

The Planning Commission meeting was called to order by Chair Bill Campbell at 7:01 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, City of North Oaks. Chair Campbell acknowledged that Commissioner Bob Wilson was absent. Also present were City Administrator Melinda Coleman, Building Official Greg Schmit, Videographer Kevin Scattum, and Recording Secretary Linda Hanson.

Approval of Agenda

Commissioner Dick Hara moved to approve the agenda. The motion was seconded by Commissioner Joyce Yoshimura-Rank and passed unanimously.

City Administrator requested three additions to the agenda under the Staff Report.

Approval of Minutes

Commissioner Katy Ross pointed out one correction in the Minutes dated April 26, 2012.

Commissioner Ross moved to approve the Minutes from the April 26, 2012 Planning Commission meeting with the correction. The motion was seconded by Commissioner Nancy Reid and passed unanimously.

New Business- Public Hearings

1. Preliminary Plan Review, 12-04, Rapp Farm Phase II, North Oaks Company

City Administrator Coleman stated that the report for this plan would be presented by the City Engineer, Ben Gozola from McCombs, Frank, Roos.

Mr. Gozola reviewed the request for Rapp Farm Phase II which includes a revision of the lot layouts. A Planned Development Agreement was originally approved in 1999 which established the number of units that would be allowed on this land. After listening to the residents from Phase I, builders and others, the plan was revised to incorporate changes that all believed would be a better use of the land. The same number of units is in the new plan; however, the following changes are being requested in the revised plan:

- Eliminate back to back lots, removing the wetlands from private property. Now all homes will back up to open space.

- Eliminate two entrances reducing the number from four to two. One entrance is currently on Monarch Way and the second entrance will be changed to include a longer entry point into the community (almost 400 feet), a turn around, landscaping, and a place for a monument.

- Increase the open space from 15 acres to approximately 26 acres. This will better protect the wetlands and facilitate better drainage. The lots will be shallower and narrower, but will still have the same amount of buildable space and the required footage between sides and front and back of lots. The linear footage of the roads remains about the same and required parking space remains in the new plan. Land set

aside for later connection to the North Oaks trail system remains the same in this plan. The Shore land standards are also being met in this plan. The land will be graded to allow for walk outs for all homes.

Mr. Gozola believes this is a significant improvement over the original plan. There will be two new areas of open space. One will be south of Monarch Way and Crescent Lane. It will be a passive active area. The second will be south of the new entrance and will include a tot lot, a community room/pool house and a swimming pool. These amenities will belong to the homeowner's association for this community and may or may not include an option for others in North Oaks to belong.

Temporary markers will be in back of each lot so that the natural vegetation can fill in up to the property line making it easy to locate property lines and common areas.

Residents of Phase One have signed a petition to close the entrance on Monarch Way. MFRA does not agree with this plan due to safety reasons. Also, if work takes place on County Road J, it may make getting in and out of the community much more difficult. Fire Chief, Tim Boehlke, sent a communication to the City stating that the Lake Johanna Fire Department would like to see a minimum of two access points for this community.

Paul Pearson, Engineer for MFRA, stated that the revised plan does follow the typical standards and he foresees no major hurdles that can't be dealt with in the final design.

Chair Campbell opened the public hearing at 7:22 PM.

Stephen Motta, 75 Monarch Way, came to the podium.

Mr. Motta who lives in Rapp Farm, Phase I, stated his neighbors' and his concerns over the entrance on Monarch Way. In general, they like the new plan, except for the fact that the Monarch Way entrance is still part of the plan. They believe that this is a safety issue as the entrance is very shallow and cars enter from a 50 MPH road into the community. There are no sidewalks and the front yards are rather shallow. It is also a privacy concern as non-residents come in and drive through the whole neighborhood or turn around in driveways to exit. Also, once the new area is developed, Mr. Motta believes that more people will use this entrance. He believes this is not a good road for a thorough way.

The residents of Phase I signed a petition unanimously requesting the closure of this entrance and stating that if a second entrance is needed, it should be planned into Phase IV.

The Public Hearing was closed at 7:31 PM.

Chris Heim, North Oaks Company, came to the podium to answer questions.

The time frame for building the new entrance would, once approved, be fall of 2012 with completion summer of 2013. At this time, the plan does not include an additional entrance. Ms. Heim suggested that the entrance at Monarch Way could be made into an emergency entrance only. It could be covered so that it would not look like an entrance but would have the strength to be used by emergency vehicles. The curb, gutters, and monument would be removed. It could be temporarily closed until the work was done.

The Commission wanted to check with the Fire Chief for assurance that this entrance would work for emergencies. Commissioner Nelson also was concerned about if the main entrance and the emergency entrance would then be enough for the 156 homes. Currently, North Oaks has only four main roads for all of North Oaks and it appears to work fine.

Commissioner Nelson stated that he would like to see the Monarch Way entrance closed due to the neighborhood's concerns, but safety is an issue.

The new entrance will be two lanes. There was a concern that if work started on County Road J, and there was only one entrance it would be difficult to reach the homes in this development. Ms. Heim explained that they would have to refigure the whole plan if another entrance was required. If another was added, it would be similar to the one on Monarch Way and would also be closer to the main entrance. Commissioner Hara stated that residents may not want to be near the new entrance either, but Ms. Heim reminded him that it would be a totally different kind of entrance with a much longer distance to any of the homes. NOHOA is in favor of reducing the number of entrances for privacy reasons.

Mr. Pearson was also asked a few questions concerning the plan to locate fire hydrants etc. He explained that in the next phase they would need to do flow tests, check pressures and look at grading to make sure that there would be no issue with the ponds that are lower than the wetlands. A soil consultant and VLAWMO would also be involved. Mr. Gozola stated that a flood plan review is not needed since it was done in the original plan.

Commissioner Reid asked for clarification regarding the trails. The North Oaks Company plans include areas where trails can connect to the North Oaks Trails and then the homeowner's sub-association will need to complete the trails within this area. The trails will more than likely follow the road system. In the past, the North Oaks Company developed the trails, but will not be doing so in this development. No easements on private property are included in this plan.

Ms. Reid also asked about lighting around the pool area. Ms. Heim explained that no lighting for this area is planned. The pool construction would begin after the entrance is completed.

Gary Eagles from the North Oaks Company came to the podium and explained that they are complying with VLAWMO in regards to the wetlands and ponds.

Commissioner Yoshimura-Rank stated her concern regarding one entrance and wanted to also discuss this with the Fire Chief. Mr. Gozola did state that in his opinion Monarch Way would work for an emergency entrance for this number of homes.

Tom Dougherty, President of the North Oaks Company, stated that this plan does not include the closing of Monarch Way. If that is something the Commission wants to recommend, they should decide this at another time. This plan is an improvement over the original plan which included four entrances. The decision needed at this time is to approve this plan or go back to the original.

City Administrator Coleman stated that the Planning Commission should make a decision regarding the Monarch Way entrance before approving the plan.

The Commission decided that if the Lake Johanna Fire Department agreed to make Monarch Way an emergency entrance, the plan would be fine.

Commissioner Nelson made a motion to approve the Preliminary Plan Revision, 12-04, Rapp Farm Phase II with the following conditions:

1. The final plans shall continue to incorporate all information shown in the Preliminary Plan unless required to be updated by the City;
2. Incorporate comments as indicated from the City Engineer, as well as comments received from VLAWMO with respect to wetlands and storm water;
3. All public utilities and facilities shall be flood-proofed in accordance with the building code or elevated with the provisions of all applicable City ordinances;
4. Telephone, electric, and/or gas service lines shall be placed underground in accordance with the provisions of all applicable City ordinances;
5. The developer shall follow all of the rules and regulations spelled out for applicable permits from partnering agencies;
6. Copies of all necessary permits shall be provided to the City, and all requirements of such permits shall be met.
7. Conversion of Monarch Way to an emergency entrance contingent on the approval of the Lake Johanna Fire Department.

Commissioner Joyce Yoshimura- Rank seconded the motion and it passed unanimously.

2. **CUP 12-07, Teresa Amsberry, 3 Raccoon Road, Request to Exceed Height Limitation and Garage Size**

Ms. Coleman reported that this Conditional Use Permit is for construction on a new home. The property owners are requesting a building height of 42.5 feet at the sides and rear of the home and a total garage area of 2225 square feet. The front elevation does not exceed the 35 feet required in the code. All other heights do not exceed the 45 feet and the basement and two stories limit stated in the code for conditional use permits. It also meets the additional two foot setback for each foot in height as required in this same code.

The garage also meets the conditional use code as it does not exceed 3000 square feet and the FAR does not exceed 0.12.

The Staff has reviewed this request. On this property is an operating ISTS and a second location if needed. The Staff recommended the Commission's approval.

The public hearing was opened.

Kathy Alexander from the Alexander Design Group was available to answer any questions.

Susan Donsker, 4 Raccoon Road, had only one comment. She did not want to see a precedent created that could later affect her property.

The public hearing was closed.

Building Official, Greg Schmit, stated that the homeowner addressed the ordinances adequately and complied with the application for a Conditional Use Permit.

Commissioner Hara made a motion to recommend to the North Oaks Council that CUP 12-07 for 3 Raccoon Road be approved with the following conditions:

1. Structure to be located per the survey dated October 31, 2012, prepared by Kurth Surveying, Inc., and constructed per the elevations shown on sheets 1-5 of the plans dated May 2, 2012, prepared by Alexander Design Group, Inc.;
2. Commissioner Nelson requested an addition stating that the use restrictions be consistent with Statute 151.050.

Commissioner Ross seconded the motion and it passed unanimously.

3. **Ordinance No. 105, Illicit Discharge and Storm Water Connection**

City Administrator Coleman explained that the City is not in compliance with the MS4 permit assigned by the MN Pollution Control Agency. MFRA, the City engineer firm, worked on an ordinance that would fit the City of North Oaks. Since the City does not

have an intricate storm water system, this requirement does not fit well. City Attorney Magnuson stated that by adopting this ordinance, the City would be in compliance with the requirement.

Chair Campbell opened the public hearing, but with no comments, he closed it and moved on.

The only concern from the commissioners was the section in the back of the ordinance which included penalties and enforcement. It was suggested that the City Attorney, Dave Magnuson look at this section and give the City advice on how to word it in the ordinance.

Mr. Pearson, from MFRA, stated that he felt this was a good ordinance in that it protected the environment and could be used as a tool if enforcement was later needed.

This ordinance would also apply to any new development on the Home of the Good Shepherd property.

Commissioner Hara made a motion to send Ordinance No. 105, Illicit Discharge and Storm Water Connection, to the City Council for approval. Commissioner Nelson seconded the motion and it passed unanimously.

New Business-Other

1. Variance 12-05, James and Sarah Cameron, 6 North Mallard Road, Garage Extension into Setback

City Administrator Coleman explained that this homeowner would like to extend the current garage 18 feet into the 75 foot setback from the Ordinary High Water mark of North Mallard Pond.

The Staff agrees that practical difficulties exist for this lot and is not even sure that in this case a variance is needed. The home was constructed in 1964 before the setback was increased from 30 feet to 75 feet. The DNR designated North Mallard Pond as a Recreational Development Lake. Mr. Schmit stated that he did not think this designation fit this pond and that actually it is more of a wetland (and then no variance would be needed). Also there is no official Ordinary High Watermark. The current structure encroaches 20 into the setback in another section of the house. Also, because of the lot, it would not be feasible to build a separate garage.

Commissioner Hara wanted to be careful not to establish precedence but each variance has to stand on its own. Chair Campbell felt that this pond was misidentified originally.

Commissioner Ross moved to recommend to the North Oaks City Council that Variance 12-05 for 6 North Mallard Road, Garage Extensions into Setback be approved with the following condition:

1. Structure to be located per the survey dated September 1, 2011, prepared by Kemper and Associates.

Commissioner Reid seconded the motion and it passed unanimously.

Staff Reports

1. North Oaks Community Fair

Ms. Coleman announced that the North Oaks Community Fair is scheduled for June 2, 2012 starting at 11:00 AM. The parade is also at 11:00.

2. Home of the Good Shepherd Property

At this time there is no application from Pemtom, but one is expected by the end of June. MFRA and Ramsey County will need to consider the access point for this property.

3. Pool litigation

The Judge heard the attorney presentations for both sides and then asked each attorney to write a summary in another format. These summaries are due June 4, 2012 and the Judge will then make a final decision most likely within 3 to 4 weeks.

Next Meeting

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

Adjournment

On motion made by Commissioner Joyce Yoshimura-Rank, seconded by Commissioner Katy Ross and carried unanimously, the meeting was adjourned at 8:58 p.m.

Attest:

Respectfully submitted,

Bill Campbell, Chair

Linda Hanson
Recording Secretary