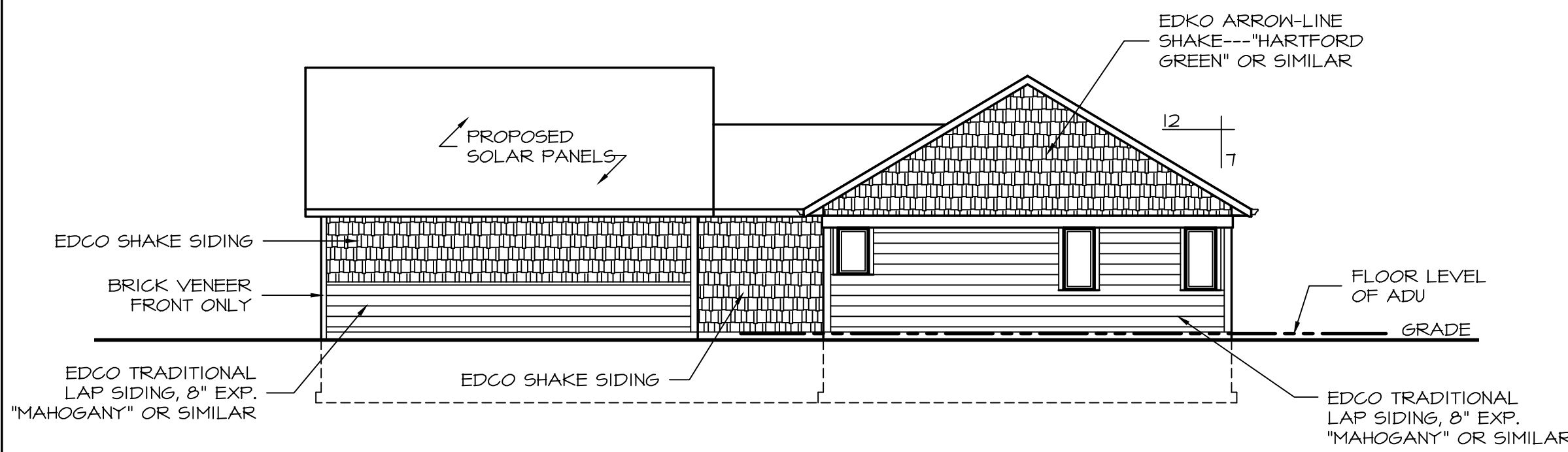
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PREPARED FOR:
MCINERNY RESIDENCE
MARGARET MCINERNY
6821 OAKLAND AVENUE SOUTH
RICHFIELD, MN 55423

SECTIONS

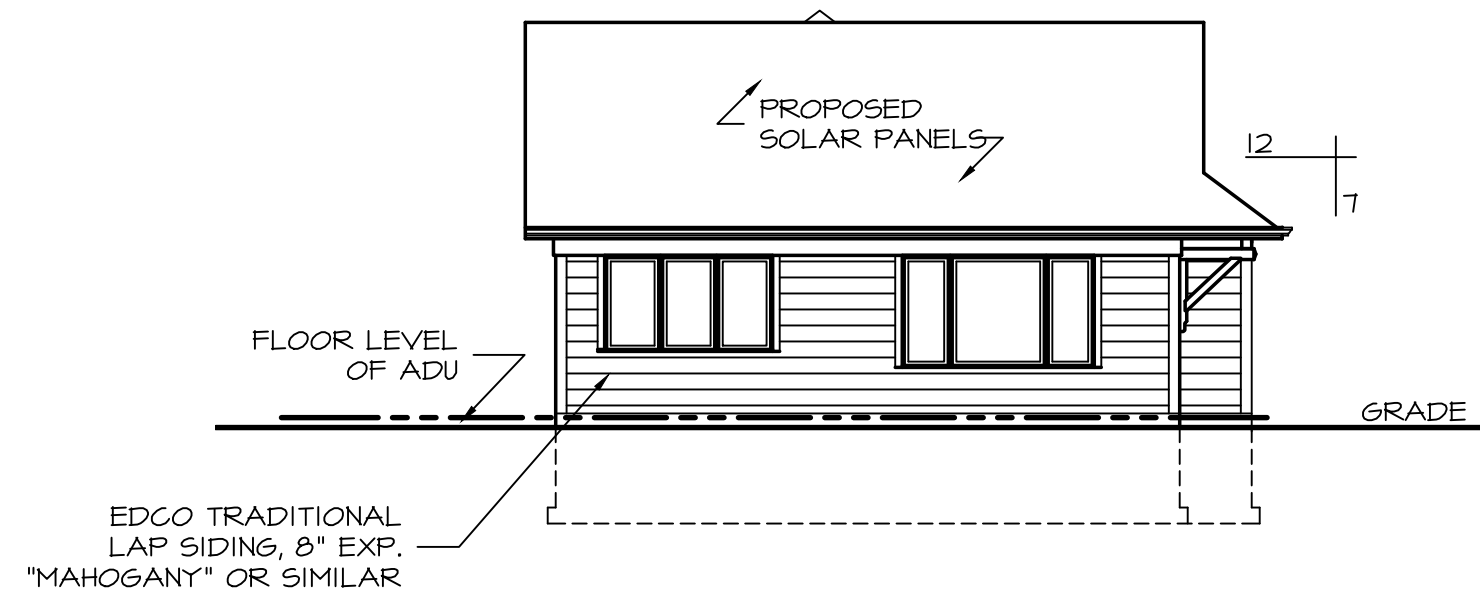
SHEET

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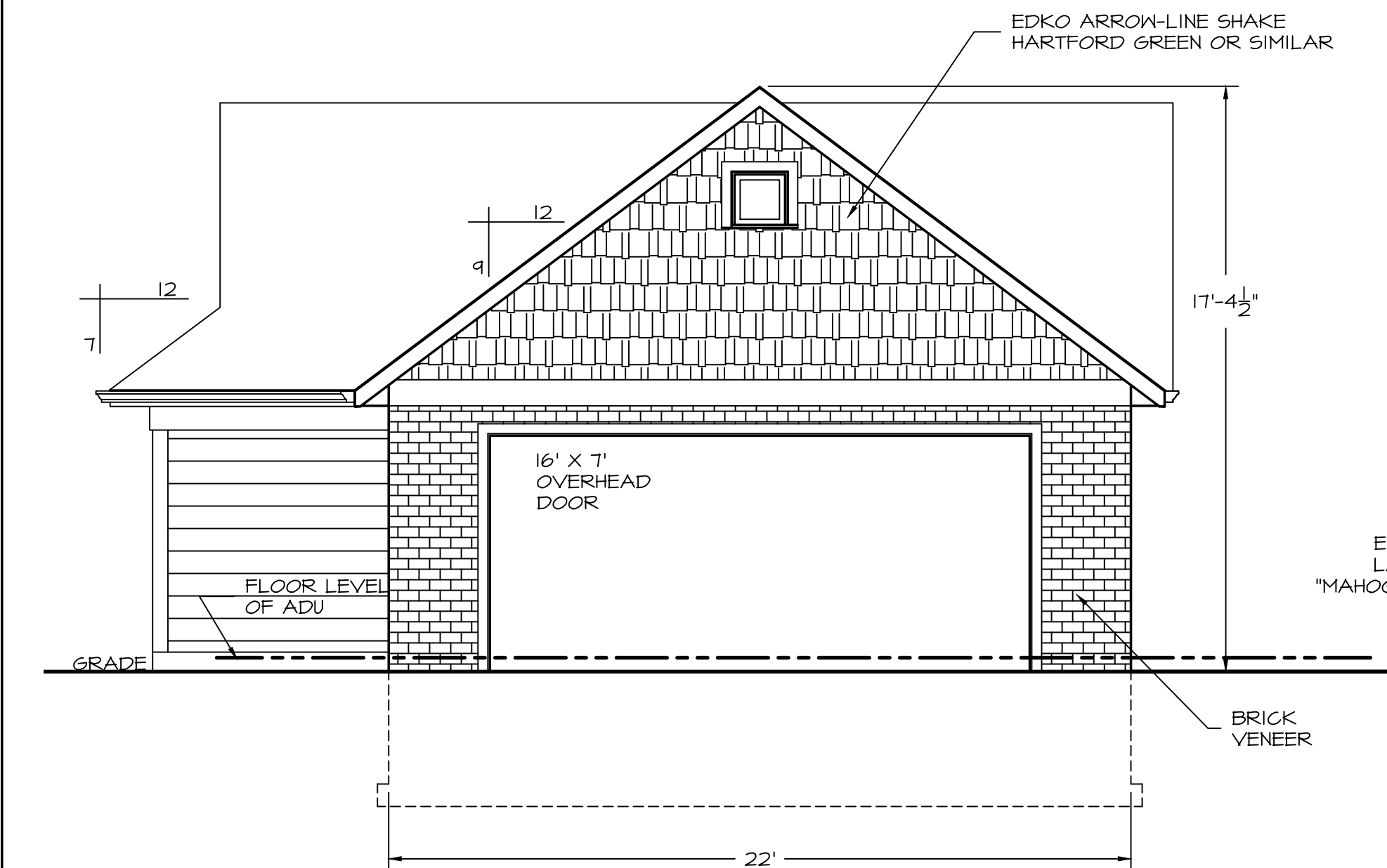
PROPOSED SOUTH SIDE ELEVATION

SCALE: 1/8" = 1'-0"



PROPOSED EAST SIDE ELEVATION

SCALE: 1/8" = 1'-0"



PROPOSED FRONT ELEVATION---WEST

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



PROPOSED NORTH SIDE ELEVATION

SCALE: 1/8" = 1'-0"

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PREPARED FOR:
MCINERNY RESIDENCE
MARGARET MCINERNY
6821 OAKLAND AVENUE SOUTH
RICHFIELD, MN 55423

ELEVATIONS

SHEET

5



PROPOSED WEST ELEVATION, HOUSE AND GARAGE

SCALE: 1/8" = 1'-0"

PREPARED FOR:

MCINERNY RESIDENCE

MARGARET MCINERNY

6821 OAKLAND AVENUE SOUTH

RICHFIELD, MN 55423

FRONT ELEVATION

SHEET

6

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REVISIONS

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10-06-20
10-12-20
10-15-20
11-17-20
12-08-20

AGENDA SECTION:	Other Business
AGENDA ITEM #	2.
CASE NO.:	



PLANNING COMMISSION MEETING

2/22/2021

REPORT PREPARED BY: LaTonia DuBois, Administrative Assistant

CITYPLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director
2/16/2021

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:

N/A

AGENDA SECTION:	Other Business
AGENDA ITEM #	3.
CASE NO.:	



PLANNING COMMISSION MEETING

2/22/2021

REPORT PREPARED BY: LaTonia DuBois, Administrative Assistant

CITYPLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director
2/16/2021

ITEM FOR COMMISSION CONSIDERATION:

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

EXECUTIVE SUMMARY:

City Council:

The City Council is the legislative branch of the City government. The Council is responsible for the efficient operation of the City through the enactment of policies and ordinances that are administered by staff. The City Council meets every second and fourth Tuesday at 7:00 p.m., currently via Webex. Commissioner Rosenberg served as liaison to the City Council for 2020.

Community Services Advisory Commission:

The Community Services Commission is an advisory group appointed by the City Council to discuss and provide feedback on City issues relating to recreation, parks, public works and any other issues as directed. The Community Services Advisory Commission meets on the third Tuesday of the month at 7:00 p.m., currently via Webex. Commissioner Rudolph served as liaison to the Community Services Advisory Commission for 2020.

Housing and Redevelopment Authority:

The Housing and Redevelopment Authority (HRA) is responsible for certain types of housing, economic, and commercial/industrial development and redevelopment in the City. The Housing and Redevelopment Authority meets every third Monday at 7:00 p.m., currently via Webex. Commissioner Quam served as liaison to the HRA in 2020.

Richfield School Board:

The School Board is comprised of locally elected public officials who provide strategic guidance for the Richfield Public Schools and oversee and review the Schools' management. Although the Richfield Public Schools are a completely separate entity from Richfield City Government, the Commission also appoints a liaison to the Richfield School Board. The School Board generally meets the first and third Monday of each month at 7:00 p.m., meetings currently being held virtually. Commissioner Lavin served as liaison to the School Board for 2020.

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 p.m., currently via Webex. Commissioner Hayford Oleary served as liaison to the Transportation Committee in 2020.

RECOMMENDED ACTION:

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

BASIS OF RECOMMENDATION:

A. **HISTORICAL CONTEXT**

None

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

None

C. **CRITICAL TIMING ISSUES:**

None

D. **FINANCIAL IMPACT:**

None

E. **LEGAL CONSIDERATION:**

None

ALTERNATIVE RECOMMENDATION(S):

None

PRINCIPAL PARTIES EXPECTED AT MEETING:

N/A



PLANNING COMMISSION MEETING 2/22/2021

REPORT PREPARED BY: LaTonia DuBois, Administrative Assistant

CITYPLANNER REVIEW: Melissa Poehlman, Asst. Community Development Director
2/16/2021

ITEM FOR COMMISSION CONSIDERATION:

Review of Planning Commission Bylaws.

EXECUTIVE SUMMARY:

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

RECOMMENDED ACTION:

No action is necessary unless changes are proposed.

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

- ▢ City Code Section 305
- ▢ 2018 Bylaws

Backup Material

Backup Material

SECTION 305. - ADMINISTRATION; COMMISSIONS; BOARDS

305.00. - Definitions.

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

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

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

305.01. - Creation; general requirements.

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

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

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

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

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

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

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

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

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

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

Subd. 9. Bylaws/rules of procedure.

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

305.03. - Establishment of human rights commission.

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

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

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

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

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

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

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

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

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

305.05. - Fire Civil Service Commission.

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

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

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

305.07. - Planning commission.

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

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

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

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

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

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

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

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

305.09. - Board of health.

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

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

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

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

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

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

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

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

PART I. MEETINGS

Section 1. Regular Meetings

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

Section 2. Work Session Meetings

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

Section 3. Special Meetings

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

Section 4. Quorum

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

Section 6. Voting

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

Section 7. Proceedings

a) Format of Meeting

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

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

b) Public Hearing

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

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

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

PART II. ORGANIZATION

Section 1. Election of Officers

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

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

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

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

Section 2. Tenure

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

Section 3. Duties of Officers

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

a) Chairperson

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

b) Vice-chairperson

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

c) Secretary

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

PART III. MISCELLANEOUS

Section 1. Suspension of Rules

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

Section 2. Amendments

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

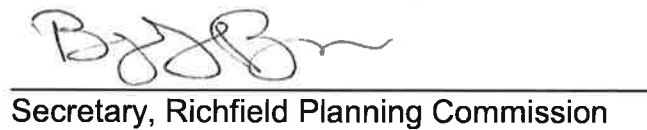
Section 3. Review

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

Adopted this 26th day of February, 2018



Chairperson, Richfield Planning Commission



Secretary, Richfield Planning Commission