

**AGENDA**  
**North Oaks Planning Commission Meeting**  
**Community Meeting Room – 100 Village Center Drive, Suite 150**  
**North Oaks, MN 55127**  
**Thursday, April 25, 2018 at 7 PM**

Call to Order

Roll Call

Approval of Agenda

Approval of the March 28, 2019 Meeting Minutes

Approval of March 13, 2019 Workshop Minutes

Approval of March 28, 2019 Workshop Minutes

Approval of the April 3, 2019 Workshop Minutes

Public Hearing – Preliminary Subdivision – North Oaks Company – Wilkinson  
South Villa Homes

Preliminary Subdivision – North Oaks Company - Nord Parcel

2040 Comprehensive Plan Update

Next Planning Commission meeting is Thursday, May 30, 2019

**Planning Commission Meeting**  
**March 28, 2019**  
**7:00 PM**

**Call to Order:**

Chair Ross called the meeting to order at 7:00 pm.

**Roll Call:**

Present: Chair Katy Ross, Commissioners Mark Azman, Stig Hauge, Nancy Reid, Kara Ries, and Sara Shah.

Staff: City Administrator Mike Robertson, Recording Secretary Gretchen Needham, City Planner Bob Kirmis, City Attorney Dave Magnuson and City Engineer Paul Pearson.

Absent: Commissioner Joyce Yoshimura-Rank.

**Approval of Agenda:**

Commissioner Reid moved to approve the agenda. Commissioner Hauge seconded. Motion approved unanimously.

**Approval of Minutes:**

Commissioner Ries moved to approve the February 28, 2018 meeting minutes with an addendum to the citizen comments section. Commissioner Reid seconded. Motion approved unanimously.

**Concept Plan Withdrawal — North Oaks Company — Red Forest South, Gate Hill, and Island Field Developments and Event Center**

Chair Ross explained that the North Oaks Company (NOC) has withdrawn their concept plan for Red Forest South, Gate Hill, and Island Field Developments and the Event Center.

**Planning Commission Questions/Feedback**

Administrator Robertson asked if the Planning Commission had any feedback or questions for NOC regarding the withdrawn concept plan. Commissioner Reid let the community know that language in the Comp Plan about a road connection to Centerville Road was removed. Commissioner Reid asked why the Nord Parcel wasn't withdrawn. She thought that all six areas should be reviewed or none of them should proceed. Commissioner Hauge asked about the number of units and the differing opinions on the count of remaining units. He would like clarification on the number of units from NOC.

Commissioner Ries wanted to remind NOC that any development is done for the benefit of the community and the residents. Historically, new roads coming into the community were limited, in order to protect safety, traffic, and privacy. She echoed Commissioner Hauge's concern for clarification of the numbers of units. Commissioner Ries would like to see an update on the remaining areas and how they are affected by any withdrawal. The decennial review is coming soon and will be important for understanding the totality of the development proposal. City Ordinance, Section 152 outlines subdivisions, including how any development plan is approved.

Commissioner Ries would like to see lists of all information requested so that documents can be found and the proper due diligence followed by the Planning Commissioners.

Commissioner Shah also wants clear numbers on remaining units. She wants a collaborative approach for getting supporting documents and understanding historical context. She does not support an event center. Commissioner Azman cited a statute that allows the Planning Commission 120 days in order to consider the development application. He wants to make sure both ordinance 151 and 152 are properly understood as they apply to the development application. An updated count is needed for each phase of the development; for example, he would like to better understand how a condo is converted to a dwelling unit, and how that affects the count. Commissioner Azman raised the question of whether or not a new environmental assessment worksheet (EAW) is required. Commissioner Ries added that how the dwellings are counted is important, and that the Planning Commission needs NOC to inform them on that. Chair Ross noted that the Comprehensive Plan is being worked on, and that it also applies to the East Oaks Development. She reiterated the need for clear numbers and a desire to see the plan as a whole. The feedback from residents will help inform future applications from NOC.

NOC President Mark Houge said the housing count NOC submitted is their count. Commissioner Shah says that the updated numbers are Exhibit D in her packet, dated March 20, 2019. Commissioner Ries said that the original document with updated numbers was sent to the City in October of 2018; the Planning Commission only received the document on March 20, 2019. She asks that the documents are received in a timely fashion.

Commissioner Hauge questioned the housing unit numbers listed in Exhibit B-1.2, E-2, site 603: 192 total units; but NOC holds the rights to 178, with the remainder held by Presbyterian Homes. President Mark Houge confirmed that the number is 178 units, and Tom Watson, 45 East Pleasant Lake Road, agreed that the 192 number should indeed be 178. Administrator Robertson says it's up to the City to decide on the final number of units.

City Planner Kirmis reviewed the portions of a memo dated March 28, 2019 about the withdrawn concept plan. He recommends that prior to the consideration of future submissions, that the applicant provide a revised concept plan for all phases including all numbers of units. Commissioner Azman moved to close the public hearing regarding the Concept Plan due to the withdrawal of Red Forest South, Gate Hill, and Island Field Developments and the Event Center concept plans. Commissioner Reid seconded. Motion approved unanimously, Chair Ross abstained.

#### **Public Hearing — Preliminary Subdivision — North Oaks Company — Nord Parcel**

City Planner Kirmis gave an overview of the Nord Parcel proposal, which consists of 55 acres of land northwest of Deep Lake, with a plan for 10 single family lots. The lots would be a minimum of 1.1 acres. Access to the subdivision would be from North Deep Lake Road via a cul-de-sac. Wetland mitigation will be required in some of the area. Both the 2030 Comp Plan and the current draft of the 2040 Comp Plan have low-density residential land use recommended for

this area. The site is zoned RMM (residential multi-family, medium density) although the 1999 East Oaks PDA references a zoning of RSM (residential single-family, medium density); in the case of conflict, the terms of the PDA apply, so RSM will be the zoning in the Nord Parcel. The project as proposed will be a complete build out of the site. A specific trail has not yet been outlined, but the applicant has expressed interest in providing a trailway.

Commissioner Ries questioned the zoning of lots 9 and 10, which she believes are at least partially zoned recreational. She notes that NOHOA's input is needed for any trails, parks and recreational areas.

Commissioner Azman asked if the application is considered complete, since the updated numbers were only recently supplied for Nord Parcel. City Attorney Magnuson replied that since no objection to the application was filed within 10 days of submittal, the application is deemed complete under state law.

City Engineer Pearson from Sambatek suggested that fire and police departments comment about any emergency response needs for this parcel. Estimated traffic is 100 vehicles per day (calculated by 10 vehicles per day per lot), which the City Engineer feels can be accommodated by the existing street system. He noted that roads in North Oaks can handle approximately 1,000 vehicles per day. He proposed that the diameter of the cul-de-sac be increased to 100 feet. The amount of wetlands to be mitigated is 0.23 acres, with a 2 to 1 ratio of mitigation credits required. The Vadnais Lake Area Water Management Organization (VLAWMO) would provide recommendations on wetland mitigation once a final plan is submitted. Commissioner Reid mentioned that the 1999 East Oaks PDA called for an access street coming in from Sherwood Road, and she asked why that changed to North Deep Lake Road; Engineer Pearson did not know why and suggested that the NOC could address that question.

Administrator Robertson said that emergency response time to the Nord area is 13 minutes, which is the longest response time in North Oaks. Commissioner Ries asked that traffic and safety studies be conducted for Nord Parcel and other phases as they come up for application. She asked whether some sort of noise barrier was needed on the north side of the property due to the Ramsey County Recycling Center being located to the north. City Engineer Pearson said he had no opinion on that.

Commissioner Azman asked about the zoning of lots 8 and 9, which appear to be zoned for open space on the City's zoning map. Planner Kirmis says he will have to research this.

NOC President Mark Hauge said they considered the road coming in from North Deep Lake Road better than Sherwood Road from a privacy and safety point of view, and it also keeps encroachment on wetlands to a minimum. Ramsey County would need to give approval for a connection from Sherwood Road into the Nord subdivision. There has been no discussion to connect this parcel to Rapp Farm. Commissioner Hauge asked about negotiations with NOHOA about trails in this parcel; Mark Hauge said they have suggested a trail that would connect with

current trails. Commissioner Reid asked if they would consider road from Sherwood during the construction process to reduce traffic on North Deep Lake Road. Mark Houge said they would.

**Chair Ross opened the Public Hearing at 8:39 p.m.**

Franny Skamser Lewis, 3 Red Maple Lane. She would like the road to access from Sherwood Road as outlined in the 1999 East Oaks PDA and to minimize impact on the wetlands. She's concerned about the increase of traffic on the surrounding roads. She asks that the Nord Parcel not be approved until after it is compliant with the East Oaks 1999 PDA, the 2040 Comp Plan, and any additional EAW that is needed.

Leanne Saveriede, 4 Red Maple Lane, notes that the 1999 East Oaks PDA says that 0.03 acres of wetlands will have to be mitigated, while the current plan is to mitigate 0.23 acres.

Susan Hinrichs, 55 East Pleasant Lake Road, points out that the change from 0.03 acres to 0.23 acres is a sevenfold increase. She would like an independent review of whether or not a new EAW is needed.

Don Nightingale, 11 Nord Circle, gave background and historical context for the 1999 East Oaks PDA. In the past, roads did not come into North Oaks as a trade off to the higher density developments being allowed on the periphery. The trail system is the connectivity within North Oaks. He asked that the Planning Commission reject the current Nord proposal due to the trail issue.

George Brushaber, 3 Black Lake Court, disagrees with the 100-car estimate for vehicle traffic because it doesn't take into consideration deliveries.

Dave Plummer, 14 North Deep Lake Road, spoke about EMS response time and how it would be faster with access from Sherwood Road and asks that this be considered strongly by the Planning Commission.

Steve Butts, 3 Aspen Lane, says that the road should come in from Sherwood Road.

Mary Topel, 16 North Deep Lake Road, is concerned about drainage in the North Deep Lake Road area.

Tom Woods, 1 Black Lake Road, would like NOC to adhere to the 1999 East Oaks PDA. He thinks subject matter experts should be brought in to weigh on the plans put forth by NOC.

Kathie Emmons, NOHOA Board President, 20 Duck Pass Road, suggested that experts be consulted for traffic studies and environmental impacts. NOHOA has met with NOC and area residents to try to resolve the trail issue. She asks that the Planning Commission stay with the contract agreed to in the 1999 East Oaks PDA.

Kirsten Long, 1 Chickadee Lane, would like to know what triggers a new EAW; she believes there are thresholds that require a new study.

Lisa Dujmovic, 15 Black Lake Road, questions the numbers being used for evaluations written about in Staff memos. She notes that the EAW may be affected by incorrect numbers. She wants to know the Planning Commissioners' opinions on a road connection from Centerville Road into North Oaks.

Bob Cameron, 15 Hay Camp Road, is concerned about drainage and water runoff when the development in Nord is built. He would like an expert to review the plans regarding grading.

Peter Bailey, 30 North Deep Lake Road, has construction debris strewn near his property and the nearby marsh due to construction in Rapp Farm. He asks that the impacts of building this development be carefully monitored.

Cheryl Moore, 29 North Deep Lake Road, wants Sherwood Road to be used as the connection road instead of the proposed road in from North Deep Lake Road.

Tom Foley, 7 Duck Pass Road, would like assurances that a trail is put in Nord Parcel: he wants to see the trail outlined before the Nord project is accepted as final.

Leanne Savereide, 4 Red Maple Lane, would like NOC to stick to the original East Oaks PDA regarding the Sherwood Road entrance and the 0.03 wetland mitigation number. She doesn't agree with the NOC current proposal for a trail and would like to see a different configuration.

Rich Dujmovic, 15 Black Lake Road, is frustrated with the count of units, which has changed various times and still does not make sense to him. He also doesn't agree with the calculation of commercial space outlined. He cited a City ordinance regarding "lot area requirements" for residential single-family units. Emergency response is important, but he feels the tradeoffs for privacy are important as well.

Rob Fitzer, 11 Hay Camp Road, would like to see the road into Nord Parcel come out of Sherwood Road or else connect with Rapp Farm Place.

Mark Asch, 34 North Oaks Road, sees trade-offs for lack of speed for emergency response in return for privacy.

**With no further comments, Commissioner Azman moved to close the public hearing regarding the Nord Parcel at 10:12 p.m. Commissioner Ries seconded. The motion was approved unanimously.**

Chair Ross summarized that the citizen comments revolved mostly around trails, road access, wetlands, and the count of housing units. Commissioner Hauge suggested starting with the road as there's only two options. Commissioner Reid would like to see a study of different road configurations. Commissioner Azman believes the application was not complete due to the lack

of complete numbers and other missing documentation, and in that case, the 120-day time period starts now and the Planning Commission would then have more time to consider the proposal. Commissioner Azman would like to ask NOC to propose a designated trail. He also questioned the zoning of lots 8 and 9. He would like to see if Ramsey County would allow access to the property from Sherwood Road.

Commissioner Ries wants to make sure NOHOA is brought into the conversation about trails. She wants a 1-to-1 count in the future for housing units and for the City to stay true to its zoning. Commissioner Shah points out that the order in which items are decided, such as the road and trail placement, will affect one another.

NOC President Mark Houge outlined the options, which are to approve the plan, reject the plan, or continue discussion on the plan. He suggested the Planning Commissioners consider the latter.

City Planner Kirmis said that changing the road entrance would require an entirely new application from NOC for the Nord Parcel. Commissioner Azman suggested making a condition with any approval to require conceptual plans for each phase of the development. He asked if the Planning Commission could make a motion on the housing unit count. Administrator Robertson said they could.

President Mark Houge suggests the experts at VLAWMO be brought in to consult upon the wetlands portion of the application.

Susan Hinrichs, 55 East Pleasant Lake Road, feels the change in the measurement of wetlands to be mitigated from 0.03 to 0.23 is significant.

Chair Ross summarized that the Planning Commission can approve the application for Nord, reject the application, or table the discussion until the next Planning Commission meeting. Attorney Magnuson explained that a rejection of the application would require the Planning Commission to supply cause for a rejection through findings, which the City staff would prepare.

Commissioner Ries asked President Mark Houge if NOC would consider changing the road configuration, and he responded that they would consider it. Commissioner Azman asked if the Commission could have an additional 30-day extension; President Mark Houge said they would not agree to that. Gary Eagles, of NOC, said that the original wetlands measurement was created without surveys and delineations and was an estimate.

Administrator Robertson and City staff will check into the following issues:

- Check if Ramsey County is okay with a road connection to Sherwood or a connection to it for a construction access;
- Have Sambatek's EAW specialist attend the next meeting to discuss the EAW;
- Review the impacts on wetlands;

- Have the City Attorney provide a legal opinion on the ability of the City to require a trail;
  - Review the open space zoning of the two proposed parcels;
  - Check if Ramsey County will allow driveway access to Sherwood road for the proposed two parcels on the East Preserve property;
  - Seek opinions on emergency access from the fire chief and sheriff's office;
- Commissioner Rles made a motion to amend the PUD ordinance to make submittal of a concept plan a requirement of any application for development and a revised updated count for all housing units be required before any future preliminary subdivision plans are accepted. Commissioner Reid seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Shah made a motion to table the vote on the Nord Parcel. Commissioner Azman seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Reid made a motion to table the vote on Wilkinson South Villa Homes. Commissioner Rles seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Commissioner Hauge made a motion to table discussion of the Comp Plan. Commissioner Reid seconded, and the motion passed 5 to 0 (Chair Ross abstained).**

**Adjournment:**

**Commissioner Hauge made a motion to adjourn. Commissioner Reid seconded. The motion was approved unanimously. The meeting ended at 11:36 pm.**

**Next Planning Commission Meeting: Thursday, April 25, 2019**

## **Planning Commission Workshop**

**Wednesday, March 13, 2019**

**5:00 p.m.**

**100 Village Center Drive, Room 150**

### **Call to Order:**

Chair Ross called the meeting to order at 5:00 pm.

### **Roll Call:**

Present: Chair Katy Ross, Commissioners Joyce Yoshimura-Rank, Mark Azman, Stig Hauge, Sara Shah, Kara Ries, and Nancy Reid (via phone)

Staff: City Administrator Mike Robertson and Administrative Assistant Gretchen Needham.

Administrator Robertson left due to illness at 6:10 p.m.

Absent: None

### **Terms for Commissioners Decided**

Straws were drawn to determine the terms for Commissioners Azman, Hauge, and Shaw; the result was a two-year term for Commissioner Azman, a three-year term for Commissioner Hauge, and a three-year term for Commissioner Shaw.

### **Approval of Agenda**

Commissioner Shah moved to approve the agenda. Commissioner Yoshimura-Rank seconded. Motion approved unanimously.

### **Review of Proposed Comprehensive Plan**

The Commissioners went page by page through the 2040 Comprehensive Plan, making edits to the document. Chair Ross asked that substantive changes only be made, and that typos and formatting issues will be fixed at a later date. These changes will be incorporated into the document for the next workshop.

### **Review of Planning Commissioner Responsibilities**

Chair Ross reviewed the responsibilities and make-up of the North Oaks Planning Commission. Ordinance 150.075 governs the Planning Commission, which is a seven-member body who are appointed by the City Council for terms of 3 years and not less than 1 year. A Planning Commissioner must be a resident of North Oaks and at least one member shall be a member of the City Council. Four members constitute a quorum. The Planning Commission acts as an advisory group to the City Council. The Planning Commission reviews and makes recommendations upon conditional use permits (CUPs), variances, and development applications, and conducts public hearings.

Commissioners received a memo from Attorney Magnuson explaining the open meeting law. The Commission as a group shouldn't debate issues unless the public is present. Commissioner Shah mentioned the need to be mindful of this law in regard to emails. Commissioner Reid reminded the Commission that forwarding an email could be a violation of the open meeting law

if official business is being discussed. Sending pertinent documents to other Commissioners, without discussion or debate on the topic, should not be a violation.

### **High Level Review of East Oaks PDA**

Tom Watson, 45 East Pleasant Lake Road, gave an overview of the 1999 East Oaks PDA, which was signed February 11, 1999 when Mr. Watson was mayor of North Oaks. A planned unit development (PUD) for the East Oaks area allowed the City to modify existing zoning to provide creativity and flexibility to the design of the development being considered. The 1999 East Oaks PDA has to be consistent with the 2040 Comprehensive Plan. The 1999 East Oaks PDA is a contract between the City and the North Oaks Company (NOC); an amendment or change to this document would need approval from Met Council. The senior housing at Presbyterian Homes Waverly Gardens was not fully built in 1999, and therefore some of the unit counts relating to Waverly Gardens were not finalized.

### **Review of East Oaks PDA Housing Numbers**

Commissioner Ries counted housing units using Ramsey County maps of North Oaks. The numbers she came up with were almost identical to the ones Mr. Watson tabulated. The numbers of housing units proposed by NOC are different from the ones Mr. Watson and Commissioner Ries counted.

Commissioner Shah referenced a document from NOC dated March 8, 2019 about the proposed number of housing units, which was provided to the City on November 27, 2018. There is no record of this meeting or that document, and Commissioner Shah asked that this document be found and made available to the Planning Commission.

Chair Ross reminded the Commission that this workshop is for organizing thoughts and questions in preparation for the next Planning Commission meeting on March 28. The goal is for the Planning Commission to agree to the Comp Plan changes and then pass on to the City Council. She would like to see the Comp Plan completed before decisions are made regarding the development in East Oaks.

Chair Ross requested assistance from staff and she did not receive what she asked for. Commissioner Azman expected a report from a professional city planner with an analysis and findings on the development plans, which was not provided. Commissioner Shah suggested a vote be taken at the next Planning Commission meeting to secure reports and assistance from the City Planner. Mr. Watson said that in his experience, a city planner should be guiding the Planning Commission through the details of the East Oaks development.

A list of items is being prepared for North Oaks Company with needed documents, including a correct housing unit count.

### **Adjournment:**

**Commissioner Ries moved to adjourn at 9:09 p.m., seconded by Commissioner Yoshimura-Rank. The motion was approved unanimously.**

Next Planning Commission meeting is Thursday March 28th, 2019.

**Planning Commission Workshop**  
**Thursday, March 28, 2019**  
**5:00 p.m.**  
**100 Village Center Drive, Room 150**

**Call to Order:**

Chair Ross called the meeting to order at 5:00 pm.

**Roll Call:**

**Present:** Chair Katy Ross, Commissioners Mark Azman, Stig Hauge, Sara Shah, Kara Ries, and Nancy Reid.

**Staff:** City Administrator Mike Robertson and Administrative Assistant Gretchen Needham.

**Absent:** Commissioner Joyce Yoshimura-Rank

**Review of Proposed Comprehensive Plan**

The Commissioners went page by page through the 2040 Comprehensive Plan, making edits to the document. These changes will be incorporated into the document for the next workshop. Approximately half of the document was reviewed and edited, and the second half will be reviewed at the next Planning Commission workshop.

**Adjournment:**

**Chair Ross asked for motion to close the meeting. Commissioner Ries moved to adjourn at 6:40 p.m., seconded by Commissioner Azman. The motion was approved unanimously.**

Next Planning Commission meeting is later this evening, 7 p.m., Thursday March 28th, 2019.

**Planning Commission Workshop**  
**Wednesday, April 3, 2019**  
**5:00 p.m.**  
**100 Village Center Drive, Room 150**

**Call to Order:**

Chair Ross called the meeting to order at 5:06 pm.

**Roll Call:**

**Present:** Chair Katy Ross, Commissioners Mark Azman, Kara Ries, Nancy Reid, and Sara Shah

**Staff:** City Administrator Mike Robertson, City Planner Bob Kirmis, and Administrative Assistant Gretchen Needham.

**Absent:** Commissioners Stig Hauge and Joyce Yoshimura-Rank.

**Review of Proposed Comprehensive Plan**

The Commissioners went page by page through the second half of the 2040 Comprehensive Plan, making edits to the document. These changes will be incorporated into the document for the next workshop.

Commissioners Reid and Shah want an agreed-upon way to count the housing units in the East Oaks development. This will also affect the tables in the 2040 Comp Plan.

The Commissioners asked that zoning definitions be consistent throughout the Comp Plan and between the Comp Plan and the East Oaks Planned Development Agreement (PDA).

A letter from Joan Brainard was added to the record.

**Adjournment:**

**Commissioner Shah moved to adjourn at 7:20 p.m., seconded by Commissioner Azman. The motion was approved unanimously.**

Next Planning Commission meeting is 7 p.m., Thursday, April 25, 2019.



January 17, 2019

Mr. Mike Robertson  
City Administrator  
City of North Oaks  
100 Village Center Drive, Suite 150  
North Oaks, Minnesota 55127

Re: Site F – Anderson Woods Development  
Subdivision Application

Dear Mike,

Please consider this application to the Planning Commission and City Council of the City of North Oaks for North Oaks Company LLC (Developer) to subdivide Site "F", known as Anderson Woods, into four residential lots, as outlined in the Planned Unit Development Agreement for the East Oaks Project (PDA).

Enclosed for your review are 2 full-size and 15 reduced-size sets of the following drawings, dated 1/15/19:

- Sheet 1 - Existing Conditions
- Sheet 2 - Preliminary Plan
- Sheet 2A – Detail of Villas lots
- Sheet 3 - Easement Plan of Villas lots
- Sheet 4 - Preliminary Utility Plan
- Sheet 5 - Grading Plan
- Sheet 6 - Preliminary Erosion Control Plan

Also enclosed are; a completed application form; summary of lot sizes with gross, adjusted (net), and useable areas; and a check in the amount of \$450.00 for the filing fee.

**Background:** the Anderson Woods Development, Site "F", as described in Appendix 1 of the PDA is allowed ten lots for single-family detached dwelling units and is eligible for a 30% density increase.

The lots have been planned to take advantage of the natural contours of the land and minimize changes of the natural setting. The lots will have sanitary sewer piping extended to each, connected to the nearby lift station on Osprey Court.

**Performance Standards:** the Developer and the City agreed the areas governed by the PDA would be developed in accordance with the City's Planned Unit Development Controls, which provides for creativity and flexibility to design each development area to accommodate the needs of the City at the time Developer submits for Final Plan approval. Site "F", was envisioned to be guided as RMH-PUD. The PDA refers to the City Zoning Ordinance for performance standards in this residential use. The standards per the Zoning Ordinance will be observed as follows:

A. **Lot Area Requirements:** the average area of the lots is 0.4 acre similar to the existing lots in the Villa of Wilkinson Lake Development.

All lots exceed the minimum of 15,000 contiguous square feet of Useable since the lots will be connected to municipal sanitary sewer.

B. **Setbacks:** all setbacks are shown on the preliminary plan.

C. **Building Heights:** the height of any building shall not exceed 45'.

D. **Floor Area Ratios:** the floor area ratio (FAR) for the total area of all buildings on any lot shall not exceed 0.375 of the Net Lot Area.

**Shoreland:** The lots are in a Shoreland District and therefore Shoreland review will be required as part of the building permit review.

**Wetlands:** Wetland edges have been delineated and are shown on the drawings. No wetland area will be impacted by road construction.

**Park and Open Space Requirements:** the PDA provides for open space in the Conservancy Area, and therefore no additional park or open space is required for this development.

**Home Owners' Association:** This development will be part of the North Oaks Home Owners' Association, Inc. and will be part of the Villas of Wilkinson Lake sub-association.

We look forward to presenting this plan to you and responding to your questions and comments.

Sincerely  
North Oaks Company LLC,



Mark Houge  
President

Enclosures

cc: City Planner (w/encl.)  
City Engineer (w/encl.)  
City Attorney (w/encl.)

# THE VILLAS OF WILKINSON LAKE

## PHASE 1A

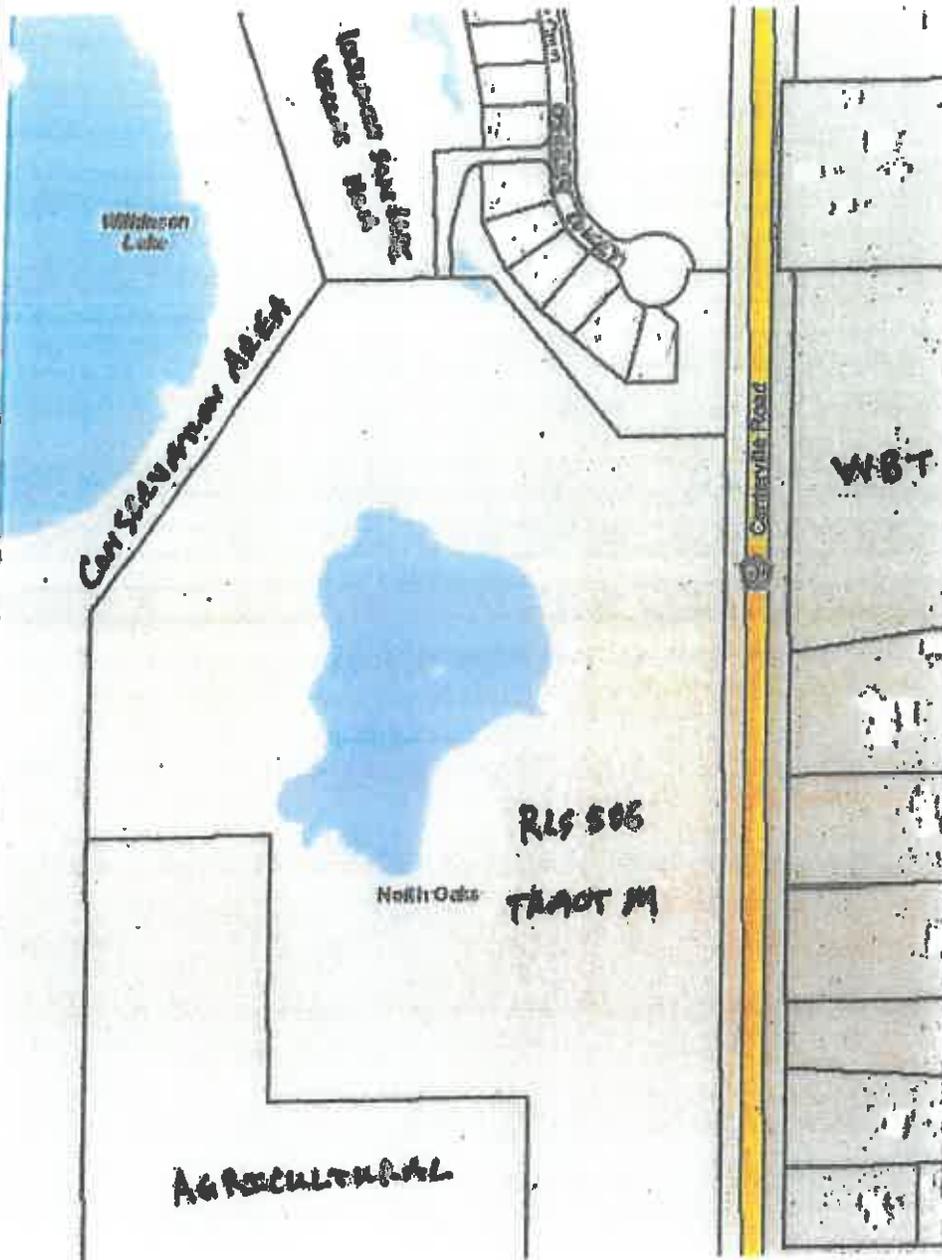
### AREA BREAKDOWNS

January 15, 2019

LOT NO / ADDRESS	TOTAL LOT AREA		ROAD	WETLAND		NET LOT AREA		LOT NO / ADDRESS
	SQ. FT.	ACRES	R/W	SQ. FT.	ACRES	SQ. FT.	ACRES	
1 / #30 Osprey Court	24,025	0.55	0	0	0.00	24,025	0.55	1 / #30 Osprey Court
2 / #32 Osprey Court	19,231	0.44	0	0	0.00	19,231	0.44	2 / #32 Osprey Court
3 / #34 Osprey Court	16,111	0.37	0	0	0.00	16,111	0.37	3 / #34 Osprey Court
4 / #36 Osprey Court	16,506	0.38	0	0	0.00	16,506	0.38	4 / #36 Osprey Court
<b>Sub-Total</b>	<b>75,873</b>	<b>1.74</b>	<b>0</b>	<b>0</b>	<b>0.00</b>	<b>75,873</b>	<b>1.74</b>	<b>Sub-Total</b>

TRACT LETTER / ADDRESS	TOTAL LOT AREA		ROAD	WETLAND		NET LOT AREA		TRACT LETTER / ADDRESS
	SQ. FT.	ACRES	R/W	SQ. FT.	ACRES	SQ. FT.	ACRES	
Open Space	540,149	12.40	39,090	362,250	8.32	138,809	3.19	Open Space
Osprey Court	14,023	0.32	0	0	0.00	14,023	0.32	Osprey Court
Reserved Future Dev.	933,359	21.43	57,805	342,000	7.85	533,554	12.25	Reserved Future Dev.
<b>Sub-Total</b>	<b>1,487,531</b>	<b>34.15</b>	<b>96,895</b>	<b>704,250</b>	<b>16.17</b>	<b>686,386</b>	<b>15.76</b>	<b>Sub-Total</b>
<b>TOTAL</b>	<b>1,563,404</b>	<b>35.89</b>	<b>96,895</b>	<b>704,250</b>	<b>16.17</b>	<b>762,258</b>	<b>17.50</b>	<b>TOTAL</b>

M - Rls No. 586	1,563,403	35.89	96,895	704,250	16.17	762,258	17.50	M - Rls No. 586
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- Legend**
- City Hall
  - Schools
  - Hospitals
  - Fire Stations
  - Police Stations
  - Recreational Centers
  - Parcel Points
  - Parcel Boundaries



NAD\_1983\_HARN\_Ad\_ML\_Ramsey\_Feet  
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This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

Enter Map Description

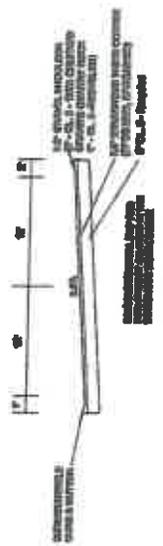


**Exhibit D2: Wilkinson Villas Phase 1A Plan - Existing Conditions (Lot Layout)**



**NOTES:**

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. THE LOCATION OF UTILITIES IS APPROXIMATE AND SHOULD BE VERIFIED BY FIELD SURVEY.
3. THE DEPTH OF UTILITIES IS APPROXIMATE AND SHOULD BE VERIFIED BY FIELD SURVEY.
4. THE LOCATION OF UTILITIES IS APPROXIMATE AND SHOULD BE VERIFIED BY FIELD SURVEY.
5. THE DEPTH OF UTILITIES IS APPROXIMATE AND SHOULD BE VERIFIED BY FIELD SURVEY.
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9. THE DEPTH OF UTILITIES IS APPROXIMATE AND SHOULD BE VERIFIED BY FIELD SURVEY.
10. THE LOCATION OF UTILITIES IS APPROXIMATE AND SHOULD BE VERIFIED BY FIELD SURVEY.
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SECTION A-A

1. 2" MINIMUM THICKNESS OF CONCRETE CURB

2. 4" MINIMUM THICKNESS OF CONCRETE CURB

3. 4" MINIMUM THICKNESS OF CONCRETE CURB

4. 4" MINIMUM THICKNESS OF CONCRETE CURB

5. 4" MINIMUM THICKNESS OF CONCRETE CURB

6. 4" MINIMUM THICKNESS OF CONCRETE CURB

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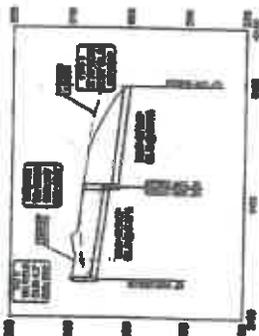
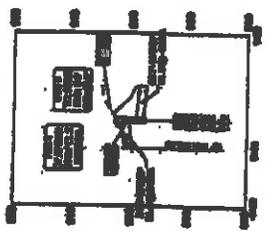
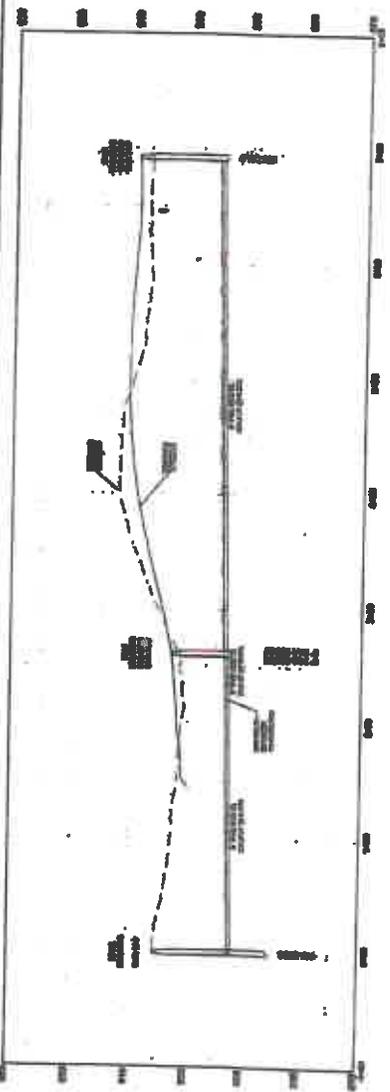
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17. 4" MINIMUM THICKNESS OF CONCRETE CURB

18. 4" MINIMUM THICKNESS OF CONCRETE CURB

19. 4" MINIMUM THICKNESS OF CONCRETE CURB

20. 4" MINIMUM THICKNESS OF CONCRETE CURB



**PRELIMINARY UTILITY PLAN**  
 FOR DEVELOPMENT OF 1.5 AC

**WORTH COUNTY**  
**MISSOURI**

**BATHING BEACON, INC.**  
 ENGINEERS AND ARCHITECTS



**Project S-1000**  
 Date: 10/15/11

**WORTH COUNTY**  
 MISSOURI

**WORTH COUNTY**  
 MISSOURI

**Exhibit D: Winkon Vibe Phase 1A Plan**  
 - Preliminary Utility and Grading Plans

## Mike Robertson

---

**From:** Francis Skamser <fsskamser@gmail.com>  
**Sent:** Wednesday, April 10, 2019 3:15 PM  
**To:** Sara Shah; Nancy Reid; Stig Hauge; Katy Ross; Kara Ries; Mark Azman; Joyce Yoshimura-Rank; Mike Robertson  
**Cc:** Leanne Savereide  
**Subject:** Nord Parcel: Wetland Expert from University of Minnesota Comments

Planning Commissioners,

Leanne and I have been working with two wetland specialists at the University of Minnesota to understand better the role existing wetlands play in their natural location. We've been speaking with Jacques C. Finlay, Ph.D. and professor in Ecology, Evolution and Behavior with Expertise in Limnology, Food web, Ecosystem ecology, Land-water interactions. We've also been in touch with Dan Larkin, Assistant Professor in Fisheries, Wildlife and Conservation Biology and Minnesota Aquatic Invasive Species Research Center.

Dr. Finlay said that while the U of M and MN DNR has several similar documents, the Wisconsin Wetland Association has a great document that he recommends local governments use when reviewing development applications. It is specifically designed to help guide city governments in wetland development reviews. [I've linked to that here.](#) He suggested that this communicates just about everything anyone would need to know. I know you have a meeting tonight so I have highlighted a number of key portions of language in case they are of any help to this group.

### From Dr. Finlay Directly

**We showed Dr. Finlay [the maps linked here](#) and asked: What is the impact of splitting an existing wetland in two separate parts (as would happen under the current road configuration proposed)? He responded with the below:**

*"Dan and I agree that it's vital to get the local watershed district on board with this. It may be so small that it's off their radar. Chopping habitat up is clearly bad for biodiversity – no question there."*

### From the Attached Guide

#### **Location, Location, Location**

The principal that location matters applies to wetlands too. Wetlands develop over thousands of years typically in low spots on the landscape, along the margins of rivers and lakes, or where groundwater discharges from springs and seeps. Wetland functions that develop under site-specific conditions over long periods of time can be difficult and very expensive to recreate elsewhere on the landscape. ***For this reason, protecting the location of existing wetlands is the most effective way to preserve the public benefits wetlands already provide to your community.***

#### **When are wetland permits approved or denied?**

Under both state and federal law, permits may only be granted for ***unavoidable*** wetland impacts that will not

cause a significant adverse impact to wetland functions. Permit staff rely on the following information in their review:

1. A **wetland delineation** report to confirm the presence and boundaries of wetlands, and a **functional assessment** to describe and rate the wetland quality and functions. To be accepted, these reports must be completed by a qualified wetland consultant using procedures specified in state and federal rules.

2. An **alternatives analysis** describing how the developer designed the project to first avoid, and then minimize, wetland impacts. Alternate sites, smaller projects, and reconfigured site designs are all considered viable alternatives, even if the changes reduce profits. Agencies look for the least environmentally damaging "practicable alternative" to meet the basic project purpose. *[from me: Based on the federal law requirements for wetland fill permits, I would think it's reasonable to ask the company to show the alternative road configurations that were entertained (and the wetland impacts of each) since it sounds like they have to produce those to acquire the permits anyway.]*

**Is it true that any wetland can be filled as long as one is restored nearby?**

Definitely not. The practice of restoring wetlands in one location to compensate for wetland destruction elsewhere (a practice known as wetland mitigation) is only accepted to compensate for **unavoidable** wetland impacts.

**Do constructed (mitigation) wetlands adequately replace the benefits of filled wetlands?**

No. It's rarely a fair trade to destroy wetlands in one location and restore them in another. Reasons why include:

1. What takes thousands of years to naturally develop cannot be recreated in one or two years. Many constructed wetlands do not achieve the same degree of biological diversity and ecosystem functions found in natural wetlands. In some cases, mitigation projects fail and no wetlands are established.

2. Wetland benefits are site-specific. When a wetland is filled, associated benefits such as water purification, flood retention, and wildlife habitat are lost from that site forever.

3. Mitigation decreases the diversity of wetland community types. Many wetland types are difficult to recreate (e.g., wooded wetlands), so the restored wetlands are frequently a different type (e.g., marshes) than those destroyed. As a result, certain wetland types are lost in greater proportion than others.

*4. Mitigation often results in the destruction of wetlands and an increase in impervious surface in urban areas (where wetland functions may be needed most) and the construction or restoration of wetlands in rural areas (where wetlands and wetland function may already be plentiful). [emphasis added by me – the role that these two wetlands play specifically into the drainage of northern properties inside of and outside of North Oaks is significant. A road transecting them will impact the biodiversity and local watershed "without question" according to Dr. Finlay. We have to ask ourselves – is this the best configuration for North Oaks or the surrounding 22 communities in our watershed that rely on all of our LOCAL wetlands?]*

Thank you and see you all tonight,

Franny Skamsler Lewis | 651-468-7658

## MEMORANDUM

Date: April 10, 2019

Re: East Oaks PUD Environmental Assessment Worksheet (EAW)  
File 0022650.00

To: Mark Houge, North Oaks Company, LLC

From: David Weetman

### Purpose of the EAW:

Minnesota Administrative Rules Chapter 4400: Published Electronically:  
August 20, 2018

### 4410.1000 PROJECTS REQUIRING EAW

#### Subpart 1. Purpose of EAW.

The EAW is a brief document prepared in worksheet format which is designed to rapidly assess the environmental effects which may be associated with a proposed project. The EAW serves primarily to:

1. aid in the determination of whether an Environmental Impact Statement (EIS) is needed for a proposed project; and
2. serve as a basis to begin the scoping process for an EIS.

EAW's underlying purpose: Determine if a project has the potential for "Significant Environmental Effects" (4410.1700 DECISION ON NEED FOR EIS).

- By issuing a Negative Declaration on the project in 1998, the City determined that the project did not have the potential for "Significant Environmental Effects" and therefore did not require further environmental review.
- An EAW is not meant to approve or deny a project, but instead a source of information to guide other approvals and permitting decisions (EAW Quick Reference, July 2017).

### Conformance to Prepared 1998 EAW:

- EAWs are routinely prepared based on concept plans with exact layouts being considered sometime in the future as part of local, state, and federal-level permitting.
- The original wetland impact calculations were estimates based on mapped (not field delineated) wetland areas and Concept Plan level drawings (not grading plans) – See page 12 of EAW.

April 10, 2019

Page 2

- Page 13 mentions that a wetland delineation is needed so wetland impacts can be “precisely quantified”.
- The table on Page 13 also clarifies that these are “Anticipated” wetland impacts.
- More wetland was ultimately delineated than mapped in areas where road is needed (example SE entrance).
- The applicant submits that wetland impact increased from 0.02-0.232-acre acres on this portion of the project does not constitute a “significant environmental effect” or substantial change to the project.
- The project would be eligible for U.S. Army Corps of Engineers Nationwide Permit 29 (Residential Development), which allows up to ½-acre of impact.
- Nationwide Permits were created to streamline permitting for small impacts. The Corps NWP website says the Nationwide Permits “provide expedited review of projects that have minimal impact on the aquatic environment”.
- Current Corps Nationwide Permits were informed by extensive feedback from the public and other key stakeholders.
- The project proposes impacts of 10,125 square feet (0.232-acre). This is approximately one-half of the fill allowed under a streamlined NWP for residential development.
- The project will be subject to Minnesota Wetland Conservation Act and Corps of Engineers Permitting outside of the EAW process.

**Minnesota Rules 4410.1000 Subp. 5. Change in proposed project; new EAW.** If, after a negative declaration has been issued but before the proposed project has received all approvals or been implemented, the RGU determines that a **substantial change** has been made in the proposed project or has occurred in the project's circumstances, **which change may affect the potential for significant adverse environmental effects** that were not addressed in the existing EAW, a new EAW is required.

On April 5, 2019, Westwood contacted **Denise Wilson** (Environmental Review Program Director) at the Environmental Quality Board

- Denise indicated that it is the Responsible Governmental Unit's (RGU's) discretion to require a new EAW.

Denise asked the questions –

1. “Would the decision be different [on the EAW] with these impacts? “ “If they are minor and not substantive, then probably not.”

The applicant submits that these are minor changes to the overall plan for the project that would not have changed the outcome of the Negative Declaration decision on the EAW.

- The density of the development is not being changed,

April 10, 2019

Page 3

- No more roads are being constructed than originally proposed,
  - Site grading will be limited to that required to build the road and dig a basement on 5-acre wooded lots,
  - No grading or alteration of the existing topography and trees is proposed on the lots aside from those discussed above,
  - Wetland impacts would qualify under a Nationwide Permit from the Corps intended to expedite review of "minor" wetland impacts.
- 2. "Would the public have interest in knowing about the decision? "**
- Cities need to be transparent in decisions and provide opportunity for public involvement.
  - Cities also need to consider the magnitude of changes proposed in the context of whether the changes rise to the level of substantive and which have the potential for significant environmental effects.
  - In this case, the applicant submits that the minor changes do not warrant additional environmental assessment review, and can be adequately addressed under other required permitting processes.



## **MEMORANDUM**

**TO:** North Oaks Planning Commission

**FROM:** Mike Robertson, City Administrator  
Bob Kirmis, City Planner  
Mike Kuno, City Engineer  
Dave Magnuson, City Attorney

**DATE:** March 28, 2019

**RE:** North Oaks - East Oaks Planned Unit Development  
Nord Preliminary Subdivision Issues

**FILE NO:** 321.02 - 19.01

## **BACKGROUND**

The purpose of this memorandum is to respond to questions and concerns raised at the Planning Commission's March 28, 2019 meeting and April 10, 2019 workshop regarding the Nord parcel preliminary subdivision application. While the Wilkinson Villas preliminary subdivision application was also under consideration at the meeting, Planning Commission discussion focused primarily upon issues associated with the Nord parcel application.

Action on both the Nord parcel and Wilkinson Villas 1A preliminary subdivision applications was continued to the Planning Commission's April 25, 2019 meeting.

The information provided herein is intended to supplement information previously provided by Staff in the following reports and memorandum:

- Concept Plan report (dated December 20, 2018)
- Preliminary Subdivision report (dated February 28, 2019)
- Issues memorandum (dated March 28, 2019)





Attached for reference:

- Exhibit A: Nord Parcel Vicinity Map (Ramsey County)
- Exhibit B: Nord Parcel Survey
- Exhibit C: Wilkinson Villas (1A) - "Hammerhead" Turnaround Detail
- Exhibit D: Nord Parcel - Recommended Conditions and Findings of Fact for Denial
- Exhibit E: Wilkinson Villas (1A) - Recommended Conditions and Findings of Fact for Denial

## DISCUSSION OF ISSUES

At the Planning Commission's March 28, 2019 and April 10, 2019 workshop meeting, several questions and concerns were raised by Commission members regarding the Nord preliminary subdivision application. Such questions and concerns have been investigated by Staff and related responses are provided below.

**Sherwood Road Access.** The Planning Commission requested a map which illustrates the vicinity of Sherwood Road to the Nord parcel.

Sambatek developed a figure, attached as Exhibit A, which identifies the segment of Sherwood Road that would be acceptable for a connection to the Nord Development per Ramsey County access management requirements. Ramsey County staff reviewed the figure and provided the following comments:

*"In looking at the drawings Mike Robertson sent earlier, this is the area where a street connection would be made, serving approximately ten homes. This is not incompatible with Sherwood Road's function as a collector street and since the property to the west is a future regional park, conflicts with other access is not expected. The area you've shown is acceptable and there is some flexibility, so anywhere in the area you've shown should be okay. As development plans progress, we will need to evaluate the need for turn lanes, but with the low traffic volumes there the annual average daily traffic (AADT) is only 620, we don't expect any issues."*

Note: Annual Average Daily Traffic (AADT) is the total number of vehicles that travel on a roadway, in both directions, divided by 365 days. It is a simple measurement that shows how busy one road is relative to another.

A roadway connection to Sherwood Road does have advantages (likely results in shorter emergency response time to Nord homes) and disadvantages (creates a small





neighborhood that is disconnected from core community). Potential wetland impacts associated with a Sherwood Road connection are unclear until preliminary design work is completed to identify the proposed roadway alignment and grades.

While Sherwood Road has been discussed as a potential alternative subdivision access, it is important to note that the applicants have requested action on the subdivision design presently before the Planning Commissions which incorporates an access from North Deep Lake Road.

**County Compost Site.** The Planning Commission raised concern over light spillage from the adjacent Ramsey County compost site which borders the Nord parcel on the north.

John Springman, Ramsey County Environmental Health supervisor, has indicated that the lights on the compost site are supposed to be turned off when staff leaves. Because of this, he thought the hours they would be on would be very limited. Mr. Springman is investigating this matter to see if this is being done.

**Zoning Map Update.** The Planning Commission has suggested that the City's Official Zoning Map be updated to reflect the various approved uses within the 1999 East Oaks Planned Development Agreement.

While Staff intends to move forward with the request, consideration of the updated zoning map by the Planning Commission will take place at a future Planning Commission meeting.

**Recreational Zoning Designation.** The Planning Commission raised questions regarding the applicability of the R, Recreational zoning designation which overlays the extreme south east corner of the Nord parcel (as depicted on the City's zoning map).

In cases of conflict, the City recognizes that base zoning designations referenced in the East Oaks Planned Development Agreement (dated November 19, 1999) supersede those designations provided on the City's Official Zoning Map. Thus, Nord site, in its entirety, is zoned RSM-PUD (Residential Single Family Medium Density - Planned Unit Development).

**Drainage Issues.** The Planning Commission raised concern over the impact stormwater drainage from the Nord parcel may have upon adjacent neighborhoods.

Stormwater management for the Nord parcel will be designed and constructed to meet the stormwater management requirements outlined in the City's updated Surface Water





**Management Plan.** This includes volume control, rate control and water quality requirements to mitigate new impervious areas. The preliminary plans identify three stormwater basin locations to accommodate the new impervious surface. A stormwater report, outlining the design analysis for the site, will be submitted with the final plans for City review and approval.

**Site Area.** The Planning Commission raised questions as to the actual area of the Nord parcel. The 1999 EAW references a 51-acre site while the recently received preliminary subdivision application references a site area of 55 acres.

The survey which was submitted as part of the preliminary subdivision application indicates two separate lots (see attached Exhibit B). The lot identified as V-284 matches the proposed trail alignment outlined in the EAW. It is believed that Lot B-292 was a separate residential lot which has access to North Deep Lake Road. The total area of both lots is approximately 4 acres, which is the acreage difference between EAW and the survey which was provided with the preliminary subdivision application.

**Trail Issues.** The Planning Commission questioned the proposed trail alignment in or adjacent to the Nord development area. While Lot V-284 (as shown on Exhibit B) is not considered ideal for a trail easement (because it spans a large wetland area), question exists whether a trail which traverses the wetland was originally intended? This seems likely as such land connects with NOHOA open space land. The corner of the property designated "R" recreational would connect from Sherwood Road to the NOHOA Open Space land. It's possible that this was considered a possible trail alignment without on-site investigation which would have disclosed the wetlands were in the way. This issue should be subject to further comment by the applicants.

The Planning Commission also questioned whether the City has the authority to require a trail (trail easements) within the proposed subdivision as a condition of subdivision approval. The answer to such question would be obvious if it were not for the provisions of the 1999 Planned Development Agreement (PDA) and the Master Development Plan for the East Oaks Project. Since both the state law granting authority to cities to regulate subdivisions and the North Oaks City Code allow for the City to require the dedication of trails, it is the PDA that prevents that extraction.

Article I of the PDA recites that the dedication of 885 acres as open space, and the trail easements granted to NOHOA "are determined by the City to function as the practical and functional equivalent of open space creation contemplated by Section 462.358, Subd. (2 b), and the Subdivision Ordinance, Section 8.3. (now codified as City Code Section 152.052)." Further, Article 13 of the PDA entitled "Trails" explains the Trail Plan and describes the obligation to convey trail easements and the obligation to construct





and maintain the trail system. The documents do not show a trail planned for the Nord parcel.

Lastly, the PDA can be amended by agreement between the North Oaks Company and the City.

**Cul-de-sac Diameter.** The Planning Commission raised question regarding the impact the recommended enlargement of the cul-de-sac turnaround area (to 100) feet will have upon adjacent wetlands within the subdivision.

The cul-de-sac proposed in the Preliminary Subdivision documents has a diameter of 87 feet so an increase to 100 feet does not significantly change the footprint of the cul-de-sac (expands the cul-de-sac in 6.5 feet in all directions). This request can be accommodated without any additional wetland impacts.

**Wetland Impacts.** The Planning Commission raised question regarding how wetland impacts within the Nord subdivision would compare to the wetland impacts which resulted in previously approved East Oaks subdivisions.

The City has delegated its responsibility as the Local Government Unit (LGU) under the Minnesota Wetlands Conservation Act (WCA) to VLAWMO, who is responsible for reviewing all projects in accordance with the State wetland laws and rules. City staff requested a summary of wetland impacts related to the areas of the East Oaks PUD from VLAWMO and VLAWMO staff is checking their records but is not optimistic that they will be able to provide a complete history related to the East Oaks PUD as they do not keep an ongoing record of impacts and mitigation over time.

The Rapp Farm development did not have to mitigate any wetlands, and actually enhanced a 3.7-acre wetland for which North Oaks Companies was given 0.5 acres credit in the wetland bank by the Minnesota Board of Water and Soil Resources (BWSR).

**Rapp Farm Flooding.** The Planning Commission has asked Staff to investigate the causes of past flood events within the Rapp Farm subdivision.

North Deep Lake Road experienced flooding in the area near lots #12 - #16 North Deep Lake Road. The flooding was due to the roadway and driveways being constructed with culverts that weren't set at correct elevations to maintain the drainage pattern and lack of ongoing culvert maintenance/cleaning. The issue was resolved, and the existing drainage patterns will be identified and maintained during the plan review process.





**Crime History.** The Planning Commission raised question as to how crime activities in the City may differ between subdivisions which are provided internal access and those which are provided external access.

Staff has spoken to Deputy Burrell who stated that crime activities are no different, regardless of access, other than thefts of construction tools during the home building process in Rapp Farm.

**Remaining Dwelling Unit Numbers.** Questions were raised by the Planning Commission regarding the number of dwelling units which remain from the 645 dwelling units allowed by the Planned Development Agreement.

These issues are to be addressed at the City Council's April 22, 2019 meeting and related information was not available at the time this memorandum was distributed. A summary of the City Council's determination in this matter (and the basis for such determination) will be provided to the Planning Commission in advance of the Commission's April 25, 2019 meeting.

## **PLANNING COMMISSION ACTION OPTIONS**

In consideration of the Nord parcel and Wilkinson Villas preliminary subdivision applications, the Planning Commission has the following options:

- A) Recommend approval, with conditions, based on the applicant's submission, the contents of this report, public testimony and other evidence available to the Planning Commission.**
- This option should be utilized if the Planning Commission finds the proposal adheres to all City Code requirements and previously approved East Oaks Planned Development Agreement provisions.
  - Approval at this time means that, upon City Council approval, the applicant can proceed to final plans with assurances that final subdivision approval will be granted provided all conditions are met.
  - Recommended conditions of approval for approval are provided within Exhibit D (Nord parcel) and Exhibit E (Wilkinson Villas 1A).



**B) Recommend denial** based on the applicant's submission, the contents of City Staff reports, received public testimony and other evidence available to the Planning Commission.

- This option should only be utilized if the Planning Commission can specifically identify one or more provisions of City Code or East Oaks Planned Development Agreement that are not being met by the preliminary subdivision proposals.
- This action should also be supported by defensible findings of fact. Findings of fact for denial of the applications are provided within Exhibit D (Nord parcel) and Exhibit E (Wilkinson Villas 1A).

Tabling of the applications for further study is no longer an option as a result of the forthcoming 120-day action deadline.

### **STAFF RECOMMENDATION**

Staff has found the proposed uses and number of dwelling units proposed within the Nord parcel and Wilkinson Villas 1A preliminary subdivisions to be consistent with the requirements of the 1999 East Oaks Planned Development Agreement.

While Staff believes that the inclusion of a new, and integrated trail easement within the Nord parcel would be a positive design feature, it is also recognized that the Planned Development Agreement states that park and trail dedication requirements were previously fulfilled. Thus, a legal basis does not exist to require such a trail feature.

It is further believed that the recommended conditions of approval for both subdivisions (including, but not limited to, a traffic impact study for the Nord parcel) will mitigate potential adverse impacts associated with the developments. It should, however, be recognized that under EAW rules, the traffic study must cover the entire East Oaks Planned Development Agreement, including those neighborhoods which are already built. Thus, the preparation of the traffic impact study may be a time consuming and relatively expensive task.

With the preceding mind, Staff recommends the following:

#### **1. Nord Parcel Preliminary Subdivision**

In consideration of the forthcoming 120-day application action deadline, Staff recommends that the Planning Commission recommend one of following action alternatives to the City Council:



- A. Approval of the Nord parcel preliminary subdivision subject to the conditions listed in Exhibit D. In consideration of the proposed site access location (different than that depicted in the 1999 EAW), such conditions include the preparation of a traffic impact study and that conclusions or recommendations related to traffic impacts be implemented as a condition of subdivision approval.
  
- B. Denial of the Nord parcel preliminary subdivision subject to the findings of fact listed in Exhibit D. The findings recognize that the subdivision design differs from that depicted in the 1999 EAW and that conclusions from the recommended traffic impact study are not available at this time.

## **2. Wilkinson Villas 1A Preliminary Subdivision**

Approval of the Wilkinson Villas 1A preliminary subdivision subject to the conditions listed in Exhibit E. Referenced Exhibit E includes a condition which requires the submission of a concept plan for the southern one-half of the subject site prior to the acceptance of an application for final subdivision.

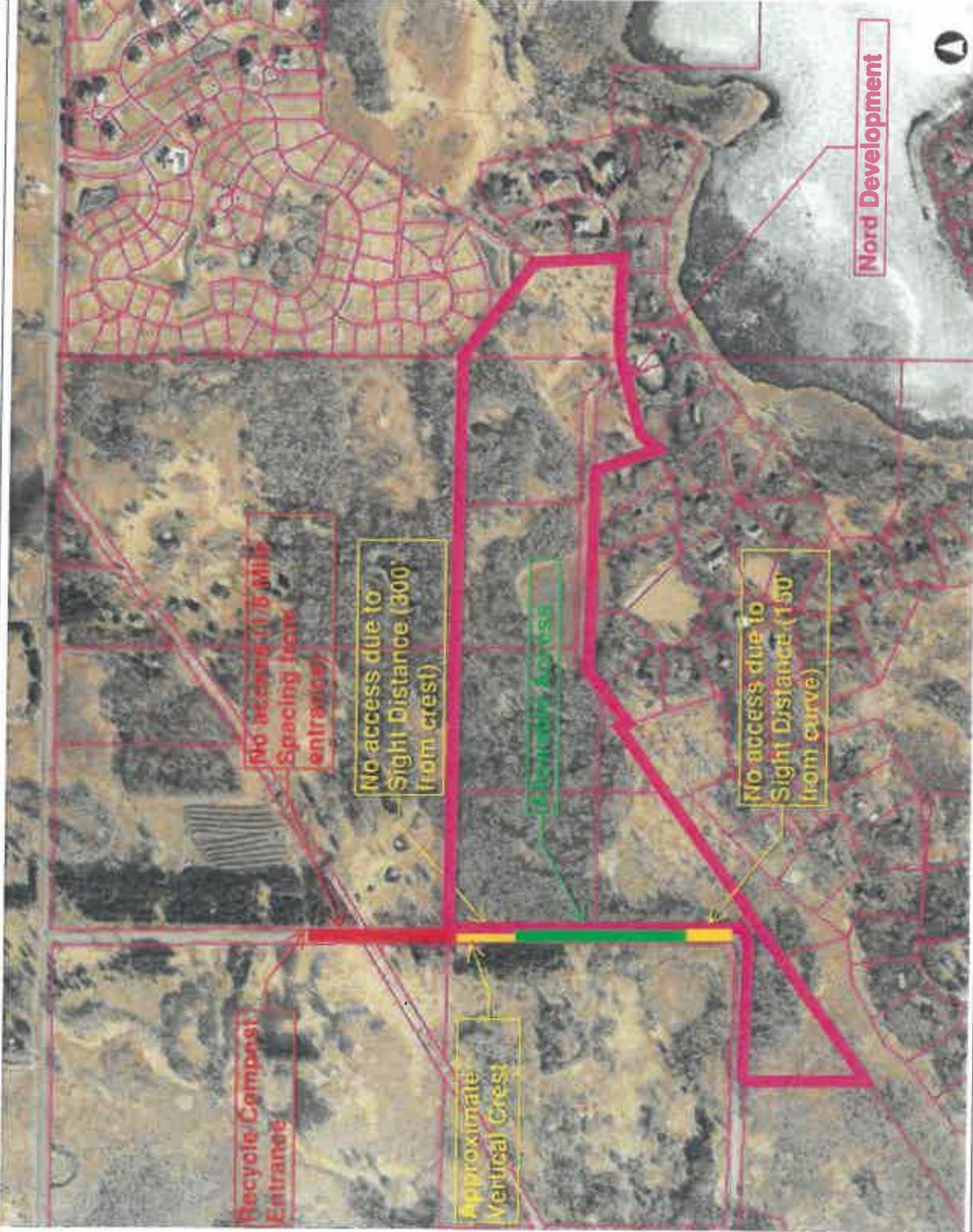
cc: North Oaks Mayor and City Council  
Mike Kuno, City Engineer  
Dave Magnuson, City Attorney  
Mark Houge and Gary Eagles, North Oaks Company  
Mikeya Griffin, NOHOA Executive Director North Oaks Company  
Jenifer Sorensen, Department of Natural Resources  
Stephanie McNamara, Vadnais Lake Area Water Management Organization



### Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries



NAD\_1983\_HARN\_Ad\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprises GIS Division

### Notes

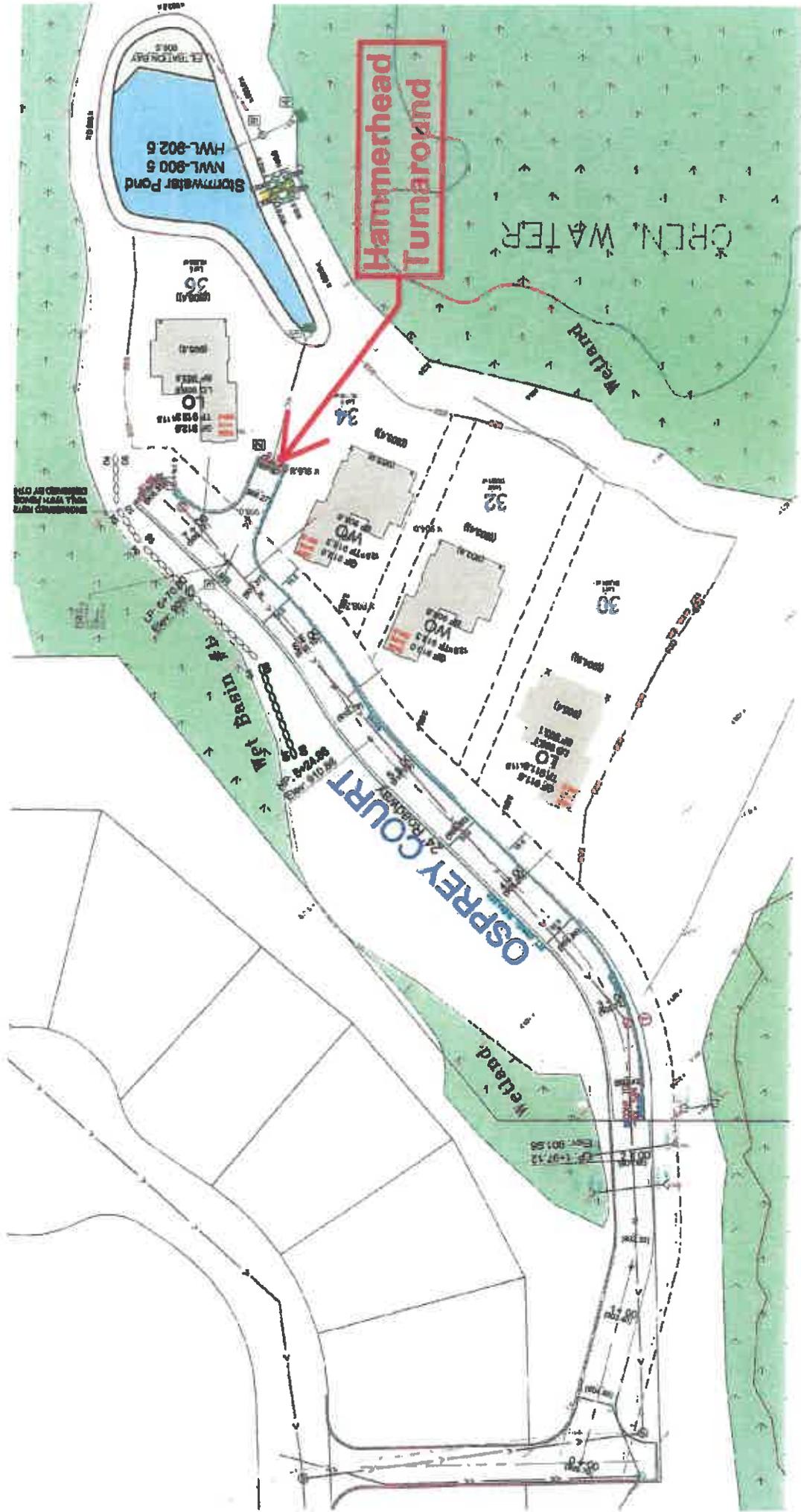
Nord Development - Sherwood Access

## Exhibit A

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**





**Exhibit C**

# **NORD PARCEL - PRELIMINARY SUBDIVISION**

## **CONDITIONS OF APPROVAL:**

1. A Traffic Impact Study, meeting the guidelines of Chapter 5 of the MnDOT Access Management Manual, be prepared and, upon review and approval by the City Engineer, conclusions or recommendations related to the traffic impacts from the Nord Development be implemented as a condition of this approval.
2. The proposed cul-de sac street shall be named subject to City Council approval.
3. Floor area ratios within the subdivision shall not exceed 12 percent (ratio of floor area of buildings to gross lot area).
4. The following minimum setbacks shall be satisfied:
  - Principal Building to Roadway Easements:
    - Front-loaded garage: 20 feet
    - Home or side-loaded garage: 10 feet
  - Principal Building to Adjacent Structures:
    - Attached garage to attached garage: 12 feet
    - Attached garage to house: 20 feet
    - House to house: 24 feet
  - Structures to Ordinary High-Water Level (of Deep Lake): 75 feet
5. A maximum floor area ratio of 12 percent shall be satisfied (the ratio of floor area of buildings to gross lot area).
6. The developer shall contact the Lake Johanna Fire Department to review and discuss the proposed site design and determine which side of the street should be identified as the fire lane.
7. The developer shall contact the Lake Johanna Fire Department to determine if the site plan, as proposed, is acceptable for their emergency services. Written correspondence shall be provided to the City.
8. The diameter of proposed cul-de-sac shall be expanded to 100 feet to allow a school bus to maneuver within the turnaround area. A minimum 2-foot-wide gravel shoulder shall be provided.
9. The developer's engineer shall submit a pavement design with the final construction plans. The design shall be completed in accordance with the MnDOT Flexible

**Pavement Design as outlined in the Road Design Manual. The street section shall be designed for a minimum 7-ton design and a 20-year design life.**

- 10. The final construction plans shall identify a plan and profile for the proposed 2-inch force main. Wye stationing and the proposed invert at the end of the service shall be identified on the plans. Air release and cleanouts shall be provided as required. The developer's engineer shall determine if the diameter of the 2-inch main needs to be reduced at the westerly end of the system to maintain the minimum required velocity in the main.**
- 11. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.**
- 12. The proposed storm water drainage system and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018.**
- 13. A storm water management report shall be submitted for approval with the final construction plans.**
- 14. A skimmer system for each pond outlet pipe shall be provided with the final construction plans.**
- 15. The 100-year high water elevation for Wetland 2 shall be determined and shown on the final grading plan. This high-water elevation shall be reviewed as a part of the building permit review process for the adjoining lot.**
- 16. Emergency overflow elevations (EOF) shall be identified on the final grading plan for wetland basins 6 and 7, based on actual field topographic survey information. These EOF elevations shall be reviewed as a part of the building permit review process for each adjoining lot.**
- 17. Rip-rap shall not be required at the inlet end of proposed culverts, unless the velocity of the flow at the inlet requires this type of erosion protection.**
- 18. The developer shall provide a copy of the geotechnical report with soil boring locations, including ground water conditions. The developer's soils engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation.**
- 19. A drain tile system shall be provided on the street subgrade surface at the street low points if a clayey type subgrade soil exists. The drain tile shall extend to the ditch section to drain. A rodent screen shall be provided at the outlet of the drain tile.**
- 20. The preliminary grading plan shows a proposed longitudinal slope of 1% in the street ditch section in a few locations. In areas where the ditch will be maintained by the**

homeowner, a drain tile system shall be installed in a ditch section with a slope less than 2%, if the existing soil condition is not free draining.

21. A 2-foot separation shall be shown from the edge of the shoulder to the finished grade around the perimeter of the cul-de-sac on the final construction plan. The 2-foot separation shall be provided at 8 feet from the edge of the shoulder.
22. A 10-foot maintenance bench shall encompass the stormwater ponds and shall be shown on the final grading construction plan.
23. The limits of the existing trees shall be identified on the final grading construction plan. Tree protection fencing shall be identified on the plan, if necessary.
24. A grading plan for each "custom" lot shall be submitted with each building permit application. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the state building code. A minimum driveway slope of 3%, and a maximum of 10% shall be provided.
25. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO (as the LGU).
26. All small utilities including, but not limited to gas, telephone, electric shall be placed underground in accordance with the provisions of all applicable City ordinances.
27. All utilities to be located in the floodplain shall be flood-proofed in accordance with the building code or elevated above the flood protection elevation.
28. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO (as the LGU).
29. VLAWMO (as the LGU) shall determine the required width of buffer strips along the perimeter of wetlands, and the proposed ponds. The final construction plans shall identify the buffer limits.
30. Local street signage meeting City of North Oaks standards shall be posted at each proposed intersection.
31. Final construction plans shall identify proposed street signage, including buffer strip signage if required by VLAWMO (as the LGU).
32. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.
33. Easements for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be dedicated with the final RLS.

- 34. A 25-foot road easement shall be dedicated along the northerly side of North Deep Lake Road as a part of the RLS process.**
- 35. The proposed easements for utilities shall be revised from a proposed width of 15 feet to a minimum of 20 feet and be centered on the utility. The easement limit for the force main located along the southerly side of the street shall also be modified on the final RLS to reflect this requirement.**
- 36. A 20-foot drainage easement shall be provided along the center of the drainage swale between wetlands 4 and 5; and between wetlands 5, 5A and 5B.**
- 37. A 15-foot utility easement shall be added along Sherwood Road (County Road 4).**
- 38. Conservation easements shall be provided to cover the buffer strip areas, if required by VLAWMO. The easement documents shall conform to the requirements of VLAWMO.**
- 39. Copies of all approved permits (MPCA for sanitary sewer and NPDES, VLAWMO, etc.) shall be provided to the City Engineer upon receipt from each agency.**
- 40. The developer shall enter into a subdivision development agreement with the City (the form of which shall be acceptable to the City) and post all necessary securities required by it. This issue shall be subject to further comment by the City Attorney.**
- 41. The East Oaks Planned Development Agreement be amended, as determined appropriate by the City Attorney, to document City approval of the subdivision.**
- 42. Consideration of any comments received from the Department of Natural Resources.**
- 43. Comments of other City Staff.**

## **FINDINGS OF FACT FOR DENIAL:**

- 1. The subdivision's proposed access location and street layout is inconsistent with that provided in the EAW which illustrates a cul-de-sac access from the west via Sherwood Road.**
- 2. The design of the preliminary subdivision must provide an opportunity for a well-conceived trail route. Considering such trail route may influence the street and lot layout, approval of the preliminary subdivision without a well-defined trail route, which has been found to be acceptable to NOHOA, is considered premature.**

# **WILKINSON VILLAS (1A) - PRELIMINARY SUBDIVISION**

## **CONDITIONS OF APPROVAL:**

1. Application for final subdivision approval shall not be accepted prior to Planning Commission and City Council consideration of a conceptual development plan for the southern one-half of the subject property for review and comment.
2. A maximum floor area ratio of 20 percent shall be satisfied (the ratio of floor area of buildings to gross lot area).
3. The following minimum setbacks shall be satisfied:

### **Principal Building to Roadway Easements:**

**Front: 15 feet  
Side: 20 feet  
Rear: 20 feet**

### **Principal Building to Principal Building:**

**Front to front: 40 feet  
Side to side: 15 feet  
Rear to rear: 50 feet**

**Structures to Ordinary High-Water Level (of Wilkinson Lake): 150 feet (per the Planned Development Agreement)**

**Principal and accessory buildings to wetlands: 30 feet**

4. In accordance with the City's Comprehensive Plan directives, the proposed "villa" lots shall be provided access to the trail system.
5. The applicant shall contact the Lake Johanna Fire Marshall and obtain approval of the proposed hammerhead turnaround as a part of this preliminary application. Received correspondence shall be provided to the City.
6. The applicant shall contact the local school bus company which provides service to Osprey Court as a part of this preliminary application and determine if the bus company will use the hammerhead turnaround, or if children will need to be picked up and dropped off at the existing intersection at the entrance to Anderson Woods on Osprey Court. Received correspondence shall be provided to the City.

7. The developer's engineer shall submit a graphic using a software such as "AutoTurn" with the final plans identifying the movement of a fire truck, and school bus (if allowed by the bus company) in the hammerhead turn around area to verify there is adequate area for the turning movement.
8. "No parking" be restricted to the inbound lane, or the southerly side of the street. Recognizing that State standards recommend a minimum parking lane width of 7 feet, the proposed gravel shoulder shall be widened from 2 feet to 3 feet.
9. The bituminous street section be increased from a proposed minimum depth of 3 inches to a minimum depth of 3.5 inches. The bituminous shall be placed in two lifts. The last lift shall be placed one construction season after the utilities have been installed within the street area.
10. The developer's engineer shall submit a pavement design with the final construction plans. The design shall be completed in accordance with the MnDOT Flexible Pavement Design as outlined in the Road Design Manual. The street section shall be designed for a minimum 7-ton design and a 20-year design life.
11. The developer's engineer shall submit the typical section(s) for the existing street as constructed from Osprey Court to the terminus at station 2+20. The developer's engineer shall determine if the existing street section meets the minimum MnDOT 7-ton design for a 20-year design life, or if a modification is required.
12. Final construction plans shall identify the sewer service locations and wye stationing from the downstream manhole, as well as invert elevation at the end of the service.
13. Final sanitary sewer construction plans shall be reviewed and approved by the City Engineer and White Bear Township's Public Works Department.
14. The proposed storm water drainage system, and site grading design shall conform to the requirements of the City of North Oaks Surface Water Management Plan, dated February 2018.
15. A storm water management report shall be submitted for approval with the final construction plans.
16. A storm sewer pipe shall be installed along the south side of the proposed street, including installation of a catch basin in the curb at approximately station 3+50.
17. A skimmer system shall be provided for the pond outlet pipe with the final construction plans.
18. A copy of the geotechnical report shall be provided with soil boring locations, including ground water conditions. The developer's soils engineer shall provide a recommended separation from the basement floor to the estimated groundwater surface elevation.

19. Proposed grades around the perimeter of the proposed homes shall meet the requirements of the State Building Code.
20. A minimum driveway slope of 3%, and a maximum of 10% shall be provided.
21. A 10-foot maintenance bench shall encompass the stormwater pond and shall be shown on the final construction plan.
22. The limits of the existing trees shall be identified on the final grading construction plan. Tree protection fences shall be identified on the plan, if necessary.
23. The location of the existing trail shall be identified on the final construction plans.
24. The proposed storm sewer and site grading final design and construction plans shall be reviewed and approved by the City Engineer, and VLAWMO (as the LGU).
25. All small utilities including, but not limited to gas, telephone, electric shall be placed underground in accordance with the provisions of all applicable City ordinances.
26. All utilities to be located in the flood plain shall be flood-proofed in accordance with the building code or elevated above the flood protection elevation.
27. Wetland impacts, mitigation, and conformance to WCA requirements shall be reviewed by VLAWMO (as the LGU).
28. VLAWMO (as the LGU) shall determine the required width of buffer strips along the perimeter of wetlands, and the pond. The final construction plans shall identify the required buffer limits.
29. Local street signage meeting City of North Oaks standards shall be posted at each proposed intersection.
30. The final construction plans shall identify proposed street signage, including buffer strip signage if required by VLAWMO (as the LGU).
31. Fire lane signage shall be provided in accordance with the requirements of the Lake Johanna Fire Department.
32. "No parking" signs shall be placed on both sides of the street from the entrance at Osprey Court to proposed station 3+00; and also in the hammerhead area.
33. Easements for roadways, drainage swales, utilities, ponds, wetlands, etc. shall be dedicated with the final RLS.
34. Conservation easements shall be provided to cover the buffer strip areas, if required by VLAWMO (as the LGU). The easement documents shall conform to the requirements of VLAWMO.

- 35. Copies of all approved permits (MPCA for sanitary sewer and NPDES, VLAWMO, etc.) shall be provided to the City Engineer upon receipt from each agency.**
- 36. The developer shall enter in to a subdivision development agreement with the City, (the form of which shall be acceptable to the City) and post all necessary securities required by it. This issue shall be subject to further comment by the City Attorney.**
- 37. The East Oaks Planned Development Agreement be amended, as determined appropriate by the City Attorney, to document City approval of the subdivision.**
- 38. Consideration of any comments received from the Department of Natural Resources.**
- 39. Comments of other City Staff.**

## **FINDINGS OF FACT FOR DENIAL:**

- 1. As a result of the withdrawal of the East Oaks concept plan, a conceptual subdivision layout for the southern one-half of the subject site has not been provided. Approval of the preliminary subdivision prior to the receipt and review of such concept plan is considered premature.**
- 2. Comments have not been received from the from local Fire Department regarding the acceptability of the proposed cul-de-sac turnaround area. Approval of the preliminary subdivision prior to Fire Department approval of the turnaround design is considered premature.**
- 3. The submitted preliminary subdivision does not illustrate the location of the intended trail route. The depiction of such trail route should precede City approval of the proposed subdivision.**

## **MEMO**

**Date:** April 18, 2019  
**To:** Planning Commission  
**From:** City Administrator Mike Robertson  
**Re:** Comp Plan Information for April 25, 2019  
Planning Commission Meeting

I have not enclosed a copy of the Comp Plan with this agenda packet as a copy was emailed to you on April 11, 2019. If you need a copy, please let me know before the Planning Commission meeting.

The Council meeting originally scheduled for April 11 was delayed due to weather and will be held on Monday, April 22nd. I'm hopeful they will give us direction on the number of remaining housing units for East Oaks. We will try and update the tables for future growth and number of housing units in the Comp Plan as fast as we can and get the information out to you.