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## **Planning commission**

### **Study Session**

Members present: Jim Beneke, Mia Divecha, Katie Merten, Tom Weber, Jan Youngquist

Members absent: Matt Eckholm, Sylvie Hyman

Staff present: Gary Morrison, Sean Walther, Marcus Hansen

#### 1. Zoning code update

Mr. Morrison presented the report.

Commissioner Merten asked if group homes are allowed in these districts. Mr. Morrison stated yes, they are allowed in all districts. There are two categories, with or without a state license. Having a state license makes them exempt from additional zoning requirements.

Commissioner Weber asked if there has been any conversation of nursing homes being not in N1 but in N2, N3, and N4 districts. Mr. Morrison stated there has not been discussion and added typically a nursing home might resemble a multi-family dwelling in size and scale.

Commissioner Beneke asked if group homes in N1 are restricted to three occupants. Mr. Morrison stated they are restricted to six occupants, and that is governed by state statute. Mr. Walther added the state law limits to six people per unit, so if the city allows single, two, or three-family buildings, then it could be up to 6 per unit in the N1 district.

Chair Divecha asked what a state license residence means and what does a rooming house mean. Mr. Morrison stated a state-licensed residence refers to a group home, a facility licensed by the state to provide supportive housing for vulnerable individuals. He stated a rooming house is independent living. It includes a housing use where the person who owns and occupies a home, rents out rooms. Mr. Morrison stated this is still being reviewed by staff.

Chair Divecha asked about offices less than 2500 square feet, adding she is not opposed to this, but was surprised to see an office in residential and if this refers to small businesses. Mr. Morrison stated it does provide for small businesses and noted some are in multi-family districts and identified a couple dentist's offices that looks like a house.

The commissioners discussed the pros and cons of homes with businesses within the N1 district.

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Commissioner Weber asked about country clubs and golf courses, and if those listings need to remain in this code, because they are already in there, or is this an appropriate time to say they should be removed from that code. Mr. Morrison stated these are legal uses within the code so if they are removed from the code, it would make them legally non-conforming. Mr. Walther stated at this time only the Minneapolis Golf Club is zoned N1, single-family residential. He added the Meadowbrook Golf Course was recently moved into a park and open space.

Commissioner Youngquist asked what the golf courses are guided in the comp plan. Mr. Walther stated they are both guided park and open space.

Commissioner Merten asked about Airbnb and VRBO regulations. Mr. Morrison stated they are allowed with the condition of a minimum 30-day stay.

Chair Divecha commented that accessibility in a walkable city would be the next level. She stated the ideal would be a small coffee shop or small grocery store in a walkable neighborhood, which allows people to purchase a home and turn it into these tiny businesses.

Chair Divecha asked if there is interest in this or if this would have potential. Mr. Morrison stated the risk is once it's legal and operating and if the city changes the rules to remove the uses from the district, those businesses would remain as legal non-conformities. So if the code changes to no longer allow them because they are creating problems, then the existing ones remain as legal non-conformities even though they may be causing problems. He asked if the commission thinks the commercial nodes allow for this convenience, or do we need commercial within residential.

Commissioner Youngquist stated this is a discussion of where the zones are on the map. She added there are zones that allow for the retail uses. The zones keep the retail uses in the commercial areas, rather than putting them virtually anywhere.

Commissioner Weber stated if someone wanted a small business within a residential space, they would need to apply for re-zone.

Chair Divecha stated she would like to see more small businesses, more St. Louis Park-owned businesses, not large chain-type businesses.

Chair Divecha noted Minnetonka Blvd at N2, stating there could not be any large businesses there.

Commissioner Weber stated part of the commission's job is to create a zoning code that legalizes everything that exists today and brings everything up to code. He added we also want to allow for other things in residential that most are not used to, and will not be knocking down homes, but adding a slate of uses within residential.

Chair Divecha asked about homes within nodes and if they are allowed to build commercial businesses. Mr. Morrison stated there are some properties on Minnetonka Blvd at intersections that are zoned commercial. The rest of the properties along Minnetonka Blvd are residential.

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He added Minnetonka Blvd is proposed to be zoned N2 allowing for a 3-story apartment, and then properties to the north and south are N1 districts.

Chair Divecha stated this change would bring everything up to date and within the zoning code, but it does not look at the bigger picture of the potential vision for the city 50 years from now. She stated she would like to explore more of a mixed district in these areas.

Commissioner Weber stated thoughtful considerations is given to the zoning of the properties and that the city shouldn't zone residential properties to commercial, making their residence non-conforming. He added the code changes should be brought up to date, and in the future people can ask for their property to be rezoned if they wish to change how they are using it.

Chair Divecha stated with Wells Roadside, they get to exist and run their business because it just happened to be there already. Mr. Morrison stated however that the neighbors are concerned about it. Chair Divecha stated some of the neighbors were excited about walking to the restaurant though.

Commissioner Weber stated the planning commission cannot go with one idea for the development of an area with the city forcing zoning so a business can be added. He stated these changes must come from the community, and a developer contacting neighbors to ask about an idea, adding it should have to be from the ground up.

Chair Divecha stated however just because it has not happened does not mean it should not. Mr. Morrison added apart from zoning, part of the reason it hasn't happened is because of the cost to convert a house to a restaurant under the building, fire, and health codes.

Chair Divecha stated if the commission makes this change, it only makes it legal for residences to make the change to businesses but does not mean it will happen. Mr. Walther stated this would not be rezoning but would be a flex district that allows both uses, such as a mixed-use district.

Mr. Walther stated many prefer a broader use, but it is challenging to do, also noting a council member is interested in doing this as well. He noted staff has not found a solution to that, and he would prefer that when the city updates all the commercial and industrial districts, this can be revisited. He added this can also be discussed during the visioning process or the comp plan which are both coming up soon.

Commissioner Youngquist asked how ADUs play into this and if one of the owners needs to live within the ADU unit. Mr. Walther stated the provision is that to initially create an ADU, a person must live in the ADU unit, but once the ADU is established, that would not apply any longer. He added that ADUs are limited in size vs. a duplex, but there some time when they are difficult to distinguish.

Mr. Morrison added there is also an occupancy limit for properties with an ADU of family plus two boarders.

Mr. Morrison noted that food trucks are not allowed in residential areas right now, not even for events or parties on a private residence.

The commission discussed various examples of home occupations allowed.

Chair Divecha asked if a parking lot is permitted in any area. Mr. Walther stated it cannot be a principal use but can be if it is an accessory use.

Chair Divecha asked if a pickleball court is allowed on residential property. Mr. Morrison stated yes, as long as it's accessory to a principal use, and for personal use. If they charge for lessons, then it becomes a business.

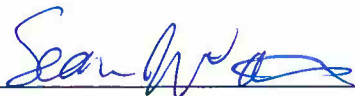
Commissioner Youngquist asked if the code will have photographs showing how and where setbacks are measured, so it is not all text. Mr. Morrison stated there are exhibits in the definition section. Mr. Walther stated there is a general rule in the ordinance if there is a discrepancy between the image and the text, the text rules.

Mr. Morrison said this will be reviewed at the council meeting on Sept. 9. He stated staff will ask council if they are satisfied with the ordinance and the outreach and if they are ready to begin the process for adopting this, and if yes, the hearing will be scheduled first for the planning commission.

Mr. Walther stated notices will not be mailed out, but this will be broadcast more generally and if additional notices are required, they will be sent out. He noted there will be a delay between the council's action and when it comes to the planning commission. He added there have been several neighborhood meetings in June and also did online surveys as well as social media updates over the summer.

A member of the public, Bill Weber, asked to be recognized. Chair Divecha stated the engagement process is in place and has been robust over the summer. The member of the public wanted to speak at the study session and not wait for the public hearing. Chair Divecha stated public comments are not accepted at study sessions and offered that she and staff could speak with him informally after the meeting adjourned.

2. Adjournment – 7:50 p.m.



Sean Walther, liaison



Mia Divecha, chair member