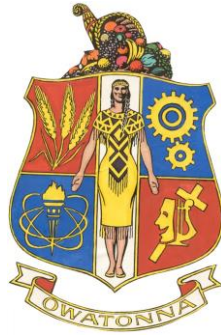


# THE CITY OF



# OWATONNA

Greg Kruschke  
Community Development Manager

540 West Hills Circle  
Owatonna, MN 55060-4794  
Phone: (507) 774-7317  
Fax: (507) 444-4394  
Email: [Greg.Kruschke@ci.owatonna.mn.us](mailto:Greg.Kruschke@ci.owatonna.mn.us)

DATE: July 30, 2020  
TO: Mayor and City Council  
FROM: Community Development Dept. – Greg Kruschke  
SUBJECT: 405 Oak Avenue South.

**Purpose:**

Approve the second reading of Proposed Ordinance 20-7 to Amend Section 157.09. Application No. Z-343 was received from Sam & Melissa Davidson requesting the Zoning change from B-2, Community Business District to R-6, High Density Residential District for the property addressed 405 Oak Avenue South.

**Background:**

Staff Report attached. Council approved the first reading of this proposed ordinance during the July 21, 2020 Meeting; there have been no changes since.

**Budget Impact:**

None.

**Staff Recommendation:**

Staff recommends approval of this proposed ordinance as recommended by the Planning Commission.

PROPOSED ORDINANCE NO: 20-7

AN ORDINANCE AMENDING ORDINANCE  
NO. 157, OWATONNA ZONING ORDINANCE

WHEREAS, the owner of the hereinafter described lands has made application for a change in zone classification for said lands and public hearing has been held according to the provisions of Section 157.098, of Ordinance No. 157, and the Planning Commission of the City of Owatonna has recommended the change in zone classification as requested.

THE CITY COUNCIL OF THE CITY OF OWATONNA DO ORDAIN:

SECTION 1. Ordinance No. 157, Zoning Ordinance, is hereby amended so that the zoning map that is thereby incorporated by reference shall be changed as follows:

1. Pursuant to Application No. Z-343 filed with the City of Owatonna, Minnesota, to change the zone classification, and after public hearing, held July 14, 2020, said application is hereby approved and the zone classification is hereby changed from B-2, Community Commercial District to R-6, High Density Residential District for the following described property:

The West ½ of Lots 8 & 9, Block 24, Original Town, Steele County, Minnesota

SECTION 2. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020, with the following vote:

Aye \_\_\_; No \_\_\_; Absent \_\_\_.

Approved and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Thomas A. Kuntz, Mayor

ATTEST

\_\_\_\_\_  
Kris M. Busse, City Administrator/City Clerk

July 7, 2020

**To:** Planning Commission

**From:** Community Development Department

**RE:** Application No. Z-343, by the Sam & Melissa Davidson, a request for a zone change from B-2, Community Business District to R-6, High Density Residential District for the property addressed 405 Oak Avenue South.

**Application Review:**

**Applicant:** Sam & Melissa Davidson

**Legal Description:** W ½ of Lots 8 & 9, Block 24, Original Town

**Existing Zoning:** B-2, Community Commercial District

**Proposed Zoning:** R-6, High Density Residential

**Existing Land Use:** Rental Duplex

**Adjacent Zoning & Land Uses:** North: B-2, Community Business District

South: B-2, Community Business District

East: R-6, High Density Residential District

West: B-2, Community Business District

**Report Attachments:**

1. Existing & Proposed Zoning Maps
2. Location Maps
3. Application Narrative

**Proposed Development:**

- ◆ Application No. Z-343, by the Sam & Melissa Davidson, a request for a zone change from B-2, Community Business District to R-6, High Density Residential District for the property addressed 405 Oak Avenue South.
- ◆ This property is set up as a duplex. It was used for many years in that manner.
- ◆ Approximately 6 years ago the owner opted to not register the property and used it as a single family residence.
- ◆ The B-2 zoning district does not permit a single or two family structure. It is required to be multi family (3 units and up) in order to be permitted within this zoning district.
- ◆ The applicant looked into adding a third unit to the structure however there are numerous difficulties in doing this that make it not feasible.
- ◆ In order to make the structure legal the applicant is proposing to rezone the property to R-6, High Density Residential in order to use the structure how it has been used previously.

### **Staff Review:**

Staff feels that the proposed rezoning would fit in with the surroundings and the desired use of this property as designated within the Owatonna Development Plan. Staff is recommending approval of the zone change request from B-2, Community Business District to R-6, High Density Residential District for the subject property.

### **Planning Commission:**

Application No. Z-343, which is a request by Sam and Melissa Davidson for a zone change from B-2 Community Business District to R-6 High Density Residential District for the property addressed 405 Oak Avenue South, was presented by Community Development Manager Greg Kruschke. (Refer to report on file.) Public hearing opened at 5:47 pm. Mary Louks, 403 Walnut Avenue South, asked if the property would remain the same and clarified that they're not rebuilding, just rezoning. Kruschke said yes. Mary Louks said she's good with that. Public hearing closed at 5:48 pm. Meillier questioned the single family use of the property when it used to be a duplex. Kruschke said that it was used as a duplex for many years, but when they had a renter leave their unit vacant, that unit was used by the owner. This property was sold to the applicants and they want to do everything right to make this a legal duplex with minor adjustments. In order to do that, they have to get to a residential zoning. R-6, High Density Residential District connects with neighboring property to the east. The house was always a nonconforming use within a B-2, Community Business District. Eickhoff asked if there was any way to make it legal without a rezoning such as a variance. Kruschke said that State Statute doesn't allow for use variances. Meier asked about the issue with changing it from two to three units. A motion was made by Rooks and seconded by Meier to recommend City Council approval of this zone change request from B-2 Community Business District to R-6 High Density Residential District. All ayes, motion carried.



Z-343 Davidson Rezoning  
B-2, Community Commercial to R-6, High Density Residential

1 inch = 400 feet  
Date: 6/29/2020



Z-343 Davidson Rezoning  
B-2, Community Commercial to R-6, High Density Residential

1 inch = 50 feet

Date: 6/29/2020

# Owatonna Official Zoning Map

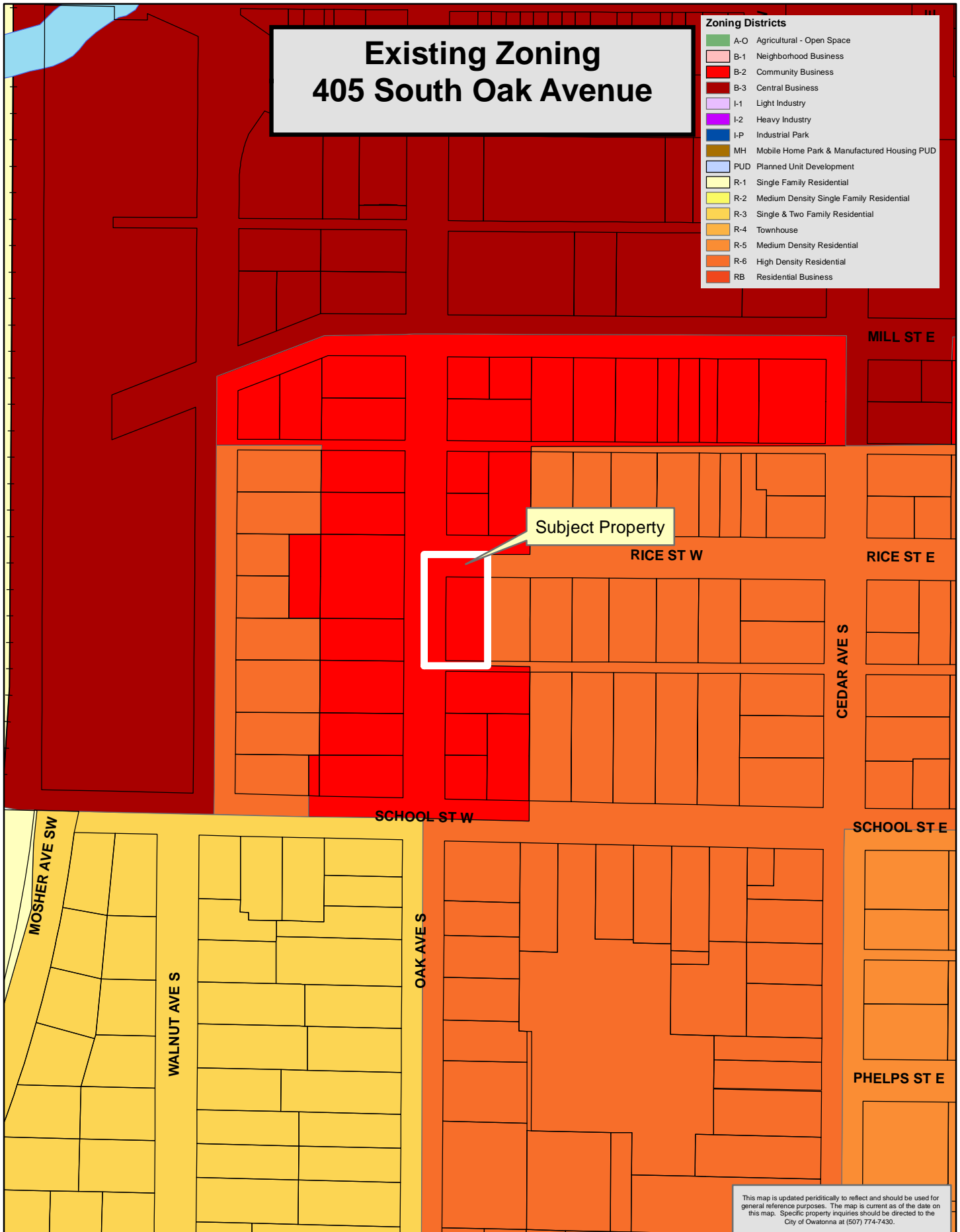
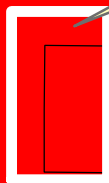


Date: 7/6/2020

## Existing Zoning 405 South Oak Avenue

Zoning Districts	
	A-O Agricultural - Open Space
	B-1 Neighborhood Business
	B-2 Community Business
	B-3 Central Business
	I-1 Light Industry
	I-2 Heavy Industry
	I-P Industrial Park
	MH Mobile Home Park & Manufactured Housing PUD
	PUD Planned Unit Development
	R-1 Single Family Residential
	R-2 Medium Density Single Family Residential
	R-3 Single & Two Family Residential
	R-4 Townhouse
	R-5 Medium Density Residential
	R-6 High Density Residential
	RB Residential Business

Subject Property



This map is updated periodically to reflect and should be used for general reference purposes. The map is current as of the date on this map. Specific property inquiries should be directed to the City of Owatonna at (507) 774-7430.

# Owatonna Official Zoning Map



Date: 7/6/2020

## Proposed Zoning 405 South Oak Avenue

### Zoning Districts

	A-O	Agricultural - Open Space
	B-1	Neighborhood Business
	B-2	Community Business
	B-3	Central Business
	I-1	Light Industry
	I-2	Heavy Industry
	I-P	Industrial Park
	MH	Mobile Home Park & Manufactured Housing PUD
	PUD	Planned Unit Development
	R-1	Single Family Residential
	R-2	Medium Density Single Family Residential
	R-3	Single & Two Family Residential
	R-4	Townhouse
	R-5	Medium Density Residential
	R-6	High Density Residential
	RB	Residential Business

Subject Property

MOSHER AVE SW

WALNUT AVE S

OAK AVE S

SCHOOL ST W

RICE ST W

RICE ST E

CEDAR AVE S

SCHOOL ST E

PHELPS ST E

This map is updated periodically to reflect and should be used for general reference purposes. The map is current as of the date on this map. Specific property inquiries should be directed to the City of Owatonna at (507) 774-7430.



Sam and Melissa Davidson  
16753 635<sup>th</sup> Street  
Dodge Center, MN 55927  
June 19, 2020

City of Owatonna  
Planning and Zoning Department  
540 West Hills Circle  
Owatonna, MN 55060

To Whom It May Concern:

We are writing to request that the property located at 405 Oak Avenue S., Owatonna, MN have its zoning changed from Commercial to Residential. This property has previously served as both a single family home as well as a duplex. It has never functioned as a triplex which is all that is currently allowable under the commercial zoning. This property lacks a third parking spot and the expense necessary to convert the home into a triplex is extremely high. This is not, therefore, a feasible option. This property resides within a residential neighborhood making residential zoning logical. We respectfully request that the zoning be changed from Commercial to Residential

Sincerely,

A handwritten signature in black ink, appearing to be 'SMD', with a long horizontal flourish extending to the right.

Sam and Melissa Davidson  
Owners