

**REGULAR MEETING
OAKDALE PLANNING COMMISSION
July 2, 2020**

The Oakdale Planning Commission held a meeting on Thursday, July 2, 2020 at Oakdale City Hall, 1584 Hadley Avenue North, Oakdale, Minnesota. The meeting began at 7 PM with the Pledge of Allegiance.

CALL OF ROLL

On a call of roll, the following were present:

Chairperson: Dallas Pierson

Commissioners: Bob Boullianne
Christopher Campbell
Emily Milles
Lee Stolarski
Yaya Diatta
Marty Jurgensen

Others Present: Emily Shively, City Planner
Mary Cutrufello, Associate Planner
Jake Ingebrigtsen, Council Member

APPROVAL OF MINUTES

A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY COMMISSIONER MILLES, TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JUNE 4, 2020, AS PRESENTED.

6 AYES

COMMISSIONER JURGENSEN ABSTAINED AS HE WAS ABSENT FROM JUNE 4, 2020 MEETING

CITY COUNCIL UPDATE

Council Member Ingebrigtsen shared that the city will be receiving a bit over \$2,100,000.00 as a result of the Federal Cares Act. This money must be used for COVID-19 related issues.

PUBLIC HEARINGS

a. CONDITIONAL USE PERMIT FOR A 240 SQUARE FOOT ACCESSORY BUILDING AT 614 GREENE AVENUE NORTH (PRAY)

Associate Planner Cutrufello presented a CUP for a 20 x 12 foot shed for Dylan and Dakota Pray, 614 Greene Ave N., zoned R-3 (Low-Density Residential).

Ms. Cutrufello shared in detail that the request meets all 7 General Criteria for Granting a CUP as well as all 4 Specific CUP Criteria for Accessory Buildings Exceeding the Number and Size in the Ordinance.

Staff has determined that the request for a Conditional Use Permit for a large accessory building meets the requirements of the zoning ordinance. Staff recommends approval of the Conditional Use Permit.

In response to a question from Chair Pierson, Ms. Cutrufello explained that the CUP will be effective for as long as the structure remains.

In response to a question from Commissioner Jurgensen, Dakota and Dylan Pray explained that they have already taken down an old, dilapidated shed that was in the other back corner.

Chair Pierson opened the public hearing. There being no questions, Chair Pierson closed the public hearing.

COMMISSIONER STOLARSKI MADE A MOTION, SECONDED BY COMMISSIONER BOULLIANNE TO RECOMMEND APPROVAL OF THE CONDITIONAL USE PERMIT FOR A 240 SQUARE FOOT ACCESSORY BUILDING AT 614 GREENE AVENUE NORTH (PRAY)

7 AYES

b. ZONING ORDINANCE TEXT AMENDMENT: ACCESSORY APARTMENTS

Planner Shively explained that a Zoning Ordinance Text Amendment is a policy decision. This is creating those standards by which other applications will be evaluated against. Therefore this is a legislative action. The comprehensive plan has the most discretion, where the Zoning Ordinance is a tool to implement that policy going forward. Staff has had a number of requests over the past couple of months of residents interested in adding another unit to their property. Examples include, small house on large lot wanting to add another small house, single family home located within a multifamily zoning district that would like to add a duplex to their single family home, and a request to add onto a single family home a mother-in-law apartment.

Ms. Shively explained that our current zoning ordinance allows for this mother-in-law apartment, but with specific standards which must be met. The City allows those apartments with a Conditional Use Permit. However, Staff found two issues with current performance standards: 1) Current ordinance limits the new additions to no more than 10% of square footage of existing home, and 2) current ordinance requires the owner of the home reside in one of the units. Staff would like to move forward with recommendations on one or both items.

After a question from Chair Pierson, Ms. Shively noted that the Planning Commission may separate out each item and address them separately. One is the physical structure and the other the occupancy piece.

In response to a question from Chair Pierson, Planner Shively explained that we have 6 residential zoning districts. R-1 and R-2 only allow single family homes. R-3 allows single family and two family homes. R-4 allows single family, two family, and three to eight dwelling units, R-5 allows

apartment buildings, multifamily housing, R-6 allows manufactured housing communities. This amendment starts in R1 and will roll-up to succeeding districts. Accessory buildings are allowed in R-1 – R-4 zoning districts.

In response to a question from Commissioner Boullianne, Ms. Shively shared that R1 and R2 are primarily low density larger lots and also explained that a fairly modest proportion of Oakdale is zoned R-1.

In response to a question from Commissioner Jurgensen, Ms. Shively stated that she did not know how many rental licenses the city currently has. She stated that we do have single family, two family, and multi-family. Commissioner Jurgensen stated he would like to see the owner be onsite, and invested in the community.

In response to a question from Commissioner Diatta, Planner Shively noted that a duplex typically has equivalently sized units whereas an accessory apartment needs to be subordinate to the principal structure. She also explained that an accessory apartment needs to be attached to the single family home; Oakdale does not currently allow a separate detached unit.

Chair Pierson noted that the main distinction in the ordinance between a duplex and an accessory apartment is where the door is.

In response to a question from Commissioner Diatta, Planner Shively indicated currently there is no requirement to have separate utilities for an accessory apartment.

Commissioner Boullianne noted that the requirement of the renter in the accessory apartment being family is not listed in the ordinance. He expressed concern regarding creating duplexes in low-density R-1 and R-2 zoning districts.

In response to a concern from Chair Pierson that properties could devolve quickly into apartment buildings, Ms. Shively shared the Performance Standards state that only one apartment will be created within a single family home, and only allowed via a Conditional Use Permit. She also mentioned that if a home with an accessory apartment is then sold, and the new owners rent out the apartment, it would trigger a code enforcement if there was not a rental license. Also, at that property, only one rental license is allowed, if the owner occupancy is required.

Commission Diatta shared that homeownership is important, however there is a crisis for housing. He feels that this is an equity issue, but also important that the homeowner is onsite to provide upkeep and maintenance.

Chair Pierson shared that this is the only way the promise of single family housing is kept to current homeowners. Planner Shively noted that currently non-owner occupancy is allowed in R-1 and R-2 zoning districts.

Ms. Shively explained that Staff feels old item (G), two year CUP provision, in 'Attachment A – Draft Accessory Apartment Ordinance under Section 1 item 3', is administratively burdensome and

difficult. It goes against what a CUP is intended to do, which is running with the land. The City's rental licensing program was established subsequent to this ordinance and with a rental license an annual inspection is required.

Chair Pierson opened the meeting for comments from the audience. There being no comments, he closed the public hearing.

CHAIR PIERSON MADE A MOTION, SECONDED BY COMMISSIONER STOLARSKI, TO RECOMMEND AMENDING CHAPTER 25, ARTICLE 6, SECTION 25-23(C) AS FOLLOWS:

- (3) Accessory apartments according to the following conditions:
- (a) The apartment will be a complete, separate housekeeping unit that can be isolated from the original unit.
 - (b) Only one apartment will be created within a single-family house.
 - (c) The owner(s) of the residence in which the accessory unit is created shall occupy at least one of the dwelling units on the premises, except for bonafide temporary absences.
 - (d) The accessory apartment shall be designated so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building, ~~and any additions shall not increase the square footage of the original house by more than ten (10) percent.~~
 - (e) The design and size of the apartment conforms to all applicable standards in the health, building, and other codes.
 - (f) At least three (3) off-street parking spaces are available for use by the owner-occupant(s) and tenants(s).
 - ~~(g) The effective period of the special exception use shall be two (2) years. At the end of every two (2) years, renewal shall be automatically granted upon receipt of certification by the City Administrator that the property remains the principal residence of the owner and that all other conditions met at the time of the original application remain unchanged. The City Administrator in his sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Special Use Permit.~~
 - ~~(h)~~(g) Any other appropriate or more stringent conditions deemed necessary by the City Council to protect public health, safety, and welfare, and the single-family dwelling character of the neighborhood.

7 AYES

INFORMATIONAL ITEMS

a. Planning and Development Update

Planner Shively mentioned that the City Council approved the site plans for Auto Zone, Park Tool and Eagle Point Elementary at their last meeting.

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Ms. Shively mentioned that there will most likely be an August Planning Commission meeting; the Willowbrooke applications may or may not be ready for August, and may come in September.

ADJOURMENT

A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY COMISSIONER BOULLIANNE, TO ADJOURN THE JULY 2, 2020 MEETING OF THE OAKDALE PLANNING COMMISSION AT 7:57 PM.

7 AYES

Respectfully submitted,

Jackie Knutson
Recording Secretary