

The Planning Commission Meeting was called to order by Chair Bill Campbell at 7:00 p.m. at the Community Meeting Room, 100 Village Center Drive Suite 150, City of North Oaks. Present were Commissioners Dick Hara, Nancy Reid, Bob Wilson, Joyce Yoshimura-Rank and Commissioner/City Council Liaison Katy Ross. City Council Liaison Gregg Nelson and City Administrator Mike Robertson were absent. City Building Official Greg Schmit and Administrative Assistant Linda Hanson were present.

### **Approval of Agenda**

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

### **Approval of Minutes**

**Commissioner Dick Hara moved to approve the minutes from the June 26, 2014 Planning Commission meeting. The motion was seconded by Commissioner Joyce Yoshimura-Rank and passed unanimously.**

### **New Business**

#### **1. Zoning Ordinance Update: Floor Area Ratio (FAR)**

Building Official Greg Schmit was asked by Administrator Robertson to review the Floor Area Ratio (FAR) in the Zoning Ordinances in preparation of updating the ordinances.

Mr. Schmit explained that the Ordinance stating that owners must comply with the FAR needs clarification as to how it is interpreted and enforced. Currently he sees a number of problems because of the way it was originally written. City Attorney David Magnuson wrote a memo in 2009 asking for clarification on the purpose of the FAR. Building Official Schmit agreed and stated that there are a number of problems with the definition of terms and there are contradictions making it harder to enforce.

Mr. Schmit stated that most problems concerning the FAR come from applicants asking for a minimal increase ranging from 1 to 300 square feet. Confusion arises from what is counted and what is not. In the past, he feels variances have been granted without meeting the requirement of undue hardship.

What needs to be determined is the purpose of the FAR and if it should be kept in the ordinances. The FAR is used to minimize the overall mass of a structure rather than lot coverage. Cities that have a FAR Ordinance most often use it for commercial properties or in older communities with much smaller lots where many homes are being torn down and new homes are being built.

If it is decided that the FAR be kept and a purpose is established then Mr. Schmit recommends that a motion be made to ask staff to come up with the actual methods used to calculate the FAR and clearer definitions to help with enforcement. The FAR was modified once in the past so that larger homes could be built on some of the older, smaller lots. At that time a maximum size was established. Mr. Schmit pointed out that setbacks and height

requirements remain in place and do limit the size of the home for the lot. Also, the Architectural Supervisory Committee can decide if the home fits the lot.

Building Official Schmit stated that he often has to spend time calculating the FAR and does not have consistent accurate figures from all applicants. The Planning Commission might want to consider a limit on land coverage on a lot instead of using a FAR. In some of the newer developments the FAR does not apply as the land is figured in aggregate and then applied to each property based on the Planned Unit Development agreement. This negates the restrictions in the FAR.

Chair Campbell asked what the alternatives would be if a FAR was not used. Mr. Schmit explained that the Shoreline Ordinance uses a 25% hard surface coverage of a lot with the purpose to eliminate run-off and the hard surfaces are clearly spelled out making it easier to enforce. He stated this could be done for other properties but a definition of floor area would need to be established with a clear list of what hard surfaces would be included. He does not see any drawbacks in using this type of calculation. The FAR could be dropped since North Oaks has other restrictions including thirty foot setbacks, thirty-five foot height, a 10,000 square foot requirement for septic, and a 25,000 square foot minimum buildable area and usable site. Also, the ASC has some control on what can be built. His final suggestion is either to clean up the FAR Ordinance so that it can be enforced or get rid of it. Not all cities use a FAR ordinance.

The Planning Commission suggested that a committee be established to review this ordinance. Commissioner Ross agreed to be on this committee and it would also include members of the City Council, the Planning Commission, and the Architectural Supervisory Committee. This suggestion will be forwarded to the City Council. Commissioner Rank suggested that updated instructions on how to figure the FAR are needed on the website if it is kept. Commissioner Wilson believes it needs to be more understandable and using a percentage of lot coverage might be easier to understand.

**2. Paul Lesieur, 31 East Pleasant Lake Road, Volunteer/Consultant for the ASC**

Paul explained that the ASC works under the guidance of the NOHOA Board but is an autonomous committee. He came to the meeting to ask the Commissioners to consider changing the ridge height requirement of a new home from 35 to 42 feet. Each plan would still need to be reviewed by the ASC to make sure that the additional height would not block someone's view, but this additional height requirement would allow for more design options. Paul has been approached by a number of builders, architects, and buyers who would like to see this option. He believes it would make for more variety of styles in the newer developments and appeal to the younger home buyers. A forty two foot height restriction is used in other cities. Building Official Schmit stated that how height is measured should also be clearly defined if and when the ordinance is changed.

It was decided that Paul work with the City Administrator and Building Official to come up with a formal proposal to present to the Planning Commission.

**Next Meeting**

The next Planning Commission Meeting is Thursday, August 28, 2014 at 7 p.m. at the Community Meeting Room, 100 Village Center Drive.

**Adjournment**

**On motion made by Commissioner Ross, seconded by Commissioner Reid and carried unanimously, the meeting was adjourned at 8:11 p.m.**

Attest:

Respectfully submitted,

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Chair Bill Campbell

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Linda Hanson  
Recording Secretary