

The Planning Commission Meeting was called to order by Chair Katy Ross at 7:00 p.m. at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks. Also present were Commissioners Dick Hara, Nancy Reid, Joyce Yoshimura-Rank, Bob Turkington, Kara Ries and Paul Lesieur. City Administrator Mike Robertson, City Attorney Dave Magnuson, Administrative Assistant Linda Hanson, SSTS Inspector Brian Humpel and Videographer Maureen Anderson were also present.

Approval of Agenda

Commissioner Reid moved to approve the Agenda. The motion was seconded by Commissioner Yoshimura-Rank and passed unanimously.

Approval of Minutes

Commissioner Reid moved to approve the Minutes from the February 25, 2016 Planning Commission Meeting. The motion was seconded by Commissioner Hara and passed unanimously.

New Business

1. Variance 16-01, 11 Skillman Lane, ISTS

SSTS Inspector Humpal reviewed the request for a new subsurface sewage treatment system which would encroach 14 feet into the required 30 foot north property line setback and 8 feet into the 30 foot road easement setback. The current system has been found to be non-compliant. This property has steep slopes with Pleasant Lake located on the west of the property. It also has poor topography and soil conditions on the north and east side.

A previous variance was approved in September of 2015 for a person interested in purchasing this property. The system was a Type IV system that would involve a smaller variance. That purchase fell through and the new owner prefers a Type I system.

Joe Coyne said he bought the home last fall and he is thinking about tearing it down and replacing it. He prefers having a larger septic system to support a larger home. A Type IV system is more expensive to install and maintain. The location of the proposed system is preferred by the homeowner as it would not be on the lake side of the property, would be more accessible, would be a Type I rather than a Type IV system and the homeowner would like to place a garden where the Type IV system would need to be installed.

Inspector Humpal noted that any new home would be required to have two proven septic sites. The first variance would provide a second site.

Commissioner Hara made the motion, seconded by Commissioner Yoshimura-Rank, to recommend to the City Council approval of Variance 16-01 to encroach 14 feet into the required 30 foot north property line setback and 8 feet into the 30 foot road easement setback with the following conditions. Motion carried unanimously.

- 1. Completion date 120 days after approval.**
- 2. System to be located per design dated October 24, 2015 by Ed Elkin Septic System Design.**

2. Public Hearing- CUP 16-02, 857 Village Center Drive, Panino's Restaurant Request for Expansion of Space

Administrator Robertson reviewed the request from Panino's Restaurant for a Conditional Use Permit to expand 2,011 square feet into the adjacent liquor store space. This would increase Panino's space to 6,562 square feet.

The City Engineer has reviewed the parking plan and no issues were found. The new space will be able to increase the number of bathrooms in the restaurant. The building plan would need to be approved by the City Building Official. Staff recommendation is to approve this request as there appears to be no issues.

Scott Mower from Progressive Architecture for the applicant said that the remodeling is expected to take three months with two phases. The first phase will involve the build out of the new liquor store space and the second will involve the build out of Panino's space. The construction crews will use the parking lot behind the building to reduce parking issues in front.

Chair Ross opened the Public Hearing at 7:27 and with no comments, closed the Public Hearing at 7:28.

Commissioner Ries made the motion to approve CUP 16-02 based on the Findings of Fact with the conditions listed in the staff report. Commissioner Yoshimura-Rank seconded the motion which carried unanimously.

Old Business

1. Continuation of Public Hearing for the Proposed Rental Ordinance

Chair Ross reviewed the process and the reasons for the proposed rental ordinance. She stated that this effort began when the Planning Commission met with Mayor Egelston in 2015. A Housing Maintenance Ordinance was discussed at this meeting and a housing committee was formed to consider what might be done. The rental ordinance was suggested as a first step. The Committee worked through a number of meetings developing an ordinance before it was submitted to the Planning Commission. To notify residents, the City sent letters to non-homesteaded properties, put articles in the Shoreview Press and North Oaks News, and used the NOHOA email blast to get the word out about the ordinance and the public hearing in February. After the initial Public Hearing last month, more changes were made to the proposed ordinance.

Chair Ross reminded the public that the City's responsibilities are to protect the safety, health, and general welfare of the community. The City would like an ordinance so they can deal with problems sometimes created by rental properties. Renting in North Oaks should be allowed, but the proposed ordinance would help educate people about the City requirements and help the City obtain current contact information if needed. There are not a large number of problems now but the City is trying to be proactive by looking to the future to be ready for any problems that occur with aging homes.

Commissioner Ries reviewed the changes made to the current version of the proposed ordinance since the last public hearing. This ordinance provides that it is a right to be able to rent a home in North Oaks but that it needs to be handled responsibly. This ordinance provides the tools address

any problems with rental properties. Rental ordinances are quite common and fifteen of the nineteen cities in Ramsey County have them, while seventeen of the nineteen cities license rental properties. The Countrymen Deed was used in drafting the proposed ordinance. The ordinance would have a twelve month minimum term for rentals with one license per property owner. The license would need to be renewed every year and have a criminal background check attached. If the owner did not live in the area, an agent would need to be listed so that if any issues did arise, someone would be able to respond. An inspection for building and fire codes would be required every three years. The cost of the license and inspection would be \$100.00 each. A letter from any sub association would also be needed to verify if renting is allowed. The owner would be required to notify the City of all adults living in the home and any significant changes.

Former Mayor John Schaaf, 10 Larch Lane, said that he was a member of the housing committee that reviewed the ordinance. North Oaks has consistently been in the top 5% of communities in Minnesota and feels this ordinance will help maintain that. He noted that some subdivisions, such as the Pines where he lives, do not allow rentals.

Administrator Robertson read comments he received from homeowners expressing both positive and negative reactions to a rental ordinance.

The Public Hearing was opened at 8:23 pm.

Jack Anderson, 3 Overhill Drive

He reviewed his objections to the proposed ordinance. He feels that the process has not been communicated well to residents. One of his main concerns with the ordinance is the background check required. Some homeowners may know who they are renting to, so this would not be necessary. Also, it is not clear what the City would do if the person renting did not pass the check.

Abdhis Bhavsar, 20 North Deep Lake Road

Dr. Bhavsar owns a home in North Oaks, but has since moved to a farm. However, he intends to keep his home in North Oaks hoping his children will move to it someday. In the meantime, he wants to rent his home as he pleases. He feels the proposed ordinance is discriminatory. Renters are asked to do more than homeowners.

David White, 21 Pheasant Lane

He agrees that a Home Maintenance Ordinance is a good idea. He stated there have been some problems with rental properties in his neighborhood. He said that any rental ordinance needs to be enforced and have a sufficient budget to enforce it.

Bob Ostlund, 7 North Mallard Road

He thinks that removing the vacant property section of the proposed ordinance was a good idea. He likes the 12 month minimum lease and one license per person requirements. He has seen rental problems, so he is in favor of the ordinance.

Karol Berliner, 7 Charley Lake Court

She is very concerned about one rental property near her home. This small home allows two leases at one time, one on the main floor and one in the basement. The residents in this home have been cited a number of times for criminal activity and ordinance violations, have trespassed on her

property, have had large illegal fires, and have damaged her property. She said the City has tried but has not been able to correct the problems under current regulations. One of her neighbors moved because of the many problems at this home. She is in favor of the ordinance so that the City can deal with this property. She feels it's naïve to think that all landlords are responsible.

Mike Simon, 20 Sunset Lane

He supports the proposed ordinance and thinks it is responsible and not discriminatory.

Krista Wolter, 7 Skillman Lane

She read a letter written by realtor David Vanneste expressing his disagreement for allowing only one license and a minimum lease requirement of 12 months. He has rental properties and maintains them well. Ms. Wolter said that the ordinance as proposed is too long and gives too much power to the City. She thinks there should be a shorter ordinance and she is in favor of background checks. She feels the ability to rent prevents foreclosures.

Mark Azman, 1 Hay Camp Road

He stated that there have been problems with certain rental properties in the City. He has six in his neighborhood. He fully supports having a rental ordinance and feels it is irresponsible to not have one.

Daniel Spearman, 35 Mallard Road

He is not in favor of the ordinance as proposed. He is ok with the provisions requiring notification to the City of adults living in the home and requiring a local agent if the homeowner renting does not live in the area. But with only about 40 homes rented in the City, he believes the Ordinance is too comprehensive. He said that homeowners are not required to have a background check, so renters should not be required to either unless the homeowner feels it is necessary.

Eric Meyers, Representative for the Association of Realtors

He expressed some of the issues realtors may have with this Ordinance. He does believe an ordinance for nuisance properties is a good idea, but criminality should be left to the police. In North Oaks, rentals are priced high and are not common. The biggest issues for realtors are the length of the lease required and only one rental license allowed per person. He feels exceptions could be made that would fit the community.

Matt Anderson, 20 Spring Farm Lane

He opposes this ordinance, but does believe that the City should know who occupies a property and have appropriate contact information.

Angela Brasel, Vice-President of Caldwell Banker

She said that a Housing Maintenance Code should be considered first as many of the concerns expressed are maintenance issues. She stated that responsible rentals do work, but if the ordinance is too restrictive owners may try to work around it.

Craig Janssen, 8 Poplar Lane

He owns two homes in North Oaks. He had one on the market for two years and it did not sell, so he currently is renting it. He stated that the majority of tenants looking for a home to rent in North

Oaks want a shorter lease than one year. Also, if for some reason he needed to work in another location, he would want to be able to also rent his current home. He feels the proposed ordinance could cause him economic hardship in that situation. He also stated that homes needing maintenance are often those owned rather than rented. He would be in favor of a housing maintenance ordinance.

Tim Wolter, 7 Skillman Lane

He has rental property and wants to be able to continue to purchase and rent homes and feels the limit of one home is unfair.

David Ellis, 9 Charley Lake Court

Mr. Ellis is in favor of the ordinance. He lives near a problem property and listed the problems with it. He noted that the past and current City Administrator have tried to address the problems but have not been able to so he supports the proposed Rental Ordinance.

Hearing no further comments, Chair Ross asked Commissioners for their thoughts. Commissioners Hara, Lesieur, and Reid would like to consider the comments they heard and continue working on this proposed ordinance.

City Attorney Magnuson stated that from a legal point of view a city can regulate renters. It should not be too broad, but having some exceptions might be a good idea. He also stated that a shorter length of time should be considered.

With no further Commissioner or staff comments, Chair Ross invited attendees for any further comments.

Mark Azman, 1 Hay Camp Road

He said that the Commission should communicate with the sub associations in North Oaks and also should coordinate with NOHOA on this ordinance.

Karol Berliner, 7 Charley Lake Court

She said that the problem is with the homeowner, not the renter.

Jack Anderson, 3 Overhill Drive

He said he would like to see more transparency. He would like to see minutes of the Housing Committee meetings. Chair Ross said that since only one Councilmember and one Planning Commissioner were on the committee it was not considered an Open Meeting under State law and no minutes were kept.

David White, 21 Pheasant Lane

He asked if the public could attend any future Housing Committee meetings. Chair Ross said residents could come but would not be allowed to give input until the end of the meeting. There is no further Housing Committee meetings scheduled at this time.

Abdhish Bhavsar, 20 North Deep Lake Road

He said that only a very few homes have problems, so it would be better to have an ordinance for problem properties, not rentals.

Hearing no further comments, Chair Ross closed the Public Hearing at 9:40 pm. Commissioner Yoshimura-Rank suggested that anyone who had any suggestions for additions to the proposed ordinance to email staff or the Commissioners.

Commissioner Reid, with a second from Commissioner Yoshimura-Rank made the motion to continue to work on the proposed Rental Ordinance before recommending it to the Council for approval. The motion carried unanimously.

Next Meeting

The next Planning Commission Meeting is Thursday, April 28, 2016 at 7 p.m. at the Community Meeting Room, 100 Village Center Drive

Adjournment

On motion made by Commissioner Hara, seconded by Commissioner Reid and carried unanimously, the meeting was adjourned at 9:43 p.m.

Attest:

Respectfully submitted,

Chair Katy Ross

Linda Hanson
Recording Secretary