



CITY OF NORTH OAKS

Regular Planning Commission Meeting

Thursday, July 27, 2023

7:00 PM, Community Meeting Room, 100 Village Center Drive

MEETING AGENDA

Remote Access - *Planning Commission members will participate in person in Council Chambers (Community Room, 100 Village Center Drive, Suite 150, North Oaks, MN) during the meeting. Members of the public are welcome to attend. Any person wishing to monitor the meeting electronically from a remote location may do so by calling the following Zoom meeting videoconference number: 1-312-626-6799, Webinar ID: 840 1660 7915 or by joining the meeting via the following link: <https://us02web.zoom.us/j/84016607915>. Individuals wishing to monitor the meeting remotely without making public comment, may do so in real time by watching the livestream of the meeting on North Oaks Channel 16 and on the City's website.*

1 Call To Order

2 Roll Call

3 Pledge

4 Citizen Comments - *Members of the public are invited to make comments to the Planning Commission during the public comments section. Up to four minutes shall be allowed for each speaker. No action will be taken by the Commission on items raised during the public comment period unless the item appears as an agenda item for action.*

5 Approval of Agenda

6 Approval of Previous Month's Minutes

6a Approval of Planning Commission meeting minutes of 6.22.2023

[Planning Commission Minutes 6.22.2023.pdf](#)

7 Business Action Items

7a Continued Public Hearing on amendments to City Code chapters 34 and 151, Planning Commission composition and Comprehensive Plan. Discussion and possible action on amendments.

[2023-07-27 PC packet ordinance updates.pdf](#)

8 Commissioner Report(s)

9Adjourn

**North Oaks Planning Commission
Meeting Minutes
City of North Oaks Community Meeting Room
June 22, 2023**

1. CALL TO ORDER

Chair Cremons called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Chair David Cremons, Vice-Chair Nick Sandell, Commissioners Bob Ostlund, Stig Hauge, Grover Sayre III, Scott Wiens, and Joyce Yoshimura-Rank.

Staff Present: Administrator Kevin Kress, City Planner Kendra Lindahl, City Attorney Bridget Nason (via Zoom)

Others Present: Videographer Kenny Ronnan, City Council Liaison Mark Azman, Michels Homes Applicant, Andy Michels.

A quorum was declared present.

3. PLEDGE OF ALLEGIANCE

Chair Cremons led the Council in the Pledge of Allegiance.

4. CITIZEN COMMENTS

There was no one present in the room, or online wishing to comment on the application.

5. APPROVAL OF AGENDA

Administrator Kress asked if there were any conflicts with the July 27, 2023 meeting.

Commissioner Sayre noted he would be out of town.

Chair Cremons asked if the agenda should include the cubic yards related to the house since it is a part of the Conditional Use Permit. Administrator Kress suggested the Commissioners cover that in the discussion portion. He noted there were 2 Conditional Use Permits, one for the grading and one for the garage.

MOTION by Hauge, seconded by Sayre, to approve the agenda as submitted. Motion carried unanimously.

6. APPROVAL OF PREVIOUS MONTH'S MINUTES

a. Approval of May 23, 2023 Minutes

MOTION by Yoshimura-Rank, seconded by Sandell, to approve the Planning Commission Meeting Minutes of May 23, 2023. Motion carried unanimously.

7. BUSINESS ACTION ITEMS

a. PUBLIC HEARING on the application for a Conditional Use Permit for a garage exceeding 1,500 square feet for the property located at 9 Sandpiper Lane, North Oaks, MN 55127. Discussion and possible action on application.

**MOTION by Sayre, seconded by Yoshimura-Rank, to open the public hearing at 7:04 p.m.
Motion carried unanimously.**

- Chair Cremons opened the floor for public comment.
- Citizen Comment: Phillip White, 23 Oriole Lane, stated his concern is that the garage would become a garage house. He noted a pipe that runs from the property to the pond and wondered if it would become a concern or issue. He asked if there would be a lighting plan for the pool and patio area. He added it is a healthy sign of investment to see a tear down in the neighborhood.
- Applicant Andy Michels replied that it is not a garage centric house and added nothing will block views for Mr. White's home. The existing pipe is referred to as a "pump and dump" system for geothermal and will be eliminated. All lighting will be down lighting and low voltage and will not be intrusive to the neighborhood.
- Mr. White asked if the front door was facing the Guist (neighbor's) house. Mr. Michels confirmed it was.
- Chair Cremons asked to clarify what would happen with the pipe removal. Mr. Michels stated they would cut it up and leave it, in order to not disturb more trees.
- Chair Cremons asked if the City had any say with the lighting. Administrator Kress replied the City and NOHOA do.
- Mr. White asked how many cubic yards of dirt were being brought in. Mr. Michels explained they are moving dirt close to the lake and need to backfill where the old house was. The backyard is currently 15-20 feet between the hill and the house and will move it back for a driveway.
- Chair Cremons asked if the house would be leveled with the hill. Mr. Michels stated the basement would be the same elevation as the existing basement on the house since the water table is low.
- Chair Cremons asked if they were comfortable with erosion control with the proximity to the lake. Mr. Michels stated nothing will run to the lake since there is a large swale in the front.

**MOTION by Yoshimura-Rank, seconded by Hauge, to close the public hearing at 7:14 p.m.
Motion carried unanimously.**

- Chair Cremons noted in the material provided, a number of setbacks, the septic system and the elevations on the house were not identified.
- City Planner Kendra Lindahl mentioned there was an updated survey that identifies the dimensions of the setbacks and confirms that the setbacks are met. The survey also identifies the well and the septic tank while Mr. Michels has the elevation plans.
- Chair Cremons expressed his concerns on where the septic fields would be located since it is a wet area. Mr. Michels replied that they would be using the existing drain fields and will be simply moving the tanks for it.
- Chair Cremons noted a new home would typically be required to put in a new drain field for the secondary site and asked Administrator Kress if it was consistent to the requirements. Administrator Kress replied the house was built in 1968 and added he could obtain the property file since it would show the secondary site. Mr. Michels added it was a newer

system and could already be on the secondary location which means it would be required to have a category 4 system and can be placed anywhere.

- City Council liaison Azman stated his understanding that it was required to have a second site in order to do a tear down. He asked if the existing drain field was in the setback. Mr. Michels stated it was.
- Chair Cremons suggested if the Commissioners make a vote to approve, there should be a note for further inquiry to the septic issues.
- City Council liaison Azman asked Mr. Michels if the driveway would be built farther from the lake. Mr. Michels replied it would be.
- City Council liaison Azman asked Ms. Lindahl if it was a requirement in the ordinance to have a second site for a tear down. Mr. Lindahl stated she was not sure but believed it would be an alternate system.
- Chair Cremons asked how many square feet would be needed to put in the system. Mr. Michels replied it would be the same as any other system.
- City Council liaison Azman suggested putting a condition in to have the square footage looked at in order to place a secondary site.
- Commissioner Sandell asked how the septic became a topic of discussion since it is not part of the CUP. City Council liaison Azman replied that he did not believe a permit would be issued if it was not resolved. Chair Cremons added that the item could be voted and approved during the meeting but suggested to add a note for the Council to look into the septic issue.
- Ms. Lindahl stated it is a condition to provide more information about the septic site as well as having a condition to provide 2 sites on the plan.
- Commissioner Hauge suggested hearing the overview of the project before continuing with details.
- Administrator Kress suggested updating the current CUP application since there are ordinances that should be noted.
- Ms. Lindahl reviewed the staff report of the demolition of the existing home and construction of the new home which is provided in the Agenda Packet. Highlights of the project include:
 - There are two CUP's that are requested. The first is for the garage size in excess of 1,500 square feet and the second is for grading in excess of 100 cubic yards.
 - The survey illustrates compliance with setback requirements.
 - The plan complies with the 35-foot building height requirements.
 - Staff are not considered about the amount of movement with the grading.
 - Conditions 2a have been resolved.
- Commissioner Sayre asked if the garage was made of stone in order to disguise the garage. Mr. Michels stated it was.
- Commissioner Hauge asked what the 109 cubic yards of dirt was used for. Mr. Michels explained it was used to backfill the existing foundation.
- Commissioner Yoshimura-Rank asked if the original footprint did not work because the new house will be bigger. Mr. Michels stated it was not bigger but the property owner wanted to have fewer steps to the front door.
- Chair Cremons asked about tree removal. Mr. Michels replied he believed 5 trees would be removed.

- Administrator Kress displayed for the Commissioners where the existing drain field and tanks are.
- City Council liaison Azman asked if there needed to be conditions included in the proposed approval. Administrator Kress agreed.
- Mr. Lindahl reviewed the conditions included.
- Commissioner Sayre stated he thought there could be an alternate site for technology used. Administrator Kress replied the 2,500 square foot areas are typically required but with technology that is used now, it is rare to use the whole 5,000 square feet.
- City Council liaison Azman asked if condition 10 should be changed to read “tanks” since the current system would still be used.
- Chair Cremons asked how the current survey data would be reflected in the report. Mr. Lindahl replied item 1 could be changed to read “materials received on June 6 and June 22.”
- Administrator Kress asked about the driveway material. Mr. Michels explained it was a combination of concrete and bituminous.

MOTION by Hauge, seconded by Sayre, to approve the application for a Conditional Use Permit for a garage exceeding 1,500 square feet for the property located at 9 Sandpiper Lane, North Oaks, MN 55127 subject to the fulfillment of conditions 1-15 as revised. Motion carried unanimously.

b. PUBLIC HEARING on proposed amendments to City Code, Title 3, Chapter 34 regarding Planning Commission Composition and Responsibilities and City Code, Title XV, Chapter 151 regarding Comprehensive Plan Amendments and Planning Commission Actions. Discussion and possible action on proposed amendments.

- City Attorney Nason explained the item was a public hearing for 2 ordinance revisions but the ordinance subcommittee has not been able to meet yet. The two options are to open the public hearing and continue the public hearing to the next scheduled Planning Commission meeting so the City does not need to send out an additional notice about the public hearing. The second option is to not take action on the public hearing and request to Staff to send an additional notice for the July 27 meeting.
- Chair Cremons asked if it was permissible to discuss the ordinances. Attorney Nason stated it was.
- Chair Cremons mentioned the first option made the most sense.
- Chair Cremons explained the subcommittee will be able to complete the request by the July meeting since there are minor tweaks to make.

MOTION by Yoshimura-Rank, seconded by Hauge, to open the public hearing at 7:48 p.m. Motion carried unanimously.

MOTION by Cremons, seconded by Yoshimura-Rank, to continue the public hearing on the proposed amendments to City Code, Title 3, Chapter 34 regarding Planning Commission Composition and Responsibilities and City Code, Title XV, Chapter 151 regarding Comprehensive Plan Amendments and Planning Commission Actions at the July 27, 2023 Planning Commission meeting. Motion carried unanimously.

- Commissioner Hauge asked Chair Cremons to summarize the proposed changes to the ordinances.
- Chair Cremons explained Chapter 34 has a section regarding the Planning Commission that was deleted in 2019. The replacement that was created in 2019 left out previous items that were in the code. The first change relates to the role of the City Council liaison within the Planning Commission. The City Council liaison does not vote or has the authority to lead the meeting. The Chair person is not allow to be a liaison with the City Council.
- Chair Cremons noted another change is the requirements on how a Planning Commissioner can be removed if the member has failed to attend 3 consecutive regularly scheduled meetings.
- Chair Cremons mentioned the requirements from the State of the Planning Commission. He added there is a section that explains the Planning Commissions role with the Comprehensive Plan by State requirements.
- Chair Cremons added that they are including language around the role of the Planning Commission and providing recommendations on ordinances to the City Council.
- Commissioner Sandell asked if all of section 151 was nonexistent at the moment and that the change was to include all the items Chair Cremons mentioned. Chair Cremons replied that was correct.
- Commissioner Hauge asked City Council liaison Azman's perspective on the proposed changes. City Council liaison Azman agreed with the changes and believe they are necessary.

8. COMMISSIONER REPORT(S)

- Commissioner Yoshimura-Rank asked for an update regarding the rest of the North Oaks developments.
- Administrator Kress stated there are 4 homes being built in the Shorewood area. The Gate Hill area is now called Spring Farm and has a number of homes built on site. Pond View has 3 models homes and 1 new buildable home. The condos are coming along with current work on the interior mechanics and will have a temporary CO at the end of the year for the common area. A model is open currently. The Council will be working through the Red Forest Way development during the July 13, 2023 City Council meeting.
- Administrator Kress explained John Morast from HR Green was let go and was the primary engineer for the project.
- Commissioner Hauge asked if it was possible to schedule a tour around the various developments for the Commissioners to see. Administrator Kress stated it was a possibility and would coordinate a time.
- Administrator Kress reviewed what he would address at the City Council meeting regarding driveway requirements in the code.
- Chair Cremons stated the next meeting would be July 27, 2023.

9. ADJOURN

MOTION by Hauge, seconded by Yoshimura-Rank, to adjourn the Planning Commission meeting at 8:08 p.m. Motion carried unanimously by roll call.

Kevin Kress, City Administrator

David Cremons, Chair

Date approved _____

PLANNING REPORT

TO: North Oaks Planning Commission

FROM: Kendra Lindahl, City Planner
Kevin Kress, City Administrator
Bridget Nason, City Attorney

DATE: July 21, 2023

RE: Amendments to Chapter 34 and 151 of the City Code

BACKGROUND

The public hearing on this item was held at the June 22nd Planning Commission meeting. The item was tabled to the July 27th meeting so that additional edits could be completed.

A subcommittee made up of Chair Cremons, Council member Azman and staff met and made minor edits to the ordinances as reflected in the attached documents.

ISSUES AND ANALYSIS

The draft ordinances show underlined text for the proposed additions to the City Code and ~~struck through~~ text for the deletions.

The changes proposed to Chapter 34 clarify the role of the Council liaison to the Planning Commission, Commissioner attendance policies and the Commission powers and duties as provided in state statutes.

The changes proposed to Chapter 151 add back language regarding amendments that was inadvertently struck from the City Code as part of some 2019 amendments. The proposed changes clarify the process for amending the Comprehensive Plan and ordinance/map and add language regarding the Board of Appeals and Adjustments.

- The Commission may wish to discuss the Board of Appeals and Adjustments language. Specifically, should the City not want to serve as the appellate forum for building code related matters, the City could direct any such appeals to the State Appeals Board instead. Staff will be prepared to provide additional information about this process at the meeting.

The public hearing has been opened and closed. The Commission should discuss the proposed amendments.





Attached for reference:

Exhibit A: Ordinance amending Chapter 34

Exhibit B: Ordinance amending Chapter 151

REQUESTED ACTION

Staff recommends approval of:

- a. The draft ordinance amending Chapter 34 and
- b. The draft ordinance amending Chapter 151.

cc: Roberta Colotti, NOHOA



**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CITY CODE TITLE III, CHAPTER 34, REGARDING
PLANNING COMMISSION COMPOSITION**

THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

Section One. Title III, Chapter 34 Amendment: Title III, Chapter 34, of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code and the ~~struck through~~ text shows the deletions:

CHAPTER 34: PLANNING COMMISSION

§ 34.01. ESTABLISHMENT. A Planning Commission is hereby established. The Planning Commission shall be and is the planning agency for the City of North Oaks, as authorized by Minnesota Statutes, M.S. §462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in the City of North Oaks ordinances, the Planning Commission shall be advisory directly to the City Council of the City of North Oaks.

§ 34.02. COMPOSITION. The Planning Commission shall consist of seven (7) voting members, who must be residents of the City of North Oaks. All members shall be appointed by the City Council. ~~One (1) of the members may be a member of the City Council. Such~~ The City Council may appoint a City Council liaison to the Planning Commission. member shall be a non-voting member of the Planning Commission and shall not be counted in determining quorum ~~The City Council liaison is not a voting member of the Planning Commission and may not vote on any matter before the Planning Commission, nor shall they be considered a member of the Planning Commission for purposes of determining a quorum.~~

§ 34.03. TERMS, OATH, AND VACANCIES. Subject to the removal provisions in this chapter, the term of each member shall be three (3) years, which shall commence on January 1 of the applicable first year, and end on December 31 of the third year. At the start of the applicable term and before exercising any authority or duties, each member shall take an oath that he or she will faithfully discharge the duties of the office. Members shall be and are automatically removed without vote of the City Council when they no longer meet the residential eligibility requirement; fail to meet the attendance requirement in § 34.07; or die. Members may also be removed during a term for cause by a supermajority vote of the City Council. Each member shall hold office until a successor is appointed and qualified. If a member of the Planning Commission subsequently becomes a member of the City Council, such individual shall automatically cease to be a member of the Planning Commission as the date he or she is sworn into the City Council. In the event of a

vacancy, the term of an appointed successor shall be for the remainder of the departing member's term.

§ 34.04 COMPENSATION. Members serve without compensation; except that the City Council may, in its discretion and by a majority vote establish compensation for the Planning Commission members.

§ 34.05. ORGANIZATION, STAFF, AND ADVISORS.

(A) Organization. The City Council shall appoint the chairperson of the Planning Commission from among the members. The chairperson may hold office for a term of one (1) year. ~~The chairperson shall not be the City Council liaison.~~ The City Council may create and fill other offices as it determines necessary.

(B) Staff. The staff of the City of North Oaks shall provide reasonable support and information as requested by the Planning Commission. The City Administrator for the City shall attend official Planning Commission meetings. City staff shall be responsible for attending the meetings and keeping the minutes and records of the Planning Commission.

(C) Advisors. The City Attorney, City Planner, City Engineer, Building Inspector and/or any other representatives that are engaged by the City of North Oaks, are available as advisors and resources to the Planning Commission. They shall attend Planning Commission meetings upon request, and may be compensated for such attendance in accordance with their contracts with the City of North Oaks.

§ 34.06 MEETINGS, MINUTES AND EXPENDITURES.

(A) Meetings. The Planning Commission shall hold regular meetings, at least once each month, at the time and place as they may fix by resolution filed with the City Clerk, and upon at least seven (7) days' written notice, unless notice is waived by all Planning Commission members. Regular meetings shall be held at least once per month, unless circumstances such as lack of agenda, severe, inclement weather or absences, prevent them. Special meetings may be called at any time by the chairperson, or in the chairperson's absence, the acting chairperson, or as directed by the City Council or Mayor, upon three (3) days' written notice, unless notice is waived by all Planning Commission members. Meetings may proceed when a quorum is present. Attendance by four (4) voting members is necessary for a quorum. ~~The City Council liaison member is not a voting member and~~ does not count in determining a quorum.

(B) Rules of Order. Subject to approval by the City Council, the Planning Commission shall adopt rules of order for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.

(C) Minutes, Records and Reports. The Planning Commission shall keep written minutes of its regular and special meetings, and shall keep a record of its motions, resolutions, transactions, and

findings. The minutes of each meeting (official or unofficial) shall be promptly filed with the city clerk prior to the next regularly scheduled City Council meeting. If the minutes are unofficial, they remain subject to approval at the next Planning Commission meeting. On or before January 1 of each year, the Planning Commission shall submit a written report of its work during the preceding calendar year, to the City Council.

~~(DE)~~ Expenditures. The Planning Commission may make expenditures subject to and only within the amounts appropriated by the City Council. The Planning Commission shall submit a written report of its expenditures for a calendar year, to the City Council, on or before January 1 of the following calendar year.

~~§ 34.07 ATTENDANCE. Planning Commission members are required to attend at least half of the Planning Commission's official regular and special meetings in each calendar year, unless specifically excused by the Planning Commission chairperson because of unforeseeable circumstances. Excused absences shall be so noted in the minutes of the applicable meeting. Failure to meet this attendance requirement in a given calendar year, shall result in automatic removal from the Planning Commission as of December 31 of that calendar year. Planning Commission members may be removed by recommendation of the Planning Commission Chair and approval by the City Council if such member has failed to attend three consecutive regularly scheduled meetings of the Planning Commission without having been excused by the Planning Commission chair.~~

§ 34.08. POWERS AND DUTIES. The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy, including the following. ~~The Planning Commission also shall perform its duties as set forth in these City ordinances, including as set forth in Chapter 150.~~

A. To be the planning agency of the city in accordance with Minnesota Statutes, § 462.354 and to exercise those powers and duties assigned to it by Minnesota statutes sections 462.351 to 462.364, the municipal planning act.

B. To conduct activities in accordance with duties assigned in this code, City Council adopted procedures and resolutions and Minnesota statutes.

C. To prepare an outline of types of procedure necessary to make the city comprehensive plan effective.

D. To review the comprehensive plan every two (2) years or when requested to do so by the council, making recommendations for updating.

E. To prepare zoning regulations for the city which shall be reviewed every two (2) years, or when requested to do so by the council, making recommendations for updating.

F. To study applications and proposals for amendments to the zoning regulations and applications for special permits and to advise the council of its recommendations thereon.

G. To study preliminary plats and to advise the council of its recommendations thereof.

H. To act in an advisory capacity to the City Council in all matters wherein powers are assigned by state law concerning the comprehensive planning, zoning, platting and other matters of a general planning nature.

~~§ 34.09. EFFECTIVE DATE. This ordinance, Chapter 34, is effective on the date it is published (or a summary of the ordinance is published pursuant to M.S. § 412.191, subd. 4) in a manner that meets the requirements of Minnesota Statutes § 331A.01, subd. 10. (Ord. 34, passed 6-13-2019)~~

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2023.

CITY OF NORTH OAKS

By: _____

Krista Wolter, Mayor

Attested:

By: _____

Kevin Kress
City Administrator/City Clerk

(Published in the Shoreview Press on _____, 2023)

**CITY OF NORTH OAKS
RAMSEY COUNTY, MINNESOTA**

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CITY CODE TITLE XV, CHAPTER 151, REGARDING
COMPREHENSIVE PLAN AMENDMENTS**

THE CITY COUNCIL OF THE CITY OF NORTH OAKS ORDAINS AS FOLLOWS:

Section One. Title XV, Chapter 151, Amendment: Title XV, Chapter 151, of the North Oaks City Code is hereby amended as follows. The underlined text shows the proposed additions to the City Code:

151.84 COMPREHENSIVE PLAN

(A) The city has to date adopted a series of Comprehensive Plans as required by Minnesota statutes. It shall be the function and duty of the Planning Commission to consider and propose amendments to any existing Comprehensive Plan and to and to act as the planning agency of the City for purposes of Minnesota Statutes, Cha. 462.

(B) The Comprehensive Plans may address themselves to such subjects as proposed public buildings, public utility services, all forms of recreational facilities and other matters related to the development of the city.

(C) Such Comprehensive Plans may go beyond the subjects listed herein so long as the Comprehensive Plans relate to the general statement of policy contained in Minnesota Statutes, § 462.351 as it may be amended from time to time.

(D) Each Comprehensive Plan may be prepared in Sections, each of which shall relate to a major subject of the Comprehensive Plan or to a major geographical section of the city.

(E) The Planning Commission may from time to time propose amendments or additions to the Comprehensive Plan or any section thereof under the same procedures applicable to adoption of each Comprehensive Plan whenever changed conditions or evaluation by the Planning Commission indicate that amendment or addition is necessary or appropriate.

(F) Each proposed Comprehensive Plan or amendment thereof or addition thereto shall be subject to approval by the City Council.

151.85 PROCEDURE FOR ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

(A) Before adopting a Comprehensive Plan or any section of it or any amendment thereof, the Planning Commission shall hold at least one public hearing thereon, notice of the time, place and purpose of which shall be given by publication in the official city newspaper at least ten days before the hearing. Following the hearing, the Planning Commission shall make a recommendation to the City Council regarding the proposed comprehensive plan or comprehensive plan amendment. If no recommendation is made

(B) Except as otherwise provided in Minnesota Statutes, § 462.355, adoption by the City Council shall be by resolution of the Council passed by a vote of a majority of the members of the Council.

151.86 PROCEDURE FOR PLAN EFFECTUATION

(A) Upon the adoption of a Comprehensive Plan or any section thereof, it shall be the duty of the Planning Commission to recommend to the City Council reasonable and practicable means for putting into effect the Comprehensive Plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical, economic, and social development of the city and as a basis for the efficient expenditure of funds relating to the subjects of the Comprehensive Plan.

(B) The recommended means may include, at the discretion of the Planning Commission, but are not limited to, zoning regulations, regulations for the control of subdivision plats, an official map, coordination of the normal public improvements of the city, a long-term program of capital expenditures, and any other means that reasonably relate to the purposes of this section.

§ 151.079 PROCEDURES FOR REQUESTING CONDITIONAL USE PERMITS, AMENDMENTS, VARIANCES, AND APPEALS.

(A) (1) A request for a conditional use permit, ~~and~~ an amendment to the zoning ordinance or zoning map, a variance or appeal as provided for in this chapter shall be filed with the City Clerk on an official application form.

(2) The application shall be accompanied by a nonrefundable fee as established in § 151.083.

(3) The application shall also be accompanied by as many copies as may be required by the city of detailed written and graphic materials fully explaining the proposed request.

(4) The City Clerk shall refer the application along with all related information to the Zoning Administrator, Building Inspector, and to the Planning Commission.

(B) (1) The Zoning Administrator shall review and analyze the request and submit a written report and recommendation to the Planning Commission within fourteen ~~14~~ days after receiving the application,

which report shall be entered in and made part of the permanent record of the Planning Commission meeting.

(2) (a) Notwithstanding anything contained in this chapter or any other ordinance of the city to the contrary, the Zoning Administrator following the review and recommendation by a MPCA certified inspector has the authority to grant a variance not to exceed 15 feet into the setback for the repair or replacement of an Individual sewage treatment system without referral of the application to the Planning Commission or approval by the City Council.

(b) This action shall only be taken when an MPCA-licensed inspector determines that a delay in processing the variance request through normal channels will endanger the health and safety of the city's residents.

(c) Prior to granting the variance, the Zoning Administrator shall secure the written approval of the Mayor or one ~~1~~ member of the City Council.

(3) The Mayor and Council shall be informed of the granting of any variance at the next regular Council meeting.

(C) The Planning Commission shall consider the request at its next regular meeting unless the request is referred to it less than fifteen ~~15~~ days prior to the meeting, in which case the request shall be considered at the next subsequent regular meeting following thereafter.

(D) If the request is for a conditional use permit or ~~an~~ a zoning ordinance amendment or zoning map amendment, the Planning Commission shall hold a public hearing, which hearing shall be scheduled and conducted as follows:-

(1) Notice of the time, place, and purpose of the hearing shall be published in the official newspaper of the city at least ten ~~10~~ days prior to the date of the hearing.

(2) Similar notice shall be mailed at least ten ~~10~~ days but not more than thirty ~~30~~ days prior to the day of hearing, to each owner of other land situated wholly or partly within 350 feet of the land to which the request relates if the request is for a conditional use permit or an amendment which involves changes in district boundaries affecting an area of 5 acres or less.

(3) A copy of the notice, and, when applicable, a list of the names and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings.

(4) Failure to give mailed notice to individual property owners, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to comply herewith has been made.

(5) The Planning Commission shall set reasonable rules for the conduct of the hearing and shall follow Robert's Rules of Order.

(E) When the application concerns conditional uses and/or zoning ordinance amendments, the Planning Commission shall make findings of fact and recommend approval or denial sixty ~~60~~ days after a complete application has been received, which findings and recommendation shall be presented in writing to the City Council.

(F) The City Council shall not consider a conditional use permit or ~~an~~ a zoning ordinance amendment or zoning map amendment until it has received the findings and recommendation from the Planning Commission unless more than sixty~~60~~ days have expired after the Planning Commission first considered the request, in which event the City Council may take action on the request upon its own initiative. No zoning ordinance or map amendment may be acted upon by the City Council until a public hearing on the proposed zoning ordinance or map amendment has been held before the Planning Commission.

(G) (1) The City Council shall make findings of fact and render a decision within ~~60~~ sixty days after it receives any recommendation from the Planning Commission or takes its own initiative.

(2) All reports, recommendations, and findings documenting the reasons for the decision shall be made part of the permanent record of the City Council meeting.

(H) Approval of a request for a conditional use or an amendment shall be by affirmative vote of 4/5ths of the City Council, ~~when at least 4 members are present.~~

(I) When the application concerns variance and/or appeals, the Planning Commission shall make findings of fact and recommend approval or denial within sixty ~~60~~-days after the application was first considered, which findings and recommendation shall be presented in writing to the City Council.

(J) The City Clerk shall notify the applicant, in writing, of decisions of both the Board of Adjustments and Appeals and the City Council.

§ 151.078 VARIANCES AND APPEALS; BOARD OF APPEALS AND ADJUSTMENTS.

(A) The City Council shall act as the Board of Appeals and Adjustments and as such have all the powers set forth in Minnesota Statutes, M.S. § 462.357, sSubd. 6, and Minnesota Statutes, M.S. § 462.359, Ssubd. 4, as they may be amended from time to time, subject to the right of judicial review.

(B) The City Council, serving as the Board of Appeals and Adjustments by majority vote of the entire Council, shall:

(1) Hear and decide timely appeals where it is alleged by the appellant that error has occurred in any order, requirement, decision, or determination made by the Building Official Inspector in the enforcement of ~~this chapter~~ the state building code. To be timely, an appeal shall be filed, in accordance with City Code § 151.079(A) not later than ~~thirty~~ 30 days after the appellant has received a written notice from the Building Official Inspector; and

(2) Hear and decide timely appeals where it is alleged that an error has been made in any order, requirement, decision, or determination made by the Zoning Administrator related to any provision of this Chapter; and

(I) Hearings by the Board of Appeals and Adjustments shall be upon written notice to the interested parties no less than ten days prior to the hearing date. Decisions of the Board of Appeals and Adjustments on matters within its jurisdiction shall be final, subject to the right of judicial review.

Section Two. Effective Date. This Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed in regular session of the City Council on the ____ day of _____, 2023.

CITY OF NORTH OAKS

By: _____

Krista Wolter

Its: Mayor

Attested:

By: _____

Kevin Kress

Its: City Administrator/City Clerk

(Published in the Shoreview Press on _____, 2023)