

**REGULAR MEETING
OAKDALE PLANNING COMMISSION
September 1, 2022**

The Oakdale Planning Commission held a meeting on Thursday, September 1, 2022 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: Yaya Diatta
Michael McCauley
Lee Stolarski
Christopher Campbell

Also Present: Luke McClanahan, City Planner
Colleen Swedberg, Council Member Liaison
Zang Yang (applicant), 2147 Helena Rd N
Jeff Charn (applicant), 3887 Hallmark Ave N
Sandy and Tim Flanagan, 7097 Upper 38th St N
Vishal Dutt (applicant), AV Development
Josh McKinney, Measure Group LLC
Shannon Reidlinger, Senior Community Development Specialist

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 JUNE 2, 2022.
VOTED IN FAVOR:**

CHAIR PIERSON	AYE
COMMISSIONER CAMPBELL	AYE
COMMISSIONER STOLARSKI	AYE
COMMISSIONER DIATTA	AYE
COMMISSIONER MCCAULEY	AYE

5 Ayes. Minutes Accepted as presented.

PLANNING COMMISSION REVIEW

a. NEW BUSINESS

i. PUBLIC HEARING – 2147 HELENA ROAD NORTH – CONDITIONAL USE PERMIT FOR AN OVERSIZED ACCESSORY STRUCTURE

City Planner McClanahan presented in detail the variance request from Zang Vang and Mary Yang (please see the staff report on file). The purpose is to enable an existing accessory structure to remain. A shed that exceeds the maximum amount for square footage allowed per zoning code. The square footage is 240 square feet. The maximum allowed is 120 square feet. Staff finds that it meets the review criteria for a conditional use permit. The use should not negatively affect surrounding property or impact infrastructure or environmental features. The property will continue to be adequately serviced by public services. The applicant obtained signatures from neighbors within 100 feet of this property and there were no objections noted on that signature page. Staff recommends approval subject to two conditions. The first one is that the accessory structure shall meeting setback requirements. The second is that the applicant needs to obtain a building permit for the accessory structure.

Chair Pierson opened the public hearing to individuals who would like to comment (there were no public comments).

Chair Pierson closed the public hearing.

Commissioners verified that the motion would contain the recommendations from staff before voting.

COMMISSIONER STOLARSKI MADE A MOTION, SECONDED BY COMMISSIONER DIATTA, RECOMMENDING APPROVAL OF THE CONDITIONAL USE PERMIT FOR AN OVERSIZED ACCESSORY STRUCTURE AT 2147 HELENA ROAD NORTH.

VOTED IN FAVOR:

CHAIR PIERSON	AYE
COMMISSIONER CAMPBELL	AYE
COMMISSIONER STOLARSKI	AYE
COMMISSIONER DIATTA	AYE
COMMISSIONER MCCAULEY	AYE

5 Ayes. Motion approved.

ii. PUBLIC HEARING – 3387 HALLMARK AVENUE NORTH – VARIANCE

City Planner McClanahan presented in detail the request for a variance by Jeffrey Charn (please see staff report on file). The request is to allow an existing accessory structure, a deck, to remain in its current configuration, which encroaches into the required 5 foot setback from the side lot line. It does not qualify for the administrative review and approval process. The deck is on the north side of the house near the northern lot line. The property is zoned Sun Meadow PUD. Its located 2 feet away from the northern lot line. Staff finds it meets the ordinance criteria for a variance as noted in the staff report. This structure has been in place since 1987. The deck was updated in 2019. The City does not have records on file for those requests. The applicant

provided a list of signatures for property owners within 100 ft. of the site and no objections were noted, and there was a letter of support from another neighbor. An objection was noted over the phone by a neighbor. Staff recommends approval based on the condition that the application obtain a building permit for the accessory structure.

Chair Pierson asked how administrative variances were recorded in the past, and how would we find it. McClanahan stated that there was no record on file. Commissioner Diatta asked if it could be grandfathered in from before it became the current zoning. McClanahan said that the current zoning code predates the house being built. Commissioner Stolarski said the actual footings are at 5 foot, it's the edge of the deck that is 2 feet, and wanted to know why this is being brought forward. McClanahan said a code compliance complaint was and so now an approved variance is needed for the decision.

Chair Pierson opened the public hearing to individuals who would like to comment.

Jeff Charn, the property owner and applicant, said has lived in the house since it was built in 1987. They take a lot of pride in their property and keep it well maintained. They built the deck in 1987 and replaced it exactly in its configuration in 2019. He is seeking a variance on the setback requirement to allow the deck to remain in place. The planning report is well done and well summarized. He is fine with getting the permit to get into compliance. He has always thought they were in compliance and said he had obtained a permit and variance 35 years ago, but the City doesn't keep permits going back that far.

Sandy Flanagan and Tim Flanagan, neighbors, oppose the deck variance. Due to comments and actions from the Charn family, they wanted to put up a fence. They hired a licensed surveyor so there would be no questions about placement of the new fence. During this process they discovered that the Charn fence was over the property line, and the deck was not built within city ordinance. The City confirmed that there is a 5-foot setback. The Flanagan's hired a lawyer to request to move the fence and deck. They gave concerns that the new fence could be damaged from the Charn's deck. They purchased the property in 1991.

Commissioner Campbell asked for verification that the deck has been there since they purchased the property.

Jeff Charn reiterated that the deck has not changed in size.

Chair Pierson closed the public hearing.

The commissioners discussed their role, which is to determine if the variance is allowable.

COMMISSIONER CAMPBELL MADE A MOTION, SECONDED BY COMMISSIONER MCCAULEY, RECOMMENDING APPROVAL OF THE VARIANCE FOR AN EXISTING ACCESSORY STRUCTURE AT 3387 HALLMARK AVENUE NORTH.

VOTED IN FAVOR:

CHAIR PIERSON

AYE

COMMISSIONER CAMPBELL	AYE
COMMISSIONER STOLARSKI	AYE
COMMISSIONER DIATTA	AYE
COMMISSIONER MCCAULEY	AYE

5 Ayes. Motion approved.

iii. PUBLIC HEARING – AV DEVELOPMENT LLC – PUD AMENDMENT, PRELIMINARY AND FINAL PLAT, AND SITE PLAN

City Planner McClanahan presented in detail the request (please see the staff report on file). The request is four parts. It is to approve an amendment to the Oakdale Marketplace PUD, preliminary plat, final plat, and a site plan. The majority of the uses in this PUD are commercial. This request is for 155 unit, 4 story market rate apartment building. Amenities include a courtyard, dog run, and a tot lot. The developer is also proposing new sidewalks.

The applicant has maximized the use of the area. Staff believes most of the technical requirements have been met. Staff has no concerns about traffic impacts, proposed building materials and design, lighting, and also the signage. The developer wants reduced setbacks of 30 ft. The proposed unit density is 35 units per acre. The proposed height is 46 ft 10 in. The proposed parking is 250 spaces. The proposed landscaping for the boulevard along marketplace would include 15 trees, including 8 existing trees they wish to preserve. Staff finds the proposed deviations are appropriate for the site. The applicant has initiated a parking study for the site, which was not a requirement. Staff would like to see parking designated for possible use of electric vehicle charging. For storm water management the applicant will need to obtain a permit through the watershed district. As part of the platting process the applicant will be required to pay for park dedication. Trash enclosures and outside utilities should be included on the site plan and included on the zoning ordinance. There are 2 fire hydrants shown on the plan. The fire marshal should check the distance of them. The results of the sewer study that was conducted by the City revealed that there is sufficient capacity to area the site for future residential use. Staff recommends approval of the request subject to conditions listed in the two resolutions.

The commissioners discussed what public transit is available. They then discussed the sewage system. Commissioners discussed the pricing of the units.

Chair Pierson opened the public hearing to individuals who would like to comment.

Josh McKinney with Measure Group, a consultant for the applicant, verified that the proposal is 155 units. The report for parking should be available next week. They are in talks with the gas company to see if they could utilize the easement for future parking. They are comfortable with all of the conditions of approval.

The commissioners asked question about the tree placement and verification if there was any mechanical on the roof, to which Mr. McKinney stated that they will preserve the trees along the

boulevard and that there will be small utilities on the roof top, but most of the utilities will be in the basement.

Chair Pierson closed the public hearing.

Commissioner Campbell expressed concern about the parking requirements.

Commissioner Diatta expressed concern about there being no fair housing included in this project. Commissioner Campbell stated it isn't the applicant's responsibility if the property isn't zoned as such. Chair Pierson said that fair housing is a separate issue that has to be handled separate from this request.

COMMISSIONER STOLARSKI MADE A MOTION, SECONDED BY COMMISSIONER CAMPBELL, RECOMMENDING APPROVAL OF THE AMENDMENT TO THE OAKDALE MARKETPLACE PUD.

VOTED IN FAVOR:

CHAIR PIERSON	AYE
COMMISSIONER CAMPBELL	AYE
COMMISSIONER STOLARSKI	AYE
COMMISSIONER MCCAULEY	AYE

VOTED IN OPPOSITION:

COMMISSIONER DIATTA	NAY
----------------------------	------------

4 Ayes. Motion approved.

COMMISSIONER STOLARSKI MADE A MOTION, SECONDED BY COMMISSIONER CAMPBELL, RECOMMENDING APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR OAKDALE MARKETPLACE SIXTH ADDITION.

VOTED IN FAVOR:

CHAIR PIERSON	AYE
COMMISSIONER CAMPBELL	AYE
COMMISSIONER STOLARSKI	AYE
COMMISSIONER MCCAULEY	AYE

VOTED IN OPPOSITION:

COMMISSIONER DIATTA	NAY
----------------------------	------------

4 Ayes. Motion approved.

COMMISSIONER CAMPBELL MADE A MOTION, SECONDED BY COMMISSIONER STOLARSKI, RECOMMENDING APPROVAL OF THE AND SITE PLAN.

VOTED IN FAVOR:

CHAIR PIERSON	AYE
COMMISSIONER CAMPBELL	AYE
COMMISSIONER STOLARSKI	AYE
COMMISSIONER MCCAULEY	AYE

VOTED IN OPPOSITION:

COMMISSIONER DIATTA	NAY
---------------------	-----

4 Ayes. Motion approved.

CITY COUNCIL UPDATE

Council Member Swedberg shared updates on the Business Retention Expansion and Attraction program and the Oakdale Area Chamber of Commerce, as well as general information on City permit requirements and programs regarding affordable housing.

OTHER BUSINESS

a. Bicycle and Pedestrian Plan Update and Workshop

Senior Community Development Specialist Shannon Reidlinger led the Commission through a workshop on the City's Bicycle and Pedestrian Plan. The Commission provided their feedback on the plan.

b. Planning and Development Update

City Planner McClanahan noted that an October Planning Commission meeting is anticipated due to a pending development application. There remains a vacancy on the Planning Commission and if any commissioners are aware of a good candidate, they should encourage them to apply for the opening.

ADJOURNMENT

A MOTION WAS MADE BY COMMISSIONER STOLARSKI, SECONDED BY COMMISSIONER DIATTA, TO ADJOURN THE SEPTEMBER 1, 2022 MEETING OF THE OAKDALE PLANNING COMMISSION AT 9:05 PM.

VOTED IN FAVOR:

CHAIR PIERSON	AYE
COMMISSIONER CAMPBELL	AYE

COMMISSIONER STOLARSKI	AYE
COMMISSIONER DIATTA	AYE
COMMISSIONER MCCAULEY	AYE

5 Ayes. Motion approved.

Respectfully submitted,

Luke McClanahan
City Planner