

The Planning Commission meeting was called to order by Chair Campbell at 7:00 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, North Oaks, MN. Chair Bill Campbell, Commissioners Dick Hara, Bob Wilson, Joyce Yoshimura-Rank, Nancy Reid, Katy Ross and Councilmember Marty Long were present. Also present were City Administrator Michael Robertson, City Planner Ben Gozola, Videographer Kevin Scattum and Recording Secretary Linda Hanson.

### **Approval of Minutes**

**Commissioner Bob Wilson moved to approve the Minutes from the May 30, 2013 Planning Commission meeting. The motion was seconded by Commissioner Joyce Yoshimura-Rank and passed unanimously.**

### **Approval of Agenda**

**Commissioner Dick Hara moved to approve the agenda. The motion was seconded by Commissioner Katy Ross and passed unanimously.**

### **New Business**

#### **Application #1: 13-08 Amendment to April 1999 Conditional Use Permit (CUP) for a replacement sign at the North Oaks Golf Club, 43 East Oaks Road**

City Administrator Michael Robertson presented the application for a new sign to replace the vandalized sign at the North Oaks Golf Club. Two options were submitted. The Staff reviewed the proposal and agreed that an amendment of the CUP would be in order with the condition that the construction follow the design given and be at least ten feet from the blacktop.

Chair Campbell opened the Public Hearing at 7:05 PM and with no comments, he closed it at 7:05 p.m.

The two designs submitted were very similar with just the dimensions and colors slightly different. Both would comply with City requirements. Jason Mlejnek, Food and Beverage Manager at the Golf Club stated that there was one change to the sign. The color was changed from cream to white to blend better with the Golf Club. The larger sign which is 7 feet wide and eight feet tall was the one preferred by the Club. He stated that it will be very similar to the original sign and will be in the same location.

**Commissioner Hara made a motion to forward to the North Oaks City Council 13-08 Amendment to the April 1991 CUP for the replacement sign with the following conditions that the project construction match the information provided and that it be at least ten feet from the edge of the blacktop. Commissioner Ross seconded the motion and it carried unanimously.**

**Application #2: 13-10 Subdivision Application for the properties at 30, 32, 34 Crescent Lane**

Ben Gozola, City Planner from McCombs, Frank, Roos Associates explained that two property owners originally wanted to divide a lot that was between them and that's how the hearing was noticed. Since their application they changed their minds and now one homeowner would like to purchase the entire lot and add it to his property. This would involve a lot line adjustment only. The obligation of the City is to make sure that this change conforms to the zoning code and that all easements are in place. Shifting a lot line should not require a major subdivision application. The applicant can proceed with processing the request at Ramsey County.

Mr. Gozola recommended to the Planning Commission that they forward a request to the City Council to consider amending the City code to create a process for the administrative review of lot line adjustments. This would then give the City legal authority to review these types of requests in the future as well as ensure that applicants can obtain a City decision in a quick timeframe for a reasonable fee without making them go through a major subdivision process.

Chair Campbell opened the Public Hearing at 7:13 PM and with no comments, it was closed at 7:14 PM.

Mr. Eibensteiner, 14 Ridge Road, currently owns two of the lots involved in this application. He would like to sell one to his neighbor so that he can build an addition to his home. Because of the wetlands, the current homeowner is unable to build an addition to the rear of the existing house without encroaching on the wetland setback.

**Commissioner Marty Long made the motion to direct Staff to review the Code and perhaps add language for lot line adjustments. He stated that this would protect the City since the applicant can go directly to the county now to do this. Commissioner Katy Ross seconded the motion. The motion passed unanimously.**

**Application #3: 13-09 Subdivision Application for 5188 Hodgson Road submitted by Pentom Land Company**

Dan Blake, Pentom Land Company, shared some of the history of the Moga property that Pentom would like to develop. He stated that this land is unique in that it was never part of the Hill, Gilfillan or North Oaks Company ownership. The property is owned by Nancy Moga. The property consists of 15 acres and has a driveway onto Hodgson. Although Nancy was hoping that someday one of her children would want to live on this property, they all have relocated to other cities. Nancy made the decision to sell the property and contacted the Pentom Land Company.

Pentom explored options for this land including the idea of having townhomes or villas on this piece. They met with City Staff and Ramsey County and it was decided that the only real option was to develop single family homes much like those in Lake Estates to the north. This was mostly driven by the fact that the county did not want a road connection to this parcel off of Hodgson.

The plan is to meet existing Zoning code and build homes that fit the neighborhood. They are proposing building 12 homes on lots ranging in size from 1 acre to 2.25 acres. They're proposing a trail to create a pedestrian connection from the end of Lake Court onto Charley Lake Preserves to the south. Mr. Blake has looked at the 50 conditions on the staff report and they have agreed that all can be met. The first one includes the concern that they have access to go across the power line easements. Mr. Blake assured the City that they already have this access.

City Administrator Robertson stated that one concern he had heard from adjacent residents was the connection to Lake Court to the north. Mr. Robertson looked through past minutes and documents and found that when Lake Estates was developed a provision was made in the Declaration of Easements, Covenants, and Restrictions. This provision granted an easement over private roads in Lake Estates for the benefit of the lands immediately adjacent to the north and south lot lines in the event that these lands were developed. This was done in 1988 and gave the Moga property their right of access. This why Lake Court road in Lake Estates is stubbed to the south end of the property.

Mr. Robertson also stated that by law the City sent notices for this hearing to all properties within 350 of this property. In addition, the City went beyond the 350 foot requirement and sent notices to all addresses on Lake Court up to Wildflower Way.

City Planner Ben Gozola gave an overview of the staff report. This development would be called Red Pine Farms and consists of twelve lots. This property is 15 acres with just under one acre of wetlands. The net acreage is 14.15 acres which would allow for 12 lots by the City Zoning code and will fully subdivide this property. All will be single family homes and will meet all setback requirements currently in the code.

Mr. Gozola mentioned that the City has received a number of calls mostly concerned about the access to Lake Estates. He explained that from a planning perspective this makes the most sense since this property has legal access and has a road currently stubbed that could be easily connected. Ramsey County does not want to grant another access onto Hodgson Avenue and no right of way was provided for a street connection in Charley Lake Preserves.

MFRA has developed a detailed list of requirements and checklist that is typically found in the development process. The developer is confident these requirements can be met. One concern about construction traffic was addressed with the requirement that all construction traffic for infrastructure construction use the existing Moga driveway. This is to lessen the wear and tear on the current roads as well as the traffic concerns. A sign would be posted on Lake Court stating that no construction traffic would be allowed.

All codes are followed for environmental issues with the wetlands and shoreline. The developer must provide a park contribution of 10 % land or cash in lieu of land. They are proposing to build a trail with an access to overall trails if they become part of NOHOA. This development would have to have their own homeowners' association or become part of NOHOA.

Staff is asking the Planning Commission to make a recommendation for City Council consideration. The Commission is acting in a quasi-judicial role to look at the proposal and determine if it meets City requirements.

Chair Campbell opened the public hearing at 7:50 PM.

**Carolyn Stitt, 22 Lake Court**

Ms. Stitt made a request to close the public hearing based on the fact that neighbors were not notified on 2 through 13 Charley Lake Court.

**Rich Davenport, 14 Lake Court**

Mr. Davenport lives three houses away from the stub road connection. He had a number of concerns. He was not aware of a trail coming from the middle school. He wanted assurance that the construction traffic would not come through Lake Estates until all homes were built. Traffic concerns at Wildflower Way and Hodgson Road was a concern as there are often backups and it is a dangerous exit and entrance during rush hours. The homes being considered are in the \$900,000 to two million dollar range and he has a concern that if the economy hits bad times again would these homes be sold at a lower value. His final concern was about the wildlife that are relocating due to grading on the Charley Lake Preserves site. He has seen coyotes in his yard for the first time.

**Laura Li, 10 Lake Court**

Ms. Li stated that North Oaks is a very unique, privately planned community. Her concern is that it stays that way. She pointed out that in the last three years over 200 lots have been added to the Community. She would like to see slower growth and larger lots. She enjoys the privacy she had in North Oaks and worries about the value of her home going down with this continued growth. She does not care about the addition of a trail and is concerned that the developer is not adding any amenities to her neighborhood.

**Candace Schiminsky, 47 West Lake Drive**

Ms. Schiminsky expressed one concern. The developer is planning four lots that would back up to current homes. She would like to see only three to match what is already there.

**David Schiminsky, 47 West Lake Drive**

Mr. Schiminsky's concern was about the construction traffic. He stated that a sign may not be enough to stop it and would rather see the road closed until all construction is done.

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

Ms. Michalow is the Vice President of NOHOA but did not come to represent the Board but to convey some of the NOHOA Board discussions that have taken place. The concern is the access to Wildflower Way as an entrance and exit for the proposed development. The question is if the property has legal access. The NOHOA legal counsel is looking into this issue. NOHOA has not been approached about using this roadway. Ms. Michalow stated that Nancy Moga may have had access to Lake Estate roads but the question is if she has access north of Lake Estates to Wildflower Way.

**Jack Keimel, 6 Charley Lake Court**

Mr. Keimel stated that he was not notified of this hearing and has not had time to discuss this with his neighbors. He had a number of concerns. One, he wanted to express his concern for the wooded areas on this property. He has witnessed a number of trees removed in the Charley Lake Preserves development. Second, he believes the traffic issue in and out of Wildflower Way needs to be addressed if access is given. And third, he had concerns about the trail system. He stated that the current trails do not exit City boundaries, but the proposed trail would allow access to North Oaks. Security would need to be kept in mind. He likes the idea of a trail to the middle school since it is very dangerous having children walk along Hodgson. He would want no motorized vehicles allowed on the trail so a barrier system might be used. Also he would want the trail to be paved and meet the needs of the American's for Disability Act (ADA) which would require curb ramps, a specified width and level of the trail, and that it be plowed to make it accessible year round.

**Dave Elis, 9 Charley Lake Court**

Mr. Elis stated that his son likes to ride his bike to the middle school but now has to use Hodgson. Because of this he is in favor of a trail. He stated that North Oaks should be preserved so that it continues to attract good people so that people continue to be drawn to this community with great schools and people.

Mr. Elis also wanted to relay a comment from his neighbors, Tony and Karrol Berliner, 7 Charley Lake Court that whatever is built on the Moga property should look like what is currently in the neighborhood. Perhaps the same builders could be used. They also had an issue about the additional traffic throughout the neighborhood.

**Shelly Reiner, 52 West Lake Drive**

Ms. Reiner has a concern about what would happen if Hodgson Road expands to four lanes. She is worried that it will take land from her property.

**Bill McNee, 11 Sunset Lane**

Mr. McNee stated that he has been watching the development of Charley Lake Preserves and sees no reason why the road could not go south from the Moga property into that development. He believes the property would have to become part of NOHOA and if Charley Lake Preserves does not become part of NOHOA, then the trail would need to be eliminated. He would have no problem with the proposed trail if both developments became a part of NOHOA.

**Rich Davenport, 14 Lake Court**

Mr. Davenport came back to the podium to read a letter from his neighbor, David Hubers, at 15 Lake Court. Mr. Hubers had two concerns. One, he did not like to see the destruction of the natural habitat on the Moga property and he was concerned about the added traffic on Lake Court and Wildflower Way. He would like to see a traffic light added at Wildflower Way entering onto Hodgson Road. Mr. Davenport also wanted to state that if the trail did get developed he would have a concern for the children based on the number of coyotes he is hearing lately.

**Tom Plumb, 2 Charley Lake Court**

The construction traffic was a concern for Mr. Plumb. He would like to get further clarification on how the construction traffic can be kept out of the community. Once the first house is built they will want access to the proposed road.

**Jack Keimel, 6 Charley Lake Court**

Mr. Keimel returned to the podium to state his concern about the percentage of land set aside for common space. His opinion is that if 10% is required, the small pathway being set aside would not be enough to meet this requirement. He would like to see either a common space that would give access to Charley Lake or more land adjacent to the existing park area. He believes the twelve new homes will put a stress on the existing tennis courts and play area in Lake Estates.

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

Ms. Michalow returned to the podium to state that she thought there should be more discussion of the recreational space that this development is providing. She stated that land should be set aside or the City should be given 10% compensation.

Hearing no further comments, Chair Campbell closed the public hearing at 8:32 PM.

Chair Campbell explained that in the Staff Report the 10% for recreational space is addressed and if land is not given, the payment would go to the City and then it could be negotiated with NOHOA on how to use these funds to improve parks in the community.

City Administrator Robertson explained that all homeowners within 350 feet of this property were sent a notice and also notices were mailed to all homes on Lake Court as far north as Wildflower. This exceeded state requirements but he apologized if it was upsetting to those who did not get a notice.

Dan Blake from Pemtom returned to the podium to answer the Commissioners' questions. Mr. Blake explained that Pemtom also sent out letters to 42 residences including down Wildflower Way and into Shoreview.

Chair Campbell stated that the trail would have to be negotiated with NOHOA. Mr. Blake stated that if a trail was not wanted, they would not do one. He stated that have been having discussions with NOHOA about their plan. Chair Campbell stated that it is not the Commission's obligation to see that Pemtom work out an arrangement with NOHOA.

Commissioner Hara asked about a trail in Lake Estates. Mr. Blake explained that he was not aware of any, but that the proposed trail would go from the road connection from Lake Estates into this property and then connect to the Charley Lake Preserves trail and continue to the middle school. He stated that the lots along Charley Lake will be private lots, he didn't know if there was room to put a trail behind them and he didn't know if there was enough dry land.

Dan Black said during the site work, the road going into Lake Estates would remain closed. But once homes are built, it would be difficult to leave Lake Court blocked off because homeowners would have a right to use it. He would like to work with the Staff to make a plan so that it would

not place a burden on the neighborhood. City Administrator Robertson stated that this issue was discussed. The road would probably be opened once a Certificate of Occupancy was issued for the first home in the development.

Commissioner Ross brought up the issue that the County did not want to put in a third access, but questioned how it could be used for construction as a lot of traffic would be going in and out. Dan Blake said the County would prefer that this not happen, but since an access driveway is there now, it would probably be worked out during the construction process.

Dan Blake addressed several of the questions raised. He said that the land in Charley Lake Preserves has been sold so no access could be given through that development to the Moga property. A question was raised as to who would be the builders. Mr. Blake answered that most the builders used before in North Oaks would likely be used again. Currently they have talked to three builders, but at this time he is not sure who they will be. The price point would probably be \$900,000 to \$2,000,000. He is not expecting the market to be a problem. They are also working on keeping as many trees as possible because that enhances the lots and the sales price.

Commissioner Long asked if there would be a grading and forestry plan that would protect heritage trees. Yes there would. He questioned if there would be walk out lots. Mr. Blake stated only lots 5, 6, 7 and 8 could be walkouts as the land is rather flat.

Chair Campbell stated that NOHOA controls the use of common space if these homes become part of the association. Mr. Blake stated he would like more information as to what kind of common space should be considered. Chair Campbell stated that it may be money in lieu of land and the City would be the one to decide this. Commissioner Long asked if the existing park could be expanded. Mr. Blake stated it could be done, but he wants to make sure he understands what actually is wanted.

City Administrator Robertson stated that it is difficult at this time to determine how the common space or cash set aside would be used. Once it is decided if they will join NOHOA then the City would work with NOHOA to decide how to spend any money set aside. At this time, only a trail is planned so the additional park contribution would be met with cash.

Commissioner Ross has a concern about the legality of using the roads and would like the City Attorney to look into this. Mr. Robertson stated that City Attorney has already looked at the issue and disagrees strongly with NOHOA's view on this.

Administrator Robertson addressed some of the questions raised by saying he had spoken to the Ramsey County engineers and that Hodgson is not planned to be expanded in the next ten years and that no traffic light is planned at Wildflower. He said that he thought a right turn lane could be added on Wildflower but that would have to be discussed with NOHOA. A by-pass lane to make left turns on to Wildflower from Hodgson easier would have to be approved by Ramsey County but that they would undoubtedly expect the City to pay 100% of the cost. Administrator Robertson reminded the audience that when Lake Estates was developed a lot of people to the north did not want their homes developed. The developer has certain rights under the State law that the City has to respect. Robertson said the City does not control home values and could not

do anything regarding the possibility that another recession could occur and that home values could drop. He also stated that the DNR controls the wildlife so the City cannot do anything about coyotes without their consent.

City Planner Ben Gozola came to the podium to answer the questions brought up. He stated that the zoning for the west side of the City is Residential Single Family Medium Density and has been this way for a long time. A Comprehensive Plan has been in place and this development meets but the zoning requirements and the Comprehensive Plan. The City cannot go back to the Developer and state that a different density and zoning must be followed.

Chair Campbell stated that the plan presented does not violate any ordinances. Commissioner Long mentioned that if the land is locked, access must be allowed.

**Commissioner Nancy Reid moved to recommend to the North Oaks City Council that the Subdivision Application 13-09 be approved with the conditions stated in the application. The motion was seconded by Commissioner Joyce Yoshimura Rank. The motion passed unanimously.**

**Next Meeting**

Monday, December 2nd at 7 p.m. at the Community Meeting Room, 100 Village Center Drive

**Adjournment**

The meeting was adjourned at 9:37 p.m.

Attest:

Respectfully submitted,

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Bill Campbell, Chair

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Linda Hanson  
Recording Secretary