

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, City of North Oaks. Chair Campbell acknowledged that all Commissioners were present. Also present were City Administrator Melinda Coleman, City Attorney David Magnuson, Videographer Kevin Scattum, Planning Consultant Ben Gozola, Consultant Engineer Paul Pearson and Administrative Assistant Linda Hanson.

Chair Campbell welcomed newly elected Marty Long to the Planning Commission.

Approval of Agenda

Commissioner Bob Wilson moved to approve the agenda. The motion was seconded by Commissioner Katy Ross and passed unanimously.

Approval of Minutes

Commissioner Dick Hara moved to approve the Minutes from the December 20, 2012 Planning Commission meeting. The motion was seconded by Commissioner Joyce Yoshimura-Rank and passed unanimously.

New Business

1. Charley Lake Preserves: Preliminary Plat, PUD Zoning and Variance Request

Ben Gozola from McCombs, Frank, and Roos came to the podium to introduce the Development Application for the property at the Sisters of the Good Shepherd site to create 63 single family lots. He explained that there are two routes a developer can go to create a sub division. One is to go strictly by the code for Residential Single Family Medium Density or a second route is to create a Planned Unit Development (PUD). The developer is asking for approval of a PUD which allows the City to work directly with the developer to create a flexible design that is a win/win for both.

The developer is requesting an average or less than average number of changes to the RSM Code that includes four changes all relating to the size of the lots. The four changes are the following:

1. The developer is requesting a lot size less than 1.1 acres that is currently in the RSM Code. By doing this, they have allowed 9.1 acres of open space to include trails and playground equipment as well as a privacy buffer facing Hodgson Road. The maximum dedication for open space required by Code is 10% or in this case 6 acres. This plan includes 8 acres or 12 % of the area requirement and also includes trails and other amenities.
2. The second difference is in the number of off street parking spaces required. The current RSM Code requires four off street parking spaces that meet all setbacks. With the smaller lots, less space is available.

3. Driveway separation is the third change. Again due to the smaller lots, the RSM Code to meet the 30 foot setback for separation of driveways would be difficult.
4. Finally, the overall number of units allowed on this acreage would be 57 units based on a formula of units per acre density in the RSM Code. Mr. Gozola explained that this part of the Code is not very clear and may need to be reviewed at a later time. The developer is asking for 63 lots.

Mr. Gozola stated that the job of the Planning Commission is to determine if this is an appropriate use of the land and a win/win for both the developer and the neighbors living around this property.

City Administrator Melinda Coleman stated that the gross density definition does appear to be in conflict with the RSM Zoning Ordinance and that it has never really been brought to the City's attention until now. The main question before the Commission is if the Ordinance was followed would the City end up with a better project or would the city benefit with the proposed plan. Staff finds that the creation of the PUD classification results in a better project because it will retain existing woodlands and allow for lot layout and size modifications. Adopting an ordinance creating a PUD would permit these variations within the RSM zoning district.

Commissioner Marty Long asked if this was part of the 30 year Planned Unit Development already in place. Mr. Gozola stated that it was not and that a new Planned Unit Agreement would need to be put into place to govern this section of the City.

Dan Herbst from Pemtom came to the podium to present the application. He stated that they started with a new concept plan and met with the neighbors to get their input. He has kept in contact with the Staff and City Administrator as well as with the NOHOA President Mark Azman throughout the process. Mr. Herbst has also met with Ramsey County, the City of Shoreview, the Met Council, the Mounds View School District, the North Oaks Company and the Homeowner's Association.

The site is 65.7 acres with Hodgson on the west side, Chippewa Middle School on the southern border, 9 to 10 lots on the east side and 330 feet on Charley Lake. The Sisters of the Good Shepherd have owned the land since the 1950's and have been good stewards of the land and Pemtom has been around since 1963. Tom Zimmer represents the Sisters. The plan presented preserves the shore land and trees and keeps a similar character to North Oaks. They have considered the economic benefits to the City, County and School District and the Sisters of the Good Shepherd.

The preliminary plat includes 63 lots with no need for variances, greater separation on the east side with larger lots, thirty feet setbacks on front and sides of each lot, larger lots on Charley Lake, and two entrances (one will be left in and left out and the other will be right in and right out). They plan to preserve as many trees as possible so some lots will be custom graded on the northern side. They would like to create as many walk outs and deep window homes as possible. There will be three ponds: one on the south side, one in

the southeast corner and one on the north side and also a retention pond. This is to make sure all run off can be handled.

The main for the sewer will be nine feet deep and include a lift station. The water main will loop through the site. The streets will be identical to what is currently in North Oaks with the same width and right of way and lot lines going out to the center of the street. Close to 800 different plantings will go in and trees will be selected for screening.

They have also met the Code for shoreline which allows for 25 lots within 1,000 feet of the high water mark. In addition they have planned for on average about the length of a football field between the back of the Pentom homes to the back of the homes on West Pleasant Lake Road. There will be about 3,300 feet of trails and if the homes become part of NOHOA, the trail will connect to the present trails into North Oaks. There will also be a tot lot and gathering area. Pentom's intent is to preserve the 14 acres of woodlands especially on the side facing Hodgson Road. Two divided landscape entrances will be used. No septic systems or wells will be in this development.

The homes will be in compliance with the Floor Area Ratio (FAR) as well as the shore land density requirements. The 63 lots are within the zoning density for 65.7 acres with one unit per .96 acres. The estimated value of the homes will be \$600,000 to \$700,000. This will add at least 38 million dollars in market value. Building permits will add approximately \$245,000 to the City's income. In addition the City will receive about \$38,400 in taxes. The School District will receive about \$196,000. At the present time this land is tax exempt. The plan would be to build 3 homes in 2013, 20 in each of 2014, 15, and 16 for a total of 63 homes.

Ben Gozola returned to the podium to state that Pentom has done a good job in planning this community. He reviewed the process that the Planning Commission should follow. The Planning Commission's responsibility is to conduct the public hearing to get feedback which is part of this meeting and then to complete a two part determination. One is to determine if this is an appropriate development for the site and is a win/win for all parties (the Sisters, the neighbors, and the City) and two if determined to be a win/win, then to forward to the City Council for approval with any additions or suggestions they would like to see added. The Staff has already included a list of conditions for this application to ensure all the details are documented.

Mr. Gozola stated the recommendation is just that. The City Council is the responsible party and will make a decision but the application needs to move through the review process in a timely manner. He suggests the Commission only table their recommendation if they need more information, but if not, it is better to move the application along. The development will have to become part of a homeowner's association but does not have to be decided at this time.

Mr. Gozola explained that the setbacks, uses, accessory uses, building heights, the FAR and wetland protection all comply with the current RSM coding. However, the PUD does give

the City some flexibility which allows for additional open space, amenities and landscaping for screening. Mr. Gozola pointed out the following items to consider:

1. The question came up if the plan met the dedication for parks and recreational land. After studying the Code, Mr. Gozola stated that it does comply as the Code states recreational land includes open space, parks, playgrounds, trails or conservation areas.
2. The configuration of the park planned would not be the best access for a public park; however, since North Oaks is a private community and this is a private development, he believes it will work for this community.
3. Finally, his staff would recommend that a right of way on the current dead-end on the North end of the property be considered for a road connection as this would be best for an additional access point for safety issues.

From a planning perspective, the overall layout is good and recommends it move forward as a PUD. There are 14 undeveloped acres on the north that could later connect to this development if right of way was granted.

Paul Pearson, Engineer from MFRA, came to the podium.

Mr. Pearson reviewed all engineering items and stated that all were standard in nature. The considerations specific to the site can be addressed in the final design.

Commissioner Reid asked if there were any grading concerns. Mr. Pearson explained that a soil consultant would be hired and would review the cut and fill needed if any and will make a final recommendation. He is not aware of any deep fill needed. A delay could be required if any deep fill is needed.

Chair Campbell asked about the roadways and if they would work for emergency vehicles. The Lake Johanna Fire Department has some concerns, but the cul de sac diameter should work as it is similar to Rapp Farm. If the island needs to be made smaller it can be. MFRA will use an auto turn simulation software that can verify adequate room for emergency vehicle turn around.

Commissioner Reid asked about the shoulder and fog line adjacent to the road. Mr. Pearson stated that a few roads in North Oaks do have this. It is a white stripe that protects the edge of the pavement and allows a mailbox pull off area. This is not a designated trail area.

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

David Baratti, 3 Lawson Lane

Mr. Baratti thanked the developer for the new plan after getting property owners input. He had a few concerns. One, he was concerned that consumers when buying a property will not know if they will be part of NOHOA or have their own homeowner's association.

He believes that this should be disclosed to the new owners. His second concern was the number of uninvited visitors that trespass basically from the middle school. There appears to be a trail used by the utilities going through his property and his neighbors and he does not want to see more people use this access to go into North Oaks.

Mike Wasiluk, 648 Birch Lane South, Shoreview

Mr. Wasiluk expressed his concern over additional traffic on Hodgson Road. He likes the design, but is concerned that the road upgrade done in the past stops at Birch Lane South going from two lanes into three. He has experienced head on traffic when cars turn into the Methodist Church and believes more traffic will make it even more dangerous. In addition, Ramsey County stated that Hodgson is an alternative to a freeway and it is very difficult to get on to Hodgson Road at the present time. The site line for pulling out on to Hodgson makes it very difficult to see traffic. He would like to see another access to this site besides Hodgson. He also wanted to know what the approval process involves.

City Administrator Coleman stated that the preliminary PUD approval could take place at this meeting and then the developer would complete final drawings to meet the conditions outlined by the Staff. It would then go back to the Planning Commission and be forwarded to the City Council for final approval which may take two meetings. The City Council serves as the Board of Appeals if a citizen wanted to appeal a decision. They would do this after the approval of the plan by the City Council. Ms. Coleman also stated that the Staff Report is public information if someone is interested in obtaining a copy.

Lana Peltier, 16 Wildflower Place

Ms. Peltier expressed her concerns about additional traffic and having two entrances. She does not feel this is necessary now that only 63 homes will be going in. She does not want to see Wildflower Way become a turn around. She has a lot of difficulty getting out on to Hodgson and does not want to see the right turn exit add to this problem. North Oaks has four entrances that service most of North Oaks now, so she believes one entrance is sufficient for this development.

She also stated that the new development should be part of NOHOA as they will want to use the amenities and trails. Also, some of her neighbors would like to see townhomes or smaller homes in the \$350,000 to \$400,000 dollar range as part of the development.

Bob Sonnek 67 West Pleasant Lake Road

Mr. Sonnek explained that he met many times with Dan Herbst from Pemtom and was happy that Pemtom is applying. He likes what he sees and felt that Mr. Herbst listened well to the neighborhood concerns. Three neighborhood meetings took place and at each one he saw improvements to the plan.

Mr. Sonnek also thanked the Planning Commission members for their hard work. He wanted to let the Commission know that many residents of North Oaks are interested in what is going on. He has received hundreds of e-mails and they have been favorable to the new plan.

At 8:17 pm Chair Campbell closed the Public Hearing.

City Administrator Coleman responded to the comments made by the concerned citizens. She addressed the trail issue that Mr. Baratti expressed. She has met with Michelle from NOHOA and understands the issue involved. Utility and trail easements exist in this area and also drainage and utility easements are also in this area. Mr. Sonnek will do more research about these easements.

Regarding Mr. Wasiluk's concerns, Ms. Coleman has met with both Shoreview and Ramsey County but the discussion was not continued when the project was downsized. She stated that both Shoreview and Ramsey County wants the entrances and exits to line up with the current streets in Shoreview. Also, she will discuss with both Shoreview and Ramsey County Mr. Wasiluk's concern on sightlines on the Shoreview side.

In regards to the questions raised by Ms. Peltier, Ms. Coleman stated that not until the project is in final plan approval would it be determined if this development would be part of NOHOA. They would be required to either be part of NOHOA or have their own sub-association to keep up all public improvements. The playground equipment and ball fields at Chippewa Middle School would be available for use as this is a public facility. Townhomes would not be allowed in this development.

Cory Meyer from Pemtom came to the podium to address traffic concerns. He stated that he has worked with Ramsey County and the current plan includes turn lanes required by the County. A traffic study is not required and light fixtures are not part of the plan. The County does not seem to be concerned about the additional traffic. The two entrances are also necessary for the water lines for adequate pressure so that there is no dead end causing the water pressure to drop off. The Fire Chief prefers two entrances as well.

Chair Campbell asked Mr. Herbst about the possible connection of the dead end to the 14 acres adjacent to the proposed development. Mr. Herbst would not connect this land to the proposed development, but would access the 14 acres off of Hodgson if he were to later develop this land.

Ms. Peltier stated again that two entrances are not needed and that perhaps the northern one could be gated and used for emergencies only. She would like to see a traffic study done. She is concerned about the volume of traffic and also that the new residents will use Wildflower to turn around so they can go left. Mr. Herbst does not believe this will impact that neighborhood that much. The County is not concerned about the additional traffic as long as the turn lanes are added.

Dan Herbst also showed a plan that was based on the current ordinance but stated that it would not be as nice of a plan. Commissioner Wilson asked Pentom who the builders would be for this development. Mr. Herbst stated that five or six groups have expressed interest. Multiple builders will probably be used. Mr. Herbst also stated that The Home of the Good Shepherd buildings will need to be removed and a homeowner's association will exist for two or three years during the development and then either NOHOA or a sub association will take over.

City Attorney Dave Magnuson stated that if there was a separate homeowner's association it is more of a challenge to the City. Performance bonds would be required and the real concern would be when the infrastructure wore out and would need replacement.

Commissioner Hara stated that he thought the current application was a good one and that most people were happy with it. Chair Campbell stated that traffic was his main issue. Commissioner Yoshimura-Rank stated that she thought this plan was much nicer than the original plan.

Commissioner Hara made the motion to recommend to the City Council for approval the requested PUD for Charley Lake Preserve including the preliminary PUD ordinance with conditions outlined by MFRA dated 2-12-2013. Commissioner Reid seconded the motion and it passed unanimously.

The plan will now to the City Council for their review.

Next Meeting

Thursday, March 28, 2013 at 7 p.m. at the Community Meeting Room, 100 Village Center Drive

Adjournment

On motion made by Commissioner Ross, seconded by Commissioner Reid and carried unanimously, the meeting was adjourned at 8:52 p.m.

Attest:

Respectfully submitted,

Bill Campbell, Chair

Linda Hanson
Recording Secretary