

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

March 29, 2012

Page 1

The Planning Commission meeting was called to order by Chair Bill 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 except Commissioner Nancy Reid were present. Also present were City Administrator Melinda Coleman, Recording Secretary Linda Hanson and Videographer Kevin Scattum.

Approval of Agenda

Two items were added to the agenda: staff reports on the Home of the Good Shepherd and the City bus tour.

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

Approval of Minutes

With a correction of the date of the next meeting, Commissioner Yoshimura Rank moved to approve the Minutes from the February 23, 2012 Planning Commission meeting. The motion was seconded by Commissioner Nelson and passed unanimously.

Public Hearing:

Variance 12-01, 1 Squirrel Lane, Michael Quinn & Kessea Moses

City Administrator Melinda Coleman gave an update on the request for Variance 12-01 for a deck that encroaches on the setback on two sides of the property. Ms. Coleman explained that a previous ordinance was passed that changed the language for granting ordinances to **practical difficulties**. Based on this criteria, it was the City Staff's opinion that this variance does not meet the requirement. The deck was constructed without a building permit or approval by the Architectural Supervisory Committee. A plan was later submitted to the ASC, but was not approved. In addition to the violation of structures located in the setback, the railings on the deck also do not meet code. The Staff met with Mr. Quinn and recommended that he remove the portion of the deck that is within the setbacks. Also two smaller structures would have to be moved. Ms. Coleman explained that she did receive an email from the Dunn's who reside at 18 East Oaks Road and they have expressed their desire to have compliance of the setbacks.

Chair Campbell opened the public hearing at 7:08 pm.

F. Able Ponce de Leon at 16 East Oaks Road addressed the Commission. He was also concerned about structures encroaching on the setback. He brought pictures of what he sees from his front door. He believes this encroachment affects his curb appeal and the value of his property. He was in Europe when the deck and structures were built.

MINUTES OF THE REGULAR PLANNING COMMISSION MEETING

March 29, 2012

Page 2

Michael Quinn, 1 Squirrel Lane, came to the podium. He apologized for moving two smaller structures into the setback and stated that he would move these. He explained that the deck was built for his wedding reception and to add beauty to his home. He agreed to put in railings up to code, move the sheds, and put floating items out of sight. He would, however, like to keep the deck the current size.

Commissioner Bob Wilson asked why he did not obtain a building permit and Mr. Quinn explained that he read the code incorrectly. He believed that since the deck was not attached to the house, no building permit was needed. Questions were asked about the pool and bar and if that was in the setback. This part of the deck and the pool are not.

Kessee Moses, 1 Squirrel Lane, addressed the Commission and stated that she was misinformed by the City Forester in regards to her property line. She also stated that on another issue, the Building Official Mr. Schmit had stated an earlier project did not need a building permit because it was not attached to the house. This however, was for a smaller project. Due to the size of the deck, this would require a building permit as well as architectural approval.

Mr. Ponce de Leon again addressed the Commission and stated that this was not an issue about being happy or unhappy, but instead a matter of keeping the value of his property and following the codes already established. He stated it was not a building permit issue either, but simply a code compliance issue.

Commissioner Dick Hara expressed his opinion that it was too bad that they did not understand the code and Commissioner Ross stated that they must comply so as not to set a precedent. Chair Campbell stated the importance of following the ordinances as they have in the past. He clarified that no structure can be placed in the setbacks.

Commissioner Nelson also stated that it could interfere with a septic issue down the line as a property has to have two locations for an ISTS system in case one fails.

Chair Campbell closed the public hearing at 7:22 pm.

Commissioner Hara made a motion to deny Variance 12-01 based on the fact that it does not meet the requirement of practical difficulties for this property. Commissioner Yoshimura-Rank seconded the motion and it passed unanimously. The Variance request will now go to the City Council for final review.

Staff Report

1. City Bus Tour

Ms. Coleman reported on the success of the City Tour conducted on March 10, 2012. Commissioners Nelson, Hara, and Ross were present as well as representatives from

NOHOA, the Architectural Supervisory Committee, and the North Oaks Company. They identified concerns including maintenance on some of the homes as well as unsightly vegetation. Ms. Coleman explained that it is a tough issue as the City does not have jurisdiction to step in. The City can enforce safety issues if the vegetation encroaches on the roads, but that appearance is an issue for the Architectural Supervisory Committee or NOHOA. Also there is a difference of opinion on when vegetation distracts from the beauty of the community and when it is part of the natural surroundings.

Ms. Coleman stated her appreciation for the good representation of attendees and felt it was a good use of time to conduct this tour. Commissioner Ross questioned where the City goes from here. Ms. Coleman explained that she will talk to the Council about follow up on items of concern. Commissioner Nelson thought it was a good tour and especially enjoyed going into the Good Shepherd property.

2. The Home of the Good Shepherd Property

A short discussion was held about the Pentom meeting held at Waverly Gardens on March 27, 2012. Commissioners Yoshimura-Rank and Chair Bill Campbell expressed their concerns about the density proposed for this project. Commissioner Nelson stated that is too soon to judge and that it is important to wait for the final proposal.

Ms. Coleman stated she is getting phone calls involving misinformation. This property is not zoned for parks, but is currently zoned for residential single family, medium density. At this time, there is no plan to make Hodgson road a four lane thoroughfare.

In general, Chair Campbell felt that there was a negative response from the public as the plan is a big variance from the typical North Oaks properties. Ms. Coleman explained that Pentom will be asking for a RSM PUD which would allow two units per acre. Currently the land is zoned for one home on 1.1 acres. The plan will also have to go to the Metropolitan Council for review as well as to Shoreview for access to water. A concern over having land set aside for affordable housing could also become an issue as the Home of the Good Shepherd has qualified for that in the past. Land might need to be located in the City to comply with the State law.

City Administrator Coleman also stated that the Sisters need to sell this property and that the land will be expensive to clear as the current buildings have asbestos which will need to be disposed of properly. There are no other proposals on the table at this time.

Next Meeting

Thursday, April 26, 2012 at 7 p.m. at the Community Meeting Room, 100 Village Center Drive

Adjournment

On motion made by Commissioner Nelson and seconded simultaneously by Commissioners Ross and Yoshimura-Rank and carried unanimously, the meeting was adjourned at 7:50 p.m.

Attest:

Respectfully submitted,

Bill Campbell, Chair

Linda Hanson
Recording Secretary