

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

Monday, December 05, 2011

Page 1

The Planning Commission meeting was called to order by Chair Campbell at 7:03 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, City of North Oaks. Chair Campbell acknowledged that Commissioners Dick Hara, Gregg Nelson, Katy Ross and Bob Wilson were present. Nancy Reid and Joyce Yoshimura Rank were absent. Also present were City Administrator Melinda Coleman, Videographer Mary Guy and Recording Secretary, Linda Hanson.

Approval of Agenda

Commissioner Katy Ross moved to approve the agenda. The motion was seconded by Commissioner Nelson and passed unanimously.

Approval of Minutes

Commissioner Dick Hara moved to approve the Minutes from the October 27, 2011 Planning Commission meeting. The motion was seconded by Commissioner Katy Ross and it passed unanimously.

Applications:

Public Hearing Zoning Ordinance Amendment-Number 103, Amending Ordinance Section 151.078 Entitled Variances and Appeals

City Administrator Melinda Coleman gave a short overview of the required new changes to the State law in regards to the Variance Approval Process. The State legislature changed the language from **undue hardship** to **practical difficulties** when deciding on approval of variances. The ordinance will now read under Section 151.078 (2) (b) Practical difficulties means the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, the plight of the land owner is due to circumstances unique to the property which were not created by the land owner, and the variance, if granted, will not alter the essential character of the locality.

Ms. Coleman explained that since this is required by State Statute, on advice from the City Attorney, Dave Magnuson, the City must make these changes. This should make it less complex to grant a variance in the future. Most of the variances granted by the City are for new septic systems. Chair Campbell asked when this law was changed and Ms. Coleman stated it was May 6, 2011. Commissioner Nelson explained that it makes the City language more in alignment with the County language.

Commissioner Wilson asked if the City would then be more likely to grant variances. Ms. Coleman explained that the ordinance will continue to take on the tone of the City. The City has been very careful in the past not to grant variances and would continue with to review variance requests with caution.

Currently no one has made a legal challenge to this statute.

Chair Campbell opened the public hearing at 7:10 and with no comments closed the public hearing at 7:10.

Commissioner Gregg Nelson moved to recommend to the North Oaks City Council that Zoning Ordinance 103 for Amending Ordinance Section 151078 Variances and Appeals be approved with the change as suggested by staff that new paragraph (C) wording of hardship be changed to read, practical difficulty, and Commissioner Ross seconded the motion. It passed unanimously.

Public Hearing Zoning Ordinance Amendment- Number 104, Amending Ordinance Section 151.083 FEES

City Administrator Coleman explained that this ordinance relates to fees for services. The change allows the City to collect an application fee for a request for a reasonable accommodation under the Federal ADA law. The City has encountered a past situation in which fees incurred by the City could not be recovered.

Chair Campbell opened the public hearing at 7:20 pm and with no comments he closed the public hearing at 7:20 pm.

Commissioner Nelson asked what the fee was for a Conditional Use Permit/Variance and Ms. Coleman stated it was \$400. In most cases this amount covers the City costs. However, in some situations where a variance may exceed the FAR restrictions or other unique cases, the costs can exceed the \$400 fee. This change in the ordinance should make it easier for the City to recoup costs spent on the review process, engineering fees, legal costs, etc.

Commissioner Gregg Nelson moved to recommend to the North Oaks City Council that Zoning Ordinance 104 for Amending Ordinance Section 151083 FEES be approved with the following language:

- (A) To defray the administrative costs of processing applications for conditional uses, amendments, variances, reasonable accommodation requests, and any other request that requires the City to incur consultant fees, or appeals, a nonrefundable base fee, as established by the city from time-to-time, per application shall be paid by all applicants when the application is filed.
1. SAVING In all other ways the North Oaks City Code will remain in full force and effect.
 2. EFFECTIVE DATE This Ordinance will be in full force and effect from and after its passage and publication according to law.

Commissioner Ross seconded the above motion. It passed unanimously.

Staff Reports

1. The Sisters of the Good Shepherd Property:

Ms. Coleman gave an update on the status of this property. A meeting was held with Mayor Schaaf, City Administrator Coleman, NOHOA President Mark Azman, the Sisters representative Tom Zimmer and a developer from Pemtom. The developer explained that he would like to build single family homes on this property; however, he has concerns about the constraints on the property. Currently the ratio for property is zoned Single Family Medium Density with a minimum of lot size of 1.1acre per lot. Additionally utilities will have to be brought into the property.

All tenants will be vacated by mid-2012. North Oaks Company has the first right of refusal. There are 80 acres on this property. So far, Pemtom is the only company that has expressed interest in developing this property.

2. LGWA Project Update:

Ms. Coleman explained that the Lake Gilfillan project is almost complete. The final connections and wiring will be done by the end of the week. The project will then be wrapped up in the spring when landscaping and painting of the Pump House will be done. Testing of the system will also be done in the spring and the lake will take approximately 3 months to fill.

An Assessment hearing will be conducted late spring or early summer and bonds will be issued for the cost of the project. At this time, the project is under the \$900,000 budget planned for this project.

3. Discharge and Connection Storm water Discharge Ordinance

A draft of an upcoming change in a City ordinance was given to the members of the Commission. This is an update that the City is mandated by the Minnesota Pollution Control Agency to make.

The purpose of this Ordinance is to provide the health, safety, and general welfare of the citizens of North Oaks through the regulation of non-storm water discharges to the storm drainage system.

Ms. Coleman asked the Commissioners to read over the draft so that this could be discussed and acted on at a future meeting.

4. Request from the City

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

Monday, December 05, 2011

Page 4

City Administrator Coleman brought up the idea to have a workshop including the City Council and the Planning Commission to discuss the Zoning Ordinances. Currently some of the Ordinances are rather vague causing difficulty when it comes to enforcement. Also, more clarity is needed on who should do the enforcement of the ordinances. Ms. Coleman believes a workshop would help to clear up and prioritize these ordinances for changes. The Commissioners agree that this would be a good idea.

Next Meeting:

Thursday, January 26th at 7:00 P.M. at the Community Meeting Room, 100 Village Center Drive.

Adjournment:

On motion made by Commissioner Wilson and seconded by Commissioner Ross and carried unanimously, the meeting was adjourned at 7:48 P.M.

Attest:

Respectfully submitted,

Bill Campbell, Chair

Linda Hanson
Recording Secretary