

## **MINUTES OF THE SPECIAL COUNCIL MEETING**

**March 6, 2013**

The Council Meeting was called to order at 7:02 by Mayor John Schaaf at the Community Meeting Room, 100 Village Center Drive, Suite 150, City of North Oaks, Minnesota. Present were Council Members Gregg Nelson, Marty Long, Bruce Ackerman, Mike Egelston and Mayor John Schaaf. Also present were City Administrator Melinda Coleman, City Attorney Dave Magnuson, Recording Secretary Linda Hanson, and Videographer Kevin Scattum.

Because the meeting room was double-booked for this evening, The Mayor apologized to the attendees of the Gun Safety Program.

### **Pledge of Allegiance**

### **Approval of Agenda**

Council Member Marty Long moved to approve the Agenda. The motion was seconded by Council Member Bruce Ackerman and passed unanimously.

### **Consent**

#### **1. Approve Planning Commission 2-12-13 Minutes**

Council Member Gregg Nelson made a motion, seconded by Council Member Marty Long to approve the Planning Commission minutes for 2-12-13. The motion passed unanimously.

Mayor Schaaf discussed the three options for the action needed at this meeting. One, the Preliminary Plat Request could be approved, two it could be tabled, or three it could be denied. He stated that this was not a public meeting as one took place at the 2-12-13 Planning Commission Meeting, but that residents would be able to speak at this meeting. The Mayor received one letter from Shoreview residents, Mike Wasiluk and Theresa Gillette expressing their concern with the additional traffic on Hodgson if this plan was approved. The Mayor also received two emails expressing a concern about having two entrances and exits and expressing a preference for one. No calls were received by the Mayor regarding this request.

### **New Business**

#### **1. Charley Lake Preserve: Preliminary Plat and PUD Zoning Request**

City Administrator Melinda Coleman stated that most Council Members attended the Public Hearing on 2-12-2013 and were aware of the request.

Ms. Coleman stated that at the Special Council Meeting City, Planner Ben Gozola from McCombs, Frank, Roos and Dan Herbst from Pemtom would make their presentations followed by resident comments.

#### **Ben Gonzola, City Planner with MFRA**

Mr. Gonzola introduced the request for the Planned Unit Development for the property currently owned by the Sisters of the Good Shepherd. This request would allow 63 single family homes on the 66 acres of land. The PUD does follow the RSM

Zoning Code for setbacks, uses of land, accessory uses, floor area ratio, building heights and wetland protection. In addition, the Request also had improvements which include more acres dedicated for parks, amenities including a tot lot and trails, and additional landscaping to include up to 800 trees and shrubs added. By requesting a PUD, some flexibility is allowed. In this case some of the lots would be smaller, off street parking requirements would be reduced from 4 to 2 and a lesser driveway separation could be allowed.

Mr. Gozola stated that the Planning Commission recommended approval with the lengthy list of conditions added which would serve as a checklist to make sure needs of the City and residents of North Oaks were served.

### **Dan Herbst, Pentom**

Mr. Herbst came to the podium to review the request for the PUD. He stated that he has been very active in involving all interested parties. He has met with the neighbors a number of times and has worked with the North Oaks and Shoreview staffs, the Lake Johanna Fire Department, the Metropolitan Council, the Mounds View School District, Ramsey County, NOHOA, and the Sisters of the Good Shepherd representative.

The property is surrounded by Hodgson Road on the west, Chippewa Middle School on the south, North Oaks homes on the east, and 900 feet on Charley Lake on the north.

Pentom has been involved in land development since 1963. Mr. Herbst purchased the company in 1976. He is interested in protecting the neighborhood and shoreline, keeping the character of the City of North Oaks, bringing economic benefits to the area, creating jobs, and being a good steward consistent with the work done in the past by the Sisters of the Good Shepherd.

The Preliminary Plat involves keeping as much of the woods on the north, east, and south sides. The total amount of land on this property is 65.7 acres with 2.61 acres of wetlands and 1 acre set aside along Hodgson Road for Ramsey County. In addition there is 9.1 acre park land. The RSM Zoning allows for a maximum density of 63 lots. The plan is requesting .96 units per acre. The Floor Area Ratio (FAR) would remain at 12% of the lots.

On average, there would be one unit per acre. On average the lots would be 130 to 150 feet wide and 165 feet deep. The minimum lot would be 21,479 square feet. The average would be 38,000 square feet and the largest lot would be 2.4 acres. The plan includes preserving as much of the woods and creating as many walk outs or units with garden windows as possible. Three storm water ponds are planned. The sewer line would have a lift station and the water main would be a looped system supplied by the City of Shoreview. No septic systems or wells are proposed on this property. The homes would have sewer, water, gas, electricity, phone, and cable as expected. Additional plantings would be added along the east side for

more privacy. Code would be followed with 25 homes allowed within 1,000 feet of the high water mark of Charley Lake.

Two access points are planned. The north entrance would be a right in and a right out only and the south entrance would be a full movement entrance with both right and left in and a right and left out. Mr. Herbst stated that Ramsey County, the Fire Department, Shoreview and City Staff all prefer two entrances/exits. All roads will comply with the turn radius needed by the Fire Department.

Neighbors in North Oaks were concerned about privacy and with this in mind; the homes planned are at least a football field or more set back from the rear of the present lots. Over three thousand feet of trails and a tot lot with a gathering spot are planned. The future trail would connect with the trail going to Chippewa Middle School and if later the Community becomes part of NOHOA the trail would connect to the current NOHOA trails.

With an average price of \$615,000, a home would add over \$600 to the City of North Oaks, over \$3,000 to Ramsey County and the Mounds View School District each year. Building permits alone for this development could total over \$240,000. The plan would be to build twenty-three homes in 2013 and twenty in each year 2014 -2016.

A natural stone monument would be at each entrance and would include landscaping. Limited lighting would be utilized.

Regarding the traffic on Hodgson, the Community would add approximately 600 trips a day. Currently, there are 11,800 trips. A traffic study would not be required for this increase. No additional lights on Hodgson are planned, but approximately \$300,000 in improvements at the entrances are planned.

Mr. Herbst explained that if the Preliminary Plat is approved the next step would be for his company to meet with Westwood Engineering to make final plans and then he would come back to the Planning Commission in four to six weeks with a Development Agreement.

The Planning Commission confirmed that two entrances are preferred and that the proposal does comply with land dedication and uses as spelled out in the Code. City Staff did receive three calls in support of the project, but an interest in having townhouses was also expressed. No townhomes are planned for this development.

One of the conditions to the project involves involving the City Forester in a landscape plan to protect shore land vegetation and trees and also to continue the eradication of invasive species.

### **Citizen Comments**

#### **George Rux, 5 Shadow Lane**

Mr. Rux asked the Council if any consideration was given to having one main

entrance and one emergency entrance that could be gated. He believes that by having two entrances, there will be more traffic for those exiting on Wildflower Way.

City Administrator Melinda Coleman explained that Ramsey County has final say on the number of entrances and that the north entrance is only right in and right out. Ramsey County has stated they prefer to have two entrances. The Mayor stated that this is Shoreview's preference as well.

Mr. Rux's second concern was about the land that would be dedicated for recreational activity. He questioned whether the Developer considered a larger tot lot with more space for active recreation. Ms. Coleman stated that with the direct connection to Chippewa Middle School on the South, residents would have access to using their facilities as well as NOHOA facilities if this development later joined the Homeowner's Association. She stated that consideration was given to having more recreational space, but that preservation of the woodlands seemed to be a more valuable consideration.

At the present time, no trail connects to the NOHOA trails, but one could be constructed if desired.

Mr. Rux stated that most people in No. Oaks would want the new Development to become NOHOA members.

#### **Susan Dimke, 14 Creekside Lane**

Ms. Dimke questioned if there would be a possibility for townhomes to be part of this development as some residents in North Oaks are interested in downsizing and want to stay in the City. Also, she was interested in the number of builders that would be involved.

Mr. Herbst explained that some of the lots are smaller and perhaps one level ramblers could be built, but that no townhomes are planned. He stated that he has some interest from builders and will select the builders once plans are done and prices are established.

#### **Joan Brainard, 14 East Oaks Road**

Ms. Brainard mentioned that she sent a memo to the Planning Commission with her concerns. Her main concern is that there are not enough parks, recreation, or open space in the current plan. She does not see any active recreation spaces other than the tot lot. She does not feel the facilities at Chippewa Middle School meet the needs of the community as they are owned and maintained by the Mounds View School District.

She stated that this Development should follow the code for RSM which would require 57 homes, not 63 and that the lots should be at least one acre in size. Access to Charley Lake should also be part of this plan as she sees it.

She stated that the planned curbs and trails along the side of the road could add more work for the snow plows. She also is concerned about having a number of walk out homes on this land and how this might affect the land or homes with water issues at a later time. She is against the north entrance as she feels that having only a right in and right out will push all of the traffic into the Community.

### **Renee Michalow, 17 South Long Lake Trail**

Ms. Michalow asked if there was any consideration for access to Charley Lake. The Developer is planning to remove the current dock and does not have lake access in this plan.

### **City Council Questions**

City Council Member Bruce Ackerman stated that Mr. Herbst did a good job on the proposal but had a number of questions.

One, he questioned the lot sizes and wanted to know how many smaller lots are in the plan. Cory Meyer stated that 8 lots are below 25,000 square feet, 19 are between 25,000 to 30,000 square feet and 12 are 30,000 to 35,000 square feet. The remaining lots are over 35,000 square feet. The smallest lots overlook open space. About half are below the average lot size and half are over. An acre is 43,560 square feet. Council Member Ackerman questioned the location of the tot lot because of the utility easement close to it. Mr. Herbst explained that the size of this power line is low level and State of Minnesota studies have shown no negative side effects. The tot lot planned is 80 feet from the current line.

His second concern was about required parking and wondered if there would be shared driveways. Mr. Herbst explained that most homes would have three car garages and up to two off street parking spots. No shared driveways are planned and the 30 foot setback in front and on sides will be followed with a minimum ten feet to the lot lines for the driveways. Entrance signs would need to be approved, and Mr. Herbst would like to see a small landscape light in the plan.

Council Member Ackerman's next concern was on the trails and use of striping to designate the trail. The roads will be 32 feet wide but his concern is about the four foot striped trail on the side of the road. Mr. Herbst stated that this would have to be approved by the City, but he personally would like to see the trail separated from the road for safety.

Mr. Ackerman asked about the life of the roads and the materials used on these roads. It was explained that the plan follows the standards recommended by the City Engineer. If a trail is along the road, the City is asking a B6 curb for safety concerns, but would not be required if no trail is approved. Mr. Ackerman would not like to see a curb or separate trail along the road. The Mayor explained that curbs may be required to handle water run-off. The City Engineer stated that no

curb is planned as a ditch system (swale) can be used. Council Member Ackerman also had a question about the use of PCB used in the water main. City Engineer Paul Pearson explained that using PCB is more beneficial with clay soils where corrosion could occur. PCB has a longer life span, holds up better to corrosion and is currently being used in Rapp Farm.

Council Member Egelston asked about the purpose of the northern entrance and the right in turn only aspect. Mr. Herbst explained it allows access for emergency vehicles and for those traveling northbound coming home at night. Council Member Nelson asked how close this entrance would be to the Wildflower entrance. It would be about a quarter of a mile. The northwestern homes would be about 600 feet from the homes on the southeastern side. Excel Energy does have an easement on this property.

Council Member Long had questions about a homeowner's association and how this Community would merge with NOHOA if desired. City Administrator Coleman explained that a sub-association or homeowner's association would need to be established. It does not have to be NOHOA. The major concern regarding the sub-association would be to insure that the cost of this development, utility installation and maintenance requirements would be financially guaranteed. North Oaks Company followed this same process. Past practice in North Oaks has been that new developments become members of NOHOA at a later date after completion of the project.

City Attorney David Magnuson stated that there are two financial concerns. One is that the Developer finishes the utilities planned and the second is the security the City would have to make sure that the roads will be maintained when they wear out in the future. He suggests that a way be determined in the homeowner's association established to ensure homeowners will have the capital to improve replacement and improvements as needed. The Development Agreement would spell out the details. A Joint Powers Agreement with the City of Shoreview and White Bear Township would allow the City to collect reserve funds from the Development for upkeep and maintenance in the future.

Council Member Long also asked if the Community had their own homeowner's association would privacy as currently found in North Oaks now be maintained. Ms. Coleman explained that they would have private roads owned by the residents.

Council Member Ackerman had a final question about storm water and grading. He asked if there would be any issue for West Pleasant Lake Road. Mr. Herbst explained that there would not be as an issue as very little grading will take place on the east side and the planned homes are not close to the current homes. Mr. Pearson explained that lots 18-20 were rather flat in that area. Because of that they do not want any water standing in the rear of the lots. In the final design a swale may need to be created for storm water purposes which will be addressed in the final design.

Council Member Nelson asked if the current ditch design is better than using curbs. Mr. Pearson explained that he feels it is a better design as it allows for the water to run off slower and the water is purified as it runs through the grasses. VLAWMO prefers this system and it is easy to maintain in the future. The swales create almost a rain garden and also create a space for snow in the winter.

Mr. Pearson also addressed the lifespan of 20 years for roads. He stated that this is a common design standard used by MNDOT as well as others. The roads can last longer especially if they are installed properly which MFRA plans to watch over. Currently this standard is used in North Oaks at this time.

Council Member Nelson asked again about the floor area ratio and how the Developer plans to comply. Mr. Herbst explained that the smaller lots will have smaller homes that will not exceed the FAR even with the larger homes on the smaller lots. Mr. Herbst would like to see one builder. He has two national firms and one custom builder looking at this site. Also the current builders working in North Oaks have expressed some interest. The values of homes in North Oaks should not be affected by this development. These homes will probably start in the \$500,000 price range and go up. There is a market for new homes in North Oaks.

Council Member Nelson also asked about driveway separation. Mr. Herbst stated the closest separation would probably be 20 feet. Council Member Long also asked how many floor plans would be involved as North Oaks has custom homes. Mr. Herbst stated that he was not ready to answer that, but he is concerned about architectural controls.

The Mayor asked about the process to approve this plan and if it needed to be read since it is a long motion. City Attorney Magnuson stated that it would not have to be read, but that the Council would move to approve the preliminary plat with the report attached with the conditions listed. Ben Gozola, City Planner, also mentioned that the draft PDA should also be referenced in the motion as a guideline for the final plan.

Council Member Ackerman mentioned that some of the conditions were rather liberal or permissive and wondered if this was a good idea. Mr. Gozola explained that the conditions are more liberal but that final plans would spell out everything in the Planned Development Agreement. Ms. Coleman explained that it is stated more liberally so that the builder would have some flexibility in preserving trees, reducing grading, and creating a variety of lot sizes. A final plan can now be developed. The applicant can ask for some flexibility, but the City does have final say on what it would allow. Mr. Gozola stated that he likes the details attached as conditions clearly spelling out what the City would like and what protections are needed to make sure things get done to the City's satisfaction.

The Mayor stated that it is customary for a long list of conditions and then the Planned Development Agreement can be developed. This is the contract between the City and the Developer as to the final details that will be done. Negotiations can

continue during the process to create the PDA which could take two or three months.

Council Ackerman asked about the 13<sup>th</sup> condition and why the condition states that final pavement would be placed a minimum of one construction season after the utilities have been installed. Mr. Pearson came back to the podium to explain that because underground utilities would be going in, this condition allows the infrastructure and backfill in the trenches to go through a freeze thaw cycle. This may then create the need to go back and compact the surface again at a later time so that patches would not be needed later. One year minimum is used, but the Developer may wait two years based on how fast the area is developed. The final pavement could be put down after construction in the Development is complete for the best final surface.

The Mayor stated his final comments. He stated that Mr. Herbst and his team with the neighbors have been working for months on this project and compromises have been made. In response to Ms. Dimke's comments, he stated that there currently are about 200 villas (townhomes) on the East side. In addition, the Mayor feels the trade-off of keeping the woods for lesser recreation area is a good one. If residents want to go to a beach, they would be only a block away from one of the finest Ramsey County beaches. He would like to see the tot lot enhanced if possible. Mayor Schaaf mentioned that North Oaks currently has some fog lines on a few roads. As the Development progresses this may change. Forty percent of the City has a sub-association and when Rapp Farm is done, it will be fifty percent. These sub-associations have worked well and have added protection once the developer left the projects.

The Planning Commission has been working on this process for many months and the Commissioners are volunteers who have put in a number of hours. The Mayor stated they have done a great job and he especially wanted to state that Chair Bill Campbell has done a great job.

Council Member Ackerman made the motion to approve the Preliminary Plat Request #13-01 with the conditions and draft PUD Ordinance attached with the understanding that the final details would be worked out in the PDA. Council Member Egelston seconded the motion and it passed unanimously.

City Administrator Coleman announced that on March 12, 2013 at 7:00 PM there would be a neighborhood meeting to discuss the Highway 96 noise issue. The problem is on the bridge near Hole 16 of the Golf Course. An overlay was used in 2000 that has led to greater noise. Residents near this area would like to see the topcoat removed. Ninety five property owners have been invited including the Golf Club and the City of Vadnais Heights.

**Miscellaneous**

Next Regularly Scheduled City Council Meeting Thursday, March 14, 2013 at 7:00 PM in the Community Meeting Room.

Next Regularly Scheduled Planning Commission Meeting – Cancelled; the next meeting will be Thursday, April 25<sup>th</sup>, 2013 at 7:00 pm in the Community Meeting Room

Next Regularly Scheduled Natural Resource Commission to be announced once new members are selected.

The Mayor thanked Kathy Laur from the North Oaks News for attending the meeting.

**Adjournment**

On motion duly made by Council Member Nelson, seconded by Council Member Long and carried unanimously, the meeting was adjourned at 8:58 p.m.

Attest:

Respectfully submitted,

\_\_\_\_\_  
Mayor John Schaaf

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Linda M. Hanson  
Recording Secretary