

The Planning Commission meeting was called to order by Chair Bill Campbell at 7:04 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, City of North Oaks. Also present were Commissioners Dick Hara, Katy Ross, Bob Wilson, Joyce Yoshimura-Rank, City Council Liaison Gregg Nelson, City Administrator Michael Robertson, Videographer Kevin Scattum and Administrative Assistant Linda Hanson. Commissioner Nancy Reid arrived at 7:30 p.m.

Approval of Agenda

Commissioner Bob Wilson moved to approve the Agenda. The motion was seconded by Commissioner Joyce Yoshimura-Rank and passed unanimously.

Approval of Minutes

Commissioner Dick Hara moved to approve the Minutes from the January 23, 2014 Planning Commission meeting. The motion was seconded by Commissioner Katy Ross and passed unanimously.

New Business

1. Variance 14-02, Scott Reed, 28 Mallard Road, 8 foot encroachment on west 30 foot setback for installation of a concrete sidewalk and a paved parking turn around.

City Planner Ben Gozola presented the staff report. 28 Mallard Road is requesting a variance to encroach up to eight feet into the 30 foot setback for installation of a concrete sidewalk and a paved turn around. The applicant is asking for this variance due to the fact that this lot has sewer lines on three sides of the lot and the eastern side has significant topography that affected the way the home was built.

Mr. Gozola said that to be approved variance requests must be consistent with the Zoning Ordinance, consistent with the Comprehensive Plan and must meet the practical difficulties test. Walk ways are a reasonable request, but in North Oaks sidewalks are prohibited and so the request does not comply with the intent. Also since there is an area in front of the home that could accommodate a parking turn around the request for a variance into the setback is not consistent.

MFRA found that both requests are consistent with the Comprehensive Plan.

The third criterion is if the request is due to practical difficulties not created by the homeowner. Mr. Gozola agreed that this lot did create some difficulties both due to the topography and the sewer lines, but there still was an adequate area for a home. Mr. Gozola noted that in 2004 the applicant received a CUP for an oversized garage. Mr. Gozola's opinion was that some of the difficulties were created by the landowner based on the placement and design of the home. A different housing style or configuration could have allowed room for a parking turn around.

There were no resident concerns identified for this request.

Applicant Scott Reed, 28 Mallard Road stated that in 2004 he did try for a variance, but decided to withdraw it at that time because he did not have the support of the ASC. He built the home himself and had a lot of difficulty fitting the kind of home he wanted on the lot due to the sewer lines and the topography. He wanted to build a pool as well but could not do so due to the sewer lines. He pointed out that 30% of the proposed walkway would not be in a setback. He is willing to use cement or brick to make the walkway more attractive. His reason for requesting a turnaround is that he owns a truck and would like to exit his property forward out into the street for safety reasons. He stated that a cement turn around in front of his house would not look nice. He would like to use a turnaround for visitor parking as well. In addition, he wanted the City to consider that if the one of the sewer lines needed repair, a large amount of dirt would be placed in his yard. He also pointed out that there are walkways all over North Oaks. He reviewed the difficulties he had in placing his home on this lot.

Chair Campbell stated that the real issue is that the applicant is requesting to go into the setback. Larger setbacks were established in North Oaks to provide privacy between homes and they have always regarded as sacrosanct. Scott Reed said that the City has allowed septic systems to go into the setback. Administrator Robertson said that no new home was allowed to build a septic system in the setback and replacement septic systems were only allowed in the setback when it had been proven that there was no other practical alternative and that public health was threatened.

City Council Liaison Gregg Nelson stated that the request doesn't meet the practical difficulties requirement in the ordinance due to the decision by the homeowner as to the placement of the home, which limits his options. Administrator Robertson said that the homeowner has described several alternatives which would address what he has requested and rejected them because he does not find them attractive. Commissioner Nancy Reid stated that if the Commissioners approve the request they would be setting themselves up for trouble as many people would want to build in the setback.

Commissioner Hara made the motion to recommend to the City Council denial of Variance 14-02 for a setback encroachment for the turnaround and walkway at 28 Mallard Road based on the findings of fact listed in the staff report. City Council Liaison Nelson seconded the motion and it carried unanimously.

2. CUP 14-03, Mattamy Homes, 4 Cunningham Road, Installation of Two Signs

Administrator Robertson stated that Mattamy Homes is requesting a Conditional Use Permit to put up two signs: one sales center sign in front of the model home at 4 Cunningham Road and the other on Hodgson Road identifying the development. Administrator Robertson stated that a temporary sign is up now due to a request by the Lake Johanna Fire Department that the new street and development be identified. An additional condition to state that the temporary sign can only remain a reasonable time was suggested. The proposed signs meet the size requirements in the City Ordinances.

City Council Liaison Nelson made the motion to recommend to the City Council approval of the CUP 14-03 for two signs for the Charley Lake Preserve Development with the following conditions:

1. **The signs would be the same as shown on the provided materials.**
 2. **The exact sign locations would be subject to Staff approval.**
 3. **The sign at 4 Cunningham Road would be removed upon development of the park.**
 4. **Both signs would be removed upon sale of all of the lots in the development.**
- The motion was seconded by Commissioner Ross and passed unanimously.**

3. **Subdivision Request 14-04, North Oaks Company, Wilkinson Lake Final Plat Approval**
City Planner Gozola presented the staff report. Wilkinson Lake is located in the NE corner of the community off Centerville Road and south of Waverly Gardens. Phase II and III will begin this summer. One small change from the original plan is the request for a cul-de-sac at the end of the road. Only minor engineering issues remain to be settled. Chair Campbell asked if the trails are in and have been turned over to NOHOA already.

Chris Heim of the North Oaks Company stated that the trails have been constructed and turned over to NOHOA. The Joint Powers Agreement for sewer and water is in effect between the City of North Oaks and White Bear Township. The sewer and water systems are owned by North Oaks Company but White Bear Township maintains the lines. The City has escrow to cover any costs that were agreed on in the Development Agreement if not completed.

Gary Eagles, North Oaks Company, explained that all of the utilities were put in in 2007. All lines will be tested and then the final road construction will take place. White Bear Township has prepared for the additional responsibility for maintaining the water and sewer systems.

Commissioner Wilson asked about the next phase. All sewer, water and storm lines are in but a Developer's Agreement with the City and escrow will be established once North Oaks Company is ready to sell this phase. Accent Homes will build the homes and each will be individually designed. All units will be walk-out units.

No action from the Planning Commission was needed.

4. **Subdivision Request 14-06, Pentom Land Company, Red Pine Farms Final Plat Approval**

City Planner Ben Gozola presented the staff report. Red Pine Farms is located on the western edge of the City just north of the new Charley Lake Preserve. This development consists of twelve lots and meets all code requirements for Residential Single Family Medium density. They have received preliminary plat approval and have only minor engineering details to work out. Pentom and NOHOA are working on an agreement for them to join the homeowners association.

Staff reviewed whether they could hook up to the water system to the north. This system has been dormant since 1990 and undoubtedly has structural and bacterial issues. Council Liaison Nelson asked what the advantage would be for hook up to this area. Mr. Gozola stated that it would be better to bring in the water from the Shoreview system as long as this was being done to the south for the Charley Lake Preserve Development. The water in Red Pine Farms will come from Charley Lake Preserve and be looped for better water quality.

Commissioner Yoshimura-Rank asked about the compensation for the park system. City Administrator Robertson explained that the money would go to the City with the plan that some of it would be used for the park to the north and some for trails once the agreement with NOHOA is reached or another plan worked out with NOHOA.

No action from the Planning Commission was needed.

5. CUP 14-05, NOHOA, 14 West Pleasant Lake Road Warming House & Restroom Building

NOHOA made a request to delay the decision until the March Planning Commission meeting. Administrator Robertson stated Public Hearing notices were sent out but not all information has been received at this time. He recommended that the Public Hearing be opened for comments and then continued until the next Planning Commission meeting in March. This CUP will also include the new lights which were installed without City approval. Once all the information has been received City staff can complete the review.

The Public Hearing was opened at 8:13 PM.

Chair Campbell read a letter of complaint from Beth Cliffe, 27 Evergreen Road about the brightness of the lights and she would like to see them in compliance with the City Ordinances. Chair Campbell agreed that the new lights are too bright.

Pat Henry, 12 Columbine Lane

Mr. Henry lives closest to the warming house and has been there for 29 years. He doesn't mind the new warming house or the lights but would like better enforcement in the park. In the summer there is an abundance of young people hanging out there late at night after the lights have been turned off and it is getting worse. There is a lot of yelling, drinking, reckless driving (donuts in the grass) and trash being strewn about. He would like NOHOA to do more security and monitoring of the park.

City Council Liaison Gregg Nelson clarified that Mr. Henry would like the Planning Commission to look into how it complies with the City Ordinances and he noted that Mr. Henry's concerns should also go to NOHOA.

Administrator Robertson stated that it would be a good idea to have the sheriff patrol the park and close it down at a certain time. Mr. Henry thought a gate at the parking lot would help.

The Public Hearing was continued until the next Planning Commission meeting on March 27th.

6. Discussion of Future Planning Commission Meetings

Administrator Robertson noted that the date of the January Planning Commission meeting was an error as in the past the meeting had customarily taken place two weeks before the Council Meeting. In months with five Thursdays, this makes the meeting day the fifth Thursday. It was decided to continue with the custom of the past with the meeting occurring two weeks before the Council Meeting except in special circumstances.

City Administrator Robertson stated that he plans to work on updating the Zoning Ordinances in 2014 with the Planning Commission's involvement.

Chair Campbell welcomed Council Liaison Gregg Nelson back to the Planning Commission.

Next Meeting

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

Adjournment

On motion made by City Council Liaison Gregg Nelson, seconded by Commissioner Katy Ross and carried unanimously, the meeting was adjourned at 8:32 p.m.

Attest:

Respectfully submitted,

Chair Campbell

Linda Hanson
Recording Secretary