

# Planning Commission

February 14, 2022 – 7 pm  
Council Chambers  
Hybrid Meeting

## REGULAR MEETING AGENDA

Planning Commission meetings are being conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The public can make statements in this meeting during the planned public comment sections. Some members of the Commission may attend virtually. Members of the public may attend virtually by following instructions below.

**Remote Attendance Options:** Members of the public may attend this meeting by watching on cable channel 16, streaming on [CCXmedia.org](http://CCXmedia.org), streaming [via Webex](#), or by calling 1-415-655-0001 and entering access code **2468 588 6936**.

1. **Call to Order**
2. **Approval of Agenda**
3. **Approval of Minutes**  
January 24, 2022, Planning Commission Meeting
4. **Discussion of Zoning Text Amendment** – Screening and Outdoor Storage
5. **Discussion of Zoning Text Amendment** – Accessory Dwelling Units
6. **Discussion of Zoning Text Amendment** – Mobile Uses

– End of Televised Portion of Meeting –

To listen to this portion, please call 1-415-655-0001 and enter meeting access code 2468 588 6936.

7. **Council Liaison Report**
8. **Other Business**
  - a. Reports on Board of Zoning Appeals and Other Meetings
9. **Adjournment**



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# Planning Commission

January 24, 2022 – 7 pm  
Hybrid  
Council Chambers, City Hall

## REGULAR MEETING MINUTES

This meeting was conducted in a hybrid format with in-person and remote options for attending, participating, and commenting. The City used Webex to conduct this meeting and members of the public were able to monitor the meetings by watching it on Comcast cable channel 16, by streaming it on CCXmedia.org, or by dialing in to the public call-in line.

### 1. Call to Order

The meeting was called to order at 7:00 by **Chair Pockl**.

#### Roll Call

Commissioners in person: Sophia Ginis, Lauren Pockl  
Commissioner remote: Rich Baker, Adam Brookins, Andy Johnson, Mike Ruby, Chuck Segelbaum  
Commissioners absent: None  
Staff present: Myles Campbell – Planner, Jason Zimmerman – Planning Manager  
Council Liaison present: Gillian Rosenquist, Denise La Mere-Anderson

### 2. Approval of Agenda

**Chair Pockl** asked for a motion to approve the agenda.

**MOTION** made by **Commissioner Baker**, seconded by **Commissioner Johnson**, to approve the agenda of January 24, 2022.

Staff took a roll call vote. Motion carried.

### 3. Approval of Minutes

**Chair Pockl** asked for a motion to approve the minutes from January 10, 2022.

**MOTION** made by **Commissioner Brookins**, seconded by **Commissioner Pockl** to approve.

Staff took a roll call vote. **Commissioners Johnson** and **Segelbaum** abstained; the motion carried.

### 4. Informal Public Hearing – Future Land Use Map Amendment, Zoning Map Amendment, Subdivision

**Applicant:** Artessa Development, LLC

**Address:** Southeast corner of 7001 Golden Valley Road

**Jason Zimmerman, Planning Manager**, reminded Commissioners that this item was before them at a previous meeting and the request has changed slightly due to feedback from the Commission and City Council. The applicant previously had four requests but eliminated one and are no longer requesting a Conditional Use Permit for a 6-story building. The applicant is hoping to develop a 5-story building thus eliminating the need for a CUP.



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Staff reviewed the background of the project, the neighborhood meeting, public comments, the previous Planning Commission meeting, and the City Council meeting when Council sent it back to be reviewed at this meeting.

Staff reviewed existing conditions of the lot and the 140+ acre golf course property.

The edited proposal is as follows:

- Change guided land use to High Density Residential
- Change zoning to High Density Residential (R-4)
- Subdivide golf course property to create a new 2.35-acre parcel
- Construct 78-unit senior cooperative building with direct access to Country Club Drive (front parking lot and shared private drive to rear to reach two levels of underground parking)
- Five stories would be allowed by-right
- Would include 9 affordable units (at 80% AMI)

#### *Traffic*

- In general, senior uses generate over 3 trips per day per unit
- $3.24 \text{ trips} * 78 \text{ proposed units} = 253 \text{ additional trips per day}$
- Complicated route to access Olson Memorial Highway
- Subsequent analysis shows patterns will change for those along Country Club Drive, but no concerning traffic or safety issues

Staff displayed some traffic route maps and options.

Staff summarized the previous Planning Commission meeting as well as the Commission's previous determination for each request. Staff went on to discuss their analysis and recommended findings of the updated three requests; Future Land Use Map Amendment, Zoning Map Amendment, and Subdivision.

#### **Recommendation**

1. Staff recommends **approval** of the requested amendment to the Future Land Use Map, changing the guided land use for a portion of 7100 Golden Valley Road from Institutional - Parks and Natural Areas to High Density Residential.
2. Staff recommends **approval** of the requested amendment to the Zoning Map, changing the guided land use for a portion of 7100 Golden Valley Road from Institutional - Parks and Natural Areas (I-P) to High Density Residential (R-4).
3. Staff recommends **approval** of the proposed Preliminary Plan for Subdivision for a portion of 7100 Golden Valley Road (Artesa at Golden Valley) subject to the following conditions:
  1. The applicant shall include on the final plat the dedication of all drainage and utility easements deemed necessary to meet City Code requirements.

2. A park dedication fee equal to 6% of the land value shall be paid prior to the release of the final plat.
3. The applicant shall provide copies of the shared use access easements/agreements over the Golden Valley Country Club property for vehicle trips associated with the development onto Country Club Drive and Golden Valley Road for review by the City.
4. The City Attorney will determine if a title review is necessary prior to approval of the final plat.

**Commissioner Ginis** asked staff to expand on traffic data and **Zimmerman** reviewed trips per day, congestion, and traffic safety. **Commissioner Baker** expressed some concerns regarding the land use and zoning designation change. **Commissioner Segelbaum** asked if any of the requests allow conditions to be attached, specifically the subdivision. Staff stated it's hard to attach conditions to land use or zoning map amendment; generic conditions may be able to be attached. Currently there are four conditions attached to the subdivision but many of the traditional conditions fall outside the purview of the Commission and Council. The conversation moved to density and staff explained that density is controlled by zoning which determines the units per acre and the subdivision creates the acres to be worked with. Staff went on to discuss what each zoning district allows. Staff went on to answer a few specific questions from Commissioners regarding the application details.

**Chair Pockl** invited the applicant to present.

**Ben Landhauser, Applicant**, stated he also has a presentation and hopes it will help answer specific questions from Commissioners. The applicant discussed changes to the application, topography, and integrating feedback from residents and local business owners. The applicant went in depth on unit costs, affordable unit costs, height, parking, and tree preservation. The Chair asked the applicant to expand on how this project will impact the value of the neighborhood and what the likelihood is of the project not moving forward. The applicant expanded that historically there has not been a negative impact as the co-op model is owner occupied and the only project that didn't move forward was proposed in 2007/2008 during the housing crises.

**Chair Pockl** opened the public hearing at 8:34pm and invited in person commenters to speak first.

There were no in person callers.

**Chair Pockl** invited call in commenters to speak.

**Susan Forward**

**6745 Country Club Drive**

Thanked staff and Commissioners for taking comments and the caller spoke to three realtors that said there will be a 5-10% decrease in property value with this construction. Additionally, why isn't a public access road being considered with this development and the Optum build to happen. If the construction vehicles cause road damage, are the residents responsible for that damage?

**Chair Pockl** closed the public hearing at 8:40pm and noted three emailed comments were received.

**Chair Pockl** opened the discussion

Staff responded that the Hennepin County Assessor spoke to the values of the neighboring areas and that information is in the packet. Staff spoke to the realtors as well and their suspicion of the reduction in value is based on gut reaction to the development. Staff spoke to the Engineering team and in the past, the developer has been responsible for replacing or repairing damaged roads caused by construction vehicles.

**Commissioner Johnson** commented he's against this proposal and there is no other property in recent memory that resembles this proposal, adding there's a reason for that. This proposal for a high-density request is an anomaly for the area. **Commissioner Ginis** stated that the needs for the future of Golden Valley will be fulfilled by projects like this one. Adding that she wanted to approve the request before but felt there were a few things not answered and feels satisfied now. The conversation went on the United properties site, the zoning, and building proposal. **Commissioner Baker** added he's not enthusiastic about this project but can't find reasons to vote against it. **Commissioner Segelbaum** said the previous proposal seemed to not fit in and the Commission preferred a moderate density build. This amended proposal is much closer to meeting that need. Commissioners went on to discuss land use, density, changing of plans, and the potential for the project to change after the zoning and land use changes are granted. **Baker** added he is feeling concerned that the City Council continues to not follow their recommendation and hopes the two groups can have conversations about alignment in the future. **Segelbaum** added he will now vote to deny unless Council can find a way to limit the project so it doesn't become high density instead of the presented moderate. **Commissioner Brookins** asked if this project would be a fit for a PUD. Staff responded in the negative and the applicant preferred to create the project by-right. **Ginis** added that if the group evaluated every project against the worst-case scenario, a lot of progress will be turned down.

Staff pulled up the findings and each commissioner reviewed their vote with their supporting reasons.

Pockl: Agree on findings, **deny** based on 3, 4, 6

Ginis: Approve based housing offered outweighs risks of other findings.

Johnson: **Deny** based on #5, 8

Segelbaum: Agree with findings, **deny** based on findings 3, 4, 6, 8

Ruby: **Deny** based on 3, 4, 6, 8 and permitting high residency without connection to specific plan.

Brookins: **Approve** presentation now that conditional use was removed, land and area is appropriate.

**MOTION** made by **Commissioner Segelbaum**, seconded by **Commissioner Baker**, to recommend **denial** of both:

1. the requested amendment to the Future Land Use Map, changing the guided land use for a portion of 7100 Golden Valley Road from Institutional - Parks and Natural Areas to High Density Residential
2. of the requested amendment to the Zoning Map, changing the guided land use for a portion of 7100 Golden Valley Road from Institutional - Parks and Natural Areas (I-P) to High Density Residential (R-4).

Staff took a roll call vote.

Aye: Baker, Johnson, Ruby, Segelbaum, Pockl

Nay: Brookins, Ginis,

**MOTION** made by **Commissioner Segelbaum**, seconded by **Commissioner Brookins**, to follow staff recommendation for **approval** of the proposed Preliminary Plan for Subdivision for a portion of 7100 Golden Valley Road (Artesa at Golden Valley) subject to the listed conditions.

Staff took a roll call vote.

Motion passed unanimously.

**Chair Pockl** ended the televised portion of the meeting at 9:46pm.

#### 5. Council Liaison Report

**Council Member La Mere-Anderson** introduced herself to the Commission as the new Council Liaison. She provided a preview of the Council goal-setting session on the following night, and summarized the recent Council votes on passing a local mask mandate and the change in zoning for the old Optum site. She also reported on the adoption of a resolution declaring a Climate Emergency. **Commissioner Ginis** asked if the Planning Commission meeting start times could be moved up to 6:30 pm from 7 pm. **Commissioner Ruby** asked that La Mere-Anderson represent the views of the Commissioners to the City Council during deliberations.

#### 6. Other Business

#### 7. Adjournment

**MOTION** by **Commissioner Brookins** to adjourn, seconded by **Commissioner Johnson**, and approved unanimously by roll call vote. Meeting adjourned at 10:00 pm.

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Andy Johnson, Secretary

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Amie Kolesar, Planning Assistant



# MEMORANDUM

## Planning Department

763-593-8095 / 763-593-8109 (fax)

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**Date:** February 14, 2022  
**To:** Golden Valley Planning Commission  
**From:** Jason Zimmerman, Planning Manager  
**Subject:** Screening and Outdoor Storage – Discussion

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### Summary

In recent years, staff has noted issues arising with some of the regulations currently outlined in the Screening and Outdoor Storage section of the Zoning Chapter. In an effort to better address concerns, text amendments are being considered to deal with rooftop mechanicals, the use of commercial lots for storage of personal vehicles and equipment, and (more recently) how outdoor self-storage lots are being utilized.

### Background

The Zoning Chapter regulates a number of aspects of screening (including fencing) of mechanical and other visually impactful items, as well as where and how outdoor storage can take place in various settings and in a range of zoning districts. In 2018, as part of the recodification of the City Code, the majority of these regulations were clustered into Section 113-152: Screening and Outdoor Storage. This section provides some definitions, general regulations, regulations by zoning district (residential vs. other districts), and a list of certain exemptions (see attachment for full language).

While standards surrounding the screening of rooftop mechanicals have been in the City Code for many years, questions continue to be raised regarding some ambiguities in the language. City policy has been to allow unscreened mechanicals to remain, but to require new or replacement mechanicals to be screened through some kind of parapet wall or other physical construction on the roof. This has caused pushback from HVAC contractors who typically prepare bids only contemplating the mechanical work, but are then faced with additional construction requirements which can be quite costly. This is less of an issue with new construction vs. existing buildings.

Staff is also not infrequently confronted with commercial parking lots for office, retail, industrial, etc., being used to “store” personal vehicles or equipment such as RVs, boats, trailers, or other autos. This has generated complaints from neighbors and often requires

enforcement actions by the City. Zoning language is vague on this point and could be clarified to help strengthen staff's hand.

Finally, recent complaints regarding semitrailers parking in lots designated for outdoor storage and idling for extended periods of time during cold weather has raised the question of if outdoor storage should be defined in code and/or prohibitions on specific uses included.

## **Staff Analysis**

### *Rooftop Mechanical Screening*

Language around the screening of rooftop mechanicals reads as follows:

“All mechanical equipment, including rooftop units, shall be screened from view from the street right-of-way.”

Due to the allowances for legal nonconformities listed in State statute and in City code (*“Any nonconformity existing at the time of the adoption of an additional control under this chapter, including the lawful use or occupation of land or premises, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion”*), it appears to staff that rooftop mechanicals that are existing should be allowed to be replaced with mechanicals of a similar or smaller size without triggering the screening requirement. New mechanicals, or replacement mechanicals that are larger (expanded use), should follow the screening requirements included in code.

The Planning Commission helped draft language around this type of screening when it considered the new Architectural and Material Standards. That language is a bit more specific:

“Rooftop equipment shall be screened from view from the public right-of-way by a parapet wall or a fence the height of which extends at least one foot above the top of the rooftop equipment and is compatible with exterior materials and architectural features of the building.”

Staff will need to resolve the two sections of code, perhaps providing details in one section only and using a reference in the other.

Some cities (Plymouth, for example) provide explicit exemptions for solar and wind equipment. While there are some protections in this area in the Wind and Solar sections of the Golden Valley City Code, it would be helpful to clarify and add language to that effect to the Screening section as well. In addition, Plymouth provides an exemption for mechanicals that are less than three feet in height – something Golden Valley may want to consider.

### *Storage of Personal Vehicles*

The Zoning Chapter is vague on what constitutes “storage” vs. other descriptions such as “parking.” Over the years staff have been asked to address commercial equipment parked

in an unassociated lot (a tree trimming truck, for example, being kept overnight for weeks at a time in a restaurant parking lot) or personal vehicles or equipment (such as a boat or trailer) being kept seasonally behind an industrial or retail operation.

Staff believes defining “parking” or at least “storage” would help address this issue – most likely by then tying it to the existing definition of “use” currently in code:

“The purpose or activity for which the land, structure, or building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this chapter.”

Doing this could allow staff to clearly prohibit the longer-term presence of vehicles and equipment not associated with the allowed use of the property.

### *Idling Vehicles*

While there are regulations around parking/storing commercial vehicles on-street, those same standards are not in effect for non-residential private properties. Outdoor storage lots typically house large seasonal vehicles or equipment such as RVs, boats, fish houses, etc., but the zoning code does not currently limit what can be stored there and so the possibility of using these locations for shorter-term parking of semitrailers is not specifically prohibited. When these lots are near residential neighborhoods, the noise and odors associated with idling can generate complaints.

In order to address this problem, staff believes further developing a definition of “storage” could allow enforcement of longer-term leases and avoid some of the attractions of a day-to-day or week-to-week arrangement. If this does not sufficiently address the problem of idling vehicles, additional regulations may need to be considered.

Minneapolis dealt with semitrailers parked on its streets in 2021. While a slightly different problem than these vehicles utilizing outdoor storage lots, some of the concerns (overnight idling) are the same. The new rules in Minneapolis may, in fact, be exacerbating the problem in Golden Valley.

<https://www.minnpost.com/cityscape/2021/08/with-truck-parking-now-banned-in-minneapolis-semi-drivers-will-have-to-look-down-the-road/>

### **Staff Request**

Staff is looking for thoughts and feedback on these three issues as it works to draft zoning language to address the problems raised.

- How specific should the language be around the construction/appearance of any rooftop screening? Are there certain requirements or specific prohibitions we should include? Should any exemptions be provided for equipment under a certain height?
- Asking for screening that is “compatible” with the architecture of the building is very subjective. Should the language be clearer around what is allowed/prohibited? Or should

this decision rest more with the type of construction and structural integrity as approved by he Inspections Division?

- What is a reasonable minimum length of time for something to be kept in “storage” so as to help discourage overnight or short-term use of outdoor lots for semitrailers? What unintended consequences might adoption this sort of regulation have?

### **Attachments**

Section 113-152: Screening and Outdoor Storage (3 pages)

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## Sec. 113-152. Screening and Outdoor Storage.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Berm:* An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other similar purposes.

*Fence:* A structural enclosure or barrier used as a boundary, means of protection, or concealment.

*Front Yard:* The portion of a lot between the street right-of-way and the front plane of the principal structure. This area may be deeper than the yard required by the front yard setback.

*Screening:* A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

*Trailer:* An unpowered vehicle used for multiple purposes, including, but not limited to, hauling a boat, personal motorized recreational vehicle, or fish house.

- (b) *General Regulations.* All zoning districts are subject to the following requirements:

- (1) The side of a fence without primary structural supports shall be considered the finished side and must face outward from the property on which it is constructed towards the adjacent property and/or street. If a Fence has two similarly finished sides, either side may face the adjacent property and/or street.
- (2) All berms, screening, and fences, including fence footings, must be located entirely on the property for which they are being constructed. A property owner installing a new fence must accurately determine lot lines prior to installing a fence.
- (3) All berms, screening, and fences shall be maintained and kept in good repair by property owners. Any hazardous fence or fence in a state of disrepair shall be repaired or removed by the property owner within 30 days of notice by the City. If a property owner fails to comply with such notice, in addition to all other applicable penalties under City Code, the City may remove the fence and assess the property owner the cost of such removal.
- (4) All berms, screening, and fences shall comply with the right-of-way management regulations of the City Code.
- (5) Electrified fences are prohibited. Barbed wire fences are prohibited except in the Light Industrial or Industrial Zoning Districts as described below.
- (6) For all other standards related to visual nuisances and threats to the health, safety, and welfare of the community, the City's adopted International Property Maintenance Code shall apply.

- (c) *Regulations By Zoning District.* Fences and the screening of outdoor storage shall be governed by the following provisions:

- (1) *All Residential Zoning Districts.*
  - a. Fences in all front yards shall not exceed four feet in height. Fences in side and rear yards shall not exceed six feet in height.
  - b. Storage in all front yards may occur solely upon a driveway and in no other location. Any storage shall be behind the lot line.
  - c. Only one of the following may be stored in all front yards of any lot:
    1. Recreational camping vehicle.

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2. Trailer.
- d. No personal motorized recreational vehicle or boat may be stored in a front yard, except upon a trailer.
  - e. The storage in any front yard of landscaping or construction materials may not exceed 30 days.
  - f. Items stored in the side and rear yard may not be stored within five feet of the lot line.
  - g. All outdoor storage, including any storage of a motorized vehicle, recreational camping vehicle, fish house, trailer, boat, or personal motorized recreational vehicle, in the side or rear yard must be screened from view of adjacent properties by a wall or fence not more than six feet in height and not less than 75 percent opacity, or by vegetation of not less than six feet in height and not less than 75 percent opacity year round.
  - h. Views of storage in any side or rear yard from the street right-of-way must be at least 50 percent obscured by screening.
  - i. All mechanical equipment, including rooftop units, shall be screened from view from the street right-of-way.
- (2) *All Other Zoning Districts.*
- a. Fences shall not exceed eight feet in height except as noted below.
  - b. Barbed wire fences are permitted in Light Industrial and Industrial Zoning Districts. No barbed wire shall be erected upon any fence at a height lower than seven feet.
  - c. No materials or equipment shall be stored outside, unless screened in such a manner as not to be visible from adjacent properties or street right-of-way. All outdoor storage shall be screened by a wall, fence, or vegetation not less than six feet in height and not less than 90 percent opacity year round. No storage shall be permitted within required landscaped areas.
  - d. Storage of automobile sales inventory on surface lots is allowed by conditional use permit in the Light Industrial and Industrial Zoning Districts. With the permission of the property owner, automobile sales inventory may be stored in parking ramps in the Office Zoning District. The City reserves the right to disallow this storage if parking for the principal uses is negatively impacted.
  - e. A solid screen, consisting of either a solid fence or wall not less than six feet in height, or a planted landscape screen providing at least 90 percent opacity year round and at least six feet in height at the time of planting, shall be installed and maintained along all lot lines separating an Industrial Zoning District from any Residential or Institutional Zoning District.
  - f. All waste material, debris, refuse, junk or damaged vehicles, or vehicles under repair or being stored in connection with repair services, shall be either kept entirely within an enclosed building or completely screened from adjacent properties and street rights-of-way.
  - g. All mechanical equipment, including rooftop units, shall be screened from view from the street right-of-way.
- (d) *Exceptions.* Any deviation from this section (d) shall require a variance in accordance with this chapter except for the following:
- (1) Tennis and basketball courts in all zoning districts may have a single perimeter fence no higher than 10 feet. Such fences shall be located to the rear of the principal structure and shall require a minimum three-foot strip of landscaping around the entire perimeter.

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- (2) A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street or adjoining the frontage road of a principal arterial, freeway, or expressway; as designated by the City.
  - (3) A wall or fence not exceeding 12 feet in height is permitted in Light Industrial and Industrial Zoning Districts solely for the purpose of screening outdoor storage areas.
  - (4) The screening requirement for mechanical equipment located in the side yards of properties in Light Industrial and Industrial Zoning Districts may be waived by the City Manager or his/her designee.
  - (5) A portion of the required screening for properties in the Commercial, Light Industrial, and Industrial Zoning Districts may be waived for enhanced security and public safety purposes at the discretion of the City Manager or their designee, and only upon request by the Golden Valley Police Department.

(Code 1988, § 11.72; Ord. No. 312, 2nd Series, 10-20-2004; Ord. No. 654 , § 1, 1-2-2019; Ord. No. 688 , § 2, 9-1-2020)



**MEMORANDUM**  
**Physical Development Department**  
763-593-8095 / 763-593-8109 (fax)

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**Date:** February 14, 2021  
**To:** Golden Valley Planning Commission  
**From:** Myles Campbell, Planner  
**Subject:** Accessory Dwelling Units – Discussion

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**Summary**

The City Council has directed Planning Commission to examine new zoning regulations to allow for Accessory Dwelling Units within the R-1 and R-2 residential zoning districts.

This memo will continue our discussion and focus on two topics. Firstly, detached ADUs, and some context as to how other communities regulate the appearance of these structures versus other detached accessory buildings. Secondly, Family Housing Fund has published a resource document for ADUs. The *Accessory Dwelling Unit Idea Book for Mid-Century Homes* looks at additions and conversion regarding homes built in the post-war era, and also provides 6 case studies with budget information. Staff thought these may be useful to review and discuss, given the prevalence of mid-century housing stock in Golden Valley, and commissioner's questions on financing.

**Background**

As a brief reminder, an Accessory Dwelling Unit is often defined as a subordinate unit that shares a parcel of land with an existing home, most typically an existing detached single-family home. ADUs are handled differently in terms of regulation by most municipalities, but one almost universal restriction is on the allowed maximum floor area, which is included to prevent the ADU from being out of scale with the existing home. In discussing ADUs it's common to see them described in three ways:

Internal – The ADU is located fully within the existing home's structure, such as a basement conversion.

Attached – The ADU shares one or more walls with the primary home, but can also include additions to the home, or conversion of an attached garage.

Detached – The ADU is a freestanding structure from the home, either an entirely new-build structure or the conversion of a detached garage. This also includes above-garage additions separate from the main structure.

During the last discussion with Planning Commission, there seemed to be a general approval of both internal and attached ADUs by the whole group present. These types of ADUs, in staff's initial recommendation, would be held to the same standards as for principal structures today in terms of height setback and lot cover, among other elements. Staff and commissioners were less certain how to regulate detached units in a reasonable fashion, and wanted more information to evaluate these types of ADUs.

### **Detached ADUs**

Of the 19 communities identified by the Family Housing Fund as allowing ADUs in 2021, eleven allowed in some fashion for ADUs to be detached from the principal structure.

Detached are considered by most people to have a greater visual impact when compared to an attached ADU. Whereas an attached unit will look like an extension of the house (potentially having a visible exterior entrance as its only signal of being a separate unit) detached ADUs are a separate structure. The visual impact can be mitigated both by the regulations established by the municipality for setbacks, location, size, etc. and more importantly by the actual design of the unit. Matching the materials, roofline, and exterior finish of the principal structure or of a detached garage that an ADU might be built onto helps to create cohesion across the lot's structures.

As noted in the previous meeting, numerous properties in the City already have detached accessory structures: garages, sheds, gazebos, pool houses. And this bodes well for the potential of detached ADUs. For one, it demonstrates that detached structures, in and of themselves, are not out of character with existing residential neighborhoods. Secondly it also opens up the opportunity for an ADU to be combined with an existing detached garage, reducing the number of individual structures on the lot.

Staff examined the zoning code for those eleven municipalities which allowed for detached accessory structures, most specifically looking to see what the minimum setbacks and maximum allowed height for these ADUs was set at. In most cases, ADUs had the same, or similar, setback requirements to other accessory structures allowed in single-family zoning districts, although some communities did set more restrictive rear setbacks. There seemed to be more consensus around height, although communities took different approaches to above-garage units.

City	Side Setback	Rear Setback	Height
<b>Golden Valley<sup>a</sup></b>	5'	5'	10'
Burnsville	5'	8'	15'
Crystal	5'	5'	22'
Inver Grove Heights	5'	8'	25'
Minneapolis	3'	3'	21'
Plymouth	6'	6'	15'
Richfield	5'	3'	14'
Roseville	5'	30'	15'
St. Louis Park	6'	15'	15'/24' <sup>b</sup>
St. Paul	3' <sup>c</sup>	3' <sup>c</sup>	25'
Stillwater	5'	10'	20'
White Bear Lake	5'	5'	15'

<sup>a</sup> Dimensions shown are for any detached accessory structure

<sup>b</sup> Added height is allowed where exterior finish and roofline matches principal structure

<sup>c</sup> Setback is 3' from the closest adjoining structure, potentially up to the lot line is allowed

In the table above, staff has included the side and rear setbacks, as well as the maximum height required for detached ADUs in those cities that allow them. Also included are the current Golden Valley regulations from the R-1 zoning district for comparison. Front setback was not shown here, as in all cases detached ADUs were restricted to be in the side or rear yard, and never to the front of the home.

### Side Setback

Most consistent category among communities. Majority set the same standard as for other accessory structures, however some communities such as St. Louis Park which had minimal side setbacks normally increased it to the 5-6' range. Golden Valley currently requires 5' separation off the side property line, which is consistent with 7/11 other communities for ADUs.

### Rear Setback

More diversity of thought than with side setbacks. 6/11 communities had equivalent or a lesser rear setback compared to the side setback. The majority had a rear setback between 3-8'. Stillwater, St. Louis Park and Roseville had larger rear setback requirements. For Roseville and St. Louis Park these are more restrictive than their typical rear setback for detached accessory structures (5' and 2' respectively). As noted in previous discussions, while a more restrictive rear setback lessens impact on an adjacent property it can also create design challenges when trying to attach the ADU to an existing garage.

## Height

All cities examined allowed ADUs to be built above the 10' maximum established in the Golden Valley code, however in some cases this may be more a case of difference in measurement. Golden Valley measures 10' to the top plate (uppermost horizontal component of a wall) while other cities measure to the top of roof. 6/11 communities did allow for accessory structures over 20' in height, although many also stipulated a requirement that the ADU not be taller than the principal structure. Depending on goals for the Golden Valley ADU Ordinance, height of structures may need to be modified. 10' to top plate is around the minimum height necessary for a single-story dwelling, but would not allow for any type of above-garage ADU conversions given the height needed. Potentially detached ADUs could be restricted to 10-12' when freestanding and then set a higher maximum allowed height if Commission and Council were supportive of above-garage units. Staff is also supportive of the restrictions seen in some cities that caps the maximum height to that of the principal structure where applicable.

Other areas of detached ADU regulation not directly addressed here but worthy of consideration:

- Limit the overall number of accessory structures allowed on a lot
  - Similarly, require the ADU to be incorporated into a detached garage
- Height bonus for matching exterior finish
- Establishing a new accessory lot cover measure that exempts all or a portion of the ADU
- Restricting dormers/windows facing adjacent properties.
- Restricting balconies and rooftop decks

## **ADU Mid-Century Design Resource**

Included with this memo is a resource from the Family Housing Fund, intended and geared towards homeowners of mid-century single-family homes that are considering an ADU addition. Six Case Studies are provided, with each giving some background on the pre-existing home and lot, the design choices made, and importantly for our discussion, a breakdown of costs and budgets for each.

Staff will not go into each case study here in any great detail, but encourage commissioners to read through these examples as they are able to. Each of these case studies is based on a real example from the Twin Cities Metro, and provide an idea of how the City regulation and existing home's characteristics influence design. It also is an excellent reminder for the cost of building these types of additions. For all three of the three detached examples shown, the expected budget was just under \$260,000; while the attached examples ranged from \$76,000 to \$215,000.

## **Tax/Address/Parcel ID info**

At the last discussion on ADUs the question was raised as to how municipalities manage properties with ADUs in terms of property taxes, address assignment, etc. To the question of tax IDs, almost all communities included language that stipulated that the ADU could not be split from the property on which it was located nor would it be allowed to be sold separately from the principal home. This would mean that the ADU would share a tax parcel ID with the rest of the

lot. This makes sense given that the ADU would contribute to the value of the home, and thereby the levied property taxes.

City's did take different approaches to mailing addresses however. While all cities required the home and ADU to share a parcel ID, it was less commonly regulated to stipulate whether or not the ADU could have a separate mailing address. The City of Burnsville, for example, limited parcels to one address shared between both units. Staff will consult with other departments to see if there is a downside to allowing a secondary address for ADUs, or whether it makes sense to restrict these similar to parcel IDs. In either event, staff is recommending some type of language in code stipulating that ADUs not be sold or separated from the underlying parcel they are located on.

**Action Request**

This item is not a public hearing or voting item. Staff is seeking specific feedback or questions from Commissioners on the above ordinance discussion.

**Attachments**

Accessory Dwelling Unit Idea Book For Mid-Century Homes (54 pages)

[ADU Idea Book for Mid-Century Homes – Family Housing Fund \(fhfund.org\)](http://fhfund.org)



# MEMORANDUM

## Physical Development Department

763-593-8095 / 763-593-8109 (fax)

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**Date:** February 14, 2021

**To:** Golden Valley Planning Commission

**From:** Myles Campbell, Planner

**Subject:** Temporary Mobile Uses – Discussion

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### Summary

Currently Golden Valley zoning code allows for mobile food vendors on a temporary basis and with varying restrictions by zoning district. This was added to code in 2015 in response to growing interest in allowing food trucks to operate on both a short-term and seasonal basis. The code has been amended in minor fashion since adoption but has still been limited to food vendors.

Partly at the request of the parks department, and in part due to seeing new and emerging mobile uses, staff is introducing for discussion with Planning Commission the topic of further amending the City's Mobile Uses ordinance to allow for a broader range of vendors and services.

### Background

The full code language regarding mobile uses is attached with this memo, but to summarize some of the high-level elements:

- Mobile Food Vendors are allowed in all zoning districts, but with different caps on how long they can be in operation per permit
  - Residential Districts – 1 day (private events)
    - Properties hosting a mobile food vendor are limited to 2 occurrences in a 12-month period
  - Parks – 1 to 3 days (short term residence or events)
  - All other districts – up to 120 days (long-term or seasonal location)
    - Shorter term permits with reduced fees also allowed as requested
- Requirements regarding insurance/liability for the vendor
- Hours of operation limited to 8am to 10pm
- Located on impervious surface
- No blocking sidewalks or drive aisles, and cannot block accessible parking spaces or parking used to meet minimum off-street requirements
- Setbacks required

- 10 feet from other structures
- 5 feet from side/rear property lines
- 200 feet from a public eating establishment
- 1,000 feet from a school in session
- Comply with all other applicable code sections such as signage, lighting, noise

The existing ordinance in many ways can be reapplied to a different type of mobile use, such as with respect to site setbacks or parking considerations. However, staff anticipates needing to revise some elements depending on what new uses are allowed. For example, the 120-day permit functions exactly as needed for a food truck doing a seasonal residence at a taproom, but is maybe more permissive than what we'd want to allow for a mobile medical use.

### **Expanded Mobile Uses**

Since the code's adoption in 2015, it is now more common to see a wide variety of mobile vendors and services, beyond simply food trucks. While this list is by no means conclusive, some examples include:

- Medical Uses
  - Blood donations
  - Health screenings
  - Primary care
  - Dental services
- Pet Grooming
- Salon/Barber
- Mobile Libraries
- Misc. retail (florists, clothing)

As we continue to discuss and consider amending the code, Commissioners should think about where/when these types of uses are appropriate, or if any specific uses should be prohibited.

### **Parks Staff Perspective**

The topic of introducing more allowed mobile uses to code was initially raised by members of the City's Parks and Recreation staff. They'd seen a lot of success in allowing food truck vendors at events in parks, and had wanted to potentially open up the opportunity for other businesses. They're two main considerations for any changes to the ordinance were:

- Continuing to limit mobile permits to 1-3 days in parks.
  - This is enough time for a vendor to be at a private or public event, without allowing them to set up in a particular park or location for an entire season.
- Desire to see a full flexibility of allowed uses, but with the caveat that uses should fit the theme of the event in question (dog grooming at a dog park or pet event, art at the arts festival, etc.)
  - This may be somewhat difficult to account for in code, and is likely in part up to event organizers as to what vendors they want to allow.

**Action Request**

This item is not a public hearing or voting item. Staff is seeking specific feedback on:

- What new mobile uses should be allowed?
  - Should anything be outright prohibited?
- Besides permit length, should any other current regulations be revised for non-food truck mobile uses?
- What other questions or concerns might you have with allowing more mobile-based businesses?

**Attachments**

Mobile Use Ordinance – Existing (2 pages)

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## Sec. 113-31. Temporary Uses.

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(d) *General Requirements.*

- (1) *Mobile Food Vending.* The City Manager or his/her designee may issue a permit for a mobile food vending operation, defined as a self-contained vehicle or trailer used to prepare and serve food that is ready movable without disassembling, to operate for a temporary period not to exceed three days in City parks, one day in Residential Zoning Districts, or 120 days in all other zoning districts. Properties in residential zoning districts are limited to two permits in a 12-month period. The permit application shall be on a form promulgated by the City Manager or his/her designee and shall include any information needed to establish compliance with this section. Any application shall include the application fee amount established by the City Council in the Master Fee Schedule, and such fee shall be not refundable if the permit is denied or the applicant withdraws or otherwise ceases operation or use of the permit. All mobile food vending permit applications and permits shall be subject to the following conditions:
- a. With the permit application, the applicant shall provide written proof that the applicant is the current holder of all licenses required by the County and the State, as applicable, with respect to a mobile food vending operation in which food is prepared and served on a vehicle or trailer, and the vendor shall maintain such license in good standing for the duration of the permit.
  - b. The vendor shall comply with all other applicable provisions of the City Code, including, but not limited to, those regulations regarding parking, signage, lighting, and sound.
  - c. A permit is valid for only one mobile food vending vehicle or trailer.
  - d. The permitted days of operation shall be set forth in the permit. A vendor that has obtained a permit under this section, upon the expiration thereof, may apply for another permit under this section.
  - e. The permit application shall contain a signed statement that the applicant shall hold harmless the City, and their officers and employees, and shall indemnify the City, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit.
  - f. If the application seeks to operate a vending operation in a City-owned property and/or on the public right-of-way, the application shall include documentation satisfactory to the City Manager or his/her designee evidencing the applicant's public liability, food products liability, automobile liability, and property damage insurance and that the City is or will be named as an additional insured on such insurance for all the permitted days of operation. Such insurance shall be maintained without change for the duration of the permitted days of operation.
  - g. The permit shall set forth the location where the vending operation may operate and it shall be a violation of this section for any vendor to engage in vending operations in any location in the City other than the location set forth in the permit. Mobile food vendors must be located at least 10 feet from all principal and accessory structures as well as five feet from side and rear yard property lines.
  - h. Overnight parking and storage by the vendor is prohibited at the permitted location. The vendor must vacate the permitted location when not engaging in vending operations. Hours of vending operation are limited to 8:00 a.m. to 10:00 p.m. unless otherwise limited or extended by the City Manager or his/her designee, as set forth in the permit. Permits approved for vending operations on properties located in Residential Zoning Districts are limited to an eight-hour time period.

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- i. With the permit application, the applicant shall provide written proof permission from the owner of the property at the permitted location to engage in vending operations at those location. If the permitted location is located on City-owned property, the issuance of the permit by the City shall constitute such permission.
  - j. The vendor must keep a copy of the permit with the vending unit and demonstrate compliance with the permit and the permit conditions set forth in this section upon inspection.
  - k. The vending operation may be located on public right-of-way unless right-of-way adjacent to the property for which the permit is issued, with the service window facing the curbside of the street. The vending operation may not block sidewalks or drive aisles, impede pedestrian or vehicular traffic, or interfere with public safety.
  - l. The vending operation shall be located on an impervious surface unless unique circumstances cause the City Manager or his/her designee to permit the operation to be located on a pervious surface.
  - m. No vending operation may occupy accessible parking spaces or parking spaces used to fulfill any property's minimum parking requirements under this Code, unless the applicable property owner can demonstrate that parking would be adequately supplied during the vending operations.
  - n. The vendor must provide and remove trash and recycling receptacles for customer use and keep the site in a neat and orderly fashion. The permitted location must be kept free from litter, refuse, debris, junk or other waste which results in offensive odors or unsightly conditions. The vendor shall be responsible for all litter and garbage left by customers.
  - o. No vending operation may be located within 200 feet at its closest point to the main entrance of a public eating establishment or any outdoor dining area with the exception of other mobile food vendors and except with the written consent of the proprietor of the establishment or dining area. No person shall either pay or accept payment for such written consent. With the permit application, the applicant shall provide written permission from the proprietor when applicable.
  - p. No vending operation may be located within 1,000 feet at its closest point to a school while the school is in session unless written permission from the school principal is provided in the permit application. With the permit application, the applicant shall provide written permission from the principal when applicable.
  - q. Permits issued for vending operations on properties located in Residential Zoning Districts must limit sales to the property owner and other private parties associated with the private event. The vending operation shall not serve the general public unless a special event permit is approved by the City.
  - r. The placement, duration, or any other applicable requirements for operation under this section may be superseded by the provisions of an approved special event permit.
  - s. If, while holding a permit granted under this section, a vendor violates any provision of this section, in addition to any other remedy provided under this Code, the City Manager or his/her designee may revoke the permit and/or prohibit such vendor from obtaining a new permit under this section for a period not exceeding 13 months from the date of such violation for properties in Residential Zoning Districts and not exceeding 30 days from the date of such violation for properties in all other zoning districts.