

**REGULAR MEETING
OAKDALE PLANNING COMMISSION
June 1, 2023**

The Oakdale Planning Commission held a meeting on Thursday, June 1, 2023 at Oakdale City Hall, 1584 Hadley Avenue North, Oakdale, Minnesota. The meeting began at 7:00 PM with the Pledge of Allegiance.

CALL OF ROLL

On a call of roll, the following were present:

Chairperson: Dallas Pierson

Commissioners: Michael McCauley
Lee Stolarski
Christopher Campbell
Yaya Diatta
Janet Hagen

Also Present: Luke McClanahan, City Planner
Max Lohse, Community Development Specialist
Jake Ingebrigtsen, City Council Liaison
Martin Tahara, applicant, 6200 25th St N
Paul Tabone, applicant, Lennar Corporation
Erin Perdu, Stantec Consulting

Not Present: Tom Willenbring

APPROVAL OF MINUTES

A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY COMMISSIONER CAMPBELL, TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 6, 2023 AS PRESENTED.

VOTED IN FAVOR:

Chair Pierson	AYE
Commissioner Stolarski	AYE
Commissioner Campbell	AYE
Commissioner McCauley	AYE
Commissioner Diatta	AYE
Commissioner Hagen	AYE

6 Ayes. Motion approved.

PLANNING COMMISSION REVIEW

a. NEW BUSINESS

i. PUBLIC HEARING – MARTIN TAHARA, PARCEL ID 1902921230032 – CONDITIONAL USE PERMIT FOR AN ADDITIONAL ACCESSORY STRUCTURE

Max Lohse, Community Development Specialist, presented in detail the conditional use permit (CUP) request. The request is to enable the placement of an additional accessory structure, non-commercial storage building, on the subject property. The property is zoned R-2 and the proposed building is 900 square feet in size. The only utility will be electric. There is an existing accessory structure on the property, but the CUP process allows for an additional accessory structure if certain conditions are met. The structure is proposed to be on a vacant lot that abuts right-of-way. However, no street exists in the abutting right-of-way. Access to the structure will be to the south, from 25th Street.

Staff finds that the CUP request meets the review criteria of the ordinance, as detailed in the staff report on file. Staff recommends approval of the request subject to the following conditions in the draft resolution.

- The applicant convey Lots 3, 7, and 8, Block 2, Landglade Park on the same deed, to be maintained under the same ownership.
- Vehicular access to the accessory structure shall be via 25th Street North only.
- The accessory structure shall meet setback and height requirements.
- The applicant obtain a building permit for the use.

Chair Pierson asked if police and fire have reviewed the request to make sure the access is acceptable for vehicles. Mr. Lohse said that yes, they have reviewed the request.

Commissioner Stolarski asked for clarification on the deed situation. Mr. Lohse said that the applicant will need to convey the lots onto one deed, so they would have to be sold together.

Commissioner Campbell asked what if the applicant sells the lots separately. City Planner Luke McClanahan said that would result in a non-conforming situation and the City would work towards bringing the property into compliance.

Commissioner McCauley asked for further clarification on the deed conveyance and if it would serve to combine the lots. Mr. McClanahan said that functionally, yes, the deed would essentially serve as a way to combine the lots without requiring a full re-subdivision. Commissioner McCauley asked if the deed would be recorded, to which Mr. McClanahan said that yes the deed has to be recorded. Commissioner Campbell said that if the lots were combined through a lot line adjustment, it would prevent a non-conforming situation.

Commissioner Diatta stated that the lot with the proposed structure would technically not have a principle building. This could be an enforcement problem for the City if the lot with the proposed building is sold by itself. Commissioner Campbell agreed with the Commissioner Diatta.

Chair Pierson opened the public hearing.

Martin Tahara, 6200 25th Street North, said that he is going through the CUP process to make sure he can build the structure before spending more money towards the lot combination or building plans.

Commissioner McCauley asked what other buildings are on the property. Mr. Tahara said besides an attached garage, there is an 8-foot by 8-foot shed.

Chair Pierson closed the public hearing.

Commissioner Stolarski suggested tabling the item. Chair Pierson said that the applicant is seeking direction on this request now to see if it will move forward. Commissioner Diatta suggested that the Commission approve the request with a condition that the lots be re-subdivided as one lot. Chair Pierson asked if that would cause a burden on the applicant. Mr. McClanahan said that the applicant would have to go through the full subdivision process, including survey work, potential environmental review, and preparing legal documents. Commissioner Campbell said that just because the process may cause a burden, the Commission cannot adjust the rules. Commissioner Campbell said that the commission is a recommending body and if they recommend that the lots be re-subdivided, it would still allow staff time to work with the applicant before the request is heard by the City Council.

COMMISSIONER CAMPBELL MADE A MOTION, SECONDED BY COMMISSIONER DIATTA, RECOMMENDING APPROVAL OF THE CONDITIONAL USE PERMIT FOR AN ADDITIONAL ACCESSORY STRUCTURE AT PARCEL ID 1902921230032 SUBJECT TO THE FOLLOWING CONDITIONS.

- The applicant shall re-subdivide Lots 3, 7, and 8, Block 2, Landglade Park to be a single lot.
- Vehicular access to the accessory structure shall be via 25th Street North only.
- The accessory structure shall meet setback and height requirements.
- The applicant obtain a building permit for the use.

VOTED IN FAVOR:

Chair Pierson	AYE
Commissioner Stolarski	AYE
Commissioner Diatta	AYE
Commissioner Campbell	AYE
Commissioner McCauley	AYE
Commissioner Hagen	AYE

6 Ayes. Motion approved.

ii. PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT – LENNAR CORPORATION – AMENDING THE WILLOWBROOKE PUD TO ALLOW ACCESSORY APARTMENTS AS ACCESSORY USES ON CERTAIN SINGLE FAMILY LOTS

City Planner Luke McClanahan presented in detail the request for an amendment to the Willowbrooke PUD. The Willowbrooke neighborhood is situated north of the 4Front campus, and between I-694 and Ideal Avenue. Lennar Corporation, the company behind development of all the single family homes and some townhomes in the Willowbrooke area, is requesting a PUD amendment in order to allow Accessory Apartments on certain single family lots, locate north of 40th Street. Lennar would like to offer this “NextGen” home option for multigenerational living arrangements. For the purpose of Zoning in Oakdale, an Accessory Apartment is described as a complete, separate housekeeping unit that can be isolated from the primary dwelling. They are attached, not detached, secondary dwellings. Mr. McClanahan displayed the proposed floor plans and renderings of the NextGen models.

Mr. McClanahan said that properties in Oakdale zoned R1 through R4 are eligible for accessory apartments if they obtain approval through a Conditional Use Permit. If this request is approved, the specified lots in Willowbrooke would be allowed to have accessory apartments as a by-right use, as PUD zoning allows for this type of flexibility. Staff recommends that the accessory apartments must meet the same technical criteria for properties in the R1 through R4 zoning districts. Review of the accessory apartments would be conducted at the time of building permit submittal. Staff recommends approval of the request. Mr. McClanahan noted that the public hearing for this request will be held by the City Council on June 27, but if the Commission has any questions, the applicant is in attendance.

In regards to the review criteria listed in the staff report about the property owner being required to reside in either the primary or secondary dwelling, Commissioner Campbell asked how the City would handle the situation if this condition is violated. Mr. McClanahan acknowledged that enforcement is always difficult and the City operates on a complaint basis. If someone reports a violation, code enforcement procedures would be pursued. Commissioner Diatta suggested that city staff consider a home owners affidavit to ensure the home owner lives in one of the units.

Chair Pierson asked if the applicant would like to make any comments.

Paul Tabone, Lennar Corporation, noted that the NextGen product has been built in other developments in the Metro area. Mr. Tabone noted that Lennar provides a declaration to the buyer that the use of the property shall be in accordance with local ordinances and regulations. The applicant noted that there is no firewall between the units as they are not intended to be rentals. For both units, there is one address and one HVAC (Heating, Ventilation, and Air Conditioning) system. Because the product is unique, typically only five or ten percent of their homes contain the accessory apartments. For Willowbrooke, it is estimated that there will be approximately 10 to 20 homes featuring the use.

COMMISSIONER CAMPBELL MADE A MOTION, SECONDED BY COMMISSIONER CAMPBELL, RECOMMENDING APPROVAL OF AN ORDINANCE TO AMEND THE WILLOWBROOKE PLANNED UNIT DEVELOPMENT TO ALLOW ACCESSORY APARTMENTS AS ACCESSORY USES FOR SINGLE FAMILY LOTS PLATTED AS PART OF WILLOWBROOKE EIGHTH ADDITION OR IN SUBSEQUENT ADDITIONS.

VOTED IN FAVOR:

Chair Pierson	AYE
Commissioner Stolarski	AYE
Commissioner Diatta	AYE
Commissioner Campbell	AYE
Commissioner McCauley	AYE
Commissioner Hagen	AYE

6 Ayes. Motion approved.

OTHER BUSINESS

a. Glenbrook Small Area Plan – Preferred Alternative Recommendation

Erin Perdu from Stantec Consulting provided an update on the Glenbrook Small Area Plan. Ms. Perdu reminded the Commission that the Plan is in phase 3. The next step is to take the Commission's preferred alternative to the City Council, and then final plan will be drafted.

Ms. Perdu provided an overview of the challenges facing the Glenbrook neighborhood including truck traffic, lack of pedestrian infrastructure, and conflicting land uses. Ms. Perdu reviewed the three alternates. Alternate A proposes a few land use recommendations, mainly along Upper 51st Street N, and does not reroute traffic. Alternate B proposes a frontage road paralleling Highway 36, and some land use changes. Alternate C, proposes using the undeveloped right-of-way along the east side of Eastgate Apartments to redirect traffic as well as some land use changes along the route.

Since the last Commission meeting, additional input was gathered during two neighborhood meetings and from staff meetings with MNDOT and Washington County. Traffic count information was also collected along Upper 51st and 52nd Street. Information was also gathered through questionnaires. Overall, noise and truck traffic were cited as the largest issues. Silver Lake was the most cited destination for walking and biking. Century Avenue was the most cited barrier from increasing pedestrian travel in the neighborhood.

Feedback from MNDOT indicated that right-of-way along Hwy 36 would not be allowed for use of the proposed frontage road. During the meeting with the County, they brought up the idea of directing truck traffic to use the Hadley Avenue interchange. However, if a physical barrier is in place, it would restrict residential traffic.

Ms. Perdu asked the Commission the following questions. Which alternative is preferred? What land use changes are recommended? Is there a preference to bring industrial properties into compliance with current zoning? And are there are any other considerations?

In regards to bringing industrial properties into compliance with zoning regulations, Commissioner Diatta asked if the City has any legal standing to do so. Ms. Perdu stated that most of these properties are likely legal non-conforming uses. The only legal basis the City has is if the businesses come forward with development or expansion requests, then the City could require compliance with zoning standards.

Commissioner Hagen stated that putting more truck traffic at the intersection of 17th Avenue (50th Street) and Century Avenue could be problematic.

Chair Pierson suggested that there be a way to physically separate truck traffic from the residential neighborhood.

Commissioner Stolarski suggested limiting truck traffic based on business hours, to which Ms. Perdu said that would require strong coordination on enforcement.

Commissioner McCauley asked if the truck traffic route as part of this plan will be settled before the Hwy 36/Century Avenue interchange improvements are finalized by MNDOT. Ms. Perdu said that the Glenbrook plan will be completed long before MNDOT's plan.

Commissioner Campbell said he likes alternative B but there should be physical barrier to separate traffic.

Ms. Perdu noted that some of the truck traffic through the neighborhood is a result of GPS directions. Staff has internally discussed the possibility of contacting the tech companies like Google to reroute traffic in the neighborhood.

Commissioner McCauley asked what the businesses have said about truck traffic. Ms. Perdu said that the business owners direct their drivers to use the Hadley interchange. Mr. McClanahan said that businesses now prefer to use the Hadley interchange after they got used to the traffic patterns.

Commissioner McCauley noted that he is not in favor of physically blocking off roads and instead prefers using signage. Mr. McClanahan noted that signage presents challenges due to enforcement. If another barrier were to be installed at Upper 51st and Glenbrook Avenue, that would cause public safety access issues.

Commissioner Campbell asked about the possibility of narrowing the turn for trucks accessing Upper 51st from Century Avenue. Mr. McClanahan noted that the resident at the corner of Century Avenue and Upper 51st has said that trucks have cut through his property causing damage.

Commissioner McCauley asked Council Member Ingebrigtsen when does the Council look at costs for such a project that would involve road improvements. Council Member Ingebrigtsen said that costs are usually discussed at a Council workshop. In these instances, the City requests proposals for road work and bids are presented.

b. Planning and Development Update

Mr. McClanahan said that it is tentative if there will be a July Commission meeting. There are no active applications on file at this time.

c. City Council Update

Council Member Ingebrigtson was available for any questions. He noted that discussion about the Conditional Use Permit heard earlier at the meeting was very helpful.

ADJOURNMENT

A MOTION WAS MADE BY COMMISSIONER CAMPBELL, SECONDED BY COMMISSIONER STOLARSKI, TO ADJOURN THE JUNE 1, 2023 MEETING OF THE OAKDALE PLANNING COMMISSION AT 8:33 PM.

VOTED IN FAVOR:

Chair Pierson	AYE
Commissioner Stolarski	AYE
Commissioner Diatta	AYE
Commissioner Campbell	AYE
Commissioner McCauley	AYE
Commissioner Hagen	AYE

6 Ayes. Motion approved.

Respectfully submitted,

Luke McClanahan
City Planner