

The Planning Commission Meeting was called to order by Acting Chair Councilmember Gregg Nelson at 7:02 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, City of North Oaks. Acting Chair Nelson and Commissioners Joyce Yoshimura-Rank, Dick Hara, Katy Ross, Nancy Reid and Bob Wilson were present. Chair Bill Campbell was absent. Staff present were City Planner Ben Gozola, Videographer Kevin Scattum and Administrative Assistant Linda Hanson.

Approval of Agenda

With the correction of the date for the next meeting, Commissioner Dick Hara moved to approve the agenda. The motion was seconded by Commissioner Katy Ross and passed unanimously.

City Council and NRC Member Marty Long gave a short update about the Tree Preservation Ordinance that is in draft form and will be coming to the Planning Commission for review next month. He stated this is a joint effort with the Natural Resources Commission and City Forester Mark Rehder.

Approval of Minutes

Commissioner Dick Hara moved to approve the minutes from the December 2nd, 2013 Planning Commission meeting. The motion was seconded by Commissioner Katy Ross and passed unanimously.

New Business

1. Variance 13-15, Cheng Wan, 20 So. Long Lake Trail, Septic Variance

Planner Ben Gozola noted the applicant is asking for a variance to encroach 15 feet into the required 30 foot side yard setback and 10 feet into the required 30 foot rear yard setback. This property involves a corner lot that has woods on both the side and front. The current septic system is behind the home and existing tanks were found to not be water tight. Because of the close proximity to neighbors' wells, the site is limited in where the updated system can be located. This request meets the ordinance as it is replacing a failing system to protect the public health and the lot poses practical difficulties. In addition, Mr. Gozola stated that the new site will go unnoticed and will not change the character of the neighborhood.

Mr. Gozola recommended that an additional condition be added to the original request. The City is asking for a to scale detailed site plan adequately depicting the location of the existing home, the location of adjacent wells and location of the proposed system. He stated soil borings have been completed

Commissioner Dick Hara moved to recommend to the North Oaks City Council that Variance 13-15 for a new ISTS system at 20 So. Long Lake Trail be approved with the following conditions:

1. **The applicant shall provide a detailed to scale plan to show the proposed septic location is a minimum 50 feet from all surrounding wells and the location of the existing structure.**
2. **The ISTS shall be located per the survey/site plan accompanying this variance submitted to the City on 12-18-2013.**
3. **Work to be completed by January 1, 2015.**

Commissioner Katy Ross seconded the motion and it carried unanimously.

2. Application #3: Variance 14-01, Craig Janssen, 4 Poplar Lane, Septic Variance

City Planner Gozola indicated the applicant is requesting a variance for a new septic system to encroach 15 feet into the required 30 foot setback from the northern property line and 5 feet into the required 30 foot setback on the eastern property line. The existing septic system was found to be non-compliant. This lot has limited space, so a standard system could not be used. SP Testing is recommending a Performance System for this site. The proposed system complies with the lakeshore set back and the proper distance from all wells. The request meets the ordinance requirement of practical difficulties as it is replacing a non-compliant system on a site that has heavy soils, woods, and slopes. For this site there appears to be no alternatives and the character of the neighborhood will not change.

The Commissioners were interested in how a Performance System differs from a regular septic system. This question will be answered by Building Inspector Greg Schmidt at a later time. Councilmember Nelson added that the design should be reviewed by the acting Building Inspector before proceeding.

Commissioner Bob Wilson made the motion to recommend to the North Oaks City Council that Variance 14-01 for a Septic System at 4 Poplar Lane be approved with the following conditions:

1. **The ISTS shall be located per the survey/site plan accompanying the request submitted to the City on 12-18-2013.**
2. **The design to be reviewed by the acting Building Inspector.**
3. **Work to be completed by January 1, 2015.**

Commissioner Katy Ross seconded the motion and it carried unanimously.

3. Application #1 Subdivision Application 13-14, Mattamy Homes Final Plat for Charley Lake Preserve 2nd Edition.

City Planner Gozola said that the applicant is requesting a Final Plat for the 2nd Addition of Charley Lake Preserves. Mr. Gozola stated that this application is for the land on the western portion of the property adjacent to Hodgson Road. It would create the remaining 31 previously approved lots. The request conforms to the Preliminary Plat already approved with a few minor changes. Staff has recommended approval with 16 conditions and Pemtom has agreed to those conditions.

A question came up as to height restrictions based on the current code. In this case due to the nature of the lots, Staff is proposing to use an administrative amendment authority to determine where the 35 feet height will be measured from. The intent is to stay consistent with the measurement practices in the City's newest developments in the East Oaks PUD. This would then read that *principal and attached accessory building heights be 35 feet, and in lots suited for walkout homes, 45 feet at the back and on the sides, and otherwise consistent with the City Zoning Ordinance.*

Commissioner Nancy Reid asked about the easement on lot 21. Tom Walter from Mattamy Homes stated that this was needed for the storm sewer lines.

Shashi Gupta, 14 Blue Jay Lane

Resident Gupta wondered if someone wanted to buy in this development would they have to go to Mattamy Homes. Mr. Walter stated that Mattamy does now own the lots and a handful would be made available to a different builder. If anyone is interested, he or she should contact Mattamy Homes. The City cannot dictate which builders can be used.

Councilmember Nelson mentioned that this is confusing as the application was submitted by Pentom but now appears to be under the control of Mattamy Homes. It was explained that Pentom did go through the sub division process but has since sold the lots to Mattamy.

Commissioner Joyce Yoshimura-Rank asked about the recreational land that must be part of the plan. It was explained that the development will meet the requirements with dedication of the playground and trails set aside.

Commissioner Wilson questioned why they were not using a registered land survey. Mr. Gozola explained that in the original approval it was agreed that a plat could be used rather than RLS.

Commissioner Hara also wanted to know at what point the decision would be made for this Development to join NOHOA and who would be responsible for road maintenance etc. in the meantime. It was explained that a temporary association would have to be in place until the decision was finalized. Negotiations are underway between Mattamy Homes and NOHOA. The Commission was reminded that the NOHOA agreement is not something the City can require as part of the approval process.

Commissioners were in agreement that they had no issues with the proposed subdivision.

Next Meeting

Thursday, February 27, 2014 at 7 p.m. at the Community Meeting Room, 100 Village Center Drive

Adjournment

Commissioner Yoshimura-Rank made the motion to adjourn the meeting with a second from Commissioner Reid. Motion passed unanimously and the meeting was adjourned at 7:45 PM.

Attest:

Respectfully submitted,

Acting Chair Gregg Nelson

Linda Hanson
Recording Secretary