



CITY OF

NorthOaks

Building on a tradition of innovation

Minnesota

CITY OF NORTH OAKS

**Regular Planning Commission Meeting
Thursday, April 30, 2020
7 PM, Virtual or Electronic Means only**

Please click the link below to join the webinar:

<https://zoom.us/j/452610841?pwd=T1AyRUZlZzhaUnFEU21sQnZlZzhLUT09>

Password: 084269

Or iPhone one-tap: US: +13126266799,,452610841#

Or Telephone: +1 312 626 6799 Webinar ID: 452 610 841

MEETING AGENDA

1 Call To Order

2 Roll Call

3 Approval of Agenda

4 Approval of Previous Month's Minutes

4a. Approval of 2-27-2020 Minutes

[2-27-20 PC Minutes - Draft kk.docx](#)

5 Business Action Items

5a. Public Hearing: 15 Ridge Road Grading CUP

5b. Discussion and consideration of Resolution recommending City Council approval of CUP for land reclamation activities at 15 Ridge Road

[CUP 15 Ridge Rd.docx](#)

[FINAL Resolution Approving 15 Ridge Rd CUP 4.24.2020.docx](#)

[MEMO EXHIBITS CUP for 15 Ridge Road.pdf](#)

[15RidgeRoad_CUPmemo_FINAL.docx](#)

6 Commissioner Report(s)

7 Adjourn

**North Oaks Planning Commission
City of North Oaks Community Meeting Room
February 27, 2020**

CALL TO ORDER

Chair Azman called the meeting of February 27, 2020, to order at 7:00 p.m.

ROLL CALL

Present: Chair Mark Azman, Commissioners David Cremons, Nick Sandell, Sara Shah, and Joyce Yoshimura-Rank. Commissioner Hara joined at 7:43 p.m.

Staff Present: City Administrator Kevin Kress, Mayor Gregg Nelson, Recording Secretary Debbie Breen, City Planner Bob Kirmis, and City Attorney Bridget Nason

Absent: Commissioner Stig Hauge

Others Present: Videographer Maureen Anderson

A quorum was declared.

APPROVAL OF AGENDA

MOTION by Commissioner Yoshimura-Rank, seconded by Shah, to amend the Agenda to add “Approval of the Agenda” to the meeting agenda.

Commissioner Shah asked for status of Comp Plan. Administrator Kress indicated that the City is waiting on Met Council feedback and hope to provide it to the Planning Commissioner in March for review.

Motion carried unanimously.

CITIZEN COMMENTS

Rachel Maher, 91 Rapp Farm Place, requested Commission not approve the 12 lots as proposed due to: 1) the application includes the 2 parcels that are not in the PDA; 2) Exhibit B.4 of PUD shows dedicated path of open space but it is not shown as part of the development area. 3) Lot size/location – requesting 12 lots but due to nature of parcel and wetland, concerned about squeezing in access to 2 extra flag lots. She also noted the proposed lots are up to 6 acres and believes PUD says they should be 2-3 acres and take in consideration hardwood trees in place. Trail runs through one of the properties and believes Exhibit C Easement map shows the easement going through existing homes along Deep Lake. With the application so different than what was in the PUD, feels the application should not be approved.

Leanne Saveride, 4 Red Maple Lane, referenced the application letter from Mr. Houge which notes the Company considers Nord Parcel a benefit to the community. She feels the lack of an agreed upon trail solution is still essential to the community benefit.

BUSINESS ACTION ITEMS

a. Approval of Minutes of January 30, 2010, and February 4, 2020

Commissioner Yoshimura-Rank asked that the date in the January 30th minutes, page 8 paragraph 2, be clarified to state January 11, 2018 was the date of the Sambatek map. Also corrected the Commissioner spelling of Commissioner Hauge name.

MOTION by Hara, seconded by Yoshimura-Rank, to approve the Minutes of January 30, 2020 as amended, and the February 4th minutes as presented.

Motion carried unanimously.

b. Consider Resolution Determining Completeness for Nord Parcel Development and Setting Public Hearing

- City Planner Kirmis stated that per Ordinance, the Planning Commission must determine if the submitted preliminary plan application documentation is complete before a Public hearing can be set, This determination of completeness is not a final review, it is a measure to ensure the applicant has submitted all of the required documents. Typically, City staff would make this sole determination, however in North Oaks the Planning Commission give make give this approval.
- In review of the submission requirements listed in the ordinance and East Oaks PDA, City staff has found that the applicant has submitted all required materials. City staff includes the City Administrator, City Engineer, City Attorney, and City Planner. Recommended conditions for future discussion during the Public Hearing include request of a map showing the edge of the wooded areas to include additional detail as to specific trees and what happens after subdivision. Also for Nord application, there are two parcels shown that are not in PDA that would become part of the review of the application and public hearing.
- Commissioner Hara inquired about the staff recommendation to include the 2 extra parcels. Planner Kirmis responded that the 2 parcels are remnants between other planned lots, and it is not uncommon to include as part of a cleanup. Hara believes that they may have been placed to assist in allowing the trail along that easement and believes the East Oaks PDA may have intentionally not included the two 2 parcels.
- Attorney Nason stated the two issues: Since the parcels are not included in the legal description, they could amend the PDA to include the 2 parcels and complete a zoning map amendment. Another option is to leave in the subdivision the parcels with 2 different zoning classifications. She could not find any zoning or ordinance regulations that prohibit have 2 different zonings, it just makes it bit more complicated as to what rules they must follow.
- Commissioner Cremons asked if it would be prudent to clear up the 2 parcels prior to consideration of the application and moving forward, and felt it was a good time in the process to clear this up now.
- Attorney Nason stated that we have a live application and a timeline to consider, and a PDA and Zoning Map amendment could take months to resolve. The application for subdivision includes two timelines: 1) the applicant must also be advised within 15 days of application submittal whether it is complete 2) from date of completed application, the Planning Commission has 120 days to make decision on it. Therefore a decision needs be made tonight, with the applicant receiving confirmation of decision of completeness by tomorrow. If no decision is made within 15 days, the applications are considered complete by default. The key is to decide if all the boxes have been checked on the submittal checklist. If deemed complete, February 24th is considered the date of completion as this is when the last required materials were received by City Staff.
- The items noted on the Checklist as “to be determined as part of plan review” are part of the next step of Preliminary Review / Public Hearing.
- Planner Kirmis indicated that if the parcels were left out, it could be hard to maintain the stranded parcels, and have no control on what happens to it in future. There are trail connections shown in the preliminary plans from the Applicant.
- Attorney Nason clarified the City Council has final decision during the application review process. The steps in an Application process include: 1) Planning Commission completeness check 2) Planning Commission Public Hearing, preliminary plan review and recommendation, and then 3) move to Council for preliminary plan review and approval 4)

final plan submitted to Planning Commission and Council for approval. Note: Once preliminary plan and plat is approved, as long as the final plan conforms and is consistent with the preliminary it must be approved.

- Commissioner Hara feels that the two pieces of property should be looked at now to determine the original intent of those parcels before we move forward. If they were intended to be trails he would like to know that first.
- Attorney Nason mentioned that each certificate of title for properties within North Oaks should show easements if there were any assigned to it. There are also some easements that may be held in North Oaks Company name and not transferred to NOHOA.
- There was discussion that if it were to be deemed incomplete, the motion would need to clearly articulate what area the developer needs to address based on the completeness ordinance checklist.
- Mr. Houge of North Oaks Company noted that this situation previously occurred in Ski Hill, in which there were lots that were partially included in PDA so this is not the first time to clean up remnants. The Company is also willing to incorporate these 2 lots into the development, but by definition of requirements needed, this does not make the Application submitted incomplete.
- He also noted that if they were to put a trail on V-284, it would be going right through wetlands. They are working with NOHOA to look at putting it through lots 1 & 2 instead of by the road as shown in the PDA. They would need the two parcels included to proceed with this plan. They feel there is precedent to not have to amend the PDA to incorporate these lots. They plan on talking to the Rapp Farm sub-homeowner association to show them the proposed trail connection.
- It was mentioned that if the two lots are not connected into Nord, there is concern they would not be available if they were needed to make trail connections. Commissioner Sandell feels including them in the application put us in the conversation as to what happens to the parcels. This could allow for future discussion about including them as a trail, rather than just selling to a builder with no consideration for Nord.
- Attorney Nason indicated that the prior Nord preliminary plan brought forth a year ago that was noted as complete did include the two parcels. Shah mentioned that the Planning Commission was not involved in the prior application completeness check, and the internal City Staff has also changed.
- Attorney Nason clarified that the EAW published in August 1998 was completed due to the size of the development and to identify if there were any potential impacts to be mitigated. The EAW is not part of the PDA so it is not a governing document.
- Chair Azman would like to see further detail in a tree map of what the area looks like before and after subdivision before Plan Review hearings.
- Administrator Kress stated that Chapter 151.056B-2 of the ordinance requires applicant to show the trees, parks, playground along with topography. However, it does not specify what detail on trees is needed. The Company would only have control over what happens with heritage trees on the access roads.
- Charley Lake was the first time there was a plan for replanting of trees identified, but this was through Mattamy Homes, not North Oaks Company.
- Mr. Houge stated they are in favor of the City Forester reviewing the access corridor so the Company can make best effort to keep heritage tree as reasonable. It is always a priority to retain natural topography and self-enforced trying to save trees as many as possible. Rapp Farm was tillable farmland and not many trees that could even be considered. Road will be

kept to a minimum to preserve trees, however they do not have control over the individual lots. Willing to go out and review the Road and trees with forester once the application is deemed complete.

- Attorney Nason mentioned it was an option to deem application complete, but specifically request the Company to provide heritage tree information before the Public Hearing. Staff also recommends we not leave remnant parcels. If remnant parcels are included, they would not be allowed to get the benefits of other parcels within PDA. Mr. Houge stated the zoning of the remnant parcels is “conservation lot” which is more restrictive than those under PDA, so it would not change how the space is designed.
- Supermajority is needed if request a formal zoning change, and could be several months requiring public hearing, and Council discussion.

MOTION by Hara, seconded by Cremons, to approve Resolution 2020-01 to deem the application incomplete with the condition that the 2 orphan parcels that are inconsistent with the Master plan be resolved, and heritage trees identified on the road.

- Commission Sandell feels that it is to the City’s advantage to include them so that we have leverage on what happens with them. He also feels like there has been traction on both sides regarding the trails and feels the conversation during preliminary plan review will address this issue. If not, there is the option to deny the application. Commissioner Shah feels it is complete as well, and that the Company has submitted everything they are required to.
- Mr. Hauge pointed out that residents are putting forth money to pay professional staff to do a thorough review and submit a recommendation. They have had several meetings with staff since the submittal of the preliminary plans to make sure they had submitted everything. There is precedent set of combining lots to bring in remnant parcels without a formal zoning change. The Company will take issue if application is denied based on this.
- Mayor Nelson asked Attorney what the ramifications are of the decision made. Attorney Nason responded that if there is a legal dispute, what is required in code and the checklist will come into play.
- Chair Azman concerned about leaving the parcels out there without any control for later and would also like to see tree review for the publicly controlled areas such as stormwater basin, roads, trails.
- Administrator Kress mentioned that the City could look at a possible tree preservation ordinance to address other scenario of tree preservation on the respective owner lots.
- There was concern over the language in the motion being legally clear, with Chair Azman and Attorney noting that might be prudent to reword.

Motion failed 0-6. (Cremons, Shah, Azman, Yoshimura-Rank, Sandell, Hara opposed)

MOTION by Hara, seconded by Cremons, to approve Resolution 2020-01 to deem the Application incomplete because the application has failed to prove that it is consistent with the PDA.

MOTION tied with 3-3 vote. (Cremons, Hara, Yoshimura-Rank in favor; Azman, Sandell, Shah opposed). Motion fails by a tie.

Attorney Nason indicated her concern that if no agreement is made, the application would be deemed complete by default. She suggested a brief recess.

**Motion by Shah, seconded by Yoshimura-Rank for a 5-minute recess at 8:50 p.m.
Motion carried unanimously.**

Meeting reopened at 9:00 p.m.

- Attorney Nason reconfirmed that if no decision made, application would be deemed complete without request for additional considerations.
- Chair Azman asked if they can present a motion to approve application complete pending forester information and request North Oaks Company work with the City to address the parcel and request amendment of PDA. Administrator Kress reconfirmed that the concerns are part of a compliance issue that would be discussed during plan review, not a completeness issue. Planning Commission could ask staff to review whether it is consistent with zoning and PDA and bring information to the Preliminary plan review meeting.

MOTION made by Sandell, seconded by Shah, to approve Resolution 2020-01 as shown on the dais, for the Nord Parcel application to be deemed it complete as of Feb. 24, 2020 with a recommendation that the Applicant work with the City Forester to put together a tree report showing any significant heritage trees and the impact of the development along the access corridor prior to the Public Hearing.

- Commissioner Cremons noted that he would be willing to change his vote knowing that it would move the process forward, and that it would not have affect the substantive rights of the Planning Commission during the next Plan Review phase. Chair Azman clarified with staff that this is a vote for completeness, not compliance which takes place in the next phase.
- Commissioner Hara noted he still believes it is not in compliance with the verbiage in the PDA checklist item.

MOTION passed with a 5-1 vote. (Hara opposed)

c. Consider Resolution Determining Completeness for Anderson Woods Development and Setting Public Hearing

- Planner Kirmis indicated that City staff has completed a thorough review based on the zoning and ordinance guidelines and considers the Anderson preliminary application complete. Staff recommends a similar review of heritage trees be considered and impact better defined. Commissioner Cremons agreed this application to have a similar tree verbiage.
- North Oaks Company Representative Houge stated he is comfortable that they have submitted everything that the staff has requested and are more than willing to bring back information on the heritage trees with next review.

MOTION by Yoshimura-Rank, seconded by Shah, to approve Resolution 2020-02 to approve the preliminary plan application for Anderson Woods site as deemed complete, as of Feb. 24, 2020, with the recommendation the Applicant work with the City Forester to put together a tree report showing heritage trees and the impact of the development along the access corridor prior to the Public Hearing.

Motion carried unanimously.

d. Consider Resolution Changing Meeting Dates and Times

MOTION by Yoshimura-Rank, seconded by Cremons, to approve the Resolution 2020-03 to set Public Hearings for April 14th at 6 p.m. for Nord parcel, and April 15th at 6 p.m. for Anderson Woods parcel.

Motion carried unanimously.

Next Planning Commission Meeting: March 26, 2020 at 7 p.m.

ADJOURN

MOTION by Yoshimura-Rank, seconded by Shah, to adjourn the Planning Commission meeting at 9:34 p.m.

Motion carried unanimously.

Kevin Kress, City Administrator

Mark Azman, Chair

Date approved_____

CITY OF NORTH OAKS

**TO: MAYOR/CITY COUNCIL
PLANNING COMMISSION
CITY ADMINISTRATOR**

FROM: KEVIN WHITE, BUILDING OFFICIAL

DATE: MARCH 30, 2020

**SUBJECT: CONDITIONAL USE PERMIT APPLICATION
CASE #:
ADDRESS: 15 Ridge Rd
APPLICANT: Jon Reedy**

I have reviewed the application submitted for the CUP at the above mentioned address and given the information provided it appears the work requested will not adversely affect the adjoining properties. I have no objection to the CUP be granted.

At the top of the application the applicant put in his current address instead of 15 Ridge Road.

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA
RESOLUTION NO. _____**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR LAND
RECLAMATION ACTIVITIES ON REAL PROPERTY LOCATED AT 15
RIDGE ROAD, NORTH OAKS, MN**

WHEREAS, an application for a Conditional Use Permit has been submitted by Jon Reedy, the owner of the real property described below, for land reclamation activities, namely to allow the importation and depositing of 1,210 cubic yards of fill, on the real property located at 15 Ridge Road, North Oaks, Ramsey County, Minnesota, legal described on the attached **EXHIBIT A**; and

WHEREAS, pursuant to North Oaks Zoning Ordinance Section 151.027, a Conditional Use Permit is required for land reclamation involving 100 cubic yards or more of soil; and

WHEREAS, the request has been reviewed against the relevant requirements of North Oaks Zoning Ordinance Sections 151.027 and 151.076, regarding the criteria for issuance of a Conditional Use Permit, and meets the minimum standards, is consistent with the Comprehensive Plan, is in conformance with the Zoning Ordinance, and does not have a negative impact on public health, safety, or welfare; and

WHEREAS, a public hearing concerning the Conditional Use Permit was held before the North Oaks Planning Commission in accordance with Minnesota Statutes, Section 462.357, subd. 3, on April 28, 2020, at which hearing the Planning Commission voted to recommend approval of the Conditional Use Permit application.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTH OAKS, that a Conditional Use Permit to allow land reclamation activities, namely the installation of 1,210 cubic yards of fill, on the real property located at 15 Ridge Road and legally described on the attached Exhibit A is approved subject to the following conditions:

1. The total amount of fill installed on the Property shall not exceed 1,210 cubic yards.
2. Adjacent lot owners shall be notified prior any grading or filling activities within thirty (30) feet of adjacent lot lines.
3. Compliance with all building permits issued for the Property.
4. Compliance with all requirements in the City Engineer's Memo dated April 24, 2020.

BE IT FURTHER RESOLVED that the City Clerk, Deputy City Clerk, or City Attorney are hereby authorized to record a certified copy of this Resolution with the Ramsey County Registrar of Titles.

Adopted by the City Council of the City of North Oaks this 14th day of May, 2020.

By: _____

Gregg Nelson

Its: Mayor

Attested:

By: _____

Kevin Kress

Its: City Administrator/City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Tract J, Registered Land Survey No. 75, files of Register of Titles, Ramsey County,
Minnesota.

PID: 183022420003
Torrens Property

EXHIBIT A

No. _____

CITY OF NORTH OAKS, MINNESOTA
APPLICATION FOR CUP, VARIANCE, APPEAL, AMENDMENT, PLAN REVIEW

Location of Property: (address) 278 Meadowood Lane

Legal Description of Property: Tract J RLS 75

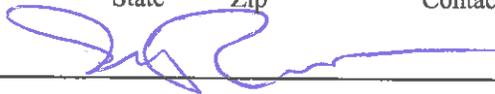
Fee Owner: Jonathan Reedy 278 Meadowood Lane
Name Address

Vadnais Heights MN 55127 651-955-5508
City State Zip Contact Number/s

Signature of Fee Owner:  Date 3-18-20

Applicant: _____
(if different from owner) Name Address

City State Zip Contact Numbers/s

Signature of Applicant:  Date 3-18-20

Type of Request: *(Please circle correct request)*

CONDITIONAL USE PERMIT (as provided for in Chapter 151.076 of Code of Ordinances)

VARIANCE

APPEAL

AMENDMENT

BUILDING / SITE PLAN REVIEW

OTHER

Please attach **fifteen (10)** copies of detailed written and graphic material fully explaining the proposed request and include the reason for the request, present zoning classification and existing use of the property.

(For office use)

Application received with \$450 fee on 3-18-20 Check# CC Amt# \$462.50

Date for review of completeness fifteen (15) business days from initial receipt 318.20

* If application is deemed incomplete, written notice must be sent to the applicant by above date stating the items that need to be submitted for the application to be deemed complete.

EXHIBIT A

Deadline for action sixty (60) days from initial receipt 3-18-20

Extended deadline _____

** City may extend the review period by up to sixty days from the end of deadline for action only if applicant is notified in **writing** prior to the end of the initial sixty (60) day review period. The deadline may be extended beyond sixty days with applicant's approval.

Conditional Use or Amendment request - Public Hearing date _____

Planning Commission action:

Approval or disapproval on _____ with conditions _____

City Council Action:

Approval or disapproval on _____ with conditions _____

Variance, Appeal, Building/Site Plan Review, Other

Action of Board of Adjustment and Appeals:

Approval or disapproval on _____

Bond Required _____

Bond Received on _____

CITY REIMBURSEMENT POLICY

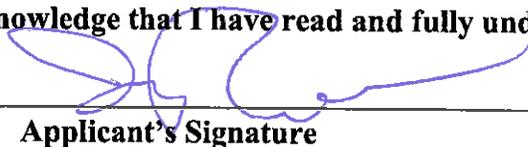
In connection with your request and submittal of material to be reviewed by the City of North Oaks, please be informed that if the City incurs any additional expense in the course of this application review beyond the normal processing fee, the cost will be assessed to the applicant. As authorized in Chapter 151.083 of the Ordinance Code, an applicant will be responsible for full reimbursement of incurred costs to the City of North Oaks. (A copy of this section of the Ordinance is available upon request.)

Your initial application fee of **\$450.00** covers the processing of a typical zoning action. A typical process for reviewing a zoning action may include some or all of the following: City employee help in explaining the application process, City employee receipt of completed application and proper scheduling on appropriate agenda, one legal notice for a public hearing (if applicable), written notice to abutting property owners (if applicable) generation of a staff report, presentation of the staff report to the Planning Commission and presentation of the staff report and Planning Commission recommendation to the City Council.

If the scope of your application goes beyond a typical review process, you will be asked for an additional escrow deposit. At that time, you will be advised of the additional review necessary to complete your zoning action request and the potential cost for completing said review. You will be provided written documentation for your acknowledgement that outlines the above two items.

An applicant will be allowed to remove their request at any time during said further review process. Any remaining escrow deposit that is not needed to pay incurred costs to the date of application removal will be refunded to the applicant within sixty days.

I acknowledge that I have read and fully understand the above statements.



Applicant's Signature

Date 3-18-20

EXHIBIT B

March 18, 2020

City of North Oaks
100 Village Center Drive, Suite 230
North Oaks, MN 55127

Attention: Kevin Kress

RE: CUP 15 Ridge Road

Kevin,

I am the homeowner at 15 Ridge Road. I had hired an excavator H & T Trucking to excavate and backfill my house. After the excavator dug and backfilled, he called me and said he had some extra fill on a different project; and that I needed lots of fill to backfill my house and bring up the grade per the survey submitted with the permit. I said I would take it, assuming the dirt fill was covered under the building permit. After H&T Trucking brought in the fill, I was informed bringing in fill requires a CUP from the City.

After receiving notice from the City, I have hired a surveyor who has drawn up a map showing what needs to be cut and what needs to be filled. To date we have imported 400 yards of sand and 400 yards of fill. The surveyor anticipates we need an additional 410 yards of fill to get to the grades shown on the survey. (see attached)

No more fill will be imported until I have permission from the City, and until road restrictions are lifted. I'm anticipating we will want to haul in the remaining fill this May. There is currently erosion control installed, and this should have no impact on any lakes, streams or adjoining property.

Please review the survey and let me know what else I need to do to satisfy the City of North Oaks.

Respectfully,



Jon Reedy

Depositing

EXHIBIT B

EXISTING GROUND 2-11-19 TO PROPOSED GRADES AS SHOW:

CUT = 620 YDS

FILL = 2,355 YDS

NET = 1,735 YDS FILL

SUBCUT FOR FOUNDATION = 400 YDS

SUBCUT FOR DRIVEWAY = 125 YDS

NET FILL AFTER SUBCUT = 1,210 YDS

IMPORTED SAND TO DATE = 400 YDS

IMPORTED FILL TO DATE = 400 YDS

NET FILL AFTER IMPORT = 410 YDS

EXHIBIT C

15 RIDGE ROAD



CALL BEFORE YOU DIG!
Gopher State One Call
 TWIN CITY AREA: 651-454-0002
 TOLL FREE: 1-800-252-1166

- LEGEND**
- FOUND CAST IRON MONUMENT
 - FOUND MONUMENT (AS NOTED)
 - SET IRON PIPE MARKED WITH MN LICENSE NO. 25718
 - CABLE TV PEDESTAL
 - ELECTRIC METER
 - ELECTRIC TRANSFORMER
 - GUY WIRE
 - POWER POLE
 - GAS METER
 - TELEPHONE PEDESTAL
 - SANITARY CLEANOUT
 - WATER WELL
 - MAIL BOX
 - BUILDING LINE
 - BITUMINOUS SURFACE
 - CONCRETE SURFACE
 - UT — UNDERGROUND TELEPHONE
 - OU — OVERHEAD UTILITY
 - UC — UNDERGROUND GAS
 - FENCE
 - TREES

CUT-FILL ANALYSIS

STOCKPILE LOCATIONS AND IMPORTED FILL AMOUNTS PER STEVE MAGNER. NOT FIELD VERIFIED.

EXISTING GROUND 2-11-19 TO PROPOSED GRADES AS SHOW:
 CUT = 620 YDS
 FILL = 2,355 YDS
 NET = 1,735 YDS FILL

SUBCUT FOR FOUNDATION = 400 YDS
 SUBCUT FOR DRIVEWAY = 125 YDS

NET FILL AFTER SUBCUT = 1,210 YDS

IMPORTED SAND TO DATE = 400 YDS
 IMPORTED FILL TO DATE = 400 YDS

NET FILL AFTER IMPORT = 410 YDS

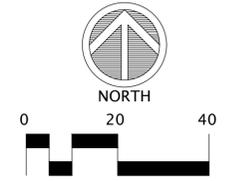
CONTACT:

JON REEDY
 15 RIDGE ROAD
 NORTH OAKS, MN 55127
 Ph. 6955-5508Cell
 jreedy@neielectric.com

COUNTY/CITY:

RAMSEY COUNTY

CITY OF NORTH OAKS



REVISIONS:

DATE	REVISION
2-11-19	PRELIMINARY ISSUE
7-12-19	SITE PLAN
8-30-19	REVISE SITE PLAN
9-23-19	SOIL BORINGS
9-27-19	MOVE HOUSE
10-4-19	UPDATE FOUNDATION
12-10-19	ADD SEPTIC EASEMENT
3-11-20	CUT-FILL PLAN

CERTIFICATION:

I hereby certify that this plan was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Daniel L. Thurmes
 Daniel L. Thurmes Registration Number: 25718
 Date: 2-11-19

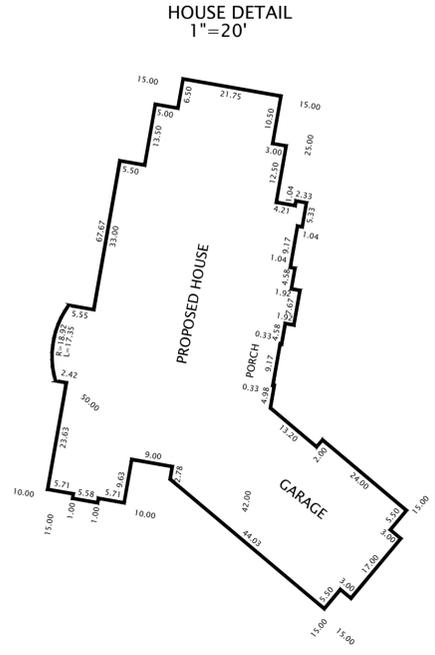
PROJECT LOCATION:

15 RIDGE ROAD
 PID#183022420003

Suite #200
 1970 Northwestern Ave.
 Stillwater, MN 55082
 Phone 651.275.8969
 dan@cssurveying.net

CORNERSTONE LAND SURVEYING, INC.

FILE NAME SURVZ2531
 PROJECT NO. Z218531



CUT-FILL PLAN

Memorandum

DATE: Friday, April 24, 2020
TO: North Oaks Planning Commission
FROM: Larina Vosika DeWalt, PE, PMP, City
CC: Engineer
Kevin Kress, City Administrator
Bridget Nason, City Attorney
SUBJECT: 15 Ridge Road
Conditional Use Permit – Land Reclamation

Date Application Determined Complete:	March 18, 2020
Planning Commission Meeting Date:	April 28, 2020
City Council Meeting Date:	May 14, 2020
60-day review Date:	May 17, 2020

BACKGROUND

Applicant has requested the approval of a conditional use permit to allow the importation of 1,210 cubic yards of fill in conjunction with the construction of a home located at 15 Ridge Road

The subject 1.3-acre site is zoned RSL, Residential Single-Family Low Density. Within RSL Districts, per North Oaks Zoning Ordinance §151.050, material moving due to construction activities is not listed as a Conditional Use, however per North Oaks Zoning Ordinance §151.050 (F) (2), “No grading or filling shall be allowed within 30 feet of adjacent lot lines without prior notification to the adjacent lot owners and approval of the Planning Commission, except that grading and filling will be allowed if it is within 10 feet of a building. Based on application materials provided, this requirement applies.

In addition, per North Oaks Zoning Ordinance §151.027 (C) (1), “Land Reclamation” is defined as “the grading of land or reclaiming of land by the moving or depositing of material so as to change the existing topography of the land, provided that excavations for buildings pursuant to building permits shall not be considered land reclamation unless the disposal of excavated materials is in areas outside of the driveway and parking pads or at a distance greater than 25 feet from the side of the building.”

Although the requested material fill is pursuant to the building permit for construction of the primary building structure, per Exhibit C, Cut-Fill Plan, material is being deposited on the property at a distance greater than 25 feet from the side of the proposed structure. In addition, per §151.027 (D), “Land Reclamation involving 100 cubic yards or more of soil shall require a conditional use permit as provided in §151.076.

The application materials provided to the City include all necessary information as outlined in applicable code.

Application and supporting materials have been reviewed by City of North Oaks Building Official and it has been determined that if granted, CUP will not adversely affect the adjoining properties. Therefore, City Building Official has no objection to the approval of the CUP.

Attached for reference:

- Exhibit A: CUP Application
- Exhibit B: CUP Request Letter
- Exhibit C: Cut-Fill Plan

In consideration of conditional use permit applications to allow Land Reclamation activities, §151.027 (D) of the Zoning Ordinance states that such permit be provided according to §151.076. After evaluation of considerations as set forth in §151.076, staff determines that approval of the requested CUP will NOT have any adverse effect upon the general welfare, public health and safety.

PLANNING COMMISSION OPTIONS

In consideration of the conditional use permit application, the Planning Commission has the following options:

- A) Recommend approval**, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.
- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements or will do so with conditions.
 - Approval at this time means that, upon City Council approval, the applicant can complete land reclamation activities on subject property, as proposed, subject to the satisfaction of all imposed conditions.

B) Recommend denial based on the applicant's submission, the contents of City Staff report, received public testimony and other evidence available to the Planning Commission.

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of City Code that are not being met by the conditional use permit proposal.

C) Table the request for further study.

- This option should be utilized if the Planning Commission feels the proposal is appropriate and should move forward, but that certain design aspects need to be amended and brought back before a recommendation for approval can be given.

STAFF RECOMMENDATION

Based on the preceding review, staff recommends approval of the requested conditional use permit to allow the completion of land reclamation activities on the property with above referenced exception to the 30 foot grading setback, subject to the following conditions:

1. Proper notification given to the adjacent lot owners per §151.050 (F) (2) of grading activities within the setback area.
2. All applicable state building codes are followed pursuant to existing Building Permit.
3. Erosion control measures such as silt fence must be installed downstream of all proposed grading, in order to ensure proper containment of sedimentation on site. Extra care shall be taken to maintain all existing erosion control measures to ensure sedimentation due to grading activities is not tracked off site.
4. Extra care shall be taken to protect and preserve all existing trees on site which are planned for preservation.
5. Applicant shall comply with all applicable City Code, state statute, and watershed district rules and regulations.
6. Applicant shall ensure that grading and filling work does not result in the deposit of additional stormwater runoff onto adjacent properties.

