

The Planning Commission meeting was called to order by Bill Campbell at 7 p.m. at the Community Meeting Room, 100 Village Center Drive, Suite 150, North Oaks, MN. Present were Bill Campbell, Bob Wilson, Gregg Nelson, Nancy Reid, Joyce Yoshimura-Rank, and Katy Ross. Absent: Dick Hara. Also present: City Administrator Melinda Coleman, and Kevin Scattum.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Gregg Nelson moved to approve the minutes of the December 6, 2010 regular meeting. The motion was seconded by Nancy Reid and passed unanimously.

**CUP 10 – 11            125 VILLAGE CENTER DRIVE    SUSHI RESTAURANT**

Melinda Coleman presented this application for a Conditional Use Permit (CUP) for the purpose of converting an existing retail shop space into a Japanese restaurant at 125 Village Center Drive. The space that will be occupied will be the end unit in The Village Center. The space has been vacant for a couple of years.

Melinda Coleman reported that:

The zoning code allows that conditional uses may be permitted for restaurant with accumulated square footage limited to less than 30% of the shopping center square footage after securing a conditional use permit; thus the need for the public hearing and the review by the Planning Commission.

In the staff report, there are several conditions and factors that were looked at that relate to the land, adjacent buildings, traffic, traffic circulation, how it affects the roads, drainage patterns - anything that may create additional requirements. Staff reviewed the application and the following items were noted:

1. The zoning ordinance was amended in 2005 to allow restaurant uses up to 30% from 15%. A study was undertaken to look at parking considerations to ensure that if restaurant uses were expanded, that there would be adequate parking and safe traffic movements throughout the Village Center complex.
2. The Japanese Restaurant will be located in Suite 125 which is an end space in the center. The restaurant will be 2, 557 square feet and will be open 11 am to 10 pm every day.

Staff finds that CUP 10-11 meets the minimum ordinance requirements.

To recommend to the North Oaks City Council that CUP #10-11 to allow a restaurant at 125 Village Center Drive be APPROVED with the following conditions:

1. That a building permit is obtained for review of remodel and that the plans be reviewed and approved by Ramsey County Department of Health.
2. That it be recorded that this CUP does not include approval for outdoor seating.

Chair Campbell opened the public hearing at 7:05 pm.

Mary McNellis with the North Oaks Village Center LLC was representing the landlord for the retail center. She informed the commission that they have a lease in place that is contingent upon planning commission and the City's approval. The landlord has worked with the applicant for about 6 – 7 months now and feels that they have a great operator that will bring some really good food choices to the North Oaks community.

Public hearing closed at 7:10 pm.

The Planning Commission discussed CUP 10 – 11.

Wei Chen, Applicant and Owner of the Sushi Restaurant was present and commented on the following:

- The Sushi Restaurant's hours of operation will be 11:00 am – 10:00 pm.
- He will be applying for a liquor license with the City, but plans to open his restaurant with or without a liquor license.
- The sushi that will be served will be traditional along with a more creative menu.
- He plans to employ around 9 – 10 people.
- The restaurant would like to have outdoor seating.

- Mary McNellis stated that the outdoor seating that is currently in front of Maid of Scandinavia is a common area. It is informal seating and that is how the Village Center landlords are envisioning the outdoor seating would be for the Sushi Restaurant. The North Oaks LLC owns and manages that common area. The maintenance costs for the common area are included in the rent from the tenants. Part of those costs go to pay a "policer" who picks up trash three days a week in that common area and also maintains the sculptures, fountain, includes irrigation, landscaping and snow removal.

- Parking concerns were answered by results of a study that was done in 2005 on the parking at Village Center. At that time, only 60% of the parking was being used, so they felt they could accommodate another restaurant. It was noted that mainly staff park behind the center and that there is available parking on the outer perimeter of the parking lot.

- With the addition of the Sushi Restaurant, the Village Center will be leased at 100%.

Greg Nelson moved to recommend to the North Oaks City Council that CUP #10-11 to allow a restaurant at 125 Village Center Drive be APPROVED with the following conditions:

1. That a building permit be obtained for review of remodel and that the plans be reviewed and approved by Ramsey County Department of Health.
2. That it be recorded that this CUP does not include approval for additional outdoor seating beyond that provided in the existing common area.
3. That the Planning Commission is not addressing alcohol service or use of such outside of the building.

The motion was seconded by Joyce Yoshimura-Rank and passed unanimously.

**CUP 11-01 THE PINES – BEHIND 9 BUCHAL HEIGHTS TREE WORK**

Melinda Coleman presented that the Pines Home Owners Association is requesting to remove buckthorn and a diseased oak tree on common property within the development. The work to be done would need to be accessed through Deer Hills Court.

The reason this requires a CUP is because the conservation easement that was dedicated over that Tract VV indicates that “The Conservation Easement shall be owned, preserved, and maintained in its natural and scenic condition with nothing constructed, erected, or placed thereon and no use shall be made thereof, including cutting thereon, without first obtaining a Conditional Use Permit from the City, which Conditional Use Permit may be granted or withheld by the City as a legislative decision in its sole discretion”.

This is brought before the Planning Commission for a public hearing because the zoning ordinance requires that public hearings are held for Conditional Use Permits and that the Planning Commission serves that function.

The Staff Review of this application is that the exhibits have been provided which generally highlight the location of the project and not specific details of this. They have been in correspondence and discussion with the City Forester and the applicant would specifically go out and show the Forester which tree and areas of buckthorn are being removed. The City Forester would give it approval before any work would be started. The tree being removed was identified and marked by the Forester for removal due to oak wilt.

Staff noted that there needs to be some written documentation that they have an easement agreement to go over private property to access land at the Deer Hills work site.

Staff is recommending approval of this with two conditions:

1. The City Forester reviews the plans showing specific tree and buckthorn removal areas prior to work beginning.
2. That the Pines Home Owners Association provides documentation to the City of a written access agreement from the appropriate property owner in Deer Hills Court to the north.

Chair Campbell opened the public hearing at 7:35 pm.

Fred Halvorson, President of The Pines Homeowners Association Board of Directors was present and told the Commission that they have oral approval from the Deer Hills homeowner and that there should be no problem getting written approval. In their application, they asked to waive the \$400.00 fee because they are requesting to remove a diseased oak tree that would have to be removed no matter where it is.

Public hearing closed at 7:40 pm.

Melinda Coleman stated that with all Cup's, there is a \$400.00 fee, but that she would like to ask the City Council to waive the fee because it is a common area and it is for the benefit of the whole community.

Joyce Yoshimura Rank moved to recommend that a conditional use permit to the Pines Home Owners Association for removal of buckthorn and a diseased oak tree, be APPROVED with the following conditions:

1. The City Forester reviews the plans showing the specific tree and buckthorn removal areas prior to work beginning.
2. That the Pines Home Owners Association provides documentation to the City of a written access agreement from the appropriate property owner in Deer Hills Court to the north.

Melinda Coleman will take care of presenting to City Council the waiving of the \$400.00 fee.

The motion was seconded by Katy Ross and passed unanimously.

The next Planning Commission Meeting is Thursday, February 24, 2011.

On motion duly made, seconded and carried unanimously, the meeting was adjourned at 8:00 p.m.

Attest:

Respectfully submitted,

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Bill Campbell, Chair

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Donna Osterbauer  
Recording Secretary